

ITEM #: 6
DATE: 12-20-22
DEPT: P&H

COUNCIL ACTION FORM

**SUBJECT: MINOR SUBDIVISION FINAL PLAT FOR ELY'S SUBDIVISION,
FIRST ADDITION PLAT**

BACKGROUND:

Ely's South Duff Property, L.C, is requesting approval of a Final Plat for Ely's Subdivision, First Addition, a minor subdivision that would divide Parcel G into two lots. Parcel G was recorded in 1997, containing 1.55 acres (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 parcel, addressed as 2905 S Duff Avenue, is developed with three buildings, parking and landscaping. This property is zoned Highway Oriented Commercial (HOC). At this time there no plans to make physical changes to the property with the exception of creation of new lots. The proposed locations of new lot lines will not create any non-conformities with the HOC site development regulations, meaning each lot will conform to landscaping and parking independently.

Three lots will be created with this plat. Two lots are for existing development, the third lot is for dedication of right-of-way. Presently, the existing Parcel G extends to the centerline of S Duff Avenue. Lot A (9,330 square feet) is right of way that will be dedicated to the City. **Notably, the nearly forty feet of dedication will become common right-of-way for the City, but in addition to the 40 feet, 10 feet of easement will also be obtained. This ten feet of easement is primarily landscaped area with a sign and it abuts the site parking lot. In the future, this 10 feet can be used for road or sidewalk improvements.**

The proposed Lots 1 and 2 will have frontage along S. Duff Avenue. Both lots exceed minimum lot width and lot area requirements in the HOC Zoning District. Lot 1 includes approximately 48,084 square feet (1.104 acres). Lot 1 will have two buildings and parking. The larger building on Lot 1 (Goodyear) is 11,328 square feet. The smaller building in the southwest corner of the lot is 4,000 square feet.

Lot 2 will be 21,075 square feet (.484 acres). This lot will have one building and parking. This building on Lot 2 is 6,000 square feet (NAPA Auto Parts).

Public utilities serve both parcels. Easements documents are included with this subdivision and shown on the plat that describes the location of all easements including all utility easements as well as the right of way dedication. All the utilities are existing and will not change. However, easements did not exist and needed to be created, approved, and recorded with this plat.

Installation of sidewalks are required with subdivisions per Section 23.403. However, in certain situations where topographic conditions exist that would make installation not possible a deferral may be approved (Section 29.403(14)(3)). **In this situation, Public Works determined that the existing conditions of the open ditch design adjacent to S Duff Avenue does not allow for a sidewalk to be constructed at this time. This part of S Duff has had other deferrals approved in the past, including the property to the north of this site.**

Partially the deferral is related to planning for future widening of S. Duff Avenue. Although there is no programmed CIP project for this location, the Mid-Term horizon of the City's Transportation Plan includes plans for widening of the roadway, which would also then include sidewalks. **Therefore, the applicant has provided for a sidewalk deferral agreement and payment in the amount of \$6,240 to ensure the construction of the sidewalk along their S Duff Avenue in the future. The intent of this deferral is the money would be set aside for the City to use as part of future project, it would not be installed by the property owner.**

An Avigation Easement is also part of the Final Plat approval. When development is in close to the proximity the Ames Municipal Airport an avigation easement is required. This easement prohibits development from occurring within designated air space or causing nuisances to avigation.

ALTERNATIVES:

1. Approve the final plat for Ely's Subdivision First Addition and accept the sidewalk deferral agreement, based upon the findings and conclusions stated above.

Note that the applicant will provide security and final signed documents prior to the city council meeting.

2. Deny the final plat for Ely's Subdivision, First Addition, if the City Council finds that the proposed subdivision does not comply with applicable ordinances, standards or plans.
3. Refer this request back to staff or the applicant for additional information.

CITY MANAGER'S RECOMMENDATION:

The proposed final plat for Ely's Subdivision, First Addition is consistent with the City's existing subdivision and zoning regulations for each of the proposed lots. The deferral agreement sets funds aside for future City use to construct the sidewalk, presumed to be with a future street widening.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, as described above.

Attachment A

Location Map



Ely's Subdivision, First Addition
Minor Final Plat

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.