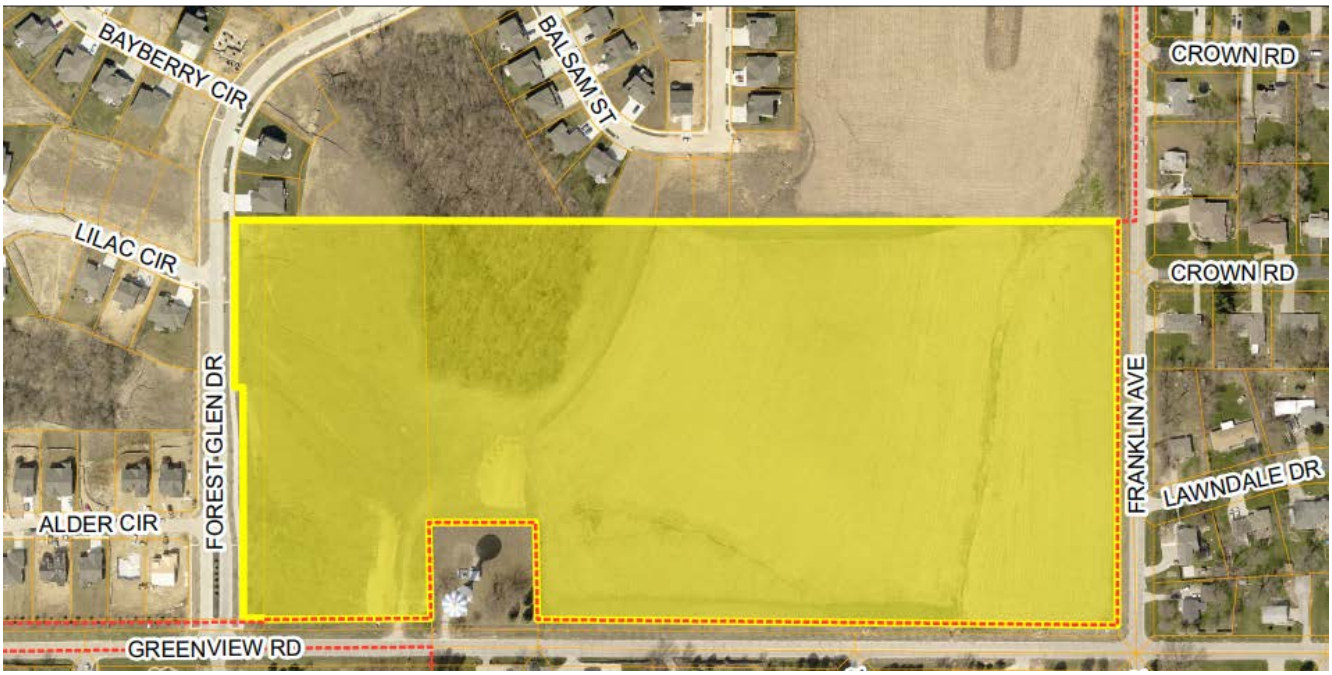
Whispering Oaks
Urban Revitalization Plan



Prepared by

Community Development Department
City of Council Bluffs, Iowa

Adopted by
City Council on _____, 2022

TABLE OF CONTENTS

SECTION	PAGE
INTRODUCTION	2
LEGAL DESCRIPTION OF AREA	5
PROPERTY OWNERS & ASSESSED VALUATIONS	6
EXISTING ZONING & PROPOSED LAND USE	7
PROPOSALS FOR IMPROVING OR EXPANDING CITY SERVICES	8
RELOCATION PROVISIONS	8
OTHER PUBLIC ASSISTANCE	8
APPLICABILITY & TAX EXEMPTION SCHEDULE	8
APPLICATION AND REVIEW PROCESS	10

INTRODUCTION

The Urban Revitalization Act empowers a municipality to designate an area appropriate for commercial and industrial enterprises, public improvements related to housing and residential development, or construction of housing and residential development for low and moderate-income families, including single or multi-family housing.

The City of Council Bluffs wishes to utilize property tax abatement incentives under the Urban Revitalization Act to facilitate the construction of a multi-family residential project in the community. The preparation and subsequent adoption of an Urban Revitalization Plan is required by the Iowa Code prior to the provision of property tax abatement.

Section 404.1 of the Iowa Code stipulates that the Council may, by ordinance, designate an area of the City as the revitalization area, if that area is classified as any of the following:

1. An area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conductive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and which is detrimental to the public health, safety or welfare.

2. An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety or welfare in its present condition and use.

3. An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.

4. An area which is appropriate as an economic development area as defined in Section 403.17(10) of the Iowa Code which states “an area of a municipality designated by the local governing body as appropriate for commercial and industrial enterprises, public improvements related to housing and residential development, or construction of housing and residential development for low and moderate income families, including single or multi-family housing.”

5. An area designated as appropriate for public improvements related to housing and residential development, or construction of housing and residential development, including single or multi-family housing.

The City of Council Bluffs concluded that the Whispering Oaks Urban Revitalization Area meets the criteria of element 5. Consequently, October 24, 2022, the City Council adopted Resolution No. 22-260, which directed staff to prepare a plan for the proposed revitalization area. Illustration 1 is the City Council Resolution.

Illustration 1 – Resolution

RESOLUTION NO. 22-260

A RESOLUTION OF NECESSITY AND INTENT TO ESTABLISH THE WHISPERING OAKS URBAN REVITALIZATION AREA IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the subject area is an appropriate area as defined in Section 404.1.5 of the Iowa Code; and

WHEREAS, a proposal has been submitted for the construction of a multi-family residential project on the vacant land; and

WHEREAS, a plan for the area must be developed in accordance with Section 404.2 of the Iowa Code; and

WHEREAS, thirty days notice of public hearing is required to be sent to all property owners and occupants within the area; and

WHEREAS, notice of public hearing is also required in accordance with Section 362.3 of the Iowa Code.

WHEREAS, a legal description of this area is attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the development of the area is necessary in the interest of the City and the area substantially meets the criteria of Section 404.1.5.

BE IT FURTHER RESOLVED

That the City Council directs staff to prepare a final plan pursuant to Section 404.2 of the Iowa Code by October 28, 2022.

BE IT FURTHER RESOLVED

That the City Council directs the City Clerk to set this matter for public hearing on November 28, 2022.

ADOPTED
AND
APPROVED: October 24, 2022

Matthew J. Walsh Mayor

ATTEST:

Jodi Quakenbush City Clerk

LEGAL DESCRIPTION

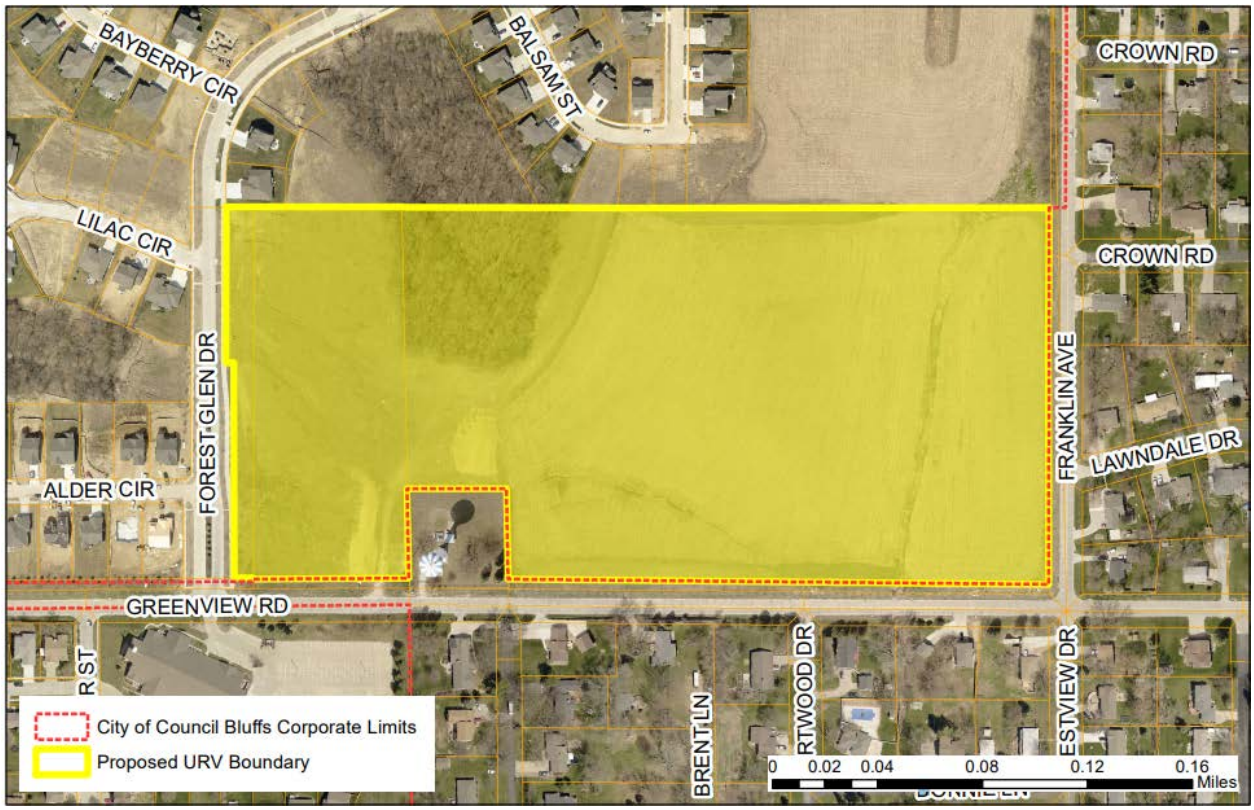
The Whispering Oaks Urban Revitalization Area is a tract of land consisting of three parcels legally described as:

A PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 4, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, AND ALSO TOGETHER WITH PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 5, SAID TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN; ALL LOCATED IN POTTAWATTAMIE COUNTY, COUNCIL BLUFFS, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE EAST 1/4 CORNER OF SECTION 5, TOWNSHIP 74N, RANGE 43 WEST; THENCE N1°06'10”E (ASSUMED BEARING), 53.00 FEET TO THE POINT OF BEGINNING; THENCE N88°28'13"W A DISTANCE OF 351.12 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FOREST GLEN DRIVE; THENCE NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF FOREST GLEN DRIVE ON THE FOLLOWING DESCRIBED COURSES: THENCE N1°20'57"E, A DISTANCE OF 433.34 FEET; THENCE N88°16'18"W, A DISTANCE OF 15.99 FEET; THENCE N1°31'50"E, A DISTANCE OF 313.54 FEET TO THE SOUTHWEST CORNER OF LOT 106, WHISPERING OAKS; THENCE S88°34'04"E, A DISTANCE OF 56.87 FEET ALONG THE SOUTH LINE OF LOT 106, WHISPERING OAKS TO THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN BOOK 2017 PAGE 2889; THENCE S88°28'13"E, A DISTANCE OF 306.04 FEET ALONG THE SOUTH LINE OF LOT 106 & SOUTH LINE OF OUTLOT A, WHISPERING OAKS TO A POINT AT THE INTERSECTION OF THE SOUTH LINE OF OUTLOT A & THE EAST LINE OF A TRACT OF LAND DESCRIBED IN BOOK 2017 PAGE 2889; THENCE S88°15'01"E, A DISTANCE OF 562.24 FEET ALONG THE SOUTH LINE OF OUTLOT A, & LOTS 87-90 WHISPERING OAKS TO THE SOUTHEAST CORNER OF LOT 87 WHISPERING OAKS; THENCE S88°15'01”E, A DISTANCE OF 714.76 FEET; THENCE S88°15'01"E, A DISTANCE OF 17.46, TO THE WEST RIGHT OF WAY LINE OF FRANKLIN AVENUE; THENCE S1°43'39"W, A DISTANCE OF 747.00 FEET ALONG SAID WEST RIGHT-OF-WAY LINE OF FRANKLIN AVENUE; THENCE N88°15'01"W DISTANCE OF 1,086.30 FEET TO THE EAST LINE OF A PARCEL BOOK 87, PAGE 22729; THENCE N01°06'10"E ALONG SAID EAST LINE OF SAID PARCEL BOOK 87, PAGE 22729, A DISTANCE OF 180.01 FEET TO THE NORTHEAST CORNER OF SAID PARCEL BOOK 87, PAGE 22729; THENCE N88°15'01"W ALONG THE NORTH LINE OF SAID PARCEL, B00K 87, PAGE 22729 A DISTANCE OF 200.00 FEET; THENCE S1°06'10"W ALONG SAID PARCEL BOOK 87, PAGE 22729, A DISTANCE OF 180.01 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 1,193,878.13 SQ.FT. OR 27.40 ACRES MORE OR LESS

Illustration 2 shows the approximate location and the boundary of the Whispering Oaks Urban Revitalization Area. The area is 27.40 acres.

Whispering Oaks Urban Revitalization Plan

Illustration 2 - Boundary



PROPERTY OWNERS AND ASSESSED VALUES

The Whispering Oaks Urban Revitalization Area will be comprised of 27.40 acres of land which is currently owned by TS Development LLC. The Whispering Oaks Urban Revitalization area will be located on what is currently a 27.40 acre parcel that is currently being subdivided into a three-lot subdivision. The assessed land value is $303,300.

Parcel Number	Owner & Address	Land Valuation	Dwelling Valuation	Building Valuation	Total Valuation
744305276010	T S Development LLC	$25,000	$0	$0	$25,000
744305276005	T S Development LLC	$54,400	$0	$0	$54,400
744304151003	T S Development LLC	$223,900	$0	$0	$223,900

EXISTING ZONING AND PROPOSED LAND USE

The Whispering Oaks Urban Revitalization Area is zoned R-3/Low Density Multi-Family Residential with a Planned Residential Overlay. The R-3/Low Density Multi-Family District is intended and designed for development of medium density multi-family residential units. The Planned Residential Overlay is intended to provide flexibility in the use and design of structures and land in situations where conventional development may be inappropriate. The Overlay also permits projects that involve the mixture of commercial and residential uses.

Adjacent zoning of Whispering Oaks to the north, south and west, within City limits, are zoned R-1 single family. To the east and south, outside City limits, are zoned R-3 urban residential.

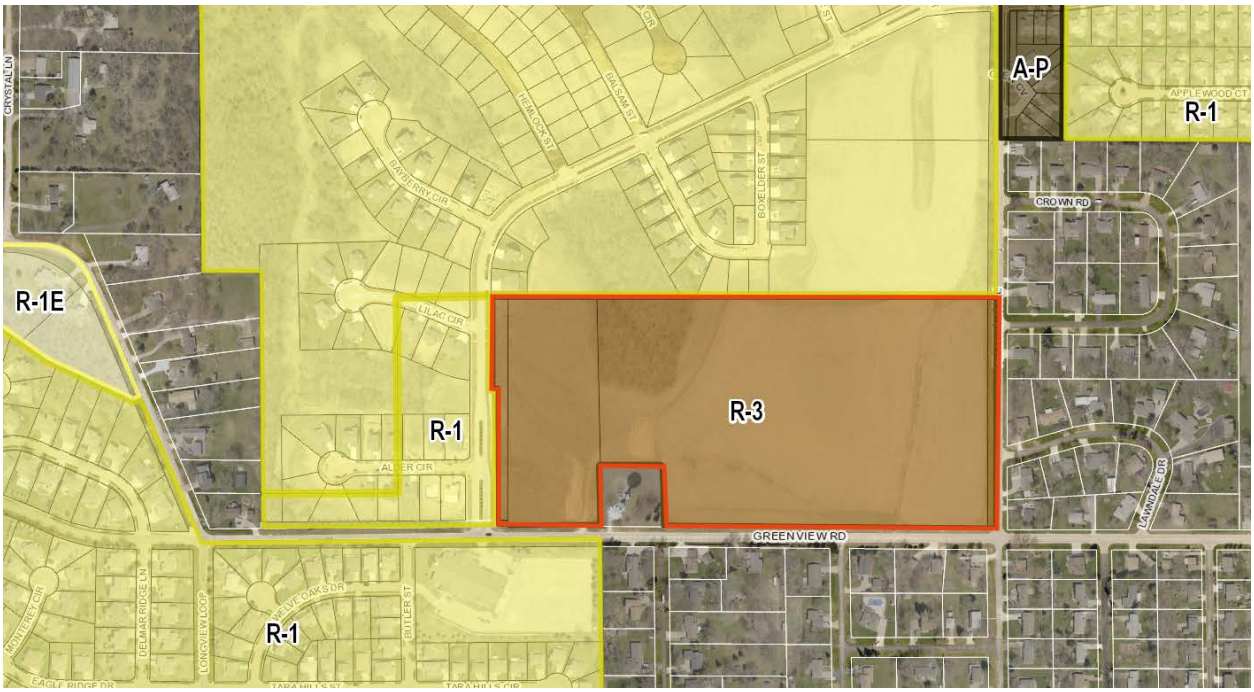
A development proposal has been submitted by T S Development LLC for the construction of a multi-family/mixed-use residential project. Lot 1, approximately 6.11 acres, will be developed as an assisted living facility with a maximum of 133 dwelling units. Lot 2, approximately 12.41 acres, will be developed into a maximum of 150 multifamily units. Lot 3, approximately 7.87 acres, will be developed into a maximum of 124 multifamily units.

City Council is not endorsing the 133 dwelling units for assisted living on Lot 1.

The Development Plan can be found in Attachment A.

Whispering Oaks Urban Revitalization Plan

Illustration 3 – Zoning



PROPOSALS FOR IMPROVING OR EXPANDING CITY SERVICES

The proposed Whispering Oaks Urban Revitalization Area will be served with all municipal services (sanitary sewer, water and storm sewer) and can be accessed by a dedicated roadway. Electricity and gas service are also available to the project. The developer is constructing a new sanitary sewer lift station and force main to service the multifamily/missed-use development. A new sanitary force main system will connect into the existing sanitary sewer in Balsam Street. A 10-foot wide Portland cement concrete trail along Greenview Road shall be incorporated in the design of the subdivision. This trail will eventually be extended further east, where it will connect into the existing trail at Greenview Road/Eastern Hills Drive intersection. 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. The project is located adjacent to Greenview Road and Franklin Avenue, which will adequately handle the additional traffic generated by this proposed project.

RELOCATION PROVISIONS

The Whispering Oaks Urban Revitalization Area is currently undeveloped; therefore, the City will not displace any residential or non-residential tenants as a result of proposed improvements in the urban revitalization area.

OTHER PUBLIC ASSISTANCE

The developer may be eligible for additional City assistance through construction of the required lift station. Cost is still to be determined.

APPLICABILITY AND TAX EXEMPTION SCHEDULE

1. Eligibility - The Whispering Oaks Urban Revitalization Plan will apply to commercial and multi-family residential (12 or more units).

Both new construction and rehabilitation of existing structures will be eligible for tax abatement under the plan. Rehabilitation may include renovation of a structure to bring it to code standards, remodeling and expansion. New construction of multi-family structures containing 12 or more units or the renovation of existing multi-family properties containing 3 or more units will also be eligible for property tax exemption under the plan.

2. Term - The term of this Plan shall be until December 31, 2042 or amended by City Council.

3. Commercial and Industrial

Ten Year - All eligible commercial and industrial real estate is eligible to receive a partial exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten years. The amount of the partial exemption is equal to a percent of the actual value added by the improvements, determined as follows:

a. For the first year, eighty percent.
b. For the second year, seventy percent.
c. For the third year, sixty percent.
d. For the fourth year, fifty percent.
e. For the fifth year, forty percent.
f. For the sixth year, forty percent.
g. For the seventh year, thirty percent.
h. For the eighth year, thirty percent.
i. For the ninth year, twenty percent.
j. For the tenth year, twenty percent.

-OR-

Three Year - All eligible commercial and industrial real estate is eligible to receive a one hundred percent exemption from taxation on the actual value added by the improvements. The exemption is for a period of three years.

4. Multi-Family New Construction (12 or more units) - All eligible multi-family construction shall be eligible to receive a 100% exemption for a period of four years.

5. Multi-Family Rehabilitation (3 or more units) - All eligible multi-family rehabilitation projects shall be eligible to receive a 100% exemption for a period of ten years.

6. Improvements - Improvements shall include commercial and industrial rehabilitation and additions to existing structures as well as new construction on vacant land or on land with existing structures. Improvements involving multi-family projects shall include new construction of projects resulting in 12 or more units or the rehabilitation of existing multi-family projects containing 3 or more units (assessed as commercial property). In addition, all improvements must result in the following increases in value:

- For non-residential property, improvements must increase the actual value of the structure by at least 15%. If more than one building is located on the property, the 15% increase requirement applies only to the structure or structures upon which the improvements were made.

- For residential property, the improvement must increase the actual value of the structure by at least 10%.

- If no structures were located on the property prior to the improvements, any improvements may qualify.

7. Actual Value - Actual value added by the improvements means the actual value added as of the first year for which the exemption was received. However, if such construction was begun one year prior to the adoption by the City of a Plan of Urban Revitalization pursuant to Chapter 404 of the Iowa Code, the value added by such construction, shall not constitute an increase in value for purposes of qualifying for the exemptions listed in this section.

APPLICATION AND REVIEW PROCESS

Upon completion of all improvements made within the assessment year for which the exemption is first claimed, the owner shall use the following procedure to secure the tax exemption.

1. The applicant requests a conference with the Community Development Department to discuss applicability of the request to established policy and review the application process.

2. The applicant completes the required forms and submits them along with all required data by February 1st to the Community Development Department. As part of the acceptance procedure, the Community Development Department shall review the submission for completeness. If there is a deficiency, the Department shall notify the applicant within seven (7) days.

3. The Department shall review the application according to the following criteria: 1) conformance with the Urban Revitalization Plan; 2) a finding that the site is within a designated area; 3) a finding that the work has been completed within the time required to qualify for abatement in the assessment year; 4) a finding that the application is consistent with Chapter 404 of the Iowa Code; and 5) a finding that the application is consistent with all applicable city codes and ordinances.

4. Upon review of the application, the Community Development Department will prepare a recommendation and schedule the proposal for City Council consideration.

5. By resolution, the City Council will accept the application and improvements as consistent with the intent of this plan and state law.

6. The City Council will then direct the Community Development Department to transmit a copy of the case file to the Assessor's Office by March 1st as required by Chapter 404 of the Iowa Code.