City Council Communication

Department: Community Development CASES #ZC-23-009 and #CP-23-004 Applicant and Property Owner: United Utilities and Excavation, LLC 1318 Avenue K Council Bluffs, IA 51501 Represented by: Glen Vanderpool 1318 Avenue K Council Bluffs, IA 51501	Ordinance No. _____ Resolution No. _____	City Council: Case #ZC-23-009: 1st Consideration: 8/28/2023 2nd Consideration: 9/11/2023 3rd Consideration: 9/25/2023 Case #CP-23-004: 9/25/2023 Planning Commission: 8/8/2023

Subject/Title

Request: Combined public hearings on the request of United Utilities and Excavation, LLC, represented by Glen Vanderpool, to rezone property legally described as being part of Lots 1 and 2, Auditor's Subdivision of the SE ¼ NE ¼ lying East of Interstate 80, and part of Lot 2, Auditor's Subdivision of the NE ¼ NE ¼, lying between Interstate 80 and railroad right-of-way, along with part of Lot 2, Auditor's Subdivision of the NE ¼ SE ¼, all in Section 32-75-43, City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to C-2/Commercial District and amend the future land use map of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying said property from 'Rural Residential/Agriculture' to 'Local Commercial.'

Location: Undeveloped land located at the northeast corner of Interstate 80 and Franklin Avenue

Background

The Community Development Department has received the following requests from United Utilities and Excavation, LLC, represented by Glen Vanderpool, for the property legally described above:

1. **Case #ZC-23-009:** Rezone the property from A-2/Parks, Estates and Agricultural District to C-2/Commercial District; and
2. **Case #CP-23-004:** Amend the future land use map of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying the property from 'Rural Residential/Agriculture' to 'Local Commercial.'

The subject property contains 6.22 acres, more or less, of undeveloped land and is located northeast of the intersection of Interstate 80 and Franklin Avenue. The applicant owns a construction company and has proposed the rezoning and comprehensive plan amendment to enable the construction of a new office and contractor shop for their business.

The subject property is zoned A-2/Parks, Estates, and Agricultural District and is surrounded by the following zoning districts and existing land uses:

Direction	Existing Zoning Districts	Existing Land Uses
North	A-2/Parks, Estates and Agricultural District	Residences

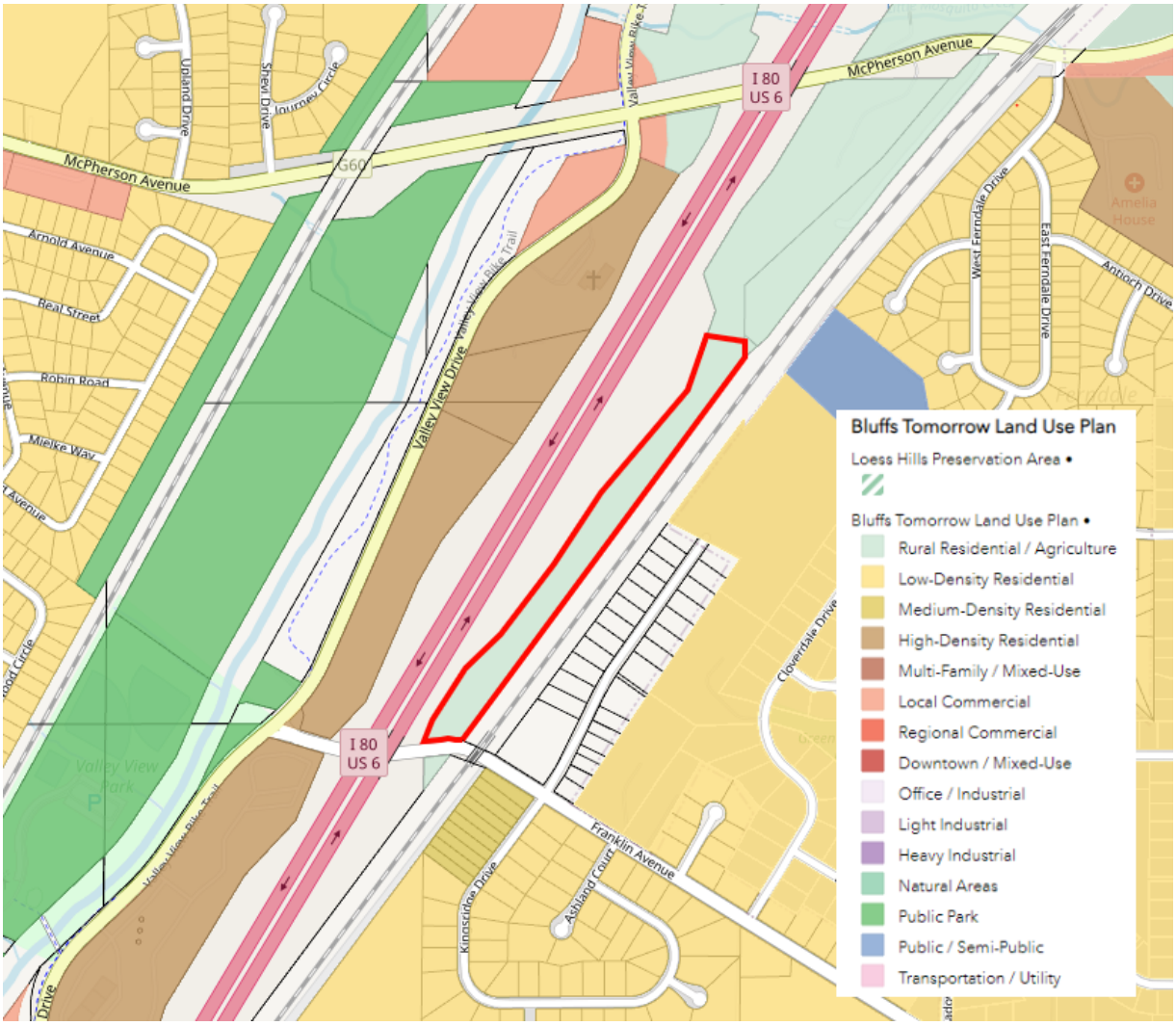
South	A-2/Parks, Estates and Agricultural District and R-3/Low Density Multifamily Residential District	Railroad tracks and residences
East	R-1/Single-Family Residential District and R-3(County)/Urban Residential District	Railroad tracks and residences
West	A-2/Parks, Estates and Agricultural District	Undeveloped land and Interstate 80

A location/zoning map is included with this report as Attachment 'A.'

Public notices were mailed to all property owners within 200 feet of the subject property. The following responses have been received:

1. Randy Sage (48 Kingsridge Drive North, Council Bluffs, IA 51503) provided comments in opposition to the request via email. Mr. Sage expressed concerns about the effect that a commercial use on the subject property could have on nearby residential property values due to his and his neighbors' backyards having a view of the subject property. Mr. Sage further articulated concerns about potential noise and vehicle-related fumes originating from the proposed contractor shop creating a nuisance. Mr. Sage also stated concern that the proposed use could become an unsightly "storage yard" over time. Mr. Sage additionally stated a commercial use on the subject property could create traffic difficulties due to increased volumes on Franklin Avenue associated with commercial development on the subject property and other future developments in the vicinity, and he also noted that the subject property is situated along a blind corner between the Interstate 80 overpass and railroad trestle. Finally, Mr. Sage stated concerns about the potential stormwater and wildlife impacts of development on the subject property.
2. Samantha Haug (44 Kingsridge Drive North, Council Bluffs, IA 51503) provided comments in opposition via email. Ms. Haug stated concerns regarding traffic volumes and safety issues on Franklin Avenue. Ms. Haug also stated concerns about the potential for noise and the visual appearance of the proposed contractor shop diminishing her and her family's enjoyment of their back yard.
3. Tim Thompson (38 Kingsridge Drive North, Council Bluffs, IA 51503) provided comments in opposition via email. Mr. Thompson stated concerns about commercial development on the subject property increasing traffic in the area and noted the property is located near a blind corner and has school bus stops in the vicinity. Mr. Thompson also stated concerns that commercial development could disturb wildlife habitat and cause stormwater drainage issues. Mr. Thompson additionally noted that the trees on the subject property currently help to insulate Kingsridge Drive North residents from Interstate highway traffic noise. Lastly, Mr. Thompson stated commercial development on the subject property could negatively impact home values in the area.
4. Brenda Ksiazek (24 Kingsridge Drive North, Council Bluffs, IA 51503) provided general comments in opposition via email and had general questions about the proposed rezoning.
5. Tiffany Cooper (2205 Franklin Avenue, Council Bluffs, Iowa 51503) contacted the Community Development Department by phone with general questions about the proposed rezoning and comprehensive plan amdnement.

The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as 'Rural Residential/Agriculture' (see map below). The applicant has submitted an application to reclassify the property to 'Local Commercial' so that their project is consistent with the City's comprehensive plan.



Discussion

1. The subject property is currently zoned A-2/Parks, Estates and Agricultural District and is proposed to be rezoned C-2/Commercial District to allow for the construction of an office and contractor shop for a construction company. The subject property meets or exceeds minimum lot area, lot width, and lot depth requirements for the C-2 district, and a 'contractor shop' is a permitted land use in the C-2 district.

    a. A 'contractor shop' is defined as "an establishment engaged in construction activities including office and/or shop facilities with no exterior storage of material and equipment" (CBMC Section 15.03.172a). This differs from a 'contractor yard,' which is defined as "an establishment engaged in construction activities including incidental exterior storage of building material and equipment related to the primary building trade" (CBMC Section 15.03.172b). A 'contractor yard' is not a permitted use within the C-2 district. If outdoor storage were to become an issue on the subject property, the Community Development Department would be able to use the zoning enforcement measures outlined in Section 15.02.130, *Violation and Penalty*, of the Municipal Code (Zoning Ordinance) to remedy the illegal use.

2. The Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as "Rural Residential/Agriculture." The applicant proposes to reclassify the subject property as 'Local Commercial' to ensure that the proposed zoning and future development remain consistent with the Future Land Use Plan.

3. The subject property is located in a somewhat isolated area with constrained development potential, as it is situated in a relatively narrow space between Interstate 80 on the west and grade-separated freight railroad tracks on the east. At the time the Comprehensive Plan was written, the property was likely designated for future rural residential and/or agricultural use because it did not seem likely that any other development would be feasible there. The applicant has indicated that a building approximately 120' wide by 60' deep could be constructed on the property for use as a contractor shop. Attachment 'B' contains a preliminary site plan (not drawn to scale). The type of development proposed would be relatively low impact and is unlikely to lower the quality of nearby residential areas.

    a. An example of a similar existing contractor shop adjacent to a residential area on the east side of the City is Tweedt Engineering and Construction at 3040 Greenview Road (located on the north side of Greenview Road just west of the Greenview Road/Eastern Hills Drive roundabout).

4. The subject property has access to full utility infrastructure, and development with a low–impact commercial use such as a contractor shop would be a good opportunity to make use of existing infrastructure and expand the city's property tax base.

5. Future commercial development has been proposed as part of a mixed-used subdivision on the opposite side of Interstate 80 along Valley View Road. This development would help to create a small, mixed-use neighborhood node, and a commercial use on the subject property would help to further develop this node. As such, rezoning the subject property for commercial uses will be consistent with planned development in the general vicinity.

6. All future development of the subject property shall conform to the site development regulations of CBMC Chapter 15.15, C-2/Commercial District, and provide on-site parking in conformance with the standards of CBMC Chapter 15.23, Off-Street Parking, Loading and Unloading, and the Iowa Statewide Urban Design and Specifications (SUDAS) design manual.

7. To address concerns about the appearance of the property, the City Planning Commission and City Council may wish to condition approval of these cases on the applicant working with the Community Development Department to achieve a higher level of aesthetics with fencing, landscaping, façade materials, etc. on the subject property.

Recommendation

The Community Development Department recommends approval of the request of United Utilities and Excavation, LLC, represented by Glen Vanderpool, to rezone property legally described as being part of Lots 1 and 2, Auditor's Subdivision of the SE ¼ NE ¼ lying East of Interstate 80, and part of Lot 2, Auditor's Subdivision of the NE ¼ NE ¼, lying between Interstate 80 and railroad right-of-way, along with part of Lot 2, Auditor's Subdivision of the NE ¼ SE ¼, all in Section 32-75-43, City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to C-2/Commercial District and amend the future land use map of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying said property from 'Rural Residential/Agriculture' to 'Local Commercial.'

Public Hearing

Staff speakers for the request:

1. Brandon Siracuse, Planner, City of Council Bluffs, 29 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speaker in favor:
1. Glen Vanderpool, 1318 Avenue K, Council Bluffs, IA 51501

Speakers against:
1. Randy Sage, 48 Kingsridge Drive North, Council Bluffs, IA 51503
2. Tim Thompson, 38 Kingsridge Drive North, Council Bluffs, IA 51503
3. Samantha Haug, 44 Kingsridge Drive North, Council Bluffs, IA 51503
4. David Arrington, 39 Kingsridge Drive North, Council Bluffs, IA 51503
5. John Marshall, 112 Charles Park Drive, Council Bluffs, IA 51503
6. John McAtee, 32 Kingsridge Drive North, Council Bluffs, IA 51503

The City Planning Commission recommended denial of the requests by United Utilities and Excavation, LLC, represented by Glen Vanderpool, to rezone property legally described as being part of Lots 1 and 2, Auditor's Subdivision of the SE ¼ NE ¼ lying East of Interstate 80, and part of Lot 2, Auditor's Subdivision of the NE ¼ NE ¼, lying between Interstate 80 and railroad right-of-way, along with part of Lot 2, Auditor's Subdivision of the NE ¼ SE ¼, all in Section 32-75-43, City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates and Agricultural District to C-2/Commercial District and amend the future land use map of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying said property from 'Rural Residential/Agriculture' to 'Local Commercial.', due to spot-zoning and land use compatibility concerns with other properties in the general vicinity.

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

Attachments

Attachment A: Location/Zoning Map
Attachment B: Proposed Site Plan
Exhibit A: Professionally drawn site plan that was submitted to the Planning Commission on 8/8/2023

Prepared by: Brandon Siracuse, Planner, Community Development Department