



**ZONING BOARD OF ADJUSTMENTS  
AGENDA**

**Tuesday, September 18, 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. CU-18-003**

A conditional use permit to allow a daycare service in a C-3 Commercial District.

Location: 600 South 4<sup>th</sup> Street, Suite B

**B. 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.

**C. CU-18-002**

A conditional use permit to allow a 'business professional office with a floor area that does not exceed 2,000 square feet' in an R-3/Low Density Multi-Family Residential District.

Location: 1415 Avenue J.

## **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](mailto:cgibbons@councilbluffs-ia.gov).

## **Zoning Board of Adjustment Communication**

Department: Community  
Development

Case/Project No.: CU-18-003

CU-18-003

Council Action: 9/18/2018

Submitted by: Haley Weber, Zoning  
Enforcement Officer

### **Description**

A conditional use permit to allow a daycare service in a C-3 Commercial District.

Location: 600 South 4<sup>th</sup> Street, Suite B

### **Background/Discussion**

See attachment.

### **Recommendation**

### **ATTACHMENTS:**

Description	Type	Upload Date
CU-18-003 Staff Report Including Attach A, B and C	Other	9/12/2018

**TO:** Zoning Board of Adjustment  
**FROM:** Community Development Department  
**DATE:** September 18, 2018  
**RE:** **CASE #CU-18-003**  
**REQUEST:** A conditional use permit to allow a daycare service in a C-3 Commercial District

**APPLICABLE**

**CODE SECTIONS:** §15.02.020 – Zoning Board of Adjustment  
The Zoning Board of shall have the following powers:  
b. To make final decisions on applications for conditional uses.  
  
§15.16.030 – Conditional Uses in a C-3 Commercial District  
02. Day care services

**LEGAL**

**DESCRIPTION:** Lots 1 and 2 and the North 35 feet of Lot 3 in Block 9 of Jackson's Addition, Council Bluffs, Iowa

**LOCATION:** 600 South 4<sup>th</sup> Street, Suite B, Council Bluffs, IA 51503

**APPLICANT:** Iowa Focus, 501 South Main St., Suite 2B, Council Bluffs, IA 51503

**OWNERS:** Weltel, LLC, P.O. Box 1874, Council Bluffs, IA 51502

**REPRESENTED BY:** Desiri Wilwerding and Derek Laney, Iowa Focus, 501 South Main St., Council Bluffs, IA 51503

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**BACKGROUND INFORMATION** – The Community Development Department has received an application from Iowa Focus, represented by Desiri Wilwerding and Derek Laney, for a conditional use permit to allow a daycare service in a C-3 Commercial District, on a property legally described above.

The submitted plan of operation for the proposed daycare use is included with this report as Attachment 'A'. In summary, Iowa Focus plans to operate a training program, referred to as a "Day Habilitation Program" for adults with disabilities inside the facility. The intent of the program is to offer constructive activities to adults with intellectual disabilities. The proposed conditional use will be housed in Suite B. The floor plan submitted by the applicant indicates that the suite is 1,428 square feet with a training space, office/meeting/storage room and two (2) restrooms. The application indicates that the training space will include the following: tables, chairs, couches, a television, reading materials, desks, and a refrigerator. The application also indicates that the training space may include: a gaming system, craft space, sensory area, and exercise equipment. The floor plan is included as Attachment B.

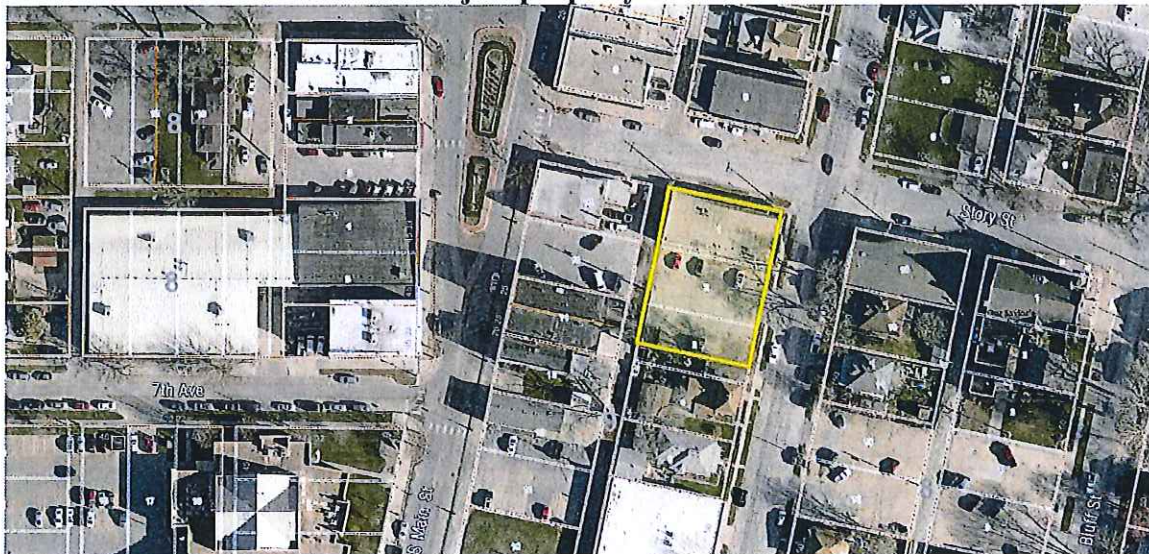


The proposed hours of operation are Monday through Friday 7:30 a.m. to 4 p.m. The maximum number of people allowed in the space is twenty six (26) as stated in the plan of operation submitted by the applicant. Participants in the program may be at the facility as little as thirty (30) minutes or as much as six (6) hours a day. Eleven (11) hard-surface parking spaces are available for usage by Iowa Focus in the existing parking lot on the property. Additional parking is provided by the open hard-surface parking spaces in the lot. There are two (2) handicap parking spaces. The plan of operation indicates that the primary use of the parking spaces will be employees and/or guests of the participants utilizing the facility as few of the participants have vehicles of their own. Participants will be picked up and dropped off by a support person or public transportation. The applicant is proposing to change the existing signage left by the previous tenant to state "Iowa Focus CONNECT." The specifications of the size and location of the proposed signage are not identified in the submitted plans.

**CURRENT ZONING AND LAND USE** – The subject property is zoned C-3/Commercial District and is surrounded by like zoning to the north, south, and west. The property across S. 4<sup>th</sup> Street to the east is zoned A-P/Administrative-Professional District. A location/zoning map is included as Attachment "C". Existing land uses in the general vicinity include S. 4<sup>th</sup> Street and a church to the east, law offices to the west, a retail building to the north, and a non-conforming residential use to the south. The future land use map of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as Downtown/Mixed-Use.

The following photographs show the existing condition of the subject property and surrounding area.

**Exhibit A: Aerial View of the subject property**





**Exhibit B: 2018 Google street view image of the subject property looking northwest from S. 4<sup>th</sup> Street**



The following attachments are included with the case staff report:

- Attachment A: Plan of operation
- Attachment B: Floor Plan
- Attachment C: Location/Zoning 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 that they have no comments regarding the proposed conditional use permit.

Council Bluffs Fire Department stated that they have no comments regarding the proposed conditional use permit.

Council Bluffs Police Department: No comments were received.

Council Bluffs Public Works Department stated that they have no comments regarding the proposed conditional use permit.

Council Bluffs Community Development Department:

- a. The future land use plan designates the property as Downtown/Mixed Use. The proposed use is compatible with the Downtown/Mixed Use designation.
- b. The subject property is located on .31 acres of developed land. The proposed conditional use will be housed in an existing one-story, 4,400 square foot, multi-tenant building built

in 1930. The building is divided into three suites. The proposed conditional use will be housed in Suite B, a 1,428 square foot suite. The suite to the west is a 1,272 square foot insurance office. The suite to the east is a 1,530 square foot space that is currently vacant.

- c. The proposed conditional use will be less intensive than the suite's previous use as a Curves gym in terms of the number of employees and traffic to the site.
- d. The applicant shall secure all necessary permits and licenses for the operation of the daycare service and shall comply with all applicable Federal, State, and local codes.
- e. All proposed exterior signage shall be permitted prior to installation and shall comply with Chapter 15.33, Signs, of the Council Bluffs Zoning Ordinance.

MidAmerican Energy stated that they have no objections regarding the proposed conditional use permit, provided the existing utility easements remain.

Council Bluffs Water Works: No comments were received.

Cox Communications: No comments were received.

Century Link: No comments were received.

Black Hills Energy: No comments were received.

United States Postal Service: No comments were received.

**NEIGHBORHOOD RESPONSE** – All property owners within 200 feet were notified of the conditional use permit request. No comments were received.

## **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 benefitted 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. *Day care services are a permitted conditional use in a C-3/Commercial District. The subject property is located on .31 acres of developed land. The use will take place in an existing 4,400 square foot commercial building on an existing lot of record. The proposed use occupies Suite B which is 1,428 square feet.*
2. Adequate utility, drainage, and other necessary facilities or improvements have been or will be provided. *The subject property is an existing commercial facility with adequate facilities. No utility service extensions and/or infrastructure upgrades are necessary for a daycare service to operate at this location.*
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 access off of South 4<sup>th</sup> Street. No additional improvements are necessary for the request.*
4. All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly states that such permits are obtainable for the proposed conditional use on the subject property. *Any new exterior signage shall comply with Chapter 15.33, Signs of Municipal Code (Zoning Ordinance). The applicant shall also comply with all federal, state, and local laws and requirements for the operation of a day care service.*
5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. *No exterior lighting is proposed.*
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 structure is an existing commercial building in the downtown area with access to existing public streets. Surrounding land uses in the general vicinity include S. 4<sup>th</sup> Street and a church to the east, law offices to the west, a retail building to the north, and a nonconforming residential use to the south. Access to the subject property is off of S. 4<sup>th</sup> Street which is an improved public roadway. There will be minimal daily traffic to the subject property. The proposed request is anticipated to have no negative impact on existing land uses in the surrounding area.*



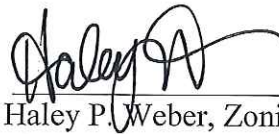
7. The location, nature and height of buildings, structures, walls, and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use, and enjoyment of the adjacent land, buildings and structures. *The subject property is an existing commercial site that was previously occupied by a commercial use. The proposed daycare use is a less intensive use than the previous commercial tenant in terms of number of employees and traffic to the site. The site is located in a C-3/Commercial District and has a nonconforming residential use to the south. As the existing parking lot abuts the nonconforming residential use to the south and the applicant is not expanding the building's footprint, no screening between the uses is required.*
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. *The proposed conditional use is not anticipated to have a negative impact on property values for existing or future land uses in the surrounding area.*

**RECOMMENDATION** – The Community Development Department recommends approval of the request for a conditional use permit to allow a daycare in a C-3 Commercial 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 daycare and shall comply with all applicable Federal, State, and local codes.
2. All proposed exterior signage shall be permitted prior to installation and shall comply with Chapter 15.33, Signs, of the Council Bluffs Zoning Ordinance.
3. The hours of operation shall be 7:30 a.m. to 4 p.m. Monday through Friday as stated in the submitted plan of operation.



Christopher N. Gibbons, Planning Coordinator  
Community Development Department



Haley P. Weber, Zoning Enforcement Officer  
Community Development Department



Submission: August 21, 2018

## Plan of Operation

### **CONNECT Day Habilitation Program 600 S. 4<sup>th</sup> St Suite B Council Bluffs**

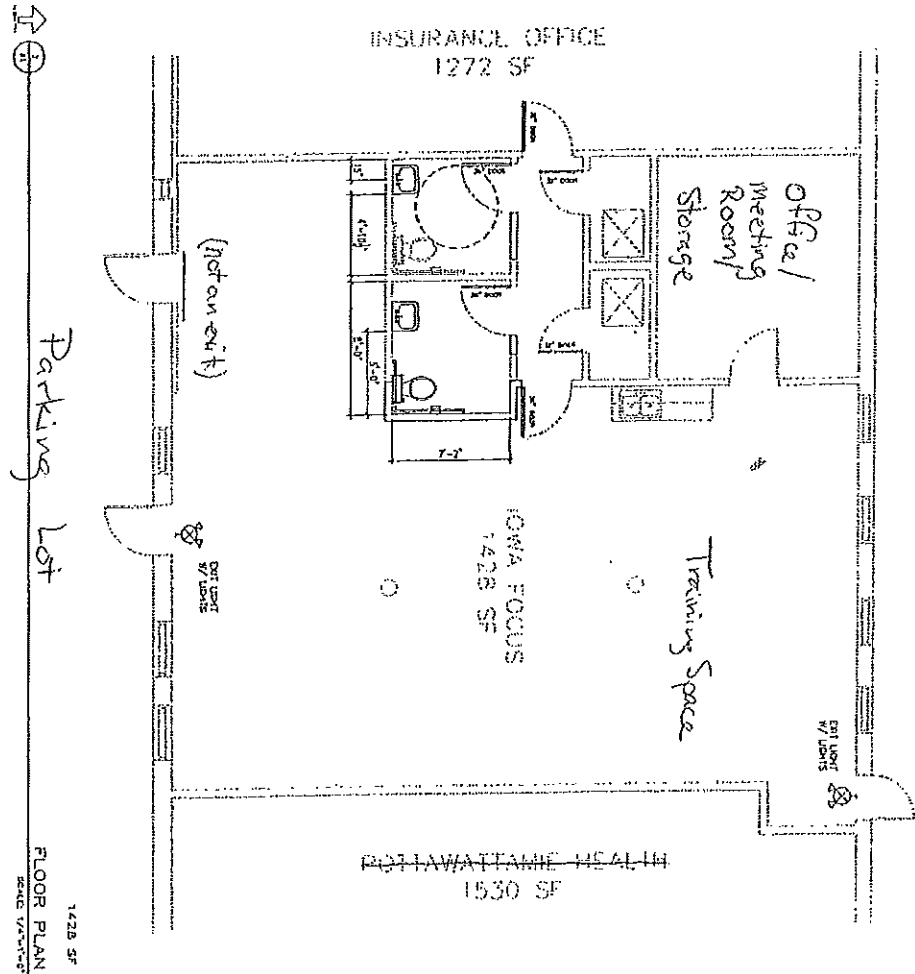
**About the Agency:** Iowa Focus has been serving individuals with disabilities in Southwest Iowa since 2002. At this time approximately 130 people access services through Iowa Focus in the Council Bluffs area, all with varying levels of need for support within their community, from a residential perspective. Iowa Focus employs approximately 100 employees to meet this need. The current administrative office to coordinate services is located on South Main in the Kiel Hotel Building.

**Intentions for 600 South 4<sup>th</sup> Street Suite B:** Changes are being made throughout the State regarding the kinds of constructive activity that someone that has an intellectual disability has available to them during the day. One service that is available and being encouraged, is "Day Habilitation". Iowa Focus sees great value in this service and what it provides for individuals that need support in this area. Currently, Iowa Focus provides this service in Creston, and has done so since 2013, with great success and support from the surrounding community. Intentions are to offer Day Habilitation services at this location.

**What Day Habilitation offers:** The Day Habilitation program, referred to as CONNECT, serves as a training program for individuals with disabilities to learn constructive day activity that others in the community having similar interests might engage in. A large emphasis is placed on community participation. This involves volunteering (such as at a food pantry), accessing resources, (such as the library or YMCA), as well as participating in leisure activities, (such as going to the movie theater, or bowling). Some time will be spent in the training center as well, engaging and learning more about meaningful activity that can be explored with peers, as well as gaining interactive and leadership skills.

**Access to Day Habilitation:** Day Habilitation (CONNECT program) will be available for individuals to access supports Monday through Friday, except identified holidays. Individuals may participate as little as half an hour on a given day, or as much as potentially 6 hours, depending on what they prefer or have desire to learn. While employees may be there setting up or completing paperwork any time, typically services may allow for someone to be there as early as 7:30a, or as late at 4pm, Monday through Friday. Maximum number of people for this space identified will be 26, as a combination of employees as well as those served. Parking is available in the attached lot, currently identifying 11 dedicated spaces for suite B, as well as open parking, and 2 handicap accessible spaces. Primary use of the parking spaces will be employees and/or guests, as few if any individuals served have vehicles of their own. Individuals accessing Day Habilitation services will be picked up and dropped off by either residential supports, or public transportation. Intentions are to change existing signage of previous tenant to Iowa Focus CONNECT.

Iowa Focus  
501 South Main Suite 2B, Council Bluffs IA 51503  
712) 323-4024 Fax: 712)323-0032



**IOWA FOCUS**

**TENANT PLANS**

501 S. MAIN STREET  
Council Bluffs, Iowa

August 20, 2018

**PLANS**

**A1**

**EMSWILER ARCHITECTURE**

142B SF

Training Space includes:

- Tables & chairs
- Couches/Chairs
- Television
- Books/Magazines etc...
- Desks
- Refrigerator

Potentially includes:

- Exercise equipment
- Wii or gaming systems
- Craft space
- Sensory Area



# CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT LOCATION/ZONING MAP CASE # CU-18-003

## Map Legend

CASE #CU-18-003 Subject Property



Parcels



2016 Aerial Photograph



Note: Subject property is highlighted in red.



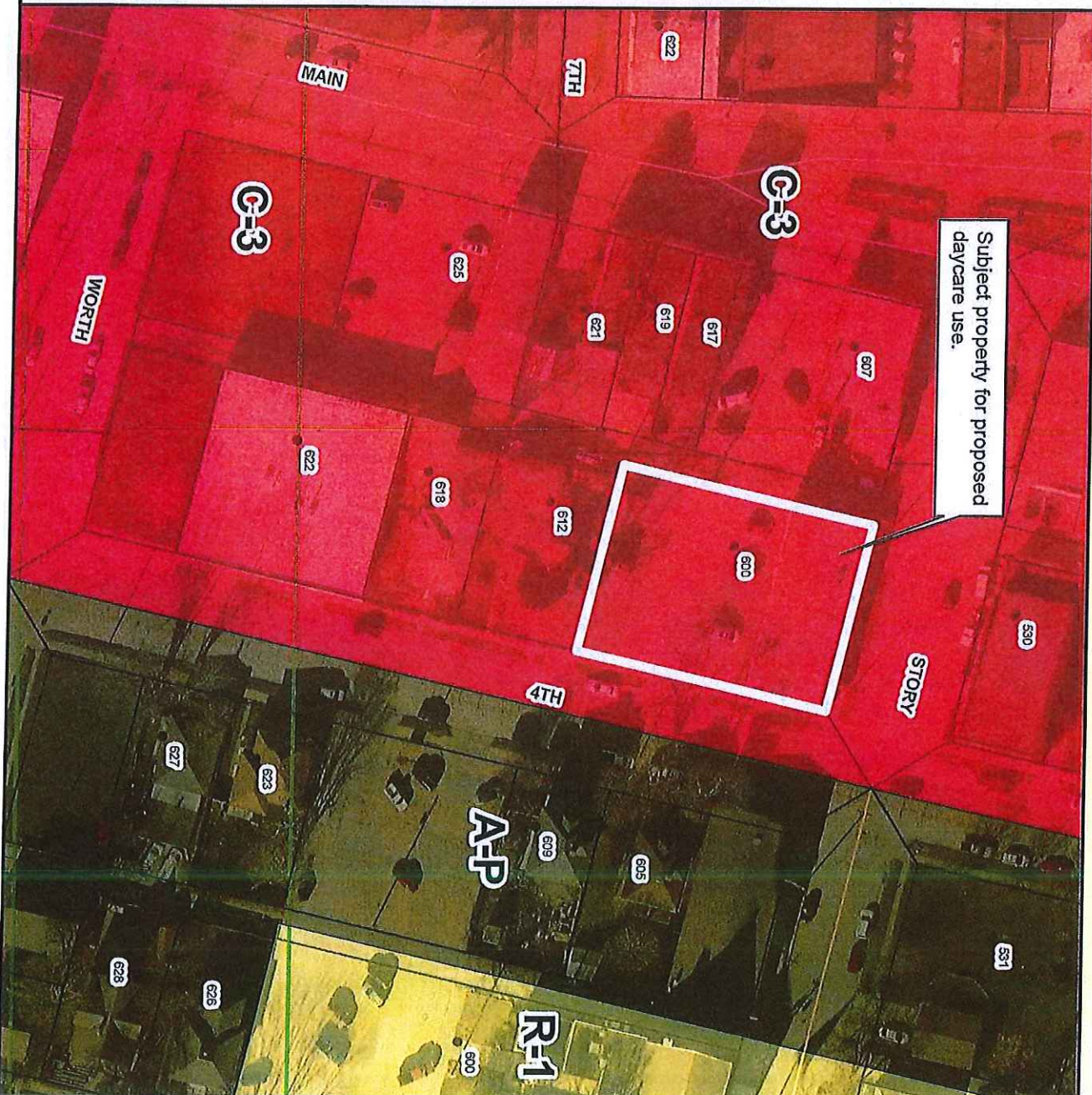
Last Amended: 8/24/18



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

### DISCLAIMER

This map is prepared and compiled from various sources. Users of this map are advised that the City of Council Bluffs does not warrant the accuracy or completeness of the information shown on this map. The City of Council Bluffs is not responsible for any errors or omissions on this map. The user assumes all liability for any use of this map.



## Zoning Board of Adjustment Communication

Department: Community  
Development

Case/Project No.: BA-18-004

BA-18-004

Council Action: 9/18/2018

Submitted by: Chris Meeks,  
Planner

### 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 attachment.

### Recommendation

### ATTACHMENTS:

Description

BA-18-004 Staff Report Including Attach A, B and C

Type

Other

Upload Date

9/12/2018



**TO:** Zoning Board of Adjustment  
**FROM:** Community Development Department

**DATE:** ~~July 17, 2018~~  
September 18, 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

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**Continued from July 17, 2018 Zoning Board of Adjustment meeting to allow the applicant time to develop solutions to bring the property into compliance in regards to the 35% Maximum Lot Coverage. No additional information has been received.**

**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.



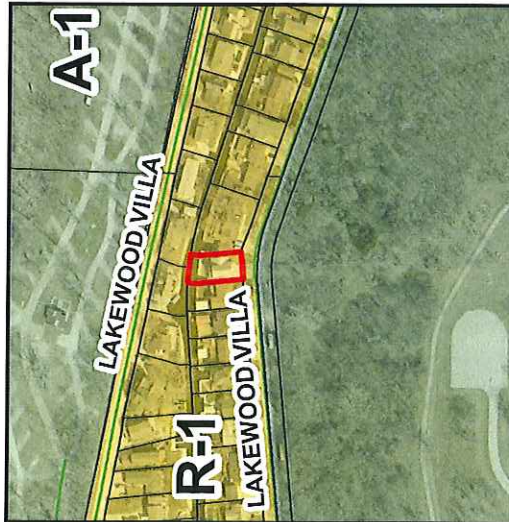
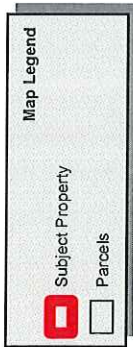
Christopher Gibbons, AICP  
Planning Coordinator



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 published from City documents, plans and other public information. The City assumes no responsibility for errors or omissions. The City assumes no liability for the use of this map for any purpose other than that for which it was prepared. The City assumes no liability for the use of this map for any purpose other than that for which it was prepared.

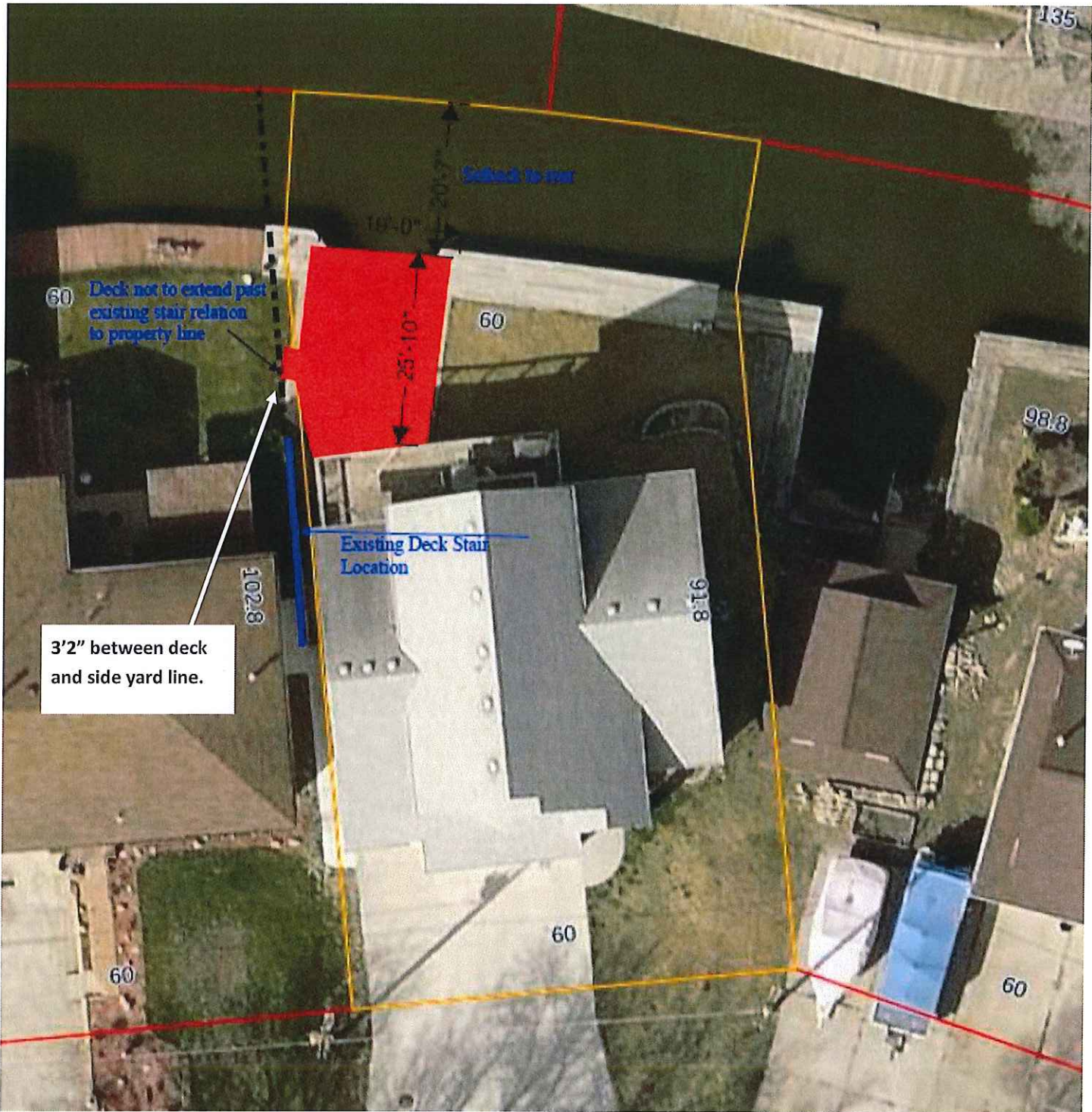
Council Bluffs Community  
Development Department  
209 Pearl Street  
Council Bluffs, IA 51503  
Telephone: (712) 328.4629





Attachment B

Applicant's Submitted Site Plan





## Attachment C

### Site Photos



## Zoning Board of Adjustment Communication

Department: Community

Development

Case/Project No.: CU-18-002

CU-18-002

Council Action: 9/18/2018

Submitted by: Christopher

Gibbons, Planning Coordinator

### Description

A conditional use permit to allow a 'business professional office with a floor area that does not exceed 2,000 square feet' in an R-3/Low Density Multi-Family Residential District.

Location: 1415 Avenue J.

### Background/Discussion

See attachments.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
CU-18-002 Staff Report Including Attach A, B, C and E	Other	9/12/2018
CU-18-002 Attach D	Other	9/12/2018



**TO:** Zoning Board of Adjustment  
**FROM:** Community Development Department  
**DATE:** September 12, 2018

**RE:** **CASE #CU-18-002**

**REQUEST:** A conditional use permit to allow a 'business professional office with a floor area that does not exceed 2,000 square feet' in an R-3/Low Density Multi-Family Residential District.

**APPLICABLE**

**CODE SECTION:** §15.02.020 – Zoning Board of Adjustment  
The Zoning Board of Adjustment shall have the following powers:  
b. To make final decisions on application for conditional uses.

§15.10.030 – Conditional Uses in an R-3/Residential District.

04. Business, professional office when the floor area of such use shall not exceed two thousand square feet.

**LOCATION:** 1415 Avenue J, Council Bluffs, Iowa 51501

**LEGAL**

**DESCRIPTION:** Lot 2, Legacy Family Campus Subdivision, Phase 2

**PROPERTY**

**OWNER:** Micah House Corporation, 1415 Avenue J, Council Bluffs, Iowa 51501

**APPLICANT:** Micah House Corporation, represented by Jaymes Sime, 1415 Avenue J, Council Bluffs, Iowa 51501

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**BACKGROUND** – The Community Development Department has received an application from Micah House, represented by Jaymes Sime, for a conditional use permit to allow a 'business professional office with a floor area that does not exceed 2,000 square feet' in an R-3/Low Density Multi-Family Residential District, on property legally described above. The applicant, Micah House, is in the process of adding 26 new beds for single females at their facility. As part of this capital project, the applicant has collaborated with All Care Health Center to provide on-site medical and dental services for their clients, and to the community at-large. The proposed All Care medical office will be comprised of approximately 1,200 square feet of floor area on the northwest side of the Micah House building. The proposed hours of operation for the medical office are Monday-Friday from 9:00 AM to 6:00 PM. The office will employ a receptionist, enrollment specialist, a nurse practitioner, and two medical assistants. The applicant has also proposed to allow All Care Health Center to install a 90"x 34" (21.25 square foot) attached wall sign above their entrance on the northwest side of the building. A letter of intent, floor plan layout, and signage plans detailing the specifics of the proposed business professional office are included with this report as Attachments A-D.

**CURRENT ZONING AND LAND USE** – The subject property is comprised of 1.15 acres of land and is zoned R-3/Low Density Multi-Family Residential District (see Attachment E). Surrounding zoning includes C-2/Commercial District and R-3 District to the north; R-3 District to the south; R-3 District to the East; and R-3 District and P-C/Planned Commercial District to the West. Existing land uses in the general vicinity of this request single-family residential dwellings to the north and east, and

the Charles E. Lakin Human Services Campus to the south and west. The future land use plan of the Bluffs Tomorrow 2030 (comprehensive Plan) designates the subject property as Public/Semi-Public.

The following image below show the subject property and surrounding area

**Exhibit A – 2017 aerial view of the subject property (outlined in red) and the surrounding area.**



**NEIGHBORHOOD RESPONSE** – All property owners within 200 feet were notified of the proposed conditional use permit request. No public comments have been received by the City as of the date of this report.

**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 Public Works Department stated they have no comments regarding the request.
2. Council Bluffs Fire Department stated they have no comments regarding the request.
3. Council Bluffs Water Works stated they have no comments regarding the request.
4. Council Bluffs Community Development Department provided the following comments:
  - a. The future land use plan designates the property as Public/Semi-Public. The proposed use is compatible with the Public/Semi-Public designation.
  - b. Micah House is a core agency on the Charles E. Lakin Human Services Campus and their focus is to help support and provide services to families and individuals that experiencing homelessness. The proposed conditional use permit will allow All Care Health Center to operate a 1,200 square foot office within the Micah House facility in order to provide

medical and dental services to the clients to reside at the Micah House as well as to the community at-large. The proposed medical office is considered an accessory use to the Micah House based on its size and intensity on the subject property/facility. The proposed medical office will not change the size, shape, and/or footprint of the Micah House building and or subject property, as per the submitted plans.

- c. Off-street parking for the Micah House is provided through a shared parking agreement with Charles E. Lakin Human Services Campus. All required off-street parking for the proposed medical office shall be provided through said shared parking agreement.
  - d. All Care Health Center has proposed to install a 90"x 34" (21.25 square foot) attached wall sign above their entrance on the northwest side of the Micah House building. Signage in an R-3/Low Density Residential District is limited to exempt signs stated in Section 15.33.080, temporary signs in Section 15.33.090, and neighborhood identification signs in Section 15.33.120, as per Section 15.33.160, *Residential District Signs*, of the Municipal Code (Zoning Ordinance). The portion of the sign that states "Florence M. Lakin Health Center" is considered an exempt sign. The portion of the sign that states "All Care Health Center" is considered an attached wall sign is not permitted in an R-3 District. The Community Development Department recognizes the need for All Care Health to provide an attached wall sign in order to meet their service mission for clients at Micah House as well as the community at-large. The Zoning Board of Adjustment has the ability to allow the proposed signage as part of their approval for the conditional use permit. The Community Development Department recommends approval to allow a maximum of 21.25 square feet of attached wall signage for the All Care Health Center on the subject property.
  - e. The subject property is fully served by municipal services and utilities with adequate capacity to serve the proposed medical office use.
5. MidAmerican Energy stated they no objections to the conditional use permit request provided that their existing utility easements on the subject property remain. The Community Development Department does not anticipate the proposed medical office will impact the location of any existing easements on the subject property.

**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 1.15 acres of land, which complies with the lot size requirement for property zoned R-3/Low Density Multi-Family Residential District. The size of the property is adequate for the operation of the proposed 'business professional office with a floor area that does not exceed 2,000 square feet' in association with the Micah House facility.*
2. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided. *The subject property is fully served by municipal services and utilities with adequate capacity to serve the needs of the proposed 'business professional office with a floor area that does not exceed 2,000 square feet' and the Micah House facility.*
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 access to Avenue J and North 14<sup>th</sup> Street via private driveways on the Charles E. Lakin Human Services Campus. No traffic conflicts or congestion on the adjacent public streets are anticipated to occur because of the proposed 'business professional office with a floor area that does not exceed 2,000 square feet'.*
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 be required to obtain all necessary building and sign permits for the proposed 'business professional office with a floor area that does not exceed 2,000 square feet'. 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. *No new outdoor lighting is proposed with this request. Any proposed outdoor 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 proposed 'business professional office with a floor area that does not exceed 2,000 square feet' will occupy 1,200 square feet of space on the first floor of the Micah House facility. The subject property is part of the Charles E. Lakin Human Services Campus and the proposed 'business professional office with a floor area that does not exceed 2,000 square feet' will be used to provide medical/dental services to residents of the Micah House and to the community at-large. The proposed medical office is considered an accessory use to the Micah House based on its size and intensity on the subject property. Access to the site will be provided via private driveways onto Avenue J. and North 14<sup>th</sup> Street.*

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 proposed 'business professional office with a floor area that does not exceed 2,000 square feet' will occupy 1,200 square feet of space on the first floor of the Micah House facility. The proposed request will not change the size and/or shape of the existing Micah House facility and/or subject property. No new fences, walls, and/or landscaping are proposed with this request. The proposed 21.25 square feet of attached wall signage for the All Care Health Center is not anticipated to detract from the residential appearance of the Micah House facility. The proposed 'business professional office with a floor area that does not exceed 2,000 square feet' is not anticipated to discourage the appropriate development, use and enjoyment of the adjacent land, buildings, and structure if developed in accordance with all approved plans.*

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. *The proposed 'business professional office with a floor area that does not exceed 2,000 square feet' will occupy 1,200 square feet of space on the first floor of the Micah House facility. The medical office use is compatible with the other uses on the Charles E. Lakin Human Services Campus and surrounding area, and will provide additional to the residents living at Micah House and the community at-large. The proposed use will contribute to the convenience and welfare of the public and is not anticipated to cause injury to property values in the surrounding area.*

#### **RECOMMENDATION**

The Community Development Department recommends approval of the request for a conditional use to permit to allow a 'business professional office with a floor area that does not exceed 2,000 square feet', on property legally described as Lot 2, Legacy Family Campus Subdivision, Phase 2, subject to the comments stated above and 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. A maximum total of 21.25 square feet of attached wall signs is allowed for the proposed All Care Health Center on the Micah House building. All signage shall be permitted prior installation.
4. The proposed medical office shall not exceed 2,000 square feet in size and shall remain an accessory use to the overall operation of the Micah House facility at all times.



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Christopher N. Gibbons, AICP  
Planning Coordinator

#### **Attachments**

- Attachment A: Letter of intent
- Attachment B: Floor plan
- Attachment C: Proposed attached wall signs for All Care Health Center
- Attachment D: Exterior elevation renderings showing location of proposed wall signs
- Attachment E: Zoning/location map

August 20, 2018

Dear Zoning Board of Adjustments:

MICAH House is currently in the process of capital project which will add 26 beds to our facility for single females, as well as a health clinic for use by our clients. The new clinic will be roughly 1,200 square feet. All Care Health Center will be our provider at the clinic. MICAH House is one of two buildings on the Charles E. Lakin Human Services Campus zoned as residential. We are requesting a Business Professional Usage exemption to allow for the clinic to operate within MICAH House. We are also requesting to add an exterior sign outside of the clinic entrance on the west side of the building facing the adjacent parking lot.

Adding this clinic will have a tremendously positive impact on the clients we serve. Our clients often arrive to us not having had access to health care for some time. Having the clinic within MICAH House removes the barriers of transportation and cost, which are often the limiting reasons that prevent our clients from accessing health care. The clinic will primarily provide health services, but it will also provide dental services. Access to dental care will address issues clients may have been living with for a long time and also hopefully prevent costly and irreparable damage in the future.

The clinic will have its own exterior entrance and serve the community of Council Bluffs at-large. The clinic buildout was funded in-part, by a grant that provided naming rights to the clinic. For these reasons having the sign where we propose is imperative. The sign we propose complies with the Charles E. Lakin Human Service Campus guidelines, and will not look out-of-place with the other existing signage on the campus.

