

**COUNCIL BLUFFS PLANNING COMMISSION
TUESDAY, NOVEMBER 14, 2017 - 6:00 P.M.
COUNCIL BLUFFS PUBLIC LIBRARY, ROOM A
400 WILLOW AVENUE
COUNCIL BLUFFS, IOWA**

1. CALL TO ORDER

2. ROLL CALL

3. ADOPTION OF AGENDA

4. APPROVAL – MINUTES OF THE OCTOBER 10, 2017 MEETING

5. PROOF OF PUBLICATION

6. REVIEW OF MEETING PROCEDURES

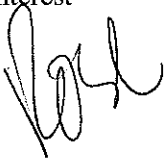
7. PUBLIC HEARINGS

- A. CASE #PC-17-002: Public hearing on the request of BDP Council Bluffs RE, LLC, represented by Christopher R. Pose to amend the adopted planned commercial development plan for Mall of the Bluffs relative to the Planet Fitness space. Location: 1751 Madison Avenue.
- B. CASE #SAV-17-005: Public hearing on the request of Scott Peters to vacate and dispose of a portion of Skyline Drive, lying north of Hawthorne Court, and abutting Lot 1, Timbercrest First Addition and Lot 2, Referee's Subdivision of the South ½ of the NE ¼ SW ¼ of Section 31-75-43, City of Council Bluffs, Pottawattamie County, Iowa. Location: West of 800 Hawthorne Court.
- C. CASE #SAV-17-006: Public hearing on the request of IPG, LLC, represented by Aaron Moser, to vacate and dispose of a 30' by 107' section of South 14th Street lying South of West Broadway. Location: Abutting 25 South 15th Street and 15 South 14th Street.
- D. CASE #ZC-17-006: Public hearing on the request of Clark Storage, LLC, represented by Henry Clark, to rezone property legally described as being the South 66 feet of the East ½ of the SW ¼ NE ¼, lying west of South 35th Street, along with the E ½ of the NW ¼ SE ¼ 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 from A-2/Parks, Estates and Agricultural District to C-2 Commercial District. Location northwest corner of the South 35th Street and US. Highway 275.

8. OTHER BUSINESS

- A. City Council update
- B. Other items of interest

9. ADJOURNMENT



If you plan to attend this meeting and require special assistance please contact the Community Development Department at (712) 328-4629 at least 48 hours before the meeting.

Planning Commission Communication

<p>Department: Community Development</p> <p>CASE# PC-17-002</p> <p>Owner/Applicant: Legacy CB, LLC 4717 Central Street Kansas City, MO 64112</p> <p>Representative: Christopher R. Pose 317 6th Avenue, Suite 300 Des Moines, IA 50309</p>	<p>Resolution No.</p>	<p>Planning Commission Meeting: 11/14/2017</p>
<p style="text-align: center;">Subject/Title</p> <p>Amend the approved planned commercial development plan for The Mall of the Bluffs.</p>		
<p style="text-align: center;">Background/Discussion</p> <p>The Community Development Department has received an application from Dearborn Properties, LLC and Z.E.A. Capital Holdings, LLC, represented by Christopher R. Pose to amend the approved commercial development plan for Mall of the Bluffs.</p> <p>The request is related to a request to subdivide the property by creating a separate parcel for the tenant space presently occupied by Planet Fitness. Additional information has been requested relative to the subdivision.</p>		
<p style="text-align: center;">Recommendation</p> <p>The Community Development Department recommends taking no action on the requested planned commercial development plan for Mall of the Bluffs at this time.</p>		
<p>Prepared by: Rose E. Brown, AICP, Planning Coordinator</p>		

City Planning Commission

<p>Department: Community Development</p> <p>Case #SAV-17-005</p> <p>Applicant: Scott H. Peters 241 East Graham Avenue Council Bluffs, IA 51503</p> <p>Representative: Dan Ozaydin 535 W. Broadway, Suite 100 Council Bluffs, IA 51503</p>	<p>Resolution of Intent No. _____</p> <p>Resolution to Dispose No. _____</p>	<p>Planning Commission: 11/14/17</p> <p>Set Public Hearing:</p> <p>Public Hearing:</p>
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Subject/Title

Request: Vacate and dispose of a portion of Skyline Drive, lying north of Hawthorne Court, and abutting Lot 1, Timbercrest First Addition and Lot 2, Referee's Subdivision of the South ½ of the NE1/4 SW1/4 of Section 31-75-43, City of Council Bluffs, Pottawattamie County, Iowa.

Location: West of 800 Hawthorne Court.

Background

The Community Development Department has received a request from Scott H. Peters, represented by Dan Ozaydin, to vacate and dispose of a portion of Skyline Drive, as described above. The applicant owns property (Lot 2, Referee's Subdivision) that abuts the subject right-of-way to the north and west and has a buyer who wants to purchase the land to build a new single-family residential dwelling upon it. The abutting Skyline Drive right-of-way is unimproved and inaccessible to vehicular/pedestrian traffic at this time. The applicant wishes to vacate the right-of-way so that they can acquire their portion and use it as a driveway for the proposed new dwelling.

The subject right-of-way is irregularly shaped and has a width of 50 feet (more/less). The right-of-way was platted as part of the Timbercrest First Addition in April 1976 to provide access to Lot 1, Timbercrest First Addition (commonly known as 800 Hawthorne Court) and was stubbed-out to provide access to a future phase of Timbercrest Subdivision. The City has no plans to improve the subject right-of-way at this time. Additionally, there are no approved plans to expand upon the Timbercrest Subdivision.

The following exhibits show the existing conditions of the subject right-of-way and surrounding properties:

Exhibit A: View of the subject right-of-way facing north



Exhibit B: View of the subject right-of-way facing south



Exhibit C: View of the subject right-of-way and surrounding properties



On August 25, 2003 the City Council amended the adopted *Policy and Procedures for Alley, Street and Right-of-way Vacations*. The objectives of the amended Policy are as follows:

1. *To provide due process and citizen participation in the application and review process for vacations.*

There are two parcels of land that abut the subject right-of-way, as follows:

East – Single-family residential dwelling owned by Leroy and Darlene Lovely (Lot 1, Timbercrest First Addition, commonly known as 800 Hawthorne Court)

North/West – Undeveloped land owned by the applicant, Scott H. Peters (Lot 2, Referee’s Subdivision)

Each abutting property owner was mailed a petition asking if they are in favor of/opposed to and/or willing to/not willing to purchase their portion of the subject right-of-way, if vacated. The following responses were received:

- Leroy and Darlene Lovely stated they are in favor of the request and are willing to purchase their portion of the vacated right-of-way for the total sum of \$346.06.
- Scott H. Peters stated he is in favor of the request and is willing to purchase his portion of the vacated right for the total sum of 313.95.

2. *To ensure that no property owner is deprived of required and reasonable access.*

Property located at 800 Hawthorne Court is a corner lot with frontage along Hawthorne Court and Skyline Drive. The owners access their property from an improved section of Skyline Drive located immediately south of the subject right-of-way and would not be deprived of required/reasonable access. The applicant's property is an interior lot with a combined 124 feet of frontage along the north and west side of the subject Skyline Drive right-of-way. If vacated, each abutting property owners would be eligible to acquire a 25 foot-wide section of the subject right-of-way. The applicant's property would have direct access to an improved section of Skyline Drive but the lot would become non-conforming, as the width would decrease from 124 feet to 25 feet, which is less than the 50 feet required in an R-1/Single-Family Residential District.

3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way.*

The northerly portion of Skyline Drive was platted with the Timbercrest First Addition Subdivision and has never been fully improved as a City street. This segment currently provides functional vehicular access to one property at 800 Hawthorne Court and operates as a dead-end street. The applicant has the option to improve the subject right-of-way that abuts his property to City standards for vehicular access purposes. If vacated, the northerly segment of Skyline Drive will become a formal dead-end street without any means for emergency vehicles to turn-around. The creation of a dead-end street section is contrary to the City's adopted *Policy and Procedures for Alley, Street and Right-of-way Vacations*.

4. *To reduce or eliminate hazardous and dangerous traffic conditions.* Not applicable.

5. *To protect all existing and proposed public utilities located in the right-of-way and to maintain necessary utility easements.*

All City Departments and utilities were notified of the request. The following responses were received:

- Council Bluffs Fire Department stated they have no comments for the vacation.
- Public Works Departments stated they have utilities that extend to the north edge of pavement abutting the subject right-of-way. Public Works is opposed to the vacation as it would allow a driveway to enter into a public right-of-way through a dead-end road. Additionally, Public Works is concerned the dead-end road does not have sufficient geometrics to allow an emergency vehicle to turn-around.
- Council Bluffs Water Works stated they have a water main located along the west side of the subject right-of-way and requested an easement be retained for access/maintenance purposes, if vacated. Council Bluffs Water Works also commented that the private service line and meter pit for property at 241 East Graham is located within the subject Skyline Drive right-of-way. The customer privately owns the service line and meter pit and they are responsible for allowing Council Bluffs Water Works access to read and maintain the meter.
- MidAmerican Energy stated they have electrical facilities within the subject right-of-way and requested an easement be retained for access and maintenance, if vacated.
- Cox Communication stated they have telecommunication facilities within the subject right-of-way are opposed to the vacation at this time. Cox Communication further stated an easement to access and maintain their utilities must be retained, if vacated.

6. *To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.* Not applicable.

7. *To discourage the vacation of a portion of an existing alley, street or other right-of-way.* Not applicable.

8. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.* Not applicable.
9. *To reduce the City's maintenance liability on previously vacated right-of-way parcels from public improvement projects and various lots acquired through delinquent taxes or assessments.* Not applicable.
10. *To establish an equitable price for surplus public property consistent with the adopted policy.* Abutting property owners can acquire their portion of said street right-of-way for the amounts stated above.

Recommendation

The Community Development Department recommends denial of the requested right-of-way vacation based on the following reasons:

1. The proposed right-of-way vacation will cause property legally described as Lot 2, Referee's Subdivision to become a non-conforming lot as the lot width will decrease from 124 feet to 25 feet, as opposed to the 50 feet required in a R-1/Single-Family Residential District.
2. The proposed vacation will result in a dead-end Skyline Drive street section which is against the City's adopted *The creation of a dead-end street section is contrary to the City's adopted Policy and Procedures for Alley, Street and Right-of-way Vacations; and*
3. There are existing utilities within the subject right-of-way that must remain accessible for maintenance purposes, including a private water line that services property at 241 East Graham Avenue.

Attachment A – Right-of-way vacation map

Attachment B – Timbercrest First Addition final plat

Prepared By: Christopher Gibbons, AICP, Planner

City Planning Commission

Department: Community Development Case #SAV-17-006 Applicant: I P G, LLC c/o Aaron Moser 818 S. 75 th Street Omaha, NE 28114	Resolution of Intent No. _____ Resolution to Dispose No. _____	Planning Commission: 11/14/17 Set Public Hearing: Public Hearing:
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Subject/Title

Request: Vacate and dispose of a 30' x 107' section of South 14th Street lying South of West Broadway.

Location: Abutting 25 South 15th Street and 15 South 14th Street

Background

The Community Development Department has received a request from I P G, LLC, represented by Aaron Moser, to vacate and dispose of a section of South 14th Street right-of-way lying south of West Broadway and abutting properties located at 25 South 15th Street and 15 South 14th Street, as shown on the attached map. The applicant owns Cohoe Business Center and Storage at 25 South 15th Street and the property is zoned C-2/Commercial District. The purpose of this vacation is to allow the applicant to acquire their portion of the right-of-way so they can build additional off-street parking and 'commercial storage' for their business. A 'commercial storage' use in a C-2 District requires a conditional use permit from the Zoning Board of Adjustment. The City has no record of a conditional use permit being granted for the applicant's property, which means the existing 'commercial storage' use is considered non-conforming. If vacated, the applicant must obtain a conditional use permit from the Zoning Board of Adjustment before they can expand the 'commercial storage' use on their property.

The subject right-of-way measures 30' x 107' and is unimproved and not maintained by the City. It was originally platted at 66 feet-wide but was reduced to 30 feet after City Council approved a vacation request to rectify building encroachments into said right-of-way (see Ordinance No. 4745, adopted April 13, 1987).

The following exhibits show the existing conditions of the subject right-of-way and surrounding properties:

Exhibit A: View of the subject right-of-way facing north



Exhibit B: Aerial view of the subject right-of-way and surrounding properties



On August 25, 2003 the City Council amended the adopted *Policy and Procedures for Alley, Street and Right-of-way Vacations*. The objectives of the amended Policy are as follows:

1. *To provide due process and citizen participation in the application and review process for vacations.*

There are two parcels of land that abut the subject right-of-way, as follows:

East – A contractor shop owned by N J G Investments, LLC on property commonly known as 15 South 14th Street.

South/West - Cohoe Business Center and Storage owned by the applicant on property commonly known as 25 South 15th Street.

Each abutting property owner was mailed a petition asking if they are in favor of/opposed to and/or willing to/not willing to purchase their portion of the subject right-of-way, if vacated. Both property owners are eligible to purchase an equal amount of the right-of-way (15' x 107') for a total sum of 270.75 No responses have been received as of the date of this report.

2. *To ensure that no property owner is deprived of required and reasonable access.*

The contractor shop at 15 South 14th Street is an interior lot with 107 feet of road frontage along the subject right-of-way. This property solely relies on the subject right-of-way for access and street frontage. If vacated, the property would become a non-conforming lot as their width would decrease from 107 feet to 15 feet, as opposed to the required 50 feet in a C-2/Commercial District. The applicant's property at 25 South 15th Street is a double frontage lot and would not have their access restricted or become a non-conforming lot if the vacation request is approved.

3. *To discourage the creation and eliminate or reduce existing dead-end alleys, streets or other rights-of-way.* South 14th Street, lying immediately south of West Broadway, is a dead-end street. Approval of this vacation would eliminate a portion of the dead-end street.

4. *To reduce or eliminate hazardous and dangerous traffic conditions.* Not applicable.

5. *To protect all existing and proposed public utilities located in the right-of-way and to maintain necessary utility easements.*

All City Departments and utilities were notified of the request. The following responses were received:

- Council Bluffs Fire Department stated they have no comments for the vacation.
- Council Bluffs Police Department stated they have no objection to the vacation request.
- Council Bluffs Public Works has sewer facilities at the north and south end of the subject right-of-way. If vacated, an easement across the full width of the right-of-way must be retained to service and maintain the sewer utilities.
- Council Bluffs Water Works stated they have no utilities within the subject right-of-way but that the private service line for property at 15 South 14th Street may be located within the right-of-way. Mid-American Energy stated are opposed to the vacation request as they have overhead electrical distribution facilities within and abutting the subject right-of-way. Black Hills Energy stated they are opposed to the vacation as they have natural gas line within the subject right-of-way that cannot be built upon. Black Hills Energy further stated that any cost to relocate this gas line will be the responsibility of the applicant.

6. *To maintain appropriate right-of-way width to ensure that an adequate pedestrian and vehicular circulation system is retained.* The subject right-of-way measures 30 feet wide by 107 feet in depth and is needed to provide access and vehicle circulation to property at 15 South 14th Street.

7. *To discourage the vacation of a portion of an existing alley, street or other right-of-way.* Not applicable.

8. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.* Not applicable.

9. *To reduce the City's maintenance liability on previously vacated right-of-way parcels from public improvement projects and various lots acquired through delinquent taxes or assessments.* Not applicable.

10. *To establish an equitable price for surplus public property.* Abutting property owners can acquire their portion of said street right-of-way for the amounts stated above.

Recommendation

The Community Development Department recommends denial of the requested right-of-way vacation based on the following reasons:

1. Property at 15 South 14th Street is solely dependent upon the subject right-of-way for access and frontage. Approval of the vacation would impede access and cause their property to become non-conforming as the lot width would decrease from 107 feet to 15 feet, as opposed to the required 50 feet in a C-2/Commercial District;
2. There are existing utilities within the subject right-of-way that must remain accessible for maintenance purposes; and
3. Approval of the request would allow an expansion of a non-conforming 'commercial storage' use on property at 25 South 15th Street.

Attachment A – Right-of-way vacation map

Prepared By: Christopher Gibbons, AICP, Planner

Planning Commission Communication

Department: Community Development CASE # ZC-17-006 Applicant: Clark Storage, LLC c/o Henry Clark P.O. Box 485 Glenwood, IA 51534 Property Owner: Thomas Eugene & Kathryn Louis Shoemaker 1452 Indian Hills Road Council Bluffs, IA 51503	Ordinance No. _____	Planning Commission: 11/14/17
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Subject/Title

Request: Rezone 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 from A-2/Parks, Estates and Agricultural District to C-2/Commercial District.

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

Background

The Community Development Department has received an application from Clark Storage, LLC, represented by Henry Clark, to rezone the property legally described above from A-2/Parks, Estates and Agricultural District to C-2/Commercial District. The property is comprised of 8.41 acres of undeveloped land and is located at the northwest corner of the intersection of South 35th Street and U.S. Highway 275 (Veterans Memorial Highway). The applicant has requested this rezoning in order to build 'commercial storage' units along with an accessory outdoor storage area for automobiles, recreational vehicles, trailers, etc., on the subject property.

A 'commercial storage' use is defined in Section 15.03.158 of the Council Bluffs Municipal Code (Zoning Ordinance) as "*storage services primarily for personal items and household goods within enclosed storage areas having individual access but excluding use of areas as workshops, hobby shops, manufacturing or commercial activities*". A 'commercial storage' use a C-2/Commercial District requires a conditional use permit from the Council Bluffs Zoning Board of Adjustment. Therefore, if City Council approves this rezoning request, the applicant must still obtain a conditional use permit from the Zoning Board of Adjustment before the use can be established on the subject property.

Land Use and Zoning

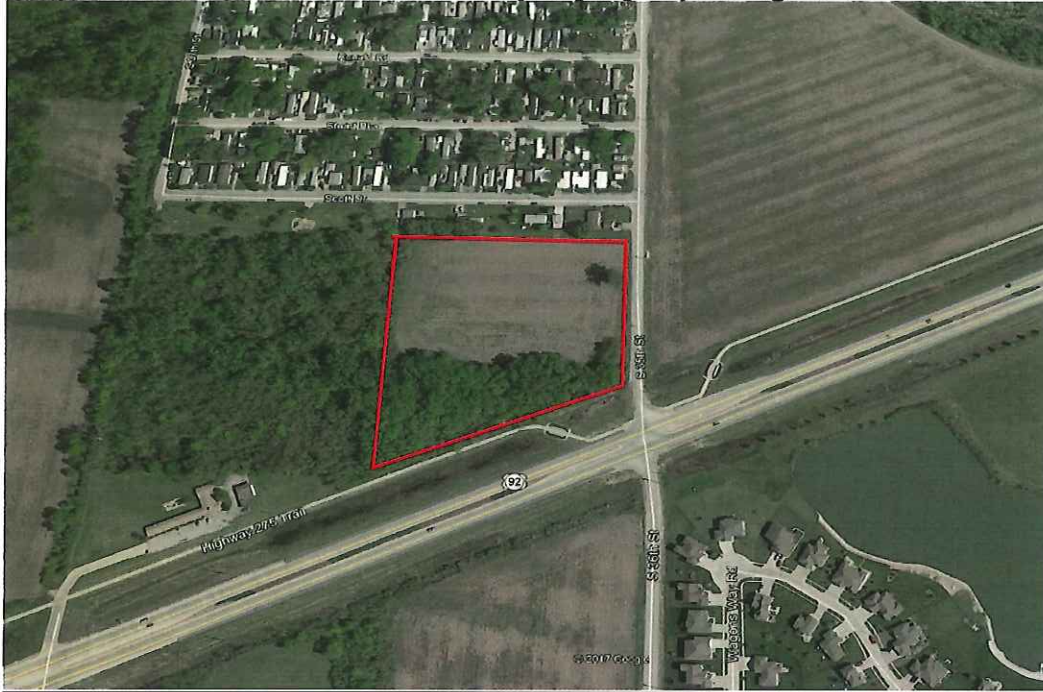
Surrounding zoning includes R-1M/Single-Family Manufactured Housing District to the north; A-2 District to the east; A-2 District and R-1/Single-Family Residential District to the south; and C-2/Commercial District, R-3/Low Density Multi-Family Residential District and A-2 District to the west. Existing 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.

Mailed
11-8-17

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

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



Public notices were mailed to all property owners within 200 feet of the request. Two notices were returned undeliverable to the City. No adverse comments were received for the request.

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

The following attachments are included with the case staff report:

- Attachment A: Location/zoning map
- Attachment B: Conceptual site plan layout
- Attachment C: Image of proposed 'commercial storage' building on the subject property.

Discussion

1. The subject property is undeveloped and has been used historically for agricultural purposes.
2. The subject property directly abuts U.S. Highway 275 (Veterans Memorial Highway) which is a major east/west highway corridor in the City of Council Bluffs. According to Section 15.15.010, C-2/Commercial District, Statement of intent, of the Council Bluffs Zoning Ordinance *"the C-2 District is intended to provide for major commercial retail shopping and service areas adjacent to major traffic corridors. This district also provides a variety of commercial services to the community and adjacent residential neighborhoods"*. Approval of the request 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. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate commercial use(s) on the subject property.

4. The applicant has submitted a conditional use permit application for the proposed 'commercial storage' use on the subject property. The applicant's conditional use permit request is scheduled for public hearing by Council Bluffs Zoning Board of Adjustment on November 21, 2017. Additionally, the applicant was informed that City Council must approve this rezoning request in order for the proposed conditional use permit to be approved by the Council Bluffs Zoning Board of Adjustment. All site development standards (e.g., setbacks, parking, architecture, landscaping, stormwater management, etc.) for the proposed 'commercial storage' use will be addressed with the conditional use permit.

Recommendation

The Community Development Department recommends approval of the request to rezone 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 from A-2/Parks, Estates and Agricultural District to C-2/Commercial District, based on reasons stated above.



Attachments

- Attachment A: Location/zoning map
 - Attachment B: Conceptual site plan layout
 - Attachment C: Image of a proposed commercial storage building
- Prepared by: Christopher N. Gibbons, AICP, Planner


CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION

LOCATION/ZONING MAP CASE #ZC-17-006

Map Legend

-  Case #ZC-17-006 Subject Property
-  Parcels

Overlay District

-  Recreation-Tourism Overlay

0 150 300
1 Inch = 300 Feet

2016 Aerial Photograph



Note: Subject properties are highlighted in red.

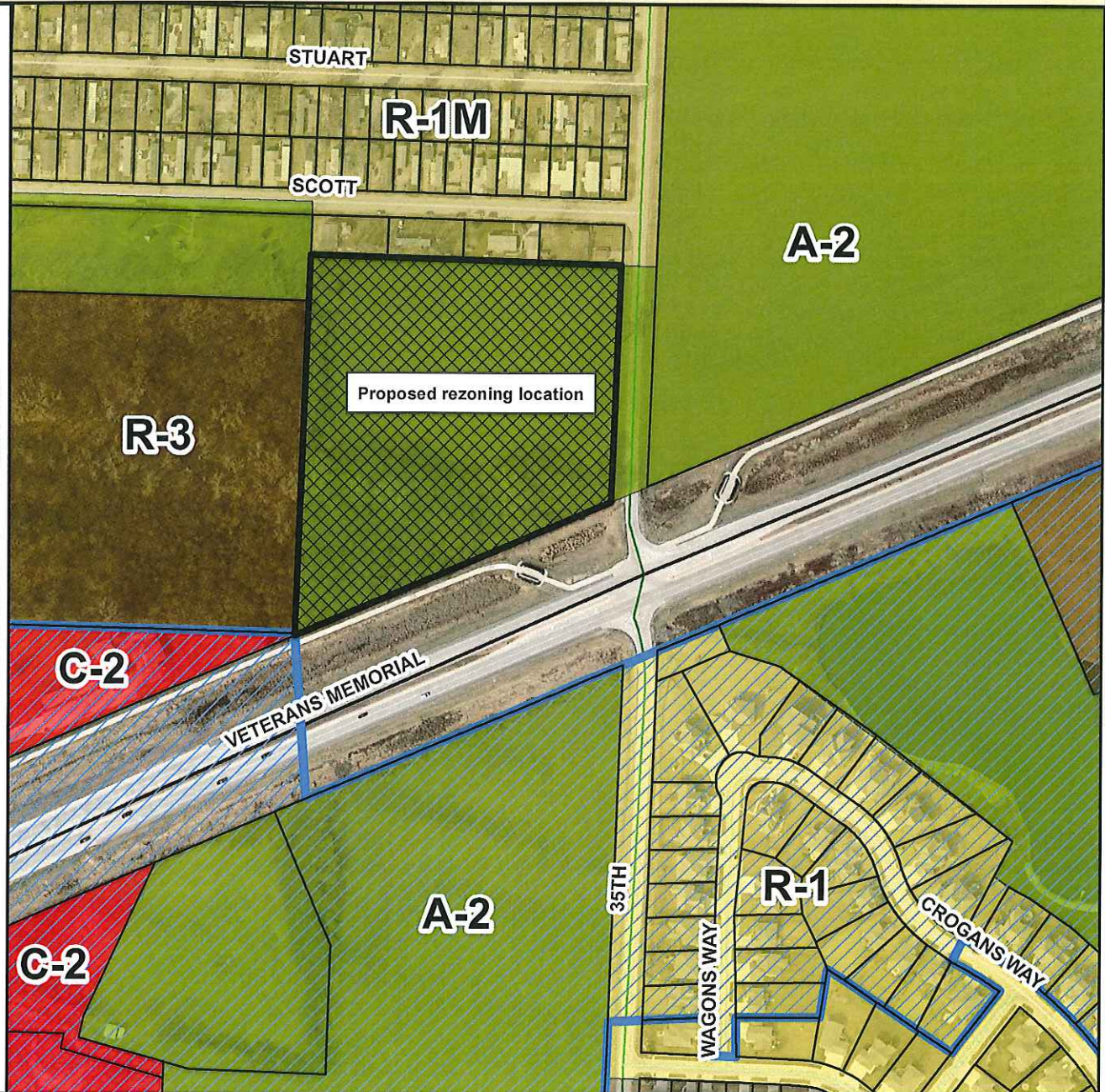


Last Amended: 10/10/17



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

DISCLAIMER
This map is prepared and compiled from City documents, plans and other public records data. Users of this map are hereby notified that the City expressly denies any and all responsibility for errors, if any, in the information contained on this map of the same by the user or anyone else. The user should verify the accuracy of information/data contained on this map before using it. The City assumes no legal responsibility for the information contained on this map.



ATTACHMENT A



ATTACHMENT C

**CITY PLANNING COMMISSION
MINUTES
NOVEMBER 14, 2017**

1. CALL TO ORDER – DeMasi called the meeting to order at 6:00 P.M.

2. ROLL CALL

Members Present: Danielsen, DeMasi, Holm, Holtz, Milford, Nelson, Rew and VanHouten
Absent: Blackman, Crawford and Wolf
Vacancy: None
Staff: Brown, Gibbons and Wade

3. ADOPTION OF AGENDA

Motion by Holm, second by VanHouten to adopt the agenda as presented. Motion carried by unanimous voice vote.

4. APPROVAL – MINUTES OF OCTOBER 10, 2017 MEETING

Motion by Danielsen, second by Holm to adopt the agenda as presented. Motion carried by unanimous voice vote.

5. PROOF OF PUBLICATION – Brown

6. REVIEW OF MEETING PROCEDURES – DeMasi

7. PUBLIC HEARINGS - (*Refer to the taped recording of these proceedings for official verbatim minutes*)

A. CASE #PC-17-002: Public hearing on the request BDP Council Bluffs RE, LLC represented by Christopher R. Pose to amend the adopted planned commercial development plan for Mall of the Bluffs relative to the Planet Fitness space. Location: 1751 Madison Avenue.

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

Rose Brown, Planning Coordinator, Council Bluffs Community Development Department provided a brief overview of the request to the Commission. Brown stated the applicant owns/operates the Planet Fitness facility at the Mall of the Bluffs and that the request is related to a final plat that would create a parcel of land where Planet Fitness is located for the applicant to purchase. Brown further stated the proposed planned commercial development plan would establish design standards for the new parcel that are consistent with the standards applied to other properties in the surrounding Mall of the Bluffs area. Brown then clarified that the City needs additional information from the applicant regarding firewalls and utilities connections between the Mall of the Bluffs and the Planet Fitness facility before any recommendation on the request can be determined. Brown then stated the City recommends that no action be taken on the request until the applicant provides additional information on common walls and utility locations to the City.

Motion by DeMasi, second by Holtz to recommend taking no action on the requested planned commercial development plan for Mall of the Bluffs at this time.

VOTE: AYE – Danielsen, DeMasi, Holm, Holtz, Milford, Nelson, Rew and VanHouten. NAY – None. ABSTAIN – None. ABSENT – Blackman, Crawford and Wolf. Motion carried.

- B. CASE #SAV-17-005: Public hearing on the request of Scott Peters to vacate and dispose of a portion of Skyline Drive, lying north of Hawthorne Court, and abutting Lot 1, Timbercrest First Addition and Lot 2, Referee's Subdivision of the South ½ of the NE ¼ SW ¼ of Section 31-75-43, City of Council Bluffs, Pottawattamie County, Iowa. Location: West of 800 Hawthorne Court.

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

Scott H. Peters, 241 East Graham, Council Bluffs, IA 51503 stated he owns Lot 2, Referee's Subdivision which abuts the subject Skyline Drive right-of-way and that he must sell the property to comply with a recent divorce settlement. Peters then explained that he has an interested buyer who wants to build a new dwelling on the property and use the subject right-of-way for a driveway onto Skyline Drive. Peters then discussed the right-of-way's existing condition and stated the City is not maintaining it. Peters then clarified that he is willing to retain easements and pay the costs to relocate any utilities that exist in the subject right-of-way, if vacated.

Dan Ozaydin, 535 West Broadway, Suite 100. Council Bluffs, IA 51503 stated he is listing agent for Lot 2, Referee's Subdivision and that a person is interested buying the property for new single-family residential dwelling. Ozaydin then explained where the new dwelling would be located on the subject property and how it would be accessed from Skyline Drive. Ozaydin then requested clarification about a comment in the case staff report regarding Lot 2, Referee's Subdivision becoming a non-conforming if the vacation is granted.

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

Linda Welch, 801 Hawthorne Court, Council Bluffs, IA 51503 stated she is opposed to the vacation request and the construction of a new residential dwelling on Lot 2, Referee's Subdivision as it would cause hillside erosion in the Timbercrest Subdivision. Welch then explained the condition of Skyline Drive right-of-way and how the abutting property owners at 800 Hawthorne Court paid the City to pave the subject right-of-way to the edge of their driveway after the house was built. Welch then requested clarification on how the right-of-way would be divided between the two abutting property owners, if vacated.

Brown clarified for the Commission and the audience that the proposed request is to vacate a portion of Skyline Drive right-of-way and not for a new subdivision development on Lot 2, Referee's Subdivision. Brown then explained that the proposed vacation would cause Lot 2, Referee's Subdivision to become nonconforming, as the property would not have the minimum required 50 feet of road frontage for property located in an R-1/Single Family Residential District. Brown further explained how the subject right-of-way divided and conveyed to each abutting property owner, if vacated. Brown also responded to questions from the Commission and audience regarding driveway access onto Skyline Drive and retaining utility easements for the subject right-of-way.

The Planning Commission asked questions and discussed the request.

Motion by VanHouten, second by Rew to recommend approval to vacate and dispose of a portion of Skyline Drive, lying north of Hawthorne Court, and abutting Lot 1, Timbercrest First Addition and Lot 2, Referee's Subdivision of the South ½ of the NE ¼ SW ¼ of Section 31-75-43, City of Council Bluffs, Pottawattamie County, Iowa

VOTE: AYE – Holtz, Milford, Nelson, Rew and VanHouten. NAY – Danielsen and Holm. ABSTAIN – DeMasi. ABSENT – Blackman, Crawford and Wolf. Motion carried.

- C. CASE #SAV-17-006: Public hearing on the request of IPG, LLC, represented by Aaron Moser, to vacate and dispose of a 30' by 10' section of South 14th Street lying South of West Broadway. Location: Abutting 25 South 15th Street and 15 South 14th Street.

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

Rose Brown, Planning Coordinator, Council Bluffs Community Development Department provided a brief overview of the request to the Commission. Brown explained the purpose of the vacation is to allow the applicant to expand their non-conforming 'commercial storage' use at 25 South 15th Street. Brown then stated the proposed vacation would negatively impact site access to property located at 15 South 14th Street and cause said property to become a nonconforming lot as their road frontage would be reduced from 107 feet to 15 feet, which is less than the required 50 feet in a C-2/Commercial District. Brown then discussed existing overhead and underground utilities located within the subject right-of-way and then stated several utility providers are opposed to the vacation due to access and maintenance concerns for their infrastructure.

The Planning Commission asked questions and discussed the request.

Motion by Rew, second by Holm to recommend denial of the request to vacate and dispose of a 30' by 10' section of South 14th Street lying South of West Broadway, based on the following reasons:

1. Property at 15 South 14th Street is solely dependent upon the subject right-of-way for access and frontage. Approval of the vacation would impede access and cause their property to become non-conforming as the lot width would decrease from 107 feet to 15 feet, as opposed to the required 50 feet in a C-2/Commercial District; and
2. There are existing utilities within the subject right-of-way that must remain accessible for maintenance purposes; and
3. Approval of the request would allow an expansion of a non-conforming 'commercial storage' use on property at 25 South 15th Street.

VOTE: AYE – Danielsen, DeMasi, Holm, Holtz, Milford, Nelson, Rew and VanHouten. NAY – None. ABSTAIN – None. ABSENT – Blackman, Crawford and Wolf. Motion carried.

- D. CASE #ZC-17-006: Public hearing on the request of Clark Storage, LLC, represented by Henry Clark, to rezone property legally described as being the South 66 feet of the East ½ of the SW ¼ NE ¼, lying west of South 35th Street, along with the East ½ of the NW ¼ SE ¼ 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 from A-2/Parks, Estates and Agricultural District to C-2 Commercial District. Location: Northwest corner of the intersection of South 35th Street and U.S. Highway 275.

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

Henry Clark, P. O. Box 485, Glenwood, IA 51534 stated the purpose of the request is to rezone the subject property from A-2/Parks, Estates and Agricultural District to C-2/Commercial District so that he can build new 'commercial storage' units upon it. Clark then discussed the conceptual site, landscaping

and stormwater plans for the proposed 'commercial storage' use with the Commission. Clark stated he may subdivide the subject eight acres and develop the south half with a different type of commercial use since it directly abuts Veterans Memorial Highway. Clark then responded to questions from the Commission and audience regarding traffic volumes, site access, security, lighting, landscaping and total number of units for the proposed 'commercial storage' use.

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

Carol Green, 3600 Scott Drive, Council Bluffs, IA 51503 stated she is opposed to the request as it would increase traffic along South 35th Street and result in a loss of habitat for the local wildlife. Green also stated she is concerned the proposed 'commercial storage' use will increase theft and vandalism in the Malmore Acres neighborhood. Green then requested additional information on site access, security and total number of units for the proposed 'commercial storage' use.

Brown clarified that a 'commercial storage' use in a C-2/Commercial District requires a conditional use permit from the Zoning Board of Adjustment.

The Planning Commission members asked questions and discussed the request.

Motion by Danielsen, second by Holm to recommend approval to rezone 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 from A-2/Parks, Estates and Agricultural District to C-2/Commercial District, based on reasons stated in the case staff report.

VOTE: AYE – Danielsen, DeMasi, Holm, Holtz, Milford, Nelson, Rew and VanHouten. NAY – None. ABSTAIN – None. ABSENT – Blackman, Crawford and Wolf. Motion carried.

8. **OTHER BUSINESS** (*Refer to the taped recording of these proceedings for the official verbatim minutes*)
 - A. City Council update – Wade provided an update of City Council actions relative to recent planning cases.
 - B. Other items of interest – None.
9. **ADJOURNMENT** – DeMasi adjourned the meeting at 6:45 P.M.

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