

ITEM #:	<u>32</u>
DATE:	<u>02-14-23</u>
DEPT:	<u>P&H</u>

COUNCIL ACTION FORM

**SUBJECT: MAJOR FINAL PLAT FOR NORTH DAYTON INDUSTRIAL SUBDIVISION,
FIRST ADDITION**

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, 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.

Dayton Avenue Development LLC, represented by Chuck Winkleblack, has submitted a Major Subdivision Final Plat for North Dayton Industrial Subdivision, First Addition. The Subdivision is located along the west side of Dayton Avenue north of 13th Street and south of the Eagles Loft Daycare at property currently addressed as 2105 & 2421 Dayton Avenue (Attachment A-Location Map). The preliminary plat for this subdivision was approved by City Council in October 2022.

The subdivision includes ten lots, five of which are between one and three acres in size and five of which are between three and eleven acres in size. There are also two outlots which include Outlot A for open space and stormwater detention, totaling 6.25 acres and Outlot B totaling 11.63 acres as open space for storm water detention and cemetery access.

Outlot B allows for access to the Bloomington Cemetery which is located on the southern portion of the Outlot. There is a 10-foot access easement on the southwest section of Lot 5 abutting Outlot B to allow for a compliant access width of 35 feet along the narrow 25-foot section of Outlot B abutting Bailey Avenue in order to comply with Flag Lot access standards to the wide part of the Outlot. The proposed access easement has been reduced in width and its extent reduced from going all the way to the north property line since the Preliminary Plat. Staff believes it still provides for the minimum needed access to Outlot B and is a minor change (*See Attachment B*).

The subdivision includes the construction of Bailey Avenue as a loop street with two access points along Dayton Avenue which will serve as access to the lots in the subdivision. Bailey Avenue is shown as Lot A. Dayton Avenue and associated widening for turn lanes is shown as Lot B.

The required improvements in the North Dayton Industrial Subdivision have been secured. A Letter of Credit in the amount of \$2,840,683.25 has been provided to secure the public improvements, which include the street, pavement, sidewalks, water, sanitary sewer, storm

sewer facilities, electric conduit, and streetlights within this subdivision and along Dayton Avenue. Widening along Dayton is included with this subdivision. **None of the improvements have been installed at this time. The City Council is being asked to accept the signed Improvement Agreement with a Letter of Credit for the specified improvements. The amount of the Letter of Credit can be reduced by the City Council as the required infrastructure is installed, inspected, and accepted by the City.**

The developer is required to comply with a Tax Increment Financing (TIF) Development Agreement that, with regard to subdivision creation, requires that five of the ten lot subdivision be 1-3 acres in size. The remaining five lots can be no larger than 11 acres in size. The subdivision is in compliance with the conditions of the TIF Development Agreement approved by City Council. Approval of the Final Plat will fulfill the condition precedent of the agreement and allow for the developer to receive TIF payments in the future as defined in the agreement.

The preliminary plat included two conditions of approval. The first was to include the extension of the sewer line all the way to the north property line. This extension is part of the improvement plans and public improvements security. Secondly, the developer required approval by the Corps of Engineers for a wetland fill permit. The developer has approval for the wetland fill permit.

ALTERNATIVES:

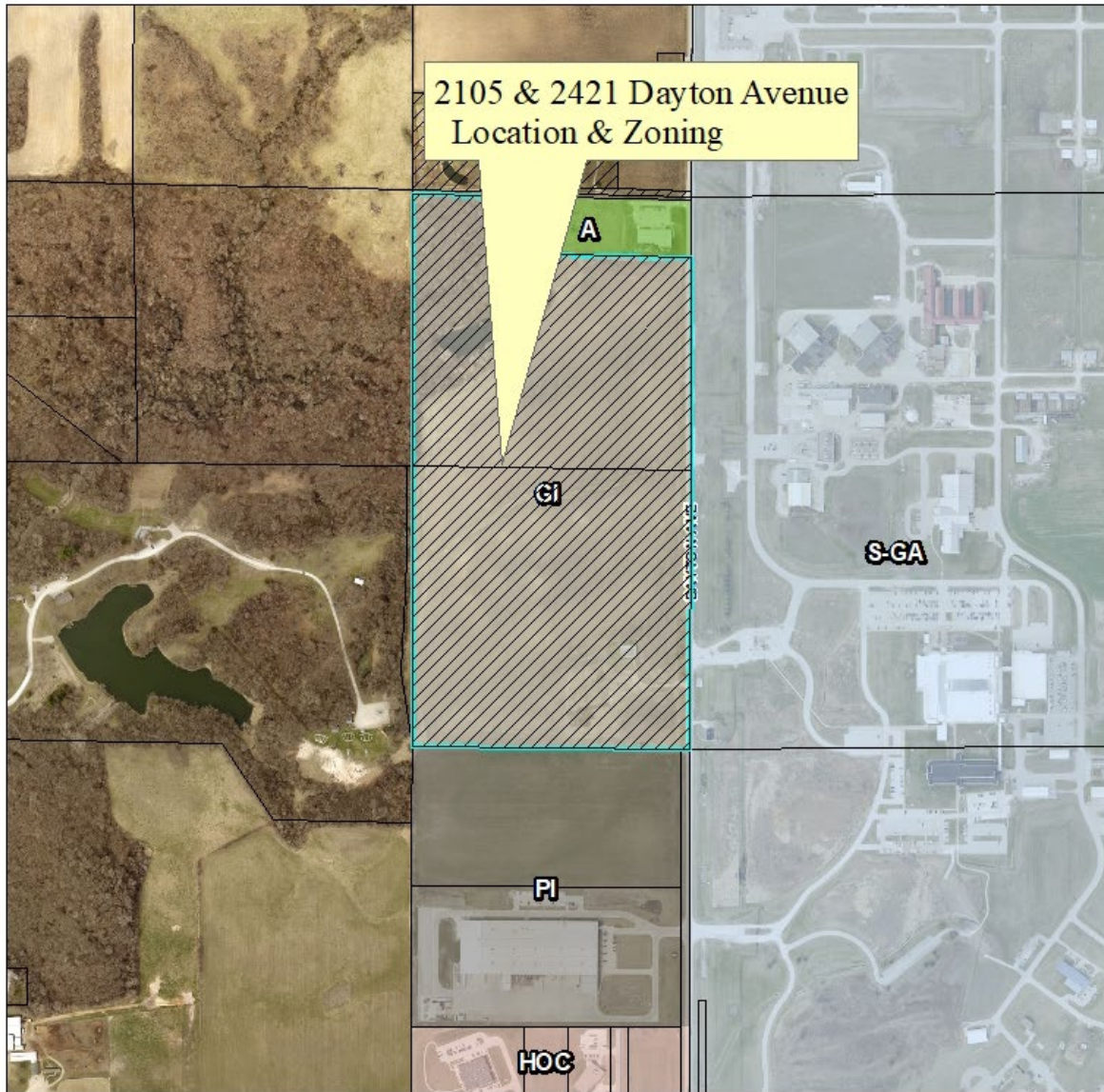
1. Approve the Final Plat of North Dayton Industrial Subdivision, First Addition, based upon the staff's findings that the Final Plat conforms to applicable design standards, ordinances, policies, and plans and approve acceptance of financial security for completion of public improvements.
2. Deny the Final Plat for North Dayton Industrial Subdivision, First Addition by finding that the development creates a burden on existing public improvements or creates a need for new public improvements that have not yet been installed.
3. Defer action on the item and request more information from staff or the applicant.

CITY MANAGER'S RECOMMENDED ACTION:

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

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

Attachment A- Location & Zoning Map

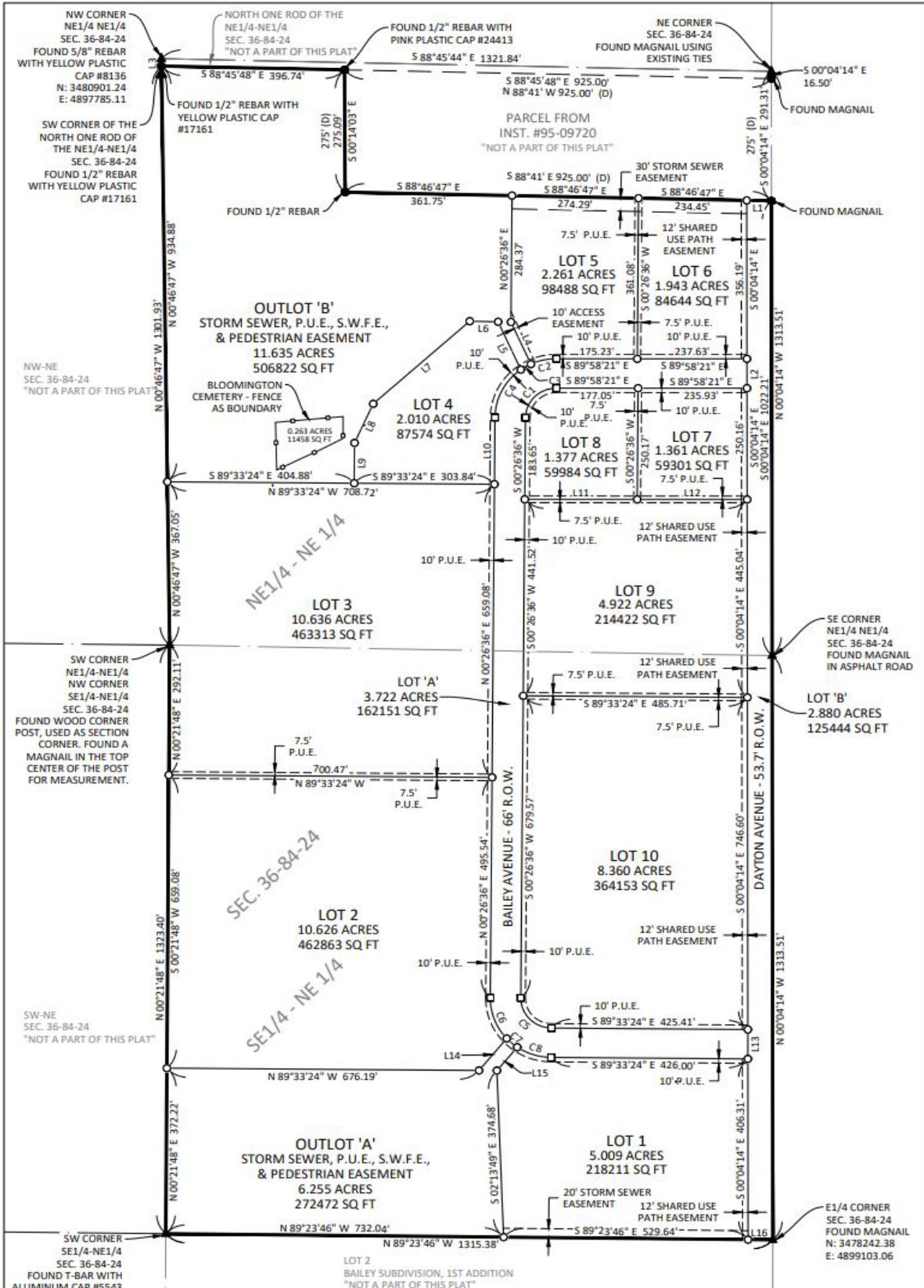


2105 & 2421 Dayton Avenue Location & Zoning

Legend

-  PARCELS
- Zoning District**
-  Agricultural Zone "A" (sec 29.600)
-  Highway-Oriented Commercial Zone "HOC" (sec 29.804)
-  General Industrial Zone "GI" (sec 29.901)
-  Planned Industrial Zone "PI" (sec 29.902)
-  Government/Airport District "S-GA" (sec 29.1002)

Attachment B- Final Plat



Attachment C- Applicable Regulations

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)