

**COUNCIL ACTION FORM**

**SUBJECT:** MINOR SUBDIVISION FINAL PLAT WOODBRIDGE SUBDIVISION  
PLAT 3

**BACKGROUND:**

Karin and Rand Sevde, property owners, are requesting approval of a Final Plat for a Minor Subdivision for the property located at 2013 Oakwood Road (*See Attachment A*). A Minor Subdivision allows for filing of a Final Plat with the need of a Preliminary Plat. This is permitted when the subdivision does not require installation of public infrastructure, with exceptions of sidewalks, and there are less than three lots created by the plat. The proposed Final Plat divides Lot 2 of Woodbridge Subdivision Plat 2 into two lots (Lot 1 and Outlot A) in the "HOC" (Highway Oriented Commercial) zoning district (*See Attachment B*). Full frontage improvements exist along University Boulevard. Oakwood Road is a rural street section that was not required to be improved at the time of the original subdivision, with the exception of a deferral agreement for sidewalks.

The applicant proposes to subdivide the existing Lot 2 of Woodbridge Subdivision Plat 2 into two lots. *Attachment B* shows the subject site with the division of property, as requested by the owner. A total of 2.36 acres are included in the plat. Lot 1 will be a developable lot of 1.56 acres and Outlot A is intended to be a private street that includes 0.80 acres. Outlot A will contain the existing private drive that serves the abutting five properties and 55 foot wide Private Access and Utility Easement. The proposed Lot 1 will not have direct access to University Boulevard or Oakwood Road and will continue to rely upon access from the proposed Outlot A

The original subdivision of the area created lots with frontage along University Boulevard and Oakwood Road. Access to each of the lots in the subdivision is restricted to one shared common access point from University Boulevard and Oakwood Road. Access from Oakwood Road was originally part of the lot area of the subject site and restricted as a private driveway with cross access easements to serve all of the lots. Access to University Boulevard was configured similarly with a private driveway and easements as part of individual lots. Each of the existing lots are addressed from University Boulevard as this the only recognized street serving each of the lots.

**The applicant proposes to create Outlot A, which is intended to consist of just the private street for the abutting five lots, covered by the entire 55' private access and public utility easement and therefore not a developable lot.** Typically under the Subdivision Code, a street would be placed in a separate lot and then when all public improvements were completed for the subdivision, the street lot would be dedicated to the City as public right-of-way for continued maintenance of the public street. The street

construction would be required to meet the City's minimum design and improvement standards before such street is accepted by the City. Requirements include minimum pavement specifications, sidewalks, etc. to meet city standards. In this case, the drive was originally built as a private driveway with an access easement on a private lot and did not meet the minimum street standards at the time of installation.

**Being the applicant is requesting that the drive be located in a separate lot and it does not meet City standards for a public street, staff would considered it a private street** However, the Subdivision Code is silent on the allowance of private streets or any minimum standards that should be associated with such streets. A private commercial street is a unique proposal in Ames as staff has not identified a similar existing situation where a common driveway is a separate outlot. The parking lots in Somerset are separate parcels and the closest example to this proposal. **The applicant does not propose for the City to take over maintenance of the Outlot A and it will continue to be the maintenance responsibility of the abutting property owners in accordance with the cross access and maintenance agreements that are in place for the current use of the driveway.**

Staff has considered the proposed Outlot in regards to "lot" requirements of the Subdivision Code rather than as a street improvement standard. Staff has made this determination of which standard to apply based upon each of the abutting properties meeting public street frontage requirements without Outlot A becoming a formal street to meet lot standards.

A sidewalk deferral agreement was enacted in 2004 with the original Woodbridge Subdivision and amended in 2008 which required that sidewalks be installed at such time as sidewalk connections were made to the site or when deemed necessary by the City. A financial security was required to secure the installation of such sidewalk at a later date. A total of \$8,162 is currently held in cash escrow by the City for the installation of sidewalk for the two existing lots that front on Oakwood Road (Lot 1 Woodbridge Subdivision and Lot 2 Woodbridge Subdivision, Plat 2).

**Staff has determined that the total security currently held in escrow is not sufficient to cover the total cost to install 4-foot wide sidewalks for the 583 lineal length of frontage required under the original sidewalk agreement.** Therefore, staff has requested that an amended agreement be signed with this Minor Subdivision for continued deferral of the sidewalk with an increase in the total security from \$8,162 to \$17,490 (\$9,328 additional) to allow for future sidewalks along the Oakwood Road frontage and required access ramps for crossing of the private street on Outlot A. Section 23.403(14) of the Municipal Code allows for City Council to grant deferment of sidewalks with financial security when installation is considered premature rather than installing sidewalks or bond for sidewalks at the time of the final plat.

Full utilities exist to serve this proposed new Lot 1. No new public improvements are needed at this time, if Council agrees to the continued deferral of the sidewalks with the amended sidewalk deferral agreement. As part of the City's roundabout project at the

intersection of Airport Road and University, the City may need to acquire easement rights for the southeast corner of Lot 1 in the future.

**ALTERNATIVES:**

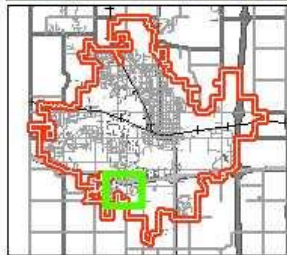
1. The City Council can approve the Minor Final Plat for Woodbridge Subdivision Plat 3 and approve the waiver of requirements to install sidewalks and accept the First Amendment to the Supplemental Sidewalk Agreement with financial security to defer the installation of public sidewalk along Oakwood Road.
2. The City Council can deny the Final Plat for Woodbridge Subdivision Plat 3 if it finds that it does not comply with the applicable ordinances, standards or plans.
3. The City Council can refer this request back to staff for additional information.

**MANAGER'S RECOMMENDED ACTION:**

The proposed Final Plat for Woodbridge Subdivision Plat 3 is consistent with the City's subdivision and zoning regulations, to other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted plans subject to approval of the amended sidewalk agreement.

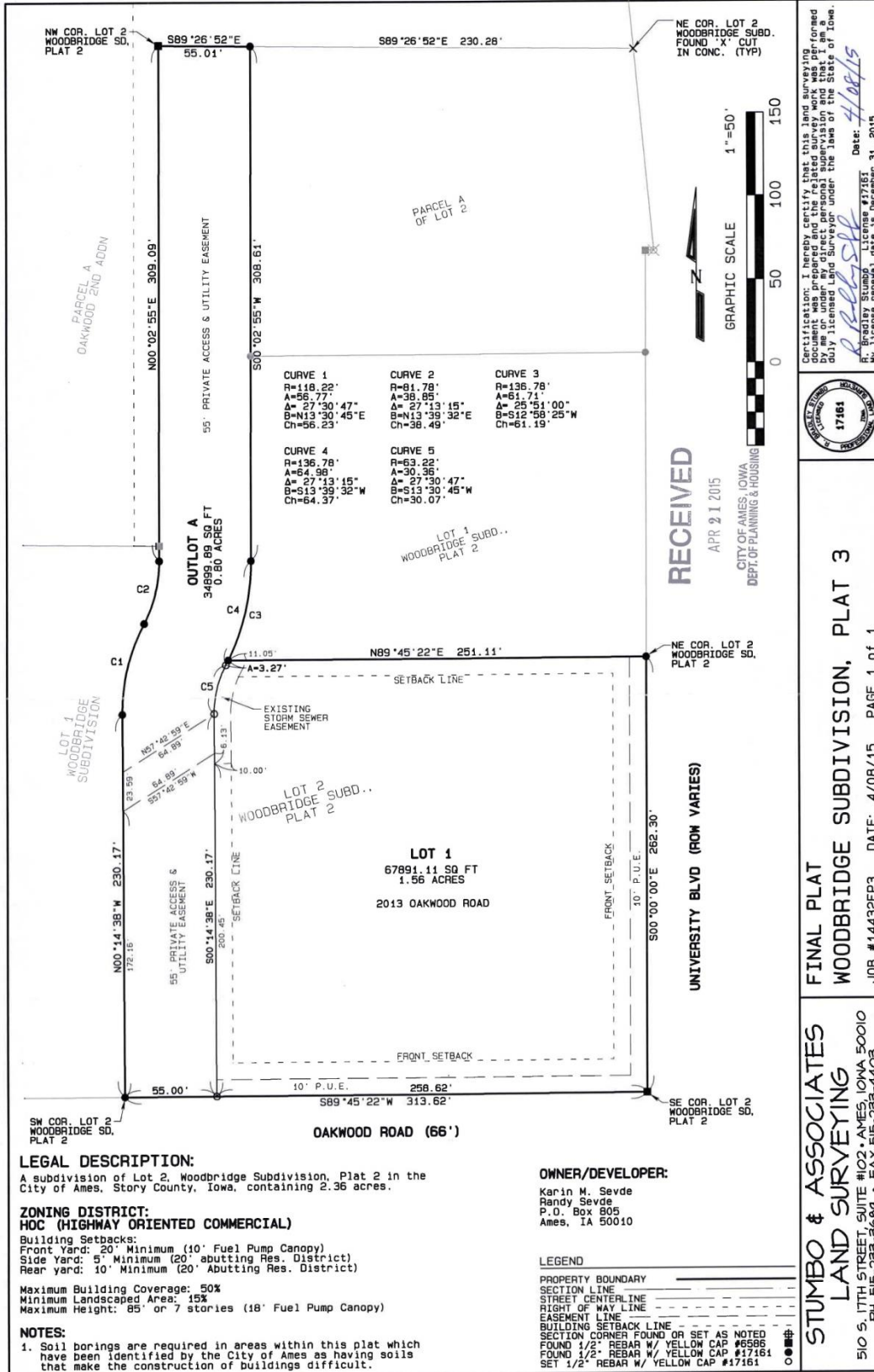
**Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the Final Plat for Woodbridge Subdivision Plat 3 and the First Amendment to the Supplemental Sidewalk Agreement to defer the installation of sidewalks along Oakwood Road.**

**ATTACHMENT A:  
LOCATION MAP**



**Location Map  
2635 University Boulevard**

# ATTACHMENT B PROPOSED SUBDIVISION



**LEGAL DESCRIPTION:**

A subdivision of Lot 2, Woodbridge Subdivision, Plat 2 in the City of Ames, Story County, Iowa, containing 2.36 acres.

**ZONING DISTRICT:  
HOC (HIGHWAY ORIENTED COMMERCIAL)**

**Building Setbacks:**  
Front yard: 20' Minimum (10' Fuel Pump Canopy)  
Side Yard: 5' Minimum (20' abutting Res. District)  
Rear yard: 10' Minimum (20' Abutting Res. District)

Maximum Building Coverage: 50%  
Minimum Landscaped Area: 15%  
Maximum Height: 85' or 7 stories (18' Fuel Pump Canopy)

**NOTES:**

- Soil borings are required in areas within this plat which have been identified by the City of Ames as having soils that make the construction of buildings difficult.

**OWNER/DEVELOPER:**

Karin M. Sevede  
Randy Sevede  
P.O. Box 605  
Ames, IA 50010

**LEGEND**

PROPERTY BOUNDARY	---
SECTION LINE	---
STREET CENTERLINE	---
RIGHT OF WAY LINE	---
EASEMENT LINE	---
BUILDING SETBACK LINE	---
SECTION CORNER FOUND OR SET AS NOTED	○
FOUND 1/2" REBAR W/ YELLOW CAP #6586	○
FOUND 1/2" REBAR W/ YELLOW CAP #17161	○
SET 1/2" REBAR W/ YELLOW CAP #17161	○

**ATTACHMENT C**  
**APPLICABLE LAWS**

The laws applicable to this case file are as follows:

*Code of Iowa*, Chapter 354.8 states in part:

A proposed subdivision plat lying within the jurisdiction of a governing body shall be submitted to that governing body for review and approval prior to recording. Governing bodies shall apply reasonable standards and conditions in accordance with applicable statutes and ordinances for the review and approval of subdivisions. The governing body, within sixty days of application for final approval of the subdivision plat, shall determine whether the subdivision conforms to its comprehensive plan and shall give consideration to the possible burden on public improvements and to a balance of interests between the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of a subdivision. The governing body shall not issue final approval of a subdivision plat unless the subdivision plat conforms to sections 354.6, 354.11, and 355.8.

*Ames Municipal Code* Section 23.303(3) states as follows:

(3) City Council Action on Final Plat for Minor Subdivision:

(a) All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with Section 354.8 of the Iowa Code, as amended or superseded. Upon receipt of any Final Plat forwarded to it for review and approval, the City Council shall examine the Application Form, the Final Plat, any comments, recommendations or reports examined or made by the Department of Planning and Housing, and such other information as it deems necessary or reasonable to consider.

(b) Based upon such examination, the City Council shall ascertain whether the Final Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans. If the City Council determines that the proposed subdivision will require the installation or upgrade of any public improvements to provide adequate facilities and services to any lot in the proposed subdivision or to maintain adequate facilities and services to any other lot, parcel or tract, the City Council shall deny the Application for Final Plat Approval of a Minor Subdivision and require the Applicant to file a Preliminary Plat for Major Subdivision.