

ITEM #: 34  
DATE: 04-25-23  
DEPT: P&H

**COUNCIL ACTION FORM**

**SUBJECT: PLAT OF SURVEY FOR 220 & 420 SOUTH TELLER AVENUE AND 5810 & 5898 EAST LINCOLN WAY (BOUNDARY LINE ADJUSTMENT) WITH ACCEPTANCE OF RIGHT-OF-WAY DEDICATION AND SIDEWALK WAIVER REQUEST**

**BACKGROUND:**

The City’s subdivision regulations in Chapter 23 of the Ames Municipal Code include a process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. **The proposed Plat of Survey is a boundary line adjustment merging four parcels for a resulting two parcels. The Plat of Survey process requires a dedication of right-of-way necessitating Council acceptance. In conjunction with the Plat of Survey, the owner is requesting a waiver of sidewalk installation. Upon preliminary approval by Council, the Planning Director can approve the final Plat of Survey.**

This proposed plat of survey is for four existing quarter-quarter sections of land annexed into the City in 2016 (See Attachment A). The current owner is Wyffels Hybrids, and they desire to develop part of the site with construction of a seed warehouse in 2023 and for development of multiple phases with additional buildings and facilities in the future. Wyffels has submitted a Minor Site Development Plan for the warehouse that has been reviewed by staff and is awaiting approval of the Plat of Survey for combining properties to approve the Site Development Plan.

The proposed survey is composed of Parcel ‘D’ and Parcel ‘E’. Parcel ‘D’ includes 1,404,046 sq. ft. (32.23 acres) and Parcel ‘E’ includes 5,130,541 sq. ft. (117.78 acres). Right-Of-Way Tracts 1 and 2 are described for the purpose of the dedication of the right-of-way to the City (see Attachment C – Proposed Plat of Survey). Tract 1 is 135,381 Sq ft. (3.11 acres) and Tract 2 is 112,485 sq ft. (2.58 acres). The legal description is included in the Addendum.

Parcel ‘D’ and Parcel ‘E’ were reviewed to ensure that the proposed lot dimensions and setbacks comply with the requirements found in the zone development standards of the Intensive Industrial zone development standards (II). A graphical representation as well as a complete and accurate description of the parcel and right-of-way tract is included. The proposed configuration allows for the majority of the site to be maintained as agricultural land while developing the first phase on Parcel D. Wyffels will may develop future phases on Parcel E or modify the boundary again in the future to enlarge Parcel D.

Plats of Survey for boundary line adjustments are subject to review of sidewalk extension and dedication of right-of-way. Boundary line adjustments do not on their own trigger infrastructure improvements since they do not create new developable lots. However, the City has a missing infrastructure ordinance that applies to the development of lots when they have not gone through the subdivision process. These requirements are part of *Chapter 22A Right of Way* of the Ames Municipal Code.

With the Site Development Plan, the developer will extend water and sewer onto Parcel D to serve the first phase of development only, extension to other properties are not part of the plan. A sidewalk is also a requirement of Chapter 22A for a site when there is no approved subdivision designating the location of sidewalks or a City adopted plan for sidewalks or shared use paths. For industrial areas a sidewalk is required on one side of a street, defaulting to the east or north side of right of way if there is no existing or planned connection. **This requirement applies to Parcel D and its Teller frontage of 1,115 feet as it is the only parcel subject to Site Plan review.**

The Chapter 22A sidewalk is required to be installed at the time of completion of a building on a site, or in some limited cases the Public Works Director may allow for a temporary deferral of up to three years or an in lieu contribution to a planned city project. The applicant plans for a sidewalk, if required, to be in an easement on site rather than in the right of way due to the rural street section along Teller.

**Chapter 22A relates the sidewalk requirements to standards of Chapter 23 Subdivisions. If a subdivision approval determines a sidewalk configuration, then that is the requirement for a site, rather than the default standard of one sidewalk on the north or east side of an industrial site. Therefore, the applicant has submitted a waiver request (See Attachment D) to waive sidewalk improvements along Teller Avenue. The request is based upon Chapter 23 Section 23.103 for a full waiver of improvement requirements rather than a deferral process on Section 23.403 (14) relating to sidewalks. (See Attachment E- Municipal Code Sections)**

**Although the specific request from the applicant asks to waive the requirement for sidewalk improvements permanently for both Parcels along Teller, not that sidewalks are only required with Parcel D's site development plan until Parcel E is developed in the future.**

**The applicant believes that with no other development in the area, it is the initial cost of construction and maintenance is unwarranted for approximately 1,100 feet of sidewalk with Parcel D and 1,000 feet with Parcel E. The applicants believes that the two developed residential properties to the north are unlikely to redevelop there will be no sidewalk connection to the north that connects the property to a sidewalk system. The owner is also concerned long term that with the DOT construction of the interchange there will not be a southern sidewalk connection as well.**

**Full waiver of improvements is rare within the City. Typically, it occurs in relation to topographical constraints. Council would need to find that the full waiver is a**

**hardship or inconsistent with the purpose of the standards.** Staff has reviewed the conditions of the area and agrees that they are unknowns related to future connections of the site to the north or to the south. However, staff believes that either on the east side of Teller or on the west side of Teller a sidewalk or shared use path system will be extended at some point in the future. This would allow for connection to the site as an extension on the east side where Wyffels is located, or potentially a crossing to the west side if an east side extension does not occur.

Staff only supports a partial waiver as deferral of the sidewalk. **Staff believes a deferral of sidewalk installation can be granted until future conditions trigger installation of the sidewalk based upon one of three conditions, extension of a sidewalk to the north or south, development of three buildings/addition on Parcel D, or a future boundary line Adjustment to Parcel D. This option is outlined as Alternative #2.**

The property owner has already completed the required connection district payments to the City for each parcel. The owner has also completed their payment to Iowa Regional Utility Association for buyout of rural water territory service.

The prepared Plat of Survey may then be signed by the surveyor, who will submit the executed Quit Claim Deed, signed Plat of Survey, and certified resolution for recording in the office of the Story County Recorder. The applicant shall provide a copy of the recorded Warranty Deed, Plat of Survey, and certified resolution to the City Clerk. Once it is recorded, the property owner can proceed with obtaining building and zoning permits.

### **ALTERNATIVES:**

1. Approve a resolution authorizing the Planning and Housing Director to approve a final plat of survey for 220 South Teller Avenue and:
  - A. Accept the dedication of right-of-way along East Lincoln Way and South Teller Avenue and;
  - B. Approve a permanent waiver of sidewalk installation along Teller Avenue, as requested by property owner, conditioned on having an easement for future sidewalk with the Site Development Plan approval for either parcel.

If the City Council concurs with the property owner that there is no possibility that the sidewalk along Teller will connect with another sidewalk to the north or south, then this alternative should be supported.

2. Approve a resolution authorizing the Planning and Housing Director to approve a final plat of survey and;
  - A. Accept the dedication of right-of-way along East Lincoln Way and South Teller Avenue and;

- B. Approve a waiver of financial security with a deferral of sidewalk installation until a future date based upon which condition occurs first:
  - i. Upon notice by the City that a sidewalk or shared use path connection has been approved or extended adjacent to the site, either to the north or south of the Parcel D, the owner shall install a sidewalk or shared use path to be shown on the Site Development Plan in an easement on the owners private property connecting to and matching the extended improvement. The improvement must be installed within 12 months of the notice. Failure to construct the improvement upon notice by the City would be violation of the Municipal Code. Any public sidewalks improvements already constructed on the site for crossing driveways does not need to be replaced.
  - ii. At the time of the approval of a third Site Development Plan for construction of principal building or addition to a principal building, the required sidewalk of five feet in width shall be installed per installation requirements and timing requirements of Chapter 22A within sidewalk easement on the owners property and shown on the Site Development Plan.
  - iii. Require installation in conjunction with the next boundary line adjustment for Parcel D to be shown in an easement on the Site Development Plan on the owners private property.
- 3. Approve a resolution authorizing the Planning and Housing Director to approve a final plat of survey for 220 South Teller and:
  - A. Accept dedication of right-of-way along East Lincoln Way and South Teller Avenue, and
  - B. Deny the request for sidewalk waiver or deferral
- 4. Deny the plat of survey on the basis that the requirements for Plats of Survey and dedication of right-of-way as described in Section 23.308 have not been satisfied.
- 5. Refer this back to staff for additional information.

**CITY MANAGER'S RECOMMENDED ACTION:**

The boundary line adjustment parcel process was established to create a means for property owners to adjust property boundary lines in compliance with the City's permitting processes. The goal was to establish usable and buildable parcels with a recorded survey in order to have measurable property lines. **Approving this proposed plat of survey will create two legal parcels for permitting purposes.**

Staff has determined that the proposed plat of survey satisfies all Subdivision Code requirements and has made a preliminary decision of approval. Parcel 'D' and Parcel 'E' conforms to the underlying zoning standards for lot requirements. Tract '1' and Tract '2' identifies the right-of-way that will be dedicated to the City as part of the Plat.

Although the City has not established a planned extension of improvements along Teller Avenue, staff believes there will be an extension on either the west or east side to meet our overall transportation goals for the buildout of the area. Chapter 22A missing infrastructure was designed to fill in gaps between or extension of existing infrastructure and does not directly address phasing situations such as this within a greenfield area that is disconnected from the City's existing infrastructure. Overtime improvements are made and a network completed through the subdivision process and the missing infrastructure improvements. Based upon this past policy and system of having incremental improvements occur over time, staff believes that the sidewalk installation waiver request by the applicant should be approved as a deferral of installation.

**Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #2.**

**ADDENDUM**  
**PLAT OF SURVEY FOR 220 & 420 SOUTH TELLER AVENUE AND 5810 & 5898**  
**EAST LINCOLN WAY**

**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 23.311)
- Auditor's plat (per Code of Iowa Section 354.15)

**Owners:** Western Independent LLC  
**Existing Street Address:** 13344 U.S. Highway 6, Geneseo, IL 61254  
**Assessor's Parcel #:** 10-09-100-120  
10-09-100-200  
10-09-100-300  
10-09-100-400

**Legal Description:**

**PARCEL D:**

AN IRREGULAR SHAPED PORTION OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 83 NORTH, RANGE 23 WEST OF THE 5TH P.M., AMES, STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 9; THENCE S00°06'26"E ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 9, A DISTANCE OF 528.00 FEET; THENCE S89°50'41"E, A DISTANCE OF 45.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S89°50'41"E, A DISTANCE OF 1048.65 FEET; THENCE S00°06'26"E, A DISTANCE OF 1340.64 FEET; THENCE N89°50'41"W, A DISTANCE OF 1037.53 FEET; THENCE N00°30'32"W, A DISTANCE OF 156.18 FEET; THENCE N18°33'59"W, A DISTANCE OF 31.63 FEET; THENCE N00°06'26"W, A DISTANCE OF 1154.52 FEET TO THE POINT OF BEGINNING.  
SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD.  
SAID TRACT CONTAINS 32.23 ACRES. (1,404,046 SQ FT)

**PARCEL E:**

AN IRREGULAR SHAPED PORTION OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 83 NORTH, RANGE 23 WEST OF THE 5TH P.M., AMES, STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 9; THENCE S89°53'08"W ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID

SECTION 9, A DISTANCE OF 2496.60 FEET; THENCE N14°49'47"W, A DISTANCE OF 116.10 FEET; THENCE N06°18'23"W, A DISTANCE OF 285.40 FEET; THENCE N07°34'52"W, A DISTANCE OF 285.21 FEET; THENCE N00°30'32"W, A DISTANCE OF 93.63 FEET; THENCE S89°50'41"E, A DISTANCE OF 1037.53 FEET; THENCE N00°06'26"W, A DISTANCE OF 1340.64 FEET; THENCE N89°50'41"W, A DISTANCE OF 681.15 FEET; THENCE N00°06'26"W, A DISTANCE OF 478.00 FEET; THENCE S89°50'41"E, A DISTANCE OF 2249.59 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 9; THENCE S00°08'36"W ALONG SAID EAST LINE, A DISTANCE OF 2578.86 FEET TO THE POINT OF BEGINNING. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD. SAID TRACT CONTAINS 117.78 ACRES. (5,130,541 SQ FT)

**RIGHT OF WAY TRACT 1:**

AN IRREGULAR SHAPED PORTION OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 83 NORTH, RANGE 23 WEST OF THE 5TH P.M., AMES, STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 9; THENCE N00°06'26"W ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 9, A DISTANCE OF 2113.35 FEET; THENCE S89°50'41"E, A DISTANCE OF 45.00 FEET; THENCE S00°06'26"E, A DISTANCE OF 1154.52 FEET; THENCE S18°33'59"E, A DISTANCE OF 31.63 FEET; THENCE S00°30'32"E, A DISTANCE OF 249.81 FEET; THENCE S07°34'52"E, A DISTANCE OF 285.21 FEET; THENCE S06°18'23"E, A DISTANCE OF 285.40 FEET; THENCE S14°49'47"E, A DISTANCE OF 116.10 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 9; THENCE S89°53'13"W ALONG SAID SOUTH LINE, A DISTANCE OF 154.19 FEET TO THE POINT OF BEGINNING. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD. SAID TRACT CONTAINS 3.11 ACRES. (135,381 SQ FT)

**RIGHT OF WAY TRACT 2:**

AN IRREGULAR SHAPED PORTION OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 83 NORTH, RANGE 23 WEST OF THE 5TH P.M., AMES, STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 9; THENCE S00°08'36"W ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 9, A DISTANCE OF 50.00 FEET; THENCE N89°50'41"W, A DISTANCE OF 2249.59 FEET; THENCE N00°06'26"W, A DISTANCE OF 50.00 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 9; THENCE S89°50'41"E ALONG SAID NORTH LINE, A DISTANCE OF 2249.82 FEET TO THE POINT OF BEGINNING. SUBJECT TO AND TOGETHER WITH ANY AND ALL

EASEMENTS AND RESTRICTIONS OF RECORD.  
SAID TRACT CONTAINS 2.58 ACRES. (112,485 SQ FT)

**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. (no additional improvements required)

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.



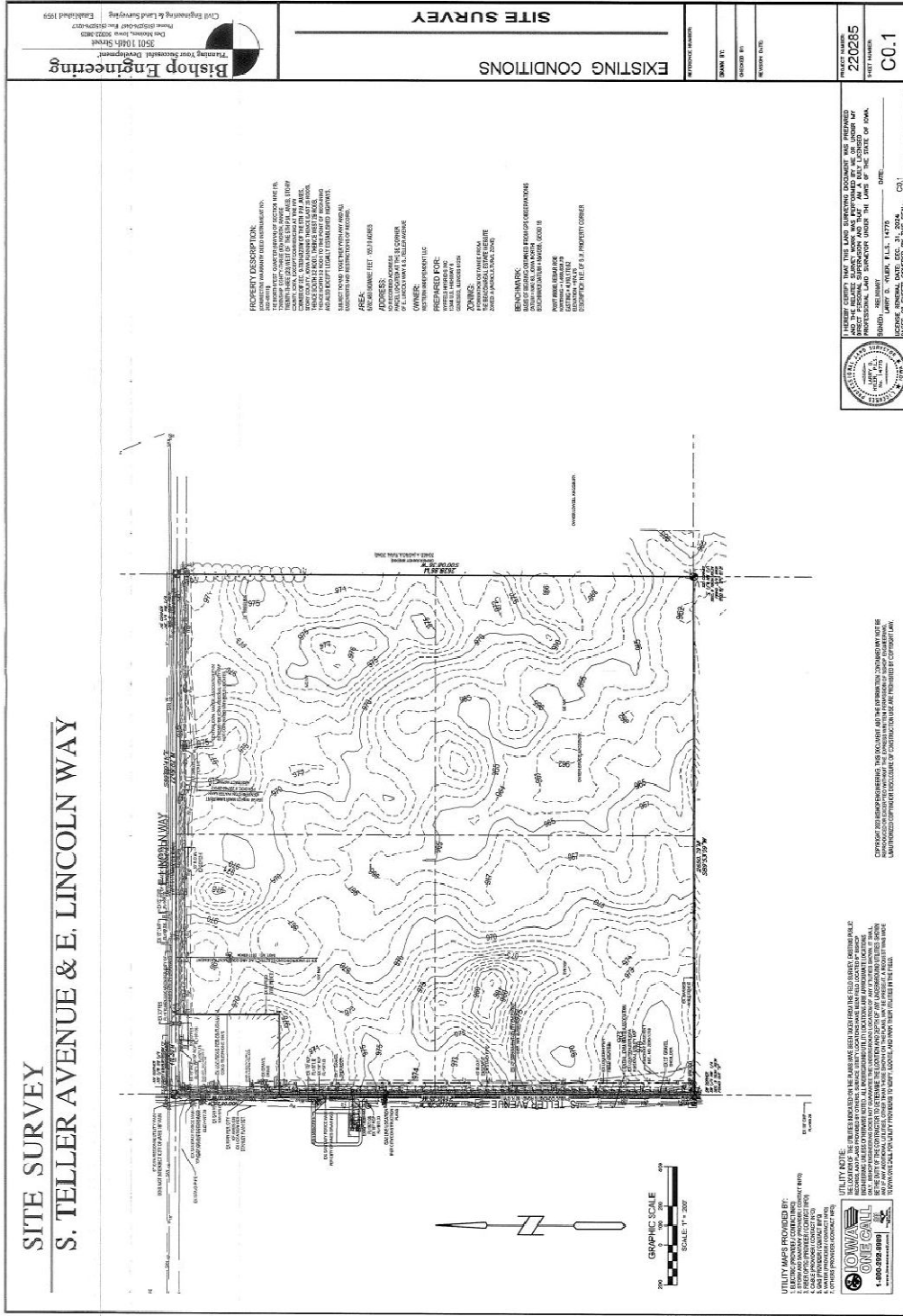
**Attachment A- Location Map**



220 & 420 South Teller Avenue  
5810 & 5898 East Lincoln Way  
Location Map



# Attachment B- Existing Conditions





## Attachment D- Sidewalk Waiver Request

To: City of Ames  
From: Jacob Wyffels, Vice President of production  
RE: Sidewalk waiver for Prairie View Industrial  
Date: March 10, 2023

Wyffels Hybrids is in the process of finalizing our site plan on the land that we recently purchased in Prairie View Industrial Park at the corner of Teller (580<sup>th</sup>) and Lincoln Way. Wyffels is seeking a permanent waiver for the sidewalk on Teller Ave. (See the attached map). It is almost one half a mile of sidewalk.

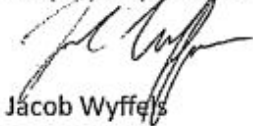
This is a large industrial site with a lot of truck traffic in the area that will only increase over time when the new interchange at Teller and US HWY 30 is completed in two years. Additionally, the sidewalk would not connect to anything on either end of it. The upfront cost to build the sidewalk would be almost \$75,000 plus the ongoing cost to maintain it with no one likely to use it.

We will be starting the first phase of our project in the coming months and would like to have this issue resolved as part of the site plan approval process.

Please let us know if you have any questions.

Thanks in advance for your consideration.

Respectfully submitted.



Jacob Wyffels



## Attachment E- Municipal Code Sections- Section 23.10

### Sec. 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 prove 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 city 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.

*(Ord. 4441, 6-22-21)*

(b) With respect to that area of land, all substantive requirements and standards of the Regulations are already met.

### **Section 23.403(14)**

(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.