Attachment B

2022 Amendment to the Council Pointe Road Urban Revitalization Plan



Prepared by
Community Development Department
City of Council Bluffs, Iowa

Original Area Adopted by
City Council on April 9, 2018

Amended _____, 2023

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INTRODUCTION

On April 9, 2018, the City of Council Bluffs City Council adopted Ordinance No. 6326, which established the Council Pointe Road Urban Revitalization Area. This revitalization area consisted of one parcel of land that was located south of Veterans Memorial Highway totaling 5.57 acres in size.

The newly proposed amendment will add one additional parcel to the existing Council Pointe Road Urban Revitalization Plan for a total of 27.16 acres.

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 multifamily housing.

The City of Council Bluffs wishes to utilize property tax abatement incentives under the Urban Revitalization act to facilitate the construction of commercial facilities providing elderly care and assisted housing 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 multifamily 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 multifamily housing.

In April 2018, the City of Council Bluffs adopted the Council Pointe Road Urban Revitalization Area under the criteria of element 4. The City now desires to amend the Plan and Area (herein referred to as the “Amended Plan” and “Amended Area”). Consequently, on January 9, 2023, the City Council adopted Resolution No. 23-05, which directed staff to prepare an amended plan for the proposed revitalization area. Illustration 1 is the City Council Original Resolution.

Illustration 1 – Resolution

RESOLUTION NO. 18-43

A RESOLUTION OF NECESSITY AND INTENT TO ESTABLISH AN URBAN REVITALIZATION AREA LEGALLY DESCRIBED AS LOT 1, FOX RUN LANDING, REPLAT THREE, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, the subject area is an appropriate area as defined in Sections 404.1.4 of the Iowa Code; and

WHEREAS, a proposal has been submitted for the construction of a commercial 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.

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 404.1.4.

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 March 16, 2018.

BE IT FURTHER RESOLVED

That the City Council directs the City Clerk to set this matter for public hearing on March 26, 2018.

ADOPTED
AND
APPROVED: February 12,2018

Matthew J. Walsh Mayor

ATTEST:

Jodi Quakenbush City Clerk

RESOLUTION NO. 23-05

A RESOLUTION OF NECESSITY AND INTENT TO AMEND THE COUNCIL POINTE ROAD URBAN REVITALIZATION AREA.

WHEREAS, the subject area is an appropriate area as defined in Section 404.1.2 of the Iowa Code; and

WHEREAS, on April 9, 2018, City Council adopted resolution No. 18-43 approving the Council Pointe Road Urban Revitalization Plan; and

WHEREAS, the Community Development Department recommends amending the plan to add an additional parcel to the revitalization area; and

WHEREAS, an amended plan 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.

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 404.1.2.

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 no later than January 12, 2023.

BE IT FURTHER RESOLVED

That the City Council directs the City Clerk to set this matter for public hearing on February 13, 2023.

ADOPTED
AND
APPROVED: January 9, 2023

Matthew J. Walsh, Mayor

ATTEST:

Jodi Quakenbush, City Clerk

LEGAL DESCRIPTION

The Council Pointe Road Urban Revitalization Area is a tract of land containing parcel numbers 744415402001 and 744415176003, legally described as:

Lot 1, Fox Run Landing, Replat Three, City of Council Bluffs, Pottawattamie County, Iowa.

Lot 116, Fox Run Landing, except the northwest corner dedicated to City right-of-way, along with northerly part of Lot 117 commencing at the southeast corner of said Lot 116, thence North 469.54 feet, thence Northeasterly 885.29 feet, thence South 787.74 feet, and thence West 806.06 feet back to the point of beginning, all in the City of Council Bluffs, Pottawattamie County, Iowa

Illustration 3 shows the location and the boundary of the Council Pointe Road Urban Revitalization Area. The area is 27.16 acres.

Council Pointe Road Urban Revitalization Plan

Illustration 3 – Boundary



PROPERTY OWNERS AND ASSESSED VALUES

The amended Council Pointe Road Urban Revitalization Area will be comprised of 27.16 acres on two parcels of land owned by Fox Run Independent Living LLC and 92 Investments LLC.

Valuation was obtained from the records of the Pottawattamie County Assessor.

Parcel Number	Owner & Address	Land Valuation	Dwelling Valuation	Building Valuation	Total Valuation
744415301001	Fox Run Independent Living LLC 16934 Frances Street, Suite 200 Omaha, NE 68130	$557,000	$10,061,300	$0	$10,618,300
744415176003	92 Investments LLC 22735 James Dr Council Bluffs, IA 51503	$22,600	$0	$0	$22,600

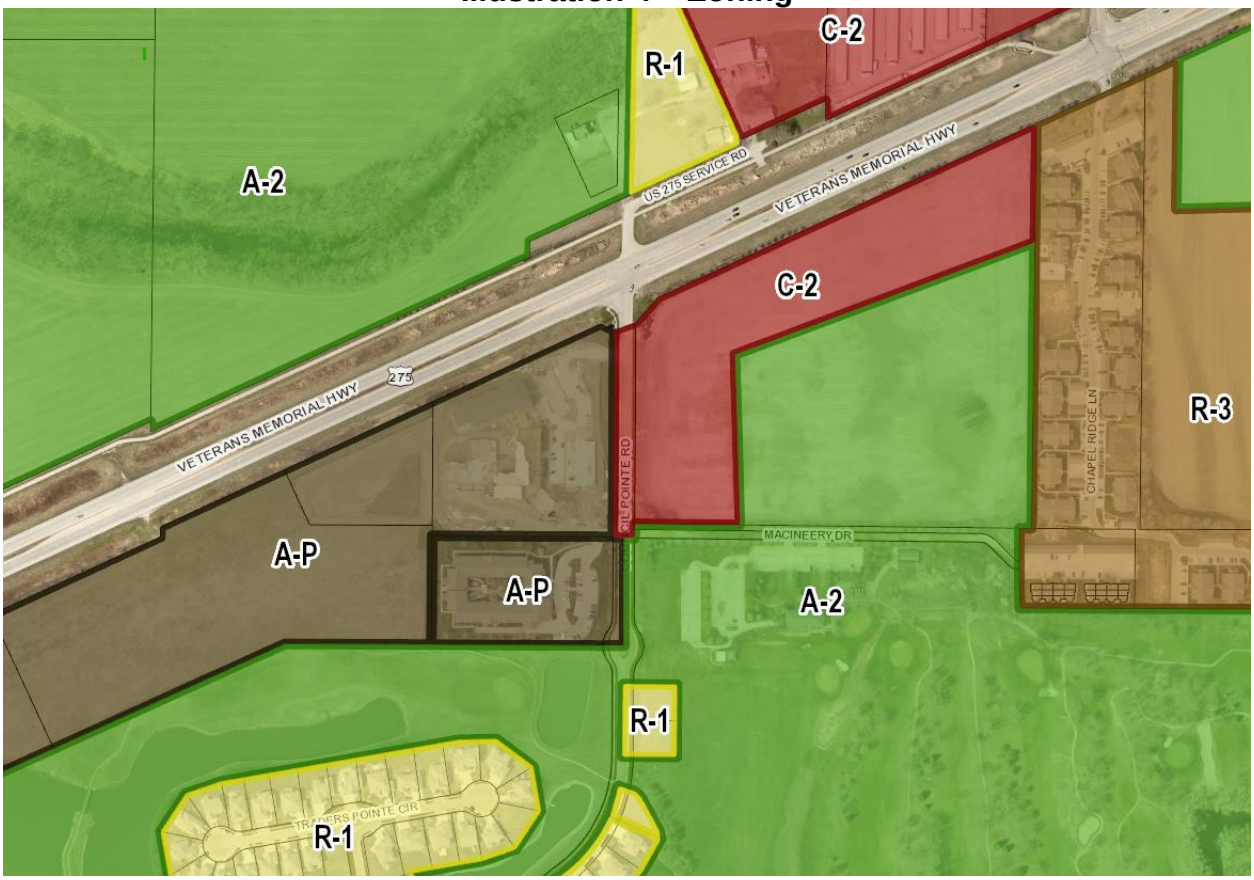
EXISTING ZONING AND PROPOSED LAND USE

The Council Pointe Road Urban Revitalization Area is currently zoned A-P/Administrative-Professional District. The A-P/Administrative-Professional District is intended and designed to provide for the development of professional and low-intensity business offices and uses in areas where residential dwellings exist. The A-P/ Administrative-Professional Office also allows single-family, two-family and multi-family residential dwellings as permitted uses.

Surrounding zoning includes R-1/Single Family Residential District and A-2/Parks, Estates and Agricultural District to the north; C-2/Commercial District to the east; and A-P/ Administrative-Professional District to the south and west. Existing land uses surrounding the subject property includes: undeveloped land and a single-family residential dwelling to the north; a senior living facility (The Heritage at Fox Run) to the south; and undeveloped land to the east and west. The Bluffs Tomorrow: 2030 Future Land Use Plan designates the subject property as High Density Residential and Local Commercial. Illustration 4 depicts the existing zoning for the subject property and surrounding area.

A preliminary site plan proposal has been submitted by Talon Construction for the construction of a multi-family residential project. This additional 21.59 acres will be developed into six buildings with no more than 400 multi-family units, a community center and office building and a storm retention pond. The preliminary Site Plan can be found in Attachment C.

Illustration 4 – Zoning



PROPOSALS FOR IMPROVING OR EXPANDING CITY SERVICES

The proposed Council Pointe Road Urban Revitalization Area is served with all municipal services (sanitary sewer, water and storm sewer) as well as electricity and gas. The project is located adjacent to Veterans Memorial Highway (U.S. Highway 275/92) and Council Pointe Road, which are dedicated public roadways. Both roadways operate at a level service that can adequately handle the additional traffic generated by the proposed project.

RELOCATION PROVISIONS

The Council Pointe Road Urban Revitalization Area is currently undeveloped; therefore, the City will not displace any residential or non-residential tenants because of proposed improvements in the urban revitalization area.

OTHER PUBLIC ASSISTANCE

The developer is requesting property tax exemption. The developer has not requested any other public assistance.

APPLICABILITY AND TAX EXEMPTION SCHEDULE

1. Eligibility - The Council Pointe Road 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, 2043 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.

Attachment A

12/29/22, 11:23 AM 744415402001

Find Property Res Sales Comm/Ind Sales

7444 15 402 001
--- Permanent Property Address ---
FOX RUN INDEPENDENT LIVING LLC
4802 COUNCIL POINTE RD
COUNCIL BLUFFS, IA 51501

------- Mailing Address -------
FOX RUN INDEPENDENT LIVING LLC
16934 FRANCES ST STE 200
OMAHA, NE 68130

District: 002 CO BLUFFS CITY/LC SCHOOL

REAL ESTATE TAXES ON TREASURER'S WEBPAGE

Go to: https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/744415402001

TAX DESCRIPTION*

* Not to be used on legal documents

FOX RUN LANDING REPLAT THREE, LT 1

ASSESSED VALUE

* Class is for Assessment purposes only - Not Zoning

2022	Res. Land	Current Value Dwelling	Total	Class
Full Value	$557,000	$10,061,300	$10,618,300	R
Exempt	$0	$10,061,300	$10,061,300	R
Net Total	$557,000	$0	$557,000	R

2021	Res. Land	Prior Year Value Dwelling	Total	Class
Full Value	$557,000	$6,081,100	$6,638,100	M
Exempt	$0	$0	$0	M
Net Total	$557,000	$6,081,100	$6,638,100	M

EXEMPTIONS/CREDITS APPLIED

OWNERS

* Book/Page LINKS TO RECORDER'S WEBPAGE

1 D FOX RUN INDEPENDENT LIVING LLC book/page: 2019/03682 D

SALES HISTORY

Sale Date	Amount	Code	Book/Page	
03/27/2019	0	D1	2019/03682	
10/11/2018	0	P26	2018/14071	multiple parcel sale

ASSESSMENT DATA

PDF: 11 MAP: 21-11 C.B M-F

Date Reviewed: 01/03/22 GMS

LAND.....242629 sqFt 5.57 acres

Commercial Building 1 of 1 -- Independent Living Apartments (729) Units: 36
DBA: FOX RUN INDEPENDENT LIVING
STRUCTURE....3 story 12264 base SF 0 bsmt SF 99345 gross SF
Year Built: 2019 Eff Year: 2019 Condition: Normal
VERTICALS....Ext Wall: Wood - Frame
Int Wall: Drywall or Equiv.
Front/Doors: Incl. w / Base
Windows: Incl. w / Base
HORIZONTALS..Roof: Asph. Shingle/ Wood Dk
Ceiling: Drywall
Struc Floor: R' Concrete
Floor Cover: Carpet
Partitions: Incl. w / Base
Framing: Wood - Average
HVAC: Combination FHA - AC
Sprinklers: Exposed Dry
PLUMBING.....3-Fixture Bathroom (36)
Sink-Kitchen (36)
3-Fixture Bathroom (3)
ADJUSTMENTS..Sprinkler - exposed wet (36792)
BLDG EXTRAS..1 Elevator - Pass. Hydraulic: 100 Ft/Min, 3 Stops, 2,500 Lb Capacity
22 Porches,Decks,Patios,etc.: W4.00 x L8.00 32 SF, Wood Deck
11 Porches,Decks,Patios,etc.: W4.00 x L8.00 32 SF, Patio - Conc / Brick

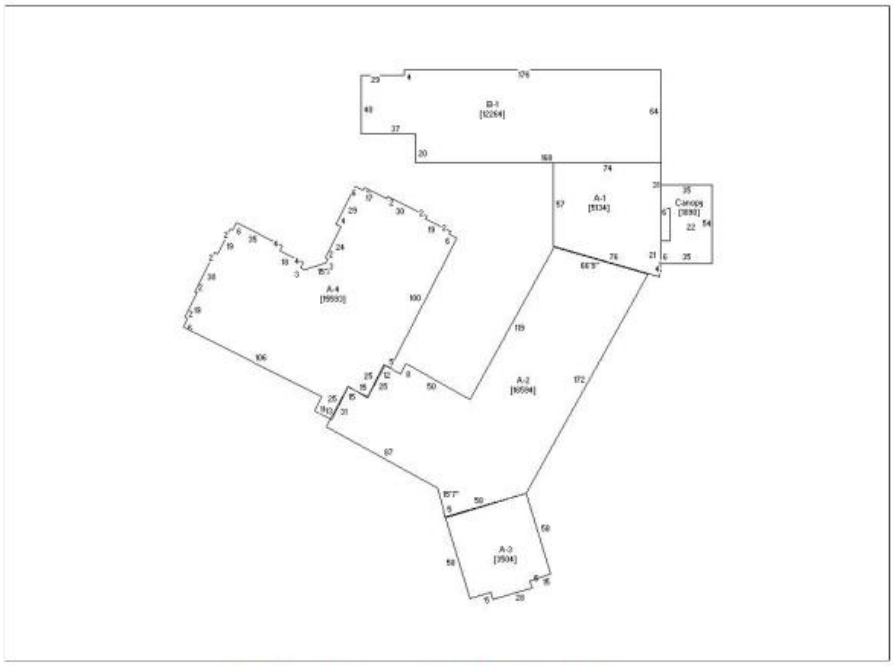
Commercial Building 1 of 1 Addition 1 -- Independent Living Apartments (729) Units: 2
DBA: FOX RUN INDEPENDENT LIVING
STRUCTURE....2 story 5134 base SF 0 bsmt SF
Year Built: 2020 Eff Year: 2020 Condition: Normal
VERTICALS....Ext Wall: Wood - Frame
Int Wall: Drywall or Equiv.
Front/Doors: Incl. w / Base
Windows: Incl. w / Base
HORIZONTALS..Roof: Asph. Shingle/ Wood Dk
Ceiling: Drywall
Struc Floor: R' Concrete
Partitions: Incl. w / Base
Framing: Wood - Average
HVAC: Combination FHA - AC
Sprinklers: Exposed Wet
PLUMBING.....Sink-Kitchen (2)
3-Fixture Bathroom (2)

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ADJUSTMENTS..Sprinkler - exposed wet (10268)
BLDG EXTRAS..1 Porches,Decks,Patios,etc.: W4.00 x L8.00 32 SF, Wood Deck

Commercial Building 1 of 1 Addition 2 -- Assisted Living Apartments (726)  Units: 23
DBA: FOX RUN INDEPENDENT LIVING
STRUCTURE....2 story   16594 base SF   0 bsmt SF
             Year Built: 2020    Eff Year: 2020    Condition: Normal
VERTICALS....Ext Wall:    Wood - Frame
             Int Wall:    Drywall or Equiv.
             Front/Doors: Incl. w / Base
             Windows:     Incl. w / Base
HORIZONTALS..Roof:        Asph. Shingle/ Wood Dk
             Ceiling:     Drywall
             Struc Floor: R' Concrete
             Floor Cover: Carpet
             Partitions:  Incl. w / Base
             Framing:     Wood - Average
             HVAC:        Combination FHA - AC
             Sprinklers:  Exposed Dry
PLUMBING.....3-Fixture Bathroom (23)
             Sink-Kitchen (23)
             3-Fixture Bathroom (5)
             Lavatory (2)
             Toilet Room (2)
             Urinal - Wall (1)
             Water Closet (3)
ADJUSTMENTS..Sprinkler - exposed wet (33188)
BLDG EXTRAS..9 Porches,Decks,Patios,etc.: W4.00 x L8.00 32 SF, Patio - Conc / Brick
             13 Porches,Decks,Patios,etc.: W4.00 x L8.00 32 SF, Wood Deck
             1 Cold Storage: 80 SF, Cooler, 24 SFSA Door, No Door
             1 Cold Storage: 80 SF, Freezer, 24 SFSA Door, No Door

Commercial Building 1 of 1 Addition 3 -- Assisted Living Apartments (726)
DBA: FOX RUN INDEPENDENT LIVING
STRUCTURE....1 story   3504 base SF   0 bsmt SF
             Year Built: 2020    Eff Year: 2020    Condition: Normal
VERTICALS....Ext Wall:    Wood - Frame
             Int Wall:    Drywall or Equiv.
             Front/Doors: Incl. w / Base
             Windows:     Incl. w / Base
HORIZONTALS..Roof:        Asph. Shingle/ Wood Dk
             Ceiling:     Drywall
             Struc Floor: R' Concrete
             Floor Cover: Carpet
             Partitions:  Incl. w / Base
             Framing:     Wood - Average
             HVAC:        Combination FHA - AC
             Sprinklers:  Exposed Dry
PLUMBING.....Toilet Room (2)
ADJUSTMENTS..Sprinkler - exposed wet (3504)

Commercial Building 1 of 1 Addition 4 -- Nursing Home (708)  Units: 18
DBA: FOX RUN INDEPENDENT LIVING
STRUCTURE....1 story   15593 base SF   0 bsmt SF
             Year Built: 2020    Eff Year: 2020    Condition: Normal
VERTICALS....Ext Wall:    Wood - Frame
             Int Wall:    Drywall or Equiv.
             Front/Doors: Incl. w / Base
             Windows:     Incl. w / Base
HORIZONTALS..Roof:        Asph. Shingle/ Wood Dk
             Ceiling:     Drywall
             Struc Floor: R' Concrete
             Floor Cover: Carpet
             Partitions:  Incl. w / Base
             Framing:     Wood - Average
             HVAC:        Combination FHA - AC
             Sprinklers:  Exposed Dry
PLUMBING.....Toilet Room (18)
             Toilet Room (2)
             Stall Shower or Tub (3)
ADJUSTMENTS..Sprinkler - exposed wet (15593)
BLDG EXTRAS..1 Canopy: 1,890 SF, Frame
YARD EXTRAS..2 Garage W24.00 x L140.00 3,360 SF, Frame, 11.00 S
             Paving - Concrete 30,000 SF, Concrete Parking
```



4802 COUNCIL POINTE RD, FOX RUN INDEPENDENT LIVING LLC



4802 COUNCIL POINTE RD, FOX RUN INDEPENDENT LIVING LLC, 1 10/05/2021

12/29/22, 11:23 AM 744415402001

Zoom Out Zoom In



600ft x 600ft

Attachment B

12/29/22, 11:24 AM 744415176003

Find Property Res Sales Comm/Ind Sales

7444 15 176 003

--- Permanent Property Address ---
92 INVESTMENTS LLC

------- Mailing Address -------
92 INVESTMENTS LLC
22735 JAMES DR
COUNCIL BLUFFS, IA 51503

District: 003 CO BLUFFS AG/LC SCHOOL

REAL ESTATE TAXES ON TREASURER'S WEBPAGE

Go to: https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/744415176003

TAX DESCRIPTION*

* Not to be used on legal documents

CO BLUFFS LEWIS AGRI- FOX RUN LANDING LT 116 EXC NW COR TO CITY & PT LT 117 COMM SE COR LT 116 THN469.54' NE885.29'S787.74' W806.06'POB

ASSESSED VALUE

* Class is for Assessment purposes only – Not Zoning

Current Value

2022	Agri. Land	Dwelling	Improvement	Total	Ag Acres	Class
Full Value	$22,600	$0	$0	$22,600	21.59	A
Exempt	$0	$0	$0	$0	0	A
Net Total	$22,600	$0	$0	$22,600	21.59	A

Prior Year Value

2021	Agri. Land	Dwelling	Improvement	Total	Ag Acres	Class
Full Value	$22,600	$0	$0	$22,600	21.59	A
Exempt	$0	$0	$0	$0	0	A
Net Total	$22,600	$0	$0	$22,600	21.59	A

EXEMPTIONS/CREDITS APPLIED

2021 AGLAND

OWNERS

* Book/Page LINKS TO RECORDER'S WEBPAGE

1 D 92 INVESTMENTS LLC book/page: 2011/15019 D

SALES HISTORY

Sale Date	Amount	Code	Book/Page
11/07/2011	570000	D34	2011/15019
11/07/2011	570000	D49	2011/14479
05/11/2007	350000	D050	2007/08229

ASSESSMENT DATA

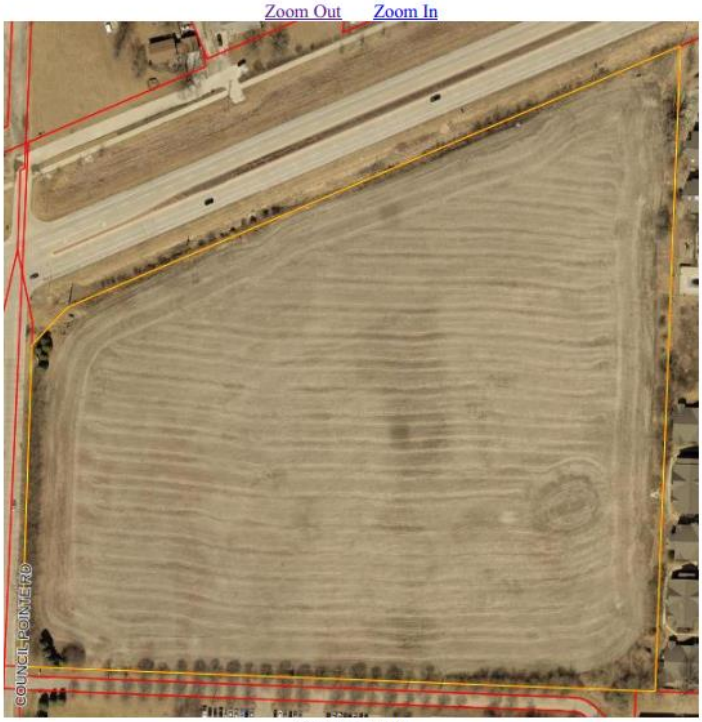
PDF: 25 MAP: 21

Date Reviewed: 05/26/10 JC

LAND.....940460 sqFt 21.59 acres

12/29/22, 11:24 AM 744415176003

Zoom Out Zoom In



1200ft x 1200ft

Attachment C

