City Council Communication

Department: Community Development CASE #PR-22-004 Applicant: Pottawattamie County Development Corporation d/b/a The 712 Initiative 1228 South Main Street Council Bluffs, IA 51503 Property Owner: Same as applicant Developer: Same as applicant	Ordinance No. _____	City Council 1st Consideration: 10/24/22 2nd Consideration: 11/14/22 3rd Consideration: 11/28/22 Planning Commission: 10/11/22

Subject/Title

Request: Public hearing of the request of the Pottawattamie County Development Corporation d/b/a The 712 Initiative to append a PR-2 Overlay and adopt the associated development plan for three townhomes in an R-3/Multi-Family Residential District, on property legally described as Lot 12, Block 5, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa

Location: Undeveloped land located immediately north of 105 S. 24th Street

Background

The Community Development Department has received a request from the Pottawattamie County Development Corporation d/b/a The 712 Initiative to append a PR-2 Overlay and adopt the associated development plan to allow for the construction of a three-unit townhome on the property legally described above.

On February 28, 2022, Council Bluffs City Council approved Ordinance No. 6483 to amend Chapter 15.28, P-R/Planned Residential Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance) to enact new standards in regards to planned residential overlays within the city. The intent of the text amendment was to provide a tool to allow for innovative and imaginative residential development through flexibility in land use and site design with the adoption of a development plan.

The proposal includes a final plat, included as Attachment 'A', to subdivide the property into three lots of record so each townhome unit can be sold separately. The applicant's letter of intent is included with this report as Attachment 'B'. The townhomes will be oriented towards First Avenue, with each unit having direct access to the First Avenue multi-use trail. The submitted site plan, included as Attachment 'C', shows a one-car garage provided for each of the two end units. The applicant is working on a shared parking agreement with HyVee to dedicate four parking spaces in their overflow parking lot, located across S. 24th Street, to the proposed townhome development. Two of the four parking spaces will be dedicated to the middle unit. The two end units will utilize the two remaining parking spaces.

The front façade facing First Avenue will utilize smooth hardboard siding as the primary material, with architectural aluminum siding with a wood appearance as an accent material around the entrance to each unit. The proposed exterior colors will be white and a dark gray/charcoal. Each unit will have a second story balcony with a cable railing over the front entrance, which is covered by a portico. The front façade is further characterized by differing roof elevations between the end and middle units and a galvanized metal roof. The east, west, and rear elevations utilize eight inch lap siding. The end units have garage doors off the east and west elevations. The building elevations are included as Attachment 'D'. The submitted landscaping plan, included as Attachment 'E', shows a mixture of trees, shrubs, and perennial flowers and grasses along the west, north, and east building elevations.

Attachments – The following attachments are included with this report:

- Attachment A –Row on First Final Plat
- Attachment B – Letter of Intent
- Attachment C – Site Plan
- Attachment D – Building Elevations
- Attachment E – Landscaping Plan
- Attachment F – Location/Zoning Map

Land Use and Zoning

The following zoning and land uses surround the subject property:

North: HyVee grocery store zoned C-2/Commercial District
South: Single-family dwellings zoned R-3/Low-Density Multifamily District
East: Residential properties zoned R-3/Low-Density Multifamily Residential District
West: HyVee's overflow parking lot zoned C-2/Commercial District

A location/zoning map is included with this report as Attachment 'F'.

Public notices were mailed to all property owners within 200 feet of the request. As of the date of this report, no comments were received.

All City Departments and local utilities were notified of the proposed planned residential overlay request. The following comments were received:

The Community Development Department provided the following comments:

A. The subject property is located within the West Broadway Corridor Design Overlay (CDO). The purpose of the West Broadway CDO is "*to promote a well-planned and visually attractive corridor that encourages private investment, opportunities for multi-modal transportation options, safe pedestrian access and walkability, improved traffic and parking conditions, and buildings constructed with high quality materials and timeless architectural design. These measures intend to enhance streetscapes, promote active public spaces, and encourage a mixture of land uses that collectively implement the vision of the adopted West Broadway Corridor Plan."* The West Broadway CDO design standards are applicable to *"new construction of commercial, mixed use, and multifamily structures and sites"*. While the proposed townhome development is not required to adhere to the minimum design standards of the West Broadway CDO, all new construction of non-one and two family uses within the West Broadway CDO shall be designed in a manner that is consistent with the spirit and intent of the ordinance.
B. The subject property is located along the First Avenue trail, which is the City's premier multi-use trail, conducive to walking, biking and micro-mobility options. Once complete, the First Avenue

multi-use trail will connect Downtown Omaha to Downtown Council Bluffs. The proposed townhome development will have the benefit of direct access to the trail, which will allow its residents to utilize an array of transportation options to access the jobs, education, recreational spaces, retail spaces, and services located in Downtown Omaha, the West Broadway Corridor, and Downtown Council Bluffs.

