City Council Communication

Department: Community Development CASE #MIS-23-007 Applicant/Property Owner: Dr. Cary Jackson 2612 West Broadway Council Bluffs, IA 51501 Representative: KC Dietz 401 8th Avenue SE Cedar Rapids, IA 52401 Engineer: Corey Mayo 1717 Ingersoll Avenue #111 Des Moines, IA 50309	Resolution No. _____	City Council: 8/28/2023 Planning Commission: 8/8/2023

Subject/Title

Request: Public hearing on the request of Dr. Cary Jackson, represented by KC Dietz, to adopt a site-specific development plan for the expansion of an existing 'medical clinic' (Broadway Family & Cosmetic Dentistry) on property legally described as Lots 21 through 23 and the West 35.2 feet of Lot 24, all in Block 2, Benson's 2nd Addition, City of Council Bluffs, Pottawattamie County, Iowa.

Location: 2612 West Broadway

Background/Discussion

The Community Development Department has received a request from Dr. Cary Jackson, represented by KC Dietz, to adopt a site-specific development plan for the expansion of an existing 'medical office/clinic' (Broadway Family & Cosmetic Dentistry) on property legally described as Lots 21 through 23 and the West 35.2 feet of Lot 24, all in Block 2, Benson's 2nd Addition, City of Council Bluffs, Pottawattamie County, Iowa. The purpose of this request is to facilitate the expansion of the existing building on the subject property, the reconfiguration of the parking lot, and other site improvements. The subject property is located within the West Broadway Corridor Design Overlay (CDO).

Section 15.32A.150, Adoption of a Development Plan, West Broadway Corridor Design Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance) states that "*properties in the West Broadway CDO which are unable to meet any aspects of the above listed regulations shall be allowed the option of applying for a site specific development plan to be reviewed by the Planning Commission and City Council. Applicants shall submit development plans which enhance components of the development in exchange for relief of other requirements.*" The applicant is proposing to adopt a site-specific development plan for this project in order to obtain relief from West Broadway CDO design standards relative to transparency along the west elevation of the building. In exchange, the applicant will use a higher percentage of durable materials on said west elevation to offset the proposed design exceptions.

A. Site Development

1. As per the submitted site plan in Sheet C2.0 of Attachment 'C,' all proposed building additions to the existing dental office will comply with the build-to-zone requirements for West Broadway, in accordance with Section 15.32A.070, Build-To Zone for West Broadway and Major Streets, of the Council Bluffs Municipal Code (Zoning Ordinance)

2. As per the submitted site plan in Sheet C2.0 of Attachment 'C,' all proposed building additions to the existing dental office will comply with the minimum interior side and rear yard setback requirements in the C-2/Commercial District, in accordance with Section 15.15.050, Site Development Regulations, C-2/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance).

3. Any future buildings and/or building additions proposed to be constructed on the subject property shall be subject to the build-to-zone requirements for West Broadway and the minimum setback requirements in the C-2 District.

4. The maximum height for principal structures shall not exceed 50 feet, in accordance with Section 15.15.050, Site Development Regulations, C-2/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance).

5. The maximum height for accessory structures shall not exceed 18 feet, in accordance with Section 15.15.050, Site Development Regulations, C-2/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance).

6. No more than 60% of the total lot area shall be covered with structures, in accordance with Section 15.15.050, Site Development Regulations, C-2/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance).

7. Any solar energy conversion systems proposed to be installed at this site shall be subject to Section 15.34.030, Solar Energy Conversion Systems, of the Council Bluffs Municipal Code (Zoning Ordinance).

8. Outdoor storage of materials, products, equipment, or packaging shall not be permitted. This includes the semi-permanent and/or permanent placement of inter-modal storage/shipping containers.

9. 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.

10. All grading and drainage activity for this development shall be completed in accordance with Public Works standards.

B. Off-Street Parking

1. The minimum number of off-street parking spaces shall be calculated using the parking requirements in Section 15.23.060, Parking Spaces Required, 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.

a. The total number of required off-street parking spaces for a 'medical/dental office' is based on a calculation of two parking spaces for each office, examining room, and treatment room, as per Section 15.23.060, Parking Spaces Required, of the Council Bluffs Municipal Code (Zoning Ordinance). As per the submitted floor plan in Attachment 'D,' the dental office will contain 11 treatment rooms, one surgery room, and two offices, which equates to a minimum of 28 required off-street parking spaces. The submitted site plan in Sheet C2.0 of Attachment 'C' shows 23 parking stalls will be provided on the subject property.

   In order to meet minimum off-street parking requirements, Broadway Family & Cosmetic Dentistry has entered into a shared parking agreement with the First Church of the Nazarene at 2600 Avenue A. As per the shared parking agreement, Broadway Family & Cosmetic Dentistry will be able to use eight parking stalls at the First Church of the Nazarene parking lot located north of the subject property every Monday through Friday, from 8:00 am to 5:00 pm. In exchange, the church will have access to the Broadway Family & Cosmetic Dentistry parking lot every Monday to Friday after 5:00 pm and all day Saturday and Sunday.

2. All off-street parking areas, driveways and drive aisles shall comply with the standards in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance), and Iowa's Statewide Urban Design and Specifications (SUDAS) manuals for public improvements.

3. All off-street parking lots shall comply with Chapter 661–18, Parking for Persons with Disabilities, of the Iowa Administrative Code.

4. As per Section 15.32A.010, Statement of Intent, West Broadway Corridor Design Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance), one of the objectives of the West Broadway CDO is to provide opportunities for different modes of transportation. In this regards, the Community Development Department finds bicycle parking should be incorporated into the overall layout of the site as follows:

   a. Designated bicycle parking areas shall be located within a reasonable distance of, and clearly visible from, the main entrance of each building.

   b. Bicycle racks shall be secured to the pavement in a location that does not conflict with pedestrian or vehicular circulation routes.

   c. Bicycle parking shall be provided at a rate of one bicycle parking space per 300 square feet of gross floor area.

   d. Bicycle parking shall be installed prior to the issuance of the Certificate of Occupancy for the proposed expansion of the dental office.

5. A parking lot permit shall be submitted with the building permit application for the proposed expansion of the dental office, and shall include the number, location, and dimension of all drive aisles and parking spaces, bicycle parking, pedestrian ways, islands, landscaped areas, loading areas and lighting.

C. Architecture

1. A minimum of 60% of the total surface area of each building façade visible from West Broadway shall be constructed out of durable materials, in accordance with Section 15.32A.080(A)(3)(a) of the Council Bluffs Municipal Code (Zoning Ordinance).

    a. North elevation

        i. **Glass**: **13%**
        ii. **Masonry**: **5%**
        iii. Siding: 6%
        iv. EIFS: 76%

        Percentage of façade constructed out of durable materials: **18%**

        The north elevation of the building is not visible from a public street, thus is not subject to minimum building material percentage requirements.

    b. South elevation

        i. **Glass**: **40%**
        ii. **Masonry**: **49%**
        iii. Siding: 9%
        iv. EIFS: 2%

        Percentage of façade constructed out of durable materials: **89%**

    c. East elevation

        i. **Glass**: **32%**
        ii. **Masonry**: **49%**
        iii. Siding: 14%
        iv. EIFS: 5%

        Percentage of façade constructed out of durable materials: **81%**

    d. West elevation

        i. **Glass**: **8%**
        ii. **Masonry**: **88%**
        iii. EIFS: 4%

        Percentage of façade constructed out of durable materials: **96%**

    Note: The stair tower wall on the second story of the building is not included in the building material percentage calculation for each façade.

2. A minimum of 40% of each building façade visible from West Broadway shall be covered with transparent windows and doors, in accordance with Section 15.32A.080(C)(1)(a) of the Council Bluffs Municipal Code (Zoning Ordinance).

a. As per the submitted architectural renderings in Attachment 'E,' 40% of the south elevation of the building will be covered will be covered with transparent glass doors/windows.

b. As per the submitted architectural renderings in Attachment 'E,' 32% of the east elevation of the building will be covered with transparent glass doors/windows, as opposed to the required 40%. The Community Development Department finds the proposed amount of transparency on this building façade is acceptable for the following reasons:

i. Transparent glass windows cannot be placed along the north corner of the east elevation since there is a restroom on the opposite side of the wall.

ii. More than 80% of the east elevation will be constructed out of durable materials.

c. As per the submitted architectural renderings in Attachment 'E,' 8% of the west elevation of the building will be covered with transparent glass doors/windows, as opposed to the required 40%. The Community Development Department finds the proposed amount of transparency on this building façade is acceptable for the following reasons:

i. Transparent glass windows cannot be placed along the west elevation since there is a restroom, a mechanical room, a storage room, and stairs on the opposite side of the wall.

ii. More than 95% of the west elevation will be constructed out of durable materials.

3. As per the submitted architectural renderings in Attachment 'E,' all building façades visible from West Broadway will be designed in accordance with Section 15.32A.080(B), Articulation, of the Council Bluffs Municipal Code (Zoning Ordinance).

D. Landscaping and Streetscapes

1. A landscape plan was submitted with this application and is shown in Sheet L1.0 of Attachment 'C.'

2. A seven-foot wide landscape frontage strip will be installed along West Broadway, in accordance with Section 15.32A.090(A)(1) of the Council Bluffs Municipal Code (Zoning Ordinance).

3. A minimum of one deciduous shade tree and 10 shrubs will be planted per every 20 linear feet of the required landscape frontage strip, exclusive of any frontage adjacent to the building on the subject property, in accordance with Section 15.32A.090(A)(3) of the Council Bluffs Municipal Code (Zoning Ordinance).

a. The required deciduous shade trees shall be spaced out evenly along the entire length of the frontage strip and shall not be clustered together as shown on the submitted landscape plan in Sheet L1.0 of Attachment 'C.'

4. A minimum of one foundation planting per lineal foot of façade will be placed along the perimeter of the south elevation of the building, in accordance with Section 15.32A.090(A)(2) of the Council Bluffs Municipal Code (Zoning Ordinance).

5. No foundation plantings will be provided along the north, east, and west elevations of the building.

a. Since the east elevation of the building is clearly visible from West Broadway, foundation plantings shall be placed between the southeast corner of the building and the proposed entry tower at a rate of one planting per lineal foot of façade.

6. A minimum of one large deciduous shade tree will be planted per every 3,000 square feet of paved parking area not covered by buildings or canopies, in accordance with Section 15.32A.090(B)(1)(a) of the Council Bluffs Municipal Code (Zoning Ordinance).

7. All tree and shrub species planted on the subject property shall comply with the Council Bluffs Street Tree Guide and the approved shrub list for planting in the West Broadway CDO, respectively, and shall be reviewed and approved by the City prior to installation.

8. All landscaping shall be appropriately maintained and dead plant material replaced in accordance with Section 15.32A.090(C) of the Council Bluffs Municipal Code (Zoning Ordinance).

9. There is not an adequate amount of public right-of-way to accommodate street tree plantings or on-street parking at this site. As such, minimum streetscape requirements shall not applicable for this project.

E. Pedestrian and Vehicular Access

1. Vehicular access to the site shall be established in accordance with Section 15.32A.100(A) of the Council Bluffs Municipal Code (Zoning Ordinance).

   a. As per the submitted site plan in Sheet C2.0 of Attachment 'C,' the main point of vehicular access into the subject property will be through the existing curb cut on West Broadway. Two additional driveway approaches will be provided on the north end of the subject property to establish vehicle circulation through the adjoining alley.

2. As per the submitted site plan in Sheet C2.0 of Attachment 'C,' a five-foot wide, hard-surface accessible route from the main entrance of the building to the sidewalk will be installed on the subject property in accordance with Section 15.32A.100(B) of the Council Bluffs Municipal Code (Zoning Ordinance).

F. Outdoor Lighting

1. All outdoor lighting shall conform to Section 15.32A.110, Outdoor Lighting, West Broadway Corridor Design Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance).

   a. A detailed photometric plan showing the location and type of light fixtures shall be submitted at the time of permit review.

G. Screening and Buffering

1. All roof-mounted mechanical equipment shall be integrated into the design of the building so that the equipment is screened from public view in the adjacent street rights-of-way, in accordance with Section 15.32A.120(B) of the Council Bluffs Municipal Code (Zoning Ordinance).

2. All wall-mounted mechanical equipment shall be screened in accordance with Sections 15.32A.120(C) and 15.32A.120(D) of the Council Bluffs Municipal Code (Zoning Ordinance).

