

### Planning Commission Communication

Department Community Development  CASES #SUB-18-002, ZC-18-003 and PR-18-001  Applicant/Owner: Western Iowa Land Development P.O. Box 683 Avoca, IA 51521  Representative: Robert McCarthy P.O. Box 683 Avoca, IA 51521	Resolution No.  Resolution No.  Ordinance No.	Planning Commission: 2/13/18
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#### Subject/Title

Request: Preliminary plan approval for a 31-lot residential subdivision to be known as East Fox Run, being a replat of a portion of Lot 117, Fox Run Landing, City of Council Bluffs, Pottawattamie County, Iowa; and 2) to rezone said property from A-2/Parks, Estates and Agricultural District to R-2/Two Family Residential; and 3) to adopt a PR/Planned Residential Overlay and associated development plan.

Location: East of Council Point Road, located between Macineery Drive and 55<sup>th</sup> Avenue.

#### Background/Discussion

The Community Development Department has received applications from Western Iowa Land Development, LLC, represented by Robert McCarthy, for preliminary plan approval for a 31-lot residential subdivision to be known as East Fox Run Subdivision, being a replat of a portion of Lot 117, Fox Run Landing Subdivision; and 2) to rezone said property from A-2/Parks, Estates and Agricultural District to R-2/Two Family Residential District; and 3) to adopt a PR/Planned Residential Overlay and associated development plan.

#### Case #SUB-18-002:

The proposed East Fox Run Subdivision is comprised of 7.81 acres of undeveloped land that is located east of Council Point Road, South of Macineery Drive and North of 55<sup>th</sup> Avenue. The applicant proposes to develop 30 Attached Single-Family Dwellings on 30 lots, with one outlot. The subdivision will be accessed by an extension to Carriage Road.

The following comments were provided for the proposed subdivision request:

1. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, 'but is deemed to be an authorization to proceed with the preparation of the final construction plans or performance guarantee and the final plat' (§14.11.060.04-Subdivision Ordinance). A final plat application for the first phase must be filed within one year of the date of action by the City Council. A request for extension may be made by the sub-divider in writing prior to the expiration date. One year extensions are considered by the City Planning Commission. Subsequent phases are automatically granted a one year extension.
2. The lots intended for residential development range in size from 6,532 Square Feet (0.15 Acres) to 10,314 Square Feet (0.24 Acres). Outlot A, which would be undevelopable, is 1.29 Acres in size.

3. The proposed Subdivision is currently zoned A-2/Parks, Estates and Agricultural District. The applicant proposes to rezone the entirety of the subdivision to R-2/Two-Family Residential District (see Case #ZC-18-003) and to adopt a Planned Residential Overlay District (see Case #PR-18-001). The Planned Residential Overlay District is necessary to allow for attached single-family dwellings in the proposed district.
4. Six lots (Lots 16 through 21) do not meet the required lot frontage of 50 feet for the R-2/Two-Family Residential District. All of the lots comply with minimum lot size requirements, and preliminary building drawings appear to show that the lots will comply with structure coverage standards.
5. All buildable lots will have direct access to the extension of Carriage Road. Outlot A is landlocked, but will be accessible by a 20 foot easement, with 10 feet being located on Lot 28, and 10 feet being located on Lot 29.
6. The extension of Carriage Road will be constructed by the applicant and dedicated to the City of Council Bluffs.
7. The subdivision is located in a Flood Zone X as per FEMA Map #19155C0418F, dated April 16, 2013.
8. All lots will be serviced with utilities (e.g., sanitary/storm sewers, water, electricity, etc.)
9. MidAmerican Energy Company has stated they have no objections to the request, but also notes there has not been an agreement to extend electric distribution facilities at the time of this report.
10. The Council Bluffs Fire Marshall references the 2015 International Fire Code Chapter D107.1, which limits the number of dwelling units to 30 when only one access road exists. The applicant will be required to adhere to these standards.
11. The City of Council Bluffs Public Works Department stated the following:
  - a. The plat requires standard easement language for lot lines and access easement.
  - b. The plat requires standard dedication language for road, outlot (to homeowners assoc.).
  - c. Construction plans will be required for all improvements.
  - d. Drainage report noted – Public works will continue to work with the engineer of record to finalize the report.
  - e. Geotechnical report will be required.
  - f. IDNR sanitary sewer extension and treatment agreement will be required.
  - g. Grading permit will be required along with IDNR GP #2.
12. 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 applicant and not the City.
13. Sidewalk installation along the frontage of each proposed lot shall be completed prior to issuance of a Certificate of Occupancy for each residence. Sidewalk installation along the frontages of outlots shall be completed at the time of road construction.
14. All future street lights shall meet Public Works Department standards. All costs associated with the installation of street lights shall be the responsibility of the developer and not the City.

The following attachments for this request are included with the staff report for reference purposes:

Attachment A: Location and Zoning Map

Attachment B: Letter of Intent

Attachment C: Development Plan

CASE #ZC-18-003:

The subject property is comprised of 7.81 acres of undeveloped land, and is currently zoned A-2/Parks, Estates and Agricultural District. The applicant proposes to rezone the subject property to R-2/Two-Family Residential District to allow for the development of a 31-Lot subdivision that will feature 30 Attached Single Family Dwellings. The applicant is also proposing a Planned Residential Overlay District be adopted for the subdivision. The Preliminary Subdivision Plat as assigned Case #SUB-18-003, and the Planned Residential Overlay District is assigned Case #PR-18-001.

Surrounding zoning in the general vicinity of the request includes R-1/Single-Family Residential District to west and A-2/Parks, Estates and Agricultural District to the east, north, and south. The subdivision will be surrounded by property owned by Fox Run Golf Course. Existing land uses include Single Family Dwellings to the west, and Fox

Run Golf Course to the north and to the east.

The future land use plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) designates the subject property as Public Park, under the section of Public Land Uses. Two-family and multi-family residential uses are generally not consistent with this land use designation. However, future expansion was anticipated with the platting of the adjacent Fox Run Landing Subdivision, and the future access road was platted and partially constructed. The proposed attached, single-family dwellings are compatible with the intent and purpose of the R-2 District, and is consistent with the development activity occurring in said area of the City.

Public notices were mailed to all property owners within 200 feet of the request. No formal comments have been received as of the date of this report.

All City departments and local utilities were notified of the proposed development request. No adverse comments for the rezoning have been received as of the date of this report.

The following attachment for this request is included with this staff report for reference purposes:

Attachment A: Location and Zoning Map

Attachment B: Letter of Intent

CASE # PR-17-003

Section 15.28.010, *P-R/Planned Residential Overlay, Statement of Intent* of the Council Bluffs (Municipal Code) Zoning Ordinance states “the planned residential overlay is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of the requirements of the underlying zone would not be inconsistent with the Comprehensive Plan or harmful to the neighborhood in which it is located”. The applicant proposes to append a Planned Residential Overlay to this subdivision in order to plan the design and layout to build 30 attached, single-family residential dwellings.

The following development standards shall apply to the subject property:

**1. Site Development**

- a. All building setbacks, heights and lot coverages shall comply with standards stated in Chapter 15.10 *R-2/Two-Family Residential District* of the Municipal Code (Zoning Ordinance). The submitted development plan shows all buildings will comply with R-2 District site development standards.
- b. Lots 16, 17, 18, 19, 21, and 21 do not meet minimum R-2/Two Family Residential District lot width requirement of 50 feet. These lots are all located on the Cul-De-Sac at the end of the street, and the rear yards are wider than the front yards. The Community Development Department recommends that said lots be approved, as proposed, as their size will not be harmful to the neighborhood in which they will located in and the request is consistent with the intent of the Planned Residential Overlay, as stated above.
- c. All attached single-family residential dwellings on Lots 1 through 30 shall comply with the development standards stated in Chapter 15.09 *R-2/Two Family Residential District* of the Municipal Code (Zoning Ordinance).
- 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). All outdoor garden areas used by the senior living facility may be enclosed with a maximum eight-foot tall fence, as measured from finished grade.
- e. All site lighting shall comply with the standards stated in Section 15.24.050, *Lighting controls* of the Council Bluffs Municipal Code (Zoning Ordinance).

**2. Off-Street Parking**

- a. The required number of off-street parking spaces for attached single-family residential dwellings shall be based on the standards stated in Section 15.23.060, *Parking spaces required*, of the Municipal Code (Zoning Ordinance).
  - i. Attached single-family residential dwellings: Two spaces per dwelling unit.  
Each dwelling unit will be constructed with at least a two-stall garage, as per the submitted architectural renderings.
- b. All parking/loading areas, driveways and drive aisles shall comply with the standards stated in Chapter 15.23, *Off-Street Parking, Loading and Unloading* of the Municipal Code (Zoning Ordinance).

**3. Landscaping**

- a. The applicant did not provide a landscaping plan for the proposed development. The Community Development Department recommends that one ornamental street tree be planted along the frontage of each lot at the time a dwelling unit is constructed.

**4. Architecture**

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

**5. Signage**

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

The following attachments for this request are included with this report for reference purposes:

Attachment A: Location and Zoning Map

Attachment B: Letter of Intent

Attachment C: Development Plan

**Recommendation**

The Community Development Department recommends the following for land legally described as a portion of Lot 117, Fox Run Landing Subdivision:

1. Preliminary plan approval for a 31-lot residential subdivision to be known as East Fox Run Subdivision, as shown in Attachment A, subject to compliance with all above stated comments and the following conditions:
  - a. Approval of the preliminary plan is tentative and does not constitute acceptance of the final plat, but is 'deemed to be an authorization to proceed with the preparation of final construction plans or performance guarantee and the final plat'. (§14.11.060.04- Subdivision Ordinance).
  - b. With adequate engineering and construction controls, the land is suitable for the proposed development. Construction plans for streets, sanitary sewer and storm drainage shall be submitted to the Public Works Department for review and approval prior to beginning construction. Construction plans and comprehensive plans for grading, drainage and erosion control, including right-of-way during site preparation, utility installation and construction shall be submitted to the Public Works Department for review and approval prior to beginning any earth disturbing activity. All applicable permits necessary to meet local, state and federal requirements shall be the developer's responsibility.
  - c. An erosion and sediment control along with a grading plan shall be submitted with the construction plans. The erosion and sediment control plan will include temporary and permanent vegetative cover, structural measures, phasing and a maintenance and inspection program to address removal of sediment during construction and following any rainfall.

- d. All utilities shall be installed underground.
  - e. Sidewalks shall be installed along the street frontage of each lot at no expense to the City, prior to issuance of a certificate of occupancy for each house. Sidewalks along the frontages of Outlots A and C shall be installed with the construction of the new public street. Sidewalks for the Immanuel senior living facility shall be completed with each phase.
2. Approval to rezone proposed Lots 1 through 30 and Outlot A from A-2/Parks, Estates and Agricultural District to R-2/Two-Family Residential District to allow for the construction of 30 attached single family dwellings on the basis that the request is consistent and compatible with existing zoning districts and land uses in the general vicinity of the request.
  3. Approval to append a Planned Residential Overlay (PR) and to adopt the associated development plan for the proposed East Fox Run Subdivision, as per Attachments B and C, subject to compliance with all above stated comments and the following condition:
    - a. Approval to allow Lots 16, 17, 18, 19, 20, and 21 to have a lot width of less than the required 50 feet in an R-2/Two Family Residential District on the basis that the lot sizes will not be harmful to the development of the neighborhood and is consistent with the intent Section 15.28.010, *P-R/Planned Residential Overlay, Statement of Intent* of the Council Bluffs (Municipal Code) Zoning Ordinance.

**Attachments**

Attachment A: Location and Zoning Map

Attachment B: Letter of Intent

Attachment C: Development Plan

Engineers:

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Prepared by: Chris Meeks, Planner