RESOLUTION NO. 22-332

A RESOLUTION ADOPTING THE PLANNED INDUSTRIAL DEVELOPMENT PLAN ON 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.

WHEREAS, B&D Land and Development Company, LLC, has submitted an application to adopt a Planned Industrial Development Plan on this property consisting of 2.2 acres of land (more/less) located at 1104 2nd Avenue; and

WHEREAS, A request to rezone for this property has also been submitted and is being considered at this time; and

WHEREAS, The following standards shall apply:

Site Development and Operational Standards

A. 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

B. 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.

C. The maximum lot coverage for all structures shall be sixty (60) percent of the total lot area.

D. 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.

E. 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

F. 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.

G. All noise associated with the plant site shall conform to the requirements of Section 4.50, *Noise Control*, of the Council Bluffs Municipal Code.

H. 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).

I. 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).

J. All site development shall comply with City stormwater management standards.

K. 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

A. 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

A. 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.

B. 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.

C. All off-street parking areas shall comply with Chapter 661-18, *Parking for Persons with Disabilities*, of the Iowa Administrative Code.

D. 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.

E. 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.

F. No junked, wrecked, or inoperable vehicles shall be stored outdoors on the subject property.

G. All driveway approaches shall be constructed with eight inch thick Portland concrete.

Architecture

A. 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

A. 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.

B. 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.

C. 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.

D. 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

A. All signage shall comply with the standards stated in Chapter 15.33, *Signs,* of the Council Bluffs Municipal Code.

B. 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.

C. 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).

D. 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.

E. All new signage shall receive a sign permit from the City prior to installation; and

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

A. 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 I-1/Light Industrial District to P-I/Planned Industrial District, based on the reasons stated above.

B. 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:

1. 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.

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

That the 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, as shown in Attachment "B", is hereby approved, subject to all comments and conditions stated above.

ADOPTED
AND December 19, 2022.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk