City Council Communication

Department: Community Development CASES #SUB-22-006, #ZC-22-003, #PR-22-003 and #CP-22-001 Applicant/Property Owner: TS Development LLC 11205 South 150th Street Suite 100 Omaha, NE 68138 Engineer/Surveyor: The Schemmer Associates Inc. 928 Valley View Drive Council Bluffs, IA 51503	Ordinance No. _____ Ordinance No. _____ Resolution No. _____ Resolution No. _____	CASE #ZC-22-003 & #PR-22-003 1st Consideration: 4/25/2022 2nd Consideration: 5/9/2022 3rd Consideration: 5/23/2022 CASE #CP-22-001: 5/9/2022 CASE #SUB-22-006: 5/23/2022 Planning Commission: 4/12/2022

Subject/Title

Request: Combined public hearings on the request of TS Development, LLC, represented by Gerald Torczon, 1) for preliminary plan approval for a three-lot subdivision to be known as Whispering Oaks Phase V, legally described as being part of the SW 1/4 NW 1/4 of Section 4-74-43, and also together with part of the SE 1/4 NE 1/4 of Section 5-74-43, all located in the City of Council Bluffs, Pottawattamie County, Iowa, and being more particularly described in Attachment 'C'; 2) to rezone property legally described as part of the SW 1/4 NW 1/4 of Section 4-74-43, and also together with part of the SE 1/4 NE 1/4 of Section 5-74-43, all located in the City of Council Bluffs, Pottawattamie County, Iowa, and being more particularly described in Attachment 'D,' from R-3/Urban Residential District (County) and R-1/Single-Family Residential District to R-3/Low Density Multifamily Residential District; 3) to append a PR/Planned Residential Overlay to said property legally described in Attachment 'D' and adopt a planned residential development plan for Lots 2 and 3, Whispering Oaks Phase V; and 4) to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying said property legally described in Attachment 'D' from 'Low Density Residential' to 'Multi-family/Mixed-use.'

Location: Undeveloped land located at the northwest corner of the intersection of Greenview Road and Franklin Avenue

Background

The Community Development Department has received applications from TS Development LLC, represented by Gerald Torczon, for property legally described as being a part of the SW 1/4 NW 1/4 of Section 4-74-43, and also together with part of the SE 1/4 NE 1/4 of Section 5-74-43, all located in Pottawattamie County, City of Council Bluffs, Iowa:

1. CASE #SUB-22-006: Preliminary plan approval for a three-lot subdivision to be known as Whispering Oaks Phase V, being a replat of property legally described in Attachment ‘C’;
2. CASE #ZC-22-003: Rezone property legally described in Attachment ‘D’ from R-3/Urban Residential District (County) and R-1/Single-Family Residential District to R-3/Low Density Multifamily Residential District;
3. CASE #PR-22-003: Append a PR-1 Overlay (General Master Planned Development) on said property legally described in Attachment ‘D’ and adopt a planned residential development plan for Lots 2 and 3, Whispering Oaks Phase V; and

4. CASE #CP-22-001: Amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying said property legally described in Attachment 'D' from 'Low-Density Residential' to 'Multi-family/Mixed-use.'

In 2014, the City of Council Bluffs approved the preliminary subdivision plan for Whispering Oaks Subdivision, then known as Greenview Estates, which consisted of 388 single-family residential lots and several outlots dedicated for stormwater management and as natural amenities (see Resolution No. 14-286). In 2017, the developer acquired the Whispering Oaks Phase V subject property from the Lewis Central Community School District and annexed it into the City with the intention of incorporating a mixture of land uses into the development of Whispering Oaks.

The development of Whispering Oaks has been generally consistent with the preliminary subdivision plan approved in 2014. Whispering Oaks Phases I and II were approved by City Council in 2017 via Resolutions No. 17-219 and No. 17-228, respectively, and Phase III was approved on October 11, 2021 via Resolution No. 21-291. The preliminary subdivision plan for Phase IV was approved on January 27, 2020 via Resolution No. 20-24. The Whispering Oaks Phase V subject property was included in the preliminary plan for Phase IV as Outlot B for the purposes of grading and stormwater management. The Planning Commission approved a request to extend the final plat filing deadline for Whispering Oaks Phase IV for one calendar year on February 9, 2021, and again on February 8, 2022. The developer has not submitted an application for final plat approval for Phase IV as a lift station is required to serve the sanitary needs of the proposed homes. The design and size of the lift station will be dependent on the approval the Whispering Oaks Phase V development.

The developer is proposing a multifamily/mixed-use development on Whispering Oaks Phase V. The subject property will be subdivided into three lots and three outlots, and a new extension of Sycamore Street will be constructed by developer and dedicated to the City of Council Bluffs. Outlots A through C will serve as a landscape buffer along Greenview Road. All three outlots will be located outside of the City's jurisdictional boundary, and thus will not be included in the proposed rezoning, comprehensive plan amendment and planned residential overlay requests.

At the time of annexation into the City (see Resolution No. 17-199), the developer decided they would not request to rezone the subject property until they had negotiated the installation of utilities and tax increment financing (TIF) with the City. Additionally, the developer held off on pursuing a rezoning until a conceptual plan was ready to be submitted to the City for review. This would ensure that any development that occurred on the subject property would be consistent with its future zoning designation. Additionally, the developer decided not to pursue any rezoning of the subject property such as the installation of utilities and TIF financing. As such, the subject is still zoned under a Pottawattamie County zoning designation. The developer has prepared a conceptual site plan for the proposed development since then, and is now requesting to rezone the subject property to the R-3/Low Density Multifamily Residential District. A small portion of the subject property directly adjacent to the east right-of-way line of Forest Glen Drive is currently zoned R-1/Single-Family Residential District, and is also included in the proposed rezoning.

The developer has also requested to append a PR-1 Overlay (General Master Planned Development) to Lots 1 through 3, Whispering Oaks Phase V. The purpose of this request is to establish development standards for site design, building placement, architecture, landscaping, parking and signage on the subject property, and to ensure the proposed subdivision is developed in a manner that is compatible with the existing Whispering Oaks residential neighborhood.

CASE #SUB-22-006

The proposed subdivision is comprised of 28.07 acres, more or less, of land and will consist of three lots and three outlots. Lot 1 will be reserved for future development as an assisted living facility. Lots 2 and 3 are proposed to be developed with a mixture of apartment buildings and mixed commercial-residential structures, for a total of 274 dwelling units and 12,000 square feet of commercial retail space. The developer will construct a new

extension of Sycamore Street and dedicate it to the City of Council Bluffs. All three lots will have direct access to a public road and will be fully served with utilities (e.g., sanitary/storm sewers, water, gas, electric, etc.).

Comments

1. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, "but shall be deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee and the final plat" (§14.11.060(D)—Subdivision Ordinance). A final plat application for the first phase must be filed within one year of the date of action by the City Council. A request for extension may be made by the sub-divider in writing prior to the expiration date. One-year extensions are considered by the City Planning Commission.
2. The proposed subdivision is consistent with the purpose and intent of Title 14: Subdivisions of the Council Bluffs Municipal Code. The developer has submitted applications to rezone the subject property and amend its future land use designation (see Cases #ZC-22-003 and #CP-22-001) to ensure the proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) and Title 15: Zoning of the Council Bluffs Municipal Code.
3. All proposed lots comply with minimum R-3/Low Density Multifamily Residential District lot size requirements.
    a. Proposed Lot 1 is planned to be developed as an assisted living facility, and contains approximately 6.11 acres (266,151.60 acres) in land area. As per Section 15.10.050, Site Development Regulations, R-3/Low Density Multifamily Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance), a maximum of 133 dwelling units would be allowed on Proposed Lot 1.
    b. Proposed Lot 2 is planned to be developed with 150 dwelling units. As per Section 15.10.050, Site Development Regulations, R-3/Low Density Multifamily Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance), the minimum lot size required to accommodate 150 dwelling units in the R-3 District is 299,000 square feet. Proposed Lot 2 contains approximately 12.41 acres (540,579.60 square feet) in land area.
    c. Proposed Lot 3 is planned to be developed with 124 dwelling units. As per Section 15.10.050, Site Development Regulations, R-3/Low Density Multifamily Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance), the minimum lot size required to accommodate 124 dwelling units in the R-3 District is 247,000 square feet. Proposed Lot 3 contains approximately 7.87 acres (342,817.20 square feet) in land area.
4. Outlots A through C will be located outside of the City's jurisdictional boundary. All three outlots shall be dedicated to the Whispering Oaks Homeowner Association in the final plat.
5. As with previous phases of the Whispering Oaks Subdivision, Outlots A through C shall be used as a landscaped buffer along Greenview Road. All trees to be planted in the proposed subdivision shall comply with the Council Bluffs Street Tree Guide and be reviewed and approved by the City prior to installation. Trees shall be planted on each outlot prior to the issuance of the first Certificate of Occupancy for the adjoining lot (i.e., trees on Outlot A shall be planted prior to the issuance of the first Certificate of Occupancy for Lot 1, and so on). All landscaping maintenance shall be the responsibility of the Whispering Oaks Subdivision Homeowner Association and not the City.
6. All construction activity that occurs on proposed Lots 2 and 3 shall comply with the planned residential development plan for said Lots 2 and 3 (see Case #PR-22-003). A planned residential development plan shall also be adopted for the assisted living facility on proposed Lot 1 prior to construction.
7. All proposed lots will have direct access to a public street. The developer is proposing to construct a new extension of Sycamore Street that will connect into Greenview Road. The new extension of Sycamore Street will serve as the primary access point for proposed Lots 2 and 3. The proposed street extension shall be built to City standards. The developer shall be responsible for obtaining any necessary approvals from Pottawattamie County for the street connection into Greenview Road.
8. The developer is proposing to widen Greenview Road as part of the proposed subdivision in order to facilitate a left turn into the new extension of Sycamore Street. The developer does not intend to begin construction on Greenview Road until the new extension of Sycamore Street is substantially completed. A traffic study

submitted by the developer is currently under review by the Public Works Department. All comments and recommendations by the Public Works Department shall be incorporated into all public roadway improvements. All costs associated with public roadway improvements shall be the responsibility of the developer and not the City.

9. The developer is proposing to construct an east/west private drive along the north end of proposed Lot 3 to connect Franklin Avenue to the new extension of Sycamore Street. This private drive is not intended to be dedicated to the City as a public right-of-way. It shall be owned and maintained by the Whispering Oaks Homeowner Association.
10. A private drive that serves as an interconnection between proposed Lots 1 and 2 shall be required to establish connectivity and circulation throughout the subdivision.
11. All stormwater detention areas in the development shall be owned and maintained by the Whispering Oaks Homeowner Association. All detention areas shall be contained entirely within private property, and shall not project into any adjacent public right-of-way.
12. All lots will be serviced with utilities (e.g., sanitary/storm sewers, water, electricity, etc.). The developer is proposing to construct a new sanitary sewer lift station and force main to service the proposed multifamily/mixed-use development. The new sanitary force main system would connect into the existing sanitary sewer in Balsam Street.
13. 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. The existing U S WEST Communications and public highway easements along the easterly property line of proposed Lot 3 shall be noted in the final plat.
14. Sidewalk installation along Sycamore Street shall be completed at the time of street construction. Sidewalk installation along Franklin Avenue shall be completed prior to the issuance of the first Certificate of Occupancy for proposed Lot 3. All sidewalks shall be built to City standards.
15. 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.
16. The Public Works Department provided the following comments:
    a. The proposed sanitary sewer lift station shall meet all standards and specifications per the Iowa Department of Natural Resources (IDNR) and the City of Council Bluffs design criteria for the sewage treatment agreement.
    b. The Public Works Department will continue to work with the Engineer of Record (EOR) to finalize the stormwater management plan, the plans for the Greenview Road widening project, and the design of roadways, utilities and other features (i.e., Greenview Road trail).
    c. The developer shall be required to obtain a Post-Construction Stormwater Management permit.
    d. Traffic control and phasing plans shall be required to minimize traffic disruptions during construction.
    e. Easements or rights-of-way shall be established to cover infrastructure locations to benefit the City of Council Bluffs.
17. The Parks and Recreation Department stated that a 10-foot wide Portland cement concrete trail along Greenview Road shall be incorporated into the design of the proposed subdivision, and shall be constructed at the time of development or the owner/developer shall pay a fee in lieu of construction.
18. The Fire Department stated they have no comments on these requests.
19. Council Bluffs Water Works stated that the developer shall contact them about a water main extension agreement and any service requirements for the proposed development.

CASES #ZC-22-003 & #CP-22-001

The subject property is currently zoned R-3/Urban Residential District (County) and R-1/Single-Family Residential District. The applicant intends to rezone the subject property to the R-3/Low Density Multifamily Residential District. A PR-1 Overlay (General Master Planned Development) is proposed to be appended to the subject property along with the proposed rezoning (see Case #PR-22-003).

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

North: Residential properties that are zoned R-1/Single-Family Residential District.
South: Residential properties that are zoned R-1/Single-Family Residential District and R-3/Urban Residential District (County).
East: Residential properties that are zoned R-3/Urban Residential District (County).
West: Residential properties that are zoned R-1/Single-Family Residential District.

The Future Land Use Plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as 'Low-Density Residential.' The developer is proposing to amend the Future Land Use Plan by reclassifying the subject property to 'Multi-family/Mixed-use' to ensure the proposed development is consistent with the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan).

Public notices were mailed to all property owners within 200 feet of the request. The following comments were received:

1. Charles Brandt, 24 Balsam Street, Council Bluffs, IA 51503, contacted the Community Development Department to express his opposition to the proposed development. A copy of Mr. Brandt's email is included in this report as Attachment 'I.'
2. Kyle Rannells, 7 Lilac Circle, Council Bluffs, IA 51503, contacted the Community Development Department to express his opposition to the proposed development. A copy of Mr. Rannells's email is included in this report as Attachment 'J.'
3. Mark Dix, 1776 Sycamore Street, Council Bluffs, IA 51503, contacted the Community Development Department to express his opposition to the proposed development. A copy of Mr. Dix's email is included in this report as Attachment 'K.'
4. Noah Carpenter, 4 Balsam Street, Council Bluffs, IA 51503, contacted the Community Development Department on behalf of the Whispering Oaks Homeowner Association and expressed their opposition to the proposed development. A copy of Mr. Carpenter's email is included in this report as Attachment 'L.'
5. Craig Knavel, 150 Crown Road, Council Bluffs, IA 51503, contacted the Community Development Department on behalf of the Crown Road Neighborhood Association. Mr. Knavel stated the Crown Road Neighborhood Association was opposed to the proposed development based on the following reasons:
   a. The original plans for the Whispering Oaks Subdivision did not include a multifamily or commercial component;
   b. The proposed development will have an adverse impact on existing traffic conditions;
   c. The stormwater runoff resulting from the proposed development could contaminate the groundwater in the wells serving the Crown Road neighborhood; and
   d. The proposed development will lower home values in the surrounding neighborhoods.
6. Ward Kinney, 2708 Franklin Avenue, Council Bluffs, IA 51503, had general inquiries on the proposed development.
7. Fran Parr, 1422 Longview Loop, Council Bluffs, IA 51503, had an inquiry on the location of the City's jurisdictional boundary in relation to the proposed development.
8. Kari Johnstone, 419 Redwood Drive, Council Bluffs, IA 51503, contacted the Community Development Department to express her opposition to the proposed development. Mrs. Johnstone stated she was concerned for the following reasons:
   a. The proposed development will drastically lower home prices in the Forest Glen neighborhood;
   b. The influx of a high number of residents concentrated on one site in proximity to the existing neighborhoods;
   c. The commercial component of the proposed development will not be compatible with the character of the surrounding neighborhoods; and
   d. The proposed development will overburden the Lewis Central Community School District.
9. Heidi Widtfeldt, 416 Fawn Park Circle, Council Bluffs, IA 51503, contacted the Community Development Department to express her opposition to the proposed development. A copy of Mrs. Widtfeldt's email is included in this report as Attachment 'M.'

10. Lisa Crum, 210 Timber Drive, Council Bluffs, IA 51503, contacted the Community Development Department to express her opposition to the proposed development. Ms. Crum stated the proposed development would bring down property values in the surrounding neighborhoods, and would increase traffic in the area.
11. Jessica Rosenberg, 23 Balsam Street, Council Bluffs, IA 51503, contacted the Community Development Department to express her opposition to the proposed development. A copy of Mrs. Rosenberg's email is included in this report as Attachment 'N.'
12. Jeannette Beresford, 100 Eagle Ridge Circle, Council Bluffs, IA 51503, contacted the Community Development Department to express her opposition to the proposed development. Ms. Beresford stated she was concerned the proposed development would increase traffic in this area and recommended a traffic study to be conducted. Ms. Beresford also expressed concern with construction work and truck traffic disrupting the surrounding neighborhood.
13. Walter and Rebecca Bussey, 1772 Sycamore Street, Council Bluffs, IA 51503, contacted the Community Development Department to express their opposition to the proposed development. A copy of Mr. and Mrs. Bussey's email is included in this report as Attachment 'O.'
14. Mike and Lisa Hushaw, 15336 Kurtwood Drive, Council Bluffs, IA 51503, contacted the Community Development Department to express their opposition to the proposed development. Mrs. Hushaw stated she was concerned the proposed development would contaminate the groundwater that services their well. Mrs. Hushaw also stated the proposed development would increase traffic and stormwater runoff, which would have an adverse impact on the surrounding neighborhood. Mrs. Hushaw stated that parks and/or single-family homes would be more suitable for the subject property.
15. Rhonda Bockenstedt, 2500 Franklin Avenue, Council Bluffs, IA 51503, contacted the Community Development Department to express her opposition to the proposed development. Ms. Bockenstedt stated she was opposed to the proposed development for the following reasons:
    a. The proposed development will increase traffic, overburden the school district, contaminate the groundwater servicing wells in the neighborhood, increase crime rates and adversely impact wildlife;
    b. Residents in this area would prefer to live in a quiet neighborhood, not a busy urban environment;
    c. The subject property is not suitable for multifamily/commercial development; and
    d. There is no need for additional multifamily development in this area due to the proximity of the Valley View Estates apartments to the Whispering Oaks neighborhood.
16. Idella Spann, 13 Alder Circle, Council Bluffs, IA 51503, contacted the Community Development Department to express her opposition to the proposed development. A copy of Ms. Spann's email is included in this report as Attachment 'P.'
17. Brad and Amanda Neely, 24, Lilac Circle, Council Bluffs, IA 51503, contacted the Community Development Department to express their opposition to the proposed development. A copy of Mr. and Mrs. Neely's email is included in this report as Attachment 'Q.'
18. Emily Warren, 7 Balsam Street, Council Bluffs, IA 51503, contacted the Community Development Department to express her opposition to the proposed development. A copy of Mrs. Warren's email is included in this report as Attachment 'R.'
19. Joseph Atkinson, 7 Boxelder Street, Council Bluffs, IA 51503, contacted the Community Development Department to express his opposition to the proposed development. A copy of Mr. Atkinson's email is included in this report as Attachment 'S.'
20. Patricia Nansel, 302 Delmar Ridge Lane, Council Bluffs, IA 51503, had general inquiries on the proposed development.
21. Kelly Holt, 2601 Eagle Ridge Drive, Council Bluffs, IA 51503, contacted the Community Development Department to express her opposition to the proposed development. Mrs. Holt stated there were other uses that would be more suitable for the subject property than multifamily/mixed-use development. Mrs. Holt also stated that the proposed development would lower homes values in the surrounding neighborhood and increase crime.

22. Eileen Kuhnle, 1414 Oran Drive, Council Bluffs, IA 51503, had general inquiries on the proposed development. Ms. Kuhnle also noted there is a high demand for condominiums for senior and elderly citizens and recommended that the developer incorporate such a use into the proposed development.
23. Mark and Suzanne Hohneke, 132 Seven Oaks Street, Council Bluffs, IA 51503, contacted the Community Development Department to express their opposition to the proposed development. A copy of Mr. and Mrs. Hohneke's email is included in this report as Attachment 'T.'
24. Karen Johnson, 120 Charles Park Drive, Council Bluffs, IA 51503, contacted the Community Development Department to express her opposition to the proposed development. A copy of Mrs. Johnson's email is included in this report as Attachment 'U.'
25. Cindy Koeppen, 20174 Victoria Drive, Council Bluffs, IA 51503, contacted the Community Development Department to express her opposition to the proposed development. Mrs. Koeppen stated she was primarily concerned stormwater runoff resulting from the proposed development could have an adverse impact in the surrounding neighborhood, including flooding, septic system damage and chemical contamination. Mrs. Koeppen also stated she was concerned the proposed development would increase traffic in the area, especially during the construction phase, increase crime rates, and raise the tax levy for the school district.
26. James Wayman, 230 Brent Lane, Council Bluffs, IA 51503, contacted the Community Development Department to express his opposition to the proposed development. Mr. Wayman stated that the proposed apartments would not be compatible with the surrounding neighborhood. Mr. Wayman also stated the proposed development would increase traffic in the area.

Discussion

1. The subject property is currently R-3/Urban Residential District, which is a Pottawattamie County zoning designation, and R-1/Single-Family Residential District. Lots 1 through 3, Whispering Oaks Phase V are proposed to be rezoned R-3/Low Density Multifamily Residential District to allow for the planned multifamily/mixed-use development. All three lots will comply with minimum R-3 District lot size requirements.
2. The developer is proposing to append a PR-1 Overlay (General Master Planned Development) to Lots 1 through 3, Whispering Oaks Phase V (see Case #PR-22-003). A planned residential development plan that establishes standards for site design, building placement, architecture, landscaping, parking and signage for Lots 2 and 3 will be adopted as part of this development. A separate planned residential development plan for Lot 1 shall be adopted prior to construction of the proposed assisted living facility.
3. The purpose of the recent amendment to the P-R Overlay was to provide flexibility in the land uses allowed to occur in a planned residential development. The proposed development includes a mix of residential, commercial and recreational uses, which is consistent with the intent of the P-R Overlay.
4. The Bluffs Tomorrow: 2030 Plan designates the subject property 'Low-Density Residential.' The developer is proposing to reclassify the subject property to 'Multi-family/Mixed-use' to ensure the proposed development and associated rezoning are consistent with the Future Land Use Plan.
5. The Bluffs Tomorrow: 2030 Plan designates the Whispering Oaks neighborhood as a 'Contemporary Residential' area. One of the policies outlined in the Future Land Use Plan to ensure the long-term stability of 'Contemporary Residential' neighborhoods is to encourage housing diversity and public realm improvements. The proposed development is consistent with this policy. The developer is proposing to construct 274 apartment units, which will increase access to housing and diversify housing options in the City. The proposed apartments will be an attractive option for existing residents and newcomers to the City who want to live in a suburban setting without having to worry about the expense and time of maintaining a single-family residential property.
6. The proposed development will assist workforce development efforts in the City. The City faces a constant challenge attracting and retaining businesses because employment levels are too low, and there are not enough existing housing available for people who want to reside in Council Bluffs. The proposed development will provide much needed housing in the City, which will help attract and retain workers in our community. This will make Council Bluffs more attractive to existing businesses, as well as businesses looking to locate to the City.

7. The developer is proposing to construct a left turn lane on Greenview Road and a new extension of Sycamore Street. Both road improvements will help apartment residents circulate traffic into the development without having to solely rely on Forest Glen Drive for access. Additionally, the developer is proposing to construct a public trail along Greenview Road. This trail will eventually be extended further east, where it will connect into the existing trail at the Greenview Road/Eastern Hills Drive intersection. This new trail extension will allow for greater recreational opportunities as well as safe routes for people who prefer biking and/or walking as their primary mode of transportation.
8. Several private amenities are proposed to be installed within the proposed development. The two-story clubhouse, plaza and swimming pool shown in the conceptual site plan are not typically provided by developers in Council Bluffs, and are all attractive amenities which will be available for residents to use and will increase the quality of life in the City.
9. Outlots A through C will be located outside of City limits, and thus are not be included in the proposed rezoning, comprehensive plan amendment and planned residential overlay requests.
10. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available or will be installed to accommodate the uses permitted in the R-3 District.

Case #PR-22-003

Section 15.28.010, Statement of Intent, PR/Planned Residential Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance) states that "the Planned Residential Overlay is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of requirements of the underlying zone would not be inconsistent with the comprehensive plan or harmful to the surrounding neighborhoods." The developer is proposing to append a PR-1 Overlay (General Master Planned Development) to Lots 1 through 3, Whispering Oaks Phase V in order to establish standards for site design, building placement, architecture, landscaping, parking and signage in the proposed subdivision. The proposed planned residential development plan shall only be applicable to the multifamily/mixed-use development on Lots 2 and 3. A development plan for the assisted living facility on Lot 1 is intended to be adopted at a future date.

1. Site Development

a. The minimum tract of land required for a PR-1 Overlay is 1.5 acres. The subject property contains 27.4 acres in land area, which exceeds the minimum area requirement for the PR-1 Overlay.
b. The minimum perimeter setback for all structures shall be 10 feet. **Exception**: The minimum required setback for all structures to the northerly property line of each lot shall be 50 feet.
c. The maximum height and lot coverage for all structures shall comply with the development standards in Section 15.10.050, Site Development Regulations, R-3/Low Density Multifamily Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance).
d. All trash receptacles visible from a public right-of-way shall be enclosed on three sides with a masonry, wood, or vinyl fence and shall be have a lockable gate that when closed completely eliminates view of the dumpster.
e. All fences/walls shall be installed in compliance with Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
f. 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. All grading and drainage activity for this development shall be completed in accordance with the approved final plans.
h. A 10-foot wide Portland cement concrete trail shall be installed along Greenview Road. The developer shall be responsible for the construction of the trail at the time of development or they shall be required to submit a payment to the City equal to the total cost of the trail in lieu of construction. The developer shall consult with the Parks and Recreation Department to determine the total cost and timing for the construction of the trail.

i. A pedestrian sidewalk network shall be provided that connects all buildings in the development to the Greenview Road trail and sidewalks along Sycamore Street and Franklin Avenue, to the extent practical. 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.

j. No outdoor lighting is shown on the development plan. Any proposed outdoor light poles shall be constructed out of painted or finished aluminum or steel. Wood poles shall not be accepted. The maximum height shall not exceed 25 feet. All exterior lighting shall conform to Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).

2. Off-Street Parking

a. The conceptual site plan shown in Attachment 'F' indicates that a total of 566 off-street parking spaces will be provided for the proposed multifamily/mixed-use development. However, it does not identify the bedroom composition for the apartment units nor the commercial uses that will occupy the proposed mixed commercial-residential structures. As such, the total number of required off-street parking spaces for the proposed development cannot be calculated at this time. The number of off-street parking spaces shall be calculated once the developer confirms bedroom composition and commercial uses in the development, and shall be based on the standards stated in Section 15.23.060, Parking Spaces Required, of the Council Bluffs Municipal Code (Zoning Ordinance).

b. 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).

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

d. Bicycle parking shall be incorporated into the overall layout of each lot. The location and number of bicycle parking spaces shall be determined at the time of building permit application.

e. A parking lot permit shall be submitted with every building permit application, and shall include the number, location, and dimension of all drive aisles and spaces, pedestrian ways, islands, landscaped areas, loading areas and lighting.

3. Architecture

a. Architectural renderings for the proposed multifamily apartment buildings (i.e., 33-plexes and 9-plexes) are shown in Attachment 'F.' Building materials for the multifamily apartment buildings will consist of a combination of cement board lap/batten siding, brick, precast concrete and stone veneer. The architectural renderings in Attachment 'F' are generally acceptable and shall be adopted as proposed.

b. Architectural renderings for the proposed mixed commercial-residential structure and two-story clubhouse were not submitted with the application. Building materials for the proposed mixed commercial-residential structures and two-story clubhouse shall be made up of 100% masonry materials such as brick, split-faced block (with texture) or non-flat faced concrete masonry units (CMU). EFIS material, metal and precast concrete shall only be allowed as architectural accents. No flat faced/smooth concrete block, wood or vinyl siding shall be allowed.

c. The architectural design and building materials of any accessory structures proposed to be built on this subdivision shall be compatible with the general appearance of the principal structures on-site.

d. 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.

e. 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.

f. 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.

4. Landscaping

a. A landscaping plan shall be submitted with every building permit application. The plan shall clearly identify plant materials, quantity, and size and shall show dimensions of all areas to be landscaped. The landscape plan show in Attachment 'G' is generally acceptable.
b. Landscaping is required on each lot. Not less than 10% of the total area of each lot 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.).
c. A minimum five-foot wide landscape strip shall be provided between all parking surfaces and each abutting property line. The five foot-wide strips may be included in the 10% landscaping lot coverage requirement.
d. A minimum five-foot wide landscape strip shall be provided between all loading/unloading areas and each abutting property line if visible from the public right-of-way. The five foot-wide strips may be included in the 10% landscaping lot coverage requirement.
e. A landscape buffer shall be planted along Franklin Avenue in conjunction with the landscape buffer to be planted in Outlots A through C, as shown in Attachment 'G,' prior to the issuance of the first Certificate of Occupancy for Lot 3. All landscaping maintenance shall be the responsibility of the Whispering Oaks Subdivision Homeowner Association and not the City.
f. A landscape buffer shall be planted along the northerly property line of each lot to serve as a barrier between the proposed multifamily development and the existing single-family residential neighborhood. Said landscape buffer shall consist of a double row of evergreen and deciduous trees. All landscaping maintenance shall be the responsibility of the Whispering Oaks Subdivision Homeowner Association and not the City.
g. Street trees shall be planted along Sycamore Street at the time of street construction. Said street trees shall be planted between the sidewalk and back of curb. Trees shall be also be planted within the proposed landscape median at the time of construction of Sycamore Street. All landscaping maintenance shall be the responsibility of the Whispering Oaks Subdivision Homeowner Association and not the City.
h. The proposed lift station shall be screened from public view with evergreen trees that grow to a minimum height of 10 feet and have a spread capable of providing a substantially opaque barrier.
i. All street trees and trees adjacent to a public road shall comply with the Council Bluffs Street Tree Guide and be reviewed and approved by the City prior to installation. The location and species of all other trees proposed to be planted in the development shall be coordinated with the City prior to installation.
j. All deciduous trees shall have a minimum caliper width of two inches at the time of planting.
k. 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.
l. All disturbed areas without a specific landscape design shall be hydroseeded, or sodded, turf, and/or prairie grass.
m. All landscaping areas, including grassed and sodded areas, shall be irrigated.
n. 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.
o. 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.

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).
b. The developer may request to amend the planned residential development plan to establish site-specific sign regulations, if necessary. A sign permit shall be submitted with every building permit application for any attached, detached and/or on-premise directional signage proposed to be installed on the subject property.

Recommendation

The Community Development Department recommends the following:

1. Approval of the preliminary plan for an three lot subdivision to be known as Whispering Oaks Phase V, subject to the comments stated above and the following conditions:
   a. Approval of the preliminary plans is tentative and does not constitute acceptance of the final plat, but is "deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat" (§14.11.060(D)—Subdivision Ordinance).
   b. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the developer's responsibility.
   c. All utilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer and not the City.
   d. Sidewalk installation along Sycamore Street shall be completed at the time of street construction. Sidewalk installation along Franklin Avenue shall be completed prior to the issuance of the first Certificate of Occupancy for proposed Lot 3. All sidewalks shall be built to City standards.
   e. The developer shall be responsible for the construction of the trail at the time of development or they shall be required to submit a payment to the City equal to the total cost of the trail in lieu of construction. The developer shall consult with the Parks and Recreation Department to determine the total cost and timing for the construction of the trail.

2. Approval of the request to rezone property legally described in Attachment 'D' from R-3/Urban Residential District (County) and R-1/Single-Family Residential District to R-3/Low Density Multifamily Residential District, subject to the comments stated above.

3. Approval of the request to append a PR-1 Overlay (General Master Planned Development) on said property legally described in Attachment 'D' and to adopt a planned residential development plan for Lots 2 and 3, Whispering Oaks Phase V, subject to the comments stated above and the following condition:
   a. Any modifications to the approved development plan which substantially alter the design, layout, configuration, and/or appearance of the project shall be reviewed the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted development plan may be administratively approved by the Community Development Director.

4. Approval of the request to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying said property legally described in Attachment 'D' from 'Low Density Residential' to 'Multi-family/Mixed-use,' subject to the comments stated above.

Public Hearing

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

Speakers in favor:
1. Deborah Petersen, 215 South Main Street, Suite 301, Council Bluffs, IA 51503

Speakers against:
1. Jessica Rosenberg, 23 Balsam Street, Council Bluffs, IA 51503
2. Chelsea Luth, 15 Lawndale Drive, Council Bluffs, IA 51503

3. Danielle Brandt, 24 Balsam Street, Council Bluffs, IA 51503
4. Noah Carpenter, 4 Balsam Street, Council Bluffs, IA 51503
5. Rodney Hurley, 207 Delmar Circle, Council Bluffs, IA 51503
6. Daniel Feller, 20327 Greenview Road, Council Bluffs, IA 51503
7. Emily Warren, 7 Balsam Street, Council Bluffs, IA 51503
8. Susanne Eilts, 1901 Glen Cove, Council Bluffs, IA 51503
9. Kelly Deeds, 104 South Hill Circle, Council Bluffs, IA 51503
10. Amy Crawford, 2612 Eagle Ridge Drive, Council Bluffs, IA 51503
11. Amy Bradshaw, 1795 Sycamore Street, Council Bluffs, IA 51503
12. Robert Saunders, 15389 Kurtwood Drive, Council Bluffs, IA 51503
13. Ruth Devereaux, 15 Balsam Street, Council Bluffs, IA 51503
14. Richard Boltz, 1756 Sycamore Street, Council Bluffs, IA 51503
15. Lacey (?), 4104 Rivers Edge Parkway, Council Bluffs, IA 51501
16. Roger Craig, 34 Alder Circle, Council Bluffs, IA 51503
17. Kyle Rannells, 7 Lilac Circle, Council Bluffs, IA 51503

The Planning Commission recommended denial of all requests based on comments provided at the public hearing.

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

Attachments

Attachment A: Location/Zoning Map
Attachment B: Letter of Intent
Attachment C: Legal Description (Case #SUB-22-006)
Attachment D: Legal Description (Case #ZC-22-003)
Attachment E: Whispering Oaks Phase V Preliminary Plan
Attachment F: Conceptual Plan/Architectural Renderings
Attachment G: Landscape Plan
Attachment H: Supporting Photos
Attachment I: Letter from Charles Brandt (24 Balsam Street)
Attachment J: Letter from Kyle Rannells (7 Lilac Circle)
Attachment K: Letter from Mark Dix (1776 Sycamore Street)
Attachment L: Letter from Noah Carpenter (4 Balsam Street)
Attachment M: Letter from Heidi Widfeldt (416 Fawn Park Circle)
Attachment N: Letter from Jessica Rosenberg (23 Balsam Street)
Attachment O: Letter from Walter and Rebecca Bussey (1772 Sycamore Street)
Attachment P: Letter from Idella Spann (13 Alder Circle)
Attachment Q: Letter from Brad and Amanda Neely (24 Lilac Circle)
Attachment R: Letter from Emily Warren (7 Balsam Street)
Attachment S: Letter from Joseph Atkinson (7 Boxelder Street)
Attachment T: Letter from Mark and Suzanne Hohneke (132 Seven Oaks Street)
Attachment U: Letter from Karen Johnson (120 Charles Park Drive)

Prepared by: Moises Monrroy, Planner, Community Development Department