RESOLUTION NO. 21-147

A RESOLUTION GRANTING PRELIMINARY PLAN APPROVAL FOR A 27-LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS HILLSIDE ESTATES SUBDIVISION, LEGALLY DESCRIBED AS BEING A REPLAT OF LOT 1, FRANKLIN HEIGHTS, ALONG WITH VARIANCES FOR MINIMUM LOT SIZE AND LOT WIDTH AND MAXIMUM LOT DEPTH TO WIDTH RATIOS.

WHEREAS, The Community Development Department is requesting preliminary subdivision plan approval of a 27-lot residential subdivision to be known as Hillside Estates Subdivision; and

WHEREAS, 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; and

WHEREAS, The proposed subdivision will be developed in one phase and consists of 27 lots and four outlots with a plan of seven single-family attached homes on Lots 1-6, 13, 14, 19, 20, and 24-27 and a total of 13 single-family detached homes on Lots 7-12, 15-18, and 21-23; and

WHEREAS, The following comments were provided for the proposed subdivision request:

A. 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.

B. 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."

C. 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).

D. 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:

1. <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.

2. 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.

3. 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:*

a. *Not be in contrary to the public interest;*
b. *Be in the best interest of the City;*
c. *Be within the spirit and intent of this title;*
d. *Not be detrimental to the future residents in and near the proposed subdivision;*
e. *Be consistent with the City's comprehensive plan."*

4. 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.

E. 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).

F. 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.

G. 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).

H. 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).

I. 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).

J. 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.

K. 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.

L. 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.

M. 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.

N. 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.

O. 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.

P. 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.

Q. The subject property is not located within a flood zone.

R. The Council Bluffs Public Works Department provided the following comments:
   1. The connection to Franklin has been noted as aligning with Wendy Heights Road;
   2. The retaining wall will be required to be designed and sealed by a registered professional engineer;
   3. The drainage report noted the following:
      a. A hydro dynamic separator in this setting will not be sustainable and Public Works will work with the Engineer on the drainage issues;
      b. Basins located on steep slopes have been minimally successful in the past. Both basins require a minimum 10' top to allow for maintenance; and
      c. Basins shall be maintained by an HOA with maintenance requirements identified in an Operation and Maintenance Agreement.
   4. The road profile has been noted;
   5. The sanitary sewer connection has been noted;
   6. A geotechnical report is required.

S. 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.

T. Council Bluffs Water Works stated that the City will need to contact them about main extension requirements to serve the development.

U. MidAmerican Energy provided the following comments:
   1. They have no conflict with the proposal.
   2. 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.

3. 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.

V. 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; and

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

A. 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 Franklin Height Subdivision, subject to the comments above and the following conditions:

1. 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).
2. All applicable permits necessary to meet all local, state, and federal requirements shall be the developer's responsibility.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.
8. Approval of the requested variances relative to lot size, lot width, and maximum lot depth to width ratios, based on the reasons stated above.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA

That preliminary plan approval for the 27-lot residential subdivision to be known as Hillside Estates Subdivision, legally described as being a replat of Lot 1, Franklin Heights Subdivision, is hereby approved.

ADOPTED
AND May 10, 2021.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
ALLISON HEAD Acting City Clerk