

Staff Report

Waiver of Subdivision Standards for 1817 E. Lincoln Way

March 6, 2013

At the October 23, 2012, meeting, the City Council referred to staff a letter from Brad Larsen requesting a waiver of the major subdivision requirements in order to split a property at 1817 E. Lincoln Way (see Attachment 1). Specifically, Mr. Stumbo is requesting a waiver from the requirement that the sidewalk and sanitary sewer be installed along the Carnegie Avenue frontage. The City Council was provided a staff report on this matter on November 8, 2012. At the February 12, 2013, meeting, the City Council referred this item, again, to staff. **This report provides possible options to help the Council determine whether or not to grant a request of the subdivision standards for the installation of required infrastructure.**

BACKGROUND

The owner of 1817 E. Lincoln Way seeks to split the platted lot as shown on the attached aerial photo (see Attachment 2). The site has a truck rental business at the south end and self-storage units at the north. He wishes to separate the self-storage units in order to convey that property to someone else. This division requires subdivision plat approval from the City Council, and the City's adopted subdivision regulations require that all necessary infrastructure be installed in order to approve a subdivision plat. In this instance, all of the necessary infrastructure is in place except for sidewalks and for sanitary sewer along Carnegie Avenue.

Section 23.403 of the Municipal Code states, "A minimum of a four-foot wide concrete sidewalk shall be installed in the public right-of-way...along at least one side of any street within industrially zoned areas." The property is zoned GI – General Industrial, and there currently are no sidewalks on either side of Carnegie Avenue. Although Carnegie Avenue is a paved (seal-coated) street, it has no enclosed storm sewer. A drainage ditch lies along the west side of the right-of-way that would make installation of a sidewalk difficult but not impossible.

Section 23.405 of the Municipal Code states, "Any lot or area of land created by subdivision shall be served by sanitary sewer facilities in a manner prescribed by City plans and specifications..." The purpose for extending sanitary sewer to the boundary of subdivided land is to provide for the orderly extension of this infrastructure as further development occurs.

The owner requests that the proposed north lot not be served by sanitary sewer service, even though there is no physical obstacle to installing the sewer. The owner indicates that the self-storage units currently located on the site do not have sanitary sewer and,

therefore, have no need for the installation of a public sewer. Other properties along Carnegie Avenue have sanitary sewer access from Edison Street to the north or East Lincoln Way to the south. One lot along Carnegie Avenue (308 Carnegie Avenue) does not have frontage along Edison Street or Lincoln Way and has no access to sanitary sewer service. However, the lot has no structures and is used for outdoor storage. A map of the sanitary sewer system in this area is included as Attachment 3.

POSSIBLE OPTIONS FOR CONSIDERATION

Option 1

The City Council can choose to deny the waiver for the installation of the required infrastructure. The standards for waiving require are that it be shown that “strict compliance with the requirements of the Regulations would result in extraordinary hardship...or would prove inconsistent with the purpose of the Regulations due to unusual topography or other conditions.” The regulations go on to state that if a waiver is granted, it “shall not have the effect of nullifying the intent and purpose of the Regulations.”

Granting a waiver merely because the lot currently has a use that does not require sanitary sewer service could set a precedent that other applicants would use to seek waivers. For instance, a car wash could seek a waiver from sidewalk requirements because users of the car wash are unlikely to arrive by foot.

Furthermore, without sanitary sewer service within 200 feet of the lot, a future use could argue that it could install a septic system in compliance with county sanitation requirements rather than install a City sanitary sewer system. On-site septic systems are more commonly used in rural settings—not in an urban industrial area. Such an argument, if accepted, would, again be a precedent for future development within the City.

Option 2

The City Council can choose to grant the waiver for the installation of either the sidewalk or the sanitary sewer or both. The City Council would need to find that the installation of these improvements would result in extraordinary hardship to the owner and that the waiver is not intended to nullify the standards for public improvements that are found in the subdivision regulations.

If the City Council chose to waive either or both standards, it could impose conditions so that, if necessary, the public infrastructure would be installed when needed. For instance, a development agreement could require the installation of both the public sanitary sewer and the sidewalk at such time as any improvements that require water service or sanitary sewer service are made to the rear lot. If this approach is selected by the Council, the development agreement would be submitted for approval along with the subdivision plat at some future meeting.

However, without the installation of the sanitary sewer by this applicant, if a property owner to the north subsequently requested development, there would be a gap of infrastructure that is missing, similar to the gap that the City Council resolved recently for electric service to the northern growth area. In addition, short of requiring financial security to be held in the eventuality of further development along Carnegie Avenue, there is not an easy mechanism to require payment from this applicant should an abutting property later need sanitary sewer.

Attachment 1: Letter from Brad Stumbo

STUMBO AND ASSOCIATES LAND SURVEYING
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AMES, IA 50010
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October 18, 2012

Mayor Campbell and City Council Members
515 Clark Ave.
Ames, IA 50010

Dear Mayor and Council Members:

Our client, Bud Ely, is the owner of a parcel located at 1817 East Lincoln Way. There is a U-Haul rental facility and repair shop located on the southerly part of the property and there are three storage buildings located on the northerly part of the property. Our client would like to split the property into two lots, as shown on the accompanying sketch plan. Since there is no sanitary sewer line or public sidewalk installed along the east side of the property, the City of Ames Planning Department has determined that a Major Subdivision will be required to allow this proposed property split to take place.

On behalf of our client I am requesting that the City of Ames grant a waiver of the Major Subdivision Requirements for this proposed subdivision. As far as the sanitary sewer is concerned, the proposed Lot 2 contains only storage buildings and has no need for sanitary sewer service. As far as a public sidewalk is concerned, it would not be practical to install one at this time because there is a grassy swale located between the west edge of Carnegie Avenue and the east property line that is being used for storm water drainage. In addition, in the case of both the sanitary sewer service and public sidewalk, there are no properties to the north of this proposed subdivision that would be served or benefited by the installation of these items.

Thank you for your attention to this matter.

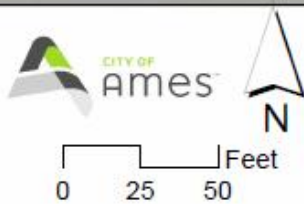
Sincerely,



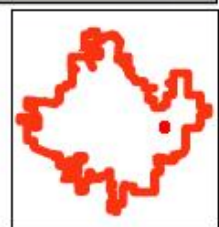
Brad Larson

Stumbo and Associates Land Surveying

Attachment 2: Proposed Lot Division of 1817 E Lincoln Way



**Location Map
Proposed Split
Of 1817 E. Lincoln Way**



Attachment 3: Area-wide Sanitary Sewer

