City Council Communication

Department: Community Development CASE #ZT-21-001 Applicant: City+Ventures c/o Adam Ramaekers 222 South 15th Street, Suite 1404s Omaha, NE 68102 Representative: Foleyshald Engineering c/o Andrew Rech 3803 North 153rd Street, Suite 203 Omaha, NE 68116	Ordinance No. _____	1st Consideration: 02/22/2021 2nd Consideration: 03/08/2021 3rd Consideration: 03/22/2021 Planning Commission: 2/9/2021

Subject/Title

Request: Public hearing on the request of City+Ventures, represented by Adam Ramaekers, to amend Section 15.18.020 of the Council Bluffs Municipal Code (Zoning Ordinance) by adding 'dwelling, multifamily' and 'mixed-commercial structure' as principal uses in the P-C/Planned Commercial District; and amending Section 15.18.050, Site Development Regulations of the Zoning Ordinance to establish a minimum 10 acre lot size requirement for property zoned P-C/Planned Commercial District.

Background

The Community Development Department has received a request from City+Ventures, represented by Adam Ramaekers and Foleyshald Engineering, to amend Chapter 15.18, *P-C/Planned Commercial District*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow the following uses in the P-C/Planned Commercial District:

1. Amend Section 15.18.020 by adding 'dwelling, multifamily' as a principal use in the P-C District. 'Dwelling, multifamily' is defined in Section 15.03.220 as a "building or buildings designed and constructed to contain three or more individual dwelling units."
2. Amend Section 15.18.020 by adding 'mixed residential-commercial structure' as a principal use in the P-C District. 'Mixed residential-commercial structure' is defined in Section 15.03.469 as "a building with two or more stories containing at least one dwelling unit to be used as a permanent residence and containing permitted commercial uses on at least the ground floor."

The Community Development Department expanded the request to amend Chapter 15.18 of the Municipal Code (Zoning Ordinance) by amending Section 15.18.050, Site Development Regulations as follows:

Section 15.18.050 - Site Development Regulations. ~~*Minimum tract size, lot size, setback requirements, height, lot coverage, signage, and landscaping shall be determined through the development plan review procedure described in this chapter. The components of an approved development plan shall prevail over conflicting standards or regulations elsewhere in this title.*~~

A. The minimum tract of land considered for a P-C District shall be ten (10) acres.

B. Minimum setback requirements, height, lot coverage, signage, and landscaping shall be determined through the development plan review procedure described in this chapter. The components of an approved development plan shall prevail over conflicting standards or regulations elsewhere in this title.

The purpose of this request is to facilitate the development of Lot 10, Lake Manawa Centre Subdivision, which is located south of 35th Avenue and directly east of 20 and 100 Power Drive. The proposed development will include a carwash (Rocket Carwash), three apartment buildings and a community clubhouse. Since no residential uses are allowed in the P-C District, the applicant had the following options in order to develop the subject property as proposed:

1. Rezone the subject property from the P-C District to a zoning district which allows 'dwelling, multifamily' or 'mixed residential-commercial structure' as a principal and/or conditional use; or
2. Amend the Council Bluffs Municipal Code (Zoning Ordinance) to allow 'dwelling, multifamily' and 'mixed residential-commercial structure' in the P-C District.

After meeting with staff in the Community Development Department, the applicant decided to pursue the proposed text amendment as it will allow them to adopt more flexible site development regulations via a planned commercial development plan. Such action would also avoid a possible spot-zoning situation. As part of the proposed development, the applicant also intends to request preliminary plan approval to subdivide the subject property into two parcels of land. Additionally, the applicant will dedicate land to the City to extend Power Drive and widen 35th Avenue, and will extend sanitary sewer to the site.

All City Departments and local utilities were notified of the proposed text amendment. No adverse comments have been received.

Discussion

1. The P-C/Planned Commercial District is intended to provide for the development of retail shopping centers, hotel/motel services, destination resorts, and office parks. Facilities in planned commercial districts are designed to be used in common, such as ingress and egress roads, extensive parking accommodations, proper relations to traffic arteries, and compatibility with surrounding uses. Multifamily residential land uses can be compatible with large, suburban shopping centers since such centers have existing retail and consumer service establishments that can support that type of housing and the needs of its residents.
2. The major shopping centers in Council Bluffs include the Manawa Power Center, Metro Crossing, Mid-America Center (MAC) Area, Mall of the Bluffs, Bluffs Northway Shopping Center and The Marketplace at 24th Street. The Community Development Department recognizes that e-commerce has reduced the viability of brick-and-mortar retail businesses. As more big-box stores in the city's commercial shopping centers become available for reuse, the inclusion of multifamily and mixed residential-commercial uses in the P-C District can serve as a catalyst for further commercial/retail development and urban revitalization in these areas of the city.
3. The purpose of the request to establish a minimum 10 acre lot size requirement for the P-C District is to maintain the suburban and auto-oriented character of regional commercial centers. Other zoning districts, such as the C-3/Commercial District, the C-4 Commercial District and the MCR/Mixed Commercial-Residential District, are better suited to accommodate small-scale community mixed-use centers.

Recommendation

The Community Development Department recommends approval of the request to amend Chapter 15.18, *P-C/Planned Commercial District*, of the Council Bluffs Municipal Code (Zoning Ordinance) by amending Section 15.18.020 to add 'dwelling, multifamily' and 'mixed-commercial structure' as principal uses in the P-C/Planned Commercial District and by amending 15.18.050, Site Development Regulations of the Zoning Ordinance to establish a minimum 10 acre lot size requirement for property zoned P-C/Planned Commercial District.

Public Hearing

Staff speakers for the request:

1. Moises Monrroy, Planner, Community Development Department, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA
2. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA
3. Brandon Garrett, Director of Community Development, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA

Speakers in favor:

1. Brett Shald, 3803 N. 153rd Street, Suite 203, Omaha, NE 68104
2. Chris Erickson, 222 S. 15th Street, Suite 1404s, Omaha, NE 68102
3. John Jerkovich, Heartland Properties, 535 West Broadway, Suite 100, Council Bluffs, IA 51501
4. Jason James, Heartland Properties, 535 West Broadway, Suite 100, Council Bluffs, IA 51501

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended approval to amend Chapter 15.18, *P-C/Planned Commercial District*, of the Council Bluffs Municipal Code (Zoning Ordinance) by amending Section 15.18.020 to add 'dwelling, multifamily' and 'mixed-commercial structure' as principal uses in the P-C/Planned Commercial District and by amending 15.18.050, Site Development Regulations of the Zoning Ordinance to establish a minimum 10 acre lot size requirement for property zoned P-C/Planned Commercial District.

VOTE: AYE – Bass, Danielsen, Halm, Haner, Holm, Hutcheson, Rater, Rew, Scott, Stroebele, and VanHouten
NAY - None ABSTAIN - None ABSENT – None VACANT - None Motion: Carried.

Attachments

Attachment A: Proposed Chapter 15.18, *P-C/Planned Commercial District*, of the Zoning Ordinance
Attachment B: Letter of Intent
Attachment C: Conceptual Site Plan
Attachment D: Conceptual Building Elevations

Prepared by: Moises Monrroy, Planner, Community Development Department