**City Council Communication**

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| Department: Community Development<br><br>CASE #PC-21-003<br><br>Applicant/Property Owner:<br>MidAmerican Energy Company<br>c/o Mark Peterson<br>PO Box 657<br>Des Moines, IA 50306<br><br>Engineer:<br>Civil Engineering Consultants, Inc.<br>c/o Marty Dostalik<br>2400 86Th Street #12<br>Urbandale, IA 50322 | Resolution No. _____ | City Council: 4/26/2021<br><br>Planning Commission: 4/13/2021 |

**Subject/Title**

**Request**: Public hearing on the request of MidAmerican Energy, represented by Mark Peterson, to adopt a planned commercial development plan on property legally described as being the west 200 feet of the north 290 feet of the NW ¼ SE ¼ of Section 3-74-44, lying south of 23rd Avenue, except the north 8.5 feet thereof, City of Council Bluffs, Pottawattamie County, Iowa.

**Location**: 2747 23rd Avenue

**Background**

The Community Development Department has received an application from MidAmerican Energy, represented by Mark Peterson, to adopt a planned commercial development plan on property addressed at 2747 23rd Avenue and legally described in Attachment 'C.'

The subject property is located in the general vicinity of the Mid-America Center and is used as an electrical substation. The applicant intends to remove the existing fence along the perimeter of the site and replace it with a ten-foot tall masonry wall and a new chain link fence. Since the subject property is zoned P-C/Planned Commercial District, a development plan must be adopted for these improvements.

**Comments**

All City Departments and local utilities were notified of the proposed development plan. The following comments were received:

- The Public Works Department stated that a curb would need to be installed in place of the existing driveway approach along 23rd Avenue that is proposed to be removed. They also noted that the proposed sidewalk would not extend into the neighboring property located to the east (Horseshoe Casino), and asked for clarification regarding the purpose of the existing landscaped corner.
- The Parks and Recreation Department expressed support for the proposed five-foot sidewalk along the northerly property line. They also stated they have no additional recommendations on the request.
- The Fire Department stated they have no comments on the request.
- Council Bluffs Water Works stated they have no comments on the request.

- Lumen Technologies provided a map of Lumen utilities located in the general vicinity of the subject property (see Attachment 'D'). It appears that there are no conflicts between existing Lumen utilities and the proposed improvements to the site.

**Development Plan** – The existing layout of the electrical substation, including the gravel surface, shall be approved as part of this development plan. The site development standards outlined below shall be applicable to the proposed improvements on the subject property.

1. The submitted site plan (see Attachment 'B') shows a security wall constructed out of precast concrete wall panels with a cobblestone pattern will be installed along the northerly, easterly and westerly property lines. The proposed security wall is generally acceptable and shall be adopted as proposed.
2. The submitted site plan (see Attachment 'B') shows a chain link fence constructed out of galvanized metal mesh will be installed along the southerly property line. A 24-foot wide gate will be installed over the existing driveway for access purposes. Since the proposed fence will not be visible from the public right-of-way, it is generally acceptable and shall be adopted as proposed.
3. The maximum height of the proposed security wall and fence shall not exceed ten feet, as measured from grade to the highest point of the structure. As per Section 15.24.040(C), the maximum height of a fence in a commercial district is limited to four feet if located in a front yard or a street side yard, and six feet if located in an interior side yard or a rear yard. Although the proposed security wall and fence exceed these requirements, the subject property is located in a P-C/Planned Commercial District. The P-C District is intended to provide flexible design and site development standards through the adoption of a development plan to address the unique characteristics of each property. In this regard, a ten-foot wall/fence is appropriate at the subject property is appropriate as it provides security to the existing electrical substation while screening it from public view.
4. No portion of the proposed security wall or fence shall project over the property line or be placed in the public right-of-way.
5. No barbed wire shall be allowed on the proposed security wall or fence.
6. The existing landscape trees along the southerly property line are generally acceptable. All disturbed areas without a specific landscape design shall be seeded with sod, turf, and/or prairie grass.
7. The submitted site plan (see Attachment 'B') shows a five-foot sidewalk will be constructed along the northerly property line. The proposed sidewalk is generally acceptable as it provides a future connection point to the existing trail/sidewalk network in the Mid-America Center area and will therefore improve pedestrian traffic circulation and connectivity. All sidewalks shall be built to City standards. All costs associated with the installation of sidewalks shall be the responsibility of the developer and not the City.
8. The submitted site plan (see Attachment 'B') shows that the existing driveway on the south side of the subject property will be expanded to measure 30 feet in width. Since this driveway will be the main access point to the substation, it shall be hard surfaced in accordance with the standards in Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Municipal Code (Zoning Ordinance).
9. The submitted site plan (see Attachment 'B') indicates parking will be available for service vehicles within the area enclosed by the proposed security wall and fence. Since this site is not intended to be accessible to the public, no parking spaces are required to be installed.
10. No exterior storage shall be allowed. This includes the temporary and/or permanent placement of inter-modal storage containers.
11. All exterior lighting shall conform to Section 15.24.050, *Lighting Controls*, of the Council Bluffs Municipal Code (Zoning Ordinance).

**Recommendation**

The Community Development Department recommends approval of the request to adopt a planned commercial development plan on property legally described above, subject to the following condition:

a. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted development plan may be administratively approved by the Community Development Director.

**Public Hearing**

Staff speakers for the request:
1. Moises Monrroy, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA, 51501

Speakers in favor:
1. Marty Dostalik, Civil Engineering Consultants, Inc., 2400 86th Street #12, Urbandale, IA 50322
2. Trudy Johannsen, Mid-American Energy, 3003 South 11th Street, Council Bluffs, IA 51501

Speakers against: None

**Planning Commission Recommendation**

The Planning Commission recommended approval of the request to adopt a planned commercial development plan on property legally described above, subject to the following condition:

a. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted development plan may be administratively approved by the Community Development Director.

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

**Attachments**

Attachment A: Location/Zoning Map
Attachment B: Site Plan
Attachment C: Legal Description
Attachment D: Lumen Technologies Utility Location Map

Prepared by: Moises Monrroy, Planner, Community Development Department