

RESOLUTION NO. 22-236

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A THREE-LOT RESIDENTIAL MINOR SUBDIVISION TO BE KNOWN AS HANDSAKER SUBDIVISION, LEGALLY DESCRIBED AS PART OF LOT 1, AUDITOR'S SUBDIVISION SW 1/4, SW 1/4, SECTION 29-75-43, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Ronald D. Handsaker Jr. has requested final plat approval for this property located at 1500 McPherson Avenue and is comprised of 0.9 acres (more/less) of land and will consist of three lots; 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-1/Single-Family Residential. The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as Low-Density Residential and Loess Hills Preservation Area. The applicant intends to utilize the proposed lots for residential development. 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. Section 14.14.020, *Lot Layout*, of the Council Bluffs Municipal Code (Subdivision Ordinance) states *'Excessive lot depth in relation to width shall be avoided. A proportion of three to one respectively shall be considered as a maximum.'* Proposed Lot 2 exceeds the maximum 3:1 lot depth-to-width ratio.

Section 14.14.040, *Variances*, of the Council Bluffs Municipal Code (Subdivision Ordinance) states: *"where it can be shown that due to special conditions, a literal enforcement of this ordinance shall result in unnecessary hardship, the City shall have the power to vary such regulation so that substantial justice will be accomplished, provided that such variance would:*

- 1. *Not be in contrary to the public interest;*
- 2. *Be in the best interest of the City;*
- 3. *Be within the spirit and intent of this title;*
- 4. *Not be detrimental to the future residents in and near the proposed subdivision; and*
- 5. *Be consistent with the City's comprehensive plan."*

The Community Development Department recommends approval of the requested subdivision variance for proposed Lot 2 as the proposed subdivision is a uniquely shaped area that is bounded by existing development to the east and west, Indian Hills Road to the north, and

McPherson Avenue to the south. Additionally, the proposed subdivision variance is not anticipated to be detrimental to the future residents in and/or adjacent to the proposed subdivision. The proposed subdivision variance allows the applicant to create three developable lots which are compatible with surrounding residential development and have access to existing improved public streets.

- C. All proposed lots will have access to a public street. Proposed Lot 1 will have access on both Indian Hills Road and McPherson Avenue. Proposed Lot 2 will have access to Indian Hills Road. Proposed Lot 3 will have access to McPherson Avenue.
- D. All proposed lots will be serviced with utilities (e.g. sanitary/storm sewers, water, electricity, etc.) that shall be installed underground.
- E. The subject property is not located within a flood zone.
- F. The property owner to the east of the proposed subdivision at 1441 Indian Hills Road contacted the Community Development Department and noted that their sewer lateral runs through a portion of the proposed subdivision. The applicant and neighboring property owner at 1441 Indian Hills Road shall work together to identify the location of the sewer lateral. If the lateral is located within the proposed subdivision boundary, an easement shall be recorded and shown on the final plat prior to execution, or the lateral shall be relocated, not at the cost of the City.
- G. Proposed Lot 1 includes an existing single-family dwelling. The applicant shall provide an as-built survey, which demonstrates that the existing single-family dwelling on Lot 1 complies with R-1 District site development standards prior to recording the final plat. The purpose of this is to ensure that the existing dwelling does not become a nonconforming structure as a result of new property lines created as part of this subdivision.
- H. The following technical corrections shall be made to the final plat prior to being executed by the City of Council Bluffs:
 - 1. The Community Development Director shall be listed as “Courtney Harter”.
- I. The Council Bluffs Public Works Department provided the following comments:
 - 1. Future driveway locations shall be coordinated with the Public Works Department at the time of build.
 - 2. The existing unpaved driveway from Indian Hills Road onto proposed Lot 1 shall be removed. The applicant shall coordinate with the Public Works Department on timing of driveway removal; and

WHEREAS, The Community Development Department recommends final plat approval of the proposed three-lot residential subdivision to be known as Handsaker Subdivision, legally described as part of Lot 1, Auditor’s Subdivision SW 1/4, SW 1/4, Section 29-75-43, City of Council Bluffs, Pottawattamie County, Iowa, and approval of the

requested variance for lot-depth-to-width ratio, 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. The applicant shall provide an as-built survey, which demonstrates that the existing single-family dwelling on Lot 1 complies with R-1 District site development standards prior to recording the final plat. The purpose of this is to ensure that the existing dwelling does not become a nonconforming structure as a result of new property lines created as part of this subdivision.
- E. 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.
- F. All development within the subdivision shall comply with R-1 District site development standards.

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

That the request for final plat approval for a three-lot residential subdivision to be known as Handsaker Subdivision, legally described as part of Lot 1, Auditor's Subdivision SW 1/4, SW 1/4, Section 29-75-43, City of Council Bluffs, Pottawattamie County, Iowa and the request for variance for lot-depth-to-width ratio, are 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 APPROVED

September 26, 2022

MATTHEW J. WALSH

Mayor

Attest: _____

JODI QUAKENBUSH

City Clerk