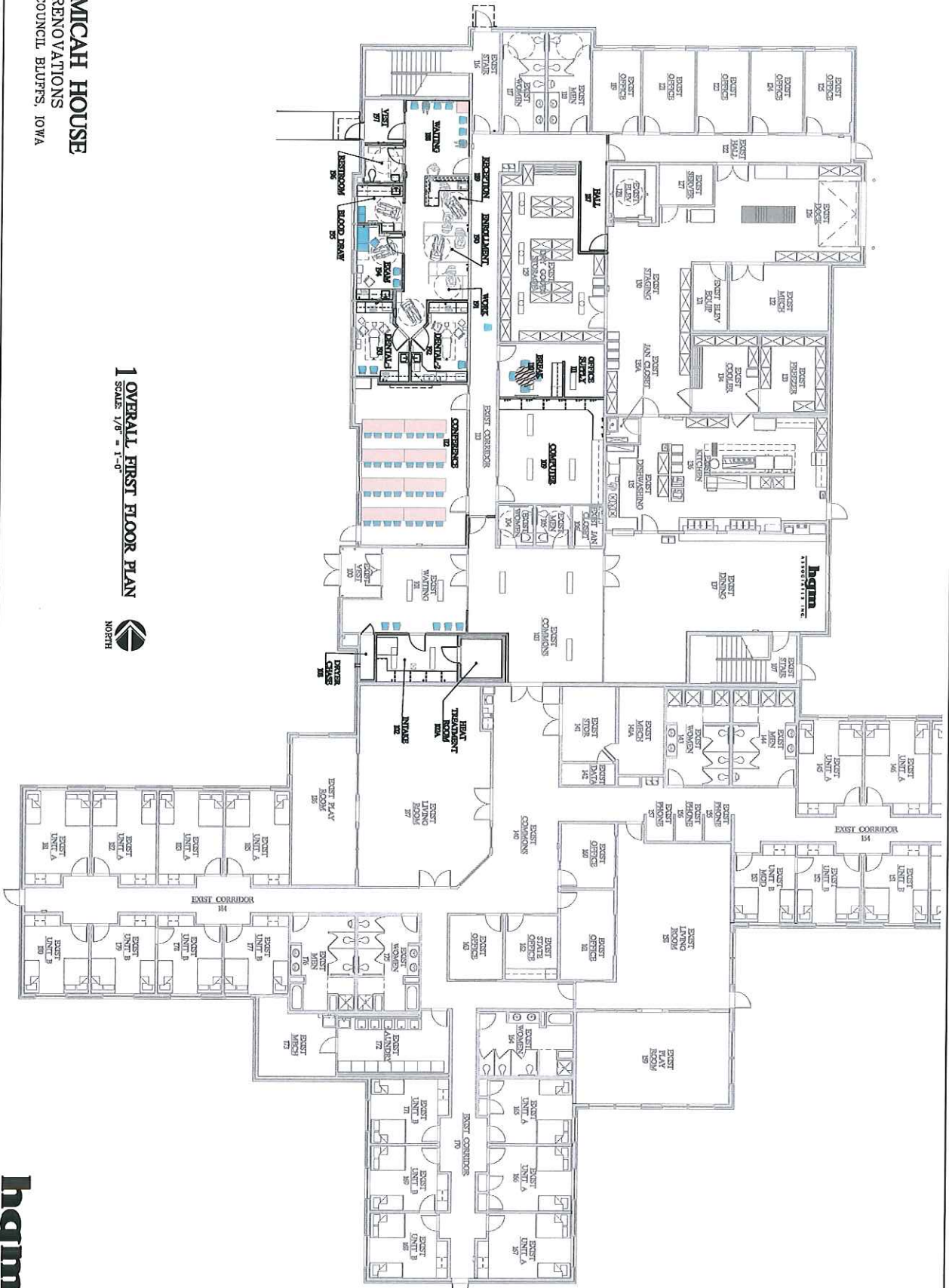
It is anticipated that the clinic will operate full-time five days a week (Monday-Friday), with anticipated hours being 9:00 AM-6:00 PM. All Care will evaluate patient's needs and may adjust time's accordingly. During peak hours the clinic will have a reception, enrollment specialist, Nurse Practitioner, and one to two Medical Assistants.

We appreciate your consideration of our request.



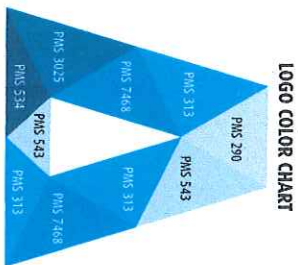
**MICAH HOUSE**  
**RENOVATIONS**  
 COUNCIL BLUFFS, IOWA


**1 OVERALL FIRST FLOOR PLAN**  
 SCALE 1/8" = 1'-0"



**hgm**  
 ASSOCIATES INC.

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# CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT LOCATION/ZONING MAP CASE # CU-18-002

**Map Legend**

CASE #CU-18-002 Subject Property

Parcels

0 75 150  
1 Inch = 150 Feet

2016 Aerial Photograph



Note: Subject property is highlighted in red.



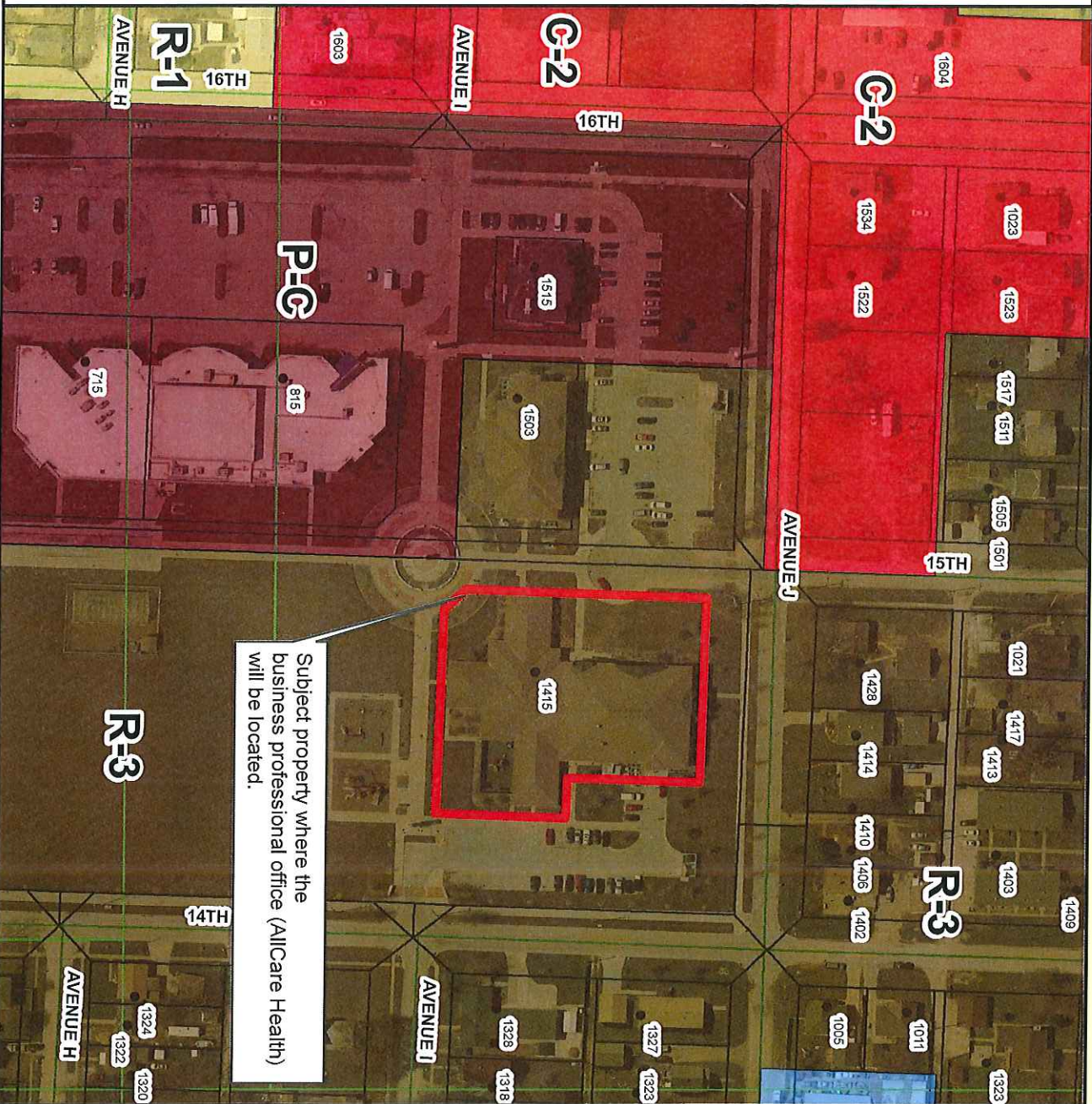
Last Amended: 8/24/18



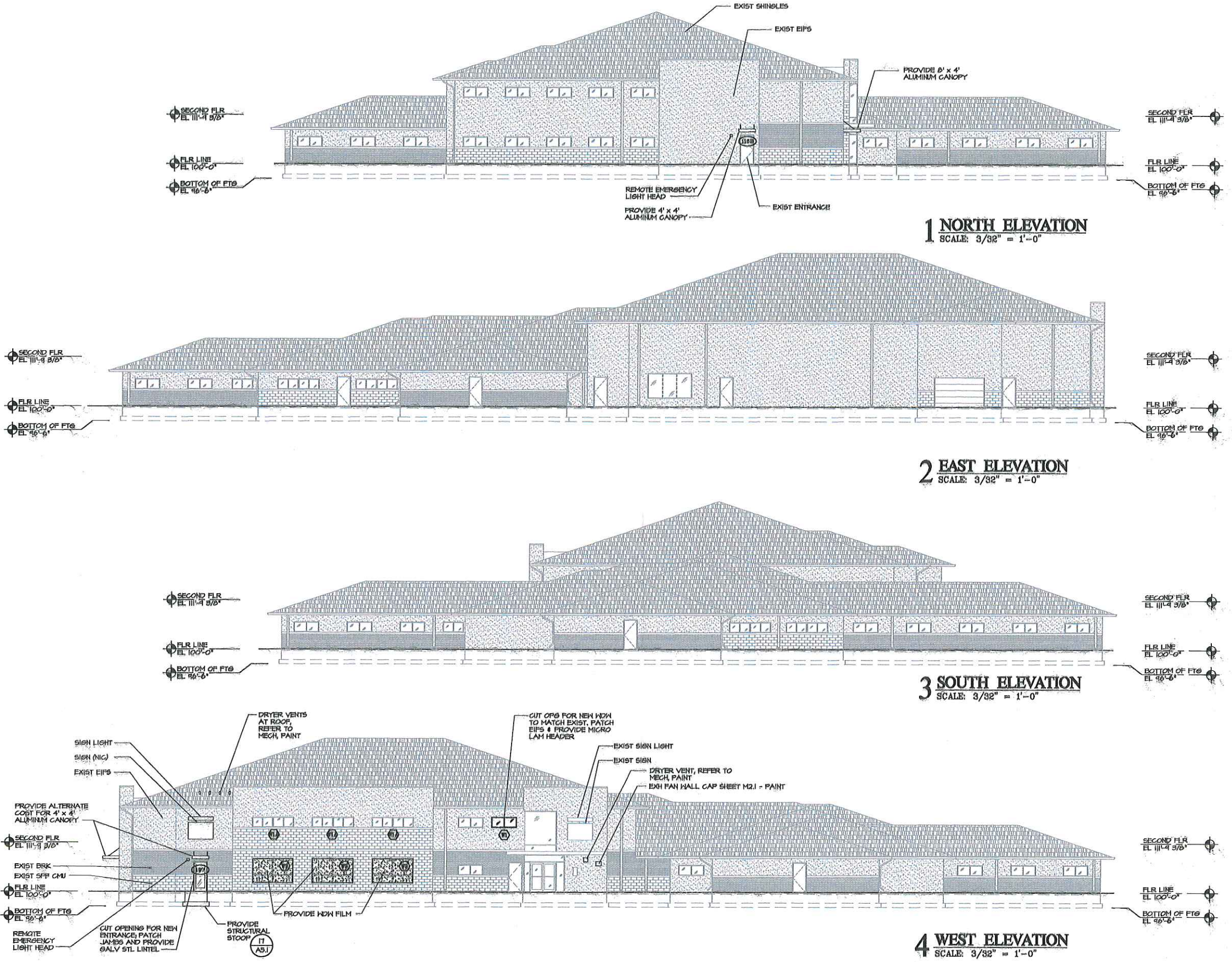
Council Bluffs Community  
Development Department  
209 Pearl Street  
Council Bluffs, IA 51503  
Telephone: (712) 328-4629

**DISCLAIMER**

This map is prepared and compiled from various sources, some of which may be outdated. The City of Council Bluffs is not responsible for the accuracy or completeness of the information contained on this map. The user should verify the information with the City of Council Bluffs before using it for any purpose. The City assumes no liability for any errors or omissions on this map.







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ASSOCIATES INC.  
ENGINEERING ARCHITECTURE SURVEYING  
council bluffs omdha

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DATE	REVISION
MAY 2018	1

**MICAH HOUSE - HEALTH CLINIC AND SECOND FLOOR RENOVATIONS**  
COUNCIL BLUFFS, IOWA

PROJECT: MICAH HOUSE  
CLIENT: MICAH HOUSE  
ARCHITECT: HGM ASSOCIATES INC.

PROJECT NO. 103617  
SHEET A2.1