RESOLUTION NO. 23-78

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A TWO-LOT COMMERCIAL SUBDIVISION TO BE KNOWN AS WALMART BLUFFS NORTHWAY, REPLAT 1, LEGALLY DESCRIBED AS BEING A REPLAT OF LOTS 2 AND 3, WALMART BLUFFS NORTHWAY, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Gordman Bluffs Northway, LLC, is requesting final plat approval of a two-lot commercial subdivision to be known as Walmart Bluffs Northway, Replat 1, legally described as being a replat of Lots 2 and 3, Walmart Bluffs Northway, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, The proposed subdivision is located at 1720 North 16th Street, Council Bluffs, Iowa 51501; 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 contains 9.48 acres of land zoned PC/Planned Commercial District and is generally consistent with the Bluffs Tomorrow: 2030 Plan and the purpose and intent of the Council Bluffs Municipal Code (Subdivision and Zoning Ordinances).

B. The subject property is zoned PC/Planned Commercial District, which allows for the adoption of a specific development plan that addresses building architecture/site placement, off-street parking, landscaping, signage, utilities, pedestrian/vehicle access management, stormwater management, etc. The Planned Commercial Development Plan for Lots 2 and 3, Walmart Bluffs Northway (Case #PC-13-001) was approved by City Council on 10/28/2013 via Resolution No. 13-262. All construction activity within Walmart Bluffs Northway, Replat 1 subdivision shall comply with said adopted development plan.

C. Both lots in the subdivision have direct frontage onto North 16th Street and will be accessed by via shared ingress/egress easements stated on the final plat. No public and/or private street extensions are proposed for this subdivision.

D. All utilities shall be installed underground. Any cost to construct, remove, and/or relocate any utilities within the proposed subdivision shall be the responsibility of the entity developing the subject property.

E. All easements that were recorded with Walmart Bluffs Northway final plat are shown on the proposed final plat, except for the sanitary sewer easement that is being released between Lots 1 and 2, Walmart Bluffs Northway, Replat 1. This easement release request was made by the applicant and the City in order to address a sanitary sewer line that was relocated when the commercial building on Lot 2, Walmart Bluffs Northway (1720 North 16th Street) was constructed. The new 30 foot-wide easement is based on an as-built survey of the relocated sanitary

sewer line and is deemed to be acceptable by the Council Bluffs Public Works Department.

F. No private restrictions or covenants are proposed to be recorded with this plat. A note indicating such is stated on the final plat.

G. A public trail along Nash Boulevard and North 16th Street was required with the adopted Walmart Bluffs Northway planned commercial development plan. Two trail sections were installed when Walmart (1800 N. 16th Street) and the multi-tenant commercial building (1720 North 16th Street) were constructed. The trail section along the entire frontage of proposed Lot 2, Walmart Bluffs Northway Replat 1 shall be installed by entity developing and/or redeveloping the subject property.

H. All City Departments and local utility providers were provided a copy of the proposed final plat to review. The following comments were received:

1. Council Bluffs Water Works stated they have no concerns with the reconfiguration of Lots 2 and 3, Walmart Bluffs Northway but the plat does not accurately show their water main easements. The plus sign hatch (+) easement along the east and south sides of the subdivision (Book 2016 Page 07546) is stated on the final plat as a City of Council Bluffs easement, and should be revised to state Council Bluffs Water Works easement. Also, the diamond hatch easement (Book 96 Page 7506) at the southwest corner of subdivision should include an additional water main easement along the south side of proposed Lot 2, Walmart Bluffs Northway Replat 1.

I. The following technical corrections must be made to the final plat prior to being signed by the City:

1. Update the surveyor signature date to reflect the year 2023.
2. Change note #3 to state *"As part of this platting, the City of Council Bluffs does hereby grant approval to release of the 15.00 foot wide sanitary sewer easement as described in Book 1466, Page 37 and shown on the final plat of Walmart Bluffs Northway recorded as instrument number 2013-02057".*
3. Update the plat to show notes #5-#12 being under Dedication.
4. Revise note #5 to include all franchise utility providers and not just Mid-American Energy Company. Refer to the second paragraph under the 'Dedication' on Sheet 2 of 3 of Walmart Bluffs Northway final plat for guidance.
5. Add a note regarding the conveyance of stormwater through the specified 10 foot and 5-foot easements along all front, rear, and side property lines. Refer to the fourth paragraph under 'Dedication' on Sheet 2 of 3 of Walmart Bluffs Northway final plat for guidance; and

WHEREAS, The Community Development Department recommends final plat approval of a two-lot minor commercial subdivision to be known as Walmart Bluffs Northway, Replat 1, legally described as being a replat of Lots 2 and 3, Walmart Bluffs Northway, City of Council Bluffs, Pottawattamie County, Iowa, as shown on Attachment 'A', subject to all comments stated above and following conditions:

A. All technical corrections shall be incorporated into the final plat document prior to being executed; and

B. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of time has been granted by the Community Development Department Director; and

C. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and

D. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City; and

E. All construction activity within the proposed Walmart Bluffs Northway, Replat 1 subdivision shall comply with the adopted planned commercial development plan (Case #PC-13-001) approved by City Council via Resolution No. 13-262.

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

That the request for final plat approval of a two-lot commercial subdivision to be known as Walmart Bluffs Northway, Replat 1, legally described as being a replat of Lots 2 and 3, Walmart Bluffs Northway, City of Council Bluffs, Pottawattamie County, Iowa;, is 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 March 13, 2023.

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk