Council Communication

Department: Community Development CASE #SUB-24-006 Applicant/Owner: T S Development LLC c/o Gerald Torczon 11205 S. 150th Street, Suite 100 Omaha, NE 68138 Engineer/Representative: Charles Huddleston P.E. Schemmer 215 South Main Street, Suite 101 Council Bluffs, IA 51503	Resolution No. _____	City Council: 12/16/2024

Subject/Title

Request: Final plat approval of a 48-lot residential subdivision to be known as Whispering Oaks, Phase IV, being legally described as part of the NW1/4 NW1/4 of Section 4-74-43, and part of the SW1/4 NW1/4 of Section 4-74-43, all in the City of Council Bluffs, Pottawattamie County, Iowa, and being more particularly described in Attachment 'A' of the case staff report.

Location: South of Forest Glen Drive between Boxelder Street and Franklin Avenue.

Background/Discussion

The Community Development Department has received a request from T S Development, LLC, represented by Charles Huddleston of Schemmer Associates Inc., for final plat approval of a 48-lot residential subdivision to be known as Whispering Oaks Phase IV (Attachment A). The proposed subdivision totals 13.13 acres in size and is located south of Forest Glen Drive between Boxelder Street and Franklin Avenue. One detached, single-family residential dwelling will be constructed on each lot in the subdivision (Lots 151-197), and Outlot 'A' will be utilized for stormwater detention. The proposed subdivision final plat also includes dedication of three new public roads (Sycamore Street, Balsam Street, and Blackthorn Street) to the City of Council Bluffs.

The preliminary subdivision plan for Whispering Oaks Phase IV was approved by the Council Bluffs City Council on January 27, 2020 by Resolution No. 20-24. Since the date of approval, the preliminary plan was granted four one-year extensions of time by the City's Planning Commission to allow the developer additional time to construct a sanitary sewer lift station that services Whispering Oaks Phases IV and V. In general, the proposed final plat is generally consistent with the approved Whispering Oaks Phase IV preliminary plan.

Comments

1. The proposed subdivision is consistent with the purpose and intent of the Council Bluffs Municipal Subdivision and Zoning Ordinances.
2. The subject property is zoned R-1/Single-Family Residential District (see Attachment B). All building construction within the proposed subdivision shall comply with the site development standards stated in Chapter 15.08B *R-1/Single-Family Residential District* of the Council Bluffs Municipal Code (Zoning Ordinance).

3. All proposed lots comply with minimum R-1/Single-Family Residential District lot dimensions and size requirements.
4. New sections of Balsam Street, Sycamore Street, and Blackthorn Street will be dedicated to the City of Council Bluffs as part of the final plat in order to provide all lots in the subdivision direct access to a public roadway. Additionally, a note dedicating all rights of direct vehicular access from Lots 201, 202, 252, 253, and 295 onto Forest Glen Drive to the City of Council Bluffs is stated on the final plat. A separate note that dedicates all rights of direct vehicular access from Lots 158-169, Whispering Oaks Phase IV onto Franklin Avenue to the City of Council Bluffs shall also be stated on the final plat.
5. All new public street and public infrastructure for Whispering Oaks, Phase IV are fully constructed, except for the sanitary sewer lift station, which is currently being built as part of the Whispering Oaks, Phase V Subdivision (see CASE #SUB-24-007). Section 14.12.070, *Performance Guarantees* of the Council Bluffs Subdivision Ordinance allows a developer to establish an escrow account with the City in lieu of actual and immediate construction of any required improvement for a subdivision. The developer's engineer submitted an opinion of probable cost and a check in the amount of $1,280,767.66 to the City of Council Bluffs for all outstanding infrastructure items associated with Whispering Oaks Phases IV and V. The escrow account is being held in the City Clerks' office until such time all remaining infrastructure items outlined in the engineer's opinion of probable cost are completed, inspected, and approved by the Council Bluffs Public Works Department. Once all work is completed, the escrow funds will be returned back to the developer.
6. Building permits for new home construction in Whispering Oaks Phase IV may be issued while the sanitary sewer lift station is under construction; however, no residential dwelling shall be granted a final Certificate of Occupancy until said lift station is inspected and approved by the Council Bluffs Public Works Department and is fully operational.
7. The Council Bluffs Public Works Department stated all sanitary sewer easements shall be dedicated to the City of Council Bluffs on the final plat.
8. The Council Bluffs Water Works (CBWW) stated all water mains are installed in the subdivision.
9. MidAmerican Energy stated they have no conflicts or concerns regarding the proposed final plat.
10. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the applicant and not the City.
11. A public sidewalk shall be installed along the frontage(s) of each lot prior to issuance of a Certificate of Occupancy for a dwelling on each lot, at no cost to the City. Additionally, a public sidewalk along the frontage of Outlot 'A' shall be installed as part of the Sycamore Street road construction in Whispering Oaks, Phase V.
12. A copy of the any private easements/covenants shall be provided to the City and recorded with the final plat.
13. The following technical corrections shall be made to the final plat prior to being executed:
    a. Legal Description Paragraph - Revise the total acreage of the subdivision from 57,1907 square feet to state 571,907 square feet.
    b. Proprietor's Statement:
        i. Revise the lot numbers in the last sentence in the first paragraph to state "Lots 151 through 197"
        ii. Revise the language in the last paragraph to include a statement that dedicates all rights of direct vehicular access from Lots 158 through 169 and Outlot A onto Franklin Avenue to the City of Council Bluffs.
        iii. Provide a statement that dedicates the 20 foot-wide sanitary sewer easement along the west line of Lot 151, Whispering Oaks, Phase IV to the City of Council Bluffs.

Recommendation

The Community Development Department recommends final plat approval for a 48-lot residential subdivision to be known as Whispering Oaks Phase IV, as legally described above and as shown on Attachment 'A', subject to all comments stated above and the following conditions:

a. All technical corrections shall be incorporated into the final plat document prior to being executed; and
b. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
c. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
d. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City; and
e. The applicant shall provide a copy of any proposed covenants and/or private restrictions associated with the subdivision to the City, or place a note on the final plat indicating none will be recorded; and
f. A public sidewalk shall be installed along the frontage(s) of each lot prior to issuance of a Certificate of Occupancy for a dwelling unit on each lot, at no cost to the City; and
g. Building permits for new home construction in Whispering Oaks Phase IV may be issued while the sanitary sewer lift station is under construction; however, no residential dwelling shall be granted a final Certificate of Occupancy until said lift station is inspected and approved by the Council Bluffs Public Works Department and is fully operational; and
h. The developer shall provide the City with two sets of as-built construction drawings and a two-year maintenance bond, upon acceptance of all required improvements.

Attachment

Attachment A: Whispering Oaks Phase IV final plat
Attachment B: Location and zoning map

Surveyor: Mark Fredrickson, Schemmer, 215 South Main Street Suite 101, Council Bluffs, IA 51503

Prepared by: Christopher N. Gibbons, AICP, Planning and Code Compliance Manager