City Council Communication

Department: Community Development CASE #TU-19-009 Property Owners: Sherwood Plaza, LLC P.O. Box 954 Council Bluffs, IA 51502 Sherwood Plaza, LLC c/o Mike Vande Voort 427 East Kanesville Blvd, Suite 404 Council Bluffs, IA 51503 Applicant: Echo Group, Inc. c/o Greg Johnson P.O. Box 336 Council Bluffs, IA 51502	Resolution No. _____	City Council: November 18, 2019

Subject/Title

Request: Approval of a temporary use permit to allow a light manufacturing (fifty thousand (50,000) square feet or less) use on property located at 2703 East Kanesville Boulevard, legally described as being part of Parcel "B" Auditor's Subdivision of Tract No. 2 in "Sherwood," Council Bluffs, Iowa, Pottawattamie County, Iowa, more particularly described as follows: Beginning at the northwest corner of Parcel B, Tract No. 2, thence South 65°36'43" East for 128.92 feet; thence North 88°46'46" East for 169.34 feet; thence North 87°24'50" East for 75.03 feet; thence South 2°35'10" East for 86.60 feet; thence South 27°24'50" West for 344.50 feet; thence North 74°55'28" West for 206.50 feet; thence North 47°25'48" West for 110.00 feet; thence North 88°50'28" West for 100.00 feet; thence North 2°56'43" West for 15.39 feet; thence North 41°08'17" East for 267.37 feet; thence North 0°8'17" East for 93.94 feet to the point of beginning.

Background/Discussion

Echo Group, Inc., represented by Greg Johnson, has requested a temporary use permit to operate a light manufacturing (fifty thousand (50,000) square feet or less) use within the former Bomgaars retail space at 2703 East Kanesville Boulevard, on property legally described above. The applicant has a one-year lease, with an additional one-year option, to use the vacant space for their Conex/Job Site Storage Container operation which consists of modifying Conex shipping containers with electrical components, doors, windows, shelving, and insulation so that they can used as construction jobsite office/trailers. A 20'x16' overhead door will be installed on the north side of the building so that containers can be moved in and out of the building. The modified containers will then be stored outdoors within a fenced area until such time they are leased to a contractor and delivered to a construction jobsite. The containers will then be returned to the subject property once the construction project is complete, or delivered to another construction job site.

The applicant provided the following additional information for their proposed temporary use:

1. Staffing for the operation will consist of three to four employees.
2. Hours of operation are Monday through Friday, from 6:00A.M. to 4:00P.M.
3. Approximately five to ten Conex containers ranging in size from 8'x 20' to 8' x 40' will be stored outside of the building. The containers will be stored to the far westerly side of the parking lot where they will be screened from view by existing retaining walls and a fence/gate with vinyl inserts. The semi-truck and trailer used for transporting the container offices will also parked in the westerly parking lot area behind a fence.
4. All scrap metal associated with the operation will be stored indoors and will be disposed of at a salvage yard.
5. The applicant plans to use the subject building as a temporary facility until another permanent facility can be purchased or constructed. Their current lease for the building is for one-year, with an additional one-year option.

The following attachments are included with this report:

Attachment A – Letter of intent
Attachment B – Site plan layout
Attachment C – Modified Conex container examples

Section 15.02.110 Temporary Use Permit, of the Municipal Code (Zoning Ordinance) provides for the issuance of temporary use permit(s) '*for limited term activities or events which occur on private property within the City that may potentially create off-site impacts to surrounding properties and the neighborhood in which it will occur.*' The code further defines eight specific uses that are eligible to be issued a temporary use permit administratively. The proposed 'manufacturing, light (fifty thousand (50,000) square feet or less)' use is not one of the eligible temporary uses that can be approved administratively.

The procedure set forth in Code Section 15.02.110(C)(2) states that '*temporary uses not specifically listed here shall require the specific approval of the City Council. Such uses may be allowed in any zoning district, provided that such temporary use is consistent with the purpose and intent of this Ordinance and the zoning district in which it is located.*' Modifying Conex shipping containers into construction jobsite office/trailers is considered a 'light manufacturing' use in the context of the Zoning Ordinance and is only allowed as a permanent use in I-1/Light Industrial and I-2/General Industrial Districts, and in a C-2/General Commercial District with issuance of a conditional use permit from the Zoning Board of Adjustment. In order for the proposed light manufacturing use to be allowed on the subject property for a limited timeframe, the City Council would have to authorize the issuance of a temporary use permit.

Per Section 15.02.110 *Temporary Use Permit*, of the Municipal Code (Zoning Ordinance) all temporary uses shall comply with all the standards listed below.

- No temporary use shall be permitted that causes, or threatens to cause, an on-site threat to the public health, safety and general welfare.
- Every temporary use shall be operated in accordance with any restrictions and conditions as other departments may require. If required by the City, the operator of the temporary use must employ appropriate security personnel.
- No temporary use shall be permitted if the additional vehicular traffic reasonably expected to be generated by such use would have undue detrimental effects on surrounding streets and uses.
- No temporary use shall be authorized that would unreasonably reduce the amount of required parking.

The Zoning Administrator may make an assessment of the total number of parking spaces that will be reasonably required in connection with a proposed temporary use, on the basis of the particular use, its intensity and the availability of other parking facilities in the area. The Zoning Administrator shall approve such temporary use only if such parking spaces are provided.

- No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.
- Signs shall be permitted only in accordance with this Ordinance.

Comments

The following comment were provided by City Departments for this request:

1. The subject property is zoned C-2/General Commercial District and is part of the Sherwood Plaza Shopping Center. Surrounding zoning includes C-2 District to the east and west, R-4/High Density Residential District with a PR/Planned Residential Overlay to the south, along with A-2/Parks, Estates, and Agricultural District, R-3 District, and C-2 District to the north. Surrounding land uses include a gas station, retail shopping establishments, East Kanesville Boulevard (U.S. Highway 6), multi-family residential dwellings, undeveloped land, and a place of religious assembly. In the last 12 months, The Zoning Board of Adjustment has issued two conditional use permits to allow automobile sales and rentals (Case #CU-18-005) and commercial storage (Case #CU-19-004) at this location, within the former Bomgaars store.

2. A 'light manufacturing' use is defined in Section 15.03.462 of the Municipal Code (Zoning Ordinance) as "*An establishment engaged in the manufacture or processing of finished products from previously prepared materials. Such uses will include processing, fabrication, assembly, packaging and distribution of products with limited incidental storage. Typical uses include bakeries, bottling plants, publishing houses, warehousing and distribution, assembly of electronic and metal products, frozen food lockers, garment manufacturing, optical goods, pharmaceutical manufacture and printing*". Based on the information stated in the applicant's letter of intent the proposed operation is classified as a light manufacturing use. Per Section 15.15.030 of the Municipal Code (Zoning Ordinance) a light manufacturing (fifty thousand (50,000) square feet or less) use is only allowed in a C-2/Commercial District with issuance of a conditional use permit from the Zoning Board of Adjustment. A conditional use permit is normally issued for land uses that want to operate on a permanent basis at one specific location. The applicant intends to operate at this location for a maximum timeframe of two years. At the end of their lease agreement, the applicant will either move their operation to a new permanent facility, or seek a conditional use permit to make the subject property their permanent facility. Since this use will be in operation for a limited timeframe, the issuance of a temporary use permit from the City Council seems more appropriate from a land use regulatory standpoint, rather than a conditional use permit.

3. The number and placement of Conex containers stored outdoors along with on-site traffic circulation should be reviewed as part of this request. The applicant's letter of intent and site layout plan show approximately five to ten containers will be located outside at any given time, and all of them will be placed in the westerly parking lot where they will be screened from view by existing retaining walls and a fence/gate with vinyl inserts. The semi-truck and trailer used for transporting these containers will also be located within the westerly parking lot area to prevent any traffic circulation conflicts with customer and employee parking in the Sherwood Plaza Shopping Center. The applicant has also stated that all containers will be stored at ground level and not stacked.

4. The proposed temporary use will occupy 33,804 square feet of commercial space that was formerly used by Bomgaars. The request also includes the installation of a new 20' x 16' overhead door on the north side of the building so that containers can be brought in and out of the building. No other architectural or structural changes to the building are proposed at this time.

5. The Council Bluffs Fire Department stated they have no comments for the request.

6. The Council Bluffs Public Works Department stated they have no comments for the request.

Recommendation

The Community Development Department recommends approval to issue a temporary use permit to allow a 'light manufacturing (fifty thousand (50,000) square feet or less) use at 2703 East Kanesville Boulevard, subject to the comments stated above and the following conditions:

1. The temporary use permit shall be applicable to the 33,804 square foot building and associated outdoor storage area adjacent only and does not apply to other tenants or buildings located in the Sherwood Plaza Shopping Center on the subject property;
2. All containers and the semi-truck/trailer shall be parked/stored in the far westerly parking lot area in the Sherwood Plaza Shopping Center (as per the submitted site plan) and shall be screened from view by use of existing retaining walls and a fence that a provides a 100% opaque visual barrier;
3. No containers or semi-trucks/trailers shall be parked/stored in customer or employee parking areas that are used by other businesses in the Sherwood Plaza Shopping Center;
4. All containers shall be stored at ground level, and shall not be stacked;
5. Scrap metal from the operation shall be stored indoors until such time they are taken to a salvage yard for disposal;
6. The hours of operation shall be limited to Monday through Friday from 6:00A.M. to 4:00P.M.;
7. Any signage associated with the operation shall comply with the standards stated in Section 15.33, *Signs* of the Municipal Code (Zoning Ordinance) and shall be permitted by the City prior to installation;
8. The temporary use permit shall be valid for one year from the date of Council approval. An additional one year extension of time for the temporary use permit may be granted administratively by City staff if all of the conditions of the temporary use permit are complied with and there are no zoning enforcement actions on record for the operation; and
9. The applicant shall secure all necessary permits and licenses for the operation and shall comply with all applicable Federal, State, and local codes.

Attachment A – Letter of intent
Attachment B – Site plan layout
Attachment C – Modified Conex container examples

Prepared by: Christopher Gibbons, AICP, Planning Coordinator

Echo Group Inc. has entered into a one-year lease agreement with an additional one-year option for the vacant space at 2703 E. Kanesville Blvd Council Bluffs, Iowa, which was previously occupied by Bomgaars. The execution of the lease is contingent upon being granted a temporary use permit from the City of Council Bluffs. We plan to use the space to operate our newly created Conex/Job Site Storage Container operation. Our plan is to use this space as a temporary facility until another permanent facility can be completed. A description of the proposed use and operation for the facility is explained below:

We plan to have 3-6 employees working in the building with hours of operation being Monday thru Friday from 6:00 AM to 4:00 PM. The main focus of the operation will be to modify Conex container units to customer specifications. The modifications that we will be doing to the units include adding shelving, adding doors and windows where needed, framing and insulating the office space area as well as adding electrical components. We will be using a welder and torch as well as a plasma cutter to modify the units. During the modification stage, we will be using a forklift and specially designed rollers to move the units around inside the building. The modified units will be stored outside in the fenced in lot on the north side of the building until they are delivered to construction jobsites where they will be leased to contractors to use during their construction project. The units will return to the Kanesville Blvd location after the contractor is done with them at the jobsite. Upon return they will be cleaned, repaired if needed, and then placed in the outside storage lot until they are sent to another jobsite. We estimate there will 5 to 10 Conex units stored in the fenced in lot at any given time and the units will all be stored at ground level with no stacking of units. The truck and trailer used to deliver the units to the jobsites will also be stored in the fenced in lot. All scrap metal that results from the modification of the Conex containers will be stored inside the building until it is taken to the salvage yard.

The only modification we plan to do to the building would be to add a 20 X 16 overhead door on the north side of the building which will be used to move the containers in and out of the building. We plan on adding vinyl inserts to the existing fencing and gate at the parking lot level to create a visual barrier to screen the containers from public view in the parking lot. We may also find the need to modify the current gate to allow for better equipment flow.


90'
63'
CONTAINERS—MOST ARE 20' x 8'; COULD BE AS BIG AS 40' x 8'
SEMI & TRAILER—53' LONG
GATE
GATE
ATTACHMENT B
Sherwood Nails and Spa
2703 East Kanesville Boulevard



ATTACHMENT C


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