RESOLUTION NO. 18-169

A RESOLUTION GRANTING PRELIMINARY PLAN APPROVAL FOR 85-LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS NORTH SHORE SUBDIVISION LEGALLY DESCRIBED AS BEING PART OF THE NORTH ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 14-74-44, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Knudson Companies is requesting preliminary plan approval of an 85-lot residential subdivision, including eight outlots, to be known as North Shore Subdivision (see Attachments A and B); and

WHEREAS, The proposed subdivision is commonly known as Wooded Lake Mobile Home park and is located North of Lake Manawa and will consist of 75 single-family residential lots, two-lots for multi-family residential construction, one outlot for stormwater management/community amenities, four open space outlots and three outlots for alley access to the proposed single-family lots to be developed in two phases; and

WHEREAS, The following comments were provided for the proposed subdivision request:

1. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, 'but is deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee and the final plat' (§14.11.060.04-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 subdivider in writing prior to the expiration date. One year extensions are considered by the City Planning Commission.
2. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) as well as the purpose and intent of the Council Bluffs Municipal Code (Subdivision & Zoning Ordinances).
3. All proposed single-family residential lots with the exception of Lots 15, 16, 17, 64, 65, 66, 67 and 72 comply with the minimum R-1/Single-Family Residential District lot size requirements. All lots referenced above that do not comply must be modified to meet R-1 District size requirements prior to final plat approval.
4. Proposed Lot 2 contains 3.16 acres of land is planned to be developed with 120 multi-family dwellings units (apartments), see Sheet C1-03. Proposed Lot 3 contains 2.06 acres of land and is planned to be developed with 66 apartment units. The total number of apartment units planned to be developed on said Lots 2 and 3 complies with the site development standards stated in Section 15.11.050, *R-4/High Density Multi-Family Residential District* of the Municipal Code (Zoning Ordinance).

5. In 2013, the City Council approved a request by All Remodeling, Inc. to vacate a section of 42nd Avenue (shown as 1st Avenue on the submittal) located north of the Wooded Lake Mobile Home Park (see Case #SAV-13-007). Abutting property owners to the north/south of said vacated 42nd Avenue right-of-way were granted approval to purchase their portion of the abutting right-of-way. To date, none of the abutting property owners (including the applicant) have purchased their portion of said vacated 42nd Avenue right-of-way and it remains under City ownership. Proposed Outlot 85 along with of Lot 2 and Mallard Bay Drive right-of-way include a portion of said vacated 42nd Avenue right-of-way, which remains under City ownership.
6. Outlot 1 is proposed as a community amenity area and will also be utilized for stormwater management for this subdivision (see Sheet C1-03). Outlots 30, 35, 40 and 85 are proposed as open space for the subdivision. Outlots 48, 62 and 79 are proposed to be 20 foot-wide alleys that will be used to provide rear garage access to residential dwellings on the abutting lots. All proposed outlots must be dedicated to a homeowner's association and maintained by the same.
7. The applicant proposes to construct the subdivision in two phases (see Sheet C0-03). The construction of temporary turn-arounds may be necessary where the phase of construction results in a dead-end street. The turn-arounds must be designed to accommodate emergency vehicles and shall be in accordance with Public Works and Council Bluffs Fire Department standards.
8. All lots within the subdivision will be serviced with utilities including: water, sanitary sewer, communications, electricity and natural gas. The applicant must coordinate with all providers to determine construction design. Any cost to relocate and/or remove existing utilities for the construction of this subdivision shall be at the sole expense of the applicant and not the City.
9. A water main extension agreement must be requested from the Council Bluffs Water Works. Additionally, the Council Bluffs Water Works has requested an easement between two of lots located south of Mallard Bay Drive to loop their water main. A recorded water main easement is located along the rear boundary of Lots 12, 13 and 14. The final plat shall include the easement location along with the recorded book and page number (Book 1422, Page 207).

10. The applicant must enter into an agreement with Mid-American Energy in order to extend electrical distribution facilities to the proposed subdivision. Mid-American Energy also stated they are required to obtain permit approval from the Army Corps of Engineers if they install new electrical distribution facilities within 500 feet of the Indian Creek levee. Mid-American Energy estimated the Corps permit approval process could take between 6-12 months.
11. Black Hills Energy (BHE) stated their existing gas line located between Lots 13 and 14 is critical to serving the residents in Pelican Cove and requested the applicant retain the current utility easement or provide them with a new dedicated easement in the same location.
12. Street lights shall be required in accordance with the Public Works Department standards at the expense of the applicant.
13. Easements shall be required for the installation of franchise utilities along ease side of each lot, and will be reviewed at the time of final plat submittal.
14. The Public Works Department provided the following comments for the proposed subdivision:
    a. The vacation of 42nd Avenue should be nullified as none of the abutting property owners have purchased their portion of the vacated ROW. Wright Road should be extended to the west of Natural Trail Drive. Mallard Bay Drive would become a subdivision entrance off of Wright Road. South 13th Street must be improved from Wright Road to Veterans Memorial Highway and could be used to provide a second entrance into the development. A sidewalk connection along South 13th Street to the existing trail on Veteran's Memorial Highway shall be provided;
    b. The development encroaches on the Indian Creek right-of-way and will require a U.S. Army Corps of Engineer 408 permit prior to construction;
    c. A sanitary sewer extension agreement (IDNR Schedule A thru D) is required and must be obtained by the applicant;
    d. Preliminary drainage study and post-construction stormwater management calculations noted;
    e. Storm sewer outlet into Lake Manawa must been approved by the Iowa Department of Natural Resources as the lake is on the impaired waters list;
    f. All infrastructure (paving, sanitary and storm sewer) shall be designed and constructed per SUDAS and City of Council Bluffs Supplemental Specifications;

g. Sidewalks are required along both sides of all streets within the development. The meandering trail through Outlot 1 will work for the southeast side of Mallard Bay Drive if the access points are provided at street intersections;

h. Topsail Lane could be a private driveway for the multi-family complex on Lots 2 and 3;

i. The geotechnical report is noted. The final report shall contain all typical finds and recommendations for this development; and

j. Groundwater elevation is noted. The design of the detention facility should take into account the fluctuating groundwater levels.

15. The Council Bluffs Fire Department (CBFD) stated that two separate fire department access roads must be provided to the subdivision, as required per the 2015 International Fire Code (IFC) Appendix D. CBFD further stated that the proposed access roads from South 11th and South 13th Streets do not qualify as two separate access roads due to their separation distance, as per the IFC. The applicant's engineer has proposed to provide an entrance onto West Shore Drive to comply with fire access requirements. Any easements and/or approvals from Iowa Department of Natural Resources to access West Shore Drive shall be the responsibility of the applicant and not the City. The applicant shall continue to work with the Council Bluffs Fire Marshal's office to provide appropriate fire access roads to this subdivision. All required access points shall be identified on the final plat.

16. Sidewalks are required along the frontage of every lot and outlot where it abuts a public right-of-way. Sidewalks shall be installed along the frontage of the outlot(s) at the time of street construction. Sidewalk along all residential lots shall be installed at the time each lot is developed. All sidewalk installation shall comply with the recent ADA standards for accessibility.

17. A request for a neighborhood identification sign has not been submitted. If an identification sign is planned it must be located outside of the public right-of-way and shown during final plat review. Any proposed sign is subject to review and issuance of a sign permit prior to installation; and

WHEREAS, The Community Development Department and the City Planning Commission recommend approval of the preliminary plan for a subdivision to be known as North Shore, as shown on Attachment B, subject to the comments above and conditions below:

1. Approval of the preliminary plan 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'. (§14.11.060.04- 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 applicant's responsibility.
3. An erosion and sediment control along with a grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
4. All utilities shall be located underground.
5. Sidewalks shall be installed along the street frontage of each lot at no expense to the City, prior to issuance of a certificate of occupancy for each house. Sidewalk shall be installed along the frontage of all outlots at the time of street construction at no expense to the City.
6. Proposed Lots 15, 16, 17, 64, 65, 66, 67 and 72 shall be modified to comply with the minimum R-1/Single-Family Residential District lot size requirements.
7. The subdivision shall comply with all fire access requirements, as per the International Fire Code.
8. Nullifying the vacation of 42nd Avenue (Case #SAV-13-007, Resolution No. 13-203) and rededicated the land area as a public right-of-way for an extension of Wright Road.

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

That preliminary plan approval for a for an 85-lot residential subdivision to be known as North Shore, as shown on Attachment B, is hereby approved subject to the comments and conditions set forth above.

ADOPTED
AND May 21, 2018.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk