City Council Communication

Department: Community Development CASES #SUB-24-004, #ZC-24-004, and #CP-24-002 Applicant: Justin Insinger 16934 Browne Street Omaha, NE 68116 Property Owner: HRH Holdings, LLC 13435 Q Street Omaha, NE 68137 Engineer/Surveyor: Brent Krumbach 14225 Dayton Circle, Suite 15 Omaha, NE 68137	Resolution No. _____ Resolution No. _____ Ordinance No. _____	CASE #ZC-24-004 1st Consideration: 6/10/2024 2nd Consideration: 6/24/2024 3rd Consideration: 7/8/2024 CASE #CP-24-002: 6/24/2024 CASE #SUB-24-004: 7/8/2024 Planning Commission: 5/14/2024

Subject/Title

Request: Combined public hearings on the request of Justin Insinger for final plat approval of a two-lot commercial subdivision to be known as HRH Replat 1, legally described as being a replat of all of Lots 13 through 17 and all of Lot 18, except that portion in the southwest corner taken for street right-of-way, and all of Lots 19 through 21, and the west 10' of Lot 22, all lying in Block 15, Highland Place, City of Council Bluffs, Pottawattamie County, Iowa; rezone property legally described as being Lots 13 through 17, Block 15, Highland Place, City of Council Bluffs, Pottawattamie County, Iowa, from R-3/ Low Density Multifamily Residential District to C-2/Commercial District; and amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying property legally described as being Lots 13 through 17, Block 15, Highland Place, City of Council Bluffs, Pottawattamie County, Iowa, from 'Low Density Residential' to 'Local Commercial'.

Location: 2127, 2129, and 2139 Avenue A and 2146 W. Broadway

Background

The Community Development Department has received applications from Justin Insinger for the following requests to facilitate a redevelopment of the existing Runza site at 2146 West Broadway:

A. Case #SUB-24-004: Final plat approval for a two-lot commercial subdivision to be known as HRH Replat 1, legally described as being a replat of all of Lots 13 through 17 and all of Lot 18, except that portion in the southwest corner taken for street right-of-way, and all of Lots 19 through 21, and the west 10’ of Lot 22, all lying in Block 15, Highland Place, an addition to the City of Council Bluffs, Pottawattamie County, Iowa; and
B. Case #ZC-24-004: Rezone property legally described as Lots 13 through 17, Block 15, Highland Place, an addition to the City of Council Bluffs, Pottawattamie County, Iowa, from R-3/ Low Density Multifamily Residential District to C-2/Commercial District; and
C. Case #CP-24-002: Amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying property legally described as Lots 13 through 17, Block 15, Highland Place, an addition to the City of Council Bluffs, Pottawattamie County, Iowa from ‘Low Density Residential’ to ‘Local Commercial.’

Runza has executed purchase agreements to acquire 2127, 2129, and 2139 Avenue A and is proposing to replat these lots, along with their existing site at 2146 W. Broadway, to create two lots of record for the proposed redevelopment. The proposed rezoning and future land use amendments ensure that the proposed redevelopment is compatible with the Bluffs Tomorrow: 2030 (Comprehensive Plan) and the City's Zoning Ordinance. The subdivision, rezoning, and comprehensive plan amendment requests are more particularly described below:

CASES #ZC-24-004 and #CP-24-002

The existing Runza site (2146 W. Broadway) is currently zoned C-2/Commercial District, which allows 'restaurant (fast food) as a principal use; the future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the existing Runza site as 'Local Commercial.' However, the three residential properties to the north to be incorporated into Runza's proposed site plan (See Attachment 'A') are currently zoned R-3/Low-Density Multifamily Residential District and have a 'Low-Density Residential' future land use designation.

The subject request is to rezone the three residential properties north of Runza's site (2127, 2129, and 2139 Avenue A) from R-3 District to C-2 District to ensure consistent and compatible zoning throughout the redeveloped site and to reclassify the properties to 'Local Commercial' so that the proposed development is consistent with the City's comprehensive plan. 2146 W. Broadway and 2127, 2129, and 2139 Avenue A are also located within the West Broadway Corridor Design Overlay (CDO).

The subject properties to be rezoned are surrounded by the following zoning districts and existing land uses:

Direction	Existing Zoning Districts	Existing Land Uses
North	R-3/Low-Density Multifamily Residential District	Single-family dwellings (across Avenue A)
South	C-2/Commercial District	Existing Runza site
East	R-3/Low-Density Multifamily Residential District	Single-family dwellings
West	R-3/Low-Density Multifamily Residential District	Single-family dwellings (across N. 22nd Street)

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

Public notices were mailed to all property owners within 200 feet of the subject property. As of the date of this report, no comments were received.

Future Land Use Map *(Subject properties outlined in orange)*



Discussion

A. The subject properties are currently zoned R-3/Low Density Multifamily Residential District and are proposed to be rezoned to C-2/Commercial District to allow for the proposed 'restaurant (fast food)' use.

B. The subject property is located within the West Broadway Corridor Design Overlay (CDO), which *"is intended to promote a well-planned and visually attractive corridor that encourages private investment, opportunities for multi-modal transportation options, safe pedestrian access and walkability, improved traffic and parking conditions, and buildings constructed with high quality materials and timeless architectural design"* and regulates building placement, architecture, landscaping, streetscapes, access, outdoor lighting, screening, fencing, and signage within the CDO. 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. On February 12, 2024, the Council Bluffs City Council approved a site-specific development plan which established site development, off-street parking, architecture, landscaping, streetscape, pedestrian/vehicular access, lighting, screening and signage standards for the subject properties (Case #MIS-23-015). All development on the subject properties shall comply with said development plan.

C. The Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject properties as 'Low-Density Residential.' The applicant is proposing to reclassify the subject properties to 'Local Commercial' to ensure consistency and compatibility with the designation for Runza's existing site and the Future Land Use Plan.

CASE #SUB-23-001

The proposed commercial subdivision is comprised of 0.65 acres, more or less, of land and will consist of two lots. Proposed Lot 1 will contain a new Runza restaurant building and proposed Lot 2 will contain additional parking and a portion of the drive-through lane. Both lots will have access to improved public streets and will be fully served with utilities (e.g., sanitary/storm sewers, water, gas, electric, etc.). The proposed HRH Replat 1 is included within this report at Attachment 'C.'

Comments

A. The Community Development Department provided the following comments:
   1. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless and extension has been requested and granted by the Community Development Director.
   2. The proposed subdivision is consistent with the purpose and intent of Title 14: Subdivisions of the Council Bluffs Municipal Code. The developer has submitted applications to rezone proposed Lot 2 and amend its future land use designation (see Cases #ZC-24-004 and #CP-24-002) to ensure the proposed subdivision is consistent with Title 15: Zoning of the Council Bluffs Municipal Code and the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan).
   3. All construction activity that occurs within the proposed subdivision shall comply with the site-specific development plan adopted for the subject properties (Case #MIS-23-015).
   4. Both lots within the proposed subdivision will have access to improved public streets. Proposed Lot 1 will have access to W. Broadway and N. 22nd Street and proposed Lot 2 will have access to N. 22nd Street and Avenue A.
   5. All lots will be serviced with utilities (e.g., sanitary/storm sewers, water, electricity, etc.). All utilities shall be installed underground. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer and not the City.
   6. The proposed subdivision is not located within a flood zone.
   7. The following technical correction(s) shall be made to the final plat prior to being executed by the City of Council Bluffs:
      a. The referenced Instrument No. 111000 should be "Instrument No. 11100".

B. The Council Bluffs Public Works Department stated they have no comment on the rezoning or comprehensive plan amendment requests and stated they will continue to work with the Engineer of Record to finalize the site plan design.

C. The Council Bluffs Permits and Inspections Division stated they have no comment on the requests.
D. The Council Bluffs Police Department stated they have no comments or objections to the requests.
E. Council Bluffs Water Works provided the following comments:
    1. There is a water main the right-of-way of N. 22nd Street that will need to be protected in place.
    2. There is a service for 2200 W. Broadway in the right-of-way of N. 22nd Street that will need to be protected in place.
    3. There is a service for 2124 W. Broadway in the alley that will need to be protected in place.
    4. The current service for Runza will run directly under the monument sign.

Recommendation

The Community Development Department recommends the following:

A. Final plat approval of a two-lot commercial subdivision to be known as HRH Replat 1, legally described as being a replat of all of Lots 13 through 17 and all of Lot 18, except that portion in the southwest corner taken for street right-of-way, and all of Lots 19 through 21, and the west 10' of Lot 22, all lying in Block 15, Highland Place, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments above and the conditions below:
    1. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless and extension has been requested and granted by the Community Development Director.
    2. Conform to all City standards and specifications, the zoning and subdivision ordinances, and the Department of Public Works standards for Public Improvements.
    3. All comments and technical corrections stated in the case staff report shall be addressed on the final plat prior to the execution of the document.
    4. All utilities shall be installed underground. Any costs to construct, remove, and/or relocate any utilities shall be the responsibility of the applicant and/or developer, not the City.
    5. All development within the proposed subdivision shall comply with the development standards listed in the site specific development plan for the subject property (Case #MIS-23-015).
    6. All applicable permits necessary to meet local, state, and federal requirements shall be the developer's responsibility.

B. Approval of the request to rezone property legally described as Lots 13 through 17, Block 15, Highland Place, City of Council Bluffs, Pottawattamie County, Iowa, from R-3/ Low Density Multifamily Residential District to C-2/Commercial District, subject to the comments stated above.

C. Approval of the request to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying property legally described as Lots 13 through 17, Block 15, Highland Place, City of Council Bluffs, Pottawattamie County, Iowa, from 'Low Density Residential' to 'Local Commercial.'

Public Hearing

Staff speakers for the request:
1. Haley Weber, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor: None

Speakers against: None

The Planning Commission recommended the following:
A. Final plat approval of a two-lot commercial subdivision to be known as HRH Replat 1, legally described as being a replat of all of Lots 13 through 17 and all of Lot 18, except that portion in the southwest corner taken for street right-of-way, and all of Lots 19 through 21, and the west 10' of Lot 22, all lying in Block 15, Highland Place, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments above and the conditions below:

1. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless and extension has been requested and granted by the Community Development Director.
2. Conform to all City standards and specifications, the zoning and subdivision ordinances, and the Department of Public Works standards for Public Improvements.
3. All comments and technical corrections stated in the case staff report shall be addressed on the final plat prior to the execution of the document.
4. All utilities shall be installed underground. Any costs to construct, remove, and/or relocate any utilities shall be the responsibility of the applicant and/or developer, not the City.
5. All development within the proposed subdivision shall comply with the development standards listed in the site specific development plan for the subject property (Case #MIS-23-015).
6. All applicable permits necessary to meet local, state, and federal requirements shall be the developer's responsibility.

B. Approval of the request to rezone property legally described as Lots 13 through 17, Block 15, Highland Place, City of Council Bluffs, Pottawattamie County, Iowa, from R-3/ Low Density Multifamily Residential District to C-2/Commercial District, subject to the comments stated above.

C. Approval of the request to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying property legally described as Lots 13 through 17, Block 15, Highland Place, City of Council Bluffs, Pottawattamie County, Iowa, from 'Low Density Residential' to 'Local Commercial.'

VOTE: AYE – Hutcheson, Knauss, Freund, Rater, Rew, Stroebele, VanHouten, and Watson. NAY – None. ABSTAIN – None ABSENT – None. VACANT - Three Motion: Carried.

Attachments

Attachment A: Site Plan
Attachment B: Location/Zoning Map
Attachment C: Proposed HRH Replat 1

Prepared by: Haley Weber, Planner, Community Development Department