City Council Communication

Department: Community Development CASES #SUB-17-007(M) and PR-17-003(M) Applicant/Developer/Owner: Robert P. McCarthy P.O. Box 683 Avoca, IA 51521 Engineer: John Jorgensen, PE HGM Associates Inc. 640 Fifth Avenue Council Bluffs, IA 51501	Resolution No. Resolution No.	City Council: 02/22/2021 Planning Commission: 2/09/2021

Subject/Title

Request: Preliminary plan approval for a 36 lot residential subdivision to be known as New Horizon Subdivision, Replat 3, being a replat of Lot 5, New Horizon Subdivision, Replat 2, along with subdivision variances to allow lots to exceed the maximum 3:1 lot depth to width ratio and to allow 40 foot-wide lots as opposed to the minimum 50 feet required in an R-2/Two-Family Residential District; and to amend the adopted Planned Residential development plan for said property.

Location: Southwesterly of property addressed as 1621 College Road

Background/Discussion

The Community Development Department has received a request from Bob McCarthy for a 36-lot residential subdivision to be known as New Horizon Subdivision, Replat 3, legally described as being a replat of Lot 5, New Horizon Subdivision, Replat 2, along with subdivision variances to allow lots to exceed the maximum 3:1 lot depth-to-width ratio and to allow 40 foot-wide lots as opposed to the minimum 50 feet required in an R-2/ Two-Family Residential District; and to amend the adopted P-R/Planned Residential development plan for said property.

CASE #SUB-17-007(M):

The proposed New Horizon Subdivision, Replat 3 is comprised of 6.82 acres of undeveloped land that is located east of Valley View Drive, south of College Road, and north of Interstate 80. On September 25, 2017, the applicant received preliminary plan approval from City Council, via Resolution No. 17-212, to develop the property with 32 townhomes. Since the date of preliminary plan approval, the City has experienced an increased demand for townhomes and other similar types of compact housing. The applicant is requesting approval to modify their subdivision plans from 32-units to 36-units in order to meet current market conditions.

The following comments were provided for the proposed subdivision request:

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

2. The subject property is zoned R-2/Two-Family Residential District. Townhomes are permitted as a principal use in the R-2 District with an adopted PR/Planned Residential development plan. In addition to modifying their preliminary subdivision plan the applicant has also proposed to modify their adopted planned residential development plan for consistency purposes (see CASE #PR-17-003(M)).
3. The subdivision consists of 36 townhome lots and three outlots. Outlot A measures 1,372 square feet in size and contains an existing 15 foot-wide sanitary sewer/water main easement. Additionally, Outlot A will be used for the placement a neighborhood identification sign that will be installed at a future date. Outlot B measures 6,044 square feet in size and will held in reserve for future redevelopment of property located at 1621 College Road is redeveloped. Outlot C measures 956 square feet and will also be held in reserve for future redevelopment of property located at 1621 College Road. All outlots shall be owned and maintained by the developer and/or a homeowners association.
4. All lots exceed the minimum 5,000 square foot size requirement for property zoned R-2 District. Lots 2 through 7, Lots 9 through 14, Lots 16 through 19, and Lots 23 through 32 do not meet the minimum 50 foot lot width requirements for property zoned R-2 District. Additionally, Lots 4 through 6, Lots 10 through 13, Lot 16, Lot 18, and Lots 23 through 31 exceed the maximum 3:1 lot depth to width ratio. The applicant has requested a subdivision variances for the aforementioned lots above in accordance with Section 14.11.040, Variance(s), of the Municipal Code (Subdivision Ordinance) which states: *"where it can be shown that due to special conditions, a literal enforcement of the ordinance will result in an unnecessary hard, the City shall have the power to vary such regulations to that substantial justice will be accomplished, provided that such variance would:*
   a) Not be contrary to the public interest;
   b) Be in the best interest of the City;
   c) Be within the spirit and intent of the this title;
   d) Not be detrimental to the future residents in and near the proposed subdivision; and
   e) Be consistent with the city's comprehensive plan.

   The Community Development Department has reviewed the applicant's variance requests and recommends approval for following reasons:
   a. The subject property is irregularly shaped and has topographical constraints which creates a hardship for designing lots that are relatively uniform in shape and size, and which comply with City subdivision/zoning standards;
   b. The subject property is an infill site that is surrounded by existing development (e.g., St. Patrick's Church, Immanuel Senior Living, and Prairie Gate), Interstate 80, and College Road. The applicant does not have the ability to acquire additional land in the vicinity in order to increase the lot widths to conform to City subdivision/zoning standards;
   c. The City's Comprehensive Plan encourages a variety of housing types in order to meet the needs of the community. The applicant's proposals to construct 36 townhomes provides additional housing in the community which is in the overall best interest of the City.
   d. The applicant has engineered and designed the subdivision to be compatible with existing development in surrounding area. The subdivision variances are not anticipated to be detrimental to the future residents in and/or near the subdivision.
   e. The proposed subdivision layout is generally consistent with the same townhome layout shown on Lot 5, New Horizon Subdivision, Replat 2 which was approved by City Council on September 25, 2017 via Resolution No. 17-212;
5. The subdivision includes dedication of a new public street (Patrick Circle) to the City of Council Bluffs. All lots within the proposed subdivision will have direct access to this new street.
6. All townhome dwellings will be constructed with an internal fire suppression system in order to comply with the 2015 International Fire Code Chapter D107.1. This Chapter requires fire suppression systems for developments of 30 or more units when only one access road is provided.
7. A 20 foot-wide access easement for stormwater run-off into an existing shared detention basin is proposed between Lots 2 and 3, and Lots 32 and 33. Dedication and maintenance of this easement to the homeowners association shall be stated on the final plat.

8. The subdivision is located in a Flood Zone X as per FEMA Map #19155C0418F, dated April 16, 2013.
9. All lots will be serviced with sanitary/storm sewers, electric, gas, and telecommunication utilities. All utilities shall be installed underground. All costs to construct, remove, and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer and not the City.
10. Mid-American Energy stated they have no conflict or concerns with the proposed subdivision provided the required five and ten-foot standard franchise utility easements are provided for each lot on the final plat.
11. All future street lights shall meet Public Works Department standards. All costs associated with the installation of street lights shall be the responsibility of the developer and not the City.
12. The City of Council Bluffs Public Works Department stated the following:
    a. City staff has reviewed the preliminary drainage study and will continue to work with the developer's engineers to finalize the stormwater design;
    b. Post construction stormwater management is required and a preliminary application is requested;
    c. City staff will continue to work with the engineer on infrastructure improvements to ensure they current standards and specifications; and
    d. Final plat shall have all easements shown for the utilities placed outside of the dedicated right-of-way.
13. Sidewalk installation along the frontage of College Road and Outlots 'A' and 'B' shall be completed at the time Patrick Circle is constructed. Sidewalk installation along Lots 1 through 36 shall be completed prior to issuance of a Certificate of Occupancy for each residence. All sidewalk construction shall be at the sole expense of the developer and not the City of Council Bluffs.

The following attachments for this request are included with the staff report for reference purposes:
Attachment A: Location/zoning map
Attachment B: Letter of intent prepared by HGM Associates for New Horizon Subdivision, Replat 3
Attachment C: Preliminary subdivision/development plans
Attachment D: Townhouse renderings
Attachment E: Drainage report

CASE # PR-17-003(M)
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". On September 25, 2017, City Council adopted Resolution No. 17-213 which appended a P-R/Planned Residential Overlay and adopted P-R development plan for New Horizon Subdivision, Replat 2. The development plan included site development standards for the Immanuel senior living facility at 1681 College Road and for the applicant's townhome development on Lot 5, New Horizon Subdivision, Replat 2. The applicant is now requesting approval to amend the adopted PR/Planned Residential development plan in order to establish site development standards that are specific to their townhome development only.

The following development standards shall apply to the subject property:

1. Site Development

a. All townhomes shall be developed in accordance with the site development standards (e.g., building setbacks, height, lot coverage, etc.) stated in Chapter 15.10 *R-2/Two-Family Residential District* of the Municipal Code (Zoning Ordinance), except that the front yard setbacks shall be reduced from 25 feet to 20 feet, and the maximum lot coverage increased from 35% to 40%. The applicant has requested reduced front yard setbacks and increased lot coverages in order to address topographical and building siting challenges associated with the property. The Community Development recommends approval of the reduced front yard setback and increased lot coverage as these site development standards will not be harmful to the surrounding area or neighborhood in which they will located in, and the request is consistent with the intent of the Planned Residential Overlay, as stated above.

b. All land uses within the subdivision shall comply with Chapter 15.10 *R-2/Two-Family Residential District* of the Municipal Code (Zoning Ordinance). Any home occupations in the subdivision shall comply with

Chapter 15.24.030, Home Occupations, of the Municipal Code (Zoning Ordinance).

c. All fencing in the subdivision shall comply with the standards stated in Section 15.24.040, *Fence regulations* of the Council Bluffs Municipal Code (Zoning Ordinance).
d. All outdoor lighting shall comply with Chapter 15.24.050, Lighting Controls, of the Municipal Code (Zoning Ordinance).

2. Off-Street Parking

a. The required number of off-street parking spaces for townhomes shall be based on the standards stated in Section 15.23.060, *Parking spaces required*, of the Municipal Code (Zoning Ordinance).
    i. Townhomes: Two spaces per dwelling unit.
    Each dwelling unit will be constructed with at least a two-stall garage, as per the submitted architectural renderings.
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).

3. Landscaping

1. One ornamental street tree be planted along the frontage of each lot at the time a townhome unit is constructed.

4. Architecture

a. The submitted architectural renderings for the townhomes are generally acceptable. Each unit will be slab on-grade and limited to one-story in height. Each unit will either have a two-stall or three-stall garage for off-street parking.

5. Signage

a. A signage plan was not submitted with the development plan. All signage shall comply with Section 15.33.160(03), *PR/Planned Residential District, Signs* of the Municipal Code (Zoning Ordinance).

Recommendation

The Community Development Department recommends the following:

1. Preliminary plan approval for a 36-lot residential subdivision to be known as New Horizon Subdivision, Replat 3, being a replat of Lot 5, New Horizon Subdivision, Replat 2, as shown in Attachment C, subject to compliance with all above stated comments and the following conditions:
    a. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, but is 'deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat'. (§14.11.060.04- Subdivision Ordinance).
    b. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the developer's responsibility.
    c. An erosion and sediment control along with a grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
    d. All utilities shall be installed underground. Any cost to extend, remove, and/or relocate utilities shall be at the sole expense of the applicant and not the City.

e. Sidewalks shall be installed along the frontage of College Road and Outlots 'A' and 'B' at the time Patrick Circle is constructed. Sidewalk installation along the frontage of Lots 1 through 36 shall be completed prior to issuance of a Certificate of Occupancy for each townhome unit. All sidewalk construction shall be at the sole expense of the applicant and not the City.

2. Granting subdivision variance approval to allow Lots 2 through 7, Lots 9 through 14, Lots 16 through 19, and Lots 23 through 32, New Horizon Subdivision, Replat 3 to have lot widths less than 50 feet (as shown in Attachments C);

3. Granting subdivision variance approval for Lots 4 through 6, Lots 10 through 13, Lot 16, Lot 18, and Lots 23 through 31, New Horizon Subdivision, Replat 3 to exceed the maximum 3:1 lot depth to width ratio (as shown in Attachments C); and

4. Approval to amend the adopted Planned Residential development plan, as per Attachments C and D, subject to compliance with all above stated comments.

Public Hearing

Staff speakers for the request:
1. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA

Speakers in favor:
1. John Jerkovich, Heartland Properties, 535 West Broadway, Suite 100, Council Bluffs, IA 51501
2. Jason James, Heartland Properties, 535 West Broadway, Suite 100, Council Bluffs, IA 51501

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended the following:

1. Preliminary plan approval for a 36-lot residential subdivision to be known as New Horizon Subdivision, Replat 3, being a replat of Lot 5, New Horizon Subdivision, Replat 2, as shown in Attachment C, subject to compliance with all above stated comments and the following conditions:
   a. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, but is 'deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat'. (§14.11.060.04- Subdivision Ordinance).
   b. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the developer's responsibility.
   c. An erosion and sediment control along with a grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.
   d. All utilities shall be installed underground. Any cost to extend, remove, and/or relocate utilities shall be at the sole expense of the applicant and not the City.
   e. Sidewalks shall be installed along the frontage of College Road and Outlots 'A' and 'B' at the time Patrick Circle is constructed. Sidewalk installation along the frontage of Lots 1 through 36 shall be completed prior to issuance of a Certificate of Occupancy for each townhome unit. All sidewalk construction shall be at the sole expense of the applicant and not the City.

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4. Approval to amend the adopted Planned Residential development plan, as per Attachments C and D, subject to compliance with all above stated comments.

VOTE: AYE – Bass, Danielsen, Halm, Haner, Hutcheson, Rater, Rew, Scott, Stroebele, and VanHouten NAY - Holm ABSTAIN - None ABSENT – None. VACANT - None Motion: Carried.

Attachments

Attachment A: Location/zoning map
Attachment B: Letter of intent prepared by HGM Associates for New Horizon Subdivision, Replat 3
Attachment C: Preliminary subdivision plans
Attachment D: Development plan
Attachment E: Townhome renderings
Attachment F: Drainage report

Engineer: John Jorgenson, HGM Associates, 640 Fifth Avenue, Council Bluffs, IA 51501

Prepared by: Christopher N. Gibbons, Planning Manager