



AGENDA
PLANNING COMMISSION
COUNCIL BLUFFS PUBLIC LIBRARY, MEETING ROOM A
400 WILLOW AVENUE, COUNCIL BLUFFS, IA
Tuesday, September 11, 2018 - 6:00 PM

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

A. SAV-18-013

To vacate and dispose of a 66' x 252' section of unimproved 26th Avenue right-of-way, located between Blocks 54 and 59, Railroad Addition and west of South 13th Street right-of-way.

Location: South of property addressed at 2532 South 13th Street.

B. ZC-18-012

To rezone property legally described as being part of Lot 2, Auditor's Subdivision of the SE1/4 SW1/4 of Section 29-75-43, and a part of Lot 1, Auditor's Subdivision of the NE1/4 NW1/4 of Section 32-75-43, City of Council Bluffs, Pottawattamie County, Iowa from R-3/Low Density Multifamily Residential District to C-2/Commercial District. Said property being more particularly described as follows: Commencing at the southwest corner of the SE1/4 SW1/4 of said Section 29, thence East 520.36 feet along the South line of the SE1/4 SW1/4 of said Section 29; thence North 0°52'05" W, 16.00 feet to the point of beginning; thence Northwesterly 58.55 feet along a 785.48 foot radius curve to the right whose chord is North 39°40'37" West, 58.53 feet, said curve being the Northeasterly right-of-way of McPherson Avenue; thence along said right-of-way North 37°32'30" W, 291.45 feet; thence North 35°26'26" East, 355.92 feet; thence North 0°52'05" West, 29.33 feet, thence North 89°58'59" East, 292.67 feet; thence South 0°49'43" East, 433.41 feet; thence South 89°10'17" West, 75.00 feet; thence North 11°39'19" West, 300 feet to the Northeasterly right-of-way of McPherson Avenue; thence Northwesterly 203.92 feet along said right-of-way along a 785.48 foot radius curve to the right whose chord is North 49°14'58" West, 203.34 feet to the point of beginning, except that part in streets, roads, and

highways.

Location: 1600 McPherson Avenue.

8. OTHER BUSINESS

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.

Planning Commission Communication

Department: Community
Development

Case/Project No.: SAV-18-013

SAV-18-013

Council Action: 9/11/2018

Submitted by: Chris Meeks,
Planner

Description

To vacate and dispose of a 66' x 252' section of unimproved 26th Avenue right-of-way, located between Blocks 54 and 59, Railroad Addition and west of South 13th Street right-of-way.

Location: South of property addressed at 2532 South 13th Street.

Background/Discussion

See attachment.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
SAV-18-013 Staff Report Including Attach A and B	Resolution	9/5/2018

City Planning Commission

Department: Community Development Case #SAV-18-013 Property Owner: John Kilnoski 1403 McPherson Avenue Council Bluffs, IA 51503 Applicant: Larry Hansen P.O. Box 492 Council Bluffs, IA 51502	Resolution of Intent No. _____ Resolution to Dispose No. _____	Planning Commission: 09/11/18 Set Public Hearing: Public Hearing:
---	---	---

Subject/Title

Request: Public hearing on the request of Larry Hanson to vacate and dispose of a 66' x 252' section of unimproved 26th Avenue right-of-way, located between Blocks 54 and 59, Railroad Addition and west of South 13th Street right-of-way.

Location: South of property addressed at 2532 South 13th Street.

Background

The Community Development Department has received an application from Larry Hansen, representing John Kilnoski, to vacate and dispose of an unimproved section of 26th Avenue located West of South 13th Street. The applicant wishes to vacate this section of right-of-way to allow him additional land area to develop the property directly south of the proposal with single family dwellings.

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

North – Residential property owned by Paul and Lynda Lewis

South – Undeveloped property owned by John Kilnoski

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.*

Both adjacent properties have frontage on to South 13th Street. The property to the north, addressed as 2532 South 13th Street, appears to have a driveway on the subject right-of-way that is used to access accessory structures in the rear yard. The property owner has indicated they are not willing to acquire their portion of right-of-way, and may need to find other means of accessing the accessory structures behind their house.

The Community Development Department has contacted the applicant and made them aware that the proposed vacation request will restrict access to the accessory structures on property addressed as 2532 S. 13th Street. Through these discussions the applicant has agreed that as part of the final platting process they will dedicate the land where the existing driveway is located to this property owner. The Community Development

Department supports this approach by the applicant and recommends that the right-of-way not be disposed of until the applicant has an approved final plat. This will insure that the property owner at 2532 S. 13th Street can maintain access to their accessory structures.

3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way.* This request will not create a dead-end right-of-way, as the request is to vacate the entirety of the 26th Avenue right-of-way between South 13th Street and the levee right-of-way of Indian Creek.
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 noted there are utilities in the right-of-way of South 13th Street, and stated that the levee right-of-way shall not be infringed upon.
- 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 noted there are overhead utilities in the subject 26th Avenue right-of-way serving the home addressed as 2532 S. 13th Street, and stated they have no objections to the proposed vacation, provided that the existing utility easements remain.

Based on the information above, if vacated, a utility easement over said right-of-way will be retained.

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 26th Avenue right-of-way between South 13th Street and the Indian Creek levee.
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:
 - John Kilnoski stated he is in favor of the request and willing to acquire the portion of right-of-way adjacent to his property.
 - Paul and Lynda Lewis stated they are in favor of the request, though not willing to acquire the portion of right-of-way adjacent to their property.Based on the information above, the entirety of the right-of-way will be offered to John Kilnoski or his successors in interest for \$6,596.00.

Recommendation

The Community Development Department recommends approval to vacate and dispose of a 66' x 252' section of unimproved 26th Avenue right-of-way, located between Blocks 54 and 59, Railroad Addition, and lying West of South 13th Street, based on reasons stated above, and subject to the following conditions:

1. The vacation shall not be finalized until a final plat is approved by the City Council for the subject 26th Avenue right-of-way and the adjacent properties to the south.

Staff Report

2. The applicant shall dedicate the northerly portion of the subject 26th Avenue right-of-way to the property owner located at 2532 S. 13th Street in order to insure access is provided to their accessory structures. This dedication shall occur as part of the final plat of the subject 26th Avenue right-of-way and the adjacent properties to the south.

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-18-013 LOCATION AND ZONING MAP

Map Legend

 Subject Right-of-Way

 Parcels



Last Amended: 8/21/18

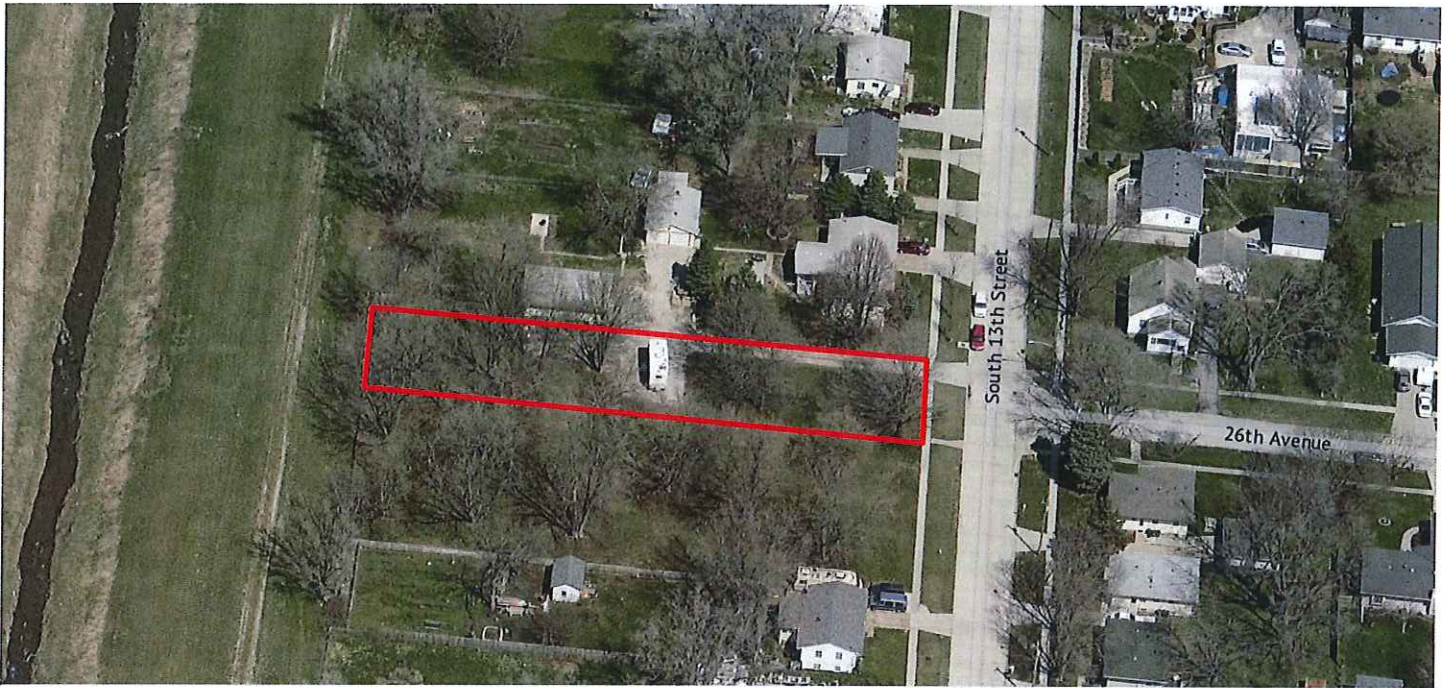
DISCLAIMER
This map is prepared and compiled from City documents, plans and other public property and is not a warranty of any kind. It may be used for informational purposes only. The City does not warrant the accuracy of the information contained on this map. The user of this map assumes all responsibility 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



Aerial photo of subject right-of-way (highlighted in red)

Google Street View photo of subject right-of-way.

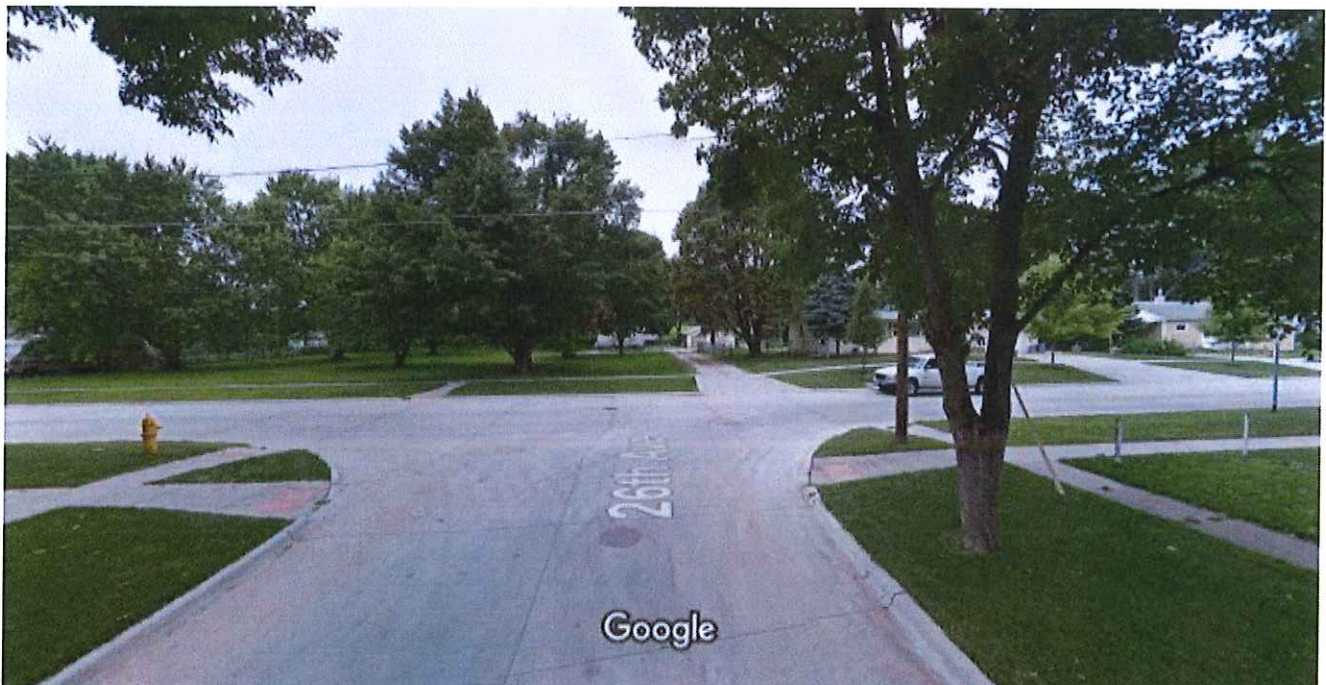


Image capture: Aug 2011 © 2018 Google

Planning Commission Communication

Department: Community

Development

Case/Project No.: ZC-18-012

ZC-18-012

Council Action: 9/11/2018

Submitted by: Chris Meeks,

Planner

Description

To rezone property legally described as being part of Lot 2, Auditor's Subdivision of the SE1/4 SW1/4 of Section 29-75-43, and a part of Lot 1, Auditor's Subdivision of the NE1/4 NW1/4 of Section 32-75-43, City of Council Bluffs, Pottawattamie County, Iowa from R-3/Low Density Multifamily Residential District to C-2/Commercial District. Said property being more particularly described as follows: Commencing at the southwest corner of the SE1/4 SW1/4 of said Section 29, thence East 520.36 feet along the South line of the SE1/4 SW1/4 of said Section 29; thence North 0°52'05" W, 16.00 feet to the point of beginning; thence Northwesterly 58.55 feet along a 785.48 foot radius curve to the right whose chord is North 39°40'37" West, 58.53 feet, said curve being the Northeasterly right-of-way of McPherson Avenue; thence along said right-of-way North 37°32'30" W, 291.45 feet; thence North 35°26'26" East, 355.92 feet; thence North 0°52'05" West, 29.33 feet, thence North 89°58'59" East, 292.67 feet; thence South 0°49'43" East, 433.41 feet; thence South 89°10'17" West, 75.00 feet; thence North 11°39'19" West, 300 feet to the Northeasterly right-of-way of McPherson Avenue; thence Northwesterly 203.92 feet along said right-of-way along a 785.48 foot radius curve to the right whose chord is North 49°14'58" West, 203.34 feet to the point of beginning, except that part in streets, roads, and highways.

Location: 1600 McPherson Avenue.

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
ZC-18-012 Staff Report With Attach A	Resolution	9/5/2018
ZC-18-012 Attach B	Resolution	9/5/2018

Planning Commission Communication

Department: Community Development CASE # ZC-18-012 Applicant/Property Owner: Indian Hills Holdings, Inc. Attn: Neal Drickey 2023 South 181 st Circle Omaha, NE 68130 Representative: Paul J. Kelly Architecture Attn: Paul J. Kelly 440 N. 61 st Street Omaha, NE 68132	Ordinance No. _____	Planning Commission: 9/11/18
---	---------------------	------------------------------

Subject/Title

