

COUNCIL ACTION FORM

**SUBJECT: MINOR SUBDIVISION FINAL PLAT FOR CARNEY & SONS' SUBDIVISION,
FIRST ADDITION**

BACKGROUND:

Chuck Winkleblack, representing MKTM, LLC is requesting approval of a final plat of a subdivision known as Carney & Sons' Subdivision, First Addition. The subject site in its current configuration is shown on Attachment 1 and is more commonly known as the Carney and Sons site. The subdivision plat will create a 2.72-acre developable lot along South Duff Avenue and a 26.14-acre outlot. The existing road easement over the front portion of the tracts will be dedicated to the State of Iowa as highway right-of-way. A copy of the plat is included as Attachment 2.

The City Council recently amended the Land Use Policy Plan to designate the front portion as Highway-Oriented Commercial. The City Council also rezoned that front portion, to be known as Lot 1, as HOC. It is anticipated that the existing structure will be demolished and new commercial development proposed for this site.

Full utilities exist to serve this site—no improvements are needed. A number of easements are provided through this plat. These include:

- An easement for an existing sanitary sewer line under Squaw Creek.
- A drainage easement is established for Squaw Creek.
- A public utility easement and a separate electrical easement are created along the east edge of the subdivision.
- A temporary access easement is provided through Lot 1 to Outlot A.

Portions of these lots are located within the designated Floodway and Floodway Fringe. The limits of these areas have been shown on the plat. Furthermore, a note has been placed on the plat that base flood elevations (the 100-year flood elevation) will need to be determined prior to any development. In addition, another note states that storm water management will be reviewed at the time the site is redeveloped.

The following documents have been submitted with the Final Plat:

1. Resolution Accepting the Plat of Carney & Sons' Subdivision, First Addition
2. Consent to Platting
3. Easement Documents
4. Treasurer's Certificate
5. Attorney's Title Opinion

The City Council is required to determine compliance with the applicable law found in Attachment 3. Analysis of the proposed subdivision plat demonstrates compliance with zoning and subdivision standards.

Based upon the analysis of City staff, the City Council may conclude that the Final Plat conforms to relevant and applicable design and improvement standards of the Ames *Municipal Code* Chapter 23 (Subdivisions), to other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted plans.

ALTERNATIVES:

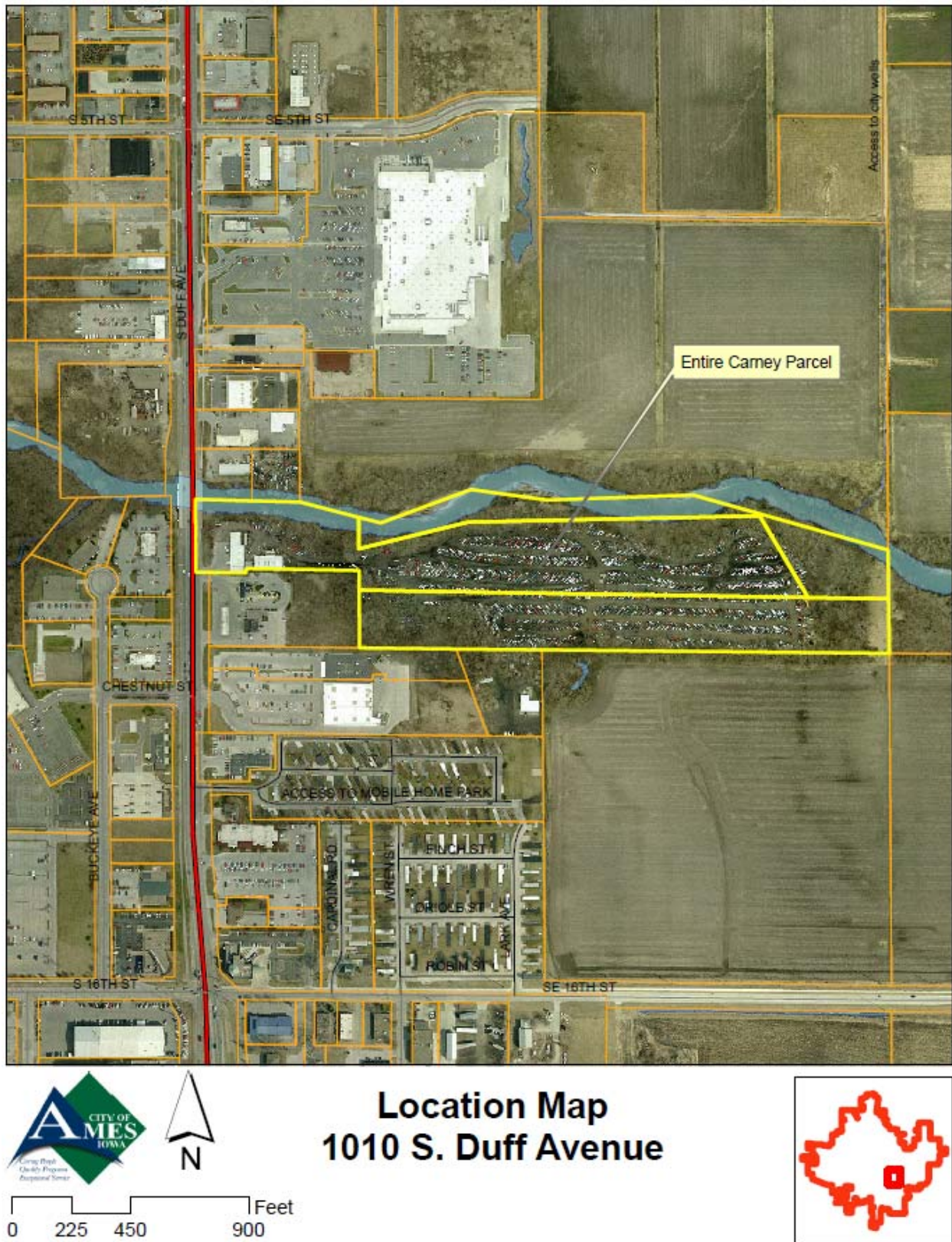
1. The City Council can approve the final plat for Carney & Sons' Subdivision, First Addition.
2. The City Council can deny the final plat for Carney & Sons' Subdivision, First Addition.
3. The City Council can refer this request back to staff or the applicant for additional information.

MANAGER'S RECOMMENDED ACTION:

