

**Planning Commission Communication**

Department: Community Development  CASE #ZC-25-003  Applicant/Property Owner: LKM Investments LLC Michael Earl 6214 California Street Omaha, NE 68132	Ordinance No. _____	Planning Commission: 5/13/2025
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**Subject/Title**

**Request:** Public hearing on the request of LKM Investments LLC, represented by Michael Earl, to rezone property legally described as a tract of land located in part of the NE ¼ SW ¼ and in part of the SE ¼ NW ¼, lying east of Hunt Avenue and north of Highway 6, all in Section 22-75-43, City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates and Agricultural District to I-1/Light Industrial District.

**Location:** Undeveloped land lying south of 2025 Hunt Avenue

**Background**

The Community Development Department has received two applications from LKM Investments LLC, represented by Michael Earl, for the following requests:

- A. Case #ZC-25-003: Rezone undeveloped property legally described as a tract of land located in part of the NE ¼ SW ¼ and in part of the SE ¼ NW ¼, lying east of Hunt Avenue and north of Highway 6, all in Section 22-75-43, City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates and Agricultural District to I-1/Light Industrial District; and
- B. Case #ZC-25-004: Rezone undeveloped property legally described as a tract of land located in part of the SE ¼ NW ¼, except the southerly 344.75 feet thereof, lying east of Hunt Avenue, all in Section 22-75-43, City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates and Agricultural District to I-1/Light Industrial District.

The subject property is an undeveloped tract of land lying south of 2025 Hunt Avenue, located in the immediate vicinity of the I-80/U.S. Highway 6 interchange. As noted above, the applicant has also submitted a request to rezone property lying north of 2025 Hunt Avenue (see Case #ZC-25-004). The purpose of these requests is to allow the applicant to develop and/or market both properties for commercial and/or industrial uses. Potential land uses proposed by the applicant include a gas station/convenience store, a truck stop, and a hardware/home improvement store.

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

<b>Direction</b>	<b>Zoning District(s)</b>	<b>Land Uses</b>
North	A-2/Parks, Estates and Agricultural District	Iowa State Patrol
South	A-2/Parks, Estates and Agricultural District	Undeveloped land and U.S. Highway 6
East	A-4/Loess Hills District (County)	Single-family homes
West	P-I/Planned Industrial District	Undeveloped land

The Future Land Use Plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as 'Office/Industrial.'

Property Owner Notification – Public notices were mailed to all property owners within 200 feet of the request. No comments have been received as of the date of this report.

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

- A. The Council Bluffs Public Works Department stated that they had no comments on the request.
- B. The Iowa Department of Transportation stated that they had no concerns with the request.
- C. Council Bluffs Water Works stated that there are no water mains to serve the subject property and thus a main extension would be required if the applicant wishes to establish water service to this site.
- D. MidAmerican Energy stated that they have no conflicts with the request. They also stated that the applicant or their agents should contact MidAmerican Energy directly to discuss development plans and project timelines, as well as identify costs and responsibilities associated with the extension of electric service.

#### **Discussion**

- A. The minimum lot area requirement in the I-1/Light Industrial District is 10,000 square feet. The subject property contains 5.90 acres (257,027 square feet), more or less, in land area, thus complies with the minimum lot size requirements in the I-1 District.
- B. If the proposed rezoning is approved, any future development that occurs on the subject property shall comply with all site development standards in Chapter 15.20, I-1/Light Industrial District, of the Council Bluffs Municipal Code (Zoning Ordinance).
- C. The applicant has not provided a specific development proposal for the subject property. The proposed rezoning would allow a variety of commercial and industrial uses on the subject property. Potential land uses proposed by the applicant include a gas station/convenience store, a truck stop, and a hardware/home improvement store. A conceptual site layout illustrating how the subject property could be developed as a truck stop is shown on Attachment 'C.'
  - 1. An 'auto service establishment' is defined in Section 15.03.049 of the Council Bluffs Municipal Code (Zoning Ordinance) as "an establishment or place of business engaged in the service of automobiles and related light equipment." A gas station would fall under this definition. 'Auto service establishment' is a principal use in the I-1 District and thus would be allowed on the subject property if the proposed rezoning is approved.
  - 2. A 'retail shopping establishment' is defined in Section 15.03.592 of the Council Bluffs Municipal Code (Zoning Ordinance) as "a store or shop engaged in the sale of commodities or goods to individual consumers for personal use rather than for resale." Hardware stores and home improvement stores would fall under this definition. 'Retail shopping establishment' is a principal use in the I-1 District and thus would be allowed on the subject property if the proposed rezoning is approved.
  - 3. A 'truck service establishment' is defined in Section 15.03.651 of the Council Bluffs Municipal Code (Zoning Ordinance) as "a facility engaged in rendering service specially to trucks and related heavy equipment, including sales of fuel, lubricants, parts and accessories, parking, equipment repair, retail sales, restaurants and lodging." A truck stop would fall under this definition. 'Truck service establishment' is a conditional use in the I-1 District. If the proposed rezoning is approved, a conditional use permit issued by the Zoning Board of Adjustment would be required to allow a truck stop on the subject property.

- D. The Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as ‘Office/Industrial,’ which includes uses related to low-impact assembly or distribution activities complemented by employment-intensive, administrative, or professional office functions. The proposed rezoning is generally consistent with the ‘Office/Industrial’ designation. The proposed rezoning would also enable additional development opportunities near the I-80/U.S. Highway 6 interchange.
  
- E. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are not readily available to service the subject property. The applicant shall coordinate the extension of utilities to service the subject property with each utility provider as needed.

**Recommendation**

The Community Development Department recommends approval of the request to rezone property legally described as a tract of land located in part of the NE ¼ SW ¼ and in part of the SE ¼ NW ¼, lying east of Hunt Avenue and north of Highway 6, all in Section 22-75-43, City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates and Agricultural District to I-1/Light Industrial District, based to the reasons stated above.

**Attachments**

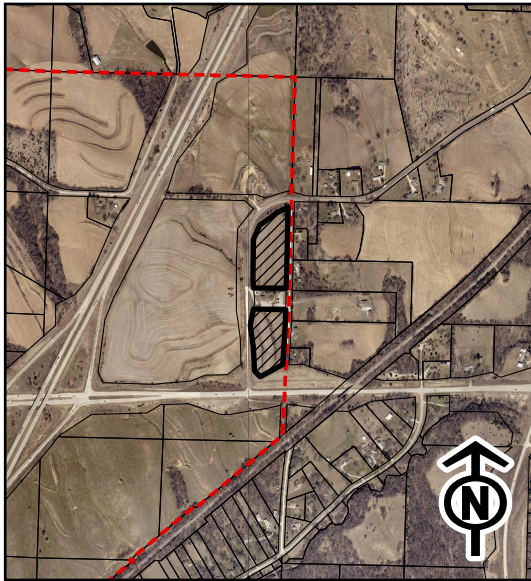
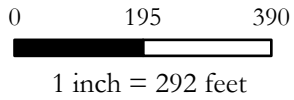
- Attachment A: Location/Zoning Map
- Attachment B: Letter of Intent
- Attachment C: Conceptual Site Layout

Prepared by: Moises Monrroy, Planner, Community Development Department

# CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASES #ZC-25-003 & #ZC-25-004 LOCATION/ZONING MAP

## Legend

-  Subject Properties
-  Council Bluffs City Limits



Last Amended: 4/17/25



Council Bluffs Community  
Development Department  
209 Pearl Street  
Council Bluffs, IA 51503  
Telephone: (712) 890-5350

**DISCLAIMER**  
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## Attachment 'B'

May 1, 2025

Sent- Via email-[cgibbons@councilbluffs-ia.gov](mailto:cgibbons@councilbluffs-ia.gov)

Mr. Christopher N. Gibbons, AICP  
Planning and Code Compliance Manger  
Community Development Department  
209 Pearl Street  
Council Bluffs, IA 51503

**RE: Letter of Intent- use and purpose for rezoning  
Parcel #754322326001 and Parcel #754322100007  
Pottawattamie County, Council Bluffs, IA 51503**

Mr. Gibbons,

Thank you for your call last week. This Letter of Intent shall describe the purpose and reason for the Rezoning/Comprehensive Plan Amendment Applications submitted previously.

LKM Investments ETAL submitted said Applications with the intent of developing and/or selling the two parcels referenced above to various type users allowed within the Council Bluffs Light Industrial Zoning Code. More specifically, Parcel #754322326001, as referenced in the survey attached to the Application as Parcel 1, it is the applicant's intent to sell said parcel to one or two users that will benefit from exposure to Hwy 6. The users that are being targeted are C-store and Truckstop that would use the entire parcel. Alternatively, industrial type owner/users with a showroom or retail component who would benefit from the exposure to Hwy 6. Examples are- hardware stores, supply stores, home improvement stores.

Parcel #754322100007, as referenced in the survey attached to the Application as Parcel 2, it is our intent to sell or develop said parcel. We believe the highest and best uses for this parcel will vary from multiple flex-industrial type users who would want the ability for outside storage to mini-storage use. Given the size of this parcel, we expect multiple buildings that may require the parcel to be subdivided in the future.

We are in the process of creating concept plans to be added to both applications. Unfortunately, they will not be ready until sometime next week.

Please contact me with any questions or comments.

Sincerely,

A handwritten signature in black ink that reads "Michael P. Earl". The signature is written in a cursive style with a large, stylized 'E' at the end.

Michael P. Earl

LKM Investments ETAL

CC:

Moises Monrroy, Planner, Community Development Department-[mmonrroy@councilbluffs-ia.gov](mailto:mmonrroy@councilbluffs-ia.gov)

Greg Mahloch, d.b.a GAM4 Holdings LLC- [Mahloch8@aol.com](mailto:Mahloch8@aol.com)

HUNT AVE

HIGHWAY 6

