



**AGENDA
PLANNING COMMISSION
COUNCIL BLUFFS PUBLIC LIBRARY,
400 WILLOW AVENUE, COUNCIL BLUFFS, IA
Tuesday, February 13, 2024 - 6:00 PM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. ADOPTION OF AGENDA**
- 4. APPROVAL OF MINUTES**
- 5. PROOF OF PUBLICATION**
- 6. REVIEW OF MEETING PROCEDURES**
- 7. PUBLIC HEARINGS**

A. CASE #ZC-23-015

Public hearing on the request of Nick Brenner, representing Menard, Inc., to rezone property legally described as Lots 1 and 3A, Lake Manawa Centre Subdivision from P-C/Planned Commercial District to C-2/General Commercial District. Location: 3200 Manawa Centre Drive.

B. CASES #ZC-24-001, #CP-24-001, and #PR-21-001

Public hearing on the request of Neal Drickey, represented by Clinton Brunow, to rezone property legally described as Lot 2, Arbor Creek from R-2/Two-Family Residential District to C-1/Neighborhood Commercial and to amend the future land use plan of the Bluffs Tomorrow 2030 Comprehensive Plan by reclassifying said property from Medium Density Residential to Local Commercial; and to repeal a PR/Planned Residential Overlay (CASE #PR-21-001) that was appended to said property via Ordinance No. 6415. Location: Undeveloped property lying at the northwest corner of the intersection of College Road and Railroad Highway.

C. CASE #ZT-24-001

Public hearing on the request of Just Wright Investments LLC, represented by Deborah Petersen, to amend Section 15.09.030 of the Council Bluffs Municipal Code (Zoning Ordinance) by adding 'boarding, lodging, rooming house, or bed and breakfast' as a conditional use in the R-2/Two-Family Residential District.

D. CASE #URV-24-001

Public hearing on the request of the City of Council Bluffs to combine all current Urban Revitalization Areas and adding a new area to be known as South Expressway Urban Revitalization Area, being legally described as

Lots 5, 6, 7, 8, 16, 17 and all of Lot 4 except the North 3.5 feet, Country Club Acres, City of Council Bluffs, Pottawattamie County, Iowa. Location: Area located south of 35th Avenue and north of Veterans Memorial Highway between the South Expressway and Richland Drive.

8. OTHER BUSINESS

A. City Council update

9. ADJOURNMENT

If you plan to attend this meeting and require special assistance please contact the Community Development Department at (712) 890-5350 at least 48 hours before the meeting.

Planning Commission Communication

Department: Community Development
Case/Project No.: ZC-23-015 CASE #ZC-23-015 Council Action: 2/13/2024
Submitted by: Christopher N. Gibbons, AICP, Planning & Code Compliance Manager

Description

Public hearing on the request of Nick Brenner, representing Menard, Inc., to rezone property legally described as Lots 1 and 3A, Lake Manawa Centre Subdivision from P-C/Planned Commercial District to C-2/General Commercial District. Location: 3200 Manawa Centre Drive.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report & Attachments	Other	2/7/2024

Planning Commission Communication

Department: Community Development CASE # ZC-23-015 Applicant/Property Owner: Menard Inc. 5101 Menard Drive Eau Claire, WI 54703 Representative: Nick Brenner, Real Estate Rep. Menard Inc. 5101 Menard Drive Eau Claire, WI 54703	Ordinance No. _____	Planning Commission: 1/9/2024
Subject/Title Request: Public hearing on the request of Nick Brenner, representing Menard, Inc., to rezone property legally described as Lots 1 and 3A, Lake Manawa Centre Subdivision from P-C/Planned Commercial District to C-2/General Commercial District. Location: 3200 Manawa Centre Drive		
<p style="text-align: center;">Background</p> <p>The Community Development Department has received an application from Nick Brenner, representing Menard, Inc., to rezone property located at 3200 Manawa Center Drive, legally described as Lots 1 and 3A, Lake Manawa Centre Subdivision, from P-C/Planned Commercial District to C-2/General Commercial District (see Attachment ‘A’). The purpose of this request is to allow Menard’s to repurpose their former retail store into ‘commercial storage’ and to redevelop their front parking lot into two new commercial outlots (see Attachments ‘B’ and ‘C’). The Lake Manawa Power Centre is a master-planned development that was established in 1993 and serves as one of Council Bluffs premier outdoor shopping centers. The development consists of approximately 148 acres of land and 1,028,754 square feet of commercial space. The subject Menard’s property is comprised of 13.9 acres of land and approximately 233,962 square feet of commercial/retail space, which makes it the largest building in the shopping center (by square footage) and the third largest developed property (by acreage) in the Lake Manawa Power Centre. The property is situated near a main entrance and is highly visible from the South Expressway, 32nd Avenue, and Manawa Centre Drive. Additionally, the site has direct vehicular and pedestrian access onto 32nd Avenue and Manawa Center Drive.</p> <p><u><i>Land Use and Zoning</i></u> The following zoning and land uses surround the subject property:</p> <ul style="list-style-type: none"> North/East: A mixture of commercial retail, restaurants, and an automotive service establishment all zoned PC/Planned Commercial District; South: Railroad tracks, 35th Avenue, and a mixture of retail commercial and consumer service establishments all zoned PC/Planned Commercial District; 		

- West: South Expressway, automotive sales and rental establishments, restaurants, manufacturing, and financial services all zoned a mixture of C-2/Commercial District and I-2/General Industrial District.

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

The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as 'Regional Commercial'.

Public notices were mailed to all property owners within 200 feet of the request. No comments have been received as of the date of this report. One notice to Thomas Properties LLP was returned to the City as undeliverable.

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

- A. Council Bluffs Fire Department stated they have no comments for the request.
- B. Council Bluffs Public Works stated stormwater management will be required for water quality at the time the property is subdivided.
- C. Council Bluffs Water Works stated they have no comments for the request.
- D. MidAmerican Energy stated they have no concerns for the request and that Menard's or their agent should contact them directly to discuss the project timeline and identify costs associated with their project.

Discussion

1. The future land use plan of the Bluffs Tomorrow 2030 (Comprehensive Plan) designates the subject Menard's property and the entire Lake Manawa Power Centre as 'Regional Commercial'. This designation is described as *"significant commercial development in high visibility areas, such as expressway interchanges and major destinations centers. Uses in these areas include big-box retailers, casinos, franchise restaurants, and large multi-tenant shopping centers. Often, regional commercial centers are arranged around an internal circulation system and with coordinated development"*. Historically, the City has applied P-C/Planned Commercial District zoning to areas designated as 'Regional Commercial' because they are developed as large master planned commercial shopping centers or entertainment areas (i.e. Metro Crossing, Marketplace, M.A.C. Area, and Bluffs Northway) and share interconnected relationships via street networks, utilities, stormwater, architectural design, site layouts, pedestrian and vehicular interconnections, signage, property maintenance, etc. The C-2/Commercial District is typically not applied to areas designated as "Regional Commercial" as this zoning district does not allow for master planned developments and is more oriented towards stand-alone commercial/retail strip and/or highway-oriented development.
2. The applicant has requested to rezone the subject property from P-C/Planned Commercial District to C-2/Commercial District in order to repurpose their former retail store into 'commercial storage'. Per Section 15.18.010 of the Council Bluffs Municipal Code (Zoning Ordinance), the purpose and intent of the P-C District is to *"provide for the development of retail shopping centers, hotel/motel services, destination resorts, and office parks. Facilities in planned commercial districts are designed to be used in common, such as ingress and egress roads, extensive parking accommodations, proper relations to traffic arteries, and compatibility with surrounding uses. Because large retail/service centers have*

significant impact upon the development of the city, final authority over their development shall be retained by the city council, with extensive review by the planning commission.” As opposed to the P-C District, the purpose and intent of the C-2/Commercial District is to “provide for major commercial retail shopping and service areas adjacent to major traffic corridors. This district also provides a variety of commercial services to the community and adjacent residential neighborhoods”, as per Section 15.15.010 of the Council Bluffs Zoning Ordinance.

The P-C District is the most appropriate zoning designation for properties within the Lake Manawa Power Centre as its purpose and intent is to allow master-planned developments that contribute significant employment opportunities and economic development (i.e., property tax base and sales tax base) in our community. The subject Menard’s property is currently required to adhere to a set of adopted development standards within the Lake Manawa Power Centre that regulate architecture, landscaping, site design, etc. to ensure cohesive and high quality aesthetics throughout the development. Any new development that would occur on the large, highly visible subject property would not be held to any set of adopted standards under the C-2 zoning designation if the rezoning is approved. This would also create an unfair advantage to the applicant and would potentially have negative consequences for how the property interacts with adjacent properties and the long-term economic stability of the shopping center.

Furthermore, the C-2 District allows other uses that are not allowed within a P-C District (i.e., outdoor automotive sales, contractor shops, etc.), which are not compatible with a master planned development, such as the Lake Manawa Centre.

3. A ‘commercial storage use’ is allowed in a C-2 District with the adoption of a conditional use permit (CUP) from the Zoning Board of Adjustment (ZBA). If the rezoning is approved, the applicant would have to obtain a CUP in order to operate their ‘commercial storage’ facility on the subject property. The CUP review process includes a public hearing and would consider factors such as, but not limited to, site layout, land use compatibility with surrounding properties, exterior lighting, injury to property values, convenience and general welfare of the public, pedestrian and vehicle access, screening/buffering, and utilities.
4. A “Power Center” is a type of commercial development that is generally described as being a large outdoor shopping center that contains a mixture of freestanding ‘big box’ stores, smaller retail strips, consumer service establishments, hotel/lodging, and/or restaurants whose sites share driveway interconnections and off-street parking. Power Centers are typically designed to make ‘big-box’ stores tenants highly visible to customers and serve a trade area of several miles. This type of development is usually automobile-oriented and is designed in a manner that utilizes ‘big box’ stores to attract large customer bases, who then make additional stops to visit other smaller commercial/retailers within the development. Historically, the Lake Manawa Power Centre operated with four ‘big-box’ stores (Sam’s Club, Home Depot, Wal-Mart, and Menard’s) until 2023, which is when Menard’s relocated to their new store site at the former Mall of the Bluffs.

Since 2022, Menard’s has tried selling their former store but have been unsuccessful due to a variety of reasons related to the property’s sale price, redevelopment costs, land use incompatibility, and/or their business relationship with Wal-Mart, who has approval rights for any new use on the property. Menard’s has stated to the City that when they are not able to sell their former store sites they convert them into ‘commercial storage’ so they can continue to make use of their property in a profitable manner. This business strategy has been deployed in several Midwestern states, including Iowa, and also includes the

conversion of other vacant “big box” stores, located within close proximity of an existing Menard’s store, such as the former Shopko store in Lincoln, Nebraska.

5. Section 15.03.158 of the CBMC (Zoning Ordinance) defined ‘commercial storage’ as *“storage services primarily for personal items and household goods within enclosed storage areas having individual access but excluding use of areas as workshops, hobby shops, manufacturing, or commercial activities”*. This type of use is allowed in the C-2/Commercial District and R-4/High-Density Multi-Family Residential District with issuance of a conditional use permit from the ZBA and in the I-1/Light Industrial and I-2/General Industrial Districts as a permitted “by-right” use.

Within the City of Council Bluffs, ‘commercial storage’ facilities are generally described as stand-alone development that have a very low to sporadic amount of customer traffic. They are usually located within close proximity of residential development or adjacent to a major thoroughfare and are not known for generating new development on neighboring or adjacent properties. The City is very cognizant of the changing “brick-and-mortar” retail environment that is occurring nationwide and has been proactive in recent years to try and reinvigorate our P-C District commercial centers by allowing new land uses such as multi-family residential and light assembly/manufacturing. As opposed to ‘commercial storage’, multi-family residential and manufacturing uses are seen as “economic development generators” as they contribute to our local property tax base, housing, and employment numbers. These uses are considered harmonious with retail commercial centers and tend to bring a predictable amount of traffic that benefits other “big box” stores and smaller retailers within the P-C District commercial centers. Additionally, ‘commercial storage’ does not generate much sales tax revenue, as compared to other commercial/retail uses in our P-C District commercial center, and is not considered to be consistent with the purpose and intent of a ‘Power Center’, as it would create an economic void in the Lake Manawa Power Centre.

Furthermore, allowing a C-2 designation in one of our premier shopping centers located at one of the entrances to our community (I-80 and South Expressway) would be in conflict with the City’s mission, which is to improve the quality of life and attractiveness of the City of Council Bluffs, and our proactive efforts to halt the decline of the city’s commercial shopping centers.

6. The conceptual site plan submitted by Menard’s shows the site being replatted and developed into a three-lot subdivision. The former Menard’s store would be located on a stand-alone parcel and their parking lot along 32nd Avenue would be redeveloped into two new commercial development lots. The former store site would lose their frontage along 32nd Street, which would make it very difficult for future redevelopment as they have limited visibility and less land area to accommodate new building(s), off-street parking, stormwater management, etc. Additionally, the loss of direct access to 32nd Avenue and a decrease in visibility could potentially reduce the property’s value and marketability.
7. The subject property has access to water, sanitary sewer, and storm sewer utilities within 32nd Avenue and/or Manawa Center Drive rights-of-ways and is suitable for commercial development.
8. The subject property is located within an AH Flood Zone, as per FEMA Flood Insurance Rate Map panel #19155C0576E, dated 2/4/2005. All development on the subject property shall comply with applicable Federal, State, and local floodplain development standards.

Recommendation	
The Community Development Department recommends <u>denial</u> of the request by Nick Brenner, representing Menard, Inc., to rezone property legally described as Lots 1 and 3A, Lake Manawa Centre Subdivision from P-C/Planned Commercial District to C-2/General Commercial District, based on reasons stated above.	
Attachments	
Attachment A: Letter of intent Attachment B: Conceptual site plan Attachment C: Proposed building renderings Attachment D: Location/zoning map	
Prepared by: Christopher N. Gibbons, AICP, Planning Manager, Community Development Department	

REZONE NARRATIVE

REZONE:

This request is to rezone Parcel 744412254003 (the former Menards store) from the P-C to C-2 to allow for the transformation of the former Menards store property into a multi-use development providing the community with exciting new services. The rezone will allow for the vacant parking lot to be repurposed with new commercial outlots providing potential for new food, shopping and personal care options while supplying the community with much needed self-storage units. Attractive new buildings and landscaping in the newly created outlots will bring a fresh appearance to the aging Lake Manawa Shopping Center and with the latest and greatest uses coming to fill these buildings, enthusiasm surrounding the Shopping Center will be just as prevalent as it was when Lake Manawa Shopping Center was first developed.

PROJECT DESCRIPTION:

Menards is extremely happy with how the new store turned out and is excited to watch the commercial area grow around the store. It has been quite the transformation from the old mall to what it is now. As part of the store relocation process, Menards is now at the point of determining what to do with the former store and how best to continue to serve this great community. One of the biggest fears is that this property continues to sit vacant. Vacant property is an eye sore, has security issues and depreciates the value of the area as the property continues to deteriorate. There are limited opportunities to backfill property of this size, but there are options to not only utilize the property but improve it to serve the community just as well as it has for years as a Menards store.

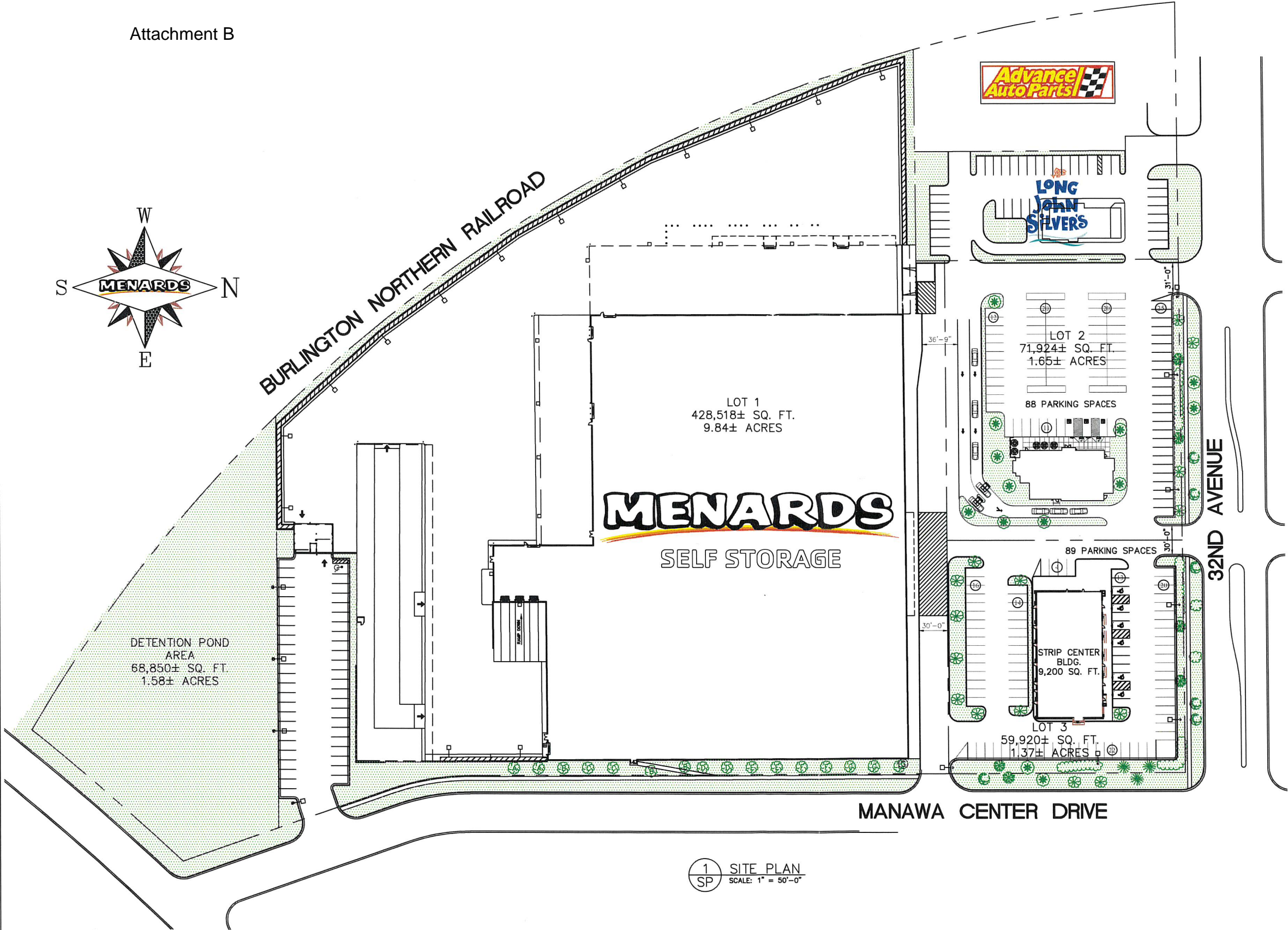
This project will do just that. It will result in the removal of a large parking field, putting the land to more productive uses as commercial outlots. Being over 3 acres, multiple new outlots will become available, each large enough to provide flexibility for the end user. The new commercial development will break up the existing pavement with their attractive structures and enhanced landscaping effectively blending in with the rest of the Lake Manawa Centre shopping district. Not only will additional services be provided through this project, but an increase in the city's tax base will also be realized as the new structures will be in addition to what is currently realized by the city. These uses will increase demand to this area, regenerating traffic patterns that were present when the Menards store was operating.

The conversion of the former store to self-storage allows this development to happen. Unlike most other uses, self-storage does not require a lot of parking which allows the parking lot to be separated out and developed. There is a need in the community for self-storage and this development will provide a solution to that need in addition to the services that will be offered with the new commercial lots. To bring the development full circle, the Menards building will also get a facelift when the Menards self-storage brand is applied to the building.

Menards currently has over 15 operating facilities in the Midwest and within the next couple of years will have close to 50. All facilities are located next to or close to Menards retail stores as the self-storage is an extension of the store operations. Store management and employees support day-

to-day operations which gives the self-storage facility a local presence. Further assistance is provided by Menards general office self-storage team in Eau Claire, Wisconsin.

The biggest benefit of this proposal is that Menards will be front and center on this development, meaning the city has a developer they can rely on. Although this development may not be as massive as the one Menards just completed, it is equally as important to the city, the community and Menards.



MENARDS.			PROJECT TITLE R24 COUNCIL BLUFFS, IA	
EAU CLAIRE, WISCONSIN			SHEET TITLE SITE PLAN	
SCALE AS NOTED	DRAWN BY KWK	DATE 09-15-23		
REVISIONS			CAD DWG NAME Council Bluffs	
NO.	DATE	DESCRIPTION	BY	SHEET NO.
				SP





CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASES #ZC-23-015 LOCATION/ZONING MAP

Attachment D

Legend

- Case #ZC-23-015 - Subject Property
- Parcels

0 150 300



1 Inch = 300 Feet



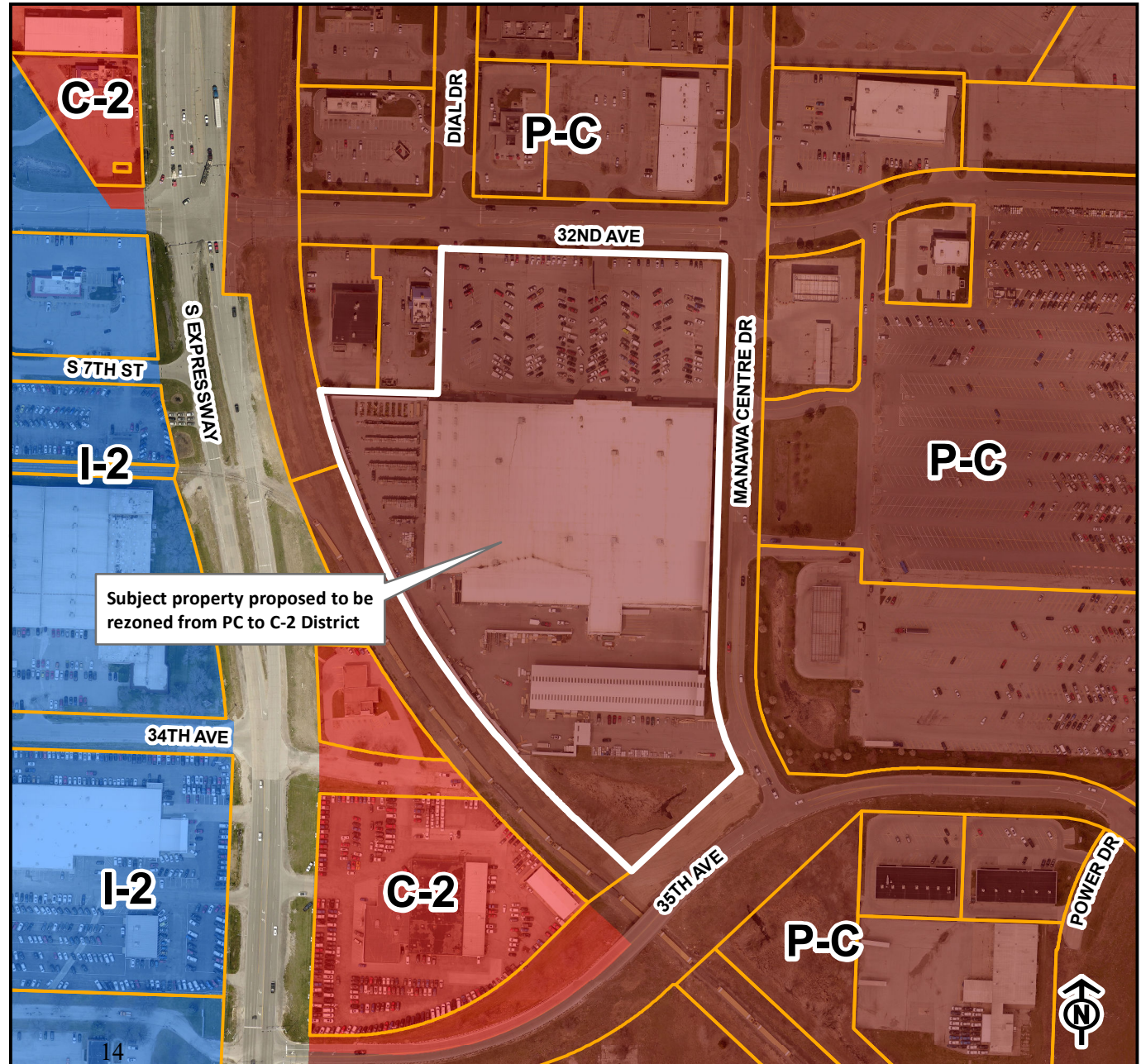
Last Amended: 12/14/2023



Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 890-5350

DISCLAIMER

This map is prepared and compiled from City documents, plans and other public records data. Users of this map are hereby notified that the City expressly denies any and all responsibilities for errors, if any, in the information contained on this map, the misuse of the same by the user or anyone else. The user should verify the accuracy of information/data contained on this map before using it. The City assumes no legal responsibility for the information contained on this map.



Planning Commission Communication

Department: Community

Development

Case/Project No.: ZC-24-001, CP-24-001, and PR-21-001

CASES #ZC-24-001, #CP-24-001,
and #PR-21-001

Council Action: 2/13/2024

Submitted by: Christopher N.

Gibbons, AICP, Planning & Code

Compliance Manager

Description

Public hearing on the request of Neal Drickey, represented by Clinton Brunow, to rezone property legally described as Lot 2, Arbor Creek from R-2/Two-Family Residential District to C-1/Neighborhood Commercial and to amend the future land use plan of the Bluffs Tomorrow 2030 Comprehensive Plan by reclassifying said property from Medium Density Residential to Local Commercial; and to repeal a PR/Planned Residential Overlay (CASE #PR-21-001) that was appended to said property via Ordinance No. 6415. Location: Undeveloped property lying at the northwest corner of the intersection of College Road and Railroad Highway.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description

Staff Report & Attachments

Type

Other

Upload Date

2/8/2024

Planning Commission Communication

Department: Community Development CASES #ZC-24-001, #CP-24-001, and #PR-21-001 Applicant/Property Owner: Neal S. Drickey 2023 S. 1 ^{81st} Circle Omaha, NE 68130 Representative: Clinton D. Brunow 16935 State Orchard Road Council Bluffs, IA 51503	Resolution No. _____ Resolution No. _____ Ordinance No. _____	Planning Commission: 2/13/2024
Subject/Title Requests: Combined public hearings on the request of Neal Drickey, represented by Clinton Brunow, to rezone property legally described as Lot 2, Arbor Creek from R-2/Two-Family Residential District to C-1/Neighborhood Commercial and to amend the future land use plan of the Bluffs Tomorrow 2030 Comprehensive Plan by reclassifying said property from Medium Density Residential to Local Commercial; and to repeal a PR/Planned Residential Overlay (CASE #PR-21-001) that was appended to said property via Ordinance No. 6415. Location: Undeveloped property lying at the northwest corner of the intersection of College Road and Railroad Highway.		
Background The Community Development Department has received the following requests from Neal Drickey, represented by Clinton Brunow, for property legally described as Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa (see Attachment A):		
<ol style="list-style-type: none"> 1. CASE #ZC-24-001: Rezone the subject property from R-2/Two-Family Residential District to C-1/Neighborhood Commercial District (see Attachment B). 2. CASE #CP-24-001: 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’ (see Attachment C). 3. CASE #PR-21-001: Repeal the adopted PR/Planned Residential Overlay that was appended onto Lot 2, Arbor Creek via Ordinance No. 6453 on May 24, 2021. <p>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 D). The development was master planned to include a mixture of townhomes, single-family residential dwellings (detached), and out lots for storm water detention. After receiving approval from the City, the applicant was notified by their engineer that a significant amount of wetlands exist on the property. Due to the size and location of the wetlands, the applicant determined their 27-lot residential subdivision was not feasible to construct and looked for other development alternatives for the property.</p>		

The applicant now proposes to develop the area of the property that is not encumbered with wetlands with a 21,216 square-foot multi-tenant commercial strip center and 132 off-street parking stalls (see Attachment E). The commercial building, parking, and vehicle access will be located on the existing filled area of the property and will be buffered/screened from the adjacent residential properties and rights-of-way with landscaping and tree plantings. The proposed strip center building will be constructed with a mixture of split-faced concrete masonry unit (CMU) block and architectural metal panels. Specific tenants in the commercial strip center have not been determined but all future tenants will comply with the land uses allowed in the C-1 District (see Attachment F).

Land Use and Zoning

The following zoning and land uses surround the subject property:

- North – Midlands Humane Society and undeveloped land zoned A-2/Parks, Estates, and Agricultural District along with commercial storage and multi-family apartments zoned R-4/High Density Residential. Additionally, Sherwood Plaza and undeveloped land are located north of the subject property and are zoned C-2/Commercial District.
- South – College Road, single-family residential dwellings, and undeveloped land zoned A-2/ Parks, Estates, and Agricultural District and R-1/Single-Family Residential District.
- East – Railroad Avenue, single-family residential dwelling, Burlington Northern Railroad, and Iowa Western Community College all zoned A-2/Parks, Estates, and Agricultural District. Additionally, College View Elementary and several multi-family apartments that are all zoned R-3/Low Density Multi-Family Residential District, as well as, St. Patrick's Church, zoned R-1/Single-Family Residential District, are located to the east.
- West – Single-family residential dwellings and undeveloped land all zoned R-1/Single-Family Residential District

The future land use plan of the Bluffs Tomorrow: 2030 (Comprehensive Plan) designates the subject property as 'Medium Density Residential' with the westerly portion also being designated as "Loess Hills Preservation Area".

Public notices were mailed to all property owners within 200 feet of the request. Additionally, the City mailed a public notice to Midlands Humane Society (1020 Railroad Avenue) and their attorney (Deborah Petersen) since they have a long-term lease on the City-owned property located immediately north of the subject property. The following public comments were received:

1. Ron Wolf, 536 College Road, Council Bluffs, Iowa, stated he is the President of the Indian Hills Neighborhood Association and plans to speak at the February 13, 2024 City Planning Commission meeting regarding the applicant's requests.

All City Departments and local utilities were notified of the proposed requests and the following comments were received:

- A. Council Bluffs Parks and Recreation Department stated they have no comments.
- B. Council Bluffs Fire Department stated they have no comments.
- C. Council Bluffs Police Department stated they have no comments or objections.
- D. Council Bluffs Public Works stated they have they are not opposed to the commercial use on the property and that storm water management will be required for the development.
- E. Council Bluffs Water Works stated they have no comments for the request.
- F. MidAmerican Energy stated they have no conflicts or concerns with the referenced cases and the developer or their agents should contact MidAmerican Energy directly to discuss the project timeline and costs associated with extending electric service to the development.

Discussion

1. The applicant has requested to rezone the subject property from R-3/Low Density Multi-Family Residential District to C-1/Neighborhood Commercial District in order to build a new a 21,216 square-foot multi-tenant commercial strip center and 132 off-street parking stalls. Per Section 15.14.01 of the Council Bluffs Municipal Code (Zoning Ordinance), the purpose and intent of the C-1/Neighborhood Commercial District is to *“provide for the development of retail, office, and minor commercial facilities adjacent to neighborhood residential areas. The district allows for a large variety of commercial and service uses”*. The subject property is located at the intersection of College Road and Railroad Highway, which are well traveled roadways that intersect East Kaneshville Blvd and/or Valley View Drive. Additionally, the property has potential for becoming a neighborhood commercial node, based on the mixture and density of land uses within one-mile of its location such as: Midlands Human Society, College View Elementary, Iowa Western Community College, Sherwood Apartments, St. Patrick’s Church, Prairie Gate Senior Living, Graceview Courtyard Senior Living, Sherwood Plaza, Patrick Circle Townhomes, etc. Rezoning the subject property to C-1/Neighborhood Commercial District would provide neighborhood-oriented commercial opportunities that are within a reasonable driving and walking distance of properties in the vicinity and would allow the property to be developed to its highest and best use given the unique environmental constraints.
2. The future land use plan of the Bluffs Tomorrow 2030 (Comprehensive Plan) designates the subject property as ‘Medium Density Residential’. This designation was applied to the property in 2022 in recognition of the applicant’s 27-lot residential development proposal. The applicant is now proposing to change the designation from ‘Medium Density Residential’ to ‘Local Commercial’ so that the C-1 zoning and future land uses align together. Per the Bluffs Tomorrow: 2030 Comprehensive Plan, the ‘Local Commercial’ designation is described as *“commercial areas with land uses oriented towards goods and services that meet the demand of Council Bluffs residents. These uses include grocery stores, convenience stores, pharmacies, banks, auto services, and small offices. They are typically located along visible corridors or at neighborhood centers, and may be configured as multi-tenant shopping centers or individual developments on smaller lots”*. The C-1/Commercial District allows a variety of neighborhood oriented commercial land uses and is generally consistent with the ‘Local Commercial’ future land use plan designation.
3. On May 24, 2021, the Council Bluffs City Council approved Ordinance No. 6453, which appended a PR/Planned Residential Overlay onto the subject property. Additionally, City Council approved a Planned Residential Development Plan via Resolution No. 21-144, which established land use and site development standards for the subject property relative to building setbacks, maximum lot coverages, utility easements, architectural designs, landscaping, signage, storm water management, access management, etc. The applicant has stated they are no longer able to develop the site as per the approved development plans due to the amount of wetlands and floodplain areas on the property. Since the site will not be developed with any residential uses, the applicant and the City concur the adopted PR Overlay (Case #PR-21-001) should be removed from the subject property. The applicant’s adopted PR development plan will expire and any future development on the property must comply to C-1 District standards, if the rezoning request is approved.
4. The property contains 6.19 acres of land, which complies with the minimum C-1/Commercial District lot size requirements. All land development on the property shall comply with the site development standards stated in Section 15.14.050, *Site Development Regulations, C-1/Commercial District*, of the Council Bluffs Zoning Ordinance.
5. The subject property has access to water, sanitary sewer, and storm sewer utilities within Railroad Highway or College Road rights-of-way and is suitable for commercial development.
6. The subject property is located within an AE and 0.2% Flood Hazard Zones, as per FEMA Flood Insurance Rate Map panel #19155C0418F, dated 4/16/2013. All development on the subject property shall comply with applicable Federal, State, and local floodplain development standards.

Recommendations

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

1. Approval to rezone the subject property from R-2/Two-Family Residential District to C-1/ Neighborhood Commercial District, based on reasons stated above.
2. Approval to 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’, based on reasons stated above.
3. Approval to repeal the adopted PR/Planned Residential Overlay that was appended onto Lot 2, Arbor Creek via Ordinance No. 6453 on May 24, 2021, if the rezoning request is approved, based on reasons stated above.

Attachments

Attachment A: Letter of intent

Attachment B: Location/zoning map

Attachment C: Future Land Use Plan map

Attachment D: Approved Arbor Creek 2nd Addition PR Development Plan

Attachment E: Conceptual site/landscaping/building renderings

Attachment F: C-1/Commercial District (Section 14.15 – Council Bluffs Municipal Code)

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

LETTER OF INTENT

To whom it may concern,

This is a request to change the current Future Land Use Plan from a Low-Density Residential Use (R-2) to a Local Commercial Use (C-1).

- a. Include an explanation of why the prior rezoning is not feasible (i.e., the existing wetland) constrictions do not allow enough ground area to construct an economically viable residential development. The usable ground would be ideal for a commercial site.

- b. The proposed site design, landscaping, plan, elevations & building materials are a schematic design representation of the anticipated type of building that the property will be marketed as. New development shall be limited to the existing surcharged ground area & access drive. Exterior building materials shown represent a design minimum in terms of material type & quality to be allowed.

Sincerely,


Neal S Drickey


Clinton D Brunow

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASES #ZC-24-001, CP-24-001, & PR-21-001 LOCATION/ZONING MAP

Attachment B

Legend

 CASES #ZC-24-001, CP-24-001, and PR-21-001 Subject Property

 Parcels

0 150 300



1 Inch = 300 Feet



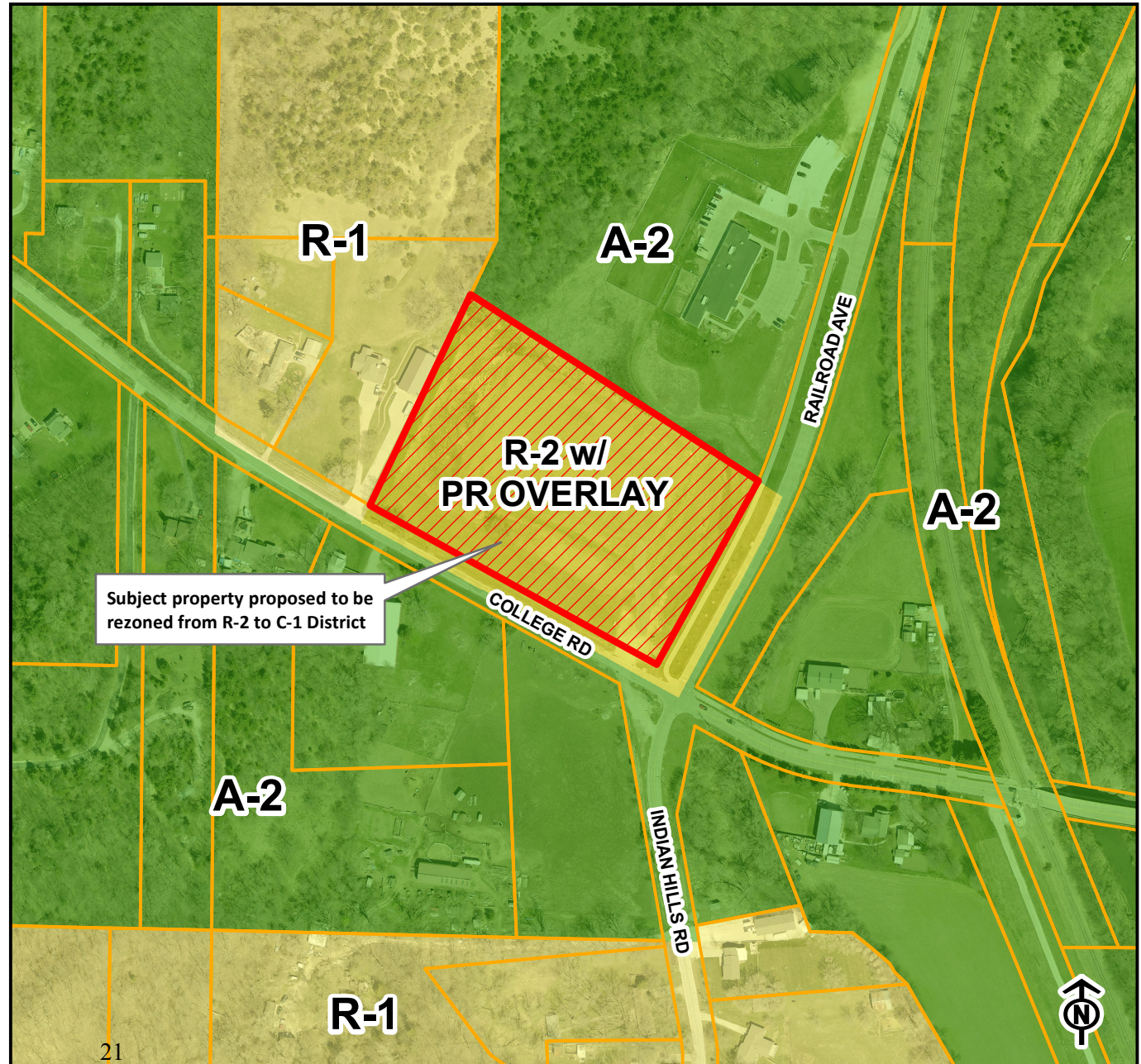
Last Amended: 1/23/2024



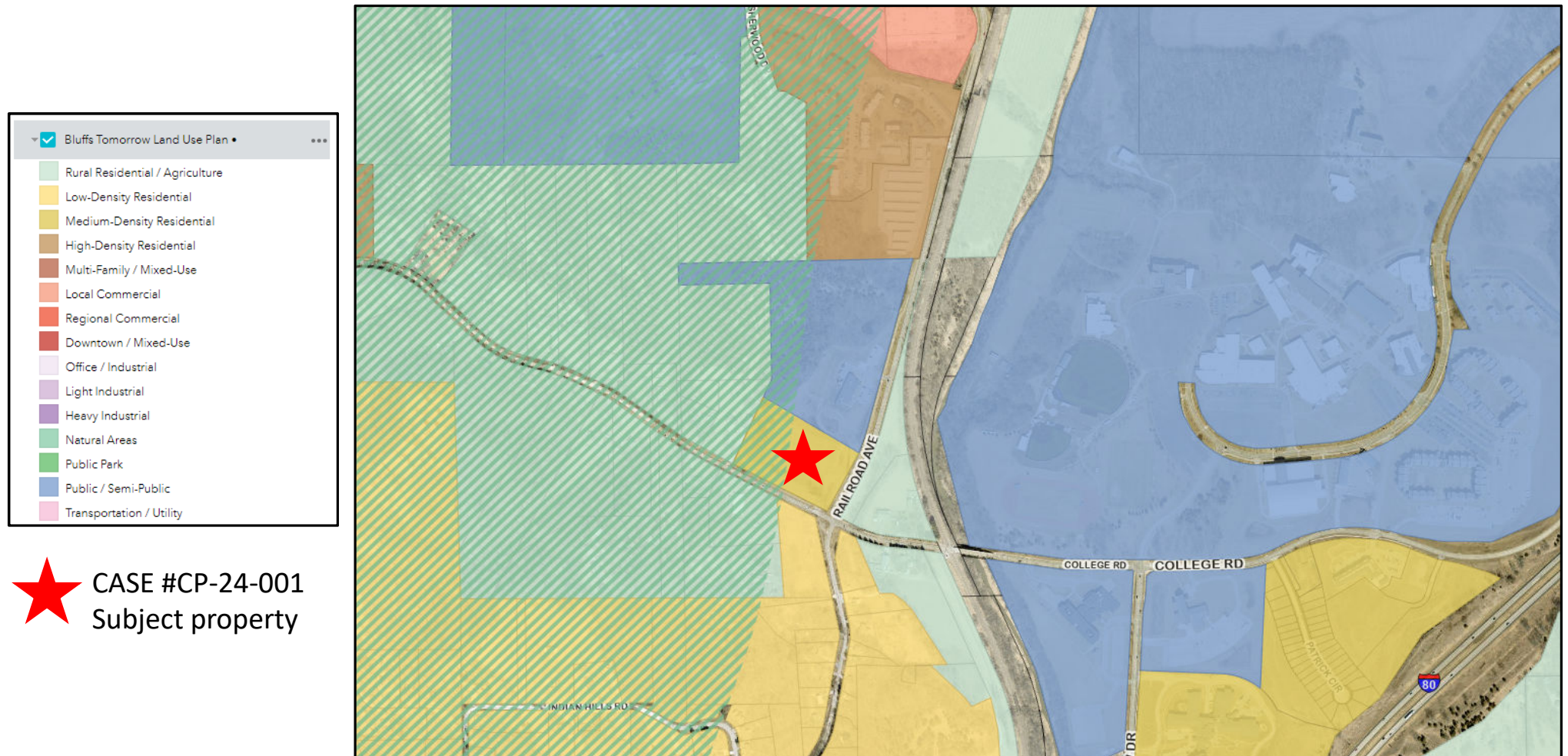
Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 890-5350

DISCLAIMER

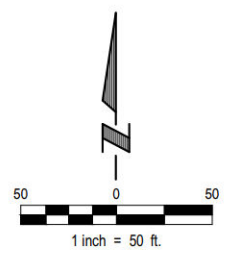
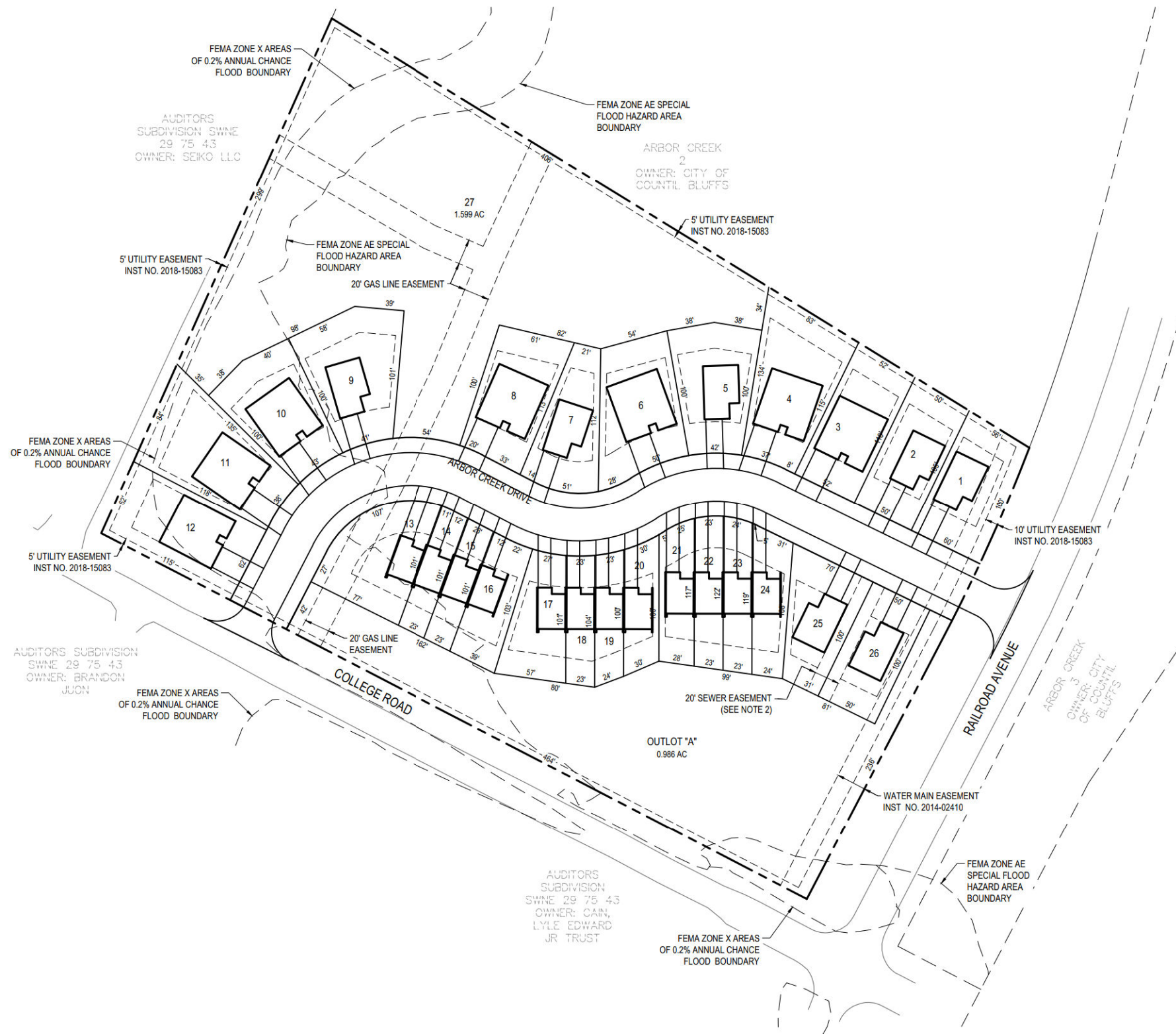
This map is prepared and compiled from City documents, plans and other public records data. Users of this map are hereby notified that the City expressly denies any and all responsibilities for errors, if any, in the information contained on this map; the misuse of the same by the user or anyone else. The user should verify the accuracy of information/data contained on this map before using it. The City assumes no legal responsibility for the information contained on this map.



Bluffs Tomorrow: 2030 Future Land Use Plan Designation Railroad Highway and College Road



Attachment D



SETBACK TABLE (LOTS 1 THRU 26)	
FRONT YARD	25'
INTERIOR SIDE YARD	0/5*
STREET SIDE YARD	15'
REAR YARD	20'

*INTERIOR SIDE YARD ALONG A COMMON WALL CAN BE SET A ZERO-LOT SETBACK AS LONG AS THE OPPOSITE SIDE YARD IS AT THE REQUESTED SIDE YARD SETBACK REQUIREMENT.

ZONING WAIVER REQUESTS

- SEC. 15.09.050
INTERIOR LOT AREA
REQUIRED 2,500 S.F. MIN.
PROVIDED 2,300 S.F.
- SEC. 15.09.050
CORNER LOT WIDTH
REQUIRED 55' MIN.
PROVIDED 50'
- SEC. 15.09.050
INTERIOR LOT WIDTH
REQUIRED 50' MIN.
PROVIDED 23'
- SEC. 14.14.020 (3)
LOT DEPTH TO WIDTH RATIO
REQUIRED 3:1 MAX.
PROVIDED 5.2:1

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Engineering Answers

ARBOR CREEK 2ND ADDITION

LOTS 1 THRU 27 AND OUTLOT "A" INCLUSIVE

COUNCIL BLUFFS, IOWA

PLANNED RESIDENTIAL

SITE PLAN

Revisions

Date	Description
03/16/2021	MAV
	NMM
	AS SHOWN

Proj No: P2020.240.001

Date: 03/16/2021

Designed By: MAV

Drawn By: NMM

Scale: AS SHOWN

Sheet: 1 of 2

3/15/2021 1:44 PM

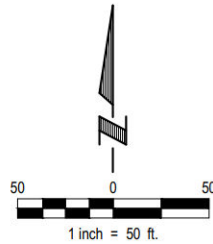
K:\Projects\2020\240\01\Planning & Building\PRPFS-000.dwg

Heide Nickels



LANDSCAPE NOTES:

- Locate and verify the location of all underground utilities prior to the start of any construction. Care should be taken not to disturb any existing utilities during construction. Any damage to utilities or other improvements caused by the Contractor will be repaired at no cost to the Owner.
- All plant material shall be of good quality and sizes shall meet required size specifications.
- All plants are to be watered in immediately after planting and then watered once a week for a period of two months from time of planting.
- All plant material shall be guaranteed to be in a live and healthy growing condition for two full growing seasons (trees) and one full growing season (perennials & shrubs) after final project acceptance or shall be replaced free of charge with the same grade and species including labor.
- Verify all dimensions and conditions prior to starting construction. The location of plant material is critical and shall be installed as indicated on plans. Field adjustments may be necessary based on field conditions (i.e., root ball and drop inlet conflict). All adjustments must be approved by the landscape architect.
- The Landscape Contractor shall remove all construction debris and materials injurious to plant growth from planting pits and beds prior to backfilling with planting mix. All planting areas shall be free of weeds and debris prior to any work.
- Provide locally available shredded hardwood mulch on all trees and in all planting beds to a 3-4 inch minimum depth unless otherwise noted. Mulch ring to extend 1'-0" minimum beyond planting pit. Minor site grading to be included if needed.
- All trees are to be staked for a period of not less than one year from time of planting.
- Contractor to coordinate work with other amenities contractors.

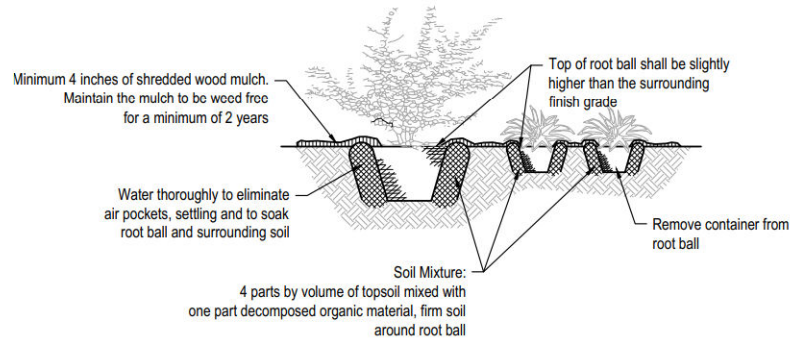


PLANT SCHEDULE

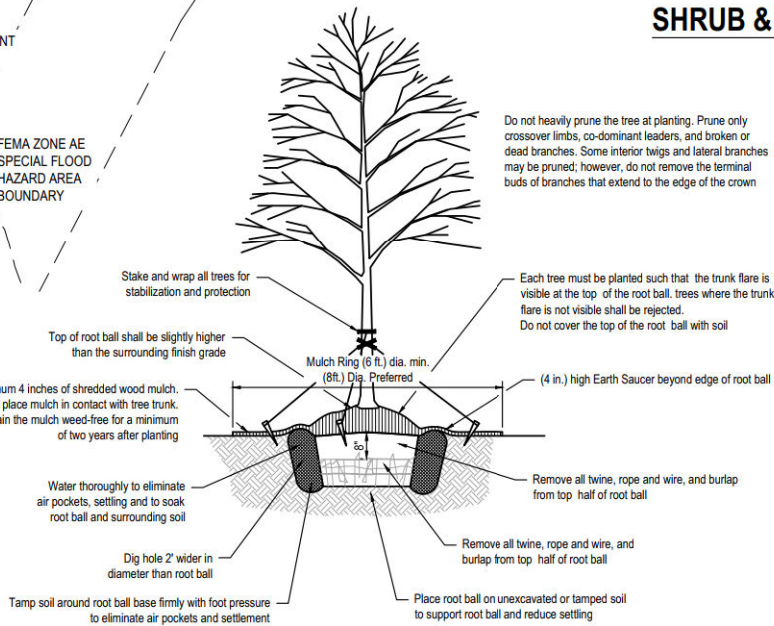
SYM	QTY	BOTANICAL NAME	COMMON NAME	SIZE	TYPE
A	7	Gleditsia triacanthos 'Skyline'	Skyline Honeylocust	2"	B&B
B	13	Acer freemanii 'Jeffersred'	Autumn Blaze Maple	2"	B&B
C	5	Quercus bicolor	Swamp White Oak	2"	B&B
D	5	Quercus rubra	Red Oak	2"	B&B
E	41	Viburnum dentatum 'Christom'	Blue Muffin Arrowwood Viburnum	3 Gal.	Cont
F	36	Juniperus chinensis 'Monlep'	Mint Julep Juniper	3 Gal.	Cont

TREE NOTES:

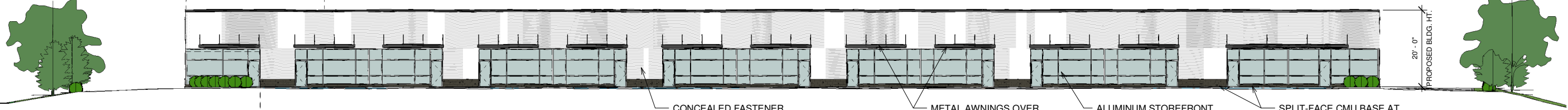
- Landscape contractor must coordinate with all utilities and general contractor to field verify all utility locations that may conflict with all proposed tree planting locations on the project site.



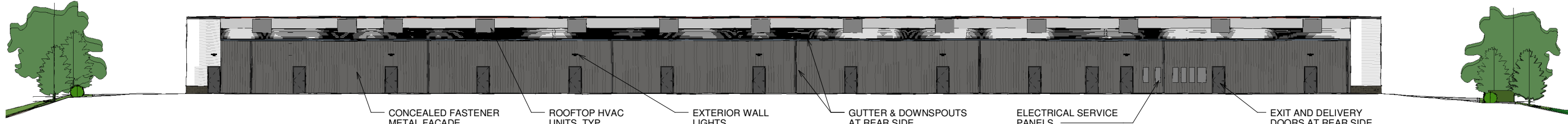
SHRUB & PERENNIAL PLANTING DETAIL
NOT TO SCALE



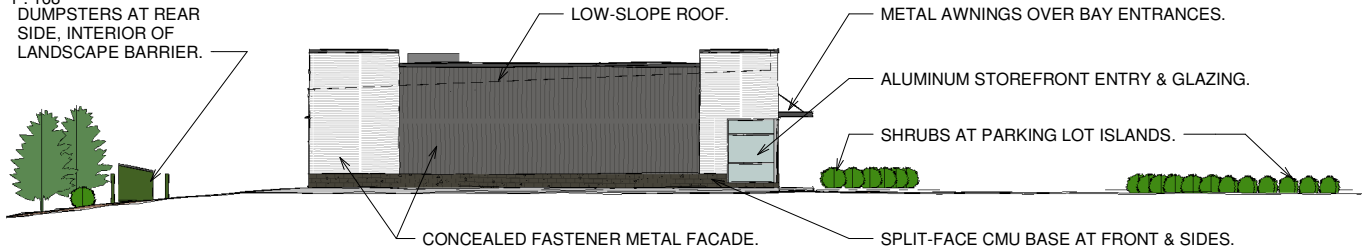
TREE PLANTING DETAIL - B & B TREE
NOT TO SCALE



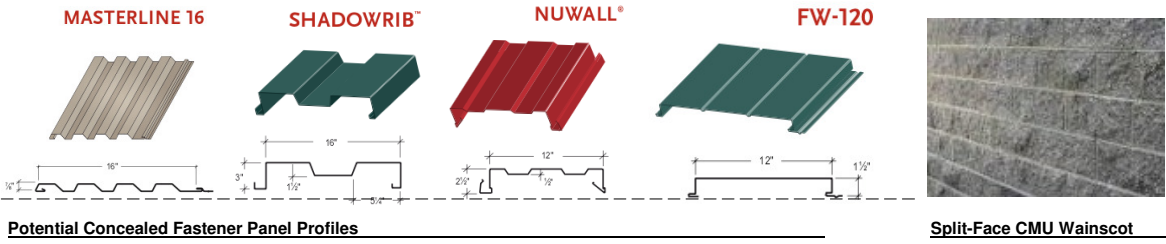
④ FRONT ELEVATION
1" = 168'



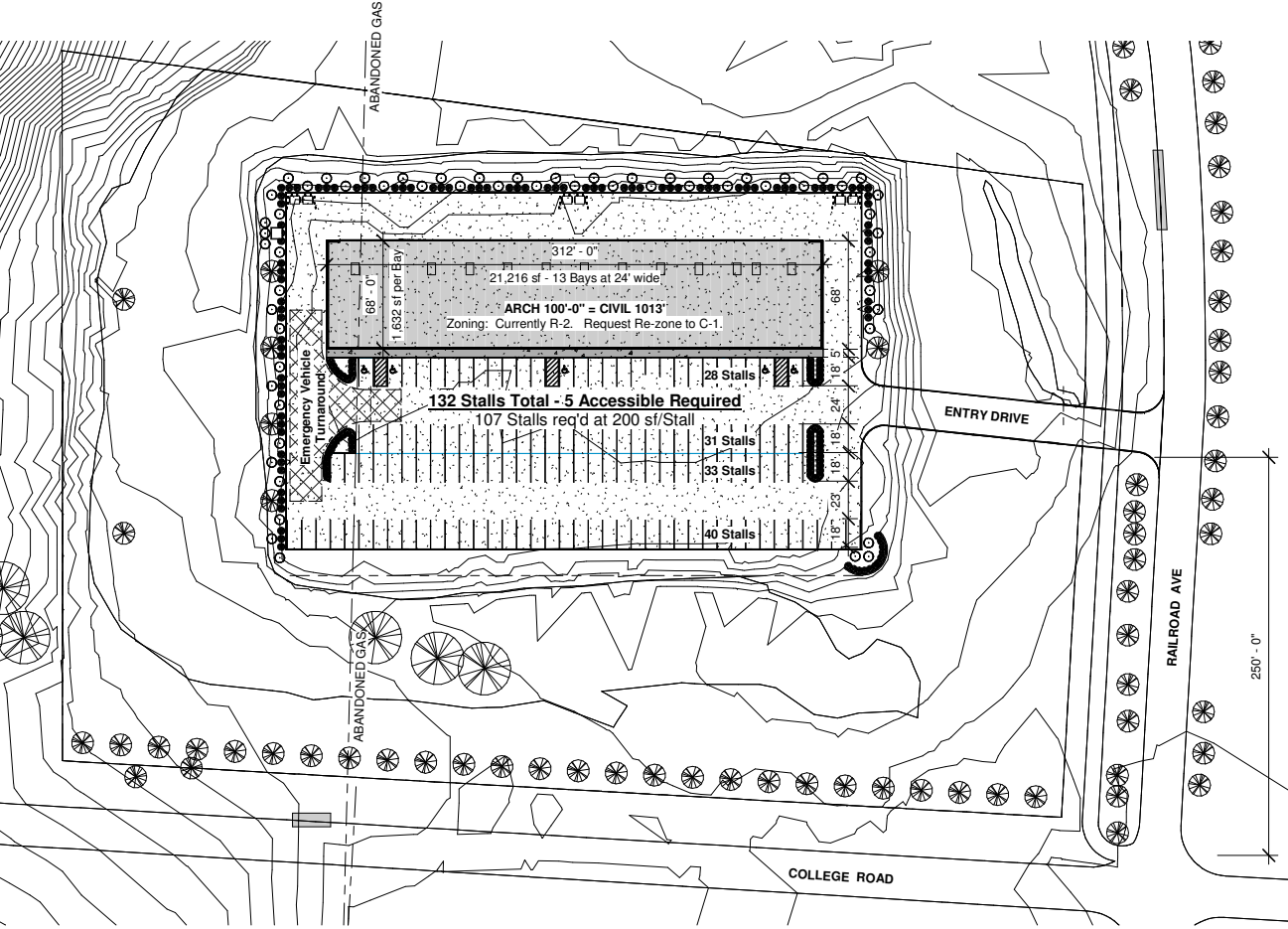
③ REAR ELEVATION
1" = 168'
DUMPSTERS AT REAR SIDE, INTERIOR OF LANDSCAPE BARRIER.



② SIDE ELEVATION
1" = 168'



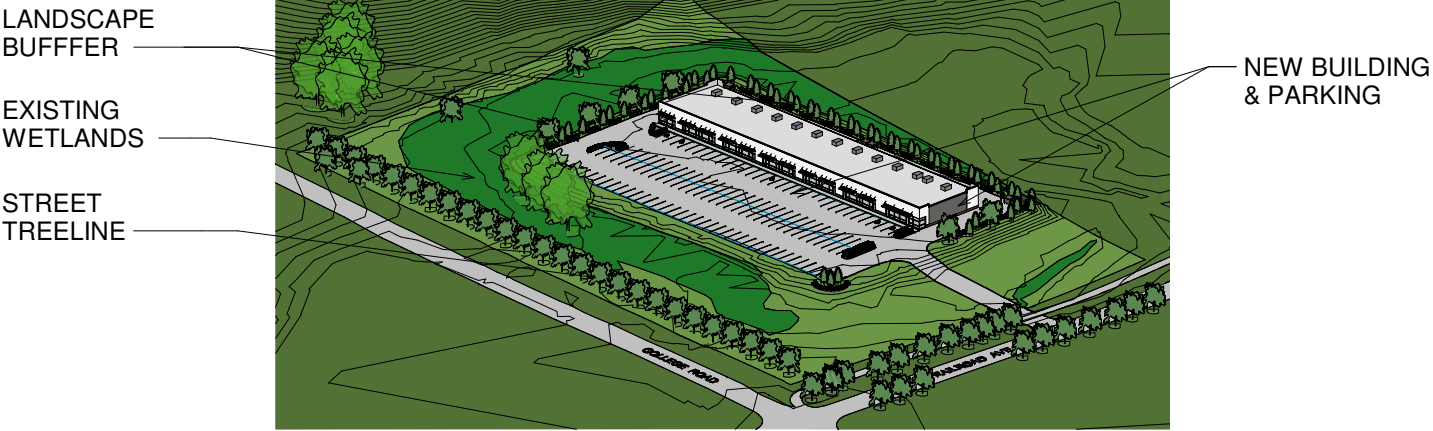
⑤ EXTERIOR MATERIAL TYPES
No Scale



① SITE PLAN
1" = 60'-0"



⑥ ADJACENT NORTH PROPERTY
1/4" = 1'-0"



⑦ Southeast Aerial

SITE PLAN & ELEVATIONS		
REVISIONS		
No.	Description	Date

New Retail Shopping Center

Neil Drickey
Parcel: 754329201002, Council Bluffs, Iowa



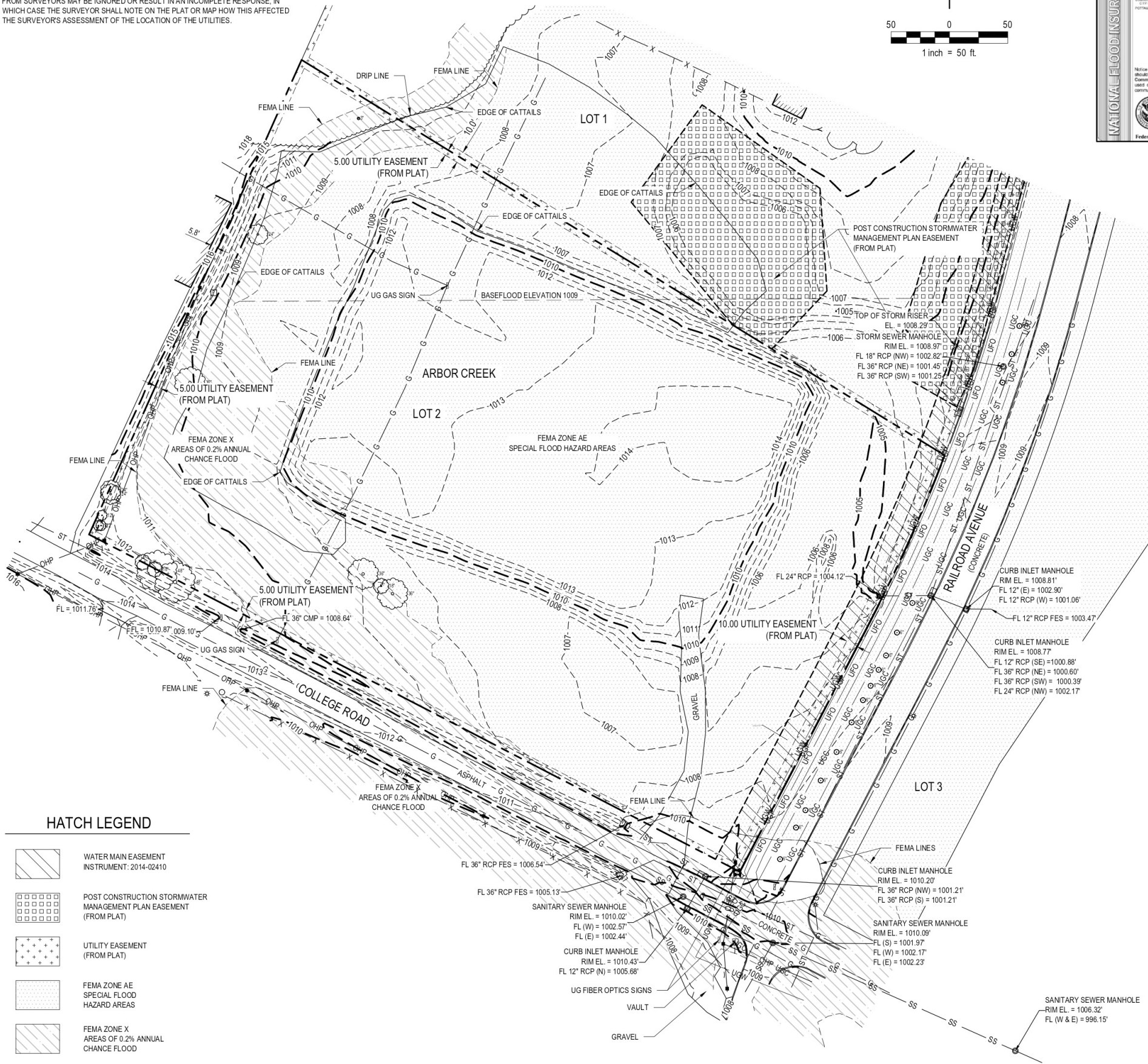
Paul J. Kelly
Architecture
440 North 61st Street
Omaha, Nebraska 68132
(402) 320 - 4131
pkjarchitecture.com

0.0

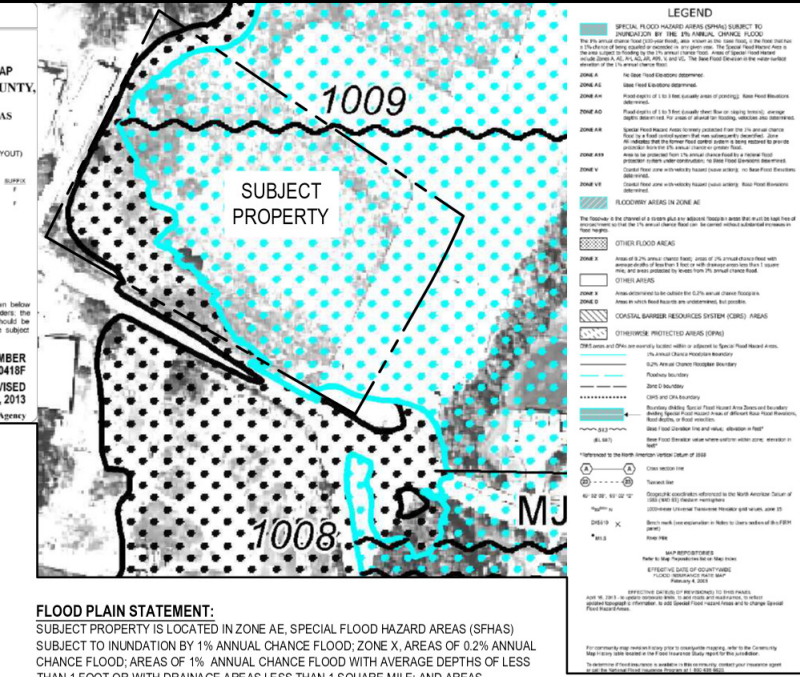
Project No. 23-015-01
Date 16 January 2024

UTILITIES NOTE:
IOWA ONE CALL TICKET NO. 210080437

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM OBSERVED EVIDENCE TOGETHER WITH EVIDENCE FROM PLANS OBTAINED FROM UTILITY COMPANIES OR PROVIDED BY CLIENT, AND MARKING BY UTILITY COMPANIES AND OTHER APPROPRIATE SOURCES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. IN ADDITION, IN SOME JURISDICTIONS, 811 OR OTHER SIMILAR UTILITY LOCATE REQUESTS FROM SURVEYORS MAY BE IGNORED OR RESULT IN AN INCOMPLETE RESPONSE, IN WHICH CASE THE SURVEYOR SHALL NOTE ON THE PLAT OR MAP HOW THIS AFFECTED THE SURVEYOR'S ASSESSMENT OF THE LOCATION OF THE UTILITIES.



HATCH LEGEND	
	WATER MAIN EASEMENT INSTRUMENT: 2014-02410
	POST CONSTRUCTION STORMWATER MANAGEMENT PLAN EASEMENT (FROM PLAT)
	UTILITY EASEMENT (FROM PLAT)
	FEMA ZONE AE SPECIAL FLOOD HAZARD AREAS
	FEMA ZONE X AREAS OF 0.2% ANNUAL CHANCE FLOOD



FLOOD PLAIN STATEMENT:
SUBJECT PROPERTY IS LOCATED IN ZONE AE, SPECIAL FLOOD HAZARD AREAS (SFHAS) SUBJECT TO INUNDATION BY 1% ANNUAL CHANCE FLOOD; ZONE X, AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD; AND ALSO ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD, AS SHOWN ON FIRM, FLOOD INSURANCE RATE MAP, POTTAWATTAMIE COUNTY, IOWA AND INCORPORATED AREAS PANEL NUMBER 418 OF 725, CONTAINS COMMUNITY POTTAWATTAMIE COUNTY, PANEL NUMBER 190232, AND ALSO COUNCIL BLUFFS, CITY OF, PANEL NUMBER 190235, AND MAP NUMBER 19155C0418F, EFFECTIVE DATE 16, APRIL, 2013.

LEGEND	
NOTE: FOR REFERENCE ONLY, ITEMS DEPICTED IN LEGEND MAY NOT APPEAR ON PLANS.	
	TRANS
	BUILDING
	POWER RISER
	POWER POLE
	GUY WIRE
	LIGHT POLE
	TELEPHONE RISER
	CABLE TV RISER
	FIRE HYDRANT
	UTILITY VALVE (WATER)
	MANHOLE
	FLARED END SECTION (SIZE NOTED)
	CURB INLET
	UTILITY VALVE (GAS)
	SIGN
	GAS LINE
	WATER LINE
	POWER LINE (OVERHEAD)
	POWER LINE (UNDER GROUND)
	COMMUNICATION LINE (TELEPHONE, TV)
	UNDERGROUND FIBER OPTICS
	SANITARY SEWER LINE
	STORM SEWER LINE

BENCHMARK:	
BENCHMARK #1:	
ELEV:	
BENCHMARK #2:	
ELEV:	

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Engineering Answers

LOT 2, ARBOR CREEK

POTTAWATTAMIE COUNTY, IOWA

TOPOGRAPHIC SURVEY

Revisions

Date	Description
01/08/2023	

Proj No: P2020-240-001

Date: 01/08/2023

Designed By: RLS

Drawn By: RLS

Scale: 1"=50'

Sheet: 1 of 1

BOOK-4674

8/1/2023 12:45 PM K:\Projects\2020\240\Topo\Topo\LOT 2, ARBOR CREEK\4674.dwg

Adam Baesinger

Chapter 15.14 - C-1/COMMERCIAL DISTRICT

15.14.010 Statement Of Intent

15.14.020 Principal Uses

15.14.030 Conditional Uses

15.14.040 Accessory Uses

15.14.050 Site Development Regulations

15.14.060 Additional Regulations

15.14.070 Signs

15.14.010 Statement Of Intent

The C-1 district is intended to provide for the development of retail, office, and minor commercial facilities adjacent to neighborhood residential areas. This district allows a large variety of commercial and services uses.

(Ord. 5458 § 1 (part), 1999)

15.14.020 Principal Uses

The following principal uses shall be permitted outright in a C-1 district:

- A. Business, professional office;
- B. Business service establishment;
- C. Club or lodge;
- D. Commercial recreation (indoor);
- E. Consumer service establishment;
- F. Cultural service;
- G. Financial service;
- H. General government use;
- I. Local utility service;
- J. Parks and recreation service;
- K. Religious assembly;
- L. Restaurant (limited);
- M. Retail shopping establishment;
- N. School;
- O. Veterinary service;
- P. Consumer fireworks sales.

(Ord. No. 6092, § 1, 7-26-2010)

Editor's note— Ord. No. 6092, § 1, adopted July 26, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5458, § 1, 1999.

HISTORY

Amended by Ord. [6507](#) on 7/11/2022**15.14.030 Conditional Uses**

The following conditional uses shall be permitted in a C-1 district, in accordance with the requirements set forth in CBMC 15.02:

- A. Automobile service establishment;
- B. Communication tower;
- C. Day care services;
- D. Restaurant (drive-in/fast food and general).

(Ord. No. 6092, § 2, 7-26-2010)

Editor's note— Ord. No. 6092, § 2, adopted July 26, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5458, § 1, 1999.

15.14.040 Accessory Uses

The following accessory uses shall be permitted in a C-1 district:

- A. Uses of land or structure customarily incidental and subordinate to one of the principal uses in a C-1 district, unless otherwise excluded.

(Ord. 5458 § 1 (part), 1999)

15.14.050 Site Development Regulations**Minimum Lot Size**

Lot area	5,000 square feet
Lot width	50 feet
Lot depth	100 feet

Minimum Setbacks	Principal Structure	Accessory Structure
Front yard	20 feet	20 feet
Interior side yard	5 feet	5 feet
Street side yard	15 feet	15 feet
Rear yard	20 feet	5 feet
Maximum height	35 feet	18 feet
Lot coverage: all structures:	50% maximum	

(Ord. 5458 § 1 (part), 1999)

15.14.060 Additional Regulations

- A. All business, service, repair, processing, storage, and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in windows, and minor service for motor vehicles when accessory to a principal or approved conditional use.
- B. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

(Ord. 5458 § 1 (part), 1999)

HISTORY

Amended by Ord. [6507](#) on 7/11/2022

15.14.070 Signs

Signage in this district shall comply with CBMC 15.33, Signs.

(Ord. 5458 § 1 (part), 1999)

Planning Commission Communication

Department: Community
Development
Case/Project No.: ZT-24-001 CASE #ZT-24-001 Council Action: 2/13/2024
Submitted by: Moises Monrroy,
Planner

Description

Public hearing on the request of Just Wright Investments LLC, represented by Deborah Petersen, to amend Section 15.09.030 of the Council Bluffs Municipal Code (Zoning Ordinance) by adding 'boarding, lodging, rooming house, or bed and breakfast' as a conditional use in the R-2/Two-Family Residential District.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report & Attachments	Other	2/8/2024

Planning Commission Communication

Department: Community Development CASE #ZT-24-001 Applicant: Just Wright Investments Danielle Wright 2122 Avenue 'A' Council Bluffs, IA 51501 Representative: Deborah Petersen 215 South Main Street, Suite 301 Council Bluffs, IA 51503	Ordinance No. _____	Planning Commission: 2/13/2024
Subject/Title Request: Public hearing on the request of Just Wright Investments LLC, represented by Deborah Petersen, to amend Section 15.09.030 of the Council Bluffs Municipal Code by adding 'boarding, lodging, rooming house or bed and breakfast' as a conditional use in the R-2/Two-Family Residential District.		
Background <p>The Community Development Department has received a request from Just Wright Investments LLC, represented by Deborah Petersen, to amend Section 15.09.030 of the Council Bluffs Municipal Code by adding 'boarding, lodging, rooming house or bed and breakfast' as a conditional use in the R-2/Two-Family Residential District. The purpose of this request is to allow the applicant to operate a faith-based rooming house for individuals recovering from substance abuse on property addressed at 424 North 1st Street, which is currently zoned R-2/Two-Family Residential District. If the proposed text amendment is approved, the applicant will be required to obtain a conditional use permit from the Zoning Board of Adjustment for the proposed use.</p> <p>All City Departments and local utilities were notified of the proposed text amendment. The following comments were received:</p> <ul style="list-style-type: none"> A. The Council Bluffs Permits and Inspections Division and the Council Bluffs Fire Department stated that the proposed rooming house at 424 North 1st Street would be acceptable per the Building and Fire Codes provided the number of residents is limited to five. B. The Council Bluffs Public Works Department stated that they have no comments on the request. C. The Council Bluffs Parks and Recreation Department stated that they have no comments on the request. D. The Council Bluffs Police Department stated that they have no objections to the request. They also noted that if residents of the rooming house require a high level of care, it may lead to heightened calls for service and complaints from neighbors should the facility not be suited to the residents' needs. E. Council Bluffs Water Works stated that they have no comments on the request. F. MidAmerican Energy Company stated that they have conflicts or concerns on the request. 		

Discussion

- A. As per Section 17.01.010 of the Council Bluffs Municipal Code, a ‘boarding, lodging, rooming house or bed and breakfast’ is defined as “any dwelling or that part of any dwelling containing one or more rooming units in which space is let by the owner or operator to one or more roomers.”
- B. The R-2/Two-Family Residential District is intended to provide for a medium-density residential neighborhood in established and developing areas of the community, and is primarily comprised of one- and two-family structures.
- C. ‘Boarding, lodging, rooming house or bed and breakfast’ is a principal use in the R-3/Low Density Multifamily Residential District, the R-4/High Density Multifamily Residential District, and the A-P/Administrative-Professional District. If the proposed text amendment were approved, ‘boarding, lodging, rooming house or bed and breakfast’ would be allowed as a conditional use in the R-2 District, and thus would require the issuance of a conditional use permit by the Zoning Board of Adjustment.
- D. The Community Development Department finds that ‘boarding, lodging, rooming house or bed and breakfast’ can be a compatible land use with the R-2 District as such use can be an adaptive reuse of existing residential structures previously used for single- and two-family uses, provided all applicable building and fire code requirements are met. In the case of new construction, a ‘boarding, lodging, rooming house or bed and breakfast’ can be developed to a similar scale and size of surrounding single- and two-family residential uses. Furthermore, allowing such use as a conditional use in the R-2 District provides the opportunity to establish additional site development, off-street parking, landscaping, and screening/buffering standards in order to ensure compatibility with surrounding residential development.

Recommendation

The Community Development Department recommends approval of the request to amend Section 15.09.030 of the Council Bluffs Municipal Code by adding ‘boarding, lodging, rooming house or bed and breakfast’ as a conditional use in the R-2/Two-Family Residential District.

Attachments

Attachment A: Proposed Section 15.09.030, Conditional Uses, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance)

Prepared by: Moises Monrroy, Planner, Community Development Department

Attachment 'A'

15.09.030 Conditional Uses

The following conditional uses shall be permitted in an R-2 district, in accordance with the requirements set forth in CBMC 15.27.020:

- A. Boarding, Lodging, Rooming House, or Bed and Breakfast;
- B. Cemetery;
- C. Day care services.

(Ord. 5306 § 1 (part), 1996)

DRAFT

Planning Commission Communication

Department: Community
Development
Case/Project No.: URV-24-001
Submitted by: Courtney Harter,
Director Planning & Community
Development & Marianne Collins,
Community Development

CASE #URV-24-001

Council Action: 2/13/2024

Description

Public hearing on the request of the City of Council Bluffs to combine all current Urban Revitalization Areas and adding a new area to be known as South Expressway Urban Revitalization Area, being legally described as Lots 5, 6, 7, 8, 16, 17 and all of Lot 4 except the North 3.5 feet, Country Club Acres, City of Council Bluffs, Pottawattamie County, Iowa. Location: Area located south of 35th Avenue and north of Veterans Memorial Highway between the South Expressway and Richland Drive.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report & Attachments	Other	2/8/2024

Planning Commission Communication

Department: Community Development Case No.: URV-24-001 Submitted by: Housing & Economic Development	Resolution No.: 24-	Resolution of Intent: 02/12/2024 Planning Commission: 02/13/2024 Public Hearing & First Reading: 03/25/2024 Second Reading: 04/08/2024 Third Reading: Request to Waive
<p style="text-align: center;">Subject/Title</p> <p>Request: Recommendation of approval to consolidate the 16 current Urban Revitalization Areas and add an additional area, South Expressway Urban Revitalization Area.</p>		
<p style="text-align: center;">Background/Discussion</p> <p><u>Background</u></p> <p>Chapter 404 of the Iowa Code authorizes a City to designate an area as an urban revitalization area. Improvements to qualified real estate within designated areas may then be eligible to receive a total or partial exemption from property taxes for a specified number of years. The exemptions are intended to stimulate private investment by reducing the tax increase that would normally result from making improvements to real estate property.</p> <p>Urban revitalization tax abatement incentives can apply to residential, commercial and industrial development. Both new construction on vacant or unimproved land and rehabilitation of existing structures are eligible for tax abatement.</p> <p>Staff has prepared a Consolidated Urban Revitalization Plan, including South Expressway Urban Revitalization Area, in accordance with Chapter 404 of the Iowa Code and has scheduled the matter for City Council consideration.</p> <p><u>Discussion</u></p> <p>The Community Development Department has created a Consolidated Urban Revitalization Plan. The Consolidated Plan includes the 16 current Urban Revitalization Area Plans that are in effect and adds the South Expressway Urban Revitalization Plan. Consolidating the 16 Urban Revitalization Plans into one will make all the Plans consistent and easier to update in the future.</p> <p>Two updates are included in the Consolidated Plan:</p> <ol style="list-style-type: none"> 1. Multi-Family Housing Development: In the prior individual plans the period of time for exemption was 4 years, we are wanting to extend the time period to 6 years for the exemption. This extension is vital to many developers when deciding to come to Council Bluffs or take their developments elsewhere. 2. Additional Area Added: The City is working with a developer to construct a 20,000 square foot new construction commercial retail car dealership that will improve the property by \$9,000,000. It is located along the South Expressway in an undeveloped parcel. There is a separate parcel that is currently being used for salvage storage that has the potential for redevelopment. These additional parcels are comprised of 6.83 acres, more or less, of land. If the South Expressway Urban Revitalization Area is approved, the project as proposed could be eligible for full exemption from taxation for three years or a ten year declining property tax abatement. 		

Planning Commission Communication

On February 12, 2024, City Council approved a Resolution of Necessity which initiated the process of creating the South Expressway Urban Revitalization Area and set March 25, 2024 as the public hearing date. Notification will be sent to the owners of the property within the urban revitalization area. Although Chapter 404 of the Iowa Code does not specifically require review by the City Planning Commission, staff believes that such review is appropriate.

Concurrent with the adoption of an urban revitalization plan, an ordinance establishing the urban revitalization area can be considered by City Council. Upon adoption of the area, the City is permitted to grant tax abatement to qualified projects. Staff specifically asks that the Commission consider the following:

- Consolidating the 16 Urban Revitalization Areas into one consistent and uniform plan.
- The proposed South Expressway Urban Revitalization Area furthers the goals of the City's Comprehensive Plan.
- The South Expressway Urban Revitalization Area is an area appropriate for urban revitalization designation as specified in Iowa Code Section 404.1.4, which discusses an area which is appropriate as an economic development area as defined in section 403.17. Provides that "economic development area" means an area of a municipality designated by the local governing body as appropriate for commercial and industrial enterprises or housing and residential development for low and moderate income families, including single or multi-family housing.

Recommendation

The Community Development Department recommends approval of the Consolidated Urban Revitalization Plan and adding the South Expressway Urban Revitalization Area.

Attachments

Attachment A – Draft of the Consolidated Urban Revitalization Plan

Attachment B – Boundary Map

Prepared by: Marianne Collins, Community Development Housing & Economic Planner, Community Development Department
Submitted by: Courtney Harter, Housing & Economic Development Director, Community Development Department

**AMENDED AND RESTATED
CONSOLIDATED
URBAN REVITALIZATION PLAN**

FOR THE

CITY OF COUNCIL BLUFFS, IOWA

2024

**AMENDED AND RESTATED
CONSOLIDATED URBAN REVITALIZATION PLAN
FOR THE
CITY OF COUNCIL BLUFFS, IOWA**

I. INTRODUCTION AND HISTORY

The Urban Revitalization Act, Chapter 404 of the *Code of Iowa*, is intended to encourage development, redevelopment, and revitalization within a designated area of a city by authorizing property tax development incentives to the private sector. Qualified real estate within a designated area may be eligible to receive a total or partial exemption from property taxes on improvements for a specified number of years. The primary intent of this act is to provide communities with a long-term increase or stabilization in their tax base by encouraging rehabilitation or new construction which might not otherwise have occurred.

The City Council of the City of Council Bluffs, Iowa (the “City”) has previously adopted several urban revitalization plans to establish revitalization areas within the City under the provisions of Iowa Code Chapter 404, including the following plans which currently remain in existence:

- 1st Avenue Urban Revitalization Plan, adopted by Resolution No. 13-149 on June 10, 2013
- 5th and West Broadway Urban Revitalization Plan, adopted by Resolution No. 20-135 on May 18, 2020
- 14th Avenue Urban Revitalization Plan, adopted by Resolution No. 20-134 on May 18, 2020
- 16th Avenue Urban Revitalization Plan, adopted by Resolution No. 22-09 on January 10, 2022
- 21st Avenue Urban Revitalization Plan, adopted by Resolution No. 22-124 on May 9, 2022
- American Games Urban Revitalization Plan, adopted by Resolution No. 21-312 on November 8, 2021
- Black Squirrel Flats Urban Revitalization Plan, adopted by Resolution No. 22-300 on November 28, 2022
- Bluffs Northway Urban Revitalization Plan, adopted by Resolution No. 16-243 on September 26, 2016
- College Road Urban Revitalization Plan, adopted by Resolution No. 17-230 on October 23, 2017
- Council Pointe Road Urban Revitalization Plan, adopted by Resolution No. 18-95 on March 26, 2018
- Mid-America Urban Revitalization Plan, adopted by Resolution No. 21-263 on September 13, 2021
- River Road Urban Revitalization Plan, adopted by Resolution No. 21-199 on June 28, 2021
- South Pointe Urban Revitalization Plan, adopted by Resolution No. 18-325 on November 26, 2018

- Valley View Urban Revitalization Plan, adopted by Resolution No. 17-77 on April 10, 2017
- Veterans Memorial Highway Urban Revitalization Plan, adopted by Resolution No. 20-118 on May 4, 2020
- Whispering Oaks Urban Revitalization Plan, adopted by Resolution No. 22-301 on November 28, 2022

The City Council has determined it is appropriate to consolidate these existing urban revitalization plans into a single plan. With the adoption of this Amended and Restated Consolidated Urban Revitalization Plan (the “Amended and Restated Plan” or “Plan”), the City is: (1) consolidating the existing urban revitalization plans, as listed above, into this single Amended and Restated Plan and (2) amending and restating the provisions of the existing urban revitalization plans.

Additionally, in connection with the adoption of this Plan, the City is designating a new urban revitalization area to be established as an additional revitalization area under this Amended and Restated Plan.

Upon adoption of this Amended and Restated Plan, all of the City’s previously adopted urban revitalization plans shall be amended and consolidated into this Plan, and this Amended and Restated Plan shall replace the previously adopted urban revitalization plans. In case of any conflict or uncertainty, the terms of this Amended and Restated Plan shall control. Any parts of the previously adopted urban revitalization plans in conflict with this Amended and Restated are hereby repealed.

II. DESCRIPTION OF REVITALIZATION AREAS

Each of the revitalization plans being consolidated into this Amended and Restated Plan was established for a different revitalization area that were designated by separate ordinances, respectively, as follows:

- 1st Avenue Urban Revitalization Area – Ordinance No. 6177
- 5th and West Broadway Urban Revitalization Area – Ordinance No. 6411
- 14th Avenue Urban Revitalization Area – Ordinance No. 6412
- 16th Avenue Urban Revitalization Area – Ordinance No. 6479
- 21st Avenue Urban Revitalization Area – Ordinance No. 6495
- American Games Urban Revitalization Area – Ordinance No. 6476
- Black Squirrel Flats Urban Revitalization Area – Ordinance No. 6532
- Bluffs Northway Urban Revitalization Area – Ordinance No. 6281
- College Road Urban Revitalization Area – Ordinance No. 6310
- Council Pointe Road Urban Revitalization Area – Ordinance No. 6326
- Mid-America Urban Revitalization Area – Ordinance No. 6469
- River Road Urban Revitalization Area – Ordinance No. 6464
- South Pointe Urban Revitalization Area – Ordinance No. 6375
- Valley View Urban Revitalization Area – Ordinance No. 6289
- Veterans Memorial Highway Urban Revitalization Area – Ordinance No. 6409

- Whispering Oaks Urban Revitalization Area – Ordinance No. 6533

Following the adoption of this Amended and Restated Plan, these revitalization areas shall be treated as subareas of a revitalization area known as the Council Bluffs Consolidated Revitalization Area (referred to herein as the “Revitalization Area”). The previously existing subareas of the Revitalization Area are legally described in Exhibit A attached to this Plan.

Additionally, in connection with the adoption of this Amended and Restated Plan, the City is designating a new revitalization area that will be a subarea of the Council Bluffs Consolidated Revitalization Area. This new revitalization area will be known as the South Expressway Subarea of the Council Bluffs Consolidated Revitalization Area. The South Expressway Subarea of the Revitalization Area is legally described in Exhibit B to this Plan.

Maps of the subareas of the Revitalization Area are attached as Exhibit C to this Plan.

The City may amend the land included in the Revitalization Area by adoption of future amendments to this Plan and by the adoption of additional designating ordinances or the repeal of existing designating ordinances.

III. DESIGNATION OF REVITALIZATION AREA

Iowa Code Chapter 404 provides that the City Council may designate an area of the City as a revitalization area, if that area meets any of the criteria set forth in Iowa Code Section 404.1. The subsections of Section 404.1 provide the following criteria:

1. An area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and which is detrimental to the public health, safety, or welfare.
2. An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, or welfare in its present condition and use.

3. An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.
4. “An area which is appropriate as an economic development area as defined in section 403.17.” [Iowa Code Section 403.17(10) provides that “economic development area” means an area of a municipality designated by the local governing body as appropriate for commercial and industrial enterprises or housing and residential development for low and moderate income families, including single or multi-family housing.]
5. “An area or an area designated as appropriate for public improvements related to housing and residential development, or construction of housing and residential development, including single or multi-family housing.”

Previously, the City has used a variety of these designations for various subareas of the Revitalization Area. With the adoption of this Amended and Restated Plan, the City is clarifying and affirming that the Revitalization Area as a whole, as described herein, including the new South Expressway Subarea of the Revitalization Area, is designated as a revitalization area meeting the criteria of Iowa Code Sections 404.1(4) and Section 404.1(5). Furthermore, the following subareas of the Revitalization Area shall continue to be designated as revitalization areas under the following additional criteria:

- 1st Avenue Urban Revitalization Area – Iowa Code Sections 404.1(1) and (3)
- 5th and West Broadway Urban Revitalization Area – Iowa Code Section 404.1(2)
- Veterans Memorial Highway Urban Revitalization Area – Iowa Code Section 404.1(2)

With the adoption of this Plan, the City Council affirms that the rehabilitation, conservation, redevelopment, economic development, or a combination thereof, of the Revitalization Area, is necessary in the interest of the public health, safety, and welfare of the residents of the City and that the Revitalization Area substantially meets the criteria established in Section 404.1 of the *Code of Iowa* for a revitalization area.

IV. EXISTING ZONING

Existing zoning classifications of the property within the Revitalization Area include:

- I-2/General Industrial
- A-2/Parks, Estates, and Agricultural
- R-3/Low Density Multifamily Residential
- P-C/Planned Commercial
- C-2/Commercial

The City’s zoning ordinance(s) and a detailed zoning map are available for public inspection at City Hall.

V. EXISTING AND PROPOSED LAND USE

Existing land use categories are the same as the zoning classifications described above.

New and expanded commercial, industrial, and residential development, including improvements to and revitalization of existing commercial, industrial, and residential structures, is proposed for the Revitalization Area, in accordance with the City's zoning ordinance(s).

VI. PROPOSALS FOR EXPANDING CITY SERVICES

No extensions or upgrades to existing municipal services or infrastructure are currently planned as part of this Plan. As development and redevelopment within the Revitalization Area warrants, municipal services within the Revitalization Area will be expanded and improved, as needed and as financially feasible, to serve new and expanded development.

VII. ELIGIBLE IMPROVEMENTS

The Plan is applicable to all of the property in the Revitalization Area assessed as residential, commercial, or industrial ("Eligible Property").

Improvements to Eligible Property, including rehabilitation and additions to any existing buildings on Eligible Property and new construction of buildings on vacant Eligible Property or on Eligible Property with existing buildings, which increase the actual assessed value of the Eligible Property by at least fifteen percent (15%) for Eligible Property assessed as commercial or industrial, or by at least ten percent (10%) for Eligible Property assessed as residential, are "Qualifying Improvements" under this Plan.

"Actual Value Added by the Qualifying Improvements" or "Actual Value Added," as used in this Plan, means the actual value added by Qualifying Improvements to the assessed value of the Eligible Property as of the first year for which the exemption is received.

All Qualifying Improvements, in order to be considered eligible for tax abatement, must be completed in conformance with all applicable ordinances and regulations for the City and must be completed during the time the Eligible Property was designated as a revitalization area (under this Amended and Restated Plan or under one of the revitalization plans consolidated into this Plan).

VIII. LIMITATION TO ELIGIBILITY FOR PROPERTY IN URBAN RENEWAL AREA

The City has established urban renewal areas that overlap with the Revitalization Area and, in the future, may establish additional urban renewal areas that overlap with the Revitalization Area. The City has a tax increment financing program within these urban renewal areas that is designed to provide incentives for development. Accordingly, a property that, in the determination of the City Council, is within an urban renewal area and is receiving either direct or indirect benefits that were financed through a tax increment financing program, shall not be eligible for tax abatement under the Plan absent specific approval from the City Council.

IX. EXEMPTIONS

The following exemption schedules are available under this Plan for Eligible Properties located within the Revitalization Area to which Qualifying Improvements are made:

Multi-Residential: All Eligible Property assessed as residential under Iowa Code Section 441.21(14)(a)(6) (requiring three or more separate dwelling units) is eligible under this Plan to receive an exemption from taxation on Qualifying Improvements as follows:

New Construction: If the Qualifying Improvements consist of the new construction of at least twelve (12) separate dwelling units, then the Eligible Property is eligible to receive an exemption from taxation in an amount equal to 100% of the Actual Value Added by the Qualifying Improvements for a period of six (6) years.

Rehabilitation of Existing Improvements: If the Qualifying Improvements consist of the rehabilitation of existing improvements containing at least three (3) separate dwelling units, then the Eligible Property is eligible to receive an exemption from taxation in an amount equal to 100% of the Actual Value Added by the Qualifying Improvements for a period of ten (10) years.

With respect to both of these exemption options, if the Eligible Property is assessed as residential, then the exemption from taxation shall not apply to property tax levies imposed by a school district for applications submitted on or after July 1, 2024, as and to the extent required by Iowa Code Section 404.3D.

Commercial or Industrial: All Eligible Property assessed as (i) commercial or (ii) industrial is eligible under this Plan to receive an exemption from taxation on Qualifying Improvements under one of the following schedules:

Three-Year Exemption: The property owner may elect to receive an exemption from taxation in an amount equal to 100% of the Actual Value Added by the Qualifying Improvements for a period of three (3) years.

Ten-Year Exemption: The property owner may elect to receive an exemption from taxation in an amount equal to a declining percentage of the Actual Value Added by the Qualifying Improvements, over a period of ten (10) years, as set forth below:

- i. For the first year, eighty percent (80%) of the Actual Value Added
- ii. For the second year, seventy percent (70%) of the Actual Value Added
- iii. For the third year, sixty percent (60%) of the Actual Value Added
- iv. For the fourth year, fifty percent (50%) of the Actual Value Added
- v. For the fifth year, forty percent (40%) of the Actual Value Added
- vi. For the sixth year, forty percent (40%) of the Actual Value Added
- vii. For the seventh year, thirty percent (30%) of the Actual Value Added
- viii. For the eighth year, thirty percent (30%) of the Actual Value Added
- ix. For the ninth year, twenty percent (20%) of the Actual Value Added
- x. For the tenth year, twenty percent (20%) of the Actual Value Added

The property owner must elect which of the above exemption options they have selected for their Eligible Property upon applying for the exemption.

X. APPLICATION PROCEDURES

Property owners must file an application, on the form provided by the City, for each new exemption claimed. The application shall be filed by the property owner with the City Council by February 1 of the assessment year for which the exemption is first claimed, but not later than the year in which all improvements included in the project are first assessed for taxation, or the following two assessment years. The application shall contain, but is not limited to the following information:

- The nature of the improvement(s);
- The cost of the improvement(s);
- Estimated or actual completion date of the improvement(s);
- The tenants that occupied the property on the date the City adopted the resolution adopting the original plan for the particular revitalization area, if known (with respect to the South Expressway Subarea, tenants that occupied the property on the date of the resolution adopting the Amended and Restated Plan); and
- Identification of which exemption option the property owner is applying for under this Plan.

Additional Requirement for Properties Assessed as Commercial: Property owners submitting applications on or after July 1, 2024 for improvements to property assessed as commercial must also enter into a written assessment agreement with the City, in substantially the form attached as Exhibit E, specifying a minimum actual value for the completed improvements, consistent with and to the extent required by the provisions of Iowa Code Chapter 404 in effect at the time the application is submitted to the City.

Property owners may submit a proposal for an improvement project to the City Council to receive prior approval for eligibility for a tax exemption on the project. The City Council shall give its prior approval if the project is in conformance with this Plan for revitalization. However, if the proposal is not approved, the owner(s) may submit an amended proposal for the City Council to approve or reject. Such prior approval shall not entitle the owner(s) to exemption from taxation until the improvements have been completed and found to be qualified for the exemption under this Plan.

XI. APPLICATION REVIEW

The City Council shall, subject to review by the County Assessor, approve all applications submitted for approval if:

1. The project, as determined by the City Council, is in conformance with this Plan and all other requirements of City Code, including, but not limited to, zoning and building code requirements; and

2. The project is located within the Revitalization Area; and
3. The improvements were made during the time the Revitalization Area was so designated.

The City Council will determine which exemption is applicable to the project (if any), subject to review by the County Assessor, based upon the terms of the Plan in effect when the application is reviewed and approved by the Council.

All approved applications shall be forwarded to the County Assessor by March 1 for review, pursuant to Iowa Code Section 404.5. The County Assessor shall make a physical review of all properties with approved applications. The County Assessor shall determine the increase in actual value for tax purposes due to the improvements and notify the applicant of the determination, which may be appealed to the local board of review pursuant to the provisions of the Iowa Code. After the initial tax exemption is granted, the County Assessor shall continue to grant the tax exemption for the time period specified on the approved application. The tax exemptions for the succeeding years shall be granted without the owner(s) having to file an application for succeeding years.

XII. OTHER SOURCES OF REVITALIZATION FUNDS

The City is not aware of a federal, state, or private grant or loan program that is permanently a source of funding for residential improvements in the Revitalization Area. However, it is not the intention of the City to prohibit the use of any other appropriate federal or state revitalization or incentive programs within the Revitalization Area. The City Council encourages all property owners to investigate other public and private funding sources for improvements to real property, and to apply to those sources which are applicable to the types of improvements being proposed.

XIII. RELOCATION PROVISIONS

The City does not anticipate the displacement or relocation of any persons, families, or businesses as a result of the improvements to be made in the Revitalization Area. However, if the relocation or displacement of a qualified tenant results from a property owner's action to qualify for a tax exemption under this Plan, upon the City's verification of such relocation or displacement, the City may require the property owner to compensate the qualified tenant for at least one month's rent and actual relocation expenses. A "qualified tenant" means the legal occupant of a residential dwelling unit which is located within the designated Revitalization Area and who has occupied the same dwelling unit continuously since one year prior to the adoption of the original plan for the revitalization area.

XIV. ASSESSED VALUATIONS AND OWNERS OF RECORD

Listings of the names and addresses of the owners of record for all real estate in the Revitalization Area, along with the assessed valuations stated separately for land and buildings for the real estate, as of the adoption dates for each of the revitalization plans consolidated into this Plan, are maintained in the office of the City Clerk.

With respect to the South Expressway Subarea, a listing of the names and addresses of the owners of record for the real estate within the subarea, as well as the assessed valuations stated separately for land and buildings for the real estate, as of the date of the Amended and Restated Plan is attached as Exhibit D.

XV. TIME FRAME

The subareas of the Revitalization Area were each established with a particular duration period. With the adoption of this Amended and Restated Plan, the City is removing the limited eligibility periods from the subareas of the Revitalization Area. Revitalization activities in the Revitalization Area shall be eligible under this Plan until the City repeals or amends the ordinance(s) establishing the Revitalization Area as a whole, or any subarea or portion of the Revitalization Area, or repeals or amends the exemption benefits contained in this Plan.

If at any time, in the opinion of the City Council, the desired level of revitalization has been attained or economic conditions are such that the continuation of the exemption granted would cease to be of benefit to the City, then, pursuant to Iowa Code Section 404.7, the City Council may repeal the ordinance(s) designating the Revitalization Area, or any subarea or portion of the Revitalization Area. Following the repeal of the ordinance(s) designating the Revitalization Area, or any subarea or portion of the Revitalization Area, all previously approved exemptions shall continue until their expiration. The City reserves the right to extend, amend, terminate, or repeal the Plan and/or the designating ordinances to the extent allowed by law.

XVI. SEVERABILITY

If any part of the Amended and Restated Plan is determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the previously adopted urban revitalization plans as a whole or any part of the previously adopted urban revitalization plans, prior amendments to revitalization plans, or the Amended and Restated Plan not determined to be invalid or unconstitutional.

XVII. EFFECTIVE DATE

This Amended and Restated Plan shall be effective upon the approval of a resolution by the City Council adopting the Amended and Restated Plan (“Effective Date”).

Applications submitted under this Plan following the Effective Date shall be eligible to apply only for those exemptions contained in this Amended and Restated Plan, subject to the terms of the Plan. All exemptions awarded prior to the Effective Date shall continue until their expiration.

EXHIBIT A
SUBAREAS OF REVITALIZATION AREA – LEGAL DESCRIPTIONS

Whispering Oaks Urban Revitalization Area

A PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 4, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, AND ALSO TOGETHER WITH PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 5, SAID TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN; ALL LOCATED IN POTTAWATTAMIE COUNTY, COUNCIL BLUFFS, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SECTION 5, TOWNSHIP 74N, RANGE 43 WEST; THENCE N1°06'10"E (ASSUMED BEARING), 53.00 FEET TO THE POINT OF BEGINNING; THENCE N88°28'13"W A DISTANCE OF 351.12 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FOREST GLEN DRIVE; THENCE NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF FOREST GLEN DRIVE ON THE FOLLOWING DESCRIBED COURSES: THENCE N1°20'57"E, A DISTANCE OF 433.34 FEET; THENCE N88°16'18"W, A DISTANCE OF 15.99 FEET; THENCE N1°31'50"E, A DISTANCE OF 313.54 FEET TO THE SOUTHWEST CORNER OF LOT 106, WHISPERING OAKS; THENCE S88°34'04"E, A DISTANCE OF 56.87 FEET ALONG THE SOUTH LINE OF LOT 106, WHISPERING OAKS TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2017 PAGE 2889; THENCE S88°28'13"E, A DISTANCE OF 306.04 FEET ALONG THE SOUTH LINE OF LOT 106 & SOUTH LINE OF OUTLOT A, WHISPERING OAKS TO A POINT AT THE INTERSECTION OF THE SOUTH LINE OF OUTLOT A & THE EAST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 2017 PAGE 2889; THENCE S88°15'01"E, A DISTANCE OF 562.24 FEET ALONG THE SOUTH LINE OF OUTLOT A, & LOTS 87-90 WHISPERING OAKS TO THE SOUTHEAST CORNER OF LOT 87 WHISPERING OAKS; THENCE S88°15'01"E, A DISTANCE OF 714.76 FEET; THENCE S88°15'01"E, A DISTANCE OF 17.46, TO THE WEST RIGHT OF WAY LINE OF FRANKLIN AVENUE; THENCE S1°43'39"W, A DISTANCE OF 747.00 FEET ALONG SAID WEST RIGHT-OF-WAY LINE OF FRANKLIN AVENUE; THENCE N88°15'01"W DISTANCE OF 1,086.30 FEET TO THE EAST LINE OF A PARCEL BOOK 87, PAGE 22729; THENCE N01°06'10"E ALONG SAID EAST LINE OF SAID PARCEL BOOK 87, PAGE 22729, A DISTANCE OF 180.01 FEET TO THE NORTHEAST CORNER OF SAID PARCEL BOOK 87, PAGE 22729; THENCE N88°15'01"W ALONG THE NORTH LINE OF SAID PARCEL, BOOK 87, PAGE 22729 A DISTANCE OF 200.00 FEET; THENCE S1°06'10"W ALONG SAID PARCEL BOOK 87, PAGE 22729, A DISTANCE OF 180.01 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 1,193,878.13 SQ.FT. OR 27.40 ACRES MORE OR LESS

South Pointe Urban Revitalization Area

A PARCEL OF LAND BEING ALL OF ROGERS AUTO SUBDIVISION, SOUTH POINTE SUBDIVISION, SOUTH POINTE SUBDIVISION REPLAT 1, SOUTH POINTE SUBDIVISION REPLAT 2, SOUTH POINT SUBDIVISION PHASE 2, SOUTH 24TH AND HIGHWAY 275 INDUSTRIAL AND A PORTION OF THE SOUTHEAST QUARTER OF SECTION 10, THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 11, SECTION 14, GOVERNMENT LOT 1 TO SAID SECTION 14 AND A PORTION OF THE EAST HALF OF SECTION 15, ALL IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 10, SAID CENTER BEING ON THE SOUTH RIGHT-OF-WAY LINE OF RICHARD DOWNING AVENUE; THENCE EASTERLY ON SAID SOUTH RIGHT-OF-WAY LINE, 2,730 FEET MORE OR LESS TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH 24TH STREET; THENCE SOUTHERLY ON SAID WESTERLY RIGHT-OF-WAY LINE, 2,329 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF VETERANS MEMORIAL HIGHWAY; THENCE WESTERLY ON SAID NORTHERLY RIGHT-OF-WAY LINE, 197 FEET MORE OR LESS TO A POINT ON THE EASTERLY LINE OF SAID SECTION 10; THENCE SOUTHERLY ON SAID EASTERLY LINE AND ON IT'S SOUTHERLY PROLONGATION, 390 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID VETERANS MEMORIAL HIGHWAY; THENCE EASTERLY ON SAID SOUTHERLY RIGHT-OF-WAY LINE, 2,760 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID SOUTH POINTE SUBDIVISION REPLAT 2; THENCE SOUTHERLY ON THE EAST LINE OF SAID SOUTH POINTE SUBDIVISION REPLAT 2, 1,246 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID SOUTH POINTE SUBDIVISION REPLAT 1; THENCE SOUTHERLY ON THE EAST LINE OF SAID SOUTH POINTE SUBDIVISION REPLAT 1, 533 FEET MORE OR LESS TO A POINT ON THE NORTH LINE OF SAID SOUTH POINTE SUBDIVISION PHASE 2; THENCE EASTERLY ON SAID NORTH LINE, 110 FEET MORE OR LESS TO THE NORTHEAST CORNER OF SAID SOUTH POINTE SUBDIVISION PHASE 2, SAID NORTHEAST CORNER ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF INDIAN CREEK; THENCE SOUTHWESTERLY ON THE EAST LINE OF SAID SOUTH POINTE SUBDIVISION PHASE 2 AND ON SAID WESTERLY RIGHT-OF-WAY LINE, 2,742 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF LOT 5 IN SAID SOUTH POINTE SUBDIVISION PHASE 2; THENCE WESTERLY ON THE SOUTH LINE OF SAID LOT 5, 149 FEET MORE OR LESS TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF GIFFORD ROAD; THENCE NORTHWESTERLY ON SAID EASTERLY RIGHT-OF-WAY LINE, 1,420 FEET MORE OR LESS TO A POINT ON THE NORTHERLY

RIGHT-OF-WAY LINE OF GIFFORD ROAD; THENCE WESTERLY ON SAID NORTHERLY RIGHT-OF-WAY LINE, 1,209 FEET MORE OR LESS; THENCE SOUTHWESTERLY, 1,883 FEET MORE OR LESS TO A POINT ON THE MISSOURI RIVER MEANDER LINE; THENCE SOUTHWESTERLY ON SAID MISSOURI RIVER MEANDER LINE, 1,174 FEET MORE OR LESS TO A POINT ON THE EAST LINE OF SAID SECTION 15; THENCE NORTHERLY ON SAID EAST LINE, 802 FEET MORE OR LESS; THENCE WESTERLY, 631 FEET MORE OR LESS; THENCE NORTHWESTERLY, 2,019 FEET MORE OR LESS TO A POINT ON THE EAST-WEST CENTERLINE OF SAID SECTION 15; THENCE WESTERLY ON SAID EAST-WEST CENTERLINE, 1,322 FEET MORE OR LESS TO A POINT ON THE EAST LINE OF GATEWAY SUBDIVISION IN SAID CITY OF COUNCIL BLUFFS; THENCE NORTHERLY ON SAID EAST LINE, 1,256 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID VETERANS MEMORIAL HIGHWAY; THENCE NORTHEASTERLY ON SAID SOUTH RIGHT-OF-WAY LINE, 1,355 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY PROLONGATION OF THE NORTH-SOUTH CENTERLINE OF SAID SOUTHEAST QUARTER OF SECTION 10; THENCE NORTHERLY ON SAID SOUTHERLY PROLONGATION AND ON SAID NORTH-SOUTH CENTER, 2,480 FEET MORE OR LESS; THENCE WESTERLY, 1,315 FEET MORE OR LESS TO A POINT ON THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTHERLY ON SAID WEST LINE, 998 FEET MORE OR LESS TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 500 ACRES, MORE OR LESS.

Valley View Urban Revitalization Area

Lot 3 of New Horizon Subdivision, City of Council Bluffs, Pottawattamie County, Iowa

Veterans Memorial Highway Urban Revitalization Area

The North 660 feet of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12-74-44, except the West 250 feet, and the West 16.5 feet of the South 20 feet north of the highway in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12-74-44 and commencing at a point 660 feet East of the NW corner of the SW $\frac{1}{4}$ of the SW quarter of section 12, thence South 660 feet, thence East 250 feet, thence North 660 feet, thence West 250 feet to the place of beginning, subject to right of ways of public highway City of Council Bluffs, Pottawattamie County, Iowa

College Road Urban Revitalization Area

Proposed Lots 1-4, New Horizon Subdivision, Replat Two, City of Council Bluffs, Pottawattamie County, Iowa

Council Pointe Road Urban Revitalization Area

Lot 1, Fox Run Landing, Replat Three, City of Council Bluffs, Pottawattamie County, Iowa.

Lot 116, Fox Run Landing, except the northwest corner dedicated to City right-of-way, along with northerly part of Lot 117 commencing at the southeast corner of said Lot 116, thence North 469.54 feet, thence Northeasterly 885.29 feet, thence South 787.74 feet, and thence West 806.06 feet back to the point of beginning, all in the City of Council Bluffs, Pottawattamie County, Iowa

Mid-America Urban Revitalization Area

A PARCEL OF LAND BEING ALL OF BASS PRO SUBDIVISION, BLUFFS VISION SUBDIVISION, BLUFFS VISION SUBDIVISION REPLAT 1, BLUFFS VISION 4 SUBDIVISION, BLUFFS VISION 4 SUBDIVISION REPLAT 1, HORSESHOE SUBDIVISION, HOTEL PLAZA AT THE MAC, HOTEL PLAZA AT THE MAC REPLAT 1, INRIP SUBDIVISION TRACT NO 1 1st ADDITION, MORRIS SUBDIVISION, MORRIS SUBDIVISION REPLAT 1, PLAZA AT MARCC, SAPP BROS TRAVEL CENTER, A PORTION OF RAILROAD ADDITION, A PORTION OF THE SOUTH HALF OF SECTION 03 AND A PORTION OF GOVERNMENT LOTS 2 AND 3 IN SECTION 04, ALL IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOW:

BEGINNING AT THE NORTHEAST CORNER OF SAID SAPP BROS TRAVEL CENTER, SAID NORTHEAST CORNER ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 24th STREET;

THENCE SOUTH ON SAID WEST RIGHT-OF-WAY LINE, 726 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MID-AMERICAN DRIVE;

THENCE ON SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

- 1 WESTERLY, 352 FEET MORE OR LESS;
- 2 SOUTHWESTERLY, 1,272 FEET MORE OR LESS;
- 3 WESTERLY AND WESTERLY ON THE WESTERLY PROLONGATION, 2,382 FEET MORE OR LESS TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 29;

THENCE NORTHWESTERLY ON SAID EASTERLY RIGHT-OF-WAY LINE, 3,909 FEET MORE OR LESS TO A POINT ON THE SOUTHWESTERLY

PROLONGATION OF THE NORTH LINE OF SAID INRIP SUBDIVISION TRACT NO 1 1st ADDITION;

THENCE NORTHEASTERLY ON SAID WESTERLY PROLONGATION AND ON SAID LINE, 942 FEET MORE OR LESS TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTH 35th STREET;

THENCE SOUTHEASTERLY ON SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AND SOUTHEASTERLY ON IT'S SOUTHEASTERLY PROLONGATION, 1,073 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 23rd AVENUE;

THENCE EASTERLY ON SAID SOUTHERLY RIGHT-OF-WAY LINE, 4,982 FEET MORE OR LESS TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID SOUTH 24th STREET;

THENCE SOUTH ON SAID WESTERLY RIGHT-OF-WAY, 610 FEET MORE OR LESS TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 285 ACRES, MORE OR LESS.

River Road Urban Revitalization Area

Lot 1, River Road Subdivision, City of Council Bluffs, Pottawattamie County, Iowa

American Games Urban Revitalization Area

Lot 3, Pollard Games Addition, City of Council Bluffs, Pottawattamie County, Iowa

Black Squirrel Flats Urban Revitalization Area

Lot 1, Black Squirrel Flats Subdivision, City of Council Bluffs, Pottawattamie County, Iowa

Bluffs Northway Urban Revitalization Area

Lots 2 and 3, Walmart Bluffs Northway Subdivision, City of Council Bluffs, Pottawattamie County, Iowa

Lots 10 through 18 and the east/west alley abutting Belmont Addition along with the Canadian National Railway right-of-way abutting on the north and Avenue P right-of-way abutting on the south; Lots 33 through 37 and the North ½ vacated alley abutting and Lots 56 through 61 and the South ½ vacated alley abutting Belmont Addition along with Avenue O right-of-way abutting on the south; Lots 79 through 83 and the North ½ vacated alley abutting and Lots 102 through 106

and the South ½ vacated alley abutting Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa

16th Avenue Urban Revitalization Area

A parcel of land situated in the North Half (N1/2) of Section 2, Township 74 North, Range 44 West and the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4) of Section 35, Township 75 North, Range 44 West of the Fifth Principal Meridian, City of Council Bluffs, Pottawattamie County, State of Iowa, according to an official plat of said land filed in the District Land Office, bounded and described as follows: Beginning at a point on the North-South centerline of said Section 2, from which point the center of said section bears South, 264.98 feet; thence North 89 degrees 50 minutes 17 seconds East, 200.00 feet; thence North 00 degrees 00 minutes 17 sections East, 2150.79 feet to the south line of 16th Avenue; thence along said south line South 89 degrees 30 minutes 12 seconds West, 200.0 feet to a point on said North-South centerline of said Section 2; thence along said North-South centerline North 20.90 feet to the north quarter corner of said Section 2; thence along the North-South centerline of said Section 35, North 00 degrees 21 minutes 09 seconds West, 60.0 feet to a point on the north line of 16th Avenue, said point also being the southwest corner of Lot 12, Block 36, Fleming and Davis addition; thence South 89 degrees 38 minutes 51 seconds West, 16.0 feet; thence North 00 degrees 21 minutes 09 seconds West, 646.37 feet to a point on the south line of 14th Avenue prolonged, said point being South 89 degrees 38 minutes 53 seconds West, 16.0 feet from the northwest corner of Lot 1, Block 29, Fleming and Davis Addition; thence South 89 degrees 38 minutes 53 seconds West, 379.00 feet; thence South 75 degrees 42 minutes 26 seconds West, 399.46 feet; thence South 82 degrees 12 minutes 26 seconds West, 126.58 feet; thence South 21 degrees 28 minutes 31 seconds East, 2490.70 feet to a point on the North-South centerline of said Section 2; thence along said North-South centerline, South 441.28 feet to the Point of Beginning. Containing an area of 1,548,471 square feet, more or less, or 35.548 acres, more or less.

AND

A parcel of land legally described as being the East 16 feet of the South 686 feet, except the South 178 feet of the North 323 feet, all in the SE1/4 SW1/4 of Section 35-75-44, City of Council Bluffs, Pottawattamie County, Iowa. Said parcel of land contains an area of 8,276 square feet more or less, or .19 acres, more or less.

21st Avenue Urban Revitalization Area

Lots 9, 10, 18, 19, 20, 21 and 22, a portion of Lots 7, 8, 11, 12, 13, 16, 17, 23, 24 and 25 in Block 14, a portion of Lots 16, 17, 18 and 19 in Block 19, all of the vacated alley's in said Block 14 and all of vacated 22nd Avenue right-of-way lying within the following described parcel, all in Hughes and Doniphan's Addition, City of Council Bluffs, Pottawattamie County, Iowa

And

Lots 14 and 15 and that part of Lot 13 in Block 14, Hughes and Doniphan's Addition to the City of Council Bluffs, Pottawattamie County, Iowa, all lying Southwest of the former Wabash Railroad Right-of-Way (now Southside Trail Bike Trail Right-of-Way) AND That part of the vacated north/south alley lying north of the north right-of-way line of 22nd Avenue and south of the southerly right-of-way of the former Wabash Railroad (now Southside Trail Bike Trail) AND The North 1/2 of vacated 22nd Avenue lying between the east right-of-way line of South 6th Street and southwesterly right-of-way line of Southside Trail Bike Trail.

14th Avenue Urban Revitalization Area

Lots 16-30, Block 37, Brown's Subdivision, Council Bluffs, Pottawattamie County, Iowa

5th and West Broadway Urban Revitalization Area

The portion of Block 6, Mynster's Addition Southeast of the right-of-way of Kanesville Boulevard; The portion of Lots C and D, Auditor's Subdivision of Block 6 Mynster's Addition and Block 2 Bayliss 1st Addition located Southeast of the right-of-way of Kanesville Boulevard, and the entirety of the alleyway adjacent to Lot D; Lots E-P, Auditor's Subdivision of Block 6 Mynster's Addition and Block 2 Bayliss 1st Addition, and the vacated alley adjacent to Lot N; Lot 5, Block 2, Bayliss Addition to Council Bluffs, Pottawattamie County, Iowa;

And:

Lots 1-13, Auditor's Subdivision of Lot 5, Block 5 Mynster's Addition and Block 1, Bayliss 1st Addition, and the alleyway adjacent; Lot 2 excluding City right-of-way, Lots 3 and 4, and Lots 6-10, Mynster's Addition, all in the City of Council Bluffs, Pottawattamie County, Iowa.

1st Avenue Urban Revitalization Area

Lots 9 through 16, Block 6, Bayliss First Addition, City of Council Bluffs, Pottawattamie County, Iowa

EXHIBIT B
LEGAL DESCRIPTION OF SOUTH EXPRESSWAY SUBAREA OF
REVITALIZATION AREA

South Expressway Subarea of Revitalization Area

Lots 5, 6, 7, 8, 16, 17 and all of Lot 4 except the North 3.5 feet, Country Club Acres,
City of Council Bluffs, Pottawattamie County, Iowa

[illegible]

EXHIBIT D
INFORMATION CONCERNING SOUTH EXPRESSWAY SUBAREA

Current Tax Parcel Number	Name of Property Owner	Address of Record for Property Owner	Current Assessed Value – Land Value	Current Assessed Value – Improvement Value
744412377022	David H. Edwards	1010 34 th Ave Council Bluffs, IA 51501	\$772,600	\$0
744412327002	Johnstone Partners LLC	1914 Tostevin St Council Bluffs, IA 51503	\$120,000	\$106,500

EXHIBIT E
FORM OF MINIMUM ASSESSMENT AGREEMENT

THIS MINIMUM ASSESSMENT AGREEMENT (“Minimum Assessment Agreement”) is dated as of _____, 20____, by and between the City of Council Bluffs, Iowa (the “City”), an Iowa municipal corporation, and [PROPERTY OWNER, a(n) Iowa _____] (“Owner”).

WHEREAS, consistent with the provisions of the City’s Amended and Restated Consolidated Urban Revitalization Plan (the “Plan”), the Owner has submitted an Application for Tax Abatement dated as of _____, 20____ (the “Application”) regarding certain commercial real estate owned by Owner and located in the Council Bluffs Consolidated Revitalization Area, which real estate is legally described as follows:

[LEGAL DESCRIPTION]

(the “Property”);

WHEREAS, the Application describes certain improvements that have been or are proposed to be constructed on the Property (the “Eligible Improvements”); and

WHEREAS, pursuant to Iowa Code Section 404.3C, the City and Owner desire to establish a Minimum Actual Value for the Eligible Improvements and Property following completion of the Eligible Improvements for the duration of the tax abatement requested by the Owner by submission of the Application, under the provisions of the Plan; and

WHEREAS, the Pottawattamie County Assessor has reviewed the preliminary plans and specifications for the Eligible Improvements that are contemplated to be constructed.

NOW, THEREFORE, the parties to this Minimum Assessment Agreement, in consideration of the promises, covenants and agreements made by each other, do hereby agree as follows:

1. Upon substantial completion of construction of the Eligible Improvements, but in no event later than January 1, 20____, the minimum actual value fixed for assessment purposes for the Eligible Improvements and the Property (building and land value) in the aggregate shall be not less than _____ Dollars (\$_____), before rollback.

The Minimum Actual Value shall terminate and be of no further force or effect as of December 31, 20____ (“Assessment Termination Date”). Upon the Assessment Termination Date, this Minimum Assessment Agreement shall no longer control the assessment of the Property.

2. This Minimum Assessment Agreement shall be promptly recorded by the City with the Recorder of Pottawattamie County, Iowa. Such filing shall constitute notice to any subsequent encumbrancer of the Property (or part thereof), whether voluntary or involuntary, and this Minimum Assessment Agreement shall be binding and enforceable in its entirety against any

such subsequent encumbrancer, including the holder of any mortgage. The City shall pay all costs of recording.

3. This Minimum Assessment Agreement shall be binding upon and inure to the benefit of and be enforceable by the parties hereto and their respective successors and permitted assigns.

4. Nothing herein shall be deemed to waive the rights of Owner from seeking administrative or legal remedies to reduce the actual value assignment made by the Assessor in excess of the Minimum Actual Value established herein. In no event, however, shall Owner seek to reduce the actual value to an amount below the Minimum Actual Value established herein during the term of this Minimum Assessment Agreement. This Minimum Assessment Agreement may be amended or modified and any of its terms, covenants, representations, warranties or conditions waived, only by a written instrument executed by the parties hereto, or in the case of a waiver, by the party waiving compliance.

5. If any term, condition or provision of this Minimum Assessment Agreement is for any reason held to be illegal, invalid or inoperable, such illegality, invalidity or inoperability shall not affect the remainder hereof, which shall at the time be construed and enforced as if such illegal or invalid or inoperable portion were not contained herein.

6. The Minimum Actual Value herein established shall be of no further force and effect and this Minimum Assessment Agreement shall terminate pursuant to the Assessment Termination Date set forth in Section 1 above.

[Remainder of this page is blank. Signatures start on the next page.]

CITY OF COUNCIL BLUFFS, IOWA

ATTEST:

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

On this _____ day of _____, 20____, before me a Notary Public in and for said State, personally appeared _____ and _____, to me personally known, who being duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Council Bluffs, Iowa, a Municipality created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said Municipality, and that said instrument was signed and sealed on behalf of said Municipality by authority and resolution of its City Council, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said Municipality by it voluntarily executed.

Notary Public in and for the State of Iowa

[Signature page to Minimum Assessment Agreement – City]

[OWNER]

By: _____

Print Name: _____

Its: _____

STATE OF _____)
) SS
COUNTY OF _____)

This record was acknowledged before me on this _____ day of _____, 20_____, by _____, as the _____ of [OWNER], on behalf of whom the record was executed.

Notary Public in and for said state

[Signature page to Minimum Assessment Agreement – Owner]

CERTIFICATION OF ASSESSOR

The undersigned, having reviewed the plans and specifications for the Eligible Improvements to be constructed, and being of the opinion that the minimum actual value contained in the foregoing Minimum Assessment Agreement appears reasonable, hereby certifies as follows:

The undersigned Assessor, being legally responsible for the assessment of the above described property upon completion of the improvement to be made on it, certifies that the actual value assigned to that land and improvements upon completion shall be not less than \$_____.

Assessor for Pottawattamie County, Iowa

Date _____

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

Subscribed and sworn to before me by _____, Assessor for
Pottawattamie County, Iowa on this ____ day of _____, 20____.

Notary Public for the State of Iowa

Consistent with Iowa Code §404.3C, a copy of Iowa Code §404.3C is attached, as follows:

1. For revitalization areas established under this chapter on or after the effective date of this division of this Act and for first-year exemption applications for property located in a revitalization area in existence on the effective date of this division of this Act filed on or after the effective date of this division of this Act, commercial property shall not receive a tax exemption under this chapter unless the city or county, as applicable, and the owner of the qualified real estate enter into a written assessment agreement specifying a minimum actual value until a specified termination date for the duration of the exemption period.

2. a. The assessment agreement shall be presented to the appropriate assessor. The assessor shall review the plans and specifications for the improvements to be made to the property and if the minimum actual value contained in the assessment agreement appears to be reasonable, the assessor shall execute the following certification upon the agreement:

The undersigned assessor, being legally responsible for the assessment of the above described property upon completion of the improvements to be made on it, certifies that the actual value assigned to that land and improvements upon completion shall not be less than\$

b. The assessment agreement with the certification of the assessor and a copy of this subsection shall be filed in the office of the county recorder of the county where the property is located. Upon completion of the improvements, the assessor shall value the property as required by law, except that the actual value shall not be less than the minimum actual value contained in the assessment agreement. This subsection does not prohibit the assessor from assigning a higher actual value to the property or prohibit the owner from seeking administrative or legal remedies to reduce the actual value assigned except that the actual value shall not be reduced below the minimum actual value contained in the assessment agreement. An assessor, county auditor, board of review, director of revenue, or court of this state shall not reduce or order the reduction of the actual value below the minimum actual value in the agreement during the term of the agreement regardless of the actual value which may result from the incomplete construction of improvements, destruction or diminution by any cause, insured or uninsured, except in the case of acquisition or reacquisition of the property by a public entity. Recording of an assessment agreement complying with this subsection constitutes notice of the assessment agreement to a subsequent purchaser or encumbrancer of the land or any part of it, whether voluntary or involuntary, and is binding upon a subsequent purchaser or encumbrancer.

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Urban Revitalization Areas

