City Council Communication

Department: Community Development CASE #TU-19-009 Property Owners: Sherwood Plaza, LLC P.O. Box 954 Council Bluffs, IA 51502 Sherwood Plaza, LLC c/o Mike Vande Voort 427 East Kanesville Blvd, Suite 404 Council Bluffs, IA 51503 Applicant: Echo Group, Inc. c/o Greg Johnson P.O. Box 336 Council Bluffs, IA 51502	Resolution No. _____	City Council: July 25, 2022

Subject/Title

Request: Extension of time of an approved temporary use permit to allow a light manufacturing (fifty thousand (50,000) square feet or less) use on property located at 2703 East Kanesville Boulevard.

Legal Description: Part of Parcel "B" Auditor's Subdivision of Tract No. 2 in "Sherwood," Council Bluffs, Iowa, Pottawattamie County, Iowa, more particularly described as follows: Beginning at the northwest corner of Parcel B, Tract No. 2, thence South 65˚36'43" East for 128.92 feet; thence North 88˚46'46" East for 169.34 feet; thence North 87˚24'50" East for 75.03 feet; thence South 2˚35'10" East for 86.60 feet; thence South 27˚24'50" West for 344.50 feet; thence North 74˚55'28" West for 206.50 feet; thence North 47˚25'48" West for 110.00 feet; thence North 88˚50'28" West for 100.00 feet; thence North 2˚56'43" West for 15.39 feet; thence North 41˚08'17" East for 267.37 feet; thence North 0˚8'17" East for 93.94 feet to the point of beginning.

Background/Discussion

The Community Development Department has received a request from Echo Group, represented by Greg Johnson, to extend a temporary use permit (Case #TU-19-009) for a light manufacturing use (less than 50,000 square feet) in a C-2/Commercial District at 2703 East Kanesville Boulevard. The subject property is commonly known as the former Bomgaars retail store in the Sherwood Plaza Shopping Center. On November 18, 2019, the Council Bluffs City Council approved Resolution No. 19-264 which granted the applicant a temporary use permit for a new start-up business operation that specializes in modifying shipping containers into construction jobsite office/trailers on the subject property. Each trailer is outfitted with doors, windows, and electrical/mechanical/plumbing components, and then stored outside within a fenced-in area on the property until such time they are delivered to a construction jobsite in the greater Council Bluffs-Omaha metro area.

The applicant's temporary use permit was valid for two years (November 18, 2019 - November 18, 2021) and included the following conditions:

1. The temporary use permit shall be applicable to the 33,804 square foot building and associated outdoor storage area adjacent only and does not apply to other tenants or buildings located in the Sherwood Plaza Shopping Center on the subject property.
2. All containers and the semi-truck trailer shall be parked/stored in the far westerly parking lot area in the Sherwood Plaza Shopping Center (as per the submitted site plan) and shall be screened from view by use of existing retaining walls and a fence that provides a 100% opaque visual barrier.
3. No containers or semi-truck trailers shall be parked/stored in customer or employee parking areas that are used by other businesses in the Sherwood Plaza Shopping Center.
4. All containers shall be stored at ground level, and shall not be stacked.
5. Scrap metal from the operation shall be stored indoors until such time they are taken to a salvage yard for disposal.
6. The hours of operation shall be limited to Monday through Friday from 6:00 A.M. to 4:00 P.M.
7. Any signage associated with the operation shall comply with the standards stated in Section 15.33, *Signs* of the Municipal Code (Zoning Ordinance) and shall be permitted by the City prior to installation.
8. The temporary use permit shall be valid for one year from the date of Council approval. An additional one year extension of time for the temporary use permit may be granted administratively by City staff if all conditions of the temporary use permit are complied with and there are no zoning enforcement actions on record for the operation.
9. The applicant shall secure all necessary permits and licenses for the operation and shall comply with all applicable Federal, State, and local codes.

The applicant has complied with the conditions stated in their temporary use permit, and requests City Council approval to extend the permit until December 31, 2023 so they can secure a permanent location in or around Council Bluffs for their business operation.

The following attachments are included with this staff report for Council's review:

Attachment A – Letter of intent
Attachment B – Site plan layout
Attachment C – Outfitted Conex container examples
Attachment D – Approved Temporary Use Permit #TU-19-009

Section 15.02.110 Temporary Use Permit, of the Municipal Code (Zoning Ordinance) provides for the issuance of temporary use permit(s) '*for limited term activities or events which occur on private property within the City that may potentially create off-site impacts to surrounding properties and the neighborhood in which it will occur*.' The code further defines eight specific uses that are eligible to be issued a temporary use permit administratively. The proposed 'manufacturing, light (fifty thousand (50,000) square feet or less)' use is not one of the specified eight eligible uses that can be approved administratively.

The procedure set forth in Code Section 15.02.110(C)(2) states that '*temporary uses not specifically listed here shall require the specific approval of the City Council. Such uses may be allowed in any zoning district, provided that such temporary use is consistent with the purpose and intent of this Ordinance and the zoning district in which it is located*.'

Modifying shipping containers into construction job site office/trailers is considered a 'light manufacturing' use in the context of the Zoning Ordinance and is only allowed as a permanent use in I-1/Light Industrial and I-2/General Industrial Districts, and in a C-2/General Commercial District with issuance of a conditional use permit from the Zoning Board of Adjustment. The requested use is not defined as a temporary use that can be administratively authorized. Therefore, in order for the temporary light manufacturing use to be allowed on the subject property, the City Council must authorize approval for a temporary use permit.

All City Department were notified of the proposed extension request. No comments in opposition of the request were received.

Recommendation

The Community Development Department recommends approval of the request to extend the temporary use permit (TU-19-009) to allow a 'manufacturing, light (50,000 square feet or less)) use in a C-2/ Commercial District at 2703 East Kanesville Boulevard, subject to the following conditions:

1. The temporary use permit shall be valid until December 31, 2023.
2. The temporary use permit shall be applicable to the 33,804 square foot building and associated outdoor storage area adjacent only and does not apply to other tenants or buildings located in the Sherwood Plaza Shopping Center on the subject property.
3. All containers and the semi-truck trailer shall be parked/stored in the far westerly parking lot area in the Sherwood Plaza Shopping Center (as per the submitted site plan) and shall be screened from view by use of existing retaining walls and a fence that provides a 100% opaque visual barrier.
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5. All containers shall be stored at ground level, and shall not be stacked.
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7. The hours of operation shall be limited to Monday through Friday from 6:00 A.M. to 4:00 P.M.
8. Any signage associated with the operation shall comply with the standards stated in Section 15.33, *Signs* of the Municipal Code (Zoning Ordinance) and shall be permitted by the City prior to installation.
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Prepared by: Christopher N. Gibbons, AICP, Planning and Code Compliance Manager