City Council Communication

Department: Community Development Cases #SUB-20-003 Applicant/Property Owner: Ryan C. Rogers P.O. Box 33 Council Bluffs, IA 51502 Property Owner: MMTD LLC Rep: Tom Lustgraaf 19677 Deer Run Lane Council Bluffs, IA 51503 Surveyor: Rogers Surveying Attn: Carl Rogers 1688 Rolling Hills Loop Council Bluffs, IA 51503	Resolution No. _____	Public Hearing: 3/9/2020

Subject/Title

Request: Public hearing on the request of Ryan C. Rogers for final plat approval of a four-lot minor subdivision to be known as Oakley Subdivision, being legally described as a replat of the East 30 feet of Lots 1-8 and Lot 21, and the entirety of Lots 9-20 and Lot 22, all in Block 5, Howard's Addition, and both of the vacated north/south alleyways adjacent and the vacated 17th Avenue right-of-way located Easterly of the northeasterly right-of-way line of the Emil Pavich Trail and west of the right-of-way line of South 11th Street, City of Council Bluffs, Pottawattamie County, Iowa.

Location: South of 16th Avenue, West of South 11th Street.

Background/Discussion

The Community Development Department has received an application from Ryan C. Rogers requesting final plat approval for a four-lot minor subdivision to be known as Oakley Subdivision. Oakley Subdivision will be comprised of 1.932 acres of land, and will feature four lots, with three being for residential purposes and one being for commercial purposes. Currently, there is one residential dwelling on what will be known as Lot 1, Oakley Subdivision, and one commercial business on what will be known as Lot 4, Oakley Subdivision. The proposed Lots 1-3, Oakley Subdivision is owned by RCW Enterprises, which is represented by Ryan Rogers, the applicant. The proposed Lot 4, Oakley Subdivision is owned by MMTD, LLC., which is represented by Tom Lustgraaf, who has approved of the proposed subdivision.

A portion of the proposed Oakley Subdivision will be comprised of the former right-of-way of the unimproved 17th Avenue, which was vacated with Resolution #16-21 in January of 2016. As a condition of the vacation of this right-of-way, a final subdivision plat was required of the subject property because the vacation would create lots of record that would have no frontage to a public right-of-way. The proposed Oakley Subdivision corrects the nonconformities that would have been created.

Current Zoning/Land Use – Lots 1-3, Oakley Subdivision are zoned R-3/Low Density Multifamily Residential District, and Lot 4, Oakley Subdivision is split-zoned between the C-1/Commercial District at the northerly portion of the property, and the R-3 District at the Southerly portion of the property (as shown on Attachment A). Lot 1, Oakley Subdivision features a single family dwelling, Lots 2 and 3, Oakley Subdivision are currently vacant, and Lot 4, Oakley Subdivision features a restaurant. The future land use plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) designates the subject property as Low Density Residential. Surrounding zoning districts include R-3/Low Density Multifamily Residential District to the East and South, R-2/Two-Family Residential District to the West, and A-2/Parks, Estates and Agricultural District to the North. Surrounding land uses include Sunset Park to the North, and primarily residential dwellings to the East, West, and South, and the Emil Pavich Trail to the Southwest.

Comments

1. The proposed subdivision is consistent with the purpose and intent of the Council Bluffs Municipal Zoning and Subdivision Ordinances.
2. Lots 1-4, Oakley Subdivision all exceed the size requirements for properties located within their respective zoning districts, and are therefore all developable lots.
3. All new structures constructed on the subject properties shall comply with the site development standards of their respective zoning districts.
4. Per Resolution #16-21, a permanent and perpetual utility easement shall remain over the South 15 feet of the former 17th Avenue right-of-way. This easement shall be to the benefit of the City of Council Bluffs and its licensees and/or franchise grantees.
5. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the applicant and not the City.
6. No new right-of-ways are proposed to be dedicated to the City because of this subdivision.
7. The Council Bluffs Fire Marshal stated the Fire Department has no comments on the proposed subdivision
8. The Council Bluffs Permits and Inspections Division stated it is in the best interest of future developers to only construct homes without basements due to the level of the groundwater in the area, though noted that prohibiting homes without basements cannot be done based on current City ordinances.
9. The Council Bluffs Public Works Division stated sidewalks shall be installed along the frontage of each lot at the time of development.
10. Council Bluff Water Works stated the lots will have frontage to existing water main on South 11th Street.
11. CenturyLink stated there is a conduit line located in the western side of the right-of-way of South 11th Street, but since the right-of-way of South 11th Street is not being altered there are no anticipated conflicts.
12. Cox Communications stated they have no issues with the proposed subdivision.
13. MidAmerican Energy stated they have no concerns with the proposed final plat, but noted the developer should contact MidAmerican Energy directly for any electrical distribution relocation or service extensions for future development.
14. Costs to purchase the former right-of-way of 17th Avenue shall be due prior to the recordation of the final plat. MMTD, LLC (represented by Tom Lustgraaf) will owe a total of $1,215.20, and RCW Enterprises (represented by Ryan Rogers) will owe a total of $1,307.40. These values are established using the Street, Alley, and Public Ground Vacation fee schedule, and are stated in Resolution #16-21 which vacated the right-of-way of the former 17th Avenue.

The following attachments for this request are included with the staff report for reference purposes:
Attachment A: Location and Zoning Map
Attachment B: Oakley Subdivision Final Plat

Recommendation

The Community Development Department recommends approval of the four-lot minor subdivision to be known as Oakley Subdivision, being legally described as a replat of the East 30 feet of Lots 1-8 and Lot 21, and the entirety of Lots 9-20 and Lot 22, all in Block 5, Howard's Addition, and both of the vacated north/south alleyways adjacent and

the vacated 17th Avenue right-of-way located Easterly of the northeasterly right-of-way line of the Emil Pavich Trail and west of the right-of-way line of South 11th Street, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

1. 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 has been requested and granted by the Community Development Department Director; and
2. The final plat shall conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
3. 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.
4. 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.
5. Costs to purchase the former right-of-way of 17th Avenue shall be due prior to the recordation of the final plat. MMTD, LLC (represented by Tom Lustgraaf) will owe a total of $1,215.20, and RCW Enterprises (represented by Ryan Rogers) will owe a total of $1,307.40.

Attachments

Attachment A: Location and Zoning Map
Attachment B: Oakley Subdivision Final Plat

Surveyor: Carl Rogers, Rogers Surveying, 1688 Rolling Hills Loop, Council Bluffs, IA 51503

Prepared by: Chris Meeks, Planner, Community Development