INST # 008826
RECORDING FEE 25.00
AUDITOR FEE
RMA FEE 1.00 ECOM 1.00

COMPARED

FILED FOR RECORD
POTTAWATTAMIE CO. IA
2006 NOV 27 AM 10: 44
JOHN SCIORTINO
RECORDER

RESOLUTION NO. 06-266

A RESOLUTION granting final plat approval for a three lot single family residential subdivision to be known as Loftus Subdivision.

WHEREAS, John and Diane Loftus have requested final plat approval for a three lot single family residential subdivision to be known as Loftus Subdivision; and

WHEREAS, the minor subdivision is located on approximately 4 acres between Longview Loop and Greenview Road, just west of Ridge View Estates; and

WHEREAS, the subject property and the adjacent land outside of the City are zoned R-3/Urban Residential (County). Rezoning to R-1E/Single Family Residential Estates is appropriate for Lot 1, and R-1/Single Family Residential for Lots 2 and 3; and

WHEREAS, the appropriate City departments and utilities have reviewed the final plat; and

WHEREAS, the Community Development Department recommends final plat approval for a three lot single family residential subdivision to be known as Loftus Subdivision, as shown on the attachment, subject to the following conditions:

1. Prior to executing the final plat, all required public improvements shall be installed at developer's expense and accepted by the City, or the City shall be in receipt of a performance guarantee in an amount determined by the Public Works Department to be sufficient to finish the public improvements not yet completed and/or certified and accepted by the Public Works Department. An estimate of probable construction costs has reviewed and approved by the Public Works Department. Either completion/acceptance of the items or appropriate bond shall be received prior to executing the final plat. The cost estimate shall be revised to include other items listed below.
2. Prior to executing the final plat, all technical corrections required by the Community Development Department and/or Public Works Department shall be incorporated in the final plat document. These items include, but are not limited to the following:
    a. The 15' side sanitary sewer easement shown on Lot 3 shall be revised to a 30' square easement to the City around the manhole. A shared private easement shall be conveyed to Lot 2 for the sewer facility on Lot 3.
    b. A note regarding the controlled access limitation (shared drive) between Lots 2 and 3 shall be added to the final plat document. The location of the shared access shall be shown based upon the completed line of sight study as reviewed and approved by the Public Works Department.
    c. All easements of record and those proposed for the subdivision shall be added to the final plat with benefactors clearly stated.
3. All applicable permits necessary to meet local, state and federal requirements shall be the developer's responsibility, including as necessary, sanitary sewer and general grading permits from the Iowa Department of Natural Resources, completion of a Land Disturbing Activities Affidavit for the West Pottawattamie Soil and Water Conservation District and a grading permit from the Building Division of the Public Works Department.
4. All landscaping in the Greenview right-of-way that is removed due to construction shall be replaced according to a mitigation plan reviewed and approved by the Public Works Department, concurrent with any building permit for Lots 2 or 3.
5. All utilities shall be installed underground.

4D-1

Exhibit "A"

BK 107PG08790

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

That the final plat for a subdivision to be known as Loftus Subdivision, as shown on the attached, is hereby approved, subject to the conditions set forth above; and

BE IT FURTHER RESOLVED

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

ADOPTED
AND Oct. 9, 2006
APPROVED

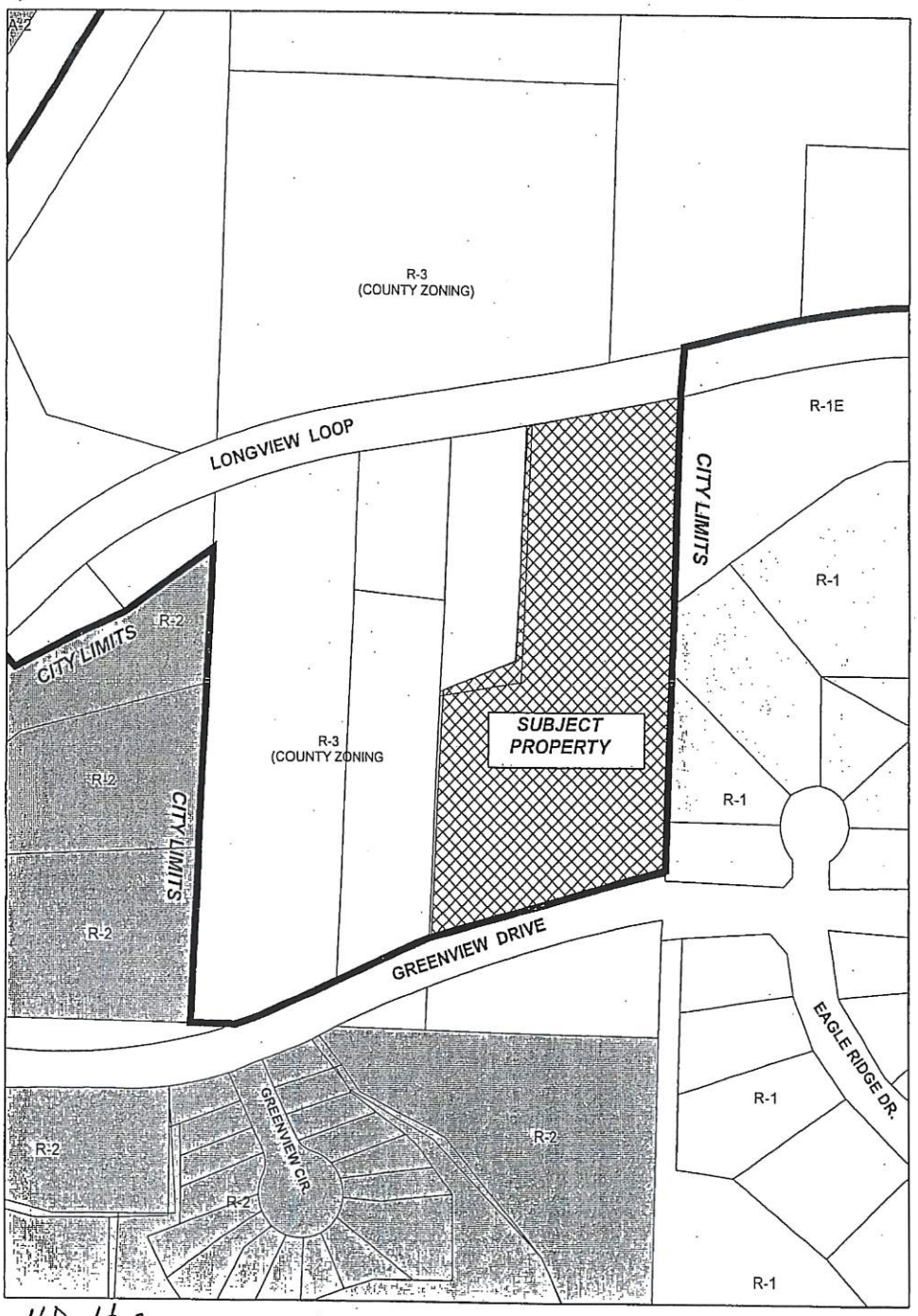
THOMAS P. HANAFAN Mayor

Attest: Marcia L. Worden
MARCIA L. WORDEN Acting City Clerk

Planning Case No. SUB-06-017



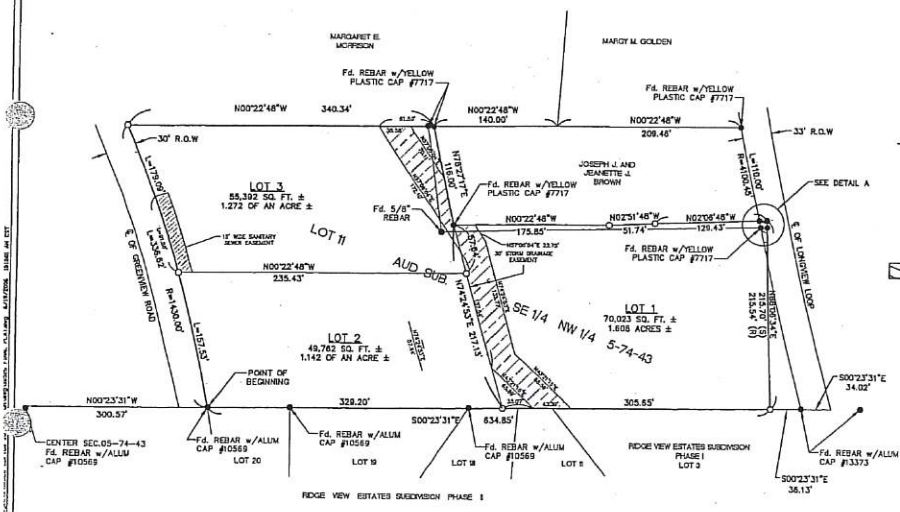
CASE #ZC-06-009, SUB-06-017 & AN-06-001

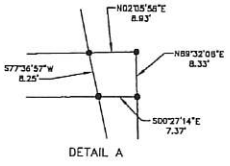


4D 1&2

FINAL PLAT OF
LOFTUS SUBDIVISION
LOTS 1, 2 AND 3 INCLUSIVE

BEING A REPLAT OF A PORTION OF LOT 11, AUDITOR'S SUBDIVISION OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA.





DETAIL A

4D 182

hgm ASSOCIATES INC.
ENGINEERING ARCHITECTURE SURVEYING
council bluffs, iowa

LOFTUS SUBDIVISION
LOT 11, AUDITOR'S SUBDIVISION, SE 1/4 NW 1/4 SECTION 05-74-43
JOHN J. LOFTUS, JR., AND DIANE K. LOFTUS
FINAL PLAT

10526
2 OF 2

PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY

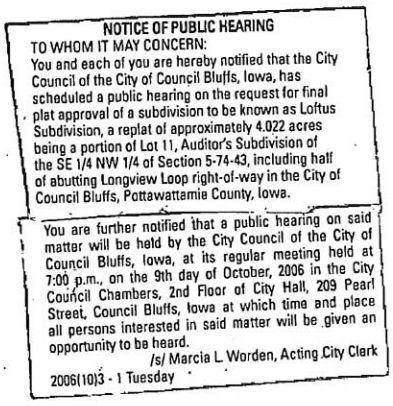
I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

The first publication thereof

began on the 3rd day of October, 2006

Signed in my presence by the said Amy McKay and by her sworn to before me this 6th day of October, A.D. 2006.



NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request for final plat approval of a subdivision to be known as Loftus Subdivision, a replat of approximately 4.022 acres being a portion of Lot 11, Auditor's Subdivision of the SE 1/4 NW 1/4 of Section 5-74-43, including half of abutting Longview Loop right-of-way in the City of Council Bluffs, Pottawattamie County, Iowa.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 9th day of October, 2006 in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

/s/ Marcia L. Worden, Acting City Clerk

2006(10)3 - 1 Tuesday

Amy McKay
Daily Nonpareil Controller

Tiffany N. Schmitt
Notary Public



TIFFANY N. SCHMITT
Commission Number 736088
MY COMMISSION EXPIRES
AUGUST 15, 2008

Filed this 6th day of October, A.D. 2006.
Publication Cost: $ 10.24

Customer Number: 35700
Order Number: 20125606

4D


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TO: Thomas P. Hanafan, Mayor
and City Council Members

FROM: Donald D. Gross, Director
Community Development Department

DATE: September 29, 2006

RE: CASE #ZC-06-009 and CASE #SUB-06-017

REQUEST: Final plat approval for a three lot single family residential subdivision to be known as Loftus Subdivision, concurrent with rezoning.

LOCATION: West of Ridge View Estates Subdivision between Longview Loop and Greenview Road

LEGAL DESCRIPTION: A replat of approximately 4.022 acres being portion of Lot 11, Auditor's Subdivision of the SE¼ NW¼ of Section 5-74-43.

APPLICANTS: John J. Loftus Jr. & Diane K. Loftus
1201 Longview Loop, Council Bluffs, IA 51503

ENGINEER/SURVEYOR: HGM Associates Inc., Attention: Stan Hrupek
640 5th Avenue, P. O. Box 919, Council Bluffs, IA 51502

A. STAFF REPORT

GENERAL INFORMATION – John and Diane Loftus have requested final plat approval and rezoning for a three lot single family residential subdivision to be known as Loftus Subdivision. The proposed minor subdivision is located on 4 acres between Longview Loop and Greenview Road, just west of Ridge View Estates. City Council action on the voluntary annexation was approved by Resolution No. 06-204 on August 14, 2006. The Secretary of State has reviewed the action and notified the City that it complies with the requirements of Iowa Code §368.7. The annexation is complete as of September 18, 2006. Since the land is now within the City, rezoning and final plat approval are needed. The Planning Commission recommended approval of the rezoning and final plat along with the annexation at their July 2006 meeting. The location map with adjacent zoning and the final plat are attached for your review.

CURRENT ZONING AND LAND USE – With the exception of the Diller Greenhouse property on the north side of Longview Loop which is zoned for agricultural and commercial use, the subject property, and the adjacent land outside of the City are zoned R-3/Urban Residential. Land within the City on the west and south of Greenview is zoned R-2/Two Family Residential. Phase I of Ridge View Estates adjacent to the Loftus property along Longview Loop is zoned R-1E/Sngle Family Estates and Phase 2 of the subdivision, accessible from Greenview is zoned R-1/Single Family Residential. Rezoning to R-1E/Single Family Residential Estates is appropriate for Lot 1 and to R-1/Single Family Residential for Lots 2 and 3. Single family dwellings on large lots and agricultural land are the predominate land uses.

NEIGHBORHOOD RESPONSE – Property owners within 200 feet of the rezoning were notified before the July Planning Commission meeting. No comments were received.

UTILITIES/CITY DEPARTMENTS – The appropriate City departments and utilities have reviewed the request with comments incorporated into the recommendation, as necessary.

COMMENTS – Action on the voluntary annexation is complete. Rezoning and approval of the minor subdivision plat for Loftus Subdivision remain. Subdivision approval requires construction of all improvements consistent with City standards. The Zoning Ordinance requires annexed territory to be rezoned consistent with the Comprehensive Plan.

REZONING - The applicant has requested R-1/Single Family Residential zoning for the subdivision. The Community Development Department recommends R-1/Single Family Residential for Lots 2 and 3 and R-1E/Single Family Residential Estates for the existing Loftus home site on proposed Lot 1. Water and sanitary sewer are available to proposed Lots 2 and 3 through the lines installed in Greenview. Due to the small size of the benefited area, low density and the small number of residences which would be served, it is not feasible to construct sanitary sewer in Longview Loop at this time. R-1E/Single Family Residential Estates District allows for

private waste disposal systems in areas where 'sanitary sewer is deemed impractical'. R-1E zoning is recommended for Lot 1 with R-1/Single Family Residential for Lots 2 and 3. The proposed lots exceed the minimum standards as set out in the Zoning Ordinance.

The *Two-mile Limit Area Policy Agreement* lists single and multi-family residential as the primary land use with neighborhood commercial as a secondary land use within the extraterritorial jurisdiction of the City. The proposed zoning is consistent with the goals and intent of the 1994 Comprehensive Plan which suggests residential and neighborhood commercial use in the area east of the current city limits.

FINAL PLAT - The Director of the Community Development Department has determined that the proposed subdivision meets the requirements as a minor subdivision. No new street will be constructed. Service connections to the sanitary sewer and water supply and distribution systems in Greenview are available to Lots 2 and 3. Fire hydrants are in place along Greenview. The Fire Marshal shall determine the need for any additional fire hydrants based upon siting of the new structures during the permit process. An opinion of probable construction costs has been prepared for sanitary sewer, water service, driveway construction including removal and replacement of the public roadway. The applicant can either complete the required improvements or provide appropriate surety to assure completion.

1. The proposed subdivision is consistent with the purpose and intent of the Subdivision and Zoning Ordinances. Each lot exceeds the minimum lot area required in an R-1 and R-1E district, respectively. The proposed lots have direct access to public street right-of-way.
2. Utilities can be extended with sufficient capacity to serve the proposed lots. Lots 2 and 3 will require an individual water service line. Water lines were extended when Greenview Road was built. A 16" line is in place in Longview Loop. Cox Communications and Aquila will extend service lines during the permit process for the new construction.
3. MidAmerican Energy can extend service from existing electric lines. Any easements associated with extension of or relocation of electric facilities shall be provided to MidAmerican at no expense. The developer bears the cost to extend service to each lot.
4. A sanitary trunk sewer line has been constructed in the Greenview Road right-of-way. A 'tap-on' fee is payable when a building permit is requested in the benefited area. Storm sewer and the water main extension were part of the road construction project. The Greenview sewer cannot serve Lot 1 of the subdivision. Private sewage disposal systems are permitted in the Residential Estates zoning proposed for that land. The sewer plan shows a 6" diameter private extension for Lots 2 and 3, which appears acceptable.
5. Lots 2 and 3 on Greenview will share a driveway approach. Public Works required a line of sight study to determine the adequacy of the location of the approach. That study has been completed and the location is acceptable.
6. A 30' wide drainage easement will extend across the property to accommodate storm runoff. The applicant has removed the existing structures or debris within the proposed drainage easement to assure flow through the natural drainage way.
7. Sidewalk is not required along either the Greenview Road or Longview Loop right-of-way adjacent to each lot. Longview Loop has a ditch along the side of the road. A walking/biking trail was built along the north side of Greenview Road. Since the existing trail is only 5" thick, wherever the trail is removed for the driveway, it will be replaced with 6" concrete the full width of the driveway throat.
8. All landscaping in the Greenview right-of-way that is removed due to construction shall be replaced according to a mitigation plan reviewed and approved by the Public Works Department, concurrent with any building permit for Lots 2 or 3.

RECOMMENDATION - The Community Development Department recommends:

1. REZONING – Approval of rezoning the property described above, from R-3/Urban Residential (County) to R-1E/Single Family Residential Estates for Lot 1 and R-1/Single Family Residential (City) for Lots 2 and 3 of Loftus Subdivision.
2. FINAL PLAT - Approval of the final plat for a subdivision to be known as Loftus Subdivision, (shown on the attachment), subject to the following conditions:
   A. Prior to executing the final plat, all required public improvements shall be installed at developer's expense and accepted by the City, or the City shall be in receipt of a performance guarantee in an amount determined by the Public Works Department to be sufficient to finish the public improvements not yet completed and/or certified and accepted by the Public Works Department. An estimate of probable construction costs has been reviewed and approved by the Public Works Department. Either completion/acceptance of the items or

appropriate bond shall be received prior to executing the final plat. The cost estimate shall be revised to include other items listed below.

B. Prior to executing the final plat, all technical corrections required by the Community Development Department and/or Public Works Department shall be incorporated in the final plat document. These items include, but are not limited to the following:
   1. The 15' wide sanitary sewer easement shown on Lot 3 shall be revised to a 30' square easement to the City around the manhole. A shared private easement shall be conveyed to Lot 2 for the sewer facility on Lot 3.
   2. A note regarding the controlled access limitation (shared drive) between Lots 2 and 3 shall be added to the final plat document. The location of the shared access shall be shown based upon the completed line of sight study as reviewed and approved by the Public Works Department.
   3. All easements of record and those proposed for the subdivision shall be added to the final plat with benefactors clearly stated.

C. All applicable permits necessary to meet local, state and federal requirements shall be the developer's responsibility, including as necessary, sanitary sewer and general grading permits from the Iowa Department of Natural Resources, completion of a Land Disturbing Activities Affidavit for the West Pottawattamie Soil and Water Conservation District and a grading permit from the Building Division of the Public Works Department.

D. All landscaping in the Greenview right-of-way that is removed due to construction shall be replaced according to a mitigation plan reviewed and approved by the Public Works Department, concurrent with any building permit for Lots 2 or 3.

F. All utilities shall be installed underground.

B. PUBLIC HEARING – July 11, 2006

The following appeared before the Planning Commission in favor of the request:
Jack Loftus, 1201 Longview Loop, applicant

Joe Brown, 1191 Longview Loop, appeared before the Planning Commission asking about access to the new lots on Greenview.

C. PLANNING COMMISSION RECOMMENDATION

Concur with the Community Development Department recommendation to:

1 ANNEXATION – Approve the voluntary annexation of approximately 4.022 acres and one half of the adjacent right-of-way of Longview Loop, as shown on Attachment 'A' and legally described separately. (Annexation complete and acknowledged by the Secretary of State on September 18, 2006) No further action needed.

2. REZONING – Rezone the property described above, from R-3/Urban Residential (County) to R-1E/Single Family Residential Estates for Lot 1 and R-1/Single Family Residential (City) for Lots 2 and 3, Loftus Subdivision.

3. FINAL PLAT - Approve the final plat for a subdivision to be known as Loftus Subdivision (revised), subject to the conditions listed in the staff recommendation.

VOTE: AYE 7 NAY 0 ABSTAIN 1 ABSENT 1 VACANT 2 Motion carried.

Gayle M. Malmquist, Development Services Coordinator
GMM:cac

40 1 2