City Council Communication

Department: Community Development CASES #SUB-23-001, #ZC-23-004, #PR-23-001 and #CP-23-001 Applicant: South Pointe Apartments, LLC 1305 E Benson Road Sioux Falls, SD 57105 Property Owner: 92 Investments, LLC 535 W. Broadway, Suite 100 Council Bluffs, IA 51503 Engineer/Surveyor: HGM Associates, Inc. 640 5th Avenue Council Bluffs, IA 51501	Resolution No. _____ Resolution No. _____ Ordinance No. _____ Ordinance No. _____	CASE #ZC-23-004 1st Consideration: 3/27/2023 2nd Consideration: 4/10/2023 3rd Consideration: 4/24/2023 CASE #PR-23-001 Ordinance 1st Consideration: 3/27/2023 2nd Consideration: 4/10/2023 3rd Consideration: 4/24/2023 Resolution: 4/24/2023 CASE #CP-23-001: 4/24/2023 CASE #SUB-23-001: 4/24/2023 Planning Commission: 3/14/2023

Subject/Title

Request: Combined public hearings on the request of South Pointe Apartments, LLC for final plat approval of a two-lot residential subdivision to be known as Fox Run Landing, Replat 5, being a replat of property legally described as part of Lot 116 and part of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa; and to rezone said property from A-2/Parks, Estates, and Agricultural District and C-2/Commercial District to R-3/Low-Density Multifamily Residential District; and to append a planned residential overlay over the subject property and adopt the associated development plan; and to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying the subject property from a mixture of 'Local Commercial' and 'High-Density Residential' to 'High-Density Residential.'

Location: Undeveloped land located at the southeast corner of the intersection of Council Pointe Road and Veterans Memorial Highway

Background

The Community Development Department has received applications from South Pointe Apartments LLC, represented by Robert Smith (Talon, LLC.), for property legally described above, for the following requests:

A. **CASE #SUB-23-001**: Final plat approval for a two-lot minor subdivision to be known as Fox Run Landing, Replat 5, being a replat of property legally described above;
B. **CASE #ZC-23-004**: Rezone property legally described above from A-2/Parks, Estates and Agricultural District and C-2/Commercial District to R-3/Low Density Multifamily Residential District;
C. **CASE #PR-23-001**: Append a residential overlay over the subject property and adopt the associated planned residential development plan on property legally described above for the South Pointe Apartments; and
D. **CASE #CP-23-001**: Amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying property legally described above from a mixture of 'Local Commercial' and 'High-Density Residential' to 'High-Density Residential.'

The subject property is comprised of 21.59 acres, more or less, of undeveloped land and is located at the southeast corner of the intersection of Council Pointe Road and Veterans Memorial Highway and immediately west of the Chapel Ridge Apartments at 4506 Chapel Ridge Lane. The applicant, Talon, LLC, proposes to develop the property as a two-lot residential subdivision that will include six, three-story multifamily apartment buildings, eight detached garages, a community center/office building, stormwater detention pond and an internal private street. The requests listed above are summarized in the applicant's letter of intent included with this report as Attachment 'A' and are more particularly described below:

CASES #ZC-23-004 and #CP-23-001

The subject property is split zoned A-2/Parks, Estates, and Agricultural District and C-2/Commercial District and is surrounded by the following zoning districts and existing land uses:

Direction	Existing Zoning Districts	Existing Land Uses
North	C-2/Commercial District and R-1/Single-Family Residential District	Commercial Storage (Armor Storage), Mid-America Cleaning Systems, and single-family dwellings
South	A-2/Parks, Estates, and Agricultural District and R-1/Single-Family Residential District	Fox Run Golf Course and Fox Run Neighborhood
East	R-3/Low-Density Multifamily Residential District	Chapel Ridge Apartments
West	A-P/Administrative Professional District	Fox Run Independent Living

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

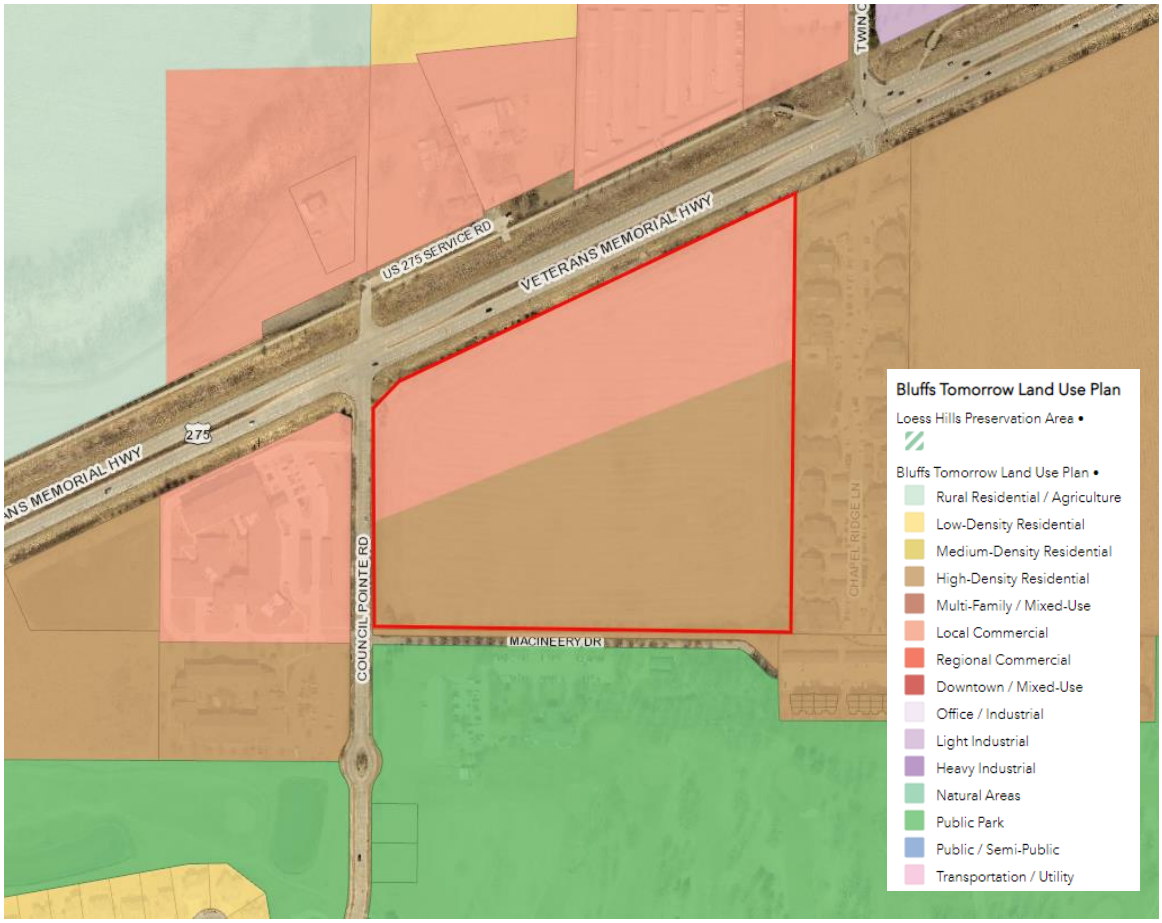
Public notices were mailed to all property owners within 200 feet of the subject property. The following comment was received:

> John Lockard, 2817 Macineery Drive, Apt. 1202, asked if traffic lights would be installed at the intersection of Council Pointe Road and Veterans Memorial Highway. Mr. Lockard stated that this intersection can become congested during peak traffic times and is concerned that without traffic lights this issue would be exacerbated. Mr. Lockard also stated that he would like to see fencing or a wall along Macineery Drive to provide a barrier between the proposed development and Turnbridge Condominiums. Mr. Lockard noted that Council Bluffs needs additional housing units.

On March 2, 2023, the developer held a community meeting via Zoom to discuss the proposed development with all interested parties who live within 200 feet of the subject property. Four members of the public attended this meeting. During the meeting, the developer provided an overview of the proposed development and answered questions from the public regarding screening/fencing.

The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as a mixture of 'Local Commercial' and 'High-Density Residential' (see map below). The applicant has submitted an application to reclassify the property to 'High-Density Residential' so that the proposed development is consistent with the City's comprehensive plan.

Future Land Use Map *(Subject property outlined in red)*



Discussion

A. The subject property is currently zoned A-2/Parks, Estates and Agricultural District and C-2/Commercial District and is proposed to be rezoned to R-3/Low Density Multifamily Residential District to allow for the proposed multi-family development.

B. The developer is proposing to append a PR-1 Overlay to the subject property, which establishes standards for site development, architecture, landscaping, parking, utilities, and signage for both proposed lots (Case #PR-23-001).

C. The Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as a mixture of 'Local Commercial' and 'High-Density Residential.' The applicant is proposing to reclassify the entirety of the subject property to 'High Density Residential' to ensure the proposed development and associated rezoning are consistent with the Future Land Use Plan.

D. The Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the Fox Run neighborhood as a 'Contemporary Residential' area. One of the policies outlined in the Future Land Use Plan to ensure long-term stability of 'Contemporary Residential' neighborhoods is to encourage housing diversity and public realm improvements. The proposed development is consistent with this policy as it will add 372 housing units within the City of Council Bluffs, further increasing and diversifying the city's housing stock. The proposed development includes attractive landscaping, architecture, and open space which will enhance the neighborhood for existing and future residents who desire a suburban neighborhood setting without the maintenance costs and time associated with a single-family residential property.

E. The Council Bluffs Public Works Department stated they have no comments on the proposed comprehensive plan amendment or rezoning.

CASE #SUB-23-001

The proposed subdivision is comprised of 21.59 acres, more or less, of land and will consist of two lots. The developer is proposing to develop the property in two phases. Phase I will consist of the development of Lot 1, which includes three, three-story apartment buildings each with a total of 62 units (186 units total for Phase I) and two detached garage structures. Phase II will consist of the development of Lot 2, which includes three, three-story apartment buildings each with a total of 62 units (186 units total for Phase II), six detached garage structures, and a community center/office building. Both lots will have direct access to a public road and will be fully served with utilities (e.g., sanitary/storm sewers, water, gas, electric, etc.). The proposed Fox Run Landing, Replat 5 is included within this report at Attachment 'C.'

Comments

Community Development Department:

A. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless and extension has been requested and granted by the Community Development Director.

B. The proposed subdivision is consistent with the purpose and intent of Title 14: Subdivisions of the Council Bluffs Municipal Code. The developer has submitted applications to rezone the subject property and amend its future land use designation (see Cases #ZC-23-004 and #CP-23-001) to ensure the proposed subdivision is consistent with Title 15: Zoning of the Council Bluffs Municipal Code and the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan).

C. The developer is proposing to rezone the subject property from A-2/Parks, Estates and Agricultural District and C-2/Commercial District to R-3/Low-Density Residential District. The proposed rezoning to the R-3 District will allow for the multi-family development and the adoption of a planned residential development plan that establishes site development, architecture, landscaping, off-street parking and signage standards for the subject property (see Case #PR-23-001). All construction activity that occurs on the proposed subdivision shall comply with the planned residential development plan for the South Pointe Apartments.

D. The proposed development will be completed in two phases, with Phase I consisting of the development of Lot 1 and Phase II consisting of the development of Lot 2. Per Section 15.10.050, Site Development Regulations, of the CBMC, the minimum lot area for multifamily dwellings containing five (5) or more units is "*9,000 square feet plus an increase of 2,000 square feet per each additional unit."* Proposed Lot 1 contains a total of 11.739 acres (511,356 square feet). Proposed Lot 2 contains a total of 9.815 acres (427,543 square feet). A total of 186 units each are proposed for Lots 1 and 2, which requires a minimum lot size of 371,000 square feet per lot. Proposed Lots 1 and 2 exceed the minimum required lot size for the proposed number of dwelling units.

E. Access to both Lots 1 and 2 is provided through Talon Plaza, a new private road, which connects to Council Pointe Road, an improved public street. All costs associated with installation and maintenance of Talon Plaza shall be the responsibility of the developer and not the City. Proposed Lot 2 also has frontage along Veterans Memorial Highway, which is access controlled by the Iowa Department of Transportation.

F. A traffic study submitted by the developer is currently under review by the Public Works Department. All comments and recommendations by the Public Works Department shall be incorporated into all public roadway improvements. All costs associated with public roadway improvements shall be the responsibility of the developer and not the City.

G. The proposed subdivision includes the following easements:

1. A 25-foot wide easement along the southerly line of Lot 2, a 30-foot wide easement along the northerly line of Lot 1 and a 40-foot wide easement along the proposed fire access drive that continues north to connect to the aforementioned easements for access and maintenance purposes; and
2. A stormwater facility easement over the proposed stormwater detention area. The stormwater detention area shall be placed in an outlot with ownership and maintenance requirements identified.

H. All lots will be serviced with utilities (e.g., sanitary/storm sewers, water, electricity, etc.). All utilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer and not the City.

I. The submitted site plan (Page J1.0 in Attachment 'D') shows a sidewalk interconnection to the multi-family development to the east (Chapel Ridge) on the northeast corner of the property. The proposed location of the interconnection is subject to change, based upon coordination with Chapel Ridge. At minimum, one sidewalk interconnection shall be included to ensure reasonable and safe pedestrian/bicycle access between the two sites and shall be stubbed out to the east property line of the subject property.

J. The proposed subdivision is located within an X flood zone (area with reduced flood risk due to levee) according to FEMA map panel no. 19155C0560E, dated February 4, 2005.

K. The following technical corrections shall be made to the final plat prior to being executed by the City of Council Bluffs:

1. The summarized legal description under the subdivision name in the top right-hand corner of Page 1 of 2 states "being a replat of Lot 116 and a **potion** of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa." "Potion" shall be revised to say "portion."
2. An outlot shall be created which encompasses the stormwater detention area. The dedication statement on the final plat shall include language on the perpetual maintenance of said outlot.
3. The Certificate of Treasurer of Pottawattamie County, Iowa shall state, "…hereby certify that the property included in **Fox Run Landing, Replat 5**, is free from…" rather than state "…hereby certify that the property included in **River Road Subdivision**, is free from…"
4. The standard dedication of public easements shall appear on the final plat as stated below:
   A perpetual easement is reserved for storm drainage and the installation and maintenance of utilities 5 feet wide along each side of interior lot lines and 10 feet in width along all front and rear lot lines:

   ERECTION OF STRUCTURES PROHIBITED: Grantor shall not erect any structure over or within the Easement Area without obtaining the prior written consent of the City Engineer, provided however grantor shall have the right to place and maintain a surfaced roadway over and within the Easement Area.

   CHANGE OF GRADE PROHIBITED: Grantor shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Engineer.

   RIGHT OF ACCESS: City shall have the right of access to the Easement Area and have all right of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described.

REMOVAL AND REPLACEMENT: The cost of removal and replacement of any unauthorized improvement or structures within the Easement Area, necessitated by the exercise of the rights under this easement, shall be borne by the Grantor or their successors or assigns.

SURFACE RESTORATION: City's liability to restore the surface within the Easement Area shall be limited only to grading and seeding, and replacement of grantors surfaced roadway.

DUTY TO REPAIR: City agrees that any drain tile, drive or access way, fence, or yard or other improvements outside of the Easement Area which may be damaged as a result of any entry made through an exercise of the City's right of access shall be repaired at no expense to Grantor.

EASEMENT RUNS WITH LAND: This easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.

Council Bluffs Public Works Department

A. The Council Bluffs Public Works Department provided the following comments:
   1. The submitted geotechnical report is noted and will be referenced during design review.
   2. A preliminary drainage report has been submitted and Public Works will continue to work with the engineer to finalize the report.
      a. Water quality and quantity shall be designed to City standards.
      b. A separate application is required for Post Construction Stormwater Management.
   3. A preliminary traffic study has been completed and Public Works will continue to work with the engineer to finalize the report.
      a. Any required public roadway improvements will be identified through the review process.
      b. The project engineer shall coordinate with the Iowa Department of Transportation (IDOT) for any requested changes to Veterans Memorial Highway.
   4. The final plat shall identify all required easements for all private infrastructure.
   5. The final plat shall note that the interior roadway system is private and maintained by the owner.
   6. The stormwater detention area shall be placed in an outlot with ownership and maintenance requirements identified.

The Council Bluffs Chief of Staff stated that the proposed multi-family development is in an appropriate location and will provide much-needed housing for Council Bluffs.

The Council Bluffs Permits and Inspections Division stated that they are fine with the proposed multi-family development moving forward.

MidAmerican Energy stated they have no conflict with the proposed development and noted that the developers or their representative should contact MidAmerican Energy directly to initiate discussions on project timelines, costs, and other requirements for relocating or extending electric service to the development.

CASE #PR-23-001

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-1 Overlay is intended for general master planned*

development. The minimum tract of land considered for a PR-1 Overlay shall be one and a half (1 ½) acres." The applicant is proposing to append a PR-1 Overlay over the subject property and adopt the associated development plan in order to establish site development, architecture, landscaping, off-street parking and signage standards for the South Pointe Apartments development. The proposed preliminary plans are included as Attachment 'D.'

A. Site Development

1. Per Section 15.28.020, Applicability, of the CBMC (Zoning Ordinance), the minimum land area allowed for a PR-1 Overlay is 1.5 acres. The subject property contains a total of 21.59 acres, which qualifies for the use of a PR-1 Overlay.
2. All development on the subject property shall conform to R-3/Low-Density Multifamily District site development standards.
3. The submitted site plan shows fire access gates on either side of the proposed fire access drive. These gates and any other fencing on the property shall conform to the standards listed in Section 15.24.040, *Fence Regulations*, of the CBMC (Zoning Ordinance).
4. The applicant is proposing to utilize cedar wood fencing to screen dumpsters within the proposed development. All trash receptacles and/or dumpsters visible from a public right-of-way shall be enclosed on three sides with a masonry, wood, or vinyl fence and have a lockable gate that when closed completely eliminates view of the dumpster.
5. The stormwater detention pond on proposed Lot 1 shall be designed and maintained as an amenity feature for the development. The developer shall incorporate landscaping, benches, trails or a combination thereof around the perimeter of the detention pond at the time of construction.
6. The submitted site plan (Page J1.0 in Attachment 'D') shows an internal sidewalk system, which connects parking areas to the adjacent buildings and a proposed sidewalk along Council Pointe Road north of Talon Plaza. Internal sidewalks shall be a minimum of five feet wide. The applicant shall coordinate with the Public Works Department on the placement and design of sidewalks within the public right-of-way. The proposed sidewalk system is adequate and shall be adopted as submitted.
7. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to the site shall be at the sole cost of the developer and not the City.
8. All exterior lighting shall conform to Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance). Any proposed outdoor light poles shall be constructed out of painted or finished aluminum or steel. Wood poles shall not be accepted. The maximum height shall not exceed 20 feet.

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 apartment units is based on the following calculation:
   a. Studio and 1 bedroom units – 1 space per dwelling unit
   b. 2+ bedroom units – 1.5 space per dwelling unit

   Based on the proposed composition of the apartment units, a total of 450 parking spaces are required. The proposed development includes 548 surface parking spaces and 96 garage parking spaces for a total of 644 parking spaces, exceeding the minimum required.
2. All off-street parking areas, driveways and drive aisles shall comply with the standards in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).

3. The submitted site plan shows one (1) bicycle rack per apartment building for a total of six (6) bicycle racks. The specific number of bicycle parking spaces are not specified on the submitted plans. Bicycle parking shall be provided in conformance with the following items:
    a. A minimum of ten (10) bicycle parking spaces shall be provided per apartment building, for a minimum total of 60 bicycle parking spaces.
    b. Designated bicycle parking areas shall be located within a reasonable distance of, and clearly visible from, the main entrance of each building. Bicycle parking may alternatively be provided in a publicly accessible indoor location within a convenient distance of the main building entrance.
    c. Bicycle racks shall be secured to the pavement in a location that does not conflict with pedestrian or vehicular circulation routes.
    d. Bicycle parking shall be installed prior to the issuance of a Certificate of Occupancy for each building.

C. Architecture

1. The proposed architectural renderings show the apartment buildings comprised of vertical and horizontal Hardie board siding in the colors 'Arctic White' and 'Timber Bark' and NICHIHA Canyon Brick in the color 'Shale White' with 'Urban Bronze' metal panel roof accent pieces and an asphalt shingled roof in the color 'Driftwood.' The proposed architectural renderings/elevations for the apartment buildings are show in Attachment 'E' and are generally acceptable in design and materials and shall be adopted as proposed.
2. Architectural renderings for the proposed community center/office nor the detached garages were provided with the applicant's submittal. The community center/office and detached garages shall be compatible in design and materials to the surrounding development.
3. All rooftop mounted mechanical equipment that is visible from an adjacent public street right-of-way shall be screened from view using architectural design features.
4. All ground-mounted mechanical equipment shall be completely screened from view using architectural design features, fencing, masonry wall, landscaping, or a combination thereof.

D. Landscaping

1. The submitted landscaping plan shows the proposed locations and species of landscape plantings throughout the development and is generally acceptable and shall be adopted as submitted, with the following modification:
    a. The proposed stormwater detention area shall be designed and maintained as an amenity feature for the development through the incorporation of landscaping, outdoor seating, trails, or a combination thereof.
2. All landscaping shall be appropriately maintained and dead plant material shall be replaced at a time appropriate to planting seasons but in all cases shall be replaced within one year.
3. All tree species planted along the frontage of a public right-of-way shall comply with the Council Bluffs Street Tree Guide and shall be reviewed and approved by the City prior to installation.
4. Landscaping shall not interfere with the sight clearance triangle at any intersection and shall not impede the vision of any motorist, cyclist or pedestrian at the street, driveway or pedestrian way.
5. All disturbed areas without a specific landscape design shall be hydroseeded, or planted with sod, turf, and/or prairie grass.
6. Minor modifications to the submitted landscaping plan shall be approved administratively by the Community Development Director or their designee.

E. Signage

1. The applicant is proposing one 40 square foot ground/monument sign, ten (10) feet in height, at the northwest corner of the property. The proposed sign is generally acceptable and shall be designed with colors and materials compatible with the surrounding development.
2. Any additional signage shall comply with the PR District signage standards listed in Section 15.33.160, Residential District Signs, of the CBMC (Zoning Ordinance).
3. All signage shall be permitted separately prior to installation.
4. Minor modifications to signage for the development shall be approved administratively by the Community Development Director or their designee.

Recommendation

The Community Development Department recommends the following:

A. Final plat approval of the proposed two-lot residential subdivision to be known as Fox Run Landing, Replat 5, legally described as being a replat of Lot 116 and a portion of lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments above and the conditions below:
   1. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless and extension has been requested and granted by the Community Development Director.
   2. Conform to all City standards and specifications, the zoning and subdivision ordinances, and the Department of Public Works standards for Public Improvements.
   3. All comments and technical corrections stated in the case staff report shall be addressed on the final plat prior to the execution of the document.
   4. All utilities shall be installed underground. Any costs to construct, remove, and/or relocate any utilities shall be the responsibility of the applicant and/or developer, not the City.
   5. All development within the proposed subdivision shall comply with the development standards listed in the proposed development plan for the subject property (Case #PR-23-001).
   6. All applicable permits necessary to meet local, state, and federal requirements shall be the developer's responsibility.

B. Approval of the request to rezone property legally described as Fox Run Landing, Replat 5, being a replat of property legally described as part of Lot 116 and part of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates and Agricultural District and C-2/Commercial District to R-3/Low Density Multifamily Residential District, subject to the comments stated above.

C. Approval of the request to append a PR-1 Overlay over property legally described as Fox Run Landing, Replat 5, being a replat of property legally described as part of Lot 116 and part of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa and adopt the associated residential development plan for the South Pointe Apartments, subject to the comments stated above and the following condition:

   1. Any modifications to the approved development plan which substantially alter the design, layout, configuration, and/or appearance of the project shall be reviewed the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted development plan may be administratively approved by the Community Development Director or their designee.

D. Approval of the request to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying property legally described as Fox Run Landing, Replat 5, being a replat of property legally described as part

of Lot 116 and part of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa from a mixture of 'Local Commercial' and 'High-Density Residential' to 'High-Density Residential.'

Public Hearing

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

Speakers in favor:
1. John Jerkovich, 535 W Broadway, Suite 100, Council Bluffs, IA 51503
2. Robert Smith, 1305 E Benson Road, Sioux Falls, SD 57104

Speakers against: None

Speakers providing general comments:
1. Gale Hunter, 900 Woodbury Avenue, Council Bluffs, IA 51503
2. John Lockard, 2817 Macineery Drive, Council Bluffs, IA 51501

The City Planning Commission recommended:

A. Final plat approval of the proposed two-lot residential subdivision to be known as Fox Run Landing, Replat 5, legally described as being a replat of Lot 116 and a portion of lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments above and the conditions below:
    1. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless and extension has been requested and granted by the Community Development Director.
    2. Conform to all City standards and specifications, the zoning and subdivision ordinances, and the Department of Public Works standards for Public Improvements.
    3. All comments and technical corrections stated in the case staff report shall be addressed on the final plat prior to the execution of the document.
    4. All utilities shall be installed underground. Any costs to construct, remove, and/or relocate any utilities shall be the responsibility of the applicant and/or developer, not the City.
    5. All development within the proposed subdivision shall comply with the development standards listed in the proposed development plan for the subject property (Case #PR-23-001).
    6. All applicable permits necessary to meet local, state, and federal requirements shall be the developer's responsibility.

B. Approval of the request to rezone property legally described as Fox Run Landing, Replat 5, being a replat of property legally described as part of Lot 116 and part of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates and Agricultural District and C-2/Commercial District to R-3/Low Density Multifamily Residential District, subject to the comments stated above.

C. Approval of the request to append a PR-1 Overlay over property legally described as Fox Run Landing, Replat 5, being a replat of property legally described as part of Lot 116 and part of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa and adopt the associated residential development plan for the South Pointe Apartments, subject to the comments stated above and the following condition:

    1. Any modifications to the approved development plan which substantially alter the design, layout, configuration, and/or appearance of the project shall be reviewed the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted

development plan may be administratively approved by the Community Development Director or their designee.

D. Approval of the request to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying property legally described as Fox Run Landing, Replat 5, being a replat of property legally described as part of Lot 116 and part of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa from a mixture of 'Local Commercial' and 'High-Density Residential' to 'High-Density Residential.'

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

Attachments

Attachment A: Location/Zoning Map
Attachment B: Letter of Intent
Attachment C: Fox Run Landing, Replat 5
Attachment D: Preliminary Plans
Attachment E: Architectural Renderings

Prepared by: Haley Weber, Planner, Community Development Department