City Council Communication

Department: Community Development CASE #ZC-25-003 Applicant/Property Owner: LKM Investments LLC Michael Earl 6214 California Street Omaha, NE 68132	Ordinance No. _____	City Council 1st Consideration: 6/9/2025 2nd Consideration: 6/23/2025 3rd Consideration: Request to be waived by applicant Planning Commission: 5/13/2025

Subject/Title

Request: Public hearing on the request of LKM Investments LLC, represented by Michael Earl, to rezone property legally described as a tract of land located in part of the NE ¼ SW ¼ and in part of the SE ¼ NW ¼, lying east of Hunt Avenue and north of Highway 6, all in Section 22-75-43, City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates and Agricultural District to I-1/Light Industrial District.

Location: Undeveloped land lying south of 2025 Hunt Avenue

Background

The Community Development Department has received two applications from LKM Investments LLC, represented by Michael Earl, for the following requests:

A. Case #ZC-25-003: Rezone undeveloped property legally described as a tract of land located in part of the NE ¼ SW ¼ and in part of the SE ¼ NW ¼, lying east of Hunt Avenue and north of Highway 6, all in Section 22-75-43, City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates and Agricultural District to I-1/Light Industrial District; and

B. Case #ZC-25-004: Rezone undeveloped property legally described as a tract of land located in part of the SE ¼ NW ¼, except the southerly 344.75 feet thereof, lying east of Hunt Avenue, all in Section 22-75-43, City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates and Agricultural District to I-1/Light Industrial District.

The subject property is an undeveloped tract of land lying south of 2025 Hunt Avenue, located in the immediate vicinity of the I-80/U.S. Highway 6 interchange. As noted above, the applicant has also submitted a request to rezone property lying north of 2025 Hunt Avenue (see Case #ZC-25-004). The purpose of these requests is to allow the applicant to develop and/or market both properties for commercial and/or industrial uses. Potential land uses proposed by the applicant include a gas station/convenience store, a truck stop, and a hardware/home improvement store.

Land Use and Zoning – The following zoning and land uses surround the subject property:

Direction	Zoning District(s)	Land Uses
North	A-2/Parks, Estates and Agricultural District	Iowa State Patrol
South	A-2/Parks, Estates and Agricultural District	Undeveloped land and U.S. Highway 6
East	A-4/Loess Hills District (County)	Single-family homes
West	P-I/Planned Industrial District	Undeveloped land

The Future Land Use Plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as 'Office/Industrial.'

Property Owner Notification – Public notices were mailed to all property owners within 200 feet of the request. The following comment was received:

A. Eneh Okoruwa, owner of 21524 Hunt Avenue, contacted the Community Development Department and asked how the proposed rezoning would affect her property. The Community Development Department informed Mrs. Okoruwa that her property was not included in the proposed rezoning. Mrs. Okoruwa stated she was concerned the proposed rezoning to an industrial zoning district would have an adverse impact on the character of the residential properties located outside City limits. Mrs. Okoruwa also expressed concern on the potential noise that could be generated by commercial and/or industrial development that occurs on the subject property.

City Departments and Utilities – All appropriate City departments and utility providers were notified of the proposed planned commercial development plan. The following comments were received:

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

B. The Iowa Department of Transportation stated that they had no concerns with the request.

C. Council Bluffs Water Works stated that there are no water mains to serve the subject property and thus a main extension would be required if the applicant wishes to establish water service to this site.

D. MidAmerican Energy stated that they have no conflicts with the request. They also stated that the applicant or their agents should contact MidAmerican Energy directly to discuss development plans and project timelines, as well as identify costs and responsibilities associated with the extension of electric service.

Discussion

A. The minimum lot area requirement in the I-1/Light Industrial District is 10,000 square feet. The subject property contains 5.90 acres (257,027 square feet), more or less, in land area, thus complies with the minimum lot size requirements in the I-1 District.

B. If the proposed rezoning is approved, any future development that occurs on the subject property shall comply with all site development standards in Chapter 15.20, I-1/Light Industrial District, of the Council Bluffs Municipal Code (Zoning Ordinance).

C. The applicant has not provided a specific development proposal for the subject property. The proposed rezoning would allow a variety of commercial and industrial uses on the subject property. Potential land uses proposed by the applicant include a gas station/convenience store, a truck stop, and a hardware/home improvement store. A conceptual site layout illustrating how the subject property could be developed as a truck stop is shown on Attachment 'C.'

1. An 'auto service establishment' is defined in Section 15.03.049 of the Council Bluffs Municipal Code (Zoning Ordinance) as "an establishment or place of business engaged in the service of automobiles and related light equipment." A gas station would fall under this definition. 'Auto service establishment' is a principal use in the I-1 District and thus would be allowed on the subject property if the proposed rezoning is approved.

2. A 'retail shopping establishment' is defined in Section 15.03.592 of the Council Bluffs Municipal Code (Zoning Ordinance) as "a store or shop engaged in the sale of commodities or goods to individual consumers for personal use rather than for resale." Hardware stores and home improvement stores would fall under this definition. 'Retail shopping establishment' is a principal use in the I-1 District and thus would be allowed on the subject property if the proposed rezoning is approved.

3. A 'truck service establishment' is defined in Section 15.03.651 of the Council Bluffs Municipal Code (Zoning Ordinance) as "a facility engaged in rendering service specially to trucks and related heavy equipment, including sales of fuel, lubricants, parts and accessories, parking, equipment repair, retail sales, restaurants and lodging." A truck stop would fall under this definition. 'Truck service establishment' is a conditional use in the I-1 District. If the proposed rezoning is approved, a conditional use permit issued by the Zoning Board of Adjustment would be required to allow a truck stop on the subject property.

D. The Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as 'Office/Industrial,' which includes uses related to low-impact assembly or distribution activities complemented by employment-intensive, administrative, or professional office functions. The proposed rezoning is generally consistent with the 'Office/Industrial' designation. The proposed rezoning would also enable additional development opportunities near the I-80/U.S. Highway 6 interchange.

E. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are not readily available to service the subject property. The applicant shall coordinate the extension of utilities to service the subject property with each utility provider as needed.

Recommendation

The Community Development Department recommends approval of the request to rezone property legally described as a tract of land located in part of the NE ¼ SW ¼ and in part of the SE ¼ NW ¼, lying east of Hunt Avenue and north of Highway 6, all in Section 22-75-43, City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates and Agricultural District to I-1/Light Industrial District, based to the reasons stated above.

Public Hearing

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

Speakers in favor:
1. Michael Earl, LKM Investments, LLC, 6214 California Street, Omaha, NE 68132

Speakers against: None

The City Planning Commission recommended approval of the request to rezone property legally described as a tract of land located in part of the NE ¼ SW ¼ and in part of the SE ¼ NW ¼, lying east of Hunt Avenue and north of Highway 6, all in Section 22-75-43, City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates and Agricultural District to I-1/Light Industrial District, based to the reasons stated above.

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

Attachments

Attachment A: Location/Zoning Map
Attachment B: Letter of Intent
Attachment C: Conceptual Site Layout

Prepared by: Moises Monrroy, Planner, Community Development Department