Attachment 'B'

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March 15, 2022

Christopher Gibbons
Community Development Department
City of Council Bluffs
209 Pearl Street
Council Bluffs IA 51503

RE: Whispering Oaks – Phase V
Letter of Intent – Rezoning, Comprehensive Plan Amendment, Preliminary Plans, and Development Plan Applications
Council Bluffs IA
Project No. 6519.204

Dear Mr. Gibbons,

Submitted herewith are the following documents in support of this Letter of Intent:

- Rezoning Application
- Preliminary Plan Application
- Planned Residential Development Plan Application
- A list of property owners within 200'
- A legal description
- A geotechnical investigation
- A traffic impact study
- A drainage memorandum
- A Greenview Trail Study
- Photos supporting this application
- Preliminary Plans
- Development Plans

TS Development LLC currently owns all the land included in this request. The developer's name and contact information is:
Gerald Torczon, Managing Partner
TS Development LLC
11205 South 150th Street, Suite 100
Omaha NE 68138
402.592.6942 office

**TS DEVELOPMENT HISTORY IN IOWA**

BHI Development Inc. was started in 1978 by Gerald (Jerry) Torczon. Since 1978 Jerry has successfully expanded into Birchwood Homes, Woodland Homes, Pine Crest Homes, Richland Homes, and his popular Villa Homes product lines as well as commercial and mixed-use projects and a wholesale landscaping nursery.



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928 Valley View Drive, Suite 12
Council Bluffs, Iowa 51503-5288
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EMPLOYEE OWNED

Known for being a man who believes in old fashioned values Jerry has assembled a trusted team of local real estate professionals, suppliers, sub-contractors, and consultants and is credited with significant successful growth in Douglas and Sarpy Counties and now Council Bluffs.

Thinking toward the future and recognizing that Douglas and Sarpy were running out of developable sites Jerry turned his attention to Pottawattamie County and Council Bluffs. After spending considerable time looking at potential sites, he settled in on this special parcel of land in 2014, a little under 180 acres.

The first Preliminary Plan was submitted in September of 2014. That plan was to construct 409 single family residences in phases. After approval of the first Preliminary Plan BHI transferred ownership to their development company, TS Development LLC. Phase I & II included 150 single family lots.

## PHASE III AND PHASE IV AND OUTLOT B (FORMER LEWIS CENTRAL SCHOOL DISTRICT LAND)

In 2017, following the purchase of the Lewis Central School District land, a voluntary annexation request was made and approved. An informal review of Preliminary Plans and associated studies was completed. No further action was requested until December of 2019 when a formal Preliminary Plan was submitted for Phase III, Phase IV, Outlot A and Outlot B.

Out lot B, in the 2019 submittal, was included so that stormwater management and SWPPP Best Practice measures could be installed within the Out-lot B area as Phase IV was rough graded. The stormwater detention basin along Greenview is considered temporary. After this current application is approved it is our intent to improve the aesthetics and make that basin more of an amenity.

The final plat for Phase III was recorded in January 2022.

The final plat deadline for Phase IV has been extended to January 27, 2023. The application for the Phase IV final plat will be submitted following substantial completion of the water mains, power, an outfall sewer, and a proposed sanitary sewer lift station located within this proposed Phase V area.

## PHASE V

As of this date TS Development LLC has retained an architect who has completed the attached Conceptual Plans. City staff have provided some initial feedback regarding land use, zoning, infrastructure and TIF financing.

Mr. Torczon has a long, successful record of building similar projects that include single family residential, multi-family and mixed-use focused on neighborhood compatibility. The character and quality of his projects are illustrated in the color renderings and photographs which are included with this submittal. He favors a more traditional architecture which will be protected through quality building covenants and subdivision regulations placed upon the entire 27.263 acres.

The proposed multi-family and mixed-use areas are planned to be owned and maintained by TS Development LLC as rental properties at market rates.

There are no plans to convert to a condominium regime at some later date. The proposed senior living may include independent, assisted and/or memory care and may be owned by someone other than TS Development LLC.

We will be dedicating a public right-of-way, Sycamore Street, between Phase IV and Greenview Road. We will be constructing that street, storm sewers, sanitary sewers, water, electricity, natural gas, street lighting and communications/data utilities within said public right-of-way. In addition, widening of Greenview Road and a partial public trail extension along Greenview will be constructed.

Vehicular access from Sycamore Street through the proposed project areas will be accomplished by private driveway connections and access easements.

There are no existing gravity sanitary sewer systems available in Greenview or Franklin that serve the proposed multi-family and mixed-use portions of this property.

This project includes the construction of a new sanitary lift station and force main. The new sanitary force main system will connect into the gravity sanitary sewer within Balsam Street to the north of this property.

The sanitary flows will travel northwest through Phase I & II and eventually flow under the railroad and interstate in the sanitary outfall sewer. A preliminary design of this proposed sanitary lift station has been included.

This site is above the 100-year flood plain. There is a natural drainage way within this property that receives drainage from existing, older developments east of Franklin. The existing developments have not addressed detention, retention or water quality of the water being discharged onto this property which eventually flows south of Greenview Road.

Neighborhood concerns have been voiced over a lengthy period of time prior to any construction on Whispering Oaks regarding drainage that flows south of Greenview Road in back yards. This site has been rough graded such that drainage is collected and storm water detention has been provided.

Here is a summary of the Phase IV and Phase V stormwater detention design versus the Phase I & II & III stormwater detention design:

**Phase IV and Phase V**
The detention basins were designed to limit the post-developed peak runoff from the 2 and 5-year rainfall event to not exceed the pre-developed peak runoff for the 2 and 5-year frequency storm, respectively. Also, the detention basins were designed to limit the post-developed peak runoff from the 10, 25, 50 and 100-year rainfall event to not exceed the pre-developed peak runoff for the **5-year** frequency storm. The detention basins also provide the required water quality volume. Runoff from offsite drainage areas were calculated as bypass flow.

**Phase I & II & III**
The detention basins were designed to limit the post-developed peak runoff from the 2 and 5-year rainfall event to not exceed the pre-developed peak runoff for the 2 and 5-year frequency storm, respectively. Also, the detention basins were designed to limit the post-developed peak runoff from the 10, 25, 50 and 100-year rainfall event to not exceed the pre-developed peak runoff for the **10-year** frequency storm. The detention basins also provide the required water quality volume. Runoff from offsite drainage areas were calculated as bypass flow.

## PHASE V - PHASE A

Phase A is planned to include the following projects which include order of magnitude opinion of costs and estimated schedules:

**the proposed sanitary sewer outfall, lift station, force main, and access road ($679 thousand)**
Begin construction spring/summer 2022
Complete construction summer 2022

**the Sycamore Street extension ($625 thousand)**
Begin construction summer/fall 2022
Complete construction spring 2023

**the Greenview Road widening and trail extension ($441 thousand)**
Begin construction summer/fall 2022
Complete construction spring 2023

**150 multi-family units, a clubhouse with pool ($23.5 million)**
Begin construction fall 2022
Complete construction summer 2024

Should this request receive favorable consideration by the Planning Commission and City Council we wish to request Urban Revitalization (URV) incentives.

## DEVELOPER REQUESTS / VARIANCES / HARDSHIPS

We request a comprehensive Plan Amendment to allow these specific land uses.

At an October 23, 2017, Pottawattamie County Commissioner Meeting County officials confirmed that no County permits were required of TS Development LLC. We request that no County permits be a condition of the Cities review comments.

A traffic study prepared by The Schemmer Associates was prepared and submitted several years ago. Another independent traffic study was prepared by FHU and submitted and reviewed in 2017. We request that additional traffic studies not be a condition of the Cities review comments.

We request that previous Geotechnical Investigations and Drainage Studies which have been prepared and submitted in the past be used to evaluate this request, such that additional studies not be a condition of the Cities review comments.

Because material and labor quotations are highly volatile, we request that detailed opinions of probable costs for the proposed Phase A not be required until after we receive favorable consideration by the Planning Commission and City Council for this request.

We request that the temporary stormwater detention basin along Greenview be converted to two smaller, permanent detention basins along Greenview.

We request that we not be required to begin Greenview Road widening and trail until such time that substantial completion of Sycamore Street is attained.

We request that the sewer tap on fee program that was established be continued with these areas.

We request that driveway curb grinding be allowed as our storm sewer inlet designs are not dependent upon holding flow in the gutters.

If adjoining property(s) wish to connect, tap into, or use any part of Whispering Oaks lands or infrastructure, in part or in whole, we request that the City require said adjoining property(s) submit an acceptable plan. We request that the City require adjoining property(s) comply with Whispering Oaks building covenants and that adjoining properties agree to pay all costs and assume operations & maintenance and liabilities of said connections, taps or use as this is the customary practice.

We are requesting this project be advanced to the Planning Commission at the earliest possible meeting date.

If you have any questions or comments, please feel free to contact either Gerald Torczon, Managing Partner, or Deborah Petersen of Petersen Law PLLC. We look forward to your favorable response.

Sincerely,
THE SCHEMMER ASSOCIATES INC.

Charles Huddleston, P.E.
Project Manager

CC: Gerald Torczon (Managing Partner),
Deborah Petersen, Petersen Law PLLC,
Project File