City Council Communication

Department: Community Development CASES #ZC-24-008 and #CP-24-004 Applicant: D&E LLC 19390 Grand Avenue Council Bluffs, IA 51503 Property Owner: Edward Chevalier PO Box 8083 Omaha, NE 68108 Representative: Damien Shull P.O. Box 337 Council Bluffs, IA 51502	Ordinance No. _____ Resolution No. _____	City Council Case #ZC-24-008 1st Consideration: 9/23/2024 2nd Consideration: 10/07/2024 3rd Consideration: 10/21/2024 Case #CP-24-004: 10/07/2024 Planning Commission: 9/10/2024

Subject/Title

Request: Combined public hearings on the request of D&E, LLC, represented by Damien Shull, to rezone property legally described as Lots 10 – 15, Lockwood Place, all lying northeast of Harry Langdon Boulevard and northwest of I-80, along with the vacated Garfield Avenue right-of-way adjacent; and Lot G, Auditor's Subdivision of Lot 3, Mallett's Subdivision, lying south of abandoned railroad right-of-way and north of I-80, all in the City of Council Bluffs, Pottawattamie County, Iowa from R-1/Single-Family Residential District to I-2/General Industrial District; and to amend the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan by reclassifying said property from 'Rural Residential/Agricultural' to 'Light Industrial'.

Location: Undeveloped land lying northeast of the intersection of Harry Langdon Boulevard and South Avenue and northwest of I-80.

Background

The Community Development Department has received the following requests from D&E, LLC, represented by Damien Shull, for the property legally described above:

1. **CASE #ZC-24-008:** Rezone the property from R-1/Single-Family Residential District to I-2/General Industrial District; and
2. **CASE #CP-24-004:** Amend the future land use map of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying the property from 'Rural Residential/Agriculture' to 'Light Industrial'.

The subject property contains 10.25 acres of undeveloped land and is located at the intersection of Harry Langdon Boulevard and South Avenue. The purpose of these requests are to allow the applicant to develop the property in phases with flex business space for contractors and an outdoor storage yard for vehicles in the future. The flex business space will be located along the easterly portion of the property and the outdoor storage area will be located along the southwesterly portion of the property. The proposed flex business space for contractors is a

permitted land use in the I-2 District; whereas, the proposed outdoor 'storage yard' is a conditional use in the I-2 District and requires a separate permit approval from the Council Bluffs Zoning Board of Adjustment prior to operating. A letter of intent and a conceptual site plan layout with building renderings are included with this report as Attachments 'A' and 'B'.

The subject property is zoned R-1/Single-Family Residential District and is surrounded by the following zoning districts and existing land uses:

Direction	Existing Zoning Districts	Existing Land Uses
North	R-1/Single-Family Residential District	Abandoned railroad right-of-way and residences
South	I-2/General Industrial District	Interstate 80, Gavalon, Iowa Interstate Railroad
East	A-2/Parks, Estate, and Agricultural District	Interstate 80 and residences
West	I-2/General Industrial District	Iowa Interstate Railroad and truck terminals

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

Public notices were mailed to all property owners within 200 feet of the subject property. The following responses have been received:

1. Rhonda Kellogg (119 Woodbury Avenue) asked if the abandoned railroad right-of-way, located between the subject property to be rezoned and her southerly property line, is included in the rezoning request. Mrs. Kellogg also sought clarification on the proposed flex business space buildings and outdoor storage yard uses that are proposed on the property.
2. Chip Corcoran, representing the owners of 2721 South Avenue, sent an email to City staff on September 10, 2024 expressing his concern over storm water drainage in the area of Harry Langdon and South Avenue and stated the applicant/developer must address storm water runoff as part of their development project (see Attachment D).

The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as 'Rural Residential/Agriculture' (see map below). The applicant has submitted an application to reclassify the property to 'Light Industrial' so that their project is consistent with the City's comprehensive plan.



Discussion

1. The subject property contains 10.25 acres of undeveloped land, which exceeds the minimum 15,000 square foot lot size requirement for property zoned I-2/General Industrial District. If successfully rezoned, any future development on the property shall fully comply with the land uses and site development standards stated in Chapter 15.21, *I-2/General Industrial District,* of the Council Bluffs Municipal Code (Zoning Ordinance).

2. The subject property is currently zoned A-2/Parks, Estates and Agricultural District and is proposed to be rezoned I-2/Industrial District to allow for the construction of business flex space buildings for contractors and an outdoor storage area for vehicles in the future. The proposed business flex space is considered a 'contractor shop' and is allowed by-right in the I-2 District. The applicant's letter of intent states the flex space will be owner occupied and leased to other tenants. Each flex space building will be sited along the easterly portion of the property in order to provide on-site businesses visibility to traffic along Interstate 80. Proposed building renderings show the structures will be constructed out of metal panels with stone/masonry materials on the front facades to provide an attractive visual appearance facing Interstate 80. The Community Development Department recommends the applicant's proposed architectural enhancements to the flex space building façade's facing Interstate 80 be included as a condition of approval for the rezoning and that rezoning become effective upon the applicant purchasing the property.

