City Council Communication

Department: Community Development CASES #SUB-23-011, #ZC-23-012, and #PR-23-004 Applicant/Property Owner: Western Ridge Apartments, LLC 535 W Broadway, Ste 100 Council Bluffs, IA 51503 Represented by: Jason James 535 W Broadway, Ste 100 Council Bluffs, IA 51503 Engineer/Surveyor: E & A Consulting 10909 Mill Valley Rd #100 Omaha, NE 68154	Ordinance No. _____ Ordinance No. _____ Resolution No. _____ Resolution No. _____	City Council CASE #ZC-23-012 1st Consideration: ~~8/28/2023~~ 9/11/2023 2nd Consideration: ~~9/11/2023~~ 9/25/2023 3rd Consideration: 9/25/2023 - Request to be waived CASE #PR-23-004 (Overlay) 1st Consideration: ~~8/28/2023~~ 9/11/2023 2nd Consideration: ~~9/11/2023~~ 9/25/2023 3rd Consideration: 9/25/2023 – Request to be waived #PR-23-004 (Dev. Plan): 9/25/2023 CASE #SUB-23-011: 9/25/2023 Planning Commission: 8/8/2023

Subject/Title

Request: Combined public hearings on the request of Western Ridge Apartments, LLC, represented by Jason James, for preliminary plan approval of a four-lot mixed use subdivision to be known as the Jilla Subdivision on property legally described as being a part of Lot 1, Auditor's Subdivision of the SW1/4 NE1/4, a part of Lot 1, Auditor's Subdivision of the SE1/4 NE1/4, and a part of Lot 1, Auditor's Subdivision of the NW1/4 SE1/4, all in Section 32-75-43, Council Bluffs, Pottawattamie County, Iowa; to rezone said property from A-2/Parks, Estates and Agricultural District to R-4/High Density Multifamily Residential District; and to append a PR-1 Planned Residential overlay to said property and adopt a planned residential development plan for Lot 1, Jilla Subdivision.

Location: Undeveloped land lying northeast of the intersection of Valley View Drive and Franklin Avenue

Background

The Community Development Department has received the following requests from Western Ridge Apartments, LLC, represented by Jason James, for property legally described above:

1. **Case #SUB-23-011:** Preliminary plan approval for a four-lot mixed-use subdivision to be known as the Jilla Subdivision;
2. **Case #ZC-23-012:** Rezone the property from A-2/Parks, Estates and Agricultural District to R-4/High Density Multifamily Residential District;
3. **Case #PR-23-004:** Append a Planned Residential overlay to the subject property and adopt the associated development plan for Lot 1, Jilla Subdivision.

The subject property contains 7.258 acres, more or less, of undeveloped land and is located at the northeast corner of Valley View Drive and Franklin Avenue. The applicant proposes to subdivide the subject property into four lots, one for multifamily residential uses and the remaining three for commercial uses. The applicant plans to construct three apartment buildings on the residential lot containing a total of 102 apartment homes. The developer will offer the commercial lots to potential developers for future commercial development. The applicant has requested to append a PR-1 Planned Residential overlay to the subject property, which would allow for certain neighborhood-oriented commercial uses on the property not otherwise permitted by the base R-4 zoning that has also been requested. The requests listed above are summarized in the applicant's letter of intent included with this report as Attachment 'A' and are more particularly summarized below.

CASE #ZC-23-011

The subject property is zoned A-2/Parks, Estates, and Agricultural District and is surrounded by the following zoning districts and existing land uses:

Direction	Existing Zoning Districts	Existing Land Uses
North	A-2/Parks, Estates and Agricultural District	A residential dwelling
South	R-3/Low Density Multifamily Residential District	Apartments
East	A-2/Parks, Estates and Agricultural District	Interstate 80, undeveloped land, and freight rail tracks
West	A-2/Parks, Estates and Agricultural District	Valley View Trail, Valley View Park, and a residential dwelling

A location/zoning map is included with this report as Attachment 'B.'

Public notices were mailed to all property owners within 200 feet of the subject property. No responses have been received as of the writing of this report.

Discussion

1. The subject property is zoned A-2/Parks, Estates and Agricultural District and is proposed to be rezoned to R-4/High Density Multifamily Residential District to allow for multifamily residential development.
2. The developer is proposing to append a PR-1 overlay to the subject property. An associated planned residential development plan will establish standards for site development, parking, architecture, landscaping, and signage.
3. The proposed development will consist of 102 apartment homes and land available for future commercial development. The R-4 district is the only residential zoning district that will permit the proposed number of apartment homes on the amount of land area contained within Lot 1 of the proposed subdivision (4.518 acres, more/less). The R-4 district does not permit most commercial uses. However, the proposed PR-1 overlay would allow for a variety of neighborhood-scale commercial uses (see Case #PR-23-004 below).
4. The future land use map of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as 'high density residential.' Rezoning the subject property from A-2 to R-4 would support the goals of the Comprehensive Plan and be an appropriate zoning designation based on the future land use map.
5. Existing multifamily residential zoning exists in the immediate vicinity. Multifamily residential zoning and associated development would be aligned with the character of the surrounding neighborhood.
6. High density residential uses on the subject property would be balanced by nearby recreational facilities and open space, including the Valley View multi-use trail (located on the opposite side of Valley View Drive) and Valley View Park (located on the other side of Mosquito Creek and accessible via Valley View Trail).

CASE #SUB-23-007

The proposed subdivision consists of 7.258 acres, more or less, of land and will consist of four lots. The developer plans to use one of the lots for multifamily residential purposes and the remaining three for commercial purposes. The residential lot (Lot 1) will contain 4.518 acres, more or less, of land, or approximately 62.2% of the subdivision's overall land area. The commercial lots (Lots 2-4) will each contain slightly under one acre of land. All lots will have access to Valley View Drive. A preliminary plan is shown in Attachment 'C.'

Comments

1. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, "but shall be 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(D)—Subdivision Ordinance). A final plat application for the subdivision must be filed within one year of the date of action by the City Council. A request for extension may be made by the sub-divider in writing prior to the expiration date. One-year extensions are considered by the City Planning Commission.

2. The proposed subdivision is consistent with the purpose and intent of Title 14: Subdivisions of the Council Bluffs Municipal Code. The developer has submitted an application to rezone the subject property (see Case #ZC-23-012) to ensure the proposed subdivision is consistent with Title 15: Zoning of the Council Bluffs Municipal Code and the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan).

3. The developer is proposing to rezone the property from A-2/Parks, Estates and Agricultural District to R-4/High Density Multifamily Residential District to allow for multifamily residential development. The developer is also proposing to append a PR-1 Planned Residential Overlay to the subject property and adopt an associated development plan that establishes site development, architecture, landscaping, off-street parking and signage standards for the residential property (see Case #PR-23-004). Development plans for the commercial lots will be adopted in the future prior to the development of each lot. All construction activity that occurs in the proposed subdivision shall comply with the R-4 district regulations and planned residential development plan for the subject property.

4. The minimum lot size requirements for the proposed subdivision shall be determined through the adoption of the planned residential development plan for the Jilla Subdivision.

    a. Proposed Lot 1 will contain 4.518 acres, more or less.
        i. This exceeds the minimum 1.88 acres of land required by the R-4 district for the 102 apartment homes planned for this lot
    b. Proposed Lot 2 will contain 0.814 acres, more or less.
    c. Proposed Lot 3 will contain 0.932 acres, more or less.
    d. Proposed Lot 4 will contain 0.994 acres, more or less.

5. All proposed lots will have access to a public street (Valley View Drive). Driveway locations shall conform to Public Works Department standards, with cross-access easements encouraged and being established as necessary. No new public streets are proposed within this subdivision.

6. A traffic study submitted by the developer is currently under review by the Public Works Department. All comments and recommendations by the Public Works Department shall be incorporated into all public roadway improvements. All costs associated with public roadway improvements shall be the responsibility of the developer and not the City.

7. The preliminary subdivision plan for the Jilla Subdivision indicates that a stormwater detention pond will be constructed on the south end of Lot 1. A drainage report submitted by the developer is currently under review by the Public Works Department. Final detention basin design shall conform to

all comments and recommendations from the Public Works Department. Any necessary drainage easements for the subdivision shall be noted on the final plat.

a. A drainage ditch currently runs through the far south end of the subject property and carries runoff from the subject property and surrounding areas into Mosquito Creek. This drainage ditch will accept runoff at controlled rates from the stormwater detention basin planned for the south end of Lot 1.

8. All lots will be serviced with utilities (e.g. sanitary sewer, water, electricity, etc.). 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 developer and not the City.

a. Sanitary sewer exists within Valley View Drive and Franklin Avenue right-of-way.
b. A water main extension will be required along Valley View Drive. The developer is coordinating construction details with Council Bluffs Water Works.
c. MidAmerican Energy has stated they are in the process of developing a plan to extend electric facilities along Valley View Drive between Franklin Avenue and McPherson Avenue. The developer shall work with MidAmerican Energy to determine the timeline and cost to extend electric service.

9. The proposed subdivision is located partially within an AE flood zone (1% annual chance), partially within flood zone X (0.2% annual chance) and partially outside of flood zones according to FEMA Flood Insurance Rate Map panel 19155C0418F, dated April 16, 2013. All development on the subject property shall comply with local, state, and federal flood plain development standards.

10. The Public Works Department provided the following comments:

a. Access to the site from Valley View Drive is identified in the draft traffic study and Public Works is working with the engineer of record.
b. At the time of grading, a drainage study was reviewed. Now that the site is graded, Public Works will continue to work with the engineer of record to finalize a stormwater management plan.
c. Public Works is working with the developer and engineer of record on infrastructure design to serve the development.

CASE #PR-23-004

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 the requirements of the underlying zone would not be inconsistent with the Comprehensive Plan or harmful to the neighborhood in which it is located."* Furthermore, Section 15.28.020, Applicability, of the CBMC (Zoning Ordinance) states that *"A PR Overlay may be applied to all residential zoning districts, except the R-1M/Single-Family Manufactured Housing District, and the A-P/Administrative-Professional District"* and *"The PR-1 Overlay is intended for general master planned development. The minimum tract of land considered for a PR-1 Overlay shall be one and a half (1 ½) acres."* The applicant is proposing to append a PR-1 Overlay over the subject property and adopt an associated development plan for the proposed Lot 1 in order to establish site development, architecture, landscaping, off-street parking and signage standards for the Western Ridge Apartments development. The language in this site-specific development plan is specific to Lot 1 of the proposed Jilla Subdivision. Separate site-specific development plans shall be adopted for Lots 2-4 prior to their development.

A. Site Development

1. Per Section 15.28.020, Applicability, of the CBMC (Zoning Ordinance), the minimum land area required for a PR-1 Overlay is 1.5 acres. The Jilla Subdivision contains a total of 7.258 acres, which qualifies for the PR-1 Overlay.
2. The minimum lot size shall conform to the standards in the R-4/High Density Multifamily Residential District. For the proposed 102 apartment units, the minimum lot area is 1.88 acres.
3. All development shall conform to the R-4/High Density Multifamily Residential District development standards contained in Section 15.11.040 of the CBMC (Zoning Ordinance) and the standards contained within this development plan.
4. The submitted plans show a fire access gate across the southernmost driveway on Lot 1. The fire access gate and any other fencing on the subject property shall conform to the standards listed in Section 15.24.040, *Fence Regulations*, of the CBMC (Zoning Ordinance). Fencing along the Interstate 80 right-of-way may deviate from the City's fence regulations to the extent required for conformance with Iowa DOT requirements.
5. All trash receptacles and/or dumpsters visible from a public right-of-way shall be enclosed on three sides with a masonry, wood, or vinyl fence and have a lockable gate that when closed completely eliminates view of the dumpster.
6. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to the site shall be at the sole cost of the developer and not the City.
7. All exterior lighting shall conform to Section 15.24.050, Lighting Controls, of the CMBC (Zoning Ordinance). All outdoor light poles shall be constructed out of painted or finished aluminum or steel. Wood poles shall not be accepted. The maximum height of any free-standing light fixture shall not exceed 20 feet.

B. Off-Street Parking

1. The minimum number of off-street parking spaces shall be calculated using the applicable parking ratios in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).
    a. Proposed floor plans show a total of 18 one-bedroom apartments and 84 two-bedroom apartments. For this unit mix, a minimum of 144 parking spaces are required. The site plans show a total of 182 parking spaces, exceeding the minimum.
2. All off-street parking areas, driveways, drive aisles, and loading/unloading areas shall comply with the standards of Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance) and any design requirements of the Public Works Department.
3. All off-street parking lots shall comply with Chapter 661–18, Parking for Persons with Disabilities, of the Iowa Administrative Code.
4. Bicycle parking, if provided, shall be designed as follows:
    a. Designated bicycle parking areas shall be located within a reasonable walking distance of, and clearly visible from, the main entrance of each building. Bicycle parking may alternatively be provided in a publicly accessible designated indoor bicycle parking area within a convenient distance of a building entrance accessible to residents.
    b. Outdoor bicycle racks shall be secured to the pavement in a location that does not conflict with pedestrian or vehicular circulation routes.
5. A parking lot permit shall be submitted prior to construction and shall include the number, location, and dimension of all drive aisles and spaces, pedestrian ways, islands, landscaped areas, loading areas, and lighting.

C. Architecture

1. Architectural renderings/elevations for the proposed apartment buildings are shown in Attachment 'D.' The renderings show the exterior being constructed of a combination of brick, concrete masonry units, and fiber cement siding. These materials are acceptable and shall be used in a combination and pattern generally consistent with the submitted renderings.
2. All rooftop mounted mechanical equipment that is visible from an adjacent public street right-of-way shall be screened from view using architectural design features.
3. All ground-mounted mechanical equipment that is visible from an adjacent public street right-of-way shall be completely screened from view using architectural design features, fencing, masonry wall, landscaping, or a combination thereof.

D. Landscaping

1. The submitted landscaping plan (Attachment 'E') shows the proposed locations and species of landscape plantings throughout the development. The plans are generally acceptable and shall be adopted as submitted.
    a. The landscaping plan shows 24 new trees (a mixture of Skyline Honey Locust and Autumn Blaze Maple) along the Valley View Drive frontage, a ratio of approximately one tree per 30.4 linear feet of street frontage. This shall be the minimum ratio of trees planted along Valley View Drive.
    b. The landscaping plan shows a total of six Spring Snow Crabapple trees in the parking lot end caps behind the apartment buildings. This shall be the minimum number of trees planted within the parking lot area.
2. All landscaping shall be appropriately maintained and dead plant material shall be replaced at a time appropriate to planting but in all cases shall be replaced within one year.
3. All tree species planted along the frontage of a public right-of-way shall comply with the Council Bluffs Street Tree Guide and shall be reviewed and approved by the City prior to installation.
4. Landscaping shall not interfere with the sight clearance triangle at any intersection and shall not impede the vision of any motorist, cyclist or pedestrian at any street, driveway or pedestrian way.
5. No more than 10% of the landscaped area shall be of inorganic materials such as brick, stone, aggregate, metal, or artificial turf. Organic mulch may be used around trees and/or shrubs.
6. All disturbed areas without a specific landscape design shall be seeded or sodded with turf and/or prairie grass.
7. Minor modifications to the submitted landscaping plan may be approved administratively by the Community Development Director or their designee.

E. Signage

1. The developer did not include a detailed signage plan with the development plan request, though the site plan shows one monument sign near each of the two northernmost driveways. All on-premise signage shall be installed in accordance with all applicable standards in Chapter 15.33, Signs, of the Council Bluffs Municipal Code (Zoning Ordinance), including the standards for multifamily residential uses and PR/Planned Residential districts in Section 15.33.160, Residential District Signs.
2. All signage shall be permitted separately.

Recommendation

The Community Development Department recommends the following:

1. Approval of the preliminary plan for a four-lot mixed use subdivision to be known as the Jilla Subdivision on property legally described as a part of Lot 1, Auditor's Subdivision of the SW1/4 NE1/4, a part of Lot 1, Auditor's Subdivision of the SE1/4 NE1/4, and a part of Lot 1, Auditor's Subdivision of the NW1/4 SE1/4, all in Section 32-75-43, Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following conditions:

    a. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, but it "deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat" (§14.11.060(D)—Subdivision Ordinance).
    b. All applicable permits necessary to meet local, state, and federal requirements shall be the developer's responsibility.
    c. 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 developer and not the City.

2. Approval of the request to rezone property legally described as a part of Lot 1, Auditor's Subdivision of the SW1/4 NE1/4, a part of Lot 1, Auditor's Subdivision of the SE1/4 NE1/4, and a part of Lot 1, Auditor's Subdivision of the NW1/4 SE1/4, all in Section 32-75-43, Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to R-4/High Density Multifamily Residential District subject to the comments stated above.

3. Approval of the request to append a PR-1 Planned Residential overlay on property legally described as a part of Lot 1, Auditor's Subdivision of the SW1/4 NE1/4, a part of Lot 1, Auditor's Subdivision of the SE1/4 NE1/4, and a part of Lot 1, Auditor's Subdivision of the NW1/4 SE1/4, all in Section 32-75-43, Council Bluffs, Pottawattamie County, Iowa, and adopt an associated planned residential development plan to Lot 1, Jilla Subdivision, subject to the comments stated above and the following conditions:

    a. The planned residential development plan shall not become effective until a final plat for the Jilla Subdivision has been approved and recorded.
    b. The adopted development plan shall apply specifically to Lot 1 of the Jilla Subdivision. Development on Lots 2-4 shall require separate development plans to be adopted prior to development.
    c. Any modifications to the approved development plan which substantially alter the design, layout, configuration, and/or appearance of the project shall be reviewed by the City Planning Commission and approved by the 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 speakers for the request:

1. Brandon Siracuse, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speaker in favor:

1. Jason James, 535 West Broadway, Suite 100, Council Bluffs, IA 51503

Speakers against: None

The City Planning Commission recommended the following:

1. Approval of the preliminary plan for a four-lot mixed use subdivision to be known as the Jilla Subdivision on property legally described as a part of Lot 1, Auditor's Subdivision of the SW1/4 NE1/4, a part of Lot 1, Auditor's Subdivision of the SE1/4 NE1/4, and a part of Lot 1, Auditor's Subdivision of the NW1/4 SE1/4, all in Section 32-75-43, Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following conditions:

    a. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, but it "deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat" (§14.11.060(D)—Subdivision Ordinance).
    b. All applicable permits necessary to meet local, state, and federal requirements shall be the developer's responsibility.
    c. 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 developer and not the City.

2. Approval of the request to rezone property legally described as a part of Lot 1, Auditor's Subdivision of the SW1/4 NE1/4, a part of Lot 1, Auditor's Subdivision of the SE1/4 NE1/4, and a part of Lot 1, Auditor's Subdivision of the NW1/4 SE1/4, all in Section 32-75-43, Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to R-4/High Density Multifamily Residential District subject to the comments stated above.

3. Approval of the request to append a PR-1 Planned Residential overlay on property legally described as a part of Lot 1, Auditor's Subdivision of the SW1/4 NE1/4, a part of Lot 1, Auditor's Subdivision of the SE1/4 NE1/4, and a part of Lot 1, Auditor's Subdivision of the NW1/4 SE1/4, all in Section 32-75-43, Council Bluffs, Pottawattamie County, Iowa, and adopt an associated planned residential development plan to Lot 1, Jilla Subdivision, subject to the comments stated above and the following conditions:

    a. The planned residential development plan shall not become effective until a final plat for the Jilla Subdivision has been approved and recorded.
    b. The adopted development plan shall apply specifically to Lot 1 of the Jilla Subdivision. Development on Lots 2-4 shall require separate development plans to be adopted prior to development.
    c. Any modifications to the approved development plan which substantially alter the design, layout, configuration, and/or appearance of the project shall be reviewed by the City Planning Commission and approved by the 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.

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: Letter of Intent
Attachment B: Location/Zoning Map
Attachment C: Jilla Subdivision Preliminary Plan
Attachment D: Architectural Renderings
Attachment E: Landscaping Plan
Attachment F: Grading Plan
Attachment G: Utility Plan

Prepared by: Brandon Siracuse, Planner, Community Development Department