City Council Communication

Department: Community Development Department CASE #ZT-22-005 Applicant: Community Development Department	Ordinance No. _____	City Council 1st Consideration: 8/22/22 2nd Consideration: 9/12/22 3rd Consideration: 9/26/22 Planning Commission: 8/9/2022

Subject/Title

Request: Public hearing on the request of the City of Council Bluffs to amend several sections of Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance), as follows: enact Section 15.03.048b, *Automobile Sales and Rental, Indoor*, to add and define the term 'indoor automobile sales and rental'; amend Section 15.15.030, *Conditional Uses*, and Section 15.18.030, *Conditional Uses*, to allow 'indoor automobile sales and rental' as a conditional use in the C-2 and P-C Districts; and amend Section 15.02.020, *Principal Uses*, and Section 15.21.020, *Principal Uses*, to allow 'indoor automobile sales and rental' as principal uses in the I-1 and I-2 Districts.

Background

Recently, the development community has expressed interest in utilizing land within the City's P-C/Planned Commercial Districts for automobile sales and rental. The P-C District, however, is not intended to support large outdoor automobile sales lots associated with traditional automobile sales and rental facilities. Such large sales lots can detract from the integrity of the P-C Districts and reduce the visual quality and urban form of the City's commercial centers. Indoor automobile sales and rental is a form of auto sales that has become more popular, particularly for specialized vehicle sales, and due to such facilities containing their merchandise indoors the impacts on surrounding land uses are more appropriate to the P-C District than large outdoor sales lots. As such, the Community Development Department is proposing to amend Title 15: Zoning of the Council Bluffs Municipal Code to define "indoor automobile sales and rental" separately from "automobile sales and rental"; to allow "indoor automobile sales and rental" as a conditional use in the P-C/Planned Commercial District and C-2/Commercial District; and to allow "indoor automobile sales and rental" as a principal use in the I-1/Light Industrial District and I-2/General Industrial District.

Automobile sales and rental is currently allowed as a conditional use in the C-2/Commercial District and as a principal use in the I-1/Light Industrial District and I-2/General Industrial District. Indoor automobile sales and rental would also be appropriate in such districts, and as such the Community Development Department proposes to also add "indoor automobile sales and rental" as a principal use in the C-2/Commercial District and as a principal use in the I-1 and I-2 Districts.

The following text amendments are proposed to enact a definition for 'indoor automobile sales and rental,' allow said use as a conditional use in the P-C and C-2 Districts, and allow said use as a principal use in the I-1 and I-2 Districts:

- Enact Section 15.03.048b, Automobile Sales and Rental, Indoor, by adding the following language:

  Indoor automobile sales and rental: An automobile sales and rental establishment consisting only of premises on which fully operable noncommercial automobiles, light trucks, motorcycles, mopeds, golf carts, and similar motorized transportation vehicles are

displayed for sale or lease within a fully enclosed structure. Such use shall not include any outdoor inventory display or storage areas. No minimum size requirement shall apply to indoor automobile sales and rental uses.;

- Amend Section 15.15.030, Conditional Uses, of the C-2/Commercial District by adding "automobile sales and rental, indoor" as a conditional use;
- Amend Section 15.18.030, Conditional Uses, of the P-C/Planned Commercial District by adding "automobile sales and rental, indoor" as a conditional use;
- Amend Section 15.20.020, Principal Uses, of the I-1/Light Industrial District by adding "automobile sales and rental, indoor" as a principal use; and
- Amend Section 15.21.020, Principal Uses, of the I-2/General Industrial District by adding "automobile sales and rental, indoor" as a principal use.

All City Departments and local utilities were notified of the proposed text amendment. No adverse comments were received as of the date of this report.

The Community Development Department noted that "indoor automobile sales and rental" uses will be subject to parking regulations under Chapter 15.23, Off-Street Parking, Loading and Unloading. Customer parking shall be provided in the manner specified in this chapter.

Recommendation

The Community Development Department recommends approval of the request of the City of Council Bluffs to amend several sections of Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance), as follows: enact Section 15.03.048b, *Automobile Sales and Rental, Indoor,* to add and define the term 'indoor automobile sales and rental'; amend Section 15.15.030, *Conditional Uses*, and Section 15.18.030, *Conditional Uses,* to allow 'indoor automobile sales and rental' as a conditional use in the C-2 and P-C Districts; and amend Section 15.02.020, *Principal Uses*, and Section 15.21.020, *Principal Uses*, to allow 'indoor automobile sales and rental' as principal uses in the I-1 and I-2 Districts.

Public Hearing

Staff speakers for the request:

1. Brandon Siracuse, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning and Code Compliance Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. John Jerkovich, 535 W Broadway, Suite 100, Council Bluffs, IA 51503

Speakers against: None

Planning Commission Recommendation

The City Planning Commission recommended approval of the request of the City of Council Bluffs to amend several sections of Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance), as follows: enact Section 15.03.048b, *Automobile Sales and Rental, Indoor*, to add and define the term 'indoor automobile sales and rental'; amend Section 15.15.030, *Conditional Uses,* and Section 15.18.030, *Conditional Uses,* to allow 'indoor automobile sales and rental' as a conditional use in the C-2 and P-C Districts; and amend Section 15.02.020, *Principal Uses*, and Section 15.21.020, *Principal Uses*, to allow 'indoor automobile sales and rental' as principal uses in the I-1 and I-2 Districts.

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

Attachments

Attachment A: Proposed Chapter 15.03, *Definitions*, of the Council Bluffs Municipal Code (Zoning Ordinance)
Attachment B: Proposed Chapter 15.15, *C-2/Commercial District*, of the Council Bluffs Municipal Code (Zoning Ordinance)
Attachment C: Proposed Chapter 15.18, *P-C/Planned Commercial District*, of the Council Bluffs Municipal Code (Zoning Ordinance)
Attachment D: Proposed Chapter 15.20, *I-1/Light Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance)
Attachment E: Proposed Chapter 15.21, *I-2/General Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance)

Prepared by: Brandon Siracuse, Planner, Community Development Department