   Land area behind the flex space buildings are proposed to be used for vehicle parking and equipment storage associated with the tenants, as well as, vehicle parking and/or equipment storage associated with the applicant's other businesses in the City. The exact size and location of the proposed outdoor storage area is not clearly shown on the applicant's site plan but the applicant's letter of intent states the area will be fenced-in and screened from view. A 'storage yard', as defined in Section 15.03.609 of the Council Bluffs Zoning Ordinance, is considered a conditional use in the I-2 District and requires a conditional use permit from the Zoning Board of Adjustment prior to operating. As part of the conditional use permit process, the City and the applicant will negotiate a set of site development standards that ensures the outdoor storage yard will be an ancillary use to the overall property and that areas used for parking and/or storage of equipment/materials are adequately screened and buffered from Interstate 80, Harry Langdon Boulevard, and residential properties to the north/northwest.

3. The Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as 'Rural Residential/Agriculture.' The applicant proposes to reclassify the subject property as 'Light Industrial' to ensure that the proposed zoning and future development remain consistent with the Future Land Use Plan.

   Chapter 5, *Land Use Plan*, of the Bluffs Tomorrow: 2030 Comprehensive defines 'Rural Residential/Agriculture' and 'Light Industrial' land use designations as follows:

   Rural residential and agricultural areas include large-lot housing, estates, farm houses, agricultural activities, and uses that support farming. These areas and estates typically develop in an unplanned manner along rural roadways. Agricultural uses include crop or livestock production, as well as, storage, processing, and other uses related to farming operations.

   Light industrial development includes areas used for industrial purposes that create minimal impacts on surrounding uses. Activities tend to occur inside structures, with outdoor areas limited to storage or distribution. Where possible, these areas should be developed as a coordinated subdivision with a dedicated roadway.

4. The subject property is an irregularly shaped 10 acre tract of land that is located in a somewhat isolated area that is bounded by Harry Langdon Boulevard to the west, an abandoned railroad right-of-way to the north, and Interstate 80 right-of-way to the east/south. The property has development constraints due to topography

(ranges from 990' at Harry Langdon to 1040' at the northeasterly corner), limited access to Harry Langdon Boulevard, and a lack of readily accessible infrastructure. At the time the Comprehensive Plan was written, the property was likely designated for future rural residential and/or agricultural use because it did not seem likely that any other development would be feasible due to said development constraints. The applicant has submitted a conceptual plan that shows two flex space contractor buildings on the subject property. This type of development would be relatively low impact and is unlikely to lower the quality of nearby residential areas. The Community Development recommends the proposed land use plan amendment become effective upon the applicant purchasing the subject property.

5. The subject property has direct access to Harry Langdon Boulevard. The Council Bluffs Public Works Department stated a traffic impact study to verify sight distances and available gaps for turning movements will be required prior to the property being developed.

6. Storm sewers are available in Harry Langdon Boulevard and sanitary sewer is located near the east end of the property. The applicant shall work with the Council Bluffs Public Works Department to determine connection points for the storm sewers and sanitary sewers for their development. Stormwater management will be required for the overall development.

7. Council Bluffs Water Works stated there is a 10" main in South Avenue that could be tapped to provide water to the site. The applicant shall work with Council Bluffs Water Works on extending water to the site.

8. MidAmerican Energy stated they have no conflicts or concerns about the proposed requests.

Recommendation

The Community Development Department recommends approval of the request of D&E, LLC, represented by Damien Shull, to rezone property legally described as Lots 10 – 15, Lockwood Place, all lying northeast of Harry Langdon Boulevard and northwest of I-80, along with the vacated Garfield Avenue right-of-way adjacent; and Lot G, Auditor's Subdivision of Lot 3, Mallett's Subdivision, lying south of abandoned railroad right-of-way and north of I-80, all in the City of Council Bluffs, Pottawattamie County, Iowa from R-1/Single-Family Residential District to I-2/General Industrial District; and to amend the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan by reclassifying said property from 'Rural Residential/Agricultural' to 'Light Industrial' subject to the following conditions:

1. The proposed rezoning from R-1 District to I-2 District and future land use plan amendment shall not become effective until the applicant purchases the subject property; and
2. The flex space building facades that face Interstate 80 shall be designed to include storefront entrances and a minimum of 40% of the total façade square footage shall be constructed with glass and brick, stone, or similar masonry materials.

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. Damien Shull, 6614 Underwood Avenue, Omaha, NE

Speakers against: None

Speakers asking general questions:
1. Richard Jackson, 403 Woodbury Avenue, Council Bluffs, IA 51503

The Planning Commission recommended approval of the request of D&E, LLC, represented by Damien Shull, to rezone property legally described as Lots 10 – 15, Lockwood Place, all lying northeast of Harry Langdon Boulevard and northwest of I-80, along with the vacated Garfield Avenue right-of-way adjacent; and Lot G, Auditor's Subdivision of Lot 3, Mallett's Subdivision, lying south of abandoned railroad right-of-way and north of I-80, all in the City of Council Bluffs, Pottawattamie County, Iowa from R-1/Single-Family Residential District to I-2/General Industrial District; and to amend the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan by reclassifying said property from 'Rural Residential/Agricultural' to 'Light Industrial' subject to the following conditions:

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

Attachments

Attachment A: Letter of intent
Attachment B: Proposed site plan/flex space building designs
Attachment C: Location/zoning map
Attachment D: Email from Chip Corcoran

Prepared by: Christopher Gibbons, Planning and Code Compliance Manager, Community Development Dept.