City Council Communication

Department: Community Development CASE #SUB-22-012 Applicant/Property Owner: Pottawattamie County Development Corporation d/b/a The 712 Initiative 1228 S Main Street Council Bluffs, IA 51503 Engineer: David E. Forsythe HGM Associates Inc. 640 5th Avenue Council Bluffs, IA 51501	Resolution No. _____	City Council: 11/14/22

Subject/Title

Request: Final plat approval of a three-lot residential minor subdivision to be known as The Row on 1st Subdivision, legally described as being a replat of Lot 12, Block 5, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa, and granting a lot size variance for Lots 1 through 3, The Rows on 1st Subdivision.

Location: Undeveloped land located immediately north of 105 S. 24th Street

Background/Discussion

The 712 Initiative d/b/a Pottawattamie County Development Corporation is requesting final plat approval of a three-lot residential minor subdivision to be known as The Row on 1st Subdivision, legally described as being a replat of Lot 12, Block 5, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa.

The proposed subdivision is comprised of 0.14 acres (more/less) of land and will consist of three lots. The applicant intends to construct a three-unit townhome on the subject property. The purpose of the proposed subdivision is to create three lots of record so that each townhome unit can be sold separately. Proposed Lot 1 will contain the westerly townhome unit and will have vehicular access off South 24th Street. Proposed Lot 2 will contain the middle townhome unit and will have direct frontage onto the First Avenue trail. Lot 3 will contain the easterly most townhome unit and will have vehicular access off the adjacent alley. The subject request includes subdivision variances for lot size for all three proposed lots.

Comments

A. The proposed subdivision is zoned R-3/Low Density Multifamily Residential and has a PR-2 Overlay appended to it. The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as Medium-Density Residential, which is described as areas that include *"duplexes and townhouses, though small-lot detached single-family or limited multi-family development may be present in these areas."* The applicant intends to utilize the proposed lots for a three-unit townhome 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. The minimum lot size for a townhouse dwelling in the R-3 District is *"7,500 square feet except when a townhouse dwelling unit is divided by a lot line coinciding with the common wall separating the units, the minimum lot area shall be 2,500 square feet.*" The two common walls separating the townhome units coincide

with the lot lines. However, all three proposed lots do not meet the minimum 2,500 square foot lot size requirement (Lot 1 – 2,199 square feet; Lot 2 – 1,492 square feet; Lot 3 – 2,209 square feet).

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 variances for lot sizes. The subject property is adjacent to the First Avenue trail, which is the City's premier multi-use trail, conducive to walking, biking, and micro-mobility options. The proposed lot sizes allows for small-scale, compact, and pedestrian-oriented development that promotes vibrancy along the First Avenue corridor and helps create the density necessary to support a successful future streetcar system as well as other potential expansions of public transportation within the city. Additionally, the proposed lot size variances would not be detrimental to the future residents in and near the proposed subdivision. The proposed subdivision is in line with the housing typologies identified in the Medium Density Residential designation of the Bluffs Tomorrow 2030 Comprehensive Plan.

C. All development within the proposed subdivision shall comply with the development standards listed in the adopted development plan for the subject property (Case #PR-22-004).
D. All proposed lots will have non-vehicular access to the First Avenue multi-use trail. Proposed Lot 1 will have vehicular access off South 24th Street and proposed Lot 3 will have vehicular access off the adjacent north/south alley.
E. All proposed lots will be serviced with utilities (e.g. sanitary/storm sewers, water, electricity, etc.) that shall be installed underground.
F. The subject property is located within Flood Zone 'X', according to the FEMA Map Number 19155C0394E, dated February 4, 2005 and is protected from flooding by a levee along the Missouri River.
G. The final plat shall be recorded concurrently with the issuance of the building permit for the proposed townhomes as the proposed subdivision is specific to the proposed townhome development.
H. The Council Bluffs Parks and Recreation Department stated they have no comments in regards to the request.
I. The Council Bluffs Permits and Inspections Division stated they have no concerns with the request.
J. The Council Bluffs Fire Department stated they have no comments in regards to the request.
K. The Council Bluffs Public Works Department stated they have no comments in regards to the request.
L. Council Bluffs WaterWorks stated they have discussed the requirements for independently metering the units from the existing water main with the developer's engineer.
M. MidAmerican Energy stated they have no conflicts with the subdivision request and noted that the developer or their agents should contact MidAmerican Energy directly to discuss the project timeline and identify costs and responsibilities for extending electric service to the development.
N. The following technical corrections shall be made to the final plat prior to being executed by the City of Council Bluffs:
    1. The Certificate of Treasurer of Pottawattamie County, Iowa shall state: *"…the property included in **The Row on 1st Subdivision**…"*
    2. Both notary statements shall state 2022 on the date line.
    3. If the private covenants for the proposed subdivision are recorded prior to execution of the final plat, the final plat shall reference the book and page number of said recording. If the private covenants are not recorded prior to the execution of the final plat, said covenants shall be recorded concurrent with the final plat.
    4. For the purpose of establishing franchise utility easements, the northerly and southerly property lines shall be considered interior side yard property lines. The westerly property line shall be considered the front property line, and the easterly property line shall be considered the rear

property line. The standard franchise utility easements over the common property lines between Lots 1 and 2 and Lots 2 and 3 shall not be stated on the final plat as the townhome structures will be constructed over these property lines. The standard dedication of public easements shall appear on the final plat as stated below:

A perpetual easement is reserved for storm drainage and the installation and maintenance of utilities 5 feet wide along each side of interior lot lines and 10 feet in width along all front and rear lot lines:

ERECTION OF STRUCTURES PROHIBITED: Grantor shall not erect any structure over or within the Easement Area without obtaining the prior written consent of the City Engineer, provided however grantor shall have the right to place and maintain a surfaced roadway over and within the Easement Area.

CHANGE OF GRADE PROHIBITED: Grantor shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Engineer.

RIGHT OF ACCESS: City shall have the right of access to the Easement Area and have all right of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described.

REMOVAL AND REPLACEMENT: The cost of removal and replacement of any unauthorized improvement or structures within the Easement Area, necessitated by the exercise of the rights under this easement, shall be borne by the Grantor or their successors or assigns.

SURFACE RESTORATION: City's liability to restore the surface within the Easement Area shall be limited only to grading and seeding, and replacement of grantors surfaced roadway.

DUTY TO REPAIR: City agrees that any drain tile, drive or access way, fence, or yard or other improvements outside of the Easement Area which may be damaged as a result of any entry made through an exercise of the City's right of access shall be repaired at no expense to Grantor.

EASEMENT RUNS WITH LAND: This easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.

Recommendation

The Community Development Department recommends approval of the proposed three-lot residential minor subdivision to be known as The Row on 1st Subdivision, legally described as being a replat of Lot 12, Block 5, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa, and approval of the requested variance for lot-size, 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. All development within the proposed subdivision shall comply with the development standards listed in the adopted development plan for the subject property (Case #PR-22-004).

F. The final plat shall be recorded concurrently with the issuance of the building permit for the proposed townhomes as the proposed subdivision is specific to the proposed townhome development.

Attachments

Attachment A: Location/Zoning Map
Attachment B: Row on 1st Subdivision Final Plat

Prepared by: Haley Weber, Planner, Community Development Department