RESOLUTION NO. 21-102

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A TWO-LOT MINOR SUBDIVISION TO BE KNOWN AS COUNCIL BLUFFS MEDICAL PARK LEGALLY DESCRIBED AS A REPLAT OF PART OF LOTS 1 AND 3, AUDITOR'S SUBDIVISION OF THE SE1/4 SW1/4, AND PART OF LOTS 3 AND 6, AUDITOR'S SUBDIVISION OF THE NE1/4 SW1/4, ALL IN SECTION 32-75-43, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, The Community Development Department has received a request from NX Council Bluffs MOB LLC, requesting final plat approval for a two-lot minor subdivision to be known as Council Bluffs Medical Park, legally described as A replat of part of Lots 1 and 3, Auditor's Subdivision of the SE1/4 SW1/4, and part of Lots 3 and 6, Auditor's Subdivision of the NE1/4 SW1/4, all in Section 32-75-43, City of Council Bluffs, Pottawattamie County, Iowa and more specifically described on Attachment 'A'; and

WHEREAS, The subject property contains 11.39 acres of land (more/less) and is located primarily north of Mall Drive, east of Mosquito Creek, and west of Valley View Drive; and

WHEREAS, The following comments have been received:

A. The proposed subdivision is generally consistent with the purpose and intent of the Council Bluffs Subdivision and Zoning Ordinances.

B. The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as a Public Park. This designation was applied to the property when it was undeveloped and seen as a possible expansion area for the nearby Valley View Park. The property is now privately owned and developed with a medical office facility. The City has no interest acquiring this property for an expansion of Valley View Park and recommends the designation be changed to an appropriate commercial classification once the future land use plan of the Bluffs Tomorrow: 2030 Plan is updated.

C. All development activity within this subdivision shall comply with the standards set forth in Chapter 15.15, *C-2/Commercial District*, of the Municipal Code (Zoning Ordinance).

D. Both lots in the subdivision exceed the minimum C-2/Commercial District lot size requirements, and have direct frontage onto a public street(s): Mall Drive and Valley View Drive. All vehicular access points to Lot 1, Council Bluffs Medical Park shall be coordinated and designed to meet all specifications required by the Council Bluffs Public Works Department. Access points to proposed Lot 2, Council Bluffs Medical Park were established when the CHI Health Clinic was developed at 1288 Valley View Drive.

E. Any subsequent requests to subdivide proposed Lot 1, Council Bluffs Medical Park will require preliminary plan review so that ingress/egress access points, internal driveways/stub-outs locations, and utilities can be coordinated between the parcels.

F. The proposed subdivision is located entirely within an AE Flood Zone and partially within a floodway, based on FEMA flood map panels 19155CO577E and 9155CO414E dated 2/4/2005. The applicant's engineer denoted both flood areas on the final plat for documentation and reference purposes. With adequate engineering and construction controls, the land in this subdivision is generally suitable for development, subject to compliance with all applicable floodplain regulations.

G. Public water, sanitary sewer and storm sewer utilities are available to service all lots in the subdivision. Any cost to construct, extend, remove and/or relocate any utilities within or to this subdivision shall be the sole responsibility of the developer, and not the City of Council Bluffs.

H. 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 developer, and not the City.

I. The Council Bluffs Parks and Recreations Department stated the Valley View Drive trail is scheduled for maintenance in Summer 2021, and provided options for working with the developer to improve the section of trail adjacent to Lot 1, Council Bluffs Medical Park, as follows:

- Option 1: The developer makes the improvements to the trail, as per City standards and specifications, and must coordinate the timing of their improvements to occur at the same time as the City's project, or shortly thereafter. If this option is selected, the developer must post a performance guarantee (e.g., letter of credit from a financial institution) with the City that is equivalent to the cost(s) to improve the trial section directly abutting Lot 1, Council Bluffs Medical Park prior to the final plat being executed. Once the developer completes the improvements, the City will release the performance guarantee;

OR

- Option 2: The developer pays the City a fee in lieu of completing the improvements if their timing cannot coincide with the City's project schedule. The fee would be equivalent to the cost(s) to improve the trail section directly abutting Lot 1, Council Bluffs Medical Park and must be paid to the City prior to final plat being executed.

J. MidAmerican Energy Company stated they have no concerns regarding the final plat.

K. The Council Bluffs Fire Department stated they have no comments for the final plat.

L. Black Hills Energy stated they have no comment for the final plat.

M. The Iowa Department of Transportation (IDOT) was provided a copy of the proposed final plat as the subject property is located within the designated Council Bluffs Interstate System Corridor Preservation Zone.

IDOT stated they have no comments/concerns for the proposed subdivision request.

N. The following technical correction shall be made to the plat prior to being executed:

1. The submitted final plat does not include the southerly portion of Lot 1, Auditor's Subdivision, located south of Mall Drive. This land area is legally attached to the parent parcel within this subdivision and therefore must be shown and legally described on the final plat prior to the plat being executed. The Community Development Department recommends the applicant designate said land area an outlot due to its diminutive size and irregular shape.

WHEREAS, The Community Development Department recommends final plat approval of the proposed two-lot minor subdivision to be known as Council Bluffs Medical Park, as shown and legally described on Attachment A, and 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. The developer shall agree to one of the following options stated in Comment #I above, and shall coordinate their plans to improve the Valley View Drive trail section adjacent to Lot 1, Council Bluffs Medical Park, with the Parks and Recreations Department, prior to executing the final plat.

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

That the final plat approval of a proposed two-lot minor subdivision to be known as Council Bluffs Medical Park Addition, as legally described and shown 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 April 12, 2021.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk