RESOLUTION NO. 23-198

A RESOLUTION GRANTING PRELIMINARY PLAN APPROVAL OF A TWO-LOT MAJOR INDUSTRIAL SUBDIVISION TO BE KNOWN AS THE COUNCIL BLUFFS COMMERCE CENTER ON PROPERTY LEGALLY DESCRIBED AS BEING A TRACT OF LAND LOCATED IN PART OF LOT 1, AUDITOR'S SUBDIVISION OF THE SW 1/4 NW 1/4; PART OF THE SE 1/4 NW 1/4; PART OF LOTS 1, 2, AND 3, AUDITOR'S SUBDIVISION OF THE NW 1/4 SW 1/4; AND PART OF THE NE 1/4 SW 1/4, ALL LOCATED IN SECTION 22, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, VTRE Development is requesting preliminary plat approval on Undeveloped land lying northeast of the intersection of Interstate 80 and East Kanesville Blvd/US Highway 6; and

WHEREAS, The Community Development Department provided the following comments:

A. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, "but shall be deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee and the final plat" (§14.11.060(D)—Subdivision Ordinance). A final plat application for the subdivision must be filed within one year of the date of action by the City Council.

   A request for extension may be made by the sub-divider in writing prior to the expiration date. One-year extensions are considered by the City Planning Commission.

B. The proposed subdivision is consistent with the purpose and intent of Title 14: Subdivisions of the Council Bluffs Municipal Code. The developer has submitted applications to rezone the subject property and amend its future land use designation (see Cases #ZC-23-008 and #CP-23-003) to ensure the proposed subdivision is consistent with Title 15: Zoning of the Council Bluffs Municipal Code and the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan).

C. The developer is proposing to rezone the property from A-2/Parks, Estates and Agricultural District to P-I/Planned Industrial District. The proposed rezoning to the P-I District will require the adoption of a planned industrial development plan that establishes site development, architecture, landscaping, off-street parking and signage standards for the subject property (see Case #PI-23-001). All construction activity that occurs in the proposed subdivision shall comply with the planned industrial development for the Council Bluffs Commerce Center.

D. The minimum lot size requirements for the proposed subdivision shall be determined through the adoption of the planned industrial development plan for the Council Bluffs Commerce Center.
   1. Proposed Lot 1 will contain 34.793 acres, more or less, in area.
   2. Proposed Lot 2 will contain 22.657 acres, more or less, in area.

E. All proposed lots will have access to a public street. Lot 1 will have direct access to Hunt Avenue, and Lot 2 will have indirect access to Hunt Avenue via a cross-access easement over a private driveway on Lot 1. Cross-access easement rights shall be noted on the final plat. No new public roads are planned to be constructed as part of this subdivision.

F. A traffic study submitted by the developer is currently under review by the Public Works Department. All comments and recommendations by the Public Works Department shall be incorporated into all public roadway improvements. All costs associated with public roadway improvements shall be the responsibility of the developer and not the City.

G. The preliminary subdivision plan for the Council Bluffs Commerce Center indicates that stormwater detention ponds will be constructed on Lot 1 and within the right-of-way near the southeast corner of Lot 2. No outlots are shown on the preliminary plan.

H. All lots will be serviced with utilities (e.g. sanitary sewer, water, electricity, etc.). All utilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer and not the City, unless otherwise agreed upon by both the developer and the City.

1. The city is studying the feasibility and cost of extending sanitary sewer to the subject property from near the intersection of East Kanesville Boulevard and Railroad Highway. The City is considering the use of tax increment financing (TIF) to pay for the new sewer line, and discussions regarding the financing of the necessary sanitary sewer extension are ongoing between the City and the developer.
2. A water main extension will be constructed along East Kanesville Boulevard and Hunt Avenue to serve the proposed subdivision. The developer shall coordinate the proposed water main extension with Council Bluffs Water Works.
3. Extensions of private utilities (electricity, gas, etc.) shall be coordinated by the developer through each respective utility provider.
4. The proposed utility plan submitted by the developer indicates installation of overhead power lines along US Highway 6 and Hunt Avenue. All new power lines shall be installed underground, per Section 14.14.080(A) of the Council Bluffs Municipal Code (Subdivision Ordinance), which states the following:

"All utility distribution lines for telephone and electric service to be installed shall be placed underground within easements or dedicated public ways. The installation of such facilities shall be made in compliance with

applicable orders, rules and regulations of the State of Iowa now or hereafter effective, and the owner or subdivider of any property to be served from such underground installations shall be responsible for compliance with the rules and regulations of any public utility whose services will be required with respect to the provisions of such underground facilities."

I. The proposed subdivision is located within an X flood zone (outside the 0.2% annual chance or 500-year flood) according to FEMA Flood Insurance Rate Map panels 19155C0420F and 19155C0418F, dated April 16, 2013.

J. The Council Bluffs Public Works Department provided the following comments:

1. The traffic impact study, drainage report, and geotechnical report submitted by the applicant are currently under review. The developer shall comply with all recommendations from the Public Works Department resulting from the review of these documents.
2. A sanitary sewer system should be developed with services provided to each lot.
3. Streets shall be designed to current standards and specifications.
4. Sidewalk system shall be designed to current standards and specifications.
5. Utility easements shall be put in place per the City's standard with the required standard notes in the dedication.

K. The Council Bluffs Parks and Recreation Department's future trails map indicates potential for a multi-use paved trail to be constructed along US Highway 6 adjacent to the subject property. Because US Highway 6 is under the jurisdiction of the Iowa Department of Transportation (DOT), the city will not require construction of a trail in this location or payment of a fee in lieu by the developer. Discussions regarding feasibility and construction of a trail in this location will be coordinated with Iowa DOT if/when the agency initiates reconstruction of US Highway 6; and

WHEREAS, The Community Development Department recommends approval of the preliminary plan for a two-lot major industrial subdivision to be known as the Council Bluffs Commerce Center on property legally described as being a tract of land located in part of Lot 1, Auditor's Subdivision of the SW 1/4 NW 1/4; part of the SE 1/4 NW 1/4; part of Lots 1, 2, and 3, Auditor's Subdivision of the NW 1/4 SW 1/4; and part of the NE 1/4 SW 1/4, all located in Section 22, Township 75 North, Range 43 West of the 5th Principal Meridian, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following conditions:

A. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, but it "deemed to be an authorization to proceed

with the preparation of final construction plans or performance guarantee and the final plat" (§14.11.060(D)—Subdivision Ordinance).

B. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer, and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage, and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state, and federal requirements shall be the developer's responsibility.

C. All utilities shall be installed underground. All costs to construct, remove, and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer and not the City, unless otherwise agreed upon by both the developer and the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA

That the request for a preliminary plan approval of a two-lot major industrial subdivision to be known as the Council Bluffs Commerce Center on property legally described as being a tract of land located in part of Lot 1, Auditor's Subdivision of the SW 1/4 NW 1/4; part of the SE 1/4 NW 1/4; part of Lots 1, 2, and 3, Auditor's Subdivision of the NW 1/4 SW 1/4; and part of the NE 1/4 SW 1/4, all located in Section 22, Township 75 North, Range 43 West of the 5th Principal Meridian, City of Council Bluffs, Pottawattamie County, Iowa, is hereby approved subject to all comments and conditions listed above and all local, state and federal regulations; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized and directed to endorse the final plat.

ADOPTED
AND July 10, 2023.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk