

COUNCIL ACTION FORM

SUBJECT: **MINOR FINAL PLAT FOR RASMUSSEN GROUP SUBDIVISION,
FIRST ADDITION**

BACKGROUND:

The Rasmussen Group is proposing to subdivide an industrial property in Boone County at the intersection of Lincoln Way (230th Street in Boone County) and X Avenue. A location map is included as Attachment A. The proposal is to create three lots, two of which are buildable and one of which is likely to be incorporated into an existing lot. The proposed plat is included as Attachment B.

On July 10, 2012, the City Council waived Division IV Design and Improvement Standards of the Ames Subdivision Regulations for this proposed subdivision. This waiver allowed the owner to prepare a minor subdivision plat for later approval by the Ames City Council prior to recording the plat and selling lots.

As noted in the report given to the City Council at the time of the waiver request, the Ames Urban Fringe Plan identifies the future land use for this area as Highway Oriented Commercial. Neither the Ames Urban Fringe Plan nor the Ames Land Use Policy Plan identifies this corridor as a community entry. In summary, the Plan anticipates that Highway Oriented Commercial land uses will develop outside of the City, preferably in clusters, and that public improvements may be required depending on the location, anticipated traffic, intensity, and type of use and other factors.

The development that has occurred in this area is mostly industrial, consistent with the Boone County zoning map. Boone County has already approved Limited Industrial Zoning for the Rasmussen property. Again as noted on the July report, Boone County property owners have been making plans for the use and development of their property based on the current zoning designation by Boone County and by past practices of the City for similarly situated land. Although Boone County is not a signatory to the 28E Implementation Agreement that Ames has with Gilbert and Story County, one aspect of that agreement is to give deference to the rural zoning already in place, even if it is not consistent with the Ames Urban Fringe Plan.

In considering this request, the City Council is asked to determine compliance with the applicable law found in Attachment C. Analysis of the proposed subdivision plat by City staff has found compliance with all applicable subdivision standards.

ALTERNATIVES:

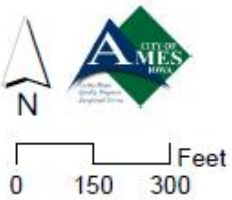
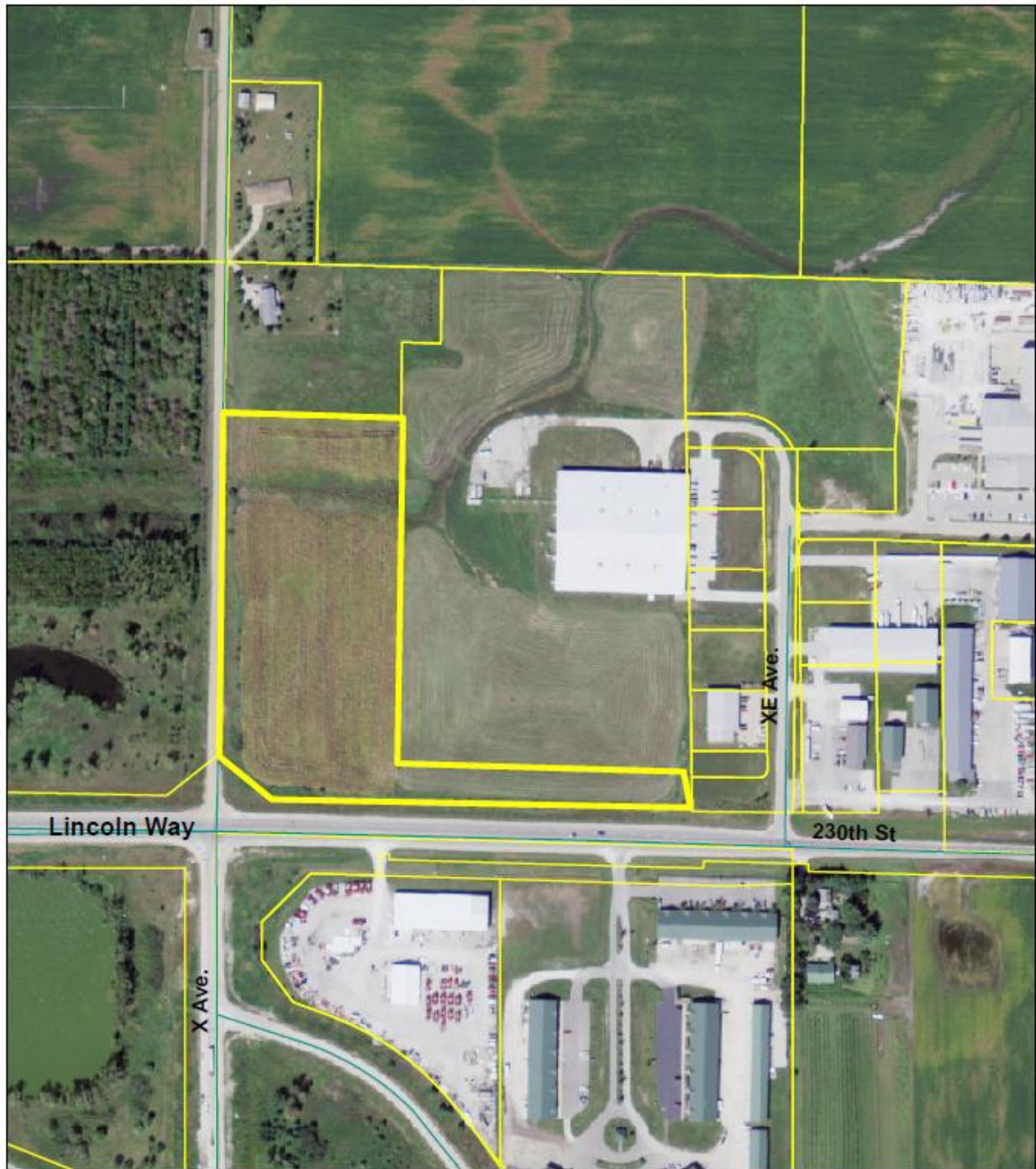
1. The City Council can approve the Minor Final Plat known as Rasmussen Group Subdivision, First Addition.
2. The City Council can deny the Minor Final Plat known as Rasmussen Group Subdivision, First Addition, if it determines that the proposed subdivision does not conform to adopted standards and regulations.
3. The City Council can refer this back to staff and/or the property owner for additional information.

MANAGER'S RECOMMENDED ACTION:

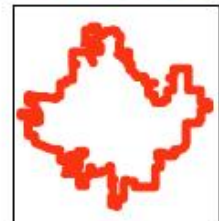
City staff has evaluated the proposed final subdivision plat and concluded that the proposal is consistent with the waiver granted by the City Council in July, allowing the owner to submit a minor final plat. Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1.

Approval of the resolution will allow the Final Plat for Rasmussen Group Subdivision, First Addition and accompanying documents to be placed before the Boone County Supervisors for action and, if approved, to be recorded in the office of the Boone County Recorder.

ATTACHMENT A



Location Map





PREPARED BY
BOLTON & MENK
2730 FORD STREET
AMES, IA 50010

LEGAL DESCRIPTION
OUTLOT #1 OF GENE HARRIS SECOND SUBDIVISION, EXCEPT LOT 1 OF OUTLOT #1 OF GENE HARRIS SECOND SUBDIVISION, OF PART OF SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 43 NORTH, RANGE 25 WEST OF THE 5TH P.M., BOONE COUNTY, IOWA, AS SHOWN ON PLAT OF SURVEY RECORDED IN PLAT BOOK 30, PAGE 245 OF THE BOONE COUNTY, IOWA RECORDS.

NOTES

A. AN EASEMENT WAS GRANTED TO XENIA RURAL WATER DISTRICT ON MAY 6, 2000 AND RECORDED AS INST #002417 IN THE BOONE COUNTY RECORDER'S OFFICE. THE EASEMENT IS 30' WIDE, CENTERED ON THE PIPE. THE LOCATION OF THE PIPE IS SHOWN BASED UPON FIELD LOCATIONS PROVIDED BY XENIA RURAL WATER DISTRICT.

B. THE SOUTH LINE OF "THE SW 1/4 - SW 1/4" IS ASSUMED TO BEAR N88°35'46"E.

C. SOIL BORINGS ARE REQUIRED IN AREAS WITHIN THIS PLAT WHICH HAVE BEEN IDENTIFIED BY THE CITY OF AMES AS HAVING SOILS THAT MAKE CONSTRUCTION OF BUILDINGS DIFFICULT.

D. BOONE COUNTY DRAINAGE EASEMENT ACCORDING TO BOONE COUNTY ENGINEER. THE EASEMENT IS 50' WIDE, CENTERED ON THE DRAIN TILE. THE LOCATION SHOWN ON THE PLAT IS ESTIMATED BASED ON COUNTY DRAIN MAP #63 OF THE BOONE COUNTY ENGINEERING RECORDS.

LEGEND

- FOUND MONUMENT AS NOTED
- SET 3/4" X 30" REBAR WITH YELLOW PLASTIC CAP #17353
- FOUND A DOT ROW RAIL
- ▲ FOUND SECTION CORNER

[illegible]

<p>FINAL PLAT</p> <p>THE RASMUSSEN GROUP INC.</p> <p>RASMUSSEN GROUP SUBDIVISION</p> <p>FIRST ADDITION</p>	<p>1 of 1</p>
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BOLTON & MENK, INC.
Consulting Engineers & Surveyors
MEMPHIS, TN / FARMINGTON, BLUFFTOWN, WILLOW SPRINGVILLE, MO
CHICAGO, IL / ARRESTON, ILLINOIS, ARRESTON, MD, VA

NAME
CMS
ERD

178

ATTACHMENT C
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:

(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 or 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.”

Ames *Municipal Code* Section 23.303(4) states:

- (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.”