RESOLUTION NO. 21-65

A RESOLUTION GRANTING PRELIMINARY PLAN APPROVAL FOR A 36-LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS NEW HORIZON SUBDIVISION, REPLAT 3, BEING A REPLAT OF LOT 5, NEW HORIZON SUBDIVISION, REPLAT 2, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA. ALONG WITH SUBDIVISION VARIANCES TO ALLOW LOTS TO EXCEED THE MAXIMUM 3:1 LOT DEPTH TO WIDTH RATIO AND TO ALLOW 40 FOOT-WIDE LOTS AS OPPOSED TO THE MINIMUM 50 FEET REQUIRED IN AN R-2/TWO-FAMILY RESIDENTIAL DISTRICT.

WHEREAS, Robert P. McCarthy is requesting preliminary plan approval for a 36-lot residential subdivision to be known as New Horizon Subdivision, Replat 3, being a replat of Lot 5, New Horizon Subdivision, Replat 2, along with subdivision variances to allow lots to exceed the maximum 3:1 lot depth to width ratio and to allow 40 foot-wide lots as opposed to the minimum 50 feet required in an R-2/Two-Family Residential District and

WHEREAS, The proposed New Horizon Subdivision, Replat 3 is comprised of 6.82 acres of undeveloped land that is located east of Valley View Drive, south of College Road, and north of Interstate 80; 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 is deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee and the final plat' (§14.11.060.04-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 subdivider in writing prior to the expiration date. One year extensions are considered by the City Planning Commission. Subsequent phases are automatically granted a one year extension.

B. The subject property is zoned R-2/Two-Family Residential District. Townhomes are permitted as a principal use in the R-2 District with an adopted PR/Planned Residential development plan. In addition to modifying their preliminary subdivision plan the applicant has also proposed to modify their adopted planned residential development plan for consistency purposes (see CASE #PR-17-003(M)).

C. The subdivision consists of 36 townhome lots and three outlots. Outlot A measures 1,372 square feet in size and contains an existing 15 foot-wide sanitary sewer/water main easement. Additionally, Outlot A will be used for the placement a neighborhood identification sign that will be installed at a future date. Outlot B measures 6,044 square feet in size and will held in reserve for future redevelopment of property located at 1621 College Road is redeveloped. Outlot C measures 956 square feet and will also be held in reserve for future redevelopment of property located at 1621 College Road. All outlots shall be owned and maintained by the developer and/or a homeowners association.

D. All lots exceed the minimum 5,000 square foot size requirement for property zoned R-2 District. Lots 2 through 7, Lots 9 through 14, Lots 16 through 19, and Lots 23 through 32 do not meet the minimum 50 foot lot width requirements for property zoned R-2 District. Additionally, Lots 4 through 6, Lots 10 through 13, Lot 16, Lot 18, and Lots 23 through 31 exceed the maximum 3:1 lot depth to width ratio. The applicant has requested a subdivision variances for the aforementioned lots above in accordance with Section 14.11.040, Variance(s), of the Municipal Code (Subdivision Ordinance) which states: "where it can be shown that due to special conditions, a literal enforcement *of the ordinance will result in an unnecessary hard, the City shall have the power to vary such regulations to that substantial justice will be accomplished, provided that such variance would:*

1. Not be contrary to the public interest;
2. Be in the best interest of the City;
3. Be within the spirit and intent of the this title;
4. Not be detrimental to the future residents in and near the proposed subdivision; and
5. Be consistent with the city's comprehensive plan.

The Community Development Department has reviewed the applicant's variance requests and recommends approval for following reasons:

1. The subject property is irregularly shaped and has topographical constraints which creates a hardship for designing lots that are relatively uniform in shape and size, and which comply with City subdivision/zoning standards;
2. The subject property is an infill site that is surrounded by existing development (e.g., St. Patrick's Church, Immanuel Senior Living, and Prairie Gate), Interstate 80, and College Road. The applicant does not have the ability to acquire additional land in the vicinity in order to increase the lot widths to conform to City subdivision/zoning standards;
3. The City's Comprehensive Plan encourages a variety of housing types in order to meet the needs of the community. The applicant's proposals to construct 36 townhomes provides additional housing in the community which is in the overall best interest of the City.
4. The applicant has engineered and designed the subdivision to be compatible with existing development in surrounding area. The subdivision variances are not anticipated to be detrimental to the future residents in and/or near the subdivision.

5. The proposed subdivision layout is generally consistent with the same townhome layout shown on Lot 5, New Horizon Subdivision, Replat 2 which was approved by City Council on September 25, 2017 via Resolution No. 17-212;

E. The subdivision includes dedication of a new public street (Patrick Circle) to the City of Council Bluffs. All lots within the proposed subdivision will have direct access to this new street.

F. All townhome dwellings will be constructed with an internal fire suppression system in order to comply with the 2015 International Fire Code Chapter D107.1. This Chapter requires fire suppression systems for developments of 30 or more units when only one access road is provided.

G. A 20 foot-wide access easement for stormwater run-off into an existing shared detention basin is proposed between Lots 2 and 3, and Lots 32 and 33. Dedication and maintenance of this easement to the homeowners association shall be stated on the final plat.

H. The subdivision is located in a Flood Zone X as per FEMA Map #19155C0418F, dated April 16, 2013.

I. All lots will be serviced with sanitary/storm sewers, electric, gas, and telecommunication utilities. 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.

J. Mid-American Energy stated they have no conflict or concerns with the proposed subdivision provided the required five and ten-foot standard franchise utility easements are provided for each lot on the final plat.

K. All future street lights shall meet Public Works Department standards. All costs associated with the installation of street lights shall be the responsibility of the developer and not the City.

L. The City of Council Bluffs Public Works Department stated the following:

1. City staff has reviewed the preliminary drainage study and will continue to work with the developer's engineers to finalize the stormwater design;
2. Post construction stormwater management is required and a preliminary application is requested;
3. City staff will continue to work with the engineer on infrastructure improvements to ensure they current standards and specifications; and
4. Final plat shall have all easements shown for the utilities placed outside of the dedicated right-of-way.

M. Sidewalk installation along the frontage of College Road and Outlots 'A' and 'B' shall be completed at the time Patrick Circle is constructed. Sidewalk installation along Lots 1 through 36 shall be completed prior to

issuance of a Certificate of Occupancy for each residence. All sidewalk construction shall be at the sole expense of the developer and not the City of Council Bluffs; and

WHEREAS, The Community Development Department recommends the following:

A. Preliminary plan approval for a 36-lot residential subdivision to be known as New Horizon Subdivision, Replat 3, being a replat of Lot 5, New Horizon Subdivision, Replat 2, as shown in Attachment C, subject to compliance with all above stated comments and the following conditions:

1. Approval of the preliminary plan 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'. (§14.11.060.04-Subdivision Ordinance).
2. 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.
3. An erosion and sediment control along with a grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
4. All utilities shall be installed underground. Any cost to extend, remove, and/or relocate utilities shall be at the sole expense of the applicant and not the City.
5. Sidewalks shall be installed along the frontage of College Road and Outlots 'A' and 'B' at the time Patrick Circle is constructed. Sidewalk installation along the frontage of Lots 1 through 36 shall be completed prior to issuance of a Certificate of Occupancy for each townhome unit. All sidewalk construction shall be at the sole expense of the applicant and not the City.

B. Granting subdivision variance approval to allow Lots 2 through 7, Lots 9 through 14, Lots 16 through 19, and Lots 23 through 32, New Horizon Subdivision, Replat 3 to have lot widths less than 50 feet (as shown in Attachments C);

C. Granting subdivision variance approval for Lots 4 through 6, Lots 10 through 13, Lot 16, Lot 18, and Lots 23 through 31, New Horizon Subdivision, Replat 3 to exceed the maximum 3:1 lot depth to width ratio (as shown in Attachments C)

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

That preliminary plan approval for a 36-lot residential subdivision to be known as New Horizon Subdivision, Replat 3, being a replat of Lot 5, New Horizon Subdivision, Replat 2, along with subdivision variances to allow lots to exceed the maximum 3:1 lot depth to width ratio and to allow 40 foot-wide lots as opposed to the minimum 50 feet required in an R-2/Two-Family Residential District, is hereby approved subject to the comments and conditions set forth above.

ADOPTED
AND February 22, 2021.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk