

**COUNCIL ACTION FORM**

**SUBJECT: MCFARLAND SUBDIVISION – MINOR SUBDIVISION FINAL PLAT**

**BACKGROUND:**

Ames Associates are requesting approval of a Final Plat for a Minor Subdivision for property located at 3600-3800 Lincoln Way (See Attachment A). This approval would allow for the sale of the property (Lot 2) that contains the McFarland Clinic Building.

A Minor Subdivision allows for filing of a Final Plat without the need of a Preliminary Plat. This is permitted when the subdivision does not require installation of public infrastructure, with exceptions of sidewalks, and when there are less than three lots created by the plat.

The proposed Final Plat divides Parcel L (12.86 acres) into two lots in the Highway Oriented Commercial (HOC) zoning district (See Attachment B). Lot 1 will include 8.21 acres and include the HyVee store building and approximately 19,000 square feet of commercial/retail space in the connected building to the east. Lot 2 will include 4.65 acres and include the McFarland Clinic Building, as well as approximately 5,000 square feet of commercial space (2-2,500 square foot commercial bays). The one remaining existing commercial bay will be demolished to meet minimum building and fire code requirements and zoning setback standards along the newly created property line for both lots. Full frontage improvements exist along Lincoln Way for both lots.

In the HOC zone, a minimum building side yard setback of 5 feet is required at the new proposed property line. To achieve the required setback, the applicant has proposed that a single commercial bay be demolished to meet the minimum setback requirement of the Zoning Code at the new lot line. **Typically, staff would look for the property to meet the minimum zoning requirement prior to platting of the new lots. However, in this case the applicant is requesting that the platting of the lot precede the demolition to allow for closing on the sale of the property.**

To accomplish this goal of immediate sale prior to demolition, a signed development agreement has been submitted which requires that the demolition of the required portion of the building be completed within six months of the recording of the new subdivision. The agreement has been secured with a letter of credit in the amount of the estimated cost of demolition and re-construction of the end walls of the two buildings totaling \$189,550. This security will be released upon satisfactory completion of the improvements.

In addition to meeting building setbacks, each of the proposed properties must meet individual parking and landscaping requirements. The proposed lot layout allows for each parcel to comply with these requirements. The final plat also allows for shared ingress and egress to access and circulate through each site. Easements for utility

access are also included on the final plat.

**ALTERNATIVES:**

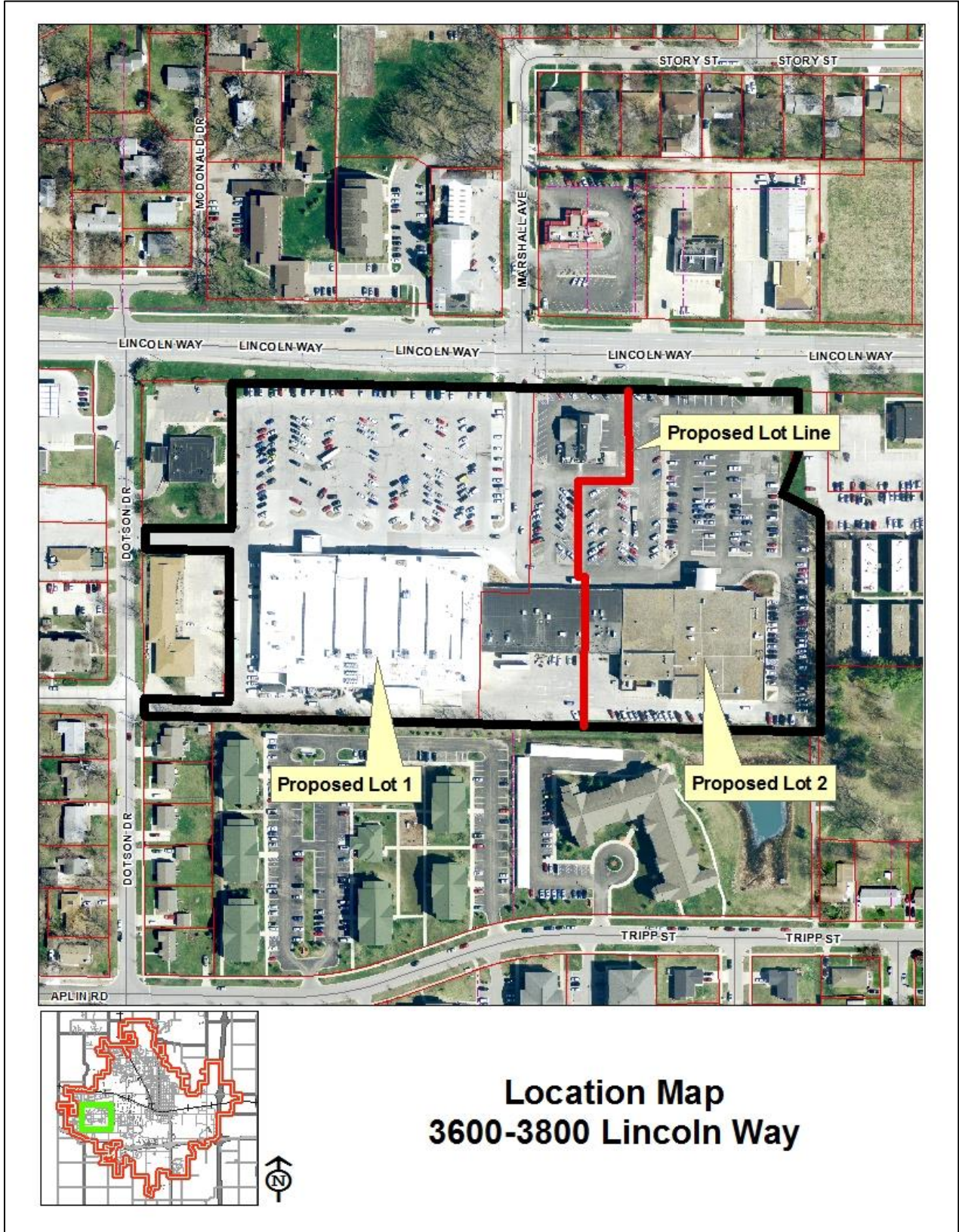
1. The City Council can approve the Minor Final Plat for McFarland Subdivision and approve the development agreement with financial security to defer the demolition of a portion of the building for 6 months after recording of the Plat.
2. The City Council can deny the Final Plat for McFarland Subdivision 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 McFarland Subdivision can be made to conform to 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 Development Agreement. A signed development agreement requires that demolition of the required portion of the building be completed within six months of the recording of the new subdivision.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the Final Plat for McFarland Subdivision and the development agreement to defer the demolition of a portion of the building for 6 months.

