City Council Communication

Department: Community Development **CASE** #SUB-21-001 & **CASE** #PC-21-001 **Applicants/Owners**: Menard, Inc. 5101 Menard Drive Eau Claire, WI 54703 Woodsonia MOTB, LLC 20010 Manderson St, Suite 101 Elkhorn, NE 68022 DSAG Investments 11222 Davenport Street Omaha, NE 68154 **Surveyor**: Lamp Rynearson c/o John Coolidge 14710 West Dodge Road Omaha, NE 68154	Resolution No. _____ Resolution No. _____	City Council: 11/22/2021 Planning Commission: 11/09/2021

Subject/Title

Requests: Combined public hearings on the request of Menard, Inc., D S A G Investments, and Woodsonia MOTB, LLC for the approval of a six-lot preliminary subdivision plan to be known as Mall of the Bluffs, Replat 1, legally described as being a replat of Lots 1, 3, 4, 5, and 13, Mall of the Bluffs, along with part of Lots 2 and 4, Auditor's Subdivision of the SW1/4 SW1/4 of Section 32-75-43; part of Lots 2 and 4, Auditor's Subdivision of the NW1/4 NW1/4 of Section 5-74-43; part of Lots 1 and 6, Auditor's Subdivision of the NE1/4 NE1/4 of Section 6-74-43; and part of Lots 3 and 6, Auditor's Subdivision of the SE1/1 NE1/4 of Section 6-74-43, all in the City of Council Bluffs, Pottawattamie County, Iowa; and to adopt a planned commercial development plan for Lots 2 through 6, and Outlots A and B, Mall of the Bluffs, Replat 1.

Location: 1751 Madison Avenue.

Background/Discussion

The Community Development Department has received applications from Menard, Inc., D S A G Investments, and Woodsonia MOTB, LLC for preliminary plan approval of a six-lot subdivision to be known as Mall of the Bluffs, Replat 1, as legally described above, and to adopt a planned commercial development plan for Lots 2 through 6, and Outlots A and B, Mall of the Bluffs, Replat 1. The properties included in these requests are specific to all landholdings owned by Menard Inc., the existing Casey's convenience store/gas station owned by D S A G Investments, and the existing Hy-Vee store owned by Woodsonia MOTB, LLC. All other platted lots that are adjacent to the former Mall of the Bluffs site are excluded from the proposed preliminary subdivision request and will continue be regulated by the terms and conditions of

the previously adopted development plan for Mall of the Bluffs (see Case #PC-14-001, Resolution No. 14-108).

In summary, the proposed Mall of the Bluffs, Replat 1 Subdivision will accomplish the following actions:

1. Dedicate two public roads (Menard Drive and Hy-Vee Drive) along with new public sewers (i.e., sanitary and storm sewers) to the City of Council Bluffs;
2. Establish a new street configuration that includes streetscapes, sidewalks, and a multi-purpose pedestrian trail that will connect into the City's existing trail and sidewalk systems;
3. Allow for the existing Hy-Vee store location to expand their parking lot area to the east;
4. Establish new northerly and easterly property lines for the Casey's convenience store/gas station (proposed Lot 3) so that their building and drive aisles are located on their property and not on any abutting lot and/or rights-of-way;
5. Create parcels of land for new retail/commercial development on the former Mall of the Bluffs site. Proposed Lots 3and 4 will be developed as pad sites, and proposed Lot 5 will be developed with a new Menard's retail store/lumber yard. Proposed Lot 6 will contain the existing multi-tenant buildings that are currently occupied by the United States Postal Service, Planet Fitness, and Mad Optical;
6. Release all public and private easements that are no longer needed to service development on the former Mall of the Bluffs site, and establish new easements in their place;
7. Create an area for on-site stormwater detention for the subdivision and other adjacent properties; and
8. Create a parcel (Outlot B) for the existing private road that provides access to businesses such as: KFC, McDonald's, U.S. Bank, AvailaBank, Snyder-Associates Inc., and the Council Bluffs School District Madison Campus building.

The proposed development plan for Lots 2 through 6, and Outlots A and B, Mall of the Bluffs, Replat 1 will be known as the 'The Bluffs Development Plan.' The purpose of this development plan is to establish site development standards that allow for the orderly and efficient development of said properties in a manner that is generally consistent with the previously adopted Mall of the Bluffs development plan, and compatible with other businesses on adjacent properties (see Case #PC-14-001, Resolution No. 14-108). Woodsonia MOTB, LLC has requested to adopt their own development plan for Lot 1, Mall of the Bluffs, Replat 1 so they can establish site-specific development standards that take into consideration the existing layout/placement of the Hy-Vee store, and their proposed parking lot expansion area.

Comments

Preliminary Plan - 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 must be filed within one year of the date of action by the City Council. A request for extension may be made by the subdivider in writing prior to the expiration date. One year extensions are considered by the City Planning Commission.

1. All parcels included in Mall of the Bluffs, Replat 1 and all properties immediately adjacent to the former Mall of the Bluffs site are zoned PC/Planned Commercial (see Attachment A). The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates all said properties as Regional Commercial. The proposed preliminary subdivision plan is consistent with the PC District and the Bluffs Tomorrow: 2030 Plan.

2. All lots within the proposed subdivision are suitable in size and dimensions to allow for commercial and/or retail development to occur upon them, and will have direct frontage onto one or more public roadways: Menard Drive, Hy-Vee Drive, Madison Avenue, Bennett Avenue, and Mall Drive (see

Attachment 'C').

3. Menard Drive and Hy-Vee Drive will be constructed by the developer (Menard, Inc.) to meet current City standards and will be dedicated to the City as part of the Mall of the Bluffs, Replat 1 final plat. Outlot B contains a section of the existing private road that provides access to properties that are either owned and/or operated by the following businesses: KFC, McDonald's, U.S. Bank, AvailaBank, Snyder and Associates, and the Council Bluffs School District. Access to the above stated properties from Outlot B shall remain in place under the existing private easement agreement(s), and ownership and maintenance of said outlot shall be stated on the Mall of the Bluffs, Replat 1 final plat.

4. Menard Drive and Hy-Vee Drive are designed to include landscape buffers and a planted median. The preliminary plan includes a note that states *"all property owners shall be responsible for landscape maintenance in the rights-of-way adjacent to property. The owner of Lot 5, Mall of the Bluffs, Replat 1 shall be responsible for the maintenance of the center medians".*

   A traffic study was submitted to the City, and the Public Works Department stated they will continue to work with the developer on all comments/recommendations stated in the report.

5. All lots within the subdivision will be served with utilities including: water, sanitary/storm sewer, communications, electricity, and natural gas (see Attachment 'C'). The developer has also proposed to vacate and release several existing utility easements (public and private), and establish new utility easements, in order to redevelop the former Mall of the Bluffs site in an orderly and efficient manner. Said easements are identified on Attachment 'D.' The developer shall be responsible for obtaining approval from all utility providers and any/or private entities for releasing said easements shown on Attachment 'D.' All public easements shown on Attachment 'D' that are identified to be vacated and released must be approved by City Council prior to execution of the final plat. Any cost to construct, extend, remove and/or relocate any utilities within or to this subdivision, as shown in Attachments 'C' and 'D,' shall be the sole responsibility of the developer, and not the City of Council Bluffs. The developer shall also ensure the final plat contains notations on the perpetual ownership and maintenance of said new easements.

6. There is an existing private sanitary sewer main that is protected by an easement along the frontages of Lots 6 through 12, Mall of the Bluffs that will remain in place and will be subject to the terms and conditions agreed upon between the developer and the existing property owners. The developer proposes to construct a new 8-inch sanitary main along the northerly portions of Lot 2, Mall of the Bluffs, and proposed Lots 4 and 5, Mall of the Bluffs, Replat 1, which then connect to the new public sewer main in Menard Drive. This new sewer main will be available for use by the owners of Lots 6 through 12, Mall of the Bluffs at the time their existing sanitary sewer is no longer needed. The developer shall be responsible for the construction of this sewer main, and information related to the perpetual use, maintenance, and ownership of said easement shall be noted on the final plat. The developer shall also be responsible for obtaining easement approvals from the owner of Lot 2, Mall of the Bluffs for the new sanitary sewer main that extends into their property, and documentation of said easement agreement shall be provided to the City of Council Bluffs prior to the Mall of the Bluffs, Replat 1 final plat being executed.

7. A 20-foot wide multi-purpose pedestrian trail will be constructed by the developer along the north side of Menard Drive and will connect into the existing Valley View Trail and to the sidewalks along Madison Avenue. The proposed trail will be dedicated to the City of Council Bluffs and will become part of the City's broader public trail system. Additionally, a minimum four foot-wide sidewalk will

be constructed along the north side of Hy-Vee Drive that will connect into the existing sidewalks along Madison Avenue. There is a small portion of this sidewalk that encroaches onto proposed Lot 1, Mall of the Bluffs that must be protected by an easement. The developer has negotiated an easement for said sidewalk encroachment with the owner of Lot 1, Mall of the Bluffs. A copy of the signed and recorded easement shall be provided to the City of Council Bluffs prior to dedication of Menard Drive and Hy-Vee Drive to the City of Council Bluffs.

8. Outlot A will be used for on-site stormwater detention for the proposed subdivision, and for other properties located in the existing Mall of the Bluffs Subdivision (see Attachment 'F'). Stormwater will be directed to Outlot A through the establishment of new drain inlets within Hy-Vee Drive and Menard Drive, and through existing easements on abutting properties. The developer shall continue to work with Council Bluffs Public Works Department on the design and function of this stormwater detention basin. Furthermore, a note shall also be placed on the final plat that gives clear guidance as to which lots in the Mall of the Bluffs and Mall of the Bluffs, Replat 1 Subdivisions have legal access to utilize Outlot A for stormwater detention, and said note shall also clearly state which lot owner and/or development association is responsible for the perpetual ownership and maintenance of Outlot A.

9. All utilities shall be installed underground. Any costs to construct, remove, and/or relocate any utilities shall be the responsibility of the applicant and/or developer, and not the City.

10. The Council Bluffs Permits and Inspections Division stated they have no comments for the proposed requests.

11. The Council Bluffs Fire Department stated they have no comments for the proposed requests.

12. Council Bluffs Water Works stated they have a main extension agreement in place with the developer for public water mains. Once the final design of the proposed water main is completed, they will be able to provide the permanent locations of water line routing and easement widths.

13. MidAmerican Energy stated they have no conflicts or concerns with the proposed requests.

14. No comments were received from Black Hills Energy, Cox Communication, and/or Lumen (formerly known as Century Link).

15. In accordance with Iowa Code Section 306.19(5), the Iowa Department of Transportation (IDOT) has completed a Corridor Preservation Plan for the interstate improvement project. As such, the City is required to submit all subdivision requests located within the Corridor to IDOT for review prior to approval. The approval submittal was to IDOT and they stated the proposed subdivision will not conflict with their Council Bluffs Interstate Program.

16. Proposed Lots 5 and 6, and Outlot A, are located within AE Flood Zone, as per FEMA FIRM panel 19155C0577E, dated 2/4/2005. The owner(s) of said lots shall be responsible for compliance with all federal, state, and local floodplain development requirements.

17. The following technical correction/comments must be addressed on the forthcoming Mall of the Bluffs, Replat 1 final plat:
    a. Remove Lot 14, Mall of the Bluffs from the subdivision's legal description as said lot does not exist on the recorded Mall of the Bluffs final plat;
    b. Notate the total number of acres in the subdivision on the final plat; and

c. Specify on the plat if any private restrictions and/or covenants will be recorded with the subdivision. If none, state that no private restrictions and/or covenants will be recorded with the subdivision on the plat.

Development Plan – The proposed development plan was negotiated between the City of Council Bluffs, Menard Inc., and D S A G Investments for Lots 2 through 6, Mall of the Bluffs, Replat 1, and will supersede any previously adopted development plans for said properties. Woodsonia MOTB, LLC has requested to adopt their own development plan for Lot 1, Mall of the Bluffs, Replat 1 so they can establish site-specific development standards that take into consideration the existing layout/placement of the Hy-Vee store, and their proposed parking lot expansion area. The Woodsonia MOTB, LLC development plan is anticipated to be reviewed by the City Planning Commission and approved by City Council prior to the Mall of the Bluffs, Replat 1 final plat being executed and recorded.

1. **Applicability**
   a. The planned commercial development plan for The Bluffs retail shopping center shall be applicable to Lots 2 through 6 and Outlots A and B, Mall of the Bluffs, Replat 1 and shall supersede the previously adopted development plan for the Mall of the Bluffs (Resolution No. 14-108).
   b. All new construction shall comply entirely with all standards of this development plan.
   c. Building modifications equal to 50% or more of the assessed value of the structure in a 24-month period of time shall be required to bring the entire structure into compliance with the applicable standards of this development plan. The assessed value shall be as most recently established by the Pottawattamie County Assessor.
   d. Building modifications equal to 50% or more of the total assessed value of the property shall be required to bring the entire site into compliance with all standards of this development plan. The assessed value shall be as most recently established by the Pottawattamie County Assessor.
   e. Lot 1, Mall of the Bluffs, Replat 1 shall be exempt from the standards of this development plan. A separate planned commercial development plan will be adopted for Lot 1 at a later date.

2. **Pedestrian Ways**
   a. A minimum five-foot wide pedestrian way shall be provided from the primary entrance of each building to the nearest sidewalk, to the extent practical. The pedestrian way may be designated with pavement striping, or change in paving material or some other alternative approved by the Community Development Department Director or his assign. It is encouraged that the pedestrian connection be incorporated into the overall layout of each lot, and that it be complementary to the landscaping on each site.
   b. A minimum 10-foot wide multipurpose trail that connects with The Bluffs retail shopping center with the existing City trail network shall be installed as part of the public street reconstruction/dedication by the developer, as shown in Attachment 'I.'

3. **Streetscapes**
   a. A minimum 20-foot wide frontage strip, as measured from the property line to the curb, shall be provided along the side of proposed Menard Drive, to the extent practical, **which contains** the 10-foot wide multipurpose trial, and shall be located within the designated public right-of-way. One deciduous canopy tree shall be planted within the frontage strip every 40 linear feet on center at the time of road construction, and shall be placed between the trail and the back of curb. The 10-foot wide trail shall be included in the overall 20-foot width of the frontage strip and shall be set a minimum of three feet from the back of curb. The frontage strip shown on Attachment 'P' shall be deemed acceptable as designed.
   b. A minimum 10 foot-wide frontage strip, as measured from the property line to the curb, shall

be provided along the side of proposed Menard Drive and Hy-Vee Drive, to the extent practical, **which do not contain** the 10-foot wide multipurpose trail, and shall be located within the designated public right-of-way. One deciduous canopy tree shall be planted within the frontage strip every 40 linear feet on center at the time of road construction. Sidewalks may be included in the overall 10-foot width of the frontage strip and shall be set a minimum of three feet from the back of curb. The frontage strip shown on Attachment 'P' shall be deemed acceptable as designed.

c. A minimum 10-foot wide frontage strip shall be provided along each side of all private drives, to the extent practical. One deciduous canopy tree shall be planted within the frontage strip every 40 linear feet on center. Installation of frontage strips along private drives shall occur on each lot as determined in the applicability section of this development plan. Sidewalks may be included in the overall 10-foot width of the frontage strip and shall be set a minimum of three feet from the back of curb.
d. Trees planted within streetscape strips, including medians, shall comply with the Council Bluffs Street Tree Guide and shall be limited to canopy shade trees. The City shall review and approve all proposed trees prior to installation.
e. Trees planted within streetscape strips shall be appropriately maintained and dead plant material replaced at a time appropriate to planting season(s) but in all cases shall be replaced within one year by the adjoining property owner.

4. Landscaping

a. Landscaping is required on each lot. Not less than 10% of the total lot area shall be landscaped with trees, shrubs, and other plant materials. All parking lot islands shall be planted with a minimum of one canopy shade tree and ground cover vegetation (e.g., shrubs, sod, mulch or river rock, etc.).
b. A minimum five-foot wide landscape strip shall be provided between all parking surfaces and each abutting property line. The requirement can be waived where two parking lots adjoin. The five foot-wide strips may be included in the 10% landscaping lot coverage requirement.
c. A minimum five-foot wide landscape strip shall be provided between all loading/unloading areas and each abutting property line. The five foot-wide strips may be included in the 10% landscaping lot coverage requirement.
d. The north elevation of the Menards retail store and the associated lumber yard/warehouse area shall be screened and buffered at 100% opacity through a combination of fencing, not to exceed 14 feet in height, and evergreen/deciduous trees. All trees shall be planted within a 10-foot wide landscape strip, as measured from the property line to the edge of the lumber yard/warehouse area.
e. A minimum of four square feet of landscaping per each lineal foot of building façades clearly visible from the public right-of-way or private drive, not inclusive of entrance areas and pedestrian ways, shall be installed along the base of the building façade. The landscaping may be at-grade foundation plantings or complementary above grade decorative planters. No more than 20% of foundation plantings may be clustered on one location of the building façade. **Exception**: Foundation plantings shall be not be required for the warehouse building associated with the Menards retail store or the western elevation of the Menards retail store.
f. All trees shall have a minimum caliper width of two inches at the time of planting.
g. Landscaping shall not interfere with the sight clearance triangle at any intersection and shall not impede the vision of any motorist, cyclist or pedestrian at the street, driveway or pedestrian way.
h. All disturbed areas without a specific landscape design shall be hydroseeded, or sodded, turf, and/or prairie grass.
i. All landscaping areas, including grassed and sodded areas, shall be irrigated.

j. Not more than 10% of the landscaped area shall be of inorganic materials such as brick, stone, aggregate, metal or artificial turf. Organic mulch may be used around trees and/or shrubs.
k. A landscaping plan shall be part of every building permit application. The plan shall clearly identify plant materials, quantity, and size and shall show dimensions of all areas to be landscaped.
l. All landscaping shall be appropriately maintained and dead plant material replaced at a time appropriate to planting season(s) but in all cases shall be replaced within one year.

5. Signage

a. That portion of any lot abutting Interstate 80 right-of-way shall not be considered in determining street frontage for signage purposes.
b. Three center identification signs shall be allowed internally for the entire development. Each center identification sign shall identify 'The Bluffs' development and two or more tenants. One sign shall consist of a pylon sign with a maximum height of 60 feet, as measured from the finished grade to the highest point of the sign structure, and shall contain no more than 600 square feet of signage per face. The pylon sign shall front Interstate 80. The other center identification signs shall consist of two monument signs with a maximum height of 10 feet, as measured from the finished grade to the highest point of the sign structure, and each sign shall contain no more than 100 square feet of signage per face.
c. The total maximum amount of signage allowed on each lot shall be based on a calculation of one and one-half (1 ½) square feet of signage per each lineal foot of street frontage along a public street right-of-way or private drive.
d. Attached signage shall be limited to 15% of the building façade to which it is attached. Attached signage can be placed at any location on the building but shall not extend beyond any building wall or above the peak of the roof.
e. A maximum of one ground/monument sign shall be allowed on each lot in the development. Ground/monument signs shall be limited to a maximum height of 10 feet, as measured from finished grade to the highest point of the sign structure. The entire monument sign shall be counted as signage as measured from finished grade to the highest point of the monument and from one side of the monument structure to the other. The maximum sign area shall not exceed 100 square feet of signage per face.
f. On-site directional signage shall count toward the overall amount of signage permitted on each lot. Each sign shall be limited to a maximum height of six feet, as measured from finished grade to the highest point of the sign structure, and shall be limited to a maximum of eight square feet. **Exception**: On-site directional signage on the Menards lumber yard gate and within the lumber yard, as shown on Attachment 'M,' shall be exempt from these requirements.
g. Online/curbside pickup signage shall count toward the overall amount of signage permitted on each lot. If not attached to a structure, each sign shall be limited to a maximum height of six feet, as measured from finished grade to the highest point of the sign structure, and shall be limited to a maximum of 10 square feet. Such signage shall be located within the parking lot and shall not be visible off-site.
h. Signs located within 660 feet from Interstate right-of-way are limited to on-premise advertising signs as regulated by the Iowa Department of Transportation. The sign must be located in the usual place of business for the use
i. The existing Bucky's/Casey's 'gas price' pylon sign shall be considered a legal nonconforming sign and may be allowed to continue as it exists today, subject to the provisions in Section 15.33.220, *Nonconforming Signs – Legal*, of the Council Bluffs Municipal Code (Zoning Ordinance).
j. The existing USPS pylon sign shall be considered a legal nonconforming sign and may be allowed to continue as it exists today until the U.S. Postal Service ceases to occupy its tenant

