Council Communication

Department: Community Development Department CASE #SUB-19-002 Owner/Applicant: Edward L. & Frances Morris Trusts 12582 Deerfield Court Council Bluffs, IA 51503 Representative: John H. Jerkovich 535 West Broadway #100 Council Bluffs, IA 51503 Surveyor: Jonathan M. Leisinger HGM Associates, Inc. 640 5th Avenue Council Bluffs, IA 51501	Resolution No. _____	Public Hearing: 1/28/19

Subject/Title

Request: Final plat approval of a 3-lot subdivision to be known as Morris Subdivision, Replat 1

Legal Description: A replat of Lots 2 and 3, Morris Subdivision

Location: South of 23rd Avenue at Mid-America Drive

Background/Discussion

The Community Development Department has received a request from Edward and Frances Morris for final plat approval of a three lot commercial subdivision to be known as Morris Subdivision, Replat 1, being a replat of Lots 2 and 3, Morris Subdivision (see Attachment A). This property has been the subject of multiple subdivision actions since 2001 when it was originally platted as Lot 1, Bluffs Vision Subdivision. A summary of the these subdivision actions are stated below, as follows:

- CASE #SUB-06-020 – In 2006, the Council Bluffs City Council approved a final plat that replatted Lot 1, Bluffs Vision Subdivision into a seven lot commercial subdivision known as Bluffs Vision Commercial Subdivision. The replat included a public street known as 'Mid-America Loop', which was constructed at the time by the developer and accepted by the City.

- CASE #SUB-08-005 – In 2008, the Council Bluffs City Council approved a final plat that replatted the seven lot Bluffs Vision Commercial Subdivision into a two lot commercial subdivision known as the Wedge Resort. The purpose of the replat was to consolidate all lots (except the Quaker Steak and Lube parcel) into one lot for the development of a family destination, entertainment/sports facility. The replat included the vacation of the constructed Mid-America Loop right-of-way (CASE #SAV-08-007, Resolution No. 08-224).

- CASE #SUB-15-011 – In 2015, the Council Bluffs City Council approved a final plat that replatted Lots 1 and 2, Wedge Resort Subdivision into a three lot commercial subdivision known as Morris Subdivision. The replat created a 2.72 acre lot for the existing Quaker Steak and Lube restaurant, a 2.03 acre lot along 23rd Avenue, and a 10.40 acre lot along Mid-America Drive. The purpose of the replat was to create new lots for development after the Wedge Resort project discussed above did not come to fruition. The plat did not create any new right-of-ways and retained all previously approved access/utility easements.

The purpose of the current request is to modify the southerly line of Lot 2, Morris Subdivision to include an existing 40 foot-wide utility easement and to subdivide Lot 3, Morris Subdivision into two lots for new development. Proposed Lot 1, Morris Subdivision, Replat 1 will be comprised of 2.72 acres of land and will be marketed as commercial development site. Proposed Lot 2, Morris Subdivision, Replat 1 will be comprised of 6.07 acres of land and is under contract to be purchased by the Council Bluffs Soccer Club and developed with a new 72,000 square foot indoor soccer facility (see CASE #PC-19-001). Proposed Lot 3, Morris Subdivision, Replat 1 will be comprised of 4.12 acres of land and will be marketed as a commercial development site. A letter of intent from the applicant's engineer describing the proposed Morris Subdivision, Replat 1 plat is included with this report as Attachment 'B'.

Comments

1. The subdivision is consistent with the Bluffs Tomorrow: 2030 Comprehensive Plan as well as the purpose and intent of the Council Bluffs Municipal Code (Subdivision & Zoning Ordinance). No change of zoning has been requested. The property is zoned PC Planned Commercial therefore all new construction will require the adoption of a development plan (see Attachment 'C').
2. The subdivision shall comply with all applicable City of Council Bluffs municipal codes, Iowa Statewide Urban Design, and Specifications (SUDAS) regarding off-street parking, grading, surface paving and stormwater management.
3. All proposed lots have frontage along a public roadway. Lot 1 has direct frontage onto 23rd Avenue and Lots 2 and 3 have direct frontage onto Mid-America Drive. The Public Works Department will not allow direct access to 23rd Avenue from the subdivision therefore all rights of direct access from Lot 1, Morris Subdivision, Replat 1 to 23rd Avenue shall be dedicated to the City on the plat instrument. Lot 1 will be accessed from an existing 70 foot-wide easement along the southerly boundary of Lot 1, Morris Subdivision that connects into Mid-America Drive. Lots 2 and 3 will be accessed by a new 50 foot-wide easement that that extends over the former Mid-America Loop and connects into Mid-American Drive. Any additional access points from this subdivision onto Mid-American Drive will be reviewed Public Works Department and approved on a case-by-case basis.
4. The subdivision does not propose any new public rights-of-way and retains the existing easements that were recorded on the Morris Subdivision final plat.
5. For the purpose of determining building setbacks the property lines on each lot in this subdivision shall be clarified as a front, side, and/or rear in the following manner:
    a) Lot 1, Morris Subdivision – The north property line abutting 23rd Avenue right-of-way shall be considered the front, the east property line abutting Lot 1, Morris Subdivision shall be considered a side, the southerly line abutting existing 70 foot-wide access easement and proposed Lot 2, Morris Subdivision, Replat 1 shall be considered a rear, and the west property line shall be considered a side.
    b) Lot 2, Morris Subdivision – The north property line abutting proposed Lot 1, Morris Subdivision Replat 1 shall be considered a side, the easterly property line abutting the 50 foot-wide access easement on proposed Lot 3, Morris Subdivision, Replat 1 shall be

considered a side, the southeasterly property line abutting Mid-America Drive right-of-way shall be considered the front, and the southwesterly/western property line shall be considered the rear.

c) Lot 3, Morris Subdivision – The northerly properly line shall be considered a side, the east property line abutting Mid-America Drive right-of-way shall be considered the front, the southerly property line shall be considered a side, and the westerly property line shall be considered the rear.

6. The Public Works Department provided the following comments:
   a) The private loop road has a sanitary sewer that will require an easement over the top of it. The width of the 50 foot-wide ingress/egress easement is sufficient.
   b) The private loop road is the main access point for Lot 2, Morris Subdivision, Replat 1 therefore a covenant should be established that describes maintenance responsibilities and shared use requirements to accommodate all users.
   c) There is a short run of public storm sewer that extends from the westerly property line of Lot 2, Morris Subdivision, Replat 1 into an inlet located on the southwesterly curve of the private loop road. An easement over said public storm sewer shall be stated on the final plat.
7. Council Bluffs Water Works stated that water is available to service all lots in the development and they will work with the developer to acquire all necessary easements for their utility infrastructure.
8. Mid-American Energy requested an additional 10 foot-wide utility easement be provided along the western boundary line of the 50 foot-wide loop road on the final plat.
9. A portion of this subdivision is located within the Iowa Department of Transportation's – Interstate System Corridor Preservation Zone. IDOT reviewed this subdivision request and stated there are no conflicts with their ongoing I-80/I-29 Interstate reconstruction projects.
10. A public sidewalk shall be constructed along the frontage of all lots in this subdivision prior to issuance of a certificate of occupancy on each lot. Additionally, a private sidewalk measuring a minimum of four feet in width shall be constructed along both sides of the 50 foot-wide access easement in order to provide pedestrian access from Mid-America Drive to development located on the interior of Lots 2 and 3, Morris Subdivision, Replat 1. These sidewalks shall be constructed as development occurs on said lots and shall be completed prior to issuance of a certificate of occupancy on each lot.
11. All utilities shall be installed underground and any cost to remove, relocate, modify and/or extend utilities in this subdivision shall be the responsibility of the developer and not the City.
12. The following technical corrections shall be made to the final plat prior to being executed:
   a) Show the Morris Subdivision (lots) in 'half-tone' on the plat exhibit;
   b) State the metes and bounds legal description on Sheet 1 of the final plat;
   c) Provide a note on the plat that dedicates all rights of direct vehicular access from Lot 1, Morris Subdivision, Replat 1 onto 23rd Avenue to the City of Council Bluffs;
   d) State the book/page number which established the existing 70 foot-wide access easement on the plat;
   e) Update the plat exhibit to show the book/page number of all existing storm/sanitary/drainage easements abutting the west property lines of Lots 1 and 2, Morris Subdivision, Replat 1, as per the recorded Morris Subdivision final plat;
   f) Remove the 'Council Bluffs Industrial Foundation' as the developer for this subdivision; and
   g) Indicate on the plat if any private restrictions/covenants will be recorded with it, or place a note on the plat indicating none will be recorded.

Recommendation

The Community Development Department recommends approval of a three lot commercial subdivision to be known as Morris Subdivision, Replat 1 being a replat of Lots 2 and 3, Morris Subdivision, all in the City of Council Bluffs, Pottawattamie County, Iowa, subject to compliance with all above stated comments and the following conditions:

1. 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.
2. All technical corrections discussed above shall be made on the final plat prior to execution of the document.
3. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
4. A public sidewalk shall be constructed along the frontage of all lots in this subdivision prior to issuance of a certificate of occupancy on each lot. Additionally, a private sidewalk measuring a minimum of four feet in width shall be constructed along both sides of the 50 foot-wide access easement in order to provide pedestrian access from Mid-America Drive to development located on the interior of Lots 2 and 3, Morris Subdivision, Replat 1. These sidewalks shall be constructed as development occurs on said lots and shall be completed prior to issuance of a certificate of occupancy on each lot.
5. A covenant which establishes and describes maintenance responsibilities and shared use requirements for all users of the 50 foot-wide access easement on Lot 3, Morris Subdivision, Replat 1 shall be recorded with the plat and copy provided to the City of Council Bluffs.
6. A planned commercial development plan shall be adopted prior to any construction activity commencing on lots in this subdivision.
7. All utilities shall be installed underground and any cost to remove, relocate, modify and/or extend utilities in this subdivision shall be the responsibility of the developer and not the City.

Public Hearing

Speakers in favor:

1. Pete Tulipana, 25 Main Place, Council Bluffs, IA 51503
2. Mark Eckman, Council Bluffs Convention and Visitor's Bureau, 400 Willow Avenue, Suite 2C, Council Bluffs, IA 51503
3. Scott Belt, 1447 Madison Avenue, Council Bluffs, IA 51503

Speakers against: No one spoke in opposition.

Planning Commission Recommendation

The Planning Commission recommends approval of a three lot commercial subdivision to be known as Morris Subdivision, Replat 1 being a replat of Lots 2 and 3, Morris Subdivision, all in the City of Council Bluffs, Pottawattamie County, Iowa, subject to compliance with all above stated comments and the following conditions:

1. 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.

2. All technical corrections discussed above shall be made on the final plat prior to execution of the document.
3. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
4. A public sidewalk shall be constructed along the frontage of all lots in this subdivision prior to issuance of a certificate of occupancy on each lot. Additionally, a private sidewalk measuring a minimum of four feet in width shall be constructed along both sides of the 50 foot-wide access easement in order to provide pedestrian access from Mid-America Drive to development located on the interior of Lots 2 and 3, Morris Subdivision, Replat 1. These sidewalks shall be constructed as development occurs on said lots and shall be completed prior to issuance of a certificate of occupancy on each lot.
5. A covenant which establishes and describes maintenance responsibilities and shared use requirements for all users of the 50 foot-wide access easement on Lot 3, Morris Subdivision, Replat 1 shall be recorded with the plat and copy provided to the City of Council Bluffs.
6. A planned commercial development plan shall be adopted prior to any construction activity commencing on lots in this subdivision.
7. All utilities shall be installed underground and any cost to remove, relocate, modify and/or extend utilities in this subdivision shall be the responsibility of the developer and not the City.

VOTE: AYE 11 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 0 Motion: Carried

Attachment A: Morris Subdivision, Final Plat
Attachment B: Letter of intent
Attachment C: Location/zoning map

Surveyor: Jonathan M. Leisinger, HGM Associates, Inc., 640 5th Avenue, Council Bluffs, IA 51501

Prepared by: Christopher N. Gibbons, AICP, Planning Coordinator