RESOLUTION NO. 22-60

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A 27-LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS HILLSIDE ESTATES, LEGALLY DESCRIBED AS LOTS 1 THROUGH 27 INCLUSIVE, AND OUTLOTS A THROUGH E, BEING A REPLAT OF LOT 1, FRANKLIN HEIGHTS SUBDIVISION AND LOT 6 AND A PORTION OF LOT 5, AUDITOR'S SUBDIVISION OF THE SW1/4 OF THE NW1/4 OF SECTION 32-75-43, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, The Community Development Department is requesting this final plat approval for this subdivision to be developed by Turn the Paige Investments, LLC; and

WHEREAS, Turn the Paige Investments, LLC went through the City's offer-to-buy process to acquire the subject property and through this process, the City has agreed to commit Community Development Block Grant (CDBG) funding for road construction, grading work, stormwater management installation, and landscaping; and

WHEREAS, In exchange for the Grant finding, the builder has agreed to dedicate a minimum of 51 percent of the housing units as low-to-moderate income housing units, which are priced at or below 80 percent of the area's median income with fourteen (14) of the proposed 27 units (51.9%) being dedicated to low-to-moderate income housing units; and

WHEREAS, All City departments and local utility companies were provided a copy of the proposed final plat for review and the following comments were received:

A. The proposed subdivision is zoned R-2/Two-Family Residential. The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as High-Density Residential. A portion of the northwest corner of the property is designated as Loess Hills Preservation Area. The developer proposes to construct one 'single-family dwelling, detached' or one 'single-family dwelling, attached' on each proposed lot. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), as well as the purpose and intent of Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code.

B. The Hillside Estates preliminary subdivision plan was approved (Case #SUB-21-006) by City Council (Resolution No. 21-147) on May 10, 2021, which included variances for minimum lot size/lot width and maximum lot depth-to-width ratios due to the unique topographic nature of the site, preservation of the Loess Hills, and incorporation of stormwater management areas. Since the approval of the preliminary subdivision plan, the commencement of construction activity and additional conversation between the developer and City has resulted in the need for additional

subdivision variances to ensure that homeowners are not responsible for the maintenance of the hillside (Outlot 'D').

The Community Development Department recommends maintaining all variances approved with the preliminary subdivision (Resolution No. 21-147), along with granting additional variances as follows:

1. Variances from minimum R-2 District Lot Depth:
   Minimum required lot depth: 100 feet

   Proposed Lots 3 through 10 do not meet the minimum 100-foot lot depth requirement for the R-2 District.

2. Variances from minimum R-2 District Lot Sizes:
   Minimum required R-2 District lot sizes: 5,000 square feet (interior lot), 2,500 square feet per unit (single-family attached), and 5,500 square feet (corner lot). The following proposed lots do not meet the R-2 District minimum lot size:

Lot	Proposed Lot Size (Square Feet)	Proposed Dwelling Type
Lot 7	4,308	Single-Family Detached
Lot 8	4,316	Single-Family Detached
Lot 9	4,285	Single-Family Detached
Lot 10	4,360	Single-Family Detached

The Community Development Department has reviewed the applicant's variance requests and recommends approval for the following reasons:

1. The subject property is a challenging setting for residential development for a multitude of reasons. The north half of the subdivision includes steep, Loess Hills terrain that is designated as a preservation area. Additionally the area is further bounded by existing residential developments to the west and north and by Franklin and Bennett Avenues to the south and east. The subdivision is further influenced by the incorporation of stormwater management areas and dedicated outlots for access to the adjacent City-owned Clark cemetery. The proposed subdivision variances allow the applicant to develop the property in a sustainable manner that accounts for all the prior mentioned development constraints.
2. The City's Comprehensive Plan encourages a variety of housing types in order to meet the needs of the community. The applicant's proposal includes fourteen (14) single-family attached dwellings and thirteen (13) single-family detached dwellings, which will be

marketed to households of varying income levels. The proposed mixture of housing typologies and market-rate and workforce housing in the community is in the overall best interest of the City.

3. The applicant has engineered and designed the subdivision to be compatible with existing development in the surrounding area. The requested subdivision variances are not anticipated to be detrimental to the future residents in and/or adjacent to the subdivision.

C. The proposed Hillside Estates Subdivision is subject to the adopted planned residential development plan approved by City Council on May 10, 2021 (Resolution No. 21-146). The planned residential development plan generally includes regulations on the following items:

1. Site Development standards – All lots developed to R-2 District standards with the exception of a 20-foot front yard setback and a 40 percent maximum lot coverage for all lots.
2. Off-Street Parking – All single-family attached units are proposed to be constructed with a one-stall garage. One of the two required parking spaces for all proposed single-family attached dwellings shall be allowed in the front yard setback.
3. Architecture – Each dwelling shall have a minimum of 40 square feet of stone, brick, and/or decorative architectural metal on the front façade.
4. Landscaping – The submitted landscaping plan included shrub plantings and street trees. Street trees shall be planted along the frontage of each proposed lot prior to issuance of a Certificate of Occupancy for each lot. Street trees shall be planted along the south side of the sidewalk along Franklin Avenue to provide a barrier between pedestrians and traffic. The sidewalk shall be set back approximately six (6) to eight (8) feet from the curb to accommodate the planting of said street trees. All costs associated with the installation and maintenance of street trees along Paige Lane shall be the responsibility of the developer and/or HOA and not the City. All proposed trees within the City's right-of-way shall comply with the Council Bluffs Street Tree Guide and be reviewed and approved by the City prior to installation.
5. Signage – All signage shall comply with Section 15.33.160(C), P-R/Planned Residential District Sign Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).

D. The proposed subdivision includes five (5) outlots, A-E. Outlot 'A' extends along Franklin and Bennett Avenues and serves as a landscape buffer between the residential properties and public right-of-ways. Outlots 'B' and 'C' will serve as stormwater detention areas. Outlot 'E' will be combined with City-owned Clark Cemetery located immediately north of the subject property through a lot line adjustment at a later date. The City is retaining Outlot 'E' for access to City-owned Clark Cemetery. As a part of the final

plat, the City dedicates Outlots A-D to the Homeowners Association and/or their assignees and grants ingress/egress access to the Homeowners Association over Outlot E for maintenance activities on Outlot D.

E. All proposed lots will have access to Paige Lane, a new public street that will be built and dedicated by the City, and will align with Wendy Heights Road to the south. The construction of Paige Lane has been completed.

F. All proposed lots will be serviced with utilities (e.g. sanitary/storm sewers, water, electricity, etc.) that shall be installed underground. The City has paid for the sanitary/storm sewers and water infrastructure. Installation of the water line will be completed in the spring when the ground is completely thawed. The developer shall be responsible for the costs of providing electricity, and gas, if desired, to the development.

G. Sidewalk installation along the frontage of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each lot. A sidewalk is planned to be constructed along Outlot 'C' once the waterline has been fully extended along Paige Lane. All sidewalks shall be built to City standards.

H. All future streetlights shall meet Public Works Department standards. The developer has paid for the streetlights;

I. The subject property is not located within a flood zone.

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

1. The dedication language on Sheet 2 of 2 shall be revised to include language on the responsibility of the Homeowners Association and/or their assignees for the perpetual maintenance of Outlots A, B, C and D.
2. The Certificate of Treasurer of Pottawattamie County statement on Sheet 2 of 2 shall be revised to state "I, Lea A. Voss, the Treasurer of Pottawattamie County, Iowa, hereby certify that the property included in the Hillside Estates Subdivision, is free from certified taxes and certified special assessments."

K. A five-foot wide sidewalk is proposed to be constructed along the north side of Franklin Avenue once the waterline has been installed. The Council Bluffs Parks and Recreation Department stated that the proposed five (5) foot sidewalk along the north side of Franklin Avenue sufficiently addresses their department's connectivity goals for the area.

L. The Council Bluffs Public Works Department provided the following comments:

1. Maintenance of the outlots shall be dedicated to the HOA.
2. Stormwater management features shall have an operation and maintenance plan and shall be dedicated to the HOA.
3. Water has not yet been provided to the site and associated sidewalk work has not been completed. An engineer's opinion of costs shall be developed for these items.

4. A performance bond or other type of performance guarantee shall be provided for all work that has not yet been completed.

M. MidAmerican Energy stated that they have no conflict with the proposed final plat and noted that the final plat includes the required perpetual utility easement. MidAmerican Energy noted that they have worked with the developers and their agents on the project and provided a cost estimate and proposal for extending electri facilities.

N. Council Bluffs WaterWorks stated that they have an agreement with the Community Development Department to have the water main extension constructed with an anticipated construction date of Spring of 2022; and

WHEREAS, The Community Development Department recommends approval of the proposed 27-lot residential subdivision to be known as Hillside Estates Subdivision, legally described as being a replat of Lot 1, Franklin Heights Subdivision and Lot 6 and a portion of Lot 5, Auditor's Subdivision of the SW1/4 of the NW1/4 of Section 32-75-43, 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 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. Maintaining all variances approved with the preliminary subdivision (Resolution No. 21-147), along with granting additional variances to allow lot depths in the subdivision to be less than the 100 feet required in the R-2/Two-Family Residential District and for lot sizes to be less than the minimum required in the R-2/Two-Family Residential District, as shown on the Hillside Estates Final Plat (see Attachment 'B').

F. All land development and construction activity within the subdivision shall comply with the adopted Hillside Estates Subdivision planned residential development plan, as per Resolution No. 21-146, dated May 10, 2021.

G. Sidewalk installation along the frontage of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each lot. A sidewalk shall be constructed along Outlot 'C' once the waterline has been fully extended along Paige Lane. All sidewalks shall be built to City standards.

H. Street trees shall be planted along the frontage of each proposed lot to issuance of a Certificate of Occupancy for each lot. Street trees shall be

planted along the south side of the sidewalk along Franklin Avenue to provide a barrier between pedestrians and traffic. The sidewalk shall be set back approximately six (6) to eight (8) feet from the curb to accommodate the planting of said street trees. All costs associated with the installation and maintenance of street trees along Paige Lane shall be the responsibility of the developer and/or HOA and not the City. All proposed trees within the City's right-of-way shall comply with the Council Bluffs Street Tree Guide and be reviewed and approved by the City prior to installation.

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

That the final plat approval for a 27-lot residential subdivision to be known as Hillside Estates Subdivision, as legally described above, 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 February 28, 2022.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk