



**ZONING BOARD OF ADJUSTMENTS
AGENDA**

**Tuesday, September 17, 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 #BA-19-005

Continued public hearing on the request of Auto Finance Super Store, represented by Todd Archer, for a four-foot variance from Section 15.15.050, Site development regulations, of the Municipal Code (Zoning Ordinance) to allow a principal structure to be constructed with a one foot interior side yard setback, as opposed to the required five feet, in a C-2/Commercial District on property legally described as Lot 1, except City right-of-way in the southwest corner, along with Lots 2, 29, and 30, all in Block 15, Ferry Addition, and the vacated alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa. Location: 3444 West Broadway,

B. Case #CU-19-004

Public hearing on the request of Sherwood Plaza, LLC, represented by Cliff Kathol, for a conditional use permit to allow a "commercial storage" use in a C-2/Commercial District on property legally described as Part of Parcel "B" Auditor's Subdivision of Tract No. 2 in "Sherwood," City of Council Bluffs, Pottawattamie County, Iowa. Location: 2703 East Kaneshville Boulevard

9. OTHER BUSINESS

10. ADJOURNMENT

Any questions or concerns regarding this agenda and/or requests for special accommodations at this meeting should be directed to the Community Development Department at (712) 328-4629 or email at cgibbons@councilbluffs-ia.gov.

Zoning Board of Adjustment Communication

Department: Community

Development

Case/Project No.: BA-19-005

Case #BA-19-005

Council Action: 9/17/2019

Submitted by: Chris Meeks,

Planner

Description

Continued public hearing on the request of Auto Finance Super Store, represented by Todd Archer, for a four-foot variance from Section 15.15.050, Site development regulations, of the Municipal Code (Zoning Ordinance) to allow a principal structure to be constructed with a one foot interior side yard setback, as opposed to the required five feet, in a C-2/Commercial District on property legally described as Lot 1, except City right-of-way in the southwest corner, along with Lots 2, 29, and 30, all in Block 15, Ferry Addition, and the vacated alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa. Location: 3444 West Broadway,

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description

Type

Upload Date

Case #BA-19-005 Staff Report & Attachments

Other

9/11/2019

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: ~~August 20, 2019~~ September 17, 2019

RE: **CASE #BA-19-005**
REQUEST: Variance from Section 15.15.050, Site development regulations, of the Municipal Code (Zoning Ordinance) to allow a principal structure to be constructed with a one foot interior side yard setback, as opposed to the required five feet, in a C-2/Commercial District.

APPLICABLE CODE SECTION: **Section 15.15.050 Site Development Regulations for the C-2/Commercial District**

RELIEF SOUGHT: A 4 foot variance to the East property line between a principal building and a property line, as outlined in Section 15.15.050, *Site Development Regulations* for the C-2/Commercial District of the Municipal Code (Zoning Ordinance).

LEGAL DESCRIPTION: Lot 1, except City right-of-way in the southwest corner, along with Lots 2, 29, and 30, all in Block 15, Ferry Addition, and the vacated alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa.

LOCATION: 3444 West Broadway

APPLICANT: Auto Finance Super Store, 3444 West Broadway, Council Bluffs, IA 51503

PROPERTY OWNER: T-K O'Neill Family PTSP, 1010 34th Avenue, Council Bluffs, IA 51501

REPRESENTATIVES: Todd Archer, 18088 Bent Tree Ridge, Council Bluffs, IA 51503

BACKGROUND INFORMATION – Continued public hearing on the request of the Auto Finance Super Store, represented by Todd Archer, for a variance from Section 15.15.050, Site Development Regulations for the C-2/Commercial District of the Municipal Code (Zoning Ordinance) in order to construct a second principal structure on the property which would have an interior side yard setback of one foot, as opposed to the required five feet. Currently on the property there is an office building which is the primary office for the auto dealership, and a billboard. The applicant is seeking a variance for an 18' by 24' building that would be used as a garage for auto detailing and light mechanical work, and wishes for this building to be constructed in line with the existing building, which is also constructed one foot from the east property line. A letter of intent, site plan, zoning map, and a letter from the property owner, and site photos have all been included with this case report as attachments A through E.

The following attachments have been included for your reference:

Attachment A: General Location Map
Attachment B: Applicant's Letter of Intent
Attachment C: Applicant's Submitted Site Plan
Attachment D: Approval Letter from Property Owner
Attachment E: Site Photos
Attachment F: Front Elevation of Garage and Wall Sections

CURRENT ZONING AND LAND USE – The subject property is zoned C-2/Commercial District and contains a 1,800 square foot building that is located in the Southeastern portion of the property that was constructed in 1963 (per the Pottawattamie County Assessor) and a billboard that was constructed in 1970. Surrounding properties to the East, West, and South are also zoned C-2/Commercial District and are primarily commercial businesses with the exception of a row of residential properties northwest of the subject property. Properties located North of the subject property are zoned R-2/Two-Family Residential District, and are residential structures. The property is also located within the West Broadway Corridor Design Overlay District, and the new building will be required to adhere to the architectural standards of that overlay district.

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 Community Development Department has the following comments:
 - The subject parcel contains 22,128 square feet with exceeds the lot area regulations for the C-2 District. The subject property does not meet the required 25,000 minimum square footage requirement for an automotive sales lot; therefore the auto dealership is considered a legally nonconforming use as it was operating as an automotive sales lot prior to the enactment of that regulation, and has not been vacated for a period of 6 months or greater.
 - The subject property is relatively uniform in shape and size, though a portion of the southwest corner has been removed from the property and is now a portion of the right-of-way of West Broadway and North 35th Street. The property is also mostly flat with no topographical concerns.
 - The proposed new building is considered a “Principal Structure” by the zoning ordinance as the Iowa Department of Transportation requires “a repair facility with a minimum space to repair and recondition one or more motor vehicles with adequate access, equipment and tools for repairing and reconditioning motor vehicles sold by the dealer.” Because the repair facility is required along with the office, both buildings would be considered integral to the operation of the car dealership.
 - The proposed building is 18 feet deep by 24 feet wide. With a lot width of 88 feet, the applicant would have 65 feet of parking lot width if they were to construct the building 5 feet away from the eastern property line (as the ordinance requires). The 65 foot available area would be more than adequate area for drive aisles, parking spaces, and a 5 foot parking lot to property line buffer (which does not currently exist, but may be required with an addition or significant improvements to the principal structure in the future).
- The Council Bluffs Fire Marshall had no comments regarding the proposed variances.
- Black Hills Energy stated they have no concerns.
- Council Bluffs Water Works had no comments regarding the proposed variance.
- MidAmerican Energy stated they have an overhead electric distribution feeder line located in the vacated east/west alley which would be approximately 12 feet north of the proposed building. MidAmerican Energy stated the North side of the proposed garage cannot be located closer than 10 feet to the existing power lines. MidAmerican Energy also stated that an overhead electric service cable which runs from the vacated alley to the billboard does not appear to have sufficient clearance over the proposed roof, and would need to be moved at the applicant’s expense.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet of the subject property were notified of the requested variance. No comments were received at the time 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*)

