

**COUNCIL BLUFFS PLANNING COMMISSION
TUESDAY, JULY 10, 2018 - 6:00 P.M.
CITY COUNCIL CHAMBERS – 2ND FLOOR, CITY HALL
209 PEARL STREET, COUNCIL BLUFFS, IA 51503**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. ADOPTION OF AGENDA**
- 4. APPROVAL – MINUTES OF THE JUNE 12, 2018 MEETING**
- 5. PROOF OF PUBLICATION**
- 6. REVIEW OF MEETING PROCEDURES**
- 7. PUBLIC HEARINGS**

- A. CASE #ZC-18-009: Public hearing on the request of Royce Enterprises, Inc. to rezone 47.02 acres of land located in the North 1/2 of the SE1/4 of Section 10-77-44 and part of the NW1/4 of the SW1/4 of Section 11-77-44, City of Council Bluffs, Pottawattamie County, Iowa from A-2, Parks, Estates and Agricultural District to P-C/Planned Commercial District. Said property being more particularly described as follows:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10; THENCE ON THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER ON AN ASSUMED BEARING OF N87°53'20"W, 658.46 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE CONTINUING ON SAID SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER N87°56'58"W; 658.32 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE ON THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER N01°59'34"E, 331.09 FEET; THENCE N87°54'35"W, 159.94 FEET; THENCE N02°06'46"E, 993.75 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST QUARTER, SAID LINE ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF RICHARD DOWNING AVENUE; THENCE ON SAID SOUTH RIGHT-OF-WAY LINE OF RICHARD DOWNING AVENUE FOR THE FOLLOWING FIVE (5) DESCRIBED COURSES; (1) S87°51'21"E, 157.50 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; (2) S87°49'01"E, 655.55 FEET TO THE NORTHEAST CORNER OF SAID EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; (3) S87°53'14"E, 505.31 FEET; (4) S76°35'39"E, 153.19 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER; (5) S87°19'54"E, 104.77 FEET TO A POINT INTERSECTING SAID SOUTH RIGHT-OF-WAY LINE OF RICHARD DOWNING AVENUE AND THE WEST RIGHT-OF-WAY LINE OF SOUTH 24TH STREET; THENCE ON SAID WEST RIGHT-OF-WAY LINE OF SOUTH 24TH STREET FOR THE FOLLOWING THREE (3) DESCRIBED COURSES; (1) S01°42'44"W, 319.95 FEET; (2) S08°30'44"E, 112.22 FEET; (3) S01°43'05"W, 863.01 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11; THENCE ON SAID SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER N87°23'13"W,

124.81 FEET TO THE POINT OF BEGINNING. Location: Southwest corner of the intersection of Richard Downing Avenue and South 24th Street.

- B. CASE #ZT-18-002: Public hearing on the request of Marshall Redmond and the Community Development Department to amend multiple sections of Title 15: Zoning of the Municipal Code as follows: add Section 15.03.601 'small alcohol production facility' definition; and add Section 15.15.020(32) 'small alcohol production facility' to the C-2/Commercial District and amend Section 15.15.060(02), Additional Regulations relative to 'small alcohol production facility'; and add Section 15.16.020(27) 'small alcohol production facility' to the C-3/Commercial District; and add Section 15.17.020(21) 'small alcohol production facility' to the C-4/Commercial District; and add Section 15.18.020(19) 'small alcohol production facility' to the P-C/Planned Commercial District; and add Section 15.20.020(29) 'small alcohol production facility' to the I-1/Light Industrial District and amend Section 15.20.060(01), Additional Regulations relative to 'small alcohol production facility'; and add Section 15.21.020(28) 'small alcohol production facility' and amend Section 15.21.060(1), Additional Regulations relative to 'small alcohol production facility'.
- C. CASE #SAV-18-011: Public hearing on the request of Michelle Bates to vacate and dispose of that part of 11th Avenue right-of-way, lying east of the east right-of-way line of the South Expressway and abutting properties legally described as Lot 7, Block 11, Riddles Subdivision and the West ½ of the vacated north/south alley adjacent along with the East 23 feet of Lot 20, Block 14, Riddles Subdivision and the vacated north/south alley adjacent. Location: Lying South of 619 11th Avenue, and East of the South Expressway.
- D. CASE #SAV-18-012: Public Hearing on the request of Mike Collins to vacate and dispose of a portion of Hyde Avenue extending from the West right-of-way line of Logan Street, and abutting properties legally described Lot 31, excluding right-of-way, Johnson's Addition and the East 160 feet of Lot 1, Partition Subdivision of Part of the SE1/4 NE1/4 of Section 25-75-44, City of Council Bluffs, Pottawattamie County, Iowa. Location: West of Logan Street

8. OTHER BUSINESS

- A. City Council update
- B. Other items of interest

9. ADJOURNMENT

If you plan to attend this meeting and require special assistance please contact the Community Development Department at (712) 328-4629 at least 48 hours before the meeting.



| City Planning Commission | | |
|---|---------------------|-------------------------------|
| Department: Community Development | Ordinance No. _____ | Planning Commission: 07/10/18 |
| Case #ZC-18-009 | | |
| Owners: C F Realty Group, LLC 6457 Frances Street, Suite 100 Omaha, NE 68106 | | |
| Frank R. Krejci Trust 1505 N. 203 rd Street Elkhorn, NE 68022 | | |
| Applicant: Royce Enterprises, Inc. 12910 Pierce Street, Suite 110 Omaha, NE 68144 | | |
| Representative: Kellen Heideman Olsson Associates 2111 S. 67 th Street, Suite 200 Omaha, NE 68106 | | |
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| Subject/Title | | |
| <p>Request: Rezone 47.02 acres of land located in the North 1/2 of the SE1/4 of Section 10-77-44 and part of the NW1/4 of the SW1/4 of Section 11-77-44, City of Council Bluffs, Pottawattamie County, Iowa from A-2, Parks, Estates and Agricultural District to P-C/Planned Commercial District. Said property being more particularly described as follows:</p> <p>BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10; THENCE ON THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER ON AN ASSUMED BEARING OF N87°53'20"W, 658.46 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE CONTINUING ON SAID SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER N87°56'58"W; 658.32 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE ON THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER N01°59'34"E, 331.09 FEET; THENCE N87°54'35"W, 159.94 FEET; THENCE N02°06'46"E, 993.75 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST QUARTER, SAID LINE ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF RICHARD DOWNING AVENUE; THENCE ON SAID SOUTH RIGHT-OF-WAY LINE OF RICHARD DOWNING AVENUE FOR THE FOLLOWING FIVE (5) DESCRIBED COURSES; (1) S87°51'21"E, 157.50 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; (2) S87°49'01"E, 655.55 FEET TO THE NORTHEAST CORNER OF SAID EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; (3) S87°53'14"E, 505.31 FEET; (4) S76°35'39"E, 153.19 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER; (5) S87°19'54"E, 104.77 FEET TO A POINT INTERSECTING SAID SOUTH RIGHT-OF-WAY LINE OF RICHARD DOWNING AVENUE AND THE WEST RIGHT-OF-WAY LINE OF SOUTH 24TH STREET; THENCE ON SAID WEST RIGHT-OF-WAY LINE OF SOUTH 24TH STREET FOR THE FOLLOWING THREE (3) DESCRIBED COURSES; (1) S01°42'44"W, 319.95 FEET; (2) S08°30'44"E, 112.22 FEET; (3) S01°43'05"W, 863.01 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11; THENCE ON SAID SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER N87°23'13"W, 124.81 FEET TO THE POINT OF BEGINNING</p> <p>Location: Southwest corner of the intersection of Richard Downing Avenue and S. 24th Street.</p> | | |
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Background/Discussion

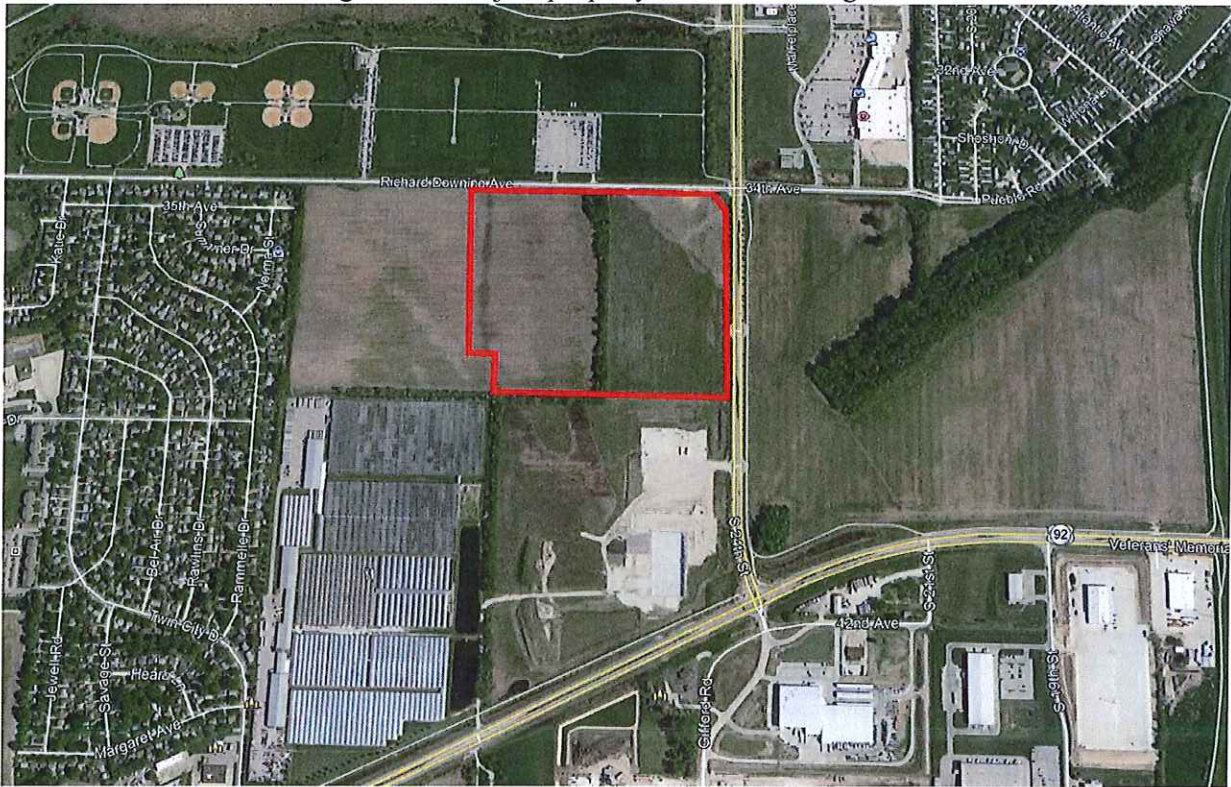
The Community Development Department has received an application from Royce Enterprises, Inc., represented by Kellen Heideman of Olsson Associates, to rezone 47.02 acres of land, as legally described above, from A-2/Parks, Estates and Agricultural District to P-C/Planned Commercial District (see Attachment 'A'). The purpose of the rezoning is to allow the applicant to develop a new large-scale commercial shopping center on the subject property. A conceptual layout plan for the proposed shopping center is included with this report as Attachment 'B'. The applicant intends to submit the preliminary subdivision plan and the planned commercial development plan for the proposed retail shopping center to the City in July/August 2018.

Land Use & Zoning

The subject property is comprised of 47.02 acres of agricultural land and is zoned A-2/Parks, Estates and Agricultural District. Surrounding zoning in the general vicinity of the request includes A-2 District to the north and west; P-C/Planned Commercial District and I-2/General Industrial District to the east; along with A-2 District and I-1/Light Industrial District to the south (see Attachment C). Existing land uses in the general vicinity of the request includes the Council Bluffs Recreational Complex to the north; Marketplace Shopping Center and undeveloped land to the east; Dallas Johnson Greenhouses and XTL project to the south; and undeveloped land to west.

