RESOLUTION NO. 21-347

A RESOLUTION ADOPTING THE PLANNED COMMERCIAL DEVELOPMENT PLAN ON LOTS 2 THROUGH 6, AND OUTLOTS A AND B, MALL OF THE BLUFFS, REPLAT 1, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Menard, Inc. and D S A G Investments are requesting adoption of a planned commercial development plan on properties generally located at 1751 Madison Avenue and legally described as Lots 2 through 6, and Outlots A and B, Mall of the Bluffs, Replat 1, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, Woodsonia MOTB, LLC has requested to adopt their own development plan for Lot 1, Mall of the Bluffs, Replat 1 so they can establish site-specific development standards that take into consideration the existing layout/placement of the Hy-Vee store, and their proposed parking lot expansion area and their plan is anticipated to be reviewed by the City Planning Commission and approved by City Council prior to the Mall of the Bluffs, Replat 1 final plat being executed and recorded; and

WHEREAS, The following development standards shall be as follows:

A. Applicability

1. The planned commercial development plan for The Bluffs retail shopping center shall be applicable to Lots 2 through 6 and Outlots A and B, Mall of the Bluffs, Replat 1 and shall supersede the previously adopted development plan for the Mall of the Bluffs (Resolution No. 14-108).
2. All new construction shall comply entirely with all standards of this development plan.
3. Building modifications equal to 50% or more of the assessed value of the structure in a 24-month period of time shall be required to bring the entire structure into compliance with the applicable standards of this development plan. The assessed value shall be as most recently established by the Pottawattamie County Assessor.
4. Building modifications equal to 50% or more of the total assessed value of the property shall be required to bring the entire site into compliance with all standards of this development plan. The assessed value shall be as most recently established by the Pottawattamie County Assessor.
5. Lot 1, Mall of the Bluffs, Replat 1 shall be exempt from the standards of this development plan. A separate planned commercial development plan will be adopted for Lot 1 at a later date.

B. Pedestrian Ways

1. A minimum five-foot wide pedestrian way shall be provided from the primary entrance of each building to the nearest sidewalk, to the extent practical. The pedestrian way may be designated with pavement striping, or change in paving material or some other alternative approved by the Community Development Department Director or his assign. It is

encouraged that the pedestrian connection be incorporated into the overall layout of each lot, and that it be complementary to the landscaping on each site.

2. A minimum 10-foot wide multipurpose trail that connects with The Bluffs retail shopping center with the existing City trail network shall be installed as part of the public street reconstruction/dedication by the developer, as shown in Attachment 'I.'

C. Streetscapes

1. A minimum 20-foot wide frontage strip, as measured from the property line to the curb, shall be provided along the side of proposed Menard Drive, to the extent practical, **which contains** the 10-foot wide multipurpose trial, and shall be located within the designated public right-of-way. One deciduous canopy tree shall be planted within the frontage strip every 40 linear feet on center at the time of road construction, and shall be placed between the trail and the back of curb. The 10-foot wide trail shall be included in the overall 20-foot width of the frontage strip and shall be set a minimum of three feet from the back of curb. The frontage strip shown on Attachment 'P' shall be deemed acceptable as designed.
2. A minimum 10 foot-wide frontage strip, as measured from the property line to the curb, shall be provided along the side of proposed Menard Drive and Hy-Vee Drive, to the extent practical, **which do not contain** the 10-foot wide multipurpose trail, and shall be located within the designated public right-of-way. One deciduous canopy tree shall be planted within the frontage strip every 40 linear feet on center at the time of road construction. Sidewalks may be included in the overall 10-foot width of the frontage strip and shall be set a minimum of three feet from the back of curb. The frontage strip shown on Attachment 'P' shall be deemed acceptable as designed.
3. A minimum 10-foot wide frontage strip shall be provided along each side of all private drives, to the extent practical. One deciduous canopy tree shall be planted within the frontage strip every 40 linear feet on center. Installation of frontage strips along private drives shall occur on each lot as determined in the applicability section of this development plan. Sidewalks may be included in the overall 10-foot width of the frontage strip and shall be set a minimum of three feet from the back of curb.
4. Trees planted within streetscape strips, including medians, shall comply with the Council Bluffs Street Tree Guide and shall be limited to canopy shade trees. The City shall review and approve all proposed trees prior to installation.
5. Trees planted within streetscape strips shall be appropriately maintained and dead plant material replaced at a time appropriate to planting season(s) but in all cases shall be replaced within one year by the adjoining property owner.

D. Landscaping

1. Landscaping is required on each lot. Not less than 10% of the total lot area shall be landscaped with trees, shrubs, and other plant materials. All parking lot islands shall be planted with a minimum of one canopy shade tree and ground cover vegetation (e.g., shrubs, sod, mulch or river rock, etc.).
2. A minimum five-foot wide landscape strip shall be provided between all parking surfaces and each abutting property line. The requirement can be waived where two parking lots adjoin. The five foot-wide strips may be included in the 10% landscaping lot coverage requirement.
3. A minimum five-foot wide landscape strip shall be provided between all loading/unloading areas and each abutting property line. The five foot-wide strips may be included in the 10% landscaping lot coverage requirement.
4. The north elevation of the Menards retail store and the associated lumber yard/warehouse area shall be screened and buffered at 100% opacity through a combination of fencing, not to exceed 14 feet in height, and evergreen/deciduous trees. All trees shall be planted within a 10-foot wide landscape strip, as measured from the property line to the edge of the lumber yard/warehouse area.
5. A minimum of four square feet of landscaping per each lineal foot of building façades clearly visible from the public right-of-way or private drive, not inclusive of entrance areas and pedestrian ways, shall be installed along the base of the building façade. The landscaping may be at-grade foundation plantings or complementary above grade decorative planters. No more than 20% of foundation plantings may be clustered on one location of the building façade. **Exception**: Foundation plantings shall be not be required for the warehouse building associated with the Menards retail store or the western elevation of the Menards retail store.
6. All trees shall have a minimum caliper width of two inches at the time of planting.
7. Landscaping shall not interfere with the sight clearance triangle at any intersection and shall not impede the vision of any motorist, cyclist or pedestrian at the street, driveway or pedestrian way.
8. All disturbed areas without a specific landscape design shall be hydroseeded, or sodded, turf, and/or prairie grass.
9. All landscaping areas, including grassed and sodded areas, shall be irrigated.
10. Not more than 10% of the landscaped area shall be of inorganic materials such as brick, stone, aggregate, metal or artificial turf. Organic mulch may be used around trees and/or shrubs.
11. A landscaping plan shall be part of every building permit application. The plan shall clearly identify plant materials, quantity, and size and shall show dimensions of all areas to be landscaped.

12. All landscaping shall be appropriately maintained and dead plant material replaced at a time appropriate to planting season(s) but in all cases shall be replaced within one year.

E. Signage

1. That portion of any lot abutting Interstate 80 right-of-way shall not be considered in determining street frontage for signage purposes.
2. Three center identification signs shall be allowed internally for the entire development. Each center identification sign shall identify 'The Bluffs' development and two or more tenants. One sign shall consist of a pylon sign with a maximum height of 60 feet, as measured from the finished grade to the highest point of the sign structure, and shall contain no more than 600 square feet of signage per face. The pylon sign shall front Interstate 80. The other center identification signs shall consist of two monument signs with a maximum height of 10 feet, as measured from the finished grade to the highest point of the sign structure, and each sign shall contain no more than 100 square feet of signage per face.
3. The total maximum amount of signage allowed on each lot shall be based on a calculation of one and one-half (1 ½) square feet of signage per each lineal foot of street frontage along a public street right-of-way or private drive.
4. Attached signage shall be limited to 15% of the building façade to which it is attached. Attached signage can be placed at any location on the building but shall not extend beyond any building wall or above the peak of the roof.
5. A maximum of one ground/monument sign shall be allowed on each lot in the development. Ground/monument signs shall be limited to a maximum height of 10 feet, as measured from finished grade to the highest point of the sign structure. The entire monument sign shall be counted as signage as measured from finished grade to the highest point of the monument and from one side of the monument structure to the other. The maximum sign area shall not exceed 100 square feet of signage per face.
6. On-site directional signage shall count toward the overall amount of signage permitted on each lot. Each sign shall be limited to a maximum height of six feet, as measured from finished grade to the highest point of the sign structure, and shall be limited to a maximum of eight square feet. **Exception**: On-site directional signage on the Menards lumber yard gate and within the lumber yard, as shown on Attachment 'M,' shall be exempt from these requirements.
7. Online/curbside pickup signage shall count toward the overall amount of signage permitted on each lot. If not attached to a structure, each sign shall be limited to a maximum height of six feet, as measured from finished grade to the highest point of the sign structure, and shall be limited to a maximum of 10 square feet. Such signage shall be located within the parking lot and shall not be visible off-site.

8. Signs located within 660 feet from Interstate right-of-way are limited to on-premise advertising signs as regulated by the Iowa Department of Transportation. The sign must be located in the usual place of business for the use
9. The existing Bucky's/Casey's 'gas price' pylon sign shall be considered a legal nonconforming sign and may be allowed to continue as it exists today, subject to the provisions in Section 15.33.220, *Nonconforming Signs – Legal*, of the Council Bluffs Municipal Code (Zoning Ordinance).
10. The existing USPS pylon sign shall be considered a legal nonconforming sign and may be allowed to continue as it exists today until the U.S. Postal Service ceases to occupy its tenant space on Lot 6. At such time, the pylon sign shall be removed.
11. The existing 'Mall of the Bluffs' pylon sign shall be removed as part of the public street reconstruction/dedication by the developer.
12. Pole signs shall be prohibited from being installed on any lot in the development.

F. Site Development

1. All principal and accessory structures shall have a minimum setback of 10 feet from all property lines.
2. No more than 40% of the total area of any lot shall be covered with structures.
3. The maximum height for all principal structures shall not exceed 50 feet, as measured from finished grade to the peak of the roof. Decorative architectural features shall be included in the overall height of the building.
4. The maximum height for any accessory structure shall not exceed 20 feet. **Exception**: The warehouse building associated with the Menards retail store shall not exceed 35 feet in height.
5. All fences shall be installed in accordance with Section 15.24.040, *Fence Regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance). **Exception**: Any fencing associated with the primary façade of the Menards retail store shall be constructed out of ornamental iron/aluminum and shall consist of a four-foot wall and 10-foot ornamental fence that does not exceed 14 feet in total height. The fence to be installed to screen/buffer the west elevation of the Menards retail store and the associated lumber yard/warehouse area shall be constructed out of ornamental iron/aluminum, wood and/or other similar materials, and shall not exceed 14 feet in height.
6. All trash receptacles that are visible from an adjacent public street right-of-way or private drive shall be enclosed on three sides and completely screened from view with materials similar to those of the primary building. The enclosure shall have a lockable gate which when closed completely eliminates view of the dumpster. Trash receptacles shall be located on the least visible area of the site, to the extent it is practical.

7. All loading areas that are visible from an adjacent public street right-of-way or private drive shall be completely screened from view using architectural design features, fencing, masonry wall, landscaping, or a combination thereof.
8. Outdoor storage is not allowed. This includes the semi-permanent and/or permanent placement of inter-modal storage/shipping containers. The lumber yard/warehouse area associated with the Menards retail store shall not be considered outdoor storage.
9. The stormwater detention area located on Outlot 'A' is considered a site amenity. The developer shall incorporate landscaping, benches, trails or a combination thereof around the perimeter of this detention pond at the time of construction.
10. Access to the rear of each building for Fire Department equipment shall be provided in accordance with the requirements of the Fire Marshal's Office.
11. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to this site shall be at the sole cost of the developer and not the City.

G. Architecture

1. Building exteriors shall be made up of 100% masonry materials such as brick, split faced block (with texture), non-flat faced concrete masonry units (CMU), or EFIS materials. Metal shall only be allowed as an architectural accent. A minimum of 20% of all building façades visible from a public street right-of-way or private drive shall be made of brick, stone or tile, and shall be located primarily along the base of the building façade. No flat faced/smooth concrete block shall be allowed except for the rear wall of a building when it is not visible from a public street right-of-way or private drive. Wood and vinyl siding shall be not allowed. **Exception**: Wood siding shall be an acceptable building material for the warehouse building associated with the Menards retail store.
2. The architectural design, building materials and decorative fencing for the Menards retail store shall be deemed acceptable, and shall be constructed in accordance with the submitted architectural renderings shown in Attachment 'K.'
3. The architectural design and building materials for the warehouse building associated with the Menards retail shall be deemed acceptable, and shall be constructed in accordance with the submitted architectural renderings shown in Attachment 'N,' provided that a minimum seven-foot tall knee wall, constructed out of masonry materials such as brick, split faced block (with texture) or non-flat faced concrete masonry units (CMU), is installed along the base of the north façade of the structure that faces Outlot B in order to match the appearance of the Menards retail store.

4. Awnings and/or other decorative features may be allowed on the façade of a building and must be at least eight feet above the traveled pedestrian way and may not project over drive aisles or parking areas.
5. All rooftop mounted mechanical equipment that is visible from an adjacent public street right-of-way or private drive shall be screened from view using architectural design features.
6. All ground-mounted mechanical equipment that is visible from an adjacent public street right-of-way or private drive shall be completely screened from view using architectural design features, fencing, masonry wall, landscaping, or a combination thereof.

H. Off-Street Parking

1. The minimum number of parking spaces shall be as determined in Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance). In cases where several uses occupy a structure or parcel of land the total requirement for off-street parking shall be the sum of the requirement of the different uses.
2. A deviation from minimum parking requirements may be allowed provided the property owner and/or tenant can demonstrate reasonable proof less parking is needed for their use(s).
3. All parking lots shall be designed in such a manner that allows interconnection(s) with adjoining lots as part of the overall site development design.
4. A parking lot permit shall be submitted with all building permit and parking lot expansion requests and shall include the number, location, and dimension of all drive aisles and spaces, pedestrian ways, islands, landscaped areas, loading areas, lighting and interconnections.
5. All off-street parking lots shall comply with Chapter 661-18, *Parking for Persons with Disabilities*, of the Iowa Administrative Code.

I. Outdoor Lighting

1. All outdoor light poles shall be limited to a maximum height of 30 feet, as measured from finished grade to the highest point of the pole structure. All light poles shall be painted or finished aluminum or steel. Wood poles shall not be allowed. Light fixtures located on private property shall be generally of a similar design and finish.
2. All light used for illumination shall be contained onsite and shall be arranged in such a manner to direct the light away from neighboring residential properties and away from the vision of passing motorist, cyclists and pedestrians. No light shall trespass beyond the property line.
3. Streetlight type and location within public right-of-way shall be determined by the Public Works Department; and

WHEREAS, The Community Development Department recommends approval of the planned commercial development plan for Lots 2 through 6, and Outlots A and B, Mall of the Bluffs, Replat 1, City of Council Bluffs, Pottawattamie County, Iowa, subject

to the comments above.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the Planned Commercial Development Plan for Lots 2 through 6, and Outlots A and B, Mall of the Bluffs, Replat 1, is hereby adopted and approved, and will be in full force and effect upon preliminary plat approval for Mall of the Bluffs, Replat 1 and from and after its final passage and publication, as by law provided.

ADOPTED
AND November 22, 2021.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk