



**ZONING BOARD OF ADJUSTMENTS
AGENDA**

**Tuesday, November 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**

A. CASE #BA-19-007

Public hearing on the request of Daniel and Sandy R. Velasquez for a variance from Section 15.08B.050, Site Development Regulations, in the R-1/Single-Family Residential District of the Municipal Code (Zoning Ordinance) to allow an accessory structure to be located closer to the front property line than the existing principal structure on property legally described as being Lot 2, Indian Hills Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. Location: 1500 Indian Hills Road

B. CASE #BA-19-008

Public hearing on the request of Yoder Construction, represented by Bryan Yoder, for variances from Section 15.23.020(04), General Provisions, and Section 15.23.030(03)(d), Design Standards, Off-Street Parking, Loading and Unloading of the Municipal Code (Zoning Ordinance) to allow one off-street parking space to be located within a required front yard setback in an R-2/Two-Family Residential District on properties legally described as Lot 4, Judd's Park Subdivision and the West one-half of the vacated alley adjacent; and Lots 2 through 5, Wells Park Addition and the West one-half of the vacated alleys adjacent, City of Council Bluffs, Pottawattamie County, Iowa. Location: 409, 431, 435, 437, and 441 Park Avenue

C. CASE #CU-19-005

Public hearing on the request of Dallas Johnson Greenhouses, represented by Pete Hult, for a conditional use permit to allow a 'greenhouse, commercial' in an A-2/Parks, Estates, and Agricultural District on property legally described as being part of the NW1/4 NE1/4 of Section 15.74-44, lying North of Highway 275, except City

right-of-way, along with all of the SW1/4 SE1/4 and the South 10.01 acres of the NW1/4 SE1/4 all in Section 10-74-44, all in the City of Council Bluffs, Pottawattamie County, Iowa. Location: 2802 Twin City Drive

8. OTHER BUSINESS

9. 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.: CASE #BA-19-
007

CASE #BA-19-007

Council Action: 11/19/2019

Submitted by: Moises Monrroy,
Planner

Description

Public hearing on the request of Daniel and Sandy R. Velasquez for a variance from Section 15.08B.050, *Site Development Regulations*, in the R-1/Single-Family Residential District of the Municipal Code (Zoning Ordinance) to allow an accessory structure to be located closer to the front property line than the existing principal structure on property legally described as being Lot 2, Indian Hills Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. Location: 1500 Indian Hills Road

Background/Discussion

See attachments

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
CASE #BA-19-007 Staff Report and Attachments	Other	11/13/2019

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: November 19, 2019

RE: **CASE #BA-19-007**

REQUEST: Public hearing on the request of Daniel J. and Sandy R. Velasquez for a variance from Section 15.08B.050, *Site Development Regulations*, of the Municipal Code (Zoning Ordinance) in the R-1/Single-Family Residential District to allow an accessory structure to be located closer to the front property line than the existing principal structure on property legally described as Lot 2, Indian Hills Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. Location: 1500 Indian Hills Road.

APPLICABLE

CODE SECTION: **Section 15.08B.050 Site Development Regulations for the R-1/Single Family Residential Zoning District:**

<u>Minimum Setback</u>	<u>Principal Structure</u>	<u>Accessory Structures</u>
<i>Front Yard</i>	<i>25 feet</i>	<i>Greater of 25 feet or existing front setback line of principal structure</i>

RELIEF SOUGHT: A 6-foot, more or less, front yard setback variance to allow an accessory structure (detached garage) to be constructed closer to the front property line than the principal structure.

LEGAL

DESCRIPTION: Lot 2, Indian Hills Subdivision, City of Council Bluffs, Pottawattamie County, Iowa.

LOCATION: 1500 Indian Hills Road, Council Bluffs, IA 51501

APPLICANT/OWNER: Daniel J. and Sandy R. Velasquez, 1500 Indian Hills Road, Council Bluffs, IA 51501

BACKGROUND INFORMATION – Daniel J. and Sandy R. Velasquez have applied for a 6-foot variance from Section 15.08B.050, *Site Development Regulations*, of the Municipal Code (Zoning Ordinance) in the R-1/Single-Family Residential District to allow an accessory structure to be located closer to the front property line than the existing principal structure.

The applicants are proposing to construct a 26' x 30' detached garage 28 feet, more or less, from the front property line. The existing dwelling is located approximately 34 feet from the front property line. As per the applicants' letter of intent, Mr. and Mrs. Velasquez are requesting this variance because they are unable to set the garage closer to the rear property line due the topography of the lot. The applicants also cite the irregular shape of the lot and the placement of the septic system as limitations as to where they can build the garage.

The following attachments have been included for your reference:

- Attachment A: Location/Zoning Map
- Attachment B: Letter of Intent
- Attachment C: Site Plan
- Attachment D: Front, Rear and Side Elevations
- Attachment E: Site Photos

CURRENT ZONING AND LAND USE – The subject property is zoned R-1/Single-Family Residential District. Surrounding properties are also zoned R-1 and primarily consist of single-family dwellings.

The following variance has been issued in the general vicinity of the subject property.

- Case #BA-07-003: A front-yard variance to allow the construction of a detached garage closer to the front property line than the existing principal structure at 1475 Indian Hills Road was granted due to the topography of the subject property and the location of a well and the power supply to the well. Another variance was concurrently granted to allow gravel surfacing instead of the required hard-surfaced asphalt or concrete for an existing driveway.

CITY DEPARTMENTS AND UTILITIES – All City departments and local utility providers were notified of the requested variance. The following comments were received:

- The Community Development Department had the following comment:
 - The subject property exceeds the width, depth, and area requirements for a lot in the R-1/Single-Family Residential District. However, it is an irregularly shaped lot. As per Section 14.04.220(A) of the Council Bluffs Municipal Code (Subdivision Ordinance), a corner lot is “a lot situated at the intersection of two streets.” Due to the curvature of Indian Hills Road, the lot is configured as a corner lot. However, since the subject property only abuts Indian Hills Road right-of-way, it is an interior lot, which is defined in Section 14.04.220(C) as “a lot other than a corner lot or a double frontage lot.”
 - The garage is proposed to be located 28 feet from the front property line. Since the existing front setback line of the principal structure is 34 feet, a variance is required to allow the garage to be placed in the proposed location. However, the proposed front yard setback exceeds the minimum required front yard setback in the R-1 District of 25 feet.
- The Council Bluffs Permits and Inspections Division stated there is a private sewage disposal system on the subject property, but that it appears to be out of the area of the proposed garage.
- The Council Bluffs Public Works Department also noted the private sewage disposal system as the subject property is not served by sanitary sewer. They also stated that the proposed driveway will require proper permits to be installed.
- The Council Bluffs Fire Department stated they had no comments regarding the variance request.
- Council Bluffs Water Works stated they had no comments regarding the variance request.
- Black Hills Energy stated they had no concerns with the variance request.
- Cox Communications stated they had no issues with the variance request.
- Mid-American Energy stated they no concerns with the front-yard setback variance provided it does not conflict with any existing company electric facilities. They stated conflicts can include, but are not limited to, restricted access or maintaining minimum code clearances to structures, driveways or other areas. They also stated that it appears there could a pole and overhead electric service that may be in conflict with the garage location. They suggested that the applicant should contact MidAmerican Energy to identify any potential conflicts and costs associated with relocating the existing electric facilities.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet of the subject property were notified of the requested variance. The owner of the property addressed as 1504 Indian Hills Road stated that while he had no objections to a garage being built next to his property, he wanted to ensure the proposed structure will not be located closer to the road than his dwelling. He stated his concern was based on the fact that the dwelling at 1504 Indian Hills Road is located approximately 58 feet from the curb, while the site plan shows the garage will be located 48 feet, more or less, from the curb.

COMMENTS - Evidence must be presented to demonstrate that a literal enforcement of the Ordinance will create a hardship for which relief is necessary. The Board of Adjustment shall approve a variance to grant relief when ‘unforeseen applications of this Ordinance...create particular hardships’. No variance shall be granted unless the Board of Adjustment makes findings of fact based on the standards and conditions that

follow. A variance less than requested may be granted by the Board when the record supports the applicant's right to some relief, but not to the entire relief requested. (§15.02.080 – Variances)

1. The particular property, because of size, shape, topography or other physical conditions suffers singular disadvantage through the application of this ordinance, which does not apply to other properties in the vicinity. The size of the property are typical of those in the general vicinity and surrounding area. Although the topography of the lot is also typical for the area, it, as well as the irregular configuration of and the location of the private sewage disposal system, limits the options in terms of where the applicants could build an accessory structure. Therefore, the application of the Ordinance would create a particular hardship that would only apply to the subject property.
2. Because of such disadvantage, the owner is unable to make reasonable use of the affected property. The existing single-family dwelling is compliant with the zoning district and appears to meet all setback and lot coverage requirements. Existing parking meets the standards outlined in Chapter 15.23, Off-Street Parking, Loading and Unloading. The owner can continue to use the property for residential purposes if the variance request is not granted. However, literal enforcement of the Ordinance hinders the applicant's ability to construct a detached garage in the subject property, thus depriving them from reasonable use of the property.
3. The disadvantage does not exist because of conditions created by the owner or previous owners of the property. The existing lot layout and configuration was not created by the owners. The current required front yard setback was established when the dwelling was built in 1959, 60 years before the applicants purchased the property. These existing conditions encumber the applicants' ability to construct accessory structures behind the required setback.
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 not confer on the applicants any special privileges as it will allow them to place an accessory structure next to the existing single-family dwelling, which is allowed for other properties in an R-1 District.
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. Granting the variance will not be contrary to the public interest and will not adversely affect other properties in the vicinity. The variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this ordinance that create particular hardships. The request for the above mentioned variance is the result of an unnecessary hardship with the subject property.

RECOMMENDATION

The Community Development Department recommends approval of the requested variance from Section 15.08B.050—R-1/Single Family Residential District—Site Development Regulations, for property legally described as being a part of Lot 2, Indian Hills Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, based on the reasons stated above.



Christopher Gibbons, AICP
Planning Coordinator



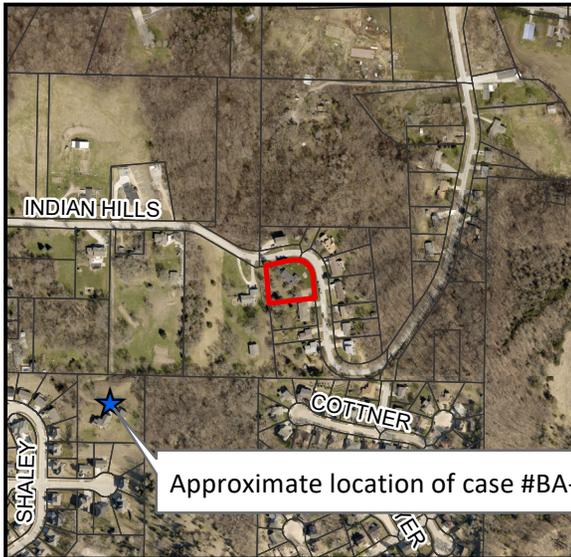
Moises Monroy
Planner

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASE #BA-19-007 LOCATION/ZONING MAP

Legend

-  Subject Property
-  Case #BA-07-003

0 40 80
1 Inch = 83 Feet



Approximate location of case #BA-07-003



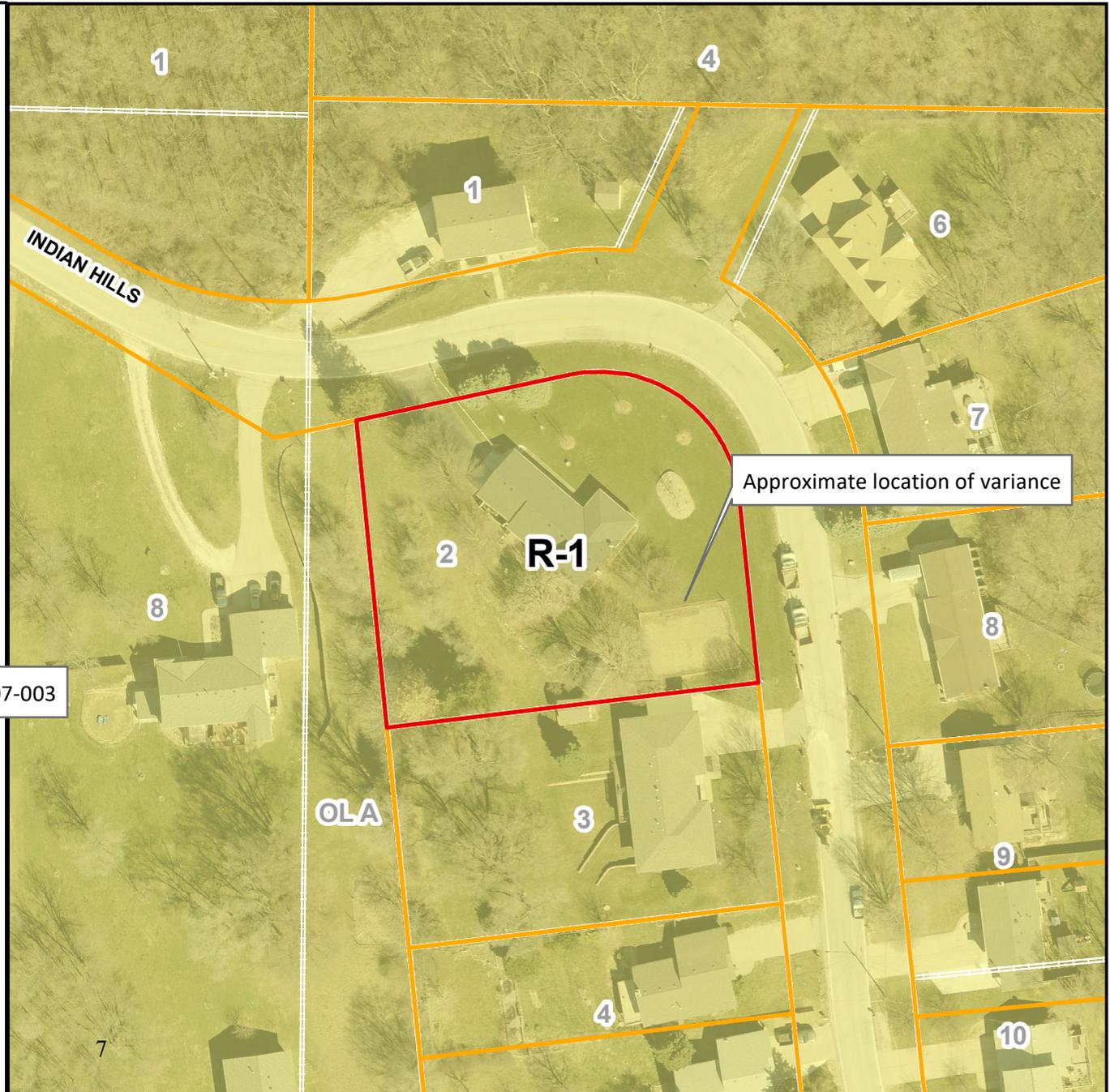
Last Amended: 11/12/19



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

DISCLAIMER

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Dan Velasquez

To: Zoning Board of Adjustment
Cc: Haley Weber, Moises Monrroy, Christopher Meeks
Subject: Variance Request 1500 Indian Hills Rd.

My wife and I are asking for a variance for our planned build of a new detached 2 car Garage (26' wide x 30' deep) at our residence at 1500 Indian Hills Road.

We are wanting to be permitted to have our Garage built less than 54 feet from the frontage road (48 ft. away to be exact).

This variance request is due to the frontage road being on a curve and wrapping around $\frac{3}{4}$ of our yard, including what should be considered our side yard (see pics #2, 3, &4)..

So instead of a 54 foot setback on (what appears more like our side yard), we would like to have a setback of 28 foot. None of these measurements include the 20 ft. easement portion (so 48 ft. from the road = 20 ft. easement + 28 ft. setback).

We cannot build farther back into the side yard due to a drop off incline in the back/side of our yard (see pics pg. 5), and the location of our underground Well (pg. 1) & Septic system, and we would have to remove a very large tree, and remove an existing shed, all which prove to be too costly to be considered.

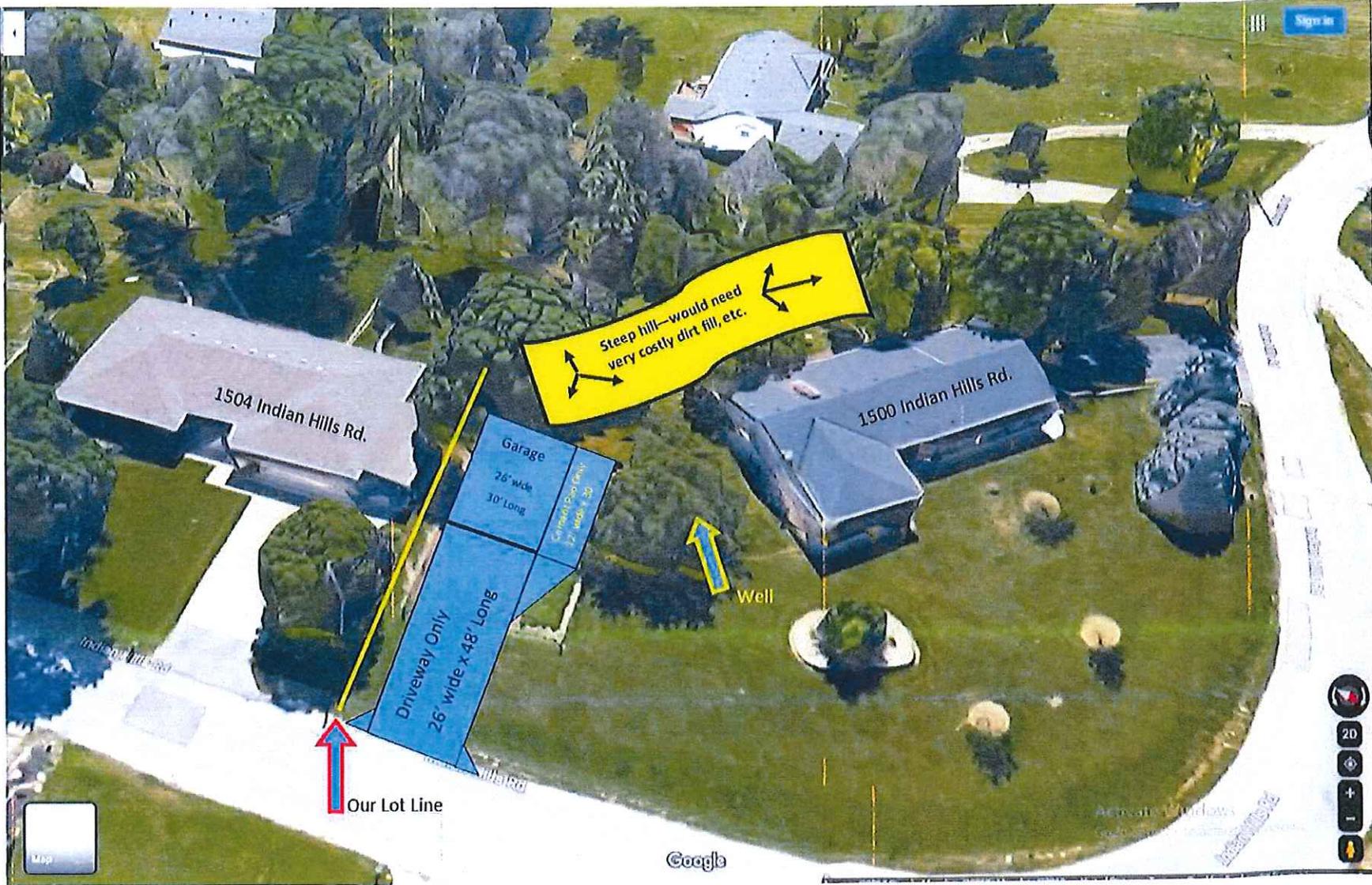
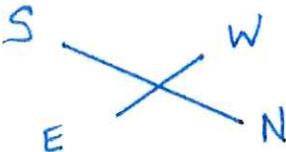
This new setback distance **would still allow** the new Garage to be located behind the front yard portion of our house and our next door neighbors. The new Garage would be on our side yards (both ours & neighbors), not out front of either of our houses.

We plan to have the new Garage sided to match the color of our existing house (example pg. 7) and we sincerely believe it would be aesthetically pleasing to the neighborhood.

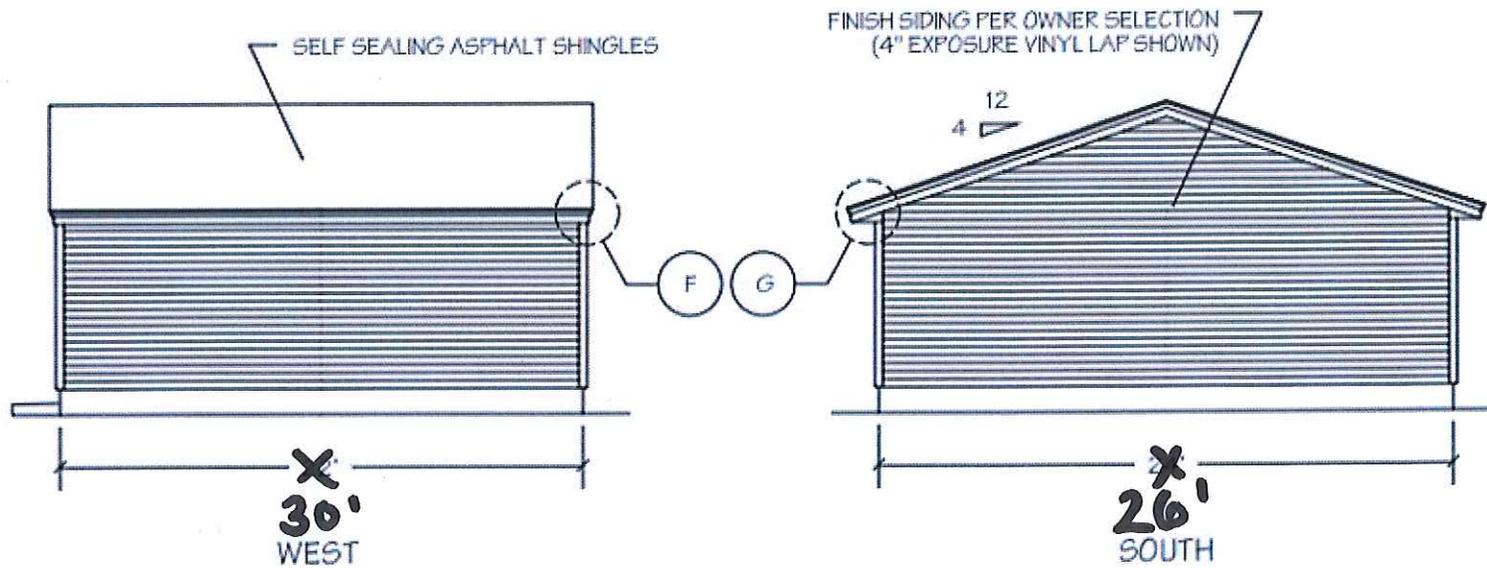
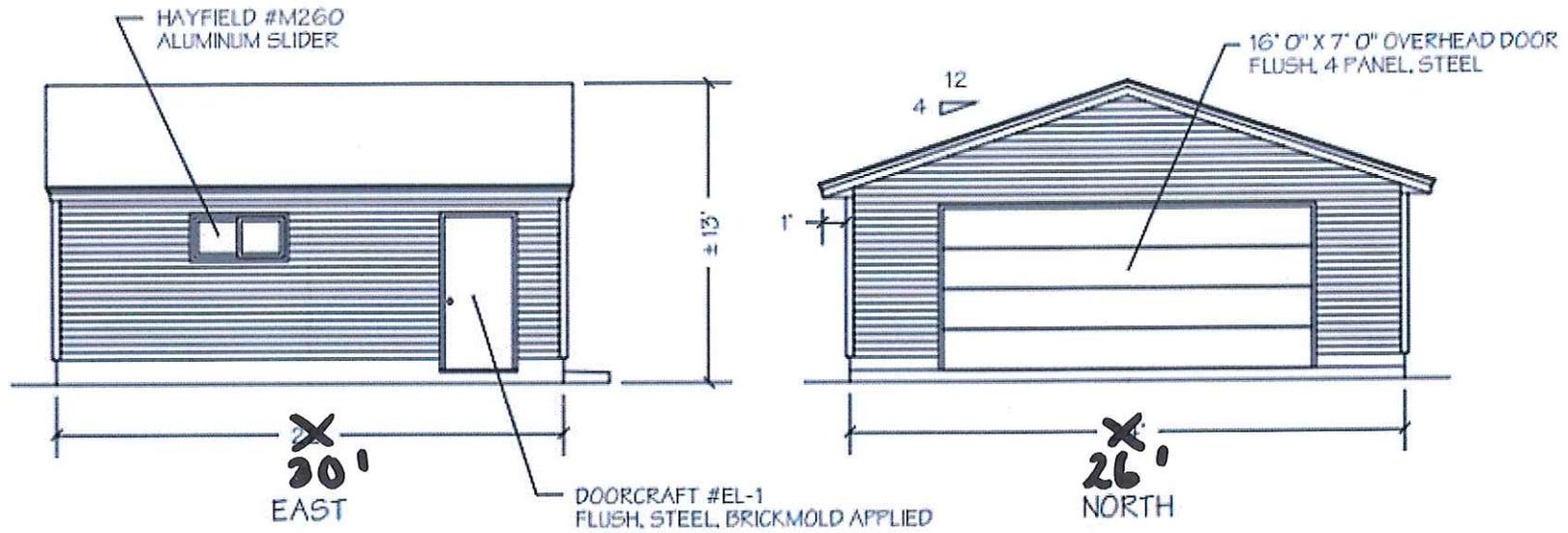
Hopefully the drawings &/or pictures help to clarify what we would be building, and why we believe we should be granted this variance.

