



**ZONING BOARD OF ADJUSTMENTS
AGENDA**

**Tuesday, December 17, 2024 - 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-24-008

Public hearing on the request of SDTVEGA LLC, represented by Jason Anderson (NP Dodge), for a conditional use permit to allow the continuance of a nonconforming 'contractor yard' in a C-2/Commercial District on property legally described as a part of the SE ¼ NW ¼ and a part of the NE ¼ NW ¼ of Section 15-74-44, City of Council Bluffs, Pottawattamie County, Iowa. Location: 3020 Veterans Memorial Highway.

- 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) 890-5350 or email at cgibbons@councilbluffs-ia.gov.

Zoning Board of Adjustment Communication

Department: Community
Development

Case/Project No.: CU-24-008

CASE #CU-24-008

Council Action: 12/17/2024

Submitted by: Christopher N.
Gibbons, Planning Manager and
Moises Monrroy Planner

Description

Public hearing on the request of SDTVEGA LLC, represented by Jason Anderson (NP Dodge), for a conditional use permit to allow the continuance of a nonconforming 'contractor yard' in a C-2/Commercial District on property legally described as a part of the SE ¼ NW ¼ and a part of the NE ¼ NW ¼ of Section 15-74-44, City of Council Bluffs, Pottawattamie County, Iowa. Location: 3020 Veterans Memorial Highway.

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report and Attachments A - E	Staff Report	12/11/2024

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: December 17, 2024

RE: **CASE #CU-24-008**
REQUEST: Public hearing on the request of SDTVEGA LLC, represented by Jason Anderson (NP Dodge), for a conditional use permit to allow the continuance of a nonconforming ‘contractor yard’ in a C-2/Commercial District on property legally described as a part of the SE ¼ NW ¼ and a part of the NE ¼ NW ¼ of Section 15-74-44, City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described in Attachment ‘E.’

APPLICABLE

CODE SECTIONS: **Section 15.02.020 Zoning Board of Adjustment**
The Zoning Board of Adjustment shall have the following powers, pursuant to this ordinance:

- B. To make final decisions on applications for conditional uses.
- D. The zoning board of adjustment shall have the following authority in regard to nonconformities:
 - 1. If no structural alterations are made, any nonconforming use may, as a conditional use, be changed to another nonconforming use, provided that the zoning board of adjustment finds that the proposed use is more appropriate for the district than the existing nonconforming use. In permitting this change, the zoning board of adjustment may require appropriate conditions consistent with CBMC 15.26.

LEGAL

DESCRIPTION: A part of the SE ¼ NW ¼ and a part of the NE ¼ NW ¼ of Section 15-74-44, City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described in Attachment ‘E.’

LOCATION: 3020 Veterans Memorial Highway

OWNER: Tony Nano, 3020 Veterans Memorial Highway, Council Bluffs, IA 51501

APPLICANT: SDTVEGA LLC, 3309 Riverview Boulevard, Omaha, NE 68108

REPRESENTATIVE: Jason Anderson, NP Dodge, 1032 Woodbury Avenue, Council Bluffs, IA 51503

BACKGROUND INFORMATION – The Community Development Department has received a request from SDTVEGA LLC, represented by Jason Anderson (NP Dodge), for a conditional use permit to allow the continuance of a nonconforming ‘contractor yard’ in a C-2/Commercial District on property addressed at 3020 Veterans Memorial Highway.

The applicant is in the process of acquiring the subject property and relocating their concrete removal/installation business to this site. A significant component of this operation includes the outdoor storage of construction equipment intended for the removal/installation of concrete, including mixer trucks and dump trucks. The proposed outdoor storage of construction equipment would constitute a ‘contractor

yard,' which is not a permitted use in the C-2 District. As per the applicant's letter of intent, the current owner has operated a contractor yard on the subject property as a nonconforming use since 1979; based on historic aerial photography, it is difficult to ascertain whether the contractor yard was established legally or not. The purpose of this request is to reduce the degree of the nonconforming use through the issuance of a conditional use permit, in accordance with Section 15.02.020(D)(1) of the Council Bluffs Municipal Code (Zoning Ordinance).

As per the applicant's request, the proposed hours of operations will be Monday through Friday from 6:00 a.m. to 6:00 p.m. The number of employees will vary from three to seven, depending on the time of year. Outdoor storage of construction equipment and materials associated with the applicant's concrete removal/installation operations will be limited to the area identified in the submitted site plan.

The following attachments have been included for your reference:

- Attachment A: Location/Zoning Map
- Attachment B: Letter of Intent
- Attachment C: Site Plan
- Attachment D: Historic Aerials
- Attachment E: Legal Description

CURRENT ZONING AND LAND USE – The subject property is zoned C-2/Commercial District. Surrounding properties to east are also zoned C-2 District. Properties to the north and west are zoned R-1/Single-Family Residential District, and properties to the south are zoned R-3/Low Density Multifamily Residential District. Land uses in the vicinity include single-family residential homes to the north and west and a commercial storage facility (Armor Storage) to the east. The future land use map of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as 'Local Commercial.'

NEIGHBORHOOD RESPONSE – All property owners within 200 feet were notified of the conditional use permit request. The Community Development Department has not received any responses regarding this request as of the date of this report.

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:

A. The Community Development Department had the following comments:

1. A 'contractor yard' is defined in Section 15.03.172b, Definitions, of the Council Bluffs Municipal Code (Zoning Ordinance) as "an establishment engaged in construction activities including incidental exterior storage of building material and equipment related to the primary building trade." The proposed use would fall under this definition.
2. The minimum lot size requirement for a property zoned C-2/Commercial District is 5,000 square feet. The subject property contains 2.86 acres (124,581 square feet) in area, which exceeds the minimum lot size requirement for the C-2 District.
3. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as 'Local Commercial.' The plan defines 'Local Commercial' as areas "*oriented primarily towards goods and services that meet the demand of Council Bluffs residents.*" Local commercial uses "*include grocery stores, convenience stores, pharmacies, banks, auto services, and small offices.*" The proposed 'contractor yard' would not be consistent with the 'Local Commercial' designation. However, this

request for a conditional use permit is intended to allow the continuance of an existing nonconforming 'contractor yard' and reduce its degree of nonconformity if conducted in accordance with the comments and conditions outlined below.

4. Outdoor storage shall be limited to mixer trucks, dump trucks, trailers and other construction equipment and materials associated with the applicant's concrete removal/installation operation. No junk, solid waste, inoperable vehicles, scrap metal, storage/shipping containers, or other similar materials shall be stored on-site. No concrete manufacturing, crushing, or salvaging activities shall be allowed on the subject property.
5. The outdoor storage of construction equipment and materials associated with the applicant's concrete removal/installation operation shall be limited to the area outlined in blue on page 1 of the submitted site plan (see Attachment 'C'). The attached map is intended to memorialize the area on the subject property that historically has been used for outdoor storage. Outdoor storage of construction equipment and/or materials shall not be allowed elsewhere at this site. The boundary of the proposed 'contractor yard' shall not be allowed to expand.
 - a. A physical barrier (e.g., a fence, a wall, a landscape buffer, etc.) shall be installed around the perimeter of the proposed 'contractor yard' that clearly delineates its boundary on the subject property. This barrier shall not be installed until the required paving of all outdoor storage areas is completed.
6. No additional structures are proposed to be built on the subject property at this time. Any future buildings and/or building additions constructed at this site shall be subject to C-2 District site development standards (i.e., minimum setback requirements, maximum building height, and maximum lot coverage for all structures).
 - a. Any additional buildings and/or building additions constructed at this site shall not be required to be contained within the area identified as the proposed 'contractor yard.'
7. All off-street parking areas, drive aisles, vehicle circulation routes, and outdoor storage areas shall be constructed of hard surface pavement and shall be designed to comply with the standards stated in Section 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).
 - a. In the submitted letter of intent (see Attachment 'B'), the applicant has requested that the required paving of the proposed outdoor storage areas be allowed to completed in a "as it is needed" basis. The applicant's proposal does not provide a definitive timeline for the completion of the required paving. The Community Development Department recommends the required paving be completed in phases corresponding with the four outdoor storage areas identified in page 2 of the submitted site plan (see Attachment 'C'):
 - i. Phase #1: Outdoor storage area #1 and existing driveway shall be paved within six months from the date of approval of this conditional use permit, as weather conditions allow.
 - ii. Phase #2: Outdoor storage area #2 shall be paved within one year from the date of approval of this conditional use permit, as weather conditions allow.
 - iii. Phase #3: Outdoor storage area #3 shall be paved within two years from the date of approval of this conditional use permit, as weather conditions allow.

- iv. Phase #4: Outdoor storage area #4 shall be paved within three years from the date of approval of this conditional use permit, as weather conditions allow.
 8. Off-street parking for the proposed ‘contractor yard’ shall comply with Chapter 661—18, Parking for Persons with Disabilities, of the Iowa Administrative Code.
 9. Any fences and/or walls proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
 - a. A fence with a minimum 50% opacity and a minimum height of six feet and/or a landscape buffer capable of providing a substantially opaque barrier shall be installed along the southerly boundary of the proposed ‘contractor yard’ to properly screen all outdoor storage of construction equipment and materials from public view. This fence/landscape buffer shall not be installed until the required paving of all outdoor storage areas is completed.
 - b. A fence with a minimum 50% opacity and a minimum height of six feet and/or a landscape buffer capable of providing a substantially opaque barrier shall be installed along the northerly property line of the subject property to properly screen all outdoor storage of construction equipment and materials from the residential properties in the surrounding area.
 10. Any signage proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in Chapter 15.33, Signs, of the Council Bluffs Municipal Code (Zoning Ordinance).
 11. Any outdoor lighting proposed to be installed on the subject property shall comply with the standards in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).
 12. There is an existing single-family home on the subject property. Since a ‘single-family dwelling, detached’ is not a permitted use in the C-2 District, it is deemed a legal nonconforming use. The existing home may continue to exist at this site subject to the limitations outlined in Chapter 15.26, Nonconformities, of the Council Bluffs Municipal Code (Zoning Ordinance).
- B. The Council Bluffs Fire Department stated that they have no comments on the request.
- C. The Council Bluffs Police Department stated that they have no comments or objections to the request.
- D. Council Bluffs Water Works stated that they have no comments on the request.
- E. MidAmerican Energy stated that they have no conflicts with the request.
- F. Black Hills Energy stated that they have no concerns with the request.

COMMENTS – 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. (§15.02.090(A) – *Conditional Uses*)

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*:

- A. *The proposed conditional use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations, and all other standards or conditions contained in the provisions authorizing such use. The subject property is zoned C-2/General Industrial District. The subject property contains 2.86 acres (124,581 square feet) in area, which exceeds the minimum lot size requirement for the C-2 District. The size of the property is adequate for the proposed ‘contractor yard.’*

Outdoor storage shall be limited to mixer trucks, dump trucks, trailers and other construction equipment and materials associated with the applicant’s concrete removal/installation operation. The outdoor storage of construction equipment and materials associated with the applicant’s concrete removal/installation operation shall be limited to the area outlined in blue on page 1 of the submitted site plan (see Attachment ‘C’). The attached map is intended to memorialize the area on the subject property that historically has been used for outdoor storage. Outdoor storage of construction equipment and/or materials shall not be allowed elsewhere at this site. The boundary of the proposed ‘contractor yard’ shall not be allowed to expand.

No junk, solid waste, inoperable vehicles, scrap metal, storage/shipping containers, or other similar materials shall be stored on-site. No concrete manufacturing, crushing, or salvaging activities shall be allowed on the subject property.

- B. *Adequate utility, drainage, and other necessary facilities or improvements have been or will be provided. All necessary utilities are available to service the proposed ‘contractor yard.’ As such, no additional utility service extensions and/or infrastructure improvements will be required as part of this conditional use permit.*

- C. *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 frontage onto Veterans Memorial Highway. All off-street parking areas, drive aisles, vehicle circulation routes, and outdoor storage areas shall be constructed of hard surface pavement and shall be designed to comply with the standards stated in Section 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance). Required paving of the proposed ‘contractor yard’ shall be completed in phases corresponding with the four outdoor storage areas identified in page 2 of the submitted site plan (see Attachment ‘C’):*

1. Phase #1: Outdoor storage area #1 and existing driveway shall be paved within six months from the date of approval of this conditional use permit, as weather conditions allow.

2. Phase #2: Outdoor storage area #2 shall be paved within one year from the date of approval of this conditional use permit, as weather conditions allow.
3. Phase #3: Outdoor storage area #3 shall be paved within two years from the date of approval of this conditional use permit, as weather conditions allow.
4. Phase #4: Outdoor storage area #4 shall be paved within three years from the date of approval of this conditional use permit, as weather conditions allow.

No traffic conflicts or congestion on the adjacent public streets are anticipated to occur. No additional improvements are necessary for the request.

- D. *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 operation of the proposed 'contractor yard.' The applicant shall also comply with all federal, state, and local laws and requirements for the proposed use.*
- E. *All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. If any outdoor lighting is proposed to be installed on the subject property, it shall comply with the standards in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).*
- F. *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 subject property is zoned C-2/General Industrial District. The subject property contains 2.86 acres (124,581 square feet) in area, which exceeds the minimum lot size requirement for the C-2 District. Land uses in the vicinity include single-family residential homes to the north and west and a commercial storage facility (Armor Storage) to the east. This request for a conditional use permit is intended to allow the continuance of an existing nonconforming 'contractor yard' and reduce its degree of nonconformity if conducted in accordance with the comments and conditions outlined in this report.*
- G. *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 additional structures are proposed to be built on the subject property at this time. Any future buildings and/or building additions constructed at this site shall be subject to C-2 District site development standards (i.e., minimum setback requirements, maximum building height, and maximum lot coverage for all structures). Any additional buildings and/or building additions constructed at this site shall not be required to be contained within the area identified as the proposed 'contractor yard.'*

Any fences and/or walls proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance). A fence with a minimum 50% opacity and a minimum height of six feet and/or a landscape buffer capable of providing a substantially opaque barrier shall be installed along the southerly boundary of the proposed 'contractor yard' to properly screen all outdoor storage of construction equipment and materials from public view. This fence/landscape buffer shall not be installed until the required paving of all outdoor storage areas is completed.

A fence with a minimum 50% opacity and a minimum height of six feet and/or a landscape buffer capable of providing a substantially opaque barrier shall be installed along the northerly property line of the subject property to properly screen all outdoor storage of construction equipment and materials from the residential properties in the surrounding area.

A physical barrier (e.g., a fence, a wall, a landscape buffer, etc.) shall be installed around the perimeter of the proposed 'contractor yard' that clearly delineates its boundary on the subject property. This barrier shall not be installed until the required paving of all outdoor storage areas is completed.

- H. *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 'contractor yard' is not anticipated to have an adverse impact on the property values of existing uses in the surrounding area if conducted in accordance with the comments and conditions outlined in this report.*

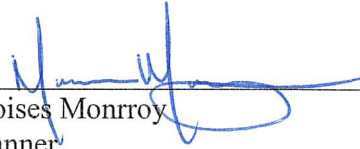
RECOMMENDATION – The Community Development Department recommends approval of the request for a conditional use permit to allow the continuance of a nonconforming 'contractor yard' in a C-2/Commercial District on property legally described as a part of the SE ¼ NW ¼ and a part of the NE ¼ NW ¼ of Section 15-74-44, City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described in Attachment 'E.', subject to the comments stated above and the following conditions:

- A. 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.
- B. The hours of operation shall be Monday through Friday from 6:00 A.M. to 6:00 P.M., as stated in the applicant's letter of intent (see Attachment 'B').
- C. Outdoor storage shall be limited to mixer trucks, dump trucks, trailers and other construction equipment and materials associated with the applicant's concrete removal/installation operation. No junk, solid waste, inoperable vehicles, scrap metal, storage/shipping containers, or other similar materials shall be stored on-site. No concrete manufacturing, crushing, or salvaging activities shall be allowed on the subject property.
- D. The outdoor storage of construction equipment and materials associated with the applicant's concrete removal/installation operation shall be limited to the area outlined in blue on page 1 of the submitted site plan (see Attachment 'C'). Outdoor storage of construction equipment and/or materials shall not be allowed elsewhere at this site. The boundary of the proposed 'contractor yard' shall not be allowed to expand.
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- E. Any future buildings and/or building additions constructed at this site shall be subject to C-2 District site development standards (i.e., minimum setback requirements, maximum building height, and maximum lot coverage for all structures).
 - 1. Any additional buildings and/or building additions constructed at this site shall not be required to be contained within the area identified as the proposed 'contractor yard.'

- F. All off-street parking areas, drive aisles, vehicle circulation routes, and outdoor storage areas shall be constructed of hard surface pavement and shall be designed to comply with the standards stated in Section 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).
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 - a. Phase #1: Outdoor storage area #1 and existing driveway shall be paved within six months from the date of approval of this conditional use permit, as weather conditions allow.
 - b. Phase #2: Outdoor storage area #2 shall be paved within one year from the date of approval of this conditional use permit, as weather conditions allow.
 - c. Phase #3: Outdoor storage area #3 shall be paved within two years from the date of approval of this conditional use permit, as weather conditions allow.
 - d. Phase #4: Outdoor storage area #4 shall be paved within three years from the date of approval of this conditional use permit, as weather conditions allow.
- G. Off-street parking for the proposed ‘contractor yard’ shall comply with Chapter 661—18, Parking for Persons with Disabilities, of the Iowa Administrative Code.
- H. Any fences and/or walls proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
1. A fence with a minimum 50% opacity and a minimum height of six feet and/or a landscape buffer capable of providing a substantially opaque barrier shall be installed along the southerly boundary of the proposed ‘contractor yard’ to properly screen all outdoor storage of construction equipment and materials from public view. This fence/landscape buffer shall not be installed until the required paving of all outdoor storage areas is completed.
 2. A fence with a minimum 50% opacity and a minimum height of six feet and/or a landscape buffer capable of providing a substantially opaque barrier shall be installed along the northerly property line of the subject property to properly screen all outdoor storage of construction equipment and materials from the residential properties in the surrounding area.
- I. Any signage proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in Chapter 15.33, Signs, of the Council Bluffs Municipal Code (Zoning Ordinance).
- J. Any outdoor lighting proposed to be installed on the subject property shall comply with the standards in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).
- K. Any modifications to the approved conditional use permit which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed and approved by the Zoning Board of Adjustment prior to such changes being made. Minor modifications to the approved conditional use permit that result in a design that is considered compatible with the overall development may be administratively approved by the Community Development Director or their designee.



Christopher N. Gibbons, AICP
Planning Manager
Community Development Department



Moises Monroy
Planner
Community Development Department

CITY OF COUNCIL BLUFFS - ZONING BOARD OF ADJUSTMENT CASE #CU-24-008 LOCATION/ZONING MAP

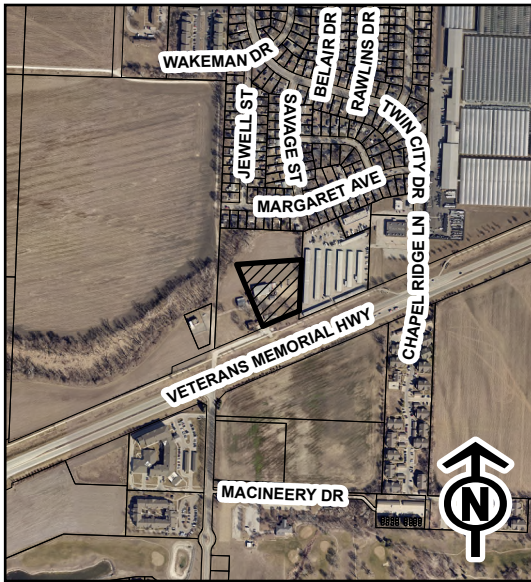
Legend

 Subject Property

0 70 140



1 inch = 104 feet



Last Amended: 11/21/24



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

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

A-2

R-1

C-2

Location of Contractor Yard

Attachment 'B'

November 19, 2024

To Whom It May Concern:

RE: 3020 Veterans Memorial Hwy, Council Bluffs, IA

We are a family owned general contractor business that specializes in concrete removal and installation. Depending on the time of year and weather conditions the company's hours are usually from 6am to 6pm Monday through Friday. Employee numbers vary between 3-7 employees depending on the time of year. The business has a variety of different equipment that includes mixer trucks, dump trucks, side dump, and other miscellaneous construction equipment.

The construction equipment and trucks will be parked per the site plan map provided. We propose to pave the driveway within 24 months of taking ownership of the property. Parking and construction equipment areas will not be paved unless we have the need to use those areas.

Sincerely,

Sergio Del Toral



Statement of the Reasons why the conditional use or variance should be granted:

The Nano family purchased the subject property in 1979 because it was being used as a contractor yard. Since then they have continuously used it as a contractor yard. See attached aerial photos. Aerial photos are supplied from 1966, 1970, 1991-1994, 1998-2001. We feel this is a fair and reasonable request. See city zoning ordinance Chapter 15.26.010 C.

There are only two adjoining neighbors to this property. One is the Armor Storage facility and the other is Tony Nano. The purchaser would be willing to plant some trees to visually obscure the contractor yard from Veterans Memorial Hwy.

POTTAWATTAMIE
COUNTY • IOWA

Map Title



Legend

World Imagery (Map Service)
World Imagery

High Resolution 60cm
Imagery

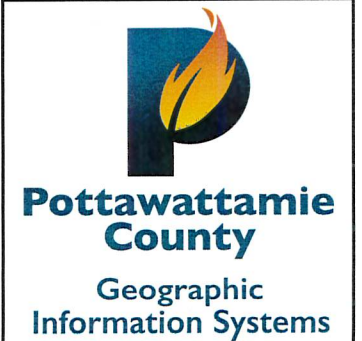
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Citations

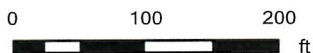
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227 S 6th St.
Suite #169
Council Bluffs, IA 51501
(712) 328-4885
gis@pottcounty-ia.gov
<https://gis.pottcounty-ia.gov>

11/18/2024

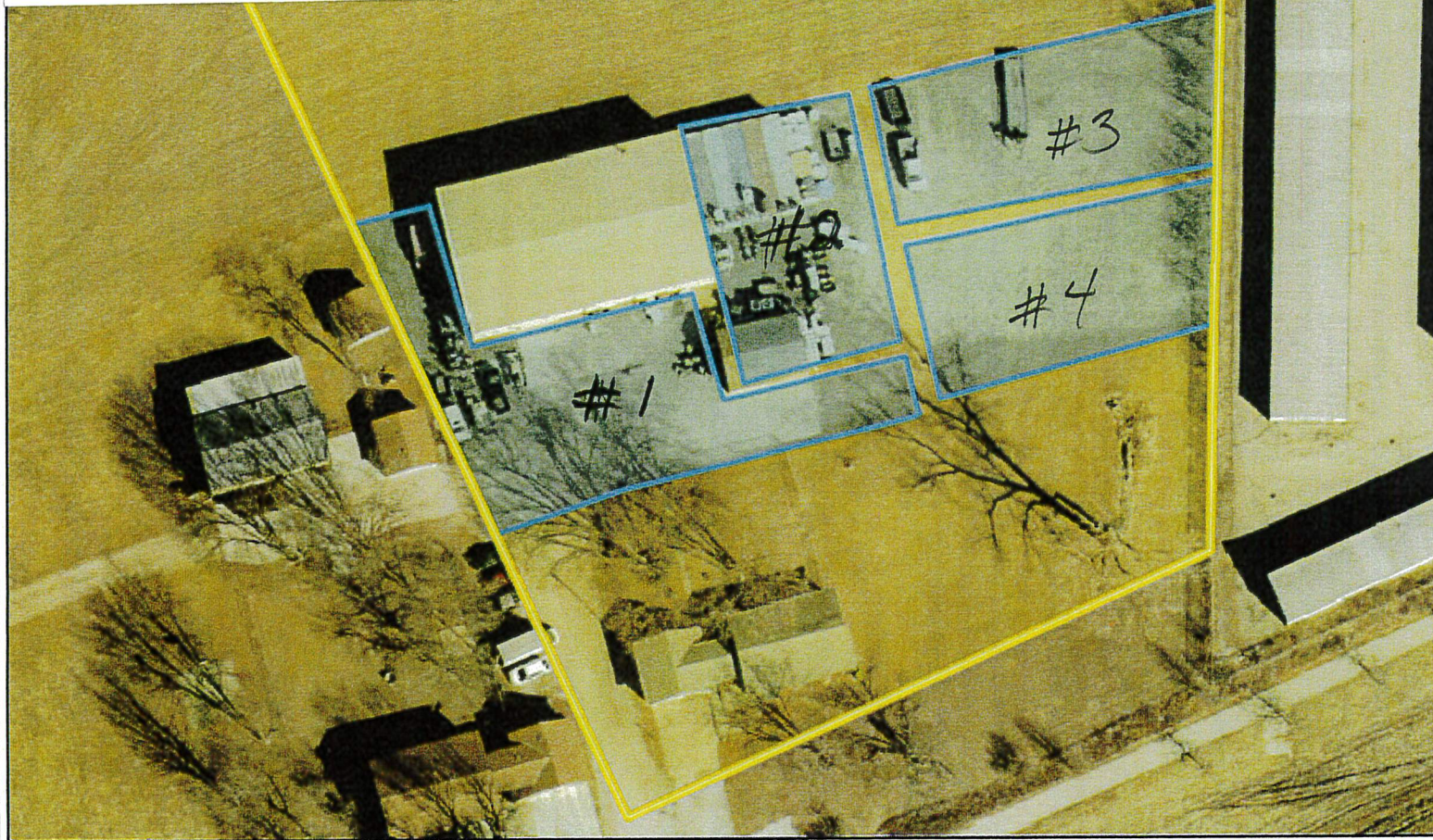


SCALE: 2204



Users of Pottawattamie County (The County) GIS data agree that he/she will at all times indemnify and hold The County and its officers, employees, and agents harmless from any damages, claims, lawsuits, costs, or liability arising from any act, omission, or commission with respect to the release and use of information in this Agreement and any of the terms thereof. The County makes no claim as to the accuracy of the spatial data and its associated data tables and assumes no responsibility for their positional or content accuracy. The County makes no claim as to the ability of the spatial data to fulfill the Contracting Organization's application requirements. In providing data (or access to data), The County assumes no obligation to assist in the use of the data, or in the development, use, or maintenance of any applications applied to the data. In no event shall The County be liable for any direct, indirect, incidental, consequential or special damages that may result from the use of the GIS data.

- #1. Semi/dump truck/ mixer parking/ access and egress
- #2. Construction material storage
- #3. Semi/dump truck/ mixer parking
- #4. Construction equipment



Legend

2024

- Red: Band_1
- Green: Band_2
- Blue: Band_3

World Imagery (Map Service)

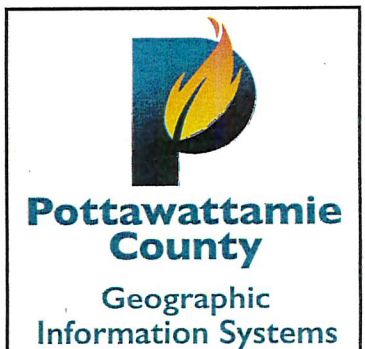
World Imagery

High Resolution 60cm
Imagery

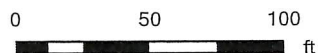
High Resolution 30cm

227 S 6th St.
Suite #169
Council Bluffs, IA 51501
(712) 328-4885
gis@pottcounty-ia.gov
<https://gis.pottcounty-ia.gov>

11/18/2024



SCALE: 1102

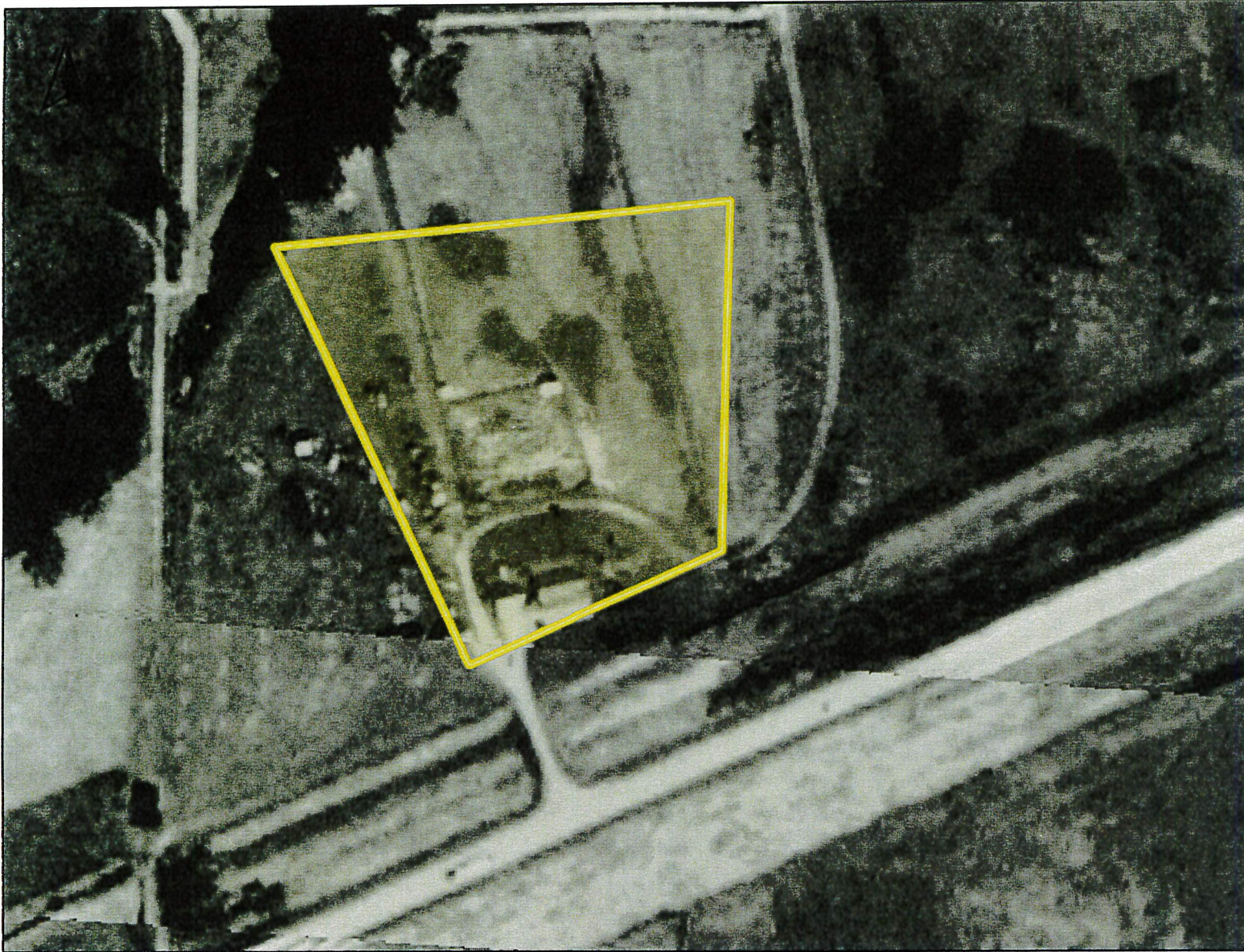


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4.1

POTTAWATTAMIE
COUNTY • IOWA

Map Title



Legend

1966

High : 255 - Low : 0



World Imagery (Map Service)

World Imagery

High Resolution 60cm
Imagery

High Resolution 30cm
Imagery

227 S 6th St.
Suite #169
Council Bluffs, IA 51501
(712) 328-4885
gis@pottcounty-ia.gov
<https://gis.pottcounty-ia.gov>

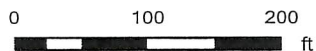
11/11/2024



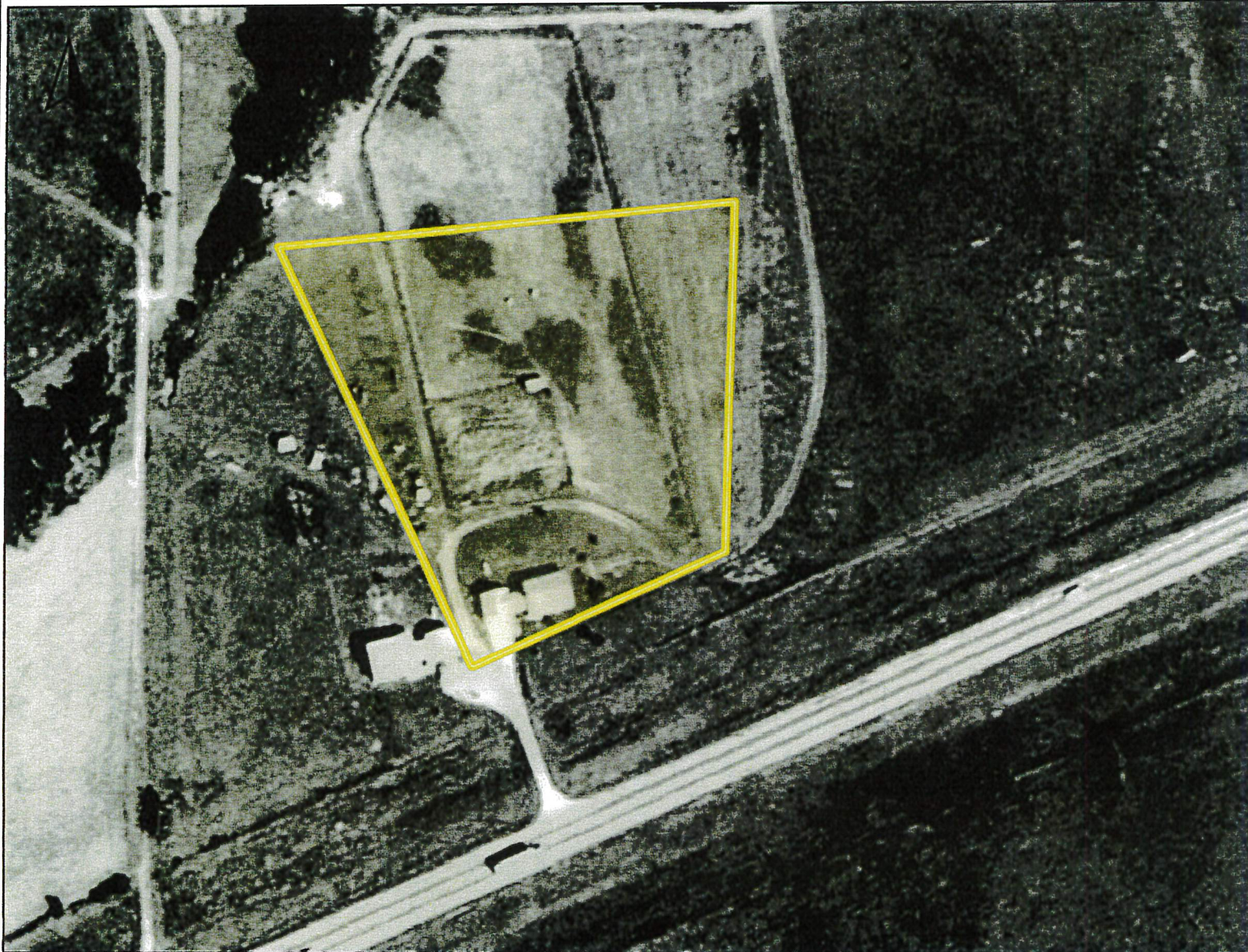
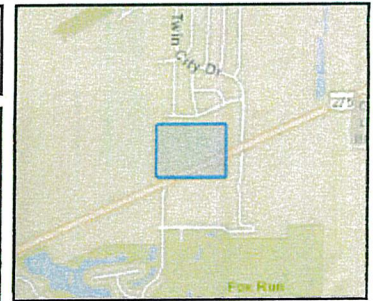
**Pottawattamie
County**

