

## Planning Commission Communication

<p>Department: Community Development</p> <p>CASES #SUB-17-003 &amp; ZC-17-001</p> <p>Applicant/Owner: Tamco Properties, LLC 12 Scott Street Council Bluffs, IA 51503</p> <p>Representative: Rob Duvall, P.E. Synder &amp; Associates 1751 Madison Avenue Council Bluffs, IA 51503</p>	<p>Ordinance No. _____</p> <p>Resolution No. _____</p>	<p>Public Hearing: 02/14/17</p>
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### Subject/Title

**Requests:**

1. Rezone Lots 2 through 20 Gethsemane Gardens from R-1/Single Family Residential District to R-2/Two Family Residential District; and
2. Final plat approval of a 12-lot residential minor subdivision to be known as Gethsemane Gardens, Replat 1, being a replat of Lots 2 through 9, Gethsemane Gardens; and
3. A subdivision variance to allow Lots 4 through 12, Gethsemane Gardens, Replat 1 to exceed the maximum 3:1 lot depth to width ratio.

**Location:** west of East Manawa Drive along Wallace Avenue.

### Background/Discussion

The Community Development Department has received an application from Tamco Properties, LLC, represented by Rob Duvall of Synder & Associates, to rezone properties legally described as Lots 2 through 20, Gethsemane Gardens from R-1/Single Family Residential District to R-2/Two Family Residential District. The applicant also submitted an application to replat Lots 2 through 9, Gethsemane Gardens into a 12-lot residential minor subdivision to be known as Gethsemane Gardens, Replat 1. The applicant proposes to build a mixture of attached and detached, single-family residential dwellings on said properties.

The following attachments are included with the case staff report:

1. Attachment A: Letter of intent
2. Attachment B: Location/zoning map of the subject properties
3. Attachment C: Proposed Gethsemane Gardens, Replat 1 subdivision plan

**Rezoning (Case #ZC-17-001)**

The subject property (Lots 2 through 20, Gethsemane Gardens) is comprised of 4.72 acres of undeveloped land that is zoned R-1/Single-Family Residential District (see Attachment B). Surrounding zoning consists of R-3/Low Density Multi-Family Residential District, A-2/Parks, Estates and Agricultural District and R-1/Single Family Residential District. Surrounding land uses include undeveloped property to the south and east, Gethsemane Presbyterian Church to the north along with single-family and two-family residential

properties to the west. The proposed attached and detached single-family residential dwellings are allowed in an R-2/Two Family Residential District as a permitted use.

The future land use plan of the Bluffs Tomorrow: 2030 Plan designates the subject property as Low-Density Residential. The proposed rezoning is generally consistent with the adopted future land use plan.

Public notices were mailed to all property owners within 200 feet of the request. Richard Thomson, 16 Wallace Avenue, emailed City staff and requested clarification on total number of units proposed for Gethsemane Gardens, Replat 1 subdivision as well as information on the base price for each dwelling unit and if the properties will be owner-occupied or rentals.

All City department and local utilities were notified of the proposed rezoning. No adverse comments were received for the request.

**Final Plat (Case #SUB-17-003)**

4. In general, the proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) as well as the Council Bluffs Subdivision and Zoning Ordinances.
5. Gethsemane Gardens is an existing 21-lot subdivision that was approved by City Council on January 14, 2008 (Resolution No. 08-04). Lots 2 through 9, Gethsemane Gardens were originally platted to be developed with detached, single-family residential dwellings. The applicant proposes to replat said lots into a 12-lot residential minor subdivision in order to build a mixture of detached and attached, single-family dwellings (see Attachment C).
6. Proposed Lots 1 and 2, Gethsemane Gardens, Replat 1 will each be developed with one detached, single-family residential dwelling. The minimum lot size for a detached residential dwelling in an R-2/Two Family Residential District is 5,000 square feet (interior lot) and 5,500 square feet (corner lot). Both lots comply the minimum R-2 District lot size requirements.
7. Proposed Lots 3 through 12, Gethsemane Gardens, Replat 1 will each be developed with one attached, single-family residential dwelling. The minimum lot size for an attached single-family dwelling in an R-2/Two Family Residential District is 2,500 square feet (interior lot) and 5,500 square feet (corner lot). All proposed attached single-family lots comply with the R-2 District lot size requirements.
8. Proposed Lots 4 through 12, Gethsemane Gardens, Replat 1 exceed the maximum allowed 3:1 lot depth to width ratio. The proposed configuration and layout of these lots is necessary to allow the construction of attached, single-family residential dwellings. A subdivision variance to allow said lots to exceed the maximum 3:1 lot depth to width ratio must be approved by City Council.
9. All building construction within the proposed subdivision shall comply with R-2/Two-Family Residential District site development standards.
10. All proposed lots directly abut Wallace Avenue which is an improved public street. Proposed Lot 12, Gethsemane Gardens, Replat 1 is a corner lot with frontage along Wallace Avenue and East Manawa Drive. East Manawa Drive is a limited access roadway. All rights of direct vehicular access from Lot 12, Gethsemane Gardens, Replat 1 to East Manawa Drive shall be dedicated to the City of Council Bluffs on the final plat.
11. All streetlights and utilities (e.g., sanitary/storm sewers, electricity, gas, water, etc.) were installed when Wallace Avenue was extended for the Gethsemane Gardens subdivision. All utilities were installed based on the layout of Gethsemane Gardens subdivision. Any cost to remove and/or relocate any existing utility infrastructure shall be the sole responsibility of the applicant.
12. Each dwelling unit will be serviced with a separate sewer lateral, as required by the Council Bluffs Public Works Department.

13. The proposed Gethsemane Gardens, Replat 1 subdivision plan shows a 15 foot-wide storm water drainage easement along the west/southwest property boundary of Lot 1 and a 20 foot-wide storm water drainage easement along the common property line between Lots 2 and 3. Both easements were established and dedicated to the Gethsemane Gardens Homeowners Association on the Gethsemane Gardens final plat. The proposed final plat shall include language that dedicates the perpetual maintenance and responsibility of said easements to the subdivision's homeowners association.
14. The Council Bluffs Public Works Department stated the proposed Gethsemane Gardens, Replat 1 subdivision shall comply with City stormwater quality and quantity standards.
15. The final plat shall include the standard 5 and 10 foot-wide utility easements across the front, side and rear property lines of all lots. For Lots 3 through 12, Gethsemane Gardens, Replat 1 no easements shall be recorded on the interior property line where a common wall is shared between two units. The following standard language shall be required: The standard dedication of said public easements shall appear on the plat as provided here:

\_\_\_\_\_, an Iowa Corporation does hereby grant to City of Council Bluffs, a municipal corporation of the State of Iowa, and its agents, contractors and assigns, a permanent nonexclusive easement for the purpose of conveying overland storm drainage and constructing, reconstructing, repairing, enlarging and maintaining storm sewers together with necessary appurtenances thereto in, on, over, and across the following described real estate: This easement shall be subject to the following terms and conditions:

- a. **ERECTION OF STRUCTURES PROHIBITED:** Grantor shall not erect any structure over or within the Easement Area without obtaining the prior written consent of the City Engineer, provided however grantor shall have the right to place and maintain a surfaced roadway over and within the Easement Area.
  - b. **CHANGE OF GRADE PROHIBITED:** Grantor shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Engineer.
  - c. **RIGHT OF ACCESS:** City shall have the right of access to the Easement Area and have all right of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described.
  - d. **REMOVAL AND REPLACEMENT:** The cost of removal and replacement of any unauthorized improvement or structures within the Easement Area, necessitated by the exercise of the rights under this easement, shall be borne by the Grantor or their successors or assigns.
  - e. **SURFACE RESTORATION:** City's liability to restore the surface within the Easement Area shall be limited only to grading and seeding, and replacement of grantors surfaced roadway.
  - f. **DUTY TO REPAIR:** City agrees that any drain tile, drive or access way, fence, or yard or other improvements outside of the Easement Area which may be damaged as a result of any entry made through an exercise of the City's right of access shall be repaired at no expense to Grantor.
  - g. **EASEMENT RUNS WITH LAND:** This easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.
  - h. **GRANTOR RESERVATION:** Grantor reserves the right to use the Easement Area for other purposes provided however these purposes shall not interfere with grantees use of the Easement Area under the rights of this agreement.
16. The Council Bluffs Fire Department stated no additional fire hydrants are required for the proposed subdivision.

17. A public sidewalk shall be installed along the frontage of each lot prior to issuance or a Certificate of Occupancy for a dwelling on each lot, at no cost to the City. The applicant shall also extend a sidewalk along the north side of Wallace Avenue to the far west boundary of the Gethsemane Gardens subdivision in order to connect to a future trail along East Manawa Drive. The sidewalk extension shall be installed prior to issuance of any building permits in Gethsemane Gardens, Replat 1 subdivision.
18. A 15'x15' private easement is shown on the southeast corner of proposed Lot 12, Gethsemane Gardens, Replat 1 for a future neighborhood identification sign. The proposed sign shall comply with Section 15.33.120, Neighborhood Identification Signs, of the Council Bluffs Zoning Ordinance. The final plat shall include language that dedicates the perpetual maintenance and responsibility of said easement to the subdivision's homeowners association.
19. The final plat shall include a note stating if the proposed subdivision has any private restrictions and/or covenants. A copy of the any private easements/covenants shall be provided to the City and recorded with the final plat.

#### **Recommendation**

The Community Development Department finds the requested subdivision and rezoning are consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) and recommends the following:

1. Approval to rezone property legally described as Lots 2 through 20, Gethsemane Gardens from R-1/Single Family Residential District to R-2/Two Family Residential District; and
2. Final plat approval of a 12-lot residential minor subdivision to be known as Gethsemane Gardens, Replat 1, being a replat of Lots 2 through 9, Gethsemane Gardens, subject to all comments stated above and following conditions:
  - a. The final plat shall be recorded within 90 days of City Council approval or the plat shall become null and void unless an extension of has been requested and granted by the Community Development Department Director; and
  - b. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements; and
  - c. All utilities shall be installed underground. Any cost to remove and/or relocate any utilities shall be the sole responsibility of the applicant and not the City; and
  - d. 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
3. Approval of a subdivision variance to allow Lots 4 through 12, Gethsemane Gardens, Replat 1 to exceed the maximum 3:1 lot depth to width ratio.

#### **Attachments**

- Attachment A: Letter of intent
- Attachment B: Location/zoning map of the subject properties
- Attachment C: Proposed Gethsemane Gardens, Replat 1 subdivision plan

Prepared by: Christopher N. Gibbons, AICP, Planner