**City Council Communication**

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| Department:<br>Community Development<br><br>CASES #SUB-25-005 &<br>PR-25-001(M)<br><br>Applicant/Property Owner:<br>Arbor Creek, LLC<br>2023 South 181st Circle<br>Omaha, NE 68130<br><br>Engineer/Surveyor:<br>HGM Associates, Inc.<br>640 5th Avenue<br>Council Bluffs, IA 51501 | Resolution No. _____<br><br>Resolution No. _____ | City Council<br>Case #SUB-25-005: 6/23/2025<br>Case #PR-21-001(M): 6/23/2025<br><br>Planning Commission: 6/10/2025 |

**Subject/Title**

**Requests**: Combined public hearings on the request of Arbor Creek, LLC, represented by Neal Drickey, for preliminary plan approval of a 17-lot residential subdivision to be known as Arbor Creek 2nd Addition, legally described as Lot 2, Arbor Creek, and to amend the adopted PR-1/Planned Residential development plan for said property to allow construction of 16 attached, single-family residential dwellings.

**Location**: Undeveloped land lying south of 1020 Railroad Avenue

**Background**

The Community Development Department has received the following requests from Arbor Creek, LLC, represented by Neal Drickey, for property legally described as Lot 2, Arbor Creek (see Attachments A through C):

1. Case #SUB-25-005: Preliminary plan approval of a 17-lot residential subdivision to be known as Arbor Creek 2nd Addition; and
2. Case #PR-21-001(M): Amend the adopted PR-1/Planned Residential development plan for said property to allow construction of 16 attached single-family residential dwellings.

In May 2021, the Council Bluffs City Council granted approval of the applicant's request to develop the subject property into a 27-lot subdivision, to be known as Arbor Creek 2nd Addition (see Attachment E). The development was master planned to include a mixture of townhomes, single-family residential dwellings (detached), and outlots for stormwater detention. After receiving approval from the City, the applicant was notified by their engineer that a significant amount of floodplain/wetlands exist on the property. Due to the size and location of the floodplain/wetlands, the applicant determined their 27-lot residential subdivision was not feasible to construct and looked for other development alternatives for the property.

In February 2024, the applicant proposed to rezone the property from R-2/Two-Family Residential District to C-1/Neighborhood Commercial District; amend the future land use plan of the Bluffs Tomorrow 2030 Comprehensive Plan by reclassifying the subject property from 'Medium Density Residential' to 'Local Commercial'; and repeal the previously approved PR/Planned Residential Overlay that was appended onto the subject property in 2021 to develop the property with a multi-tenant commercial strip. These requests were denied by City Council.

The applicant now proposes to develop the property with 16 attached single-family dwellings and one out lot. Proposed Lots 1-16 will be developed with the single-family attached dwellings with Outlot A being reserved for stormwater detention purposes. The subject property is zoned R-2/Two-Family Residential District, which allows "dwelling, single-family attached" as a "by-right" permitted use. The purpose of these requests is to subdivide the property and create site development/layout and design standards relevant to the proposed single-family attached dwellings. If approved, the previously approved PR/Planned Residential development plan, adopted by Resolution No. 21-144, will be repealed and replaced with the applicant's new proposed plan.

Zoning/Land Use

The subject property is zoned R-2/Two-Family Residential District with an appended PR/Planned Residential Overlay and is surrounded by the following zoning districts and land uses:

| Direction | Existing Zoning Districts | Existing Land Uses |
|---|---|---|
| North | A-2/Parks, Estates, and Agricultural District, R-4/High Density Multi-Family Residential District, and C-2/Commercial District | Midlands Humane Society, commercial storage, multi-family apartments, and Sherwood Plaza Shopping Center |
| South | A-2/Parks, Estates, and Agricultural District and R-1/Single-Family Residential District | Single-family dwellings and undeveloped land |
| East | A-2/Parks, Estates and Agricultural District, R-3/Low Density Multi-Family Residential District, and R-1/Single-Family Residential District | Railroad Avenue, single-family residential dwelling, Burlington Northern Railroad, and Iowa Western Community College, College View Elementary, multi-family apartments, attached single-family dwellings, and St. Patrick's Church |
| West | R-1/Single-Family Residential District and A-2, Parks, Estates, and Agricultural District | Single-family dwellings and undeveloped land |

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

Public notices were mailed to all property owners within 200 feet of the subject property and to Mr. Ronald Wolfe (President, Indian Hills Neighborhood Association). Said notices are not required by ordinance since this request did not involve a change to the City's Zoning Map. City staff sent the notices as a courtesy since the proposed development differs substantially from the single-family/townhome development, which was approved at this location in 2021. No comments have been received from the public as of the date of this report.

**CASE #SUB-25-005**

The proposed Arbor Creek 2nd Addition subdivision is comprised of 6.19 acres (more/less) of land and contains 16 buildable lots and one outlot. Lots 1 - 16 will be developed with single-family attached dwellings and Outlot A will be utilized for stormwater detention. A new private street is proposed to be constructed to provide access to each of the attached, single-family dwellings from Railroad Avenue. All proposed lots will be fully served with utilities (e.g., sanitary/storm sewers, water, gas, electricity, telecommunications, etc.). The applicant intends to develop the entire subdivision as one phase.

**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 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.
2. The proposed subdivision is generally consistent with the purpose and intent of Title 14: *Subdivisions* and Title 15: *Zoning* of the Council Bluffs Municipal Code. The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as Medium Density Residential. The proposed single-family attached development is consistent with the Medium Density designation.
3. The subject property is zoned R-2/Two-Family Residential District with an appended PR/Planned Residential Overlay. Single-family attached dwellings are allowed by-right within an R-2 District with a minimum lot size of 2,500 square feet, as per Section 15.09, *R-2/Two-family Residential District* of the Council Bluffs Municipal Code. The proposed preliminary subdivision plan shows Lots 1-16 will range in size between 40 and 45 feet wide by 100 feet deep. The proposed lot sizes comply with the minimum 2,500 square feet required for an attached single-family dwelling in an R-2 District.
4. Lots 1 - 16 will be developed with single-family attached dwellings. Each buildable lot will be contained to the raised area of the site that is not located within a floodplain and/or wetland area. All construction activity on Lots 1-16 shall comply with the amended PR/Planned Residential development plan for Arbor Creek 2nd Addition (see Case #PR-21-001(M)).
5. Outlot A will be utilized as stormwater detention. A note shall be stated on the final plat that dedicates all maintenance of Outlot A to the subdivision's homeowner's association.
6. A private roadway with a hammerhead turnaround is proposed to be constructed to provide vehicular and utility access to each lot. The private driveway will be 25 feet wide and centered within a 50-foot-wide access/utility easement area. The private driveway must be identified as an out lot on the final plat for the purpose of establishing a boundary for said access/utility easement area and front property lines for each of the proposed attached single-family dwellings units. If the developer wants to dedicate the private driveway to the city as a public roadway, they will need to work with the City's Public Works Department on a revised design for the street prior to the commencement of road construction and submitting a final plat.
7. The land within this subdivision is located within Flood Zones 'AE' and '0.2%" according to FEMA map panel number 19155C0418F, dated 4/16/2013. With adequate engineering and construction controls, the land in this subdivision is suitable for development, subject to compliance with all applicable floodplain regulations.
8. The standard 5-foot and 10-foot utility easement along the front and side lot lines are shown on the preliminary subdivision plan. Since Lots 1 through 16 will be developed with an attached single-family dwelling, the five-foot-wide utility easement, along the property lines with a shared common wall, will need to be omitted from the final plat.
9. Any future street lights shall meet the Public Works Department standards and shall be installed when the roadway is constructed. All costs associated with the installation of street lights shall be the responsibility of the developer and not the City.
10. All proposed lots will be fully served with utilities (e.g., sanitary/storm sewers, water, gas, electricity, telecommunications, etc.). Any costs to construct, remove, and/or relocate any utilities for the proposed subdivision shall be the responsibility of the applicant and not the City.
11. A five-foot-wide sidewalk is shown to be constructed on both sides of the private roadway. Sidewalk installation along the frontage of proposed Lots 1 through 16 shall be completed prior to issuance of a Certificate of Occupancy on each lot, at no cost to the City. Sidewalk installation along the sides of the private roadway that do not immediately front a developable lot shall be completed at the time of roadway construction. All costs to construct said sidewalks shall be at the expense of the applicant and not the City of Council Bluffs.

12. Council Bluffs Fire and Police Departments stated they have no comments for the proposed subdivision.
13. Council Bluffs Water Works stated they're able to serve the development with water.
14. Council Bluffs Public Works Department stated all of their previous comments regarding utilities, grading, stormwater management, and roadway design still apply to the property. Public Works also noted they will continue to work with the applicant's engineer of record on their final civil plan designs.
15. MidAmerican Energy stated they have no conflicts with the proposed subdivision and that the applicant and/or their engineer should contact them to discuss project timelines and provide the necessary documentation for extending electrical service within the development.

**Case #PR-21-001(M) – Planned Residential Development Plan**

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 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 purpose of this request is to adopt a site-specific PR-1/Planned Residential development plan for Arbor Creek 2nd Addition for the purpose of regulating site development standards, building architecture, landscaping, off-street parking, stormwater management, signage, etc. associated with this subdivision, as follows:

**A. Site Development**

1. The minimum tract of land required for a PR-1/Planned Residential Overlay is 1.5 acres. The subject property contains 6.19 acres, which complies with minimum lot size requirement of the P-R-1 Overlay. The applicant's request is to amend their adopted PR-1/Planned Residential development plan for said property to allow construction of 16 attached single-family residential dwellings.
2. All land uses within the subdivision shall comply with Chapter 15.09 R-2/Two-Family Residential District and Chapter 15.28, P-R/Planned Residential Overlay of the Council Bluffs Municipal Code (Zoning Ordinance). Any home occupations within the subdivision shall comply with 15.24.030, *Home-Based Business* of the Council Bluffs Zoning Ordinance.
3. All land development activity within the subdivision shall comply with Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District of the Council Bluffs Zoning Ordinance with the following exceptions:
    i. The maximum lot coverage for Lots 1-16 shall not exceed 60%, rather than the 35% maximum allowed, in an R-2 District. This increased lot coverage amount accounts for the possibility of the private roadway being dedicated to the City as a public roadway and each lot losing some of their square footage;
    ii. A minimum 15-foot front-yard setback, rather than the minimum 25 feet allowed, in an R-2 District shall be allowed for Lots 1-16. This reduced setback accounts for the possibility of the private roadway being dedicated to the City as a public roadway and each lot losing some of their frontage area; and
    iii. A minimum 10-foot rear yard setback, rather than the minimum 20 feet allowed, in an R-2 District shall be allowed for Lots 1-16. This reduced setback accounts for the possibility of the private roadway being dedicated to the City as a public roadway and each lot losing some of their depth.
4. 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).
5. All exterior lighting shall comply with the standards stated in Section 15.24.050, *Lighting Controls*, of the Council Bluffs Municipal Code (Zoning Ordinance).

6. Minor modifications to building setbacks, heights, and/or lot coverage which are deemed to be compatible with other homes in the subdivision, and are not detrimental to the subdivision and/or properties outside the boundary of the subdivision, shall be administratively approved by the Community Development Director or their designee.

**B. Off-Street Parking**

1. A minimum of two off-street parking spaces are required for an attached single-family dwelling, as per Section 15.23.060, *Parking Spaces Required*, of the Council Bluffs Municipal Code (Zoning Ordinance). The submitted architectural plans shows each attached single-family dwelling will be constructed with an attached two-stall garage.
2. All off-street parking areas, driveways and drive aisles shall be constructed and designed to comply with the standards stated in Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance).
3. Parking and storage of recreational vehicles and/or vessels on lots in the subdivision shall comply with standards stated in Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance).

**C. Architecture**

1. The submitted house plans show one-story dwelling units with a pitched roof and two-stall garage. Additionally, each attached dwelling unit will have an approximate 2,100 square foot footprint, which includes a covered rear porch. The submitted architectural renderings are generally acceptable and shall be adopted as submitted with the following considerations:
   i. Each attached dwelling unit shall have a minimum of 40 square feet of stone, brick, and/or decorative architectural metal on the front façade facing the new roadway; and
   ii. Minor modifications to design, layout, or appearance of the single-family attached dwellings, which are deemed to be compatible with the other homes in the subdivision, shall be approved administratively by the Community Development Director or their designee.

**D. Landscaping**

1. The submitted landscaping plan shows a mixture of shade, ornamental, and conifer trees along the perimeter of Outlot A abutting Railroad Avenue and College Road. The proposed landscaping plan is generally acceptable and shall be adopted as submitted with the following conditions:
   i. All proposed trees shall comply with the Council Bluffs Street Tree Guide;
   ii. A row of deciduous and evergreen trees shall be planted on the north side of Outlot A, behind Lots 1-16, for purpose of screening and buffering the residential development from the Midlands Humane Society;
   iii. 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;
   iv. All landscaping plantings within Outlot 'A' shall be installed after the new roadway is constructed and shall be maintained by the homeowner's association at all times; and
   v. Minor modifications to the submitted landscaping plan shall be approved administratively by the Community Development Director or their designee.

**E. Signage**

1. A signage plan was not submitted with the development plan. 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).

## Recommendations

The Community Development Department recommends the following for the subject property legally described as Lot 2, Arbor Creek Subdivision, City of Council Bluffs, Pottawattamie County, Iowa:

1. Approval of a preliminary plan for a 17-lot residential subdivision to be known as Arbor Creek 2nd Addition, legally described as being a replat of Lot 2, Arbor Creek Subdivision, subject to the comments above and the following conditions:
   a. 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" (Section 14.11.060(D)—Subdivision Ordinance);
   b. All applicable permits necessary to meet all local, state, and federal requirements shall be the developer's responsibility; and
   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; and
   d. 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.

2. Approval of the request to amend the adopted PR-1/Planned Residential development plan for Lot 2, Arbor Creek Subdivision, subject to the comments above and following conditions:
   a. Repealing the previously approved PR/Planned Residential development on subject property, as adopted by Resolution No. 21-144; and
   b. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed by City Planning Commission and approved by City Council prior to such changes being made. Minor modifications to the adopted development plan that result in a product that is considered compatible with the overall development may be administratively approved by the Community Development Director or their designee.

**Public Hearing**

Staff speakers for the request:

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

Speakers in favor:

2. Clint Brunow, 16935 State Orchard Road, Council Bluffs, IA 51503
3. Paul Gonzalez, 15801 U Street, Omaha, NE 68135

Speakers against:

4. Ron Wolfe, 536 College Road, Council Bluffs, IA 51503
5. Raymond Paulus, 817 College Road, Council Bluffs, IA 51503

The City Planning Commission recommended the following:

1. Approval of a preliminary plan for a 17-lot residential subdivision to be known as Arbor Creek 2nd Addition, legally described as being a replat of Lot 2, Arbor Creek Subdivision, subject to the comments above and the following conditions:
   a. 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" (Section 14.11.060(D)—Subdivision Ordinance);
   b. All applicable permits necessary to meet all local, state, and federal requirements shall be the developer's responsibility; and
   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; and
   d. 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.

2. Approval of the request to amend the adopted PR-1/Planned Residential development plan for Lot 2, Arbor Creek Subdivision, subject to the comments above and following conditions:
    a. Repealing the previously approved PR/Planned Residential development on subject property, as adopted by Resolution No. 21-144; and
    b. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed by City Planning Commission and approved by City Council prior to such changes being made. Minor modifications to the adopted development plan that result in a product that is considered compatible with the overall development may be administratively approved by the Community Development Director or their designee.

VOTE: AYE – Freund, Knauss, Rater, Rew, Stroebele, and VanHouten. NAY – None. ABSTAIN – None. ABSENT – Hutcheson and Watson. VACANT - Three Motion: Carried.

**Attachments**

Attachment A: Letter of intent
Attachment B: Preliminary subdivision plans
Attachment C: Architectural renderings and floor plans
Attachment D: Location/zoning map
Attachment E: CASE #PR-21-001 approved development plan

Prepared by: Christopher N. Gibbons, AICP, Planning Manager, Community Development Department