

**CITY PLANNING COMMISSION  
MINUTES  
JANUARY 23, 2024**

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

**2. ROLL CALL**

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

**3. ADOPTION OF AGENDA**

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

*Note: Item 7.D of the agenda was modified to table the public hearing until the February 13<sup>th</sup> Planning Commission meeting.*

**4. APPROVAL – MINUTES OF DECEMBER 12, 2023 MEETING**

Motion by Hutcheson, second by Stroebele 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 #MIS-23-014: Public hearing on the request of ACM Heating, Cooling, and Electrical, LLC, represented by Al Ruby, to adopt a site-specific development plan for a ‘retail shopping establishment’ (smoke shop) on property legally described as Lots 25 and 26, Block 37, excluding City right-of-way, Central Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. Location: 2400 West Broadway.

Weber provided an overview of the request.

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

Al Ruby, 513 N. 27<sup>th</sup> Street, Council Bluffs, Iowa 51501, spoke as the applicant of the request. Ruby stated that he has worked closely with the City on the site and building design for this project and discussed the project costs and proposed exterior and interior improvements.

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

Motion by Van Houten, second by Knauss, to recommend approval of the request of ACM Heating, Cooling, and Electrical, LLC to adopt a site-specific development plan for a ‘retail shopping establishment’ (smoke shop) on property legally described as Lots 25 and 26, Block 37, excluding City

right-of-way, Central Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, as per Staff's recommendation.

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

- B. CASE #MIS-23-015: Public hearing on the request of Rich Hudson, represented by Justin Insinger, to adopt a site-specific development plan for a 'restaurant (fast food)' on property legally described as Lots 13 through 21, excluding City right-of-way, and the westerly 10 feet of Lot 22, Block 15, Highland Place, City of Council Bluffs, Pottawattamie County, Iowa. Location: 2146 West Broadway.

Weber provided an overview of the request.

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

Justin Insinger, Insinger Engineering, 16934 Browne Street, Omaha, NE 68116, spoke as the project engineer and stated he was available to answer any questions from the Commission.

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

Motion by Stroebele, second by Opperman, to recommend approval of the request of Rich Hudson, represented by Justin Insinger, to adopt a site-specific development plan for a 'restaurant (fast food)' on property legally described as Lots 13 through 21, excluding City right-of-way, and the westerly 10 feet of Lot 22, Block 15, Highland Place, City of Council Bluffs, Pottawattamie County, Iowa, as per Staff's recommendation.

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

- C. CASES #PR-23-007 and #ZC-23-016: Combined public hearing on the requests of Union Development Holdings, LLC to append a planned residential overlay onto property legally described as Lots 1 and 2, Union at Bluffs Run, City of Council Bluffs, Pottawattamie County, Iowa, and to adopt the associated development plan, and to rezone property legally described as the West 1/2 of vacated South 20th Street right-of-way abutting Block 66, Railroad Addition, City of Council Bluffs, Pottawattamie County, Iowa from C-2/Commercial District to R-3/Low Density Multifamily Residential District. Location: Undeveloped land lying north of 27th Avenue and west of South 19th Street.

Monroy provided an overview of the request.

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

Elizabeth Hunter, Snyder & Associates, Inc., 231 Bennett Avenue, Council Bluffs, Iowa 51503, spoke as a representative of the engineer for the project. Hunter noted that Derek Hays was present to answer any questions on behalf of the project developer. Hunter asked for greater explanation on staff requiring street trees along undeveloped rights-of-way. Gibbons stated that the street tree requirement is a typical comment provided for all master planned developments and that the applicant may ask the Commission to allow the street trees to be located on the private property if there are constraints in placing the trees in the public right-of-way. Hunter asked if other forms of screening would be acceptable in lieu of street trees in these areas. Gibbons referenced a recently approved master planned development where street trees were required along all frontages. Gibbons noted that while S. 19<sup>th</sup> Street is not improved, requiring

street trees at this time is part of the long-term planning vision for future street improvements in that area, helps soften the appearance of the development, and better integrates the development into the surrounding neighborhood.

Hunter asked for greater explanation on staff requiring sidewalks along undeveloped rights-of-way. Gibbons stated staff requires sidewalks of all new development projects to help integrate and expand the City's transportation network. Gibbons noted that in instances where rights-of-way are not fully improved at the time of development the City has allowed developers to provide a fee in lieu of sidewalks to be used towards installation at a later date.

Hunter noted the difficulties in extending 22<sup>nd</sup> Street citing the wetlands in the area and noted that this extension would not occur until phase 2. Gibbons stated that the applicant should coordinate with the Council Bluffs Public Works Department on street extension requirements and that the Planning Commission is not at liberty to make a determination in this regard.

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

Stroebele stated that he is favor of the request and noted that in the past subdivisions have been approved without a formal sidewalk requirement which resulted in gaps in the City's sidewalk system. Stroebele noted that he would support a motion to approve the request with the modification to allow the street trees to be located on private property rather than in the public right-of-way.

Rater stated that the City needs affordable housing and that she would support a modified motion, as discussed by Stroebele.

Opperman asked if the motion should address the applicant's concern regarding street extension and wetlands. Gibbons clarified that the street extension concern should be discussed with the Public Works Department and should not be included in the motion, as the Planning Commission cannot make that final determination.

Motion by Rater, second by Stroebele, to recommend approval of the requests of Union Development Holdings, LLC to append a planned residential overlay onto property legally described as Lots 1 and 2, Union at Bluffs Run, City of Council Bluffs, Pottawattamie County, Iowa, and to adopt the associated development plan, and to rezone property legally described as the West 1/2 of vacated South 20th Street right-of-way abutting Block 66, Railroad Addition, City of Council Bluffs, Pottawattamie County, Iowa from C-2/Commercial District to R-3/Low Density Multifamily Residential District, as per Staff's recommendation with the modification to allow required street trees to be provided on private property and to allow a fee to be provided in lieu of providing sidewalks to be used towards sidewalk installation at a later date.

VOTE: AYE –Hutcheson, Knauss, Opperman, Rater, Stroebele, Van Houten, and Watson. NAY – None. ABSTAIN – None. ABSENT – Bailey, Bass, and Rew. 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: Gibbons noted that there will be a full February agenda and asked the Commission to start thinking about nominations for the Chair and Vice Chair nominating committee.

**9. ADJOURNMENT** – Motion by Knauss, second by Hutcheson to adjourn the meeting. Rater adjourned the meeting at 6:50 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.*