Planning Commission Communication

Department Community Development CASE #SUB-17-004 Applicant/Owner: Tweedt Engineering & Construction, Inc. Douglas Tweedt 4030 Greenview Road Council Bluffs, IA 51503 Engineer: HGM Associates, Inc. Scott D. Reelfs, P.E. 640 Fifth Avenue Council Bluffs, IA 51501	Resolution No._____	Planning Commission: 5/9/17

Subject/Title

Request: Preliminary plan approval of a three-lot residential subdivision to be known as Forest Glen Subdivision, Phase VI, being a replat of Outlot 1, Forest Glen Subdivision, Phase V and a portion of the SW ¼ SE ¼ of Section 33-75-43, City of Council Bluffs, Pottawattamie County, Iowa along with a variance to allow dwellings on Lots 210 through 212 to be built 20 feet from a front property line as opposed to the required 25 feet in an R-1/Single-Family Residential District.

Location: A northerly extension of Misty Lane.

Background/Discussion

The Community Development Department has received an application from Tweedt Engineering & Construction, Inc., requesting preliminary plan approval of a three-lot residential subdivision (including seven outlots) to be known as Forest Glen Subdivision, Phase VI (see Attachments A, B and C). The proposed subdivision is comprised of 4.857 acres of undeveloped land and is located west of Forest Glen Subdivision, Phase V and east of Forest Glen Subdivision, Phase 2. Proposed Lots 210 through 212 will each be developed with one detached, single-family residential dwelling and will be accessed by a new cul-de-sac off Misty Lane. The proposed seven outlots will be utilized for a variety of different purposes, as specified below:

1. Outlot A – To be sold to the owner of Lot 190, Forest Glen Subdivision, Phase V (currently undeveloped)
2. Outlot B – To be sold to the owner of Lot 200, Forest Glen Subdivision, Phase V (3788 Misty Lane)
3. Outlot C – To be sold to the owner of Lot 201, Forest Glen Subdivision, Phase V (3792 Misty Lane)
4. Outlot D – To be sold to the owner of Lot 202, Forest Glen Subdivision, Phase V (3796 Misty Lane)
5. Outlot E – To be incorporated in a future subdivision phase
6. Outlot F – To be used for storm water detention
7. Outlot G – To be incorporated in a future subdivision phase

The applicant has also requested a variance to allow each dwelling on proposed Lots 210 through 212 to be built 20 feet from a front property line as opposed to the required 25 feet in an R-1/Single-Family Residential District.

Current Zoning/Land Use – The subject acreage and all abutting property to the north, east and south are zoned R-1/Single-Family Residential District (see Attachment D). Property located west is zoned R-3/Low-Density Multi-Family. Surrounding land uses include undeveloped land to the north, single-family residential dwellings to the south and east along with attached single-family dwellings to the west. The future land use plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) designates the subject property as Low-Density Residential. The proposed subdivision is generally consistent with the Bluffs Tomorrow: 2030 Plan.

For reference purposes, the following attachments for the proposed subdivision are included with this report.

- Attachment A: Letter of intent prepared by HGM Associates, Inc.
- Attachment B: Preliminary subdivision plans prepared by Scott D. Reelfs, P.E., HGM Associates, Inc.
- Attachment C: Soil and drainage report prepared by Scott D. Reelfs
- Attachment D: Location/zoning map

Comments

1. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, 'but is deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee and the final plat' (§14.11.060.04-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 subdivider in writing prior to the expiration date. One year extensions are considered by the City Planning Commission.
2. The proposed subdivision is comprised of three buildable lots (210 through 212) and seven outlots. Proposed Lots 210 through 212 will be directly accessed by a new cul-de-sac at the end of Misty Lane and will be serviced with utilities following completion of the proposed subdivision improvements. Each lot meets the minimum R-1 District lot size requirements.
3. The applicant has requested a variance from §15.08B.050, *Site development regulations, R-1/Single-Family Residential District*, of the Council Bluffs Zoning Ordinance to allow dwellings on proposed Lots 210 through 212 to be built a minimum of 20 feet from a front property line as opposed to the required 25 feet in an R-1 District. Section 14.11.040 –Variance(s) of the Subdivision Ordinance states that both the Planning Commission and the City Council shall review variance requests along with the preliminary plan. A variance can be granted 'where it can be shown that due to special conditions, a literal enforcement of the ordinance will result in unnecessary hardship', the City shall have the power to vary such regulations so that the substantial justice will be accomplished, provide that such a variance would:
   a) not be contrary to the public interest;
   b) be in the interest of the City;
   c) be within the spirit and intent of the ordinance;
   d) not be detrimental to future residents in or near the proposed subdivision;

   The reason for the variance is due to the topography of the subdivision. The applicant is proposing to build three new dwellings on a hillslope that has grade elevation challenges. In order to reduce the amount of grading and fill dirt needed for the subdivision each dwelling on Lots 210 through 212 will be constructed 20 feet from the front property line as opposed to the required 25 feet. Granting the variance will not be detrimental to the surrounding properties as all of the lots in the request are located in a cul-de-sac and mostly abut undeveloped land. 0

4. Outlots A through D are considered unusable land for the subdivision and will be conveyed to adjacent property owners. The Community Development Department supports the creation and conveyance of said outlots and recommends the applicant submit a copy of each deed to the City with the subdivision final plat in order to insure that no landlocked parcels are created.
5. The subdivision is located in Flood Zone 'X' and does not contain any floodplain.
6. The Public Works Department has received a preliminary drainage/soils report and will continue to work with the project engineer to make sure the proposed subdivision complies with all City storm water management requirements. Public Works also commented that the applicant must revise their construction drawings to address the following development concerns, prior to submitting a final plat:
   a. Sanitary sewer design – shallow manhole and lateral connections;
   b. Storm water runoff – access to detention, maintenance of detention basin, and design of drop structure;
   c. Grading – amount of fill to be brought in and the control of the fill as houses will be placed on this fill; and
   d. Provide a 45 foot-wide radius (on pavement) for the new cul-de-sac. The proposed 52 foot-wide cul-de-sac right-of-way is acceptable.
7. Mid-American Energy stated the applicant must enter into an extension agreement to provide electricity to the subdivision.
8. Council Bluffs Water Works stated the applicant must enter into a main extension agreement to provide water to the subdivision. The new main extension agreement will include relocating an existing fire hydrant at the intersection of Tanglewood Drive and Misty Lane to the rear of new cul-de-sac for fire protection purposes.
9. 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 applicant and not the City.
10. Sidewalk installation along the frontage of proposed Lots 210 through 212 shall be completed prior to issuance of a Certificate of Occupancy for each residence. A sidewalk shall also be installed along the frontage of proposed Outlot A as part of the street construction of the new Misty Lane cul-de-sac. All sidewalks installation shall comply with the most recent ADA standards for accessibility.
11. No street lights are shown on the preliminary subdivision plan. All future street lights shall meet Public Works Department standards. All costs associated with the installation of street lights shall be the responsibility of the developer and not the City.
12. The Council Bluffs Building Division stated they have no comments for the proposed subdivision.

Recommendation

The Community Development Department recommends approval of the preliminary plan for a subdivision to be known as Forest Glen Subdivision, Phase VI, as shown in Attachment 'B' and granting a variance from §15.08B.050, *Site development regulations, R-1/Single-Family Residential District*, of the Council Bluffs Zoning Ordinance to allow each dwelling on Lots 210 through 212 to be constructed 20 feet from a front property line as opposed to the 25 feet required in an R-1/Single-Family Residential District, subject to compliance with all above stated comments and the following conditions:

1. Approval of the preliminary plan 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'. (§14.11.060.04- Subdivision Ordinance).
2. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary

to meet local, state and federal requirements shall be the developer's responsibility.

3. An erosion and sediment control along with a grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
4. All utilities shall be installed underground.
5. Sidewalks shall be installed along the street frontage of each lot at no expense to the City, prior to issuance of a certificate of occupancy for each house. The sidewalk along the frontage of Outlot A shall be installed with the construction of the Misty Lane cul-de-sac.

Attachments

Attachment A: Letter of intent prepared by HGM Associates, Inc.
Attachment B: Preliminary subdivision plans prepared by Scott D. Reelfs, P.E., HGM Associates, Inc.
Attachment C: Preliminary drainage and soils report prepared by Scott D. Reelfs
Attachment D: Location/zoning map

Engineer: Scott D. Reelfs, P.E., HGM Associates, Inc., 640 5th Avenue, Council Bluffs, IA 51503

Prepared by: Christopher N. Gibbons, Planner

Forest Glen Subdivision Phase VI
Letter of Intent
HGM #105217
April 11, 2017

The proposed subdivision will be comprised of 3 lots adjacent to Tanglewood Drive and Misty Lane. Proposed street pavement will be centered in the proposed 50 foot wide right-of-way which will subsequently be dedicated to the City of Council Bluffs along with an offset cul-de-sac with 40 foot radius and 52 foot radius right-of-way. Pavement will be 26 feet wide (curb-to-curb) and constructed as shown on the typical section (sheet A.01 of the Preliminary Plan).

The development will be served by an 8" sanitary sewer pipe constructed beneath the proposed pavement, flowing southeast to the existing manhole at the intersection of Misty Lane and Tanglewood Drive. Service connections will be made as part of this project and will be extended from the proposed sewer to the proposed right-of-way.

A storm sewer pipe and intake will be constructed in the cul-de-sac to convey storm water runoff. Storm water runoff from the development will flow overland to the detention basin that was designed and constructed in Phase V of the subdivision.

This development will also be served by an extension of water main from locations to be determined by the Council Bluffs Water Works. Water main currently exists at the intersection of Misty Lane & Tanglewood Drive. Finally, electric and gas services, and communication utilities are also planned for the subdivision. Sidewalks will be installed as individual lots are developed.

The property to be subdivided is currently zoned R-1, City of C. B., and its recent historical use is unused timber. No change in zoning is proposed. The subdivision has been laid out to contain 3 conventional lots with single family detached dwellings. A variance to allow 20 foot front yard setback is being requested for the 3 lots on the cul-de-sac. Phase V outlot one was never dedicated to the homeowners association. The developer is looking at options to address this. Additionally, the subdivision will include 7 outlots (A through G) as shown on the attached plan. The intended use of the outlots is as follows.

Outlot A	to be sold to the lot 190 owner, deed to be recorded with final plat
Outlot B	to be sold to lot 200 owner, deed to be recorded with final plat
Outlot C	to be sold to lot 201 owner, deed to be recorded with final plat
Outlot D	to be sold to lot 202 owner, deed to be recorded with final plat
Outlot E	to be incorporated in a future subdivision phase
Outlot F	to be utilized for detention pond and access
Outlot G	to be incorporated in a future subdivision phase