

ITEM #: 26
DATE: 09-12-23

COUNCIL ACTION FORM

**REQUEST: PRELIMINARY PLAT FOR JT WAREHOUSE SUBDIVISION
LOCATED AT 4098 EAST 13TH STREET**

BACKGROUND:

The subject site is owned equally by Todd Reuter- 50% and Jordan Elwell Properties, LLC – 50%, who request approval of a two lot Preliminary Plat for 55.18 acres located at 4098 East 13th Street. (See Location Map Attachment A) A rezoning with Master Plan was approved in July, which rezoned the property from Planned Industrial (PI) with the Northeast Gateway Overlay (O-GNE) to General Industrial (GI) with a Master Plan and no overlay. (See Zoning Map Attachment B)

The proposed Preliminary Plat includes 2 lots and infrastructure improvements along the frontage that are planned for industrial development. (See Attachment C) The developer intends to construct two warehouses on Lot 1 (42.88 acres) and smaller offices or industrial services on Lot 2 (10.36 acres). The plat also contains two street lots (Lot A & B) for 13th street right-of-way dedication.

Utilities will be extended into the subdivision along East 13th street including water and sanitary sewer to serve both lots. Water service already exists along the west boundary of the site. The developer proposes to utilize a planned city extension of a sewer line along E 13th Street from Dayton Avenue to 570th Street adjacent to this site. The east terminus of the extension could vary based on the project bids submitted to the City later this month. **The proposed extension is currently out for bid by the City with bids due on September 20th. The developer would be required to make any extension of infrastructure needed to serve the site if the City project does not match what is shown in the preliminary plat. This decision would be made prior to final plat approval.**

A traffic study was completed to analyze traffic volumes and truck turning movements along E. 13th Street. A turn lane will be constructed on the south side of East 13th Street for access into the two new lots. Shared access easements are also coordinated between the two lots. Sidewalk is being provided along the E. 13th frontage. A more detailed sidewalk discussion is provided in the addendum.

The preliminary plat includes a proposed grading plan for building areas upon each lot and for conveyance of storm water runoff to treatment areas. A stormwater detention facility is planned at the southwest corner of the site that will serve both lots of the development. The storm water management plan complies with City design requirements subject to the property owner providing confirmation of federal Army Corps of Engineers concurrence that there are no jurisdictional waters of the United States present on the

site. Site improvements, including grading, will be limited until there is confirmation by the Army Corps.

The site is part of rural water territory buyout agreement with the Iowa Regional Utilities Association for service by the City from 2016. The Ames Municipal Code 23.404 states the City Council may require proof of buyout and a territory transfer prior to preliminary plat approval. **The applicant has not yet completed this step and requests the preliminary plat be approved with outstanding buyout terms to be resolved prior to final plat.** City Code allows for Council to defer this action to Final Plat or to a schedule established by City Council. **Staff supports deferring this territory transfer requirement due to the existing water buyout agreement that is already in place for this property.**

PLANNING & ZONING COMMISSION RECOMMENDATION:

At the September 6th Planning & Zoning Commission Meeting the Planning & Zoning Commission discussed the Preliminary Plat. Staff gave a presentation. A Commission member asked about water flow through the site and the proposed stormwater design. Staff explained that the Stormwater Management Plan was designed to handle current and future stormwater to City standards. The Planning & Zoning Commission voted 5-0 to recommend approval of the Preliminary Plat at 4098 East 13th Street to the City Council.

ALTERNATIVES:

1. The City Council can approve the Preliminary Plat for the JT Warehouse Subdivision located at 4098 East 13th Street, subject to City Council approval of the extension of the offsite sanitary sewer to the site with the following conditions:
 - A. Defer rural water territory buyout and transfer requirements to final plat approval.
 - B. That the East 13th Street Sewer Extension Project for extension of the trunk line to 570th Street is approved by City Council prior to approval of Final Plat with a condition that any length of sanitary sewer trunk extension that is not included within the City's approved extension will be the requirement of the property owner to connect to the City's extension and then extend across their property frontage.
 - C. Grading and site improvements are subject to conformance to the final storm water plan as approved by the City's Municipal Engineer.
2. The City Council can approve the Preliminary Plat with modifications.
3. The City Council can deny the Preliminary Plat for 4098 East 13th Street if it finds the Preliminary Plat does not meet the requirements of Section 23.302(3)(b) of the Ames Municipal Code and by setting forth it's reasons to disapprove or modify the proposed preliminary plat as required by Section 23.302(4) of the Ames Municipal Code.

CITY MANAGER'S RECOMMENDED ACTION:

Upon review of the Preliminary Plat staff has found that the plat meets the requirements of Chapter 23 and the Rezoning Masterplan approved in July. Lot layout and design as well as utilities connections and storm water design have been reviewed by staff and found to meet City standards. The Developer is currently working to provide proof of water territory rights transfer to the City. With the planned extension of the 18-inch sewer to this project site, development will be able to comply with City standards. City Council is tentatively scheduled to award the bid for the project on September 26th. Therefore, it is the recommendation of the City Manager that the City approve Alternative #1.

Addendum

Project Location.

The project site is located at 4098 East 13th Street along the south side of East 13th between East 13th Street and the Union Pacific Railroad line. (See Attachment A- Location Map)

Master Plan Compliance.

The Preliminary Plat for this development is in conformance with the approved Master Plan, which illustrates the general arrangement of uses, layout of development and conservation/open space areas, planned transportation connections, and developable acres.

Traffic and Street Connections.

East 13th Street will provide access to the subdivision to the north. East 13th Street connects to I-35 to the west and also provides access eastward into unincorporated Story County.

East bound turn lanes will be added to the south side of East 13th Street and provide access for both lots in the subdivision. The developer and staff have determined that the proposed turn lane meets city standards for street construction.

Shared Use Paths, Sidewalks, and Trails.

The developer is responsible for constructing a standard Sidewalk along the south side of East 13th Street for the length of the subdivision in accordance with City Standards. The City's Ames Plan 2040 Comprehensive Plan shows a shared use path along the north side of East 13th Street extending to 570th Avenue which is near the northwest corner of the subdivision. Future improvements to the intersection of East 13th Street and 570th Avenue will require a crossing from the north side of East 13th Street to the standard sidewalk at the northwest corner of the subdivision at a later date, independent of this subdivision proposal.

Stormwater Management.

Stormwater management will occur for the subdivision on the southern edge of both lots to account for stormwater that is produced by future development as well as to accommodate existing unbuilt water flows according to City standards. The waterway in this area is not expected to be jurisdictional as "waters of the US", a letter of waterway determination from Army Corps of Engineers is still forthcoming. If it is jurisdictional any work in that area would be subject to federal permitting requirements in addition to City requirements. A letter of determination from the Army Corps of Engineers is required to determine whether a swale through the site is a waters of the United States as a wetland. Preliminary indication are that the area does not qualify as a waters of the United States

and that the proposed storm water management plan conforms to City standards. grading and site improvements are subject to final approval of the storm water plan by the City's Municipal Engineer.

The waterway accommodates overland water flow from the northeast to southwest bisecting through the site diagonally. In times of particularly heavy rain in a short period this flow of water can become heavy and on rare occasion has overtopped East 13th Street in its exiting rural design. The developer's engineer has designed the stormwater management of the site to account for this existing flow in addition to future development by diverting the stormwater to new areas of the site to flow into the stormwater detention areas on lots 1 and 2.

Utilities and Easements.

The site is part of rural water territory buyout agreement with the Iowa Regional Utilities Association for service by the City. Chapter 23 requires buyout of territory prior to plat approval or on a schedule as agreed upon by City Council. The developer is aware of this requirement for platting.

City Water service will be provided from East 13th Street via a 12-inch watermain running along East 13th Street to serve each lot. Sanitary Sewer will be available from the west running along East 13th Street. The project will extend 18" sanitary sewer from the west along 13th Street to the subdivision. The final east end of the City project could vary based on the project bids submitted to the City later this month. The applicant will not be able to connect to sanitary sewer until the project is completed. The applicant will then extend Sanitary sewer across the remainder of their site in accordance with improvement standards.

Electrical

Electrical service will be provided to the subdivision from Consumers Electric services.

Floodplain

A very small area of General Floodplain exists on the far southwest edge of Lot 2. The developer does not propose to impact this area as it will be left alone adjacent to the stormwater detention basin. Development or disturbance of areas designated as General Floodplain is restricted to Floodway standards unless it is mapped to delineate Floodway Fringe from Floodway.

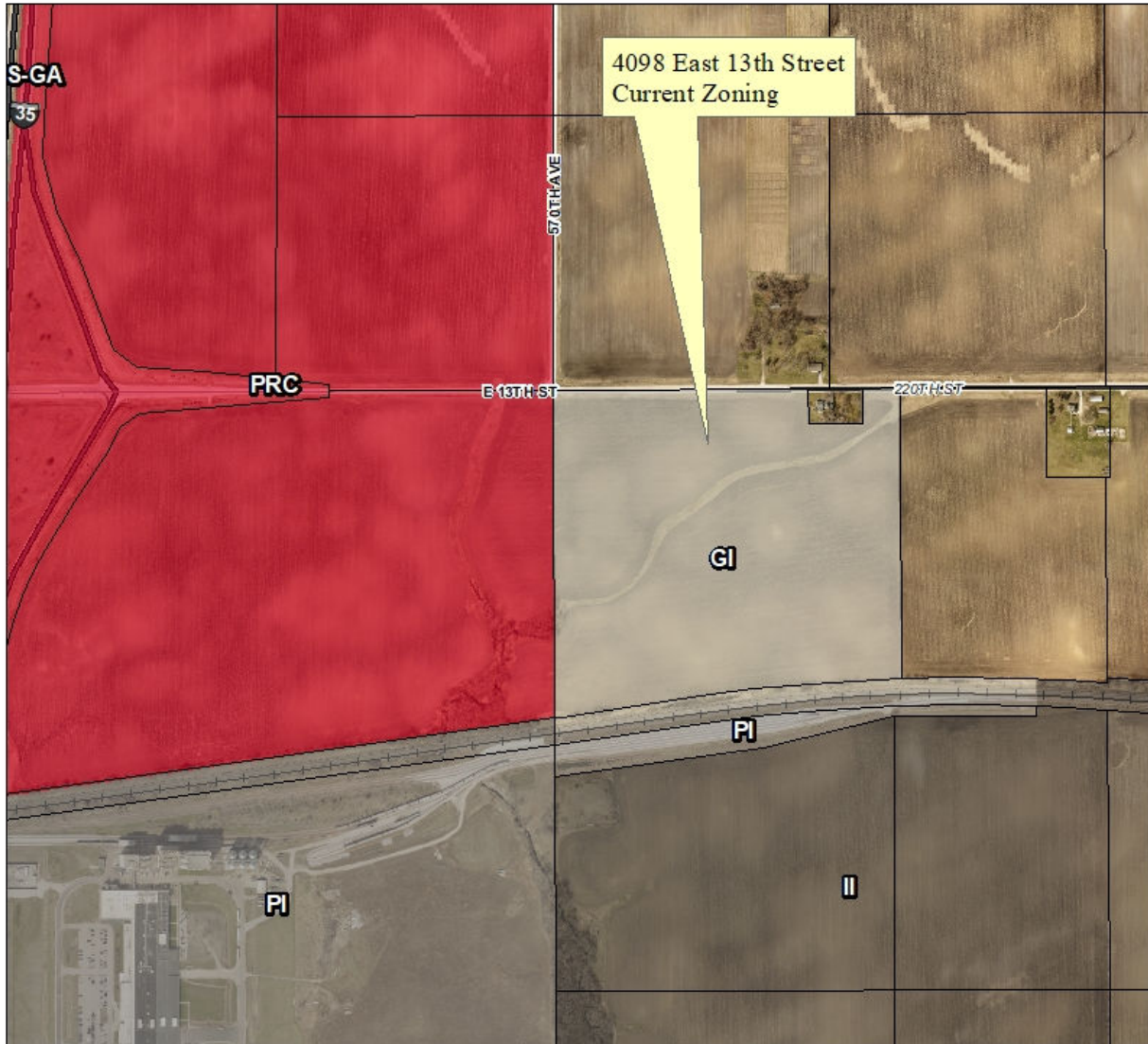
Attachment A- Location Map



4098 East 13th Street
Location Map



Attachment B-Current Zoning & Masterplan



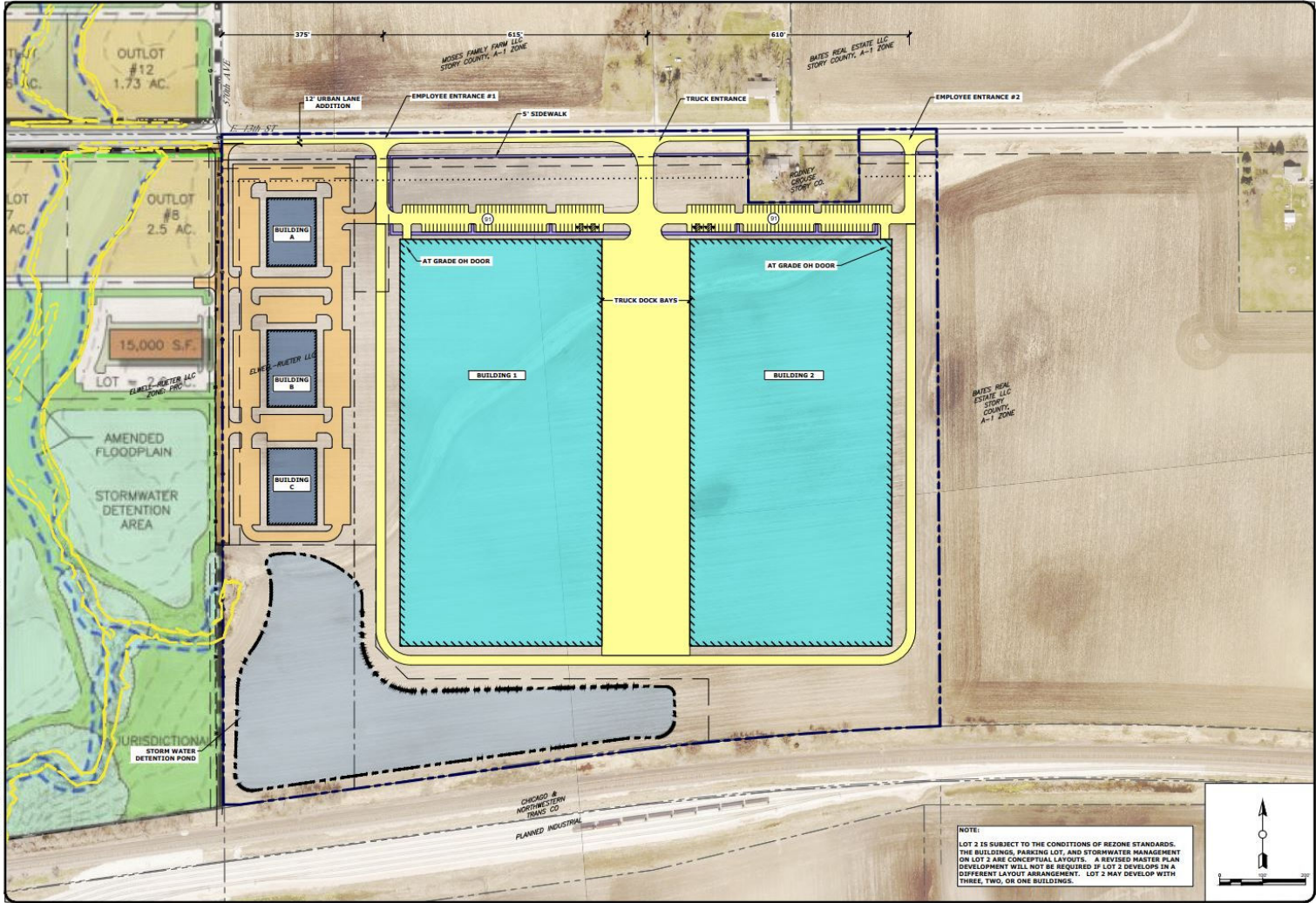
4098 East 13th Street Current Zoning



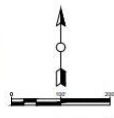
Legend

- PARCELS
- STREET LABELS - ALL @ 50000FT
- Private
- - - ISU Road
- City Road
- County Secondary
- County Hwy
- State Hwy
- US Hwy
- US Interstate Hwy
- Zoning District**
- Commercial**
- Planned Regional Commercial Zone "PRC" (sec 29.805)
- Industrial**
- General Industrial Zone "GI" (sec 29.901)
- Planned Industrial Zone "PI" (sec 29.902)
- Intensive Industrial Zone "II" (sec 29.904)

Attachment B (Cont.)- Masterplan Excerpt



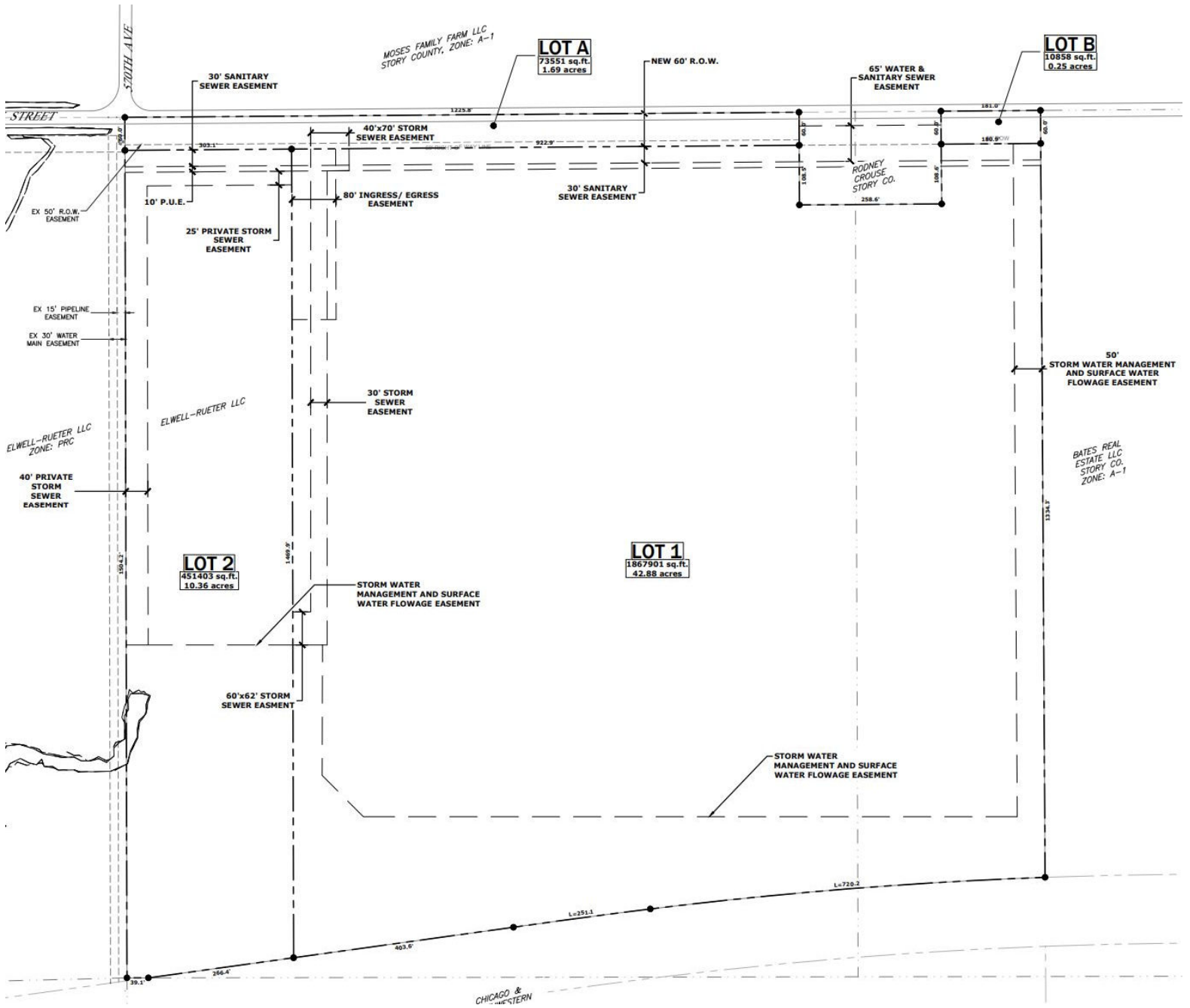
NOTE:
 LOT 2 IS SUBJECT TO THE CONDITIONS OF REZONE STANDARDS. THE BUILDINGS, PARKING LOT, AND STORMWATER MANAGEMENT ON LOT 2 ARE CONCEPTUAL LAYOUTS. A REVISED MASTER PLAN DEVELOPMENT WILL NOT BE REQUIRED IF LOT 2 DEVELOPS IN A DIFFERENT LAYOUT ARRANGEMENT. LOT 2 MAY DEVELOP WITH THREE, TWO, OR ONE BUILDINGS.



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STRAND
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 37 WINDSOR SQUARE
 AMES, IOWA
 PROJECT NO.
 7261.001
 SHEET
2 OF 2

Attachment C- Preliminary Plat



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 & 6):

(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) 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.