RESOLUTION NO. 21-357

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A 36-LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS NEW HORIZON SUBDIVISION, REPLAT 3 ALONG WITH SUBDIVISION VARIANCES FOR LOTS TO EXCEED THE MAXIMUM 3:1 LOT DEPTH-TO-WIDTH RATIO AND TO BE LESS THAN 50 FEET-WIDE IN AN R-2/TWO-FAMILY RESIDENTIAL DISTRICT.

WHEREAS, Bluffs Homes, LLC, represented by Robert McCarthy, John Jerkovich, and Jason James, are requesting final plat approval for a 36-lot major subdivision to be known as New Horizon Subdivision, Replat 3, legally described as being a replat of Lot 5, New Horizon Subdivision, Replat 2 (see Attachment A); and

WHEREAS, The final plat includes variances to allow lots to exceed the maximum 3:1 lot depth-to-width ratio and to be less than 50 feet-wide, as required in an R-2/Two Family Residential District; and

WHEREAS, The proposed subdivision consists of 6.82 acres of land (more/less) located approximately 700 feet east of the intersection of Valley View Drive and College Road and proposed Lots 1 through 36 will be developed with townhomes, and Outlots A-C are reserved for signage/utilities and/or future development purposes; and

WHEREAS, The following comments were provided for the proposed subdivision request:

A. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) as well as the purpose and intent of the Council Bluffs Subdivision and Zoning Ordinances.

B. The proposed subdivision is zoned R-2/Two-Family Residential District and has a PR/Planned Residential Overlay appended to it. All land development and construction activity within the subdivision shall comply with the adopted PR/Planned Residential development plan for New Horizon Subdivision, Replat 3, as per Resolution No. 21-66, dated February 22, 2021.

C. The preliminary plan for New Horizon Subdivision, Replat 3 was approved by the Council Bluffs City Council on February 22, 2021 by Resolution No. 21-65. The approved preliminary plan included variances to allow lots to exceed the maximum 3:1 lot depth-to-width ratio and to be a minimum of 40 feet wide, as opposed to the required 50 feet in an R-2 District. There are five lots (Lots 19, 24, 25, 26, 27, and 28) shown on the final plat that have lot widths ranging from 34.63 feet to 39.62 feet. These lots were shown on the preliminary plan to be less than 40 feet; however they were inadvertently excluded from the approved lot width variances. The Community Development Department recommends modifying the previously approved lot width variance to allow said lots to be less than 40 feet. The developer engineer's demonstrated all lots in the subdivisions are capable of being developed in accordance with the site development standards stated in the approved New Horizon Subdivision, Replat 3 planned residential development plan. No negative impacts to the layout, function, and/or design

of the subdivision are anticipated to occur by allowing said lots to be less than the 40 feet allowed.

- No changes are proposed to the 3:1 lot depth-to-width ratio variances that were approved for Lots 4 through 6, Lots 10 through 13, Lot 16, Lot 18, and Lots 23 through 31, New Horizon Subdivision, Replat 3.

D. Three outlots are shown on the final plat. Outlot A will be used for a future neighborhood identification sign and contains an access easement to the stormwater detention basin located on Outlot A, New Horizon Subdivision, Replat 2. Outlots B and C consist of land that being held in reserve for future redevelopment of property located at 1621 College Road. All outlots will be owned and maintained by a homeowner's association, as per notations on the final plat.

E. The subdivision includes dedication of a new public street (Patrick Circle) to the City of Council Bluffs. All lots in the proposed subdivision will have direct frontage and access to Patrick Circle.

F. The final plat includes easement language and dedication statements for stormwater conveyance into Outlot A, New Horizon Subdivision, Replat 2. The proposed stormwater easements shall supersede the previously recorded stormwater easements on the subject property on the New Horizon Subdivision, Replat 2.

G. All townhome units will be constructed with an internal fire suppression system in order to comply with the 2015 International Fire Code Chapter D107.1. This Chapter of the IFC requires fire suppression systems for developments of 30 or more units when only one access road is provided. Council Bluffs Water Works (CBWW) confirmed the water main extension is installed and in service for the subdivision. Additionally, CBWW stated their Board adopted a policy that any house with a residential fire sprinkler system must have a minimum service line and meter size of 1" and abide by their installation standards.

H. Public water, sanitary sewer and storm sewer utilities are available to service all lots in the subdivision. Any cost to construct, extend, remove and/or relocate any utilities within or to this subdivision shall be the sole responsibility of the developer, and not the City of Council Bluffs.

I. A public sidewalk shall be installed along the frontages of each lot prior to issuance of a Certificate of Occupancy for a dwelling on each lot, at no cost to the City. A sidewalk along the frontage of Outlot B that connects into the public sidewalk along the frontage of Lot 1, New Horizon Subdivision, Replat 3 shall be installed prior to issuance of the first final certificate of occupancy for a dwelling unit in this subdivision.

J. All electric, cable and communication facilities 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.

K. Council Bluffs Public Works stated all infrastructure is installed and accepted with performance guarantee letter from the developer.

L. The subdivision is located within the Council Bluffs Interstate Corridor Preservation Zone. The Iowa Department of Transportation (IDOT) has reviewed the proposed final plat and stated they do not see any conflicts as it relates to the ongoing interstate reconstruction work. Additionally, IDOT commented that anyone building or living next to the interstates accepts the inherent traffic noise. There will be no noise mitigation on IDOT's right-of-way in this area of the City.

M. A copy of the any private easements/covenants shall be provided to the City and recorded with the final plat.

N. The following technical corrections/edits shall be made to the final plat prior to being executed by the City of Council Bluffs:

1. Provide a metes and bounds description for the boundary of the proposed New Horizon Subdivision, Replat 3 and notate to total number of acres in said subdivision on the final plat.
2. Expand the second "Line Table" on Sheet 2 of 2 to show the line identification numbers for Lots 56-108; and

WHEREAS, The Community Development Department recommends final plat approval of a 36-lot residential subdivision to be known as New Horizon Subdivision, Replat 3, legally described as a replat of Lot 5, New Horizon Subdivision, Replat 2 and as shown on Attachment 'A', subject to all comments stated above and 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 comments and technical corrections stated in case staff report shall be addressed on the final plat prior to execution of the document.

D. 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.

E. Granting variances to allow lots in the subdivision to be less than the required 50 feet allowed in an R-2/Two-Family Residential District and to exceed the maximum 3:1 lot depth-to-width ratio, as shown on the New Horizon Subdivision, Replat 3 final plat (see Attachment 'A').

F. All land development and construction activity within the subdivision shall comply with the adopted New Horizon Subdivision, Replat 3 planned residential development plan, as per Resolution No. 21-66, dated February 22, 2021.

G. A public sidewalk shall be installed along the frontages of each lot prior to issuance of a Certificate of Occupancy for a dwelling unit on each lot, at no cost to the City. Additionally, a public sidewalk shall be installed along the frontage of Outlot B, New Horizon Subdivision, Replat 3 that connects to the public sidewalk along the frontage of Lot 1, New Horizon Subdivision, Replat 3 prior to issuance of the first certificate of occupancy for a new dwelling unit in said subdivision.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the final plat approval for a 36-lot residential subdivision to be known as New Horizon Subdivision, Replat 3, legally described as a replat of Lot 5, New Horizon Subdivision, Replat 2 and as shown on Attachment 'A', is hereby approved subject to all local, state and federal regulations; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized and directed to endorse the final plat.

ADOPTED
AND December 13, 2021.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

Planning Case No. #SUB-21-014