City Council Communication

Department: Community Development CASE #SUB-22-011 Applicant: Eyman Investments, LLC 8506 S. 117th Street LaVista, NE 68128 Property Owners: Eyman Investments, LLC 8506 S. 117th Street LaVista, NE 68128 TC Accomodator 274, LLC 8506 S. 117th Street LaVista, NE 68128 Surveyor: HGM Associates, Inc. 640 5th Avenue Council Bluffs, IA 51501	Resolution No. _____	Public Hearing: 10/10/2022

Subject/Title

Request: Final plat approval for a two-lot minor subdivision to be known as Eyman Subdivision.

Legal Description: Being a portion of the NE1/4 of Section 15-74-74, City of Council Bluffs, Pottawattamie County, Iowa

Location: Undeveloped land lying south of Veterans Memorial Highway and west of Gifford Road.

Background/Discussion

The Community Development Department has received an application from Eyman Investments, LLC and TC Accomodator 274, LLC for a two-lot minor subdivision to be known as Eyman Subdivision, legally described as being a portion of the NE1/4 of Section 15-74-74, City of Council Bluffs, Pottawattamie County, Iowa and being more particularly described on Attachments A & B of the case staff report. The proposed subdivision consists of 83.14 +/- acres of undeveloped land that is bounded by Veterans Memorial Highway to the north, Gifford Road to the east, undeveloped land and Fox Run Golf Course to the south, and Chapel Ridge Apartments to the west. The final plat includes dedication of land for Gifford Road and 45th Avenue rights-of-way along the north and easterly subdivision boundary, and includes the re-platting of the southerly portion of 45th Avenue, which was vacated by City Council on October 11, 2021 via Resolution No. 21-293. Proposed Lot 1 contains 38.08 +/- acres of land and is planned to be developed with new industrial/warehouse buildings. Proposed Lot 2 contain 42.52 +/- acres of land and is planned to be developed with a mixture of commercial and industrial uses.

Zoning/Land Use

Land comprising proposed Lot 1, Eyman Subdivision is zoned I-2/Industrial District and is designated as

Office/Industrial as per the future land use plan in the Bluffs Tomorrow: 2030 Comprehensive Plan. Land comprising proposed Lot 2, Eyman Subdivision is split-zoned A-2/Parks, Estates, and Agricultural District and R-3/Low Density Multi-Family Residential District, and is designated as High Density Residential as per the Bluffs Tomorrow: 2030 Comprehensive Plan. The applicant will need to rezone and change the future land use plan designation for proposed Lot 2 if they intend to develop the property with commercial and/or industrial uses. The appropriate zoning district and future land use designation for Lot 2 will be determined between the applicant and the City once their development concept is known.

Surrounding zoning includes: A-2/Parks, Estates and Agricultural, I-2/General Industrial, and I-1/Light Industrial Districts to the north; I-2 and A-2 Districts to the south; I-2 District to the east; and C-2/Commercial and R-3/Low Density Multi-Family, and A-2 Districts to the west. Existing land uses in the general vicinity includes: Platte River Concrete, Amazon, Dallas Johnson Greenhouses, and a residential dwelling to the north; the Council Bluffs Recycling Center, CyrusOne, and undeveloped land to the east; undeveloped land to the south; and Fox Run Golf Course and Chapel Ridge Apartments to the west.

Comments

1. 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.

2. Proposed Lots 1 and 2, Eyman Subdivision exceed the underlying lot size requirements for the I-2/General Industrial, A-2/Parks, Estates, and Agricultural, and R-3/Low Density Multi-Family Residential Districts. All development activity within the subdivision shall comply with the standards of the underlying zoning district(s).

3. All lots have direct frontage onto Veterans Memorial Highway, Gifford Road, and 45th Avenue. Veterans Memorial Highway is access controlled by IDOT, and the City of Council Bluffs controls access onto 45th Avenue and Gifford Road. All future access points to proposed Lots 1 and 2, Eyman Subdivision must be coordinated with the Council Bluffs Public Works Department.

4. The proposed Eyman Subdivision includes dedication of a portion of 45th Avenue right-of-way that lies immediately north of Lot 1, Eyman Subdivision and east of Lot 2, Eyman Subdivision. This segment of 45th Avenue will provide connection to/from Gifford Road and Veterans Memorial Highway for all abutting properties. The width of the proposed 45th Avenue right-of-way dedication varies from 33' on the east-end to 50 feet on the north-end. Additional land must be acquired and/or dedicated from abutting landowners in order for this segment of 45th Avenue to have a consistent 60-66 foot-wide right-of-way. The timing for acquiring the additional right-of-way will be evaluated by the City once development activity within proposed Eyman Subdivision and other abutting properties are known.

   The plat also includes dedication of a Gifford Road right-of-way that abuts the easterly boundary of proposed Lot 1, Eyman Subdivision. The City has maintained and utilized this segment of Gifford Road right-of-way via an underlying easement, which was established when the land was unincorporated. This dedication is a formality that allows said Gifford Road right-of-way to officially become part of the City's street inventory.

5. The subdivision includes re-platting a southerly portion of 45th Avenue right-of-way that was vacated by City Council on October 11, 2021 via Resolution No. 21-293. When said southerly portion of 45th Avenue was vacated, a perpetual easement was reserved so that franchise utility providers have access to their infrastructure. Only one utility provider (CenturyLink/Lumen) was identified to have infrastructure within said easement, and they have since agreed to abandon their infrastructure in place

without need for the easement. The applicant is in the process of seeking City approval to release the easement reserved over this section of 45th Avenue (Case #MIS-22-005), and a City Council public hearing for the release will take place concurrently with the public hearing for the Eyman Subdivision final plat on October 10, 2022.

6. 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.

7. 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.

8. MidAmerican Energy Company stated they have no concerns regarding the final plat.

9. The Council Bluffs Fire Department stated they have no comments for the final plat.

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

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a. Notate "Courtney Harter" as the Community Development Department Director
b. Specify on the plat if any private restrictions and/or covenants will be recorded with the subdivision. If none, state that no private restrictions and/or covenants will be recorded with the subdivision on the plat.

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a. Remove the northerly line for the 45th Avenue right-of-way dedication, adjacent to Veterans Memorial Highway, so that section does not appear to be landlocked.

Recommendation

The Community Development Department recommends approval of the proposed two-lot minor subdivision to be known as Eyman Subdivision, as shown on Attachment B, and subject to the comments above and the conditions below:

1. 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.
2. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
3. All comments and technical corrections stated in case staff report shall be addressed on the final plat prior to execution of the document.
4. 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.
5. The 45th Avenue easement release shall be occur prior to the execution of the final plat; otherwise, the final plat shall be updated to show said recorded easement.

Attachments

Attachment A: Location/zoning map
Attachment B: Eyman Subdivision final plat

Prepared by: Christopher Gibbons, AICP, Planning and Code Compliance Manager