

ITEM #: 23

DATE: 09-27-22

COUNCIL ACTION FORM

SUBJECT: CORRECTION OF OWNERSHIP FOR THE SIXTH ADDITION TO SOUTHWOOD SUBDIVISION FINAL PLAT

BACKGROUND:

The Sixth Addition to Southwood Subdivision located at 1404 and 1410 Buckeye Avenue. (Location map - Attachment A) was approved by City Council on July 12, 2022 as part of an Amendment to an Integrated Site Plan Subdivision. **It was discovered at the time of attempted recordation at Story County that the ownership information on the legal documents and final plat was not accurate.** This was due to a change of ownership occurring while approval of the subdivision was in process unbeknownst to their local representative or City staff.

The initial Final Plat and legal documents at the July 12, 2020 meeting identified NLA Duff, LLC. The present and accurate owner is now Boing US Holdco, Inc. An updated final plat and required legal documents have been submitted and reviewed. There are no changes to the subdivision design and the proposed final plat conforms to all standards.

ALTERNATIVES:

1. The City Council can approve the attached resolution to rescind the prior approval from July 12, 2022 and approve the new documents for correcting property ownership for the Sixth Addition to Southwood Subdivision Final Plat.
2. The City Council can deny the corrections related to ownership for the Sixth Addition to Southwood Subdivision Final Plat.

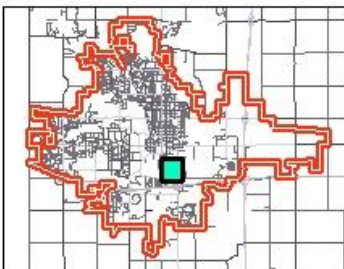
CITY MANAGER'S RECOMMENDED ACTION:

City staff discussed the matter with the property owner's local legal representative. They reached out to staff as soon the issue of ownership was realized. No other changes are being made to the plat.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1.

Attachment A

Location Map



Location Map

1404 & 1410 Buckeye Ave.



RESOLUTION NO. 22-394

**RESOLUTION APPROVING A MAJOR SITE DEVELOPMENT PLAN AMENDMENT,
WITH CONDITIONS FOR 1404 AND 1410 BUCKEYE AVENUE
FOR THE CITY OF AMES, IOWA**

WHEREAS, Driven Brands is the owner of the properties located at 1404 and 1410 Buckeye Avenue, and these properties are part of a larger commercial subdivision, Southwood Subdivision, originally platted in the 1980s; and,

WHEREAS, in 2018, an Integrated Site Plan Subdivision was approved that included retrofitting the former Kmart building into retail tenant spaces on the front, interior climate-controlled storage in the rear, construction of five additional commercial buildings, and associated parking and landscaping improvements; and,

WHEREAS, the subject site was approved for two small commercial buildings, including one drive-thru restaurant use, on separate lots as part of the original approval; and,

WHEREAS, the first phase of redevelopment of the Kmart building and site improvements for parking and landscaping are complete and an Amendment to the Integrated Site Plan Subdivision was approved in 2021 on the west side of Buckeye Avenue, across from the proposed car wash, for the second phase and it includes a 53,132 square foot building divided into five tenant spaces; and,

WHEREAS, the applicant has requested approval of a Major Site Development Plan and Final Plat as an Amendment to the Integrated Site Plan for the area along South Duff Avenue and north of South 16th Street, within the Southwood Subdivision; and,

WHEREAS, the Major Site Development Plan is processed concurrently with the Final Plat for Southwood Subdivision, 6th Addition, to consolidate the two existing lots into one complete platted lot for development of the site with the "Take Five Express Car Wash;" and,

WHEREAS, the proposed Amendment only affects the two parcels located between South Duff Avenue and Buckeye Avenue; and,

WHEREAS, an Integrated Site Plan Subdivision allows for subdivision of a site into individual lots, but considers the site as a single site for purposes of evaluating access, circulation, maintenance, and compliance with certain zoning development standards (setbacks, landscaping, parking, floor-area-rator, etc.) that would otherwise be applicable to individual lots; and,

WHEREAS, as an Amendment to an Integrated Site Plan, the project must be consistent with the overall Integrated Site Plan approval as it relates to the use of the proposed site as well as meet all the criteria of a Major Site Development Plan; and,

WHEREAS, the proposed Sixth Addition to the Southwood Subdivision Final Plat combines the two existing undeveloped parcels into one; and,

WHEREAS, the proposed development includes a car wash building and associated parking

spaces and landscaped area; the car wash building has one single automatic wash bay with the site also including customer vacuum spaces in the middle of the site; and,

WHEREAS, the applicant proposes three parking spaces and two handicap-accessible spaces, as well as a stacking area to meet the City's requirement of two parking spaces and five stacking spaces; and,

WHEREAS, access to the site will be provided from Buckeye Avenue and no access will be allowed from South Duff Avenue on the east boundary of the site; and,

WHEREAS, the driveway into the site will align with the main driveway into the shopping center on the west side of Buckeye Avenue; and,

WHEREAS, the driveway into the site will align with the main driveway into the shopping center on the west side of Buckeye; and,

WHEREAS, an existing CyRide stop will be moved approximately 54 feet to the north because of the proposed driveway location and the relocation of the loading area by the developer is a condition of approval; and,

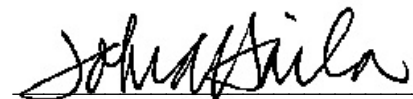
WHEREAS, at its meeting on April 20, 2022, the Ames Planning and Zoning Commission reviewed the proposed Amendment to the Integrated Site Plan and recommended approval of the Amendment of the Integrated Site Plan with the following conditions:

- The applicant shall work directly with CyRide regarding the installation of a new bus stop concrete pad for sidewalk access to the bust prior to a building permit being issued. Paving of the improvement completed at the cost of the developer. Final occupancy permits for the site will not be granted without completion of the bus loading area to the City of Ames specifications.
- Previous conditions of the Integrated Site Plan Subdivision approvals that are not herein modified shall continue to apply to the site(s).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ames, Iowa, that the Integrated Site Plan Subdivision with concurrent Final Plat and Major Site Development Plan Amendment with the above listed conditions for 1404 and 1410 Buckeye Avenue is hereby approved.

ADOPTED THIS 12th day of July, 2022.


Diane R. Voss, City Clerk


John A. Haila, Mayor

Introduced by: Beatty-Hansen
Seconded by: Gartin
Voting aye: Beatty-Hansen, Corrieri, Gartin, Junck, Rollins
Voting nay: None Absent: Betcher

Resolution declared adopted and signed by the Mayor this 12th day of July, 2022.