City Council Communication

Department: Community Development CASE #MIS-23-015 Applicant/Property Owner: Rich Hudson Hudson Investments Inc. 13435 Q Street Omaha, NE 68137 Engineer: Justin Insinger 16934 Browne Street Omaha, NE 68116	Resolution No. _____	City Council: 2/12/2024 Planning Commission: 1/9/2024

Subject/Title

Request: Public hearing on the request of Rich Hudson, represented by Justin Insinger, to adopt a site-specific development plan for a 'restaurant (fast food)' (Runza) on property legally described as Lots 13 through 21, excluding City right-of-way, and the westerly 10 feet of Lot 22, Block 15, Highland Place, City of Council Bluffs, Pottawattamie County, Iowa.

Location: 2146 West Broadway

Background/Discussion

The Community Development Department has received a request from Rich Hudson, represented by Justin Insinger, to adopt a site-specific development plan for a 'restaurant (fast food)' (Runza) on property legally described as Lots 13 through 21, excluding City right-of-way, and the westerly 10 feet of Lot 22, Block 15, Highland Place, City of Council Bluffs, Pottawattamie County, Iowa. The purpose of this request is to facilitate the redevelopment of Runza's existing site and to obtain relief from certain West Broadway CDO standards relative to build-to-width, transparency, and landscaping. A location/zoning map is included as Attachment 'A.'

The subject property is located within the West Broadway Corridor Design Overlay (CDO). Per Section 15.32A.040, Applicability of the West Broadway Corridor Design Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance), *"New construction of commercial, mixed use, and multi-family structures and sites shall comply entirely with the standards of this Chapter."* 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 provide an outdoor amenity area, as shown in the submitted site plan (Attachment 'B'), and exceed durable material requirements, as shown in Attachment 'C,' in order to offset the proposed design exceptions.

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

The Council Bluffs Public Works Department provided the following comments:

A. West Broadway has been recently constructed and precautions should be taken during construction to protect those improvements.
B. The driveway off West Broadway shall be a signed entrance only.

C. The exit driveway from the drive-through lane shall be narrowed to a maximum width of 20 feet at the property line to improve the separation distance from West Broadway.
D. 'Do Not Enter' signs shall be placed in the alley at the drive-through lanes in coordination with the Council Bluffs Public Works Department.
E. Stormwater management will be required for the redevelopment.

Council Bluffs Water Works stated that there is a water main in the right-of-way of North 22nd Street which will need to be protected in place.

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 proposed architectural designs are the result of a collaborative effort between the City and applicant as the design meets the spirit and intent of the West Broadway CDO and is consistent with Runza's brand image and accepted design concepts.
B. The current Runza site and building were constructed in 1968 and includes an inadequate drive-through design that results in vehicle queueing to spill off the site and onto W. Broadway during peak operating hours. The proposed site redesign includes transforming the existing drive-through layout from its inadequate current design to one that provides sufficient queuing space while still exiting off N. 24th Street rather than wrapping around the front of the building. This helps to amplify the positive effects of the build-to-zone and reduce potential pedestrian/vehicular conflict points while ensuring safe and efficient traffic flow through the site.
C. The applicant has proposed an outdoor dining area within the build-to-zone along West Broadway to help offset the requested reliefs from the West Broadway CDO standards. The proposed outdoor dining area's proximity to the public sidewalk along West Broadway helps to encourage interaction between the public and private realms and promote active outdoor spaces within the corridor.
D. Drive-through establishments are by nature auto-oriented uses, which face greater challenges in applying the full-extent of the West Broadway CDO design requirements due to the necessary building orientation/internal layout, drive-through lane, drive aisles, and off-street parking requirements. The proposed site design allows the business to successfully operate as a drive-through facility, while still providing space for required landscape buffers and plantings per Section 15.32A.090, Landscaping and Streetscapes, and meeting the spirit and intent of the West Broadway CDO.

The proposed development plan standards are listed below:

A. Site Development

1. The subject property is a corner lot with direct frontage on West Broadway and N. 22nd Street. According to the West Broadway Corridor Street Hierarchy, West Broadway and N. 22nd Street are considered major streets. For the purposes of establishing a build-to zone, defined by a minimum setback of five feet and a maximum setback of 20 feet, West Broadway shall be considered the highest category street. The proposed building is setback 20 feet from West Broadway, which meets the minimum requirements of the West Broadway build-to-zone. Additionally, the proposed outdoor dining space encroaches into the build-to-zone, providing an active outdoor space close to the West Broadway public realm.

2. The front yard setback for principal and accessory structures shall be established by the build-to zone, per Section 15.32A.070, Build-To-Zone For West Broadway And Major Streets, of the CBMC (Zoning Ordinance).

3. Per Section 15.32A.070 of the CBMC (Zoning Ordinance), *"Buildings shall have a minimum build-to-width of fifty (50) percent."* Based on the property's width at the street, a minimum of 50-feet of building shall be located within the build-to-zone. The proposed building width is located entirely within the build-to-zone; however, the building is only 41'9" wide and is therefore, 8'3" short of the minimum

build-to-width. The Community Development Department is supportive of allowing relief from this requirement due to the unique constraints regarding drive-through restaurants and site design, as discussed above.

4. All principal and accessory structures shall comply with the street side, interior, and rear yard setback requirements for the C-2/Commercial District per Section 15.15.050, Site Development Regulations, of the CBMC (Zoning Ordinance).

5. The maximum height for principal and accessory structures shall comply with Section 15.15.050, Site Development Regulations, for the C-2/Commercial District, of the CBMC (Zoning Ordinance).

6. The maximum lot coverage for the property shall be 60 percent, in accordance with Section 15.15.050, Site Development Regulations, for the C-2/Commercial District, of the CBMC (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. Per Section 15.23.060, Parking Spaces Required, the total number of off-street parking spaces required for 'restaurant (fast food)' is 1 space for every 100 square feet of gross floor area, which equates to a minimum of twenty-eight (28) required off-street parking spaces. The submitted site plan, included as Attachment 'B,' shows twenty-eight (28) off-street parking stalls will be provided on the subject property.

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. Per the submitted architectural renderings (see Attachment 'C'), the facades are proposed to utilize a mixture of stacked stone, split-face concrete masonry unit (CMU) block, fiber cement siding, and glass.

2. Durable materials and Transparency. 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 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). Glass utilized for transparency requirements shall also count towards the durable material requirement. The table below summarizes the proposed durable use of durable materials and transparency.

Façade	**Proposed Durable Material Percentage**	**Proposed Transparency Percentage**
North	N/A – Façade not visible from West Broadway	
East	66% (exceeds min. required by 6%)	20% (under min. required by 20%)
South	65% (exceeds min. required by 5%)	20% (under min. required by 20%)
West	60% (meets min. required)	15% (under min. required by 25%)

While the proposed building does not meet the minimum transparency requirements, both the east and south facades exceed the minimum amount of durable materials required. Additionally, an outdoor dining has been incorporated as a site amenity to be located within the build-to-zone, encouraging interest and interaction between the public and private realm along West Broadway. The applicant is also proposing to exceed the overall amount of foundation landscape plantings required for the site.

3. Articulation. As per the submitted architectural renderings shown in Attachment 'C,' all building facades 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. Per the submitted landscaping plan, included as Attachment 'D,' a nine (9) foot wide landscape frontage strip will be installed along West Broadway, a five (5) foot wide landscape frontage strip will be installed along N. 22nd Street and a six (6) foot wide landscape frontage strip will be installed along Avenue A, in accordance with Section 15.32A.090(A)(1) of the Council Bluffs Municipal Code (Zoning Ordinance).

2. Per Section 15.32A.090(A)(2), *"foundation plantings shall be placed along the perimeter of all facades visible from adjacent street right-of-way at a rate of one planting per lineal foot of façade, not inclusive of entrances."* The submitted landscaping plans show foundation plantings provided as follows:

   a. East façade – 62 Prairie Dropseed (62 foundation plantings required)

   b. South façade – 37 Boxwood, 57 Prairie Dropseed – 94 total (42 foundation plantings required)

      Note: The plantings shown along the south are located within the frontage landscape strip, as opposed to the foundation area, as the applicant has incorporated a non-required outdoor eating area along the south façade.

   c. West façade – 35 Shenendoah Switchers (70 foundation plantings required)

d. North façade – 12 Bobo Hydrangea, 11 Karl Forester, 16 Unca – 39 total (25 foundation plantings required)

Note: The proposed landscape plantings are deficient in the number of foundation plantings along the west façade. This deficiency is due to the drive-through lane being located along this façade, which meets minimum drive-through width requirements. This area of the property also includes the minimum required five (5) foot landscape buffer along N. 22nd Street. Between the width needed for the drive-through lane, landscape buffer area, and internal building layout to accommodate a drive-through lane, the westerly façade is short 35 foundation plantings. While the proposed landscape plan does not include the minimum amount of foundation plantings along the west façade, the overall number of foundation landscape plantings provided (230) exceeds the total minimum required (199).

3. A minimum of one deciduous shade tree and ten (10) shrubs shall be planted 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). The submitted landscape plan, included as Attachment 'D,' meets this requirement.

4. A minimum of one large deciduous shade tree shall 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). Trees planted in perimeter planting areas as opposed to landscape islands or endcap islands/peninsulas shall be counted as ½ tree for the purpose of this requirement. A total of five parking lot (5) trees are required for the site. Based on the quantity and placement of trees on the site, a total of nine (9) trees count towards this requirement.

5. Per Section 15.32A.090, Landscaping and Streetscapes, *"Street tree plantings shall be planted along major streets. Species type and spacing of street tree plantings shall be designated in the Council Bluffs Street Tree Guide."* The submitted landscaping plan, included as Attachment 'D,' does not include any street trees. The applicant shall coordinate with the Community Development Department on the number, spacing, and species to be planted in the City's right-of-way along N. 22nd Street frontage.

6. To help offset the proposed design exceptions, the applicant has proposed an outdoor dining area to be located between the front façade and West Broadway, as shown in the submitted site plan, included as Attachment 'B.'

E. Pedestrian and Vehicular Access

1. Vehicular access is provided through the existing curb-cut off West Broadway and a new curb-cut off Avenue A. Vehicles utilizing the drive-through will exit the site through the existing curb-cut off N. 22nd Street. No additional vehicular access points shall be allowed off W. Broadway.

2. The proposed drive-through lane is located along the sides and rear of the property, which complies with the drive-through lane requirements of Section 15.32A.100(C) of the Council Bluffs Municipal Code (Zoning Ordinance).

3. Five-foot wide, hard-surface accessible routes are proposed from W. Broadway and N. 22nd in accordance with Section 15.32A.100(B) of the Council Bluffs Municipal Code (Zoning Ordinance).

F. Outdoor Lighting.

1. Wall sconces are proposed on the north, east, and south facades. No other additional outdoor lighting is proposed at this time. 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. 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. No wall-mounted mechanical units are proposed with this request. 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. No ground-mounted mechanical equipment are proposed with this request. Any 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 comprised of split-face block screening, six (6) feet in height with steel gates. 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 along the easterly property line, north of the alley. The applicant has proposed fencing, as shown on the submitted site plan, along the easterly property line, north of the alley. 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 westerly property line, north of the alley 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. The submitted site plan notes a proposed monument sign located at the southwest corner of the subject property. No information regarding design, size, or height have been provided 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) and 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 'restaurant (fast food)' (Runza) on property legally described as Lots 13 through 21, excluding City right-of-way, and the westerly 10 feet of Lot 22, Block 15, Highland Place, 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. Haley Weber, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:
1. Justin Insinger, 16934 Browne Street, Omaha, NE 68116

Speakers against: None

The City Planning Commission recommended approval of the request to adopt a site-specific development plan for a 'restaurant (fast food)' (Runza) on property legally described as Lots 13 through 21, excluding City right-of-way, and the westerly 10 feet of Lot 22, Block 15, Highland Place, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following condition:

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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: Location/zoning map
Attachment B: Site Plan
Attachment C: Architectural Plans
Attachment D: Landscape Plan
Attachment E: Interior Layout

Prepared by: Haley Weber, Planner, Community Development Department