Findings of Fact

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 property exceeds the minimum width, depth, and square footage for a property located in the C-2/Commercial District. The property is mostly square and does not feature any significant topographical disadvantages. The property is similar to many properties located along the West Broadway Corridor.*
2. *Because of such disadvantage, the owner is unable to make reasonable use of the affected property. Without the granting of the proposed variance, the applicant would still be able to reasonably construct the second building on the property in a location that would meet all building setbacks, and would allow adequate parking space widths, depths, and drive aisle widths. Furthermore, the property could be used for other commercial properties that comply with the C-2/Commercial District without a variance.*
3. *The disadvantage does not exist because of conditions created by the owner or previous owners of the property. The applicant has requested the variance to allow the new building to be constructed in line with the existing building on the property, which is currently situated with a one foot side yard setback. The existing building was constructed in 1963, and is considered a legally nonconforming structure as it does not comply with the required front yard or interior side yard setbacks of the current C-2/Commercial District.*
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 confer a special privilege on the subject property not allowed by other properties in the C-2 District by allowing the applicant to construct the building with a one foot side yard setback as opposed to the required five foot setback. The variance would be considered a design preference, as constructing the building with the required five foot side yard setback would not impede into required parking space area or drive aisle widths.*
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 location of the proposed variance will have little effect on neighboring property owners, as the new building will be adjacent to the drive-thru lane for the property addressed as 3440 West Broadway.*

RECOMMENDATION

The Community Development Department recommends **Denial** of the variances from Section 15.15.050, Site development regulations, of the Municipal Code (Zoning Ordinance) to allow a principal structure to be constructed with a one foot interior side yard setback, as opposed to the required five feet, in a C-2/Commercial District, based on the reasons stated above.



Christopher Gibbons, AICP
Planning Coordinator



Chris Meeks
Planner

CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT CASES #BA-19-005 LOCATION/ZONING MAP

Legend

 Subject Property

0 30 60
1 Inch = 65 Feet

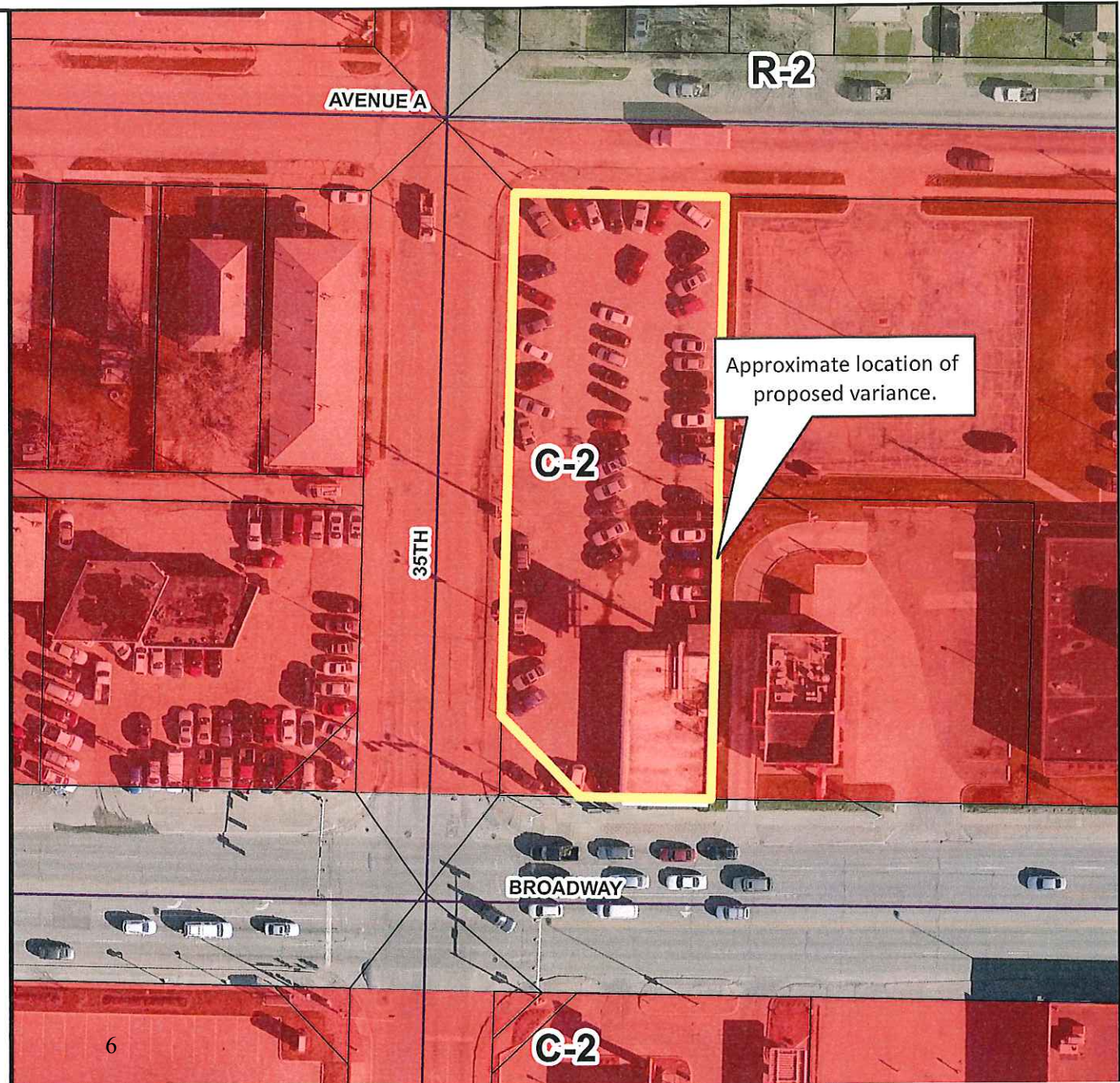


Last Amended: 7/31/19



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

DISCLAIMER
This map is prepared and compiled from
City documents, plans and other public
records data. Users of this map are
hereby notified that the City expressly
disclaims any and all responsibility for errors,
if any, in the information contained on this
map and the user of this map by the user
or anyone else. The user should verify the
accuracy of information/data contained on
this map before using it. The City assumes
no legal responsibility for the information
contained on this map.



ATTACHMENT B

July 22, 2019

RE: 3444 West Broadway - Garage

To: Board of Adjustment

We are requesting a variance to have the new garage built with the East wall even with the existing building. We are willing to comply with the front of the garage being stucco or stone on the West side.

We are requesting that the new garage, required by the Iowa DOT, is placed one foot off the East property line even with the existing building. We will be using the new garage for detailing vehicles and light mechanical work. All of our vehicles will be going through our shop at Todd Archer Hyundai for additional repairs. We will need the height approved also so we can safely operate a car lift in the garage.

We feel it would be in the city & our best interest to move the garage back so when you look North from Broadway it would be out of sight. We also need it moved back so we can see out of the North windows of the existing building to see customers.

Thank you for your consideration.

Sincerely,



Todd Archer

35th STREET

EXISTING ASPHALT PARKING

EXISTING ASPHALT PARKING

PROPOSED 16,24 BUILDING

20'-0"

EXISTING BUILDING

CANOPY

88.0'

214.0'

252.0'

48.9'

57.0'

ATTACHMENT D

July 22, 2019

RE: 3444 West Broadway

To whom it may concern:

I, Tim O'Neill, authorize Todd Archer to represent me at the Board of Adjustment for the property I own listed above in Council Bluffs.

I have been in communication with Todd and agree 100% with what he is trying to accomplish.

Sincerely,

A handwritten signature in blue ink that reads "Tim O'Neill". The signature is written in a cursive style and is positioned above a horizontal line.

Tim O'Neill

Attachment E:

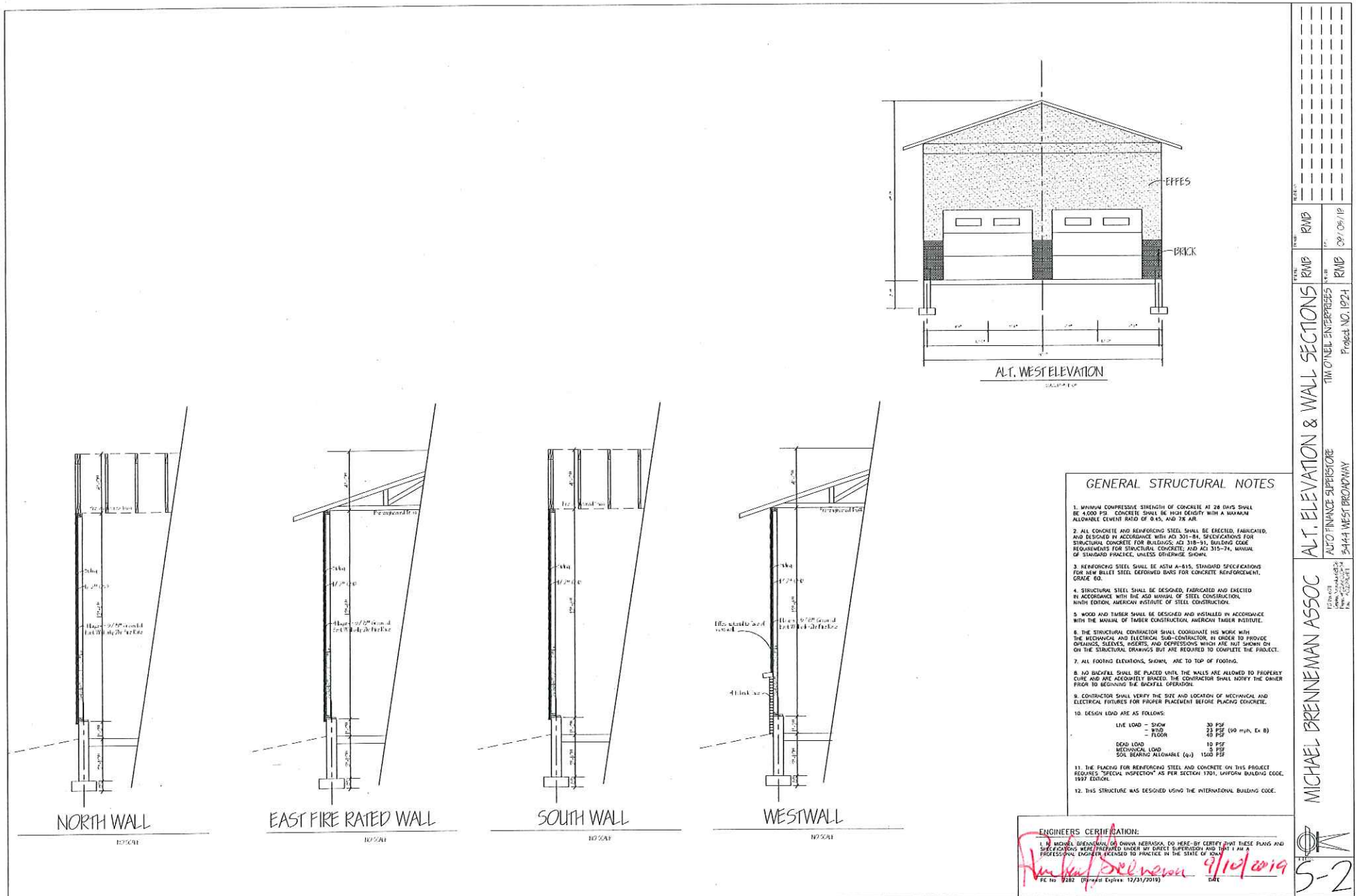
Site Photos



Key:

- 1– Aerial Photo of subject property (facing East)
- 2– Approximate location of new building (facing East)
- 3– View of East property line (facing South)
- 4– View of power lines in vacated alleyway (facing East)

ATTACHMENT F



Zoning Board of Adjustment Communication

Department: Community

Development

Case/Project No.: CU-19-004

Case #CU-19-004

Council Action: 9/17/2019

Submitted by: Haley Weber, Zoning

Enforcement Officer

Description

Public hearing on the request of Sherwood Plaza, LLC, represented by Cliff Kathol, for a conditional use permit to allow a "commercial storage" use in a C-2/Commercial District on property legally described as Part of Parcel "B" Auditor's Subdivision of Tract No. 2 in "Sherwood," City of Council Bluffs, Pottawattamie County, Iowa. Location: 2703 East Kanesville Boulevard

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description

Type

Upload Date

Case #CU-19-004 Staff Report & Attachments

Other

9/11/2019

TO: Zoning Board of Adjustment
FROM: Community Development Department
DATE: September 17, 2019
RE: **CASE #CU-19-004**
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 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
4. Commercial storage

LEGAL DESCRIPTION: Part of Parcel "B" Auditor's Subdivision of Tract No. 2 in "Sherwood," Council Bluffs, Iowa, Pottawattamie County, Iowa, more particularly described as follows: Beginning at the northwest corner of Parcel B, Tract No. 2, thence South 65°36'43" East for 128.92 feet; thence North 88°46'46" East for 169.34 feet; thence North 87°24'50" East for 75.03 feet; thence South 2°35'10" East for 86.60 feet; thence South 27°24'50" West for 344.50 feet; thence North 74°55'28" West for 206.50 feet; thence North 47°25'48" West for 110.00 feet; thence North 88°50'28" West for 100.00 feet; thence North 2°56'43" West for 15.39 feet; thence North 41°08'17" East for 267.37 feet; thence North 0°8'17" East for 93.94 feet to the point of beginning.

