

**ZONING BOARD OF ADJUSTMENT
AGENDA
TUESDAY, NOVEMBER 21, 2017
9:00 A.M. – STUDY SESSION FOR BOARD MEMBERS-SITE VISITS
403 WILLOW AVENUE
4:00 P.M. – REGULAR MEETING
CITY COUNCIL CHAMBERS – 2ND FLOOR, CITY HALL
209 PEARL STREET, COUNCIL BLUFFS, IA 51503**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **ADOPTION OF AGENDA**
5. **APPROVAL OF THE OCTOBER 17, 2017 MEETING MINUTES**
6. **PROOF OF PUBLICATION/POSTING**
7. **REVIEW OF MEETING PROCEDURES**

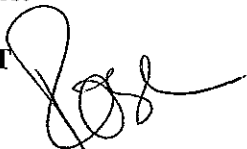
8. PUBLIC HEARINGS

- A. CASE #BA-17-006: Public hearing on the request of Little Caesars Pizza for a variance from Section 15.33.100(4)a Signs, Ground and Monument Signs, of the Municipal Code to allow a monument sign to be placed on property where the front wall of the structure is closer than 15 feet from the right-of-way line on property legally described as Lots 5 through 7, Block B, Perry's Second Addition. Location: 3228 West Broadway.
- B. CASE #BA-17-007: Public hearing on the request of Walter and Wendy Ziegler for a variance from Section 15.09.050 Site Development Regulations relative to maximum lot coverage allowed, in the R-2/Two Family Residential District, of the Council Bluffs Municipal Code on property legally described as Lot 3, Block 6, Sackett's Addition. Location: 2709 Avenue B.
- C. CASE #CU-17-003: Public hearing on the request of Morris Excavating Company, represented by Buck Morris, for a conditional use permit to allow for a 'salvage operation', to recycle concrete and other like materials in the I-2/General Industrial District on property legally described as part of the NW1/4 SW1/4 of Section 17-74-44, except state right-of-way. Location: Southwesterly of property commonly known as 13511 192nd Street.
- D. CASE #CU-17-004: Public hearing on the request of QRS Investments, LLC, represented by Greg Johnson, for a conditional use permit to allow for a 'warehousing and distribution, limited' in the C-2 Commercial District on property legally described as part of the SW1/4 SE1/4 of Section 12-74-44. Location: 325 Veteran's Memorial Highway.
- E. CASE #CU-17-007: Public hearing on the request of Clark Storage, LLC, represented by Henry Clark for a conditional use permit to allow for a 'commercial storage' in the C-2 Commercial District on property legally described as being the south 66 feet of the East 1/2 of the SW1/4 NE1/4, lying west of South 35th Street, all in Section 16-74-44. Location: Northwest corner of the intersection of South 35th street and Veteran's Memorial Highway.

9. OTHER BUSINESS

- A. Items of interest

10. ADJOURNMENT



NOTE: If you have any comments or questions regarding this agenda, or if you are unable to attend this meeting, please contact the Community Development Department at 328-4629.

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: November 15, 2017

RE: **CASE #BA-17-006**

REQUEST: A variance from Section 15.33.100(4)a Signs, Ground and Monument Signs of the Council Bluffs Zoning Ordinance to allow a monument sign to be placed on property where the front wall of the structure is closer than 15 feet from the right-of-way line of the street.

APPLICABLE

CODE SECTION: **Section 15.33.100 Signs**
(4)*Ground and Monument Signs*
(a) Ground and monument signs may be used on a premise if the front wall of the building or structure which the sign serves is setback at least 15 feet from the right-of-way line of the street, private way, or court to which the sign is oriented.

RELIEF SOUGHT: A variance to allow the placement of a monument sign.

LEGAL

DESCRIPTION: Lots 5 through 7, Block B, Perry's Second Addition

LOCATION: 3228 West Broadway, Council Bluffs, Iowa 51501

APPLICANT: Little Caesar's, 3228 West Broadway, Council Bluffs, IA 51503

OWNER: Phoenix Rising Holdings, LLC, 1346 South 177th Street, Omaha, NE 68130

REPRESENTATIVE: Michelle Fichter, 1346 South 177th Street, Omaha, NE 68130

BACKGROUND INFORMATION – Little Caesar's Pizza, represented by Michelle Fichter of Phoenix Rising Holdings, LLC, are requesting a variance from Section 15.33.100(4)(a), Signs, Ground and Monument Signs of the Council Bluffs Municipal Code (Zoning Ordinance) to allow a monument 72" x 58" monument sign in the southeast corner of the subject property commonly known as 3228 West Broadway. The purpose of their variance is to address visibility issues the restaurant has with customers traveling from Omaha into Council Bluffs. The applicant states the building 3312 West Broadway (Puerto Vallarta restaurant) blocks the view of their restaurant. The applicant also states that the on-going West Broadway reconstruction project and a future bus shelter on property east of their location (Lot 4, B, Perry's Second Addition) has intensified site visibility issues.

Per Section 15.33.100(4)(a), **Signs:** *Ground and monument signs may be used on a premise if the front wall of the building or structure which the sign serves is setback at least 15 feet from the right-of-way line of the street, private way, or court to which the sign is oriented.* The front wall of the Little Caesar's restaurant is located less than 15 feet from the abutting West Broadway right-of-way line, as

per Pottawattamie County GIS records. A monument sign cannot be installed on this property unless the Council Bluffs Zoning Board of Adjustment grants a variance.

The following attachments are included with this report:

Attachment A – Letter of intent from the application

Attachment B – Proposed sign rendering

Attachment C – Site renderings show the sign location and future bus shelter to the east

Attachment D – Location/zoning map

The following exhibits show the existing condition of the subject property and surrounding area:

Exhibit A: View of the subject property facing north.



Exhibit B: View of commercial properties immediately west of subject property.



Exhibit C: View of the commercial properties immediately east of subject property.



Exhibit D: View of southeast corner of property where the monument sign will be located.



Exhibit E: View of existing wall sign on east building façade



Exhibit F: View of existing signage on the west building façade.



CURRENT ZONING AND LAND USE – The subject property is zoned C-2 Commercial District and is located in the CDO/Corridor Design Overlay District. Surrounding property along West Broadway is similarly zoned. Abutting land uses include a restaurant to the west (Puerto Vallarta), residential dwellings to the north, undeveloped land to the east (Dairy Queen) and West Broadway to the south.

The following variances have been approved by the Zoning Board of Adjustment for properties in the general vicinity of the request:

- CASE #BA-81-031: Variance for building setbacks and off-street parking standards on property located at 3210 West Broadway.
- CASE #BA-69-002: Variance for rear yard setback to allow a loading dock at the back of the building at 3228 West Broadway.
- CASE #BA-94-015: Variance to allow a pole sign where the front wall of the building is located less than 25 feet from the right-of-way line at 3312 West Broadway.
- CASE #BA-17-002 – Variance to allow a monument sign where the front wall of the building is located less than 15 feet from the right-of-way line at 3320 West Broadway
- CASE #BA-12-003 – Variance from the CDO/Corridor Design Overlay relative to curb cuts at 3201 West Broadway.
- CASE #BA-15-004 – Variance from required off-street parking setbacks at 3313 West Broadway

CITY DEPARTMENTS AND UTILITIES – All City departments and local utility providers were notified of the requested variance. The following comments were received:

- Council Bluffs Building Division stated they have no comments request.
- Council Bluffs Fire Department stated they have no comments request.
- Council Bluffs Water Works stated they have no comments for the request.
- Council Bluffs Public Works Department confirmed a new bus shelter is planned to be located on property immediately east of the subject property. Public Works further stated they have no objection to the variance request.
- Council Bluffs Community Development Department has the following comments:
 1. The subject measures 18,300 square in size and has 150 feet of road frontage which exceeds the minimum C-2/Commercial District lot size requirements.
 2. The total maximum allowed signage in a C-2/Commercial District is equal to two-times the street frontage. The subject property has 150 feet of frontage and is therefore allowed a maximum of 300 square feet of signage. The restaurant currently has three walls sign and awning sign that total 135 square feet, as City permit records. The proposed 72” x 52” (29 square feet) monument sign could be built if the variance is granted. Additionally, the applicant could increase the size of their existing wall signs to enhance their site visibility.
 3. In 2013, Little Caesar’s retrofitted the subject property to comply with CDO/Corridor Design Overlay landscaping and parking lot standards. The proposed monument sign will be located in a triangular landscape island that measures 16 feet wide by 10 feet (deepest point). If the variance is granted, the proposed sign will result in the required 10-foot wide landscape buffer in the southeast corner of the property to become non-conforming.
 4. The required setbacks for property zoned C-2/Commercial District are 15 feet (front), 10 feet (street side), 5 feet (interior side) and 10 feet (rear). The front wall of the Little Caesar’s restaurant has a non-conforming setback as it’s located closer than 15 feet to the front property line.
- Mid-American Energy Company stated they have no objection to the request.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet of the subject property were notified of the requested variance. No responses have been received as of the date of this report.

COMMENTS - Evidence must be presented to demonstrate that a literal enforcement of the Ordinance will create a hardship for which relief is necessary. The Board of Adjustment shall approve a variance to grant relief when ‘unforeseen applications of this Ordinance...create particular hardships’. No variance shall be granted unless the Board of Adjustment makes findings of fact based on the standards and conditions that follow. A variance less than requested may be granted by the Board when the record supports the applicant’s right to some relief, but not to the entire relief requested. (§15.02.080 – *Variances*)

1. *The particular property, because of size, shape, topography or other physical conditions suffers singular disadvantage through the application of this ordinance, which does not apply to other properties in the vicinity.* The subject property contains 18,300 square feet and has 150 feet of road frontage, which exceeds the minimum C-2/Commercial District lot size requirements. The size, shape and topography of the property are typical of those within the corridor and the surrounding area. The lot is generally flat with no physical impediments.
2. *Because of such disadvantage, the owner is unable to make reasonable use of the affected property.* The applicant can still make reasonable use of the property as a restaurant if the variance is denied.
3. *The disadvantage does not exist because of conditions created by the owner or previous owners of the property.* The subject property has no disadvantage in size, shape and/or topography as compared to other properties in the surrounding. The building’s non-conforming front setback is a condition that was created by a previous owner; however the applicant has been able to use this setback as an advantage for advertising since their walls signs are located closer to West Broadway than majority of the properties in the surrounding area.
4. *Granting the variance will not confer on the applicant any special privileges that are denied by this ordinance to other properties or structures in the same district.* A special privilege will be conferred on the applicant if the variance is approved. The applicant has the ability to use their existing building for additional signage to increase their site visibility. Additionally, the placement of the monument sign in the landscape island will reduce the amount of greenspace along the frontage of the property, which inadvertently will cause the site landscaping to be non-compliant with CDO/Corridor Design Overlay standards. Approval of the monument sign variance would grant the applicant additional special privileges as compared to other businesses along West Broadway.
5. *Granting the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the purpose and intent of this ordinance.* The variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this ordinance that create particular hardships. The request for the above mentioned variances are the result of a design preference, not a physical hardship specific to the individual property.

RECOMMENDATION

The Community Development Department recommends denial of the requested variance, based on reasons stated above.



Rose E. Brown, AICP
Planning Coordinator



Christopher N. Gibbons, AICP
Planner

Letter Of Intent

October 17,2017

Council Bluffs Zoning Board of Adjustments

City Of Council Bluffs

209 Pearl Street, City Hall

Council Bluffs Iowa 50503

This letter is written to provide explicit typewritten statement as to the nature and intent of the variance that is being requested by Little Caesars which is located at 3228 W Broadway Council Bluffs Iowa 50501. Little Caesars is both owner & the applicant for the variance. Michelle R Fichter will represent the restaurant for all purposes relative to the variance application with authority to execute documents relative to the variance as we may seem necessary or appropriate.

Purpose Of The Request:

Little Caesars has an ongoing issue of limited visibility of our store front for our customers traveling from the West into Council Bluffs by way of Broadway. The restaurant to the west of our location "Puerto Vallarta" completely blocks the view of our restaurant until traffic is in front of our location. We have been in the process of working with a sign company to design a Monument Sign to compliment the Broadway beautification project & increase the visibility of our restaurant.

Our original request for zoning of our monument sign was denied due to the section 15.33.100(d)(1) in the Council Bluffs Zoning Ordinance with states:

Ground and monument signs may be used on a premise if the front wall of the building or structure which the sign serves is set back at least fifteen(15) feet from the right-of-way line of the street, private way, or court to which the sign is oriented.

We are proposing that our monument sign be erected on the SE corner of our property lot closest to the Dairy Queen restaurant. We are also attaching a proposed drawing that will show our monument sign with the upcoming bus stop that is proposed just past the SE corner of our lot.

The restricted view of our restaurant is not a new issue , however is has been exasperated with the ongoing progress of construction of Broadway and the loss of business that we have continued to experience during this process.

We respectfully request that our variance be considered so that we can continue to serve the residents of Council Bluffs and surrounding areas with quality food at a great price.

Please see attachments.

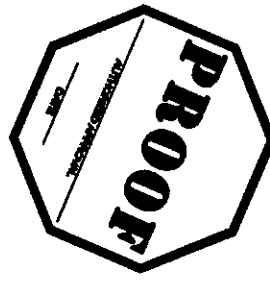
Thank You

Michelle Fichter

Store Manager/Owner

3228 W Broadway

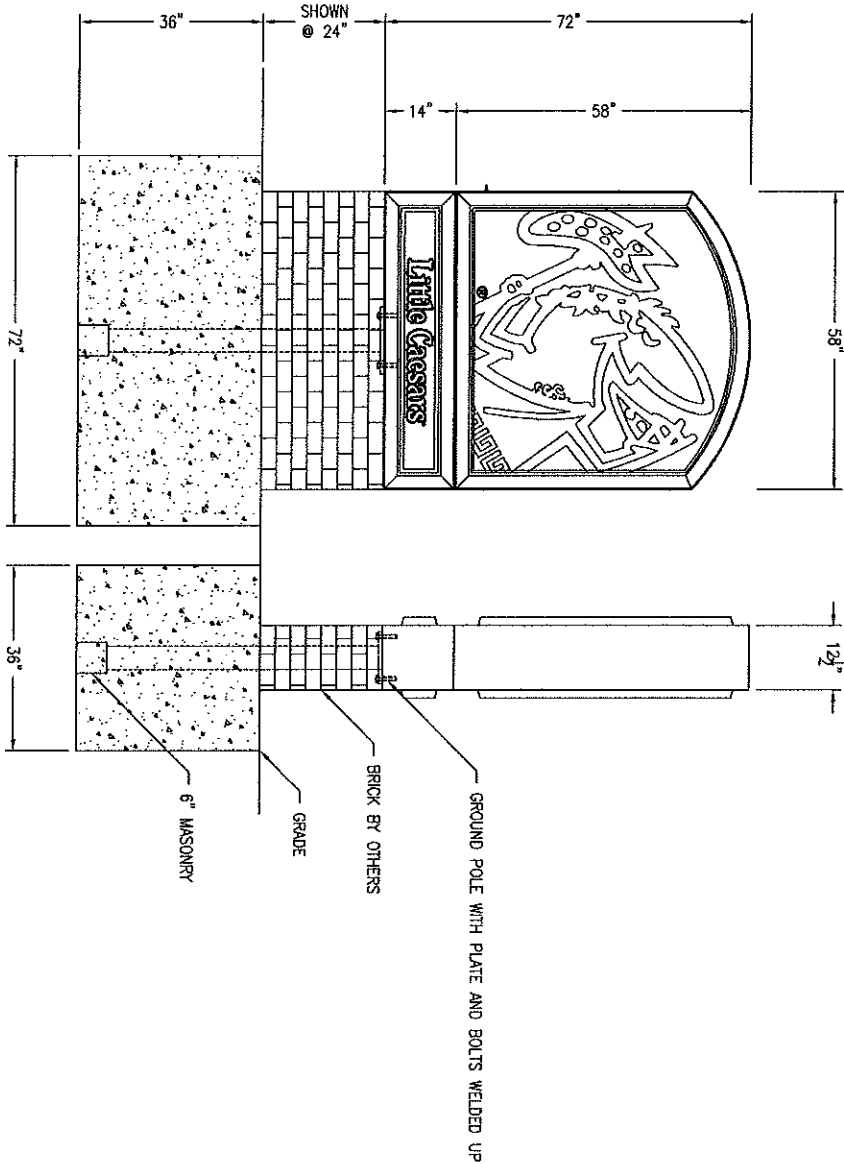
402-319-8594



NOTES:
CABINET:
 EXTRUDED ALUMINUM CABINET WITH EXTRUDED ALUMINUM RETAINERS PAINTED BLACK.
FACES:
 THERMOFORMED ACRYLIC WITH A 1-3/4" PAN AND EMBOSSED COPY.
SIGN AREA:
 ACTUAL - 29.0 SQ. FT.

ELECTRICAL DETAILS:
 INTERNALLY ILLUMINATED WITH WHITE LEDS.
 TOTAL LOAD: 3.6 AMPS @ 120V/60Hz
COLORS:
 UPPER FACE: BACKGROUND: WHITE. LOGO: PMS 165C ORANGE. LOGO OUTLINES: BLACK
 LOWER FACE: PMS 165C ORANGE BACKGROUND. LITTLE CAESAR'S: WHITE. LITTLE CAESAR'S OUTLINES: BLACK

This UL listed sign is manufactured to meet and/or exceed Underwriters Laboratories Subject 48 for Electric Signs.

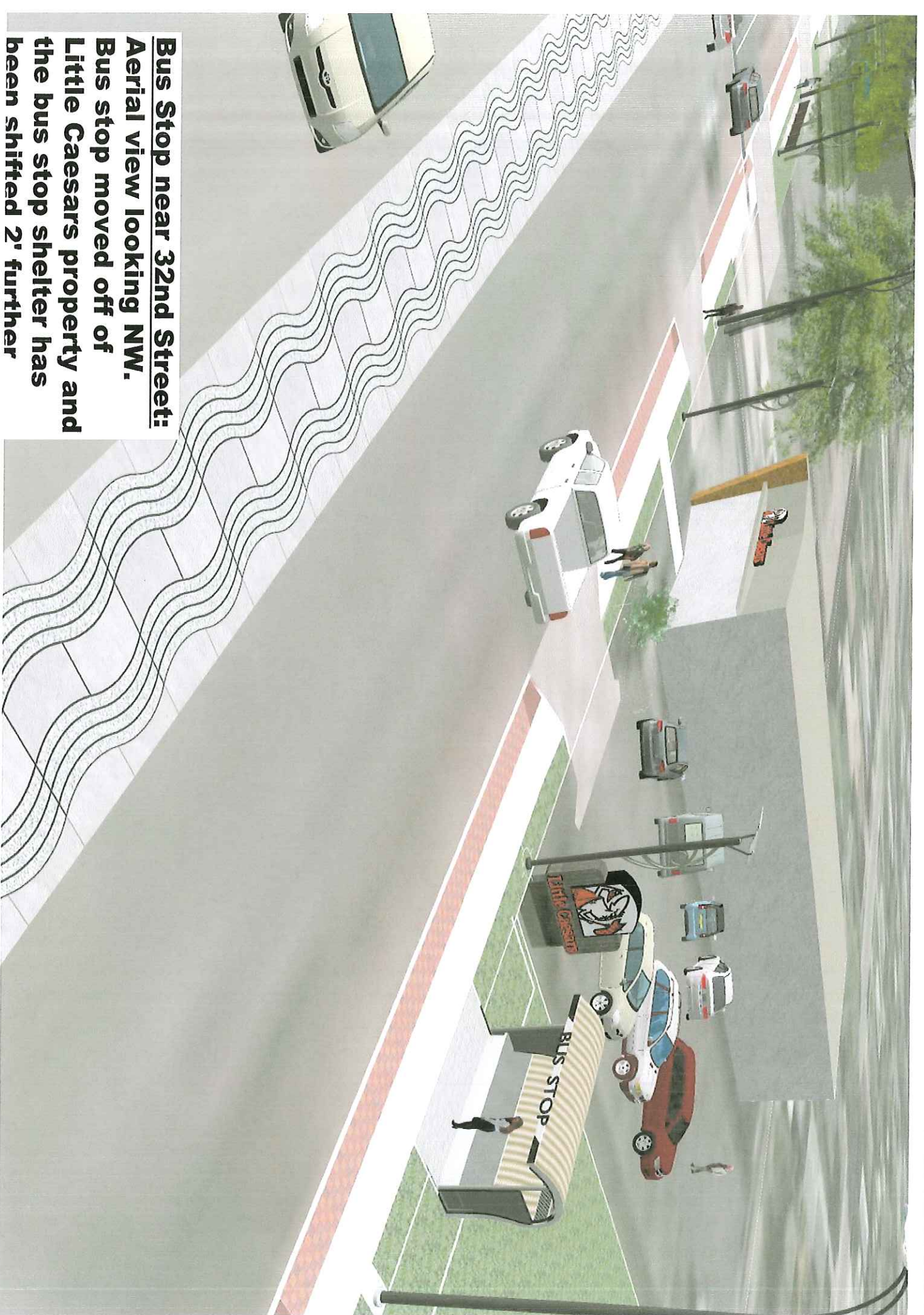


DESIGN ASSUMPTIONS

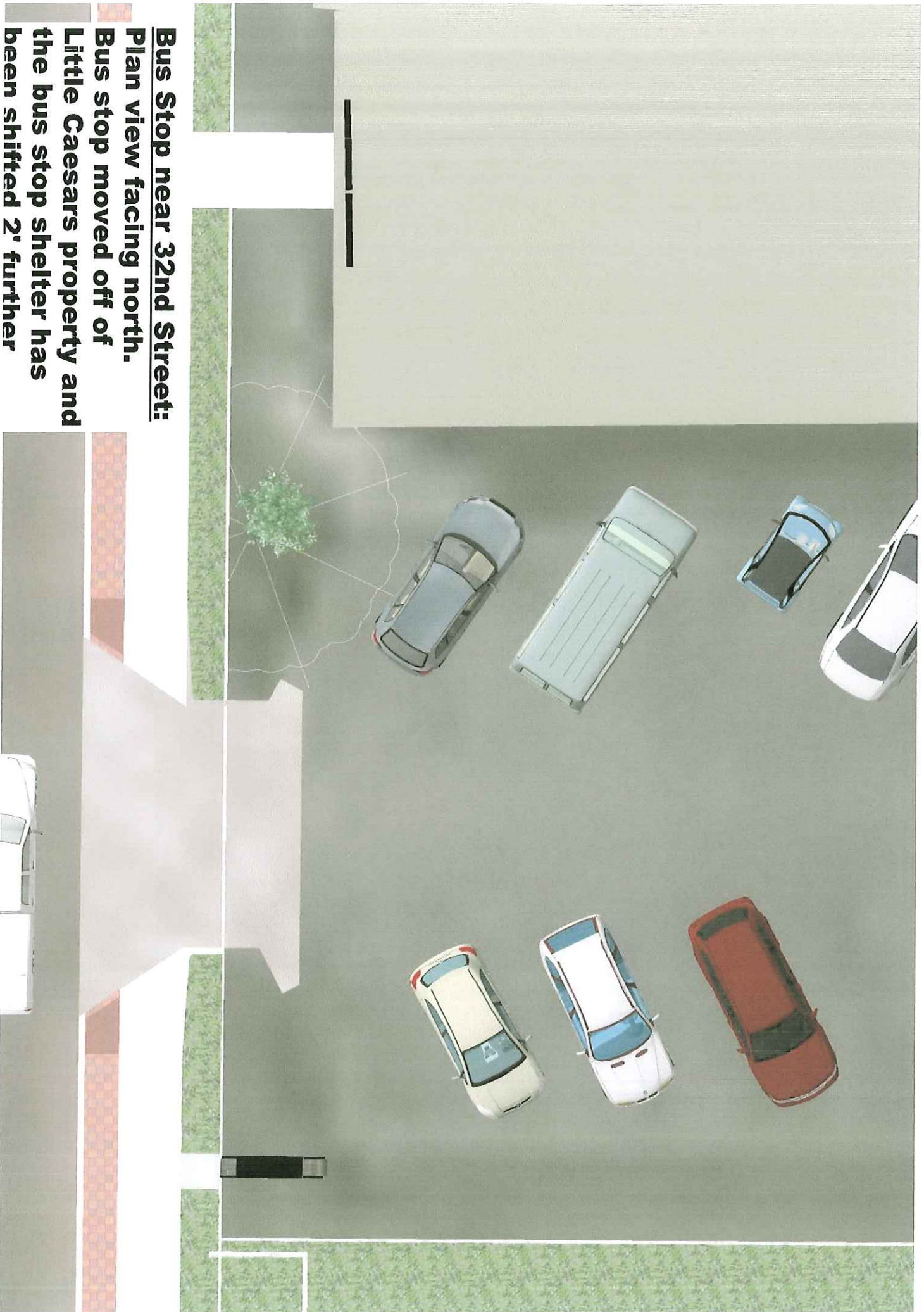
1. 90 MPH BASIC WIND SPEED, Exp B PER 2009 IBC
2. SOIL-UNDISTURBED (NEAR EXCAVATION IN SOIL), LATERAL SOIL BEARING PRESSURE = 150 PSF PER FOOT OF DEPTH
3. STEEL-TUBE - ASTM A500 GRADE B -PLATE - ASTM A36
4. CONCRETE-3000PSI @ 28 DAYS
5. REBAR-ASTM A615 GRADE 60
6. BOLTS-ASTM A325 OR A490
7. ANCHOR BOLTS-ASTM A36 OR A307



PROJECT DESCRIPTION CUSTOM MONUMENT SIGN	REVISION REF. # AND DATE	SCALE 1/2"=1'
PAGE DESCRIPTION SITE DRAWING		SHEET 1 OF 1
CLIENT LITTLE CAESAR'S	CONTACT PERSON WORK ORDER # PRO0004764	DRAWN BY AYM
ADDRESS CITY STATE ZIP		CHECKED BY
JOB SITE LOCATION LITTLE CAESAR'S		DATE FILE CREATED 07/26/17
ADDRESS CITY STATE ZIP		DWG FILE # 121470
		PART # 9001



Bus Stop near 32nd Street:
Aerial view looking NW.
Bus stop moved off of
Little Caesars property and
the bus stop shelter has
been shifted 2' further



Bus Stop near 32nd Street:

Plan view facing north.

Bus stop moved off of

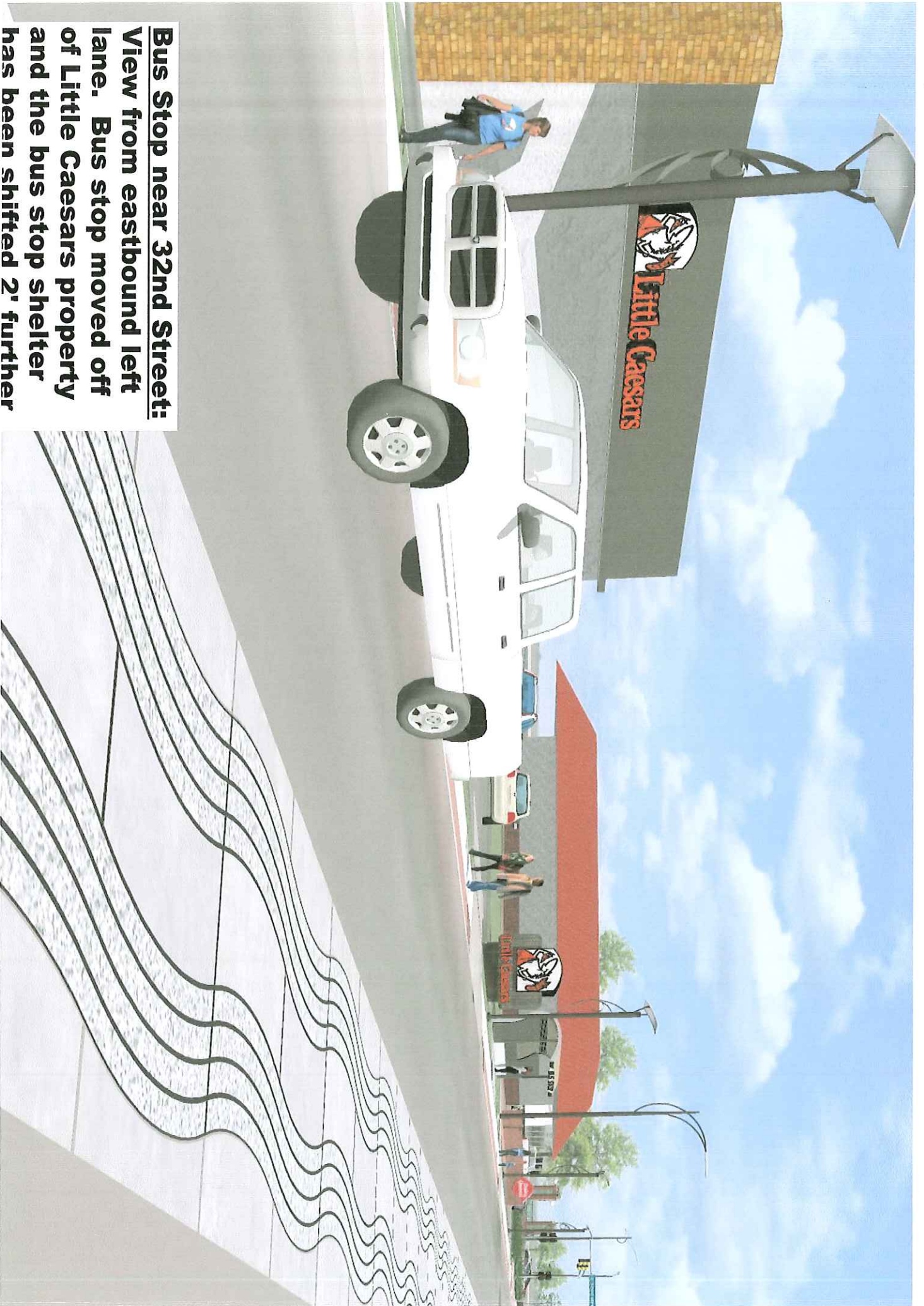
Little Caesars property and

the bus stop shelter has

been shifted 2' further



Bus Stop near 32nd Street:
View from westbound right
lane. Bus stop moved off
of Little Caesars property
and the bus stop shelter
has been shifted 2' further



Bus Stop near 32nd Street:
View from eastbound left
lane. Bus stop moved off
of Little Caesars property
and the bus stop shelter
has been shifted 2' further

TO: Zoning Board of Adjustment
FROM: Community Development Department
DATE: November 21, 2017
RE: **CASE #BA-17-007**
REQUEST: A variance from Section 15.09.050 *Site Development Regulations for the R-2/Two Family Residential District* of the Council Bluffs Zoning Ordinance to increase the Lot Coverage Maximum from 35% structure coverage to 38% structure coverage.

APPLICABLE

CODE SECTION: **Section 15.09.050 Site development regulations**

RELIEF SOUGHT: A 3% variance to the Lot Coverage, maximum to allow for 38% structure coverage, as opposed to the 35% Lot Coverage, maximum.

LEGAL

DESCRIPTION: Lot 3, Block 6, Sacketts Addition

LOCATION: 2709 Avenue B.

APPLICANT: Walter and Wendy Ziegler, 2709 Avenue B, Council Bluffs, IA 51501

OWNER: Walter and Wendy Ziegler, 2709 Avenue B, Council Bluffs, IA 51501

BACKGROUND INFORMATION – Walter and Wendy Ziegler own and reside in a house located at 2709 Avenue B. The applicants wish to demolish an existing garage on this property in order to construct a new, larger garage on the property that will shield more of their backyard from a multifamily apartment building that is located south of their house. This variance is being requested because the garage that the applicants wish to construct is wider than what the structure coverage standards of the parcel would allow. The applicants are requesting a variance to increase the Lot Coverage, maximum standards of their parcel from the permitted 35% to the requested 38%, a variance of approximately 144 square feet.

Attachment A: General Location Map
Attachment B: Applicant's Statement of Intent
Attachment C: Applicant's Site Plan
Attachment D: Site Photos

CURRENT ZONING AND LAND USE – The subject property is zoned R-2/Two Family Residential District, as is surrounding properties to the north, east, and west. Immediately south of the subject property is area zoned R-3/Low Density Multifamily Residential, and approximately 250 feet south of the subject property is area zoned C-2/Commercial District, that is part of the West Broadway Corridor Overlay District. Surrounding land uses are predominately single family dwellings to the north, east, and west, with single family dwellings, multifamily dwellings, churches, and commercial areas to the south.

The following exhibits in Attachment D show the subject property and surrounding area.

CITY DEPARTMENTS AND UTILITIES – All City departments and local utility providers were notified of the requested variance. The following comments were received:

- The Council Bluffs Fire Marshall's Office stated they have no comments regarding the proposed variance.
- The Council Bluffs Public Works Department stated the approach to the garage (pending approval) must be hard surfaced, and any infrastructure within the alley that may be in conflict with the construction must be relocated at the homeowner's expense.
- Council Bluffs Water Works stated they have no comments regarding the proposed variance.
- MidAmerican Energy stated they have no comments regarding the proposed variance.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet of the subject property were notified of the requested variance. No comments have been received as of the date of this report.

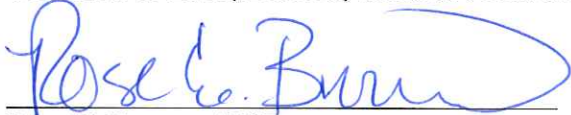
COMMENTS - Evidence must be presented to demonstrate that a literal enforcement of the Ordinance will create a hardship for which relief is necessary. The Board of Adjustment shall approve a variance to grant relief when 'unforeseen applications of this Ordinance...create particular hardships'. No variance shall be granted unless the Board of Adjustment makes findings of fact based on the standards and conditions that follow. A variance less than requested may be granted by the Board when the record supports the applicant's right to some relief, but not to the entire relief requested. (§15.02.080 – Variances)

1. *The particular property, because of size, shape, topography or other physical conditions suffers singular disadvantage through the application of this ordinance, which does not apply to other properties in the vicinity. The size, shape and topography of the property are typical of those in the general vicinity and surrounding area. The lot is substandard in size by today's regulations, as it would not meet the minimum lot width standards for the R-2/Two Family Residential District, but the lot is allowed to exist as a legal nonconformity.*
2. *Because of such disadvantage, the owner is unable to make reasonable use of the affected property. The applicant would still be able to construct a new garage on the property that would be larger than the existing garage without the granting of a variance. A garage of 586 square feet or smaller would fit within the lot coverage parameters of the R-2/Two-Family Residential District.*
3. *The disadvantage does not exist because of conditions created by the owner or previous owners of the property. The property was platted and the home was constructed prior to the enactment of the lot size standards and setback standards for the R-2/Two Family Residential District. While the current structures are allowed to exist, any new structures or additions are required to meet all site development regulations.*
4. *Granting the variance will not confer on the applicant any special privileges that are denied by this ordinance to other properties or structures in the same district. Granting the variance will allow the applicant to construct an accessory structure that would be likely to fit on the parcel if it met the required width standards of today's ordinance. Neighboring property owners would still be subject to the site development regulations of their zoning district.*
5. *Granting the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the purpose and intent of this ordinance. Personal garages are a permitted accessory use in the R-2/Two Family Residential District, and many neighboring*

property owners have garages. The granting of this variance is unlikely to have a significant impact on the interest of the public.

RECOMMENDATION

The Community Development Department recommends denial of the requested variance for property legally described as Lot 3, Block 6, Sacketts Addition, based on reasons stated above.





Rose E. Brown, AICP
Planning Coordinator



Chris Meeks
Planner

Attachment A
**CITY OF COUNCIL BLUFFS ZONING BOARD OF ADJUSTMENT
 LOCATION/ZONING MAP - CASE # BA-17-007**

Map Legend

-  Location of Proposed Variance
-  Parcels



Last Amended: 10/26/17

DISCLAIMER
 This map is provided for informational purposes only. The City does not warrant, and you acknowledge you are assuming all responsibility for, any errors or omissions on this map. The City reserves the right to amend this map at any time without notice. The City is not responsible for any damages or losses resulting from the use of this map. The City reserves the right to amend this map at any time without notice.



**Council Bluffs Community
 Development Department**
 209 Pearl Street
 Council Bluffs, IA 51503
 Telephone: (712) 328-4629

Attachment B

Walter and Wendy Ziegler
Letter of Intent
October 9th, 2017

Our intent is to build a garage on our property at 2709 Ave. B.

Our need to build a garage 24 x 30 is as follows:

Our home is across the alley of the apartment complex that faces 27th and Ave. A. backing to same alley. Our complaints are:

They have a dumpster that is overflowing with trash, mattresses infested with bed bugs and furniture clothing etc. from transient renters. This overflow of trash blows into our back yard and alley from over flow and careless dumping.

Our intent to build this garage as (both neighbors on east and west sides of our property have done) is to block the eyesore of the dumpster and its contents to block the trash onto our property and not have the visibility of transients going through the dumpster on a regular basis and throwing trash on ground which blows onto our property.

An important issue to have this garage between our backyard is to allow us privacy of our home. Our bedroom windows face the alley and we cannot open our windows in fair weather from the trash odors, also our patio is located in full view of the dumpster.

We thank you for consideration of our intent and desire to build a 24 x 30 garage at our residence.

Wendy and Walter Ziegler
712-314-1118

Attachment C



- Garage will be centered on lot



Attachment D

Site Photos

Summary:

Figure 1– An aerial photo of the subject property facing south (highlighted in blue)

Figure 2– An aerial photo of the subject property facing north (highlighted in blue)

Figure 3– A photo of the rear yard of 2709 Avenue B, where the garage is proposed to be located.

Figure 4– A photo of the alley behind the proposed garage, facing west.

Figure 5– A photo of the alley behind the proposed garage, facing east.



Figure 1



Figure 2



Figure 3

Figure 4



Figure 5



TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: November 21, 2017

RE: **CASE #CU-17-003**

REQUEST: A conditional use permit to allow for a 'Salvage Operation' in the I-2/General Industrial Zoning District.

APPLICABLE

CODE SECTIONS: §15.02.020 - Zoning Board of Adjustment

The Zoning Board shall have the following powers:

B. To make final decisions on applications for conditional uses.

§15.21.030 – Conditional Uses of the I-2/General Industrial Zoning District.

LEGAL

DESCRIPTION: Part of the Northwest Quarter of the Southwest Quarter (excluding state right of way) of Section 17, Township 74, Range 43, City of Council Bluffs, Pottawattamie County, Iowa.

LOCATION: Addressed as 13038 192nd Street

APPLICANT: Morris Excavating Company, Inc., 10566 Woodland Trail, Council Bluffs, IA 51503

OWNER: Frank Krejci, 1505 North 203rd Street, Elkhorn, NE 68022

REPRESENTATIVE: Buck Morris, 10566 Woodland Trail, Council Bluffs, IA 51503

BACKGROUND INFORMATION – The Community Development Department has received an application from the Morris Excavating Company, Inc. for a conditional use permit to operate a 'Salvage Operation' to recycle and crush concrete, asphalt, and other landscaping materials. The property Morris Excavating Company wishes to conduct this salvage operation on is located east of Interstate 29, and south of East South Omaha Bridge Road. The property was recently rezoned on the request of Morris Excavating Company from A-2/Parks, Estates and Agricultural District to I-2/General Industrial District (Planning Commission Case # ZC-17-004, Ordinance Number 6305) to accommodate a new contractor shop, with the intention of also obtaining this conditional use permit for the salvage operation. The salvage operation would consist of stockpiles to store material that is set to be crushed, as well as crushed material that will be used at a later date.

The following case attachments are included with this report:

- Attachment A: Case Map
- Attachment B: Letter of Intent
- Attachment C: Site plan
- Attachment D: Site Photos

CURRENT ZONING AND LAND USE – The subject property is zoned I-2/General Industrial District, as is the property immediately to the south. Surrounding properties within city limits are zones A-2/Parks, Estates and Agricultural, though there is industrial zoned property to the north, and northwest. Land uses immediately surrounding the proposal are primarily agricultural, though there are commercial businesses to the northeast that are not within the city limits of Council Bluffs.

Aerial photos of surrounding land uses are shown in Attachment D.

The future land use plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) designates the subject property as Rural Residential/Agricultural. This designation was addressed by staff in the recommendation of the rezoning proposal, and it was determined that proximity to utilities, proximity to Interstate 29, and floodplain issues would provide significant challenges for any residential development.

CITY DEPARTMENTS AND UTILITIES – All City departments and local utility providers were notified of the proposed conditional use permit request. The following comments were received:

Public Works Department:

1. On site circulation shall be hard surfaced with either Portland concrete cement or asphalt concrete cement.
2. Required parking shall be hard surfaced with either Portland concrete cement or asphalt concrete cement.
3. Stormwater management is required to meet all standards.
4. Stormwater outlet rate shall be the pre-developed 5 year rate.
5. Public Works requests additional information on the number of trucks and types for daily trips to determine if a traffic study is warranted.

Council Bluffs Water Works stated that a public water main abuts the property, and has no comments regarding the zoning.

Council Bluffs Fire Marshall stated the new building will be required to comply with Chapter 507.5.1 of the IFC, and City of Council Bluffs regulations regarding the distance to a fire hydrant. The building will be required to be within 300 feet of a fire hydrant, or a new hydrant is to be installed. The exception to this rule is if the building has a sprinkler system, in which case they are allowed to be 600 feet from a fire hydrant.

Community Development Department:

1. A 'salvage operation' use is defined in Section 15.03.594, *Definitions, Salvage Operation* of the Council Bluffs Zoning Ordinance as "an establishment engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards, salvage yards and scrap processing yards." The stockpiles and crushing operation would fall under this definition.
2. All proposed fencing shall comply with the standards stated in Section 15.24.040, *Fence regulations* of the Council Bluffs Zoning Ordinance.
3. All outdoor lighting shall comply with the standards stated in Section 15.24.050, *Lighting controls* of the Council Bluffs Zoning Ordinance.
4. All signage shall be permitted separately prior to installation and shall comply with Chapter 15.33, *Signs* of the Council Bluffs Zoning Ordinance.
5. The amount of material stored on site should be kept to a reasonable level with crushing operations occurring routinely. Material stockpiles should not exceed 30 feet in height. If processing is ever to cease in operation for an extended period of time then no additional material should be brought on to

that site. A salvage operation is not intended to be a place for long term storage or disposal of material or debris.

6. The hours of operation for the crushing operation shall be limited to Monday through Friday from 8:00AM to 5:00PM.
7. A landscaping plan shall be submitted to ensure screening of the stockpiles from public view.
8. Dust shall be controlled at all time and should not project across property lines or be considered a nuisance to adjoining properties or the general public. A specific plan for dust control must be submitted.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet were notified of the conditional use permit request. No comments were received.

COMMENTS

§15.02.090 Conditional Uses: The development and execution of the Ordinance (Title 15) is based upon the division of the City into districts. Within each district the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are specific uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such uses may be either public or private, and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

The Zoning Board of Adjustment shall make findings of fact, based upon the evidence presented at the public hearing, with respect to each of the applicable standards in Section 15.02.090.E (Findings of Fact).

The Zoning Board of Adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a conditional use as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the conditional use. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact. No conditional use shall be approved unless the Zoning Board of Adjustment makes findings of fact based directly on the standards and conditions imposed by this section. The findings of fact are presented below *in italics*:

1. The proposed conditional use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations and all other standards or conditions contained in the provisions authorizing such use. *The subject property does meet lot size requirements, and the lot appears likely to be able to accommodate parking requirements and building setback requirements. The proposed use is in harmony with the Council Bluffs Code of Ordinances.*

2. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided. *Adequate utilities (e.g., public water and electricity) are available at this location for the proposed use. Stormwater for the proposed use shall be managed in accordance with all Public Works Department requirements. Any future cost to extend, modify or otherwise relocate any public utilities/facilities shall be at the cost of the owner/applicant and not the financial responsibility of the City of Council Bluffs.*

3. Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. *All proposed parking areas must be designed and installed in accordance with the standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance. The applicant will be required to submit an approximate traffic count to the Public Works Department to determine if a traffic study is warranted.*
4. All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly appears that such permits are obtainable for the proposed conditional use on the subject property. *The applicant shall obtain all required building, driveway, parking lot and storm water permits from the City prior to commencing any development activity on the subject property. All proposed signage shall receive a sign permit from the City prior to installation.*
5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. *The use shall comply with Section 15.24.050, Lighting Controls, of the Council Bluffs Zoning Ordinance. There were no additional lighting features included in the submitted site plan.*
6. The location and size of the conditional use, the nature and intensity of the activities to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. *The size of the site and adjacent roadways appear adequate to accommodate the proposed use, though the volume of traffic will be reviewed by the Public Works Department. The applicant will be required to submit formal building plans, parking plans, driveway plans, landscaping plans, and Stormwater plans prior to commencement of construction activities. Based on uses in the vicinity, the approval of this conditional use does not appear to be a detriment to the neighborhood it is to be located in.*
7. The location, nature and height of buildings, structures, walls and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures. *Any fencing proposed to be installed shall comply with the standards stated in Section 15.24.040, Fence regulations, of the Zoning Ordinance. The applicant will also be required to submit a landscaping plan prior to any construction activities on this site.*
8. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. *If developed in full compliance with adopted City requirements the proposed request is not anticipated to have a negative impact on property values for existing or future land uses in the surrounding area.*

RECOMMENDATION

The Community Development Department recommends approval of the request of Morris Excavation Company, Inc. for a conditional use permit to allow for a 'Salvage Operation' to recycle and crush concrete, asphalt, and other landscaping materials on a property described as part of the Northwest Quarter of the Southwest Quarter (excluding state right of way) of Section 17, Township 74, Range 43, City of Council Bluffs, Pottawattamie County, Iowa. The approval of this conditional use permit is subject to the following conditions.

1. The applicant shall secure all necessary permits and licenses for the operation of the conditional use and shall comply with all applicable Federal, State and local codes.
2. All site development shall comply with all applicable Fire and Building Code(s) requirements.
3. The conditional use shall comply with all site development regulations pertaining to the I-2/General Industrial District.
4. All outdoor storage areas, off-street parking, driveways and drive aisles shall be hard-surface paved with asphalt or concrete cement and shall be designed to comply with the standards stated in Chapter 15.23, *Parking, Loading and Unloading* of the Council Bluffs Zoning Ordinance.
5. All required off-street parking and handicap parking spaces for the commercial storage use shall be provided in accordance with the standards stated in Section 15.23.060, *Parking space required*, of the Council Bluffs Zoning Ordinance.
6. All exterior lighting shall comply with the standards stated in Section 15.24.050, *Lighting Controls*, of the Council Bluffs Zoning Ordinance.
7. All signage shall comply with the standards in Chapter 15.33, *Signs*, of the Council Bluffs Zoning Ordinance.
8. All costs to construct, remove and/or relocate any utilities for the proposed development shall be the responsibility of the applicant and not the City.
9. All proposed fencing shall comply with the standards stated in Section 15.24.040, *Fence regulations* of the Council Bluffs Zoning Ordinance.
10. The amount of material stored on site should be kept to a reasonable level with crushing operations occurring routinely. Material stockpiles should not exceed 30 feet in height. If processing is ever to cease in operation for an extended period of time then no additional material should be brought on to that site. A salvage operation is not intended to be a place for long term storage or disposal of material or debris.
11. The hours of operation for the crushing operation shall be limited to Monday through Friday from 8:00AM to 5:00PM.
12. A landscaping plan shall be submitted to ensure screening of the stockpiles from public view.






Rose E. Brown, AICP
Planning Coordinator

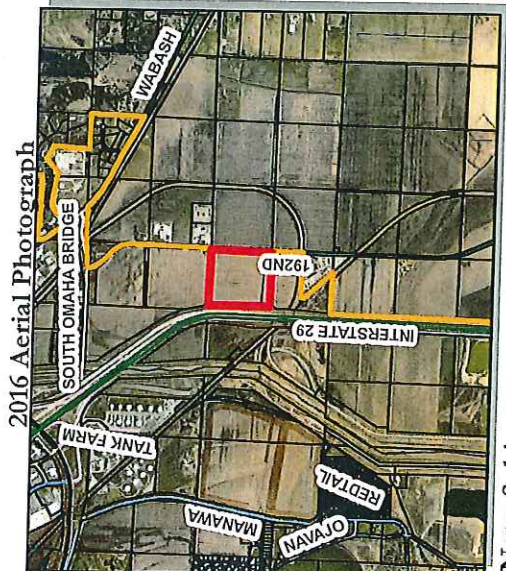


Chris Meeks
Planner

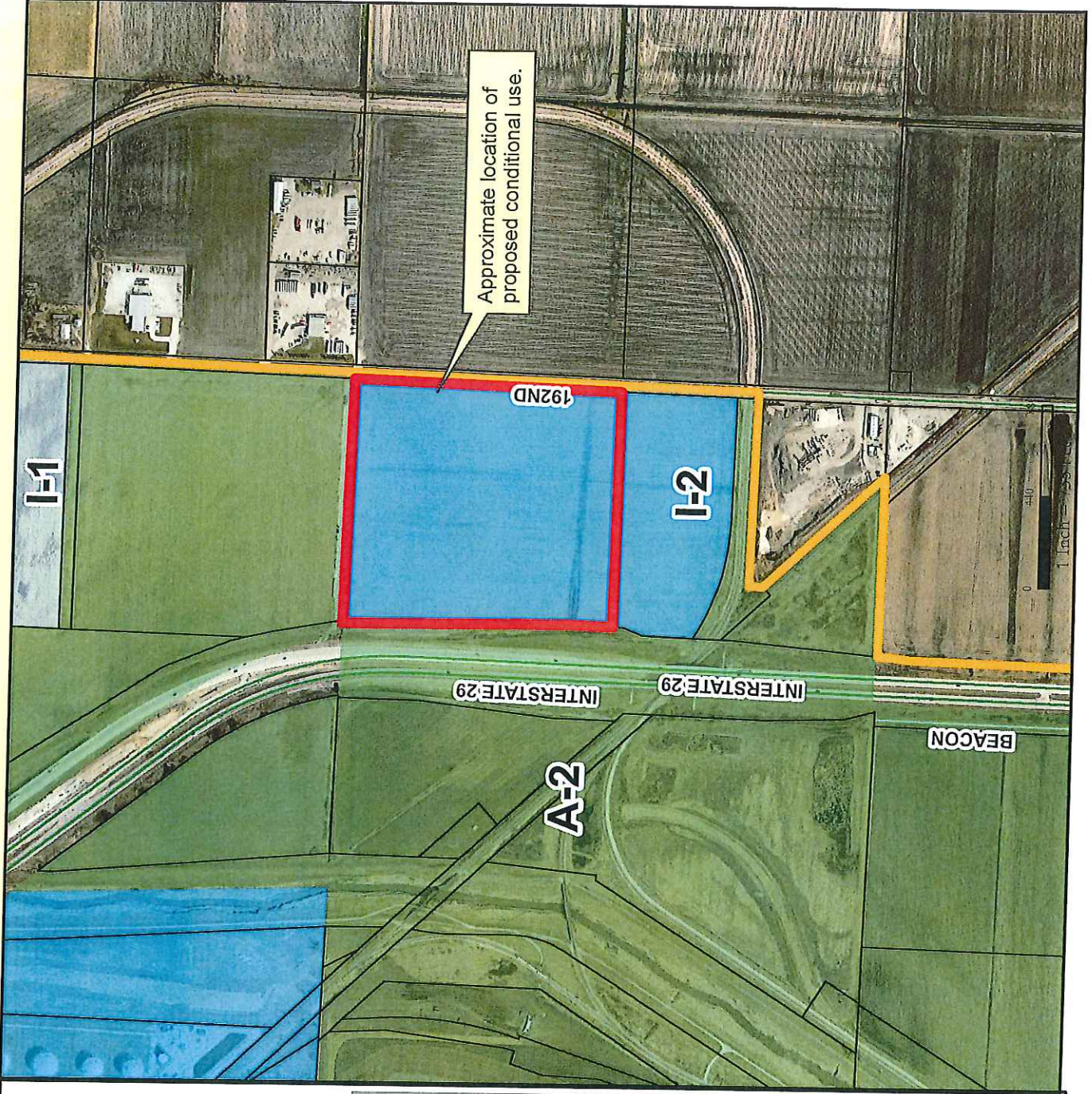
Attachment A CITY OF COUNCIL BLUFFS- LOCATION AND ZONING MAP ZONING BOARD OF ADJUSTMENT CASE # CU-17-003

Map Legend

-  Subject Parcel
-  City Boundary
-  Parcels



Note: Subject property is highlighted in red.



Last Amended: 11/2/17

DISCLAIMER
This map is for informational purposes only. The City of Council Bluffs, Iowa, does not warrant the accuracy of the information shown on this map. The City of Council Bluffs, Iowa, is not responsible for any errors or omissions on this map. The City of Council Bluffs, Iowa, is not responsible for any damages or injuries resulting from the use of this map. The City of Council Bluffs, Iowa, is not responsible for any legal actions taken against it as a result of the use of this map.

Council Bluffs Community Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328-4629





10566 Woodland Trail, Council Bluffs, IA 51503
Phone: (712) 366-4262 Fax: (712) 366-4161

Date: August 11, 2017

To: City of Council Bluffs

Regarding: CO BLUFFS LEWIS AGRI 17-74-43 NW SW EXC STATE
Rezoning & Moving Lot Line

Morris Excavating Co., Inc. was established in 1990 in Omaha Nebraska, and currently operate out of Council Bluffs, IA. We are a family owned business providing excavating services throughout the Midwest, specializing in environmental construction.

While providing many construction services, Morris Excavating specializes in Underground Storage Tank removal and assist in installation. We have successfully completed construction projects in over 20 states.

Our Clients include:

General Contractors such as Andersen Construction, Construct INC., Darland, Zernco, Seneca, Dicon, Wright, etc.

Commercial Owners such as Casey's General Store, Quik Trip, Kwik Shop etc.

Environmental Companies such as Seneca Environmental, Terracon, Barker Lemar, RDG, SCS Aquaterra, etc.

Railroads such as Union Pacific

Governmental Agencies such as Department of Natural Resources, Fire Stations, Police Depts., other City Municipalities, etc.

Our company is looking to build a larger facility to house our heavy equipment and about 10-15 personnel. We are looking at all our land opportunities in the Omaha/ Council Bluffs Metro. 192nd street would be a great fit for our company to expand, as it is close to our current office, and in an already industrialized area.

Morris Excavating understands it would be a slightly larger investment to build on 192nd street, as it is in a 100-year floodplain with limited utilities, but are willing spend the money on hauling in dirt to build up our site. We hope by being in the Excavating

business we can help further other development in the area by being able to provide a cost-effective solution to the low floodplain area minutes/seconds from our new shop.

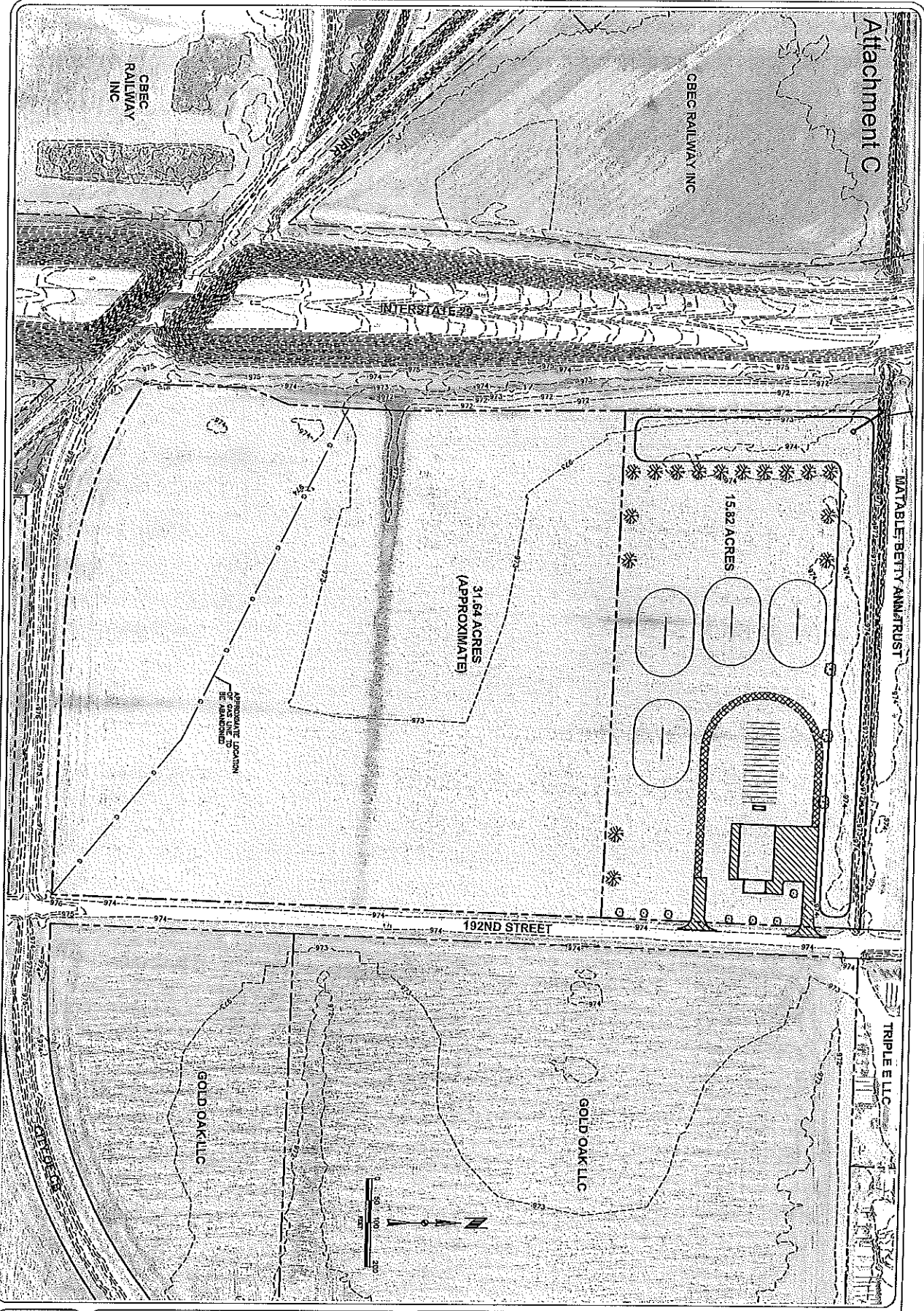
Morris Excavating also plans to provide recycled concrete, asphalt and possibly other landscape materials at our new location. We estimate truck traffic to be light to moderate depending on the demand. We understand these activities need to be in an industrialized zone, which is why we are looking at the already industrialized area and submitting an application for a rezoning of this property from Agricultural to Industrial. Morris Excavating plans to build a new quality looking shop with office space and decorative landscaping. The purchase of this property has not been determined yet, and is dependent on re-zoning.

At Morris Excavating, we pride ourselves on teamwork, communication, and attention to detail. We have been providing quality construction services throughout Iowa, Nebraska, Kansas and Missouri South Dakota, Illinois, Oklahoma, Texas and many others. We hope to keep our Main office in Council Bluffs, IA.

Thank you,

Andrew Morris
Morris Excavating Co., Inc.

Attachment C



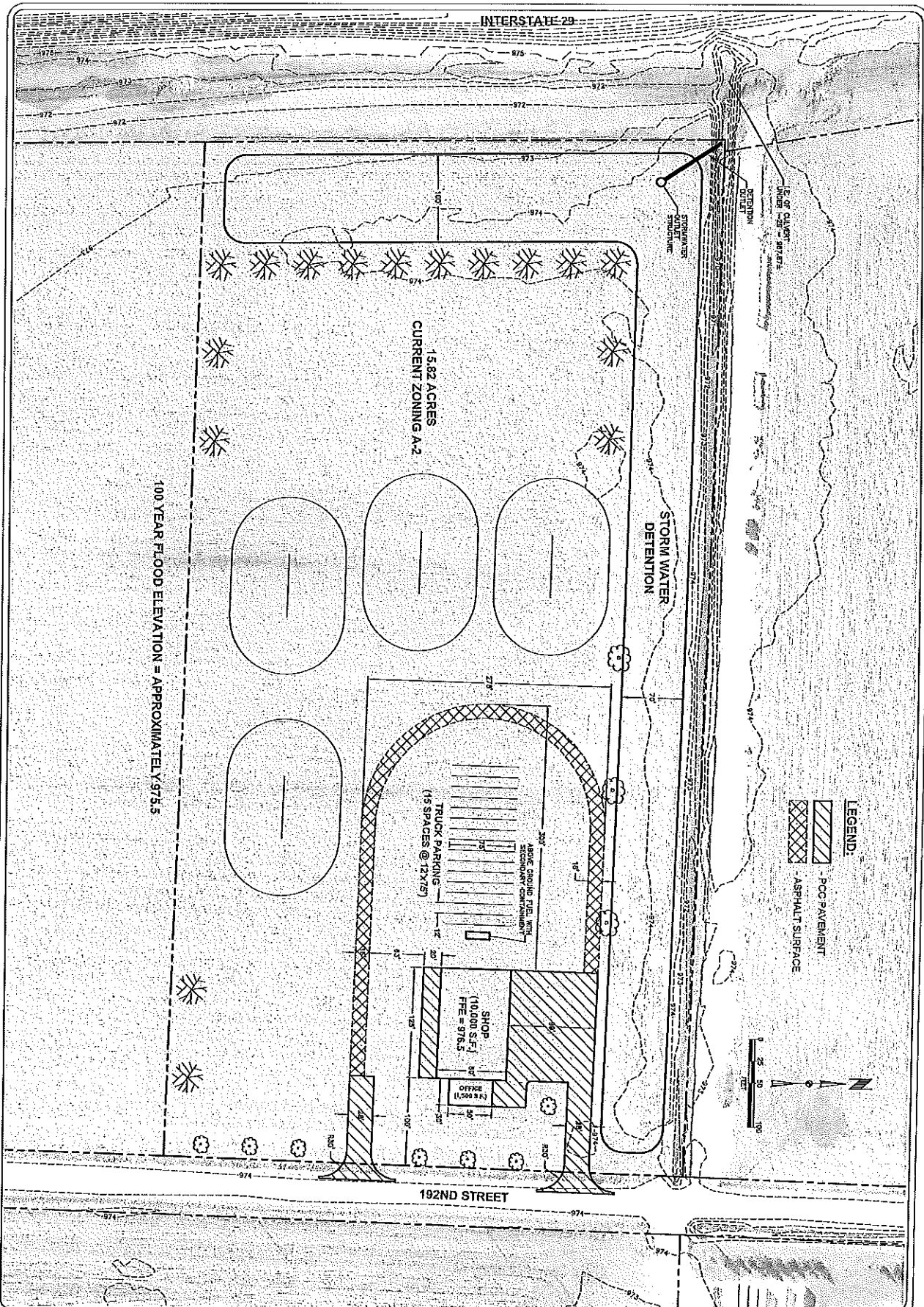
1 OF 2
 Project No. 102917
 sheet

project 192ND ST. INDUSTRIAL DEVELOPMENT
 client MORRIS EXCAVATING
 sheet CONCEPT EXHIBIT - 200 SCALE

RED	_____	date	_____
SDR	_____	date	_____
SDH	_____	approved	_____
AUG 17 2017	_____	date	_____

hgm
 ASSOCIATES INC.
 540 FIFTH AVENUE COUNCIL BLUFFS, IA
 PHONE: 712-323-0330

This drawing is being made available to both owner and the contractor for their use in connection with their respective obligations. It is not to be used for any other purpose without the written consent of the engineer. The engineer is not responsible for any errors or omissions in this drawing or any part thereof and is not to be held liable for any such errors or omissions.

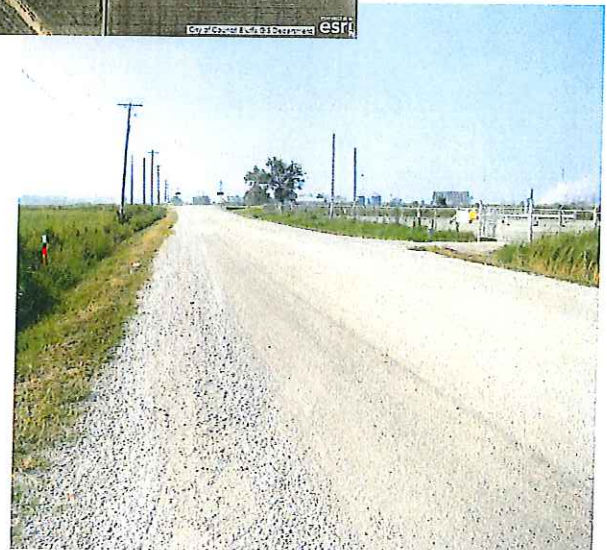


Attachment D: Site Photos

Aerial Photo of
Subject Property
(Highlighted in
Black)



Subject Property (from northeast corner)



Southern view of 192nd Street.



Neighboring land north/northwest
of the subject property.



Neighboring land east/southeast
of the subject property.

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: November 21, 2017

RE: **CASE #CU-17-004**

REQUEST: A conditional use permit to allow for a warehousing and distribution center of greater than 50,000 square feet in an area zoned C-2/Commercial District.

APPLICABLE

CODE SECTIONS: §15.02.020 - Zoning Board of Adjustment

The Zoning Board shall have the following powers:

B. To make final decisions on applications for conditional uses.

§15.15 –Zoning Requirements of the C-2/Commercial District

LEGAL

DESCRIPTION: Part of the Southwest Quarter of the Southeast Quarter of Section 12, Township 74, Range 44, City of Council Bluffs, Pottawattamie County, Iowa.

LOCATION: Generally located at 325 Veterans Memorial Highway

APPLICANT: QRS Investments, LLC, 1851 Madison Avenue, Suite 710, Council Bluffs, IA 51503

OWNERS: 325 V M H LLC, 19641 Birdsley Road, Council Bluffs, IA 51503

REPRESENTATIVE: Greg Johnson, 1851 Madison Avenue, Suite 710, Council Bluffs, IA 51503

BACKGROUND INFORMATION – The Community Development Department has received an application from QRS Investments, LLC for a Conditional Use Permit to allow for ‘Warehousing and Distribution, Limited’ of greater than 50,000 square feet in a building located in the C-2/Commercial Zoning District. This conditional use permit is requested on behalf of the Echo Group, which currently leases approximately half of the building, and wishes to expand to beyond their current space. QRS Investments and Echo Group were successful in an application for a text amendment to allow ‘Warehousing and Distribution, Limited’ of greater than 50,000 square feet in area as a conditional use in the C-2/Commercial District, where warehousing and distribution, limited’ was previously only permitted when under 50,000 square feet in area. The applicants have indicated that there will be no expansion of the existing building, but plans for interior renovations have been submitted.

The following case attachments are included with this report:

- Attachment A: Case Map
- Attachment B: Plan of Operation, as submitted by the applicant
- Attachment C: Site Photos

CURRENT ZONING AND LAND USE – The subject property is zoned C-2/Commercial District, as are the properties to the east and west. There is P-C/Planned Commercial zoned areas located north of the proposal, and A-2/Parks, Estates and Agricultural District associated with the Council Bluffs Country Club to the south of the proposal.

The future land use plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) designates the subject property as Local Commercial.

CITY DEPARTMENTS AND UTILITIES – All City departments and local utility providers were notified of the proposed conditional use permit request. The following comments were received:

Council Bluffs Water Works stated they have no comments on the proposed request.

Council Bluffs Fire Marshall stated they have no comments on the proposed request.

Public Works Department:

1. On site circulation shall be hard surfaced with either Portland concrete cement or asphalt concrete cement.
2. Required parking shall also be hard surfaced with either Portland concrete cement of asphalt concrete cement.
3. Stormwater management is required to meet all standards.
4. Stormwater outlet rate shall be the pre-developed 5 year rate.
5. Public Works requests additional information on the number of the number and types of vehicles for daily trips to determine if a traffic study is warranted.

Community Development Department:

1. *'Warehousing and Distribution, Limited'* is defined in Section 15.03.682 as *storage, warehousing and dispatching of good within an enclosed structure. Typical uses include wholesale distribution, storage warehouses and moving/storage companies.* Echo Group's operation would fall under this definition.
2. Any proposed fencing shall comply with the standards stated in Section 15.24.040, *Fence regulations* of the Council Bluffs Code of Ordinances.
3. All outdoor lighting shall comply with the standards stated in Section 15.24.050, *Lighting controls* of the Council Bluffs Zoning Ordinance.
4. All signage shall be permitted separately prior to installation and shall comply with Chapter 15.33, *Signs* of the Council Bluffs Zoning Ordinance.
5. *'Warehousing and Distribution, Limited'* does not allow for any outdoor storage, meaning all goods must be contained within the indoor warehousing space.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet were notified of the conditional use permit request. No comments were received.

COMMENTS - §15.02.090 Conditional Uses: The development and execution of the Ordinance (Title 15) is based upon the division of the City into districts. Within each district the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are specific uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such uses may be either public or private, and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

The Zoning Board of Adjustment shall make findings of fact, based upon the evidence presented at the public hearing, with respect to each of the applicable standards in Section 15.02.090.E (Findings of Fact).

The Zoning Board of Adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a conditional use as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the conditional use. The terms of

relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact. No conditional use shall be approved unless the Zoning Board of Adjustment makes findings of fact based directly on the standards and conditions imposed by this section. The findings of fact are presented below *in italics*:

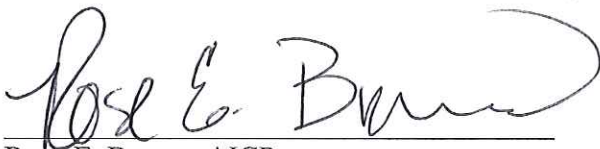
1. The proposed conditional use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations and all other standards or conditions contained in the provisions authorizing such use. *The subject property is in compliance with lot requirements, the proposed use is in harmony with surrounding uses, and the granting of the conditional use will not allow any use that is not currently taking place on the property. If the applicant is able to meet all the conditions listed, the proposed use will comply with all applicable regulations of the zoning ordinance.*
2. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided. *Adequate utilities (e.g., public water, stormwater and sanitary sewer, electricity) are available at this location for the proposed use. Stormwater for the proposed use shall be managed in accordance with all Public Works Department requirements. Any future cost to extend, modify or otherwise relocate any public utilities/facilities shall be at the cost of the owner/applicant and not the financial responsibility of the City of Council Bluffs.*
3. Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. *All proposed parking areas must be designed and installed in accordance with the standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance. The proposal is not anticipated to create any addition traffic strain on the surrounding streets.*
4. All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly appears that such permits are obtainable for the proposed conditional use on the subject property. *The applicants have submitted an application and plans for the building interior remodel, and is currently under review. All proposed signage shall receive a sign permit from the City prior to installation.*
5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. *The use shall comply with Section 15.24.050, Lighting Controls, of the Council Bluffs Zoning Ordinance. There were no additional lighting features included in the submitted site plan.*
6. The location and size of the conditional use, the nature and intensity of the activities to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. *There is no expansion of the building proposed at this time. The Council Bluffs Public Works Department has requested additional information regarding the traffic to and from the site to determine if a traffic study is warranted. Any future expansion or remodeling will also be reviewed by city staff with any submitted building permits.*
7. The location, nature and height of buildings, structures, walls and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures. *There is no expansion of the building proposed at this time. The need for a conditional use permit is triggered by an expansion of a current tenant within the building. The exterior of this building will not provide any further hindrance of neighboring property owners or future development.*

8. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. *If developed in full compliance with adopted City requirements the proposed request is not anticipated to have a negative impact on property values for existing or future land uses in the surrounding area.*

RECOMMENDATION

The Community Development Department recommends approval of the request by QRS Investments, LLC, represented by Greg Johnson, for a conditional use permit to allow for a 'warehousing and distribution, limited' in the C-2 Commercial District on property legally described as part of the SW1/4 SE1/4 of Section 12-74-44. Location: 325 Veteran's Memorial Highway subject to the following conditions:

1. The applicant shall secure all necessary permits and licenses for the operation of the conditional use and shall comply with all applicable Federal, State and local codes.
2. All site development shall comply with all applicable Fire and Building Code(s) requirements.
3. All required off-street parking and handicap parking spaces for the commercial storage use shall be provided in accordance with the standards stated in Section 15.23.060, *Parking space required*, of the Council Bluffs Zoning Ordinance.
4. All exterior lighting shall comply with the standards stated in Section 15.24.050, *Lighting Controls*, of the Council Bluffs Zoning Ordinance.
5. All signage shall comply with the standards in Chapter 15.33, *Signs*, of the Council Bluffs Zoning Ordinance.
6. All costs to construct, remove and/or relocate any utilities for the proposed development shall be the responsibility of the applicant and not the City.
7. *'Warehousing and Distribution, Limited'* does not allow for any outdoor storage, meaning all goods must be contained within the indoor warehousing space.
8. Stormwater management is required to meet all standards.
9. Stormwater outlet rate shall be the pre-developed 5 year rate.
10. A report detailing the number and types of vehicles for daily trips be submitted to the Public Works Department to determine if a traffic study is warranted.






Rose E. Brown, AICP
Planning Coordinator



Chris Meeks
Planner

CITY OF COUNCIL BLUFFS- LOCATION AND ZONING MAP ZONING BOARD OF ADJUSTMENT CASE # CU-17-004

Map Legend

-  Subject Property
-  City Boundary
-  Parcels

2016 Aerial Photograph



Note: Subject properties are highlighted in red.



Last Amended: 10/31/17

DISCLAIMER
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Council Bluffs Community Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328.4629



NOTE: No new exterior construction is proposed at this time. The Conditional Use Permit will allow for an expansion within the existing buildings.

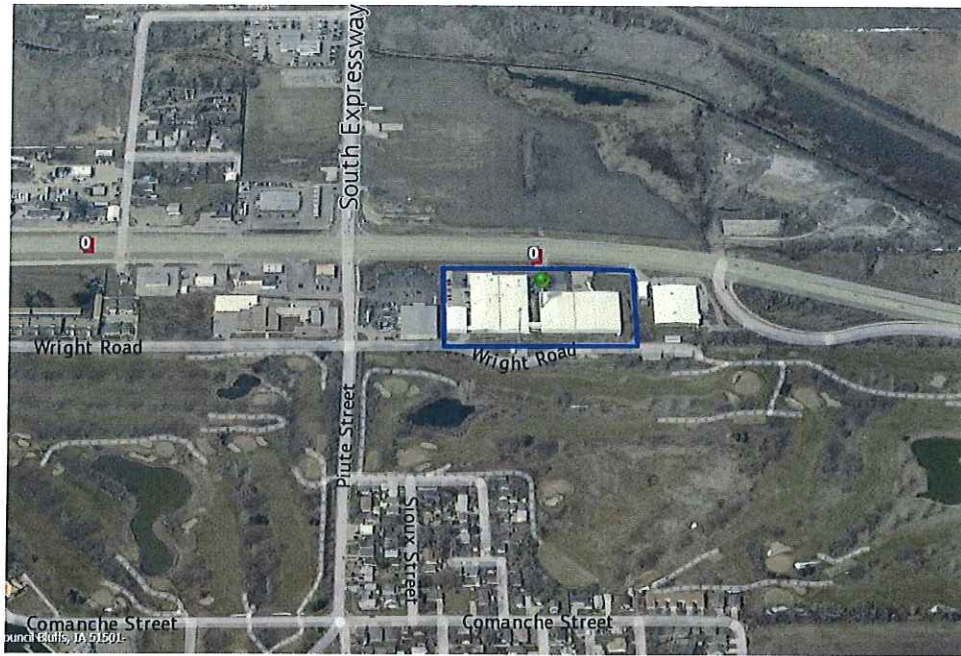
Attachment B

QRS Investments LLC's proposed use by Echo Group Inc. of the 325 Veterans Memorial Highway facility:

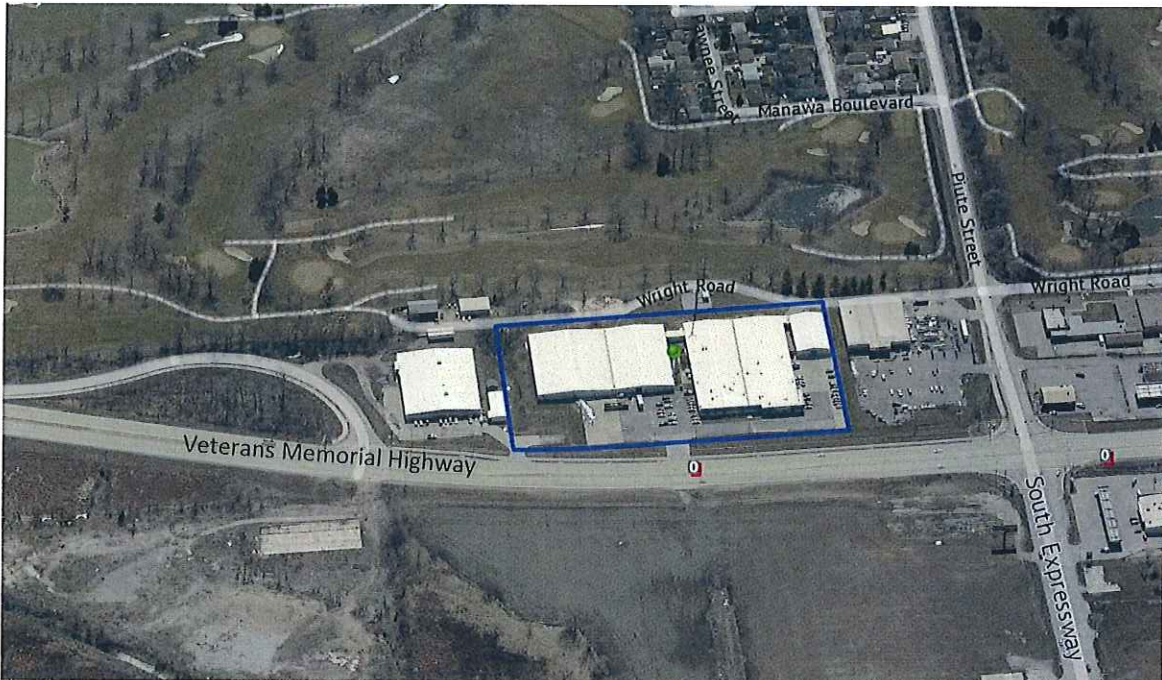
The facility would be leased to Echo Group Inc. and act as a secondary warehouse to their main facility on Gifford Road in Council Bluffs. The 325 building would be used by them to stage electrical products for a number of large construction projects that are in process here in the Omaha/Council Bluffs metropolitan area. Echo currently leases approximately ½ of the 325 facility today and is in need of additional square footage or they will be forced to discontinue their lease and seek a new larger facility in the metro area. The standard hours of operation for the facility would be from 6:00 AM to 6:00 PM Monday thru Friday with light truck traffic during those hours and virtually no customer traffic at all. Echo plans on having approximately 10-15 employees working at the site.

In addition to the function listed above, Echo would also use approximately 10,000 square feet in the northwest corner of the building for it's Custom Design division which is currently leasing a building at 3426 2nd Ave from the City of Council Bluffs. This division operates as a small retail shop that sells engraving products and has 5 employees. There will be very light customer traffic on the site for this part of the building.

Attachment C



Aerial photo of the subject property, facing north.



Aerial photo of the subject property, facing south.

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: November 15, 2017

RE: **CASE #CU-17-007**

REQUEST: A conditional use permit to allow 'commercial storage' in a C-2/Commercial District (pending).

APPLICABLE

CODE SECTIONS: §15.20.020 - Zoning Board of Adjustment

The Zoning Board shall have the following powers:

b. To make final decisions on applications for conditional uses.

§15.15.030 – Conditional uses in a C-2/General Commercial District

03. Commercial storage

LEGAL

DESCRIPTION: Being the South 66 feet of the East 1/2 of the SW1/4 NE1/4, lying West of South 35th Street, along with the East 1/2 of the NW1/4 SE1/4, lying North of U.S. Highway 275 and West of South 35th Street, all in Section 16-74-44, City of Council Bluffs, Pottawattamie County, Iowa

LOCATION: The northwest corner of the intersection of South 35th Street and U.S. Highway 275

APPLICANT: Henry Clark, Clark Storage, LLC, P.O. Box 485, Glenwood, IA 51534

OWNERS: Thomas Eugene & Kathryn Louis Shoemaker, 1452 Indian Hills Road, Council Bluffs, IA 51503

BACKGROUND INFORMATION – The Community Development Department has received an application from Clark Storage, LLC, represented by Henry Clark, for a conditional use permit allow 'commercial storage' in a C-2/Commercial District (pending) on property legally described above. The purpose of this request is to allow the applicant to construct commercial storage units along with an outdoor storage area for automobiles, recreational vehicles, trailers, etc. on the subject property.

The submitted plan of operation and permit application discuss the proposed 'commercial storage' use on the subject property. In summary, a total eight storage buildings with a capacity of 868 units is proposed at this location. The building sizes will vary from 20' x 500' (10,000 square feet) to 40' x 500' (20,000 square feet). The hours of operation are from 8:00 a.m. to 9:00 p.m. seven days a week. One employee and a maximum of 10 people will be at this storage facility at any given time. Site access from South 35th Street will be controlled by automatic rolling gate on the northeast corner of the property. A temporary construction entrance will be located at the southeast corner of the property. Signage will consist of four (12" x 12") facility hours signs, six (4' x 8') business and contact signs and 20 (12" x 12") camera security signs. Outdoor lighting will consist of wall pack lights on all building as well as nightlights in outdoor vehicle parking area. A six foot-tall chain link fence with no barb wire at the top will be installed to provide site security. The applicant is also requesting to use gravel, as opposed to concrete and/or asphalt cement, for the outdoor vehicle storage area.

Land Use and Zoning

The subject property is comprised of 8.41 acres of undeveloped land zoned A-2/Parks, Estates and Agricultural District. The applicant has submitted an application to rezone the subject property from A-2 District to C-2/Commercial District in order to allow the proposed ‘commercial storage’ use at this location (see Case #ZC-17-006). The Council Bluffs City Council will hold public hearings on this request on December 18, 2017 (2nd Consideration) and January 8, 2018 (Final Consideration). The applicant is aware that final approval of the proposed conditional use permit is contingent upon said property being rezoned by City Council.

Surrounding zoning includes R-1M/Single-Family Manufactured Housing District to the north; A-2 District to the east; A-2 District and R-1/Single-Family Residential District to the south; and C-2/Commercial District, R-3/Low Density Multi-Family Residential District and A-2 District to the west. Existing land uses in the general vicinity of this request include a residential subdivision (Malmore Acres) to the north, undeveloped land to the east, a motel and undeveloped land to the west; and U.S. Highway 275, a residential subdivision (Fox Run Landing) and undeveloped land to the south.

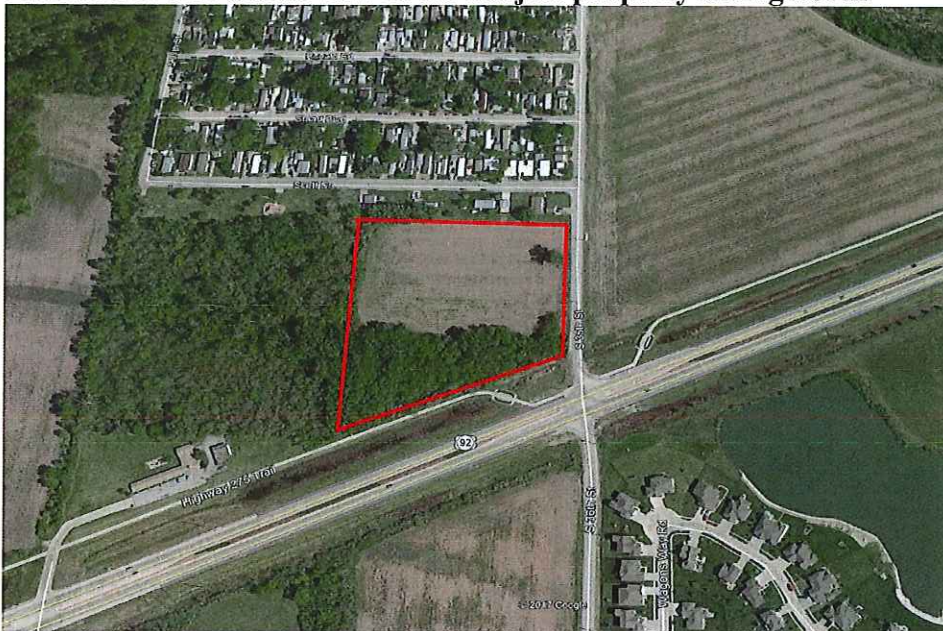
The future land use plan of the Bluffs Tomorrow 2030 (comprehensive Plan) designates the subject property as Rural Residential/Agricultural.

The following variances have been approved the Zoning Board of Adjustment on properties in general vicinity of this request:

- Case #BA-70-048 – Variance to allow the alteration of a non-conforming structure at 3614 Scott Drive.
- Case #BA-099 (1971) – Variance to allow the alteration of a non-conforming structure at 3604 Scott Drive.
- Case #BA-020 (1969) and #BA-028 (1970) – Variance to allow the alteration of a non-conforming structure at 3502 Scott Drive.

The following exhibit shows the existing condition of the subject property and surrounding area.

Exhibit A: 2017 aerial view of the subject property facing north



The following attachments are included with the case staff report:

- Attachment A: Plan of operation
- Attachment B: Conceptual site plan
- Attachment C: Storage building renderings
- Attachment D: Zoning/location map

CITY DEPARTMENTS AND UTILITIES – All City departments and local utility providers were notified of the proposed conditional use permit request. The following comments were received:

Mid-American Energy Company stated they have no objection to the proposed request.

Council Bluffs Fire Department stated the project must comply with Chapter 507.5.1 of the International Fire Code relative to hydrant spacing. Said code requires hydrants be spaced at 300 feet instead of 400 feet. The Fire Department also stated that the 30' x 500' and 40' x 500' storage buildings must be sprinkled or separated into fire areas smaller than 12,000 square feet with a three-hour firewall.

The applicant is aware of these comments by the Fire Department.

Council Bluffs Building Division stated a bathroom set must be provided for all occupants who utilize the storage facility. The Building Division stated the bathrooms must connect to the force main located in South 35th Street or to an on-site private septic tank system designed by an engineer.

The applicant is aware of these comments by the Building Division.

Council Bluffs Water Works stated public water is available along South 35th Street and U.S. Highway 275 (Veterans Memorial Highway) to service the project.

Public Works Department:

1. Gravity sanitary sewer is not available at this location but a sanitary connection to the pressurized (force main) system must be resolved at the time of design with Public Works.
2. Stormwater shall account for both water quantity and quality.
3. Circulation paths must be paved (asphalt or concrete) with each building phase.
4. Tree removal shall be completed to leave as much screening as possible.

The applicant is aware of these comments by the Public Works Department.

Community Development Department:

1. The applicant is in the process of rezoning the property from A-2/Parks, Estates and Agricultural District to C-2/Commercial District in order to allow a 'commercial storage' use at this location. Final approval of the proposed conditional use permit is contingent upon the subject property being rezoned by City Council.
2. The subject property is comprised of 8.41 acres of undeveloped land that has historically been used for agricultural purposes. The property abuts U.S. Highway 275 (Veterans Memorial Highway) which is a major east/west highway corridor in the City of Council Bluffs. The proposed 'commercial storage' use will allow for new commercial growth along said highway corridor as well as provide new business opportunities to address the needs of existing and/or future residential properties in the southwest quadrant of the City
3. A 'commercial storage' use is defined in Section 15.03.158, *Definitions, Commercial Storage* of the Council Bluffs Zoning Ordinance as "storage services primarily for personal items and household good within enclosed storage areas having individual access but excluding use of areas as workshop,

hobby shops, manufacturing, or commercial activities". All units shall be used for storing personal items and household goods and shall not be utilized for any contractor shops, hobby shops and/or industrial uses.

4. The submitted application discusses using a portion of the subject property as an outdoor storage area for vehicles, cars, boats, RV's and trailers. The exact location and size of this area is not identified on the conceptual site plan. Additionally, the applicant has proposed to use gravel rock as the as the pavement material for this area as opposed to the required asphalt and/or concrete cement. The Community Development Department recognizes that outdoor storage for automobiles, recreational vehicles, trailers, etc. is a common ancillary use associated with a 'commercial storage' facility and recommends approval with the following conditions:
 - a. The outdoor storage area must comply with the pavement standards as per Section 15.23.020(06), *Off-Street Parking, Loading and Unloading, General Provisions* of the Council Bluffs Zoning Ordinance which states "*all off-street parking lots and areas, sales lots and loading and unloading spaces, including entrances, exits and driveway approaches shall be constructed of hard surface concrete, brick, or asphalt to prevent mud, dust, or loose material. Asphalt grindings and seal coats are not acceptable surfaces. Paving standards contained in this section should be considered minimum standards*"; and
 - b. The applicant shall preserve a minimum twenty (20) foot-wide strip of the existing vegetation along the entire south property line to screen the use from public view along U.S. Highway 275 (Veterans Memorial Highway).
5. The submitted plans indicate that all proposed storage buildings will comply with the minimum C-2/Commercial District site development standards (e.g., setbacks, lot coverage and building height).
6. There are no off-street parking spaces for customers, employees or persons with disability shown the submitted site plan. A minimum of one parking space per 5,000 square feet of storage area shall be provided, as per Section 15.23.060, *Parking space required*, of the Council Bluffs Zoning Ordinance. The total number of required off-street parking, including handicap accessible spaces, will be calculated once the final site and building plans are submitted to the City for review. All outdoor storage and off-street parking/drive aisles shall be hard-surfaced with concrete or asphalt cement and designed to comply with Section 15.23.030, *Design Standards*, of the Council Bluffs Zoning Ordinance.
7. The subject property abuts an existing residential subdivision (Malmore Acres) to the north and undeveloped property zoned R-3/Low Density Multi-Family Residential District to the west. The proposed six foot-tall black chain link fence does not comply standards stated in Section 15.24.040, *Fence regulations* of the Council Bluffs Zoning Ordinance relative to screening a conforming commercial use adjacent to a residential zoning district. The applicant shall install a fence along the north and west property boundary to screen the use from the abutting residential properties in conformance with Section 15.24.040, *Fence regulations* of the Council Bluffs Zoning Ordinance. The proposed six foot-tall chain link fence along the east and south property lines is acceptable.
8. All outdoor lighting shall comply with the standards stated in Section 15.24.050, *Lighting controls* of the Council Bluffs Zoning Ordinance.
9. All signage shall be permitted separately prior to installation and shall comply with Chapter 15.33, *Signs* of the Council Bluffs Zoning Ordinance.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet were notified of the conditional use permit request. One response was returned as being undeliverable to the City. No adverse comments have been received for this request as of the date of this report.

COMMENTS

§15.02.090 Conditional Uses: The development and execution of the Ordinance (Title 15) is based upon the division of the City into districts. Within each district the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are specific uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such uses may be either public or private, and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

The Zoning Board of Adjustment shall make findings of fact, based upon the evidence presented at the public hearing, with respect to each of the applicable standards in Section 15.02.090.E (Findings of Fact).

The Zoning Board of Adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a conditional use as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the conditional use. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact. No conditional use shall be approved unless the Zoning Board of Adjustment makes findings of fact based directly on the standards and conditions imposed by this section. The findings of fact are presented below *in italics*:

1. The proposed conditional use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations and all other standards or conditions contained in the provisions authorizing such use. *The subject property is comprised of 8.41 acres of undeveloped land which exceeds the minimum 5,000 square feet requirement in a C-2/Commercial District. The conceptual site plans shows the subject property is suitable in size for the proposed 'commercial storage' use to be developed in accordance with all applicable City standards (e.g., zoning, stormwater management).*
2. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided. *Adequate utilities (e.g., public water, stormwater and sanitary sewer, electricity) are available at this location for the proposed 'commercial storage' use. Any future cost to extend, modify or otherwise relocate any public utilities/facilities shall be at the cost of the owner/applicant and not the financial responsibility of the City of Council Bluffs.*
3. Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. *The subject property has direct access to South 35th Street. All driveway connections shall be coordinated with the Public Works Department prior to installation. All proposed outdoor storage areas, driveways and drive aisles shall be hard-surfaced with asphalt or concrete cement and shall comply with the design standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance. Additionally, off-street parking for the use is required at one parking space per every 5,000 square feet of storage area. The required amount of off-street parking shall be stated on a final site plan and designed in accordance with Chapter 15.23, Off-Street Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance. The proposed request is anticipated to have no negative impact on existing traffic patterns in the area.*
4. All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly appears that such permits are obtainable for the proposed conditional use on the subject property. *The applicant shall obtain all required building, driveway, parking lot and storm water permits*

from the City prior to commencing any development activity on the subject property. All proposed signage shall receive a sign permit from the City prior to installation.

5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. *The final site plan shall show the location, type and height of all proposed exterior lighting. All exterior lights shall comply with Section 15.24.050, Lighting Controls, of the Council Bluffs Zoning Ordinance.*

6. The location and size of the conditional use, the nature and intensity of the activities to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. *The applicant is in the process of rezoning the subject property from A-2/Parks, Estates and Agricultural District to C-2/Commercial District to allow 'commercial storage' at this location. Final approval of the conditional use permit shall be contingent upon the City Council rezoning the subject property as stated above. The subject property is comprised of 8.41 acres of undeveloped land that is located along a major east/west highway corridor (U.S. Highway 275/Veterans Memorial Highway). Surrounding land uses are residential to the north, undeveloped land to the east, undeveloped land and motel to the west along with U.S. Highway 275 (Veterans Memorial Highway) and Fox Run Landing Subdivision to the south. Site access will be from South 35th Street which is an improved public roadway. The proposed 'commercial storage; use is generally compatible with the existing land uses and development pattern of the surrounding area and will provide new storage services for the southwest quadrant of the City. The proposed request is anticipated to have no negative impact on existing land uses in the surrounding area.*

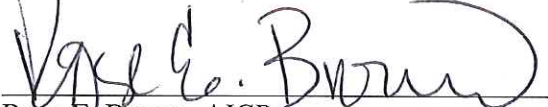
7. The location, nature and height of buildings, structures, walls and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures. *The submitted conceptual plans show the proposed storage building will comply with minimum C-2/Commercial District development standards relative to setbacks, building heights and lot coverage. More information on the location and size of the proposed outdoor storage area is needed from the applicant. The property is located along a major east/west highway corridor and abuts property zoned R-1M District to the north and R-3 District to the west. The applicant shall provide the fence along the north and west property boundary to screen the 'commercial storage' use from adjoining residential properties in accordance with Section 15.24.040, Fence regulations of the Council Bluffs Zoning Ordinance. A minimum twenty (20) foot-wide strip of existing vegetation shall be preserved along the entire south property line in order to screen the use from U.S. Highway 275 (Veterans Memorial Highway).*

8. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. *If developed in full compliance with adopted City requirements the proposed request is not anticipated to have a negative impact on property values for existing or future land uses in the surrounding area.*

RECOMMENDATION

The Community Development Department recommends approval of the request for a conditional use permit to allow 'commercial storage' in a C-2/Commercial District on property legally described as being the South 66 feet of the East 1/2 of the SW1/4 NE1/4, lying West of South 35th Street, along with the East 1/2 of the NW1/4 SE1/4, lying North of U.S. Highway 275 and West of South 35th Street, all in Section 16-74-44, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following conditions:

1. The applicant shall secure all necessary permits and licenses for the operation of the conditional use and shall comply with all applicable Federal, State and local codes.
2. Fire hydrants shall be provided on-site in accordance with Chapter 507.5.1 of the International Fire Code relative to hydrant spacing.
3. All commercial storage buildings shall be designed to comply with all applicable Building and Fire Code requirements.
4. A restroom facility shall be provided on-site and shall comply with all applicable Building Code standards.
5. The conditional use shall comply with all site development regulations pertaining to the C-2/Commercial District.
6. The hours of operations shall be as presented in the application.
7. Outdoor storage shall be ancillary to the commercial storage use and shall be limited to cars, trucks, boats and recreational vehicles. Exterior storage of junked, wrecked, inoperable and/or unregistered vehicles is prohibited.
8. All outdoor storage areas, off-street parking, driveways and drive aisles shall be hard-surface paved with asphalt or concrete cement and shall be designed to comply with the standards stated in Chapter 15.23, *Parking, Loading and Unloading* of the Council Bluffs Zoning Ordinance.
9. Off-street parking spaces shall be provided in accordance with the standards stated in Section 15.23.060, *Parking space required*, of the Council Bluffs Zoning Ordinance.
10. A minimum twenty (20) foot-wide strip of existing vegetation shall be preserved along the entire south property line to screen the use from U.S. Highway 275 (Veterans Memorial Highway).
11. All fencing shall comply with the standards stated in Section 15.24.040, *Fence regulations* of the Council Bluffs Zoning Ordinance. This includes providing the required fencing along the north and west property line to screen the commercial use from the abutting residential zoned properties. screening along the north and west property line
12. All exterior lighting shall comply with the standards stated in *Section 15.24.050, Lighting Controls*, of the Council Bluffs Zoning Ordinance.
13. All signage shall comply with the standards in Chapter 15.33, *Signs*, of the Council Bluffs Zoning Ordinance.
14. The applicant shall comply with all applicable stormwater management standards for the proposed development, as determined by the Council Bluffs Public Works Department.
15. The applicant shall work with the Public Works Department to connect into the sanitary sewer force main along South 35th Street.
16. All costs to construct, remove and/or relocate any utilities for the proposed development shall be the responsibility of the applicant and not the City.

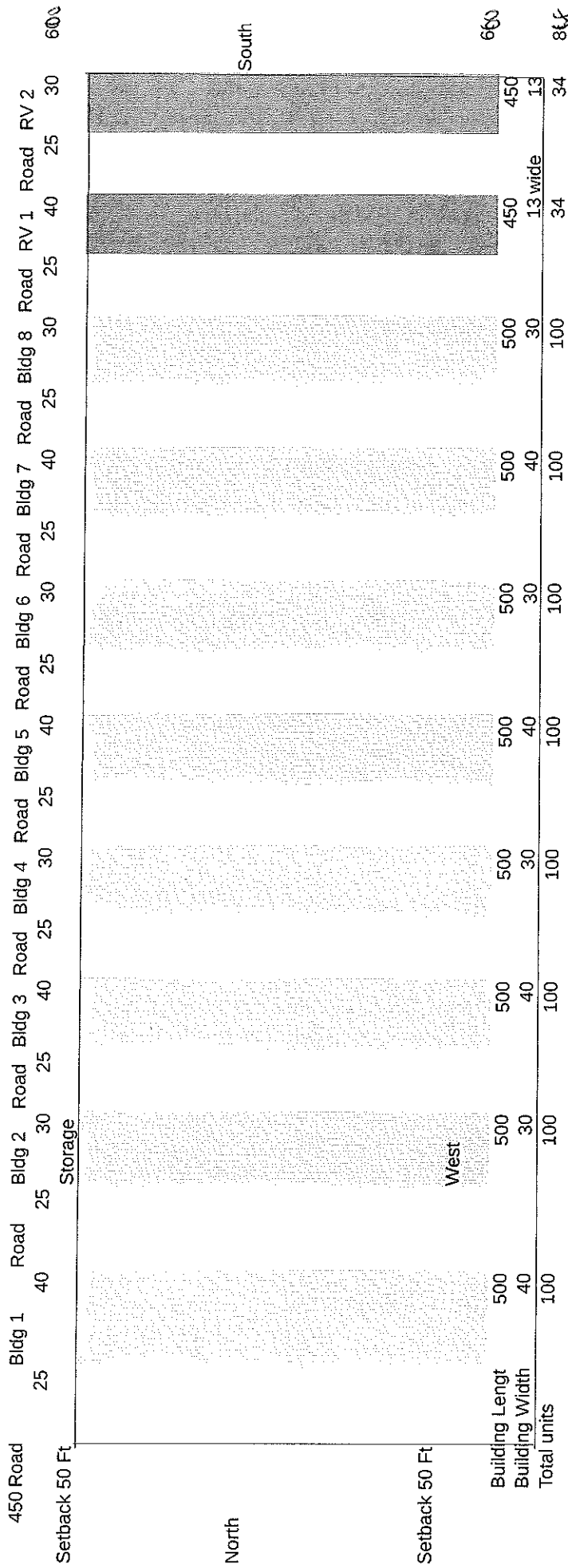

Rose E. Brown, AICP
Planning Coordinator


Christopher N. Gibbons, AICP
Planner

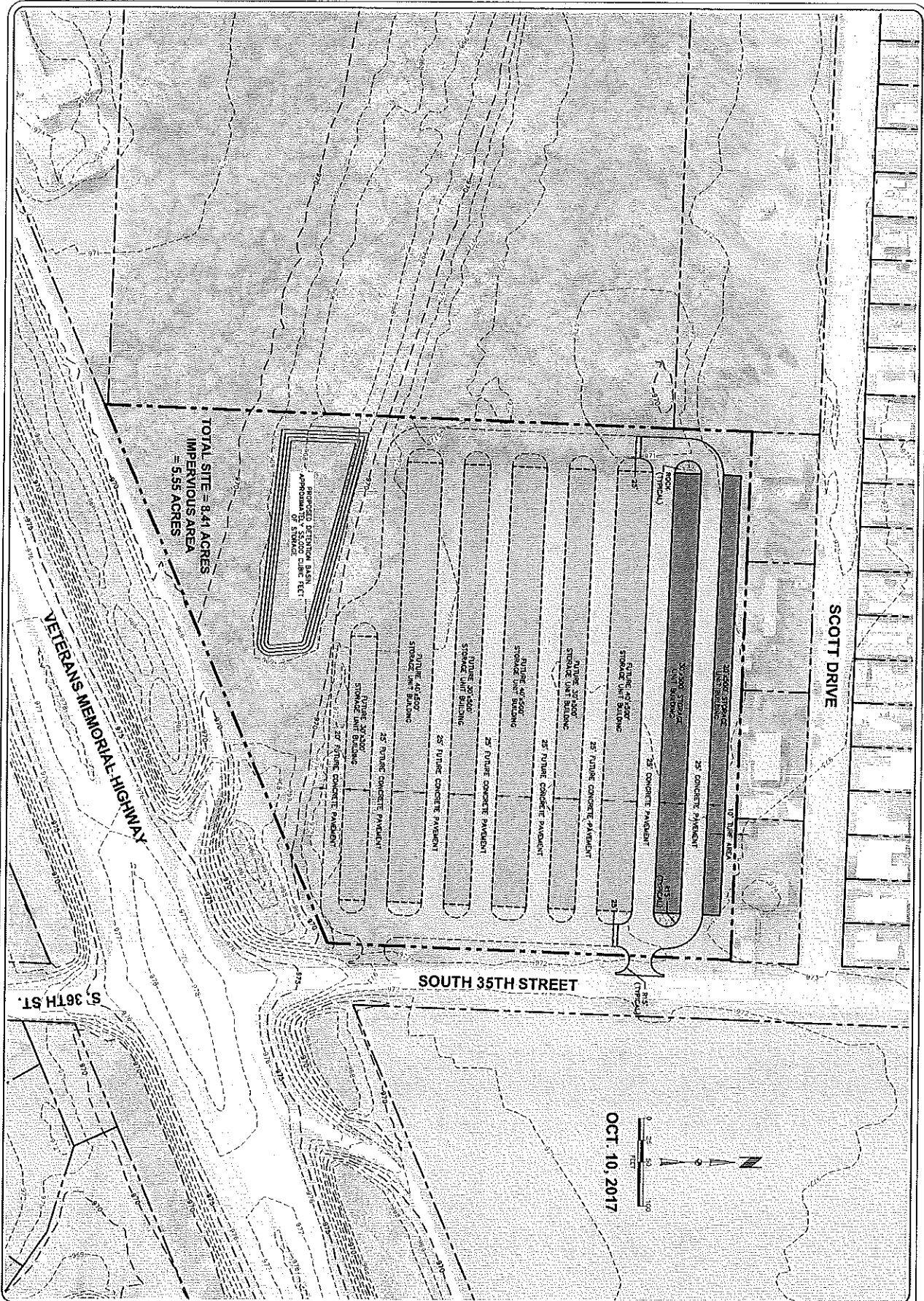
Site Plan

East

600



- Activity- Ministorage- household goods, personal belongings; Buildings will be Forest green roof/doors; Light tan sides/trim.
- Hours operation 8 am to 9 pm, Monday thru Sunday
- Persons employed 1
- # persons Max capacity 10 at any time; 868 total units
- Parking Temporary parking, 25 foot interior driveway, and minimum 25 foot on the North/South sides and 50 foot on the East/West sides
- Access Automated gate to the North, rolling; Swinging gate to the south for construction access.
- Signage 4- Facility hours (12 inch by 12 inch, 6 Business & contact signs (4 ft x 8ft), 20 camera security signs (12 inch by 12 inch)
- Lighting Timed lighting, facility focused downwards; 16 (one on each end of buildings), 8 on each of the buildings to the south.
- Fence North unit will have 8 on the north side. 4 Nightlights in the RV storage location.
6 foot Black chain link fence. No barb wire at the top.



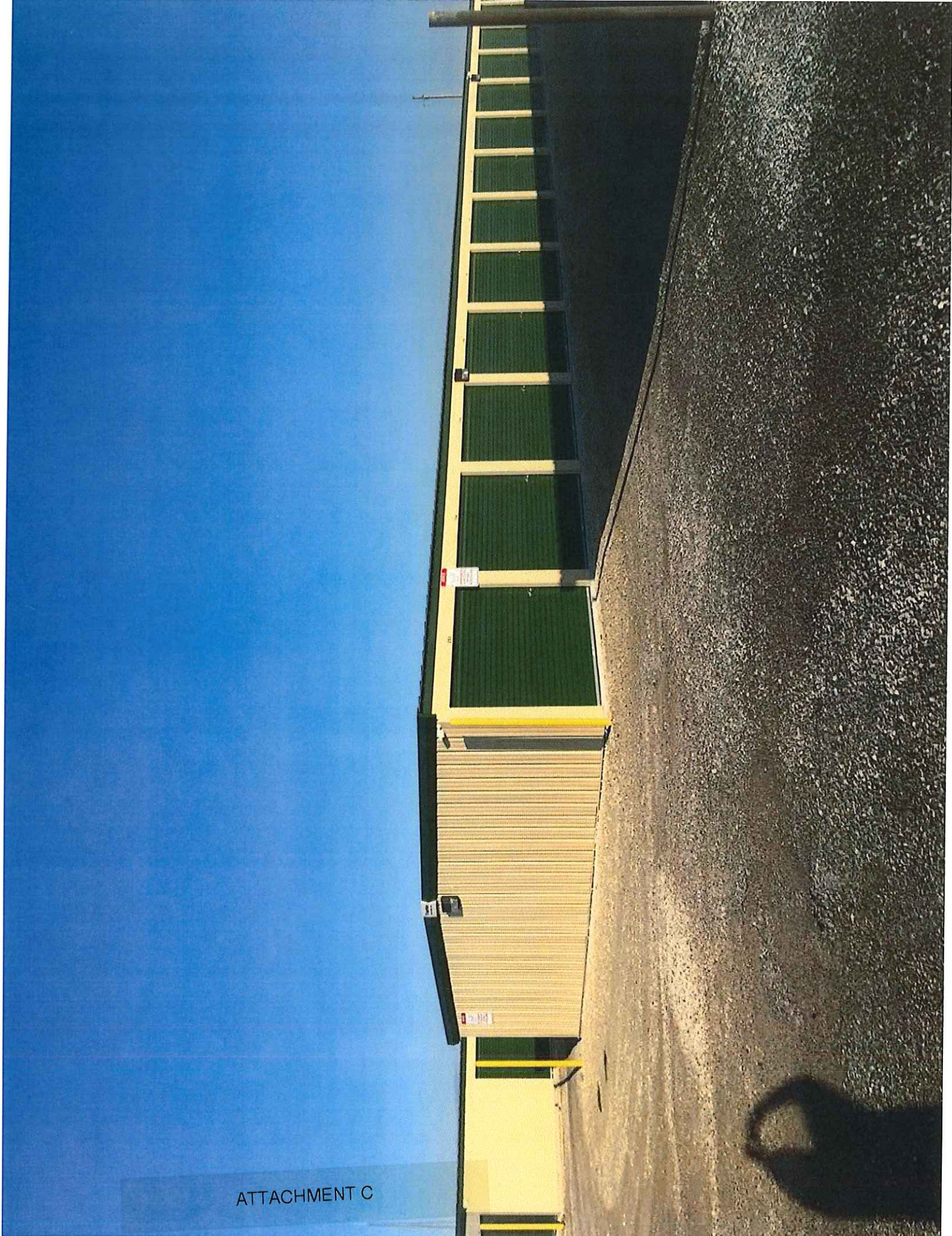
1 OF 1
 Project No. 000717-258
 Sheet

Project: VETERANS MEMORIAL HIGHWAY/S. 35TH ST. SITE
 Client: CLARK STORAGE
 Title: PRELIMINARY SITE LAYOUT

DESIGNED BY	_____	DATE	_____
CHECKED BY	_____	DATE	_____
APPROVED BY	_____	DATE	_____
DATE	10/11/17	DATE	_____
REVISION	_____	DATE	_____

hgm
 ASSOCIATES INC.
 640 FIFTH AVENUE COUNCIL BLUFFS, IA
 PHONE: 712-323-0530

This drawing is being made available to you without fee. We warrant that the project is in accordance with the approved site plan. We do not warrant the accuracy of any information not shown on this drawing. We do not warrant the accuracy of any information not shown on this drawing. We do not warrant the accuracy of any information not shown on this drawing.



ATTACHMENT C

CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT LOCATION/ZONING MAP CASE #CU-17-007

Map Legend

- Case #CU-17-007 Subject Property
- Parcels



2016 Aerial Photograph



Note: Subject properties are highlighted in red.



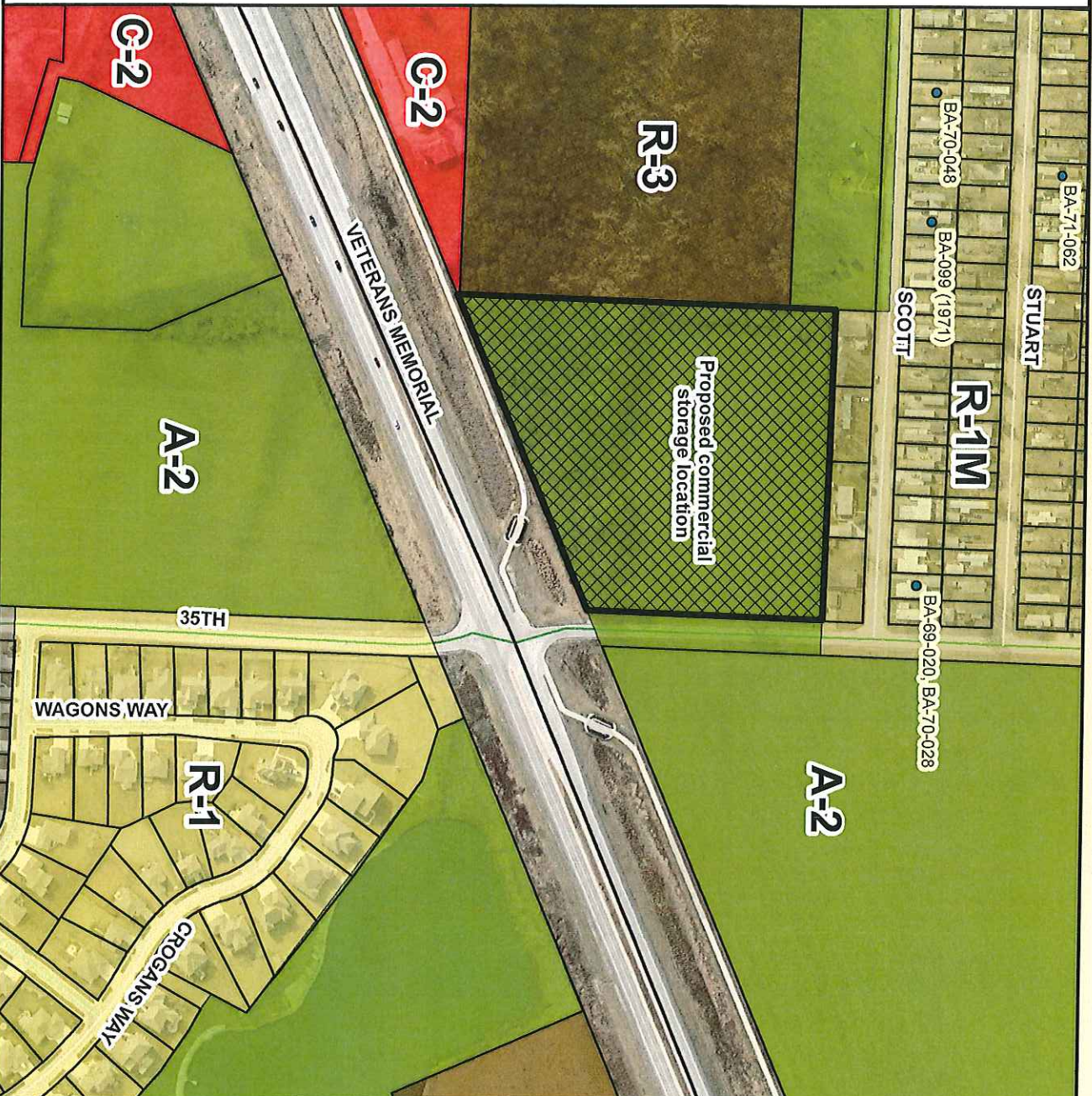
Last Amended: 10/16/17



Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328-4629

DISCLAIMER

This map is prepared and compiled from various sources. The City of Council Bluffs is not responsible for any errors or omissions. The City of Council Bluffs is not a professional engineering or architectural firm. This map is not intended to be used as a legal document. The City of Council Bluffs is not responsible for any errors or omissions. This map is not intended to be used as a legal document.



**MINUTES
ZONING BOARD OF ADJUSTMENT
NOVEMBER 21, 2017**

1. **CALL TO ORDER** – Mescher called the meeting to order at 4:00 p.m.

2. **ROLL CALL**

Members Present: Behrens, Juon, Mescher, and Olson

Members Absent: Vargas

Staff: Brown, Garrett, Meeks and Wade

3. **PLEDGE OF ALLEGIANCE**

4. **ADOPTION OF AGENDA**

Motion by Olson, second by Behrens, to adopt the agenda as printed. Motion carried by unanimous voice vote.

5. **APPROVAL – MINUTES OF October 17, 2017 MEETING**

Motion by Behrens, second by Olson, to approve the minutes as written. Motion carried by unanimous voice vote.

6. **PROOF OF PUBLICATION** – Brown

7. **REVIEW OF MEETING PROCEDURES** – Mescher

8. **PUBLIC HEARINGS**

- A. CASE #BA-17-006: Public hearing on the request of Little Caesars Pizza for a variance from Section 15.33.100(4)a Signs, Ground and Monument Signs, of the Municipal Code to allow a monument sign to be placed on property where the front wall of the structure is closer than 15 feet from the right-of-way line on property legally described as Lots 5 through 7, Block B, Perry's Second Addition. Location: 3228 West Broadway.

No one spoke in favor or in opposition of the request.

Olson asked if other similar signs have been reviewed by the Board in the past. Brown stated that the proximity of the structure to the front yard setback is what is requiring the need for this variance. Brown stated that the signage at this location has not been affected by the West Broadway construction project, and there has never been a monument sign at that location.

Olson stated that he finds this property to be typical of those on West Broadway, and the applicant simply is asking for a sign that is not in compliance with the Code of Ordinances. Mescher and Behrens agreed.

Olson makes a motion to deny the requested variance based on the findings of fact stated in the staff report. Seconded by Behrens.

VOTE: AYE– Behrens, Juon, Mescher, and Olson. NAY– None. ABSTAIN– None. ABSENT– Vargas. Motion carried.

- B. CASE #BA-17-007: Public hearing on the request of Walter and Wendy Ziegler for a variance from Section 15.09.050 Site Development Regulations relative to maximum lot coverage allowed, in the R-2/Two Family Residential District, of the Council Bluffs Municipal Code on property legally described as Lot 3, Block 6, Sackett's Addition. Location: 2709 Avenue B.

The following members of the public spoke in favor of the request:

Walter and Wendy Ziegler, 2709 Avenue B, stated they would like to build a new 24' x 30' garage in the rear of their house. They stated that they are one of the few homeowners on that block, and would like to build the new garage to shield their view of a garbage dumpster located at the apartment building south of their home.

No additional members of the public spoke in favor or in opposition of the proposal.

Behrens asked staff how much of a reduction in the size of garage would satisfy the lot coverage standards. Brown and Meeks review the assessor records for the property, and confirm a 24' x 24' garage will fit within the lot coverage standards. Walter and Wendy Ziegler confirm that smaller garage options were discussed with staff, but have only discussed a 24' x 30' garage with their contractor.

Olson noted that any decision made by the board would be final, and proposed postponing the decision to a later date to allow the applicants to discuss further options with their contractor. Walter and Wendy Ziegler agreed to this proposal.

Olson made a motion to postpone the decision to the Zoning Board of Adjustment meeting in December, unless the applicants withdraw their application. Seconded by Juon.

VOTE: AYE–Behrens, Juon, Mescher, and Olson. NAY–None. ABSTAIN–None. ABSENT–Vargas.
Motion carried.

- C. CASE #CU-17-003: Public hearing on the request of Morris Excavating Company, represented by Buck Morris, for a conditional use permit to allow for a 'salvage operation', to recycle concrete and other like materials in the I-2/General Industrial District on property legally described as part of the NW1/4 SW1/4 of Section 17-74-44, except state right-of-way. Location: Southwesterly of property commonly known as 13511 192nd Street.

The following members of the public spoke in favor of the request:

Andrew Morris, 4212 Victoria Avenue, Bellevue, NE 68123, spoke as the applicant on the request. Morris stated this site was chosen due to proximity to their current space which they have outgrown. Morris stated that the proposed use is consistent with neighboring uses, and that they drive past this site to access their current shop, so there would be no significant increase in traffic.

Juon asked Morris if he has read through the conditions and comments as outlined by staff, and invites John Jerkovich to also speak on the request.

John Jerkovich, 535 West Broadway, Suite 100, Council Bluffs, IA, stated he and Morris have met with staff on this request, and understands the concerns with the proposed salvage operation. Jerkovich assured board members that the applicant will take measures to be good neighbors in that community.

Brian Easton, 13511 192nd Street, Council Bluffs, IA, stated he is in favor of the request, but has concerns with the infrastructure of the road and drainage around that site.

The following member of the public spoke in opposition of the request:

David Sieck, 1710 Timber Lane, Glenwood, IA 51534, spoke as a representative of the Matable Family, who owns the land directly north of the proposal. Behrens made a motion to accept a document presented by Sieck to the board. All were in favor. Sieck stated the Matable family has a number of concerns with this proposal, including noise from the grinding of concrete, dust from the site, the size of the stockpiles, the maintenance of detention ponds, and the potential runoff of contaminated materials.

Mescher calls Morris to address the previous comments. Morris stated they will be working with engineers to address drainage issues, and will be installing and maintaining detention ponds to contain water runoff.

Mescher directs a question to staff regarding the potential pollution and runoff from the stockpiles. Brown answers that the piles and required containment will be reviewed with the issuance of any construction permits.

Olson asked questions regarding the issuance of this conditional use permit, as well as the consistency with the Bluffs Tomorrow 2030 Comprehensive Plan. Brown answered that the conditional use permit is issued to the land, not the current owner, and any future owners would be bound to the conditions issued with any permit. Brown also stated that while this use is not necessarily consistent with the current comprehensive plan, but current development has limited the feasibility of current long range goals, and for those reasons the City Council approved a request to rezone this property.

Mescher inquired about further limiting the conditional use permit. Brown and Wade agree that the conditional use permit should not be tied to the owner or operator, but annual verification or administrative renewal by staff would be an acceptable alternative.

Olson inquired about further limiting the number of days the crushing of concrete or other materials would be allowed. Morris would agree with limiting the number of days per month.

Sieck asked to address the board again, to which Mescher allows. Sieck stated that he does not feel the water runoff issues have been adequately addressed with the recent interstate construction, as well as this project. Sieck also stated his concerns with the view from the interstate on corridors coming into the City of Council Bluffs.

Olson reminded the board and the audience that the city council previously has zoned this property to I-2/General Industrial District, and the development of this site is not what is under review at this hearing, as many uses can be developed without a conditional use permit.

Jerkovich stated that they will only be bringing in fill to raise the elevation of the ground under the new building, not the entirety of the property.

Behrens asked staff if it would be reasonable to further limit the number of days crushing can occur and to limit the size of the proposed site to the approximate dimensions of the submitted site plan, to which Brown approves.

Easton asked to address the board to address the drainage comments, to which Mescher allowed. Easton stated that he does not believe the proposal will add to the drainage issues around that area, and stated there have been improvements, and hopes improvement continues. Mescher stated that improvement of the drainage ditch is not under the review of the board, though their review does factor in development that will be detrimental to the ditch.

Morris stated he has concerns with a strict limit on continuous days, as it could mean crushing goals may not be completed. Morris proposes a limit of ten days per month, to which the board agrees.

Behrens made a motion to approve the application with the recommendations provide by staff with the following revisions:

1. Revise “Condition 11” to remove the requirement of Monday through Friday crushing, and to allow for a maximum of ten (10) crushing days per month.
2. Add “Condition 13” to allow for a maximum area of 15.82 acres, as is presented in the site plan.
3. Add “Condition 14” to require an annual review by City Staff.

Juon seconded the motion.

VOTE: AYE– Behrens, Juon, and Mescher. NAY– None. ABSTAIN– Olson. ABSENT– Vargas. Motion carried.

- D. CASE #CU-17-004: Public hearing on the request of QRS Investments, LLC, represented by Greg Johnson, for a conditional use permit to allow for a ‘warehousing and distribution, limited’ in the C-2 Commercial District on property legally described as part of the SW1/4 SE1/4 of Section 12-74-44. Location: 325 Veteran’s Memorial Highway.

The following member of the public spoke in favor of the request:

John Jerkovich, 535 West Broadway Suite 100, Council Bluffs, IA spoke as a representative of the applicant and the sale of the property. Jerkovich stated there will be no outdoor storage, and the applicant is currently a tenant of that building.

No additional members of the public spoke in favor or in opposition of the request.

Behrens stated that she is in favor of the proposal with the assumption that the applicant will comply with the conditions outlined in the staff report.

Olson made a motion to approve the proposal with the conditions outlined in the staff report. Seconded by Behrens.

VOTE: AYE– Behrens, Juon, Mescher, and Olson. NAY– None. ABSTAIN– None. ABSENT– Vargas. Motion carried.

- E. CASE #CU-17-007: Public hearing on the request of Clark Storage, LLC, represented by Henry Clark for a conditional use permit to allow for a ‘commercial storage’ in the C-2 Commercial District on property legally described as being the south 66 feet of the East 1/2 of the SW1/4 NE1/4, lying west of South 35th Street, all in Section 16-74-44. Location: Northwest corner of the intersection of South 35th street and Veteran’s Memorial Highway.

Juon makes a motion to accept five pictures as supplements to the review.

The following member of the public spoke in favor of the request:

Henry Clark, 58681 Kidd Road, Glenwood, IA, spoke as a representative as Clark Storage, LLC. Clark stated he is excited to enter the Council Bluffs market, and has some comments on the following conditions outlined by staff:

1. Condition 8- proposes to allow crushed concrete or limestone in place of the required hard surface paved with asphalt or concrete cement.
2. Condition 9- no additional parking requirements beyond that space in front of individual units.
3. Condition 10- allow the applicant to remove the existing trees and plant new trees, while maintaining the required green space.
4. Condition 11- the applicant would like the option to use the building as screening to residential zoned properties.

No additional members of the public spoke in favor or in opposition of the request.

Behrens directed a question to staff regarding the required parking. Brown stated that there is one required space for every 5,000 square feet of storage space, but that will be calculated when the applicant submits a building permit. Brown also stated that hard surfaced parking is consistent with many other facilities, as is the parking requirements and recommends those not be amended. Brown is not opposed to the applicant's requests to alter Condition 10 and Condition 11, though Condition 11 does allow the applicant flexibility in his screening options.

Behrens made a motion to approve the conditional use as provided by staff with a revision to "Condition 10" to state "A twenty (20) foot strip of vegetation shall be in place along the entire south property line". Seconded by Juon.

VOTE: AYE– Behrens, Juon, and Mescher. NAY– None. ABSTAIN– Olson. ABSENT– Vargas. Motion carried.

9. OTHER BUSINESS

- A. Michelle Fichter, 3228 West Broadway, Council Bluffs, IA approaches the board as a representative of Little Caesars, and asks that the case be recalled and reconsidered to allow her to speak on the request. Wade stated the case can be reconsidered with a motion of a member voting in the majority.

Olson made a motion to reconsider the request. Seconded by Behrens. All were in favor by voice vote.

Fichter spoke in favor of the request. Fichter stated there are visibility issues for their business, and a variance to allow a monument sign would provide relief. Fichter stated that the monument sign would also be consistent with the corporate signage requirements of Little Caesars. Fichter also cites that neighboring properties are closer to West Broadway than Little Caesars, which further hurts the visibility to that business.

No one spoke in opposition of the request.

Olson reiterated the statements made at the earlier hearing. Behrens stated that the business does have the ability to expand their signage attached to the building, and recommends the business explore those options to increase visibility. Brown agreed that there are options to increase signage, as long as it is not higher than the peak of the roof.

Olson made a motion to deny the variance request, as was previously discussed. Seconded by Behrens.

VOTE: AYE– Behrens, Juon, Mescher, and Olson. NAY–None. ABSTAIN– None. ABSENT– Vargas.
Motion carried.

10. ADJOURNMENT – Mescher adjourned the meeting at 5:44 p.m.

The recording of this proceeding, though not transcribed, is part of the record of each respective action of the Zoning Board of Adjustment. The recording of this proceeding is incorporated into these official minutes of this Board meeting as if they were transcribed herein.