City Council Communication

Department: Community Development CASES #ZC-22-007 and #PI-22-001 Applicant/Owner: B&D Land and Development LLC 1104 2nd Avenue Council Bluffs, IA 51501 Representative: 7910 N. 124th Street Omaha, NE 68142	Resolution No. _____ Ordinance No. _____	**CASE #ZC-22-007** 1st Consideration: 11/28/2022 2nd Consideration: 12/19/2022 3rd Consideration: Request to be waived **CASE #PI-22-001:** 12/19/2022 Planning Commission: 11/8/2022

Subject/Title

Request: Combined public hearings on the request of B&D Land and Development Company, LLC, represented by Bob Decker, to rezone property legally described as being part of Lots 1, 2, 3, 4, 7, 8, 9 and 10 (including the abutting vacated alley), all in Block 12, Beer's Addition along with part of Lots 1, 2, 7, 8, 9 and 10, (including the abutting vacated alley), all in Block 9, Beer's Addition, along with part of vacated First Avenue between Blocks 9 and 12, Beer's Addition, City of Council Bluffs, Pottawattamie County, Iowa, from A-2 Parks, Estates, and Agricultural District and I-1/Light Industrial District to P-I/Planned Industrial District; and to adopt a P-I/Planned Industrial development plan for said property legally described above and being more particularly described in the associated case file.

Location: 1104 2nd Avenue

Background/Discussion

The Community Development Department has received applications from B&D Land and Development Company, LLC, represented by Bob Decker, for the following requests:

1. CASE #ZC-22-007: Rezone the existing Decker Plastics plant site, as legally described above from A-2/Parks, Estates, and Agricultural District and I-1/Light Industrial District to P-I/Planned Industrial District; and
2. CASE #PI-22-001: Adopt a P-I/Planned Industrial development plan for property legally described above.

The applicant is the owner of Decker Plastics at 1104 2nd Avenue and they have proposed to build a new 10,200 square foot building addition onto the westerly side of their existing plant facility in order to increase production of their food packaging products. Part of the expansion includes a new 65 foot-tall building section, which exceeds the maximum 50 feet allowed in an I-1/Light Industrial District. Additionally, the proposed expansion requires the applicant to bring all existing off-street parking and associated open space for the plant site into conformance with current City zoning standards. The purpose of the rezoning and the proposed P-I/Planned Industrial development plan is to allow the applicant to adopt customized site development standards for off-street parking, building setbacks/heights, lot structure coverage, open space, landscaping, architecture, storm water management, and signage that are appropriate for their plant site.

CASE #ZC-22-007

The subject property is comprised of 2.2 acres of land (more/less) and is zoned I-1/Light Industrial District and A-2/Parks, Estates, and Agricultural District (see Attachment A). Surrounding zoning within the general vicinity of the subject property includes A-2 District to the north, A-2 District and I-1 District to the east,

R-3/Low Density Multi-Family Residential District to the south, and I-1 District to west. Existing land uses within the general vicinity includes the West Broadway viaduct, undeveloped land, residential dwellings, warehousing/manufacturing, railroad tracks, and a restaurant. The future land use plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) designates the subject property as Light Industrial.

On December 17, 2019, the Council Bluffs Zoning Board of Adjustment approved the following variances (see Case #BA-19-009) to allow Decker Plastics to expand their production and storage capacity on the subject property:

- Variance 1: A seven foot street-side yard setback variance to allow an accessory warehouse building to be constructed eight feet from a street-side property line, as opposed to, the required 15 feet in an I-1/Light Industrial District

- Variance 2: A 17-foot front yard setback variance to allow a building addition to be constructed eight feet from a front property line, as opposed to, the required 25 feet in an I-1/Light Industrial District.

Both variances were granted by the ZBA on the basis that the property experiences unnecessary hardships due its unique shape and inability to expand because of surrounding railroad and street right-of-ways. Both variances run with the land and are included in the proposed P-I/Planned Industrial development plan.

All property owners within 200 feet of the subject property were notified of the proposed rezoning and P-I/Planned Industrial development plan. One letter to the Iowa State Highway Commission was returned as undeliverable. No other responses were received.

CASE #PI-21-001

Section 15.28.010, *State of Intent, P-I/Planned Industrial District*, of the Council Bluffs Municipal Code (Zoning Ordinance) states that "*the P-I district is intended to provide for the development of assemblage facilities, manufacturing facilities, research and development activities, business services, storage, and distribution centers in an industrial park setting. The facilities in the planned industrial district are designed to be used in common by sharing ingress and egress roads, ensuring appropriate design with respect to traffic arteries and compatibility with surrounding uses. Business and industrial activities shall be primarily enclosed operations with significant screening and landscaping of exterior operations and storage. Final authority over development plans shall be retained by the City Council, with extensive review by Planning Commission*." The applicant proposes to adopt a planned industrial development plan for the subject property in order to address existing non-conforming site conditions and to establish development standards that are appropriate for the plant site's operation and are compatible with the surrounding area.

All City Departments and local utility providers were notified of the proposed development request. All comments received from City Departments and local utilities are incorporated into the development discussion below.

Site Development and Operational Standards

1. The subject property is bounded by 2nd Avenue to the south, South 11th Street to the east, the West Broadway Viaduct to the north, and the Union Pacific Railroad to the west. For zoning purposes, the property line abutting 2nd Avenue shall be considered the front; the property line abutting South 11th Street shall be considered a street side; the property line abutting the Union Pacific Railroad shall be considered an interior side; and the property line abutting the West Broadway Viaduct shall be considered the rear. The following minimum setbacks shall apply to each respective yard on the subject property:
    - Front Yard – 8 feet *(Note: The submitted site plan shows the southwest corner of the existing 2-story office building having a one foot setback. This portion of the building shall be allowed to maintain its existing one-foot setback. If this portion of the building is ever destroyed by 50%*

or more of its replacement cost, the replacement structure shall be built to comply with the minimum eight foot front yard setback variance that was granted for the property by the Zoning Board of Adjustment as part of Case #BA-19-009).

- Street Side Yard – 8 feet
- Interior Side – 10 feet
- Rear – 10 feet

2. The maximum height for all structures, except the tower structure on the proposed new extrusion building addition, shall not exceed 50 feet, as measured from finished grade to the peak of the roof. The maximum height for the tower on the proposed new extrusion building addition shall not exceed a maximum height of 70 feet, as measured from finished grade to the peak of the roof. Additionally, due to the high visibility of said tower structure from adjacent rights-of way and surrounding properties, the most visible public facing facades of said tower shall be designed to include a decorative art and/or architectural feature to help conceal the mass and view of the tower structure. The proposed building elevations show a decorative "Sunrise/Sunset" steel graphic on the east and north elevations. City staff recommends that art be placed on the easterly and westerly façades, as these facades are most visible from Downtown Council Bluffs and the First Avenue Trail, and then place signage on the north and south facades. City staff and the applicant will continue discussions on the most appropriate placement for said art on the tower structure. All art and/or decorative architectural features on the tower shall be installed prior to issuance of a final Certificate of Occupancy for the new extrusion building addition.
3. The maximum lot coverage for all structures shall be sixty (60) percent of the total lot area.
4. All visible trash receptacles/dumpsters shall be enclosed on three sides with a masonry, wood, or vinyl fence and have a lockable gate that when closed completely eliminates view of the dumpster.
5. The submitted site plan does not show any outdoor storage areas. Outdoor storage of materials, products, equipment, or packaging shall not be permitted on-site. This includes the temporary and/or permanent placement of inter-modal storage containers
6. Outdoor lighting plans were not submitted with the development plan proposal. Any new outdoor light poles shall be constructed out of painted or finished aluminum or steel. Wood poles shall not be accepted. All outdoor lighting shall comply with standards stated in Section 15.24.050, *Lighting Controls*, of the Council Bluffs Municipal Code (Zoning Ordinance). The maximum height of any light pole shall not exceed 30 feet from finished grade.
7. All noise associated with the plant site shall conform to the requirements of Section 4.50, *Noise Control*, of the Council Bluffs Municipal Code.
8. Any installation of solar energy conversion system(s) on the subject property shall be in accordance with the standards in Chapter 15.34, *Renewable Energy*, of the Council Bluffs Municipal Code (Zoning Ordinance).
9. The site contains an existing perimeter chain-link fence. The section of the fence along the easterly property line appears to be located within South 11th Street right-of-way. The applicant shall work with the Council Bluffs Public Works Department to obtain a license to occupy or a lease for said fence to remain in South 11th Street right-of-way. No barb-wire and/or electric security fencing shall be installed along any areas of the property that abut 2nd Avenue or South 11th Street right-of-way. All fencing on the property shall comply with the standards stated in Section 15.24.040, *Required Fencing*, of the Council Bluffs Municipal Code (Zoning Ordinance).
10. All site development shall comply with City stormwater management standards.
11. The Council Bluffs Fire Department stated the proposed extrusion building addition will require the entire Decker Plastics facility to be fire sprinkled and alarmed. The applicant's building plans for said building addition shall address this requirement and shall conform to all applicable Fire code standards.