The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designated the subject property as Office/Industrial and High Density Multi-Family Residential. The proposed P-C District is consistent with the Office/Industrial designation but not the High Density Multi-Family Residential designation of the Bluffs Tomorrow: 2030 Comprehensive Plan

Exhibit A: 2017 aerial image of the subject property and surrounding area.



The following attachments are included with this report for reference purposes:
Attachment A: Re-zoning exhibit with legal description of the subject property
Attachment B: Conceptual site layout for new shopping center on the subject property
Attachment C: Zoning/location map

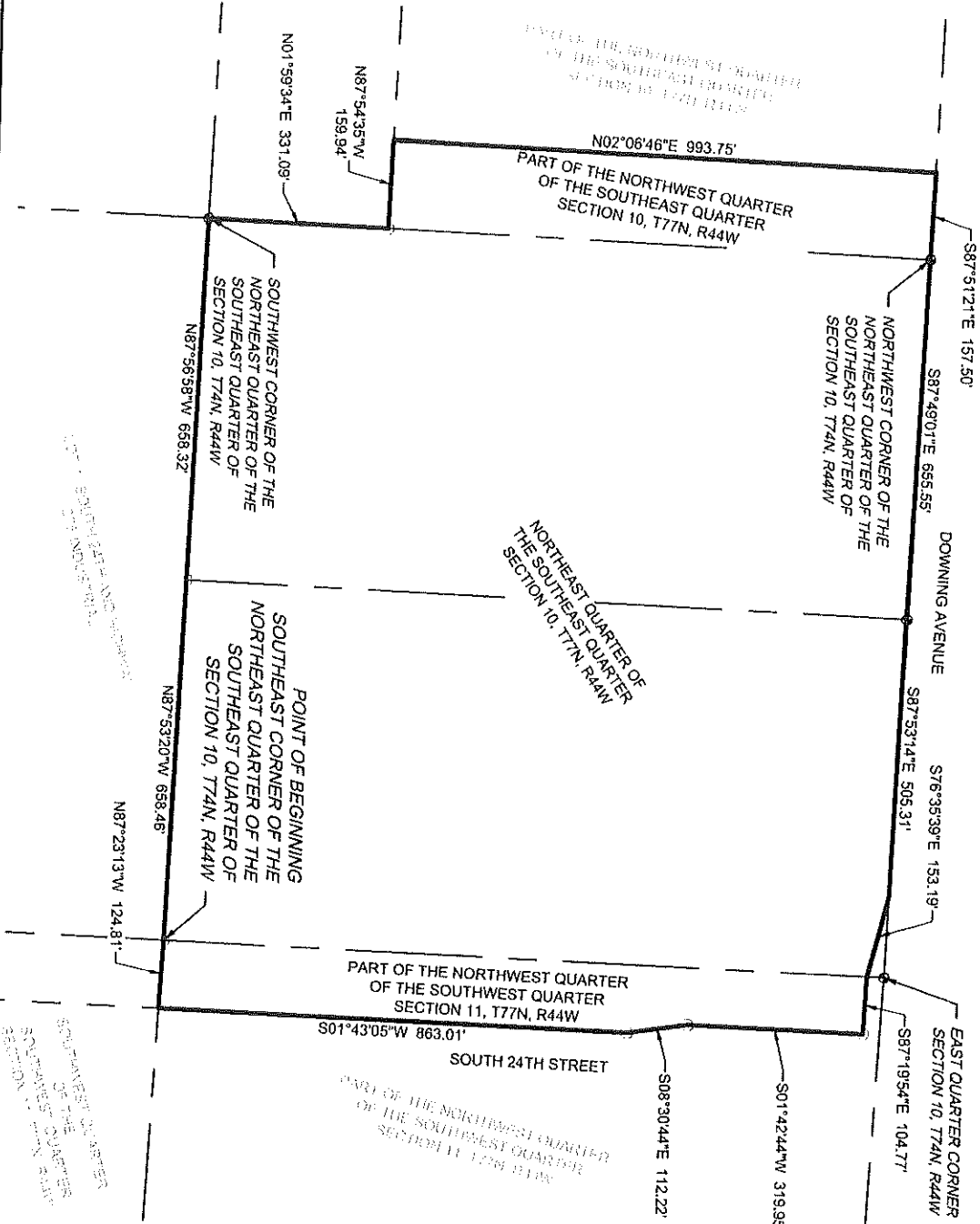
Comments

All property owners within 200 feet of the subject property were notified of the proposed rezoning. No comments have been received from any of the notified landowners as of the date of this report.

All City Departments, local utility providers and Iowa Department of Transportation were notified of the property rezoning. The following comments were received:

1. Iowa Department of Transportation (IDOT) was notified of this request as the subject property is located within the Council Bluffs Interstate System Corridor Preservation Zone. IDOT stated they did not see any conflicts with the proposed new shopping center development as it relates to the Council Bluffs Interstate System Improvement Program.
2. Council Bluffs Public Works Department stated they have no comments for the proposed rezoning. Public Works also stated the applicant must provide a traffic impact study and an analysis of infrastructure needs for the proposed shopping center at the time the subdivision and development plans are submitted to the City for review.
3. Council Bluffs Building Division stated they have no comments for the proposed rezoning.
4. Council Bluffs Fire Department stated they have no comments for the proposed rezoning.
5. Council Bluffs Community Development Department provided the following comments:
 - a. The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as Office/Industrial and High Density Multi-Family Residential. Business professional offices and retail commercial establishments are permitted uses in a P-C/Planned Commercial District. Residential land uses are not permitted in a P-C District, which is why the proposed rezoning request is not entirely consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan. The benefit of rezoning the subject property to a P-C District is that the applicant must prepare a development plan for the City to adopt, which ensure all development activity on the subject property is designed to be complementary and compatible with the existing land uses in the general vicinity of the request.
 - b. Section 15.18.010, Statement of Intent, P-C Planned Commercial District of the Municipal Code (Zoning Ordinance) states *"The PC district is intended to provide for the development of retail shopping centers, hotel/motel services, destination resorts, and office parks. Facilities in planned commercial districts are designed to be used in common, such as ingress and egress roads, extensive parking accommodations, proper relations to traffic arteries, and compatibility with surrounding uses. Because large retail/service centers have significant impact upon the development of the City, final authority over their development shall be retained by the City Council, with extensive review by the planning commission"*. The proposed rezoning is the first step in a process to develop the subject property as a large-scale shopping center. The applicant and their engineer, Olsson Associates, have met with the City on several occasions to discuss the layout/design of the new retail shopping center. A subdivision plan along with a planned commercial development plan, which will address lot layouts, utility infrastructure, building architecture, off-street parking, landscaping, signage, pedestrian access, etc., will be submitted by the applicant to the City in the near future for review.
 - c. The subject property is located southwest of the Marketplace Shopping Center and has close access to I-80/I-29 Interstate. Additionally, the subject property is located immediately south of the CB Recreation Complex, which hosts many sports tournaments throughout the year, and east of Twin Cities neighborhood. The combination of these factors makes the property well suited to be developed with new retail/commercial businesses.
6. Council Bluffs Water Works stated they have no comments for the proposed rezoning.
7. Mid-American Energy Company stated they have no objection to the proposed rezoning and then clarified their existing overhead and underground utilities adjacent to the subject property must remain in place.

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| Recommendation The Community Development Department recommends approval to rezone 47.02 acres of land, as legally described in Attachment ‘A’, from A-2/Parks, Estates and Agricultural District to P-C/Planned Commercial District, based on reasons stated above. |
| Attachments Attachment A: Re-zoning exhibit with legal description of the subject property Attachment B: Conceptual site layout for new shopping center on the subject property Attachment C: Zoning/location map |
| Prepared By: Christopher Gibbons, AICP, Planning Coordinator, Community Development Department |



LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER SECTION 10 AND A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, ALL IN TOWNSHIP 77 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWAMIE COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10; THENCE ON THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER ON A ASSUMED BEARING OF $N85^{\circ}32'20''W$, 658.46 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, CONTINUING ON SAID SOUTH LINE OF THE NORTHEAST QUARTER, THENCE OF THE SOUTHEAST QUARTER $N87^{\circ}56'58''W$, 658.32 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THENCE ON THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER $N01^{\circ}59'47''E$, 331.09 FEET, THENCE $N87^{\circ}42'53''W$, 159.94 FEET, THENCE $N02^{\circ}05'46''E$, 963.35 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER, SAID LINE ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF RICHARD DOWNING AVENUE, THENCE ON SAID SOUTH RIGHT-OF-WAY LINE OF RICHARD DOWNING AVENUE FOR THE FOLLOWING FIVE (5) DESCRIBED COURSES: (1) $S87^{\circ}51'21''E$, 157.50 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; (2) $S87^{\circ}48'07''E$, 655.55 FEET TO THE NORTHEAST CORNER OF SAID EAST HALF OF THE NORTHEAST QUARTER OF SAID SOUTH LINE OF THE NORTHEAST QUARTER (4) $S78^{\circ}35'39''E$, 153.19 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER; (5) $S87^{\circ}19'54''E$, 505.31 FEET TO THE NORTHEAST QUARTER; (6) $S87^{\circ}53'14''E$, 104.77 FEET TO A POINT INTERSECTING SAID SOUTH RIGHT-OF-WAY LINE OF RICHARD DOWNING AVENUE AND THE WEST RIGHT-OF-WAY LINE OF RICHARD DOWNING AVENUE, THENCE ON SAID WEST RIGHT-OF-WAY LINE OF SOUTH 24TH STREET, THENCE ON SAID WEST RIGHT-OF-WAY LINE OF SOUTH 24TH STREET FOR THE FOLLOWING THREE (3) DESCRIBED COURSES: (1) $S01^{\circ}42'44''W$, 319.95 FEET; (2) $S08^{\circ}30'42''E$, 112.22 FEET; (3) $S01^{\circ}43'05''W$, 863.01 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER 11; THENCE ON SAID SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER $N87^{\circ}23'13''W$, 124.81 FEET TO THE POINT OF BEGINNING.

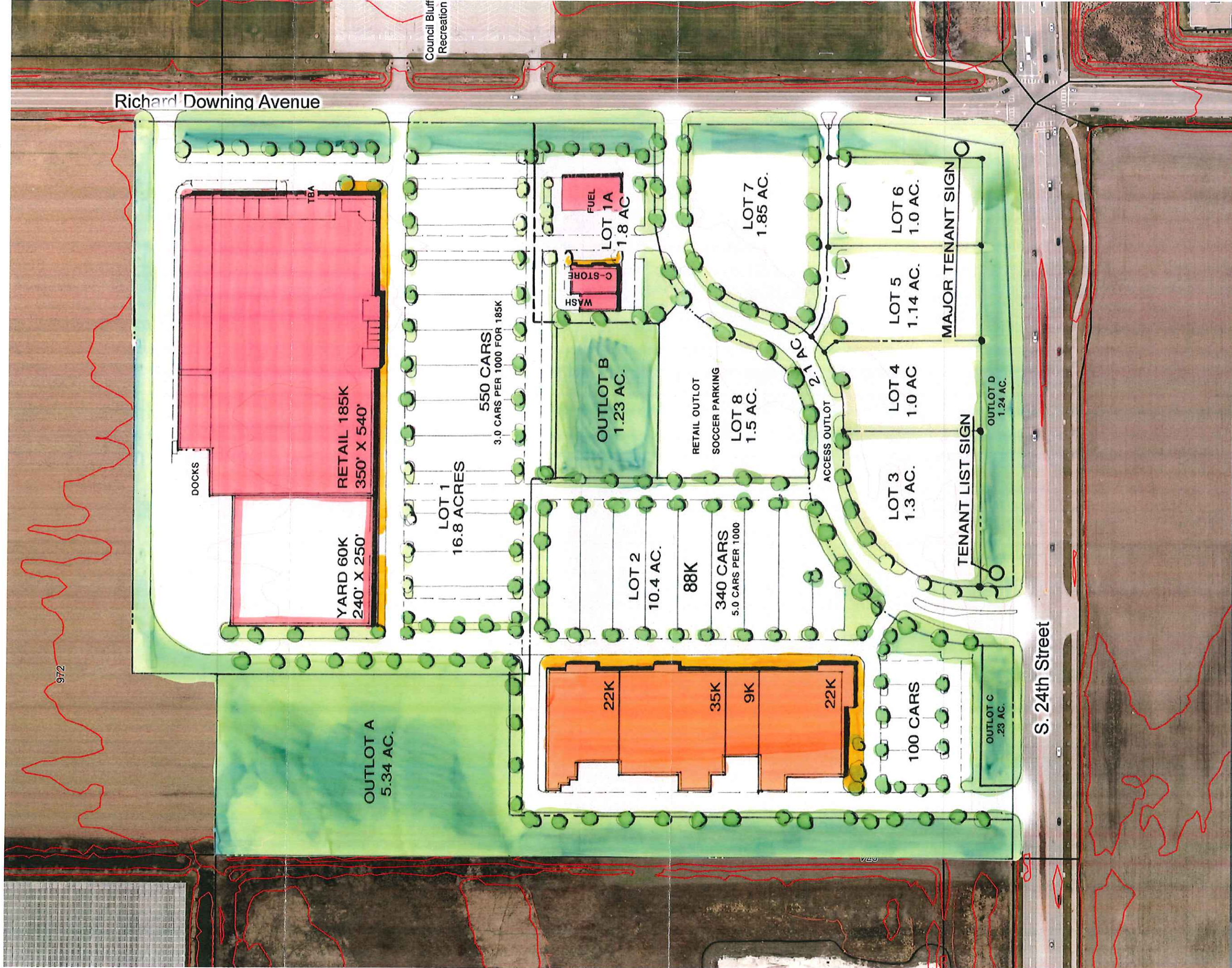
SAID TRACT OF LAND CONTAINS A CALCULATED AREA OF 2.048,173.01 SQUARE FEET OR 47.020 ACRES MORE OR LESS.



RE-ZONING EXHIBIT

OLSSON
ASSOCIATES

XHBIBIT
1





Conceptual Site Plan

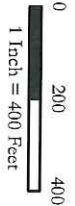
S. 24th Street & Richard Downing Avenue | Council Bluffs, IA
June 5, 2018 | 017-3618



CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION
CASE #ZC-18-009 LOCATION/ZONING MAP

Map Legend

-  Case #ZC-18-009 - Subject Property
-  Parcels



2016 Aerial Photograph



Note: Subject properties are highlighted in red.



Last Amended: 6/18/18



Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328-4629

DISCLAIMER
The map is for informational purposes only and does not constitute a legal document. The City of Council Bluffs is not responsible for any errors or omissions on this map. The map is subject to change without notice.



City Planning Commission Communication

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| Department: Community Development Case #ZT-18-002 Applicants: Marshall Redmond 111 S. 38 th Street, Apt #240 Council Bluffs, IA 51501 Community Development Department 403 Willow Avenue Council Bluffs, IA 51503 | Ordinance No. | Planning Commission: 7/10/18 |
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Subject/Title

Request: Public hearing on the request of Marshall Redmond and the Community Development Department to amend multiple sections of Title 15: Zoning of the Municipal Code relative to 'small alcohol production facility', as follows:

- Amend Chapter 15.03, *Definitions* by adding §15.03.601 'small alcohol production facility' definition; and
- Amend Chapter 15.15.020, *Principal uses, C-2/Commercial District* by adding §15.15.020(32) 'small alcohol production facility' as a principle use in a C-2/Commercial District and to amend §15.15.060(02), *Additional regulations*, relative to a 'small alcohol production facility' in a C-2/Commercial District; and
- Amend Chapter 15.16.020, *Principal uses, C-3/Commercial District* by adding §15.16.020(27) 'small alcohol production facility' as a principle use in a C-3/Commercial District; and
- Amend Chapter 15.17.020, *Principal uses, C-4/Commercial District* by adding §15.17.020(21) 'small alcohol production facility' as a principle use in a C-4/Commercial District; and
- Amend Chapter 15.18.020, *Principal uses, P-C/Planned Commercial District* by adding §15.18.020(19) 'small alcohol production facility' as a principle use in a P-C/Planned Commercial District; and
- Amend Chapter 15.20.020, *Principal uses, I-1/Light Industrial District*, by adding §15.20.020(29) 'small alcohol production facility' as a permitted use in the I-1/Light Industrial District and to amend §15.20.060(01), *Additional regulations*, relative to a 'small alcohol production facility' in an I-1/Light Industrial District; and
- Amend Chapter 15.21.020, *Principal uses, I-2/General Industrial District* by adding §15.21.020(28) 'small alcohol production facility' as a permitted use in the I-2/General Industrial District and to amend §15.21.060(01), *Additional regulations*, relative to a 'small alcohol production facility' in an I-2/General Industrial District.

Background

The applicant, Marshall Redmond, has been working with the Iowa West Foundation and Advance Southwest Iowa organizations to open a new business called, Fundamental Brewing Company, at 40 Arena Way, located in The Spine at the Mid-America Center. Under Title 15: Zoning of the Municipal Code the land use classification "brewery" is not specifically defined; however it would be allowed under the definition of Manufacturing (general or light) which allows food processing and bottling plants. The Mid-America Center area is zoned P-C/Planned Commercial District, which does not allow manufacturing or industrial type land uses. Generally, manufacturing uses are limited to the I-1/Light Industrial District, I-2/General Industrial District and I-3/Heavy Industrial District.

The applicant's initial proposal was to amend Chapter 15.03, *Definitions* and Chapter 15.18.020, *Principal Uses, P-C/ Planned Commercial District* of the Municipal Code (Zoning Ordinance) to allow a 'microbrewery' (as defined by the American Brewers Association) at their location in the Mid-America Center. The American Brewers Association defines a 'microbrewery' as a "brewery that produces less than 15,000 barrels of beer per year with 75 percent or more of its beer sold off-site. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer through carry-outs/or on-site tap-room or restaurant sales". Section 123.3 of the Iowa Code (Alcoholic Beverage Control) does not classify or define breweries based on their production levels; however it does define a 'distillery', 'winery' and 'brewery' to "mean not only the premises where alcohol or spirits are distilled, wine is fermented, or beer is brewed, but in addition mean a person owning, representing, or in charge of such premises and the operations conducted there, including the blending and bottling or other handling and preparation of alcoholic liquor, wine, or beer in any form".

The Community Development Department met with the applicant to discuss their business operation in order to determine how best to define their use and if the use is appropriate for commercial zoning districts in the City. Through these discussions, it was evident that the operation has four primary components such as beer production, distribution/warehousing, retail/commercial (e.g., entertainment space and beer sales) and alcohol consumption (e.g. taproom). Through these discussions, it was mutually agreed upon that a new land use classification called "small alcohol production facility" should be created in Title 15: Zoning of the Municipal Code in order to allow limited-scale breweries, wineries, and distilleries in commercial and industrial zoned areas of the City. The proposed definition for a 'small alcohol production facility' is as follows:

15.03.601 Small alcohol production facility. *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 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 Section 123.3 of the Iowa Code. Production limitations for breweries shall not exceed 15,000 barrels (465,000 gallons) per year; distilleries and wineries shall not exceed 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.*

In an effort to ensure that the 'small alcohol production facility' is not solely a production/warehousing operation and is compatible with commercial and planned commercial districts, the proposed definition includes a minimum percentage that the licensed premises must dedicate to an accessory use (e.g., beer garden, taproom, meeting/event space, dining, etc.).

The applicant requested that a microbrewery be allowed in a P-C/Planned Commercial District so that he can operate Fundamental Brewing Company in The Spine at the Mid-America Center. A microbrewery would be considered a small-scale alcohol production facility, based on the proposed definition above, and would be allowed in a P-C District if the text amendment requests are approved by City Council. The Community Development Department expanded the applicant's request to allow 'small alcohol production facility' in all commercial and industrial zoning districts where taverns are allowed, due to the consumption of alcohol on premises associated with this use. The following is a list of proposed changes to Title 15: Zoning of the Municipal Code to allow a 'small alcohol production facility' in the C-2/Commercial District, C-3/Commercial District, C-4/Commercial District, P-C/Planned Commercial District, I-1/Light Industrial District and I-2/General Industrial District. The proposed amendments also include adding a 'small alcohol production facility' to the separation distance language that a tavern located in a C-2 District, I-1 District and I-2 District must be from any school, place of religious assembly, public park or any conforming residential use.

- Amend Chapter 15.15.020, *Principal uses, C-2/Commercial District* by adding §15.15.020(32) 'small alcohol production facility' as a principal use in a C-2/Commercial District and to amend §15.15.060(02), *Additional regulations*, relative to a 'small alcohol production facility' in a C-2/Commercial District; and
- Amend Chapter 15.16.020, *Principal uses, C-3/Commercial District* by adding §15.16.020(27) 'small alcohol production facility' as a principal use in a C-3/Commercial District; and
- Amend Chapter 15.17.020, *Principal uses, C-4/Commercial District* by adding §15.17.020(21) 'small alcohol production facility' as a principal use in a C-4/Commercial District; and
- Amend Chapter 15.18.020, *Principal uses, P-C/Planned Commercial District* by adding §15.18.020(19) 'small alcohol production facility' as a principal use in a P-C/Planned Commercial District; and
- Amend Chapter 15.20.020, *Principal uses, I-1/Light Industrial District*, by adding §15.20.020(29) 'small alcohol production facility' as a principal use in the I-1/Light Industrial District and to amend §15.20.060(01), *Additional regulations*, relative to a 'small alcohol production facility' in an I-1/Light Industrial District; and
- Amend Chapter 15.21.020, *Principal uses, I-2/General Industrial District* by adding §15.21.020(28) 'small alcohol production facility' as a principal use in the I-2/General Industrial District and to amend §15.21.060(01), *Additional regulations*, relative to a 'small alcohol production facility' in an I-2/General Industrial District.

Off-street parking for a 'small alcohol production facility' will be calculated on a case-by-case basis and will be determined on the specific components (e.g., production/warehouse, retail/commercial space, event space, and dining space) within the facility.

The proposed text amendments were forwarded to all City Departments and local utility providers. No adverse comments were received about this request as of the date of this report.

Paula Hazelwood, Executive Director, Advance Southwest Iowa Corporation submitted a letter of support for the proposed text amendment. A copy of this letter is included with this report as Attachment 'J'.

Recommendation

The Community Development Department recommends approval of the proposed text amendment as follows:

- Amend Chapter 15.03, *Definitions* by adding §15.03.601 'small alcohol production facility' definition; and
- Amend Chapter 15.15.020, *Principal uses, C-2/Commercial District* by adding §15.15.020(32) 'small alcohol production facility' as a principal use in a C-2/Commercial District and to amend §15.15.060(02), *Additional regulations*, relative to a 'small alcohol production facility' in a C-2/Commercial District; and
- Amend Chapter 15.16.020, *Principal uses, C-3/Commercial District* by adding §15.16.020(27) 'small alcohol production facility' as a principal use in a C-3/Commercial District; and
- Amend Chapter 15.17.020, *Principal uses, C-4/Commercial District* by adding §15.17.020(21) 'small alcohol production facility' as a principal use in a C-4/Commercial District; and
- Amend Chapter 15.18.020, *Principal uses, P-C/Planned Commercial District* by adding §15.18.020(19) 'small alcohol production facility' as a principal use in a P-C/Planned Commercial District; and
- Amend Chapter 15.20.020, *Principal uses, I-1/Light Industrial District*, by adding §15.20.020(29) 'small alcohol production facility' as a principal use in the I-1/Light Industrial District and to amend §15.20.060(01), *Additional regulations*, relative to a 'small alcohol production facility' in an I-1/Light Industrial District; and
- Amend Chapter 15.21.020, *Principal uses, I-2/General Industrial District* by adding §15.21.020(28) 'small alcohol production facility' as a principal use in the I-2/General Industrial District and to amend §15.21.060(01), *Additional regulations*, relative to a 'small alcohol production facility' in an I-2/General Industrial District.

