City Council Communication

Department: Community Development CASE #MIS-23-014 Applicant: ACM Heating, Cooling, and Electrical, LLC C/O Al Ruby 513 N. 27th Street Council Bluffs, IA 51501 Property Owner: A-B Tobacco Inc. 430 Conner Grant Road New Bern, NC 28562 Architect: Rick Emswiler 2729 Kraft Lane Missouri Valley, IA 51555	Resolution No. _____	City Council: 2/12/2024 Planning Commission: 1/9/2024

Subject/Title

Request: Public hearing on the request of ACM Heating, Cooling, and Electrical, LLC, represented by Al Ruby, to adopt a site-specific development plan for a 'retail shopping establishment' (smoke shop) on property legally described as Lots 25 and 26, excluding City right-of-way, Central Subdivision, City of Council Bluffs, Pottawattamie County, Iowa.

Location: 2400 West Broadway

Background/Discussion

The Community Development Department has received a request from ACM Heating, Cooling, and Electrical, LLC, represented by Al Ruby, to adopt a site-specific development plan for a 'retail shopping establishment' (smoke shop) on property legally described as Lots 25 and 26, excluding City right-of-way, Central Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. The purpose of this request is to facilitate the applicant's proposed updates to the building, parking lot, and site landscaping and to obtain relief from certain West Broadway CDO standards relative to transparency and articulation on the east and west façades. The applicant's Letter of Intent is included as Attachment 'A.'

The subject property is located within the West Broadway Corridor Design Overlay (CDO). A location/zoning map is included with this report as Attachment 'B.' Per Section 15.32A.150, Adoption of a Development Plan, West Broadway Corridor Design Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance), projects which are unable to meet certain aspects of the West Broadway CDO are allowed the option of applying for a site-specific development plan which enhances components of the development in exchange for relief of other requirements. The applicant is proposing to exceed durable material requirements and include non-required landscaping elements throughout the site to offset the proposed design exceptions.

The applicant submitted a building permit application to the City of Council Bluffs on November 1, 2023 to remodel the interior of the existing building and make several site improvements in regards to off-street parking,

a drive-through lane, and landscaping on the subject property. Per Section 15.32A.040, Applicability of the West Broadway Corridor Design Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance), *"building modifications equal to fifty (50) percent of the structure in a twenty-four (24) month period of time shall be required to bring the entire structure into compliance with the applicable standards of this Chapter. The assessed value shall be as most recently assessed by the Pottawattamie County Assessor."* Based on the $128,100 2023 Assessor's value of the structure, a minimum project valuation of $64,050 would trigger bringing the ***structure only*** into compliance with the West Broadway CDO standards. The submitted building permit application included a project valuation of $75,000, and therefore, the building is required to comply with the applicable West Broadway CDO standards.

The request was routed to all City Departments and local utility providers. As of the date of this report, the following comments were received:

MidAmerican Energy stated they have no conflict with the request and noted that they have a major overhead electric distribution line along the south side of the alley adjacent to the subject property. The developer or their agent should contact MidAmerican Energy directly to discuss the project scope and timeline, as well as begin the process of identifying the costs associated with relocation of any of their facilities that may be in conflict with the development plan and to supply new electric service requirements.

The Council Bluffs Fire Department stated they have no comments.

The Council Bluffs Police Department stated they have no concerns or comments on the proposal.

The Community Development Department has coordinated with the applicant on the proposed site and building design and is supportive of the proposed development plan for the following reasons:

A. The existing building on the subject property was constructed in 1945 and has sat vacant for a number of years. Due to the structure's age and years of neglect, the current owners have proposed structural improvements to the building to allow them to operate their proposed 'retail shopping establishment' (smoke shop) and are also proposing several non-required site improvements.
B. The subject property is located on the corner of 24th and West Broadway and would be a favorable site for future redevelopment. Keeping in mind the long-term vision of the West Broadway Corridor, staff feels that the proposed development standards still achieve the spirit and intent of the West Broadway CDO, while not imposing the full set of CDO requirements on an aging building and site that is well-suited for future redevelopment.

The proposed development plan standards are listed below:

A. Site Development

1. No building additions are proposed at this time. The building currently has a 0' foot front yard setback, which achieves the intent of the build-to-zone. 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 site development standards for the C-2 District.

2. 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).

3. 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.

4. The existing overhead utility line along the south side of the alley that runs north of the subject property is adequate for the proposed improvements. All utilities shall be installed underground as required for any future expansion. 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.

B. Off-Street Parking

1. Per Section 15.23.060, Parking Spaces Required, the total number of off-street parking spaces required for 'retail sales' is 1 space for every 200 square feet of gross floor area, which equates to a minimum of ten (10) required off-street parking spaces for the subject property. The submitted site plan, included as Attachment 'C,' shows four (4) off-street parking stalls will be provided on the subject property.

   The property currently shares a driveway off W. Broadway with the property to the west (2410 W. Broadway), which provides access to the parking area between the two properties. The applicant is currently coordinating with the property owner to the west to enter into a shared parking agreement to utilize a minimum of six (6) off-street parking stalls on the adjacent property to meet the minimum required off-street parking stalls and formalize the use of the shared driveway.

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. The applicant shall submit a parking lot permit to the Permits and Inspections Division which shall include the number, location, and dimension of all drive aisles/lanes and parking spaces, pedestrian ways, and landscaped areas.

C. Architecture

1. No building additions are proposed at this time. Any future buildings and/or building additions shall be subject to the architectural standards of Section 15.32A.080, Architecture, of the CBMC (Zoning Ordinance).

2. Durable materials and Transparency. Section 15.32A.080 requires, a minimum of 60% of the total surface area of each building façade visible from West Broadway shall be constructed out of durable materials and a minimum of 40% of each building façade visible from West Broadway shall be covered with transparent windows and doors. Glass utilized for transparency requirements shall also count towards the durable material requirement. The proposed building elevations are included as Attachment 'D.' The table below summarizes the proposed durable use of durable materials and transparency.

Façade	**Proposed Durable Material Percentage**	**Proposed Transparency Percentage**	**CDO Durable Materials Requirement**	**CDO Transparency Requirement**
North	N/A – Façade not visible from West Broadway; therefore, CDO requirements are not applicable			

East	100% (26.6% glass, 73.4% brick)	26.6%	Exceeds by 60%	Under by 3.4%
South	100% (41.7% glass, 58.3% brick)	41.7%	Exceeds by 40%	Exceeds by 1.7%
West	100% (90% brick, 10% glass)	10%	Exceeds by 40%	Under by 30%

While the building does not meet the minimum transparency requirements on the east and west facades, all facades greatly exceed the minimum amount of durable materials required and the front façade along West Broadway exceeds the minimum transparency requirement. Additionally, the interior layout of the existing building provides limited areas to provide additional transparency due to the location of restrooms and storage areas. The proposed building design utilizes durable materials and transparency in a manner that increases the aesthetic value of the property in the areas most clearly visible from West Broadway and N. 24th Street while taking into consideration the existing interior layout of the 1945 building.

3. Articulation. Section 15.32A.080, Architecture, states *"building facades shall be constructed within architectural details such as color changes, material changes, minor wall offsets, height variations, wall setbacks, accent lines, colonnades, and upper floor step backs to articulate building elevations."* While the proposed building design does not include all aforementioned elements of articulation, the applicant is proposing to incorporate new awnings, windows, and paint to aid in breaking up the clearly visible portions of the façade and increase the aesthetic value of the property. The proposed architectural design, in combination with the excess of durable materials and proposed non-required landscaping improvements, meets the intent of the West Broadway CDO and shall be accepted as submitted.

D. Landscaping and Streetscapes

1. Based on the project valuation, site improvements, including landscaping, are not required for this project. However, the applicant has proposed the following landscape improvements, shown on the submitted site plan (Attachment 'C'), to help offset the architectural design exceptions:

   a. Removing the existing paved parking off N. 24th Street and landscape this area with street trees (three (3) Eastern Redbuds and two (2) Autumn Blaze Maples)

   b. Planting twelve (12) foundation plantings (Blue Star Juniper Shrubs) along the westerly building elevation;

   c. Add a parking lot landscape island planted with two (2) Eastern Redbud trees and one (1) Autumn Blaze Maple tree; and

   d. Add additional green space and three trees (two (2) Autumn Blaze Maple trees and one (1) Eastern Redbud tree) near the drive-through exit along West Broadway

   Note: The proposed non-required landscape improvements are included to help offset the requested relief from transparency and articulation requirements and do not fully meet the minimum landscape requirements per Section 15.32A.090, Landscaping and Streetscapes, of the West Broadway CDO. If any future building improvements trigger full compliance with the West Broadway CDO standards, then the entire site shall be brought into compliance with said standards at that time, including enhancing the existing landscaping to meet minimum

requirements. This would include adding the minimum number of foundation plantings on all applicable facades and additional frontage strip plantings.

2. While the proposed building modifications do not trigger the West Broadway Corridor Design Overlay landscaping requirements

E. Pedestrian and Vehicular Access

1. The subject property will continue to utilize the existing curb cut off W. Broadway for primary access to their site. The site also has an existing secondary access point off the adjoining alley to the north.

2. Per Section 15.32A.100(C) of the Council Bluffs Municipal Code (Zoning Ordinance), *"Drive-through lanes along West Broadway and major streets shall be located to the side and rear of the property when possible."* The proposed drive-through lane is located along the westerly side of the building, in accordance with Section 15.32A.100(C).

3. As per the submitted site plan, a five-foot wide, hard-surface accessible route is proposed from the parking area to the westerly entrance of the building in accordance with Section 15.32A.100(B) of the Council Bluffs Municipal Code (Zoning Ordinance). The easterly entrance can be accessed by the existing pavement along N. 24th Street.

F. Outdoor Lighting

1. No outdoor lighting is proposed with this request. Any outdoor lighting installed at a future date shall comply with Section 15.32A.110, Outdoor Lighting, West Broadway Corridor Design Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance).

G. Screening and Buffering

1. No new roof-mounted mechanical equipment is proposed with this request. Any new roof-mounted mechanical equipment installed at a future date 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 Sections 15.32A.120(C) and 15.32A.120(D) of the Council Bluffs Municipal Code (Zoning Ordinance).

2. A new wall-mounted condensing unit is proposed along the north façade, facing the alley. The proposed six-foot tall privacy fence along the northerly property line, in combination with the proposed tree plantings along N. 24th Street, will adequately screen the new wall-mounted condensing unit. Any other new wall-mounted mechanical equipment installed at a future date 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).

3. No new ground-mounted equipment is proposed with this request. Any new ground-mounted mechanical equipment installed at a future date 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. The submitted site plan indicates that the dumpster will be screened with a trash enclosure six (6) feet in height. The trash enclosure shall be designed to comply with the requirements of Section 15.32A.120(G) of the Council Bluffs Municipal Code (Zoning Ordinance).

5. Per Section 15.24.040(E), Required Fences, a fence is required between the subject property and adjoining residential district to the north. The applicant has proposed a six (6) foot tall opaque fence, as shown on the submitted site plan, along the north property line. All fencing shall be installed in accordance with Section 15.32A.130, Fences and Walls, of the Council Bluffs Municipal Code (Zoning Ordinance).

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 separate fence permit shall be obtained from the Permits and Inspections Division prior to installation.

I. Signage

1. No exterior signage has been identified at this time. 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). Any signage installed at a future date shall be permitted separately prior to installation.

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

Recommendation

The Community Development Department recommends approval of the request to adopt a site-specific development plan for a 'retail shopping establishment' (smoke shop) on property legally described as Lots 25 and 26, excluding City right-of-way, Central Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following condition:

A. All exterior site improvements, as shown in Attachment 'C' and discussed above, shall be completed and a parking lot agreement with the property owners at 2410 W. Broadway shall be submitted prior to the business operating.
B. 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. Haley Weber, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:
1. Albert Ruby, 513 N. 27th Street, Council Bluffs, IA 51501

Speakers against: None

The City Planning Commission recommended approval of the request to adopt a site-specific development plan for a 'retail shopping establishment' (smoke shop) on property legally described as Lots 25 and 26, excluding City right-of-way, Central Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following condition:

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B. 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.

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

Attachments

Attachment A: Letter of Intent
Attachment B: Location/zoning map
Attachment C: Site Plan
Attachment D: Building Elevations

Prepared by: Haley Weber, Planner, Community Development Department