**RESOLUTION NO. 24-116**

**A RESOLUTION GRANTING 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.**

**WHEREAS,** Luke A. and Natalie R. Norville are requesting final plat approval for this subdivision to be built on undeveloped land located north of property addressed as 1102 State Orchard Road; and

**WHEREAS,** The Community Development Department provided the following 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; and

**WHEREAS,** The Community Development Department recommends 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:

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. 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.

C. 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.

D. No dwelling shall be located within the 190' fall zone around the existing communication tower, as shown on the final plat.

E. 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.

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 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 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 April 22, 2024.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk