Council Communication

Department: Community Development Department CASES #SUB-18-007 and #ZC-18-007 Applicant: Knudson Companies 29 South Main Street Council Bluffs, IA 51503 Owner: Wooded Lake Mobile Home Park, Limited LTD 6795 E. Tennessee Avenue Denver, CO 80224 Engineer: Schemmer Associates Matt Sutton 928 Valley View Drive, Suite 12 Council Bluffs, IA 51503-5288	Resolution No. _____ Ordinance No. _____	City Council: 5/21/18 Planning Commission: 5/8/18 Set Public Hearing: 5/21/18 Public Hearing: 6/11/18

Subject/Title

Request: Combined public hearing on the request of Knudson Companies to rezone part of the NE1/4 of Section 14-74-44, being more specifically described as commencing at the northeast corner of said Section 14; thence North 87°27'18" West, along the north line of said Section 14, for 244.50 feet to the point of beginning; thence South 01°58'18" West for 238.21 feet; thence along a line monumented by Kenny Dukes and recorded in Book 94 Page 23991, Pottawattamie County Recorder's, for the following five (5) courses: (1) South 80°51'52" West for 320.32 feet; (2) South 63°51'37" West for 380.00; (3) South 50°56'09" West for 557.02 feet; (4) South 01°35'22" West for 19.61 feet; (5) South 31°16'40" West for 180.52 feet; thence North 88°54'59" West, along the north line of Pelican Cove, for 723.22 feet; thence North 18°11'53" East, along the East line of Indian Creek right of way, for 536.52 feet; thence North 02°40'03" East, along the East line of Indian Creek right of way, for 535.05 feet; thence South 87°27'18" East, along the north line of said Section 14, for 1724.69 feet to the point of beginning, from R-1/Single-Family Residential District and R-3/Low Density Multi-Family Residential District to R-1/Single-Family Residential District and R-4/High Density Multi-Family Residential District along with preliminary plan approval for an 85-lot residential subdivision to be known as North Shore Subdivision. The Community Development Department expanded the request to include appending a PR/Planned Residential Overlay on proposed Lots 2 and 3, North Shore Subdivision.

Location: North of Lake Manawa.

Background/Discussion

The Community Development Department has received a rezoning and subdivision application from Knudson Companies for property commonly known as Wooded Lake Mobile Home Park, located on the north side of Lake Manawa. The property consists of 27.92 acres of land and was formerly operated as a mobile home park.

CASE #SUB-18-007: In 2013, the City Council granted the developer, All Remodeling, Inc., preliminary plan approval for a 103-lot residential cluster subdivision known as North Lake Village on the subject property (see Case #SUB-13-004). All Remodeling Inc. has since relinquished their interest in developing

North Lake Village. The applicant, Knudson Companies, now has a purchase agreement for the subject property and has proposed to develop an 85-lot residential subdivision, including eight outlots, to be known as North Shore Subdivision (see Attachments A and B). The subdivision will consists of 75 single-family residential lots, two-lots for multi-family residential construction, one outlot for stormwater management/community amenities, four open space outlots and three outlots for alley access to the proposed single-family lots. The subdivision will be developed in two phases. Phase one includes two multi-family lots (Lots 2 and 3), Outlot 1 (community amenity space) and Lots 4 through 13 which will be developed with single-family residential dwellings. Phase two includes all remaining single-family lots and outlots in the subdivision. The proposed subdivision will be fully served by utilities and include the dedication of public streets.

CASE #ZC-18-007: In 2013, the City Council approved a request by All Remodeling Inc. to rezone the subject property to R-1/Single-Family Residential District and R-3/Low Density Multi-Family Residential District (see Case #ZC-13-007). The applicant, Knudson Companies, has requested to rezone the property from R-1/Single-Family Residential District and R-3/Low Density Multi-Family Residential to R-1/Single-Family Residential District and R-4/High Density Multi-Family Residential District.

Comments

Preliminary Plan - Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, 'but is deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee and the final plat' (§14.11.060.04-Subdivision Ordinance). A final plat application for the first phase must be filed within one year of the date of action by the City Council. A request for extension may be made by the subdivider in writing prior to the expiration date. One year extensions are considered by the City Planning Commission.

1. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) as well as the purpose and intent of the Council Bluffs Municipal Code (Subdivision & Zoning Ordinances).
2. All proposed single-family residential lots with the exception of Lots 15, 16, 17, 64, 65, 66, 67 and 72 comply with the minimum R-1/Single-Family Residential District lot size requirements. All lots referenced above that do not comply must be modified to meet R-1 District size requirements prior to final plat approval.
3. Proposed Lot 2 contains 3.16 acres of land is planned to be developed with 120 multi-family dwellings units (apartments), see Sheet C1-03. Proposed Lot 3 contains 2.06 acres of land and is planned to be developed with 66 apartment units. The total number of apartment units planned to be developed on said Lots 2 and 3 complies with the site development standards stated in Section 15.11.050, *R-4/High Density Multi-Family Residential District* of the Municipal Code (Zoning Ordinance).
4. In 2013, the City Council approved a request by All Remodeling, Inc. to vacate a section of 42nd Avenue (shown as 1st Avenue on the submittal) located north of the Wooded Lake Mobile Home Park (see Case #SAV-13-007). Abutting property owners to the north/south of said vacated 42nd Avenue right-of-way were granted approval to purchase their portion of the abutting right-of-way. To date, none of the abutting property owners (including the applicant) have purchased their portion of said vacated 42nd Avenue right-of-way and it remains under City ownership. Proposed Outlot 85 along with of Lot 2 and Mallard Bay Drive right-of-way include a portion of said vacated 42nd Avenue right-of-way, which remains under City ownership.

5. Outlot 1 is proposed as a community amenity area and will also be utilized for stormwater management for this subdivision (see Sheet C1-03). Outlots 30, 35, 40 and 85 are proposed as open space for the subdivision. Outlots 48, 62 and 79 are proposed to be 20 foot-wide alleys that will be used to provide rear garage access to residential dwellings on the abutting lots. All proposed outlots

must be dedicated to a homeowner's association and maintained by the same.

6. The applicant proposes to construct the subdivision in two phases (see Sheet C0-03). The construction of temporary turn-arounds may be necessary where the phase of construction results in a dead-end street. The turn-arounds must be designed to accommodate emergency vehicles and shall be in accordance with Public Works and Council Bluffs Fire Department standards.
7. All lots within the subdivision will be serviced with utilities including: water, sanitary sewer, communications, electricity and natural gas. The applicant must coordinate with all providers to determine construction design. Any cost to relocate and/or remove existing utilities for the construction of this subdivision shall be at the sole expense of the applicant and not the City.
8. A water main extension agreement must be requested from the Council Bluffs Water Works. Additionally, the Council Bluffs Water Works has requested an easement between two of lots located south of Mallard Bay Drive to loop their water main. A recorded water main easement is located along the rear boundary of Lots 12, 13 and 14. The final plat shall include the easement location along with the recorded book and page number (Book 1422, Page 207).
9. The applicant must enter into an agreement with Mid-American Energy in order to extend electrical distribution facilities to the proposed subdivision. Mid-American Energy also stated they are required to obtain permit approval from the Army Corps of Engineers if they install new electrical distribution facilities within 500 feet of the Indian Creek levee. Mid-American Energy estimated the Corps permit approval process could take between 6-12 months.
10. Black Hills Energy (BHE) stated their existing gas line located between Lots 13 and 14 is critical to serving the residents in Pelican Cove and requested the applicant retain the current utility easement or provide them with a new dedicated easement in the same location.
11. Street lights shall be required in accordance with the Public Works Department standards at the expense of the applicant.
12. Easements shall be required for the installation of franchise utilities along ease side of each lot, and will be reviewed at the time of final plat submittal.
13. The Public Works Department provided the following comments for the proposed subdivision:
    a. The vacation of 42nd Avenue should be nullified as none of the abutting property owners have purchased their portion of the vacated ROW. Wright Road should be extended to the west of Natural Trail Drive. Mallard Bay Drive would become a subdivision entrance off of Wright Road. South 13th Street must be improved from Wright Road to Veterans Memorial Highway and could be used to provide a second entrance into the development. A sidewalk connection along South 13th Street to the existing trail on Veteran's Memorial Highway shall be provided;
    b. The development encroaches on the Indian Creek right-of-way and will require a U.S. Army Corps of Engineer 408 permit prior to construction;
    c. A sanitary sewer extension agreement (IDNR Schedule A thru D) is required and must be obtained by the applicant;
    d. Preliminary drainage study and post-construction stormwater management calculations noted;
    e. Storm sewer outlet into Lake Manawa must been approved by the Iowa Department of Natural Resources as the lake is on the impaired waters list;
    f. All infrastructure (paving, sanitary and storm sewer) shall be designed and constructed per SUDAS and City of Council Bluffs Supplemental Specifications;
    g. Sidewalks are required along both sides of all streets within the development. The meandering trail through Outlot 1 will work for the southeast side of Mallard Bay Drive if the access points are provided at street intersections;
    h. Topsail Lane could be a private driveway for the multi-family complex on Lots 2 and 3;
    i. The geotechnical report is noted. The final report shall contain all typical finds and recommendations for this development; and
    j. Groundwater elevation is noted. The design of the detention facility should take into account the fluctuating groundwater levels.

14. The Council Bluffs Fire Department (CBFD) stated that two separate fire department access roads must be provided to the subdivision, as required per the 2015 International Fire Code (IFC) Appendix D. CBFD further stated that the proposed access roads from South 11th and South 13th Streets do not qualify as two separate access roads due to their separation distance, as per the IFC. The applicant's engineer has proposed to provide an entrance onto West Shore Drive to comply with fire access requirements. Any easements and/or approvals from Iowa Department of Natural Resources to access West Shore Drive shall be the responsibility of the applicant and not the City. The applicant shall continue to work with the Council Bluffs Fire Marshal's office to provide appropriate fire access roads to this subdivision. All required access points shall be identified on the final plat.
15. Sidewalks are required along the frontage of every lot and outlot where it abuts a public right-of-way. Sidewalks shall be installed along the frontage of the outlot(s) at the time of street construction. Sidewalk along all residential lots shall be installed at the time each lot is developed. All sidewalk installation shall comply with the recent ADA standards for accessibility.
16. A request for a neighborhood identification sign has not been submitted. If an identification sign is planned it must be located outside of the public right-of-way and shown during final plat review. Any proposed sign is subject to review and issuance of a sign permit prior to installation.

Rezoning -

1. The subject property is split-zoned R-1/Single-Family Residential District and R-3/Low Density Multi-Family Residential District (see Attachment C). Surrounding zoning includes C-2/Commercial District to the north, R-1/Single-Family Residential District and A-1/Open Space Conservation District to the east and R-1/Single-Family Residential District to the south and west.
2. The applicant has proposed to rezone the subject property to R-1/Single-Family Residential District and R-4/High Density Multi-Family Residential District, as shown on Sheet C01-01.
3. Proposed Outlots 1, 30, 35, 40, 48, 62 and 79 will be zoned R-1/Single-Family Residential District and will be used for community amenity/open space.
4. Proposed Outlot 85 will be split-zoned R-1/Single-Family Residential District and R-4/High Density Multi-Family Residential District. The Community Development Department recommends the applicant modify the boundary for Outlot 85 so that it's zoned entirely R-1/Single-Family Residential District for consistency purposes.
5. Proposed Lots 4-29, 31-34, 36-39, 41-47, 49-55, 56-61, 63-78 and 80-84 will be zoned R-1/Single-Family Residential District. Each lot will be developed with one detached, single-family residential dwelling.
6. Proposed Lots 2 and 3 will be zoned R-4/High Density Multi-Family Residential District and will be developed with a combined total of 186 multi-family residential dwelling units (apartments). The intent of the R-4 District is to provide for development of high density multi-family housing. This district allows for a mixture of compatible uses with high density urban neighborhoods. This district is most appropriate in central areas of the community or in areas which have full services. The R-4 District has typically been applied to mixed residential/commercial projects that part of a larger "placemaking" development in the City (e.g., ArtSpace, River's Edge and Prime Square Apartments). Additionally, the City has typically required a PR/Planned Residential Overlay be adopted over properties with R-4 District zoning in order to ensure the design and intensity of the project is compatible with the surrounding areas. For such reasons, the Community Development Department expanded the rezoning request to include the adoption of a PR/Planned Residential Overlay for Lots 2 and 3 of the proposed subdivision. The PR Overlay will require the adoption of development plan for said lots and will address site development items such building architecture, setbacks, landscaping, buffering, signage, etc. The Community Development Department also recommends that the R-4 District zoning become active upon adoption of a development plan and the execution of a final plat for said Lots 2 and 3.

7. The Future Lane Use Plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) designates the subject property as High Density Residential (northerly area) and Medium Density Residential (southerly area). The requested rezoning is consistent with the Plan.
8. All property owners located within 200 feet of the proposed rezoning area were notified by direct mail. No comments have been received as of the date of this report.

Recommendation

The Community Development Department recommends:

1. Approval of an 85-lot residential subdivision to be known as North Shore, as shown on Attachment B, subject to the comments above and conditions below:
   a) Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, but is 'deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat'. (§14.11.060.04- Subdivision Ordinance).
   b) With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the applicant's responsibility.
   c) An erosion and sediment control along with a grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
   d) All utilities shall be located underground.
   e) Sidewalks shall be installed along the street frontage of each lot at no expense to the City, prior to issuance of a certificate of occupancy for each house. Sidewalk shall be installed along the frontage of all outlots at the time of street construction at no expense to the City.
   f) Proposed Lots 15, 16, 17, 64, 65, 66, 67 and 72 shall be modified to comply with the minimum R-1/Single-Family Residential District lot size requirements.
   g) The subdivision shall comply with all fire access requirements, as per the International Fire Code.
   h) Nullifying the vacation of 42nd Avenue (Case #SAV-13-007, Resolution No. 13-203) and rededicated the land area as a public right-of-way for an extension of Wright Road.
2. Approval of the request to rezone proposed Outlots 1, 30, 35, 40, 48, 62, 79 and 85 from R-1/Single-Family Residential District and R-3/Low Density Multi-Family Residential District to R-1/Single-Family Residential District.
3. Approval of the request to rezone proposed Lots 4-29, 31-34, 36-39, 41-47, 49-55, 56-61, 63-78 and 80-84 from R-1/Single-Family Residential District and R-3/Low Density Multi-Family Residential District to R-1/Single-Family Residential District.
4. Approval of the request to rezone proposed Lots 2 and 3 from R-1/Single-Family Residential District and R-3/Low Density Multi-Family Residential District to R-4/High Density Multi-Family Residential District, subject to the adoption of PR/Planned Residential Overlay. Said rezoning shall become effective upon adoption of a development plan and the execution of a final plat.

Public Hearing

Speakers in favor:

1. Mark McKeever, 5102 Ballard Circle, Council Bluffs, IA 51503

Speakers against: None.

Planning Commission Recommendation

1. The Planning Commission recommends Approval of an 85-lot residential subdivision to be known as North Shore, as shown on Attachment B, subject to the comments above and conditions below:

   a. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, but is 'deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat'. (§14.11.060.04- Subdivision Ordinance).

   b. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the applicant's responsibility.

   c. An erosion and sediment control along with a grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.

   d. All utilities shall be located underground.

   e. Sidewalks shall be installed along the street frontage of each lot at no expense to the City, prior to issuance of a certificate of occupancy for each house. Sidewalk shall be installed along the frontage of all outlots at the time of street construction at no expense to the City.

   f. Proposed Lots 15, 16, 17, 64, 65, 66, 67 and 72 shall be modified to comply with the minimum R-1/Single-Family Residential District lot size requirements.

   g. The subdivision shall comply with all fire access requirements, as per the International Fire Code.

   h. Nullifying the vacation of 42nd Avenue (Case #SAV-13-007, Resolution No. 13-203) and rededicated the land area as a public right-of-way for an extension of Wright Road.

2. Approval of the request to rezone proposed Outlots 1, 30, 35, 40, 48, 62, 79 and 85 from R-1/Single-Family Residential District and R-3/Low Density Multi-Family Residential District to R-1/Single-Family Residential District.

3. Approval of the request to rezone proposed Lots 4-29, 31-34, 36-39, 41-47, 49-55, 56-61, 63-78 and 80-84 from R-1/Single-Family Residential District and R-3/Low Density Multi-Family Residential District to R-1/Single-Family Residential District.

4. Approval of the request to rezone proposed Lots 2 and 3 from R-1/Single-Family Residential District and R-3/Low Density Multi-Family Residential District to R-4/High Density Multi-Family Residential District, subject to the adoption of PR/Planned Residential Overlay. Said rezoning shall become effective upon adoption of a development plan and the execution of a final plat.

VOTE: AYE 7 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 4 Motion: Carried

Attachment A: Letter of Intent/drainage report
Attachment B: North Shore preliminary subdivision plan
Attachment C: Zoning/location map

Prepared by: Christopher N. Gibbons, AICP, Planner