RESOLUTION NO. 22-183

A RESOLUTION TO AMEND THE *BLUFFS TOMORROW: 2030 PLAN (COMPREHENSIVE PLAN),* SPECIFICALLY BY RECLASSIFYING PARCEL NO. 7444 04 228 001, 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, ALL LOCATED IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM REGIONAL COMMERCIAL TO LIGHT INDUSTRIAL.

WHEREAS, On September 22, 2014, the Council Bluffs City Council approved Resolution No. 14-254 which adopted the *Bluffs Tomorrow: 2030 Plan* as the City's Comprehensive Plan; and

WHEREAS, The Developer, TVK Properties LLC, has submitted an application to develop an 'equipment repair' establishment on the subject property that would consist of dynamometer services for passenger vehicles, pickup trucks, semi-trucks and tractors, as well as diesel particulate filter (DPF) cleaning services; and

WHEREAS, Since 'equipment repair' is not a permitted use in the P-C District, the applicant is also requesting to rezone the property to the I-2 District (also under consideration by City Council, see Case ZC-22-006), which would allow such operation as a principal use; and

WHEREAS, The following comments pertain to the reclassification application and said request:

A. 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.

B. 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.

C. 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).

D. 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.

E. 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.

F. 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.

G. 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.

H. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate the uses permitted in the I-2 District.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

The request to amend the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying Parcel No. 7444 04 228 001, 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 'Regional Commercial' to 'Light Industrial,' subject to the comments stated above, is hereby approved.

ADOPTED
AND July 11, 2022.
APPROVED

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MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk