



**ZONING BOARD OF ADJUSTMENTS
AGENDA**

**Tuesday, December 17, 2019 - 4:00 PM
Council Chambers, 2nd Floor, City Hall
209 Pearl Street**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ADOPTION OF AGENDA**
- 5. APPROVAL OF MINUTES**
- 6. PROOF OF PUBLICATION/POSTING**
- 7. REVIEW OF MEETING PROCEDURES**
- 8. PUBLIC HEARINGS**

A. CASE #CU-19-006

Public hearing on the request of Thrifty Auto Sales for a conditional use permit to allow an 'automobile sales and rental' use in a C-2/Commercial District on property legally described as Lot 8, Block 19, Hughes and Doniphan's Addition, City of Council Bluffs, Pottawattamie County, Iowa. Location: 524 23rd Avenue.

B. CASE #BA-19-009

Public hearing on the request of Decker Plastics Corporation for a 17-foot front yard setback variance and a 7-foot street side yard setback variance from Section 15.20.050, Site Development Regulations, in the I-1/Light Industrial District of the Municipal Code (Zoning Ordinance) to allow a 3,004 square foot addition to be constructed 8-feet from a street side property line, as opposed to the required 15-feet, and to allow a 2,340 square foot addition to be constructed 8-feet from a front property line, as opposed to the required 25-feet, on property legally described as being part of Lots 1, 7, 8, 9, and 10, Block 9, and the vacated alley adjacent and part of Lots 1 through 4 and Lots 7 through 10, Block 12, and vacated alleys adjacent, all in Beers Addition along with part of vacated 1st Avenue right-of-way between said Blocks 9 and 12, Beers Addition, City of Council Bluffs, Pottawattamie County, Iowa. Location: 1104 2nd Avenue.

C. CASE #AP-19-001

Public hearing on the request of Broadway Plaza, LLC., represented by Jon E. Blumenthal and Natalie M. Williams of Baird Holm Attorneys at Law, to appeal an administrative decision by the Community

Development Department that a building located at 1702 West Broadway is subject to full compliance with the architectural standards of Section 15.32, CDO/Corridor Design Overlay of the Municipal Code (Zoning Ordinance) due to rehabilitation costs and vacancy status of the building. Legal Description: Lots 1 through 10, Block 2, Bayliss and Palmer Addition, and Lots 1 through 8, Block 16, Beer's Subdivision, along with the vacated alley adjacent to said block, except City right-of-way, City of Council Bluffs, Pottawattamie County, Iowa.

9. OTHER BUSINESS

10. ADJOURNMENT

Any questions or concerns regarding this agenda and/or requests for special accommodations at this meeting should be directed to the Community Development Department at (712) 328-4629 or email at cgibbons@councilbluffs-ia.gov.

Zoning Board of Adjustment Communication

Department: Community
Development

Case/Project No.: CU-19-006

CASE #CU-19-006

Council Action: 12/17/2019

Submitted by: Haley Weber, Zoning
Enforcement Officer

Description

Public hearing on the request of Thrifty Auto Sales for a conditional use permit to allow an 'automobile sales and rental' use in a C-2/Commercial District on property legally described as Lot 8, Block 19, Hughes and Doniphan's Addition, City of Council Bluffs, Pottawattamie County, Iowa. Location: 524 23rd Avenue.

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #CU-19-006 Staff Report & Attachments	Other	12/12/2019

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: December 17, 2019

RE: **CASE #CU-19-006**
REQUEST: A conditional use permit to allow ‘automobile sales and rental,’ in a C-2/Commercial District.

APPLICABLE

CODE SECTIONS: §15.02.020 – Zoning Board of Adjustment
The Zoning Board of shall have the following powers:
b. To make final decisions on applications for conditional uses.

§15.15.030 – Conditional Uses in a C-2/Commercial District
C. Automobile sales and rental, as further limited by Section 15.15.060

LEGAL

DESCRIPTION: Lot 8, Block 19, Hughes and Doniphans Subdivision, City of Council Bluffs, Pottawattamie County, Iowa

LOCATION: 524 23rd Avenue, Council Bluffs, IA 51501

APPLICANT: Thrifty Auto Sales, 524 23rd Avenue, Council Bluffs, IA 51501

OWNERS: Karl Getzschman, 524 23rd Avenue, Council Bluffs, IA 51501

REPRESENTED BY: Karl Getzschman, 13935 Cherokee Lane, Council Bluffs, IA 51503

BACKGROUND INFORMATION – The Community Development Department has received an application from Thrifty Auto Sales, represented by Karl Getzschman, for a conditional use permit to allow ‘automobile sales and rental’ in a C-2/Commercial District on the property located at 524 23rd Avenue, as legally described above.

On May 21, 2019, the Zoning Board of Adjustment approved a conditional use permit (Case #CU-19-002) to allow All Makes Collision Center to operate an ‘automobile repair, major’ business in the C-2/Commercial District at the subject property. All Makes Collision Center is now proposing to lease parking stalls and a portion of their office space to the applicant, Thrifty Auto Sales. The applicant’s intent is to sell used, current model vehicles from Thrifty Auto Sales’ existing fleet of rental vehicles at the subject property. The applicant has indicated that they intend to display three (3) vehicles on the property at a time. The property owner and operator of All Makes Collision Center will serve as a salesman for Thrifty Auto Sales, along with one (1) additional employee. The applicant’s letter of intent is included as ‘Attachment A’.

The submitted floor plan shows that the interior of the building will include the existing automobile repair area and an office area shared by All Makes Collision and Thrifty Auto Sales. There are three (3) garage doors on the south side of the building and one (1) garage door on the north side of the building, which will be utilized by the existing automobile repair business. The submitted site plan shows that two (2) of the existing parking spaces will be utilized for Thrifty Auto Sales car display. The submitted floor/site plan is included as ‘Attachment B’.

The proposed hours of operation are Monday through Friday, 7:00 a.m. to 4:00 p.m. There are a total of nine (9) parking spaces, one (1) of which is dedicated for handicap parking. No additional signage is proposed at this time.

CURRENT ZONING AND LAND USE – The subject property is zoned C-2/Commercial District. All adjacent parcels to the north, east and south are also zoned C-2/Commercial District. The parcels across South 6th Street to the west are zoned R-2/Two-Family Residential District. A location/zoning map is included as Attachment “C”.

Existing land uses in the general vicinity include: a nonconforming residential property to the north; a convenience store to the east; a commercial storage facility to the south; and single-family homes across South 6th Street to the west. The future land use map of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as Local Commercial.

On May 21, 2019, the Zoning Board of Adjustment approved a conditional use permit (Case #CU-19-002) to allow All Makes Collision Center to operate an ‘automobile repair, major’ business in the C-2/Commercial District at the subject property, subject to ten (10) conditions. As of the date of this report, the subject property is in compliance with their conditional use permit.

The following attachments are included with the case staff report:

- Attachment A: Letter of Intent
- Attachment B: Floor/Site Plan
- Attachment C: Zoning/Location Map

The following photographs show the existing condition of the subject property and surrounding area.

Exhibit A: Aerial view of the subject property

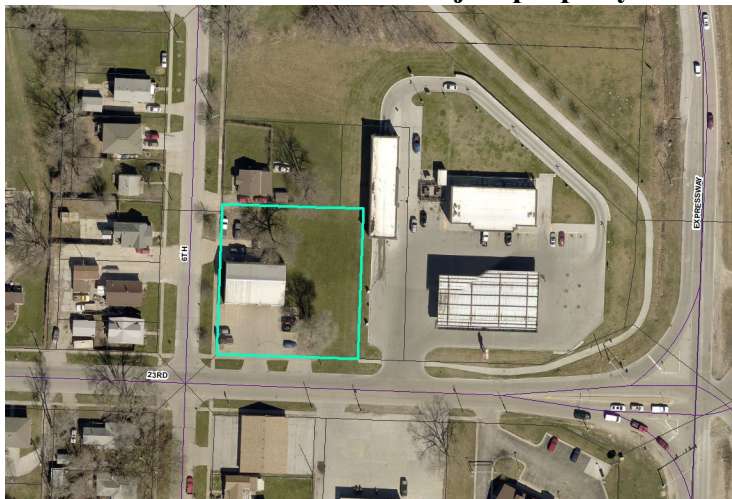


Exhibit A: Looking northeast at subject property from South 6th Street



Exhibit B: Looking northwest at subject property



Exhibit C: Looking north at tree plantings along eastern property line from 23rd Avenue



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 that they have no comments in regards to the proposed conditional use.

MidAmerican Energy stated that they have no concerns with the proposed conditional use.

Council Bluffs Fire Department stated that they have no comments in regards to the proposed conditional use.

Council Bluffs Public Works Department stated that an ADA accessible stall is required and that all business related parking shall be located on the private property. There shall be no vehicles for sale parked on the street as parking on the street shall remain open for public parking.

Council Bluffs Building Permits and Inspections Division inquired about additional required parking stalls.

Council Bluffs Community Development Department:

1. ‘Automobile sales and rental’ is defined in Section 15.03.048a, *Definitions*, ‘Automobile Sales and Rental,’ of the Council Bluffs Zoning Ordinance as an “*establishment or place*

of business engaged in the storage and display for sale, lease or rental of more than two motor vehicles of any type of trailer (provided the trailer is unoccupied) at any one time and/or a total of ten (10) or more sold, leased or rented during the course of a calendar year and where repair or body work is incidental to the operation of the new or used vehicle sales, leasing or rental. Automobile sales includes all motor vehicle retail sales, leasing or rental, including noncommercial trucks, vans, recreational vehicles, boats, motorcycles or other similar motorized transportation vehicles. The minimum lot area for such an establishment shall be twenty-five thousand (25,000) square feet, except that the minimum lot area shall be fifteen thousand (15,000) square feet for an establishment engaged solely in the sales of motorcycles, motor scooters, all-terrain vehicles and other similar vehicles.” The proposed automobile repair service would fall under this definition. The subject property meets the minimum lot size requirement for the automobile sales and rental use.

2. The minimum lot size requirement for a property zoned C-2/Commercial District use is 5,000 square feet. The subject property contains 0.59 acres of land (25,700.4 square feet), which exceeds the minimum lot size requirement for the property.
3. The applicant intends to utilize office space in the existing 3,072 square foot building. No building additions are proposed with this request.
4. The minimum number of off-street parking spaces for the 3,072 square foot building is based on a calculation of 1 parking space per 750 square feet of gross floor area for ‘automobile repair, major’ and as stated in Section 15.23.060, *Parking spaces required*, of the Council Bluffs Zoning Ordinance. Based on this calculation, a total of four (4) parking spaces are required. Per Section 15.15.060, *Additional regulations*, “*Parking for automobile sales and rental facilities shall include space for both visitor parking and sale display area. One space is required for each vehicle available for sale, lease or rental at one time with additional parking based on the size of the building used for sales and accessory repairs and service.*” The existing site has a total of seven (7) off-street parking spaces. The applicant has indicated that three (3) vehicles will be for sale on the property at a time. The remaining four (4) spaces meet the minimum number required for the 3,072 square foot building.
5. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the property as ‘Local Commercial.’ The plan defines “Local Commercial” as areas that include “*uses oriented primarily towards goods and services that meet the demand of Council Bluffs residents. These include grocery stores, convenience stores, pharmacies, banks, auto services, and small offices. They are typically located along visible corridors or at neighborhood centers, and may be configured as multi-tenant shopping centers or individual developments on smaller lots.*” The proposed conditional use will allow automobile sales at an existing automotive business within the C-2/Commercial District near the South Expressway, a visible corridor within the community. The proposed use is consistent with the ‘local commercial’ designation.
6. No additional signage is proposed at this time. Any signage installed in the future shall be permitted separately prior to installation and comply with the standards in Chapter 15.33, *Signs*, of the Council Bluffs Zoning Ordinance.
7. No exterior storage shall be permitted on the subject property.
8. All vehicles shall be parked in a manner that does not obstruct entrance into the existing garage doors or encroach into the public sidewalk.

9. The submitted application states that no more than three (3) vehicles for sale are intended to be located on site at any given time. The applicant has proposed the automobile sales use to be ancillary to the existing automobile repair use based on the low volume of vehicles that will be for sale of the subject property. The Community Development Department is supportive of the proposed automobile sales use as it is an appropriate accessory use to the existing automobile sales operation. To ensure that the proposed automobile sales use remains ancillary to the automobile repair operation, no more than three (3) vehicles for sale shall be on site at any given time. If at any point in time the applicant wishes to sell greater than three (3) vehicles on the subject property, this shall be considered an expansion of the conditional use permit and shall require approval of the Zoning Board of Adjustment. At that time, the conditional use shall be subject to additional hard-surface pavement, screening, landscaping and any other applicable standards deemed necessary by the Community Development Department to ensure that the site remains in harmony with the surrounding neighborhood.
10. All off-street parking areas, drive aisles, and circulation routes shall be hard surface pavement that complies with the standards in Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Zoning Ordinance.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet were notified of the conditional use permit request. The following comments were received:

Linda Lewis, 2215 S. 6th Street, expressed concerns regarding the number of additional cars that may be brought on site and where those cars will be stored.

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 benefitted 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 contains 0.59 acres of land, which complies with the lot size requirement for property zoned C-2/Commercial District. The applicant intends to utilize the office space in the existing 3,072 square foot building on the existing lot of record. No new construction or additions are proposed with this request.
2. *Adequate utility, drainage, and other necessary facilities or improvements have been or will be provided.* The proposed conditional use will take place on an existing lot of record with adequate facilities. No utility service extensions and/or infrastructure improvements are necessary for the proposed ‘automobile sales and rental’ use.
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 23rd Avenue to the south and South 6th Street to the west. All business related parking shall be located on the private property. There shall be no vehicles for sale parked on the street as parking on the street shall remain open for public parking. All vehicles shall be parked in a manner that does not obstruct entrance into the existing garage doors or encroach into the public sidewalk. No traffic conflicts or congestion on the adjacent public streets are anticipated to occur. No additional improvements are necessary for the request.
4. *All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly states that such permits are obtainable for the proposed conditional use on the subject property.* The applicant shall be required to obtain all necessary permits for the proposed ‘automobile sales and rental’ use. The applicant shall also comply will all federal, state and local laws and requirements for the proposed use.
5. *All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties.* No new exterior lighting is proposed with this request. Any proposed outdoor lighting 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 proposed use will be located on an existing lot with access to existing public streets. The proposed ‘automobile sales and rental’ is a use that is compatible with the existing ‘automobile repair, major’ use at the subject property. The surrounding uses to the north, east and south are commercial in nature. The properties to the west are residential. The applicant shall not have any exterior storage and shall maintain their submitted hours

of operation as to remain in harmony with the surrounding neighborhood. The submitted application states that no more than three (3) vehicles for sale are intended to be located on site at any given time. The proposed automobile sales use shall remain ancillary to the existing automobile repair business. The applicant has proposed the automobile sales use to be ancillary to the existing automobile repair use based on the low volume of vehicles that will be for sale of the subject property. To ensure that the proposed automobile sales use remain ancillary to the automobile repair operation, no more than three (3) vehicles for sale shall be on site at any given time. If at any point in time the applicant wishes to sell greater than three (3) vehicles on the subject property, this shall be considered an expansion of the conditional use permit and shall require approval of the Zoning Board of Adjustment. At that time, the conditional use shall be subject to additional hard-surface pavement, screening, landscaping and any other applicable standards deemed necessary by the Community Development Department to ensure that the site remains in harmony with the surrounding neighborhood.

The proposed use is consistent with the future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan. The proposed request is anticipated to have no negative impact on existing or future land uses in the surrounding area if developed in accordance with the applicant's submittal and all applicable codes and regulations.

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.* No new construction or building additions, walls or fences are proposed with this request. The subject property has four (4) existing trees along the eastern property line and one (1) tree planted in the five (5) foot wide landscaped area on the west side of the drive and one (1) tree on the east side of the drive. No additional landscaping shall be required. The proposed 'automobile sales and rental' use is not anticipated to discourage the appropriate development, use or enjoyment of the adjacent land, buildings, or structures if developed in accordance with the applicant's submittal and all applicable codes and regulations.
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.* The proposed conditional use is not anticipated to have a negative impact on property values for existing or future land uses in the surrounding area. The proposed use is similar in nature to the current 'automobile repair, minor' use of the subject property.

RECOMMENDATION – The Community Development Department recommends approval of the request for a conditional use permit to allow 'automobile sales and rental' in a C-2/Commercial District on property legally described above, 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. The hours of operation shall be as presented in the application.
3. No exterior storage shall be permitted on the subject property.
4. To ensure that the proposed automobile sales use remain ancillary to the automobile repair operation, no more than three (3) vehicles for sale shall be on site at any given time.
5. If at any point in time the applicant wishes to sell greater than three (3) vehicles on the subject property, this shall be considered an expansion of the conditional use permit and shall require approval of the Zoning Board of Adjustment. At that time, the conditional use shall be subject to additional hard-surface pavement, screening, landscaping and any other applicable standards deemed necessary by the Community Development Department to ensure that the site remains in harmony with the surrounding neighborhood.
6. All proposed signage shall be permitted separately prior to installation and shall comply with the standards in Chapter 15.33, *Signs*, of the Council Bluffs Zoning Ordinance.
7. All off-street parking areas, drive aisles, and circulation routes shall be constructed of hard surface pavement that complies with the standards in Chapter 15.23, *Off-Street Parking, Loading and Unloading*, of the Council Bluffs Zoning Ordinance.
8. All vehicles shall be parked in a manner that does not obstruct entrance into the existing garage doors or encroach into the public sidewalk.



Christopher N. Gibbons, AICP
Planning Manager
Community Development Department



Haley P. Weber
Zoning Enforcement Officer
Community Development Department

Auto Rental Services LLC
Licensee
2110 E Locust Street
Omaha, NE 68110
402 346 6283
Fax 402 346 6706
thriftyoma@aol.com

Out of Town Reservations
1-800-THRIFTY
www.thrifty.com

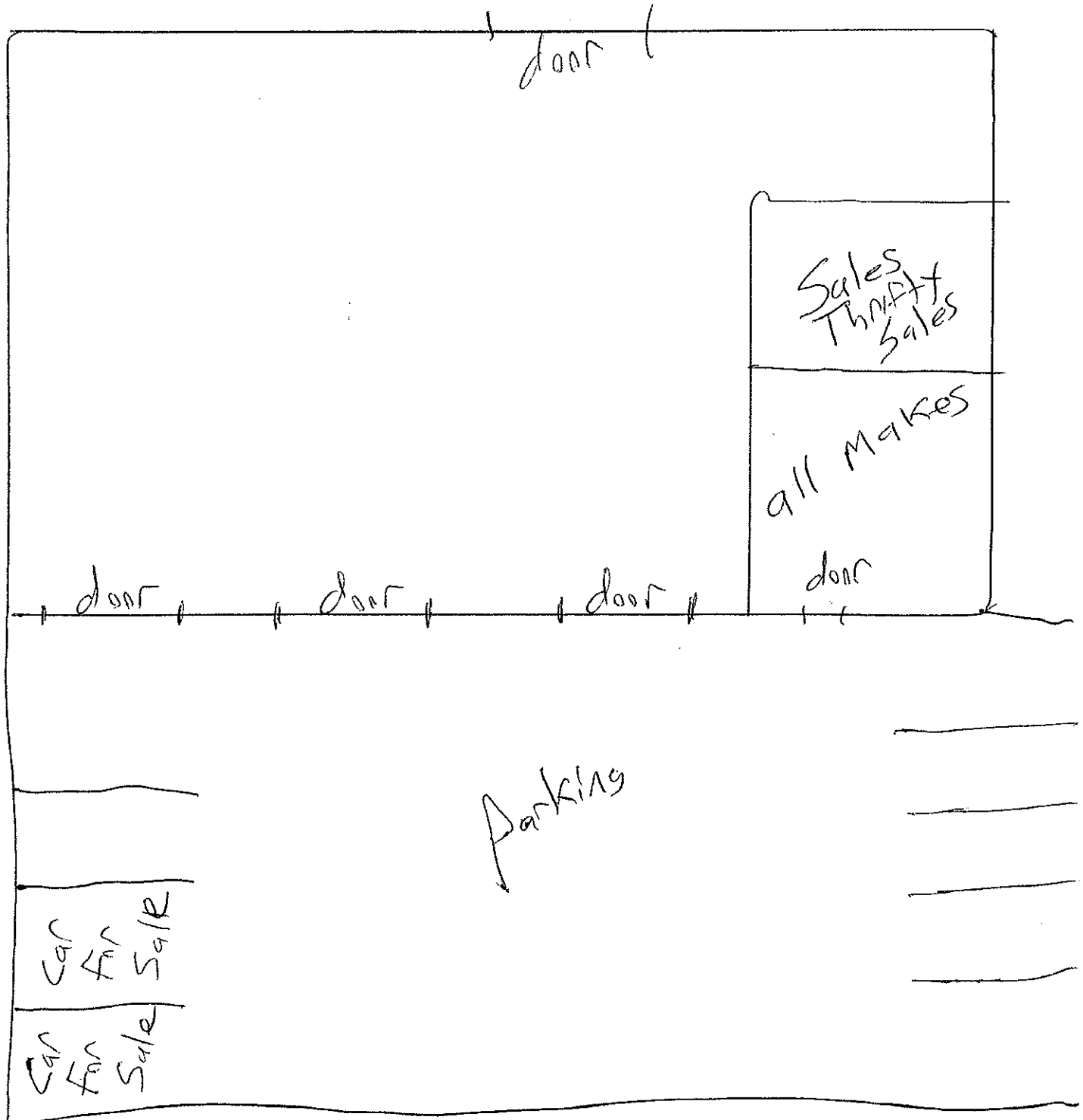


Thrifty Auto Sales
524 23rd Ave
Council Bluffs IA 51501

Business Plan:



We are renting office space and some parking stalls in a currently operating automotive business for the purpose of selling used vehicles from our fleet. Autos are current model years and only plan to display a handful at a time. Current business owner will be a salesman so there will only be 1 additional employee to the current operating business. Will display 1 sign near current business sign.

Hours of Operation: Monday thru Friday 7-4



CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT LOCATION/ZONING MAP CASE # CU-19-006

Map Legend

-  Subject Property Case CU-19-006
-  Parcels



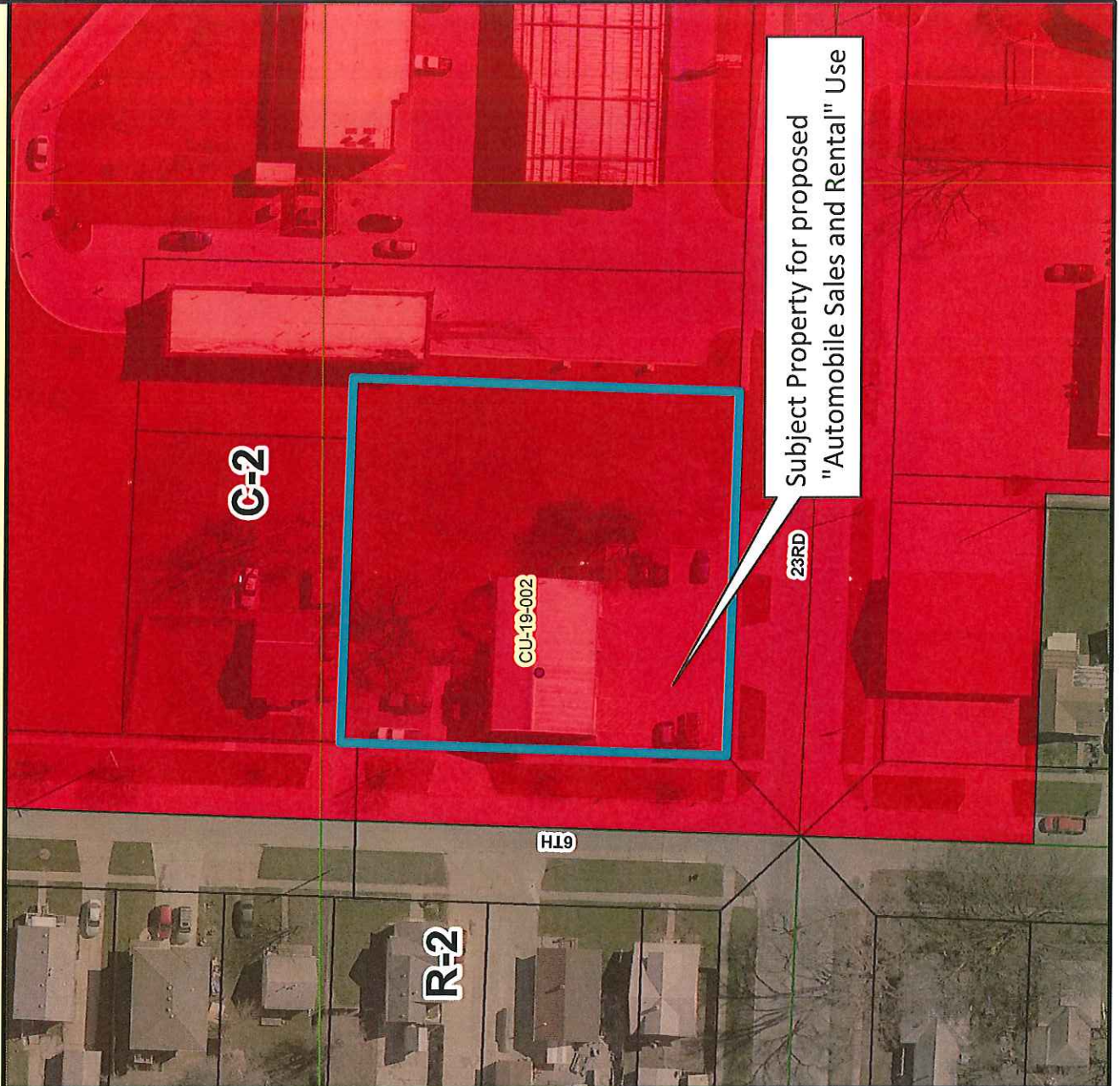
Note: Subject property is highlighted in blue.



Last Amended: 11/25/19

DISCLAIMER
This map is prepared and compiled from public records and is not guaranteed for accuracy. Users of this map are hereby notified that the City of Council Bluffs does not warrant the accuracy of any information contained on this map. The user should verify the information on this map before using it. The City assumes no legal responsibility for the information contained on this map.

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



Zoning Board of Adjustment Communication

Department: Community
Development

Case/Project No.: BA-19-009

CASE #BA-19-009

Council Action: 12/17/2019

Submitted by: Christopher

Gibbons, AICP, Planning Manager

Description

Public hearing on the request of Decker Plastics Corporation for a 17-foot front yard setback variance and a 7-foot street side yard setback variance from Section 15.20.050, Site Development Regulations, in the I-1/Light Industrial District of the Municipal Code (Zoning Ordinance) to allow a 3,004 square foot addition to be constructed 8-feet from a street side property line, as opposed to the required 15-feet, and to allow a 2,340 square foot addition to be constructed 8-feet from a front property line, as opposed to the required 25-feet, on property legally described as being part of Lots 1, 7, 8, 9, and 10, Block 9, and the vacated alley adjacent and part of Lots 1 through 4 and Lots 7 through 10, Block 12, and vacated alleys adjacent, all in Beers Addition along with part of vacated 1st Avenue right-of-way between said Blocks 9 and 12, Beers Addition, City of Council Bluffs, Pottawattamie County, Iowa. Location: 1104 2nd Avenue.

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #BA-19-009 Staff Report & Attachments	Other	12/12/2019

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: December 17, 2019

RE: **CASE #BA-19-009**
REQUEST: Variances from Section 15.20.050 Site Development Regulations in the I-1/
Light Industrial District of the Municipal Code (Zoning Ordinance)

APPLICABLE
CODE SECTION: **15.20.050 Site Development Regulations –I-1/Light Industrial District.**

<u>Minimum Setbacks</u>	<u>Principal Structures</u>
Front Yard	25 feet
Street Side Yard	15 feet

RELIEF SOUGHT: A 7-foot street side yard setback variance to allow a 3,004 square foot addition to be built 8 feet from a street side property line, as opposed to the required 15 feet, and a 17-foot front yard setback variance to allow a 2,340 square foot addition to be built 8 feet from a front property line, as opposed to the required 25 feet.

LEGAL
DESCRIPTION: Part of Lots 1, 7, 8, 9, and 10, Block 9, and the vacated alley adjacent and part of Lots 1 through 4 and Lots 7 through 10, Block 12, and vacated alleys adjacent, all in Beers Addition along with part of vacated 1st Avenue right-of-way between said Blocks 9 and 12, Beers Addition, City of Council Bluffs, Pottawattamie County, Iowa.

LOCATION: 1104 2nd Avenue, Council Bluffs, Iowa 51501

APPLICANT: Decker Plastics, Corp. 1104 2nd Avenue, Council Bluffs, IA 51501

OWNER: B&D Land & Development Company, LLC
1104 2nd Avenue, Council Bluffs, IA 51501

REPRESENTATIVE: Bob Decker, Decker Plastics, Corp.
1104 2nd Avenue, Council Bluffs, IA 51501

BACKGROUND INFORMATION – Decker Plastics Corporation, represented by Bob Decker, has requested two setback variances from Section 15.20.050 Site Development Regulations in the I-1/Light Industrial District of the Municipal Code (Zoning Ordinance) to allow for the expansion of their packaging facility at 1104 2nd Avenue, on property legally described above (see Attachment A). The first request is a 7-foot street side yard setback variance to allow a 3,004 square foot addition to be constructed 8 feet from a street side property line, as opposed to the required 15 feet. The second request is 17-foot front yard setback variance to allow a 2,340 square foot addition to be constructed 8 feet from a front property line, as opposed to the required 25 feet. The applicant stated in their application that the subject property is long and narrow and the existing building is orientated at an angle, which is not very conducive to expanding their facility.

Decker Plastics is a packaging manufacturer that extrudes prints and converts flexible packaging. They have approximately 30 full-time employees (including temporary labor) and operate 24/6 every week.

The following attachments have been included for your reference:

Attachment A: Proposed site layout plan

Attachment B: Zoning/location map

CURRENT ZONING AND LAND USE – The subject property is zoned I-1/Light Industrial District and A-2/Parks, Estates, and Agricultural District (see Attachment B). Surrounding zoning within the general vicinity of this request includes A-2 District to the north, A-2 District and I-1 District to the east, R-3/Low Density Multi-Family Residential District to the south, and I-1 District to west. Existing land uses within the general vicinity includes the West Broadway viaduct, undeveloped land, residential dwellings, warehousing/manufacturing, railroad tracks, and a restaurant. The future land use plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) designates the subject property as Light Industrial.

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

Exhibit A: 2018 aerial view of the subject property and surrounding area.

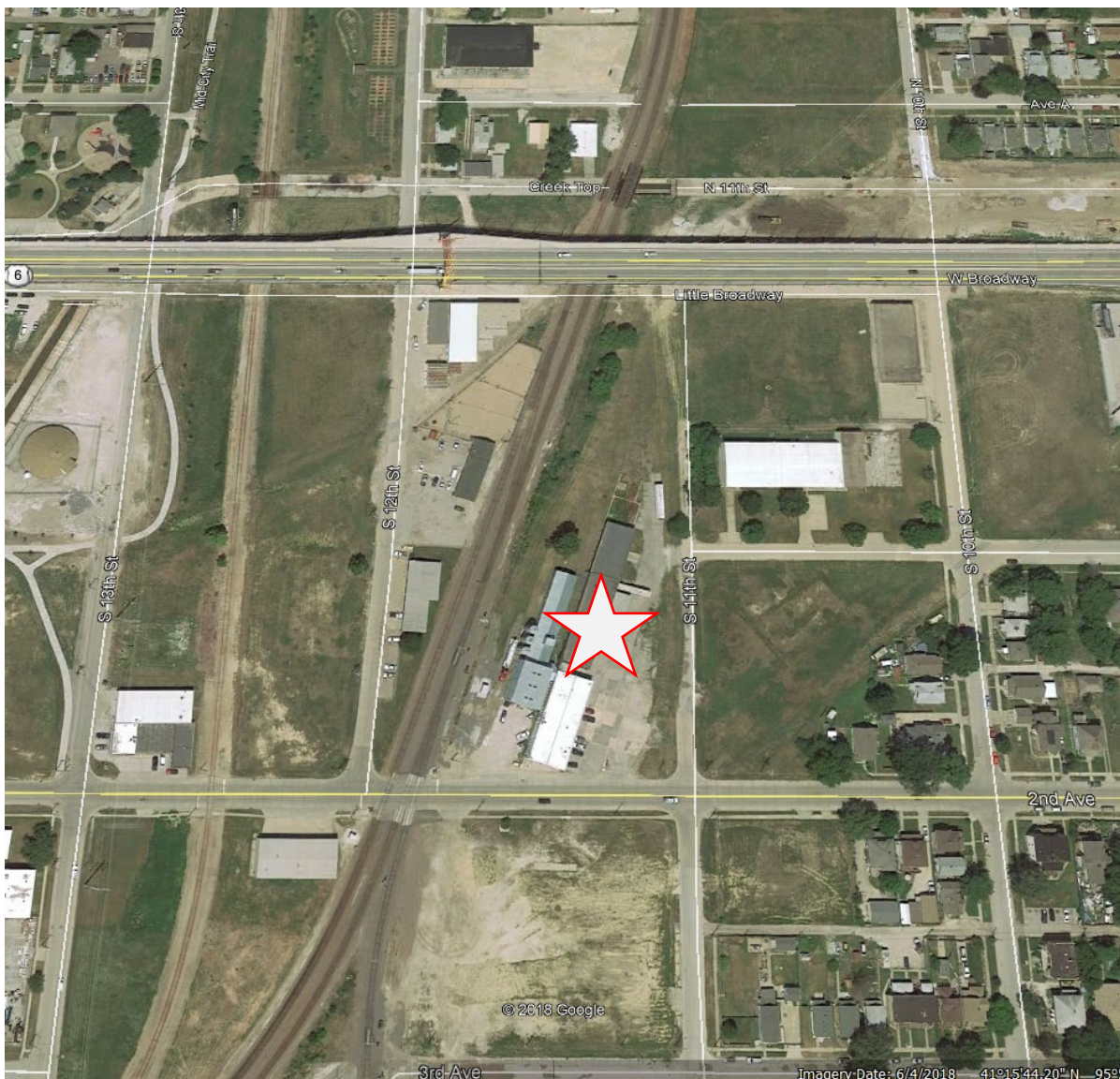


Exhibit B: View of the subject 25-foot front yard setback area.



Exhibit C: View of the subject 15-foot street side yard setback area.



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

1. Council Bluffs Permits and Inspections Division stated the proposed building additions shall comply with all applicable building codes.
2. Council Bluffs Fire Department stated the proposed additions shall comply with all applicable fire codes.
3. Council Bluffs Community Development Department stated the following:
 - a. The subject property is zoned I-1/Light Industrial District, and A-2/Parks, Estates, and Agricultural District. The existing Decker Plastics facility along with the proposed building additions are located within an area of the property zoned I-1 District, as per City zoning maps and the applicant's submitted site plan, and therefore must comply with the standards stated in Section 15.20.50 Site Development Regulations in the I-1 District of the Municipal Code (Zoning Ordinance).
 - b. The minimum lot size requirements for property zoned I-1/Light Industrial District are 10,000 square feet lot area, 75 feet lot width, and 100 feet lot depth. The subject property contains 2.2 acres of land and generally exceeds the minimum I-1 District lot size requirements. However, the property is shaped as an acute triangle, which creates a hardship for the applicant to fully develop their land in a manner that complies with I-1 District development standards. Additionally, the property abuts the West Broadway viaduct to the north, South 11th Street to the east, 2nd Avenue to the south, and railroad tracks to the west which makes it very difficult for the applicant to acquire additional land area without having to vacate and buy right-of-way from the City of Council Bluffs, or a railroad company.
 - c. The existing buildings on the subject property are oriented north/south and at an angle due to the triangular shape of the property. A portion of the existing Decker Plastics facility is considered non-conforming as it directly abuts 2nd Avenue right-of-way and does not comply with the required 25-foot front yard setback of the I-1 District. The applicant has proposed to build a 3,004 square foot warehouse addition on the far north side of their facility, and a 2,340 square foot production addition on the southerly side of their facility to increase their production and storage capacity in order to keep up with market demands. Due the shape of the property, these buildings must be aligned with the existing building foundations in order for their facility to operate efficiently. This results in the applicant having to construct their proposed 3,004 square foot warehouse addition 8 feet from the street side property line, as opposed to the required 15 feet, and their 2,340 square foot production addition 8 feet from the front property line, as opposed to the required 25 feet. The proposed building placements and associated setbacks are not anticipated to cause any conflicts with adjacent public rights-of-way, nor will they be a detriment to development on adjacent properties as majority of the land surrounding the subject property is undeveloped and separated by a public street and railroad corridor.
 - d. The subject property is located within an area of Council Bluffs commonly referred to as "Mid-City", which is geographically bounded by Avenue 'B' to the north, South 10th Street to the east, 5th Avenue to the south, and Indian Creek to the west. The Mid-City area is characterized as an established low-to-moderate income neighborhood that transitions into active and former industrial sites and includes a dual railroad corridor. In 2015, the Council Bluffs City Council adopted the Mid-City Area-Wide Plan, which included several redevelopment concepts for the Mid-City area. At this time, the City of Council Bluffs does not want to vacate and dispose of any rights-of-way within the Mid-City Area as it may prevent our ability to implement the vision and development concepts in the Plan. This results in the applicant not being able to acquire land to the immediate east or south that is contiguous to their existing facility.

4. Council Bluffs Water Works (CBWW) stated they have no comments for the proposed variance request.
5. Mid-American Energy Company stated they have no conflicts or issues with the proposed variance requests.
6. Black Hills Energy stated they have no concerns with the proposed variance requests.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet of the subject property were notified of the requested variance. One letter to the Iowa State Highway Commission was returned as undeliverable. No other responses were received.


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 measures 2.2 acres in size, which is significantly larger than other properties in the surrounding area. Additionally, the subject property is shaped as an acute triangle and abuts several public rights-of-way (2nd Avenue, West Broadway Viaduct, and South 11th Street) and a railroad corridor. The combination of the property’s size, shape, and location make it unique and not consistent with other properties in the surrounding area.
2. *Because of such disadvantage, the owner is unable to make reasonable use of the affected property.* The applicant can continue to use their existing facility to operate Decker Plastics without a variance. However, changes in market conditions require the applicant to expand their warehouse and production facility in order to remain competitive. Due to the property being shaped like an acute triangle, and the existing buildings being oriented at an angle, the applicant must construct the proposed additions into the required front and street side yard setbacks, which requires a variance from the Zoning Board of Adjustment.
3. *The disadvantage does not exist because of conditions created by the owner or previous owners of the property.* The disadvantage exists because of the size, and shape of the property and not any actions caused by the current or previous property owner.
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 not be conferred on the applicant if the variances are granted as the size and shape of the property are unique and not typical for other properties zoned I-1/Light Industrial.
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 proposed variance

requests are the result of an unnecessary hardship caused by the size, shape, and location of the subject property. Granting the variances will allow the applicant to expand their existing facility in harmony with the purpose and intent of the I-1 District, and will not adversely affect existing uses or future development on properties within the general vicinity of this request.

RECOMMENDATION

The Community Development Department recommends granting approval for a 7-foot street side yard setback variance, and a 17-foot front yard setback variance from Section 15.20.050 Site Development Regulations in the I-1/Light Industrial District of the Municipal Code (Zoning Ordinance), for property located at 1104 2nd Avenue, being legally described as part of Lots 1, 7, 8, 9, and 10, Block 9, and the vacated alley adjacent and part of Lots 1 through 4 and Lots 7 through 10, Block 12, and vacated alleys adjacent, all in Beers Addition along with part of vacated 1st Avenue right-of-way between said Blocks 9 and 12, Beers Addition, City of Council Bluffs, Pottawattamie County, Iowa, based on reasons stated above.

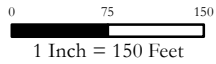


Christopher Gibbons, AICP
Planning Manager

CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT LOCATION/ZONING MAP CASES # BA-19-009

Map Legend

- BA-19-009 Subject Property
- Parcels



2018 Aerial Photograph



Note: Subject property is highlighted in red.

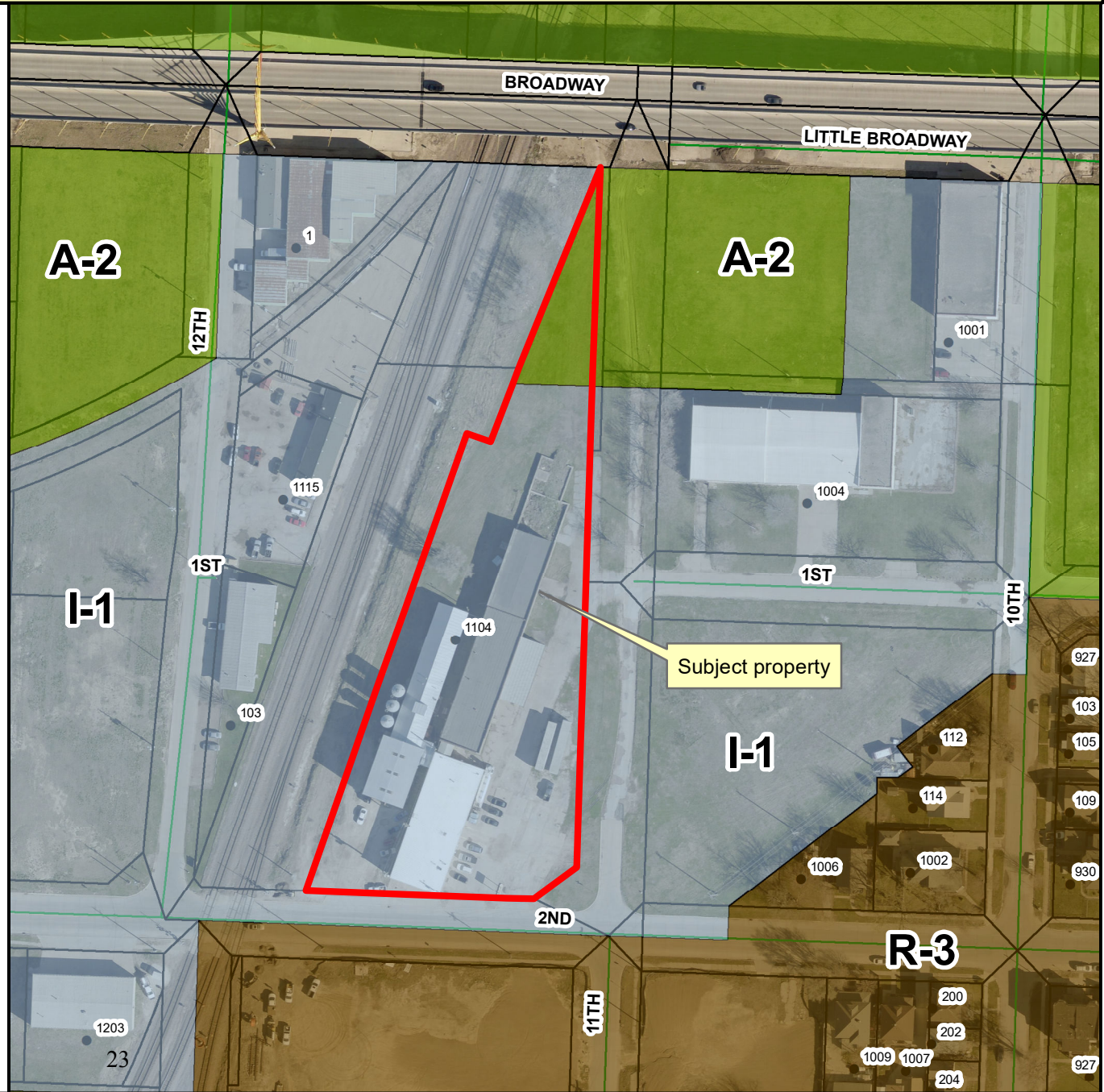


Last Amended: 11/25/19



Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
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Zoning Board of Adjustment Communication

Department: Community
Development

Case/Project No.: AP-19-001

CASE #AP-19-001

Council Action: 12/17/2019

Submitted by: Chris Meeks,
Planner

Description

Public hearing on the request of Broadway Plaza, LLC., represented by Jon E. Blumenthal and Natalie M. Williams of Baird Holm Attorneys at Law, to appeal an administrative decision by the Community Development Department that a building located at 1702 West Broadway is subject to full compliance with the architectural standards of Section 15.32, CDO/Corridor Design Overlay of the Municipal Code (Zoning Ordinance) due to rehabilitation costs and vacancy status of the building. Legal Description: Lots 1 through 10, Block 2, Bayliss and Palmer Addition, and Lots 1 through 8, Block 16, Beer's Subdivision, along with the vacated alley adjacent to said block, except City right-of-way, City of Council Bluffs, Pottawattamie County, Iowa.

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Case #AP-19-001 Staff Report & Attachments	Other	12/12/2019

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: December 17, 2019

RE: CASE #AP-19-001
REQUEST: Appeal the administrative decision that the a building located at 1750 West Broadway is subject to the full compliance with the architectural standards of the CDO/Corridor Design Overlay District due to the renovation costs and vacancy status of the building.

APPLICABLE CODE SECTIONS: §15.32.020 Establishment of a Corridor Design Overlay
§15.32.090 Architecture

LEGAL DESCRIPTION: Lots 1 through 10, Block 2, Bayliss and Palmer Addition, and Lots 1 through 8, Block 16, Beer’s Subdivision, along with the vacated alley adjacent to said block, except City right-of-way, City of Council Bluffs, Pottawattamie County, Iowa

LOCATION: The building generally addressed as 1750 West Broadway that is located at the Southwest corner of the lot addressed as 1702 West Broadway

APPLICANT/ OWNER: Broadway Plaza, LLC
17330 West Center Road, Suite 110-313
Omaha, NE 68130

REPRESENTED BY: Baird Holm Attorneys at Law
Attn: Jon E. Blumenthal and Natalie M. Williams
1700 Farnam Street, Suite 1500
Omaha, NE 68102

BACKGROUND/DISCUSSION– The Community Development Department has received an application from Broadway Plaza, LLC, represented by Jon E. Blumenthal and Natalie M. Williams of Baird Holm Attorneys at Law, to appeal an administrative determination made by Staff. In September of 2019, an application for a building permit was made to the City of Council Bluffs to remodel the building that is addressed as 1750 West Broadway for it to be used as a health care center for Acadia Healthcare. At the time of permit review, due to the value of the renovation and the length of vacancy of the specific building that is proposed to be remodeled (the previous tenant, Blockbuster, closed in April 2013), Community Development Staff determined that the building must be brought into compliance with the CDO/Corridor Design Overlay Standards, based on the following requirements:

Section 15.32.020.B. *“Substantial rehabilitation of or additions to commercial, industrial and multifamily structures and sites. Substantial rehabilitation shall be defined as modifications equal to fifty (50) percent of the assessed value of the structure or structures on a lot, exclusive of land assessed*

value, in a twenty-four (24) month period of time. The assessed value shall be as most recently established by the Pottawattamie County assessor;”

Section 15.32.020.C. “The re-occupancy of fifty (50) percent or more of any commercial, industrial, and multifamily structure or site which has been vacant for a period of six months. Once fifty (50) percent or more of a building has been vacant for six months or more, it may not be reoccupied until such time that the entire structure has been brought into compliance;”

The property has two independent structures and functions as one shopping center. Building #1 contains 12 units and has 27,732 square feet. Building #2, the subject structure, contains 4,930 square feet. The Pottawattamie County Assessor only establishes one building value for the entire property which is \$1,873,000. With an entire square footage of 32,662 square feet, this establishes a square footage value of \$57.34 per square foot. By breaking down the assessed value for the structures into a square-footage value, the subject building #2 can be approximately valued as \$282,710.

In the submitted building permit, the applicant indicated a project cost of \$180,000 for the structural construction costs, and a total renovation value of \$464,724 (as is indicated in the Applicant’s letter of intent). Taking either value into consideration, the total project costs will exceed 50% of the total assigned building value of \$282,710.

Staff determined that compliance of the entire site, which may have include additional landscaping, parking lot separation distances, signage, and other updates, would not be required as the project value was under 50% of the assessed value of the entire site, and the site has not been vacant for a period of 6 months or greater. CDO Architectural Standards are as follows:

Section 15.32.090 Architecture:

- A. Commercial building wall materials shall be brick, stone masonry, stucco like exterior systems, architectural CMU block, pre-cast concrete wall panels, or other like material. Painted concrete block or flat poured concrete walls are not allowed unless the blocks include an architectural finish and an articulated pattern that varies the block sizes, horizontal face alignment, and/or the coursing and vertical joints. Building walls may also be constructed of wood, fiber cement board, vinyl, aluminum, or steel lap siding, or corrugated metal only when at least eighty (80) percent of the street facade is constructed of approved masonry.*
- B. Walls shall extend above flat roofs as necessary to screen views of roof-mounted equipment. Cornice lines will be established using metal materials and shall be straight and true.*
- C. Awnings and architectural features shall not extend beyond property lines. They shall not be installed higher than building roof lines. They shall be lit indirectly without the use of ground-mounted floodlights.*

Staff determined that the specific building met all architectural standards, with the exception of the screening of the roof-mounted mechanical units, which are clearly visible from publically traveled areas. The applicant revised their building permit plans to show the installation of metal screens around each mechanical unit, which was deemed acceptable by Staff and the building permit was approved with this revision.

Following the approval of said building permit, the property owners made an application to appeal the administrative decision of the Community Development Department in regards to the required compliance of the subject building with the CDO/Corridor Design Overlay Standards based on the following reasons (as addressed in Attachment C):

1. The value of the project does not qualify as a substantial rehabilitation, as the \$464,724 renovation cost is only 21.6% of the \$2,145,500 total building value on the property.
2. The re-occupancy of the subject building does not amount to the re-occupancy of 50% of the total site, as the larger building on the property has continuously had tenants in the past. The applicant argues that because the CDO/Corridor Design Overlay district standards state “*The re-occupancy of fifty (50) percent or more of any commercial, industrial, and multifamily structure or site which has been vacant for a period of six months.*” that because the second building on the site has continuously had tenants the subject buildings vacancy will not require compliance with re-occupancy.

The following attachments are included with this report for reference purposes:

Attachment A – Case Map

Attachment B – Applicant’s Letter of Intent

Attachment C – Applicant’s Exhibit B: Administrative Appeal Application

Attachment D – Applicant’s Exhibit E: Acadia Healthcare Plan of Operation

Attachment E – Current Building Layout/Demolition Plan from the Building Permit

Attachment F – Proposed Building Layout from the Building Permit

Attachment G – Screening Plan Submitted as Building Permit Revision

Attachment H – Site Photos

Attachment I – Example Roof-Mounted Mechanical Unit Screening on the West Broadway Corridor

CURRENT ZONING AND LAND USE – The subject property encompasses the entire city block and is zoned C-2/Commercial District, and is used for commercial businesses. Neighboring blocks to the East, West, and South are also zoned C-2/Commercial District and are used commercially, and the block to the North is zoned R-3/Low Density Multi-Family Residential District, and is used for residential purposes. The proposed healthcare clinic on the subject property is a permitted principal use in the C-2/Commercial District.

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 Public Works has no comments for the proposed administrative appeal request.
- Council Bluffs Water Works has no comments for the proposed administrative appeal request.
- MidAmerican Energy has no conflict with the proposed administrative appeal request.

COMMENTS

1. Standard 15.32.020.B. of the CDO/Corridor Design Overlay District, pertaining to the definition of a significant renovation, is difficult to establish for this project because the Pottawattamie County Assessor assigned only a total building value for both structures on the property, therefore the value established for the subject building is just an approximation. Without an accurate assessment of the value of the subject building, it may be difficult to assign an accurate percentage value of the renovation project to the value of the subject building.

2. The subject building has been vacant for greater than 6 months, as the last full time tenant of the building exited the premise in April of 2013. Because the language of the CDO/Corridor Design Overlay District re-occupancy requirement as outlined in Section 15.32.020.C. states "*structure or site which has been vacant for a period of six months*" the requirement to bring a vacant structure on an occupied site should apply.
3. In the submitted building plans, it was shown that the roof-mounted mechanical units can be adequately screened without significant structural changes, meaning that the screening would not be overly burdensome on the applicant. The literal enforcement of the code requires a parapet wall to be extended beyond a flat roof to screen mechanical units, however staff has taken a broader approach to screening roof-mounted mechanical units so long as the method achieves the desired architectural standards of the CDO. Recent examples of alternative screening methods are shown on Attachment I. Staff determined that the revised screening plan that was submitted with the approved construction plans, as shown on Attachment G, was acceptable.
4. The CDO/Corridor Design Overlay district standards are established to aid and unify the appearance of the corridor, with this particular corridor being West Broadway, a major roadway through Council Bluffs. The establishment of the CDO is in line with the City of Council Bluffs Mission Statement, which is "to continuously improve the quality of life and attractiveness of the City of Council Bluffs". Leniency on the site improvement requirements of the CDO district could diminish the ability to bring sites along the West Broadway Corridor into compliance with architectural, landscaping, signage, and buffering standards in the future.
5. Staff strives to use a fair and equitable approach in the enforcement requirement, especially in cases where a buildings are being retrofitted and require improvements to comply with current ordinances. Staff believes that bringing this specific building into compliance while requiring no other site improvements is the most equitable approach to Acadia Healthcare (the future tenant) as well as the building owners and other tenants on the property.
6. In this case, in bringing the structure into compliance while it is unoccupied and under construction could reduce future disruption for the tenant if a significant renovation is proposed on the larger building on the site, as no construction would be required on the subject building.

RECOMMENDATION

The Community Development Department recommends **denial** of the administrative appeal request based on the re-occupancy of the specific subject building, which has been vacant for a period exceeding 6 months in length. The following conditions shall apply:

1. The subject building must comply with the architectural standards of the CDO/Corridor Design Overlay District. This will require to screening of the roof-mounted mechanical units as was approved with a revision to the original building permit, or in a similar manner to be approved by Staff.






Christopher Gibbons, AICP
Planning Manager

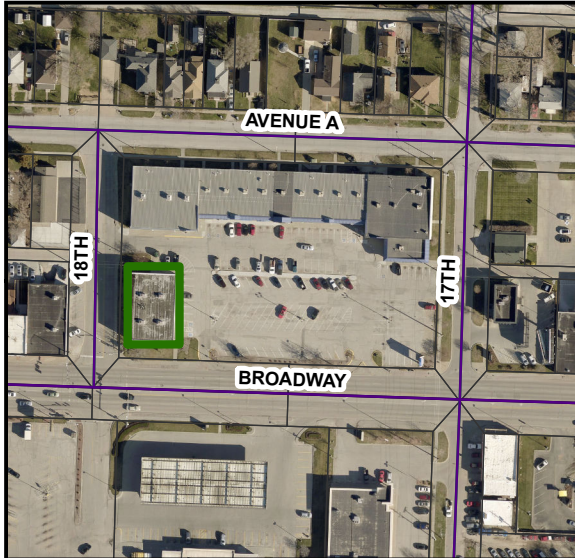
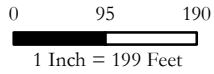


Chris Meeks
Planner

CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT CASE #AP-19-001 LOCATION/ZONING MAP

Legend

-  West Broadway Corridor Design Overlay
-  Subject Property
-  Location of Appeal

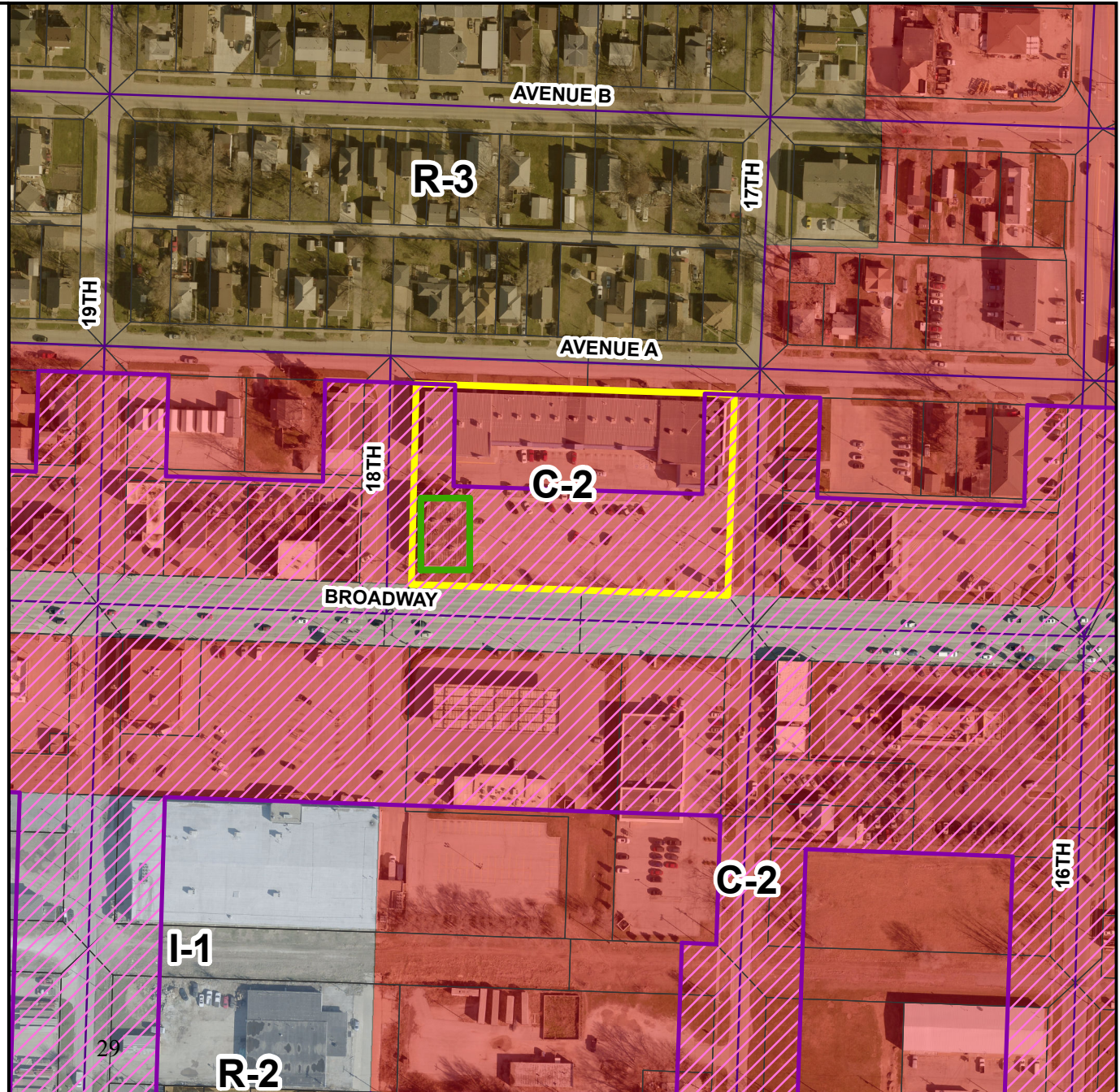


Last Amended: 11/22/19



Council Bluffs Community
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Attachment B



Natalie M. Williams

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Suite 1500
Omaha, NE 68102-2068
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Direct: 402.231.8283
nwilliams@bairdholm.com
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November 20, 2019

City of Council Bluffs, Iowa
Zoning Board of Adjustment
209 Pearl Street
Council Bluffs, Iowa 51503

Re: Administrative Appeal
1702 W. Broadway - Acadia Healthcare

To Whom It May Concern:

This firm represents Broadway Plaza L.L.C. ("Broadway"). Broadway is the owner of certain real property located at 1702 W. Broadway Street in Council Bluffs, Iowa ("Property").

Broadway has leased a building on the Property to Acadia Healthcare for use as a comprehensive health and treatment clinic. In preparation of the opening of the clinic, Acadia is performing certain renovations to the building. The City alleges that the building must conform to the Corridor Design Overlay ("CDO") for the West Broadway Corridor. Specifically, the City requires enclosure of the HVAC units located on the roof of the building.

Attached to this letter please find Broadway's administrative appeal application to the Zoning Board of Adjustment ("Board"). For reasons addressed in Exhibit B of the application, Broadway respectfully disagrees that the CDO is applicable to the Property and asks the Board to overturn the City's decision. Please contact me at your earliest convenience if you wish to discuss this matter or have any questions regarding the application or any exhibits attached thereto. Thank you for your assistance with this matter.

Very truly yours,

/s/ Natalie M. Williams

FOR THE FIRM

cc: Kimara J. Clark
Jon Blumenthal

EXHIBIT B TO ADMINISTRATIVE APPEAL APPLICATION

I. INTRODUCTION

Broadway Plaza L.L.C. ("Broadway") intends to lease one of two buildings located at 1702 W. Broadway Street ("Property"), as part of the Broadway Plaza ("Plaza"), in Council Bluffs, Iowa to Acadia Healthcare ("Acadia") for use as a comprehensive health and treatment clinic. In preparation for the clinic's opening, Acadia has applied for a building permit from the City of Council Bluffs to complete improvements to the Property. The City has required that Acadia include plans to enclose all four (4) HVAC units located on the roof of the Property. The City maintains that the omission of the HVAC enclosures violates Section 15.32.090 of the Corridor Design Overlay ("CDO") that applies to the West Broadway Street Corridor. Section 15.32.090(b), in relevant part, provides, "[w]alls shall be extended above flat roofs as necessary to screen views of roof-mounted equipment". Broadway respectfully disagrees and asks the Zoning Board of Adjustment to reverse the City's decision to apply the CDO to the Property.

