

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY FOR 1128 DUFF AVENUE, 1117 CARROLL AVENUE AND 1119 CARROLL AVENUE

BACKGROUND:

The property owner, Clinic Building Company (McFarland Clinic), is requesting approval of a Plat of Survey to combine Parcel "C" (1128 Duff Avenue), a complete platted lot (1119 Carroll Avenue), and a portion of another platted lot (1117 Carroll Avenue) through the process of a boundary line adjustment. The boundary line adjustment is accomplished with the approval of a Plat of Survey. In this particular case, three parcels/lots (see *Attachment A*) are being combined to form a single parcel, Parcel "G", which includes approximately 1.35 acres. A copy of the proposed Plat of Survey is included as *Attachment B*.

Consolidation of the three parcels/lots is necessary for the administrative approval of a Minor Site Development Plan for an office supporting medical use on property to the north across 12th Street. The new Parcel "G" will be used to support the existing McFarland Clinic Eye Center and required parking for both the eye clinic and the new building proposed across 12th Street.

The proposed Parcel "G" extends between Duff Avenue and Carroll Avenue, and is considered to be a double frontage lot.

The Ames *Subdivision Ordinance*, Section 23.401(3)(b) regulates lots with more than one frontage, as follows:

23.401(3)(b) A lot with double frontage or reverse frontage shall not be permitted, except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

The applicant, McFarland Clinic, has requested a "waiver" from the above-described standard, which prohibits double frontage lots (see attached letter *Attachment C*). The City Council has the authority to grant waivers in cases where it can be shown that strict compliance with the requirements of the regulations would result in extraordinary hardship to the Applicant or would prove inconsistent with the purpose of the regulations because of unusual topography or other conditions, so that substantial justice may be done and the public interest secured. However, such a waiver may not have the effect of nullifying the intent and purpose of the regulations. In no case may the waiver be more than is necessary to eliminate the hardship or conform to the purpose of the regulations. In granting the waiver, the City Council may impose such additional conditions as are

necessary to secure substantially the objectives of the requirements so waived (see Section 23.103 of the *Municipal Code*).

Staff has determined that to prohibit the creation of a double frontage lot in this particular case in an “S-HM” (Hospital-Medical) zoning district would result in an extraordinary hardship to the applicant. There are other locations throughout the community where double frontage lots have been allowed. Such developments are found elsewhere in the Hospital-Medical zone, in non-residential areas along South Duff Avenue, and at North Grand Mall, among other locations.

In addition to this request for a waiver of the subdivision regulations for double frontage lots, the City Council has previously referred to staff a text amendment to amend the regulations for double frontage lots. **Staff supports an amendment to allow double frontage lots except in residential zones.** Given the fact that this text amendment is in process to allow double frontage lots in non-residential zones, staff supports the applicant’s request for a waiver from the requirement that prohibits double frontage lots.

Staff believes that the double-frontage restriction is appropriate in residential areas, and that the provision was likely adopted with residential areas in mind. However, the restriction does not reflect the reality of how non-residential lots are typically platted and developed, and may in fact result in layouts that are less efficient in terms of circulation and access.

Electric Services has requested an easement, ten feet wide, for an existing electric line that crosses the site between the north and south property lines at approximately the midpoint between Duff Avenue and Carroll Avenue. The easement document has been prepared by the City and signed by the property owner. This easement needs to be recorded with the County Recorder’s Office along with the Plat of Survey once approved by the City Council.

It has been determined that the existing parcels in the proposed plat are conforming conveyance parcels. Therefore, pursuant to Section 23.307(4), a preliminary decision of conditional approval for the proposed Plat of Survey has been rendered by the Planning & Housing Director. The decision is conditional upon either a waiver of the double frontage lot provision of the subdivision code, or adoption of an amendment to the subdivision code that would allow double frontage lots in non-residential areas. It is also conditional upon the recording of the electric easement at the time of recording of the Plat of Survey. Under Section 23.308(5), the Council must render a final decision of approval if it agrees with the Director’s preliminary decision.

ALTERNATIVES:

1. If the City Council agrees with the preliminary conditional decision to approve the proposed plat of survey, the City Council can:
 - (a) approve the requested waiver from the requirement of Section 29.401(3)(b) of the *Municipal Code* that does not allow double frontage lots, and

(b) adopt the resolution approving the proposed Plat of Survey with the following condition:

The electric easement for the existing electric line that crosses the property shall be filed at the time of recording of the Plat of Survey in the Story County Recorder's Office. A copy of the recorded easement document shall be returned to and file with the Ames Clerk's office along with a copy of the signed and recorded plat of survey.

(This option will allow the plat of survey to be signed and recorded without delay).

2. If the City Council agrees with the preliminary conditional decision to approve the proposed plat of survey, and in separate action approves the proposed text amendment pertaining to double-frontage lots, but does not agree that the requested waiver of the double-frontage lot provision complies with the criteria for waiving subdivision standards, the City Council can:

(a) deny the requested waiver from the requirement of Section 29.401(3)(b) of the *Municipal Code* that does not allow double frontage lots, and

(b) adopt the resolution approving the proposed Plat of Survey with the following conditions:

- i. The electric easement for the existing electric line that crosses the property shall be filed at the time of recording of the Plat of Survey in the Story County Recorder's Office. A copy of the recorded easement document shall be returned to and file with the Ames Clerk's office along with a copy of the signed and recorded plat of survey.
- ii. The plat of survey shall not be signed and recorded until the text amendment pertaining to double-frontage lots is published and effective.

(This option will delay the signing and recording of the plat of survey until Council approves the proposed text amendment pertaining to double-front lots).

3. The City Council can deny the proposed Plat of Survey if the City Council finds that the requirements for Plats of Survey as described in Section 23.308 have not been satisfied.

4. The City Council can refer this back to staff and/or the owner for additional information.

MANAGER'S RECOMMENDED ACTION:

The Planning & Housing Director has determined that the proposed Plat of Survey satisfies

all code requirements, provided that the double frontage lot issue is resolved either through a waiver of the subdivision code standard that prohibits double frontage lots, or through a Code amendment to allow double frontage lots in non-residential zones. The Director has thus rendered a preliminary decision to conditionally approve the proposed Plat of Survey.

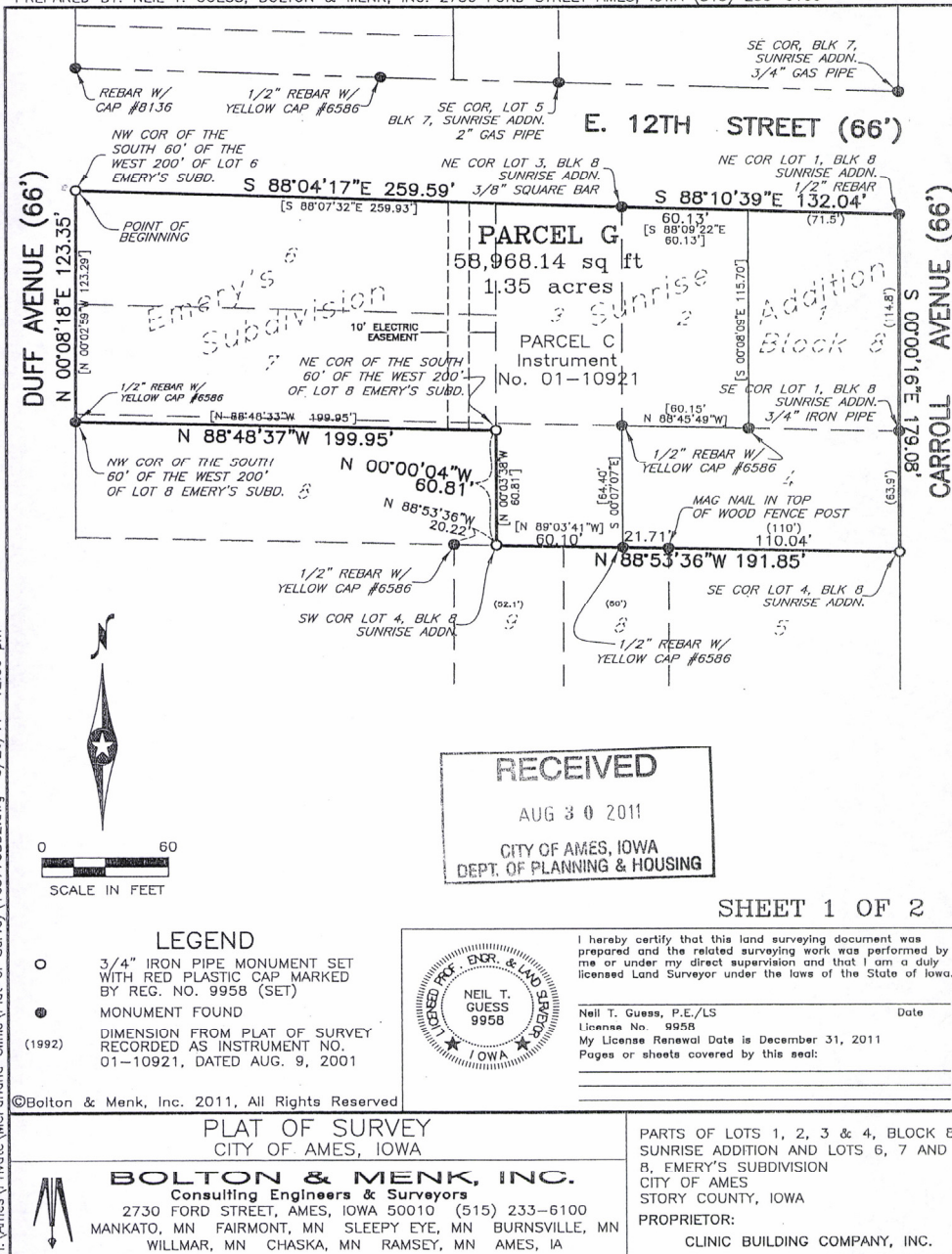
Staff supports granting a waiver from the requirement that does not permit double frontage lots. In this particular case, the prohibition of double frontage lots places an extraordinary hardship on the applicant that is not consistent with other development sites in the H-M zone and other non-residential districts in Ames.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby (a) granting the requested waiver and (b) approving the proposed Plat of Survey subject to the conditions described above. This alternative will allow construction to begin as soon as possible, without unnecessary delays.

