City Council Communication

Department: Community Development Cases #SUB-24-011 Applicant/Owner: TS Development LLC 11205 South 150th Street, Suite 100 Omaha, NE 68138 Engineer/Surveyor: Charles Huddleston P.E. Schemmer Associates, Inc. 215 South Main Street, Suite 101 Council Bluffs, IA 51503	Resolution No. _____	City Council: 1/27/2025 Planning Commission: 1/14/25

Subject/Title

Request: Public hearing on the request of TS Development, LLC, represented by Charly Huddleston, for preliminary plan approval of a 71-lot residential subdivision to be known as Whispering Oaks, Phase VI, legally described as Lot 1, Auditor's Subdivision of the SE1/4 SE1/4 of Section 32-75-43, except platted sections of Whispering Oaks and Whispering Oaks Phase III; Lot 3, Auditor's Subdivision of the SW1/4 SW1/4 of Section 33-75-43, except platted sections of Whisperings Oaks and Whispering Oaks, Phase III; and Lot 2, Auditor's Subdivision of the NW1/4 SW1/4 of Section 33-75-43, all in the City of Council Bluffs, Pottawattamie County, Iowa.

Location: Undeveloped tracts of land lying north of Sycamore Street and west of Franklin Avenue, and immediately south of Green Meadows South Subdivision.

Background/Discussion

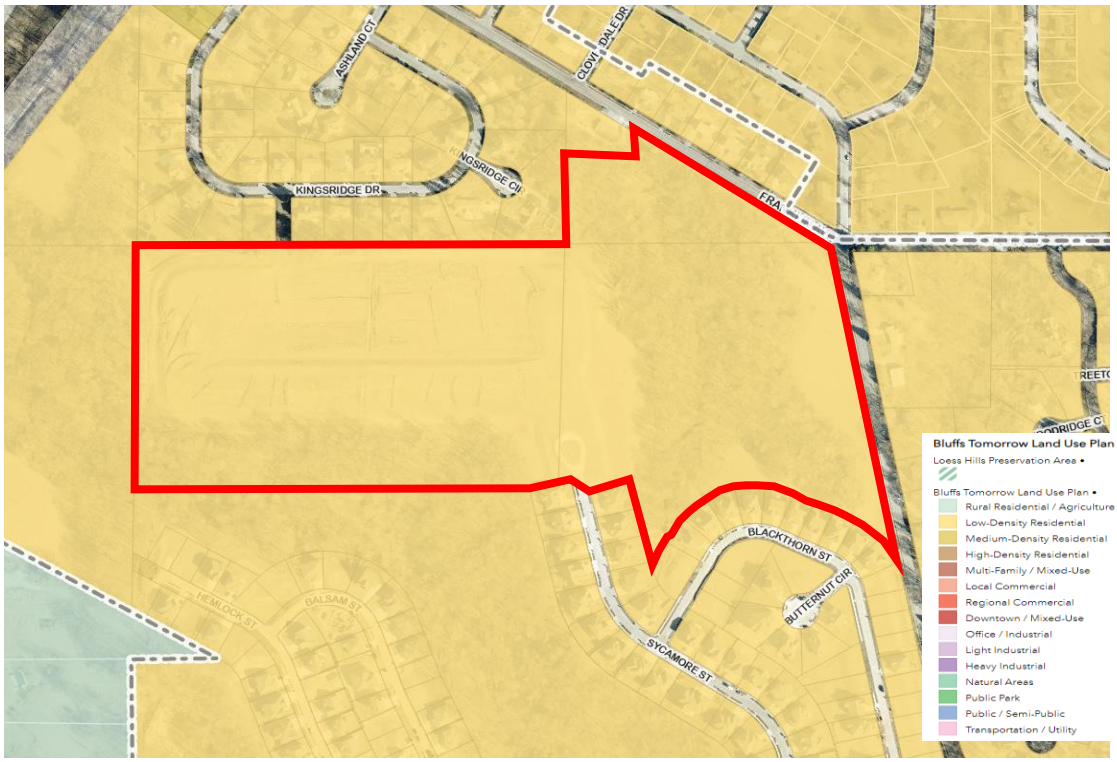
The Community Development Department has received a request from TS Development, LLC, represented by Charly Huddleston of Schemmer Associates, Inc., for preliminary plan approval for Whispering Oaks, Phase VI (see Attachments A and B). The subdivision contains 46.15 acres of land (more/less) and will be comprised of 69 buildable lots and two outlots. Each buildable lot will be developed with one detached, single-family residential dwelling. Outlot A will be used for stormwater detention, and Outlot B will serve as natural open space, though the northeastern portion is designated for a future phase of Whispering Oaks development. An extension of Sycamore Street and an interconnection with Kingsridge Drive are also shown on the proposed preliminary plan.

Current Zoning/Land Use – The subject property is zoned R-1/Single-Family Residential District and is surrounded by the following zoning districts and existing land uses:

Direction	Existing Zoning Districts	Existing Land Uses
North	R-1/Single-Family Residential District, R-2/ Two-Family Residential District, and R-3 District (County)	Franklin Avenue and residential dwellings
South	R-1/Single-Family Residential District	Residential dwellings
East	R-1/Single-Family Residential District	Franklin Avenue and residential dwellings
West	R-1/Single-Family Residential District and R-3 District (County)	Residential dwellings and undeveloped land

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 property as 'Low Density Residential'.



A. 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 first phase 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. Subsequent phases are automatically granted a one-year extension.
B. The proposed subdivision is comprised of 69 buildable lots (Lots 296 through 364) and two outlots. All proposed lots comply with R-1/Single-Family Residential District minimum lot size requirements.
C. All residential dwellings and accessory structures within the proposed subdivision shall comply with the development standards stated in Section 15.08B, R-1/Single-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance).
D. Outlot A will be used for stormwater detention and to convey stormwater from Whispering Oaks Subdivision Phase VI into the existing storm sewers in Hemlock Street. The stormwater easement shown between Lots 310 and 311, Whispering Oaks Subdivision Phase VI shall be fully dimensioned and dedicated to the City of Council Bluffs on the final plat. Outlot B will serve as natural open space, though the northeastern portion is designated for a future phase of Whispering Oaks development. Maintenance of said outlots shall be dedicated to the Whispering Oaks Homeowners Association on the final plat.
E. All proposed lots will have direct access to a public street. The applicant proposes to construct an extension of Sycamore Street and an interconnection into Kingsridge Drive as part of Whispering Oaks Subdivision Phase VI. For E911 purposes, street names must be specified for each road alignment shown on Sheet C100 of the Whispering Oaks Subdivision Phase VI preliminary plans. Proposed Alignment I will be an extension of Sycamore Street; proposed Alignment J will need a separate street name; and proposed Alignment N will need a "loop road" with a new street name assigned to it. All proposed street names must be identified and stated on the Whispering Oaks Subdivision Phase VI final plat for approval. All proposed streets will be dedicated to the City of Council Bluffs.

F. All lots will be serviced with utilities (e.g., sanitary/storm sewers, water, electricity, etc.). A section of sanitary sewer in Whispering Oaks Subdivision Phase VI, built in 2016, was installed to service lots in Whispering Oaks Subdivision Phase I.
G. 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.
H. Sidewalk installation along the frontage of each proposed buildable lot shall be completed prior to issuance of a Certificate of Occupancy for each residence. Sidewalk(s) shall also be installed along the new interconnection with Kingsridge Drive at the time of road construction. The City's Parks and Recreations Department requires a sidewalk to be built along Outlot B's frontage as part of the "future development" of said property.
I. All future streetlights shall meet Public Works Department standards. All costs associated with the installation of streetlights shall be the responsibility of the developer and not the City.
J. The subject property is not located within any floodplain areas, as per FEMA Map Panels 19155C0418F dated 4/16/2013, and 19155C0581F dated 4/16/2013.
K. The developer's letter of intent includes a request that the City require adjoining properties to comply with Whispering Oaks Subdivision building covenants. The City does not support this request as we do not enforce private restrictive covenants nor can we legally require properties that are outside of the Whispering Oaks Subdivision to abide by restrictive covenants that are not applicable to them.
L. The Public Works Department provided the following comments:
    1. They will continue to work with the engineer of record to achieve final construction plans for sanitary/storm sewers, stormwater management features, and paving.
    2. The developer's request to be reimbursed sanitary sewer taps fees for sewer improvements in Whispering Oaks Subdivision Phase VI will not be granted. There were no new off-site sanitary sewer trunk sewers required for Whispering Oaks Subdivision Phase VI and previous off-site sanitary improvement costs were reimbursed to the developer from sewer taps fees collected in Whispering Oaks Phase I, II, and III. Additionally, the City of Council Bluffs awarded a $750,000.00 housing grant to offset development costs associated with Whispering Oaks Subdivision Phase V.
    3. The developer's request for reimbursement of sewer tap fees from adjacent landowners using sanitary sewers constructed in previous Whispering Oaks Subdivision phases, which were accepted and dedicated to the City, will not be granted. The City has the sole rights to grant connections and any connections must be reviewed and approved by the City.
    4. The developer's request to use previously submitted geotechnical reports, drainage studies, and traffic studies for Whispering Oaks Subdivision for proposed Phase VI is allowed.
    5. The developer's request to use driveway curb grindings is allowed.
M. The Fire Department stated they have no comments on the request.
N. The Police Department stated they have no objections to the request.
O. Council Bluffs Water Works stated a water main extension is required for Whispering Oaks Phase VI.
P. MidAmerican Energy stated they have no objections to the project. They also stated the developer should contact MidAmerican Energy to initiate the process to enter into a formal agreement to extend electric facilities to Whispering Oaks Subdivision Phase VI.

The following attachments for this request are included with the staff report for reference purposes:
Attachment A: Letter of intent
Attachment B: Whispering Oaks Subdivision Phase VI - Preliminary Plans
Attachment C: Location and zoning map

Recommendation

The Community Development Department recommends approval of the request from TS Development, LLC, represented by Charly Huddleston, for preliminary plan approval of a 71-lot residential subdivision to be known as Whispering Oaks Phase VI, legally described as Lot 1, Auditor's Subdivision of the SE1/4 SE1/4 of Section 32-75-43, except platted sections of Whispering Oaks and Whispering Oaks Phase III; Lot 3, Auditor's Subdivision of the

SW1/4 SW1/4 of Section 33-75-43, except platted sections of Whisperings Oaks and Whispering Oaks, Phase III; and Lot 2, Auditor's Subdivision of the NW1/4 SW1/4 of Section 33-75-43, all in the City of Council Bluffs, Pottawattamie County, Iowa,
subject to the comments above and following conditions:

1. Approval of the preliminary plans is tentative and does not constitute acceptance of the final plat, but is "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).
2. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the developer's responsibility.
3. 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.
4. Sidewalks shall be installed along the street frontage of each lot at no expense to the City, prior to issuance of a certificate of occupancy for each house.

Public Hearing

Staff speakers for the request:

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

Speakers in favor: None

Speakers against: None

The Planning Commission recommended approval of the request from TS Development, LLC, represented by Charly Huddleston, for preliminary plan approval of a 71-lot residential subdivision to be known as Whispering Oaks Phase VI, legally described as Lot 1, Auditor's Subdivision of the SE1/4 SE1/4 of Section 32-75-43, except platted sections of Whispering Oaks and Whispering Oaks Phase III; Lot 3, Auditor's Subdivision of the SW1/4 SW1/4 of Section 33-75-43, except platted sections of Whisperings Oaks and Whispering Oaks, Phase III; and Lot 2, Auditor's Subdivision of the NW1/4 SW1/4 of Section 33-75-43, all in the City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments above and following conditions:

1. Approval of the preliminary plans is tentative and does not constitute acceptance of the final plat, but is "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).
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VOTE: AYE – Hutcheson, Knauss, Rater, Rew, Stroebele, and Watson. NAY – None. ABSTAIN – VanHouten. ABSENT – Fruend. VACANT - Three Motion: Carried.

Attachments

Attachment A: Letter of intent
Attachment B: Whispering Oaks Subdivision, Phase VI – Preliminary Plans
Attachment C: Location and zoning map

Engineer: Charles Huddleston P.E., Schemmer Associates, Inc., 928 Valley View Drive, Suite 12, Council Bluffs, IA 51503

Prepared by: Christopher Gibbons, AICP, Planning and Code Compliance Manager, Community Development