

ITEM #: 34b  
DATE: 09-14-21

**COUNCIL ACTION FORM**

**REQUEST: AMENDMENT TO THE INTEGRATED SITE PLAN SUBDIVISION FOR 1409 AND 1419 BUCKEYE AVENUE INCLUDING SOUTHWOOD SUBDIVISION, FIFTH ADDITION – MINOR FINAL PLAT**

**BACKGROUND:**

NLA Duff, LLC. has submitted a final subdivision plat for Southwood Subdivision, Fifth Addition. The Final Plat is required as part of Section 23.706 Integrated Site Plan that requires a Minor Subdivision Plat for a boundary line adjustment of lots within the Integrated Site Plan. The Preliminary Plat was approved by the Council on November 13, 2018. as a part of an Integrated Site Plan that included a Major Site Development Plan. **The applicant proposes to move an existing lot line between Lots 6 and 7 that will move 89 feet to the south to align where a tenant division will exist within the new building.** This is required to meet building code standards.

An Integrated Site Plan allows the subdivision of a site into individual lots with consideration of the site in its entirety for evaluating access, circulation, maintenance, and compliance with certain zoning development standards (setbacks, landscaping, parking, etc.) that would otherwise apply to individual lots. Approval of an Integrated Site Plan allows for more flexible application of most development standards through the approval of the Major Site Development Plan, although the overall site must meet all minimum standards. Typically, a Preliminary Plat is required with an Integrated Site Plan. Section 23.706 of the Subdivision Code makes an exception to allow only a Minor Subdivision for lot line adjustments and amendments to Site Plans.

**The proposed final plat has two commercial lots. Building B will straddle the common lot line as allowed by the Integrated Site Plan process for Building B. A Major Site Plan Amendment went before the Planning & Zoning Commission on September 1, 2021 and is a separate agenda item for Council approval.** The lot line adjustment will place the lot line in a location where there will be a tenant division. Without adjusting the lot line it would go through and tenant space and this creates conflicts with the Building Code requirements.

The Final Plat and accompanying Major Site Plan meets all of the requirements of an Integrated Site Plan. The only public improvement change relates to the storm water. Detention will no longer be underground as originally proposed and will instead be conveyed to an above ground facility at the rear of the site. Storm water plans were reviewed as part of the Major Site Plan Amendment. All other public improvements are the same as proposed in 2018. Additionally, no changes are required to the development agreement that was approved with the Southwood 4<sup>th</sup> Final Plat in 2019.

**ALTERNATIVES:**

1. The City Council can approve the Final Plat of Southwood Subdivision, Fifth Addition, based upon findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans.

**Note: The applicant must submit an update Treasure's Certificate prior to the City Council's approval of the Final Plat.**

2. The City Council can deny the Final Plat for Southwood Subdivision, Fifth Addition if it finds that the development creates a burden on existing public improvements or creates a need for new public improvements that have not yet been installed.

**CITY MANAGER'S RECOMMENDED ACTION:**

City staff has evaluated the proposed final subdivision plat and determined that the proposal is consistent with the preliminary plat approved by City Council and that the plat conforms to the adopted ordinances and policies of the City as required by Code.

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

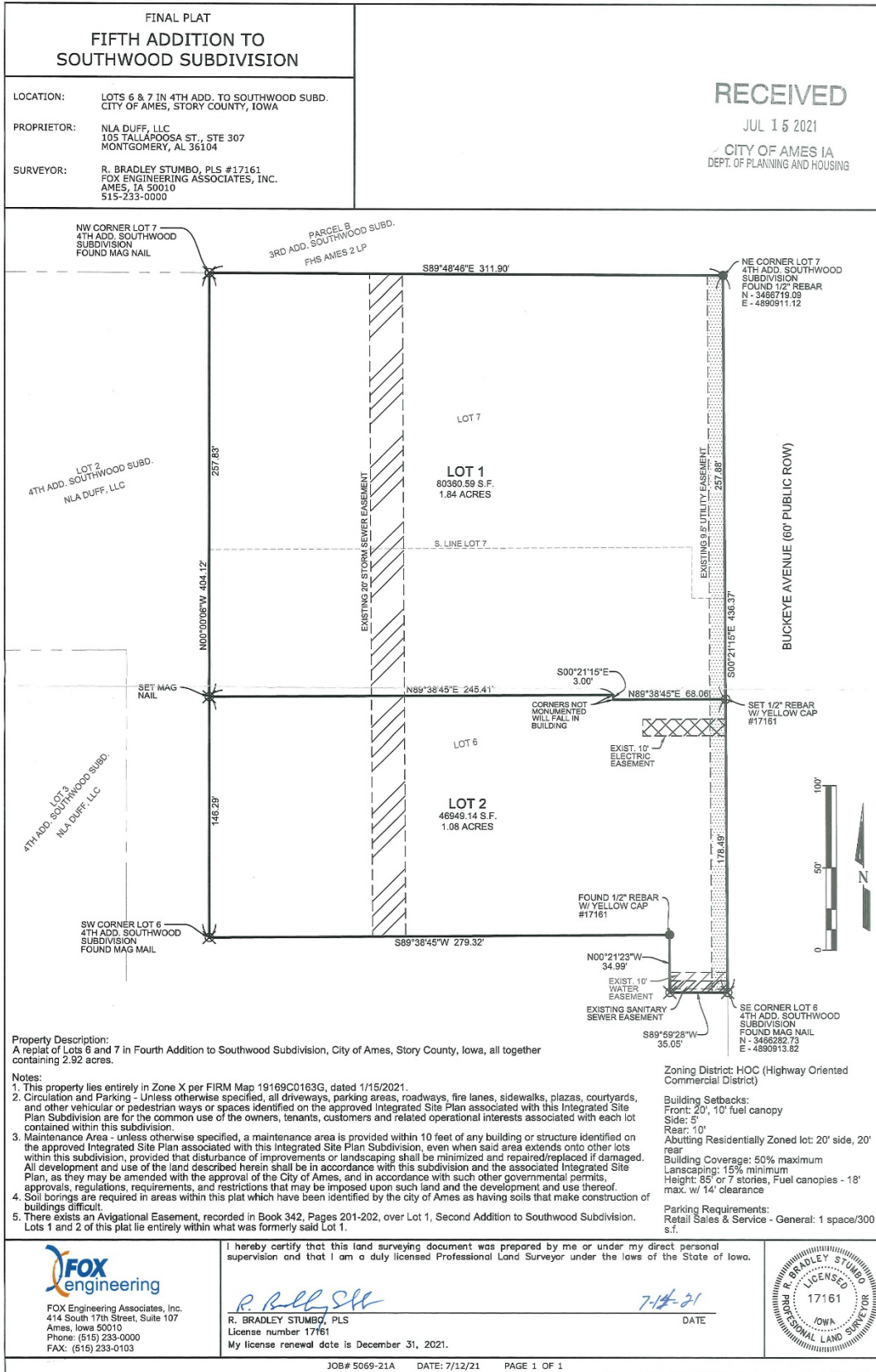
**It must be emphasized that although the applicant initially submitted a Treasurer's Certificate, as required by State law, an updated certificate must be received by the City and approved by the City Attorney before Alternative #1 can be approved by the City Council.**

# Attachment A: Location Map



## 1409 & 1419 Buckeye Ave Amendment to Integrated Site Plan

# Attachment B: Final Plat



**FOX engineering**  
 FOX Engineering Associates, Inc.  
 414 South 17th Street, Suite 107  
 Ames, Iowa 50010  
 Phone: (515) 233-0000  
 FAX: (515) 233-0103

I hereby certify that this land surveying document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

*R. Bradley Stumbo*  
 R. BRADLEY STUMBO, PLS  
 License number 17161  
 My license renewal date is December 31, 2021.

7-15-21  
 DATE







## **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 23.303:

### Sec. 23.303. MINOR SUBDIVISIONS FINAL PLAT.

#### (1) Minor Subdivision Procedure:

(a) The Applicant shall file an Application for Final Plat Approval of a Minor Subdivision with the Department of Planning and Housing at least 15 days prior to a regular meeting of the City Council. No preliminary plat is required for the Minor Subdivision process.

#### (b) An Application for Final Plat Approval of a Minor Subdivision shall include:

(i) a completed Application Form (entitled "Application for Final Plat Approval of a Minor Subdivision") available from the Department of Planning and Housing;

(ii) sixteen paper copies no larger than 24"x 36" and one blackline copy no larger than 11"x17" of a Final Plat prepared in accordance with subsection 23.504. The Planning and Housing Director may allow for electronic submittals of Plat documents in lieu of all or some of the required paper copies;

(iii) an electronic format portable document file (PDF) as approved by the City;

(iv) An electronic file of a Computer Aided Design Drawing of the Final Plat to City specifications, if required by the Public Works Director and

(v) any filing fee established by the City Council.

*(Ord. No. 4441, 6-22-21)*

(2) Staff and Agency Review of Final Plat Approval for Minor Subdivision: The Department of Planning and Housing shall distribute a copy of the Application Form and the Final Plat to the Department of Public Works and such other departments, persons, and utility companies as it determines may be necessary or appropriate for their review, comments, and recommendations. The Department of Planning and Housing shall assemble, review, and report on any comments or recommendations submitted to it for consideration by the City Council.

*(Ord. No. 4441, 6-22-21)*

#### (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,

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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.

(4) Effect of City Council Action on Minor Subdivision: Following such examination, and within 60 days of the applicant's filing of the complete Application for Final Plat Approval of a Minor Subdivision with the Department of Planning and Housing, the City Council shall approve, approve subject to conditions, or disapprove the Application for Final Plat Approval of a Minor Subdivision. The City Council shall set forth its reasons for disapproving any Application or for conditioning its approval of any Application in its official records and shall provide a written copy of such reasons to the developer. The City Council shall pass a resolution accepting the Final Plat for any Application that it approves.

*(Ord. No. 3524, 5-25-99)*

Ames Municipal Code Section 23.706:

23.706. AMENDMENT, MODIFICATION AND VACATION.

(1) Amendments or modifications to an Integrated Site Plan Subdivision are processed as both an amendment to the subdivision plat and the associated Integrated Site Plan, being processed simultaneously and under the same review criteria and procedures specified for an initial application for an Integrated Site Plan Subdivision (per Section 23.703), except for Site Plan Amendments. Site Plan Amendments do not require a new Preliminary Plat.

(a) Site Plan Amendments include the following:

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i. Minor Subdivision Plat for a boundary line adjustment of a lot(s) within the Integrated Site Plan.

ii. Site Development Plan changes to site improvements, such as parking, landscaping, building design, stormwater treatment measures that do not affect lot dimensions and infrastructure capacity.

iii. Amendments qualified as a Major Amendment per 23.306 are not Site Plan Amendments.

(2) The following types of amendments require the consent of all owners within the subdivision:

(a) Major amendments as defined in Section 23.306.

(b) Amendments that are not consistent with recorded covenants and maintenance agreements.

(3) Amendments pertaining to the layout or improvements on individual lot(s), and that do not otherwise fall under the provisions of subsection 1 above, require only the consent of the individual affected lot owners.

(4) If a portion of an Integrated Site Plan Subdivision is vacated, the property subject to the vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision. Development of the vacated lot is subject to an amendment to the Integrated Site Plan Subdivision and associated Integrated Site Plan.

*(Ord. No. 4441, 6-22-21)*