City Council Communication

Department: Community Development CASES #SUB-21-005, ZC-21-002, and PR-21-001 Applicant: Arbor Creek, LLC 2023 South 181st Circle Omaha, NE 68130 Property Owner: City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503 Engineer/Surveyor: E&A Consulting Group, Inc. 10909 Mill Valley Road, Suite 100 Omaha, NE 68154	Resolution No. _____ Resolution No. _____ Ordinance No. _____	CASE #SUB-21-005: 5/10/2021 CASE #ZC-21-002 1st Consideration: 4/26/2021 2nd Consideration: 5/10/2021 3rd Consideration: 5/24/2021 CASE #PR-21-001: 5/10/2021 Planning Commission: 4/13/2021

Subject/Title

Requests: Combined public hearing on the request of Arbor Creek, LLC, represented by Neal Drickey for: 1) preliminary plan approval for a 27-lot residential subdivision to be known as Arbor Creek 2nd Addition, legally described as being a replat of Lot 2, Arbor Creek Subdivision, along with variances for minimum lot size and lot widths, and maximum lot depth to width ratios; and 2) rezoning said property from A-2/Parks, Estates, and Agricultural District to R-2/Two-Family Residential District; and 3) appending a PR/Planed Residential Overlay and adopting the associated planned residential development plan for said property.

Location: Undeveloped land lying south of 1020 Railroad Avenue

Background

In July 2020, City Council directed the Community Development Department to release a Request for Proposals (RFP) for the subject property (Lot 2, Arbor Creek Subdivision) as an alternative plan to the offer to buy submitted by the Midlands Humane Society (MHS). The City received one response to the published RFP from Neal Drickey and his development team ("the applicant/developer"). Their original proposal included two alternatives with 34 and 36 housing units respectively, and was a combination of single-family detached and rowhouse units. City Council reviewed the proposals from MHS and Mr. Drickey, and then encouraged both entities to work together on a subdivision design that allows Mr. Drickey to build new residential dwellings, and for MHS to acquire a portion of the land for a future expansion of their animal rescue shelter. Mr. Drickey, after meeting with MHS, submitted two amended proposals to the City for a 35-unit (16 townhomes/19 single-family) development, and a 26-unit (12 townhomes/14 single-family) development for Council's consideration. Their proposals included land set aside for MHS and an offer to purchase the property for $200,000.00. Additionally, their updated project pro-forma included a request for tax increment financing (TIF) to help offset infrastructure costs (e.g., roads, sewers, gas, etc.) within the

subdivision, and to help cover the financial gap for constructing 45% of the dwelling units for households at or below 80% of the median family income. On November 9, 2020, City Council approved Resolution No. 20-247 which disposed of the subject property to Mr. Drickey for $200,000.00 and directed him to enter into a development agreement with the City.

The applicant has submitted the following requests to the Community Development Department for review and approval by the City for the subject property legally described as Lot 2, Arbor Creek Subdivision:

- Preliminary plan approval for a 27-lot residential subdivision to be known as Arbor Creek 2nd Addition, legally described as being a replat of Lot 2, Arbor Creek Subdivision, along with variances for minimum lot size and lot widths, and maximum lot depth to width ratios; and
- Rezoning said property from A-2/Parks, Estates, and Agricultural District to R-2/Two-Family Residential District; and
- Appending a PR/Planed Residential Overlay and adopting the associated planned residential development plan for said property.

The following attachments are included within this report for reference purposes:
Attachment A: Letter of intent
Attachment B: Preliminary subdivision plans
Attachment C: Drainage study
Attachment D: Location/zoning map
Attachment E: PR site and landscaping plans
Attachment F: Architectural renderings and floor plans
Attachment G: Council Bluffs street tree guide

CASE #SUB-21-005 (See Attachments B & C)

The proposed Arbor Creek 2nd Addition subdivision is comprised of 6.19 acres (more/less) of land and contains 27 buildable lots and one outlot. Lots 1 - 12 and Lots 25 - 26 will be developed with single-family detached dwellings, and Lots 13 through 24 will be developed with townhome units. Lot 27 will be retained by the applicant so that it may be sold to MHS, or developed with additional housing units, at a future date. Outlot 'A' will function as a storm water detention basin and will be maintained by the Arbor Creek 2nd Addition homeowner's association. A new public street to be known as Arbor Creek Drive will be constructed by the applicant and then dedicated to the City. All proposed lots will be fully served with utilities (e.g., sanitary/storm sewers, water, gas, electricity, telecommunications, etc.). The applicant intends to develop the entire subdivision, with exception of Lot 27, in one phase.

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 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.
2. The proposed subdivision is generally consistent with 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 Plan (Comprehensive Plan) designates the subject property as Rural/Agricultural. This designation is expected change to a residential classification as part of an effort by the City's Community Development Department to update the future land use plan of the Bluffs Tomorrow: 2030 Plan.
3. The proposed subdivision is currently zoned A-2/Parks, Estates, and Agricultural District and the applicant has requested to rezone it to R-2/Two-Family Residential District and append a PR/Planned

Residential Overlay to allow for a mixture of single-family detached and townhome dwellings (see Case #ZC-21-002).

4. The subdivision will consist of 27 lots (12 townhomes and 14 single-family detached dwellings and one undeveloped lot reserved for MHS). Lots 1 through 12 and Lots 25-26 will be developed with single-family detached dwellings. Lots 13-24 will be developed with townhomes. Lot 27 is being reserved by the applicant to potentially sell to MHS at a future date, or developed with additional dwellings in the event MHS does not purchase said lot. Single-family detached dwellings are allowed as a principal use in the R-2 District. Townhomes are allowed as a principal use in the R-2 District with an adopted PR/Planned Residential development plan.
5. The subdivision's layout and associated lot configuration/dimensions are influenced by the layout of Lot 27, which is being reserved by the applicant to sell to MHS in the future. As a result of the size and shape of proposed Lot 27, the applicant is requesting subdivision variances for minimum lot size/lot width and maximum lot depth-to-width ratio as follows:

   a. Variances from minimum R-2 District Lot Sizes
   Minimum required R-2 District lot sizes: 5,000 square feet (interior lot), 5,500 square feet (corner lot), and 5,000 square feet (townhome lots).

   Proposed Lot 7 (4,939 square foot interior lot for a single-family dwelling) and Lots 14-24 (all townhomes lots less than 5,000 square feet) do not comply with minimum R-2 District lot size requirements.

   b. Variances from minimum R-2 District Lot Width
   Minimum required R-2 District lot width: 50 feet (interior lot) and 55 feet (corner lot)

   Proposed Lots 4 & 5 and Lots 9-11 have lot widths less than the minimum 50' required in an R-2 District.

   c. Variances from maximum 3:1 Lot Depth to Width Ratio
   Section 14.14.020(3), *Lot Layout*, of the Council Bluffs 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 14-16 and Lots 18-24 are all townhome lots that exceed the maximum 3:1 lot depth to width ratio.

Section 14.11.040, *Variance(s)*, of the Council Bluffs Subdivision Ordinance states: *"where it can be shown that due to special conditions, a literal enforcement of the ordinance will result in an unnecessary hardship, 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. There are existing utility easements (natural gas and water) that extend through the westerly and easterly portions of the subject property that create a hardship for designing the subdivision's road in a manner that complies with R-2 District site development standards and creates developable lots.
b. The applicant has configured the subdivision in a manner that honors City Council's desire to see new residential dwellings constructed on the property, and some land reserved for Midlands Humane Society to potentially purchase from the applicant at a future date. The applicant has reserved Lot 27 for MHS to potentially purchase at a later date; however the lot's size and irregular shape influences the layout and configuration of all other lots in the subdivision.
c. The subject property is surrounded by existing development, College Road, and Railroad Avenue. The applicant does not have the ability to acquire additional undeveloped land in the general vicinity in order to design the subdivision with lots that conform to all City subdivision/zoning standards;
d. The Bluffs Tomorrow: 2030 Plan encourages a variety of housing types in order to meet the needs of the Council Bluffs community. The applicant's proposals includes 12 townhomes and 14 detached single-family dwellings. These homes will be a combination of market-rate housing, as well as, workforce housing for households at or below 80% of the median family income. The applicant's subdivision proposal is consistent with the goals and objectives of the Bluffs Tomorrow: 2030 Plan to provide a variety of housing in the Council Bluffs community.
e. 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.

6. Outlot 'A' is designed to handle all storm water run-off from the subdivision. The Council Bluffs Public Works Department stated a note shall be stated on the final plat that dedicates all maintenance of Outlot 'A' (including basin maintenance) to the subdivision's homeowners association.
7. The proposed subdivision includes dedication of a new public street (Arbor Creek Drive) to the City of Council Bluffs. All lots within this subdivision will have direct access to this new public street. The applicant has required a variance from Section 5C-1 of the Iowa Statewide Urban Design and Specifications (SUDAS) to allow a reduction of the minimum horizontal curves for Arbor Creek Drive. The Council Bluffs Public Works Department has reviewed the request and is not opposed to reducing the horizontal curves for Arbor Creek Drive, as the request does not create a public safety hazard.
8. The land within this subdivision is located within Flood Zones 'AE' and '0.2%" according to FEMA map panel number 19155C0418F, dated 4/16/2013. With adequate engineering and construction controls, the land in this subdivision is suitable for development, subject to compliance with all applicable floodplain regulations.
9. All future street lights shall meet the Public Works Department standards and shall be installed when Arbor Creek Drive is constructed. All costs associated with the installation of street lights shall be the responsibility of the developer and not the City.
10. All proposed lots will be fully served with utilities (e.g., sanitary/storm sewers, water, gas, electricity, telecommunications, etc.). Any costs to construct, remove, and/or relocate any utilities for the proposed subdivision shall be the responsibility of the applicant and not the City.
11. A minimum four-foot wide sidewalk shall be constructed along the frontage(s) of Lots 1 through 27 prior to the issuance of a Certificate of Occupancy for structures on said lots. A minimum four-foot wide sidewalk shall be constructed along the frontage areas of Outlot 'A' at the time Arbor Creek Drive is constructed and shall connect into the trail along Railroad Avenue. All costs to construct said sidewalks shall be at the expense of the applicant and not the City of Council Bluffs.
12. Council Bluffs Fire Department stated they have no comments for the proposed subdivision.
13. Council Bluffs Water Works stated they applicant will need to enter into a water main extension agreement to service the lots in this subdivision.
14. Council Bluffs Public Works Department stated the following:

a. Final plat requires a dedication page and all signatures need to be identified, and all standard easements notated.
b. Sanitary sewer connection point is noted. Sanitary sewer along Railroad Avenue may be in conflict with trail and street trees. The applicant will need to continue working with Public Works on the proper placement of the sewer to avoid said conflicts.
c. Drainage report and storm sewer connection point noted. Stormwater management required for both water quantity and quality.
d. Detention basin and calculation noted in the drainage report. Public Works will continue to work with the applicant's engineer to finalize the drainage report.
e. Ground water elevation not provided. Geotechnical report is required to be submitted to the Public Works Department prior to commencement of work.
f. Street profile noted. Pavement thickness noted and rock subgrade is required.
g. Lot 27 must have maintenance standards identified on the final plat, or platted as outlot with maintenance assigned to the homeowner's association.

15. MidAmerican Energy stated they have no conflicts with the proposed subdivision provided the required 5-foot and 10-foot franchise utility easements, along all front, side, and rear yard property lines, are stated on the final plat. MidAmerican Energy also stated the applicant and/or their engineers should contact them to discuss project timelines and provide the necessary documentation for extending electrical service within the development.
16. Lumen stated the subdivision does not conflict with their existing utilities in the adjacent rights-of-way.

CASE #ZC-21-002

The subject property is zoned A-2/Parks, Estates, and Agricultural District (see **Attachment D**). The applicant proposes to rezone it to R-2/Two-Family Residential District to allow for a mixture of housing typologies (e.g., single-family detached and townhouses) within their subdivision. A P-R/Planned Residential Overlay is also proposed to be appended to the subject property to regulate building architecture, off-street parking, landscaping, and site development standards (see Case #PR-21-001).

Surrounding land uses and zoning within the general vicinity of the subject property includes:

- North – Midlands Humane Society and undeveloped land – *A-2/Parks, Estates, and Agricultural District*
- South – College Road, single-family residential dwellings, undeveloped land, and railroad line - *A-2/ Parks, Estates, and Agricultural District*
- East – Railroad Avenue and single-family residential dwellings – *A-2/Parks, Estates, and Agricultural District*
- West – Single-family residential dwellings and undeveloped land – *R-1/Single-Family Residential District*

The future land use plan of the Bluffs Tomorrow 2030 (comprehensive plan) currently designates the subject property as Rural Residential/Agricultural. The westerly portion 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 well as to the Midlands Humane Society. One letter was returned to the City as undeliverable. No public comments were received for these requests, as of the date of this report.

Discussion

1. All proposed lots will be zoned R-2/Two-Family Residential District. The applicant intends to develop a total of 12 townhomes and 14 single-family detached dwellings within the subdivision. Lot 27 is included in the rezoning and is being reserved by the applicant to sell to MHS at future date, or developed

with additional residential dwellings in the event that MHS does not purchase the lot. If the lot is purchased by MHS, the new owner must rezone it to an appropriate zoning designation that allows an 'Animal shelter (non-profit)' as a principal or conditional use.

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 future land use plan of the Bluffs Tomorrow 2030 (comprehensive plan) currently designates the subject property as Rural Residential/Agricultural. The westerly portion of the property is designated as "Loess Hills Preservation Area". The Community Development Department is evaluating the future land use plan of the Bluffs Tomorrow: 2030 Plan and anticipates the "Rural Residential/Agriculture" designation applied to this property will change to "Medium Density Residential" due to recent development trends occurring along College Road and Railroad Avenue.

Case #PR-20-001 (see Attachments E & F)

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 and adopt a development plan for Arbor Creek 2nd Addition for the purpose of regulating site development standards, building architecture, landscaping, off-street parking, stormwater management, signage, etc. associated with this subdivision, as follows:

1. Site Development

a. The minimum tract of land required for a P-R/Planned Residential Overlay is 1.5 acres. The subject property contains 6.19 acres, which complies with minimum lot size requirement of the P-R Overlay.
b. All land uses within the subdivision shall comply with Chapter 15.09 *R-2/Two-Family Residential District* and Chapter 15.28 *P-R/Planned Residential Overlay* of the Municipal Code (Zoning Ordinance). Any home occupations within the subdivision shall comply with Chapter 15.24.030, Home Occupations, of the Municipal Code (Zoning Ordinance).
c. All land development activity within the subdivision shall comply with R-2/Two-Family Residential District standards, as per Section 15.09.050, *Site Development Regulations*, with the following exception:
    i. The maximum lot coverage for all lots shall not exceed 40 percent rather than the 35 percent maximum allowed in an R-2 District.
d. 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).
e. All exterior lighting shall comply with the standards stated in Section 15.24.050, *Lighting Controls*, of the Council Bluffs Municipal Code (Zoning Ordinance).
f. Minor modifications to building setbacks, heights, and/or lot coverage which are deemed to be compatible with other homes in the subdivision, and are not detrimental to the subdivision and/or properties outside the boundary of the subdivision, shall be administratively approved by the Community Development Director or their designee.

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 townhome dwellings is two (2) spaces per unit. All proposed single-family detached units are being constructed with a two or three-car garage. All proposed townhome dwellings are being constructed

with a single-car garage. One (1) additional required parking space shall be allowed in the required front yard setback for the townhomes so long as all parking occurs on a paved surface and the placement of vehicles does not interfere with the public right-of-way (e.g., sidewalk encroachment).

b. All off-street parking areas, driveways and drive aisles shall be constructed and designed to comply with the standards stated in Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance).

c. Parking and storage of recreational vehicles on lots in the subdivision shall comply with 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 townhome unit shall have a minimum of 40 square feet of stone, brick, and/or decorative architectural metal on the front façade;

ii. Each set of townhomes shall be painted in manner that no two attached townhome units are painted with the exact same color.

iii. Minor modifications to design, layout, or appearance of the single-family detached dwellings and/or townhomes, which are 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 shows deciduous street trees throughout the subdivision, as well as, deciduous trees planted along the northerly boundary of Outlot 'A'. Additionally, a row of shrubs is proposed to be planted along the outer perimeter of the detention basin to help screen it from view along College Road and Railroad Avenue. The proposed landscaping plan is generally acceptable and shall be adopted as submitted with the following conditions:

i. 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;

iii. All landscaping plantings within Outlot 'A' shall be installed once the detention basin is constructed and shall be maintained by the homeowner's association at all times;

iv. Minor modifications to the submitted landscaping plan shall be approved administratively by the Community Development Director or their designee.

b. All street trees along Arbor Creek Drive, as shown on the submitted landscaping plan, shall be planted prior to issuance of a Certificate of Occupancy for each lot. All costs associated with the installation and maintenance of street trees shall be the responsibility of the applicant and/or homeowner's association, and not the City.

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).

Recommendations

The Community Development Department recommends the following for the subject property legally described as described as Lot 2, Arbor Creek Subdivision, City of Council Bluffs, Pottawattamie County, Iowa:

1. Approval of a preliminary plan for a 27-lot residential subdivision to be known as Arbor Creek 2nd Addition, legally described as being a replat of Lot 2, Arbor Creek 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. Sidewalks shall be installed along the frontage of each proposed lot prior to issuance of a Certificate of Occupancy for each lot. A sidewalk along frontages of Outlot 'A' shall be installed at the time Arbor Creek Drive is constructed. All sidewalks shall be built to City standards.
   e. The applicant shall assume all maintenance responsibility for Lot 27, or assign it to the subdivision's homeowners association on the final plat, until such time the lot is sold to Midlands Humane Society or developed with additional dwellings.
   f. 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.
   g. Approval of the requested subdivision variances relative to lot size, lot width, and maximum lot depth to width ratios, based on reasons stated above.

2. Approval of the request to rezone Lot 2, Arbor Creek Subdivision, City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates, and Agricultural District to R-2/Two-Family Residential District, based on the reasons stated above.

3. Approval of the request to append a P-R/Planned Residential Overlay and adopt a planned residential development plan for Arbor Creek 2nd Addition, subject to the comments above and following condition:
   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. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:
1. Mark Westergard, E&A Consulting Group Inc., 10909 Mill Valley Road, Suite 100, Omaha, NE 68151
2. Clint Brunow, representing Arbor Creek, LLC, 2023 South 181st Circle, Omaha, NE 68130

Speakers against:
1. Ed Cain, 26 Indian Hills Road, Council Bluffs, IA 51503

2. Ron Wolfe, representing the College Road-Indian Hills Road Neighborhood Association, 536 College Road, Council Bluffs, IA 51503
3. Marti Nerenstone, Attorney for the College Road-Indian Hills Road Neighborhood Association, 33 Indian Hills Road, Council Bluffs, IA 51503

Planning Commission Recommendation

The Planning Commission recommended:

1. Approval of a preliminary plan for a 27-lot residential subdivision to be known as Arbor Creek 2nd Addition, legally described as being a replat of Lot 2, Arbor Creek 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. Sidewalks shall be installed along the frontage of each proposed lot prior to issuance of a Certificate of Occupancy for each lot. A sidewalk along frontages of Outlot 'A' shall be installed at the time Arbor Creek Drive is constructed. All sidewalks shall be built to City standards.
   e. The applicant shall assume all maintenance responsibility for Lot 27, or assign it to the subdivision's homeowners association on the final plat, until such time the lot is sold to Midlands Humane Society or developed with additional dwellings.
   f. 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.
   g. Approval of the requested subdivision variances relative to lot size, lot width, and maximum lot depth to width ratios, based on reasons stated above.

4. Approval of the request to rezone Lot 2, Arbor Creek Subdivision, City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates, and Agricultural District to R-2/Two-Family Residential District, based on the reasons stated above.

5. Approval of the request to append a P-R/Planned Residential Overlay and adopt a planned residential development plan for Arbor Creek 2nd Addition, subject to the comments above and following condition:
   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, Haner, Rater, Rew, Scott, Stroebele, and Van Houten NAY - Hutcheson and Halm ABSTAIN - None ABSENT - None VACANT One Motion: Carried

Attachments

Attachment A: Letter of intent
Attachment B: Preliminary subdivision plans
Attachment C: Drainage study
Attachment D: Location/zoning map

Attachment E: PR site and landscaping plans
Attachment F: Architectural renderings and floor plans
Attachment G: Council Bluffs street tree guide

Exhibit A: Ed Cain Letter of Opposition

Prepared by: Christopher N. Gibbons, AICP, Planning Manager, Community Development Department