LOCATION: 2703 East Kanesville Boulevard, Council Bluffs, IA 51503

APPLICANT: Sherwood Plaza, LLC, P.O. Box 954, Council Bluffs, IA 51502

OWNERS: Same as applicant

REPRESENTED BY: Cliff Kathol, 19706 W. 100 Terrace, Lenexa, KS, 66220

BACKGROUND INFORMATION – The Community Development Department has received an application from Sherwood Plaza, LLC, represented by Cliff Kathol, for a conditional use permit to allow 'commercial storage' in a C-2/Commercial District, on property legally described above.

The submitted letter of intent for the proposed 'commercial storage' use is included with this report as Attachment 'A'. In summary, the applicant intends to utilize the interior and exterior of

the subject property for self-storage units. The applicant is proposing approximately 217 self-storage units total. Approximately 177 units will be located inside the existing building along with an office. An interior floor plan is included as Attachment 'B'. The remaining approximately forty (40) self-storage units will be located outside along the building and retaining wall. The submitted site plan shows the exterior storage unit area to be entirely fenced in. The applicant intends to use pre-designed 10' x 20' metal storage units on the exterior of the property and 8' x 20', 10' x 10' and 5' x 5' portable storage containers as the interior storage units. The applicant has indicated that there will be no outdoor storage areas. Photographs and information on the pre-designed self-storage units are included as Attachment 'C'. The site layout is included with this report as Attachment 'D'.

The proposed business hours are 9:00 AM to 6:00 PM Monday through Friday and 8:00 AM to 12:00 PM on Saturday. The office would be closed on Sundays. Customers would have electronic access to the site 24/7. The proposed use will have one (1) employee. The letter of intent proposes an attached wall sign constructed of canopy material or individual letters. A sign rendering was not submitted with this proposal.

CURRENT ZONING AND LAND USE – The subject property is zoned C-2/Commercial District. The parcels across East Kanesville Boulevard to the north are zoned A-2/Parks, Estates, Agricultural District, C-2/Commercial District and R-3/Low Density Multi-Family Residential District. The parcel to the east is also zoned C-2/Commercial District. The parcel to the south is zoned R-4/High Density Multi-Family Residential District. To the west of the subject property, across Sherwood Court, is a parcel zoned C-2/Commercial District. A location/zoning map is included as Attachment "E".

On July 17, 2018 the Council Bluffs Zoning Board of Adjustment approved a conditional use permit (Case CU-18-001) request from Henry Clark and Clark Storage, LLC to allow 'commercial storage' in an R-4/High Density Multi-Family Residential District approximately 430 feet south of the subject property. The request was approved with eight (8) conditions, one (1) of which required the applicant to adopt a planned residential development plan for the property. Among other aesthetic requirements, the adopted development plan for the property required the applicant to install decorative polymer brick panels along the bottom portion of each of the pre-engineered metal storage buildings. Brick masonry, EFIS, cement lap siding, wood siding, and split-face CMU were listed as other acceptable building materials for the commercial storage buildings.

Existing land uses in the general vicinity include residential parcels across East Kanesville Boulevard to the north; a strip of commercial tenants to the east; Sherwood Forest Estates Apartments to the south; and a convenience store and the State Armory Board across Sherwood Court to the west. The future land use map of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as Regional Commercial and Loess Hills Preservation Area.

The following attachments are included with the case staff report:

- Attachment A: Letter of Intent
- Attachment B: Interior Floor Plan
- Attachment C: Photographs and Information on Self-Storage Buildings

- Attachment D: Site Layout
- Attachment E: Location/Zoning Map

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

Exhibit A: Aerial View of the subject property

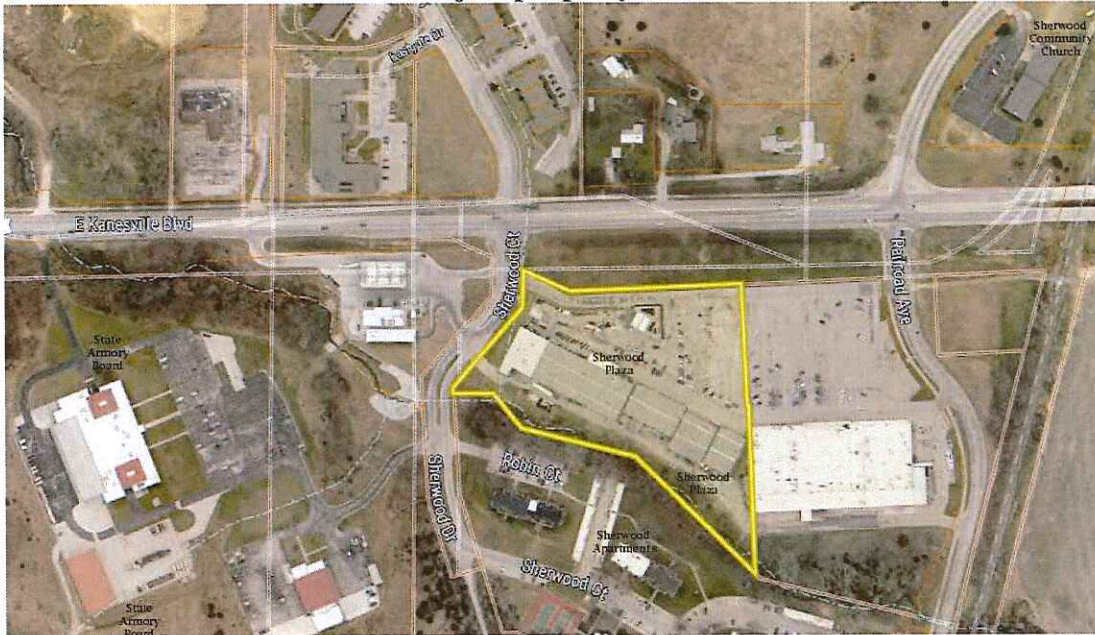


Exhibit B: Google street view image of the subject property looking southwest towards the existing commercial building from the parking lot



Exhibit C: Looking west towards fenced area from parking lot

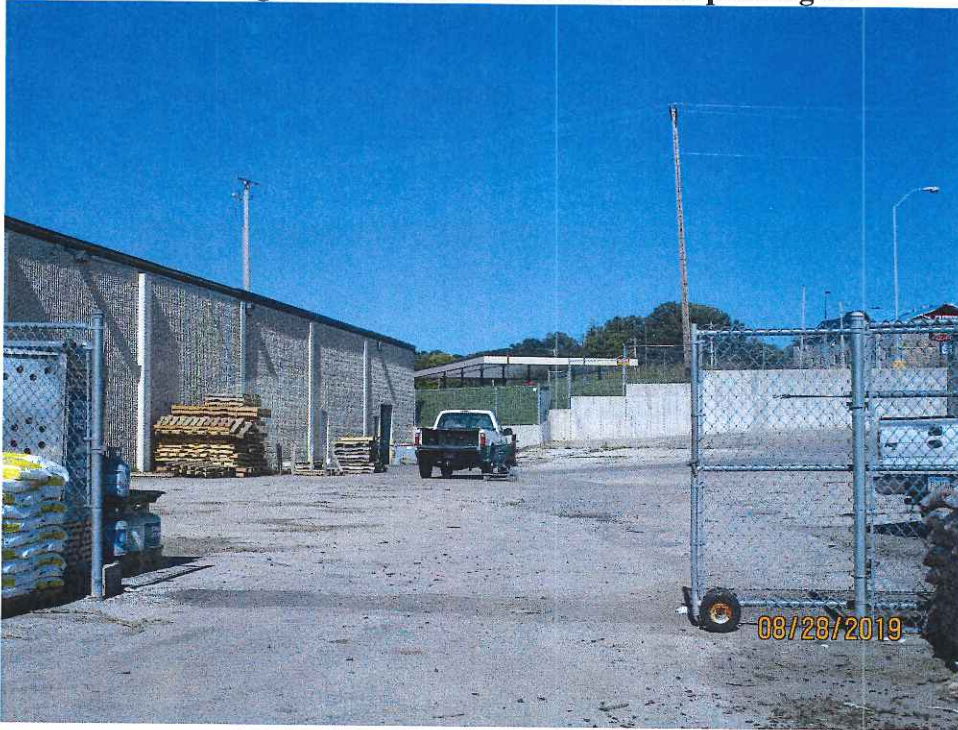
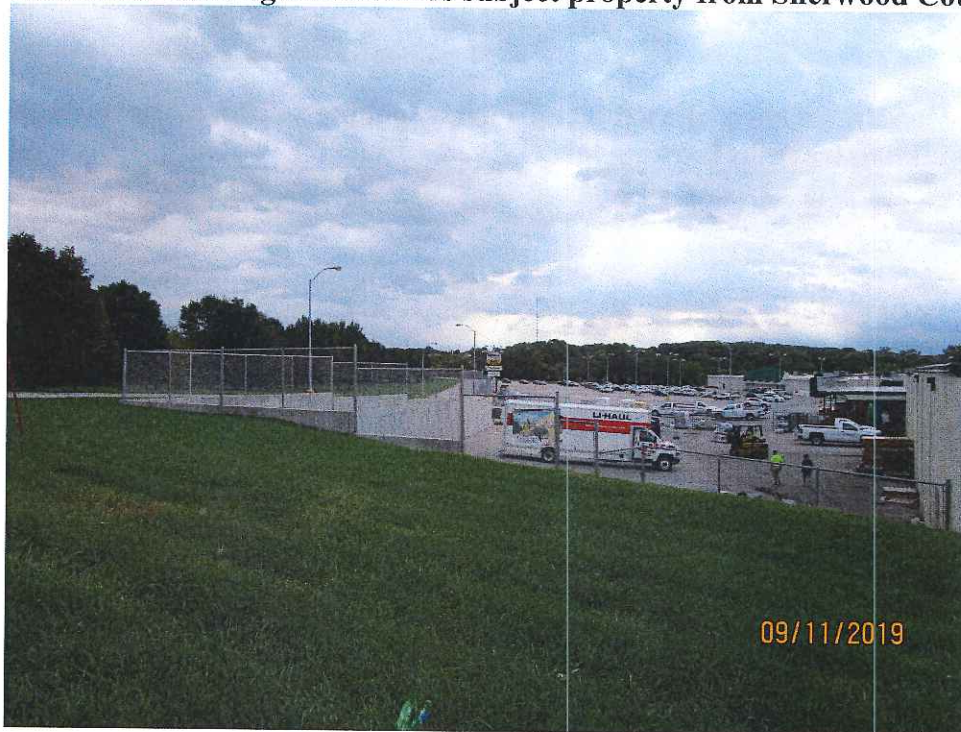


Exhibit D: Looking east towards subject property from Sherwood Court



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. 'Commercial storage' 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 goods within enclosed storage areas having individual access but excluding use of areas as workshops, hobby shops, manufacturing, or commercial activities.*" The proposed interior and exterior storage units would fall under this definition. All storage units shall be used for storing personal items and household goods and shall not be utilized as workshops, hobby shops, manufacturing or commercial activities.
2. The required number of off-street parking spaces for the 'commercial storage' use shall be based on the standards stated in Section 15.23.060, *Parking spaces required*, of the Municipal Code (Zoning Ordinance), as follows:
 - a. Commercial storage – 1 space per 5,000 square feet gross floor area (indoor warehousing)
 - b. Resident office – 1 space per 300 square feet of gross floor area (office activity)

The submitted interior layout shows a 78'x16' (1,248 square feet) office area and a 100' x 320' (32,000 square feet) commercial storage area. Based on these square footage totals, a minimum of 4.16 parking stalls shall be provided for the office and a minimum of 6.4 parking stalls shall be provided for the 'commercial storage' use. A total of eleven (11) parking spaces are required for the request. Sufficient off-street parking is provided for the proposed use.

3. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the property as 'Regional Commercial' and 'Loess Hills Preservation Area.' The plan defines "Regional Commercial" as areas with "*significant commercial development in high visibility areas, such as expressway interchanges and major destination centers. Uses in these areas include big-box retailers, casinos, franchise restaurants, and large multi-tenant shopping centers. Often, regional commercial centers are arranged around an interval circulation system and with coordinated development.*" The proposed 'commercial storage' does not align with the 'regional commercial' designation of the Bluffs Tomorrow: 2030 Comprehensive Plan designation. The comprehensive plan identifies this area to be primarily retail oriented. As the proposed conditional use does not have a retail component, it would not align with this designation.

The plan defines 'Loess Hills Preservation Area' as areas "*intended to accommodate the underlying land uses while sustaining the integrity of the Loess Hills environment. Development in this area should be designed to minimize environmental impacts through cluster development, erosion control, the preservation of viewsheds, and the creation of green corridors that foster water management and the migration of local wildlife.*" The proposed conditional use will take place on a developed piece of land. No grading or expansion of the site is proposed with this request. It is anticipated that the proposed request will have minimal impact on the integrity of the Loess Hills environment.

4. The applicant is proposing to utilize portable storage containers on the interior of the building and pre-designed metal storage units on the exterior of the property. See the proposed site layout for the placement of the exterior storage units, included with this

report as Attachment 'D'. The subject property is located on a highly visible corridor that serves as a gateway into the city and therefore, any development on this property should have an appearance that aligns with the City's mission:

Our mission is to continuously improve the quality of life and attractiveness of the City of Council Bluffs.

All storage unit building facades visible from the adjacent drive aisles, parking lot or roadways shall be constructed of brick, stone masonry, stucco like exterior systems, architectural CMU block (split-face and/or burnished textures), pre-cast concrete wall panels, or other like material. Painted concrete or flat poured concrete walls are not allowed unless the blocks include an architectural finish and an articulated pattern that varies the block sizes, horizontal face alignment, and/or the coursing and vertical joints. All exterior storage structures shall comply with C-2/Commercial District development standards.

Note: The northern most exterior storage units are located against a sloping retaining wall. Due to the sloping nature of the retaining wall, the Community Development Department recommends that only the visible portions of the north facades that extend above the retaining wall be required to be meet the architectural standards discussed above. The south facades of the northern most exterior storage units and north facades of the exterior storage units against the building are completely exposed and shall be required to meet the architectural standards discussed above.

5. The applicant's intent behind utilizing this site for 'commercial storage' purposes is to provide an active use for what would otherwise be a vacant commercial building. The proposed 'commercial storage' use will serve as a way to utilize the building until a future use, more commercial in nature, would locate at this site.
6. A fence is proposed along the east side of the exterior storage unit area (see Attachment 'C' for the proposed location). This fence shall be a minimum six-foot tall privacy fence that provides a 100% opaque screen and shall be installed prior to operation in accordance with the standards stated in Section 15.24.040, *Fence regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance).
7. The applicant has indicated that there will be no outdoor storage besides the proposed pre-designed metal storage units. No storage of portable storage containers, including, but not limited to: portable moving containers; shipping containers; truck containers, with or without chassis attached; or recreational vehicles; recreational vessels; vehicles; or outdoor storage of any kind shall be located on the subject property.
8. The submitted letter of intent states that the building will have a sign constructed of either canopy material as used by the previous tenant or individual lettering. A sign rendering was not provided with the application. All signage shall be permitted separately prior to installation and shall comply with the standards stated in Chapter 15.33, *Signs*, of the Council Bluffs Municipal Code (Zoning Ordinance).

MidAmerican Energy stated that they have no objections or concerns related to the request. They noted that the existing overhead and underground electric facilities appear to not be in conflict with the proposed location of the outside storage facilities. Sherwood Plaza LLC or their agents

should contact MidAmerican Energy directly with any questions regarding existing electric facilities or to address any electric service requirements.

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

Black Hills Energy stated that they have no concerns regarding the request.

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 subject property is comprised of 6.53 acres of developed land. The proposed 'commercial storage' use is a compatible use within the C-2/Commercial District. All exterior storage structures shall comply with C-2/Commercial District development standards.

2. *Adequate utility, drainage, and other necessary facilities or improvements have been or will be provided.* No utility service extensions and/or infrastructure improvements are necessary for a commercial storage use to occur 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 from Sherwood Court to the west and from Railroad Avenue through an interconnection with the adjacent property to the east. 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 secure all necessary permits and licenses for the operation of the conditional use and shall comply with all applicable Federal, State, and local codes. All signage shall be permitted separately prior to installation and shall comply with the standards stated in Chapter 15.33, *Signs*, of the Council Bluffs Zoning Ordinance.
5. *All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties.* No exterior lighting is proposed with this request.
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.* It is anticipated that the proposed 'commercial storage' use will be less intense in nature than the previous commercial retailer, and as a result less traffic will be generated to the site on a daily basis. The applicant's intent behind utilizing this site for 'commercial storage' purposes is to provide an active use for what would otherwise be a vacant commercial building. The proposed 'commercial storage' use will serve as a way to utilize the building until a future use, more commercial in nature, would locate at this site. The Sherwood Plaza commercial center has access to existing public streets. Existing land uses in the general vicinity include residential parcels across East Kanesville Boulevard to the north; a strip of commercial tenants to the east; Sherwood Forest Estates Apartments to the south; and a convenience store and the State Armory Board across Sherwood Court to the west.
7. *The location, nature and height of buildings, structures, walls, and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use, and enjoyment of the adjacent land, buildings and structures.* The subject property is located on a highly visible corridor that serves as an entrance into the city. Therefore, any development on this property should have an appearance that aligns with the City's mission:

Our mission is to continuously improve the quality of life and attractiveness of the City of Council Bluffs.

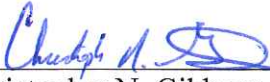
In an effort to strive to continuously improve the attractiveness of the city, all storage unit building facades visible from the adjacent drive aisles, parking lot or roadways shall be constructed of brick, stone masonry, stucco like exterior systems, architectural CMU block (split-face and/or burnished textures), pre-cast concrete wall panels, or other like material. Painted concrete or flat poured concrete walls are not allowed unless the blocks include an architectural finish and an articulated pattern that varies the block sizes, horizontal face alignment, and/or the coursing and vertical joints. The applicant has proposed a fence along the east side of the exterior storage unit area. This fence shall be a minimum six-foot tall privacy fence that provides a 100% opaque screen and shall be installed prior to operation in accordance with the standards stated in Section 15.24.040, *Fence regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance).

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 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 ‘commercial storage’ use is applicable to the 33,804 square foot building only and does not apply to other tenants or buildings located in Sherwood Plaza on the subject property.
3. The hours of operation shall be as presented in the application.
4. All exterior lighting shall comply with the standards stated in Section 15.24.050, *Lighting Controls*, of the Council Bluffs Zoning Ordinance.
5. All signage shall be permitted separately prior to installation and shall comply with the standards stated in Chapter 15.33, *Signs*, of the Council Bluffs Zoning Ordinance.
6. All exterior storage units shall meet the architectural standards discussed in the comments above.
7. The proposed exterior storage units shall comply with the C-2/Commercial District development standards, as per Chapter 15.21 of the Council Bluffs Zoning Ordinance.
8. All storage units shall be used for storing personal items and household goods and shall not be utilized for workshops, hobby shops, manufacturing or commercial activities.
9. A minimum six-foot tall privacy fence that provides a 100% opaque screen shall be installed between the parking area and exterior storage unit area prior to operation in accordance with the standards stated in Section 15.24.040, *Fence regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance).

10. No storage of portable storage containers, including, but not limited to: portable moving containers; shipping containers; truck containers, with or without chassis attached; or recreational vehicles; recreational vessels; vehicles; or outdoor storage of any kind shall be located on the subject property.
11. The applicant shall comply with all requirements of the Council Bluffs Building Permits and Inspections Division and Council Bluffs Fire Department.



Christopher N. Gibbons, AICP
Planning Coordinator
Community Development Department



Haley P. Weber
Zoning Enforcement Officer
Community Development Department

ATTACHMENT A

Sherwood Plaza LLC
2703 E Kaneshville BLVD
Council Bluffs, Iowa

To: Community Development Department
Fr: Cliff Kathol
Re: Letter of Intent: Variance Request For Current Bomgaars Space

Request to use this building space and fenced yard for self storage units. There would be approximate 177 self storage units inside providing climate and humidity control. The exact final number will be determined by the architect's plan addressing exit requirements and required aisle widths. The storage units will be a combination of container units as they provide maximum security and storage off the concrete floor and predesigned metal units, which will be put together on site..

There would be a maximum of 40 units outside located inside the current fenced area behind the retaining wall and up against the building to the West of the current entry not visible from the surrounding streets. These units will be of the predesigned steel and metal construction.

Business hours would be from 9 AM to 6 PM Monday through Friday and 8 AM to 12 noon on Saturday. Office would be closed on Sunday. There would be electronic access 24 seven.

There would be one employee to start.

There are 42 parking spaces for this building outside of the fenced area. Parking demand for these spaces will be 4 to 5 per hour.

Sign will be of a canopy material as used by Bomgaars or individual letters, both non lite.

Sincerely,

Cliff Kathol
Member of Sherwood Plaza LLC

Columns 12 way back

Column clear space
48' 3" to Back + Front

From East Side to
Electric Rm

Electric
Room
Dr
410"

Exit door
410' wide
Electric Rm
410"
100R

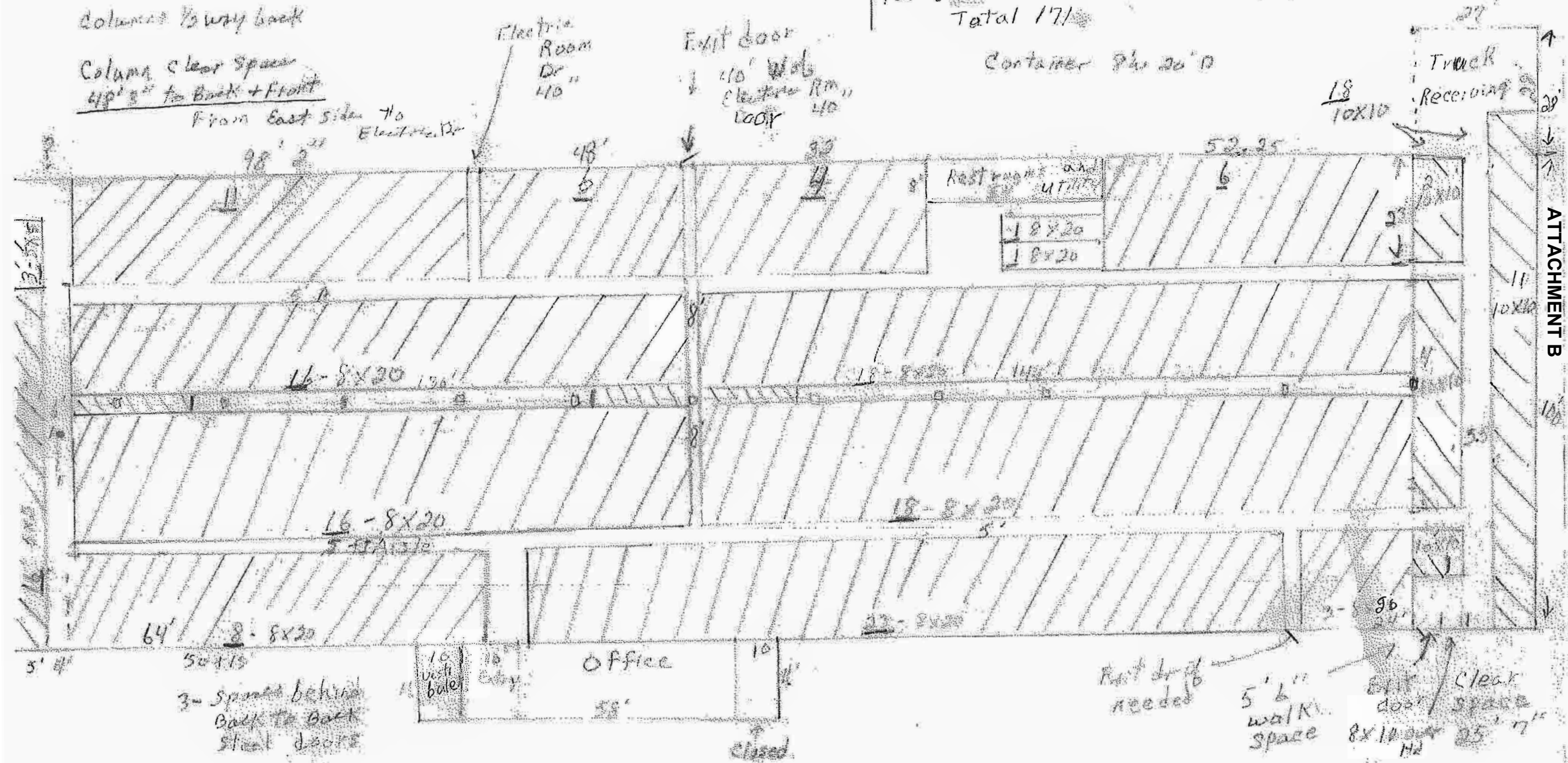
131-8x20 + 18-10x10 19-5x5 3-6x20
Total 171

