City Council Communication

Department: Community Development CASES #SUB-22-001, #PR-22-001, #ZC-22-001 Developer: Sudbeck Homes 16255 Woodland Drive Omaha, NE 68136 Property Owner: Hanson Homestead LLC 210 Fuller Avenue Council Bluffs, IA 51503 Engineer: Andrew Rech FoleyShald Engineering, LLC 3803 North 153rd Street, Suite 203 Omaha, NE 68116 Surveyor: Alpha Land Surveying 15237 Locust Street Omaha, NE 68122	Ordinance No. _____ Resolution No. _____	CASE #ZC-22-001 1st Consideration: 1/24/22 2nd Consideration: 2/14/22 3rd Consideration: 2/28/22 CASE#SUB-22-001 Resolution: 2/28/22 CASE #PR-22-001 Resolution: 2/28/22 Planning Commission: 1/11/22

Subject/Title

Request: Combined public hearings on the request of Orchard Valley Inc., represented by Robert Peterson and FoleyShald Engineering, to rezone a parcel of land, being a portion of the NE1/4 SW1/4 and a portion of the NW1/4 SE1/4 of Section 33, Township 75 North, Range 43 West Of The Fifth Principal Meridian, Pottawattamie County, Iowa, and more particularly described in Attachment 'A' from A-2/Parks, Estates, and Agricultural District to R-1/Single-Family Residential District; along with preliminary approval of an 85-lot residential subdivision to be known as Steven Ridge; and to append a PR/Planned Residential Overlay and adopt the associated planned residential development plan for said property.

Location: Undeveloped land lying north of 1375 and 1378 Chestnut Drive

Background

The Community Development Department has received applications from Orchard Valley Inc. for the following requests: (1) preliminary plan approval for an 85-lot residential subdivision to be known as Steven Ridge; (2) to rezone the proposed subdivision to be known as Steven Ridge from A-2/Parks, Estates, and Agriculture to R-1/Single-Family Residential; and (3) to append a P-R/Planned Residential Overlay and adopt a planned residential development plan for the proposed Steven Ridge Subdivision.

The requests stated above are summarized in the applicant's letter of intent included with this report as Attachment 'B' and are more particularly described below:

CASE #SUB-22-001

The proposed residential subdivision is comprised of 38.32 acres (more/less) of land and will consist of 85 lots and four (4) outlots. The proposed subdivision consists of two (2) apartment buildings with a combined total of 128 units on Lot 1; 22 townhome units on Lot 2; and a total of 83 single-family homes on Lots 3-85. The proposed subdivision will be accessed by two new public streets that will connect to the future extension of Steven Road. All lots will be fully served with utilities (e.g. sanitary/storm sewers, water, gas, electric, etc.). The applicant intends to develop the subdivision in two phases. The preliminary plans are included with this report as Attachment 'C'.

Comments

Community Development Department provided the following comments:

1. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, "but shall be deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee and the final plat" (§14.11.060(D)—Subdivision Ordinance). A final plat application must be filed within one year of the date of action by the City Council. A request for extension may be made by the sub-divider in writing prior to the expiration date. One-year extensions are considered by the City Planning Commission.
2. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) as well as the purpose and intent of Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code. The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as "Low-Density Residential."
3. All lots comply with R-1/Single-Family Residential District site development standards per Section 15.08B.050, Site Development Standards, of the Council Bluffs Municipal Code (Zoning Ordinance), with the exception of Lot 16. The submitted preliminary plans show a 49-foot front lot line dimension for Lot 16, which does not meet the minimum 50-foot wide dimension for interior lots in the R-1 District. The applicant has clarified that the front lot line of Lot 16 measures 55 feet. This correction shall be made prior to execution of the final plat.
4. The proposed development will be completed in two phases. Phase I will include Lots 1-12, 38-51, and 68-75 and Outlots B, C, and D. Phase II will include Lots 13-37, 52-67, and 76-85 and Outlot A.
5. An existing 50-foot wide utility easement for overhead electrical power lines extends over portions of proposed Lots 59-67. No structures shall be built within said easement.
6. The proposed subdivision is currently zoned A-2/Parks, Estates, and Agricultural District and is proposed to be rezoned to R-1/Single-Family Residential District (see Case #ZC-22-001) and a PR/Planned Residential Overlay appended to allow for a mixture of multifamily, townhome, and single-family detached dwellings. (see Case #PR-22-001).
7. The proposed mixture of housing typologies (single-family detached, townhome, and apartment) within the development further increases and diversifies the city's housing stock to address the metro area's growing population and desire for a variety of housing types. Figure 1 shows the gap between the housing typologies provided versus the housing typologies desired within the Omaha-Council Bluffs Metro Area, as documented by the Heartland 2050 Plan.

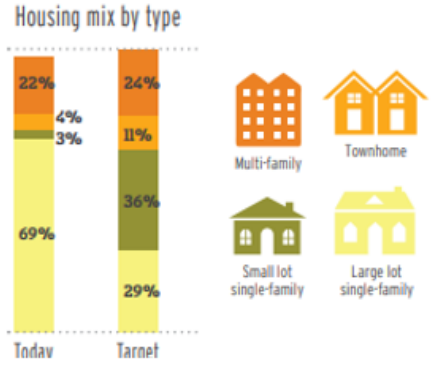


Figure 1: Heartland 2050 Vision – Balanced Housing

8. The proposed subdivision includes four (4) outlots, A-D. Outlots 'B' and 'C' will serve as stormwater detention areas. Outlot 'D' is the future location of a sanitary sewer lift station and shall be included in the first phase of the subdivision.
9. The proposed subdivision will be accessed by two new public streets that will connect to the future extension of Steven Road. The names of the new public streets shall be identified on the final plat and shall not be duplicative or similar in terminology to any existing local street.
10. All lots will be serviced with utilities (e.g., sanitary/storm sewers, water, electricity, etc.) that shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer and not the City.
11. Sidewalk installation along all frontages of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each lot. All sidewalks shall be built to City standards.
12. Street trees shall be planted along the frontage of each proposed lot prior to issuance of a Certificate of Occupancy for each lot. The submitted landscaping plan (see Sheet C105 in Attachment 'C') shows all street trees planted on private property. The plan shall be revised to show the street trees planted in the public right-of-way. Said street trees shall be planted between the sidewalk and back of curb. All proposed trees within the City's right-of-way shall comply with the Council Bluffs Street Tree Guide and be reviewed and approved by the City prior to installation.
13. All future streetlights shall meet Public Works Department standards. All costs associated with the installation of streetlights shall be the responsibility of the developer and not the City.
14. The subject property is not located within a flood zone.

Council Bluffs Public Works Department provided the following comments:

1. All streets shall be paved 26 feet wide from back of curb to back of curb
2. Public Works will work with the consulting engineer on the final development of construction plans for all infrastructure.
3. Public Works will work with the engineer on completion of a drainage analysis and associated infrastructure.
4. Post construction stormwater management is required for this site.
5. Sanitary sewer shall require an IDNR treatment agreement.
6. All outlots shall be dedicated to a homeowners association (HOA).
7. All stormwater management features shall be dedicated to an HOA for maintenance and operations.
8. The construction of the Steven Road extension adjacent to the development is planned begin in 2022. All Steven Road right-of-way shall be dedicated to the City.
9. The developer shall coordinate all construction activities with the City and Steven Road contractor (to be decided).
10. Council Bluffs Parks and Recreation Department stated that the proposed subdivision is adjacent to a future trail (as shown by the purple line in the map below). If the trail cannot be located within the proposed Steven Road right-of-way, the final plat shall include right-of-way dedicated to the City for trail installation. Said trail shall be constructed or a fee in lieu shall be provided prior to execution of the final plat.



Council Bluffs Chief of Staff provided the following comments:

1. The proposed development is very typical for a suburban context and will provide a much-needed supply and mixture of housing;
2. The subject property's terrain is challenging for development, but also contributes to the aesthetics of the area by preserving very large open spaces;
3. The construction of the new Steven Road is very timely as it will help disperse traffic;
4. The proposed street stubs connecting the development to neighboring properties will help facilitate future orderly growth and extension of infrastructure.

Council Bluffs Fire Department stated that they had no comments.

Council Bluffs WaterWorks asked the developer to contact them directly to discuss main extension requirements.

MidAmerican Energy provided the following comments:

1. They do not oppose the project however would like to note that there is an existing overhead transmission line running along the eastern boundary of the proposed development that may be in conflict with the provided proposed preliminary plat. The developer or their agents shall contact MidAmerican Energy directly to discuss project timeline and identify all costs and areas of responsibility associated with the extension or relocation of electric distribution and transmission facilities to support the project.
2. The MidAmerican standard is to locate underground service within the neighborhood within a ten (10) foot easement at the front of all lots which shall be incorporated into the final plat.
3. The applicant shall provide a CAD file of the final plat drawing for MidAmerican's use whenever it becomes available.
4. The developer shall confirm with MidAmerican Energy if the houses will have electric heat or gas heat.
5. MidAmerican Energy will evaluate the load addition, and facilities that must be installed to serve the new load and will then develop a proposal and cost estimate for the developer's review.
6. If the City desires MidAmerican Energy owned street lighting to be installed a part of the development, and billed to the City monthly, then the City/Developer will need to choose specific fixtures from our standard offerings and advise MidAmerican Energy of the desired light locations. The street lighting will then be included within the MidAmerican Energy proposal and cost estimate for the project.

CASE #ZC-22-001

The subject property is currently zoned A-2 /Parks, Estates, and Agricultural District. The applicant intends to rezone the property to R-1/Single-Family Residential District to accommodate the proposed 85-lot residential subdivision (Case #SUB-22-001). A P-R/Planned Residential Overlay is proposed to be appended to the subject property along with the proposed rezoning (Case #PR-22-001).

Land Use and Zoning – The following zoning and land uses surround the subject property:

- North – Wildwood residential subdivision and undeveloped land (both located in Pottawattamie County and zoned R-3/Urban Residential District)
- South – Briarwood and Forest Glen residential subdivisions zoned R-1/Single-Family Residential District and a townhome development zoned R-3/Low-Density Multifamily District
- East – Undeveloped land zoned A-2/Parks, Estates, and Agricultural District
- West – Undeveloped land and Forest Ridge residential subdivision zoned R-1/Single-Family Residential District

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

The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as "Low-Density Residential."

Public notices were mailed to all property owners within 200 feet of the request. As of the date of this report, the following comments were received:

Dwane and Sue McFerrin, 1375 Chestnut Drive, Council Bluffs, IA 51503, sent an email, included with this report as Attachment 'E', to Community Development Department staff on December 24, 2021 stating their opposition to the proposed development for the following reasons:

- The proposed apartment buildings would change the nature of the existing neighborhood and would lower surrounding property values.
- The proposed single-family lots are incompatible with the larger lot sizes of the surrounding Forest Glen neighborhood.
- The proposed development lacks an appropriate amount of green space.

Luke Norville, 4206 Cambridge Street, Kansas City, KS 66103, owns the property immediately east of the subject property and inquired about the proposed development and the review and approval process for the requests.

Phil and Bridget Epperson, 1378 Chestnut Drive, Council Bluffs, IA 51503 sent an email to Community Development Department staff on January 3, 2022 stating their opposition to the proposed development as the proposed apartments are incompatible with the surrounding single-family neighborhood. A copy of this email is included with this report as Attachment 'F'.

Todd Hayes, 1392 Tangelwood Drive, Council Bluffs, IA 51503 lives within close proximity to the subject property, however, does not live within the 200-foot notification boundary. Mr. Hayes contacted the Community Development Department for clarification on the subject requests.

Discussion

1. The subject property is currently zoned A-2/Parks, Estates, and Agricultural District, which does not allow for townhome and multifamily dwellings and requires a three-acre minimum lot size. As a part of this request, the applicant is proposing to rezone the subject property to R-1/Single-Family Residential District to allow for a variety of housing typologies (single-family dwellings, townhomes, and apartments) through a P-R/Planned Residential Overlay. Under the P-R Overlay, the development can have a maximum of 30 percent of the total units as multifamily and 100 percent of the total units as townhomes. The housing type composition of the proposed subdivision is as follows:
    a. Single-Family Dwellings – 78.8% of the Net Developable Area
    b. Multi-Family – 14.3% of the Net Developable Area
    c. Townhomes – 6.9% of the Net Developable Area
2. All proposed lots will be zoned R-1/Single-Family Residential District. The applicant intends to develop two (2) apartment buildings with a combined total of 128 units on Lot 1; 22 townhome units on Lot 2; and a total of 83 single-family homes on Lots 3-85.
3. The applicant is proposing to append a P-R/Planned Residential Overlay to the entire subdivision. A planned residential development plan which establishes standards for site development, architecture, landscaping, parking, and signage will be adopted as part of this development.
4. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property "Low-Density Residential". The proposed rezoning is consistent the Future Land Use Plan.
5. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available or will be extended to accommodate the uses permitted in the R-1 District.

Case #PR-22-001

Section 15.28.010, Statement of Intent, P-R/Planned Residential Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance) states that "the planned residential overlay is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of the requirements of the underlying zone would not be inconsistent with the Comprehensive Plan

or harmful to the neighborhood in which it is located." The applicant proposes to append a P-R/Planned Residential Overlay over the entirety of Steven Ridge Subdivision in order to allow for a mixture of housing typologies and to regulate the design and layout of the proposed development.

1. Site Development

a. The minimum tract of land required for P-R Overlay is 1.5 acres. The subject property contains 38.32 acres, which exceeds the minimum size requirement of the P-R Overlay.

b. All proposed lots shall be developed to R-1/Single-Family Residential District site development standards, as per Section 15.09.050, *Site Development Regulation*, with the following exception:

   i. The minimum interior side yard setback for all structures shall be five feet.

c. All fencing in the subdivision shall comply with the standards stated in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).

d. All lighting in the subdivision shall comply with the standards listed in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).

e. 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.

2. Off-Street Parking

a. Per Section 15.23.060, Parking Spaces Required, of the Council Bluffs Municipal Code (Zoning Ordinance), the required number of off-street parking spaces for single-family detached dwellings and townhomes is two (2) spaces per dwelling unit. All proposed single-family detached units and townhomes are being constructed with a two-car garage.

b. Per Section 15.23.060, Parking Spaces Required, of the Council Bluffs Municipal Code (Zoning Ordinance), the required number of off-street parking spaces for apartment units is based on the following calculation:

   i. Studio and 1 bedroom units – 1 space per dwelling unit
   ii. 2+ bedroom units – 1.5 space per dwelling unit

   Based on the proposed composition of apartment units, a total of 144 parking spaces are required. There are 59 surface parking spaces and a minimum of 115 underground parking spaces proposed for Lot 2 for a total of 174 parking spaces, which exceeds the minimum required for the proposed apartment buildings.

c. All off-street parking areas, driveways and drive aisles shall comply with the standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).

3. Architecture

a. The submitted single-family dwelling plans, included as Attachment 'F,' are generally acceptable in design and layout and shall be adopted as submitted.

b. The submitted townhome plans, included as Attachment 'G,' show four townhouse groupings on Lot 2. Each grouping of townhomes is oriented towards the adjacent street with a common shared greenspace in the center of Lot 2. The three-story townhomes are designed with a pitched roof with composite shingles; a two-stall garage and brick exterior on the first floor; and cement lap siding and metal panel siding on the 2nd and 3rd floors. The proposed townhome plans and materials are generally acceptable as proposed and shall be adopted as submitted, with the following condition:

   i. All metal panel siding shall be architectural (non-corrugated) metal.

c. The submitted apartment plans, included as Attachment 'H,' show two, four-story apartment buildings with shared surface and underground parking lots between the two buildings on Lot 1. The apartment buildings will sit lower than the elevated portion of Steven Road directly south of proposed Lot 1. The apartments will be further screened by a vegetative berm planted with groupings of evergreen trees along Steven Road. The apartment buildings are designed with flat roofs, wall offsets, balconies, a brick base, and mixture of metal panel siding and cement lap siding. The proposed apartment plans are generally acceptable in design and layout and shall be adopted as submitted, with the following condition:

i. All metal panel siding shall be architectural (non-corrugated) metal.

d. Minor modifications deemed to be compatible with the subdivision shall be approved administratively by the Community Development Director or their designee.

4. Landscaping

a. The submitted landscaping plan (Sheet No. C105 of Attachment 'C') shows the proposed locations and species of landscape plantings throughout the subdivision including:
   i. One deciduous street tree lot planted per single-family lot
   ii. A mixture of deciduous trees and landscape shrubs planted along the frontages and common area of Lot 2; and
   iii. A mixture of deciduous trees and shrubs planted along the north, east and west sides of Lot 1, in addition to a vegetative berm landscaped with one row of deciduous tree groupings and one row of evergreen tree groupings along the south side of Lot 1.

b. The proposed landscaping plan is generally acceptable and shall be adopted as submitted with the following modifications:
   i. The submitted landscaping plan shows all street trees planted on private property. The plan shall be revised to show the street trees planted in the public right-of-way. Said street trees shall be planted between the sidewalk and back of curb. All proposed trees within the City's right-of-way shall comply with the Council Bluffs Street Tree Guide and be reviewed and approved by the City prior to installation.
   ii. The proposed stormwater detention basins located in Outlots 'B' and 'C' shall be designed and maintained as amenity features for the development through the incorporation of landscaping, outdoor seating, trails, or a combination thereof.
   iii. The shared green space and associated landscape plantings on proposed Lot 2 shall be maintained by an HOA or other management group.
   iv. All landscaping shall be appropriately maintained and dead plant material replaced at a time appropriate to planting seasons but in all cases shall be replaced within one year; and
   v. Minor modifications to the submitted landscaping plan shall be approved administratively by the Community Development Director or their designee.

5. Signage

a. A signage plan was not submitted with the development plan. All signage (detached and attached) shall comply with Section 15.33.160(C), P-R/Planned Residential District Sign Regulations, of the Municipal Code (Zoning Ordinance).

Recommendation

The Community Development Department recommends the following for the subject property legally described as a parcel of land, being a portion of the NE1/4 SW1/4 and a portion of the NW1/4 SE1/4 of Section 33, Township 75 North, Range 43 West Of The Fifth Principal Meridian, Pottawattamie County, Iowa and more particularly described in Attachment 'A':

1. Approval of the preliminary plan for the 85-lot residential subdivision to be known as Steven Ridge Subdivision, subject to the comments above and the following conditions:
   a. Approval of the preliminary plans are tentative and does not constitute acceptance of the final plat, but is "deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat" (Section 14.11.060(D)—Subdivision Ordinance).
   b. All applicable permits necessary to meet all local, state, and federal requirements shall be the developer's responsibility.
   c. Outlot 'D' shall be included in the first phase of the subdivision as it is the future location of the sanitary sewer lift station for the development.

d. Sidewalk installation along all frontages of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each lot. All sidewalks shall be built to City standards. Furthermore, if the trail cannot be located within the proposed Steven Road right-of-way, the final plat shall include right-of-way dedicated to the City for trail installation. Said trail shall be constructed or a fee in lieu shall be provided prior to execution of the final plat.
e. Street trees shall be planted along the frontage of each proposed lot prior to issuance of a Certificate of Occupancy for each lot. The submitted landscaping plan shall be revised to show street trees planted in the public right-of-way. Said street trees shall be planted between the sidewalk and back of curb. All proposed trees within the City's right-of-way shall comply with the Council Bluffs Street Tree Guide and be reviewed and approved by the City prior to installation.
f. All utilities shall be installed underground. All costs to construct, remove, and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer and not the City.
g. All future streetlights shall meet City standards. All costs associated with the installation of streetlights shall be the responsibility of the developer and not the City.

2. Approval of the request to rezone property legally described above from A-2/Parks, Estates, and Agricultural District to R-1/Single-Family Residential District, based on the reasons stated above and subject to final plat approval of Steven Ridge Subdivision.
3. Approval of the request to append a P-R/Planned Residential Overlay and adopt a planned residential development plan for Steven Ridge Subdivision, subject to the following conditions:
   a. All metal paneling shall be architectural (non-corrugated) metal.
   b. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed by City Planning Commission and approved by City Council prior to such changes being made. Minor modifications to the adopted development plan that result in a product that is considered compatible with the overall development may be administratively approved by the Community Development Director or their designee.

Public Hearing

Staff speaker for the requests:
1. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:
1. Melvin Sudbeck, Sudbeck Homes, 16255 Woodland Drive, Omaha, NE 68136
2. Justin James, Council Bluffs Fire Chief, 200 S. 4th Street, Council Bluffs, IA 51503

Speakers against:
1. Terry Oswald, 1517 Chestnut Drive, Council Bluffs, IA 51503
2. Jim Burgart, 3796 Misty Lane, Council Bluffs, IA 51503
3. Tim Schneckloth, 1411 Chestnut Drive, Council Bluffs, IA 51503
4. Ron Helms, 8 Norwood Court, Council Bluffs, IA 51503
5. Fred McCoy, 1406 Chestnut Drive, Council Bluffs, IA 51503
6. James Watson, 3792 Misty Lane, Council Bluffs, IA 51503
7. Bridget Epperson, 1378 Chestnut Drive, Council Bluffs, IA 51503
8. Brian Stoufer, 1430 Tanglewood Drive, Council Bluffs, IA 51503
9. Tina Cozad, 3784 Misty Lane, Council Bluffs, IA 51503

Planning Commission Recommendation

***Note: The reasons stated below are a summary of statements made by the voting majority of the City Planning Commission, as interpreted and condensed by the Community Development Department, and do not represent the entire Planning Commission as some did not make any comments and/or voted in the minority**.*

The Planning Commission recommended denial of all three requests based on the following public testimony: the multifamily apartments are not compatible with the existing land uses in the surrounding area; the development will cause increased vehicular traffic on adjacent neighborhood streets, the lot sizes are smaller than other adjacent residential development and thus allows a higher density of development, as compared to existing subdivision in the surrounding area; the architectural design of the dwellings in the proposed subdivision (i.e., two-stall garages for single-family homes and metal accent wall panels for the townhomes and multi-family apartments) are not compatible with the architectural design of existing subdivisions in the surrounding area; and there are no amenities or open spaces in the general vicinity for the residents of the apartments to utilize for recreation.

VOTE: AYE - Halm, Opperman, Scott, and Stroebele. NAY - Danielsen ABSTAIN – Rew and VanHouten. ABSENT – Bass, Haner, Hutcheson, and Rater. VACANT - None Motion: Carried.

Attachments

Attachment A: Legal Description
Attachment B: Letter of Intent
Attachment C: Preliminary Plans
Attachment D: Location/Zoning Map
Attachment E: Email from Dwane and Sue McFerris (1375 Chestnut Drive)
Attachment F: Email from Phil and Bridget Epperson (1378 Chestnut Drive)
Attachment G: Single-Family Detached Plans
Attachment H: Townhome Plans
Attachment I: Apartment Plans
Exhibit A: Opposition email from Ronald Siebken (300 Golden Oaks Drive)
Exhibit B: Opposition email from Alissa Hughes (1403 Tanglewood Drive)

Prepared by: Haley Weber, Planner, Community Development Department