



**AGENDA
PLANNING COMMISSION
COUNCIL BLUFFS PUBLIC LIBRARY,
400 WILLOW AVENUE, COUNCIL BLUFFS, IA
Tuesday, December 10, 2024 - 6:00 PM**

1. CALL TO ORDER

2. ROLL CALL

3. ADOPTION OF AGENDA

4. APPROVAL OF MINUTES

5. PROOF OF PUBLICATION

6. REVIEW OF MEETING PROCEDURES

7. PUBLIC HEARINGS

A. CASE #SAV-24-002

Public hearing on the request of Alexander Giron Rivera to vacate and dispose of an east/west alley abutting properties legally described as Lots 19 through 23, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa. Location: Alley lying north of 1704, 1708, 1714, and 1720 Avenue P.

B. CASE #PR-23-002(M)

Public hearing on the request of Josie's Development, LLC to amend the adopted planned residential development plan on property legally described as Lots 1 through 8, Josie's Development Addition, City of Council Bluffs, Pottawattamie County, Iowa. Location: Undeveloped land lying north of 14th Avenue, between South 16th and South 17th Streets.

C. CASE #ZC-24-006 (Reconsideration)

Public hearing on the request of the City of Council Bluffs to reconsider a request from Nyles Lehnen to rezone property legally described as Lots 7 through 12, Block 1, and Lots 1 through 3 and Lots 10 through 12, along with the vacated section of Warren Street adjacent, all in Block 6, City of Council Bluffs, Pottawattamie County, Iowa from R-1/Single-Family Residential District to A-2/Parks, Estates, and Agricultural District. Location: Undeveloped land lying northwest of 1424 Harrison Street.

8. OTHER BUSINESS

9. ADJOURNMENT

If you plan to attend this meeting and require special assistance please contact the Community Development Department at (712) 890-5350 at least 48 hours before the meeting.

Planning Commission Communication

Department: Community
Development

Case/Project No.: SAV-24-002

CASE #SAV-24-002

Council Action: 12/10/2024

Submitted by: Haley Weber,
Planner

Description

Public hearing on the request of Alexander Giron Rivera to vacate and dispose of an east/west alley abutting properties legally described as Lots 19 through 23, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa. Location: Alley lying north of 1704, 1708, 1714, and 1720 Avenue P.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report and Attachment A	Staff Report	12/4/2024

City Planning Commission Communication

<p>Department: Community Development</p> <p>CASE #SAV-24-002</p> <p>Applicant: Alexander Giron Rivera 1704 Avenue P Council Bluffs, IA 51501</p>	<p>Reso. of Intent No. _____</p> <p>Reso. to Dispose No. _____</p>	<p>Planning Commission: 12/10/24</p>
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Subject/Title

Request: Public hearing on the request of Alexander Giron Rivera to vacate and dispose of the east/west alley abutting Lots 19 through 23, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa

Location: Alley abutting properties commonly addressed as 1704, 1708, 1714, and 1720 Avenue P

Background

The Community Development Department has received a request from Alexander Giron Rivera to vacate and dispose of the east/west alley abutting Lots 19 through 23, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa. The subject alley measures approximately 10 feet in width by 231.52 feet in length. The applicant owns the adjacent property at 1704 Avenue P and is proposing to vacate the alley to incorporate additional land area into his residential property for off-street parking of vehicles and trailers. The subject alley dead-ends into Bahnsen Park to the west and is not improved or utilized by any adjacent property for access purposes.

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:

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

Property owners with land that abuts the subject alley are as follows:

North: Railroad right-of-way

South:

- Residential property owned by Alexander Giron Rivera (1704 Avenue P)
- Residential property owned by Georgeen Lynne Richardson (1708 Avenue P)
- Residential property owned by Larry Wayne Wohlers Trust (1714 Avenue P)
- Residential property owned by Debra Hammer (1720 Avenue P)

East: N. 17th Street right-of-way

West: City-owned Bahnsen Park

All abutting property owners were mailed petitions asking if they are in favor of/opposed to the vacation request and if they were willing to/not willing to acquire the portion of the alley adjacent to their property, if vacated. Responses to the petitions are summarized in Item J below.

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

The subject alley abuts four parcels of land, which are comprised of multiple existing lots of record. All abutting parcels have frontage along Avenue P, which is the primary point of access for each lot. The

subject alleyway is unimproved and is not utilized by any adjacent property for access purposes. All lots will continue to have access off Avenue P, if the vacation is approved.

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

The subject request is to vacate the entirety of a dead-end alley.

D. *To reduce or eliminate hazardous and dangerous traffic conditions.*

The subject dead-end alley is not improved and is not utilized for public vehicular and/or pedestrian traffic circulation.

E. *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:

- The Council Bluffs Public Works Department stated they are not in favor of vacating the alley as requested.
- The Council Bluffs Police Department stated they have no comments or objections to the request.
- The Council Bluffs Parks and Recreation Department stated they have no comment on the request.
- The Council Bluffs Fire Department stated they have no comment on the request.
- Council Bluffs Water Works stated they have no comment on the request.
- Black Hills Energy stated they have no concerns regarding the request.
- MidAmerican Energy stated they operate overhead electric distribution facilities within the boundaries of the subject alley. Due to the need to maintain reasonable and safe access to these facilities, MidAmerican Energy opposes the request.

Based on the responses above, the requested vacation would be contrary to protecting access to existing utilities located within the subject alleyway.

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

G. *To discourage the vacation of a portion of an existing alley, street or other right-of-way.*

The subject request is to vacate the entirety of the dead-end east/west alley.

H. *To assist in the implementation of the goals and objectives of the Comprehensive Plan.*

The request is consistent with the local access and circulation objectives stated in Chapter 6, Transportation of the Bluffs Tomorrow: 2030 Plan (comprehensive plan).

I. *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.

J. *To establish an equitable price for surplus public property.*

There are four property owners with land that abut the subject alley. All abutting property owners were notified of the vacation request. Each abutting property owner is eligible to receive their portion of the alley in consideration of the vacation application fee, which has already been paid. The following responses have been received:

1. Larry Wayne Wohlner's Trust, represented by Larry Wohlner, stated he is in favor of the request and is willing to acquire the portion of alley adjacent to their property at 1714 Avenue P.
2. Debra Hammer stated she is in favor of the request and is willing to acquire the portion of alley adjacent to their property at 1720 Avenue P.
3. No response was received from the following property owners as of the date of this report:
 - a. Alexander Giron Rivera, 1704 Avenue P (applicant)
 - b. Georgeen Lynne Richardson, 1708 Avenue P

Recommendation

The Community Development Department recommends denial of the request to vacate and dispose of the east/west abutting Lots 19 through 23, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa, as the alley contains significant above-ground utilities which would be difficult to access for maintenance purposes.


Attachments

Attachment A: Location/Zoning Map

Prepared by: Haley Weber, Planner, Community Development Department

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASE #SAV-24-002 LOCATION/ZONING MAP

Legend

 Subject ROW

0 25 50



1 inch = 38 feet

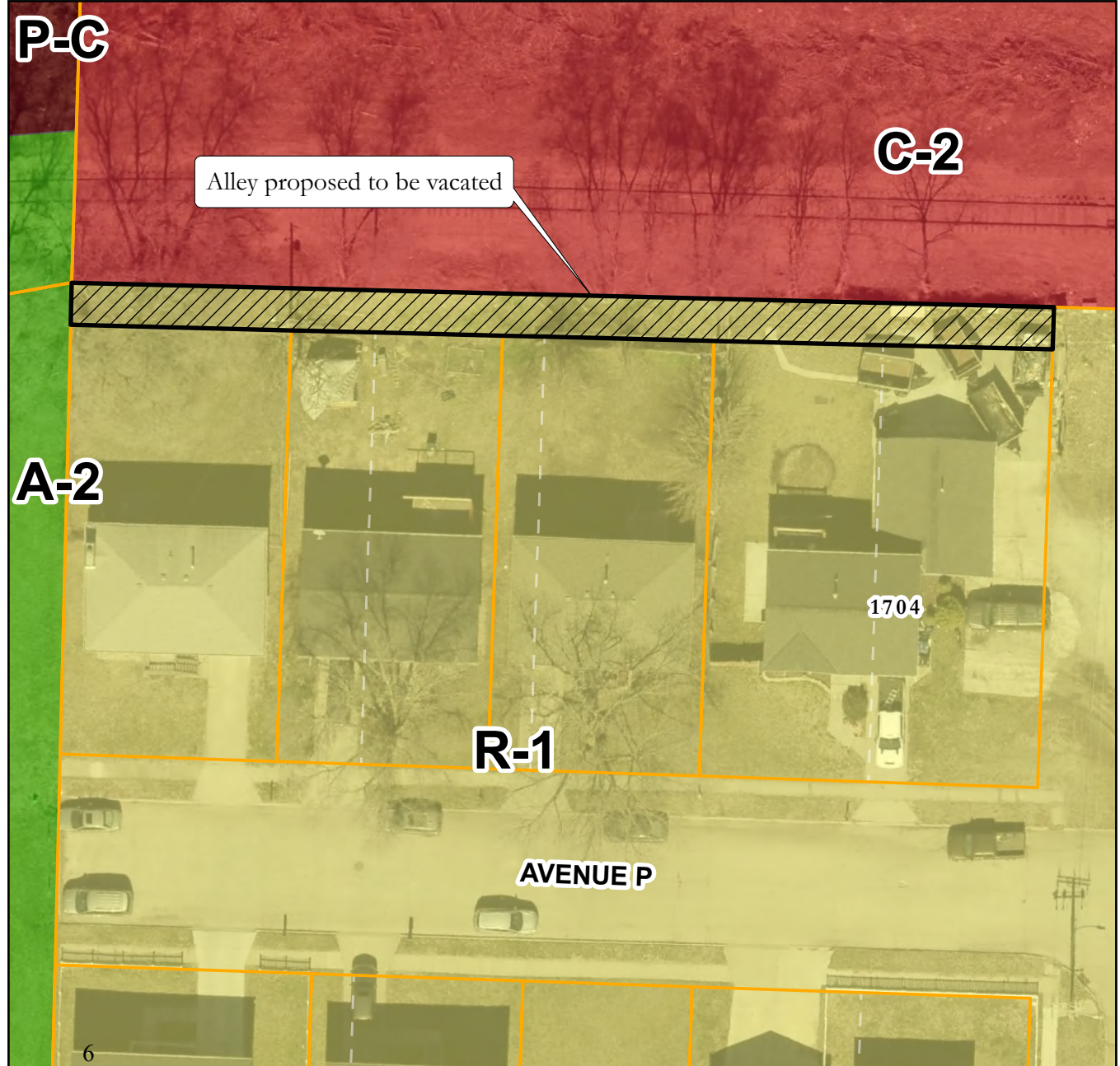


Last Amended: 11/18/24



Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 890-5350

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Planning Commission Communication

Department: Community
Development

Case/Project No.: PR-23-002(M)
Submitted by: Moises Monrroy,
Planner, Community Development
Department

CASE #PR-23-002(M)

Council Action: 12/10/2024

Description

Public hearing on the request of Josie's Development, LLC to amend the adopted planned residential development plan on property legally described as Lots 1 through 8, Josie's Development Addition, City of Council Bluffs, Pottawattamie County, Iowa. Location: Undeveloped land lying north of 14th Avenue, between South 16th and South 17th Streets.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report and Attachments A - E	Staff Report	12/4/2024

Planning Commission Communication

Department: Community Development CASE #PR-23-002(M) Applicant/Property Owner: Josies Development LLC David Clausen 129 North 10 th Street, Suite 313 Lincoln NE, 68508	Resolution No. _____	Planning Commission: 12/10/2024
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Subject/Title

Request: Public hearing on the request of Josies Development LLC to amend the adopted planned residential development plan on Lots 1 through 8, Josie’s Development Addition, City of Council Bluffs, Pottawattamie County, Iowa.

Location: Undeveloped land lying north of 14th Avenue, between South 16th Street and South 17th Street

Background/Discussion

The Community Development Department has received an application from Josies Development LLC to amend the adopted planned residential development plan on Lots 1 through 8, Josie’s Development Addition. The purpose of this request is to modify the design and layout of the proposed residential development on the subject properties.

On August 14, 2023, City Council passed Ordinance No. 6566 and Resolution 23-219 to append a PR-2 Overlay (Site-Specific Infill Development) onto the subject properties and adopt the associated planned residential development plan. The original proposal consisted of eight site-built, slab on-grade homes that would have been constructed by NeighborWorks Home Solutions and were intended to serve as workforce housing associated with the IceCap cold storage facility at 1720 16th Avenue. The applicant is no longer in partnership with NeighborWorks. The applicant now intends to install a one-story modular home on each lot of the subdivision. The same building design will be used for all eight homes. The proposed homes will have full basements and rear-loading attached garages, which will be accessed via a private driveway. To accommodate the private driveway, the applicant is proposing to dedicate a 16-foot wide access easement along the north end of all eight lots. The proposed modifications to the project will substantially alter the design and layout of the proposed development and thus must be reviewed the City Planning Commission and approved by City Council.

Property Owner Notification – Public notices were mailed to all property owners within 200 feet of the request. The Community Development Department has received no comments as of the date of this report.

City Departments and Utilities – All appropriate City departments and utilities were notified of the proposed planned residential overlay. The following comments were received:

- A. The Council Bluffs Public Works Department had the following comments:
 1. The private access easement should be dedicated to the adjacent lots.
 2. The private driveway shall be paved to a minimum of six inches of Portland cement concrete, as stated in the letter of intent (see Attachment ‘B’).

3. Basements in this area of Council Bluffs are not acceptable due to potential groundwater issues and the need for sump pumps and the lack of adequate infrastructure to handle flow generated by sump pumps.
 4. Utility connections in 14th Avenue shall minimize the potential damage to the roadway; excess damage will warrant street improvements beyond the utility path.
- B. The Council Bluffs Parks and Recreation Department stated that they have no comments on the request.
- C. The Council Bluffs Fire Department stated that they have no comments on the request.
- D. The Council Bluffs Police Department stated that they have no comments or objections to the request.
- E. Council Bluffs Water Works stated that they have no comments on the request.
- F. MidAmerican Energy stated that they have no conflicts or concerns with the request.

Planned Residential Development Plan – Section 15.28.010, Statement of Intent, PR/Planned Residential Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance) states that *“the Planned Residential Overlay is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of requirements of the underlying zone would not be inconsistent with the comprehensive plan or harmful to the surrounding neighborhoods.”* The applicant is proposing to amend the adopted planned residential development plan on Lots 1 through 8, Josie’s Development Addition to modify the design and layout of the proposed residential development on the subject properties. Amendments to the adopted development plan reflecting the proposed modifications to this project are highlighted or crossed out below. All other development standards outlined in the adopted development plan will remain in effect.

A. Site Development

1. All principal and accessory structures shall comply with all site development standards (i.e., setback distances, building height, and lot coverage) in Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Municipal Code (Zoning Ordinance).
 - a. **EXCEPTION:** The minimum required street-side yard setback for Lots 1 and 8, Josies Development Addition shall be six feet provided no structure or any other obstruction is placed within an isosceles triangle having sides of 35 feet each running along the edge of the pavement, or curb if present, of each abutting street.
 - i. The updated site layout on Attachment ‘C’ shows the proposed modular homes will comply with all site development standards adopted in the original planned residential development plan. No further modifications will be required at this time.
2. All fencing in the subdivision shall comply with the standards stated in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
3. All site lighting shall comply with the standards stated in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).

B. Off-Street Parking

1. The required number of off-street parking spaces for each home shall be based on the standards in Section 15.23.060, Parking Spaces Required, of the Municipal Code (Zoning Ordinance).
 - a. Single-family dwelling, detached: Two parking spaces per dwelling unit.
2. All parking/loading areas, driveways and drive aisles shall comply with the standards in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).
 - a. The developer is proposing to dedicate an access easement along the northerly 16 feet of Lots 1 through 8, Josie's Development Addition to accommodate a private driveway that will extend from South 16th Street to South 17th Street and will provide vehicular access to the proposed rear-loaded garages. The private driveway shall be constructed out of six inches of Portland cement concrete, in accordance with the applicant's letter of intent (see Attachment 'B').
 - b. The proposed private driveway/access easement shall be dedicated to and maintained by the respective owners of Lots 1 through 8, Josie's Development Addition. The access easement agreement shall be recorded with Pottawattamie County prior to the issuance of the building permit for the first home in the proposed development.

C. Landscaping

1. The applicant did not provide a landscaping plan for the proposed development. The Community Development Department recommends that one ornamental street tree be planted along the frontage of each lot prior to the issuance of the Certificate of Occupancy for each residence.

D. Architecture

- ~~1. The submitted architectural renderings show the proposed homes will consist of two-story houses with slab foundations and front-loaded garages. The applicant is proposing four design variations for the homes, which are shown in Attachments 'E,' 'F,' 'G,' and 'H.' The submitted architectural renderings are generally acceptable and shall be considered a baseline for the homes that are constructed as part of this development.~~
1. The submitted architectural renderings in Attachment 'E' show the proposed workforce housing development will consist of one-story modular homes with rear-loaded attached garages. The same building design will be used for all eight homes. Building materials on the front façade include wood veneer siding, lap siding, and glass. The other building façades will feature board and batten siding and windows. The proposed building elevations are generally acceptable and shall be adopted as proposed.
 - a. No architectural renderings for the proposed attached garages were submitted by the applicant. All garages (attached and/or detached) within the proposed development shall be constructed out of building materials that are architecturally compatible with the general appearance of the principal structures.
2. The letter of intent submitted by the applicant (see Attachment 'B') indicates the proposed homes will have full basements. As noted above by the Public Works Department, basements in this area of Council Bluffs are discouraged due to potential groundwater issues. Therefore, all proposed homes shall be constructed as slab on-grade or on a crawlspace. No basements shall be allowed in the proposed development.

E. Signage

1. A signage plan was not submitted with the development plan. All signage shall be installed in accordance with Section 15.33.160(C) of the Council Bluffs Municipal Code (Zoning Ordinance).

Recommendation

The Community Development Department approval of the request to amend the adopted planned residential development plan on Lots 1 through 8, Josie’s Development Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following condition:

1. Any modifications to the approved development plan which substantially alter the design, layout, configuration, and/or appearance of the project shall be reviewed the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted development plan may be administratively approved by the Community Development Director.

Attachments

- Attachment A: Location/Zoning Map
- Attachment B: Letter of Intent
- Attachment C: Site Layout
- Attachment D: Building Plans
- Attachment E: Architectural Renderings

Prepared by: Moises Monrroy, Planner, Community Development Department

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASE #PR-23-002(M) LOCATION/ZONING MAP

Legend

 Subject Property

0 37.5 75



1 inch = 57 feet

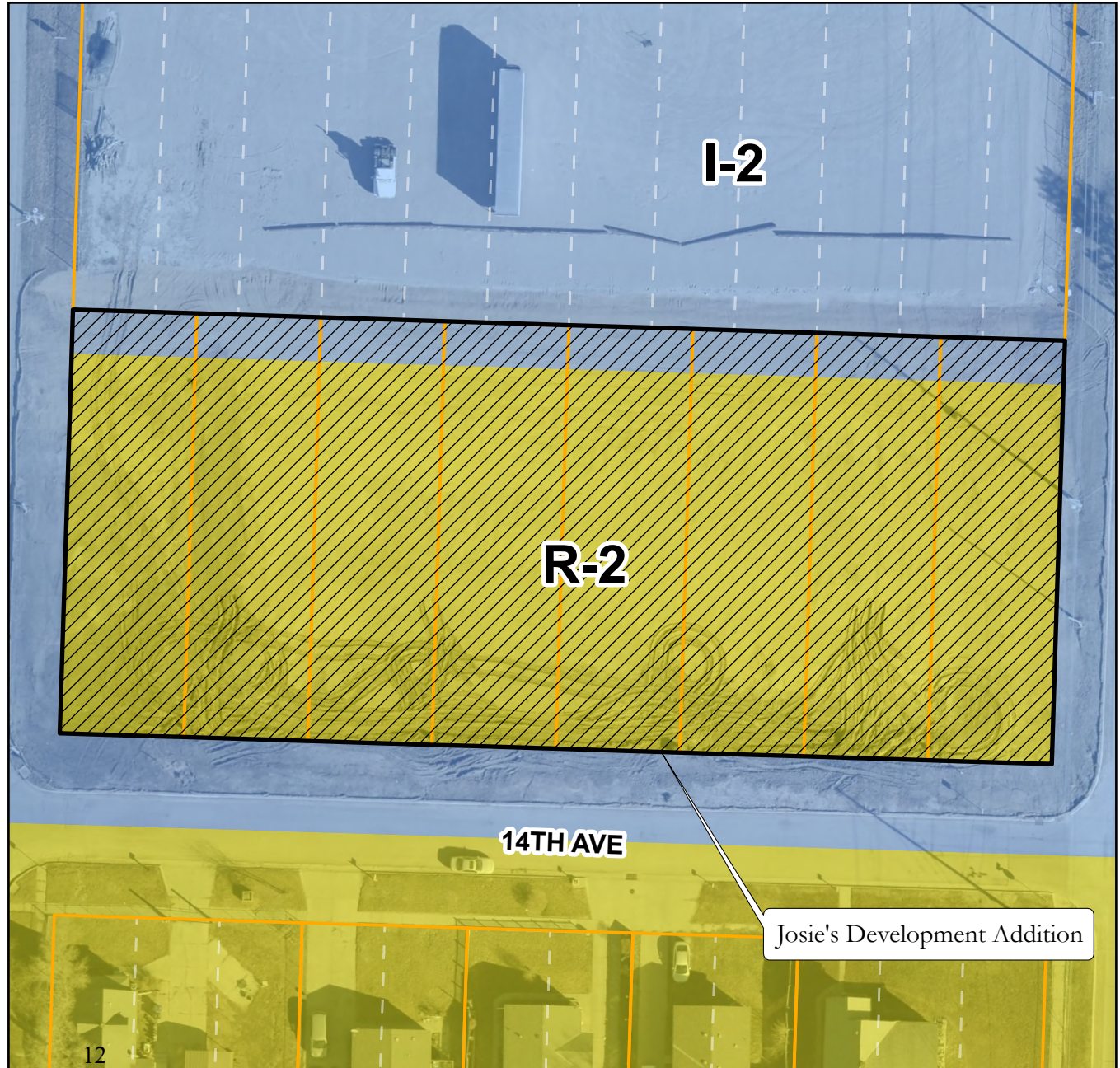


Last Amended: 11/18/24



Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
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Josies Development LLC
129 N. 10th Street, Suite 313
Lincoln, NE 68508

RE: Josies Development Addition Letter of Intent

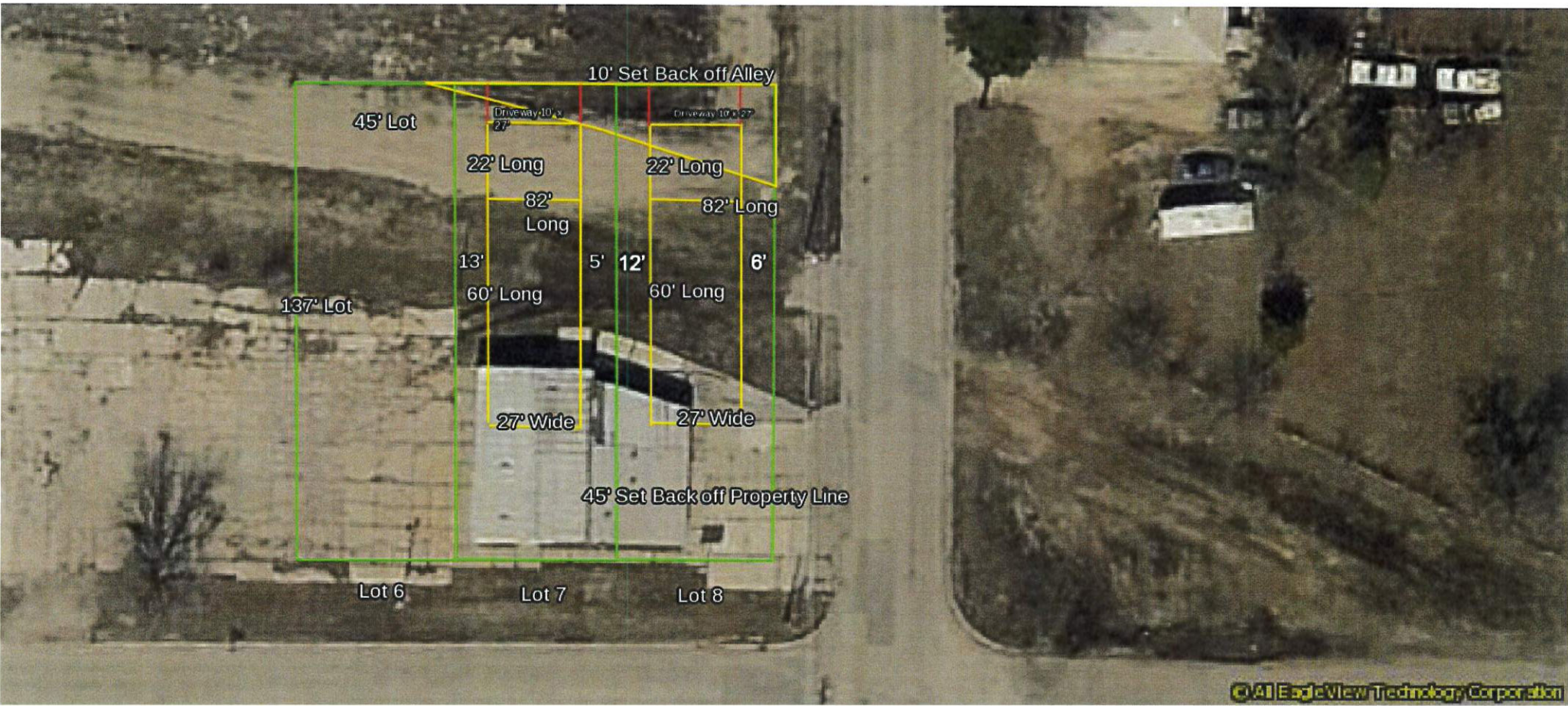
Josies Development LLC desires to amend the residential development plan per the attached plans. The amendment will add a dedicated easement for a private driveway allowing the eight (8) lots to have access to the future garages.

The dedicated easement will be sixteen (16) feet in width and run the entire length of the eight (8) lots from east to west, 16th street to 17th street.

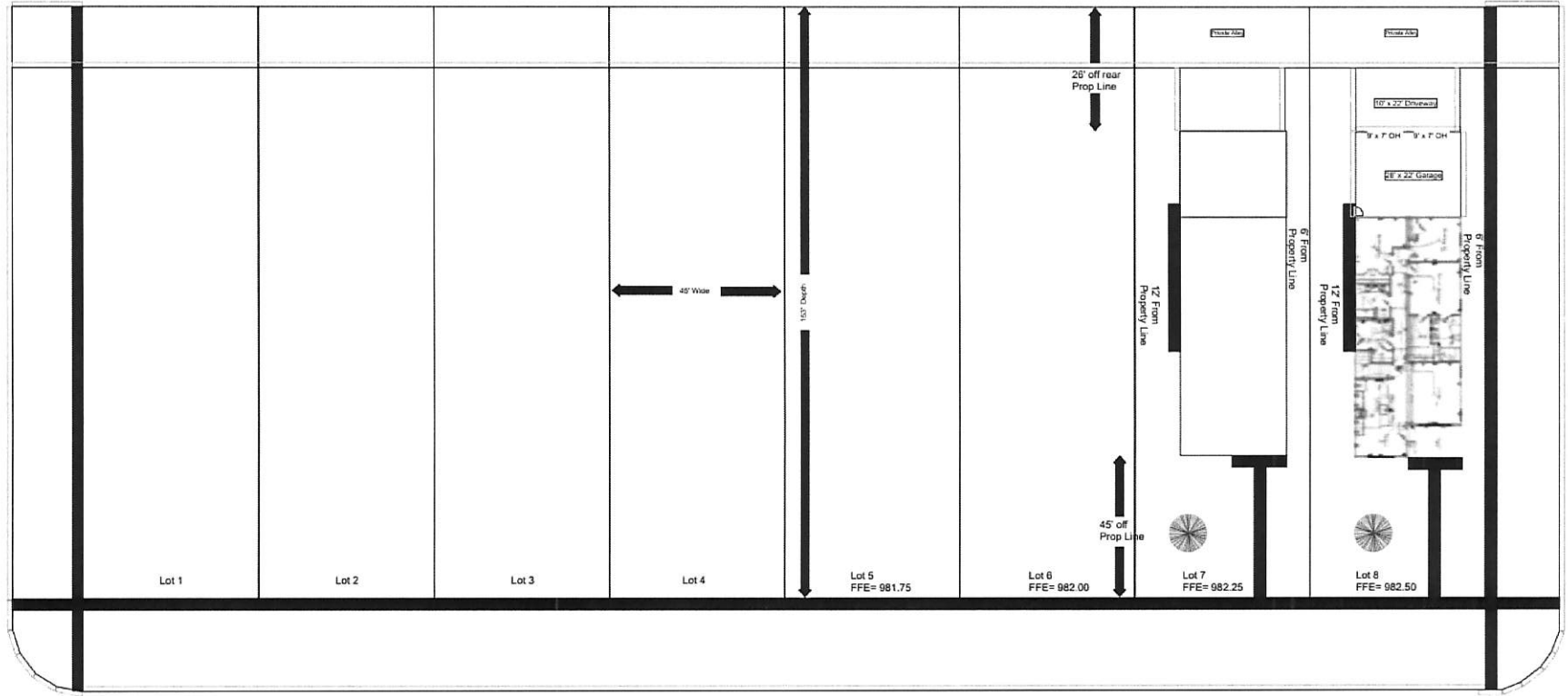
The private driveway will be 6” concrete (PCC).
New curb cuts will need cut on both 16th street and 17th street to allow access to the private driveway from both the east and the west.

All 8 lots will have the same house footprint on full basements with attached garages. The modular homes are from Champion. The attached garage will match the roof pitch and exterior materials of the house as shown in the attached pictures. Exterior materials will be an engineered wood veneer siding (LP Smartside), with a combination of lap siding and board & batten design. Roof material to be asphalt shingles.

Attachment 'C'

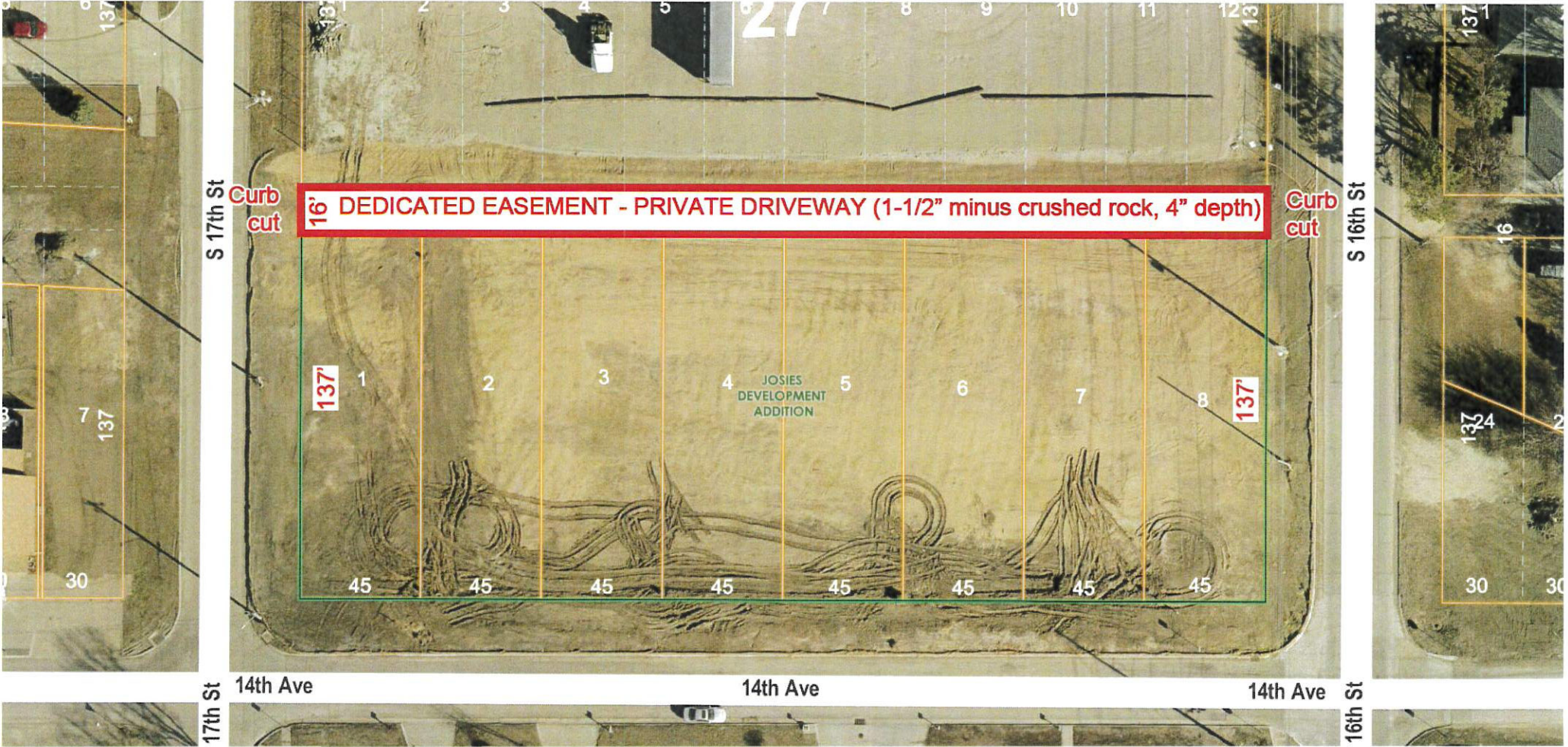


South 17th Street



South 18th Street

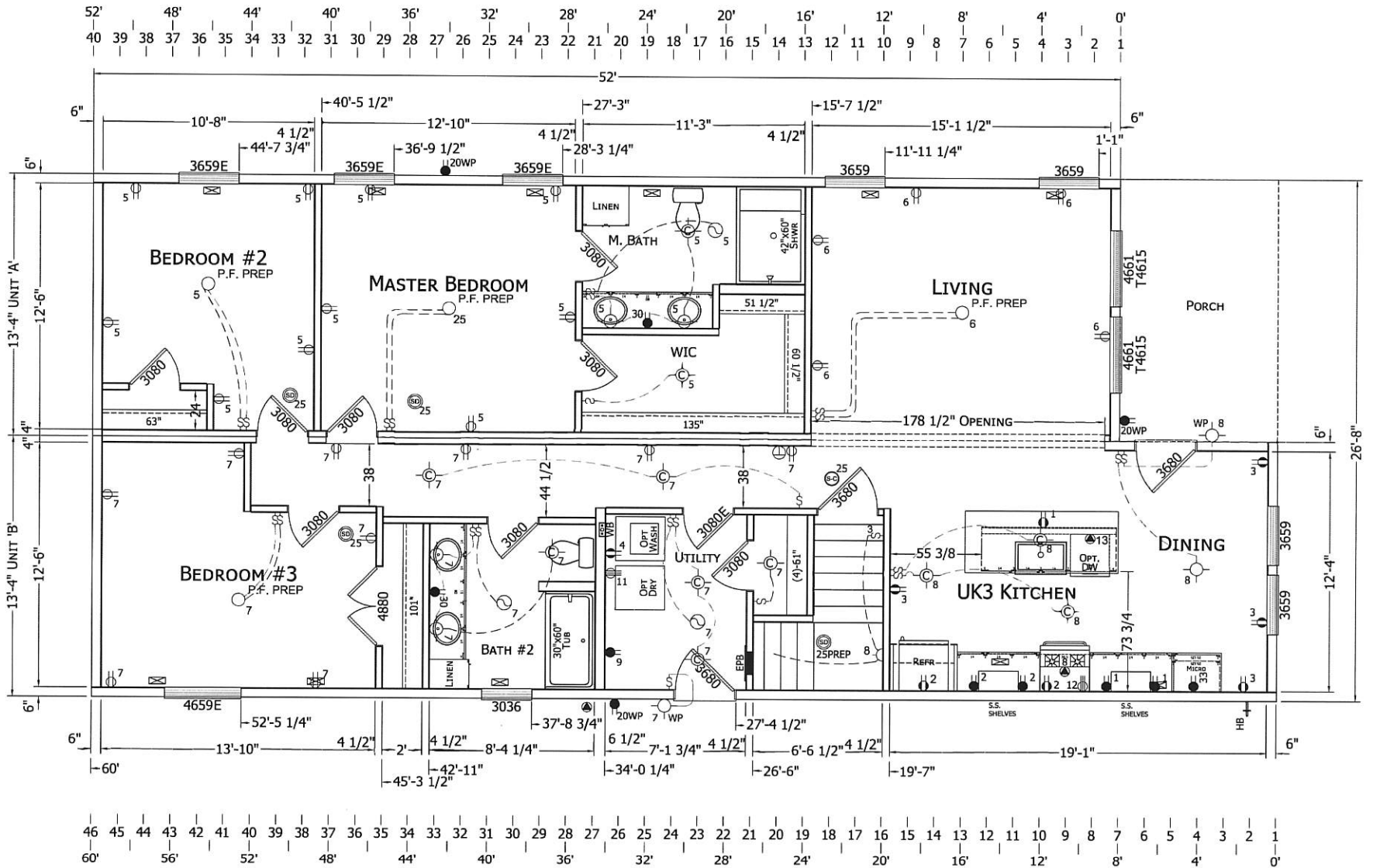
14th Ave



16 DEDICATED EASEMENT - PRIVATE DRIVEWAY (1-1/2" minus crushed rock, 4" depth)

JOSIES
DEVELOPMENT
ADDITION

C&B



CHAMPION
 MANUFACTURED BEAUTIFULLY™
 3200 ENTERPRISE AVE. YORK, NE 68467

MODIFICATIONS

PROJECT: 05-504 MOD
 60'-0" / 52'-0" x 26'-8"
 3 BD 2 BT

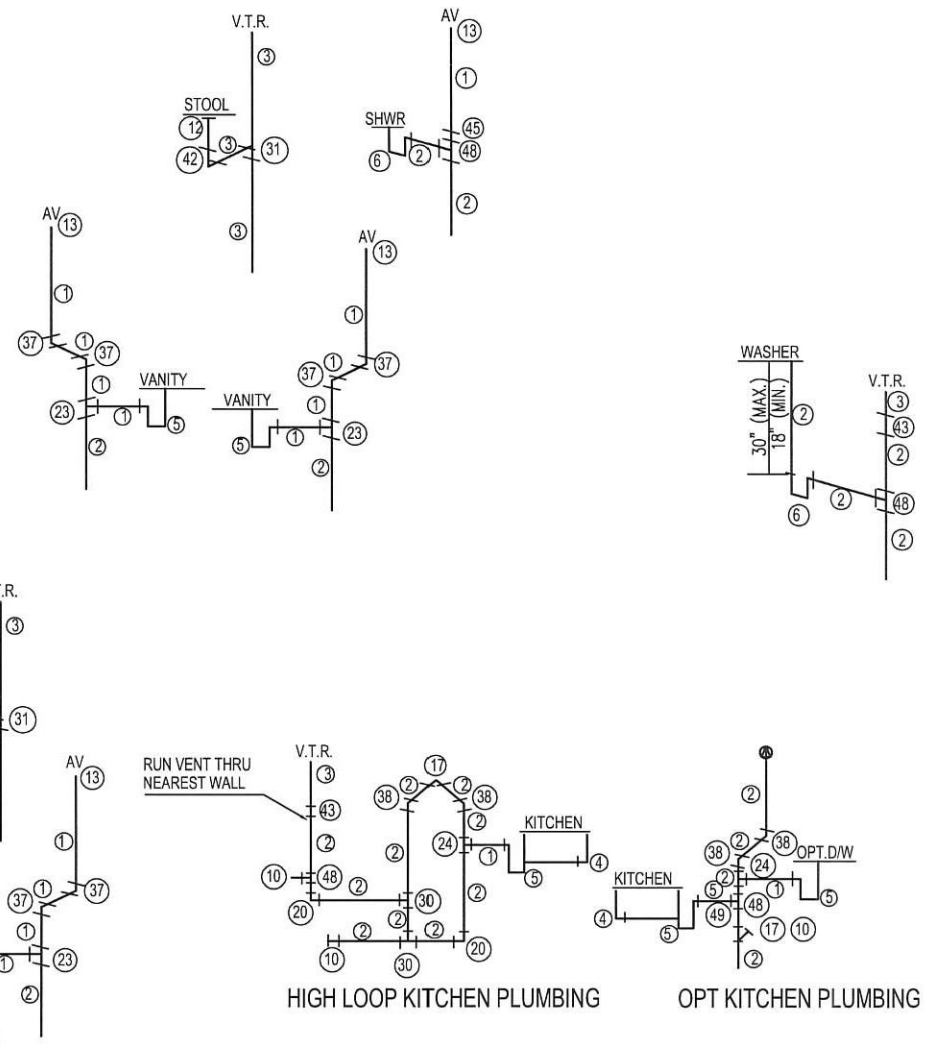
TITLE: FLOOR PLAN
 ELECTRICAL PLAN

SHEET: AP-101

DRAWN BY: STAFF
 DAT E: 03-24
 SCALE: 5/32" = 1'-0"

FILENAME: 05-504NOVACUST MOD - C&B - ZIMMERMAN

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AV or = AutoVent
VTR = Vent thru Roof

HIGH LOOP KITCHEN PLUMBING OPT KITCHEN PLUMBING

DRAIN LINE NOTES

PIPE AND FITTINGS ARE SCHEDULED 40 PVC DWV.
CONNECTION OF BUILDING DRAIN OUTLETS TOGETHER & THEIR CONNECTION TO BUILDING SEWER TO BE DONE AT JOB SITE BY OTHERS.
OPTIONAL: HORIZONTAL DRAINAGE PIPING THAT RUNS BELOW FLOOR JOISTS MAY BE OMITTED AND ALL VERTICAL DRAIN PIPES STUBBED OFF AT OR ABOVE BOTTOM OF FLOOR JOISTS
HORIZONTAL DRAINAGE PIPING SHALL HAVE A UNIFORM SLOPE OF NOT LESS THAN 1/4" PER FOOT.
EVERY DRY VENT SHALL RISE VERTICALLY TO A MINIMUM OF 6 INCHES ABOVE THE F.L.R. OF THE HIGHEST TRAP OR TRAPPED FIXTURE BEING VENTED.
V.T.R. VENT THROUGH ROOF (TO BE A MINIMUM OF 3" DIA. FROM THE OUTDOOR ABOVE-ROOF TERMINUS TO WITHIN 3" OF THE TOP OF THE CEILING MATERIAL.)
AV. VENT THAT MAY CONNECT TO A V.T.R. OR MAY EXTEND INDIVIDUALLY THROUGH THE ROOF.
V.T.R. & AV. BE MINIMUM OF 3" DIA. FROM THE OUTDOOR ABOVE-ROOF TERMINUS TO WITHIN 3" OF THE TOP OF THE CEILING MATERIAL.
WHERE REQUIRED BY CODE: ALL OF THE THROUGH-THE-ROOF VENT PIPING TO 3" DIAMETER TO A MINIMUM OF 12" BELOW THE HOME'S THERMAL ENVELOPE (CEILING MATERIAL) FOR FROST CLOSURE.

DRAIN LINE LEGEND

1	1-1/2" PIPE	11	3" CLEANOUT PLUG	21	3" LONG SWEEP 1/4 BEND	31	3" L.T.T.Y.	41	3" x 3" x 3" DBL 1/4 BEND
2	2" PIPE	12	CLOSET FLANGE	22	1-1/2" SAN. TEE	32	2" x 1-1/2" x 1-1/2" L.T.T.Y.	42	4" x 3" CLOSET BEND
3	3" PIPE	13	1-1/2" AUTO VENT	23	2" x 1-1/2" x 1-1/2" SAN. TEE	33	2" x 2" x 1-1/2" L.T.T.Y.	43	3" x 2" FLUSH REDUCER BUSHING
4	1-1/2" CONTINUOUS WASTE	14	2" SAN. TEE	24	2" x 2" x 1-1/2" SAN. TEE	34	2" x 1-1/2" x 2" L.T.T.Y.	44	3" x 1-1/2" FLUSH REDUCER BUSHING
5	1-1/2" P-TRAP	15	1-1/2" WYE W/ FITTING C.O. ADP.	25	3" x 3" x 1-1/2" SAN. TEE	35	3" x 3" x 1-1/2" L.T.T.Y.	45	2" x 1-1/2" FLUSH REDUCER BUSHING
6	2" P-TRAP	16	1-1/2" 1/4 BEND	26	3" x 3" x 2" SAN. TEE	36	3" x 3" x 2" L.T.T.Y.	46	3" WYE
7	3" P-TRAP	17	2" 1/4 BEND	27	3" x 3" x 2" x 1-1/2" DBL SAN. TEE	37	1-1/2" 1/8 BEND	47	3" x 3" x 2" WYE
8	3" CAP W/ CHAIN	18	3" 1/4 BEND	28	3" x 3" x 2" x 2" DBL SAN. TEE	38	2" 1/8 BEND	48	2" SAN. TEE
9	1-1/2" CLEANOUT PLUG	19	1-1/2" LONG SWEEP 1/4 BEND	29	1-1/2" L.T.T.Y.	39	3" 1/8 BEND	49	1 1/2" x 2" FLUSH REDUCER BUSHING
10	2" CLEANOUT PLUG	20	2" LONG SWEEP 1/4 BEND	30	2" L.T.T.Y.	40	3" x 3" x 1-1/2" SAN. TEE W/ 2" S. INLET		



APPROVER'S SEAL

MODIFICATIONS

MODEL: 05-504 MOD

60'-0" / 52'-0" x 26'-8"

SHEET:

TITLE: PLUMBING PLAN

PP-10'

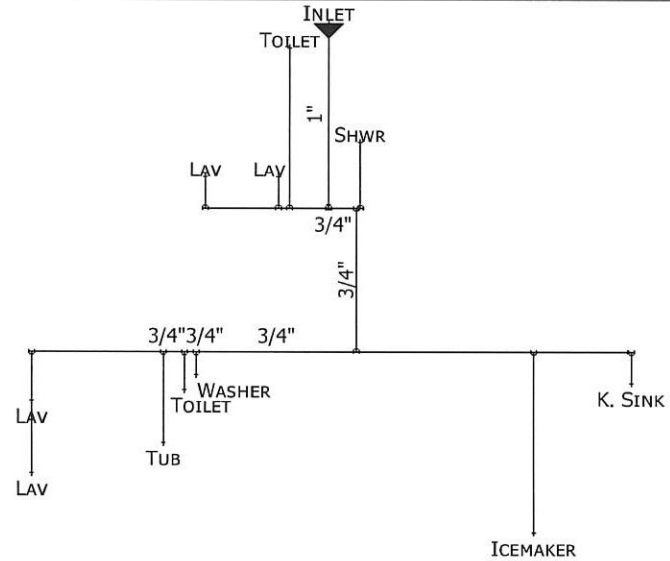
DRAWN BY: Staff

DATE: 07-23-24

PROPRIETARY AND CONFIDENTIAL
THESE DRAWINGS AND SPECIFICATIONS ARE ORIGINAL,
PROPRIETARY AND CONFIDENTIAL MATERIALS OF CHAMPION.

NOTES:

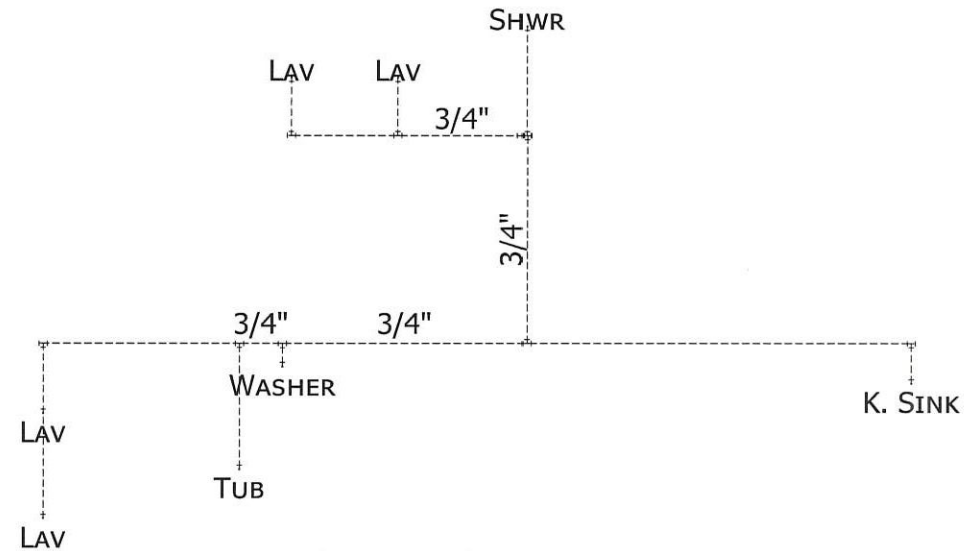
1. ALL PIPE SIZES 1/2" UNLESS OTHERWISE NOTED.



COLD WATER LINE

WATER SUPPLY NOTES

1. WATER SUPPLY PIPING: CROSSLINKED POLYETHYLENE (PEX) TUBING w/ INSERT FITTINGS PER ASTM F876. MATERIAL SHALL BE AS PERMITTED BY STATE AND/OR LOCAL CODES.
2. PIPE SIZING BASED ON PRESSURE RANGE OF 46 TO 60 PSI. INLET TO BE CONNECTED TO FULLWAY VALVE ON DISCHARGE SIDE OF WATER METER AT JOB SITE BY OTHERS.
3. HOT & COLD INLETS TO BE CONNECTED TO WATER HEATER AND WATER SERVICE AT JOB SITE BY OTHERS.
4. 3/4" DRAIN PIPE FROM T. & P. RELIEF VALVE SHALL TERMINATE PER IRC REQUIREMENTS.
5. 3/4" x 6" (MIN.) METAL NIPPLES W/ UNIONS TO WATER HEATER.
6. WATER HEATER PAN AND DRAIN INSTALLED PER IRC REQUIREMENTS.
7. TUB FILLER SHALL NOT EXCEED 120 DEGREES
8. WATER HAMMER/ARRESTORS MUST BE INSTALLED AS PER IRC REQUIREMENTS
9. AIR GAP IS REQUIRED AT KITCHEN SINK WITH OPTIONAL DISHWASHER AS PER IRC REQUIREMENTS
10. HOT WATER LINES INSULATED WITH R-3 PER IECC R 403.4.1
11. THERMAL EXPANSION TANK INSTALLED ON SITE BY OTHERS.



HOT WATER LINE

MODIFICATIONS

<p>CHAMPION</p> <p>MANUFACTURED BEAUTIFULLY™</p> <p>3200 ENTERPRISE AVE. YORK, NE 68467</p>			<p>PROJECT: 05-504 MOD 60'-0"/52'-0" x 26'-8" 3 BD 2 BT</p>	<p>TITLE: WATER LINE PLAN</p>	<p>SHEET: WP-101</p>
			<p>DRAWN BY: STAFF DATE: 07-23-24 SCALE: N.T.S.</p>	<p>FILENAME: 05-504 NOVACLUST MOD - C&B - ZIMMERMAN</p>	<p>PROPRIETARY AND CONFIDENTIAL THESE DRAWINGS AND SPECIFICATIONS ARE ORIGINAL. PROPRIETARY AND CONFIDENTIAL MATERIALS OF CHAMPION COPYRIGHT © 1976-2024 BY CHAMPION</p>

THIS SECTION IS NOT INTENDED TO PROVIDE A COMPLETE DESIGN FOR A BUILDABLE FOUNDATION. A COMPLETE DESIGN MUST BE OBTAINED THAT IS SUITABLE FOR THE LOCAL AREA AND SEALED BY A PROFESSIONAL ENGINEER OR REGISTERED ARCHITECT

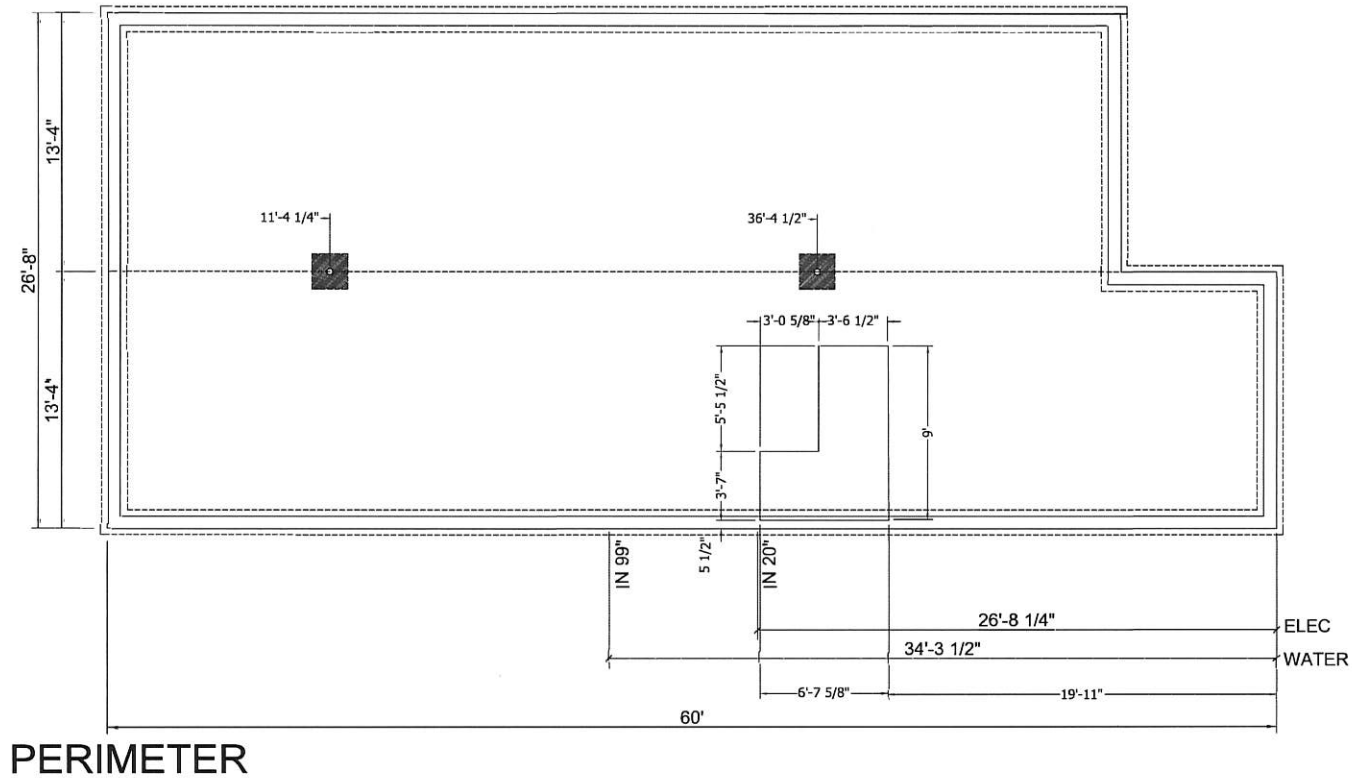
ALL DESIGN DETAILS AND NOTES ARE SUGGESTIVE ONLY AND ARE SUBJECT TO THE JURISDICTION OF STATE AND LOCAL CODES. CHANGES MUST BE MADE ACCORDINGLY. CONTACT YOUR LOCAL BUILDING DEPT. FOR FROSTLINE AND SOIL REQUIREMENTS. SEE CHAMPION FOUNDATION SETUP DETAILS FOR ADDITIONAL REQUIREMENTS AND SUGGESTIONS.

ALL DIMENSIONS TO BE FIELD VERIFIED.

- = MANDATORY LOAD RIDGEBEAM SUPPORT LOCATION
- = MANDATORY MATE LINE/ENTRY SUPPORT, RECOMMENDED LOCATION

**SUGGESTED FOUNDATION
BASED ON #2000 MIN SOIL CAPACITY**

PLEASE ALLOW FOR DRAINAGE IN PORCH AREA.



MODIFICATIONS

PROJECT: 05-504 MOD
60'-0\"/>

DRAWN BY: STAFF
DATE: 07-23-24
SCALE: 5/32\"/>

TITLE: PERIMETER
FOUNDATION
PLAN

FILENAME: 05-504 NOVACUST MOD - C&B - ZIMMERMAN

SHEET: PE-101

PROPRIETARY AND CONFIDENTIAL
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CHAMPION
MANUFACTURED BEAUTIFULLY™
3200 ENTERPRISE AVE. YORK, NE 68467

Attachment 'E'

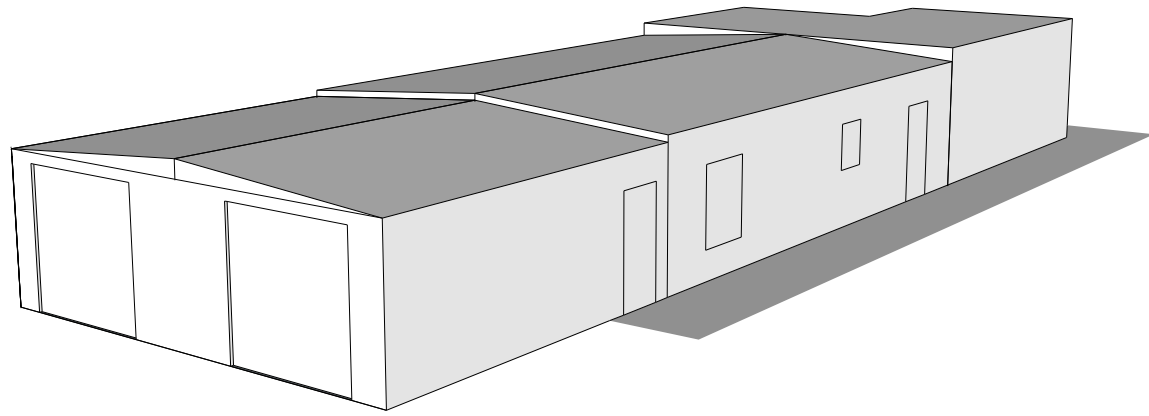


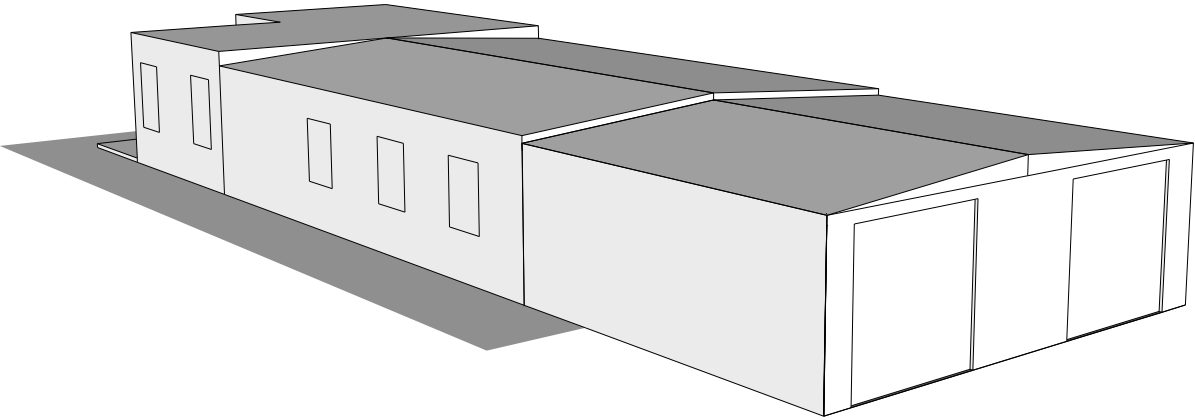


22'x27' attached garage
Roof pitch to match house

22'

27'





Planning Commission Communication

Department: Community
Development

Case/Project No.: ZC-24-006
(Reconsideration)

Submitted by: Moises Monrroy,
Planner, Community Development
Department

CASE #ZC-24-006
(Reconsideration)

Council Action: 12/10/2024

Description

Public hearing on the request of the City of Council Bluffs to reconsider a request from Nyles Lehnen to rezone property legally described as Lots 7 through 12, Block 1, and Lots 1 through 3 and Lots 10 through 12, along with the vacated section of Warren Street adjacent, all in Block 6, City of Council Bluffs, Pottawattamie County, Iowa from R-1/Single-Family Residential District to A-2/Parks, Estates, and Agricultural District. Location: Undeveloped land lying northwest of 1424 Harrison Street.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report and Attachments A - D	Staff Report	12/4/2024

Planning Commission Communication

<p>Department: Community Development</p> <p>CASE #ZC-24-006</p> <p>Applicant/Property Owner: Nyles R. Lehen Everett Lehen Trust 504 Parkwild Drive Council Bluffs, IA 51503</p>	<p>Ordinance No. _____</p>	<p>Reconsideration</p> <p>Planning Commission: 12/10/2024</p> <p>City Council 1st Consideration: 1/13/2025 2nd Consideration: 1/27/2025 3rd Consideration: 2/10/2025</p> <p>-----</p> <p>Planning Commission: 8/13/2024</p> <p>City Council 1st Consideration: 8/26/2024 2nd Consideration: 9/9/2024 3rd Consideration: 9/23/2024</p>
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Subject/Title

Request: Public hearing on the request of Nyles Lehen to rezone property legally described as Lots 7 through 12, Block 1, Galesburg Addition, and Lots 1 through 3 and Lots 10 through 12, along with the vacated section of Warren Street adjacent, all in Block 6, Galesburg Addition, City of Council Bluffs, Pottawattamie County, Iowa from R-1/Single-Family Residential District to A-2/Parks, Estates, and Agricultural District.

Location: Undeveloped land lying northwest of 1424 Harrison Street

Background

UPDATE On September 9, 2024, City Council passed Ordinance No. 6610, which approved the request of Nyles Lehen to rezone property legally described as Lots 7 through 12, Block 1, and Lots 1 through 3 and Lots 10 through 12, along with the vacated section of Warren Street adjacent, all in Block 6, City of Council Bluffs, Pottawattamie County, Iowa from R-1/Single-Family Residential District to A-2/Parks, Estates, and Agricultural District. At the time of voting, City Council assumed their motion to pass Ordinance No. 6610 would have denied the applicant’s request in accordance with the recommendations of City Staff and the City Planning Commission. City Council was later informed their action had actually approved the proposed rezoning. City Council intends to reconsider this action in order to revert the zoning of the subject property back to the A-2 District. All property owners within 200 feet of the request, including the applicant (Mr. Lehen), were notified of the reconsideration. Staff comments on the original rezoning request remain unchanged.

The Community Development Department has received an application from Nyles Lehen to rezone property legally described as Lots 7 through 12, Block 1, and Lots 1 through 3 and Lots 10 through 12, along with the vacated section of Warren Street adjacent, all in Block 6, City of Council Bluffs, Pottawattamie County, Iowa from R-1/Single-Family Residential District to A-2/Parks, Estates, and Agricultural District. The subject property consists of multiple undeveloped parcels of land with a combined land area of 2.98 acres. In 2015, the applicant, on behalf of the previous property owner (Sarah Gorman), submitted a request to vacate the unimproved sections of Warren Street and Mt. Vernon Avenue

that abut the subject property. City Council approved the request to vacate Warren Street right-of-way on July 15, 2015 via Resolution No. 15-177. However, the request to vacate Mt. Vernon Avenue right-of-way was denied as the proposed vacation would have landlocked several existing lots of record and eliminated a future connection point between Harrison Street and Parkwild Drive.

Due to the topographical conditions of the site, development on the subject property is significantly constrained. The applicant intends to use the subject property primarily for hunting purposes. This purpose of this request is to allow the applicant to bow hunt on the subject property year-round and to designate the subject property as an apple orchard for taxation purposes.

Land Use and Zoning – The following zoning and land uses surround the subject property:

Direction	Zoning District(s)	Land Uses
North	R-1/Single-Family Residential District	Undeveloped land and a single-family dwelling
South	R-1/Single-Family Residential District	Undeveloped land and single-family dwellings
East	R-1/Single-Family Residential District	Single-family dwellings
West	R-1/Single-Family Residential District	Undeveloped land and single-family dwellings

The Future Land Use Plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as ‘Low-Density Residential.’

Property Owner Notification – Public notices were mailed to all property owners within 200 feet of the request. The Community Development Department received the following comments:

- A. Stephen Meade, owner of 217 Mt. Vernon Avenue, had several inquiries about the request relative to the minimum lot size requirements in the A-2 District, the amount of land necessary to accommodate an apple orchard, the applicant’s ability to hunt the subject property year-round, and whether the proposed rezoning would be used to circumvent restrictions that prevent the construction of a single-family dwelling at this time.
- B. Jeffrey and Cynthia Hutcheson, owners of 210 Mt. Vernon Avenue, and Charles Lowell Richey, owner of 241 Warren Street, submitted several documents expressing their opposition to the request (see Attachment ‘C’).
- C. Dorothy Thomsen, owner of 252 Warren Street, had general inquiries relative to City Council’s reconsideration of the request. Mrs. Thomsen stated she was in favor of reverting the zoning of the subject property back to the A-2 District.
- D. The letter sent to David D. Watts, owner of 710 Elliott Street, was returned as undeliverable.

City Departments and Utilities – All appropriate City departments and utilities were notified of the proposed planned commercial development plan. The following comments were received:

- A. The Chief of Staff stated he would recommend denial of the request as the subject property is surrounded by R-1 zoning and thus would constitute “spot zoning” for the benefit of one landowner.
- B. The Council Bluffs Public Works Department stated they had no comments on the request.
- C. The Council Bluffs Police Department stated they had no comments or objections to the request.
- D. The Council Bluffs Fire Department stated they had no comments on the request.
- E. Council Bluffs Water Works stated there is no water service to this site. They also stated that Council Bluffs Water Works would not be opposed to a new service line being run to the subject property.
- F. MidAmerican Energy stated they have no conflicts or concerns with the request.

Discussion

- A. The subject property is an undeveloped tract of land. Due to the topographical conditions of site, development on the subject property is significantly constrained. The proposed rezoning would not address this issue. Furthermore, the site development standards in the A-2/Parks, Estates and Agricultural are more restrictive than the standards in the R-1/Single-Family Residential District (see table below), which could hinder the development potential for the subject property in the future.

	R-1 District	A-2 District
Min. Front Yard Setback	25 feet	50 feet
Min. Interior Side Yard Setback	10% of lot width at building setback line or 5 feet, whichever is greater	10% of lot width or 10 feet, whichever is greater
Min. Street Side Yard Setback	15 feet	20 feet
Min. Rear Yard Setback	20 feet	20 feet
Max. Building Height	35 feet	35 feet
Max. Lot Coverage	35%	10%

- B. The minimum lot area requirement in the A-2 District is three acres. None of the parcels of land included in the rezoning request meet the minimum lot size requirements in the A-2 District. Therefore, all of the applicant’s land holdings will become nonconforming lots of record if the proposed rezoning is approved. Since the combined land area of all properties included in the rezoning request is 2.98 acres, replatting them into one lot would not be sufficient to meet the minimum lot size requirements in the A-2 District.

If the proposed rezoning is approved, the applicant shall be required to replat all properties under the ownership of the trust into one lot of record. The rezoning shall not become effective until the replat is

completed. Furthermore, the applicant must request a subdivision variance to allow the subject property to contain less than the minimum required three acres in the A-2 District.

- C. The applicant has indicated the purpose of this request is to allow him to bow hunt on the subject property year-round and to designate the subject property as an apple orchard for taxation purposes. After evaluating the proposed rezoning, the Community Development Department has found that a change of zone is not necessary for the applicant to use the subject property as he intends:

Request	Is a Rezoning Necessary?	Staff Comment	Applicable Code Section
Designate the subject property as an apple orchard for taxation purposes.	No.	Since the subject property is an undeveloped tract of land, the applicant can reduce the property taxes he owes on all of his land holdings by requesting to change their tax designation to the Pottawattamie County Assessor.	N/A
Facilitate hunting activities on the subject property.	No.	Licensed bow hunters meeting the requirements established by the Iowa Department of Natural Resources (DNR) may hunt antlerless deer or female turkey within private property zoned R-1, R-2, or R-3 containing one acre or more in land area. A minimum of three acres are required to hunt antlered deer on property zoned R-1, R-2, or R-3. Although the combined area of the subject property is 2.98 acres, the applicant can obtain written permission from neighboring property owner(s) to increase the total area of the land on which hunting activities will occur to three acres.	CBMC Chapter 4.21, <u>Urban Deer and Turkey Management Program</u>
Allow hunting activities on the subject property year-round.	No.	Hunting may only occur on dates designated by the Iowa DNR as bow-hunting season. The proposed rezoning would not change this requirement.	CBMC Chapter 4.21, <u>Urban Deer and Turkey Management Program</u>
Discharge any apparatus capable of propelling a missile for hunting purposes.	Yes.	Any apparatus capable of firing a missile, exclusive of firearms, may only be operated for hunting purposes on property that is zoned either A-1 or A-2.	CBMC Chapter 8.74, <u>Discharging Firearms in City Limits</u>

- D. The subject property is surrounded by land zoned R-1 District to the north, south, east, and west. The proposed rezoning would create a “small island” of A-2 District surrounded by R-1 District, which would constitute “spot zoning.”
- E. The Bluffs Tomorrow 2030 (Comprehensive Plan) designates the subject property as ‘Low-Density Residential,’ which is primarily intended for single-family development. The proposed rezoning would not be consistent with the Future Land Use Plan. Furthermore, the subject property is located in an urban area surrounded by existing residential development. There is also potential for additional residential development on the existing platted lots to the north and south of the subject property. The proposed rezoning would not be compatible with existing or future residential development in the surrounding area.
- F. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are not readily available to service the subject property. However, utilities can be extended at the owner’s expense to serve future development provided the applicant acquires additional land or easements are retained to run service lines to the subject property.

Recommendation

The Community Development Department recommends denial of the request to rezone property legally described as Lots 7 through 12, Block 1, Galesburg Addition, and Lots 1 through 3 and Lots 10 through 12, along with the vacated section of Warren Street adjacent, all in Block 6, Galesburg Addition, City of Council Bluffs, Pottawattamie County, Iowa from R-1/Single-Family Residential District to A-2/Parks, Estates, and Agricultural District, based to the reasons stated above.

Public Hearing

Staff speakers for the request:

- 1. Moises Monrroy, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
- 2. Christopher Gibbons, Planning Manager, City of Council Bluffs, 29 Pearl Street, Council Bluffs, IA 51503

Speakers in favor: None

Speakers against:

- 1. Michael and Lu Ann Pribyl, 226 Warren Street, Council Bluffs, IA 51503
- 2. Stephen Meade, 1424 Harrison Street, Council Bluffs, IA 51503
- 3. Jeffrey Hutcheson, 210 Mt. Vernon Street, Council Bluffs, IA 51503

The Planning Commission recommended denial of the request to rezone property legally described as Lots 7 through 12, Block 1, Galesburg Addition, and Lots 1 through 3 and Lots 10 through 12, along with the vacated section of Warren Street adjacent, all in Block 6, Galesburg Addition, City of Council Bluffs, Pottawattamie County, Iowa from R-1/Single-Family Residential District to A-2/Parks, Estates, and Agricultural District, based to the reasons stated above.

VOTE: AYE – Hutcheson, Knauss, Freund, Rater, Rew, Stroebele, VanHouten, and Watson. NAY – None.
ABSTAIN – None ABSENT – None. VACANT - Three Motion: Carried.

Attachments

Attachment A: Location/Zoning Map

Attachment B: Letter of Intent

Attachment C: Letter of Opposition – Jeffrey and Cynthia Hutcheson/Charles Lowell Richey

Attachment D: Ordinance No. 6610

Prepared by: Moises Monroy, Planner, Community Development Department

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASES #ZC-24-006 LOCATION/ZONING MAP

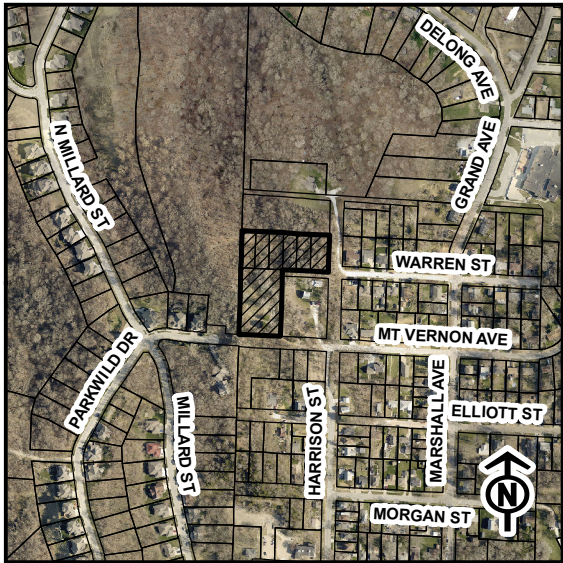
Legend

 Subject Property

0 40 80



1 Inch = 83 Feet



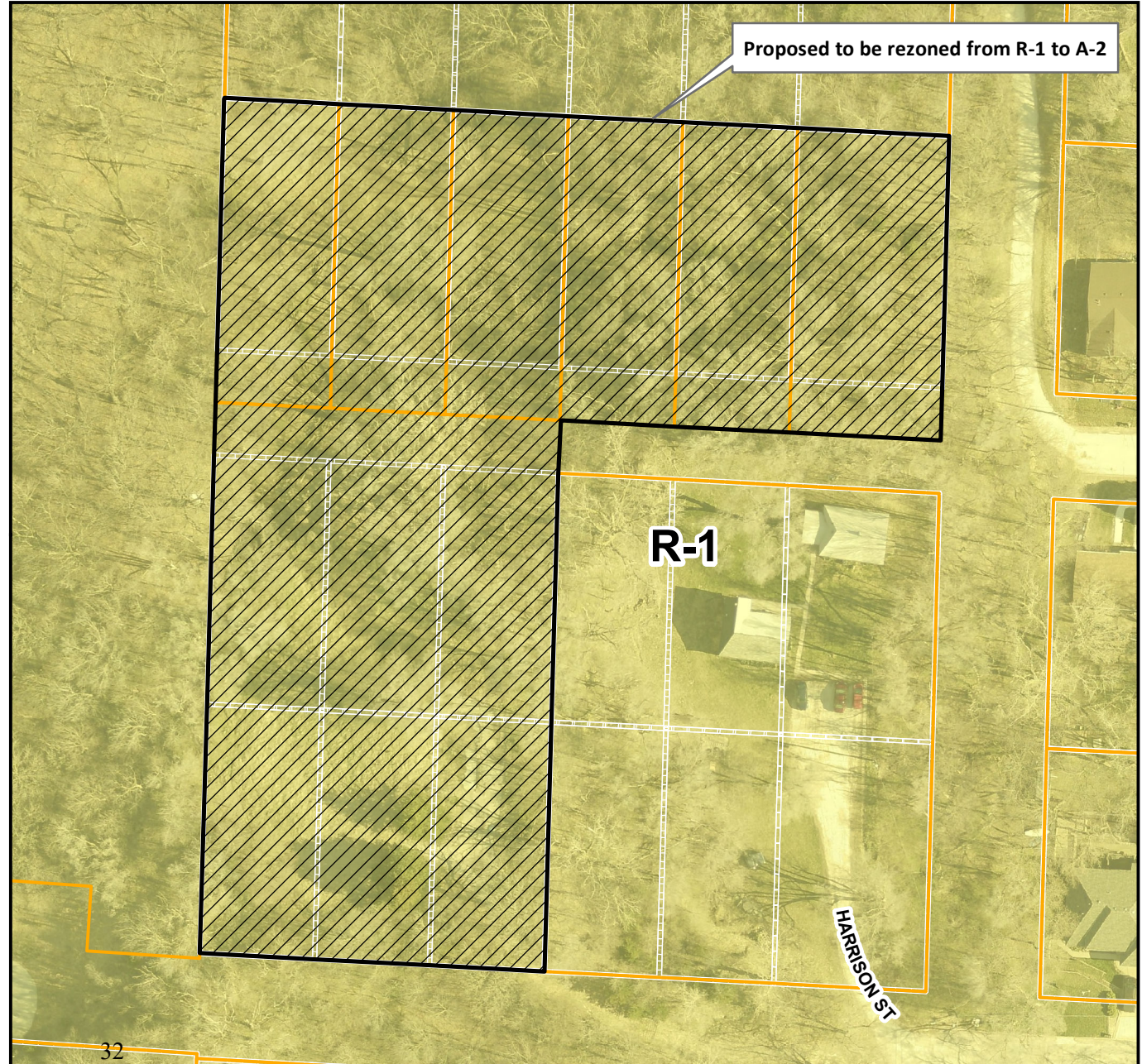
Last Amended: 7/24/2024



Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 890-5350

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Attachment 'B'

Moises Monrroy Castillo

From: Nyles Lehnen <nyleslehnen@icloud.com>
Sent: Monday, July 15, 2024 1:42 PM
To: Moises Monrroy Castillo
Subject: Rezoning app and letter of intent
Attachments: CamScanner 07-11-2024 14.48.pdf

THIS MESSAGE IS FROM AN EXTERNAL SENDER. Look closely at the SENDER address. Do not open ATTACHMENTS unless expected. Check for INDICATORS of phishing. Hover over LINKS before clicking. Learn to spot a phishing message

>> Letter of intent:

>

> My intent to use the property as a for profit apple orchard with 40 plus trees or more is what I want to do. SW Iowa Apples will be the name of the entity.

>

> Sincerely, Nyles R. Lehnen

>

> Please see Rezoning app attached below

>

>>

>>

>>

>>

Attachment 'C'

July 31, 2024

Hutcheson Trust
Jeffrey and Cynthia Hutcheson, Trustees
210 Mount Vernon Street
Council Bluffs, Iowa 51503-1325
402-981-4633

AND

Charles Lowell Richey
241 Warren Street
Council Bluffs, Iowa 51503

RE: Case #ZC-24-006

Mr. Moises Monrroy, Planner,

We are writing this letter in response to your letter of July 25, 2024. We have numerous concerns regarding the rezoning change requested by the applicant, Nyles Lehnen.

- 1) This application is essentially a request for Spot Zoning. The State of Iowa addresses Spot Zoning and considers such action as “not appropriate if it is for the financial benefit of an individual property owner but detrimental to the surrounding area.” Further, the State maintains “Spot zoning for the sole benefit of the landowner and contrary to the comprehensive plan is unreasonable.” Both conditions exist in this case.
- 2) How is it possible for an individual to request a zoning change for property they do not own? In the application, Mr. Lehnen’s request includes the vacated portion of Warren Street. However, this property is still owned by the City, not the applicant.
- 3) Per the City of Council Bluffs’ definition of approved A-2 properties, the intention is to preserve land suited for eventual development. The rezoning of these parcels would prohibit eventual development.
- 4) Permitted uses for A-2 property, as defined by the City of Council Bluffs, may include crop production. Agricultural guidelines for establishing an apple orchard recommend a minimum of ten acres. The subject property is 2.98 acres and the topography of the property would make establishing a successful apple orchard difficult. Successful production of apple crops requires extensive care and management and extensive use of vehicles and machinery. The small size of the parcel(s) would make practical production difficult. Additionally, established guidelines and crop management practices suggest an apple orchard should be protected from deer by a fence. Another concern is if any excavating/grading is undertaken to establish an orchard, there may be water run-off issues.

Part of this site sits above adjoining property owners and control of run-off is important to the properties at a lower elevation. Other permitted A-2 uses include "Sanitary landfill" and "Rubble dump". Neither of these uses would be desirable in this case. Also permitted use for A-2 property is the construction of a single-family dwelling. However, the minimum lot size requirement per Council Bluffs Zoning Ordinance (Chapter 15.05 -A-a) is three acres and this site falls short of that requirement.

- 5) Currently, the only access to the property is the unimproved continuation of Mount Vernon Street. The applicant has been using this rock road as his only access since purchase and at one point placed a locked, steel gate on City property to restrict access. The gate was removed and relocated at the City's insistence but not without some pushback by the applicant. This road likely exceeds the 10% grade restriction adopted by the City of Council Bluffs.
- 6) In the application, the intended purpose of the rezoning would be to create an apple orchard and a private year-round deer hunting area.
 - a. The A-2 designation would potentially reduce the property taxes on the site and possibly increase the traffic on the existing unimproved road. Additional traffic on either Harrison or Mount Vernon resulting from a rezoning could prove detrimental to portions of both streets. Both streets in the affected area are already in need of repair and a reduction of property taxes and an increase in traffic may place a financial burden on abutting property owners.
 - b. Per current City of Council Bluffs Urban Deer Management Rules, a bowhunter is subject to the same bowhunting seasons as set by Iowa DNR and currently year-round deer hunting is not permitted in the State. Therefore, the application should be denied since one of the intended uses is illegal.

We have included several attachments with this letter supporting the above statements. Needless to say, we are opposed to the request for a change in zoning for the property.

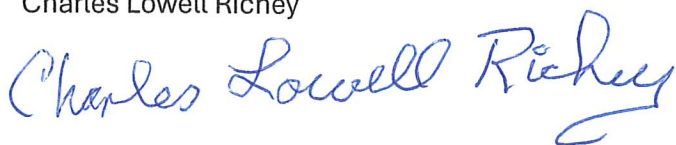
Respectfully submitted,

Jeffrey and Cynthia Hutcheson, Trustees



Charles Lowell Richey





Chapter 15.05 - A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT

- 15.05.010 Statement Of Intent
- 15.05.020 Principal Uses
- 15.05.030 Conditional Uses
- 15.05.040 Accessory Uses
- 15.05.050 Site Development Regulations
- 15.05.060 Additional Regulations
- 15.05.070 Signs

15.05.010 Statement Of Intent

This district is intended to preserve lands best suited for agricultural, recreational and large-parcel residential uses. It is also intended to preserve land suited for eventual development pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur.

Commented [JH1]: A-2 Zoning is intended to preserve land suited for eventual development. We see no practical reason to make a Zoning change for this parcel.

(Ord. 5285 § 1 (part), 1996)

15.05.020 Principal Uses

The following principal uses shall be permitted outright in an A-2 district:

1. Animal production.
2. Cemetery.
3. Dwelling, single-family detached.
4. Family home.
5. Government maintenance facility.
6. Horticulture and crop production.
7. Local utility services.
8. Park and recreation services.
9. Public campground.
10. Public safety services.
11. Religious assembly.
12. Secondary airports and private light plane landing strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Administration (FAA) and when situated on a site containing not less than thirty (30) acres.
13. Animal shelter (non-profit).

Commented [JH2]: Is the intent of the apple orchard to market the product, and, if so, how will potential consumers access the property? Per agriculture standards, the minimum recommended size of an apple orchard is 10 acres. Supporting documentation is attached.

(Ord. No. 6055, § 1, 3-8-2010; Ord. No. 6081, § 1, 5-24-2010)

Editor's note— Ord. No. 6055, § 1, adopted Mar. 8, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5523, § 1, 2000.

15.05.030 Conditional Uses

The following conditional uses shall be permitted in an A-2 district in accordance with the requirements set forth in CBMC 15.02:

1. Agricultural sales and service;
2. Commercial recreation (indoor and outdoor);
3. Day care services;
4. Extraction activity;
5. Funeral service in conjunction with a cemetery;
6. Outdoor firing range;
7. Private campground;
8. Sanitary landfill;
9. Rubble dump;
10. Greenhouse, commercial; and
11. Solar energy conversion systems.

Commented [JH3]: Will the applicant be pursuing a future use of the property as a landfill or rubble dump?

(Ord. No. 6055, § 2, 3-8-2010; Ord. No. 6372, § 1, 12-17-2018)

Editor's note— Ord. No. 6055, § 2, adopted Mar. 8, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5523, § 2, 2000.

HISTORY

Amended by Ord. 6393 on 8/12/2019

Amended by Ord. 6443 on 3/8/2021

15.05.040 Accessory Uses

Accessory uses shall include uses of land or structures customarily incidental and subordinate to one of the principal uses, unless otherwise excluded. In an A-2 district only, an accessory structure may exceed the ground floor coverage of the principal structure.

(Ord. 5285 § 1 (part), 1996)

15.05.050 Site Development Regulations

Minimum Lot Size

Commented [JH4]: Based upon the legal description the intended parcel does not meet the minimum lot size requirement of 3 acres.

Lot area:	3 acres
Lot width:	150 feet
Lot depth:	200 feet

Minimum Setbacks	Principal Structure	Accessory Structure
Front yard:	50 feet	50 feet
Street side yard:	20 feet	20 feet
Side yard:	10% of lot width or 10 feet whichever is greater	10% of lot width or 10 feet whichever is greater
Rear yard:	20 feet	20 feet
Maximum height:	35 feet	25 feet
Lot coverage:	10% maximum	

(Ord. 5285 § 1 (part), 1996)

HISTORY

Amended by Ord. [6393](#) on 8/12/2019

15.05.060 Additional Regulations

1. Reserved.

(Ord. 5285 § 1 (part), 1996)

15.05.070 Signs

Signage in this district shall comply with CBMC 15.33, "Signs."

(Ord. 5285 § 1 (part), 1996)

Council Bluffs Urban Deer/Turkey Management Program

Bow Hunting Guidelines and Rules For The 2024-2025 Season

(Deer Season - September 21, 2024– January 19, 2025)

(Turkey Season – Double Season – 1st Season - October 1 – December 6, 2024;

2nd Season – December 23, 2024 – January 10, 2025)

1. All bow hunters must have a current I-DNR hunting license and reside in Iowa to be part of this program. In addition, all hunters shall be required to take I-DNR's online bow hunting safety course or equivalent training as determined by the Chief Animal Control Officer. There are two parts to getting your Iowa Bowhunter Certificate. The first is the online classroom portion, the second is the field training portion. The online portion can be accessed at: www.bowhunter-ed.com/iowa/. There is a \$30 online fee for the online classroom portion. All hunters that have previously taken the Iowa online bow hunters course will not have to repeat that class to become certified for the Council Bluffs Urban Deer/Turkey Management Program. You will have to prove, with Certification Number, that you took and passed the test. **. Since there are no field classes in this area, the online classroom portion is the only portion that will be mandatory for 2024-2025 season.**
2. All hunters must pass an archery proficiency test. This test is a demonstration of skill. Hunters must place 5 out of 5 arrows in the kill zone of a 3-D deer target at 20 yards. Proficiency tests must be renewed every year with the exception of those hunters that took ten (10) or more deer in the 2023/2024 season.
3. All hunters must have written permission from the owner or owners of the property upon which they hunt. Permission forms must be carried with the hunter at all times along with the Urban Deer /Turkey Management Certificate and I-DNR hunting license. The permission form must also be on the hunter when transporting a deer/turkey or any other hunt related activity. The following areas are permitted for bow hunting within the corporate limits of Council Bluffs: all A1 and A2 zoned areas as well as R1, R2, and R3 zoned areas of one acre or more.
4. All hunters must obtain a Council Bluffs Urban Deer Management Certificate from the Council Bluffs Animal Control Division prior to being allowed to obtain a City antlerless tag from Woods Sporting Goods, 531 Veterans Memorial Rd. In order to obtain his/her Certificate, the hunter must complete and show proof of completing a hunters safety course; proof of proficiency test certification. (A hunter will be limited to purchasing no more than (5) tags at a time. Once the five tags are filled, a hunter can again purchase (5) five additional tags. There are a total of 300 tags available this year. 1st tag \$28.50; 2nd tag and all additional- \$15.00.

Bow hunters wanting to purchase turkey tags shall be limited to two (2) tags for the year. The cost is \$28.50/tag. (Reminder: Only female turkeys should be taken within the Council Bluffs Urban Turkey Management Program.)

Bow hunting is allowed for both deer and turkey from ½ hour before sunrise to ½ hour after sunset.

5. There shall be no driving or stalking of deer or turkey.
6. Shooting shall be from an elevated position - at least 6' above ground level with all shots in a downward trajectory. All hunting stands, hunting positions or stand locations must be approved by the landowner.
7. Hunters cannot carry an uncased bow within 150 feet from all city improved trails, roads, buildings and at least 500 feet from any residence.
8. Know your effective shooting range and do not shoot beyond that range. Recommended shots are 20 yards or less.
9. Be sure to identify your target as an antlerless deer. Does will count towards incentive programs developed and approved by the City of Council Bluffs and the Iowa DNR. However, button bucks will not be eligible for inclusion into incentive this fashion programs. Harvesting of antlered animals is prohibited except within the scope of incentive programs approved by the City of Council Bluffs and the Iowa DNR. Harvesting of antlered animals may subject the hunter to all appropriate legal penalties and may result in the suspension of the hunter's Council Bluffs Urban Deer Certificate .
10. Take only high percentage shots-avoid wounding deer.
11. Be sure of what is down range of your hunting position and make every effort to retrieve arrows. If an arrow is lost, the landowner should be informed that the arrow has not been retrieved.
12. The hunter shall report to the Chief Animal Control Officer, Galen Barrett at gbarrett@councilbluffs-ia.gov within 12 hours after a deer has been harvested. Verifying your deer this year shall consist of the following: 1. Taking a picture of the doe's head. 2. Picture of the attached tag. 3. I-DNR Tag Number 4. Date when doe was harvested. 5. Location of where doe was taken. 6. Hunter shall identify him/herself by name. Send this information to the abovementioned email. The same procedure shall be followed for those bow hunters taking turkey.

Commented [JH1]: Based upon the owner's past practice, he is regularly in violation of this section. His past practice is to park on the unimproved portion of Mount Vernon Street west of Harrison. Parking in this area and uncasing his bow puts him on city property and well within 500 feet of several residences.

I-DNR requires that the Transportation Tag, with the date of harvest properly recorded, demonstrates proof of possession and must be attached within 15 minutes of harvest or before the animal is removed, whichever come first. The Transportation Tag must be attached to the deer leg if antlerless and also to the leg of a turkey.

All successful hunters who harvest a deer or turkey must report the harvest to I-DNR by midnight on the day after it is tagged, or before taking it to a locker or taxidermist, or before processing it for consumption. Report by Phone: 1-800-771-4692 or **Online** at www.iowadnr.gov, available 24 hours a day, 7 days a week. **Failure to report or reporting falsely may result in a misdemeanor citation.**

13. The hunter shall report to the Chief Animal Control Officer by phone (712-328-4656) within 12 hours if they are unable to locate a wounded deer or turkey and provide information and assistance to the Chief Animal Control Officer to assist in the tracking and recovery of the animal.
14. Remember, additional tags can be purchased from Woods Sporting Goods, 531 Veterans Memorial Rd. (Limit of 5 tags at a time.) The number of tags issued will not exceed the 300 issued by the I-DNR.
15. Use proper field dressing techniques. Cooperate with the landowner regarding the location or disposition of entrails. All deer or turkey must be covered or enclosed during transport.

16. Remove yourself from any harassment situation and immediately report the incident to the Chief Animal Control Officer and DNR officer.
17. Report violators to the DNR Conservation Officers or the Chief Animal Control Officer.
18. To be eligible to receive a Council Bluffs Urban Deer Management Certificate applicants may not have any fish or game violations in the past three years according to the DNR.
19. All hunters shall have in their possession at all times during the hunt and the transporting of a deer/turkey: a valid Iowa hunting license, habitat stamp, proper deer or turkey tag, a signed and completed landowner permission form, and a Council Bluffs Urban Deer Management Certificate.
20. **The Council Bluffs Urban Deer Management Bow Hunting Season will run continuously during the state archery deer season.** The Council Bluffs Urban Turkey Management Bow Hunting Season will follow I-DNR's Fall Turkey Season exactly. All hunters shall observe all state rules and regulations with exceptions for this special program within the city limits. Boundaries are anywhere within the Council Bluffs city limits that are zoned R1, R2, R3, A1 and A2 and only on private property with exception of Fairmont Park, Sternhill Parks and the City Cemetery which have hunters already selected to hunt these areas.
21. **INCENTIVE PROGRAM**
All hunters participating in the 2024/25 urban deer hunt are eligible to participate in an incentive program for the chance of obtaining one of (10) ten buck tags. At the conclusion of the 2024-25 season, all hunters harvesting at least 4 does during the season will have their name placed in a drawing for an incentive buck tag. The incentive buck tag will be valid for the 2025/26 season. The ten bow hunters shall be notified by phone. *There are no incentive programs for turkey at this time.*
22. **QUALIFYING FOR 2024/2025 PROGRAM**
This year, all qualified hunters from last year will be eligible to requalify this year.

Commented [JH2]: The Iowa DNR does not permit year-round deer hunting, therefore, permitting a landowner to hunt outside of DNR rules would place the hunter in violation of DNR rules, thereby violating the City of Council Bluffs rules, making the hunter ineligible for a City deer hunting permit.

Council Bluffs Animal Control – 1020 Railroad Ave., Suite B, Council Bluffs, IA 51503
Phone (712) 328-4656

Spot Zoning

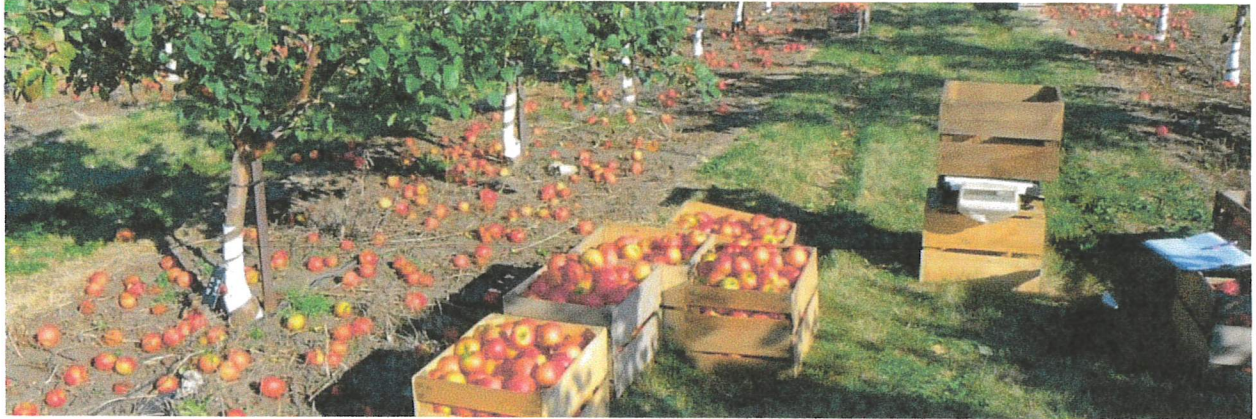
Spot zoning is when a rezoning decision results in a single parcel, or small island of property, with restrictions on its use different from those imposed on the surrounding property. Spot zoning can be valid if there is a reasonable basis to treat the spot-zoned property differently from the surrounding property. For example, a parcel or two designated as neighborhood commercial in a residential area is perfectly appropriate if it provides needed retail services to residents. However, zoning is not appropriate if it is for the financial benefit of an individual property owner but detrimental to the surrounding area. According to the Iowa courts, the factor of primary importance is whether the rezoned tract has a peculiar adaptability to the new classification as compared to the surrounding property. Spot zoning for the sole benefit of the landowner and contrary to the comprehensive plan is unreasonable.

The case for creating these “spot zones” is best made through the comprehensive planning process, where the community can explain the benefits that such differential treatment brings to the area.

Before you start an apple orchard

May 1, 2018

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By

Emily Tepe, Emily Hoover

Are you thinking about starting an apple orchard to grow and sell apples? That's a big and exciting undertaking! It's great that you're looking around for tips before getting started, because there are some important things to know about the business of producing and selling apples before investing your time, energy, and money. Here are some things to consider if you are thinking about starting or purchasing an orchard.

Experience

If you have had no previous experience in orchard management, the best way to know what you're getting into is to work for a successful orchardist for a year or more. Attend grower meetings to learn from the experts and meet other growers. Meetings and conferences are usually held during the winter, but even more fun are the field days which are held throughout the season. Get involved in grower associations to find out when various events are held. Check on our events list too.

Orchard Size

Apple production requires a lot of labor, and will take a lot of your time. You'll probably also need additional seasonal help for harvesting and packing the fruit. Although every farm system is unique, 10 acres could be considered a minimum size for a commercial apple-growing business. A 10-acre operation is large enough to use equipment efficiently and implement a continuous orchard renovation program, yet small enough that one person can take care of most of the work. Larger orchards can make more efficient use of machinery and equipment, but will require more hired labor, and more management skill.



Before You Start an Apple Orchard

September 1, 2018 by [Growing Magazine](#)

Every year orchards are purchased or planted by people who have no experience in growing apples. For some, an orchard will be a challenge and a source of personal satisfaction and profit. For others, it may be a source of frustration and a bad investment. It's important to become familiar with the business of producing and selling apples before investing your time, energy and money. Here are points to consider if you are thinking about starting or purchasing an orchard.

Experience

If you have had no previous experience in orchard management, consider working for a successful orchardist for at least a year to learn about the operation. If that's not possible, be certain that a competent manager or qualified consultant can be employed before you decide to purchase an orchard.

Orchard size

Apple production requires a lot of labor. A permanent labor supply for spraying, pruning and general maintenance must be available. Additional seasonal labor will also be needed for harvesting and packing the fruit. Although every farm system is unique, 10 acres could be considered a minimum size for a commercial apple-growing enterprise. A 10-acre operation is large enough to use equipment efficiently and implement a continuous orchard renovation program, yet small enough that one person can take care of most of the work. Larger orchards can make more efficient use of machinery and equipment, but more hired labor, and thus more management skill, will be required.

Management

Apple growing is an enterprise that requires a great deal of knowledge on the part of the orchard owner or manager. Making a profit growing apples in Minnesota (or anywhere else) can be done only with intense management, from variety selection through planting, training, controlling pests, thinning fruit, harvesting, handling and marketing. If you are considering orcharding as a career or a business opportunity, you must be willing to learn about and keep up-to-date with production practices.

Start-up costs

Apple growing requires a very substantial capital investment. Many potentially successful orchards have failed simply due to lack of sufficient operating capital. Be sure you have the capital to purchase and operate an orchard before signing any agreement or sale contract. From the year of planting until the year that crop returns equal or exceeds annual costs, the apple grower will make a large investment. Dwarf trees may begin bearing a small crop their third year in the ground; these trees will not reach full productivity until the sixth or seventh year after planting.

Establishment costs per acre

Penn State has several worksheets in their 2012-2013 Pennsylvania Tree Fruit Production guide (<http://extension.psu.edu/plants/tree-fruit/tfpg>) that can be used to help estimate costs for the following:

- Land preparation
- Orchard planting
- Maintaining a productive apple orchard

The Penn State worksheets assume slightly lower tree densities than is probably optimal. If dwarf trees are planted at 8-foot by 14-foot spacing, there will be 388 to the acre.