If the City Council chooses not to grant the waiver, but proceeds with approval of an amendment to the Code to allow double frontage lots, except in residential zones, the Plat of Survey may then be approved under Alternative 2, which would not allow the signing and recording of the plat of survey until the new Code provision is adopted and published. This would delay building construction by the applicant at a time of year when it is crucial for footings and the foundation to be poured before the weather changes and the ground freezes.

Attachment B Proposed Plat of Survey

PREPARED BY: NEIL T. GUESS, BOLTON & MENK, INC. 2730 FORD STREET AMES, IOWA (515) 233-6100



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JOB NUMBER: AT12-103773

Attachment B

PREPARED BY: NEIL T. GUESS, BOLTON & MENK, INC. 2730 FORD STREET AMES, IOWA (515) 233-6100

SURVEY DESCRIPTION:

All that part of Lots 1, 2, 3 and 4, Block 8, Sunrise Addition and Lots 6, 7, and 8, Emery's Subdivision in the West Half of the Northeast Quarter of Section 2, Township 83 North, Range 24 West, in the City of Ames, Story County, Iowa described as follows:

Beginning at the Northwest corner of the South 60 feet of the West 200 feet of Lot 6 said Emery's Subdivision; thence South 88 degrees 04 minutes 17 seconds East, a distance of 259.59 feet to the Northeast corner of Lot 3, Block 8, said Sunrise Addition; thence South 88° 10' 39" East, along the north line said Block 8, a distance of 132.04 feet to the Northeast corner of Lot 1, said Block 8; thence South 00° 00' 16" East, on the east line of said Block 8, a distance of 179.08 feet to the Southeast corner of Lot 4, said Block 8; thence North 88° 53' 36" West, on the south line of said Lot 4, a distance of 191.85 feet to the Southwest corner of said Lot 4; thence North 00° 00' 04" West, a distance of 60.81 feet to the Northeast corner of the South 60 feet of the West 200 feet of Lot 8 said Emery's Subdivision; thence North 88° 48' 37" West, a distance of 199.95 feet to the Northwest corner of the South 60 feet of the West 200 feet of said Lot 8; thence North 00° 08' 18" East, along the west line of Lots 8, 7 and 6, said Emery's Subdivision, a distance of 123.35 feet to the point of beginning.

Said parcel contains 1.35 acres of land.

ALTERNATE DESCRIPTION: PARCEL G

Parcel 'G' in Sunrise Addition and Emery's Subdivision, to the City of Ames, Story County, Iowa, as shown on the "Plat of Survey" filed in the Office of the Recorder of Story County, Iowa, on _____, 2011 and recorded as instrument _____, Slide _____, Page _____.

The Ames City Council approved this plat of survey on _____, 2011, with Resolution Number _____. I certify that it conforms to all conditions of approval.

 Planning & Housing Director

SHEET 2 OF 2

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BOLTON & MENK, INC.
 Consulting Engineers & Surveyors

2730 FORD STREET, AMES, IA 50010 (515) 233-6100
 MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN BURNSVILLE, MN
 WILLMAR, MN CHASKA, MN RAMSEY, MN AMES, IA

PARTS OF LOTS 1, 2, 3 & 4, BLOCK 8, SUNRISE ADDITION AND LOTS 6, 7 AND 8, EMERY'S SUBDIVISION
 CITY OF AMES
 STORY COUNTY, IOWA
 PROPRIETOR:
 CLINIC BUILDING COMPANY, INC.

FIELD BOOK: IA MISC

DRAWN BY: JDL

2.0, 02-83-24 (02)

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JOB NUMBER: A12103773

**Attachment C
Request for Waiver**



McFarland Clinic PC

October 4, 2011

Mr. Jeff Benson, AICP, ASLA
Planner, Department of Planning and Housing
City of Ames
515 Clark Avenue
Ames, Iowa 50010

**RE: Parcel F and Parcel G
Plat of Survey**

Dear Jeff:

McFarland Clinic requests that the Plat of Survey documents for Parcel F and Parcel G be forwarded to the City Council for their October 11, 2011 meeting. We also understand that a code change to the subdivision ordinance will be proposed at the same council meeting to allow 'through-lots' in areas not zoned residential. As the staff report presented in Item 6 on the Planning and Zoning Commission's 10-05-11 Agenda states, 'double-frontage lots' are common in commercial, business, and industrial areas.

We therefore also request that the current code Section 23.401(3)(b), pertaining to 'double-frontage lots' of the subdivision ordinance, be waived and that this site be considered under the proposed code language. In addition, we believe this case meets the criteria for waiving the requirements that are stated in Ames *Municipal Code* Section 26.103.

We thank you very much for your time and consideration of our request.

Sincerely,
McFarland Clinic, PC

A handwritten signature in black ink, appearing to read 'R. Kluesner', written in a cursive style.

Roger Kluesner
Chief Operating Officer