RESOLUTION NO. 21-145

A RESOLUTION GRANTING PRELIMINARY PLAN APPROVAL FOR A 27-LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS ARBOR CREEK 2ND ADDITION, LEGALLY DESCRIBED AS BEING A REPLAT OF LOT 2, ARBOR CREEK SUBDIVISION, ALONG WITH VARIANCES FOR MINIMUM LOT SIZE AND LOT WIDTHS, AND MAXIMUM LOT DEPTH TO WIDTH RATIOS.

WHEREAS, Arbor Creek, LLC, is requesting preliminary subdivision plan approval of a 27-lot residential subdivision to be known as Arbor Creek 2nd Addition, legally described as being a replat of Lot 2, Arbor Creek Subdivision, along with variances for minimum lot size and lot widths, and maximum lot depth to width ratios; and

WHEREAS, The subject property is comprised of 6.19 acres (more/less) of land and contains 27 buildable lots and one outlot, Lots 1 - 12 and Lots 25 - 26 will be developed with single-family detached dwellings, and Lots 13 through 24 will be developed with townhome units. Lot 27 will be retained by the applicant so that it may be sold to MHS, or developed with additional housing units, at a future date; 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 generally consistent with the purpose and intent of Title 14: *Subdivisions* and Title 15: *Zoning* of the Council Bluffs Municipal Code. The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as Rural/Agricultural. This designation is expected change to a residential classification as part of an effort by the City's Community Development Department to update the future land use plan of the Bluffs Tomorrow: 2030 Plan.

C. The proposed subdivision is currently zoned A-2/Parks, Estates, and Agricultural District and the applicant has requested to rezone it to R-2/Two-Family Residential District and append a PR/Planned Residential Overlay to allow for a mixture of single-family detached and townhome dwellings (see Case #ZC-21-002).

D. The subdivision will consist of 27 lots (12 townhomes and 14 single-family detached dwellings and one undeveloped lot reserved for MHS). Lots 1 through 12 and Lots 25-26 will be developed with single-family detached dwellings. Lots 13-24 will be developed with townhomes. Lot 27 is being reserved by the applicant to potentially sell to MHS at a future date, or developed with additional dwellings in the event MHS does not purchase said lot. Single-family detached dwellings are allowed as a principal use in the R-

2 District. Townhomes are allowed as a principal use in the R-2 District with an adopted PR/Planned Residential development plan.

E. The subdivision's layout and associated lot configuration/dimensions are influenced by the layout of Lot 27, which is being reserved by the applicant to sell to MHS in the future. As a result of the size and shape of proposed Lot 27, the applicant is requesting subdivision variances for minimum lot size/lot width and maximum lot depth-to-width ratio as follows:

1. Variances from minimum R-2 District Lot Sizes
Minimum required R-2 District lot sizes: 5,000 square feet (interior lot), 5,500 square feet (corner lot), and 5,000 square feet (townhome lots).

Proposed Lot 7 (4,939 square foot interior lot for a single-family dwelling) and Lots 14-24 (all townhomes lots less than 5,000 square feet) do not comply with minimum R-2 District lot size requirements.

2. Variances from minimum R-2 District Lot Width
Minimum required R-2 District lot width: 50 feet (interior lot) and 55 feet (corner lot)

Proposed Lots 4 & 5 and Lots 9-11 have lot widths less than the minimum 50' required in an R-2 District.

3. Variances from maximum 3:1 Lot Depth to Width Ratio
Section 14.14.020(3), *Lot Layout*, of the Council Bluffs Subdivision Ordinance states *"excessive lot depth in relation to width shall be avoided. A proportion of three to one respectively shall be considered as a maximum"*.

Proposed Lots 14-16 and Lots 18-24 are all townhome lots that exceed the maximum 3:1 lot depth to width ratio.

Section 14.11.040, *Variance(s)*, of the Council Bluffs Subdivision Ordinance states: *"where it can be shown that due to special conditions, a literal enforcement of the ordinance will result in an unnecessary hardship, the City shall have the power to vary such regulations to that substantial justice will be accomplished, provided that such variance would:*

a) Not be contrary to the public interest;
b) Be in the best interest of the City;
c) Be within the spirit and intent of the this title;

d) Not be detrimental to the future residents in and near the proposed subdivision; and

e) 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. There are existing utility easements (natural gas and water) that extend through the westerly and easterly portions of the subject property that create a hardship for designing the subdivision's road in a manner that complies with R-2 District site development standards and creates developable lots.
2. The applicant has configured the subdivision in a manner that honors City Council's desire to see new residential dwellings constructed on the property, and some land reserved for Midlands Humane Society to potentially purchase from the applicant at a future date. The applicant has reserved Lot 27 for MHS to potentially purchase at a later date; however the lot's size and irregular shape influences the layout and configuration of all other lots in the subdivision.
3. The subject property is surrounded by existing development, College Road, and Railroad Avenue. The applicant does not have the ability to acquire additional undeveloped land in the general vicinity in order to design the subdivision with lots that conform to all City subdivision/zoning standards;
4. The Bluffs Tomorrow: 2030 Plan encourages a variety of housing types in order to meet the needs of the Council Bluffs community. The applicant's proposals includes 12 townhomes and 14 detached single-family dwellings. These homes will be a combination of market-rate housing, as well as, workforce housing for households at or below 80% of the median family income. The applicant's subdivision proposal is consistent with the goals and objectives of the Bluffs Tomorrow: 2030 Plan to provide a variety of housing in the Council Bluffs community.
5. The applicant has engineered and designed the subdivision to be compatible with existing development in the surrounding area. The subdivision variances are not anticipated to be detrimental to the future residents in and/or adjacent to the subdivision.

F. Outlot 'A' is designed to handle all storm water run-off from the subdivision. The Council Bluffs Public Works Department stated a note shall be stated on the final plat that dedicates all maintenance of Outlot 'A' (including basin maintenance) to the subdivision's homeowners association.

G. The proposed subdivision includes dedication of a new public street (Arbor Creek Drive) to the City of Council Bluffs. All lots within this subdivision

will have direct access to this new public street. The applicant has required a variance from Section 5C-1 of the Iowa Statewide Urban Design and Specifications (SUDAS) to allow a reduction of the minimum horizontal curves for Arbor Creek Drive. The Council Bluffs Public Works Department has reviewed the request and is not opposed to reducing the horizontal curves for Arbor Creek Drive, as the request does not create a public safety hazard.

H. The land within this subdivision is located within Flood Zones 'AE' and '0.2%" according to FEMA map panel number 19155C0418F, dated 4/16/2013. With adequate engineering and construction controls, the land in this subdivision is suitable for development, subject to compliance with all applicable floodplain regulations.

I. All future street lights shall meet the Public Works Department standards and shall be installed when Arbor Creek Drive is constructed. All costs associated with the installation of street lights shall be the responsibility of the developer and not the City.

J. All proposed lots will be fully served with utilities (e.g., sanitary/storm sewers, water, gas, electricity, telecommunications, etc.). Any costs to construct, remove, and/or relocate any utilities for the proposed subdivision shall be the responsibility of the applicant and not the City.

K. A minimum four-foot wide sidewalk shall be constructed along the frontage(s) of Lots 1 through 27 prior to the issuance of a Certificate of Occupancy for structures on said lots. A minimum four-foot wide sidewalk shall be constructed along the frontage areas of Outlot 'A' at the time Arbor Creek Drive is constructed and shall connect into the trail along Railroad Avenue. All costs to construct said sidewalks shall be at the expense of the applicant and not the City of Council Bluffs.

L. Council Bluffs Fire Department stated they have no comments for the proposed subdivision.

M. Council Bluffs Water Works stated they applicant will need to enter into a water main extension agreement to service the lots in this subdivision.

N. Council Bluffs Public Works Department stated the following:

1. Final plat requires a dedication page and all signatures need to be identified, and all standard easements notated.
2. Sanitary sewer connection point is noted. Sanitary sewer along Railroad Avenue may be in conflict with trail and street trees. The applicant will need to continue working with Public Works on the proper placement of the sewer to avoid said conflicts.
3. Drainage report and storm sewer connection point noted. Stormwater management required for both water quantity and quality.
4. Detention basin and calculation noted in the drainage report. Public Works will continue to work with the applicant's engineer to finalize the drainage report.

5. Ground water elevation not provided. Geotechnical report is required to be submitted to the Public Works Department prior to commencement of work.
6. Street profile noted. Pavement thickness noted and rock subgrade is required.
7. Lot 27 must have maintenance standards identified on the final plat, or platted as outlot with maintenance assigned to the homeowner's association.

O. MidAmerican Energy stated they have no conflicts with the proposed subdivision provided the required 5-foot and 10-foot franchise utility easements, along all front, side, and rear yard property lines, are stated on the final plat. MidAmerican Energy also stated the applicant and/or their engineers should contact them to discuss project timelines and provide the necessary documentation for extending electrical service within the development.

P. Lumen stated the subdivision does not conflict with their existing utilities in the adjacent rights-of-way; and

WHEREAS, Approval of a preliminary plan for a 27-lot residential subdivision to be known as Arbor Creek 2nd Addition, legally described as being a replat of Lot 2, Arbor Creek Subdivision, subject to the comments above and 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" (Section 14.11.060(D)—Subdivision Ordinance).

B. All applicable permits necessary to meet all 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 frontage of each proposed lot prior to issuance of a Certificate of Occupancy for each lot. A sidewalk along frontages of Outlot 'A' shall be installed at the time Arbor Creek Drive is constructed. All sidewalks shall be built to City standards.

E. The applicant shall assume all maintenance responsibility for Lot 27, or assign it to the subdivision's homeowners association on the final plat, until such time the lot is sold to Midlands Humane Society or developed with additional dwellings.

F. 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.

G. Approval of the requested subdivision variances relative to lot size, lot width,

and maximum lot depth to width ratios, based on reasons stated above.

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

That preliminary plan approval for a 27-lot residential subdivision to be known as Arbor Creek 2nd Addition, legally described as being a replat of Lot 2, Arbor Creek Subdivision, is hereby approved subject to the comments and conditions set forth above.

ADOPTED
AND May 10, 2021.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
ALLISON HEAD Acting City Clerk