

City Council Communication

Department: Community Development Cases #ZT-20-004 Applicant: Council Bluffs Community Development Department	Ordinance No.	1 st Consideration: 09/28/2020 2 nd Consideration: 10/12/2020 3 rd Consideration: 10/26/2020 Planning Commission: 9/8/2020
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Subject/Title

Public hearing on the request of the Council Bluffs Community Development Department to amend Title 15: Zoning of the Municipal Code of Ordinances by repealing Chapter 15.32 – CDO/Corridor Design Overlay and replacing it with Chapter 15.32A - West Broadway Corridor Design, and to append said West Broadway Corridor Design Overlay onto all properties and zoning districts located in an area of the City of Council Bluffs legally described as being geographically bounded on the north by the north right-of-way line of Avenue ‘A’, to the south by the south right-of-way line of 2nd Avenue, to the east by the west right-of-way line of South 13th Street, and to the west by the east right-of-way line of Interstate 29/480.

Background

West Broadway Corridor Design Overlay (CDO) Design Standards

The proposed amendment to enhance the West Broadway CDO standards is one of several implementations of the West Broadway Corridor Plan, adopted by City Council in 2015 with Resolution #15-204, which established a vision for the West Broadway Corridor based on “*a strong infrastructure network, strategic land use policy, and high quality vertical development forming beautiful urban space.*” To achieve this vision, the adopted plan included the following recommendations:

- Create incentives at transit stations to allow for higher densities, reduced parking ratios, and vertical mixing of uses;
- Allow for a greater range of uses including residential and mixed-use areas where only commercial is currently permitted;
- Rezone properties south of Avenue A to residential to reflect in policy the decision to return Avenue A to a residential street;
- Rezone former industrial properties to accept a mix of uses;
- Provide form-based design guidelines for street frontages;
- Provide guidelines for appropriate massing and building elements;
- Establish guidelines for the creation of public and semi-private outdoor gathering space;
- Manage appropriate parking types and locations; and
- Manage access points and limit service to alleys and rear lanes.

In an effort to implement these recommendations, City Council adopted Ordinance #6398 in 2019 which created the MCR/Mixed-use Residential District. The MCR district is intended to “*encourage an urban pattern of development characterized as ‘mixed-use’ in order to promote human interaction, pleasing aesthetics, economic resiliency, efficient land use, and maximization of resources. The MCR district also supports and encourages a variety of transportation options for multiple modes of transportation. The MCR district is applicable to areas of the City where higher density residential and commercial uses are appropriate and where municipal utility infrastructure is readily available or can be extended by a project.*” Subsequently, City Council approved Ordinance No. 6397 to rezone properties within the West Broadway Corridor from R-3 to MCR.

Continuing the effort of implementing the above listed recommendations of the adopted West Broadway Corridor Plan, the Community Development Department analyzed the current West Broadway CDO standards for areas of improvement. Staff determined that while the existing standards provided a solid foundation for quality design in the West Broadway Corridor, the standards fail to fully meet the intent and recommendations of the adopted West Broadway Corridor Plan. Specifically, Section 15.32, *Corridor Design Overlay*, lacks clarity and consistency in the application of the design

standards and falls short in providing standards that wholly support the adopted vision of the West Broadway Corridor.

In the process of drafting the proposed design standards, the Community Development Department conducted research on a number of design standards in cities across the country, and paid particular attention to design standards in corridors similar to West Broadway. The proposed Section 15.32(A), *West Broadway Corridor Design Overlay*, combines the most effective aspects of the current standards with the most appropriate additions found in staff's research.

The Community Development Department is proposing to replace the existing West Broadway CDO standards with an enhanced Section 15.32A, *West Broadway Corridor Design Overlay* for the following reasons:

- The proposed Section 15.32A, *West Broadway Corridor Design Overlay* better achieves the goals and intent of the adopted West Broadway Corridor Plan, which is to create a vibrant urban corridor that supports multi-modal transportation options, mixed-use development, and architecture that enhances the visual attractiveness and quality of life of the City of Council Bluffs; and
- The enhanced applicability and boundary language provides clarity and consistency in the application of the proposed design standards.

An overview of the existing and proposed standards is outlined below.

Existing Section 15.32, *Corridor Design Overlay*, includes the following Sections:

- Statement of Intent
- Establishment of A Corridor Design Overlay
- Overlay Boundaries
- Curb Cuts
- Pedestrian Facilities
- Planting
- Screening and Buffering
- Signs
- Architecture
- Lighting

Proposed Section 15.32A, *West Broadway Corridor Design Overlay*, includes the following Sections:

- Statement of Intent
- West Broadway Corridor Design Overlay Boundary
- Definitions
- Applicability of the West Broadway Corridor Design Overlay
- Permitted, Conditional and Accessory Uses
- Prohibited Land Uses
- Build-to-Zone for West Broadway and Major Streets
- Architecture
- Landscaping and Streetscapes
- Pedestrian and Vehicular Access
- Outdoor Lighting
- Screening and Buffering
- Fences and Walls
- Signs
- Adoption of a Development Plan

Much of the existing design standard language or concepts were kept from the following sections: Curb Cuts; Pedestrian Facilities; Screening and Buffering; Signs; and Lighting. Updates to the existing standards were provided to achieve greater clarity and further meet the intent of the adopted West Broadway Corridor Plan. An overview of the main updates to the proposed West Broadway CDO standards include the following:

West Broadway Corridor Design Overlay Boundary

The existing West Broadway CDO boundary is comprised of an irregular polygon shape that lacks consistency from block to block. These inconsistencies throughout the existing boundary result in a discordant application of the design standards throughout the West Broadway corridor. Proposed Section 15.32A, *West Broadway Corridor Design Overlay* clarifies the boundary of the West Broadway CDO and ensures consistent applicability of the design standards among all applicable properties within the corridor. The proposed boundary applies to the area geographically bounded on the north by the north right-of-way line of Avenue 'A'; on the south by the south right-of-way line of 2nd Avenue' on the east by the west right-of-way line of South 13th Street and on the west by the east right-of-way line of Interstate 29/480. A map showing the current and proposed West Broadway CDO Boundaries is included as Attachment 'A'.

Street Hierarchy

The West Broadway Corridor contains a mixture of arterial, local, and collector streets that influence and direct the flow of vehicular, bicycle, and pedestrian traffic. The Community Development Department acknowledges that not all streets within the West Broadway Corridor are of the same level of significance. In this regard, the proposed section establishes a street hierarchy system that serves as a tool to apply the proposed design standards in a context sensitive manner. Streets within the West Broadway CDO are organized in the following categories:

- 1) West Broadway – West Broadway Street is the highest category street within the corridor and is subject to the highest level of design emphasis.
- 2) Major Street – Major streets include 1st Avenue and intersecting north/south streets including: 16th, 19th, 22nd, 25th, 28th, 31st, and 35th Streets. While not a street per se, 1st Avenue will contain a premier multi-use trail. The north/south streets were identified as significant as they are future locations of plazas along the 1st Avenue trail.
- 3) Minor Street – Minor streets include all other streets within the West Broadway CDO that are not designated as West Broadway or Major. Minor streets demand the lowest level of design emphasis within the corridor.

This street hierarchy system is referenced throughout the proposed design standards.

Applicability

Compliance with the current West Broadway CDO standards occurs in any of the following scenarios:

- New construction of commercial, industrial, and multifamily structures and sites;
- Substantial rehabilitation of or additions to commercial, industrial, and multifamily structures and sites. Substantial rehabilitation is defined as modifications equal to fifty (50) percent of the assessed value of the structure or structures on a lot;
- The reoccupancy of fifty (50) percent or more of any commercial, industrial, and multifamily structure or site which has been vacant for a period of six months. Once fifty (50) percent or more of a building has been vacant for six months or more, it may not be reoccupied until such time that the entire structure has been brought into compliance
- All new signage and sign refacing requiring a permit; and
- Exterior modifications which equal to fifty (50) percent of the structure's total street façade shall comply with Section 15.32.090, *Architecture*.

The above listed scenarios have a relatively low threshold that a redevelopment project must hit for compliance with the West Broadway CDO standards. Additionally, determining when a redevelopment project constitutes compliance can be confusing or difficult to enforce under the existing applicability standards.

The proposed applicability standards provide clear guidelines on when compliance with the proposed West Broadway CDO standards would occur. Compliance with the proposed design standards would presumably occur on a less frequent basis as the threshold that a remodel must hit has been significantly increased. Compliance with the proposed standards shall be as follows:

- 1) New construction of commercial, mixed-use, and multifamily structures and sites shall comply entirely with the proposed standards; (*Note: This qualification exists in the current West Broadway CDO standards.*)
- 2) Building modifications equal to fifty (50) percent or more of the total assessed **value of the structure** shall require the **structure only** to be brought into compliance with the applicable design standards; and
- 3) Building modifications equal to fifty (50) percent or more of the total assessed **value of the property** shall require the **entire site** to be brought into compliance with all design standards.

The below listed example scenario compares the existing and proposed West Broadway CDO standards that would be applicable in a remodel of the Godfather's Pizza located at 3020 West Broadway.

Example Scenario: Godfather's 3020 West Broadway

Total Assessed Value (Land + Building) (2020) - \$589,100 (\$294,550 – 50 Percent Trigger)

Total Assessed Building Value (2020) - \$196,700 (\$98,350 – 50 Percent Trigger)

	Under \$98,350 Remodel		\$98,350-\$294,549 Remodel		\$294,550+ Remodel		Entire Site Redevelopment	
Applicable Standards	Current Applicability	Proposed Applicability	Current Applicability	Proposed Applicability	Current Applicability	Proposed Applicability	Current Applicability	Proposed Applicability
Curb Cuts	Under assessed value of structure	Under assessed value of structure and property	X		X	X	X	X
Pedestrian Facilities			X		X	X	X	X
Planting			X		X	X	X	X
Screening and Buffering			X		X	X	X	X
Signs			X		X	X	X	X
Architecture	No standards apply	No standards apply	X	X	X	X	X	X
Lighting			X		X	X	X	X
Build-to-Zone								X
Fences and Walls						X		X

Additionally, the proposed design standards do not apply to existing or expanding single family and two family uses. Properties adding a new drive-through lane in the West Broadway CDO would be required to comply with the proposed drive-through screening standards.

Flexibility

The proposed section provides the following opportunities for flexibility in the application of the West Broadway Corridor design standards where none exists in the current code:

- *Community Development Director Flexibility* – The Community Director may approve: minor, equivalent deviations from the standards; use of an alternate building material; or use of an alternate fencing or wall material; and
- *Adoption of a Development Plan* – Properties in the West Broadway CDO which are unable to meet any aspects of the proposed design standards shall be allowed the option of applying for a site specific development plan to be reviewed by the City Planning Commission and City Council. This process would differ from a variance in that applicants would not be allowed to develop to a lesser standard than required by the proposed design standards. Instead, applicants would submit development plans which further enhance components of the development in regards to the above requirements in exchange for relief of other requirements.

Prohibited Land Uses

Concurrent with the proposed West Broadway CDO standards request, the Community Development Department is also requesting to rezone all remaining I-1/Light Industrial properties within the West Broadway Corridor to C-2/Commercial (Case #ZC-20-010) and amend the future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) by reclassifying the 'Light Industrial' areas within the West Broadway Corridor to 'Multi-Family/Mixed-Use' (Case #CP-20-001) in accordance with the recommendations of the adopted West Broadway Corridor Plan. While C-2/Commercial District zoning is generally appropriate for the West Broadway Corridor, staff has further identified certain uses in the C-2 district which are not conducive to a vibrant urban corridor that supports multi-modal transit and mixed-use development.

The proposed Section 15.32A.060, *Prohibited Land Uses*, limits land uses within the West Broadway CDO boundary to those that support the adopted vision for the West Broadway Corridor. These proposed prohibited land uses do not apply to other areas zoned C-2/Commercial District outside the West Broadway CDO. Existing businesses in these land use classifications may continue as legal nonconforming uses, subject to the standards stated in Section 15.26, *Nonconformities*. Proposed Section 15.32A.060 filters out heavy commercial, industrial, and auto-oriented uses to ensure that future mixed-use developments in the corridor are protected and encouraged by surrounding uses. The proposed

prohibited uses include:

- Adult entertainment
- Automotive repair (major only)
- Automotive sales and rental
- Building material, retail sales only
- Cemeteries
- Commercial storage
- Contractor shop
- Juvenile detention facility
- Industrial and manufacturing
- Warehousing and distribution

Build-to-Zone

The adopted West Broadway Corridor Plan recommended that the existing West Broadway CDO standards be revised to include “*form-based design guidelines for street frontages*.” The proposed build-to-zone standards accomplish this recommendation and introduce the build-to-zone concept to the West Broadway Corridor. The build-to-zone can be defined as the area on a lot where a building must locate between a minimum and maximum setback. The proposed build-to-zone establishes a minimum setback of five (5) feet and a maximum setback of twenty (20) feet. The purpose of the proposed build-to-zone is to situate new buildings on sites in such a manner that enhances pedestrian interest and comfort while establishing a consistent street wall along West Broadway and major streets. All new buildings, excluding accessory structures, built on sites with frontage on West Broadway or a major street shall be built within the build-to-zone. Buildings shall have a minimum ‘build-to-width’, as defined in Section 15.32A.030 as “*the minimum cumulative building width that shall occupy the build-to-zone, based on the width of the parcel at the street*” of fifty (50) percent. Once the minimum build-to-width has been met, portions of the building or additional buildings may be placed outside the build-to-zone.

Architecture

The proposed architecture standards are intended to encourage timeless architectural design within the West Broadway CDO through requiring coordinated, high-quality materials and architectural elements on all facades with design emphasis given towards West Broadway and major street facing facades. The proposed architectural standards cover the following areas:

- *Building Materials* – The proposed building materials list builds off of the existing list by including only high-quality, appropriate building material types and categorizing them into two groups: durable and complementary. This categorization allows the materials to be applied in a context-sensitive manner that honors the established street hierarchy system.
- *Articulation* – The proposed articulation standards require that building facades be constructed with architectural details to articulate building elevations (i.e. color or material changes, minor wall offsets, height variations, wall setbacks, accent lines, colonnades, and upper floor setbacks). Additionally, to encourage four-sided architecture within the West Broadway corridor, buildings shall have a minimum two (2) foot base spanning the entire length of all facades and shall be comprised of one of the following high-quality, durable materials: architectural concrete masonry unit (CMU) block (excluding smooth or flat faced block; brick masonry; stone masonry; or tile masonry. Building facades that are blank and/or void of architectural detailing shall not be allowed. However, all facades and portions thereof that are not visible from adjacent street right-of-way do not require articulation.
- *Transparency* – To encourage interest and interaction between the public and private realm, buildings will be required to provide a minimum percentage of transparent windows and doors that cover a façade measured between two (2) and ten (10) feet above grade. The specific percentage required is based upon where the façade falls within the street hierarchy. Facades along West Broadway and major streets require the highest levels of transparency.

Landscaping and Streetscapes

The proposed landscaping and streetscape standards aim to aid in softening the appearance of buildings and paved areas while creating visual interest for people in the corridor. In summary, the proposed landscaping and streetscape standards include the following:

- *Frontage Landscaping* – A minimum five (5) feet wide landscape strip shall be installed on all frontages. A minimum of one (1) deciduous, shade tree and ten (10) shrubs shall be planted every twenty (20) linear feet along

frontage strips. Frontage adjacent to buildings shall only be required to install foundation plantings.

- *Foundation Plantings* – Foundation plantings shall be placed along the perimeter of all facades, not inclusive of entrances.
- *Parking Lot Landscaping* – The proposed parking lot landscaping standards are required at the same rate as the existing standards. The proposed standards require that landscape islands be evenly distributed throughout the parking lot in order to maximize tree canopy shade. Trees planted in perimeter planting areas as opposed to landscape islands or endcap islands/peninsulas shall be counted as ½ tree.
- *Landscaping Maintenance* – Plantings are required to be maintained at all times. If plant material dies, it shall be replaced with plantings of the same or similar species of equal size within six (6) months of the plant's demise. Failure to replace plant materials within the specified timeframe shall result in zoning enforcement action pursuant with CBMC Section 15.02.130, *Violation and Penalty*.
- *On-Street Parking* – On-Street parking is encouraged on all new development and redevelopment within the West Broadway corridor, whenever adequate right-of-way is available, in accordance with adopted Public Works standards.
- *Street Tree Plantings* – Street tree plantings are required along all major streets in accordance with the species type and spacing requirements of the *Council Bluffs Street Tree Species Guide*.

Pedestrian and Vehicular Access

The proposed pedestrian and vehicular access standards aim to prioritize pedestrian safety and minimize curb cuts off West Broadway and major streets whenever possible. The proposed pedestrian and vehicular access standards include the following:

- *Curb Cuts* – The majority of the curb cut language was carried over from current Section 15.32, *Corridor Design Overlay*. In an effort to further decrease the amount of curb cuts off of West Broadway, the following language was added, “in instances where no curb cut is provided on West Broadway, the intersecting street shall be allowed two (2) curb cuts.”
- *Pedestrian Access* – Pedestrian access language was kept from the current Section 15.32, which requires that “a five (5) foot wide, hard-surface accessible route shall be provided on all adjacent rights-of-way to a public entrance. An accessible route may be designated with painted markings on parking lot pavement.”
- *Drive-through Lanes* – New drive-through lane language is included with this update that promotes pedestrian safety and supports buildings being closer to the street. The proposed language requires that drive-through lanes be located to the sides and rear of the property when possible. In situations where drive-through lanes are located in front of buildings, the lanes shall be screened from adjacent public street right-of-way by a masonry wall; vegetative wall; architectural feature attached to the building; or a combination thereof. Additionally, on corner lots of West Broadway, drive-through ingress shall be taken off the adjacent major or minor street.

Screening and Buffering

The proposed screening and buffering standards intend to ensure that screening is integrated into the overall site design and fully contains the visual impact of service equipment and functions from public view. The existing Section 15.32 included screening standards for dumpsters, outdoor trash storage, roof-mounted equipment and screening commercial uses from residential zones. The proposed screening and buffering section includes much of the same language and covers the following:

- *Commercial Buildings Abutting Residential Zones* – Planting or fencing shall be used to screen the back of commercial buildings abutting residential zones. Plantings shall include a six (6) feet minimum width planting strip with a tall hedge comprised of deciduous or evergreen shrubs in a double row planted in a triangular spacing, as defined in the attached planting list
- *Roof-mounted Mechanical Equipment* – Roof-mounted 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.
- *Wall-mounted Mechanical Equipment* – In order to continuously place design emphasis on West Broadway and major streets, wall-mounted mechanical equipment cannot be located on any surface within the build-to-zone. Any wall-mounted mechanical equipment located on any surface that is visible from an adjacent public street right-of-way shall be fully screened by architectural features, landscaping, or a combination thereof.
- *Ground-mounted Mechanical Equipment* – Ground-mounted mechanical equipment visible from adjacent public right-of-way shall be completely screened from view using architectural design features, fencing, masonry wall, landscaping, or a combination thereof.
- *Loading and Service Areas* – Loading and service areas shall be located to the side or rear of the principal

building and shall be screened from view from adjacent property or public street right-of-way by architectural design features, landscaping, fencing, masonry wall, or a combination thereof.

Fences and Walls

The intent of the fences and walls section of the proposed standards is to ensure that any fence or wall placed in the West Broadway CDO is constructed of high-quality materials and is complementary in design to the overall site. A list of appropriate fence and wall materials is provided. Non-coated chain-link, barbed wire, non-permanent, or electrically charged fencing is not allowed in the corridor.

Comments

All City departments and local utility providers received a copy of the proposed text amendment. The following comments were received regarding proposed Section 15.32A, *West Broadway Corridor Design Overlay*:

- The Community Development Department provided the following comments in regards to their recent West Broadway Corridor public outreach efforts:
 - FIRST AVE Advisory Committee Presentations—The FIRST AVE Advisory Committee is comprised of community stakeholders and meets on a monthly basis. Community Development staff presented the proposed design standards to members of the FIRST AVE Advisory Committee at various stages in the draft process for review and discussion. These presentations were recorded and posted on the City’s website: FIRSTAVECB.com.
 - City Planning Commission Informal Presentation—At the August City Planning Commission meeting, Community Development Department staff gave a brief, informal presentation on the proposed design standards and rezonings and provided Commission members a copy of the draft standards for review prior to the September public hearing.
 - Public Notification Letters—The Community Development Department sent out over 1,200 letters to property owners within and around the West Broadway Corridor that provided information on the following:
 - An open house hosted by the Community Development Department regarding the following actions to implement the long-range vision of the West Broadway Corridor Plan:
 - Updating the West Broadway CDO boundary
 - Rezoning properties from I-1 to C-2
 - Modifying the West Broadway CDO standards
 - Construction of the 1st Avenue trail;
 - Information on how to provide public comment regarding the above listed items via phone or email; and
 - The time, date, and location of the City Planning Commission where the proposed CDO standards and rezoning items would be considered.

Staff fielded approximately fifteen (15) calls from the public regarding the public notification letters.

- Open House—The Community Development Department hosted an open house on Thursday, August 27, 2020 from 6 PM to 8 PM at the Council Bluffs Public Library with approximately 30-40 attendees. The purpose of this open house was to provide the public an informal opportunity to meet with staff regarding the proposed rezonings, design standards, and 1st Avenue trail. In general, attendees were inquisitive about the various proposals and were interested to know how their specific properties would be affected by the proposed changes.

- The Council Bluffs Permits and Inspections Division stated that the City should look into requiring fencing permits within the Corridor as a means of evaluating compliance with the proposed fencing regulations.
- The Council Bluffs Public Works Department provided the following comments:
 - 15.32A.090.D—On-street parking is for the general public and not typically a part of developments or re-developments and would be discouraged in high traffic locations. The north/south streets with the exceptions of 16th, 25th, and 35th Streets would be the most accommodating for on-street parking.
 - 15.32A.100.C.a.i—Geometrically, this option would be a hindrance to site development.
 - 15.32A.140.C—All detached signage must be located outside of the public right-of-way and must not create an issue with sight triangles at intersections (driveways and streets).
- MidAmerican Energy provided comments regarding the proposed Section 15.32A.110, *Outdoor Lighting*, as it pertains to their provision of wood light poles that at times exceed twenty-five (25) feet within the West Broadway Corridor and 15.32A.120, *Screening and Buffering*, as it pertains to access to metered equipment by both MidAmerican employees and on-site tenants.
- Council Bluffs Water Works stated that they have no comments regarding the proposed text amendment.
- The Council Bluffs Fire Department stated that they have no comments regarding the proposed text amendment.

Recommendation

The Community Development Department recommends approval to amend Title 15: Zoning of the Municipal Code of Ordinances by repealing Chapter 15.32 – CDO/Corridor Design Overlay and replacing it with Chapter 15.32A - West Broadway Corridor Design, and to append said West Broadway Corridor Design Overlay onto all properties and zoning districts located in an area of the City of Council Bluffs legally described as being geographically bounded on the north by the north right-of-way line of Avenue ‘A’, to the south by the south right-of-way line of 2nd Avenue, to the east by the west right-of-way line of South 13th Street, and to the west by the east right-of-way line of Interstate 29/480.

Public Hearing

Staff speakers for the request:

1. Haley Weber, Zoning Enforcement Officer, 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: None

Speakers against: None

General comments/questions from public:

1. Beverly Roth, 4 Ridge Drive West, Council Bluffs, IA 51503

Planning Commission Recommendation

The Planning Commission recommended approval to amend Title 15: Zoning of the Municipal Code of Ordinances by repealing Chapter 15.32 – CDO/Corridor Design Overlay and replacing it with Chapter 15.32A - West Broadway Corridor Design, and to append said West Broadway Corridor Design Overlay onto all properties and zoning districts located in an area of the City of Council Bluffs legally described as being geographically bounded on the north by the north right-of-way line of Avenue ‘A’, to the south by the south right-of-way line of 2nd Avenue, to the east by the west right-of-way line of South 13th Street, and to the west by the east right-of-way line of Interstate 29/480.

VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 VACANT 0 Motion: Carried

Attachment(s)
Attachment A: Proposed and Existing West Broadway CDO Boundaries Attachment B: Proposed Section 15.32A, <i>West Broadway Corridor Design Overlay</i>
Prepared by: Haley P. Weber, Zoning Enforcement Officer