City Council Communication

Department: Community Development CASE #ZT-24-004 Applicants: Resource Rental Center, Inc. 1604 Avenue B Council Bluffs, IA 51501 Community Development Department Representative: Paddy McElroy 1604 Avenue B Council Bluffs, IA 51501	Ordinance No. _____	City Council 1st Consideration: 1/27/2025 2nd Consideration: 2/10/2025 3rd Consideration: 2/24/2025 Planning Commission: 1/14/2025

Subject/Title

Request: Public hearing on the request of Resource Rental, Inc., represented by Paddy McElroy, to amend Section 15.15.030, *Conditional Uses*, of the Council Bluffs Municipal Code (Zoning Ordinance) by adding 'equipment sales and rental' as a conditional use in the C-2/Commercial District and expanded by the Community Development Department to also amend Section 15.32A.060, *Prohibited Land Uses*, of the Council Bluffs Municipal Code (Zoning Ordinance), to include 'equipment sales and rental' as a prohibited use within the West Broadway Corridor Design Overlay.

Background

The Community Development Department has received a request from Resource Rental, Inc., represented by Paddy McElroy, to amend Section 15.15.030, Conditional Uses, of the Council Bluffs Municipal Code (Zoning Ordinance) by adding 'equipment sales and rental' as a conditional use in the C-2/Commercial District. The purpose of this request is to provide the applicant the opportunity to legitimize the expansions of their site (1604 Avenue B) that have taken place over time by obtaining a conditional use permit that would encompass all of their land holdings. If the proposed text amendment is approved, the applicant would be required to rezone the properties they own that are currently zoned R-3/Low Density Multifamily Residential District to C-2/Commercial District and subsequently obtain a conditional use permit from the Zoning Board of Adjustment.

The Community Development Department has expanded this request to also amend Section 15.32A.060, *Prohibited Land Uses*, of the CBMC (Zoning Ordinance) to include ‘equipment sales and rental’ as a prohibited use within the West Broadway Corridor Design Overlay.

All City Departments and local utilities were notified of the proposed text amendment. No adverse comments have been received.

Discussion

A. A conditional use permit was issued by the Council Bluffs Zoning Board of Adjustment (Case #CU-82-009) on November 10, 1982 to allow a ‘rental center’ in the C-2 District, as ‘equipment sales and rental’ was not an identified use within the City’s zoning ordinance at that time. Over time, the applicant has

expanded their business as adjacent land has become available. Today, Section 15.03.265 of the Council Bluffs Municipal Code defines 'equipment sales and rental' as *"the sale or rental of trucks, tractors, construction equipment, agricultural implements and similar heavy equipment. Typical uses include truck dealerships and construction equipment dealers."* (Existing examples of 'equipment sales and rental' uses include: Duke Rentals at 3400 Nebraska Avenue and Nebraska Machinery Company at 2800 Nebraska Avenue). The proposed use of the property would fall under this definition; however, 'equipment sales and rental' is only allowed as a principal use in the P-I/Planned Industrial District, I-1/Light Industrial District, and I-2/General Industrial District.

B. The applicant owns Lots 1-6 and Lots 11-16, Block 7, Beers Subdivision. Currently, Lots 1-3 and 11-16 are zoned C-2/Commercial District and Lots 4-6 are zoned R-3/Low-Density Multifamily Residential District. If the proposed text amendment were approved, the applicant would be required to rezone Lots 4-6 from R-3 to C-2 District and subsequently apply for a conditional use permit from the ZBA that would encompass all of their landholdings and legitimize their operation.

C. As per Section 15.15.010, *Statement of Intent*, for the C-2 District, "*the C-2/Commercial District is intended to provide for major commercial retail shopping and service areas adjacent to major traffic corridors. This district also provides a variety of commercial services to the community and adjacent residential neighborhoods*." The Community Development Department finds that 'equipment sales and rental' can be a compatible land use within the C-2 District, depending on the nature of surrounding development and land use context. By allowing 'equipment sales and rental' as a conditional use in the C-2 District, the City is able to review the unique characteristics of each request on a case-by-case basis and assess its potential impact on neighboring land uses. The conditional use permit also provides the City the ability to establish site specific development standards and conditions regarding hours of operation, types of equipment allowed be stored on-site, screening/buffering, landscaping, off-street parking, site design, etc. to ensure compatibility with surrounding development.

D. If the subject text amendment request is approved, the Community Development Department intends to continue working with the applicant to establish fencing, landscaping, hard-surface paving, and architecture standards that will be incorporated, among other conditions, into the conditional use permit for the property.

E. The Community Development Department is proposing to expand the request to amend Section 15.32A.060, *Prohibited Land Uses*, of the Council Bluffs Municipal Code (Zoning Ordinance), to include 'equipment sales and rental' as a prohibited use within the West Broadway Corridor Design Overlay (CDO). 'Equipment sales and rental' is a commercial/industrial use that is not compatible with the City's long-term efforts to revitalize the West Broadway Corridor into a vibrant, multi-modal, mixed-use urban corridor. The applicant's property is not located within the West Broadway CDO; however, much of the land area within the CDO is zoned C-2/Commercial District. The proposed text amendment would allow 'equipment sales and rental' in all areas designated C-2 District outside of the West Broadway CDO.

Recommendation

The Community Development Department recommends approval of the request to amend Section 15.15.030, *Conditional Uses*, of the Council Bluffs Municipal Code (Zoning Ordinance) by adding 'equipment sales and rental' as a conditional use in the C-2/Commercial District and Section 15.32A.060, *Prohibited Land Uses*, of the Council Bluffs Municipal Code (Zoning Ordinance), to include 'equipment sales and rental' as a prohibited use within the West Broadway Corridor Design Overlay.

Public Hearing

Staff speakers for the request:

1. Haley Weber, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning and Code Compliance Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. Paddy McElroy, Resource Rental, 1604 Avenue B, Council Bluffs, IA 51501

Speakers against: None

The City Planning Commission recommended approval of the request to amend Section 15.15.030, *Conditional Uses*, of the Council Bluffs Municipal Code (Zoning Ordinance) by adding 'equipment sales and rental' as a conditional use in the C-2/Commercial District and Section 15.32A.060, *Prohibited Land Uses*, of the Council Bluffs Municipal Code (Zoning Ordinance), to include 'equipment sales and rental' as a prohibited use within the West Broadway Corridor Design Overlay.

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

Attachment

Attachment A: Proposed Section 15.15.030, *Conditional Uses*, C-2/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance)
Attachment B: Proposed Section 15.32A.060, *Prohibited Land Uses*, West Broadway Corridor Design Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance)

Prepared by: Haley Weber, Planner, Community Development Department