

**CITY PLANNING COMMISSION
MINUTES
MAY 14, 2019**

1. CALL TO ORDER – Stroebele called the meeting to order at 6:00 P.M.

2. ROLL CALL

Members Present: Halm, Haner, Rater, Rew, Scott, Stroebele, VanHouten
Absent: DeMasi, DiSalvo, Holm, Hutcheson
Staff: Garrett, Gibbons, Meeks, Monrroy and Wade

3. ADOPTION OF AGENDA

Gibbons requested that Item 8.A. on the agenda be heard by the Planning Commission first, prior to the other public hearings, as it was a straightforward case that would most likely not require much discussion.

Motion by Rew, second by Scott to amend the agenda with Item 8.A. being heard before Item 7. Motion carried by unanimous voice vote.

4. APPROVAL – MINUTES OF APRIL 9, 2018 MEETING

Motion by VanHouten, second by Rew to adopt the minutes as presented. Motion carried by unanimous voice vote.

5. PROOF OF PUBLICATION – Gibbons provided the proof of publication.

6. REVIEW OF MEETING PROCEDURES – Stroebele

8.A. North Shore Preliminary Subdivision Plan – Request for Extension

VanHouten stated that he will abstain from voting on the request.

Gibbons provided an explanation on the request, and stated that the applicant is still committed to the project, but is still working on density details and potential financial incentives with the City of Council Bluffs.

The following members of the public spoke in favor of the request:

K.C. Knudson, Knudson Properties, 29 S. Main Street, Council Bluffs, IA 51503 spoke as the applicant of the request. Knudson stated that he appreciates the consideration for the one year extension, and believes it will help them develop a better community.

Motion by Scott, second by Rew, to approve the one year extension of time, per the recommendation of Staff. Motion approved by majority voice vote with VanHouten abstaining.

7. PUBLIC HEARINGS - *(Refer to the taped recording of these proceedings for official verbatim minutes)*

- A. CASE #SAV-19-005: Public hearing on the request of Joseph McKenzie, Jr. to vacate and dispose of the section of Lindberg Drive extending from the east right-of-way line of Madison Avenue and abutting the West 40 feet of Lot 9, and all of Lot 10, Block 1, Oak Grove Addition; Lot 10, Block 2, Oak Grove

Addition; and Lots 3-6 and Lot 8, Block 3, Oak Grove Addition. Location: Lying east of Madison Avenue and west of the intersection of Lindberg Drive and Hazel Street.

Meeks provided an overview of the request.

The following members of the public spoke in favor of the request:

Bill Somers, 207 Test Street, Council Bluffs, IA 51503, spoke on behalf of John Crookham, owner of the property addressed as 724 Hazel Street. Somers asked about how McKenzie intends to use the ground if the right-of-way is vacated, and asked what benefit would come from Mr. Crookham purchasing the property.

Gibbons stated that the applicant is acquiring the right-of-way and adjacent parcels to build a single-family dwelling on them. Gibbons stated it is City policy to offer adjacent property owners the first right of refusal for vacated right-of-ways adjacent to their property, which is why Mr. Crookham was given the opportunity to purchase a portion of the vacated right-of-way.

Joseph McKenzie, Jr., 5061 S. 135th Street #5308, Omaha, NE 68137 spoke as the applicant of the request. McKenzie stated he wishes to vacate the right-of-way to allow additional space to build a home on the adjacent city owned properties.

Rew asked McKenzie if he was aware that there would be a 30' utility easement in the former right-of-way of Lindberg Drive, and asked McKenzie where he was planning on accessing the property from. McKenzie stated he was aware of the easement, and plans to utilize the existing driveway onto Madison Avenue for site access.

No one spoke in opposition of the request. Stroebele closed the public hearing.

Motion by Scott, second by Rew to recommend approval to vacate and dispose of the section of Lindberg Drive extending from the east right-of-way line of Madison Avenue and abutting the West 40 feet of Lot 9, and all of Lot 10, Block 1, Oak Grove Addition; Lot 10, Block 2, Oak Grove Addition; and Lots 3-6 and Lot 8, Block 3, Oak Grove Addition, as per staff's recommendation.

VOTE: AYE –Halm, Haner, Rater, Rew, Scott, Stroebele and Van Houten. NAY – None. ABSTAIN – None . ABSENT – DeMasi, Disalvo, Holm, Hutcheson. Motion carried.

- B. CASE #ZC-19-002: Public hearing on the request of Adnan Ibrahim Mohammed and Miriam Hodge to rezone properties legally described as Lots 1 and 2, except a strip of ground 2 feet in width off the North end, and Lot 3, except a strip of ground 1 foot in width off the North end, all in Original Plat Lot 83, along with Lots 5 through 8, Casady's Subdivision of Original Plat Lot 82, and Lot 223, except right-of-way, Original Plat of Council Bluffs, from C-4/Commercial District to R-3/Low Density Multi-Family Residential District. Location: 102, 104, 110, 116, 118, 126, 128, 130, 134, 140, 142, 146, 148, 150, 152 and 154 Vine Street.

Monrroy provided an overview of the request.

The following members of the public spoke in favor of the request:

Miriam Hodge, 148 Vine Street, Council Bluffs, IA 51503 spoke as the applicant of the request. Hodge stated she and her husband purchased 148 Vine Street approximately 6 months prior, and intend to update and live in the home as their primary residence. Hodge stated that homeowners in the neighborhood cannot improve homes due to the fact that the homes are nonconforming in the C-4 Zoning District, and are unable to secure home improvement loans. Hodge stated that she has spoken to other surrounding homeowners who have stated they are in favor of the request. Hodge stated the request to rezone the properties would help them improve their properties and could be a desirable neighborhood near the 100 Block of West Broadway.

George Prine, 142 Vine Street, Council Bluffs, IA 51503, stated he is in favor of the request, and noted that there is one business on the block, with the rest of the structures being residential.

Terri Hallas, 104 Vine Street, Council Bluffs, IA 51503, stated she has recently moved to Council Bluffs, and is in favor of the rezoning as it would allow homeowners to improve their homes.

The following members of the public spoke in opposition of the request:

Gary Fischer, 524 Simms Avenue, Council Bluffs, IA 51503, spoke as a representative of the owners of 146 Vine Street. Fischer stated that denying the request to rezone the subject properties from C-4 to R-3 would be beneficial to the city, and would still allow legally nonconforming residential structures to continue their residential use.

Matthew Ozney, 118 Vine Street, Council Bluffs, IA 51503, stated that he can see both sides of the arguments, but is currently opposed to the rezoning based on the concerns of the requirement to bring the properties into compliance with building codes and floodplain ordinances. Ozney stated that he hopes the residential character of the neighborhood continues and the houses remain as legally nonconforming uses in the Commercial district, and wishes that his name be excluded from a petition submitted by the applicant offering support of the request.

Stroebele closed the public hearing.

Scott asked what issues would arise with updating the existing structure. Gibbons stated that any updates to the homes that exceed 50% of the last appraised home values trigger compliance with the floodplain and zoning ordinance, which makes significant repairs to the structures difficult. Gibbons also stated that many of the lots do not meet the site development standards of the R-3 Zoning District, so rezoning the properties would create nonconforming lots and structures.

Halm asked how long the properties have been zoned commercially. Gibbons stated the properties became legally nonconforming in 1983 when the C-4 Zoning District was created and excluded single family dwellings as a principal use. Gibbons noted many of the homes predate the first zoning ordinance which was adopted in 1927.

Rew stated that it would be difficult for him to vote approval on the request, as it would be creating nonconforming lots with the R-3 Zoning District site development standards.

Motion by Rew, second by VanHouten to recommend Denial of the request to rezone properties legally described as Lots 1 and 2, except a strip of ground 2 feet in width off the North end, and Lot 3, except a strip of ground 1 foot in width off the North end, all in Original Plat Lot 83, along with Lots 5 through 8, Casady's Subdivision of Original Plat Lot 82, and Lot 223, except right-of-way, Original Plat of Council Bluffs, from C-4/Commercial District to R-3/Low Density Multi-Family Residential District, as per staff's recommendation.

VOTE: AYE –Halm, Haner, Rater, Rew, Scott, Stroebele and Van Houten. NAY – None. ABSTAIN – None . ABSENT – DeMasi, Disalvo, Holm, Hutcheson. Motion carried.

- 8. OTHER BUSINESS** *(Refer to the taped recording of these proceedings for the official verbatim minutes)*
- B. City Council update: Wade provided an update of City Council actions relative to recent planning cases.
 - C. Other items of interest: Gibbons invited Planning Commissioners who attended the April 25, 2019 Intro to Planning and Zoning educational course to offer any comments on the course. VanHouten stated the course was educational and recommended it to any other boards or commissioners in the City.
- 9. ADJOURNMENT** – Stroebele adjourned the meeting at 6:54 P.M.

The recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Planning Commission. The recording of this proceeding is incorporated into these official minutes of this Commission meeting as if they were transcribed herein.