



**ZONING BOARD OF ADJUSTMENTS  
AGENDA**

**Tuesday, December 20, 2022 - 4:00 PM  
Council Chambers, 2nd Floor, City Hall  
209 Pearl Street**

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

**A. CASE #BA-22-006**

Public hearing on the request of Carey M. Jensen for a variance from Section 15.08B.050, Site Development Regulations, R-1/Single-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow a deck to have an 18-foot front yard setback, as opposed to the required 25 feet, on property legally described as Lot 2, Lakeview Acres, City of Council Bluffs, Pottawattamie County, Iowa. Location: 5411 Navajo Street.

**B. CASE #CU-22-005**

Public hearing on the request of Ryan Companies US, Inc., represented by David R. Madden, Esq., for a conditional use permit to allow 'indoor automobile sales and rental' in a P-C/Planned Commercial District on property legally described as Lot 2, Bluffs Vision 4 Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. Location: Undeveloped land lying southeast of the intersection of 24th Avenue and Mid America Drive.

**C. CASE #CU-22-006**

Public hearing on the request of the MICAH House, represented by Warren Curry, for a conditional use permit to allow a 'day care service' in an A-P/Administrative-Professional District on property legally described as the proposed Lot 1, Legacy Family Campus Subdivision Phase 3, City of Council Bluffs, Pottawattamie County, Iowa. Location: Undeveloped land lying southwest of N. 14th Street and Avenue I.

**D. CASE #CU-20-001(M)**

Public hearing on the request of McGregor Interests, LLC, represented by Geoff McGregor, to modify a conditional use permit (Case #CU-20-001) to allow for an expansion of the commercial storage operation, which includes outdoor storage area for RVs, boats, trailers, and campers, on property legally described as being the Westerly 123 feet of the Easterly 535 feet of the Northerly 660 feet of the SW1/4 SW1/4 in Section 12-74-44, City of Council Bluffs, Pottawattamie County, Iowa. Location: 800 Veterans Memorial Highway.

E. CASE #CU-93-001

Public hearing on the request of the City of Council Bluffs to revoke a conditional use permit, approved on July 22, 1993, to allow an existing nonconforming use (an automobile detail shop) to be modified into another nonconforming use (plumbing shop) in a R-3/Low-Density Multi-Family Residential District on property legally described as Lots 8 and 9, Block 6, Thompson's Addition, Council Bluffs, Pottawattamie County, Iowa. Location: 1109 North 15th Street.

F. CASE #CU-16-001

Public hearing on the request of the City of Council Bluffs to revoke a conditional use permit, approved on January 13, 2016, to allow 'automobile sales and rental' use in a C-2/Commercial District on property legally described as Lots 8-17, Block 1, Twin City Place, Council Bluffs, Pottawattamie County, Iowa. Location: Undeveloped land lying west of 30 South 27th Street.

**9. OTHER BUSINESS**

**10. ADJOURNMENT**

Any questions or concerns regarding this agenda and/or requests for special accommodations at this meeting should be directed to the Community Development Department at (712) 890-5350 or email at [cgibbons@councilbluffs-ia.gov](mailto:cgibbons@councilbluffs-ia.gov).

## Zoning Board of Adjustment Communication

Department: Community

Development

Case/Project No.: BA-22-006

Submitted by: Christopher N.

CASE #BA-22-006

Council Action: 12/20/2022

Gibbons, AICP, Planning & Code

Compliance Manager and Moises

Monrroy, Planner

### Description

Public hearing on the request of Carey M. Jensen for a variance from Section 15.08B.050, Site Development Regulations, R-1/Single-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow a deck to have an 18-foot front yard setback, as opposed to the required 25 feet, on property legally described as Lot 2, Lakeview Acres, City of Council Bluffs, Pottawattamie County, Iowa. Location: 5411 Navajo Street.

### Background/Discussion

See attached staff report.

### Recommendation

### ATTACHMENTS:

Description

Type

Upload Date

Staff Report & Attachments

Other

12/15/2022

**TO:** Zoning Board of Adjustment  
**FROM:** Community Development Department

**DATE:** December 20, 2022

**RE:** **CASE #BA-22-006**  
**REQUEST:** Public hearing on the request of Carey M. Jensen for a variance from Section 15.08B.050, Site Development Regulations, R-1/Single-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow a deck to have an 18-foot front yard setback, as opposed to the required 25 feet, on property legally described as Lot 2, Lakeview Acres, City of Council Bluffs, Pottawattamie County, Iowa.

**APPLICABLE**

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

**RELIEF SOUGHT:** A variance from Section 15.08B.050, Site Development Regulations, R-1/Single-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow a deck to have an 18-foot front yard setback, as opposed to the required 25 feet.

**LEGAL**

**DESCRIPTION:** Lot 2, Lakeview Acres, City of Council Bluffs, Pottawattamie County, Iowa.

**LOCATION:** 5411 Navajo Street, Council Bluffs, IA 51501

**OWNER/APPLICANT:** Michael D. and Carey M. Jensen, 40 Lakewood Villa, Council Bluffs, IA 51501

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**BACKGROUND INFORMATION** – The Community Development Department has received a request from Carey M. Jensen for a variance from Section 15.08B.050, Site Development Regulations, R-1/Single-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow a deck to have an 18-foot front yard setback, as opposed to the required 25 feet, on property addressed at 5411 Navajo Street. The purpose of this request is to allow the applicant to replace an existing front deck on the subject property with a new 8' × 24' deck.

The existing residential structure on the subject property is a split-level home. The applicant is proposing to replace a deck mounted on the upper level of the existing home. The existing deck is divided into two sections: a 10' × 24' section and a 4' × 18' section. In its entirety, the existing deck has a floor area of 312 square feet. As per the applicant's letter of intent, the existing deck does not meet the minimum required R-1 District front yard setback of 25 feet, thus it is considered a nonconforming structure. The applicant intends to decrease the degree of the existing nonconformity by reducing the size of the deck and its encroachment into the required front yard. The applicant will also intends to install a set of stairs that would connect into the proposed deck and provide a safe access route to an entry door on the upper level of the existing home.

The following attachments have been included for your reference:

Attachment A: Location/Zoning Map  
Attachment B: Letter of Intent  
Attachment C: Plot Plan (Existing Conditions)  
Attachment D: Plot Plan (Proposed Improvements)  
Attachment E: Existing Setbacks Exhibit



**CURRENT ZONING AND LAND USE** – The subject property is zoned R-1/Single-Family Residential District. Surrounding land uses to the north, south and east primarily consist of single-family homes also zoned R-1 District. Lake Manawa, which is zoned A-1/Open Space Conservation District, is located west of the subject property.

The following variance has been issued by the Zoning Board of Adjustment in the general vicinity of the subject property:

- Case #BA-82-007: A variance to allow the construction of an attached garage at 15 Shore Acres Road was granted due to the lack of on-street parking on Shore Acres Road and to avoid an excessive amount of parking in the front yard.

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

- The Community Development Department had the following comments:
  1. The subject property is a corner lot zoned R-1/Single-Family Residential District. As per Section 15.03.430 of the Council Bluffs Municipal Code (Zoning Ordinance), the ‘front lot line’ on a corner lot is “the shortest lot line along a street.” Since the subject property is a 100’ × 100’ lot, it has equal frontage along Navajo Street and Shore Acres Road. For the purposes of determining minimum setback requirements, the property line abutting Navajo Street shall be considered the ‘front lot line’ based on street hierarchy and the placement of the existing single-family residential structure on the subject property, which is oriented toward Navajo Street.
  2. The minimum required front yard setback in the R-1 District is 25 feet. The applicant has provided an exhibit that shows that several homes along Navajo Street, including the subject property, do not meet the minimum required 25-foot front yard setback (see Attachment ‘E’).
  3. Based on the most recent Pottawattamie County GIS aerial photography, it appears the existing deck is located 16 feet, more or less, from the front property line. Since the existing deck does not meet the minimum required R-1 District front yard setback of 25 feet, it is considered a nonconforming structure.
  4. The existing deck is mounted on the upper level of a split-level home. As per Section 15.24.060(A) of the Council Bluffs Municipal Code (Zoning Ordinance), porches, platforms and landings **which do not extend above the level of the first floor of the building** may project into the required front yard no more than six feet. Since the existing deck is not at grade level, the front yard setback encroachment permitted as per Section 15.24.060(A) of the Council Bluffs Municipal Code (Zoning Ordinance) is not applicable on this project, which creates a hardship on the subject property.
  5. As per the Pottawattamie County Assessor, the existing deck projects 10 feet from the front wall of the house and has a floor area of 312 square feet. The applicant is proposing to replace the existing deck with an 8’ × 24’ deck. Since the proposed deck would contain less floor area than the existing deck and would encroach into the required front yard to a lesser extent, the applicant would be reducing the degree of the existing nonconformity, in accordance with Section 15.26.040(A), Enlargement of Nonconforming Structure, of the Council Bluffs Municipal Code (Zoning Ordinance).
  6. The applicant is also proposing to install a set of stairs that would connect into the proposed deck and provide a safe access route to an entry door on the upper level of the existing home. The proposed set of stairs would run parallel to the front wall of the house, thus would not project any further into the required front yard.
  7. The proposed deck will comply with all other R-1 District site development standards (i.e., street side, interior side and rear yard setbacks, lot coverage, and height) in Section 15.08B.050 of the Council Bluffs Municipal Code (Zoning Ordinance).
- The Council Bluffs Permits and Inspections Division stated they had no objection to the request.
- The Council Bluffs Public Works Department stated they had no comments on the request.

- The Council Bluffs Fire Department stated they had no comments on the request.
- Council Bluffs Water Works stated they had no comments on the request.

**NEIGHBORHOOD RESPONSE** – All property owners within 200 feet of the subject property were notified of the variance request. No comments have been received as of the date of this report.


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

1. *The particular property, because of size, shape, topography or other physical conditions suffers singular disadvantage through the application of this ordinance, which does not apply to other properties in the vicinity. The size and shape of the subject property is typical for the area and its topography is relatively flat. The subject property complies with all minimum lot size requirements in the R-1 District. However, because the existing deck is not at grade level, the front yard setback encroachment permitted as per Section 15.24.060(A) of the Council Bluffs Municipal Code (Zoning Ordinance) is not applicable on this project, which creates a singular disadvantage on the subject property that does not apply to other properties in the vicinity.*
2. *Because of such disadvantage, the owner is unable to make reasonable use of the affected property. The subject property is developed with a single-family residential dwelling. The owner can continue to use the property for residential purposes if the variance request is not granted. However, without approval of the requested variance, the applicant would be unable to access the existing entrance on the upper level of the existing split-level home.*
3. *The disadvantage does not exist because of conditions created by the owner or previous owners of the property. The disadvantage exists due to the location of the existing home on the subject property and its architectural style. The existing home was built with a nonconforming front yard setback, which limits the applicant’s ability to accommodate a front deck that complies with minimum R-1 District setback requirements. Additionally, since the only entrance on the front façade of the existing split-level home is located on the upper level, the applicant cannot build an at-grade front deck that could benefit from the front yard encroachment permitted as per Section 15.24.060(A) of the Council Bluffs Municipal Code (Zoning Ordinance).*
4. *Granting the variance will not confer on the applicant any special privileges that are denied by this ordinance to other properties or structures in the same district. Typically, porches, landings, decks and other similar building features are allowed to project a maximum of six feet into the required front yard. However, because the existing deck is not at grade level, the front yard setback encroachment permitted as per Section 15.24.060(A) of the Council Bluffs Municipal Code (Zoning Ordinance) is not applicable on this project. Granting the requested variance would not constitute a special privilege as it would allow the applicant to access the existing entrance on the upper level of the exiting split-level home. The proposed alterations would also decrease the degree of the existing nonconformity, which is allowed as per Section 15.26.040(A), Enlargement of Nonconforming Structure, of the Council Bluffs Municipal Code (Zoning Ordinance), as the proposed deck would contain less floor area than the existing deck and would encroach into the required front yard to a lesser extent.*
5. *Granting the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the purpose and intent of this ordinance. The variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen*

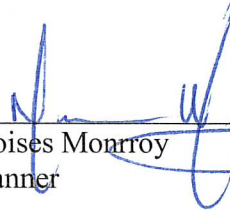
applications of this ordinance that create particular hardships. Granting a variance to allow the applicant to build a deck as shown on Attachment 'D' would not be contrary to the public interest and will not adversely affect other properties in the vicinity.

### RECOMMENDATION

The Community Development Department recommends approval of a variance from Section 15.08B.050, Site Development Regulations, R-1/Single-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow a deck to have an 18-foot front yard setback, as opposed to the required 25 feet, on property legally described as Lot 2, Lakeview Acres, City of Council Bluffs, Pottawattamie County, Iowa, based on the reasons stated above.



Christopher Gibbons, AICP  
Planning Manager



Moises Monroy  
Planner

# CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT CASE #BA-22-006 ZONING/LOCATION MAP

## Legend

 Subject Property

0 20 40  
1 Inch = 42 Feet



Last Amended: 11/28/2022



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 denies any and all responsibilities for errors, if any, in the information contained on this map; the misuse 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.



A-1



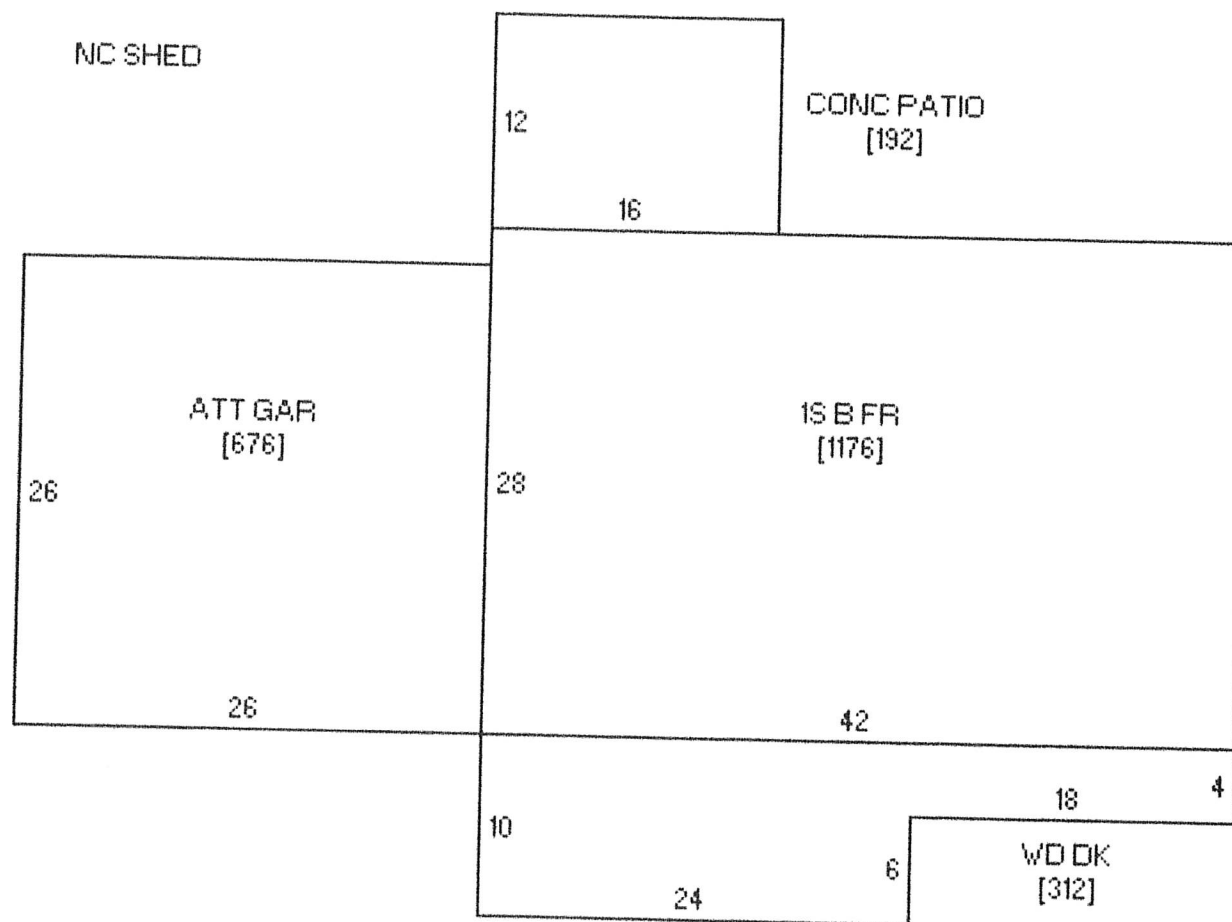
## Attachment 'B'

### 5411 Navajo St – Variance Application:

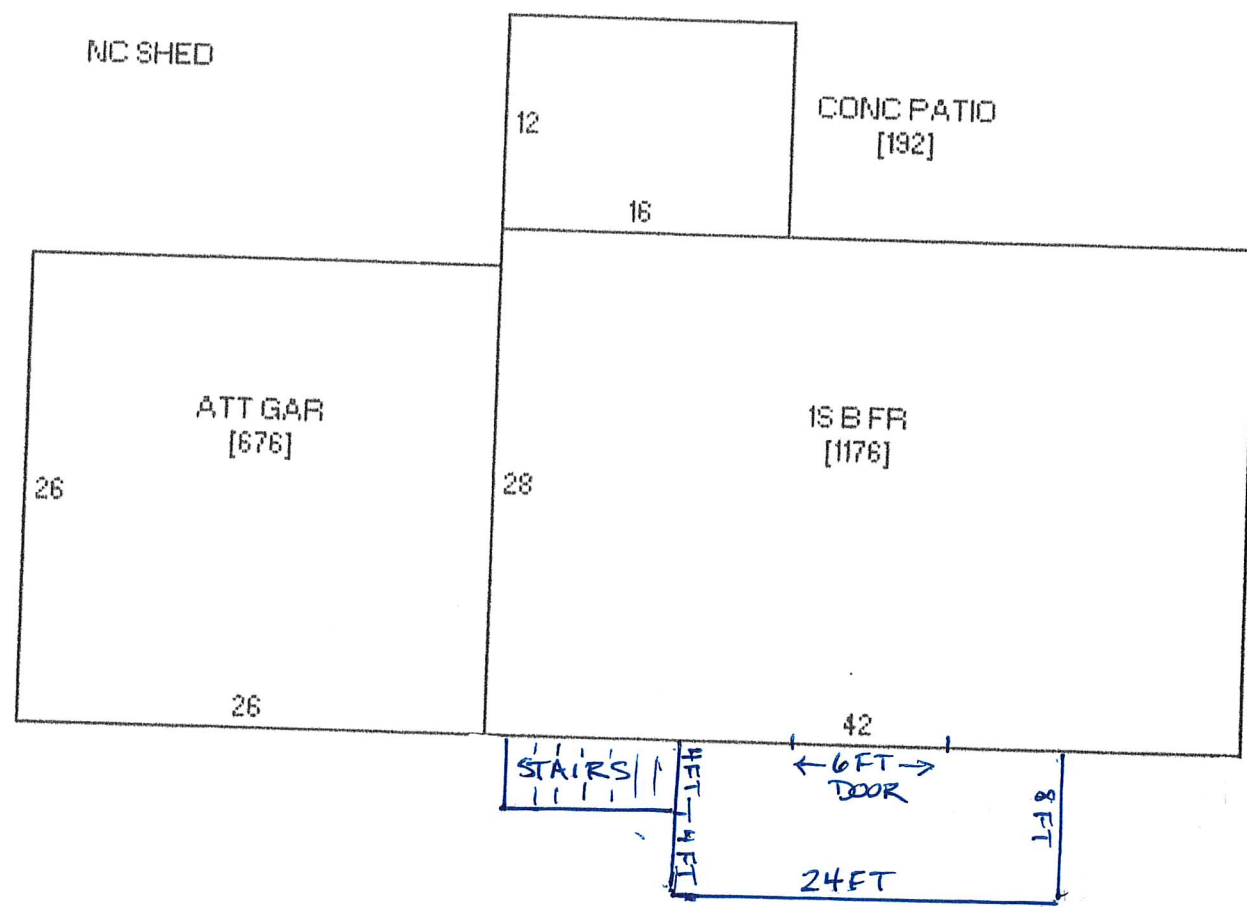
Applicants are requesting a variance in order to replace an existing 312 sf front deck that is in unsafe condition. The existing dwelling & deck do not currently meet the setback of 25 ft (see enclosed map) The existing deck does not appear on the county GIS website but does appear on pottco.org. (See attached sketch) The deck was built by the previous owner(s).

Applicants recently purchased the property, that was an estate and has been neglected for years. Applicants desire to decrease the nonconformity and create upper-level access that is safe with the proposed application. The existing deck services the only door on the upper level of this split foyer home so it cannot be eliminated. The applicants would like to build a smaller deck and add stairs to provide for an ingress/egress from the upper level of the dwelling. Currently, the only two exits are at the north end of the dwelling next to the garage. In the event of a garage fire, occupants would not be able to exit via either door to the ground level.

No special privilege is being requested. Many of the homes in the area do not meet current setback rules as they were built prior to the setback implementation and several of the homes noted on the attached maps have had recent additions/improvements that did not reduce the nonconformity.



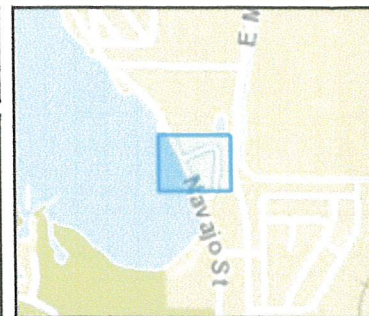
5411 Navajo Existing as of 11/18/22



PROPOSED IMPROVEMENT

POTTAWATTAMIE  
COUNTY • IOWA

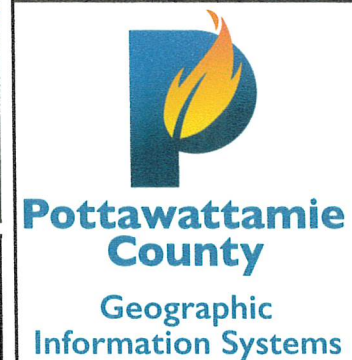
5411 Navajo St



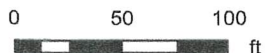
Legend

Pottawattamie County GIS Dept.  
223 S 6th St.  
Council Bluffs, IA 51501  
(712) 328-4885  
[gis@pottcounty-ia.gov](mailto:gis@pottcounty-ia.gov)  
<https://gis.pottcounty-ia.gov>

11/18/2022



SCALE: 1426



Users of Pottawattamie County (The County) GIS data agree that he/she will at all times indemnify and hold The County and its officers, employees, and agents harmless from any damages, claims, lawsuits, costs, or liability arising from any act, omission, or commission with respect to the release and use of information in this Agreement and any of the terms thereof. The County makes no claim as to the accuracy of the spatial data and its associated data tables and assumes no responsibility for their positional or content accuracy. The County makes no claim as to the ability of the spatial data to fulfill the Contracting Organization's application requirements. In providing data (or access to data), The County assumes no obligation to assist in the use of the data, or in the development, use, or maintenance of any applications applied to the data. In no event shall The County be liable for any direct, indirect, incidental, consequential or special damages that may result from the use of the GIS data.

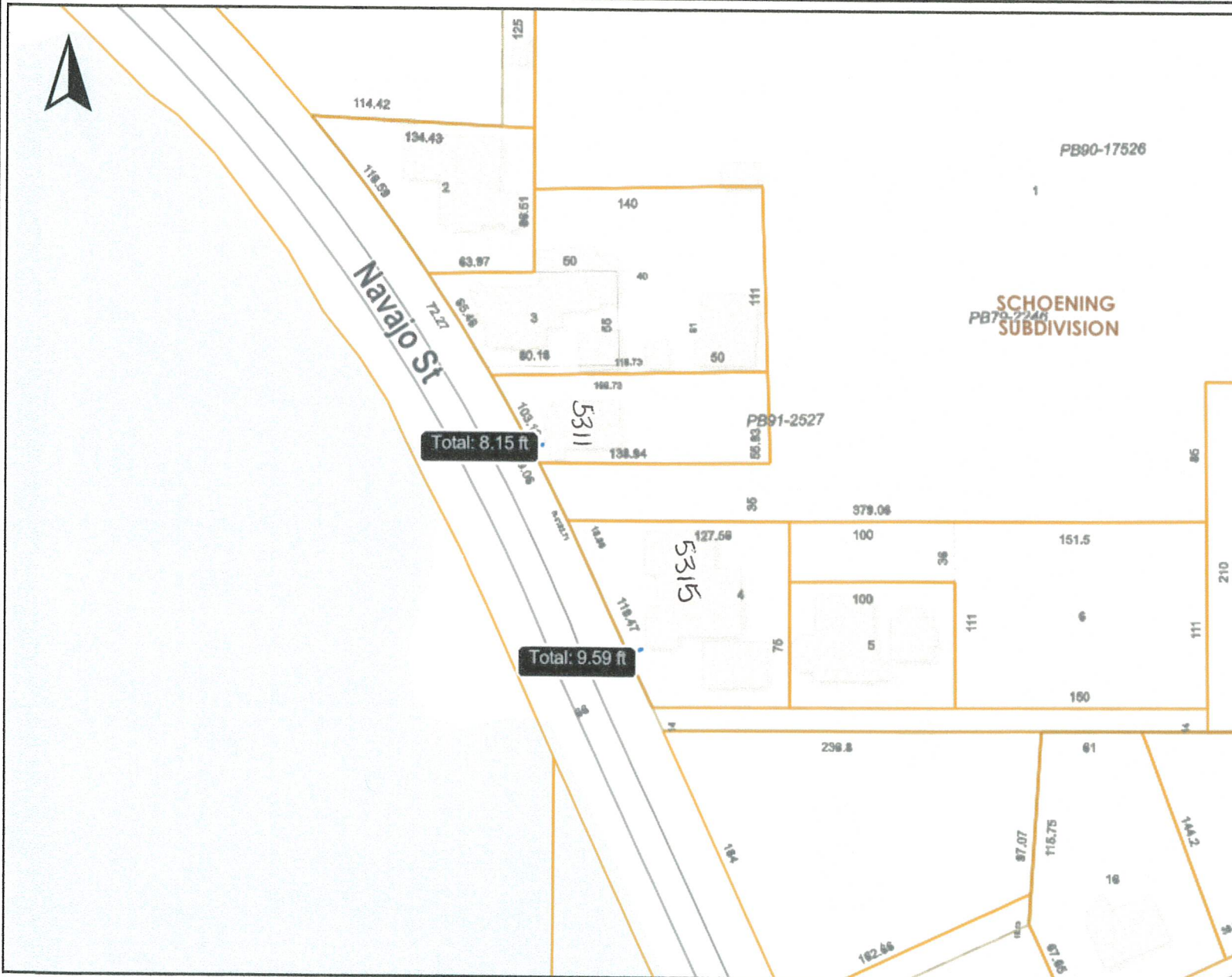


11/18/2022

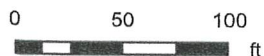


## Pottawattamie County

## Geographic Information Systems

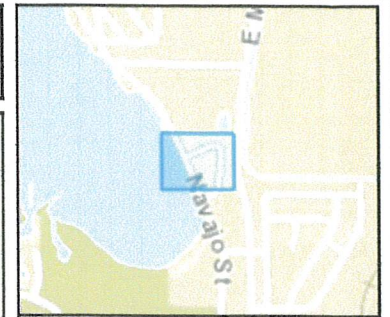


SCALE: 1427



Users of Pottawattamie County (The County) GIS data agree that he/she will at all times indemnify and hold The County and its officers, employees, and agents harmless from any damages, claims, lawsuits, costs, or liability arising from any act, omission, or commission with respect to the release and use of information in this Agreement and any of the terms thereof. The County makes no claim as to the accuracy of the spatial data and its associated data tables and assumes no responsibility for their positional or content accuracy. The County makes no claim as to the ability of the spatial data to fulfill the Contracting Organization's application requirements. In providing data (or access to data), The County assumes no obligation to assist in the use of the data, or in the development, use, or maintenance of any applications applied to the data. In no event shall The County be liable for any direct, indirect, incidental, consequential or special damages that may result from the use of the GIS data.





Legend

Pottawattamie County GIS Dept.  
223 S 6th St.  
Council Bluffs, IA 51501  
(712) 328-4885  
[gis@pottcounty-ia.gov](mailto:gis@pottcounty-ia.gov)  
<https://gis.pottcounty-ia.gov>

11/18/2022

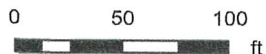


**Pottawattamie  
County**

**Geographic  
Information Systems**



SCALE: 1426



Users of Pottawattamie County (The County) GIS data agree that he/she will at all times indemnify and hold The County and its officers, employees, and agents harmless from any damages, claims, lawsuits, costs, or liability arising from any act, omission, or commission with respect to the release and use of information in this Agreement and any of the terms thereof. The County makes no claim as to the accuracy of the spatial data and its associated data tables and assumes no responsibility for their positional or content accuracy. The County makes no claim as to the ability of the spatial data to fulfill the Contracting Organization's application requirements. In providing data (or access to data), The County assumes no obligation to assist in the use of the data, or in the development, use, or maintenance of any applications applied to the data. In no event shall The County be liable for any direct, indirect, incidental, consequential or special damages that may result from the use of the GIS data.

## Zoning Board of Adjustment Communication

Department: Community

Development

Case/Project No.: CU-22-005

Submitted by: Christopher N.

CASE #CU-22-005

Council Action: 12/20/2022

Gibbons, AICP, Planning & Code

Compliance Manager and Brandon

Siracuse, Planner

### Description

Public hearing on the request of Ryan Companies US, Inc., represented by David R. Madden, Esq., for a conditional use permit to allow 'indoor automobile sales and rental' in a P-C/Planned Commercial District on property legally described as Lot 2, Bluffs Vision 4 Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. Location: Undeveloped land lying southeast of the intersection of 24th Avenue and Mid America Drive.

### Background/Discussion

See attached staff report.

### Recommendation

### ATTACHMENTS:

Description

Type

Upload Date

Staff Report & Attachments

Other

12/15/2022

**TO:** Zoning Board of Adjustment  
**FROM:** Community Development Department

**DATE:** December 20, 2022

**RE:** **CASE #CU-22-005**  
**REQUEST:** Public hearing on the request of Ryan Companies US, Inc., represented by David R. Madden, Esq., for a conditional use permit to allow an ‘automobile sales and rental, indoor’ use in a P-C/Planned Commercial District on property legally described as Lot 2, Bluffs Vision 4 Subdivision, Council Bluffs, Pottawattamie County, Iowa.

**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 15.18.030 Conditional Uses in the P-C/Planned Commercial District**  
B. Automobile sales and rental, indoor

**LEGAL DESCRIPTION:** Lot 2, Bluffs Vision 4 Subdivision, Council Bluffs, Pottawattamie County, Iowa

**LOCATION:** Undeveloped land lying southeast of the intersection of 24<sup>th</sup> Avenue and Mid America Drive

**APPLICANT:** Ryan Companies US, Inc., 111 East Grand, Suite 200, Des Moines, IA 50309

**OWNER:** The Frank R. Krejci Trust, 1505 N 23<sup>rd</sup> Street, Elkhorn, NE 68022

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**BACKGROUND INFORMATION** – The Community Development Department has received a request from Ryan Companies US, Inc., represented by David R. Madden, Esq., for a conditional use permit to allow ‘automobile sales and rental, indoor’ in a P-C/Planned Commercial District on property legally described above. Attachment ‘A’ contains a Location/Zoning Map.

The subject property is undeveloped land within a P-C/Planned Commercial District, which requires a development plan to establish a set of standards for development and permits ‘indoor automobile sales and rental’ as a conditional use. The applicant has previously submitted a Planned Commercial development plan request. The City Planning Commission reviewed the proposed development plan on November 8, 2022, and issued a unanimous recommendation of approval (case #PC-22-001). The City Council subsequently reviewed and approved the development plan on November 28, 2022 (Resolution no. 22-315). However, the development plan shall only become effective if the Zoning Board of Adjustment grants a conditional use permit for the subject property.

According to the applicant’s letter of intent (Attachment ‘B’), the subject property’s use as an indoor automobile sales and rental facility will include leasing of electric vehicles as well as associated minor vehicle service, such as software updates, tire replacement, tire balancing, alignment, and minor body work (limited to replacing doors or the rear hatch). The facility will not be used for major automotive repair, and all vehicle parts, components, and materials will be stored indoors. No unleased or unsold vehicles will be stored on-site. The facility is anticipated to serve customers from across Iowa and Nebraska.

The facility will have two vehicles as well as energy products produced by the same company on display indoors. Several demonstration vehicles will be available for test drives, but vehicles will be custom-ordered and delivered from an off-site location for pickup by customers. Energy products will also be custom ordered and delivered to customers for installation.

Additional details about the proposed development can be found in the applicant's letter of intent.

Iowa Administrative Code Section 322.3(14) currently prohibits direct-to-consumer vehicle sales, a sales model characterized by customers directly purchasing new vehicles from a manufacturer rather than from an independently owned and operated dealership. However, state law does not prohibit leasing of vehicles by a manufacturer directly to a customer. The proposed development will not be an independently owned and operated dealership, therefore the EV Manufacturer's facility on the subject property will be limited to leasing vehicles until such time that state law changes to allow direct-to-consumer sales.

Additionally, the P-C/Planned Commercial District allows specifically for 'indoor automobile sales and rental' as a conditional use. Section 15.03.048b of the Council Bluffs Municipal Code (Zoning Ordinance) defines this use as "an automobile sales and rental establishment consisting only of premises on which fully operable noncommercial automobiles, light trucks, motorcycles, mopeds, golf carts, and similar motorized transportation vehicles are displayed for sale or lease within a fully enclosed structure. Such use shall not include any outdoor inventory display or storage areas." As such, the proposed development will not be permitted to store or display any inventory available for lease outdoors on the subject property. If Iowa state law were to change in the future such that direct-to-consumer automobile sales are permitted in the state, the subject property could be used for indoor sales of vehicles, in addition to indoor leasing; however, the outdoor display of inventory for sale or lease would remain prohibited unless an amendment to the zoning code allowing such use in the P-C District were approved.

The following attachments have been included for your reference:

Attachment A: Location/Zoning Map  
Attachment B: Letter of Intent  
Attachment C: EV Manufacturer Development Plan  
Attachment D: Landscaping Plan  
Attachment E: Building Elevations and Signage

**CURRENT ZONING AND LAND USE** – The subject property is zoned P-C/Planned Commercial District and is currently undeveloped.

Land uses in the general vicinity include:

- XPO Logistics to the north;
- Home Team Cookout to the northeast;
- The Iowa West Field House, Mid America Center, and Courtyard by Marriott Omaha East/Council Bluffs to the east;
- Undeveloped land and SpringHill Suites by Marriott Omaha East/Council Bluffs to the south;
- Undeveloped land and the Iowa West Sports Plex to the west; and
- Quaker Steak and Lube to the northwest.

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





**Exhibit 'A': Looking southeast at the subject property.**



**Exhibit 'B': Looking southwest at the subject property.**



**Exhibit 'C': Looking west toward the subject property.**

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

- The Community Development Department had the following comments:
  1. This request will utilize a recently adopted text amendment which permits 'indoor automobile sales and rental' as a conditional use in the P-C/Planned Commercial District (Ordinance no. 6520)
  2. 'Automobile sales and rental, indoor' is defined in Section 15.03.048b of the Council Bluffs Municipal Code (Zoning Ordinance) as "an automobile sales and rental establishment consisting only of premises on which fully operable noncommercial automobiles, light trucks, motorcycles, mopeds, golf carts, and similar motorized transportation vehicles are displayed for sale or lease within a fully enclosed structure. Such use shall not include any outdoor inventory display or storage areas. No minimum size requirement shall apply to indoor automobile sales and rental uses." Based on the applicant's letter of intent, the proposed EV Manufacturer leasing facility falls under this definition and qualifies for a conditional use permit.

3. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as “Regional Commercial.” The P-C/Planned Commercial District zoning designation is designed to accommodate such regional commercial centers, and the district allows indoor automobile sales and rental as a conditional use. The proposed use would support the commercial nature of this P-C District.
4. There are no standard minimum lot size, setback, building height, lot coverage, signage, landscaping, or other site development standards for developments within the P-C District. Instead, these are determined as part of the development plan review procedure. The development plan (Attachment ‘C’) for the subject property was approved by the City Council on November 28, 2022 (resolution no. 22-315). All development on the subject property shall conform to all standards and provisions in the adopted development plan.
5. The subject property will contain a large parking lot of nearly 400 stalls (see Attachment ‘C’) which may seem similar to a traditional car dealership lot. However, the purpose of the parking lot on the subject property is not to store or display unleased or unsold vehicles. The proposed ‘indoor automobile sales and rental’ use will be the only such facility operated by this manufacturer within the entire Omaha-Council Bluffs Metropolitan Area, meaning the large parking lot is needed to facilitate business operations serving the entire metro area and outlying areas of western Iowa and eastern Nebraska. The applicant has outlined specific parking needs in their letter of intent and has indicated to staff that they understand that unleased and unsold vehicles shall not be stored or displayed outside on the subject property. The applicant has also agreed to screen the largest portion of the parking lot with continuous landscaping (see Attachment ‘D’). This landscaping will help to visually differentiate the property from traditional car dealership lots, which typically do not provide visual barriers around their outdoor merchandise areas.
6. The applicant shall secure all necessary permits and licenses for the operation of the conditional use and shall comply with all applicable federal, state, and local codes.
7. The hours of operation shall be Monday through Saturday, 7:00 A.M. to 7:00 P.M., with a potential second shift until 12:00 A.M. and Sunday hours of operation when customer volumes support the need.
8. Automotive work performed on the subject property shall consist only of basic electric vehicle service, including: software updates, tire replacement, tire balancing, alignment, topping off fluids, battery replacement, and minor body work (limited only to replacing of doors or the rear hatch). Major automotive repair, as defined in CBMC Section 15.03.047, shall not be permitted on the subject property.
9. Any storage of hazardous chemicals on the subject property shall occur indoors and shall meet or exceed all federal, state, and local regulations.
10. The number of demonstration vehicles parked outdoors on the subject property shall be limited to six (6) at any given time. Such vehicles shall be the latest model(s) available for sale or lease.
11. No exterior storage shall be permitted on the property. This includes intermodal storage containers, auto parts, batteries, fluids, tires, and other vehicle or energy product components.
12. Vehicles parked outdoors on the subject property shall be limited to the following: employee vehicles, customer vehicles, vehicles awaiting service, loaner fleet vehicles, demonstration vehicles, mobile service vehicles, and vehicles that have been contractually leased or sold to a customer and are awaiting pickup.
13. Parked vehicles shall be in a designated parking stall at all times.
14. Sales and/or leasing of trade-in vehicles shall not be permitted on the subject property.
15. Energy products sold or leased on the subject property shall not be stored on the subject property.

16. Commercial vehicles associated with the sale, transportation, and/or installation of energy products shall not be stored on the subject property.

17. Noise created on the subject property shall be subject to the sound level limits stated in CBMC Section 4.50.080.

- The Building Permits and Inspections Division stated it approves of the project.
- The Parks and Recreation Department recommended sidewalks on the property along street frontages to support pedestrian traffic.
- Council Bluffs Water Works stated they have no comments.
- Lumen stated they have copper facilities along the west side of the property and copper and fiber cables near the southeast corner of the property.

**NEIGHBORHOOD RESPONSE** – All property owners within 200 feet were notified of the conditional use permit request. No comments have been received as of the date of this report.

**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 P-C/Planned Commercial District requires a minimum of 10 acres within any contiguously zoned P-C District. The subject property is zoned P-C and is included within the larger P-C District containing the Mid America Center and surrounding supportive uses. The P-C/Planned Commercial District allows for site development standards to be set in a site-specific development plan. Building plans submitted for the subject property shall comply with all standards and requirements outlined in the approved development plan.*
2. *Adequate utility, drainage, and other necessary facilities or improvements have been or will be provided. The applicant has proposed stormwater detention basins on the north and south side of the subject property. Storm sewer, sanitary sewer, and water utilities exist in the vicinity. The applicant shall coordinate with all utility providers for access to utility services. Any necessary utility extensions*



or improvements needed to serve the subject property shall be the responsibility of the developer and not the City.

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 will have three entrances—one on the Bass Pro Drive frontage and two on the Mid America Drive frontage. The applicant has coordinated the design and location of the entrance and exit drives with the Public Works Department. Additionally, the subject property will include an interconnection to the undeveloped parcel lying directly to the south, which will facilitate efficient travel between future developments in the area. All driveways allowing access to the subject property shall be constructed as shown in the approved site plan.*

This project will not interrupt the existing street grid, and the proposed use is not anticipated to result in excessive traffic on nearby streets.

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 permits for the construction of the proposed ‘indoor automobile sales and rental’ use. The applicant shall comply with all applicable federal, state, and local laws and regulations for such use.*
5. *All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. The applicant submitted a photometric plan with the development plan request. The photometric plans indicate conformance with the standards contained in section 15.24.050, *Lighting Controls*, of the Municipal Code (Zoning Ordinance). A final photometric plan shall be submitted with the building permit application.*
6. *The location and size of the conditional use, the nature and intensity of the activities, to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. The subject property is appropriate for an ‘indoor automobile sales and rental’ use. This type of use is commercial in nature, similar to surrounding uses, and will be less intense of a use compared to traditional automobile sales and rental uses which store and display large quantities of vehicles for sale or lease on sprawling outdoor lots. Staff does not anticipate the proposed ‘indoor automobile sales and rental’ use to have a negative effect on existing or future land uses in the surrounding area. Traffic generated by the proposed facility will not be incompatible with other commercial uses in the vicinity, and existing roads are expected to sufficiently accommodate traffic generated by the proposed use. The proposed use is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan.*

The subject property will contain a large parking lot of nearly 400 stalls (see Attachment ‘C’) which may seem similar to a traditional car dealership lot. However, the purpose of the parking lot on the subject property is not to store unleased or unsold vehicles. The proposed ‘indoor automobile sales and rental’ use will be the only such facility operated by this manufacturer within the entire Omaha-Council Bluffs Metropolitan Area, meaning the large parking lot is needed to facilitate business operations serving the entire metro area and outlying areas of western Iowa and eastern Nebraska. The applicant has outlined specific parking needs in their letter of intent and has indicated to staff that they understand that unleased and unsold vehicles shall not be stored or displayed outside on the subject property. The applicant has also agreed to screen the largest portion of the parking lot with continuous

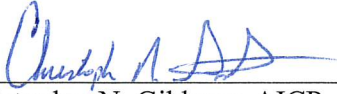
landscaping (see Attachment 'D'). This landscaping will help to visually differentiate the property from traditional car dealership lots, which typically do not provide visual barriers around their outdoor merchandise areas.

7. *The location, nature and height of buildings, structures, walls, and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use, and enjoyment of the adjacent land, buildings and structures. The subject property shall conform to the standards of the previously approved development plan.*
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. Staff does not expect the proposed use to cause harm to the value of neighboring properties.*

**RECOMMENDATION** – The Community Development Department recommends approval of the request for a conditional use permit to allow an ‘automobile sales and rental, indoor’ use in a P-C/Planned Commercial District on property legally described above, subject to the comments stated above and the following conditions:

1. The applicant shall secure all necessary permits and licenses for the operation of the conditional use and shall comply with all applicable federal, state, and local codes.
2. The hours of operation shall be Monday through Saturday, 7:00 A.M. to 7:00 P.M., with a potential second shift until 12:00 A.M. and Sunday hours of operation when customer volumes support the need.
3. Automotive work performed on the subject property shall consist only of basic electric vehicle service, including: software updates, tire replacement, tire balancing, alignment, topping off fluids, battery replacement, and minor body work (limited only to replacing of doors or the rear hatch). Major automotive repair, as defined in CBMC Section 15.03.047, shall not be permitted on the subject property.
4. Any storage of hazardous chemicals on the subject property shall occur indoors and shall meet or exceed all federal, state, and local regulations.
5. The number of demonstration vehicles parked outdoors on the subject property shall be limited to six (6) at any given time. Such vehicles shall be the latest model(s) available for sale or lease.
6. No exterior storage shall be permitted on the property. This includes intermodal storage containers, auto parts, batteries, fluids, tires, and other vehicle or energy product components.
7. Vehicles parked outdoors on the subject property shall be limited to the following: employee vehicles, customer vehicles, vehicles awaiting service, loaner fleet vehicles, demonstration vehicles, mobile service vehicles, and vehicles that have been contractually leased or sold to a customer and are awaiting pickup.
8. Parked vehicles shall be in a designated parking stall at all times.
9. Sales and/or leasing of trade-in vehicles shall not be permitted on the subject property.
10. Energy products sold or leased on the subject property shall not be stored on the subject property.
11. Commercial vehicles associated with the sale, transportation, and/or installation of energy products shall not be stored on the subject property.
12. Noise created on the subject property shall be subject to the sound level limits stated in CBMC Section 4.50.080.

13. The subject property shall remain in conformance with the adopted development plan (Resolution no. 22-315).



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Christopher N. Gibbons, AICP  
Planning Manager  
Community Development Department



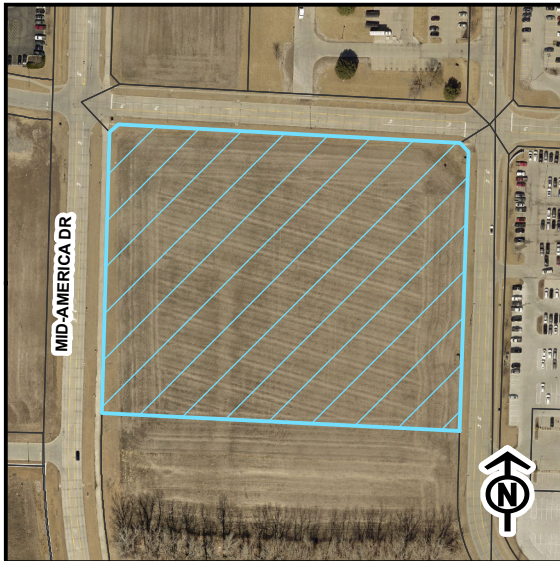
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Brandon Siracuse  
Planner  
Community Development Department

# CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT CASE #CU-22-005 LOCATION/ZONING MAP

 Case #CU-22-005 Subject Property

0 125 250  
1 Inch = 250 Feet



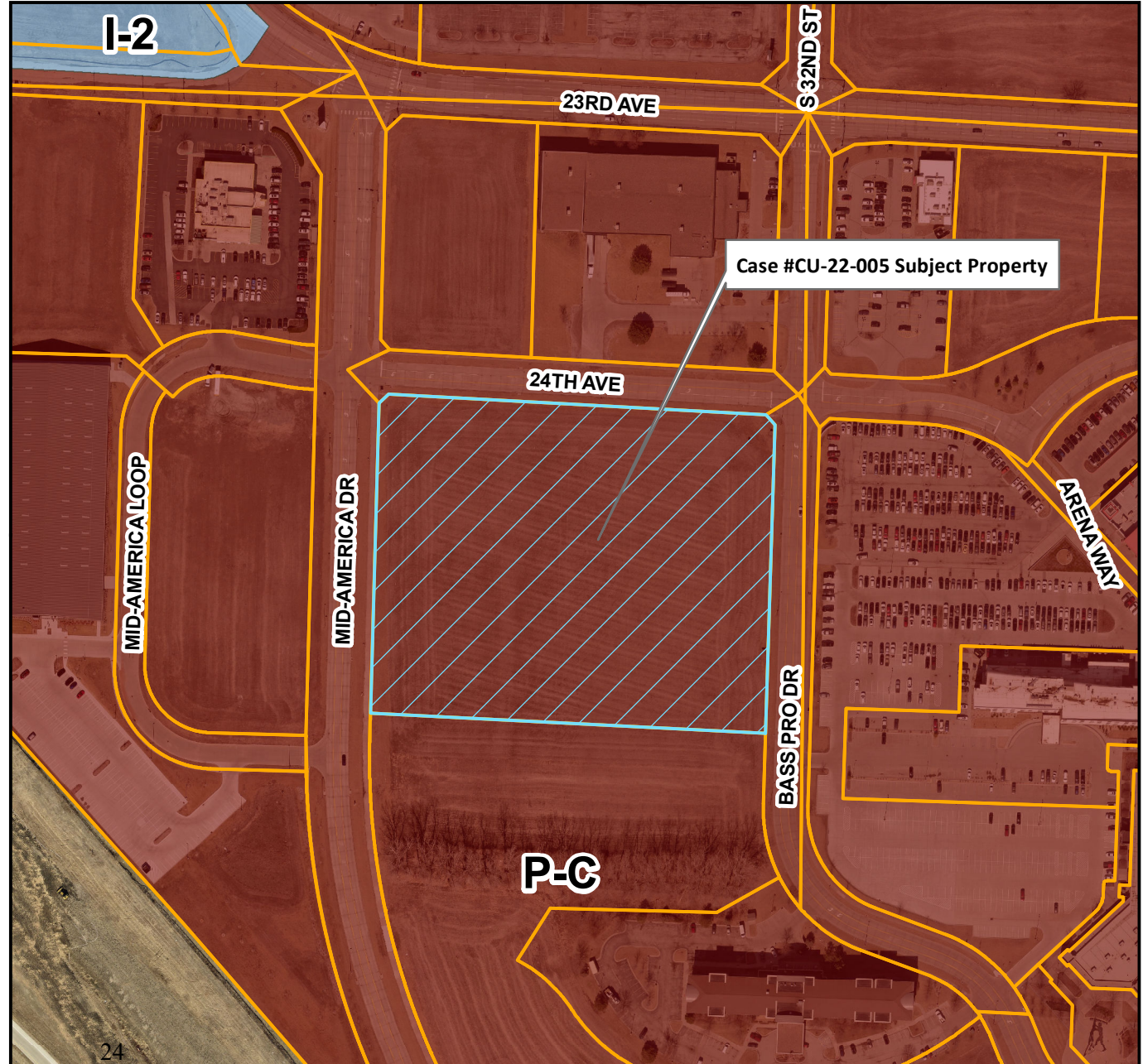
Last Amended: 10/14/2022



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 denies any and all responsibilities for errors, if any, in the information contained on this map; the misuse 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.





## Operational Letter – EV Service Center in Council Bluffs, IA

An EV Manufacturer is proposing a new ~50,000S.F. ground up Service Center at Mid-American Drive, Council Bluffs, IA. We plan on using this property for a EV Manufacturer electric service, leasing, and delivery of leased vehicles.

EV Manufacturer produces electric vehicles that solely use electricity and no gasoline; it is not a hybrid vehicle. Our vehicles don't have internal combustion engines (ICE); thus, the vehicle doesn't have a fuel tank, use oil, an exhaust system, transmission, or many of the other components that require the storage and use of hazardous materials on site or traditional vehicle ventilation. Our vehicles are extremely environmentally sensitive.

Our showroom will have energy products and two vehicles on display for customers to experience our vehicles. Customers will also be able to perform a demonstration drive with the vehicles, there will be 4-6 demo vehicles on-site. Leased vehicles will be stored and taken possession of upon delivery. .400 parks will be needed to support operations in the area as we are expecting large volumes of customers statewide from Nebraska and Iowa. In addition, the requirement for multiple shifts will lead to more service vehicles on site and additional employee vehicles during the short overlap periods. The typical national prototype recommendation from the EV Manufacturer Analytics department for future sites of 50,000is 400 parking spaces since historically our sites outgrow parking requirements faster than expected. The breakdown, including growth projections is approximately 100+/- parking stalls will be used for customers and employees, 125 stalls will be for service vehicles, 60 for delivery of leased vehicles, 50 loaner vehicles, 6 Test Drive Vehicles, 15 mobile service vehicles, and the remainder is a contingency for growth above our projections . We plan to screen the vehicle parking area with adequate landscaping to provide visual enhancement at the parking area.

The service work that will be done here will be standard servicing of our electric vehicles, which will include software updates, tire replacement, tire balancing, alignment, minor body work (only replacing doors or the rear hatch), topping off water, and an occasional battery replacement. There will be no major automotive repair work done on the property. No damaged vehicle parts, components, materials, etc. will be stored outside. No unsold or unleased inventory will be stored outside other than what is disclosed further in this letter.

Most service repairs are handled in under an hour or two. In this case, typically customers make use of the customer lounge while their vehicle is repaired. In the case where vehicle repairs will take several hours, customers have the option of waiting at the center or taking a vehicle from our loaner fleet while they await the repair. The approximate number of vehicles on site at any given time is ~50 and up to ~100 at end of quarter. Service will operate twenty-six lifts and twenty work bays, and ~6,800 sq. ft of parts storage. The expected demand for this center is 45 daily vehicles. Hazardous chemicals stored in this facility are extremely minimal quantities, consisting primarily of cleaning materials, no oil, no gasoline, or other hazardous substances traditionally part of internal combustion vehicle repairs will be found at this service center. Moving EV Manufacturer vehicles within an interior space is extremely environmentally safe, as the vehicles have no exhaust.

Expected customer facing hours of operation for this EV Manufacturer Center are Monday through Saturday from 7:00AM to 7:00PM and closed on Sundays. Employee hours will be 7AM to 7PM Monday through Saturday, with a potential second shift till 12:00AM and Sunday hours of operation when customer volumes support the need. Total employee count is expected to be about 15-20 employees, 10-15 of which would be certified technicians (mechanics) /service support staff, and 5-10 of which would be leasing team members.

At EV Manufacturer, we strive to achieve an uncompromising approach to our vehicles. Our intention is to provide manufacturer support to every vehicle we build from centrally centers throughout the country. Without a doubt, the Council Bluffs area is part of our customer heartland, and we hope to be welcomed as part of the City's high standards of quality and lifestyle.

**RESOLUTION NO. 22-315**

**A RESOLUTION ADOPTING A PLANNED COMMERCIAL DEVELOPMENT PLAN FOR PROPERTY LEGALLY DESCRIBED AS LOT 2, BLUFFS VISION 4 SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** Ryan Companies US, Inc. is requesting approval of a planned commercial development plan on undeveloped land lying at the southwest corner of 24<sup>th</sup> Avenue and Bass Pro Drive; and

**WHEREAS,** The following standards shall apply:

**A. Site Development and Operational Standards**

1. All principal and accessory structures on the subject property shall be subject to the following minimum setbacks:
  - a. Front yard: 15 feet
  - b. Interior side yard: 5 feet
  - c. Street side yard: 10 feet
  - d. Rear yard: 10 feet.
2. The maximum height for all principal structures shall not exceed 50 feet, and the maximum height for accessory structures shall not exceed 18 feet.
3. The maximum lot coverage for all structures on the subject property shall be 60% of the total lot area.
4. All trash receptacles shall be enclosed on three sides and completely screened from view with materials similar to those of the primary building. The enclosure shall have a lockable gate which, when closed, eliminates view of the trash receptacle.
5. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to this site shall be at the sole cost of the developer and not the City.
6. Outdoor storage shall not be permitted. This includes the temporary and/or permanent placement of inter-modal storage containers as well as vehicle parts and other products associated with vehicle maintenance and/or energy products. The parking of vehicles awaiting pickup by a customer shall not be considered outdoor storage.
7. A minimum four-foot wide sidewalk shall be provided along the Bass Pro Drive frontage. The existing sidewalk along 24<sup>th</sup> Avenue and the existing trail along Mid America Drive shall remain and, if damaged during construction, be repaired to their original state.
8. A minimum five-foot-wide pedestrian way shall be provided from the primary entrance of the building structure to the nearest sidewalk. The pedestrian way may be designated with pavement striping, change in paving material, or some other alternative

- approved by the Community Development Department Director or their assign.
9. All fences shall be installed in accordance with Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
  10. All exterior lighting shall be installed in accordance with Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance). Any proposed outdoor light poles shall be constructed out of painted or finished aluminum or steel. Wood poles shall not be allowed. The maximum height of any light pole shall not exceed 25 feet.
  11. The applicant has submitted a photometric plan (see Attachment 'D') indicating that lighting will generally be contained within the property boundaries, with the exception of a minimal amount of light spillover across the northern, eastern, and western property lines. The light intensity across the northern and western property lines does not exceed 0.1 foot-candles in any location, and the light spillover across the eastern property line is limited to a maximum intensity of 0.4 foot-candles. The Community Development Department considers this acceptable and in line with Section 15.24.050 of the Municipal Code (Zoning Ordinance). A final photometric plan shall be submitted with the building permit application for the principal structure and shall be approved by the Community Development Department and the Public Works Department prior to installation of any outdoor lighting fixture.
  12. Any installation of a solar energy conversion system(s) on the subject property shall be in accordance with the standards in Chapter 15.34, Renewable Energy, of the Municipal Code (Zoning Ordinance).
  13. Hours of operation shall be those stated in the applicant's letter of intent.
  14. Noise produced on the subject property shall conform to the regulations of Section 4.50, Noise Control, of the Municipal Code (Noise Ordinance).

**B. Off-Street Parking**

1. The proposed use is classified as 'indoor automobile sales and rental' and is required to provide a minimum of one parking space per 500 square feet of gross floor area, as per Section 15.23.060, Parking Spaces, of the Council Bluffs Municipal Code (Zoning Ordinance). Since the proposed facility will be 50,828 square feet in area, a minimum of 102 parking spaces is required. The submitted site plan shows a total of 394 parking stalls, which exceeds the minimum number of spaces required at this site. The developer has

- offered justification for their parking needs in excess of the minimum in the letter of intent, and city code prohibits the use of the parking lot for the display of vehicle(s) for sale and/or lease.
2. All off-street parking areas, driveways, and drive aisles shall comply with the standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).
  3. All off-street parking lots shall comply with Chapter 661-18, Parking for Persons with Disabilities, of the Iowa Administrative Code.
  4. No junked, wrecked, or inoperable vehicles shall be stored outdoors on the subject property.
  5. Outdoor parking shall not be used for the display of inventory for sale and/or lease.
  6. Vehicle parking on the subject property shall be limited to designated parking stalls only.
  7. Vehicles parked outdoors on the subject property shall be limited to vehicles of customers and employees, vehicles awaiting service, vehicles contractually leased or sold to a customer and awaiting pickup, loaner fleet vehicles, demonstration vehicles, and mobile service vehicles, as outlined in the applicant's letter of intent.
  8. Electric vehicle charging units and supporting equipment shall not impede parking, circulation, or designated pedestrian pathways.
  9. Transformer boxes and other above-ground supporting equipment for electric vehicle charging units shall be screened with fencing and/or landscaping that extends at least six (6) inches above the highest point of the equipment or be wrapped with artwork.
  10. A parking lot permit shall be submitted with the building permit application for the proposed EV Manufacturer facility. The plan shall clearly identify the number, location, and dimension of all drive aisles, parking spaces, pedestrian ways, islands, landscaped areas, loading areas, and lighting.
  11. All grading and drainage activity for this development shall be completed in accordance with the approved final plans.

**C. Architecture**

1. Acceptable exterior building materials for development in this area of the city include brick, stone, brick- or stone-like concrete masonry units, pre-case concrete, architectural metal panels, glazing, and other high-quality, durable materials.
2. The submitted exterior architectural elevations (Attachment 'E', sheets A4.01 through A4.07) indicate the use of primarily pre-cast concrete on all building facades. Glazing is also shown on all



facades, and architectural metal panels are proposed on the western façade. The north, east, and south facades also contain architectural “bump-outs” composed of pre-cast concrete. Multiple colors are used on all building facades to increase visual interest.

3. The Community Development Department finds the proposed architectural details acceptable and recommends adoption of the exterior architectural plans as submitted.
4. All rooftop mounted mechanical equipment that is visible from an adjacent public street right-of-way shall be screened from view using architectural design features.
5. All ground-mounted mechanical equipment that is visible from an adjacent public street right-of-way shall be completely screened from view using architectural design features, fencing, masonry wall, landscaping, or a combination thereof.

D. Signage

1. The following attached signs are proposed (see Attachment ‘F’):
  - a. One (1) 19’-7 ½” wide by 2’-0” tall sign containing the company name on the north building elevation,
  - b. One (1) 8’-0” wide by 8’-0” tall sign containing the company logo on the east building elevation,
  - c. One (1) 19’-7 ½” wide by 2’-0” tall sign containing the company name on the south building elevation,
  - d. One (1) 8’-0” wide by 8’-0” tall sign containing the company logo on the west building elevation,
  - e. One (1) 39’-3” wide by 4’-0” tall sign containing the company name on the west building elevation, and
  - f. One (1) 9’-3” wide by 1’-0” tall sign identifying the service entrance on the west building façade.
2. The following detached sign is proposed:
  - a. One (1) 3’-5 5/8” wide by 8’-0” tall monument sign near the southwest site entrance.
3. The proposed signage totals approximately 401 square feet and is deemed acceptable for the subject property.
4. On-site directional signage shall count toward the overall amount of signage permitted on the subject property. Directional signage shall be limited to a maximum height of six (6) feet as measured from the natural grade and shall be limited to a maximum of four (4) square feet per sign face, not to exceed a total of eight (8) square feet per sign.
5. The total amount of permitted signage on the subject property shall not exceed 450 square feet. This includes directional signage.

**E. Landscaping**

1. The landscaping plan (Attachment 'G') shows a mixture of ornamental trees and shrubs along the perimeter of the subject property. The proposed landscaping is generally acceptable and shall be adopted as proposed with the following modifications:
  - a. All disturbed areas without a specific landscape design shall be seeded or sodded with turf grass or prairie grass.
  - b. Parking lot islands and end caps shall contain turf grass and/or prairie grass as ground cover at minimum, or they shall be otherwise landscaped, with decorative plant species and noted on the landscape plan. Parking lot islands and end caps without vegetative landscaping shall not be permitted.
  - c. A minimum of 10% of the total parking lot area shall be landscaped, and the total landscaped area shall be indicated on a final landscaping plan submitted with the building permit application. Landscape buffers located between the parking lot and property line shall count toward total the parking lot landscaping requirement.
  - d. The landscaping plan shall indicate the plant species to be used in the detention basins on the north and south sides of the subject property.
2. Not more than 10% of the landscaped area shall be of inorganic material such as brick, stone, aggregate, river rock, metal or artificial turf. Organic mulch may be used around trees and/or shrubs.
3. All perimeter shrubs and trees shall be allowed to grow to their full mature height and shall be maintained at such height so as to screen view of the parking lot from the public right-of-way.
4. All landscaping shall be appropriately irrigated and maintained, and dead plant material shall be replaced at a time appropriate to planting seasons but in all cases shall be replaced within one year; and

**WHEREAS,** The Community Development Department recommends approval of the request of to adopt a planned commercial development plan for property legally described as Lot 2, Bluffs Vision 4 Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments and conditions above and the following conditions:


- A. This development plan shall not become effective until such time that the Zoning Board of Adjustment issues a conditional use permit for an 'indoor automobile sales and rental' use for the subject property, and
- B. The subject property shall abide by all conditions stated above and any additional conditions adopted with the conditional use permit.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

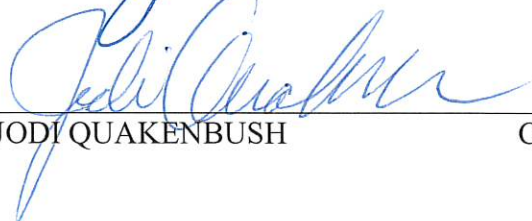
That the Planned Commercial Development Plan for property legally described as Lot 2, Bluffs Vision 4 Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, is hereby adopted and approved, and will be in full force and effect upon completion of the conditions set forth above from and after its final passage and publication, as by law provided.

ADOPTED  
AND  
APPROVED

November 28, 2022.

  
\_\_\_\_\_  
MATTHEW J. WALSH Mayor

Attest:

  
\_\_\_\_\_  
JODI QUAKENBUSH City Clerk

## Council Communication

Department: Community Development  
Case/Project No.: PC-22-001  
Submitted by: Brandon Siracuse, Planner

Resolution 22-315  
ITEM 7.E.

Council Action: 11/28/2022

### Description

Resolution adopting a planned commercial development plan for property legally described as Lot 2, Bluffs Vision 4 Subdivision. Location: Undeveloped land lying at the southwest corner of 24th Avenue and Bass Pro Drive. PC-22-001

### Background/Discussion

See attached staff report.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	11/18/2022
Attachment A: Zoning/Location Case Map	Map	11/18/2022
Attachment B: Letter of Intent	Letter	11/18/2022
Attachment C: Site Plan	Other	11/18/2022
Attachment D: Photometric Plan	Other	11/18/2022
Attachment E: Elevations and Signage	Other	11/18/2022
Attachment F: Landscape Plan	Other	11/18/2022
Resolution 22-315	Resolution	11/23/2022

### City Council Communication

<p>Department: Community Development</p> <p>CASE #PC-22-001</p> <p>Applicant: Ryan Companies US, Inc. 111 East Grand Avenue, Suite 200 Des Moines, IA 50309</p> <p>Owner: Frank R. Krejci Trust 1505 N 203<sup>rd</sup> Street Elkhorn, NE 68022</p> <p>Represented by: David R. Madden, Esq. Richardson Madden P.C., L.L.O. 11819 Miracle Hills Drive, Suite 104 Omaha, NE 68154</p>	<p>Resolution No. _____</p>	<p>City Council: 11/28/2022</p> <p>Planning Commission: 11/8/2022</p>
<p><b>Subject/Title</b></p> <p><b>Request:</b> Public hearing on the request of Ryan Companies US, Inc., represented by David R. Madden, Esq., to adopt a planned commercial development plan for property legally described as Lot 2, Bluffs Vision 4 Subdivision, City of Council Bluffs, Pottawattamie County, Iowa.</p> <p><b>Location:</b> Undeveloped land lying at the southwest corner of 24<sup>th</sup> Avenue Bass Pro Drive.</p>		
<p style="text-align: center;"><b>Background/Discussion</b></p> <p>The Community Development Department has received an application from Ryan Companies US, Inc., represented by David R. Madden, Esq., to adopt a planned commercial development plan for Lot 2, Bluffs Vision 4 Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. The proposed development plan will be specific to an electric vehicle (EV) manufacturer's proposed indoor automobile sales and rental facility.</p> <p>The subject property is undeveloped land within a P-C/Planned Commercial District, which requires a development plan to establish a set of standards for development. Although the subject property is located within a P-C District, it has not previously had an adopted development plan. The proposed development plan is associated with a proposed 'indoor automobile sales and rental' use, which is allowed in the P-C District with a conditional use permit. The proposed development plan is anticipated to be reviewed by the City Planning Commission and potentially approved by the City Council prior to the Zoning Board of Adjustment (ZBA) holding a public hearing on the issuance of a conditional use permit for the subject property on December 20, 2022. However, the development plan shall only become effective if the ZBA grants the applicants a conditional use permit.</p> <p>According to the applicant's letter of intent (Attachment 'B'), the subject property's use as an indoor automobile sales and rental facility will include leasing of electric vehicles as well as associated minor vehicle service, such as software updates, tire replacement, tire balancing, alignment, and minor body work (limited to replacing doors or the rear hatch). The facility will not be used for major automotive repair, and all vehicle parts, components,</p>		

and materials will be stored indoors. Unsold or unleased inventory will not be stored on-site. The facility is anticipated to serve customers from across Iowa and Nebraska.

The facility will have two vehicles as well as energy products produced by the same company on display. Several demonstration vehicles will be available for test drives, but vehicles will be custom ordered and delivered from an off-site location for pickup by customers. Energy products will also custom ordered and delivered to customers for installation.

Additional details about the proposed development can be found in the applicant's letter of intent (Attachment 'B').

Iowa Administrative Code Section 322.3(14) currently prohibits direct-to-consumer vehicle sales, a sales model characterized by customers directly purchasing new vehicles from a manufacturer rather than from an independently owned and operated dealership. However, state law does not prohibit leasing of vehicles by a manufacturer. The proposed development will not be an independently owned and operated dealership, therefore the EV Manufacturer's facility on the subject property will be limited to leasing vehicles until such time that state law changes to allow direct-to-consumer sales.

Additionally, the P-C/Planned Commercial District allows specifically for 'indoor automobile sales and rental' as a conditional use. Section 15.03.048b of the Council Bluffs Municipal Code (Zoning Ordinance) defines this use as "an automobile sales and rental establishment consisting only of premises on which fully operable noncommercial automobiles, light trucks, motorcycles, mopeds, golf carts, and similar motorized transportation vehicles are displayed for sale or lease within a fully enclosed structure. Such use shall not include any outdoor inventory display or storage areas." As such, the proposed development will not be permitted to store any inventory for lease outdoors on the subject property. If Iowa state law were to change in the future such that direct-to-consumer sales are permitted in the state, the facility could offer vehicles for sale as well as for lease on the subject property, however, outdoor storage of inventory for sale would continue to be prohibited on the subject property.

#### Land Use and Zoning

The subject property is zoned P-C/Planned Commercial District. Surrounding properties in all directions are also zoned P-C. Adjoining properties include:

- XPO Logistics and a vacant lot to the north
- Home Team Cookout Bar and Grill to the northeast
- Courtyard by Marriott Omaha East/Council Bluffs Hotel and a parking lot for the Mid America Center to the east and southeast
- Undeveloped land to the south
- The Iowa West Sports Plex and an undeveloped lot to the west and southwest
- Quaker Steak & Lube to the northwest

#### City Departments and Utilities

All appropriate City departments and utilities were notified of the proposed planned commercial development plan. The following comments were received:

- The Community Development Department stated that the proposed 'indoor automobile sales and rental' facility is allowed as a conditional use in the P-C District and is generally compatible with the surrounding uses and intent of the P-C District. Indoor automobile sales and rental facilities are differentiated from traditional vehicle dealerships and sales lots in that all inventory for sale or lease is stored indoors. According to the site plan (Attachment 'C'), the proposed development will contain a sizeable parking lot with 394 parking stalls, none of which will be used to store inventory according to the applicant's letter of intent. The proposed parking will be utilized approximately as follows: 100 (+/-) stalls for

customers and employees, 125 (+/-) stalls for vehicles awaiting service, 60 (+/-) stalls for leased vehicles awaiting pickup by customers, 50 stalls for loaner vehicles, 6 stalls for demonstration/test drive vehicles, 15 stalls for mobile service vehicles, and the remainder being a contingency for future growth. The proposed development is anticipated to serve customers from across Iowa and Nebraska, and the EV Manufacturer's internal evaluations indicate a need for 394 parking stalls to accommodate projected business volumes. In order to ensure that the development's parking lot does not have the appearance of a traditional automobile dealership, the applicant has agreed to screen the vehicle parking area with perimeter landscaping.

- The Building Permits and Inspections Division stated they approve of the project.
- The Parks and Recreation Department recommended sidewalks on the property along street frontages to support pedestrian traffic.
- The Public Works Department stated that the applicant shall work with the City on all necessary items under the purview of the Public Works Department.
- Council Bluffs Water Works stated they have no comments.
- Lumen stated they have copper facilities along the west side of the property and copper and fiber cables near the southeast corner of the property.

### **Development Plan**

#### **1. Site Development and Operational Standards**

- a. All principal and accessory structures on the subject property shall be subject to the following minimum setbacks:
  - i. Front yard: 15 feet
  - ii. Interior side yard: 5 feet
  - iii. Street side yard: 10 feet
  - iv. Rear yard: 10 feet.
- b. The maximum height for all principal structures shall not exceed 50 feet, and the maximum height for accessory structures shall not exceed 18 feet.
- c. The maximum lot coverage for all structures on the subject property shall be 60% of the total lot area.
- d. All trash receptacles shall be enclosed on three sides and completely screened from view with materials similar to those of the primary building. The enclosure shall have a lockable gate which, when closed, eliminates view of the trash receptacle.
- e. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to this site shall be at the sole cost of the developer and not the City.
- f. Outdoor storage shall not be permitted. This includes the temporary and/or permanent placement of inter-modal storage containers as well as vehicle parts and other products associated with vehicle maintenance and/or energy products. The parking of vehicles awaiting pickup by a customer shall not be considered outdoor storage.
- g. A minimum four-foot wide sidewalk shall be provided along the Bass Pro Drive frontage. The existing sidewalk along 24<sup>th</sup> Avenue and the existing trail along Mid America Drive shall remain and, if damaged during construction, be repaired to their original state.
- h. A minimum five-foot-wide pedestrian way shall be provided from the primary entrance of the building structure to the nearest sidewalk. The pedestrian way may be designated with pavement striping, change in paving material, or some other alternative approved by the Community Development Department Director or their assign.
- i. All fences shall be installed in accordance with Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
- j. All exterior lighting shall be installed in accordance with Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance). Any proposed outdoor light poles shall be constructed out of painted or finished aluminum or steel. Wood poles shall not be allowed. The maximum height of any light pole shall not exceed 25 feet.

- k. The applicant has submitted a photometric plan (see Attachment 'D') indicating that lighting will generally be contained within the property boundaries, with the exception of a minimal amount of light spillover across the northern, eastern, and western property lines. The light intensity across the northern and western property lines does not exceed 0.1 foot-candles in any location, and the light spillover across the eastern property line is limited to a maximum intensity of 0.4 foot-candles. The Community Development Department considers this acceptable and in line with Section 15.24.050 of the Municipal Code (Zoning Ordinance). A final photometric plan shall be submitted with the building permit application for the principal structure and shall be approved by the Community Development Department and the Public Works Department prior to installation of any outdoor lighting fixture.
- l. Any installation of a solar energy conversion system(s) on the subject property shall be in accordance with the standards in Chapter 15.34, *Renewable Energy*, of the Municipal Code (Zoning Ordinance).
- m. Hours of operation shall be those stated in the applicant's letter of intent.
- n. Noise produced on the subject property shall conform to the regulations of Section 4.50, *Noise Control*, of the Municipal Code (Noise Ordinance).

## 2. Off-Street Parking

- a. The proposed use is classified as 'indoor automobile sales and rental' and is required to provide a minimum of one parking space per 500 square feet of gross floor area, as per Section 15.23.060, *Parking Spaces*, of the Council Bluffs Municipal Code (Zoning Ordinance). Since the proposed facility will be 50,828 square feet in area, a minimum of 102 parking spaces is required. The submitted site plan shows a total of 394 parking stalls, which exceeds the minimum number of spaces required at this site. The developer has offered justification for their parking needs in excess of the minimum in the letter of intent, and city code prohibits the use of the parking lot for the display of vehicle(s) for sale and/or lease.
- b. All off-street parking areas, driveways, and drive aisles shall comply with the standards stated in Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance).
- c. All off-street parking lots shall comply with Chapter 661-18, *Parking for Persons with Disabilities*, of the Iowa Administrative Code.
- d. No junked, wrecked, or inoperable vehicles shall be stored outdoors on the subject property.
- e. Outdoor parking shall not be used for the display of inventory for sale and/or lease.
- f. Vehicle parking on the subject property shall be limited to designated parking stalls only.
- g. Vehicles parked outdoors on the subject property shall be limited to vehicles of customers and employees, vehicles awaiting service, vehicles contractually leased or sold to a customer and awaiting pickup, loaner fleet vehicles, demonstration vehicles, and mobile service vehicles, as outlined in the applicant's letter of intent.
- h. Electric vehicle charging units and supporting equipment shall not impede parking, circulation, or designated pedestrian pathways.
- i. Transformer boxes and other above-ground supporting equipment for electric vehicle charging units shall be screened with fencing and/or landscaping that extends at least six (6) inches above the highest point of the equipment or be wrapped with artwork.
- j. A parking lot permit shall be submitted with the building permit application for the proposed EV Manufacturer facility. The plan shall clearly identify the number, location, and dimension of all drive aisles, parking spaces, pedestrian ways, islands, landscaped areas, loading areas, and lighting.
- k. All grading and drainage activity for this development shall be completed in accordance with the approved final plans.



### 3. Architecture

- a. Acceptable exterior building materials for development in this area of the city include brick, stone, brick- or stone-like concrete masonry units, pre-cast concrete, architectural metal panels, glazing, and other high-quality, durable materials.
- b. The submitted exterior architectural elevations (Attachment 'E') indicate the use of primarily pre-cast concrete on all building facades. Glazing is also shown on all facades, and architectural metal panels are proposed on the western façade. The north, east, and south facades also contain architectural "bump-outs" composed of pre-cast concrete. Multiple colors are used on all building facades to increase visual interest.
- c. The Community Development Department finds the proposed architectural details acceptable and recommends adoption of the exterior architectural plans as submitted.
- d. All rooftop mounted mechanical equipment that is visible from an adjacent public street right-of-way shall be screened from view using architectural design features.
- e. All ground-mounted mechanical equipment that is visible from an adjacent public street right-of-way shall be completely screened from view using architectural design features, fencing, masonry wall, landscaping, or a combination thereof.

### 4. Signage

- a. The following attached signs are proposed (see Attachment 'E'):
  - i. One (1) 19'-7 1/2" wide by 2'-0" tall sign containing the company name on the north building elevation,
  - ii. One (1) 8'-0" wide by 8'-0" tall sign containing the company logo on the east building elevation,
  - iii. One (1) 19'-7 1/2" wide by 2'-0" tall sign containing the company name on the south building elevation,
  - iv. One (1) 8'-0" wide by 8'-0" tall sign containing the company logo on the west building elevation,
  - v. One (1) 39'-3" wide by 4'-0" tall sign containing the company name on the west building elevation, and
  - vi. One (1) 9'-3" wide by 1'-0" tall sign identifying the service entrance on the west building façade.
- b. The following detached sign is proposed:
  - i. One (1) 3'-5 5/8" wide by 8'-0" tall monument sign near the southwest site entrance.
- c. The proposed signage totals approximately 401 square feet and is deemed acceptable for the subject property.
- d. On-site directional signage shall count toward the overall amount of signage permitted on the subject property. Directional signage shall be limited to a maximum height of six (6) feet as measured from the natural grade and shall be limited to a maximum of four (4) square feet per sign face, not to exceed a total of eight (8) square feet per sign.
- e. The total amount of permitted signage on the subject property shall not exceed 450 square feet. This includes directional signage.

### 5. Landscaping

- a. The landscaping plan (Attachment 'F') shows a mixture of ornamental trees and shrubs along the perimeter of the subject property. The proposed landscaping is generally acceptable and shall be adopted as proposed with the following modifications:
  - i. All disturbed areas without a specific landscape design shall be seeded or sodded with turf grass or prairie grass.
  - ii. Parking lot islands and end caps shall contain turf grass and/or prairie grass as ground cover at minimum, or they shall be otherwise landscaped, with decorative plant species and noted on the landscape plan. Parking lot islands and end caps without vegetative landscaping shall

not be permitted.

- iii. A minimum of 10% of the total parking lot area shall be landscaped, and the total landscaped area shall be indicated on a final landscaping plan submitted with the building permit application. Landscape buffers located between the parking lot and property line shall count toward total the parking lot landscaping requirement.
- iv. The landscaping plan shall indicate the plant species to be used in the detention basins on the north and south sides of the subject property.
- b. Not more than 10% of the landscaped area shall be of inorganic material such as brick, stone, aggregate, river rock, metal or artificial turf. Organic mulch may be used around trees and/or shrubs.
- c. All perimeter shrubs and trees shall be allowed to grow to their full mature height and shall be maintained at such height so as to screen view of the parking lot from the public right-of-way.
- d. All landscaping shall be appropriately irrigated and maintained, and dead plant material shall be replaced at a time appropriate to planting seasons but in all cases shall be replaced within one year.

### **Recommendation**

The Community Development Department recommends approval of the request of Ryan Companies US, Inc., represented by David R. Madden, Esq., to adopt a planned commercial development plan for property legally described as Lot 2, Bluffs Vision 4 Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments and conditions above and the following conditions:

1. This development plan shall not become effective until such time that the Zoning Board of Adjustment issues a conditional use permit for an 'indoor automobile sales and rental' use for the subject property, and
2. The subject property shall abide by all conditions stated above and any additional conditions adopted with the conditional use permit.

### **Public Hearing**

Staff speaker for the request:

1. Brandon Siracuse, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. David Madden, Esq., Richardson Madden PC, LLC, 11819 Miracle Hills Drive, Suite 104, Omaha, NE 68154

Speakers against: None

The City Planning Commission recommended approval of the request of Ryan Companies US, Inc., represented by David R. Madden, Esq., to adopt a planned commercial development plan for property legally described as Lot 2, Bluffs Vision 4 Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments and conditions above and the following conditions:

1. This development plan shall not become effective until such time that the Zoning Board of Adjustment issues a conditional use permit for an 'indoor automobile sales and rental' use for the subject property, and
2. The subject property shall abide by all conditions stated above and any additional conditions adopted with the conditional use permit.

VOTE: AYE – Bailey, Bass, Halm, Hutcheson, Knauss, Rew, Rater, Scott, Stroebele and Van Houten.  
NAY – None. ABSTAIN – Opperman. ABSENT – None. VACANT - None Motion: Carried.


**Attachments**

Attachment A: Zoning/Location Case Map  
Attachment B: Letter of Intent  
Attachment C: Site Plan  
Attachment D: Photometric Plan  
Attachment E: Elevations and Signage  
Attachment F: Landscape Plan

Prepared by: Brandon Siracuse, Planner



# CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT CASE #CU-22-005 LOCATION/ZONING MAP

 Case #CU-22-005 Subject Property

0 125 250  
1 Inch = 250 Feet

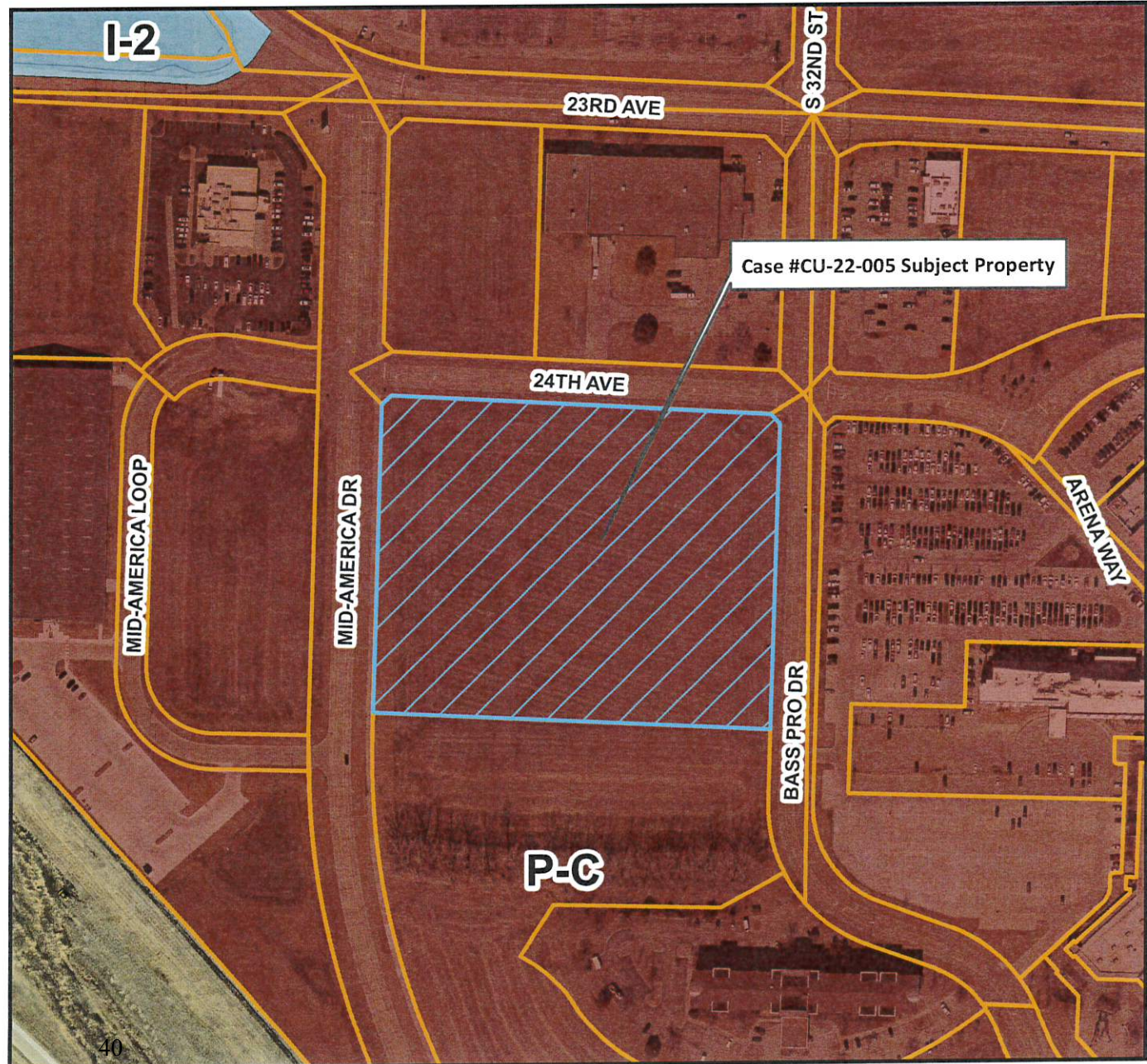


Last Amended: 10/14/2022



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. Users of this map are hereby notified that the City expressly denies any and all responsibilities for errors, if any, in the information contained on this map or the use 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.





## Attachment B (from development plan)

### EV Manufacturer

#### Operational Letter – EV Service Center in Council Bluffs, IA

An EV Manufacturer is proposing a new ~50,000S.F. ground up Service Center at Mid-American Drive, Council Bluffs, IA. We plan on using this property for a EV Manufacturer electric service, leasing, and delivery of leased vehicles.

EV Manufacturer produces electric vehicles that solely use electricity and no gasoline; it is not a hybrid vehicle. Our vehicles don't have internal combustion engines (ICE); thus, the vehicle doesn't have a fuel tank, use oil, an exhaust system, transmission, or many of the other components that require the storage and use of hazardous materials on site or traditional vehicle ventilation. Our vehicles are extremely environmentally sensitive.

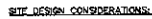
Our showroom will have energy products and two vehicles on display for customers to experience our vehicles. Customers will also be able to perform a demonstration drive with the vehicles, there will be 4-6 demo vehicles on-site. Leased vehicles will be stored and taken possession of upon delivery. 400 parks will be needed to support operations in the area as we are expecting large volumes of customers statewide from Nebraska and Iowa. In addition, the requirement for multiple shifts will lead to more service vehicles on site and additional employee vehicles during the short overlap periods. The typical national prototype recommendation from the EV Manufacturer Analytics department for future sites of 50,000 is 400 parking spaces since historically our sites outgrow parking requirements faster than expected. The breakdown, including growth projections is approximately 100+/- parking stalls will be used for customers and employees, 125 stalls will be for service vehicles, 60 for delivery of leased vehicles, 50 loaner vehicles, 6 Test Drive Vehicles, 15 mobile service vehicles, and the remainder is a contingency for growth above our projections. We plan to screen the vehicle parking area with adequate landscaping to provide visual enhancement at the parking area.

The service work that will be done here will be standard servicing of our electric vehicles, which will include software updates, tire replacement, tire balancing, alignment, minor body work (only replacing doors or the rear hatch), topping off water, and an occasional battery replacement. There will be no major automotive repair work done on the property. No damaged vehicle parts, components, materials, etc. will be stored outside. No unsold or unleased inventory will be stored outside other than what is disclosed further in this letter.

Most service repairs are handled in under an hour or two. In this case, typically customers make use of the customer lounge while their vehicle is repaired. In the case where vehicle repairs will take several hours, customers have the option of waiting at the center or taking a vehicle from our loaner fleet while they await the repair. The approximate number of vehicles on site at any given time is ~50 and up to ~100 at end of quarter. Service will operate twenty-six lifts and twenty work bays, and ~6,800 sq. ft of parts storage. The expected demand for this center is 45 daily vehicles. Hazardous chemicals stored in this facility are extremely minimal quantities, consisting primarily of cleaning materials, no oil, no gasoline, or other hazardous substances traditionally part of internal combustion vehicle repairs will be found at this service center. Moving EV Manufacturer vehicles within an interior space is extremely environmentally safe, as the vehicles have no exhaust.

Expected customer facing hours of operation for this EV Manufacturer Center are Monday through Saturday from 7:00AM to 7:00PM and closed on Sundays. Employee hours will be 7AM to 7PM Monday through Saturday, with a potential second shift till 12:00AM and Sunday hours of operation when customer volumes support the need. Total employee count is expected to be about 15-20 employees, 10-15 of which would be certified technicians (mechanics) /service support staff, and 5-10 of which would be leasing team members.

At EV Manufacturer, we strive to achieve an uncompromising approach to our vehicles. Our intention is to provide manufacturer support to every vehicle we build from centrally centers throughout the country. Without a doubt, the Council Bluffs area is part of our customer heartland, and we hope to be welcomed as part of the City's high standards of quality and lifestyle.



- 5' TURNING RADIUS (75'-80' CAR HAULER + TRUCKS WITH UP TO 10' OVERHANG)
- 80,000 MAX WEIGHT OF LOADED HAULER CAN DAMAGE SOME PAVING LOTS.
- 14' HEIGHT CLEARANCE (TREES & OVERHANGS)
- SLOPE OF 14' MIN WIDTH AT SIX INCHES DRIVEWAY, LOW EQUIPMENT CAN BOTTOM OUT AND DAMAGE EQUIPMENT OR ASPHALT/SIDEWALK OR HALT OPERATIONS UNTIL VEHICLE IS CLEARED.
- TRUCK ROUTE FROM FREEWAY TO SITE MUST SATISFY TURNING RADIUS AND OVERHEAD CLEARANCES. SOME STREETS HAVE LIMITATIONS TO SIZE OF VEHICLE.
- LOADING/UNLOADING ZONES AWAY FROM HEAVY TRAFFIC TO 200 CARS/DAY = 25 +/- TRUCKS/DAY.
- SHORTEST OR MOST DIRECT ROUTE CAN RESTRICT ACCESS TO C.
- 24-7 LOADING/UNLOADING ADJACENT TO RESIDENTIAL (NOISE DROUNDS OR RESTRICTIONS)



- | SITE INFORMATION TABLE |  |
|------------------------|--|
| LEGAL DESCRIPTION:     | UPFS VISION & SUBDIVISION LOT 4 (7.16 AC)                            |
| EXISTING ZONING:       | P-C  |
| PROPOSED ZONING:       | P-C  |
| SETBACKS:              |  |
| FRONT:                 | 20 FEET  |
| REAR:                  | 20 FEET  |
| INTERIOR SIDE YARD:    | 5 FEET   |
| STREET SIDE:           | 15 FEET  |
| PARKING REQUIREMENTS:  |  |
| REQUIRED:              | 102 STALLS REQUIRED (1 STALL PER 500 SF OF BUILDING SPACE, 50850 SF) |
| PROVIDED:              | 384 TOTAL STALLS   |
| ACCESSIBLE PARKING:    |  |
| REQUIRED:              | 8 TOTAL (INCLUDING 2 VAN ACCESSIBLE)                                 |
| PROVIDED:              | 8 TOTAL (INCLUDING 4 VAN ACCESSIBLE)                                 |

## NOTES

- NOTES**
1. ALL DIMENSIONS SHOWN ARE TO BACK OF CURB. ALL RADII ARE 4' UNLESS OTHERWISE NOTED.
  2. ALL CURB AND GUTTER SHALL BE TYPE "A" INTEGRAL CURB PER CITY OF OMAHA STANDARD PLATE 502-01, UNLESS OTHERWISE NOTED.
  3. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OF SIDEWALK AND PAVEMENT JOINTING PLAN TO ENGINEER FOR APPROVAL PRIOR TO CONSTRUCTION.

**olsson**

2111 South 87th Street, Suite 200  
Omaha, NE 68106  
TEL 402.341.1116  
[www.olason.com](http://www.olason.com)

EV TENANT

BASS PRO DRIVE  
COUNCIL BLUFFS, IA  
51501

ISSUE/REVISION \_\_\_\_\_  
OCTOBER 10TH, 2022

BEFORE 500 AWAY

**DRAWING TITLE** \_\_\_\_\_

## SITE PLAN

SCALE: AS SHOWN  
PROJECT NUMBER: 22049

SHEET NUMBER

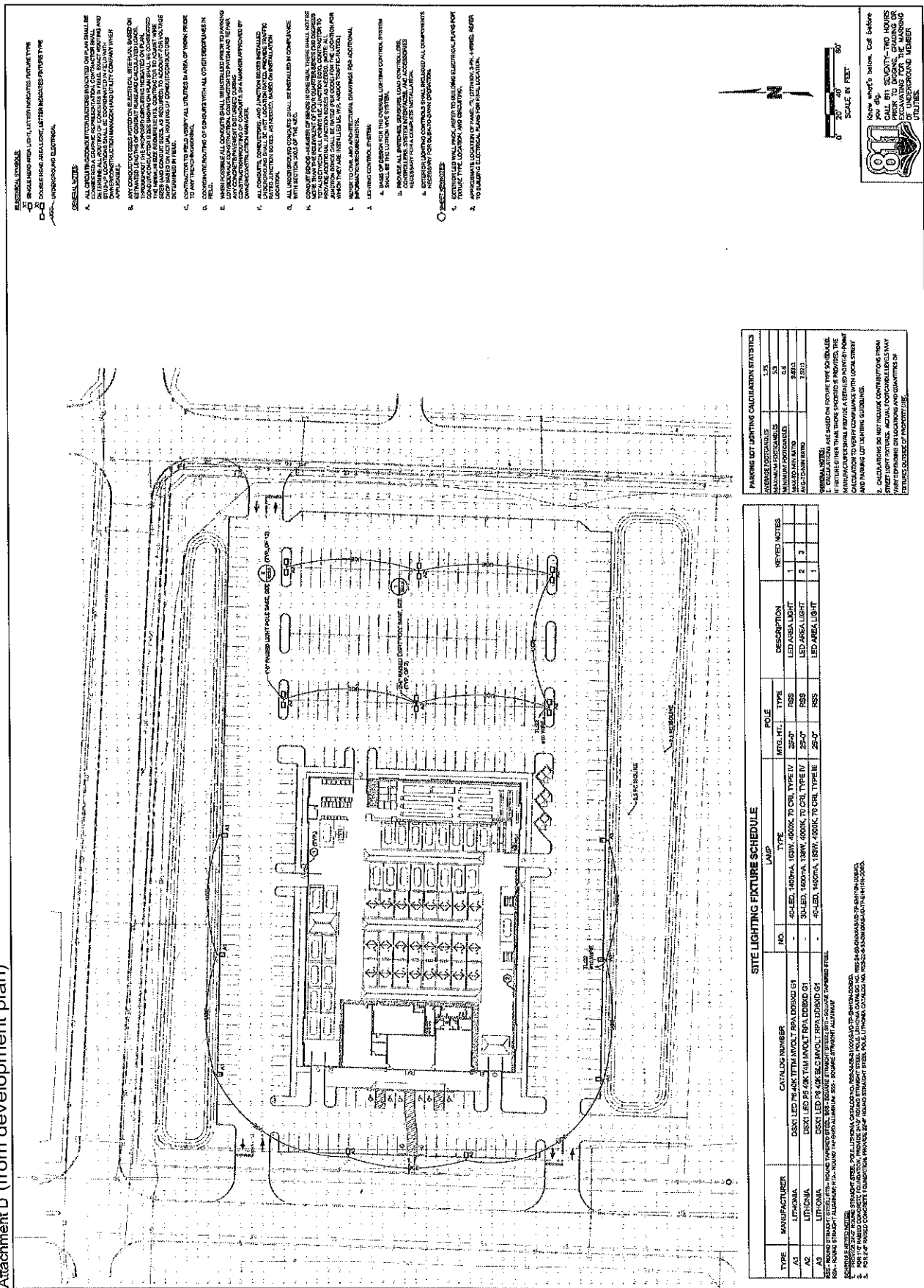
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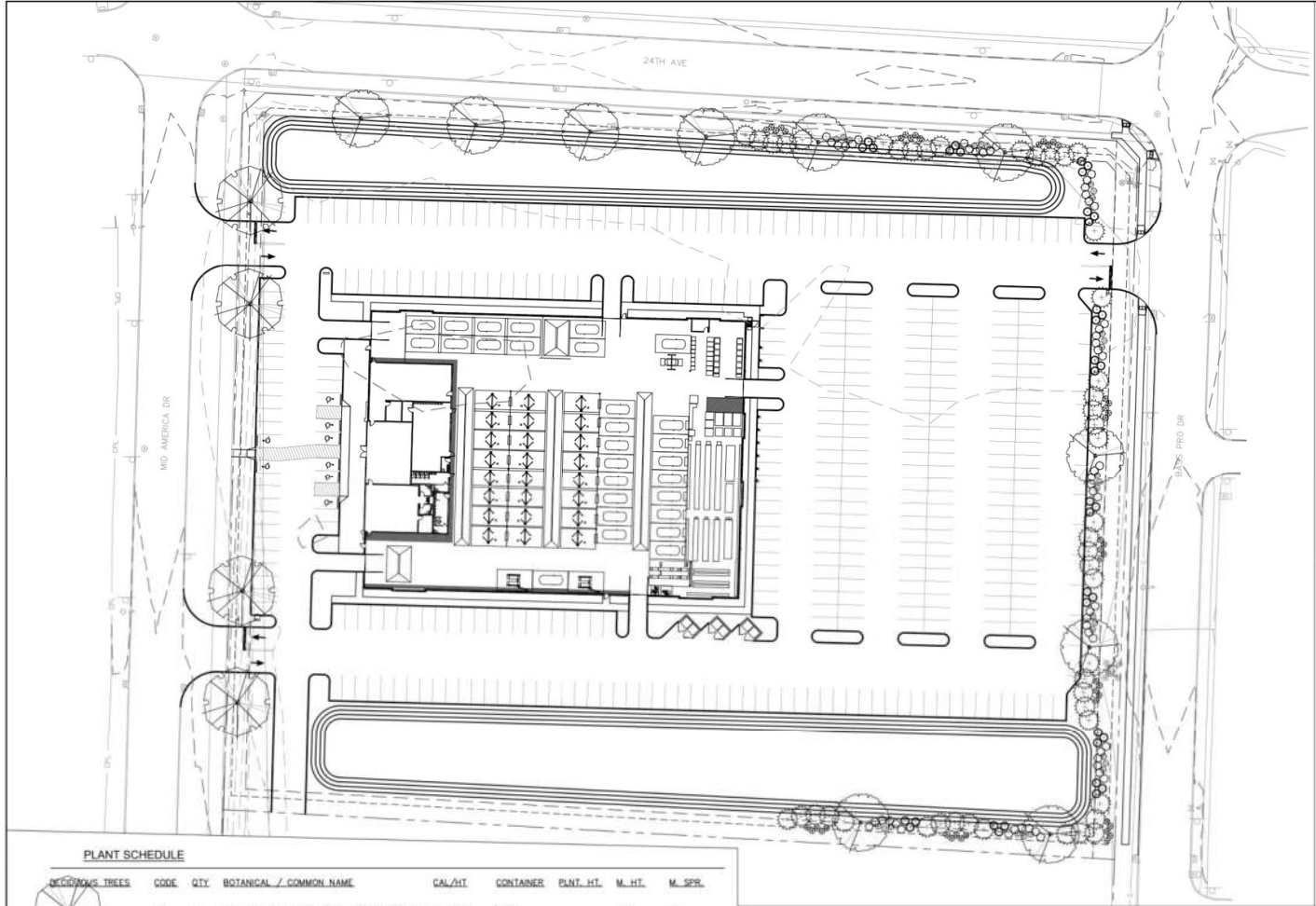


Know what's below. Call before you dig.  
CALL 811 SEVENTY-TWO HOURS PRIOR TO DIGGING, GRADING OR EXCAVATING FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.



Attachment D (from development plan)






PLANT SCHEDULE								
DECIDUOUS TREES	CODE	QTY	BOTANICAL / COMMON NAME	CAL/HT	CONTAINER	PLNT HT.	M. HT.	M. SPR.
	Q2	4	GLEDITSIA TRIACANTHOS INERMIS 'SUNCOLE'	2.5" CAL.	B&B		40'	40'
			SUNBURST HONEY LOCUST					
	Q5	10	QUERCUS BICOLOR	2.5" CAL.	B&B	6'	70'	50'
			SWAMP WHITE OAK					
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	CONTAINER	M.HT.	M.SPR.	PLNT HT.	
	HA	45	HYDRANGEA ARBORESCENS 'ANNABELLE'	3 GAL.	4"	4"	2'	
			ANNABELLE HYDRANGEA					
	RB2	27	RHUS TYPHINA 'BAL TIGER'	3 GAL.	6"	6"	2'	
			TIGER EYES/STAGHORN SUMAC					
EVERGREEN SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	CONTAINER	M.HT.	M.SPR.	PLNT HT.	
	JB4	36	JUNIPERUS CHINENSIS 'BLUE POINT'	5 GAL.	12"	6"	3'	
			BLUE POINT JUNIPER					
	JP	47	JUNIPERUS CHINENSIS PFITZERIANA	3 GAL.	6"	15"	2'	
			PFITZER JUNIPER					
	TE	54	TAXUS CUSPIDATA EXPANSA	3 GAL.	5"	8"	2'	
			SPREADING JAPANESE YEW					



PARKING LOT LANDSCAPE AREA CALCULATION

PARKING LOT AREA	S.F.
REQ'D LANDS AREA	S.F. 10%
REQ'D TREES/350 S.F.	
LANDSCAPE AREA	S.F.
PROVIDED TREES	



Know what's below. Call before you dig.  
CALL 811 SEVENTY-TWO HOURS PRIOR TO DIGGING, GRADING OR EXCAVATING FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

ALLEY POYNER  
MACCHIETTO  
ARCHITECTURE

olsson

2111 South 67th Street, Suite 200  
Omaha, NE 68106  
TEL: 402.341.1116  
www.olsson.com

EV TENANT

BASS PRO DRIVE  
COUNCIL BLUFFS, IA  
51501

ISSUE/REVISION  
OCTOBER 10TH, 2022

BEFORE BIDAWARD

XX.XX.XX ADDENDUM 1

AFTER BID

XX.XX.XX REVISION 1

DRAWING TITLE

LANDSCAPE PLAN

SCALE: AS SHOWN  
PROJECT NUMBER: 22089

SHEET NUMBER

L1.01



ALLEY POYNER  
MACCHIETTO  
ARCHITECTURE

EV TENANT

BASS PRO DRIVE  
COUNCIL BLUFFS, IA  
51501

ISSUE/REVISION  
OCTOBER 10TH, 2022

BEFORE BID AWARD  
XX.XX.XX ADDENDUM 1

AFTER BID AWARD  
XX.XX.XX REVISION 1

DRAWING TITLE

EXTERIOR ELEVATIONS

SCALE:  
PROJECT NUMBER: AS SHOWN 22069

SHEET NUMBER

A4.01

## CODE INFORMATION

NONSEPARATED OCCUPANCIES:  
(BASED ON S-1 OCCUPANCY) \* USE MOST RESTRICTIVE CATEGORY  
S-1 REPAIR GARAGE BUILDING AREA = 10,000 S.F.  
\* VARIES PER PROJECT

ALLOWABLE AREA CALCULATION:  
2009 INTERNATIONAL BUILDING CODE, SECTION 506, TABLE 503 AND EQUATION 5-1

ALLOWABLE BUILDING AREA =  
TABULAR ALLOWABLE AREA + [TABULAR ALLOWABLE AREA x SPRINKLER  
INCREASE FACTOR]  
= XX,XXX + (XX,XXX x .0) = ##,### S.F.  
XXXX  
##,### = XX x #

## ADDITIONAL SITE PLAN KEY NOTES

- # 1450 RECEPTACLES (WALL MOUNTED), B.O. UNIT AT 3'-0" A.F.F.  
TYPICAL OF ## AT XXXXX.
- # MAIN BREAKER
- # TRANSFORMER
- # ### KVA TRANSFORMER

## PARKING CALCULATIONS

CODE X, CHAPTER X (TABLE X)

GROUP B (AUTOMOBILE SHOWROOM);  
GROUP B (AUTOMOBILE SERVICE);  
GROUP B (ACCESSIBLE);  
GROUP B (VAN ACCESSIBLE);

	REQUIRED	PROVIDED
AUTOMOBILE SHOWROOM	X	X
AUTOMOBILE SERVICE	X	X
ACCESSIBLE	X	X
VAN ACCESSIBLE	X	X
TOTAL	X	X

## PARKING CALCULATIONS

- (E) LANDSCAPE AREA
- PROPERTY LINE
- PROPERTY SET BACK
- ACCESSIBLE PATH OF TRAVEL
- ACCESSIBLE ROUTE: 4'-0" WIDE MINIMUM, 5'-0" WIDE AT  
DOORWAYS, 4" WHITE PAINTED STRIPING, SPACED AT 3'-0"  
ON CENTER, AT 30 DEGREE ANGLE.
- V HIGH POWER POST MOUNTED WALL CONNECTOR, SEE  
DETAIL 1/A8.02 & ELECTRICAL DRAWINGS.
- C COMPACT STALL
- S STANDARD PARKING STALL
- EV ELECTRIC CAR CHARGING STALL
- A ACCESSIBLE PARKING STALL
- A-V ACCESSIBLE VAN PARKING STALL

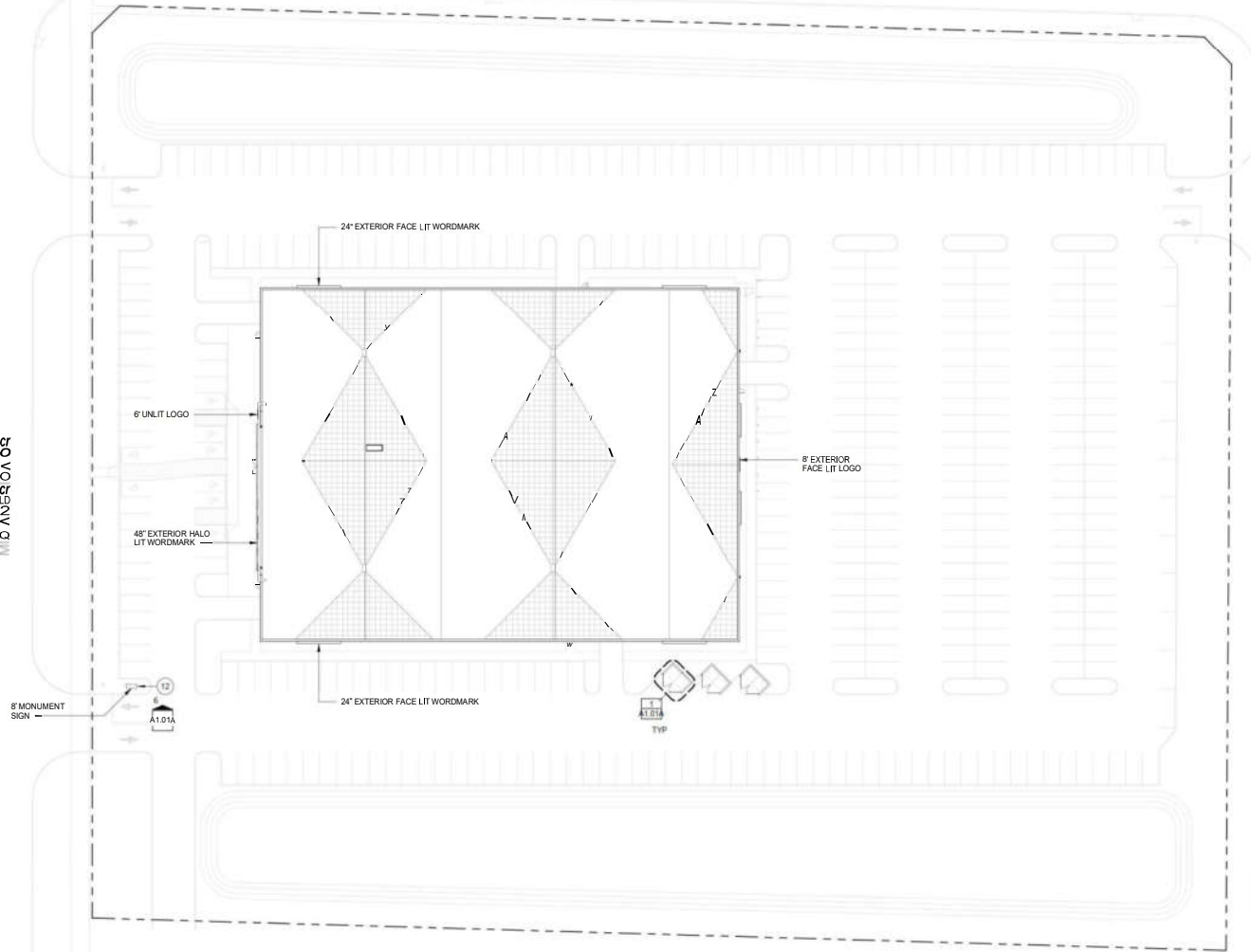
- 1 PROPERTY LINE
- 2 EGRESS DOOR, SEE 3/A0.02
- 3 1 (E) ACCESSIBLE PARKING SIGNAGE, SEE DETAIL 1/A0.03
- 4 TRANSFORMER, SEE ELECTRICAL DRAWINGS
- 5 (E) GAS METER
- 6 NOT USED
- 7 SURFACE MOUNTED KEY DROP BOX, NOTE: THRU WALL DROP BOX IS FOR  
HIGH SECURITY AREAS.
- 8 POST MOUNTED WALL CONNECTOR, SEE ELECTRICAL  
DRAWINGS, INSTALL PER MANUFACTURER'S RECOMMENDATIONS.  
SEE DETAIL 1/A8.02
- 9 (E) FIRE HYDRANT
- 10 FIRE DEPARTMENT CONNECTION
- 11 NOT USED
- 12 INTERNALLY ILLUMINATED 8'-0" HIGH MONUMENT SIGN, LOCATION AND  
SIZE TO BE CONFIRMED PER PROJECT WITH DM.
- 13 V3 CHARGING CABINET, SEE A8.02/A8.02c FOR DETAILS
- 14 CONCRETE PAD FOR CHARGING CABINET, SEE  
STRUCTURAL DRAWING FOR DETAIL
- 15 CHARGING POSTS, SEE A8.02/A8.02c FOR DETAILS. DASHED  
LINE INDICATES CHARGING CABLE REACH
- 16 POLE MOUNTED SITE LIGHTING

8' MONUMENT SIGN

1 SITE PLAN  
A1.01 SCALE: 1/32" = 1'-0"

0' 4' 8' 16' 32'

24TH AVE.



8' MONUMENT SIGN

ALLEY POYNER  
MACCHIETTO  
ARCHITECTURE

EV TENANT

BASS PRO DRIVE  
COUNCIL BLUFFS, IA  
51501

ISSUE/REVISION  
OCTOBER 10TH, 2022

BEFORE BID AWARD  
XX.XX.XX ADDENDUM 1

AFTER BID AWARD  
XX.XX.XX REVISION 1

DRAWING TITLE

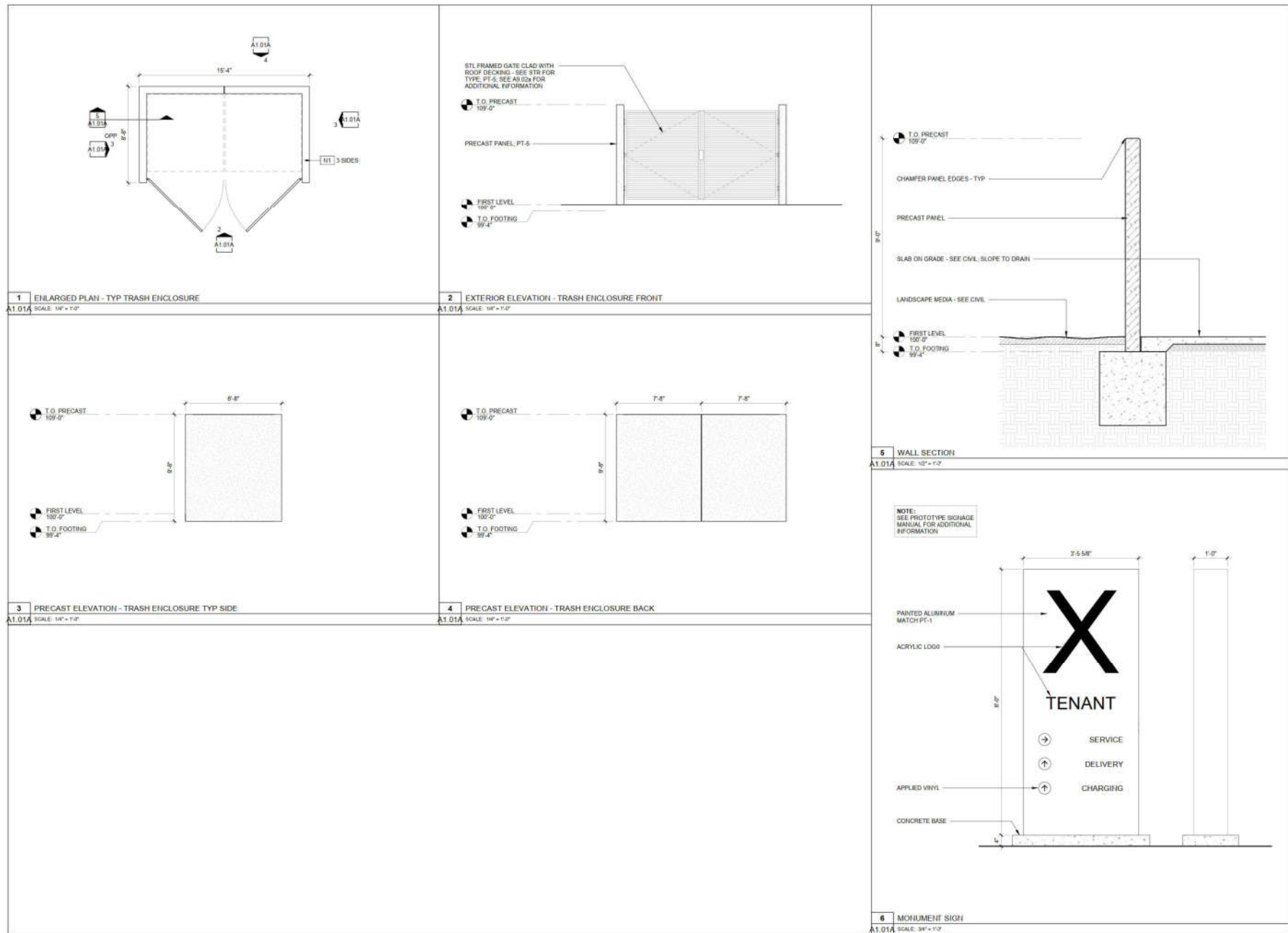
ARCHITECTURAL SITE PLAN

SCALE: AS SHOWN  
PROJECT NUMBER: 22009

SHEET NUMBER

A1.01

10/11/2022 4:03:28 PM



ALLEY POYNER  
MACCHIETTO  
ARCHITECTURE

EV TENANT

BASS PRO DRIVE  
COUNCIL BLUFFS, IA  
51501

ISSUE/REVISION	
OCTOBER 10TH, 2022	
BEFORE BID AWARD	
XX.XX.XX	ADDENDUM 1
AFTER BIDDING AWARD	
XX.XX.XX	REVISION 1

DRAWING TITLE

TRASH ENCLOSURE AND  
SITE SIGNAGE DETAILS

SCALE: AS SHOWN  
PROJECT NUMBER: 22069

SHEET NUMBER

A1.01A

## Zoning Board of Adjustment Communication

Department: Community

Development

Case/Project No.: CU-22-006

Submitted by: Christopher N.

CASE #CU-22-006

Council Action: 12/20/2022

Gibbons, AICP, Planning & Code

Compliance Manager and Brandon

Siracuse, Planner

### Description

Public hearing on the request of the MICAH House, represented by Warren Curry, for a conditional use permit to allow a 'day care service' in an A-P/Administrative-Professional District on property legally described as the proposed Lot 1, Legacy Family Campus Subdivision Phase 3, City of Council Bluffs, Pottawattamie County, Iowa. Location: Undeveloped land lying southwest of N. 14th Street and Avenue I.

### Background/Discussion

See attached staff report.

### Recommendation

### ATTACHMENTS:

Description

Type

Upload Date

Staff Report & Attachments

Other

12/15/2022



**TO:** Zoning Board of Adjustment  
**FROM:** Community Development Department

**DATE:** December 20, 2022

**RE:** **CASE #CU-22-006**  
**REQUEST:** A conditional use permit to allow a 'day care service' in an A-P/Administrative-Professional District.

**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**  
B. Day care services.

**LEGAL DESCRIPTION:** Proposed Lot 1, Legacy Family Campus Subdivision Phase 3, Council Bluffs, Pottawattamie County, Iowa.

**LOCATION:** Undeveloped land lying southwest of the intersection of N 14<sup>th</sup> Street and Avenue I.

**APPLICANT:** MICAH House, 1415 Avenue J, Council Bluffs, IA 51501

**OWNER:** Legacy Family Campus, Inc., 815 N 16<sup>th</sup> Street, Council Bluffs, IA 51501

**REPRESENTED BY:** Warren Curry, Holland Basham Architects, 119 S 49<sup>th</sup> Avenue, Omaha, NE 68132

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**BACKGROUND INFORMATION** – The Community Development Department has received a request from the MICAH House, represented by Warren Curry of Holland Basham Architects, for a conditional use permit to allow 'day care services' in an A-P/Administrative-Professional District on property legally described above. Attachment 'A' contains a Location/Zoning Map.

The MICAH House proposes to construct a new Early Education Center (EEC) on the subject property. The site consists of approximately 0.523 acres (±) of land currently owned by Legacy Family Campus, Inc. The proposed EEC facility will fulfill part of their plan to develop the remaining vacant land within the Charles E. Lakin Human Services Campus, for which the City Council approved a development plan on June 27, 2022 (Attachment 'B', resolution no. 22-176). The EEC will be a one-story structure approximately 11,405 square feet in size and will serve 72 children (ages six weeks to five years) and employ 17 staff members, according to the applicant's letter of intent (Attachment 'C'). The facility will be formally known as the Florence M. Lakin Child Development Center. Hours of operation will be between 7:00 a.m. and 6:00 p.m.

As per the submitted site plan (Attachment 'D'), the facility will include a secure outdoor play area on its west side. A decorative metal fence will be constructed around the outdoor play area. The interior of the building will contain six classrooms, an indoor play area, a warming kitchen, a sensory room, staff administrative areas, staff break room, and restrooms (see Attachment 'E').

The EEC's exterior will consist of high quality, aesthetically pleasing materials that will enhance the visual appeal of the subject property as well as the broader Lakin Campus. Primary façade materials include fiber cement panels, architectural metal panels, and concrete masonry units. Fiber cement panels of varying colors will be used to increase the visual interest of the building. These materials are consistent with the architectural standards approved in the most recent Lakin Campus development plan. See Attachment 'F' for elevations and a list of building materials and Attachment 'G' for exterior renderings. The building will contain rooftop mechanical units, and the developer had provided a sight line study (Attachment 'H') indicating that the building's parapet wall will screen the mechanical equipment from public view, as required by the development plan.

As per the development plan, parking on the Lakin Campus is provided via shared parking lots. The Lakin Campus expansion will include 153 new shared parking spaces, 25 of which will be constructed directly to the east of the EEC facility (including two ADA-compliant parking stalls). The development plan also requires each building on the Lakin Campus to provide one bicycle parking stall per 3,000 square feet of gross floor area. The minimum number of bicycle parking spaces for the EEC is four, and the applicant's letter of intent indicates four bicycle parking spaces will be provided (in the form of two inverted U racks).

Landscaping on the site will consist of a mix of trees, shrubs, and perennials, with drought-tolerant fescue grass covering all other areas without a specific landscape design (see Attachment 'I'). The transformer box on the northeast side of the building will be fully screened with landscaping as well. The landscaping plan is in line with the landscaping standards adopted in the most recent Lakin Campus development plan.

The lot that will contain the Early Education Center has not been platted as of the writing of this report, but the final plat of the subdivision containing the subject property will be considered by the City Council on December 19, 2022.

The following attachments have been included for your reference:

Attachment A: Location/Zoning Map  
Attachment B: Lakin Campus Development Plan (Reso. no. 22-176)  
Attachment C: Letter of Intent  
Attachment D: Site Plan  
Attachment E: Floor Plan  
Attachment F: Building Elevations and Exterior Materials List  
Attachment G: Architectural Renderings  
Attachment H: Sight Line Study  
Attachment I: Landscape Plan

**CURRENT ZONING AND LAND USE** – The subject property is zoned A-P/Administrative-Professional District. Surrounding land uses include R-3 zoned residential uses to the east, existing Lakin Campus facilities to the north and west, and undeveloped land to the south which will become future Lakin Campus facilities.

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



**Exhibit 'A': Looking southwest at the subject property.**



**Exhibit 'B': Looking northeast at the subject property**



**Exhibit 'C': Looking southeast at the subject property.**

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

- The Community Development Department had the following comments:
  1. 'Day care services' is defined in Section 15.03.180 of the Council Bluffs Municipal Code (Zoning Ordinance) as "a facility which receives for temporary care, six or more individuals during part of the twenty-four-hour day. The term includes nursery schools, preschools, day care centers for children or adults, and similar uses." The proposed MICA House EEC falls under this definition based on the description in the applicant's letter of intent.
  2. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as 'Public/Semi-Public.' This land use designation is intended for uses that "support activities for the benefit of the general public. These include schools, places of worship, libraries, government offices, social service providers, etc." The subject property's proposed use as an early education center affiliated with the MICA House is, therefore, in line with the future land use plan.
  3. The subject property is zoned A-P/Administrative-Professional District which requires a minimum lot area of 5,000 square feet and a minimum width and depth of 50 feet and 100 feet,

- respectively. The subject property will contain 22,787 square feet of land (more/less) once platted and will measure 134 feet wide by 173.5 feet deep. Therefore, the subject property exceeds the minimum lot size requirements of the A-P District.
4. The subject property has a previously approved development plan (Attachment 'B') which contains standards regarding site development, off-street parking, architecture, landscaping, and signage to which the subject property shall adhere. The site development standards contained in this development plan shall supersede those of the A-P District.
  5. Section 15.23.060 states that day care services must provide a minimum of one (1) parking stall for every six (6) children. The MICAH House Early Education Center will serve up to 72 children, which would typically require a minimum of 12 off-street parking stalls on the subject property. The Lakin Campus utilizes shared parking, meaning required parking does not need to be located on the same property as the use it serves. The Lakin Campus expansion will include the construction of 153 new shared parking stalls on a separate parcel of land, 25 of which will be located directly adjacent to the Early Education Center and available for use by the time at which the EEC begins operations. This amount of shared parking was approved with the campus development plan.
  6. The new shared parking lot will contain nine (9) handicap accessible parking stalls, including two (2) among the 25 stalls directly east of the Early Education Center. This meets the requirements in Section 661—18.6(2) of the Iowa Administrative Code, which requires a minimum of six (6) accessible parking stalls for parking lots of this size.
  7. All exterior lighting on the subject property shall conform to Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance). Light poles shall not exceed 25 feet in height. Wooden light poles are not permitted.
  8. No exterior storage shall be permitted on the subject property. This includes the temporary and/or permanent placement of inter-modal storage containers.
  9. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to the subject property shall be the responsibility of the developer and not the City.
  10. The regular hours of operation for the proposed Early Education Center shall be 7:00 a.m. to 6:00 p.m Monday through Friday.
  11. Trash collection for the Early Education Center shall be provided by the MICAH House Shelter, with frequency of trash collection at the shelter being adjusted to sufficiently handle the additional waste produced by the EEC.
  12. The conditional use permit shall not become effective until the Legacy Family Campus Subdivision Phase 3 final plat has been executed.
- The Building Division stated they approve of the request.
  - The Fire Department stated they have no comments.
  - Council Bluffs Water Works stated they have no comments.
  - MidAmerican Energy stated the applicant should contact the utility to discuss the project timeline and costs associated with relocating or extending electric service.

**NEIGHBORHOOD RESPONSE** – All property owners within 200 feet were notified of the conditional use permit request. No comments have been received as of the date of this report.

**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 lot that will contain the Early Education Center has not yet been platted as of the writing of this report, but the final plat will be considered by the City Council on December 19, 2022. The A-P/Administrative-Professional District requires a minimum lot size of 5,000 square feet, and the subject property will contain 22,787 square feet as proposed. The structure will contain approximately 11,405 square feet and be one story tall. The subject property has an adopted development plan, and all development shall conform to the standards and requirements within this plan.*
  2. *Adequate utility, drainage, and other necessary facilities or improvements have been or will be provided. Adequate utilities are available in the vicinity of the subject property. Stormwater retention tanks will be constructed under the shared parking lot to account for runoff. The final plat to be considered by City Council on December 19, 2022, also establishes drainage, cross access, and ingress/egress easements. Any necessary utility extensions or improvements needed to serve the subject property shall be the responsibility of the developer and not the City.*
  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 will not have any direct frontage onto public streets due to the nature of the campus-style development. Access will be provided via cross-access and ingress/egress easements over a separate outlot that will contain shared parking and green space. At least 25 new parking spaces within the outlot will be made available directly east of the EEC building prior to opening. Access to the parking area will be available at multiple points along N 14<sup>th</sup> Street and Ruth Nelson Road.*
- This project will not interrupt the existing street grid, and the Early Education Center is not expected to produce traffic volumes that would overwhelm the capacity of existing streets. No additional improvements to the street network 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 permits for the proposed ‘day care service’ use. The applicant shall comply with all applicable federal, state, and local laws and regulations for such use.*

5. *All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. All outdoor lighting shall comply with Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance). All outdoor lighting fixtures shall direct lighting away from adjacent properties. Outdoor light poles shall not exceed 25 feet in height, and wood poles shall not be accepted.*
6. *The location and size of the conditional use, the nature and intensity of the activities, to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. The subject property is an appropriate location for an Early Education Center, as the use will complement nearby services provided on the Lakin Campus and is compatible with nearby residential uses. The subject property is not expected to produce traffic that the existing street network cannot handle. The proposed use is also consistent with the purpose of the A-P/Administrative-Professional District as well as 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 early education center will be one story in height and will contain visually appealing exterior architectural materials complementary to the existing architecture on the Lakin Campus. Portions of the north, south, and west sides of the subject property will be fenced with a 6-foot tall decorative metal fence, including an outdoor play area on the west side of the property. Landscaping has previously been approved with the campus development plan and will include a variety of trees, shrubs, and flowers. A transformer box on the northeast side of the subject property will be fully screened with landscaping, per the attached landscaping plan.*

Overall, staff finds the proposed development on the subject property compatible with the Lakin Campus and surrounding neighborhood.

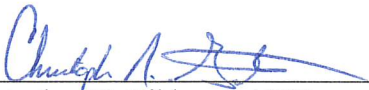
8. *The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. Staff does not anticipate the addition of a 'day care services' use on the subject property to have a negative impact on property values for existing or future land uses in the surrounding area. The property has been undeveloped for many years and has been intended for future Lakin Campus Development. Staff anticipates the development of the subject property to activate currently underutilized space, which will be a net positive for the neighborhood at large. Additionally, the proposed EEC will be a supportive land use that will help to fulfill and further enhance the mission of the Lakin Campus, which provides important beneficial services in the neighborhood.*

**RECOMMENDATION** – The Community Development Department recommends approval of the request for a conditional use permit to allow 'day care services' in an A-P/Administrative-Professional District on property legally described above, subject to the comments stated above and the following conditions:

1. The applicant shall secure all necessary permits and licenses for the proposed early education center and shall comply with all applicable federal, state, and local codes.
2. The subject property shall remain in conformance with all standards and requirements contained within the adopted development plan (Resolution no. 22-176). The site development standards contained in this development plan shall supersede those of the A-P District.



3. All 25 proposed shared parking spaces directly east of the Early Education Center shall be constructed prior to issuance of a Certificate of Occupancy. All parking shall comply with Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance) and Chapter 66—18, Parking for Persons with Disabilities, of the Iowa Administrative Code.
4. All exterior lighting on the subject property shall conform to Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance). Light poles shall not exceed 25 feet in height. Wood poles shall not be permitted.
5. No exterior storage shall be permitted on the subject property. This includes the temporary and/or permanent placement of inter-modal storage containers.
6. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to the subject property shall be the responsibility of the developer and not the city.
7. The regular hours of operation for the proposed Early Education Center shall be 7:00 a.m. to 6:00 p.m. Monday through Friday.
8. Trash collection for the Early Education Center shall be provided by the MICAH House Shelter, with frequency of trash collection at the shelter being adjusted to sufficiently handle the additional waste produced by the Early Education Center.
9. The conditional use permit shall not become effective until the Legacy Family Campus Subdivision Phase 3 final plat has been executed.




Christopher N. Gibbons, AICP  
Planning Manager  
Community Development Department




Brandon Siracuse  
Planner  
Community Development Department

# CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT CASE #CU-22-006 LOCATION/ZONING MAP

 Case #CU-22-006 Subject Property

 Parcels

0 30 60  
  
1 Inch = 67 Feet



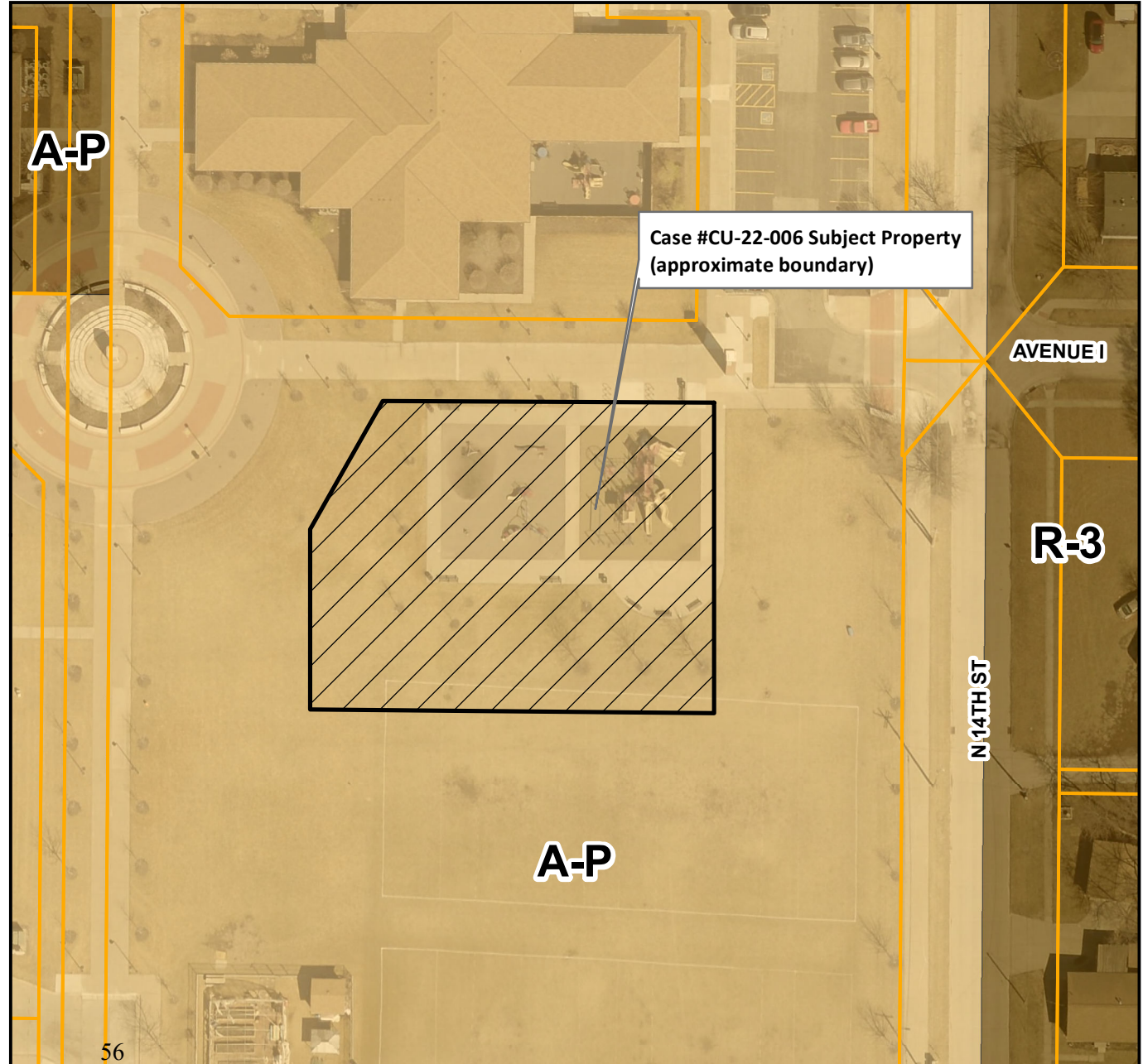
Last Amended: 11/28/2022



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 denies any and all responsibilities for errors, if any, in the information contained on this map; the misuse 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.



**RESOLUTION NO. 22-176**

**A RESOLUTION ADOPTING A SITE-SPECIFIC DEVELOPMENT PLAN FOR THE CHARLES E. LAKIN HUMAN SERVICES CAMPUS ON THE PROPERTY LEGALLY DESCRIBED AS LOTS 1-7, LEGACY FAMILY CAMPUS SUBDIVISION PHASE 1, AND LOTS 1 AND 2, LEGACY FAMILY CAMPUS SUBDIVISION PHASE 2, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** Heartland Family Services is requesting the City rezone property legally described above (currently under consideration by this City Council (Case #ZC-22-005)) and adopt a site-specific development plan for Charles E. Lakin Human Services Campus; and

**WHEREAS,** The Lakin Campus contains approximately 13.48 acres of land bounded by North 14<sup>th</sup> Street, Ruth Nelson Road, North 15<sup>th</sup> Street, Avenue G, North 16<sup>th</sup> Street, and Avenue J and has plans to expand to include new buildings and and combine efforts with other nearby non-profit agencies to offer more services; and

**WHEREAS,** The site development, off-street parking, architectural, landscaping and signage standards outlined in this development plan shall be applicable to all future construction at this site.

**A. Site Development**

1. Site development standards for existing buildings shall match those established in the original development plan for the Lakin Campus (planning case #PC-07-004). New structures on the Lakin Campus, expansions of existing structures, and renovations valued at greater than 50% of the building's assessed value shall be subject to the standards in this development plan.
2. Any construction valued at greater than 50% of the assessed value of the properties comprising the Lakin Campus shall require the entire campus to be brought into compliance with this development plan.
3. All structures on the Lakin Campus shall be setback a minimum of ten (10) feet from the outer boundary of the Lakin Campus. All proposed buildings shown on the preliminary plan conform to this standard (see attachment 'D').
4. The maximum building height for principal structures on the Lakin Campus shall be fifty (50) feet.
5. The maximum building height for accessory structures shall not exceed eighteen (18) feet.
6. Maximum combined lot coverage for all structures shall not exceed 50% of the total campus area.
7. All trash receptacles visible from a public right-of-way shall be enclosed on three sides with a masonry, wood, or vinyl fence and shall be have a lockable gate that, when closed, completely eliminates

- view of the dumpster.
8. Outdoor storage shall not be permitted on the premises. This includes the temporary and/or permanent placement of inter-modal storage containers.
  9. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to this site shall be at the sole cost of the developer and not the City.
  10. All outdoor light poles at this site shall not exceed 25 feet in height measured from the existing grade. All exterior lighting shall conform to Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).
  11. Each building on the Lakin Campus shall provide paved sidewalks a minimum of five (5) feet wide that connect building entrances to the campus walkway system.
  12. Each building on the Lakin Campus shall have a clear and direct pedestrian pathway offering an accessible connection from all main building entrances to the public sidewalk. Such pedestrian pathways shall be clearly marked with pavement marking, landscaping, change in surface material, curb separation, and/or grade separation.

**B. Off-Street Parking**

1. Standards for existing parking areas shall match those established in the original development plan for the Lakin Campus (planning case #PC-07-004). As part of the development plan approved in 2007, the individual agencies on the Lakin Campus identified a total need for 193 vehicle parking stalls. The project's architect determined that the Zoning Ordinance would have typically required 500 stalls to accommodate all of the proposed uses on campus. In 2007, development plan review determined that "due to the nature of the operations on the campus with little overlap between high volume demand and the shared parking opportunities, adequate parking can be met with the 300 spaces shown on the site plan." The 2007 plan thus included a requirement for 107 additional parking stalls beyond the need identified by the social service providers on campus.

The preliminary site plan (attachment 'D') shows the provision of 153 new parking spaces. This number shall be the required minimum number of parking stalls for the three proposed buildings. The minimum number of parking stalls provided for the three proposed buildings may be reduced upon submittal of a parking study to the Community Development Director or his/her designee justifying a lower need for off-street parking.

2. All off-street parking areas shall comply with the design standards in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance) unless otherwise specified in the development plan.
3. Accessible parking spaces shall be provided in quantity and design consistent with Iowa State Code.
4. Designated bicycle parking areas shall be located within 50 feet of, and clearly visible from, the main entrance of each building. Bicycle parking areas shall contain secure bicycle racks similar in style to existing bicycle racks on the Lakin Campus. Bicycle racks shall be secured to the pavement in a location that does not conflict with pedestrian or vehicular circulation routes. Bicycle parking may alternatively be provided in a publicly accessible indoor location within a convenient distance of the main building entrance. Bicycle parking shall be provided at a rate of one (1) bicycle parking space per 3,000 square feet of gross floor area. Bicycle parking for new buildings shall be provided upon construction. Bicycle parking for existing buildings shall be brought into conformance with these standards upon building expansion or renovation valued at greater than 50% of the building's assessed value.
5. A parking lot permit must be submitted with the building permit submittal and shall include information about the number, location, and dimension of all drive aisles and spaces, pedestrian ways, islands, landscaped areas, loading areas and lighting.
6. All grading and drainage activity for this development shall be completed in accordance with the approved final plans.

**C. Architecture**

1. Architectural standards for existing buildings shall match those established in the original development plan for the Lakin Campus (see planning case #PC-07-004).
2. Submitted architectural renderings (attachments 'E' and 'F') show the building façade walls of new buildings on the Lakin Campus will be constructed out of the following building materials:
  - a. HPC Laminate
  - b. Modular Brick
  - c. Glazing
  - d. Metal Panel
  - e. Fiber Cement Panel

The Community Development Department finds the arrangement of building materials for the proposed buildings as listed above and shown in attachments 'E' and 'F' to be acceptable for the



development of the Lakin Campus and recommends adopting the building renderings as submitted.

3. All future buildings, building additions, and exterior renovations constructed at this site shall be designed to be compatible with the architectural materials approved as part of this development plan. Building façade walls shall be constructed primarily of a combination of the materials listed above, as shown in attachments 'E' and 'F.' Other high quality, durable materials not listed above may be used as complementary materials that enhance the primary building material, as reviewed by the Community Development Director or his/her designee. Deviations in building material used that result in a departure from the overall approved design shall require amendment of the development plan.
4. All rooftop mechanical equipment shall be screened from public view with architectural features.
5. All ground mounted mechanical equipment shall be screened with fencing or landscaping from public view.

**D. Landscaping**

1. Landscaping standards for previously developed parcels shall match those established in the original development plan for the Lakin Campus (planning case #PC-07-004).
2. The applicant has submitted a preliminary landscaping plan (attachment 'G') for the undeveloped parcels within the Lakin Campus. This plan shall become the standard for new development. Any future renovation of existing landscaping on the Lakin Campus shall be consistent with the species, placement, and overall design of landscaping approved as part of this development plan.
3. Landscaping shall not impede the vision of any automobile traffic entering/exiting or circulating on the subject property.
4. The applicant proposes landscaping on 12.8% of the new parking lot area, which meets the minimum 10% landscaping standard in Chapter 15.23 of the Municipal Code (Zoning Ordinance). Such landscaping includes a 5-foot landscaped buffer between the parking lot edge and the Lakin Campus boundary, as required by city code. All parking lot landscape islands shall be planted with at least one tree and covered with grass, shrubs, perennials, and/or mulch as shown in the preliminary landscape plans.
5. Not more than 10% of the landscaped area on the Lakin Campus shall be of inorganic material such as brick, stone, aggregate, river rock, metal or artificial turf. Organic mulch may be used to cover the ground between plants.



6. Sugar maple trees shall not be planted along sidewalks.
7. All disturbed areas without a specific landscape design shall be seeded with sod, turf, and/or prairie grass to match the existing grass on the previously developed areas of the Lakin Campus.
8. 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.

**E. Signage**

1. As per Section 15.33.160(D)(4) of the Council Bluffs Municipal Code (Zoning Ordinance), “any property, or combinations of contiguous properties owned by the same person or entity, that are zoned A-P District and contain a minimum of one and one-half acres of total land area, shall be allowed to adopt a site specific sign plan that is subject to review by the City Planning Commission and approval by City Council.” The subject properties meet these criteria and are eligible to adopt a site-specific signage plan.
2. Existing Signage
  - a. There is 609.625 square feet of existing signage on the Lakin Campus (Attachment ‘H’), including:
    - One (1) 11.65 square foot ground monument sign at the corner of N 16<sup>th</sup> Street and Avenue J;
    - Two (2) 6.65 square foot ground monument signs at the corner of N 15<sup>th</sup> Street and Avenue J;
    - Two (2) 6.65 square foot ground monument signs at the corner of N 14<sup>th</sup> Street and Avenue I;
    - Two (2) 6.65 square foot ground monument signs at the corner of N 15<sup>th</sup> Street and Ruth Nelson Rd;
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    - One (1) 22.66 square foot building-mounted sign on the Micah House;
    - One (1) 28.125 square foot building-mounted sign on the Micah House;
    - One (1) 12 square foot building-mounted sign on the Heartland Family Service building;
    - One (1) 22.5 square foot building-mounted sign on the Heartland Family Service building;

- One (1) 41.09 square foot building-mounted sign on the Lakin Foundation building;
  - One (1) 110.25 square foot building-mounted sign on the Salvation Army building;
  - One (1) 45.5 square foot building-mounted sign on the Salvation Army building;
  - One (1) 125 square foot building-mounted sign on the human services campus building;
  - One (1) 90 square foot building-mounted sign on the Boys and Girls Clubs of Council Bluffs building; and
  - One (1) 36 square foot building-mounted sign on the Boys and Girls Clubs of Council Bluffs building.
3. Proposed Signage
- a. The submitted signage plan identifies seven (7) additional signs on the Lakin Campus. The proposed signage is included in Attachment 'H' and described below:
- One (1) 99.75 square foot ground monument with 11.65 square feet of signage at the corner of N 14<sup>th</sup> Street and Ruth Nelson Rd;
  - One (1) 225 square foot building-mounted sign on the future Heartland Family Service building;
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  - One (1) 245 square foot building-mounted sign on the future Lakin building; and
  - One (1) 32 square foot ground monument sign at the future Micah building.
- b. Total new signage: 597.65 square feet
- c. Total existing plus proposed signage: 1,207.275 square feet.
4. The maximum total permitted sign area for the Lakin Campus shall be 1,250 square feet. The Community Development Department finds the requested amount of signage to be appropriate for the Lakin Campus, based on the campus's size and its location in the city.
5. Attached building signage shall not exceed one and one-half square feet per lineal foot of the building to which it is attached.
6. A maximum of 40 square feet of new directional signage shall be permitted on the Lakin Campus. Such directional signage shall not exceed three square feet per face and three feet in height.
7. No signage shall extend beyond the edge or peak of a building.

8. The applicant shall submit a request to amend the development plan if additional signage allowances are desired; and

**WHEREAS,**

Community Development Department recommends approval of the request of Heartland Family Services, represented by Clarrissa Newman, to adopt a site-specific development plan for the Charles E. Lakin Human Services Campus on property legally described above, subject to the comments above and the following condition:

- A. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed the City Planning Commission and approved by City Council prior to such changes being made.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

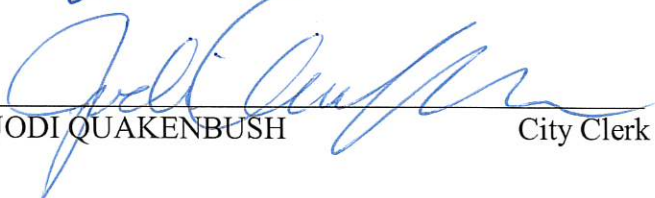
That the site-specific development plan for the Charles E. Lakin Human Services Campus on the property legally described as Lots 1-7, Legacy Family Campus Subdivision Phase 1, and Lots 1 and 2, Legacy Family Campus Subdivision Phase 2, City of Council Bluffs, Pottawattamie County, Iowa, is hereby approved.

ADOPTED  
AND  
APPROVED

June 27, 2022.

  
\_\_\_\_\_  
MATTHEW J. WALSH Mayor

Attest:

  
\_\_\_\_\_  
JODI QUAKENBUSH City Clerk

## Council Communication

Department: Community Development  
Case/Project No.: MIS-22-003  
Submitted by: Brandon Siracuse, Planner

Resolution 22-176  
ITEM 6.B.

Council Action: 6/27/2022

### Description

Resolution adopting a site-specific development plan for the Charles E. Lakin Human Services Campus on the property legally described as Lots 1-7, Legacy Family Campus Subdivision Phase 1, and Lots 1 and 2, Legacy Family Campus Subdivision Phase 2. Location: Southwest corner of 14th Street and Avenue J. MIS-22-003

### Background/Discussion

See attached staff report.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	6/17/2022
Attachment A - Location and Zoning Map	Map	6/17/2022
Attachment B - Letters of Support	Letter	6/17/2022
Attachment C - Letter of Intent	Letter	6/17/2022
Attachment D - Lakin Campus Development Plans	Other	6/17/2022
Attachment E - Lakin Campus Architectural Details (1)	Other	6/17/2022
Attachment F - Lakin Campus Architectural Details (2)	Other	6/17/2022
Attachment G - Lakin Campus Landscaping Plan	Other	6/17/2022
Attachment H - Lakin Campus Signage Package	Other	6/17/2022
Resolution 22-176	Resolution	6/22/2022

### City Council Communication

<p>Department: Community Development</p> <p>CASES #ZC-22-005 and #MIS-22-003</p> <p>Applicant: Heartland Family Services 1515 Avenue J Council Bluffs, IA 51501</p> <p>Property Owners: Legacy Family Campus Inc. 815 N. 16<sup>th</sup> Street Council Bluffs, IA 51501</p> <p>Heartland Family Services 2101 S. 42<sup>nd</sup> Street Omaha, NE 68105</p> <p>Boys-Girls Club of the Midlands 2610 Hamilton Street Omaha, NE 68131</p> <p>The Salvation Army 28 N. 7<sup>th</sup> Street Council Bluffs, IA 51503</p> <p>Charles E. Lakin Foundation inc. 705 N. 16<sup>th</sup> Street Council Bluffs, IA 51501</p> <p>Micah House Corporation 1415 Avenue J Council Bluffs, IA 51501</p> <p>Architect: Slate Architecture 3624 Farnam Street Omaha, NE 68131</p> <p>Engineer: Olsson 2111 S. 67<sup>th</sup> Street, Suite 200 Omaha, NE 68106</p>	<p>Resolution No. _____</p> <p>Ordinance No. _____</p>	<p><u>City Council</u></p> <p>CASE #ZC-22-005 1<sup>st</sup> Consideration: 5/23/2022 2<sup>nd</sup> Consideration: 6/13/2022 3<sup>rd</sup> Consideration: 6/27/2022</p> <p>CASE #MIS-22-003: 6/27/2022</p> <p>Planning Commission: 5/10/2022</p>
<p><b>Subject/Title</b></p> <p><b>Request:</b> Combined public hearing on the request of Heartland Family Services, represented by Clarrissa Newman, for the following requests:</p>		

1. To rezone property legally described as Lots 1-7, Legacy Family Campus Subdivision Phase 1, and Lots 1 and 2, Legacy Family Campus Subdivision Phase 2, City of Council Bluffs, Pottawattamie County, Iowa, from P-C/Planned Commercial District and R-3/Low Density Multifamily Residential District to A-P/Administrative-Professional District.
2. To adopt a site-specific development plan for the Charles E. Lakin Human Services Campus on the property legally described above.

**Location:** Southwest corner of 14<sup>th</sup> Street and Avenue J.

### **Background**

The Community Development Department has received applications from Heartland Family Services, represented by Clarrissa Newman, to rezone property legally described at Lots 1-7, Legacy Family Campus Subdivision Phase 1, and Lots 1-2, Legacy Family Campus Subdivision Phase 2, City of Council Bluffs, Pottawattamie County, Iowa, from P-C/Planned Commercial District and R-3/Low Density Multifamily Residential District to A-P/Administrative-Professional District, and to adopt a site-specific development plan for the Charles E. Lakin Human Services Campus (herein referred to as the Lakin Campus) on the property legally described above.

The Lakin Campus contains approximately 13.48 acres of land bounded by North 14<sup>th</sup> Street, Ruth Nelson Road, North 15<sup>th</sup> Street, Avenue G, North 16<sup>th</sup> Street, and Avenue J. The campus currently contains the Charles E. Lakin Foundation and four other human services organizations. The Lakin Campus has plans to expand to include a new building with a food pantry and at least two new nonprofit agencies that will complement the services of the existing agencies on campus. Another new building will be used by Micah House as a childcare center. A third new building will house Heartland Family Services, allowing the organization to consolidate its current Council Bluffs-area programs into one facility. All facilities on the Lakin Campus utilize shared parking lots as well as green space and pedestrian pathways.

All City departments and local utilities were notified of the proposed rezoning and site-specific development plan. The following comments were received:

- The Fire Department stated the access road behind the Salvation Army building that proceeds around the roundabout and into the Micah House parking lot was constructed as a fire lane. The Fire Department has historically wanted this fire lane to remain unobstructed for fire truck access. However, the Fire Department stated the applicant's plan appears to provide sufficient access to the rear of the building for firefighting efforts and will allow the applicant to do away with the fire lane behind the Boys and Girls Club and still be code compliant. The fire hydrant behind the Boys and Girls Club building will need to remain. This fire hydrant must also be flow tested to ensure its functionality, and any required repairs shall be made.
- The Parks and Recreation Department stated that sugar maple trees shall not be planted along sidewalks, as the size and root system of this tree species may cause heaving and breaking of pavement over time. The Parks and Recreation Department also stated that honey locusts are very common throughout the city. In order to promote a diverse urban tree canopy, it is recommended that the applicant consider planting a different tree species other than honey locust. Suitable alternatives could include dogwood, Japanese pagoda, black gum, lilac, or golden rain trees.
- MidAmerican Energy stated they have no conflict with either case. The property owner should contact MidAmerican Energy directly to identify any costs associated with relocation or extension of electric facilities that may be necessary to accommodate the future development of the campus.



**CASE #ZC-22-005**

The Lakin Campus consists of nine parcels of land that form one cohesive human services campus with shared parking, green space, and pedestrian paths between buildings. Several nonprofit human service agencies are housed on the campus, each of which offers services that provide a high level of value to the Council Bluffs community.

Part of the Lakin Campus is currently zoned P-C/Planned Commercial District and another part is zoned R-3/Low Density Multifamily Residential District (see Attachment 'A' for a zoning/location map). The applicant has proposed to rezone the entirety of the campus for zoning consistency purposes. The applicant has requested a zoning designation of A-P/Administrative-Professional District, as the intent and allowed uses of this district more accurately fits the uses within the Lakin Campus than those of the current zoning designations. Additionally, a conditional use permit was issued for the property at 1415 Avenue J in 2018 to allow All Care to operate a medical and dental clinic within the Micah House (a 'business, professional office less than 2,000 square feet'). This type of use would be allowed by-right in the A-P District.

Rezoning the property to A-P/Administrative-Professional District will also allow the applicant to adopt a site-specific development plan for the Lakin Campus as per Section 15.13.050, Site Development Standards, of the Municipal Code (Zoning Ordinance). The applicant has submitted signed statements from representatives of all human service agencies currently on campus indicating their support for the proposed rezoning and development plan (attachment 'B').

Land Use and Zoning – The following zoning and land uses surround the subject properties:

- North: A bail bonds business, a residence, and two vacant lots, which are zoned C-2/Commercial District, and five residences, which are zoned R-3/Low Density Multifamily Residential District.
- South: A food market and dentist office, which are zoned C-2/Commercial District, and a series of vacant City-owned lots that make up part of the Avenue G viaduct corridor, zoned R-3/Low Density Multifamily Residential District.
- East: Several residences zoned R-3/Low Density Multifamily Residential District.
- West: A convenience store, a party equipment rental/residential window repair service, the Gale Wickersham Athletic Complex, and a residence, all zoned C-2/Commercial District, and several more residences zoned R-1/Single-Family Residential District.

The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject properties as Public/Semi-Public.

Public notices were mailed to all property owners within 200 feet of the request. The following comments were received:

1. Vickie Ludwick (1324 Avenue H, Council Bluffs, Iowa 51501) contacted the Community Development Department with general questions about the rezoning. Ms. Ludwick also stated concerns related to property values, crime, and litter. Ms. Ludwick expressed a preference for a fence to be built around the campus and for security patrols to be provided on the campus at night.
2. Michael Carey (1322 Avenue H, Council Bluffs, Iowa 51501) contacted the Community Development Department with general questions regarding the Lakin Campus rezoning.
3. David Andersen (1428 Avenue J, Council Bluffs, Iowa 51501) contacted the Community Development Department with general questions regarding the Lakin Campus rezoning.

**Discussion**

1. The Community Development Department finds that the A-P/Administrative-Professional District is a more appropriate zoning classification for public/semi-public land uses that occupy large areas than either the R-3 or P-C Districts. If approved, the proposed rezoning will provide one consistent zoning classification for the entire campus.

2. The subject properties exceed the minimum lot size requirements of the A-P/Administrative-Professional District.
3. Per Section 15.13.050, Site Development Regulations, if the proposed rezoning is approved, the applicant will be allowed to adopt a site-specific development plan for the Lakin Campus, as the campus contains 13.48 acres of land (more/less). The proposed new buildings and any future alterations on the subject property shall meet the site development, off-street parking, landscaping, architecture and signage standards established in the site-specific development plan for the Lakin Campus (see Case #MIS-22-003 below).
4. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject properties as Public/Semi-Public under the Section of Public Land Uses. The Public/Semi-Public designation is intended for institutional uses that occupy larger areas and which support activities for the benefit of the general public. Such uses include schools, places of worship, libraries, government offices, social service providers, etc. (the Lakin Campus contains social service providers). The A-P District is generally consistent with the intent of the Public/Semi-Public land use designation.
5. Adequate utilities (e.g., water, sanitary sewer, storm sewer, electric, etc.) are available for the subject property to accommodate the uses permitted in the A-P District.

#### **Case #MIS-22-003**

As per Section 15.13.050 of the Council Bluffs Municipal Code (Zoning Ordinance), “any property, or combination of contiguous properties owned by the same person or entity, that are zoned A-P District and contain a minimum of one and one-half acres of total land area, shall be allowed to adopt a site specific development plan in accordance with the procedures stated in Section 15.28.060 of this Title.” The subject properties meet these criteria and are eligible to adopt a site-specific development plan. The applicant has submitted a request for development plan approval. Attachment ‘C’ contains the applicant’s letter of intent.

The site development, off-street parking, architectural, landscaping and signage standards outlined in this development plan shall be applicable to all future construction at this site.

#### **1. Site Development**

- a. Site development standards for existing buildings shall match those established in the original development plan for the Lakin Campus (planning case #PC-07-004). New structures on the Lakin Campus, expansions of existing structures, and renovations valued at greater than 50% of the building’s assessed value shall be subject to the standards in this development plan.
- b. Any construction valued at greater than 50% of the assessed value of the properties comprising the Lakin Campus shall require the entire campus to be brought into compliance with this development plan.
- c. All structures on the Lakin Campus shall be setback a minimum of ten (10) feet from the outer boundary of the Lakin Campus. All proposed buildings shown on the preliminary plan conform to this standard (see attachment ‘D’).
- d. The maximum building height for principal structures on the Lakin Campus shall be fifty (50) feet.
- e. The maximum building height for accessory structures shall not exceed eighteen (18) feet.
- f. Maximum combined lot coverage for all structures shall not exceed 50% of the total campus area.
- g. All trash receptacles visible from a public right-of-way shall be enclosed on three sides with a masonry, wood, or vinyl fence and shall have a lockable gate that, when closed, completely eliminates view of the dumpster.
- h. Outdoor storage shall not be permitted on the premises. This includes the temporary and/or permanent placement of inter-modal storage containers.
- i. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to this site shall be at the sole cost of the developer and not the City.
- j. All outdoor light poles at this site shall not exceed 25 feet in height measured from the existing grade. All exterior lighting shall conform to Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).

- k. Each building on the Lakin Campus shall provide paved sidewalks a minimum of five (5) feet wide that connect building entrances to the campus walkway system.
- l. Each building on the Lakin Campus shall have a clear and direct pedestrian pathway offering an accessible connection from all main building entrances to the public sidewalk. Such pedestrian pathways shall be clearly marked with pavement marking, landscaping, change in surface material, curb separation, and/or grade separation.

## **2. Off-Street Parking**

- a. Standards for existing parking areas shall match those established in the original development plan for the Lakin Campus (planning case #PC-07-004). As part of the development plan approved in 2007, the individual agencies on the Lakin Campus identified a total need for 193 vehicle parking stalls. The project's architect determined that the Zoning Ordinance would have typically required 500 stalls to accommodate all of the proposed uses on campus. In 2007, development plan review determined that "due to the nature of the operations on the campus with little overlap between high volume demand and the shared parking opportunities, adequate parking can be met with the 300 spaces shown on the site plan." The 2007 plan thus included a requirement for 107 additional parking stalls beyond the need identified by the social service providers on campus.

The preliminary site plan (attachment 'D') shows the provision of 153 new parking spaces. This number shall be the required minimum number of parking stalls for the three proposed buildings. The minimum number of parking stalls provided for the three proposed buildings may be reduced upon submittal of a parking study to the Community Development Director or his/her designee justifying a lower need for off-street parking.

- b. All off-street parking areas shall comply with the design standards in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance) unless otherwise specified in the development plan.
- c. Accessible parking spaces shall be provided in quantity and design consistent with Iowa State Code.
- d. Designated bicycle parking areas shall be located within 50 feet of, and clearly visible from, the main entrance of each building. Bicycle parking areas shall contain secure bicycle racks similar in style to existing bicycle racks on the Lakin Campus. Bicycle racks shall be secured to the pavement in a location that does not conflict with pedestrian or vehicular circulation routes. Bicycle parking may alternatively be provided in a publicly accessible indoor location within a convenient distance of the main building entrance. Bicycle parking shall be provided at a rate of one (1) bicycle parking space per 3,000 square feet of gross floor area. Bicycle parking for new buildings shall be provided upon construction. Bicycle parking for existing buildings shall be brought into conformance with these standards upon building expansion or renovation valued at greater than 50% of the building's assessed value.
- e. A parking lot permit must be submitted with the building permit submittal and shall include information about the number, location, and dimension of all drive aisles and spaces, pedestrian ways, islands, landscaped areas, loading areas and lighting.
- f. All grading and drainage activity for this development shall be completed in accordance with the approved final plans.

## **3. Architecture**

- a. Architectural standards for existing buildings shall match those established in the original development plan for the Lakin Campus (see planning case #PC-07-004).
- b. Submitted architectural renderings (attachments 'E' and 'F') show the building façade walls of new buildings on the Lakin Campus will be constructed out of the following building materials:
  1. HPC Laminate
  2. Modular Brick
  3. Glazing
  4. Metal Panel

#### 5. Fiber Cement Panel

The Community Development Department finds the arrangement of building materials for the proposed buildings as listed above and shown in attachments 'E' and 'F' to be acceptable for the development of the Lakin Campus and recommends adopting the building renderings as submitted.

- c. All future buildings, building additions, and exterior renovations constructed at this site shall be designed to be compatible with the architectural materials approved as part of this development plan. Building façade walls shall be constructed primarily of a combination of the materials listed above, as shown in attachments 'E' and 'F.' Other high quality, durable materials not listed above may be used as complementary materials that enhance the primary building material, as reviewed by the Community Development Director or his/her designee. Deviations in building material used that result in a departure from the overall approved design shall require amendment of the development plan.
- d. All rooftop mechanical equipment shall be screened from public view with architectural features.
- e. All ground mounted mechanical equipment shall be screened with fencing or landscaping from public view.

#### 4. Landscaping

- a. Landscaping standards for previously developed parcels shall match those established in the original development plan for the Lakin Campus (planning case #PC-07-004).
- b. The applicant has submitted a preliminary landscaping plan (attachment 'G') for the undeveloped parcels within the Lakin Campus. This plan shall become the standard for new development. Any future renovation of existing landscaping on the Lakin Campus shall be consistent with the species, placement, and overall design of landscaping approved as part of this development plan.
- c. Landscaping shall not impede the vision of any automobile traffic entering/exiting or circulating on the subject property.
- d. The applicant proposes landscaping on 12.8% of the new parking lot area, which meets the minimum 10% landscaping standard in Chapter 15.23 of the Municipal Code (Zoning Ordinance). Such landscaping includes a 5-foot landscaped buffer between the parking lot edge and the Lakin Campus boundary, as required by city code. All parking lot landscape islands shall be planted with at least one tree and covered with grass, shrubs, perennials, and/or mulch as shown in the preliminary landscape plans.
- e. Not more than 10% of the landscaped area on the Lakin Campus shall be of inorganic material such as brick, stone, aggregate, river rock, metal or artificial turf. Organic mulch may be used to cover the ground between plants.
- f. Sugar maple trees shall not be planted along sidewalks.
- g. All disturbed areas without a specific landscape design shall be seeded with sod, turf, and/or prairie grass to match the existing grass on the previously developed areas of the Lakin Campus.
- h. 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.

#### 5. Signage

- a. As per Section 15.33.160(D)(4) of the Council Bluffs Municipal Code (Zoning Ordinance), "*any property, or combinations of contiguous properties owned by the same person or entity, that are zoned A-P District and contain a minimum of one and one-half acres of total land area, shall be allowed to adopt a site specific sign plan that is subject to review by the City Planning Commission and approval by City Council.*" The subject properties meet these criteria and are eligible to adopt a site-specific signage plan.
- b. Existing Signage
  - i. There is 609.625 square feet of existing signage on the Lakin Campus (Attachment 'H'), including:
    - One (1) 11.65 square foot ground monument sign at the corner of N 16<sup>th</sup> Street and Avenue J;

- Two (2) 6.65 square foot ground monument signs at the corner of N 15<sup>th</sup> Street and Avenue J;
- Two (2) 6.65 square foot ground monument signs at the corner of N 14<sup>th</sup> Street and Avenue I;
- Two (2) 6.65 square foot ground monument signs at the corner of N 15<sup>th</sup> Street and Ruth Nelson Rd;
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- One (1) 28.125 square foot building-mounted sign on the Micah House;
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- One (1) 22.5 square foot building-mounted sign on the Heartland Family Service building;
- One (1) 41.09 square foot building-mounted sign on the Lakin Foundation building;
- One (1) 110.25 square foot building-mounted sign on the Salvation Army building;
- One (1) 45.5 square foot building-mounted sign on the Salvation Army building;
- One (1) 125 square foot building-mounted sign on the human services campus building;
- One (1) 90 square foot building-mounted sign on the Boys and Girls Clubs of Council Bluffs building; and
- One (1) 36 square foot building-mounted sign on the Boys and Girls Clubs of Council Bluffs building.

c. Proposed Signage

- i. The submitted signage plan identifies seven (7) additional signs on the Lakin Campus. The proposed signage is included in Attachment 'H' and described below:
    - One (1) 99.75 square foot ground monument with 11.65 square feet of signage at the corner of N 14<sup>th</sup> Street and Ruth Nelson Rd;
    - One (1) 225 square foot building-mounted sign on the future Heartland Family Service building;
    - One (1) 36 square foot building-mounted sign on the future Heartland Family Service building;
    - Two (2) 24 square foot building-mounted signs on the future Lakin building;
    - One (1) 245 square foot building-mounted sign on the future Lakin building; and
    - One (1) 32 square foot ground monument sign at the future Micah building.
  - ii. Total new signage: 597.65 square feet
  - iii. Total existing plus proposed signage: 1,207.275 square feet.
- d. The maximum total permitted sign area for the Lakin Campus shall be 1,250 square feet. The Community Development Department finds the requested amount of signage to be appropriate for the Lakin Campus, based on the campus's size and its location in the city.
  - e. Attached building signage shall not exceed one and one-half square feet per lineal foot of the building to which it is attached.
  - f. A maximum of 40 square feet of new directional signage shall be permitted on the Lakin Campus. Such directional signage shall not exceed three square feet per face and three feet in height.
  - g. No signage shall extend beyond the edge or peak of a building.
  - h. The applicant shall submit a request to amend the development plan if additional signage allowances are desired.



### **Recommendations**

The Community Development Department recommends the following:

1. Approval of the request of Heartland Family Services, represented by Clarrissa Newman, to rezone property legally described as Lots 1-7, Legacy Family Campus Subdivision Phase 1, and Lots 1 and 2, Legacy Family Campus Subdivision Phase 2, City of Council Bluffs, Pottawattamie County, Iowa, from P-C/Planned Commercial District and R-3/Low Density Multifamily Residential District to A-P/Administrative-Professional District; and
2. Approval of the request of Heartland Family Services, represented by Clarrissa Newman, to adopt a site-specific development plan for the Charles E. Lakin Human Services Campus on property legally described above, subject to the comments above and the following condition:
  - a. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed the City Planning Commission and approved by City Council prior to such changes being made.

### **Public Hearing**

Staff speakers for the request:

1. Brandon Siracuse, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning and Code Compliance Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. Eric Williams, 2111 S. 67<sup>th</sup> Street, Omaha, NE 68106

Speakers against:

1. Boyd Meisel, 1325 Avenue I, Council Bluffs, IA 51501

### **Planning Commission Recommendations**

The City Planning Commission recommended the following:

1. Approval of the request of Heartland Family Services, represented by Clarrissa Newman, to rezone property legally described as Lots 1-7, Legacy Family Campus Subdivision Phase 1, and Lots 1 and 2, Legacy Family Campus Subdivision Phase 2, City of Council Bluffs, Pottawattamie County, Iowa, from P-C/Planned Commercial District and R-3/Low Density Multifamily Residential District to A-P/Administrative-Professional District; and
2. Approval of the request of Heartland Family Services, represented by Clarrissa Newman, to adopt a site-specific development plan for the Charles E. Lakin Human Services Campus on property legally described above, subject to the comments above and the following condition:
  - a. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed the City Planning Commission and approved by City Council prior to such changes being made.

VOTE: AYE – Bass, Daniels, Halm, Hutcheson, Rater, Rew, Scott, Stroebele, and Van Houten. NAY - None  
ABSTAIN - Opperman ABSENT – None. VACANT – One. Motion: Carried.

### **Attachments**

Attachment A: Location/Zoning Map  
Attachment B: Letters of Support

Attachment C: Letter of Intent  
Attachment D: Lakin Campus Development Plans  
Attachment E: Lakin Campus Architectural Details (1)  
Attachment F: Lakin Campus Architectural Details (2)  
Attachment G: Lakin Campus Landscaping Plan  
Attachment H: Lakin Campus Signage Package

Prepared by: Brandon Siracuse, Planner, Community Development Department



# CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION

## CASE #ZC-22-005

### ZONING/LOCATION MAP

#### Legend

-  Subject Property
-  City of Council Bluffs Corporate Limits
-  Parcels

0 105 210  
1 inch = 208 feet

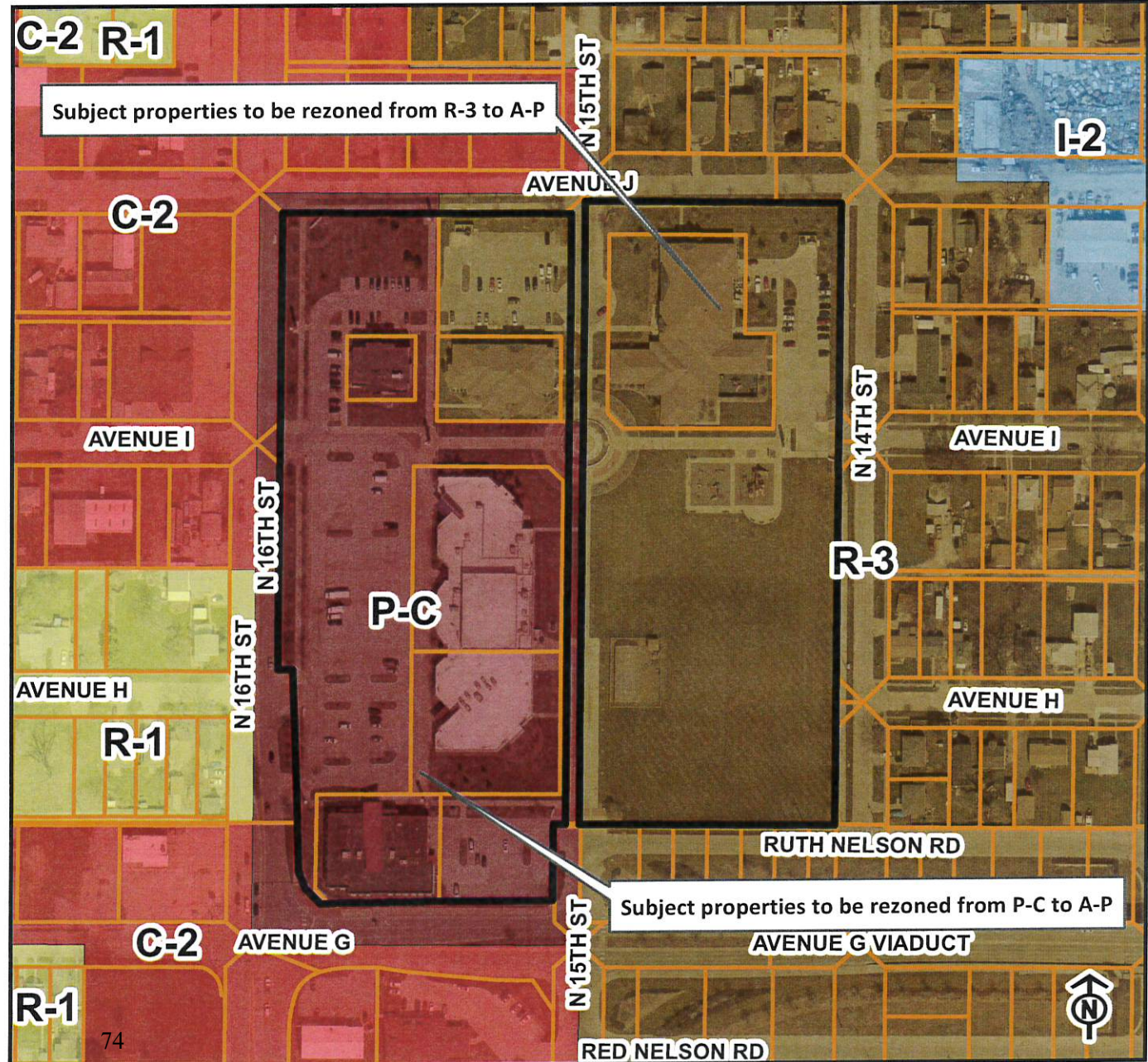


Last Amended: 4/15/2022



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 denies any and all responsibility for errors, if any, in the information contained on this map, the source 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.





## Attachment C

### **Background/Discussion**

The Legacy Family Campus was constructed on approximately 17 acres between North 14th and North 16th Streets from Avenue 'G' to Avenue 'J'. It currently houses five human service agencies including; Boys and Girl Clubs, The Salvation Army, the American Red Cross, MICAH House and Heartland Family Service (HFS). The planned expansion of the site will house a Lakin Family Services building, Food Bank, and Child Care Building for the Micah House Development.

The existing development provided shared parking for all facilities, green space and pedestrian access throughout. The proposed addition of the three buildings will provide additional services to the campus and provide needs for the community.

### **Rezoning**

The site is currently zoned both P-C/Planned Commercial and R-3. The request is to provide a conditional use permit for a facility offering "day care services" within a campus zoned as A-P/Administrative Professional. The facility will utilize the campus' shared parking, meet the set architectural requirements, lighting and signage requirements and will serve the greater function of the rest of the campus.

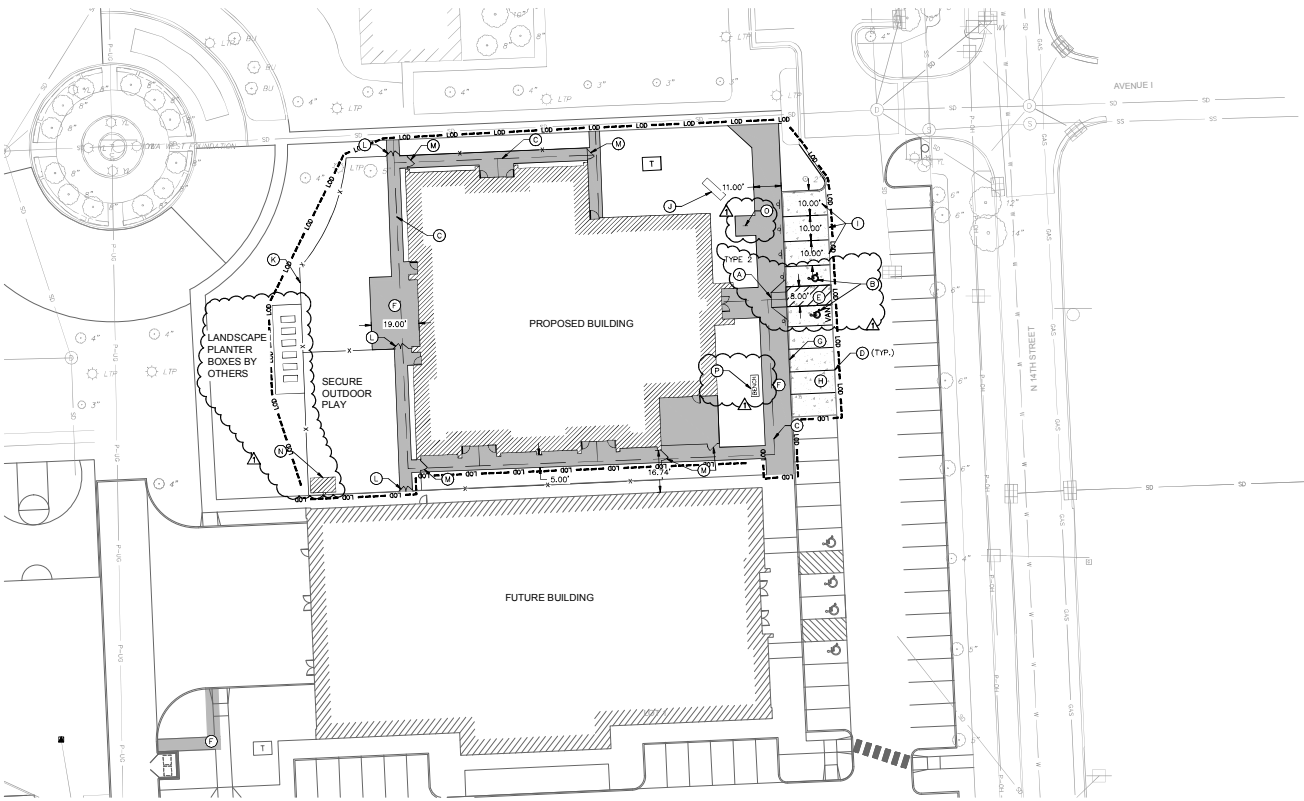
### **Description of the Facility**

The building will be a stand-alone 11,405 square foot, Type V-B sprinklered construction building directly South of the Micah House Shelter. The building will be single story and 26 feet tall. The design of the facility has been approved by the campus through review of exhibit elevations and renderings and the proposed use of the facility was included during the planning for the A-P zoning package.

Pedestrian paths and sidewalks will be provided and connect back to the greater campus pedestrian paths. Parking and access will be provided by the campus. The site will offer two ADA parking stalls and four stalls for bicycle parking.

### **Use and Operation**

The Micah House Early Education Center, which will be formally titled the Florence M. Lakin Child Development Center, will offer premium daycare services to both families of those staying at the Micah House Shelter as well as the surrounding neighborhood for children aged 6 weeks to 5 years. There will be 17 staff members and 72 children in the facility, operating from 7am-6pm. Kitchen service and trash collection service will be provided by the Micah House Shelter with a warming kitchen for holding food in the education center, and a planned increase in frequency of trash collection from the Shelter's trash bins for handling the additional load.



LEGEND

---	BUILDING SETBACK
---	EXISTING LOT BOUNDARY
---	PROPOSED LOT BOUNDARY
---	PROPOSED CURB AND GUTTER
---	PROPOSED BUILDING OUTLINE
---	PROPOSED DECORATIVE METAL FENCE

SITE KEY NOTES

1	CONSTRUCT CURB RAMP PER ADA REGULATIONS AND LOCAL JURISDICTIONAL REQUIREMENTS. REFERENCE DETAIL SHEET. REFERENCE PLAN FOR CURB RAMP TYPE.
2	INSTALL ADA PARKING STALL AND ASSOCIATED STRIPING AND SIGNAGE PER ADA REGULATIONS AND LOCAL JURISDICTIONAL REQUIREMENTS. REFERENCE DETAIL SHEET.
3	PROPOSED ADA ACCESSIBLE ROUTE PER ADA REGULATIONS AND LOCAL JURISDICTIONAL REQUIREMENTS.
4	INSTALL 4-INCH WHITE PAVEMENT STRIPING (TYP.)
5	INSTALL 4-INCH WHITE PAVEMENT STRIPING AT 45° 2-FOOT O.C.
6	CONSTRUCT 4-INCH THICK P.C.C. SIDEWALK. REFERENCE DETAIL SHEET.
7	CONSTRUCT P.C.C. INTEGRAL CURB AND GUTTER. REFERENCE DETAIL SHEET.
8	CONSTRUCT 5-INCH THICK STANDARD DUTY P.C. CONCRETE PAVEMENT. REFERENCE DETAIL SHEET.
9	PARENT DROP OFF STALL AND SIGNAGE.
10	PROPOSED MONUMENT SIGN. REFERENCE ARCHITECTURAL PLANS. SEPARATE SIGNAGE PERMIT IS REQUIRED.
11	CONSTRUCT 6-FOOT HIGH DECORATIVE METAL FENCE. REFERENCE ARCHITECTURAL PLANS FOR DETAILS. CONTRACTOR TO PROVIDE SHOP DRAWINGS FOR APPROVAL.
12	CONSTRUCT 6-FOOT HIGH DECORATIVE METAL FENCE SINGLE GATE. REFERENCE ARCHITECTURAL PLANS FOR DETAILS. CONTRACTOR TO PROVIDE SHOP DRAWINGS FOR APPROVAL.
13	CONSTRUCT 6-FOOT HIGH DECORATIVE METAL FENCE DOUBLE GATE. REFERENCE ARCHITECTURAL PLANS FOR DETAILS. CONTRACTOR TO PROVIDE SHOP DRAWINGS FOR APPROVAL.
14	PROPOSED SHED TO BE PURCHASED BY CONTRACTOR.
15	BICYCLE RACK. REFERENCE ARCHITECTURAL PLANS FOR DETAILS.
16	BENCH. REFERENCE ARCHITECTURAL PLANS FOR DETAILS.

SITE INFORMATION TABLE

LEGAL DESCRIPTION:	LEGACY FAMILY CAMPUS SUBDIVISION PHASE 2 6, LOT 1 (6.56± AC)
EXISTING ZONING:	R-3
PROPOSED ZONING:	A-P
PARKING REQUIREMENTS:	
REQUIRED:	1 STALL/6 CHILDREN 13 STALLS REQUIRED
PROVIDED:	25 STALLS
ACCESSIBLE PARKING:	
REQUIRED:	1 STALLS
PROVIDED:	2 (INCLUDES 1 VAN STALL)

- NOTES
- 1. ALL RADII ARE 3-FOOT UNLESS OTHERWISE NOTED.
  - 2. STANDARD PARKING STALL SIZE SHALL BE 9'x18'.
  - 3. ADA ACCESSIBLE PARKING STALL SIZE SHALL BE 8'x18'.
  - 4. PARENT DROP OFF STALL SIZE SHALL BE 10'x18'.

1	Rev01-Add01	08/05/2022
No.	Description	Date



MICAH HOUSE EARLY EDUCATION CENTER AND RENOVATIONS

SITE PLAN



119 SOUTH 49TH AVENUE  
OMAHA, NEBRASKA 68132  
(402)551-0800

PROJECT: 21109  
DATE: 07/15/2022

07/15/2022 10:15:22 PM

SHEET: C2.0

07/15/2022



Attachment E

KEYED PLAN NOTES

TAG USED FOR THIS SCHEDULE	
1	ALIGN FINISH FACES
2	ADA ACTUATOR - SEE ELEC.
3	CARD READER
4	INTERCOM
5	FIRE EXTINGUISHER CABINET AND FIRE EXTINGUISHER
6	GUTTER DOWNSPOUT TYP. CONNECT TO STORM SEWER, SEE SPECIFICATIONS AND C.O.N.

GENERAL PLAN NOTES

1. ALL BOLD OR FULL-TONE LINES INDICATE NEW CONSTRUCTION, PICTURES OR EQUIPMENT. ALL LIGHT OR HALF-TONE LINES INDICATE EXISTING NO CONSTRUCTION, PICTURES OR EQUIPMENT.
2. ALL DIMENSIONS ARE TAKEN TO THE FACE OF EXISTING CONSTRUCTION OR THE FINISH FACE OF NEW CONSTRUCTION, UNLESS OTHERWISE NOTED ON THE PLANS. LIGHT OR HALF-TONE DIMENSIONS ARE SHOWN FOR INFORMATION ONLY.
3. FIELD VERIFY ALL DIMENSIONS SHOWN ON THE PLANS WITH THE ACTUAL EXISTING CONDITIONS.
4. FINISH FLOOR ELEVATION = 100.2' (4844.61) CIVIL ELEVATION, UNLESS OTHERWISE NOTED ON PLAN.
5. ALL NEW PARTITIONS SHOWN WITHIN THE LIMITS OF CONSTRUCTION ARE TYPE U1.1 UNLESS NOTED OTHERWISE.
6. SEE SHEET A1.02 FOR PARTITION TYPES.
7. PROVIDE CONTINUOUS BLOCKING OR STRAPPING WITHIN NEW WALLS AS REQUIRED FOR ALL WALL MOUNTED CASEWORK, PICTURE, ACCESSORIES AND EQUIPMENT. ANCHOR BLOCKING BETWEEN THE STUDIOS, AT THE FACE OF THE STUDIOS, FOR THE ENTIRE WIDTH OF THE ITEM TO BE MOUNTED ON THE WALL. VERIFY VERTICAL LOCATION OF BLOCKING WITH THE MOUNTING HEIGHT REQUIRED AND THE REQUIREMENTS OF THE ITEM TO BE MOUNTED ON THE WALL.
8. OWNER FURNISHED EQUIPMENT SHOWN DASHED ON PLAN, UNLESS OTHERWISE NOTED.
9. PROVIDE SELF-LEVELING CONCRETE FLOOR UNDERLAYMENT AS REQUIRED TO ACHIEVE A SMOOTH AND LEVEL SUBSTRATE FOR FLOOR FINISH.
10. ALL FURNITURE IS NOT-IN-CONTRACT AND SHOWN FOR INFORMATION AND COORDINATION ONLY.
11. WHEN PARTITIONS OF DIFFERENT RATINGS ARE LOCATED ALONG THE SAME WALL, ALIGN FINISH FACE OF WALL AS REQUIRED.
12. CIRCLES ARE DIMENSIONED TO THE EXTERIOR FACE OF FRAMING UNLESS NOTED OTHERWISE.

No.	Description	Date



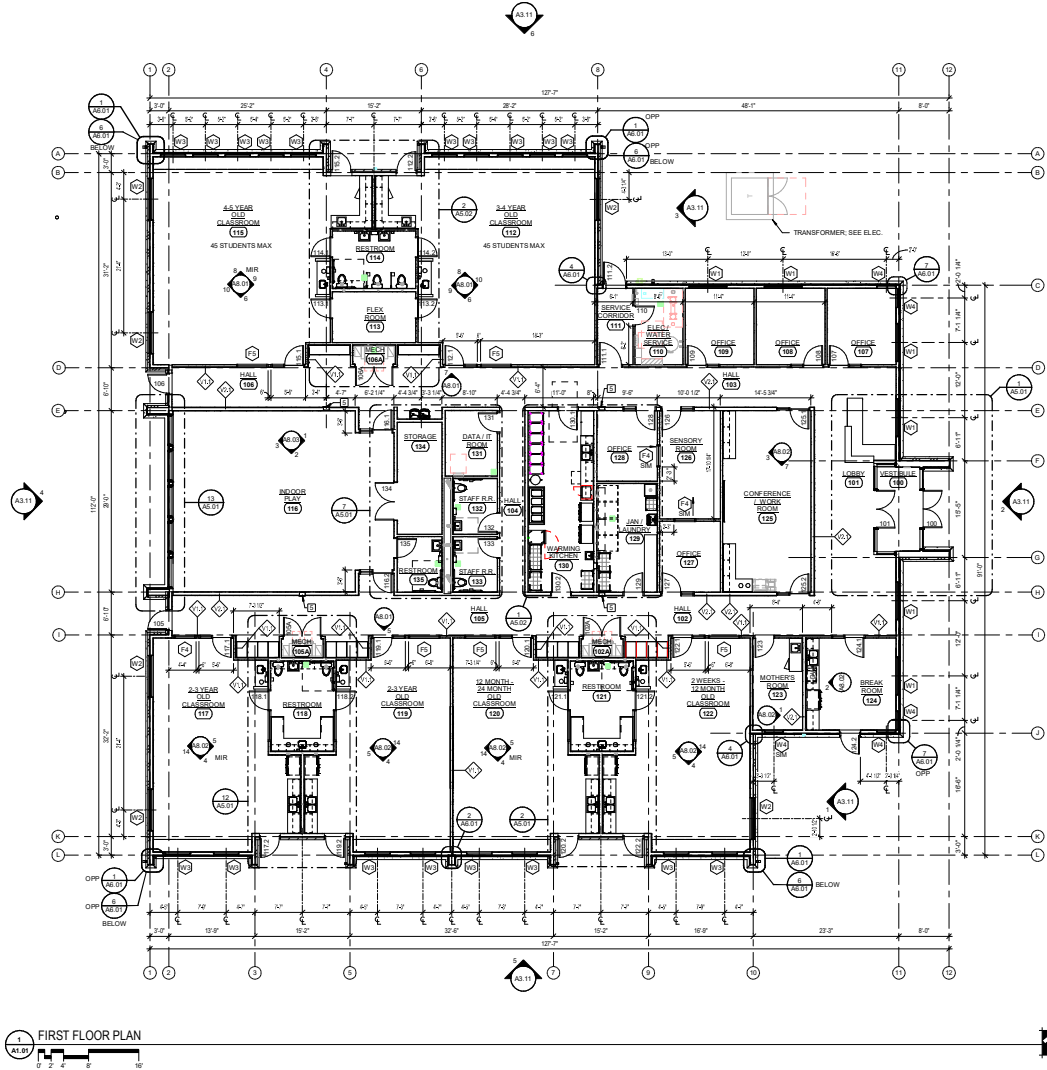
MICAH HOUSE EARLY EDUCATION CENTER

FIRST FLOOR PLAN

Holland Basham Architects

119 SOUTH 49TH AVENUE  
OMAHA, NEBRASKA 68132  
(402)551-0800

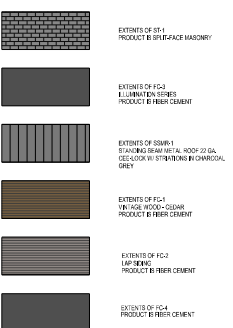
PROJECT: 21109  
DATE: 07/15/2022  
SHEET: A1.01



Attachment F



MATERIAL KEY



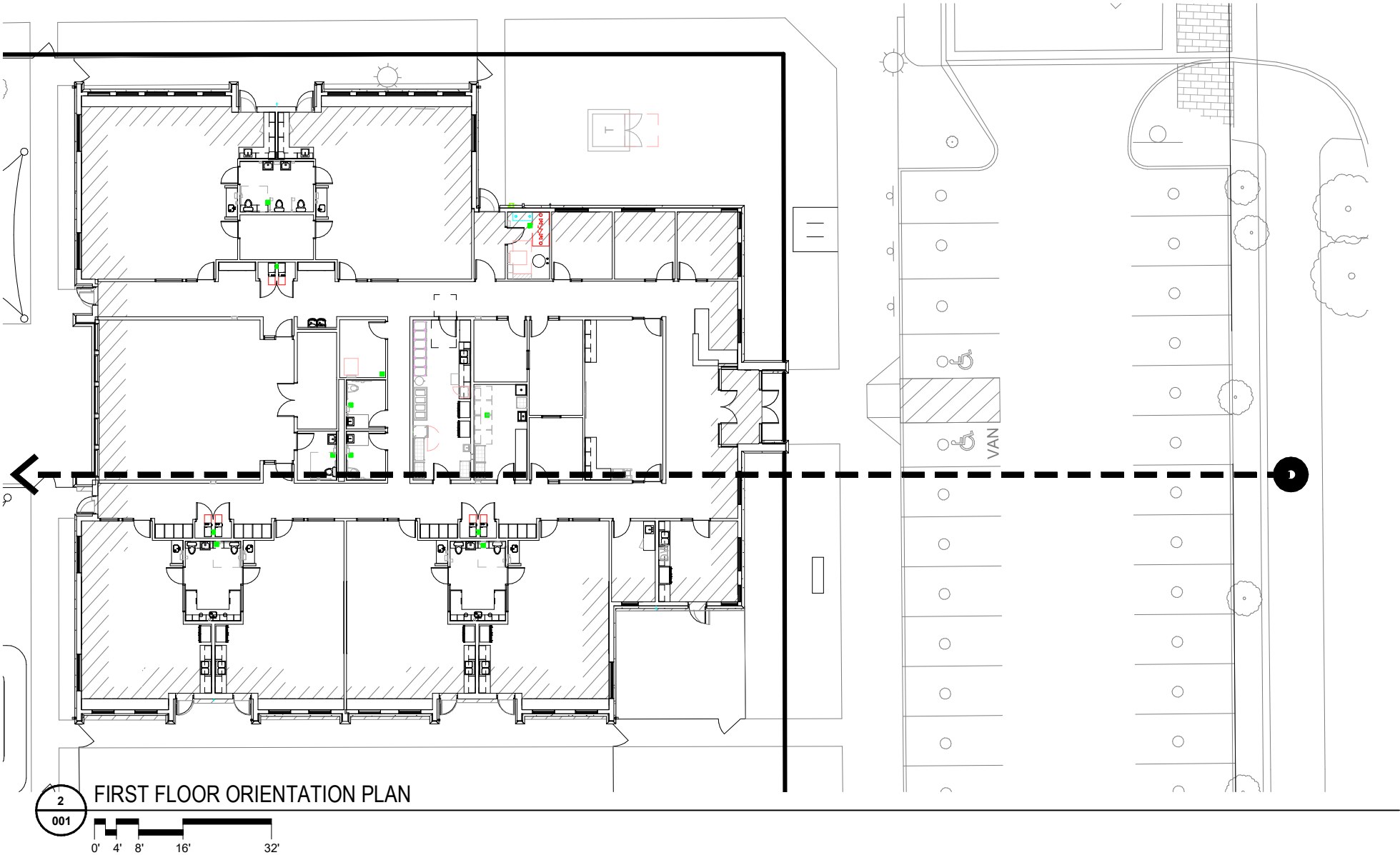
MATERIAL KEY







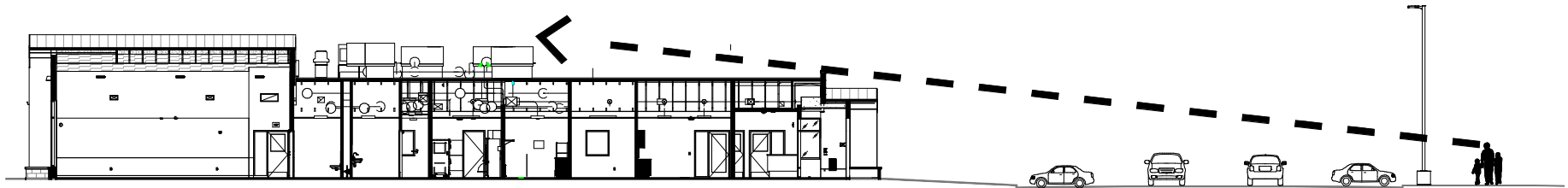








RENDERED PERSPECTIVE SHOWING VIEW



1  
002

VIEW FROM SIDEWALK

0' 4' 8' 16' 32'

Date: 09/02/22  
Project Number: 21109

MICAH HOUSE EARLY EDUCATION CENTER

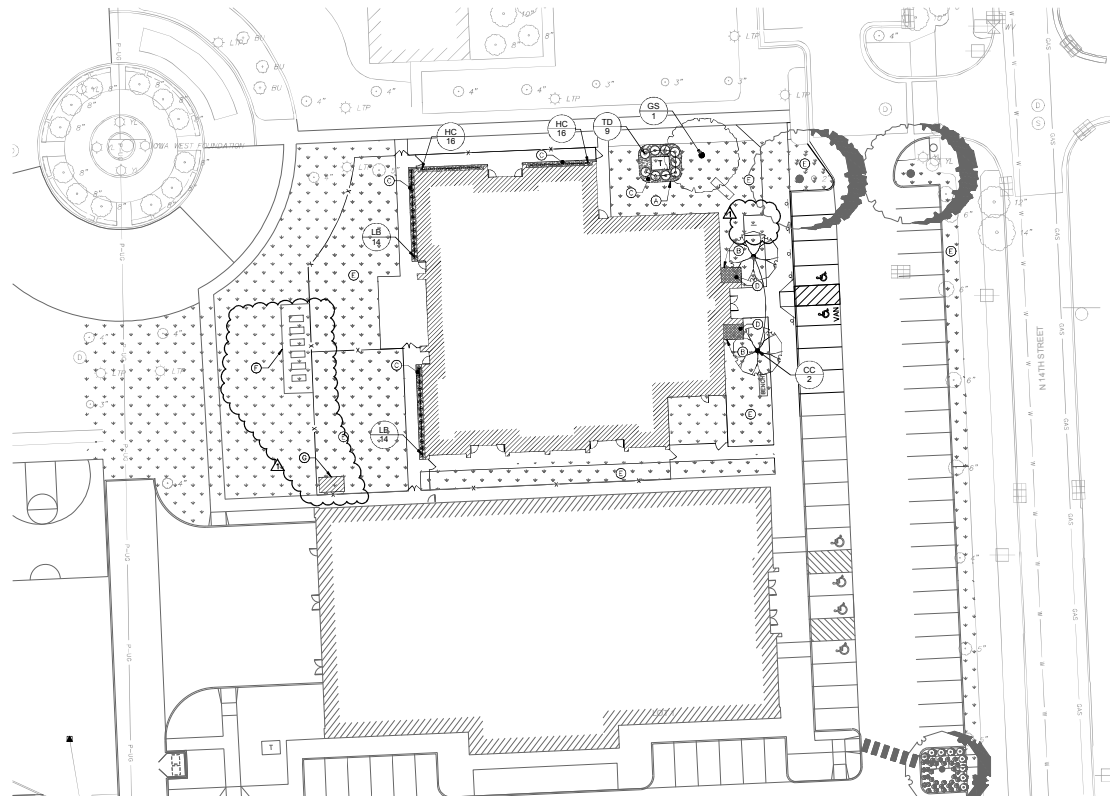
SIGHT LINE STUDY

**Holland Basham**  
Architects

FILE LOCATION: BIM 360://21109 MICAH House - Addition & Renovation/21109\_Micah House - Early Education Center\_Arch\_CD\_R21.rvt









PLOTTED: 11/4/2022 9:30:27 AM

## LANDSCAPE SITE PLAN



LANDSCAPE KEY NOTES	
①	CULTIVATED LANDSCAPE EDGING
②	STEEL LANDSCAPE EDGING. REFER TO LANDSCAPE DETAILS.
③	HARDWOOD MULCH
④	WASHED RIVER ROCK 1" TO 1" OVER LANDSCAPE FABRIC
⑤	INSTALL TURF-TYPE FESCUE BLEND SEED - TURF IRRIGATION
⑥	PLANTER BOXES BY CONTRACTOR.
⑦	PROPOSED SHED.

## PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL / COMMON NAME	CAL./HT.	CONTAINER	PLANT HT.	M. HT.	M. SPH.
	CC	2	CERIS CANADENSIS EASTERN REDBUD	2" CAL.	B&B	6'	25'	20'
	GS	1	GLADITSIA TRIACANTHOS INERMIS 'SHADEMASTER' SHADEMASTER HONEY LOCUST	2" CAL.	B&B	6'	50'	40'
EVERGREEN SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	CONTAINER	M.H.T.	M.SPH.	PLANT HT.	
	TD	9	TAXUS X MEDIA 'DENSIFORMIS' DENSE ANGLO-JAPANESE YEW	3 GAL.	4'	4'	2'	
PERENNIALS	CODE	QTY	BOTANICAL / COMMON NAME	CONTAINER	M.H.T.	M.SPH.	PLANT HT.	
	HC	32	HELICHERA X 'CARAMEL' CARAMEL CORAL BELLS	1 GAL.	12"	12"	6"	
	LB	28	LIRIOPE MUSCARI 'BIG BLUE' BIG BLUE LILYTURF	1 GAL.	18"	2"	12"	
MULCH	CODE	QTY	BOTANICAL / COMMON NAME	CONTAINER	M.H.T.			
	③	286 SF	MULCH MULCH SHREDDED HARD WOOD WOOD MULCH	---	---			
	④	96 SF	MULCH MULCH WASHED RIVER ROCK ROCK MULCH	---	---			
SOD / SEED	CODE	QTY	BOTANICAL / COMMON NAME	CONTAINER	M.H.T.			
	⑤	8,862 SF	TURF SOD DROUGHT TOLERANT FESCUE SOD	SOD	---			

1	Rev01-Add01	08/05/2022
No.	Description	Date



MICAH HOUSE EARLY  
EDUCATION CENTER  
AND RENOVATIONS

LANDSCAPE PLAN

**Holland Basham**  
Architects

119 SOUTH 49TH AVENUE  
OMAHA, NEBRASKA 68132  
(402)551-0800

PROJECT: 21109  
DATE: 07/15/2022

07/15/2022 10:15:22 PM  
SHEET: L1.0

## Zoning Board of Adjustment Communication

Department: Community

Development

Case/Project No.: CU-20-001(M)

Submitted by: Christopher N.

Gibbons, AICP, Planning & Code

Compliance Manager and Haley

Weber, Planner

CASE #CU-20-001(M)

Council Action: 12/20/2022

### Description

Public hearing on the request of McGregor Interests, LLC, represented by Geoff McGregor, to modify a conditional use permit (Case #CU-20-001) to allow for an expansion of the commercial storage operation, which includes outdoor storage area for RVs, boats, trailers, and campers, on property legally described as being the Westerly 123 feet of the Easterly 535 feet of the Northerly 660 feet of the SW1/4 SW1/4 in Section 12-74-44, City of Council Bluffs, Pottawattamie County, Iowa. Location: 800 Veterans Memorial Highway.

### Background/Discussion

See attached staff report.

### Recommendation

### ATTACHMENTS:

Description

Staff Report & Attachments

Type

Other

Upload Date

12/15/2022

**TO:** Zoning Board of Adjustment  
**FROM:** Community Development Department

**DATE:** December 20, 2022

**RE:** **CASE #CU-20-001(M)**  
**REQUEST:** A modification to a conditional use permit to allow an expansion of a commercial storage operation, which includes a ‘storage yard’ in an I-2/General Industrial District.

**APPLICABLE CODE SECTIONS:** §15.02.020 – Zoning Board of Adjustment  
The Zoning Board of shall have the following powers:  
B. To make final decisions on applications for conditional uses.

§15.21.030 – Conditional Uses in a I-2/General Industrial District  
H. Storage yard

**LEGAL DESCRIPTION:** The Westerly 123 feet of the Easterly 535 feet of the Northerly 660 feet of the SW1/4 SW1/4 in Section 12-74-44, City of Council Bluffs, Pottawattamie County, Iowa

**LOCATION:** 800 Veterans Memorial Highway, Council Bluffs, IA 51501

**APPLICANT:** McGregor Interests, Inc., 11750 Stonegate Circle, Omaha, NE 68164

**OWNERS:** MemorialC2 Trust, PO Box 108, Blair, NE 68008

**REPRESENTED BY:** Geoff McGregor, 11750 Stonegate Circle, Omaha NE 68164

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**BACKGROUND INFORMATION** – The Community Development Department has received an application from McGregor Interests, Inc., represented by Geoff McGregor, to modify an approved conditional use permit (Case #CU-20-001) to allow for an expansion of a commercial storage operation, which includes outdoor storage area for RVs, boats, trailers and campers on property legally described above.

On January 21, 2020, the Council Bluffs Zoning Board of Adjustment approved a conditional use permit (Case #CU-20-001) to allow a ‘storage yard’ at 706 Veteran’s Memorial Highway, which allowed the commercial storage facility proposed at the subject property, known as ‘Lockbox Storage’, to provide outdoor storage for boats, recreational vehicles (RVs), trailers and campers. The applicant currently has a purchase agreement in place for the property adjacent to the west (800 Veterans Memorial Highway) to expand their commercial storage operation, including additional area for the outdoor storage for boats, RVs, trailers and campers. The purpose of the modification request is to expand the existing conditional use permit to include this additional land area.

The expansion will include one 22,100 square foot commercial storage-unit building and thirty-three (33) off-street parking spaces, as shown on the submitted site plan, included as Attachment ‘A’. This

addition will be accessed through an interconnection into the parking lot of the existing commercial storage facility.

The submitted site plan also shows an eight (8) foot-tall press point fence with a curved top around the front of the property, excluding the west side of the proposed storage building. No additional signage is proposed with this expansion. LED wall packs will provide lighting to the expansion area. Lighting will be adjustable to avoid light pollution onto the adjacent properties.

The proposed hours of operation are Tuesday through Saturday, 9:00 a.m. to 4:30 p.m. Storage buildings will be accessible through the main gate from 5:00 a.m. to 10:00 p.m. Customers who wish to have 24/7 access to the facility will have the option to pay an additional access fee. The submitted plan of operation indicates that there will be one full-time property manager on-site during business hours, and an offsite manager who will coordinate maintenance and repairs. The proposed plan of operation is included as Attachment 'B'. The existing 'Lockbox Storage' location at 706 Veterans Memorial Highway is one of the multiple locations across Iowa and Nebraska. Photographs of existing locations are included as Attachment 'C.'

**CURRENT ZONING AND LAND USE** – The subject property is zoned I-2/General Industrial District. Surrounding properties to the west, north and east are also zoned I-2. Properties south of the property, across Veterans Memorial Highway, are zoned C-2/Commercial District. A location/zoning map is included as Attachment 'D.'

Existing land uses in the general vicinity include: a residential property and a motel to the west; a truck equipment supplier and dealer to the north; the existing 'Lockbox Storage' facility to the east; and a retail fireworks store to the south across Veterans Memorial Highway. The future land use map of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as 'Local Commercial.'

The following attachments are included with the case staff report:

- Attachment A: Site Plan
- Attachment B: Plan of Operation
- Attachment C: Photographs of existing Lockbox Storage locations
- Attachment D: Location/zoning map

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

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

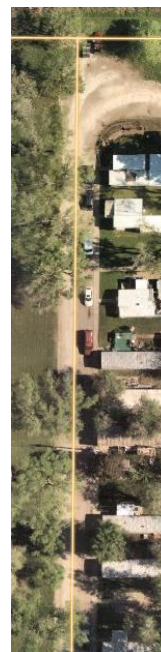




**Exhibit B: Google Street View image looking north toward the subject expansion area**



**Exhibit C: Looking south from northwest corner of subject property** *(Note – Property line is located approximately in the center of the gravel drive – see aerial noting property line in yellow below)*



**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 provided the following comments:

1. A 'storage yard' is defined in Section 15.03.609, Definitions, 'Storage Yard,' of the Council Bluffs Municipal Code (Zoning Ordinance) as *"A facility engaged in the surface storage of operating or nonoperating vehicles, other large items and containers for storing or collecting goods or material while awaiting sale, resale, transfer, redemption or use, excluding dismantling or salvage. The yard shall have a defined boundary and be hard-surfaced throughout. Licensing by the health department may be required. Typical uses include sales lots, automobile auctions, transfer facilities, container storage and impound lots."* The proposed exterior storage area would fall under this definition.
2. The subject request is to expand the existing 'commercial storage' operation at 706 Veteran's Memorial Highway to include additional land area (800 Veterans Memorial Highway). 'Commercial storage' is a permitted use in the I-2/General Industrial District. The proposed ancillary exterior storage component of the operation would be considered a 'storage yard', which requires a conditional use permit.
3. The subject expansion area (800 Veterans Memorial Highway) is a separately platted parcel of land from the property at 706 Veterans Memorial Highway, which houses the existing Lockbox Storage facility. The applicant shall consolidate the two properties with the County so that the entire operation may be treated as one premises.
4. The submitted site plan shows one (1) 22,100 square foot commercial storage building, which is in conformance with I-2 District lot coverage and setback requirements. The building height is not indicated on the submitted site plan but shall conform to I-2 district standards.
5. The minimum number of off-street parking spaces for the proposed commercial storage expansion is based on a calculation of 1 parking space per 5,000 square feet of gross floor area for 'indoor or outdoor storage or warehousing' as established in Schedule A of Section 15.23.060, Parking Spaces Required, of the Council Bluffs Municipal Code (Zoning Ordinance). The site plan shows thirty-three (33) total off-street parking spaces, which far exceeds the number required for the proposed commercial storage operation. The proposed number of stalls shall be established as the total maximum number of parking spaces allowed for the proposed commercial storage facility.
6. The subject expansion area (currently addressed as 800 Veteran's Memorial Highway) is circulated by an unpaved drive that surrounds the property. Roughly half of the width of the drive on the west side of the property is located on the property adjacent to the west (802 Veterans Memorial Highway). Therefore, development of the subject expansion area as proposed creates potential issues in regards to emergency vehicles being able to access 802 Veterans Memorial Highway in the future. The applicant shall work with the adjacent property owner at 802 Veterans Memorial Highway to ensure that vehicle circulation routes can still be provided. Documentation of said access shall be provided to the City prior to issuance of a building permit for the subject property.
7. The proposed 'storage yard' shall be limited to the exterior storage of operable vehicles, including trucks, boats, RVs, campers and trailers. Exterior storage of junk, wrecked or inoperable vehicles, equipment and other materials shall not be allowed on the subject property.
8. Exterior storage of boats, RVs and other vehicles shall only be allowed to occur within the designated parking spaces. No vehicles shall be parked and/or stored in any required green space areas, drive aisles, vehicle entry paths or other traveled areas.
9. As per Section 15.24.040(D)(1), Required Fences, of the Council Bluffs Municipal Code (Zoning Ordinance), *"A fence shall also be required for any open storage area in an industrial district which blocks all view of the storage area at or beyond the property line. The fence shall be provided by one of the following methods:*
  - a. *A wood and/or masonry fence, at least fifty (50) percent opaque, six feet in height;*
  - b. *A vegetation fence capable of providing a substantially opaque barrier and attaining a height of six feet within three years of planting;*

- c. A landscaped earth berm with a maximum slope of three to one vertical/horizontal, no more than six feet above the existing grade of the property line separating the zoning districts; or*
- d. Any combination of the described methods that achieves a cumulative height of six feet.”*

The applicant proposes an eight-foot press point fence along the front portion of the expansion area and an eight-foot tall wooden privacy fence along the backside and rear of the expansion area. The proposed fence height is the maximum height allowed in an industrial district, as per Section 15.24.040(B)(1) of the Council Bluffs Municipal Code (Zoning Ordinance). The proposed fencing is sufficient; the applicant shall obtain a fence permit from the Council Bluffs Permits and Inspections Division prior to installation.

10. The Community Development Department recommends that one ornamental tree shall be planted every thirty (30) feet, on center, within the green space along the frontage road for a minimum of four (4) trees. All undisturbed areas not utilized for parking, storage or buildings shall be seeded or sodded.
11. All outdoor lighting shall comply with the standards stated in Section 15.24.050, Lighting Controls, of the Council Bluffs Zoning Ordinance.
12. No additional signage is proposed with this expansion. Additional signage shall be limited to one (1) additional monument sign and directional signage and shall be subject to I-2 District signage standards. Any signage installed at a future date shall be permitted separately prior to installation and shall comply with the standards in Chapter 15.33, Signs, of the Council Bluffs Zoning Ordinance.
13. A pole sign advertising the motel on the adjacent property at 802 Veterans Memorial Highway is located in the southwest corner of the subject expansion area. If the subject request is approved, said pole sign would become illegally nonconforming as it is considered off-premises advertising and would exceed the maximum one (1) pole sign allowed per premises in the I-2 District, as the subject property currently has one (1) pole sign. The Community Development Department recommends that the pole sign located in the southwest corner of the subject expansion area be removed prior to a certificate of occupancy being granted for the proposed building.
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 proposed expansion of the existing conditional use permit will allow outdoor storage as an ancillary use to a commercial storage facility. The Community Development Department finds the proposed use is consistent with the ‘local commercial’ designation as it provides a service to the Council Bluffs community. The subject property is within the general vicinity of Lake Manawa recreational area. Many residents within the area own recreational vehicles and vessels to utilize within the Lake Manawa Park. Additionally, many residential properties around Lake Manawa are small, irregularly shaped lots, which do not have the capability to store RVs and boats on site. The proposed storage facility provides an option for residents to store RVs and boats in a manner, which meets the City’s zoning requirements.
15. Adequate utilities are available for the proposed ‘commercial storage’ and ‘storage yard’ expansion. Any future cost to extend, modify or otherwise relocate any public utilities/facilities to service the subject property shall be at the cost of the owner/applicant and not the financial responsibility of the City of Council Bluffs.

Council Bluffs Public Works Department provided the following comments:

- A. The original conditions of the existing conditional use permit shall apply to the expansion area.

- B. The subject request will impact accessibility and emergency vehicle circulation to the property to the west.

Council Bluffs Fire Department stated that they will require an access road that provides a turnaround to service the cottages on the adjacent property at 802 Veterans Memorial Highway. The Fire Department noted that they are meeting on-site with the applicant to discuss potential options for providing access.

Council Bluffs Permits and Inspections Division stated they have no concerns with the request.

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

MidAmerican Energy stated they have no conflict with the request and noted that the customer or their agent should contact MidAmerican Energy directly to discuss the project timeline and costs associated with relocating or extending electric service for the expansion.

**NEIGHBORHOOD RESPONSE** – All property owners within 200 feet were notified of the conditional use permit request. No comments have been received by the City as of the date of this report.

## COMMENTS

§15.02.090 Conditional Uses: The development and execution of the Ordinance (Title 15) is based upon the division of the City into districts. Within each district the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are specific uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such uses may be either public or private, and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

The Zoning Board of Adjustment shall make findings of fact, based upon the evidence presented at the public hearing, with respect to each of the applicable standards in Section 15.02.090(E), Findings of Fact.

The Zoning Board of Adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefitted by a conditional use as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the conditional use. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact. No conditional use shall be approved unless the Zoning Board of Adjustment makes findings of fact based directly on the standards and conditions imposed by this section. The findings of fact are presented below in *italics*:

1. *The proposed conditional use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations, and all other standards or conditions contained in the provisions authorizing such use.* The subject property is 1.86 acres (81,021 square feet), and exceeds the minimum lot size, width, and depth requirements for the I-2/General Industrial District. The subject request is an expansion of the existing ‘commercial storage’ facility

and ancillary 'storage yard' approved by conditional use permit (Case #CU-20-001) to include additional land area. The site plan shows that the proposed building will be built to comply with minimum I-2 District lot coverage and setback standards. The building height was not indicated on the submitted site plan but shall conform to I-2 district standards.

2. *Adequate utility, drainage, and other necessary facilities or improvements have been or will be provided.* Adequate utilities are available for the proposed 'commercial storage' and 'storage yard' expansion. Any future cost to extend, modify or otherwise relocate any public utilities/facilities to service the subject property shall be at the cost of the owner/applicant and not the financial responsibility of the City of Council Bluffs.
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 expansion area will be accessed through an interconnection into the parking lot of the existing commercial storage facility, which has access to Veterans Memorial Highway via the service road that runs parallel to Veterans Memorial Highway. However, the subject expansion area is currently circulated by an unpaved drive that surrounds the property. Roughly half of the width of the drive on the west side of the property is located on the property adjacent to the west (802 Veterans Memorial Highway). Therefore, development of the subject expansion area as proposed creates potential issues in regards to emergency vehicles being able to access 802 Veterans Memorial Highway. The applicant shall work with the adjacent property owner at 802 Veterans Memorial Highway to ensure that vehicle circulation routes can still be provided. Documentation of said access shall be provide to the City prior to issuance of a building permit for the subject property.
4. *All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly states that such permits are obtainable for the proposed conditional use on the subject property.* The applicant shall secure all necessary permits and licenses for the operation of the conditional use and shall comply with all applicable Federal, State and local codes.
5. *All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties.* LED wall packs will provide lighting to the subject property. All outdoor lighting shall be arranged in such a manner as to direct the light away from neighboring residential properties, as per 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 proposed use will be located on an existing lot with access to existing public streets. Although the site does abut some non-conforming residential uses, the majority of the surrounding uses are commercial or general industrial in nature. One ornamental tree shall be planted every thirty (30) feet, on center, within the green space along the frontage road for a minimum of four (4) trees. With sufficient screening and landscaping provided, it is anticipated the proposed use will have no negative impact on existing or future land uses in the area. The Community Development Department finds the proposed use is in harmony with the appropriate development of the district in which it is located since the 'storage yard' will only be an ancillary component to the principal commercial storage facility and will be limited to the exterior storage of operating vehicles. The proposed use is consistent with the 'local commercial' designation of the Bluffs Tomorrow: 2030 Comprehensive

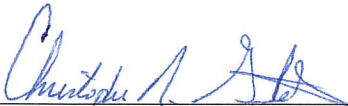
Plan as it provides a service to the Council Bluffs community. The subject property is within the general vicinity of Lake Manawa recreational area. Many residents within the area own recreational vehicles and vessels to utilize within the Lake Manawa Park. Additionally, many residential properties around Lake Manawa are small, irregularly shaped lots, which do not have the capability to store RVs and boats on site. The proposed storage facility provides an option for residents to store RVs and boats in a manner, which meets the City's zoning requirements.

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 site plan shows that the proposed storage buildings will be built to comply with minimum I-2 district setbacks and lot coverage standards. The combination of the required screening, which shall consist of an eight-foot press point fence along the front portion of the expansion area and an eight-foot tall wooden privacy fence along the backside and rear of the expansion area and landscaping, which shall consist of one ornamental tree shall be planted every thirty (30) feet, on center, within the green space along the frontage road for a minimum of four (4) trees, will ensure that the site will not reasonably hinder or discourage the appropriate development, use or enjoyment of the surrounding area.
8. *The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public.* The proposed conditional use is not anticipated to have a negative impact on property values for existing or future land uses in the surrounding area.

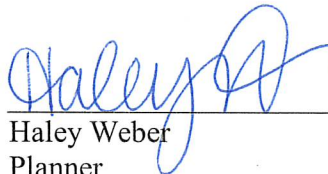
**RECOMMENDATION** – The Community Development Department recommends approval of the request for to modify an approved conditional use permit (Case #CU-20-001) to allow for an expansion of a commercial storage operation, which includes outdoor storage area for RVs, boats, trailers and campers on property legally described above on property legally described above, subject to the comments stated above and the following conditions:

1. The applicant shall secure all necessary permits and licenses for the operation of the conditional use and shall comply with all applicable Federal, State and local codes.
2. A detailed parking lot plan showing the location and dimensions of all proposed parking spaces, driveways, drive aisles, parking lot buffers and physical barriers shall be submitted to the City. All parking areas shall comply with the Chapter 15.23, Parking, Loading and Unloading, of the Council Bluffs Zoning Ordinance. The maximum number of parking spaces allowed for the proposed expansion shall be thirty-three (33), in addition to Lockbox Storage's existing ninety-six (96) parking spaces. All parking lot improvements shall be complete prior to the business operating.
3. The proposed 'storage yard' shall be limited to the exterior storage of operating vehicles, including trucks, boats, RVs, campers and trailers. Exterior storage of junk, wrecked or inoperable vehicles, equipment and other materials shall not be allowed on the subject property.
4. Exterior storage of boats, RVs and other vehicles shall only be allowed to occur within the designated parking spaces. No vehicles shall be parked and/or stored in any required green space areas, drive aisles, vehicle entry paths or other traveled areas.
5. The hours of operation shall be as presented in the application.
6. The proposed structures shall comply with I-2 district development standards, as per Chapter 15.21 of the Council Bluffs Zoning Ordinance.
7. One ornamental tree shall be planted every thirty (30) feet, on center, within the green space along the frontage road for a minimum of four (4) trees.

8. Screening shall consist of an eight-foot press point fence along the front portion of the expansion area and an eight-foot tall wooden privacy fence along the backside and rear of the expansion area. The applicant shall receive a fence permit from the City prior to installation.
9. The applicant shall work with the adjacent property owner at 802 Veterans Memorial Highway to ensure that vehicle circulation routes can still be provided. Documentation of said access shall be provided to the City prior to issuance of a building permit for the subject property.
10. All exterior lighting shall comply with the standards stated in Section 15.24.050, Lighting Controls, of the Council Bluffs Zoning Ordinance.
11. Additional signage shall be limited to one (1) additional monument sign and directional signage and shall be subject to I-2 District signage standards. Any signage installed at a future date shall be permitted separately prior to installation and shall comply with the standards in Chapter 15.33, Signs, of the Council Bluffs Zoning Ordinance.
12. The applicant shall receive all necessary permits from the City prior to constructing the proposed storage building.
13. Any future cost to extend, modify or otherwise relocate any public utilities/facilities to service the subject property shall be at the cost of the owner/applicant and not the financial responsibility of the City of Council Bluffs.
14. The Zoning Board of Adjustment shall review any modifications to the approved conditional use permit, which substantially alter the design, layout, configuration, and/or appearance of the project prior to such changes being made. The Community Development Director or their designee may administratively approve minor modifications to the approved conditional use permit, which results in a design that is considered compatible with the overall development and surrounding area.



Christopher N. Gibbons, AICP  
Planning Manager  
Community Development Department



Haley Weber  
Planner  
Community Development Department





Plan of Operations:

1. **Business hours:** 9am -4:30 pm Tuesday-Saturday. Closed Sunday-Monday.
2. **Gate hours:** 5 am till 10 P.M. 24/7 gate hours to customers who provide reason for need and pay 24/7 access fee.
3. **Employment:** One full time property manager onsite during business hours. One offsite property manager to coordinate repairs and maintenance.
4. **Description of Activity:** Applicant intends to operate Lockbox Storage brand onsite. Lockbox Storage is affiliated with McGregor Interests Inc. Lockbox Storage operates 16 locations in the Midwest and averages 10 customers per day for similar sized facilities.
5. **Access:** Access to the property will be via two already present access points located at 706 Veterans Memorial Highway.
6. **Lighting** on the property shall be via LED wall packs that have adjustable lighting to avoid light pollution onto the adjacent properties.

Any questions please call Geoff McGregor at 402-334-2123 or [Geoff@mcgregorint.com](mailto:Geoff@mcgregorint.com)



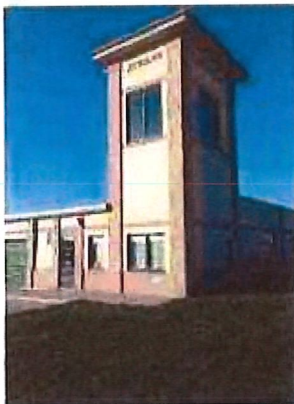
Pictures of Similar Projects Developer has completed in the last few years:



9815 Redick Ave, Omaha, NE 68122  
Omaha, NE 68138



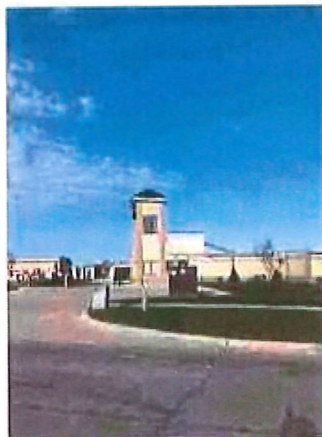
10921 Sapp Brothers Dr,



18175 Emiline Street C maha NE 68136



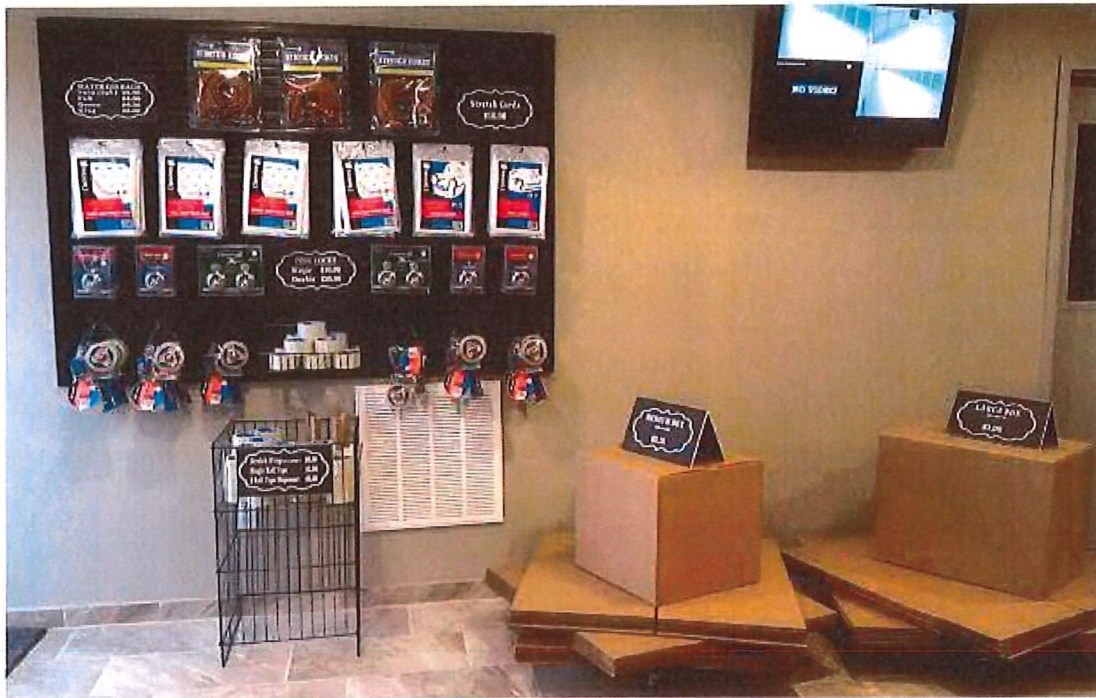
2401 River Road Drive Waterloo,  
NE 68069



3600 SE Gateway Drive Grimes IA 50111



130 SE Brick Dr, Waukee IA 50263



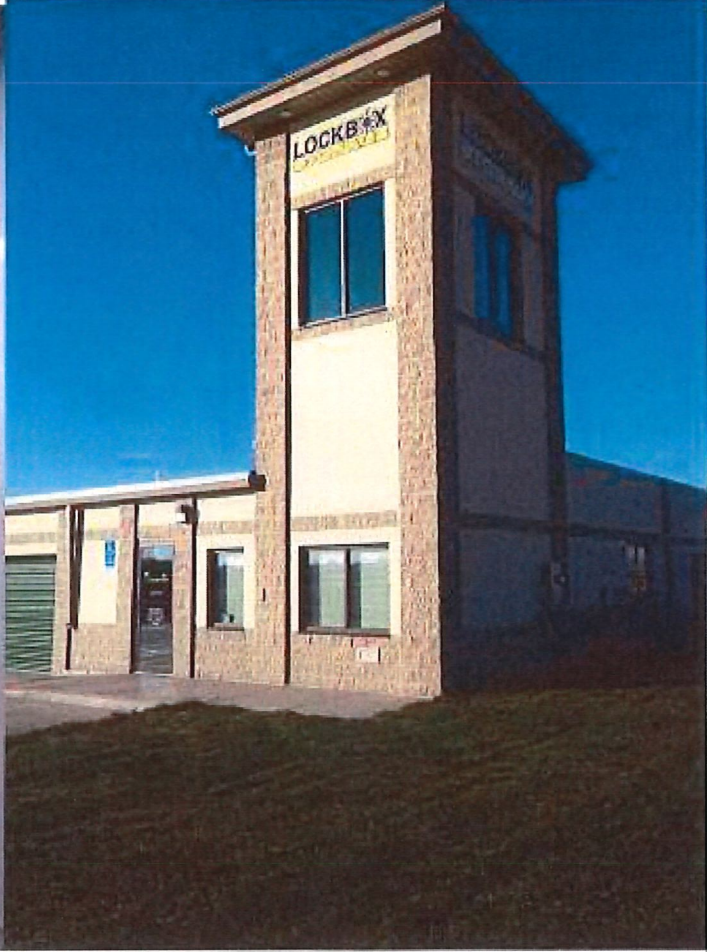














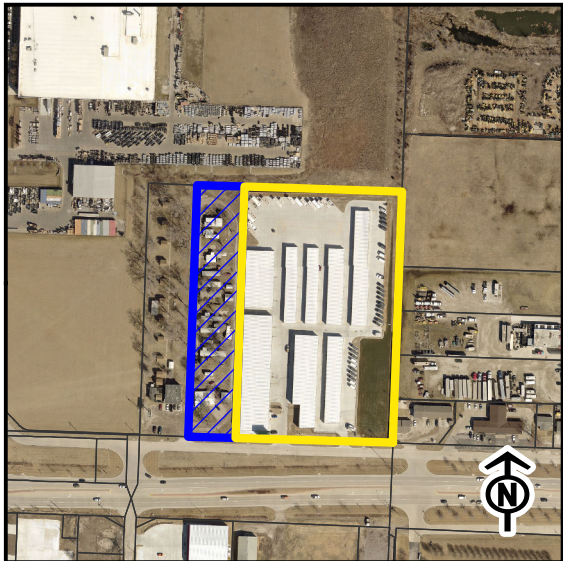


# CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT CASE #CU-20-001(M) LOCATION/ZONING MAP

## Legend

-  Expansion Area Case #CU-20-001(M)
-  Subject Property Case #CU-20-001

0 70 140  
1 Inch = 140 Feet



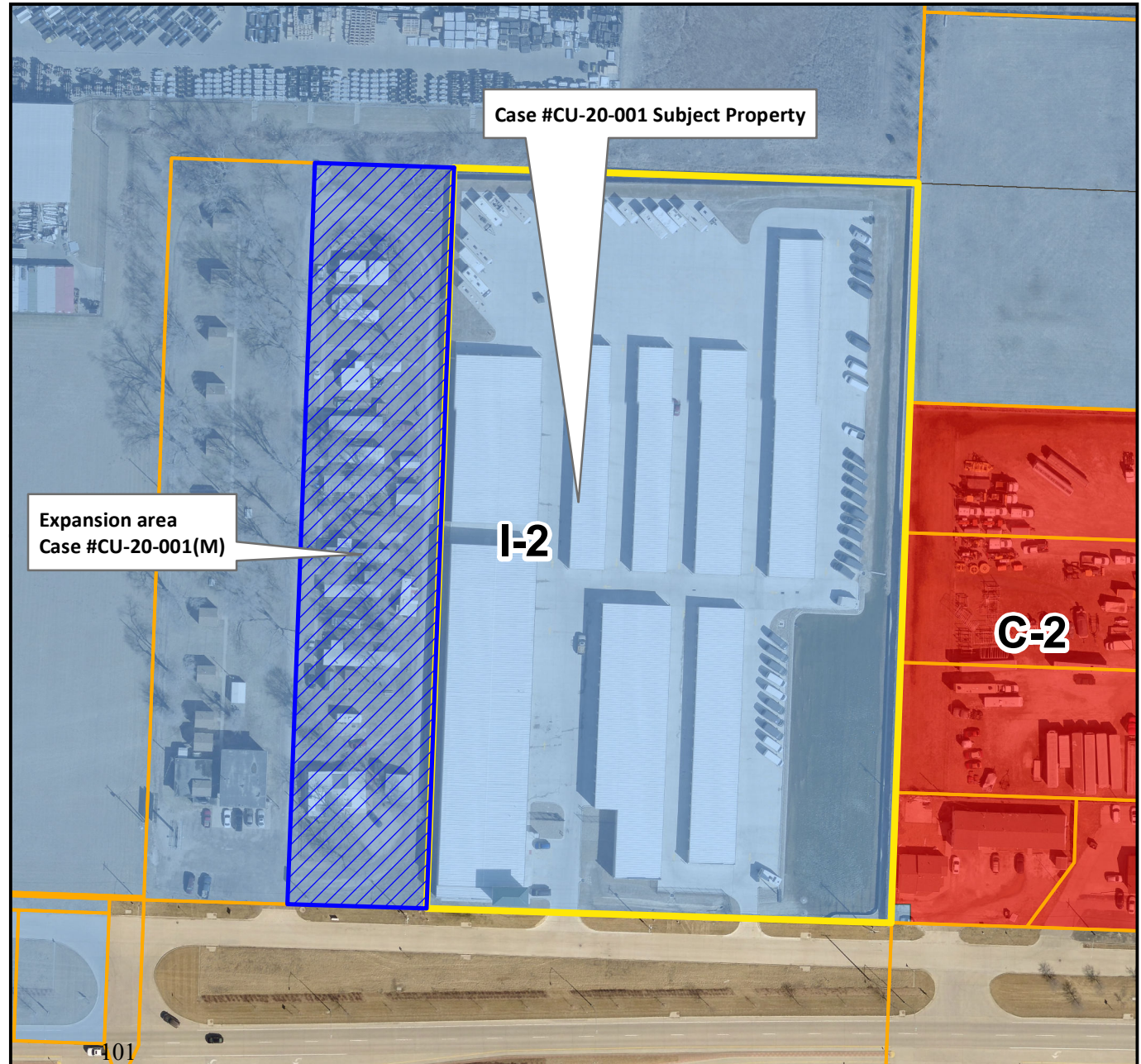
Last Amended: 11/14/2022



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

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## Zoning Board of Adjustment Communication

Department: Community

Development

Case/Project No.: CU-93-001

Submitted by: Christopher N.

Gibbons, AICP, Planning & Code

Compliance Manager and Haley

Weber, Planner

CASE #CU-93-001

Council Action: 12/20/2022

### Description

Public hearing on the request of the City of Council Bluffs to revoke a conditional use permit, approved on July 22, 1993, to allow an existing nonconforming use (an automobile detail shop) to be modified into another nonconforming use (plumbing shop) in a R-3/Low-Density Multi-Family Residential District on property legally described as Lots 8 and 9, Block 6, Thompson's Addition, Council Bluffs, Pottawattamie County, Iowa. Location: 1109 North 15th Street.

### Background/Discussion

See attached staff report.

### Recommendation

### ATTACHMENTS:

Description

Staff Report & Attachments

Type

Other

Upload Date

12/15/2022

**TO:** Zoning Board of Adjustment  
**FROM:** Community Development Department

**DATE:** December 20, 2022

**RE:** **CASE #CU-93-001 (Revocation)**  
**REQUEST:** Revoke a conditional use permit, approved on July 22, 1993, to allow a plumbing shop in an R-3/Multi-family Residential District at 1109 N. 15<sup>th</sup> Street

**APPLICABLE  
CODE SECTION:**

**§15.02.020 - Zoning Board of Adjustment**

The Zoning Board of Adjustment shall have the following powers:

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

**§15.02.090(D) – Conditional Uses**

4. The Zoning Board of Adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a conditional use as may be necessary or appropriate to protect the 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 .

**LOCATION:** 1109 N. 15<sup>th</sup> Street, Council Bluffs, Iowa 51501

**LEGAL**

**DESCRIPTION:** Lots 8 and 9, Block 6, Thompsons Addition

**APPLICANT:** Community Development Department

**PROPERTY OWNER:** Chystopher G. Ayala, 1705 Avenue D, Council Bluffs, Iowa 51501

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**BACKGROUND** – The Community Development Department is requesting approval to revoke conditional use permit (Case #CU-93-001) issued by the Zoning Board of Adjustment on July 22, 1993 to Dan Ladd, Ladd Plumbing, which allowed a plumbing shop in an R-3/Multi-family Residential District at 1109 N. 15<sup>th</sup> Street, as the property is no longer being utilized as a plumbing shop. A location/zoning map is included with this report as Attachment ‘A’. Current photos of the subject property are included as Attachment ‘B’.

**CITY DEPARTMENTS AND UTILITIES COMMENTS** – The following comments were received regarding the proposed revocation:

A. The Community Development Department provided the following comment:

1. The subject property was purchased by the current owner in 2016 and is currently being utilized as a towing operation and storage yard. The subject property is zoned R-3 District, which does not allow towing operations or storage yards as allowed uses. Therefore, the current use of the subject property is in violation of the City’s zoning ordinance and is considered an illegal use. The Community Development Department currently has an active zoning enforcement case at the subject property in regards to the illegal use of the subject property. The first notice of violation was sent to the property owner on October 20, 2022. As of the date of this report, the Community Development Department has not been contacted by the property owner and the violation has not been remedied.



2. The subject property has a second active conditional use permit (Case #CU-16-005), which allowed an existing nonconforming use (plumbing shop) to change to another, more restrictive nonconforming use (small engine repair) in an R-3 District. The Community Development Department is currently investigating the use of the subject property for compliance with said conditional use permit. A follow-up revocation of conditional use permit (Case #CU-16-005) is likely and will be based upon the results of staff's investigation.

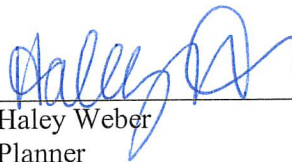
**NEIGHBORHOOD RESPONSE** – All property owners within 200 feet have been notified of the conditional use permit revocation request. As of the date of this report, the Community Development Department received two general inquiries about the subject request from the following property owners:

- Kristine Hamilton, 1432 Avenue L, Council Bluffs, Iowa, 51501
- Paul Dofner, 1408 Avenue L, Council Bluffs, Iowa, 51501

**RECOMMENDATION** – The Community Development Department recommends approval to revoke conditional use permit (Case #CU-93-001) issued by the Zoning Board of Adjustment on July 22, 1993, which allowed a plumbing shop in an R-3/Multi-family Residential District at the property legally described above and based on the reasons stated above.



Christopher Gibbons  
Planning Manager




Haley Weber  
Planner

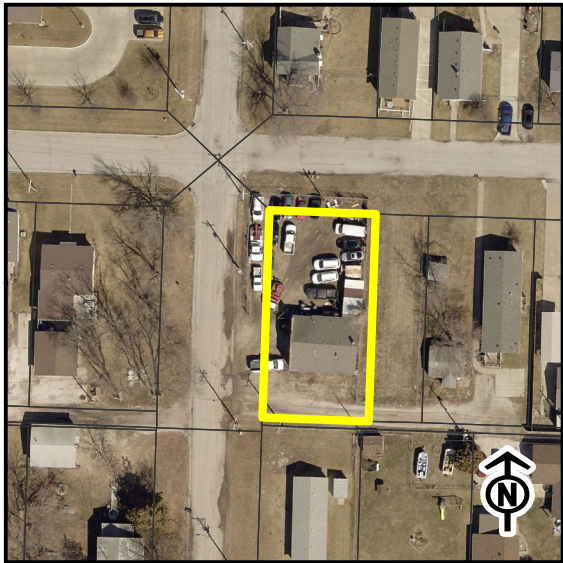
# CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT

## CASE #CU-93-001 Revocation

### Legend

 Subject Property Case #CU-93-001  
Revocation

0 15 30  
  
1 Inch = 36 Feet



Last Amended: 11/29/22



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

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## Zoning Board of Adjustment Communication

Department: Community  
Development

Case/Project No.: CU-16-001

Submitted by: Christopher N.  
Gibbons, AICP, Planning & Code  
Compliance Manager and Haley  
Weber, Planner

CASE #CU-16-001

Council Action: 12/20/2022

### Description

Public hearing on the request of the City of Council Bluffs to revoke a conditional use permit, approved on January 13, 2016, to allow 'automobile sales and rental' use in a C-2/Commercial District on property legally described as Lots 8-17, Block 1, Twin City Place, Council Bluffs, Pottawattamie County, Iowa. Location: Undeveloped land lying west of 30 South 27th Street.

### Background/Discussion

See attached staff report.

### Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
Staff Report & Attachments	Other	12/15/2022



**TO:** Zoning Board of Adjustment  
**FROM:** Community Development Department

**DATE:** December 20, 2022

**RE:** **CASE #CU-16-001 (Revocation)**  
**REQUEST:** Revoke a conditional use permit, approved on January 13, 2016, to allow 'automobile sales and rental, as further limited by Section 15.15.060' in a C-2/Commercial District.

**APPLICABLE  
CODE SECTION:**

**§15.02.020 - Zoning Board of Adjustment**

The Zoning Board of Adjustment shall have the following powers:

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

**§15.02.090(D) – Conditional Uses**

4. The Zoning Board of Adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a conditional use as may be necessary or appropriate to protect the 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 .

**LOCATION:** Undeveloped land lying west of 30 South 27<sup>th</sup> Street

**LEGAL  
DESCRIPTION:** Lots 8-17, Block 1, Twin City Place

**APPLICANT:** Community Development Department

**PROPERTY OWNER:** Iowa Fireworks Company LLC, 5907 Meredith Drive, Urbandale, IA 50322

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**BACKGROUND** – The Community Development Department is requesting approval to revoke conditional use permit (Case #CU-16-001) issued by the Zoning Board of Adjustment on January 13, 2016 to Western JDB Realty L.C., which allowed an 'automobile sales and rental, as further limited by Section 15.15.060' in a C-2/Commercial District at the property legally described above. The subject property was never developed as an 'automobile sales and rental' establishment and was sold in 2021 to the current property owner, Iowa Fireworks Company LLC. A location/zoning map is included with this report as Attachment 'A'.

**CITY DEPARTMENTS AND UTILITIES COMMENTS** – The following comments were received regarding the proposed revocation:

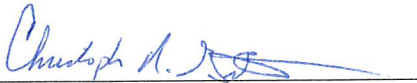
A. The Community Development Department provided the following comment:

1. The subject property is located within the West Broadway Corridor Design Overlay (CDO), which intends to create a vibrant, urban corridor that supports multi-modal transportation options, mixed-use development, and architecture that enhances the visual attractiveness and quality of life of the City of Council Bluffs. In order to achieve this vision, the West Broadway CDO prohibits certain land uses which are not conducive to a vibrant urban corridor, including '*automotive sales and rental*'. The proposed revocation is in line with the intent and vision of the West Broadway CDO.

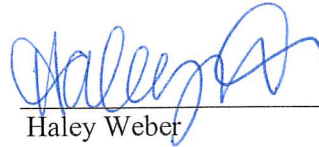
2. The current property owner has contacted the Community Development Department about the future use of the site as a brick and mortar location for retail fireworks sales and the subject revocation request and is not opposed to the revocation of conditional use permit (Case #CU-16-001).

**NEIGHBORHOOD RESPONSE** – All property owners within 200 feet have been notified of the conditional use permit revocation request. As of the date of this report, no comments have been received.

**RECOMMENDATION** – The Community Development Department recommends approval to revoke conditional use permit (Case #CU-16-001) issued by the Zoning Board of Adjustment on January 13, 2016 to Western JDB Realty L.C., which allowed an ‘automobile sales and rental, as further limited by Section 15.15.060’ in a C-2/Commercial District at the property legally described above and based on the reasons stated above.





Christopher Gibbons  
Planning Manager




Haley Weber  
Planner

# CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT LOCATION/ZONING MAP CASE # CU-16-001 (REVOCATION)

## Map Legend

-  Subject Property - CU-16-001 Revocation
-  Parcels

0 90 180  
  
1 inch = 267.98 feet



Note: Subject property is highlighted in blue.



Last Amended: 12/2/2022

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

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