

ITEM: 29  
DATE: 09-14-21

**COUNCIL ACTION FORM**

**SUBJECT: WAIVER OF SUBDIVISION REQUIREMENTS FOR THE TYPES OF DIVISIONS WHICH MAY BE APPROVED AS A PLAT OF SURVEY, DEFERRAL OF SIDEWALK INSTALLATION, AND APPROVAL OF A PLAT OF SURVEY FOR THE DIVISION OF LAND INTO TWO PARCELS LOCATED SOUTHEAST OF THE INTERSECTION OF AIRPORT ROAD AND S. RIVERSIDE DRIVE.**

**BACKGROUND:**

The land proposed for platting is located at 3100 S. Riverside Drive (pending address change to Aviation Way) for City property immediately adjacent to the Ames Municipal Airport. The proposed division is at the direction of the City Council in response to the request from Sigler Printing and Publishing to purchase the land they are currently leasing from the City of Ames. Sale of the building and site to Sigler requires approval of the subdivision of the Southeast Quarter of Section 15 in Washington Township into two lots. **However, rather than a Minor Final Plat staff proposes a waiver of subdivision process to allow for approval of a Plat of Survey to create two parcels.**

**City staff is requesting that the City Council grant a waiver of the requirements of *Section 23.308(2) of the Municipal Code* which describes the types of divisions that may be approved as a plat of survey.** In this instance, the site is City owned property but zoned as General Industrial. The proposed division conforms to Minor Subdivision standards in that no public improvements are required, with the exception of a sidewalk. These circumstances support a determination that the use of the Plat of Survey is adequate to divide the property. See the complete text of Section 23.308 in the Addendum of this report.

The proposed Plat of Survey would establish "Parcel S" (12.75 acres) at 3100 S. Riverside Drive (to be addressed as 1101 Aviation Way with approval of the plat of survey). "Parcel S" would be purchased from the City of Ames by the Sigler Printing and Publishing Company. The second parcel to be established is "Parcel T" (145.87 acres) to be addressed as 816 Airport Road and retained under City of Ames ownership with approval of the plat.

On May 11, 2021, the City Council approved dedication of the right-of-way as Aviation Way at a width of 66 feet to serve proposed "Parcel S", and dedication of the east 40 feet of right-of-way (r.o.w.) for S. Riverside Drive. The west 40 feet of r.o.w. for S. Riverside Drive has already been dedicated to the city.

Neither Riverside Drive nor the new Aviation Way right-of-way have sidewalks. Chapter 23 requires that the division of General Industrial zoned land requires the construction of

a sidewalk on one side of a street as determined through approval of a subdivision, or default to the east and north sides of streets. In this case the City has invested in the construction of the Shared Use Path along the west side of Riverside Drive with the ISU Research Park subdivision and this proposed division would not be required to then have a sidewalk on the Riverside frontage of this site. The Aviation Way frontage does require a sidewalk improvement.

City standards typically allow for a three-year deferral with financial security to make such an improvement. In this case as a City owned property there is no financial security for the improvement, but the sidewalk will be programmed by the City as a future improvement. The sidewalk will need to be designed to City standards and make a connection across Riverside Drive to the existing Shared Use Path and then extend across the full frontage of Parcel T and then across the frontage of Parcel S (Sigler). Since the street dead ends at the edge of airport property, an appropriate terminus of the sidewalk along Parcel S will be determined by staff with the future improvement.

Approval of the plat of survey (*Attachment B*) will allow the Public Works Department 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 City will then record the Plat of Survey to divide the site.

The next step after creating the two parcels will be to move forward with the sale of the property to Sigler.

**ALTERNATIVES:**

1. Waive the requirements for types of divisions which may be approved as a plat of survey, accept deferral of sidewalk improvements along Aviation Way, and approve the proposed plat of survey.
2. Decline to waive the requirements for types of divisions which may be approved as a plat of survey and require approval of a Minor Subdivision Plat for the proposed subdivision, including the installation of sidewalk along the north side of Aviation Way.
3. Refer the waiver request, back to city staff for additional information.

**CITY MANAGER’S RECOMMENDED ACTION:**

City staff is requesting a waiver from City Council of the subdivision process to allow the division of City-owned land into two parcels through the approval of a plat of survey. One of the parcels (Parcel S) would be sold to Sigler Printing and Publishing. Ownership of “Parcel T” would remain with the City and available for future development. This is land that has been leased since a building was first constructed on the site for Visionaire in the late 1990’s.

Sigler Printing and Publishing has occupied the building and leased the land from the city in recent years. They submitted a request to purchase the land in September 2019, and the City Council has given direction to proceed with sale of the land. No additional public improvements are needed to serve the site with street access and/or public utilities. Approval of the subdivision through a plat of survey as opposed to approval of a Minor Subdivision (Final Plat) will serve to expedite transfer of the land to the new owner. The City's long-term interests are not compromised in this instance by waiving the subdivision regulations, deferring sidewalk installation, and approving the land division through a plat of survey.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.

**It should be emphasized that the final allocation of the responsibilities for the sidewalk improvements along Aviation Way must be included in the purchase agreement. If there is no assignment of these responsibilities, the City as the property owner will be financially obligated for these improvements.**

## ADDENDUM

### *“Section 23.308. REVIEW PROCEDURES FOR PLATS OF SURVEY.*

#### *(1) Purpose:*

*The purpose of this Section is to provide a review process to determine if proposed plats of survey as defined in Section 23.201 conform to all subdivision standards of this Chapter, and to all development regulations of Chapter 29, prior to preparation of the official plat of survey, and prior to the submittal of an official plat of survey to the Story or Boone County Recorder’s Office and Story or Boone County Auditor’s Office as specified in the Code of Iowa Section 354.8.*

#### *(2) Applicability:*

*This Section applies to all plats of survey within the City of Ames, and to all plats of survey describing divisions or conveyances of land lying within the unincorporated area extending not more than two (2) miles beyond the Ames City Limits. It does not apply to retracement surveys as defined by this Chapter. The only types of divisions which may be approved as plats of survey are:*

- (a) Boundary Line Adjustments.*
- (b) Replats to correct errors as provided in Section 23.311.*
- (c) Auditor’s plats as provided in Code of Iowa Section 354.13.*
- (d) Conveyance divisions occurring prior to August 4, 2009.*
- (e) Minor Subdivisions in areas of the Ames Urban Fringe designated as Agricultural & Farm Service or Rural Residential, including required covenants describe in (g).*
- (f) Divisions of lots within existing single-family subdivisions creating no more than one additional lot, provided that the plat of survey is of the entire lot or parcel being divided. This provision only applies to one-time splits of existing lots of a subdivision and does not apply to repeated divisions.*
- (g) The division of an aliquot part of a section, provided that the division is to separate an existing or former farmstead from the remainder of the aliquot part, and provided that any required covenants pertaining to rural water buyout, assessment for installation of infrastructure, and agreement to future annexation are signed and submitted prior to the City Council’s final action on the plat of survey. This requirement pertaining to covenants applies anywhere in the Fringe except in the Agriculture & Farm Service, and Rural Residential areas.”*

### *“Section 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 provide 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.*

- (2) *The requirements of the Regulations for the platting of a Minor Subdivision may be waived by city staff when it is determined by staff that:
  - (a) *A clear and accurate description of the area of land will be provided by means of a plat of survey to be procured by the property owner, and in compliance with Section 23.308.*
  - (b) *With respect to that area of land, all substantive requirements and standards of the Regulations are already met.**

**“Section 23.403. STREETS.**

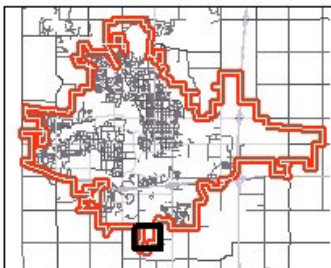
**(14) Sidewalks and Walkways.**

- (a) *Sidewalks and walkways shall be designed to provide convenient access to all properties and shall connect to the City-wide sidewalk system. A minimum of a five-foot wide concrete sidewalk shall be installed in the public right-of-way along each side of any street in all zoning districts except General Industrial and Planned Industrial. A minimum of a five-foot wide concrete sidewalk shall be installed in the public right-of-way along one side of any street in the General Industrial and Planned Industrial zoning districts. If sidewalks on adjacent property are greater than five feet, the subdivider shall install sidewalks to match. If constraints exist that preclude installation of a sidewalk within the public right-of-way, the subdivider shall install the required sidewalk on adjacent land within a sidewalk easement. All required sidewalks shall connect with any sidewalk within the area to be subdivided and with any existing or proposed sidewalk in any adjacent area.*
- (b) *Exception: For any final plat for which a preliminary plat has been approved prior to January 1, 2015, the following standard shall be met: Sidewalks and walkways shall be designed to provide convenient access to all properties and shall connect to the City-wide sidewalk system. A minimum of a four-foot-wide concrete sidewalk shall be installed in the public right-of-way along each side of any street within residentially and commercially zoned areas and along at least one side of any street within industrially zoned areas. Such a sidewalk shall connect with any sidewalk within the area to be subdivided and with any existing or proposed sidewalk in any adjacent area. Any required sidewalk shall be constructed of concrete and be at least four feet wide.*
- (c) *A deferment for the installation of sidewalks may be granted by the City Council when topographic conditions exist that make the sidewalk installation difficult or when the installation of the sidewalk is premature. Where the installation of a sidewalk is deferred by the City Council, an agreement will be executed between the property owner/developer and the City of Ames that will ensure the future installation of the sidewalk. The*

*deferment agreement will be accompanied by a cash escrow, letter of credit, or other form of acceptable financial security to cover the cost of the installation of the sidewalk.*

- (d) A pedestrian walkway made of concrete may be required where deemed essential to provide access to schools, parks and playgrounds, commercial areas, transportation, or community facilities. Any such walkway shall be not less than eight feet wide.”*

Attachment A – Location Map

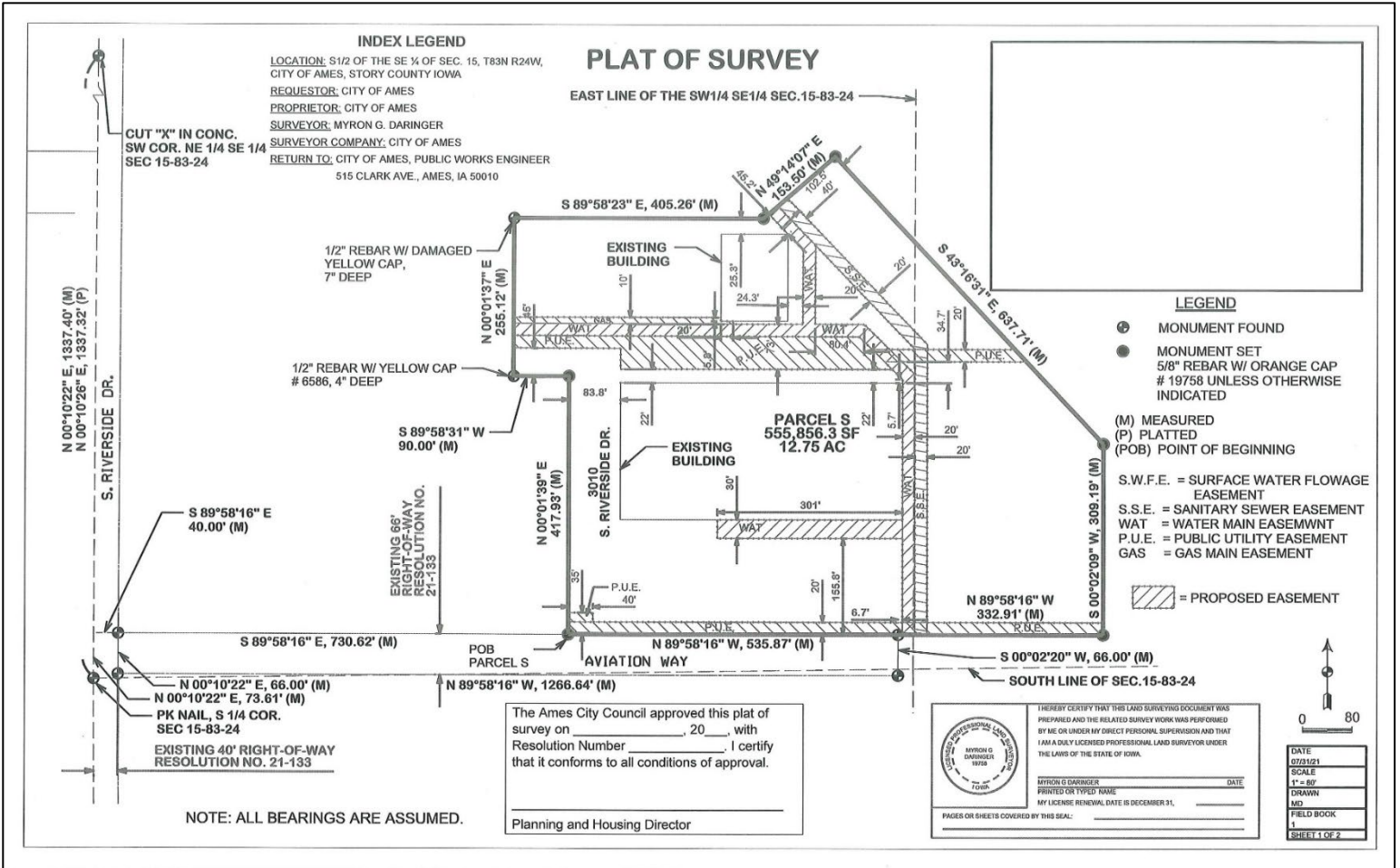


# Location Map

3100 & 3000 S. Riverside Drive &  
SE Quarter Section 15, Twnshp 83 N., Range 24 W.



# Attachment B – Proposed Plat of Survey (Sheet 1 of 2)





# Attachment C – Proposed Plat of Survey (Sheet 2 of 2)

