RESOLUTION NO. 23-217

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF AN EIGHT-LOT MINOR SUBDIVISION TO BE KNOWN AS JOSIES DEVELOPMENT ADDITION, INCLUDING VARIANCES FROM MINIMUM LOT WIDTH REQUIREMENTS AND THE MAXIMUM 3:1 LOT DEPTH-TO-WIDTH RATIO, BEING A REPLAT OF PROPERTY LEGALLY DESCRIBED AS LOTS 13 THROUGH 24, BLOCK 27, FLEMING AND DAVIS ADDITION, ALONG WITH THE EAST/WEST ALLEY ADJOINING, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Almond Opportunity LLC is requesting final plat approval of this eight-lot minor subdivision on 1.26 acres, more or less near 1608 and 1632 14th Avenue; and

WHEREAS, The Community Development Department provided the following comments:

A. On April 10, 2023, City Council rezoned the subject properties from I-2/General Industrial District to R-2/Two-Family Residential District (see Ordinance No. 6553) and amended the future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) to reclassify said properties from 'Light Industrial' to 'Medium-Density Residential' (see Resolution No. 23-105). The purpose of these requests was to facilitate the proposed workforce housing development. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), as well as the purpose and intent of Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code.

B. The minimum lot width requirement for a 'single-family dwelling, detached' in the R-2 District is 50 feet for interior lots and 55 feet for corner lots, as per Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance). All eight lots in the proposed subdivision will measure 45 feet in width and thus will not meet minimum R-2 District lot size requirements. The applicant is requesting a variance from minimum R-2 District lot size requirements in order to subdivide the subject properties as proposed.

Additionally, since the east/west alley abutting 1608 and 1632 14th Avenue is included in the proposed subdivision, all lots will be 45 feet in width by 153 feet in depth. These lot dimensions exceed the maximum 3:1 lot depth-to-width ratio established in Section 14.14.020(A)(3) of the Council Bluffs Municipal Code (Subdivision Ordinance). The applicant is requesting a variance in order to allow the proposed lot depth-to-width ratio.

Section 14.11.040(A) of the Council Bluffs Municipal Code (Subdivision Ordinance) states: *"Where it can be shown that due to special conditions, a literal enforcement of this ordinance will result in an unnecessary hardship, the City shall have the power to vary such regulation so that substantial justice will be accomplished, provided that such variance would:*

1. *Not be in contrary to the public interest;*
2. *Be in the best interest of the City;*
3. *Be within the spirit and intent of this title;*

4. *Not be detrimental to the future residents in and near the proposed subdivision;*
5. *Be consistent with the City's comprehensive plan."*

C. All lots have direct frontage on a public right-of-way (14th Avenue, South 16th and South 17th Streets).

D. No new rights-of-way are proposed to be dedicated to the City as part of this subdivision.

E. All development activity within this subdivision shall comply with the standards set forth in the proposed planned residential development plan for Josies Development Addition (see Case #PR-23-002).

F. Public water, sanitary sewer and storm sewer utilities are available to service the proposed subdivision. 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.

G. All utilities (electric, cable and communication facilities, etc.) shall be installed underground. All costs to construct, remove and/or relocate any utilities in this subdivision shall be the responsibility of the developer, and not the City.

H. Sidewalk installation along the frontage(s) of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each residence, at no cost to the City.

I. The Council Bluffs Public Works Department provided the following comments:
   1. The final plat easements are noted with the proposed conditions.
   2. Sidewalks will be required along street frontage at the time of home construction.
   3. Sanitary sewer laterals will be required to tie into existing sewer and meet all current standards and specifications.

J. MidAmerican Energy stated that they have no conflict with the request. They also noted that a cost estimate and proposal for extending electric facilities has been submitted to the developer.

K. The following technical correction shall be made to the plat prior to being executed:
   1. Revise the Community Development Department Director signatory from "Brandon Garrett" to "Courtney Harter"; and

WHEREAS, The Community Development Department recommends approval of the final plat eight-lot minor subdivision to be known as Josies Development Addition, being a replat of property legally described as Lots 13 through 24, Block 27, Fleming and Davis Addition, along with the east/west alley adjoining, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following conditions:

1. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director.
2. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
3. All comments and technical corrections stated in case staff report shall be addressed on the final plat prior to execution of the document.
4. All utilities shall be installed underground. Any costs to construct, remove and/or relocate any utilities shall be the responsibility of the applicant and/or developer, and not the City.
5. Granting a variance to allow Lots 1 and 8 to be less than 55 feet in width and Lots 2 through 7 to be less than 50 feet in width, as required in Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance), based on the reasons stated above.
6. Granting a variance to allow Lots 1 through 8 to exceed the maximum 3:1 lot depth-to-width ratio, as required in Section 14.14.020(3) of the Council Bluffs Municipal Code (Subdivision Ordinance), based on the reasons stated above.

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

That the request for final plat of an eight-lot minor subdivision to be known as Josies Development Addition, being a replat of property legally described as Lots 13 through 24, Block 27, Fleming and Davis Addition, along with the east/west alley adjoining, City of Council Bluffs, Pottawattamie County, Iowa, is hereby approved.

BE IT FURTHER RESOLVED

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

ADOPTED AND APPROVED August 14, 2023.

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

Planning Case No. #SUB-23-009