

ITEM # 34
DATE 06/24/08

COUNCIL ACTION FORM

SUBJECT: PRELIMINARY PLAT FOR H & B SUBDIVISION, SECOND ADDITION

BACKGROUND:

Case File: SUB-08-01

This is a proposal by H&B Properties, LLC to replat Lots 1 and 2 of H&B Subdivision and an unplatted parcel of land adjacent to the southwest boundary of Lot 2 and "Parcel E", adjacent to the east boundary of Lot 1. The proposed plat encompasses a 6.22 acre site located on the north side of East Lincoln Way between the Skunk River west of the subdivision and Carnegie Avenue to the east. It is located in the G-I (General Industrial) zone,

The proposed plat consolidates Lots 1 and 2 with the unplatted parcel and Parcel E, and divides the consolidated land into five (5) new lots as shown on the attached Preliminary Plat for H & B Second Addition.

The approximate land area included in each of the existing platted lots and parcels is described as follows:

Existing Lots and Parcels:

Lot 1:	0.65 acres
Lot 2:	3.23 acres
Parcel E:	1.93 acres
Unplatted Parcel:	<u>0.41 acres</u>

Total Land Area: 6.22 acres

Proposed Lots and Parcels:

Lot 1:	1.7495 acres
Lot 2:	0.5500 acres
Lot 3:	0.2610 acres
Lot 4:	1.8136 acres
Lot 5:	<u>1.8470 acres</u>

Total Land Area: 6.2211 acres

Use and Designation of Surrounding Properties. The following table identifies the existing land use, existing zoning, and LUPP designation of the properties surrounding the subject site.

Area	LUPP Designation	Zoning Designation	Land Use
North	General Industrial	Government/Airport (S-GA)	City of Ames
South	General Industrial & Environmentally Sensitive	General Industrial (GI) & Agricultural (A)	Industrial & Crop Production
East	General Industrial	General Industrial (GI)	Industrial Service
West	General Industrial	General Industrial (GI)	Industrial Service

Applicable Law. Laws pertinent to the proposal are described on Attachment A. Of particular significance to the Council’s level of review for preliminary plats is Section 23.302(6) of the Ames Municipal Code, which states:

“Based upon such examination, the City Council shall determine 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. In particular, the City Council shall determine whether the subdivision conforms to minimum levels of service standards set forth in the Land Use Policy Plan for public infrastructure and shall give due consideration to the possible burden of the proposed subdivision on public improvements in determining whether to require the installation of additional public improvements as a condition for approval.”

Utilities and Easements. The proposed subdivision is adequately served by public utilities. The Preliminary Plat includes the necessary easements to encompass these public utility mains. At the time of approval of the Final Plat, existing easements will be vacated and adoption of the Final Plat will establish the new easements.

Sidewalks. The City Council granted a waiver of sidewalks in H&B Subdivision in 1990, with the stipulation that the developers of H&B Subdivision file a waiver of Rights to Appeal Assessments as part of the approval of the Final Plat.

Section 23.403(14)(a) of the Municipal Code requires the installation of a sidewalk (a minimum width of four feet) along at least one side of any street within industrially zoned areas. This is an industrially zoned area. A multiuse path, which functions as a bike path and a sidewalk is located across the street from this proposed subdivision on the south side of E. Lincoln Way. Therefore, the requirement for a sidewalk on one side of the street is satisfied and the developer of this site is not required to install a public sidewalk along the north side of E. Lincoln Way.

Findings of Fact & Conclusions:

Based upon an analysis of the proposed development, laws pertinent to the proposed development, and conditions and improvements abutting and serving the plat, the staff finds as follows:

1. The property is designated as "General Industrial" on the Land Use Policy Plan Map, and is currently developed with industrial type structures.
2. All existing structures on the site are shown to be a minimum of 12 feet from all proposed side and rear property lines.
3. All parcels contained within the plat are shown to have frontages on Lincoln Way at least 35 feet wide; code requires a minimum of 25 feet wide for frontages.
4. Each lot contained within the plat will be served by public utilities through either direct access to the public right-of-way or utility easements from the right-of-way to the lot.
5. The City's Fire Inspector has determined that the plat provides adequate fire access to each lot within the plat.
6. There are no sidewalks along the frontage of the proposed plat within the public right-of-way; however a bike path exists in the right-of-way across the street from the proposed plat.
7. The City's Public Works Department has indicated that this site is adequately served by utilities and infrastructure, and that the proposal will result in no adverse traffic impacts.
8. Parking associated with Proposed Lot 3 is shown to straddle the lot line of proposed Lot 4. This is a condition that exists under the current lot configuration. The current condition is addressed under a parking easement. The proposed parking easement to be recorded with the final plat for this subdivision needs to be more fully described on the final plat, or on a separate easement document recorded with the Final Plat, stating that the parking easement allows parking on Lot 4 exclusively for use by Lot 3.
9. Proposed Lot 4 has required frontage on Lincoln Way; however, access to Lot 3 will be gained via an access easement across Proposed Lot 4. The access easement is identified on the proposed Plat, and is described in easement descriptions received with the proposed preliminary plat.

Based upon the above facts and analysis, the staff concludes that the proposed preliminary plat is consistent with the Land Use Policy Plan and the associated Land Use Policy Plan map designation of the site. Staff is not aware of any other inconsistencies with the Land Use Policy Plan, therefore, staff concludes that Code of Iowa Chapter 354, Section 8 has been satisfied. Staff further concludes that the proposed subdivision complies with all relevant and applicable design and improvement standards of the Subdivision Regulations, to other City ordinances and standards, and to the City's Land Use Policy Plan, provided that the easements pertaining to parking for Lot 3 are updated to reflect the lot numbers of the proposed preliminary plat, and that all other existing easements are vacated.

Recommendation of the Planning & Zoning Commission. At its meeting of June 18, 2008, with a vote of 4-0, the Planning and Zoning Commission recommended approval of the Preliminary Plat for H & B Subdivision with the stipulation that at the time of approval of the Final Plat, existing easements will be vacated.

ALTERNATIVES:

1. The City Council can approve the revised Preliminary Plat for H & B Subdivision, Second Addition, based upon the findings of facts and conclusions in this report, subject to the following conditions:
 - (a) Prior to final plat approval, existing easements will be vacated and replaced with easements that are part of the Preliminary Plat for H & B Subdivision Second Addition.
 - (b) Prior to final plat approval, the easement across Proposed Lot 4 pertaining to parking for Proposed Lot 3 will be more fully described on the Final Plat, or on a separate easement document recorded with the Final Plat, stating that the parking easement allows parking on Lot 4 exclusively for use by Lot 3.
2. If the City Council finds that the proposed Preliminary Plat does not conform to all adopted standards and applicable law pertaining to subdivisions, the City Council can deny the Preliminary Plat for H & B Subdivision, Second Addition.
3. Action on this request can be postponed and referred back to City staff and/or the applicant for additional information, provided that the applicant provide a written waiver of their rights to have their application processed within 30 days as specified in Ames Municipal Code Section 23.302(4).

MANAGER'S RECOMMENDED ACTION:

Based upon the Findings of Fact and Conclusions above, it is the recommendation of the City Manager that the City Council act in accordance with Alternative No. 1, which is to approve the Preliminary Plat for H & B Subdivision, Second Addition, subject to the following conditions:

- (a) Prior to final plat approval, existing easements will be vacated and replaced with easements that are part of the Preliminary Plat for H & B Subdivision Second Addition.
- (b) Prior to final plat approval, the easement across Proposed Lot 4 pertaining to parking for Proposed Lot 3 will be more fully described on the Final Plat, or on a separate easement document recorded with the Final Plat, stating that the parking easement allows parking on Lot 4 exclusively for use by Lot 3.

ATTACHMENT A

Applicable Law

The laws applicable to this case file 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 with 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.*

Ames Municipal Code Section 23.302(5):

- (5) *City Council Review of Preliminary Plat: All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with these Regulations. The City Council shall examine the Preliminary Plat, any comments, recommendations or reports examined or made by the Planning and Zoning Commission, and such other information as it deems necessary and reasonable to consider.*

Ames Municipal Code Section 23.302(6):

(6) *City Council Action on Preliminary Plat:*

- (a) *Based upon such examination, the City Council shall determine 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. In particular, the City Council shall determine whether the subdivision conforms to minimum levels of service standards set forth in the Land Use Policy Plan for public infrastructure and shall give due consideration to the possible burden of the proposed subdivision on public improvements in determining whether to require the installation of additional public improvements as a condition for approval.*
- (b) *Following such examination and within 30 days of the referral of the Preliminary Plat and report of recommendations to the City Council by the Planning and Zoning Commission, the City Council shall approve, approve subject to conditions, or disapprove the Preliminary Plat. The City Council shall set forth its reasons for disapproving any Preliminary Plat or for conditioning its approval of any Preliminary Plat in its official records and shall provide a written copy of such reasons to the developer.*

Ames Municipal Code Chapter 23, Subdivisions, Division III, provides the procedures for the subdivision of property; specifically Section 23.302 discusses Major Subdivisions.

Ames Municipal Code Chapter 23, Subdivisions, Division IV, identifies design and improvement standards for subdivisions.

Ames Municipal Code Chapter 29, Zoning, Section 29.901, includes standards for the General Industrial (GI) zone, including minimum lot frontage and building setback requirements.

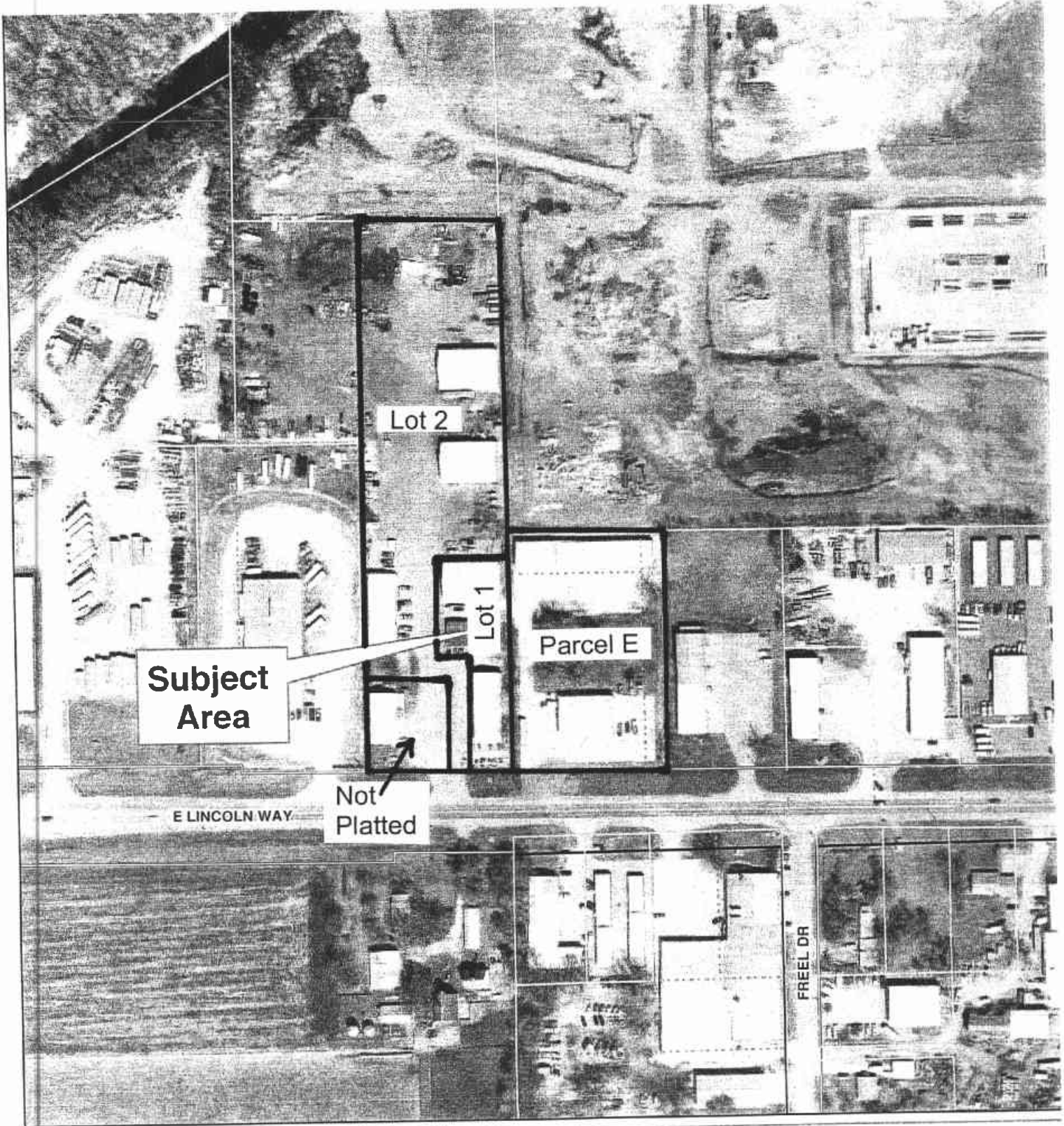
Ames Municipal Code Section 23.107 reads as follows:

In addition to the requirements of the Regulations, all plats of land must comply with all other applicable City, county, state and federal statutes or regulations. All references in the Regulations to other City, county, state or federal statutes or regulations are for informational purposes only, and do not constitute a complete list of such statutes or regulations. The Regulations are expressly designed to supplement and be compatible with, without limitation, the following City plans, regulations or ordinances:

- (1) *Land Use Policy Plan*
- (2) *Zoning Ordinance*
- (3) *Historic Preservation Ordinance*
- (4) *Flood Plain Ordinance*
- (5) *Building, Sign and House Moving Code*

- (6) Rental Housing Code*
- (7) Transportation Plan*
- (8) Parks Master Plan*
- (9) Bicycle Route Master Plan*

Plats may be disapproved on the basis of the above, and other City Council approved plans and policies that may be adopted from time to time.

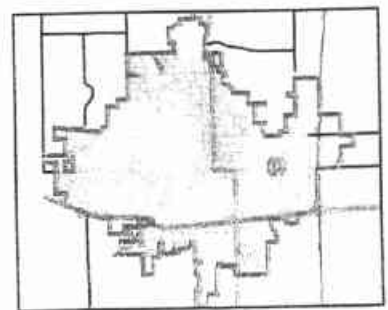


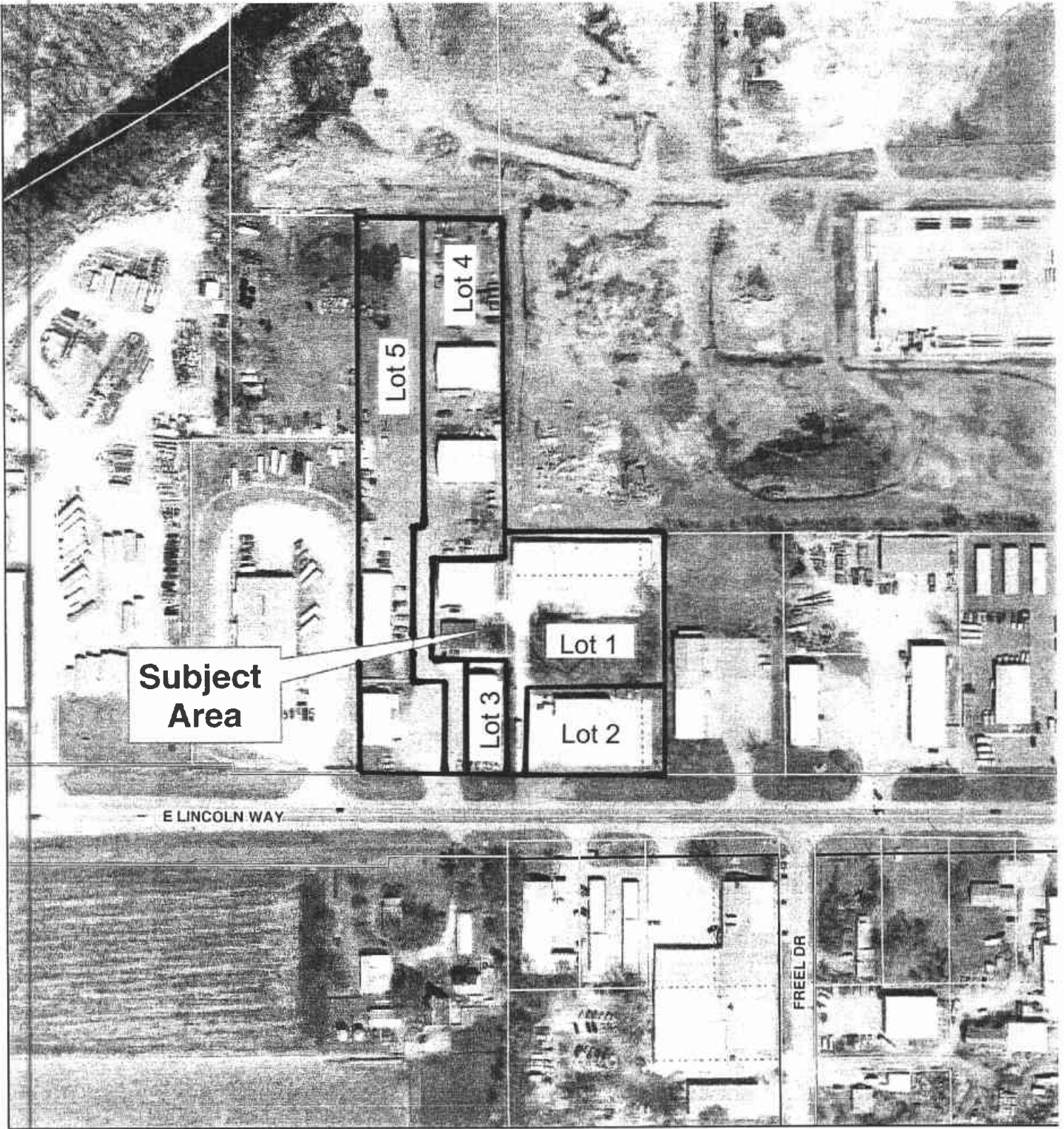
Location Map
1507, 1509, 1521, 1607 E Lincoln Way



Existing Lot Layout

0 95 190 380 Feet



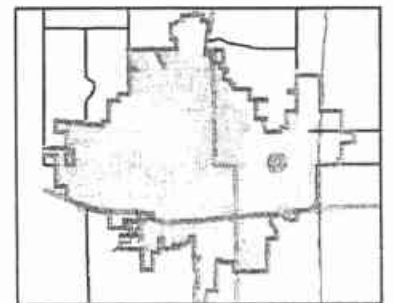


Location Map
1507, 1509, 1521, 1607 E Lincoln Way



Proposed Lot Layout

0 95 190 380 Feet



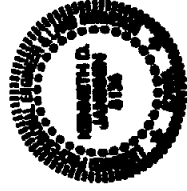
DESCRIPTION:

A Replot of Lots One (1) and Two (2), H & B Subdivision; and the South 140.0 feet of the West 122.5 feet of the East 222.5 feet of that portion of the Southeast Quarter of the Southwest Quarter (SE 1/4 - SW 1/4) lying South of the C & NW Railroad right-of-way, except the North 800 feet thereof and except the South 63.0 feet thereof; and Parcel "E" in the Southwest Quarter of the Southwest Quarter (SW 1/4 - SE 1/4) as shown on the "Plat of Survey" filed in the office of the Recorder of Story County, Iowa, on October 15th, 2001 and recorded as Instrument #01-14023 on slide 110 at Page 2; all in Section One (1), T83N - R24W of the 5th P. M., in the City of Ames, Story County, Iowa; more particularly described as follows:

"Commencing at the Southeast (SE) corner of the Southwest Quarter of the Southwest Quarter (SE 1/4 - SW 1/4) of Section 1 - T83N - R24W of the 5th P.M., in the City of Ames, Story County, Iowa; thence N 01° 13' 10" E, 63.00 feet along the east line of the SE 1/4 - SW 1/4, to the Point of Beginning; thence S 88° 20' 41" E, 232.59 feet along the north line of the South 63 feet of the SW 1/4 - SE 1/4 and along the south line of said Parcel "E"; thence N 00° 50' 58" E, 363.61 feet along the east line of Parcel "E"; thence N 88° 23' 19" W, 230.24 feet along the north line of Parcel "E"; thence N 01° 13' 10" E, 478.62 feet along the east line of said Lot 2 and along the east line of the SE 1/4 - SW 1/4; thence N 88° 21' 20" W, 222.47 feet along the north line of Lot 2; thence S 01° 13' 10" W, 840.02 feet along the west line of Lot 2 and along the west line of the East 222.5 feet of the SE 1/4 - SW 1/4; thence S 88° 21' 20" E, 222.47 feet along the north line of the South 63 feet of the SE 1/4 - SW 1/4 and along the south line of said Lot 1, to the Point of Beginning."

CERTIFICATION:

I hereby certify that this land surveying document was prepared and the related work was performed by me or under my direct personal supervision, in JANUARY, 2008; at the request of William K. Fiedler, for H & B Properties, L.L.C., 1509 East Lincoln Way, Ames, Iowa 50010; and that it is a true and correct representation of the lands surveyed; and that permanent control monuments, with a surveyor's marker, have been established at each controlling corner of the parcels as subdivided; and that I am a duly Licensed Land Surveyor under the Laws of the State of Iowa.



Kenneth B. Janssen
Kenneth B. Janssen, L.S.
License renewal date: 12-31-09

ACREAGE: 6.2211 Acres
(270,993 Square Feet)

ZONING: G-1 (General Industrial)

LEGEND:

- Utility Easements
- Street Address
- Section Corner as noted
- 1/2" x 3/4" iron pin w/ cap #1136
- 3/4" x 3/4" iron pin w/ cap #1136
- 1" x 1" iron pin w/ cap #1136
- (p) - Recorded or Plotted Distance

Lot	Sq. Ft.	Acres
1	76,207	1.7495
2	23,960	0.5500
3	11,359	0.2610
4	79,002	1.8130
5	80,455	1.8470
TOTAL	270,983	6.2211

NOTES:

are located over areas which have been filled; soil borings will be required to determine foundation depths for any structures.

for buildings are as follows:
Lots 4 & 5 = 67.0 (City Datum)

RECEIVED

JUN 04 2008

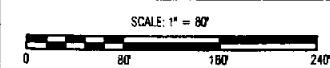
CITY OF AMES, IOWA
DEPT. OF PLANNING & HOUSING

FORREST R. KOPROFF
1527 1/2 W
1527 1/2 W

South line of the SE 1/4 - S88°20'41"E - 2,615.02'
Centerline of
East Lincoln Way

Found Survey Marker Nail
SW Corner SE 1/4
Section 1 - 83-24
Cort. Inst. No. 92-07708

Found Lead Pin
SE Corner SE 1/4
Section 1 - 83-24
Cort. Inst. No. 98-06647



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE
1	Combine Lots 1 & 4, replot 2	Kan	6-14-08				
2	Lot Areas & Plot Dimensions	Kan	7-3-08				

Chasaddle-Garber Associates, Inc.
612 Fifth Street
Ames, Iowa 50010-6005
Ph 515-232-8553
www.cgaconsultants.com

DESIGNED: Kan DATE: 1/08
DRAWN: Kan & Craig DATE: 1/08
CHECKED: _____ DATE: _____
APPROVED: _____ DATE: _____

PRELIMINARY PLAT
Second Addition
H & B SUBDIVISION

to
AMES, IOWA
Includes a replot of Lot One (1) & Two (2), H & B Subdivision,
& Parcel "E" in the SW 1/4 of the SE 1/4 - Sec. 1-83-24"

PROJECT NO.
74360
SHEET NO.
1 of 1