

ITEM #:	<u>47</u>
DATE:	<u>05-13-25</u>
DEPT:	<u>P&amp;H</u>

### COUNCIL ACTION FORM

**SUBJECT:                      SIDEWALK INSTALLATION AT 700 E 13TH STREET (PARKS  
   MAINTENANCE FACILITY)**

**BACKGROUND:**

The City-owned property for the cemetery and Parks and Recreation (P&R) maintenance area is considered a conveyance parcel, or a parcel previously created without the benefit of City review. The cemetery has a recorded boundary and layout for plots, but the eastern side of the property where the maintenance area is located is a remainder area that was created through the deed transfer process long ago and a survey is needed at this time to establish boundaries due to proposed improvements. A location map and the survey are attached for reference.

The plat of survey process for a conveyance parcel was triggered by the proposed construction by City of Ames P&R of new maintenance garage building and other site improvements on the property. Plans and Specifications approval is a separate item on this agenda. An excerpt from the draft site plan is attached. Planning staff determined the remainder area is a conforming conveyance parcel outside of the boundaries of the recorded cemetery layouts. There is approximately 400 feet of frontage along E 13th Street for the conveyance area.

**The establishment of surveyed boundaries for a conveyance parcel looks at what missing infrastructure is required along with a plat of survey, which in this case is a sidewalk along E 13th Street for the remainder deeded area. A waiver of installing a sidewalk along E 13th Street is requested as it relates to the construction of a new maintenance building on the property. With the outcome of the waiver request, a plat of survey will be finalized to create a full parcel for the cemetery and maintenance shop area.**

Per the City's Subdivision Code installation of required infrastructure can be required with a plat of survey. **P&R requests a full waiver of the 400 feet of frontage or for a partial waiver of a segment of sidewalk as depicted in the site plan excerpt that includes a crossing to Meadowlane to the north rather than a full extension across the property.** If Council does not approve a waiver, the plans will be updated to show fully conforming segment of sidewalk for approximately 400 feet.

A Waiver is formal process in the City's Subdivision Code designed to address extraordinary hardships, topographic constraints or other unusual conditions that granting of a waiver will result in substantial justice, see below for more detail. Due to specific site issues, a waiver of sidewalk installation is requested by P&R as a combination of topographic and other conditions.

1. **Topographic.** West of the Meadowlane intersection, East 13th Street begins to incline towards the top of a hill at Maxwell Avenue. Due to this slope, the cemetery property has a large retaining wall along its frontage in the road right-of-way. If a sidewalk is constructed along the full frontage of 400 feet it would end near the retaining wall. There is not a feasible way to extend the sidewalk further west along E 13th in the vicinity of the retaining wall. This condition could support a partial or full waiver of the sidewalk as there is no feasible connection to the west.

2. **Future Trail Plans.** Although a sidewalk is not feasible along the full frontage of E 13th Street on the south side, as indicated in the attached memo from the Traffic Engineer, the Walk and Roll plan shows the long-term strategy for this area is to develop a trail facility on the south side of E 13th Street that crosses this site. The trail is shown as extending from the trail in the south portion of River Valley Park along the E 13th Street frontage then heading south through the maintenance area and cemetery to 9th Street. **A portion of the E 13th Street trail improvement would overlap the proposed sidewalk improvement if it were to be constructed.** However, the trail project is the lowest priority in the Plan for completion. Because of this planned improvement, although into the future, it is an unusual condition for an improvement that includes partially crossing the frontage and then traversing through the property as a city improvement project. Theoretically, a segment could be constructed now, but its utility would be limited until trail connections are completed in the future and all of the improvement is planned to be completed by the City rather than a property owner as is usually the case for subdivision improvements.
3. **Safety and Accessibility.** The minimum sidewalk requirement is a segment of approximately 400 feet that would connect to the Maintenance building walkway. The segment would not at this time necessarily connect to the north side. However, it is recommended best practice to end a sidewalk segment that will not extend further with a receiving end to create connectivity and meet accessibility requirements rather than allowing the sidewalk to "dead end." In this case, connectivity could be accomplished by constructing a receiving end across E 13th Street to the north at Meadowlane for a street crossing, this concept is represented with the site plan excerpt as a bid alternate for the site plan. Approving the concept with a crossing would be a partial waiver rather than a full waiver.

The City Traffic Engineer has prepared a memo (attached) regarding the feasibility of this crossing. The biggest issue is that due to the amount of traffic on E 13th and the design speed limit, additional measures are recommended to enhance the visibility and safety of the Meadowlane crossing that may include substantial pedestrian warning systems at additional costs. The memo outlines options for three safety enhancements due to the conditions. If a partial waiver is approved and the crossing is included, the City Traffic engineer will make a final determination on whether to require all of the proposed interventions, including the costly flashing beacon.

**Due to the issues outlined above, Staff is proposing that City Council approve a full waiver of the sidewalk improvement.**

#### **WAIVER PROCESS:**

Sec. 23.103(1) of the Ames Municipal Code allows City Council to waive the infrastructure installation standards of the Subdivision Ordinance when it can be shown that strict compliance with the requirements of the Regulations would result in extraordinary hardship to the Applicant or would prove inconsistent with the purpose of the Regulations because of unusual topography or other conditions. In no case shall any modification or waiver be more than necessary to eliminate the hardship or conform to the purpose of the Regulations.

**If City Council does not support the full waiver for the 400' of frontage, a partial waiver could be approved only for the portion of the frontage generally west of Meadowlane due to topography in order to allow for the sidewalk concept to be constructed as shown on the attached site plan.**

**City Council is not acting on the Plat of Survey, but merely the waiver of the sidewalk installation requirement. Granting of the waiver will allow the applicant to prepare the official Plat of Survey and submit it to the Planning and Housing Director for review. The Director will sign the Plat of Survey confirming that it fully conforms to all conditions of approval.**

Based on the Council's action regarding the sidewalk waiver, the Site Development Plan for the maintenance building will be updated as necessary and approved by staff.

**ALTERNATIVES:**

1. Approve a full waiver of sidewalk installation requirements for 400 feet of frontage along East 13th Street due to topographic and unusual condition, thereby authorizing the Planning and Housing Director to approve the final Plat of Survey.
2. Approve a partial waiver of sidewalk installation to allow for sidewalk improvement that does not extend past Meadowlane and extends to the proposed onsite walkway extension to the Maintenance Shop, and include a crossing of E 13th Street, or as otherwise specified by City Council, with final design and enhanced safety features to be approved by the City Traffic Engineer.
3. Deny the requested waiver of the sidewalk installation requirement as City Council finds that the requirements for a waiver as described in Section 23.103(1) have not been satisfied, thereby requiring construction of an approximate 400-foot sidewalk segment across the entire conveyance parcel frontage without a crossing of E 13th Street to Meadowlane.
4. Refer this request back to staff and/or the owner for additional information.

**CITY MANAGER'S RECOMMENDED ACTION:**

**Staff believes that due to the topography and the unusual conditions of the planned trail to eventually be undertaken by the City, a full waiver can be approved.**

**While the City's subdivision code is designed to ensure gaps in infrastructure are resolved with new development, the proposed sidewalk would not connect well to any existing sidewalk system and enhance access to the property.** Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, waiving sidewalk installation along the full frontage as described above.

**ATTACHMENT(S):**

[Location Map.pdf](#)

[Plat Excerpt](#)

[Site Plan Excerpt](#)

[Memo from Traffic Engineer](#)