

**CITY PLANNING COMMISSION
MINUTES
DECEMBER 11, 2018**

1. **CALL TO ORDER** – DeMasi called the meeting to order at 6:00 P.M.
2. **ROLL CALL**
Members Present: DiSalvo, DeMasi, Halm, Haner, Holm, Hutcheson, Rew, and VanHouten
Absent: Danielsen
Vacancy: Two
Staff: Garrett, Gibbons, Meeks, Monroy, Wade, and Weber
3. **ADOPTION OF AGENDA**
Motion by Hutcheson, second by Holm to adopt the agenda as presented. Motion carried by unanimous voice vote.
4. **APPROVAL – MINUTES OF NOVEMBER 13, 2018 MEETING**
Motion by Holm, second by Hutcheson to adopt the minutes as presented. Motion carried by unanimous voice vote.
5. **PROOF OF PUBLICATION** – Gibbons provided the proof of publication.
6. **REVIEW OF MEETING PROCEDURES** – DeMasi
7. **PUBLIC HEARINGS** - *(Refer to the taped recording of these proceedings for official verbatim minutes)*
 - A. CASE #PC-18-003: Public hearing on the request of the City of Council Bluffs to amend the adopted planned commercial development plan for the Mid-America Center area relative to signage. Location: An area generally bounded by 23rd Avenue to the North, S. 32nd Street to the West, and Mid-America Drive to the South.

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

Pat Miller, City of Council Bluffs Public Works Operations Director, 1001 10th Avenue, Council Bluffs, IA 51503 spoke as a representative of the applicant of the request. Miller stated there are many types of signs around the Mid-America Center that are used for advertisement of businesses, and wayfinding signs around the complex. Miller stated the request is to replace and update the wayfinding signs, place monument signs with video boards on existing monument sign footings, and to replace the existing pylon sign with a new pylon sign and video board to advertise businesses within the proposed Mid-America Center Entertainment District, and to construct a new pylon sign on 23rd Avenue with a video board that could advertise all businesses around the entertainment district. Miller stated that the Iowa West Foundation is also assisting with this project as a partner with the City of Council Bluffs.

No one spoke in opposition of the request. DeMasi closed the public hearing.

Gibbons stated that the original signage plan for the Mid-America Center was adopted in 2002. Gibbons stated that the signage would mostly be replacing existing signage, and would not dramatically increase the signage in the area. Gibbons stated that the signage is mostly consistent with what was originally approved, but is just being updated. Gibbons also explained that a Mid-America Center Entertainment District is proposed to create a geographic area as to which businesses could advertise on the signage within the Mid-America Center complex. Gibbons stated that businesses would be required to be zoned in the P-C/Planned Commercial District and located within the Mid-America Center Entertainment District, and would not be allowed to have their own detached signage to advertise on the main pylon sign located near Interstate 80 and Interstate 29. Gibbons stated attached signage on the Mid-America Center and Convention Center would require a separate review, and may be coming in the future.

Halm asked if the Iowa Department of Transportation had any requirements regarding how bright the signs could be at night. Gibbons stated they did not add any conditions onto the request.

Rew asked if the city owned any other signs that were used to advertise commercial businesses. Wade stated this would be the first city-owned sign with this specific purpose. Gibbons stated the Mid-America Center area is very unique in the City of Council Bluffs, and part of the reason the City would own these signs would be to ensure they have a consistent design and would not clutter the area.

Rew asked if the new signs were required because the old signs were not repairable, and if there are plans to make these signs last longer. Miller stated that the new signs are constructed using multiple modules, so only certain segments of the sign would need to be replaced in the future. Miller also stated extra modules would be purchased as spare modules. DiSalvo asked what sort of lighting would be used in the new signs. Miller stated it would be LED lights in the new signs with an approximately 25 year life span.

Rew asked if the video boards comply with all the standards that would apply to any other private parties or businesses. Gibbons stated that it would be subject to a signage development plan for other districts in the city. Gibbons stated that the video boards would be in the character of many other entertainment districts and areas.

Motion by DeMasi, second by Holm, to recommend approval of the proposed amendment to a planned commercial development plan, as per the recommendation of staff.

VOTE: AYE – DeMasi, DiSalvo, Halm, Haner, Holm, Hutcheson, Rew, and VanHouten. NAY – None. ABSTAIN – None. ABSENT – Danielsen. VACANCY – Two. Motion carried.

