RESOLUTION NO. 20-223

A RESOLUTION GRANTING PRELIMINARY PLAN APPROVAL FOR AN 82-LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS THE LANDING ON LAKE MANAWA.

WHEREAS, Knudson Companies is requesting preliminary plan approval for an 82-lot residential subdivision on property located North of Lake Manawa, west of 1113 42nd Avenue legally described as being that part of the NE ¼ NE ¼ of Section 14-74-44 lying south of 42nd Avenue and north of the State Park, except the east 244.5 feet along with the northerly 1055.66 feet of the NW ¼ NE ¼ lying east of Indian Creek, City of Council Bluffs, Pottawattamie County, Iowa as well as the South ½ of 42nd Avenue and the portion of the North ½ of 42nd Avenue which abuts 1301 Veterans Memorial Highway, when vacated and disposed of by the City; and

WHEREAS, The proposed residential subdivision is comprised of 29.1 acres (1,267,958.99 square feet), more or less, of land and will consist of 82 lots and 11 outlots. The applicant proposes to develop Lots 1 through 56 as detached single-family dwellings, Lots 57 through 72 and 74 through 81 as townhouse dwellings, Lot 82 as multifamily apartment buildings and Lot 73 as a community clubhouse. The proposed outlots are intended to serve multiple functions for the common use of the subdivision, including trails, alleys, tree preservation, stormwater detention, a sanitary lift station and a dog park. Land will be dedicated for new public right-of-ways which will connect to South 13th Street and Wright Road/42nd Avenue and provide all lots with direct access to a public road. All lots will be fully served with utilities (e.g., sanitary/storm sewers, water, gas, electric, etc.). The applicant intends to develop the entire subdivision in one phase; and

WHEREAS, The following comments were provided for the proposed subdivision request:

A. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, "but shall be deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee and the final plat" (§14.11.060(D)—Subdivision Ordinance). A final plat application for the first phase must be filed within one year of the date of action by the City Council. A request for extension may be made by the sub-divider in writing prior to the expiration date. One-year extensions are considered by the City Planning Commission.

B. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), as well as the purpose and intent of Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code.

C. All proposed single-family residential lots comply with the minimum R-1/Single-Family Residential District lot size requirements.

1. Proposed Lots 1 and 2 are considered cul-de-sac lots. As per Section 14.14.020(A)(10) of the Municipal Code (Subdivision Ordinance), "lot widths on cul-de-sacs shall be measured at the building setback line." The aforementioned lots exceed the minimum lot width requirement of the R-1 District as measured from the proposed building setback line.

2. Proposed Lot 37 has an average lot width of 59.95 feet, which exceeds the minimum lot width requirement for corner lots in the R-1 District.
3. Proposed Lot 52 has an average lot width of 68.37 feet, which exceeds the minimum lot width requirement for corner lots in the R-1 District.

D. For the purposes of determining minimum setback requirements, the rear lot line for Lots 1, 7 and 46 shall be determined as per Section 15.03.440, Lot Line, Rear, of the Municipal Code (Zoning Ordinance).

E. All proposed townhouse residential lots, with the exception of Lots 66, 67, 70 and 71, comply with the minimum R-4/High Density Residential District lot size requirements. Lots 66, 67, 70 and 71 each contain 2,406.35 square feet in area, more or less, as opposed to the required 2,500 feet for lots in which a townhouse dwelling unit is divided by a lot line coinciding with the common wall separating the units (§ 15.11.050 of the Council Bluffs Municipal Code). These lots shall be reconfigured to meet the R-4 District lot size requirements prior to final plat approval.

F. Proposed Lot 82 is planned to be developed with 140 multifamily residential dwelling units. As per Section 15.11.050, Site Development Regulations, R-4/High Density Multifamily Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance), the minimum lot size required to accommodate 140 dwelling units in the R-4 District is 110,250 square feet. Proposed Lot 82 contains approximately 231,068.85 square feet in land area.

G. The applicant intends to construct a 'community recreation services' facility on proposed Lot 73. This lot complies with the minimum R-4 District lot size requirements.

H. Outlot A is proposed to be used as a boardwalk, which will run adjacent to the rear lot line of Lots 57 through 72. The applicant is proposing to reserve Outlots B and C for tree preservation. Outlot D is proposed to be developed as a dog park. Outlots E, G, H, and J are proposed to serve as a north/south trail that will transect the two blocks bounded between North Landing Drive and Oxbow Drive to the north and south and between Midway Landing Drive and Kursal Drive to the east and west. Outlots F and I are proposed to be 20-foot wide private alleys that will be used to provide rear garage access to the residential dwellings on the abutting lots. Outlot K is proposed to be utilized for stormwater management for the subdivision. Ownership and maintenance of all proposed outlots shall be dedicated to the homeowner's association or management group on the final plat.

I. All residential, non-residential and accessory structures built on this subdivision shall comply with the development standards established in the planned residential development plan for The Landing on Lake Manawa (see Case #PR-20-002).

J. All proposed lots will have direct access to a public street. The applicant is proposing to dedicate the following new streets to the City of Council Bluffs: Ferry Landing Drive, Midway Landing Drive, North Landing Drive, Kursal Drive, Manhattan Drive and Oxbow Drive. The proposed public streets will be centered in a 50-foot wide right-of-way, with the exception of a portion of Ferry Landing Drive, which will be centered in a 60-foot wide right-of-way between its intersections with Wright Road/42nd Avenue and Midway Landing Drive. The subdivision will be accessed primarily through South 13th Street, which will connect to Ferry Landing Drive. Wright Road/42nd Avenue will serve as a second entrance road to the proposed subdivision via South 11th Street. The applicant is also proposing to improve South 13th Street, as well as the portion of Wright Road/42nd Avenue located east of South 13th Street (see Sheet C101 on Attachment 'C'). Street names shall be reviewed and approved as part of the final plat procedure. All streets shall be built to City standards.

K. All lots will be serviced with utilities (e.g., sanitary/storm sewers, water, electricity, etc.).

L. 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.

M. Sidewalk installation along the frontage of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each lot. Sidewalks shall also be required for each outlot—except for Outlots F and I— where they abut a public right-of-way, and shall be installed at the time of street construction. A sidewalk shall also be installed along the westerly right-of-way line of South 13th Street at the time of street construction. All sidewalks shall be built to City standards.

N. Street trees shall be planted along the frontage of each proposed lot (as shown on Sheet L100 of Attachment 'D') prior to issuance of a Certificate of Occupancy for each lot. All other street trees shall be planted at the time of street construction. All costs associated with the installation and maintenance of street trees shall be the responsibility of the developer and not the City. All proposed trees within the City's right-of-way shall be reviewed and approved by the Council Bluffs Public Works Department prior to installation.

O. The installation of the proposed boardwalk on Outlot A shall be phased to coincide with the issuance of the Certification of Occupancy for the respective abutting townhouse dwelling.

P. The construction of the north/south trail lying between North Landing Drive and Oxbow Drive (Outlots E, G, H and J) shall be phased to coincide with the issuance of the Certificate of Occupancy for the respective abutting residence on either side of the trail.

Q. The private east/west alleys (Outlots F and I) shall be built prior to the execution of the final plat.

R. 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.

S. The Permits and Inspections Division provided the following comments:

1. The location of fat clay subsurface throughout the site will hinder the ability to construct basements in the proposed subdivision. Note: *The developer has acknowledged that the location of fat clay subsurface throughout the site will not allow basements to be built on this subdivision and has stated that all structures will be slab on-grade.*
2. The multifamily apartment buildings and the community clubhouse will require specific engineering design for their support if the fat clay layer is designed to support their live and dead loads.
3. In times of high water, the fat clay layer will accumulate groundwater above it (this condition is known as perched water) because of its ability to prevent said groundwater from seeping below, which can cause inundation problems for the pit of the elevators in the proposed multifamily apartment buildings. The architect for the project will work with the Permits and Inspections Division to determine how to flood proof said elevators.

T. The Public Works Department provided the following comments:

1. The geotechnical report should be revised to be consistent with the new plan;
2. The Public Works Department will continue to work with the Engineer of Record (EOR) on the following drainage items:
   a. Post-Construction Stormwater Management documentation and calculations;
   b. Stormwater management – EOR will have to provide agreement with the Iowa Department of Natural Resources for drainage to Lake Manawa; and
   c. Overall concept design and reporting.
3. The Public Works Department will continue to work with the EOR on the following sanitary sewer items:
   a. Pump station design and standards; and
   b. Discharge location from pump station.

c. The Public Works Department requests that the developer prepare an operation and maintenance manual for the pump station to be used by the homeowner's association or management group. If the pump station is public, the design, operation and maintenance will be required to meet City standards.

4. 408 permit needs to be processed through the Public Works Department with the U.S. Army Corp of Engineers.
5. Single-family and townhouse dwellings will need to be slab on-grade structures based on findings in the geotechnical report.
6. The private drives on proposed Lot 82 shall be identified and designed to be distinguished as 'private' through width changes, speed tables at sidewalk crossings and signage where said drives intersect a public street.
7. Outlots shall be dedicated to the homeowner's association or management group for the proposed subdivision.
8. Alley maintenance shall also be assigned to the homeowner's association or management group.

U. The Parks and Recreation Department provided the following comments:
1. A 10-foot wide asphalt trail connector shall be installed from Veterans Memorial Highway to West Shore Drive. This connector will expand the Highway 275 Trail connectivity and provide a direct link to the new residential neighborhood (see Attachment 'J').
2. A sidewalk which extends from the aforementioned trail eastward to the extent of the project shall be installed for future internal connectivity to the neighborhoods near Lake Manawa (see Attachment 'J').

V. Council Bluffs Water Works stated they have been in contact with Schemmer Associates on the required main extensions for the subdivision. They also stated that they have no comments on the proposed rezoning or planned residential development plan.

W. MidAmerican Energy stated they have no objections to these requests. They also stated that the developers should contact MidAmerican Energy directly to discuss and identity any costs and timelines associated with the relocation of existing MidAmerican Energy electric facilities and extension of new facilities to serve the development.

X. Cox Communications stated that they have a power supply and node on the subject property that provide services to a large area. They also provided a map of Cox utilities affected by the proposed development (see Attachment 'K'); and

WHEREAS, The Community Development Department recommends Approval of the preliminary plan for an 82-lot residential subdivision to be known as The Landing on Lake Manawa, subject to the following conditions:

A. Approval of the preliminary plans is tentative and does not constitute acceptance of the final plat, but is "deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat" (§14.11.060(D)—Subdivision Ordinance).

B. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the developer's responsibility.

C. 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.

D. 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 lot. Sidewalks shall also be required for each outlot—except for Outlots F and I— where they abut a public right-of-way, and shall be installed at the time of street construction. A sidewalk shall also be installed along the westerly right-of-way line of South 13th Street at the time of street construction.

E. The applicant shall be required to (1) acquire the North ½ of 42nd Avenue right-of-way abutting 1301 Veterans Memorial Highway from SML Management LLC after said portion of right-of-way has been vacated and disposed of by the City, or (2) revise the boundaries of proposed Lot 82 prior to a final plat being executed by the City.

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

That preliminary plan approval for an 82-lot residential subdivision to be known as The Landing on Lake Manawa, as legally described above and shown on Attachment "E" as well as the South ½ of 42nd Avenue and the portion of the North ½ of 42nd Avenue which abuts 1301 Veterans Memorial Highway, when vacated and disposed of by the City, is hereby approved subject to the comments and conditions set forth above.

ADOPTED
AND September 14, 2020.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk