RESOLUTION NO. 20-34

A RESOLUTION GRANTING 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.

WHEREAS, The Community Development Department is requesting final plat approval for this subject property 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 as well as First Avenue, which is an unimproved 66 foot-wide right-of-way that was previously utilized by the Union Pacific Railroad Company, and is located between the two tracts of land that comprise the subject property; and

WHEREAS, 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; and

WHEREAS, The following comments have been received from City Departments and utility providers:

A. 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.

B. 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).

C. 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.

D. 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.

E. 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.

F. 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).

G. 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.

H. 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.

I. 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.

J. 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.

K. 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.

L. 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.

M. 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.

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

1. Council Bluffs Public Works Department stated the following:
    a. Existing sanitary sewer must remain active and be located within an easement; and
    b. The easement should appear on the plat with the appropriate standard notes.
2. 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.)*

O. The following technical correction shall be made to the final plat prior to being executed:
   1. 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; and

WHEREAS, The Community Development Department recommends 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.

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

That the 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', is hereby approved subject to all local, state and federal regulations.

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized and directed to endorse the final plat.

ADOPTED
AND February 10, 2020.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

Planning Case No. #SUB-20-002