City Council Communication

Department: Community Development CASE #ZT-22-008 Applicants: ~~Ryan Adkins~~ ~~104 Crogans Way Circle~~ ~~Council Bluffs, Iowa 51501~~ City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503	Ordinance No. _____	City Council 1st Consideration: 12/19/22 2nd Consideration: 01/09/23 3rd Consideration: 01/23/23 (Request to be waived) Planning Commission: 10/11/22

Subject/Title

Request: Public hearing on the request of ~~Ryan Adkins to amend the following sections of Title 15: Zoning of the Council Bluffs Municipal Code: Section 15.23.020(F), *General Provisions*, relative to hard surface parking standards; Section 15.23.030(A)(2), *Design Standards*, by reducing hard surface pavement standards for certain farm operation uses in the A-2/Parks, Open Space and Agricultural District; and on the request of~~ the City of Council Bluffs to amend ~~the following sections of Title 15: Zoning of the Council Bluffs Municipal Code: Section 15.23.020(B), *General Provisions*, by increasing the maximum distance certain off-site parking facilities may be located relative to the uses they serve; Section 15.23.020(F), *General Provisions*, relative to hard surface parking standards; Section 15.23.030(A)(2), *Design Standards*, by changing the standard rock base depth for asphalt cement concrete parking and loading areas associated with non one- and two-family uses; and~~ Section 15.16.060, *Additional Regulations*, relative to parking and loading requirements for developments within the C-3/Commercial District.

Background

Reconsideration of Ordinance No. 6528, adopted by City Council on November 28, 2022.

Due to an unintentional formatting error and omission of existing language in the draft of Chapter 15.16 previously presented to the City Council, this matter is being submitted for reconsideration with corrections. The substance of the proposed text amendment has not changed from what City Council has previously approved. For reference, the existing Chapter 15.16, originally proposed text amendment draft, and corrected amendment draft are included as Attachments 'A', 'B', and 'C', respectively.

~~Ryan Adkins is requesting to amend Title 15: Zoning of the Council Bluffs Municipal Code as follows:~~

1. ~~Amend Section 15.23.020(F), General Provisions, by updating language relative to hard surface pavement requirements for parking and loading areas; and~~
2. ~~Amend Section 15.23.030(A)(2), Design Standards, by reducing hard surface pavement requirements for parking and loading areas associated with certain non-industrial and non-commercial scale farming operations.~~

Additionally, the Community Development Department is requesting to amend Title 15: Zoning of the Council Bluffs Municipal Code as follows:

1. ~~Amend Section 15.23.020(B), *General Provisions*, by updating the distance that off-site parking facilities may be located from the uses they serve;~~
2. ~~Amend Section 15.23.020(F), *General Provisions*, by updating language relative to hard surface pavement requirements for parking and loading areas;~~
3. ~~Amend Section 15.23.030(A)(2), *Design Standards*, by changing the standard rock base depth for asphalt cement concrete parking and loading areas associated with non-one- and two-family uses; and~~
4. Amend Section 15.16.060, *Additional Regulations*, by updating the parking and loading requirements for developments within the C-3/Commercial District such that the standards match those of the C-4/Commercial District.

~~Ryan Adkins (applicant) is the owner of a family farming operation within City limits and has approached the City about reducing hard surface pavement standards for farming operations that are non-industrial and non-commercial in nature within the City, such that these farming uses may use a lower quality surface material for parking and loading areas associated with the agricultural operations on the property. The applicant proposed allowing parking and loading surfaces for such agricultural uses to be constructed with crushed Portland cement concrete or crushed asphalt cement concrete. The applicant has requested this change because paving large areas for parking, loading, and circulation of agricultural machines to current standards is "financially unrealistic." In addition, the hard surfaces currently required by City code would not hold up to the weight of farm equipment over time and can create stormwater drainage and access issues. A material such as crushed Portland cement concrete or crushed asphalt cement concrete would provide more longevity, easier maintenance, and better drainage for non-industrial and non-commercial farming operations.~~

In addition, the City of Council Bluffs is proposing amendments to various parking standards. The Community Development Department is proposing certain changes that will help better facilitate developments in the City's downtown business district, and the Public Works Department has suggested minor changes to some pavement standards. These changes are presented in detail in the "Discussion" section.

All City Departments and local utilities were notified of the proposed text amendments. No adverse comments have been received.

Discussion

~~A. *Section 15.23.020 General Provisions*~~

~~B. *Contractual agreements may be made between uses which generate parking and at different intervals in such a manner that the requirements of more than one use may be met by the same space, provided the parking demand for each use involved is met. All other required parking spaces shall be located a distance not to exceed four hundred (400) feet from the building or use which they are required to serve, measured in a straight line from the building. Off-site parking owned by or affiliated directly with the owner of the use it serves may be located up to one thousand three hundred twenty (1,320) feet from the use it serves, measured in a straight line from the building.*~~

~~F. *All off-street parking lots and areas, sales lots and loading and unloading spaces, including entrances, exits and driveway approaches shall be constructed of hard surface concrete, brick concrete pavers, or asphalt, unless otherwise stated in this chapter, to prevent mud, dust, or loose material. Asphalt grindings and seal coats are not acceptable surfaces. Paving standards contained in this section should be considered minimum standards.*~~

~~The purpose of the revisions to subsection (B) is to enable both new and existing developments to utilize off-site parking located up to ¼ mile away from the use it serves, provided the off-site parking facility is wholly owned or affiliated with the use it serves. A ¼ mile maximum distance is proposed because it is generally an~~

~~acceptable walking distance. The ability to utilize off-site parking within walking distance of a building will be particularly useful in the downtown context where space for new parking lots on-site may be limited. However, the proposed changes above may be used elsewhere in the City when and where feasible as well.~~

~~The proposed changes to subsection (F) aim to change the "brick" pavement type currently allowed for parking surfaces to "concrete pavers" as per the request of the Public Works Department and to clarify that the hard surface pavement types listed in the *General Provisions* section are required unless otherwise specified. These changes will bring the parking surface requirements into alignment with engineering standards adopted by the Public Works Department and accommodate the proposed exception to hard-surface paving requirements associated with certain farming operations.~~

~~B. *Section 15.23.030 Design Standards*~~

~~*A. General Use Parking and Traveled Areas Including All Required and Nonrequired Parking, Driveways, Entrances and Exists, Vehicles or Sales.*~~

~~2. *Pavement Requirements. Five inches of Portland cement concrete or four six inches rock base with four inches of asphalt cement concrete. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.*~~

~~*a.Lower quality surface materials, such as crushed Portland cement concrete or crushed asphalt cement concrete, may be used for parking, drive aisles, and circulation areas associated with active farming operations, which do not have the appearance or scale of a commercial or industrial farming operation, on properties zoned A-2 with the written approval of the Community Development Director and Public Works Director. All surface materials shall be maintained such that the driving and parking surfaces are fully covered with the approved surface material and do not create any dust or hazardous conditions. The portion of a driveway within public right-of-way shall be hard surfaced to city standards.*~~

~~The proposed revisions would increase the rock base depth for non-one- and two-family parking, loading and circulation areas paved with asphalt cement concrete to six (6) inches, as requested by the Public Works Department.~~

~~Furthermore, the addition of subsection (A)(2)(a) would specify that non-commercial and non-industrial scale farming operations in an A-2/Parks, Estates and Agricultural District could utilize crushed Portland cement concrete or crushed asphalt cement concrete as an alternative surface material for parking, loading and circulation areas on-site. These lower standards would apply only to portions of a farming operation used for agricultural purposes. Parking and circulation areas associated with other uses in this district (such as dwellings, parks, etc.) will remain subject to the hard surface pavement standards that exist currently. Allowing reduced pavement standards for certain farming operations in the A-2 District will help to reduce economic burden on farmers who are currently required by the City's parking code to pave hard surface parking and circulation areas for farm equipment, despite such hard surfaces not being ideal for farming operations.~~

C. *Section 15.16.060 Additional Regulations*

A. All business, service, repair, processing, storage, and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in services, minor service for motor vehicles, and display of merchandise along the wall of the building, which merchandise shall not extend more than three feet from the wall of such building.

B. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

Parking and loading requirements:

A. Off-street parking is not required for any use established or existing in this district, except for residential use in a mixed commercial/residential structure;

B. Off-street loading for all uses established or existing in this district shall comply with the applicable requirements in CBMC 15.23.

The proposed changes to this section will bring the parking and loading requirements for the C-3/Commercial District into alignment with those of the C-4/Commercial District. Both the C-3 and C-4 Districts primarily serve the City's downtown area, and it is sensible to have uniform parking standards across both districts. The proposed parking and loading standards would eliminate minimum parking requirements for all land uses within the C-3 District except for the residential portion of a mixed commercial/residential structure. This will create a degree of flexibility for future developments in the C-3 District, as the amount of parking provided for non-residential uses will be the choice of the developer or property owner. A reduction in required parking amounts can be useful for developments on parcels with constrained space, as an average parking space requires approximately 330 square feet of land when accounting for parking stalls, drive aisles, ramps, landscaping, and setbacks. Reduced parking requirements can also make new development more cost-effective, as the cost of a typical surface parking lot is roughly $5,000 to $10,000 per space and a typical parking structure can cost $25,000 to $50,000 per space (costs include land values, materials, and labor). The ability to build less on-site parking could enable developments in the downtown area that may not otherwise be geometrically and/or financially feasible with current minimum parking requirements.

Notably, elimination of minimum parking requirements within the C-3 District would not prohibit developers or property owners from providing on-site parking facilities in this district. On the contrary, virtually all new developments will include some amount of parking either on-site or off-site, primarily due to economic forces that make it difficult for new development to be built without parking. In nearly all cases, some parking will be required in order for new developments to be marketable to prospective tenants. Financing for new developments typically also necessitates some amount of parking, as loan underwriters will be hesitant to lend money for a development with a high risk of failing to generate enough revenue to make timely loan payments. Elimination of minimum parking requirements would simply give landowners and developers the latitude to provide the amount of parking that makes the most sense for a particular site, rather than applying uniform minimum parking requirements.

Recommendation

The Community Development Department recommends approval of the request to amend Section 15.16.060, *Additional Regulations*; ~~Section 15.23.020, *General Provisions*; and Section 15.23.030, *Design Standards*; of the Council Bluffs Municipal Code (Zoning Ordinance)~~, as shown in Attachments 'C' ~~and 'D'~~.

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, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor: None

Speakers against: None

Planning Commission Recommendation

The City Planning Commission recommended approval of the request to amend Section 15.15.060, *Additional Regulations*; ~~Section 15.23.020, *General Provisions*; and Section 15.23.030, *Design Standards*; of the Council Bluffs Municipal Code (Zoning Ordinance)~~, as shown in Attachments 'C' ~~and 'D'~~.

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

Attachments

Attachment A: Existing Chapter 15.16, *C-3/Commercial District*, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment B: Previous version of proposed Chapter 15.16, *C-3/Commercial District*, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment C: Corrected version of proposed Chapter 15.16, *C-3/Commercial District*, of the Council Bluffs Municipal Code (Zoning Ordinance)

~~Attachment D: Proposed Chapter 15.23, *Off Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance)~~

Prepared by: Brandon Siracuse, Planner, Community Development Department