

ITEM #: 26
DATE: 08-23-16

COUNCIL ACTION FORM

REQUEST: **PRELIMINARY PLAT FOR ASPEN BUSINESS PARK, THIRD ADDITION**

BACKGROUND:

Randall Corporation is requesting approval of a Preliminary Plat, for Aspen Business Park, 3rd Addition, located at 516 S. 17th Street, to establish four buildable lots, one outlot for storm water management, and extension of S. 17th Street through the subdivision. (See *Attachment D: Lot Layout & Dimensions*) The site includes approximately 12.59 acres, and abuts Aspen Business Park to the east, U.S. Highway 30 along the southern boundary, Copper Beech apartment complex west of the site, and Pheasant Run apartments to the north (See *Attachment A: Location & Zoning Map*).

Rezoning of the site, from HOC (Highway-Oriented Commercial) to RH (Residential High Density) was approved by the City Council on December 22, 2015 (See *Attachment A: Location & Zoning Map*). The rezoning included approval of a Contract Rezoning Agreement for the property at 516 S. 17th Street. The Contract Rezoning Agreement limited the development intensity of the site (to a maximum of 525 bedrooms), and included provisions related to site development or subdivision in relation to public infrastructure.

The subject site is currently an outlot at the terminus of S. 17th Street. The Preliminary Plat includes a single point of access into the development from S. 17th Street to the east. The street will extend to the west edge of the property to allow for future extensions or connection to the abutting Copper Beech property and a potential future extension of Grand Avenue, south of S. 16th Street. The developer is responsible for the construction of all public improvements associated with the subdivision, including utilities, sidewalk and extension of S. 17th Street to serve the new lots. Due to the likely interim nature of the subdivision with a dead end street to the west boundary, final platting of the proposed lots will be subject to dead end street and fire turnaround requirements of the Subdivision Code and access requirements of the Fire Code.

Planning and Zoning Commission Recommendation. On August 3, 2016, the Commission considered the Preliminary Plat for Aspen Business Park, 3rd Addition. The Commission discussed future plans for extension of Grand Avenue and connection with the west end of S. 17th Street in the proposed subdivision. The Commission also discussed limits on the development intensity to a maximum of 525 bedrooms, and that allocation of the bedrooms to each lot must be examined to ensure clarity, prior to approval of the Final Plat. No one from the public spoke at the hearing. The Commission recommended approval of the Preliminary Plat by a vote of 4 to 0, Commissioner Wannemuehler abstained.

ALTERNATIVES:

1. The City Council can approve the Preliminary Plat for Aspen Business Park, 3rd Addition at 516 S. 17th Street, with the following conditions:
 - A. At the time of final plat approval, a deed restriction will be placed on the final plat for the no-build area for the future extension of S. Grand Avenue; *(consistent with language of the current contract rezoning agreement)*
2. The City Council can approve the Preliminary Plat for Aspen Business Park, 3rd Addition at 516 S. 17th Street, with modified conditions.
3. The City Council can deny the Preliminary Plat for Aspen Business Park, 3rd Addition at 516 S. 17th Street, by finding that the preliminary plat does not meet the requirements of Section 23.302(6)(a) of the Ames Municipal Code and by setting forth its reasons to disprove or modify the proposed preliminary plat as required by Section 23.302(6)(b) of the Ames Municipal Code. Code sections are found in *Attachment H: Applicable Subdivision Law*.
4. The City Council can defer action on this request to no later than September 2, 2016 and refer it back to City staff and/or the applicant for additional information.

MANAGER'S RECOMMENDED ACTION:

Staff believes that the proposed subdivision is consistent with the minimum required subdivision standards, and is consistent with the Contract Rezoning Agreement.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, approving the Preliminary Plat for Aspen Business Park, 3rd Addition, at 516 S. 17th Street with the conditions stated above.

ADDENDUM

Project Description. The proposed subdivision, at 516 S. 17th Street, is a replat of Outlot B, Aspen Business Park, 1st Addition, and includes approximately 12.59 acres (See *Attachment D: Lot Layout & Dimensions*). The developer proposes to divide the outlot into four buildable lots, ranging in size from 1.43 to 3.66 acres. Lot A will be dedicated to the City of Ames as right-of-way for the extension of S. 17th Street through the site. Outlot C (1.31 acres) will serve as the location for regional storm water detention and treatment for the entire subdivision.

Zoning Requirements/Site Plan Review. All lots meet minimum frontage requirements for the Residential High Density (RH) zoning district. Once City Council approves the preliminary and final plat(s), site plans may be submitted for approval by City staff. Development of each lot will be subject to both base zoning standards as well as the contract rezoning agreement limitations.

Street and Sidewalk Access. Street access to the four lots will be provided exclusively by an extension of S. 17th Street, presently terminating at the east boundary of the subdivision. The right-of-way (r.o.w.) width is shown as 80 feet, which matches S. 17th Street, as constructed east of this proposed subdivision. The Contract Rezoning Agreement for this property specifies a r.o.w. width of 80 feet for the extension of S. 17th Street to the west property line of the subdivision. The exact alignment of the street is to be determined prior to preliminary plat approval.

The preliminary plat shows an extension of S. 17th Street from the existing terminus at the east boundary of the subdivision in a straight alignment to the west subdivision boundary. This is consistent with the general alignment shown in Exhibit A of the Agreement (See *Attachment G: Exhibit A of the Contract Rezoning Agreement*). On-street parking is not permitted on S. 17th Street, as constructed, and will not be permitted on the street extension through the subdivision. The proposed street width is 31 feet, which meets subdivision standards for a minor collector street (See *Attachment D: Lot Layout & Dimensions*).

Since S. 17th Street will be a dead end street that terminates at the west boundary of the subdivision, a temporary turnaround must be constructed in compliance with Fire Code and Subdivision Code requirements. Turnaround measures on private property will require approval by the Fire Department and will be subject to City specifications at the time of final plat approval and recording.

The Long Range Transportation Plan (LRTP) includes an illustrative project for the future extension of S. Grand Avenue from S. 16th Street, under Highway 30, to Airport Road along the west boundary of this proposed subdivision, on land in the abutting Copper Beech apartment complex. This land presently serves as a driveway to the Copper Beech apartments. It will be necessary for the land to be acquired by the City, as public street r.o.w., to facilitate the extension of S. Grand Avenue to connect with S. 17th Street in the proposed subdivision.

Extension of S. Grand Avenue, beyond the intersection with S. 17th Street to U.S. Highway 30, requires land within the proposed subdivision for S. Grand Avenue to align perpendicular to a Highway 30 underpass. The proposed preliminary plat shows an area reserved for future right-of-way, including a note that no structures are to be in the reservation area, which is necessary to accommodate the future extension of S. Grand Avenue under Highway 30 (See Attachment D: Lot Layout & Dimensions).

In the Contract Rezoning Agreement, Section III addresses the extension of South Grand Avenue, as follows:

Section III. SOUTH GRAND EXTENSION

- A. *Space reservation for South Grand Extension. Developer shall reserve street right-of-way across its lot for the eventual extension of South Grand Avenue, which is in the Ames Metropolitan Planning Organization Long Range Transportation Plan. Under this plan, South Grand Avenue shall extend onto the Developer's parcel to allow a perpendicular approach to extend the road under Hwy. 30. Exhibit A to this agreement (See Attachment G: Exhibit A) illustrates the intended general area for reservation for an 80-foot right-of-way road. However, recognizing that the exact route is yet to be determined, the specific route location and reservation area shall be determined no later than the time of final plat approval or Minor Site Development Plan approval, whichever occurs first.*

- B. *Deed Restricted No-Build Zone. Developer agrees to create a deed-restricted no-build area on the site within the defined South Grand extension area. The Developer shall not build any structures or place required development improvements necessary for use of the site on top of such land.*

At the time of final plat approval, a deed restriction will be placed on the final plat for the no-build area.

Sidewalk, at a width of 5 feet, will be constructed along the north and south sides of S. 17th Street, as required for residential subdivisions. The sidewalks will be extensions to existing sidewalk along both sides of S. 17th Street, east of the subdivision

Transit. CyRide currently circulates a route on S. 16th Street, north of the proposed subdivision. There is no direct pedestrian connection between the transit stops on S. 16th Street, and the proposed subdivision. An indirect sidewalk connection is available by following sidewalk along S. 17th Street east of the site, then proceeding along Golden Aspen Drive to reach S. 16th Street.

Infrastructure and Storm Water Management. The site is fully served by City infrastructure. Sanitary sewer and water are available, as is electric services. Existing and proposed easements are shown on the Preliminary Plat as required by Public Works. All required easements will be recorded with the Final Plat for the subdivision.

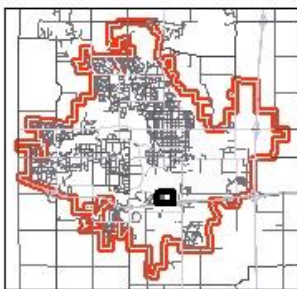
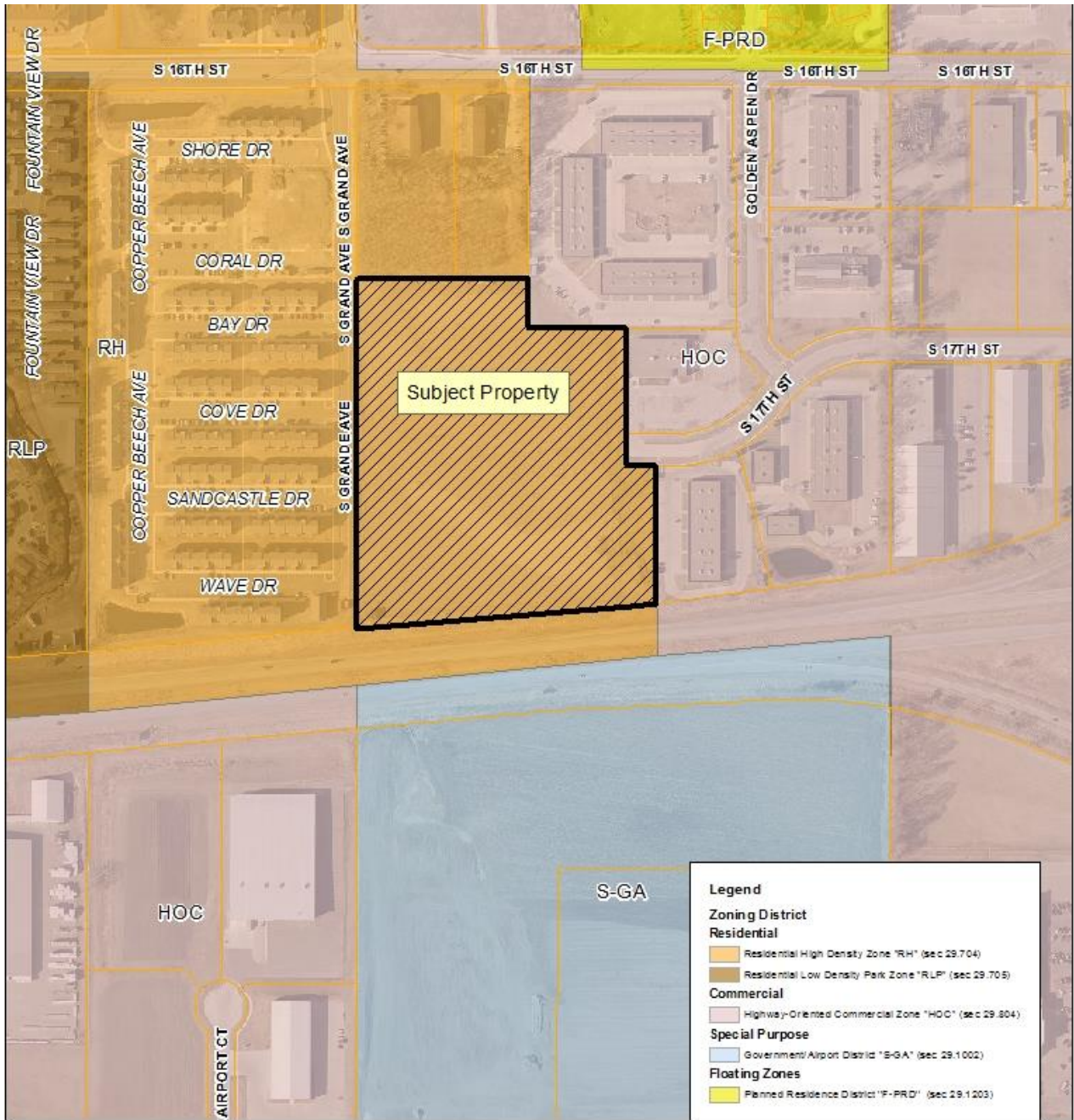
The Public Works Department has reviewed the storm water management plan and finds that the proposed development can meet the required storm water quantity and quality measures. Outlot C is proposed for storm water treatment and detention for the entire subdivision. The Developer may choose to provide storm water management facilities on each individual lot, as development occurs, as an alternative to providing the regional detention on Outlot C.

Street Tree Plan. The Street Tree Plan (*See Attachment F: Street Tree Plan*) shows trees planned along both sides of the street right-of-way for S. 17th Street, spaced at approximately 50 feet on-center, and accommodating for driveway accesses to the streets. A variety of overstory tree species are planned, as listed on the Street Tree Plan. In the interest of plant health and diversity, staff supports using a variety of tree species within this subdivision. The developer notes this intent within the preliminary plat's street tree planting plan and intent to limit species to no more than 25% of one kind.

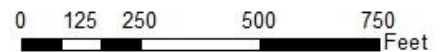
Applicable Law. Laws pertinent to the proposal are described on *Attachment H: Applicable Subdivision Law*. Pertinent for the City Council are Sections 23.302(6)(a) and (b), and Section 23.302(7).

Public Notice. Notice was mailed to property owners within 200 feet of the subject site and a sign was posted on the subject property. As of this writing, no comments have been received.

Attachment A: Location & Zoning Map



Location & Zoning Map 516 S. 17th Street



Attachment G: Exhibit A of the Contract Rezoning Agreement



Exhibit A No Build Easement



Attachment H: Applicable Subdivision Law

The laws applicable to this Preliminary Plat Subdivision 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 to 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(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 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 of 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.*

(7) *Effect of Approved Preliminary Plat:*

- (a) *An approved Preliminary Plat authorizes the making or installation of any required improvements shown on the Preliminary Plat after the Municipal Engineer reviews and provides written approval of construction plans, including any appropriate profiles or cross sections, for improvement of public ways, public infrastructure and public utilities.*
- (b) *An approved Preliminary Plat shall be valid for one year from the date on which the City Council approves the Preliminary Plat, by which time the Applicant shall submit an Application for Final Plat approval or the Preliminary Plat shall become null and void unless the City Council has*

granted an extension of time for the validity of the Preliminary Plat for a period not to exceed one additional year beyond the expiration of the original one year period of validity. If the approval period expires without an Application for Final Plat Approval, nor an extension, the Applicant shall be required to resubmit a Sketch Plan pursuant to currently existing regulations.

- (c) The City Council may require that all public improvements described on the approved Preliminary Plat for a Major Subdivision be installed and dedicated prior to approval of the Final Plat. If the City Council does not require that all public improvements be installed and dedicated prior to approval of the Final Plat, the City Council shall require the Applicant to execute an Improvement Agreement as set forth in Section 23.304 and provide security in the form of an Improvement Guarantee as set forth in Section 23.409 of the Regulations. Between the approval of the Preliminary Plat and submission of an Application for Final Plat Approval of a Major Subdivision, and Applicant must either complete all indicated improvements to the satisfaction of the City or enter into an Improvement Agreement to do so.*