



**ZONING BOARD OF ADJUSTMENTS  
AGENDA**

**Tuesday, October 16, 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-18-004**

Public hearing on the request of Indian Hills Holdings, Inc., represented by Paul J. Kelly of Paul J. Kelly Architecture, for a conditional use permit to allow a 'commercial storage' use in a C-2/Commercial District, on property legally described as being part 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. Location: 1600 McPherson 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](mailto:cgibbons@councilbluffs-ia.gov).

## Zoning Board of Adjustment Communication

Department: Community

Development

Case/Project No.: CU-18-004

CU-18-004

Council Action: 10/16/2018

Submitted by: Chris Meeks,

Planner

### Description

Public hearing on the request of Indian Hills Holdings, Inc., represented by Paul J. Kelly of Paul J. Kelly Architecture, for a conditional use permit to allow a 'commercial storage' use in a C-2/Commercial District, on property legally described as being part 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. Location: 1600 McPherson Avenue.

### Background/Discussion

See attachment.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
10-16-18 ZBA CU-18-004 Staff Report Including Attachs	Other	10/10/2018

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

**DATE:** October 23, 2018

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

**REQUEST:** A conditional use permit to allow 'commercial storage' in a C-2/Commercial District

**APPLICABLE**

**CODE SECTIONS:** §15.02.020 - Zoning Board of Adjustment

The Zoning Board shall have the following powers:

b. To make final decisions on applications for conditional uses.

§15.15.030 – Conditional uses in an C-2/Commercial District

04. Commercial storage

**LEGAL**

**DESCRIPTION:** 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, and 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, City of Council Bluffs, Pottawattamie County, Iowa.

**LOCATION:** 1600 McPherson Avenue

**APPLICANT:** Indian Hills Holdings, Inc., Attn: Neal Drickey,  
2023 South 181<sup>st</sup> Circle, Omaha, NE 68130

**OWNERS:** Indian Hills Holdings, Inc., 47 Skyridge Road, Rancho Mirage, CA 92270

**REPRESENTATIVE:** Paul J. Kelly Architecture, Attn: Paul J. Kelly,  
440 North 61<sup>st</sup> Street, Omaha, NE 68132

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**BACKGROUND INFORMATION** – The Community Development Department has received an application from Indian Hills Holdings, Inc., represented by Paul J. Kelly of Paul J. Kelly Architecture, for a conditional use permit to allow 'commercial storage' in a C-2/Commercial District, on property legally described above.

The submitted operation statement for the proposed 'commercial storage' use is included in this report as Attachment B. In summary, the applicant intends to remodel an existing building that was formerly used as a nursing home, into a commercial storage facility. The applicants propose to remodel the 54,645 square foot building to accommodate 449 climate controlled storage units, and to construct 36 additional non-climate controlled units that would be constructed North and West of the existing building. All units will be accessed through internal corridors and controlled access points, except for the units located in the northwest building wing and the new units in detached structures. The remaining units would be access through exterior doors that would be located within a fenced and gated area that would also have controlled access. The hours of operation for the facility will be from 6:00 A.M. to 9:00 P.M. every day of the week, with no access allowed outside of those hours of operation. The facility is proposed to be staffed three days per week for a total of 16 hours. The applicant has acknowledged that 14 paved parking spaces for employees and customers will be required, with 19 currently striped spaces being maintained on the site. The applicant has proposed for the paved lot on the North and West sides of the building to be fenced.

### Land Use and Zoning

The subject property is comprised of 5.52 acres of land, and is proposed to be rezoned to C-2/Commercial District with CASE #ZC-18-012 on October 22, 2018. Surrounding zoning includes C-1/Neighborhood Commercial District to the South, and R-1/Single Family Residential District to the North, East, and West. There are commercial structures located to the south of the subject property, residential dwelling units to the North and West, St. Albert Junior/Senior High School to the West, and undeveloped land to the East.

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

The following attachments are included with the case staff report:

- Attachment A: Location and Zoning Map
- Attachment B: Operational Statement
- Attachment C: Proposed Site Plan and Building Renderings
- Attachment D: Site Photos

**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:

- The Council Bluffs Fire Marshall had no comments on the proposed conditional use permit.
- The Council Bluffs Permits and Inspections Division had no comments on the request.
- The Council Bluffs Public Works Department stated they had no objections to the proposed conditional use permit, but noted the developer must install a sidewalk along the frontage of McPherson Avenue.
- Council Bluffs Water Works stated the building has water service, but that service has been shut off.
- MidAmerican Energy stated they have no objections to the proposed conditional use permit.
- Council Bluffs Community Development Department provided the following comments:
  1. A 'commercial storage' use is defined in Section 15.03.158, *Definitions, Commercial Storage* of the Council Bluffs Zoning Ordinance as "storage services primarily for personal items and household good within enclosed storage areas having individual access but excluding use of areas as workshop, hobby shops, manufacturing, or commercial activities". All units shall be used for storing personal items and household goods and shall not be utilized for any contractor shops, hobby shops and/or industrial uses.

2. The developer has proposed an ornamental iron fence around the parking area and new storage buildings on the West and North sides of the property. The ornamental Iron fence alone will not satisfy the screening standards set forth in Section 15.24.040(4) of the Council Bluffs Zoning Ordinance. The developer will need to screen the commercial use from the residential zoning district by installing a wood and/or masonry fence, at least 50% opaque and six feet in height, a vegetation fence capable of providing a substantially opaque barrier and attaining a height of six feet within three years of planting, a landscaped earth berm, or a combination of the described methods. The proposed storage buildings shall not be considered the buffer between the commercial use and the residential zoning district.
3. New perimeter buildings shall be constructed to conform with the existing building, featuring mansard roofs, brick wainscot and piers, and lap siding, as is shown on the submitted site renderings.

**NEIGHBORHOOD RESPONSE** – All property owners within 200 feet were notified of the conditional use permit request. No formal 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 benefited by a conditional use as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the conditional use. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact. No conditional use shall be approved unless the Zoning Board of Adjustment makes findings of fact based directly on the standards and conditions imposed by this section. The findings of fact are presented below *in italics*:

1. The proposed conditional use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations and all other standards or conditions contained in the provisions authorizing such use. *The subject property is comprised of 5.52 acres of land which exceeds the minimum lot size requirements for property zoned C-2/Commercial District. The existing building location and proposed building locations appear to meet lot development requirements of the C-2/Commercial District, and would be able to accommodate the proposed commercial storage facility.*

2. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided. *Sanitary and storm sewers are available to service the proposed commercial storage use, as are electric utilities and water service. Any cost to extend, modify or otherwise relocate any utilities for this development shall be at the cost of the owner/applicant and not the financial responsibility of the City of Council Bluffs.*
3. Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. *The subject property has direct access to McPherson Avenue. All driveways, drive aisles, parking areas, and storage areas shall be hard-surfaced with asphalt or concrete cement and shall comply with the design standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance. The total number of required off-street parking spaces will be determined once the final site plan is reviewed by the City. The applicant shall design all off-street parking, storage areas, loading/unloading areas to comply with all requirements stated in Chapter 15.23, Off-Street Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance. The proposed request is anticipated to have no negative impact on existing traffic patterns in the area.*
4. All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly appears that such permits are obtainable for the proposed conditional use on the subject property. *The applicant shall obtain all required building, driveway, parking lot and storm water permits from the City prior to commencing any further development activity on the subject property. All proposed signage shall receive a sign permit from the City prior to installation. Final approval of the rezoning of the subject property from R-3/Low-Density Multifamily Residential to C-2/Commercial District shall be completed prior to the conditional use permit becoming valid.*
5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. *All exterior lights shall comply with Section 15.24.050, Lighting Controls, of the Council Bluffs Zoning Ordinance.*
6. The location and size of the conditional use, the nature and intensity of the activities to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. *The subject property is comprised of 5.52 acres of land. The property currently contains a 54,645 square foot building that is proposed to be renovated and converted into a commercial storage facility. The applicant does propose constructing additional buildings to be used as 'commercial storage'. The applicant does not anticipate any additional traffic to the site as opposed to the former use as a senior care facility. Surrounding land uses consist of the single family residential to the north, west, and east, a junior/senior high school to the west, and commercial buildings to the south. The site will be accessed from McPherson Avenue, which is an improved public street, via an existing driveway. The proposed 'commercial storage' use is generally compatible with the existing land uses and development pattern in the surrounding area and will provide new storage services for the City. City staff has not received any formal statements from neighboring property owners expressing opposition to the proposal.*

7. The location, nature and height of buildings, structures, walls and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures. *The submitted site plan shows that the existing building on the site will be renovated and repurposed as the main commercial storage facility. The applicant has also proposed the construction of three new storage buildings on the North and West sides of the property, which will be required to meet C-2/Commercial District site development and setback standards. The applicant will also be required to construct a privacy fence or screening that is consistent with Section 15.24.040(4) of the Council Bluffs Zoning Ordinance to adequately screen the commercial storage facility from the residential zoning districts to the North, East, and West.*

8. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. *If developed in full compliance with adopted City requirements the proposed request is not anticipated to have a negative impact on property values for existing or future land uses in the surrounding area.*

### RECOMMENDATION

The Community Development Department recommends approval of the request for a conditional use permit to allow 'commercial storage' in C-2/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 conditional use and shall comply with all applicable Federal, State and local codes.
2. The hours of operations shall be as presented in the application.
3. All outdoor storage areas, off-street parking, driveways and drive aisles shall be hard-surface paved with asphalt or concrete cement and shall be designed to comply with all standards stated in Chapter 15.23, *Parking, Loading and Unloading* of the Council Bluffs Zoning Ordinance.
4. Screening between the commercial use and residential zoning districts shall comply with standards set forth in Section 15.24.040(4), *Required Fences* of the Council Bluffs Zoning Ordinance.
5. The Conditional Use Permit shall only become effective once the rezoning of the property from R-3/Low-Density Multifamily Residential to C-2/Commercial District is adopted.
6. New perimeter buildings shall be constructed with mansard roofs, brick wainscot and piers, and lap siding, as is shown on the submitted site renderings.



Christopher N. Gibbons, AICP  
Planning Coordinator



Chris Meeks  
Planner



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

**Map Legend**

 Location of Proposed Conditional Use

 Parcels

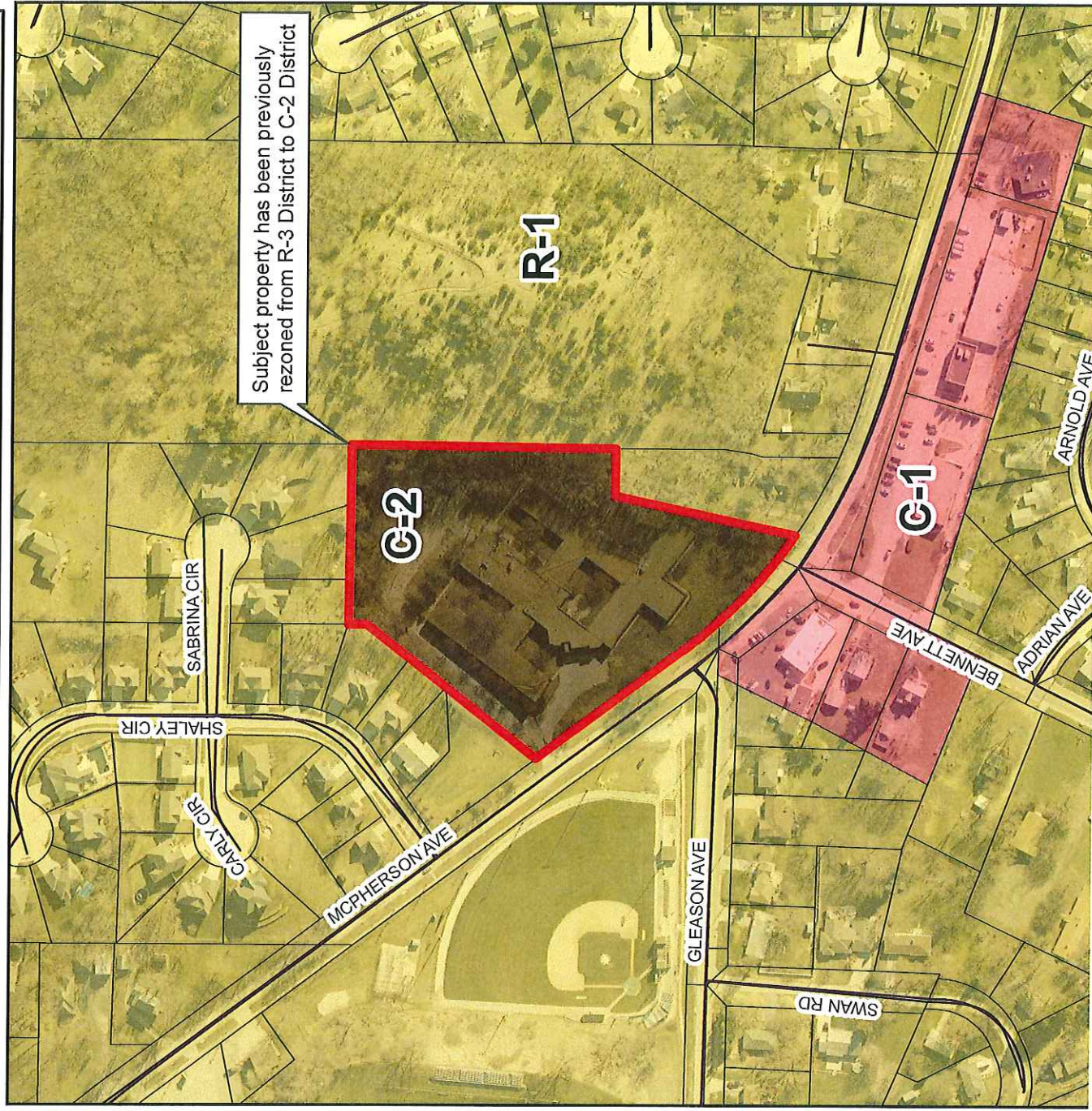
0 125 250  
1 Inch = 254 Feet



Last Amended: 9/20/18

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

**DISCLAIMER**  
This map is prepared and compiled from official records of the City of Council Bluffs, Iowa. It is not intended to be used as a legal document. The City of Council Bluffs, Iowa, and its officials assume no liability for any errors or omissions in this map. The information contained on this map is for informational purposes only and should not be used as a basis for any legal action.





## Proposed Use Operational Statement

17 September 2018

Property Address: 1600 McPherson Avenue, Council Bluffs, Iowa 51503  
Property Owner: Indian Hills Holdings, Inc., Attn: Neal Drickey  
2023 South 181st Circle 68130  
(402) 598-7270 [ndrickey@yahoo.com](mailto:ndrickey@yahoo.com)  
Project Description: Remodel an existing vacant nursing home facility into a commercial self-storage facility. The existing structure is 54,645 square feet with concrete floor, perimeter 8" concrete block or wood framed walls with brick veneer, and low slope roof with perimeter mansard roof. Initial scope will include all work needed to bring the facility up to current code requirements, with future work to include enclosing an existing interior courtyard and the addition of three non-climate-controlled buildings at the north and west sides for additional storage units.  
Type of Business: Commercial self-storage facility.  
Access Hours: 6 am to 9 pm every day.  
Office Hours: 10 am-4 pm, Tues. & Thursday, and 9 am-1 PM Saturday.  
Number of Employees: 1  
Maximum Capacity: Warehouse occupant load at 500 sf/person = 122  
Parking: One space per 5,000 sf = 14 Required  
(All phases = 70,000 total sf).  
Approximately 19 spaces will remain available at existing paved areas after all phases are constructed.  
Storage: All storage will be at the building interior.  
Access: Vehicle access will be at the existing south entrance on McPherson Avenue. A keypad controlled gate will allow vehicle access to the storage areas for clients during the above noted access hours.  
Signage: 16' long by 3' tall externally lit monument sign on the existing brick base adjacent to the south entry drive.  
Exterior Lighting: Full cut-off type wall pack lights at the building perimeter will be on timer control to be lit during access hours. After hours the lights can be provided with motion sensors to illuminate if needed.  
Utilities: Existing utility services are adequate for the proposed use.