**Geographic
Information Systems**

SCALE: 2204



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Legend

1970

High : 255 - Low : 0



World Imagery (Map Service)

World Imagery

High Resolution 60cm
Imagery

High Resolution 30cm
Imagery

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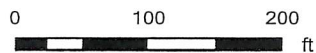
11/11/2024



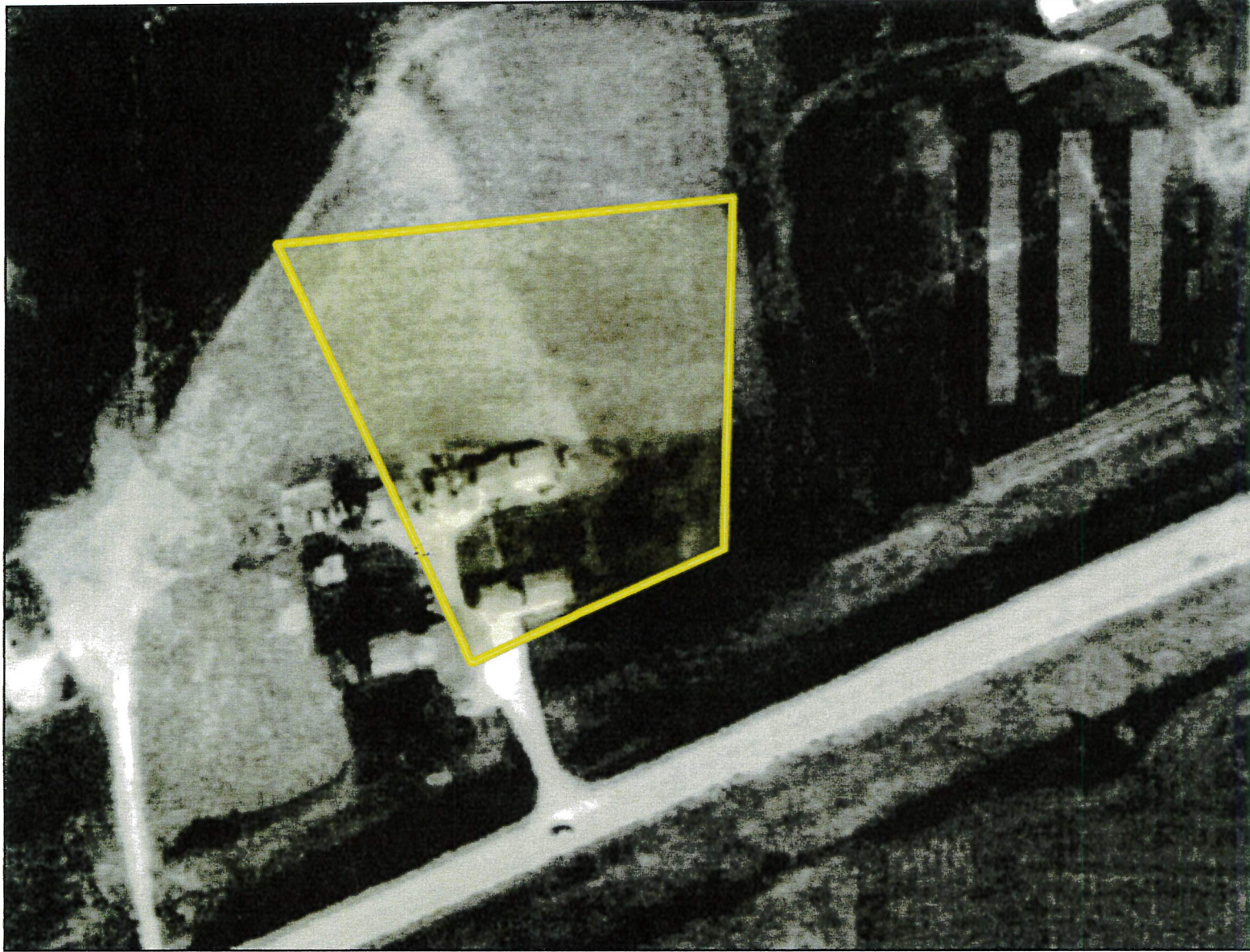
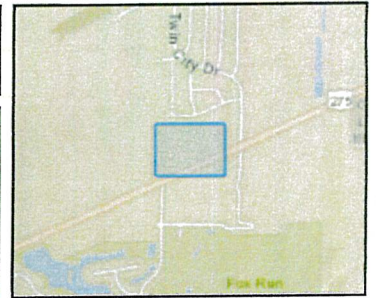
**Pottawattamie
County**

