City Council Communication

Department: Community Development CASES #ZC-24-001, #CP-24-001, and #PR-21-001 Applicant/Property Owner: Neal S. Drickey 2023 S. 1^{81st} Circle Omaha, NE 68130 Representative: Clinton D. Brunow 16935 State Orchard Road Council Bluffs, IA 51503	Resolution No. _____ Ordinance No. _____ Ordinance No. _____	CASE #ZC-24-001 1st Consideration: 2/26/2024 2nd Consideration: 3/11/2024 3rd Consideration: 3/25/2024 CASE #PR-21-001 1st Consideration: 2/26/2024 2nd Consideration: 3/11/2024 3rd Consideration: 3/25/2024 CASE #CP-24-001: 3/25/2024 Planning Commission: 2/13/2024

Subject/Title

Requests: Combined public hearings on the request of Neal Drickey, represented by Clinton Brunow, to rezone property legally described as Lot 2, Arbor Creek from R-2/Two-Family Residential District to C-1/Neighborhood Commercial and to amend the future land use plan of the Bluffs Tomorrow 2030 Comprehensive Plan by reclassifying said property from Medium Density Residential to Local Commercial; and to repeal a PR/Planned Residential Overlay (CASE #PR-21-001) that was appended to said property via Ordinance No. 6453.

Location: Undeveloped property lying at the northwest corner of the intersection of College Road and Railroad Highway.

Background

The Community Development Department has received the following requests from Neal Drickey, represented by Clinton Brunow, for property legally described as Lot 2, Arbor Creek, City of Council Bluffs, Pottawattamie County, Iowa (see Attachment A):

1. **CASE #ZC-24-001**: Rezone the subject property from R-2/Two-Family Residential District to C-1/ Neighborhood Commercial District (see Attachment B).
2. **CASE #CP-24-001**: Amend the future land use plan of the Bluffs Tomorrow 2030 Comprehensive Plan by reclassifying the subject property from 'Medium Density Residential' to 'Local Commercial' (see Attachment C).
3. **CASE #PR-21-001**: Repeal the adopted PR/Planned Residential Overlay that was appended onto Lot 2, Arbor Creek via Ordinance No. 6453 on May 24, 2021.

In May 2021, the Council Bluffs City Council granted approval of the applicant's request to develop the subject property into a 27-lot subdivision, to be known as Arbor Creek 2nd Addition (see Attachment D). The development was master planned to include a mixture of townhomes, single-family residential dwellings (detached), and out lots for storm water detention. After receiving approval from the City, the applicant was notified by their engineer that a significant amount of wetlands exist on the property. Due to the size and location of the wetlands, the applicant determined their 27-lot residential subdivision was not feasible to construct and looked for other development alternatives for the property.

The applicant now proposes to develop the area of the property that is not encumbered with wetlands with a 21,216 square-foot multi-tenant commercial strip center and 132 off-street parking stalls (see Attachment E). The commercial building, parking, and vehicle access will be located on the existing filled area of the property and will be buffered/screened from the adjacent residential properties and rights-of-way with landscaping and tree plantings. The proposed strip center building will be constructed with a mixture of split-faced concrete masonry unit (CMU) block and architectural metal panels. Specific tenants in the commercial strip center have not been determined but all future tenants will comply with the land uses allowed in the C-1 District (see Attachment F).

Land Use and Zoning

The following zoning and land uses surround the subject property:

- North – Midlands Humane Society and undeveloped land zoned A-2/Parks, Estates, and Agricultural District along with commercial storage and multi-family apartments zoned R-4/High Density Residential. Additionally, Sherwood Plaza and undeveloped land are located north of the subject property and are zoned C-2/Commercial District.
- South – College Road, single-family residential dwellings, and undeveloped land zoned A-2/ Parks, Estates, and Agricultural District and R-1/Single-Family Residential District.
- East – Railroad Avenue, single-family residential dwelling, Burlington Northern Railroad, and Iowa Western Community College all zoned A-2/Parks, Estates, and Agricultural District. Additionally, College View Elementary and several multi-family apartments that are all zoned R-3/Low Density Multi-Family Residential District, as well as, St. Patrick's Church, zoned R-1/Single-Family Residential District, are located to the east.
- West – Single-family residential dwellings and undeveloped land all zoned R-1/Single-Family Residential District

The future land use plan of the Bluffs Tomorrow: 2030 (Comprehensive Plan) designates the subject property as 'Medium Density Residential' with the westerly portion also being designated as "Loess Hills Preservation Area".

Public notices were mailed to all property owners within 200 feet of the request. Additionally, the City mailed a public notice to Midlands Humane Society (1020 Railroad Avenue) and their attorney (Deborah Petersen) since they have a long-term lease on the City-owned property located immediately north of the subject property. The following public comments were received:

1. Ron Wolf, 536 College Road, Council Bluffs, Iowa, stated he is the President of the Indian Hills Neighborhood Association and plans to speak at the February 13, 2024 City Planning Commission meeting regarding the applicant's requests.

All City Departments and local utilities were notified of the proposed requests and the following comments were received:

A. Council Bluffs Parks and Recreation Department stated they have no comments.
B. Council Bluffs Fire Department stated they have no comments.
C. Council Bluffs Police Department stated they have no comments or objections.
D. Council Bluffs Public Works stated they have they are not opposed to the commercial use on the property and that storm water management will be required for the development.
E. Council Bluffs Water Works stated they have no comments for the request.
F. MidAmerican Energy stated they have no conflicts or concerns with the referenced cases and the developer or their agents should contact MidAmerican Energy directly to discuss the project timeline and costs associated with extending electric service to the development.

Discussion

1. The applicant has requested to rezone the subject property from R-2/Two-Family Residential District to C-1/Neighborhood Commercial District in order to build a new a 21,216 square-foot multi-tenant commercial strip center and 132 off-street parking stalls. Per Section 15.14.01 of the Council Bluffs Municipal Code (Zoning Ordinance), the purpose and intent of the C-1/Neighborhood Commercial District is to *"provide for the development of retail, office, and minor commercial facilities adjacent to neighborhood residential areas. The district allows for a large variety of commercial and service uses".* The subject property is located at the intersection of College Road and Railroad Highway, which are well traveled roadways that intersect East Kanesville Blvd and/or Valley View Drive. Additionally, the property has potential for becoming a neighborhood commercial node, based on the mixture and density of land uses within one-mile of its location such as: Midlands Human Society, College View Elementary, Iowa Western Community College, Sherwood Apartments, St. Patrick's Church, Prairie Gate Senior Living, Graceview Courtyard Senior Living, Sherwood Plaza, Patrick Circle Townhomes, etc. Rezoning the subject property to C-1/Neighborhood Commercial District would provide neighborhood-oriented commercial opportunities that are within a reasonable driving and walking distance of properties in the vicinity and would allow the property to be developed to its highest and best use given the unique environmental constraints.
2. The future land use plan of the Bluffs Tomorrow 2030 (Comprehensive Plan) designates the subject property as 'Medium Density Residential'. This designation was applied to the property in 2022 in recognition of the applicant's 27-lot residential development proposal. The applicant is now proposing to change the designation from 'Medium Density Residential' to 'Local Commercial' so that the C-1 zoning and future land uses align together. Per the Bluffs Tomorrow: 2030 Comprehensive Plan, the 'Local Commercial' designation is described as *"commercial areas with land uses oriented towards goods and services that meet the demand of Council Bluffs residents. These uses include grocery stores, convenience stores, pharmacies, banks, auto services, and small offices. They are typically located along visible corridors or at neighborhood centers, and may be configured as multi-tenant shopping centers or individual developments on smaller lots".* The C-1/Commercial District allows a variety of neighborhood oriented commercial land uses and is generally consistent with the 'Local Commercial' future land use plan designation.
3. On May 24, 2021, the Council Bluffs City Council approved Ordinance No. 6453, which appended a PR/Planned Residential Overlay onto the subject property. Additionally, City Council approved a Planned Residential Development Plan via Resolution No. 21-144, which established land use and site development standards for the subject property relative to building setbacks, maximum lot coverages, utility easements, architectural designs, landscaping, signage, storm water management, access management, etc. The applicant has stated they are no longer able to develop the site as per the approved development plans due to the amount of wetlands and floodplain areas on the property. Since the site will not be developed with any residential uses, the applicant and the City concur the adopted PR Overlay (Case #PR-21-001) should be removed from the subject property. The applicant's adopted PR development plan will expire and any future development on the property must comply to C-1 District standards, if the rezoning request is approved.
4. The property contains 6.19 acres of land, which complies with the minimum C-1/Commercial District lot size requirements. All land development on the property shall comply with the site development standards stated in Section 15.14.050, *Site Development Regulations, C-1/Commercial District*, of the Council Bluffs Zoning Ordinance.
5. The subject property has access to water, sanitary sewer, and storm sewer utilities within Railroad Highway or College Road rights-of-way and is suitable for commercial development.
6. The subject property is located within an AE and 0.2% Flood Hazard Zones, as per FEMA Flood Insurance Rate Map panel #19155C0418F, dated 4/16/2013. All development on the subject property shall comply with applicable Federal, State, and local floodplain development standards.

Recommendations

The Community Development Department recommends the following for the subject property legally described as described as Lot 2, Arbor Creek Subdivision, City of Council Bluffs, Pottawattamie County, Iowa:

1. Approval to rezone the subject property from R-2/Two-Family Residential District to C-1/ Neighborhood Commercial District, based on reasons stated above.
2. Approval to amend the future land use plan of the Bluffs Tomorrow 2030 Comprehensive Plan by reclassifying the subject property from 'Medium Density Residential' to 'Local Commercial', based on reasons stated above.
3. Approval to repeal the adopted PR/Planned Residential Overlay that was appended onto Lot 2, Arbor Creek via Ordinance No. 6453 on May 24, 2021, if the rezoning request is approved, based on reasons stated above.

Public Hearing

Staff speakers for the request:

1. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:
1. Clinton D. Brunow, 16935 State Orchard Road, Council Bluffs, IA 51503
2. Paul J. Kelly, Paul J. Kelly Architecture, 300 South 19th Street, Omaha NE 68102

Speakers against:
1. Ron Wolfe, College Road-Indian Hills Road Neighborhood Association, 536 College Road, Council Bluffs, IA 51503
2. Marti Nerenstone, College Road-Indian Hills Road Neighborhood Association, 33 Indian Hills Road, Council Bluffs, IA 51503
3. Lisa Tenhulzen, 320 College Road, Council Bluffs, IA 51503
4. Ed Cain, 26 Indian Hills Road, Council Bluffs, IA 51503
5. Raymond Paulus, 817 College Road, Council Bluffs, IA 51503
6. Sheila Paulus, 817 College Road, Council Bluffs, IA 51503

The City Planning Commission recommended <u>denial</u> of the following three requests for the subject property legally described as described as Lot 2, Arbor Creek Subdivision, City of Council Bluffs, Pottawattamie County, Iowa:

1. Approval to rezone the subject property from R-2/Two-Family Residential District to C-1/ Neighborhood Commercial District.
2. Approval to amend the future land use plan of the Bluffs Tomorrow 2030 Comprehensive Plan by reclassifying the subject property from 'Medium Density Residential' to 'Local Commercial'
3. Approval to repeal the adopted PR/Planned Residential Overlay that was appended onto Lot 2, Arbor Creek via Ordinance No. 6453 on May 24, 2021.

The reasons the City Planning Commission recommended denial of all three requests was based on public comments and concerns associated with spot-zoning the subject property (C-1 District), incompatible land uses in the C-1 District will be in close proximity to the surrounding residential area, and increased traffic on College Road.

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

Attachments

Attachment A: Letter of intent
Attachment B: Location/zoning map
Attachment C: Future Land Use Plan map
Attachment D: Approved Arbor Creek 2nd Addition PR Development Plan
Attachment E: Conceptual site/landscaping/building renderings
Attachment F: C-1/Commercial District (Section 14.15 – Council Bluffs Municipal Code)

Prepared by: Christopher N. Gibbons, AICP, Planning Manager, Community Development Department