RESOLUTION NO. 19-264

A RESOLUTION GRANTING 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," CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Echo Group, Inc. 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 as being part of Parcel "B" Auditor's Subdivision of Tract No. 2 in "Sherwood," City of 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; and

WHEREAS, 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 be used as construction jobsite office/trailers; and

WHEREAS, The following comments were provided by City Departments for this request:

A. 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.

B. 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.

C. 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.

D. 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; and

WHEREAS, 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:

A. 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;
B. 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;
C. 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;
D. All containers shall be stored at ground level, and shall not be stacked;
E. Scrap metal from the operation shall be stored indoors until such time they are taken to a salvage yard for disposal;
F. The hours of operation shall be limited to Monday through Friday from 6:00A.M. to 4:00P.M.;
G. 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;
H. 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
I. The applicant shall secure all necessary permits and licenses for the operation and shall comply with all applicable Federal, State, and local codes.

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

That the temporary use permit to allow a "light manufacturing (fifty thousand (50,000) square feet or less) use" at 2703 East Kanesville Boulevard is hereby approved subject to the comments and conditions set forth above.

ADOPTED
AND November 18, 2019.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk