

**RESOLUTION NO. 23-117**

**A RESOLUTION TO AMEND THE ADOPTED PR/PLANNED RESIDENTIAL DEVELOPMENT PLAN PROPERTY LEGALLY DESCRIBED AS BLOCK 12, BRYANT AND CLARK'S ADDITION, ALONG WITH THE VACATED EAST/WEST ALLEY ADJACENT, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS**, EB-WLG Affordable Limited Partnership is requesting to amend the adopted planned residential development plan for West Broadway Village, which was approved by City Council on July 27, 2020 via Resolution No. 20-183; and

**WHEREAS**, The following standards shall apply:

The following development standards shall now apply to the subject property.

*\*\*Note: Changes/edits to the adopted development plan are shown with strikethroughs and highlighted text\*\**

**A. Site Development**

1. The minimum tract of land required for a PR Overlay is 1.5 acres. The subject property contains 2.5 acres which exceeds the minimum PR Overlay lot size requirement.
2. All site access shall be limited to the South 28<sup>th</sup> and South 29<sup>th</sup> Streets. No direct vehicular access onto 1st Avenue and/or 2<sup>nd</sup> Avenue shall be allowed.
3. The subject property is comprised of an entire subdivision block (Block 12, Bryant and Clark's Subdivision) and therefore has frontage on all sides. Building setbacks in this development are based on design recommendations stated in the West Broadway Corridor Plan and compatibility with the surrounding area. The following minimum building setbacks shall apply:

Apartment building Proposed Lot 1, West Broadway Village (Apartment site)  
~~Building setback range of 0' - 20' from the north property line adjacent to 1<sup>st</sup> Avenue right of way.~~

~~Building setback range of 0' - 15' from the east and west property lines adjacent to South 28<sup>th</sup> and South 29<sup>th</sup> Street rights-of-ways.~~

Perimeter setback ranging from 10 to 20 feet from all property lines

Townhomes Proposed Lots 2-17, West Broadway Village (Townhomes)

~~Building setback range of 0' - 20' from the south right-of-way line adjacent to 2<sup>nd</sup> Avenue right of way~~

~~Building setback range of 0' - 15' from the east and west property lines adjacent to South 28<sup>th</sup> and South 29<sup>th</sup> Street rights-of-ways.~~

- Front setback (Abutting 2<sup>nd</sup> Avenue right-of-way): Ranging between 5 to 10 feet

- Street-side setback (Abutting South 28<sup>th</sup> and South 29<sup>th</sup> Street right-of-way): Ranging from 5 to 10 feet
  - Interior setback (along shared common wall/property line): 0 feet
  - Interior setback: 5 feet
  - Rear setback: 3 feet
4. Accessory structures shall be located internally within the site and shall not be placed between the north, east, and west apartment façade walls and the adjacent 1<sup>st</sup> Avenue, South 28<sup>th</sup> and South 29<sup>th</sup> Street rights-of-ways, nor shall any accessory structure be placed between the south façade wall of the townhomes and the adjacent 2<sup>nd</sup> Avenue right-of-way line.
5. The maximum lot coverage for property zoned R-4/High-Density Residential District is 60%, as per Section 15.11.050, *Site Development Regulations*, of the Council Bluffs Zoning Ordinance. Based on the submitted site plan layout the proposed ~~development will comply with this requirement~~ apartment building on Lot 1, West Broadway Village will comply with the maximum 60% lot coverage standard; however, the townhomes on Lots 3-16, West Broadway Village will require an increased amount of lot coverage in order to be constructed on said lots. The maximum lot coverage shall be as follows:
- Lots 1, 2, and 17: 60%  
Lots 5, 6, 9, 10, 13, and 14: 75%  
Lots 3, 4, 7, 8, 11, 12, 15, and 16: 90%
6. The maximum height for all principal and accessory structures shall comply with R-4/High-Density Residential District site development standards.
7. All trash receptacles shall be enclosed on three sides and screened from public view with materials similar to those of the primary building. The enclosure shall have a lockable gate which when closed completely eliminates view of the dumpster.
8. All proposed fencing shall comply with Section 15.24.040, *Fence regulations* of the Council Bluffs Zoning Ordinance.
9. A minimum five foot-wide concrete sidewalk shall be constructed along the frontages abutting 2<sup>nd</sup> Avenue, South 28<sup>th</sup> and South 29<sup>th</sup> Streets.
10. A minimum five foot-wide concrete sidewalk shall be constructed that connects the primary entrance(s) of the apartment building and townhomes to the adjacent public sidewalks/trail along 1<sup>st</sup> Avenue, 2<sup>nd</sup> Avenue, South 28<sup>th</sup> Street, and South 29<sup>th</sup> Streets.
11. No outdoor lighting is shown on the development plan. All light poles shall be constructed out of finished aluminum or steel. Wood poles are not allowed. Pedestrian oriented lights shall not exceed 15 feet in height, as

measured from finished grade to the highest point of the light. Parking lot lighting shall not exceed a maximum height of 30 feet, as measured from finished grade to the highest point of the light. All outdoor lights shall be arranged and placed on the subject property in a manner that complies with standards stated in Section 15.24.050, *Lighting Controls*, of the Municipal Code (Zoning Ordinance).

12. Outside storage is not allowed. This includes the temporary and/or permanent placement of intermodal/shipping storage containers.
13. The proposed development shall comply with all applicable building and fire codes as deemed required by the Council Bluffs Fire Department and the Permits and Inspections Division.

**B. West Broadway Corridor Design Overlay**

1. ~~A portion of the subject property (Lots 1, 8, 9 and 16, Block 12, Bryant and Clark's Subdivision) is located within a designed Corridor Design Overlay.~~  
The subject property is located within the West Broadway Corridor Overlay and therefore shall comply with all standards stated in Chapter 15.32A, *West Corridor Design Overlay*, of the Council Bluffs Municipal Code (Zoning Ordinance). In instances where there is conflict with the West Broadway Corridor Overlay, the adopted planned residential development plan shall supersede the standards stated in said Chapter 15.32A.

**C. Landscaping**

1. The submitted landscaping plan is generally acceptable with the following modifications:
  - a. Specify the type, height, and size of all proposed landscaping plantings on the landscaping plan that is submitted with the building permit submittal. All proposed landscape plantings shall comply with the minimum size requirements stated in the West Broadway Corridor Design Overlay Plant List, as per Chapter 15.32A of the Council Bluffs Zoning Ordinance.
  - b. The following tree types/quantities shall be planted ~~with the rights-of-way adjacent to the~~ within the frontage areas of the property in coordination with each phase of development, and to avoid any conflicts with existing landscaping in 1<sup>st</sup> Avenue and overhead power lines within South 28<sup>th</sup> Street, South 29<sup>th</sup> Street, and 2<sup>nd</sup> Avenue rights-of-way:
    - (1) One large deciduous shade tree shall be planted for every 35 feet of linear frontage along South 28<sup>th</sup> and South 29<sup>th</sup> Streets. ~~All trees shall be planted within said street rights-of-way, between the back of curb and the public sidewalk, and.~~ All trees shall be as evenly dispersed as possible.

The applicant's updated landscaping plan shows 10 deciduous trees along the frontages of South 28<sup>th</sup> Street and South 29<sup>th</sup> Streets, which complies with the above stated standards.

- (2) One large deciduous shade tree shall be planted for every 35 feet of linear frontage along 2nd Avenue. ~~All trees shall be planted within said street right-of-way, between the back of curb and the public sidewalk, and~~ All trees shall be as evenly dispersed as possible.

The applicant's updated landscaping plan shows 8 deciduous trees and 5 ornamental trees being planted along 2<sup>nd</sup> Avenue. A minimum of 11 deciduous trees are required, based on the property's linear frontage (400 feet) and calculation specified above. City staff deems the applicant's proposal to plant 8 deciduous trees and 5 ornamental trees along 2<sup>nd</sup> Avenue acceptable, as the combined quantity of the two tree species exceeds the minimum number of required deciduous tree plantings.

- (3) One large deciduous shade tree shall be planted for every 50 feet of linear frontage along the north side of the apartment building and adjacent to 1<sup>st</sup> Avenue right-of-way. The species type and physical placement shall be coordinated with the Council Bluffs Parks and Recreation Department to ensure there is no conflict with their planned "fall color arboretum" that will be installed as part of the City's 1<sup>st</sup> Avenue trail project.

The applicant's updated landscaping plan shows a total of 12 deciduous trees being planted along the 1<sup>st</sup> Avenue frontage area, which complies with the above referenced tree planting standards.

*Note: All proposed trees within the City's right-of-way shall be reviewed and approved by the Council Bluffs Public Works Department prior to installation.*

- c. Foundation plantings shall be placed along the perimeter of all building facades visible from an adjacent right-of-way at a minimum rate of one shrub per one lineal foot of facade length.

The applicant's updated landscaping plan shows each townhome will have between 2-3 foundation shrubs along their southerly façade facing 2<sup>nd</sup> Avenue, and the townhome units on Lots 2 and 17 will have a minimum of 10 shrubs along the facades facing South 28<sup>th</sup> and South 29<sup>th</sup> Streets. The proposed amount of shrubs for the townhomes is deemed acceptable, as shown.

The applicant's updated landscaping plan shows the following foundation plantings along the perimeter of the apartment building:

- North façade (facing 1<sup>st</sup> Avenue): Five shrubs
- South façade (facing parking lot): Seven shrubs
- East façade (facing S. 28<sup>th</sup> Street): Zero shrubs
- West façade (facing S. 29<sup>th</sup> Street): 21 shrubs

The amount of foundation shrubs proposed for the apartment building does not meet planting standards stated above; therefore, the applicant shall update their plan to provide the required amount of shrubs plantings.

- d. All parking lot landscape islands shall be planted with at least one large deciduous shade tree and covered with grass, shrubs, or mulch.
- e. Not more than 10% of the landscape area shall be or inorganic material such as brick, stone, aggregate, river rock, metal, or artificial turf. Organic mulch may be used around trees and/or shrubs.
- f. All disturbed areas not used for buildings and/or off-street parking shall be seeded or sodded with grass turf.
- g. All landscaping shall be appropriately maintained and dead plant material(s) shall be replaced at a time appropriate to planting season but in all cases shall be replaced within six months.

D. **Architecture**

1. The architectural design for the townhomes consists of two-story buildings with a pitched roof, aluminum windows, recessed front entries, and rear loading garages that are accessible from adjacent surface parking lot. Building materials consist of a combination of cement fiberboard siding/panels, corrugated sheet metal cladding around each entry way, and asphalt shingles. Each townhome will be constructed with a residential appearance that is compatible with the adjacent neighborhoods. Mechanical units for the townhomes were not shown on the development plans. Any mechanical units that are clearly visible from an adjacent public rights-of-way shall be screened using landscaping, fencing, architectural features and/or combination thereof.

2. The apartment building will be an elongated three-story structure with a pitched roof and recessed walls to give the building an urban architectural appearance. Building materials consist of a combination of cement fiberboard siding/panels, corrugated sheet metal cladding on certain sections of the roof and building facades, asphalt shingles, and aluminum doors and windows. Patios will also be provided for several of the ground floor units. A shade structure will be located on the southerly façade adjacent to the main entrance of the apartment building. Information on the location mechanical units was not stated or shown in the submitted plans. The general layout, design, and materials for the apartment building is acceptable as shown; however the Community Development Department recommends that the following architectural enhancements be made to the building so that it integrates well with the vision of the West Broadway Corridor Plan and the adjacent 1<sup>st</sup> Avenue trail:
    - a. All mechanical units that are clearly visible from an adjacent public rights-of-way shall be screened using landscaping, fencing, architectural features, and/or combination thereof;
    - b. The shade structure shall be designed and constructed out of materials that are compatible with the apartment building;
    - c. Add an accentuated entrance that is clearly distinguishable on the lower level of the north side of the apartment building facing 1<sup>st</sup> Avenue. The entrance shall include one of the following design features: covered walkway, awning, canopy, projected and/or recessed building mass. A minimum five foot-wide sidewalk shall also be constructed that connects this entrance to the 1<sup>st</sup> Avenue trail. This entrance shall serve as the primary egress/ingress point on the lower level of the north side of the building;
    - d. Install balconies that are constructed out of metal framing and composite decking on all 2<sup>nd</sup> and 3<sup>rd</sup> floor units facing 1<sup>st</sup> Avenue and South 28<sup>th</sup> and South 29<sup>th</sup> Streets, at minimum;
    - e. Add dormers and/or parapet walls to break up the roofline and add visual interest to the building; and
    - f. Apply additional materials such as glass, stacked stone, masonry, and/or wood siding to the smaller façade “bump outs” add visual interest to the building.
  3. The architectural design of any accessory structures on-site shall be compatible with the general appearance of the apartment and townhome buildings.
- E. **Off-Street Parking**
1. The submitted development plan shows a total of 84 apartment units and ~~12~~ 16 two bedroom townhomes. The apartment floor plans show a mixture of unit types that consist of 6-studio apartments, 38-one bedroom apartments, 28-two bedroom apartments, and 15-three bedroom apartments.

Based on the standards stated in 15.23.060, *Parking spaces required* of the Council Bluffs Zoning Ordinance a minimum of ~~132.5~~ 141 parking stalls are required to accommodate parking for all apartment and townhome unit types in the development. The submitted plan show a total of ~~84~~ 86 surface parking lot stalls for the apartment building and ~~24~~ 16 garages parking stalls for the townhomes, which equates to 1.29 parking stall per apartment unit and ~~2 parking stalls per~~ 1 parking stall per ~~each~~ townhome unit.

~~Section 15.12, MCR/Mixed Commercial Residential District, of the Municipal Code (Zoning Ordinance) provides a less restrictive parking standard for properties located in areas of the city where there is access to multiple modes of transportation. The standard in the MCR District is a minimum of 1 parking stall per dwelling unit with an allowance of additional parking not to exceed 25% of the total number of required off-street parking stalls for a development.~~ While the proposed development is under-parked from a regulatory standpoint, the site is located within the West Broadway Corridor and has access to a different modes of transportation (e.g., public bus service, 1<sup>st</sup> Avenue trail, e-bikes, etc.) other than the personal automobile. Additionally, the property is located within a reasonable walking distance to nearby employment areas and commercial/retail uses along West Broadway and downtown Council Bluffs. ~~It's also anticipated that residents living in this development will have different work/life schedules and that parking will be available as needed. Based on these reasons the Community Development Department recommends a minimum of one off-street parking space per apartment and townhome unit be allowed for this project.~~

2. All parking/loading areas, driveways and drive aisles shall be design and constructed in accordance with Chapter 15.23, *Off-Street Parking, Loading and Unloading* of the Council Bluffs Zoning Ordinance.
  3. All off-street parking lots shall comply with the Parking for Persons with Disabilities Chapter of the Iowa Administrative Code.
  4. Bicycle parking shall be provided at a minimum rate of one-half space per dwelling unit. Bicycle parking may be provided indoors, outdoors, or combination thereof. Outdoor bicycle parking must be on a hard-surface and connected to the pedestrian/bicycle network.
  5. Landscaping within and along the perimeter of the parking lot shall be provided in accordance with the proposed landscaping plan.
- F. **Signage**
1. The submitted development plan did not include any information on attached and/or detached signage. Any future signage for the development shall comply with the standards stated in Section 15.33.160(03),

*PR/Planned Residential District Signs* of the Council Bluffs Zoning Ordinance.

G. **Utilities**

1. Sanitary and storm sewers are available in the adjacent rights-of-way to service the development.
2. Stormwater management is proposed to be handled through a combination of underground storage and shallow swales. The Council Bluffs Public Works Department stated the subject property is located within a developed watershed with an outfall to the Missouri River that occasionally is closed. The developer shall continue to work with the Public Works Department to create a stormwater management plan that addresses all City requirements.
3. Public water is available along 2<sup>nd</sup> Avenue and is partially available along South 28<sup>th</sup> and South 29<sup>th</sup> Streets; though it does extend far enough on either of these streets to service the apartment building. Council Bluffs Water Works stated a water main extension is necessary to fully service the entire development.
4. Natural gas, electricity, phone and cable television services are available and/or can be extended to service the development. Mid-American Energy has an overhead power lines along South 29<sup>th</sup> Street that may need to be relocated in order to accommodate the proposed development. All costs to relocate, modify and/or extend utilities to the subject property shall be the responsibility of the developer; unless a separate agreement between the developer and City is approved by City Council.
5. All utilities within the subject property shall be installed underground; and

**WHEREAS,** All City Departments and local utility companies were notified of the proposed request. The following comments were received:

Council Bluffs Public Works Department:

- A. Public Works noted the submittal of the geotechnical report, drainage study, and concept drawings. Public Works stated they will continue to work with the applicant and their project engineer concerning on all site improvements related to access, stormwater, and sanitary. The proposed development is within a developed watershed with an outfall to the Missouri River that occasionally is closed; therefore stormwater management for the site shall be addressed to the full extent for water quality and quantity. Public Works also commented they will not a License to Occupy for any porch, deck, balcony, etc. that encroaches into City rights-of-way.
- B. Council Bluff Water Works stated a water main extension will be necessary to fully service the development.

**WHEREAS,** The Community Development Department recommends approval to amend the adopted PR/planned residential development plan for property legally described as Block 12, Bryant and Clark's Addition, along with the vacated east/west alley Planning Case No. PR-16-003(M)

adjacent, City of Council Bluffs, Pottawattamie County, Iowa, subject to compliance with all comments and conditions stated in the staff report and the following:

- A. Any modifications to the approved development plan which substantially alters 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.

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

That these amendments to the adopted PR/planned residential development plan for property legally described as Block 12, Bryant and Clark’s Addition, along with the vacated east/west alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa, is hereby adopted and approved.

ADOPTED  
AND  
APPROVED

April 24, 2023.

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MATTHEW J. WALSH Mayor

Attest:

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JODI QUAKENBUSH City Clerk