

Planning Commission Communication

<p>Department Community Development</p> <p>CASE #SUB-18-003</p> <p>Applicant/Owner: Tweedt Engineering & Construction, Inc. Douglas Tweedt 4030 Greenview Road Council Bluffs, IA 51503</p> <p>Engineer: HGM Associates, Inc. Scott D. Reelfs, P.E. 640 Fifth Avenue Council Bluffs, IA 51501</p>	<p>Resolution No. _____</p>	<p>Planning Commission: 3/13/18</p>
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Subject/Title

Request: Preliminary subdivision plan approval for Forest Glen Subdivision, Phase VI, being a replat of Outlot 1, Forest Glen Subdivision, Phase V and a portion of the SW1/4 SE1/4 of Section 33-75-43, City of Council Bluffs, Pottawattamie County, Iowa along with a variance to allow dwellings on Lots 210-212 to be built 20 feet from the a front property line as opposed to the required 25 feet in an R-1/Single-Family Residential District.

Location: A northerly extension of Chestnut Drive and westerly extension of Misty Lane.

Background/Discussion

The Community Development Department has received an application from Tweedt Engineering & Construction, Inc., requesting preliminary plan approval of an 18-lot residential subdivision (including five outlots) to be known as Forest Glen Subdivision, Phase VI. The proposed subdivision is comprised of 15.295 acres of land and is located west of Forest Glen Subdivision, Phase V and east of Forest Glen Subdivision, Phase 2. Proposed Lots 210 through 222 will each be developed with one single-family detached residential dwelling and will be accessed by an extension of Chestnut Drive and Misty Lane. The subdivision also includes a 33'x1311' section of land that is being reserved for the future Steven's Road extension. The proposed five outlot will be used for a variety of different purposes, as specified below:

- Outlot A: To be sold to the owner of Lot 190, Forest Glen Subdivision, Phase V (currently undeveloped).
- Outlot B – To be sold to the owner of Lot 200, Forest Glen Subdivision, Phase V (3788 Misty Lane)
- Outlot C – To be sold to the owner of Lot 201, Forest Glen Subdivision, Phase V (3792 Misty Lane)
- Outlot D – To be sold to the owner of Lot 202, Forest Glen Subdivision, Phase V (3796 Misty Lane)
- Outlot E – Will be utilized for stormwater detention.

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. The reason for the variance is due to the land topography around the new Misty Lane cul-de-sac.

Current Zoning/Land Use – The proposed subdivision is comprised of 15.295 acres of undeveloped land that is zoned R-1/Single-Family Residential District. Surrounding zoning includes A-2/Parks, Estates and Agricultural District to the north/northeast; R-1/Single-Family Residential District to the east and south; and R-3/Low Density Multi-Family Residential District to the west. Surrounding land uses include undeveloped land to the north; single-family residential dwellings to the east and south; and 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.

The following attachments 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. In 2017, the applicant received preliminary plan approval for Forest Glen Subdivision, Phase VI, which consisted of three residential lots and seven outlots all located around a cul-de-sac extension on Misty Lane (see Case #SUB-17-004). The subdivision approval also included a setback variance to allow dwellings on Lots 210 through 212 to be built 20 feet, as opposed to the required 25 feet, from a front property line. The one-year timeframe for recording a final plat for the Forest Glen Subdivision, Phase VI will expire in May 2018. The applicant has decided to let the existing preliminary subdivision plan expire and to move forward with a new layout and design as discussed below.
3. The proposed subdivision consists of 13 buildable lots (210 through 222) and five outlots. Proposed Lots 210 through 212 will be accessed by a cul-de-sac extension on Misty Lane and proposed Lots 213 through 222 will be accessed by an extension of Chestnut Drive. It is anticipated that proposed Lots 221 and 222 may be further subdivided in the future to create additional buildable lots.
4. Proposed Lots 210 and 212 are irregular shaped lots located around a new cul-de-sac extension on Misty Lane. These lots all appear to be the same size and dimension as the previously approved Forest Glen Subdivision, Phase VI. The applicant has requested the same setback variance from Section 15.08B.50, R-1/Single-Family Residential District, Site development regulations of the Municipal Code (Zoning Ordinance) to allow dwellings units on said lots 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.

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; and
- 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.

5. Proposed Lots 213 through 222 exceed the minimum R-1/Single-Family Residential District lot size requirements and suitable for being developed with one single-family residential dwelling. Proposed Lots 219 and 222 are considered corner lots from a zoning standpoint as they abut Chestnut Drive and future Steven's Road extension. All building construction in this subdivision shall comply with the development standards stated Chapter 15.08B, R-1/Single-Family Residential District of the Municipal Code (Zoning Ordinance).
6. Outlots A through D are considered unusable land for the subdivision and will be conveyed to adjacent property owners. Outlot E will be used for stormwater detention for the proposed subdivision. 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.
7. All lots will be serviced with utilities following completion of the proposed subdivision improvements.
8. The subdivision is located in Flood Zone 'X' and does not contain any floodplain, as FEMA Flood Panel Maps 19155C0581F, dated April 16, 2013 and 19155C0418F, dated April 16, 2013.
9. The Council Bluffs Public Works Department provided the following comments:
 - a. Preliminary plat needed to show dedications and easements;
 - b. Dedication of Future Stevens Road to be included in the right-of-way dedication on the final plat;
 - c. Outlot E west boundary should be extended to west property line of the area being platted;
 - d. The final plat shall include an easement that addresses the perpetual maintenance of the drainage channel along the western boundary of proposed Lots 210, 211, 221 and 222;
 - e. Final drainage study required – Public Works is working with the engineer to final a study;
 - f. Misty Cove sanitary sewer services need to be directed to a new manhole within the paved roadway with an extension to the existing sewer;
 - g. Misty Cove storm sewer easement is shown to be 20' wide the last 20' should be increased to 30' due to the depth of the sewer;
 - h. Chestnut Drive profile needs to be verified with the preliminary Stevens Road profile for elevation;
 - i. Chestnut Drive storm sewer locations are not at designed low points. The applicant must adjust the profile or shift inlets to eliminate ponding potential; and
 - j. Chestnut Drive storm sewer outfall needs a profile to determine if the shown width of the easement is adequate.
10. Council Bluffs Building Division, Police Department and Fire Department stated they have no comments for the proposed subdivision.
11. Council Bluffs Community Development Department stated the following technical corrections must be made to the subdivision plan:
 - a. Revise the subdivision legal description to state "being a replat of Outlot 1, Forest Glen Subdivision Phase V and a portion of the SW1/4 SE1/4 of Section 33-75-43, City of Council Bluffs, Pottawattamie County, Iowa"; and
 - b. Change the street name Misty Cove to Misty Lane for street name consistency purposes.
12. Mid-American Energy stated the applicant must enter into an extension agreement to provide electricity to the subdivision.
13. Council Bluffs Water Works stated the applicant must enter into a main extension agreement to provide water to the subdivision.
14. Black Hills Energy stated they have no concerns with the proposed subdivision.

15. 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.
16. Sidewalk installation along the frontage of proposed Lots 210 through 222 shall be completed prior to issuance of a Certificate of Occupancy for each residence. A sidewalk shall also be installed along the frontage of Outlot A and Outlot D as part of the street construction of Chestnut Drive and Misty Lane. All sidewalks installation shall comply with the most recent ADA standards for accessibility.
17. 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.

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. A sidewalk shall also be installed along the frontage of proposed Outlot A and Outlot D as part of the street construction of Chestnut Drive and Misty Lane. All sidewalks installation shall comply with the most recent ADA standards for accessibility.
6. The applicant shall provide the City a copy of each deed that conveys Outlots A through D to an adjoining property owner with the final plat.

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, AICP, Planner