



**ZONING BOARD OF ADJUSTMENTS
AGENDA**

**Tuesday, April 20, 2021 - 4:00 PM
Council Chambers, 2nd Floor, City Hall
209 Pearl Street**

1. CALL TO ORDER

- A. ***DUE TO THE COVID-19 PANDEMIC ALL PERSONS ATTENDING THIS MEETING ARE REQUIRED TO WEAR A FACEMASK AND/OR FACESHIELD AT ALL TIMES***

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-21-001

Public hearing on the request of Blue Collar Auto, Inc. for a variance from Section 15.24.040, Fence Regulations, to allow a six foot tall chain link fence in a front yard and street side yard, as opposed to the maximum four feet allowed in a C-2/Commercial District on property legally described as Lot 1, Block 13, Beers Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. Location: 100 N. 15th Street

B. CASE #CU-21-001

Public hearing on the request of the YMCA of Greater Omaha, represented by Matt Chadek, for a conditional use permit to allow 'commercial recreation (indoor and outdoor)' in an A-P/Administrative-Professional District on property legally described as being geographically bounded by Harmony Street to the north, Frank Street to the east, East Kaneshville Boulevard to the south, and the north/south platted alley in Baughn's Subdivision of Lot 8 in the Original Plat of Council Bluffs to the west. Location: 235 Harmony Street

9. OTHER BUSINESS

- A. 2020 Zoning Board of Adjustment Annual Report

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) 890-5350 or email at cgibbons@councilbluffs-ia.gov.

Zoning Board of Adjustment Communication

Department: Community
Development

Case/Project No.: BA-21-001

CASE #BA-21-001

Council Action: 4/20/2021

Submitted by: Haley Weber,
Planner

Description

Public hearing on the request of Blue Collar Auto, Inc. for a variance from Section 15.24.040, Fence Regulations, to allow a six foot tall chain link fence in a front yard and street side yard, as opposed to the maximum four feet allowed in a C-2/Commercial District on property legally described as Lot 1, Block 13, Beers Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. Location: 100 N. 15th Street

Background/Discussion

See attachments

Recommendation

Zoning Board of Adjustment Communication

Department: Community
Development

Case/Project No.: CU-21-001

CASE #CU-21-001

Council Action: 4/20/2021

Submitted by: Moises Monrroy,
Planner

Description

Public hearing on the request of the YMCA of Greater Omaha, represented by Matt Chadek, for a conditional use permit to allow 'commercial recreation (indoor and outdoor)' in an A-P/Administrative-Professional District on property legally described as being geographically bounded by Harmony Street to the north, Frank Street to the east, East Kanessville Boulevard to the south, and the north/south platted alley in Baughn's Subdivision of Lot 8 in the Original Plat of Council Bluffs to the west. Location: 235 Harmony Street

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description

Staff Report & Attachments

Type

Other

Upload Date

4/14/2021

TO: Zoning Board of Adjustment
FROM: Community Development Department
DATE: April 20, 2021
RE: **CASE #CU-21-001**
REQUEST: Public hearing on the request of YMCA of Greater Omaha, represented by Matt Chadek, for a conditional use permit to allow 'commercial recreation (indoor and outdoor)' in an A-P/Administrative-Professional District on property generally bounded by Harmony Street to the north, Frank Street to the east, East Kanesville Boulevard to the south and the north/south alley platted in Baughn's Subdivision of Lot 8 in the Original Plat of Council Bluffs.

**APPLICABLE
CODE SECTIONS:**

Section 15.02.020 Zoning Board of Adjustment

The Zoning Board of Adjustment shall have the following powers, pursuant to this ordinance:

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

Section 15.13.030 Conditional Uses in the A-P/Administrative-Professional District

A. Commercial recreation (indoor and outdoor)

LEGAL

DESCRIPTION: Property generally bounded by Harmony Street to the north, Frank Street to the east, East Kanesville Boulevard to the south and the north/south alley platted in Baughn's Subdivision of Lot 8 in the Original Plat of Council Bluffs, more particularly described in Attachment 'E.'

LOCATION: 235 Harmony Street, Council Bluffs, IA 51503

APPLICANT: YMCA of Greater Omaha, 430 South 20th Street, Omaha, NE 68102

OWNERS: YMCA of Greater Omaha, 430 South 20th Street, Omaha, NE 68102
Alegent Health-Bergan Mercy, 3400 Data Drive, Rancho Cordova, CA 95670

REPRESENTED BY: Matt Chadek, VP of Property Management, 430 South 20th Street, Omaha, 68102

BACKGROUND INFORMATION – The Community Development Department has received a request from YMCA of Greater Omaha, represented by Matt Chadek, for a conditional use permit to allow 'commercial recreation (indoor and outdoor)' in an A-P/Administrative-Professional District on property addressed at 235 Harmony Street and generally bounded Harmony Street to the north, Frank Street to the east, East Kanesville Boulevard to the south and the north/south alley platted in Baughn's Subdivision of Lot 8 in the Original Plat of Council Bluffs.

The existing Charles E. Lakin YMCA facility at 235 Harmony Street opened in December 2017. The applicant, the YMCA of Greater Omaha, is proposing to expand the existing 'commercial recreation' establishment to accommodate a new park and increase the amount of off-street parking at the site. In 2019, the applicant purchased several properties located west of 235 Harmony Street, including the old St. Patrick's Catholic Church site, with this intent. The applicant subsequently submitted applications for the following requests:

1. **Case #ZC-20-012**: Request to rezone properties legally described as Lots 6 through 11, Baughn's Subdivision of Lot 8, Original Plat of Council Bluffs, Pottawattamie County, Iowa, **EXCEPT** East Kanesville Boulevard right-of-way, from R-3/Low Density Multifamily Residential District to A-P/Administrative-Professional District. The purpose of this request was to ensure the entirety of the Charles E. Lakin YMCA campus was located within the same zoning district;
2. **Case #CP-20-002**: Request to amend the Bluffs Tomorrow: 2030 Plan by reclassifying properties legally described as Lots 6 through 11, Baughn's Subdivision of Lot 8, Original Plat of Council Bluffs, Pottawattamie County, Iowa, **EXCEPT** East Kanesville Boulevard right-of-way, from 'Low Density Residential' to 'Local Commercial.' The purpose of this request was to ensure the future land use classification of the properties purchased by the applicant in 2019 was consistent with the future land use classification of the existing Charles E. Lakin YMCA facility; and
3. **Case #SAV-20-004**: Request to vacate and dispose of Baughn Street right-of-way lying between Harmony Street and East Kanesville Boulevard. The purpose of this request was to create one contiguous campus by combining the existing Charles E. Lakin YMCA facility with the properties purchased by the applicant in 2019 and the portion of Baughn Street proposed to be vacated.

All three requests were approved by City Council on February 8, 2021 (see Ordinance No. 6435, Resolution No. 289 and Resolution No. 20-290). At this time, the applicant is requesting a conditional use permit for the 'commercial recreation' establishment on the subject property to allow the proposed Charles E. Lakin YMCA campus expansion.

Current hours of operation for the existing Charles E. Lakin YMCA facility are Monday through Friday 5:00 A.M. to 9:00 P.M., Saturday 6:00 A.M. to 6:00 P.M., and Sunday 8:00 A.M. to 6:00 P.M. The park proposed to be constructed as part of the campus expansion project, the Lakin YMCA Park, would be open during the same hours as the existing facility, as per the applicant's letter of intent (see Attachment 'B'). The new park would be open to the public, but would be primarily used by YMCA camp and youth participants.

As per the submitted site plan (see Sheet CS101 in Attachment 'C'), the following outdoor recreational amenities are proposed to be installed at the new park: a 54' x 75' sports court (basketball, pickle ball, etc.), a 32' x 20' picnic shelter/pavilion, a trail, a playground area and a multipurpose field turf area. The applicant has also proposed to install a six-foot tall fence around the perimeter of the new park for safety purposes.

As per the submitted site plan, the existing parking lot will be extended to the west in order to provide the additional off-street parking proposed to be installed as part of this expansion project. There are currently 114 parking spaces provided in the existing parking lot. The proposed parking lot expansion would bring the total number of on-site parking stalls to 183, an increase of 69 spaces. An additional 222 stalls are provided in the west parking lot and the parking garage at CHI Health Mercy, as per an agreement executed between the YMCA of Greater Omaha and Alegent Health-Bergan Mercy Health System. In total, the amount of off-street parking provided after the proposed expansion project would be 405, which exceeds the 336 spaces required for the Charles E. Lakin YMCA facility on the subject property.

The following attachments have been included for your reference:

Attachment A: Location/Zoning Map

Attachment B: Letter of Intent

Attachment C: Charles E. Lakin YMCA Campus Expansion Plans

Attachment D: The Richard Miller & Marie Knedler Subdivision Final Plat

Attachment E: Legal Description

CURRENT ZONING AND LAND USE – The subject property is zoned A-P/Administrative-Professional District. Surrounding land uses to the north and west primarily consist of single-family dwellings that are also zoned R-3/Low-Density Multifamily Residential District. CHI Health Mercy Hospital is located east of the subject property and is also zoned A-P/Administrative-Professional District.

Existing land uses to the south include several residential properties, a parking lot, multiple drive-in/fast-food restaurants and the Kanesville Tabernacle, all of which are zoned C-3/Commercial District. The future land use map of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as ‘Local Commercial.’

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



Exhibit ‘A’: Looking northeast at the existing YMCA building from East Kanesville Boulevard



Exhibit ‘B’: Looking southeast at the existing YMCA building from Baughn Street



Exhibit ‘C’: Looking southwest at the former site of the old St. Patrick’s Catholic Church from Baughn Street



Exhibit ‘D’: Looking northeast at the former site of the old St. Patrick’s Catholic Church and existing YMCA building



Exhibit 'E': Looking northeast at Harmony Street



Exhibit 'F': Looking southeast at Baughn Street

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

- The Community Development Department had the following comments:
 1. 'Commercial recreation (indoor)' is defined in Section 15.03.156 of the Council Bluffs Municipal Code (Zoning Ordinance) as "businesses and organizations engaged in the provision of sports, entertainment, or recreation within an enclosed or screened building." 'Commercial recreation (outdoor)' is defined in Section 15.03.157 of the Council Bluffs Municipal Code (Zoning Ordinance) as "businesses and organizations engaged in the provision of sports, entertainment, or recreation in an open or partially enclosed or screened facility." The existing Charles E. Lakin YMCA facility is considered a 'commercial recreation (indoor)' establishment, and the proposed Lakin YMCA Park falls under the definition of 'commercial recreation (outdoor).'
 2. The Community Development Department has determined that the 'commercial recreation (indoor and outdoor)' land use designation is the most appropriate classification for the Charles E. Lakin YMCA campus due to the proposed outdoor recreational amenities proposed to be installed at the new park, along with the indoor recreational facilities in the existing building. For consistency purposes, the proposed conditional use permit will apply to the existing Charles E. Lakin YMCA facility.
 3. The proposed 32' x 20' picnic shelter/pavilion shall conform to all applicable site development regulations (setbacks, lot coverage, and height) in Section 15.13.050, Site Development Regulations in the A-P District, of the Council Bluffs Municipal Code (Zoning Ordinance). All other proposed site amenities at the new Lakin YMCA Park, including playground equipment, sports courts, benches and tables, are not considered structures, and therefore exempt from the site development regulations in Section 15.13.050 of the Council Bluffs Municipal Code (Zoning Ordinance).
 4. Based on the parking calculations provided by Holland Basham Architects at the time of building permit application submittal for the existing Charles E. Lakin YMCA facility (see building permit #1601447), the minimum number of required parking spaces at this site is 336. The proposed parking lot expansion will bring the number of on-site parking spaces to 183. The YMCA of Greater Omaha and Alegent Health-Bergan Mercy System have an agreement for 222 shared parking spaces, bringing the total amount of parking spaces to 405 spaces. As such, a sufficient amount of off-street parking will be provided for this use.

5. As per Sheet CS101 in Attachment 'C,' all proposed off-street parking surfaces, drive aisles and circulation will comply with the standards in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).
6. As per Sheet CS101 in Attachment 'C,' two additional parking stalls for persons with disabilities will be provided at the new parking lot, bringing the total amount of on-site ADA parking to six. As per Section 661—18.6(2) of the Iowa Administrative Code, the required minimum number of parking spaces for persons with disabilities is six when the total number of parking spaces in a lot is between 151 and 200. All parking stalls for persons with disabilities shall comply with the standards in Chapter 661—18, Parking for Persons with Disabilities, of the Iowa Administrative Code.
7. As per Section 15.24.040(C) of the Council Bluffs Municipal Code (Zoning Ordinance), fences in residential and commercial districts shall not exceed four feet in height if located in a front yard or a street side yard. Ornamental fences may exceed four feet in height, but are limited to six feet in overall height. Based on the renderings shown in Sheet A-103 in Attachment 'C,' the proposed six-foot fence is considered an ornamental fence since it will be constructed out of aluminum posts and masonry columns, which will ensure it is visually appealing.
8. As per the submitted landscaping plan (see Sheet LS101 in Attachment 'C'), a variety of trees and shrubs will be planted along East Kanesville Boulevard, Harmony Street and the north/south alley abutting the subject property, and disturbed areas will be seeded with different types of grass. These plantings will ensure that the proposed campus expansion is in harmony with the residential uses to the north and west, and will provide an additional barrier from traffic along East Kanesville Boulevard. All proposed trees shall be reviewed and approved by the City prior to installation and shall comply with the Council Bluffs Street Tree Guide. All landscaping shall be appropriately maintained and dead plant material replaced at a time appropriate to planting seasons but in all cases shall be replaced within one year.
9. Two additional 25-foot tall light poles will be installed in the new parking lot and will be consistent with the design of the existing parking lot lighting fixtures (see Sheet C-501 in Attachment 'C'). Wood poles shall not be accepted. No lighting fixtures are proposed to be installed at the new park. All outdoor lighting shall comply with the standards stated in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).
10. The following signage is proposed to be installed as part of the expansion project:
 - a. One (1) sign on the northerly portion of the fence near the entrance of the Lakin YMCA Park;
 - b. One (1) sign on the southerly portion of the fence along East Kanesville Boulevard; and
 - c. One (1) dedication plaque commemorating the old St. Patrick's Church, as well as multiple donor dedication signs. As per Section 15.33.080(N), "memorials, plaques or tablets, grave markers, statuary, or other remembrances of persons or events that are noncommercial in nature" are exempt from the provisions of Chapter 15.33, Signs, of the Council Bluffs Municipal Code (Zoning Ordinance).

All new signage at this site, excluding commemorative plaques, shall be permitted separately prior to installation and shall comply with the standards in Chapter 15.33, Signs, of the Council Bluffs Municipal Code (Zoning Ordinance).

11. No exterior storage shall be permitted on the subject property. This includes the temporary and/or permanent placement of inter-modal storage containers.

12. The hours of operation for the existing Charles E. Lakin YMCA facility and the proposed Lakin YMCA Park shall be Monday through Friday 5:00 A.M. to 9:00 P.M., Saturday 6:00 A.M. to 6:00 P.M., and Sunday 8:00 A.M. to 6:00 P.M.
13. As per Resolution No. 20-290, approval of the vacation of Baughn Street was subject to the applicant replatting the subject property into new platted lots of record with direct access to a publically dedicated right-of-way. Both the YMCA of Greater Omaha and Alegent Health-Bergan Mercy shall be signatories on the plat, and each shall prepare separate attorney's opinion of title for the land they respectively own within the subdivision plat boundary. A copy of The Richard Miller & Marie Knedler Subdivision final plat has been included with this request (see Attachment 'D').
14. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the property as 'Local Commercial.' The plan defines 'Local Commercial' as areas that include *"uses oriented primarily towards goods and services that meet the demand of Council Bluffs residents. These include grocery stores, convenience stores, pharmacies, banks, auto services, and small offices. They are typically located along visible corridors or at neighborhood centers, and may be configured as multi-tenant shopping centers or individual developments on smaller lots."* The existing 'commercial recreation' establishment is generally consistent with the Local Commercial designation.
 - The Council Bluffs Fire Department stated they have no comments on the request.
 - Council Bluffs Water Works stated that they have no comments on the request.

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

- Andrew Bouska, owner of 143 Baughn Street, stated that the proposed site layout does not incorporate enough accommodations for pedestrian and wheelchair traffic. A representative of the YMCA of Greater Omaha, Leo McIntosh, stated that the design team of the proposed campus expansion project would consider Mr. Bouska's suggestions and incorporate them into the configuration of the new park.

COMMENTS - 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. (§15.02.090(A) – *Conditional Uses*)

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 expanded Charles E. Lakin YMCA campus will contain 182,144.6 square feet (4.18 acres), more or less, in area, which exceeds the minimum lot size requirements in the A-P/Administrative-Professional District. The existing Charles E. Lakin YMCA facility was built in 2017 and would not have been issued a building permit unless it was built to compliance with Title 15: Zoning of the Council Bluffs Municipal Code.*

The proposed 32' x 20' picnic shelter/pavilion shall comply with all site development regulations in Section 15.13.050, Site Development Regulations in the A-P District, of the Council Bluffs Municipal Code (Zoning Ordinance). All other site amenities proposed to be installed as part of this project are not considered structures and therefore exempt from the site development regulations in Section 15.13.050 of the Council Bluffs Municipal Code (Zoning Ordinance).

2. *Adequate utility, drainage, and other necessary facilities or improvements have been or will be provided. Adequate utilities for the existing YMCA facility are provided along East Kanesville Boulevard and Harmony Street. No utility service extensions and/or infrastructure improvements are necessary for the proposed campus expansion.*
3. *Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. The subject property has direct frontage to East Kanesville Boulevard, Harmony Street and Frank Street. Access to the existing facility is provided on Harmony Street. An additional access point along Harmony Street will be provided as part of the parking lot expansion.*

Although Baughn Street was vacated as part of this project (see Resolution No. 20-290), residents in the surrounding neighborhood have access to Benton Street and Frank Street, both of which provide circulation between Harmony Street and East Kanesville Boulevard. As such, no traffic conflicts or congestion on the adjacent public streets are anticipated to occur as a result of the proposed campus expansion. No additional improvements are necessary for the request.

4. *All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly states that such permits are obtainable for the proposed conditional use on the subject property. The applicant shall be required to obtain all necessary building, parking lot and sign permits for the new park and the parking lot expansion. The applicant shall continue to comply with all applicable federal, state and local laws and requirements for the existing 'commercial recreation' establishment.*
5. *All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. Two additional light poles are proposed to be installed in the new parking lot that will be consistent with the design of the existing parking lot lighting fixtures. Wood poles shall not be accepted. No lighting fixtures are proposed to be installed at the new park. All outdoor lighting shall comply with Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).*
6. *The location and size of the conditional use, the nature and intensity of the activities, to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. The subject property has frontage along East*

Kanesville Boulevard, a visible corridor in Council Bluffs, and is zoned appropriately for ‘commercial recreation,’ as well as “campus style” developments. Other similar large-scale institutional uses, including CHI Health Mercy and Methodist Jennie Edmundson Hospital, are located within the general vicinity of the subject property. Additionally, ‘commercial recreation’ establishments such as the Charles E. Lakin YMCA are generally compatible with residential uses as they provide a variety of services to the residents in the neighborhood. As such, the proposed campus expansion project is anticipated to have no negative impact on existing or future land uses in the surrounding area. The existing use is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan.

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 six-foot fence along the perimeter of the new park will be constructed out of aluminum posts and masonry columns, which will ensure it is visually appealing. As such, the fence meets the intent of Section 15.24.040(C) of the Council Bluffs Municipal Code (Zoning Ordinance), which allows ornamental fences to measure up to six feet in height in residential and commercial districts, even if located in a front yard or a street side yard. Additionally, the proposed ornamental fence will keep park users safe from traffic along East Kanesville Boulevard, which is a highly traveled roadway.*

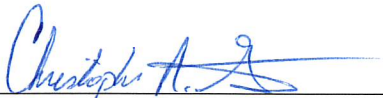
A variety of trees and shrubs will be planted along East Kanesville Boulevard, Harmony Street and the north/south alley abutting the subject property, and disturbed areas will be seeded with different types of grass. These plantings will ensure that the proposed campus expansion is in harmony with the residential uses to the north and west, and will provide an additional barrier from traffic along East Kanesville Boulevard. All proposed trees shall be reviewed and approved by the City prior to installation and shall comply with the Council Bluffs Street Tree Guide. All landscaping shall be appropriately maintained and dead plant material replaced at a time appropriate to planting seasons but in all cases shall be replaced within one year.

8. *The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. The proposed expansion of the existing ‘commercial recreation’ use is not anticipated to have a negative impact on property values for existing or future land uses in the surrounding area.*

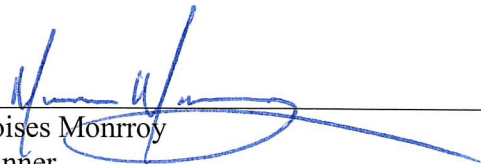
RECOMMENDATION – The Community Development Department recommends approval of the request for a conditional use permit to allow ‘commercial recreation (indoor and outdoor)’ in an A-P/Administrative-Professional District on property legally in Attachment ‘E,’ subject to the comments stated above and the following conditions:

1. The applicant shall secure all necessary permits and licenses for the proposed expansion of the Charles E. Lakin YMCA campus and shall comply with all applicable Federal, State and local codes.
2. The existing layout and configuration of the Charles E. Lakin YMCA facility and parking lot shall be approved as part of this conditional use permit.
3. The hours of operation for the existing Charles E. Lakin YMCA facility and the proposed Lakin YMCA Park shall be Monday through Friday 5:00 A.M. to 9:00 P.M., Saturday 6:00 A.M. to 6:00 P.M., and Sunday 8:00 A.M. to 6:00 P.M.

4. All proposed off-street parking areas, drive aisles, and circulation routes shall comply with the standards in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).
5. The parking lot at this site, existing and proposed, shall comply with the standards in Chapter 661—18, Parking for Persons with Disabilities, of the Iowa Administrative Code.
6. All landscape plantings, as shown in Sheet LS101 in Attachment 'C,' shall be installed prior to the issuance of the Certificate of Occupancy for the proposed building addition. All proposed trees shall be reviewed and approved by the City prior to installation and shall comply with the Council Bluffs Street Tree Guide. All landscaping shall be appropriately maintained and dead plant material replaced at a time appropriate to planting seasons but in all cases shall be replaced within one year.
7. The proposed six-foot ornamental fence around the perimeter of the Lakin YMCA Park shall be installed as shown in Sheet CS101 in Attachment 'C.'
8. All outdoor lighting shall comply with the standards stated in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance). No wood poles shall be allowed.
9. All proposed signage, excluding commemorative plaques, shall be permitted separately prior to installation and shall comply with the standards in Chapter 15.33, Signs, of the Council Bluffs Municipal Code (Zoning Ordinance).
10. No exterior storage shall be permitted on the subject property. This includes the temporary and/or permanent placement of inter-modal storage containers.
11. The Richard Miller & Marie Knedler Subdivision final plat shall be executed by the City to create new platted lots of record with direct access to a publically dedicated right-of-way prior to the commencement of any construction work.
12. Any modifications to the approved conditional use permit which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed and approved by the Zoning Board of Adjustment prior to such changes being made. Minor modifications to the approved conditional use permit that result in a design that is considered compatible with the overall development may be administratively approved by the Community Development Director or their designee.



Christopher N. Gibbons, AICP
Planning Manager
Community Development Department



Moises Monrroy
Planner
Community Development Department

CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT CASE #CU-21-001 LOCATION/ZONING MAP

Legend

Subject Property

0 55 110
1 Inch = 112 Feet



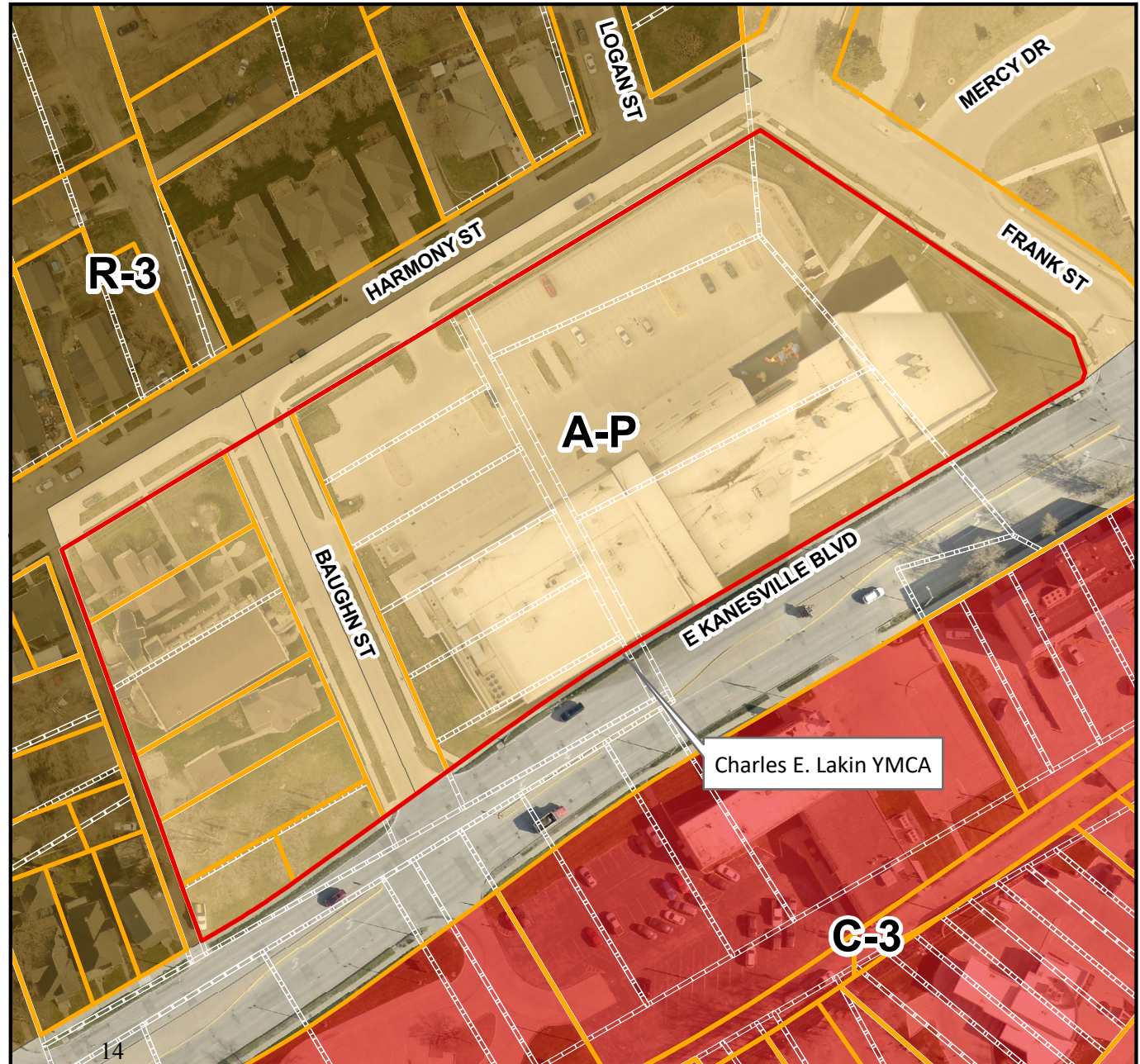
Last Amended: 3/25/2021



Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 890-5350

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 responsibilities for errors, if any, in the information contained on this map, the manner of the same 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.





BUILD
COMMUNITY WITH US

Thank you

Don,

As we have communicated over the phone, enclosed are the documents we have for our proposed campus expansion project in Council Bluffs. I only need a signature in the highlighted blank on the conditional use permit application. It does not need to be notarized. This signature verifies that the hospital is aware of the YMCA project scope and supports the conditional use permit application by the YMCA to add park amenities in an AP zoned parcel. The parking lot shown is already an allowable use in an AP zoned parcel.

I have included a letter of intent that will go in with the conditional use permit application. It describes the project in more detail and serves as a backup to the first drawings you will see.

Also, please be aware that any and all charges for any of this work is at no expense to the hospital system at all. We simply need signatures as the YMCA of Greater Omaha and the hospital both own property within the new subdivision being proposed.

Please let me know if you have any questions and thank you for expediting this signature as this document needs to be in to the City by 5:00 p.m. today, Tuesday, March 23rd.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Matt Chadek'.

Matt Chadek
Vice President of Property Management
YMCA of Greater Omaha



BUILD

COMMUNITY WITH US

YMCA Lakin Park Project Letter of Intent for Conditional Use Permit

In December of 2017 the YMCA of Greater Omaha opened the 70,000 square foot Charles E Lakin YMCA at 235 Harmony Street to better serve the Council Bluffs community. It quickly found success and became an important asset to the entire community. Unexpectedly, the desire and need for additional space was soon realized, but options were very limited as the building is virtually landlocked. In 2018 the YMCA was approached about the possibility of purchasing the St. Patrick's Church property, which sits adjacent to the Charles E Lakin YMCA, just across Baughn Street. After consideration, the YMCA of Greater Omaha decided to move forward with the purchase in hope of alleviating two main issues: limited parking and extremely limited outdoor exercise and play space. The sale was completed in March of 2019 and initial concepts focused on solving these two issues.

During the initial design process many options were considered for layout, function, etc. Also during this time a significant concern for safety was brought to the table. The primary safety focus quickly became children and other members, either alone or in groups, crossing Baughn Street to access the new amenities. To counter the concern the YMCA considered the idea of having Baughn vacated to make one continuous campus with no streets to cross. The YMCA pursued this option and in January of 2021 was approved to have Baughn vacated by the Council Bluffs City Council. This approval would allow the YMCA to finalize design concepts for one continuous campus.

The YMCA intends to add roughly 50 to 60 parking spaces in this new space. The additional parking would simply become an extension of the current YMCA parking lot, but use the current north end of Baughn Street as a secondary parking lot access point. The Baughn Street access from Kanesville Boulevard would be closed off to match current curb and sidewalk along the rest of Kanesville Boulevard for pedestrian traffic. The YMCA intends to fully complete the transfer of Baughn Street with the City. The timeline and logistics of closing Baughn will be based on City traffic, planning and engineering recommendations as well as input from IDOT. These communication lines are open at this time and will be taken into consideration as a final construction schedule is developed.

Due to zoning restrictions, the additional park amenities being proposed require a conditional use permit to be issued by the City. As requested and represented on the submitted plans, the following items are intended to be a part of this project. We hope the City will find these amenities and uses to greatly improve the YMCA campus as the conditional use permit is being considered.

The new park would be named the Lakin YMCA Park and would have a new sign on the fence at the entrance to the north. Due to a previous agreement a dedication plaque to the old St. Patrick's Church would be in the park, as would other small donor dedication signs/plaques on specific amenities. Additional naming signage may also be included on the Kanesville Boulevard fence.

For the safety and security of the park, a proposed fence measuring a minimum of 6ft high will be installed. It will encircle the entire 'park' piece of property. It will match the style of the current Charles Lakin YMCA fencing. A gate will be added at the entrance and any secondary entrances/exits would be added if required

by the City. The layout of the park will move certain amenities more to the north and adequate landscaping (trees and bushes) will be added to keep play items, like sports balls, from impacting traffic on Kanesville Boulevard.

The park will be open during the Charles E Lakin YMCA hours of operation, typically 5am to 9pm (intended dawn to dusk) each day. The primary users of the park will be YMCA camp and youth programming participants as well as those exercising outside. However, the park will be open in whole or in part during normal hours of operation, to the public when not specifically used for YMCA programming. At its peak, the park should accommodate 120 users. YMCA Early Learning Center (26) and Summer Camp staff (12), will operate the park during YMCA programs. The park will be maintained by YMCA staff and other contracted services as hired by the YMCA of Greater Omaha. Adequate considerations have been made for water retention across the property, including areas for proper piling and runoff of melting snow.

As the park will be open dawn to dusk, it is not the intent to add park specific lighting. However, parking lot lighting and Kanesville Boulevard lighting will provide a secondary source of light. Parking lot lights will be added to the new parking area and they will match the lights and layout of the existing parking lot. Landscaping around the parking lot will match, in layout and type, the landscaping currently found around the Charles E Lakin YMCA facility.

The YMCA of Greater Omaha intends to add park amenities that will enhance the neighborhood as well as the YMCA property with this expansion. The goal is to have a park that represents all age groups. A sports court will be added for basketball, pickleball and other activities that require a hard playing surface. A pavilion will be added as a gathering spot for up to 40 people at tables. An activity garden, benches and other landscaping will be added for nature exploration. A larger multipurpose green space will be available for 'field' type activities. A walking/jogging track will be added and be bounded inside the park fence, away from the pedestrian sidewalk along Kanesville Boulevard. A playground, intended for ages 5 to 14, will include slides, climbing features, active play structures, an accessible swing and natural landscaping.

The YMCA of Greater Omaha has already completed the demolition of the structures. Upon final issuance of the conditional use permit the YMCA can finalize construction documents and complete contractor bidding and selection. The goal of the YMCA of Greater Omaha is to have this project complete by the end of summer or beginning of fall of this year (2021). The plans being submitted with the CUP application represent the totality of amenities that the YMCA would like to incorporate into this space. However, some of the amenities shown on the drawing may be added in the future as funding for said amenities is made available. Initially, phase one of the project will include: the additional parking lot, fencing, required landscaping, sports court, pavilion, walking path with benches, green space and a playground area. Future enhancements may include: an expanded landscaping plan, additional playground amenities and surface, additional seating areas and enhanced finishes on surfaces.

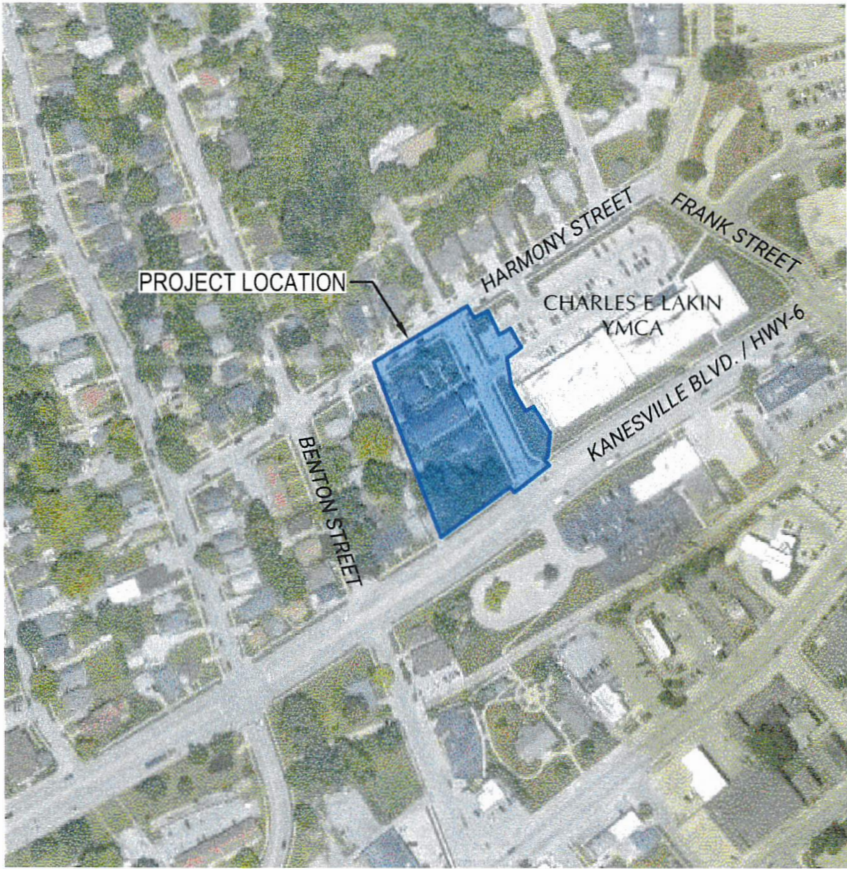
A draft copy of the new plat is enclosed for review and possible revisions. A final plat will be signed off by both property owners after final revisions. The YMCA would like to thank the City for its consideration in granting the Conditional Use Permit to allow the park features to be included on our AP zoned property. We feel this neighborhood enhancement will be well received and prove to be an asset to Council Bluffs residents as well as YMCA members.

Lakin YMCA PARK
235 Harmony Street
Council Bluffs, Iowa 51503

YMCA of Greater Omaha

430 S. 20th Street
Omaha, Nebraska 68102

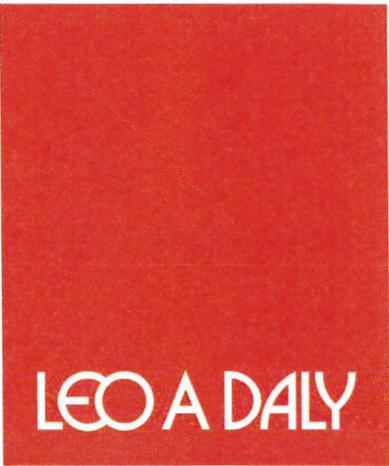
PROJECT NO. 003-10237-000
March 22, 2021
Conditional Use Permit
Application



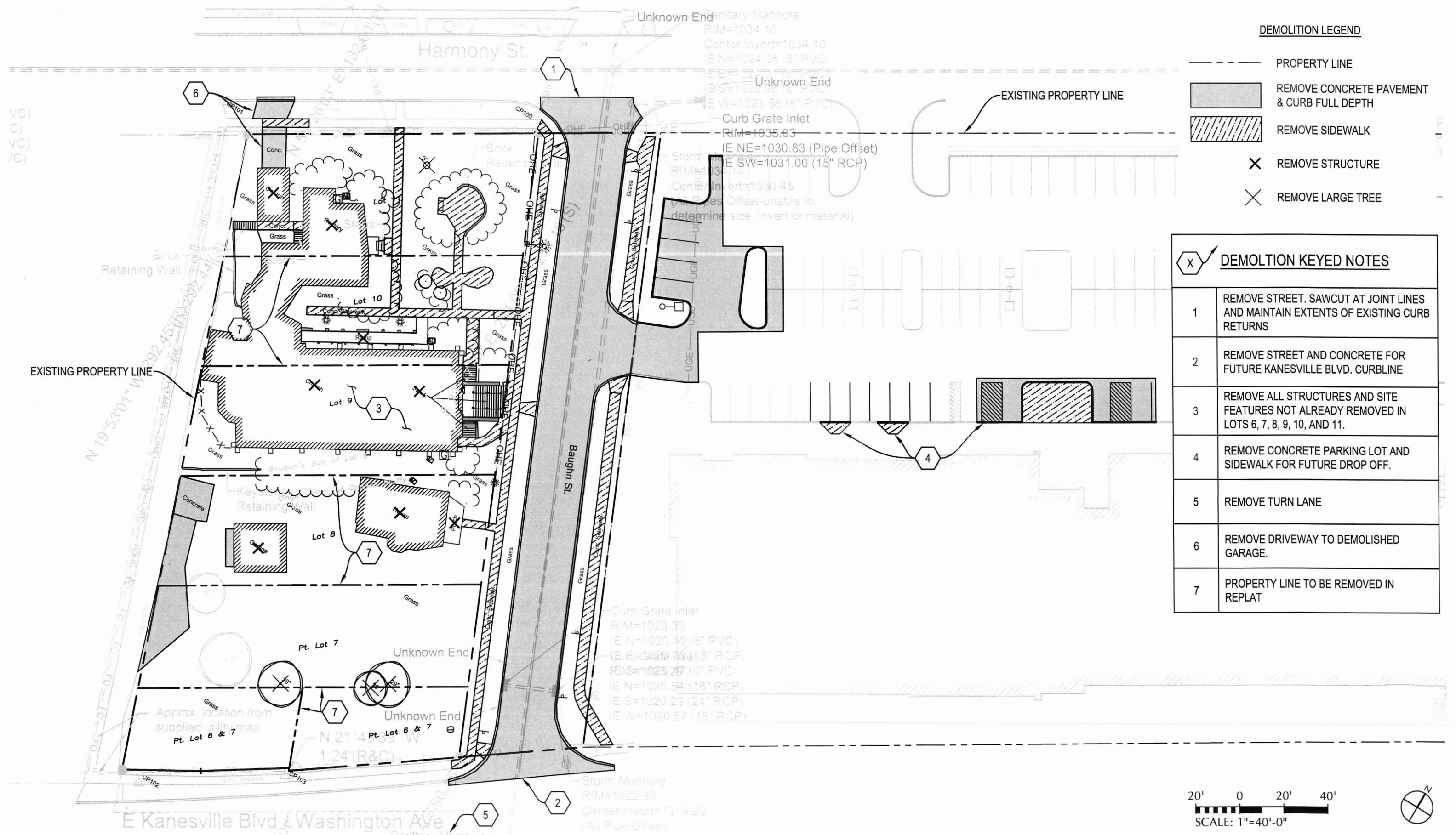
PROJECT AREA MAP
SCALE: NTS

SHEET LIST

C-000	COVER
CD101	DEMOLITION PLAN
CS101	SITE LAYOUT
CS102	PARK LAYOUT
CG101	SITE GRADING
LS101	LANDSCAPING PLAN
CU101	UTILITY PLAN
C-501	DETAILS
A-101	PICNIC SHELTER PLANS
A-102	PICNIC SHELTER ROOF PLAN AND SECTION
A-103	MASONRY POST DETAILS
A-201	PLAY FIELD EQUIPMENT
A-202	PLAY FIELD EQUIPMENT
A-203	SITE FURNISHINGS KEY

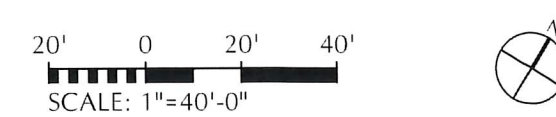


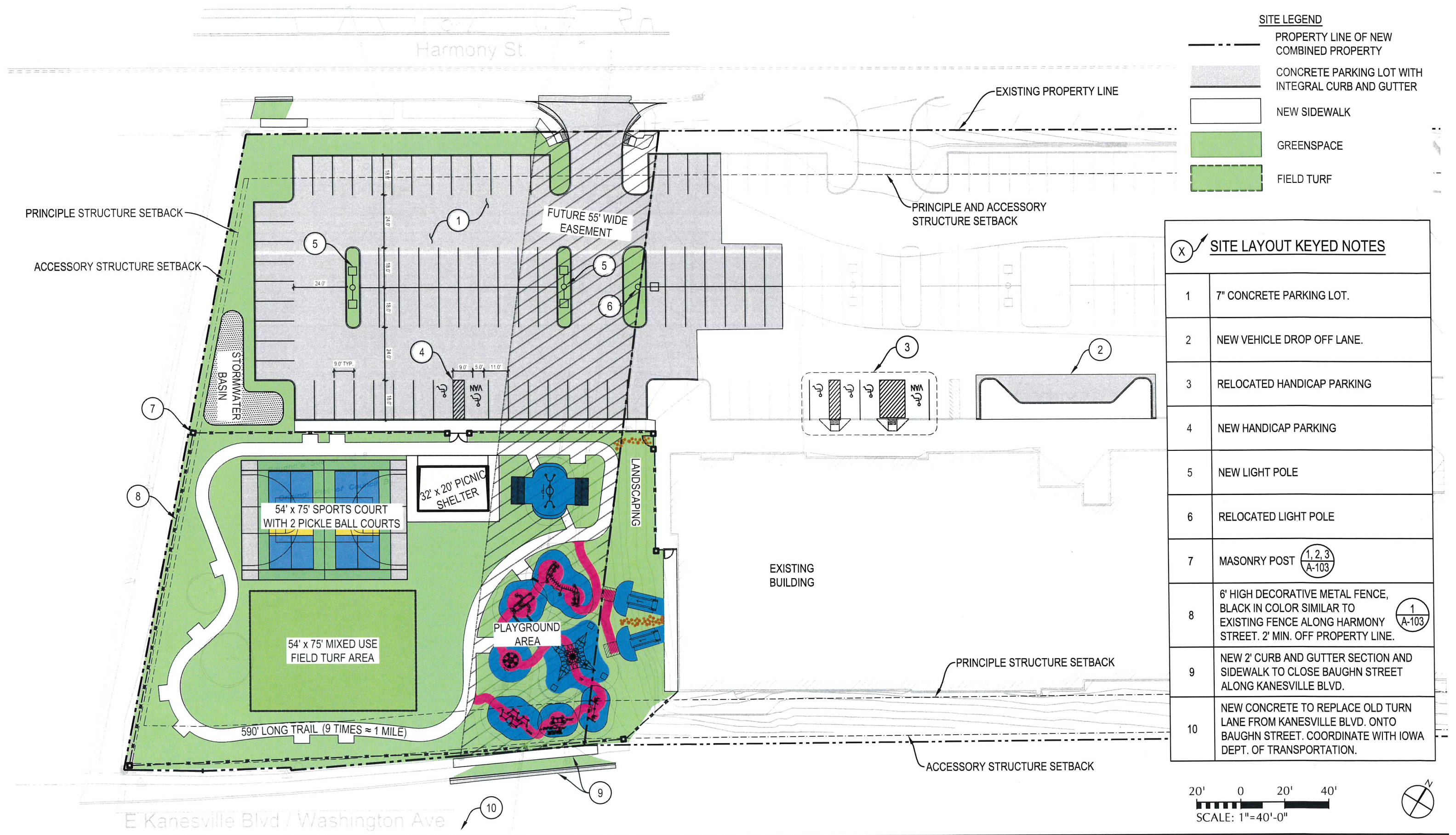
PLANNING
ARCHITECTURE
ENGINEERING
INTERIORS





X SITE LAYOUT KEYED NOTES	
1	TAPERED TOWER (1A A-201)
2	MIRACLE ACCELERATOR SWING (2 A-201)
3	MIRACLE AQUARIUS WEBSCAPE (3 A-201)
4	MIRACLE TEN SPIN (4 A-202)
5	UPC PARKS EMBANKMENT SLIDE (5 A-202)
6	CHAOS CLIMBER (1B A-201)
7	SPRAWL WALL (1C A-201)
8	CARGO CLIMB-OVER (1D A-201)
9	BREAKAWAYS (1E A-201)
10	6' WIDE SIDEWALK, WITH MARKED DISTANCES
11	32'x20' PICNIC SHELTER WITH CONCRETE PAD, NOT TO EXCEED 18' IN HEIGHT. PICNIC TABLES UNDER PAVILION AWNING. (1, 2 A-101) (1, 2 A-102)
12	SPORT COURT / DOUBLE PICKLE BALL COURT
13	BENCH 6-FT LOCATION (10 A-203)
14	DECORATIVE FENCE GATE LOCATION



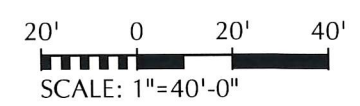


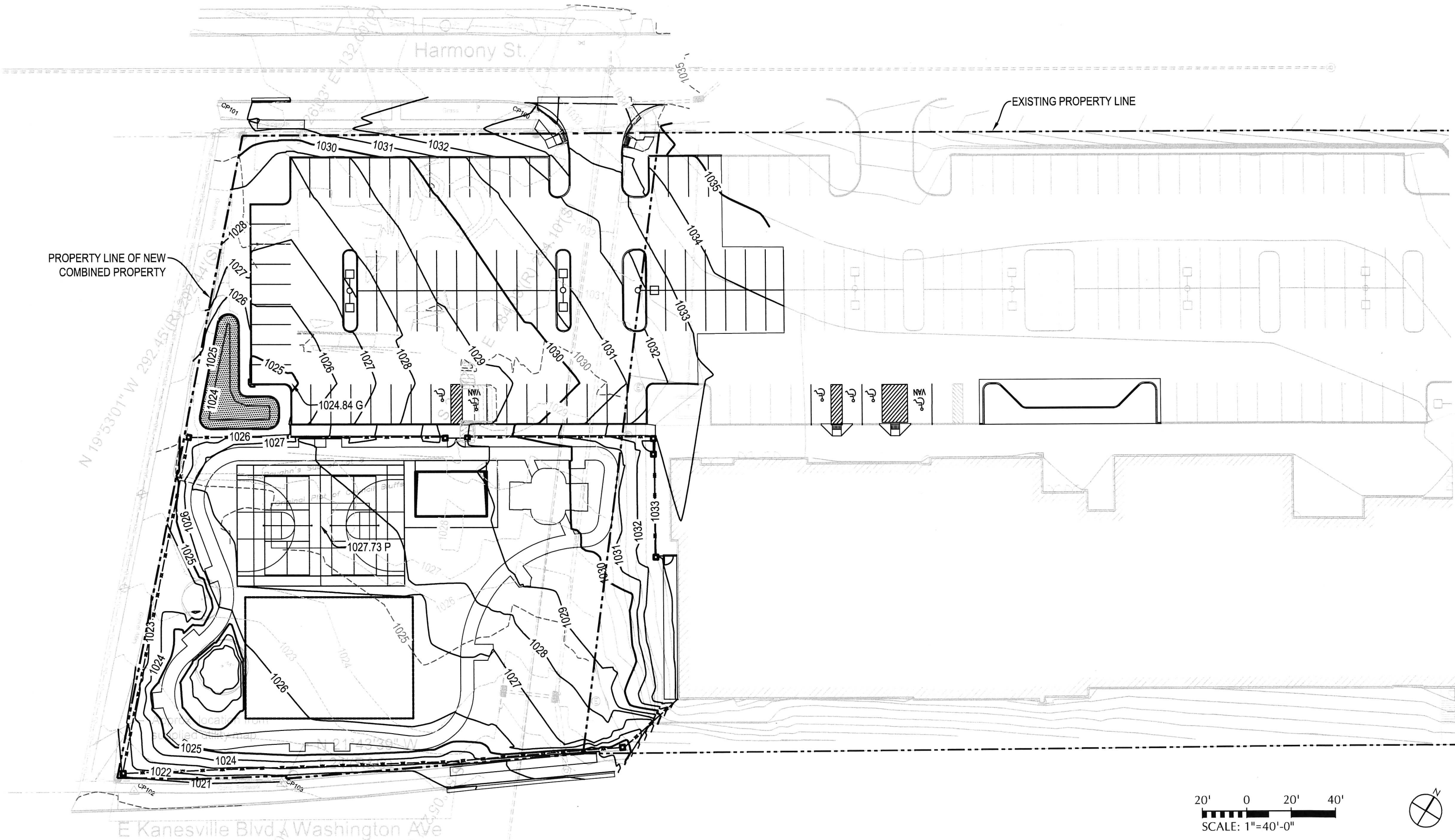
SITE LEGEND

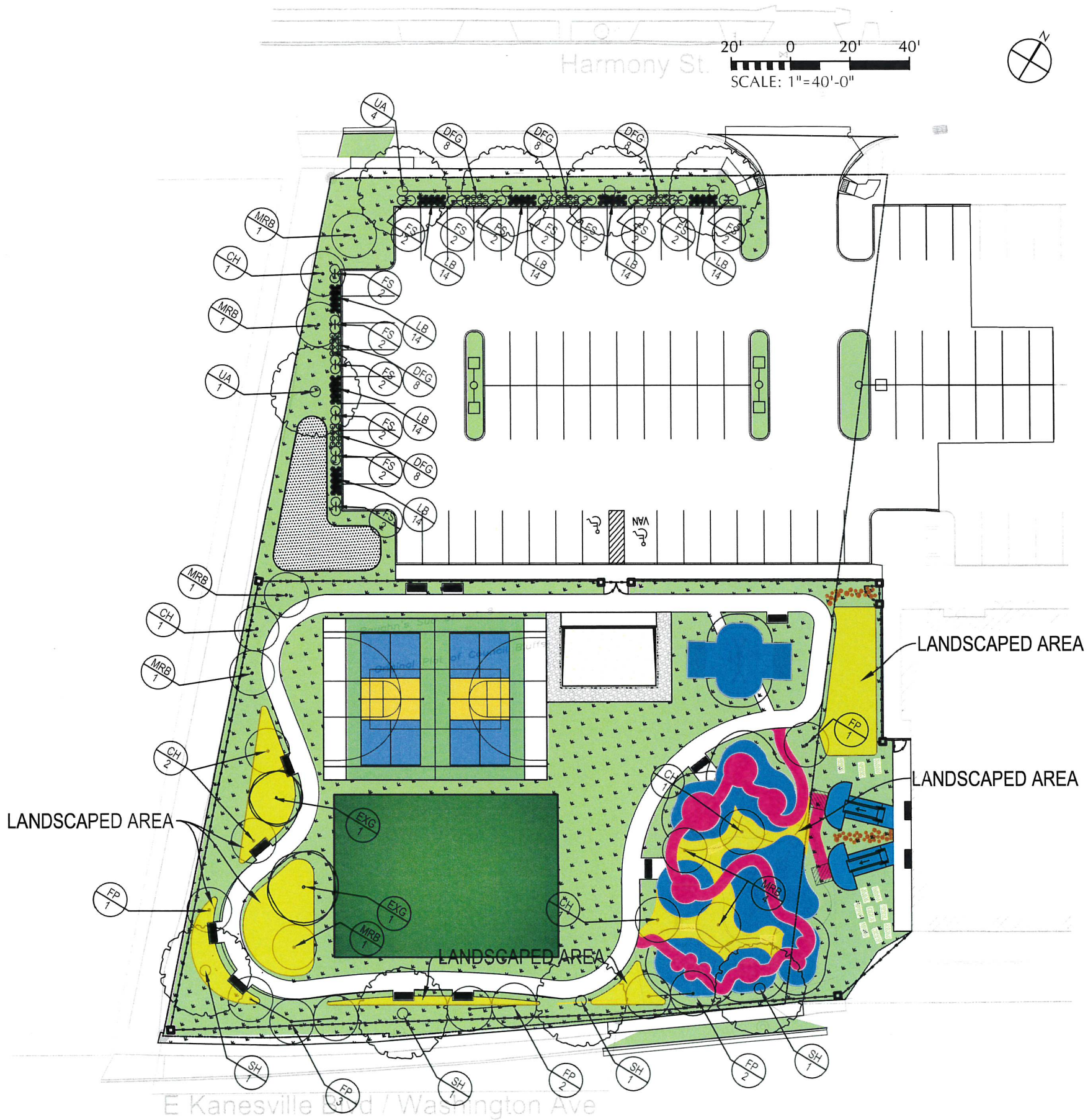
- PROPERTY LINE OF NEW COMBINED PROPERTY
- CONCRETE PARKING LOT WITH INTEGRAL CURB AND GUTTER
- NEW SIDEWALK
- GREENSPACE
- FIELD TURF

SITE LAYOUT KEYED NOTES

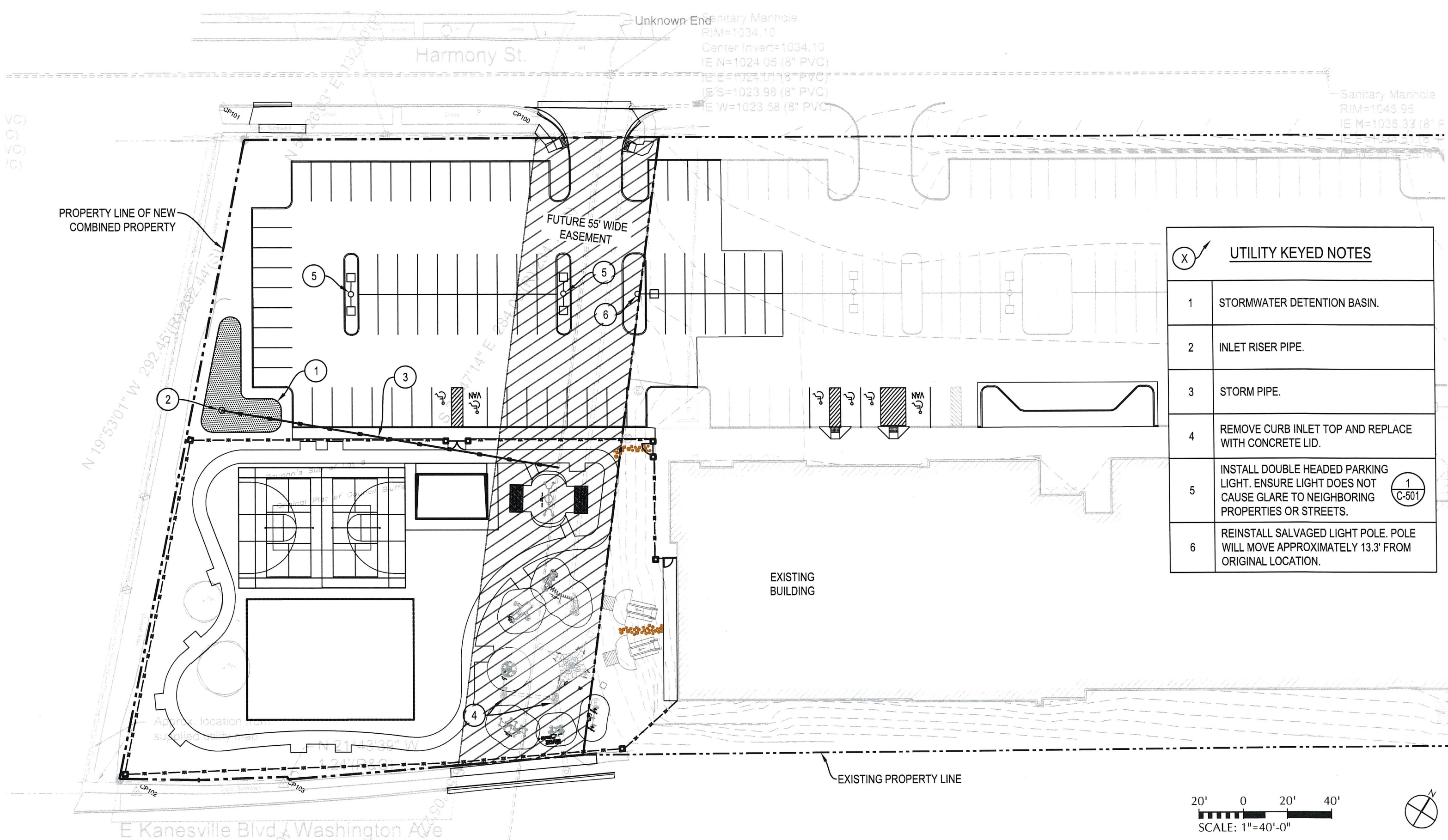
1	7" CONCRETE PARKING LOT.
2	NEW VEHICLE DROP OFF LANE.
3	RELOCATED HANDICAP PARKING
4	NEW HANDICAP PARKING
5	NEW LIGHT POLE
6	RELOCATED LIGHT POLE
7	MASONRY POST (1, 2, 3 A-103)
8	6' HIGH DECORATIVE METAL FENCE, BLACK IN COLOR SIMILAR TO EXISTING FENCE ALONG HARMONY STREET. 2' MIN. OFF PROPERTY LINE. (1 A-103)
9	NEW 2' CURB AND GUTTER SECTION AND SIDEWALK TO CLOSE BAUGHN STREET ALONG KANESVILLE BLVD.
10	NEW CONCRETE TO REPLACE OLD TURN LANE FROM KANESVILLE BLVD. ONTO BAUGHN STREET. COORDINATE WITH IOWA DEPT. OF TRANSPORTATION.





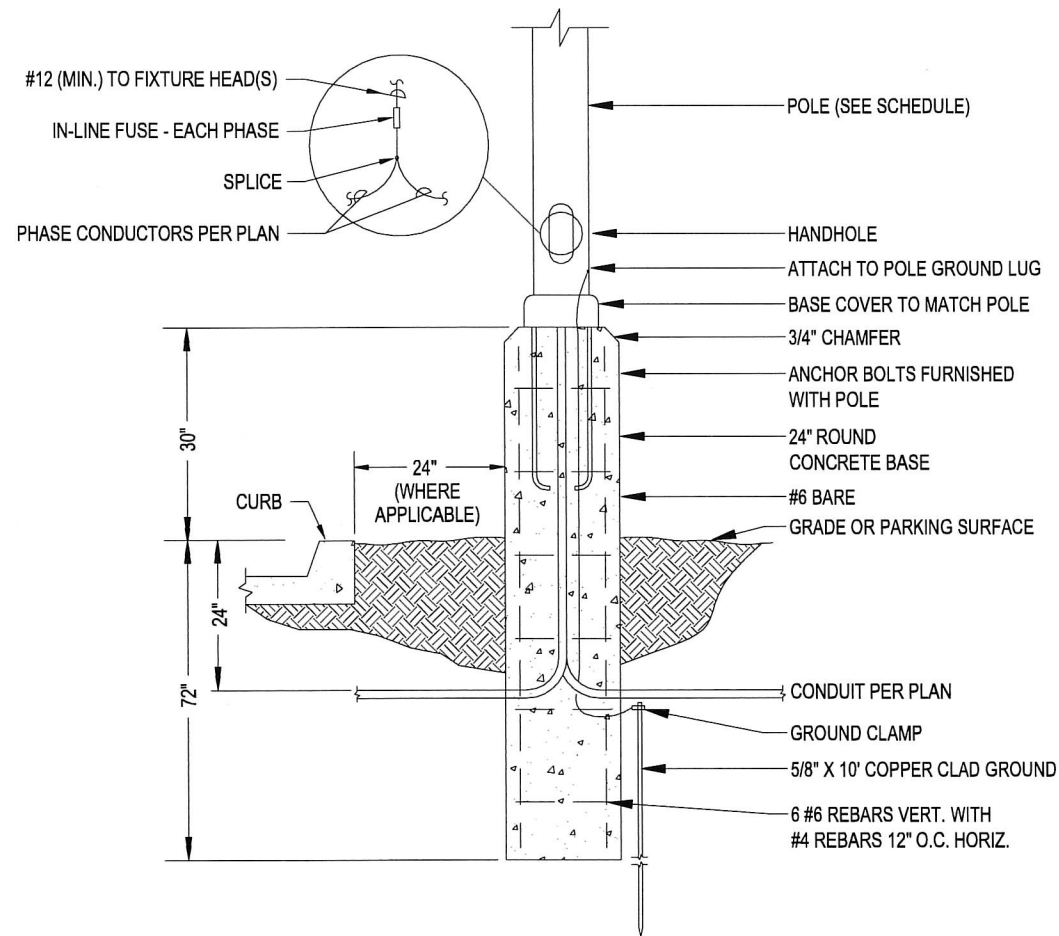


LANDSCAPE PLANTING SCHEDULE									
KEY	QTY.	BOTANICAL NAME	COMMON NAME	PLANTING METHOD	SIZE @ PLANTING	SPACING	MATURE SPREAD	MATURE HEIGHT	REMARKS
OVERSTORY DECIDUOUS TREES									
AS	TBD	ACER SACCHARUM 'LEGACY'	LEGACY SUGAR MAPLE	B&B	2" CAL.	AS SHOWN	35'	50'	
SH	TBD	GLEDITSIA TRIACANTHOS INERMIS 'SHADEMASTER'	SHADEMASTER HONEYLOCUST	B&B	2" CAL.	AS SHOWN	35'	50'	
UA	TBD	ULMUS AMERICANA 'VALLEY FORGE'	VALLEY FORGE AMERICAN ELM	B&B	2" CAL.	AS SHOWN	50'	60'	
EXG	2	EXISTING TREE	UNSPECIFIED						
UNDERSTORY/ORNAMENTAL									
FP	TBD	PRUNUS CERASIFERA VARIETIES	FLOWERING PLUM	B&B	1.5" CAL.	AS SHOWN	15'	20'	
MRB	TBD	MALUS VAR. 'RED BARON'	RED BARON FLOWERING CRAB	B&B	1.5" CAL.	AS SHOWN	8'	15'	
CH	TBD	CRATAEGUS CRUGGALLI INERMIS	COCKSPUR HAWTHORNE	B&B	1.5" CAL.	AS SHOWN	20'	25'	
DECIDUOUS SHRUBS									
RC	TBD	ARONIA ARBUTIFOLIA 'BRILLIANTISSIMA'	RED CHOKEBERRY	CONT.	#5	AS SHOWN	3'	7'	
FS	TBD	RHUS AROMATICA 'GRO-LO'	FRAGRANT SUMAC	CONT.	#3	36" O.C.	5'	3'	
BS	TBD	SPIRAEA BETULIFOLIA 'TOR'	BIRCHLEAF SPIREA	CONT.	#3	36" O.C.	3'	3'	
EVERGREEN SHRUBS									
SGJ	TBD	JUNIPERUS X PFTIZERIANA 'SEA GREEN'	SEA GREEN JUNIPER	CONT.	#3	8' O.C.	7'	4'	
BCJ	TBD	JUNIPERUS HORIZONTALIS 'BLUE CHIP'	BLUE CHIP JUNIPER	CONT.	#3	5' O.C.	5'	1'	
GRASSES									
LB	TBD	SCHIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM	CONT.	#1	18" O.C.	2'	3'	
DFG	TBD	PENNISETUM ALOPECUROIDES 'HAMMEN'	DWARF FOUNTAIN GRASS	CONT.	#1	2' O.C.	2'	3'	STAGGER, TRIANGULAR SPACING
PD	TBD	SPOROBOLUS HETEROLEPIS	PRAIRIE DROPSPEED	CONT.	#1	24" O.C.	2'	2.5'	
*NOTE: NOT ALL PLANTINGS LISTED IN THE SCHEDULE ARE LOCATED ON THE PLAN. THIS LIST IS INDICATIVE OF THE TYPES OF PLANTINGS THAT MAY BE INCLUDED.									



UTILITY KEYED NOTES	
1	STORMWATER DETENTION BASIN.
2	INLET RISER PIPE.
3	STORM PIPE.
4	REMOVE CURB INLET TOP AND REPLACE WITH CONCRETE LID.
5	INSTALL DOUBLE HEADED PARKING LIGHT. ENSURE LIGHT DOES NOT CAUSE GLARE TO NEIGHBORING PROPERTIES OR STREETS.
6	REINSTALL SALVAGED LIGHT POLE. POLE WILL MOVE APPROXIMATELY 13.3' FROM ORIGINAL LOCATION.

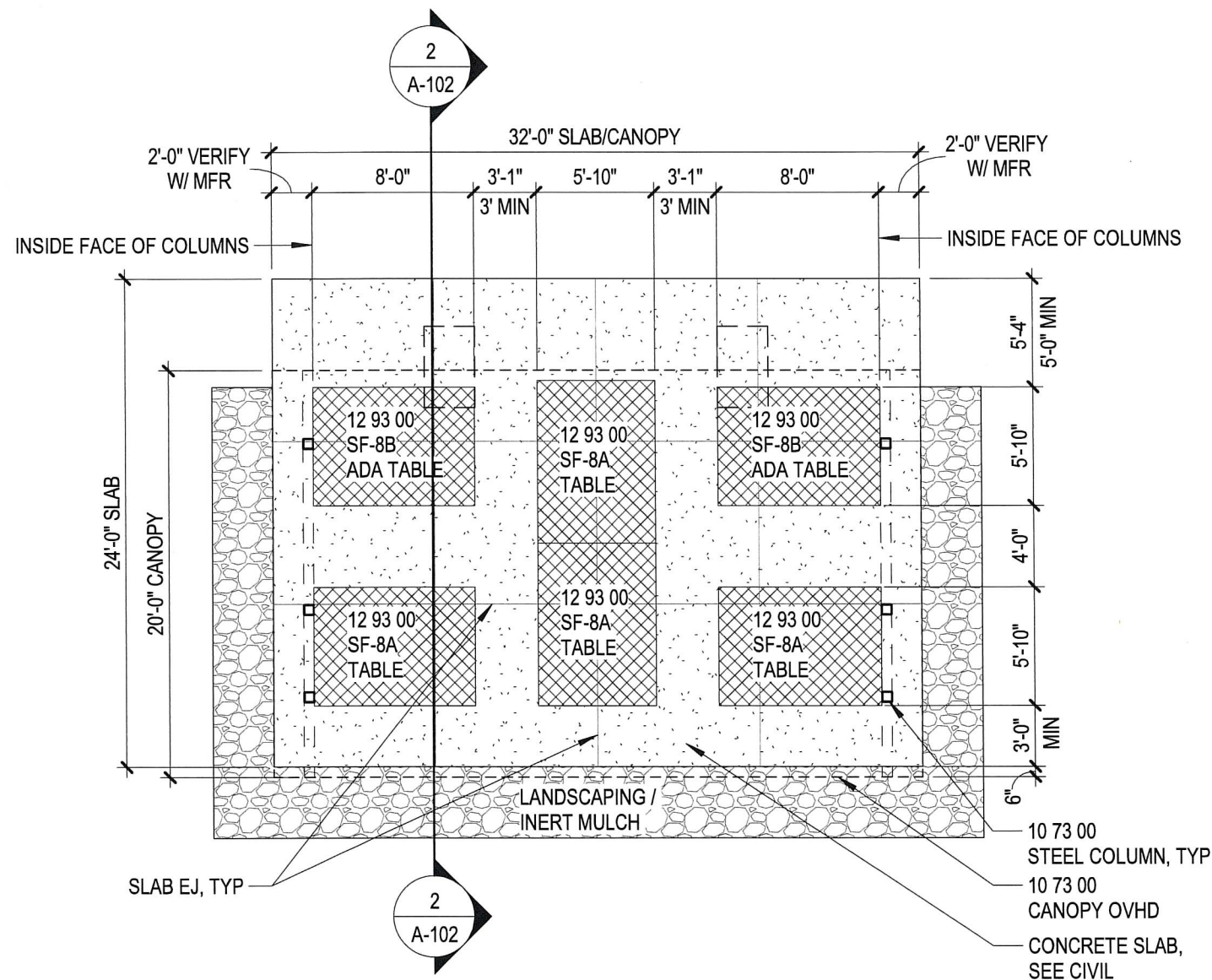
1
C-501



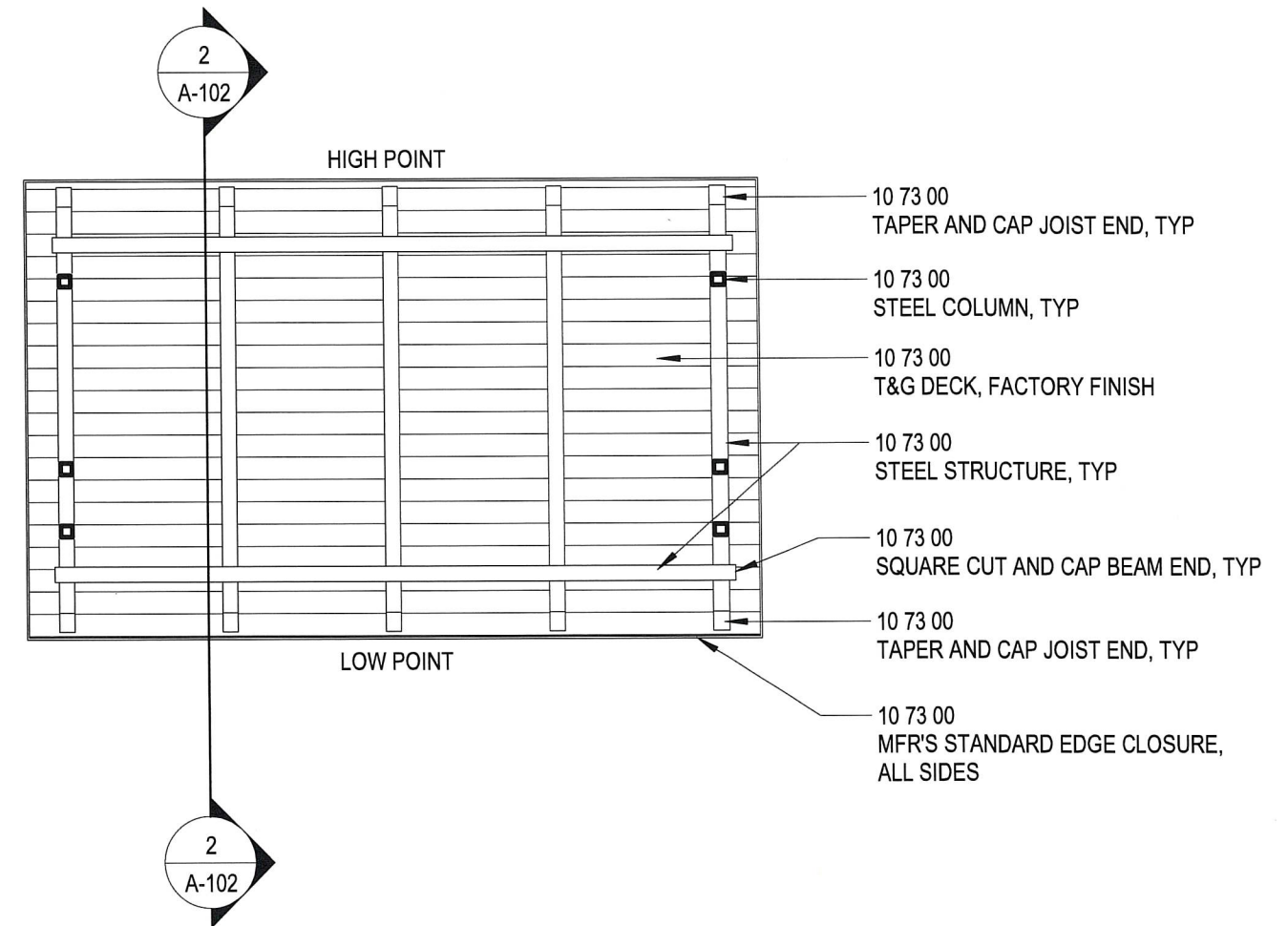
SITE LIGHTING SCHEDULE

FIXT #	MANUFACTURER	CATALOG NO. - NOTE 1	BEAM DIST.	LAMP DATA		VOLTAGE	QTY. PER POLE	POLE DESCRIPTION			DESCRIPTION	REMARKS
				SIZE	TYPE			TYPE NOTE 2	FINISH	HT. (FT.)		
A2	LITHONIA	DSX1 40C 700 40K T4M HS	4M	11,587 LM	LED	MVOLT	2	RSS	DB	25	AREA LIGHT	

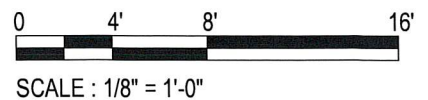
1 30' LIGHT POLE BASE WITH FIXTURE INFORMATION
SCALE: NTS

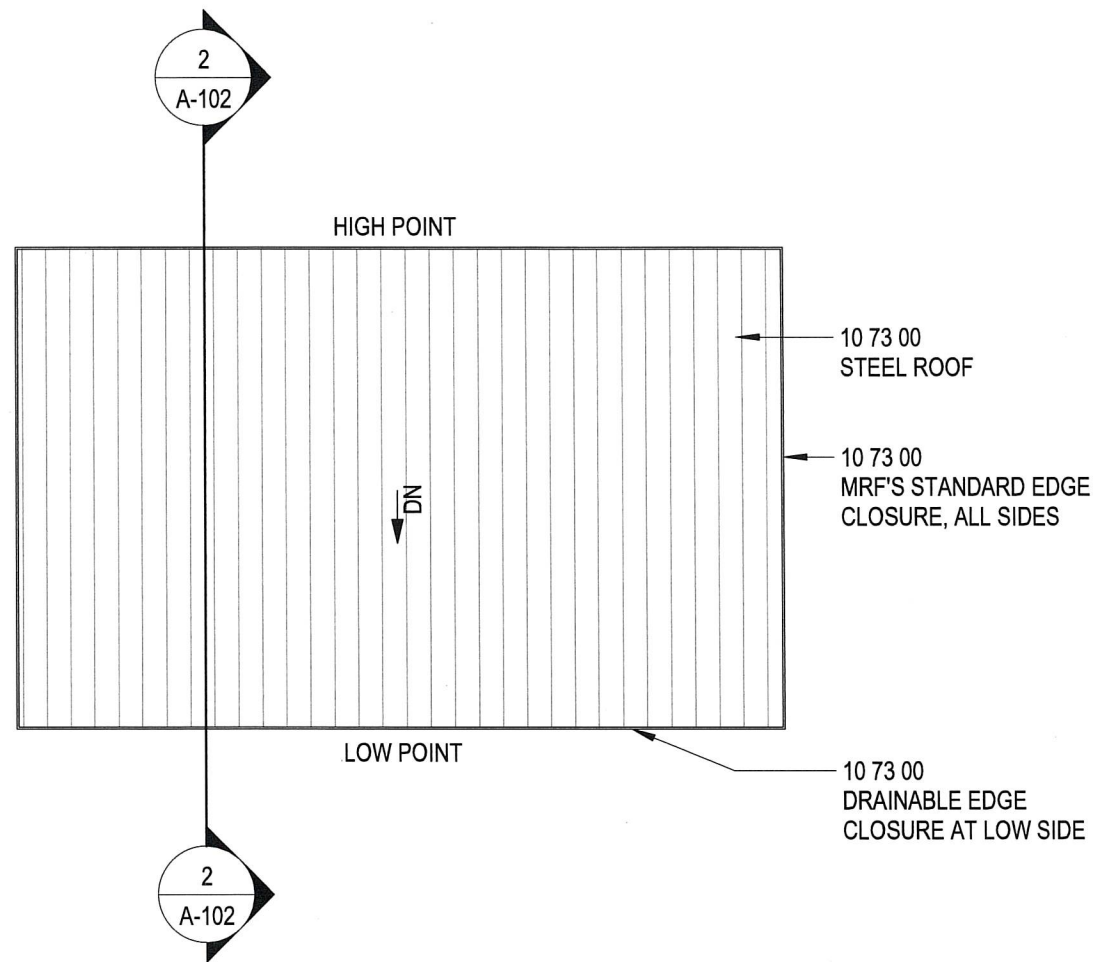


1 PLAN PICNIC SHELTER TABLE LAYOUT
SCALE: 1/8" = 1'-0"

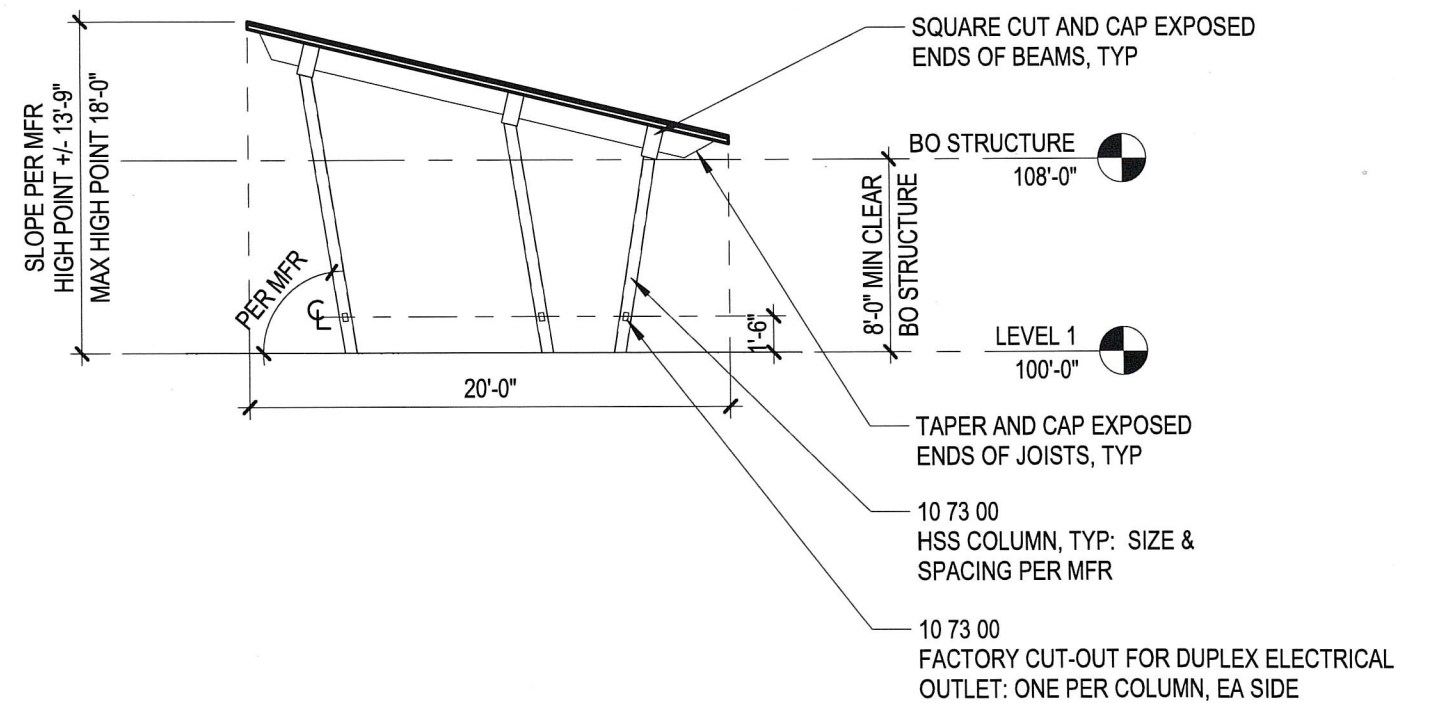


2 CEILING PLAN PICNIC SHELTER
SCALE: 1/8" = 1'-0"

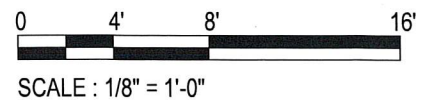


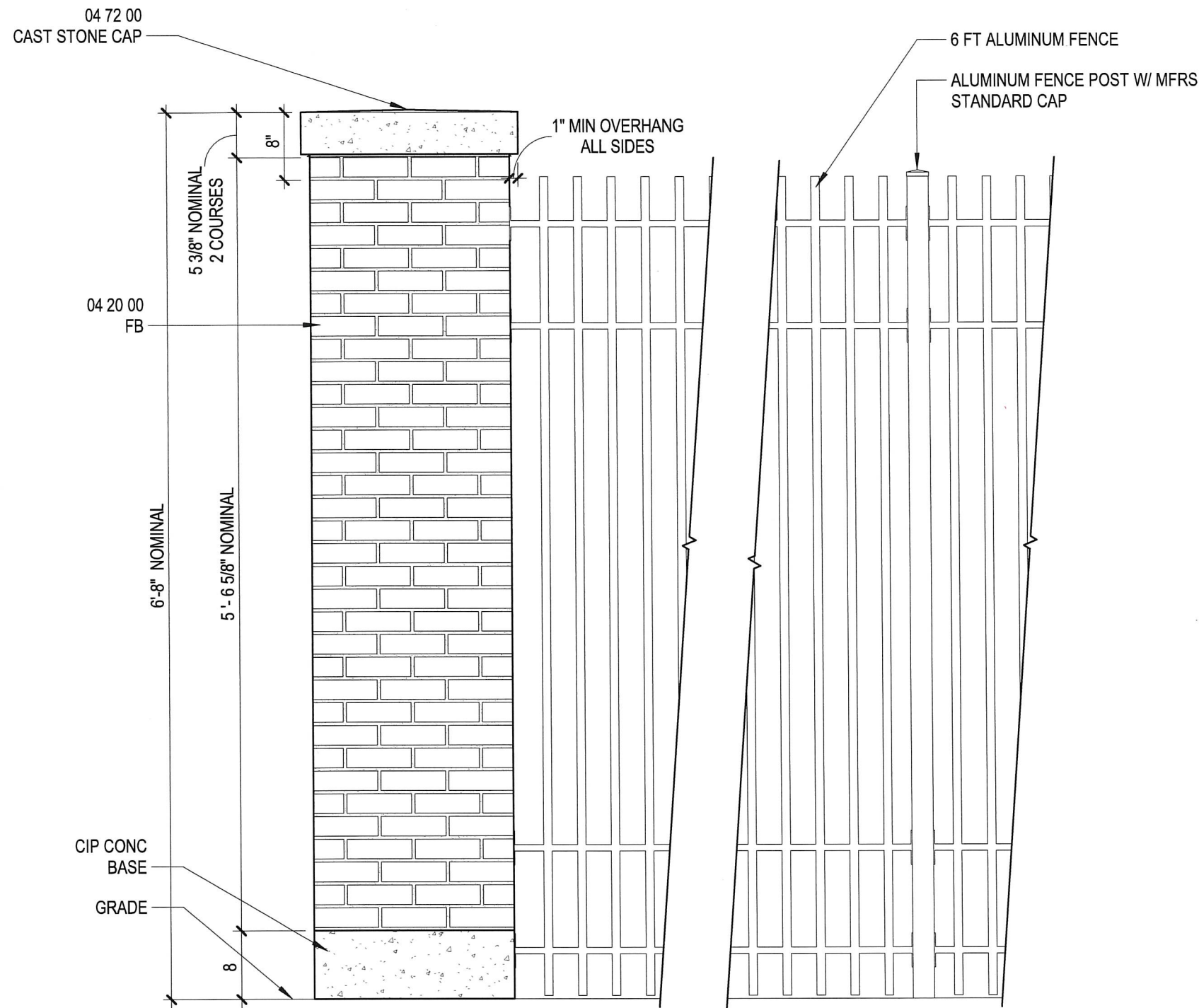


1 ROOF PLAN PICNIC SHELTER
SCALE: 1/8" = 1'-0"



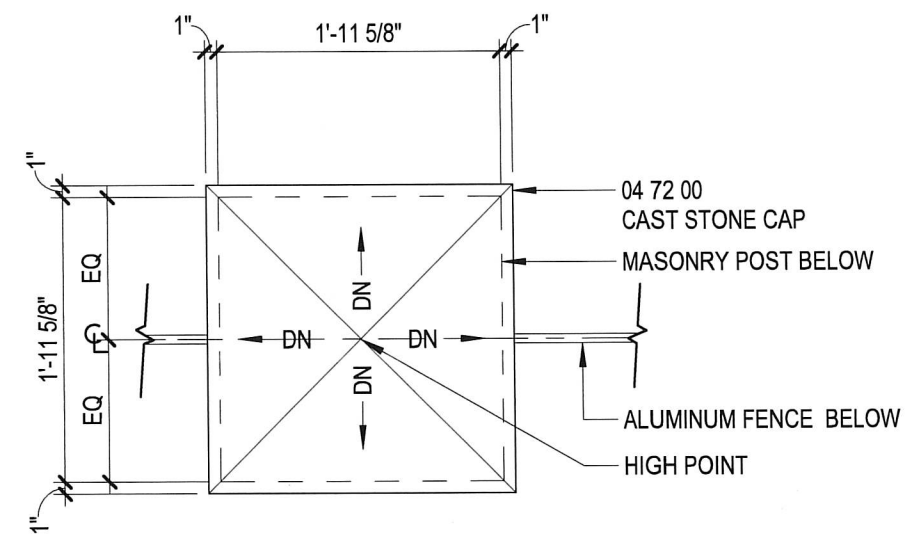
2 SECTION PICNIC SHELTER
SCALE: 1/8" = 1'-0"





**1 ENLARGED ELEVATION
MASONRY POST WITH ALUMINUM FENCE**

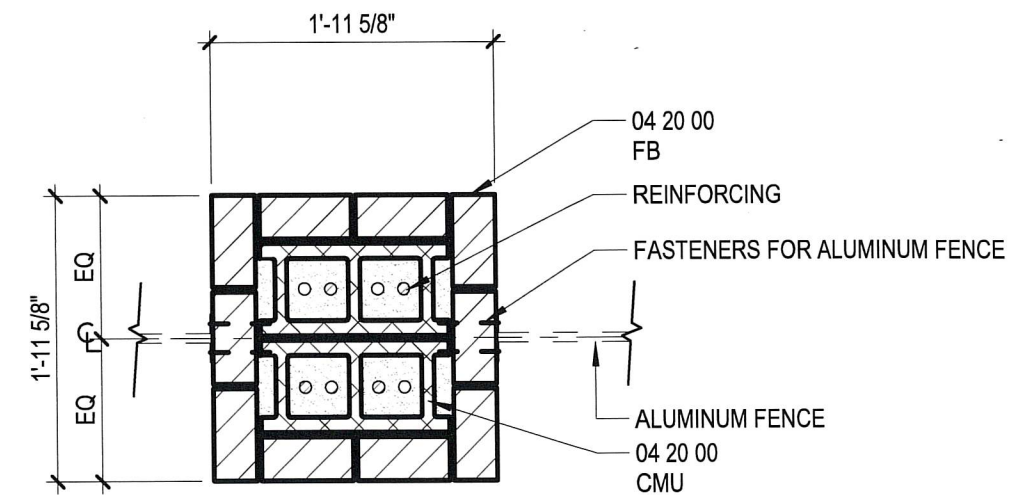
SCALE: 3/4" = 1'-0"



NOTE: SLOPE DOWN FROM CENTER 1/4 IN PER FT MIN

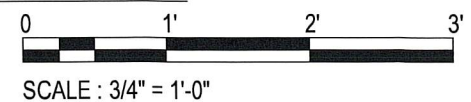
2 ENLARGED PLAN CAST STONE CAP

SCALE: 3/4" = 1'-0"



3 ENLARGED PLAN MASONRY COLUMN

SCALE: 3/4" = 1'-0"

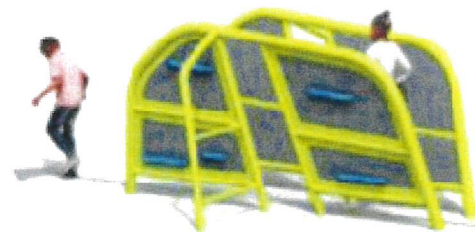




1A TAPERED TOWER



1B CHAOS CLIMBER



1C SPRAWL WALL



1D CARGO CLIMB-OVER



1E BREAKAWAYS

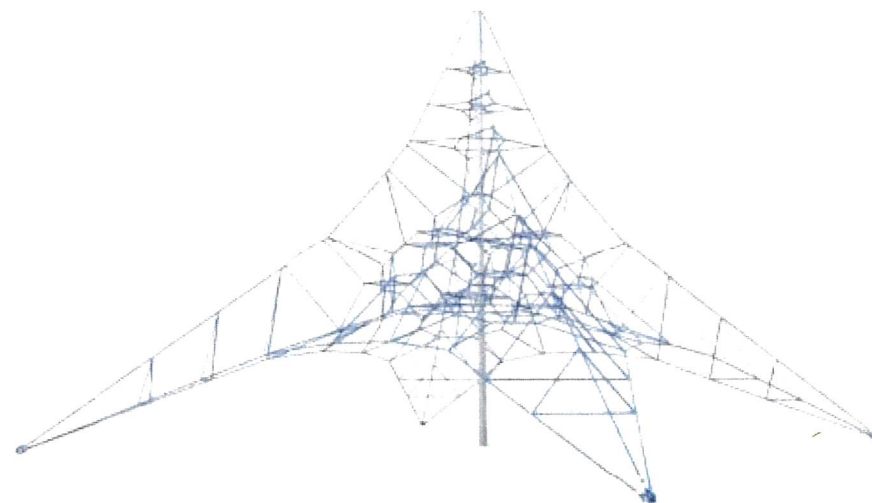
1

MIRACLE FITNESS CHALLENGE

SCALE: NTS



Accelerator Swing 2014 ★



Aquarius 6M Webscape 442-6

2

MIRACLE ACCELERATOR SWING

SCALE: NTS

3

MIRACLE AQUARIUS WEBSCAPE

SCALE: NTS

11 68 00

PLAY FIELD EQUIPMENT NOTES:

1. FINAL FINISH COLORS NOT SHOWN.
2. FINAL FINISH COLORS SHALL BE SELECTED BY ARCHITECT.

LEO A DAILY

8600 Indian Hills Drive
Omaha, NE 68114-4039
Tel 402.391.8111 Fax 402.391.8564

Charles E Lakin YMCA
Site Improvements

235 Harmony Street
Council Bluffs, IA 51503

JOB NO. 003-10237-000



DRAWN BY: Author DATE: 03/22/21
CHECKED BY: Checker DRAWING: **A-201**



4

MIRACLE TEN SPIN

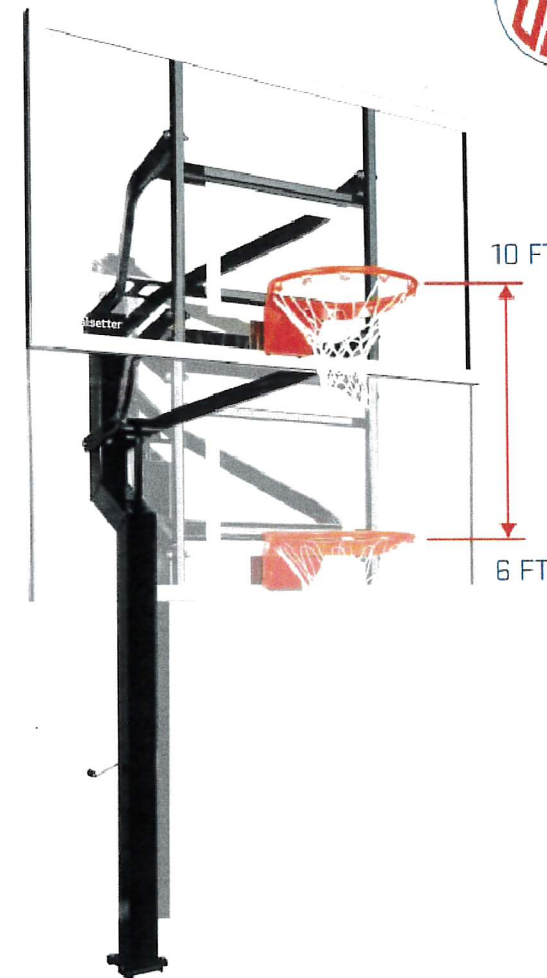
SCALE: NTS



5

UPC PARKS EMBANKMENT SLIDE

SCALE: NTS



**HEIGHT
ADJUSTABILITY**
FROM 6' TO 10'

Goalsetter

6

ADJUSTABLE BASKETBALL GOAL

SCALE: NTS

11 68 00

PLAY FIELD EQUIPMENT NOTES:

1. FINAL FINISH COLORS NOT SHOWN.
2. FINAL FINISH COLORS SHALL BE SELECTED BY ARCHITECT.

LEO A DALY

8600 Indian Hills Drive
Omaha, NE 68114-4039
Tel 402.391.8111 Fax 402.391.8564

30

PLAY FIELD EQUIPMENT (PE-#) KEY

Charles E Lakin YMCA
Site Improvements

235 Harmony Street
Council Bluffs, IA 51503

JOB NO. 003-10237-000



DRAWN BY: Author DATE: 03/22/21
CHECKED BY: Checker DRAWING: A-202



8A TABLE

8B ADA TABLE, OPTION 1, END ACCESS

OR



8B ADA TABLE, OPTION 2, SIDE ACCESS

8

PICNIC TABLE - 8 FT

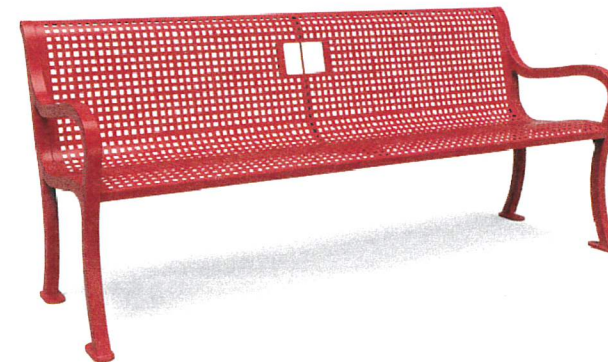
SCALE: NTS



9

WASTE RECEPTACLE - 36 GAL

SCALE: NTS



10

BENCH - 6 FT

SCALE: NTS

12 93 00

SITE FURNISHINGS NOTES:

1. STYLES, FINISHES AND FINISH COLORS SHOWN ARE FOR PLANNING PURPOSES ONLY.
2. STYLES, FINISHES AND FINISH COLORS SHOWN ARE FOR PLANNING PURPOSES ONLY. SHALL BE SELECTED BY ARCHITECT.



Sheet 1 of 2

Sheet 2 of 2

Attachment E

PROPERTY DESCRIPTIONS (VESTED IN BERGAN MERCY HEALTH SYSTEMS)

LOTS 12, 13, 14, 15, 16, AND 17, IN BAUGHN'S SUBDIVISION ORIGINAL PLAT, COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA; AND ALL OF THE 12-FOOT ALLEY LYING EAST OF AND ADJACENT TO LOTS 12, 13, 14, 15, 16 AND 17 OF BAUGHN'S SUBDIVISION IN THE ORIGINAL PLAT OF COUNCIL BLUFFS, IOWA.

AND

A PARCEL OF LAND LOCATED IN ORIGINAL PLAT LOT 11 TO THE CITY OF COUNCIL BLUFFS, IOWA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEASTERLY CORNER OF ORIGINAL PLAT LOT 3 IN THE CITY OF COUNCIL BLUFFS, IOWA, SAID POINT BEING THE INTERSECTION OF THE SOUTHWESTERLY LINE OF FRANK STREET WITH THE SOUTHEASTERLY LINE OF HARMONY STREET, THENCE S 27° 48 1/2' E 294.1 FEET ALONG THE PRESENT SOUTHWESTERLY LINE OF FRANK STREET TO A POINT ON THE PRESENT NORTHWESTERLY LINE OF RELOCATED PRIMARY ROAD NO. U.S. 6 (RELOCATED WASHINGTON AVENUE), THENCE S 84° 52' W 107.3 FEET ALONG SAID PRESENT NORTHWESTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING, THENCE N 13° 24 1/2' W 85.6 FEET, THENCE S 84° 50 1/2' W 53.5 FEET, THENCE S 1° 38' E 84.9 FEET TO A POINT ON THE PRESENT NORTHWESTERLY RIGHT OF WAY LINE OF RELOCATED PRIMARY ROAD NO. U.S. 6 (RELOCATED WASHINGTON AVENUE), THENCE N 84° 52 1/2' E 71.0 FEET TO A POINT ON SAID PRESENT NORTHWESTERLY RIGHT OF WAY LINE, THE POINT OF BEGINNING;

AND

LOT 9 IN ORIGINAL PLAT, LOT 10 IN ORIGINAL PLAT, AND THE WESTERLY 186 FEET OF ALL THAT PART OF LOT 11, ORIGINAL PLAT, IN COUNCIL BLUFFS, IOWA, LYING NORTH OF WASHINGTON AVENUE;

AND

ALL THAT PART OF LOT 3, ORIGINAL PLAT IN COUNCIL BLUFFS, IOWA, LYING WEST OF FRANK STREET AND NORTH OF A LINE DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WESTERLY LINE OF FRANK STREET 203.1 FEET SOUTHEASTERLY FROM THE INTERSECTION OF THE SOUTHERLY LINE OF HARMONY STREET WITH THE WESTERLY LINE OF FRANK STREET AND RUNNING FROM SAID POINT OF COMMENCEMENT S 59° 15' W TO THE WESTERLY LINE OF SAID LOT 3 IN ORIGINAL PLAT, COUNCIL BLUFFS, IOWA;

AND

A PART OF ORIGINAL PLAT 3, IN COUNCIL BLUFFS, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEASTERLY CORNER OF ORIGINAL PLAT LOT 11, THENCE EASTERLY IN DUE COURSE WITH NORTHERLY LINE OF SAID LOT 11 TO FRANK STREET, THENCE SOUTHEASTERLY ALONG THE LINE OF FRANK STREET TO WASHINGTON AVENUE, THENCE WESTERLY ALONG THE LINE OF WASHINGTON AVENUE TO SAID LOT 11, THENCE NORTHERLY ALONG THE EASTERLY LINE OF LOT 11 TO PLACE OF BEGINNING, AND MORE PARTICULARLY DESCRIBED AS: BEGINNING A POINT ON THE SOUTHWESTERLY LINE OF FRANK STREET 203 FEET S 54° 50' E FROM THE INTERSECTION OF THE SOUTHWESTERLY LINE OF FRANK STREET WITH THE SOUTHEASTERLY LINE OF HARMONY STREET, THIS POINT IS THE SOUTHEASTERLY CORNER OF A TRACT DEEDED BY FANNIE GEISE TO THE SISTERS OF MERCY OF COUNCIL BLUFFS, IOWA, JULY 31ST, 1926, DEED RECORDED IN BOOK 712, PAGE 100, POTTAWATTAMIE COUNTY,

IOWA, RECORD, AND FOLLOWING THE SOUTHERLY LINE OF SAID TRACT S 59° 15' W 84.2 FEET OR TO THE NORTHEAST CORNER OF ORIGINAL PLAT LOT 11; THENCE S 40° E ALONG THE LINE BETWEEN LOT 3 AND LOT 11, 115 FEET OR TO THE NORTHWESTERLY LINE OF WASHINGTON AVENUE; THENCE NORTHEAST FOLLOWING THE NORTHWESTERLY LINE OF WASHINGTON AVENUE 114.36 FEET OR TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF FRANK STREET, THENCE N 54° 50' W 118.56 FEET, OR TO PLACE OF BEGINNING, SITUATED IN POTTAWATTAMIE COUNTY, IOWA;

AND

THE EASTERLY 36 FEET OF THE WESTERLY 186 FEET OF LOT 11 IN THE ORIGINAL PLAT OF THE CITY OF COUNCIL BLUFFS, LYING NORTH OF WASHINGTON AVENUE IN SAID CITY.

AND

A PART OF FRANK STREET AS PRESENTLY DEDICATED BETWEEN WASHINGTON AVENUE AND HARMONY STREET AS SHOWN ON THE ATTACHED PLAT AND TITLED EXHIBIT "A", DESCRIBED AS FOLLOWS:BEGINNING AT THE INTERSECTION OF THE SOUTHERLY PROPERTY LINE OF HARMONY STREET AND THE WESTERLY PROPERTY LINE OF FRANK STREET, SAID POINT BEING MARKED BY AN X-CUT IN THE CONCRETE BASE FOR A RETAINING WALL AND BEING THE TRUE POINT OF BEGINNING; THENCE N84° 04'17"E FOR 3.40 FEET ON THE SOUTH LINE OF HARMONY STREET EXTENDED TO THE EAST; THENCE S31° 20'58"E FOR 268.14 FEET; THENCE S1° 56'44"E FOR 26.50 FEET; THENCE S52° 59'40"W FOR 8.43 FEET TO A POINT ON THE WESTERLY LINE OF FRANK STREET; THENCE N27° 46'30"W ON THE WESTERLY LINE OF FRANK STREET FOR 294.09 FEET TO THE TRUE POINT OF BEGINNING.

NOTE: THE BEARINGS USED IN THE ABOVE DESCRIPTION ARE BASED ON BEARINGS SHOWN ON I.D.O.T. RIGHT-OF-WAY PLAT FOR PROJECT NO. F6-1 (33) - - 20-78, PARCEL NO. 53.

EXCEPT THAT PART CONVEYED TO THE CITY OF COUNCIL BLUFFS BY DEED RECORDED IN BOOK 79, PAGE 24702;

AND EXCEPT THAT PART CONVEYED TO THE STATE OF IOWA DEPARTMENT OF TRANSPORTATION, BY CONTRACT RECORDED IN BOOK 79, PAGE 17688.

PROPERTY DESCRIPTIONS (VESTED IN THE YMCA OF GREATER OMAHA)

SOUTH 2 FEET OF W 1/2 OF LOT 7, AND W 1/2 OF LOT 6, BAUGHN'S SUBDIVISION OF LOT 8, ORIGINAL PLAT, COUNCIL BLUFFS, IOWA, EXCEPT A PARCEL OF LAND LOCATED IN LOT 6 IN BAUGHN'S SUBDIVISION OF LOT 8 IN THE ORIGINAL PLAT OF COUNCIL BLUFFS, IOWA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWESTERLY CORNER OF SAID LOT 6 SAID POINT BEING THE INTERSECTION OF THE NORTHLY LINE OF WASHINGTON AVENUE AS IT NOW EXISTS WITH THE EASTERLY LINE OF THE NORTHERLY-SOUTHERLY ALLEY ALONG THE WESTERLY LINE OF SAID LOT 6; THENCE N 84° 43' E 35.8 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 6 TO THE POINT OF BEGINNING; THENCE CONTINUING N 84° 43' E 40.0 FEET ALONG SAID SOUTHERLY LINE; THENCE N 3° 26 1/2' E 2.0 FEET THENCE S 81° 54 1/2' W 40.4 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 6, THE POINT OF BEGINNING.

AND

NORTH 48 FEET OF LOT 7, BAUGHN'S SUBDIVISION OF THE ORIGINAL PLAT OF LOT 8 COMMONLY KNOWN AS 126 BAUGHN, COUNCIL BLUFFS, IOWA.

AND

PART OF THE E 1/2 OF LOT 6 AND SOUTH 2 FEET OF THE E 1/2 OF LOT 7 IN BAUGHN'S SUBDIVISION OF ORIGINAL PLAT LOT 8, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTH 2 FEET OF THE E 1/2 OF SAID LOT 7, THENCE S 84° 46' W 74.58 FEET ALONG THE NORTHERLY LINE OF THE SOUTH 2 FEET OF THE E 1/2 OF SAID LOT 7 TO THE NORTHWESTERLY CORNER THEREOF, THENCE S 03° 26 1/2' W 37.98 FEET ALONG THE WESTERLY LINE OF THE E 1/2 OF SAID LOT 7 AND THE E 1/2 OF SAID LOT 6, THENCE N 79° 15 1/2' E 77.08 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 6, THENCE N 01° 32 1/2' E 30.36 FEET ALONG THE EASTERLY LINE OF SAID LOT 6 AND THE SOUTH 2 FEET OF SAID LOT 7 TO THE NORTHEAST CORNER OF THE SOUTH 2 FEET OF THE E 1/2 OF SAID LOT 7, THE POINT OF BEGINNING.

AND

LOT 8 IN BAUGHN'S SUBDIVISION TO COUNCIL BLUFFS, IOWA, BEING FURTHER KNOWN AS LOT 8 IN BAUGHN'S SUBDIVISION OF ORIGINAL PLAT LOT 8 OF COUNCIL BLUFFS, IOWA.

AND

ALL OF LOTS NINE AND TEN AND ELEVEN (9, 10 & 11) IN BAUGHN'S SUBDIVISION OF LOT EIGHT (8) OF THE ORIGINAL PLAT OF COUNCIL BLUFFS, IOWA, EXCEPTING A TRACT DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEASTERLY CORNER OF SAID LOT 11 AND RUNNING THENCE SOUTHWESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 11 A DISTANCE OF 73 FEET, THENCE RUNNING SOUTHERLY PARALLEL WITH THE EASTERLY LINE OF SAID LOTS 11 AND 10 A DISTANCE OF 105 FEET AND 8 INCHES TO THE SOUTHERLY LINE OF SAID LOT 10, THENCE RUNNING EASTERLY ALONG SAID SOUTHERLY LINE OF SAID LOT 10 A DISTANCE OF 73 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 10, THENCE RUNNING NORTHERLY ALONG THE EASTERLY LINE OF SAID LOTS 10 AND 11 A DISTANCE OF 105 FEET AND 8 INCHES TO THE PLACE OF BEGINNING.

AND

THAT PART OF LOTS 10 AND 11 IN BAUGHN'S SUBDIVISION OF LOT 8 IN THE ORIGINAL PLAT OF THE CITY OF COUNCIL BLUFFS, IOWA, DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT THE NORTHEASTERLY CORNER OF SAID LOT 11 (AT THE INTERSECTION OF HARMONY STREET AND BAUGHN STREET) AND RUNNING THENCE SOUTHWESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 11 A DISTANCE OF 73 FEET, THENCE RUNNING SOUTHEASTERLY PARALLEL WITH THE EASTERLY LINE OF SAID LOT 11 AND 10 A DISTANCE OF 105 FEET AND 8 INCHES TO THE SOUTHERLY LINE OF SAID LOT 10, THENCE RUNNING NORTHEASTERLY ALONG SAID SOUTHERLY LINE OF SAID LOT 10 A DISTANCE OF 73 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 10, THENCE RUNNING NORTHWESTERLY ALONG THE EASTERLY LINE OF SAID LOTS 10 AND 11 A DISTANCE OF 105 FEET AND 8 INCHES TO THE PLACE OF BEGINNING.

AND

BAUGHN STREET RIGHT-OF-WAY LYING BETWEEN HARMONY STREET AND EAST KANESVILLE, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

PLAT DESCRIPTION

A PART OF BAUGHN'S SUBDIVISION OF LOT 8 ORIGINAL PLAT LOTS 6 THRU 17 AND ALL OF ORIGINAL PLAT LOTS 9 & 10 AND A PART OF ORIGINAL PLAT LOTS 3 & 11, COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA AND DESCRIBED AS FOLLOW:

BEGINNING AT THE NORTHWEST CORNER OF LOT 11 OF SAID BAUGHN'S SUBDIVISION; THENCE NORTH 56° 59' 23" EAST ALONG THE NORTHWESTERLY LINE OF SAID LOT 11, 132.10 FEET, THENCE NORTH 57° 48' 11" EAST, 55.41 FEET TO THE NORTHWEST CORNER OF LOT 12 OF SAID BAUGHN'S SUBDIVISION, SAID POINT ALSO BEING ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF HARMONY STREET; THENCE NORTH 57° 17' 52" EAST ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, 386.56 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE RELOCATED FRANK STREET; THENCE SOUTH 57° 59' 23" EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, 268.82 FEET; THENCE SOUTH 27° 51' 24" EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, 26.37 FEET; THENCE SOUTH 24° 07' 45" WEST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, 8.40 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF KANESVILLE BOULEVARD (RELOCATED WASHINGTON AVENUE); THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE FOR THE FOLLOWING NINE COURSES; SOUTH 58° 15' 53" WEST, 107.30 FEET; THENCE SOUTH 58° 13' 05" WEST, 71.04 FEET; THENCE SOUTH 58° 14' 23" WEST, 198.40 FEET; THENCE SOUTH 54° 27' 23" WEST, 151.60 FEET; THENCE SOUTH 51° 17' 40" WEST, 56.55 FEET; THENCE SOUTH 52° 36' 17" WEST, 77.08 FEET; THENCE NORTH 23° 12' 44" WEST, 1.24 FEET; THENCE SOUTH 55° 21' 59" WEST, 40.40 FEET; THENCE SOUTH 58° 17' 17" WEST, 35.80 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF A 16 FOOT ALLEY ADJACENT TO LOTS 6 THRU 11 OF SAID BAUGHN'S SUBDIVISION; THENCE NORTH 21° 21' 44" WEST ALONG SAID EASTERLY RIGHT-OF-WAY LINE 292.45 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.20 ACRES, MORE OR LESS

2020

Zoning Board of Adjustment Annual Report

City of Council Bluffs, Iowa

Prepared by: Community Development Department
Address: 209 Pearl Street, Council Bluffs, IA 51503
Date: 4/20/2021



April 20, 2021

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

Mayor and Members of the City Council:

The Zoning Board of Adjustment forwards this copy of the 2020 Annual Report for your information. This report contains a summary of the actions taken by the Board in handling various cases referred to them during the year.

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

Respectfully Submitted,

Memory Mescher, Chair
Zoning Board of Adjustment
City of Council Bluffs, Iowa

MAYOR

Matthew J. Walsh

2020 CITY COUNCIL

Melissa Head

Mike Wolf

Roger Sandau

Joe Disalvo

Chad Hannan

2020 ZONING BOARD OF ADJUSTMENT

Memory Mescher, Chair

Pedro Vargas

Bobbette Behrens

Jared Olson

David Tritsch

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Brandon Garrett, Director

Christopher Gibbons, Planning Manager

Moises Monrroy, Planner

Tiffany Schmitt, Community Development Technician

Haley Weber, Planner

2020 ZONING BOARD OF ADJUSTMENT MEMBERS, TERMS AND ATTENDANCE

2019 ZBA Attendance Table

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

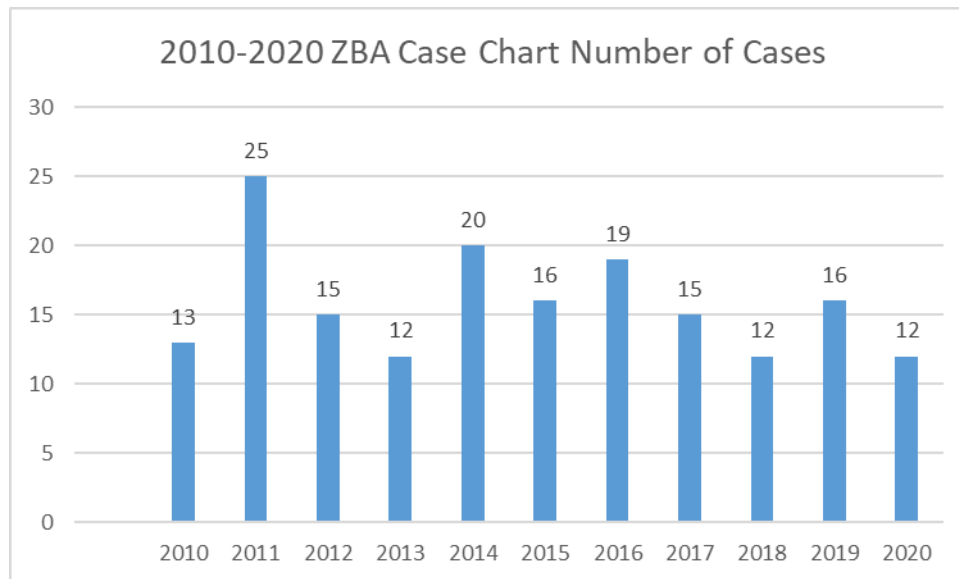
2019 ZBA Attendance Table

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

SUMMARY OF ACTIVITIES

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

The chart below represents the total of number of cases heard by the Zoning Board of Adjustment beginning in 2010 through 2020. In 2020, the Board heard a total of twelve (12) cases at eight (8) regularly scheduled meetings.



Source: Community Development Department

Administrative Appeals:

One (1) administrative appeal request was submitted in 2020 but was not considered by the Zoning Board of Adjustment as staff made the determination that an appeal was not necessary. The administrative appeal request was withdrawn by the applicant prior to the public hearing.

Variances:

Seven (7) cases requesting variances were considered by the Zoning Board of Adjustment in 2020. The Board concurred with the staff recommendation on all seven (7) cases.

Conditional Use Permits:

Six (6) requests for new conditional use permits were made in 2020. One (1) request was withdrawn by the applicant prior to the public hearing. The Board concurred with the staff recommendation of approval of all five (5) requests.

SUMMARY OF ACTIVITIES

Administrative Appeals - 2020

Case #	Request	Recommended Action	ZBA Decision
		CD Staff	
AP-20-001	Applicant: Joseph and Michelle Bates Location: Immediately east of the South Expressway right-of-way and immediately south of 1000 South 6 th Street Request: Appeal an administrative decision by the Council Bluffs Community Development Department to deny a sign permit due to lack of street frontage.	No Recommended Action Request withdrawn prior to public hearing	No Action Request withdrawn prior to public hearing

Variances - 2020

Case #	Request	Recommended Action	ZBA Decision
		CD Staff	
BA-20-001	Applicant: Terry and Pamela Harold Location: 3454 7 th Avenue Request: Variance to allow a six foot-tall wooden privacy fence to be built with the finished side facing away from an adjoining property along the western property line.	Denial	Denied
BA-20-002	Applicant: Jeffery M. Gorman Location: 210 Park Avenue Request: Variance to allow an addition to a principal structure to be built with a 3.5 foot rear yard setback, as opposed to the minimum required 20 feet.	Denial	Denied
BA-20-003	Applicant: Ambar, LLC Location: 313 Williams Street Request: Variance to allow a two-story dwelling to be built with a 3.75 foot interior side yard setback, as opposed to the minimum required six feet.	Denial	Denied
BA-20-004	Applicant: Gary Bowen Location: 21 N. 36 th Street Request: Variance request to allow a deck to be built 8-feet 10-inches from a street side property line, as opposed to the required 12 feet.	Denial	Denied
BA-20-005	Applicant: Lee M. Volkens Location: 201 West Ferndale Drive Request: Variance to allow a deck to be built 13-feet from a rear lot line, as opposed to the required 20 feet.	Approval	Approved

SUMMARY OF ACTIVITIES

Variances (continued) -2020

Case #	Request	Recommended Action	ZBA Decision
		CD Staff	
BA-20-006	Applicant: Brian Ramsey Location: 178 West Graham Avenue Request: Variances to allow the construction of an accessory structure which is closer to the front property line than the existing principal structure.	Approval	Approved
BA-20-007	Applicant: Pamela and Eugene Flanagan Location: 2508 5 th Avenue Request: Variances to allow an accessory structure to be located closer to the front property line than the principal structure.	Denial	Denied

Conditional Use Permits – 2020

Case #	Request	Recommended Action	Zoning Board Action
		CD Staff	
CU-20-001	Applicant: McGregor Interests, Inc. Location: 706 Veterans Memorial Highway Request: Conditional use permit to allow a 'storage yard' in an I-2/General Industrial District.	Approval, with conditions	Approved, with conditions
CU-20-002	Applicant: TDJ Holdings Location: 2802 Twin City Drive Request: Conditional use permit to allow a 'greenhouse, commercial' in an A-2/Parks, Estates, and Agricultural District.	Approval, with conditions	Approved, with conditions
CU-20-003	Applicant: Toby E. Simmons Location: 2121 South 7 th Street Request: Conditional use permit to allow 'manufacturing, light (50,000 square feet or less)' in a C-2/Commercial District.	Approval, with conditions	Approved, with conditions
CU-20-004	Applicant: Omaha Central Telephone Company d/b/a Verizon Wireless Location: Northeast corner of 1520 Avenue 'M' Request: Conditional use permit to allow a 142 foot-tall communication tower in a C-2/Commercial District.	Approval, with conditions	Approved, with conditions

CU-20-005	Applicant: Cherry Ridge Construction Location: Northwest corner of South 35 th Street and 14 th Avenue Request: Conditional use permit to allow 'commercial storage' in a C-2/Commercial District.	No Recommended Action Request withdrawn prior to public hearing	No Action Request withdrawn prior to public hearing
CU-20-006	Applicant: JJH, LLC Location: 830 Franklin Avenue Request: Conditional use permit to allow an existing nonconforming use (community theater (indoor commercial recreation)) to be modified into another nonconforming use (artist studio (consumer service establishment)) in the R-1/Single-family Residential District.	Approval, with conditions	Approved, with conditions

Zoning Board of Adjustment (ZBA) - 2020 Case Location Map