space on Lot 6. At such time, the pylon sign shall be removed.

k. The existing 'Mall of the Bluffs' pylon sign shall be removed as part of the public street reconstruction/dedication by the developer.

l. Pole signs shall be prohibited from being installed on any lot in the development.

6. Site Development

a. All principal and accessory structures shall have a minimum setback of 10 feet from all property lines.

b. No more than 40% of the total area of any lot shall be covered with structures.

c. The maximum height for all principal structures shall not exceed 50 feet, as measured from finished grade to the peak of the roof. Decorative architectural features shall be included in the overall height of the building.

d. The maximum height for any accessory structure shall not exceed 20 feet. **Exception**: The warehouse building associated with the Menards retail store shall not exceed 35 feet in height.

e. All fences shall be installed in accordance with Section 15.24.040, *Fence Regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance). **Exception**: Any fencing associated with the primary façade of the Menards retail store shall be constructed out of ornamental iron/aluminum and shall consist of a four-foot wall and 10-foot ornamental fence that does not exceed 14 feet in total height. The fence to be installed to screen/buffer the west elevation of the Menards retail store and the associated lumber yard/warehouse area shall be constructed out of ornamental iron/aluminum, wood and/or other similar materials, and shall not exceed 14 feet in height.

f. All trash receptacles that are visible from an adjacent public street right-of-way or private drive shall be enclosed on three sides and completely screened from view with materials similar to those of the primary building. The enclosure shall have a lockable gate which when closed completely eliminates view of the dumpster. Trash receptacles shall be located on the least visible area of the site, to the extent it is practical.

g. All loading areas that are visible from an adjacent public street right-of-way or private drive shall be completely screened from view using architectural design features, fencing, masonry wall, landscaping, or a combination thereof.

h. Outdoor storage is not allowed. This includes the semi-permanent and/or permanent placement of inter-modal storage/shipping containers. The lumber yard/warehouse area associated with the Menards retail store shall not be considered outdoor storage.

i. The stormwater detention area located on Outlot 'A' is considered a site amenity. The developer shall incorporate landscaping, benches, trails or a combination thereof around the perimeter of this detention pond at the time of construction.

j. Access to the rear of each building for Fire Department equipment shall be provided in accordance with the requirements of the Fire Marshal's Office.

k. 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.

7. Architecture

a. Building exteriors shall be made up of 100% masonry materials such as brick, split faced block (with texture), non-flat faced concrete masonry units (CMU), or EFIS materials. Metal shall only be allowed as an architectural accent. A minimum of 20% of all building façades visible from a public street right-of-way or private drive shall be made of brick, stone or tile, and shall be located primarily along the base of the building façade. No flat faced/smooth concrete block shall be allowed except for the rear wall of a building when it is not visible from a public street right-of-way or private drive. Wood and vinyl siding shall be not allowed. **Exception**: Wood

siding shall be an acceptable building material for the warehouse building associated with the Menards retail store.

b. The architectural design, building materials and decorative fencing for the Menards retail store shall be deemed acceptable, and shall be constructed in accordance with the submitted architectural renderings shown in Attachment 'K.'
c. The architectural design and building materials for the warehouse building associated with the Menards retail shall be deemed acceptable, and shall be constructed in accordance with the submitted architectural renderings shown in Attachment 'N,' provided that a minimum seven-foot tall knee wall, constructed out of masonry materials such as brick, split faced block (with texture) or non-flat faced concrete masonry units (CMU), is installed along the base of the north façade of the structure that faces Outlot B in order to match the appearance of the Menards retail store.
d. Awnings and/or other decorative features may be allowed on the façade of a building and must be at least eight feet above the traveled pedestrian way and may not project over drive aisles or parking areas.
e. All rooftop mounted mechanical equipment that is visible from an adjacent public street right-of-way or private drive shall be screened from view using architectural design features.
f. All ground-mounted mechanical equipment that is visible from an adjacent public street right-of-way or private drive shall be completely screened from view using architectural design features, fencing, masonry wall, landscaping, or a combination thereof.

8. Off-Street Parking

a. The minimum number of parking spaces shall be as determined in Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance). In cases where several uses occupy a structure or parcel of land the total requirement for off-street parking shall be the sum of the requirement of the different uses.
b. A deviation from minimum parking requirements may be allowed provided the property owner and/or tenant can demonstrate reasonable proof less parking is needed for their use(s).
c. All parking lots shall be designed in such a manner that allows interconnection(s) with adjoining lots as part of the overall site development design.
d. A parking lot permit shall be submitted with all building permit and parking lot expansion requests and shall include the number, location, and dimension of all drive aisles and spaces, pedestrian ways, islands, landscaped areas, loading areas, lighting and interconnections.
e. All off-street parking lots shall comply with Chapter 661-18, *Parking for Persons with Disabilities*, of the Iowa Administrative Code.

9. Outdoor Lighting

a. All outdoor light poles shall be limited to a maximum height of 30 feet, as measured from finished grade to the highest point of the pole structure. All light poles shall be painted or finished aluminum or steel. Wood poles shall not be allowed. Light fixtures located on private property shall be generally of a similar design and finish.
b. All light used for illumination shall be contained onsite and shall be arranged in such a manner to direct the light away from neighboring residential properties and away from the vision of passing motorist, cyclists and pedestrians. No light shall trespass beyond the property line.
c. Streetlight type and location within public right-of-way shall be determined by the Public Works Department.

Recommendation

The Community Development Department recommends (1) approval of the preliminary plan for Mall of the Bluffs, Replat 1 and (2) approval of the Planned Commercial development plan, subject to the comments above, and shall be in conformance with all City standards and specifications, the Zoning and Subdivision Ordinances, and the Department of Public Works Standards for Public Improvements.

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. Tyler Edwards, Menards Inc., 5101 Menard Drive, Eau Claire, WI 54703

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended approval of the preliminary plan for Mall of the Bluffs, Replat 1, legally described as being a replat of Lots 1, 3, 4, 5, and 13, Mall of the Bluffs, along with part of Lots 2 and 4, Auditor's Subdivision of the SW1/4 SW1/4 of Section 32-75-43; part of Lots 2 and 4, Auditor's Subdivision of the NW1/4 NW1/4 of Section 5-74-43; part of Lots 1 and 6, Auditor's Subdivision of the NE1/4 NE1/4 of Section 6-74-43; and part of Lots 3 and 6, Auditor's Subdivision of the SE1/1 NE1/4 of Section 6-74-43, all in the City of Council Bluffs, Pottawattamie County, Iowa; and (2) approval of the Planned Commercial development plan for Lots 2 through 6, and Outlots A and B, Mall of the Bluffs, Replat 1, subject to the comments above, and in conformance with all City standards and specifications, the Zoning and Subdivision Ordinances, and the Department of Public Works Standards for Public Improvements.

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

Attachments

Attachment A: Zoning/location case map
Attachment B: Letter of intent
Attachment C: Mall of the Bluffs, Replat 1 Preliminary Subdivision Plans
Attachment D: Easement exhibit
Attachment E: Sanitary sewer plan
Attachment F: Storm sewer plan
Attachment G: Water plan
Attachment H: Electrical plan
Attachment I: Conceptual redevelopment plan
Attachment J: Menards retail store site plan
Attachment K: Menards retail store building elevations
Attachment L: Menards parking lot plan
Attachment M: Menards signage plan
Attachment N: Menards warehouse building elevations
Attachment O: Center identification signage plan
Attachment P: Menard Drive and Hy-Vee Drive entrance plan

Prepared by: Christopher Gibbons, Planning Manager, and Moises Monrroy, Planner