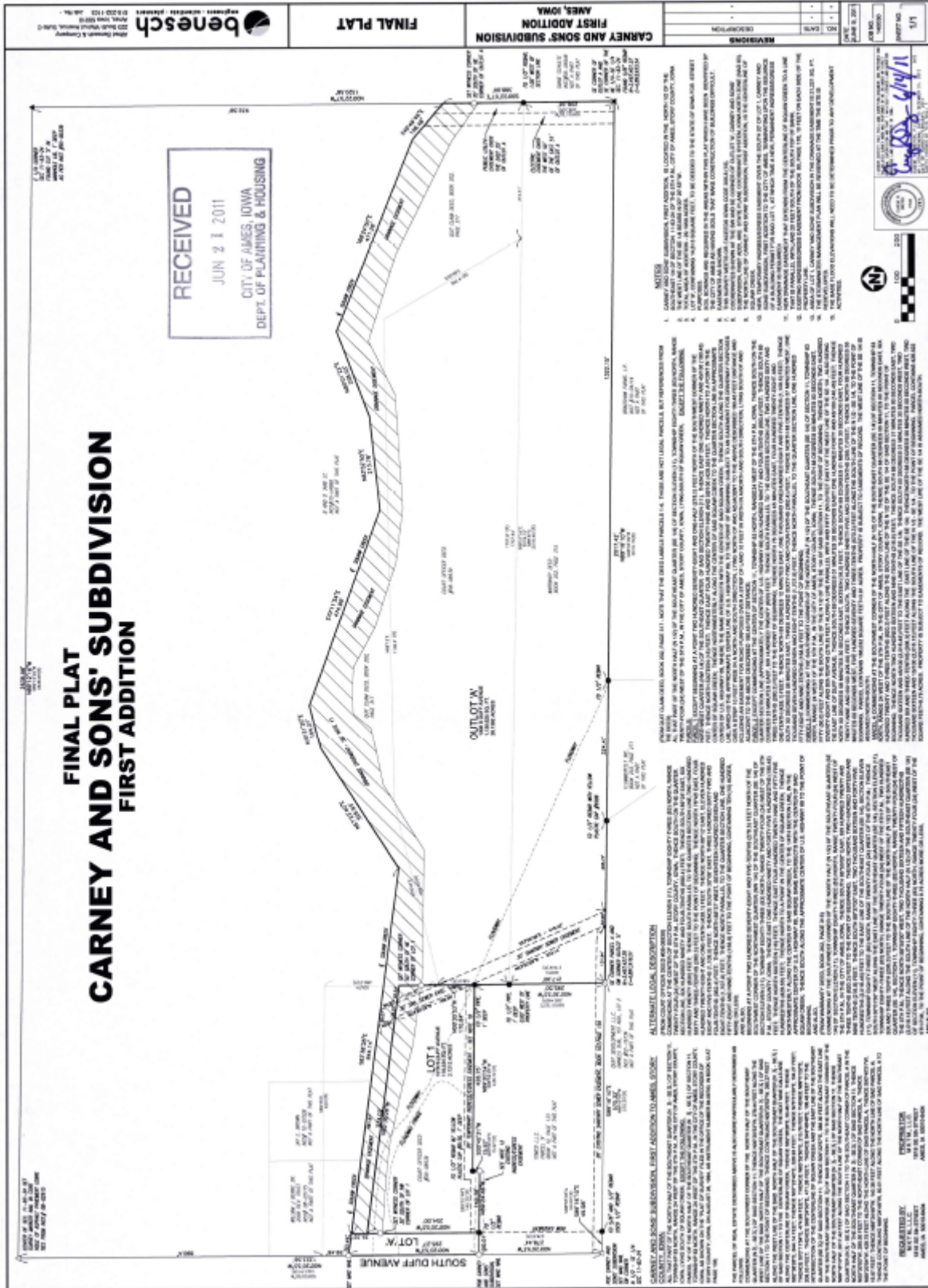
The proposed Minor Final Plat for Carney & Sons' Subdivision, First Addition is consistent with the existing zoning, as well as the subdivision and zoning regulations. The proposed plat would allow the redevelopment of a parcel of land that has been used for commercial and industrial purposes for over 50 years. Storm water management will be regulated at the time the site is redeveloped.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, thereby approving the Final Plat of Carney & Sons' Subdivision, First Addition.

ATTACHMENT 1: GENERAL LOCATION



ATTACHMENT 2: FINAL PLAT



ATTACHMENT 3: APPLICABLE LAW

The laws applicable to this case file are as follows:

Code of Iowa, Chapter 354.8 states in part:

A proposed subdivision plat lying within the jurisdiction of a governing body shall be submitted to that governing body for review and approval prior to recording. Governing bodies shall apply reasonable standards and conditions in accordance with applicable statutes and ordinances for the review and approval of subdivisions. The governing body, within sixty days of application for final approval of the subdivision plat, shall determine whether the subdivision conforms to its comprehensive plan and shall give consideration to the possible burden on public improvements and to a balance of interests between the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of a subdivision. The governing body shall not issue final approval of a subdivision plat unless the subdivision plat conforms to sections 354.6, 354.11, and 355.8.

Ames Municipal Code Section 23.303(3) states as follows:

(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, 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.