City Council Communication

Department: Community Development CASES #SUB-23-009, #SAV-23-004, and #PR-23-002 Applicant/Property Owner: Almond Opportunity LLC 129 North 10th Street, Suite 313 Lincoln, NE 68508 Representative: David Hazlewood NeighborWorks Solutions 222 South 6th Street Council Bluffs, IA 51501 Engineer/Surveyor: Mike Geier Snyder & Associates, Inc. 1751 Madison Avenue Council Bluffs, IA 51503	Resolution No. _____ Reso. of Intent No. _____ Reso. to Dispose No. _____ Ordinance No. _____ Resolution No. _____	CASE #SUB-23-009 Public Hearing: 8/14/2023 CASE #SAV-23-004 Reso. of Intent: 7/24/2023 Reso. to Dispose: 8/14/2023 CASE #PR-23-002 1st Consideration: 7/24/2023 2nd Consideration: 8/14/2023 3rd Consideration: 8/28/2023 PR Plan Adoption: 8/28/2023 Planning Commission: 7/11/2023

Subject/Title

Request: Combined public hearing on the requests of Almond Opportunity LLC, represented by David Hazlewood (NeighborWorks Home Solutions) for final plat approval of an eight-lot minor subdivision to be known as Josies Development Addition, including variances from minimum lot width requirements and the maximum 3:1 lot depth-to-width ratio, being a replat of property legally described as Lots 13 through 24, Block 27, Fleming and Davis Addition, along with the east/west alley adjoining, City of Council Bluffs, Pottawattamie County, Iowa; to vacate and dispose of the east/west alley platted in Block 27, Fleming and Davis Addition, City of Council Bluffs, Pottawattamie County, Iowa; and to append a planned residential overlay and adopt the associated development plan on property legally described as Lots 13 through 24, Block 27, Fleming and Davis Addition, along with the east/west alley adjoining, City of Council Bluffs, Pottawattamie County, Iowa.

Location: 1608 and 1632 14th Avenue.

Background

The Community Development Department has received the following requests from Almond Opportunity LLC, represented by David Hazlewood (NeighborWorks Home Solutions):

A. **CASE #SUB-23-009**: Final plat approval for an eight-lot minor subdivision to be known as Josies Development Addition, including variances from minimum lot width requirements and the maximum 3:1 lot depth-to-width ratio, being a replat of property legally described as Lots 13 through 24, Block 27, Fleming and Davis Addition, along with the east/west alley adjoining, City of Council Bluffs, Pottawattamie County, Iowa;

B. **CASE #SAV-23-004**: Vacate and dispose of the east/west alley platted in Block 27, Fleming and Davis Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

C. **CASE #PR-23-002**: Append a planned residential overlay onto property legally described as Lots 13 through 24, Block 27, Fleming and Davis Addition, along with the east/west alley adjoining, City of Council Bluffs, Pottawattamie County, Iowa, and adopt the associated planned residential development plan.

The purpose of these requests is to allow NeighborWorks Home Solutions to construct eight single-family homes to be owned and occupied by employees of the IceCap cold storage facility at 1720 16th Avenue.

CASE #SUB-23-009

The proposed subdivision is comprised of 1.26 acres, more or less, of land, and will consist of eight single-family residential lots. All lots will have direct access to a public road and will be fully served with utilities (e.g., sanitary/storm sewers, water, gas, electric, etc.). As part of this application, the applicant is requesting subdivision variances from the minimum lot width requirements in the R-2/Two-Family Residential District and to exceed the required 3:1 lot depth-to-width ratio for all eight lots.

Comments

A. On April 10, 2023, City Council rezoned the subject properties from I-2/General Industrial District to R-2/Two-Family Residential District (see Ordinance No. 6553) and amended the future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) to reclassify said properties from 'Light Industrial' to 'Medium-Density Residential' (see Resolution No. 23-105). The purpose of these requests was to facilitate the proposed workforce housing development. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), as well as the purpose and intent of Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code.

B. The minimum lot width requirement for a 'single-family dwelling, detached' in the R-2 District is 50 feet for interior lots and 55 feet for corner lots, as per Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance). All eight lots in the proposed subdivision will measure 45 feet in width and thus will not meet minimum R-2 District lot size requirements. The applicant is requesting a variance from minimum R-2 District lot size requirements in order to subdivide the subject properties as proposed.

   Additionally, since the east/west alley abutting 1608 and 1632 14th Avenue is included in the proposed subdivision, all lots will be 45 feet in width by 153 feet in depth. These lot dimensions exceed the maximum 3:1 lot depth-to-width ratio established in Section 14.14.020(A)(3) of the Council Bluffs Municipal Code (Subdivision Ordinance). The applicant is requesting a variance in order to allow the proposed lot depth-to-width ratio.

   Section 14.11.040(A) of the Council Bluffs Municipal Code (Subdivision Ordinance) states: *"Where it can be shown that due to special conditions, a literal enforcement of this ordinance will result in an unnecessary hardship, the City shall have the power to vary such regulation so that substantial justice will be accomplished, provided that such variance would:*

   1. *Not be in contrary to the public interest;*
   2. *Be in the best interest of the City;*
   3. *Be within the spirit and intent of this title;*
   4. *Not be detrimental to the future residents in and near the proposed subdivision;*
   5. *Be consistent with the City's comprehensive plan."*

The Community Development Department has reviewed the applicant's variance requests and recommends approval for the following reasons:

1. The proposed subdivision is designed to be compatible with existing development patterns in the surrounding area. The subdivision variances are not anticipated to be detrimental to the future residents in and/or adjacent to the subdivision.

2. The proposed workforce housing development is generally compatible with existing residential development in the vicinity, which primarily consists of 'single-family dwellings, detached.'

3. Although none of the lots in the proposed subdivision meet minimum R-2 District lot width requirements, they are still considered developable as a new 'single-family dwelling, detached' could be constructed on each lot in compliance with the site development standards in Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance). The applicant also intends to append a planned residential overlay and adopt a planned residential development plan on the subject properties in order to establish site-specific development standards for the proposed workforce housing development, which would include reducing the minimum street-side yard setback requirement for Lots 1 and 8 (see Case #PR-23-002).

4. The proposed development addresses the need for additional workforce housing in Council Bluffs.

C. All lots have direct frontage on a public right-of-way (14th Avenue, South 16th and South 17th Streets).

D. No new rights-of-way are proposed to be dedicated to the City as part of this subdivision.

E. All development activity within this subdivision shall comply with the standards set forth in the proposed planned residential development plan for Josies Development Addition (see Case #PR-23-002).

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

G. All utilities (electric, cable and communication facilities, etc.) shall be installed underground. All costs to construct, remove and/or relocate any utilities in this subdivision shall be the responsibility of the developer, and not the City.

H. Sidewalk installation along the frontage(s) of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each residence, at no cost to the City.

I. The Council Bluffs Public Works Department provided the following comments:

1. The final plat easements are noted with the proposed conditions.

2. Sidewalks will be required along street frontage at the time of home construction.

3. Sanitary sewer laterals will be required to tie into existing sewer and meet all current standards and specifications.

4. Restoration of 14th Avenue after all sanitary sewer connections are made will include resurfacing (ACC surface course) 14th Avenue between South 16th and South 17th Streets. The developer should supply a letter acknowledging this requirement.

J. The Council Bluffs Parks and Recreation Department stated that they have no comment on the request.

K. The Council Bluffs Fire Department stated that they have no comment on the request.

L. Council Bluffs Water Works stated that they have no comment on the request.

M. MidAmerican Energy stated that they have no conflict with the request. They also noted that a cost estimate and proposal for extending electric facilities has been submitted to the developer.

N. The following technical correction shall be made to the plat prior to being executed:

1. Revise the Community Development Department Director signatory from "Brandon Garrett" to "Courtney Harter."

CASE #SAV-23-004

The subject alley is unimproved and measures approximately 16 feet in width by 360 feet in length. The applicant owns all land abutting the subject alley. The purpose of this request is to allow the applicant consolidate the subject alley with the south half of Block 27, Fleming and Davis Addition in order to facilitate the proposed workforce housing development.

On August 25, 2003, the City Council amended the adopted *Policy and Procedures for Alley, Street and Right-of-way Vacations.* The objectives of the amended Policy are as follows:

A. To provide due process and citizen participation in the application and review process for vacations.
The applicant is the sole property owner with land that abuts the subject alley.

B. To ensure that no property owner is deprived of required and reasonable access.
The proposed vacation will not deprive any property of required and reasonable access.

C. To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way.
This request will not create a dead-end right-of-way.

D. To reduce or eliminate hazardous and dangerous traffic conditions.
The subject alley is unimproved and is not used for vehicular and/or pedestrian traffic.

E. To protect all existing and proposed public utilities located in the right-of-way and to maintain necessary utility easements.
All City Departments and utilities were notified of the request. The following responses were received:

1. The Council Bluffs Public Works Department stated that they have no comment on the request.

2. The Council Bluffs Parks and Recreation Department stated that they have no comment on the request.

3. The Council Bluffs Fire Department stated that they have no comment on the request.

4. Council Bluffs Water Works stated that they have no comment on the request.

5. MidAmerican Energy stated that they have no conflict with the request.

Since there are no public utilities located in the subject alley, retaining a utility easement as part of the proposed vacation will not be required.

F. To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.
Not applicable.

G. To discourage the vacation of a portion of an existing alley, street or other right-of-way.
The request is to vacate the entirety of the east/west alley platted in Block 27, Fleming and Davis Addition.

H. To assist in the implementation of the goals and objectives of the Comprehensive Plan.
The request is consistent with the local access and circulation objectives stated in Chapter 6, Transportation of the Bluffs Tomorrow: 2030 Plan (comprehensive plan).

I. To reduce the City's maintenance liability on previously vacated right-of-way parcels from public improvement projects and various lots acquired through delinquent taxes or assessments.
Not applicable.

J. To establish an equitable price for surplus public property.
The City's interest in the subject alley will be conveyed to the applicant at no cost beyond the vacation application fee already paid.

CASE #PR-23-002

Section 15.28.010, Statement of Intent, PR/Planned Residential Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance) states that *"the Planned Residential Overlay is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of requirements of the underlying zone would not be inconsistent with the comprehensive plan or harmful to the surrounding neighborhoods."* The applicant is proposing to append a PR-2 Overlay (Site-Specific Infill Development) to Lots 1 through 8, Josies Development Addition in order to establish site-specific standards for the proposed workforce housing development.

A. Site Development

1. All principal and accessory structures shall comply with all site development standards (i.e., setback distances, building height, and lot coverage) in Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Municipal Code (Zoning Ordinance).

    a. **EXCEPTION**: The minimum required street-side yard setback for Lots 1 and 8, Josies Development Addition shall be six feet provided no structure or any other obstruction is placed within an isosceles triangle having sides of 35 feet each running along the edge of the pavement, or curb if present, of each abutting street.

2. All fencing in the subdivision shall comply with the standards stated in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).

3. All site lighting shall comply with the standards stated in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).

B. Off-Street Parking

1. The required number of off-street parking spaces for each home shall be based on the standards in Section 15.23.060, Parking Spaces Required, of the Municipal Code (Zoning Ordinance).

    a. Single-family dwelling, detached: Two parking spaces per dwelling unit.

2. All parking/loading areas, driveways and drive aisles shall comply with the standards in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).

C. Landscaping

1. The applicant did not provide a landscaping plan for the proposed development. The Community Development Department recommends that one ornamental street tree be planted along the frontage of each lot prior to the issuance of the Certificate of Occupancy for each residence.

D. Architecture

1. The submitted architectural renderings show the proposed homes will consist of two-story houses with slab foundations and front-loaded garages. The applicant is proposing four design variations for the homes, which are shown in Attachments 'E,' 'F,' 'G,' and 'H.' The submitted architectural renderings are generally acceptable and shall be considered a baseline for the homes that are constructed as part of this development.

E. Signage

1. A signage plan was not submitted with the development plan. All signage shall be installed in accordance with Section 15.33.160(C) of the Council Bluffs Municipal Code (Zoning Ordinance).

Recommendation

The Community Development Department recommends the following:

A. Approval of the final plat eight-lot minor subdivision to be known as Josies Development Addition, being a replat of property legally described as Lots 13 through 24, Block 27, Fleming and Davis Addition, along with the east/west alley adjoining, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following conditions:

1. 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.

2. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.

3. All comments and technical corrections stated in case staff report shall be addressed on the final plat prior to execution of the document.

4. All utilities shall be installed underground. Any costs to construct, remove and/or relocate any utilities shall be the responsibility of the applicant and/or developer, and not the City.

5. Granting a variance to allow Lots 1 and 8 to be less than 55 feet in width and Lots 2 through 7 to be less than 50 feet in width, as required in Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance), based on the reasons stated above.

6. Granting a variance to allow Lots 1 through 8 to exceed the maximum 3:1 lot depth-to-width ratio, as required in Section 14.14.020(3) of the Council Bluffs Municipal Code (Subdivision Ordinance), based on the reasons stated above.

B. Approval of the request to vacate and dispose of the east/west alley platted in Block 27, Fleming and Davis Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above.

C. Approval of the request to append a planned residential overlay and adopt the associated development plan on property legally described as Lots 13 through 24, Block 27, Fleming and Davis Addition, along with the east/west alley adjoining, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following condition:

1. Any modifications to the approved development plan which substantially alter the design, layout, configuration, and/or appearance of the project shall be reviewed the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted development plan may be administratively approved by the Community Development Director.

Public Hearing

Staff speaker for the request:
1. Moises Monrroy, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:
1. Mike Geier, Synder and Associates, Inc., 1751 Madison Avenue, Council Bluffs, IA 51503

Speakers against: None

Speaking asking general questions:
1. Debra Mulder, 1615 14th Avenue, Council Bluffs, IA 51503

The City Planning Commission recommended the following:

A. Approval of the final plat eight-lot minor subdivision to be known as Josies Development Addition, being a replat of property legally described as Lots 13 through 24, Block 27, Fleming and Davis Addition, along with the east/west alley adjoining, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following conditions:

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3) All comments and technical corrections stated in case staff report shall be addressed on the final plat prior to execution of the document.

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6) Granting a variance to allow Lots 1 through 8 to exceed the maximum 3:1 lot depth-to-width ratio, as required in Section 14.14.020(3) of the Council Bluffs Municipal Code (Subdivision Ordinance), based on the reasons stated above.

B. Approval of the request to vacate and dispose of the east/west alley platted in Block 27, Fleming and Davis Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above.

C. Approval of the request to append a planned residential overlay and adopt the associated development plan on property legally described as Lots 13 through 24, Block 27, Fleming and Davis Addition, along with the east/west alley adjoining, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following condition:

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VOTE: AYE – Bass, Bailey, Hutcheson, Knauss, Opperman, Rater, Rew, Stroebele, and Van Houten.
NAY - None ABSTAIN – None. ABSENT – None. VACANT - Two Motion: Carried.

Attachments

Attachment A: Location/Zoning Map
Attachment B: Letter of Intent
Attachment C: Josies Development Addition Final Plat
Attachment D: Josies Development Addition Site Plan
Attachment E: House Plan Set No. 1
Attachment F: House Plan Set No. 2
Attachment G: House Plan Set No. 3
Attachment H: House Plan Set No. 4

Prepared by: Moises Monrroy, Planner, Community Development Department