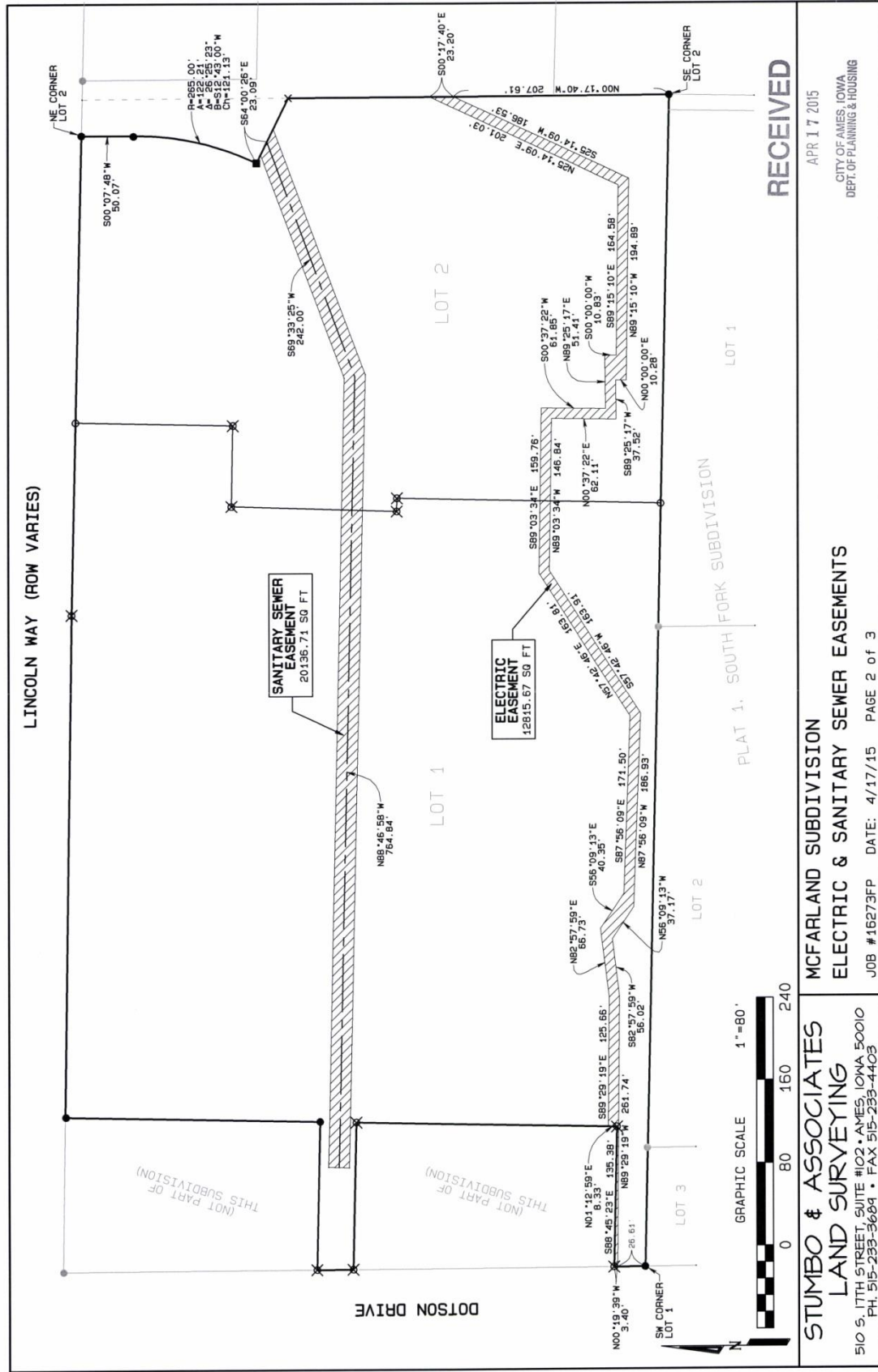
**ATTACHMENT A:  
LOCATION MAP**



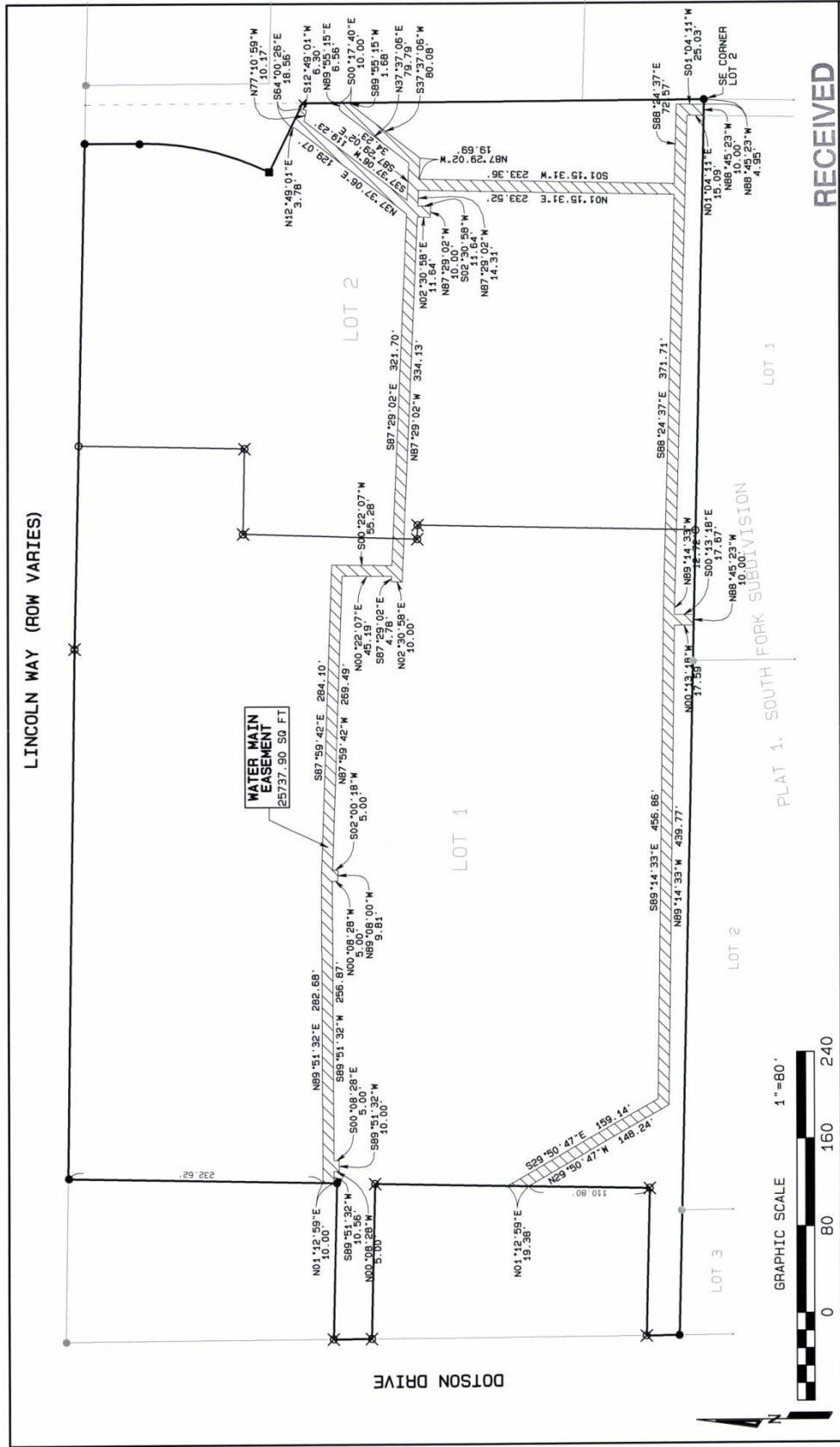
**Location Map  
3600-3800 Lincoln Way**



ATTACHMENT B, Cont.



ATTACHMENT B, Cont.



STUMBO & ASSOCIATES  
LAND SURVEYING  
510 S. 17TH STREET, SUITE #102 • AMES, IOWA 50010  
PH. 515-233-3684 • FAX 515-233-4403

MCFARLAND SUBDIVISION  
WATER MAIN EASEMENT  
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GRAPHIC SCALE 1"=80'  
0 80 160 240

## 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.