**Geographic
Information Systems**

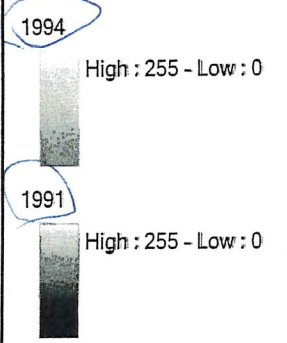
SCALE: 2204



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Legend



World Imagery (Map Service)
World Imagery

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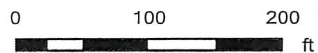
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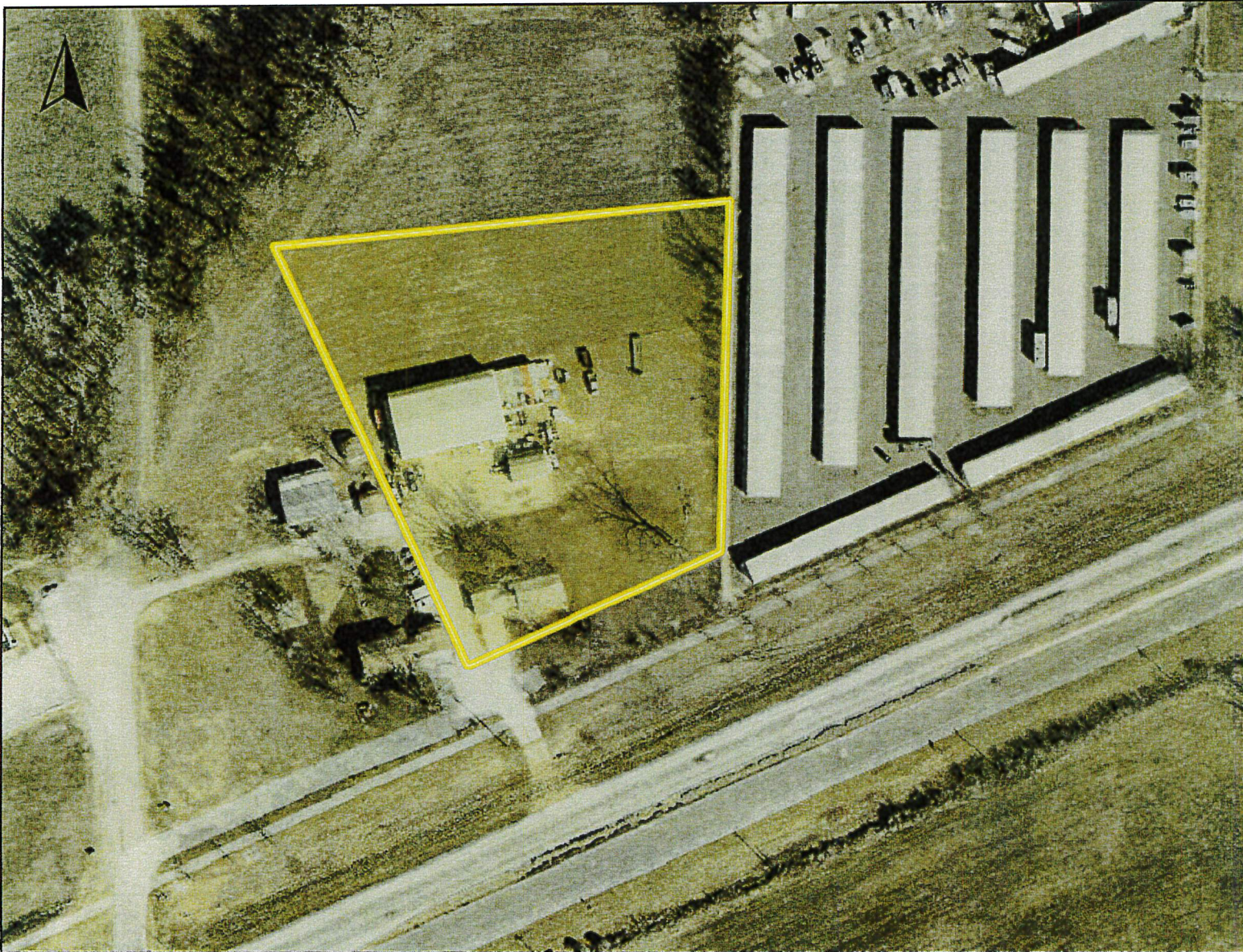
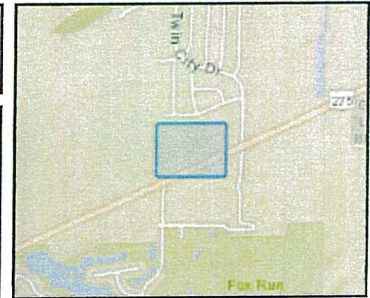
**Pottawattamie
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Legend

2001

High : 255 - Low : 0

1998

- Red: Band_1
- Green: Band_2
- Blue: Band_3

World Imagery (Map Service)
World Imagery

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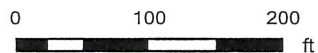
11/11/2024



**Pottawattamie
County**

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Information Systems**

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Attachment 'E'

A part of the Southeast 1/4 Northwest 1/4 and a part of the Northeast 1/4 Northwest 1/4 Section 15, Township 74 North, Range 44 West of the 5th p.m.: Commencing at the Northwest corner Northeast 1/4 Northwest 1/4 Section 15, Township 74, Range 44, thence South 0 degrees, 11 minutes, 30 seconds West 1790.93 feet to the Northerly Right-of-Way U.S. Highway #275 (South Omaha Bridge Road); thence along said Right-of-Way North 64 degrees 35 minutes, 40 seconds East 600.00 feet, thence North 0 degrees, 11 minutes, 30 second East 55.44 feet to the point of beginning, thence South 64 degrees, 35 minutes, 40 seconds West 258.14 feet, thence North 25 degrees, 24 minutes, 20 seconds West 437.00 feet, thence North 63 degrees 25 minutes, 08 seconds East 425.57 feet; thence South 0 degrees, 11 minutes 30 seconds West 332.65 feet to the point of beginning.

NOTE: The centerline of U.S. Highway #275 (South Omaha Bridge Road) is assumed to bear North 64 degrees, 35 minutes, 40 seconds East.