

COUNCIL ACTION FORM

SUBJECT: **MINOR SUBDIVISION FINAL PLAT FOR LDY SUBDIVISION**

BACKGROUND:

The proposed subdivision is located within the “GI” (General Industrial Zone) zoning district (see *Attachment A – Location & Zoning map*). LDY LLC, property owner, is requesting approval of a Minor Subdivision Final Plat for LDY Subdivision to divide the existing Lot 5 of the Landfill Addition Block 3 into three lots (see *Attachment B – Proposed Final Plat*). A minor subdivision includes three, or fewer, lots and does not require additional public improvements. A minor subdivision does not require a Preliminary Plat, and may be approved by the City Council as a Final Plat, only, subject to the applicant completing the necessary requirements. Following City Council approval, the Final Plat must then be recorded with the County Recorder to become an officially recognized subdivision plat.

The existing lot is approximately 10.96 acres with an existing vacant industrial building, which was constructed in 1968. The existing site contains paved drive aisle access from Dayton Avenue and paved parking to the east of the existing building with a gravel loading area located to the west of the building.

The applicant desires to subdivide this property into three lots for future industrial development at this location. The proposed subdivision creates Lot 1 (3.83 acres), Lot 2 (3.04 acres) and Lot 3 (3.87 acres). The proposed Lot 1 and 3 would be vacant lots with Lot 2 containing the current industrial building. (See *Attachment A – Location & Zoning Map*). Access to all of the lots will be from an existing driveway along Dayton Avenue, no access is permitted to Lincoln Way. The current industrial building located on the site will meet setbacks required in the General Industrial Zone upon creation of the proposed new lots. Each of the proposed lots meets the requirements of the “GI” for lot and development standards.

The proposed Lot 1 & Lot 2 have frontage on Lincoln Way and Lot 3 has frontage on Lincoln Way and Dayton Avenue, however access to Lincoln Way is restricted by the City per Ames Municipal Code Section 29.403(9)(b) which restricts new direct access to an arterial street where one does not already exist. Access for all lots will be provided via easement from Dayton Avenue. To provide access to the lots from Dayton Avenue, an access easement, 55 feet wide on Lot 3 and 45 feet wide on Lot 2, is proposed across the north edge of the lots providing access from Dayton Avenue across the north edges of Lot 3 and Lot 2 west to the east lot line of Lot 1.

A frontage road currently exists to the west of the proposed subdivision and terminates with an intersection to Lincoln Way approximately 175 feet from the subject site. **Given**

that access to the proposed lots is being provided from Dayton Avenue and that the frontage road does not abut the site, a frontage road extension is not proposed as part of the subdivision. The frontage road would need to be extended if there was an interest in having direct access to Lincoln Way. Requiring the extension of the frontage road would also require preparation of a preliminary plat and not a Minor Final Plat.

Public utilities will serve all three parcels and no additional extensions of water, sewer, or storm sewer are needed. A sidewalk is in place along the frontage for Lot 3, on Dayton Avenue. The frontage road along the south side of Lincoln Way functions as part of the City shared use path network. However, no sidewalk is present. A sidewalk is therefore required along Lincoln Way. The applicant has provided for a sidewalk deferral agreement and a letter of credit in the amount of \$27,700 to ensure the construction of the sidewalk along their Lincoln Way frontage.

ALTERNATIVES:

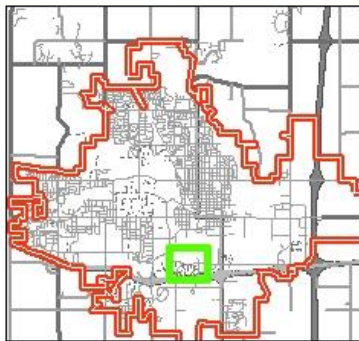
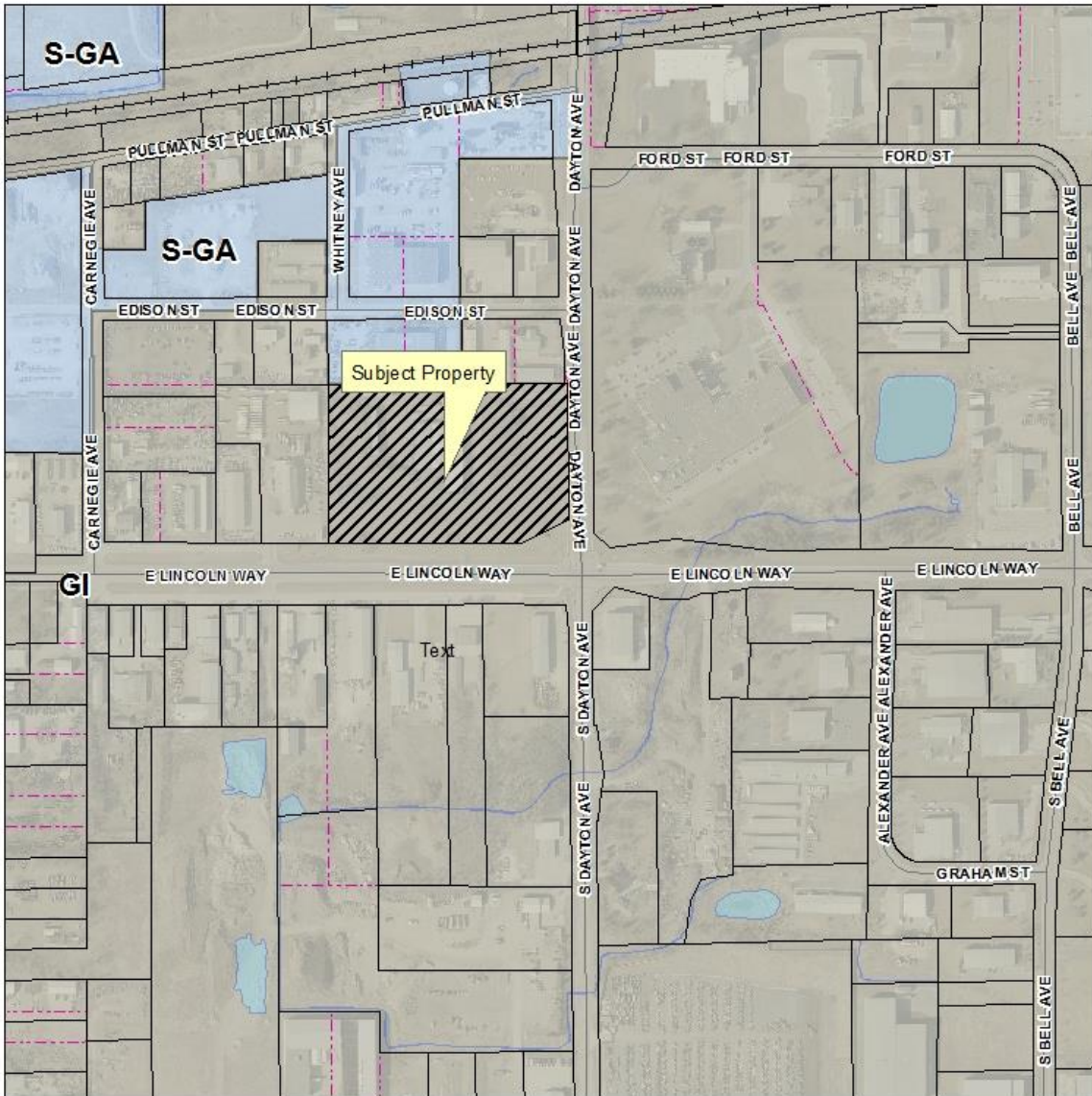
1. The City Council can approve the final plat for LDY Subdivision and accept the sidewalk deferral agreement, based upon the findings of consistency with the Subdivisions Ordinance.
2. The City Council can deny the final plat for LDY Subdivision if the City Council finds that the proposed subdivision does not comply with applicable ordinances, standards or plans.
3. The City Council can refer this request back to staff or the applicant for additional information.

CITY MANAGER’S RECOMMENDED ACTION:

The proposed final plat for LDY Subdivision is consistent with the City’s existing subdivision and zoning regulations. The continued use of the lots under the General Industrial zone regulations allows the proposed new lots to be developed for industrial use in the future should the owner desire. All utilities are in place to be able to serve the lots for future needs. The presence of the access easement to Dayton Avenue ensures the site meets access requirements upon recording of the final plat.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1 and its related conditions.

Attachment A- Location & Zoning Map



**Location & Zoning Map
LDY Subdivision**

Attachment C Applicable Laws

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.