City Council Communication

Department: Community Development CASE #SUB-24-009 Applicant/Owner: Scott Porter 22930 Cayuse Street Glenwood, Iowa 51534 Engineer/Surveyor: Jason Thompson Egan, Field & Nowak, Inc. 13057 West Center Road, Suite 4 Omaha, NE 681444	Resolution No. _____	City Council: 1/13/2025

Subject/Title

Request: Public hearing on the request of Scott Porter for final plat approval of a six-lot minor subdivision to be known as Black Squirrel Business Park, being a replat of Lots 16 through 30, along with the vacated east/west alley adjoining, all in Block 37, Brown's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa.

Location: Northwest corner of the South 35th Street/14th Avenue intersection.

Background/Discussion

The Community Development Department has received a request from Scott Porter for final plat approval of a six-lot minor subdivision to be known as Black Squirrel Business Park, being a replat of Lots 16 through 30, along with the vacated east/west alley adjoining, all in Block 37, Brown's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. The proposed subdivision is comprised of 2.31 acres (100,817 square feet), more or less, of land.

The subject property is an undeveloped tract of land lying at the northwest corner of the South 35th Street/14th Avenue intersection. On July 13, 2020, City Council passed Ordinance No. 6415 to rezone the subject property from P-C/Planned Commercial District to C-2/Commercial District. This rezoning was intended to allow a general contractor, Cherry Ridge Construction, to build two contractor shops on the subject property. Cherry Ridge Construction did not move forward with this project and the subject property remained undeveloped. In October of 2024, the applicant and his associates acquired the subject property. The applicant's proposal to develop the subject property would be similar to the contractor shop project initially proposed by Cherry Ridge Construction. The applicant intends to construct six contractor shop buildings at this site, with each building being located on its individual lot. The purpose of this subdivision request is to facilitate the development of the proposed contractor shops.

Land Use and Zoning – The following zoning and land uses surround the subject property:

Direction	Zoning District(s)	Land Uses
North	P-C/Planned Commercial District	Union Pacific Railroad tracks
South	P-C/Planned Commercial District	Undeveloped land and a hotel

		(WoodSpring Suites)
East	I-2/General Industrial District	Undeveloped land and a fire protection system supplier (Acme Omaha Sprinkler Co.)
West	P-C/Planned Commercial District	Undeveloped land

The Future Land Use Plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as 'Public Park.'

Comments

A. On July 13, 2020, City Council passed Ordinance No. 6415 to rezone the subject property from P-C/Planned Commercial District to C-2/Commercial District. The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as 'Public Park.' This same future land use plan designation is applied to other properties in the City that are undeveloped and located immediately adjacent to an existing railroad corridor and generally serves as a buffer until a transitional use that is compatible with the railroad and adjacent neighborhoods/properties can be determined. In this particular case, the 'Public Park' designation serves as a buffer between the elevated Union Pacific railroad tracks and the commercial/industrial areas located immediately south and east of the subject property. The current C-2 District designation allows for a variety of land uses that are compatible with the surrounding areas. As such, the proposed subdivision will not be detrimental to the long-term development of areas along South 35th Street. The proposed subdivision is generally consistent with the purpose and intent of Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code.

B. All proposed lots will comply with the minimum lot size requirements in the C-2 District.

C. All future construction and development activity within this subdivision shall comply with the site development standards set forth in Section 15.15.050, Site Development Regulations, C-2/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance).

D. All proposed lots will have direct frontage onto 14th Avenue right-of-way. Proposed Lot 1 will be a corner lot and thus will also have direct frontage onto South 35th Street. No new public roadway extensions are proposed at this time.

E. There is adequate access to utilities (i.e., water, sanitary sewer, storm sewers, electricity, gas, cable, communication facilities, etc.) to service the proposed subdivision. All utilities shall be installed underground. All costs to construct, remove and/or relocate any utilities in this subdivision shall be the responsibility of the developer, and not the City.

F. Sidewalk installation along the frontage(s) of each proposed lot shall be completed prior to issuance of the Certificate of Occupancy for each lot, at no cost to the City.

G. No private restrictions or covenants will be recorded with this plat. A note indicating as such has been placed on the final plat.

H. The Council Bluffs Public Works Department had the following comments:

1. Direct access from or to South 35th Street shall not be allowed.

2. Stormwater management will be required as the proposed subdivision will constitute a greater common project.

3. Notes for typical lot line easements for all lots lines shall be included in the final plat.

I. The Council Bluffs Parks and Recreation Department recommended that a sidewalk be installed along South 35th Street to allow a future connection along that right-of-way.

J. The Council Bluffs Fire Department stated that they have no comment on the request.

K. The Council Bluffs Police Department stated that they have no comment or objection to the request.

L. Council Bluffs Water Works stated that they have no comment on the request.

M. MidAmerican Energy stated that they have no conflict with the request. They also stated that the developer or their agents should contact MidAmerican Energy directly to discuss the project timelines and identify costs and responsibilities for the extension of electric service to the proposed subdivision.

N. The following technical corrections shall be made to the plat prior to being executed:

1. Delete "FINAL PLAT OF" on the plat title.

2. Revise the plat description as provided here:

Being a replat of Lots 16 through 30, together with the entirety of the vacated east/west alley located north of said Lots 16 through 30, all in Block 37, Brown's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa.

3. Revise the legal description as provided here:

A re-platting of Lots 16 through 30, together with the entirety of the vacated east/west alley located north of said Lots 16 through 30, all in Block 37, Brown's Subdivision, a subdivision of the southeast quarter of Section 33, Township 75 North, Range 44 West of the Fifth Principal Meridian, City of Council Bluffs, Pottawattamie County, Iowa. Said parcel being more particularly described as follows:

Beginning at the southwest corner of Lot 16, Block 37, Brown's Subdivision, thence north 0 degrees 18 minutes 09 seconds east, based on Iowa RCS Zone 7, a distance of 153.00 feet along the west line of said Block 37 to the southwest corner of Lot 15 of said Block 37, thence south 89 degrees 25 minutes 36 seconds east a distance of 657.97 feet along the south line of Lots 1-15 of said Block 37, also being the north line of the vacated alley, to the southeast corner of Lot 1 of said Block 37 and the west right of way line of South 35th Street, thence south 0 degrees 01 minutes 38 seconds west a distance of 153.28 feet along said west right of way line, also being the east line of said Block 37, to the southeast corner of Lot 30 of said Block 37 and the north right of way line of 14th Avenue, thence north 89 degrees 24 minutes 10 seconds a distance of 658.71 feet west along said north right of way line, also being the south line of Lots 16-30 of said Block 37, to the point of beginning. Said parcel contains 2.3143 acres, more or less, and is subject to all easements of record, if any.

4. The standard dedication of public easements shall appear on the plat as provided here:

A 5-foot wide perpetual easement along all side lot lines and a 10-foot wide perpetual easement along all front and rear lot lines are reserved for the installation and maintenance of utilities:

ERECTION OF STRUCTURES PROHIBITED: Grantor shall not erect any structure over or within easement area without obtaining the prior written consent of the City Engineer.

CHANGE OF GRADE PROHIBITED: Grantor shall not change the grade, elevation, or contour of any part of the easement area without obtaining the prior written consent of the City Engineer.

RIGHT OF ACCESS: City shall have the right of access to the easement area and have all right of ingress and egress reasonably necessary for the use and enjoyment of the easement area as herein described.

REMOVAL AND REPLACEMENT: The cost of removal and replacement of any unauthorized improvement or structures within the easement area, necessitated by the exercise of the rights under this dedication, shall be borne by the grantor or their successors and assigns.

SURFACE RESTORATION: The City's liability to restore the surface within the easement area shall be limited only to grading and seeding and replacement of grantors surface roadway.

DUTY TO REPAIR: City agrees that any drain tile, drive or access way, fence, yard or other improvements outside of the easement area which may be damaged as a result of any entry made through an exercise of the City's right of access, shall be repaired at no expense to the grantor.

EASEMENT RUNS WITH THE LAND: The easement area shall be deemed to run with the land and shall be binding on the grantor and their successors or assigns.

GRANTOR RESERVATIONS: Grantor reserves the right to use the easement area for other purposes provided however these purposes shall not interfere with grantees use of the easement area under the rights of this agreement.

5. Additional signatory lines shall be included on the plat for Ronald J. Anderson and Michael Porter.

6. A note shall be placed on the plat that indicates the 45-foot wide drainage easement along the north end of the subdivision will be dedicated to a business owner association that manages the proposed business park/contractor shops.

7. A note shall be placed on the plat that dedicates the right to direct access from South 35th Street onto Lot 1 to the City of Council Bluffs.

8. Revise the date on Note No. 4 from "*March 3, 2201*" to "*March 19, 2001*."

Recommendation

The Community Development Department recommends final plat approval of a six-lot minor subdivision to be known as Black Squirrel Business Park, being a replat of Lots 16 through 30, along with the vacated east/west alley adjoining, all in Block 37, Brown's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following conditions:

A. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director.

B. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.

C. 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, and not the City.

D. Sidewalk installation along the frontage(s) of each proposed lot shall be completed prior to issuance of the Certificate of Occupancy on each lot, at no cost to the City.

E. All comments and technical corrections stated in case staff report shall be addressed on the final plat prior to execution of the document.

Attachments

Attachment A: Location/Zoning Map
Attachment B: Black Squirrel Business Park Final Plat

Prepared by: Moises Monrroy, Planner, Community Development Department