

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY FOR 2924 & 2936 SOUTH LOOP DRIVE & 3008 UNIVERSITY BOULEVARD

BACKGROUND:

WebFilings, a software company based in Ames, is the prospective owner of three lots in the Iowa State University Research Park. They are requesting approval of a Plat of Survey to combine Lots 13, 14, and 15 through the process of a boundary line adjustment, which can be accomplished with the approval of a Plat of Survey. In this particular case, three lots (see *Attachment A*) are being combined to form a single parcel, Parcel "A", which includes approximately 18.08 acres. A copy of the proposed Plat of Survey is included as *Attachment B*. Consolidation of the three lots is in conjunction with staff review and approval of a Minor Site Development Plan for a 60,000 square foot office building and associated parking.

The proposed Parcel "A" extends between University Boulevard and South Loop Drive, and is considered to be a double frontage lot.

The Ames *Subdivision Ordinance* regulates lots with more than one frontage as follows:

23.401(3)(b) A lot with double frontage or reverse frontage shall not be permitted, except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.

The applicant's representative, John Karrmann, of FEH Associates, Des Moines, has requested a "waiver" from the above-described standard, which prohibits double frontage lots (see attached letter). **The City Council has the authority to grant a waiver in cases where 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, so that substantial justice may be done and the public interest secured. However, such a waiver may not have the effect of nullifying the intent and purpose of the regulations. The waiver may not be more than is necessary to eliminate the hardship or conform to the purpose of the regulations. In granting a waiver, the City Council may impose additional conditions to secure substantially the objectives of the requirements so waived (see Section 23.103 of the *Municipal Code*).

This regulation was intended for residential zones, and staff has determined that to prohibit the creation of a double frontage lot in this particular case in a "PI" (Planned Industrial) zoning district would result in an extraordinary hardship to the applicant.

Even prior to this request for a waiver of the subdivision regulations for double frontage lots, the City Council referred to staff a text amendment, initiated by staff, to amend the regulations for double frontage lots. Staff supports an amendment to allow double frontage lots except in residential zones. Given the fact that a text amendment is in process to allow double frontage lots in a Planned Industrial zone, staff supports the applicant's request for a waiver from the requirement that prohibits double frontage lots.

Staff believes that the double-frontage restriction is appropriate in residential areas, and that the provision was likely adopted with residential areas in mind. However, the restriction does not reflect the reality of how non-residential lots are typically platted and developed, and could in fact result in layouts that are less efficient in terms of circulation and access.

The original plat which includes this land is known as Iowa State University Research Park, Third Addition, recorded in 1997. **That plat contained a restriction that there are no access points from University Boulevard except to Lot 15.** Since the proposed plat of survey consolidates Lot 15 with two other lots, City staff would like to have the flexibility to revise that restriction.

The City Attorney's office has recommended that the Council place a condition on the plat approval that this access restriction be revised prior to the recordation of the plat. It is the desire of WebFilings to have more than one access point along the frontage of University Boulevard. Including this condition on the approval would give City staff enough time to determine the appropriate wording and graphics for the Plat of Survey, without delaying the approval of the Minor Site Development Plan beyond the next regular City Council meeting.

Staff has determined that the existing parcels in the proposed plat are conforming conveyance parcels. Therefore, pursuant to Section 23.307(4), a preliminary decision of conditional approval for the proposed Plat of Survey has been rendered by the Planning & Housing Department. The decision is conditional upon either a waiver of the double frontage lot provision of the subdivision code, or adoption of an amendment to the subdivision code that would allow double frontage lots in non-residential areas. Under Section 23.308(5), the Council must render a final decision of approval if it agrees with the Planning & Housing Director's preliminary decision.

ALTERNATIVES:

1. If the City Council agrees with the preliminary conditional decision to approve the proposed plat of survey, the City Council can:
 - (a) approve the requested waiver from the requirement of Section 29.401(3)(b) of the *Municipal Code* that does not allow double frontage lots, and
 - (b) adopt the resolution approving the proposed Plat of Survey with the following

condition:

The access restriction on the original plat may be amended to allow access onto University Boulevard in locations deemed safe and acceptable by the City Traffic Engineer. The amendment shall be reflected on the plat of survey with notation approved by the City Attorney and Traffic Engineer.

(This option will allow the plat of survey to be signed and recorded with little delay, subject to the access notation being worked out).

2. If the City Council agrees with the preliminary conditional decision to approve the proposed plat of survey, and in separate action approves the proposed text amendment pertaining to double-frontage lots, but does not agree that the requested waiver of the double-frontage lot provision complies with the criteria for waiving subdivision standards, the City Council can:

(a) deny the requested waiver from the requirement of Section 29.401(3)(b) of the *Municipal Code* that does not allow double frontage lots, and

(b) adopt the resolution approving the proposed Plat of Survey with the following conditions:

- i. The access restriction on the original plat may be amended to allow access onto University Boulevard in locations deemed safe and acceptable by the City Traffic Engineer. The amendment shall be reflected on the plat of survey with notation approved by the City Attorney and Traffic Engineer.
- ii. The plat of survey shall not be signed and recorded until the text amendment pertaining to double-frontage lots is published and effective.

(This option will delay the signing and recording of the plat of survey).

3. The City Council can deny the proposed plat of survey if it finds that the requirements for Plats of survey as described in Section 23.308 have not been satisfied.
4. The City Council can refer this back to staff and/or the owner for additional information.

MANAGER'S RECOMMENDED ACTION:

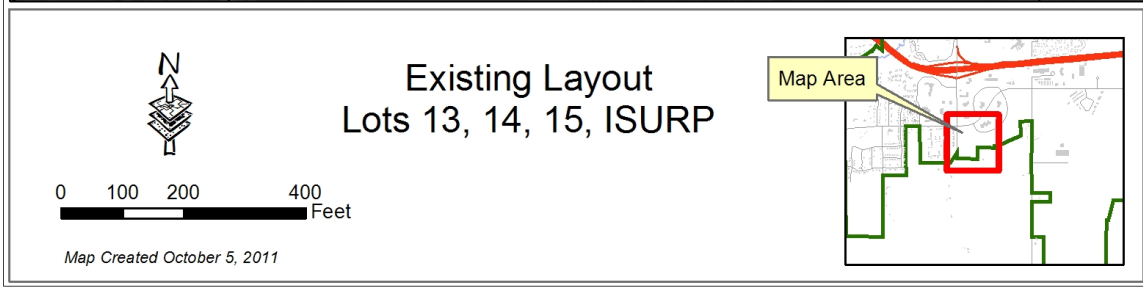
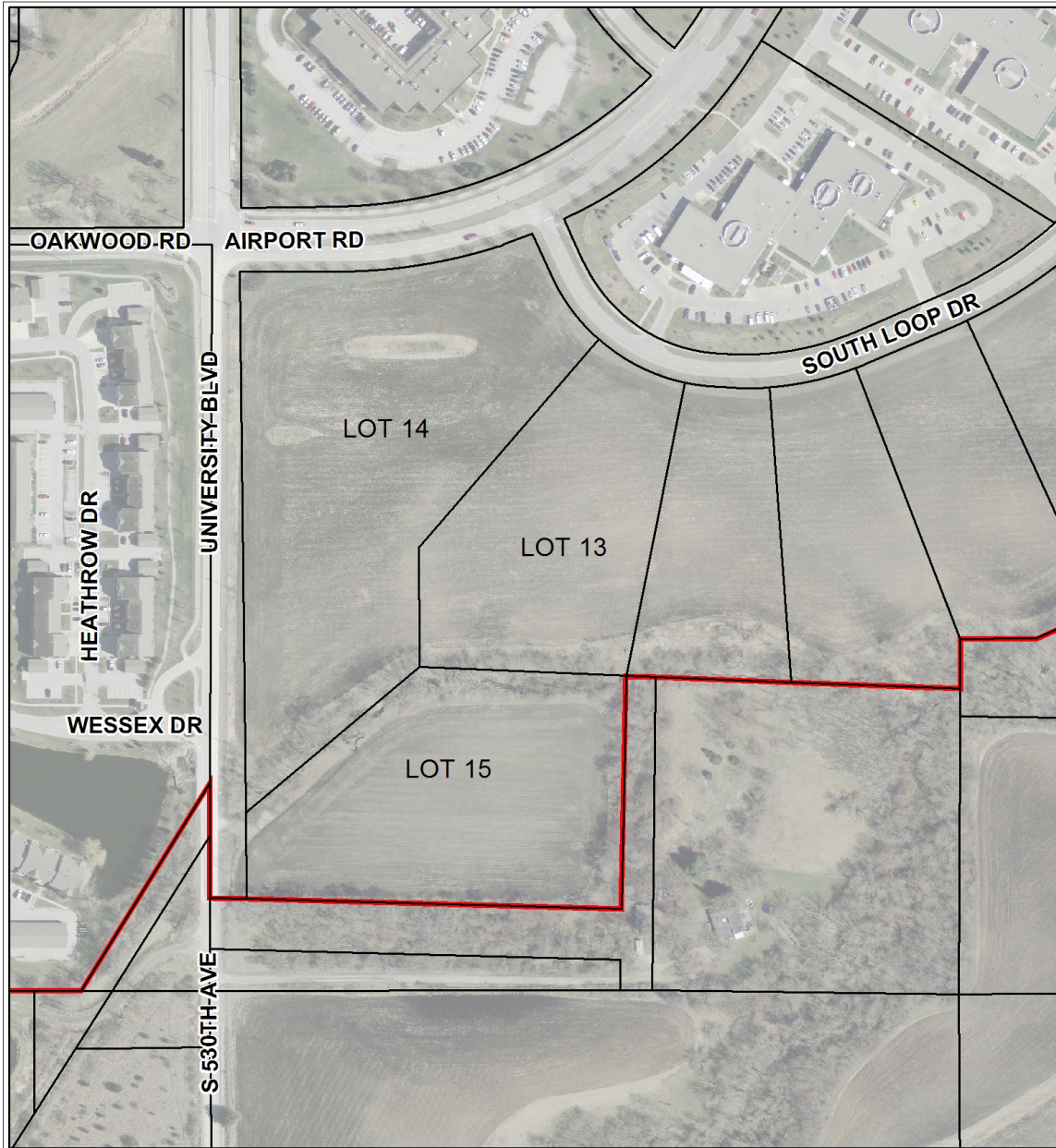
The Planning & Housing Director has determined that the proposed Plat of Survey satisfies all code requirements, provided that the double frontage lot issue is resolved either through a waiver of the subdivision code standard that prohibits double frontage lots, or through a Code amendment to allow double frontage lots in non-residential zones. The Director has thus rendered a preliminary decision to conditionally approve the proposed Plat of Survey.

It is believed that the prohibition of double frontage lots places an extraordinary hardship on the applicant that is not consistent with other development sites in non-residential zones, including the PI (Planned Industrial) zone.

If the City Council chooses not to grant the waiver, but proceeds with approval of an amendment to the Code to allow double frontage lots, except in residential zones, the Plat of Survey may then be approved under Alternative #2, which would not allow the signing and recording of the plat of survey until the new Code provision is adopted and published. This would delay building construction by the applicant at a time of year when it is crucial for footings and the foundation to be poured before the weather changes and the ground freezes. Alternative #1 will allow construction to begin as soon as possible, without unnecessary delays.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the proposed plat of survey with the conditions described above.

Attachment A: Existing Layout



Map Created October 5, 2011

Attachment B: Proposed Plat of Survey

PARCEL A" PLAT OF SURVEY


REQUESTED BY WEBFILINGS

SNYDER & ASSOCIATES

2727 S.W. SNYDER BLVD., ANKENY, IOWA 50023
 515-964-0200
 2727 S.W. SNYDER BLVD., ANKENY, IOWA 50023
 515-964-0200
 2727 S.W. SNYDER BLVD., ANKENY, IOWA 50023
 515-964-0200

Project No. 111.0313
 Date 09/14/11
 Checked By EOG
 Scale 1" = 100'
 Date 09/14/11

Sheet 1 of 2



111.0313

Sheet 1 of 2

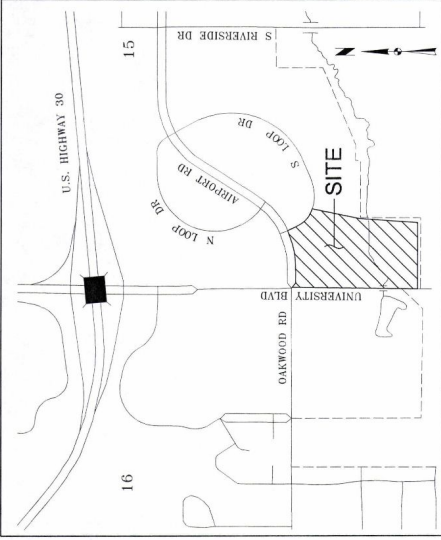
PLAT OF SURVEY

PARCEL A DESCRIPTION:
 LOTS 13, 14 AND 15 OF IOWA STATE UNIVERSITY RESEARCH PARK THIRD ADDITION BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M. IN THE CITY OF AMES, STORY COUNTY IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 14; THENCE NORTH 89°49'57" EAST ALONG THE NORTH LINE OF SAID LOT 14, A DISTANCE OF 176.80 FEET; THENCE EASTERLY CONTINUING ALONG SAID NORTH LINE AND ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 878.51 FEET, WHOSE ARC LENGTH IS 351.95 FEET AND WHOSE CHORD BEARS NORTH 78°21'20" EAST, 349.60 FEET TO THE NORTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 25°04'43" EAST ALONG THE EAST LINE OF SAID LOT 14, A DISTANCE OF 86.09 FEET; THENCE SOUTHEASTERLY CONTINUING ALONG SAID EAST LINE AND ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 330.00 FEET, WHOSE ARC LENGTH IS 138.44 FEET AND WHOSE CHORD BEARS SOUTH 37°05'48" EAST, 137.43 FEET TO THE NORTHWEST CORNER OF SAID LOT 13; THENCE CONTINUING SOUTHEASTERLY ALONG THE NORTH LINE OF SAID LOT 13 AND ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 330.00 FEET, WHOSE ARC LENGTH IS 169.72 FEET AND WHOSE CHORD BEARS SOUTH 63°50'59" EAST, 167.86 FEET TO THE NORTHEAST CORNER OF SAID LOT 13; THENCE SOUTH 11°25'02" WEST ALONG THE EAST LINE OF SAID LOT 13, A DISTANCE OF 531.41 FEET TO THE NORTHEAST CORNER OF SAID LOT 15; THENCE SOUTH 3°05'17" WEST ALONG THE EAST LINE OF SAID LOT 15, A DISTANCE OF 414.72 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 88°36'45" WEST ALONG THE SOUTH LINE OF SAID LOT 15, A DISTANCE OF 663.31 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 0°04'17" EAST ALONG THE WEST LINE OF SAID LOTS 15 AND 14, A DISTANCE OF 1109.44 FEET TO THE POINT OF BEGINNING AND CONTAINING 18.08 ACRES (787,443 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

VICINITY MAP
Not To Scale



THE AMES CITY COUNCIL APPROVED THIS PLAT OF SURVEY ON _____, 2011 WITH RESOLUTION NUMBER _____ THAT IT CONFORMS TO ALL CONDITIONS OF APPROVAL.

PLANNING & HOUSING DIRECTOR

LEGEND

Found	Sat
Section Center	△
1/2" Rebar, 19770	○
(Unless Otherwise Noted)	□
ROW Marker	■
Control Point	●
Bench Mark	⊙
Plotted Distance	—
Recorded As Surveying & Distance	---
Recorded As	---
Deed Distance	---
Measured Distance	---
Map Projection	---
Elevation	---
Centerline	---
Section Line	---
1/4 Section Line	---
1/4 Section Line	---
Easement Line	---

REQUESTED BY
 Webfilings
 2625 North Loop Dr, Suite 2105
 Ames, IA 50010

OWNER
 Iowa State University Research Park
 2711 S. Loop Dr, Suite 4050
 Ames, IA 50010

DATE OF SURVEY
 04-11-11

NEW ADDRESS FOR PARCEL
 2900 University Blvd.

PREPARED BY: ERIN D. GRIFFIN, SNYDER & ASSOCIATES, INC., 2727 SW SNYDER BLVD., ANKENY, IA 50023 (515)964-0200

RETURN TO: ERIC MILLER, SNYDER & ASSOCIATES, INC., 2727 SW SNYDER BLVD., ANKENY, IA 50023 (515)964-0200

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

Erin D. Griffin, PLS
 License No. 913011
 License Number 19710
 My License Renewal Date is December 31, 2011
 Pages or sheets covered by this seal:
 - Sheets: Land 2