C. 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 the requirements of the underlying zone would not be inconsistent with the Comprehensive Plan or harmful to the neighborhood in which it is located*." Furthermore, Section 15.28.020, Applicability, of the CBMC (Zoning Ordinance), states that *"A PR Overlay may be applied to all residential zoning districts, except the R-1M/Single-Family Manufactured Housing District, and the A-P Administrative Professional District"* and *"The PR-2 Overlay is intended for site-specific infill development. A PR-2 Overlay may be applied to any property, or combination of contiguous properties owned by the same person or entity, that contain a maximum of one and one-half (1 ½) acres of total land area; however, at least one of the following shall be included within the development:*

1. *A minimum of two (2) residential structures.*
2. *A minimum of one (1) residential structure that contains a minimum of three (3) dwelling units.*
3. *A minimum of one (1) mixed commercial-residential structure."*

Additionally, Section 15.28.030, Permitted Land Uses and Site Development Regulations, of the CBMC (Zoning Ordinance), lists *"dwelling, townhouse"* as an allowed use in a PR Overlay.

The applicant proposes to append a PR-2/Planned Residential Overlay over the entirety of the subject property in order to establish site-specific development standards to allow the proposed three-unit townhome to be built in an R-3/Low Density Multifamily District. The following items regulate the development of the subject property:

A. Site Development

1. Per Section 15.28.020, Applicability, of the CBMC, the maximum land area allowed for a PR-2 Overlay is 1.5 acres. The subject properties contain a total of 0.14 acres, which qualifies for use of a PR-2 Overlay.
2. Per Section 15.28.020, Applicability, of the CBMC, *"at least one of the following shall be included within the development:*
    a. *A minimum of two (2) residential structures.*
    b. *A minimum of one (1) residential structure that contains a minimum of three (3) dwelling units.*
    c. *A minimum of one (1) mixed commercial-residential structure."*

    The proposed development contains one residential structure with three dwelling units and therefore qualifies for use of a PR-2 Overlay.
3. For the purpose of this development plan, the north property line facing First Avenue shall be considered the front property line and the west property line along S. 24th Street shall be considered the street side yard property line. The following site development standards shall apply to the proposed townhome development:
    a. The front and rear yard setback shall be five (5) feet. No accessory structures shall be located between the front wall of the townhome and the front property line.
    b. The interior and street side yard setback shall be ten (10) feet.

c. Accessory structures, decks, porches, awnings, or other similar features, shall be no closer than five (5) feet to any property line.
d. The maximum lot coverage for the entire property shall be 60 percent.

4. No fencing or walls are proposed at this time. Any fencing or walls installed at a future date shall comply with the standards stated in Section 15.32A.130, Fences and Walls, of the Council Bluffs Municipal Code (Zoning Ordinance).
5. 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.
6. A five-foot utility easement shall be retained along the front and rear property lines for utility access and maintenance. No structures shall be located within said easement areas.
7. A homeowner's association (HOA) shall be established through the subdivision process for maintenance of utilities and easements, all greenspace area, and building architecture.

B. Off-Street Parking

1. 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 townhomes is 2 spaces per dwelling unit. The three proposed townhomes would require a total of six (6) off-street parking spaces. The proposed floor plans show the end units having one, one car attached garage each, with no attached parking provided for the middle unit. The submitted letter of intent states that the applicant and HyVee are working on a shared parking agreement for four (4) parking spaces. A total of six (6) off-street parking spaces are being provided total for the proposed townhomes, which meets the total minimum required. The parking spaces leased from HyVee shall be located within 400 feet of the front entrance to the middle unit to ensure that this unit has parking within a reasonable walking distance. No additional off-street parking shall be provided on-site, unless first approved by the Community Development and Public Works Departments. Additionally, the subject property is located within walking distance of a Metro bus stop.
2. A copy of the shared parking agreement between the applicant and HyVee shall be provided to the City prior to issuance of any building permits.
3. All driveways shall be hard surfaced paved and designed to meet all applicable City standards.

C. Architecture

1. The submitted elevations, included as Attachment 'D', show the front façade utilizing smooth hardboard siding as the primary material. The primary colors proposed are white and a dark gray/charcoal. Architectural aluminum siding with a wood appearance is shown as an accent material around the entrance to each unit. Each unit will have a second story balcony with a cable railing over the front entrance, which is covered by a portico. The front façade is further characterized by differing roof elevations between the end and middle units and a galvanized metal roof. All siding shall be non-vinyl siding. The proposed architectural plans are generally acceptable in design and layout and shall be adopted as submitted.
2. The submitted site plan shows air conditioning units for each unit along the rear of the property. If any wall or ground equipment, including air conditioning units, are visible from adjacent public right-of-way, excluding alleys, they shall be screened from view using architectural features, fencing, masonry wall, landscaping, or a combination thereof.
3. The subject property is located within the West Broadway CDO. While the townhomes are not subject to the full extent of the West Broadway CDO design standards, the proposed townhomes shall utilize high-quality materials and be designed in a manner that is consistent with the spirit and intent of the West Broadway CDO.
4. Minor modifications deemed to be compatible with the West Broadway CDO design standards listed in Section 15.32A, *West Broadway Corridor Design Overlay*, of the Council Bluffs

Municipal Code (Zoning Ordinance) shall be approved administratively by the Community Development Director or their designee.

D. Landscaping

1. The submitted landscaping plan, included as Attachment 'D', shows a mixture of trees, shrubs, and perennial flowers and grasses along the west, north, and east building elevations is generally acceptable and shall be adopted as submitted.
2. All tree species shall be reviewed and approved by the Parks and Recreation Department prior to planting to ensure there is no conflict with First Avenue trail plantings.
3. 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.

5. Signage

1. 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).

Council Bluffs Chief of Staff stated that the proposed development is a great example of the small-scale infill development that the City is striving to realize with all of our efforts within the West Broadway Corridor including the FIRST AVE multi-use trail, the West Broadway Corridor Plan, West Broadway CDO, rezonings, etc.

Council Bluffs Public Works Department stated that they have no comments in regards to the request.

Council Bluffs Permits and Inspections Division stated they have no concerns with the request.

Council Bluffs Water Works stated that they have no comments in regards to the request.

MidAmerican Energy stated that they have no concerns with the request and noted that the developer should contact MidAmerican Energy to discuss the project timeline, provide final engineering plans, and load information necessary to complete the design and identify costs associated with extending electric service to the proposed development.

Cox Communications stated that they have no objections to the request.

Recommendation

The Community Development Department recommends approval of the request to append a PR-2 Overlay and adopt the associated development plan for three townhomes in an R-3/Multi-Family Residential District, on property legally described as Lot 12, Block 5, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to all comments stated above and the following conditions:

A. 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.

B. A copy of the shared parking agreement between the applicant and HyVee shall be provided to the City prior to issuance of any building permits.

C. The final plat for the three-lot Row on First Subdivision shall not be recorded until such time that permits have been issued for the proposed townhomes as the proposed subdivision is specific to the proposed townhome development.

Public Hearing

Staff speakers for the request:
1. Haley Weber, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning and Code Compliance Manager, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:
1. Lynn Dittmer, 1228 S. Main Street, Council Bluffs, IA 51503
2. Sheryl Garst, 1228 S. Main Street, Council Bluffs, IA 51503

Speakers against:
1. Corey Ratliff, 105 S. 24th Street, Council Bluffs, IA 51501

Planning Commission Recommendation

The City Planning Commission recommended approval of the request to append a PR-2 Overlay and adopt the associated development plan for three townhomes in an R-3/Multi-Family Residential District, on property legally described as Lot 12, Block 5, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to all comments stated above and the following conditions:

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B. A copy of the shared parking agreement between the applicant and HyVee shall be provided to the City prior to issuance of any building permits.
C. The final plat for the three-lot Row on First Subdivision shall not be recorded until such time that permits have been issued for the proposed townhomes as the proposed subdivision is specific to the proposed townhome development.

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

Attachments

- Attachment A –The Row on First Final Plat
- Attachment B – Letter of Intent
- Attachment C – Site Plan
- Attachment D – Building Elevations
- Attachment E – Landscaping Plan
- Attachment F – Location/Zoning Map

Prepared by: Haley Weber, Planner, Community Development Department