Council Communication

Department: Community Development Cases No. SUB-18-010 and PC-18-001 Applicant: Legacy CB, LLC 4717 Central Street Kansas City, MO 64112 Surveyor: Ehrhart Griffin & Associates c/o Bill White 142 West Broadway, Suite 136 Council Bluffs, IA 51503	Resolution No. Resolution No.	City Council: August 27, 2018 Planning Commission Meeting: August 14, 2018

Subject/Title

Request: Combined public hearing on the request of Legacy CB, LLC for final plat approval of six-lot commercial subdivision to be known as The Marketplace, Replat 3, legally described as being a replat of Lots 1 and 2, The Marketplace Replat 2, and to amend the adopted planned commercial development plan for the Marketplace Subdivision.

Location: Southeast corner of Interstate 80/29 and South 24th Street.

Background/Discussion

The Community Development Department has received the following requests from Legacy CB, LLC, represented by Bill White of Ehrhart Griffin and Associates, relative to The Marketplace Place shopping center located at the southwest corner of Interstate 80/29 and South 24th Street:

a. Replat Lots 1 and 2, The Marketplace Replat 2 into a six-lot commercial subdivision to be known as The Marketplace, Replat 3.

b. Amend the adopted planned commercial development plan for The Marketplace Subdivision relative to landscaping, building setbacks, lot coverage, and shared parking/driveways for proposed Lots 1-6, The Marketplace, Replat 3.

CASE #SUB-18-010

The applicant, Legacy CB, LLC, is requesting approval to replat Lots 1 and 2, The Marketplace, Replat 2 into a six-lot commercial subdivision to be known as The Marketplace, Replat 3. Resolution No. 07-195 approved the final plat for The Marketplace on April 23, 2007; Resolution No. 13-255 approved the final plat for The Marketplace, Replat 1 on October 14, 2013; and Resolution No. 16-163 approved the final plat for The Marketplace, Replat 2, on June 27, 2016.

The purpose of the replat is to allow the applicant to address changing market conditions/demands for small to medium size retail spaces (see Attachment A). The applicant proposes to replat the land where the junior tenant spaces are located between the At-Home Store and JcPenny into five commercial lots and one shared parking/stormwater lot (Attachment B). Each lot will contain one to three commercial bays. Proposed Lot 1 will contain the commercial space where VF Outlet is located. Proposed Lot 2

will contain the commercial space where Boot Barn and Party City are located. Proposed Lot 3 is currently undeveloped. Proposed Lot 4 will contain the commercial space where Petco and Shoe Carnival are located. Proposed Lot 5 will contain the commercial space where Jo-Ann Fabrics is located. Proposed Lot 6 will contain existing circulation paths, shared off-street parking, and drainage. The proposed replat does not require extensions or changes to existing utilities or access roadways. Final plats are approved by City Council after a public hearing.

Private roads, which connect to public streets at South 24th Street and 34th Avenue, serve The Marketplace. The approved Marketplace final plat included ingress/egress easements as well as easements for water, utilities and storm and sanitary sewers. Those easements continue with the replat. All lots will be served through those easements.

The proposed replat is consistent with the Bluffs Tomorrow: 2030 Plan and the purpose and intent of the Subdivision and Zoning Ordinances and the Planned Commercial Development Plan adopted with the previous subdivision actions.

CASE #PC-18-001

The Marketplace Subdivision planned commercial development plan was approved by City Council via Resolution No. 07-27 on January 8, 2007 (see Attachment C). Resolution No. 07-191 amended the development plan relative to signage on April 23, 2007. Resolution No. 13-242 amended the development plan relative to signage, and building orientations on September 23, 2013. Resolution No. 17-142 amended the development plan relative to attached wall signage on June 26, 2017.

The applicant, Legacy CB, LLC, is requesting approval to amend The Marketplace Subdivision planned commercial development plan relative to Lots 1 through 6, inclusive of The Marketplace, Replat 3. The purpose of these amendments is to establish design standards for landscaping, building setbacks, and building lot coverage that are compatible and proportional to the new lots being created because of The Marketplace Replat 3. The proposed amendments to Resolution 07-27, are as follows:

1) Reducing the percentage of required landscaping from 10% to 4.5% for proposed Lot 5, The Marketplace Replat 3 (Section 2, Item "G')
2) Changing of the location of where the required six foot-wide strip of landscaping can be placed on proposed Lots 1 through 5, The Marketplace Replat 3 (Section 2, Item "I")
3) Reducing the side yard setbacks from 10 feet to 0 feet for proposed Lots 1 through 5, The Marketplace, Replat 3 (Section 4, Item "A")
4) Increasing the lot coverage from 40% to 50% for proposed Lots 1 through 5, The Marketplace Replat 3 (Section 4, Item "H")
5) Clarifying that cross access ingress/egress easements were established on The Marketplace Subdivision final plat (Book 2007, Page 011286) to accommodate shared parking and circulation throughout the development.

CURRENT ZONING & LAND USE

The subject property is zoned Planned Commercial, within the RO/Recreation-Tourism Overlay District. The current zoning is consistent with the proposed development. The land to the east is zoned R-1M/Single Family Manufactured Housing District. Bluffs Regency and Bluffs Acres lie within that zoning district. The property located immediately south of the development is zoned I-2/General Industrial District. The land to the west is zoned A-2/Parks, Estates and Agricultural District. The Western Historic Trails Center entrance lies directly to the west.

The future land use plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) designates the subject property as Regional Commercial.

CITY DEPARTMENTS AND UTILITIES – The appropriate City departments and utilities have reviewed the proposed replat and planned commercial development plan amendments with comments incorporated below.

Council Bluffs Building Permits and Inspection Division stated the developer is completing the building alterations (firewalls) to address the property line deficiencies during construction. No other comments at this time.

Council Bluffs Public Works stated they have no comments for the replat.

Council Bluffs Fire Department stated they have no comments for the request.

Council Bluffs Community Development Department provided the following comments:

Case #SUB-18-010:

1. Label all Marketplace Subdivision names and their associated lots on the final plat (e.g., Lot 2, The Marketplace).
2. Label the acreage total for each lot included in The Marketplace, Replat 3.
3. All utilities shall be installed underground.

Case #PC-18-001

Section 2 – Landscaping

a. Section 2, Item "G" states "*Not less than 10% of the total lot area shall be landscaped with trees, shrubs and other plant material*". As constructed, proposed Lots 1, 2, 4 and 6, The Marketplace, Replat 3 meet this requirement through existing landscaping and buffer areas. New construction on proposed Lot 3, The Marketplace, Replat 3 will comply with the 10% landscaping requirement as part of their site design. However, proposed Lot 5, The Marketplace, Replat 3 will not comply the 10% landscaping requirement due to existing building construction and proposed lot configuration. This lot will contain approximately 4.5% landscaping as opposed to the required 10%. The Community Development Department is not opposed to the reduced landscape percentage for proposed Lot 5, The Marketplace Replat 3 based on hardship reasons state above.

b. Section 2, Item "I" states "*A strip of landscaping averaging at least six feet in depth shall be located adjacent to all buildings with the exception of the entrance areas*". The existing landscaping on proposed Lots 1, 2, 4, and 5, The Marketplace, Replat 3 are located along the front property line, at the back of curb, and are not adjacent to existing buildings. Proposed Lot 3, The Marketplace Replat 3 is undeveloped at this time. The applicant has requested to modify the language of this section to allow the existing landscaping on proposed Lots 1, 2, 4, and 5 to remain in their current location and for new construction on proposed Lot 3, The Marketplace Replat 3 to be allowed to install their landscaping along their frontage, as opposed to being adjacent to the building. The Community Development Department is not opposed to the requested change due to the placement of existing landscaping on proposed Lots 1, 2, 4, and 5, The Marketplace Replat 3.

Section 4 – Site Development

c. Section 4, Item "A" states "*Minimum setback requirements for all structure shall be: Front 20 feet, rear 15 feet, interior side 10 feet, and street side 15 feet*". The current front and rear setback standards will remain unchanged for all lots in The Marketplace, Replat 3. The

applicant has proposed a zero side yard setback along the interior lot lines since the existing structures on proposed Lots 1, 2, 4 and 5, The Marketplace Replat 3 are constructed as attached commercial buildings with shared sidewalls. The applicant is in the process of constructing new fire separation walls between buildings that have a shared property line. The Community Development Department is not opposed to the zero side yard setback for proposed Lots 1 through 5, The Marketplace Replat 3 since all buildings in this replat are (or will be) attached to another structure, thus eliminating the need for a side yard setback.

d. Section 4, Item "H" states "*Not more than 40% of any lot shall be covered with structures...*". The applicant has proposed to increase the lot coverage on proposed Lots 1 through 5, The Marketplace, Replat 3 from 40% to 50%. The purpose of this request is to accommodate the existing building footprints on Lots 1, 2, 4, and 5, The Marketplace, Replat 3 without having to modify the size of the proposed lots and include areas of Lot 6, The Marketplace, Replat 3, which is reserved for shared parking/driveway access. The Community Development Department is not opposed to this request as it will prevent the applicant from having to extend the front property line for proposed Lots 1 through 5, The Marketplace Replat 3 into the shared driveways/parking areas in proposed Lot 6, The Marketplace Replat 3.

Section 5 – Parking

e. Section 5, Item "B" states "*The developer shall be responsible to develop cross access and ingress/egress easements to be recorded with the final plat to accommodate shared parking and driveways'.* The applicant provided clarification that The Marketplace Subdivision platting in 2007 established ingress/egress easements throughout the development for proper campus circulation. Cross-parking agreements are also handled through current, and soon to be amended, R.E.I. according to the applicant. No changes to the circulation or parking conditions are proposed with this replat or amended development plan. The Community Development Department duly noted this clarification statement by applicant and finds that the ingress/egress easements on The Marketplace Subdivision final plat, as recorded in Book 2007, Page 011286, satisfies this requirement. No change to the adopted development plan is needed at this time regarding cross access and ingress/egress easements.

All other standards in the adopted planned commercial development plan for the Marketplace Subdivision, including the amendments adopted by Resolution No. 07-191 on April 23, 2007; Resolution No. 13-242 on September 23, 2013; and Resolution No. 17-142 on June 26, 2017 shall apply to Lots 1 through 6, The Marketplace, Replat 3.

Mid-American Energy Company stated all of their primary conductors, transformers, and primary enclosures for their utilities shall be protected by an easement. The applicant's engineer contacted Mid-American Energy and verified that the proposed easements are sufficient in size and location to protect their existing electrical utilities in the replat.

Recommendation

The Community Development Department recommends the following:

1. Final plat approval of a six-lot commercial subdivision to be known as The Marketplace, Replat 3, legally described as being a replat of Lots 1 and 2, The Marketplace Replat 2, as shown in Attachment 'B', subject to the following conditions:
   a. Prior to executing the final plat, any corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat document.
   b. All utilities shall be installed underground

c. Final plats must be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director.

2. Approval for the proposed amendments to the adopted planned commercial development plan of The Marketplace Subdivision, relative only to Lots 1 through 6, The Marketplace Replat 3, based on comments and conditions set forth, as follows:
   a. Approval to reduce the percentage of required landscaping from 10% to 4.5% for proposed Lot 5, The Marketplace Subdivision, Replat 3, as presented;
   b. Approval to allow the required six foot-wide strip of landscaping to be placed along the front property line, at the back of curb, on proposed Lots 1 through 5, The Marketplace Replat 3, as presented;
   c. Approval to reduce the side yard setbacks from 10 feet to 0 feet for proposed Lots 1 through 5, The Marketplace Replat 3, as presented;
   d. Approval to increase the maximum lot coverage from 40% to 50% for proposed Lots 1 through 5, The Marketplace Replat 3, as presented; and
   e. No action on the clarification statement that cross access and ingress/egress easements were established on proposed Lot 6, The Marketplace Replat 3 with the original Marketplace Subdivision final plat, as recorded in Book 2007, Page 011286.

Public Hearing

Speakers in favor:

1. Bill White, Ehrhart Griffin and Associates, 142 West Broadway, Suite 136, Council Bluffs, IA 515503

Speakers against: None.

Planning Commission Recommendation

The Planning Commission recommends approval of the following:

1. Final plat approval of a six-lot commercial subdivision to be known as The Marketplace, Replat 3, legally described as being a replat of Lots 1 and 2, The Marketplace Replat 2, as shown in Attachment 'B', subject to the following conditions:
   a. Prior to executing the final plat, any corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat document.
   b. All utilities shall be installed underground.
   c. Final plats must be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director.

2. Approval for the proposed amendments to the adopted planned commercial development plan of The Marketplace Subdivision, relative only to Lots 1 through 6, The Marketplace Replat 3, based on comments and conditions set forth, as follows:
   a. Approval to reduce the percentage of required landscaping from 10% to 4.5% for proposed Lot 5, The Marketplace Subdivision, Replat 3, as presented;
   b. Approval to allow the required six foot-wide strip of landscaping to be placed along the front property line, at the back of curb, on proposed Lots 1 through 5, The Marketplace Replat 3, as presented;
   c. Approval to reduce the side yard setbacks from 10 feet to 0 feet for proposed Lots 1 through 5, The Marketplace Replat 3, as presented;
   d. Approval to increase the maximum lot coverage from 40% to 50% for proposed Lots 1 through 5, The Marketplace Replat 3, as presented; and

e. No action on the clarification statement that cross access and ingress/egress easements were established on proposed Lot 6, The Marketplace Replat 3 with the original Marketplace Subdivision final plat, as recorded in Book 2007, Page 011286.

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

Attachment A: Letter of intent and associated maps
Attachment B: The Marketplace, Replat 3 final plat
Attachment C: Copy of Resolution No. 07-27, adopted on January 8, 2007

Surveyor: Ehrhart Griffin & Associates – Bill White – 142 W. Broadway, Council Bluffs, IA 51503

Prepared by: Christopher N. Gibbons, AICP, Planning Coordinator

CHRISTOPHER GIBBONS
COUNCIL BLUFFS COMMUNITY DEVELOPMENT
CITY HALL
209 PEARL
COUNCIL BLUFFS, IA 51503

Re: The Marketplace on South 24th Street

July 18, 2018

Honorable Mayor, City Council Members, Planning Commission Members and Director and Planners of Community Development,

During the last several years the commercial retail environment has been transitioning in regards to space ownership and development investment. Primarily in the medium to small retail box environment. More businesses desire to own their space or several small spaces instead of leasing.

As "The Marketplace" was developed in a time with a different ownership environment, we see the need to adapt as well as possible in order to compete with in today's market. We are proposing to take a segment of the planned adjoining buildings and divide them into separate lots. These lots will contain one to three individual commercial bays. These lots will start roughly 20 feet or more west of the existing structures and extend easterly to the easternmost boundary line of the original development. We will be replatting two very large lots into six lots. Five lots will be "marketable" retail lots. The sixth, will hold a majority of the circulation, parking and drainage for the entire campus.

The general layout and concept remains, for the most part, unchanged. However, we need to define smaller lots around several of the existing attached small box units to accommodate this new ownership environment. To accomplish this, we need to make several structural and textual agreement changes.

The physical changes are: we must construct additional interior walls and address openings between units we wish to place property lines between. The current building and fire codes specify certain conditions and ratings that the walls, as constructed, do not meet when it comes to division by property lines. The construction plans to remedy this have been submitted, and as of the writing of this letter, nearly through the review/approval process. We have a contractor ready to start the renovations.

The textual changes are to the R.E.I. between existing and future owners within the development. Other changes are to the agreement initially drafted with the City of Council Bluffs in 2006 and passed as Resolution 07-27. A majority of those items and subitems within the resolution will not be amended. Those items being amended will only be changed to affect these specific new lots, and not the rest of the properties comprising the balance of the campus. The new lots needing these amendments are in a proposed subdivision replat. They are lots 1 through 5, inclusive of The Marketplace Replat 3. There is a sixth lot in this replat, however, it contains only circulation, parking and drainage, and no areas reserved for building construction.

Below is a detailed explanation of the amendments we are requesting. Again, other than these few items, the new configuration of this portion of the campus is subject to all other previous agreement language, including access, parking and signage, relevant to only this campus "The Marketplace".

ATTACHMENT A

In Resolution 07-27, amendments to:

Section 2, Item "G" – 10% of each lot must be landscaped. As constructed, proposed lots 1, 2, 4 and 6 meet this requirement. New construction on lot 3 will adhere to this requirement. However, Lot 5 as proposed around existing construction does not meet this requirement. It will contain approximately 4.5%. Campus-wise, there is no change. Only that a small landscaped area is being confined within proposed Lot 5.

Section 2, Item "I" – 6 feet deep (wide) landscaped area adjacent to all buildings. In these proposed lots, there are existing landscaped areas. These areas are not adjoining the existing buildings but are along the curb line near the front of each lot and structure. The only deviation from the verbiage in the original Resolution is that new construction will mimic the existing pattern of construction for the landscaped areas. The existing landscaped areas are within the confines of the proposed lots.

Section 4, Item "A" – Setbacks. The current front setback or 20 feet and the rear setback of 15 feet, will remain unchanged. The side setbacks for these proposed 5 lots will be changed to allow for 0 (zero distance) feet, or adjoining buildings.

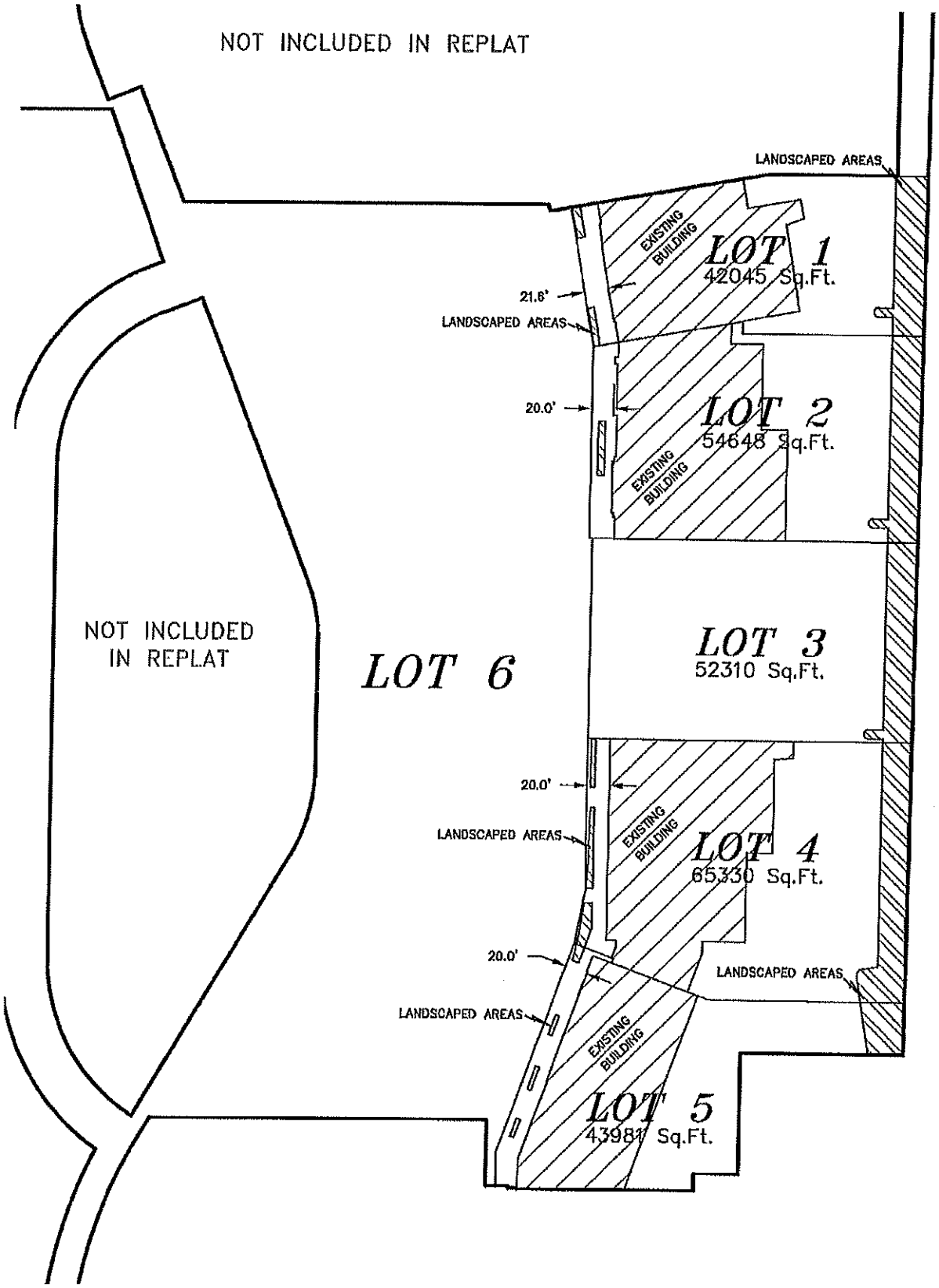
Section 4, Item "H" – Structure Coverage. The original building-to-lot coverage was limited to 40% of the lot area. The coverage we are requesting for the proposed lots 1 through 5, with and without existing structures, is 50%. This does not reflect a change in the coverage for the campus as-a-whole, only how we have defined the proposed lot lines.

Section 5, Item "B" – Shared Parking & Driveways. The original platting established ingress/egress easements throughout the development for proper campus circulation. The cross-parking agreements are handled within the current, and soon to be amended R.E.I. No changes to the circulation or parking conditions are proposed.

Thank you for your time and the consideration of this request.

Bill White, Ehrhart Griffin & Associates
For: Legacy CB LLC
Heather Trower, CCIM
Chief Development Officer
Legacy Development

EXHIBIT "A"

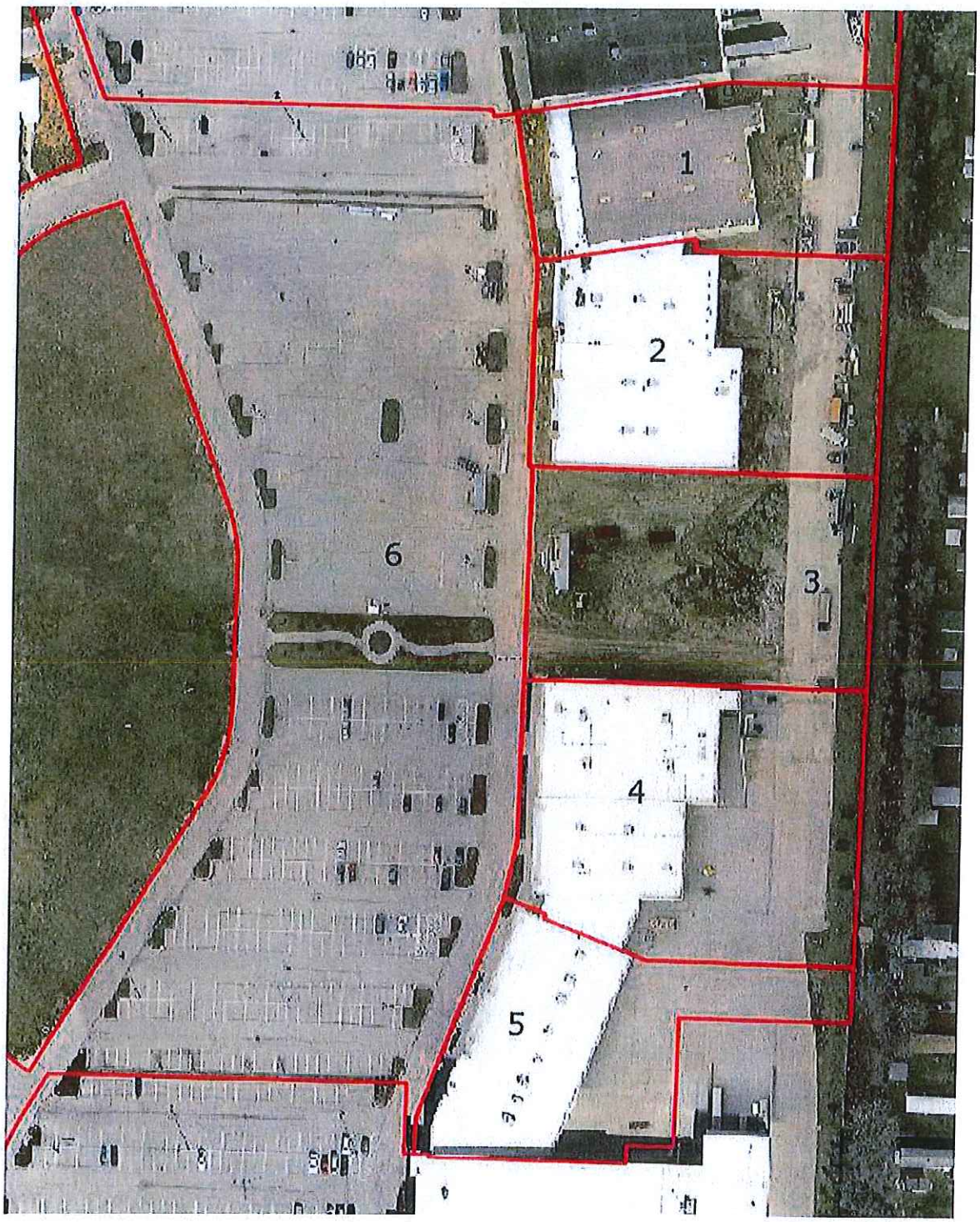


ATTACHMENT A

EXHIBIT "B"



EXHIBIT "C"



ATTACHMENT A

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION
CASES #SUB-18-010 & PC-18-001 LOCATION/ZONING MAP

Map Legend

- CASES #SUB-18-010 & PC-18-001 Subject Property
- Parcels

0 200 400

1 Inch = 400 Feet

2016 Aerial Photograph



Note: Subject properties are highlighted in red.

Last Amended:7/19/18

Council Bluffs Community Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328.4629

DISCLAIMER

This map is prepared and compiled from City documents, plans and other public records data. Users of this map are hereby notified that the City expressly denies any and all responsibilities for errors, if any, in the information contained on this map and the misuse of the same by the user or anyone else. The user should verify the accuracy of information/data contained on this map before using it. The City assumes no legal responsibility for the information contained on this map.



THE MARKETPLACE REPLAT 3

CONTAINING LOTS 1, 2, 3, 4, 5 AND 6,
BEING A REPLAT OF LOTS 1 AND 2,
THE MARKETPLACE REPLAT 2,
POTTAWATTAMIE COUNTY, IOWA

LEGAL DESCRIPTION:

THE MARKETPLACE REPLAT 3, CONTAINING LOTS 1, 2, 3, 4, 5 AND 6, BEING A REPLAT OF LOTS 1 AND 2, THE MARKETPLACE REPLAT 2, AS SURVEYED, PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA, CONTAINING 16.5042 ACRES (005,042 S.F.), MORE OR LESS.

STANDARD UTILITY EASEMENTS

ALL UTILITY EASEMENTS WERE PREVIOUSLY DEDICATED ON THE ORIGINAL PLAT "THE MARKETPLACE" AND ARE EITHER SHOWN OR NOTED HEREON OR ON SHEETS 2 OR 3 OF THIS SUBDIVISION PLAT.

SURVEYOR'S NOTES:

1. ALL LOT LINES ARE NON-RADIAL TO CURVED STREET LINES UNLESS NOTED.
2. DISTANCES SHOWN ALONG A CURVE ARE ARC DISTANCES UNLESS NOTED OTHERWISE.
3. 5/8" X 30" (IRON PINS) WITH ALUMINUM CAPS STAMPED #11416 HAVE BEEN SET AT THE CORNERS OF ALL LOTS, STREETS, ANGLE POINTS,AND THE TERMINAL POINTS OF ALL CURVES, AND CUT "X"s IN THE CENTER OF ALL CUL-DE-SACS.

CERTIFICATIONS AND APPROVALS

WE HEREBY CERTIFY THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUS WITH THE FINAL PLAT:

A. ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, (THE PROPERTY HEREON IS SUBJECT TO EXISTING COVENANTS AND RESTRICTIONS.)

B. STATEMENT OF MORTGAGE HOLDER, IF ANY, THAT THE PLAT IS PREPARED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE MORTGAGE HOLDER, AND ISSUED A PARTIAL RELEASE FOR ALL AREAS CONVEYED TO THE GOVERNING BODY OR DEDICATED TO THE PUBLIC.

C. TITLE OPINION LETTER OF ATTORNEY.

D. CERTIFIED RESOLUTION OF EACH GOVERNING BODY AS REQUIRED BY IOWA CODE SEC. 354.8

WE HEREBY CERTIFY THAT WE WILL MEET ALL EQUAL OPPORTUNITY AND FAIR HOUSING OBJECTIVES CONSISTENT WITH FEDERAL, STATE AND LOCAL GUIDELINES.

LEGACY CU LLC DATE

COMMUNITY DEVELOPMENT

APPROVED BY DIRECTOR, COMMUNITY DEVELOPMENT, BRANDON GARRETT DATE

CITY COUNCIL:

APPROVED BY MAYOR, MATTHEW J WALSH DATE

ATTESTED TO BY:

CITY CLERK, JODI QUAKENBUSH DATE

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

I, _____ THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN THE MARKETPLACE REPLAT 2, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

TREASURER OF POTTAWATTAMIE COUNTY, LEA A. VOSS DATE

GENERAL INGRESS/EGRESS AND CIRCULATION EASEMENTS, AND ELECTRICAL AND OTHER WIRE TRANSMISSION UTILITES EASEMENTS

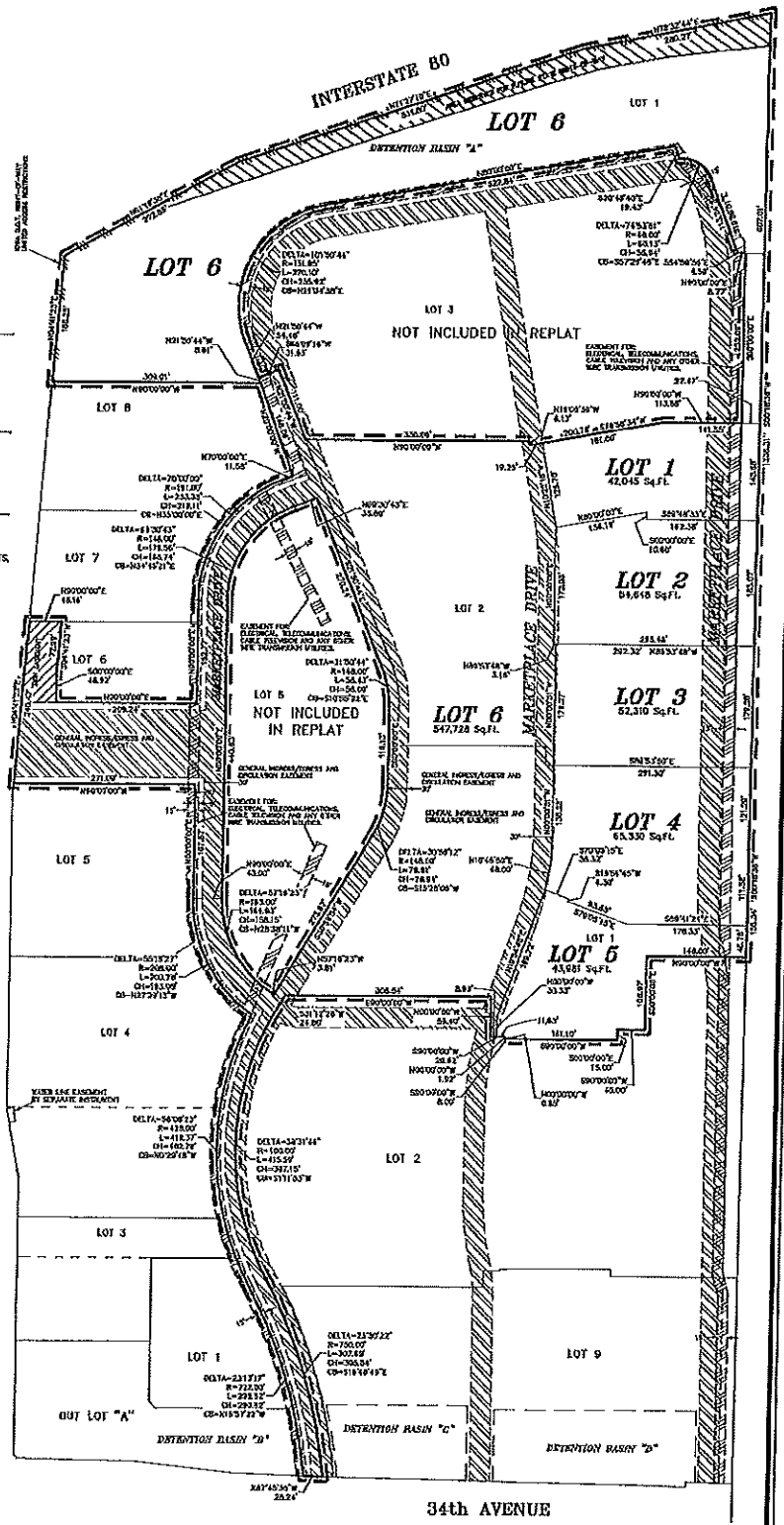
ADDITIONAL EASEMENTS FOR GAS, WATER STORM AND SANITARY SEWERS CAN BE FOUND ON SHEET 2 and 3 OF 3

EASEMENT KEY

SHEET 1 OF 3 ONLY

- ELECTRICAL, TELECOM, CTV, & OTHER WIRE TRANSMISSION
- GENERAL INGRESS/EGRESS & CIRCULATION
- SIGN EASEMENT

NORTH
SCALE 1" =120'



LAND SURVEYOR'S CERTIFICATE

LICENSED LAND SURVEYOR
MARK E. EHRHART
11416 LS
IOWA

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

MARK E. EHRHART DATE:
LICENSE NO. 11416
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019.
PAPER OR SHEETS COVERED BY THIS SEAL:
SHEETS 1, 2 AND 3 OF 3

THE MARKETPLACE REPLAT 3
FINAL PLAT
COUNCIL BLUFFS, IOWA

EHRHART GRIFFIN & ASSOCIATES
142 West Broadway
Suite 136
Council Bluffs, IA 51503
712 / 258-5248

- ENGINEERING
- PLANNING
- LAND SURVEYING

REVISIONS			
NO.	DESCRIPTION	DATE	BY

DESIGNED BY: CHECKED BY: MAW
DRAWN BY: MAW DATE: 7/13/18 CREW:

PROJECT NO. EGA171248
SHEET NO. 1 OF 3

ATTACHMENT B

THE MARKETPLACE REPLAT 3

CONTAINING LOTS 1, 2, 3, 4, 5 AND 6,
BEING A REPLAT OF LOTS 1 AND 2,
THE MARKETPLACE REPLAT 2,
POTTAWATTAMIE COUNTY, IOWA

DEDICATION:

KNOW ALL PEOPLE OF THESE PRESENTS: THAT LEGACY CB LLC BEING THE SOLE OWNER AND PROPRIETOR OF THE LAND DESCRIBED IN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED, WITH OUR FREE CONSENT AND IN ACCORD WITH OUR DESIRE, THE SAME TO BE SUBDIVIDED INTO LOTS AS SHOWN AND TO BE KNOWN AS

THE MARKETPLACE REPLAT 3

CONSISTING OF LOTS 1, 2, 3, 4, 5 AND 6,

AND SAID LEGACY CB LLC DOES HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT AND SAID LEGACY CB LLC DOES NOTE THAT ALL LOTS (1, 2, 3, 4, 5 AND 6) ARE SUBJECTED TO ALL EASEMENTS AND CONDITIONS AS DEDICATED AND RECORDED WITH THE ORIGINAL SUBDIVISION PLAT "THE MARKETPLACE" (BOOK 2007, PAGE 011286). FOR CLARITY, EASEMENTS ARE GROUPED AND SHOWN ON SHEETS 1, 2 AND 3 OF 3.

