



**ZONING BOARD OF ADJUSTMENTS
AGENDA**

**Tuesday, August 21, 2018 - 4:00 PM
Council Chambers, 2nd Floor, City Hall
209 Pearl Street**

- 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 #CU-16-008(M)

A modification of an existing conditional use permit, approved on June 21, 2016, to allow the expansion of a 'storage yard' in an I-2/Industrial District.

Location: Southwest corner of the intersection of South 15th Street and 10th Avenue

9. OTHER BUSINESS

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 cgibbons@councilbluffs-ia.gov.

Zoning Board of Adjustment Communication

Department: Community

Development

Case/Project No.: CU-16-008(M)

CASE #CU-16-008(M)

Council Action: 8/21/2018

Submitted by: Christopher

Gibbons, Planning Coordinator

Description

A modification of an existing conditional use permit, approved on June 21, 2016, to allow the expansion of a 'storage yard' in an I-2/Industrial District.

Location: Southwest corner of the intersection of South 15th Street and 10th Avenue

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
CU-16-008(M) Staff Report Including Attachs	Other	8/15/2018

TO: Zoning Board of Adjustment
FROM: Community Development Department
DATE: August 15, 2018

RE: **CASE #CU-16-008(M)**
REQUEST: A modification of an existing conditional use permit, approved on June 21, 2016, to allow the expansion of a 'storage yard' in an I-2/Industrial District.

APPLICABLE

CODE SECTION: §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:
08. Storage yard

LOCATION: Southwest corner of the intersection of South 15th Street and 10th Avenue

LEGAL

DESCRIPTION: Lots 9 through 16, Block 10 and the vacated east/west alley adjacent along with Lots 17 through 24, Block 10 and the south half of the vacated east/west alley adjacent, all in Fleming and Davis Addition, City of Council Bluffs, Pottawattamie County, Iowa

PROPERTY OWNER: Southside Auto Supply Inc., 1712 Fair Oaks, Council Bluffs, Iowa, 51503

APPLICANT: Bradley Arrowsmith, 20356 Concord Loop, Council Bluffs, IA 51503

BACKGROUND – On June 21, 2016 the Council Bluffs Zoning Board of Adjustment approved a request by Shelly Biggs for a conditional use permit (#CU-16-008) to operate a 'storage yard' in an I-2/General Industrial District on property legally described as Lots 9 through 12, Block 10, Fleming and Davis Addition and the north ½ of the vacated alley adjacent. The applicant requested the permit in order to operate a towing company/office on the subject property but never moved forward with their development after receiving approval from the Zoning Board of Adjustment. A copy of the approved conditional use permit is included with this report as Attachment 'A'.

The applicant, Brad Arrowsmith, is now requesting approval to modify the conditional use permit (#CU-16-008) in order to expand the size of the 'storage yard'. The expanded area includes property described as Lots 13 through 24, Block 10, Fleming and Davis Addition and the south ½ of the vacated east/west alley adjacent. In total, the subject property contains 1.5 acres of undeveloped land. The applicant has submitted site plan that shows the storage yard will be hard-surfaced, paved with seven inches of concrete cement (see Attachments 'B' and 'C'). A total 50 standard 10'x20' parking stalls, 13 oversized 10'x30' parking stalls, and 26 double loaded parking stalls are proposed on-site. A fence with vinyl inserts will be installed around the perimeter of the storage yard for screening and site security purposes. A 60' x 80' storage building is proposed in the southeast corner of the property. Hours of operations are proposed as 24 hours a day, 7 days a week. Up to five employees may be at the storage at any given time based upon the daily workload. Access to the site will be limited to a gated entrance onto South 16th Street and 10th Avenue. Exterior signage is proposed; however the exact size and location is undetermined at this time. Outdoor lighting is proposed; however the height, type and location of lighting are not identified on submitted plan.

CURRENT ZONING AND LAND USE – The subject property is zoned I-2/General Industrial District and is surrounded by like zoning to the north, south, east, and west (see Attachment ‘D’). The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as Light Industrial. Existing land uses in the surrounding area include a mixture of legally nonconforming residential uses (north and east), undeveloped land (south and west) and a towing operation (north). Property at 1510 10th Avenue was granted a conditional use permit for a ‘storage yard’ and ‘salvage operation’ along with three variances relative to a building setback, chain-link fencing and parking lot setbacks by the Zoning Board of Adjustment in December 2014 (see Cases BA-14-011 and CU-14-005).

