City Council Communication

Department: Community Development Case #ZT-20-002 Applicant: City of Council Bluffs	Ordinance No.	Planning Commission: 5/12/2020 1st Consideration: 6/08/2020 2nd Consideration: 6/22/2020 3rd Consideration: Request to be waived

Subject/Title

Request: Public hearing on the request of the Community Development Department to amend Section 15.19.020 by adding 'Manufacturing, general' as defined by §15.03.460, and adding 'Retail Shopping Establishment', as defined in §15.03.592 as principal uses in the P-I/Planned Industrial District, and to amend Section 15.19.030 "Conditional Uses' of the P-I District by removing 'Manufacturing, general', all in the Municipal Code (Zoning Ordinance) of Council Bluffs, Iowa.

Background

The Community Development Department proposes to amend Title 15 of the Municipal Code (Zoning Ordinance) by adding 'Manufacturing, general' and 'Retail shopping establishment' as principal uses in the P-I/Planned Industrial District.

Per Section 15.19.010, Statement of Intent, of the Municipal Code (Zoning Ordinance), the P-I/Planned Industrial District is intended to *"provide for the development of assemblage facilities, manufacturing facilities, research and development activities, business services, storage and distribution centers in an industrial park setting. The facilities in the planned industrial district are designed to be used in common by sharing ingress and egress roads, ensuring appropriate design with respect to traffic arteries and compatibility with surrounding uses. Business and industrial activities shall be primarily enclosed operations with significant screening and landscaping of exterior operations and storage. Final authority over development plans shall be retained by the city council, with extensive review by the planning commission".* Currently, the following land uses are allowed in the P-I District as either a principal use, meaning they are allowed by-right, or as a conditional use which requires review and approval by the Council Bluffs Zoning Board of Adjustment:

15.19.020 Principal Uses

The following principal uses shall be permitted outright in a P-I district:

A. Business, professional office;
B. Business goods and service establishment;
C. Equipment sales and rental;
D. General government use;
E. Local utility services;
F. Manufacturing, light;
G. Warehousing and distribution, limited.

15.19.030 Conditional Uses

The following conditional uses shall be permitted in a P-I district in accordance with the requirements set forth in CBMC 15.27:

A. Communication tower;
B. Manufacturing, general;
C. Day care services.

Section 15.03.460 of the Municipal Code (Zoning Ordinance) defines a 'manufacturing, general' use as *"an establishment engaged in the processing, manufacturing, compounding, assembly, package, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration or air pollution effects across property lines. Such uses will include the manufacture, processing and packaging of food and kindred items, asphalt, stone, clay, glass, plastic, paper, cement, and other products, welding shops, sawmills, petroleum storage and distribution, foundries and storage of chemicals"*. Currently, a 'manufacturing, general use' is allowed as a conditional use in the P-I District and as a principal use in the I-2/General Industrial and I-3/Heavy Industrial Districts.

Section 15.03.592 of the Municipal Code (Zoning Ordinance) defines a *'retail shopping establishment' use as " a store or shop engage in the sale of commodities or goods to individuals consumers for personal use rather than for resale, including by limited to, the following:*

A. Antique stores;
B. Appliance, television and radio sales;
C. Art galleries, commercial;
D. Art supplies;
E. Auto parts and accessory stores, including the machining of parts as an accessory use, but not including in-vehicle installation facilities;
F. Bakeries;
G. Bicycle sales and repair shop;
H. Bookstores;
I. Candy and ice cream stores;
J. Clothing, clothing accessories and dry goods;
K. Department stores;
L. Drug stores;
M. Floor coverings;
N. Florists;
O. Furniture stores;
P. Greenhouse;
Q. Gift and card shop;
R. Grocery, delicatessen and specialty food store;
S. Hardware, paint and wallpaper stores;
T. Jewelry, leather goods and luggage stores;
U. Lawn and garden supply (including nursery stock) stores;
V. Meat market, retail, provided that no killing, eviscerating, skinning, plucking, or smoking of food products occurs on the premises;
W. Music stores;
X. News and tobacco stores;
Y. Photographic equipment and supplies;
Z. Rental of small tools for household use;
AA. Shoe stores;
AB. Sporting goods;
AC: Toy and hobby stores; and
AD: Variety stores".

Currently, a 'retail shopping establishment' is allowed as a principal use in the following City zoning districts: MCR/Mixed Commercial Residential District; C-1/Neighborhood Commercial District; C-2/General Commercial District; C-3/Central Business District; C-4/Downtown Business District; P-C/Planned Commercial District; and I-1/Light Industrial District.

The proposed zoning text amendment requests will result in the following changes to the P-I District land use categories, as highlighted in red below:

15.19.020 Principal Uses

The following principal uses shall be permitted outright in a P-I district:

A. Business, professional office;
B. Business goods and service establishment;
C. Equipment sales and rental;
D. General government use;
E. Local utility services;
F. Manufacturing, general and light;
G. Warehousing and distribution, limited;
H. Retail shopping establishment.

15.19.030 Conditional Uses

The following conditional uses shall be permitted in a P-I district in accordance with the requirements set forth in CBMC 15.27:

A. Communication tower; and
B. ~~Manufacturing, general~~;
C. Day care services.

The purpose of these amendments is to accomplish the following planning and zoning objectives:

1. Eliminating redundancy in the City's review process for allowing a 'manufacturing, general' land use in a P-I District; and
2. Allowing a mixture of land uses that are consistent with the purpose and intent of the P-I District and that are compatible with uses within and adjacent to a P-I District.

All City departments and local utility providers received a copy of the proposed text amendment. The Council Bluffs Fire Department and Council Bluffs Water Works stated they have no comments for the proposed amendment. The Community Development Department provided the following comments:

1. All development proposals within a P-I/Planned Industrial District are required to adopt a planned industrial development plan that addresses building setbacks and heights, landscaping, off-street parking, outdoor lighting, building architecture, signage, stormwater management, utility connections, buffering/screening, and other site design elements. The development plan is reviewed by the City's Planning Commission and then formally adopted by City Council. In a P-I District a 'manufacturing, general' use is classified as a conditional use which requires issuance a conditional use permit by the Zoning Board of Adjustment, prior to the use operating. Therefore, in order for a 'manufacturing, general' use to operate in a P-I District it is subject to three regulatory reviews: City Planning Commission and City Council for adopting a development plan, and the Zoning Board of Adjustment for approval of a conditional use permit. The Community Development Department supports reclassifying a 'manufacturing, general' use in a P-I District from a conditional use to a principal use in order to eliminate a redundancy in the review and approval process for such use in this District. The development plan functions as a regulatory document for how sites and projects in a P-I District are designed and development, and any changes or modifications to the adopted development plan

must be reviewed by the City Planning Commission and approved by City Council. Requiring a separate conditional use permit is an inefficiency in the review and approval process for a 'manufacturing, general' use in a P-I District, and creates confusion between which regulatory standards (development plan or conditional use permit) are applicable to a development project. Changing the classification of a 'manufacturing, general' use from a conditional use to a principal use will eliminate this redundancy.

2. Adding a 'retail shopping establishment' as a principal use in the P-I is intended to encourage a mixture of land uses that can occur within a master planned mid-to-large scale industrial development (e.g., industrial, business, and logistics parks). It will provide employers and employees access to services and shopping opportunities that are compatible with the land uses allowed in P-I District, while also functioning as a transitional land use between commercial and residential land uses that are adjacent to an industrial development zoned P-I District.

Recommendation

The Community Development Department recommends approval to amend to amend Section 15.19.020 by adding 'Manufacturing, general' as defined by §15.03.460, and adding 'Retail Shopping Establishment', as defined in §15.03.592 as principal uses in the P-I/Planned Industrial District, and to amend Section 15.19.030 "Conditional Uses' of the P-I District by removing 'Manufacturing, general', all in the Municipal Code (Zoning Ordinance) of Council Bluffs, Iowa, based on reasons stated above.

Public Hearing

Staff speaker for the request:

1. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor: None

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended approval to amend to amend Section 15.19.020 by adding 'Manufacturing, general' as defined by §15.03.460, and adding 'Retail Shopping Establishment', as defined in §15.03.592 as principal uses in the P-I/Planned Industrial District, and to amend Section 15.19.030 "Conditional Uses' of the P-I District by removing 'Manufacturing, general', all in the Municipal Code (Zoning Ordinance) of Council Bluffs, Iowa, as per staff's recommendation.

VOTE: AYE 11 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 0 Motion: Carried

Attachment

Attachment A: Proposed text amendment

Prepared by: Christopher N. Gibbons, AICP, Planning Manager