Utilities

1. The subject property has access to public water, sanitary sewer, storm sewers, electricity, gas, and telecommunication utilities. All on-site utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to this site or on-site shall be at the sole cost of the applicant and not the City.

Off-Street Parking

1. The required number of off-street parking spaces for the subject property shall be based on the standards stated in Section 15.23.060, *Parking spaces required*, of the Council Bluffs Municipal Code (Zoning Ordinance), as follows:
    - Office or administrative activity – 1 space per 300 square feet of gross floor area
    - Manufacturing space – 1 space per 1,000 square feet of gross floor area
    - Indoor or outdoor storage or warehousing – 1 space per 5,000 square feet of gross floor area

   The submitted development plan states there is a total of 2,130 square feet of office space (7 required parking spaces), 22,056 square feet of manufacturing/factory space (22 required parking spaces), and 13,970 square feet of warehouse space (3 required parking spaces) on-site. A total of 32 parking spaces are required for said stated land uses and associated building square footages.
2. All parking/loading areas, driveways, and drive aisles shall be hard-surfaced paved and shall be designed to comply with the standards stated in Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance). All parking spaces, drive aisles and loading areas that are currently unpaved are required to be hard-surfaced paved as part of the new building extrusion addition project. A parking lot permit is required to be obtained from the City of Council Bluffs for all parking lot and truck loading areas that will be paved.
3. All off-street parking areas shall comply with Chapter 661-18, *Parking for Persons with Disabilities*, of the Iowa Administrative Code.
4. A minimum four foot-wide sidewalk shall be installed along the frontage of the property abutting 2nd Avenue as part of the new extrusion building addition project. Additionally, a minimum five foot pedestrian walkway shall be installed that connects the main office entrance to the adjacent sidewalk along 2nd Avenue. The pedestrian walkway may be designated with pavement striping, change in pavement material, or some other alternative approved by the Community Development Director or their assignee. Sidewalk installation along the frontage of South 11th Street shall be coordinated with Public Works and should be completed at such time South 11th Street is reconstructed and/or improved to current City standards.
5. Electric vehicle charging units and supporting equipment shall not impede parking, circulation, or designated pedestrian pathways. Transformer boxes and other above-ground equipment for electric vehicle charging units shall be screened with fencing and/or landscaping that extends at least six (6) inches above the highest point of the equipment or be wrapped with artwork.
6. No junked, wrecked, or inoperable vehicles shall be stored outdoors on the subject property.
7. All driveway approaches shall be constructed with eight inch thick Portland concrete.

Architecture

1. The subject property is comprised of an existing industrial manufacturing operation whose buildings are primarily constructed out of metal panels and brick. In order to maintain a level of continuity between existing buildings and future buildings the following building materials shall be deemed acceptable for this site: metal wall panels, brick/stone masonry (or similar materials in appearance and durability), CMU block (split-faced), glass, pre-cast concrete panels, decorative architectural metal, and/or other high quality durable materials that are approved by the Community Development Director of their designee.

Landscaping

1. The submitted landscaping plan identifies a mixture of ornamental and canopy trees being planted along the frontage area of South 11th Street and at the rear of the property facing the West Broadway Viaduct. The quantity and placement of said trees, as per the submitted development plan, are deemed acceptable. Additionally, the plan shows the removal of existing concrete along the frontage of 2nd Avenue and replacing it with landscape beds that are comprised of mulch and shrubs. The number of shrubs to be planted is not identified. City staff recommends a minimum of 20 shrubs be planted in each proposed landscape bed. All landscaping identified on the submitted development plan shall be

installed prior to issuance of a final Certificate of Occupancy for the applicant's proposed new extrusion building addition.

2. All disturbed areas not utilized for buildings, parking, truck loading areas, or decorative landscaping shall be seeded with sod, turf, and/or prairie grass at a minimum.
3. All landscaping shall be appropriately maintained and dead plant material replaced at a time appropriate to planting seasons but in all cases shall be replaced within one (1) year.
4. Not more than ten (10) percent of the landscaped area shall be of inorganic materials such as brick, stone, aggregate, metal or artificial turf.

Signage

1. All signage shall comply with the standards stated in Chapter 15.33, *Signs,* of the Council Bluffs Municipal Code.
2. The total amount of signage for the entire parcel shall not exceed 1x the street frontage of the subject property. The portion of the subject property that abuts the West Broadway Viaduct shall not be considered frontage for sign calculation purposes.
3. A maximum of two detached signs shall be permitted on the subject property for business advertisement. Additionally, each entrance into the site shall be allowed a maximum of two directional signs. All detached signage (including directional signs) shall comply with I-1 District standards, as stated in Section 15.33.180, *Industrial Districts Signs,* of the Council Bluffs Municipal Code (Zoning Ordinance).
4. All attached wall signage shall comply with Section 15.33.180, *Industrial Districts Signs,* of the Council Bluffs Municipal Code (Zoning Ordinance). Attached signage shall not extend above the peak roof of any portion of the building that it's attached to, nor shall it extend beyond the side wall of any building façade that it's attached to.
5. All new signage shall receive a sign permit from the City prior to installation.

Recommendation

The Community Development Department recommends the following for the subject property legally described above:

1. Approval of the request to rezone property legally described as being part of Lots 1, 2, 3, 4, 7, 8, 9 and 10 (including the abutting vacated alley), all in Block 12, Beer's Addition along with part of Lots 1, 2, 7, 8, 9 and 10, (including the abutting vacated alley), all in Block 9, Beer's Addition, along with part of vacated First Avenue between Blocks 9 and 12, Beer's Addition, City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates, and Agricultural District and I-1/Light Industrial District to P-I/Planned Industrial District, based on the reasons stated above.
2. Approval of the request to adopt a planned industrial development plan for the subject property legally described above, and as shown in Attachment 'B', subject to the comments stated above and the following condition:
    a) Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed by the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted development plan may be administratively approved by the Community Development Director.

Public Hearing

Staff speaker for the request:

1. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. Bob Decker, 7910 North 124th Street, Omaha, NE 68142

Speakers against: None

The City Planning Commission recommended:

1. Approval of the request to rezone property legally described as being part of Lots 1, 2, 3, 4, 7, 8, 9 and 10 (including the abutting vacated alley), all in Block 12, Beer's Addition along with part of Lots 1, 2, 7, 8, 9 and 10, (including the abutting vacated alley), all in Block 9, Beer's Addition, along with part of vacated First Avenue between Blocks 9 and 12, Beer's Addition, City of Council Bluffs, Pottawattamie County, Iowa, from A-2/Parks, Estates, and Agricultural District and I-1/Light Industrial District to P-I/Planned Industrial District, based on the reasons stated above; and

2. Approval of the request to adopt a planned industrial development plan for property legally described as being part of Lots 1, 2, 3, 4, 7, 8, 9 and 10 (including the abutting vacated alley), all in Block 12, Beer's Addition along with part of Lots 1, 2, 7, 8, 9 and 10, (including the abutting vacated alley), all in Block 9, Beer's Addition, along with part of vacated First Avenue between Blocks 9 and 12, Beer's Addition, City of Council Bluffs, Pottawattamie County, Iowa, and as shown in Attachment 'B', subject to the comments stated above and the following condition:
    a) Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed by the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted development plan may be administratively approved by the Community Development Director.

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

Attachments:

Attachment A: Location/Zoning Map
Attachment B: Proposed Development Plan

Prepared by: Christopher Gibbons, Planning Manager, Community Development Department