City Council Communication

Department: Community Development Case No. #PR-16-003(M) Applicant: Arun Agarwal 10404 Essex Court, Suite 101 Omaha, NE 68114 Property Owner: City of Council Bluffs 209 Pearl Street Council Bluffs, Iowa 51503	Resolution No. _____	Public Hearing: 07/27/2020 Planning Commission: 07/16/2020

Subject

Request: Public hearing on the request of Arun Agarwal to amend the adopted planned residential development plan on property legally described as Block 12, Bryant and Clark's Subdivision.

Location: South of First Avenue between South 28th and South 29th Streets.

Background/Discussion

The Community Development Department has received a request from Arun Agarwal, on behalf of the White Lotus Group, to amend the adopted planned residential (PR) development plan on the subject property. The property contains approximately 2.5 acres and is owned by the City of Council Bluffs. The current PR plan was approved by City Council on September 26, 2016 (see Resolution No. 16-250) and is for a mixed-income senior living development to be known as West Broadway Village (see Attachment A). The developer, Brinshore Development, LLC, planned to construct a 39-unit, three-story apartment building adjacent to 1st Avenue, along with two duplexes and two triplexes adjacent to 2nd Avenue. One of their major funding sources for the project included issuance of low income tax credits from the Iowa Finance Authority (IFA). The developer participated in a competitive review process for two consecutive years but their project was never awarded any tax credits from IFA. In 2018, Brinshore Development, LLC relinquished their interest in developing the property and their adopted development plan has remained inactive since.

In October 2019, the Community Development Department released a new Request for Proposals (RFP) to solicit interest from private developers to build multi-family housing on the property. The applicant's company, White Lotus Group, submitted a proposal that included a three-story 84-unit apartment building and 12-16 townhomes along 2nd Avenue (see Attachment B). The multi-family portion of the development will serve families at or below 60% of the area median income and the townhome portion will be market rate rentals. City Council has reviewed their proposal and has approved White Lotus Group as the preferred developer for the property. The applicant is now requesting approval to amend the adopted PR plan so that they can utilize site development standards that are specific to the layout, design, and configuration of their project.

Current Zoning & Land Use

The subject property is a former industrial site that was acquired by the City of Council Bluffs in August 2013. All of the former industrial buildings have been demolished and the land has been prepared for redevelopment. On February 8, 2016, the Council Bluffs City Council rezoned the property from I-1/Light Industrial District to R-3/Low Density Multi-family Residential District (see CASE #ZC-15-020, Ordinance No. 6262). Then on March 25, 2019 the City Council rezoned the property from R-3 District to R-4/High Density Residential District (see CASE #ZC-19-001, Ordinance No. 6381). The purpose of each rezoning was to encourage medium to high density residential development on the property that is consistent with the Bluffs Tomorrow: 2030 Comprehensive Plan

and the West Broadway Corridor Plan.
Surrounding zoning in the general vicinity of the request includes C-2/Commercial District to the north and west along with I-1/Light Industrial District to the east, and R-3 District to the south (see Attachment C). Additionally, the portions of the property with frontage along S. 28th and S. 29th Streets are located within the West Broadway Corridor Design Overlay. Land uses in the general vicinity include the future 1st Avenue trail and retail commercial uses to the north, single-family/two-family uses to the south, contractor shops and undeveloped land to the east, along with the Grass Wagon event space to the west.

The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as Multi-family/Mixed-use. The West Broadway Corridor Plan shows the property being developed with single-family residential dwellings on the south-half of the block (facing 2nd Avenue) and two multi-family apartment buildings on the north-half of the block facing 1st Avenue. The proposed development plan amendment is generally consistent with the Bluffs Tomorrow future land use plan designation as well as the redevelopment concept shown in the West Broadway Corridor Plan for the subject property.

Comments

Section 15.28.010, *P-R/Planned Residential Overlay*, *Statement of Intent* of the Council Bluffs 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 applicant has requested to amend the planned residential development plan that was approved by City Council on September 26, 2016 via Resolution No. 16-250 so that they can adopt standards that are specific to their proposed 96-unit multi-family residential development. The following development standards shall now apply to the subject property.

1. **Site Development**
   a) 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.
   b) All site access shall be limited to the South 28th and South 29th Streets. No direct vehicular access onto 1st Avenue and/or 2nd Avenue shall be allowed.

   c) 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
      Building setback range of 0'-20' from north property line adjacent to 1st Avenue right-of-way.
      Building setback range of 0'-15' from the east and west property lines adjacent to South 28th and South 29th Street rights-of-ways.

      Townhomes
      Building setback range of 0'-20' from the south right-of-way line adjacent to 2nd Avenue right-of-way
      Building setback range of 0'-15' from the east and west property lines adjacent to South 28th and South 29th Street rights-of-ways.

   d) 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 1st Avenue, South 28th and South 29th Street rights-of-ways, nor shall any accessory structure be placed between the south façade wall of the townhomes and the adjacent 2nd Avenue right-of-way line.

e) 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.
f) The maximum height for all principal and accessory structures shall comply with R-4/High-Density Residential District site development standards.
g) 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.
h) All proposed fencing shall comply with Section 15.24.040, *Fence regulations* of the Council Bluffs Zoning Ordinance.
i) A minimum five foot-wide concrete sidewalk shall be constructed along the frontages abutting 2nd Avenue, South 28th and South 29th Streets.
j) 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 1st Avenue, 2nd Avenue, South 28th Street, and South 29th Streets.
k) No outdoor lighting is shown on the development plan. All light poles shall be constructed out of painted or 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).
l) Outside storage is not allowed. This includes the temporary and/or permanent placement of intermodal/shipping storage containers.
m) 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.

2. **Corridor Design Overlay**
   a) 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. All development activity on said lots shall comply with Chapter 15.32, *Corridor Design Overlay*, of the Council Bluffs Zoning Ordinance. However, instance where there is conflict, the adopted planned residential development plan shall supersede the standards stated in said Chapter 15.32.

3. **Landscaping**
   a) The submitted landscaping plan is generally acceptable with the following modifications:
      1. 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 Corridor Design Overlay Plant List, as per Chapter 15.32 of the Council Bluffs Zoning Ordinance.
      2. The following tree types/quantities shall be planted with the rights-of-way adjacent to the property in coordination with each phase of development:
         a. One large deciduous shade tree shall be planted for every 35 feet of linear frontage along South 28th and South 29th 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;
         b. 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;
         c. 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 1st 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 1st Avenue trail project.

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.

3. 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.
4. All parking lot landscape islands shall be planted with at least one large deciduous shade tree and covered with grass, shrubs, or mulch.
5. 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.
6. All disturbed areas not used for buildings and/or off-street parking shall be seeded or sodded with grass turf.
7. 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.

4. **Architecture**

a) 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 screened using landscaping, fencing, architectural features and/or combination thereof.

b) 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 1st Avenue trail:

   i. 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;
   ii. The shade structure shall be designed and constructed out of materials that are compatible with the apartment building;
   iii. Add an accentuated entrance that is clearly distinguishable on the lower level of the north side of the apartment building facing 1st 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 1st Avenue trail. This entrance shall serve as the primary egress/ingress point on the lower level of the north side of the building;
   iv. Install balconies that are constructed out of metal framing and composite decking on all 2nd and 3rd floor units facing 1st Avenue and South 28th and South 29th Streets, at minimum;
   v. Add dormers and/or parapet walls to break up the roofline and add visual interest to the building; and
   vi. 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.

c) The architectural design of any accessory structures on-site shall be compatible with the general appearance of the apartment and townhome buildings.

5. **Off-Street Parking**
   a) The submitted development plan shows a total of 84 apartment units and 12-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 parking stalls are required to accommodate parking for all unit types in the development. The submitted plans show a total of 84 surface parking lot stalls and 24 garage parking stalls which equates to 1 parking stall per apartment unit and 2 parking stalls 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. The proposed development is located within the West Broadway Corridor and has access to other modes of transportation (e.g., public bus service, 1st Avenue trails, etc.) other than the personal automobile. Additionally, the property is within a reasonable walking distance of nearby employment areas and commercial/retail uses. Based on these reasons the Community Development Department recommends that a minimum of 1 off-street parking space per dwelling unit be applied to this project.

   b) 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.
   c) All off-street parking lots shall comply with the Parking for Persons with Disabilities Chapter of the Iowa Administrative Code.
   d) 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.
   e) Landscaping within and along the perimeter of the parking lot shall be provided in accordance with the proposed landscaping plan.

6. **Signage**
   a) 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.

7. **Utilities**
   a) Sanitary and storm sewers are available in the adjacent rights-of-way to service the development.
   b) 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.
   c) Public water is available along 2nd Avenue and is partially available along South 28th and South 29th 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.
   d) 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 29th 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.
   e) All utilities within the subject property shall be installed underground.

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

Council Bluffs Public Works Department:

1. 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.
2. Council Bluffs Permits and Inspections Division stated they have no comments for the proposal.
3. Council Bluffs Fire Department stated they have no comments for the proposal.
4. Council Bluff Water Works stated a water main extension will be necessary to fully service the development.

Recommendation

The Community Development recommends approval to amend the adopted planned residential development plan on property legally described as Block 12, Bryant and Clark's Subdivision, as shown on the attachments, subject to compliance with all comments and conditions stated in the above 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.

Public Hearing

Staff speaker for the request:

1. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. Scott Henry, White Lotus Group, 10404 Essex Court, Ste. 101, Omaha, NE 68114

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended approval to amend the adopted planned residential development plan on property legally described as Block 12, Bryant and Clark's Subdivision, as shown on the attachments, subject to compliance with all comments and conditions stated in the above 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.

VOTE: AYE 11 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 0 Motion: Carried

Attachments

Attachment A: Previously approved development plan for Brinshore Development, LLC
Attachment B: Proposed White Lotus Group development plans
Attachment C: Location/zoning map

Prepared by: Christopher N. Gibbons, AICP, Planning Manager
Approved by: Brandon Garrett, AICP, Director of Community Development