RESOLUTION NO. 21-198

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF ONE-LOT MINOR COMMERCIAL SUBDIVISION TO BE KNOWN AS LAZYDAYS RV SUBDIVISION, LEGALLY DESCRIBED AS BEING A REPLAT OF LOTS 1 THROUGH 6, INRIP SUBDIVISION, TRACT NO. 1, 1ST ADDITION, AND A PARCEL OF LAND GENERALLY DESCRIBED AS THE SOUTHEASTERLY 694.14 FEET OF THE SOUTHWESTERLY 604.81 FEET OF GOVERNMENT LOT 2 IN SECTION 4-74-44, LOCATED NORTH OF 23RD AVENUE, NORTHEASTERLY OF INTERSTATE 29 AND SOUTHWESTERLY OF INRIP SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, The Community Development Department has received a request from the LDRV Holdings Corp. d/b/a Lazydays, represented by John Jerkovich, for final plat approval of a one-lot minor commercial subdivision to be known as Lazydays RV Subdivision, legally described as being a replat of Lots 1 through 6, INRIP Subdivision, Tract No. 1, 1st Addition, **AND** a parcel of land generally described as the Southeasterly 694.14 feet of the Southwesterly 604.81 feet of Government Lot 2 in Section 4-74-44, located north of 23rd Avenue, northeasterly of Interstate 29 and southwesterly of INRIP Subdivision, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, The proposed subdivision is located on the northwest corner of the intersection of 23rd Avenue and South 35th Street and is comprised of 12.94 acres (563,748.87 square feet), more or less, of land area, and is bounded by 2100 South 35th Street (Cresline Plastic Pipe Co., Inc.) to the north, 23rd Avenue to the south, South 35th Street to the east, and Interstate 29 to the west; and

WHEREAS, The developer intends to purchase the subject properties in order to develop an RV sales dealership (Lazydays RV), which is not a permitted use in a P-C District and has submitted an application to rezone the proposed subdivision to the I-2/General Industrial District (see Case #ZC-21-005) to allow such use. The purpose of this request is to replat the subject properties into one lot of record for development consistency purposes; and

WHEREAS, The following comments have been received:

A. The proposed subdivision is currently zoned P-C/Planned Commercial District, and is proposed to be rezoned to the I-2/General Industrial District to allow an RV sales dealership (Lazydays RV). The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject properties as Regional Commercial, which is intended for significant commercial development in high visibility areas. The proposed 'automobile sales and rental' establishment at this location would be generally consistent with this intent. 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.

B. Proposed Lot 1 will contain 12.94 acres in area, which exceeds the minimum lot size requirements of the I-2/General Industrial District.

C. As per Section 15.03.048a, *Automobile Sales and Rental*, of the Council Bluffs Municipal Code (Zoning Ordinance), the minimum lot area for an 'automobile sales and rental establishment' is 25,000 square feet. Proposed Lot 1 would exceed the minimum lot size requirements for an 'automobile sales and rental' establishment.

D. Proposed Lot 1 has direct frontage onto a public street(s): 23rd Avenue and South 35th Street. All vehicular access points to Lot 1, Lazydays RV Subdivision shall be coordinated and designed to meet all specifications required by the Council Bluffs Public Works Department.

E. All development activity within this subdivision shall comply with the standards set forth in Chapter 15.21, *I-2/General Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance).

F. Public water, sanitary sewer and storm sewer utilities are available to service the proposed subdivision. 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.

G. All utilities (electric, cable and communication facilities, etc.) 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.

H. The Council Bluffs Public Works Department stated there is a water easement along the westerly property line that is not shown on the final plat. A note shall be placed on the plat referencing said water easement, as well as the recorded book and page number.

I. The Council Bluffs Parks and Recreation Department recommended that a 10-foot wide trail be constructed along South 35th Street. The purpose of the proposed trail is to establish a segment of the City's trail network identified in the bicycle and pedestrian mobility map (see Attachment 'C') of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) and to increase interconnectivity throughout the MAC area. Additionally, the Iowa Department of Transportation (IDOT), intends to construct a trail along the section Nebraska Avenue abutting 2100 South 35th Street (Cresline Plastic Pipe Co., Inc.) as part of the reconstruction of the I-29 exit ramp. Construction of the proposed trail along South 35th Street would serve as a logical connection point between the proposed trail along Nebraska Avenue and the rest of the trail network in the MAC area. Since the existing South 35th Street right-of-way is currently not wide enough to accommodate a 10-foot wide trail, the developer shall dedicate a 12-foot wide strip of land along the easterly property line of the proposed subdivision as part of the final plat. The additional land will allow the proposed trail to be set at least 3 feet from the back of curb in order to ensure the safety of pedestrians and cyclists from oncoming traffic along South 35th Street. The following options are available for the developer to construct the section of trail adjacent to proposed Lot 1:

1. **Option 1**: The developer constructs the trail, as per City standards and specifications, at the time of construction of the Lazydays RV facility on proposed Lot 1, 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 construct the trail section directly abutting Lot 1, Lazydays RV Subdivision prior to the final plat being executed. Once the developer completes the improvements, the City will release the performance guarantee; or
2. **Option 2**: The developer constructs the trail, as per City standards and specifications, at the time of construction of the Lazydays RV facility on proposed Lot 1 prior to the issuance of a Certificate of Occupancy. Once the developer completes the improvements, the City will issue the final Certificate of Occupancy. If the developer requests a temporary Certificate of Occupancy prior to the construction of the trail, 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 construct the trail section directly abutting Lot 1, Lazydays RV Subdivision. Once the developer completes the improvements, the City will release the performance guarantee and issue the final Certificate of Occupancy; or
3. **Option 3**: The developer pays the City a fee in lieu of constructing the trail. The fee would be equivalent to the cost(s) to construct the trail section directly abutting Lot 1, Lazydays RV Subdivision and must be paid to the City prior to the final plat being executed.

J. The Iowa Department of Transportation (IDOT) was provided a copy of the proposed final plat as the subject properties are located within the designated Council Bluffs Interstate System Corridor Preservation Zone. IDOT stated they do not see any conflicts with the proposed development as it relates to the Council Bluffs Interstate Program.

K. MidAmerican Energy stated they have no conflict with the request. They also stated that the developer or their agents should contact MidAmerican Energy directly and provide finalized plans to identify costs, timelines and requirements associated with any relocation or extension of electric facilities to accommodate and serve the proposed development.

L. Lumen Technologies stated they provide service to 2100 South 35th Street (Cresline Plastic Pipe Co., Inc.), which is located directly north of the subject properties, and asked whether the proposed subdivision would affect said service. The Community Development Department responded to Lumen Technologies and stated that the proposed subdivision would not have an adverse impact on the property owned by Cresline.

M. The plat does not indicate if any private restrictions and/or covenants will be established for the subdivision. The plat shall be updated to state if any private restrictions and/or covenants will be recorded. A copy of said private restrictions and/or covenants shall be provided to the City. If none are

proposed, a note shall be placed on the final plat indicating none will be recorded.

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

1. Revise the name of the proposed subdivision from "Lazydays RV" to "Lazydays RV Subdivision."
2. Revise the plat description to read as follows:

   A REPLAT OF LOTS 1 THRU 6, INRIP SUBDIVISION TRACT NO. 1 1ST ADDITION AND PART OF GOVERNMENT LOT 2 IN SECTION 4-74-44, A TRACT OF LAND LOCATED IN PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3 AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, ALL IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

3. Ensure the font size of the plat description is consistent.
4. Revise the legal description to read as follows: "A tract of land being a replat of Lots 1 thru 6, INRIP Subdivision Tract No. 1 1st Addition and part of Government Lot 2 in Section 4-74-44, located in the Southwest Quarter of the Northwest Quarter of Section 3 and the Southeast Quarter of the Northeast Quarter of Section 4, all in Township 74 North, Range 44 West of the 5th P.M., City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described as follows:…"
5. 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."
6. Revise "I, the undersigned, Council Bluffs Community Development Director, approve the final plat of Council Bluffs Medical Park" to state "I, the undersigned, Council Bluffs Community Development Director, approve the final plat of Lazydays RV Subdivision."
7. Revise the plat map exhibit to show the existing property lines of all underlying parcels included in the proposed subdivision. Said property lines shall be shown in halftone.
8. Bold the boundary of the proposed subdivision in the plat map exhibit.
9. Bold and increase font size of "Lot 1" in the plat map exhibit.
10. Revise the plat map exhibit to show a 12-foot wide strip of land along the easterly property line of proposed Lot 1 to be dedicated to the City in order to accommodate the 10-foot multipurpose trail along South 35th Street.

11. Place a note on the plat and/or plat map exhibit referencing the water easement along the westerly property line, as described in Comment #8; and

WHEREAS, The Community Development Department recommends approval of the proposed one-lot minor commercial subdivision to be known as Lazydays RV Subdivision, 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 applicant shall provide a copy of any proposed covenants and/or private restrictions associated with the subdivision to the City, or place a note on the final plat indicating none will be recorded.

F. The developer shall agree to one of the following options stated in Comment #9 above, and shall coordinate their plans to construct the trail section adjacent to Lot 1, Lazydays RV Subdivision, with the Council Bluffs 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 one-lot minor commercial subdivision to be known as Lazydays RV Subdivision, as legally described above, 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 June 28, 2021.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk