Council Communication

Department: Community Development CASE #OTB-19-010 Applicant: Yoder Construction, Inc. Attn: Bryan Yoder 101 McCandless Lane, Suite A Council Bluffs, IA 51503		City Council: 11/14/2022

Subject/Title

Request: Request of Yoder Construction, Inc., represented by Bryan Yoder, for an extension of time to complete the proposed home on property formerly owned by the City and legally described as follows: Lot 5 and the West ½ of the vacated north/south alley adjacent, Wells Park Addition, City of Council Bluffs, Pottawattamie County, Iowa.

Location: 441 Park Avenue.

Background/Discussion

The Community Development Department has received a request from Yoder Construction, Inc., represented by Bryan Yoder, for an extension of time to complete the proposed home on property formerly owned by the City and legally described above.

City Council approved the disposal of the subject property on July 22, 2019 via Resolution No. 19-144. As per Resolutions No. 19-139 through No. 19-144, the "deadline for the completion of the first home shall be one year from the date the properties are deeded to Yoder Construction, Inc., and one home shall be completed within a 12 month period after that." Due to the COVID-19 pandemic, the applicant was not able to complete the first home by the deadline specified in the approved resolutions. The applicant requested an extension of time to set the deadline to complete the first home for October 2021, and a one-year extension of time for the completion of the remaining duplexes. As per Resolution 21-68, the proposed homes would have to be completed as follows:

1. The deadline for the completion of the first home: October 1, 2021.
2. The deadline for the completion of the second home: October 1, 2022.
3. The deadline for the completion of the third home: October 1, 2023.
4. The deadline for the completion of the fourth home: October 1, 2024.
5. The deadline for the completion of the fifth home: October 1, 2025.
6. The deadline for the completion of the sixth home: October 1, 2026.

Resolution No. 21-68 indicates that if the applicant is unable to complete the homes by the deadlines stated above, an extension of time shall be requested in writing to the Community Development Department prior to the expiration date. The Community Development Department has the administrative authority to approve an extension of time up to a three-month period. Any extension of time requests exceeding three months must be reviewed and approved by City Council.

The applicant recently informed the Community Development Department that they would not be able to complete the second home by October 1, 2022 due to delays in the delivery of construction materials, scheduling

conflicts with subcontractors, and additional tree removal. The applicant is requesting an extension of time to set the deadline to complete the second home for March 31, 2023. Since this extension of time request exceeds three months, it must be reviewed and approved by City Council.

Recommendation

The Community Development Department recommends approval of the request for an extension of time to complete the proposed home on property formerly owned by the City and legally described as Lot 5 and the West ½ of the vacated north/south alley adjacent, Wells Park Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

1. The deadline for the completion of the proposed home shall be March 31, 2023; and
2. If the applicant is unable to complete the proposed home and/or any of the subsequent homes by the deadlines stated above, an extension of time shall be requested in writing to the Community Development Department prior to the expiration date. A six-month extension of time may be approved administratively by the Community Development Department. Any extension of time requests exceeding a six-month period shall be reviewed and approved by City Council.

Attachments

Attachment A: Extension of Time Request Letter from Bryan Yoder

Prepared by: Moises Monrroy, Planner, Community Development Department