The following images below show the subject property and surrounding area at the intersection of 10th Avenue and S. 16th Street.

Exhibit A – Aerial view of the subject property (outlined in red) and the surrounding area.

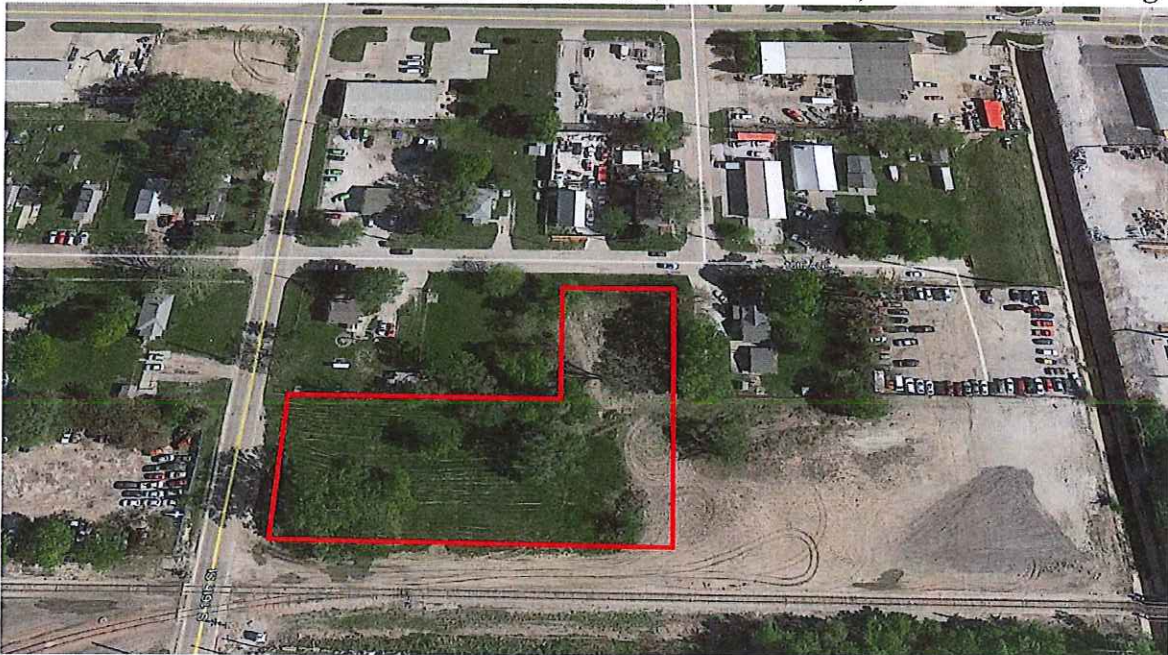


Exhibit B – Street view of the subject property facing east from South 16th Street



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:

1. Council Bluffs Water Works stated they have no comments regarding the request.
2. Council Bluffs Public Works stated the site will require stormwater management and the access points shall meet current driveway standards (e.g., paved approach, 24 foot width, and typical flares)
3. Council Bluffs Community Development Department:
 - a. The subject property is zoned I-2/General Industrial District and is surrounded by like zoning on all sides. The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property Light Industrial. The proposed 'storage yard' is an appropriate land use on property zoned I-2 District and is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan.
 - b. The property is comprised of 1.5 acres of land, which exceeds the minimum lot size requirement, as per Section 15.21, *I-2/General Industrial District* of the Municipal Code (Zoning Ordinance).
 - c. The preliminary site plan shows all parking areas will be hard-surfaced paved with seven inches of concrete cement. The proposed pavement design exceeds the minimum concrete pavement thickness requirements for a 'storage use', as per Section 15.23., Off-Street Parking, Loading and Unloading of the Municipal Code (Zoning Ordinance).
 - d. The preliminary plan shows the proposed 60'x80' storage building will be built to comply with I-2 District setback and coverage standards. The height of the structure is unknown at this time but shall be designed to comply with the maximum height standards stated in Section 15.21, *I-2/General Industrial District* of the Municipal Code (Zoning Ordinance).
 - e. The minimum number of off-street parking spaces for the proposed 60'x80' (4,800 square feet) storage building is based on a calculation of one parking space per 5,000 square feet of storage area, as stated in Section 15.23.060 (07- Schedule A) of the Municipal Code (Zoning Ordinance). Based on the size of the building a total of one parking stall is required for the storage building. The preliminary site plan shows 50 standard 10'x20' parking stalls, 13 oversized 10'x30' parking stalls, and 26 double loaded parking stalls are on-site. The site complies with minimum off-street parking standards for the storage building. All parking will be setback a minimum of 10 feet from an abutting property line which exceeds the minimum five foot requirements, as per Section 15.23.030. Design Standards, Off-Street Parking, Loading, and Unloading of the Municipal Code (Zoning Ordinance).
 - f. The preliminary site plan shows a fence with vinyl inserts will be installed around the perimeter of the site for screening and security purposes. The exact height of the fence is not stated on the submitted plan. The approved conditional use permit (CU-16-008) required a minimum six-foot tall chain link fence with dark colored vinyl inserts be provided around the storage yard for screening purposes. In general, the applicant's fence complies with this standard. The Community Development Department recommends that dark colored 100% opaque vinyl inserts be installed in said fence and that the height and location of the fence shall comply with the standards stated in Section 15.24, *Fence regulations* of the Municipal Code (Zoning Ordinance).
 - g. All proposed exterior signage shall be permitted separately prior to installation and shall be comply with the standards stated in Section 15.33, Signs of the Municipal Code (Zoning Ordinance).
 - h. All outdoor lighting shall comply with the standards stated in Section 15.24.050, Lighting Controls of the Municipal Code (Zoning Ordinance).

- i. The applicant shall obtain a 'storage yard' license from the City of Council Bluffs prior to operating their yard.
 - j. The applicant's letter of intent does not state whether or not vehicle salvaging will occur on the subject property. Per Section 15.21, *I-2/General Industrial District* of the Municipal Code (Zoning Ordinance) a 'salvage operation' in an I-2 District requires a conditional use permit from the Council Bluffs Zoning Board of Adjustment. No vehicle salvaging shall occur on the subject property until such time a conditional use permit for said use has been granted by the Zoning Board of Adjustment and a salvage license has been approved by the City of Council Bluffs.
4. MidAmerican Energy stated they no objections or concerns for the proposed conditional use.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet were notified of the requests. No public comments in support or opposition of the request has been received by the City as of the date of this report.

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 contains 1.5 acres of land, which exceeds the minimum lot size requirement for property zoned I-2/General Industrial District. The size of the property is adequate for the operation of the proposed 'storage yard' use.*
2. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided. The subject property has access to public utilities within 10th Avenue. *No utility service extensions and/or infrastructure upgrades are necessary for a 'storage yard' to operate at this location. Any future cost to extend, modify or otherwise relocate any public utilities/facilities 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 10th Avenue and South 16th Street, which are paved public roads. The property is also adjacent to South 15th Street right-of-way which is unimproved public roadway. The preliminary plan shows the site will access 10th Avenue and South 16th Street through gated ingress/egress points. The final driveway designs shall comply with all City standards. The proposed use is not anticipated to increase traffic congestion on 10th Avenue and/or South 16th Street.*
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 stormwater permits from the City prior to commencing any construction activity on the subject property. Additionally, the applicant shall obtain a 'storage yard' license from the City of Council Bluffs and shall keep said license active while the property is being used as a 'storage yard'. Any new exterior signage shall comply with Chapter 15.33, Signs of the Municipal Code (Zoning Ordinance). The applicant shall also comply with all applicable federal, state and local laws and requirement for the use.*
5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. *All proposed exterior lighting shall comply with Section 15.24.050, Lighting Controls of the Council Bluffs Zoning Ordinance prior to installation.*
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 location and size of the subject property is suitable for the development of a 'storage yard' use. The subject property is located in an area of the City that is zoned industrial but contains a mixture of industrial and legally nonconforming residential uses. The subject property has direct access to 10th Avenue and South 16th Street which are paved public road. If the subject property is developed in full compliance with City development standards (e.g., off-street parking, building setbacks, outdoor lighting, screening, etc.) the proposed 'storage yard' would be considered appropriate land use at said location and would not have a negative impact on existing and/or future 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 subject property is located in an area of the City that is zoned industrial and is suitable for industrial development. The applicant proposes to install a six-foot tall chain link fence around the front parking area for site security. The proposed fencing shall be expanded to secure the entire property and screen all proposed and future outdoor storage area from public view. The proposed chain link fence shall be modified to include 100% opaque, dark colored vinyl slat inserts for said security and screening purposes prior to final occupancy of the storage building. All proposed and future vehicle drive aisles, parking and storage areas shall be constructed to comply with the minimum hard-surface pavement standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance. Provided the above standards are met the proposed 'storage yard' use shall not hinder or discourage the appropriate development, use and enjoyment of nearby 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. *As previously stated the subject property is zoned I-2/General Industrial District and is surrounded by like zoning. Existing land uses in the area surrounding the request are comprised of a mixture of legally nonconforming residential dwellings, undeveloped land and light industrial uses (e.g., towing operations). The area of the City where the use will be located is suitable and appropriate for the proposed 'storage yard. Provided all conditions of approval are in compliance and all necessary permits are received the 'storage yard' use will not adversely impact the primarily industrial area.*

RECOMMENDATION

The Community Development Department recommends approval of the request to modify an approved conditional use permit (Case #CU-16-008) in order to expand the size of a 'storage yard' in an I-2/Industrial District on property legally described as Lots 9 through 16, Block 10 and the vacated east/west alley adjacent along with Lots 17 through 24, Block 10 and the south half of the vacated east/west alley adjacent, all in Fleming and Davis Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

1. The applicant shall comply with all applicable Federal, State and Local codes and laws, including those not expressly discussed above.
2. The hours of operation shall be as stated in the submitted letter of intent.
3. The applicant shall obtain a 'storage yard' license from the City of Council Bluffs and shall maintain said license at all times while the property is being used as a 'storage yard'.
4. All off-street parking, driveways, loading/unloading areas and storage areas shall be hard-surfaced and designed to comply with the requirements stated in Chapter 15.23 Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance. Gravel and/or asphalt grindings shall not be allowed as an approved pavement material.
5. All building/structures on the subject property shall comply with the site development standards stated in Section 15.21, *I-2/General Industrial District* of the Municipal Code (Zoning Ordinance).
6. All signage shall comply with Chapter 15.33 Signs of the Council Bluffs Zoning Ordinance.
7. All exterior lighting shall comply with Section 15.24.050, Lighting Controls of the Council Bluffs Zoning Ordinance.
8. A minimum six-foot tall chain-link fence with dark colored vinyl inserts that provides a 100% opaque screen shall be provided around the perimeter of the storage yard in accordance with the standards stated in Section 15.24, Fence regulations of the Municipal Code (Zoning Ordinance).
9. Any future cost to extend, modify or otherwise relocate any public utilities/facilities to service the subject property shall be at the cost of the owner/applicant and not the financial responsibility of the City of Council Bluffs.



Christopher N. Gibbons, AICP
Planning Coordinator

Attachment A: Notice of approval for Case #CU-16-008, dated June 21, 2016.

Attachment B: Letter of intent

Attachment C: Preliminary site plan

Attachment D: Location/zoning map



COMMUNITY DEVELOPMENT
(712) 328-4629

NOTICE OF APPROVAL

Case #CU-16-008

Council Bluffs Zoning Board of Adjustment

Date: June 22, 2016

Shelly Biggs
57257 – 225th Street
Glenwood, Iowa 51534

Dear Ms. Biggs:

You are hereby officially notified that the Council Bluffs Zoning Board of Adjustment has **approved your request for a conditional use permit to allow a storage yard in an I-2/General Industrial District at 1501 – 10th Avenue, being Lots 9-12, Block 10, Fleming & Davis Addition and the North 1/2 of the vacated east/west alley adjacent, subject to the following conditions:**

1. All applicable Federal, State and Local codes and laws shall be met, including those not expressly discussed above.
2. The applicant shall maintain an active storage yard license for the subject property with the Council Bluffs Public Health Department at all times.
3. All required improvements in the public right-of-way shall be constructed to comply with City standards and completed prior to final occupancy of the building.
4. All off-street parking, driveways, loading/unloading areas and storage areas shall be hard-surfaced and designed to comply with the requirements stated in Chapter 15.23 Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance. Gravel and/or asphalt grindings shall not be allowed as an approved pavement material.
5. The applicant shall provide a hard-surface driveway from the proposed front parking lot to the rear garage door within 12 months of the date of this approval. The proposed storage area in the rear of the property shall also be hard-surfaced within 12 months of the date of this approval.
6. All structures shall comply with I-2 District development standards, as per Chapter 15.21 of the Council Bluffs Zoning Ordinance.
7. All signage shall comply with Chapter 15.33 Signs of the Council Bluffs Zoning Ordinance.
8. All exterior lighting shall comply with Section 15.24.050, Lighting Controls of the Council Bluffs Zoning Ordinance.
9. All storage yard areas shall be screened from public view by a minimum six-foot tall chain-link fence that includes 100% opaque, dark colored vinyl inserts.
10. Any future cost to extend, modify or otherwise relocate any public utilities/facilities to service the subject property shall be at the cost of the owner/applicant and not the financial responsibility of the City of Council Bluffs.

The Board has filed its written decision in the matter in the office of the Board in the City's Community Development Department at 209 Pearl Street in Council Bluffs, Iowa on the 21st day of June, 2016.

ATTACHMENT A

CITY OF COUNCIL BLUFFS, IOWA - 209 PEARL STREET - 51503-0826

FAX (712) 328-4915 - councilbluffs-ia.gov

"An Equal Opportunity Employer"



You are hereby advised that any one who objects to the Board's decision (including the City's Community Development Department, if its representatives recommended against your request) may appeal such decision by filing with the District Court a Petition for Certiorari within 30 days after the filing of the Board's decision.

You are hereby advised that if such appeal is taken, you may intervene in the appeal to present your position. In the event of an appeal, you should consult an attorney for advice on your legal rights.

You are hereby advised that if you, in reliance upon the Board's approval of your request, proceed with any construction plans and/or expend any money within 30 days of the filing of the Board's decision, you will be doing so **at your own risk**, because if someone appeals the Board's decision in that time and is ultimately successful with the appeal, then it will be as if the Board had never approved your request; you should do nothing in reliance upon the Board's decision until the 30 days has expired.

There may be public or private easements, covenants and/or deed restrictions which may limit the use of this property.



Jared Olson, Chair
Council Bluffs Zoning Board of Adjustment

Description of Activity: Arrow Towing will use this location for secured storage for vehicles towed under contract for Council Bluffs Police Department, Pottawattamie County Sheriff, and Iowa State Patrol.

Hours of Operation: There will not be an office located at this site. Arrow Towing staff is available 24 hours a day, seven days a week at the headquarter location: [605 South 15th Street, Council Bluffs](#). Phone: 712/323-7907

Number of Employees at Location: Up to five people may be at this location at any time depending on vehicles being dropped off for secured storage.

Parking: Yes - see attached plan from Architect for proposed parking layout.

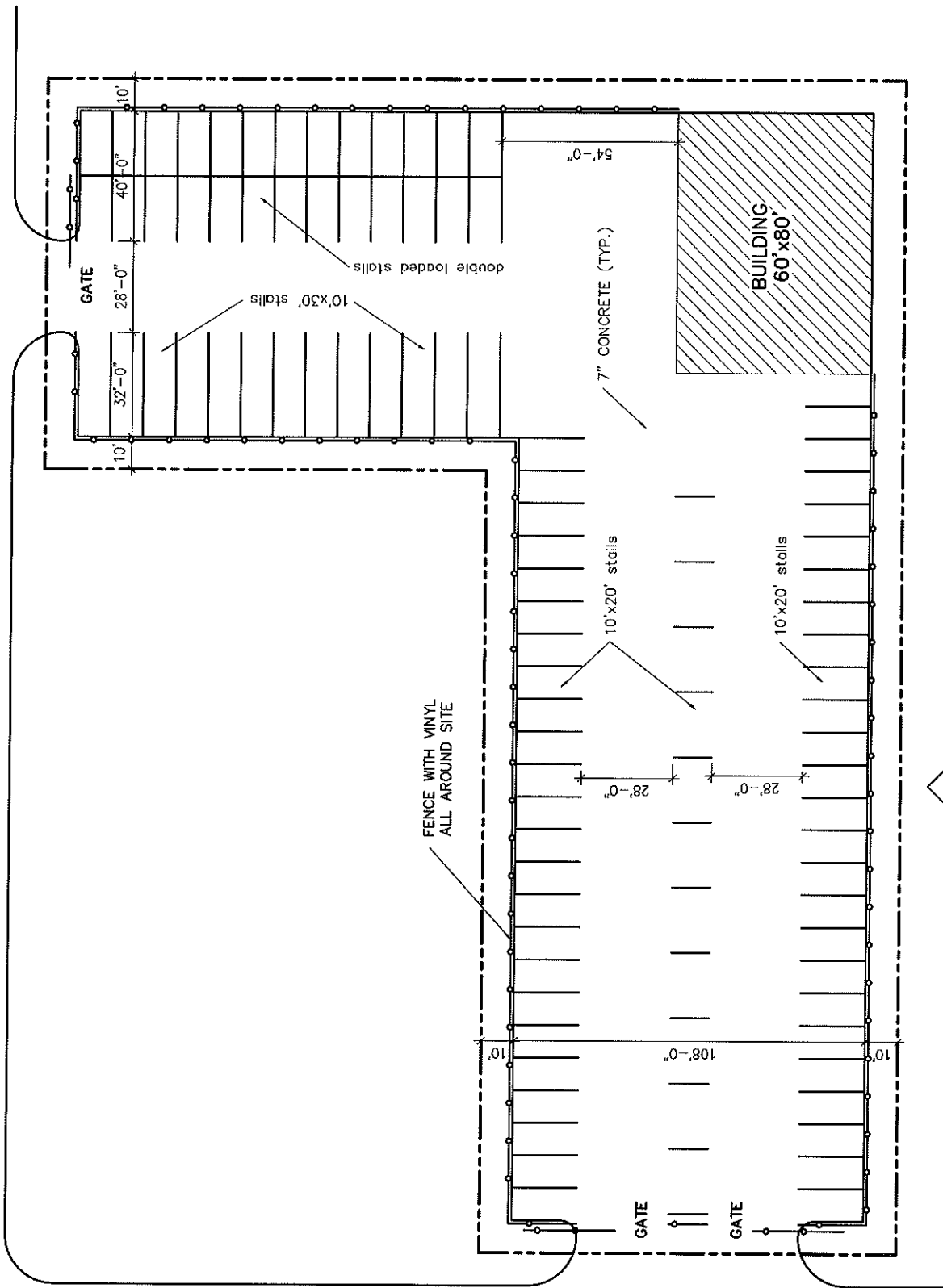
Access: There will be locked gate access from South 16th Street and 10th Avenue.

Signage: There will be Arrow Towing signs on fencing and building once they are built/completed.

Lighting: There will be adequate lighting to light the secured storage area and building.

10TH AVENUE

S. 16TH STREET



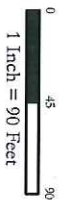
ARROW TOWING - PROPOSED SITE PLAN



CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT LOCATION/ZONING MAP CASES #CU-16-008(M)

Map Legend

- Cases#CU-18-006 & #CU-18-006(M) Subject Property
- CASE #CU-16-008 - Approved CUP Property
- CASE #CU-18-006(M) - Expanded CUP Area
- Parcels



2016 Aerial Photograph



Note: Subject property is highlighted in red.



Last Amended: 7/26/18



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

DISCLAIMER

This map is prepared and compiled from records owned by the City of Council Bluffs. The City of Council Bluffs does not warrant the accuracy of the information contained on this map. The City of Council Bluffs is not responsible for any errors or omissions on this map. The user should verify the information on this map before using it. The City of Council Bluffs is not responsible for any damages or losses resulting from the use of this map.

