City Council Communication

Department: Community Development Department CASES #ZC-20-006 and #PR-20-001 Property Owner/Applicant: No Equity Homes LLC Attn: Mike Porter 9406 Douglas Street Omaha, NE 68144 Representative: Scott Porter 22938 Meadow View Parkway Council Bluffs, IA 51503	Ordinance No. _____ Resolution No. _____	CASE #ZC-20-006 1st Consideration: 08/24/2020 2nd Consideration: 09/14/2020 3rd Consideration: 09/28/2020 CASE #PR-20-001: 09/28/2020 Planning Commission: 8/11/2020

Subject/Title

Request: Public hearing on the request of No Equity Homes, represented by Mike and Scott Porter, to rezone property legally described as Lot 4, Auditor's Subdivision of the SE ¼ NE ¼ of Section 31-75-43, excluding City right-of-way, City of Council Bluffs, Pottawattamie County, Iowa from R-1/Single Family Residential District to R-3/Low Density Multifamily Residential District, and to adopt a planned residential development plan as required by the previously appended Planned Residential Overlay on said property.

Location: Undeveloped land located Northeast of 830 Franklin Avenue.

Background/Discussion

The Community Development Department has received an application from No Equity Homes, represented by Mike and Scott Porter, to rezone the property described above from R-1/Single Family Residential District to R-3/Low Density Multifamily Residential District, and to adopt a development plan as is required with the previously appended PR/Planned Residential Overlay District (Case #PR-07-002). The applicant is requesting the rezoning to construct a 104 unit apartment complex to be known as Grappler's Gate Apartments, and is requesting the rezoning because a multifamily residential development is not an allowed use in the current R-1 Zoning District.

The following attachments are included with this report for reference purposes:
Attachment A: Case Map
Attachment B: Grappler's Gate Apartments Development Plan
Attachment C: Architecture and Layout Plan
Attachment D: Neighbor Comments Petersen
Attachment E: Neighbor Comments Mink Apartments
Attachment F: Neighbor Comments Knudson
Attachment G: Neighbor Comments Strickland

Comments

The following comments have been received from City Departments and utility providers on the proposals:

1. The Council Bluffs Fire Marshal stated the project will require the extension of a water main to supply onsite fire hydrants.
2. The Council Bluffs Public Works Department stated they have no comments on the requests.
3. Council Bluffs Water Works stated the developer will need to initiate contact about the extension of

water service to the subject property.
4. Cox Communication stated they have no issues with the request.
5. MidAmerican Energy stated they have no concerns with the proposal, though the developer should contact MidAmerican Energy to identify costs and requirements for extending electric service.

Public notices were mailed to all property owners within 200 feet of the requests. Two letters of opposition have been received, one from Michael and Doris Petersen of 759 and 801 Franklin Avenue, and one from CBO Properties, the owners of the Mink Apartments at 907 Franklin Avenue. These letters have been included with the report as Attachment D and Attachment E, respectively. Staff spoke with the owner of the property addressed as 907 Franklin Avenue in a phone call on August 4, 2020 and explained the proposal, and sent the owner the site development plan and architecture and interior layout plan in an email. Letters were received from the owner and resident of 902 Franklin Avenue on August 11, 2020, and were read into the record at the Planning Commission Meeting, and were adopted as exhibits. These letters have been included to this report as Attachment F and Attachment G.

CASE #ZC-20-006 Discussion:

Land Use and Zoning
The following zoning and land uses surround the subject property:
North: Land that is zoned R-3/Low Density Multifamily Residential, and is undeveloped but is owned by the Deerfield Apartments complex.
South: Franklin Avenue and land that is zoned R-1/Single Family Residential, and is single family residential dwellings and an artist's studio (830 Franklin Avenue)
East: Land that is zoned R-3, and is the Deerfield Apartment complex.
West: Land that is zoned R-1, and is single family residential structures.

The future land use plan of the Bluffs Tomorrow 2030 (Comprehensive Plan) designates the subject property as "Low-Density Residential", though the property immediately East of the subject property is designated as "High-Density Residential". The "Low-Density Residential" designation areas, as defined in the Land Use Plan "may include scattered, attached or detached single family, or multi-family developments, but these types of uses are integrated into the character and structure of the overall neighborhood". The subject property is located West of two existing apartment complexes, so the proposed multifamily residential structures would conform with the existing character of the neighborhood, and therefore would not be in conflict with the comprehensive plan.

1. The subject property contains 257,875 square feet (5.92 acres) according to the Pottawattamie County Assessor. Per the R-3/Low Density Multifamily Residential District standards, the minimum lot size for a multifamily residential property is 9,000 square feet for the first 5 units with an increase of 2,000 square feet for each additional unit. Using those size standards, the minimum lot size for a 104 unit multifamily residential complex would be 207,000 square feet. A maximum of 129 units could fit on the subject property if it were to be built to its maximum capacity, though the developer has stated topographical constraints and the area for stormwater retention areas and off-street parking areas have reduced the number of units they are proposing.
2. The subject property is situated on a fairly substantial hillside which does present topographic challenges for any proposal which would feature the extension of a public street, or development on individual lots.
3. There is a development pattern of both single family residential structures and multifamily residential structures in the area. The subject property is located directly adjacent to another R-3/Low Density Multifamily Residential District, so the proposed rezoning will not be introducing a new zoning type to the area. The Northwest Corner of the intersection of Franklin Avenue and Bennett Avenue extending to the subject property either currently house multifamily residential structures, or is currently zoned for

future multifamily or commercial development.

CASE #PR-20-001 Discussion:

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 subject property previously had a PR/Planned Residential Overlay District appended in May of 2007 with Ordinance No. 5938 (Case #PR-07-002) which was to be known as the Hidden Hills Subdivision. At the time the PR Overlay District was appended a development plan was adopted, however that proposal was for 22-26 townhome units, which would not accommodate the current proposal. The development plan associated with Case #PR-07-002 has since expired as there was no substantial development for the five years following approval.

The following development standards shall apply to the subject property:

1. **Site Development**
    a. All building setbacks, heights and lot coverages shall comply with 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 proposed multifamily residential structures will comply with R-3 District lot size standards and density requirement.
    b. The all buildings on the site shall adhere to a 15 foot perimeter setback.
    c. All fencing on the property shall comply with the standards stated in Section 15.24.040, *Fence regulations* of the Council Bluffs Municipal Code (Zoning Ordinance).
    d. 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).
    e. Sidewalks shall be required to be installed along Franklin Avenue.
    f. A sidewalk should be constructed around the perimeter of the parking lots, and adjacent to the drive aisle which leads to Franklin Avenue to provide pedestrians and bicycle riders safe access to the sidewalk on Franklin Avenue.

2. **Off-Street Parking**
    a. The required number of off-street parking spaces for multifamily residential dwellings shall be based on the standards stated in Section 15.23.060, *Parking spaces required*, of the Municipal Code (Zoning Ordinance):
        i. Each 1-bedroom unit shall require 1 off-street parking stall.
        ii. Each unit with 2 or more bedrooms shall require 1 ½ off-street parking stalls.
    b. The applicant is proposing 24 1-bedroom units, and 80 2-bedroom units, which will require a total of 144 off-street parking stalls. The current plan shows 148 off-street parking stalls which exceeds the requirement.
        i. The current plan does not show any ADA Accessible parking spaces, which will be required, and will need to adhere to the standards as established in the Iowa

Administrative Code.

c. 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).
d. Bicycle parking shall be provided at a minimum rate of one space for every 4 dwelling units. 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.

3. Landscaping

a. The area of Franklin Avenue around the proposed property is fairly wooded in nature, and the proposed development shall install trees in the following manner to conform with the surrounding properties.
    1. Trees of a mature height of 40-60 feet and a mature spread of at least 25 feet (such as the shown Redmond Linden Tree) shall be planted along the north side of the drive-aisle with an average separation of 60 feet from each stump.
    2. At least 6 trees of varying types shall be planted in the interior area of the buildings (as shown on the proposed landscaping plan) to add shade and greenspace around the parking area.
    3. A minimum of 2 trees with a mature spread of at least 20 feet shall be planted within 30 feet of the South side of the two 38-unit buildings in a manner that will screen the front-facing facades of the buildings from Franklin Avenue.
    4. The Western property line features an existing line of trees which screens the subject property from the single family residential properties to the West. It is unclear whether these trees are owned by the subject property or the adjacent property owners, and legal property boundaries would be established with a survey. A tree buffer shall be maintained on the western property line by the applicant or current owners of the proposed multifamily residential development. If the existing tree line remains, additional trees shall be installed on the Western side of the property at a density of 1 tree of the applicant's choosing shall be installed at a rate of 1 tree every 30 feet to supplement the existing tree line. If the exiting tree line is removed or eliminated at any time for any reason, the owner of the proposed multifamily development shall install either evergreen or large mature shade trees at a rate of 1 tree every 20 feet.
    5. Trees shall be planted in a manner that does not impact any stormwater detention areas.
    6. Any required landscaping that is damaged, destroyed, or deceased shall be replaced by the property owner within a timely manner.

4. Architecture

a. The submitted architectural renderings for the multifamily residential structures are generally acceptable. The proposed architecture shall feature a combination of vertical and horizontal concrete lap siding of differing, but complimentary colors.
b. The facades of the buildings which are facing the interior of the parcel shall have material differentiation (horizontal lap siding and vertical lap siding shall be considered two different material types) and shall have a color differentiation. As is shown, no more than 120 linear feet shall be of the same material type, and no more than 60% of the interior facing façade shall be of the same material type or color. The applicant may submit a differing design which would similarly feature a material and color differentiation, with no more than 60% of the interior facing façade being of the same material and color.
c. The applicant shall install stone or brick of at least three-feet in height along the bottom of the 38-unit buildings on the South sides and interior facing facades, and the South sides of the 14 unit buildings.
d. Improving the monochromatic and relatively featureless back sides of the long buildings may be desired by neighbors and the City Planning Commission. Staff recommends that the applicant use a color and material differentiation or the use of other architectural features on the rear of each building to improve the aesthetics of the buildings to surrounding property owners. Staff

recommends the installation of a 3' brick or stone base along the bottom of the entire exterior (similarly to what is proposed on the interior facing facades, as well as color and material differentiation, with an example being the first floor and middle section (behind the staircase, storage, and elevator area) being of one material and color, and the remaining area being of another material and color. Windows shall also be added to the South exterior wall of each staircases on the 38 unit buildings if allowed by Building Code.

The applicant shall also install outdoor active amenity spaces for residents of the building, such as playgrounds, plazas, decks, swimming pools, or other recreation areas. A minimum of 50 square feet of site amenity space is required per dwelling unit.

5. Signage

a. A signage plan was not submitted with the development plan. All signage shall comply with Section 15.33.160(3), *PR/Planned Residential District, Signs* of the Municipal Code (Zoning Ordinance), or the applicant shall submit a revision to the development plan relative to signage at a future date.

Recommendation

The Community Development Department recommends the following:

- Case #ZC-20-003: Approval of the request to rezone property legally described as Lot 4, Auditor's Subdivision of the SE ¼ NE ¼ of Section 31-75-43, excluding City right-of-way, City of Council Bluffs, Pottawattamie County, Iowa from R-1/Single Family Residential District to R-3/Low Density Multifamily Residential District.
- Case #PR-20-001: Approval of the request to adopt a PR/Planned Residential Overlay development plan on the property legally described as Lot 4, Auditor's Subdivision of the SE ¼ NE ¼ of Section 31-75-43, excluding City right-of-way, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:
    1. All requirements of the development plan shall be addressed at the time of building permit approval, and shall be in place prior to the issuance of a certificate of occupancy.
    2. If the improvements identified in the development plan have not been completed within five years from the date of the city council approval, the development plan shall be void unless an extension of time has been granted prior to the expiration date.

Public Hearing

Staff speaker for the request:
1. Chris Meeks, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:
1. Scott Porter, 22938 Meadowview Parkway, Council Bluffs, IA 51503

Speakers against:
1. Michael Petersen, 759 Franklin Avenue, Council Bluffs, IA 51503

Planning Commission Recommendation

The Planning Commission recommended:

- Case #ZC-20-003: Approval of the request to rezone property legally described as Lot 4, Auditor's Subdivision of the SE ¼ NE ¼ of Section 31-75-43, excluding City right-of-way, City of Council Bluffs, Pottawattamie County, Iowa from R-1/Single Family Residential District to R-3/Low Density Multifamily Residential District; and

- Case #PR-20-001: Approval of the request to adopt a PR/Planned Residential Overlay development plan on the property legally described as Lot 4, Auditor's Subdivision of the SE ¼ NE ¼ of Section 31-75-43, excluding City right-of-way, City of Council Bluffs, Pottawattamie County, Iowa, as per staff's recommendations, and subject to the following conditions:
  1. All requirements of the development plan shall be addressed at the time of building permit approval, and shall be in place prior to the issuance of a certificate of occupancy.
  2. If the improvements identified in the development plan have not been completed within five years from the date of the city council approval, the development plan shall be void unless an extension of time has been granted prior to the expiration date.

VOTE: AYE 7 NAY 0 ABSTAIN 2 ABSENT 1 VACANT 0 Motion: Carried

Attachments

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Prepared by: Chris Meeks, Planner