City Council Communication

Department: Community Development CASES #SUB-24-001, #ZC-24-002 Applicant/Property Owner: Luke A. and Natalie R. Norville 4206 Cambridge Street Kansas City, KS 66103 Engineer/Surveyor: Snyder & Associates 231 Bennett Avenue Council Bluffs, IA 51503	Ordinance No. _____ Resolution No. _____	CASE #ZC-24-002: 1st Consideration: 3/25/2024 2nd Consideration: 4/1/2024 3rd Consideration: 4/22/2024 CASE #SUB-24-001: 4/22/2024 Planning Commission: 3/12/2024

Subject/Title

Request: Combined public hearings on the request of Luke A. and Natalie R. Norville for final plat approval of a four-lot residential subdivision to be known as Oak View Estates, legally described as being a replat of Parcel 'D' of the NE1/4 SE1/4 of Section 33-75-43, City of Council Bluffs, Pottawattamie County, Iowa and to rezone the subject property, legally described above, from A-2/Parks, Estates, and Agricultural District to R-1E/Single-Family Residential Estates District.

Location: Undeveloped land located north of property addressed as 1102 State Orchard Road

Background

The Community Development Department has received the following requests from Luke A. and Natalie R. Norville for property legally described above:

1. **CASE #SUB-24-001:** Final plat approval of a four-lot residential estate subdivision to be known as Oak View Estates; and
2. **CASE #ZC-24-002:** Rezone the property from A-2/Parks, Estates, and Agricultural District to R-1E/Single-family Residential Estates District.

CASE #SUB-24-001

The proposed subdivision, to be known as Oak View Estates, contains 25.65 acres, more or less, of undeveloped land and will consist of four residential estate lots. The applicant intends to retain ownership of proposed Lot 1 to develop with a single-family dwelling and sell off proposed Lots 2-4 for future single-family residential development. All lots will have direct access to State Orchard Road. The proposed final plat is included as Attachment 'A.'

Comments

A. The proposed subdivision is consistent with the purpose and intent of Title 14: Subdivisions of the Council Bluffs Municipal Code. The developer has submitted an application to rezone the subject property (see Case #ZC-24-002) to R-1E/Single-Family Residential Estates District to ensure the proposed subdivision is consistent with Title 15: Zoning of the Council Bluffs Municipal Code.
B. All proposed lots comply with minimum R-1E/Single-Family Residential Estates District lot size requirements
    1. Proposed Lot 1 contains 22.654 acres of land (more/less)
    2. Proposed Lots 2-4 contain 1.0 acres of land each (more/less).
C. All development on the proposed lots shall comply with the site development standards listed in Section 15.08A.050, *Site Development Regulations*, for the R-1E District. For zoning purposes, the easterly property line adjacent to State Orchard Road shall be considered the front property line; the northerly property line shall be

considered an interior side property line; the westerly property line shall be considered the rear property line; the southerly property line adjacent to Steven Road right-of-way shall be considered the street side property line; with all other property lines being considered interior side yard property lines.

D. All proposed lots will have direct access to State Orchard Road, which is a public street. Driveway locations shall conform to Public Works Department standards. Proposed Lot 1 also abuts the future extension of Steven Road, which the applicant has not requested access to at this time. Any future access to Steven Road shall be coordinated with the Public Works Department. No new public streets are proposed within this subdivision.
E. The subject property is located along State Orchard Road, which does not have sanitary sewer, but has water, electric, and gas utilities available. The purpose of the proposed R-1E zoning designation is to allow for septic systems and on-site water wells to be utilized in areas of the City in which access to utilities is not readily available. 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.
F. All driveways and off-street parking areas within the proposed subdivision shall be hard-surfaced paved and designed in accordance with the standards stated in Section 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance).
G. The Council Bluffs Zoning Board of Adjustment (ZBA) approved a conditional use permit to allow a 180-foot tall monopole communication tower within a 60'x60' lease area in an A-2/Parks, Estates, and Agricultural District on the subject property on March 17, 2010. The tower is located in the northeastern corner of the subject property. The proposed final plat notes a fall zone with a 190' radius around the communication tower. No dwelling shall be located within said fall zone.
H. The following existing easements are recorded on the subject property and are shown on the proposed final plat:
    1. Transmission line easements to Midwest Power Systems, Inc. along the westerly property line, as filed on December 18, 1992 in Book 93, Page 18023.
    2. Exclusive and access and utility easements over the access drive and tower area for the existing communication tower (Case #CU-10-001) as filed on March 31, 2017 in Book 2017, Page 03808.
I. The proposed final plat includes a dedication of a 33'x603.93' (0.458 acres) section of State Orchard Road right-of-way to the City of Council Bluffs.
J. The subject property is not located within a floodzone.

CASE #ZC-24-002

The subject property is zoned A-2/Parks, Estates, and Agricultural District and is surrounded by the following zoning districts and existing land uses:

Direction	Existing Zoning Districts	Existing Land Uses
North	R-3 (County Zoning)	Single-family residential dwellings
South	A-2/Parks, Estates and Agricultural District	Former site of single-family dwelling, undeveloped land
East	A-2/Parks, Estates and Agricultural District and R-1E/Single-Family Residential Estates District	Undeveloped land and single-family dwellings
West	A-2/Parks, Estates and Agricultural District	Undeveloped land

A location/zoning map is included with this report as Attachment 'B.'

Public notices were mailed to all property owners within 200 feet of the subject property. The following responses have been received as of the date of this report:

Warren Weber, 4703 Cedar Lane, Council Bluffs, IA 51503 contacted the Community Development Department on February 27, 2024 and expressed concerns regarding the condition of State Orchard Road and how it would be negatively affected by additional traffic. W. Weber stated that the County currently maintains the road and asked if they had been informed of the current requests. W. Weber expressed concern with the potential to further subdivide proposed Lot 1 in the future. W. Weber was informed of the City's future plan to rebuild State Orchard Road between Steven Road and Eastern Hills Drive. W. Weber emailed the Community Development and Public Works Departments

on March 4, 2024 requesting that the City also improve State Orchard Road between Steven Road and Cedar Lane at that time.

Discussion

A. The subject property is zoned A-2/Parks, Estates and Agricultural District and is proposed to be rezoned to R-1E/Single-Family Residential Estates District to allow for the proposed single-family residential estates development. The subject property is located along State Orchard Road, which does not have sanitary sewer, but has water, electric, and gas utilities available. The purpose of the proposed R-1E zoning designation is to allow for septic systems and on-site water wells to be utilized in areas of the City in which access to utilities is not readily available.
B. The applicant is proposing to retain ownership of proposed Lot 1 for their single-family dwelling and to sell proposed Lots 2-4 for future single-family residential development.
C. The future land use map of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as 'Low Density Residential.' Rezoning the subject property from A-2 to R-1E would support the goals of the Comprehensive Plan and be an appropriate zoning designation based on the future land use map.
D. The Council Bluffs ZBA approved a conditional use permit to allow a 180-foot tall monopole communication tower within a 60'x60' leased area in an A-2/Parks, Estates, and Agricultural District on the subject property on March 17, 2010. Per Section 15.31, Communication Towers, *"communication towers exceeding the maximum height allowed in the underlying zoning district to a maximum height of two hundred (200) feet are permitted in all zoning districts, subject to approval of a conditional use permit as set forth in CBMC 15.02 and the additional minimum standards and procedures of this chapter."* Therefore, as communication towers are allowed as a conditional use permit in all zoning districts, the proposed rezoning would not result in the tower becoming nonconforming. The tower has a fall zone with a 190' radius; no dwelling shall be located within said fall zone.

The rezoning and subdivision requests were routed to all City Departments and local utility providers. The following comments were received:

The Council Bluffs Public Works Department stated that no public improvements are required at the time of platting but all lots shall be required to manage stormwater runoff at the time of development. The Public Works Department also reviewed the comments received from W. Weber and stated that the City is planning a complete reconstruction of State Orchard Road between Steven Road and Eastern Hills Drive with an anticipated construction date of 2025.

The Council Bluffs Fire Department noted there is a fire hydrant south of Cedar Lane on State Orchard Road for fire protection.

The Council Bluffs Police Department stated they have no comment on the requests.

Lumen noted that they have facilities that run along the easterly portion of Lots 1-4 and that an access and maintenance easement shall be retained over this area.

> Note: The applicant shall coordinate with Lumen to identify the easement area to be reserved for access and maintenance purposes prior to execution of the final plat.

Council Bluffs Water Works stated they have no comment on the requests.

MidAmerican Energy stated they have no concerns regarding the proposed subdivision or rezoning and noted that the developer or their agents should contact them directly to identify costs, responsibilities, and timelines for extending electric services to the proposed subdivision.

Recommendation

The Community Development Department recommends the following:

A. Final plat approval of a four-lot residential subdivision to be known as Oak View Estates, legally described as being a replat of Parcel 'D' of the NE1/4 SE1/4 of Section 33-75-43, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments above and the conditions below:
   1. 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.
   2. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances, and the Department of Public Works standards for Public Improvements.
   3. The applicant shall coordinate with Lumen to identify the easement area to be reserved for access and maintenance purposes prior to execution of the final plat.
   4. No dwelling shall be located within the 190' fall zone around the existing communication tower, as shown on the final plat.
   5. 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.
   6. All applicable permits necessary to meet local, state, and federal requirements shall be the developer's responsibility; and

B. Approval of the request to rezone property legally described legally described as being a replat of Parcel 'D' of the NE1/4 SE1/4 of Section 33-75-43, City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates, and Agricultural District to R-1E/Single-Family Residential Estates District, subject to the comments stated above.

Public Hearing

Staff speakers for the request:
1. Haley Weber, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:
1. John Jerkovich, 535 West Broadway, Suite 100, Council Bluffs, IA 51503
2. Warren Weber, 4703 Cedar Lane, Council Bluffs, IA 51503

Speakers against: None

The City Planning Commission recommended the following:

A. Final plat approval of a four-lot residential subdivision to be known as Oak View Estates, legally described as being a replat of Parcel 'D' of the NE1/4 SE1/4 of Section 33-75-43, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments above and the conditions below:
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   2. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances, and the Department of Public Works standards for Public Improvements.
   3. The applicant shall coordinate with Lumen to identify the easement area to be reserved for access and maintenance purposes prior to execution of the final plat.
   4. No dwelling shall be located within the 190' fall zone around the existing communication tower, as shown on the final plat.
   5. 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.

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

B. Approval of the request to rezone property legally described as being a replat of Parcel 'D' of the NE1/4 SE1/4 of Section 33-75-43, City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates, and Agricultural District to R-1E/Single-Family Residential Estates District, subject to the comments stated above.

VOTE: AYE – Bass, Hutcheson, Knauss, Opperman, Rater, Rew, Stroebele, VanHouten, and Watson. NAY – None. ABSTAIN – None ABSENT – Bailey. VACANT - One Motion: Carried.

Attachments

Attachment A: Proposed Oak View Estates Final Plat
Attachment B: Location/zoning map

Prepared by: Haley Weber, Planner, Community Development Department