Attachments

- **Attachment A:** Letter of intent from Marshall Redmond
- **Attachment B:** Copy of Section 123.3, Definitions, of the Iowa Alcoholic Beverage Control relative to “distillery”, “winery”, “brewery”, and “micro-distillery”.
- **Attachment C:** Proposed text amendment to add Section 15.03.601 ‘small alcohol production facility’ definition to the Municipal Code (Zoning Ordinance).
- **Attachment D:** Proposed text amendment to Chapter 15.15, C-2 District relative to a ‘small alcohol production facility’.
- **Attachment E:** Proposed text amendment to Chapter 15.16, C-3 District relative to a ‘small alcohol production facility’.
- **Attachment F:** Proposed text amendment to Chapter 15.17, C-4 District relative to a ‘small alcohol production facility’.
- **Attachment G:** Proposed text amendment to Chapter 15.18, P-C District relative to a ‘small alcohol production facility’.
- **Attachment H:** Proposed text amendment to Chapter 15.20, I-1 District relative to a ‘small alcohol production facility’.
- **Attachment I:** Proposed text amendment to Chapter 15.21, I-2 District relative to a ‘small alcohol production facility’.
- **Attachment J:** Letter of support from Paula Hazelwood, Executive Director, Advance Southwest Iowa Corporation for proposed text amendment.

Prepared by: Christopher N. Gibbons, AICP, Planning Coordinator

June 11, 2018

Mr. Brandon Garrett
Community Development Director
City of Council Bluffs
1020 Railroad Ave, Suite B
Council Bluffs, IA 51503

Dear Planning Commissioners and City Councilmembers-

My name is Marshall Redmond and I am asking for your consideration for approval for a proposed text amendment to include brewery as a definition and land use in the City's Zoning Ordinance. I have been pursuing opening Council Bluffs first craft brewery for the past few months and after significant research and working with local entities such as the Iowa West Foundation and Advanced Southwest Iowa Corporation I am ready to open Fundamental Brewing Company located at 40 Arena Way in The Spine at the Mid-America Center.

My proposal is based on over 15 years of professional brewing experience including brewing on all difference size of brewhouse systems. I am also a graduate from the America's Brewer Guild and am current on practices of the Brewer's Association, which is the country's leading organization for craft brewing, compiling statistics, and promoting and lobbying for the industry.

I am specifically proposing Fundamental Brewing Company be best classified as a microbrewery. I have been working with the Planning Department to define brewery, which mirrors the state of Iowa's brewery definition and also classifications of breweries based on how the city envisions these regulations be implemented.

I greatly appreciate your considerations for my request and look forward to opening a new local business within the City of Council Bluffs.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marshall Redmond', with a stylized, flowing script.

Marshall Redmond
Fundamental Brewing Company

Text Amendment Application Submittals
Marshall Redmond
June 11, 2018

Proposed Text Amendment to Sections: 15.03 and 15.18

Chapter 15.03 - DEFINITIONS

Small alcohol production facility

This includes breweries, distilleries, and wineries. A combined manufacturing and commercial facility of alcoholic beverages for direct sale to wholesale or customers that includes accessory uses such as a retail outlet, tasting room, event space, tavern, or restaurant. Twenty-five percent of the larger of the total gross square footage of the facility or licensed premises shall be dedicated to accessory uses. Production limitations are as follows: breweries shall not exceed 15,000 barrels (465,000 gallons) per year; distilleries shall not exceed __ units (__ gallons) per year, and wineries shall not exceed __ units (__ gallons) per year. Alcohol production facilities exceeding the limitations above shall be classified as "Manufacturing, Light" as defined in this Title.

Chapter 15.18 - P-C/PLANNED COMMERCIAL DISTRICT

15.18.020 - Principal uses.

The following principal uses shall be permitted outright in a PC district:

(18) Small alcohol production facility

Reason for the Request:

Currently, the City's Zoning Ordinance does not call out brewery as a specific use or within the definitions section of the code. I am proposing to include a definition for brewery as a small alcohol production facility and have it included as a principal use in the Planned Commercial District.

123.3 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. “Administrator” means the administrator of the division, appointed pursuant to the provisions of [this chapter](#), or the administrator’s designee.
2. “Air common carrier” means a person engaged in transporting passengers for hire in interstate or foreign commerce by aircraft and operating regularly scheduled flights under a certificate of public convenience issued by the civil aeronautics board.
3. “Alcohol” means the product of distillation of any fermented liquor rectified one or more times, whatever may be the origin thereof, and includes synthetic ethyl alcohol.
4. “Alcoholic beverage” means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.
5. “Alcoholic liquor” or “intoxicating liquor” means the varieties of liquor defined in [subsections 3 and 43](#) which contain more than five percent of alcohol by weight, beverages made as described in [subsection 7](#) which beverages contain more than five percent of alcohol by weight or six and twenty-five hundredths percent of alcohol by volume but which are not wine as defined in [subsection 47](#) or high alcoholic content beer as defined in [subsection 19](#), and every other liquid or solid, patented or not, containing spirits and every beverage obtained by the process described in [subsection 47](#) containing more than seventeen percent alcohol by weight or twenty-one and twenty-five hundredths percent of alcohol by volume, and susceptible of being consumed by a human being, for beverage purposes. Alcohol manufactured in this state for use as fuel pursuant to an experimental distilled spirits plant permit or its equivalent issued by the federal bureau of alcohol, tobacco and firearms is not an “alcoholic liquor”.
6. “Application” means a written request for the issuance of a permit or license that is supported by a verified statement of facts and submitted electronically, or in a manner prescribed by the administrator.
7. “Beer” means any liquid capable of being used for beverage purposes made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains or made by the fermentation of or by distillation of the fermented products of fruit, fruit extracts, or other agricultural products, containing more than one-half of one percent of alcohol by volume but not more than five percent of alcohol by weight or six and twenty-five hundredths percent of alcohol by volume but not including mixed drinks or cocktails mixed on the premises.
8. “Brewer” means any person who manufactures beer for the purpose of sale, barter, exchange, or transportation.
9. “Broker” means a person who represents or promotes alcoholic liquor within the state on behalf of the holder of a distiller’s certificate of compliance through an agreement with the distiller, and whose name is disclosed on a distiller’s current certificate of compliance as its representative in the state. An employee of the holder of a distiller’s certificate of compliance is not a broker.
10. “City” means a municipal corporation but not including a county, township, school district, or any special purpose district or authority.
11. “Club” means any nonprofit corporation or association of individuals, which is the owner, lessee, or occupant of a permanent building or part thereof, membership in which entails the prepayment of regular dues and is not operated for a profit other than such profits as would accrue to the entire membership.
12. “Commercial establishment” means a place of business which is at all times equipped with sufficient tables and seats to accommodate twenty-five persons at one time, and the licensed premises of which conform to the standards and specifications of the division.
13. “Commission” means the alcoholic beverages commission established by [this chapter](#).
14. “Designated security employee” means an agent, contract employee, independent contractor, servant, or employee of a licensee or permittee who works in a security position in any capacity at a commercial establishment licensed or permitted under [this chapter](#).
15. “Distillery”, “winery”, and “brewery” mean not only the premises where alcohol or spirits are distilled, wine is fermented, or beer is brewed, but in addition mean a person owning, representing, or in charge of such premises and the operations conducted there,

including the blending and bottling or other handling and preparation of alcoholic liquor, wine, or beer in any form.

16. “Division” means the alcoholic beverages division of the department of commerce established by [this chapter](#).

17. “Grape brandy” means brandy produced by the distillation of fermented grapes or grape juice.

18. “Grocery store” means any retail establishment, the business of which consists of the sale of food, food products, or beverages for consumption off the premises.

19. “High alcoholic content beer” means beer which contains more than five percent of alcohol by weight or six and twenty-five hundredths percent of alcohol by volume, but not more than twelve percent of alcohol by weight or fifteen percent of alcohol by volume, that is made by the fermentation of an infusion in potable water of barley, malt, and hops, with or without unmalted grains or decorticated and degerminated grains. Not more than one and five-tenths percent of the volume of a “high alcoholic content beer” may consist of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol. The added flavors and other nonbeverage ingredients may not include added caffeine or other added stimulants including but not limited to guarana, ginseng, and taurine.

20. “Hotel” or “motel” means premises licensed by the department of inspections and appeals and regularly or seasonally kept open in a bona fide manner for the lodging of transient guests, and with twenty or more sleeping rooms.

21. “Import” means the transporting or ordering or arranging the transportation of alcoholic liquor, wine, or beer into this state whether by a resident of this state or not.

22. “Importer” means the person who transports or orders, authorizes, or arranges the transportation of alcoholic liquor, wine, or beer into this state whether the person is a resident of this state or not.

23. The terms “in accordance with the provisions of [this chapter](#)”, “pursuant to the provisions of this title”, or similar terms shall include all rules and regulations of the division adopted to aid in the administration or enforcement of those provisions.

24. “Legal age” means twenty-one years of age or more.

25. “Licensed premises” or “premises” means all rooms, enclosures, contiguous areas, or places susceptible of precise description satisfactory to the administrator where alcoholic beverages, wine, or beer is sold or consumed under authority of a liquor control license, wine permit, or beer permit. A single licensed premises may consist of multiple rooms, enclosures, areas, or places if they are wholly within the confines of a single building or contiguous grounds, or areas or places susceptible of precise description satisfactory to the administrator.

26. “Local authority” means the city council of any incorporated city in this state, or the county board of supervisors of any county in this state, which is empowered by [this chapter](#) to approve or deny applications for retail beer or wine permits and liquor control licenses; empowered to recommend that such permits or licenses be granted and issued by the division; and empowered to take other actions reserved to them by [this chapter](#).

27. “Manufacture” means to distill, rectify, ferment, brew, make, mix, concoct, or process any substance capable of producing a beverage containing more than one-half of one percent of alcohol by volume and includes blending, bottling, or the preparation for sale.

28. “Native distilled spirits” means spirits fermented, distilled, or, for a period of two years, barrel matured on the licensed premises of the native distillery where fermented, distilled, or matured. “Native distilled spirits” also includes blended or mixed spirits comprised solely of spirits fermented, distilled, or, for a period of two years, barrel matured at a native distillery.

29. “Native distillery” means a business with an operating still which produces and manufactures native distilled spirits.

30. “Native wine” means wine manufactured pursuant to [section 123.56](#) by a manufacturer of native wine.

31. “Package” means any container or receptacle used for holding alcoholic liquor.

32. “Permit” or “license” means an express written authorization issued by the division for the manufacture or sale, or both, of alcoholic liquor, wine, or beer.

33. “Person” means any individual, association, partnership, corporation, club, hotel or motel, or municipal corporation owning or operating a bona fide airport, marina, park,

| | |
|------------|---------------------------------------|
| 15.03.591 | Restaurant |
| 15.03.592 | Retail shopping establishment |
| 15.03.593 | Rubble dump |
| 15.03.594 | Salvage operation |
| 15.03.595 | School |
| 15.03.597 | Semi-truck trailer |
| 15.03.598 | Sexual or genital body parts |
| 15.03.600 | Sign |
| 15.03.601 | Small alcohol production facility |
| 15.03.605 | Specified anatomical areas |
| 15.03.606 | Specified sexual activities |
| 15.03.608 | Stoop, enclosed |
| 15.03.608a | Storage |
| 15.03.609 | Storage yard |
| 15.03.610 | Story |
| 15.03.620 | Street |
| 15.03.630 | Structure |
| 15.03.640 | Structural alteration |
| 15.03.643 | Tattooing |
| 15.03.644 | Tattoo parlor |
| 15.03.645 | Tavern |
| 15.03.646 | Tool or storage shed |
| 15.03.647 | Transfer of interest |
| 15.03.650 | Travel trailers |
| 15.03.651 | Truck service establishment |
| 15.03.652 | Truck terminal |
| 15.03.660 | Use |
| 15.03.670 | Variance |
| 15.03.675 | Vehicle or vessel |
| 15.03.677 | Veterinary service |
| 15.03.681 | Warehousing and distribution, general |
| 15.03.682 | Warehousing and distribution, limited |
| 15.03.685 | Wind energy conversion system (WECS) |
| 15.03.690 | Yard |
| 15.03.700 | Yard, front |
| 15.03.710 | Yard, rear |
| 15.03.720 | Yard, side |
| 15.03.730 | Yard setbacks |
| 15.03.740 | Lot definitions |

15.03.010 Definitions. For the purpose of interpreting this title, the following words and terms are defined as set forth in this chapter. Some chapters contain definitions in addition to those listed here. Words and terms that are not specifically defined shall be interpreted to give them the meaning they have in common usage as implied by their context and to give this title its most reasonable application. Words used in the present tense shall include the future. The singular number includes the plural and the plural includes the singular. The word "shall" is mandatory. The word "may" is permissive. (Ord. 5222, Sec. 1, 6/12/95)

15.03.598 Sexual or genital body parts. "Sexual or genital body parts" means the genitals, pubic area, buttocks, anus, or perineum of any person or that part of the human female breast which includes the nipple or any portion below the nipple. (Ord. 4232, Sec. 1, 1978)

15.03.600 Sign. "Sign" means a presentation or representation by words, letters, figures, designs, pictures, or color (including its board, metal, or other supporting surface), publicly displayed upon a building, vehicle, structure, person or parcel of land, so as to convey information or give notice about a person, business, merchandise, service, place, activity, assemblage, solicitation or request for air, or a political idea. (Ord. 4690, Sec. 1, 1986)

15.03.601 Small alcohol production facility. 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 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 Section 123.3 of the Iowa Code. Production limitations for breweries shall not exceed 15,000 barrels (465,000 gallons) per year; distilleries and wineries shall not exceed 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.

15.03.605 Specified anatomical areas. "Specified anatomical areas" means less than completely or opaquely covered (a) human genitals, pubic region; (b) buttock; and (c) female breast below a point immediately above the top of the areola; also, human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Ord. 4179, Sec. 1, 1976)

15.03.606 Specified sexual activities. "Specified sexual activities" means human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genitals, pubic region, buttock or female breast. (Ord. 4179, Sec. 1, 1976)

15.03.608 Stoop, enclosed. "Enclosed stoop" means a roofed projection which is principally designed and used as an entrance to a dwelling(s), and which roofed projection has exterior dimensions no greater than five feet by five feet, and which roofed projection has no more than the upper fifty percent of each outside wall, other than the principal building wall, enclosed by a material other than mesh screen or glass. (Ord. 4391, Sec. 2, 1981)

15.03.608a Storage. Non-transitory, semi-permanent or long-term containment, holding, leaving or placement of goods or materials, with the intention of retrieving them at a later time. It does not include the interim accumulation of a limited amount during processing, maintenance or repair. (Ord. 6131, Section 1, 6/27/11)

15.03.609 Storage yard. A facility engaged in the surface storage of operating or non-operating vehicles, other large items and containers for storing or collecting goods or

Chapter 15.15

C-2 COMMERCIAL DISTRICT

Sections:

| | |
|-----------|------------------------------|
| 15.15.010 | Statement of intent |
| 15.15.020 | Principal uses |
| 15.15.030 | Conditional uses |
| 15.15.040 | Accessory uses |
| 15.15.050 | Site development regulations |
| 15.15.060 | Additional regulations |
| 15.15.070 | Signs |

15.15.010 Statement of intent. The C-2 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.

15.15.020 Principal uses. The following principal uses shall be permitted outright in a C-2 district:

1. Automobile repair, minor;
2. Automobile service establishment;
3. Building material, retail sales only;
4. Business, professional office;
5. Business service establishment;
6. Club or lodge;
7. Commercial recreation (indoor and outdoor);
8. Consumer service establishment;
9. Contractor shop;
10. Cultural service;
11. Financial service;
12. General government use;
13. Hotel/motel;

14. Kennel, commercial;
15. Local utility service;
16. Park and recreation services;
17. Pawn shops;
18. Printing, binding, and mail operations (fifty thousand (50,000) square feet or less);
19. Private and public parking lots;
20. Public safety services;
21. Religious assembly;
22. Restaurant (drive-in/fast food, limited and general);
23. Retail shopping establishment;
24. School;
25. Secondhand store;
26. Tattoo parlor;
27. Tavern, as limited by Section 15.15.060;
28. Veterinary service;
29. Warehousing and distribution, limited (fifty thousand (50,000) square feet or less); (Ord. #6026, Sec.1, 2/23/09)
30. Funeral service. (Ord. #6085, Sec. 1, 6/14/10)
31. Consumer fireworks sales (Ord. #6332, Sec. 1, 6/11/18)
32. Small alcohol production facility

15.15.030 Conditional uses. The following conditional uses shall be permitted in a C-2 district, in accordance with the requirements set forth in Chapter 15.27:

1. Adult entertainment, as further limited by Section 15.15.060;
2. Automobile repair, major;
3. Automobile sales and rental, as further limited by Section 15.15.060;

4. Commercial storage;
5. Communication tower;
6. Day care services;
7. Manufacturing, light (fifty thousand (50,000) square feet or less). (Ord. #6026, Sec 2, 2/23/09)
8. Warehousing and Distribution (Limited). (Ord. #6306, Sec 2, 10/9/17)

15.15.040 Accessory uses. The following accessory uses shall be permitted in a C-2 district:

1. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

15.15.050 Site development regulations.

Minimum Lot size

Lot area: 5,000 square feet

Lot width: 50 feet

Lot depth: 100 feet

| <u>Minimum Setbacks</u> | <u>Principal Structure</u> | <u>Accessory Structure</u> |
|------------------------------|----------------------------|----------------------------|
| Front yard: | 15 feet | 15 feet |
| Interior side yard: | 5 feet | 5 feet |
| Street side yard: | 10 feet | 10 feet |
| Rear yard: | 10 feet | 10 feet |
| Maximum height: | 50 feet | 18 feet |
| Lot coverage-all structures: | 60% maximum | |

15.15.060 Additional regulations.

1. None of the adult entertainment activities as defined in Chapter 15.03 shall be located within one thousand (1,000) feet of any other such use, nor shall any such use be located within three hundred (300) feet of any school, place of religious assembly, public park, or residential district.

2. No tavern or small alcohol production facility shall be located within two hundred (200) feet of any school, place of religious assembly, public park, or any conforming residential use. Distance shall be measured between the closest points from lot line to lot line.

Exception: The two hundred (200) foot distance limitation from conforming multifamily residential uses as noted above shall not apply to taverns which do not exceed three thousand (3,000) square feet in gross floor area if located within a commercial development with one hundred twenty-five thousand square feet or more of leasable retail/commercial space.

3. Parking for automobile sales and rental facilities shall include space for both visitor parking and sale display area. One space is required for each vehicle available for sale, lease or rental at one time with additional parking based on the size of the building used for sales and accessory repairs and service. (Ord. #6026, Sec. 3, 2/23/09)
4. Consumer fireworks sales from a temporary structure shall not be located within 300 feet of a residential structure. (Ord. #6332, Sec. 1, 6/11/18)

15.15.070 Signs. Signage in this district shall comply with Chapter 15.33 "Signs". (Ord. 5458, Sec. 2, 7/99)

Chapter 15.16

C-3 COMMERCIAL DISTRICT

Sections:

| | |
|-----------|------------------------------|
| 15.16.010 | Statement of intent |
| 15.16.020 | Principal uses |
| 15.16.030 | Conditional uses |
| 15.16.040 | Accessory uses |
| 15.16.050 | Site development regulations |
| 15.16.060 | Additional regulations |
| 15.16.070 | Signs |

15.16.010 Statement of intent. The C-3 district is intended to accommodate office, retail and related activities in the traditional commercial center of the city as well as other appropriate commercial sites.

15.16.020 Principal uses. The following principal uses shall be permitted outright in a C-3 district:

1. Automobile service establishment
2. Business, professional office
3. Business goods and service establishment
4. Club or lodge
5. College or university
6. Commercial recreation (indoor)
7. Consumer service establishment
8. Cultural service
9. Financial service
10. Funeral service
11. General government use
12. Hospital
13. Hotel/motel

14. Mixed commercial/residential structure
15. Newspaper printing
16. Park and recreation service
17. Pawn shop
18. Private parking lot
19. Public parking lot
20. Religious assembly
21. Restaurant (drive-in, limited and general)
22. Retail shopping establishment
23. School
24. Second hand store
25. Tattoo parlor (Ord. 6292, Sec. 1, 5/8/17)
26. Tavern (Ord. 6027, Sec. 1, 2/23/09)
27. Small alcohol production facility

15.16.030 Conditional uses. The following conditional uses shall be permitted in a C-3 district in accordance with the requirements set forth in Chapter 15.27:

1. Communication towers
2. Day care services

15.16.040 Accessory uses. The following accessory uses shall be permitted in a C-3 district:

1. Uses of land or structures customarily incidental and subordinate to one of the principal uses in the C-3 district, unless otherwise excluded.

15.16.050 Site development regulations.

1. Lots or parcels of land zoned C-3 on or before the effective date of this ordinance and lots or parcels of land in areas less than 2 acres rezoned to C-3 after the effective date of this ordinance shall not be subject to minimum lot size, set back or lot coverage requirements. Maximum height is limited to 100 feet for principal structures and 24 feet for accessory structures.
2. Lots or parcels of land more than 2 acres in area rezoned to C-3 after the effective date of this ordinance shall be required to submit a development plan for consideration by the planning commission and city council concurrent with the rezoning application. The development plan review shall follow the procedure used in Chapter 15.18 of this title.

15.16.060 Additional regulations.

1. All business, service, repair, processing, storage, and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in services, minor service for motor vehicles, and display of merchandise along the wall of the building, which merchandise shall not extend more than three feet from the wall of such building.

15.16.070 Signs. Signage in this district shall comply with Chapter 15.33 "Signs". (Ord. #5469, Sec. 1, 8/99)

Chapter 15.17

C-4 COMMERCIAL DISTRICT

Sections:

| | |
|------------------|-------------------------------------|
| 15.17.010 | Statement of intent |
| 15.17.020 | Principal uses |
| 15.17.030 | Conditional uses |
| 15.17.040 | Accessory uses |
| 15.17.050 | Site development regulations |
| 15.17.060 | Additional regulations |
| 15.17.070 | Signs |

15.17.010 Statement of intent. The C-4 district is intended to provide an intensive business zone which will accommodate large office concentrations and other similar uses.

15.17.020 Principal uses. The following principal uses shall be permitted outright in the C-4 district:

1. Business, professional office
2. Business goods and service establishment
3. Club or lodge
4. College or university
5. Commercial recreation (indoor)
6. Consumer service establishment
7. Cultural service
8. Financial service
9. Funeral service
10. General government use
11. Hotel/motel
12. Mixed commercial/residential structure
13. Park and recreation service
14. Private parking lot

15. Public parking lot
16. Religious assembly
17. Restaurant (limited and general)
18. Retail shopping establishment
19. Tattoo parlor (Ord. 6293, Sec. 1, 5/8/17)
20. Tavern

21. Small alcohol production facility

15.17.030 Conditional uses. The following conditional uses shall be permitted in a C-4 district in accordance with the requirements set forth in Chapter 15.27:

1. Communication tower
2. Day care service

15.17.040 Accessory uses. The following accessory uses shall be permitted in the C-4 district:

1. Uses of land or structures customarily incidental and subordinate to one of the principal uses in the C-4 district, unless otherwise restricted herein or unless otherwise permitted as a principal use herein.

15.17.050 Site development regulations.

1. Lots or parcels of land zoned C-4 on or before the effective date of this ordinance and lots or parcels of land in areas less than 2 acres rezoned to C-4 after the effective date of this ordinance shall not be subject to minimum lot size, set back or lot coverage requirements. Maximum height is limited to 100 feet for principal structures and 24 feet for accessory structures.
2. Lots or parcels of land more than 2 acres in area rezoned to C-4 after the effective date of this ordinance shall be required to submit a development plan for consideration by the planning commission and city council concurrent with the rezoning application. The development plan review shall follow the procedure used in Chapter 15.18 of this title.

15.17.060 Additional regulations.

1. All business, service, repair, processing, storage, and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in windows, minor service for motor vehicles, and display of merchandise along the wall of

the building, which merchandise shall not extend more than three feet from the wall of such building.

2. Parking and loading requirements:

- a. Off street parking is not required for any use established or existing in this district, except for a residential use in a mixed commercial/residential structure;
- b. Off street loading for all uses established or existing in this district shall comply with the applicable requirements in Chapter 15.23.

15.17.070 Signs. Signage in this district shall comply with Chapter 15.33 "Signs" (Ord. #5469, Sec. 3, 8/99)

Chapter 15.18

P-C PLANNED COMMERCIAL DISTRICT

Sections:

| | |
|------------------|--|
| 15.18.010 | Statement of intent |
| 15.18.020 | Principal uses |
| 15.18.030 | Conditional uses |
| 15.18.040 | Accessory uses |
| 15.18.050 | Site development regulations |
| 15.18.060 | Development plan review procedure |
| 15.18.070 | Signs |

15.18.010 Statement of intent. The PC district is intended to provide for the development of retail shopping centers, hotel/motel services, destination resorts, and office parks. Facilities in planned commercial districts are designed to be used in common, such as ingress and egress roads, extensive parking accommodations, proper relations to traffic arteries, and compatibility with surrounding uses. Because large retail/service centers have significant impact upon the development of the city, final authority over their development shall be retained by the city council, with extensive review by the planning commission.

15.18.020 Principal uses. The following principal uses shall be permitted outright in a PC district:

1. Automobile service establishment
2. Business, professional office
3. Business goods and service establishment
4. Commercial recreation (indoor)
5. Consumer service establishment
6. Cultural service
7. Financial service
8. General government use
9. Hotel/motel
10. Local utility service
11. Places of public assembly, entertainment or recreation

12. Private parking lot
13. Public parking lot
14. Public safety service
15. Retail shopping establishment
16. Restaurant (drive-in, limited and general)
17. Tavern (Ord. #5634, Sec. 1, 6/25/01)
18. Consumer fireworks sales (Ord. #6333, Sec. 1, 6/11/18)
19. Small alcohol production facility

15.18.030 Conditional uses. The following conditional uses shall be permitted in a PC district in accordance with the requirements set forth in Chapter 15.02:

1. Communication tower
2. Day care services (Ord. #6116, Sec. 1, 1/10/11)
3. Auction, Indoor (Ord. #6142, Sec. 3, 12/12/11)

15.18.040 Accessory uses. The following accessory uses shall be permitted in a PC district:

1. Uses of land or structures customarily incidental and subordinate to one of the principal uses in the PC district, unless otherwise excluded.

15.18.050 Site development regulations. Minimum tract size, lot size, setback requirements, height, lot coverage, signage and landscaping shall be determined through the development plan review procedure described in this chapter. The components of an approved development plan shall prevail over conflicting standards or regulations elsewhere in this title.

15.18.055 Additional regulations.

1. Consumer fireworks sales from a temporary structure shall not be located within 300 feet of a residential structure. (Ord. #6333, Sec. 1, 6/11/18)

15.18.060 Development plan review procedure.

1. Application. A completed application form, ten copies of the development plan along with the required fee shall be submitted to the community development department. The development plan shall be reviewed in accordance with the procedures outlined below. The following information shall be submitted to the community development department:

Chapter 15.20

I-1/LIGHT INDUSTRIAL DISTRICT

Sections:

| | |
|------------------|-------------------------------------|
| 15.20.010 | Statement of intent |
| 15.20.020 | Principal uses |
| 15.20.030 | Conditional uses |
| 15.20.040 | Accessory uses |
| 15.20.050 | Site development regulations |
| 15.20.060 | Additional regulations |
| 15.20.070 | Signs |

15.20.010 Statement of intent. The I-1 district is intended to provide for the development of light manufacturing and industrial areas. This district also accommodates a mixture of commercial services and light industrial uses with relatively limited external effects.

15.20.020 Principal uses. The following principal uses shall be permitted in an I-1 district:

1. Agricultural sales and service
2. Auction (Ord. 6147, Sec. 1, 2/13/12)
3. Auction indoor
4. Automobile repair, minor and major
5. Automobile sales and rental
6. Automobile service establishment
7. Building material, sale and storage
8. Business, professional office
9. Business service establishment
10. Commercial storage
11. Consumer service establishment
12. Contractor shop
13. Equipment sales and rental

14. Financial services
15. General government use
16. Governmental maintenance facility
17. Greenhouse, commercial
18. Hotel/motel
19. Kennel, commercial
20. Local utility service
21. Manufacturing, light
22. Private parking lot
23. Public parking lot
24. Public safety services
25. Retail shopping establishment
26. Tavern
27. Warehousing and distribution, limited (Ord. 5557, Sec. 1, 3/26/01)
28. Consumer fireworks sales (Ord. 6334, Sec. 1, 6/11/18)
29. Small alcohol production facility

15.20.030 Conditional uses. The following conditional uses shall be permitted in an I-1 district in accordance with the requirements set forth in Chapter 15.27:

1. Correctional placement residences
2. Day care services
3. Detention facility
4. Equipment repair
5. Truck service establishment
6. Truck terminal (Ord. 5557, Sec. 2, 3/26/01)

15.20.040 Accessory uses. The following accessory uses shall be permitted in an I-1 district:

1. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

15.20.050 Site development regulations.

Minimum Lot Size

Lot area: 10,000 square feet

Lot width: 75 feet

Lot depth: 100 feet

Minimum Setbacks

All Structures

Front yard: 25 feet

Interior yard: 10 feet

Street side yard: 15 feet

Rear yard: 10 feet

Maximum height: 50 feet (150 feet*) (Ord. #6223, Sec 1, 1/12/15) (Ord. #6223, Sec 1, Corrected 4/7/17)

Lot coverage – all structures: 60% maximum

*Maximum Height: 150 feet, including any and all items, fixtures, mechanicals, etc. that may be attached to the structure roof; provided, however, that on parcels of land which in the aggregate are more than 50 acres in size and that immediately abut an I-2 General Industrial District, and are not adjacent to residentially zoned property, (i) title to the land shall be consolidated in one person or entity or controlled through affiliates or subsidiaries by one person or entity; and (ii) for every one foot in height in excess of 50 feet, the minimum yard setbacks shall be increased by one foot.

15.20.060 Additional regulations.

1. No tavern or small alcohol production facility shall be located within two hundred feet of any school or religious building, public park, or any conforming residential use. Distance shall be measured between the closest points from lot line to lot line.
2. Consumer fireworks sales from a temporary structure shall not be located within 300 feet of a residential structure. (Ord. 6334, Sec. 2, 6/11/18)

15.20.070 Signs. Signage in this district shall comply with Chapter 15.33 "Signs".
(Ord. #5366, Sec. 3, 2/23/98)

Chapter 15.21

I-2/GENERAL INDUSTRIAL DISTRICT

Sections:

| | |
|------------------|-------------------------------------|
| 15.21.010 | Statement of intent |
| 15.21.020 | Principal uses |
| 15.21.030 | Conditional uses |
| 15.21.040 | Accessory uses |
| 15.21.050 | Site development regulations |
| 15.21.060 | Additional regulations |
| 15.21.070 | Signs |

15.21.010 Statement of intent. This district is intended to provide for the development of general manufacturing and industrial areas. This district is designed to accommodate industrial uses with moderate external effects.

15.21.020 Principal uses. The following principal uses shall be permitted in the I-2 district:

1. Agricultural sales and service
2. Auction
3. Auction indoor (Ord. 6148, Sec. 1, 2/13/12)
4. Automobile repair, minor and major
5. Automobile sales and rental
6. Automobile service establishment
7. Building material, sale and storage
8. Business service establishment
9. Commercial storage
10. Contractor shop
11. Data center
12. Equipment repair
13. Equipment sales and rental

14. Governmental maintenance facility
15. Greenhouse, commercial
16. Local utility service
17. Manufacturing, light and general
18. Private parking lot
19. Public parking lot
20. Public safety services
21. Railroad yard and intermodal facilities
22. Sign manufacturing
23. Tavern
24. Truck service establishment
25. Truck terminal
26. Warehousing and distribution, limited and general (Ord. 5957, Sec. 1, 12/10/07)
27. Consumer fireworks sales (Ord. 6335, Sec. 1, 6/11/18)
28. Small alcohol production facility

15.21.030 Conditional uses. The following conditional uses shall be permitted in an I-2 district in accordance with the requirements set forth in Chapter 15.27:

1. Contractor yard
2. Correctional placement residences
3. Day care services
4. Detention facility
5. Grain storage and distribution
6. Rubble dump
7. Salvage operations
8. Storage yard

9. Emergency shelter and homeless service center
10. Commercial recreation (indoor)
11. Meat packing and processing (Ord. 5957, Sec. 2, 12/10/07)

15.21.040 Accessory uses. The following accessory uses shall be permitted in an I-2 district:

1. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

15.21.050 Site development regulations.

Minimum Lot Size

| | |
|------------|--------------------|
| Lot area: | 15,000 square feet |
| Lot width: | 75 feet |
| Lot depth: | 150 feet |

Minimum Setbacks

All Structures

| | |
|--------------------------------|---|
| Front yard: | 15 feet |
| Interior yard: | 10 feet |
| Street side yard: | 10 feet |
| Rear yard: | 10 feet |
| Maximum height: | 75 feet* (Ord.6206, Sec 1, 4/7/14) |
| Lot coverage – all structures: | 70% maximum (Ord. 5957, Sec. 3, 12/10/07) |

* Parcels of land which in the aggregate are more than 50 acres in size the maximum height shall be increased up to 160 feet if the following requirements are met at the time of construction:

- (i) title to the land shall be consolidated in one person or entity or controlled through affiliates or subsidiaries by one person or entity; and
- (ii) for every one foot in height in excess of 75 feet, the minimum yard setbacks shall be increased by one foot.

15.21.060 Additional regulations.

1. No tavern or small alcohol production facility shall be located within two hundred feet of any school or religious building, public park, or any conforming residential use. Distance shall be measured between the

closest points from lot line to lot line.

2. Consumer fireworks sales from a temporary structure shall not be located within 300 feet of a residential structure. (Ord. 6335, Sec. 1, 6/11/18)

15.21.070 Signs. Signage in this district shall comply with Chapter 15.33 "Signs" (Ord. #5366, Sec. 4, 2/23/98)



149 W. Broadway,
Council Bluffs, IA 51503

July 10, 2018

Council Bluffs Planning Commission
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

Dear Planning Commission Members:

Please accept this letter of support for the Fundamental Brewing Company project which intends to bring a micro-brewery to 40 Arena Way in the City of Council Bluffs Entertainment District.

Advance Southwest Iowa Corporation has been working with Dessie and Marshall Redmond from Fundamental Brewing since July 2017 to bring their dream of opening a brewery in Council Bluffs to reality. I've continued to be impressed by the Redmond's knowledge of the industry, business plan, financials and market projections but most importantly I've been impressed by their desire to create a destination location within Council Bluffs where they can immerse themselves and their business into the fabric of our community.

The City of Council Bluffs has so much to be proud of with the River's Edge Development, the redevelopment of W. Broadway, the continued improvements to the 100-Block and the momentum at the Entertainment District with the opening of the Iowa West Fieldhouse and the Courtyard by Marriott. While the Entertainment District's momentum is strong with great anchors such as the Horseshoe Casino and Bass Pro Shops, we still need to create a destination environment for citizens and visitors alike and that's where Fundamental can play a significant role.

The City of Council Bluffs is currently without a micro-brewery and it is my opinion that Fundamental will not only thrive in the Entertainment District but their location will be a destination location that will launch a renewed awareness for the district that will generate other retail and service providers to stand up and take notice. With that said, I respectfully request that you support the text amendment that will allow Fundamental to open and operate their micro-brewery in the Entertainment District.

Thank you for allowing Advance Southwest Iowa Corporation to express our support for the Fundamental Brewing Company's project. Advance thanks the Planning Commission for their commitment to growing the city and we look forward to being able to further promote the Entertainment District as a destination location. Please feel free to contact me directly at (402) 960-8505 should you have any questions regarding the content of this letter.

Regards,

Paula D. Hazlewood

Paula D. Hazlewood
Executive Director
Advance Southwest Iowa Corporation

City Planning Commission

| | | |
|--|---------------------------------|-------------------------------|
| Department: Community Development | | Planning Commission: 07/10/18 |
| Case #SAV-18-011 | Resolution of Intent No. _____ | Set Public Hearing: |
| Applicant: Michelle Bates 14017 Overland Trail Council Bluffs, IA 51503 | Resolution to Dispose No. _____ | Public Hearing: |

Subject/Title

Request: Public hearing on the request of Michelle Bates to vacate and dispose of that part of 11th Avenue right-of-way, lying east of the east right-of-way line of the South Expressway and abutting properties legally described as Lot 7, Block 11, Riddles Subdivision and the West ½ of the vacated north/south alley adjacent along with the East 23 feet of Lot 20, Block 14, Riddles Subdivision and the vacated north/south alley adjacent.

Location: Lying South of 619 11th Avenue, and East of the South Expressway.

Background

The Community Development Department has received an application from Michelle Bates to vacate and dispose of an unimproved section of 11th Avenue lying South of 619 11th Avenue, and East of the South Expressway. The applicant wishes to acquire their portion of right-of-way in order to maintain access to their building. The subject right-of-way is the only remaining section of 11th Avenue between South 6th Street and South 7th Street that has not been vacated by the City of Council Bluffs.

It was previously determined in association with the vacation of 11th Avenue on the West side of the South Expressway (Case #SAV-18-005) that the owners of 619 11th Avenue would access their property via an access easement through the vacated 11th Avenue from South 7th Street, and under the South Expressway via an access permit from the Public Works Department of the City of Council Bluffs.

The following attachments have been included for reference:

Attachment A: Location and Zoning Map

Attachment B: Site Photos

On August 25, 2003 the City Council amended the adopted *Policy and Procedures for Alley, Street and Right-of-way Vacations*. The objectives of the amended Policy are as follows:

1. *To provide due process and citizen participation in the application and review process for vacations.*

There are four separate property owners with land that abuts the subject right-of-way. The owners of these properties are as follows:

North – Commercial building owned by Joseph and Michelle Bates (619 11th Avenue)

South – Currently undeveloped land owned by PACE Harvester II, LLC

All abutting property owners were mailed petitions asking if they are in favor of/opposed to and/or willing to/not willing to acquire the portion of the alley that abuts their property, if vacated. Responses to these petitions are summarized in Comment #10 below.

2. *To ensure that no property owner is deprived of required and reasonable access.*

Access to the adjacent properties will not be changing as a result of this vacation. The only parcel that will not otherwise have frontage to a publically dedicated road will be the parcel owned by the applicant, with access being established through other means.

3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way.* This request is to vacate the only remaining section of 11th Avenue between South 6th and South 7th Streets.
4. *To reduce or eliminate hazardous and dangerous traffic conditions.* The subject right-of-way is unimproved and is not used for vehicular and/or pedestrian traffic.
5. *To protect all existing and proposed public utilities located in the right-of-way and to maintain necessary utility easements.*
All City Departments and utilities were notified of the request. The following responses were received:
 - Public Works Department stated they are not opposed to the vacation.
 - The Fire Marshall stated he has no comments.
 - The Permits and Inspections Division stated they have no comments.
 - Council Bluffs Water Works stated they have no utilities in the subject alleyway.
 - MidAmerican Energy stated they have no objections to the proposed vacation.
6. *To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.* Not applicable.
7. *To discourage the vacation of a portion of an existing alley, street or other right-of-way.* This request is to vacate the last remaining piece of the right-of-way between South 6th Street and South 7th Street.
8. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.* Not applicable.
9. *To reduce the City's maintenance liability on previously vacated right-of-way parcels from public improvement projects and various lots acquired through delinquent taxes or assessments.* Not applicable.
10. *To establish an equitable price for surplus public property.* All abutting property owners were notified about this vacation request. The following responses were received:
 - Joseph and Michelle Bates, who own the property addressed as 619 11th Avenue, stated they are in favor of the request and willing to acquire their portion of right-of-way for \$203.25.
 - Representatives of PACE Harvester II, stated in a phone call they are in favor of the request and willing to acquire their portion of right-of-way for \$203.25.

Recommendation

The Community Development Department recommends approval of the request to vacate and dispose of the section of 11th Avenue lying South of the East 29 feet of Lot 7 and the West ½ of the vacated alley adjacent, Block 11, Riddle's Subdivision (619 11th Avenue).

Attachment A – Location and Zoning Map

Attachment B – Site Photos

Prepared By: Chris Meeks, Planner, Community Development Department

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASE #SAV-18-011 LOCATION AND ZONING MAP

Subject Right-of-Way

Parcels

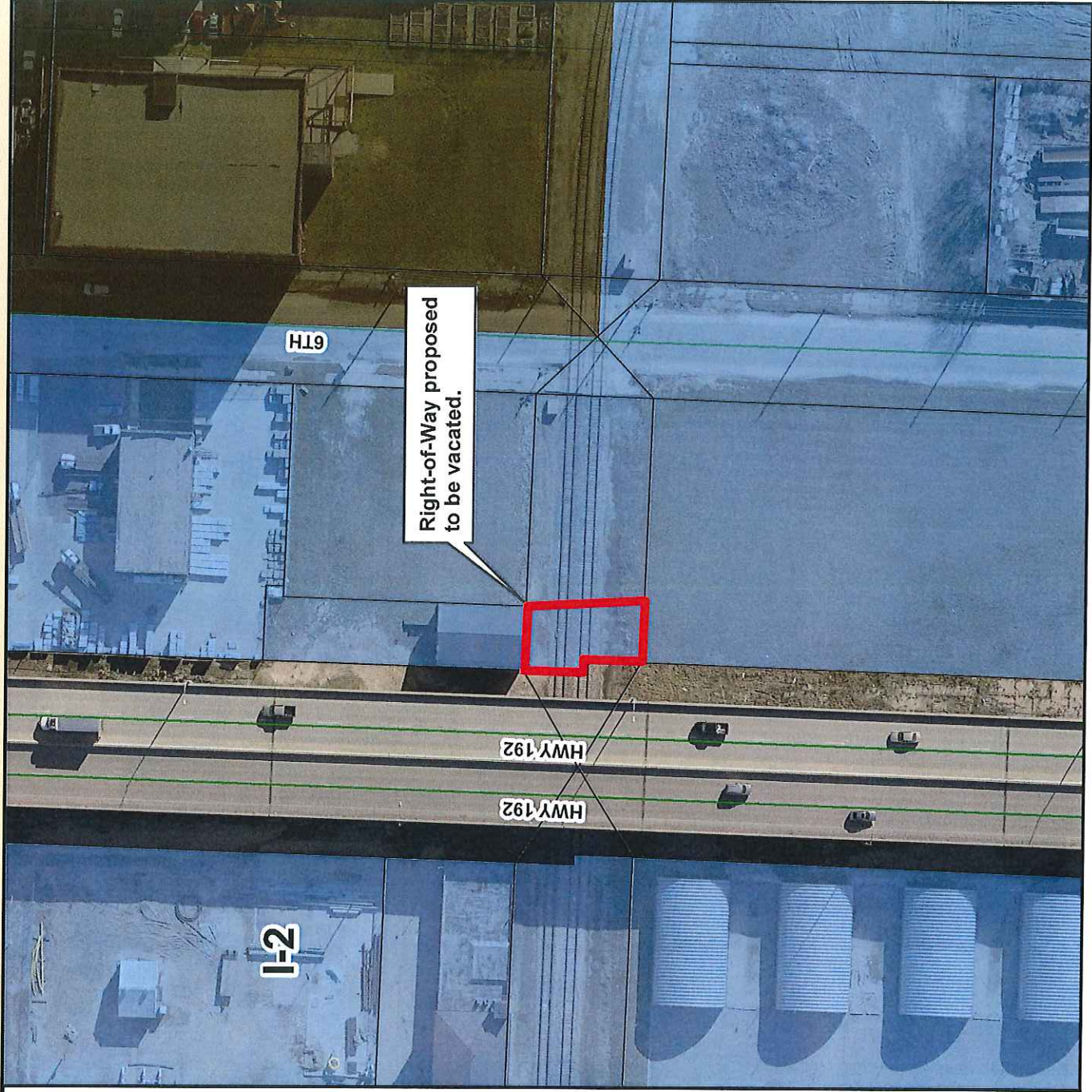
Map Legend



Last Amended: 6/18/18

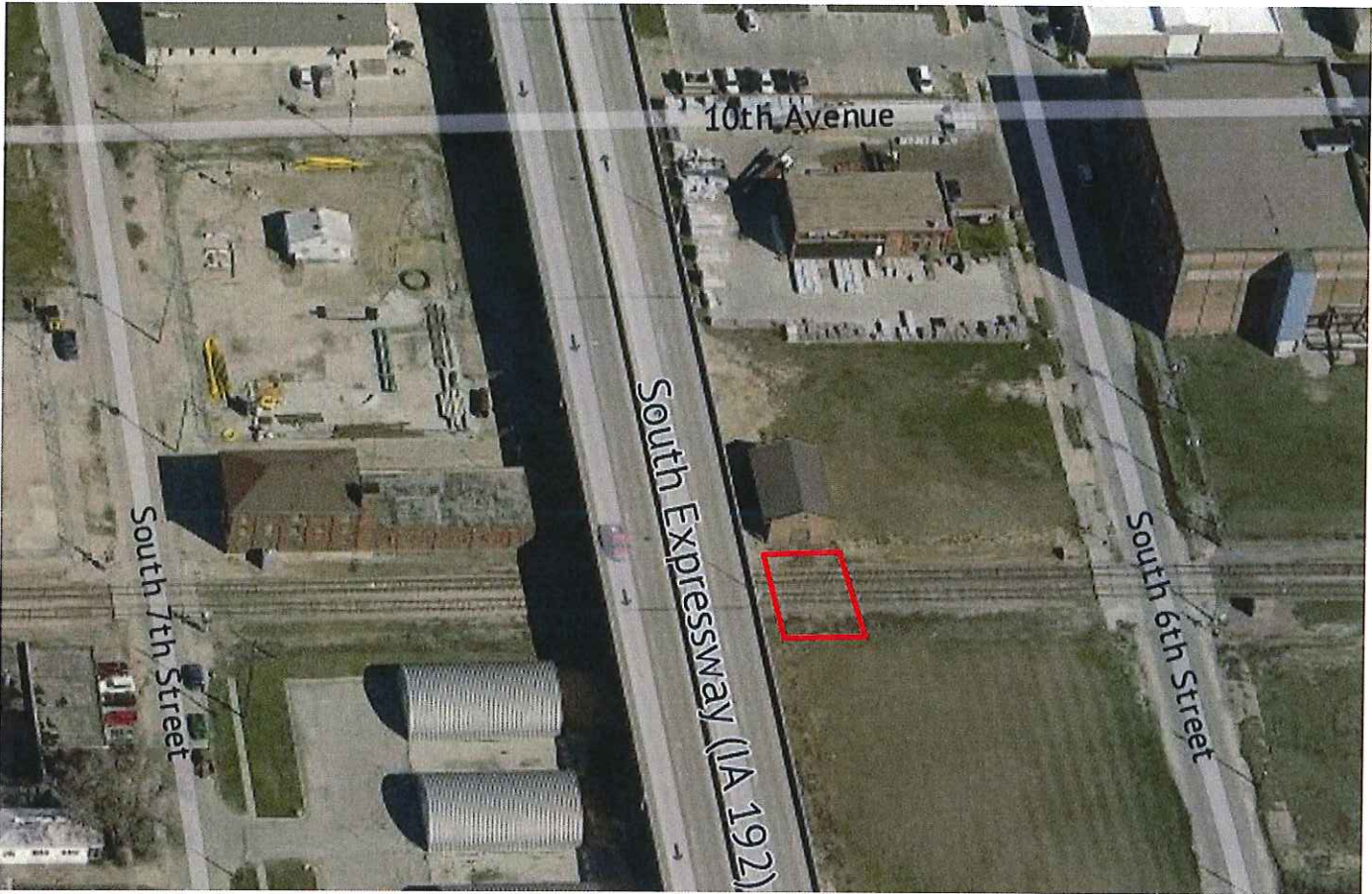
Council Bluffs Community
 Development Department
 209 Pearl Street
 Council Bluffs, IA 51503
 Telephone: (712) 328.4629

DISCLAIMER
 This map is prepared and compiled from
 only the information that is available to the
 City of Council Bluffs. The City expressly
 disclaims any liability for any errors or
 omissions in this map. The information
 contained on this map is for informational
 purposes only and should not be used as a
 basis for any legal action. The City
 assumes no legal responsibility for the information
 contained on this map.



Attachment B:

Site Photos



Aerial Photo of Subject Right-of-Way (highlighted in red)

Ground-Level Photo of Subject Right-of-Way (Facing West)



Ground-Level Photo of Subject Right-of-Way (Facing West)



City Planning Commission

| | | |
|--|---|---|
| Department: Community Development Case #SAV-18-012 Applicant: Mike Collins 26279 Idlewood Road McClelland, IA 51548 Representative: Glen Vanderpool 1318 Avenue K Council Bluffs, IA 51501 | Resolution of Intent No. _____ Resolution to Dispose No. _____ | Planning Commission: 07/10/18 Set Public Hearing: Public Hearing: |
|--|---|---|

Subject/Title

Request: Public Hearing on the request of Mike Collins to vacate and dispose of a portion of Hyde Avenue extending from the West right-of-way line of Logan Street, and abutting properties legally described Lot 31, excluding right-of-way, Johnson's Addition and the East 160 feet of Lot 1, Partition Subdivision of Part of the SE1/4 NE1/4 of Section 25-75-44, City of Council Bluffs, Pottawattamie County, Iowa.

Location: West of Logan Street

Background

The Community Development Department has received an application from Mike Collins, represented by Glen Vanderpool, to vacate and dispose of a section of unimproved section of Hyde Avenue located West of Logan Street. The applicant wishes to vacate this section of right-of-way to access his parcel which is legally described as the East 160 feet of Lot 1 South of Hyde Avenue, Partition Subdivision Part of SE ¼ of the NE ¼ of Section 25-75-44.

The following attachments have been included for reference:

Attachment A: Location and Zoning Map

Attachment B: Site Photos

On August 25, 2003 the City Council amended the adopted *Policy and Procedures for Alley, Street and Right-of-way Vacations*. The objectives of the amended Policy are as follows:

1. *To provide due process and citizen participation in the application and review process for vacations.*
 There are four separate property owners with land that abuts the subject right-of-way. The owners of these properties are as follows:
 North – Undeveloped property owned by Edward and Natasha Gregory.
 Undeveloped property owned by the State of Iowa
 South – Undeveloped property owned by Mike Collins
 Undeveloped property owned by the State of Iowa

 All abutting property owners were mailed petitions asking if they are in favor of/opposed to and/or willing to/not willing to acquire the portion of the alley that abuts their property, if vacated. Responses to these petitions are summarized in Comment #10 below.
2. *To ensure that no property owner is deprived of required and reasonable access.*
 Access to the adjacent properties will not be changing as a result of this vacation.

3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way.* This request will create a dead-end right-of-way at Hyde Avenue North of 347 Hyde Avenue.
4. *To reduce or eliminate hazardous and dangerous traffic conditions.* The subject right-of-way is unimproved and is not used for vehicular and/or pedestrian traffic.
5. *To protect all existing and proposed public utilities located in the right-of-way and to maintain necessary utility easements.*

All City Departments and utilities were notified of the request. The following responses were received:

- Public Works Department stated they are not opposed to the vacation request.
- The Fire Marshall stated he has no comments.
- The Permits and Inspections Division stated they have no comments.
- The Planning Division is opposed to the vacation and disposal of this right-of-way, as taking away the Hyde Avenue frontage to the parcel currently owned by Mike Collins (Legally described as being the East 160 feet of Lot 1 South of Hyde Avenue, Partition Subdivision of Part of the SE ¼ of the NE ¼ of Section 25-75-44) will create a parcel that does not meet the required street frontage for a lot in the R-2/Two-Family Residential District of 50 feet. If vacated, the parcel owned by Mike Collins would only have 25 feet of frontage to a publically dedicated right-of-way.
- Council Bluffs Water Works stated they have no utilities in the subject alleyway.
- MidAmerican Energy stated they have no objections to the proposed vacation.

6. *To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.* Not applicable.
7. *To discourage the vacation of a portion of an existing alley, street or other right-of-way.* The request is to vacate the entire width of the right-of-way, but not the entire length of the right-of-way.
8. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.* The request is consistent with the local access and circulation objectives stated in Chapter 6, Transportation of the Bluffs Tomorrow: 2030 Plan (comprehensive plan).
9. *To reduce the City's maintenance liability on previously vacated right-of-way parcels from public improvement projects and various lots acquired through delinquent taxes or assessments.* Not applicable.
10. *To establish an equitable price for surplus public property.* All abutting property owners were notified about this vacation request. The following responses were received:
 - Mike Collins stated he is in favor of the request and willing to acquire his portion of right-of-way for \$630.00.
 - Edward Gregory stated in a phone call that he is in favor of the request and willing to acquire his portion of right-of-way for \$630.00.
 - Community Development Staff has attempted to make contact with the department with the State of Iowa that maintains the ownership of this parcel, but has been unable formally determine the preference of vacation or willingness to acquire has been received. If the State of Iowa does not wish to acquire their portion of the vacated right-of-way, it will be offered to Mr. Collins and Mr. Edwards at an additional fee.

Recommendation

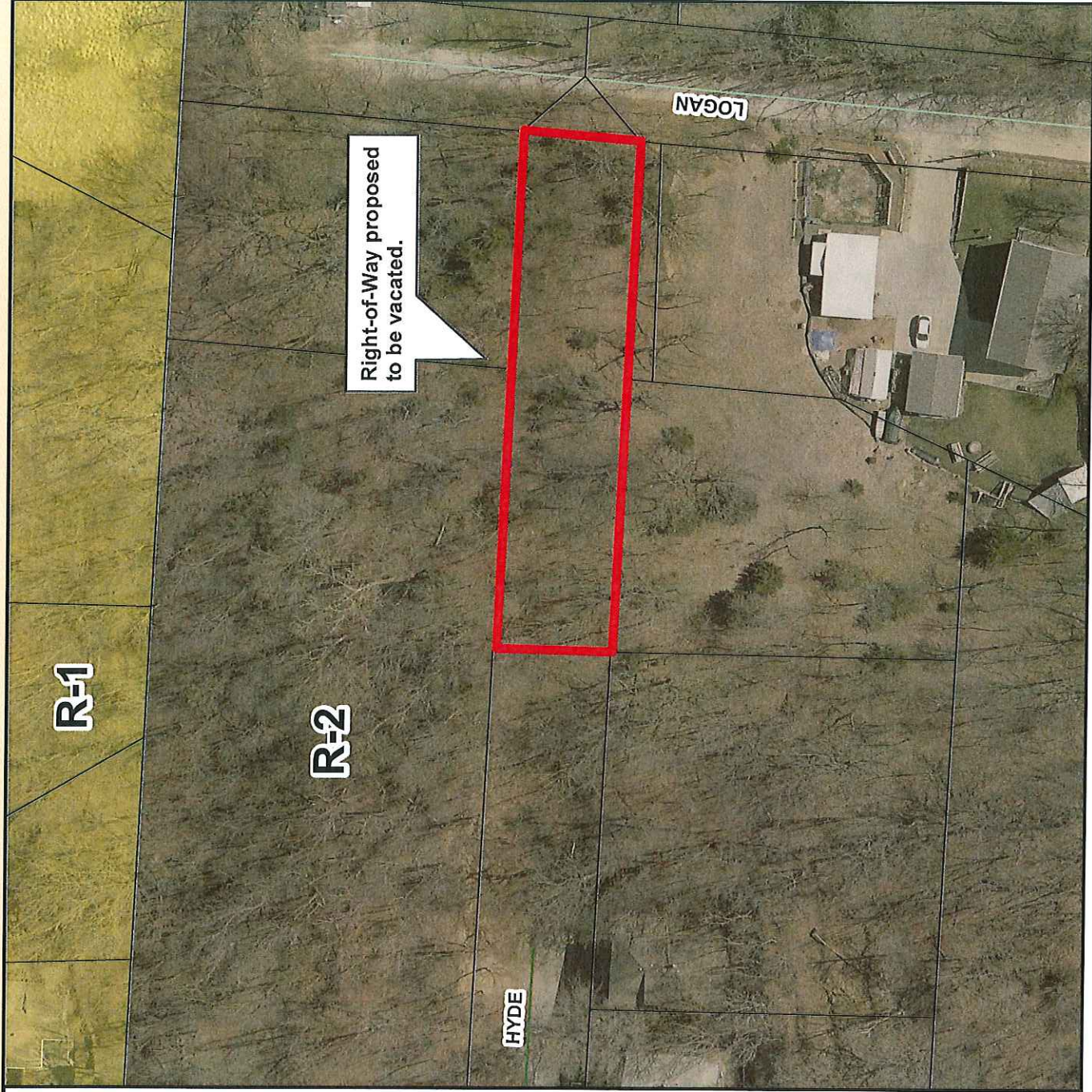
The Community Development Department recommends **denial** of the request to vacate and dispose of the section of Hyde Avenue West of Logan Street based on the fact that the vacation will be creating a dead-end right-of-way, and the fact that it will be creating a parcel that does not meet the required street frontage in the R-2/Two-Family Residential Zoning District.

Attachment A – Location and Zoning Map

Attachment B – Site Photos

Prepared By: Chris Meeks, Planner, Community Development Department

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASE #SAV-18-012 LOCATION AND ZONING MAP



Last Amended: 6/18/18

DISCLAIMER
This map is provided for informational purposes only. The City of Council Bluffs does not warrant the accuracy or completeness of the information contained herein. The City assumes no liability for any errors or omissions. The City assumes no responsibility for any damages, including consequential damages, arising from the use of this map. The City assumes no responsibility for any damages, including consequential damages, arising from the use of this map.

Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328.4629

Attachment B:

Site Photos



Aerial Photo of Subject Right-of-Way (approximate location highlighted in red)

Ground-Level Photo of Subject Right-of-Way (Facing East)

Note: The area proposed to be vacated is approximately 100 feet East of the end of the pavement.



Ground-Level Photo of Subject Right-of-Way (Facing Northwest)

Note: The paved surface is the right-of-way of Logan Street.

