City Council Communication

Department: Community Development CASE # ZC-21-005 Applicant: LDRV Holdings Corp. d/b/a Lazydays 6130 Lazydays Boulevard Seffner, FL 33584 Property Owner: 92 Land, LLC c/o Frank R. Krejci 1505 North 203rd Street Elkhorn, NE 68022 Representative: John H. Jerkovich 535 West Broadway, Suite 100 Council Bluffs, IA 51503	Ordinance No. _____	City Council 1st Consideration: 05/24/2021 2nd Consideration: 06/14/2021 3rd Consideration: Request to be waived Planning Commission: 5/11/2021

Subject/Title

Request: Public hearing on the request of LDRV Holdings Corp. d/b/a Lazydays, represented by John Jerkovich, to rezone properties legally described as Lots 1 through 6, INRIP Subdivision, Tract No. 1, 1st Addition, **AND** a parcel of land generally described as the Southeasterly 694.14 feet of the Southwesterly 604.81 feet of Government Lot 2 in Section 4-74-44, located north of 23rd Avenue, northeasterly of Interstate 29 and southwesterly of INRIP Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, from P-C/Planned Commercial District to I-2/General Industrial District.

Location: Northwest corner of the intersection of 23rd Avenue and South 35th Street

Background

The Community Development Department has received an application from LDRV Holdings Corp. d/b/a Lazydays, represented by John Jerkovich, to rezone properties legally described as Lots 1 through 6, INRIP Subdivision, Tract No. 1, 1st Addition, **AND** a parcel of land generally described as the Southeasterly 694.14 feet of the Southwesterly 604.81 feet of Government Lot 2 in Section 4-74-44, located north of 23rd Avenue, northeasterly of Interstate 29 and southwesterly of INRIP Subdivision, being more particularly described in Attachment 'D,' City of Council Bluffs, Pottawattamie County, Iowa, from P-C/Planned Commercial District to I-2/General Industrial District.

The subject property is an undeveloped parcel of land located in the general vicinity of the Mid-America Center Entertainment District. The applicant intends to purchase the subject properties in order to develop an RV sales dealership (Lazydays RV). Since 'automobile sales and rental' is not a permitted use in the P-C District, the applicant is requesting to rezone the property to the I-2 District, which allows such operation as a principal use.

Land Use and Zoning

The following zoning and land uses surround the subject properties:

North: A plastic pipe supplier (Cresline Plastic Pipe Co., Inc.) and a multitenant commercial building, both of which are zoned I-2/General Industrial District.
South: An alcoholic-beverage distribution facility (Doll Distributing Inc.) that is zoned I-2/General Industrial District and a restaurant (Quaker Steak & Lube) that is zoned P-C/Planned Commercial District.
East: A truck service establishment (Reading Truck Equipment) that is zoned I-2/General Industrial District, and two hotels (Microtel Inn & Suites by Wyndham and My Place Hotel) and a movie theater (AMC Council Bluffs 17), all of which are zoned P-C/Planned Commercial District..
West: Interstate 29.

The future land use plan of the Bluffs Tomorrow: 2030 (Comprehensive Plan) designates the subject properties as Regional Commercial.

Public notices were mailed to all property owners within 200 feet of the request. No comments have been received by the Community Development Department as of the date of this report.

- Ralph Mericle, representing Cresline Plastic Pipe Co., Inc. (2109 South 35th Street), contacted the Community Development Department and asked whether the proposed rezoning would restrict traffic access to their facility from 23rd Avenue. The Community Development Department stated that vehicular access along 23rd Avenue was not expected to be affected by the proposed rezoning.

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

- The Permits and Inspections Division stated they have no comments on the request.
- The Public Works Department stated they have no comments on the request.
- The Fire Department stated they have no comments on the request.
- The Parks and Recreation Department recommended that a 10-foot wide trail be constructed along 35th Street.
- Council Bluffs Water Works stated they have no comments on the request.
- Mid-American Energy Company stated they have no conflict or concerns with the request. They also stated that the developer should contact Mid-American Energy directly to identify project timelines and costs associated with relocating or extending electric distribution facilities for the development.
- Cox Communications stated they have utilities attached to the Mid-American poles at this location.

Discussion

1. All properties included in the proposed rezoning exceed the minimum lot size requirements of the I-2/General Industrial District.
2. The sale of recreational vehicles would be classified as an 'automobile sales and rental' establishment. Since 'automobile sales and rental' is not a permitted use in the P-C/Planned Commercial District, the proposed rezoning to the I-2 District is necessary to allow such use on the subject properties.
3. As per Section 15.03.048a, *Automobile Sales and Rental*, of the Council Bluffs Municipal Code (Zoning Ordinance), the minimum lot area for an 'automobile sales and rental establishment' is 25,000 square feet. The applicant intends to replat the subject properties into one lot of record for development consistency purposes. The newly created lot would consist of 12.93 acres (563,604 square feet), more or less, of land area, which would exceed the minimum lot size requirements for an 'automobile sales and rental' establishment.
4. If proposed rezoning is approved, any construction that occurs on the subject properties shall conform to the site development standards in Section 15.21.050, *Site Development Regulations in the I-2 District*, of the Council Bluffs Municipal Code (Zoning Ordinance).

5. The Mid-America Center Entertainment District is primarily zoned P-C/Planned Commercial District and I-2/General Industrial District. If proposed rezoning is approved, the subject properties will be zoned to a district that remains consistent with the general character of the surrounding area. Additionally, the subject properties are surrounded by I-2 District to the north and south, thus the proposed rezoning would not constitute a spot zoning situation.
6. The subject properties are surrounded by a variety of commercial, entertainment and industrial uses. An RV sales dealership, as proposed by the applicant, would be compatible with the existing development in the vicinity.
7. The Bluffs Tomorrow 2030 (Comprehensive Plan) designates the subject properties as Regional Commercial, which is intended for significant commercial development in high visibility areas. The proposed 'automobile sales and rental' establishment would be consistent with this intent. The I-2 District is generally consistent with the Regional Commercial classification.
8. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate the uses permitted in the I-2 District.

Recommendation

The Community Development Department recommends approval of the request of LDRV Holdings Corp. d/b/a Lazydays, represented by John Jerkovich, to rezone properties legally described as Lots 1 through 6, INRIP Subdivision, Tract No. 1, 1st Addition, **AND** a parcel of land generally described as the Southeasterly 694.14 feet of the Southwesterly 604.81 feet of Government Lot 2 in Section 4-74-44, located north of 23rd Avenue, northeasterly of Interstate 29 and southwesterly of INRIP Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, from P-C/Planned Commercial District to I-2/General Industrial District.

Public Hearing

Staff speaker for the request:

1. Moises Monnroy, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, Iowa 51503

Speakers in favor:

1. John Jerkovich, 535 West Broadway, Council Bluffs, Iowa, 51503
2. Eric Williams, Olsson Associates, 2111 N. 67th Street, Omaha, NE 68106

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended approval of the request of LDRV Holdings Corp. d/b/a Lazydays, represented by John Jerkovich, to rezone properties legally described as Lots 1 through 6, INRIP Subdivision, Tract No. 1, 1st Addition, **AND** a parcel of land generally described as the Southeasterly 694.14 feet of the Southwesterly 604.81 feet of Government Lot 2 in Section 4-74-44, located north of 23rd Avenue, northeasterly of Interstate 29 and southwesterly of INRIP Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, from P-C/Planned Commercial District to I-2/General Industrial District.

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

Attachments

Attachment A: Location/Zoning Map
Attachment B: Lazydays Conceptual Site Plan
Attachment C: Lazydays Facility Building Elevations
Attachment D: Legal Description

Exhibit A: Letter of Support from Doll Distributing Exhibit B: Statement from Srinivas Kuchipudi
Prepared by: Moises Monrroy, Planner, Community Development Department