Container 9x20' 10

18
10x10

Truck
Receiving

ATTACHMENT B





SELF STORAGE BUILDINGS



(303) 758-4141

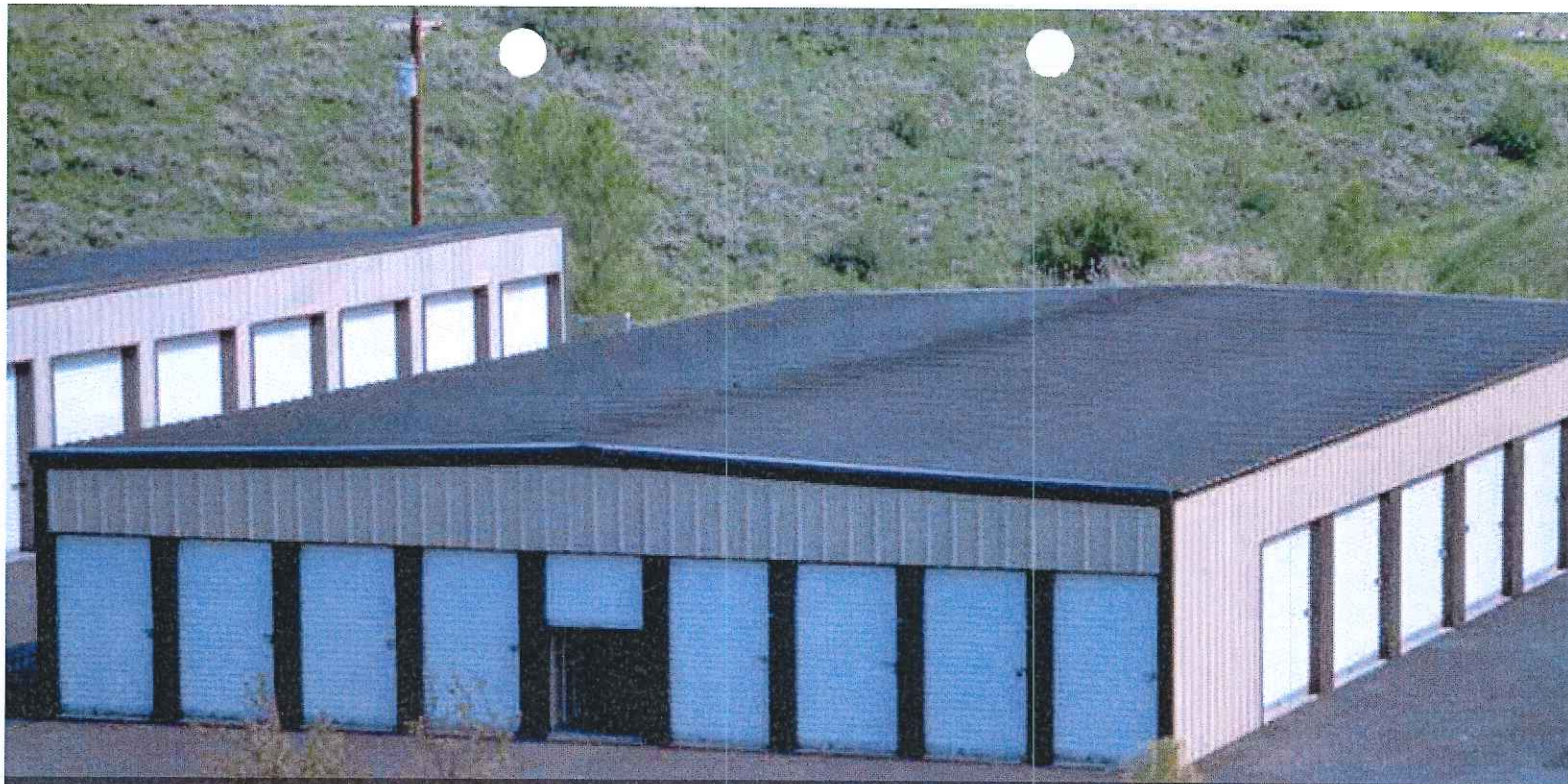
info@sunwardsteel.com

6800 E. Hampden Ave. Denver, CO 80224

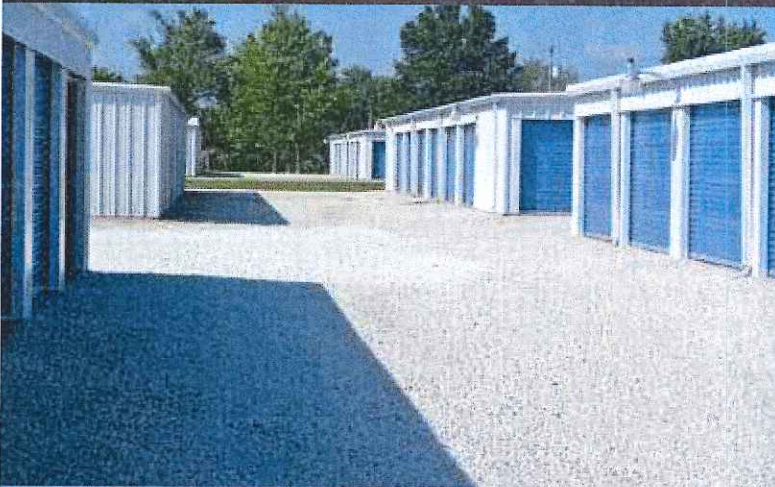


VISIT OUR WEBSITE FOR MORE GALERIES

www.SunwardSteel.com 25



Self-storage buildings offer a low cost, low maintenance, profitable investment for years to come. Steel mini storage building kits can be customized to virtually any layout or unit mix and offer easy erection with shortened construction times. Our self-storage buildings can be designed for either climate controlled units or outdoor units perfect for self-storage, boat storage, RV storage, or any combination of the above! 5x10, 10x10, 10x20 are common sizes, however, we can customize any unit mix you desire.



Pottawattamie County Web Map

ATTACHMENT D



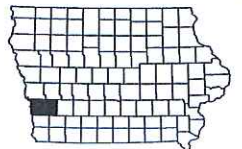
Pottawattamie County GIS
223 S. 6th St
Council Bluffs, IA 51501
(712) 328-4885
gis@pottcounty.com
<http://gis.pottcounty.com>



1in = 47ft

Map Published: 8/19/2019

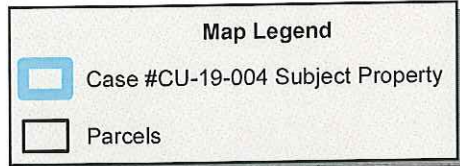
Pottawattamie County makes no representation or warranty as to the accuracy of this map and its information nor to its fitness for use. Any user of this map product accepts this same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold Pottawattamie County harmless from any and all damage, loss, or liability arising from any use of this map.



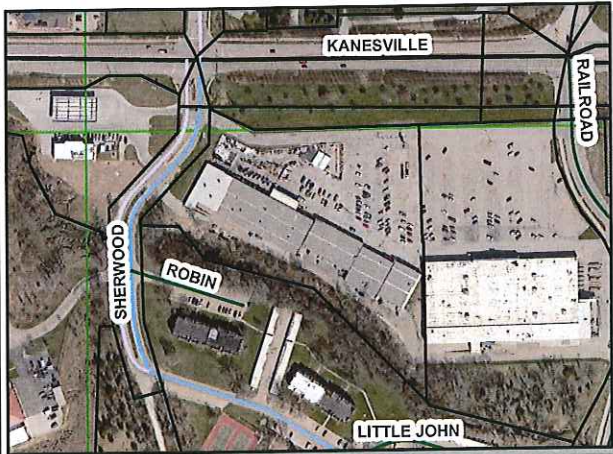
CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT

LOCATION/ZONING MAP CASE # CU-19-004

ATTACHMENT E



0 65 130
1 inch = 500 feet



Note: Subject property is highlighted in blue.



Last Amended: 8/20/19

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

DISCLAIMER
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