City Council Communication

Department: Community Development Department Case #MIS-24-001 Applicants: City of Council Bluffs 209 Pearl Street Council Bluffs, Iowa 51503 Jonah M. and Amanda D. Leinen 15380 214th Street Council Bluffs, IA 51503	Resolution No. _____	City Council: 3/25/2024

Subject/Title

Request: A resolution authorizing the Mayor to execute an agreement for the consent to subdivision and petition for voluntary annexation of parcel number 744303326010 otherwise identified as 15380 214th Street.

Location: 15380 214th Street, Council Bluffs, Iowa

Background/Discussion

The applicants, Jonah M. and Amanda D. Leinen, submitted a sketch-plat application to the Pottawattamie County Planning Department and the City of Council Bluffs requesting approval to subdivide their property at 15380 214th Street, being legally described as SW1/4 of the NE1/4 of the SW1/4 of Section 3-74-43, Pottawattamie County, Iowa into two parcels (see Attachment A). Proposed Lot 1 consists of 2.13 acres (more/less) and is developed with a single-family residential dwelling that the applicants plan to retain. Proposed Lot 2 consists of 7.59 acres (more/less) and is undeveloped land that the applicants plan to sell. The subject property is located within the City's two-mile extraterritorial limit and is designated as a City Growth Area IA, as per the recently adopted Joint City-County Land Use Study/28E agreement.

The City Growth Area IA is described as *"land located within the three-mile study area that is generally adjacent to City limits and is substantially developed with subdivisions and smaller lots in County jurisdiction and may or may not have access or planned access for services including: water, sanitary sewer, storm sewer, emergency services, power, natural gas, communications, and roadways. Property in this area is not expected to be further developed unless assembled into larger development projects and fully served to urban standards. This area is not a priority for future annexation unless it provides a contiguous connection to future development, but may be annexed as subdivision or development of individual sites occur"*.

The subject parcel consists of 10 acres of land and has an existing residential dwelling in the northeast corner of the property. Due to the size of the parcel, it is not eligible to be subdivided as a homestead parcel split, which requires a minimum of 21 acres (minimum of one acre for the dwelling and 20 acres for the remaining parcel). The applicant and staff with the Community Development Department discussed subdividing the property as a parcel split since it's located in an area of the two-mile limit that is developed with small acreage lots and has limited potential to be

developed with an urban density in the foreseeable future. Parcel splits within a City Growth Area IA do not have a minimum acreage requirement and are allowed as a one-time action from a parent parcel (not previously subdivided) subject to immediate annexation or an annexation agreement, if it is not practicable to complete an annexation at the time of development. At this time, immediate annexation is not practicable as the subject property is located approximately 1,980 (more/less) feet from the closest point of the City's municipal boundary (see Attachment B). For this reason, the City and the property owner negotiated an agreement that allows the parcel split to be approved in exchange for their cooperation for voluntary annexation at a future date and compliance with the terms of the agreement (see Attachments C & D). The agreement is applicable to the current property owner and all future successor's and/or assigns associated with the property. Once the agreement is signed by all parties, the City will record the document with Pottawattamie County office so that it follows the chain of title of the subject property in perpetuity.

Recommendation

The Community Development Department recommends approval to execute an agreement for the consent to subdivision and petition for voluntary annexation of parcel number 744303326010 otherwise identified as 15380 214th Street, as shown in Attachments 'C' and 'D'.

Attachments

Attachment A – Preliminary plan
Attachment B - Location map
Attachment C – Proposed voluntary annexation agreement
Attachment D – Voluntary annexation petition

Prepared by: Christopher Gibbons, AICP, Planning Manager