

**COUNCIL ACTION FORM**

**SUBJECT:** MAJOR FINAL PLAT FOR MENARDS SUBDIVISION

**BACKGROUND:**

The City's subdivision regulations are included in Chapter 23 of the Ames Municipal Code. Once the applicant has completed the necessary requirements by installing the required public improvements or providing financial security for their completion, an application for a "Final Plat" may then be made for City Council approval. After City Council approval of the Final Plat, it must then be recorded with the County Recorder to become an officially recognized subdivision plat. The Final Plat must be found to conform to the ordinances of the City and any conditions placed upon the Preliminary Plat approval.

Menards, Inc. has submitted a final plat for the creation of three developable lots, one outlot, and one lot for right-of-way dedication on land they own on SE 16<sup>th</sup> Street. Of the three developable lots, the largest (26.28 acres) is intended for their new retail store. The other two developable lots (1.51 and 1.54 acres) will be marketed by Menards for commercial uses. The outlot (10.35 acres) comprises the FEMA-designated Floodway and the street lot (0.16 acres) is for the installation of a sidewalk to connect to the Skunk River Trail. The property is zoned Highway-Oriented Commercial.

The Ames City Council approved a preliminary plat for Menards on March 27, 2018. **The required public improvements include an extension of water main along SE 16<sup>th</sup> Street to the site and within the site for fire hydrants. Public sanitary sewer service is already available, as is electric service. A sidewalk will be installed the full length of the Menards property and will connect to the Skunk River Trail on the south side of the SE 16<sup>th</sup> Street bridge.**

Financial security has been submitted for all public improvements and storm water management. These include all public water mains, sanitary sewer, and sidewalk.

**ALTERNATIVES:**

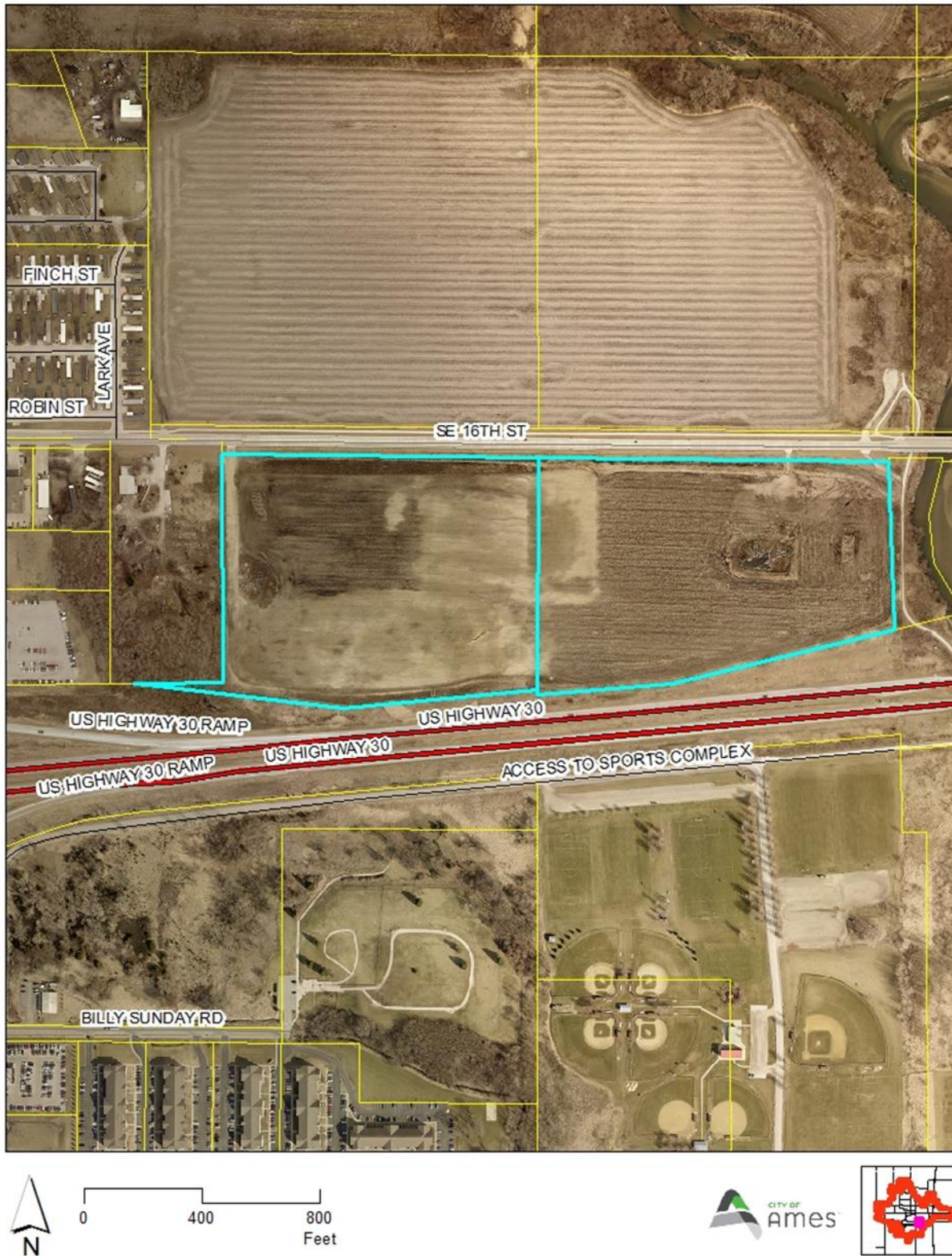
1. The City Council can approve the Final Plat of Menards Subdivision based upon the staff's findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans with a Public Improvement Agreement and financial security.
2. The City Council can deny the Final Plat for Menards Subdivision if it finds that the development creates a burden on existing public improvements or creates a need for new public improvements that have not yet been installed.

**CITY MANAGER'S RECOMMENDED ACTION:**

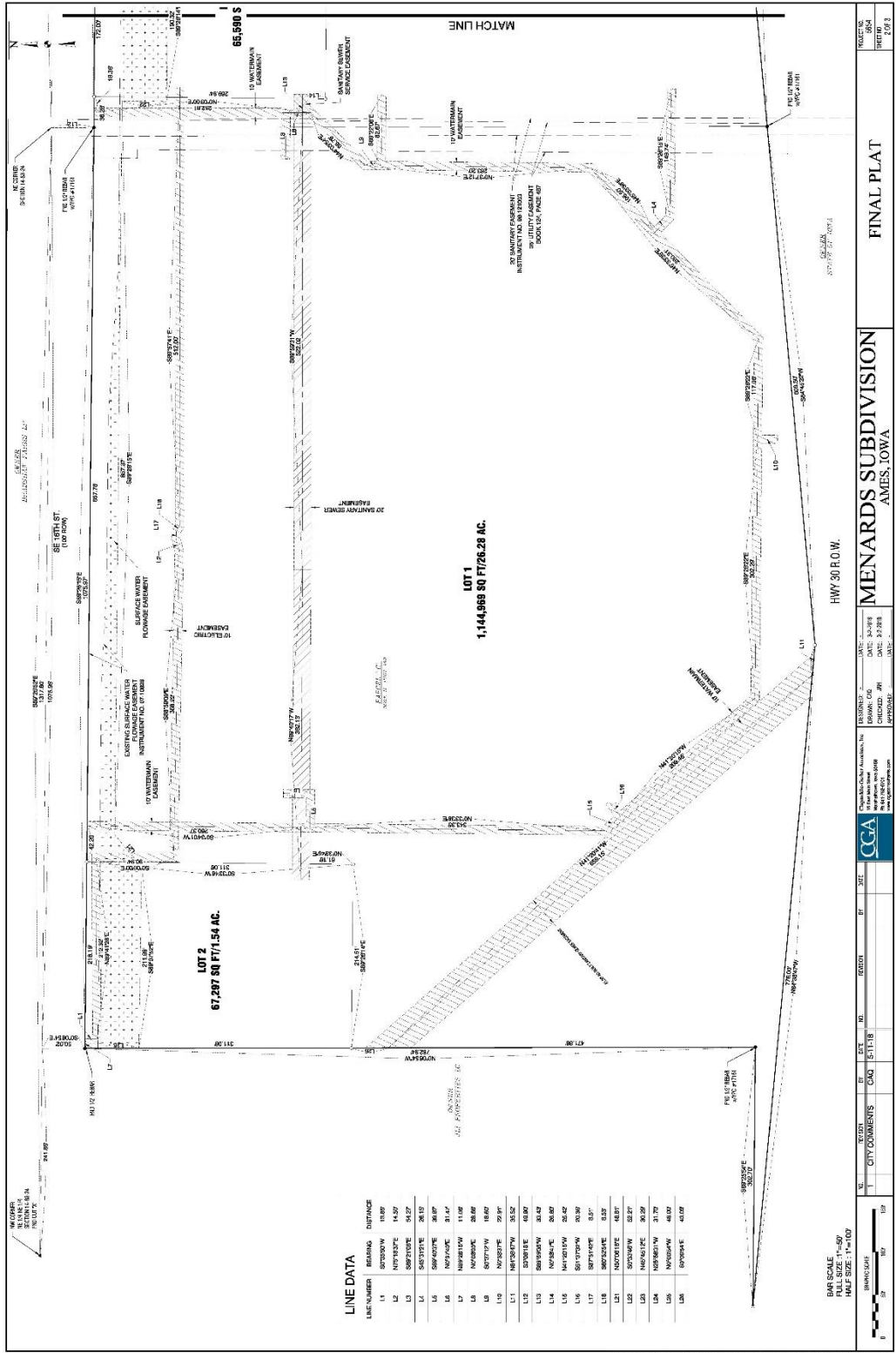
City staff has evaluated the proposed Final Plat for a major subdivision and determined that the proposal is consistent with the Preliminary Plat approved by the City Council and that the plat conforms to the adopted ordinances and policies of the City as required by Code.

**Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, approving the Final Plat of Menards Subdivision.**

## ATTACHMENT 1: LOCATION MAP











## **Applicable Laws and Policies Pertaining to Final Plat Approval**

Adopted laws and policies applicable to this case file include, but are not limited to, the following:

### *Ames Municipal Code Section 23.302*

(10) City Council Action on Final Plat for Major Subdivision:

(a) All proposed subdivision plats shall be submitted to the City Council for review and approval. 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.

(c) The City Council may:

(i) deny any subdivision where the reasonably anticipated impact of such subdivision will create such a burden on existing public improvements or such a need for new public improvements that the area of the City affected by such impact will be unable to conform to level of service standards set forth in the Land Use Policy Plan or other capital project or growth management plan of the City until such time that the City upgrades such public improvements in accordance with schedules set forth in such plans; or,

(ii) approve any subdivision subject to the condition that the Applicant contribute to so much of such upgrade of public improvements as the need for such upgrade is directly and proportionately attributable to such impact as determined at the sole discretion of the City. The terms, conditions and amortization schedule for such contribution may be incorporated within an Improvement Agreement as set forth in Section 23.304 of the Regulations.

(d) Prior to granting approval of a major subdivision Final Plat, the City Council may permit the plat to be divided into two or more sections and may impose such conditions upon approval of each section as it deems necessary to assure orderly development of the subdivision.

(e) Following such examination, and within 60 days of the Applicant's filing of the complete Application for Final Plat Approval of a Major 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 Major 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.

*(Ord. No. 3524, 5-25-99)*