

**CITY PLANNING COMMISSION
MINUTES
MAY 13, 2025**

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

2. ROLL CALL

Members Present: Freund, Knauss, Rater, Rew, Stroebele, Van Houten, and Watson
Members Absent: Hutcheson
Vacancies: Three
Staff: Dobson, Gibbons, Harter, Jura, and Monrroy

3. ADOPTION OF AGENDA

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

4. APPROVAL – MINUTES OF APRIL 8, 2025 MEETING

Motion by Stroebele, second by Knauss to approve the minutes as presented. Motion carried by unanimous voice vote.

5. PROOF OF PUBLICATION – Gibbons

6. REVIEW OF MEETING PROCEDURES – Rew

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

- A. CASE #PI-24-001(M): Continued public hearing on the request of EDC Omaha Landco LLC, represented by John Dolan, to amend the adopted PI/Planned Industrial Development Plan for a new 'data center' on property legally described as being a parcel of land located in part of the SE1/4 of Section 21-75-43 and part of the NE1/4 of Section 28-75-43, all lying south of East Kanesville Boulevard (U.S. Highway 6), City of Council Bluffs, Pottawattamie County, Iowa. Location: Undeveloped land at the southeast corner of the intersection of College Road and East Kanesville Boulevard.

Monrroy provided an overview of the request.

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

Motion by Watson, second by Freund, to recommend approval of the request of EDC Omaha Landco LLC, represented by John Dolan, to amend the adopted PI/Planned Industrial Development Plan for a new 'data center' on property legally described as being a parcel of land located in part of the SE ¼ of Section 21-75-43 and part of the NE ¼ of Section 28-75-43, all lying south of East Kanesville Boulevard (U.S. Highway 6), City of Council Bluffs, Pottawattamie County, Iowa, as per Staff's recommendation.

VOTE: AYE – Freund, Knauss, Rater, Rew, Stroebele, Van Houten, and Watson. NAY – None. ABSTAIN – None. ABSENT – Hutcheson. VACANT – Three. Motion carried.

- B. CASE #ZC-25-003: Public hearing on the request of LKM Investments, LLC, represented by Michael Earl, to rezone property legally described as a tract of land in part of the SE1/4 NW1/4 and part of NE1/4 SW1/4, lying east of Hunt Avenue and north of Highway 6, all in Section 22-75-43, City of Council Bluffs, Pottawattamie County, Iowa and being more particularly described in the case staff report from A-2/Parks, Estates, and Agricultural District to I-1/Light Industrial. Location: Undeveloped property lying south of 2025 Hunt Avenue.

Monroy provided an overview of the request.

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

Michael Earl, LKM Investments LLC, 6214 California Street, Omaha, NE 68132, spoke as the representative for the request. Earl stated he was available to answer any questions from the Commission. Earl stated the purpose of this request is to allow the applicant to develop or market the subject property for commercial and/or industrial uses. Earl also stated there was no pending sale of the subject property at this time.

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

Motion by Watson, second by Stroebele, to recommend approval of the request of LKM Investments, LLC, represented by Michael Earl, to rezone property legally described as a tract of land in part of the SE ¼ NW ¼ and part of NE ¼ SW ¼, lying east of Hunt Avenue and north of Highway 6, all in Section 22-75-43, City of Council Bluffs, Pottawattamie County, Iowa and being more particularly described in the case staff report from A-2/Parks, Estates, and Agricultural District to I-1/Light Industrial, as per Staff's recommendation.

VOTE: AYE – Freund, Knauss, Rater, Rew, Stroebele, Van Houten, and Watson. NAY – None. ABSTAIN – None. ABSENT – Hutcheson. VACANT – Three. Motion carried.

- C. CASE #ZC-25-004: Public hearing on the request of LKM Investments, LLC, represented by Michael Earl, to rezone property legally described as a tract of land in part of the SE ¼ NW ¼, except the southerly 344.75 feet thereof, lying east of Hunt Avenue, all in Section 22-75-43, City of Council Bluffs, Pottawattamie County, Iowa and being more particularly described in the case staff report, from A-2/Parks, Estates, and Agricultural District to I-1/Light Industrial. Location: Undeveloped property lying north of 2025 Hunt Avenue.

Monroy provided an overview of the request.

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

Motion by Van Houten, second by Freund, to recommend approval of the requests of LKM Investments, LLC, represented by Michael Earl, to rezone property legally described as a tract of land in part of the SE ¼ NW ¼, except the southerly 344.75 feet thereof, lying east of Hunt Avenue, all in Section 22-75-43, City of Council Bluffs, Pottawattamie County, Iowa and being more particularly described in the case staff report, from A-2/Parks, Estates, and Agricultural District to I-1/Light Industrial, as per Staff's recommendation.

VOTE: AYE – Freund, Knauss, Rater, Rew, Stroebele, Van Houten, and Watson. NAY – None. ABSTAIN – None. ABSENT – Hutcheson. VACANT – Three. Motion carried.

- D. CASES #SUB-25-004 and #ZC-25-002: Public hearing on the requests of Patrick and Rhonda Cunningham for final plat approval of a two-lot residential estate subdivision to be known as Tweety's Landing, along with a subdivision variance to allow proposed Lot 1, Tweety's Landing to exceed the maximum 3:1 lot depth-to-width ratio, on property legally described as being a portion of North ½ of the South ½ of the SW ¼ of Section 34-75-43, City of Council Bluffs, Pottawattamie County, Iowa and to rezone said property from A-2/Parks, Estates, and Agricultural District to R-1E/Single-Family Residential Estate District. Location: 1305 State Orchard Road.

Gibbons provided an overview of the request.

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

Patrick Cunningham, 1305 State Orchard Road, Council Bluffs, IA 51503, spoke as the applicant of the request. Cunningham stated the purpose of this request is to allow him to consolidate his land holdings and

create two new lots of record, one of which will be developed with a single-family home for his son and his family.

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

Rew asked Staff if they had reviewed the site layout for the new home. Gibbons stated Staff did not receive a plot plan from the applicant, but noted the proposed home would have to conform to all site development standards in the R-1E District if the rezoning were to be approved.

Rew asked if sewer would be extended along State Orchard Road from Eastern Hills Drive to Steven Road. Gibbons stated the section of State Orchard Road between Eastern Hills Drive and Steven Road would be reconstructed but no new sewer would be installed.

Stroebele asked how much land would be dedicated to the City of Council Bluffs as part of the proposed subdivision. Gibbons stated a 33' × 659.04' tract of land would be dedicated to the City of Council Bluffs for State Orchard Road right-of-way. Gibbons noted there is an existing easement over that tract of land that allows it to be used as a road for transportation.

Motion by Stroebele, second by Knauss, to recommend approval of the requests of Patrick and Rhonda Cunningham for final plat approval of a two-lot residential estate subdivision to be known as Tweety's Landing, along with a subdivision variance to allow proposed Lot 1, Tweety's Landing to exceed the maximum 3:1 lot depth-to-width ratio, on property legally described as being a portion of North ½ of the South ½ of the SW ¼ of Section 34-75-43, City of Council Bluffs, Pottawattamie County, Iowa and to rezone said property from A-2/Parks, Estates, and Agricultural District to R-1E/Single-Family Residential Estate District, as per Staff's recommendation.

VOTE: AYE – Freund, Knauss, Rater, Rew, Stroebele, Van Houten, and Watson. NAY – None. ABSTAIN – None. ABSENT – Hutcheson. VACANT – Three. Motion carried.

- E. CASE #PR-25-002: Public hearing on the request of Broadmoor Development, represented by Bob Stratton, to adopt a PR-1/Planned Residential Development Plan for a multi-family residential development on property legally described as being part of the SE1/4 NE1/4 of Section 4-74-43, City of Council Bluffs, Pottawattamie County, Iowa. Location: Undeveloped land lying northwest of the intersection of Eastern Hills Drive and Greenview Road.

Gibbons provided an overview of the request. Gibbons stated the subdivision variance is necessary since proposed Lot 1, Tweedy's Landing will exceed the maximum 3:1 lot depth-to-width ratio as it consists of two existing lots of record that have to be combined together as part this platting effort to avoid creating a landlocked parcel.

Gibbons presented additional letters of opposition submitted by Teri Price, owner of 715 Redwood Drive, and Laura Nickman, owner of 1519 Tipton Drive, to the Commission. Motion by Stroebele, second by Van Houten to accept the letters as Exhibits 'A' and 'B,' respectively. Motion carried by unanimous voice vote.

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

Bob Stratton, Broadmoor Development, 809 North 96th Street, Omaha, NE 68114, spoke as a representative of the request. Stratton stated that a significant amount consideration was given to the design and layout of the proposed development to ensure it was compatible with existing single-family development in the vicinity. Stratton stated the developer had completed similar projects in West Omaha and Lincoln. Stratton stated rents would range between \$1,200.00 and \$2,600.00. Stratton stated Broadmoor would also serve as the property management company and would be good neighbors to the residents of the surrounding neighborhood.

John Jerkovich, 92 Investments LLC, 535 West Broadway Suite 100, Council Bluffs, IA 51503, spoke as the current owner of the subject property. Jerkovich stated the subject property was already zoned R-3 District when he purchased it in 2014 and thus was always intended to be developed as multifamily housing. Jerkovich also praised Broadmoor as a premier residential developer in Omaha, Lincoln and Des Moines, and noted the high quality of their residential projects.

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

Laura Fox, 1715 Tipton Drive, Council Bluffs, IA 51503, stated she was opposed to the extension of Tipton Drive. Mrs. Fox stated additional traffic generated as a result of the proposed extension of Tipton Drive posed a threat to the safety of children in the surrounding neighborhood. Mrs. Fox also stated the proposed extension of Tipton Drive would disrupt the tranquility of the surrounding neighborhood. Mrs. Fox expressed concern on the potential noise and odor that could be generated from the proposed apartment complex. Mrs. Fox stated the proposed development could have an adverse impact on the property values in the surrounding neighborhood. Mrs. Fox also stated that bad tenants would necessitate additional police presence in the area, which would place a strain on the City's tax base. Mrs. Fox concluded that the proposed multifamily development was not compatible with the established character of the surrounding neighborhood.

Virginia Gonterman, Briarwood Homeowners Association, 1711 Tipton Drive, Council Bluffs, IA 51503, reiterated concerns relative to children safety and traffic. Mrs. Gonterman stated the HOA was opposed to the extension of Tipton Drive. Mrs. Gonterman also expressed concern on the potential noise and odor that could be generated from the proposed apartment complex. Mrs. Gonterman concluded that the neighborhood was opposed to the project and would continue to protest its construction.

Joshua Gonterman, 1711 Tipton Drive, Council Bluffs, IA 51503, stated he was opposed to the extension of Tipton Drive. Mr. Gonterman noted that a majority of apartment buildings throughout Council Bluffs only have one access point and doubted the need for the extension of Tipton Drive. Mr. Gonterman stated the proposed development could introduce more than 600 new drivers to the area, exacerbating existing traffic issues such as speeding. Mr. Gonterman suggested building a wall along the northerly property line to serve as a buffer between the existing neighborhood and the proposed development. Mr. Gonterman stated reoccurring power outages in the area could worsen as a result of the proposed development and asked if any measures would be taken to address that issue. Mr. Gonterman noted the lack of public parks in the surrounding area. Mr. Gonterman stated the design of the proposed multifamily development was not compatible with the surrounding neighborhood. Mr. Gonterman stated the proposed apartment complex should be completely separated from the surrounding neighborhood.

Tyler O'Brien, 729 Redwood Drive, Council Bluffs, IA 51503 noted the ongoing issues regarding airborne dust as dirt is removed from the subject property. O'Brien asked for more information on dust control measures that would be taken by the developer during the construction of the proposed apartment complex. O'Brien also asked for clarification on how construction would be phased. O'Brien asked if the proposed development would be part of the Briarwood HOA. O'Brien asked what tree species would be planted to replace dead trees on the existing tree line along the northerly property line.

David Thomson, 733 Redwood Drive, Council Bluffs, IA 51503 stated the extension of Tipton Drive was not compatible with the surrounding neighborhood. Thomson recommended that more renderings of the apartment complex should be presented to the public. Thomson stated the number of dwelling units for the project should be reduced.

Christine Mulligan, 719 Redwood Drive, Council Bluffs, IA 51503 reiterated that there are ongoing issues regarding the dispersal of dust into the neighborhood. Mulligan stated the dust is affecting the health of the

neighborhood's residents. Mulligan stated evergreen trees should be planted on the landscape buffer along the northerly property line to maintain the privacy of the abutting property owners.

Leland Fox, 1715 Tipton Drive, Council Bluffs, IA 51503 stated he was opposed to the extension of Tipton Drive. Mr. Fox stated the residents of the surrounding neighborhood value their privacy and suggested building a wall along the northerly property line to serve as a buffer between the neighborhood and the proposed development.

Rew closed the public hearing.

Stroebele stated he was in favor of the proposed multifamily development, but was opposed to the extension of Tipton Drive. Stroebele asked if Oran Drive could be extended instead. Gibbons stated the Tipton Drive extension is preferable as it will not conflict with the proposed apartment buildings. Gibbons also stated the proposed extension of Tipton Drive would primarily benefit the Briarwood neighborhood and that the City does not expect a significant amount of northbound traffic from the proposed apartment complex using Tipton Drive as a shortcut.

Rew addressed several comments raised during the public hearing:

- Rew asked the developer to provide more information on dust control measures that would be implemented during the construction of the proposed apartment buildings. Stratton stated water trucks would be the primary tool for dust control and would be used to dampen the ground in order to prevent dust from becoming airborne.
- Stratton addressed the question regarding the phasing of the project and stated construction would begin at the south end with the proposed clubhouse and continue until the project is complete. Stratton stated construction of the proposed apartment complex is expected to be completed in approximately three and a half years.
- Rew reiterated the comment regarding the number of access points to the subject property. Stratton stated the second access point off the proposed extension of Tipton Drive is required by the City of Council Bluffs.
- Rew stated the lack of public parks in the area is an issue that has to be addressed by the City of Council Bluffs and is not the responsibility of the developer.
- Rew asked if the proposed apartment complex would be part of the Briarwood HOA. Stratton stated the proposed development would not be part of the Briarwood HOA.
- Rew asked what tree species would be planted to replace dead trees on the existing tree line along the northerly property line. Gibbons and Stratton stated the City and the developer would work together to select the most appropriate tree species to achieve the required opacity.
- Rew addressed the comment regarding the density of the project and stated the developer is only proposing to construct a portion of the maximum number of dwelling units allowed on the subject property. Rew also stated Eastern Hills Drive is a new public road and is intended to handle a significant amount of traffic. Stratton stated the proposed development would introduce approximately 300 new vehicles to the traffic in this area.

Motion by Van Houten, second by Freund, to recommend approval of the request of Broadmoor Development, represented by Bob Stratton, to adopt a PR-1/Planned Residential Development Plan for a multi-family residential development on property legally described as being part of the SE1/4 NE1/4 of Section 4-74-43, City of Council Bluffs, Pottawattamie County, Iowa, as per Staff's recommendation.

VOTE: AYE – Freund, Knauss, Rater, and Van Houten. NAY – Rew, Stroebele, and Watson. ABSTAIN – None. ABSENT – Hutcheson. VACANT – Three. Motion carried.

- F. CASE #URV-25-005: Public hearing on the request of the City of Council Bluffs for Amendment #2 to the Amended and Restated Consolidated Urban Revitalization Plan by adding two additional areas to be known as Kanessville Subarea and Valley View South Subarea for properties legally described in the case staff report. Locations: Northwest corner of the intersection of Highway 6 and Hunt Avenue; and undeveloped parcels lying north of 585 Valley View Drive.

Rew abstained from the request.

Harter provided an overview of the request.

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

Motion by Stroebele, second by Watson, to recommend approval of the request of the City of Council Bluffs for Amendment #2 to the Amended and Restated Consolidated Urban Revitalization Plan by adding two additional areas to be known as Kanessville Subarea and Valley View South Subarea, as per Staff's recommendation.

VOTE: AYE – Freund, Knauss, Rater, Stroebele, Van Houten, and Watson. NAY – None. ABSTAIN – Rew. ABSENT – Hutcheson. VACANT – Three. 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 stated he and Harter will be traveling to Des Moines to attend the City Development Board public hearing on Case #AN-25-001.

Gibbons stated there would be at least three cases at next month's Planning Commission meeting.

9. ADJOURNMENT – Rew adjourned the meeting at 7:59 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.