

COUNCIL ACTION FORM

SUBJECT: U-HAUL SUBDIVISION, FIRST ADDITION MINOR SUBDIVISION FINAL PLAT WITH WAIVERS

BACKGROUND:

Amerco Real Estate desires to purchase land adjacent to the 720 South Duff property to expand their operations. Amerco Real Estate owns the property on which the U-Haul business at 710 South Duff Avenue is already located. Amerco also owns the one-acre parcel to the rear at 720 South Duff Avenue on which a metal building formerly owned by Ames Rental is located. B & D Land Company owns a large 42-acre farm tract south and east of Amerco land, lying along the north bank of Squaw Creek. **Amerco seeks to acquire 3.34 acres of the B & D property and combine it with the one-acre parcel in order to allow an expansion of the U-Haul business.** A map showing the existing property lines and ownerships can be found in Attachment A.

The proposed plat would create three lots. Lot 1 would be for an expanded U-Haul site. Outlot A is the remaining agricultural land retained by B & D Land Company. Outlot B is a small piece at the far west that will be dedicated to the Iowa Department of Transportation for street right-of-way (it currently is an easement but the plat will deed that portion to the IDOT). A map showing the proposed property lines is found in Attachment B.

Lot 1 (4.32 acres) includes the former metal storage building used by Ames Rental. It would include the long narrow 19-foot wide piece of land that extends to South Duff Avenue. This piece includes an access easement used by U-Haul, B & D Land Company, Boston Commons (the strip mall to the south), and the future Jimmy Johns to the north. Although this strip of land provides access to the property, it does not provide the required lot frontage to meet zoning requirements to allow for a subdivision. **The applicant is requesting a waiver from the 35-foot lot frontage requirement as part of the minor subdivision process (more information below).**

Lot 1 would also have a Floodway Easement to the City over that portion which lies in the Floodway. This easement restricts uses to only vegetative cover—no building or structure (including paving) can be placed within it. This easement is in response to City staff describing the concerns of development in the Floodway and the recent amendments to the Environmentally-Sensitive Areas Overlay and Flood Plain Regulations. The easement prevents any development on that site unless the City vacates the easement to allow it.

Lot 1 also proposes a north-south access easement extending from the Wal-Mart property to the B & D outlot to the south. This easement will be the basis for a 'backage' road system and allow the lots lying south to have access to the Wal-Mart property. With the acquiescence of Wal-Mart in the future, this will allow all these properties to have access

to the proposed new traffic signal in front of Wal-Mart. The existing and proposed easements are found in Attachment C.

The City Council, in February 2015, rezoned the one-acre parcel with the metal building to Highway Oriented Commercial (HOC). Once a subdivision is approved, Amerco will soon be seeking to have the remaining portion of the new Lot 1 rezoned to HOC.

Outlot A (39.25 acres) is the remainder of the B & D Land Company parcel. It has been used for row crops except for the stand of trees along the north bank of Squaw Creek. Almost the entire parcel lies within the Floodway. It is zoned Agriculture, which is consistent with the Land Use Policy Plan designation. There are no plans for a rezoning.

This parcel will have no frontage to a public right-of-way. **The applicant is requesting a waiver from this requirement as the site is an unbuildable outlot in its current configuration.**

WAIVER REQUEST:

The Ames Subdivision Code requires lots to be created that meet the development standards of the zoning ordinance. The standard at issue relates to the minimum requirement for street frontage. Agriculture zoned lots require 35 feet and lots zoned Highway-Oriented Commercial require 50 feet. The existing lots do not currently meet these standards as the current frontage is 19 feet.

Section 23.103 allows the City Council to grant a waiver if strict compliance with the ordinance creates a hardship or is found to be inconsistent with the purpose of the regulations due to unusual topography or other conditions (see Applicable Law in Attachment E).

The Amerco lot with the metal building currently has no frontage; the B & D Land Company parcel has the 19 foot wide frontage on S Duff Avenue. **The proposed plat does not increase the number of the non-conforming lots with inadequate frontage, but it does swap those non-conformities between the parcels.** The enlarged Amerco lot will have the 19-foot frontage on South Duff Avenue; the remaining B & D Land Company outlot will have no frontage. The outcome will be that the developable lot (the Amerco site) will have frontage, albeit only 19 feet and the B & D lot (the outlot retained for continued farming) will have no frontage (albeit it will have access via an easement). The proposed lot pattern does meet the subdivision code standard of insuring that each lot has access to a public way.

The City would not have approved such an arrangement and it appears that it may have been this way since at least annexation in 1962. Staff believes there are unusual historical development patterns, not the result of the current property owners, which make strict compliance impossible. The only alternative to meet the requirement would be for Amerco to acquire additional properties to provide that street frontage. Since the other parcels are developed with commercial uses, it would require the relocation of those businesses in order to accommodate the requirement for street frontage. **Staff believes that because**

of this circumstance and limited level of proposed use for the properties, the proposal meets the extraordinary hardship requirement. Staff further believes the waivers, if granted, would allow for safe and convenient access to all properties in the manner that they currently enjoy.

ALTERNATIVES:

1. The City Council can approve the Minor Final Plat for the U-Haul Subdivision First Addition, based upon findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans and by approving the waiver to the zoning ordinance requirements for minimum street frontages.
2. The City Council can deny the Minor Final Plat for the U-Haul Subdivision First Addition, based upon findings that the Final Plat does not conform to relevant and applicable design standards, ordinances, policies, and plans by failing to meet the zoning ordinance requirements for minimum street frontages.

CITY MANAGER’S RECOMMENDED ACTION:

U-Haul, in the name of Amerco, acquired the former Ames Rental properties in 2014. While there have been zoning, flood plain, and subdivision challenges, U-Haul has continued to move forward in an effort to expand their business. The approval of the subdivision will allow the purchase of about 3.32 acres from B & D Land Company to be finalized.

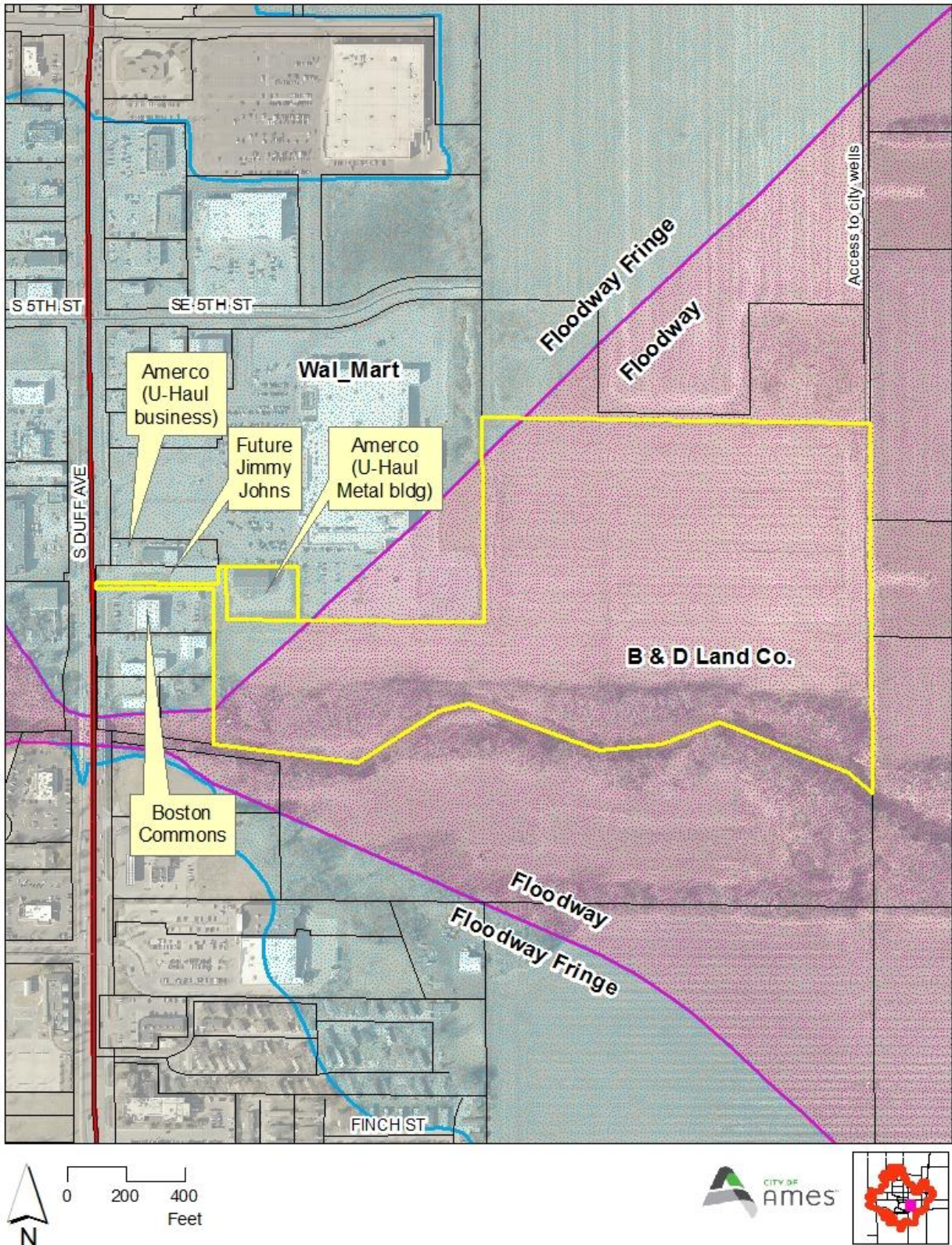
The proposed subdivision meets Minor Final plat requirements as it did not need additional public infrastructure. There is sewer and water to serve the site and sidewalks along the frontage of South Duff Avenue.

The granting of the floodway easement to the City ensures that this portion of the floodway will not be developed. And the granting of the new north/south access easement will assist other lots in obtain access to the proposed traffic signal once it is installed.

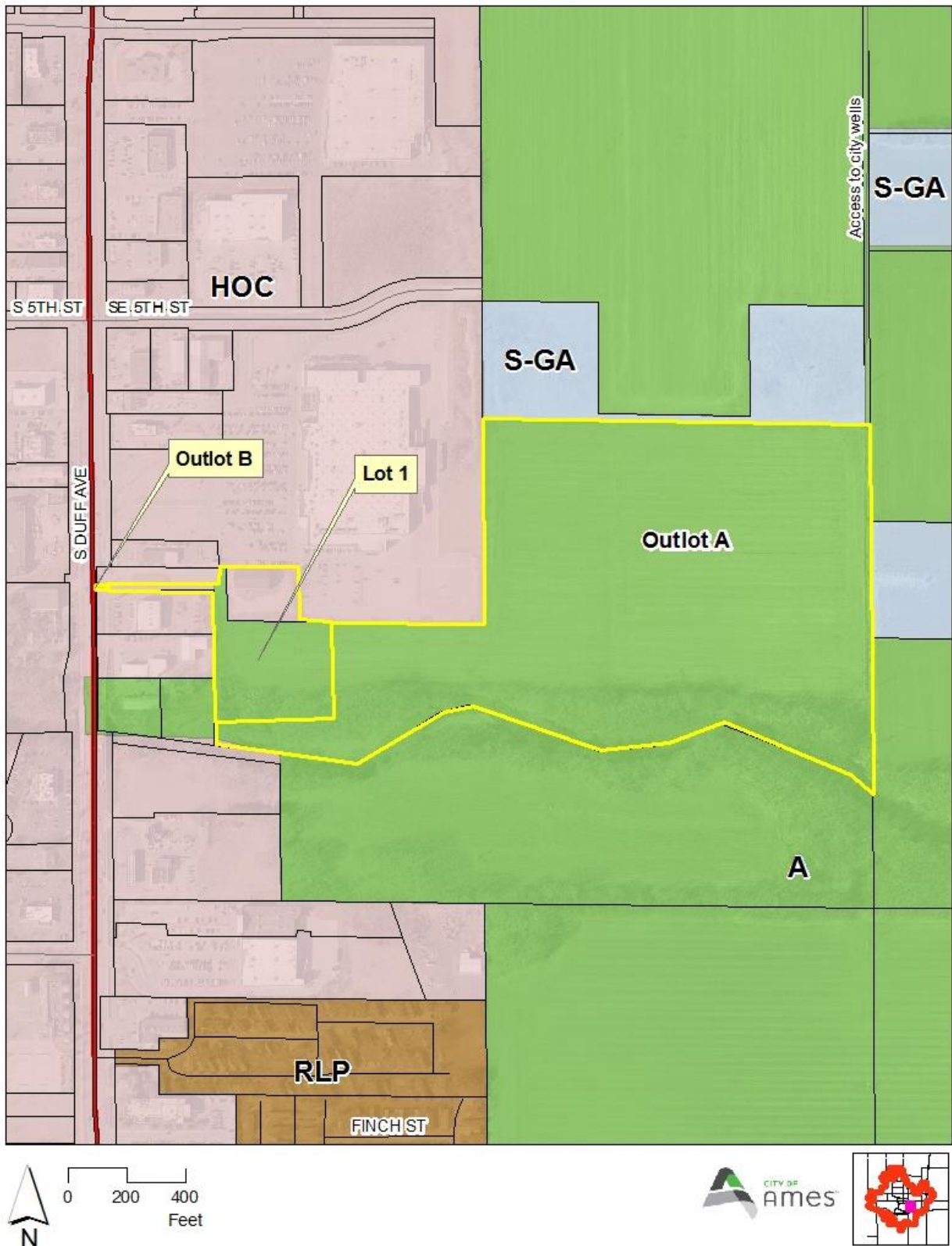
Staff supports the request to waive the zoning requirements for street frontage. The circumstances of the existing lot lines, businesses, and access easements preclude the proposed plat from meeting this requirement without acquisitions of significant properties on South Duff Avenue. These circumstances are not the result of any action taken by the two property owners involved in the plat and may have been an historical anomaly prior to annexation.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, approving the Minor Final Plat for U-Haul Subdivision, First Addition by finding that all requirements of the City are met and with the granting of the waiver to the street frontage requirements of the zoning ordinance.

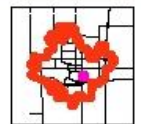
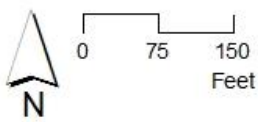
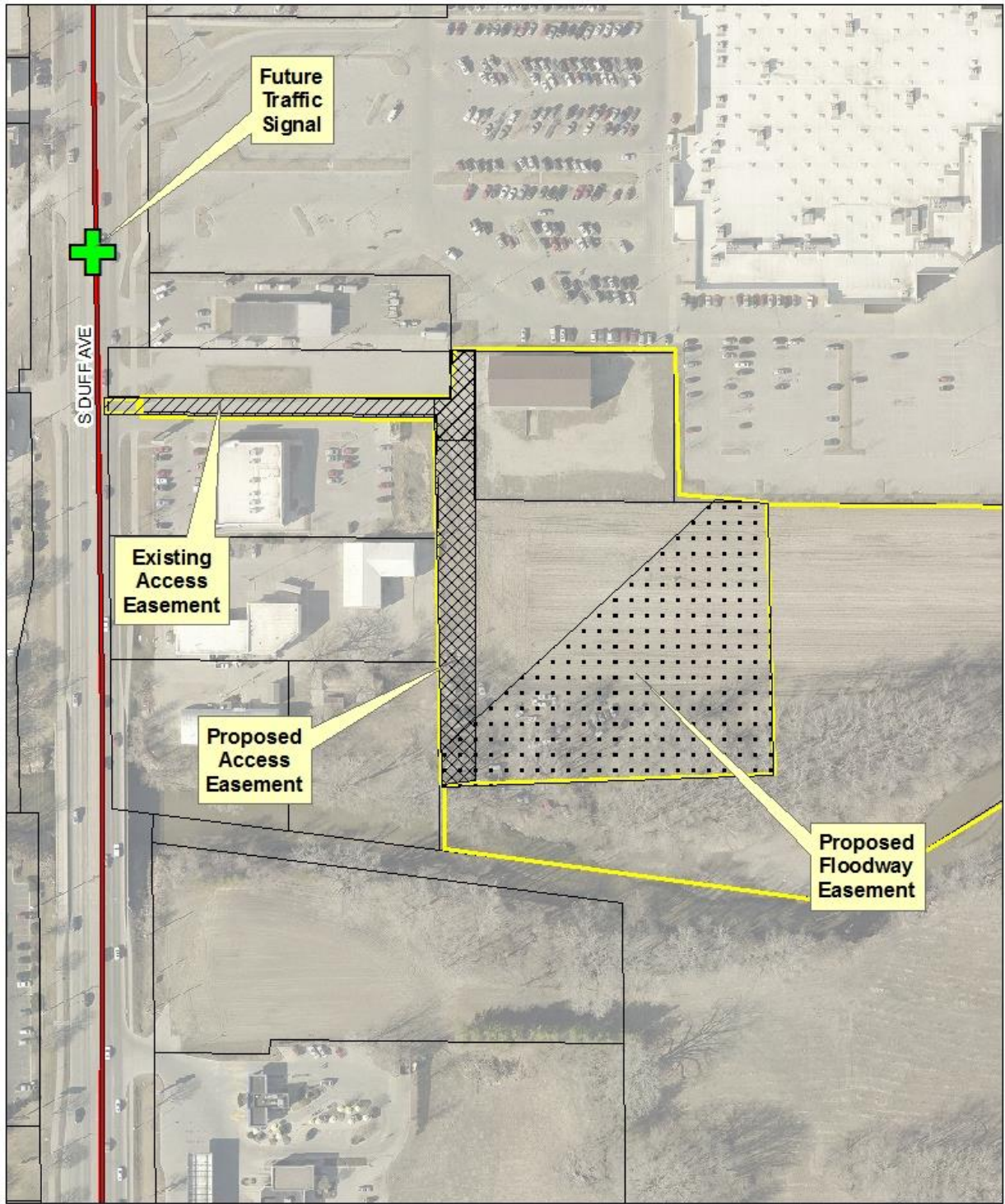
ATTACHMENT A: LOCATION AND FLOOD PLAIN MAP



ATTACHMENT B: PROPOSED LOTS AND ZONING

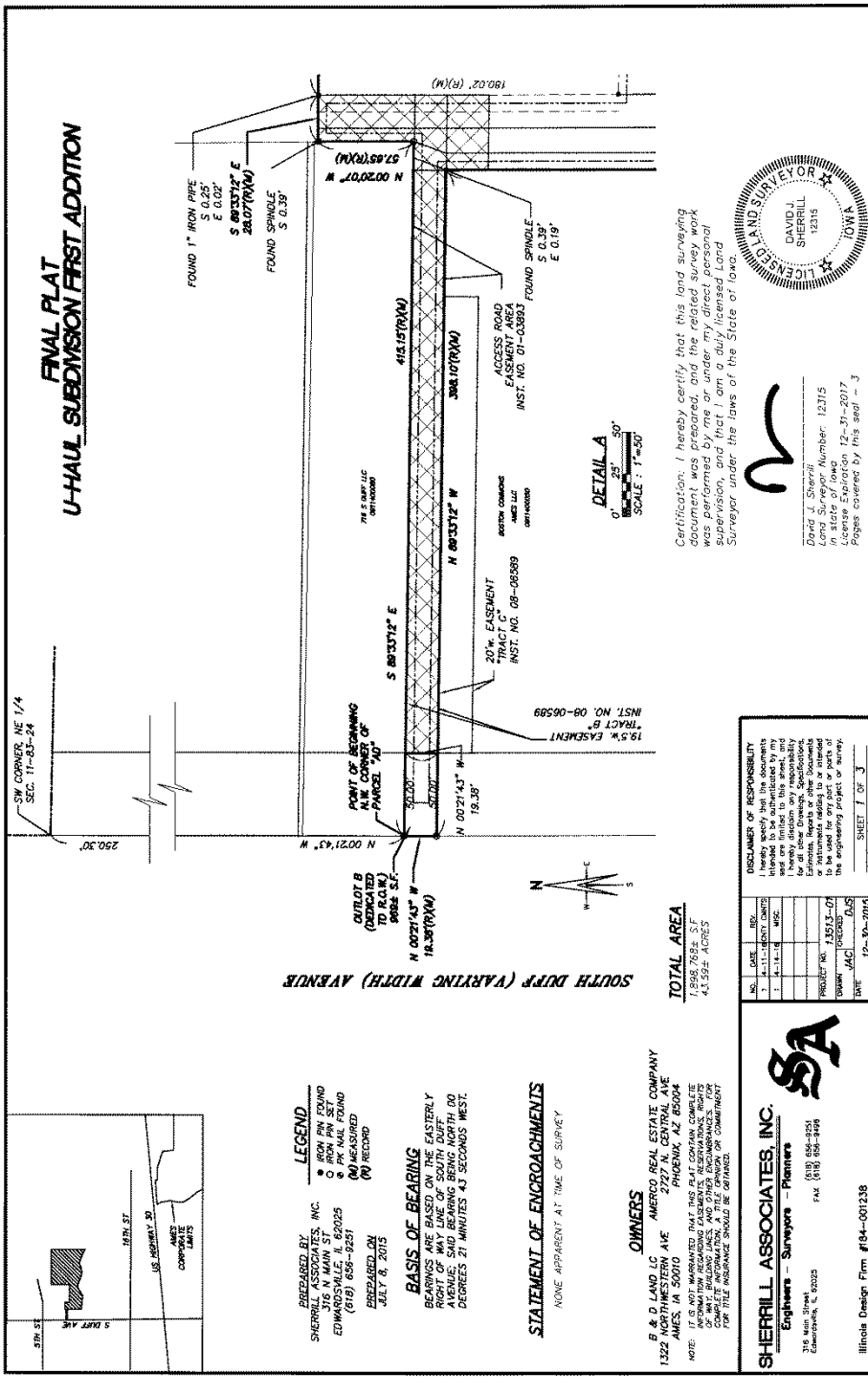


ATTACHMENT C: EXISTING AND PROPOSED EASEMENTS



ATTACHMENT D: FINAL PLAT

FINAL PLAT U-HAUL SUBMISSION FIRST ADDITION



DETAIL A
SCALE: 1"=50'

Certification: I hereby certify that this land surveying document was prepared, and the related survey work was conducted, in accordance with the laws of the State of Iowa, and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.



David J. Sherrill
Land Surveyor Number: 12315
in state of Iowa Exp. 12-31-2017
Pages covered by this seal -- 3

LEGEND
 ● IRON PIN FOUND
 ○ IRON PIN SET
 Q IRON PIN FOUND
 M UNLASHED
 (R) RECORD
 PREPARED BY
 SHERILL ASSOCIATES, INC.
 125 S. MAIN ST.
 EDWARDS, IA 52525
 (618) 658-9251
 ESTABLISHED ON
 JULY 9, 2015

STATEMENT OF ENCROACHMENTS
 NONE APPARENT AT TIME OF SURVEY

OWNERS
 B & D LAND LC
 AMERCO REAL ESTATE COMPANY
 1322 NORTHWESTERN AVE
 2727 N. CENTRAL AVE
 AMES, IA 50010 PHOENIX, AZ 85004

DISCLAIMER OF RESPONSIBILITY
 I hereby specify that the documents intended to be authenticated by my signature and seal are those prepared by me or under my direct supervision and control, and that I am a duly licensed Land Surveyor under the laws of the State of Iowa, and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

STATEMENT OF ENCROACHMENTS
 NONE APPARENT AT TIME OF SURVEY

OWNERS
 B & D LAND LC
 AMERCO REAL ESTATE COMPANY
 1322 NORTHWESTERN AVE
 2727 N. CENTRAL AVE
 AMES, IA 50010 PHOENIX, AZ 85004

NO.	DATE	BY	REVISION
1	4-11-16	MSZ	
2	4-11-16	MSZ	

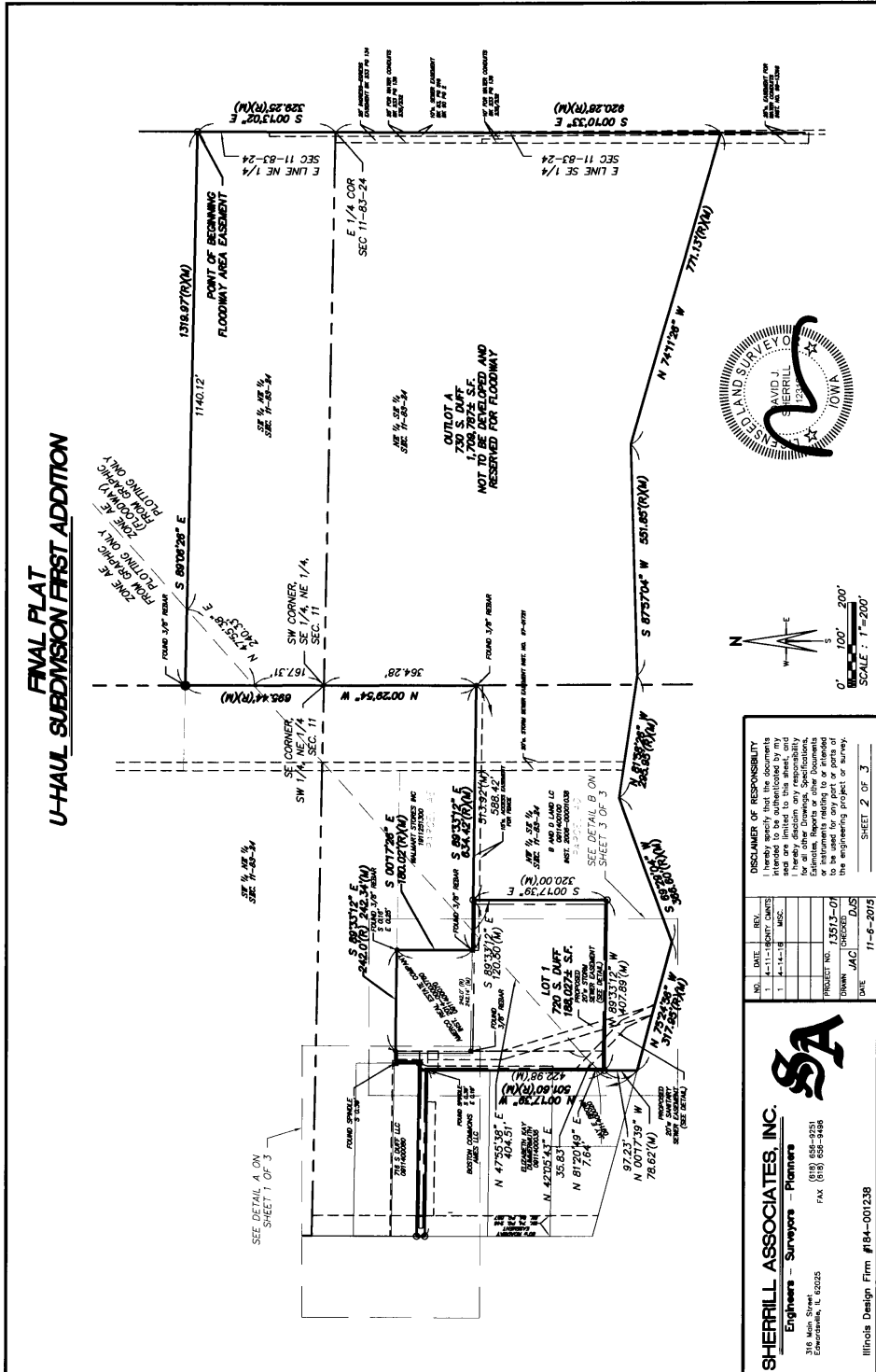
TOTAL AREA
 1,299.76 SQ. FT.
 4,532.2 ACRES

PROJECT NO. 43552.07
 SHEET 1 OF 3

SHERILL ASSOCIATES, INC.
 Engineers - Surveyors - Planners
 318 Main Street
 Cambridge, IA 50025
 (618) 658-9251
 FAX (618) 658-9495

Illinois Design Firm #14-001238

**FINAL FLAT
U-HAUL SUBMISION FIRST ADDITION**



0' 100' 200'
SCALE: 1"=200'

DISCLAIMER OF RESPONSIBILITY
I hereby certify that the documents herein are true and correct to the best of my knowledge and belief, and that I am a duly Licensed Professional Surveyor in the State of Iowa. I am not responsible for any errors or omissions in any other documents, specifications, estimates, reports or other documents prepared by others which may be used for any part or parts of the engineering project or survey, unless I have specifically indicated otherwise on the drawing.

NO.	DATE	REV.
1	4-11-18	RENT DIMITS
1	4-14-18	MSC

PROJECT NO. 1513-07
DRAWN JAC. CHECKED DAS
DATE 11-6-2015 SHEET 2 OF 3

SHERILL ASSOCIATES, INC.
Engineers - Surveyors - Planners

36 N. Main St.
Edwardsville, IL 62025
PHONE (618) 652-3938
FAX (618) 652-3938

Illinois Design Firm #184-001238

ATTACHMENT E: APPLICABLE LAW

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 23.103(1) states as follows:

Sec. 23.103. Waiver/Modification.

(1) Where, in the case of a particular subdivision, 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, the City Council may modify or waive the requirements of the Regulations so that substantial justice may be done and the public interest secured provided, however, that such modification or waiver shall not have the effect of nullifying the intent and purpose of the Regulations. In no case shall any modification or waiver be more than necessary to eliminate the hardship or conform to the purpose of the Regulations. In so granting a modification or waiver, the City Council may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so modified or waived.

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.