City Council Communication

Department: Community Development CASES #SUB-21-006, #PR-21-002, #ZC-21-003 Applicant: Community Development Department 209 Pearl Street Council Bluffs, IA 51503 Property Owner: City of Council Bluffs Developer: Turn The Paige Investments, LLC Attn: Jarrod C. McIntyre 19627 Brookside Lane Gretna, NE 68028 Engineer/Surveyor: Terry Morrison, P.E. Ehrhart Griffin and Associates 142 West Broadway, Suite 136 Council Bluffs, IA	Ordinance No. _____ Resolution No. _____	CASE #SUB-21-006: 5/10/2021 CASE #ZC-21-003 1st Consideration: 4/26/2021 2nd Consideration: 5/10/2021 3rd Consideration: 5/24/2021 CASE #PR-21-002: 5/10/2021 Planning Commission: 4/13/21

Subject/Title

Request: Combined public hearings on the request of the Community Development Department to rezone property legally described as Lot 1, Franklin Heights Subdivision from A-P/Administrative Professional District to R-2/Two-family Residential District; along with preliminary subdivision plan approval of a 27-lot residential subdivision to be known as Hillside Estates Subdivision and to append a PR/Planned Residential Overlay and adopt the associated planned residential development plan for Hillside Estates Subdivision, all on property legally described as being a replat Lot 1, Franklin Heights Subdivision, City of Council Bluffs, Pottawattamie County, Iowa.

Location: The northwest corner of Franklin and Bennett Avenues

Background

In September 2020, the project developer, Turn the Paige Investments, represented by Jarrod McIntyre, went through the City's offer-to-buy process to acquire the subject property, legally described above. Through this process, the City has agreed to commit Community Development Block Grant (CDBG) funding for road construction, grading work, stormwater management installation, and landscaping. In exchange for these funds, the builder has agreed to dedicate a minimum of 51 percent of the housing units as low-to-moderate income housing units, which are priced at or below 80 percent of the area's median income. The Community Development Department is representing this project as the applicant and is proposing the following items on property legally described above:

(1) Case #SUB-21-006: Preliminary plan approval of a 27-lot residential subdivision to be known as Hillside Estates Subdivision. The subject property is comprised of 6.36 acres (more/less) located at the

northwest corner of the intersection of Franklin and Bennett Avenues and will be served by a new cul-de-sac, Paige Lane, that connects to Franklin Avenue. The proposed subdivision will consist of 27 lots and four (4) outlots. The submitted preliminary site layout plan shows a total of seven (7) single-family attached homes on Lots 1-6, 13, 14, 19, 20, and 24-27 and a total of thirteen (13) single-family detached homes on Lots 7-12, 15-18, and 21-23. The proposed request will include subdivision variances for lot depth to width ratios, lot widths, and lot size.

(2) Case #PR-21-002: Appending a PR/Planned Residential Overlay and adoption of a planned residential development plan for Franklin Heights Subdivision. The Community Development Department is requesting variances through the proposed planned residential development plan to allow the second required parking space to be located within the required front yard setback and increased maximum lot coverage.

(3) Case #ZC-21-003: Rezone the property legally described above from A-P/Administrative Professional District to R-2/Two-Family Residential District to accommodate the proposed 27-lot residential subdivision described above (Case #SUB-21-006).

The applicant's letter of intent is included with this report as Attachment 'A.'

CASE #SUB-21-006

The proposed residential subdivision is comprised of 6.36 acres (277,041 square feet), more or less, of land and will consist of 27 lots and 4 outlots. The applicant proposes to develop a total of seven (7) single-family attached homes on Lots 1 through 6, 13, 14, 19, 20, and 24-27, and a total of thirteen (13) single-family detached homes on Lots 7-12, 15-18, and 21-23. All lots within the proposed subdivision will have direct access to Paige Lane, a new public street. All lots will be fully served with utilities (e.g., sanitary/storm sewers, water, gas, electric, etc.). The applicant intends to develop the entire subdivision in one phase. The preliminary plans are included with this report as Attachment 'B' and a preliminary drainage study is included as Attachment 'C.'

Comments

1. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, "but shall be 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(D)—Subdivision Ordinance). A final plat application 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.
2. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) as well as the purpose and intent of Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code. The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as "High-Density Residential." A portion of the northwest corner of the property is designated as "Loess Hills Preservation Area."
3. The proposed subdivision is currently zoned A-P/Administrative Professional District and is proposed to be rezoned to R-2/Two-Family Residential District (see Case #ZC-21-003) and a PR/Planned Residential Overlay appended to allow for a mixture of attached and detached single-family dwellings. (see Case #PR-21-002).
4. The subdivision's layout and associated lot configuration/dimensions are influenced by the unique topographic nature of the site, preservation of the Loess Hills, and incorporation of stormwater management areas. As a result of these development constraints, the applicant is requesting subdivision variances for minimum lot size/lot width and maximum lot depth-to-width rations as follows:
    a. <u>Variances from minimum R-2 District Lot Sizes</u>
    Minimum required R-2 District lot sizes: 5,000 square feet (interior lot) and 5,500 square feet (corner lot)

Proposed Lot 22 (4,870 square foot interior lot for a single-family detached dwelling), Lot 2 (4,924 square foot interior lot for a single-family detached dwelling) and Lot 27 (5,280 square foot corner lot for a single-family attached dwelling) do not comply with minimum R-2 District lot size requirements.

b. Variance from minimum R-2 District Lot Width
Minimum required R-2 District lot width: 50 feet (interior lot), 55 feet (corner lot), and 'the building setback line' (cul-de-sac lots)

Proposed lots Lots 2-6, 10-20, 22, and 24-26 have lot widths less than the minimum required in the R-2 District.

c. Variances from maximum 3:1 Lot Depth to Width Ratio
Section 14.14.020, Lot Layout, of the Council Bluffs Municipal Code (Subdivision Ordinance) states '*Excessive lot depth in relation to width shall be avoided. A proportion of three to one respectively shall be considered as a maximum*.'

Proposed Lots 2-8, 13, 14, 18, 19 and 24-26 exceed the maximum 3:1 lot depth-to-width ratio.

Section 14.14.040, *Variances*, of the Council Bluffs Municipal Code (Subdivision Ordinance) states: *"where it can be shown that due to special conditions, a literal enforcement of this ordinance will result in an unnecessary hardship, the City shall have the power to vary such regulation so that substantial justice will be accomplished, provided that such variance would:*

1.Not be in contrary to the public interest;
2.Be in the best interest of the City;
3.Be within the spirit and intent of this title;
4.Not be detrimental to the future residents in and near the proposed subdivision;
5.Be consistent with the City's comprehensive plan."

The Community Development Department has reviewed the applicant's variance requests and recommends approval for the following reasons:

a. The subject property is a challenging setting for residential development as the north half of the property is comprised of steep Loess Hills preservation area. Additionally, the area is further bounded by existing residential developments to the west and north and by Franklin and Bennett Avenues to the south and east. The proposed subdivision variances allow the applicant to develop the property in a sustainable manner that minimizes grading of the Loess Hills Preservation area and prevents erosion of the site.
b. The City's Comprehensive Plan encourages a variety of housing types in order to meet the needs of the community. The applicant's proposal includes fourteen (14) single-family attached dwellings and thirteen (13) single-family detached dwellings which will be marketed to households of varying income levels. The mixture of housing typologies and market-rate and workforce housing in the community which is in the overall best interest of the City.
c. The applicant has engineered and designed the subdivision to be compatible with existing development in the surrounding area. The subdivision variances are not anticipated to be detrimental to the future residents in and/or adjacent to the subdivision.

5. Section 15.23.060, *Parking spaces required*, of the Council Bluffs Municipal Code (Zoning Ordinance) requires a minimum two (2) parking spaces for single-family attached and detached dwellings. Additionally, Section 15.23.020, *General Provisions*, of the Council Bluffs Municipal Code (Zoning Ordinance) states, *'Parking and loading or unloading spaces shall not be located in a required front yard with the exception of commercial and industrial districts, but may be located within a required side or rear yard.'* The proposed

single-family attached lots show one (1) of the two (2) required parking spaces in the required front yard setback. A variance to allow the required parking in the front yard setback for all single-family attached dwellings is included with the planned residential development plan (see Case #PR-21-002).

6. The submitted site plan shows the single-family attached homes on proposed Lots 19 and 20 with a single-stall attached garage for each unit. The applicant has indicated that they intend to reduce the size of Lot 18 and increase the size of Lots 19 and 20 to allow for a two-car garage on the latter two lots prior to execution of a final plat. The applicant has been advised that a minimum 5-foot interior yard setback shall be maintained.
7. Per Section 15.09.050, *Site Development Standards*, the maximum lot coverage for all structures in the R-2/Two Family Residential District is 35 percent. A variance to allow a maximum 40 percent lot coverage as opposed to the 35 percent maximum is included with the planned residential development plan (Case #PR-21-002).
8. Turn the Paige Investments, LLC has proposed to construct all homes with a 20-foot front yard setback to reduce the amount of grading required to develop the lots. A variance to allow a 20-foot front yard setback as opposed to the required 25-foot setback is included with the planned residential development plan for the subject property (see Case #PR-21-002).
9. The proposed subdivision includes four (4) outlots, A-D. Outlot 'A' extends along Franklin and Bennett Avenues and serves as a landscape buffer between the residential properties and public right-of-ways. Outlots 'B' and 'C' will serve as stormwater detention areas. Outlot 'D' will be combined with City-owned Clark Cemetery located immediately north of the subject property through a lot line adjustment at a later date. Outlots 'A'-'C' shall be maintained by the Home Owners Association (HOA).
10. The applicant intends to create an additional outlot to encompass the retaining wall and natural area behind Lots 2-11 so that the HOA shall be responsible for the ongoing maintenance of the wall and natural area north of the wall rather than individual homeowners. This outlot is not currently shown on the preliminary site development plans but shall be shown on the final plat prior to execution.
11. The developer, Turn the Paige Investments, LLC, went through the City's offer-to-buy process to acquire the subject property. Through this process, the City has agreed to commit Community Development Block Grant (CDBG) funding for road construction, grading work, stormwater management installation, and landscaping. In exchange for these funds, the builder has agreed to dedicate a minimum of 51 percent of the housing units as low-to-moderate income housing units, which are priced at or below 80 percent of the area's median income. Fourteen (14) of the proposed 27 units (51.9%) will be dedicated to low-to-moderate income housing units.
12. All proposed lots will have access to Paige Lane, a new public street, that will be built and dedicated by the City, and will align with Wendy Heights Road to the south.
13. All lots will be serviced with utilities (e.g., sanitary/storm sewers, water, electricity, etc.) that 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.
14. Sidewalk installation along the frontage of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each lot. A sidewalk shall also be installed along Outlot 'C' and shall be installed at the time of street construction. All sidewalks shall be built to City standards.
15. Street trees shall be planted along the frontage of each proposed lot (as shown on the submitted landscaping plan - Sheet C4.1 of Attachment 'B') prior to issuance of a Certificate of Occupancy for each lot. The submitted landscaping plan shows street trees along Franklin Avenue on the north side of the sidewalk. The plan shall be revised to show the street trees south of the sidewalk in order to provide a barrier between pedestrians and traffic along Franklin Avenue. The sidewalk shall be set back approximately six (6) to eight (8) feet from the curb to accommodate the planting of said street trees. All costs associated with the installation and maintenance of street trees shall be the responsibility of the developer and/or HOA and not the City. All proposed trees within the City's right-of-way shall comply with the Council Bluffs Street Tree Guide and be reviewed and approved by the City prior to installation.
16. All future streetlights shall meet Public Works Department standards. All costs associated with the installation of streetlights shall be the responsibility of the developer and not the City.

17. The subject property is not located within a flood zone.
18. The Council Bluffs Fire Department stated that they have no comments regarding the request.
19. The Council Bluffs Public Works Department provided the following comments:
    a. The connection to Franklin has been noted as aligning with Wendy Heights Road;
    b. The retaining wall will be required to be designed and sealed by a registered professional engineer;
    c. The drainage report noted the following:
        1. A hydro dynamic separator in this setting will not be sustainable and Public Works will work with the Engineer on the drainage issues;
        2. Basins located on steep slopes have been minimally successful in the past. Both basins require a minimum 10' top to allow for maintenance; and
        3. Basins shall be maintained by an HOA with maintenance requirements identified in an Operation and Maintenance Agreement.
    d. The road profile has been noted;
    e. The sanitary sewer connection has been noted;
    f. A geotechnical report is required.
20. The Permits and Inspections Division stated concerns regarding the continued structural integrity of the proposed retaining wall and noted that the addition of terraces on the uphill slope could mitigate and minimize the potential failure of the retaining wall.
21. Council Bluffs Water Works stated that the City will need to contact them about main extension requirements to serve the development.
22. MidAmerican Energy provided the following comments:
    a. They have no conflict with the proposal.
    b. The City should contact MidAmerican Energy directly to discuss the project timeline and provide the documentation necessary for a formal design and proposal to extend electric service within the development.
    c. MidAmerican Energy will require the standard platted 10-foot front lot line and 5-foot side and rear lot line easements for the proposed development.
23. Cox Communications provided a map (Attachment 'D') showing the location of their facilities near the subject property and asked that the City contact them with any additional questions.

CASE #ZC-21-003

The subject property is currently zoned A-P/Administrative Professional District. The applicant intends to rezone the property to R-2/Two-Family Residential District to accommodate the proposed 27-lot residential subdivision (Case #SUB-21-006). A P-R/Planned Residential Overlay is proposed to be appended to the subject property along with the proposed rezoning (Case #PR-21-002).

Land Use and Zoning – The following zoning and land uses surround the subject property:

- North
    - Lindsey Manor Apartment Building - *R-3/Low-Density Multifamily Residential District*
    - City-owned Clark Cemetery - *R-3/Low-Density Multifamily Residential District*
    - Arbor Ridge Condominiums - *R-4/High-Density Multifamily Residential District*
- South
    - Gas station - *C-2/Commercial District*
    - Small, undeveloped City-owned property - *A-P/Administrative Professional District*
    - Residential properties - *R-1/Single-Family Residential District*
- East
    - Greenbriar Apartments – *R-3/Low-Density Multifamily Residential District*
- West
    - Mink Apartments - *R-3/Low-Density Multifamily Residential District*
    - Deerfield Apartments - *R-3/Low-Density Multifamily Residential District*

A location/zoning map has been included with this report as Attachment 'E.'

The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as "High-Density Residential." A portion of the northwest corner of the property is designated as "Loess Hills Preservation Area."

Public notices were mailed to all property owners within 200 feet of the request. As of the date of this report, no comments were received.

Discussion

1. All proposed lots will be zoned R-2/Two-Family Residential District. The applicant intends to develop a total of seven (7) single-family attached homes on Lots 1 through 6, 13, 14, 19, 20, and 24-27, and a total of thirteen (13) single-family detached homes on Lots 7-12, 15-18, and 21-23. Proposed Lots 22, 23, and 27 do not meet the minimum lot size requirements of the R-2/Two-Family Residential District.
2. The applicant is proposing to append a P-R/Planned Residential Overlay to the entirety of the proposed subdivision. A planned residential development plan which establishes standards for site development, architecture, landscaping, parking, and signage will be adopted as part of this development.
3. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property "High-Density Residential" and a portion of the northwest corner of the property as Loess Hills Preservation Area. The proposed rezoning is consistent the Future Land Use Plan. The portion of the property designated as "Loess Hills Preservation Area" is especially steep terrain and will remain primarily undisturbed.
4. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate the uses permitted in the R-2 District.

Case #PR-21-002

Section 15.28.010, Statement of Intent, P-R/Planned Residential Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance) states that "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 proposes to append a P-R/Planned Residential Overlay to the entire subdivision to be known as Hillside Estates Subdivision in order to regulate the design and layout of the proposed development. Due to the unique topographic nature of the site and the need for designated stormwater management areas, certain variances are requested to allow for sustainable development of the subject property that minimizes erosion.

1. Site Development

a. The minimum tract of land required for P-R Overlay is 1.5 acres. The subject property contains 6.36 acres, which exceeds the minimum lot size requirement of the P-R Overlay.
b. All proposed lots shall be developed to R-2/Two-Family Residential District site development standards, as per Section 15.09.050, *Site Development Regulations*, with the following exceptions
   i. The minimum front yard setback for principal structures on all lots shall be 20 feet rather than the minimum 25 feet.
   ii. The maximum lot coverage for all structures shall be 40 percent rather than the 35 percent maximum.
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 utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to this site shall be at the sole cost of the developer and not the City.

2. Off-Street Parking

a. Per Section 15.23.060, Parking Spaces Required, of the Council Bluffs Municipal Code (Zoning Ordinance) the required number of off-street parking spaces for single-family detached and single-family attached dwellings is two (2) spaces per dwelling unit. All proposed single-family detached units are being constructed with a two-car garage. All proposed single-family attached dwellings are being constructed with a single-car garage. One (1) additional required parking space shall be allowed in the required front yard setback so long as all parking occurs on a paved surface and the placement of vehicles does not interfere with the City's right-of-way.
b. All off-street parking areas, driveways and drive aisles shall comply with the standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).

3. Architecture

a. The submitted house plans, included as Attachment 'F,' are generally acceptable in design and layout and shall be adopted as submitted with the following considerations:
   i. Each dwelling unit shall have a minimum of 40 square feet of stone, brick, and/or decorative architectural metal on the front façade;
   ii. The submitted site plan shows the single-family attached dwellings on proposed Lots 19 and 20 with a single-stall attached garage for each unit. The applicant has indicated that they intend to reduce the size of Lot 18 and increase the size of Lots 19 and 20 to allow for a two-car garage on the latter two lots prior to execution of a final plat. The applicant has not provided house plans for the proposed single-family attached dwellings on Lots 19-20 at this time. The house plans for Lots 19-20 shall be compatible in design and layout with the rest of the subdivision.
   iii. Minor modifications deemed to be compatible with the other homes in the subdivision shall be approved administratively by the Community Development Director or their designee.

4. Landscaping

a. The submitted landscaping plan (Sheet No. C4.1 of Attachment 'B') shows the locations of proposed street trees throughout the subdivision and proposed shrub plantings on Outlot 'C.' The proposed landscaping plan is generally acceptable and shall be adopted as submitted with the following modifications:
   i. The submitted landscaping plan shall be revised to show the street trees along Franklin Avenue on the south side of the sidewalk in order to provide a barrier between pedestrians and traffic along Franklin Avenue. The sidewalk shall be setback approximately six to eight feet from the curb to accommodate the planting of said street trees. All costs associated with the installation and maintenance of street trees shall be the responsibility of the developer and not the City. All proposed trees within the City's right-of-way shall be reviewed and approved by the City prior to installation and shall comply with the Council Bluffs Street Tree Guide (see Attachment 'G');
   ii. All landscaping shall be appropriately maintained and dead plant material replaced at a time appropriate to planting seasons but in all cases shall be replaced within one year; and
   iii. Minor modifications to the submitted landscaping plan shall be approved administratively by the Community Development Director or their designee.
b. All street trees along Paige Lane and the shrub plantings on Outlot 'C' as shown on the submitted landscaping plan shall be planted at the time of street construction. Street Trees along Franklin and Bennett Avenues, as shown on the submitted landscaping plan, shall be planted prior to issuance of a Certificate of Occupancy for each lot.

5. Signage

a. A signage plan was not submitted with the development plan. All signage (detached and attached) shall comply with Section 15.33.160(C), P-R/Planned Residential District Sign Regulations, of the Municipal Code (Zoning Ordinance).

Recommendation

The Community Development Department recommends the following for the subject property legally described as described as Lot 1, Franklin Heights Subdivision, City of Council Bluffs, Pottawattamie County, Iowa:

1. Approval of the preliminary plan for the 27-lot residential subdivision to be known as Hillside Estates Subdivision, legally described as being a replat of Lot 1, Franklin Height Subdivision, subject to the comments above and the following conditions:
   a. Approval of the preliminary plans 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" (Section 14.11.060(D)—Subdivision Ordinance).
   b. All applicable permits necessary to meet all local, state, and federal requirements shall be the developer's responsibility.
   c. 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.
   d. The submitted landscaping plan shall be revised to show the street trees along Franklin Avenue on the south side of the sidewalk in order to provide a barrier between pedestrians and traffic along Franklin Avenue. The sidewalk shall be set back approximately six to eight feet from the curb to accommodate the planting of said street trees. All costs associated with the installation and maintenance of street trees shall be the responsibility of the developer and not the City. All proposed trees within the City's right-of-way shall be reviewed and approved by the City prior to installation and shall comply with the Council Bluffs Street Tree Guide.
   e. Sidewalks shall be installed along the frontage of each proposed lot prior to issuance of a Certificate of Occupancy for each lot. A sidewalk shall also be installed along Outlot 'C' and shall be installed at the time of street construction. All sidewalks shall be built to City standards.
   f. The proposed additional outlot that will encompass the retaining wall and natural area behind Lots 2-11 shall be shown on the final plat prior to execution. The HOA shall be responsible for the ongoing maintenance of the wall and natural area north of the wall.
   g. All future streetlights shall meet Public Works Department standards. All costs associated with the installation of streetlights shall be the responsibility of the developer and not the City.
   h. Approval of the requested variances relative to lot size, lot width, and maximum lot depth to width ratios, based on the reasons stated above.

2. Approval of the request to rezone, Lot 1, Franklin Heights Subdivision, City of Council Bluffs, Pottawattamie County, Iowa from A-P/Administrative Professional District to R-2/Two-Family Residential District, based on the reasons stated above and subject to final plat approval of Franklin Heights Subdivision.

3. Approval of the request to append a P-R/Planned Residential Overlay and adopt a planned residential development plan for Hillside Estates Subdivision, legally described as being a replat of Lot 1, Franklin Heights Subdivision, subject to the following conditions:

   a. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed by City Planning Commission and approved by City Council prior to such changes being made. Minor modifications to the adopted development plan that result in a product that is considered compatible with the overall development may be administratively approved by the Community Development Director or their designee.

Public Hearing

Staff speaker for the request:

1. Haley Weber, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:
1. Jared McIntryre, Turn the Paige Investments, LLC, 19267 Brookside Lane, Gretna, NE 68028

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended:
The Community Development Department recommends the following for the subject property legally described as described as Lot 1, Franklin Heights Subdivision, City of Council Bluffs, Pottawattamie County, Iowa:

1. Approval of the preliminary plan for 27-lot residential subdivision to be known as Hillside Estates Subdivision, legally described as being a replat of Lot 1, Franklin Height Subdivision, subject to the comments above and the following conditions:

   a. Approval of the preliminary plans 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" (Section 14.11.060(D)—Subdivision Ordinance).
   b. All applicable permits necessary to meet all local, state, and federal requirements shall be the developer's responsibility.
   c. 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.
   d. The submitted landscaping plan shall be revised to show the street trees along Franklin Avenue on the south side of the sidewalk in order to provide a barrier between pedestrians and traffic along Franklin Avenue. The sidewalk shall be set back approximately six to eight feet from the curb to accommodate the planting of said street trees. All costs associated with the installation and maintenance of street trees shall be the responsibility of the developer and not the City. All proposed trees within the City's right-of-way shall be reviewed and approved by the City prior to installation and shall comply with the Council Bluffs Street Tree Guide.
   e. Sidewalks shall be installed along the frontage of each proposed lot prior to issuance of a Certificate of Occupancy for each lot. A sidewalk shall also be installed along Outlot 'C' and shall be installed at the time of street construction. All sidewalks shall be built to City standards.
   f. The proposed additional outlot that will encompass the retaining wall and natural area behind Lots 2-11 shall be shown on the final plat prior to execution. The HOA shall be responsible for the ongoing maintenance of the wall and natural area north of the wall.
   g. All future streetlights shall meet Public Works Department standards. All costs associated with the installation of streetlights shall be the responsibility of the developer and not the City.
   h. Approval of the requested variances relative to lot size, lot width, and maximum lot depth to width ratios, based on the reasons stated above.

2. Approval of the request to rezone, Lot 1, Franklin Heights Subdivision, City of Council Bluffs, Pottawattamie County, Iowa from A-P/Administrative Professional District to R-2/Two-Family Residential District, based on the reasons stated above and subject to final plat approval of Franklin Heights Subdivision.

3. Approval of the request to append a P-R/Planned Residential Overlay and adopt a planned residential development plan for Hillside Estates Subdivision, legally described as being a replat of Lot 1, Franklin Heights Subdivision, subject to the following conditions:

a. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed by City Planning Commission and approved by City Council prior to such changes being made. Minor modifications to the adopted

development plan that result in a product that is considered compatible with the overall development may be administratively approved by the Community Development Director or their designee.

VOTE: AYE - Bass, Danielsen, Halm, Haner, Hutcheson, Rater, Scott, Stroebele, and Van Houten NAY - None ABSTAIN - Rew ABSENT - None VACANT One Motion: Carried

Attachments

Attachment A: Letter of Intent
Attachment B: Hillside Estates Preliminary Plans
Attachment C: Preliminary Drainage Study
Attachment D: Cox Communications Facilities Map
Attachment E: Location/Zoning Map
Attachment F: Proposed House Plans and Architectural Renderings
Attachment G: Council Bluffs Street Tree Guide

Prepared by: Haley Weber, Planner, Community Development Department