

RESOLUTION NO. 23-118

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A TWO-LOT MINOR SUBDIVISION TO BE KNOWN AS FOX RUN LANDING, REPLAT 5, BEING A REPLAT OF PROPERTY LEGALLY DESCRIBED AS PART OF LOT 116 AND PART OF LOT 117, FOX RUN LANDING, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, South Pointe Apartments, LLC is requesting final plat approval of a two-lot residential subdivision to be known as Fox Run Landing, Replat 5, being a replat of property legally described as part of Lot 116 and part of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, The proposed subdivision is comprised of 21.59 acres, more or less that consists of undeveloped land located at the southeast corner of the intersection of Council Pointe Road and Veterans Memorial Highway; 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:

Community Development Department:

- 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 Director.
- 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-23-004 and #CP-23-001) 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 and C-2/Commercial District to R-3/Low-Density Residential District. The proposed rezoning to the R-3 District will allow for the multi-family development and the adoption of a planned residential development plan that establishes site development, architecture, landscaping, off-street parking and signage standards for the subject property (see Case #PR-23-001). All construction activity that occurs on the proposed subdivision shall comply with the planned residential development plan for the South Pointe Apartments.
- D. The proposed development will be completed in two phases, with Phase I consisting of the development of Lot 1 and Phase II consisting of the development of Lot 2. Per Section 15.10.050, Site Development Regulations, of the CBMC, the minimum lot area for multifamily dwellings containing five (5) or more units is “9,000 square feet plus an increase of 2,000 square feet per each additional unit.” Proposed Lot 1 contains a total

of 11.739 acres (511,356 square feet). Proposed Lot 2 contains a total of 9.815 acres (427,543 square feet). A total of 186 units each are proposed for Lots 1 and 2, which requires a minimum lot size of 371,000 square feet per lot. Proposed Lots 1 and 2 exceed the minimum required lot size for the proposed number of dwelling units.

- E. Access to both Lots 1 and 2 is provided through Talon Plaza, a new private road, which connects to Council Pointe Road, an improved public street. All costs associated with installation and maintenance of Talon Plaza shall be the responsibility of the developer and not the City. Proposed Lot 2 also has frontage along Veterans Memorial Highway, which is access controlled by the Iowa Department of Transportation.
- 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 proposed subdivision includes the following easements:
 - 1. A 25-foot wide easement along the southerly line of Lot 2, a 30-foot wide easement along the northerly line of Lot 1 and a 40-foot wide easement along the proposed fire access drive that continues north to connect to the aforementioned easements for access and maintenance purposes; and
 - 2. A stormwater facility easement over the proposed stormwater detention area. The stormwater detention area shall be placed in an outlot with ownership and maintenance requirements identified.
- 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.
- I. The submitted site plan (Page J1.0 in Attachment 'D') shows a sidewalk interconnection to the multi-family development to the east (Chapel Ridge) on the northeast corner of the property. The proposed location of the interconnection is subject to change, based upon coordination with Chapel Ridge. At minimum, one sidewalk interconnection shall be included to ensure reasonable and safe pedestrian/bicycle access between the two sites and shall be stubbed out to the east property line of the subject property.
- J. The proposed subdivision is located within an X flood zone (area with reduced flood risk due to levee) according to FEMA map panel no. 19155C0560E, dated February 4, 2005.
- K. The following technical corrections shall be made to the final plat prior to being executed by the City of Council Bluffs:
 - 1. The summarized legal description under the subdivision name in the top right-hand corner of Page 1 of 2 states "being a replat of Lot 116

and a **potion** of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa.” “Potion” shall be revised to say “portion.”

2. An outlot shall be created which encompasses the stormwater detention area. The dedication statement on the final plat shall include language on the perpetual maintenance of said outlot.
3. The Certificate of Treasurer of Pottawattamie County, Iowa shall state, “...hereby certify that the property included in **Fox Run Landing, Replat 5**, is free from...” rather than state “...hereby certify that the property included in **River Road Subdivision**, is free from...”
4. 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.

Council Bluffs Public Works Department

- A. The Council Bluffs Public Works Department provided the following comments:
1. The submitted geotechnical report is noted and will be referenced during design review.
 2. A preliminary drainage report has been submitted and Public Works will continue to work with the engineer to finalize the report.
 - a. Water quality and quantity shall be designed to City standards.
 - b. A separate application is required for Post Construction Stormwater Management.
 3. A preliminary traffic study has been completed and Public Works will continue to work with the engineer to finalize the report.
 - a. Any required public roadway improvements will be identified through the review process.
 - b. The project engineer shall coordinate with the Iowa Department of Transportation (IDOT) for any requested changes to Veterans Memorial Highway.
 4. The final plat shall identify all required easements for all private infrastructure.
 5. The final plat shall note that the interior roadway system is private and maintained by the owner.
 6. The stormwater detention area shall be placed in an outlot with ownership and maintenance requirements identified.

The Council Bluffs Chief of Staff stated that the proposed multi-family development is in an appropriate location and will provide much-needed housing for Council Bluffs.

The Council Bluffs Permits and Inspections Division stated that they are fine with the proposed multi-family development moving forward.

MidAmerican Energy stated they have no conflict with the proposed development and noted that the developers or their representative should contact MidAmerican Energy directly to initiate discussions on project timelines, costs, and other requirements for relocating or extending electric service to the development; and

WHEREAS, The Community Development Department recommends final plat approval of the proposed two-lot residential subdivision to be known as Fox Run Landing, Replat 5, legally described as being a replat of Lot 116 and a portion of lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa, 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 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 the case staff report shall be addressed on the final plat prior to the 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, not the City.
- E. All development within the proposed subdivision shall comply with the development standards listed in the proposed development plan for the subject property (Case #PR-23-001).
- F. All applicable permits necessary to meet local, state, and federal requirements shall be the developer's responsibility.

**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 two-lot residential subdivision to be known as Fox Run Landing, Replat 5, legally described as being a replat of Lot 116 and a portion of lot 117, Fox Run Landing, 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

April 24, 2023.

MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk