City Council Communication

Department: Community Development CASES #SUB-23-010, #ZC-23-011, #PR-23-003 Applicant: Blake Johnson Habitat for Humanity of Council Bluffs 1228 S. Main Street Council Bluffs, IA 51503 Property Owners: Pottawattamie County Development Corporation d/b/a The 712 Initiative 1228 S. Main Street Council Bluffs, IA 51503 Genesis Holdings 2, LLC c/o Patrick Rigg 19779 Red Oak Blvd St. Joseph, MO 64505 RCW Enterprises Inc. 1688 Rolling Hills Loop Council Bluffs, IA 51503 Engineer/Surveyor: John Jorgensen HGM Associates 640 5th Avenue Council Bluffs, IA 51503	Ordinance No._____ Ordinance No._____ Resolution No._____ Resolution No._____	**City Council** CASE #ZC-23-011 1st Consideration: 8/28/2023 2nd Consideration: 9/11/2023 3rd Consideration: Request to be waived CASE #SUB-23-009 Public Hearing: 9/11/2023 CASE #PR-23-003 1st Consideration: 8/28/2023 2nd Consideration: 9/11/2023 3rd Consideration: Request to be waived PR Plan Adoption: 9/11/2023 Planning Commission: 8/8/2023

Subject/Title

Request: Combined public hearing on the request of Habitat for Humanity of Council Bluffs, represented by Blake Johnson, for final plat approval for a seven-lot minor subdivision to be known as Baldwin Court, legally described as being a replat of all of Lot 1, Lot 4, and Lot 5 all in Bayliss 1st Addition Auditors Subdivision of Lot 11, Block 11 and Lots 1, 2 and 3, Block 2, Bayliss 2nd Addition, and all of Lot 12 and the west half of Lot 13 in Bayliss 1st Addition, City of Council Bluffs, Pottawattamie County, Iowa; append a planned residential overlay over the proposed subdivision and adopt the associated development plan; and rezone the subject properties from C-2/Commercial District to R-3/Low Density Multifamily Residential District. The Community Development Department expanded the request to rezone properties legally described as Lots 2 and 3, Auditors Subdivision of Lot 11 Block 11 Bayliss 1st Addition and Lots 1, 2 and 3, Block 2, Bayliss 2nd Addition, and Lots 3-4, and the east half of Lot 13, Block 11, Bayliss Addition, City of Council Bluffs, Pottawattamie County, Iowa from C-2/Commercial District to R-3/Low Density Multifamily Residential District for zoning consistency purposes.

Location: Undeveloped land located immediately north and east of 119 S. 8th Street

Background

The Community Development Department has received the following requests from Habitat for Humanity of Council Bluffs, represented by Blake Johnson:

A. **CASE #SUB-23-010**: Final plat approval for a seven-lot minor subdivision to be known as Baldwin Court, legally described above;

B. **CASE #ZC-23-011**: Rezone properties legally described above from C-2/Commercial District to R-3/Low Density Multifamily Residential District. The Community Development Department has expanded the request to include Lots 2 and 3, Bayliss 1st Addition Auditors Subdivision Lot 11 Block 11 and Lots 1, 2 and 3, Block 2, Bayliss 2nd Addition, and Lots 3-4, and the east half of Lot 13, Block 11, Bayliss Addition, City of Council Bluffs, Pottawattamie County, Iowa for zoning consistency purposes; and

C. **CASE #PR-23-003**: Append a planned residential overlay over the proposed subdivision and adopt the associated development plan for the proposed residential development.

Per the submitted letter of intent, included as Attachment 'A,' the purpose of these requests is to facilitate the construction of six residential dwelling units (four townhomes and two single-family attached units) on the subject properties to be sold for owner occupancy to qualified buyers through Habitat for Humanity of Council Bluffs' Homeownership Program.

The following attachments are included with this report:

- Attachment A – Letter of Intent
- Attachment B – Baldwin Court Final Plat
- Attachment C – Location/zoning Map
- Attachment D – Development Plan
- Attachment E – Elevations
- Attachment F – Council Bluffs Street Tree Guide
- Attachment G - Signage

CASE #SUB-23-010

The proposed subdivision is comprised of 0.767 acres (more/less) of land and will consist of seven residential lots for a proposed residential development. All lots will have direct access to a public street and will be fully served with utilities (e.g. sanitary/storm sewers, water, gas, electric, etc.). The proposed Baldwin Court Final Plat is included with this report as Attachment 'B.'

Comments

The Community Development Department provided the following comments:

A. 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 Director.

B. The proposed subdivision and rezoning are consistent with the 'High Density Residential' designation of the future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), as well as the purpose and intent of the Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code.

C. The applicant is proposing to rezone the subject property from C-2/Commercial District to R-3/Low-Density Multifamily Residential District (See Case #ZC-23-011) to allow for the proposed townhome development. The applicant is also requesting to adopt a planned residential development plan which establishes site development, architecture, landscaping, off-street parking and signage standards for the

subject property (See Case #PR-23-003). All construction activity that occurs within the proposed subdivision shall comply and the planned residential development plan for Baldwin Court.

D. Lots 1 through 4 are proposed to be developed with four townhomes and Lots 5 and 6 are proposed to be developed with a single-family attached structure for a total of 6 dwelling units within the proposed Baldwin Court Subdivision. Lot 7 is not proposed to be developed at this time and is intended to serve as a placeholder for a potential future phase of residential development.

E. All lots comply with R-3/Low Density Multifamily Residential District minimum lot size requirements per Section 15.10.050, Site Development Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance), with the exception of Lot 3. Proposed Lot 3 is 2,419 square feet, which does not meet the minimum 2,500 square feet lot area for townhouse dwelling and single-family attached units, which are divided by a lot line coinciding with the common wall separating the units. Lot configurations shall be modified so that Lot 3, and all other lots within the proposed subdivision, meet minimum lot size requirements.

F. The final plat includes the following easements dedicated to the homeowner's association for Baldwin Court:
   a. A 10-foot wide perpetual utility easement across the north and south sides of Lot 1 through 6;
   b. A 24-foot wide cross access easement across Lots 1 through 6; and
   c. A 5-foot wide easement along the west side of Lot 1, east side of Lot 4, west side of Lot 5, east side of the Lot 6, and the west side of Lot 7 adjacent to Lot 6.

   Lot 7 shall also include the 10-foot wide perpetual utility easement across the north and south sides. No easements shall be reserved where a lot line coincides with a common wall separating units. If Lot 7 is ever replatted, said easements shall be reexamined and reconfigured, if necessary.

G. The final plat identifies a potential future perpetual easement on the northeast corner of the adjacent property to the south (119 S. 8th Street). The highlighted triangular easement area shown may be needed for adequate access space for the rear drive along the proposed townhomes. The applicant is working to finalize this easement with the adjacent property owner. Said easement shall be recorded prior to issuance of any building permits.

H. The proposed subdivision includes a new private east/west driveway off South 8th Street, which will provide rear access to each unit. All rights for direct vehicular access shall be from the private drive and not 1st Avenue. Pedestrian access only shall be allowed off 1st Avenue.

I. All lots will be serviced with utilities (e.g. sanitary/storm sewers, water, electricity, etc.) that 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.

J. The subject property is located within an X flood zone (area with reduced flood risk due to levee) according to FEMA map panel no. 19155C0413E, dated February 4, 2005.

K. The following technical corrections shall be made to the final plat prior to being executed by the City of Council Bluffs:

   a. Lot configurations shall be modified so that Lot 3, and all other lots within the proposed subdivision meet minimum lot size requirements.
   b. The 10-foot wide perpetual utility easement shall also be shown across the north and south sides of Lot 7.

Council Bluffs Public Works Department provided the following comments:

A. The driveway serving all units shall be private as previously discussed with the applicant.
B. Stormwater management is required for the site as previously discussed with the applicant.

Council Bluffs Fire Department stated they have no comments.

Council Bluffs Water Works stated that they have no comment in regards to the request.

CASE #ZC-23-011

The applicant is proposing to rezone the land area included within the proposed subdivision request (Case #SUB-23-010), legally described above, from C-2/Commercial District to R-3/Low Density Multifamily Residential District. The Community Development Department has expanded the request to include Lots 2 and 3, Bayliss 1st Addition Auditors Subdivision Lot 11 Block 11 and Lots 1, 2 and 3, Block 2, Bayliss 2nd Addition, and Lots 3-4, and the east half of Lot 13, Block 11, Bayliss Addition, City of Council Bluffs, Pottawattamie County, Iowa for zoning consistency purposes. The subject properties are surrounded by the following zoning districts and existing land uses:

Direction	Existing Zoning Districts	Existing Land Uses
North	C-3/Commercial District	Retail Shopping
South	A-P/Administrative Professional District	Mixture of single-family, two-family, and multifamily dwellings
East	C-1/Commercial District and A-P/Administrative Professional District	Multifamily dwellings, a funeral home, and church
West	A-P/Administrative Professional District	Mixture of single-family, two-family and multifamily dwellings

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

The future land use plan of the Bluffs Tomorrow: 2030 (Comprehensive Plan) designates the subject properties as 'High-Density Residential.'

Public notices were mailed to all property owners within 200 feet of the request. No comments were received as of the date of this report. The following letter was returned as undeliverable:

- Reina Isabel Garcia, 11305 Chicago Circle, Omaha, NE 68154 (Property Owner of 810 1st Avenue)

All City Departments and local utility providers were notified of the rezoning request. The following comments were received:

The Community Development Department provided the following comments:

A. The subject property is currently zoned C-2/Commercial District and is proposed to be rezoned to R-3/ Low Density Multifamily Residential District to allow for the proposed townhome development. The Community Development Department has expanded the request to include surrounding residential properties for zoning consistency purposes. The proposed expansion of the rezoning area is primarily intended to square off the zoning surrounding the subject property, but also to bring the following properties closer to compliance with the City's Zoning Ordinance:
    a. 119 S. 8th Street (Ambassador Courtyard Apartments) is currently a nonconforming use in the C-2 District. Rezoning this property to R-3 District will bring the land use of the property closer to compliance with the City's Zoning Ordinance; however, the property is still nonconforming as

the number of units within the existing apartment exceed the maximum allowed based on the property's size for the R-3 District.

b. 711 1st Avenue is a nonconforming single-family dwelling in the C-2 District. Rezoning this property to R-3 will bring the single-family use of the property in compliance with the City's zoning ordinance. However, the structure would still be nonconforming as it does not meet R-3 District setback standards.

c. An undeveloped City-owned property, legally described as the west 31 feet of Lot 4, Block 11 and the east half of Lot 13, Block 11, Council Bluffs, Pottawattamie County, Iowa is included in the rezoning to allow for future residential development. Habitat for Humanity of Council Bluffs has expressed interest in acquiring this property for a future phase of townhome development. The subject property is located within an Urban Renewal Area; therefore, the City is required to prepare a request for proposals (RFP) to allow public submittals for the property.

B. The subject properties are located in the downtown periphery, within walking and biking distance to jobs, services, retail, and recreational opportunities within Downtown Council Bluffs. Additionally, the subject properties are located along 1st Avenue, which is a potential future streetcar route, providing an additional mode of transportation between Downtown Council Bluffs and Downtown Omaha. Rezoning the properties to R-3 allows for additional housing units within the downtown periphery to support a successful public transit system and thriving downtown.

C. The developer is proposing to append a PR-2 Overlay over the proposed subdivision (Case #SUB-23-010), which establishes standards for site development, architecture, landscaping, parking, utilities, and signage within the proposed Baldwin Court Subdivision (Case #PR-23-003).

D. The Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject properties as 'High-Density Residential.' The proposed rezoning is consistent with the future land use plan designation.

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

Council Bluffs Fire Department stated they have no comments.

Council Bluffs Water Works stated that they have no comment in regards to the request.

CASE #PR-23-003

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-2 Overlay is intended for site-specific infill development. A PR-2 Overlay may be applied to any property, or combination of contiguous properties owned by the same person or entity, that contain a maximum of one and one-half (1 ½) acres of total land area; however, at least one of the following shall be included within the development:*

1. *A minimum of two (2) residential structures.*
2. *A minimum of one (1) residential structure that contains a minimum of three (3) dwelling units.*
3. *A minimum of one (1) mixed commercial-residential structure."*

Additionally, Section 15.28.030, Permitted Land Uses and Site Development Regulations, of the CBMC (Zoning Ordinance), lists *"dwelling, townhouse"* as an allowed use in a PR Overlay. The applicant is proposing to append a PR-2 Overlay and adopt the associated development plan to allow for the construction of the proposed four townhome dwellings and two single-family attached dwellings within the proposed Baldwin Court Subdivision, legally described in Attachment 'B.' The proposed development plan is included as Attachment 'D.'

The proposal includes a final plat, included as Attachment 'B,' to subdivide the properties into seven lots of record so each dwelling unit can be sold separately. The proposed townhomes/single-family attached dwellings will be rear-loaded, with garage access off a private driveway off S. 8th Street and entrances oriented towards 1st Avenue. Each unit is proposed to have a 19'4" x 22' garage. The proposed floor plans are included as Attachment 'E.'

The front façade facing 1st Avenue will utilize smooth hardboard siding as the primary material, with a mixture of 4" lap siding, 8" lap siding, and stone veneer as accent materials. The front façade is further characterized by slanted roof lines, wall offsets, and first and second floor windows. The rear elevations are comprised of 8" lap siding with a stone veneer base and first and second story windows. The proposed side elevation facing S. 8th Street and is comprised of a stone veneer base and 8" lap siding on the first floor and smooth hardboard siding on the second floor. The east elevation (internal facing) is comprised of 8" lap siding on the first floor, smooth hardboard siding on the second floor, and a small first floor window. Exterior paint colors were not identified with the submitted application. The building elevations are included as Attachment 'F.' The submitted landscaping plan, included on Sheet L.01 of Attachment 'D,' shows two shade trees along S. 8th Street and a mixture of shrub and perennial foundation plantings along the west façade of Lot 1 and the front facades of Lots 1-6.

Public notices were mailed to all property owners within 200 feet of the request. As of the date of this report, no comments were received. No comments were received as of the date of this report. The following letter was returned as undeliverable:

- Reina Isabel Garcia, 11305 Chicago Circle, Omaha, NE 68154 (Property Owner of 810 1st Avenue)

All City Departments and local utilities were notified of the proposed planned residential overlay request. The following comments were received:

The Community Development Department provided the following comments:

A. The subject properties are located in the downtown periphery, within walking and biking distance to jobs, services, retail, and recreational opportunities within Downtown Council Bluffs. Additionally, the subject properties are located along 1st Avenue, which is a potential future streetcar route, providing an additional mode of transportation to access the jobs, services, retail, and recreational opportunities located in Downtown Omaha, the West Broadway Corridor, and Downtown Council Bluffs and Downtown Omaha. Rezoning the properties to R-3 allows for additional housing units within the downtown periphery to support a successful public transit system and thriving downtown.

B. The subject area is a uniquely shaped infill site within the downtown area surrounded by existing development. The planned residential overlay is needed to develop the subject properties in a manner that is feasible and compatible in a downtown setting. The PR-2 overlay allows the development to achieve the reduced setbacks, urban scale, and pedestrian oriented design as discussed by Habitat for Humanity of Council Bluffs and the City throughout the design process.

C. The applicant proposes to append a PR-2/Planned Residential Overlay over the entirety of the subject property in order to establish site-specific development standards to allow the proposed residential development to be built in an R-3/Low Density Multifamily District. The following items regulate the development of the subject property:

1. Site Development

a. Per Section 15.28.020, Applicability, of the CBMC, the maximum land area allowed for a PR-2 Overlay is 1.5 acres. The subject properties contain a total of 0.767 acres, which qualifies for use of a PR-2 Overlay.

b. Per Section 15.28.020, Applicability, of the CBMC, *"at least one of the following shall be included within the development:*

(1) A minimum of two (2) residential structures.

(2) A minimum of one (1) residential structure that contains a minimum of three (3) dwelling units.

(3) A minimum of one (1) mixed commercial-residential structure."

The proposed development contains one structure with four dwelling units (townhomes) and one structure with two dwelling units (single-family attached) and therefore qualifies for use of a PR-2 Overlay.

c. The following site development standards shall apply to the proposed townhome development:

(1) The front yard setback shall be 10 feet. No accessory structures shall be located between the front wall of the townhome and the front property line.

(2) The street side yard setback shall be 15 feet.

(3) The interior side yard setback shall be 5 feet except for where a lot line coincides with a common wall separating units.

(4) The rear yard setback shall be 20 feet.

(5) Accessory structures, decks, porches, awnings, or other similar features, shall be no closer than five (5) feet to any property line.

(6) The maximum lot coverage shall be 60 percent for each individual lot.

(7) Maximum height shall comply with R-3 District standards, per Section 15.10.050 of the CBMC (Zoning Ordinance).

d. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to this site shall be at the sole cost of the developer and not the City.

e. A homeowner's association (HOA) shall be established through the subdivision process for maintenance of utilities and easements, all greenspace area, building architecture, and private road maintenance.

2. Off-Street Parking

a. Per Section 15.23.060, Parking Spaces Required, of the Council Bluffs Municipal Code (Zoning Ordinance) the required number of off-street parking spaces for townhomes and single-family attached dwellings is 2 spaces per dwelling unit. The six-proposed dwelling units would require a total of twelve (12) off-street parking spaces. The submitted floor plan shows a 19'4" x 22' garage for each unit. While this dimension meets the minimum size required for two parking spaces, parking two vehicles in the proposed garages would leave extremely limited space for additional maneuverability and/or storage space. Additionally, based on the development's location in the downtown setting, walkability, and close proximity to multiple Metro bus stops, the Community Development Department recommends that a minimum of one off-street parking space be required for each unit.

b. All driveways shall be hard surfaced paved and designed to meet all applicable City standards.

3. Architecture

a. The front façade facing 1st Avenue will utilize smooth hardboard siding as the primary material, with a mixture of 4" lap siding, 8" lap siding, and stone veneer as accent materials. The front façade is further characterized by slanted roof lines, wall offsets, and first and second floor windows. The rear elevations are comprised of 8" lap siding with a stone veneer base and first and second story windows. The proposed side elevation facing S. 8th Street and is comprised of

a stone veneer base and 8" lap siding on the first floor and smooth hardboard siding on the second floor. The east elevation (internal facing) is comprised of 8" lap siding on the first floor, smooth hardboard siding on the second floor, and a small first floor window. All siding shall be non-vinyl siding. The building elevations are included as Attachment 'F.' The proposed architectural plans are generally acceptable in design and layout and shall be adopted as submitted, with the following exceptions:

(1) The side/interior facing elevations shall include a minimum two-foot tall stone veneer, as shown on all other elevations.

(2) Additional 1st and 2nd floor transparency shall be incorporated into west façade of Lots 1 and 5 and the east facades of Lots 4 and 6, where practicable. The total amount and placement of transparency shall be coordinated with the Community Development Department.

b. If any wall or ground equipment, including air conditioning units, are visible from adjacent public right-of-way, excluding alleys, they shall be screened from view using architectural features, fencing, masonry wall, landscaping, or a combination thereof.
c. The applicant is proposing a dumpster enclosure on Lot 7. 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.
d. The proposed plans do not include any fencing. Any future fencing on the property shall conform to the standards listed in Section 15.24.040, *Fence Regulations*, of the CBMC (Zoning Ordinance).
e. Minor modifications shall be approved administratively by the Community Development Director or their designee.

4. Landscaping

a. The submitted landscaping plan, shown on Sheet L.01 in Attachment 'D,' shows a rain garden in the northwest corner of Lot 1, two shade trees along S. 8th Street and a mixture of shrub and perennial foundation plantings along the west façade of Lot 1 and the front facades of Lots 1-6 and is generally acceptable and shall be adopted as submitted, with the following modification:
    (1) Street trees shall be planted along 1st Avenue frontage. Tree species, spacing, and quantity shall be determined by mutual agreement between Habitat for Humanity and the City and shall comply with the Council Bluffs Street Tree Guide, included as Attachment 'G.'
    (2) The submitted landscaping plan identifies the percentage of green space for each individual lot. All green space on each lot shall be maintained as shown on the submitted landscaping plan.
    (3) The proposed landscape beds are shown to utilize mulch and be planted with a mixture of shrubs and perennials. Landscape beds shall include both a ground cover material (mulch and/or river rock) and landscape plantings. Landscape beds void of plantings shall not be allowed.
b. All landscaping shall be appropriately maintained and dead plant material replaced at a time appropriate to planting seasons but in all cases shall be replaced within one year.

5. Signage

a. The submitted application included a sign rendering for a monument sign, included as Attachment 'H.' All signage (detached and attached) shall comply with Section 15.33.160(C), P-R/Planned Residential District Sign Regulations, of the Municipal Code (Zoning Ordinance).

The Council Bluffs Public Works Department stated that the proposed development shall meet all current Public Works standards and specifications for all required improvements.

Council Bluffs Fire Department stated they have no comments.

Council Bluffs Water Works stated that they have no comment in regards to the request.

Recommendation

The Community Development Department recommends the following:

A. Final plat approval of a seven-lot minor subdivision to be known as Baldwin Court, legally described as being a replat of all of Lot 1, Lot 4, and Lot 5 all in Bayliss 1st Addition Auditors Subdivision Lot 11, Block 11 and Lots 1, 2 and 3, Block 2, Bayliss 2nd Addition, and all of Lot 12 and the west half of Lot 13 in Bayliss 1st Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments above and the conditions below:
   a. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless and extension has been requested and granted by the Community Development Director.
   b. Conform to all City standards and specifications, the zoning and subdivision ordinances, and the Department of Public Works standards for Public Improvements.
   c. All comments and technical corrections stated in the case staff report shall be addressed on the final plat prior to the execution of the document.
   d. 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, not the City.
   e. All development within the proposed subdivision shall comply with the development standards listed in the proposed development plan for the subject property (Case #PR-23-003).
   f. All applicable permits necessary to meet local, state, and federal requirements shall be the developer's responsibility.

B. Approval of the request to rezone property legally described as being a replat of all of Lot 1, Lot 4, and Lot 5 all in Bayliss 1st Addition Auditors Subdivision Lot 11, Block 11 and Lots 1, 2 and 3, Block 2, Bayliss 2nd Addition, and all of Lot 12 and the west half of Lot 13 in Bayliss 1st Addition, City of Council Bluffs, Pottawattamie County, Iowa from C-2/Commercial District to R-3/Low Density Multifamily Residential District, subject to the comments stated above. The Community Development Department has expanded the request to include Lots 2 and 3, Bayliss 1st Addition Auditors Subdivision Lot 11 Block 11 and Lots 1, 2 and 3, Block 2, Bayliss 2nd Addition, and Lots 3-4, and the east half of Lot 13, Block 11, Bayliss Addition, City of Council Bluffs, Pottawattamie County, Iowa for zoning consistency purposes.

C. Approval of the request to append a PR-2 Overlay over property legally described as being a replat of all of Lot 1, Lot 4, and Lot 5 all in Bayliss 1st Addition Auditors Subdivision Lot 11, Block 11 and Lots 1, 2 and 3, Block 2, Bayliss 2nd Addition, and all of Lot 12 and the west half of Lot 13 in Bayliss 1st Addition, City of Council Bluffs, Pottawattamie County, Iowa and adopt the associated residential development plan for the Baldwin Court, subject to the comments stated above and the following condition:

   a. 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 or their designee.

Public Hearing

Staff speakers for the request:
1. Haley Weber, 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

Speakers in favor:
1. Matt Ellis, 1228 S. Main Street, Council Bluffs, IA 51503

Speakers against: None

The City Planning Commission recommended the following:

A. Final plat approval of a seven-lot minor subdivision to be known as Baldwin Court, legally described as being a replat of all of Lot 1, Lot 4, and Lot 5 all in Bayliss 1st Addition Auditors Subdivision Lot 11, Block 11 and Lots 1, 2 and 3, Block 2, Bayliss 2nd Addition, and all of Lot 12 and the west half of Lot 13 in Bayliss 1st Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments above and the conditions below:

   i. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless and extension has been requested and granted by the Community Development Director.
   ii. Conform to all City standards and specifications, the zoning and subdivision ordinances, and the Department of Public Works standards for Public Improvements.
   iii. All comments and technical corrections stated in the case staff report shall be addressed on the final plat prior to the execution of the document.
   iv. 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, not the City.
   v. All development within the proposed subdivision shall comply with the development standards listed in the proposed development plan for the subject property (Case #PR-23-003).
   vi. All applicable permits necessary to meet local, state, and federal requirements shall be the developer's responsibility.

B. Approval of the request to rezone property legally described as being a replat of all of Lot 1, Lot 4, and Lot 5 all in Bayliss 1st Addition Auditors Subdivision Lot 11, Block 11 and Lots 1, 2 and 3, Block 2, Bayliss 2nd Addition, and all of Lot 12 and the west half of Lot 13 in Bayliss 1st Addition, and Lots 2 and 3, Bayliss 1st Addition Auditors Subdivision Lot 11 Block 11 and Lots 1, 2 and 3, Block 2, Bayliss 2nd Addition, and Lots 3-4, and the east half of Lot 13, Block 11, Bayliss Addition, City of Council Bluffs, Pottawattamie County, Iowa City of Council Bluffs, Pottawattamie County, Iowa from C-2/Commercial District to R-3/Low Density Multifamily Residential District, subject to the comments stated above.

C. Approval of the request to append a PR-2 Overlay over property legally described as being a replat of all of Lot 1, Lot 4, and Lot 5, all in Bayliss 1st Addition Auditor's Subdivision of Lot 11, Block 11 and Lots 1, 2, and 3, Block 2, Bayliss 2nd Addition, and all of Lot 12 and the west half of Lot 13 in Bayliss 1st Addition, City of Council Bluffs, Pottawattamie County, Iowa and to adopt the associated residential development plan for Baldwin Court, subject to the comments stated above and the following conditions:

   i. Any modification to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed by 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 or their designee.

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 – Baldwin Court Final Plat
- Attachment C – Location/zoning Map
- Attachment D – Development Plan
- Attachment E – Floor Plans
- Attachment F – Elevations
- Attachment G – Council Bluffs Street Tree Guide
- Attachment H – Signage

Prepared by: Haley Weber, Planner, Community Development Department