

COUNCIL ACTION FORM

**SUBJECT: STREETS OF NORTH GRAND PLAT 2
 MINOR SUBDIVISION FINAL PLAT**

BACKGROUND:

Grand Center Partners, represented by Greg Kveton, is requesting approval of a two-lot subdivision of Lot 1 of Streets of North Grand. The purpose of the subdivision is to create a separate lot for the “Retail A” now under construction at the south end of the mall site. An aerial photograph is included as Attachment 1 to show the proposed lot lines in relation to the former buildings on the site. The proposed Final Plat is included as Attachment 2.

The Streets of North Grand was approved as a three-lot subdivision in 2007 to facilitate development of “lifestyle center” retail from the former Sears building southward. At that time, the City Council also approved an Adaptive Reuse Plan for redevelopment of the mall. When that redevelopment became economically infeasible, Grand Center Partners sought Council approval of a modified Adaptive Reuse Plan that anticipated the demolition of a portion of the mall and the construction of new retail space. That plan was approved by Council in January 2012. Within the staff report at that time, the owner discussed the possibility of a future request to create a separate lot for what was shown as “Retail A” on that plan.

Since all infrastructure is in place to serve these lots, this request is classified as a “minor subdivision,” which does not require a preliminary plat. The Adaptive Reuse Plan does not need amending, since there are no changes to the plan as approved by the City Council in January.

Some of the parking areas and drive aisles may be divided by the new lot lines. However, the remote parking agreement approved by the City Council in January, as well as the private covenants of the mall, allow for shared access and parking among all of the lots on the mall property.

All financial security that the City once held for the public and private improvements on the mall has been released. All terms of the previous Development Agreement and Supplemental Development Agreement have been met. There are still conditions on the Adaptive Reuse Plan approval that will be satisfied when building plans for the additional retail spaces are submitted.

The City Council is now asked to determine compliance with the applicable law found in Attachment 2. Based upon the analysis of City staff, the Final Plat for Streets of North Grand Plat 2 conforms to relevant and applicable design and improvement standards of

the *Municipal Code*, to other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted plans and policies.

ALTERNATIVES:

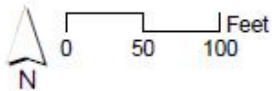
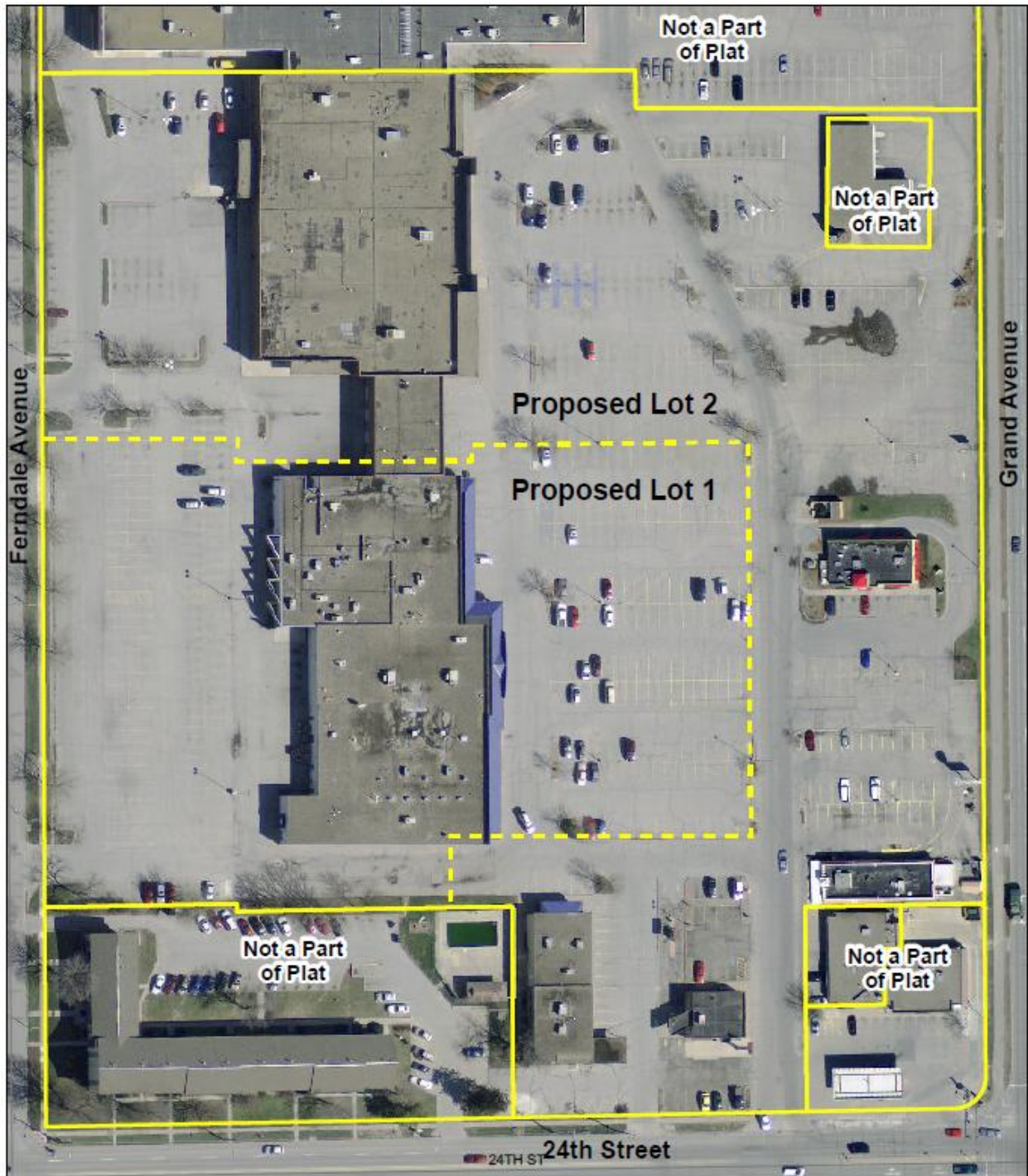
1. The City Council can approve the Final Plat for Streets of North Grand Plat 2.
2. The City Council can deny the Final Plat for Streets of North Grand Plat 2.
3. The City Council can refer this request back to staff or the applicant for additional information.

MANAGER'S RECOMMENDED ACTION:

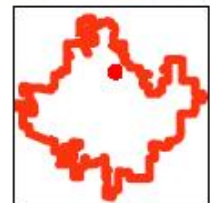
The proposed Minor Final Plat for Streets of North Grand Plat 2 is consistent with the existing Adaptive Reuse Plan approved in January, 2012. It is also consistent with the City's subdivision and zoning regulations. The proposed plat would create a separate platted lot for the Retail A space.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the Final Plat for Streets of North Grand Plat 2.

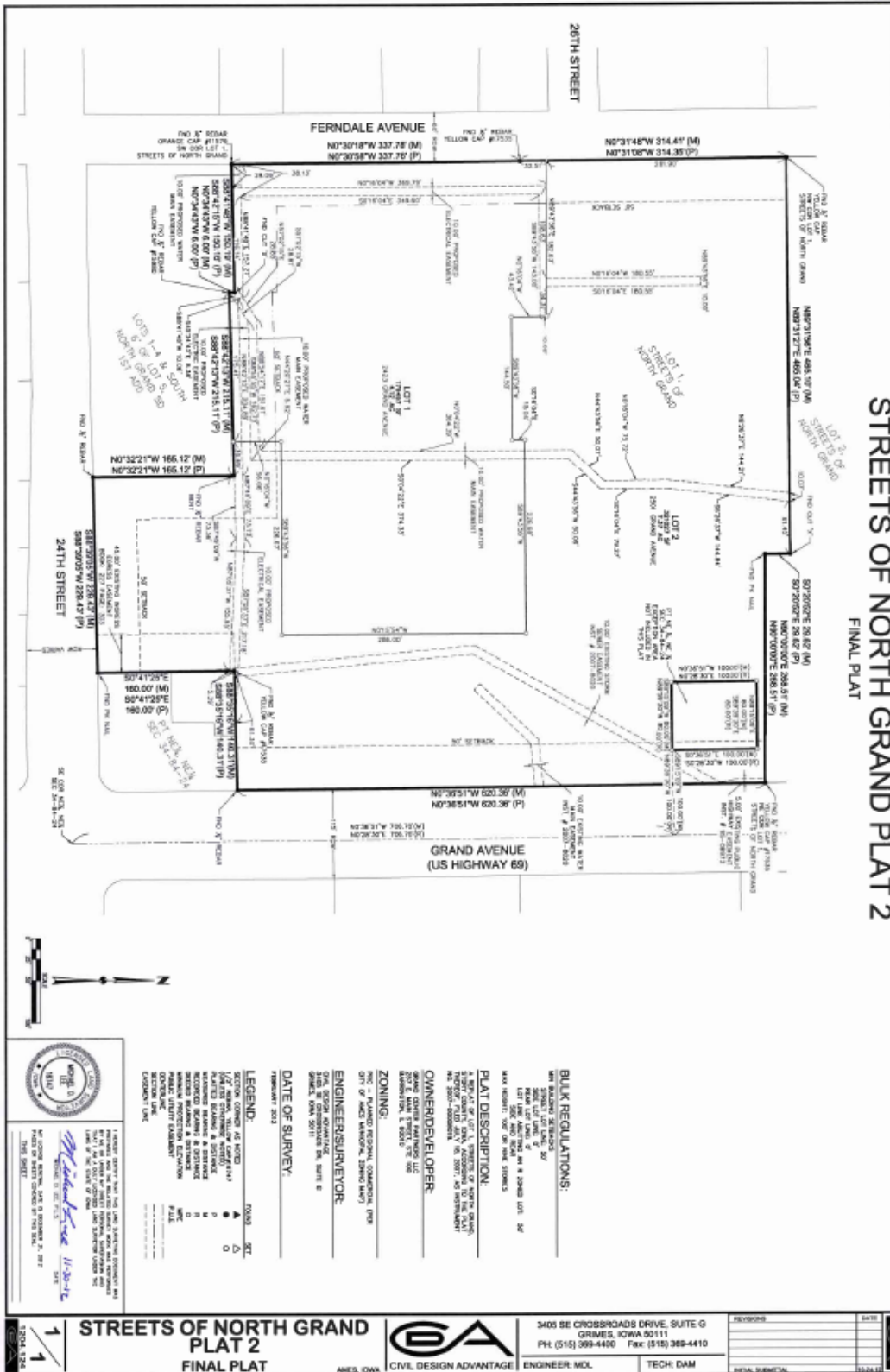
ATTACHMENT 1: GENERAL LOCATION



**Aerial Photograph with
Proposed New Lots**



ATTACHMENT 2: FINAL PLAT



ATTACHMENT 3: APPLICABLE LAW

The laws applicable to this case file are as follows:

Code of Iowa, Chapter 354.8 states in part:

A proposed subdivision plat lying within the jurisdiction of a governing body shall be submitted to that governing body for review and approval prior to recording. Governing bodies shall apply reasonable standards and conditions in accordance with applicable statutes and ordinances for the review and approval of subdivisions. The governing body, within sixty days of application for final approval of the subdivision plat, shall determine whether the subdivision conforms to its comprehensive plan and shall give consideration to the possible burden on public improvements and to a balance of interests between the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of a subdivision. The governing body shall not issue final approval of a subdivision plat unless the subdivision plat conforms to sections 354.6, 354.11, and 355.8.

Ames *Municipal Code* Section 23.303(3) states as follows:

(3) City Council Action on Final Plat for Minor Subdivision:

(a) All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with Section 354.8 of the Iowa Code, as amended or superseded. 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. If the City Council determines that the proposed subdivision will require the installation or upgrade of any public improvements to provide adequate facilities and services to any lot in the proposed subdivision or to maintain adequate facilities and services to any other lot, parcel or tract, the City Council shall deny the Application for Final Plat Approval of a Minor Subdivision and require the Applicant to file a Preliminary Plat for Major Subdivision.