Request: Public hearing on the request of Indian Hills Holdings, Inc., represented by Paul J. Kelly Architecture, to rezone property legally described as being part of Lot 2, Auditor's Subdivision of the SE1/4 SW1/4 of Section 29-75-43, and a part of Lot 1, Auditor's Subdivision of the NE1/4 NW1/4 of Section 32-75-43, City of Council Bluffs, Pottawattamie County, Iowa from R-3/Low Density Multifamily Residential District to C-2/Commercial District. Said property being more particularly described as follows: Commencing at the southwest corner of the SE1/4 SW1/4 of said Section 29, thence East 520.36 feet along the South line of the SE1/4 SW1/4 of said Section 29; thence North 0°52'05" W, 16.00 feet to the point of beginning; thence Northwesterly 58.55 feet along a 785.48 foot radius curve to the right whose chord is North 39°40'37" West, 58.53 feet, said curve being the Northeasterly right-of-way of McPherson Avenue; thence along said right-of-way North 37°32'30" W, 291.45 feet; thence North 35°26'26" East, 355.92 feet; thence North 0°52'05" West, 29.33 feet, thence North 89°58'59" East, 292.67 feet; thence South 0°49'43" East, 433.41 feet; thence South 89°10'17" West, 75.00 feet; thence North 11°39'19" West, 300 feet to the Northeasterly right-of-way of McPherson Avenue; thence Northwesterly 203.92 feet along said right-of-way along a 785.48 foot radius curve to the right whose chord is North 49°14'58" West, 203.34 feet to the point of beginning, except that part in streets, roads, and highways. Location: 1600 McPherson Avenue

Location: 1600 McPherson Avenue

Background

The Community Development Department has received an application from Indian Hills Holdings, Inc. and Neal Drickey, represented by Paul J. Kelly of Paul J. Kelly Architecture, to rezone the property legally described as being the East 292.67 Feet of the Southerly 566 Feet of Lot 2, excluding the South 178 Feet of the East 74.87 Feet, Auditor's Subdivision of the SE ¼ of the SW ¼ of Section 29-75-43; The 355.92 Foot by 291.45 Foot Triangle in the Southeast Corner of Lot 1, Auditor's Subdivision of the SE ¼ of the SW ¼ of Section 29-75-43; and the Westerly 203.92 Feet of Lot 1, Auditor's Subdivision of the Northeast ¼ of the Northwest ¼ of Section 32-75-43 from R-3/Low Density Multi-Family Residential District to C-2/Commercial District. The applicant is proposing this rezoning to allow an existing building on the site to be renovated and converted from its current state, a vacant nursing home, to a commercial storage building. Commercial Storage is not a permitted use in the R-3/Low Density Residential District, but would be considered a conditional use in the C-2/Commercial District.

Land Use and Zoning

The following zoning districts and land uses surround the subject properties:

North: Residential structures that are zoned in the R-1/Single Family Residential District.

South: A combination of commercial and residential buildings located in the C-1/Commercial District and R-1/Single Family Residential District.

East: A combination of undeveloped property and residential properties located in the R-1/Single Family Residential District.

West: Residential properties and St. Albert Jr/Sr. High School that are located in the R-1/Single Family Residential District.

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

Public notices were mailed to all property owners within 200 feet of the request. No comments were received for the request.

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

- The Council Bluffs Fire Marshall stated they have no comments on the request.
- The Permits and Inspections Division stated they have no comments on the request.
- The Public Works Department stated they have no comments regarding the rezoning request.
- Council Bluffs Water Works stated the building has water service, but it has been shut off. The developer will need to contact Council Bluffs Water Works with any questions regarding the water service.
- MidAmerican Energy stated they have no objections to the request.

The following attachments are included with the case staff report:

Attachment A: Location/zoning map

Attachment B: Proposed Building Renderings and Site Plans

Discussion

1. While the proposed rezoning is not directly consistent with the Future Land Use Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan, the property is adjacent to area designated for commercial uses.
2. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate the uses permitted in the C-2/Commercial District.
3. The rezoning of the property will allow a vacant building to be renovated to serve a new purpose. The building may not otherwise suit the needs of a future developer, and would have required demolition.
4. Prior to being used for commercial storage, a Conditional Use Permit will need to be approved by the Zoning Board of Adjustment.

Recommendation

The Community Development Department recommends approval of the request to rezone property legally described as being part of Lot 2, Auditor's Subdivision of the SE1/4 SW1/4 of Section 29-75-43, and a part of Lot 1, Auditor's Subdivision of the NE1/4 NW1/4 of Section 32-75-43, said property being more particularly described as follows: Commencing at the southwest corner of the SE1/4 SW1/4 of said Section 29, thence East 520.36 feet along the South line of the SE1/4 SW1/4 of said Section 29; thence North 0°52'05" W, 16.00 feet to the point of beginning; thence Northwesterly 58.55 feet along a 785.48 foot radius curve to the right whose chord is North 39°40'37" West, 58.53 feet, said curve being the

Northeasterly right-of-way of McPherson Avenue; thence along said right-of-way North 37°32'30" W, 291.45 feet; thence North 35°26'26" East, 355.92 feet; thence North 0°52'05" West, 29.33 feet, thence North 89°58'59" East, 292.67 feet; thence South 0°49'43" East, 433.41 feet; thence South 89°10'17" West, 75.00 feet; thence North 11°39'19" West, 300 feet to the Northeasterly right-of-way of McPherson Avenue; thence Northwesterly 203.92 feet along said right-of-way along a 785.48 foot radius curve to the right whose chord is North 49°14'58" West, 203.34 feet to the point of beginning, except that part in streets, roads, and highways, from R-3/Low Density Multi-Family Residential District to C-2/Commercial District, based on reasons stated above.

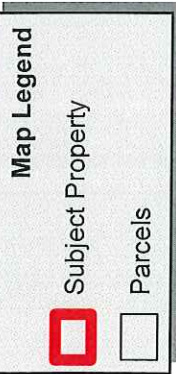
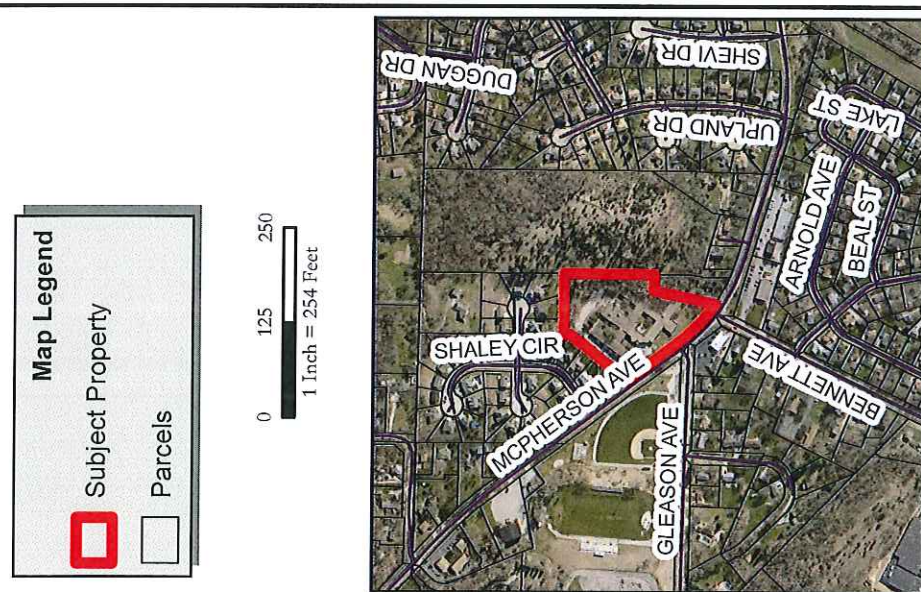
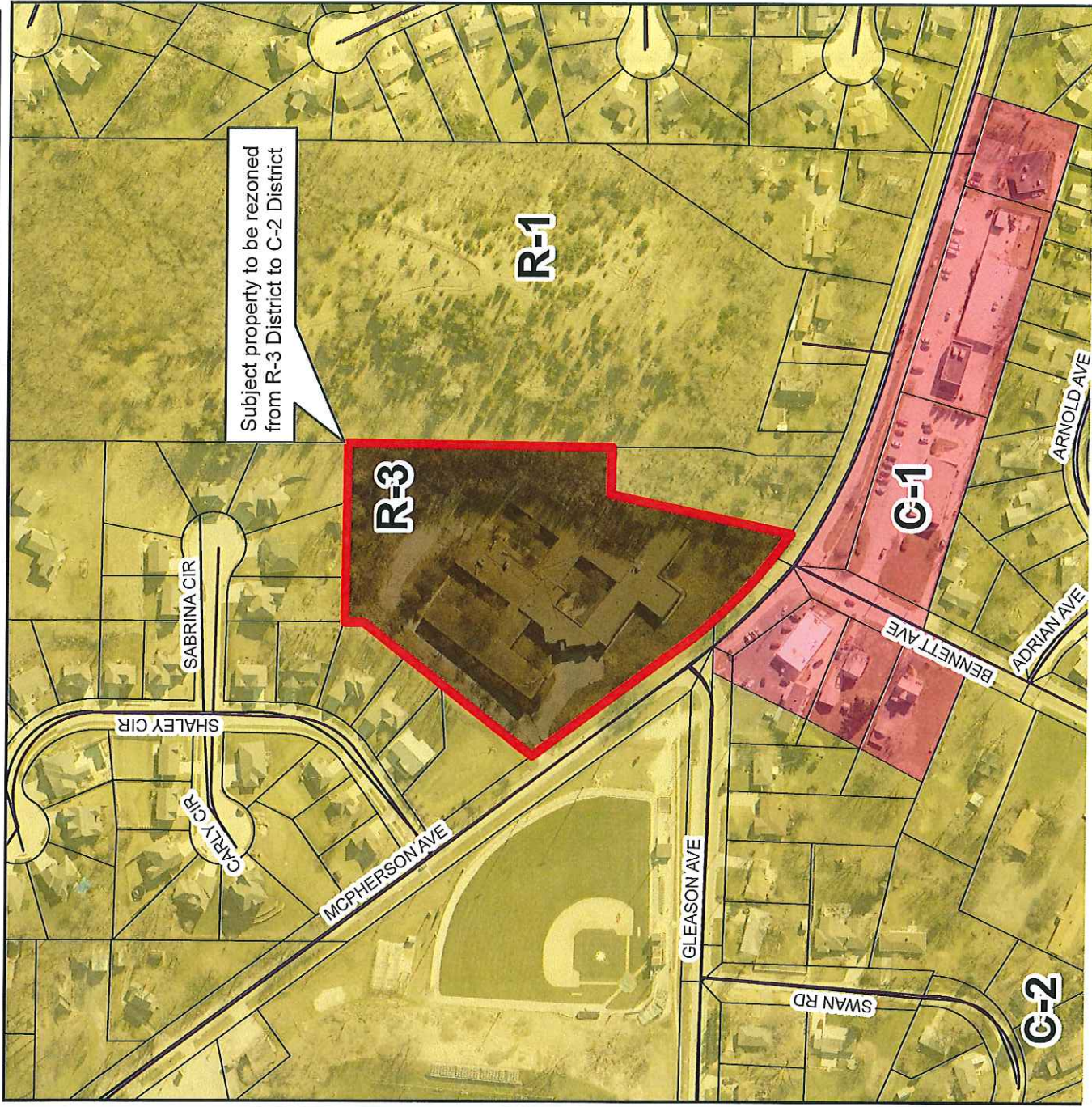
Attachments

Attachment A: Location/zoning map

Attachment B: Proposed Building Renderings and Site Plans

Prepared by: Chris Meeks, Planner

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASE #ZC-18-012 LOCATION/ZONING MAP



Last Amended: 8/21/18

DISCLAIMER
This map is prepared and compiled from City documents, plans and other public information. The City does not warrant the accuracy, completeness, or timeliness of the information. The City assumes no responsibility for any errors or omissions. The map is for informational purposes only and should not be used for legal or financial decisions. The City assumes no responsibility for any damages or losses resulting from the use of this map.

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

Attachment B

NEW PERIMETER BUILDINGS AT EXISTING PARING AREAS WITH MANSARD ROOFS, BRICK WAINSCOT & PIERS, AND LAP SIDING AT SITE PERIMETER ELEVATIONS.

NEW PRESS POINT FENCING WITH MOTORIZED GATE AT MCPHERSON AVENUE ENTRANCE AND ALONG THE WEST PROPERTY LINE.



Existing Southwest Aerial View



Entry View

BUSINESS OFFICE ACCESS AT EXISTING SOUTH ENTRANCE



Existing Southeast Aerial View

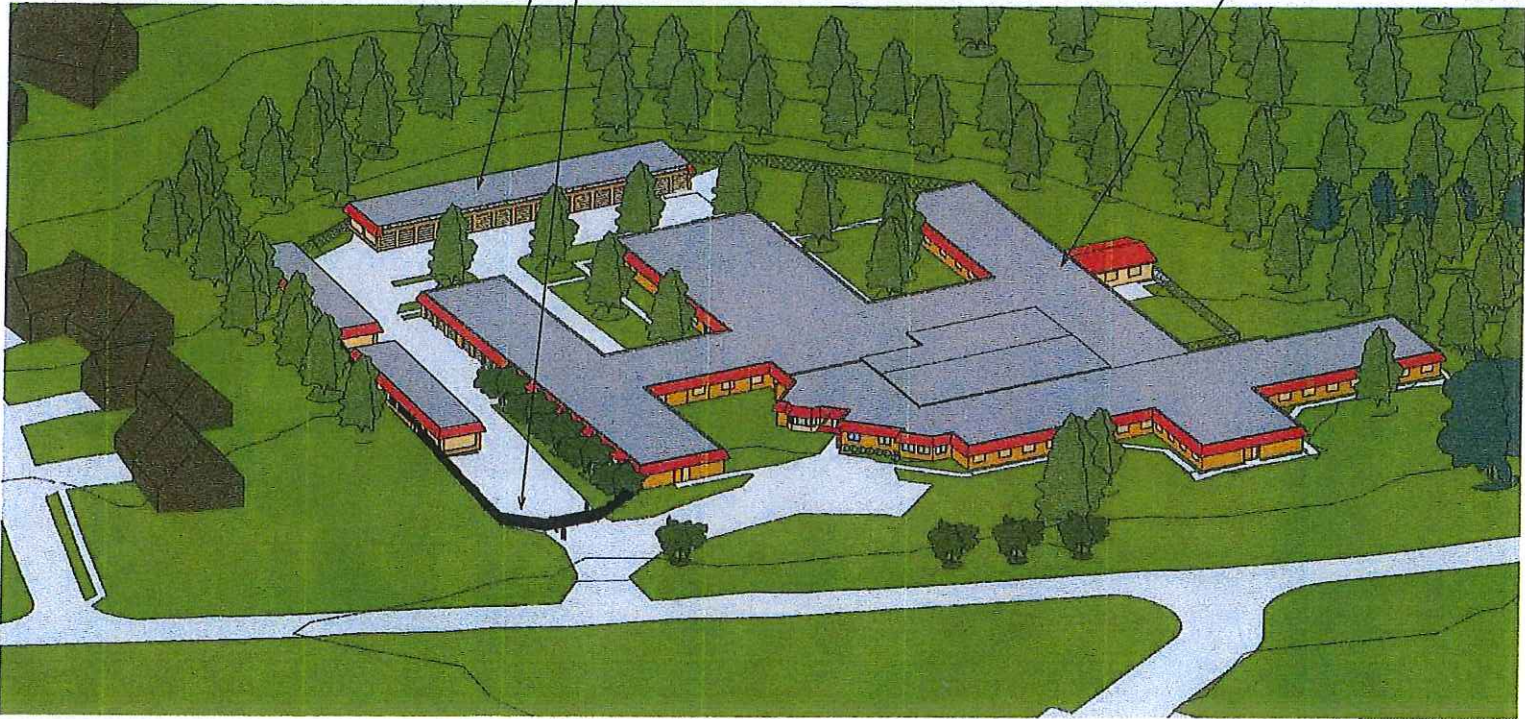
NEW PERIMETER BUILDINGS AT EXISTING PARING AREAS WITH MANSARD ROOFS, BRICK WAINSCOT & PIERS, AND LAP SIDING AT SITE PERIMETER ELEVATIONS.

NEW PRESS POINT FENCING WITH MOTORIZED GATE AT MCPHERSON AVENUE ENTRANCE AND ALONG THE WEST PROPERTY LINE.

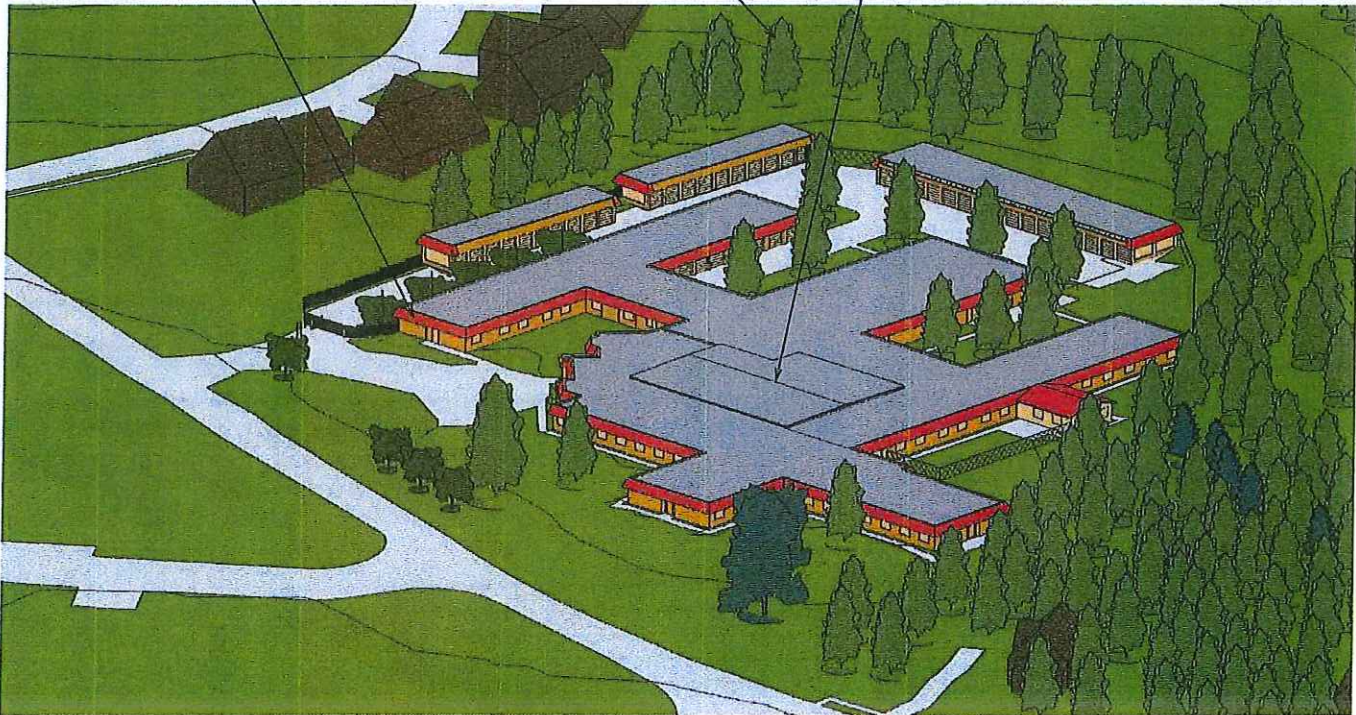
EXISTING BUILDING TO BE ADAPTED FOR RE-USE AS A SELF-STORAGE FACILITY

EXISTING PERIMETER TREE BUFFER TO REMAIN

EXISTING COURTYARD INFILLED WITH LOW PROFILE ROOF



Aerial View from Southwest



Aerial View from Southeast

Indian Hills Storage

Indian Hills Holdings, Inc.
1600 McPherson Ave, Council Bluffs, Iowa 51503



Paul J. Kelly
Architecture
440 North 61st Street
Omaha, Nebraska 68132
(402) 310-4131
pkj@architecture.com
18-001-01
13 August 2018

