City Council Communication

Department: Community Development CASE #ZT-25-001 Applicant: Broadmoor River's Edge 809 N. 96th Street Omaha, NE 68114 Representative: Bob Stratton Broadmoor River's Edge 809 N. 96th Street Omaha, NE 68114	Ordinance No. _____	City Council 1st Consideration: 2/24/2025 2nd Consideration: 3/10/2025 3rd Consideration: 3/24/2025 Planning Commission: 2/11/2025

Subject/Title

Request: Public hearing on the request from Broadmoor River's Edge, represented by Bob Stratton, to amend Section 15.28.040(B), *Additional Regulations, PR/Planned Residential Overlay* of the Council Bluffs Municipal Code (Zoning Ordinance) relative to the 200-foot separation distance a tavern or small alcohol production facility must be located from any school, place of religious assembly, public park, or any conforming residential use.

Background

The Community Development Department has received a request from Broadmoor River's Edge, represented by Bob Stratton, to amend Section 15.28.040(B), *Additional Regulations, PR/Planned Residential Overlay* of the Council Bluffs Municipal Code (Zoning Ordinance) relative to the 200-foot separation distance a tavern or small alcohol production facility must be located from any school, place of religious assembly, public park, or any conforming residential use (see Attachment 'A').

The applicant owns several multi-family and mixed commercial/residential structures within the River's Edge Development and has a prospective tenant who would like to operate a tavern (sports bar) from one of their buildings at 4051 River's Edge Parkway. The proposed tavern complies with the 200-foot separation distance from all existing schools, residential uses, places of religious assembly, and public parks in the surrounding area, except for the existing residential uses within River's Edge. The purpose of this text amendment is to exempt taverns and small alcohol production facilities from meeting the 200-foot separation distance from schools, residential uses, places of religious assembly, and public parks that are located within a mixed-use development with an adopted planned residential development plan.

All City Departments and local utilities were notified of the proposed text amendment. The following comments were received:

A. The Council Bluffs Public Works Department stated that they have no comments on the request.

B. The Council Bluffs Police Department stated they have no objection or comment on the request.

C. Council Bluffs Water Works stated that they have no comments on the request.

D. MidAmerican Energy Company stated that they have conflicts with the request.

E. The Community Development Department provided the following comments:

1. A 'tavern' is defined in Section 15.03.645 of the Council Bluffs Zoning Ordinance as *"a use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including bars, cocktail lounges, and similar uses other than a restaurant"*.

2. A 'small alcohol production facility' is defined in Section 15.03.601 of the Council Bluffs Zoning Ordinance as *"a combined manufacturing and commercial facility of alcoholic beverages for direct sale to wholesalers or customers that includes accessory uses such as a retail outlet, tasting room, event space, tavern, or restaurant. Twenty-five (25) percent of the larger of the total gross square footage of the facility or licensed premises shall be dedicated to accessory uses. A small alcohol production facility shall include breweries, distilleries and wineries as defined in Iowa Code § 123.3. Production limitations for breweries shall not exceed fifteen thousand (15,000) barrels (four hundred sixty-five thousand (465,000) gallons) per year; distilleries and wineries shall not exceed fifty thousand (50,000) proof gallons per year. Alcohol production facilities exceeding the limitations stated above shall be classified as "manufacturing, light" as defined in this title"*.

3. Per the Council Bluffs Zoning Ordinance, 'taverns' and 'small alcohol production facilities' are allowed to operate within the following zoning districts either with or without any special permit approvals, or separation distance from a school, place of religious assembly, public park, or any conforming residential use. A full-size version of the matrix below is included with the case staff report as Attachment 'B'.

Land Use	Zoning Districts											
	MCR	C-2	C-3	C-4	P-C	I-1	I-2	R-1E	R-1	R-2	R-3	R-4
Small Alcohol Production Facility	C	PS	P	P	P	PS	PS	PR	PR	PR	PR	PR
Tavern	C	PS	P	P	P	PS	PS	PR	PR	PR	PR	PR

P = Permitted by-right without any required separation distances from a school, place of religious assembly, public park, or any conforming residential use.
C = Permitted with a conditional use permit from Council Bluffs Zoning Board of Adjustment
PR = Permitted within a PR/Planned Residential Overlay, subject to a 200-foot separation distance from a school, place of religious assembly, public park, or any conforming residential use.
PS = Permitted with a 200-foot separation distance from a school, place of religious assembly, public park, or any conforming residential use.

4. The applicant's proposal is to amend Section 15.28.040(2), *Additional Regulations, PR/Planned Residential Overlay* of the Council Bluffs Zoning Ordinance, as follows:

> 2. No tavern or small alcohol production facility shall ~~be located~~ operate within a distance of two hundred (200) feet of any school, place of religious assembly, public park, or any conforming residential use located outside the boundary of a mixed-use development with an adopted planned residential development plan. Distance shall be measured between the closest points from lot line to lot line.

The proposed text amendment does not add or change any existing land uses within MCR, C-2, C-3, C-4, P-C, I-1, I-2, R-1E, R-1, R-2, R-3, or R-4 Districts; rather the proposed text amendment allows for a tavern and/or small alcohol production facility within a master planned mixed commercial/residential development to not meet the 200 foot separation distance from a school, place of religious assembly, public park, or any conforming residential use that is also located within a master planned mixed commercial-residential development.

5. On February 28, 2022, the Council Bluffs City Council adopted Ordinance No. 6483, which updated Chapter 15.28, *PR/Planned Residential Overlay* of the Council Bluffs Zoning Ordinance. Included in the update was a list of commercial and residential land uses that were deemed compatible and could co-exist in harmony within a mixed use development with an adopted PR/Planned Residential plan. Taverns and small alcohol production facilities are land uses allowed within a PR/Planned Residential Overlay, subject to a 200-foot separation distance from a school, place of religious assembly, public park, or any conforming residential use. The proposed text amendment aims to remove the 200-foot separation distance requirement so that business owners and/or developers are not inadvertently limited on their ability to provide recreation and/or neighborhood-oriented services to residents who reside within a master planned mixed-use development, such as River's Edge.

6. The proposed tavern will operate from one of Broadmoor's new mixed commercial/residential structures at 4051 River's Edge Parkway, on property legally described as Lot 1, Block 5, River's Edge Subdivision Replat Two. The applicant's submitted site plan (see Attachment C) shows the proposed tavern will be separated by more than 350 feet from any existing residential dwelling located along Avenue B and North 39th Street, which are outside the boundary of River's Edge. No school, place of religious assembly, or public park are located within 200 feet of the subject property where the proposed tavern will operate.

Recommendation

The Community Development Department recommends approval of the request to amend Section 15.28.040(B), *Additional Regulations, PR/Planned Residential Overlay* of the Council Bluffs Municipal Code (Zoning Ordinance) relative to the 200-foot separation distance a tavern or small alcohol production facility must be located from any school, place of religious assembly, public park, or any conforming residential use, as shown in Attachment 'A' of the case staff report.

Public Hearing

Staff speakers for the request:

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

Speakers in favor:

1. Bob Stratton, 809 N. 96th Street, Omaha, NE 68114

Speakers against: None

The City Planning Commission recommended approval of the request to amend Section 15.28.040(B), *Additional Regulations, PR/Planned Residential Overlay* of the Council Bluffs Municipal Code (Zoning Ordinance) relative to the 200-foot separation distance a tavern or small alcohol production facility must be located from any school, place of religious assembly, public park, or any conforming residential use, as shown in Attachment 'A' of the case staff report.

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

Attachments

Attachment A: Proposed Section 15.28.040(B) *Additional Regulations, PR/Planned Residential Overlay*, of the Council Bluffs Municipal Code (Zoning Ordinance)
Attachment B: Tavern and Small Alcohol Production Facility Zoning District Matrix
Attachment C: Broadmoor Site Plan

Prepared by: Christopher Gibbons, AICP, Planning and Code Compliance Manager, Community Development Department