RESOLUTION NO. 24-44

A RESOLUTION ADOPTING 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.

WHEREAS, ACM Heating, Cooling, and Electrical, LLC has submitted a request to adopt a site-specific development plan for a 'retail shopping establishment' (smoke shop) located at 2400 West Broadway and legally described as Lots 25 and 26, excluding City right-of-way, Central Subdivision, City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, This request is made on behalf of A&B Tobacco Inc. who intend to run a tobacco/smoke shop business at this location; and

WHEREAS, 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

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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; and

WHEREAS, 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 conditions:

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.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA

That the associated site-specific development plan for '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, is hereby approved.

ADOPTED
AND
APPROVED February 12, 2024.

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ROGER SANDAU Mayor Pro Tem

Attest: _____
JODI QUAKENBUSH City Clerk