City Council Communication

Department: Community Development CASE #ZC-21-006 Applicant: Tom Eyman 8506 South 117th St LaVista, NE 68128 Applicant/Property Owner: Walter D. Bussey, Jr. & Cynthia S. Bussey 15398 Nall Road Council Bluffs, IA 51503 Owner: Robert D. Atkins, Jr. 2919 55th Avenue Council Bluffs, IA 51501 Representative: John Jerkovich 535 West Broadway, Suite 100 Council Bluffs, IA 51503	Ordinance No. _____	City Council 1st Consideration: 06/28/2021 2nd Consideration: 07/12/2021 3rd Consideration: Request to be waived Planning Commission: 6/08/2021

Subject/Title

Request: Public hearing on the requests of Tom Eyman and Walter & Cynthia Bussey, represented by John Jerkovich, to rezone properties legally described as being: Part of the SE1/4 NE1/4 of Section 15-74-44 lying East of 26th Street, West of South 24th Street, and South of 45th Avenue, except the Southerly 435.6 feet of the Easterly 1000 feet of said Section, all in the City of Council Bluffs, Pottawattamie County, Iowa; and the southerly 435.6 feet of the easterly 1000 feet of the SE1/4 NE1/4 of Section 15-74-44, all in the City of Council Bluffs, Pottawattamie County, Iowa; and the East 31 acres of the NE1/4 SE1/4 of Section 15-74-44 and a 10 acre tract in the northeast corner of the SE1/4 SE1/4 of Section 15-74-44 along with part of Government Lot 1 in the SW1/4 SW1/4 of Section 14-74-44 and the Westerly 12.4 acres of Government Lot 1 in the NW1/4 SE1/4 of Section 14-74-44, all in the City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates, and Agricultural District to I-2/General Industrial District.

Location: 4445 Gifford Road and undeveloped land lying immediately south and west of Gifford Road.

Background/Discussion

The Community Development Department has received applications from Tom Eyman and Walter & Cynthia Bussey, represented by John Jerkovich, to rezone properties legally described above from A-2/ Parks, Estates, and Agricultural District to I-2/General Industrial District. The request includes three parcels of land with a combined total of 100.5 acres which have historically been utilized for agricultural production purposes. Mr. Eyman, owner of Eyman Plumbing, has a purchase agreement with Mr. Robert

D. Atkins Jr. and Mr. and Mrs. Bussey to purchase 4445 Gifford Road (21.90 acres) and the undeveloped land immediately south thereof (9.7 acres). If this rezoning request is approved, Mr. Eyman's plans to build a 20,000 square foot contractor shop for his business on the subject 9.7 acres, and then build a separate 80,000 to 100,000 square foot warehouse facility on the 21.90 acres that would be leased or sold to another private entity (see Attachment A). The additional 69 acres, owned by Mr. and Mrs. Bussey, are proposed to be rezoned to I-2 District in order to encourage additional industrial land development west/southwest of South Pointe Subdivision.

Land Use and Zoning

The following zoning and land uses surround the subject properties:

North: A concrete manufacturing facility (Consolidated Concrete) zoned I-2/General Industrial District, and a residential dwelling zoned A-2/Parks, Estates, and Agricultural District.

South: Undeveloped land zoned A-2/Parks, Estates, and Agricultural District.

East: Council Bluffs Recycling Center, CyrusOne (data center) and undeveloped land zoned I-2/General Industrial District along with undeveloped land and single-family dwellings zoned A-2/Parks, Estates, and Agricultural District.

West: Undeveloped land and Fox Run Golf Course zoned A-2/Parks, Estates, and Agricultural District.

The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the northerly 31.6 acres of this request as Office/Industrial and the southerly 69 acres as Heavy Industrial.

Public notices were mailed to all property owners within 200 feet of the request. One letter addressed to C1 Council Bluffs LLC c/o CyrusOne LLC 2101 was returned to the City as undeliverable.

- Aaron Luth, representing Consolidated Concrete (4500 Gifford Road), stated he fully supports the rezoning requests as it will facilitated new industrial development on properties adjacent to his concrete manufacturing facility.

All City Departments and local utilities were notified of the proposed rezoning. No comments in opposition of this request were received.

Discussion

1. All properties included in the proposed rezoning exceed the minimum lot size requirements of the I-2/General Industrial District.
2. All proposed land uses (contractor shop, manufacturing, and warehousing/distribution) are permitted uses by right in the I-2/General Industrial District. If this request is approved, the existing single-family dwelling at 4445 Gifford Road will become non-conforming as residential uses are not permitted in an I-2 District.
3. The subject properties are immediately west/southwest of an existing industrial park (South Pointe Subdivision). Approval of the rezoning will allow for new industrial businesses to locate within an area of the City that has adequate utilities (e.g., water, sewer, gas, etc.) and road infrastructure (Gifford Road) to support industrial land uses.
4. The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the northerly 31.6 acres as Office/Industrial and the southerly 69 acres as Heavy Industrial. The proposed rezoning request is consistent with the Bluffs Tomorrow: 2030 future land use plan.

Recommendation

The Community Development Department recommends approval of the request by Tom Eyman and Walter & Cynthia Bussey, represented by John Jerkovich, to rezone properties legally described as being

part of the SE1/4 NE1/4 of Section 15-74-44 lying East of 26th Street, West of South 24th Street, and South of 45th Avenue, except the Southerly 435.6 feet of the Easterly 1000 feet of said Section, all in the City of Council Bluffs, Pottawattamie County, Iowa; and the southerly 435.6 feet of the easterly 1000 feet of the SE1/4 NE1/4 of Section 15-74-44, all in the City of Council Bluffs, Pottawattamie County, Iowa; and the East 31 acres of the NE1/4 SE1/4 of Section 15-74-44 and a 10 acre tract in the northeast corner of the SE1/4 SE1/4 of Section 15-74-44 along with part of Government Lot 1 in the SW1/4 SW1/4 of Section 14-74-44 and the Westerly 12.4 acres of Government Lot 1 in the NW1/4 SE1/4 of Section 14-74-44, all in the City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates, and Agricultural District to I-2/General Industrial District, 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, Iowa 51503

Speakers in favor:

1. John Jerkovich, 535 West Broadway, Council Bluffs, Iowa, 51503
2. Max Kelch, 8506 South 117th Street, La Vista, NE 68128

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended approval of the request by Tom Eyman and Walter & Cynthia Bussey, represented by John Jerkovich, to rezone properties legally described as being part of the SE1/4 NE1/4 of Section 15-74-44 lying East of 26th Street, West of South 24th Street, and South of 45th Avenue, except the Southerly 435.6 feet of the Easterly 1000 feet of said Section, all in the City of Council Bluffs, Pottawattamie County, Iowa; and the southerly 435.6 feet of the easterly 1000 feet of the SE1/4 NE1/4 of Section 15-74-44, all in the City of Council Bluffs, Pottawattamie County, Iowa; and the East 31 acres of the NE1/4 SE1/4 of Section 15-74-44 and a 10 acre tract in the northeast corner of the SE1/4 SE1/4 of Section 15-74-44 along with part of Government Lot 1 in the SW1/4 SW1/4 of Section 14-74-44 and the Westerly 12.4 acres of Government Lot 1 in the NW1/4 SE1/4 of Section 14-74-44, all in the City of Council Bluffs, Pottawattamie County, Iowa from A-2/Parks, Estates, and Agricultural District to I-2/General Industrial District.

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

Attachments

Attachment A: Letter of Intent from Mr. Tom Eyman
Attachment B: Location/zoning map

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