CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: March 16, 2020

ITEM: Dawsons Ridge Plat 1, South of Booneville Rd, approx. ½ mile west of S 88th St - Subdivide property into 12 single-family lots and 2 street lots - 117 Land Company, LLC - (FP-004140-2018)

RESOLUTION: Approval and Release of Final Plat

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The applicant and property owner, 117 Land Company, LLC., has requested approval of a Final Plat to subdivide the approximately 11.34-acre property located south of Booneville Road approximately one-half mile west of S 88th Street into twelve (12) lots for detached single-family development and two (2) street lots to be dedicated to the City for public streets (S Dawsons Cove and Booneville Road/S 95th Street).

The associated Preliminary Plat was originally approved by the Plan and Zoning Commission on April 9, 2018 and the City Council on April 16, 2018. Per Title 10, the Final Plat must be approved by the City Council within one year of the Preliminary Plat approval. In drafting of this Final Plat staff report, it was realized that the Preliminary Plat was void as it would be two years before the Final Plat would be approved. To allow for the Final Plat to continue, Staff took the 2018 Preliminary Plat to the Plan and Zoning Commission on March 9, 2020 to reaffirm their previous approval. Staff is requesting City Council reaffirm their 2018 Preliminary Plat at this March 16th meeting. Staff would note that the Preliminary Plat indicates 13 lots, whereas this Final Plat includes only 12 lots. The subdivision wraps around an existing home at 9320 Booneville Road (fka 9450 Booneville Road) for which a plat-of-survey was approved by the Council on February 5, 2018 (POS-003733-2018) to separate that property from the balance of the property included in the Dawsons Ridge subdivision. The ground was included in the Preliminary Plat for the purpose of ensuring that infrastructure was adequately being provided throughout the Dawsons Ridge area.

CITY COUNCIL SUBCOMMITTEE: The Final Plat was presented to the Development and Planning City Council Subcommittee on April 1, 2019, as an informational item only. No discussion was had and no disagreement with the proposal was expressed. Additionally, this item was discussed at the March 4, 2020 Finance and Administration Subcommittee to discuss allowing the option to post cash surety for future S 95th Street that included a yearly cost percentage increase (5%) over a set number of years (7). This option was used with Whisper Ridge Plat 3 (FP-002024-2013) for the extension of Bridgewood Boulevard which could not be constructed due to necessary grading on adjoining property and large storm sewer infrastructure. The Subcommittee was in agreement with the cash surety option; however, the applicant has since opted to provide a Subdivision Bond as surety.

OUTSTANDING ISSUES: There are no outstanding issues. Staff would note the following items of interest:

- *S 95th Street Extension & Buffer Requirement*: Should S 95th Street be extended on the south side of Booneville Road as shown on the Final Plat, an approximately 95' portion of Lot 4 would become what is considered a double frontage lot. Per Title 9, Chapter 19, "Any lot in a Single-Family Detached Residential District having both its front and rear lot lines abutting a public street or a private street (a double frontage lot) ... shall be buffered from the thoroughfare along its rear yard ... by one of the methods set forth in this section (*30' or 60' wide)* and shall be required to include a berm within the buffer." Due to the configuration of Lot 4 which veers away from the future road after the first 95', the uncertainty if and/or when S. 95th Street may be constructed, and the almost 200' depth of Lot 4 which would allow the homeowner to implement any buffering desired, staff recommends that the City Council waive the double frontage lot buffer requirement.

- *Public Improvements*: The developer has implemented all required public improvements associated with the subdivision. However, punch list items remain including replacement of a damaged driveway approach due to sanitary sewer work. The developer has acknowledged responsibility to replace the driveway approach but has been unable to complete the work. In addition, seeding and mulching of disturbed areas needs to be completed when temperatures increase. Rather than wait for warmer weather and since individuals have pre-bought lots and are eager to start home construction, the developer has provided a check to cover the cost of the remaining work items. Staff recommends a condition of approval prohibiting the issuance of any occupancy permits, including temporary occupancy permits for any lot within this Dawsons Ridge Final Plat until the public improvements are accepted.

- *Public Utility Easement (PUE) in Front Yard*: Title 10 of city code includes a provision requiring the placement of utilities (electric, cable, gas, etc.) in a Public Utility Easement (PUE) located at the rear or side of residential lots. City code also includes a provision that allows the Council, under certain conditions of soil, topography, or other circumstances that make the aforementioned easement locations unreasonable or impractical, to allow the PUE to be located in the front yard or in City right-of-way, provided said installation does not interfere with other existing or proposed utilities. Lots 1, 2 and 3 within this plat are 430 to 476 feet in depth. Placing utilities along the rear lot line would require the homeowners to extend service lines 300-400 feet. Lots 4 through 10 slope pretty steeply at the back and there are existing trees along the fence line that would affect installation of the utility lines. Staff recommends that Council waive the requirement to place the PUE at the rear of Lots 1 through 10 and allow the PUE to be located along the front lot line.

- *Vacation of Roadway*: On April 6th, City staff will be presenting a request to vacate a roadway easement for a portion of Booneville Road. During preparation of this Final Plat, in conjunction with preparing for the Booneville Road Public Improvement project, it was realized that a roadway easement recorded in 1977 contained inaccurate legal descriptions and do not encompass Booneville Road as-built. City staff determined the inaccurate easement is unnecessary surplus property that can be vacated and terminated. With the 2018 Plat of Survey for 9320 Booneville Road, in conjunction with this Final Plat for Dawsons Ridge, the appropriate right-of-way for Booneville Road has and/or will be obtained.

Staff would also note that as part of this approval, the Council is approving and accepting the following:

- Surety for remaining work associated with construction of the public improvements required as part of the plat;
- A deed for Lot(s) A and B (Booneville Road/S 95th Street and S Dawsons Cove) to be dedicated as public street right(s)-of-way;
- Surety for the future construction of S 95th Street;
- Surety for the construction of sidewalks adjacent to S Dawsons Cove and Booneville Road;
- Legal documents to establish public easements for sanitary and storm sewers; and
- Parkland Dedication Agreement which specifies improvements required of the development.

COMPREHENSIVE PLAN CONSISTENCY: The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan, staff recommends the City Council approve the Final Plat , Dawsons Ridge to establish twelve (12) lots for single-family and two (2) street lots for dedication to the City, subject to the applicant complying with all applicable City Code requirements and the following:

1. The City Council waiving the buffer otherwise required along the rear (western) lot line of Lot 4.

2. The City Council accepting surety to cover remaining work items associated with the public improvements and restricting the issuance of occupancy permits, including temporary occupancy permits for any dwelling within the plat until such time that the public improvements are accepted.

3. The City Council waiving requirements to locate Public Utility Easements (PUE) in the rear or side yards due to lot depth, topography and existing trees and instead allow said easement to be located in the front yard of Lots 1 through 10.

Lead Staff Member: Lynne Twed

Staff Reviews:

Department Director	
Appropriations/Finance	
Legal	
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	n/a	
Date(s) Published	n/a	
Letter sent to surrounding property owners		n/a

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	April 1, 2019		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Location Map
Exhibit II - Final Plat (For illustrative purposes only – Approved plat in file)
Exhibit III - Resolution: Accepting Surety for Public Improvements and Approval and Release of Final Plat
Exhibit A - Conditions of Approval

EXHIBIT I

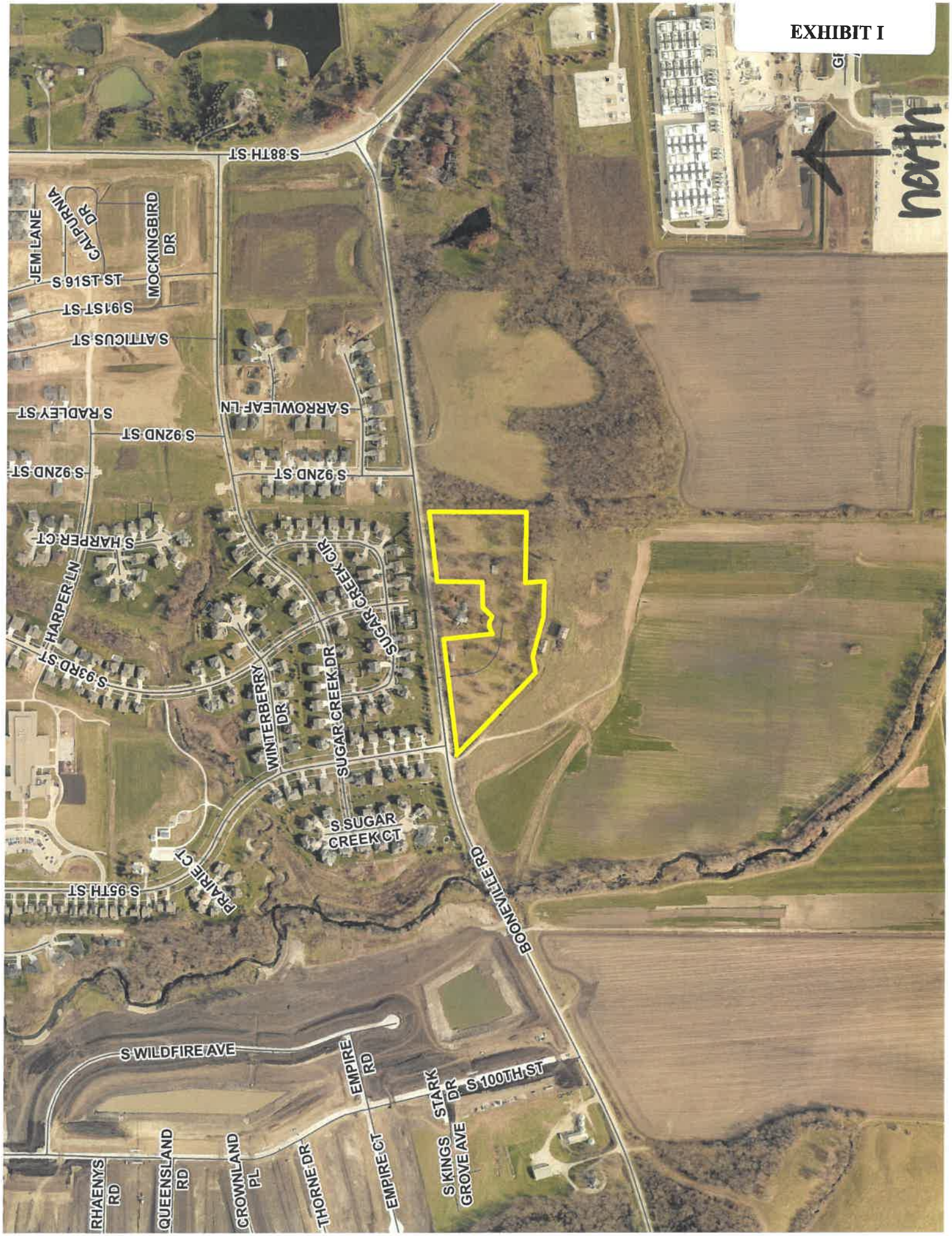

north
S 88TH ST
JEM LANE
CALIFORNIA DR
MOCKINGBIRD DR
S 91ST ST
S ATTICUS ST
S ARROWLEAF LN
S RADLEY ST
S 92ND ST
S HARPER CT
HARPER LN
S 93RD ST
WINTERBERRY DR
SUGAR CREEK DR
SUGAR CREEK CIR
S SUGAR CREEK CT
PRAIRIE CT
S 95TH ST
BOONEVILLE RD
S WILDFIRE AVE
EMPIRE RD
STARK DR
S 100TH ST
S KINGS GROVE AVE
EMPIRE CT
THORNE DR
CROWNLAND PL
QUEENSLAND RD
RHAENYS RD

EXHIBIT II

DAWSONS RIDGE PLAT 1

FINAL PLAT

INDEX LEGEND

LOCATION: SEC 22-178N-R26W, PT NW OF SE
SEC 22-178N-R26W, PT NE OF SW
PARCEL '17-285', BK 2018 PG 3922

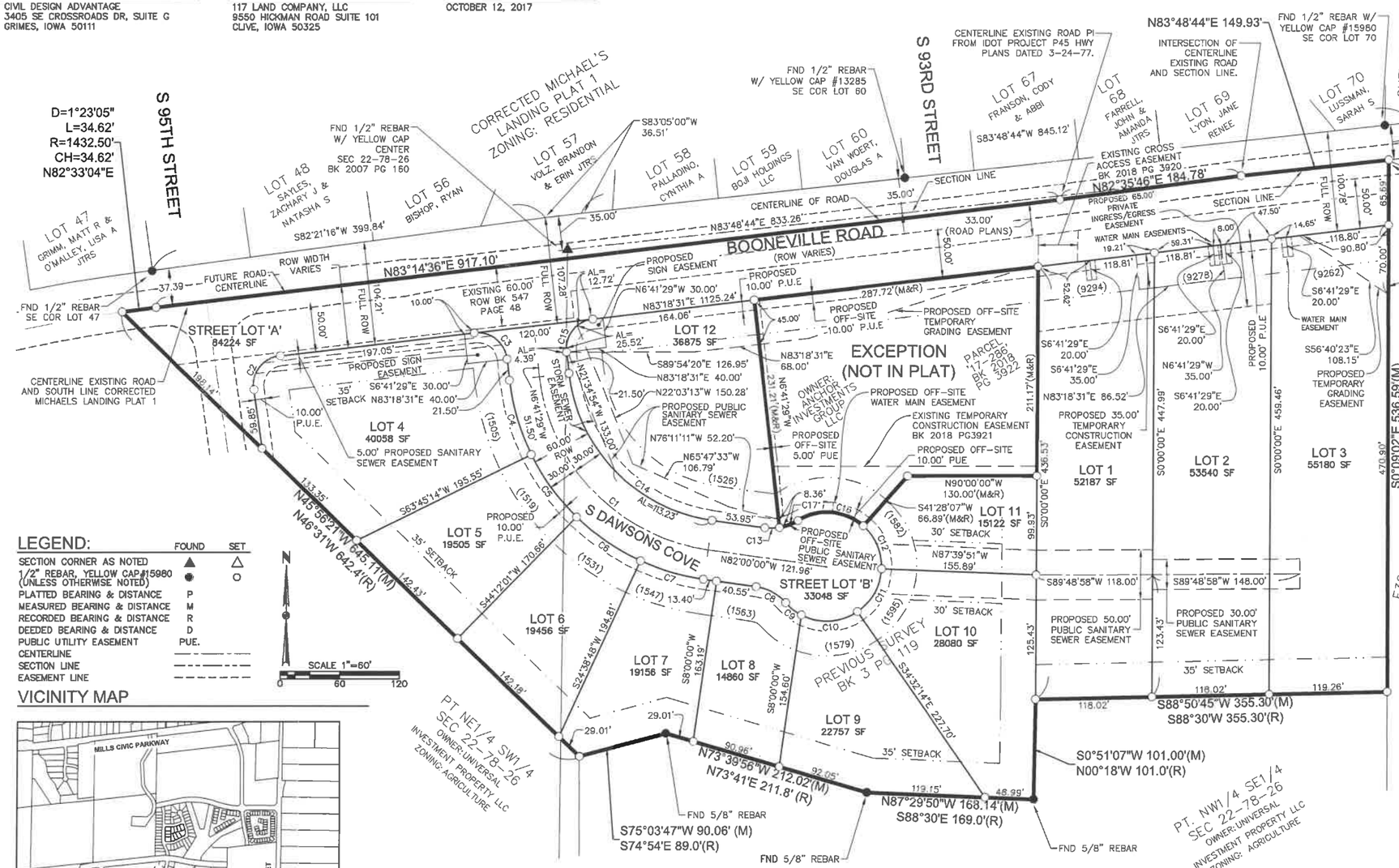
REQUESTOR: 117 LAND COMPANY, LLC
PROPRIETOR: 117 LAND COMPANY, LLC
SURVEYOR: MIKE BROONER
SURVEYOR COMPANY: CIVIL DESIGN ADVANTAGE

RETURN TO: 3405 SE CROSSROADS DRIVE, SUITE G
GRIMES, IA. 50111
PH:515-369-4400

ENGINEER/SURVEYOR:
CIVIL DESIGN ADVANTAGE
3405 SE CROSSROADS DR, SUITE G
GRIMES, IOWA 50111

OWNER/DEVELOPER:
117 LAND COMPANY, LLC
9550 HICKMAN ROAD SUITE 101
CLIVE, IOWA 50325

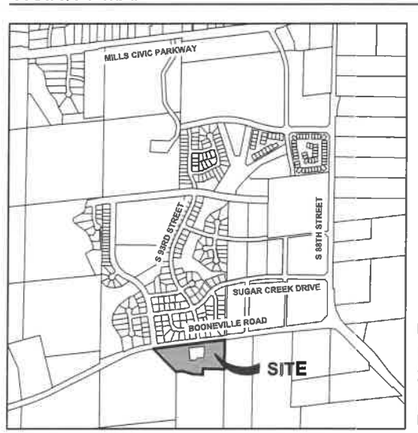
DATE OF SURVEY:
OCTOBER 12, 2017



LEGEND:

	FOUND	SET
SECTION CORNER AS NOTED	▲	△
1/2" REBAR, YELLOW CAP #15980 (UNLESS OTHERWISE NOTED)	●	○
PLATTED BEARING & DISTANCE	P	
MEASURED BEARING & DISTANCE	M	
RECORDED BEARING & DISTANCE	R	
DEEDED BEARING & DISTANCE	D	
PUBLIC UTILITY EASEMENT	PUE.	
CENTERLINE		
SECTION LINE		
EASEMENT LINE		

VICINITY MAP



WEST DES MOINES, IOWA

COMPREHENSIVE LAND USE

EXISTING: RESIDENTIAL SINGLE FAMILY
PROPOSED: RESIDENTIAL SINGLE FAMILY

ZONING:

EXISTING: RESIDENTIAL SINGLE FAMILY
PROPOSED: RS-8 RESIDENTIAL SINGLE FAMILY

BULK REGULATIONS:

SETBACKS:
FRONT: 35'
REAR: 35'
SIDE: 8' MIN/20' TOTAL
NORTH SIDE OF LOT 10 = 30' SETBACK
SOUTH SIDE OF LOT 11 = 30' SETBACK

CURVE DATA:

	CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
	C1	75°18'31"	200.00'	262.88'	N44°20'44"W	244.36'
	C2	91°35'47"	30.00'	47.96'	S37°30'38"W	43.01'
	C3	90°00'00"	30.00'	47.12'	N51°41'29"W	42.43'
	C4	19°33'17"	230.00'	78.50'	N16°28'07"W	78.12'
	C5	19°33'13"	230.00'	78.49'	N36°01'22"W	78.11'
	C6	19°33'13"	230.00'	78.49'	N55°34'36"W	78.11'
	C7	16°38'48"	230.00'	66.82'	N73°40'36"W	66.59'
	C8	40°22'03"	50.00'	35.23'	N61°48'58"W	34.50'
	C9	20°38'43"	55.00'	19.82'	N51°57'18"W	19.71'
	C10	62°15'35"	55.00'	59.76'	S86°35'33"W	56.87'
	C11	53°07'37"	55.00'	51.00'	S28°53'57"W	49.19'
	C12	50°52'01"	55.00'	48.83'	S23°05'52"E	47.24'
	C13	17°20'06"	50.00'	15.13'	N89°19'57"E	15.07'
	C14	75°18'31"	170.00'	223.45'	S44°20'44"E	207.70'
	C15	90°00'00"	30.00'	47.12'	S38°18'31"W	42.43'
(M&R)	C16	73°50'11"	55.00'	70.88'	S85°26'58"E	66.07'
(M&R)	C17	23°01'58"	50.00'	20.10'	N69°08'56"E	19.96'

NOTES:

- INDIVIDUAL PROPERTY OWNERS MAY BE RESPONSIBLE FOR THE CONSTRUCTION OF SIDEWALKS ON THEIR PROPERTY. PRIOR TO CONSTRUCTION OF ANY SIDEWALKS REFER TO THE PROJECT CONSTRUCTION DRAWINGS AND CONFIRM WITH CITY THE LOCATION, WIDTH AND ELEVATION OF SIDEWALKS.
- ANY SET MONUMENTATION SHOWN ON THIS PLAT WILL BE COMPLETED WITHIN ONE YEAR FROM THE DATE THIS PLAT WAS RECORDED.
- THE ERROR OF CLOSURE IS WITHIN THE ALLOWABLE LIMITS (1:10,000 FOR BOUNDARY, 1:5,000 FOR INDIVIDUAL LOTS)
- ALL BEARINGS ARE BASED ON AN ASSUMED MERIDIAN FOR COMPUTATION PURPOSES WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 22-78-26 BEING S83°48'44"W.
- LOTS 1-4 AND LOT 12 ARE TO COORDINATE SIDEWALK INSTALLATION ALONG BOONEVILLE ROAD WITH BOONEVILLE ROAD IMPROVEMENTS.

PLAT DESCRIPTION:

PARCEL '17-285' AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 2018 PAGE 3922 AND A PART OF THE SOUTH HALF OF SECTION 22, ALL IN TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 22; THENCE SOUTH 83°48'44" WEST ALONG THE NORTH LINE OF SAID SOUTH HALF, 1810.93 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°09'02" EAST, 536.59 FEET; THENCE SOUTH 88°50'45" WEST, 355.30 FEET; THENCE SOUTH 00°51'07" WEST, 101.00 FEET; THENCE NORTH 87°29'50" WEST, 168.14 FEET; THENCE NORTH 73°39'56" WEST, 212.02 FEET; THENCE SOUTH 75°03'47" WEST, 90.06 FEET; THENCE NORTH 45°56'21" WEST, 645.11 FEET TO THE CENTERLINE OF EXISTING ROAD; THENCE EASTERLY ALONG SAID CENTERLINE AND A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 1432.50 FEET, WHOSE ARC LENGTH IS 34.62 FEET AND WHOSE CHORD BEARS NORTH 82°33'04" EAST, 34.62 FEET; THENCE NORTH 83°14'36" EAST ALONG SAID CENTERLINE, 917.10 FEET; THENCE NORTH 82°35'46" EAST ALONG SAID CENTERLINE, 184.78 FEET TO SAID NORTH LINE OF THE SOUTH HALF; THENCE NORTH 83°48'44" EAST ALONG SAID NORTH LINE, 149.93 FEET TO THE POINT OF BEGINNING.

EXCEPT

PARCEL '17-286' AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 2018, PAGE 3922 IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

THE PROPERTY CONTAINS 11.34 ACRES (494,047 SQUARE FEET) AND IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

LICENSED PROFESSIONAL LAND SURVEYOR MICHAEL A. BROONER 15980 IOWA

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

MICHAEL A. BROONER, P.L.S. DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020
PAGES OR SHEETS COVERED BY THIS SEAL:
THIS SHEET

REVISIONS	DATE
FINAL SUBMITTAL	03/02/20
THIRD SUBMITTAL	02/13/19
SECOND SUBMITTAL	12/21/18
FIRST SUBMITTAL	11/14/18

3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 369-4400 FAX: (515) 369-4410
ENGINEER: TECH:
CIVIL DESIGN ADVANTAGE

DAWSONS RIDGE PLAT 1
FINAL PLAT
WEST DES MOINES, IOWA

1/1
1704.214

FILE: H:\2017\1704214\DWG\1704214-FINAL PLAT.DWG
FILE DATE: 3/3/20 DATE PLOTTED: 3/2/2020 8:59 AM

Prepared by: L.Twedt, City of West Des Moines Development Services, P.O. Box 65320, West Des Moines, IA 50265-0320, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, P. O. Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, ACCEPTING SURETY IN LIEU OF PUBLIC IMPROVEMENTS AND APPROVING AND RELEASING THE FINAL PLAT DAWSONS RIDGE PLAT 1 (FP-004140-2018) FOR THE PURPOSE OF CREATING TWELVE SINGLE-FAMILY LOTS AND TWO STREET LOTS

WHEREAS, pursuant to the provisions of Title 10, Subdivision Regulations and Title 9, Zoning Chapter 1 et seq, of the West Des Moines Municipal Code, 117 Land Company, LLC., has requested approval for a Final Plat (FP-004140-2018) for that 11.34 acre site located at south of Booneville Road and approximately ½ mile west of S 88th Street for the purpose of subdividing the property into twelve (12) single-family residential lots and two (2) street lots for dedication to the City;

Legal Description

PARCEL '17-285' AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 2018 PAGE 3922 AND A PART OF THE SOUTH HALF OF SECTION 22, ALL IN TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 22; THENCE SOUTH 83°48'44" WEST ALONG THE NORTH LINE OF SAID SOUTH HALF, 1810.93 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°09'02" EAST, 536.59 FEET; THENCE SOUTH 88°50'45" WEST. 355.30 FEET; THENCE SOUTH 00°51'07" WEST, 101.00 FEET; THENCE NORTH 87°29'50" WEST, 168.14 FEET; THENCE NORTH 73°39'56" WEST, 212.02 FEET; THENCE SOUTH 75°03'47" WEST, 90.06 FEET; THENCE NORTH 45°56'21" WEST, 645.11 FEET TO THE CENTERLINE OF EXISTING ROAD; THENCE EASTERLY ALONG SAID CENTERLINE AND A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 1432.50 FEET, WHOSE ARC LENGTH IS 34.62 FEET AND WHOSE CHORD BEARS NORTH 82°33'04" EAST, 34.62 FEET; THENCE NORTH 83°14'36" EAST ALONG SAID CENTERLINE, 917.10 FEET; THENCE NORTH 82°35'46" EAST ALONG SAID CENTERLINE, 184.78 FEET TO SAID NORTH LINE OF THE SOUTH HALF; THENCE NORTH 83°48'44" EAST ALONG SAID NORTH LINE, 149.93 FEET TO THE POINT OF BEGINNING.

EXCEPT,

PARCEL '17-286' AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 2018, PAGE 3922 IN THE CITY OF WEST DES MOINES, DALLAS COUNTY IOWA.

THE PROPERTY CONTAINS 11.34 ACRES (494,047 SQUARE FEET) AND IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference; and

WHEREAS, the West Des Moines Plan and Zoning Commission has reviewed the Preliminary Plat for Dawsons Ridge and recommended approval on March 9, 2020; and

WHEREAS, the Final Plat that was submitted for review was determined to be generally consistent with the Preliminary Plat for Dawsons Ridge Plat 1 that was reviewed and approved by the City Council on March 16, 2020; and

WHEREAS, on March 16, 2020, this City Council held a duly noticed meeting to consider the application for Final Plat (FP-004140-2018); and

WHEREAS, the West Des Moines City Council adopted a resolution which approved the Final Plat for Dawsons Ridge at their meeting on March 16, 2020, subject to any conditions of approval; and

WHEREAS, the City Council did accept surety for remaining work items associated with construction of public improvement required of the plat; and

WHEREAS, the necessary easements have been established for sanitary sewer and storm sewers; and

WHEREAS, the City Council did accept surety for the construction of sidewalks within the plat; and

WHEREAS, the applicant has supplied a warranty deed to the City of West Des Moines for Lot(s) A and B (Booneville Road/S 95th Street and S Dawsons Cove) to be dedicated as public street right(s)-of-way; and

WHEREAS, the applicant has provided a Parkland Dedication Agreement which specifies improvements required of the development; and

WHEREAS, the City Council approves of the following address assignments;

Lot 1	9294 Booneville Road
Lot 2	9278 Booneville Road
Lot 3	9262 Booneville Road
Lot 4	1505 S Dawsons Cove
Lot 5	1519 S Dawsons Cove
Lot 6	1531 S Dawsons Cove
Lot 7	1547 S Dawsons Cove
Lot 8	1563 S Dawsons Cove
Lot 9	1579 S Dawsons Cove
Lot 10	1595 S Dawsons Cove
Lot 11	1582 S Dawsons Cove
Lot 12	1526 S Dawsons Cove

WHEREAS, Dawsons Ridge Plat 1 is zoned Residential Single-Family (RS-8) and meets all requirements of the City's Zoning Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings of consistency with the Comprehensive Plan as stated in the staff report, dated March 16, 2020, or as amended orally at the City Council hearing of March 16, 2020, are adopted.

SECTION 2. Final Plat, Dawsons Ridge Plat 1 (FP-004140-2018) is approved, subject to compliance with all the conditions in the staff report, dated March 16, 2020, including conditions

added at the Hearing, if any, and attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

SECTION 3. This resolution does release the Final Plat (FP-004140-2018) for recordation. The City Council of West Des Moines, Iowa directs the City Clerk to release said plat for recordation in accordance with said City Council approval of the final plat on March 16, 2020 and Roll Call No. _ _____.

CERTIFICATE

I, Ryan Jacobson, City Clerk for said City, hereby certify that at a meeting of the City Council of said City of West Des Moines, held on March 16, 2020, among other proceedings, Roll Call No. _____ approved said plat on March 16, 2020 and released said Final Plat for recordation.

_____
Ryan Jacobson
City Clerk

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of March 2020.

_____
Steven K Gaer, Mayor

ATTEST:

_____
Ryan Jacobson
City Clerk

EXHIBIT A:
CONDITIONS OF APPROVAL

1. The City Council waiving the buffer otherwise required along the rear (western) lot line of Lot 4.
2. The City Council accepting surety to cover remaining work items associated with the public improvements and restricting the issuance of occupancy permits, including temporary occupancy permits for any dwelling within the plat until such time that the public improvements are accepted.
3. The City Council waiving requirements to locate Public Utility Easements (PUE) in the rear or side yards due to lot depth, topography and existing trees and instead allow said easement to be located in the front yard of Lots 1 through 10.