RESOLUTION NO. 23-60

A RESOLUTION GRANTING APPROVAL OF A SEVEN-LOT MAJOR SUBDIVISION TO BE KNOWN AS THE OAKS AT COUNCIL BLUFFS BUSINESS PARK, BEING A REPLAT OF PROPERTY LEGALLY DESCRIBED AS LOT 22, GETHSEMANE GARDENS AND PART OF THE WEST 1/2 OF THE SE 1/4 OF SECTION 18-74-43, ALL IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Realty Link is requesting preliminary plan approval for seven-lot major subdivision to be known as The Oaks at Council Bluffs Business Park, being a replat of property legally described as Lot 22, Gethsemane Gardens and part of the West 1/2 of the SE 1/4 of Section 18-74-43, all in the City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, The proposed subdivision is comprised of 121 acres, more or less, of land and will consist of seven lots and three outlots on undeveloped land lying south of 4875 East Manawa Drive; and

WHEREAS, The proposed plans have been provided for comment to all utility companies and City Departments and the following comments have been received:

A. 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 for the first phase 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.

B. The proposed subdivision is consistent with the purpose and intent of Title 14: Subdivisions of the Council Bluffs Municipal Code. The developer has submitted applications to rezone the subject property and amend its future land use designation (see Cases #ZC-22-008 and #CP-22-004) to ensure the proposed subdivision is consistent with Title 15: Zoning of the Council Bluffs Municipal Code and the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan).

C. The developer is proposing to rezone the subject property from A-2/Parks, Estates and Agricultural District to P-I/Planned Industrial District. The proposed rezoning to the P-I District will require the adoption of a planned industrial development plan that establishes site development, architecture, landscaping, off-street parking and signage standards for the subject property (see Case #PI-22-002). All construction activity that occurs on the proposed subdivision shall comply with the planned industrial development plan for The Oaks at Council Bluffs Business Park.

D. The minimum lot size requirements for the proposed subdivision shall be determined through the adoption of the planned industrial development plan for The Oaks at Council Bluffs Business Park.

1. Proposed Lot 1 will contain 17.84 acres, more or less, in area.
2. Proposed Lot 2 will contain 23.18 acres, more or less, in area.
3. Proposed Lot 3 will contain 3.35 acres, more or less, in area.

4. Proposed Lot 4 will contain 16.00 acres, more or less, in area.
5. Proposed Lot 5 will contain 7.01 acres, more or less, in area.
6. Proposed Lot 6 will contain 16.46 acres, more or less, in area.
7. Proposed Lot 7 will contain 28.68 acres, more or less, in area.

E. All proposed lots will have direct access to a public street. The developer is proposing to build three public roads that will be dedicated to the City upon completion: an extension of Wallace Avenue and two new streets—EL Avenue and MM Drive. All new streets shall be built to City standards.
   1. EL Avenue and MM Drive will be constructed during phase 1 of the project, and the proposed extension of Wallace Avenue will be constructed during phase 2. The developer shall coordinate with the City of Council Bluffs on the timing of the construction of the proposed extension of Wallace Avenue.
   2. EL Avenue and MM Drive are not acceptable street names. The two new public streets shall be renamed on The Oaks at Council Bluffs Business Park final plat.

F. A traffic study submitted by the developer is currently under review by the Public Works Department. All comments and recommendations by the Public Works Department shall be incorporated into all public roadway improvements. All costs associated with public roadway improvements shall be the responsibility of the developer and not the City.

G. The preliminary subdivision plan for The Oaks at Council Bluffs Business Park indicates that the stormwater detention ponds on proposed Lots 3 and 5 will maintained by the owner of proposed Lot 7.
   1. Since proposed Lots 3 and 5 will be used exclusively for stormwater management purposes, they shall be designated as outlots on The Oaks at Council Bluffs Business Park final plat.
   2. A note shall be placed on The Oaks at Council Bluffs Business Park final plat that identifies the individual/entity that will be responsible for the perpetual maintenance of all outlots in the proposed subdivision.

H. All lots will be serviced with utilities (e.g., sanitary/storm sewers, water, electricity, etc.). 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.
   1. A new water main extension will be constructed along East Manawa Drive to connect into the existing water main at the intersection of East Manawa Drive and Navajo Street that will service the proposed subdivision. The developer shall coordinate the proposed water main extension with Council Bluffs Water Works.

I. A 100-foot wide pipeline easement transects the proposed subdivision. The 100-foot easement shall be clearly identified on The Oaks at Council Bluffs Business Park final plat.

J. The developer is proposing to install a sidewalk along the southerly side of EL Avenue and Wallace Avenue, and along the westerly side of MM Drive. Sidewalk installation shall be completed at the time of street construction. All sidewalks shall be built to City standards.
   1. The proposed sidewalks along EL Avenue and Wallace Avenue shall have a minimum width of eight feet to provide a gradual transition between the existing trail along East Manawa Drive and the proposed sidewalk along MM Drive.

K. 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.

L. A minimum five-foot wide pedestrian way shall be provided from the primary entrance of each building to the nearest sidewalk, to the extent practical. The pedestrian way may be designated with pavement striping, or change in paving material or some other alternative approved by the Community Development Department Director or his assign. It is encouraged that the pedestrian connection be incorporated into the overall layout of each lot, and that it be complementary to the landscaping on each site.

M. The majority of the proposed subdivision is located within an X flood zone (area with reduced flood risk due to levee) according to FEMA map panel no. 19155C0579E, dated February 4, 2005. The westerly and southerly boundaries of the proposed subdivision, which are adjacent to lateral ditch #5, are located within an A flood zone. Any construction activity that occurs within Zone A shall be subject to compliance with all applicable floodplain regulations.

N. Based on the findings of a wetland delineation performed by Snyder & Associates, Inc., five emergent wetlands and one emergent scrub-shrub complex wetland were identified within the proposed subdivision. Any grading or excavation work that disturbs these wetlands will require authorization from the U.S. Army Corps of Engineers (USACE).

O. The Council Bluffs Permits and Inspections Division stated that they approve of the proposed logistics park.

P. The Council Bluffs Public Works Department provided the following comments:
   1. A preliminary drainage report has been submitted and Public Works will continue to work with the engineer to finalize the report.
      a. Drainage is affected by the downstream pump station and the gates closed condition needs to be analyzed.
      b. The development is adjacent to the Mosquito Creek levee system and coordination for a 408 permit from the USACE needs to take place.

c. Crossings of lateral 5 need to be permitted through the sovereign lands construction permit incorporating both IDNR and USACE.

d. Wetlands delineation needs to be coordinated with USACE.

2. A preliminary traffic study has been completed and Public Works will continue to work with the engineer to finalize the report.
   a. Traffic study needs to be presented to IDOT for comments concerning Iowa Highway 92.
   b. Geometric of the recommendations need to be reviewed.

3. A preliminary site development plan has been submitted and Public Works will continue to work with the engineer for finalized plans.
   a. Utility coordination with all local utility providers needs to occur.
   b. Site development shall be to current standards and specifications.
      (1) Provide typical cross-sections of proposed roadways – sidewalk noted on one side of the street.
      (2) Railroad spur requires coordination with appropriate railroad and the City;

Q. The Iowa Department of Transportation stated that they do not see any conflicts with the proposed logistics park;

R. Council Bluffs Water Works stated that they have no comments on the proposed logistics park; and

WHEREAS, The Community Development Department recommends approval of the preliminary plan for a seven-lot major subdivision to be known as The Oaks at Council Bluffs Business Park, being a replat of property legally described as Lot 22, Gethsemane Gardens and part of the West 1/2 of the SE 1/4 of Section 18-74-43, all in the City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following conditions:

1. Approval of the preliminary plans is 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" (§14.11.060(D)—Subdivision Ordinance).

2. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the developer's responsibility.
3. 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.

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

That the preliminary plan for a seven-lot major subdivision to be known as The Oaks at Council Bluffs Business Park, being a replat of property legally described as Lot 22, Gethsemane Gardens and part of the West 1/2 of the SE 1/4 of Section 18-74-43, all in the City of Council Bluffs, Pottawattamie County, Iowa, as shown in Attachment "C", is hereby approved subject to all local, state and federal regulations.

ADOPTED
AND February 27, 2023.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk