

Staff Report

**REQUEST BY BARILLA TO ALLOW FOR MISSING
INFRASTRUCTURE DEFERRAL**

September 11, 2018

BACKGROUND:

The City established missing infrastructure improvement requirements in 2015 for new development and significant building additions. **These new requirements were in response to concerns about extended delays in completing sections of infrastructure.** Missing infrastructure includes requirements that right-of-way dedication, street paving, sidewalks, shared use paths, and street lights are present in a satisfactory condition or will be completed prior to completion of new buildings.

Requirements for missing infrastructure are tied to the issuance of building permits for principal buildings (Section 5.118 of the Ames Municipal Code (AMC)) and the standards for its installation and approval process by the Public Works Department are included within Section 22.31 of the AMC. The improvement standards are cross referenced to the City's requirements of the Subdivision Code found in Chapter 23 of the AMC.

Missing infrastructure installation is required to be financially secured in order to receive a building permit for a principal building and the improvement is required to be completed prior to receiving occupancy for the building. The Public Works Director has limited discretion on approving alternative improvement designs and timing in relation to development of a site. The requirements for the improvements and their timing for installation were established to ensure predictability in their completion, to minimize the administrative time spent on tracking deferrals, and closing gaps in the City's infrastructure.

Barilla's request stems from their concern that installation of the sidewalk along Lincoln Way would be premature and would prefer that the City "keep the financial security until such time that the future plans for the corridor are set and the improvement can be implemented correctly." However, the current standards will not allow the improvements to be deferred as they desire.

OPTIONS:**Option #1. THREE-YEAR TEMPORARY DEFERRAL WITH FINANCIAL SECURITY**

In this option a developer would provide financial security for the construction of the missing infrastructure, but would be allowed to defer implementation for up to three years upon approval by the Public Works Director. The three-year deferral would be similar to

the timeframe allowed within the Subdivision Code for completing required improvements within three years of approval of a final plat.

This option would be beneficial to Barilla to allow for more time to finalize their onsite improvement plans and the City's street improvement plans for Lincoln Way. Allowing such a deferral would not be appropriate when existing improvements (such as connecting sidewalks) are located near the site. **The intent would only be to allow such a deferral when there are extenuating circumstances about completing the project concurrent with completing the principal building.** Implementation of this option would require more administration and tracking time to ensure the project is completed in the required amount of time.

Option #2. PROVIDE CASH IN LIEU PAYMENT

This option would allow for the developer to defer installation and provide the financial security to the City for future improvements. This option would remove the obligation for the improvement from the property owner and require the City to implement the project in the future.

This option would be beneficial to Barilla to allow for more time to finalize their onsite improvement plans and the City's street improvement plans for Lincoln Way just as described above. In this instance, the timeframe for implementation would be determined by the City rather than Barilla. Allowing such a deferral would not be appropriate when existing improvements (such as connecting sidewalks) are located near the site. **The intent would be only to allow such a deferral when there are extenuating circumstances about completing the project concurrent with completing the principal building.** With this option, the City would carry the long-term obligation of constructing the project. This option would have less administrative and tracking time associated with it compared to the temporary deferral option.

STAFF COMMENTS:

Barilla has identified concerns on the timing of installation of missing infrastructure for private development. Staff has identified a similar issue for City controlled properties due to the combination of unique property sizes, uses, and capital improvement programming(CIP). Staff believes that with any change to the ordinance regarding deferrals, acknowledging that the City has a CIP program for making infrastructure improvements and that individual site improvements will be coordinated with other City projects. For example, recent improvement at the Airport property triggered certain improvements, but the requirements did not recognize prior investments in shared use paths and other roadway improvements made in the area that were of broad benefit to the area not just for the airport property.

Staff believes City Council should consider initiating a change that would allow for both deferral options explained above, as they could address different circumstances that may arise in the future. Additionally, staff recommends that the

changes address missing infrastructure requirements for a site under the ownership of the City.

NEXT STEPS:

If the City Council concurs with the staff's recommendation provided above, the matter should be referred to the City Attorney to draft an amendment to the Municipal Code reflecting the proposed changes.



August 9, 2018

Honorable Mayor John Haila and Ames City Council Members
PO Box 811
515 Clark Avenue
Ames, Iowa 50010

RE: Exemption / Waiver for Construction of Sidewalk along Lincoln Way

Dear Mayor Haila and Council Representatives:

Barilla America would like to respectfully request a waiver or exemption of the requirement to construct a 5' wide PCC sidewalk along the Lincoln Way corridor at the south end of their property prior to final occupancy. First and foremost, we want assure the Mayor and Council Membership Barilla America is aligned with the vision and enthusiastically supports the need to expand multi-modal transportation across the community. I submit the fourth pillar of our global lighthouse that guides our actions in this area and reads as follows:

"Only One Way of Doing Business: Good for You, Good for the Planet, Good for the Communities." This is further supported with the objective to "Aim at fostering the wellbeing of People, the Planet and the Company in everything we do."

Barilla is committed to sustainability and best practices to reduce waste, increase recycling and reuse from field to fork. We are a founding member of the Iowa Sustainable Business Forum with a sitting Board Member in the group since its inception.

At the time of site plan approval, Barilla America provided financial security in the form of a check to the City of Ames for the estimated construction costs of the sidewalk. Barilla America would request the City of Ames keep the financial security for your use in constructing the necessary improvements as the plans are finalized for the Lincoln Way Corridor.

The existing corridor is a rural section with a grade separated overpass on Lincoln Way over Interstate 35. The existing corridor has dedicated bike lanes on both sides of the highway. The proposed sidewalk to be completed by Barilla is stopped at the point where the grade separation begins as a result of the unknown plans for the bridge and the grading in the area. The proposed sidewalk is immediately adjacent to the granular shoulder north of the existing bike lane in order to minimize grading and therefore is redundant and provides no connectivity to the corridor.

The proposed sidewalk crosses the only truck / employee entrance into the Barilla site. Barilla America plans to upgrade this entrance with the possibility to add a separate entrance along

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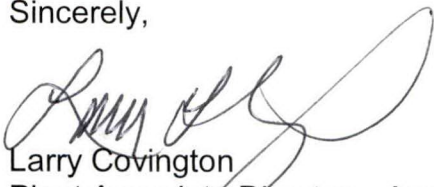
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the corridor in the next two (2) years. Not only does the proposed sidewalk add to the potential for safety issues at the existing entrance, a large majority of the sidewalk will need to be removed in order to accommodate the new construction.

With the plans for the future of the corridor still up in the air and the definite need for future modifications, Barilla America feels that the best and most sustainable approach is for the City of Ames to keep the financial security until such time that the future plans for the corridor are set and the improvements can be implemented correctly.

Sincerely,



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/MLA

Copy: Steve Shainker – City Manager
Kelly Diekmann – Planning & Housing Director