

COUNCIL ACTION FORM

SUBJECT: SUBDIVISION FOR INTEGRATED SITE PLAN OF SOUTHWOOD 4th ADDITION FINAL PLAT

BACKGROUND:

The City's subdivision regulations are included in Chapter 23 of the Ames Municipal Code. The Final Plat must be found to conform to the ordinances of the City and any conditions placed upon the Preliminary Plat 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 with new lots.

The proposed major final plat is unique in that it is a component of an Integrated Site Plan approval process as defined in 23.705 of the Ames Municipal Code. On November 13, 2018, City Council approved a Major Site Development Plan in conjunction with the Preliminary Plat to allow for collective site improvements for the development of the site. The approved Integrated Site Development Plan allows for review of an entire site for compliance with development standards rather than for each lot to meet the standards. The proposed final plat includes nine lots that may be individually developed, but shall operate collectively for site improvements purposes, such as parking, landscaping, and lighting. The proposed lot lines also divide the existing former K-Mart building into three lots.

Small adjustments to the proposed lot lines creating Lots 1, 2, and 3 have been made since the Preliminary Plat was approved. These minor adjustments to the configuration of Lots 1, 2, and 3 only affect the division of the interior of the existing former K-Mart building and do not affect the overall layout and design of the site. Prior to the use of the existing building for any purpose, compliance with the Building Code will be required, including construction of firewalls.

As an Integrated Site Plan there are unique Subdivision Code requirements for the final plat that are in addition to the typical standards for a major final plat approval. **A Development Agreement is proposed with the final plat to address the phasing of the improvements. In the event no agreement for phasing is approved, full development of the site consistent with the approved Site Development Plan would be required within two years, per the Subdivision Code requirements.**

The proposed agreement includes "conditions precedent" that the site will be acquired by the developer from the current property owner for the agreement to be effective. The primary features of the proposed phasing plan outlined within the agreement include the following:

1. The Initial Phase, as defined in the Development Agreement, includes Lots 1, 2 and 3 that divide the existing building and include other site improvements. All improvements are required with the Initial Phase to these lots, as well as,

- the front yard landscaping along S. 16th Street.
2. Use of Lot 1 with interior mini-storage, per the approved special use permit, is not allowed without completing facade improvements to the building on Lot 2 and Lot 3.
 3. No use of the building on Lots 1, 2, and 3 can be permitted without conforming to the building code requirements, including new firewalls.
 4. After the initial phase, the remaining lots may be developed in any order subject to coordination of improvements to serve the lots as approved by the Planning Director.
 5. The agreement provides for a 10 year vesting period of the approved Site Development Plan.

The agreement also includes references to the approved site plan and Special Use Permit, allowing interior climate controlled storage, and covenants acknowledging the requirement to use and operate the site collectively. This is required regardless of ownership of the site. Additionally, notes have been placed on the plat that acknowledge shared use of parking, pedestrian ways, circulation, common spaces, and maintenance of improvements and landscaping. These notes are a requirement of an Integrated Site Plan Subdivision.

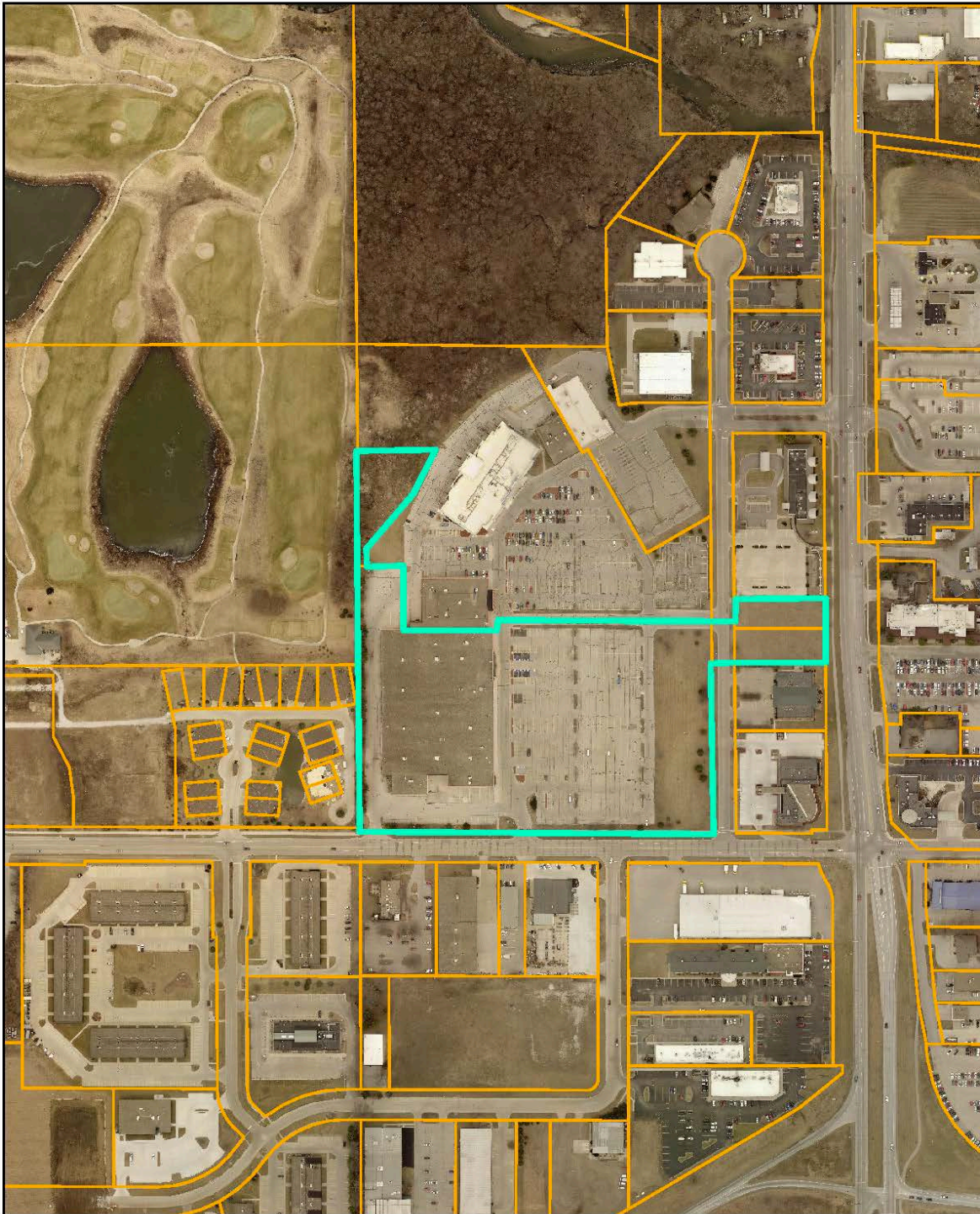
ALTERNATIVES:

1. The City Council can approve the Final Plat of the Fourth Addition to Southwood Subdivision and approve the Development Agreement, subject to receipt and approval of the final documents prior to the City Council meeting on July 9th.
2. The City Council may defer approval of the Final Plat of the Fourth Addition to Southwood Subdivision and the Development Agreement and ask for more information.
3. The City Council can deny the Final Plat of the Fourth Addition to Southwood Subdivision if it finds that the development creates a burden on existing public improvements, creates a need for new public improvements that have not yet been installed, or does not have an appropriate plan for the common use of the site and phasing of improvements.

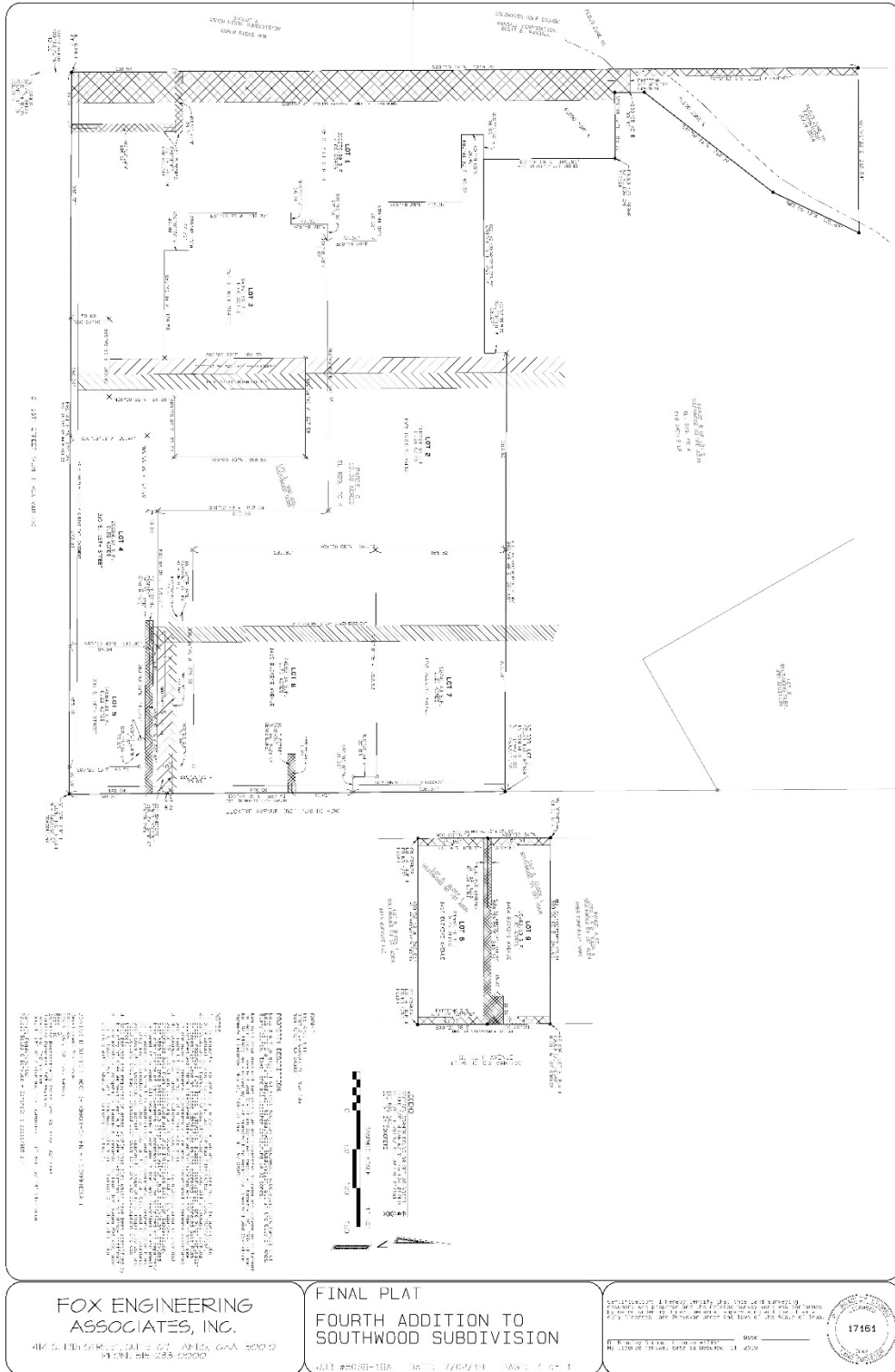
CITY MANAGER'S RECOMMENDED ACTION:

City staff has evaluated the proposed Final Plat for a major subdivision and determined preliminarily that the proposal is consistent with the Preliminary Plat approved by the City Council and that the plat conforms to the adopted ordinances and policies of the City as required for approval of an Integrated Site Plan Subdivision. **The final agreement and subdivision documents are subject to receipt and staff acceptance. A draft development agreement will be provided to City Council on Monday, July 8th. Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1.**

ATTACHMENT 1: LOCATION MAP



ATTACHMENT 2: FINAL PLAT



FOX ENGINEERING ASSOCIATES, INC.
 416 S. HUNTER STREET, SUITE 207, ATLANTA, GA 30309
 PHONE: 404-239-2200

FINAL PLAT
FOURTH ADDITION TO
SOUTHWOOD SUBDIVISION

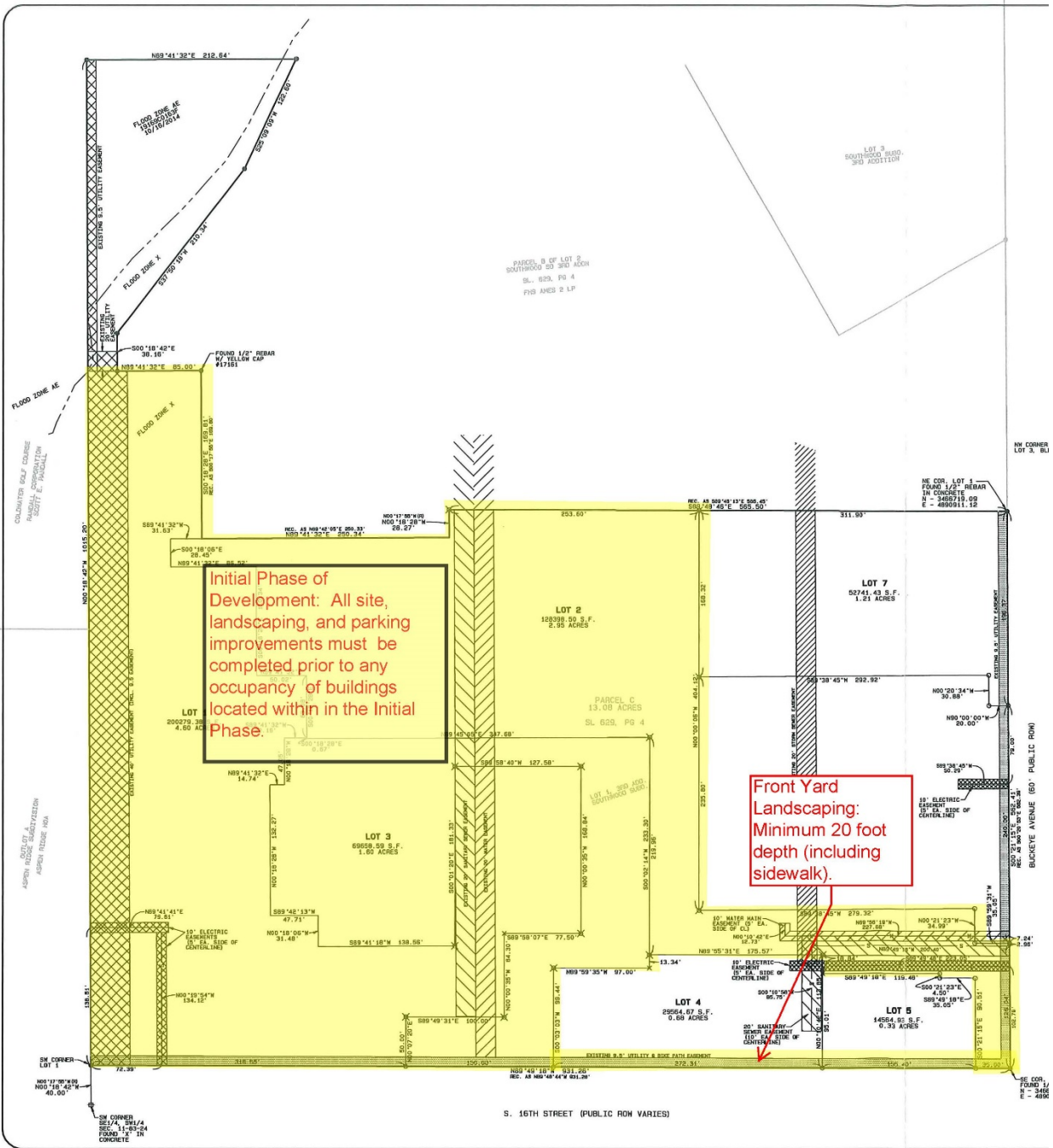
DATE OF THIS PLAT: 11/15/2011
 BY: [Signature]
 TITLE: [Title]

17464

ATTACHMENT 3: DRAFT DEVELOPMENT AGREEMENT

A DRAFT AGREEMENT WILL BE SENT TO CITY COUNCIL MEMBERS ON MONDAY.

ATTACHMENT 4: INITIAL PHASE



Applicable Laws and Policies Pertaining to Final Plat Approval

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)

23.704. REQUIREMENTS FOR INTEGRATED SITE PLAN SUBDIVISION.

(1) An Integrated Site Plan Subdivision must include a descriptive title for the subdivision, and a descriptive title for the associated Integrated Site Plan.

(a) The subdivision title must be clearly shown on the face of the plat as: “[Descriptive Title] Integrated Site Plan Subdivision”, and

(b) The site plan and associated documents must be clearly titled as: “[Descriptive Title] Integrated Site Plan”.

(2) The Integrated Site Plan Subdivision plat shall include all of the following declarations on the plat:

(a) “Circulation and Parking - Unless otherwise specified, all driveways, parking areas, roadways, fire lanes, sidewalks, plazas, courtyards, and other vehicular or pedestrian ways or spaces identified on the approved Integrated Site Plan associated with this Integrated Site Plan Subdivision are for the common use of the owners, tenants, customers and related operational interests associated with each lot contained within this subdivision.”

(b) “Maintenance Area. Unless otherwise specified, a maintenance area is provided within 10 feet of any building or structure identified on the approved Integrated Site Plan associated with this Integrated Site Plan Subdivision, even when said area extends onto other lots within this subdivision, provided that disturbance of improvements or landscaping shall be minimized and repaired/replaced if damaged.” “All development and use of the land described herein shall be in accordance with this subdivision and the associated [Descriptive Title] Integrated Site Plan, as they may be amended with the approval of the City of Ames, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof.”

(3) Setbacks. All buildings and structures contained in the Integrated Site Plan Subdivision are subject to the following setback provisions:

(a) Setbacks along the outer perimeter of the subdivision plat shall conform to the setbacks of the underlying zone.

(b) Setbacks are not required from interior property lines within the Integrated Site Plan Subdivision. However, property lines may not bisect buildings unless a firewall is located along said property line.

(4) Landscaping. The landscaping standards of the underlying zone apply to each lot within the subdivision, except as follows:

(a) Minimum area landscaping calculations may be based on the area of landscaping in the entire subdivision rather than the area of landscaping on individual lots within the subdivision subject to conformance with phasing provisions in Section 23.705.

(b) Required parking lot perimeter landscaping along interior property lines may (subject to conformance with phasing provisions in Section 23.705) be relocated to the other areas of the subdivision, provided that:

(i) the total amount of parking lot landscaping is not diminished from that which would be required if each lot were platted and developed independently; and

(ii) Any required landscape medians and islands are provided in all parking areas.

(5) Frontage Improvements. All Integrated Site Plan Subdivisions shall include street improvements specified in Section 23.403.

(6) All circulation and parking improvements defined on the face of the plat or on the associated Integrated Site Plan, as well as exterior lighting fixtures, landscaping, signage, fixtures and other improvements required by the provisions of the Integrated Site Plan, and/or which serve multiple lots within the subdivision, are to be included in or owned by an association or legal entity in which the owners of each lot or parcel in the divided property have a legal or beneficial interest.

(7) Maintenance of Improvements. All improvements required to comply with the minimum provisions of the Integrated Site Plan, including areas and features on individual lots that collectively contribute to total compliance with minimum standards for parking, circulation, pedestrian access, landscaping, as well as any improvements that are for the collective use of all property owners and/or tenants (such as signage, fixtures, dumpster enclosures, etc.), shall be maintained by an owners association or other legal entity, in which each property owner has a legal interest and obligation. Maintenance obligations shall be included in covenants and restrictions that are administered by the association or legal entity, and which run with the land. The City shall be furnished for review and approval the covenants and restrictions and the legal instruments creating the association or legal entity as part of the Integrated Site Plan Subdivision approval process.

(8) The property owners must execute written agreements which are recorded against the affected property, ensuring that all lots within the Integrated Site Plan Subdivision will continue to function as one site for any number of purposes, including but not limited to: lot access; interior circulation; common utilities; open space; landscaping and drainage; common facilities maintenance; and coordinated parking. Such approved Integrated Site Plan Subdivision and associated Integrated Site Plan is recorded in the county in which such land is located.

23.705. PHASING.

Building permit applications shall be submitted for all structures shown on the Integrated Site Plan within two years of approval. If the applicant chooses to develop the property in a phased development, the applicant must execute a development agreement with the City, which will govern the use and development of the property subject to the Integrated Site Plan, including (1) vesting applicable to subsequent permits; (2) the manner in which each phase of the development will proceed to ensure that (a) roads, utilities, and stormwater systems necessary to serve each phase of the development are constructed prior to the development of each phase, and (b) that sufficient parking, landscaping, open space or other required improvements are in place to ensure that each successive phase complies with minimum requirements in the event that subsequent phases are not completed; (3) expiration of the agreement and all provisions therein.