

COUNCIL ACTION FORM

SUBJECT: PRELIMINARY PLAT FOR KINGSBURY'S FIFTH ADDITION

BACKGROUND:

Kingsbury's Fifth Addition Subdivision is a 5.62-acre development site located on SE 3rd Street, just north and east of Target. The proposed subdivision divides the recently created Lot 1 of Kingsbury's Fourth Addition (Location map - Attachment A). The property is zoned Highway-Oriented Commercial (HOC) (Zoning-Attachment B).

The final Plat for Kingsbury's Fourth Addition was approved in 2020 with a development agreement that included dedication of right-of-way to the City and partial completion of infrastructure extensions and a conditional waiver of street paving in recognition of the City's planned extension of SE 3rd Street with the planned Cherry Avenue extension. **The property owner, WW Holdings Corporation, requests approval of this preliminary plat creating four lots and a conditional waiver of street improvements consistent with the prior development agreement approval** (Lot Layout-Attachment C).

The largest lot is Lot 4 (2.95 acres) in the north part of the subdivision with frontage on SE 2nd Street and Kingsbury Avenue with the smaller Lot 1 (1.28 acres), Lot 2 (.71 acres) and Lot 3 (.68 acres) all located directly north of Target with frontage on SE 3rd Street. Shared access from SE 3rd Street is planned for Lot 4. Lots 3 and 4 are in the floodway fringe and any subsequent development will require adherence to floodplain development standards if the development is proposed on areas where floodplain exists on those properties.

The City plans for a future extension of Cherry Avenue to the east of this site that includes the extension and connection of SE 3rd Street. **The owner desires to have the prior waiver and agreement reapproved for this project that would then defer the installation of pavement until such time as Cherry Avenue to the north and east is extended south to intersect with SE 3rd Street or until site development on Lot 3.** The basis of this request is that the final design elevation of the road extension is not yet known, and therefore it is premature to bring in fill dirt to match the existing grade of SE 3rd.

As a new subdivision, standards of Chapter 23 of the Ames Municipal Code apply to its review, even though a conditional waiver was previously approved regarding SE 3rd Street paving requirements for approximately 150 feet. Sidewalk installation was deferred as part of the prior approval as well. Water and sewer extension were completed with the prior approval. The only remaining infrastructure improvement applies to the street paving of the SE 3rd extension.

An amendment to the existing development agreement for street construction is being finalized with the developer to change the language in the agreement from development of Lot 1 of Kingsbury's Fourth Addition triggering street construction to having development of Lot 3 of Kingsbury's Fifth Addition as the triggering event. The terms of street construction are otherwise still the same as was approved for Kingsbury's Fourth Addition.

The developer also requests a deferral of sidewalks along the Lot 4 SE 2nd Street frontage and Kingsbury Avenue. The deferral would be until such time as other sidewalks connect to the site or the property is developed. Staff supports the proposed conditional waivers and temporary deferrals as being consistent with the intent of the previous agreement.

At the March 3rd Planning & Zoning Commission meeting the Commission voted 6-0 to recommend the City Council approve the Preliminary Plat for Kingsbury's Fifth Addition. Commission members asked questions regarding elevating on lots that are located within the Flood Plain Fringe. Staff explained that once final platted any buildings proposed in the flood plain would be required to meet elevation and protection standards of Chapter 9 standards governing the floodplain. Staff also discussed the extension of SE 2nd Street as not being feasible due to topography and electric transmission lines.

ALTERNATIVES:

1. Approve the Preliminary Plat for Kingsbury's Fifth Addition Subdivision and direct staff to work with the developer to prepare a development agreement update for deferral of sidewalks and extension of SE 3rd Street.
2. Deny the Preliminary Plat for Kingsbury's Fifth Addition Subdivision, by finding that the Preliminary Plat does not meet the requirements of Section 23.302(3)(b) or by setting forth its reasons to disprove or modify the proposed preliminary plat as required by Section 23.302(4) of the Ames Municipal Code.
3. Defer action on this request to the next regular meeting and refer it back to City staff and/or the applicant for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

The Preliminary Plat proposal for Kingsbury's Fifth Addition includes four developable lots. The preliminary plat identifies all the necessary infrastructure to serve the developable commercial lots. City staff has reviewed the proposed plat and find it conforms to the requirements of the Ames Subdivision Regulations and to the other adopted policies and ordinances of the City.

The applicant is proposing to have City Council reapprove the prior conditional waiver and development agreement for paving of SE 3rd Street and defer construction of sidewalk

along SE 2nd Street and Kingsbury Avenue until development of Lot 4. Approval of a conditional waiver would formally occur with a Final Plat.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1 as described above.

Addendum

General Site Info

The site is currently one parcel of 5.62 acres lying north of SE 3rd Street just north of Target. The south half of the site is relatively flat with an increase in grade and elevation on the north half of Lot 4. Attachment B includes an aerial of the site. The site is zoned Highway-Oriented Commercial (HOC), which is also consistent Land Use Policy Plan land use designation.

Immediately to the east of the site is a parcel zoned Agricultural. City water wells are located further to the east. To the north are properties zoned HOC with a mix of non-conforming residential and zoned commercial uses on them. To the south is commercially zoned land (HOC) containing Target, Walmart as well as various other commercial uses. To the west is commercially-zoned land with various commercial businesses. Attachment C includes zoning of the area.

Lots

The site will yield four developable lots. Lot 4 is the largest at 2.95-acres. Lot 1 (1.28 acres), Lot 2 (.71 acres) and Lot 3 (.68 acres) A .23-acre lot (Lot A) is reserved for street right-of-way. HOC zoning has no minimum lot size but requires a minimum of 50 feet of frontage. All lots meet the minimum 50-foot frontage requirement.

Flood Plain

A portion of the site lies with the FEMA-designated flood plain. Development within the Floodway Fringe is allowed provided that buildings are elevated or flood proofed to 3 feet above the Base Flood Elevation (BFE or the water surface level of a flood having a 1 percent chance of occurring in any given year). Existing BFE ranges from approximately 886.25 feet up to 887 feet across the site. Chapter 9 floodplain development standards require buildings to be constructed a minimum of 3 feet above BFE at a given location to meet flood protection. Existing grades on the four lots range from 882 feet to 887 feet. This requires a range of approximately 3 feet to as much as 7 feet of fill that may be required depending on where building construction takes place.

Streets

All lots will be fully served by the SE 3rd Street as a minor arterial street that is 31' feet wide. The subdivision will require the extension of 153 feet of SE 3rd Street to the east of the current point of ending. An intersection with Cherry Avenue will be constructed in the future connecting SE 3rd Street and Cherry Avenue further to the east of this site.

Due to issues with terrain near the northern edge of the site staff has not recommended dedication of right-of-way for 2nd Street at this time to extend the street east. There exists a large electric transmission line that would need relocated should 2nd Street be extended further eastward. South Borne Avenue which would intersect with 2nd Street to the east is not standard right-of-way size and would need improvements to connect if 2nd Street was extended. Acquiring more right of way along South Borne would be an extensive process with neighboring property owners.

Water

Water mains were previously installed. A public main must be extended north from SE 3rd Street to serve Lot 4. The developer proposes an 8" water main and 8" sewer main both running north from SE 3rd Street within the 20' cross access and public utility easement to reach Lot 4.

Sewer

Sanitary sewer is installed along SE 3rd Street to serve lots 1-3. A new sanitary sewer main will be required to extend northward from the existing sanitary sewer along SE 3rd Street to serve the proposed lot 4 via a public utility easement along the boundary of Lots 1 and 2.

Electric

Extension of electrical service is required with the extension of SE 3rd Street. The extension of electric transmission and services will be placed underground to serve all lots.

Sidewalks and Trails

A five-foot sidewalk is required along the frontage of each of the lots as the property is zoned commercial. A five-foot sidewalk is also required along Lot 4 abutting SE 2nd Street and Kingsbury Avenue. The developer proposes to defer installation of sidewalk along SE 2nd Street and Kingsbury Avenue via the development agreement until such time as Lot 4 develops in the future. No trails are required for development of the site.

Storm Water Management

Storm water will be managed upon site development of the properties—a storm water easement for off-site runoff exists for the east portion of the proposed Lot 4; however, that easement does address storm water runoff related to use of this site. A storm water conveyance easement is proposed along the southern 25' of Lot 4 and eastern 20' of Lot 3. Further storm water information will be needed prior to approval of the Minor Site Development Plan but for purposes of this preliminary plat, the proposed grading and detention plans can be approved. Development of each lot will be subject to the requirements of Chapter 5b.

Public Notice. Notice was mailed to property owners within 200 feet of the subject site and a sign was posted on the subject property.

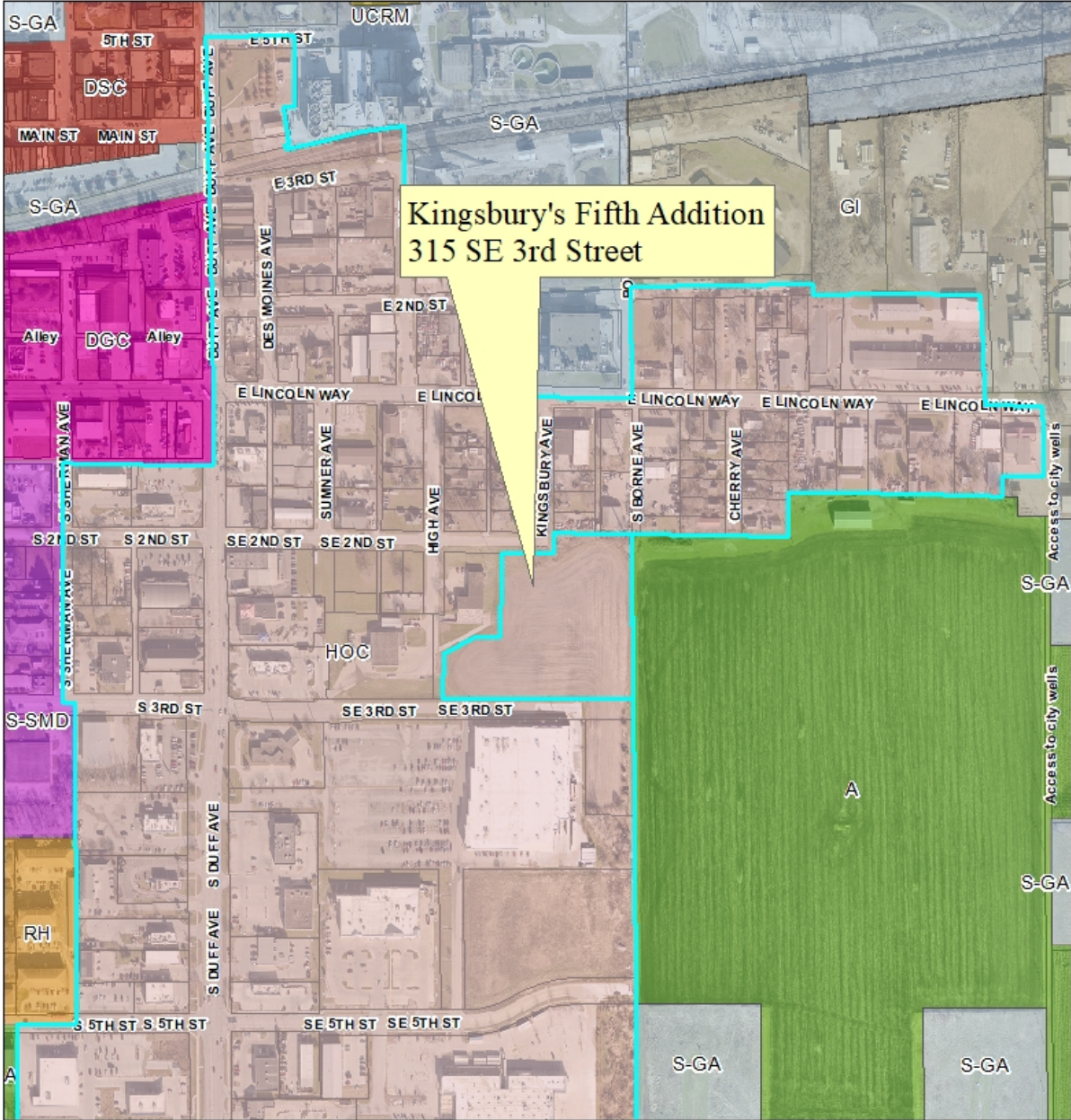
Attachment A- Location map



Location Map
315 SE 3rd Street



Attachment B- Zoning Map



Kingsbury's Fifth Addition Zoning Map
315 SE Third Street



Attachment D: Applicable Subdivision Law

The laws applicable to this Preliminary Plat Subdivision include, but are not limited to, the following: (verbatim language is shown in *italics*, other references are paraphrased):

Code of Iowa Chapter 354, Section 8 requires that the governing body shall determine whether the subdivision conforms to its Land Use Policy Plan.

Ames Municipal Code Chapter 23, Subdivisions, Division I, outlines the general provisions for subdivisions within the City limits and within two miles of the City limits of Ames.

Ames Municipal Code Section 23.302(3):

(3) *Planning and Zoning Commission Review:*

- (a) *The Planning and Zoning Commission shall examine the Preliminary Plat, any comments, recommendations or reports assembled or made by the Department of Planning and Housing, and such other information as it deems necessary or desirable to consider.*
- (b) *Based upon such examination, the Planning and Zoning Commission shall ascertain whether the Preliminary 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.*

Ames Municipal Code Section 23.302(4):

- (4) *Planning and Zoning Commission Recommendation: Following such examination and within 30 days of the regular meeting of the Planning and Zoning Commission at which a complete Application is first formally received for consideration, the Planning and Zoning Commission shall forward a report including its recommendation to the City Council. The Planning and Zoning Commission shall set forth its reasons for any recommendation to disapprove or to modify any Preliminary Plat in its report to the City Council and shall provide a written copy of such reasons to the developer.*

Attachment E-Floodplain Boundaries



Kingsbury's Fifth Addition Floodplain
315 SE Third Street