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

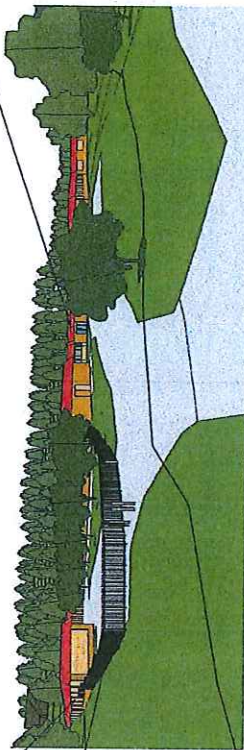
NEW PRESS POINT FENCING WITH MOTORIZED GATE AT MCPHERSON AVENUE ENTRANCE AND ALONG THE WEST PROPERTY LINE.



Existing Southwest Aerial View

NEW PERIMETER BUILDINGS AT EXISTING PAVING 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.



Entry View

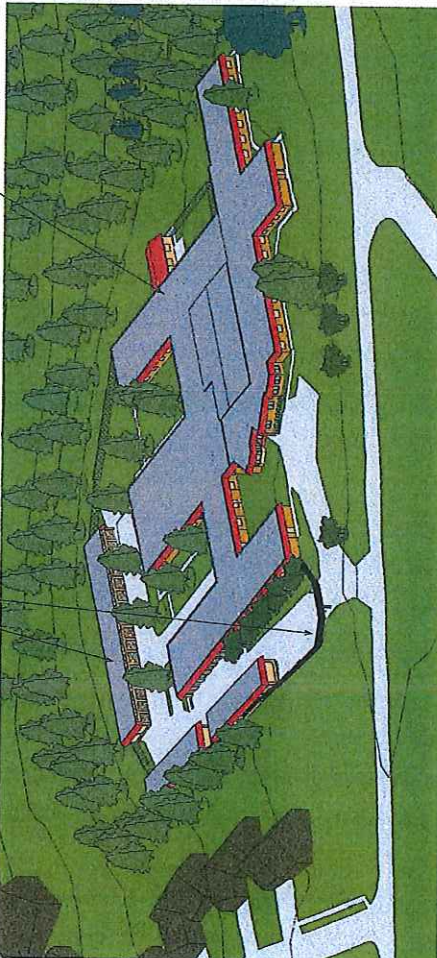
BUSINESS OFFICE ACCESS AT EXISTING SOUTH ENTRANCE



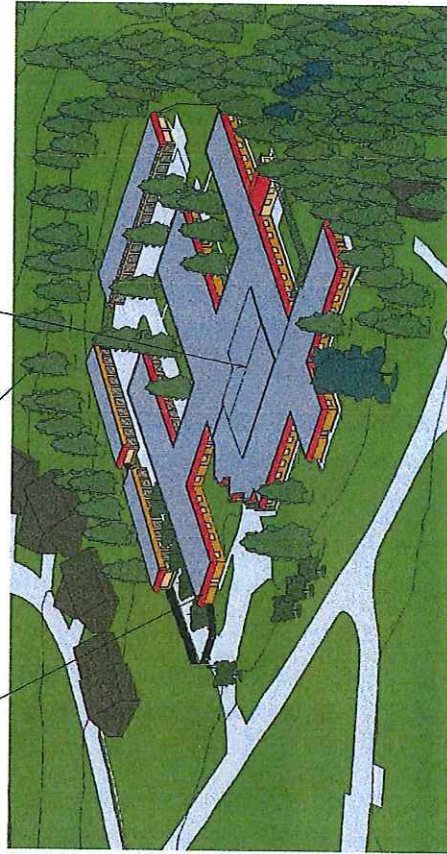
Existing Southeast Aerial View

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

EXISTING PERIMETER TREE BUFFER TO REMAIN



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  
407 North 1st Street  
Council Bluffs, Iowa 51503  
ph: 319.333.1111  
pk@pkjelly.com  
12 August 2016







## Attachment D

### Site Photos



Aerial photo of the subject property (facing North)

Driveway entrance to the subject property from McPherson Avenue (Facing West).



Subject property as seen from the intersection of Gleason Avenue and McPherson Avenue.

