



AGENDA
ZONING BOARD OF ADJUSTMENTS
COUNCIL BLUFFS PUBLIC LIBRARY, MEETING ROOM A
400 WILLOW AVENUE, COUNCIL BLUFFS, IA
Tuesday, July 17, 2018 - 4:00 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ADOPTION OF AGENDA**
- 5. APPROVAL OF MINUTES**
- 6. PROOF OF PUBLICATION/POSTING**
- 7. REVIEW OF MEETING PROCEDURES**
- 8. PUBLIC HEARINGS**

A. CASE# BA-18-004

Public hearing on the request of Blake Jensen for a variance from Section 15.08B.050 Site Development Regulations, relative to maximum lot coverage allowed, in the R-1/Single-Family Residential District, of the Municipal Code (Zoning Ordinance), on property legally described as Lot 33, Lakewood Villas Subdivision and the South 1/2 of the canal adjacent.

Location: 33 Lakewood Villa.

B. CASE #BA-18-005

Public hearing on the request of request of HGR Investments for a variance from Sections 15.23.020(07), General Provisions, and Section 15.23.030(1)(d1), Off Street Parking, Loading and Unloading, Required Green Space, Off-Street Parking, Loading and Unloading of the Municipal Code (Zoning Ordinance) to allow off-street parking to be located three feet from the north property line, as opposed to the required five feet, on property legally described as being Lots 15 through 17 and the West 27 feet of Lot 18, Block 36, Central Subdivision.

Location: 2550 West Broadway

C. CASE #CU-18-001

Public hearing on the request of Clark Storage, LLC, represented by

Henry Clark, for a conditional use permit to allow a 'commercial storage' use in a R-4/High Density Multi-Family Residential District on property legally described as being part of Tract 4, Sherwood Subdivision, Phase 2 of the NE 1/4 of Section 29-75-43 and the SE 1/4 of Section 20-75-43, being more particularly described as: Commencing at the North One-Quarter Corner of said Section 29; thence South 00°28'46" West (assumed bearing) for 601.20 feet along the west line of Tract 1, Sherwood Subdivision; thence South 89°42'54" East for 734.06 feet along the south line of said Tract 1 to the Point of Beginning; thence North 01°55'34" East for 365.68 feet along the west line of said Tract 4 (Phase 2); thence the following six (6) courses along the northerly line of said Tract 4 (Phase 2): (1)South 88°07'43" East for 259.02 feet (2)North 62°19'42" East for 135.88 feet (3)North 03°22'57" East for 160.06 feet (4)South 86°34'35" East for 209.97 feet (5)North 03°23'25" East for 173.82 feet (6)South 86°37'58" East for 238.30 feet; thence South 15°58'43" West for 759.19 feet along the west line of Valley View Drive Right-of-Way as described in Book 2008, Page 8642 in the Pottawattamie Records Office; thence North 89°44'11" West for 649.73 feet along the south line of said Tract 4 (Phase 2) to the Point of Beginning, City of Council Bluffs, Pottawattamie County, Iowa.

Location: Lying South of 2009 Sherwood Court and North of 1020 Railroad Avenue.

9. OTHER BUSINESS

A. Items of interest

10. ADJOURNMENT

Any questions or concerns regarding this agenda and/or requests for special accommodations at this meeting should be directed to the Community Development Department at (712) 328-4629 or email at bcarrico@councilbluffs-ia.gov.

Zoning Board of Adjustment Communication

Department: Zoning Board of
Adjustment

Case/Project No.: CASE# BA-18-
004

CASE# BA-18-004

Council Action: 7/17/2018

Submitted by: Christopher
Gibbons, Planning Coordinator

Description

Public hearing on the request of Blake Jensen for a variance from Section 15.08B.050 Site Development Regulations, relative to maximum lot coverage allowed, in the R-1/Single-Family Residential District, of the Municipal Code (Zoning Ordinance), on property legally described as Lot 33, Lakewood Villas Subdivision and the South 1/2 of the canal adjacent.

Location: 33 Lakewood Villa.

Background/Discussion

See attachments below.

Recommendation

ATTACHMENTS:

Description

STAFF REPORT & ATTACHMENTS - BA-18-004

Type

Other

Upload Date

7/12/2018

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: July 17, 2018

RE: **CASE #BA-18-004**

REQUEST: Public hearing on the request of Blake Jensen for a variance from Section 15.08B.050 *Site Development Regulations*, relative to maximum lot coverage allowed, in the R-1/Single-Family Residential District, of the Municipal Code (Zoning Ordinance), on property legally described as Lot 33, Lakewood Villas Subdivision and the South 1/2 of the canal adjacent. Location: 33 Lakewood Villa.

APPLICABLE

CODE SECTION: **Section 15.08B.050 Site Development Regulations for the R-1/Single Family Residential Zoning District**

RELIEF SOUGHT: A 40% Structure Coverage Maximum in the R-1/Single Family Residential District.

LEGAL

DESCRIPTION: Lot 33 and Half of the Canal Adjacent, Lakewood Villas, City of Council Bluffs, Pottawattamie County, Iowa.

LOCATION: 33 Lakewood Villa

APPLICANT/OWNER: Blake Jensen, 33 Lakewood Villa, Council Bluffs, IA 51501

BACKGROUND INFORMATION – Blake Jensen has applied for a variance from Section 15.08B.050, Site Development Regulations in the R-1/Single Family Residential District of the Municipal Code (Zoning Ordinance) in order to allow a previously constructed deck addition/boat cover to remain on the property.

According to the Pottawattamie County Assessor's records, prior to the construction of the deck addition/boat cover, the 7,038 square foot property contained 2,325 square feet of structures, which means approximately 33% of the parcel was covered by structures. The addition of the approximately 500 square foot deck addition/boat cover has increased the structure coverage to 2,825 square feet, which is approximately 40% of the parcel being covered by structures. The construction of the deck addition/boat cover has caused the property to exceed the maximum structure coverage allowed in an R-1/Single Family Residential Zoning District of 35%.

The following attachments have been included for your reference:

Attachment A: General Location Map

Attachment B: Applicant's Submitted Site Plan

Attachment C: Site Photos

CURRENT ZONING AND LAND USE – The subject property is zoned R-1/Single Family Residential District. Surrounding properties include residential structures in the Lakewood Villa Subdivision immediately to the North, East, and West, and the Lake Manawa State Park to the South. The adjacent residential property are also zoned R-1/Single Family Residential, with Lake Manawa State Park being zoned A-1/Open Space Conservation District.

The following variances have been issued in the general vicinity of the subject property.

- Case #BA-90-011: A 9 foot front yard setback variance for an attached garage at 38 Lakewood Villa.
- Case #BA-94-003: A 15 foot front yard setback variance for a residential structure at 35 Lakewood Villa.
- Case #BA-98-002: A 6 foot front yard setback variance and a 1 foot side yard setback variance and a variance from the Nonconforming Structures chapter of the Municipal Code to allow an accessory structure to be constructed in front of the principal structure at 36 Lakewood Villa.
- Case #BA-02-007: A 20 foot front yard setback variance and a 378 square foot lot coverage variance for a residential structure at 28 Lakewood Villa.
- Case #BA-07-007: A 19 foot front yard setback variance and an 11 foot rear yard setback variance to for a residential structure at 83 Lakewood Villa.

CITY DEPARTMENTS AND UTILITIES – All City departments and local utility providers were notified of the requested variance. The following comments were received:

- The Council Bluffs Fire Marshall had no comments regarding the proposal.
- The Council Bluffs Public Works Department had no comments regarding the proposal.
- Council Bluffs Water Works had no comments regarding the proposal.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet of the subject property were notified of the requested variance. No comments have been received as of the date of this report.

COMMENTS - Evidence must be presented to demonstrate that a literal enforcement of the Ordinance will create a hardship for which relief is necessary. The Board of Adjustment shall approve a variance to grant relief when ‘unforeseen applications of this Ordinance...create particular hardships’. No variance shall be granted unless the Board of Adjustment makes findings of fact based on the standards and conditions that follow. A variance less than requested may be granted by the Board when the record supports the applicant’s right to some relief, but not to the entire relief requested. (§15.02.080 – Variances)

1. *The particular property, because of size, shape, topography or other physical conditions suffers singular disadvantage through the application of this ordinance, which does not apply to other properties in the vicinity. The size, shape and topography of the property are typical of those in the general vicinity and surrounding area. The lot exceeds the width, depth, and square footage requirements for a lot in the R-1/Single Family Residential District. The property does include the adjacent half of the canal, as does all of the neighboring properties, with the square footage of the canal also included in the lot area.*
2. *Because of such disadvantage, the owner is unable to make reasonable use of the affected property. The existing home appears to meet all setback and lot coverage requirements. The single family dwelling that is currently on the property is compliant with the zoning district and allowed to exist in the state it was prior to the construction of the deck extension/boat cover.*
3. *The disadvantage does not exist because of conditions created by the owner or previous owners of the property. The need for the variance is created by a design preference created by the current property owners. The property will still be able to be reasonably used without the granting of this variance.*
4. *Granting the variance will not confer on the applicant any special privileges that are denied by this ordinance to other properties or structures in the same district. Granting the variance will allow the applicant to have a greater percentage of their lot covered by structures than other properties in the vicinity.*

5. *Granting the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the purpose and intent of this ordinance. The variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this ordinance that create particular hardships. The request for the above mentioned variances are the result of a design preference, not a physical hardship specific to the individual property.*

RECOMMENDATION

The Community Development Department recommends denial of the requested variance to Section 15.08B.050-R-1/Single Family Residential District- Site Development Regulations- for property legally described as Lot 33 and Half of the Canal Adjacent, Lakewood Villas, City of Council Bluffs, Pottawattamie County, Iowa, based on the reasons stated above.

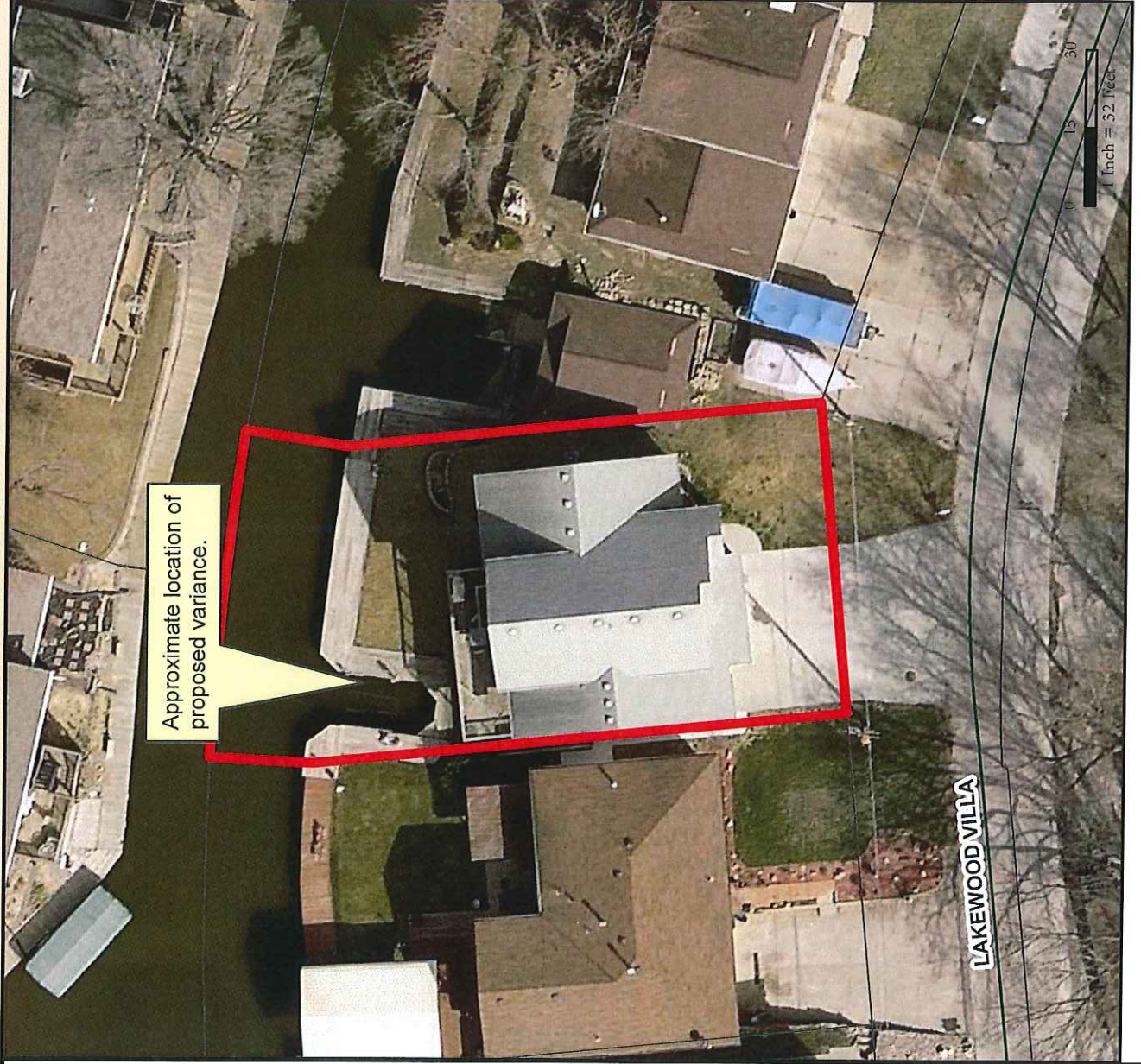
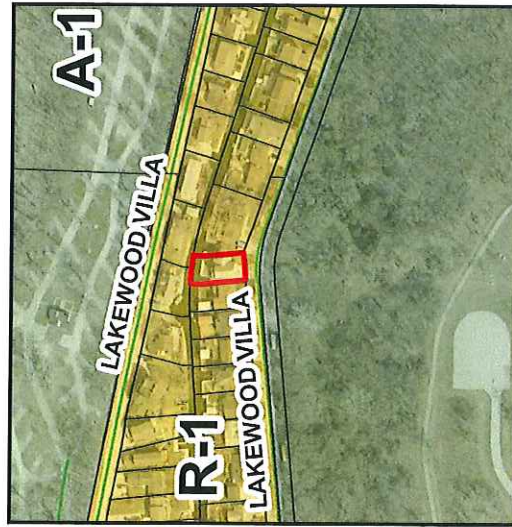
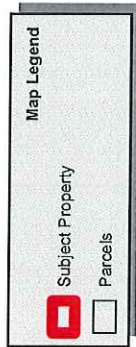


Christopher Gibbons, AICP
Planning Coordinator



Chris Meeks
Planner

CITY OF COUNCIL BLUFFS ZONING BOARD OF ADJUSTMENT LOCATION/ZONING MAP - CASE # BA-18-004



Last Amended: 6/18/18

DISCLAIMER
This map is prepared and compiled from City documents, photos and other public information. It is not a legal document. It is hereby notified that the City expressly disclaims any liability for any errors or omissions. If any use of the information contained on this map is made, the user assumes full responsibility for the accuracy of the information/data contained on this map. The City of Council Bluffs assumes no legal responsibility for the information contained on this map.

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



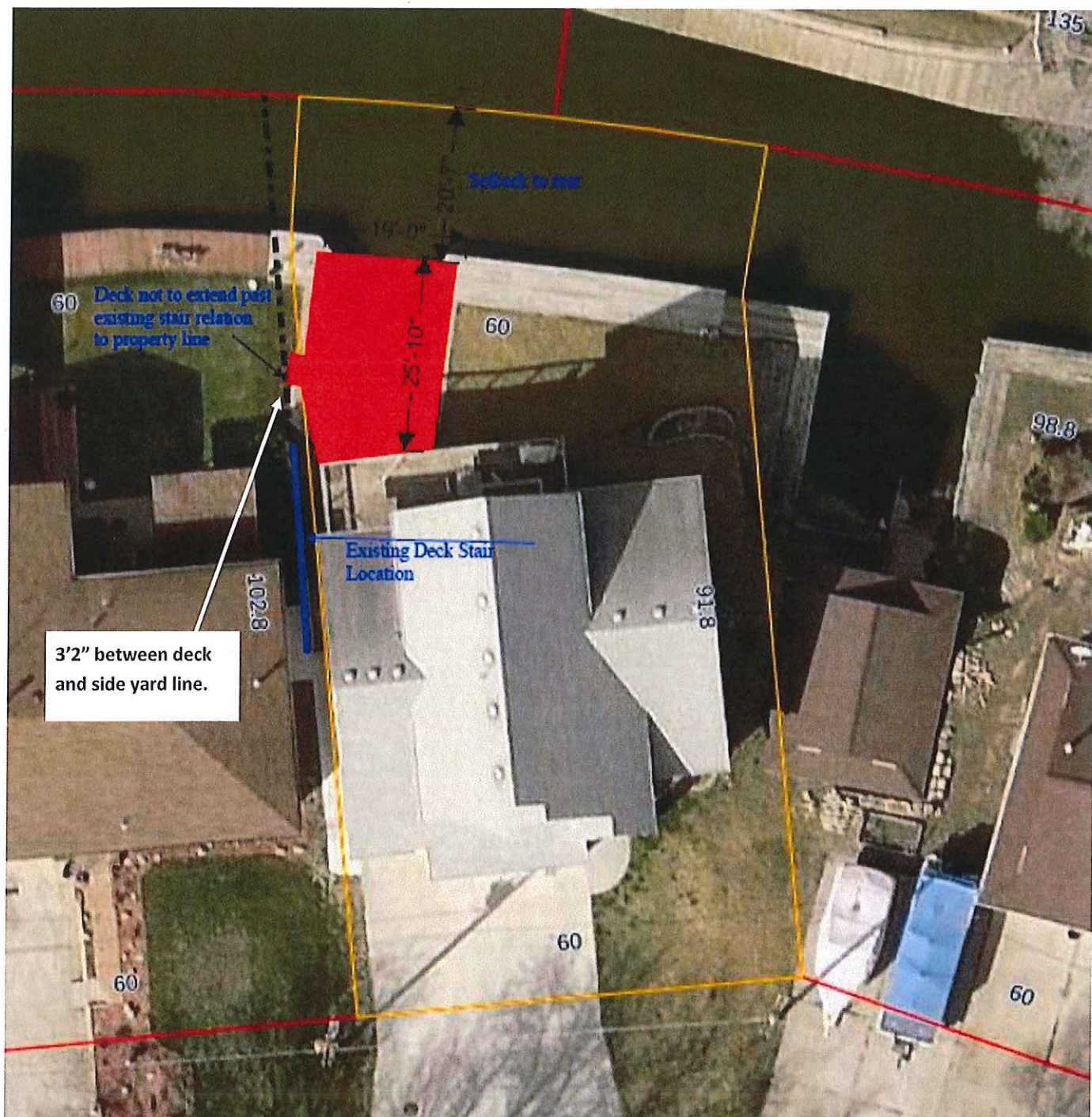
Attachment B

Site Photos



Attachment B

Applicant's Submitted Site Plan



Zoning Board of Adjustment Communication

Department: Zoning Board of
Adjustment

Case/Project No.: CASE #BA-18-
005

CASE #BA-18-005

Council Action: 7/17/2018

Submitted by: Christopher
Gibbons, Planning Coordinator

Description

Public hearing on the request of request of HGR Investments for a variance from Sections 15.23.020(07), General Provisions, and Section 15.23.030(1)(d1), Off Street Parking, Loading and Unloading, Required Green Space, Off-Street Parking, Loading and Unloading of the Municipal Code (Zoning Ordinance) to allow off-street parking to be located three feet from the north property line, as opposed to the required five feet, on property legally described as being Lots 15 through 17 and the West 27 feet of Lot 18, Block 36, Central Subdivision.

Location: 2550 West Broadway

Background/Discussion

See attachments below.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
STAFF REPORT AND ATTACHMENTS - CASE #BA-18-005	Other	7/12/2018

TO: Zoning Board of Adjustment
FROM: Community Development Department
DATE: July 11, 2018

RE: CASE #BA-18-005

APPLICABLE CODE SECTIONS: §15.23.020(07) Off Street Parking, Loading and Unloading, General Provisions
§15.23.030(1)(D1) Required Green Space

RELIEF SOUGHT: A two-foot variance to allow off-street parking to be located three feet from the north property line, as opposed to, the required five feet.

LEGAL DESCRIPTION: Lots 15 through 17 and West 27 feet of Lot 18, Block 36, Central Subdivision

APPLICANT: Nathan B. Heinrich, President, HGR Investments
10540 North Second Street, Machesney Park, IL 61115

OWNER: Ronald L. Cumberledge
516 Locust Street, Carter Lake, IA 51510

BACKGROUND INFORMATION – The Community Development Department has received an application from HGR Investments requesting a variance from Section 15.23.020(07), General Provisions and Section 15.23.030(1)(D1), Required Greenspace, Off-Street Parking, Loading, and Unloading of the Municipal Code (Zoning Ordinance) to allow off-street parking to be located three feet from the north property line, as opposed to the required five feet, on property legally described above (see Attachment A).

- Section 15.23.020(07), General Provisions, Off-Street Parking, Loading and Unloading of the Municipal Code (Zoning Ordinance) states “*In non one and two family uses, all parking surfaces, spaces, circulation and aisles along the outer boundaries of a parking lot, vehicle entry paths, apron spaces, all driveways and other traveled areas shall be setback a minimum of five feet from the property line, unless required for approved access*”.
- Section 15.23.030(1)(D1), Required Greenspace, Off-Street Parking, Loading and Unloading of the Municipal Code (Zoning Ordinance) states “*A minimum of five feet of landscaped area is required between a parking surface and the property line*”.

The subject property is the former D&R Auto Sales site at 2550 West Broadway. The applicant proposes to demolish all existing structures on the property and to redevelop the site with a new 2,100 square foot fast-foot restaurant (Starbucks) with 23 off-street parking spaces. The applicant has requested this variance in order to allow seven parking stalls to be setback three feet, as opposed to the required five feet, from the north property line, so that other site development standards for this project (e.g., building setbacks, drive-aisle widths, and landscape buffers) will comply with C-2/Commercial District and CDO/Corridor Design Overlay Standards.

The applicant has submitted a letter of intent for this request, which includes a response to the five Findings of Fact that the Zoning Board of Adjustment must consider when approving or denying a

variance request, as per Section 15.02.080, Variances of the Municipal Code (Zoning Ordinance). Additionally, the applicant has submitted five conceptual layout plans for the redevelopment project, as follows:

Option 1 (see Attachment B): This site plan shows a 2,100 square foot restaurant building oriented east/west on the south half of the property along with a seven car drive-thru lane on the west side of the building and 22 off-street parking stalls along the east and north sides of the property. There is one-way entrance from West Broadway into the site, along with a two-way ingress/egress driveway onto the alley and an exit onto N. 26th Street. Traffic circulation is designed as one-way, except for the driveway entrance onto the adjacent alley. All required five-foot parking lot setbacks will be provided along with the required 10 foot-wide and 5 foot-wide Corridor Design Overlay landscape buffers along the south and west property lines. Additionally, the plan design shows the minimum amount of required parking for the restaurant use will be provided. The applicant's engineer notated traffic circulation, vehicle stacking and safety concerns on the plan for why this layout option is not suitable for their redevelopment project.

Option 2 (see Attachment C): This site plan shows a 2,100 square foot restaurant building oriented east/west on the south half of the property along with a seven car drive-thru lane on the west side of the property and 22 off-street parking spaces along the east and north sides of the property. There is one-way entrance from West Broadway into the site, along with a two-way ingress/egress driveway onto the alley and an exit onto the adjacent alley. All required five-foot parking lot setbacks will be provided along with the required 10 foot-wide and 5 foot-wide Corridor Design Overlay landscape buffers along the south and west property lines. Additionally, the plan design shows the minimum amount of required parking for the restaurant use will be provided. The applicant's engineer notated traffic circulation, vehicle stacking and safety concerns on the plan for why this layout option is not suitable for their redevelopment project.

Option 3 (see Attachment D): This site plan shows a 2,200 square foot restaurant building oriented east/west along the north half of the property along with a seven car drive-thru lane on the north side of the building and 14 off-street parking stalls on the east and south sides of the property. There is a two-way ingress/egress driveway onto West Broadway along with a one-way exit only onto the adjacent alley. Traffic circulates one-way for the off-street parking spaces on the east side of the property and two-way for the off-street parking spaces on the south side of the building. The applicant has provided a 13 foot-wide setback from the edge of the drive-thru lane to the north property line, which exceeds the minimum five feet required. All required five-foot parking lot setbacks will be met along with the required 10 foot-wide and 5 foot-wide Corridor Design Overlay landscape buffers along the south and west property lines. This plan design does not provide the required 22 spaces for the restaurant. The applicant's engineer notated traffic circulation, vehicle stacking and safety concerns on the plan for why this layout option is not suitable for their redevelopment project.

Option 4 (see Attachment E): This site plan shows a 2,100 square foot restaurant oriented north/south along the westerly portion of the property along with an eight car drive-thru lane on the north/west side of the building and 21 off-street parking stalls on the central/easterly side of the property. There is a one-way ingress driveway from West Broadway into the site along with a two-way egress/ingress driveway onto the adjacent alley. Traffic circulates one-way for the off-street parking stalls. All required five-foot parking lot setbacks will be provided along with the required 10 foot-wide and 5 foot-wide Corridor Design Overlay landscape buffers along the south and west property lines. Additionally, the plan design shows the minimum amount of required parking for the restaurant use will be provided.

The applicant's engineer notated traffic circulation, vehicle stacking, difficult turning movements and safety concerns on the plan for why this layout option is not suitable for their redevelopment project.

Preferred Option (see Attachment F): The site plan shows a 2,100 square foot restaurant oriented east/west on the south half of the property along with a seven car drive-thru lane on the west/south side of the building and a 23 off-street parking stalls on the northerly/easterly side of the property. There is a one-way ingress driveway from West Broadway into the site along with a one-way egress driveway and a two-way ingress/egress driveway onto the adjacent alley. Traffic circulates one-way for the parking spaces on the east side of the property and circulates two-way for parking spaces on the north side of the property. The seven parking stalls located along the north side of the property encroach two feet into the required five foot parking setback, adjacent to the alley. All other required five-foot parking lot setbacks will be met along with the required 10 foot-wide and 5 foot-wide Corridor Design Overlay landscape buffers along the south and west property lines. The plan is designed to provide two additional parking stalls above the required 21 spaces for the restaurant. The applicant's engineer notated the two-way traffic circulation pattern for the northerly parking and the two-way ingress/egress driveway onto the alley as being more flexible and efficient for walk-in and drive-thru customers. Their engineer also notated that the right-in only ingress from West Broadway minimizes traffic back-ups and that the building width was reduced from their preferred 30 foot width to 21 feet. Furthermore, the plan states the two-foot parking setback variance along the alley will not directly impact neighboring land owners, and will be unnoticeable to a passerby.

The Community Development has discussed the different design alternatives with the applicant and their engineers. The preferred design alternative can accommodate the five-foot wide setback along the north property line if the two-way drive aisle, in the north parking lot, is converted to a one-way, which will allow for an 18 foot-wide drive aisle versus the required 24 feet. The issues/concerns stated on the plan options are relative to a design preference for their business operation and not an unnecessary hardship with the property.

CURRENT ZONING AND LAND USE – The subject property is zoned C-2/Commercial District with a CDO/Corridor Design Overlay. Surrounding zoning includes R-3/Low Density Multi-family Residential District and C-2 District to the west; C-2 District to the east and C-2 District to the north. All properties in the general vicinity of this request that have frontage along West Broadway and/or N. 26th Street are located with a CDO Overlay. Surrounding land uses include Vision Specialist to the east, a residential dwelling and automotive service establishment to the north, a retail commercial building and a parking lot to the west. The use of the property as a restaurant is permitted and is not at issue.

The subject property is corner lot with frontage along West Broadway and N. 26th Street. The property's dimensions are 159' (wide) by 120' (deep) and contains 19,080 square feet of land area. Both the lot size and lot dimension exceed the minimum C-2/Commercial District size requirements.

CITY DEPARTMENTS AND UTILITIES – All City Departments and local utility providers were notified of the proposed variance request. The following comments have been received:

1. Building Division stated they have no issues with the variance request and that an asbestos evaluation of the site must be completed prior to any demolition work.
2. Council Bluffs Fire Department stated they no comments for the variance request
3. Council Bluffs Public Works Department stated they are no opposed to the variance and that if the request is granted improvements to the adjacent alley must be completed.
4. Council Bluffs Police Department stated they are no objection to the variance request.

- 5. Council Bluffs Water Works stated they have no comments for the variance request.
- 6. Mid-American Energy Company stated they no objection to the variance request.

