RESOLUTION NO. 21-295

A RESOLUTION GRANTING FINAL PLAT APPROVAL OF A ONE-LOT MINOR INDUSTRIAL SUBDIVISION, TO BE KNOWN AS THE MARK ANDERSEN – TWIN CITY CHURCH SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, The Community Development Department has received a request from Andersen Construction Company for final plat approval of a one-lot minor industrial subdivision, to be known as the Mark Andersen – Twin City Church Subdivision on property legally described as part of the NE1/4 NE1/4, Section 15, and part of the NW1/4 NW1/4, Section 14, all in Township 74 North, Range 44 West of the 5th Principal Meridian, Council Bluffs, Pottawattamie County, Iowa, and being more particularly described in Attachment B of the case staff report; and

WHEREAS, This property is comprised of 7.37 acres (more/less) of land and contains one buildable lot intended to be used for an industrial and/or commercial use in the future, although the exact type of business that will occupy the site has not yet been determined; and

WHEREAS, A request to vacate and dispose of former Gifford Road right-of-way and a request to rezone this subdivision in this area have also been submitted and are being considered; and

WHEREAS, The following comments have been received:

A. The proposed subdivision is split zoned I-2/General Industrial District and A-2/Parks, Estates, and Agricultural District. The applicant proposes to rezone the subdivision (see Attachment B for legal description) from the current split zoning to entirely I-2/General Industrial District (see Case #ZC-21-008). This would make the zoning consistent across the entire subdivision, and it would be consistent with the zoning of surrounding properties (all zoned for industrial use, see Attachment D).

B. The land use plan in the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as "office/industrial," a use intended for low-impact assembly or distribution activities complemented by employment-intensive, administrative, or professional office functions. The applicant's suggestion that the land be redeveloped for a warehouse or similar industrial use is generally consistent with this intent. The subdivision proposal demonstrates consistency with the Bluffs Tomorrow: 2030 Comprehensive Plan, as well as with the purpose and intent of Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code.

C. The subdivision will consist of one lot, which will result from combining property currently occupied by Twin Cities Christian Church (4220 Gifford Road) with City-owned property (parcel #744414101006) and right-of-way directly to the east. The land's intended use for an industrial and/or commercial use would be allowed in the I-2/General Industrial District.

D. Proposed Lot 1 will contain 7.37 acres, which exceeds the minimum lot size requirement set forth in CBMC Chapter 15.21 I-2/General Industrial District.

E. The applicant intends to raise the elevation of the lot to the level of Gifford Road and proposes to remove wetlands that exist on the lot in order to make development more feasible.

F. The subdivision is accessible via Gifford Road. An existing driveway provides access to 4220 Gifford Road, the property currently occupied by Twin Cities Christian Church. The same driveway and curb cut could be used to facilitate access to the new subdivision, or the developer could coordinate with Public Works to establish a new access point along Gifford Road.

G. Public water, sanitary sewer, and storm sewer facilities are available to service the proposed subdivision. All costs to construct, remove, and/or relocate any of these facilities for the proposed subdivision shall be the responsibility of the developer and not the City.

H. Utilities (electric, gas, cable and communication facilities, etc.) are available to service the subdivision. All costs to construct, remove, and/or relocate any utilities in the subdivision shall be the responsibility of the developer and not the City or utility providers.

I. Black Hills Energy stated that they have natural gas lines running through the former Gifford Road right-of-way and would need to retain an easement if the right-of-way is vacated and disposed of (see Case #SAV-21-003). Any cost to relocate these facilities shall be the responsibility of the developer and not the City or utility provider.

J. Cox Communications stated that they have cable lines attached to MidAmerican Energy poles that run through the property. These facilities will require an easement. Any cost to relocate or bury these facilities shall be the responsibility of the developer and not the City or utility providers.

K. The Permits and Inspections Division had no comments.

L. The Public Works Department stated that there is a sanitary sewer line stubbed into the old Gifford Road right-of-way from the north. This will require an easement, or the developer may remove or relocate it to the north property line at their own expense.

M. Council Bluffs Water Works (CBWW) stated that they have a substantial water transmission main in the old Gifford Road right-of-way and current City right-of-way. This transmission main is fed from the Council Point Purification Plant, and if it were to break it would need to be fixed quickly to ensure adequate fire protection and drinking water supply for the City. A main break in this location may also cause significant damage to any improvements made in the vacated right-of-way. Because of the crucial nature of this water main, CBWW has expressed a desire to enter into an agreement with the developer regarding specific access rights. Alternatively, CBWW would be open to having the water main moved to the current Gifford Road right-of-way at the applicant's cost. CBWW and

the developer shall privately coordinate an agreement regarding CBWW facilities within the old Gifford Road right-of-way, and the final plat shall not be executed until the City has received a copy of this agreement signed by both parties. The book and page number of said agreement shall be noted on the final plat prior to execution.

N. CBWW stated furthermore that Echo Electric has a private water lateral line extending from the main in the old Gifford Road right-of-way east to Echo Electric's property, passing under the city-owned property that the applicant wishes to purchase and incorporate into the proposed subdivision. Access to this water line must be preserved, and as such, the developer shall reserve an easement and note this on the final plat or work with Echo Electric on a private agreement to maintain access, noting the book and page number of the recorded agreement on the final plat.

O. MidAmerican Energy stated they have "substantial electric transmission and distribution facilities" within the former Gifford Road right-of-way and existing City right-of-way at this location. MidAmerican Energy has requested an easement to access their facilities for maintenance. MidAmerican Energy also stated the applicant should contact MidAmerican Energy directly to discuss the project timeline and identify any and all costs associated with relocating existing electric facilities and supplying new electrical service within the proposed subdivision. The cost of relocating, burying, or extending these facilities shall be the responsibility of the developer and not the City or utility provider.

P. The final plat shall only be executed if the City Council approves 1) the applicant's offer to buy City-owned property at the southwest corner of Gifford Road and US-275/Veterans Memorial Highway, 2) the vacation of the former Gifford Road right-of-way (Case #SAV-1-003), and 3) the rezoning of the proposed subdivision (Case #ZC-21-008).

Q. The following technical corrections shall be made to the final plat prior to the city executing the document:

1. Add the subdivision name at top center of the final plat
2. Add a section for Auditor Certificate of Recording
3. Add language describing the easement agreement between the applicant and CBWW, or the book and page number of such agreement recorded by the county recorder.

R. 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; and

WHEREAS, The Community Development Department recommends approval of the proposed one-lot minor industrial subdivision to be known as Mark Andersen – Twin City Church Subdivision, as legally described in Attachment B, 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. The subdivision shall 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 this staff report shall be addressed on the final plat prior to execution of the document.
D. All new utilities shall be installed underground. Any costs to construct, remove, and/or relocate any utilities shall be the responsibility of the developer and not the City.

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

That the final plat approval of the one-lot minor industrial subdivision to be known as Mark Andersen-Twin City Church Subdivision, as legally described in Attachment B, 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 October 11, 2021.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
ALLISON HEAD Administrative Secretary