City Council Communication

Department: Community Development CASES# MIS-20-001, SAV-20-001, and SUB-20-002 Applicant/Owner City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503 Surveyor: Michael G. Geier Synder & Associates, Inc. 1751 Madison Avenue Council Bluffs, IA 51503	Resolution No. _____ Resolution No. _____ Resolution No. _____	CASE#MIS-20-001 Resolution of Intent: 1/27/2020 Resolution to Dispose: 2/10/2020 CASE #SAV-20-001 Resolution of Intent: 1/27/2020 Resolution to Dispose: 2/10/2020 CASE #SUB-20-002 City Council: 2/10/2020 Planning Commission: 1-14-20

Subject/Title

Requests:

1. Final plat approval of a three lot subdivision to be known as Main Line Subdivision legally described as being a replat of Lots 1 through 6, Block 6, Lots 1 through 12, Block 7, and Lots 1 through 16, Block 8, all in Bryant and Clark's Subdivision, and Lots 11 through 13, Block 'A' Perry's Second Addition, and Lots 1 through 8, Block 5, Lots 1 through 6, Block 6, all in Ferry's Addition, and vacated streets and alley, all in the City of Council Bluffs, Pottawattamie County, Iowa; and
2. Vacate South 33rd Street right-of-way between Blocks 7 and 8, Bryant and Clark's Subdivision and bounded on the north by an extension of the north line of the east/west alleys in said blocks and bounded on the south by the north right-of-way line of 2nd Avenue; and
3. Release permanent and perpetual utility easements reserved over vacated east/west alleys in Block 6, Ferry's Addition and Block 7, Bryant and Clark's Subdivision and over the vacated north/south alley abutting Lots 3 and 4, Block 6, Ferry's Addition and Lots 6 and 7, Block 7, Bryant and Clark's Subdivision, all in the City of Council Bluffs, Pottawattamie County, Iowa.

Location: A parcel of land that is bounded by West Broadway, South 34th Street, 2nd Avenue, and South 32nd Street.

Background/Discussion

Starting in 2012, the City began acquiring properties in the west end, specifically between West Broadway and 2nd Avenue from South 28th Street to the South 35th Street, to eliminate incompatible industrial and commercial land uses within the West Broadway Corridor, and to encourage redevelopment on properties adjacent to the former Union Pacific railroad line in 1st Avenue. Through these efforts, the City was able to acquire and demolish the Bungee grain elevators, Razzle Dazzle, Paul's Bike Shop, a pharmacy store, and a mobile home park at the southeast corner of the intersection of West Broadway and South 34th Street, and assemble an 8.50 (more/less) acre parcel of land for redevelopment. Said land is now proposed to be replatted into a three-lot subdivision to be known as Main Line Subdivision.

In August 2019, the Council Bluffs Community Development Department issued a Request for Proposals (RFP) to the public to develop the Main Line Subdivision with a mixture of commercial and residential uses. Copies of the RFP were also distributed to developers in the Council Bluffs-Omaha region, Des Moines, Kansas City, and Minneapolis to increase awareness of the development opportunity. Three firms responded to the RFP: Lockwood Development, White Lotus Group, and Knudson Companies. Staff

evaluated all three proposals in accordance with the criteria stated in the RFP, and recommended to the City Council that the firm Knudsen Companies be selected as the preferred developer of Main Line Subdivision as their proposal achieves the City's long-range vision for 1st Avenue and the West Broadway corridors. City Council concurred with staff's recommendation and passed Resolution No. 19-236 on October 7, 2019, which approved Knudson Companies as the preferred developer for Main Line Subdivision.

Since the date of City Council approval, City staff and the Knudson Companies have been working together on the layout and design of their proposed mixed-use development. As part of these review discussions, City staff and Knudson Development agreed that the following actions need to be completed by the City so that the mixed-use development proposal can be constructed as proposed:

1. Replat the subject 8.5 acres of City-owned land into three large tracts of land;
2. Vacate the segment of South 33rd Street between 1st and 2nd Avenues so that new townhomes can be built within the former right-of-way area; and
3. Release permanent and perpetual utility easements reserved over vacated alleys in the subdivision so that new multi-family apartments and townhomes can be built over the vacated alleys.

The following attachments are included with this report for reference purposes:
Attachment A: Zoning/location map
Attachment B: Proposed Main Line Subdivision final plat
Attachment C: Easement and street right-of-way vacation map
Attachment D: Resolution No. 93-206
Attachment E: Ordinance No. 3747
Attachment F: Proposed mixed use site development plan by Knudson Development, LLC

CASE #SUB-20-002 – see Attachments 'A' and 'B'

The Community Development Department is requesting final plat approval of a three-lot subdivision to be known as Main Line Subdivision, legally described as being a replat of Lots 1 through 6, Block 6, Lots 1 through 12, Block 7, and Lots 1 through 16, Block 8, all in Bryant and Clark's Subdivision, and Lots 11 through 13, Block 'A' Perry's Second Addition, and Lots 1 through 8, Block 5, Lots 1 through 6, Block 6, all in Ferry's Addition, and vacated streets and alley, all in the City of Council Bluffs, Pottawattamie County, Iowa.

Land Use/Zoning

The subject property is comprised of 8.58 acres (more/less) of undeveloped land that is geographically bounded by West Broadway to the north, South 34th Street to the west, 2nd Avenue to the south, and South 32nd Street to the east. First Avenue, which is an unimproved 66 foot-wide right-of-way that was previously utilized by the Union Pacific Railroad Company, is located between the two tracts of land that comprise the subject property. The railroad tracks in 1st Avenue were removed in 2012-2013, and the City is now designing this right-of-way to function as a multi-modal transportation corridor that can accommodate pedestrian/bicycle traffic and mass transit, as per the recommendation of the adopted West Broadway Corridor Plan.

All property in the proposed subdivision is zoned C-2/Commercial District or MCR/Mixed Commercial Residential District. Additionally, a portion of the property with frontage along West Broadway, South 34th Street, and South 32nd Street is located within the West Broadway Corridor Design Overlay. Knudson Development has submitted an application to rezone 0.77 acres of Lot 1, Main Line Subdivision from C-2 District to MCR District to allow two mixed commercial/residential structures on property immediately north of 1st Avenue (see Case #ZC-20-001). Surrounding zoning in the general vicinity of the subject

property includes C-2/Commercial District, R-2/Two-family Residential District, and R-3/Multi-family Residential District. Existing land uses within the general vicinity of the subject property include: a mixture of commercial (retail, consumer services, etc.), restaurants, commercial storage, a CHI medical clinic, a hotel, and residential dwellings. The future land use plan of the Bluffs Tomorrow: 2030 Plan designates the northerly 3.15 acres as Local Commercial, and the southerly 5.63 acres as Multi-family/Mixed Use.

Comments

1. The proposed Main Line Subdivision is comprised of three large tracts of land. Proposed Lot 1 contains 137,283 square feet (3.15 acres) of land and directly abuts West Broadway, 1st Avenue, and South 34th Street rights-of-way. The property is zoned C-2/Commercial District and is partially located within the West Broadway Corridor Design Overlay. The selected developer, Knudson Companies, has proposed to rezone the southwesterly 0.77 acres of this lot from C-2 District to MCR/Mixed Commercial Residential District so that they can construct mixed commercial/residential structures immediately north of 1st Avenue (see CASE #ZC-20-001). Proposed Lot 2 contains 123,730 square feet (2.84 acres) of land and directly abuts 1st Avenue, South 34th Street, and 2nd Avenue rights-of way. Proposed Lot 3 contains 113,009 square feet (2.59 acres) of land and directly abuts 1st Avenue, South 32nd Street, and 2nd Avenue rights-of-way. Lots 2 and 3, Main Line Subdivision are zoned MCR District. The minimum lot size for property zoned C-2 District is 5,000 square feet, lot width is 50 feet, and lot depth is 100 feet, as per Chapter 15.15 *C-2/Commercial District* of the Municipal Code (Zoning Ordinance). There are no minimum lot size and/or lot dimensions for property zoned MCR District, as per Chapter 15.12 MCR/Mixed Commercial Residential District of the Municipal Code (Zoning Ordinance). All proposed lots in this subdivision comply with the lot size requirements for the respective zoning districts they are located within.

2. All construction within this subdivision shall comply with applicable site development standards stated in Chapter 15.12 MCR/Mixed Commercial Residential District, Chapter 15.15, C-2/Commercial District, and Chapter 15.32/Corridor Design Overlay of the Municipal Code (Zoning Ordinance).

3. The proposed Main Line Subdivision is consistent with the Bluffs Tomorrow: 2030 Plan and the purpose and intent of the Council Bluffs Subdivision and Zoning Ordinances.

4. All proposed lots in this subdivision have direct vehicular access to West Broadway, South 34th Street, 2nd Avenue, and/or South 32nd Street, which are dedicated public roadways. No street extensions are required to be completed with this proposed subdivision. Additionally, no direct vehicular access shall be allowed from any lots in the Main Line Subdivision onto 1st Avenue. A note stating such access restriction shall be stated on the final plat prior to it being executed.

5. The proposed final plat includes street dedications to increase adjacent 1st Avenue and South 34th Street rights-of-way widths. The purpose of these land dedications is to provide a consistent 66 foot-wide right-of-way width for the segment of 1st Avenue that bisects this subdivision, and to provide opportunities for on-street parking and/or wider sidewalks along South 34th Street, adjacent to proposed Lots 1 and 2, Main Line Subdivision.

6. Two 20 foot-wide easements are reserved for existing utilities located within proposed Lot 1, Main Line Subdivision, and one 30 foot-wide easement is reserved for existing utilities within vacated South 33rd Street right-of-way, which is being vacated and replatted to create Lots 2 and 3, Main Line Subdivision, on the final plat (see CASE #SAV-20-001).

7. All lots in the proposed subdivision have access to existing utilities within West Broadway, South 34th Street, South 32nd Street, and/or 2nd Avenue. Any cost to extend, modify, and/or remove utilities to facilitate development on these lots shall be at the cost developer, and not the City of Council Bluffs.

8. All electric, gas, water, cable and communication facilities shall be installed underground. All costs to construct, remove, and/or relocate any utilities within the proposed subdivision shall be the responsibility of the entity developing the subject property, and not the City of Council Bluffs.

9. The standard five-foot and ten-foot utility easements along the front, side and rear lot lines are not required for the proposed final plat as each lot in the subdivision has access to existing utilities in the adjacent City rights-of-way. The elimination of these standard easements is also necessary to allow buildings in this subdivision to be constructed with zero setbacks from adjacent property lines, which is a common site design characteristic for urban infill development projects. Any new utilities extensions within the subdivision shall be located within a private easement that is negotiated between the developer and local utility provider, or within the adjacent public rights-of-way.

10. The subdivision is located within a Flood Zone 'X', according to FEMA Map Number 19155C0394E, dated February 4, 2005 and is protected from flooding by a levee along the Missouri River.

11. Sidewalks shall be installed along the lot frontages abutting West Broadway, South 34th Street, 2nd Avenue, and South 32nd Street right-of-ways prior to issuance of any Certificate of Occupancy for buildings on said lots by the developer, and at no cost to the City.

12. The City, with assistance from professional engineering and planning firms HDR Inc. and Snyder Associates Inc., is finalizing the design and layout of a new 12 foot-wide bike/pedestrian trail that will be located within 1st Avenue right-of-way, and will extend from South 35th Street to South 16th Street. The 1st Avenue trail segment that will be located adjacent to the northerly property line of Lots 2 and 3, Main Line Subdivision shall be constructed in accordance with the approved designs, prior to issuance of any Certificate of Occupancy for buildings on said lots by the developer, and at no cost to the City. Alternatively, a fee in lieu of construction of the trail may be acceptable subject to City approval.

13. No private restrictions or covenants will be recorded by the City with this plat. A note indicating such shall be stated on the plat prior to being executed.

14. All City Departments and local utilities were provided a copy of the proposed Main Line Subdivision final plat to review. The following comments were received:

    a. Council Bluffs Public Works Department stated the following:
        - Existing sanitary sewer must remain active and be located within an easement; and
        - The easement should appear on the plat with the appropriate standard notes.

    b. MidAmerican Energy stated they support the proposed street dedications to increase 1st Avenue and South 34th Street rights-of-way widths adjacent to the subdivision, and also agree the two 20 foot-wide easements shown on proposed Lot 1, Main Line Subdivision must be retained. MidAmerican stated they have a three phase overhead distribution along the east side of South 34th Street right-of-way and a single phase overhead distribution line running along private right-of-way east/west between West Broadway and 1st Avenue, and South 34th Street and South 33rd Street that the developer must maintain code clearance from and/or pay the cost to relocate.

MidAmerican further stated they prefer the standard 10-foot and 5 foot easements along the front, side, and rear property lines in this subdivision be stated on the final plat, as opposed to not requiring them as per the recommendation of the Community Development Department. They also acknowledged that regardless if the easements are stated on the plat or not, the developer will be responsible for contacting MidAmerican Energy to identify all costs and additional easements requirements to relocate existing or extend electrical distribution facilities within the development area.

The Community Development Department along with the developer will continue to work with MidAmerican Energy to address concerns with extending, modifying, and/or relocating their electrical facilities within the development area.

15. The following technical correction shall be made to the final plat prior to being executed:
    a. Page #2 – update the legal description caption for the South Tract to include the entire section of vacated South 33rd Street from 1st Avenue to 2nd Avenue right-of-way.

CASE #MIS-20-001 – See Attachment C

Resolution No. 93-206, adopted by City Council on September 27, 1993, vacated alleys in Block 7, Bryant and Clark's Subdivision, and Block 6, Ferry's Addition and reserved permanent and perpetual utility easements over said alleys (see Attachment D). These alleys are unimproved and do not have any utilities located within them. The Community Development proposes to release the permanent and perpetual easements reserved over the following alleys so that the land can be replatted and redeveloped with new multi-family residential housing:

- The 16 foot-wide east/west alley that adjoins Lots 1 through 12 inclusive in Block 7, Bryant and Clark's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. Said alley lies between 1st Avenue and 2nd Avenue and between the West right-of-way line of South 33rd Street and the West line of said Subdivision; and
- The 12 foot-wide east/west alley that adjoins Lots 1 through 6 inclusive in Block 6, Ferry's Addition, City of Council Bluffs, Pottawattamie County, Iowa. Said alley lies between 1st Avenue and 2nd Avenue and between the East right-of-way line of South 34th Street and the East line of said Subdivision; and
- The 12 foot-wide north/south alley that adjoins Lot 4, Block 6, Ferry's Addition, and Lot 6, Block 7, Bryant and Clark's Subdivision, all in City of Council Bluffs, Pottawattamie County, Iowa. Said alley lies between the East right-of-way line of South 34th Street and the East line of Ferry Addition being also the West line of Bryant and Clark's Subdivision and is bounded on the South by the East prolongation of the South line of said Lot 4 and on the North by the South right-of-way line of 1st Avenue being the East prolongation of the North line of Lot 4 in Block 6, Ferry Addition, Council Bluffs, Pottawattamie County, Iowa.

Ordinance No. 3747, passed by City Council on March 14, 1966, vacated the north/south alley between Lots 3, Block 6, Ferry's Addition and Lot 7, Block 7, Ferry's Addition, and reserved permanent and perpetual utility easements over said alley (see Attachment E). This alley is unimproved and does not have any utilities located within it. The Community Development proposes to release the permanent and perpetual easements reserved over the following alleys so that the land can be replatted and redeveloped with new multi-family residential housing:

- The West ½ of the north/south platted alley abutting the east property line of Lot 3, Block 6, Ferry's Addition, and that portion of the East ½ of the vacated north/south abutting the west property line of Lot 7, Block 7, Bryant and Clark's Subdivision, said alley being bounded to the south by the north right-of-way line of 2nd Avenue and to the north by the north property line of Lot 7, Block 7, Bryant

and Clark's Subdivision, all in the City of Council Bluffs, Pottawattamie County, Iowa.

All local utility companies were notified of the proposed request and sent a petition to sign which releases their interest in the subject utility easements. The following comments were received:

1. Council Bluffs Water Works stated they have no utilities within the subject alleys and are not opposed to releasing the easements. The Council Bluffs Water Works Board is scheduled to approve the authorization to release interest in the easements at their January 21, 2020 meeting. The signed release form will then be returned to the Community Development Department for record keeping purposes.
2. Cox Communications signed and returned their authorization to release interest in said easements to the Community Development Department on January 2, 2020.
3. Mid-American Energy Company stated their company does not have any utilities in the subject alleys and will send a signed authorization to release interest in said easements to the Community Development Department. They also stated the developer will be required to grant specific utility easements for all new MEC facilities required to serve the development or relocate existing facilities.
4. Black Hills Energy and CenturyLink have not responded to the City's request to release the permanent and perpetual easements over said alley. The Community Development Department will continue to work with both companies to obtain their support for releasing said easements.

CASE #SAV-20-001 – See Attachment C

On November 8, 1910, the Council Bluffs City Council passed Ordinance No. 2085 which vacated a section of South 33rd Street right-of-way between Blocks 7 and 8, Bryant and Clark's Subdivision, with said right-of-way area being more particularly described as lying South of the south right-of-way line of First Avenue and North of the north line of the alley through Blocks 7 and 8, Bryant and Clark's Subdivision. It is assumed that this section of South 33rd Street right-of-way was vacated and disposed of by City Council to allow industrial development adjacent to the Union Pacific railroad line that previously existed within 1st Avenue right-of-way. No easements were included in the ordinance that vacated said section of South 33rd Street right-of-way; however, the request did create a dead-end street that the Community Development Department proposes to vacate and replat as part of the Lots 2 and 3, Main Line Subdivision.

The Community Development proposes to vacate the portion of South 33rd Street right-of-way between Blocks 7 and 8, Bryant and Clark's Subdivision, with said right-of-way area being more particularly described as being bounded on the North by an extension of the north line of the east/west alleys in said blocks and bounded on the South by the north right-of-way line of 2nd Avenue, so that the land can be replatted and developed with new multi-family residential housing. The subject South 33rd Street right-of-way measures approximately 66 feet wide by 146 feet deep and is unimproved, except for the paved driveway that connects with 2nd Avenue. An existing public sewer with a north/south diagonal alignment is located within the subject right-of-way. This sewer line extends from 1st Avenue through the proposed Lots 1 and 2, Main Line Subdivision and then terminates in 2nd Avenue. The proposed Main Line Subdivision shows a 30 foot-wide utility easement reserved over this sewer line to protect it from encroachments.

On August 25, 2003 the City Council amended the adopted *Policy and Procedures for Alley, Street and Right-of-way Vacations.* The objectives of the amended Policy are as follows:

1. *To provide due process and citizen participation in the application and review process for vacations*. The subject South 33rd Street right-of-way is surrounded by undeveloped land owned by the City of Council Bluffs and is not used for any required access to privately owned land.

2. *To ensure that no property owner is deprived of required and reasonable access*. The subject South 33rd Street right-of-way directly abuts unimproved City-owned land to the east and west

(Lot 12, Block 7, Bryant and Clark's Subdivision and Lot 9, Block 8, Bryant and Clark's Subdivision). Both properties that abut the subject right-of-way have frontage along 2nd Avenue, which can be used for access if the vacation request is approved by City Council.

3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way*. This vacation request will eliminate a dead-end section of South 33rd Street if approved by City Council.

4. *To reduce or eliminate hazardous and dangerous traffic conditions*.
Not applicable as the subject South 33rd Street right-of-way is unimproved and is surrounded by undeveloped land owned by the City.

5. *To protect all existing and proposed public utilities located in the right-of-way and to maintain necessary utility easements.*

   All City Departments and utilities were notified of the proposed vacation request. The following responses were received:

   - Council Bluffs Public Works Department stated there is an active sewer line within the subject South 33rd Street right-of-way that must remain active and be located within an easement. The easement must appear on the Main Line Subdivision final plat and include the appropriate notes for protecting against encroachments.
   - Mid-American Energy stated they do not have utilities located within the subject South 33rd Street right-of-way and are not opposed to the vacation request.
   - No comments were received from Black Hills Energy or CenturyLink regarding this vacation request as of the date of this report.

6. *To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.* Not applicable as the subject right-of-way does not contribute to the City's pedestrian and vehicular circulation systems, and will be replatted as part of the Main Line Subdivision to facilitate a new mixed commercial residential redevelopment project.

7. *To discourage the vacation of a portion of an existing alley, street or other right-of-way.*
Not applicable as this request is to eliminate a dead-end portion of South 33rd Street right-of-way.

8. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.*
The request is consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) as it allows the City to implement the long-term vision and goal of the West Broadway Corridor Plan.

9. *To reduce the City's maintenance liability on previously vacated right-of-way parcels from public improvement projects and various lots acquired through delinquent taxes or assessments.* Not applicable.

10. *To establish an equitable price for surplus public property.*
The subject South 33rd Street right-of-way along with Blocks 6, 7, and 8, Bryant and Clark's Subdivision; Blocks 5 and 6, Ferry's Addition, and all vacated alleys and streets abutting said Blocks will be replatted into a three lot subdivision to be known as Main Line Subdivision. The cost to acquire the subject South 33rd Street right-of-way will be included in the total purchase price for lots in Main Line Subdivision.

Recommendations

The Community Development Department recommends the following:

1. Final plat approval of a three lot subdivision to be known as Main Line Subdivision legally described as being a replat of Lots 1 through 6, Block 6, Lots 1 through 12, Block 7, and Lots 1 through 16, Block 8, all in Bryant and Clark's Subdivision, and Lots 11 through 13, Block 'A' Perry's Second Addition, and Lots 1 through 8, Block 5, Lots 1 through 6, Block 6, all in Ferry's Addition, and vacated streets and alley, all in the City of Council Bluffs, Pottawattamie County, Iowa, and as shown on Attachment 'B', subject to all comments stated above and the 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 requested and granted by the Community Development Department Director;
    c. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements;
    d. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the developer and not the City;
    e. The standard five-foot and ten-foot utility easements along the front, side and rear lot lines shall not be stated on the final plat so that buildings and structures in this development can be constructed with zero setbacks adjacent to property line, if necessary;
    f. Sidewalks shall be installed along the lot frontages abutting West Broadway, South 34th Street, 2nd Avenue, and South 32nd Street right-of-ways prior to issuance of any Certificate of Occupancy for buildings on said lots by the developer, and at no cost to the City;
    g. The 1st Avenue trail segment that will be located adjacent to the northerly property line of Lots 2 and 3, Main Line Subdivision shall be constructed in accordance with the approved designs, prior to issuance of any Certificate of Occupancy for buildings on said lots by the developer, and at no cost to the City (or fee in lieu of construction with City approval); and
    h. No direct vehicular access shall be allowed from any lots in the Main Line Subdivision onto 1st Avenue right-of-way.

2. Approval to vacate South 33rd Street right-of-way between Blocks 7 and 8, Bryant and Clark's Subdivision and bounded on the north by an extension of the north line of the east/west alleys in said blocks and bounded on the south by the north right-of-way line of 2nd Avenue, subject to the reservation of a 30 foot-wide permanent and perpetual easement over an existing sewer line within said right-of-way, as shown on Attachments 'B' and 'C'.

3. Approval to release permanent and perpetual utility easements reserved over vacated east/west alleys in Block 6, Ferry's Addition and Block 7, Bryant and Clark's Subdivision and over the vacated north/south alley abutting Lots 3 and 4, Block 6, Ferry's Addition and Lots 6 and 7, Block 7, Bryant and Clark's Subdivision, all in the City of Council Bluffs, Pottawattamie County, Iowa, subject to the following condition:
    a. The release of the perpetual and permanent utility easements shall become effective once all local utility providers submit a signed authorization form, which releases their interest(s) in said utility easements, to the City of Council Bluffs.

Public Hearing

Staff speaker for the requests:

1. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended the following:

1. Final plat approval for a three lot subdivision to be known as Main Line Subdivision legally described as being a replat of Lots 1 through 6, Block 6, Lots 1 through 12, Block 7, and Lots 1 through 16, Block 8, all in Bryant and Clark's Subdivision, and Lots 11 through 13, Block 'A' Perry's Second Addition, and Lots 1 through 8, Block 5, Lots 1 through 6, Block 6, all in Ferry's Addition, and vacated streets and alley, all in the City of Council Bluffs, Pottawattamie County, Iowa, and as shown on Attachment 'B', as per staff's recommendation, and subject to all comments stated above and the following conditions:
   a. All technical corrections shall be incorporated into the final plat document prior to being executed;
   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 requested and granted by the Community Development Department Director;
   c. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements;
   d. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the developer and not the City;
   e. The standard five-foot and ten-foot utility easements along the front, side and rear lot lines shall not be stated on the final plat so that buildings and structures in this development can be constructed with zero setbacks adjacent to property line, if necessary;
   f. Sidewalks shall be installed along the lot frontages abutting West Broadway, South 34th Street, 2nd Avenue, and South 32nd Street right-of-ways prior to issuance of any Certificate of Occupancy for buildings on said lots by the developer, and at no cost to the City;
   g. The 1st Avenue trail segment that will be located adjacent to the northerly property line of Lots 2 and 3, Main Line Subdivision shall be constructed in accordance with the approved designs, prior to issuance of any Certificate of Occupancy for buildings on said lots by the developer, and at no cost to the City (or fee in lieu of construction with City approval); and
   h. No direct vehicular access shall be allowed from any lots in the Main Line Subdivision onto 1st Avenue right-of-way.

2. Approval to vacate South 33rd Street right-of-way between Blocks 7 and 8, Bryant and Clark's Subdivision and bounded on the north by an extension of the north line of the east/west alleys in said blocks and bounded on the south by the north right-of-way line of 2nd Avenue, subject to the reservation of a 30 foot-wide permanent and perpetual easement over an existing sewer line within said right-of-way, as per staff's recommendation, and as shown on Attachments 'B' and 'C'.

3. Approval to release permanent and perpetual utility easements reserved over vacated east/west alleys in Block 6, Ferry's Addition and Block 7, Bryant and Clark's Subdivision and over the vacated north/south alley abutting Lots 3 and 4, Block 6, Ferry's Addition and Lots 6 and 7, Block 7, Bryant and Clark's Subdivision; all in the City of Council Bluffs, Pottawattamie County, Iowa, as per staff's recommendation, and submit to the following conditions:
    a. The release of the permanent and perpetual utility easement shall become effective once all local utility providers submit a signed authorization form, which releases their interest(s) in said utility easements, to the City of Council Bluffs.

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

Attachments

Attachment A: Zoning/location map
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Attachment C: Easement and street right-of-way vacation map
Attachment D: Resolution No. 93-206
Attachment E: Ordinance No. 3747
Attachment F: Proposed mixed use site development plan by Knudson Development, LLC

Surveyor: Michael G. Geier, Synder and Associated, Inc., 1751 Madison Avenue, Council Bluffs, Iowa 51503

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