

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY FOR 301 S. 4th STREET

BACKGROUND:

The City's subdivision regulations are found in Chapter 23 of the *Municipal Code*. These regulations include the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. Review procedures for conveyance parcels are found in Section 23.307. A "conveyance parcel" is any parcel created by the division of land through a deed or contract conveyance. Unless it is determined that the parcel is a pre-platted, or a pre-established conveyance parcel, approval of a Plat of Survey is required to establish it as a valid parcel for permitting purposes.

This Plat of Survey is for the purpose of establishing a valid parcel to permit the rebuilding of an apartment building located at 301 E. 4th Street in the "RH" (High Density Residential) zoning district (*See Attachment A: Location & Zoning Map*). The size and dimensions of the proposed parcel are identical to the existing parcel, which includes 38,857.98 sq. ft. (0.89 acres) (*See Attachment B: Plat of Survey*). **The previous apartment building was a nonconforming structure with 33 units that was destroyed by fire on June 6, 2016. Rebuilding of a damaged nonconforming structure requires approval of a Special Use Permit if damaged to the extent of more than 70% of its assessed value.** The proposed apartment building includes 24 units, and is planned for construction on the foundation of the building that was destroyed.

On October 12, 2016, the Zoning Board of Adjustment approved the request for a Special Use Permit to allow rebuilding of the damaged nonconforming structure, with a condition that addresses the requirement for a Plat of Survey, and reads as follows:

- ***That a Plat of Survey be approved by the City Council, and copies of the recorded documents be received by the City Clerk's Office, prior to approval of the Minor Site Development Plan.***

Plats of Survey are to comply with all Design and Improvement Standards in the Subdivision Ordinance. South 4th Street is a dead end street that terminates at the west property line of 301 S. 4th Street. The Public Works Department has not identified a need to establish a cul-de-sac at the end of S. 4th Street, at this time. The proposed parcel meets the requirements of having complete infrastructure, as outlined in the Subdivision Code, with the exception of the cul-de-sac at the end of S. 4th Street, and does not trigger further extension of infrastructure.

New utility easements have been included on the Plat to address staff's request for

easements over existing infrastructure, including storm sewer, sanitary sewer, and electric. No additional easements are included, as part of the Plat of Survey.

Approval will allow the applicant to prepare the official Plat of Survey and submit it to the Planning and Housing Director for review. The Director will sign the Plat of Survey, confirming that it fully conforms to all conditions of approval. The prepared Plat of Survey may then be signed by the surveyor, who will submit it for recording in the office of the Story County Recorder.

The surveyor is in the process of revising the proposed Plat of Survey to include public easements for storm sewer, sanitary sewer and electric utilities. The Plat of Survey included in this report does not yet show those easements.

ALTERNATIVES:

1. The City Council can adopt the resolution approving the proposed Plat of Survey, with the following condition:
 - A. That the Plat of Survey be revised to include public easements for storm sewer, sanitary sewer and electric facilities on the site, prior to signature by the Planning & Housing Director.
2. 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.
3. The City Council can refer this back to staff and/or the owner for additional information.

MANAGER'S RECOMMENDED ACTION:

Staff has determined that the proposed Plat of Survey satisfies all code requirements for approval.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the resolution approving the proposed Plat of Survey with the condition specified above.

**ADDENDUM
PLAT OF SURVEY FOR 301 S. 4TH STREET**

Application for a proposed Plat of Survey has been submitted for:

- Conveyance parcel (per Section 23.307)
- Boundary line adjustment (per Section 23.309)
- Re-plat to correct error (per Section 23.310)
- Auditor's plat (per Code of Iowa Section 354.15)

The site is located at:

Owners: A & B Partnership

Existing Street Addresses: 301 S. 4th Street

Assessor's Parcel #: 0911175070

New Legal Description: See Attachment C: Survey Description

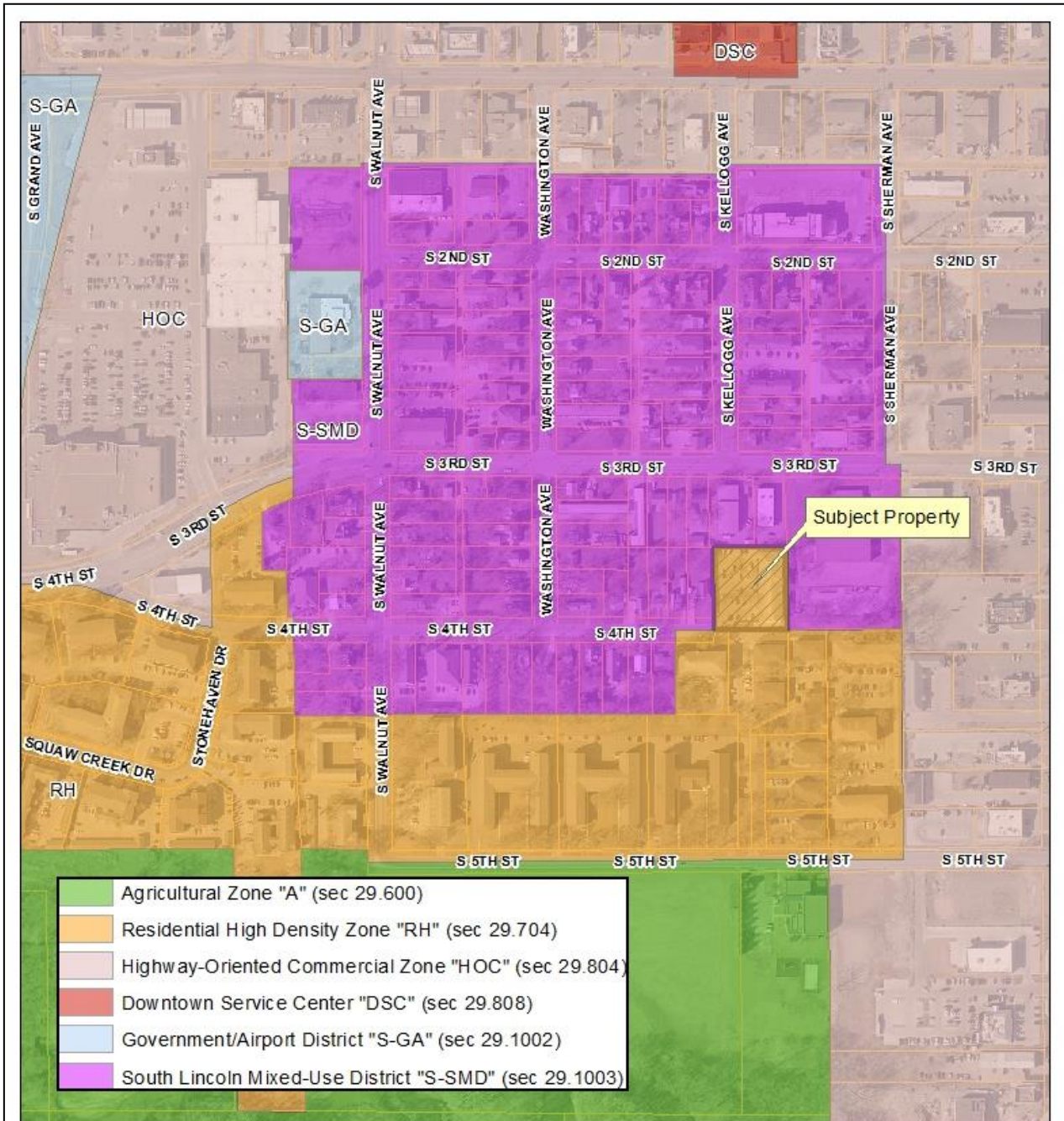
Public Improvements:

The preliminary decision of the Planning Director finds that approval requires all public improvements associated with and required for the proposed plat of survey be:

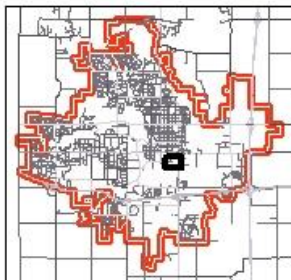
- Installed prior to creation and recordation of the official plat of survey and prior to issuance of zoning or building permits.
- Delayed, subject to an improvement guarantee as described in Section 23.409.
- Not Applicable.

Note: The official Plat of Survey is not recognized as a binding Plat of Survey for permitting purposes until a copy of the signed and recorded Plat of Survey is filed with the Ames City Clerk's office and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

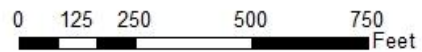
ATTACHMENT A: LOCATION & ZONING MAP



- Agricultural Zone "A" (sec 29.600)
- Residential High Density Zone "RH" (sec 29.704)
- Highway-Oriented Commercial Zone "HOC" (sec 29.804)
- Downtown Service Center "DSC" (sec 29.808)
- Government/Airport District "S-GA" (sec 29.1002)
- South Lincoln Mixed-Use District "S-SMD" (sec 29.1003)



Location & Zoning Map 301 S. 4th Street



ATTACHMENT C: SURVEY DESCRIPTION

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Job# 3010PS

Parcel Description from Warranty Deed filed at Inst. No. 95-11439:

A parcel of land in the NE 1/4 of the NW 1/4 of Section 11, Township 83 North, Range 24 West of the 5th P.M., Iowa, described as follows: Commencing at the NE Corner of Lot 1, Cayler's Subdivision to Ames, Iowa; thence East 182.73 feet along the South line of South 3rd Street; thence South 180 feet to the point of beginning; from the point of beginning, thence South 212.7 feet; thence West 182.73 feet; thence North 212.7 feet, thence East 182.73 feet to the point of beginning; also described as: A part of Lot 2 in the NW1/4 and a part of the SE1/4 of the NW1/4, all in Section 11, Township 83 North, Range 24 West of the 5th P.M., in the City of Ames, Story County, Iowa, described as follows: Commencing at the NE Corner of Lot 1, Cayler's Subdivision, in the City of Ames, Story County, Iowa, thence East 182.73 feet along the South line of South Third Street, thence South 180 feet to the point of beginning, thence continuing South 212.7 feet, thence West 182.73 feet, thence North 212.7 feet, thence East 182.73 feet to the point of beginning, locally known as Oakridge Apartments, 301 South Fourth, Ames, Iowa.

The above-described tract is currently being described as follows:

Survey Description – Parcel 'BE':

A part of Lot 2 in the Northwest Quarter; and a part of the Southeast Quarter of the Northwest Quarter, all in Section 11, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, and being more particularly described as follows: Commencing at the Northeast Corner of Lot 1 in Cayler's Subdivision, City of Ames, Story County, Iowa; thence S89°45'57"E, 182.58 feet along the South line of South Third Street; thence S00°36'10"E, 179.95 feet to the point of beginning; thence S00°21'14"E, 212.98 feet to the Northeast Corner of Lot 3 in Corieri's First Addition to Ames, Story County, Iowa; thence N89°42'54"W, 182.68 feet along the North line of said Lot 3, Corieri's First Addition, and said line extended westerly to the East end of South Fourth Street; thence N00°10'28"E, 33.00 feet to the Southeast Corner of Lot 8 in said Cayler's Subdivision; thence N00°30'51"W, 179.63 feet to the Northeast Corner of said Lot 8, Cayler's Subdivision; thence S89°49'21"E, 182.87 feet to the point of beginning, containing 0.89 acres.

The Ames City Council approved this Plat of Survey on _____, 20____, with Resolution No. _____. I certify that it conforms to all conditions of approval.

Planning & Housing Director