II. STATEMENT OF REASON(S) WHY THE CITY'S APPLICATION OF THE CDO TO THE PROPERTY SHOULD BE OVERTURNED:

Acadia is not required to install roof fixture enclosures because the CDO does not apply to the Property. The CDO is only applicable if the property falls into a specifically listed category within the CDO. The City maintains that the property falls within the CDO's requirements because the Property is undergoing a "substantial rehabilitation". Further, the City claims that Acadia's tenancy constitutes re-occupancy of 50 percent of a site that was previously vacant for a period of six (6) months.

a. Assessed Value

The proposed improvements to the Property do not qualify as a substantial rehabilitation because the estimated costs only amount to 21.6 percent of the assessed value of the site. CDO Section 15.32.020(2) provides that properties undergoing Substantial Rehabilitation must follow the requirements in the CDO. The act further defines Substantial Rehabilitation as "modifications equal to 50 percent of the assessed value of the structure or structures on a lot, exclusive of land assessed value. . . ." The CDO is unclear as to what area of property measures the Substantial Rehabilitation, as it refers to both the assessed value of the structures on a *lot* and rehabilitation of a *site*. The City claims that the improvements to the Property constitute a Substantial Rehabilitation based on the assessed value of the Property alone.

The improvements are not a Substantial Rehabilitation, based on the assessment of the site. In this case, the Property is part of a larger parcel, the Plaza, which houses two structures. The two structures share the same address, parking lot, and access from West Broadway Street. The Pottawattamie County Assessor's most recent assessment of the Plaza includes both buildings, suggesting that the correct measurement of assessed value is the Plaza as a whole, rather than the individual buildings. Accordingly, in 2018, the Plaza's assessed building value was \$2,145,500.00. Acadia's proposed plans for the Property will be completed at an estimated cost of \$464,724. Thus, the improvements to the Property only amount to 21.6 percent of the assessed value of the Plaza. Because this is below the required 50 percent of value for a Substantial Rehabilitation, the CDO does not apply to the Property.

b. Vacancy

Acadia's re-occupancy of the Property does not amount to 50 percent of the site. Section 15.32.020(3) of the CDO states that properties that are re-occupied after a period of six (6) months will be subject to the requirements of the CDO if the re-occupancy is 50 percent of the structure or site. The CDO requires that the re-occupancy be of 50 percent of the structure *or site*. The City alleges that Acadia's tenancy of the Property will be filling 50 percent or more of a vacant property, based on their occupancy of the Property alone.

Here, fifty percent of the Plaza has not been vacant for six months, and the Property only accounts for 15 percent of the site. As discussed above, the Property is part of a larger parcel that includes two structures. The Plaza's two buildings have been over 50 percent occupancy in the last six months. While the Property has been vacant, it only accounts for approximately 15 percent of the Plaza's available space. Therefore, the CDO is not applicable to the Property under this provision.

EXHIBIT E TO ADMINISTRATIVE APPEAL APPLICATION

ACADIA'S PLAN OF OPERATION

Activity

Acadia is a leading provider of behavioral healthcare services in the United States. Acadia operates a network of 595 behavioral healthcare facilities with approximately 18,200 beds in 40 states, the United Kingdom and Puerto Rico. Acadia provides behavioral health and addiction services to its patients in a variety of settings, including inpatient psychiatric hospitals, specialty treatment facilities, residential treatment centers and outpatient clinics.

The proposed Council Bluffs outpatient clinic will be the first Acadia Healthcare facility in Western Iowa and the Omaha Metro area. The clinic will operate as the "Council Bluffs Comprehensive Treatment Center," a comprehensive substance abuse treatment clinic that provides medical assessments, individual and group counseling and medication management. The clinic will be open from 5:00 a.m. to 1:00 a.m., with the hours of operation subject to change based on patient need. The clinic will employ approximately 10 employees. The clinic plans to treat approximately 300 patients over the five years of its proposed tenancy.

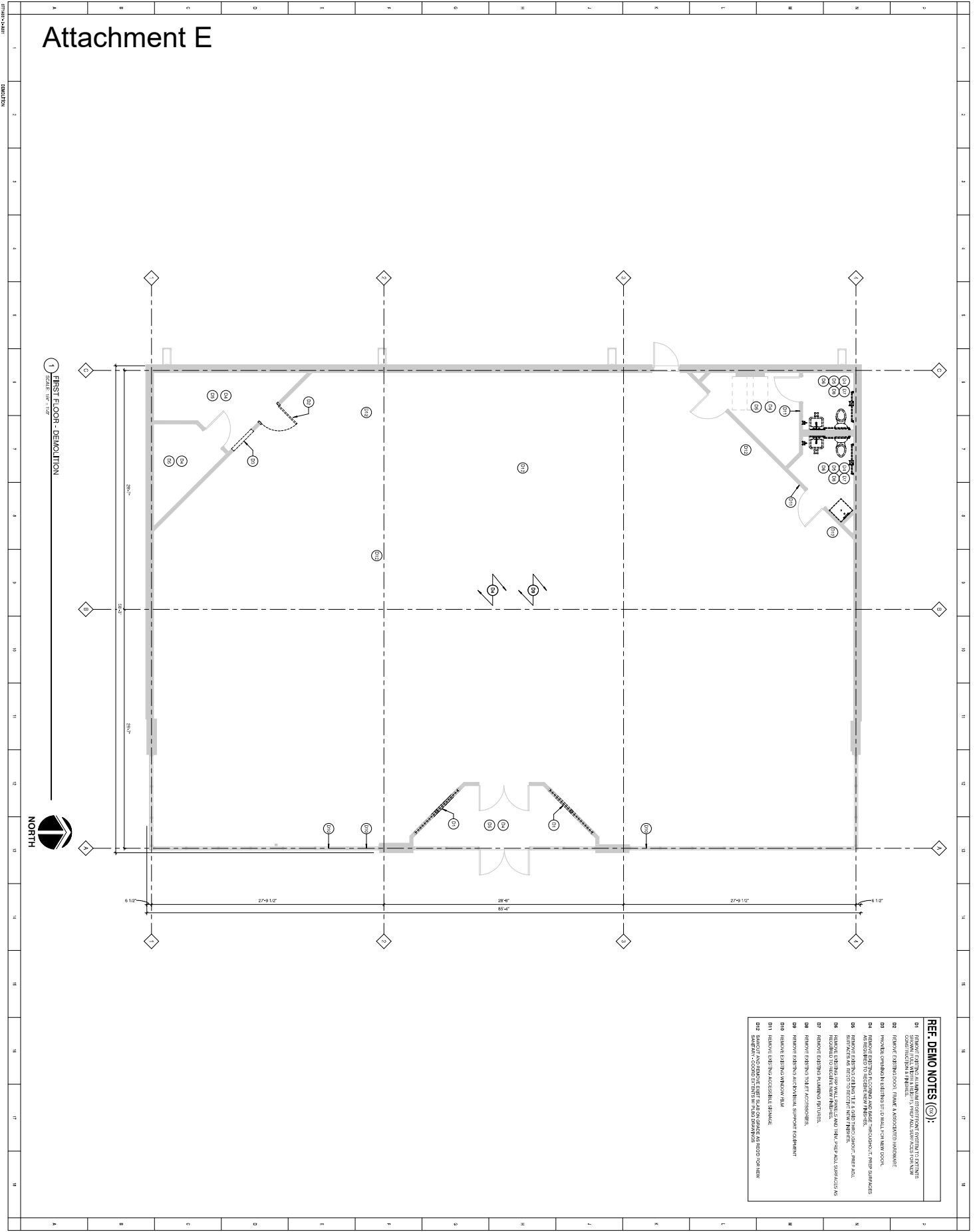
Parking & Access

Parking at Council Bluffs Comprehensive Treatment Center will be shared with other tenants of Broadway Plaza. Access to the Property will be shared with the larger Broadway Plaza complex. There are two entryways to the Broadway Plaza from the westbound lane of West Broadway Street as well as entry from North 17th Street. The Property is also accessible by walkway, which connects to the sidewalk along West Broadway Street.

Signage and Lighting

The signage and lighting of the building will be in accordance with other tenants at Broadway Plaza. The proposed improvements to the building will not have an impact on the signage or lighting of the building.

Attachment E



REF. DEMO NOTES (20):

- 01 REMOVE EXISTING ALUMINUM ENTRANCE FRONT TO EXTERIOR SIDEWALK. REMOVE EXISTING 1 1/2\"/>
- 02 REMOVE EXISTING DOOR FRAME ASSOCIATED HARDWARE
- 03 REMOVE OPERABLE WINDOW SILL TO WALL CORNER JOINT
- 04 REMOVE EXISTING WINDOW FRAME, INCLUDING PAPER PARTIZES
- 05 REMOVE EXISTING CEILING T.E. & GYP. TRUSS JOINT. PERM. PART. SPLIT ASKS AS REQ'D TO REOPEN WINDOW FRAME.
- 06 REMOVE EXISTING WINDOW FRAME. REMOVE EXISTING WINDOW SILL AS REQ'D TO REOPEN WINDOW FRAME.
- 07 REMOVE EXISTING WINDOW FRAME.
- 08 REMOVE EXISTING TOILET ACCESSORY.
- 09 REMOVE EXISTING ARCHITECTURAL SUPPORT EQUIPMENT
- 010 REMOVE EXISTING WINDOW FILM
- 011 REMOVE EXISTING ACCESSIBLE SHOWER
- 012 REMOVE AND REOPEN EXIST. SAID OPENING AS REQ'D TO REOPEN WINDOW SILL. REMOVE EXISTING WINDOW SILL.

A001

ACADIA HEALTHCARE
 COUNCIL BLUFFS, IA - CTC
 1750 W BROADWAY
 COUNCIL BLUFFS, IA 51501
DEMOLITION

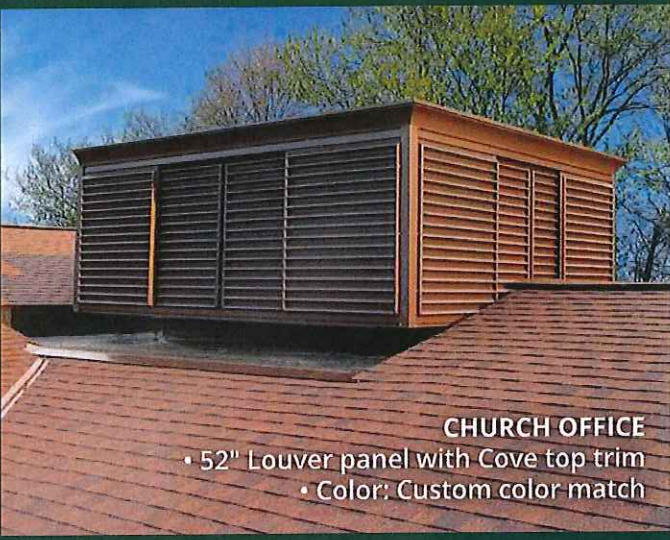


DESIGNED: KAH	DATE: 03/13/19
DRAWN: JLF	DATE: BY: DESCRIPTION:
CHECKED: DAK	



COMMERCIAL OFFICE SPACE
• 52" Louver panel with Band style top trim
• Color: Almond

**THE LEADING ROOF
SCREEN CHOICE OF
ARCHITECTS, BUILDING
OWNERS AND
CONTRACTORS FOR
MORE THAN 20 YEARS.**



CHURCH OFFICE
• 52" Louver panel with Cove top trim
• Color: Custom color match



NATIONAL RETAILER
• 70" Louver panel with Step 2 top trim
• Color: Alabaster

DESIGN OPTIONS

Envisor screens are the perfect alternative to parapet walls and they satisfy even the strictest screening code requirements. Both styles feature our patented attachment method, which secures our screens directly to the equipment with no rooftop penetration. Post mounted option is also available. Screen heights are available to shield virtually anything you desire.

VERTICAL



Available in ABS or metal

CANTED



Available in ABS only

POST MOUNT



Available in ABS or metal

PANEL STYLES

Panels are available in ten standard styles, allowing you to match or coordinate with the building design. The panels are constructed of thermoformed, high-impact ABS with a co-extruded UV protective layer on both sides or choose one of our metal series options in a variety of thicknesses and finishes. The panels are held firmly in place using a rust-free, double tracked aluminum rail system. This enables the panels to slide side-to-side for easy access to the unit during servicing and maintenance.

ACRYLICAP[®]



LOUVER



HORIZONTAL RIB



BRICK



PAN



FOREST



BATTEN



7.2 RIB



VERTICAL RIB

METAL



7.2 RIB



PAN



7.2 RIB VERTICAL

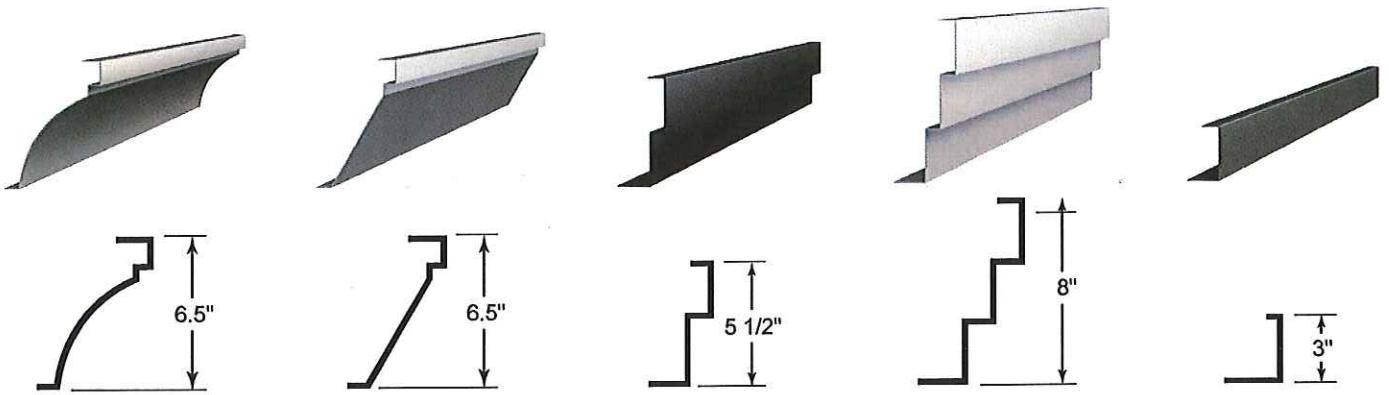


PERFORATED METAL

Don't see a panel that fits your project?
 Tell us and we'll make one that you design. (Mold fee may apply)

TOP TRIM STYLES

OPTIONAL — Decorative top trim options offer the flexibility to further customize the elegant appearance of the screens by picking up building design elements and incorporating those details into the screen. Although optional, they offer one more way to make screens part of the design, not part of the problem. *Prices vary by style.*



COLORS

Our designer colors complement most architectural applications, but don't let standard colors limit your creativity. We have the ability to match any cross-referenced color specifications. Send us samples to match. We've even matched a color to a rock! Colors are approximations. Please call for actual samples.



Need a custom color? Provide a Sherwin Williams or PMS code and we can color match.

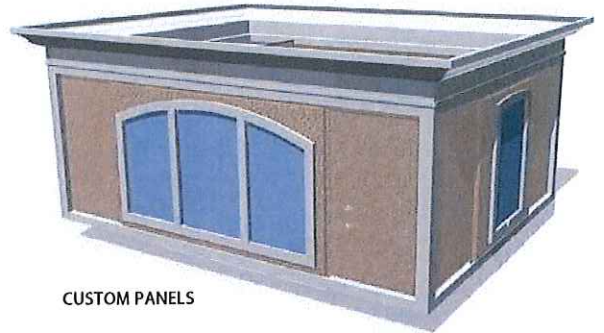
***Speak to a project manager about our Envisor accessories,
including lighting kits and more.***

CUSTOM SOLUTIONS

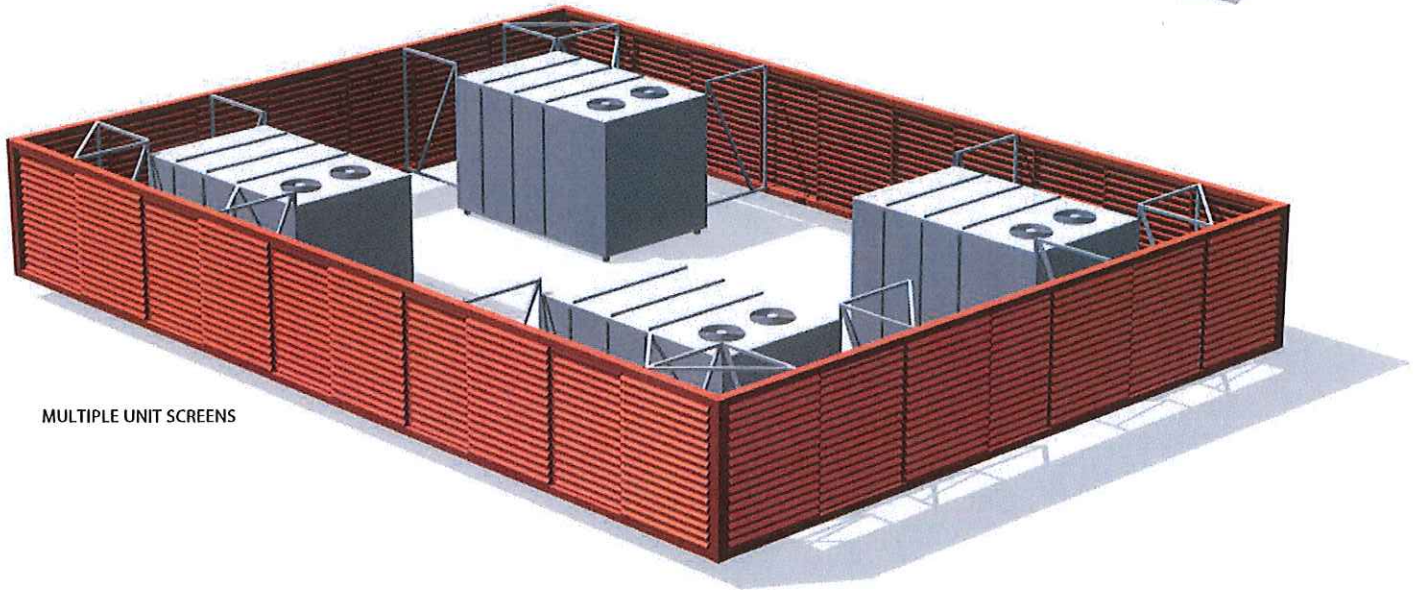
Envisor equipment screens can be manufactured in a limitless combination of shapes and configurations to help reduce cost, add to the aesthetics of a building or both. Let us design one for you! Just tell us the equipment manufacturer, the model numbers and any special requirements you might have. **Additional costs may apply.*



TOP TRIM ADDED



CUSTOM PANELS



MULTIPLE UNIT SCREENS

Call **(877) 727-3367** today or visit our website at **cityscapesinc.com**.

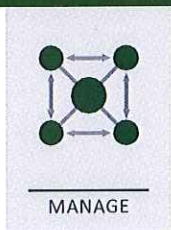
**Popular Applications: RTUs • HVACs • Air Chillers • Air Handlers • Cooling Towers
Condensers • Exhaust Fans • Cellular • Equipment • Refrigeration Units**



MEDICAL BUILDING ROOFTOP SEATING AREA
• 52" Forest Style Panel with Cove Top Trim
• Color: Forest Green



DESIGN



MANAGE



MANUFACTURE



INSTALL

THE COMPLETE SOLUTION

We get it. You're busy. We want you to be able to focus on the parts of your project that matter most to you. That's why we provide each customer with a project manager — a single point of contact. Tell us what you need and we'll coordinate everything from design and engineering to manufacturing and installation so you can spend your time on more important things.



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Envisor | Covrit | ToughGate | NatureScreen | Planx

Attachment H

Site Photos



Legend:

- Above:** Aerial photo of subject property (facing North)
- Right:** Photo of front of subject building (facing West)
- Bottom Left:** Photo of front and side of subject building (facing Northwest)
- Bottom Right:** Photo of rear of subject building (facing Northeast)

Red arrows pointing to roof-mounted mechanical units.



Attachment I

Example Roof-Mounted Mechanical Units Screening on the West Broadway Corridor



Vision Specialists, 2514 West Broadway



Starbucks, 2550 West Broadway



CHI Health Clinic, 3135 West Broadway



Arby's, 3313 West Broadway



Raising Cane's, 2424 West Broadway



Rear of 2133 West Broadway