3. All ground-mounted mechanical equipment that is visible from an adjacent public street right-of-way shall be completely screened from view using architectural design features, fencing, masonry wall, landscaping, or a combination thereof, in accordance with Section 15.32A.120(E) of the Council Bluffs Municipal Code (Zoning Ordinance).

4. As per the submitted architectural renderings in Attachment 'E,' the proposed trash enclosure located at the northwest corner of the subject property will be screened from public view in accordance with Section 15.32A.120(G) of the Council Bluffs Municipal Code (Zoning Ordinance).

5. The submitted site plan in Sheet C2.0 of Attachment 'C' shows a six-foot tall fence will be installed between the two driveway approaches connecting into the adjoining alley in order to screen the subject property from the residential properties to the north. Additional screening shall be incorporated along the northeast corner of the subject property to provide the required buffer between the subject property and the residential properties to the north. Required screening may be provided through a wood and/or masonry fence, landscaping, or a combination thereof.

H. Fences and Walls

1. The proposed fence along the northerly property line shall be installed in accordance with Section 15.32A.130, Fences and Walls, West Broadway Corridor Design Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance).

2. Any future fencing proposed to be installed on the subject property shall be subject to Section 15.32A.130, Fences and Walls, West Broadway Corridor Design Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance).

3. A fence permit shall be submitted for any fencing proposed to be installed on the subject property.

I. Signage

1. All detached, attached, and on-site directional signage shall be installed in accordance with Sections 15.32A.140, Signs, West Broadway Corridor Design Overlay, and 15.33.170, Commercial District Signs, of the Council Bluffs Municipal Code (Zoning Ordinance).

    a. One attached wall sign is proposed to be installed on the south elevation of the building. No signage calculations were provided with the application.

    b. There is an existing monument sign on the subject property. The existing sign may be refaced or replaced in accordance with Section 15.32A.140, Signs, West Broadway Corridor Design Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance).

        i. On November 9, 2005, a one-foot height variance was granted by the Zoning Board of Adjustment to allow an 11-foot tall monument sign on the subject property (see Case #BA-05-010).

2. No sign listed in Section 15.33.070, Prohibited Signs, of the Council Bluffs Municipal Code (Zoning Ordinance) shall be permitted.

3. A sign permit shall be submitted for any attached, detached and/or on-premise directional signage proposed to be installed on the subject property.

Recommendation

The Community Development Department recommends approval of the request to adopt a site-specific development plan for the expansion of an existing 'medical clinic' (Broadway Family & Cosmetic Dentistry) on property legally described as Lots 21 through 23 and the West 35.2 feet of Lot 24, all in Block 2, Benson's 2nd Addition, City of Council Bluffs, Pottawattamie County, Iowa., subject to the comments stated above and the following condition:

A. Any modifications to the approved development plan which substantially alter the design, layout, configuration, and/or appearance of the project shall be reviewed the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted development plan may be administratively approved by the Community Development Director.

Public Hearing

Staff speaker for the request:
1. Moises Monrroy, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:
1. Dr. Cary Jackson, 646 Simms Avenue, Council Bluffs, IA 51503
2. Jon McCarville, 2111 S. 67th Street, Omaha, NE 68106
3. John McAtee, 32 Kingsridge Drive North, Council Bluffs, IA 51503

Speakers against: None

The City Planning Commission recommended approval of the request to adopt a site-specific development plan for the expansion of an existing 'medical clinic' (Broadway Family & Cosmetic Dentistry) on property legally described as Lots 21 through 23 and the West 35.2 feet of Lot 24, all in Block 2, Benson's 2nd Addition, City of Council Bluffs, Pottawattamie County, Iowa., subject to the comments stated above and the following condition:

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VOTE: AYE – Bailey, Bass, Hutcheson, Knauss, Rater, Rew, Stroebele, and Van Houten. NAY - None ABSTAIN – Opperman. ABSENT – None. VACANT - Two Motion: Carried.

Attachments

Attachment A: Location/Zoning Map
Attachment B: Letter of Intent
Attachment C: Development Plan
Attachment D: Floor Plan
Attachment E: Building Elevations

Prepared by: Moises Monrroy, Planner, Community Development Department