

COMMISSION ACTION FORM

DATE PREPARED: January 28, 2010

REQUEST: Preliminary Plat

MEETING DATES: Planning & Zoning Commission – February 3, 2010
City Council – February 23, 2010

PROPERTY OWNER: Kellie M. Markey Revocable Trust
P.O. Box 57310
Pleasant Hill, Iowa 50317

LOCATION: 707 Airport Road, south of U.S. Highway 30, directly east of
H L Munn Lumber Company (see location map).

ZONING: Highway-Oriented Commercial

LUPP: Future Land Use Designation: Highway-Oriented Commercial

PROJECT DESCRIPTION:

The property owner is requesting approval of a Preliminary Plat for the AirPort Business Park. The proposed subdivision includes four numbered lots for commercial development, and one lettered lot to be dedicated as public right-of-way for Airport Court, a 350 foot cul-de-sac street. A plat of survey for this 15.14 acre area was recorded in 2004, which designated the area as Parcel Q. This proposed plat further divides Parcel Q. The subject area is zoned Highway-Oriented Commercial and is also designated Highway-Oriented Commercial on the Future Land Use Map of the Land Use Policy Plan. The property has most recently been used for soybean production. There are no significant natural features or other structures located on-site. The site is generally flat and slopes down gently from Airport Road toward the Highway 30 right-of-way.

Previous Submittal. A preliminary plat for the AirPort Business Park was previously approved by City Council on October 24, 2006. The 2006 preliminary plat expired because a final plat had not been submitted or approved before the deadline.

Applicable Law. The applicable law to the case is contained in *Attachment A*.

Zoning and LUPP. The following table identifies the existing land use, existing zoning, and Future Land Use, LUPP designation of the properties surrounding the subject site.

DESCRIPTION OF SURROUNDING AREA:

Area	LUPP Designation	Zoning Designation	Land Use
North	Highway-Oriented Commercial	Highway-Oriented Commercial (HOC)	Vacant & US Highway 30
South	Government/Airport	Government/Airport District (S-GA)	City of Ames Municipal Airport
East	Highway-Oriented Commercial & Government/Airport	Government/Airport District (S-GA)	Agriculture
West	Highway-Oriented Commercial	Highway-Oriented Commercial (HOC)	H L Munn Lumber Company

Utilities. The utilities adjacent to this site will be adequate to serve the needs of this future development. Although, not a requirement of the preliminary plat, all of the utilities except for electric and street lights have been installed within the plat and accepted by the City.

Water. The City maintains sufficient water capacity to serve this area. A 12-inch water main is located in the Airport Road right-of-way along the south side of the subject site. The developer has extended an 8-inch water main from the 12-inch water main within Airport Road into the site.

Sanitary Sewer. An 8-inch sanitary sewer main currently exists within the Airport Road right-of-way and will provide service to Lot 4. The developer has extended an existing 8-inch sanitary sewer main across the Munn Lumber property to serve Lots 1, 2, and 3. The applicant has provided a sanitary sewer easement for this off-site sanitary sewer extension.

Storm Sewer. The subject property will be graded so that storm water from Lots 1 through 4 will be directed toward an elongated detention pond on the north and west end of the subject site. The storm water detention areas are illustrated on the Preliminary Plat. The storm water will ultimately be discharged into the ditch along U.S. Highway 30 right-of-way. The Iowa DOT has approved this encroachment. The rate of storm water run-off will not be increased above the pre-development rate of run-off.

Electric. The subject area falls within the City of Ames Electric Service Boundary. The site can be adequately served by municipal electric services. The developer will extend the underground electric facilities into the site to serve the proposed subdivision. Three street lights are anticipated.

Streets and Vehicular Access. The developer has constructed Airport Court northward from Airport Road approximately 350 feet to where it terminates with a cul-de-sac. The developer will install sidewalks on both sides of Airport Court as the lots develop. A bike path already exists on the north side of Airport Road, which serves to meet the sidewalk requirement. These improvements are consistent with the requirements of the Subdivision Ordinance.

Essential Community Services. The estimated fire response time to the subject area is within five minutes. The City's fire response time goal is to have 85% of the land area of the city within a response time of five minutes or less. Fire Station Number 3, located at the intersection of Airport Road and South Duff Avenue, provides fire coverage to the subject area. Mary Greeley will supply ambulance services to the subject property.

The subject area falls within an existing police patrol area.

Airport Protection. The area is in close proximity to the Municipal Airport. When an application for development is submitted, the city staff may require a notification form to be sent to the Federal Aviation Administration, depending on the height and/or location of the building(s).

Findings of Fact. Based upon the findings of fact in *Attachment B* and the analysis contained in this report, staff concludes that the proposed preliminary plat is consistent with the Land Use Policy Plan, provided that the remaining public improvements are completed. Accordingly, staff concludes that *Code of Iowa* Chapter 354, Section 8 has been satisfied. Staff further concludes that the proposed subdivision complies with all relevant and applicable design and improvement standards of the Subdivision Regulations, to other City ordinances and standards, and to the City's Land Use Policy Plan.

Conditions. Staff believes the Preliminary Plat for the AirPort Business Park can be approved subject to the following conditions:

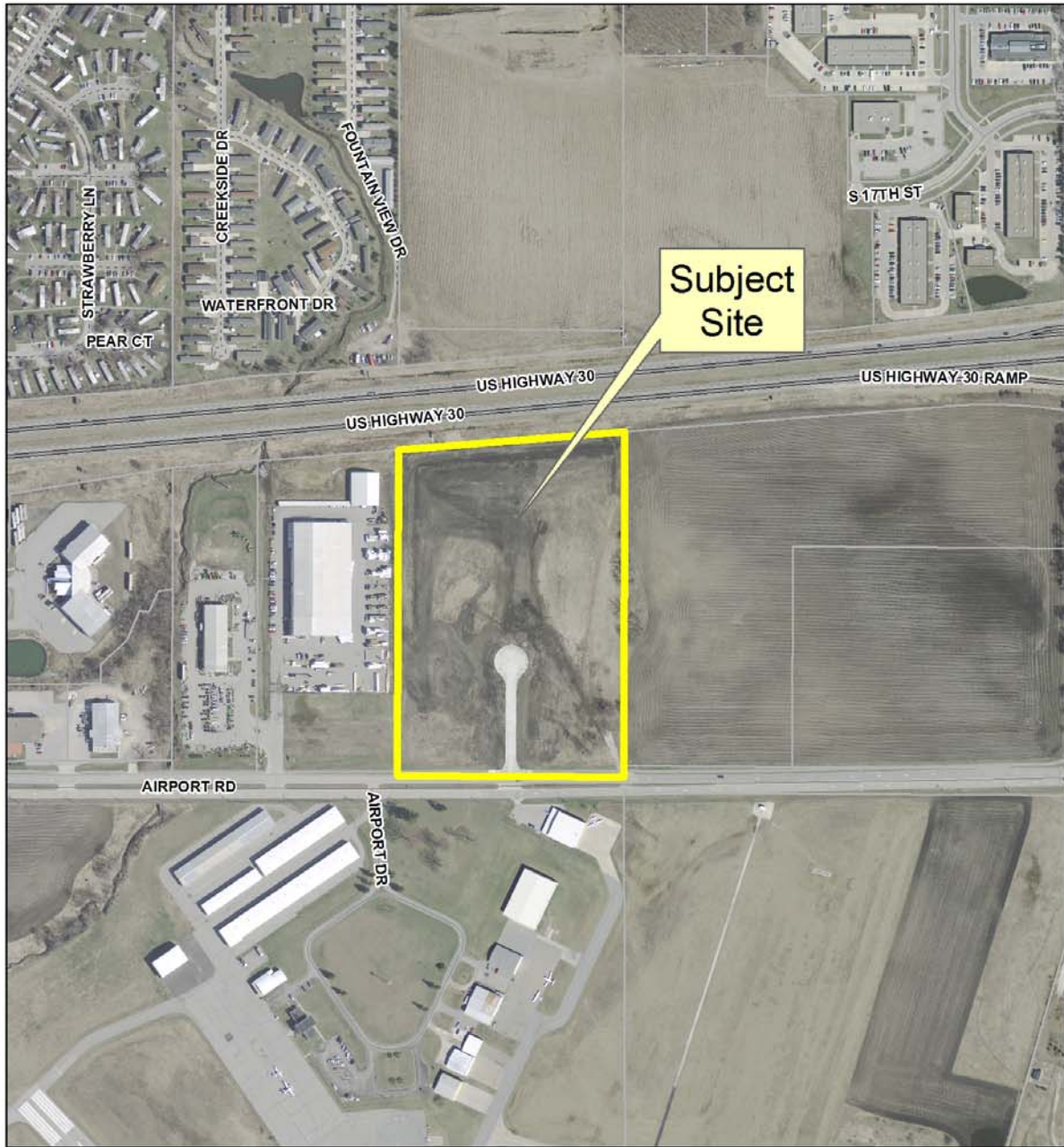
1. That the developer will construct and dedicate all remaining public improvements **within the development** to City of Ames Urban Standards, as required, including: dedication of public right-of-way, sidewalks, electric distribution, street lights, prior to approval of the Final Plat, or execute an Improvement Agreement to guarantee the completion of all remaining public improvements and provide security in the form of an Improvement Guarantee, as set forth in Section 23.409 of the *Municipal Code*.
2. That a note be placed on the Final Plat drawings indicating that no vehicular access will be allowed from Airport Road to Lots 3 and 4. All vehicular access to the lots within the development shall come from Airport Court.
3. That a note be placed on the Final Plat drawings indicating that any future maintenance needed to the storm water structure located within the U.S. Highway 30 right-of-way, as determined by the Iowa Department of Transportation, will be the responsibility of the property owner.

ALTERNATIVES:

1. Based upon the staff's findings of fact and analysis contained in this report, the Planning and Zoning Commission can recommend that the City Council approve the Preliminary Plat for the AirPort Business Park with the conditions listed above.
2. If the Planning and Zoning Commission finds that the preliminary plat application does not meet any of the applicable laws and policies of the City, the Commission can recommend that the City Council deny the Preliminary Plat for AirPort Business Park.
3. If the Planning and Zoning Commission makes findings or conclusions different than staff, the Commission can recommend that the City Council approve the Preliminary Plat for AirPort Business Park, with modifications.
4. If the Planning and Zoning Commission finds that more information is needed prior to making a recommendation to City Council, the Commission can postpone action on this request and refer it back to City staff and/or the applicant for additional information.

RECOMMENDED ACTION:

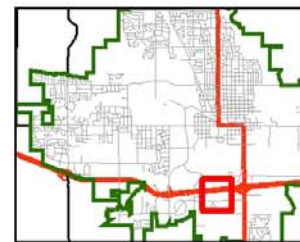
It is recommended that Alternative #1 be adopted. The proposed Preliminary Plat is consistent with the surrounding land uses, existing zoning, and LUPP designation. Staff supports the three conditions outlined in this Action Form. Condition #1 ensures the installation of the remaining required public improvements. Condition #2 restricts vehicular access directly from the proposed lots to Airport Road. Condition #3 ensures that the property owner is responsible for any maintenance needed to the storm water structure that has been constructed within the U.S. Highway 30 right-of-way.



Location Map
707 Airport Road



0 200 400 800 Feet



Attachment A

Applicable Laws:

The laws applicable to this case file are as follows:

Code of Iowa Chapter 354, Section 8 requires that the governing body shall determine whether the subdivision conforms to its Land Use Policy Plan and shall consider the impact on public improvements.

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(3):

(3) *Planning and Zoning Commission Review:*

(a) *The Planning and Zoning Commission shall examine the Preliminary Plat, any comments, recommendations or reports assembled or made by the Department of Planning and Housing, and such other information as it deems necessary or desirable to consider.*

(b) *Based upon such examination, the Planning and Zoning Commission shall ascertain 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.*

Ames Municipal Code Section 23.302(4):

(4) *Planning and Zoning Commission Recommendation: Following such examination and within 30 days of the regular meeting of the Planning and Zoning Commission at which a complete Application is first formally received for consideration, the Planning and Zoning Commission shall forward a report including its recommendation to the City Council. The Planning and Zoning Commission shall set forth its reasons for any recommendation to disapprove or to modify any Preliminary Plat in its report to the City Council and shall provide a written copy of such reasons to the developer.*

Ames Municipal Code Section 23.107 is as follows:

In addition to the requirements of the Regulations, all plats of land must comply with all other applicable City, county, state, and federal statutes or regulations. All references in the Regulations to other City, county, state or federal statutes or regulations are for informational purposes only, and do not constitute a complete list of such statutes or regulations. The Regulations are expressly designed to supplement and be compatible with, without limitation, the following City plans, regulations, or ordinances:

- (1) *Land Use Policy Plan*
- (2) *Zoning Ordinance*
- (3) *Historic Preservation Ordinance*

- (4) Flood Plain Ordinance*
- (5) Building, Sign and House Moving Code*
- (6) Rental Housing Code*
- (7) Transportation Plan*
- (8) Parks Master Plan*
- (9) Bicycle Route Master Plan*

Plats may be disapproved on the basis of the above, and other City Council approved plans and policies that may be adopted from time to time.

Ames *Municipal Code* Chapter 23, Subdivisions, Division III, provides the procedures for the subdivision of property; specifically Section 23.302 discusses Major Subdivisions.

Ames *Municipal Code* Chapter 23, Subdivisions, Division IV, identifies design and improvement standards for subdivisions.

Ames *Municipal Code* Chapter 23, Subdivisions, Section 23.405(3), requires that street lights be installed at the subdivider's expense and according to the design and specification standards approved by the City Council and after review and approval by the Ames Municipal Utility. The electric distribution system for the street light system shall also be installed underground.

Ames *Municipal Code* Chapter 29, Zoning, Section 29.804, includes standards for the Highway-Oriented Commercial Zone.

Attachment B

Findings of Fact

Based upon an analysis of the proposed development, laws pertinent to the proposed development, and conditions and improvements abutting and serving the plat, staff finds as follows:

1. The land included within the proposed subdivision is designated on the Land Use Policy Plan Map and on the Zoning Map as “Highway-Oriented Commercial”.
2. The applicant is proposing a redivision of existing Parcel Q that will subdivide said parcel into four lots. All four lots are proposed for commercial development. There is no minimum lot area for the lots, which are zoned as Highway-Oriented Commercial (HOC).
3. All lots within the proposed subdivision have the minimum amount of required frontage. The minimum frontage requirement for the lots zoned as “HOC” is 50 feet at the street line and 50 feet at the building line.
4. The lot is designed to provide adequate buildable area within the minimum required building setbacks.
5. The City’s Public Works Department has indicated that this site is adequately served by utilities and infrastructure, and that the proposal will result in no adverse traffic impacts. All public improvements except for interior sidewalks, electric distribution, and street lights have been installed and accepted.
6. The proposed subdivision is designed to include interior sidewalks, four feet wide, fronting each lot which are in compliance with the standards for commercial subdivisions. There is an eight foot existing bike path along Airport Road, which will remain to also meet the requirement for the required sidewalk along Airport Road.
7. Flood Plain: This subdivision is not within a Flood Plain according to the FEMA Flood Insurance Rate Map.
8. Access: Airport Road is an arterial street, to which only limited access points are permitted, according to SUDAS (Statewide Urban Design and Specifications).
9. Storm Water Infrastructure: The storm water outlet pipe terminates into Highway 30 right of way, which is in Iowa D.O.T. jurisdiction. The property owner is responsible for ensuring functionality of this private storm water management system.

RESOLUTION NO. 06-439

RESOLUTION APPROVING REVISED PRELIMINARY PLAT FOR
AIRPORT BUSINESS PARK SUBDIVISION
FOR THE CITY OF AMES

WHEREAS, the property owner is requesting approval of a Preliminary Plat for the AirPort Business Park with the proposed subdivision including four numbered lots for commercial development and one lettered lot to be dedicated as public right-of-way for Airport Court; and,

WHEREAS, the Plat was previously submitted and reviewed by the Planning and Zoning Commission and approved with four stipulations by the City Council on November 23, 2004; and,

WHEREAS, at that time, the Preliminary Plat included three lots, not four as it is now proposed; and,

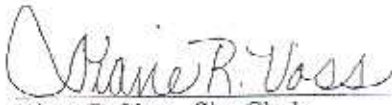
WHEREAS, staff believes that the Plat for the AirPort Business Park can be approved subject to the following stipulations:

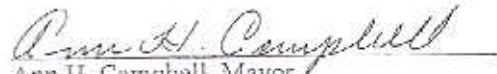
1. That the developer construct and dedicate all public improvements within the development to City of Ames Urban Standards, as required, including: dedication of public right-of-way, street paving, curb, gutter, sidewalks, street lights, water main, sanitary sewer main, and storm sewer improvements, prior to approval of the Final Plat, or execute an Improvement Agreement to guarantee the completion of all public improvements and provide security in the form of an Improvement Guarantee, as set forth in Section 23.409 of the Municipal Code.
2. That a note be placed on the Final Plat drawings indicating that no vehicular access will be allowed from Airport Road to Lots 3 and 4. All vehicular access to the lots within the development shall come from Airport Court.
3. That prior to Final Plat submittal, the applicant shall provide documentation to the City of Ames staff that clearly assigns responsibility to the appropriate property owners for the storm water system and the maintenance of that system that serves the AirPort Business Park Subdivision.
4. That the developer secure all necessary permits prior to commencing any work within the Iowa Department of Transportation right-of-way; and,

WHEREAS, the Planning and Zoning Commission recommended approval of the Preliminary Plat with the stipulations as listed above.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ames, Iowa, that the revised Preliminary Plat for the AirPort Business Park is hereby approved, subject to the aforementioned stipulations.

ADOPTED THIS 24th day of October, 2006.


Diane R. Voss, City Clerk


Ann H. Campbell, Mayor

Introduced by:	Popken		
Seconded by:	Mahayni		
Voting aye:	Doll, Hamilton, Mahayni, Popken, Rice		
Voting nay:	None	Absent:	Goodman

Resolution declared adopted and signed by the Mayor this 24th day of October, 2006.

52065-0600. Preliminary Plat file