

**CITY PLANNING COMMISSION
MINUTES
FEBRUARY 13, 2024**

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

2. ROLL CALL

Members Present: Hutcheson, Opperman, Rater, Rew, Stroebele, Van Houten, and Watson
Members Absent: Bailey, Bass, and Knauss
Vacancy: One
Staff: Gibbons, Harter, Jura, and Monrroy

3. ADOPTION OF AGENDA

Motion by Rew, second by Van Houten to adopt the agenda as presented. Motion carried by unanimous voice vote.

4. APPROVAL – MINUTES OF JANUARY 23, 2024 MEETING

Motion by Stroebele, second by Hutcheson to adopt the minutes as presented. Motion carried by unanimous voice vote.

5. PROOF OF PUBLICATION – Gibbons

6. REVIEW OF MEETING PROCEDURES – Rater

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

- A. CASE #ZC-23-015: Public hearing on the request of Nick Brenner, representing Menard, Inc., to rezone property legally described as Lots 1 and 3A, Lake Manawa Centre Subdivision from P-C/Planned Commercial District to C-2/General Commercial District. Location: 3200 Manawa Centre Drive.

Gibbons provided an overview of the request.

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

Nick Brenner, Menard Inc., 5101 Menard Drive, Eau Claire, WI 54703, spoke as a representative of the applicant of the request. Brenner stated commercial storage is a growing component of Menards's business model due to increasing demand. Brenner stated commercial storage would be a suitable reuse of the old Menards building and would allow them to continue to provide services to the community. Brenner also stated that the low parking requirements for commercial storage facilities will allow Menards to use the existing parking lot to create additional commercial outlots, which would result in job creation, sales tax revenue, and property tax revenue for Council Bluffs. Brenner noted the lack of big box retailers that could occupy the vacant Menards building.

Stroebele asked how many old Menards buildings have been converted into commercial storage facilities. Brenner stated the old Menards stores in Eau Claire, WI, Davenport, IA and West Burlington, IA were converted into commercial storage facilities. Stroebele asked if converting their old buildings into commercial storage facilities was standard practice for Menards. Brenner stated Menards's preference for the last five years has been to reuse their old store buildings for commercial storage as they would like to continue to provide services to the community.

Rew asked if Menards had always intended to convert their old building into a commercial storage facility when they initiated their plan to relocate to the old Mall of Bluffs site. Brennen stated Menards's plans for their old building had not been determined at that time, but noted that commercial storage had been considered.

Rew and Van Houten expressed their opposition to the request as allowing commercial storage at this site would set a precedent and allow for other undesirable land uses to proliferate within the Manawa Power Center and P-C District. Brenner stated Menards is willing to continue to comply with the planned commercial development plan for the Manawa Power Center shopping center even if the subject property is rezoned in order to ensure the proposed commercial storage facility remains in harmony with the Manawa Power Center.

The following member of the public had an inquiry about the request:

Raymond Paulus, 817 College Road, Council Bluffs, IA 51503 asked if the applicant had conducted a study to determine the impact of the proposed commercial storage facility on existing commercial storage operations in Council Bluffs. Brenner stated a study was not conducted, but noted that since Menards's other commercial storage facilities are near or at capacity, which is indicative of the high demand for commercial storage, he did not anticipate existing commercial storage operations in Council Bluffs to be disrupted by the proposed commercial storage facility at this site.

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

Opperman stated she was concerned the proposal to convert the existing parking lot into commercial outlots would limit the options for future redevelopment of the site if the proposed commercial storage facility were to ever cease operations. Rater stated the subject property still has the potential to be redeveloped into a much more vibrant use that can bring more people to the Manawa Power Center.

Motion by Stroebele, second by Rew, to recommend denial of the request of Nick Brenner, representing Menard, Inc., to rezone property legally described as Lots 1 and 3A, Lake Manawa Centre Subdivision from P-C/Planned Commercial District to C-2/General Commercial District, as per Staff's recommendation.

VOTE: AYE – Hutcheson, Opperman, Rater, Rew, Stroebele, Van Houten, and Watson. NAY – None. ABSTAIN – None. ABSENT – Bailey, Bass, and Knauss. VACANT – One. Motion carried.

- B. CASES #ZC-24-001, #CP-24-001, and #PR-21-001: Public hearing on the request of Neal Drickey, represented by Clinton Brunow, to rezone property legally described as Lot 2, Arbor Creek from R-2/Two-Family Residential District to C-1/Neighborhood Commercial and to amend the future land use plan of the Bluffs Tomorrow 2030 Comprehensive Plan by reclassifying said property from Medium Density Residential to Local Commercial; and to repeal a PR/Planned Residential Overlay (CASE #PR-21-001) that was appended to said property via Ordinance No. 6415. Location: Undeveloped property lying at the northwest corner of the intersection of College Road and Railroad Highway.

Gibbons provided an overview of the request.

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

Clinton D. Brunow, 16935 State Orchard Road, Council Bluffs, IA 51503, spoke as a representative of the applicant of the request. Brunow stated he was available to answer questions from the Commission.

Paul J. Kelly, Paul J. Kelly Architecture, 300 South 19th Street, Omaha NE 68102, spoke as the architect for the project. Rater asked how many tenant spaces would comprise the proposed building. Kelly stated the proposed building would contain 13 tenant spaces.

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

Ron Wolfe, president of the College Road-Indian Hills Road Neighborhood Association, 536 College Road, Council Bluffs, IA 51503, stated any development that occurs on the subject property should be compatible with the surrounding neighborhood. Wolfe stated that none of the proposals presented by the developer had been compatible with the surrounding neighborhood. Wolfe stated the City of Council Bluffs rejected an offer to buy the subject property from the Midlands Humane Society as an expansion of their operation would not generate any tax revenue. Wolfe noted that the residents of the neighborhood had previously warned the developer about the wetlands that exist on the subject property. Wolfe stated residents of the neighborhood were concerned about certain land uses allowed in the C-1 District, such as fireworks sales and auto service establishments. Wolfe stated the proposed rezoning would constitute spot zoning as the subject property is surrounded by properties zoned A-2 District to the north, south, and east. Wolfe complained about the amount of traffic on College Road and stated the proposed development would exacerbate this issue. Wolfe stated development on the subject property should be limited to five or six single-family homes. Wolfe also noted the decline in demand for brick and mortar stores and argued there is no demonstrated need for commercial development in this area of Council Bluffs.

Marti Nerenstone, attorney representing the College Road-Indian Hills Road Neighborhood Association, 33 Indian Hills Road, Council Bluffs, IA 51503 reiterated that additional commercial development is not needed in Council Bluffs and noted there is a significant amount of vacant stores all across the city. Nerenstone also stated the proposed commercial development would not address the need for affordable housing in Council Bluffs. Nerenstone stated the developer should have done their due diligence regarding the existing wetlands prior to acquiring the subject property. Nerenstone stated she did not understand how the existing wetlands prevented the subject property from being redeveloped for residential purposes, but would allow for commercial development. Nerenstone stated the proposed development would create water issues for residents in the surrounding neighborhood. Nerenstone noted the poor condition of College Road and stated that no improvements had been made by the City.

Lisa Tenhulzen, 320 College Road, Council Bluffs, IA 51503, also noted the poor condition of College Road and that it is not safe for pedestrians. Tenhulzen stated College Road did not have the capacity to accommodate additional traffic generated by the proposed development. Tenhulzen also stated she was concerned the proposed development would attract people who disrupt the tranquility of the College Road-Indian Hills neighborhood.

Ed Cain, 26 Indian Hills Road, Council Bluffs, IA 51503, stated he was opposed to the request as the proposed development would increase traffic in the area. Cain also complained about excessive speeding along College Road. Cain stated any development that occurs on the subject property should be compatible with the surrounding neighborhood and should be limited to residential uses or a dog park.

Raymond Paulus, 817 College Road, Council Bluffs, IA 51503, stated the proposed development would adversely affect traffic in the area. Mr. Paulus criticized the City of Council Bluffs for not taking the appropriate measures to address the poor condition of College Road. Mr. Paulus also contended it would be difficult for customers to access the proposed development and noted the lack of sidewalks. Mr. Paulus stated the subject property should only be developed as a public park or a dog park.

Sheila Paulus, 817 College Road, Council Bluffs, IA 51503, stated the subject property is not an appropriate site for commercial development. Mrs. Paulus also criticized the City of Council Bluffs for not making adequate improvements to College Road.

Rater closed the public hearing.

Brunow stated the developer to sell offered the subject property to the Midlands Humane Society, but they were declined.

Stroebele stated he had been in favor of the original proposal for residential development primarily because it would have addressed the need for housing in Council Bluffs. Stroebele agreed with the residents of the surrounding neighborhood that the developer should have done their due diligence regarding the existing wetlands on the subject property.

Hutcheson, Rew, and Opperman stated the proposed rezoning would constitute spot zoning. Hutcheson stated development on the subject property should be limited to two to three homes due to the existing wetlands. Hutcheson also stated that commercial development would be much more suitable further north or east of this site. Rew stated the proposed development would adversely affect traffic in the area. Opperman stated the proposed commercial development would not be compatible with the surrounding neighborhood.

Motion by Rew, second by Watson, to recommend denial of the requests of Neal Drickey, represented by Clinton Brunow, to rezone property legally described as Lot 2, Arbor Creek from R-2/Two-Family Residential District to C-1/Neighborhood Commercial and to amend the future land use plan of the Bluffs Tomorrow 2030 Comprehensive Plan by reclassifying said property from Medium Density Residential to Local Commercial; and to repeal a PR/Planned Residential Overlay (CASE #PR-21-001) that was appended to said property via Ordinance No. 6415.

VOTE: AYE – Hutcheson, Opperman, Rew, Stroebele, and Watson. NAY – Rater and Van Houten. ABSTAIN – None. ABSENT – Bailey, Bass, and Knauss. VACANT – One. Motion carried.

- C. CASE #ZT-24-001: Public hearing on the request of Just Wright Investments LLC, represented by Deborah Petersen, to amend Section 15.09.030 of the Council Bluffs Municipal Code (Zoning Ordinance) by adding 'boarding, lodging, rooming house, or bed and breakfast' as a conditional use in the R-2/Two-Family Residential District.

Monrroy provided an overview of the request.

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

Danielle Wright, Just Wright Investments LLC, 2122 Avenue 'A', Council Bluffs, IA 51501 spoke as a representative of the applicant of the request.

Deborah Petersen, Petersen Law PLLC, 215 South Main Street, Council Bluffs, IA 51503 spoke as the attorney of the applicant. Petersen stated the proposed rooming house would be subject to additional conditions implemented by the City of Council Bluffs through the issuance of a conditional use permit by the Zoning Board of Adjustment.

Van Houten asked the applicant to describe the proposed rooming house operation at 414 North 1st Street. Wright described the proposed operation as a faith-based home that serves as a safe environment for

individuals recovering from substance abuse to support each other. Van Houten stated this operation will provide a much needed service to the community.

Opperman asked if the 'boarding, lodging, rooming house, or bed and breakfast' land use designation included short-term rentals. Gibbons explained that State law requires municipalities to allow short-term rentals in any residential zoning district. Gibbons also stated the conditional use permit review process would allow the Zoning Board of Adjustment to determine the most appropriate locations for such uses and to establish site-specific standards to ensure the use is compatible with the surrounding properties.

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

Motion by Van Houten, second by Stroebele, to recommend approval of the request of Just Wright Investments LLC, represented by Deborah Petersen, to amend Section 15.09.030 of the Council Bluffs Municipal Code (Zoning Ordinance) by adding 'boarding, lodging, rooming house, or bed and breakfast' as a conditional use in the R-2/Two-Family Residential District, as per Staff's recommendation.

VOTE: AYE – Hutcheson, Opperman, Rater, Rew, Stroebele, Van Houten, and Watson. NAY – None. ABSTAIN – None. ABSENT – Bailey, Bass, and Knauss. VACANT – One. Motion carried.

- D. CASE# URV-24-001: Public hearing on the request of the City of Council Bluffs to combine all current Urban Revitalization Areas and adding a new area to be known as South Expressway Urban Revitalization Area, being legally described as Lots 5, 6, 7, 8, 16, 17 and all of Lot 4 except the North 3.5 feet, Country Club Acres, City of Council Bluffs, Pottawattamie County, Iowa. Location: Area located south of 35th Avenue and north of Veterans Memorial Highway between the South Expressway and Richland Drive.

Harter provided an overview of the request.

Rater asked if future urban revitalization areas would be consolidated into the combined Urban Revitalization Area. Harter confirmed the combined Urban Revitalization Area would continually be expanded to include any new areas.

No one spoke in favor or in opposition of the request. Rater closed the public hearing.

Motion by Stroebele, second by Opperman, to recommend approval of the request of City of Council Bluffs to combine all current Urban Revitalization Areas and adding a new area to be known as South Expressway Urban Revitalization Area, being legally described as Lots 5, 6, 7, 8, 16, 17 and all of Lot 4 except the North 3.5 feet, Country Club Acres, City of Council Bluffs, Pottawattamie County, Iowa, as per Staff's recommendation.

VOTE: AYE – Hutcheson, Opperman, Rater, Rew, Stroebele, Van Houten, and Watson. NAY – None. ABSTAIN – None. ABSENT – Bailey, Bass, and Knauss. VACANT – One. Motion carried.

8. OTHER BUSINESS (*Refer to the taped recording of these proceedings for the official verbatim minutes*)

- A. City Council Update: Jura provided an update of City Council actions relative to recent planning cases.
- B. Other Items of Interest: No additional items of interest were discussed.

9. ADJOURNMENT – Rater adjourned the meeting at 7:33 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.