City Council Communication

Department: Community Development CASES #ZC-22-006 and #CP-22-002 Applicant: TVK Properties, LLC 424 6th Avenue, Apt. 402 Coralville, IA 52241 Represented by: Jakub Klobasa, CEO 321 East 73rd Street New York, NY 10021 Property Owner: Charles J. Vacanti 709 Sunset Trail Omaha, NE 68132	Ordinance No. _____ Resolution No. _____	<u>City Council</u> CASE #ZC-22-006 1st Consideration: 6/27/22 2nd Consideration: 7/11/22 3rd Consideration: 7/25/22 CASE #CP-22-002: 7/11/22 Planning Commission: 6/14/2022

Subject/Title

Request: Public hearing on the requests of TVK Properties LLC to rezone 3.56 acres, more or less, of land located in part of the NW ¼ NW ¼ of Section 3-74-44 and part of the NE ¼ NE ¼ of Section 4-74-44, City of Council Bluffs, Pottawattamie County, Iowa, lying southeast of Nebraska Avenue, northeast of South 35th Street and north of Union Pacific Railroad right-of-way, from P-C/Planned Commercial District to I-2/General Industrial District; and to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying said property described above from 'Regional Commercial' to 'Light Industrial.'

Location: Undeveloped land located immediately west of 3319 Nebraska Avenue.

Background

The Community Development Department has received an application from TVK Properties LLC to rezone 3.56 acres, more or less, of land located in part of the NW ¼ NW ¼ of Section 3-74-44 and part of the NE ¼ NE ¼ of Section 4-74-44, City of Council Bluffs, Pottawattamie County, Iowa, lying southeast of Nebraska Avenue, northeast of South 35th Street and north of Union Pacific Railroad right-of-way, from P-C/Planned Commercial District to I-2/General Industrial District; and to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying said property described above from 'Regional Commercial' to 'Light Industrial.'

The purpose of this request is to allow for the development of an 'equipment repair' establishment on the subject property. The proposed operation would consist of dynamometer services for passenger vehicles, pickup trucks, semi-trucks and tractors, as well as diesel particulate filter (DPF) cleaning services. Since 'equipment repair' is not a permitted use in the P-C District, the applicant is requesting to rezone the property to the I-2 District, which would allow such operation as a principal use.

<u>Land Use and Zoning</u>

The following zoning and land uses surround the subject properties:

North/Northwest: A gas station/convenience store (Casey's) that is zoned P-C/Planned Commercial District; undeveloped land that is also zoned P-C/Planned Commercial District; and an

equipment rental establishment (Duke Rentals), a contractor shop (Dennis Supply) and a golf cart dealer (B&D Turf Cars), all of which are zoned I-2/General Industrial District.

South: A multi-tenant commercial/industrial building, which is zoned I-2/General Industrial District.

East: A multi-tenant commercial/industrial building, which is zoned I-2/General Industrial District.

The future land use plan of the Bluffs Tomorrow: 2030 (Comprehensive Plan) designates the subject property as 'Regional Commercial. The applicant is requesting to reclassify the subject property from 'Regional Commercial' to 'Light Industrial' to ensure the proposed rezoning is consistent with the Bluffs Tomorrow: 2030 Plan.

Public notices were mailed to all property owners within 200 feet of the request. No comments have been received by the Community Development Department as of the date of this report.

All City Departments and local utilities were notified of the proposed rezoning. The following comments were received:

- The Council Bluffs Permits and Inspections Division stated they had no issues with the request. They also stated there are no floodplain issues since the site is located within a Flood Zone X.
- The Council Bluffs Public Works Department stated they have no comments on the request.
- The Council Bluffs Fire Department stated they have no comments on the request.
- Council Bluffs Water Works stated they have no comments on the request.
- Mid-American Energy Company stated they have no conflicts or concerns with the request. They also stated the developer or their agents should contact MidAmerican Energy Company directly to discuss the project timeline, provide detailed plans, and identify all costs associated with relocating or extending facilities to accommodate and serve the development.

Discussion

1. The subject property is an irregularly shaped lot that contains 3.56 acres, more or less, of land, which exceeds the minimum lot size requirements of the I-2/General Industrial District.
2. Section 15.03.264 of the Council Bluffs Municipal Code (Zoning Ordinance) defines 'equipment repair' as "the repair of trucks, semitrailers, tractors, construction equipment and similar heavy equipment." The proposed dynamometer/DPF cleaning services operation, as described in the letter of intent provided by the applicant (see Attachment 'B'), meets the definition of 'equipment repair.' Since 'equipment repair' is not a permitted use in the P-C/Planned Commercial District, the proposed rezoning to the I-2 District is necessary to allow such operation to occur on the subject property.
3. The applicant has provided two conceptual plans for the proposed dynamometer/DPF cleaning services operation. The first concept consists of a single building that would include a showroom, a workshop, a warehouse, and office space (see Attachment 'C'); the second concept shows that the proposed operation would be conducted in two separate buildings (see Attachment 'D'). If the proposed rezoning is approved, any construction that occurs on the subject property shall conform to the site development standards in Section 15.21.050, *Site Development Regulations in the I-2 District*, of the Council Bluffs Municipal Code (Zoning Ordinance).
4. In 1928, the subject property and the surrounding area were zoned F-Open Space. With the adoption of the 1965 Council Bluffs Zoning Map, the designation was changed to general manufacturing. On February 12, 2007, City Council approved a request from the current property owner, Charles J. Vacanti, to rezone the subject property from I-2 District to P-C District via Ordinance No. 5911 (see Case #ZC-06-018). The purpose of the request was to allow for the development of a hotel/motel. However, the subject property was

never developed, and it is currently vacant. If the proposed rezoning is approved, the subject property would revert back to being zoned for industrial purposes.

5. Surrounding properties to the north, south and east of the subject property are zoned I-2 District. Existing land uses in the general vicinity are primarily industrial in nature, such as contractor yards, wholesalers, trucking companies and manufacturing. The proposed 'equipment repair' establishment and other uses allowed in the I-2 District would be compatible with the existing industrial uses surrounding the site.
6. The subject property is located within an established industrial area of the city, isolated from other properties zoned P-C District. There is already a sufficient amount of land zoned P-C District in the general vicinity of the subject property that would allow for commercial/retail development in the area. Based on current development patterns, the Community Development Department finds that the best use of the subject property would be for industrial purposes.
7. The Bluffs Tomorrow 2030 (Comprehensive Plan) designates the subject property as 'Regional Commercial,' which is intended for significant commercial development in high visibility areas. The applicant is requesting to reclassify the subject property to the 'Light Industrial' classification, which is intended for areas used for industrial purposes that create minimal impacts on surrounding uses. The Community Development Department has no objections to the proposed comprehensive plan amendment. The subject property is a suitable site for industrial development since it is located within an established industrial area of the city near the I-29/Nebraska Avenue interchange. Additionally, any construction that occurs on the subject property has to be located on the east side of the lot due to its irregular shape, which would bring development closer to the existing industrial uses in the surrounding area. As such, the 'Light Industrial' classification is an appropriate designation for the subject property. The I-2 District is generally consistent with the 'Light Industrial' classification.
8. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate the uses permitted in the I-2 District.

Recommendation

The Community Development Department recommends approval of the requests of TVK Properties LLC to rezone 3.56 acres, more or less, of land located in part of the NW ¼ NW ¼ of Section 3-74-44 and part of the NE ¼ NE ¼ of Section 4-74-44, City of Council Bluffs, Pottawattamie County, Iowa, lying southeast of Nebraska Avenue, northeast of South 35th Street and north of Union Pacific Railroad right-of-way, from P-C/Planned Commercial District to I-2/General Industrial District; and to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying said property described above from 'Regional Commercial' to 'Light Industrial,' based on the reasons stated above.

Public Hearing

Staff speakers for the request:

1. Moises Monrroy, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. Mark Hanwright, 23974 Pioneer Trail, Council Bluffs, IA 51503

Speakers against: None

Planning Commission Recommendation

The City Planning Commission recommended approval of the requests of TVK Properties LLC to rezone 3.56 acres, more or less, of land located in part of the NW ¼ NW ¼ of Section 3-74-44 and part of the NE ¼ NE ¼ of Section 4-74-44, City of Council Bluffs, Pottawattamie County, Iowa, lying southeast of Nebraska Avenue, northeast of South 35th Street and north of Union Pacific Railroad right-of-way, from P-C/Planned Commercial District to I-2/General Industrial District; and to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan)

by reclassifying said property described above from 'Regional Commercial' to 'Light Industrial,' as per staff's recommendation.

VOTE: AYE – Bass, Danielsen, Halm, Opperman, Rew, Scott, and Stroebele. NAY - None ABSTAIN - None ABSENT – Hutcheson, Rater, and VanHouten. VACANT – One. Motion: Carried.

Attachments

Attachment A: Location/Zoning Map
Attachment B: Letter of Intent
Attachment C: Site Layout Plan – Concept #1
Attachment D: Site Layout Plan – Concept #2
Attachment E: Pottawattamie County Assessor Card

Prepared by: Moises Monrroy, Planner, Community Development Department