

ITEM #: 29  
DATE: 11-12-19

### **COUNCIL ACTION FORM**

**SUBJECT:** PRELIMINARY PLAT FOR KINGSBURY'S THIRD ADDITION

**BACKGROUND:**

Kingsbury's Third Addition Subdivision is a proposed 6.91-acre development on SE 3rd Street, just north and east of Target. (Location map - Attachment A) **The property owner, DET Land Company LC, is requesting approval of a preliminary plat creating 2 lots, and one lot to be dedicated as right-of-way for the extension of SE 3rd Street. (Lot Layout-Attachment B).** The proposed subdivision is a Major Subdivision due to the requirements to extend infrastructure.

The largest lot is Lot 1 (5.61 acres) along the north side of SE 3rd Street with the smaller Lot 2 (1.07 acres) located directly east of Target. No immediate development is proposed for either of the two lots. The majority of both of the lots are located in the floodway fringe and any subsequent development will require adherence to floodplain development standards. The proposal for this subdivision requires the extension of infrastructure to fully serve both lots and extend to the east edge of the site. Appropriate easements for water, sewer, and public utilities are shown on the Preliminary Plat.

The City plans for a future extension of Cherry Avenue to the east of this site that includes a future connection to SE 3rd Street. The owner intends to defer the installation of infrastructure in conjunction with this proposed plat until such time as Cherry Avenue to the north and east is extended south to intersect with SE 3rd Street or until site development on one of the lots. The fill dirt that must be brought in to match the existing grade of SE 3rd is such that until future street connections or development is necessary the construction of road base is seen as cost prohibitive and not necessary by the developer. If a deferral is granted in the future by the City Council at the Final Plat stage, financial security for the required infrastructure must be provided and an infrastructure deferral agreement must be prepared and approved in conjunction with the final plat as provided for in Section 23.304 and 23.409 of the Ames Subdivision Code.

**Planning and Zoning Commission:** At its meeting on October 16th, 2019, the Ames Planning and Zoning Commission voted 4-0 to recommend approval of the preliminary plat to the City Council. The owner and a neighboring property owner spoke to the Commission at the meeting.

**ALTERNATIVES:**

1. The City Council can approve the Preliminary Plat for Kingsbury's Third Addition Subdivision.

2. The City Council can deny the Preliminary Plat for Kingsbury's Third Addition Subdivision, by finding that the Preliminary Plat does not meet the requirements of Section 23.302(3)(b) or by setting forth its reasons to disprove or modify the proposed preliminary plat as required by Section 23.302(4) of the Ames Municipal Code.
3. The City Council can defer action on this request to the next regular meeting and refer it back to City staff and/or the applicant for additional information.

**CITY MANAGER'S RECOMMENDED ACTION:**

This preliminary plat proposal includes two developable lots. The preliminary plat identifies all the necessary infrastructure to serve the two developable commercial lots, and dedicates a portion of right-of-way for sidewalk and street extension. City staff has reviewed the proposed plat and find it conforms to the requirements of the Ames Subdivision Regulations and to the other adopted policies and ordinances of the City.

The applicant is proposing to defer infrastructure installation with financial security until extension of Cherry Avenue to the northeast of this location or one of the lots is developed. This request for deferring the installation of infrastructure will require the approval of the City Council at the time of Final Plat approval.

**Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1 recommending approval of the Preliminary Plat of Kingsbury's Third Addition Subdivision.**

## **Addendum**

### **General Site Info**

The site is currently one parcel of 6.91 acres lying north and east of SE 3<sup>rd</sup> Street just north and east of Target. The south half of the site is relatively flat with an increase in grade and elevation on the north half. Attachment B includes an aerial of the site. The site is zoned Highway-Oriented Commercial (HOC), which is also consistent Land Use Policy Plan land use designation.

Immediately to the east of the site is a parcel zoned Agricultural. City water wells are located further to the east. To the north are properties zoned HOC with a mix of non-conforming residential and zoned commercial uses on them. To the south is commercially zoned land (HOC) containing Target, Walmart as well as various other commercial uses. To the west is commercially-zoned land with various commercial businesses. Attachment C includes zoning of the area.

### **Lots**

The site will yield two developable lots. The largest is about 5.61-acres. One smaller commercial parcel of 1.07-acres will also be created. A .23-acre lot is reserved for street right-of-way. HOC zoning has no minimum lot size, but requires a minimum of 50 feet of frontage.

### **Flood Plain**

The vast majority of the site lies with the FEMA-designated flood plain. Development within the Floodway Fringe is allowed provided that buildings are elevated or flood proofed to 3 feet above the Base Flood Elevation (BFE or the water surface level of a flood having a 1 percent chance of occurring in any given year). Existing BFE ranges from approximately 886.25 feet up to 887 feet across the site. Chapter 9 floodplain development standards require buildings to be constructed a minimum of 3 feet above BFE at a given location to meet flood protection. Existing grades on the two lots range from 883 feet to 887 feet. This requires a range of approximately 3 feet to as much as 7 feet of fill that may be required depending on where building construction takes place.

### **Streets**

All lots will be fully served by the extension SE 3<sup>rd</sup> Street as a collector street. The subdivision will require the extension of 153 feet of SE 3<sup>rd</sup> Street to the east of the current point of ending. An intersection with Cherry Avenue will be constructed in the future connecting SE 3<sup>rd</sup> Street and Cherry Avenue further to the east of this site.

Due to issues with terrain near the northern edge of the site staff has not recommended dedication of right-of-way for 2<sup>nd</sup> Street at this time. There exists a large electric transmission line that would need relocated should 2<sup>nd</sup> Street be extended further eastward. South Borne Avenue which would intersect with 2<sup>nd</sup> Street to the east is not standard right-of-way size and would need improvements to connect if 2<sup>nd</sup> Street was extended. Acquiring more right of way along South Borne would be an extensive process with neighboring property owners.

**Water**

A public water main will be extended from the existing east end of SE 3<sup>rd</sup> Street further east to the new east end of SE 3<sup>rd</sup> along the south side of the street. A fire hydrant will be relocated there in conjunction with the extension.

**Sewer**

A public sanitary sewer main will be extended from the existing east end of SE 3<sup>rd</sup> Street further east to the new east end of SE 3<sup>rd</sup> along the north side of the street. An existing manhole will be adequate to serve the new segment once installed. A proposed 20' sanitary sewer easement is shown along the southwest portion of Lot 1.

**Electric**

Extension of electrical service is required with the extension of SE 3<sup>rd</sup> Street. The extension of electric transmission and services will be placed underground to serve both lots.

**Sidewalks and Trails**

A five-foot sidewalk is required along the frontage of each of the lots as the property is zoned commercial. No trails are required for development of the site.

**Storm Water Management**

Storm water will be managed upon site development of the properties—a small storm water detention easement exists at the northeast corner of the proposed Lot 1 however that easement does not serve the existing runoff for these properties. Further storm water information will be needed prior to approval of the Minor Site Development Plan but, for purposes of this preliminary plat, the proposed grading and detention plans can be approved. Development of each lot will be subject to the requirements of Chapter 5b.

**Public Notice.** Notice was mailed to property owners within 200 feet of the subject site and a sign was posted on the subject property.

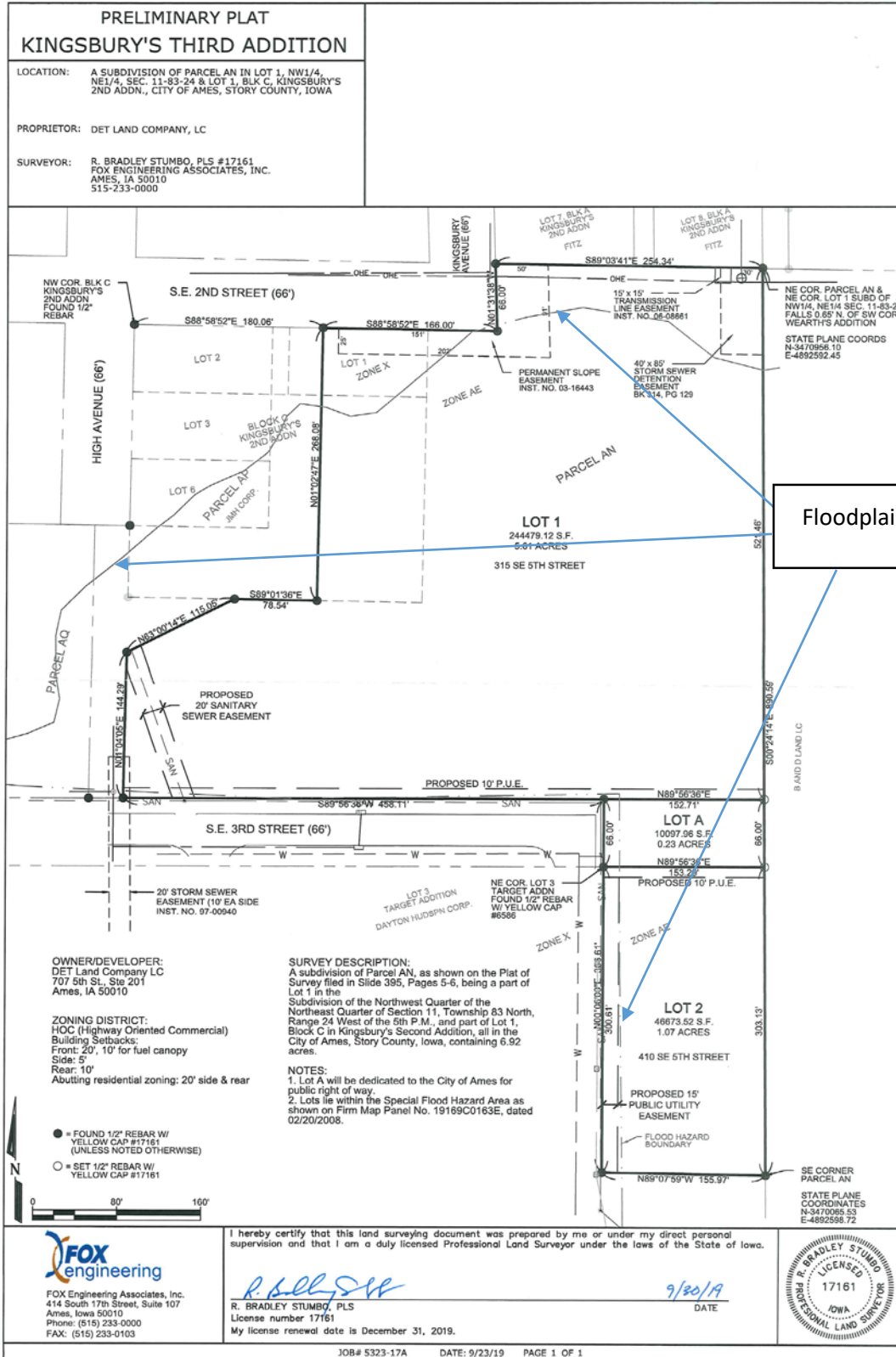
## Attachment A-Location Map



## 315 SE 3rd Street Location Map



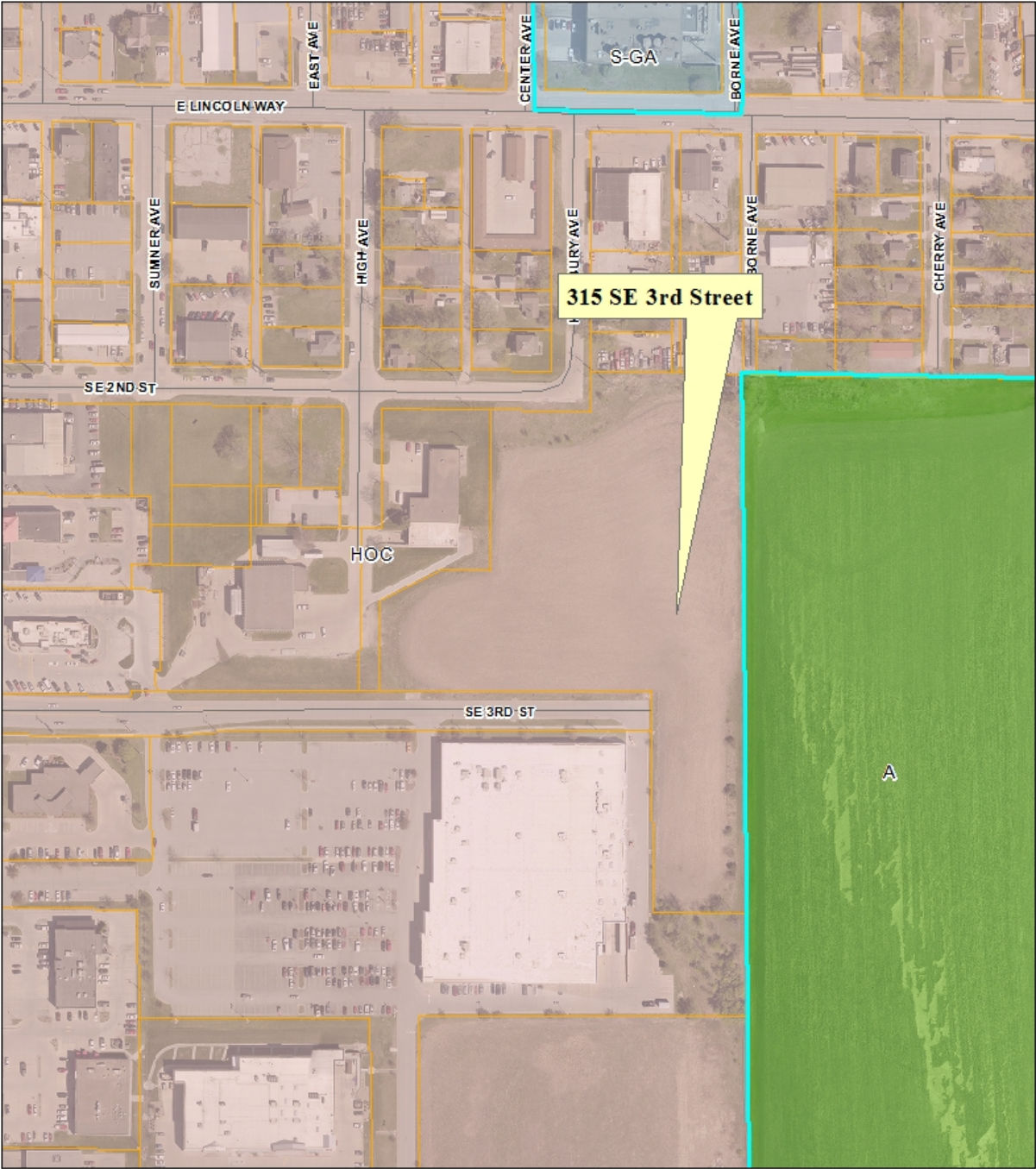
# Attachment B-Preliminary Plat



Floodplain Boundary



Attachment C- Zoning Map



315 SE 3rd Street  
Zoning Map



#### **ATTACHMENT D: 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(5):

(5) *City Council Review of Preliminary Plat: All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with these Regulations. The City Council shall examine the Preliminary Plat, any comments, recommendations or reports examined or made by the Planning and Zoning Commission, and such other information as it deems necessary and reasonable to consider.*

(6)

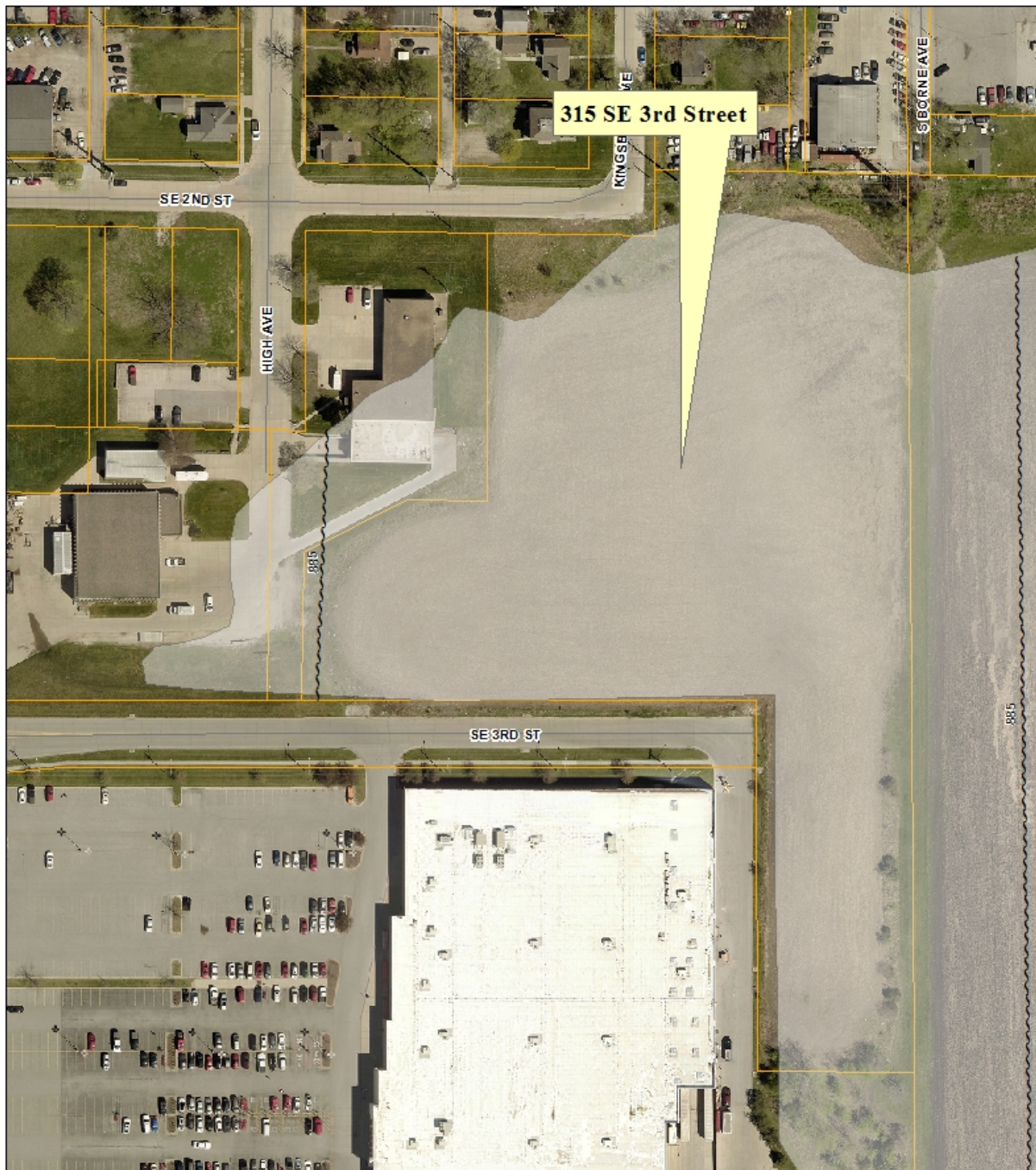
Ames Municipal Code Section 23.302(6):

(7) *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 Plan 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 for 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.*

Ames Municipal Code Chapter 23, Subdivisions, Division IV, establishes requirements for public improvements and contains design standards.

Attachment E- Floodplain Map (Light Blue)



315 SE 3rd Street  
Floodplain