RESOLUTION NO. 20-221

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A FOUR-LOT MINOR COMMERCIAL SUBDIVISION TO BE KNOWN AS SHOPPES AT MANAWA, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, The Community Development Department has received an application from Brandy K. Fisher, and Jerrid Jefferis, on behalf of Shoppes at Manawa, requesting final plat approval of a four-lot minor commercial subdivision to be known as Shoppes at Manawa, as shown and legally described on Attachment "A"; and

WHEREAS, The proposed subdivision contains 2.65 acres of land more/less located South of Veterans Memorial Highway and west of South 9th Street and north of Wright Road that will create lots for new commercial development and will prevent Lots 39 through 45, and Lots 46 through 52, Raymona Subdivision from becoming landlocked once the East ½ of Michigan Avenue right-of-way is vacated and disposed of the by the applicants; and

WHEREAS, The following comments have been received:

A. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) as well as the purpose and intent of the Council Bluffs Subdivision and Zoning Ordinances.

B. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) as well as the purpose and intent of the Council Bluffs Subdivision and Zoning Ordinances.

C. All lots in the subdivision exceed the minimum C-2/Commercial District lot size requirements and have direct frontage onto one of more of the following public roadways: Veterans Memorial Highway, South 9th Street, and Wright Road. Vehicular access to each lot in the subdivision will be as follows:

1. Lot 1 – Access will come from a shared ingress/egress easement with the adjoining property owner to the west. The recorded book/page number for this shared access easement shall be notated on the final plat prior to it being executed by the City;
2. Lot 2 – Access will come from South 9th Street and/or Wright Road and shall be coordinated with the Council Bluffs Public Works Department at the time development occurs on the parcel; and
3. Lots 3 & 4 – Access shall come from South 9th Street and shall be coordinated with the Public Works Department at the time development occurs on the parcels.

D. All development activity in the subdivision shall comply with standards stated in Chapter 15.15, *C-2/Commercial District* of the Municipal Code (Zoning Ordinance). Proposed Lots 2 and 3 are considered corner lots as they have multiple frontages along Veterans Memorial Highway, South 9th Street, and/or Wright Road. Chapter 15.03, *Definitions*, of the Council Bluffs Municipal Code (Zoning Ordinance) defines the 'front lot line' of a corner lot as "the shortest lot line along a street other than an alley (§ 15.03.430)". Based on this definition and the lot dimensions shown on the

final plat the following lot line shall be considered the 'front' and 'street side yard' for proposed Lots 2 and 3:

1. Lot 2 – The property line abutting South 9th Street shall be considered the "front" lot line, and the property line abutting Wright Road shall be considered a "street side" lot line for zoning setback purposes.
2. Lot 3 – The property line abutting South 9th Street shall be considered the "front" lot line, and the property line abutting Veterans Memorial Highway shall be considered a "street side" lot line for zoning setback purposes.

E. Outlot A is being reserved for a storm sewer basin that will service Lots 1 and 2 in this subdivision. Council Bluffs Public Works requested a storm sewer easement be placed over this outlot and a note which assigns the perpetual maintenance of said outlot to an entity be stated on the final plat.

F. Public water, sanitary sewer, and storm sewer utilities are available or can be extended to service all lots in this subdivision. A 20 foot-wide sanitary and storm sewer easement is proposed along the westerly property line of Lot 1 so that Lot 2 can access the sanitary sewer in Veterans Memorial Highway. Additionally, a 17.50 foot-wide storm sewer easement is proposed along the northerly boundary of Lot 2 so that Lot 1 can utilize the stormwater feature in proposed Outlot A. A note dedicating rights of access, ownership, and maintenance of said easements shall be stated on the final plat prior to it being executed by the City. Any cost to construct, extend, remove, and/or relocate any utilities within or to any lots in this subdivision shall be at the sole expense of the applicants and/or developers, and not the City of Council Bluffs.

G. The proposed subdivision includes the eastern half of Michigan Avenue which is currently in the process of being vacated and disposed of to the applicants for this request (see Case #SAV-20-006). The public hearing for the vacation is scheduled for September 14, 2020 which coincides with the public hearing for this final plat. Council Bluffs Water Works stated there is an existing water main within the subject Michigan Avenue right-of-way and that an easement must be reserved for perpetual access and maintenance of the main. This requested easement will be included in the resolution to dispose of said Michigan right-of-way the abutting property owners, and the book/page number of the recorded resolution shall be stated on the final plat prior to being executed by the City. No structures shall be built in said easement.

H. CenturyLink stated they have an abandoned 25pr underground cable along the shared property line between Lots 1, 3, and 4, Raymona Subdivision that can be removed by the developer.

I. MidAmerican Energy Company stated they have no objections to the final plat and requested the applicant and/or developer contact them to discuss any costs and timelines to relocate or extend electric utility services to the lots in this subdivision.

J. All electric, cable and communication facilities shall be installed underground. All costs to construct, remove and/or relocate any utilities in this subdivision shall be the responsibility of the applicant and/or developer, and not the City.

K. Section 14.14.040, *Sidewalks/Pedestrian Ways*, of the Municipal Code (Subdivision Ordinance) requires that sidewalks be installed in all subdivision and they be designed and constructed to comply with Public Works Department criteria. All lots in the subdivision have frontage along Veterans Memorial Highway (US 275/92), South 9th Street Avenue, and/or Wright Road. Sidewalks shall be installed along the frontages of each lot at the time of development and in accordance with all applicable Public Works standards.

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

1. Remove the redundant legal description "Lots 43 through 45 inclusive, also the abutting north half of vacated Michigan Avenue" from the fifth sentence in the third paragraph of Brandy K. Fisher's proprietor's dedication statement;
2. Add the resolution to dispose number along with the recorded book/page number of said resolution to Note #1 on Sheet 1 of 2;
3. Notate the recorded book/page number where IDOT acquired access rights to the land that comprised proposed Lots 3 and 4 on the final plat; and
4. Correct the course bearing distances for the westerly property line of proposed Lot 3, and the easterly property line for Lots 3, 4, and Outlot 'A'; and

WHEREAS, The Community Development Department recommends final plat approval of the proposed four-lot minor subdivision to be known as Shoppes at Manawa, as shown and legally described on Attachment "A", subject to the comments above and the conditions below:

A. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director.

B. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.

C. All comments and technical corrections stated in case staff report shall be addressed on the final plat prior to execution of the document.

D. All utilities shall be installed underground. Any costs to construct, remove and/or relocate any utilities shall be the responsibility of the applicant and/or developer, and not the City.

E. Execution of the plat instrument shall coincide with each property owner purchasing and receiving a deed for their portion of Michigan Avenue from the City of Council Bluffs, and not beforehand.

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

That the final plat approval of the proposed four-lot minor subdivision to be known as Shoppes at Manawa, as shown and legally described on Attachment "A", 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 September 14, 2020.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk