



**ZONING BOARD OF ADJUSTMENTS
AGENDA**

**Tuesday, June 17, 2025 - 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 #CU-24-001(M)

Public hearing on the request of Jose Perez to amend an approved conditional use permit for a 'storage yard' in an I-2/General Industrial District on property legally described as Lots 4 through 14, Block 25, Fleming and Davis Addition, along with the portion of the vacated east/west alley adjoining said Lots 4 through 14, Block 25 and Lots 1 through 4, Block G, Riddle's Subdivision, along with the portion of the vacated east/west alley adjoining said Lots 1 through 4, City of Council Bluffs, Pottawattamie County, Iowa. Location: Property lying immediately north of 1401 14th Avenue.

B. CASE #BA-25-002

Public hearing on the request of Shannon Sorenson for variances from Section 15.08B.050, Site Development Regulations, R-1/Single-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance) for an 18.2 foot front yard setback variance to allow a deck to be located 6.8 feet from the front property line, as opposed to the required 25 feet, and from Section 15.26.040, Nonconforming Structures, to allow for the enlargement of a nonconforming single-family dwelling on property legally described as Lot 60, Lakewood Villas, City of Council Bluffs, Pottawattamie County, Iowa. Location: 60 Lakewood Villa.

C. CASE #BA-25-004

Public hearing on the request of DLE Four Way, LC, represented by Chris Murray, for variances from Sections 15.23.020(G) and 15.23.060, Off-Street Parking, Loading, and Unloading, of the Council

Bluffs Municipal Code (Zoning Ordinance) for relief from the required five-foot setback between a property line and parking surface and for the number of required parking spaces for a retail sale use on property legally described as Lot 12, Block 17, Bayliss and Palmers Addition, except City right-of-way, City of Council Bluffs, Pottawattamie County, Iowa. Location: 1824 West Broadway.

D. CASE #CU-25-003

Public hearing on the request of Haysam Realty, LLC for a conditional use permit to allow 'commercial recreation (indoor)' use in an I-2/General Industrial District on property legally described as Lot 1 and the northerly 21.78 feet of Lot 2 along with the vacated north/south alley adjacent, all in Block 30, Riddles Subdivision; and with the northerly 21.8 feet of the westerly 50 feet of Lot 13 and the westerly 50 feet of Lot 14, all in Block 31, Riddles Subdivision, along with the vacated 10th Street right-of-way between said Blocks 30 and 31, all in City of Council Bluffs, Pottawattamie County, Iowa. Location: 1001 9th Avenue.

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.

Zoning Board of Adjustment Communication

Department: Community
Development

Case/Project No.: CU-24-001(M)
Submitted by: Moises Monrroy,
Planner, Community Development
Department

CASE #CU-24-001(M)

Council Action: 6/17/2025

Description

Public hearing on the request of Jose Perez to amend an approved conditional use permit for a ‘storage yard’ in an I-2/General Industrial District on property legally described as Lots 4 through 14, Block 25, Fleming and Davis Addition, along with the portion of the vacated east/west alley adjoining said Lots 4 through 14, Block 25 and Lots 1 through 4, Block G, Riddle’s Subdivision, along with the portion of the vacated east/west alley adjoining said Lots 1 through 4, City of Council Bluffs, Pottawattamie County, Iowa. Location: Property lying immediately north of 1401 14th Avenue.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description

Staff Report and Attachments A - D

Type

Staff Report

Upload Date

6/12/2025

TO: Zoning Board of Adjustment
FROM: Community Development Department
DATE: June 17, 2025
RE: **CASE #CU-24-001(M)**
REQUEST: Public hearing on the request of Jose Lorenzo Perez to amend the approved conditional use permit for a ‘storage yard’ in an I-2/General Industrial District on property legally described as Lots 4 through 14, Block 25, Fleming and Davis Addition, along with the portion of the vacated east/west alley adjoining said Lots 4 through 14, and Lots 1 through 4, Block G, Riddle’s Subdivision, along with the portion of the vacated east/west alley adjoining said Lots 1 through 4, City of 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 15.21.030 Conditional Uses in the I-2/General Industrial District

H. Storage Yard

LEGAL DESCRIPTION: Lots 4 through 14, Block 25, Fleming and Davis Addition, along with the portion of the vacated east/west alley adjoining said Lots 4 through 14, and Lots 1 through 4, Block G, Riddle’s Subdivision, along with the portion of the vacated east/west alley adjoining said Lots 1 through 4, City of Council Bluffs, Pottawattamie County, Iowa.

LOCATION: Property lying immediately north of 1401 14th Avenue

APPLICANT/OWNER: Jose Lorenzo Perez, 14887 Canoe Lane, Council Bluffs, IA 51503

REPRESENTATIVE: Dean Fajen, Fajen Consulting LLC, 4916 Franklin Street, Omaha, NE 68104

BACKGROUND INFORMATION – The Community Development Department has received a request from Jose Perez to amend the approved conditional use permit for a ‘storage yard’ in an I-2/General Industrial District on property lying immediately north of 1401 14th Avenue.

On February 20, 2024, the Zoning Board of Adjustment issued a conditional use permit to allow a ‘storage yard’ on the subject property. Since the issuance of the conditional use permit, the operation of the ‘storage yard’ has not complied with the following conditions of approval:

- E. *All off-street parking areas, drive aisles, and vehicle circulation routes shall be constructed of hard surface pavement and shall be designed to comply with the standards stated in Section 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).* The applicant is currently parking several vehicles and storing equipment/materials associated with his contractor business on gravel/unpaved surfaces at this site.

- I. *A 10-foot wide landscape buffer shall be planted along the southerly and easterly boundaries of the subject property to properly screen the proposed storage yard from view.* The applicant has not planted the required landscape buffer along 14th Avenue.
- J. *All fences and/or walls proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).* The applicant installed an eight-foot tall wood fence along the northerly, southerly and westerly property lines without obtaining the necessary permit approval.

The applicant is requesting to amend the approved conditional use permit as follows:

- A. Eliminate the requirement to install a 10-foot wide landscape buffer along the southerly boundary of the subject property; and
- B. Allow materials and equipment associated with the operation of the ‘storage yard’ to be stored on gravel.

The proposed amendments are part of the applicant’s efforts to bring his operation into compliance with the approved conditional use permit.

The following attachments have been included for your reference:

Attachment A: Location/Zoning Map

Attachment B: Letter of Intent

Attachment C: Construction Plans

Attachment D: Letter from Dan and Tresa Klotz (1324 4th Avenue)

CURRENT ZONING AND LAND USE – The subject property is zoned I-2/General Industrial District. Surrounding properties to the north, south, and west are also zoned I-2 District. Properties to the east are zoned A-2/Parks, Estates, and Agricultural District and R-1/Single-Family Residential District. Land uses in the vicinity include single-family residential homes, automobile repair shops (Central Body Company, Inc. and Jones Transmission & Auto Repair), storage/contractor yards, a concrete supplier (Ready Mixed Concrete Co.), the Southside Trail, and railroad tracks. The future land use map of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as ‘Light Industrial.’

The following photographs show the existing conditions of the subject property:

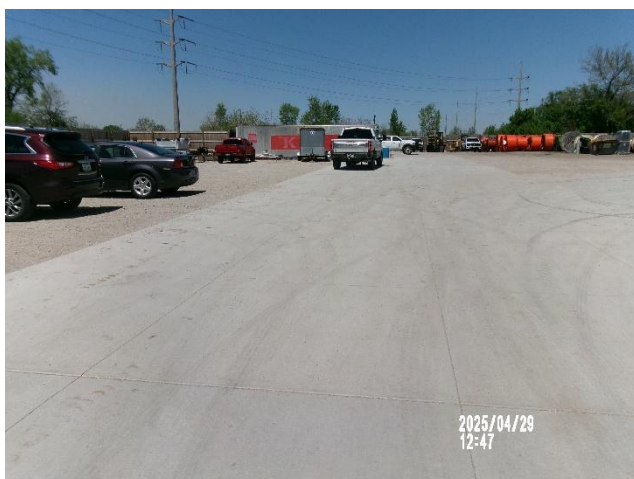


Exhibit A: Looking north toward storage yard



Exhibit B: Looking southwest toward vehicles parked on gravel



Exhibit C: Looking northeast toward storage of equipment and vehicles



Exhibit D: Looking northwest toward storage of conduit reels and other equipment



Exhibit E: Looking northeast toward storage of conduit reels and other materials



Exhibit F: Looking northeast towards storage of equipment and materials



Exhibit G: Looking southeast toward storage of equipment and materials and existing tree line along Indian Creek



Exhibit H: Looking southeast toward storage of equipment and materials



Exhibit I: Looking south toward the location of the future 4,800-square foot building



Exhibit J: Looking east toward existing metal fence



Exhibit K: Looking west toward privacy fence installed without a permit



Exhibit L: Looking north toward privacy fence installed without a permit

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

- A. Dan and Tresa Klotz, owners of 1324 4th Avenue, had several inquiries on the applicant's request to eliminate landscaping requirements and allow the storage of equipment/materials on gravel surfaces. They also expressed concern the subject property could be converted into a junk yard. A copy of their email is included with this report as Attachment 'D.'

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:

- A. The Community Development Department had the following comments:
1. As per the submitted site plan in Sheet C.01, Attachment 'C,' the applicant is proposing to construct multiple buildings on the subject property, including a 4,800-square foot building on the southeast corner of the lot, a 5,500-square foot building on the southwest corner of the lot, and a 900-square foot building on the northeast corner of the lot. All proposed structures shall be constructed in

accordance with I-2 District site development standards (i.e., minimum setback requirements, maximum building height, and maximum lot coverage).

2. As per the approved conditional use permit issued by the Zoning Board of Adjustment on February 20, 2024, outdoor storage at this site is limited to conduit reels, underground plastic vaults, and other similar equipment/materials. The applicant is requesting the amend the conditional use permit by allowing equipment and materials associated with their contractor business to be stored on gravel. The Community Development Department finds that gravel is an acceptable surface for the storage of conduit reels, underground plastic vaults, and other equipment/materials due to the industrial nature of the applicant's contractor business and because there will be paved access to the storage areas from 14th Avenue. Other industrial properties in the vicinity of this site use gravel as a surface for the storage of equipment and materials. As such, the Community Development Department recommends approval of the request. However, off-street parking requirements shall remain intact; all vehicles at this site shall be parked on a paved, hard surface in accordance with Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).

No junk, solid waste, inoperable vehicles, scrap metal, storage/shipping containers, or other similar materials shall be stored on-site.

3. The applicant is requesting to eliminate the requirement to install a 10-foot wide landscape buffer along the southerly boundary of the subject property. In lieu of the required landscape buffer, the applicant intends to install an 8-foot privacy fence along 14th Avenue. The Community Development Department finds this alternative is acceptable as the proposed fence will appropriately screen the subject property from public view. The applicant shall be required to obtain a fence permit for the installation of the proposed fence, as well as for the fence(s) installed at this site without the necessary permit approval. All fences and/or walls proposed to be installed on the subject property shall comply with the standards in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
4. The applicant shall maintain the existing tree line along the easterly property line. Any existing gaps on the tree line shall be filled with evergreen trees to ensure the storage yard is appropriately screened from public view. Dead trees shall be replaced at a time appropriate to planting seasons but in all cases shall be replaced within one year. If the existing tree line is removed, the applicant shall replace it with a double row of evergreen trees to ensure the storage yard is appropriately screened from public view.

- B. The Council Bluffs Public Works Department stated that they have no additional comments on the request.
- C. The Council Bluffs Parks and Recreation Department stated that they have no comments on the request.
- D. The Council Bluffs Police Department stated that they have no comments or objections to the request.
- E. Council Bluffs Water Works stated that they have no comments on the request.
- F. MidAmerican Energy stated that they have no conflicts with the request. They also stated that the developer or their agents should contact MidAmerican Energy directly to identify any costs associated with relocating existing electric facilities and/or extending new electric service to the site.

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 15.02.090I, 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*:

- A. *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 zoned I-2/General Industrial District. The subject property contains 59,863 square feet in area, which exceeds the minimum lot size requirement for the I-2 District. The size of the property is adequate for a ‘storage yard.’*

Outdoor storage shall be limited to conduit reels, underground plastic vaults, and other similar equipment/materials, as indicated in the applicant’s letter of intent. Equipment/materials associated with the applicant’s contractor business may be stored on a gravel surface and may be stacked up to 18 feet in height. No equipment/material shall be stacked within 10 feet of any property line. No junk, solid waste, inoperable vehicles, scrap metal, storage/shipping containers, or other similar materials shall be stored on-site.

- B. *Adequate utility, drainage, and other necessary facilities or improvements have been or will be provided. The applicant is proposing to construct multiple buildings on the subject property. The applicant will be required to connect into one of the existing water lines along 14th Avenue to service the proposed building. Due to existing conditions, extending water service to this site will require boring underneath the railroad tracks or Indian Creek. Sanitary sewer connection shall be the responsibility of the property owner. Since the proposed building will be located within 200 feet of existing infrastructure, the applicant will be required to connect into the City’s sanitary sewer system. Stormwater management shall be required for this site.*

- C. *Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. The subject property has direct frontage onto 14th Avenue. All off-street parking areas, drive aisles, and vehicle circulation routes shall be constructed of hard surface pavement and shall be designed to comply with the standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance). Equipment/materials associated with the applicant’s contractor business may be stored on a gravel surface.*

No traffic conflicts or congestion on the adjacent public streets are anticipated to occur. No additional improvements are necessary for the request.

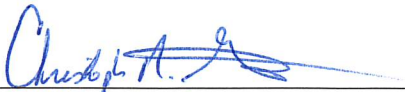
- D. *All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly states that such permits are obtainable for the proposed conditional use on the subject property. The applicant shall comply with all federal, state, and local laws and requirements for the proposed use. The applicant is proposing to construct multiple buildings on the subject property. All structures shall be constructed in accordance with I-2 District site development standards (i.e., minimum setback requirements, maximum building height, and maximum lot coverage). A full set of construction, architectural, and civil plans shall be required at the time of building permit submittal for each building.*
- E. *All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. If any outdoor lighting is proposed to be installed on the subject property, it shall comply with the standards in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance). The applicant shall be required to submit a photometric plan that demonstrates that all light will be contained on-site.*
- F. *The location and size of the conditional use, the nature and intensity of the activities, to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. The subject property is zoned I-2/General Industrial District. The subject property contains 59,863 square feet in area, which exceeds the minimum lot size requirement for the I-2 District. Land uses in the vicinity include automobile repair shops (Central Body Company, Inc. and Jones Transmission & Auto Repair), storage/contractor yards, a concrete supplier (Ready Mixed Concrete Co.), and railroad tracks. The 'storage yard' will be compatible with the surrounding land uses if conducted in accordance with the comments and conditions outlined in this report.*
- G. *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 applicant is proposing to construct multiple buildings on the subject property. All structures shall be constructed in accordance with I-2 District site development standards (i.e., minimum setback requirements, maximum building height, and maximum lot coverage).*
- The applicant shall maintain the existing tree line along the easterly property line. Any existing gaps on the tree line shall be filled with evergreen trees to ensure the storage yard is appropriately screened from public view. Dead trees shall be replaced at a time appropriate to planting seasons but in all cases shall be replaced within one year. If the existing tree line is removed, the applicant shall replace it with a double row of evergreen trees to ensure the storage yard is appropriately screened from public view.
- The applicant shall install an eight-foot tall privacy fence along the southerly property line to screen the storage yard from public view. All fences and/or walls proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
- H. *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 'storage yard' is not anticipated to have an adverse impact on the property values of existing industrial uses in the surrounding area if conducted in accordance with the comments and conditions outlined in this report.*

RECOMMENDATION – The Community Development Department recommends approval of the request to amend the approved conditional use permit for a 'storage yard,' as defined in Section 15.03.609 of the Council

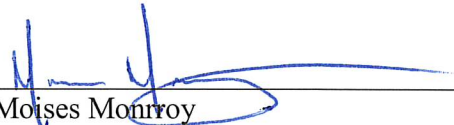
Bluffs Municipal Code (Zoning Ordinance), in an I-2/General Industrial District on property legally described as Lots 4 through 14, Block 25, Fleming and Davis Addition, along with the portion of the vacated east/west alley adjoining said Lots 4 through 14, and Lots 1 through 4, Block G, Riddle's Subdivision, along with the portion of the vacated east/west alley adjoining said Lots 1 through 4, City of Council Bluffs, Pottawattamie County, Iowa, as follows (amendments to the adopted conditional use permit are highlighted in gray or crossed out below):

- A. 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.
- B. The hours of operation shall be Monday through Friday from 7:00 A.M. to 7:00 P.M.
- C. Outdoor storage shall be limited to conduit reels, underground plastic vaults, and other similar equipment/materials. No junk, solid waste, inoperable vehicles, scrap metal, storage/shipping containers, or other similar materials shall be stored on-site.
 - 1. Equipment/materials associated with the applicant's contractor business may be stacked up to 18 feet in height. No equipment/material shall be stacked within 10 feet of any property line.
 - 2. Equipment/materials associated with the applicant's contractor business may be stored on a gravel surface.
- D. All structures shall be constructed in accordance with I-2 District site development standards (i.e., minimum setback requirements, maximum building height, and maximum lot coverage).
 - 1. The applicant shall be required to connect into one of the existing water lines along 14th Avenue to service the proposed building(s).
 - 2. A full set of construction, architectural, and civil plans shall be required at the time of building permit submittal for the proposed building(s).
- E. All off-street parking areas, drive aisles, and vehicle circulation routes shall be constructed of hard surface pavement and shall be designed to comply with the standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).
- F. Off-street parking for the proposed storage yard shall comply with Chapter 661—18, Parking for Persons with Disabilities, of the Iowa Administrative Code.
- G. Stormwater management shall be required for this site.
- H. Sanitary sewer connection shall be the responsibility of the property owner. The applicant shall be required to connect into existing sanitary sewer to service the proposed building.
- ~~I. A 10 foot wide landscape buffer shall be planted along the southerly and easterly boundaries of the subject property to properly screen the proposed storage yard from view. No equipment/material shall not be stacked within the required 10 foot wide landscape buffer.~~
- I. The applicant shall maintain the existing tree line along the easterly property line. Any existing gaps on the tree line shall be filled with evergreen trees to ensure the storage yard is appropriately screened from public view. Dead trees shall be replaced at a time appropriate to planting seasons but in all cases shall be replaced within one year.

1. If the existing tree line is removed, the applicant shall replace it with a double row of evergreen trees to ensure the storage yard is appropriately screened from public view.
- J. All fences and/or walls proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
1. The applicant shall install an eight-foot tall privacy fence along the southerly property line to screen the storage yard from public view.
- K. All signage proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in Chapter 15.33, Signs, of the Council Bluffs Municipal Code (Zoning Ordinance).
- L. All outdoor lighting proposed to be installed on the subject property shall comply with the standards in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).
1. The applicant shall be required to submit a photometric plan that demonstrates that all light will be contained on-site if any outdoor lighting is proposed to be installed at this site.
- M. Any modifications to the approved conditional use permit which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed and approved by the Zoning Board of Adjustment prior to such changes being made. Minor modifications to the approved conditional use permit that result in a design that is considered compatible with the overall development may be administratively approved by the Community Development Director or their designee.



Christopher N. Gibbons, AICP
Planning Manager
Community Development Department



Moises Monroy
Planner
Community Development Department

CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT CASE #CU-24-001(M) LOCATION/ZONING MAP

Legend

 Subject Property

0 40 80



1 inch = 63 feet

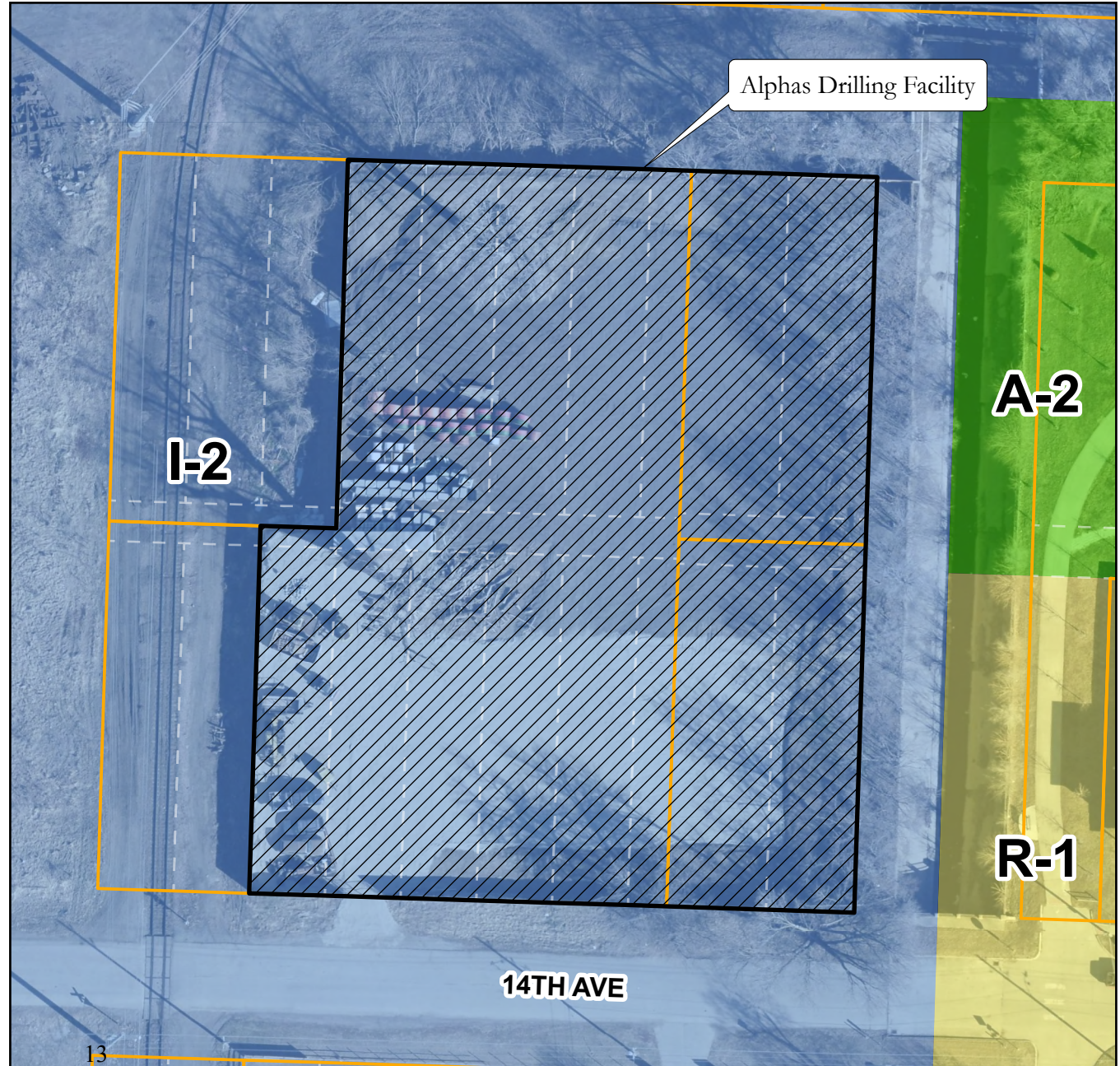


Last Amended: 5/28/25



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 of the nature 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.





May 20, 2025

Chris Gibbons
Planning Manager
Community Development Dept
City of Council Bluffs
209 Pearl Street
Council Bluffs, IA 51503

Subject: Letter of Intent
Alphas Drilling Conditional Use Permit Variance
1400 14th Avenue
Council Bluffs, IA

Chris:

Jose Perez with Alphas Drilling is requesting to amend the existing Conditional Use Permit for his property at 1400 4th Avenue, Council Bluffs, IA.

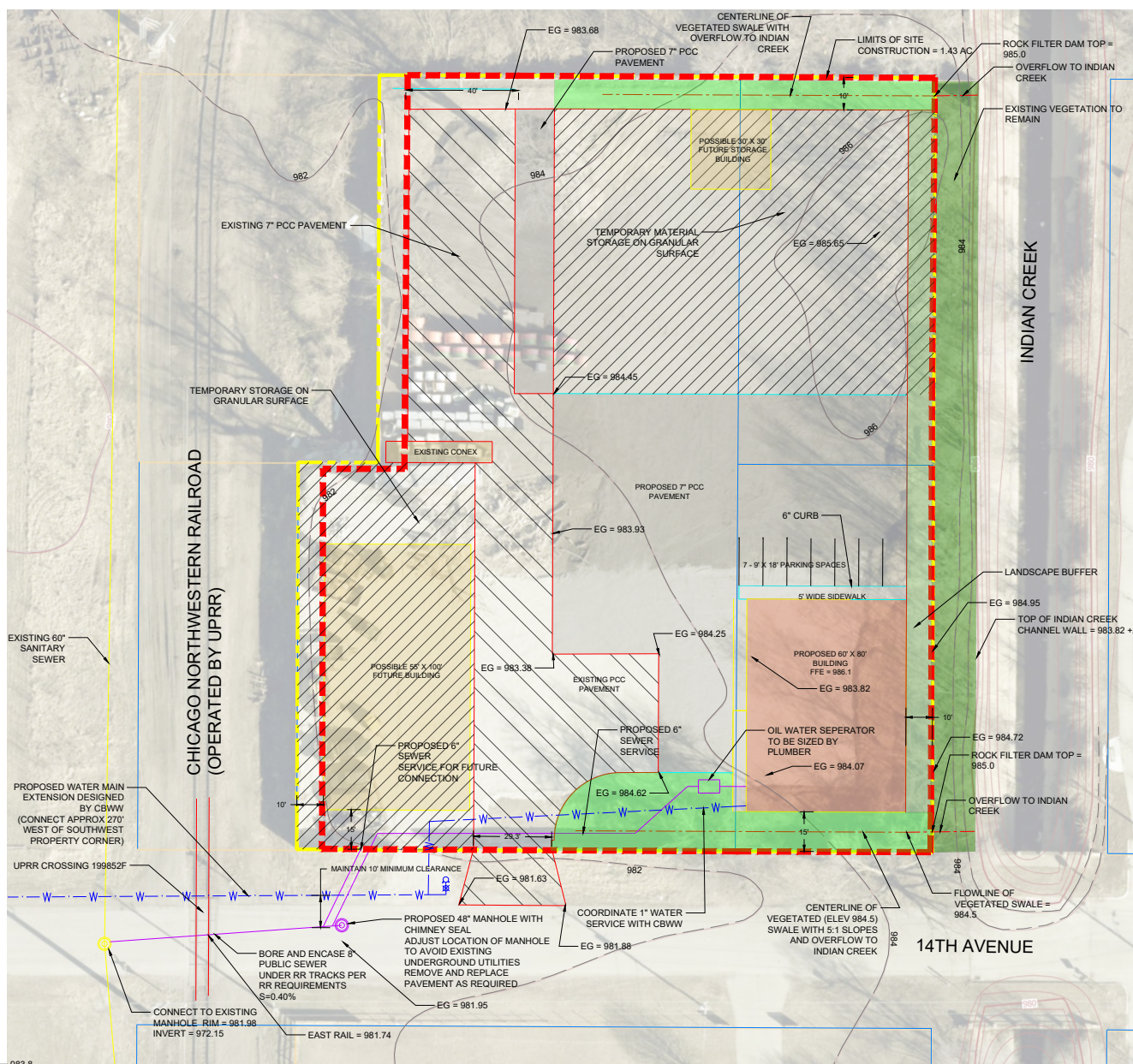
A Conditional Use Permit was issued on February 20, 2024 to allow Alphas Drilling to use the Site as a Storage Yard.

Jose is requesting a variance to the Conditional Use Permit to eliminate the required 10' wide landscape buffer and tree plantings along 14th Avenue. He would also like to continue to develop the Site in the future, with a Storage Building on the West Side of the Property and a Storage Building on the North Side of the Property. Jose would also like to use gravel as their pavement surface for their equipment/material storage area instead of concrete or asphalt.

Please let me know if you have any questions or need more information.

The image shows a handwritten signature of Dean Fajen in black ink. Below the signature, the text "ARCHITECT/STRUCTURAL ENGINEER" is printed in a small, sans-serif font.

Dean Fajen, PE, AIA
Fajen Consulting LLC
4916 Franklin Street
Omaha, NE 68104
DeanFajen@outlook.com
(402) 677-2040

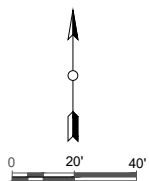
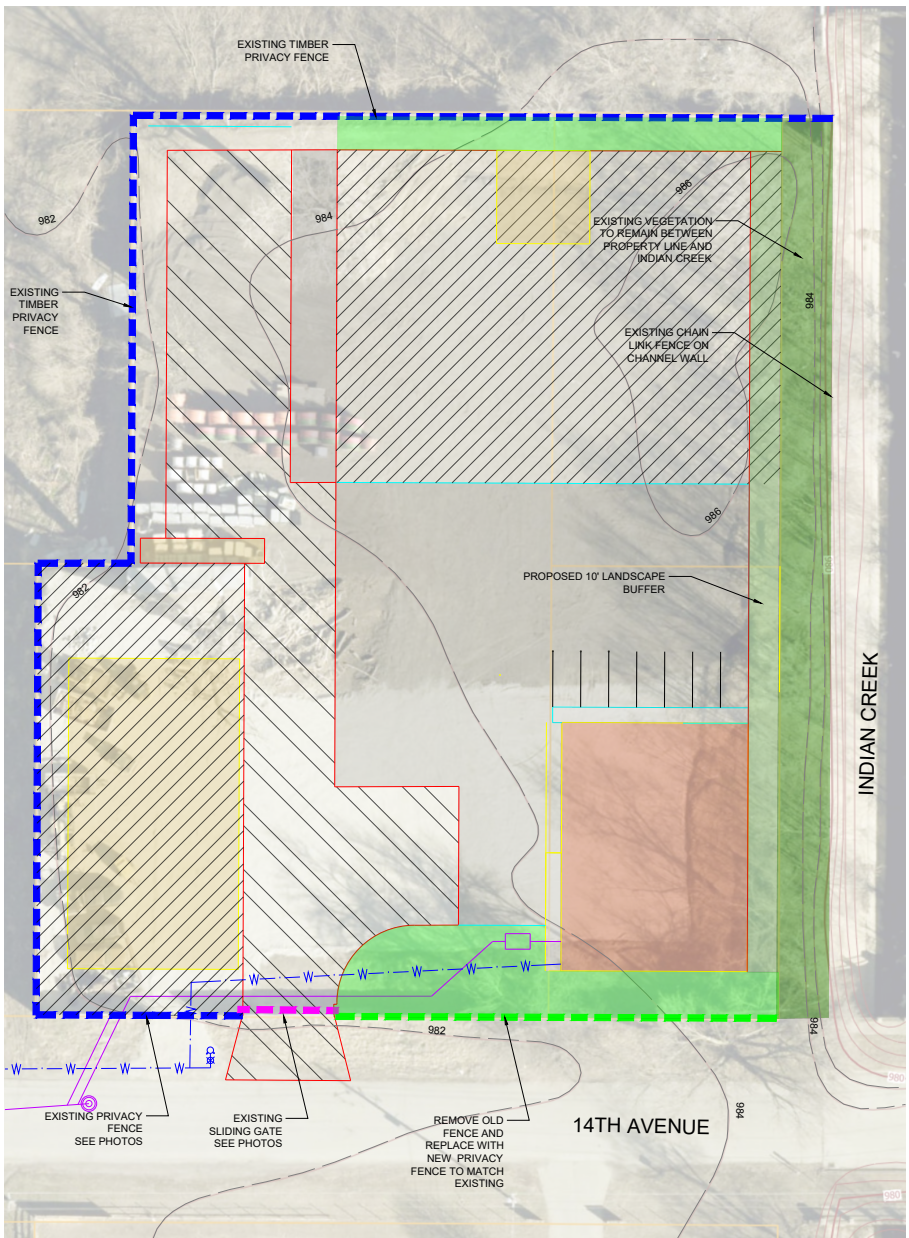


 **IOWA** 
ONE CALLSM
1-800-292-8989
www.iowaonecall.com


Know what's below.

Sheet	SITE PLAN	Sheet	C.01
Date	5/19/25		
Project No.	2420		

5/19/2025 9:41:16 PM C:\Users\stree\OneDrive - Reelfs Engineering, LLC\Projects\2420 - Alphas 1400 14th Ave\2420 Civil Design\2024.dwg



- EXISTING PRIVACY FENCE
- PROPOSED PRIVACY FENCE
- EXISTING SLIDING GATE



EXISTING PRIVACY FENCE - SW PL



EXISTING PRIVACY FENCE - SW PL



EXISTING PRIVACY FENCE - S PL



EXISTING GATE

FENCING

- UTILIZE EXISTING TIMBER PRIVACY FENCING ON SOUTHWEST, WEST AND NORTH PROPERTY LINE.
- UTILIZE EXISTING CHAIN LINK FENCE ON THE EAST.
- REMOVE AND REPLACE EXISTING TIMBER FENCING ON SOUTHEAST PROPERTY LINE WITH NEW TIMBER PRIVACY FENCING TO MATCH EXISTING TO THE WEST.
- REQUEST TO ELIMINATE 10' LANDSCAPE BUFFER REQUIREMENT ON SOUTH PROPERTY LINE WHICH WOULD BE INSIDE NEW PRIVACY FENCE.

Disclaimer
This drawing and all related documents (including electronic media) was prepared by Reelfs Engineering, LLC, except as noted otherwise therein and shall remain the property of Reelfs Engineering, LLC. The information herein shall only be used by the client to whom the services are rendered and only for the purpose of constructing and/or installing the work as shown at the designated location. Any other use of said documents, including (without limitation) any reproduction or alteration is strictly prohibited, and the user shall hold harmless and indemnify Reelfs Engineering, LLC from all liabilities which may arise from any unauthorized use. Such use shall cause the waiver of expressed or implied warranties and shall cover any liabilities which may arise from the construction, use or result of any such unauthorized use or changes.

Professional Seal

Revisions		
No.	Revision/Issue	Date

REELFS ENGINEERING
Civil Engineering Solutions
Council Bluffs, IA
712.314.1948
sreelfs@reelfsengineering.com
www.reelfsengineering.com

Project Name and Address
ALFAS DRILLING BUILDING
1400 14TH AVENUE
COUNCIL BLUFFS, IOWA

Sheet: FENCING PLAN	Sheet: C.02
Date: 5/19/25	
Project No: 2420	

Attachment 'D'

Moises Monrroy Castillo

From: Tresa Klotz <tresaklotz21004@gmail.com>
Sent: Friday, June 6, 2025 7:31 PM
To: Moises Monrroy Castillo
Cc: Dan Klotz
Subject: Case #CU-24-001(M) Location: Undeveloped land lying north of 14th Ave west of Indian Creek

THIS MESSAGE IS FROM AN EXTERNAL SENDER. Look closely at the SENDER address. Do not open ATTACHMENTS unless expected. Check for INDICATORS of phishing. Hover over LINKS before clicking. Learn to spot a phishing message

To: Moises Monrroy, Planner, Community Development Department

From: Dan and Tresa Klotz

Questions;

Regarding requests to amend the conditional use permit.

1). Requirement to install a 10-foot wide landscape buffer along the southern and easterly boundaries of the subject.

*Why is applicant requesting this amendment?

*What is their justification for not complying with this requirement?

*What is their intent for this area if they are not going to erect the landscape barrier.

*What are their plans for the trees along the easterly border and the waterway or Indian Creek in the buffer zones?

Our property is in the very nice Sunset Park housing development. It has a community pool and park including a very nice paved walking path behind the houses. We believe that not complying to this requirement would diminish the area. Right now the fence and lot is an eye sore to the area and we would encourage any beautification efforts. We do not have a problem with the storage buildings, but we are not in favor of waiving the buffer requirement.

2). If the storage will be on gravel, we maintain that there should be a requirement for the gravel be properly maintained on a yearly basis and not allowed to fall in disrepair including timely replacement of sunken graveled areas, required weed control and monthly pest and animal control procedures including procedures for mice and rodent control.

The city started the redevelopment project of this area over 25 years ago and has invested a lot of time, money and energy to improve this area of Council Bluffs. We hope that the city is still committed to the City's community improvement effort. We personally have an interest in maintaining the area around our house so that the area does not look like a junkyard in the guise of a "storage yard".

These are our thoughts and concerns.

Sincerely,
Dan and Tresa Klotz

Sent from my iPad

Zoning Board of Adjustment Communication

Department: Community

Development

Case/Project No.: BA-25-002

CASE #BA-25-002

Council Action: 6/17/2025

Submitted by: Haley Weber,

Planner

Description

Public hearing on the request of Shannon Sorenson for variances from Section 15.08B.050, Site Development Regulations, R-1/Single-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance) for an 18.2 foot front yard setback variance to allow a deck to be located 6.8 feet from the front property line, as opposed to the required 25 feet, and from Section 15.26.040, Nonconforming Structures, to allow for the enlargement of a nonconforming single-family dwelling on property legally described as Lot 60, Lakewood Villas, City of Council Bluffs, Pottawattamie County, Iowa. Location: 60 Lakewood Villa.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description

Type

Upload Date

Staff Report and Attachments A - C

Staff Report

6/12/2025

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: June 17, 2025

RE: **CASE #BA-25-002**

REQUEST: Public hearing on the request of Shannon Sorenson for variances from Section 15.08B.050, *Site Development Regulations, R-1/Single-Family Residential District*, of the Council Bluffs Municipal Code (Zoning Ordinance) for an 18.2 foot front yard setback variance to allow a deck to be located 6.8 feet from the front property line, as opposed to the required 25 feet, and from Section 15.26.040, *Nonconforming Structures*, to allow for the enlargement of a nonconforming single-family dwelling on property legally described as Lot 60, Lakewood Villas, City of Council Bluffs, Pottawattamie County, Iowa.

**APPLICABLE
CODE SECTION:**

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

<u>Minimum Setback</u>	<u>Principal Structure</u>
Front Yard	25 feet

Section 15.26.040 Nonconforming structure.

A. Enlargement of Nonconforming Structure. No nonconforming structure may be enlarged or altered in any way which increases its nonconformity; however, a nonconforming structure may be altered to decrease its nonconformity.

RELIEF SOUGHT: Variances 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 be located 6.8 feet from the front property line, as opposed to required 25 feet, and from Section 15.26.040, *Nonconforming Structure*, to allow for the enlargement of a nonconforming single-family dwelling

LEGAL

DESCRIPTION: Lot 60, Lakewood Villas, City of Council Bluffs, Pottawattamie County, Iowa.

LOCATION: 60 Lakewood Villa

APPLICANT/OWNER: Shannon Sorenson, 60 Lakewood Villa Street, Council Bluffs, Iowa 51501

BACKGROUND INFORMATION – The Community Development Department has received an application from Shannon Sorenson for variances from Section 15.08B.050, *Site Development Regulations, R-1/Single-Family Residential District*, of the Council Bluffs Municipal Code (Zoning Ordinance) for an 18.2 foot front yard setback variance to allow a deck to be located 6.8 feet from the front property line, as opposed to the required 25 feet, and from Section 15.26.040, *Nonconforming Structures*, to allow for the enlargement of a nonconforming single-family dwelling on property legally described above.

The subject property is zoned R-1/Single-Family Residential District which, per Section 15.08B.050, *Site Development Regulations, R-1/Single-Family Residential District*, requires a 25-foot front yard setback. The existing dwelling was constructed in 1974 and does not meet the minimum 25-foot required front yard setback as the dwelling is located approximately 11.8 feet (more/less) from the front property line. Furthermore, based on Pottawattamie County Assessor's photographs, the subject property has had a 2nd story, wrap-around deck since at least 1994 with the stairs located in the southeast corner of the dwelling. In April of 2020, a deck permit was issued to replace the portion of the wrap-around deck on the rear side of the dwelling. However, based on Pottawattamie County GIS aerial imagery and staff's site visits, at some point after 2021, in addition to the rear deck being replaced, the stairs originally located in the southeast corner of the deck were relocated to the northeast corner of the deck. At this time, the applicant is requesting variances to allow for a bathroom addition to the northwest corner of the house and to bring the second-story deck into compliance with the front-yard setback. A site plan is included with this report as Attachment 'A' and the applicant's letter of intent is included as Attachment 'B'.

The following attachments are included with the case staff report:

Attachment A: Site Plan

Attachment B: Letter of Intent

Attachment C: Location/zoning map

VARIANCE HISTORY OF LAKEWOOD VILLA – The Lakewood Villas area was annexed into the City in 1969. Since that time, the Zoning Board of Adjustment (ZBA) has granted variances for 22 of the 71 properties contained within the Lakewood Villa Subdivision. Two properties adjacent to the subject property have been granted variances. In 2007, the ZBA granted a 19-foot front yard setback variance and an 11-foot rear yard setback variance to allow the construction of a single-family residential structure at 83 Lakewood Villa (adjacent to the west). On September 18, 2018, the ZBA granted a variance to allow a 40 percent lot coverage as opposed to the 35% lot coverage maximum for a deck at 33 Lakewood Villa (adjacent to the south). Because of all the variances, possible illegal construction, and non-conforming structures in existence prior to annexation, many of the residential structures do not meet the required 25-foot front yard setback within the Lakewood Villa Subdivision.

CURRENT ZONING AND LAND USE – The subject property is surrounded by the following zoning districts and existing land uses:

Direction	Existing Zoning Districts	Existing Land Uses
North	A-1/Open Space Conservation District	Lake Manawa State Park
South	R-1/Single-Family Residential District and A-1/Open Space Conservation District	Residential dwellings in Lakewood Villa Subdivision and Lake Manawa State Park
East	R-1/Single-Family Residential District	Residential dwellings in Lakewood Villa Subdivision
West	R-1/Single-Family Residential District	Residential dwellings in Lakewood Villa Subdivision

A location/zoning map is included with this report as Attachment 'C.'

The following photographs show the existing conditions of the subject property:



Exhibit A: Looking southeast towards the northwest corner of the dwelling (location of proposed addition) from Lakewood Villa



Exhibit B: Looking south towards the subject property from Lakewood Villa



Exhibit C: Looking southwest towards the northeast corner of the dwelling from Lakewood Villa

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

The Council Bluffs Community Development Department provided the following comments:

1. The subject property is zoned R-1/Single-Family Residential District and contains 9,418 square feet, which exceeds the minimum 5,000 square foot lot size requirement for the R-1 District. However, the subject property is considered a nonconforming lot of record as it is approximately 72 feet deep, which does not meet the minimum 100 foot lot depth for the R-1 District per Section 15.08B.050, *Site Development Regulations, R-1/Single-Family Residential District*, of the Council Bluffs Municipal Code (Zoning Ordinance).
2. Per Section 15.08B.050, *Site Development Regulations, R-1/Single-Family Residential District*, of the Council Bluffs Municipal Code (Zoning Ordinance), principal structures are required to meet a 25-foot front yard setback. The existing dwelling was constructed in 1974 and is located approximately 11.75 feet from the front property line, and is therefore considered a nonconforming structure.
3. Section 15.26.040(A), *Enlargement of nonconforming structure*, of the Council Bluffs Municipal Code (Zoning Ordinance) states “no nonconforming structure may be enlarged or altered in any way which increases its nonconformity; however, a nonconforming structure may be altered to decrease its nonconformity.” As the existing dwelling is located approximately 11.75 feet (more/less) from the front property line, it is considered a nonconforming structure. The proposed 8’ x 12’2” addition would increase the size of the nonconforming dwelling and therefore cannot be approved administratively.
4. The applicant is proposing to add an 8’ x 12’2” bathroom addition to the northwest corner (2nd story) of the dwelling, with the first floor below being additional garage space. The proposed addition will align with the north and west walls of the existing structure and will not increase the overall footprint of structure, as it will be located in place of the existing 2nd-story deck in this area, as shown below.

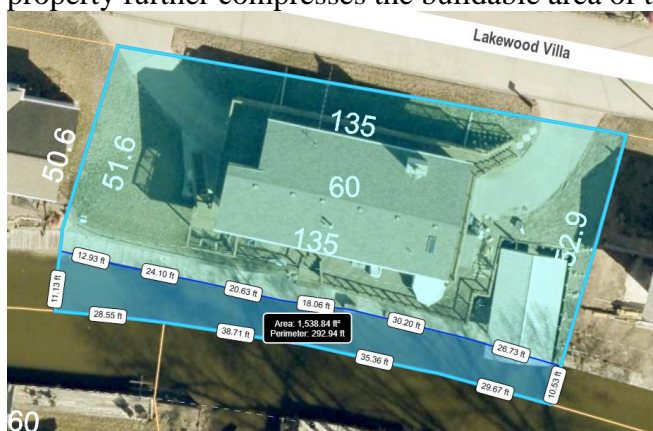


5. Based on Pottawattamie County Assessor’s photographs, the subject property has had a 2nd story, wrap-around deck since at least 1994 with the stairs located in the southeast corner of the dwelling (see below images). In April of 2020, a deck permit was issued to replace the portion of the wrap-around deck on the rear side of the dwelling. However, based on Pottawattamie County GIS aerial imagery and staff’s site visits, at some point after 2021, in addition to the rear deck being replaced, the stairs originally located in the southeast corner of the deck were relocated to the northeast corner of the deck without a permit.



Based on the attached site plan, the new stairs are located approximately 6'10" from the front property line, which does not meet the minimum 25 foot front yard setback required per Section 15.08B.050, *Site Development Regulations, R-1/Single-Family Residential District*, of the Council Bluffs Municipal Code (Zoning Ordinance).

6. The properties in the Lakewood Villa neighborhood face unique challenges when applying current site development regulations, for the following reasons:
 - A. The Lakewood Villa neighborhood was developed prior to being annexed into the City and therefore many of the homes were not constructed in accordance with City site development standards nor do all lots meet the size and dimension requirements for the R-1/Single-Family Residential District, per Section 15.08B.050, *Site Development Regulations, R-1/Single-Family Residential District*, of the Council Bluffs Municipal Code (Zoning Ordinance).
 - B. All properties in Lakewood Villa, including the subject property, are located along the canal, which serves as a focal point and recreational feature within the subdivision. The existence of the canal influences the placement, orientation, and emphasis of structures within the subdivision. Additionally, the canal feature is included as part of each individual lot. The subject property at 60 Lakewood Villa meets the minimum 5,000 square foot lot size requirement for the R-1 District as it is 9,418 square feet; however, the southerly approximately 16 percent (1,538.84 square feet) of the lot is comprised of the canal (as shown in the image below). The inclusion of a portion of the canal within the private property further compresses the buildable area of the lot, restricting development.



7. Approval of the requested variances would be consistent with variances granted throughout the subdivision and aid the applicant in overcoming the unique hardships associated with property's nonconforming lot depth, placement of the existing dwelling, and compressed buildable area.
8. The applicant shall obtain permits from the City for both the proposed dwelling addition and the decking and associated stairs constructed without a permit. Both the dwelling addition permit and

deck permit shall be applied for and approved prior to commencement of any work and shall comply with all requirements of applicable City code.

The Council Bluffs Permits and Inspections Division stated the newly constructed deck stairs would have required a permit and subsequent inspections. The City's permitting records do not show that a permit was issued nor inspections conducted for said stairs. The submitted dwelling addition plans are incomplete. At the time of permit submittal, the applicant shall submit detailed plans showing framing, plumbing, electrical and mechanical detail for review. All work shall be in compliance with the following codes: 2015 IRC, 2012 IECC, 2024 IMC, 2024 UPC, and 2020 NEC.

The Council Bluffs Public Works Department stated that they have no comments regarding the request.

The Council Bluffs Fire Department stated they have no comment on the request.

The Council Bluffs Parks and Recreation Department stated they have no comment on the request.

The Council Bluffs Police Department stated they have no comment or objection to the request.

MidAmerican Energy stated they have no conflicts with the request.

Council Bluffs Water Works stated they have no comment on the request.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet of the subject property were notified of the requested variance. As of the date of this report, no comments have been received.

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

1. *The particular property, because of size, shape, topography or other physical conditions suffers singular disadvantage through the application of this ordinance, which does not apply to other properties in the vicinity. The lots within the Lakewood Villa subdivision were developed prior to being annexed into the City in 1969 and are irregularly shaped. Upon being annexed into the City, the lots were zoned R-1/Single-Family Residential District, resulting in many of the lots to immediately become nonconforming. While many of the lots and/or structures in Lakewood Villa are nonconforming, the subject property is particularly unique in that it has a significantly greater lot width than lot depth. This lot shape, in addition to the constricting nature of the canal, results in unique physical conditions that restrict development of the property. The nonconforming lot depth, placement of the existing dwelling, and inclusion of the canal within the applicant's private property serve as disadvantages when the City's zoning ordinance is applied to the property.*
2. *Because of such disadvantage, the owner is unable to make reasonable use of the affected property. The applicant can continue to utilize the subject property as a single-family dwelling if the requested variances are not granted.*
3. *The disadvantage does not exist because of conditions created by the owner or previous owners of the property. The existing lot was not created by the owners of the property and is a nonconforming*

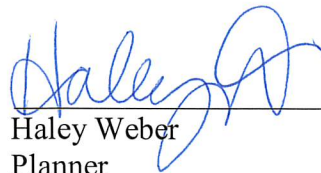
lot of record created prior to being annexed into the City. The nonconforming lot depth and inclusion of a portion of the canal in the private property restrict the applicant's ability to construct additions/structures on the subject property.

4. *Granting the variance will not confer on the applicant any special privileges that are denied by this ordinance to other properties or structures in the same district. Granting the requested variances does not constitute a special privilege, as the variances are necessary to overcome the limitations of the lot's shape and physical features. Many properties within the Lakewood Villas subdivision suffer similar disadvantages and have received variances to help overcome the challenges presented by application of the City's zoning ordinance to these properties developed prior to being annexed into the City. Adjacent lots to the west and south have received variances from the Council Bluffs Zoning Board of Adjustment in the past, in addition to twenty other properties within the subdivision. Lakewood Villa is a unique subdivision within the City in which variances are oftentimes a necessary tool required to overcome the hardships faced by properties throughout the neighborhood, as evident by the 22 variances granted in the vicinity. Therefore, by nature of the subject property never having benefit of certain relief from the City's zoning ordinance, it has suffered a unique hardship.*
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 the requested variances to add an addition to the northwest corner of the dwelling and front setback variance for the attached deck will not be contrary to the public interest and will not adversely impact surrounding properties.*

RECOMMENDATION—The Community Development Department recommends **approval** of the requested variances from Section 15.08B.050, *Site Development Regulations, R-1/Single-Family Residential District*, of the Council Bluffs Municipal Code (Zoning Ordinance) for an 18.2 foot front yard setback variance to allow a deck to be located 6.8 feet from the front property line, as opposed to the required 25 feet, and from Section 15.26.040, *Nonconforming Structures*, to allow for the enlargement of a nonconforming single-family dwelling on property legally described as Lot 60, Lakewood Villas, City of Council Bluffs, Pottawattamie County, Iowa, based on the reasons stated above.

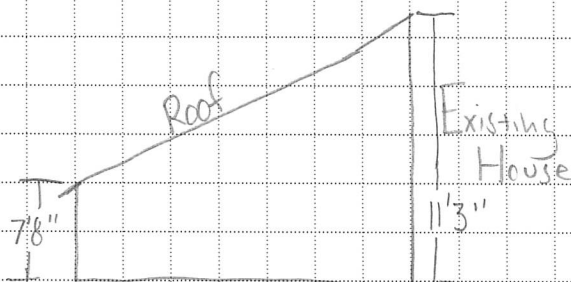
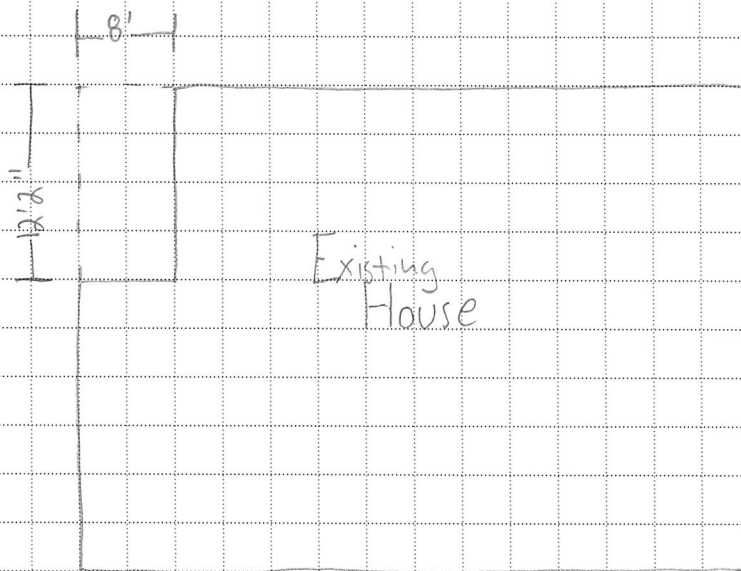


Christopher Gibbons, AICP
Planning Manager



Haley Weber
Planner





Shannon Sorensen

60 Lakewood Villa Street, Council Bluffs, IA 51501

smwerts78@gmail.com - 402-658-1461

May 7, 2025

To Whom It May Concern,

Subject: **Letter of Intent – Addition of Bathroom to Primary Bedroom**

I am writing to formally express my intent to add a bathroom to our residence located at 60 Lakewood Villa Street. This addition will be directly attached to the existing primary bedroom and is intended to enhance both the functionality and overall value of our home.

The proposed construction will not alter the existing structural lines or footprint of the home, as there is a designated area on the property that provides an ideal opening for this addition. The design will be in full compliance with current building codes, zoning regulations, and city ordinances. Majority of the work will be completed by licensed professionals, and appropriate permits will be obtained prior to the start of any construction activity.

Our goal is to make thoughtful and value-adding improvements to our home while maintaining the integrity and aesthetics of the neighborhood. We are committed to working closely with the city throughout this process and are happy to provide any further information or documentation needed for review and approval.

Thank you for your time and consideration. Please feel free to contact me should you need any additional information.

Sincerely,
Shannon Sorensen

Homeowner

CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT CASE #BA-25-002 LOCATION/ZONING MAP

Legend

 Subject Property
Case #BA-25-002

0 15 30



1 inch = 25 feet

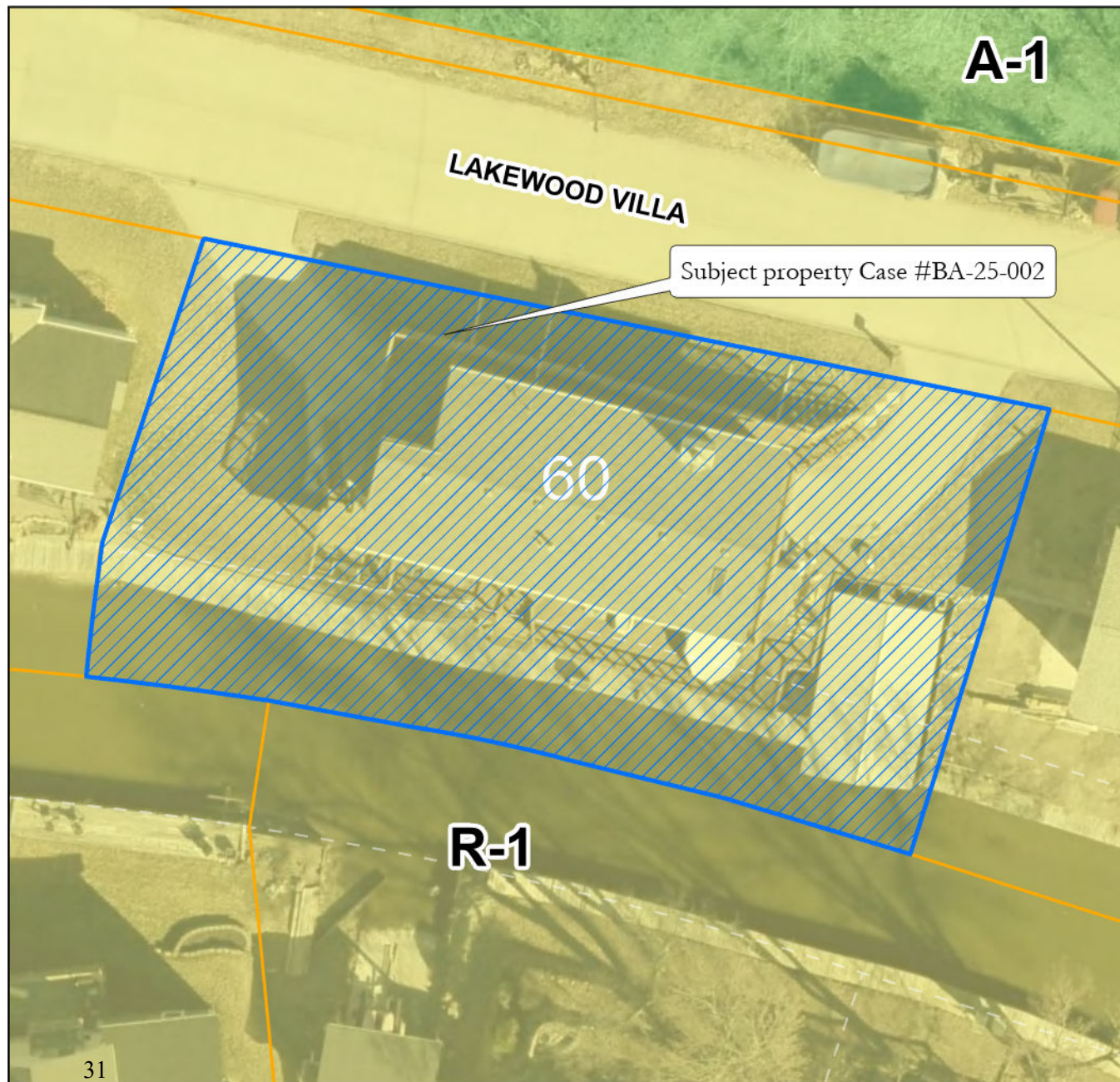


Last Amended: 5/27/25



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

DISCLAIMER
This map is prepared and compiled from City documents, plans and other public records data. Users of this map are hereby notified that the City expressly disclaims any and all responsibility for errors, if any, in the information contained on this map of the nature 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.



Zoning Board of Adjustment Communication

Department: Community

Development

Case/Project No.: BA-25-004

CASE #BA-25-004

Council Action: 6/17/2025

Submitted by: Christopher N.

Gibbons, AICP Planning & Code

Compliance Manager

Description

Public hearing on the request of DLE Four Way, LC, represented by Chris Murray, for variances from Sections 15.23.020(G) and 15.23.060, Off-Street Parking, Loading, and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance) for relief from the required five-foot setback between a property line and parking surface and for the number of required parking spaces for a retail sale use on property legally described as Lot 12, Block 17, Bayliss and Palmers Addition, except City right-of-way, City of Council Bluffs, Pottawattamie County, Iowa. Location: 1824 West Broadway.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description

Type

Upload Date

Staff Report and Attachments A - C

Staff Report

6/12/2025

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: June 17, 2025

RE: **CASE #BA-25-004**

REQUEST: Variances from Sections 15.23.020(G) and 15.23.060, *Parking Spaces Required, Off-Street Parking, Loading, and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance) for relief from the required five-foot setback between a property line and a parking surface and for the number of required parking spaces for a retail sales use.

**APPLICABLE
CODE SECTIONS:**

§15.23.020(A)(2)(a) General Provisions, Off-Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance). *All of the applicable provisions contained within this chapter regarding number of spaces, area or usability of existing parking, loading, and unloading spaces or other areas requiring a paved surface, shall be complied with when any of the following actions occur:*

2. *Building additions, expansions, and/or remodels for existing development:*
 - a. *Non-residential uses: Any building addition(s), expansion(s), and/or remodel(s) that results in an increase in the total number of required off-street parking spaces for a premises by 50% or more*

§15.23.020(G) General Provisions, Off-Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance). *In non-one and two family uses, all parking surfaces, spaces, circulation and aisles along the outer boundaries of a parking lot, vehicle entry paths, apron spaces, all driveways and other traveled areas shall be set back a minimum of five feet from the property line unless required for approved access.*

§15.23.060 Parking Spaces Required, Off-Street Parking, Loading, and Unloading, of the Municipal Code (Zoning Ordinance). *Retail sales, including grocery store, requires 1 parking space per 200 square feet of gross floor area.*

**LEGAL
DESCRIPTION:**

Lot 17, except the right-of-way in the southwest corner thereof, Block 17, Bayliss and Palmers Addition, City of Council Bluffs, Pottawattamie County, Iowa

LOCATION: 1824 West Broadway, Council Bluffs, Iowa 51503

APPLICANT D L E Four Way, LC, 1824 West Broadway, Council Bluffs, IA, Omaha, NE 51501

OWNER: D L E Four Way, LC, 2401 SE Tones Drive, Suite 17, Ankeny, IA 50021

REPRESENTATIVE: Chris Murray, President & CEO, D L E Four Way, LC, 2401 SE Tones Drive, Suite 17, Ankeny, IA 50021

BACKGROUND INFORMATION – The Community Development Department has received an application from DLE Four Way, LC, represented by Chris Murray, for variances from Sections 15.23.020(G) and 15.23.060, *Required Parking, Off-Street Parking, Loading, and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance) for property located at 1824 West Broadway. The subject property was recently renovated from an EZ Money (financial service) to a Verizon store (retail sales) without obtaining permits from the City. The renovation and change of use from EZ Money (finance service use) to a Verizon store (retails sales use) requires the applicant to bring the subject property into full compliance with Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance), due to higher off-street parking requirements for a retail use compared to a finance service use. The former EZ Money business required six off-street parking space and the new Verizon store requires 12 off-street parking spaces, based on the building's size and parking requirements stated in Section 15.23.060, *Required Parking*, of the Council Bluffs Zoning Ordinance.

The subject property is an existing 49' x 120' commercial lot at the northeast corner of the intersection of N. 19th Street and West Broadway. It contains a 2,404 square foot building, built in 1940, that is designed as backwards 'L' shape on the central/northerly portions of the property. The building is considered non-conforming as it does not conform to the required building setbacks of the C-2/Commercial District. Off-street parking is limited to the southerly and westerly portions of the site and does not conform to current City standards in terms of the required five-foot separation between a parking area and an abutting property line. Additionally, the existing parking layout does not provide sufficient dimensions for meeting City standards for required off-street parking spaces and drive aisles. The applicant has submitted a site plan that shows seven parking spaces (including one handicap accessible space) can be striped that conform to City parking space dimension (9'x18') requirements; however, the required five-foot separation between a parking surface and property line cannot be consistently provided due to the lack of space on-site. The applicant requests relief from the required five-foot setback between a property line and parking surface along the southerly and westerly portions of the site, as well as, relief to allow seven off-street parking spaces, as opposed to the required 12 spaces, for a retail sale use so their tenant can operate a Verizon store on the subject property (see Attachments A & B).

CURRENT ZONING AND LAND USE – The subject property is located within the West Broadway Corridor Design Overlay (CDO) and is surrounded by the following zoning districts and existing land uses:

North	C-2/Commercial District and R-3/Low Density Multi-Family Residential	Contractor shop and residential dwellings
South	C-2/Commercial District	Retail sales (Rent-A-Center and Retail Rebel) and a restaurant (Hog Wild BBQ)
East	C-2/Commercial District	Vacant commercial building and business office/commercial building
West	C-2/Commercial District and R-3/Low Density Multi-Family Residential	Financial service (Midlands Credit Union), retail sales (EZ Pawn and Aaron's), and residential dwellings

A location/zoning map is included with this report as Attachment 'C.'

Chapter 5, *Future Land Use Plan*, of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as 'Local Commercial', which is described as *"areas and 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 'retail sales' use is consistent with the 'Local Commercial' designation that is applied to the subject property. Additionally, a retail sales use is classified as a permitted use in the C-2 District.

The following photographs show the existing conditions of the subject area where the parking lot is proposed to be constructed:



Exhibit A: View of northerly/westerly building facades and off-street parking area.



Exhibit B: View of south building façade and existing off-street parking/drive aisle.



Exhibit C: View of shared drive aisle along West Broadway and westerly portion of the existing parking lot.



Exhibit D: View of the easterly building façade and drive aisle on property located at 1816 West Broadway.



Exhibit E: View of the north building façade and rear alley adjacent to the subject property.

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

A. The Community Development Department had the following comments:

1. The subject property is zoned C-2/Commercial District and contains 5,958 square feet (0.14 acres) of land. Per Section 15.15.050, Site Development Regulations, C-2/Commercial District of the Council Bluffs Zoning Ordinance, the minimum lot size requirements for property zoned C-2 District are 50' x 100' and 5,000 square feet of land area. The subject property is considered an irregularly shaped rectangle, as the southwest corner of the property was dedicated to the City for right-of-way purposes as part of the West Broadway Reconstruction Program. The property measures 49 feet wide, as opposed to, the required 50 feet due to the land dedication and thus is considered a non-conforming lot. The topography is generally flat with no terrain impediments that would hinder the use and/or development on the property.

Additionally, the property contains a 2,404 square foot building, built in 1940, that is designed as backwards 'L' shape on the central/northerly portions of the property. The building is considered non-conforming as it does not conform to the required building setbacks of the C-2/Commercial District.

2. Per Section 15.15.010, Statement of Intent, of the Council Bluffs Zoning Ordinance the C-2/Commercial District *"is intended to provide for major commercial retail shopping and service areas adjacent to major traffic corridors. This district also provides a variety of commercial services to the community and adjacent residential neighborhoods"*. The subject property was recently converted from an EZ Money (financial service) use to a Verizon store (retail use). Both financial service and retail uses are classified as "permitted uses" within the C-2 District, which means they are permitted by-right. The applicant's variance requests are intended to allow the property to be utilized for retail sales uses, which is one of the primary objectives of the C-2 District zoning designation.
3. The subject property is also located within the West Broadway Corridor Design Overlay, which is intended *"to promote a well-planned and visually attractive corridor that encourages private investment, opportunities for multi-modal transportation options, safe pedestrian access and walkability, improved traffic and parking conditions, and buildings constructed with high quality materials and timeless architectural design. These measures intend to enhance streetscapes, promote active public spaces, and encourage a mixture of land uses that collectively implement the vision of the adopted West Broadway Corridor Plan"*, as per Section 15.32A.010, Statement of Intent of the Council Bluffs Zoning Ordinance.

The change of use from an EZ Money (financial service) to a Verizon store (retail sales) required a remodel of the interior of the building. The applicant's tenant also repainted the exterior EFIS to provide a "new" appearance to the building. The total valuation of the construction work to the building and the subject property did not meet the minimum 50% building valuation and/or property valuation thresholds to require the building or site to be brought into compliance with the current West Broadway CDO standards, as per Sections 15.32A.040(B) and (C), Applicability of the West Broadway Corridor Design Overlay, of the Council Bluffs Zoning Ordinance.

The applicant's proposed site plan includes seven off-street parking stalls and a new landscape island to support the new retail tenant and to enhance the site's aesthetics. These improvements aim to meet the intent of the West Broadway Corridor Design Overlay and off-street parking requirements, within the site's space limitations.

4. Section 15.23.020(A)(2)(a) General Provisions, Off-Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance) states: *"All of the applicable provisions contained within this chapter regarding number of spaces, area or usability of existing parking, loading, and unloading spaces or other areas requiring a paved surface, shall be complied with when any of the following actions occur:*

(2). Building additions, expansions, and/or remodels for existing development:

(a). Non-residential uses: Any building addition(s), expansion(s), and/or remodel(s) that results in an increase in the total number of required off-street parking spaces for a premises by 50% or more"

Per Section 15.23.060 Parking Spaces Required, Off-Street Parking, Loading, and Unloading, of the Council Bluffs Zoning Ordinance *retail sales, including grocery store, requires 1 parking space per 200 square feet of gross floor area, and a financial service use requires 1 parking space per 400 square feet of gross floor area*. The difference between the two off-street parking calculations equates to a 50% increase in the required amount of off-street parking; therefore, the property is required to comply with the provisions stated in Section 15.23.020(A)(2)(a) above.

Historic aerial imagery from Pottawattamie County GIS shows five off-street parking spaces were located along the west side of the subject property and three off-street parking spaces were located along the south side of the subject property. The parking spaces along the westerly side of the property ran perpendicular to the building and were accessed by an open driveway along N. 19th Street. The parking spaces along the south side of the building ran perpendicular to the building and were accessed by a shared driveway with the neighbor to the east – 1816 West Broadway. In 2021, the City rebuilt the section of N. 19th Street abutting the subject property as part of the West Broadway Reconstruction Project. The new street design included a delineated driveway off N. 19th Street along with new sidewalks and green space for landscaping. The new design resulted in the elimination of an open driveway onto N. 19th Street and the ability to provide perpendicular parking on the west side of the site that conforms to City standards.

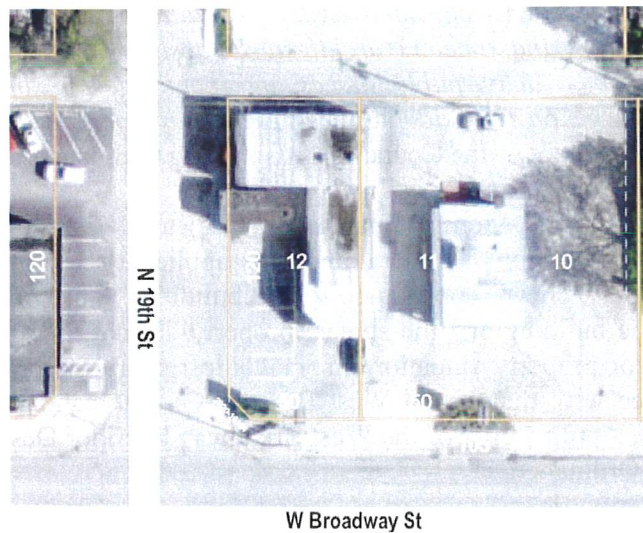


Exhibit D: 2010 aerial view of the subject property showing historic parking configurations.



Exhibit E: 2024 aerial view of the subject property showing historic parking configurations.

5. The applicant's proposed parking plan shows a total of seven parking stalls and new landscape island in the southwest corner of the site. The required five-foot-wide separation distance between a parking area and property line is not consistently provided on their plan. The applicant is requesting a variance to allow a zero-foot setback distance between a parking surface and the adjacent property lines in order to provide on-site parking stalls and associated

drive aisles that comply with City standards. This request was made due to the unique shape of the property and their inability to park vehicles perpendicular on the west side of the property, due to the new N. 19th Street design. All proposed parking stalls will comply with City standards and are intended to provide safe vehicular access and circulation movements on-site and onto the adjacent N. 19th Street and West Broadway rights-of-way.

6. The applicant is required to provide 12 off-street parking stalls for their retail tenant but is only able to provide seven parking stalls on-site that conform to City off-street parking standards. Section 15.23.020(B), General Provisions, Council Bluffs Zoning Ordinance allows for shared parking agreements between landowners, who are located within 400 feet from the building or use which is required to be served. The applicant's letter of intent stated they contacted property owners within 400 feet of their site to inquire about a shared parking agreement but were unsuccessful in obtaining agreements.
7. If the variance request is denied, the applicant can still utilize the property for other commercial uses that have parking standards that are the same or less than the requirements for a financial service use, as stated above. However, the inability to utilize the property for retail sales would not be consistent with the purpose and intent of the underlying C-2/Commercial District and West Broadway Corridor Design Overlay. It would also limit how the property can be used and marketed in the future, which would be a disadvantage that is not experienced by majority of other properties along West Broadway.
8. The applicant's letter of intent states the Verizon store hours of operations are Monday through Saturday from 10:00 a.m. to 7:00 p.m. and Sunday from 11:00 a.m. to 6:00 p.m. Overall staffing will consist of a manager and two part-time employees, with one staff member being present on-site at all times. Customer traffic will consist of three people at any given time during peak hours. Based on this information, a minimum of five parking stalls will be needed at any given time to provide sufficient parking for employees and customers. The applicant's proposal is to provide seven off-street parking stalls, which would be sufficient for the number people who would work and/or visit the retail store at any given time. All overflow traffic would be able to park on the adjacent N. 19th Street right-of-way, if space is available.
9. The Zoning Board of Adjustment has granted the following variances on properties in the nearby vicinity of 1824 West Broadway:
 - a. CASE #BA-14-009 (2025 West Broadway): Variance to allow a zero setback for a 108.5 foot-long section of a rear commercial parking lot at Don's Automotive.
 - b. CASE #BA-70-047 & BA-94-007 (1702 West Broadway): Variance to allow a pole sign in front of building which is less than 25 feet from a right-of-way line.
 - c. CASE #BA-11-009 (1607 West Broadway): Variance to retain an existing pole sign at McDonald's.

- B. The Council Bluffs Police Department stated they have no comments or objections to the request.
- C. The Council Bluffs Fire Department stated they have no comments for the request.
- D. The Council Bluffs Public Works Department stated the applicant's parking layout will conform to City standards.
- E. The Council Bluffs Parks and Recreations Department stated they have no comments for the request.
- F. Council Bluffs Water Works stated they have no comments for the request.

G. MidAmerican Energy stated they have no conflicts or concerns with the proposed variance request.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet of the subject property were notified of the requested variance. No comments were 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 subject property is zoned C-2/Commercial District and contains 5,958 square feet (0.14 acres) of land. Per Section 15.15.050, Site Development Regulations, C-2/Commercial District of the Council Bluffs Zoning Ordinance, the minimum lot size requirements for property zoned C-2 District are 50’ x 100’ and 5,000 square feet of land area. The subject property is considered an irregularly shaped rectangle, as the southwest corner of the property was dedicated to the City for right-of-way purposes as part of the West Broadway Reconstruction Program. The property measures 49 feet wide, as opposed to, the required 50 feet due to the land dedication and thus is considered a non-conforming lot. The topography is generally flat with no terrain impediments that would hinder the use and/or development on the property.*

Additionally, the property contains a 2,404 square foot building, built in 1940, that is designed as backwards ‘L’ shape on the central/northerly portions of the property. The building is considered non-conforming as it does not conform to the required building setbacks of the C-2/Commercial District.

2. *Because of such disadvantage, the owner is unable to make reasonable use of the affected property. The subject property is an irregularly shaped corner lot that historically used the westerly portion of their property for perpendicular off-street parking. In 2021, the City of Council Bluffs reconstructed N. 19th Street and removed the open driveway which eliminated the property’s ability to provide a row of perpendicular parking. If the variance is denied, the applicant can still utilize the property for other commercial uses that have parking standards that are the same or less than the requirements for a financial service use, as stated in Section 15.23.060, Required Parking, Off-Street Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance. However, the inability to utilize the property for retail sales would not be consistent with the purpose and intent of the underlying C-2/Commercial District and West Broadway Corridor Design Overlay. It would also limit how the property can be used and marketed in the future, which would be a disadvantage that is not experienced by majority of other properties along West Broadway.*
3. *The disadvantage does not exist because of conditions created by the owner or previous owners of the property. The development of the site in 1940 (i.e., building placement) determined the placement of parking areas without much flexibility. Then in 2021, the City of Council Bluffs reconstructed N. 19th Street, which created a delineated driveway to the site that reduced the space available for off-street parking on the west-side of the property. Additionally, the change of use from a financial service to a retail use and the associated parking lot improvements that are required from said change, as per Section 15.23.020(A)(2)(a) General Provisions, Off-Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance, creates a hardship for the applicant to fully comply with City’s off-street parking*

standards in terms of the number of spaces required for a retail sales use and the five foot-wide separation distance between a parking surface and an abutting property line.

4. *Granting the variance will not confer on the applicant any special privileges that are denied by this ordinance to other properties or structures in the same district. Granting the variance will not confer a special privilege not consistently enjoyed by other properties within the City. The Zoning Board of Adjustment has granted three variances (CASE #BA-14-009, BA-11-009, and BA-70-047/BA-94-007) to properties within the immediate vicinity of the subject property.*
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 provide seven off-premise parking spaces with a zero setback along the southerly and westerly portions of their site 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 the request by DLE Four Way, LC, represented by Chris Murray, for variances from Sections 15.23.020(G), General Provisions and 15.23.060, Parking Spaces Required, Off-Street Parking, Loading, and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow seven off-premise parking stalls, as opposed to the required 12 spaces for a retail sales use, and to allow a zero foot separation between a parking surface and property lines, , as opposed to the required five feet, along the southerly and westerly portions of the property, all on property legally described as Lot 17, except the right-of-way in the southwest corner thereof, Block 17, Bayliss and Palmers Addition, City of Council Bluffs, Pottawattamie County, Iowa, based on reasons stated above.



Christopher Gibbons, AICP
Planning & Code Compliance Manager

Attachment A: Letter of intent
Attachment B: Proposed parking lot plan
Attachment C: Location/zoning map

Attachment A

Date: 05/13/2025

To: Zoning Board of Adjustments

From: Chris Murray/Denny Elwell Company & DLE Fourway President/CEO

Re: 1824 W. Broadway Street, Council Bluffs, Iowa

Property History: This property located at 1824 W. Broadway was acquired via non-judicial foreclosure by DLE Fourway LC in September of 2010. The property had been an EZ Check Cashing store since the time it was acquired. The tenant vacated the premises at the end of the lease term which was December 31st, 2024. At the time the tenant was vacated they contacted the water company to shut the water off. The owner was not aware of this shut off and water was frozen in the line between the main & the building line and the heater was shut off. When the water service was put back into the landlord's name and turned on, several pipes burst inside the building (walls, ceilings & restrooms). Significant clean-up, pipe, drywall, fixture and flooring repairs were all required inside the premises.

During the time for which the repairs were made inside the premises from the water pipe damage, one of the heaters needed repaired and we had that work completed. At the same time, we replaced the broken window frame system. In an effort to refresh the exterior of the building while these repairs were being made, we reskimmed some of the EFIS and completed all but one side before we were asked to cease working.

During the work process an inquiry was made by Total Wireless, which is an established Verizon reseller of phones and prepaid minutes. The landlord and the tenant reached an agreement to have the landlord repair the damage in the building from the water line and finish the exterior and the tenant would then take possession of the space and complete the fixturing work to meet their needs to sell prepaid phones and minute packages. The tenant began to make some of its own improvements and because there was some confusion with the permits and lack thereof, combined with some deficiencies which were quickly attempted to be rectified they were asked to cease work and not occupy the space.

I was not aware of the overlay district & it's some of its details. I mistakenly assumed the transition of going from a check cashing store to a cell phone pre-paid minute store was retail to retail and not a change in use from financial services to retail.

Proposed Property Use: Prepaid cell phone store (Total Wireless). The store is usually open 7 days per week. The hours are Monday thru Saturday from 10-7 and Sunday 11-6. The owner of the store has explained the cyclical trends of the business. There's typically one employee on site at a time; the overall staff is comprised of a manager and two part-time employees to rotate time off. The model and products sold do not require any more than that.

Customer traffic, when at its heaviest, is up to 3 customers, and if this were to be the case, it's usually late Friday afternoons or Saturday mornings. There is also a chance this pattern could be

seen in the first few days of the month due to some of the patrons' pay cycles and their minute-reloading history.

Building Layout Description/Parking: Please see attached. The retail area for customer sales is approximately 1100sf as shown. Secured storage area is 590sf with restrooms. The garage is 735sf and is not going to be used unless for temporary overflow storage.

Looking at the actual occupant load of the space and its intended use & considering parking requirements: The retail area-1100sf ($1/200\text{sf}=5$) & 1325sf storage, restroom and unused garage space at $1/400\text{sf}=3$.

There are currently 7 stalls on the site and based on our last conversation and based on the suggestion to see if I could rent parking stalls from one of my neighbors, I called Spartan Nash, they are the property owners at 1801 W. Broadway. I talked with their SVP and Retail Officer and the property is being sublet to Retail Rebel and currently they are not interested in leasing any of their parking stalls. Midland Credit Union is across the street and has a tight parking situation of their own with no real ability to lease any of them. I have exchanged voice mails with Donato Silva, owner of Avenue A LLC (the building to my north) and he's hesitant to lease at this time so as not to impinge on his future needs.)

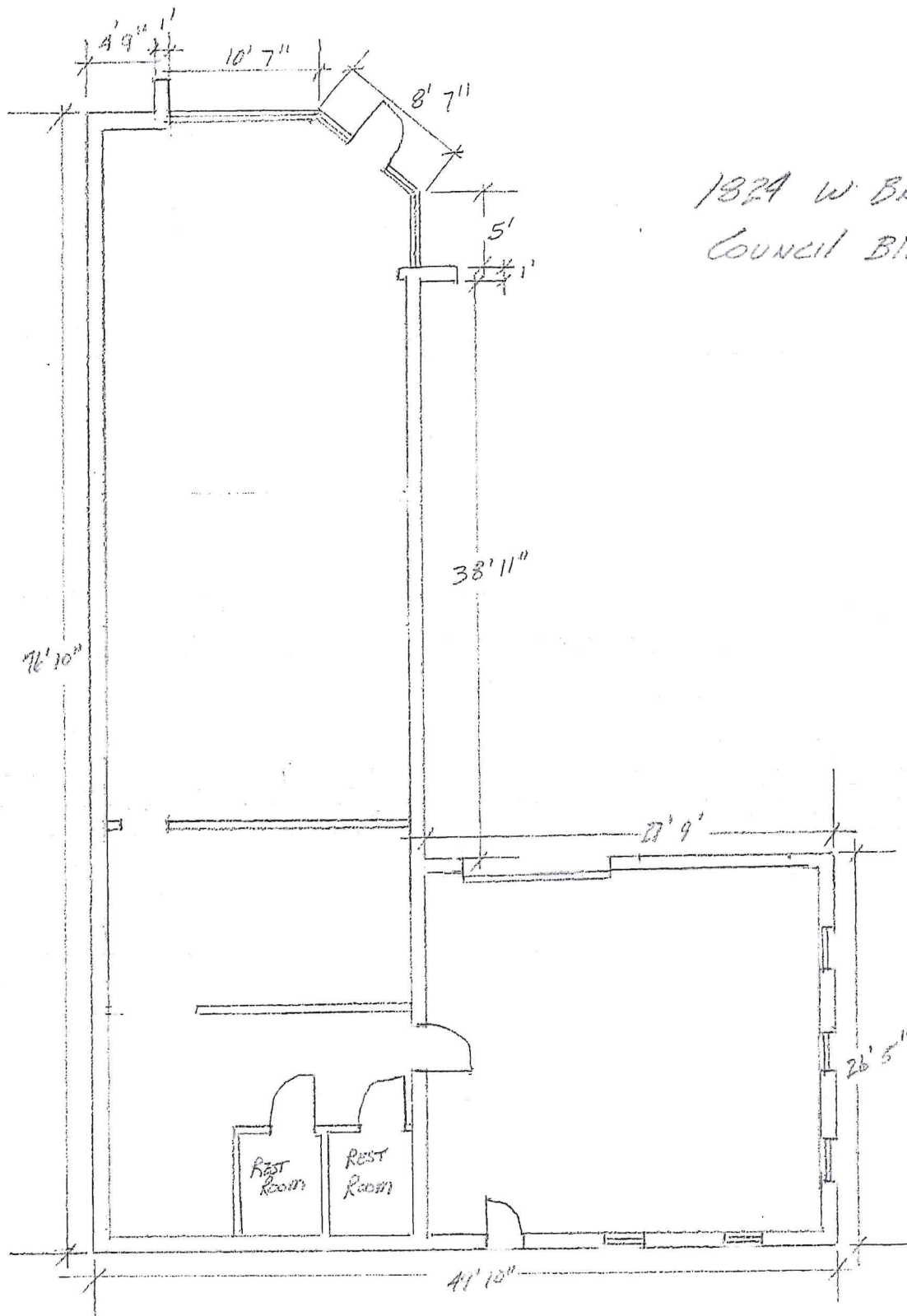
I was able to review this layout with Chris Gibbons during a meeting on the 8th of May and we discussed the code requirements. I realize we are short on parking here, but the practical application based on the hours of operation, a single employee operation & customer base seems to be indicative from a practical standpoint that no parking issues will be created. After engaging Simonson & Associates Architecture Firm to assist me in this evaluation process and consulting with Chris Gibbons (Planning Manager) it became apparent that requesting variance consideration is necessary, because the site is short 5 stalls and the required 5' wide green space around the perimeter of the parking lot given the existing building footprint and unique shape of the lot.

Request for Board of Adjustment Consideration: I respectfully request The Zoning Board of Adjustments to consider the hardship currently faced with this oblong site which is a total of 5958sf and the age of the property which is part of the West Broadway Redevelopment Overlay District to allow for Total Wireless Group to conditionally be allowed to operate at this location with the 7 parking stalls and the waiver of the 5' green space around the perimeter. I would also propose that the conditional use is not approved to be able to transfer with the land but approved for this occupant and use only. If the tenant ceases operating here, then the conditional use of occupancy would cease and the list of Consumer Services in Council Bluffs Code Section 15.03.172 would be the only applicable uses allowed unless this board were to approve otherwise.

During my initial meeting with Chris Gibbons (City of Council Bluffs Planning Manager) on 5/8/25; we reviewed the City of Council Bluffs long-range robust plan for the corridor & I realized the strong likelihood of a long-term master developer potentially coming along and acquiring the entire block at some point in the future. There are three small parcels in this city block & we have the smallest

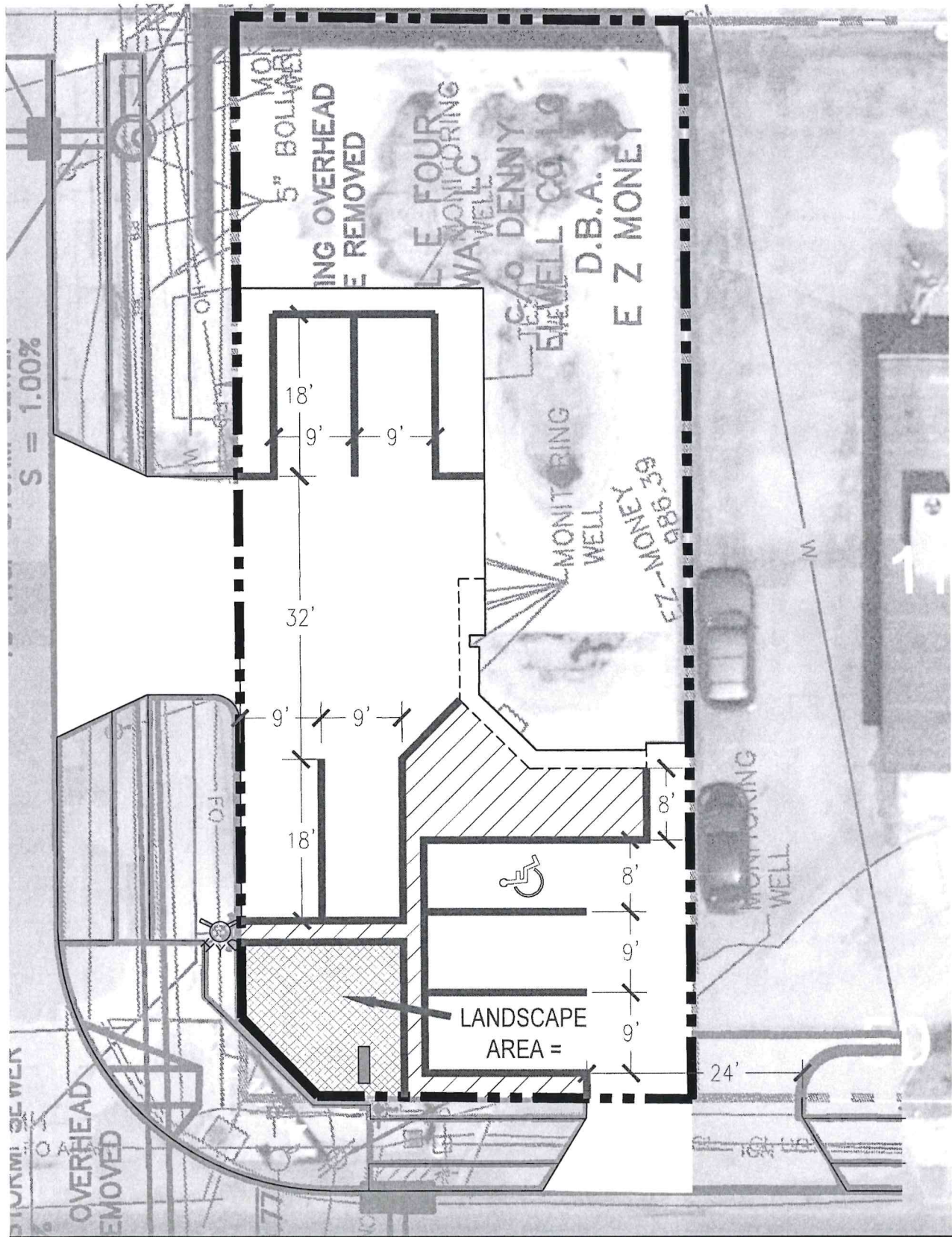
parcel. The proposed use seems to be both compatible with the area and an improvement from prior occupants' use with minimal parking or traffic impact until such time.

If approved, I would also like to immediately complete the back of the building with regard to repainting and the EFIS repair and matching the color of the front and sides as well as overlaying the asphalt parking lot and re-stripping the area as shown on the attached layout without triggering a full site plan resubmittal. I do have some area as showing along the front corner where I can try to plant some shrubs to grow in river rock (planted in the ground (no shallow planters) and if permitted to do so will move forward with that as well.



1324 W BROADWAY
COUNCIL BLUFFS

Attachment B



NORTH
1" = 10'-0"
11"x17" Sheet
S44 21175
DRAWN BY: AVG

This drawing has been prepared by the Architect, or under the Architect's direct supervision. This drawing is intended to be conceptual in nature only. Property boundaries, easements, encroachments, topography, utilities, structures and other physical features shown herein are based on the information available to the architect at the time of design. This document reflects a site plan concept only, and does not necessarily reflect all governing authority requirements, including green space calculations, bulk regulations, landscaping, storm water management, city block, site signage, grading, and other factors that may impact final site design. This drawing shall not be used for construction or legally binding documentation. (C) Copyright 2025 by Simonson & Associates Architects, L.L.C.

1824 W. Broadway
Site Concept #5
Council Bluffs, Iowa

May 20, 2025


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SIMONSON
PLANNING • ARCHITECTURE • INTERIORS
Simonson & Associates Architects LLC
1717 Superior Ave. Suite 117, Des Moines, Iowa 50309
PH: 515-440-5626 www.simonson-iawcc.com

CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT CASE #BA-25-004 LOCATION/ZONING MAP

Attachment C

Legend

 Subject Property
Case #BA-25-004

0 15 30

1 inch = 25 feet

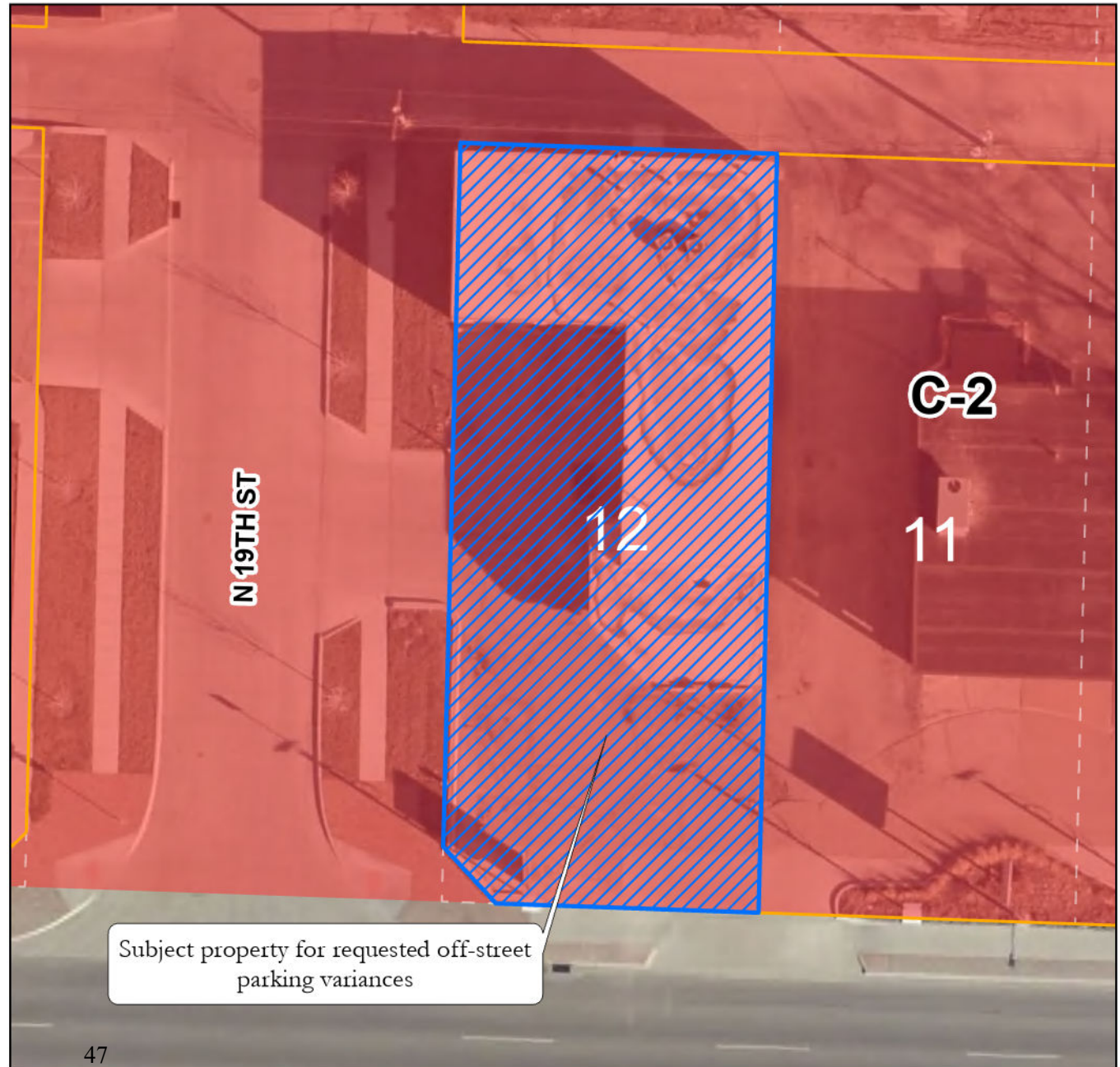


Last Amended: 5/27/25



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-25-003

CASE #CU-25-003

Council Action: 6/17/2025

Submitted by: Haley Weber,

Planner

Description

Public hearing on the request of Haysam Realty, LLC for a conditional use permit to allow 'commercial recreation (indoor)' use in an I-2/General Industrial District on property legally described as Lot 1 and the northerly 21.78 feet of Lot 2 along with the vacated north/south alley adjacent, all in Block 30, Riddles Subdivision; and with the northerly 21.8 feet of the westerly 50 feet of Lot 13 and the westerly 50 feet of Lot 14, all in Block 31, Riddles Subdivision, along with the vacated 10th Street right-of-way between said Blocks 30 and 31, all in City of Council Bluffs, Pottawattamie County, Iowa. Location: 1001 9th Avenue.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description

Type

Upload Date

Staff Report and Attachments A - C

Staff Report

6/12/2025

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: June 17, 2025

RE: **CASE #CU-25-003**

REQUEST: Public hearing on the request of Haysam Realty, LLC for a conditional use permit to allow 'commercial recreation (indoor)' use in an I-2/General Industrial District on property legally described as Lot 1 and the northerly 21.78 feet of Lot 2 along with the vacated north/south alley adjacent, all in Block 30, Riddles Subdivision; and with the northerly 21.8 feet of the westerly 50 feet of Lot 13 and the westerly 50 feet of Lot 14, all in Block 31, Riddles Subdivision, along with the vacated 10th Street right-of-way between said Blocks 30 and 31, all in City of 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 15.21.030 Conditional Uses in the I-2/General Industrial Residential District

J. Commercial recreation (indoor).

**LEGAL
DESCRIPTION:**

Lot 1 and the northerly 21.78 feet of Lot 2 along with the vacated north/south alley adjacent, all in Block 30, Riddles Subdivision; and with the northerly 21.8 feet of the westerly 50 feet of Lot 13 and the westerly 50 feet of Lot 14, all in Block 31, Riddles Subdivision, along with the vacated 10th Street right-of-way between said Blocks 30 and 31, all in City of Council Bluffs, Pottawattamie County, Iowa

LOCATION: 1001 9th Avenue, Council Bluffs, Iowa 51501

APPLICANT: Haysam Realty, LLC, 7309 Ontario Street, Apt. 205, Omaha, NE 68124

OWNER: P-G Holdings LLC, 34 Lakewood Villa, Council Bluffs, IA 51501

BACKGROUND INFORMATION – The Community Development Department has received a request from Haysam Realty, LLC, for a conditional use permit to allow a ‘commercial recreation (indoor)’ (gym) establishment in an I-2/General Industrial District on property legally described above.

The applicant is proposing to operate a personal training studio (Big Kent’s Strength and Fitness) on the subject property. The proposed gym will provide small group training, individual coaching, and nutrition support. The proposed hours of operation are 5:00 A.M. to 7:00 P.M. daily with up to ten (10) clients in the building at a time. The proposed gym operation will have one (1) employee. Clients will access the building from the doors on the north and east sides of the building, in addition to the two garage doors that can be utilized as entrances/exits. The submitted letter of intent is included as Attachment ‘A’. The submitted floor plan, included as Attachment ‘B’, shows an office and lobby/front desk area with the remaining floor plan being dedicated to exercise areas.

The following attachments are included with the staff report:

Attachment A: Letter of Intent
Attachment B: Floor Plan
Attachment C: Location/zoning Map

CURRENT ZONING AND LAND USE – The subject property is surrounded by the following zoning districts and existing land uses:

Direction	Existing Zoning Districts	Existing Land Uses
North	I-1/Light Industrial District and R-3/Low Density Multifamily District	Fourth Judicial District Residential Center and Correctional Facilities, Single-Family Residential Dwellings
South	I-2/General Industrial District	City-owned property, Western Engineering
East	I-2/General Industrial District	Anderson Construction yard
West	I-2/General Industrial District	Warehousing and Distribution facility

A location/zoning map is included with this report as Attachment ‘C.’

The following photographs show the existing conditions of the subject property:

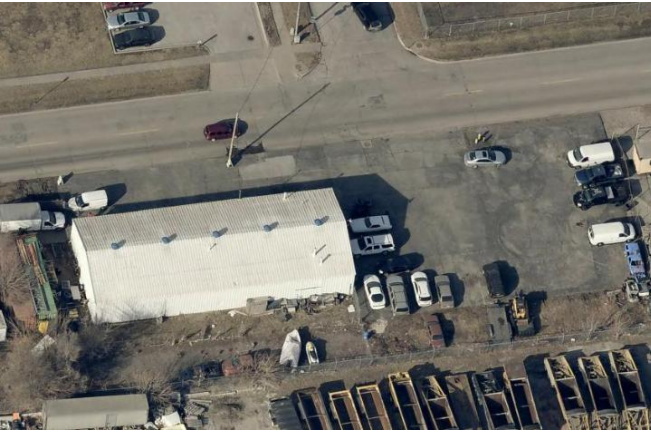
<p>Exhibit A: Looking north towards subject property</p> 	<p>Exhibit B: Looking west towards subject property</p> 
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Exhibit C: Looking south towards the subject property



NEIGHBORHOOD RESPONSE – All property owners within 200 feet were notified of the conditional use permit request. The Community Development Department has not received any responses regarding this request as of the date of this report.

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:

A. The Community Development Department had the following comments:

1. ‘Commercial Recreation (Indoor)’ is defined in Section 15.03.156, Definitions, of the Council Bluffs Municipal Code (Zoning Ordinance) as “businesses and organizations engaged in the provision of sports, entertainment, or recreation within an enclosed or screened building. Typical uses include bowling alleys, billiard parlors, skating rinks, amusement machine complex, racquetball, swimming, tennis and exercise/fitness centers.” The proposed gym would fall under this definition.
2. The minimum lot area requirement for property zoned I-2/General Industrial District is 15,000 square feet. The subject property contains 16,616 square feet in area, which exceeds the minimum lot size requirements for the I-2 District. However, the lot is considered nonconforming as it is 67 feet in depth, which does not meet the minimum 150 foot lot depth required per Section 15.21.050, Site Development Standards, I-2/General Industrial District of the Council Bluffs Municipal Code (Zoning Ordinance).
3. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as ‘Public/Semi-public.’ The plan defines ‘Public/Semi-public’ as uses that “support activities for the benefit of the general public” and include schools, places of worship, libraries, government offices, social service providers, etc.” The proposed ‘commercial recreation (indoor)’ (gym) establishment is not generally consistent with the ‘Public/Semi-public’ designation. However, the ‘commercial recreation (indoor)’ use is of the less intensive uses allowed in the I-2/General Industrial District and given the subject property’s close proximity to the residential neighborhood to the north, is an appropriate use of the site.

4. No additional structures are proposed at this time. Any future buildings and/or building additions constructed at this site shall comply with I-2 District site development standards (i.e., minimum setback requirements, maximum building height, and maximum lot coverage for all structures).
5. All off-street parking areas, drive aisles, and circulation routes shall be constructed of hard surface pavement and shall be designed to comply with the standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance) and at no time shall parking occur on any unpaved areas of the property.

The minimum number of required parking spaces for ‘commercial recreation (indoor)’ is based on a calculation of ½ space per capacity of the occupant load of the facility, as per Section 15.23.060, Parking Spaces Required, of the Council Bluffs Municipal Code (Zoning Ordinance). Per the City’s Fire and Building Departments, the occupant load for the space is 80. Therefore, a minimum of 40 off-street parking spaces would be required for the ‘commercial recreation (indoor)’ use. The submitted letter of intent states that up to ten (10) clients and one (1) employee will be on site at any given time. Based on the proposed number of users and the dimensions of the site, the Community Development Department recommends that a minimum of fourteen (14) off-street parking stalls shall be provided that meet the standards of Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance) prior to operation of the proposed gym use for the following reasons:

- a. The ‘commercial recreation (indoor)’ use is a broad land use category which encompasses a wide range of entertainment and recreation related activities from large sports arenas to small, member-based gyms. The parking calculation for this use is based upon the occupant load of the facility, which requires 40 off-street parking spaces for this site. This calculation is intended to ensure adequate parking for entertainment uses, many of which can draw a large amount of attendees. However, this calculation does account for the vast variety in types of entertainment uses. In this regard, uses, such as the proposed gym, fall significantly short of the required parking count, although only eleven (11) individuals will be utilizing the facility at any given time. The proposed minimum 14 stall requirement accounts for the identified maximum users of the site and provides three (3) additional stalls to account for visitors or guests of the proposed use.
- b. The subject property is considered nonconforming as it is only 67 feet in depth, which does not meet the minimum 150 foot lot depth required for the I-2 District. The nonconforming lot depth, placement of the existing building, and required landscape buffer limit the applicant’s ability to provide additional off-street parking stalls on the subject property beyond the recommended required.
- c. Parking is intended to be provided in the existing 67’ x 112’ paved area east of the building. Based on staff’s analysis of the site geometrics, as noted below, the proposed parking area has the capability of providing a minimum of fourteen (14) off-street parking stalls when taking into consideration the required five-foot landscape buffer around the perimeter of the parking area, 24-foot wide drive aisle, and minimum off-street parking stall dimensions of 9 feet by 18 feet. The applicant shall submit a dimensioned parking lot striping and landscaping plan showing all parking stalls, including required ADA parking, and the required five-foot landscape buffer for review and approval by the Community Development Department prior to operation of the proposed ‘commercial recreation (indoor)’ (gym) use.



6. Conditional use permits, once approved, apply to the subject property until such time the conditional use permit would be revoked by the Council Bluffs Zoning Board of Adjustment (ZBA). The Community Development Department's recommendation of a minimum of eleven (11) off-street parking stalls is based upon the applicant's letter of intent, which is unique to their operation. However, staff acknowledges that given the variety of users within the 'commercial recreation (indoor)' use, a more intensive indoor commercial recreation use could locate at the subject property, if the subject request is approved. Any future 'commercial recreation (indoor)' use that would locate at the subject property that has a client/employee count greater than the subject operation shall be required to comply with the minimum required off-street parking requirements, including parking lot design and number of stalls, per Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance), or request to modify the subject conditional use permit to fit the needs of their use, prior to operation.
 7. As per Section 15.23.030(A)(4)(a) of the Council Bluffs Municipal Code (Zoning Ordinance), a minimum of five feet of landscaped area is required between a parking surface and the property line. The current parking lot is considered nonconforming as it does not have the minimum five foot landscaped buffer. Said buffer shall be installed prior to operation of the proposed gym use.
 8. Off-street parking for the proposed 'commercial recreation (indoor)' establishment shall comply with Chapter 661—18, Parking for Persons with Disabilities, of the Iowa Administrative Code.
 9. All required parking spaces and ADA signs on the existing parking lot shall be striped and installed prior to the operation of the proposed 'commercial recreation (indoor)' establishment.
 10. No fencing is proposed with the current request. Any fences and/or walls installed in the future on the subject property shall be permitted separately and shall comply with the standards in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
 11. No signage was included in the submitted application. Any future signage proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in Chapter 15.33, Signs, of the Council Bluffs Municipal Code (Zoning Ordinance).
 12. No new outdoor lighting is proposed. Any outdoor lighting proposed to be installed on the subject property shall comply with the standards in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).
 13. Outdoor storage of materials, products, equipment, or packaging shall not be permitted. This includes the semi-permanent and/or permanent placement of inter-modal storage/shipping containers.
- B. The Council Bluffs Fire Department stated that an architect is required to evaluate the building for the proposed change of use.
- C. The Council Bluffs Permits and Inspections Division stated the proposed change of use will require an Iowa licensed architect to perform code review and submit plans to the Building Division for review.
- D. The Council Bluffs Public Works Department stated they have no comments on the request.
- E. The Council Bluffs Police Department stated that they have no comments or objections to the request.
- F. The Council Bluffs Parks and Recreation Department stated they have no comment on the request.
- G. Council Bluffs Water Works stated that they have no comments on the request.

H. MidAmerican Energy stated that they have no conflicts with the request.

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*:

- A. *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 minimum lot area requirement for property zoned I-2/General Industrial District is 15,000 square feet. The subject property contains 16,616 square feet in area, which exceeds the minimum lot size requirements for the I-2 District. However, the lot is considered nonconforming as it is 67 feet in depth, which does not meet the minimum 150 foot lot depth required per Section 15.21.050 of the Council Bluffs Municipal Code (Zoning Ordinance). No buildings or additions are proposed with this request.*
- B. *Adequate utility, drainage, and other necessary facilities or improvements have been or will be provided. The subject property is serviced with all necessary utilities. As such, no additional utility service extensions and/or infrastructure improvements will be required as part of this conditional use permit.*
- C. *Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. The subject property has direct frontage on 9th Avenue. The existing parking lot located to the east of the building is nonconforming as it does not have the minimum five-foot landscaped buffer required as per Section 15.23.030(A)(4)(a) of the Council Bluffs Municipal Code (Zoning Ordinance). The minimum number of required parking spaces for ‘commercial recreation (indoor)’ is based on a calculation of ½ space per capacity of the occupant load of the facility, as per Section 15.23.060, Parking Spaces Required, of the Council Bluffs Municipal Code (Zoning Ordinance). Per the City’s Fire and Building Departments, the occupant load for the space is 80. Therefore, a minimum of 40 off-street parking spaces would be required for the ‘commercial recreation (indoor)’ use. The submitted letter of intent states that up to ten (10) clients and one (1) employee will be on site at any given time. Based on the proposed number of users and the dimensions of the site, the Community Development Department recommends that a minimum of fourteen (14) off-street parking stalls shall be provided that meet the standards of Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance) prior to operation of the proposed gym use for the following reasons:*
 - a. *The ‘commercial recreation (indoor)’ use is a broad land use category which encompasses a wide range of entertainment and recreation related activities from large sports arenas to small, member-based gyms. The parking calculation for this use is based*

upon the occupant load of the facility, which requires 40 off-street parking spaces for this site. This calculation is intended to ensure adequate parking for entertainment uses, many of which can draw a large amount of attendees. However, this calculation does account for the vast variety in types of entertainment uses. In this regard, uses, such as the proposed gym, fall significantly short of the required parking count, although only eleven (11) individuals will be utilizing the facility at any given time. The proposed minimum 14 stall requirement accounts for the identified maximum users of the site and provides three (3) additional stalls to account for visitors or guests of the proposed use.

- b. The subject property is considered nonconforming as it is only 67 feet in depth, which does not meet the minimum 150 foot lot depth required for the I-2 District. The nonconforming lot depth, placement of the existing building, and required landscape buffer limit the applicant's ability to provide additional off-street parking stalls on the subject property beyond the recommended required.
- c. Parking is intended to be provided in the existing 67' x 112' paved area east of the building. Based on staff's analysis of the site geometrics, the proposed parking area has the capability of providing a minimum of fourteen (14) off-street parking stalls when taking into consideration the required five-foot landscape buffer around the perimeter of the parking area, 24-foot wide drive aisle, and minimum off-street parking stall dimensions of 9 feet by 18 feet. The applicant shall submit a dimensioned parking lot striping and landscaping plan showing all parking stalls, including required ADA parking, and the required five-foot landscape buffer for review and approval by the Community Development Department prior to operation of the proposed 'commercial recreation (indoor)' (gym) use.

As per Section 15.23.030(A)(4)(a) of the Council Bluffs Municipal Code (Zoning Ordinance), a minimum of five feet of landscaped area is required between a parking surface and the property line. The current parking lot is considered nonconforming as it does not have the minimum five foot landscaped buffer. Said buffer shall be installed prior to operation of the proposed gym use. All site improvements shall be completed in accordance with current standards and specifications.

All off-street parking areas, drive aisles, and circulation routes shall be constructed of hard surface pavement and shall be designed to comply with the standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance) and at no time shall parking occur on any unpaved areas of the property.

All required parking spaces and ADA signs on the existing parking lot shall be striped and installed prior to the operation of the proposed 'commercial recreation (indoor)' establishment.

No traffic conflicts or congestion on the adjacent public streets are anticipated to occur. No additional improvements are necessary for the request.

Conditional use permits, once approved, apply to the subject property until such time the conditional use permit would be revoked by the Council Bluffs Zoning Board of Adjustment (ZBA). The Community Development Department's recommendation of a minimum of fourteen (14) off-street parking stalls is based upon the applicant's letter of intent, which is unique to their operation. However, staff acknowledges that given the variety of users within the 'commercial recreation (indoor)' use, a more intensive indoor commercial recreation use could locate at the subject property, if the subject request is approved. Any future 'commercial recreation (indoor)' use that would locate at the subject property that has a client/employee count greater than the subject operation shall be required to comply with the minimum required off-street parking requirements, including parking lot design and number of stalls, per Chapter 15.23, Off-Street Parking, Loading and Unloading, of the

Council Bluffs Municipal Code (Zoning Ordinance), or request to modify the subject conditional use permit to fit the needs of their use, prior to operation.

- D. 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.
- E. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. No new outdoor lighting is proposed. Any outdoor lighting proposed to be installed on the subject property shall comply with the standards in Section 15.24.050, *Lighting Controls*, of the Council Bluffs Municipal Code (Zoning Ordinance).
- F. 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 minimum lot area requirement for property zoned I-2/General Industrial District is 15,000 square feet. The subject property contains 16,616 square feet in area, which exceeds the minimum lot size requirements for the I-2 District. However, the lot is considered nonconforming as it is 67 feet in depth, which does not meet the minimum 150 foot lot depth required per Section 15.21.050 of the Council Bluffs Municipal Code (Zoning Ordinance). Land uses in the general vicinity are primarily industrial in nature, with the exception of the residential neighborhood located approximately 200 feet north of the subject property. The proposed ‘commercial recreation (indoor)’ establishment is compatible with the surrounding land uses.

The Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as ‘Public/Semi-public.’ The plan defines ‘Public/Semi-public’ as uses that “support activities for the benefit of the general public” and include schools, places of worship, libraries, government offices, social service providers, etc. The proposed ‘commercial recreation (indoor)’ (gym) establishment is not generally consistent with the ‘Public/Semi-public’ designation. However, the ‘commercial recreation (indoor)’ use is of the less intensive uses allowed in the I-2/General Industrial District and given the property’s close proximity to the residential neighborhood to the north is an appropriate use of the site.

- G. 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. No additional structures are proposed at this time. Any future buildings and/or building additions constructed at this site shall comply with I-2 District site development standards (i.e., minimum setback requirements, maximum building height, and maximum lot coverage for all structures).

No new fencing is proposed with this request. Any future fencing and/or walls installed on the subject property shall be permitted separately and shall comply with the standards in Section 15.24.040, *Fence Regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance).

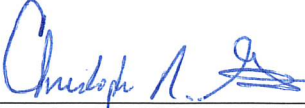
Outdoor storage of materials, products, equipment, or packaging shall not be permitted. This includes the semi-permanent and/or permanent placement of inter-modal storage/shipping containers.

- H. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. If operated in accordance with the comments and conditions outlined in this report, the proposed ‘commercial recreation (indoor)’ establishment will have no adverse impact on the property values of existing properties in the surrounding area.

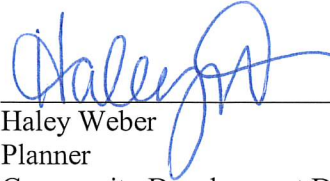
RECOMMENDATION – The Community Development Department recommends approval of the request for a conditional use permit to allow 'commercial recreation (indoor)' use in an I-2/General Industrial District on property legally described as Lot 1 and the northerly 21.78 feet of Lot 2 along with the vacated north/south alley adjacent, all in Block 30, Riddles Subdivision; and with the northerly 21.8 feet of the westerly 50 feet of Lot 13 and the westerly 50 feet of Lot 14, all in Block 31, Riddles Subdivision, along with the vacated 10th Street right-of-way between said Blocks 30 and 31, all in City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following conditions:

- A. 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.
- B. The hours of operations are daily from 5:00 a.m. to 7:00 p.m.
- C. Any future buildings and/or building additions constructed at this site shall comply with I-2 District site development standards (i.e., minimum setback requirements, maximum building height, and maximum lot coverage for all structures).
- D. All off-street parking areas, drive aisles, and circulation routes shall be constructed of hard surface pavement and shall be designed to comply with the standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance) and at no time shall parking occur on any unpaved areas of the property.
- E. The applicant shall submit a dimensioned parking lot striping and landscaping plan showing a minimum of fourteen (14) off-street parking stalls, including required ADA parking, and the required five-foot landscape buffer for review and approval by the Community Development Department prior to operation of the proposed 'commercial recreation (indoor)' (gym) use.
- F. All required parking spaces, striping of ADA signs on the existing parking lot, and the five-foot landscape buffer around the parking lot shall be installed prior to the operation of the proposed 'commercial recreation (indoor)' establishment.
- G. Off-street parking for the proposed 'commercial recreation (indoor)' establishment shall comply with Chapter 661—18, Parking for Persons with Disabilities, of the Iowa Administrative Code.
- H. Any future 'commercial recreation (indoor)' use that would locate at the subject property that has a client/employee count greater than the subject operation shall be required to comply with the minimum required off-street parking requirements, including parking lot design and number of stalls, per Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance), or request to modify the subject conditional use permit to fit the needs of their use, prior to operation.
- I. Any fences and/or walls proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
- J. Any future signage proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in Chapter 15.33, Signs, of the Council Bluffs Municipal Code (Zoning Ordinance).
- K. Any outdoor lighting proposed to be installed on the subject property shall comply with the standards in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).
- L. Outdoor storage of materials, products, equipment, or packaging shall not be permitted. This includes the semi-permanent and/or permanent placement of inter-modal storage/shipping containers.

- M. Any modifications to the approved conditional use permit which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed and approved by the Zoning Board of Adjustment prior to such changes being made. Minor modifications to the approved conditional use permit that result in a design that is considered compatible with the overall development may be administratively approved by the Community Development Director or their designee.



Christopher N. Gibbons, AICP
Planning Manager
Community Development Department



Haley Weber
Planner
Community Development Department

#5: I respectfully request a conditional use permit/variance to allow Big Kent's Strength and Fitness to operate a personal training studio in a property that is currently zoned as Industrial. The proposed location is ideal for a personal training studio due to its open floor plan, structural durability, and accessibility for the community.

Big Kent's Strength and Fitness will bring a positive, health focused business to the area. I believe allowing this space to be used as a personal training studio aligns with the city's vision for economic growth and community health. I look forward to contributing positively to the Council Bluffs community.

#6: Address: 1009 9th Ave. Council Bluffs, IA 51501

Property Owner: Seiko LLC

Billing Address: PO Box 337 Council Bluffs, IA 51501

Legal Description: RIDDLES SUB N21.78' LT 13 ALL LT 14 N67.11' LTS 15 AND 16 BLK 30 AND N67.11' VAC ALLEYS ADJ TO LT~15 AND E33' VAC 11 ST

Address: Fourth Judicial District Dept

Property Owner: Fourth Judicial District Dept

Billing Address: 227 S 6th St. Council Bluffs, IA 51501

Legal Description: RIDDLES SUB LTS 1 THRU 8 BLK 22 & LTS 1 THRU 3 & W1/2 LT 4 BLK R CURTIS & RAMSEY ADD

#7: Floor plan and exterior pictures attached on next 2 pages.

#8: Big Kent's Strength and Fitness is a personal training studio. Clients receive small group personal training, individual coaching, and nutrition support. Hours of operation are 5 am to 7pm, with up to 10 clients in the building at a time. Big Kent's Strength and Fitness has 1 employee. Parking will be on the east side of the building in the attached parking lot. Clients will be able to enter and exit the facility through a door on the north side of the building, and a door on the east side of the building. There are also 2 garage doors that can be used as entrances and exits into the facility.

Floor Plan:



Big Kent's Strength & Fitness Training

1001 9th Ave Council Bluffs, IA
51501

CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT CASE #CU-25-003 LOCATION/ZONING MAP

Legend

 Subject Property
Case #CU-25-003

0 30 60



1 inch = 51 feet



Last Amended: 5/28/25



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

DISCLAIMER
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