**RESOLUTION NO. 22-15**

**A RESOLUTION ADOPTING THE PLANNED COMMERCIAL DEVELOPMENT PLAN FOR LOT 1, MALL OF THE BLUFFS, REPLAT 1, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** Woodsonia MOTB, LLC to adopt a planned commercial development plan for Lot 1, Mall of the Bluffs, Replat 1 that will be specific to the existing Hy-Vee site in The Bluffs retail shopping center (formerly known as the Mall of the Bluffs); and

**WHEREAS,** The development standards shall be as follows:

A. **Applicability**

1. This Development Plan shall be applicable to Lot 1, Mall of the Bluffs, Replat 1 ("**Lot 1**"), subject to the provisions of Sections 1(d), 1(e) and 1(f) below, and shall supersede the previously adopted development plan for the Mall of the Bluffs (Resolution No. 14-108) and The Bluffs Development Plan submitted by Menard Inc.
2. The existing layout, configuration, and architectural design of the structure and parking lot on Lot 1 are hereby approved as part of this Development Plan.
3. The layout, configuration, and architectural design of the proposed parking lot expansion on Lot 1 (the "**Parking Lot Expansion**"), as provided in the plans attached hereto as **Attachment 'C**,' are hereby approved as part of this Development Plan, provided that a parking lot permit for said proposed Parking Lot Expansion shall be approved prior to commencement of construction. The proposed Parking Lot Expansion shall be built in compliance with Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance), Council Bluffs Public Works Department off-street parking standards, and this Development Plan.
4. All new construction shall comply with all standards of this Development Plan. Such compliance shall be limited to the scope of the new construction area unless the thresholds specified in Sections 1(e) or 1(f) are met.
5. Building modifications to the existing structure, based upon the valuation of the project cost specified on the building permit application, equal to 50% or more of the assessed value of the structure in a 12-month period of time shall be required to bring the entire structure into compliance with the applicable standards of this Development Plan. Interior modifications/remodeling work that do not result in changes to the structural integrity or exterior architecture of the building shall be exempt from this requirement. The assessed value shall be as most recently established by the

Pottawattamie County Assessor.

6. Building modifications to the existing structure, based upon the valuation of the project cost specified on the building permit application, equal to 50% or more of the total assessed value of the property (i.e., the land value and building value but excluding any applicable exemptions) shall be required to bring the entire Lot 1 into compliance with all standards of this Development Plan. Interior modifications/remodeling work that do not result in changes to the structural integrity or exterior architecture of the building shall be exempt from this requirement. The assessed value shall be as most recently established by the Pottawattamie County Assessor.

B. **Pedestrian Ways**

1. A minimum five-foot-wide pedestrian way shall be provided from the primary entrance of each building structure to the nearest sidewalk, to the extent practical. The pedestrian way may be designated with pavement striping, change in paving material, or some other alternative approved by the Community Development Department Director or their assign. It is encouraged that the pedestrian connection be incorporated into the overall layout of Lot 1, and that it be complementary to the landscaping on Lot 1.

C. **Landscaping**

1. Not less than 10% of the total area of Lot 1 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. This requirement can be waived where two parking lots adjoin. The five-foot-wide strips may be included in the 10% landscaping lot coverage requirement set forth in Section 3(a) above. **Exception**: The existing landscape strip lying east of Madison Avenue and between the existing driveway entrance onto Madison Avenue and proposed Hy-Vee Drive does not meet the minimum five-foot width requirement but is authorized to remain until such time the threshold specified in Section 1(f) is met.
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 set forth in Section 3(a) above.
4. 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.

5. All trees shall have a minimum caliper width of two inches at the time of planting.
6. 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.
7. All disturbed areas without a specific landscape design shall be hydroseeded, or sodded, turf, and/or prairie grass.
8. 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.
9. 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.
10. All landscaping, including street trees planted within the streetscape strips abutting Lot 1, 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.

D. **Signage**

1. The total maximum amount of signage allowed 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.
2. Signage attached to the building structure shall be limited to 15% of the surface area of the building façade to which it is attached. Such attached signage can be placed at any location on the building structure but shall not extend beyond any building wall or above the peak of the roof.
3. A maximum of one ground/monument sign shall be allowed on Lot 1. The Hy-Vee store may be identified on the two existing center identification signs located on Lot 1, and said center identification signs shall not count toward this requirement. The sign shall be limited to a maximum height of ten 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 area for the sign shall not exceed 100 square feet of signage per face.
4. On-site directional signage shall count toward the overall amount of signage permitted on Lot 1. 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 area

of eight square feet of signage per face.

5. Online/curbside pickup signage shall count toward the overall amount of signage permitted on Lot 1. 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 area of ten square feet of signage per face. Such signage shall be located within the parking lot. **Exception**: Online/curbside pickup signage not visible from a public right-of-way or private drive shall be exempt from these requirements.
6. Pole signs shall be prohibited from being installed on Lot 1. Parking stall identification signs and curbside/online pick-up signs shall not be considered pole signs.

E. **Site Development**

1. All principal and accessory structures shall have a minimum setback of 10 feet from all property lines. **Exception**: The north side of the existing Hy-Vee building structure on Lot 1 along Menard Drive does not meet the minimum 10-foot setback requirement but is authorized to remain provided it does not move closer to the property line or expand east or west on Lot 1.
2. No more than 40% of the total lot area of Lot 1 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 a building.
4. The maximum height for any accessory structure shall not exceed 25 feet.
5. All fences shall be installed in accordance with Section 15.24.040, *Fence Regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance).
6. All trash dumpsters 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 dumpsters shall be located on the least visible area of Lot 1, 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 seasonal outdoor garden center and temporary firework sales stands associated with the existing Hy-Vee store shall not be considered outdoor storage; however, such uses shall be subject to the approval of a Temporary Use Permit.

9. 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.
10. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to Lot 1 shall be at the sole cost of the developer and not the City.
11. The Parking Lot Expansion to be constructed on Lot 1 will not be required to have on-site stormwater detention facilities. Stormwater detention for said Parking Lot Expansion shall be handled and managed by the stormwater detention area located on Outlot A, Mall of the Bluffs Replat 1. Stormwater detention for the remainder of Lot 1 is handled on-site in the southwest corner of Lot 1.
12. After completion of construction of Menard Drive and Hy-Vee Drive by Menard Inc., Lot 1 shall have four full access points along Menard Drive and one full access point along Hy-Vee Drive.

F. **Architecture**

1. Building exteriors shall be made up of 100% masonry materials such as brick, split faced block (with texture), concrete masonry units (CMU), or EFIS materials. Metal shall only be allowed as an architectural accent, including the use of architectural metal panel, up to 20% of a building façade. 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. Alternative architectural materials will be considered when complementary to a proposed building design and are of equal quality and durability to materials permitted by these architectural guidelines.
2. 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.
3. 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.
4. 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.

G. **Off-Street Parking**

a. Parking lot design and the minimum number of parking spaces required on Lot 1 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.

b. 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).

c. 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.

d. All off-street parking lots shall comply with Chapter 661-18, *Parking for Persons with Disabilities*, of the Iowa Administrative Code.

H. **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 installed on Lot 1 shall be compatible with the design and finish of other light fixtures found in The Bluffs retail shopping center.

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 Lot 1, Mall of the Bluffs, Replat 1, subject to the comments above and the following condition:

A. The planned commercial development plan for Lot 1, Mall of the Bluffs, Replat 1 shall become effective upon the Mall of the Bluffs, Replat 1 final plat being executed and signed by the City of Council Bluffs and recorded by the Pottawattamie County Recorder

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

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

ADOPTED
AND January 10, 2021.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk