



**ZONING BOARD OF ADJUSTMENTS  
AGENDA**

**Tuesday, May 21, 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. Case #CU-19-002**

Public hearing on the request of All Makes Collision Center, LLC, represented by Karl Getzschman, for a conditional use permit to allow an 'automobile repair, major' use in a C-2/Commercial District on property legally described as Lot 8, Block 19, Hughes and Doniphan's Addition.

Location: 524 23<sup>rd</sup> 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.: Case #CU-19-  
002

Case #CU-19-002

Council Action: 5/21/2019

Submitted by: Haley Weber, Zoning  
Enforcement Officer

### Description

Public hearing on the request of All Makes Collision Center, LLC, represented by Karl Getzschman, for a conditional use permit to allow an 'automobile repair, major' use in a C-2/Commercial District on property legally described as Lot 8, Block 19, Hughes and Doniphan's Addition.

Location: 524 23<sup>rd</sup> Avenue

### Background/Discussion

See attachments

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
Case #CU-19-002 staff report	Other	5/15/2019
Case #CU-19-002 Attachment A-C	Map	5/15/2019

**TO:** Zoning Board of Adjustment  
**FROM:** Community Development Department  
**DATE:** May 21, 2019  
**RE:** **CASE #CU-19-002**  
**REQUEST:** A conditional use permit to allow ‘automobile repair, major,’ 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  
2. Automobile repair, major

**LEGAL**

**DESCRIPTION:** Lot 8, Block 19, Hughes and Doniphans Subdivision, City of Council Bluffs, Pottawattamie County, Iowa

**LOCATION:** 524 23<sup>rd</sup> Avenue, Council Bluffs, IA 51501

**APPLICANT:** All Makes Collision Center, LLC, 13935 Cherokee Lane, Council Bluffs, IA 51503

**OWNERS:** Kim G. and Carol A. Elder, 2423 S. 17<sup>th</sup> Street, Council Bluffs, IA 51501

**REPRESENTED BY:** Karl Getzschman, 13935 Cherokee Lane, Council Bluffs, IA 51503

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**BACKGROUND INFORMATION** – The Community Development Department has received an application from All Makes Collision Center, represented by Karl Getzschman, for a conditional use permit to allow ‘automobile repair, major’ in a C-2/Commercial District on the property located at 524 23<sup>rd</sup> Avenue, as legally described above.

The applicant, All Makes Collision Center, LLC, intends to utilize the existing 3,072 square foot building to operate an automobile repair shop. The applicant’s letter of intent is included as ‘Attachment B’. The submitted floor plan shows that the interior of the building will include: an office, handicap accessible bathroom, an office/break room, utility room, and an interior garage area. The garage area will house automobile repair equipment, including: a paint booth, frame and lift. There are three (3) garage doors on the south side of the building and one (1) garage door on the north side of the building, which will be utilized by staff. The submitted site plan shows that the green space area to the east and north of the building will not be used for outdoor storage. The submitted floor/site plan is included as ‘Attachment C’.

The proposed hours of operation are Monday through Friday, 7:30 a.m. to 4:30 p.m. and on Saturdays and Sundays by appointment only. The submitted site plan indicates that there will be a total of three (3) employees. There are a total of nine (9) parking spaces, one (1) of which is dedicated for handicap parking. The applicant intends to reface the existing pole sign, pictured below as 'Exhibit E'. The applicant has not submitted a proposed rendering of the sign.

**CURRENT ZONING AND LAND USE** – The subject property is zoned C-2/Commercial District. All adjacent parcels to the north, east and south are also zoned C-2/Commercial District. The parcels across South 6<sup>th</sup> Street to the west are zoned R-2/Two-Family Residential District. A location/zoning map is included as Attachment "A".

Existing land uses in the general vicinity include: a nonconforming residential property to the north; a convenience store to the east; a commercial storage facility to the south; and single-family homes across South 6<sup>th</sup> 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: Floor/Site Plan

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

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



**Exhibit B: Looking northwest at subject property from 23<sup>rd</sup> Avenue (front facade)**



**Exhibit C: Looking north at subject property from 23<sup>rd</sup> Avenue towards the green space area**



**Exhibit D: Looking east at subject property from S. 6<sup>th</sup> Street (rear facade)**



**Exhibit E: Parking lot and existing pole sign**



**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 Community Development Department:

1. An 'automobile repair, major' use is defined in Section 15.03.047, Definitions, '*Major automobile repair*' of the Council Bluffs Zoning Ordinance as "*the general repair, rebuilding, or reconditioning of engines and engine parts, collision service, body repair, frame straightening, painting, tire recapping and other similar activities, but excluding dismantling or salvage.*" The proposed automobile repair service would fall under this definition.
2. The minimum lot size requirement for a property zoned C-2/Commercial District use is 5,000 square feet. The subject property contains 0.59 acres of land (25,700.4 square feet), which exceeds the minimum lot size requirement for the property.
3. The applicant intends to utilize the existing 3,072 square foot building. No building additions are proposed with this request.
4. The minimum number of off-street parking spaces for the 3,072 square foot building is based on a calculation of 1 parking space per 750 square feet of gross floor area for 'automobile repair, major,' as stated in Section 15.23.060, *Parking spaces required*, of the Council Bluffs Zoning Ordinance. The existing site has a total of nine (9) off-street parking spaces which exceeds the number required for the 3,072 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 repair services in a C-2/Commercial District near the South Expressway, a visible corridor within the community. The proposed use is consistent with the 'local commercial' designation.
6. All signage, including the re-facing of the existing pole sign, shall be permitted separately prior to installation and shall comply with the standards in Chapter 15.33, *Signs*, of the Council Bluffs Zoning Ordinance.
7. No exterior storage shall be permitted on the subject property.
8. All off-street parking areas, drive aisles, and circulation routes shall be hard surface pavement that complies with the standards in Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Zoning Ordinance.
9. The sidewalk along 23<sup>rd</sup> Avenue, adjacent to the subject property, shall be completed in compliance with City standards.
10. The easterly most drive off of 23<sup>rd</sup> Avenue shall be removed and seeded with grass.
11. The Community Development Department is requesting that landscaping be required as follows:
  - a. A minimum of four (4) trees shall be planted along the eastern property line. 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.

- b. A five foot wide landscaped area along the southern portion of the parking lot, excluding the drive, shall be installed. A minimum of one (1) tree shall be planted in the 5 foot wide landscaped area on the west side of the drive and a minimum of (1) tree shall be planted on the east side of the drive. 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 a minimum of 10 shrubs, with a minimum 24 inch spread, per tree planting. The landscaped area shall be sodded and mulched.

Council Bluffs Fire Department stated that a floor plan with dimensions will need to be submitted for review by the Building Permits and Inspections Division and Fire Department.

Council Bluffs Public Works Department stated that they concur with Community Development's request to complete the sidewalk and removal of the easterly most driveway off of 23<sup>rd</sup> Avenue. This will require the applicant to install curb along the pavement edge through the removed driveway. The curb shall be installed to meet SUDAS standards and verified by the Public Works Department.

Black Hills Energy stated that they have no comments in regards to the proposal.

Council Bluffs Water Works stated that they have no comments in regards to the proposal.

**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. The following notification letters were returned as undeliverable:

John R. and Maureen L. Eickholt, 146 Vine Street, Council Bluffs, IA 51503  
West Broadway Properties, LLC, 112 W Broadway Street, Council Bluffs, IA 51503  
Earl William Jr. and Dianne Bauer, 400 Willow Avenue, Suite 2C, Council Bluffs, IA 51503

## **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 subject property contains 0.59 acres of land, which complies with the lot size requirement for property zoned C-2/Commercial District. The applicant intends to utilize the existing 3,072 square foot building on the existing lot of record. No new construction or additions are proposed with this request.
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 repair, major’ 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 23<sup>rd</sup> Avenue to the south and South 6<sup>th</sup> Street to the west. No traffic conflicts or congestion on the adjacent public streets are anticipated to occur. 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 be required to obtain all necessary building and sign permits for the proposed ‘automobile repair, major’ use. The applicant shall also comply will all federal, state and local laws and requirements for the proposed use.
5. *All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties.* No new exterior 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.
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 proposed use is similar in nature to the current 'automobile repair, minor' use of the subject property. The surrounding uses to the north, east and south are commercial in nature. The properties to the west are residential. The applicant shall not have any exterior storage and shall maintain their submitted hours of operation as to remain in harmony with the surrounding neighborhood. 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.* No new construction or building additions are proposed. No new fences or walls are proposed with this request. Landscaping shall be installed along the southern and eastern portions of the property. A minimum of four (4) trees shall be planted along the eastern property line. 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.

A five foot wide landscaped area along the southern portion of the parking lot, excluding the drive, shall be installed. A minimum of one (1) tree shall be planted in the 5 foot wide landscaped area on the west side of the drive and a minimum of one (1) tree shall be planted on the east side of the drive. 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 a minimum of 10 shrubs, with a minimum 24 inch spread, per tree planting. The landscaped area shall be sodded and mulched.

All automobile repair activity will occur inside the existing building. The proposed 'automobile repair, major' use is not anticipated to discourage the appropriate development, use or enjoyment of the adjacent land, buildings, and structure if developed in accordance with the applicant's submittal and all applicable codes and regulations.

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. The proposed use is similar in nature to the current 'automobile repair, minor' use of the subject property.

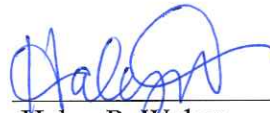
**RECOMMENDATION** – The Community Development Department recommends approval of the request for a conditional use permit to allow 'automobile repair, major' in a C-2/Commercial District on property legally described above, subject to the comments stated above and the following conditions:

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. The hours of operation shall be as presented in the application.
3. No exterior storage shall be permitted on the subject property.
4. 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.
5. A dimensioned floor plan shall be submitted for review by the Building Permits and Inspections Division and Fire Department.
6. All off-street parking areas, drive aisles, and circulation routes shall be constructed of hard surface pavement that complies with the standards in Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Zoning Ordinance.
7. The sidewalk along 23<sup>rd</sup> Avenue, adjacent to the subject property, shall be completed in compliance with the City's standards.
8. The easterly most drive off of 23<sup>rd</sup> Avenue shall be removed and seeded with grass.
9. A curb shall be installed along the pavement edge through the removed driveway. The curb shall be installed to meet SUDAS standards and verified by the Public Works Department.
10. A detailed landscaping plan showing the location, type and size of all landscape plantings discussed in the comments above shall be submitted. All landscape plantings shall be installed prior to the business operating.



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Christopher N. Gibbons, AICP  
Planning Coordinator  
Community Development Department



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Haley P. Weber  
Zoning Enforcement Officer  
Community Development Department



# CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT CASE #CU-19-002 LOCATION/ZONING MAP

ATTACHMENT A

## Map Legend

 Subject Property

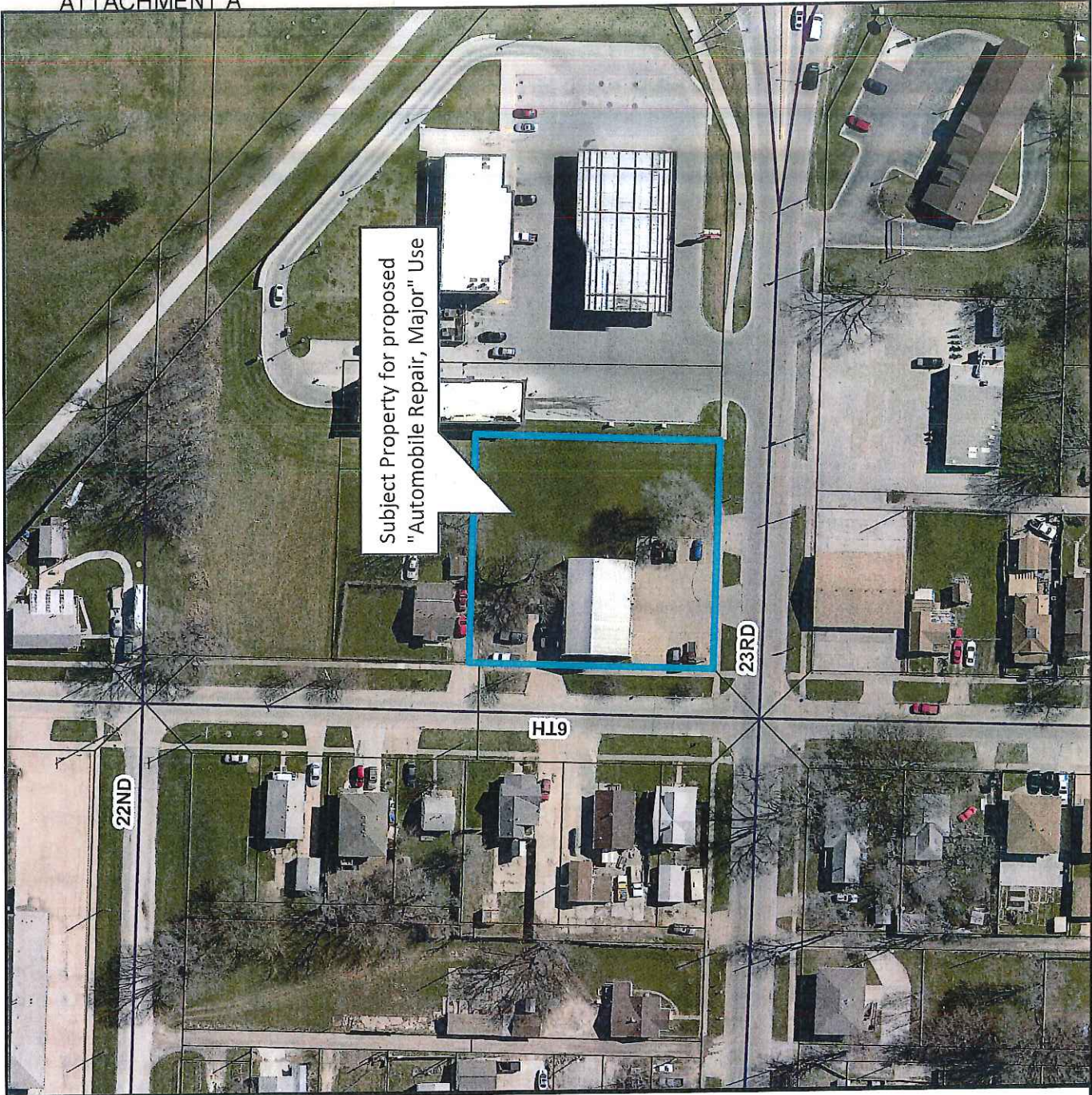
0 50 100  
1 Inch = 104 Feet



Last Amended: 5/3/19

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

**DISCLAIMER**  
This map is prepared and published for the City of Council Bluffs, Iowa, and is not intended to be used for any other purpose. The City of Council Bluffs, Iowa, and its officials, employees, and agents, do not warrant, represent, or guarantee the accuracy or completeness of the information contained on this map. The City of Council Bluffs, Iowa, and its officials, employees, and agents, shall not be held liable for any damages, including consequential damages, arising from the use of this map.



ATTACHMENT B

**All Makes**

Tracie Getzschman <karlgetz@msn.com>

Mon 4/22/2019 11:39 PM

To: All Makes ---Karl <karl.aaauto@live.com>; tracie.hocc@gmail.com <tracie.hocc@gmail.com>; Tracie Getzschman <karlgetz@msn.com>

All Makes Collision Center  
13935 Cherokee Lane  
Council Bluffs, Iowa 51503  
712 - 256 - 3195

All Makes Collision Center, LLC has been a local Council Bluffs, Iowa Auto Body Repair Business since January 2010. (Before starting All Makes, Karl Getzschman was a business partner in Council Bluffs Collision Center beginning in 2006. Karl and his business partner, Derry Murray, split ways in December 2009. Derry became sole owner/operator of Council Bluffs Collision Center and shortly went out of business.)

All Makes Collision Center was previously located at 1625 Avenue J, Council Bluffs, Iowa....Operating at that location from January 2010 until December 2015. The Council Bluffs Community School District successfully negotiated with All Makes when they wanted to expand and improve their Athletic Facility in the area. The process of 'Eminent Domain' was never initiated due to the fair process and agreements reached between All Makes & CBCSD. At the time stated above & agreed upon with the School District, All Makes Collision Center vacated 1625 Avenue J and moved their location to 13935 Cherokee Lane, Council Bluffs in December of 2015. All Makes has continued to operate successfully during this duration. All Makes Collision Center currently has several verbal and written contracts, including a contract with the State of Iowa for any Auto Body Repairs warranted on their 'state vehicles'. All Makes operates Monday thru Friday 7:30am - 4:30pm and on Saturday or Sundays via appointment only.

If any other information is requested, please, feel free to contact the above address or phone number. Thank You for your time and consideration. We look forward to working within the city limits of Council Bluffs, again.

~Karl Getzschman, Owner + Operator + Managing Partner of All Makes Collision Center, LLC~

April 2019/TRG



Property: 524 - 23<sup>rd</sup> Ave, CB, IA 51501 Zoned: Commercial

\* All Makes Collision Center, Attn: Karl Getzschman 712-256-3195  
712-355-0060

