



**ZONING BOARD OF ADJUSTMENTS
AGENDA**

**Tuesday, March 19, 2019 - 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-19-001

Public hearing on the request of Eveloff Properties, LLC for a conditional use permit to allow "automobile sales and rental" in the C-2 District on property legally described as the Southerly 213.06 feet of Lots 14-18, Auditor's Subdivision in East 1/2 of the NE 1/4 NW 1/4 of Section 12-74-44, lying West of State Highway 192 and East of 7th Street right-of-way, all in the City of Council Bluffs, Pottawattamie County, Iowa, and being more particularly as follows: Commencing at the Southeast corner, Northwest 1/4 of Section 12-74-44; thence North 1,317.5 feet along the East line of Northwest 1/4 of Section 12; thence South 89°23'20" West 236.36 feet to the West right-of-way Iowa Highway #192 and the point of beginning; thence continue South 89°23'20" West 236.44 feet; thence North 35°34'55" West 43.93 feet; thence N 36°24'37" West 218.33 feet; North 89°23'20" East 385.03 feet to the West right-of-way of Iowa Highway #192; thence Southeasterly along said right-of-way on a 5,853.0 radius curve to the left (curve concave Northeasterly) an arc distance of 213.06 feet to the point of beginning.

Location: 3250 South Expressway

9. OTHER BUSINESS

- A. 2018 ZBA Annual Report**
- B. Election of Officers**

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: Zoning Board of
Adjustment

Case/Project No.: CASE #CU-19-
001

CU-19-001

Council Action: 3/19/2019

Submitted by: Haley Weber, Zoning
Enforcement Officer

Description

Public hearing on the request of Eveloff Properties, LLC for a conditional use permit to allow "automobile sales and rental" in the C-2 District on property legally described as the Southerly 213.06 feet of Lots 14-18, Auditor's Subdivision in East 1/2 of the NE1/4 NW1/4 of Section 12-74-44, lying West of State Highway 192 and East of 7th Street right-of-way, all in the City of Council Bluffs, Pottawattamie County, Iowa, and being more particularly as follows: Commencing at the Southeast corner, Northwest 1/4 of Section 12-74-44; thence North 1,317.5 feet along the East line of Northwest 1/4 of Section 12; thence South 89°23'20" West 236.36 feet to the West right-of-way Iowa Highway #192 and the point of beginning; thence continue South 89°23'20" West 236.44 feet; thence North 35°34'55" West 43.93 feet; thence N 36°24'37" West 218.33 feet; North 89°23'20" East 385.03 feet to the West right-of-way of Iowa Highway #192; thence Southeasterly along said right-of-way on a 5,853.0 radius curve to the left (curve concave Northeasterly) an arc distance of 213.06 feet to the point of beginning.

Location: 3250 South Expressway

Background/Discussion

See attachments

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #CU-19-001 Staff Report	Other	3/15/2019
Case #CU-19-001 Attachment A	Map	3/15/2019
Case #CU-19-001 Attachment B	Other	3/15/2019
Case #CU-19-001 Attachments C-F	Other	3/14/2019

TO: Zoning Board of Adjustment
FROM: Community Development Department
DATE: March 19, 2019
RE: **CASE #CU-19-001**
REQUEST: A conditional use permit to allow 'automobile sales and rental,' as further limited by Section 15.15.060 in a C-2/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-2/Commercial District
3. Automobile sales and rental, as further limited by Section 15.15.060

LEGAL

DESCRIPTION: Part of the East ¼ of the Northwest ¼ of Section 12, Township 74 North, Range 44 West of the 5th P.M. City of Council Bluffs, Pottawattamie County, Iowa

LOCATION: 3250 South Expressway Street, Council Bluffs, IA 51501

APPLICANT: Eveloff Properties, LLC, Attn: Josh Eveloff, 7150 P Circle, Omaha, NE 68117

OWNERS: JB NE Enterprises Inc., Attn: Robert Miller, 5120 South Western Avenue, Suite 102, Sioux Falls, SD 57108

REPRESENTED BY: Brent W. Beller, 11440 West Center Road, Suite C, Omaha NE 68132

BACKGROUND INFORMATION – The Community Development Department has received an application from Eveloff Properties, LLC, for a conditional use permit to allow 'automobile sales and rental' in a C-2/Commercial District on the property located at 3250 South Expressway, as legally described above.

The subject property is currently a Perkin's Restaurant. The applicant, Josh Eveloff, proposes to operate a pre-owned car sales lot, 'The Internet Car Lot,' and construct a new 10,736 square foot building at this location. 'The Internet Car Lot' will operate as a consignment car sales business that will provide the following vehicle sales services: professional vehicle photography, online advertisement of the vehicle, organizing of the vehicle sale, vehicle financing, and vehicle trade-ins. The business will also offer automobile repair, detailing and maintenance services that will

be open to the public. The submitted letter of intent for the proposed 'automobile sales and rental' use is included with this report as Attachment 'B'.

The applicant intends to construct a 10,736 square foot building on the south side of the property. The submitted floor plan shows that the interior of the building will include: a service area, showroom, lobby, break room, mechanical room, storage room, five (5) offices, and a restroom facility. The applicant anticipates a maximum of ten (10) people in the building at any time, including both customers and employees. The submitted site plan shows an area to the east of the building that will be designated as an "outdoor photography area." The site plan also shows one hundred and seven (107) total parking spaces on the property. Ninety (90) spaces are dedicated for vehicle sales display. Six (6) spaces are dedicated for staff parking. Two (2) spaces are dedicated for handicap parking. Exterior signage is proposed; however, the size and exact location of signage is not identified on the submitted plans.

The proposed hours of operation are Monday through Saturday, 9 a.m. to 7 p.m. The submitted letter of intent indicates that there will be three (3) full-time staff members at this location. The facility will operate on an appointment system for vehicle listings and showings. The proposed location at 3250 South Expressway will be the second location of 'The Internet Car Lot.' The original location is located at 7150 P Circle near 72nd and 'L' Street in Omaha, Nebraska. Photographs of this existing location are included as Attachment 'F.'

CURRENT ZONING AND LAND USE – The subject property is zoned C-2/Commercial District. The two (2) adjacent parcels to the north and one (1) adjacent parcel to the south are also zoned C-2/Commercial District. The parcels across the South Expressway to the east are zoned P-C/Planned Commercial District. The parcel to the west across S. 7th Street is zoned I-2/Industrial District. A location/zoning map is included as Attachment "A".

Existing land uses in the general vicinity include: a restaurant and hotel to the north; several restaurants across South Expressway to the east; a fast-food restaurant to the south; and a convenience store across South 7th Street to the west. The future land use map of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as Local Commercial.

The following attachments are included with the case staff report:

- Attachment A: Location/Zoning Map
- Attachment B: Letter of Intent
- Attachment C: Site Plan
- Attachment D: Floor Plan
- Attachment E: Rendering of Proposed Building
- Attachment F: Photos of Existing Omaha Location

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

Exhibit A: Aerial View of the subject property



Exhibit B: Google street view image of the subject property looking west towards the subject property from South Expressway



Exhibit C: Google street view image of the subject property looking northeast from the adjacent property to the south (Burger King)



Exhibit D: Google street view image of the subject property looking west from South 7th 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:

Council Bluffs Public Works had the following comments:

1. Improvements to the site shall meet current standards and specifications.
2. Public Works will work the design engineer concerning management during the site design process.

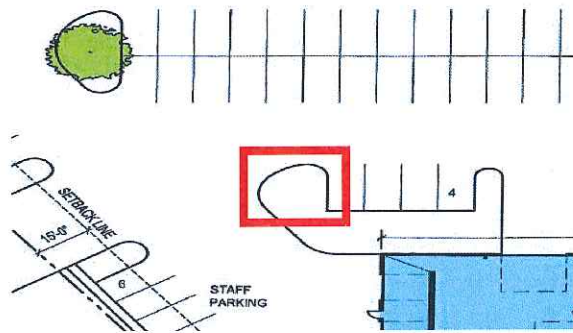
Council Bluffs Community Development Department:

1. An 'automobile sales and rental' use is defined in Section 15.03.048a, Definitions, 'Automobile sales and rental' of the Council Bluffs Zoning Ordinance as an "establishment or place of business engaged in the storage and display for sale, lease, or rental of more than two motor vehicles of any type of trailer (provided the trailer is unoccupied) at any one time and/or a total of ten (10) or more sold, leased, or rented during the course of a calendar year and where repair or body work is incidental to the operation of the new or used vehicle sales, leasing or rental. Automobile sales includes

all motor vehicle retail sales, leasing or rental, including noncommercial trucks, vans, recreational vehicles, boats, motorcycles or other similar motorized transportation vehicles. The minimum lot area for such an establishment shall be twenty-five thousand (25,000) square feet, except that the minimum lot area shall be 15,000 square feet for an establishment engaged solely in sales of motorcycles, motor scooters, all-terrain vehicles and other similar vehicles." The proposed consignment car sales lot would fall under this definition.

2. The minimum lot size requirement for an 'automobile sales and rental' use is 25,000 square feet as per Section 15.03.048a, *Definition, Automobile sales and rental*, of the Council Bluffs Zoning Ordinance. The subject property is comprised of 1.52 acres (66,211 square feet), which exceeds the minimum lot size required for the use.
3. The site plan shows the proposed 10,736 square foot building will be built to comply with minimum C-2 District setbacks and lot coverage standards. The building height was not indicated on the submitted site plan but shall conform to C-2 District standards.
4. The minimum number of off-street parking spaces for the proposed 10,736 square foot building is based on a calculation of 1 parking space per 500 square feet of gross floor area for 'automobile sales and leasing,' as stated in Section 15.23.060, *Parking spaces required*, of the Council Bluffs Zoning Ordinance. The site plan shows one hundred and seven (107) total off-street parking spaces which exceeds the number required for the 10,736 square foot building.
5. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the property as 'Local Commercial.' The plan defines "Local Commercial" as areas that include *"uses oriented primarily towards goods and services that meet the demand of Council Bluffs residents. These include grocery stores, convenience stores, pharmacies, banks, auto services, and small offices. They are typically located along visible corridors or at neighborhood centers, and may be configured as multi-tenant shopping centers or individual developments on smaller lots."* The proposed conditional use will allow automobile sales and services in a C-2/Commercial District and is located along the South Expressway, a visible commercial corridor. The proposed use is consistent with the 'local commercial' designation.
6. The Council Bluffs Zoning Board of Adjustment approved a variance for the existing pole sign on the property in 1996. The applicant may re-face the existing pole sign but no increase in the sign's square footage is allowed.
7. The site plan submitted by the applicant shows nine (9) trees along the south property line, two (2) trees in the northwest corner of the property, and one (1) tree on a landscaped parking lot island. The Community Development Department is requesting that additional landscaping be required along the frontage of property facing the South Expressway as well within the parking lot area as follows:
 - a. A minimum of 4 trees shall be planted within the five-foot wide green space along the eastern property line, adjacent to South Expressway right-of-way. Each tree shall measure a minimum of six feet in height and shall have a minimum diameter of 1.5 inches at the time of planting. In the event that trees cannot be planted due to design difficulties, the applicant can substitute 10 shrubs, with a minimum 24 inch spread, per tree planting.

- b. A landscaped island planted with one ornamental tree and covered with grass, sod, shrubs, and/or mulch shall be added to the parking lot island that is located northwest of the garage openings, as shown below:



A detailed landscaping plan showing the location, type and size of all proposed landscape plantings shall be submitted with the building permit application for approval. All landscape plantings shall be installed prior to the business operating.

8. No information on the exterior building facade materials were provided for the proposed 61' x 176' building. The Community Development Department recommends that flat concrete block and/or corrugated metal siding shall not be allowed on any exterior facade walls for the proposed building.
9. No outdoor lighting is proposed at this time. All outdoor lighting shall comply with the standards stated in Section 15.24.050, *Lighting controls* of the Council Bluffs Zoning Ordinance.
10. All proposed signage shall be permitted separately prior to installation and shall comply with the standards in Chapter 15.33, *Signs*, of the Council Bluffs Zoning Ordinance.
11. The applicant shall obtain a motor vehicle dealer's license from the Iowa Department of Transportation, Division of Motor Vehicles prior to operating at this location.
12. No exterior storage shall be permitted on the subject property.

Council Bluffs Water Works stated that they have no comments in regards to the conditional use permit for 3250 S. Expressway.

MidAmerican Energy stated that they have no objection to the conditional use request for 3250 S. Expressway.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet were notified of the conditional use permit request. No comments have 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 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.* The minimum lot size requirement for an 'automobile sales and rental' use is 25,000 square feet as per Section 15.03.048a, *Definitions, Automobile sales and rental*, of the Council Bluffs Zoning Ordinance. The subject property is comprised of 1.52 acres (66,211 square feet), which exceeds the minimum lot size required for the use. The site plan shows the proposed 10,736 square foot building will be built to comply with minimum C-2 District setbacks and lot coverage standards. The building height was not indicated on the submitted site plan but shall conform to C-2 District standards.
2. *Adequate utility, drainage, and other necessary facilities or improvements have been or will be provided.* The proposed conditional use will take place on an existing lot of record with adequate facilities. No utility service extensions and/or infrastructure improvements are necessary for the proposed 'automobile sales and rental' use.
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 S. 7th 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.* The applicant shall receive a sign permit from the City for all proposed signage prior to installation. The applicant shall receive all necessary permits from the City prior to constructing the proposed 10,736 square foot building. The applicant shall obtain a dealer's license from the Iowa Department of

Transportation, Division of Motor Vehicles, prior to operating the proposed 'automobile sales and rental' use on the subject property.

5. *All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties.* No exterior lighting is proposed at this time. The site does not directly abut any residential zoning or established residential use.
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 use will be located on an existing lot with access to existing public streets. The surrounding uses are commercial or general industrial in nature. The site does not directly abut any residential zoning or established residential use. The proposed use is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan. The proposed request is anticipated to have no negative impact on existing 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 site plan shows that the proposed 10,736 square foot building will be built to comply with minimum C-2 District setbacks and lot coverage standards. The building height was not indicated on the submitted site plan but shall conform to C-2 District standards. The applicant shall submit a detailed landscaping plan showing tree plantings within the five-foot wide green space along the eastern property line, adjacent to the South Expressway right-of-way, and one landscaped island planted with one ornamental tree and covered with grass, sod, shrubs, and/or mulch on the parking lot island that is located northwest of the garage openings. A detailed landscaping plan showing the location, type and size of all plantings shall be submitted to the City. All landscape plantings shall be installed prior to the business operating.
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.

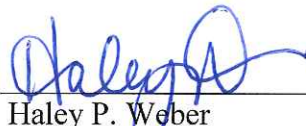
RECOMMENDATION – The Community Development Department recommends approval of the request for a conditional use permit to allow 'automobile sales and rental' in a C-2/Commercial District on property legally described above, subject to the comments stated above and the following conditions:

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. A detailed landscaping plan showing the location, type and size of all landscape plantings discussed in the comments above shall be submitted with the building permit application for approval. All landscape plantings shall be installed prior to the business operating.
3. All parking areas shall comply with the standards stated in Chapter 15.23, *Parking, Loading and Unloading*, of the Council Bluffs Zoning Ordinance. All parking lot improvements shall be complete prior to the business operating.
4. A detailed parking lot plan showing the location and dimensions of all proposed parking spaces, driveways, drive aisles, parking lot buffers and physical barriers shall be submitted to the City. All parking areas shall comply with the Chapter 15.23, *Parking, Loading and Unloading*, of the Council Bluffs Zoning Ordinance. All parking lot improvements shall be complete prior to the business operating.
5. The hours of operation shall be as presented in the application.
6. No vehicles shall be parked, stored and/or displayed in any required green space areas.
7. The proposed structure shall comply with C-2 District development standards, as per Chapter 15.21 of the Council Bluffs Zoning Ordinance.
8. Flat concrete block and/or corrugated metal siding materials shall not be used on any exterior facade walls for the proposed building additions.
9. All exterior lighting shall comply with the standards stated in Section 15.24050, *Lighting Controls*, of the Council Bluffs Zoning Ordinance.
10. All proposed signage shall be permitted separately prior to installation and shall comply with the standards in Chapter 15.33, *Signs*, of the Council Bluffs Zoning Ordinance.
11. The applicant shall receive all necessary permits from the City prior to constructing the proposed 10,736 square foot building.
12. No exterior storage shall be permitted on the subject property.
13. 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
Community Development Department



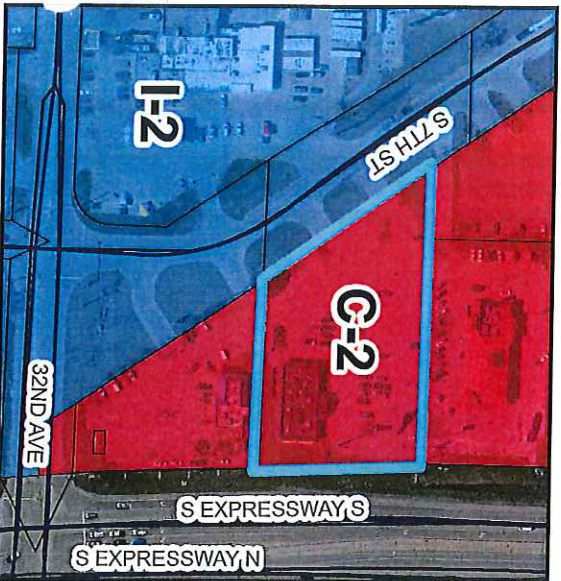
Haley P. Weber
Zoning Enforcement Officer
Community Development Department

CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT CASE #CU-19-001 LOCATION/ZONING MAP

Map Legend

 Subject Property

0 40 80
1 Inch = 83 Feet

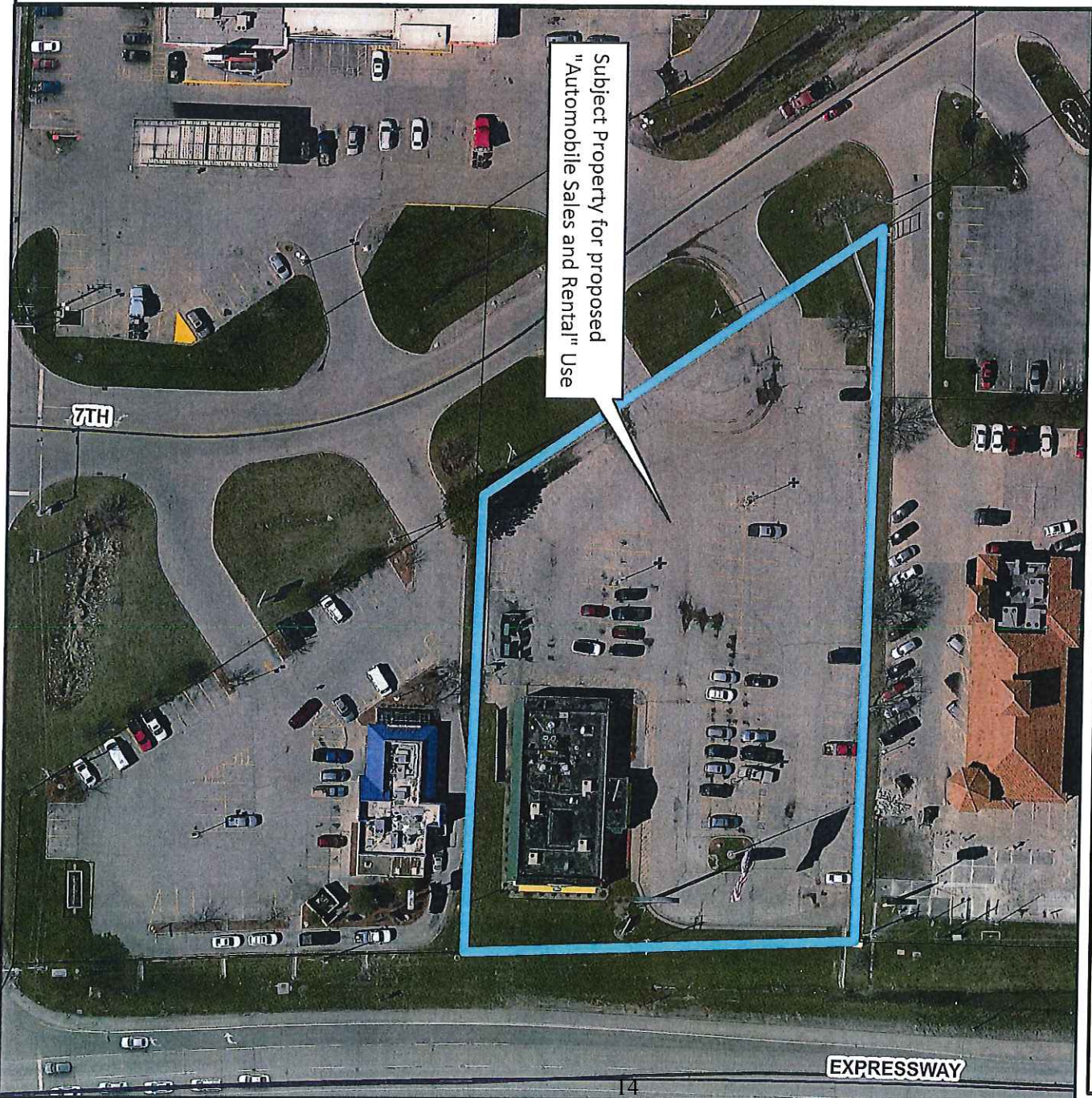


Last Amended: 2/19/19

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

DISCLAIMER

This map is prepared and compiled from
aerial photography and other sources.
The City of Council Bluffs is not
responsible for any errors or omissions
in this map. The City of Council Bluffs
is not responsible for any errors or omissions
in this map. The City of Council Bluffs
is not responsible for any errors or omissions
in this map.





The Internet Car Lot, Inc.
7150 P Circle
Omaha, NE 68117
402.991.1112
www.TheInternetCarLot.com

The Internet Car Lot is a local startup company created by Josh Eveloff who grew up in Council Bluffs. The Eveloff family has a long history in Council Bluffs starting with Josh's Great Grandfather who owned Marcus Department Store on Broadway. Josh's Mother Dannette worked as an ER nurse at Jenny Edmundson Hospital while his Father Mark, practiced Law downtown and went on to become a District Court Judge and still currently serves as a Senior Judge. Josh attended Gunn Elementary, Kirn Junior High, and graduated from Abraham Lincoln. He's very excited to open his second location in his hometown of Council Bluffs and bring their innovative services to the community!

The Internet Car Lot, opened for business in 2005 and has grown to be the largest independent pre-owned dealership in the region. At its core - The Internet Car Lot is a modern tech company with proprietary cutting-edge technology that is innovating the future of online vehicles sales!

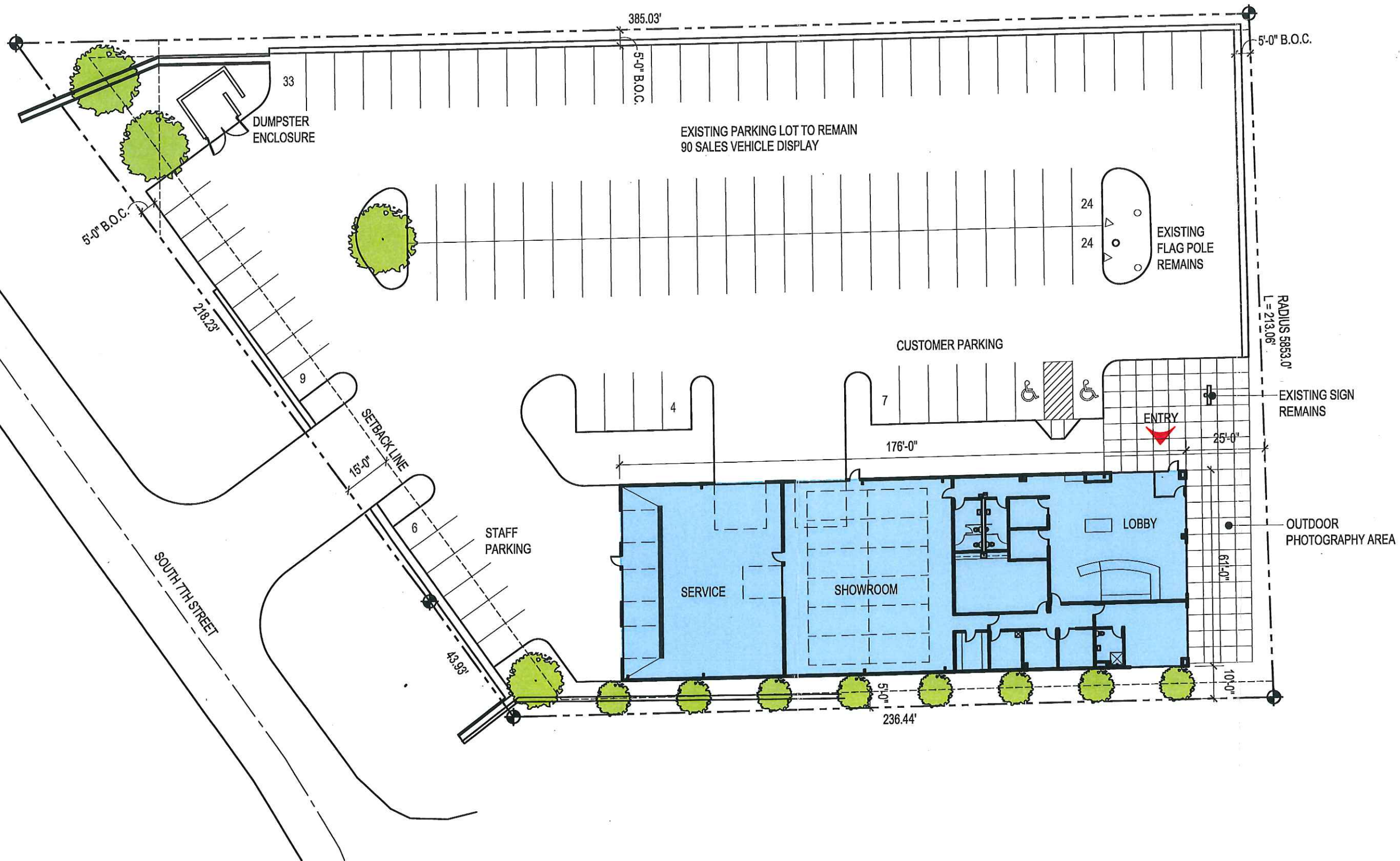
The Internet Car Lot is not your typical dealership. Specializing in consignment sales, The Internet Car Lot has built an incredible business of selling the area's most eclectic vehicles online. Regularly dealing in classic cars, custom motorcycles, and even exotic cars such as Ferrari's, Bentley's, and Lamborghinis. The consignment program is a great service to help people get top dollar for their vehicle without the hassle of selling it themselves or losing money trading it in. The Internet Car Lot handles all of the professional photography, advertises the vehicles on over 400 National websites, handles all the work of the sale including phone calls, emails and negotiations, the escrow service, buyer's financing, accepts trade-ins, offers extended warranties, and much more! All on local consignment vehicles! There's no other full service company like this in the Nation!

The Internet Car Lot has proprietary developed software that checks the pricing on all of its inventory daily and compares it with the Regional and National market places to ensure the best possible pricing around. Combined with a massive online advertising platform in which the company advertises Nationwide on all of the biggest named automotive websites such as AutoTrader, eBay, Cars.com, and much more! With low margins and a high volume of sales,

this model is what has made the company so successful! The company attracts in buyers from all over the country to purchase these great deals.

The Internet Car Lot also offers affordable service, repair and maintenance on all vehicles which is open to the public. There will also house a full-service detail center which is available to the public as well!

The proposed hours of operation are Mon-Sat 9am-7pm and closed Sundays. This location will maintain a full-time staff of 3 employees. This location will primarily operate on an appointment system for vehicle listings and showings. The maximum capacity anticipated including both customers and employees is 10.



The Internet Car Lot

3250 South Expressway
Council Bluffs, Iowa 51501

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Date: February 15, 2019

Project No: 19-007

Revisions:

avant
architects
planning architecture interiors

3337 North 107th Street
Omaha, Nebraska 68134
P 402.493.9611
F 402.493.9629

Sheet No.

A1.0

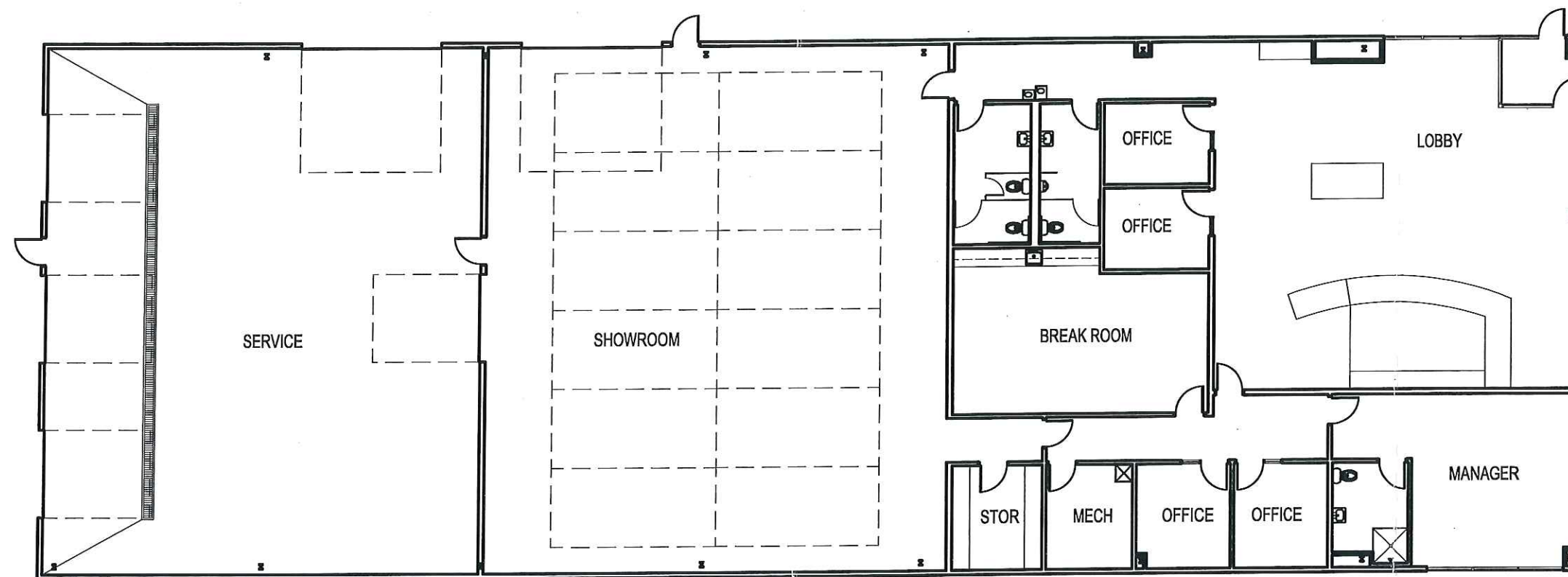


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Schematic Site Plan

SCALE: 1/32" = 1'-0" 17

ATTACHMENT C



1
A1.1

Schematic Floor Plan

SCALE: 1/16" = 1'-0"

The Internet Car Lot

3250 South Expressway
Council Bluffs, Iowa 51501

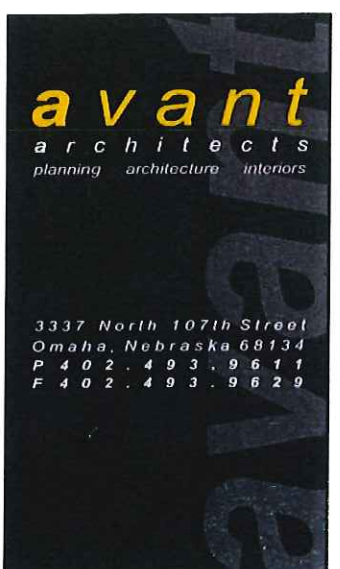
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Date: February 15, 2019

Project No: 19-007

Revisions:



Sheet No.

A1.1



Rendering of Proposed Building
View from southbound lane of S. Expressway



Photos of existing Omaha location near 72nd and 'L' Street



Zoning Board of Adjustment Communication

Department: Zoning Board of
Adjustment

Case/Project No.: 2018 ZBA
Annual Report

2018 ZBA Annual Report

Council Action: 3/19/2019

Submitted by: Christopher
Gibbons, Planning Coordinator

Description

Background/Discussion

Recommendation

ATTACHMENTS:

Description

2018 ZBA Annual Report

Type

Other

Upload Date

3/14/2019

2018

Zoning Board of Adjustment Annual Report

City of Council Bluffs, Iowa

Prepared by: Community Development Department
Address: 403 Willow Avenue, Council Bluffs, IA 51503
Date: 3/12/19



March 19, 2019

The Honorable Matthew J. Walsh, Mayor
and Members of the City Council

Mayor and Members of the City Council:

The Zoning Board of Adjustment forwards this copy of the 2018 Annual Report for your information. This report contains a summary of the actions taken by the Board in handling various cases referred to them during the year.

I would like to take this opportunity to thank the City Council and Community Development Department staff for their effort and support during the past year. I hope that together we can continue to serve the City of Council Bluffs in a program of progressive community development.

Respectfully Submitted,

Bobbette Behrens, Chair
Zoning Board of Adjustment
City of Council Bluffs, Iowa

MAYOR
Matthew J. Walsh

2018 CITY COUNCIL

Melissa Head
Mike Wolf
Roger Sandau
Nate Watson
Sharon White

2018 ZONING BOARD OF ADJUSTMENT

Bobbette Behrens, Chair
Brandon Juon*
Memory Mescher
Jared Olson
David Tritsch*
Pedro Vargas

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Rose Brown, Planning Coordinator*
Cindy Clark, Administrative Secretary
Brandon Garrett, Director
Christopher Gibbons, Planning Coordinator
Patrick McFadden, Zoning Enforcement Officer*
Christopher Meeks, Planner
Moises Monrroy, Planner*
Haley Weber, Zoning Enforcement Officer*

*Partial Year of Service

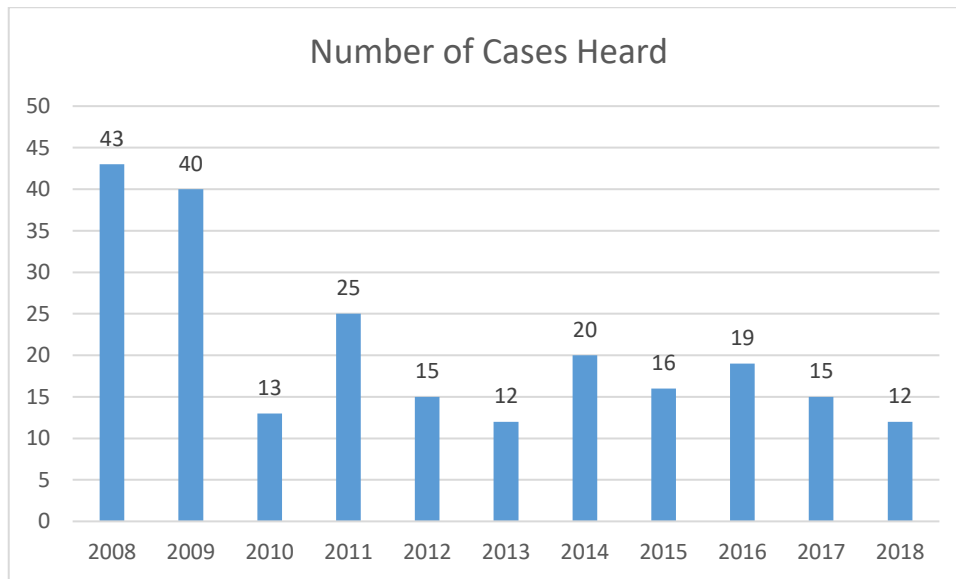
2018 ZONING BOARD OF ADJUSTMENT MEMBERS, TERMS AND ATTENDANCE

Member	Board Term	Meeting Attendance		
		Present	Absent	Attendance %
Bobbette Behrens	May 8, 2017 - April 1, 2022	8	0	100%
Brandon Juon	June 23, 2014 - August 1, 2019	3	3	50%
Memory Mescher	March 28, 2016 - April 1, 2021	6	2	75%
Jared Olson	February 25, 2019 - April 1, 2024	7	1	88%
David Tritsch	October 8, 2018 - April 1, 2023	2	0	100%
Pedro Vargas	July 13, 2015 - April 1, 2020	6	2	75%

SUMMARY OF ACTIVITIES

The Zoning Board of Adjustment consists of five members appointed by the Mayor to staggered five-year terms. The Board has the power to hear and decide appeals where there is alleged to be an error in any order, requirement, decision or determination made in the enforcement of Title 15 of the Municipal Code (Zoning Ordinance). Appeals to the Board may be taken by any person or organization that believes that they have been aggrieved by an officer, department, or board of the municipality. Persons may apply to the Board in an effort to seek relief from any requirement of the Zoning Ordinance as set forth by State law. The Board also hears and decides requests for conditional use permits.

The chart below represents the total of number of cases heard by the Zoning Board of Adjustment beginning in 2008 through 2018. In 2018, the Board heard a total of 12 cases at eight regularly scheduled meetings.



Source: Community Development Department

Variances:

Five cases requesting variances were considered by the Zoning Board of Adjustment in 2018. The Board concurred with the staff recommendation on three of the cases.

Conditional Use Permits:

Five requests for new conditional use permits were considered by the Zoning Board of Adjustment in 2018. The Board concurred with the staff recommendation approving all five requests, though modifying the conditions of one case.

Conditional Use Permit Modifications:

Two conditional use permit modifications were considered by the Zoning Board of Adjustment in 2018. The Board concurred with the staff recommendation and approved both requests.

SUMMARY OF ACTIVITIES

Variances - 2018

Case #	Request	Recommended Action	ZBA Decision
		CD Staff	
BA-18-001	Applicant: CHI Health Clinic Location: 1288 Valley View Drive Request: Variance to allow a 15-foot tall monument sign, as opposed to the maximum 10 feet allowed in a C-2 district.	Denial	Denial
BA-18-002	Applicant: Roger Sandau Location: 3418 West Broadway Request: Variance to reface a billboard with an electronic changeable copy sign without removing three existing non-conforming signs, each encompassing equal or greater sign area.	Denial	Approval
BA-18-003	Applicant: Stanley Willis, Jr. Location: 3325 4 th Avenue Request: Variance to construct a home addition 9 feet, 5 inches from the rear property line, as opposed to the 20 feet required in an R-2 District.	Denial	Denial
BA-18-004	Applicant: Blake Jensen Location: 33 Lakewood Villa Request: Variance to increase maximum structure coverage from 35% to 40% to allow a rear deck constructed without any building permits to remain.	Denial	Approval
BA-18-005	Applicant: HGR Investments Location: 2550 West Broadway Request: Variance to allow off-street parking to be located three feet from the north property line, as opposed to the required five feet.	Denial	Denial

SUMMARY OF ACTIVITIES

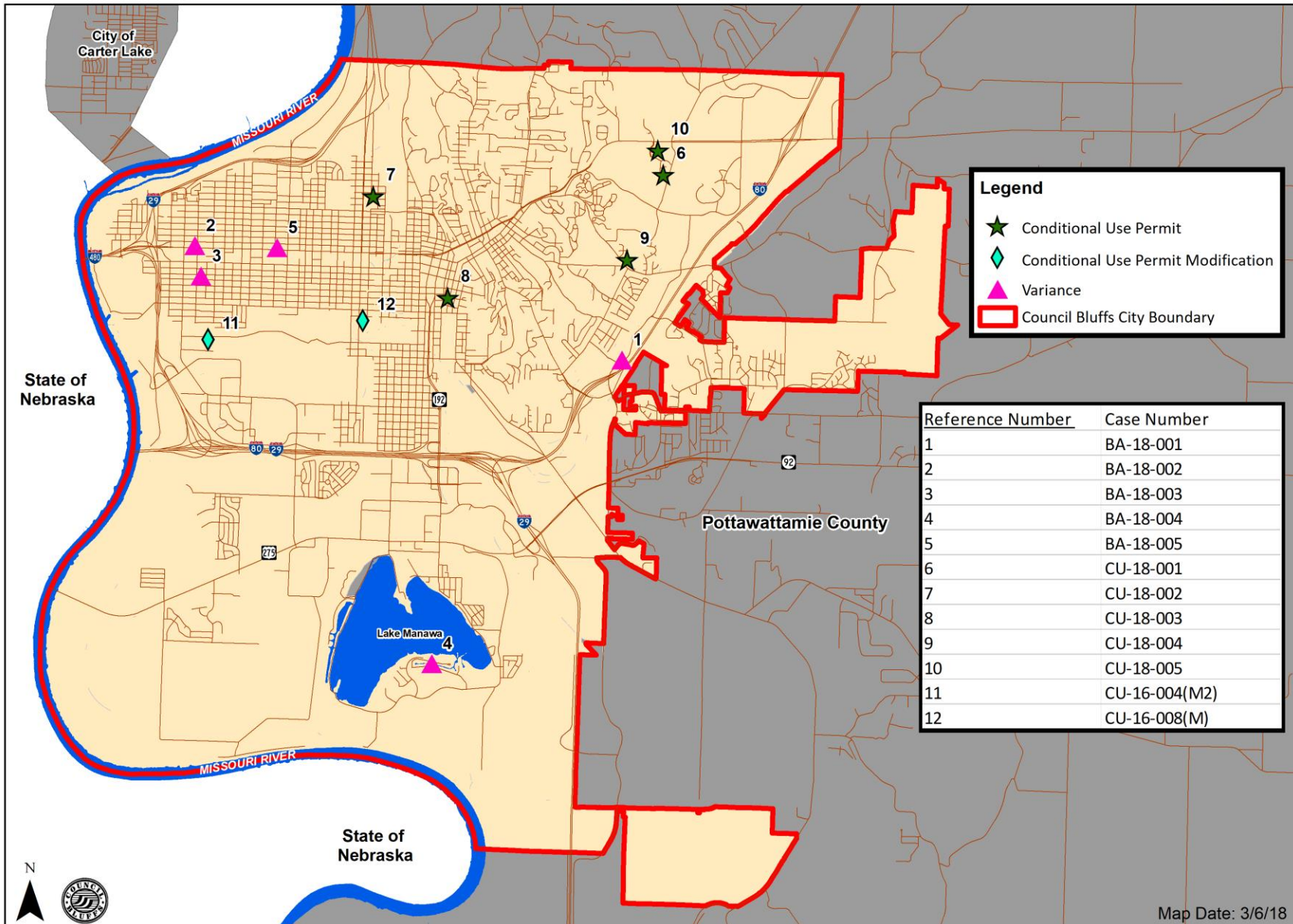
Conditional Use Permits – 2018

Case #	Request	Recommended Action	Zoning Board Action
		CD Staff	
CU-18-001	Applicant: Henry Clark Location: South of 2009 Sherwood Court and North of 1020 Railroad Avenue Request: Conditional use permit to allow commercial storage in an R-4 District.	Approval, with conditions	Approval, with conditions
CU-18-002	Applicant: Micah House Location: 1415 Avenue J Request: Conditional use permit to allow a business professional office with a floor area not to exceed 2,000 square feet in an R-3 District.	Approval, with conditions	Approval, with conditions
CU-18-003	Applicant: Iowa Focus Location: 600 South 4 th Street, Suite B Request: Conditional use permit to allow day care services in a C-3 District.	Approval, with conditions	Approval, with conditions
CU-18-004	Applicant: Indian Hills Holdings, Inc. Location: 1600 McPherson Avenue Request: Conditional use permit to allow commercial storage in a C-2 District.	Approval, with conditions	Approval, with modified conditions
CU-18-005	Applicant: Bomgaars Supply Inc. Location: 2703 East Kanesville Boulevard Request: Conditional use permit to allow automobile sales and rental in a C-2 District.	Approval, with conditions	Approval, with conditions

Conditional Use Permit Modifications – 2018

Case #	Request	Recommended Action	Zoning Board Action
		CD Staff	
CU-16-004(M2)	Applicant: Matt Fatka, Highway Signage Inc. Location: 3250 16 th Avenue Request: Modification to allow the expansion of a previously approved and modified contractor yard in an I-2 District.	Approval, with conditions	Approval, with conditions
CU-16-008(M)	Applicant: Brad Arrowsmith. Location: 1505 10 th Avenue Request: Modification to allow the expansion of a previously approved storage yard in an I-2 District.	Approval, with conditions	Approval, with conditions

Zoning Board of Adjustment (ZBA) - 2018 Case Location Map



Zoning Board of Adjustment Communication

Department: Zoning Board of
Adjustment

Case/Project No.: Election of
Officers

Election of Officers

Council Action: 3/19/2019

Submitted by: Christopher
Gibbons, Planning Coordinator

Description

Background/Discussion

Recommendation
