RESOLUTION NO. 23-248

A RESOLUTION GRANTING FINAL PLAT APPROVAL FOR A SEVEN-LOT MINOR SUBDIVISION TO BE KNOWN AS BALDWIN COURT, LEGALLY DESCRIBED AS BEING A REPLAT OF ALL OF LOT 1, LOT 4, AND LOT 5 ALL IN BAYLISS 1ST ADDITION AUDITORS SUBDIVISION OF LOT 11, BLOCK 11 AND LOTS 1, 2 AND 3, BLOCK 2, BAYLISS 2ND ADDITION, AND ALL OF LOT 12 AND THE WEST HALF OF LOT 13 IN BAYLISS 1ST ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Habitat for Humanity of Council Bluffs is requesting final plat approval for a seven-lot minor subdivision on undeveloped land located immediately north and east of 119 S. 8th Street; and

WHEREAS, The Community Development Department provided the following comments:

A. 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 Director.

B. The proposed subdivision and rezoning are consistent with the 'High Density Residential' designation of the future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), as well as the purpose and intent of the Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code.

C. The applicant is proposing to rezone the subject property from from C-2/Commercial District to R-3/Low-Density Multifamily Residential District (See Case #ZC-23-011) to allow for the proposed townhome development. The applicant is also requesting to adopt a planned residential development plan which establishes site development, architecture, landscaping, off-street parking and signage standards for the subject property (See Case #PR-23-003). All construction activity that occurs within the proposed subdivision shall comply and the planned residential development plan for Baldwin Court.

D. Lots 1 through 4 are proposed to be developed with four townhomes and Lots 5 and 6 are proposed to be developed with a single-family attached structure for a total of 6 dwelling units within the proposed Baldwin Court Subdivision. Lot 7 is not proposed to be developed at this time and is intended to serve as a placeholder for a potential future phase of residential development.

E. All lots comply with R-3/Low Density Multifamily Residential District minimum lot size requirements per Section 15.10.050, Site Development Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance), with the exception of Lot 3. Proposed Lot 3 is 2,419 square feet, which does not meet the minimum 2,500 square feet lot area for townhouse dwelling and single-family attached units, which are divided by a lot line coinciding with the common wall separating the units. Lot configurations shall be modified so that Lot 3, and all other lots within the proposed subdivision,

meet minimum lot size requirements.

F. The final plat includes the following easements dedicated to the homeowner's association for Baldwin Court:
   1. A 10-foot wide perpetual utility easement across the north and south sides of Lot 1 through 6;
   2. A 24-foot wide cross access easement across Lots 1 through 6; and
   3. A 5-foot wide easement along the west side of Lot 1, east side of Lot 4, west side of Lot 5, east side of the Lot 6, and the west side of Lot 7 adjacent to Lot 6.

   Lot 7 shall also include the 10-foot wide perpetual utility easement across the north and south sides. No easements shall be reserved where a lot line coincides with a common wall separating units. If Lot 7 is ever replatted, said easements shall be reexamined and reconfigured, if necessary.

G. The final plat identifies a potential future perpetual easement on the northeast corner of the adjacent property to the south (119 S. 8th Street). The highlighted triangular easement area shown may be needed for adequate access space for the rear drive along the proposed townhomes. The applicant is working to finalize this easement with the adjacent property owner. Said easement shall be recorded prior to issuance of any building permits.

H. The proposed subdivision includes a new private east/west driveway off South 8th Street, which will provide rear access to each unit. All rights for direct vehicular access shall be from the private drive and not 1st Avenue. Pedestrian access only shall be allowed off 1st Avenue.

I. All lots will be serviced with utilities (e.g. sanitary/storm sewers, water, electricity, etc.) that 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.

J. The subject property is located within an X flood zone (area with reduced flood risk due to levee) according to FEMA map panel no. 19155C0413E, dated February 4, 2005.

K. The following technical corrections shall be made to the final plat prior to being executed by the City of Council Bluffs:
   1. Lot configurations shall be modified so that Lot 3, and all other lots within the proposed subdivision meet minimum lot size requirements.
   2. The 10-foot wide perpetual utility easement shall also be shown across the north and south sides of Lot 7.

L. Council Bluffs Public Works Department provided the following comments:
   1. The driveway serving all units shall be private as previously discussed with the applicant.

2. Stormwater management is required for the site as previously discussed with the applicant; and

WHEREAS, Final plat approval of a seven-lot minor subdivision to be known as Baldwin Court, legally described as being a replat of all of Lot 1, Lot 4, and Lot 5 all in Bayliss 1st Addition Auditors Subdivision Lot 11, Block 11 and Lots 1, 2 and 3, Block 2, Bayliss 2nd Addition, and all of Lot 12 and the west half of Lot 13 in Bayliss 1st Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments above and the conditions below:

A. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless and extension has been requested and granted by the Community Development Director.

B. Conform to all City standards and specifications, the zoning and subdivision ordinances, and the Department of Public Works standards for Public Improvements.

C. All comments and technical corrections stated in the case staff report shall be addressed on the final plat prior to the execution of the document.

D. 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, not the City.

E. All development within the proposed subdivision shall comply with the development standards listed in the proposed development plan for the subject property (Case #PR-23-003).

F. All applicable permits necessary to meet local, state, and federal requirements shall be the developer's responsibility.

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

That the request for final plat approval of a seven-lot minor subdivision to be known as Baldwin Court, legally described as being a replat of all of Lot 1, Lot 4, and Lot 5 all in Bayliss 1st Addition Auditors Subdivision of Lot 11, Block 11 and Lots 1, 2 and 3, Block 2, Bayliss 2nd Addition, and all of Lot 12 and the west half of Lot 13 in Bayliss 1st Addition, 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 September 11, 2023.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk