

Council Communication

Department: Community Development Department  CASES #CP-18-001  Applicant/Owner: Zimmerman Properties Development, LLC Attn: Jamie McDonald 1329 East Lark Street Springfield, MO 65804  Engineer: Kaw Valley Engineering, Inc. 14700 West 114 <sup>th</sup> Terrace Lenexa, KS 66215  Property Owner: City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503	Ordinance No. _____  Resolution No. _____  Resolution No. _____	City Council: 10/22/18  Planning Commission: 10/9/18
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**Subject/Title**

**Request:** CASES #ZC-18-013, #PR-18-003, and #CP-18-001- Combined public hearings on the request of Zimmerman Properties Development, LLC, represented by Jamie McDonald, for the following:

- 1) Rezone 6.19 acres of land, more or less, legally described as Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to R-3/Low-Density Multifamily Residential District; and
- 2) Append a PR/Planned Residential Overlay District on Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, and adopt an associated development plan for the Valley Ridge Apartments.
- 3) Amend the Bluffs Tomorrow: 2030 Comprehensive Plan, specifically the Future Land Use Plan in Chapter 5, to reclassify Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa from “Rural Residential/Agricultural” to “Medium-Density Residential”.

**Location:** Generally located at the Northwest corner of College Road and Railroad Avenue.

**Background/Discussion**

The Community Development Department has received applications from Zimmerman Properties Development, LLC, represented by Jamie McDonald for the following requests; 1) to rezone approximately 6.19 acres of land known as Lot 2, Arbor Creek, from A-2/Parks, Estates and Agricultural District to R-3/Low-Density Multifamily Residential District; 2) to append a PR/Planned Residential Overlay District on Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, and adopt an associated development plan for the Valley Ridge Apartments. The Community Development Department expanded the request to include; 3) Amend the Bluffs Tomorrow: 2030 Comprehensive Plan, specifically the Future Land Use Plan in Chapter 5, to reclassify Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa from “Rural Residential/Agricultural” to “Medium-Density Residential”.

The purpose of these requests is to accommodate a proposed 60 unit multifamily residential development project to be known as Valley Ridge Apartments. Valley Ridge Apartments will provide housing for people whose incomes are at or below 60% of the area median income. The developer will also apply for Low Income Housing Tax Credits from the Iowa Finance Authority in January of 2019 to help finance this project. The Valley Ridge Apartment development will feature amenities such as a clubhouse, playground, shelter and barbeque area, and potentially a dog park and sports court.

CASE #ZC-18-013: Rezone approximately 6.19 Acres of land, more or less, that is legally described as Lot 2, Arbor Creek, from A-2/Parks, Estates and Agricultural District to R-3/Low Density Multifamily Residential District (and to append a PR/Planned Residential Overlay District, as is addressed in CASE #PR-18-003 below). The rezoning is to accommodate a 60 unit multifamily residential development project to be known as Valley Ridge Apartments, which would not be a permitted use in the A-2/Parks, Estates and Agricultural District, but would be considered a principal use in the R-3/Low-Density Multifamily Residential District.

#### Land Use and Zoning

The subject property is currently undeveloped, and is zoned A-2/Parks, Estates and Agricultural District. Surrounding land uses and zoning districts are as follows:

North: The Midlands Humane Society which is zoned A-2/Parks, Estates and Agricultural District.

South: Single Family Dwellings that are zoned A-2/Parks, Estates and Agricultural District.

East: A Single Family Dwelling, BNSF Railway line, and Iowa Western Community College, all of which are located in the A-2/Parks, Estates and Agricultural District

West: Single Family Dwellings, some of which are zoned R-1/Single Family Residential District, and some zoned A-2/Parks, Estates and Agricultural

The future land use plan of the Bluffs Tomorrow 2030 (comprehensive plan) currently designates the subject property as Rural Residential/Agricultural. The Land Use Plan designates property to the North and East as Public/Semi-Public, property to the West as Rural Residential/Agricultural, and property the South as Low-Density Residential.

CASE #PR-18-003: Append a Planned Residential Overlay District, and adopt the associated development plan for Valley Ridge Apartments on property legally described as being Lot 2, Arbor Creek. The Planned Residential Overlay District, along with the proposed rezoning outlined in CASE #ZC-18-013, will allow for the construction of the 60 unit multifamily development, along with amenities and features for the residents of the complex. Per the submitted development plan (as shown on Attachment D), the multifamily residential building will be three stories in height, and will feature 20 units on each floor. The development will also feature a one-story clubhouse and maintenance building, gazebos, barbeque areas, a playground, common space in the clubhouse, and potentially a dog park and sport court. The submitted development plan will establish standards for site development (e.g. building height, setbacks, and lot coverage), landscaping, architecture, signage, off street parking, and stormwater management.

CASE #CP-18-001: The Community Development Department expanded the request to amend the Future Land Use Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan in order to reclassify the subject from property from "Rural Residential/Agricultural" to "Medium-Density Residential". The proposed comprehensive plan amendment will accomplish the following: 1) It will address the urbanizing nature of development in the general vicinity of the area, including but not limited to the nearby College View Elementary School and Iowa Western Community College, as well as the existing Sherwood Apartments located North of the subject property, and proposed Senior Care facilities on College Road, located East of the subject property. 2) The amendment will ensure the proposed rezoning is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan.

City Departments and Utilities: The appropriate City departments and utilities have reviewed the proposed request and their comments are incorporated below.

- The Fire Marshall stated he has no comments regarding any of the cases.
- The Permits and Inspections Division stated that the parcel is in the floodplain, and has a designation of AE.
- The Public Works Department has the following comments:
  - 1) No comments on the rezoning request.
  - 2) On the Planned Residential Overlay District Request:
    - a) A drainage report was submitted, and the Public Works Department will work with the engineer to finalize the drainage report to meet current standards and specifications for stormwater management. A PCSMP conceptual application, Engineer's estimate of probable cost, performance bond, and maintenance & easement agreement will be required in regards to water quality. In regards to water quantity, stormwater management will be required for all events through a 100 year event. Floodplain permitting will also be required for this project.
    - b) A full geotechnical report will be required.
    - c) The Public Works Department will work with the engineer to meet all current standards and specifications for site development.
    - d) The Public Works Department noted there is existing infrastructure along Railroad Avenue and part of College Road.
  - 3) No comments on the comprehensive plan amendment.
- Council Bluffs Water Works stated that they have comments for the engineer regarding fireline looping and would like review authority for any improvements located in their 25 foot easement along Railroad Avenue, but otherwise had no comments in regards to the rezoning, planned residential overlay and development plan, or comprehensive plan amendment requests.
- MidAmerican Energy stated they have an underground 3-phase line on the West side of Railroad Avenue between the road and the sidewalk that is located within the right-of-way. MidAmerican Energy stated they have no conflicts for the proposed development at this location.

The following attachments have been included for your review:

Attachment A: Location and Zoning Map  
Attachment B: Letter of Intent  
Attachment C: Lot 2, Arbor Creek Map  
Attachment D: Development Plan  
Attachment E: Preliminary Geotechnical Evaluation  
Attachment F: Proposed Land Use Plan Amendment  
Attachment G: Site Photos

### **Comments**

#### Rezoning (CASE #ZC-18-013)-

1. The subject property is currently zoned A-2/Parks, Estates and Agricultural District. Surrounding zoning districts include A-2/Parks, Estates and Agricultural District to the North, East, and South, and R-1/Single Family Residential to the South. The applicant has proposed to rezone the subject property to R-3/Low-Density Multifamily Residential to accommodate the construction of a 60 unit multifamily residential development. In the R-3 District, the minimum lot size requirement for a multifamily development is dictated based upon the number of units. Per Section 15.10.050, *Site Development Regulations of the R-3 District* multifamily development with five or more units shall provide a minimum lot size as follows: 9,000 square feet for the first five units, plus an increase of 2,000 square feet for each additional unit. The applicant's proposal is for a 60 unit multifamily development which requires a minimum of 119,000 square feet of land area, or 2.73 acres. Lot 2, Arbor Creek contains 6.19 acres of land, therefore, the land is suitable in size for a 60 unit multifamily development and will comply with R-3 District minimum lot size requirements.

2. The future land use plan of the Bluffs Tomorrow 2030 (comprehensive plan) designates the subject property as Rural Residential/Agriculture. The Community Development Department has proposed an amendment to the Land Use Plan to designate the property as Medium-Density Residential. The purpose of this comprehensive plan amendment is to: 1) Address the urbanizing nature of development in the general vicinity of the area, including but not limited to the nearby College View Elementary School and Iowa Western Community College, as well as the existing Sherwood Apartments located North of the subject property, and proposed Senior Care facility on College Road, located East of the subject property. 2) Ensure the proposed rezoning is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan.
3. All property owners located within 200 feet of the proposed rezoning area were notified by direct mail. The following comments were received on the request.
  - a) The BNSF Railroad contacted the Community Development Department and had a general inquiry about the project, and is not in opposition.

**Development Plan (CASE #PR-18-003)-**

Section 15.28.010, P-R/Planned Residential Overlay, Statement of Intent of the Council Bluffs (Municipal Code) Zoning Ordinance states “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”.

The following development standards shall apply to the subject property:

**1. Site Development**

- a. The subject property contains 6.19 acres and is capable of supporting up to a maximum of 135 multifamily units based upon the lot size requirements stated in the R-3 District. The applicant has proposed 60 units, which is less than the total maximum allowed per city code.
- b. All construction shall comply with the setback, building height, and lot coverage standards stated in Chapter 15.10 R-3/Low Density Multi-Family Residential District of the Municipal Code (Zoning Ordinance). The submitted development plan shows all buildings will comply with R-3 District site development standards.
- c. The applicant shall install a sidewalk along the frontage of College Road. Sidewalks shall connect all buildings, parking lots, and amenity spaces within the interior of the development. A minimum five foot wide sidewalks shall be extended from the trail system along Railroad Avenue and College Road into the development. Sidewalks shall be installed prior to the issuance of a Certificate of Occupancy.
- d. The submitted site plan shows two trash enclosures. Trash enclosures shall be enclosed on three sides, and shall be screened from public view with materials similar to those of the primary building. The enclosure shall have a gate which when closed completely eliminates the view of the dumpster.
- e. All fencing standards shall comply with Section 15.24.040, Fence regulations of the Council Bluffs Municipal Code (Zoning Ordinance). If the potential dog park is constructed, an eight-foot tall fence, as measured from the finished grade, will be permitted only around the specified dog-park area.
- f. All site lighting shall comply with the standards stated in Section 15.24.050, *Lighting controls* of the Council Bluffs Municipal Code (Zoning Ordinance).

**2. Off-Street Parking**

- a. Off street parking for multifamily developments is calculated by the number of bedrooms in each unit. The submitted site plan shows that approximately 116 parking stalls will be constructed. Parking shall be based on the standards stated in Section 15.23.060, *Parking spaces required*, of the Municipal Code (Zoning Ordinance) as follows: 1 parking space shall be required for each efficiency and 1 bedroom apartment, and 1 ½ parking spaces shall be required for each 2 or more bedroom apartment. Parking shall also be provided at 1 space for every 400 square feet of office space in the clubhouse. The total number of required off street

parking spaces will be determined at the time of building permit review, and will be based upon the previously stated parking calculations.

- b. All parking/loading areas, driveways and drive aisles shall comply with the standards stated in Chapter 15.23, *Off-Street Parking, Loading and Unloading* of the Municipal Code (Zoning Ordinance).
- c. All off-street parking shall comply with the Parking for Persons with Disabilities Chapter of the Iowa Administrative Code.
- d. All parking lots and drive aisles shall be landscaped in accordance with the proposed landscaping plan.

### **3. Landscaping**

- a. The proposed landscaping plan shows a mixture of shade trees, evergreen trees, and flowering trees on the property, with native sod/grasses being planted throughout the property. The proposed landscaping plan is generally acceptable, with the following conditions:
  - 1) Trees shall be planted at a quantity of 1 tree per 30 feet of frontage along Railroad Avenue and College Road, between the sidewalk/trail and the street.
  - 2) An evergreen tree buffer, or a six-foot tall privacy fence to be planted or installed on the western property line to screen the adjacent single-family residential structure from the proposed development.
  - 3) Trees shall be planted in the vicinity of the north property line at a quantity of 1 tree per 50 feet.
  - 4) Trees shall sporadically be planted along the detention ponds, Dog Park, playground area, and common yards as shown in the submitted landscape plan.
  - 5) Landscaping shall be installed with the completion of the apartment building, and prior to issuance of a Certificate of Occupancy.
  - 6) An ornamental iron fence shall be installed along the frontage of Railroad Avenue and College Road to help screen and buffer the development.

### **4. Architecture**

- a. The development plan shows one three story apartment building, and a one single story clubhouse building. The appearance and design of these structures are compatible with other multifamily developments in the vicinity. Approved building materials for all structures shall be as follows: brick masonry, cement lap siding, wood siding, split-face CMU and decorative architectural metal. The architectural designs are generally acceptable, as proposed. All building construction, materials and design shall be consistent with the proposed development plan with the following conditions:
  - 1. All roof-top mechanical units shall be screened from view.
  - 2. Windows shall have shutters, with the exception of the windows situated on porches or decks.
  - 3. A minimum of 30% of all building façade shall be constructed of brick masonry.

### **5. Signage**

- a. The submitted development plan shows a monument sign along the frontage area of Railroad Avenue. The size and height of the sign is unknown at this time. No information on any attached signage was submitted with this request. All signage (detached and attached) shall comply with Section 15.33.160(03), PR/Planned Residential District, Signs of the Municipal Code (Zoning Ordinance).

### **Comprehensive Plan Amendment (CASE #CP-18-001)-**

- 1) The subject property is currently designated as Rural Residential/Agricultural, per Chapter 5, Land Use Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan, and is described as follows: "Rural residential and agricultural areas include large-lot housing, estates, farmhouses, agricultural activities, and other uses that support farming. These areas and estates typically develop in an unplanned manner along rural roadways. Agricultural uses include crop or livestock production, as well as storage, processing, and other uses related to farming operations."
- 2) The Community Development Department has proposed to designate the subject property "Medium-Density Residential". Per Chapter 5, Land Use Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan, this designation is as follows: "Medium-density residential areas include a series of lots with one or more single

family units that may share a wall, typically arranged horizontally with a dedicated entrance for each housing unit. These included duplexes and townhouses, though small-lot detached single-family or limited multi-family development may be present in these areas. Throughout the planning area, there are several clusters of medium-density housing arranged in subdivision where structures create a consistent character on a planned residential street.”

- 3) Development in the vicinity of the proposed multifamily residential complex has prompted the need for amendments to the Bluffs Tomorrow: 2030 Comprehensive Plan to best suit the needs of the City of Council Bluffs. The purpose of this comprehensive plan amendment is to address the urbanizing nature of development in the general vicinity of the area, including but not limited to the nearby College View Elementary School and Iowa Western Community College, as well as the existing Sherwood Apartments located North of the subject property, and proposed Senior Care facility on College Road, located East of the subject property. Additionally, the amendment will ensure the proposed rezoning is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan.
- 4) The subject property is currently designated as Rural Residential/Agriculture, which would include large-lot housing, estates, farm-houses, agricultural activities, and uses supporting farming. The Land Use Plan states these areas typically develop in an unplanned manner along rural roadways. New development to the East and to the North of the proposal is planned and approved by City of Council Bluffs Boards and Commissions with development plans in many situations, therefore an unplanned agricultural activity could be considered out of the character of surrounding properties.
- 5) The Comprehensive Plan Amendment would support residential uses, both single-family and multifamily, and will provide new housing opportunities in the city.
- 6) The Comprehensive Plan Amendment, along with the application of a PR/Planned Residential Overlay District would not adversely affect neighboring properties, as the City would require prior approval of any development through the approval of a development plan.
- 7) The Housing Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan outlines the following Housing Policies for Neighborhood Character that apply to this development: 1) Appropriate bulk and scale that establishes a rhythm of buildings and a sense of place. 2) Design elements that reflect a specific range of architectural styles. 3) Residential development standards that ensure context-sensitive infill that address building massing and scale, site planning, access management, etc. The proposed planned residential development plan will establish design standards for any residential use on the property to ensure it is consistent with the Bluffs Tomorrow: 2030 Comprehensive Plan.

### **Recommendation**

The Community Development Department recommends:

- A. Approval of the request to rezone 6.19 acres of land, more or less, legally described as Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to R-3/Low-Density Multifamily Residential District subject to the following conditions:
  1. The rezoning shall become effective upon Zimmerman Properties Development, LLC, taking ownership of the subject property.
- B. Approval of the request to append a PR/Planned Residential Overlay District on Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa, and approval of the associated development plan, subject to compliance of the above stated comments, and subject to the following conditions:
  1. The application of a PR/Planned Residential Overlay District and approval of the development plan will not be effective until Zimmerman Properties Development, LLC, takes ownership of the subject property.
  2. Council Bluffs Water Works shall have review authority over any improvements proposed to be located in their 25 foot easement along Railroad Avenue.
  3. A PCSMP conceptual application, Engineer's estimate of probably cost, performance bond, and

maintenance & easement agreement will be required in regards to water quality prior to development.

4. All stormwater management shall comply with current city standards as determined by the Council Bluffs Public Works Department.
5. A full geotechnical report shall be submitted to the city prior to any development permits being issued.
6. Floodplain permitting through the City of Council Bluffs will be required for this project.
7. All utilities must be installed underground.

- C. Approval of the amendment to the Bluffs Tomorrow: 2030 Comprehensive Plan, specifically the Future Land Use Plan in Chapter 5, to reclassify Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa from “Rural Residential/Agricultural” to “Medium-Density Residential”.

### **Public Hearing**

Speakers in favor:

1. Jeff Beckler, Zimmerman Properties Development, LLC, 1329 East Lark Street, Springfield, MO 65804
2. Michael Osbourn, Kahn Engineering, 14700 West 114<sup>th</sup> Terrace, Lenexa, KS 66215
3. Tom Ackley, Koley Jesson Law Firm, 1125 South 103<sup>rd</sup> Street, Omaha, NE 68124

Speakers against:

1. Ron Wolfe, 536 College Road, Council Bluffs, IA 51503
2. Randy Nash, 723 College Road, Council Bluffs, IA 51503
3. Deborah Petersen, 215 South Main Street, Council Bluffs, IA 51503
4. Linda Kemp, Midlands Humane Society, 11801 Gow Circle, Bellevue, NE 68133
5. Marti Nerenstone, 33 Indian Hills Road, Council Bluffs, IA 51503

### **Planning Commission Recommendation**

The Planning Commission recommends denial of the request.

VOTE: AYE 5    NAY 1    ABSTAIN 2    ABSENT 2    VACANT 1    Motion: Denied

Attachment A: Location and Zoning Map  
Attachment B: Letter of Intent  
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Prepared by: Chris Meeks, Planner