

COUNCIL ACTION FORM

REQUEST: NORTHRIDGE HEIGHTS SUBDIVISION, NINETEENTH ADDITION – MINOR FINAL PLAT

BACKGROUND:

The City’s subdivision regulations are included in Chapter 23 of the *Ames Municipal Code*. Once the applicant has completed the necessary requirements, including provision of required public improvements or provision of financial security for their completion, a “final plat application” may then be submitted 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.

Fareway Stores Inc. has submitted a final subdivision plat for Northridge Heights Subdivision, Nineteenth Addition, which is a platting of an approved preliminary plat affecting the eastern portion of the site. **The Preliminary Plat was approved by the Council on August 18, 2020 as a part of an Integrated Site Plan that included a Major Site Development Plan.** The applicant proposes to split off a lot along Stange Road where a building for Burgie’s Coffee & Tea Co. will be constructed. An Integrated Site Plan allows for the subdivision of a site into individual lots with consideration of the site in its entirety for evaluating access, circulation, maintenance, and compliance with certain zoning development standards (setbacks, landscaping, parking, etc.) that would otherwise apply to individual lots. Approval of an Integrated Site Plan allows for more flexible application of most development standards through the approval of the Major Site Development Plan, although the overall site must meet all minimum standards.

The proposed final plat will have two commercial lots that will each contain a building; a Fareway Grocery Store and a Burgie’s Coffee & Tea Co. Both lots will front on Stange Road and no changes are proposed for vehicle access. The larger lot will be 3.66 acres and will contain the Fareway store and nearly all of the parking lot. The smaller lot will contain the Burgie’s and a small section of parking lot encompassing the drive-through lane. The Integrated Site Plan regulations require all parking, vehicular ways, and pedestrian paths be shared (*Note 1 under Integrated Site Plan Notes on Attachment 3*). The new, smaller lot will not have any parking. Specific development regulations in the CGS, Convenience General Service, Zoning District are also considered for the property in its entirety. The whole development has a landscaped area of 25.18%, just over the minimum of 25%. The lot containing Fareway, by itself, does not meet the minimum.

The Integrated Site Plan does require the development to observe minimum setbacks in CGS for shared property lines. Both buildings (existing and proposed), however, do comply with the minimum setbacks (20-foot front, 5-foot side, 10-foot rear).

The Subdivisions Code requires an agreement for the shared maintenance of the property. The applicant has submitted an Easement and Maintenance Agreement between the owners of Fareway and Burgie's assigning responsibility for improvements and repair along with maintenance and replacement.

ALTERNATIVES:

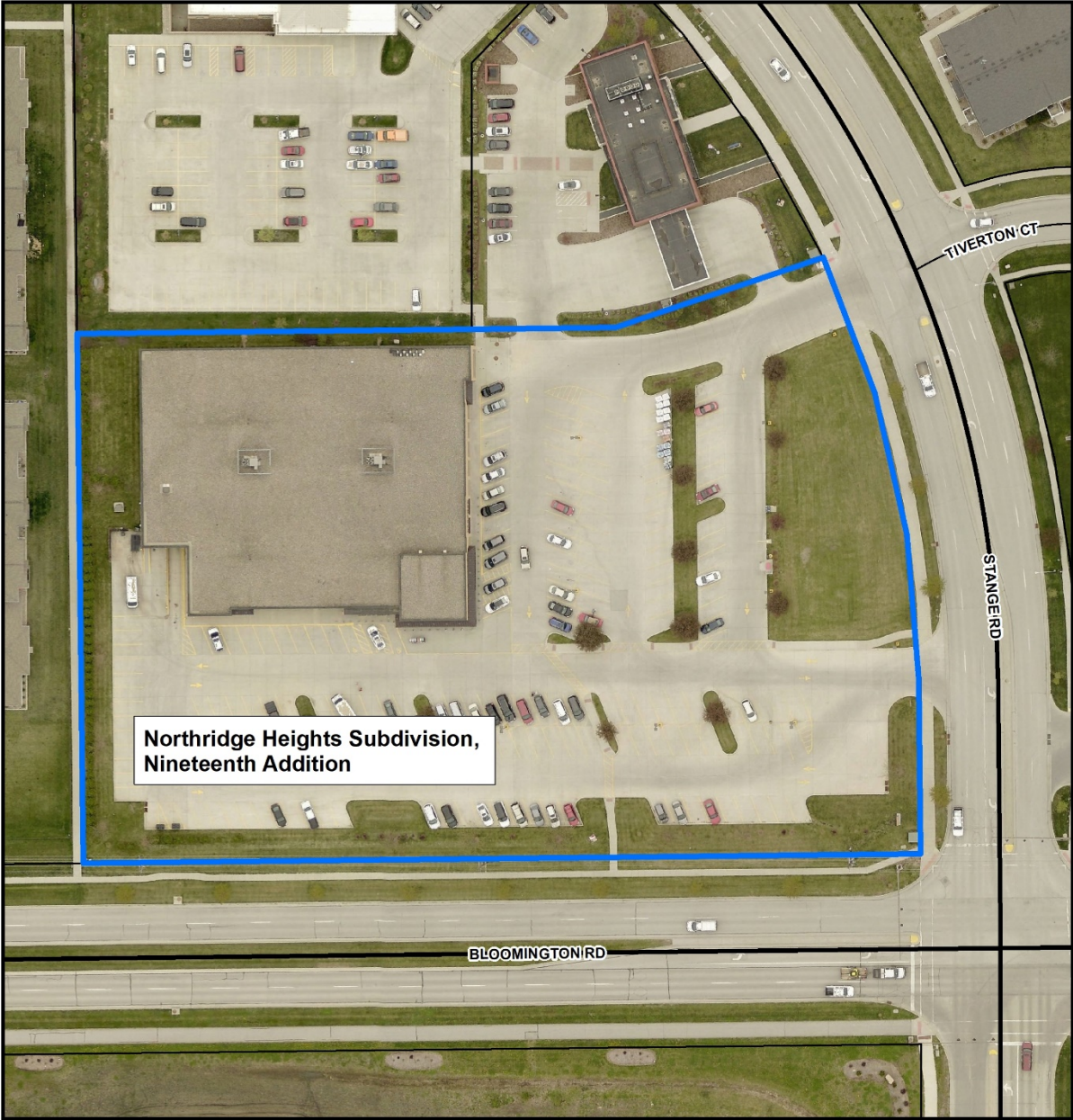
1. The City Council can approve the Final Plat of Northridge Heights Subdivision, Nineteenth Addition, based upon findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans with the following condition:
 - Correct the spelling of "Integrated" in the heading "Integrated Site Plan Notes."
2. The City Council can deny the Final Plat for Northridge Heights Subdivision, Nineteenth Addition 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:

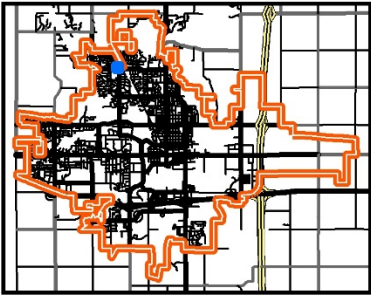
City staff has evaluated the proposed final subdivision plat and determined that the proposal is consistent with the preliminary plat approved by City Council and that the plat conforms to the adopted ordinances and policies of the City as required by Code.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No.1, as described above.

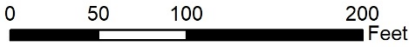
Attachment A: Location Map



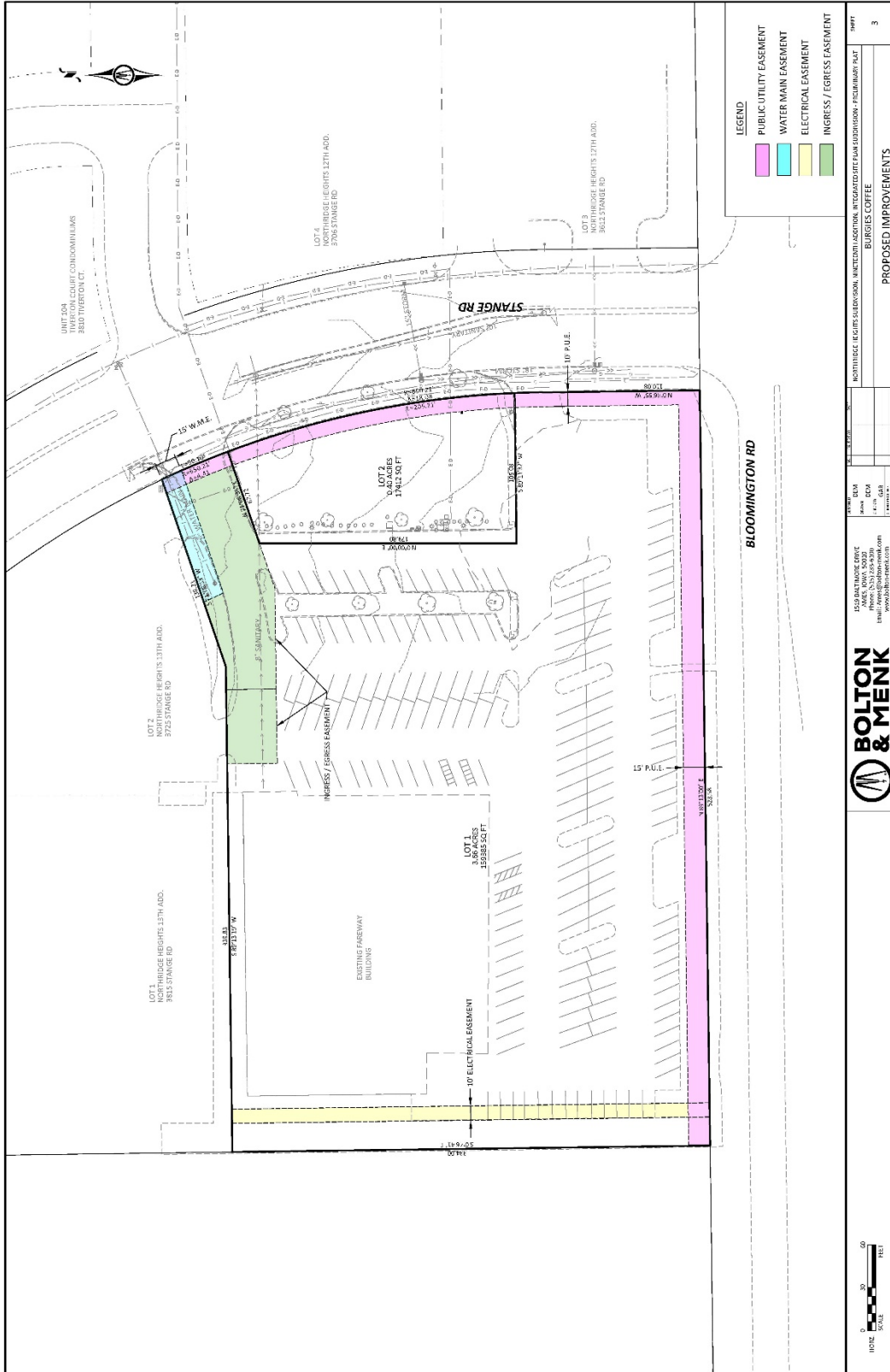
**Northridge Heights Subdivision,
Nineteenth Addition**



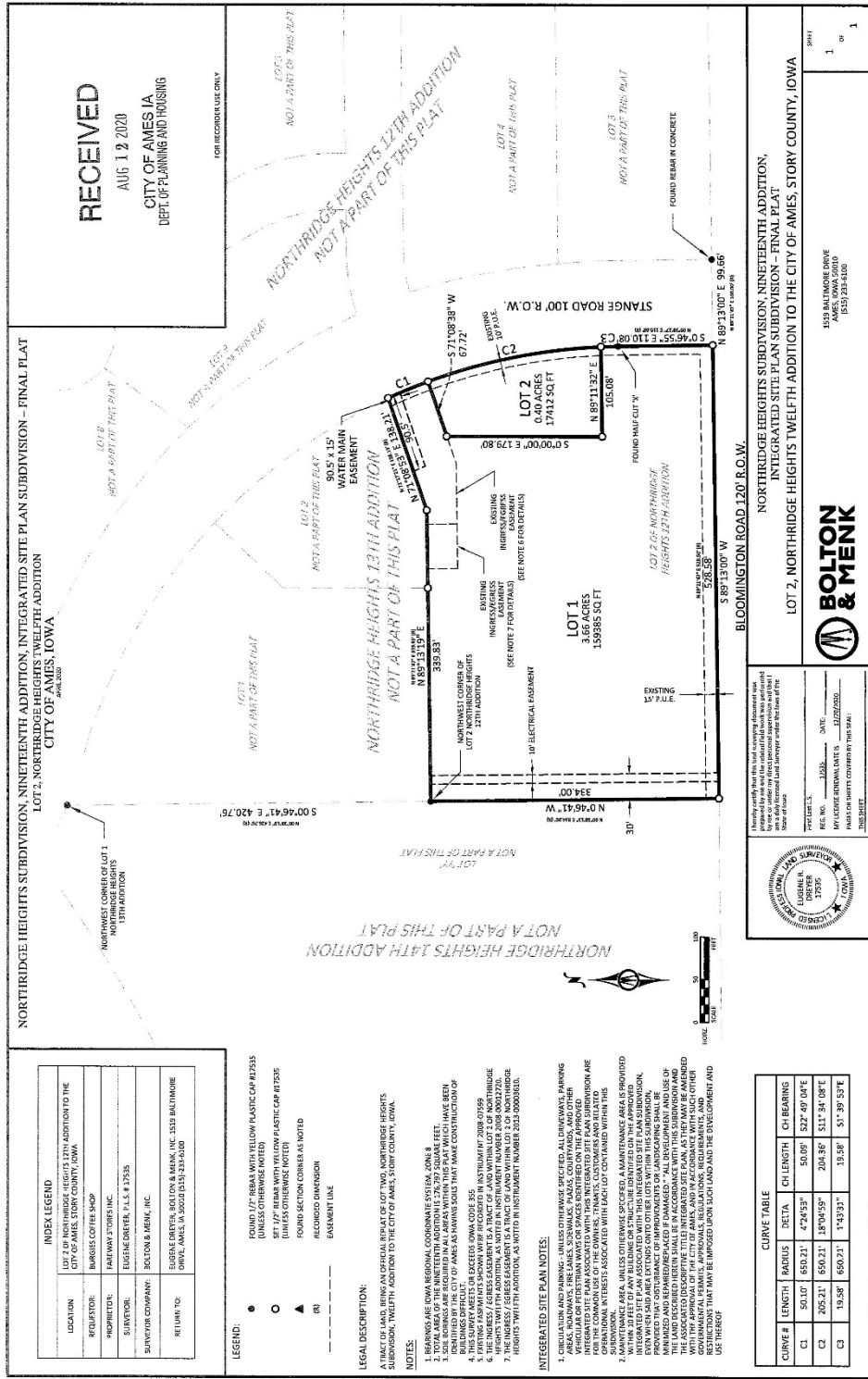
**Location Map
3619 Stange Road
Northridge Heights, 19th Add.**



Attachment B: Preliminary Plat (Amended)



Attachment C: Proposed Lot Layout



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(10):

(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)

23.704. REQUIREMENTS FOR INTEGRATED SITE PLAN SUBDIVISION.

(1) An Integrated Site Plan Subdivision must include a descriptive title for the subdivision, and a descriptive title for the associated Integrated Site Plan.

(a) The subdivision title must be clearly shown on the face of the plat as: “[Descriptive Title] Integrated Site Plan Subdivision”, and

(b) The site plan and associated documents must be clearly titled as: “[Descriptive Title] Integrated Site Plan”.

(2) The Integrated Site Plan Subdivision plat shall include all of the following declarations on the plat:

(a) “Circulation and Parking - Unless otherwise specified, all driveways, parking areas, roadways, fire lanes, sidewalks, plazas, courtyards, and other vehicular or pedestrian ways or spaces identified on the approved Integrated Site Plan associated with this Integrated Site Plan Subdivision are for the common use of the owners, tenants, customers and related operational interests associated with each lot contained within this subdivision.”

(b) “Maintenance Area. Unless otherwise specified, a maintenance area is provided within 10 feet of any building or structure identified on the approved Integrated Site Plan associated with this Integrated Site Plan Subdivision, even when said area extends onto other lots within this subdivision, provided that disturbance of improvements or landscaping shall be minimized and repaired/replaced if damaged.” “All development and use of the land described herein shall be in accordance with this subdivision and the associated [Descriptive Title] Integrated Site Plan, as they may be amended with the approval of the City of Ames, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof.”

(3) Setbacks. All buildings and structures contained in the Integrated Site Plan Subdivision are subject to the following setback provisions:

(a) Setbacks along the outer perimeter of the subdivision plat shall conform to the setbacks of the underlying zone.

(b) Setbacks are not required from interior property lines within the Integrated Site Plan Subdivision. However, property lines may not bisect buildings unless a firewall is located along said property line.

(4) Landscaping. The landscaping standards of the underlying zone apply to each lot within the subdivision, except as follows:

(a) Minimum area landscaping calculations may be based on the area of landscaping in the entire subdivision rather than the area of landscaping on individual lots within the subdivision subject to conformance with phasing provisions in Section 23.705.

(b) Required parking lot perimeter landscaping along interior property lines may (subject to conformance with phasing provisions in Section 23.705) be relocated to the other areas of the subdivision, provided that:

(i) the total amount of parking lot landscaping is not diminished from that which would be required if each lot were platted and developed independently; and

(ii) Any required landscape medians and islands are provided in all parking areas.

(5) Frontage Improvements. All Integrated Site Plan Subdivisions shall include street improvements specified in Section 23.403.

(6) All circulation and parking improvements defined on the face of the plat or on the associated Integrated Site Plan, as well as exterior lighting fixtures, landscaping, signage, fixtures and other improvements required by the provisions of the Integrated Site Plan, and/or which serve multiple lots within the subdivision, are to be included in or owned by an association or legal entity in which the owners of each lot or parcel in the divided property have a legal or beneficial interest.

(7) Maintenance of Improvements. All improvements required to comply with the minimum provisions of the Integrated Site Plan, including areas and features on individual lots that collectively contribute to total compliance with minimum standards for parking, circulation, pedestrian access, landscaping, as well as any improvements that are for the collective use of all property owners and/or tenants (such as signage, fixtures, dumpster enclosures, etc.), shall be maintained by an owners association or other legal entity, in which each property owner has a legal interest and obligation. Maintenance obligations shall be included in covenants and restrictions that are administered by the association or legal entity, and which run with the land. The City shall be furnished for review and approval the covenants and restrictions and the legal instruments creating the association or legal entity as part of the Integrated Site Plan Subdivision approval process.

(8) The property owners must execute written agreements which are recorded against the affected property, ensuring that all lots within the Integrated Site Plan Subdivision will continue to function as one site for any number of purposes, including but not limited to: lot access; interior circulation; common utilities; open space; landscaping and drainage; common facilities maintenance; and coordinated parking. Such approved Integrated Site Plan Subdivision and associated Integrated Site Plan is recorded in the county in which such land is located.