



**AGENDA
PLANNING COMMISSION
COUNCIL BLUFFS PUBLIC LIBRARY,
400 WILLOW AVENUE, COUNCIL BLUFFS, IA
Tuesday, June 14, 2022 - 6:00 PM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. ADOPTION OF AGENDA**
- 4. APPROVAL OF MINUTES**
- 5. PROOF OF PUBLICATION**
- 6. REVIEW OF MEETING PROCEDURES**
- 7. PUBLIC HEARINGS**

A. CASES #ZC-22-006 and #CP-22-002

Public hearing on the requests of TVK Properties LLC to rezone 3.56 acres of land located in part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3-74-44 and part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4-74-44, City of Council Bluffs, Pottawattamie County, Iowa, lying southeast of Nebraska Avenue, northeast of South 35th Street and north of Union Pacific Railroad right-of-way, from P-C/Planned Commercial District to I-2/General Industrial District; and to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying said property from Regional Commercial to Light Industrial. Location: Undeveloped land located immediately west of 3319 Nebraska Avenue.

B. CASE #SAV-22-003

Public hearing on the request of Michael and Kimberly Gorman to vacate and dispose of the east/west alley between Lot 1 and Lots 15-21, Block 3, Morningside Addition, City of Council Bluffs, Pottawattamie County, Iowa. Location: Unimproved alley lying south of 123 and 131 Gould Avenue.

C. CASE #ZT-22-004

Public hearing on the request of the City of Council Bluffs to amend several sections of Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance), as follows: amend Section 15.12.020, Principal Uses; Section 15.14.020, Principal Uses; Section 15.16.020, Principal Uses; Section 15.17.020, Principal Uses; Section 15.19.020, Principal Uses; and Section 15.22.020, Principal Uses, to allow "consumer fireworks sales" as a principal use in the MCR, C-1, C-3, C-4, P-I, and I-3 Districts; and amend Section 15.12.060, Additional Regulations; Section 15.14.060, Additional Regulations; Section 15.16.060,

Additional Regulations; Section 15.17.060, Additional Regulations; Section 15.19.080, Additional Regulations; and Section 15.22.060, Additional Regulations, to require a minimum 300 foot separation distance between a temporary structure used for consumer fireworks sales and a residential structure.

8. OTHER BUSINESS

9. ADJOURNMENT

If you plan to attend this meeting and require special assistance please contact the Community Development Department at (712) 890-5350 at least 48 hours before the meeting.

Planning Commission Communication

Department: Community

Development

Case/Project No.: CASES #ZC- 22-006 and #CP-22-002

002

Council Action: 6/14/2022

Submitted by: Moises Monrroy,
Planner

Description

Public hearing on the requests of TVK Properties LLC to rezone 3.56 acres of land located in part of the NW ¼ NW ¼ of Section 3-74-44 and part of the NE ¼ NE ¼ of Section 4-74-44, City of Council Bluffs, Pottawattamie County, Iowa, lying southeast of Nebraska Avenue, northeast of South 35th Street and north of Union Pacific Railroad right-of-way, from P-C/Planned Commercial District to I-2/General Industrial District; and to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying said property from Regional Commercial to Light Industrial. Location: Undeveloped land located immediately west of 3319 Nebraska Avenue.

Background/Discussion

See attached staff report

Recommendation

ATTACHMENTS:

Description

Staff Report and Attachments

Type

Staff Report

Upload Date

6/9/2022

Planning Commission Communication

Department: Community Development CASES #ZC-22-006 and #CP-22-002 Applicant: TVK Properties, LLC 424 6 th Avenue, Apt. 402 Coralville, IA 52241 Represented by: Jakub Klobasa, CEO 321 East 73 rd Street New York, NY 10021 Property Owner: Charles J. Vacanti 709 Sunset Trail Omaha, NE 68132	Ordinance No. _____ Resolution No. _____	Planning Commission: 6/14/2022
<p style="text-align: center;">Subject/Title</p> <p>Request: Public hearing on the requests of TVK Properties LLC to rezone 3.56 acres, more or less, of land located in part of the NW ¼ NW ¼ of Section 3-74-44 and part of the NE ¼ NE ¼ of Section 4-74-44, City of Council Bluffs, Pottawattamie County, Iowa, lying southeast of Nebraska Avenue, northeast of South 35th Street and north of Union Pacific Railroad right-of-way, from P-C/Planned Commercial District to I-2/General Industrial District; and to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying said property described above from ‘Regional Commercial’ to ‘Light Industrial.’</p> <p>Location: Undeveloped land located immediately west of 3319 Nebraska Avenue.</p>		
<p style="text-align: center;">Background</p> <p>The Community Development Department has received an application from TVK Properties LLC to rezone 3.56 acres, more or less, of land located in part of the NW ¼ NW ¼ of Section 3-74-44 and part of the NE ¼ NE ¼ of Section 4-74-44, City of Council Bluffs, Pottawattamie County, Iowa, lying southeast of Nebraska Avenue, northeast of South 35th Street and north of Union Pacific Railroad right-of-way, from P-C/Planned Commercial District to I-2/General Industrial District; and to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying said property described above from ‘Regional Commercial’ to ‘Light Industrial.’</p> <p>The purpose of this request is to allow for the development of an ‘equipment repair’ establishment on the subject property. The proposed operation would consist of dynamometer services for passenger vehicles, pickup trucks, semi-trucks and tractors, as well as diesel particulate filter (DPF) cleaning services. Since ‘equipment repair’ is not a permitted use in the P-C District, the applicant is requesting to rezone the property to the I-2 District, which would allow such operation as a principal use.</p> <p><u>Land Use and Zoning</u></p> <p>The following zoning and land uses surround the subject properties:</p> <p style="padding-left: 40px;">North/Northwest: A gas station/convenience store (Casey’s) that is zoned P-C/Planned Commercial District; undeveloped land that is also zoned P-C/Planned Commercial District; and an</p>		

South: equipment rental establishment (Duke Rentals), a contractor shop (Dennis Supply) and a golf cart dealer (B&D Turf Cars), all of which are zoned I-2/General Industrial District. A multi-tenant commercial/industrial building, which is zoned I-2/General Industrial District.

East: A multi-tenant commercial/industrial building, which is zoned I-2/General Industrial District.

The future land use plan of the Bluffs Tomorrow: 2030 (Comprehensive Plan) designates the subject property as 'Regional Commercial. The applicant is requesting to reclassify the subject property from 'Regional Commercial' to 'Light Industrial' to ensure the proposed rezoning is consistent with the Bluffs Tomorrow: 2030 Plan.

Public notices were mailed to all property owners within 200 feet of the request. No comments have been received by the Community Development Department as of the date of this report.

All City Departments and local utilities were notified of the proposed rezoning. The following comments were received:

- The Council Bluffs Permits and Inspections Division stated they had no issues with the request. They also stated there are no floodplain issues since the site is located within a Flood Zone X.
- The Council Bluffs Public Works Department stated they have no comments on the request.
- The Council Bluffs Fire Department stated they have no comments on the request.
- Council Bluffs Water Works stated they have no comments on the request.
- Mid-American Energy Company stated they have no conflicts or concerns with the request. They also stated the developer or their agents should contact MidAmerican Energy Company directly to discuss the project timeline, provide detailed plans, and identify all costs associated with relocating or extending facilities to accommodate and serve the development.

Discussion

1. The subject property is an irregularly shaped lot that contains 3.56 acres, more or less, of land, which exceeds the minimum lot size requirements of the I-2/General Industrial District.
2. Section 15.03.264 of the Council Bluffs Municipal Code (Zoning Ordinance) defines 'equipment repair' as "the repair of trucks, semitrailers, tractors, construction equipment and similar heavy equipment." The proposed dynamometer/DPF cleaning services operation, as described in the letter of intent provided by the applicant (see Attachment 'B'), meets the definition of 'equipment repair.' Since 'equipment repair' is not a permitted use in the P-C/Planned Commercial District, the proposed rezoning to the I-2 District is necessary to allow such operation to occur on the subject property.
3. The applicant has provided two conceptual plans for the proposed dynamometer/DPF cleaning services operation. The first concept consists of a single building that would include a showroom, a workshop, a warehouse, and office space (see Attachment 'C'); the second concept shows that the proposed operation would be conducted in two separate buildings (see Attachment 'D'). If the proposed rezoning is approved, any construction that occurs on the subject property shall conform to the site development standards in Section 15.21.050, Site Development Regulations in the I-2 District, of the Council Bluffs Municipal Code (Zoning Ordinance).
4. In 1928, the subject property and the surrounding area were zoned F-Open Space. With the adoption of the 1965 Council Bluffs Zoning Map, the designation was changed to general manufacturing. On February 12, 2007, City Council approved a request from the current property owner, Charles J. Vacanti, to rezone the subject property from I-2 District to P-C District via Ordinance No. 5911 (see Case #ZC-06-018). The purpose of the request was to allow for the development of a hotel/motel. However, the subject property was

never developed, and it is currently vacant. If the proposed rezoning is approved, the subject property would revert back to being zoned for industrial purposes.

5. Surrounding properties to the north, south and east of the subject property are zoned I-2 District. Existing land uses in the general vicinity are primarily industrial in nature, such as contractor yards, wholesalers, trucking companies and manufacturing. The proposed 'equipment repair' establishment and other uses allowed in the I-2 District would be compatible with the existing industrial uses surrounding the site.
6. The subject property is located within an established industrial area of the city, isolated from other properties zoned P-C District. There is already a sufficient amount of land zoned P-C District in the general vicinity of the subject property that would allow for commercial/retail development in the area. Based on current development patterns, the Community Development Department finds that the best use of the subject property would be for industrial purposes.
7. The Bluffs Tomorrow 2030 (Comprehensive Plan) designates the subject property as 'Regional Commercial,' which is intended for significant commercial development in high visibility areas. The applicant is requesting to reclassify the subject property to the 'Light Industrial' classification, which is intended for areas used for industrial purposes that create minimal impacts on surrounding uses. The Community Development Department has no objections to the proposed comprehensive plan amendment. The subject property is a suitable site for industrial development since it is located within an established industrial area of the city near the I-29/Nebraska Avenue interchange. Additionally, any construction that occurs on the subject property has to be located on the east side of the lot due to its irregular shape, which would bring development closer to the existing industrial uses in the surrounding area. As such, the 'Light Industrial' classification is an appropriate designation for the subject property. The I-2 District is generally consistent with the 'Light Industrial' classification.
8. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate the uses permitted in the I-2 District.

Recommendation

The Community Development Department recommends approval of the requests of TVK Properties LLC to rezone 3.56 acres, more or less, of land located in part of the NW ¼ NW ¼ of Section 3-74-44 and part of the NE ¼ NE ¼ of Section 4-74-44, City of Council Bluffs, Pottawattamie County, Iowa, lying southeast of Nebraska Avenue, northeast of South 35th Street and north of Union Pacific Railroad right-of-way, from P-C/Planned Commercial District to I-2/General Industrial District; and to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying said property described above from 'Regional Commercial' to 'Light Industrial,' based on the reasons stated above.

Attachments

Attachment A: Location/Zoning Map
Attachment B: Letter of Intent
Attachment C: Site Layout Plan – Concept #1
Attachment D: Site Layout Plan – Concept #2

Prepared by: Moises Monrroy, Planner, Community Development Department

Legend

Subject Property

0 60 120

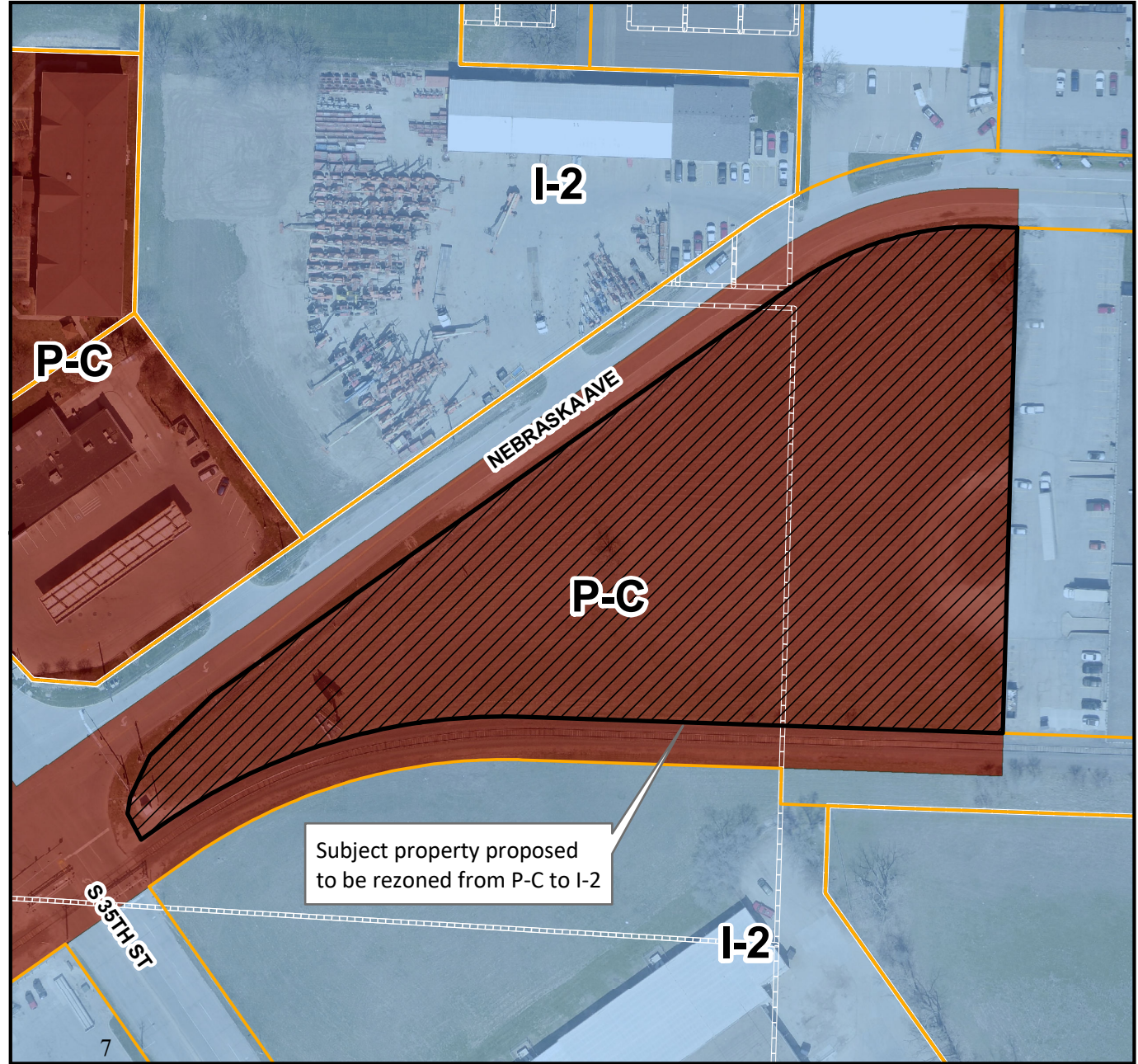
1 Inch = 125 Feet

Last Amended: 5/20/2022

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

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About Us

TVK Properties, LLC is a brand-new business owned by Jakub Klobasa and established in Iowa recently as a daughter company to **AgroEcoPower, LLC** with operations since 2014 in the USA and since 2006 in the Czech Republic, other 8 European countries, USA, and Canada.

However, the very mother company is **X-Tuning** which is one of the most professional companies for ECM software modification in Central Europe with history going back to 1999. Also owned and established by Jakub Klobasa.

Since 2014, **AgroEcoPower, LLC** has served over 10,000 US customers nationwide and is considered #1 Professional ECM Tuning company in the US market. The biggest base of our customers comes out of Iowa, Nebraska, and other Midwestern states (SD/ND/MN/IL/WI/MO/MI/IN/OH/OK/KS). It is also the reason for building our representative center in Council Bluffs, IA.

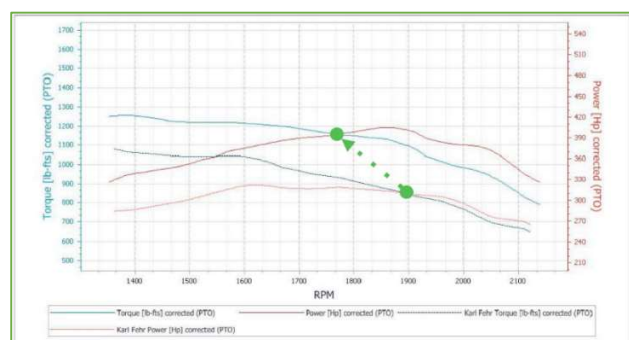
TVK Properties, LLC will help to extend operations from agricultural industry only to pickup-truck and semi-trucks industry and will act only as the building owner. Nevertheless, the final brand name for our representative center has not been decided yet. *EDG World* is one of considered names (EDG=Emissions-Diesel-Gas).

DPF (Diesel Particulate Filter) Cleaning Project is environmentally friendly, in compliance with EPA standards and helps vehicle owners and operators to save money on replacing costly emission systems. We will simply clean the filter and it can be put in place again instead of replacing the whole system.

Dynamometer services help customers understand where their vehicles stand before and after the software modification in terms of power and torque parameters. By increasing power and torque, we help our customers save fuel by up to 20%.

What makes us different?

- 20+ Years of experience
- Custom Made tunes
- Tune done in less than an hour
- Dyno measurement and testing
- Diagnostics opportunity
- Apps with all machines
- 30 days trial period
- Lifetime guarantee



Dynamometer chart proves power and torque uplift + fuel savings

Social Networking

FB: @agroecopowerusa YT: @agroecopower IG: @aep_usa WEB: www.agroecopower.com

Contact Person:

Lukas Pavel, Country Manager
563.940.0421, lukas.pavel@agroecopower.com



Office Building + Workshop

- This building should have a representative customer room that will serve our customers and visitors
- The next part will be the administrative part, where there should be an office space used for the back office of all activities that will take place in the building

Areas/Operations within the building will be:

- 1) Dynamometer (dyno) for semi-trucks
- 2) Dynamometer (dyno) for pickup trucks
- 3) DPF (Diesel Particulate Filter) Cleaning, a workshop where DPF systems can be disassembled, cleaned, and reassembled

Dynamometers are all produced in Europe by ATX, s.r.o. (another of Jakub Klobasa's businesses), delivered to the USA and will be used to measure the performance and the torque of any semi-trucks, pickup-trucks, or tractors before and after the certified software modification. No extra noise expected during measuring process since just a regular engine running will be performed and measured.

Warehouse

- This building will be a storage space for spare parts for passenger vehicles, pickup trucks, semi-trucks, and a central location for a future US E-shop which will operate throughout the USA
- We plan to build loading zones for trailers and semi-truck raids

Even though it is a commercial/industrial space, we would like to preserve elements of nature and overall civic accessibility in some style (parking lots for customers, good accessibility for arriving trucks, etc.). With this project we want to create new jobs, which will have a positive effect on local economy.

Our HQ in the Czech Republic





Dynamometers for tractors



Dynamometer for semi-trucks and pickup trucks



DPF Cleaning Station



Land layout

Length unit: 1 ft



Schéma využití plochy

Délková jednotka: 1 m





Schéma využití plochy

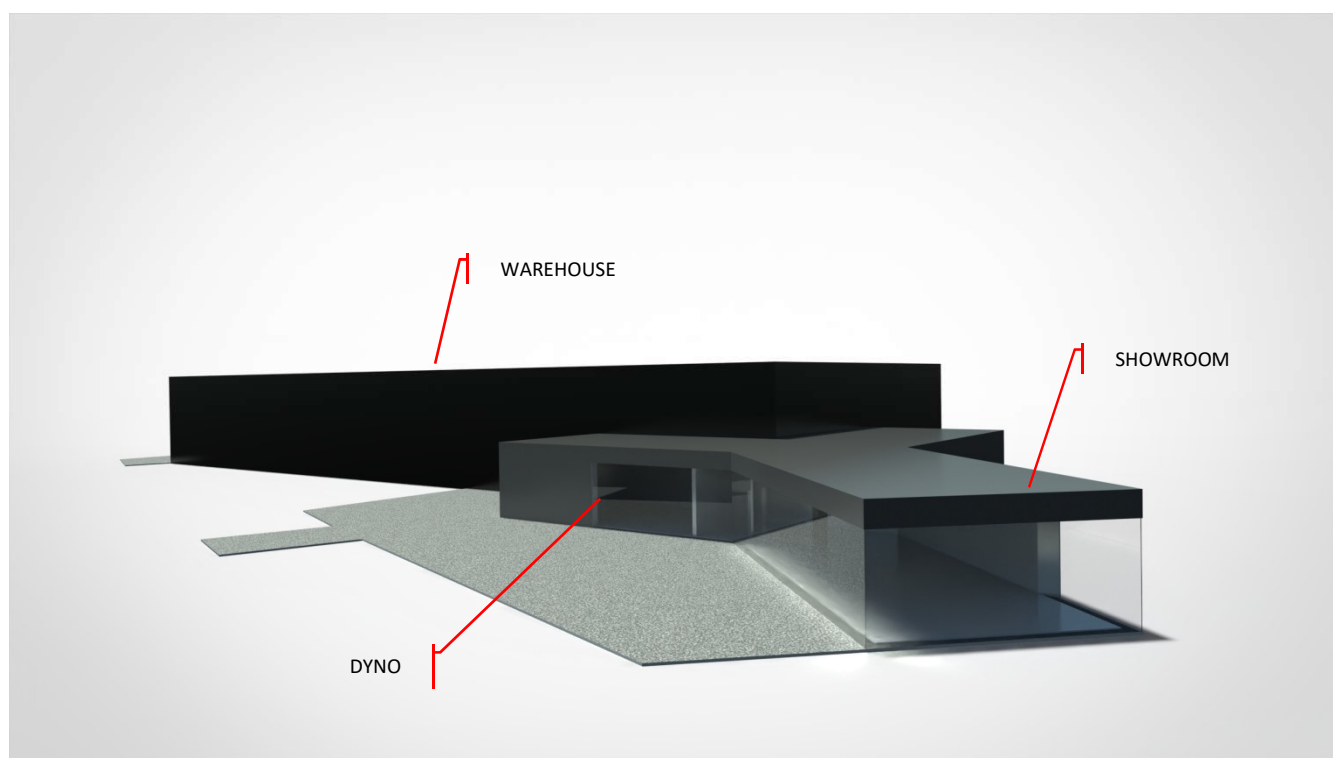




Schéma využití plochy

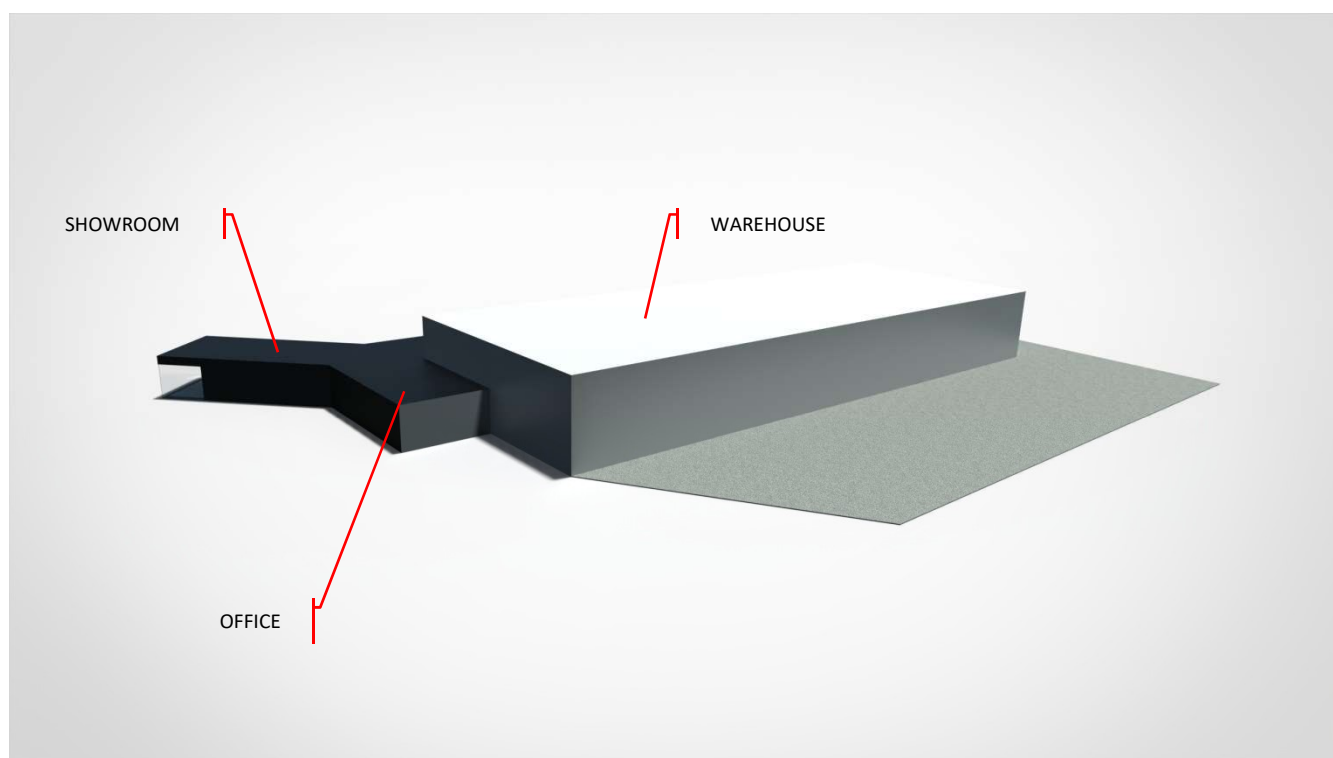




Schéma využití plochy

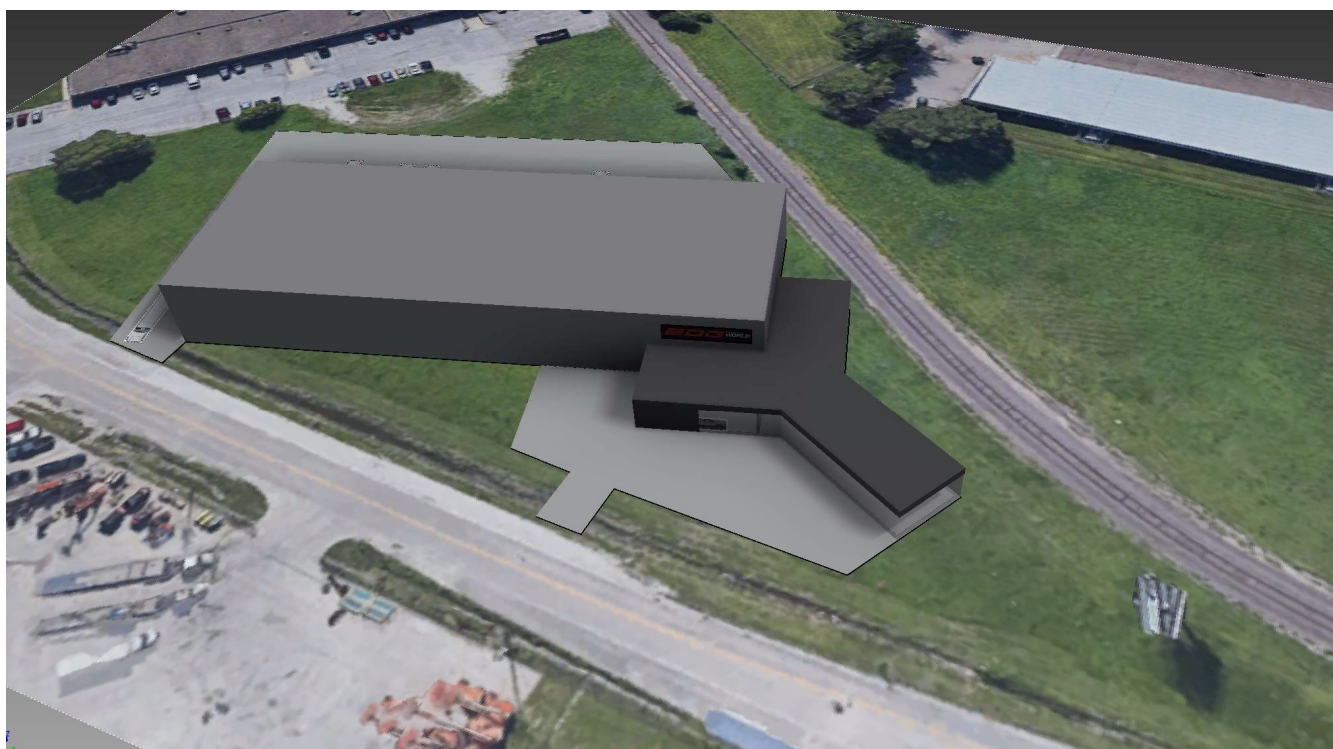


Schéma využití plochy

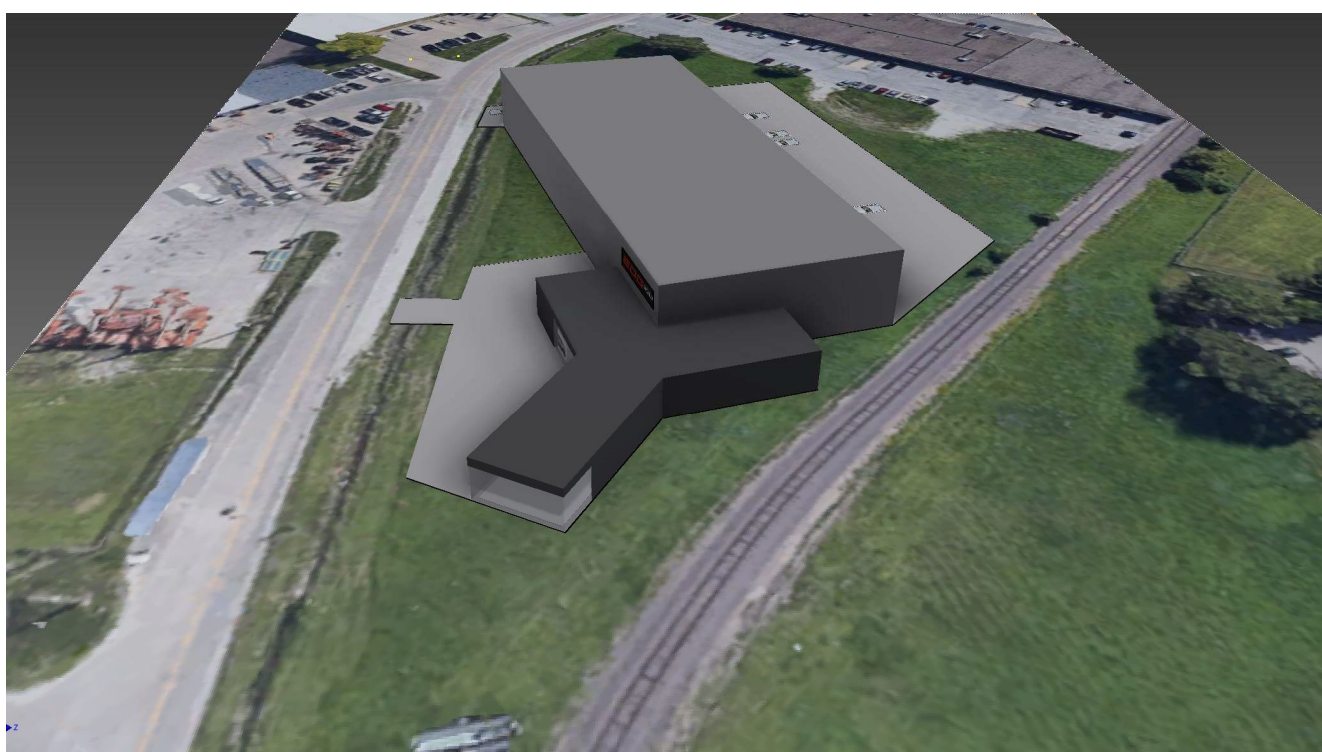
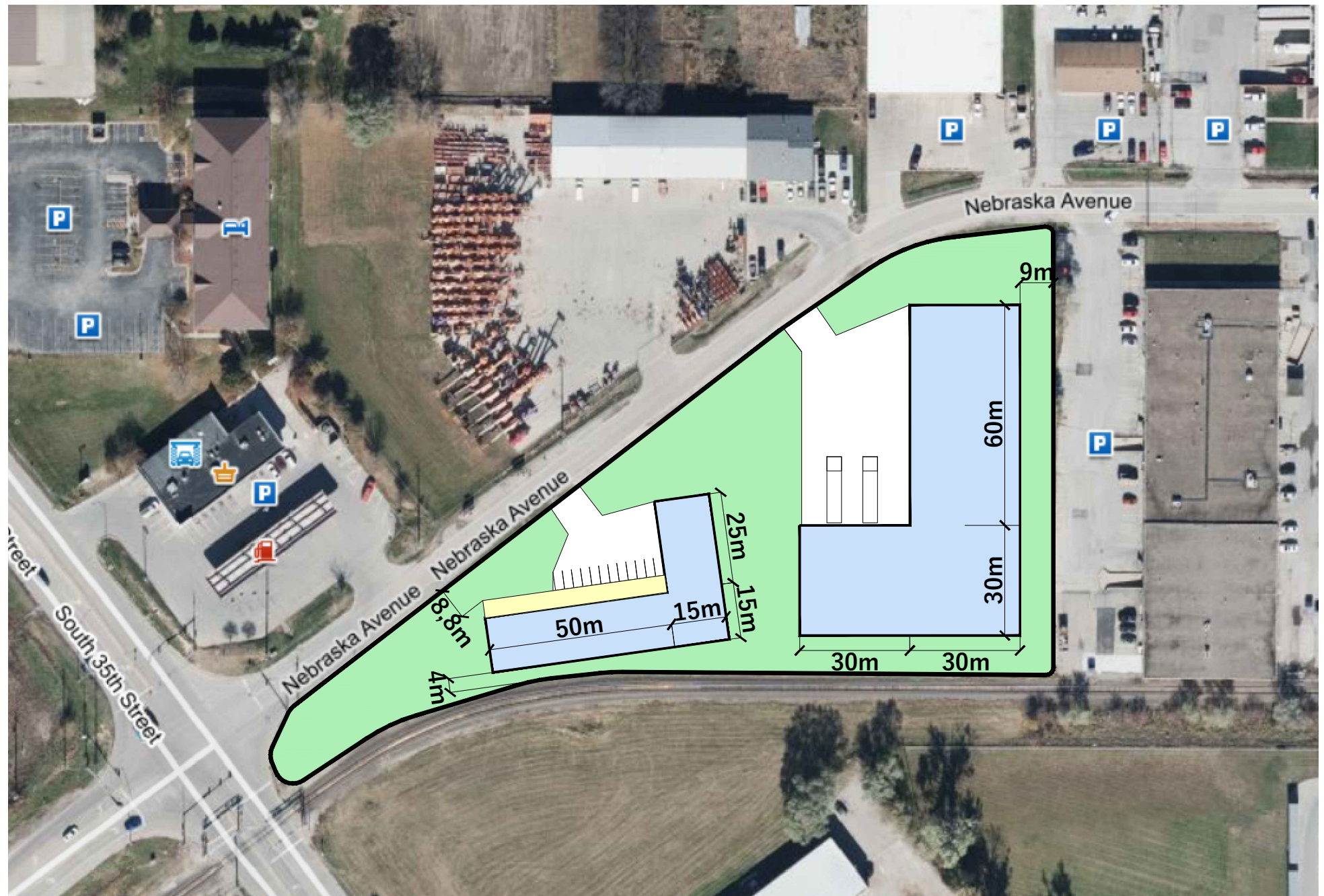


Schéma využití plochy



Schéma využití plochy





Planning Commission Communication

Department: Community
Development

Case/Project No.: SAV-22-003

CASE #SAV-22-003

Council Action: 6/14/2022

Submitted by: Brandon Siracuse,
Planner

Description

Public hearing on the request of Michael and Kimberly Gorman to vacate and dispose of the east/west alley between Lot 1 and Lots 15-21, Block 3, Morningside Addition, City of Council Bluffs, Pottawattamie County, Iowa. Location: Unimproved alley lying south of 123 and 131 Gould Avenue.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description

Staff Report & Attachments

Type

Other

Upload Date

6/7/2022

Planning Commission Communication

Department: Community Development Case #SAV-22-003 Applicant/Property Owner: Michael and Kimberly Gorman 275 Morningside Avenue Council Bluffs, IA 51503	Reso. of Intent No. _____ Reso. to Dispose No. _____	Planning Commission: 6/14/2022 Set Public Hearing: Public Hearing:
Subject/Title		
<p>Request: Public hearing on the request of Michael and Kimberly Gorman to vacate and dispose of the east/west alley between Lot 1 and Lots 15-21, Block 3, Morningside Addition, City of Council Bluffs, Pottawattamie County, Iowa.</p> <p>Location: Unimproved alley between Judd Street and Gould Avenue</p>		
Background/Discussion		
<p>The Community Development Department has received an application from Michael W. and Kimberly I. Gorman to vacate and dispose of the east/west alley between Lot 1 and Lots 15-21, Block 3, Morningside Addition, City of Council Bluffs, Pottawattamie County, Iowa. The subject right-of-way is unimproved and measures approximately 14 feet in width by 310 feet in length. Attachment ‘A’ contains a location/zoning map.</p> <p>The applicants own the property located at 275 Morningside Avenue and were interested in splitting Lot 1 from their property to build a new home on said lot. Because the subject alley is unimproved and not maintained by the City, the applicants wanted to acquire the half of the alley adjacent to their property in order to expand their property’s width. Initially, the additional width was intended to make construction more feasible on Lot 1. The Fire Department has since informed the applicants that emergency access is not possible to Lot 1 due to the constrained width of Judd Street, and the applicants have decided not to move forward with developing Lot 1. Despite this, the applicants remain interested in acquiring their portion of the alley since it is not maintained by the City.</p> <p>On August 25, 2003, the City Council amended the adopted Policy and Procedures for Alley, Street and Right-of-way Vacations. The objectives of the amended Policy are as follows:</p> <p><i>1. To provide due process and citizen participation in the application and review process for vacations.</i></p> <p>There are three property owners with land that abuts the subject right-of-way. The owners of these properties are as follows:</p> <p>South:</p> <ul style="list-style-type: none"> • Residential property owned by Michael W. and Kimberly I. Gorman (275 Morningside Avenue) <p>North:</p> <ul style="list-style-type: none"> • Residential property owned by Edward John Evezic (131 Gould Avenue) • Residential property owned by Lynn P. Manhart (123 Gould Avenue) 		

All abutting property owners were mailed petitions asking if they are in favor of/opposed to the vacation request and if they are willing/not willing to acquire the portion of the subject alley adjacent to their property, if vacated. Responses to these petitions are summarized in Comment #10 below.

2. *To ensure that no property owner is deprived of required and reasonable access.* The subject alley abuts three parcels of land, which are comprised of multiple existing lots of record. All parcels have access to either Judd Street or Gould Avenue. However, the westerly portion of the alley is used by the owner of 131 Gould Avenue for parking outside of a detached garage located on the southeast corner of the property (see photos below). The garage itself is in poor physical condition and is reportedly not used, but the property owner does park outside the garage in the westerly end of the alley. Other neighbors in the area may also use the western part of the subject alley for parking. Access to the subject alley for vehicle parking is partially facilitated by an easement established over a westerly portion of Lot 1 abutting Judd Street in 1939, which was granted after the City Council passed Ordinance 3013 vacating a portion of the alley that is now Judd Street (see Attachment B). The property located at 131 Gould Avenue has on-site parking accessible from Gould Avenue, so it is not essential that the alley be used for access to the property. However, to ensure that historic parking access in this location is maintained, the Community Development Department recommends that an access easement be established over the westerly portion of the subject alley, commencing at a point along the southerly side of the subject alley 42 feet east from the northwest corner of Lot 1, Block 3, Morningside Addition, City of Council Bluffs, Pottawattamie County, Iowa (see Attachment C).



3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way.* Vacating the subject alley would not create any new dead ends. Judd Street technically connects to the subject alley currently, but it functionally dead ends at the northerly lot line of Lot 9 since the subject alley is forested to an extent that vehicular traffic through the alley is not possible. The existing and proposed access easements (see Comment #2) will provide sufficient room to turn a passenger vehicle around at the northern terminus of Judd Street.
4. *To reduce or eliminate hazardous and dangerous traffic conditions.* The subject alley is fully unimproved and is mostly forested. Vacating the subject alley would not impact traffic conditions.
5. *To protect all existing and proposed public utilities located in the right-of-way and to maintain necessary utility easements.*

All City Departments and utilities were notified of the request. The following responses were received:

- The Council Bluffs Building Permits and Inspections Division stated they have no issues regarding the request.

- The Council Bluffs Fire Department stated they have no issues with the alley vacation itself, but there are significant issues for fire access that would make it impossible to build on Lot 1 under current fire code.
- The Council Bluffs Parks and Recreation Department stated they have no comments regarding the request.
- The Council Bluffs Public Works Department stated that they are not opposed to the request and that they do not have any infrastructure within the subject alley.
- MidAmerican Energy stated that they have no conflicts with the requested alley vacation.
- Cox Communications stated they have no objections to the proposal.
- Lumen stated they have no facilities within the subject alley and do have any issues with vacating the alley.
- Council Bluffs Water Works stated they have no comments regarding the alley vacation request.

6. *To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.* Not applicable.
7. *To discourage the vacation of a portion of an existing alley, street or other right-of-way.*
The proposal is to vacate the entirety of the subject east/west alley.
8. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.* The request is consistent with the local access and circulation objectives stated in Chapter 6, Transportation of the Bluffs Tomorrow: 2030 Plan (comprehensive plan).
9. *To reduce the City's maintenance liability on previously vacated right-of-way parcels from public improvement projects and various lots acquired through delinquent taxes or assessments.* Not applicable.
10. *To establish an equitable price for surplus public property.* There are three property owners with land that abuts the subject right-of-way. All abutting property owners were notified of the vacation request. Each abutting property owner is eligible to receive their portion of the alley in consideration of the vacation application fee, which has already been paid. The following responses were received:
 - Michael W. and Kimberly I. Gorman stated they are in favor of the request and are willing to acquire the portion of right-of-way adjacent to their property at 275 Morningside Avenue at no cost.
 - No response was received from the following property owners as of the date of this report:
 - Edward John Evezic (131 Gould Avenue)
 - Lynn P. Manhart (123 Gould Avenue)

Recommendation

The Community Development Department recommends approval of the request to vacate and dispose of the east/west alley between Lot 1 and Lots 15-21, Block 3, Morningside Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

1. An access easement shall be retained over the westerly portion of the subject alley commencing at a point along the southerly side of said alley 42 feet east from the northwest corner of Lot 1, Morningside Addition, City of Council Bluffs, Pottawattamie County, Iowa;
2. All portions of the subject right-of-way shall be disposed of to an abutting property owner(s).

Attachments

Attachment A: Location and Zoning Map
Attachment B: Ordinance 3013 and associated easement agreement
Attachment C: Map of existing and proposed access easements

Prepared by: Brandon Siracuse, Planner, Community Development Department

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION

CASE #SAV-22-003 LOCATION/ZONING MAP

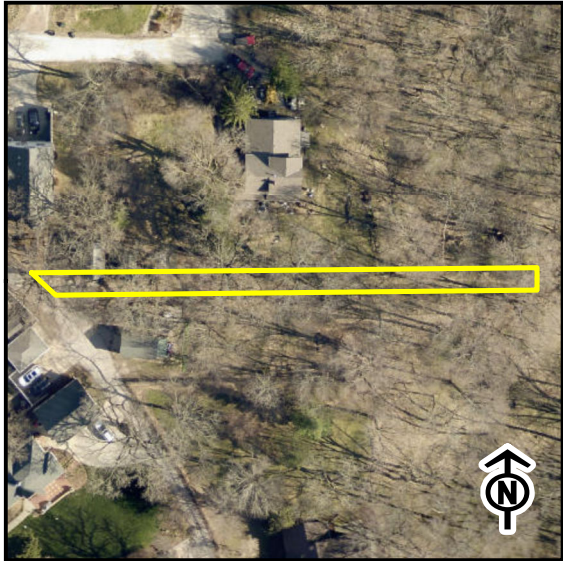


Subject Alley Case #SAV-22-003



Parcels

0 40 80
1 Inch = 83 Feet



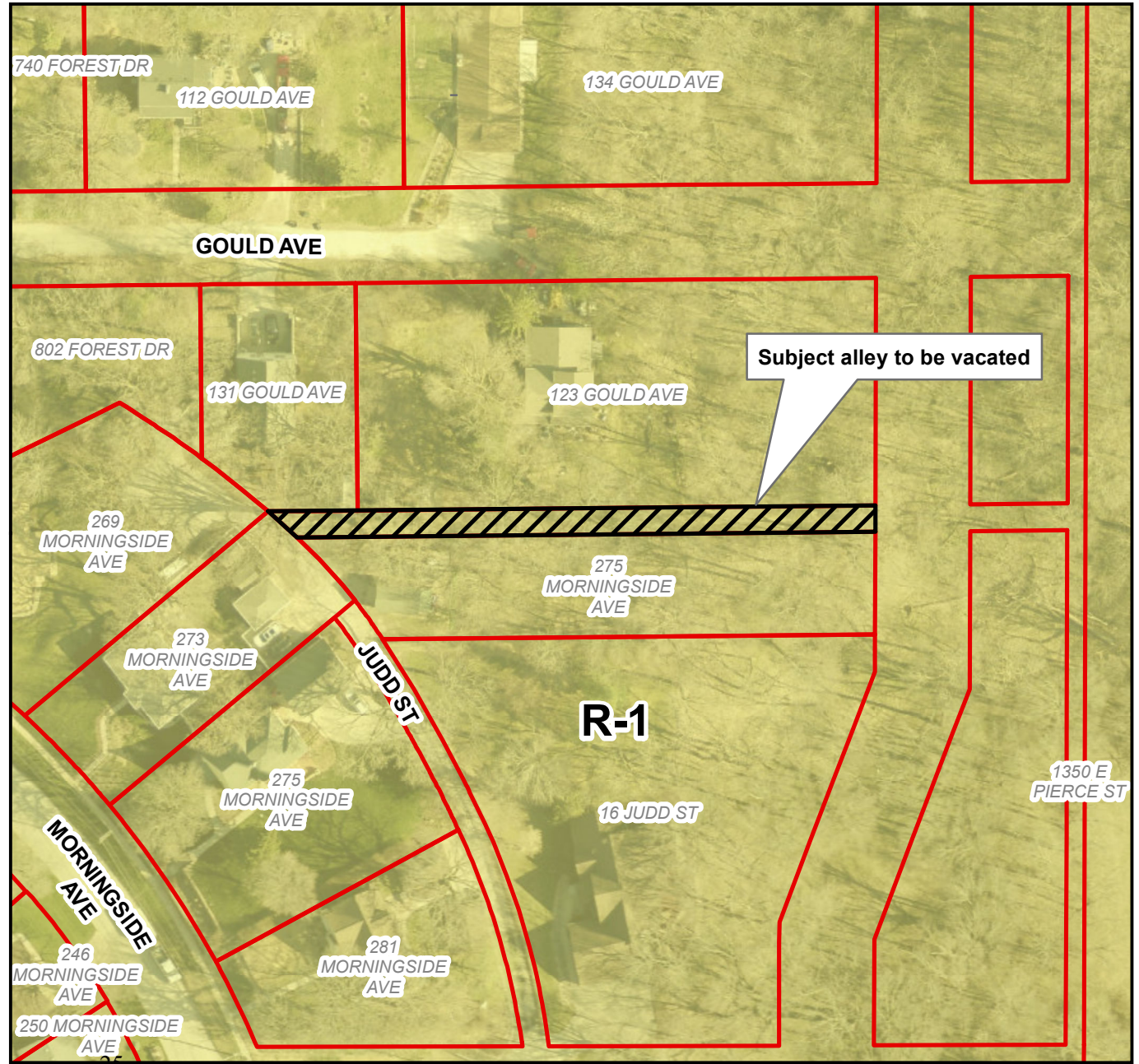
Last Amended: 5/20/22



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

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Copied

ORDINANCE NO. 3013

AN ORDINANCE VACATING THAT PART OF THE PUBLIC ALLEY WHICH RUNS IN A GENERAL NORTHERLY DIRECTION BETWEEN JUDD STREET AND GOULD AVENUE, COMMENCING AT THE NORTH LINE OF LOT NINE (9), BLOCK THREE (3), MORNINGSIDE ADDITION TO THE CITY OF COUNCIL BLUFFS, IOWA, THENCE NORTH TO ITS NORTHERLY TERMINUS AT GOULD AVENUE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That the public alley fourteen (14) feet wide which runs in a general northerly direction between Judd Street and Gould Avenue, commencing at the north line of Lot Nine (9), Block Three (3), Morningside Addition to the City of Council Bluffs, Iowa, thence north to its northerly terminus at Gould Avenue, be and the same is hereby vacated.

Section 2. That the title in and to said above described portion of said alley hereinabove vacated be and the same is hereby vested in and conveyed to the owners of the abutting lots as their interest may appear.

Section 3. That the City Clerk is hereby authorized to certify a copy of this ordinance for record to the County Recorder of Pottawattamie County, Iowa,

Passed July 10 1939

Approved July 11 1939

Sumner
Mayor of the City of Council Bluffs, Iowa

ATTEST:

Geo. H. Henderson
Clerk of the City of Council Bluffs, Iowa

Approved as to Form:

Proctor H. Perkins
City Solicitor

E A S E M E N T

THIS INDENTURE made this 6th day of July,
1939, by and between Dorothy Stuart, Widow

OF Council Bluffs Iowa, Party of the First Part,
hereinafter referred to as the Grantor, and City of Council
Bluffs, Iowa, a municipal corporation organized and existing
under the general laws of the State of Iowa, appertaining to
cities and towns, Party of the Second Part, hereinafter re-
ferred to as the Grantee, WITNESSETH:

WHEREAS, the Grantor is the owner in fee simple of the
following described real estate situated in the City of Council
Bluffs, County of Pottawattamie, State of Iowa, to-wit:

Commencing at the northwest corner of Lot
One (1), Block Three (3), Morningside Addi-
tion to the City of Council Bluffs, Iowa,
running thence east along the north side of
said lot a distance of 42 ft., thence south
46.7 ft. to a point on the easterly side of
alley, thence northwesterly along the east-
erly side of said alley a distance of 62.5
ft. to place of beginning

AND WHEREAS, Grantor has agreed in consideration of the
sum of One Dollar and other good and valuable consideration
paid by the Grantee, the receipt of which by the Grantor is
hereby acknowledged, to grant to the Grantee an easement for
public road purposes,

NOW THIS INDENTURE WITNESSETH that in consideration
of said One Dollar paid by the Grantee to the Grantor and for
other good and valuable consideration the Grantor hereby grants
unto the Grantee in perpetuity full and free right and authority
to use the above-described land as a public alley or way and
to have and to hold said strip of land unto the said Party of

the Second Part for the uses and purposes of a public way or alley.

In Witness Whereof, the Grantor has hereunto set his hand the day and year first above written.

Dorothy Stuart
~~x Executed by D. E. Stuart estate~~
a widow


STATE OF IOWA }
COUNTY OF POTTAWATTAMIE } SS.


On this 6th day of July, A. D. 1939, before me, a Notary Public in and for Pottawattamie County, Iowa, personally appeared Dorothy Stuart,
a widow,
to me known to be the person named in and who executed the foregoing instrument and acknowledged that she executed the same as her voluntary act and deed.

Harvey Chernick
Notary Public in and for said County.

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION

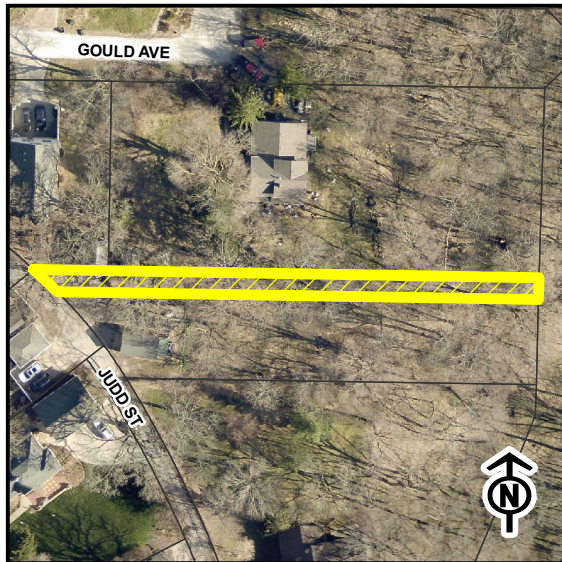
CASE #SAV-22-003 EASEMENT MAP

 Subject Alley Case #SAV-22-003

 Proposed Easement

 Existing Easement

0 12.5 25
1 Inch = 27 Feet

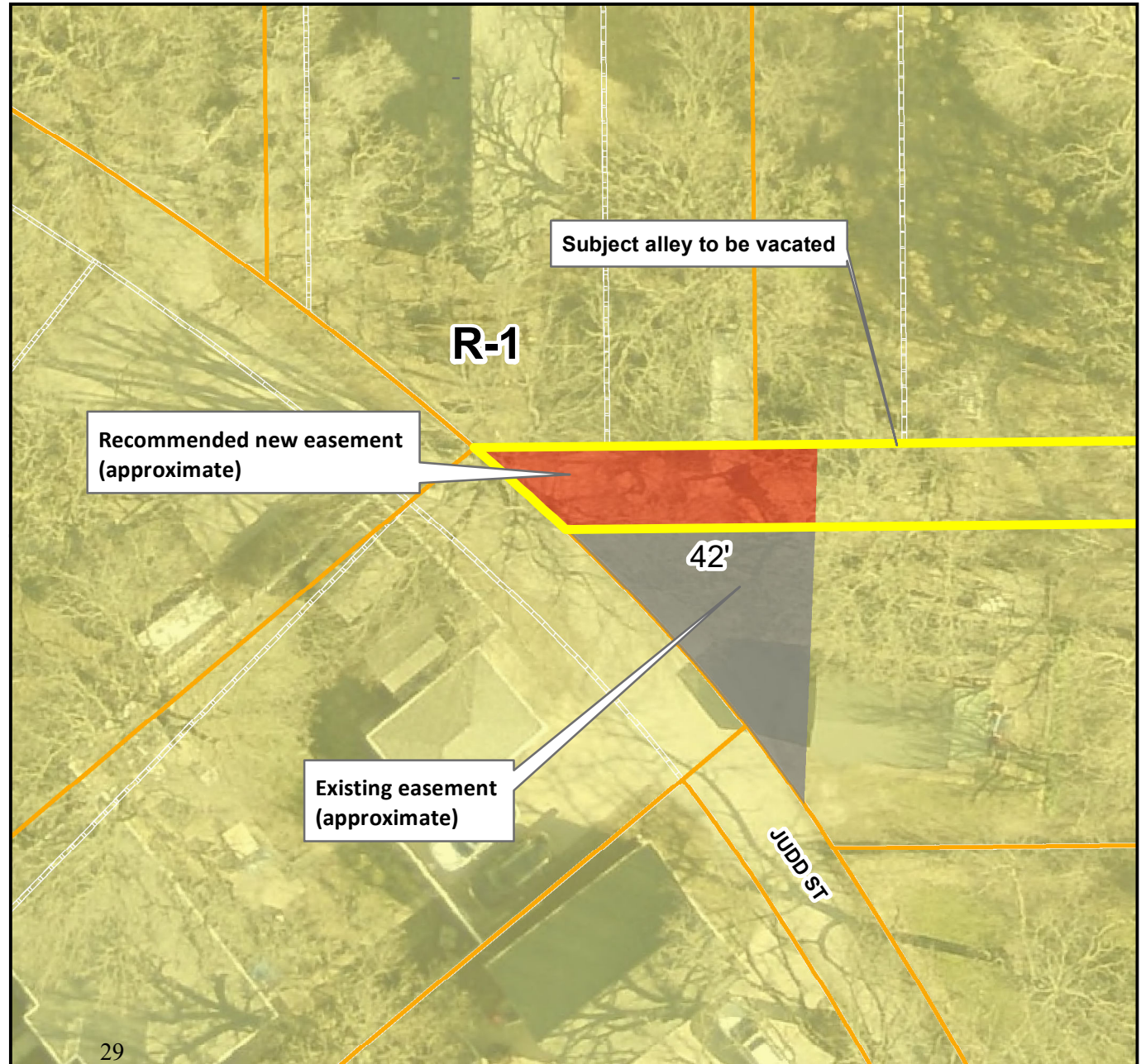


Last Amended: 6/2/2022



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

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Planning Commission Communication

Department: Community

Development

Case/Project No.: ZT-22-004

CASE #ZT-22-004

Council Action: 6/14/2022

Submitted by: Haley Weber,

Planner

Description

Public hearing on the request of the City of Council Bluffs to amend several sections of Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance), as follows: amend Section 15.12.020, Principal Uses; Section 15.14.020, Principal Uses; Section 15.16.020, Principal Uses; Section 15.17.020, Principal Uses; Section 15.19.020, Principal Uses; and Section 15.22.020, Principal Uses, to allow "consumer fireworks sales" as a principal use in the MCR, C-1, C-3, C-4, P-I, and I-3 Districts; and amend Section 15.12.060, Additional Regulations; Section 15.14.060, Additional Regulations; Section 15.16.060, Additional Regulations; Section 15.17.060, Additional Regulations; Section 15.19.080, Additional Regulations; and Section 15.22.060, Additional Regulations, to require a minimum 300 foot separation distance between a temporary structure used for consumer fireworks sales and a residential structure.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description

Type

Upload Date

Staff Report & Attachments

Other

6/7/2022

Planning Commission Communication

Department: Community Development Department CASE #ZT-22-004 Applicant: Community Development Department	Ordinance No. _____	Planning Commission: 6/14/2022
Subject/Title		
<p>Request: Public hearing on the request of the City of Council Bluffs to amend several sections of Title 15: <u>Zoning</u> of the Council Bluffs Municipal Code (Zoning Ordinance), as follows: amend Section 15.12.020, Principal Uses; Section 15.14.020, Principal Uses; Section 15.16.020, Principal Uses; Section 15.17.020, Principal Uses; Section 15.19.020, Principal Uses; and Section 15.22.020, Principal Uses, to allow "consumer fireworks sales" as a principal use in the MCR, C-1, C-3, C-4, P-I, and I-3 Districts; and amend Section 15.12.060, Additional Regulations; Section 15.14.060, Additional Regulations; Section 15.16.060, Additional Regulations; Section 15.17.060, Additional Regulations; Section 15.19.080, Additional Regulations; and Section 15.22.060, Additional Regulations, to require a minimum 300 foot separation distance between a temporary structure used for consumer fireworks sales and a residential structure.</p>		
Background		
<p>On April 21, 2022 Iowa Senate Bill 2285 passed which allows for the sale of consumer fireworks in all locations zoned for commercial and industrial purposes in Iowa. In response to this bill, the Community Development Department is proposing to amend Title 15: Zoning of the Council Bluffs Municipal Code to allow ‘consumer fireworks sales’ as a principal use in all of the city’s commercial and industrial zoning districts.</p> <p>Per Section 15.03.171a, “<i>Consumer Fireworks Sales</i>” are defined as, “<i>the sale of first-class and second-class consumer fireworks as defined in Iowa Code §727.2.</i>” ‘Consumer fireworks sales’ are currently allowed as a principal use in the C-2/Commercial District, P-C/Planned Commercial District, I-1/Light Industrial District, and I-2/General Industrial District. ‘Consumer fireworks sales’ are also regulated by the International Fire Code (IFC), which requires a 300-foot separation distance between ‘consumer fireworks sales’ in a temporary structure (e.g. tent) and a residential use.</p> <p>The following text amendments are proposed to allow “consumer fireworks sales” as a principal use in all remaining commercial and industrial districts and include the IFC’s separation distance requirement:</p> <ul style="list-style-type: none"> • Amend Section 15.12.20, Principal Uses, of the MCR/Mixed Commercial-Residential District by adding “Consumer Fireworks Sales” as a principal use and Section 15.12.060, Additional Regulations, of the MCR/Mixed Commercial-Residential District by adding the following language: <div style="margin-left: 40px;"><i>Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure;</i></div> • Amend Section 15.14.020, Principal Uses, of the C-1/Commercial District by adding “Consumer Fireworks Sales” as a principal use and Section 15.14.060, Additional Regulations, of the C-1/Commercial District by adding the following language: 		

Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure;

- Amend [Section 15.16.020](#), Principal Uses, of the C-3/Commercial District by adding “Consumer Fireworks Sales” as a principal use and Section 15.16.060, Additional Regulations, of the C-1/Commercial District by adding the following language:

Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure;

- Amend [Section 15.17.020](#), Principal Uses, of the C-4/Commercial District by adding “Consumer Fireworks Sales” as a principal use and Section 15.17.060, Additional Regulations, of the C-1/Commercial District by adding the following language:

Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure;

- Amend [Section 15.19.020](#), Principal Uses, of the P-I/Planned Industrial District by adding “Consumer Fireworks Sales” as a principal use and Section 15.19.080, Additional Regulations, of the C-1/Commercial District by adding the following language:

Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure; and

- Amend [Section 15.22.020](#), Principal Uses, of the I-3/Heavy Industrial District by adding “Consumer Fireworks Sales” as a principal use and Section 15.22.060, Additional Regulations, of the C-1/Commercial District by adding the following language:

Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

All City Departments and local utilities were notified of the proposed text amendment. No adverse comments were received as of the date of this report.

The Community Development Department noted that ‘consumer fireworks sales’ are subject to Section 15.23, *Off-Street Parking, Loading, and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance) and that staff will be responsible for continuing to ensure that all consumer firework sales operations have adequate off-street parking.

Recommendation

The Community Development Department recommends approval of the request of the City of Council Bluffs to amend several sections of Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance), as follows: amend Section 15.12.020, Principal Uses; Section 15.14.020, Principal Uses; Section 15.16.020, Principal Uses; Section 15.17.020, Principal Uses; Section 15.19.020, Principal Uses; and Section 15.22.020, Principal Uses, to allow "consumer fireworks sales" as a principal use in the MCR, C-1, C-3, C-4, P-I, and I-3 Districts; and amend Section 15.12.060, Additional Regulations; Section 15.14.060, Additional Regulations; Section 15.16.060, Additional Regulations; Section 15.17.060, Additional Regulations; Section 15.19.080, Additional Regulations; and Section 15.22.060, Additional Regulations, to require a minimum 300 foot separation distance between a temporary structure used for consumer fireworks sales and a residential structure.

Attachments

Attachment A: Proposed Chapter 15.12, MCR/Mixed Commercial-Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment B: Proposed Chapter 15.14, C-1/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment C: Proposed Chapter 15.16, C-3/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment D: Proposed Chapter 15.17, C-4/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment E: Proposed Chapter 15.19, P-I/Planned Industrial District, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment F: Proposed Chapter 15.22, I-3/Heavy Industrial District, of the Council Bluffs Municipal Code (Zoning Ordinance)

Prepared by: Haley Weber Planner, Community Development Department

Chapter 15.12 - MCR/MIXED COMMERCIAL-RESIDENTIAL DISTRICT

15.12.010 Statement Of Intent

15.12.020 Principal Uses

15.12.030 Conditional Uses

15.12.040 Accessory Uses

15.12.050 Site Development Regulations

15.12.060 Additional Regulations

15.12.070 Development Plan Review Procedure

HISTORY

Adopted by Ord. 6398 on 9/9/2019

15.12.010 Statement Of Intent

The MCR district is intended to encourage an urban pattern of development characterized as "mixed-use" in order to promote human interaction, pleasing aesthetics, economic resiliency, efficient land use, and maximization of resources. The MCR district also supports and encourages a variety of transportation options for multiple modes of transportation. The MCR district is applicable to areas of the City where higher density residential and commercial uses are appropriate and where municipal utility infrastructure is readily available or can be extended by a project.

HISTORY

Adopted by Ord. 6398 on 9/9/2019

15.12.020 Principal Uses

The following principal uses shall be permitted in an MCR district:

1. Congregate housing, life care facility, or nursing home;
2. Community recreation services;
3. Dwelling, multifamily;
4. Dwellings, townhome (minimum four attached units);
5. Family home;
6. Group care home;
7. Mixed commercial/residential structure (containing one or more of the following uses);
 1. Business, professional office;
 2. Consumer service establishments (limited to the following):
 1. Accountants;
 2. Architects;
 3. Arts and crafts studio;
 4. Attorneys;
 5. Banks, savings and loans, and credit unions;
 6. Barber shops and beauty shops;
 7. Dress makers and tailors;
 8. Insurance agencies;
 9. Laundry and dry cleaning pick-up stations;
 10. Management consultants;
 11. Medical office or clinic for people;

- 12. Pet shops;
- 13. Photographers' studios;
- 14. Real estate office;
- 15. Travel agencies.
- 3. Retail Shopping Establishment (limited to the following):
 - 1. Antique stores
 - 2. Appliance, television and radio sales;
 - 3. Art galleries, commercial;
 - 4. Art supplies;
 - 5. Bakeries;
 - 6. Bicycle sales and repair shop;
 - 7. Bookstores;
 - 8. Candy and ice cream stores;
 - 9. Clothing, clothing accessories and dry goods;
 - 10. Department stores;
 - 11. Drug stores;
 - 12. Floor coverings;
 - 13. Florists;
 - 14. Furniture stores;
 - 15. Gift and card shop;
 - 16. Grocery, delicatessen, and specialty food store;
 - 17. Hardware, paint, and wallpaper stores;
 - 18. Jewelry, leather goods and luggage stores;
 - 19. Music stores;
 - 20. News and tobacco stores;
 - 21. Photographic equipment and supplies;
 - 22. Second hand store;
 - 23. Shoe stores;
 - 24. Sporting goods;
 - 25. Toy and hobby stores;
 - 26. Variety stores.
 - 27. "Retail shopping establishment" shall not be construed or interpreted to include any adult entertainment activities.
- 4. Other
 - 1. Religious assembly;
 - 2. Restaurant (limited, general);
 - 3. Tattoo parlor.
- 8. Park and recreation services;
- 9. Private parking lot;
- 10. Public parking lot;
- 11. Public safety services;
- 12. Consumer fireworks sales.

HISTORY

Adopted by Ord. 6398 on 9/9/2019

15.12.030 Conditional Uses

The following conditional uses shall be permitted in an MCR district, when authorized in accordance with the requirements set forth in Chapter 15.21 :

1. Mixed commercial/residential structure (containing one or more of the following uses):
 1. Any land use proposed with a drive-thru window;
 2. College or universities;
 3. Day care services;
 4. School
 5. Small alcohol production facility;
 6. Tavern.
2. Garage (private, public);
3. Government maintenance facility;
4. Local utility services.

HISTORY

Adopted by Ord. 6398 on 9/9/2019

15.12.040 Accessory Uses

The following uses shall be permitted in an MCR district:

1. Uses of land or structures customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

HISTORY

Adopted by Ord. 6398 on 9/9/2019

15.12.050 Site Development Regulations

Lots or parcels of land zoned MCR after the effective date of this chapter shall submit a development plan for consideration by the Planning Commission and City Council concurrent with the rezoning application. The development plan review shall follow the procedure stated in this Chapter, and all components of an approved development plan shall prevail over conflicting standards or regulations elsewhere in this Title. All proposed development projects shall include, but not be limited to, the following standard regulations as part of the associated development plan:

<p>Required Yards</p>	<p>Principal Structure The base of a principal structure shall be constructed within 10 feet of a property line that abuts a public right-of-way or a private street. The base of a principal structure may be as much as 20 feet from a public right-of-way or private street if the additional setback area is developed with active outdoor space (e.g. dining, courtyard, patios, etc.) between the building and public right-of-way and/or private street. Maximum interior and rear yards shall</p>	<p>Accessory Structure Minimum five (5) feet from rear or side property line and cannot be located between a building facade and any abutting public or private street.</p>
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	be determined as part of the adoption of a development plan.	
Maximum Height	Principal Structure 100 feet	Accessory Structure 24 feet
Lot Coverage: All Structures	80% maximum	
Minimum Residential Density	40 units per acre	

1. Adopted master plans.
 1. All properties in the MCR District that are located within an area of the City that has an adopted master plan by City Council shall be developed in accordance with said adopted master plan(s).
2. Architectural details.
 1. Building facades shall be constructed with architectural details such as color changes, material changes, minor wall offsets, height variations, wall setbacks, accent lines, and upper floor step backs to articulate building elevations. Building facades that are blank and/or void of architectural detailing shall not be permitted. An exception to these standards may be granted by the Community Development Director for those areas of a building facade that are not visible from a public/private street, or a residential use, and shall be identified prior to development plan approval.
 2. Building facade walls shall be constructed primarily out of high quality, durable materials such as natural/cast stone (1.5" thick or greater), fire-clay brick, burnished or split face CMU block, transparent glass (non-mirrored/non-tinted), architectural grade metal panels, or architectural grade precast concrete with an approved finished treatment. Complementary materials such as fiber cement board, EIFS/stucco, or wood siding may be used on less prominent areas of a building facade in a manner that complements the primary building material. Complimentary materials shall comprise no more than 40% of the total gross square footage of all building elevations, and no single complimentary material shall comprise more than 50% of the gross square footage of a single building facade. Complimentary materials may only be used when located a minimum of four feet above the base of a building. For the purpose of this Chapter, a 'building elevation' is defined as the perimeter surface of a building set approximately parallel to a lot line; and a 'building facade' is defined as that portion of any exterior elevation on a building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.
 3. Roofs shall be designed to be generally flat and shall be concealed from view by use of parapet walls or other architectural methods. Portions of roofs that are curved or pitched may be allowed as architectural accents but shall not be used as the primary roof design. Roof-mounted mechanical

equipment shall be located below the highest vertical element of a building, and shall be screened from view with parapet walls, equipment wells, architectural screens, or similar features that are compatible to the overall design of the building to which they are attached to.

4. Buildings shall be constructed to front at least one street or public rights-of-way. All street-facing facades within 10 feet of a street or public rights-of-way shall include an accentuated entrance that is clearly distinguished using covered walkways, awnings, canopies, porches, and/or projected or recessed building mass.
5. Attached signage, balconies, canopies, decks, eaves, overhangs, and/or other architectural features that are not integral to the structural support of a building may project into public rights-of-way subject to issuance of a permit from the Public Works Department.
3. Landscaping.
 1. All areas on a site that are not covered by buildings, structures, paving or impervious surface are considered landscape areas and shall be landscaped in accordance with an adopted development plan.
4. Exterior lighting.
 1. Light pole materials on private property shall be painted or finished aluminum or steel. Wood poles shall not be accepted.
 2. Light poles on private property that are used to illuminate vehicular access and parking areas shall not exceed twenty five (25) feet in height from existing grade.
 3. Sidewalks and walkways on private property shall be illuminated with pedestrian scale lighting that does not exceed 15 feet in height from existing grade.
 4. Low-scale, decorative lighting may be used to illuminate accent architectural details, building entries, or signs.
 5. Building facade accent lighting shall be limited to an upward angle of 45 degrees and shall be focused on the building to minimize light spillover onto adjacent properties and right-of-ways.
 6. All lighting on private property shall comply with the standards stated in § 15.24.050, Lighting controls, of this Title.
5. Parking.
 1. All off-street parking in the MCR District shall conform with Chapter 15.23 of this Title, except when determining the total amount of required off-street parking for a multi-family residential use or mixed commercial/residential use, which shall be based upon the following:

Land Use	
Multi-Family Residential & Townhomes	Minimum of 1 parking stall per dwelling unit. Additional parking may be provided but shall not exceed 25% of the total number of required off-street parking stalls for any development.

Mixed Commercial/Residential	Minimum of 1 stall per dwelling unit + 1 space per every 250 square feet of gross floor area of commercial space. Additional parking may be provided but shall not exceed 25% of the total number of required off-street parking stall for any development.
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2. Off-street parking in this District is encouraged to be designed as an integral component of a principal structure when feasible; however, surface parking lots shall be allowed when designed to comply with the following standards:
 1. Surface parking areas, vehicular drive aisles, and loading/unloading area shall be located behind and/or to the side of a principal building, and shall not be permitted between a principal building and a primary street frontage. The primary street frontage for a development shall be determined by the Community Development Department at the time of plan review. Surface parking areas visible from a public right-of-way shall be screened with a maximum four-foot tall masonry wall in combination with landscaping, or a maximum six-foot tall wrought iron fence in combination with landscaping.
 2. Large, non-ornamental, deciduous shade trees shall be installed in parking lots in excess of fifteen (15) spaces. The trees shall be located in planting areas of not less than fifty (50) square feet of unpaved surface per tree and at least one tree shall be planted for each three thousand (3,000) square feet of paving on-site.
 3. The total number of required off-street parking spaces may be reduced by an amount to be determined through a parking demand study establishing that sufficient parking is or can be met by the subject use(s) through shared parking with an adjacent property, or nearby on-street parking. The parking demand study shall provide information about the anticipated parking demand at peak times during the day and the distance relationship between available on-street parking or shared parking spaces and the specific use(s) served.
 4. Direct vehicular access to all off-street parking, drive aisles, and loading/unloading areas shall come from an alley, a non-arterial street, and/or via shared parking facilities with an adjacent property owner. Direct vehicular access shall not be allowed to any arterial street, or to any rights-of-way with a designated pedestrian walking trail or bicycle lane, unless approved by City Council as part of an adopted development plan.
 5. On-street parking shall be constructed as a component of new developments, whenever adequate right-of-way is available, in accordance with adopted Public Works standards.
 6. Bicycle parking shall be provided with all residential developments at a minimum rate of one-half space per dwelling unit. Bicycle parking may be provided indoors, outdoors, or combination thereof. Outdoor bicycle parking must be on a hard-surface and connected to the pedestrian/bicycle network.
6. Pedestrian facilities.

1. A minimum five foot-wide accessible, pedestrian route shall be installed to connect each building entrance with a public sidewalk. Exception: Service entrances that do not provide the general public access to a building are not required to provide any pedestrian facilities.
 2. Construction or reconstruction of adjacent sidewalks and/or street improvements shall be in accordance with adopted Public Works Standards, and shall be included in a project's adopted development plan.
7. Screening and utilities.
1. All exterior dumpsters, garbage/recycling storage, loading/unloading areas, ground-mounted HV AC units, and other utility apparatuses/appurtenances shall be completely screened from view using architectural design features, landscaping, fencing, or a combination thereof. Wall mount air conditioning units shall be integrated into the design of the building in order to be screened from view.
 2. Deciduous, non-ornamental street canopy trees shall be planted between sidewalks and streets. A minimum of 50 square feet shall be provided for planting space with no less than six feet of width. Spacing of trees shall be no greater than 50 feet. Initial tree plantings shall be no less than two inches in diameter.
 3. Utility services shall be installed underground, unless determined unpractical by the Community Development Director.
 4. Required stormwater detention shall be contained underground in accordance with all adopted Public Works standards. Best Management Practices for stormwater are encouraged. Surface stormwater features may be considered only if designed as a site amenity.
8. Signs.
1. Signage shall be approved as part of the adopted development plan, and shall comply with Chapter 15.33 of this Title.

HISTORY

Adopted by Ord. 6398 on 9/9/2019

15.12.060 Additional Regulations

1. All residential developments shall include an active outdoor site amenity such as playgrounds, plazas, decks, roof-top patios, swimming pools, and recreation areas. Passive areas such as landscape setbacks, bicycle parking, tree plantings, berms, and basic stormwater features do not qualify. A minimum of 50 square feet of site amenity space is required per dwelling unit.
2. Property owners shall maintain all buildings, landscaping, and other site features in accordance with the adopted development plan.
3. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

HISTORY

Adopted by Ord. 6398 on 9/9/2019

15.12.070 Development Plan Review Procedure

1. Application. A completed application form, ten (10) copies of the development plan, along with the required fee, shall be submitted to the Community Development Department. The development plan shall be reviewed in accordance with the procedures outlined below. The following information shall be submitted to the Community Development Department:
 1. A letter of intent stating the proposed uses, improvements necessary to serve the development, construction time frame, and phasing;
 2. The development name and legal description of the boundary;
 3. A north arrow, scale, bar scale, and date;
 4. The names and addresses of the owner, and the architect or engineer preparing the plan;
 5. A location map showing the proposed development and its relationship to existing abutting subdivisions and community facilities such as streets, schools, parks, and commercial areas;
 6. All established floodway or floodway fringe encroachment limits;
 7. A soils and drainage report prepared by the engineer. The report shall show the general soil and drainage conditions and include preliminary recommendations as to the adaptability of the property proposed for development;
 8. Location and size of any sites to be considered for dedication to public use;
 9. Layout, numbers, and dimensions of proposed lots;
 10. The location, width, name, grade, and typical cross-sections of all proposed streets within the development and the width and name of any platted street located within two hundred (200) feet of the site;
 11. The location and width of other public ways, railroad rights-of-way, utility, and all other easements existing or proposed within the development and within two hundred (200) feet;
 12. Existing and proposed contour intervals of not more than five feet;
 13. All existing and proposed underground installations within the proposed development or adjacent thereto or the location of the nearest available facilities;
 14. The location of all existing and proposed structures, proposed parking areas, pedestrian ways, private and public streets, and landscaping;
 15. Proposed signage plan;
 16. Architectural drawings, renderings, or other visual documents which illustrate proposed building design.

The Community Development Director shall determine the adequacy and completeness of the development plan application. The Community Development Director may require additional information prior to scheduling review by the City Planning Commission.

2. Review by City Planning Commission. The City Planning Commission, in reviewing the development plan, shall take into consideration conformance with the comprehensive plan, recognized principles of land use planning, landscape, architecture, the conservation and stabilization of the value of property, adequate open space for light and air, congestion of public streets, the promotion of public

safety, health, convenience and comfort and the general welfare of persons using the facility. In addition to the proposed use meeting the general requirements herein set forth, the commission, in recommending approval of the proposed development plan, may recommend certain conditions to be attached to such use which the commission deems necessary in order to carry out the intent and purpose of this title. Such conditions may include, but are not limited to, an increase in the required lot or yard area, control of the location and number of vehicular access points to the property, limitations to the number of signs, limitations to coverage or height of buildings situated on the property because of obstruction to view and reduction of light and air to adjacent property, required screening and landscaping where necessary reduce noise and glare, and designation of responsibility for maintenance of the property.

3. Review by City Council. After review of the development plan by the City Planning Commission, it shall be forwarded to the City Council, with its written recommendations, whether for approval or denial, whereupon the City Council may take action on the plan. Approval of the development plan shall be by City Council resolution.
4. Building Permit Review. The Community Development Director shall review all building and Public Works construction permits for compliance with the approved development plan. No building or Public Works construction permit shall be issued if determined by the Community Development Director to be inconsistent with the approved development plan. If the Community Development Director determines that major changes are requested, review and approval by the City Planning Commission and City Council shall be required.
5. Amendment to Development Plan .. Proposed amendments to an approved development plan shall be subject to the same review and approval procedure as an initial application. Minor amendments to an adopted development plan may be administratively approved at the discretion of the Community Development Director.

HISTORY

Adopted by Ord. 6398 on 9/9/2019

ATTACHMENT B

Chapter 15.14 - C-1/COMMERCIAL DISTRICT

15.14.010 Statement Of Intent

15.14.020 Principal Uses

15.14.030 Conditional Uses

15.14.040 Accessory Uses

15.14.050 Site Development Regulations

15.14.060 Additional Regulations

15.14.070 Signs

15.14.010 Statement Of Intent

The C-1 district is intended to provide for the development of retail, office, and minor commercial facilities adjacent to neighborhood residential areas. This district allows a large variety of commercial and services uses.

(Ord. 5458 § 1 (part), 1999)

15.14.020 Principal Uses

The following principal uses shall be permitted outright in a C-1 district:

1. Business, professional office;
2. Business service establishment;
3. Club or lodge;
4. Commercial recreation (indoor);
5. Consumer service establishment;
6. Cultural service;
7. Financial service;
8. General government use;
9. Local utility service;
10. Parks and recreation service;
11. Religious assembly;
12. Restaurant (limited);
13. Retail shopping establishment;
14. School;
15. Veterinary service;
16. Consumer fireworks sales.

(Ord. No. 6092, § 1, 7-26-2010)

Editor's note— Ord. No. 6092, § 1, adopted July 26, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5458, § 1, 1999.

15.14.030 Conditional Uses

The following conditional uses shall be permitted in a C-1 district, in accordance with the requirements set forth in CBMC 15.02:

1. Automobile service establishment;
2. Communication tower;
3. Day care services;
4. Restaurant (drive-in/fast food and general).

(Ord. No. 6092, § 2, 7-26-2010)

Editor's note— Ord. No. 6092, § 2, adopted July 26, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5458, § 1, 1999.

15.14.040 Accessory Uses

The following accessory uses shall be permitted in a C-1 district:

1. Uses of land or structure customarily incidental and subordinate to one of the principal uses in a C-1 district, unless otherwise excluded.

(Ord. 5458 § 1 (part), 1999)

15.14.050 Site Development Regulations

Minimum Lot Size

Lot area	5,000 square feet	
Lot width	50 feet	
Lot depth	100 feet	
Minimum Setbacks	Principal Structure	Accessory Structure
Front yard	20 feet	20 feet
Interior side yard	5 feet	5 feet
Street side yard	15 feet	15 feet
Rear yard	20 feet	5 feet

Maximum height	35 feet	18 feet
Lot coverage: all structures:	50% maximum	

(Ord. 5458 § 1 (part), 1999)

15.14.060 Additional Regulations

1. All business, service, repair, processing, storage, and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in windows, and minor service for motor vehicles when accessory to a principal or approved conditional use.
2. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

(Ord. 5458 § 1 (part), 1999)

15.14.070 Signs

Signage in this district shall comply with CBMC 15.33, Signs.

(Ord. 5458 § 1 (part), 1999)

ATTACHMENT C

Chapter 15.16 - C-3/COMMERCIAL DISTRICT

15.16.010 Statement Of Intent

15.16.020 Principal Uses

15.16.030 Conditional Uses

15.16.040 Accessory Uses

15.16.050 Site Development Regulations

15.16.060 Additional Regulations

15.16.070 Signs

15.16.010 Statement Of Intent

The C-3 district is intended to accommodate office, retail and related activities in the traditional commercial center of the city as well as other appropriate commercial sites.

(Ord. 5469 § 1 (part), 1999)

15.16.020 Principal Uses

The following principal uses shall be permitted outright in a C-3 district:

1. Automobile service establishment;
2. Business, professional office;
3. Business goods and service establishment;
4. Club or lodge;
5. College or university;
6. Commercial recreation (indoor);
7. Consumer service establishment;
8. Cultural service;
9. Financial service;
10. Funeral service;
11. General government use;
12. Hospital;
13. Hotel/motel;
14. Mixed commercial/residential structure;
15. Newspaper printing;
16. Park and recreation service;
17. Pawn shop;
18. Private parking lot;
19. Public parking lot;
20. Religious assembly;
21. Restaurant (drive-in, limited and general);
22. Retail shopping establishment;
23. School;
24. Second hand store;
25. Tattoo parlor;
26. Tavern;
27. Small alcohol production facility;

- 28. Dwelling, multifamily;
- 29. Consumer fireworks sales.

(Ord. No. 6027, § 1, 2-23-2009; Ord. No. 6292, § 1, 5-8-2017; Ord. No. 6343, § 1, 8-13-2018)

Editor's note— Ord. No. 6027, § 1, adopted Feb. 23, 2009, repealed the former § 15.16.020, and enacted a new CBMC 15.16.020 as set out herein. The former CBMC 15.16.020 pertained to similar subject matter and derived from Ord. No. 5556, § 1, adopted 2001.

HISTORY

Amended by Ord. [6455](#) on 6/14/2021

15.16.030 Conditional Uses

The following conditional uses shall be permitted in a C-3 district in accordance with the requirements set forth in CBMC 15.27:

1. Communication towers;
2. Day care service.

(Ord. 5469 § 1 (part), 1999)

15.16.040 Accessory Uses

The following accessory uses shall be permitted in a C-3 district: Uses of land or structures customarily incidental and subordinate to one of the principal uses in the C-3 district, unless otherwise excluded.

(Ord. 5469 § 1 (part), 1999)

15.16.050 Site Development Regulations

1. Lots or parcels of land zoned C-3 on or before the effective date of this ordinance and lots or parcels of land in areas less than two acres rezoned to C-3 after the effective date of this ordinance shall not be subject to **Minimum Lot Size**, set back or lot coverage requirements. Maximum height is limited to one hundred (100) feet for principal structures and twenty-four feet for accessory structures.
2. Lots or parcels of land more than two acres in areas rezoned to C-3 after the effective date of this chapter shall be required to submit a development plan for consideration by the planning commission and city council concurrent with the rezoning application. The development plan review shall follow the procedure used in CBMC 15.18.

(Ord. 5469 § 1 (part), 1999)

15.16.060 Additional Regulations

1. All business, service, repair, processing, storage, and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in services, minor service for motor vehicles, and display of merchandise along the wall of the building, which merchandise shall not extend more than three feet from the wall of such building.
2. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

(Ord. 5469 § 1 (part), 1999)

15.16.070 Signs

Signage in this district shall comply with CBMC 15.33 "Signs."

(Ord. 5469 § 1 (part), 1999)

Chapter 15.17 - C-4/COMMERCIAL DISTRICT

15.17.010 Statement Of Intent

15.17.020 Principal Uses

15.17.030 Conditional Uses

15.17.040 Accessory Uses

15.17.050 Site Development Regulations

15.17.060 Additional Regulations

15.17.070 Signs

15.17.010 Statement Of Intent

The C-4 district is intended to provide an intensive business zone which will accommodate large office concentrations and other similar uses.

(Ord. 5469 § 3 (part), 1999)

15.17.020 Principal Uses

The following principal uses shall be permitted outright in a C-4 district:

1. Business, professional office;
2. Business goods and service establishment;
3. Club or lodge;
4. College or university;
5. Commercial recreation (indoor);
6. Consumer service establishment;
7. Cultural service;
8. Dwelling, multifamily;
9. Financial service;
10. Funeral service;
11. General government use;
12. Hospital;
13. Hotel/motel;
14. Mixed commercial/residential structure;
15. Newspaper printing;
16. Park and recreation service;
17. Pawn shop;
18. Private parking lot;
19. Public parking lot;
20. Religious assembly;
21. Restaurant (drive-in, limited and general);
22. Retail shopping establishment;
23. School;
24. Second hand store;
25. Tattoo parlor;
26. Tavern;
27. Small alcohol production facility;

28. Consumer fireworks sales.

(Ord. 5469 § 3 (part), 1999)

(Ord. No. 6293, § 1, 5-8-2017; Ord. No. 6342, § 1, 8-13-2018)

HISTORY

Amended by Ord. [6456](#) on 6/14/2021

15.17.030 Conditional Uses

The following conditional uses shall be permitted in a C-4 district in accordance with the requirements set forth in CBMC 15.27:

1. Communication tower.
2. Day care service.

(Ord. 5469 § 3 (part), 1999)

15.17.040 Accessory Uses

The following accessory uses shall be permitted in the C-4 district: Uses of land or structures customarily incidental and subordinate to one of the principal uses in the C-4 district, unless otherwise restricted herein or unless otherwise permitted as a principal use herein.

(Ord. 5469 § 3 (part), 1999)

15.17.050 Site Development Regulations

1. Lots or parcels of land zoned C-4 on or before the effective date of this ordinance and lots or parcels of land in areas less than two acres rezoned to C-4 after the effective date of this ordinance shall not be subject to **Minimum Lot Size**, setback, or lot coverage requirements. Maximum height is limited to one hundred (100) feet for principal structures and twenty-four feet for accessory structures.
2. Lots or parcels of land more than two acres in area rezoned to C-4 after the effective date of this ordinance shall be required to submit a development plan for consideration by the planning commission and city council concurrent with the rezoning application. The development plan review shall follow the procedure used in CBMC 15.18.

(Ord. 5469 § 3 (part), 1999)

15.17.060 Additional Regulations

1. All business, service, repair, processing, storage and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in windows, minor service for motor vehicles, and

display of merchandise along the wall of the building, which merchandise shall not extend more than three feet from the wall of such building.

2. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

Parking and loading requirements:

1. Off-street parking is not required for any use established or existing in this district, except for residential use in a mixed commercial/residential structure;
2. Off-street loading for all uses established or existing in this district shall comply with the applicable requirements in CBMC 15.23.

(Ord. 5469 § 3 (part), 1999)

15.17.070 Signs

Signage in this district shall comply with CBMC 15.33, "Signs."

(Ord. 5469 § 3 (part), 1999)

ATTACHMENT E

Chapter 15.19 - P-I/PLANNED INDUSTRIAL DISTRICT

15.19.010 Statement Of Intent

15.19.020 Principal Uses

15.19.030 Conditional Uses

15.19.040 Accessory Uses

15.19.050 Site Development Regulations

15.19.060 Development Plan Review Procedure

15.19.470 Signs

15.19.080 Additional Regulations

15.19.010 Statement Of Intent

The P-I district is intended to provide for the development of assemblage facilities, manufacturing facilities, research and development activities, business services, storage and distribution centers in an industrial park setting. The facilities in the planned industrial district are designed to be used in common by sharing ingress and egress roads, ensuring appropriate design with respect to traffic arteries and compatibility with surrounding uses. Business and industrial activities shall be primarily enclosed operations with significant screening and landscaping of exterior operations and storage. Final authority over development plans shall be retained by the city council, with extensive review by the planning commission.

(Ord. 5688 § 1 (part), 2002)

15.19.020 Principal Uses

The following principal uses shall be permitted outright in a P-I district:

1. Business, professional office;
2. Business goods and service establishment;
3. Equipment sales and rental;
4. General government use;
5. Local utility services;
6. Manufacturing, general and light;
7. Retail Shopping establishment;
8. School;
9. Warehousing and distribution, limited;
10. Consumer fireworks sales.

(Ord. 5688 § 1 (part), 2002)

HISTORY

Amended by Ord. [6416](#) on 7/13/2020

Amended by Ord. [6471](#) on 10/25/2021

15.19.030 Conditional Uses

The following conditional uses shall be permitted in a P-I district in accordance with the requirements set forth in CBMC 15.27:

1. Communication tower;
2. Day care services.

(Ord. 5688 § 1 (part), 2002)

HISTORY

Amended by Ord. [6416](#) on 7/13/2020

15.19.040 Accessory Uses

The following accessory uses shall be permitted in a P-I district:

1. Uses of land or structures customarily incidental and subordinate to one of the principal uses in the P-I district, unless otherwise excluded.

(Ord. 5688 § 1 (part), 2002)

15.19.050 Site Development Regulations

Minimum tract size, lot size, setback requirements, height, lot coverage, signage and landscaping shall be determined through the development plan review procedures described in this chapter. The components of an approved development plan shall prevail over conflicting standards or regulations elsewhere in this title.

(Ord. 5688 § 1 (part), 2002)

15.19.060 Development Plan Review Procedure

The development plan review procedure shall be as follows:

1. Application. A completed application form and ten (10) copies of the development plan along with the required fee shall be submitted to community development department. The development plan shall be reviewed in accordance with the procedures outlined below. The following information shall be submitted to the community development department:
 1. A letter of intent stating the proposed uses, improvements necessary to serve the development, construction time frame and proposed phasing of the project;
 2. The development name and legal description of the boundary;
 3. A north arrow, scale, bar scale and date;
 4. The names and addresses of the owner, and the architect or engineer preparing the plan;
 5. A location map showing the proposed development and its relationship to existing abutting subdivisions and community facilities such as streets, schools, parks and commercial areas;

6. All established floodway or floodway fringe encroachment limits;
7. A soils and drainage report prepared by the engineer. The report shall show the general soil and drainage conditions and include preliminary recommendations pertaining to the adaptability of the property proposed for development;
8. Location and size of any sites to be considered for dedication for public use;
9. Layout, numbers and dimensions of all proposed lots;
10. The location, width, name, grade and typical cross-sections of all proposed streets within the development and the width and name of any platted street located within two hundred (200) feet of the site;
11. The location and width of other public ways, railroad right of ways, utility and all other easements, existing or proposed within the development and within two hundred (200) feet;
12. Existing and proposed contour intervals of not more than five feet;
13. All existing and proposed underground installations within the proposed development or adjacent thereto or the location of the nearest available facilities;
14. The location of all existing and proposed structures, proposed parking areas, pedestrian ways, private and public streets and landscaping;
15. Proposed landscaping plan;
16. Proposed signage plan;
17. On projects twenty (20) acres or more in area, or as deemed necessary by the community development director, a traffic impact study to include: (i) data on existing peak hour traffic volumes and conditions; (ii) directional distribution estimates of added traffic; (iii) projections of added traffic volumes for all of the appropriate critical hours; determination of needed improvements, controls, driving locations, and their design; (iv) and identification of any need for additional right-of-way which could be secured from the developer, shall be submitted;
18. Architectural drawings, renderings, or other visual documents which illustrate proposed building design. The community development department director shall determine the adequacy and completeness of the development plan application.

The community development department director may require additional information prior to scheduling review by the city planning commission.

2. Review by City Planning Commission. The city planning commission, in reviewing the development plan, shall take into consideration conformance with the comprehensive plan, recognized principles of land use planning, landscaping, architecture, the conservation and stabilization of the value of property, adequate open space for light and air, congestion of public streets, the promotion of public safety, health, convenience and comfort and the general welfare of persons using the facility. In addition to the proposed use meeting the general requirements herein set forth, the commission in recommending approval of the proposed development plan may recommend certain conditions to be attached to such use which the commission deems necessary in order to carry out the intent and

purpose of this title. Such conditions may include, but are not limited to an increase in the required lot or yard area, control of the location and number of vehicular access points to the property, limitations on the net square footage of signs, lot coverage limitations and/or height of buildings because of obstruction to view and reduction of light and air to adjacent property, required screening and landscaping where necessary to reduce noise and glare and designation of responsibility for maintenance of the property.

3. Review by City Council. After review of the development plan by the city planning commission, it shall be forwarded to the city council, with its written recommendations whether for approval or denial, whereupon the city council may take action on the plan. Approval of the development plan shall be by city council resolution.
4. Building Permit Review. The community development department director shall review all building and public works construction permits for compliance with the approved development plan. No building or public works construction permit shall be issued if it is determined by the community development department director to be inconsistent with the approved development plan. However, the community development department director shall have the authority to approve minor changes to the development plan. If the community development department director determines that major changes are requested, review and approval by the city planning commission and city council shall be required.

(Ord. 5688 § 1 (part), 2002)

15.19.470 Signs

In addition to the signage approved in the development plan, signage in this district shall comply with CBMC 15.33, "Signs."

(Ord. 5688 § 1 (part), 2002)

15.19.80 Additional Regulations

1. Business and industrial activities shall be primarily enclosed operations with significant screening and landscaping of exterior operations and storage.
2. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

(Ord. 5688 § 1 (part), 2002)

ATTACHMENT F

Chapter 15.22 - I-3/HEAVY INDUSTRIAL DISTRICT

15.22.010 Statement Of Intent

15.22.020 Principal Uses

15.22.030 Conditional Uses

15.22.040 Accessory Uses

15.22.050 Site Development Regulations

15.22.060 Additional Regulations

15.22.070 Signs

15.22.010 Statement Of Intent

The I-3 district is intended to provide areas of the city for activities and uses of a heavy industrial character. This district is designed to accommodate industrial uses which have significant external effects. These uses typically have operating characteristics and environmental effects that make them incompatible with surrounding uses. The I-3 district is most appropriately located in areas that are separated from residential and consumer-oriented commercial districts.

(Ord. 5958 § 1, 2007)

15.22.020 Principal Uses

The following principal uses shall be permitted outright in an I-3 district:

1. Agricultural sales and service;
2. Chemical plant;
3. Electric utility generation facility;
4. Governmental maintenance facility;
5. Grain storage and distribution;
6. Horticulture and crop production;
7. Local utility service;
8. Manufacturing, general and heavy;
9. Railroad yard and intermodal facilities;
10. Sign manufacturing;
11. Truck service establishment;
12. Truck terminal;
13. Warehousing and distribution, limited and general; and
14. Solar energy conversion systems;
15. Consumer fireworks sales.

(Ord. 5958 § 2, 2007)

HISTORY

Amended by Ord. [6445](#) on 3/8/2021

15.22.030 Conditional Uses

The following conditional uses shall be permitted in an I-3 district in accordance with the requirements set forth in CBMC 15.27:

1. Rubble dump;
2. Meat packing and processing.

(Ord. 5958 § 3, 2007)

15.22.040 Accessory Uses

The following accessory uses shall be permitted in the I-3 district:

1. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

(Ord. 5366 § 5 (part), 1998)

15.22.050 Site Development Regulations

Minimum Lot Size

Lot area	5 acres
Lot width	300 feet
Lot depth	600 feet
Minimum Setbacks	All structures
Front yard	30 feet
Interior yard	20 feet
Street side yard	20 feet
Rear yard	20 feet
Maximum height	300 feet
Lot coverage, all structures	70% maximum

(Ord. 5958 § 4, 2007)

15.22.060 Additional Regulations

1. The maximum height of a structure shall be as limited by CBMC 15.22.050, except in cases where smokestacks or towers are integral to a legally established electric utility generation facility. In such cases, the height shall be unlimited, provided an area equal to the maximum height of the tallest part of the structure can be maintained from all of the property lines of the parcel of land on which the facility is located.
2. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

(Ord. 5958 § 5, 2007)

15.22.070 Signs

Signage in this district shall comply with CBMC 15.33, Signs.

(Ord. 5366 § 5 (part), 1998)