EASEMENTS AND CONDITIONS REFERENCED ARE AS FOLLOWS BUT NOT LIMITED TO:

ERECTION OF STRUCTURES PROHIBITED: LEGACY CB LLC, OR IT'S SUCCESSORS OR ASSIGNS SHALL NOT ERECT ANY STRUCTURE OVER OR WITHIN THESE EASEMENT AREAS WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.

CHANGE OF GRADE PROHIBITED: LEGACY CB LLC, OR IT'S SUCCESSORS OR ASSIGNS SHALL NOT CHANGE THE GRADE ELEVATION, OR CONTOUR OF ANY PART OF THESE EASEMENT AREAS WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.

RIGHT OF ACCESS: CITY SHALL HAVE THE RIGHT OF ACCESS TO THE EASEMENT AREAS AND HAVE ALL RIGHTS OF INGRESS AND EGRESS REASONABLY NECESSARY FOR THE USE AND ENJOYMENT OF THE EASEMENT AREAS AS HEREIN DESCRIBED.

REMOVAL AND REPLACEMENT: THE COST OF REMOVAL AND REPLACEMENT OF ANY UNAUTHORIZED IMPROVEMENT OR STRUCTURES WITHIN THE EASEMENT AREAS, NECESSITATED BY THE EXERCISE OF THE RIGHTS UNDER THIS DEDICATION, SHALL BE BORNE BY THE SAID LEGACY CB LLC OR IT'S SUCCESSORS OR ASSIGNS.

SURFACE RESTORATION: CITY'S LIABILITY TO RESTORE THE SURFACE WITHIN THE EASEMENT AREAS SHALL BE LIMITED ONLY TO GRADING AND SEEDING.

DUTY TO REPAIR: CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, YARD OR OTHER IMPROVEMENTS OUTSIDE OF THE EASEMENT AREAS 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 THE SAID LEGACY CB LLC OR IT'S SUCCESSORS OR ASSIGNS.

EASEMENTS RUN WITH THE LAND: THESE EASEMENTS SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON LEGACY CB LLC, OR IT'S SUCCESSORS OR ASSIGNS.

IN WITNESS WHEREOF WE DO HEREUNTO SET OUR HANDS,

THIS _____ DAY OF _____, 20___ A.D.

_____
FOR: LEGACY CB LLC

ACKNOWLEDGEMENT TO DEDICATION

STATE OF _____ }
COUNTY OF _____ }

ON THIS _____ DAY OF _____, 20___,
BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME,

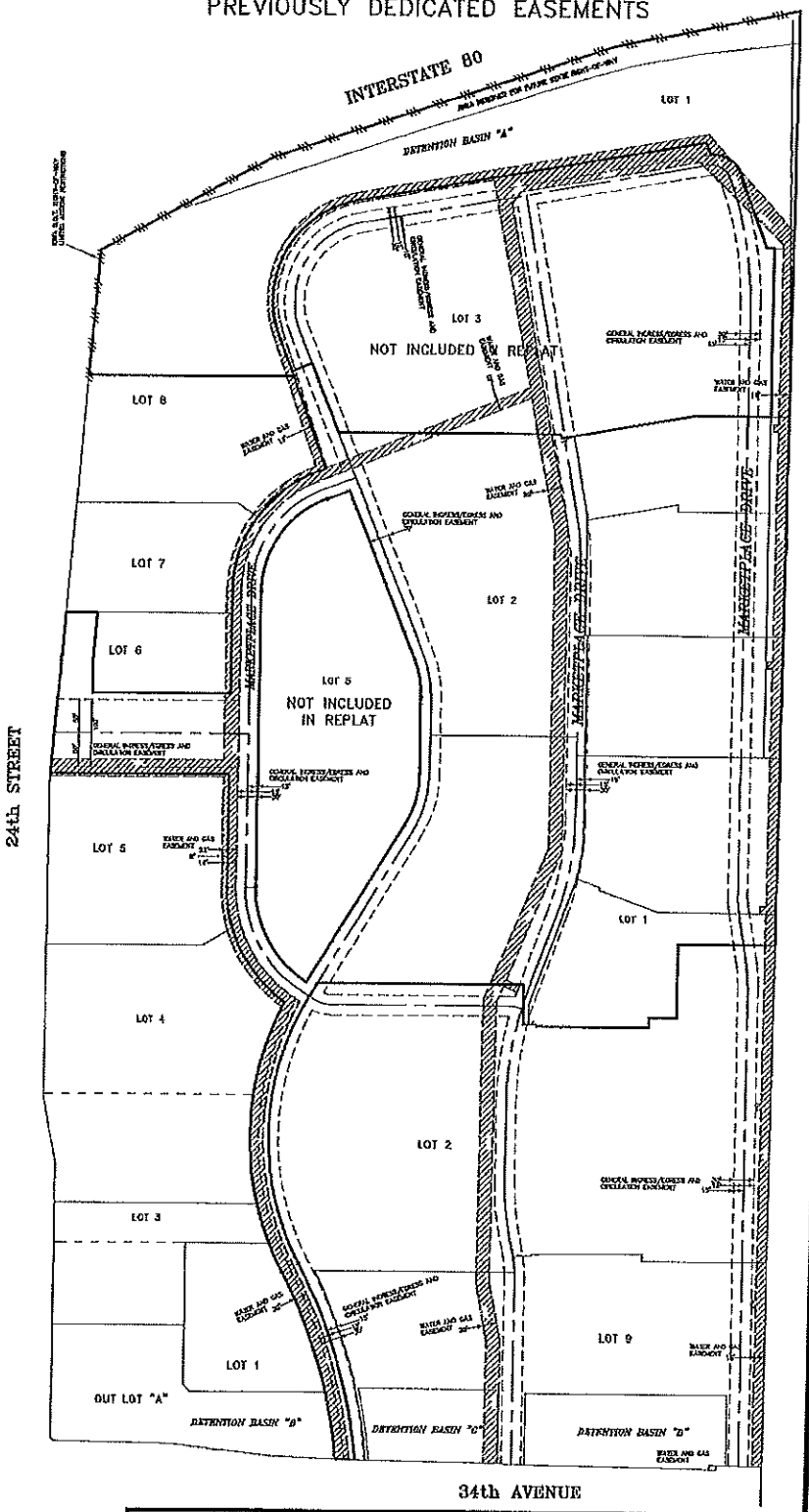
_____

AS MEMBER OF LEGACY CB LLC, PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE ABOVE DEDICATION, AND HE/SHE ACKNOWLEDGES THE EXECUTION THEREOF TO BE HIS/HER VOLUNTARY ACT AND DEED AS SUCH MEMBER, AND VOLUNTARY ACT AND DEED OF SAID LEGACY CB LLC.

WITNESS MY HAND AND NOTARIAL SEAL AT _____

_____ _____
NOTARY PUBLIC DATE

PREVIOUSLY DEDICATED EASEMENTS



NORTH
SCALE 1" =120'

GENERAL INGRESS/EGRESS AND CIRCULATION EASEMENTS, AND WATER AND GAS EASEMENTS

ADDITIONAL EASEMENTS FOR GENERAL INGRESS/EGRESS AND CIRCULATION EASEMENTS, AND ELECTRICAL AND OTHER WIRE TRANSMISSION UTILITIES EASEMENTS CAN BE FOUND ON SHEET 1 AND 3 OF 3

EASEMENT KEY
SHEET 2 OF 3 ONLY

GENERAL INGRESS/EGRESS & CIRCULATION

WATER & GAS

THE MARKETPLACE REPLAT 3
FINAL PLAT
COUNCIL BLUFFS, IOWA

EHRHART GRIFFIN & ASSOCIATES
142 West Broadway
Suite 136
Council Bluffs, IA 51503
712 / 256-5248

- ENGINEERING
- PLANNING
- LAND SURVEYING

REVISIONS			
NO.	DESCRIPTION	DATE	BY

DESIGNED BY:
DRAWN BY: MAW
CHECKED BY: MAW
DATE: 7/13/18
CREW:

PROJECT NO.
EGA171248

SHEET NO.
2 OF 3

THE MARKETPLACE REPLAT 3

CONTAINING LOTS 1, 2, 3, 4, 5 AND 6,
BEING A REPLAT OF LOTS 1 AND 2,
THE MARKETPLACE REPLAT 2,
POTTAWATTAMIE COUNTY, IOWA

PREVIOUSLY DEDICATED EASEMENTS

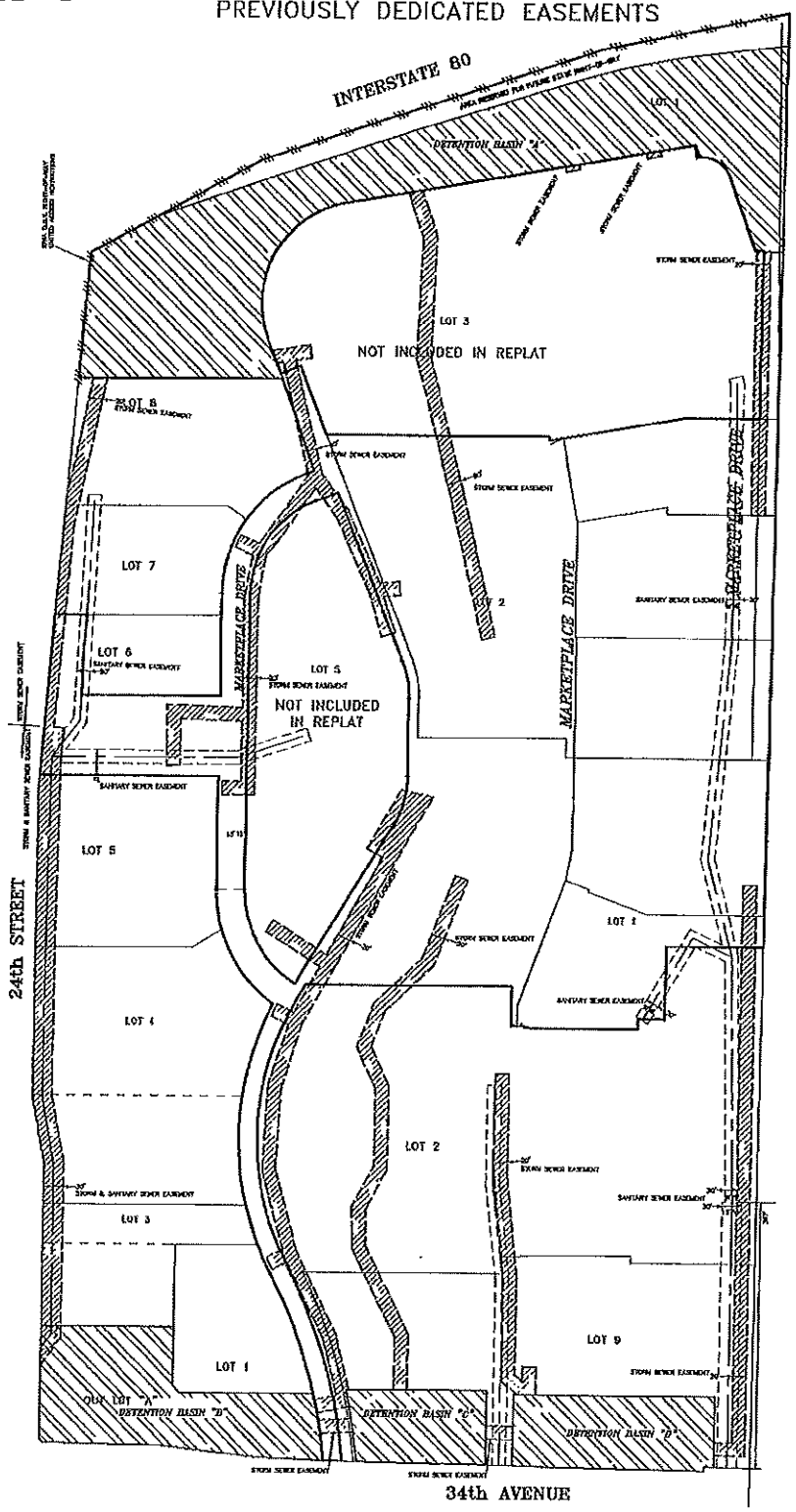
NORTH
SCALE 1" =120'

SANITARY SEWER, STORM SEWER AND DETENTION EASEMENTS

ADDITIONAL EASEMENTS FOR GENERAL INGRESS/EGRESS AND CIRCULATION EASEMENTS, AND ELECTRICAL AND OTHER WIRE TRANSMISSION UTILITIES EASEMENTS CAN BE FOUND ON SHEET 1 AND 2 OF 3

EASEMENT KEY
SHEET 3 OF 3 ONLY

- ELECTRICAL, TELECOM, CTV, & OTHER WIRE TRANSMISSION
- SANITARY SEWER EASEMENTS
- STORM SEWER EASEMENTS OR AS NOTED



THE MARKETPLACE REPLAT 3
FINAL PLAT
COUNCIL BLUFFS, IOWA

EHRHART GRIFFIN & ASSOCIATES
142 West Broadway
Suite 138
Council Bluffs, IA 51503
712 / 256-5248

- ENGINEERING
- PLANNING
- LAND SURVEYING

REVISIONS			
NO.	DESCRIPTION	DATE	BY

DESIGNED BY:
DRAWN BY: MAW
CHECKED BY: MAW
DATE: 7/13/18
CREW:

PROJECT NO.
EGA171248

SHEET NO.
3 OF 3

R Fee 16.00 000667 COMPARED

A Fee —

T Tax —

RESOLUTION NO. 07-27

A RESOLUTION to approve the Planned Commercial Development Plan for The Marketplace – Council Bluffs.

WHEREAS, Magnum Development Corporation is requesting adoption of a planned commercial development plan for 49 acres located along the east side of South 24th Street between I-80 right-of-way and 34th Avenue; and

WHEREAS, Magnum Development Corporation has a contract to purchase this property with the intent to build approximately 389,731 square feet of retail space; and

WHEREAS, the subject property is zoned Planned Commercial and is within the RO/Recreation-Tourism Overlay District. The current zoning is consistent with the proposed development; and

WHEREAS, the appropriate City departments and utilities have reviewed the plan; and

WHEREAS, the Community Development Department recommends approval of the Planned Commercial Development Plan for The Marketplace – Council Bluffs, subject to the following:

Pottawattamie County, IA
Recorder John Sciortino
Book-Page: 2007-011220
File Time: 07/12/2007 @ 09:57:01 AM
2007-011220

1. Adoption of the general principles in the Tenant Criteria Handbook, revised 9-07-06, except as modified by City action in conjunction with the subdivision plan, commercial development plan, development agreement or other pertinent document.

2. Approval of the concept landscape plan, as submitted, with the following additions and modifications:

A. During construction and prior to installation of the landscaping, weeds shall be controlled consistent with both City and State requirements.

B. A specific landscaping plan shall be part of every building permit application. The plan shall include the irrigation system and planting schedule, the species list with number and location of all plant material within a dimensioned site plan. The plan will be reviewed for consistency with the concept plan. Landscaping shall be installed prior to issuance of a Certificate of Occupancy for the lot.

C. Not more than 10% of the landscaped area in each lot in the subdivision shall be of inorganic material, brick, stone, aggregate, metal or artificial turf. Organic mulch may be used around trees and shrubs.

D. Landscaping shall not interfere with the vision of any motorized vehicle at any intersection or pedestrian way.

E. Additional trees and shrubs are required in the Lot 1 parking area. Landscaping shall be incorporated into the modifications needed for better pedestrian connections throughout the shopping area, to create views and minimize traffic conflicts.

F. All trees shall be at least 2" diameter or greater when planted. A medium height/size tree shall be planted on both sides of private streets within the development, forty feet on center. A medium height/size tree shall be planted along the north and south side of Richard Downing Avenue thirty feet on center. These requirements are in addition to the landscaping shown on the development plan.

G. Not less than 10% of the total lot area shall be landscaped with trees, shrubs and other plant material. All parking lot islands included in the site shall be planted with trees and vegetation.

H. A minimum of one tree shall be planted on each lot for every 10 parking spaces located on the lot.

I. A strip of landscaping averaging at least six feet in depth shall be located adjacent to all buildings with the exception of the entrance areas.

J. All landscaping areas, including grasses and sodded areas, shall be irrigated.

K. Existing landscaping and tree plantings along South 24th Street shall be maintained and extended consistent with the adopted plan.

3. Signage. The developer included signage design criteria in the "Tenant Criteria Handbook". Attached signage is categorized by building size and function as noted above. Specific signage limits are defined below.

A. Signage, except for addressing and service entrance information will not be allowed on the east side of the in-line strip.

B. Anchor tenant – Attached – building above entrances – 72" max height, maximum of 10% of the front facade. Detached signage is not permitted.

C. Major tenant – Attached – building above entrances – 60" max height, not to exceed 10% of the front building facade. Detached signage is not permitted.

D. Prior to making application for final plat approval, the final landscape plan must be submitted to the Planning Commission and City Council for consideration as an amendment to the initial development plan.

E. Pad Site tenant (lots 4 through 10) – Attached – building above entrance, rear or side facade – 36" maximum height – not to exceed 10% of the street facade with a maximum of one sign per facade, not to exceed three signs. Maximum sign area shall not exceed one and one-half time the street frontage of each lot. Marquee signs are not allowed. Detached signage shall be limited to one monument sign per lot with a maximum height of 10 feet. The entire monument shall be counted as signage as measured from the existing finish grade to the top of the monument and from one side of the monument structure to the other with a maximum area on each side not to exceed 100 square feet per face.

F. Small shop (Lifestyle) tenant – Attached – Placed on sign band above entrance, rear or side façade (if an end cap) on building, 36" maximum height not to exceed 15% of the building facade. Blade signs – one per storefront, in lieu of a wall sign, seven sf maximum with 6' tall letters. Detached signs – "Life Style" Retail Center – one multi-tenant (double faced permitted), not to exceed 10 feet in height or 100 square feet per face.

G. On-site directional signage shall not exceed six feet as measured from the natural grade with a maximum of 4 square feet per sign face, not to exceed a total of eight square feet per sign.

H. One center sign shall be allowed. Height, size and location will be determined upon review and approval of an amendment to the signage plan. Additional amendment to the signage plan may also be necessary for the detached signage at the "Lifestyle" retail space to make effective use of signage to direct visitors to the area they wish to visit and to assure compatibility with the entire site.

4. Site Development.

A. Minimum setback requirements for all structures shall be: Front 20 feet, rear 15 feet, interior side 10 feet, and street side 15 feet.

B. South 24th Street shall be the front yard of Lots 3 through 10.

C. The maximum height of any building, structure or decorative feature shall not exceed 45 feet or three stories.

D. All trash receptacles shall be enclosed on three sides and screened from view with materials similar to those of the primary building. The enclosures shall have a lockable gate which, when closed completely, eliminates any view of the dumpster.

E. All loading areas shall be screened from public view including all rights-of-way by a combination of architectural treatments and/or landscaping which after three years shall significantly screen the loading area from view.

F. Building exteriors shall be made of 100% masonry materials such as brick, split faced block or concrete masonry units (with texture) or stucco type material. Metal shall only be allowed as an architectural accent. Twenty percent (20%) of the buildings front facade or other street

9N-2

facing facade shall be made of brick. No flat faced concrete block shall be allowed except for the rear wall of the building when it is not visible from a public or private space or right-of-way. Wood or wood-appearing siding may be an acceptable exterior material only for buildings less than 10,000 square feet (based on floor area). Vinyl siding is not allowed.

G. Awnings or other decorative features may be allowed on the façade of a building and must be at least nine feet above the pedestrian walkways and may not project over drive aisles or parking areas.

H. No more than 40% of any lot shall be covered with structures. Outside storage is not allowed. This includes the temporary and/or permanent placement of inter-modal storage containers.

I. Access to the rear of each building for fire department equipment shall be provided in accordance with the requirements of the Fire Marshall's office.

5. Parking.

A. The minimum number of parking spaces shall be determined by Chapter 15.23 Off-Street Parking, Loading and Unloading. In cases where several uses occupy a structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirement of the different uses.

B. The developer shall be responsible to develop cross access and ingress/egress easements to be recorded with the final plat to accommodate shared parking and driveways.

C. Each request for a building permit will include a parking lot plan showing the number, location, and dimension of all drive aisles and spaces, pedestrian ways, islands, landscaped areas, loading areas, and lighting.

D. All parking areas will be paved and curbed.

E. All parking areas shall comply with ADA requirements.

6. Lighting.

A. All exterior lighting on private roadways and parking lots within the development shall be of a consistent type, finish and design of painted or finished aluminum or steel. Wood poles shall not be allowed. The maximum height shall not exceed 40 feet.

B. Streetlight type and location within the public right-of-way shall be as determined by the Public Works Department.

WHEREAS, the Planning Commission concurs with the Community Development Department recommendation.

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

That the Planned Commercial Development Plan for The Marketplace – Council Bluffs is hereby approved, subject to the conditions set forth above.

ADOPTED
AND Jan. 8, 2007
APPROVED

THOMAS P. HANAFAN Mayor

Attest: Marcia L. Worden
Marcia L. Worden, Deputy City Clerk

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Planning Case No. PC-06-005

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION
CASES #SUB-18-010 & PC-18-001 LOCATION/ZONING MAP

Map Legend

- CASES #SUB-18-010 & PC-18-001 Subject Property
- Parcels

0 200 400

1 Inch = 400 Feet

2016 Aerial Photograph



Note: Subject properties are highlighted in red.

Last Amended:7/19/18



Council Bluffs Community Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328.4629

DISCLAIMER

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