RESOLUTION NO. 22-117

A RESOLUTION GRANTING PRELIMINARY PLAN APPROVAL FOR A 58-LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS HILLS OF CEDAR CREEK CENTRAL PHASE 2.

WHEREAS, HCC Investments, LLC, is requesting preliminary plan approval for an 58-lot residential subdivision to be known as Hills of Cedar Creek Central Phase 2; and

WHEREAS, The proposed residential subdivision is comprised of 22.6115 acres (984,956 square feet), more or less, of land and will consist of 58 lots on a parcel of land, being legally described as portion of the NW ¼ SE ¼ , a portion of the NE ¼ SE ¼ , a portion of the SW ¼ SE ¼ , all lying in Section 34, Township 75 North, Range 43 West of the 5th Principal Meridian, and all of Outlot 'R', The Hills of Cedar Creek Phase 2, Council Bluffs, Pottawattamie County, Iowa, and more particularly described in Attachment 'B'; and,

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

A. Community Development Department has provided the following comments:

1. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, "but shall be deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee and the final plat" (§14.11.060(D)—Subdivision Ordinance). A final plat application must be filed within one year of the date of action by the City Council. A request for extension may be made by the sub-divider in writing prior to the expiration date. One-year extensions are considered by the City Planning Commission.
2. The proposed subdivision plan includes Outlot 'R' from the Hills of Cedar Creed Phase 2 subdivision. The final plat shall indicate that the proposed subdivision includes a re-platting of Outlot 'R'. Outlot 'R' is currently used for storm water management for The Hills of Cedar Creek Phase 2. Before execution of the final plat, the developer shall fine an affidavit with the county recorder defining legal discharge access rights for all lots in The Hills of Cedar Creek Phase 2 that utilize Outlot 'R' for storm water runoff.
3. The proposed plan is consistent with the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) as well as the purpose of Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code. The future land use plan of the Comprehensive Plan designates the subject property as "Low-Density Residential."
4. The proposed subdivision is currently zoned R-1/Single-Family Residential District. This zoning designation is sufficient to allow single-family detached homes on all lots, as the applicant has indicated in the letter of intent.

5. All lots shall be developed in conformance with the R-1/Single-Family Residential District site development standards contained in Council Bluffs Municipal Code Section 15.08B.050, *Site Development Regulations*.
6. All lots shall be developed in accordance with Council Bluffs Municipal Code Chapter 15.23, *Off-Street Parking, Loading and Unloading*.
7. The subject property is located within FEMA Flood Zone X, outside the 0.2% annual flood chance floodplain, according to FEMA Flood Insurance Rate Maps#19155C0582F (4/16/13) and #19155C0420F (4/16/13).
8. The proposed subdivision includes two (2) Outlots, 'A' and 'R'. Outlot 'A' extends along Eastern Hills Drive and will serve as a landscape buffer between the residential properties and the public right-of-way. Outlot 'R' is an existing outlot in The Hills of Cedar Creek Phase 2 that will be reconfigured to incorporate the design and drainage needs of the proposed subdivision. All outlots shall be maintained by the developer or a Home Owners Association (HOA).
9. Outlot 'A' shall be treated as part of the public right-of-way for zoning purposes. As such, all side yards abutting Outlot 'A' shall meet the minimum 15-foot setback requirement for street side yards in the R-1/Single-Family Residential District.
10. All lots will have direct access to local streets that connect to Eastern Hills Drive.
11. All lots will be serviced with utilities (e.g. sanitary/storm sewers, water, electricity, etc.) that shall be installed underground. All costs to construct, remove, and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer and not the City.
12. Sidewalk installation along the frontage of each lot shall be completed prior to issuance of a Certificate of Occupancy for a dwelling on each lot. All sidewalks shall be built to City standards.
13. All future streetlights shall meet Public Works Department standards. All costs associated with the installation of streetlights shall be the responsibility of the developer and not the City.
14. The proposed subdivision will include construction of Ballard Circle, Hampton Drive, Quenby Drive, and a connection point to a future street, all of which shall be dedicated to the City as public right-of-way. There is an existing street running along a portion of the northeastern City limits named Hampton Lane. In order to reduce confusion, the proposed street designated on the preliminary plans as

Hampton Drive shall be renamed something other than "Hampton" on the final plat.

15. Lot 1 is not labeled on the preliminary plans and will need to be labeled on the final plat.
16. The final plat shall include notation indicating that the lots abutting Eastern Hills Drive shall not have direct vehicular access to Eastern Hills Drive, which is an access-controlled street.
17. The space between Lot 58 on the preliminary plan and Lot 312 in The Hills of Cedar Creek Phase 2 subdivision shall be included as part of Outlot 'R' on the final plat.

B. Council Bluffs Parks and Recreation Department has provided the following comments:
   1. The Parks and recreation Department has a trail along Eastern Hills Drive. Sidewalks should be provided within the proposed subdivision to continue to promote safe walking connections between residences and the trail system.

C. Council Bluffs Public Works Department has provided the following comments:
   1. The applicant shall coordinate with Public Works on final street design, storm water management, grading, and utilities as necessary to comply with City standards.
   2. The "future road" that extends west of the proposed Ballard Circle extension shall be extended to the rear property line of Lot 45, and a temporary emergency vehicle turnaround shall be provided at the end of this street segment. Temporary turnarounds shall also be provided at the intersections between the proposed Ballard Circle and Hampton and Quenby Drives before construction begins on Phase 2 of the proposed subdivision.
   3. Lots 4 and 5 shall be reconfigured such that both lots front the cul-de-sac.

D. Council Bluffs Water Works has provided the following comments:
   1. The developer will need to contact CBWW regarding a main extension agreement.

E. MidAmerican Energy Company provided the following comments:
   1. The applicant shall incorporate the standard 10-foot front and 5-foot side and rear lot line utility easements into the final plat.
   2. The developer will need to contact MidAmerican Energy Company directly to discuss the project timelines and identify all costs associated

with extending electric facilities to serve the development; and,

WHEREAS, The Community Development Department recommends approval of the preliminary plan for the 58-lot residential subdivision to be known as The Hills of Cedar Creek Central Phase 2 on property legally described as a portion of the NW ¼ SE¼, a portion of the NE ¼ SE¼, a portion of the SW ¼ SE ¼, all lying in Section 34, Township 75 North, Range 43 West of the 5th Principal Meridian, and all of Outlot 'R', The Hills of Cedar Creek Phase 2, Council Bluffs, Pottawattamie County, Iowa, subject to the comments above and the following conditions:

A. Approval of the preliminary plans are tentative and does not constitute acceptance of the final plat, but is "deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat" (Section 14.11.060(D)—Subdivision Ordinance).

B. All applicable permits necessary to meet all local, state, and federal requirements shall be the developer's responsibility.

C. All utilities shall be installed underground. All costs to construct, remove, and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer and not the City.

D. Sidewalks shall be installed along the frontage of each proposed lot prior to issuance of a Certificate of Occupancy for a dwelling on each lot. All sidewalks shall be built to City standards.

E. All proposed outlots shall be shown on the final plat prior to execution. The HOA shall be responsible for the ongoing maintenance of all outlots.

F. All future streetlight shall meet Public Works Department Standards. All costs associated with the installation of streetlights shall be the responsibility of the developer and not the City.

G. Lots 4 and 5 shall be reconfigured on the final plat such that each lot has frontage on the cul-de-sac, as shown in the comments from Public Works.

H. The "future road" that extends west of Ballard Circle between proposed Lots 45 and 46 shall be extended to the rear lot line of Lot 45 and shall be built to include a temporary emergency vehicle turnaround. Temporary turnarounds shall also be provided at the intersections between the proposed Ballard Circle and Hampton and Quenby Drives.

I. The final plat shall include notation indicating that the lots abutting Eastern Hills Drive shall not have direct vehicular access to Eastern Hills Drive, which is an access-controlled street.

J. The space between Lot 58 on the preliminary plan and Lot 312 in The Hills of Cedar Creek Phase 2 subdivision shall be included as part of Outlot 'R' on the final plat.

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

That the preliminary plan for the 58-lot residential subdivision to be known as Hills of Cedar Creek Central Phase 2, as shown on Attachment 'B', is hereby approved subject to all local, state and federal regulations.

ADOPTED
AND April 25, 2022.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk