City Council Communication

Department: Community Development CASES #SUB-21-007 Applicant/Property Owner: YMCA of Greater Omaha 430 South 20th Street Omaha, NE 68102 Property Owner: Bergan Mercy Health Systems 800 Mercy Drive Council Bluffs, Iowa 51503 Engineer/Surveyor: Snyder & Associates, Inc. 1751 Madison Avenue Council Bluffs, Iowa 51503	Resolution No. _____	City Council: 5/24/2021

Subject/Title

Request: Final plat approval of a two-lot minor subdivision to be known as The Richard Miller and Marie Knedler Subdivision, legally described as being a replat of Lots 6 thru 17 of Baughn's Subdivision of Lot 8 of the Original Plat of Council Bluffs; all of the vacated 12-foot north/south alley lying east of and adjacent to said Lots 12 thru 17; that portion of vacated Baughn Street lying between Harmony Street and East Kanesville Boulevard; that part of Lot 3 and that part of Lot 11 of the Original Plat of Council Bluffs lying north of Washington Avenue; all of Lots 9 and 10 of the Original Plat of Council Bluffs; and that part of Frank Street presently dedicated between Washington Avenue and Harmony Street, said area being geographically bounded by Harmony Street to the north, Frank Street to the east, East Kanesville Boulevard to the south and the north/south alley platted in Baughn's Subdivision of Lot 8 in the Original Plat of Council Bluffs to the west.

Location: 235 Harmony Street

Background/Discussion

The Community Development Department has received an application from the YMCA of Greater Omaha for final plat approval of a two-lot subdivision to be known as The Richard Miller and Marie Knedler Subdivision, being a replat of property legally described above, said area being geographically bounded by Harmony Street to the north, Frank Street to the east, East Kanesville Boulevard to the south and the north/south alley platted in Baughn's Subdivision of Lot 8 in the Original Plat of Council Bluffs to the west.

The applicant, the YMCA of Greater Omaha, is proposing to expand the existing Charles E. Lakin YMCA campus in Council Bluffs, which began operation in 2017, to accommodate a new park and increase the amount of off-street parking at this site. In 2019, the applicant purchased several properties located west of 235 Harmony Street, including the old St. Patrick's Catholic Church site, with this intent. The applicant subsequently submitted applications for the following requests:

1. **Case #ZC-20-012**: Request to rezone properties legally described as Lots 6 through 11, Baughn's Subdivision of Lot 8, Original Plat of Council Bluffs, Pottawattamie County, Iowa, **EXCEPT** East

Kanesville Boulevard right-of-way, from R-3/Low Density Multifamily Residential District to A-P/Administrative-Professional District. The purpose of this request was to ensure the entirety of the Charles E. Lakin YMCA campus was located within the same zoning district;

2. **Case #CP-20-002**: Request to amend the Bluffs Tomorrow: 2030 Plan by reclassifying properties legally described as Lots 6 through 11, Baughn's Subdivision of Lot 8, Original Plat of Council Bluffs, Pottawattamie County, Iowa, **EXCEPT** East Kanesville Boulevard right-of-way, from 'Low Density Residential' to 'Local Commercial.' The purpose of this request was to ensure the future land use classification of the properties purchased by the applicant in 2019 was consistent with the future land use classification of the existing Charles E. Lakin YMCA facility; and
3. **Case #SAV-20-004**: Request to vacate and dispose of Baughn Street right-of-way lying between Harmony Street and East Kanesville Boulevard. The purpose of this request was to acquire additional land for the proposed campus expansion.

City Council approved the vacation of Baughn Street on January 25, 2021 (see Resolution No. 20-290) after it was deemed to be of no benefit to the public interest. The comprehensive plan amendment (see Resolution No. 20-289) and rezoning (see Ordinance No. 6435) were also approved by City Council on January 25, 2021 and February 8, 2021, respectively.

As of the date of this report, the applicant has not purchased the portion of Baughn Street referenced above. The closing of the sale is pending but impacted by the court case filed against the City opposing the vacation and disposal of Baughn Street, the comprehensive plan amendment and the rezoning.

Following approval of the aforementioned requests, the applicant submitted an application for a conditional use permit to allow 'commercial recreation (indoor and outdoor)' in an A-P/Administrative-Professional District (see Case #CU-21-001). The purpose of this request was to allow the outdoor recreation area/park, reclassify the existing facility as a "commercial recreation (indoor)" establishment for consistency purposes, and facilitate the proposed campus expansion. The Zoning Board of Adjustment granted the conditional use permit on April 20, 2021.

At this time, the applicant is requesting to replat the subject properties to create one contiguous campus. The proposed subdivision is comprised of 4.20 acres (182,708 square feet), more or less, of land and will consist of two lots of record. The vacated portion of Baughn Street and the properties purchased by the applicant in 2019 will be combined into proposed Lot 1; proposed Lot 2 will consist of the existing premises of the Charles E. Lakin YMCA. Proposed Lot 1 will serve as the location of the new Lakin YMCA Park and the planned expansion of the parking lot. Both lots will have access to Harmony Street.

Comments

1. 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.
2. Proposed Lots 1 and 2 will contain 1.29 acres and 2.91 acres in area, respectively. Both lots in the subdivision exceed the minimum A-P/Administrative-Professional District lot size requirements.
3. Both lots have direct frontage along East Kanesville Boulevard and Harmony Street; additionally, proposed Lot 2 has frontage along Frank Street. As per the site plan submitted along with the conditional use permit application (see Attachment 'C'), two separate driveway approaches will provide access onto Harmony Street: (1) the existing driveway will provide access to proposed Lot 2; and (2) a new driveway, which will align with the vacated portion of Baughn Street right-of-way, will provide access to proposed Lot 1.

4. All development activity within this subdivision shall comply with the standards set forth in Chapter 15.13, *A-P/Administrative-Professional District*, of the Council Bluffs Municipal Code (Zoning Ordinance) and approved conditional use permit #CU-21-001.
5. For the purposes of determining minimum setback requirements, lot lines shall be designated as follows:
   a. For proposed Lot 1, the northerly property line abutting Harmony Street shall be designated as the front lot line; the southerly property line abutting East Kanesville Boulevard shall be designated as a street-side lot line; and the easterly property line abutting proposed Lot 2 and the westerly property line abutting the north/south alley platted in Baughn's Subdivision of Lot 8, Original Plat of Council Bluffs shall be designated as interior side lot lines.
   b. For proposed Lot 2, the easterly property line abutting Frank Street shall be designated as the front lot line; the northerly property line abutting Harmony Street and the southerly property line abutting East Kanesville Boulevard shall be designated as street-side lot lines; and the westerly property line abutting proposed Lot 1 shall be designated as the rear lot line.
6. Public water, sanitary sewer and storm sewer utilities are available to service proposed Lots 1 and 2. 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.
7. The Public Works Department stated they have no comments on the request.
8. Council Bluffs Water Works stated that the 15-foot easement referenced in the final plat was conveyed to the City for the use and benefit of the Board of Water Works Trustees of the City of Council Bluffs, Iowa.
9. Cox Communications stated they have trench on the vacated portion of Baughn Street, which should be accessible for maintenance and repair due to the easement retained over said right-of-way.
10. The following technical corrections shall be made to the plat prior to being executed:
    a. Revise the name of the proposed subdivision from "The Richard Miller & Marie Knedler Subdivision" to "The Richard Miller and Marie Knedler Subdivision."
    b. Revise the plat description on Sheet 1 to read as follows:

       A REPLAT OF LOTS 6 THRU 17 OF BAUGHN'S SUBDIVISION OF LOT 8 ORIGINAL PLAT OF COUNCIL BLUFFS & ALL OF THE VAC 12FT N/S ALLEY LYING EAST OF AND ADJACENT TO SAID LOTS 12 THRU 17 & THAT PART OF VAC BAUGHN ST LYING BETWEEN HARMONY ST AND EAST KANESVILLE BOULEVARD & PT OF LOT 3 AND PT OF LOT 11 ORIGINAL PLAT OF COUNCIL BLUFFS LYING NORTH OF WASHINGTON AVE & ALL OF LOTS 9 AND 10 ORIGINAL PLAT OF COUNCIL BLUFFS & THAT PT OF FRANK ST PRESENTLY DEDICATED BETWEEN WASHINGTON AVE AND HARMONY ST

    c. Revise the standard easement dedication language to read as follows: "A 5-foot wide easement on all side lot lines and a 10-foot wide easement along all front and rear lot lines is reserved for the installation and maintenance of utilities."
    d. Revise existing easement #2 to read as follows: "Vacated Baughn Street right-of-way subject to an easement approved by Resolution No. 20-290 (Book 2021 Page 03153)."
    e. Revise existing easement #3 to read as follows: "15-foot easement conveyed to the City of Council Bluffs, Iowa for the use and benefit of Council Bluffs Water Works (Book 2007 Page 06675)."
    f. The index legend on Sheet 1 and the legal description on Sheet 2 identify Bergan Mercy Health Systems as the proprietor of proposed Lot 1; however, the notary signature block identifies the Sisters of Mercy as the property owner. The final plat shall be revised to ensure the proprietor of proposed Lot 1 is correctly identified.
    g. Change the road name "Kanesville Boulevard" to "East Kanesville Boulevard" in the plat map exhibit.
    h. The following course bearings have two separate measurements on the plat map exhibit:

       - N 56°59'23" E 132.10 feet/N 56°59'23" E 132 feet;
       - S 57°59'23" E 268.62 feet/S 31°20'58" E 268.14 feet;
       - S 27°51'24" E 26.37 feet/S 1°56'44" E 26.50 feet;

- S 24°07'45" W 8.40 feet/S 52°59'40" W 8.43 feet;
- S 58°15'53" W 107.30 feet/S 84°52" W 107.30 feet;
- S 58°13'05" W 71.04 feet/N 84°52 ½' E 71 feet;
- S 58°14'23" W 198.40 feet/S 84°50 ½' W 198.40 feet; and
- S 54°27'23" W 151.60 feet/S 81°03 ½' W 151.60 feet.

The engineer/surveyor shall verify which course bearing distance provided is accurate. The plat map exhibit and the legal descriptions on Sheet 2 shall be revised accordingly.

i. Paragraph 4, Line 3 of the legal description of the property vested in Bergan Mercy Health Systems identifies a course bearing running southeasterly along the westerly line of Frank Street for 203.1 feet; however, Paragraph 4, Line 7 describes such course bearing as running S 54°50' E for 203 feet. The engineer/surveyor shall verify which course bearing distance provided is accurate. The plat map exhibit and the legal descriptions on Sheet 2 shall be revised accordingly.
j. Paragraph 8, Line 7 of the legal description of the property vested in Bergan Mercy Health Systems identifies a course bearing running N 27°46'40" W along the westerly line of Frank Street for 294.09 feet; however, the plat map exhibit describes such course bearing as running for 294.1 feet. The engineer/surveyor shall verify which course bearing distance provided is accurate. The plat map exhibit and the legal descriptions on Sheet 2 shall be revised accordingly.
k. Remove "The Easterly 36 feet of the Westerly 186 feet of Lot 11 in the Original Plat of the City of Council Bluffs, lying North of Washington Avenue in said City" for redundancy purposes.
l. The engineer/surveyor shall continue to work with the Community Development Department to refine the course bearings in the legal description of the property vested in the YMCA of Greater Omaha for clarity and conciseness purposes.

Recommendation

The Community Development Department recommends approved of the proposed two-lot minor subdivision to be known as The Richard Miller and Marie Knedler Subdivision, subject to the comments above and the conditions below:

1. 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.
2. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
3. All comments and technical corrections stated in case staff report shall be addressed on the final plat prior to execution of the document.
4. 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.
5. The final plat shall not be executed by the City until such time that the applicant purchases the portion of Baughn Street right-of-way lying between East Kanesville Boulevard and Harmony Street vacated and disposed of via Resolution No. 20-290.

Attachments

Attachment A: Location/Zoning Map
Attachment B: The Richard Miller and Marie Knedler Subdivision Final Plat
Attachment C: Charles E. Lakin YMCA Site Plan

Prepared by: Moises Monrroy, Planner, Community Development Department