RESOLUTION NO. 22-98

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A FOUR-LOT SUBDIVISION TO BE KNOWN AS BLACK SQUIRREL FLATS SUBDIVISION, LEGALLY DESCRIBED BEING A REPLAT OF PART OF BROWN'S SUBDIVISION, BLOCK 19, LOTS 16 THROUGH 30, INCLUSIVE, AND BLOCK 18, LOTS 1 THROUGH 15, INCLUSIVE, AND BLOCK 9, LOTS 1 THROUGH 3, INCLUSIVE, ALSO VACATED 12TH AVENUE FROM SOUTH 34TH STREET TO SOUTH 35TH STREET, ALSO VACATED SOUTH 34TH STREET ADJOINING BLOCKS 9 AND 18, ALSO VACATED RAILROAD AVENUE EAST OF 35TH STREET, ABUTTING BLOCKS 9, 10, 17, 18 AND SAID VACATED SOUTH 34TH STREET, ALL IN BROWN'S SUBDIVISION, A SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Scott Porter has requested review and approval of a four-lot subdivision to be known as Black Squirrel Flats; 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 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 split-zoned C-2/Commercial District and R-3/Low Density Multifamily Residential District, as the subdivision consists of existing commercial and multifamily residential uses. Proposed Lot 1 (56,723 square feet) and proposed Lot 2 (81,415 square feet) exceed the R-3 District minimum lot size requirements set forth in Section 15.10.050, *Site Development Regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance). Proposed Lot 3 (93,767 square feet) and Lot 4 (49,628 square feet) exceed the C-2 District minimum lot size requirement set forth in Section 15.15.050, *Site Development Regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance).

C. All lots in the proposed subdivision have direct frontage onto a public roadway (South 34th Street, South 35th Street, and 12th Avenue).

D. The applicant intends to construct a residential development on proposed Lot 1. All development activity on proposed Lot 1 shall comply with R-3/Low Density Multifamily District standards.

E. Proposed Lots 2, 3, and 4 are currently developed and serviced with adequate utilities. Public water, sanitary sewer, and storm sewer utilities are available to service proposed Lot 1. Any cost to construct, extend, remove, and/or relocate any utilities within or to this subdivision shall be the sole responsibility of the developer, not the City of Council Bluffs.

F. The Council Bluffs Public Works Department maintains a 75-foot easement along the eastern portion of the vacated 12th Avenue right-of-way to provide

access to existing storm sewer infrastructure. The applicant is coordinating with the Council Bluffs Public Works Department on relocating storm sewer inlets along 12th Avenue so that the easement may be released. Said easement shall be released prior to the recording of the final plat.

G. All electric, cable, and communication facilities shall be installed underground. All costs to construct, extend, remove, and/or relocate any utilities within or to this subdivision shall be the sole responsibility of the developer, not the City of Council Bluffs.

H. The Council Bluffs Fire Department stated they have no comments in regards to the final plat.

I. The Council Bluffs Parks and Recreation Department stated they have no comments in regards to the final plat.

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

1. The Mayor's signature line shall state "The Honorable Matthew J. Walsh" on Sheet 1.
2. Courtney Harter shall be listed as Community Development Director on Sheet 1; and

WHEREAS, The Community Development Department recommends final plat approval of a four-lot subdivision to be known as Black Squirrel Flats Subdivision, legally described as being a replat of part of Brown's Subdivision, Block 19, Lots 16 through 30, inclusive, and Block 18, Lots 1 through 15, inclusive, and Block 9, Lots 1 through 3, inclusive, also vacated 12th Avenue from South 34th Street to South 35th Street, also vacated South 34th Street adjoining Blocks 9 and 18, also vacated Railroad Avenue east of 35th Street, abutting Blocks 9, 10, 17, 18 and said vacated South 34th Street, all in Brown's Subdivision, a subdivision of the southeast quarter of Section 33, Township 75 North, Range 44 West of the Principal Meridian, Pottawattamie County, Council Bluffs, Iowa, 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. 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. All comments and technical corrections stated in the case staff report shall be addressed on the final plat prior to execution of the document.

D. The 75-foot storm sewer access easement along the eastern portion of the vacated 12th Avenue right-of-way shall be released prior to the recording of the final plat.

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

That the final plat approval for a four-lot subdivision to be known as Black Squirrel Flats Subdivision, as legally described above, is hereby approved subject to all comments and conditions listed above and 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 April 11, 2022.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk