City Council Communication

Department: Community Development CASES # SUB-20-004 and ZC-20-005 Applicants: Western Iowa Land Development, LLC c/o Bob McCarthy and John Jerkovich PO Box 683 Avoca, IA 51521 Authier Properties, LLC c/o Jerry Authier 1808 Skyline Drive Elkhorn, NE 68022 Engineer/Surveyor: HGM Associates, Inc. David Forsythe 640 5th Avenue Council Bluffs, IA 51501	Resolution No. _____ Ordinance No. _____	CASE #ZC-20-005 1st Consideration: 06/22/2020 2nd Consideration: 07/27/2020 3rd Consideration: 08/10/2020 CASE #SUB-20-004 Public Hearing: 07/27/2020 Planning Commission: 6/9/2020

Subject/Title

Request: Combined public hearing on the requests of Western Iowa Land Development, LLC and Authier Properties, LLC, represented by Bob McCarthy, John Jerkovich and Jerry Authier, for final plat approval of a two-lot minor residential subdivision to be known as Fox Run Landing Replat 4, legally described as a being a replat of a portion of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa being more fully described as follows: commencing at the northwesterly corner of Lot 103 in said Fox Run Landing, said northwesterly corner being on the easterly right-of-way line of Council Pointe Road and on a non-tangent curve, concave westerly to which point a radial line bears south 64 degrees 28 minutes 04 seconds east, 435.00 feet; thence on said easterly right-of-way line and northerly on said curve through a central angle of 20 degrees 24 minutes 51 seconds, 154.99 feet to the point of beginning; thence continuing on said easterly right-of-way line the following two (2) courses: 1) northerly on said curve through a central angle of 03 degrees 11 minutes 17 seconds, 24.21 feet; 2) north 01 degree 55 minutes 48 seconds east, 226.57 feet; thence south 88 degrees 04 minutes 12 seconds east, 125.00 feet; thence south 01 degree 55 minutes 48 seconds west, 226.57 feet to the beginning of a curve concave westerly having a radius of 560.00 feet; thence southerly on said curve through a central angle of 03 degrees 11 minutes 17 seconds, 31.16 feet; thence north 84 degrees 52 minutes 55 seconds west, 125.00 feet to the point of beginning; **AND** to rezone said Fox Run Landing Replat 4, as well as property legally described as a parcel of land being a portion of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa, being more fully described as follows: beginning at the northeast corner of lot 103 in said Fox Run Landing; thence on the north line of said lot 103, north 64 degrees 28 minutes 04 seconds west, 125.00 feet to a point on the easterly right-of-way line of Council Pointe Road, said point also being on a non-tangent curve, concave westerly to which point a radial line bears south 64 degrees 28 minutes 04 seconds east, 435.00 feet; thence on said easterly right-of-way line and northerly on said curve through a central angle of 12 degrees 12 minutes 47 seconds, 92.72 feet; thence south 63 degrees 55 minutes 07 seconds east, 13.55 feet to the beginning of a curve, concave southwesterly having a radius of 47.00 feet; thence southeasterly on said curve through a central angle of 37 degrees 06 minutes 45 seconds, 30.44 feet; thence south 26 degrees 48 minutes 22, seconds east,

100.18 feet; thence south 07 degrees 46 minutes 16 seconds east, 25.00 feet to the point of beginning, from A-2/Parks, Estates and Agricultural District to R-1/Single-Family Residential District. **Location**: Lying north of property commonly known as 5003 Council Pointe Road.

Background

The Community Development Department has received an application from Western Iowa Land Development, LLC, represented by Bob McCarthy and John Jerkovich, for final plat approval of a two-lot minor residential subdivision to be known as Fox Run Landing Replat 4, legally described as being a replat of a portion of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa and being more fully described on Attachment 'D'. The Community Development Department also received an application from Authier Properties, LLC, represented by Jerry Authier and John Jerkovich, to rezone said Fox Run Landing Replat 4, as well as property legally described as a parcel of land being a portion of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa, and being more fully described on Attachment 'C'.

CASE #SUB-20-004

The proposed residential subdivision is comprised of 31,782 square feet (0.730 acres), more or less, of land and consists of two lots. This parcel of land is currently part of the Fox Run Golf Course and is zoned A-2/Parks, Estates and Agricultural District; however, an application to rezone the proposed subdivision to the R-1/Single-Family Residential District has been filed along with the final plat (see Case #ZC-20-005 below). The applicant is proposing to construct a detached single-family dwelling on each lot that will be consistent with City zoning and Fox Run Landing restrictive covenants. Both lots will remain under the ownership of Authier Properties, LLC.

Comments

1. The proposed subdivision is consistent with the purpose and intent of the Council Bluffs Municipal Subdivision and Zoning Ordinances.
2. Proposed Lot 1 is 16,108 square feet in size (128.865 feet by 125 feet), while proposed Lot 2 is comprised of 15,674 square feet (125.39 feet by 125 feet). Both lots exceed the minimum lot size requirements of the R-1 District.
3. All residential dwellings and accessory structures shall comply with the development standards stated in Section 15.08B, R-1/Single-Family Residential District, Site Development Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
4. Proposed Lots 1 and 2 have direct access to Council Pointe Road.
5. Both lots will be serviced with utilities (e.g., sanitary/storm sewers, water, electricity, etc.).
6. 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.
7. Sidewalk installation along the frontage of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each residence.
8. All future streetlights shall meet Public Works Department standards. All costs associated with the installation of streetlights shall be the responsibility of the developer and not the City.
9. The Public Works Department provided the following comments:
   a. Lot 2 will need to have access restricted for the driveway to the south 50 feet due to the traffic calming device located within Council Pointe Road just to the north of said lot; and
   b. Storm sewer drainage easement "A" shown shall be extended to the rear lot lines for both Lot 1 and Lot 2 to accommodate the existing drainage path from the golf course and grades within this easement shall not be adjusted.
10. The Fire Department stated they have no comments on this request.
11. Council Bluffs Water Works stated they have no comments on this request.

The following technical corrections shall be made to the final plat prior to being executed by the City:

1. Place a note on the plat that reads as follows: "Vehicular access to Lot 2 shall be restricted to the south 50 feet due to the traffic calming device within Council Pointe Road just to the north of said lot."

CASE #ZC-20-005

The owner of the Fox Run Golf Course, Authier Properties, LLC, is requesting to rezone the proposed subdivision from the A-2/Parks, Estates and Agricultural District to the R-1/Single-Family Residential District for zoning consistency purposes. Additionally, the applicant is selling a portion of the golf course (see Attachment 'C') to Curtis W. and Diane M. Crouch. Mr. and Mrs. Crouch own property adjoining said portion of the golf course, which is addressed as 5003 Council Pointe Road and legally described as Lot 103, Fox Run Landing. Ownership will be transferred via a lot line adjustment. This parcel of land is included in this rezoning request to ensure the property at 5003 Council Pointe Road is not split-zoned when said parcel is incorporated into it.

Land Use and Zoning – The following zoning and land uses surround the subject properties:

North: Part of the Fox Run Golf Course, which is zoned A-2/Parks, Estates and Agricultural District; an assisted living facility that is zoned A-P/Administrative-Professional District; and vacant land zoned A-2, A-P and C-2/Commercial District.

South: Residential properties that are zoned R-1/Single-Family Residential District and part of the Fox Run Golf Course, which is zoned A-2/Parks, Estates and Agricultural District.

East: Part of Fox Run Golf Course, which is zoned A-2/Parks, Estates and Agricultural District.

West: Vacant land zoned A-2/Parks, Estates and Agricultural District and residential properties that are zoned R-1/Single-Family Residential District.

The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject properties as Public Park, under the section of Public Land Uses.

Public notices were mailed to all property owners within 200 feet of the request. The Community Development Department has not received any correspondence relative to the proposed rezoning request as of the date of this report.

All City Departments and local utilities were notified of the proposed rezoning. The following comments were received:

- The Public Works Department stated they have no comments on this request.
- The Fire Department stated they have no comments on this request.
- Council Bluffs Water Works stated they have no comments on this request.

Discussion

1. Although a 'single-family dwelling, detached' is a permitted use in the A-2/Parks, Estates and Agricultural District, proposed rezoning to the R-1/Single-Family Residential District will ensure single-family dwellings proposed to be constructed on Lots 1 and 2, Fox Run Landing Replat 4, will be compatible with the residential development in the Fox Run Landing neighborhood.
2. The property located at 5003 Council Pointe Road is currently zoned R-1/Single-Family Residential District. The portion of the golf course to be incorporated into this property is proposed to be rezoned to the R-1 District to avoid a split-zoned parcel of land.
3. Proposed Lots 1 and 2, Fox Landing Replat 4 meet the minimum lot size requirements of the R-1 District. The property at 5003 Council Pointe Road also meets the minimum lot size requirements of the R-1 District and will therefore meet said size requirements once the adjoining parcel proposed to be rezoned is incorporated into it.

4. Since the subject parcels of land are currently undeveloped, proposed rezoning will not affect their conformity with the Zoning Ordinance. The detached single-family dwellings proposed to be constructed on Lots 1 and 2, Fox Run Landing Replat 4, as well as any accessory structures, shall comply with the development standards stated in Section 15.08B, R-1/Single-Family Residential District, Site Development Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
5. The dwelling at 5003 Council Pointe Road currently conforms to the R-1 District development standards. If lot line adjustment is approved, the frontage of this property would increase to 172.78 feet, which would increase the required side yard setback to 17.3 feet. Using GIS data, it is estimated that the existing dwelling is located approximately 18.4 feet from the south property line, which exceeds the new side yard setback requirement.
6. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject properties as Public Park, under the Section of Public Land Uses. Single-family housing is generally not consistent with this land designation. However, further residential development is anticipated throughout the Fox Run Golf Course. The proposed detached single-family dwellings are consistent with the development activity occurring in this area of the City.
7. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate the uses permitted in the R-1 District.
8. A sidewalk shall be installed along the frontage of the parcel of land to be incorporated into 5003 Council Pointe Road prior to the approval of the lot line adjustment.
9. Approval of the proposed rezoning shall be contingent on the Fox Run Landing Replat 4 final plat being executed by the City, as well as on the approval of the lot line adjustment at 5003 Council Pointe Road.

Recommendation

The Community Development Department recommends the following:

1. Final plat approval of a two-lot minor residential subdivision to be known as Fox Run Landing Replat 4, legally described as being a replat of a portion of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa and being more fully described on Attachment 'D', subject to the following conditions:
   a. 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
   b. Prior to executing the final plat, any corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat; and
   c. 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
   d. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City; and
   e. A public sidewalk shall be installed along the frontages of each lot prior to issuance of a Certificate of Occupancy for a dwelling on each lot, at no cost to the City; and
   f. The developer shall provide a copy of any recorded covenants and/or private restrictions associated with this subdivision to the City, or place a note on the final plat indicating none will be recorded.

2. Approval of the request of Authier Properties, LLC, represented by Jerry Authier and John Jerkovich, to rezone Fox Run Landing Replat 4, as well as property legally described as being a portion of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to R-1/Single-Family Residential District, based on the reasons stated above and subject to the approval of the Fox Run Landing Replat 4 final plat and the lot line adjustment at 5003 Council Pointe Road.

Public Hearing

Staff speaker for the request:

1. Moises Monrroy, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. John Jerkovich, 535 West Broadway Suite 100, Council Bluffs, IA 51503
2. Jerry Authier, 1808 Skyline Drive, Elkhorn, NE 68022

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended the following:

1. Final plat approval of a two-lot minor residential subdivision to be known as Fox Run Landing Replat 4, legally described as being a replat of a portion of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa and being more fully described on Attachment 'D', subject to the following conditions:
   a. 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
   b. Prior to executing the final plat, any corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat; and
   c. 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
   d. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole expense of the applicant and not the City; and
   e. A public sidewalk shall be installed along the frontages of each lot prior to issuance of a Certificate of Occupancy for a dwelling on each lot, at no cost to the City; and
   f. The developer shall provide a copy of any recorded covenants and/or private restrictions associated with this subdivision to the City, or place a note on the final plat indicating none will be recorded.

2. Approval to rezone Fox Run Landing Replat 4, as well as property legally described as being a portion of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to R-1/Single-Family Residential District, subject to the approval of the Fox Run Landing Replat 4 final plat and the lot line adjustment at 5003 Council Pointe Road.

VOTE: AYE 9 NAY 0 ABSTAIN 2 ABSENT 0 VACANT 0 Motion: Carried

Attachments

Attachment A: Location/Zoning Map
Attachment B: Fox Run Landing Replat 4 Final Plat
Attachment C: Parcel of Land Adjoining Lot 103, Fox Run Landing – Plat of Survey
Attachment D: Lots 1 and 2, Fox Run Landing Replat 4 – Plat of Survey

Prepared by: Moises Monrroy, Planner, Community Development Department