NEIGHBORHOOD RESPONSE – All property owners located within 200 feet are notified of requests for variances. No comments have been received for this request as of the date of this report.

COMMENTS

Evidence must be presented to demonstrate that a literal enforcement of the Ordinance will create a hardship for which relief is necessary. The Board of Adjustment shall approve a variance to grant relief when ‘unforeseen applications of this Ordinance... create particular hardships’. No variance shall be granted unless the Board of Adjustment makes findings of fact based on the standards and conditions that follow. A variance less than requested may be granted by the Board when the record supports the applicant’s right to some relief, but not to the entire relief requested. (§15.02.080 – *Variances*)

1. *The particular property, because of size, shape, topography or other physical conditions suffers singular disadvantage through the application of this ordinance, which does not apply to other properties in the vicinity.* The size, shape and topography of the property are typical of those within the corridor and the surrounding area. The lot is generally flat with no physical impediments. The following exhibits show the existing conditions of the subject property:

Exhibit A: View of the north property line facing east, adjacent to the alley.

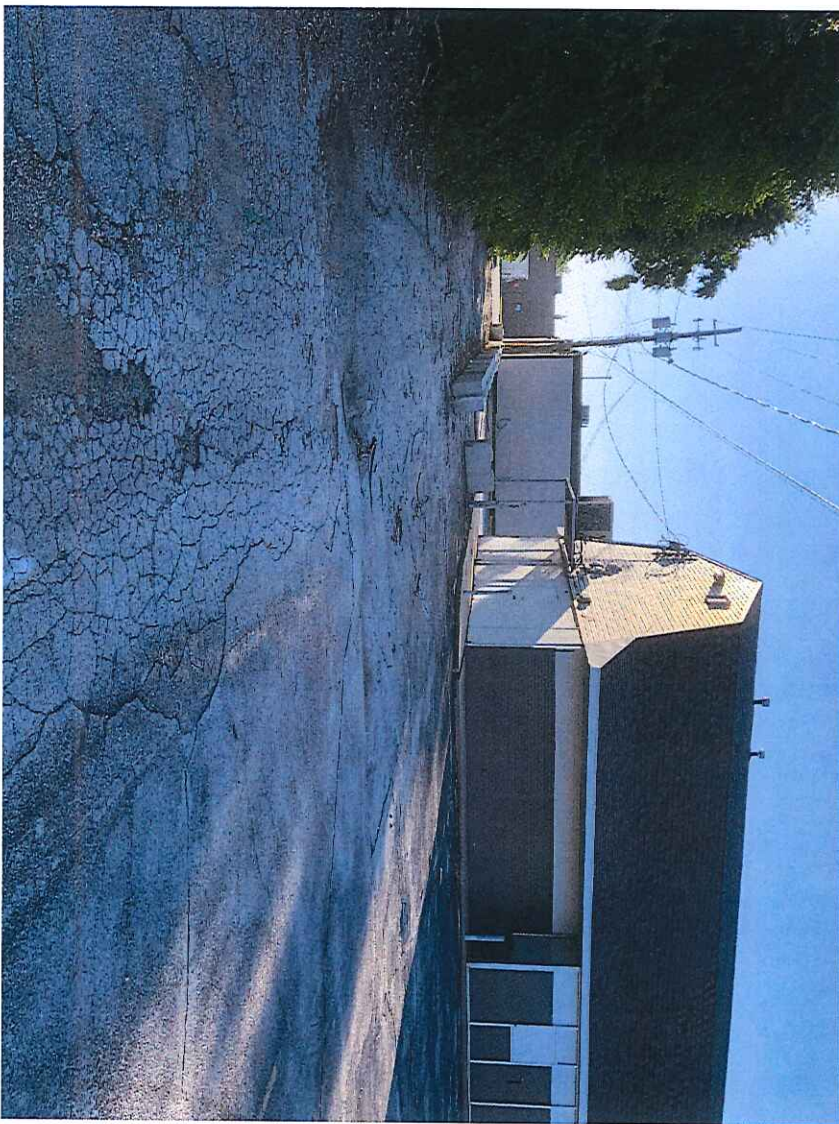
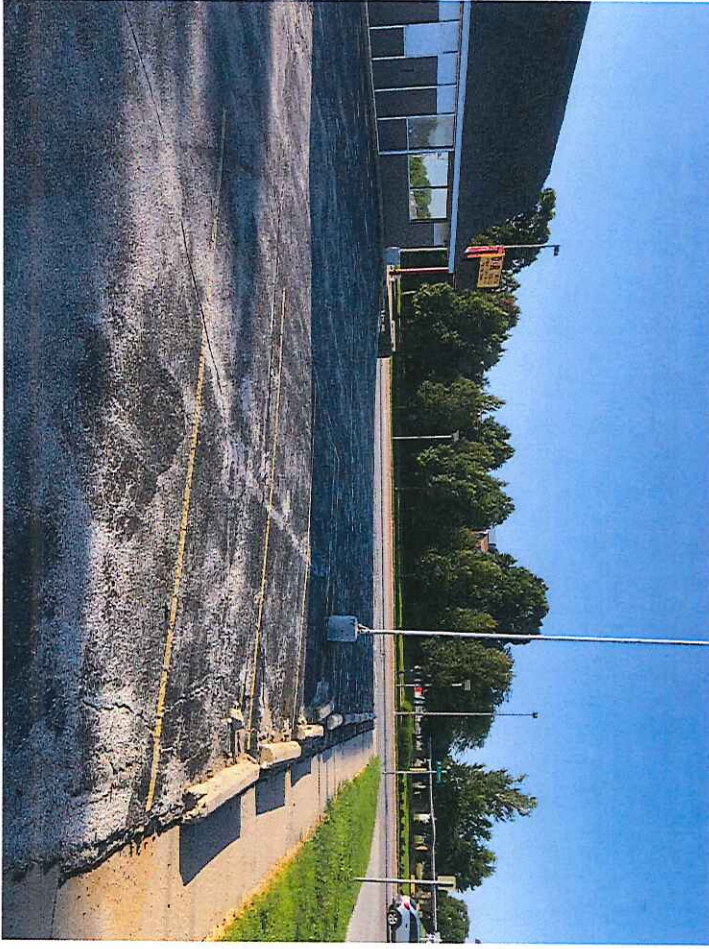


Exhibit B: View of the west side of the property, facing south



Exhibit C: View of the east side of the property, facing south



2. Because of such disadvantage, the owner is unable to make reasonable use of the affected property. The subject property is a corner lot that contains 19,080 square feet of land area with an existing commercial building. The owner can continue to use the existing building for a commercial operation or the subject property can be redeveloped in accordance with C-2/Commercial District and CDO/Corridor Design Overlay standards.
3. The disadvantage does not exist because of conditions created by the owner or previous owners of the property. The applicant has submitted three design alternatives (Attachments A, B, and D) which show their redevelopment project can be built to comply with the required five-foot wide parking lot setbacks from an adjoining property line along with the required five and ten foot CDO/Corridor Design Overlay landscape buffers. The disadvantage exists because of conditions created by the owner and their design preference for the site.
4. Granting the variance will not confer on the applicant any special privileges that are denied by this ordinance to other properties or structures in the same district. All commercial parking lots in the City of Council Bluffs are required to be setback five-feet from an adjoining property line. Approval of the two-foot parking lot setback variance will grant the applicant a special privilege not consistently provided to other properties zoned C-2 District w/CDO Overlay in the City.
5. Granting the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the purpose and intent of this ordinance. The variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this ordinance that create particular hardships. The applicant is requesting the variance because of a design preference and operational need for their business; and not because of an unnecessary hardship with the subject property.

RECOMMENDATION

The Community Development Department recommends denial of the requested variance for property legally described as Lots 15 through 17 and West 27 feet of Lot 18, Block 36, Central Subdivision, based on reasons stated above.



Christopher N. Gibbons, AICP
Planning Coordinator

CNG



MEMORANDUM

To: City of Council Bluffs

From: Trisha Sieh, PE
Kimley-Horn and Associates, Inc.

Date: June 15, 2018

Subject: *Parking Setback Variance Request Narrative*

The existing ±0.44 acre property, in the northeast corner of W. Broadway and 26th Street is currently occupied by D&R Auto. Thomas Jefferson Highschool is directly across the street. The proposed redevelopment would demolish the aging used-car sales establishment and replace it with a new 2,100 SF Starbucks coffee shop with a drive-thru, 23 parking stalls, and site appurtenances. The Site is zoned C-2 Commercial District with a CDO Corridor Design Overlay. The City has spent significant time and resources on the West Broadway Corridor Redevelopment studies and plan to aid and guide revitalization along the corridor. One of the identified goals or design objectives of the plan is to “Redevelop obsolete industrial and commercial land with new housing and commercial development at higher densities”. A coffee shop is a strong and stable community gathering spot that will contribute to the redevelopment and revitalization goals of the City.

The applicant respectfully requests one variance, for a 2’ reduction in the north parking setback, in order to comply with all other site-development aspects of the City code to make this redevelopment opportunity a reality.

VARIANCE

Findings of Fact. No variance shall be granted unless the zoning board of adjustment makes findings of fact based directly on the standards and conditions imposed by this section. These standards are as follows:

- 1. *The particular property, because of size, shape, topography or other physical conditions suffers singular disadvantage through the application of this ordinance, which does not apply to other properties in the vicinity.*

The C-2 Commercial District requires a 5’ rear parking setback. The applicant is requesting a variance for a 3’ rear parking setback (2’ relief) due to the size (120’ deep) and shape of the

property in conjunction with meeting City code for the number and size of parking stalls and other Site layout regulators such as building setbacks, front parking setback, ADA path width requirements, etc.

Starbucks has made modifications on this building and site layout design to fit the shape of the property, including narrowing the drive-thru lane from the typical 12' width to 10' in width, removing the front vestibule to make the overall building 6' narrower, and reducing the front sidewalk to minimum widths still complying with federal ADA requirements.

A short alley abuts the northern (rear) property line, therefore the 2' setback reduction along this alley will not directly affect any neighboring land owners and will be negligible or unnoticeable to the passerby. Extra landscape screening will be planted in this 3' wide buffer area, the same or greater density of landscaping that would have been planted in a 5' wide buffer area.

- 2. *Because of such disadvantage, the owner is unable to make reasonable use of the affected property.*

The literal interpretation of the Code would yield a smaller, inefficient building, which is not prudent given the small exchange request to be able to construct a building that will maximize the community gathering benefit and contribute to the revitalization along West Broadway.

- 3. *The disadvantage does not exist because of conditions created by the owner or previous owners of the property.*

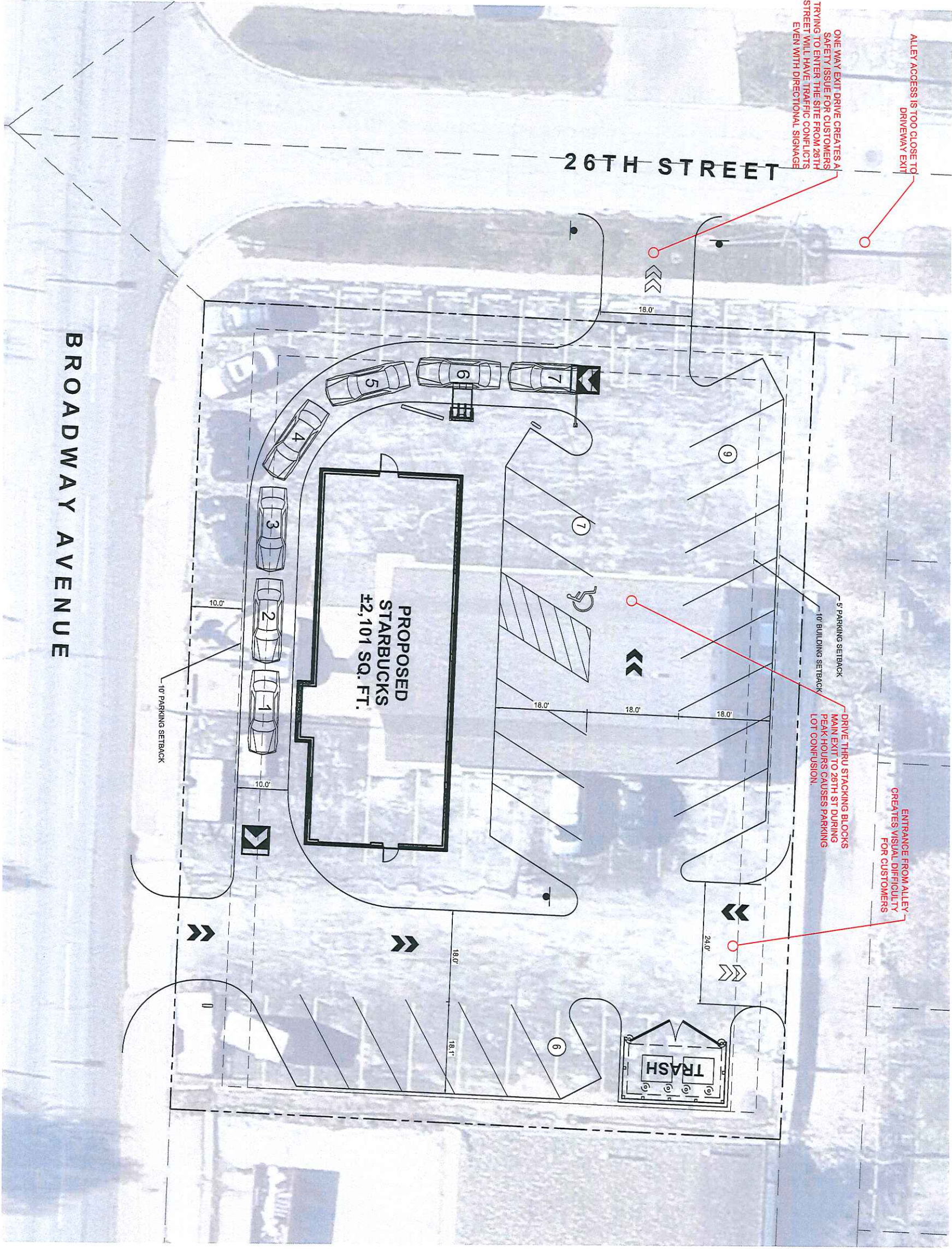
The site conditions are not due to past actions of the owner; they are due to the property size, shape, and abutting alley.

- 4. *Granting the variance will not confer on the applicant any special privileges that are denied by this ordinance to other properties or structures in the same district.*

Granting this variance will not award any special privilege to this owner, but instead will allow for a high-quality redevelopment to help meet the City's goals while meeting all visible and material intentions of the code requirements.

- 5. *Granting the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the purpose and intent of this ordinance.*

This variance requested is not materially detrimental to the purpose of the Code, it would simply maximize the density, potential and community use of the property.



BROADWAY AVENUE

26TH STREET

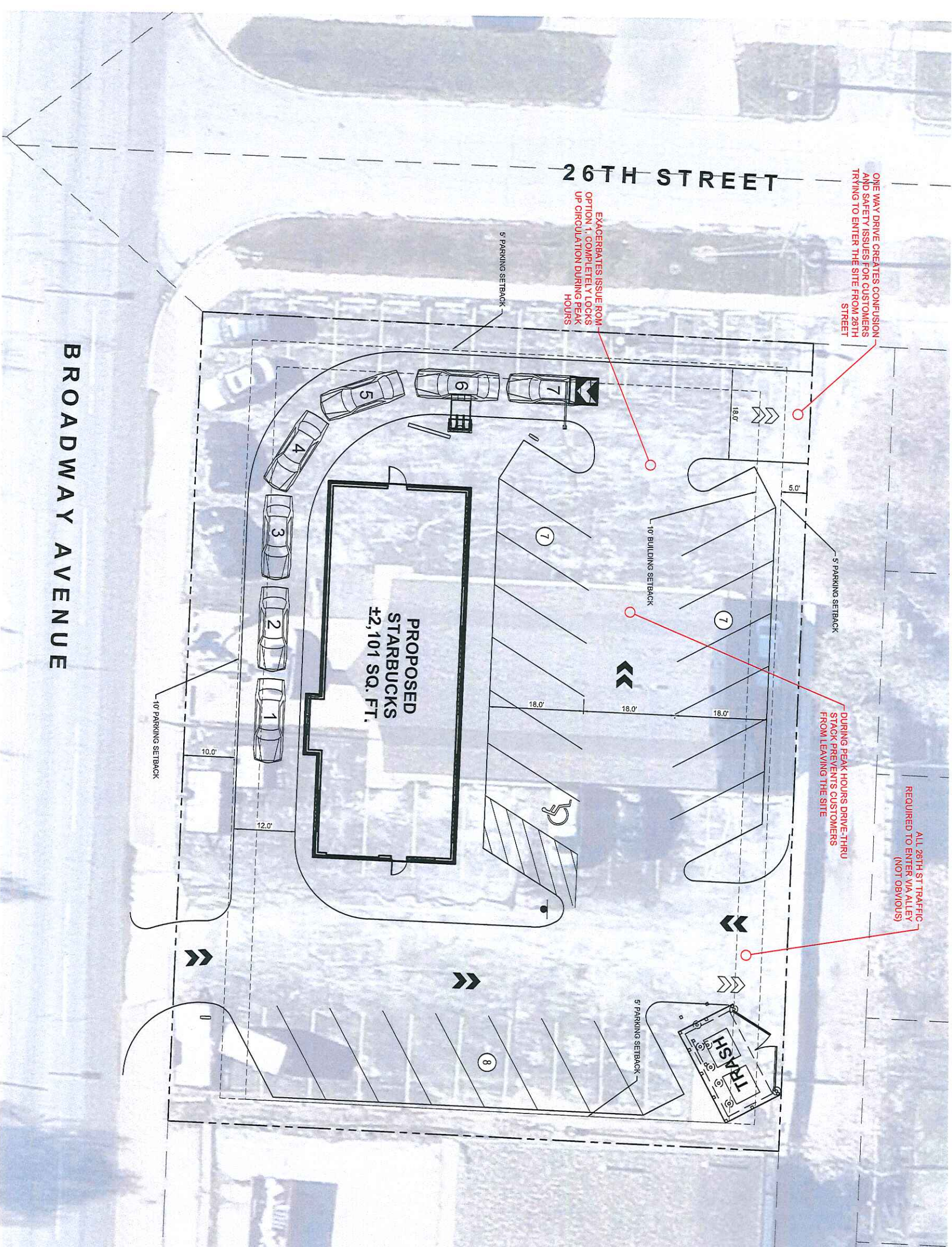
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±2,101 SQ. FT.

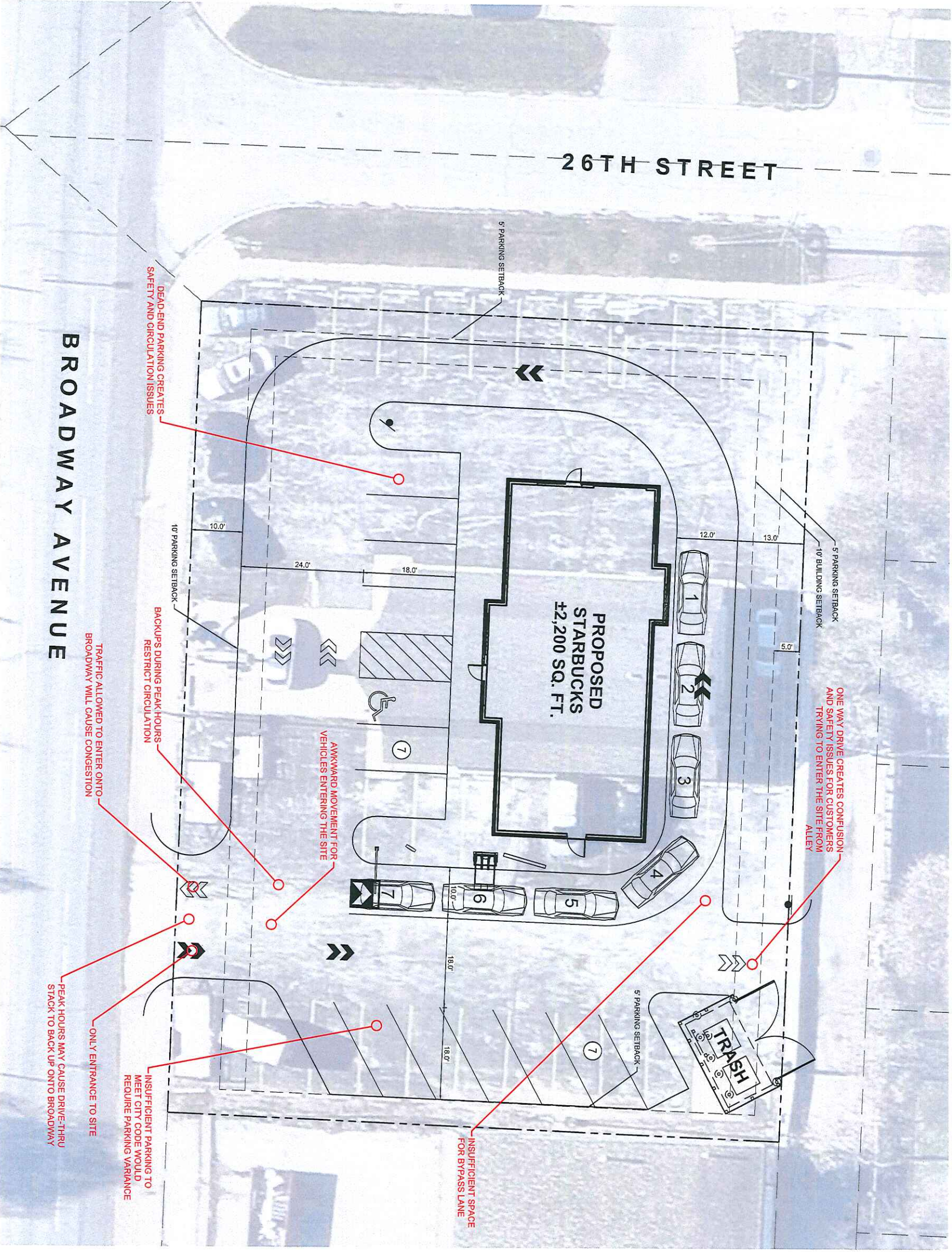
TRASH

OPTION 1

1"=10'







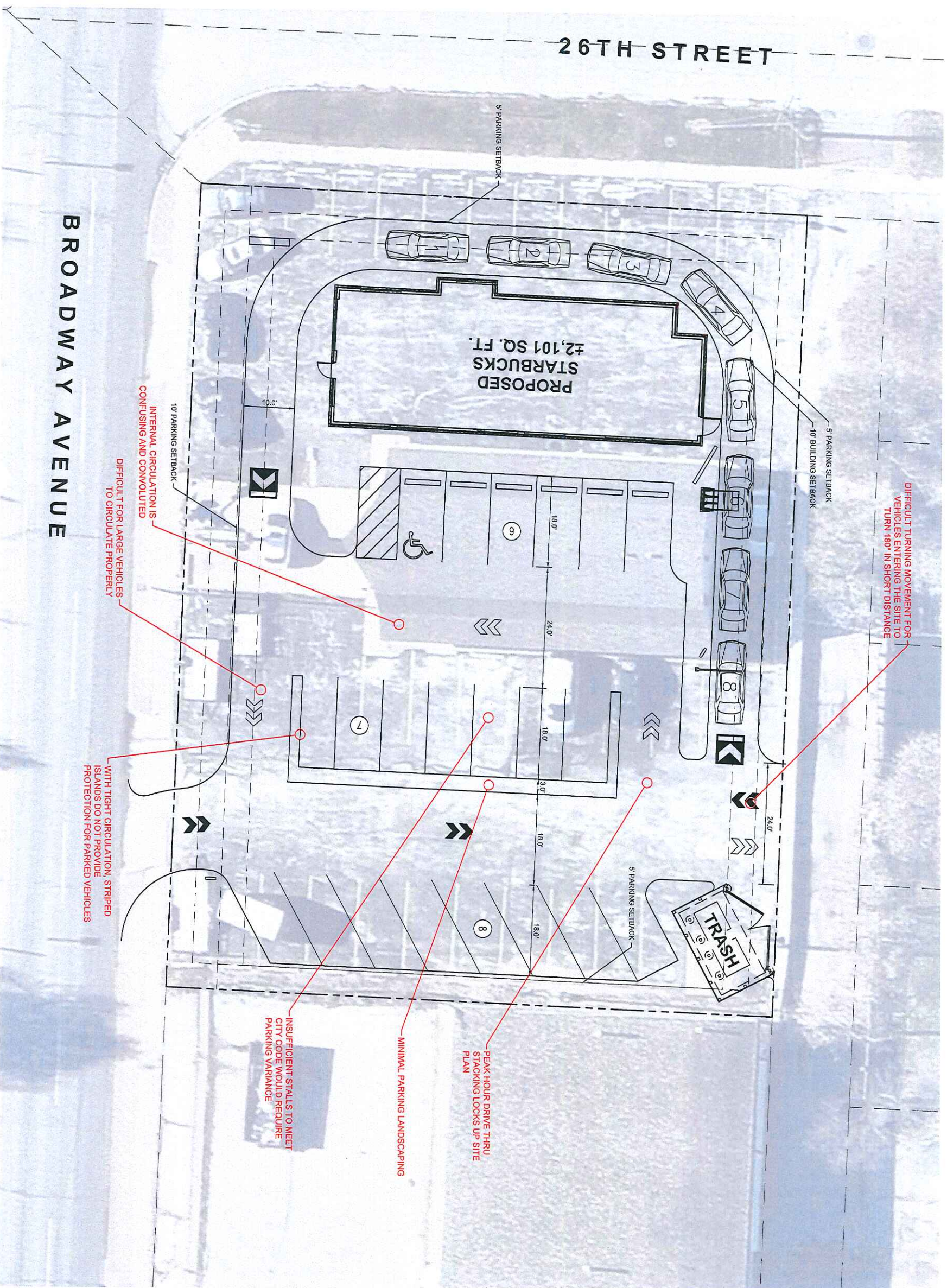
BROADWAY AVENUE

26TH STREET

OPTION 3

1"=10'





BROADWAY AVENUE

26TH STREET

PROPOSED
STARBUCKS
±2,101 SQ. FT.

TRASH

OPTION 4

1"=10'





CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT
LOCATION/ZONING MAP CASES # BA-18-005



Map Legend

☐ Case_#BA-18-005_Subject_Property

☐ Parcels

0 37.5 75

1 Inch = 75 Feet

2016 Aerial Photograph

Note: Subject property is highlighted in red.

Last Amended: 6/26/18

DISCLAIMER

This map is prepared and compiled from records, plans, and other public sources. While the map is believed to be accurate, the City does not warrant its accuracy. The user shall verify the accuracy of the information for their own use. The City assumes no responsibility for the information contained on this map.

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

Zoning Board of Adjustment Communication

Department: Zoning Board of
Adjustment

Case/Project No.: CASE #CU-18-
001

CASE #CU-18-001

Council Action: 7/17/2018

Submitted by: Christopher
Gibbons, Planning Coordinator

Description

Public hearing on the request of Clark Storage, LLC, represented by Henry Clark, for a conditional use permit to allow a 'commercial storage' use in a R-4/High Density Multi-Family Residential District on property legally described as being part of Tract 4, Sherwood Subdivision, Phase 2 of the NE1/4 of Section 29-75-43 and the SE1/4 of Section 20-75-43, being more particularly described as: Commencing at the North One-Quarter Corner of said Section 29; thence South 00°28'46" West (assumed bearing) for 601.20 feet along the west line of Tract 1, Sherwood Subdivision; thence South 89°42'54" East for 734.06 feet along the south line of said Tract 1 to the Point of Beginning; thence North 01°55'34" East for 365.68 feet along the west line of said Tract 4 (Phase 2); thence the following six (6) courses along the northerly line of said Tract 4 (Phase 2): (1)South 88°07'43" East for 259.02 feet (2)North 62°19'42" East for 135.88 feet (3)North 03°22'57" East for 160.06 feet (4)South 86°34'35" East for 209.97 feet (5)North 03°23'25" East for 173.82 feet (6)South 86°37'58" East for 238.30 feet; thence South 15°58'43" West for 759.19 feet along the west line of Valley View Drive Right-of-Way as described in Book 2008, Page 8642 in the Pottawattamie Records Office; thence North 89°44'11" West for 649.73 feet along the south line of said Tract 4 (Phase 2) to the Point of Beginning, City of Council Bluffs, Pottawattamie County, Iowa.

Location: Lying South of 2009 Sherwood Court and North of 1020 Railroad Avenue.

Background/Discussion

See attachments below.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
STAFF REPORT AND ATTACHMENTS - CASE #CU-18-001	Other	7/12/2018

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: July 12, 2018

RE: **CASE #CU-18-001**
REQUEST: A conditional use permit to allow ‘commercial storage’ in an R-4/High Density Multi-Family Residential District

APPLICABLE

CODE SECTIONS: §15.02.020 - Zoning Board of Adjustment
The Zoning Board shall have the following powers:
b. To make final decisions on applications for conditional uses.

§15.11.030 – Conditional uses in an R-4/High Density Multi-Family Residential District
04. Commercial storage

LEGAL

DESCRIPTION: Part of Tract 4, Sherwood Subdivision, Phase 2 of the NE1/4 of Section 29-75-43 and the SE1/4 of Section 20-75-43, being more particularly described as: Commencing at the North One-Quarter Corner of said Section 29; thence South 00°28'46" West (assumed bearing) for 601.20 feet along the west line of Tract 1, Sherwood Subdivision; thence South 89°42'54" East for 734.06 feet along the south line of said Tract 1 to the Point of Beginning; thence North 01°55'34" East for 365.68 feet along the west line of said Tract 4 (Phase 2); thence the following six (6) courses along the northerly line of said Tract 4 (Phase 2): (1)South 88°07'43" East for 259.02 feet (2)North 62°19'42" East for 135.88 feet (3)North 03°22'57" East for 160.06 feet (4)South 86°34'35" East for 209.97 feet (5)North 03°23'25" East for 173.82 feet (6)South 86°37'58" East for 238.30 feet; thence South 15°58'43" West for 759.19 feet along the west line of Valley View Drive Right-of-Way as described in Book 2008, Page 8642 in the Pottawattamie Recorders Office; thence North 89°44'11" West for 649.73 feet along the south line of said Tract 4 (Phase 2) to the Point of Beginning, City of Council Bluffs, Pottawattamie County, Iowa.

LOCATION: Lying South of 2009 Sherwood Court and North of 1020 Railroad Avenue

APPLICANT: Henry Clark, Clark Storage, LLC, P.O. Box 485, Glenwood, IA 51534

OWNERS: Sherwood Forest View, LLC, 7455 France Avenue S #381, Edina, MN 55435

REPRESENTATIVE: Robert Duvall, Schemmer Associates, 1044 N. 115th St., Ste. 300,
Omaha, NE 68154

BACKGROUND INFORMATION – The Community Development Department has received an application from Clark Storage, LLC, represented by Henry Clark, for a conditional use permit to allow ‘commercial storage’ in an R-4/High Density Multi-Family Residential District, on property legally described above.

The submitted plan of operation for the proposed ‘commercial storage’ use is included with this report as Attachment ‘A’. In summary, a total of 10 metal buildings with a capacity of 302 units are proposed at this location along with one resident/manager office. The facility’s hours of operation are 8:00 a.m. to 9:00 p.m. and will be open seven days a week. One employee and a maximum of 10 customers will be at this facility at any given time. The site will be accessed from Railroad Highway and will be controlled by

an automatic rolling gate on the northeast corner of the property. A total of 10 off-street parking spaces will be constructed west of the resident/manager office for customers and employee(s). A storage area for 42 vehicles is also proposed but its location is not shown on the plan. All off-street parking spaces and drive aisles (including those between the storage buildings) will be hard-surfaced paved. Signage will consist of four (12" x 12") facility hours signs, six (4' x 8') business and contact signs and 20 (12" x 12") camera security signs. Outdoor lighting will consist of wall pack lights on all building as well as nightlights in outdoor vehicle parking area. A six foot-tall chain link fence with no barbwire strands at the top will be installed around the perimeter of the storage area for site security. Site grading will occur on the central/easterly portions of the property. The westerly portion of the property remain undisturbed due to existing terrain. A copy of the conceptual site layout and metal storage building renderings are included with the report as Attachments 'B' and 'C'.

Land Use and Zoning

The subject property is comprised of 8.2 acres of undeveloped property zoned R-4/High Density Multi-Family Residential District with a PR/Planned Residential Overlay. Surrounding zoning includes R-4 District /w PR Overlay to the North and West; C-2/Commercial District to the East; and A-2/Parks, Estates and Agricultural District to the South. Existing land uses include the Sherwood Apartments to the north; a single-family residential dwelling to the west; undeveloped land to the east; and the Midland Human Society to the South.

The future land use plan of the Bluffs Tomorrow 2030 (comprehensive Plan) designates the subject property as High Density Residential.

The following exhibit shows the existing condition of the subject property and surrounding area.

Exhibit A: 2017 aerial view of the subject property



Exhibit B: 2018 Google street view image of the subject property



The following attachments are included with the case staff report:

- Attachment A: Plan of operation
- Attachment B: Conceptual site plan
- Attachment C: Storage building renderings
- Attachment D: Zoning/location map

CITY DEPARTMENTS AND UTILITIES – All City departments and local utility providers were notified of the proposed conditional use permit request. The following comments were received:

Council Bluffs Water Works stated potable water is not available to service the proposed development. CBWW stated the nearest water main is located south of the subject property, near the Midlands Human Society property. The water main extension would total approximately 1,300 feet in length and would extend from the Midlands Human Society property to the far northeast corner of the subject property.

Council Bluffs Fire Department stated the applicant wants to use an existing private hydrant owned by Sherwood Apartments for their water supply. CBFD stated they are not opposed to the applicant using the private hydrant if the following conditions are met:

1. The hydrant is tested and has the required fire flow
2. The hydrant is maintained per all Fire codes
3. The applicant obtains a signed agreement from Sherwood Apartments granting him permission to use the hydrant and stating they will not disconnect service.
4. All building erected on the subject property must be able to be reached within 300 feet of said hydrant.

Council Bluffs Police Department stated they have no objections to the proposed development.

Council Bluffs Public Works Department provided the following comments for the request:

1. All vehicular circulation areas must be hard-surfaced paved with either concrete cement or asphalt cement .
2. Stormwater must be managed to the fullest extent for both quality and quantity.
3. Sanitary sewer shall be connected per SUDAS standards and specifications.
4. Any disturbance to the adjacent trail system shall be repaired to current standards.

Council Bluffs Community Development Department provided the following comments:

1. A 'commercial storage' use is defined in Section 15.03.158, *Definitions, Commercial Storage* of the Council Bluffs Zoning Ordinance as "*storage services primarily for personal items and household good within enclosed storage areas having individual access but excluding use of areas as workshop, hobby shops, manufacturing, or commercial activities*". All units shall be used for storing personal items and household goods and shall not be utilized for any contractor shops, hobby shops and/or industrial uses.
2. The subject property is zoned R-4/High Density Multi-Family Residential District with a PR/Planned Residential Overlay. The applicant will be required to adopt a development plan for this project, which will establish standards for building architecture, landscaping, screening, fencing, lighting, signage, off-street parking, building setbacks, site grading, stormwater management, and other site development standards, in accordance with Section 15.28, Planned Residential Overlay of the Municipal Code (Zoning Ordinance). The process to adopt a development plan requires review by the City Planning Commission and approval by the City Council.

Note: The applicant has proposed to use pre-engineered metal buildings for all of the storage structures in this development. In the City of Council Bluffs, buildings/structures located within a PR/Planned Overlay are typically not constructed entirely out of metal and use a variety of architectural styles and/or building materials to ensure the development is compatible in appearance with a residential area. The subject property is immediately adjacent to the Sherwood Apartments, which is a Planned Residential Development. All the apartment buildings and garages in the Sherwood Apartment development are wood-framed with stucco exteriors. The Community Development Department recommends that the storage buildings be designed to have a residential appearance and that their exterior walls not be solely constructed out of metal building materials. The final building designs will be established with the adoption of a planned residential development plan for this project.

3. The submitted application states 42 vehicle storage spots will be provided at this facility. The exact location of this storage area is not identified on the conceptual site plan. The Community Development Department recognizes that outdoor storage for automobiles, recreational vehicles, trailers, etc. is a common ancillary use associated with a 'commercial storage' facility and recommends approval with the following conditions:
 - a. The outdoor storage area shall be considered an accessory use to the 'commercial storage' facility and shall comprise no more than 10% of the total site acreage;
 - b. All outdoor storage areas must be hard-surfaced paved with concrete cement or asphalt cement in accordance with standards stated in Chapter 15.23. *Off-Street Parking, Loading, and Unloading* of the Municipal Code (Zoning Ordinance);
 - c. All outdoor storage area shall be completely screened from view from Railroad Highway and the Sherwood Apartments; and

NEIGHBORHOOD RESPONSE – All property owners within 200 feet were notified of the conditional use permit request. Ryan Grudle, 2012 Sherwood Court, stated he has no objection to the proposed request as long as the applicant does not disturb the hillside, located east of his property. The Community Development Department informed Mr. Grudle that the proposal does not involve any tree clearing/site grading of the hillside on the westerly portion of the property. Additionally, the Community Development Department informed Mr. Grudle that any expansion of the ‘commercial storage’ use into said hillside area would require a modification to the approved conditional use permit.

COMMENTS

§15.02.090 Conditional Uses: The development and execution of the Ordinance (Title 15) is based upon the division of the City into districts. Within each district the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are specific uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such uses may be either public or private, and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

The Zoning Board of Adjustment shall make findings of fact, based upon the evidence presented at the public hearing, with respect to each of the applicable standards in Section 15.02.090.E (Findings of Fact).

The Zoning Board of Adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a conditional use as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the conditional use. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact. No conditional use shall be approved unless the Zoning Board of Adjustment makes findings of fact based directly on the standards and conditions imposed by this section. The findings of fact are presented below *in italics*:

1. The proposed conditional use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations and all other standards or conditions contained in the provisions authorizing such use. *The subject property is comprised of 8.2 acres of undeveloped land which exceeds the minimum lot size requirements for property zoned R-4/High Density Multi-Family Residential District. The conceptual site plans shows the subject property is suitable in size to be developed as a ‘commercial storage’ use.*
2. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided. *Sanitary and storm sewers are available to service the proposed ‘commercial storage’ use. The applicant must extend potable water to the site for the development, as per the Council Bluffs Water Works. Any cost to extend, modify or otherwise relocate any utilities for this development shall be at the cost of the owner/applicant and not the financial responsibility of the City of Council Bluffs.*
3. Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. *The subject property has direct access to Railroad Highway. All proposed outdoor storage areas, driveways and drive aisles shall be hard-surfaced with asphalt or concrete cement and shall comply with the design standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance. The total number of required off-street parking spaces will be determined once the final site plan is reviewed*

by the City. The applicant shall design all off-street parking, storage areas, loading/unloading areas to comply with all requirements stated in Chapter 15.23, Off-Street Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance. The proposed request is anticipated to have no negative impact on existing traffic patterns in the area.

4. All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly appears that such permits are obtainable for the proposed conditional use on the subject property. *The applicant shall obtain all required building, driveway, parking lot and storm water permits from the City prior to commencing any development activity on the subject property. All proposed signage shall receive a sign permit from the City prior to installation. Additionally, the applicant shall prepare a development plan for the proposed 'commercial storage' use and said plan shall be reviewed by the City Planning Commission and adopted by City Council before any construction activity commences on the property.*

5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. *The development plan for the 'commercial storage' use shall identify the location and type of outdoor lights that will be provided at this location. All exterior lights shall comply with Section 15.24.050, Lighting Controls, of the Council Bluffs Zoning Ordinance.*

6. The location and size of the conditional use, the nature and intensity of the activities to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. *The subject property is comprised of 8.2 acres of land. The applicant intends to leave three of the eight acres undisturbed due to topographical constraints on the westerly side of the property. Surrounding land uses consist of the Sherwood Apartments to the north, a single-family residential dwelling to the west, undeveloped land to the east, and the Midland Humane Society to the south. The site will be accessed from Railroad Highway, which is an improved public street. The proposed 'commercial storage' use is generally compatible with the existing land uses and development pattern in the surrounding area and will provide new storage services for the northeast quadrant of the City. The proposed request is not anticipated to have any negative impact on existing land uses in the surrounding area.*

7. The location, nature and height of buildings, structures, walls and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures. *The submitted conceptual plans show 10 pre-engineered metal buildings that be used as storage structures in this development. The subject property is zoned R-4/High Density Residential District with a PR/Planned Residential Overlay. In the City of Council Bluffs, buildings/structures located in a PR Overlay are typically not constructed entirely out of metal and use a variety of architectural styles and/or building materials to ensure the development is compatible with the surrounding area. The subject property is immediately adjacent to the Sherwood Apartments, which is a Planned Residential Development. All the apartment buildings and garages in the Sherwood Apartment development are wood-framed with stucco exteriors. All buildings in this in this development shall be designed to have a residential appearance and their exterior walls shall not be solely constructed out of metal building materials. The submittal also states that a six foot-wall chain link fence will be installed around the perimeter of the storage area for site security and that grading work will be limited to the central/easterly portions of the property. The applicant shall adopt a development plan for the proposed 'commercial storage' use, which will establish standards for building architecture, landscaping, screening, fencing, lighting, signage, off-street parking, building setbacks, site grading, stormwater management, and other site development standards, in accordance with Section 15.28, Planned Residential Overlay of the Municipal Code (Zoning Ordinance).*

The adoption of the development plan will ensure the 'commercial storage' use is designed to be compatible with the surrounding area and that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures.

8. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. *If developed in full compliance with adopted City requirements the proposed request is not anticipated to have a negative impact on property values for existing or future land uses in the surrounding area. Additionally, the applicant must adopt a development plan for the 'commercial storage' use which will establish standards for building architecture, landscaping, screening, fencing, lighting, signage, off-street parking, building setbacks, site grading, stormwater management, and other site development standards. The adoption of the development plan will ensure that the 'commercial storage' use is designed to be compatible with the surrounding area and will contribute to and promote the convenience and welfare of the public.*

RECOMMENDATION

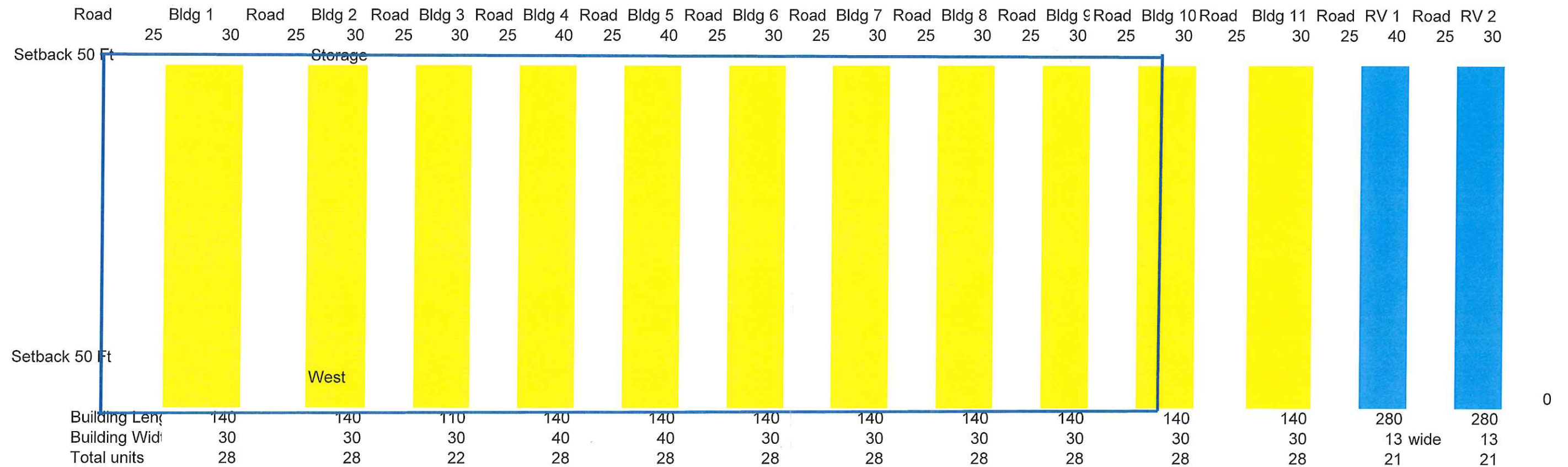
The Community Development Department recommends approval of the request for a conditional use permit to allow 'commercial storage' in an R-4/High Density Multi-Family Residential District on property legally described above, subject to the comments stated above and the following conditions:

1. The applicant shall secure all necessary permits and licenses for the operation of the conditional use and shall comply with all applicable Federal, State and local codes.
2. The applicant shall have an adopted planned residential development plan for the proposed 'commercial storage' use prior to commencing any construction activity on the subject property.
3. Fire hydrants shall be provided in accordance with Chapter 507.5.1 of the International Fire Code relative to hydrant spacing.
4. Potable water shall be extended to the subject property to service the proposed development. Any costs to construct, remove and/or relocate any utilities for the proposed development shall be the responsibility of the applicant and not the City.
5. The hours of operations shall be as presented in the application.
6. Outdoor storage shall be ancillary to the commercial storage use and shall be limited in size to 10% of total site acreage. Outdoor storage shall be completely screened from view from Railroad Highway and the Sherwood Apartments and shall be limited to cars, trucks, boats and recreational vehicles only. Exterior storage of junked, wrecked, inoperable and/or unregistered vehicles is prohibited.
7. All outdoor storage areas, off-street parking, driveways and drive aisles shall be hard-surface paved with asphalt or concrete cement and shall be designed to comply with all standards stated in Chapter 15.23, *Parking, Loading and Unloading* of the Council Bluffs Zoning Ordinance.
8. The applicant shall comply with all applicable stormwater management standards for the proposed development, as determined by the Council Bluffs Public Works Department.



Christopher N. Gibbons, AICP
Planning Coordinator

Site Plan Clark Storage LLC railroad ave, between Humane Society and Kmart.



Activity- Ministorage- household goods, personal belongings; Buildings will be Forest green roof/doors; Light tan sides/trim.

Hours operation 8 am to 9 pm, Monday thru Sunday

Persons employed 1

persons Max capacity 10 at any time; 302 total storage units; 42 vehicle storage parking spots

Parking Temporary parking at East end next to office, 25 foot interior driveway, and minimum 25 foot on the North/South sides and 50 foot on the East/West sides

Access Automated gate to the East, rolling; Swinging gate to the West for construction access.

Signage 4- Facility hours (12 inch by 12 inch, 6 Business & contact signs (4 ft x 8ft), 20 camera security signs (12 inch by 12 inch)

Lighting Timed lighting, facility focused downwards; 27 (one on each end of buildings, plus office),

Fence 6 foot Black chain link fence. No barb wire at the top.

Grading Plan to use the West to East grade close to what exists. Do not plan to use the back Northwest corner since it is too steep. Roughly three acres not to be used. Above units are for existing grade. Will evaluate stair stepping the back 1-2 acres below the Apartment complex to put further units in. Would use large Concrete blocks, with two steps, to take the grade down about 12 to 15 feet. Possiblly add another 100 ministorage units.

Drainage Due to the existing West to East slope, plan to have surface runoff, down to the storm sewer pond.



CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT
LOCATION/ZONING MAP CASES # CU-18-001