These cost estimate sheets do not include costs for tree stakes. A permanent stake should be provided for each dwarf tree, so this cost should be added to your planting budget. Planting year costs include trees, tree guards, stakes, labor to plant and train trees, fertilizer and pesticides (herbicides, insecticides, fungicides, rodenticides and/or bactericides).

Nonbearing year costs include pesticides and the labor for pruning, training, mowing, and pest control. Remember, after the fifth year, production costs will increase while yields and income are also increasing. As the trees get larger, they will require more pest control chemicals to achieve good coverage, and more pruning, and it will be more time-consuming to harvest the fruit. Expect costs of \$4,000 to \$5,000 per acre.

Hiring honeybee hives and thinning fruit are additional costs in bearing years. Advertising and packing costs will vary depending on how the fruit is to be marketed. A pick-your-own orchard will not have high harvest costs, but will pay workers to do things that other orchards don't, such as drive the customers on wagons around the orchard, or entertain crowds to attract them to the orchard. This kind of orchard is also likely to have higher insurance costs.

Deer fencing

One site preparation expense not included in these worksheets is that of fencing the orchard to keep deer out. Fencing costs vary considerably, depending on type of fence chosen, materials used, size and layout of orchard. The Minnesota Department of Natural

Resources can help you design a deer fence

(http://www.dnr.state.mn.us/livingwith_wildlife/fences/index.html) for your orchard. Deer fencing should be considered essential to successful apple production in Minnesota. Young trees in particular are attractive to deer, and can be killed in a single season of heavy browsing. Hanging bars of soap, human hair, or other repellants in the trees might be effective, but you can't always count on repellants.

One alternative to deer fencing could be keeping guard dogs in the orchard; however, there will be additional costs associated with this method of pest control. Do not plan to simply shoot the deer "as needed." Special permits for killing animals harming your crop are available from the DNR; however, no matter how many deer you kill or have killed, more will soon replace them, and continue to damage your trees.

Income potential

You could expect to have income from the trees after the fifth year. Yields from dwarf trees planted at a density of 300 to 400 trees per acre in Minnesota range from about 300 bushels per acre to 500 or more bushels per acre. Figuring that a bushel of apples weighs about 40 pounds, an acre of trees at this density should produce at least 16,000 pounds of fruit, and on a good site, with favorable climatic conditions and excellent management, as much as 20,000 pounds.

Not all of the production will be saleable; figure about 60 percent packout when you make income projections, and somewhat less for pick-your-own, since customers will not be as thorough pickers as hired harvesters, and they may eat a significant amount of fruit without purchasing it.

Prices for fruit will depend on how it is marketed: pick-your-own, pre-picked on-farm sales, farmers' market sales, or wholesale in bulk to a packer. At some pick-your-own orchards in Minnesota, many varieties sell for about \$1 per pound; pre-picked fruit costs about \$1.25. The same fruit, wholesaled to a packer, might be worth only 10 cents per pound.

Some varieties command a higher price than others, prices will vary from year to year, and yields will also vary. Don't assume that planting lots of Honeycrisp and no lower-value apples will allow you to beat the average. The only way most Minnesota orchard businesses make money is by retailing the fruit, and by having a diverse business that includes a bakery, a cider pressing operation, entertainment, or all of the above. Some orchardists grow other fruits and/or vegetables as well as apples. Many of these profit-

generating activities were not part of the original plan for the orchard, but grew out of necessity.

It makes good business sense to draw up a marketing plan with assistance from a consultant before you plant the first tree. Figure out who will buy your apples and how you will sell them. Decide what will define your orchard and make people want to come to your farm or farmers market stand rather than going to someone else's or going to a grocery store.

As you pencil out the financial outlook for your planned orchard, you may wish to consult the Small Business Administration (<https://www.sba.gov/category/navigation-structure/starting-managing-business/starting-business>) for assistance in formulating a business plan. SBA staff can work with you to estimate costs for buildings, land, equipment and insurance, and the staff can help you figure out when you can expect to break even. The SBA website offers online courses, videos, chat sessions and other resources to help you through the process of creating a successful business.

Editor's note: This column was used with permission granted from the University of Minnesota Extension. The material is available at <http://fruit.cfans.umn.edu/apples/beforeyoustart/>.

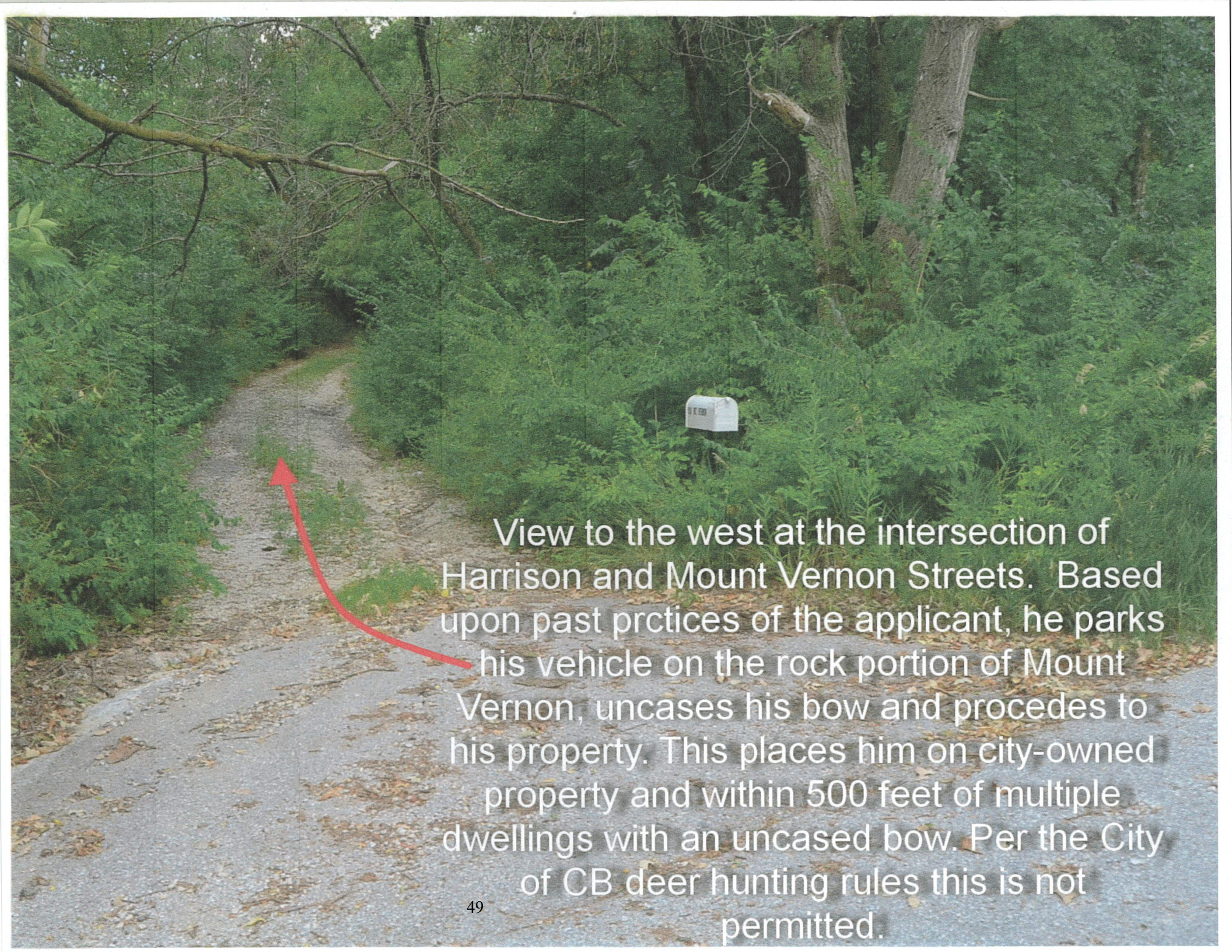
📁 Fruits

🔍 apple, Before You Start an Apple Orchard, orchard

< Weeds in Squash

> Battling Pigweed

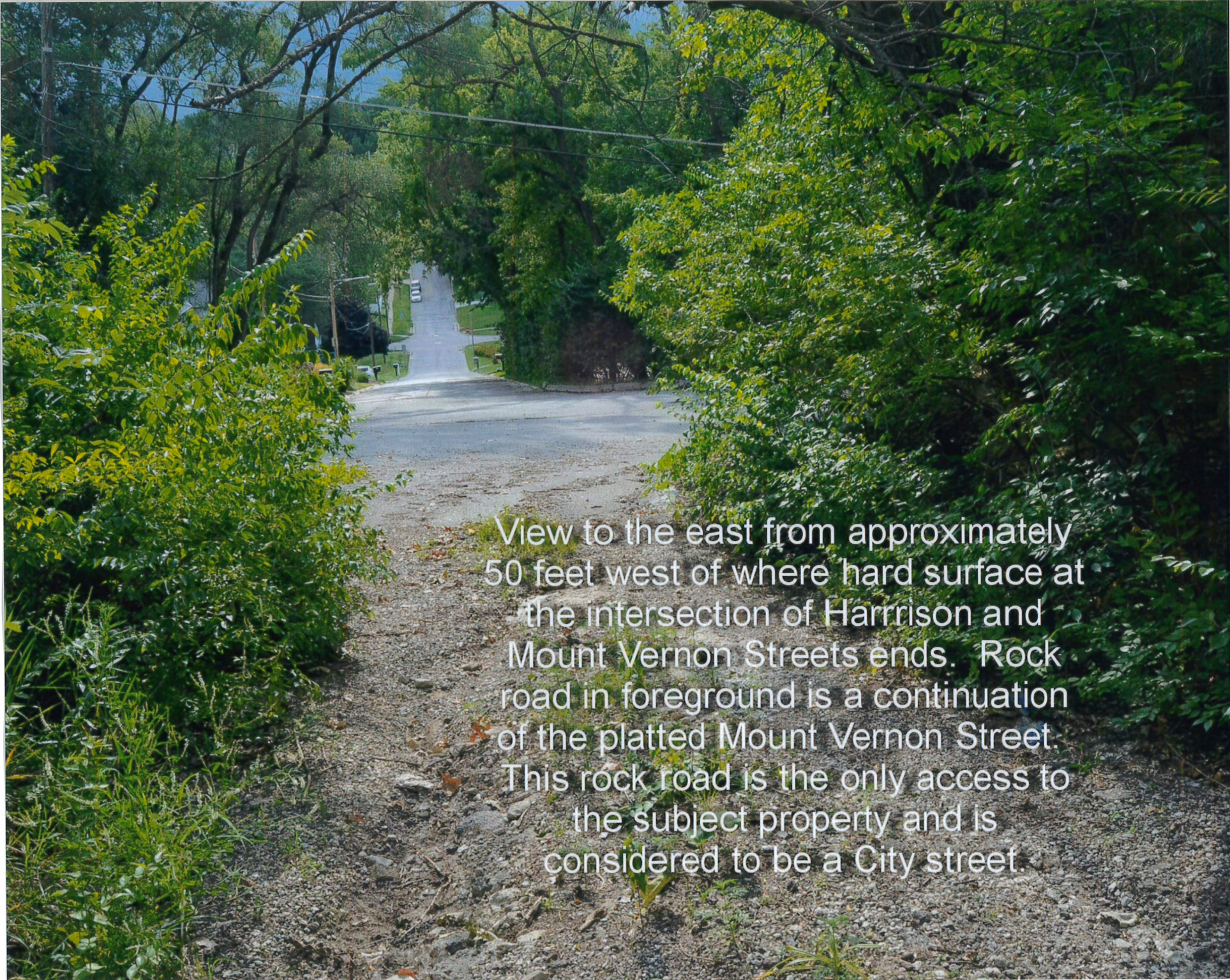
Search ...



View to the west at the intersection of Harrison and Mount Vernon Streets. Based upon past practices of the applicant, he parks his vehicle on the rock portion of Mount Vernon, uncases his bow and proceeds to his property. This places him on city-owned property and within 500 feet of multiple dwellings with an uncased bow. Per the City of CB deer hunting rules this is not permitted.



View towards the west from 210 Mount Vernon. Rock road in background is the only access to the subject property. This is platted as a continuation of Mount Vernon Street.



View to the east from approximately 50 feet west of where hard surface at the intersection of Harrison and Mount Vernon Streets ends. Rock road in foreground is a continuation of the platted Mount Vernon Street. This rock road is the only access to the subject property and is considered to be a City street.

Attachment 'D'

ORDINANCE NO. 6610

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.27.020 OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY REZONING PROPERTY LEGALLY DESCRIBED AS LOTS 7 THROUGH 12, BLOCK 1, GALESBURG ADDITION AND LOTS 1 THROUGH 3 AND LOTS 10 THROUGH 12, ALONG WITH THE VACATED SECTION OF WARREN STREET ADJACENT, ALL IN BLOCK 6, GALESBURG ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA FROM R-1/SINGLE-FAMILY RESIDENTIAL DISTRICT TO A-2/PARKS, ESTATES, AND AGRICULTURAL DISTRICT, AS SET FORTH AND DEFINED IN CHAPTER 15.05 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE**

CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.070 of the 2020 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by rezoning property legally described as Lots 7 through 12, Block 1, Galesburg Addition, and Lots 1 through 3 and Lots 10 through 12, along with the vacated section of Warren Street adjacent, all in Block 6, Galesburg Addition, City of Council Bluffs, Pottawattamie County, Iowa from R-1/Single-Family Residential District to A-2/Parks, Estates, and Agricultural District, as set forth and defined in Chapter 15.05 of the Municipal Code of Council Bluffs, Iowa.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

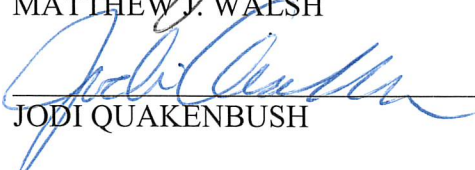
SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

ADOPTED
AND
APPROVED

September 9, 2024.


MATTHEW J. WALSH Mayor

Attest:


JODI QUAKENBUSH City Clerk

First Consideration: 8-26-24
Second Consideration: 9-9-24
Public Hearing: 9-9-24
Third Consideration: Waived