City Council Communication

Department: Community Development CASE #ZC-23-007 and #MIS-23-004 Applicant/Property Owner: Magdalena Gonzalez 27 South 22nd Street Council Bluffs, IA 51501	Resolution No. _____	CASE #ZC-23-007 1st Consideration: 5/22/2023 2nd Consideration: 6/12/2023 3rd Consideration: Requested to be waived CASE #MIS-23-004: 6/12/2023 Planning Commission: 5/9/2023

Subject/Title

Request: Combined public hearings on the request of Magdalena Gonzalez to rezone property legally described as Lots 4 and 5 and the East 50 feet of Lot 6, all in Block 2, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa, from R-3/Low Density Multifamily Residential District to C-2/Commercial District; and to adopt a site-specific development plan for a new ice cream shop/café on said property, located in the West Broadway Corridor Design Overlay. Additionally, the Community Development Department expanded the request to rezone property legally described as the West 150 feet of Lot 6, Block 2, Cochrans's Addition, City of Council Bluffs, Pottawattamie County, Iowa, from R-3/Low Density Multifamily Residential District to C-2/Commercial District for zoning consistency purposes.

Location: 23 South 22nd Street and 27 South 22nd Street

Background

The Community Development Department has received two applications from Magdalena Gonzalez for the following requests:

1. Rezone property legally described as Lots 4 and 5 and the East 50 feet of Lot 6, all in Block 2, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa, from R-3/Low Density Multifamily Residential District to C-2/Commercial District. The Community Development Department has expanded the request to include property legally described as the West 150 feet of Lot 6, Block 2, Cochrans's Addition, City of Council Bluffs, Pottawattamie County, Iowa, for zoning consistency purposes; and

2. Adopt a site-specific development plan for a new ice cream shop/café on property legally described as Lots 4 and 5 and the East 50 feet of Lot 6, Block 2, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa, located in the West Broadway Corridor Design Overlay (CDO).

The purpose of the rezoning request is to allow the applicant to redevelop property she owns at 27 South 22nd Street as an ice cream shop/café. The applicant is requesting to adopt a site-specific development plan for this project in order to establish alternative design standards relative to architecture and landscaping requirements in the West Broadway CDO, in accordance with Section 15.32A.150 of the Council Bluffs Municipal Code (Zoning Ordinance). In exchange, the applicant is proposing to enhance other components of the development to offset the proposed design alternatives.

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The subject property is currently zoned R-3/Low Density Multifamily Residential District. The applicant intends to rezone the subject property to the C-2/Commercial District in order to redevelop property at 27 South 22nd Street as an ice cream shop/café. A site-specific development plan is proposed to be adopted at 27 South 22nd Street in conjunction with the proposed rezoning (see Case #MIS-23-004).

Land Use and Zoning – The following zoning and land uses surround the subject property:

North: A multitenant commercial building and undeveloped land, which are zoned C-2/Commercial District.

South: Cochran Park, which is zoned A-2/Parks, Estates and Agricultural District.

East: Residential properties that are zoned R-3/Low Density Multifamily Residential District.

West: Undeveloped land that is zoned C-2/Commercial District.

The Future Land Use Plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as 'High-Density Residential.'

Property Owner Notification – Public notices were mailed to all property owners within 200 feet of the request. The Community Development Department received the following comment:

A. Wayne Graybill, owner of 23 South 22nd Street, asked how the proposed rezoning would affect his property. The Community Development Department informed Mr. Graybill that the existing home would be allowed to continue to exist as it does today if the proposed rezoning is approved, but would be considered a legal nonconforming use.

City Departments and Utilities – All appropriate City departments and utilities were notified of the proposed planned commercial development plan. The following comments were received:

A. The Council Bluffs Public Works Department stated they had no comments beyond items discussed in previous meetings with the applicant relative to sidewalk location, stormwater management, and driveway location. They noted that said items appeared to have been addressed in the submitted site plan (see Attachment 'C').

B. The Council Bluffs Fire Department stated they had no comments on the request.

C. Council Bluffs Water Works stated they had no objections to the request.

D. Mid-American Energy Company stated they have no conflicts or concerns with the request. They also stated the developer or their agents should contact Mid-American Energy directly to discuss the project timeline, costs, and requirements for extending electric service to the project.

E. Black Hills Energy stated they had no concerns with the request.

Discussion

A. Both properties included in the proposed rezoning exceed the minimum lot size requirements of the C-2 District.

B. Both properties included in the proposed rezoning are each developed with a detached single-family dwelling. Since a 'single-family dwelling, detached' is not a permitted use in the C-2/Commercial District, the existing homes would become legal nonconforming uses if the proposed rezoning is approved. The

applicant intends to redevelop the property at 27 South 22nd Street as an ice cream shop/café. Such use would be classified as a 'restaurant, general,' which is a permitted use in the C-2 District.

C. If the proposed rezoning is approved, all construction activity that occurs at 27 South 22nd Street shall be subject to the site-specific development plan to be adopted as part of this project (see Case #MIS-23-004).

D. The existing home at 23 South 22nd Street is allowed to continue to exist if the proposed rezoning is approved, subject to the following provisions in Chapter 15.26, Nonconformities, of the Council Bluffs Municipal Code (Zoning Ordinance):

1. As per Section 15.26.050 of the Council Bluffs Municipal Code (Zoning Ordinance), "*any legal nonconforming residential use of a structure may be enlarged to the extent that an otherwise conforming residential use of a structure could be enlarged under the zoning regulations of the most restricted residential district in which such residential use of a structure would be permitted as a principal use*." Therefore, the existing single-family family structure at 23 South 22nd Street may be enlarged and additional accessory structures may be constructed on this property provided all R-1/Single-Family Residential District site development requirements (setbacks, lot coverage, off-street parking, etc.) are met.

2. As per Section 15.26.030(B) of the Council Bluffs Municipal Code (Zoning Ordinance), "*if any nonconforming use ceases for a continuous period of more than twelve months, any subsequent use shall conform to the regulations of this title*." As such, if the existing single-family structure at 23 South 22nd Street were to be abandoned for more than 12 months, the subject property would no longer be allowed to be used for residential purposes.

3. As per Section 15.26.030(E) of the Council Bluffs Municipal Code (Zoning Ordinance), "*when a structure containing a nonconforming use is damaged to an extent of fifty (50) percent or less of the replacement cost, the structure shall be allowed to continue if actual construction to repair it is commenced within six months of the date the damage was incurred, and the work is carried on diligently to completion within one year of this commencement*." Inversely, if the existing single-family structure at 23 South 22nd Street were to be destroyed by more than 50 percent of the replacement cost, another single-family structure could not be rebuilt on the property.

E. Properties located to the north and west of the subject properties are zoned C-2 District. As such, the proposed change of zone would be consistent with surrounding zoning.

F. The subject properties are located within the West Broadway CDO. As Section 15.32A.010, Statement of Intent, West Broadway Corridor Design Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance), the purpose and intent of the West Broadway CDO is "*to promote a well-planned and visually attractive corridor that encourages private investment, opportunities for multi-modal transportation options, safe pedestrian access and walkability, improved traffic and parking conditions, and buildings constructed with high quality materials and timeless architectural design. These measures intend to enhance streetscapes, promote active public spaces, and encourage a mixture of land uses that collectively implement the vision of the adopted West Broadway Corridor Plan*." The proposed rezoning and redevelopment of the subject property as an ice cream shop/café would be consistent with the purpose and intent of the West Broadway CDO.

G. The Bluffs Tomorrow 2030 (Comprehensive Plan) designates the subject properties as 'High-Density Residential,' which is primarily intended for multifamily residential development. Although not generally consistent with this future land use designation, the proposed ice cream shop/café is a neighborhood-scale commercial use that would be compatible with residential development. Furthermore, the subject property

(27 South 22nd Street) is an ideal location for such neighborhood-scale commercial use due to its proximity to the 1st Avenue trail and Cochran Park.

H. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate the uses permitted in the C-2 District.

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Section 15.32A.150, Adoption of a Development Plan, West Broadway Corridor Design Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance) states that "*properties in the West Broadway CDO which are unable to meet any aspects of the above listed regulations shall be allowed the option of applying for a site specific development plan to be reviewed by the Planning Commission and City Council. Applicants shall submit development plans which enhance components of the development in exchange for relief of other requirements.*" The applicant is proposing to adopt a site-specific development plan for the proposed ice cream shop/café at 27 South 22nd Street in order to establish alternative design standards relative to architecture and landscaping requirements in the West Broadway CDO. The development plan will not be applicable to the property at 23 South 22nd Street.

A. Site Development

1. The subject property has direct frontage on 1st Avenue and South 22nd Street. According to the West Broadway Corridor Street Hierarchy Map, 1st Avenue and South 22nd Street are considered major streets. For the purposes of establishing build-to zone/setback requirements for this project, 1st Avenue will be considered the highest category street.

2. The required build-to zone, defined by a minimum setback of five feet and a maximum setback of 20 feet, shall be applicable to the highest category street (1st Avenue).

3. The minimum required front yard setback for all principal and accessory structures shall be 12 feet.

    a. The front yard setback shall be measured to the property line along South 22nd Street since it is the shortest lot line along a street (i.e., the front lot line as defined in Section 15.03.430, Lot Line, Front, of the Council Bluffs Municipal Code).

4. All principal and accessory structures shall comply with the interior side and rear yard setback requirements in Section 15.15.050, Site Development Regulations, C-2/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance).

5. The maximum height for principal structures shall not exceed 50 feet, in accordance with Section 15.15.050, Site Development Regulations, C-2/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance).

6. The maximum height for accessory structures shall not exceed 18 feet, in accordance with Section 15.15.050, Site Development Regulations, C-2/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance).

7. No more than 60% of the total lot area shall be covered with structures, in accordance with Section 15.15.050, Site Development Regulations, C-2/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance).

8. All solar energy conversion systems shall be installed in accordance with Section 15.34.030, Solar Energy Conversion Systems, of the Council Bluffs Municipal Code (Zoning Ordinance).

9. Outdoor storage of materials, products, equipment, or packaging shall not be permitted. This includes the semi-permanent and/or permanent placement of inter-modal storage/shipping containers.

10. All utilities shall be installed underground. Any cost to remove, relocate, modify, and/or extend utilities to this site shall be at the sole cost of the developer and not the City.

11. All grading and drainage activity for this development shall be completed in accordance with Public Works standards.

B. Off-Street Parking

1. The minimum number of off-street parking spaces shall be calculated using the parking requirements in Section 15.23.060, Parking Spaces Required, of the Council Bluffs Municipal Code (Zoning Ordinance). In cases where several uses occupy a structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirement of the different uses.

    a. The total number of required off-street parking for a 'restaurant, general' is based on a calculation of one parking space per every 150 square feet of gross floor area, as per Section 15.23.060, Parking Spaces Required, of the Council Bluffs Municipal Code (Zoning Ordinance). The submitted application states the proposed ice cream shop/café will have a gross floor area of 1,200 square feet, which equates to a minimum of eight required off-street parking spaces. The submitted site plan shows that 14 parking spaces will be provided, which exceeds the minimum requirement.

2. All off-street parking areas, driveways and drive aisles shall comply with the standards in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance), and Iowa's Statewide Urban Design and Specifications (SUDAS) manuals for public improvements.

    a. All gravel poured on the subject property shall be either (1) used as the subbase for the proposed parking lot or (2) removed entirely from the subject property prior to the issuance of the final Certificate of Occupancy for the building.

3. All off-street parking lots shall comply with Chapter 661–18, Parking for Persons with Disabilities, of the Iowa Administrative Code.

4. Bicycle parking shall be incorporated into the overall layout of the site.

    a. Designated bicycle parking areas shall be located within a reasonable distance of, and clearly visible from, the main entrance of each building.
    b. Bicycle racks shall be secured to the pavement in a location that does not conflict with pedestrian or vehicular circulation routes.
    c. Bicycle parking shall be provided at a rate of one bicycle parking space per 300 square feet of gross floor area.
    d. Bicycle parking shall be installed prior to the issuance of the Certificate of Occupancy for the proposed hotel.

5. A parking lot permit shall be submitted with every building permit application, and shall include the number, location, and dimension of all drive aisles and spaces, bicycle parking, pedestrian ways, islands, landscaped areas, loading areas and lighting.

C. Architecture

1. As per the applicant's letter of intent, two metal shipping containers will be used to construct the base of the proposed ice cream shop/café. The submitted architectural renderings (see Attachment 'D') show the proposed ice cream shop/café will have a pitched wood roof. The architectural design of the proposed ice cream shop/café is intended to replicate an old railroad depot in order to reflect the historic character of 1st Avenue as a former railroad corridor. Since shipping containers are not included in the list of acceptable durable/complementary building materials in the West Broadway CDO, the applicant intends to enhance the aesthetic quality of the building through the implementation of the following architectural details:

    a. In addition to the metal shipping containers that will serve as the base of the proposed ice cream shop/café, a variety of building materials will be used to articulate each elevation of the building:

        i. The base of all building façades will be comprised of brick;

        ii. All doors and windows will be comprised of non-mirrored, non-tinted glass;

        iii. Board and batten will be used to cover each gable end of the building; and

        iv. Architectural metal panels will be used to cover the pitched wood roof.

    b. The exposed portion of the shipping container will be painted black or a similar dark color.

    c. The pitched wood roof will be accented with ornamental brackets.

    The Community Development Department finds the architectural design of the proposed ice cream shop/café is acceptable and consistent with the intent and objectives of the design standards for the West Broadway CDO.

2. The minimum percentage of the total surface area of each façade along a major street that must be constructed out of durable materials is 60%, as per Section 15.32A.080(A)(3)(a) of the Council Bluffs Municipal Code (Zoning Ordinance).

    a. South Elevation (1st Avenue)

        i. Metal shipping container: 14.95%

        ii. **Brick**: **13.48%**

        iii. **Glass**: **39.49%**

        iv. Board and batten: 32.09%

        Percentage of façade constructed out of durable materials: **52.97%**

    b. West Elevation (South 22nd Street)

        i. Metal shipping container: 20.33%

        ii. **Brick**: **38.44%**

iii. **Glass**: **17.36%**

iv. Board and batten: 23.87%

Percentage of façade constructed out of durable materials: **55.8%**

Although neither façade meets the minimum percentage of durable materials, more than 50% of each façade will still be constructed out of durable materials. The Community Development Department finds the proposed building material composition is acceptable for following reasons:

(1) The building has been designed to replicate an old railroad depot in an effort to reflect the historic nature of 1st Avenue; and

(2) As per the floor plan shown in Attachment 'D,' the ice cream prep area and the women's bathroom will be located along the west elevation of the building. Since the building façade along South 22nd Street is located on the opposite side of a kitchen and a bathroom, the percentage of the total surface area of said façade that can be constructed out of non-mirrored, non-tinted glass (i.e., a durable material) is limited.

3. Pitched roofs are not allowed in the West Broadway CDO, as per Section 15.32A.080(B)(4) of the Council Bluffs Municipal Code (Zoning Ordinance). Since the pitched roof is necessary to replicate the design of an old railroad depot, the Community Development Department finds the proposed roof is acceptable.

4. As per the floor plan shown in Attachment 'D,' the ice cream prep area and the women's bathroom will be located along the west elevation of the building. Since the building façade along South 22nd Street is located on the opposite side of a kitchen and a bathroom, only 17.36% of this elevation will be covered with transparent glass windows, as opposed to the required 40% of the ground floor façade along a major street. The applicant is proposing to install a mural in lieu of the additional required transparent windows. The Community Development Department finds the proposed mural is an acceptable alternative to minimum transparency requirements.

   a. The design of the mural has not yet been determined. The applicant shall continue to work with the City of Council Bluffs to select an acceptable mural design that is compatible with the character of the West Broadway corridor.

   b. The proposed mural shall be installed within one year of the issuance of the final Certificate of Occupancy for the building.

5. As per the floor plan shown in Attachment 'D,' a second kitchen and the men's bathroom will be located along the east elevation of the building. No transparency will provided along the east elevation of the building. In lieu thereof, the applicant is proposing to install an outdoor seating area covered with a 16' x 36' pergola. The Community Development Department finds the proposed outdoor seating area is an acceptable alternative to minimum transparency requirements.

   a. The proposed outdoor seating area and the associated pergola shall be installed prior to the issuance of the final Certificate of Occupancy for the building.

6. As per the building elevations shown in Attachment 'D,' 39.49% of the south façade of the building will be covered with transparent glass doors/windows, as opposed to the required 40% of the ground floor façade along a major street. The Community Development Department finds the proposed amount

of transparency on this building façade is acceptable since less than 1% would be needed to comply with the 40% transparency requirement.

D. Landscaping and Streetscapes

1. A minimum five-foot wide landscape frontage strip shall be installed on all frontages, as measured from the back of sidewalk or property line, whichever is a greater distance from the curb, in accordance with Section 15.32A.090(A)(1) of the Council Bluffs Municipal Code (Zoning Ordinance). **EXCEPTION**: Due to the placement of the building, the parking lot, the required pedestrian walkway, and the outdoor seating area on the subject property, there is only enough space to accommodate a three-foot wide landscape frontage strip along the westerly 82 feet abutting 1st Avenue. The Community Development Department find this is acceptable as a significant amount of green space will be provided immediately adjacent to the proposed outdoor seating area, which will compensate for the reduced width of said landscape frontage strip.

2. Foundation plantings, as required per Section 15.32A.090(A)(2) of the Council Bluffs Municipal Code (Zoning Ordinance), will be provided along the west elevation of the building. Shrubs, as shown in the submitted architectural renderings in Attachment 'D,' shall be acceptable foundation plantings.

3. The landscape strip along the base of the north façade of the building and the landscape plantings that will screen the ground-mounted mechanical unit will meet the foundation planting requirements for said building elevation.

4. No foundation plantings will be provided along the south elevation of the building. The applicant intends to plant a significant amount of shrubs in the landscape frontage strip along 1st Avenue in lieu of the required foundation plantings. The Community Development Department finds this alternative is acceptable.

5. No foundation plantings will be provided along the east elevation of the building. Foundation planting requirements for the east elevation of the building will be waived to accommodate the proposed outdoor seating area.

6. A minimum of one deciduous shade tree and 10 shrubs shall be planted every 20 linear feet along frontage strips and shall be generally evenly spaced apart along the entire length of the frontage strip, in accordance with Section 15.32A.090(A)(3) of the Council Bluffs Municipal Code (Zoning Ordinance).

    a. Existing tress may count towards the required number of trees along frontage strips.

7. One large deciduous shade tree shall be planted per 3,000 square feet of paved parking area not covered by buildings or canopies, in accordance with Section 15.32A.090(B)(1)(a) of the Council Bluffs Municipal Code (Zoning Ordinance).

8. Required parking lot landscaping shall be installed in accordance with Section 15.32A.090(B), Required Parking Lot Landscaping, West Broadway Corridor Design Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance).

9. All landscaping shall be appropriately maintained and dead plant material replaced in accordance with Section 15.32A.090(C) of the Council Bluffs Municipal Code (Zoning Ordinance).

10. There is not an adequate amount of public right-of-way to accommodate street tree plantings or on-street parking as part of this project. As such, minimum streetscape requirements are not applicable for this project.

E. Pedestrian and Vehicular Access

1. Vehicular access to the site shall be established in accordance with Section 15.32A.100(A) of the Council Bluffs Municipal Code (Zoning Ordinance).

2. No vehicular access shall be allowed onto 1st Avenue.

3. A minimum five-foot wide sidewalk shall be installed along South 22nd Street at the time of construction, in accordance with City standards. All costs associated with sidewalk installation shall be the responsibility of the developer and not the City.

4. A minimum five-foot wide, hard-surface accessible route shall be provided on all adjacent rights-of-way to a public entrance, in accordance with Section 15.32A.100(B) of the Council Bluffs Municipal Code (Zoning Ordinance).

    a. The submitted site plan in Attachment 'C' shows that a five-foot wide pedestrian way will be installed along the perimeter of the building and will provide a safe, accessible route from the north and south entrances of the building and the outdoor seating area to the required sidewalk along South 22nd Street.

F. Outdoor Lighting

1. All outdoor lighting shall conform to Section 15.32A.110, Outdoor Lighting, West Broadway Corridor Design Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance).

    a. A detailed photometric plan showing the location and type of light fixtures shall be submitted at the time of permit review.

G. Screening and Buffering

1. All roof-mounted mechanical equipment shall be integrated into the design of the building so that the equipment is screened from public view in the adjacent street rights-of-way, in accordance with Section 15.32A.120(B) of the Council Bluffs Municipal Code (Zoning Ordinance).

2. All wall-mounted mechanical equipment shall screened in accordance with Sections 15.32A.120(C) and 15.32A.120(D) of the Council Bluffs Municipal Code (Zoning Ordinance).

3. All ground-mounted mechanical equipment that is visible from an adjacent public street right-of-way shall be completely screened from view using architectural design features, fencing, masonry wall, landscaping, or a combination thereof, in accordance with Section 15.32A.120(E) of the Council Bluffs Municipal Code (Zoning Ordinance).

    a. As per the applicant's letter of intent (see Attachment 'B'), the ground-mounted mechanical unit to be installed along the north elevation of the building will be screened with landscape plantings.

4. All dumpsters and exterior trash storage shall be screened in accordance with Section 15.32A.120(G) of the Council Bluffs Municipal Code (Zoning Ordinance).

a. As per the applicant's letter of intent (see Attachment 'B'), the dumpster along the northerly boundary of the subject property will be screened with fencing and a lockable gate.

H. Fences and Walls

1. All fences and walls shall be installed in accordance with Section 15.32A.130, Fences and Walls, West Broadway Corridor Design Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance).

2. The submitted site plan in Attachment 'C' shows that a six-foot tall wood privacy fence will be installed along the northerly property line to screen the proposed ice cream shop/café from the existing home at 23 South 22nd Street. The maximum height for the segment of the fence located within the required 12-foot front yard setback shall be four feet, in accordance with Section 15.23.040(C), Fence Height Requirements, of the Council Bluffs Municipal Code (Zoning Ordinance).

I. Signage

1. All detached, attached, and on-site directional signage shall be installed in accordance with Sections 15.32A.140, Signs, West Broadway Corridor Design Overlay, and 15.33.170, Commercial District Signs, of the Council Bluffs Municipal Code (Zoning Ordinance).

   a. One attached wall sign is proposed to be installed on the south elevation of the building. No signage calculations were provided with the application.

   b. If the name and/or logo of the business will be displayed on the proposed mural, it shall count toward the overall amount of signage allowed on the subject property.

2. No sign listed in Section 15.33.070, Prohibited Signs, of the Council Bluffs Municipal Code (Zoning Ordinance) shall be permitted.

3. A sign permit shall be submitted with every building permit application for any attached, detached and/or on-premise directional signage proposed to be installed on the subject property.

Recommendation

The Community Development Department recommends approval of the requests to (1) rezone property legally described as Lots 4 through Lot 6, Block 2, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa, from R-3/Low Density Multifamily Residential District to C-2/Commercial District; and (2) to adopt a site-specific development plan for a new ice cream shop/café on property legally described as Lots 4 and 5 and the East 50 feet of Lot 6, Block 2, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following condition:

A. Any modifications to the approved development plan which substantially alter the design, layout, configuration, and/or appearance of the project shall be reviewed 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. Moises Monrroy, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:
1. Dean Fajen, 4916 Franklin Street, Omaha, NE 68104
2. Magdalena Gonzalez, 27 S. 22nd Street, Council Bluffs, IA 51501

Speakers against: None

The City Planning Commission recommended approval of the approval of the requests to (1) rezone property legally described as Lots 4 through Lot 6, Block 2, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa, from R-3/Low Density Multifamily Residential District to C-2/Commercial District; and (2) to adopt a site-specific development plan for a new ice cream shop/café on property legally described as Lots 4 and 5 and the East 50 feet of Lot 6, Block 2, Cochran's Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following condition:

A. Any modifications to the approved development plan which substantially alter the design, layout, configuration, and/or appearance of the project shall be reviewed 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 – Bass, Hutcheson, Knauss, Opperman, Rater, Rew, Stroebele, and Van Houten. NAY - None ABSTAIN – None. ABSENT – Bailey. VACANT - Two Motion: Carried.

Attachments

Attachment A: Location/Zoning Map
Attachment B: Letter of Intent
Attachment C: Site Plan
Attachment D: Floor Plan and Building Elevations

Prepared by: Moises Monrroy, Planner, Community Development Department