

COUNCIL ACTION FORM

**SUBJECT: MINOR SUBDIVISION FINAL PLAT FOR MCFARLAND SUBDIVISION,
PLAT 2**

BACKGROUND:

Ames Associates received City Council approval in June, 2015 for a two-lot subdivision that separated the McFarland Clinic at 3600 Lincoln Way from the remainder of the parcel. The remainder contains the West Hy-Vee (3800 Lincoln Way), the former Wallaby's site, and several smaller businesses in a small shopping center. A location map with existing and proposed lot lines is found in Attachment 1.

Ames Associates are now requesting approval of a Final Plat for a Minor Subdivision of Lot 1 of that plat to separate the former Wallaby's pad from the rest of the Hy-Vee parcel. Sports Page, a small Iowa chain of restaurants, is seeking the redevelopment of the site with a new restaurant building. The proposed final plat is found in Attachment 2.

A Minor Subdivision process 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 certain exceptions for sidewalks and bicycle paths, and when there are area less than three lots created by the plat. Approval of a Minor Subdivision Final Plat requires a finding that the proposed subdivision meets all of the design and improvements standards, city's ordinances, and adopted plans per the requirements of Chapter 23 Subdivision Code of the Ames Municipal Code.

The creation of the separate lot for the proposed restaurant requires assuring conformance with the parking standards for each lot. The proposed restaurant is estimated to be 5,000 square feet, which would lead to a shortage of 12 parking spaces on the proposed new lot. When reviewing the other properties parking needs. McFarland has a shortage of 5 spaces and Hy-Vee has an excess of 44.

	Required	Supplied
Sports Page	48	36
McFarland Lot	315	310
Hy-Vee Lot	358	402
Total	721	748

The current property owner has granted remote parking rights to support the development of a restaurant on the proposed new lot. The City would normally require a remote parking agreement approved by the City Council to allow the restaurant to use

the extra spaces on either the Hy-Vee or McFarland lot. However, as part of the platting of the first subdivision plat, Ames Associates created and recorded a cross access and parking agreement that provides for the shared use of all parking.

After reviewing that agreement, staff believes it serves the purposes of a remote parking agreement even without having the City be a party to the agreement and no additional remote parking agreement is needed with this subdivision request. In the proposed agreement, the rights of parking and access are by easement and can only be amended by mutual agreement. This means the rights of parking and access are in place for perpetuity as an easement and the owners would risk losing their property rights if they agreed to reduce the remote parking allocation.

Approval of the Final Plat requires that all public improvements are in place, with exceptions for sidewalk/bike facilities, or the subdivision must be denied and a preliminary plat prepared showing the required improvements. **In this instance, staff has determined that the subject property has all required infrastructure in place for utilities and streets.** A shared use path exists along Lincoln Way. Along the Dotson Drive boundary of the proposed plat, there is a 30-foot driveway at the south boundary and a 35-foot driveway near the middle of the site. Dotson does not have complete sidewalks, but in staff's opinion there was no practical means to construct a sidewalk across the driveways or to create curb returns due to the width of the lot matching the existing pavement of the driveways. Therefore, no sidewalk improvements across the existing driveways are required along Dotson with the subdivision.

BIKE PATH ISSUE :

In regards to bike paths, the site conforms to the shared use path needs along Lincoln Way. Chapter 23 specifies that new subdivisions must provide infrastructure that matches the requirements of the Ames Bicycle Route Master Plan and in general must conform to the plans adopted by the City. Currently, there is no active Bicycle Route Master Plan that specifies additional bicycle path facilities for the subject site. However, the Ames Area Metropolitan Long Range Transportation Plan 2040 (LRTP) went into effect on October 12, 2015 and it includes a facility identified as OFF-5 as a planned off street bicycle facility along the south property line of the Hy-Vee lot in this subdivision. An excerpt from the LRTP is found in Attachment 3. The OFF-5 project is meant to create a parallel bicycle facility to Lincoln Way from Beedle Drive to the Inter-Modal facility in Campustown. The project is shown as potentially traversing numerous properties, including the subject Hy-Vee site. The LRTP labels it as a "Short-Term Implementation Time." Attachment 4 provides photos of the rear of the Hy-Vee lot related to the potential alignment of the bicycle path.

Due to the language of Chapter 23 specifying bicycle paths must be provided in accordance with the Route Master Plan or duly adopted City plans, staff did not indicate to the applicant that OFF-5 would be a mandatory improvement with the proposed Minor Subdivision. Staff did review the area to consider placement of a facility and there is a high degree of uncertainty about the exact configuration of

the path along the south property line and how opportunities may exist with apartment property to the south. The one key piece of the bicycle path that would be the most desirable in association with the Hy-Vee lot, would be 150-foot long easement through the existing south driveway to bypass a single-family home located at 202 Dotson. This would allow for the path to then connect to the apartment complex south of the Hy-Vee lot for the remainder of its extension to the east. However, this has not been designed or coordinated with the property owner as it was not a mandatory condition for Final Plat approval.

ALTERNATIVES:

1. The City Council can approve the Minor Final Plat for McFarland Subdivision, Plat 2.
2. The City Council can deny the Minor Final Plat for McFarland Subdivision, Plat 2, if it does not find the proposed plat to meet the criteria of Section 23.303 (b) of the Subdivision Code.
3. The City Council can refer this request back to staff to pursue a voluntary easement for the bicycle path from the property owner.

MANAGER'S RECOMMENDED ACTION:

The proposed Final Plat for McFarland Subdivision, Plat 2 conforms 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 as described in the report above.

The first issue, conformance with the parking requirements, is resolved by the owner's recorded cross access and cross parking agreement. It is not the standard agreement that the City typically utilizes to meet the standards, but planning and legal staff have reviewed it and find it acceptable.

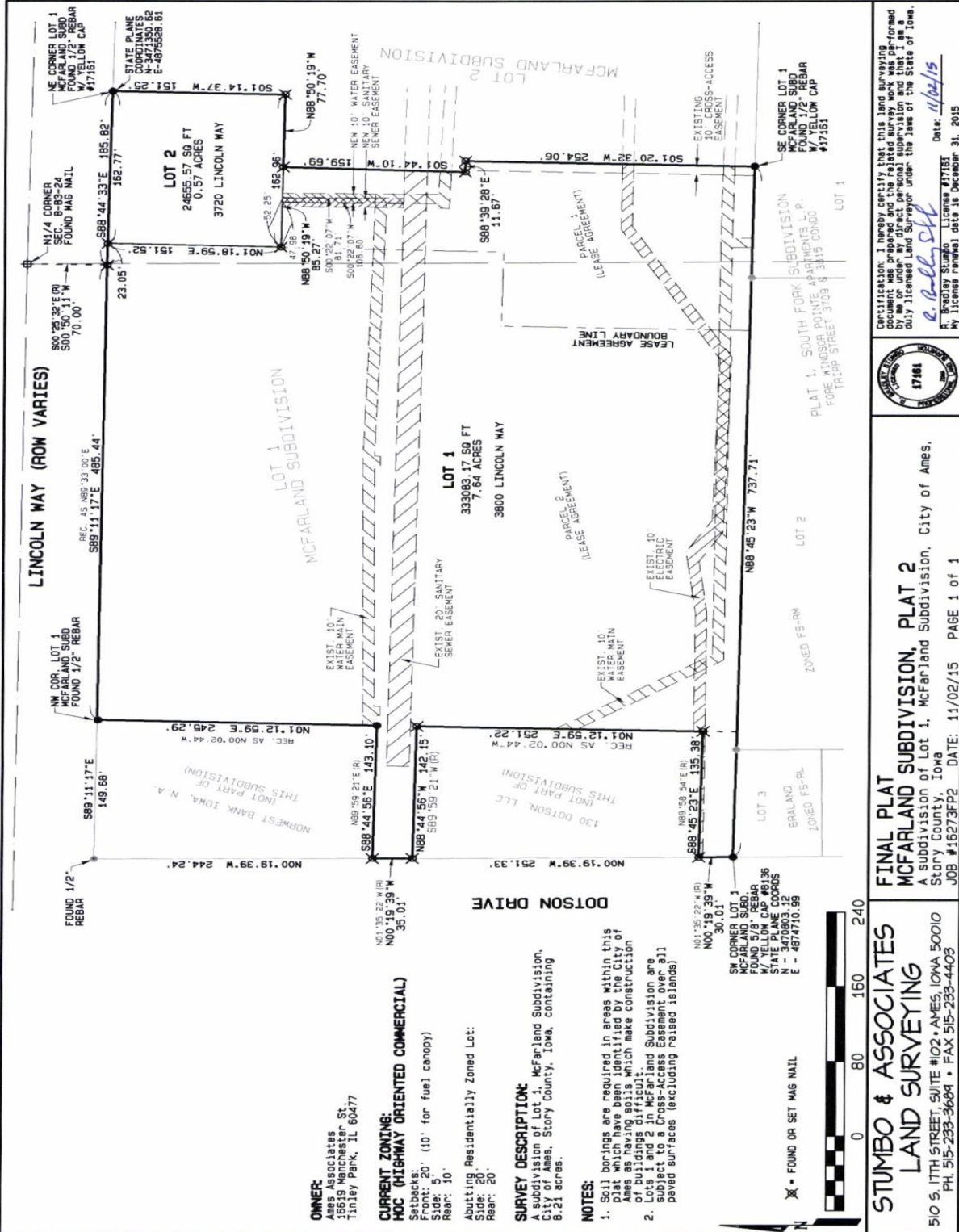
In regards to sidewalks there is no practical improvement to be made along Dotson Drive at this time. **For the bicycle path issue, the timing of the project is such that the OFF-5 improvement shown in the recently enacted LRTP is not mandatory as interpreted by staff.** It would be desirable to secure an easement for public access through the south driveway, but it is not a mandatory condition. Based upon the missing infrastructure ordinance (Chapter 22) adopted by Council this past summer, future investments and improvements on the Hy-Vee site may trigger providing for an easement or improvements in relation to the OFF-5 bicycle facility as the City updates its plan references and further reviews the feasibility of the OFF-5 project.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the Final Plat for McFarland Subdivision, Plat 2.

ATTACHMENT 1: LOCATION MAP



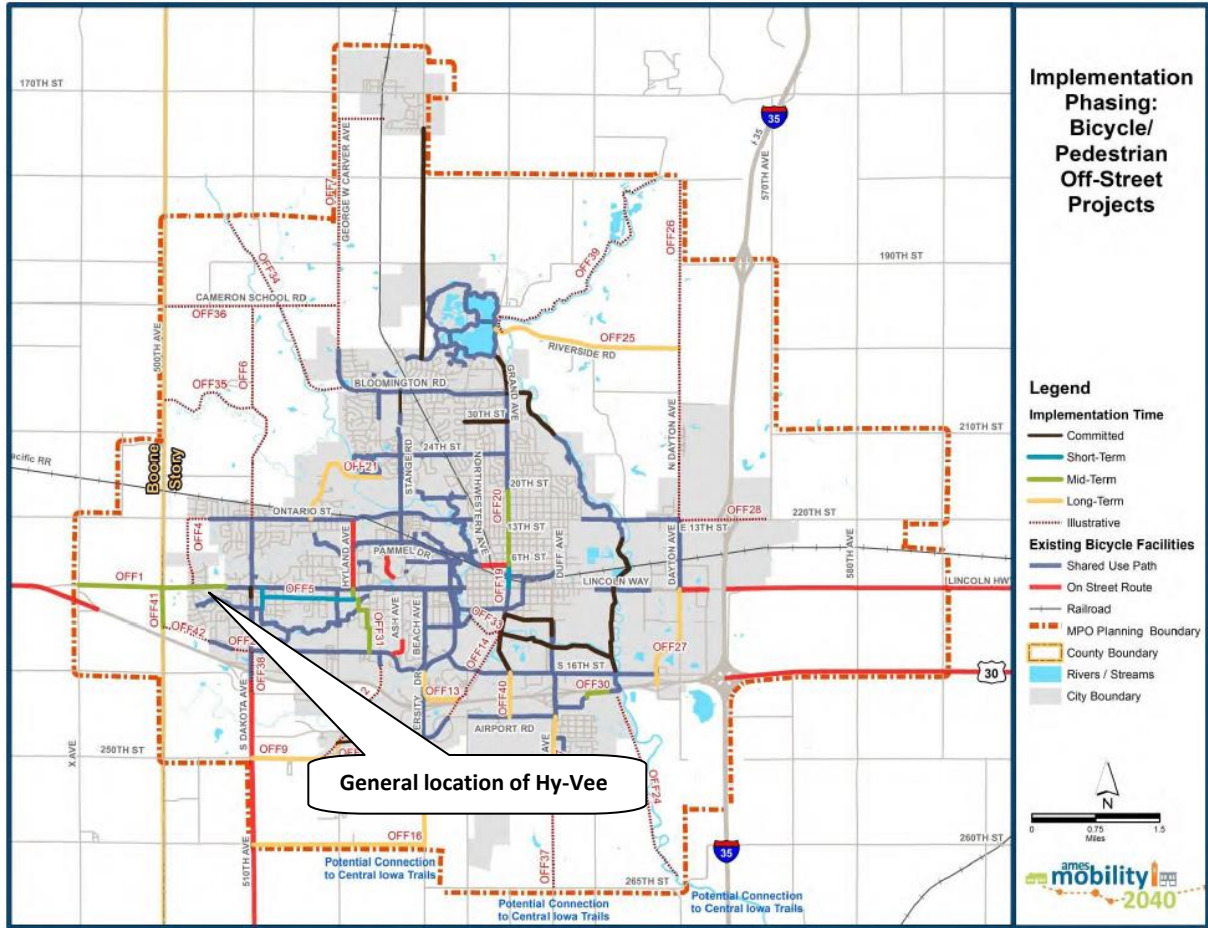
ATTACHMENT 2: PROPOSED SUBDIVISION

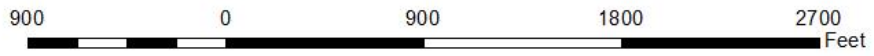


ATTACHMENT 3: EXCERPTS OF LRTP OFF-STREET BICYCLE AND PEDESTRIAN PROJECTS (P. 208)

AMES MOBILITY 2040: AMES AREA MPO LONG RANGE TRANSPORTATION PLAN

Figure 62. Planned Off-Street Bicycle and Pedestrian Projects





ATTACHMENT 4: OBLIQUE PHOTOS OF BICYCLE PATH AREA



Above Hy-Vee looking East Along Rear of McFarland (Franklin Park at Top)



Above Dotson Drive looking East Along Rear of Hy-Vee

ATTACHMENT 5: 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 Chapter 23 Subdivision 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. [emphasis added]**

23.403 Street Improvements

(15) Bikeways: A bicycle path shall be constructed in an area to be subdivided in order to conform with the Bicycle Route Master Plan adopted by the City Council. The dimensions and construction specifications of any such bicycle path shall be determined by the number and type of users and the location and purpose of the bicycle path. (Ord. No. 3524, 5-25-99)