Thank you,

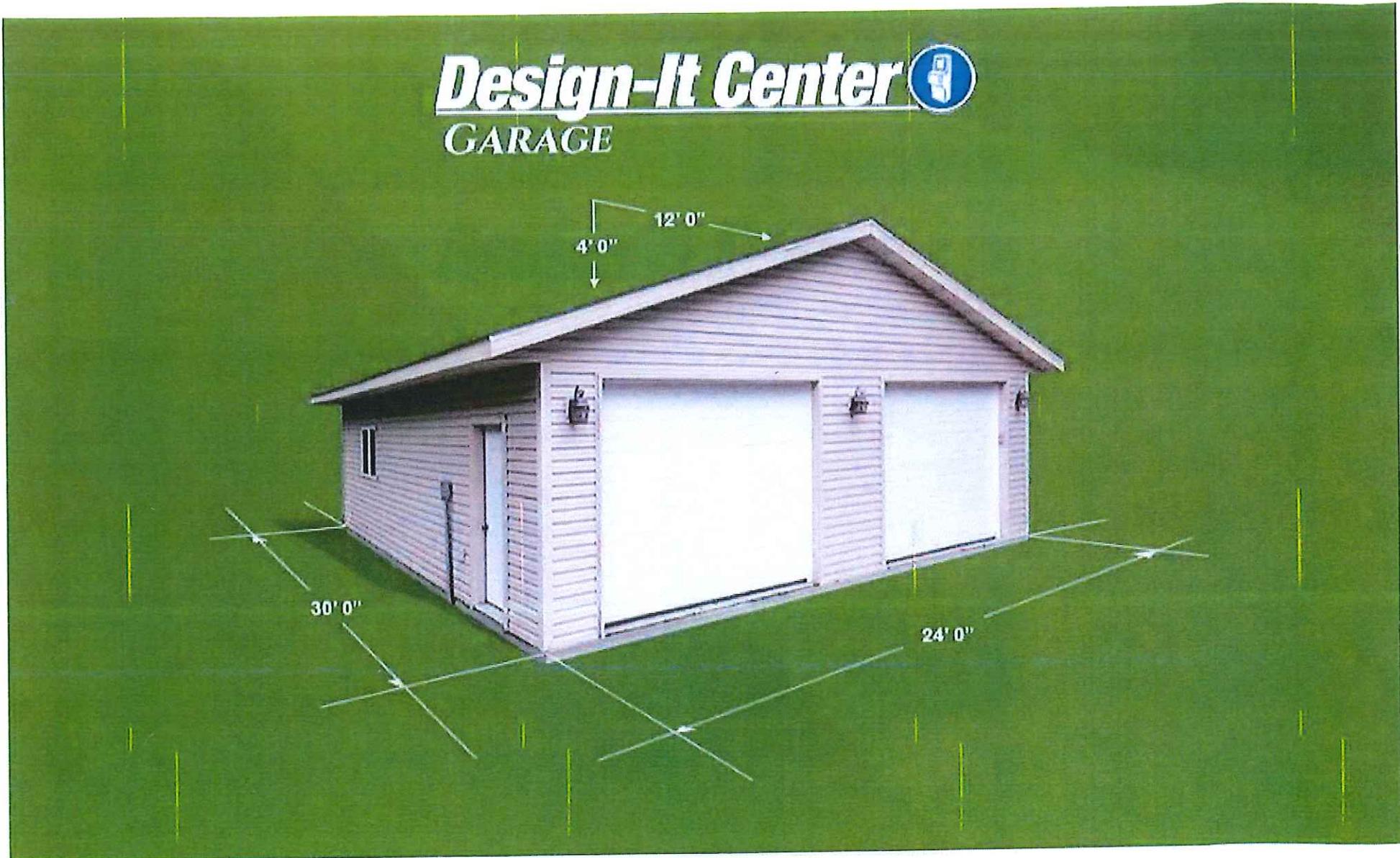
Dan & Sandy Velasquez
1500 Indian Hills Rd.
Council Bluffs, IA. 51503
(402) 301-8778



ATTACHMENT D



Garage build example



ATTACHMENT E



Zoning Board of Adjustment Communication

Department: Community
Development

Case/Project No.: BA-19-008

CASE #BA-19-008

Council Action: 11/19/2019

Submitted by: Chris Meeks,
Planner

Description

Public hearing on the request of Yoder Construction, represented by Bryan Yoder, for variances from Section 15.23.020(04), General Provisions, and Section 15.23.030(03)(d), Design Standards, Off-Street Parking, Loading and Unloading of the Municipal Code (Zoning Ordinance) to allow one off-street parking space to be located within a required front yard setback in an R-2/Two-Family Residential District on properties legally described as Lot 4, Judd's Park Subdivision and the West one-half of the vacated alley adjacent; and Lots 2 through 5, Wells Park Addition and the West one-half of the vacated alleys adjacent, City of Council Bluffs, Pottawattamie County, Iowa. Location: 409, 431, 435, 437, and 441 Park Avenue

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #BA-19-008 Staff Report & Attachments	Other	11/13/2019

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: November 19, 2019

RE: **CASE #BA-19-008**
REQUEST: Public hearing on the request of Yoder Construction, represented by Bryan Yoder, for variances from Section 15.23.020(04), *General Provisions*, and Section 15.23.030(03)(d), *Design Standards, Off-Street Parking, Loading and Unloading* of the Municipal Code (Zoning Ordinance) to allow one off-street parking space to be located within a required front yard setback in an R-2/Two-Family Residential District on properties located at 409, 431, 435, 437, and 441 Park Avenue, legally described as Lot 4, Judd's Park Subdivision and the West one-half of the vacated alley adjacent; and Lots 2 through 5, Wells Park Addition and the West one-half of the vacated alleys adjacent, City of Council Bluffs, Pottawattamie County, Iowa.

APPLICABLE CODE SECTION: **Section 15.23.020(4) General Provision for Off Street Parking, Loading and Unloading**

Section 15.23.030(3)(d) Design Standards for Off Street Parking, Loading and Unloading

RELIEF SOUGHT: An 18 foot variance for each dwelling unit to allow one off-street parking space to be located within a required front yard setback.

LEGAL DESCRIPTION: Lot 4, Judd's Park Subdivision and the West half of the vacated alley adjacent; Lots 2 through 5, Wells Park Addition and the West half of the vacated alleys adjacent, City of Council Bluffs, Pottawattamie County, Iowa

LOCATION: 409, 431, 435, 437, and 441 Park Avenue

**APPLICANT/
APPROVED
PURCHASER:** Yoder Construction, 101 McCandless LN, Suite A, Council Bluffs, IA 51503

Owner: City of Council Bluffs

REPRESENTATIVES: Bryan Yoder, Yoder Construction, 101 McCandless LN, Suite A, Council Bluffs, IA 51503

BACKGROUND INFORMATION – In July of 2019, the City of Council Bluffs, in association with Resolutions 19-140 through Resolution 19-144, approved of the sale of the properties legally described as Lot 4, Judd's Park Subdivision and the West half of the vacated alley adjacent; Lots 2 through 5, Wells Park Addition and the West half of the vacated alleys adjacent, City of Council Bluffs, Pottawattamie County, Iowa, to Bryan Yoder of Yoder Construction. As a condition of sale, Yoder Construction was allowed to pursue variances to the subject properties relative to the required off-street parking prior to taking ownership.

The applicant is proposing to construct a side-by-side duplex on each platted lot, with each unit having a one-car garage in the lowest level with two floors of living space above. In order for the applicant's proposal to meet all zoning requirements, variances from Section 15.23.020 General Provisions (D) "Parking and loading or unloading spaces shall not be located in a required front yard with the exception of commercial and industrial districts, but may be located within a required side or rear yard" and Section 15.23.030 Design Standards, (C) Parking provisions for personal vehicles. (5) "Parking is permitted outside in the side yard or in the rear yard, behind the required front yard setback and must be contiguous with the primary surfaced driveway", as specified in the Council Bluffs Zoning Ordinance, will be required. The applicant is requesting the variances because the narrowness of the lots do not allow enough space for the second required parking space to be located along the sides of the dwelling units. The properties also feature topographic difficulties, due to a hill within the westernmost 25 feet of each parcel, and a significant bluff at the rear (eastern side) of each parcel.

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 Site Plan
- Attachment D: Floor Plan of Proposed Houses
- Attachment E: Elevation Views of Proposed Houses
- Attachment F: Site Photos

CURRENT ZONING AND LAND USE – The subject properties are zoned R-2/Two-Family Residential District and are currently undeveloped. Surrounding properties are also zoned R-2/Two-Family Residential and are primarily single family residential structures. The subject properties are also located within the Park/Glen Avenues Historic District, which is a nationally registered historic 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:
 - A two-family residential dwelling is required to have two off-street parking spaces for each dwelling unit that measure at least 9 feet by 18 feet in area and be located behind the front yard setback area, as is specified in Section 15.23.030 of the Council Bluffs Code of Ordinances.
 - The subject properties are all zoned R-2/Two-Family Residential District. None of the five properties meet the required 50 foot lot width for an interior lot in the R-2 District (409 Park Avenue is 49.5 feet with width, 431 Park Avenue is 44 feet in width, and 435, 437, and 441 Park Avenue are all 42 feet in width). Because the lots do not meet the required width, they are considered nonconforming lots of record, but are still considered developable as long as the homes meet the setback standards of today's ordinance. The homes, as proposed, appear to meet all setback requirements on each property.
 - Three of the lots (435, 437, and 441 Park Avenue) do not meet the required 5,000 square feet of interior lot area that is required for a lot in the R-2 District, though are still considered developable.
 - The subject properties all feature significant terrain difficulties, with 8-10 foot upward slopes in the westernmost 25 feet of the parcels, and a steep bluff at the easternmost portion of the parcels. Because of the location of the bluff at the rear of each parcel, there is little room for the homes to be shifted towards the rear of the lots. Many of the previous homes that were located on the parcels had garages that were built into the Western hillside at the front of parcels. None of the previous homes that were constructed on the parcels featured two off-street parking spaces that met the required 25 foot front yard setback.

- Many properties in historic districts of the City of Council Bluffs feature garages that are built into the front hillside of a property due to the difficult terrain. Many of these properties would be considered legally nonconforming from a parking standpoint, and the damage or destruction of the structure or home on the property, or an addition the principal structure would trigger the need for an off-street parking variance, or to bring the parking on the property into compliance with today's ordinance.
- On-street parking is allowed on the East side of Park Avenue which abuts the subject properties.
- The approval of the sale of these properties to Yoder Construction came with the condition that the properties must meet certain architectural requirements to maintain the historic characteristics of the surrounding neighborhood. The architectural requirements are in no way affected by the review of this variance request, and will be reviewed with the regular building permit review for each property.
- The subject properties were platted in 1890, which is prior to the enactment of a Subdivision Ordinance in the City of Council Bluffs. At the time these lots were platted, the minimum lot size standards of today's zoning and subdivision ordinances had not been enacted.
- The Council Bluffs Fire Marshall had no comments regarding the proposed variances.
- The Council Bluffs Permits and Inspections Division stated they have no comments regarding the proposed variances.
- Council Bluffs Water Works had no comments regarding the proposed variances.
- MidAmerican Energy stated they have no objections to the proposed variances, though noted the developer should contact MidAmerican Energy to determine any costs associated with relocating any existing electric facilities that may be in conflict with the development.

NEIGHBORHOOD RESPONSE – All property owners and affected Neighborhood Associations within 200 feet of the subject property were notified of the requested variance. At the time of this report no comments have been received.

COMMENTS - Evidence must be presented to demonstrate that a literal enforcement of the Ordinance will create a hardship for which relief is necessary. The Board of Adjustment shall approve a variance to grant relief when 'unforeseen applications of this Ordinance...create particular hardships'. No variance shall be granted unless the Board of Adjustment makes findings of fact based on the standards and conditions that follow. A variance less than requested may be granted by the Board when the record supports the applicant's right to some relief, but not to the entire relief requested. (§15.02.080 – Variances)

1. *The particular property, because of size, shape, topography or other physical conditions suffers singular disadvantage through the application of this ordinance, which does not apply to other properties in the vicinity. None of the subject properties meet the required lot width of 50 feet for interior lots in the R-2/Two-Family Residential District, and each property has significant topographic issues with hillsides within the front yard building setback and a significant bluff at the rear of the properties. The limited lot width does present challenges with constructing homes that would allow additional parking on the side or rear of the homes, making those parking alternatives unviable options, and the hillside does not allow the developer to move the homes further from the front-yard setback. The topographic concerns and limited lot width does create significant disadvantages in regards to the development of each property.*
2. *Because of such disadvantage, the owner is unable to make reasonable use of the affected property. The limited lot width and topographic concerns will present challenges for any development on the properties. The side-by-side duplexes that have been proposed by the developer, which are a permitted use in the R-2/Two-Family Residential District, would not be possible without the relief of the proposed off-street parking variances.*

3. *The disadvantage does not exist because of conditions created by the owner or previous owners of the property. The disadvantages of the subject properties are created by topographic issues and the width of the lots as they were platted in 1890. The developer has not altered any physical features or lot lines on any of the properties since being awarded ownership.*

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 not confer special privileges on these properties, as it is not uncommon to see unique parking areas in the front yard of properties with topographic difficulties, especially those in the historic districts of the City of Council Bluffs. Previous homes on three of the five lots featured detached garages that were built into the hillside and within the 25 foot front yard setback. The proposal that has been presented by the applicant, with all structures meeting the required 25 foot front yard setback and only a driveway being located in front of the homes, would be more conforming than what was previously located on the lots.*

5. *Granting the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the purpose and intent of this ordinance. The variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this ordinance that create particular hardships. The request for the above mentioned variances are the result of the physical conditions of properties that have not been altered by the developer requesting these variances. The proposed variances will not be contrary to the public interest, and will not adversely affect other properties in the vicinity.*

RECOMMENDATION

The Community Development Department recommends approval of variances from Section 15.23.020(4), General Provisions, and Section 15.23.030(3)(d), Design Standards, Off-Street Parking, Loading, and Unloading of the Municipal Code (Zoning Ordinance) to allow one off-street parking space for each residential dwelling unit to be located within a required front yard on the properties legally described as Lot 4, Judd's Park Subdivision and the West half of the vacated alley adjacent; Lots 2 through 5, Wells Park Addition and the West half of the vacated alleys adjacent, City of Council Bluffs, Pottawattamie County, Iowa, based on the reasons stated above.



Christopher Gibbons, AICP
Planning Coordinator

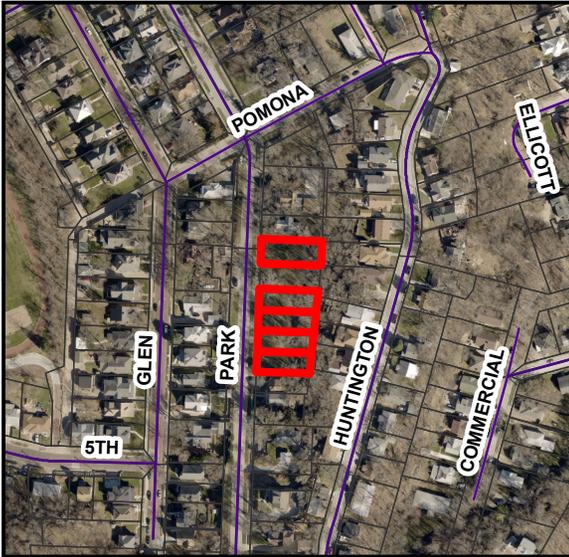
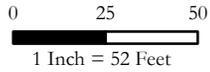


Chris Meeks
Planner

CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT CASE #BA-19-008 LOCATION/ZONING MAP

Legend

 Subject Properties



Last Amended: 10/25/19

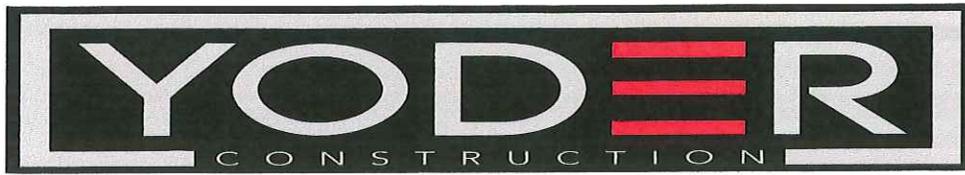


Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328.4629

DISCLAIMER

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Council Bluffs, IA 51503
402-332-8226

bryan.yoderconstruction@gmail.com

September 26, 2019

City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503
712-328-4629

Community Development

Reference: 441 Park Avenue /Improvement: Parcel# 754436279009

Committee:

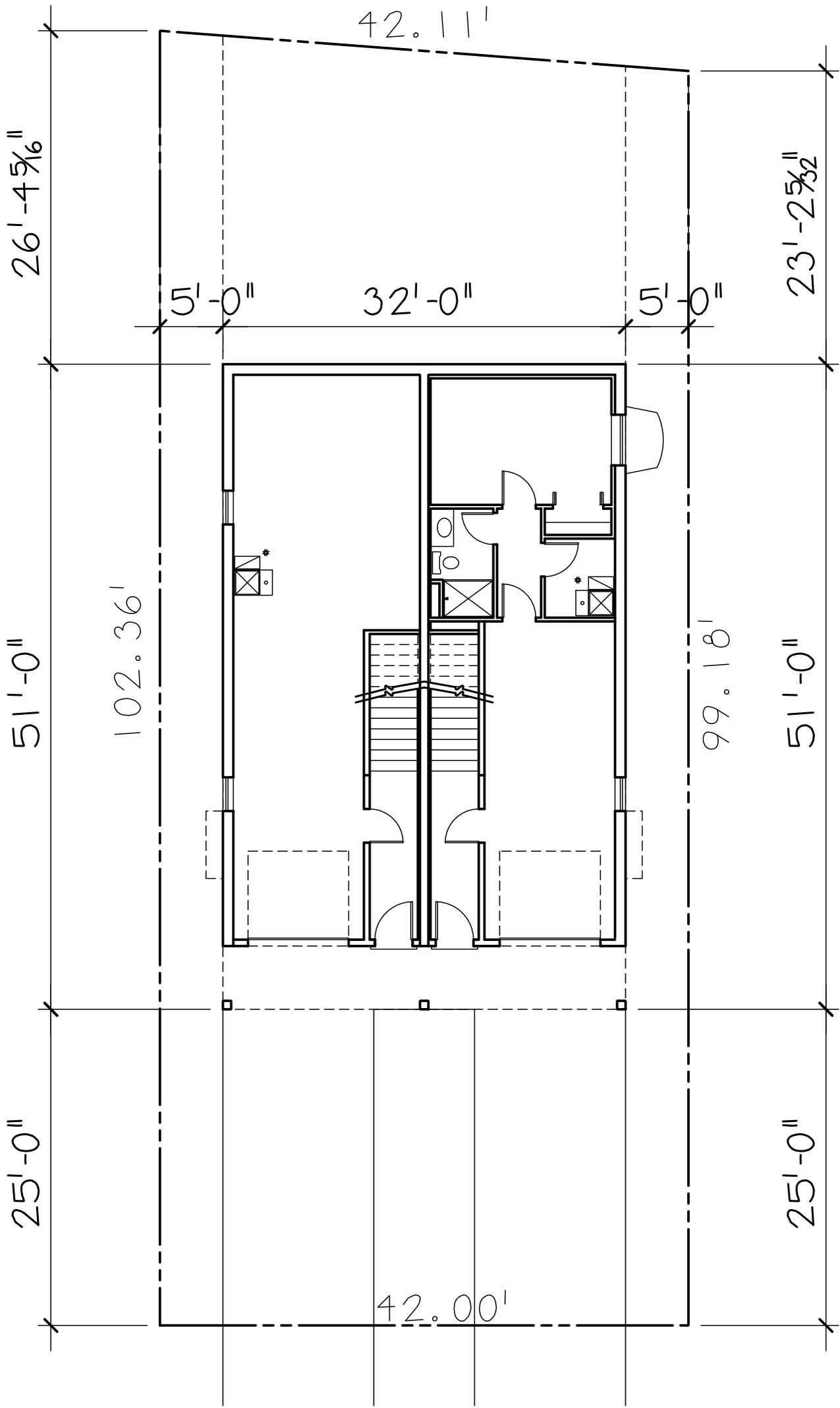
This is a proposal for a parking provision to accommodate off street parking for the residential housing that has been previously proposed on sites located on Park Avenue, # 409 Park Ave, 431 Park Ave, 435 Park Avenue, 437 Park Ave, and 441 Park Ave. This proposal is to establish the usage of the 25' set back that is allowed for the structure. If a two or three-bedroom duplex is to be constructed on this size of a lot, I will need to use the 25' setback for a concrete pad area for parking of two vehicles per home. There will be a one-car garage on each side as per the plans, and the 25' set back will have the space for the other automobile to park. This will allow two cars per household with off street parking. The lots sizes are so narrow and sloped that there is no way to reconfigure this area for an extra garage or space to park.

Please consider allowing the 25' setback to be utilized for the required second vehicle parking on a concrete pad per sides of the duplex.

Thank you

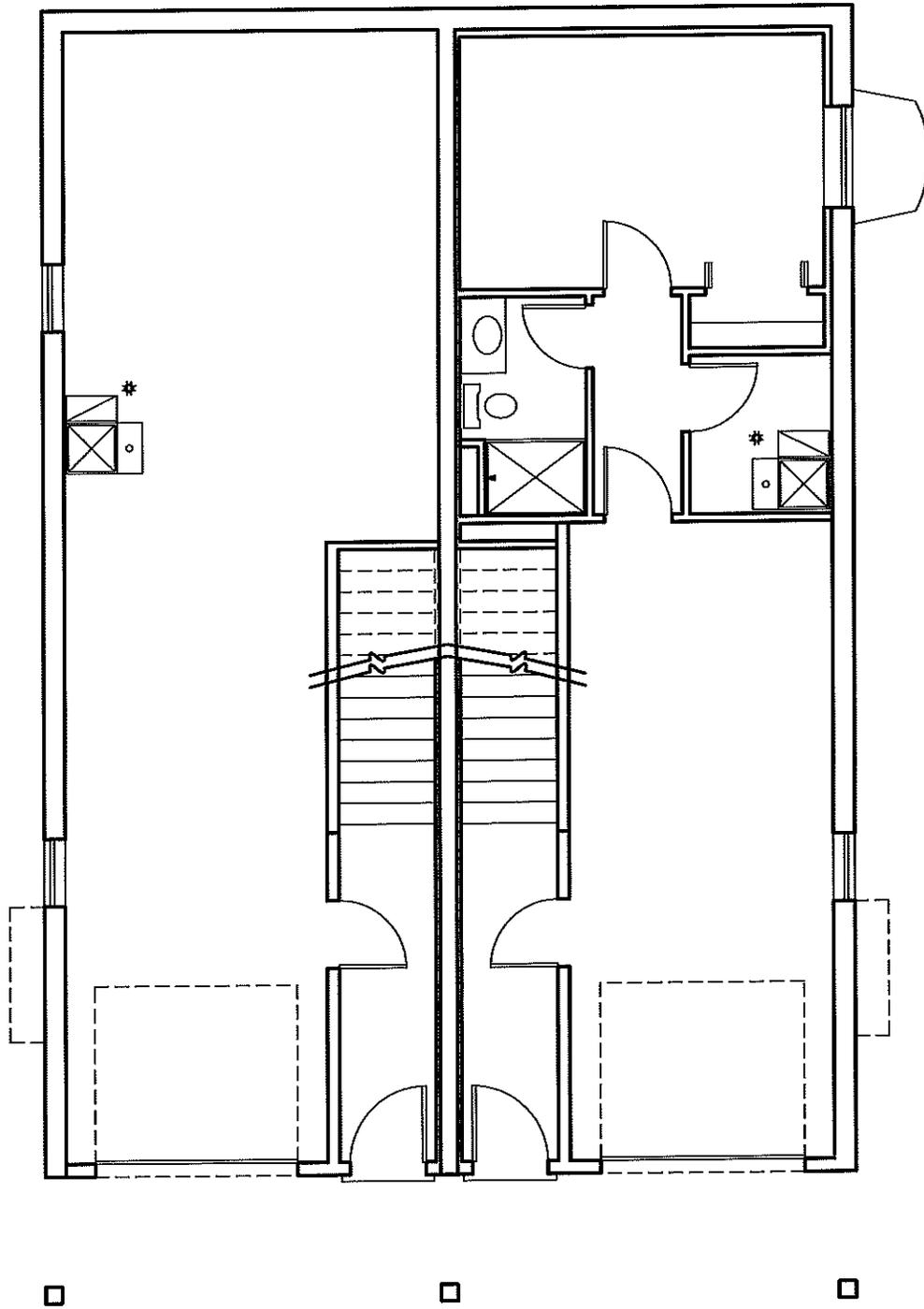


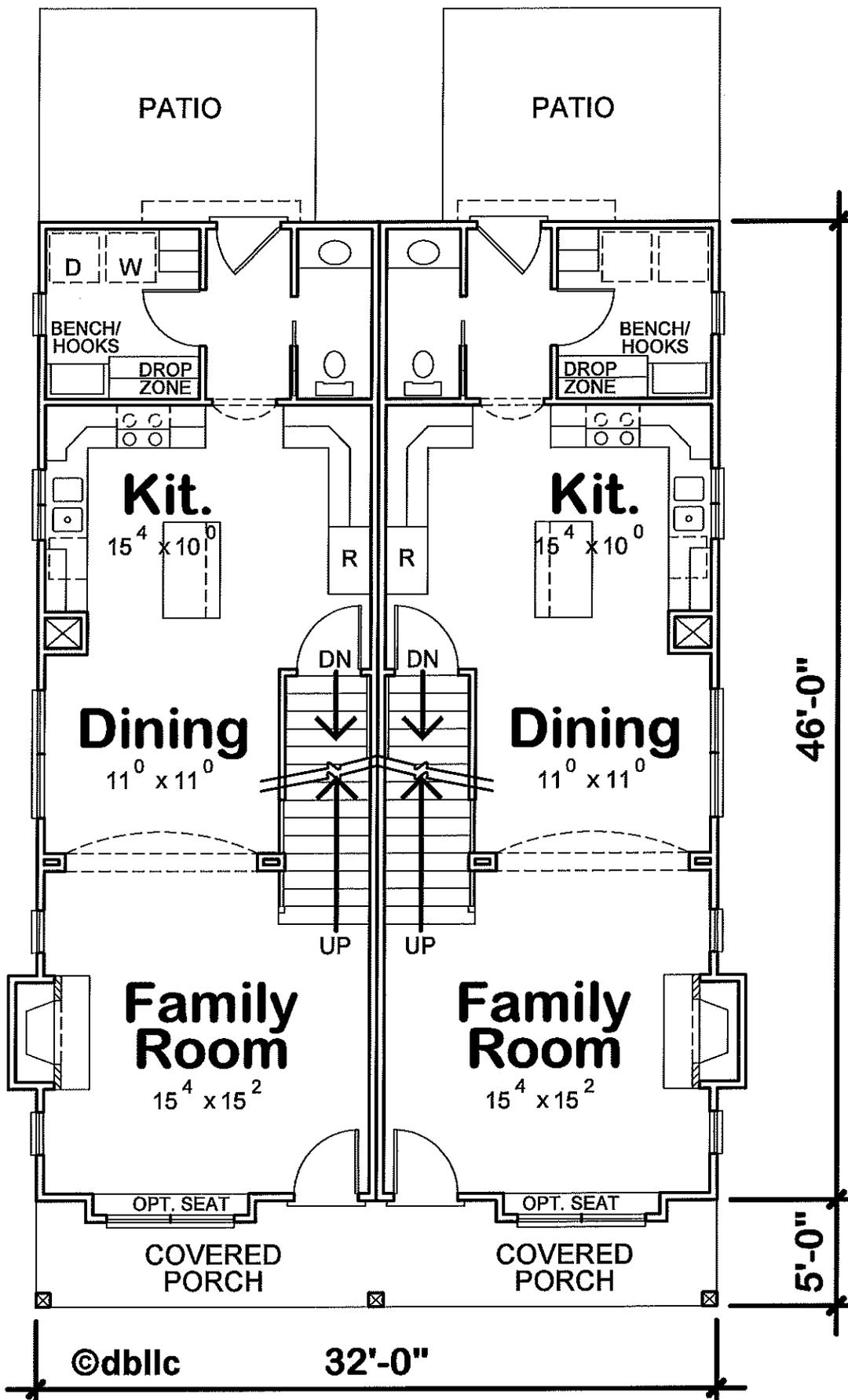
Bryan Yoder



441 PARK SITE PLAN

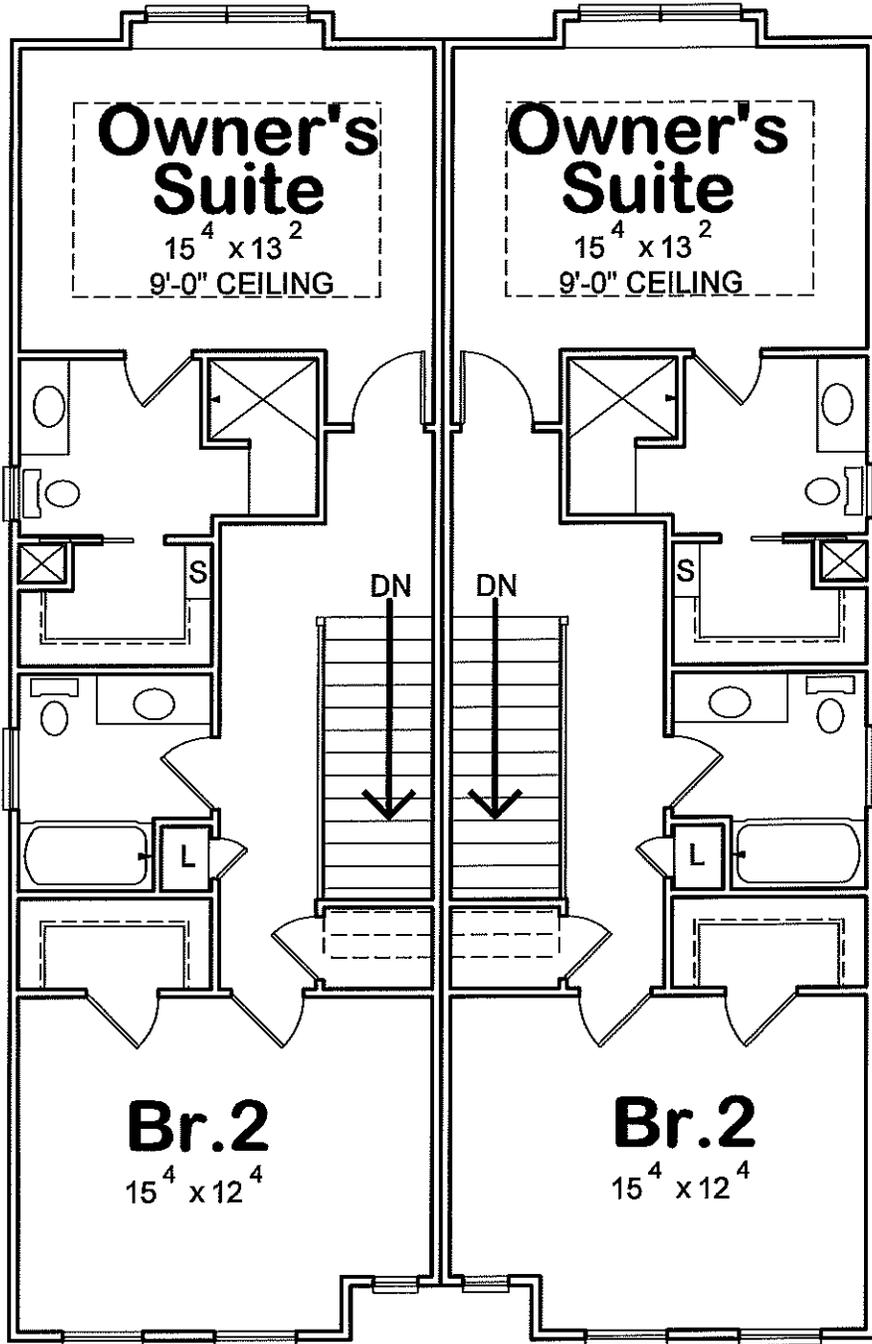
SCALE: 1" = 10'-0"





UNIT A	
MAIN LEVEL	744 #
SECOND LEVEL	749 #
TOTAL	1493 #

UNIT B	
MAIN LEVEL	744 #
SECOND LEVEL	749 #
TOTAL	1493 #

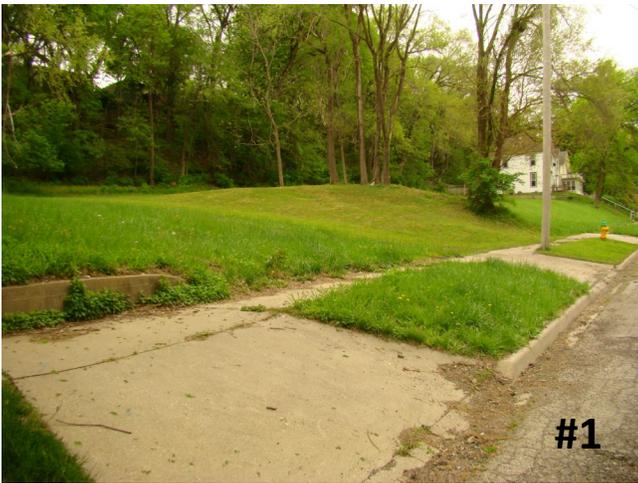






Attachment F:

Site Photos



Legend:

Photo #1: View of Park Avenue properties (facing South)

Photo #2: View of Park Avenue Lots (facing South)

Photo #3: Slope of the hill on the front of the Park Avenue Lots (facing North)

Photo #4: Photo of the rear of the Park Avenue properties (facing Northeast)

Photo #5: Rear slope of the rear Park Avenue properties (facing East)



Zoning Board of Adjustment Communication

Department: Community
Development

Case/Project No.: CU-19-005

CASE #CU-19-005

Council Action: 11/19/2019

Submitted by: Haley Weber, Zoning
Enforcement Officer

Description

Public hearing on the request of Dallas Johnson Greenhouses, represented by Pete Hult, for a conditional use permit to allow a 'greenhouse, commercial' in an A-2/Parks, Estates, and Agricultural District on property legally described as being part of the NW1/4 NE1/4 of Section 15.74-44, lying North of Highway 275, except City right-of-way, along with all of the SW1/4 SE1/4 and the South 10.01 acres of the NW1/4 SE1/4 all in Section 10-74-44, all in the City of Council Bluffs, Pottawattamie County, Iowa. Location: 2802 Twin City Drive

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #CU-19-005 Staff Report & Attachments	Other	11/13/2019

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: November 19, 2019

RE: **CASE #CU-19-005**
REQUEST: A conditional use permit to allow a ‘greenhouse, commercial’ in an A-2/Parks, Estates and Agricultural 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.

§15.05.030 – Conditional Uses in a C-2/Commercial District
J. Greenhouse, commercial

LEGAL

DESCRIPTION: Part of the NW ¼ NE ¼ of Section 15-74-44 lying North of Highway 275, except City right-of-way, along with all of the SW ¼ SE ¼ and the South 10.01 acres of the NW ¼ SE ¼ all in Section 10-74-44, City of Council Bluffs, Pottawattamie County, Iowa

LOCATION: 2802 Twin City Drive, Council Bluffs, IA 51501

APPLICANT: Dallas Johnson Greenhouse, 2802 Twin City Drive, Council Bluffs, IA 51501

OWNERS: Johnson Enterprises Ltd., 2802 Twin City Drive, Council Bluffs, IA 51501

REPRESENTED BY: Peter Hult, 2802 Twin Cities Drive, Council Bluffs, IA 51501

BACKGROUND INFORMATION – The Community Development Department has received an application from Dallas Johnson Greenhouse, represented by Peter Hult, for a conditional use permit to allow a ‘greenhouse, commercial’ in an A-2/Parks, Estates and Agricultural District, on property legally described above.

When Dallas Johnson Greenhouse was established on the subject property in 1991, a greenhouse was considered a principal use in the A-2 District. On August 26, 1996, the Council Bluffs City Council adopted Ordinance #5285 which amended the principal uses in the A-2 Zoning District, which included removing greenhouses as a principal use. Subsequently, the greenhouse at the subject property became a nonconforming use. On November 13, 2018, the Council Bluffs City Council adopted Ordinance #6372 which added “greenhouses, commercial” as a conditional use in the A-2 Zoning District, which provided the applicant the opportunity to bring their operation

into conformance with the Council Bluffs Municipal Code (Zoning Ordinance) by obtaining a conditional use permit.

The applicant is now proposing to construct an additional 235,000 square foot greenhouse along with a 50,000 square foot warehouse space on the north ten (10) acres of the subject property. The applicant's submitted letter of intent states that all structures, including the open-air greenhouses, significantly exceed the 10% maximum lot coverage allowed in the A-2 District. As part of their request, the applicant is asking that the open-air greenhouses located on the property be considered green space as opposed to structures in order to comply with the 10% maximum lot coverage requirement. The submitted letter of intent for the proposed 'greenhouse, commercial' use is include with this report as Attachment 'A.'

The applicant has submitted a parking analysis, included as Attachment 'B,' as a basis of which to determine the required parking for the subject property. The submitted analysis states that the site needs a minimum of 140 parking spaces, based on peak employment numbers, to operate successfully. 156 parking spaces exist on-site today. The applicant is requesting that the City approve the existing 156 parking spaces as the minimum amount of off-street parking required for the subject property, per the submitted parking analysis.

CURRENT ZONING AND LAND USE – The subject property is zoned A-2/Parks, Estates and Agricultural District. Adjacent parcels to the north and south, across Veteran's Memorial Highway, are also zoned A-2/Parks, Estates and Agricultural District. Another parcel across Veteran's Memorial Highway to the south is zoned R-3/Low-Density Multifamily Residential District. The adjacent property to the east is zoned I-1/Light Industrial District. The properties to the immediate west are zoned C-2/Commercial District and R-1/Single-Family Residential District. A location/zoning map is included as Attachment 'C.'

On November 9, 2016 the Council Bluffs Zoning Board of Adjustment approved a variance (Case# BA-16-006) on the subject property from Section 15.33.150(01)(a), *Agricultural and Open Space District* Signs, of the Municipal Code (Zoning Ordinance) to exceed the total maximum allowed signage by 35 square feet.

Existing land uses in the general vicinity include an undeveloped agricultural property to the north; an undeveloped property to the east; an undeveloped agricultural property and Chapel Ridge apartments across Veteran's Memorial Highway to the south; and a convenience store, commercial storage facility and single-family residential neighborhood across Twin City Drive to the west. The proposed 'greenhouse, commercial' functions as an appropriate transitional use between the residential neighborhood to the west and the industrial property to east as it is industrial in scale but agricultural in nature. The future land use map of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as 'Light Industrial.' The subject property has a Recreation/Tourism Overlay.

The following attachments are included with the case staff report:

- Attachment A: Letter of Intent
- Attachment B: Parking Analysis
- Attachment C: Zoning/Location 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: View of existing open-air greenhouses



Exhibit C: Alternate view of existing open-air greenhouses



Exhibit D: Proposed location for greenhouse/warehouse addition



Exhibit E: Existing tree line along western property line



Exhibit F: Northern portion of western property line



Exhibit G: Ditch located in northwest corner of property



CITY DEPARTMENTS AND UTILITIES – All city departments and local utility providers were notified of the proposed conditional use permit request. The following comments were received:

Council Bluffs Water Works stated that they have no comments in regards to the proposed conditional use permit.

Cox Communications stated that they have no issue with the proposed conditional use permit.

MidAmerican Energy stated that they have no comments or concerns in regards to the proposed conditional use permit.

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

Council Bluffs Permits and Inspections Division had no comments in regards to the proposed conditional use, but did inquire if the buildings were protected with fire sprinklers, to which the Community Development Department replied that they were unsure.

Council Bluffs Community Development Department:

1. ‘Greenhouse, commercial’ is defined in Section 15.03.312, Definitions, ‘Greenhouse or Hoop House, Commercial’ of the Council Bluffs Zoning Ordinance as “an establishment engaged in the propagation and growth of plant material for gardening, landscaping and/or food production purposes, intended for wholesale or retail sale.” The proposed commercial greenhouse use falls under this definition. The proposed commercial greenhouse functions as an appropriate transitional use between the residential neighborhood to the west and the industrial property to east as it is industrial in scale but agricultural in nature.

2. The property has a recreation-tourism overlay. The purpose of the recreation-tourism overlay is to “maintain and enhance the aesthetic quality of areas around the National Historic Trails Center and land based and riverboat gaming facilities. This overlay is intended to mitigate any negative impact associated with these facilities.” A ‘greenhouse, commercial’ use is not listed as a prohibited use within the recreation-tourism overlay and, if developed in compliance with all adopted City requirements, shall not have any negative impact on the National Historic Trails Center or land based and riverboat gaming facilities.
3. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the property as ‘Light Industrial.’ The plan defines “Light Industrial” as “*areas used for industrial purposes that create minimal impacts on surrounding uses. Activities tend to occur inside structures, with outdoor areas limited to storage or distribution. Where possible, these areas should be developed as a coordinated subdivision with a dedicated roadway.*” The proposed ‘greenhouse, commercial’ use aligns with the ‘Light Industrial’ designation as the use is industrial in scale, but agricultural in nature, and therefore will have minimal impact on the surrounding area.
4. The property is currently at 52.5% lot coverage, which exceeds the maximum 10% lot coverage allowed in the A-2/Parks, Estates and Agricultural District per Section 15.05.050, *Site Development Regulations*, of the Municipal Code (Zoning Ordinance). The proposed additional 235,000 square foot greenhouse and 50,000 square foot warehouse would put the property at 61% lot coverage. As part of their request, the applicant is asking that the open-air greenhouses located on the property be considered green space as opposed to structures in order to comply with the maximum 10% lot coverage requirement of the A-2 District. Eliminating the open-air greenhouses from the lot coverage calculation would put the property at 5% lot coverage, and would therefore meet the lot coverage requirements of the district. The proposed 285,000 square foot additions would compromise 16% of their applicant’s overall operation.

The Community Development Department is supportive of considering all open-air greenhouses on the subject property as open space rather than structures. The open-air greenhouses function as agricultural fields, which have historically been considered open-space. These open-air greenhouses are lightweight, open structures with clear polycarbonate walls and ceilings. Portions of the walls and ceilings of the greenhouses are usually left open during the warmer months of the year, which differentiates these structures from a typical building. This interpretation of the open-air greenhouses as open-space is only applicable from a zoning standpoint. All structures on the property, including all open-air greenhouses, shall meet all applicable building and fire codes. It is important to note that the applicant is not requesting relief for all structures on the property; all office and warehousing facilities on-site will still count towards the total lot coverage. The applicant is requesting this interpretation of the open-air greenhouses to help bring their property into compliance with the City’s Zoning Ordinance.

5. The submitted site plan shows an additional four (4) trees planted along the western property line in front of the proposed greenhouse. The Community Development Department recommends that additional screening be installed, in accordance with Section 15.24.040, *Fence regulations*, along the western property line to serve as a buffer

to the adjacent residential neighborhood. Section 15.24.040, *Fence regulations*, includes four (4) fencing options, one (1) of which is a ‘vegetation fence.’ If the applicant chooses to install a ‘vegetation fence,’ the following standards shall apply:

- a. A minimum of 110 tall, evergreen trees shall be planted every twenty (20) feet, on center, along the western property line;
- b. Each tree shall reach a minimum of six (6) feet in height within three (3) years of planting; and
- c. Each tree shall have a minimum mature height of twelve (12) feet.

The required screening shall be installed prior to issuance of a Certificate of Occupancy.

6. The applicant has indicated that they intend to purchase thirty (30) acres directly north of their property for future expansion. Any future expansion shall require approval from the Zoning Board of Adjustment, as it would be considered a modification of their conditional use permit.
7. At this time, the only applicable parking standards for the proposed ‘greenhouse, commercial’ use are identified in ‘Schedule A’ of the Zoning Ordinance. ‘Schedule A’ “sets forth a minimum off-street parking requirement for uses with elements having different functions or operating characteristics.” Per ‘Schedule A,’ “office or administrative activity” requires “1 space per 300 square feet” and “Indoor or outdoor storage or warehousing” (greenhouses) requires “1 space per 5,000 square feet.” Based on this calculation, the applicant’s current operation would require 361 parking spaces. The subject property currently has a total of 156 parking spaces. The applicant has submitted a parking analysis that states that the site needs a minimum of 140 parking spaces, based on peak season employment numbers, to operate successfully. According to the submitted parking analysis, Dallas Johnson Greenhouses is strictly a wholesale business and does not sell directly to the public. Therefore, the applicant’s primary need for parking is based upon employee numbers. The applicant is requesting that the City approve the existing 156 parking spaces that exist on-site today as the minimum amount of off-street parking required for the subject property, per the submitted parking analysis. This would be a 57% reduction in the amount of off-street parking required under Section 15.23.060, *Parking spaces required*.

The majority of the greenhouses on site rely heavily on robotics for their day-to-day operations, with little human labor required. This unique system of operations is not typical of most warehousing uses. The City’s current Zoning Ordinance is deficient in regards to providing a parking calculation for advanced manufacturing uses, such as this one, whose operations occupy significant amounts of space, but require little human labor. Given the unique nature of the applicant’s operation and the deficiency of the City’s Zoning Ordinance, the Community Development Department is supportive of basing the required number of off-street parking on the submitted parking analysis for their current operation only.

The submitted parking analysis shall not apply to the proposed greenhouse and warehouse additions. The proposed additions, along with any future development, shall comply with the current parking standards stated in Section 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance). The required number of off-street parking spaces of the ‘greenhouse, commercial’ use shall be

based on the standards stated in the above mentioned section of the Municipal Code (Zoning Ordinance), which specifies 1 space per 5,000 square feet (indoor warehousing) for the proposed ‘greenhouse, commercial’ use. The proposed 285,000 square foot addition would require a minimum of 57 additional off-street parking stalls. These stalls shall be provided in accordance with the standards listed in Section 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance). If the applicant does not wish to provide the required amount of off-street parking per the City’s Zoning Ordinance, a parking analysis for the proposed greenhouse and warehouse additions may be submitted for consideration.

8. All off-street parking areas, drive aisles, and circulation routes shall be hard-surface paved in accordance with the standards listed in Section 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance).

NEIGHBORHOOD RESPONSE – All property owners within 200 feet were notified of the conditional use permit request. The following comments were received:

Harold Sears, 3809 Ramelle Drive—Mr. Sears backyard is adjacent to the subject property and faces the proposed greenhouse addition. Mr. Sears listed the following concerns in regards to the proposal:

- The proposed greenhouse will block the view that his property has had since he has lived at his residence, which he feels will devalue his property immensely;
- The noise factor associated with an increased number of truck traffic on-site;
- Additional storm water drainage that will affect his backyard;

Mr. Sears referenced the Dallas Johnson location outside of city limits. He feels that the applicant should consider expanding the county location rather than the subject property as it is not adjacent to a residential area and would therefore be less disruptive. Mr. Sears also stated that the ditch located along the western property line of the subject property is overgrown with weeds.

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 76.01 acres of developed land. The property is currently at 52.5% lot coverage, which exceeds the maximum 10% lot coverage allowed in the A-2/Parks, Estates and Agricultural District per Section 15.05.050, *Site Development Regulations*, of the Municipal Code (Zoning Ordinance). The proposed additional 235,000 square foot greenhouse and 50,000 square foot warehouse would put the property at 61% lot coverage. As part of their request, the applicant is asking that the open-air greenhouses located on the property be considered green space as opposed to structures in order to comply with the maximum 10% lot coverage requirement of the A-2 District.

All open-air greenhouses on the subject property shall be considered open space rather than structures in order to bring the property into compliance with the maximum 10% lot coverage requirement of the A-2/Parks, Estates, and Agricultural District chapter of the Council Bluffs Municipal Code (Zoning Ordinance). The open-air greenhouses function as agricultural fields, which have historically been considered open-space. These open-air greenhouses are lightweight, open structures with clear polycarbonate walls and ceiling. Portions of the walls and roofs of the greenhouses are typically left open during the warmer months of the year, which differentiates these structures from a typical building. This interpretation of the open-air greenhouses as open-space and not structures is only applicable from a zoning standpoint. All structures on the property shall meet all applicable building and fire codes. All office and warehousing facilities on-site shall count towards the total lot coverage. The proposed greenhouse and warehouse structures shall meet all height and setback requirements of the A-2 District.

At this time, the only applicable parking standards for the proposed 'greenhouse, commercial' use are identified in 'Schedule A' of the Zoning Ordinance. 'Schedule A' *“sets forth a minimum off-street parking requirement for uses with elements having different functions or operating characteristics.”* Per 'Schedule A,' *“office or administrative activity”* requires *“1 space per 300 square feet”* and *“Indoor or outdoor storage or warehousing”* (greenhouses) requires *“1 space per 5,000 square feet.”* Based on this calculation, the applicant's current operation would require 361 parking spaces. The subject property currently has a total of 156 parking spaces. The applicant has submitted a parking analysis that states that the site needs a minimum of 140 parking spaces, based on peak season employment numbers, to operate successfully. The required off-street parking for the current operation shall be determined by the submitted parking

analysis due to the unique nature of the applicant's operation and the deficiency of the City's Zoning Ordinance.

The submitted parking analysis shall not apply to the proposed greenhouse and warehouse additions. The proposed additions, along with any future development, shall comply with the current parking standards stated in Section 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance). The required number of off-street parking spaces of the 'greenhouse, commercial' use shall be based on the standards stated in the above mentioned section of the Municipal Code (Zoning Ordinance), which specifies 1 space per 5,000 square feet (indoor warehousing) for the proposed 'greenhouse, commercial' use. The proposed 285,000 square foot addition would require a minimum of 57 additional off-street parking stalls. These stalls shall be provided in accordance with the standards listed in Section 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance). All off-street parking areas, drive aisles, and circulation routes shall be hard-surface paved in accordance with the standards listed in Section 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance). If the applicant does not wish to provide the required amount of off-street parking per the City's Zoning Ordinance, a parking analysis for the proposed greenhouse and warehouse additions may be submitted for consideration.

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 'greenhouse, commercial' 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 to Twin City Drive to the west. No additional improvements are necessary for the current 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.
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. Any lighting installed at a future date shall comply with the standards stated in Section 15.24.050, *Lighting Controls*.
6. *The location and size of the conditional use, the nature and intensity of the activities, to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located.* The subject property is zoned A-2/Parks, Estates, and Agricultural District and

exceeds the minimum lot size requirements for the district. Existing land uses in the general vicinity include an undeveloped agricultural property to the north; an undeveloped property to the east; an undeveloped agricultural property and Chapel Ridge apartments across Veteran's Memorial Highway to the south; and a convenience store, commercial storage facility and single-family residential neighborhood across Twin City Drive to the west.

The subject property abuts a residential neighborhood to the west. The proposed 'greenhouse, commercial' functions as an appropriate transitional use between the residential neighborhood to the west and the industrial property to east as it is industrial in scale but agricultural in nature. In order to provide appropriate screening between the subject property and adjacent residential neighborhood, screening shall be installed in accordance with Section 15.24.040, *Fence regulations*, along the western property line. Section 15.24.040, *Fence regulations*, includes four (4) fencing options, one (1) of which is a 'vegetation fence.' If the applicant chooses to install a 'vegetation fence,' the following standards shall apply:

- a. A minimum of 110 tall, evergreen trees shall be planted every twenty (20) feet on center along the western property line;
- b. Each tree shall reach a minimum of six (6) feet in height within three (3) years of planting; and
- c. Each tree shall have a minimum mature height of twelve (12) feet.

The required screening shall be installed prior to issuance of a Certificate of Occupancy.

7. *The location, nature and height of buildings, structures, walls, and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use, and enjoyment of the adjacent land, buildings and structures.* The proposed greenhouse and warehouse structures shall meet all height and setback requirements of the A-2 District. In order to provide appropriate screening between the subject property and adjacent residential neighborhood, screening shall be installed in accordance with Section 15.24.040, *Fence regulations*, along the western property line. Section 15.24.040, *Fence regulations*, includes four (4) fencing options, one (1) of which is a 'vegetation fence.' If the applicant chooses to install a 'vegetation fence,' the following standards shall apply:
 - a. A minimum of 110 tall, evergreen trees shall be planted every twenty (20) feet on center along the western property line;
 - b. Each tree shall reach a minimum of six (6) feet in height within three (3) years of planting; and
 - c. Each tree shall have a minimum mature height of twelve (12) feet.

The required screening shall be installed prior to issuance of a Certificate of Occupancy.

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 a ‘greenhouse, commercial’ in an A-2/Parks, Estates and Agricultural 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. Any future expansion shall require approval from the Zoning Board of Adjustment, as it would be considered a modification to their conditional use permit.
3. The applicant shall install screening in accordance with Section 15.24.040, *Fence regulations*, along the western property line. If the applicant chooses to install a ‘vegetation fence,’ said fence shall include 110 tall, evergreen trees planted every twenty (20) feet on center along the western property line. Each tree shall reach a minimum of six (6) feet in height within three (3) years of planting and shall have a minimum mature height of twelve (12) feet. The required screening shall be installed prior to issuance of a Certificate of Occupancy.
4. The submitted parking analysis is only applicable to the current operation. The applicant shall install a minimum of 57 additional off-street parking stalls as discussed in the comments above and in accordance with the standards listed in Section 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance). If the applicant does not wish to provide the required amount of off-street parking per the City’s Zoning Ordinance, a parking analysis for the proposed greenhouse and warehouse additions may be submitted for consideration.
5. All off-street parking areas, drive aisles, and circulation routes shall be hard-surface paved in accordance with the standards listed in Section 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance).
6. All open-air greenhouses on the subject property shall be considered open-space from a zoning standpoint; however; all open-air greenhouse structures shall comply with all applicable building and fire codes.



Christopher N. Gibbons, AICP
Planning Coordinator
Community Development Department



Haley P. Weber
Zoning Enforcement Officer
Community Development Department



CONDITIONAL USE PERMIT

October 11, 2019

To: **Mr. Pete Hult**
Dallas Johnson Greenhouse

From: John E. Jorgensen, PE
HGM Associates Inc.

Subject: Conditional Use Permit Application
2802 Twin Cities Drive, Council Bluffs, IA
HGM No. 109019



Dallas Johnson Greenhouse (DJG) is located at 2802 Twin Cities Drive just north of Veterans Memorial Highway. DJG is a wholesale distribution business and they do not sell to the general public. Dallas Johnson built the first greenhouse on this site in 1991 and have continued to expand the greenhouses and added warehouse/office space over the years. Today the total site is just over 76 acres with the following coverage based on the Pottawattamie County Assessors website:

- 1,621,940 square feet of total greenhouse space
- 112,404 square feet of warehouse space
- 4,660 square feet of office space

In addition, DJG is proposing an additional greenhouse (235,000 square feet) and warehouse space (50,000 square feet) on the north 10 acres of their property. The north 10 acres is currently being used for potted plants on-grade. See the attached exhibit S1 for the site layout, include the proposed greenhouse/warehouse.

The DJG site is currently Zoned A-2. The A-2 district lists Commercial Greenhouse as a conditional use. In order to meet this requirement a conditional use permit is being requested.

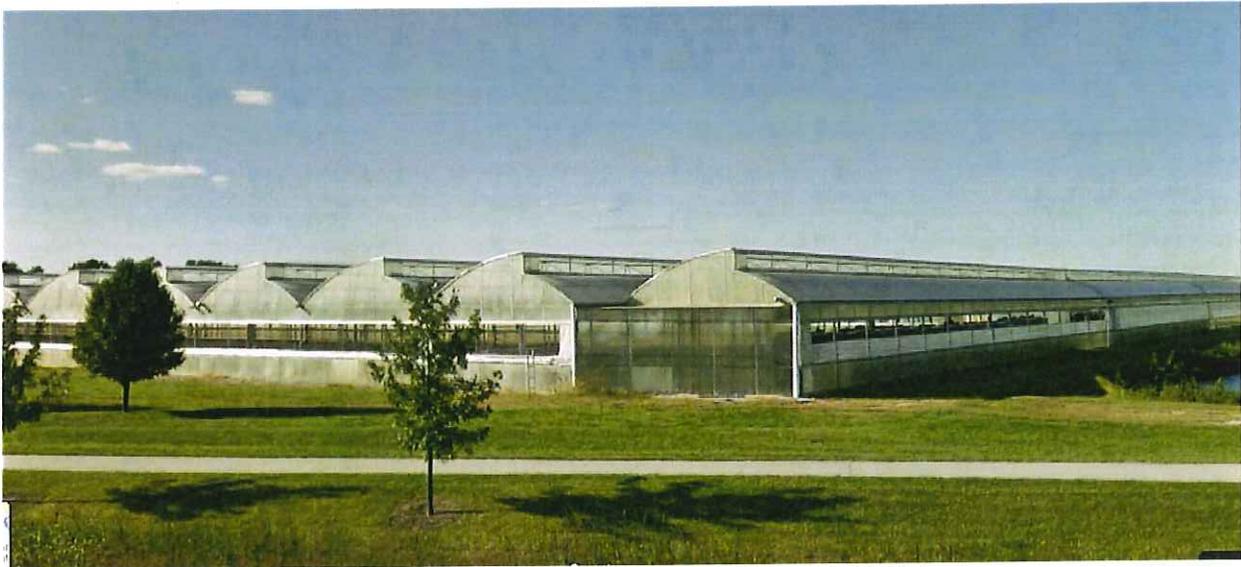
The current City code for A-2 zoning states that the principal structure cannot exceed 10% of the total lot coverage. All the structures, if you include the greenhouses, significantly exceeds the 10% lot coverage.

In order to comply with the 10% lot coverage, it is proposed that the greenhouses be classified as covered agricultural fields and be considered green space as opposed to buildings. The following picture is a typical greenhouse during peak season, which shows wall-to-wall flowers and plants, similar to a farm field.



Dallas Johnson Greenhouse during peak season

As can be seen from the following photograph, the greenhouses are lightweight open structures with clear polycarbonate walls and ceiling. In addition, the walls and roofs of the greenhouses are typically left open during the warmer months of the year. If additional information is desired, the proposed greenhouse construction plans can be provided.



Looking Northwest from Veterans Memorial Highway

If the greenhouse space is excluded, the office and warehouse space (existing and proposed) equates to 167,064 square feet. Based on the 76-acre parcel this equates to 5% building coverage, which is well below the allowable 10% coverage.

It is requested that the greenhouses, existing and proposed, be considered agricultural fields and not be included when calculating the lot coverage. In addition, a conditional use permit is requested for the greenhouse.



SI
 project no 108019
 sheet

project DALLAS JOHNSON GREENHOUSES
 PARKING ANALYSIS/VARIANCE
 client DALLAS JOHNSON GREENHOUSES
 sheet GREENSPACE EXHIBIT

JBL
 JBL
 JBL
 approved
 05/19
 date

hgm
 ASSOCIATES INC
 640 FIFTH AVENUE COUNCIL BLUFFS, IOWA
 PHONE: (712) 323-0530

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PARKING ANALYSIS

October 11, 2019

To: **Mr. Pete Hult**
Dallas Johnson Greenhouse

From: John E. Jorgensen, PE
HGM Associates Inc.

Subject: On-Site Parking Study
2802 Twin Cities Drive, Council Bluffs, IA
HGM No. 109019



Dallas Johnson Greenhouse (DJG) is located at 2802 Twin Cities Drive just north of Veterans Memorial Highway. **DJG is strictly a wholesale distribution business and they do not sell directly to the public.**

The amount of off-street parking required by City code is typically determined by the type of business but a wholesale business is not specifically defined in the Off-Street Parking section (15.23) of the Council Bluffs Municipal Code.

In discussions with Pete Hult (CEO for DJG) their busy season for the year is March, April and May. Mr. Hult provided the following average employment numbers for May 2019.

Employment Numbers

159 hourly employees working during the day
15 Office Staff
6 Greenhouse Supervisors
TOTAL = 180 Employees

A significant number of the hourly greenhouse employees carpool on a daily basis. Based on information from Mr. Hult and field observations it is estimated that vehicle occupancy for the hourly greenhouse workers is two employees per vehicle. Based on this carpool rate the 159 hourly employees typically require 80 parking spaces.

During the busy season, the Greenhouse runs a second shift. The night shift averaged 28 hourly employees for the month of May 2019. Using the same carpool rate this results in the need for 19 additional parking spaces because of the overlap between shifts.

This results in needing an estimated 120 spaces for all employees during peak employment.

Mr. Hult indicated that DJG also conducts daily on-site interviews which can be up to 10 people at a time requiring an additional 20 parking spaces (due to interview overlap).

This results in a minimum off-street parking need of 140 spaces.

Available Off-Street Parking

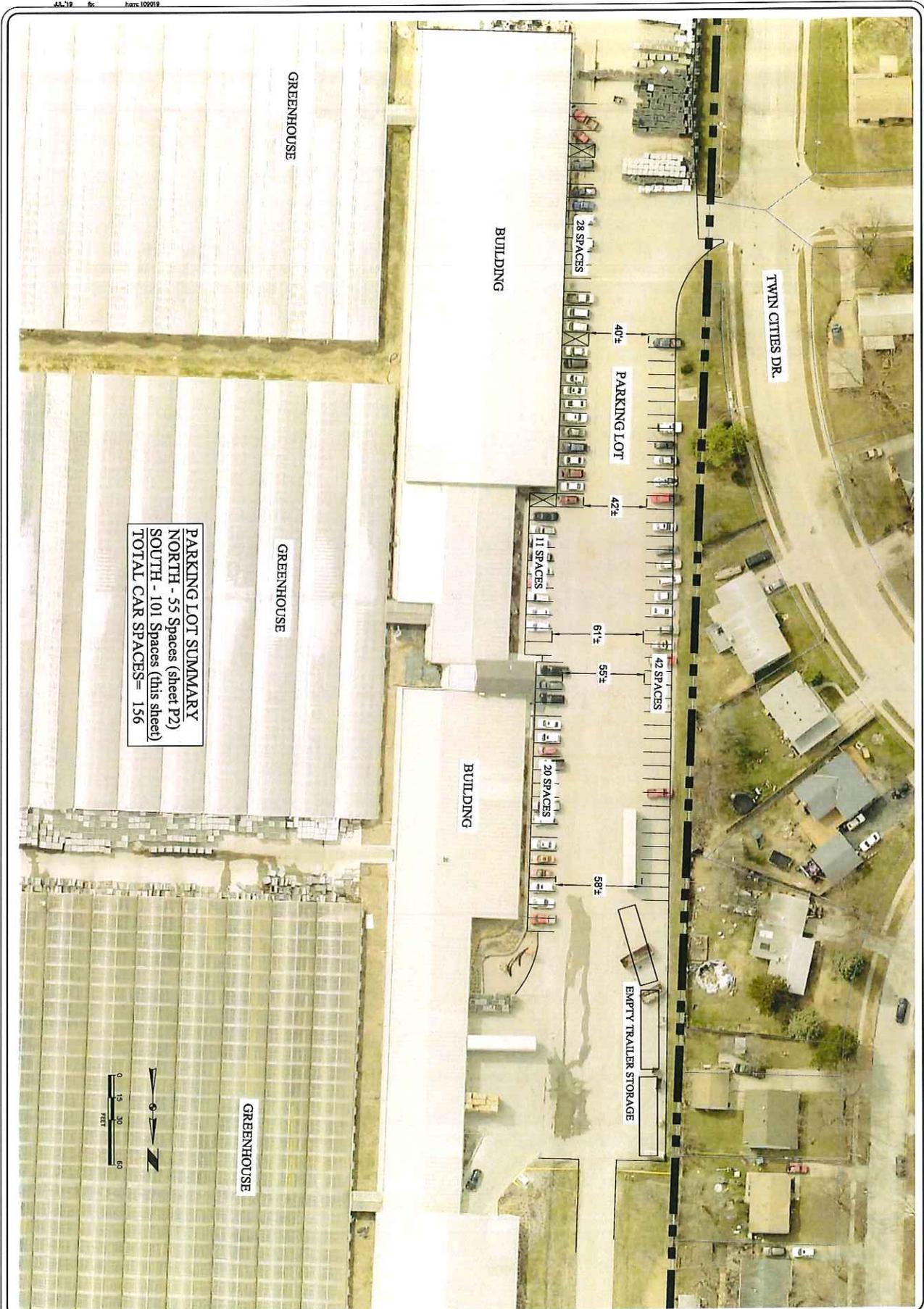
The actual number of existing parking spaces was determined from an aerial photograph and verified in the field. There is a total of 156 existing parking spaces for passenger vehicles, see attached parking exhibits (Sheets P1 and P2).

Conclusion

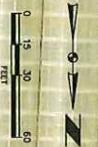
Based on this analysis it is estimated that a minimum of 140 parking spaces are needed based on the May 2019 employment numbers. This represents the worst-case scenario during the busy season.

The existing 156 parking spaces provides a 16-space buffer to accommodate fluctuations in parking demand.

It is requested that 156 parking spaces be designated by the City of Council Bluffs as the minimum amount of off-street parking required for Dallas Johnson Greenhouse at Twin Cities.



PARKING LOT SUMMARY
 NORTH - 55 Spaces (sheet P2)
 SOUTH - 101 Spaces (this sheet)
 TOTAL CAR SPACES = 156



Project No. 108019
 Sheet 1

project DALLAS JOHNSON GREENHOUSES
 PARKING ANALYSIS/VARIANCE
 client DALLAS JOHNSON GREENHOUSES
 sheet **EXISTING SOUTH PARKING LOT EXHIBIT**

JBL	date	revision	date
JBL			

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project no. 1080119
sheet P2

project DALLAS JOHNSON GREENHOUSES
PARKING ANALYSIS/VARIANCE
client DALLAS JOHNSON GREENHOUSES
sheet EXISTING NORTH PARKING LOT EXHIBIT

TBL	drawn		
TBL	checked		
AS	designer		
AS	approved		
J.M.	date		
	revision		
	date		

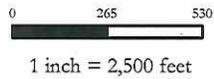
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CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT LOCATION/ZONING MAP CASE # CU-19-005

Map Legend

- Case #CU-19-005 Subject Property
- Parcels



Note: Subject property is highlighted in red.



Last Amended: 10/23/19

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

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ATTACHMENT C