- B. CASE #ZC-18-014: Public hearing on the request of David Malone to rezone the properties legally described as Lots 8-11, Auditor's Subdivision of Part of Lot 2 in Auditor's Subdivision of the Northeast ¼ of the Northwest ¼ in Section 5-74-43, and the North 174.47 Feet of Lot 4 lying East of Valley View Lane and West of the Railroad, and Lot 5, Auditor's Subdivision or the Southeast ¼ of the Northwest ¼ in Section 5-74-43 from A-2/Parks, Estates and Agricultural District to R-1/Single Family Residential. Location: 1316, 1324, 1400, and 1408 Valley View Lane.

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

Dave Malone, 1340 Valley View Lane, Council Bluffs, IA 51503, spoke as the applicant of the request. Malone stated he wishes to rezone the property as the R-1/Single Family Residential District allows him a larger lot-coverage maximum than the A-2/Parks, Estates and Agricultural District, and he would like to build a larger garage than what would be allowed on his property in the A-2 District.

No one spoke in opposition of the request. DeMasi closed the public hearing.

Holm asked if the other affected property owners are in support of the proposed rezoning. Meeks stated that signatures of support from three of the four affected property owners were included as Attachment C of the report, with the fourth property owner being notified by mail with no notification in favor or in opposition.

Gibbons stated that the properties are closer to being in conformance from a lot development perspective with the R-1 District, and the area is more consistent from a land use perspective with the R-1 District. Gibbons stated the property addressed as 1230 Valley View Lane was not included in the rezoning, as the footprint of the garage on the property was larger than the footprint of the house, which would be nonconforming in an R-1 District.

Holm asked if there were plans to provide sanitary sewer connections to the lots in the area once septic systems start to fail. Wade stated there is a sanitary sewer stub adjacent to 1430 Valley View Lane, and extension may be possible in the future. Malone stated that he is in favor of connecting to the sewer line, as are other neighbors on the block. Meeks stated that the City Council has to establish a hookup fee to the sewer line, but that has not been established for the properties on this block at this time.

Motion by Rew, second by Halm to recommend approval of the proposed rezoning, as per the recommendation of staff.

VOTE: AYE – DeMasi, DiSalvo, Halm, Haner, Holm, Hutcheson, Rew, and VanHouten. NAY – None. ABSTAIN – None. ABSENT – Danielsen. VACANCY – Two. Motion carried.

- C. CASE #ZC-18-015: Public hearing on the request of the Council Bluffs Community Development Department to rezone properties legally described as Lots 6-8 and the East 50 ft. of Lot 9, all in Block 5, Everett's Addition from I-1/Light Industrial District to R-2/Two Family Residential District. Location: 1802, 1812, and 1820 2nd Avenue.

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

Monrroy stated that the City of Council Bluffs is the applicant of the request, as the City owns Lot 7, Block 5, Everett's Addition, and has included the adjacent properties to the East and West within the rezoning. Monrroy stated the rezoning would allow the City to market the property for sale as a residential property, which is consistent with the properties immediately adjacent, and a majority of the remainder of the neighborhood. Monrroy stated both all property owners have been notified with no comments in favor or in opposition.

No one spoke in favor or in opposition of the request. DeMasi closed the public hearing.

Motion by VanHouten, second by Holm to recommend approval of the proposed rezoning, as per the recommendation of staff.

VOTE: AYE – DeMasi, DiSalvo, Halm, Haner, Holm, Hutcheson, Rew, and VanHouten. NAY – None. ABSTAIN – None. ABSENT – Danielsen. VACANCY – Two. Motion carried.

- D. CASE #ZT-18-005: Public hearing on the request of the Council Bluffs Community Development Department to amend Title 15: Zoning of the Municipal Code (Zoning Ordinance) by repealing Section 15.02.120, 'Appeals' in its entirety, and adopting a new Section 15.02.120, 'Appeals' of the Municipal Code (Zoning Ordinance).

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

Gibbons stated the Community Development Department is the applicant of this request. Gibbons stated there is not currently a clear process as to how a member of the public would request an administrative appeal to the Zoning Board of Adjustment. Gibbons stated that the proposed standards are similar the process to request an appeal to the Building Board of Appeals process. Gibbons provided a brief explanation of the proposed appeals process.

No one spoke in opposition of the request. DeMasi closed the public hearing.

Rew asked if this process is consistent with other towns and cities in Iowa. Gibbons stated it is most closely related to the Building Board of Appeals process.

Motion by Holm, second by DeMasi to recommend approval of the proposed text amendment, per the recommendation of staff.

VOTE: AYE – DeMasi, DiSalvo, Halm, Haner, Holm, Hutcheson, Rew, and VanHouten. NAY – None. ABSTAIN – None. ABSENT – Danielsen. VACANCY – Two. Motion carried.

- E. CASE #ZT-18-006: Public on the request of the Council Bluffs Community Development Department to amend Title 15: Zoning of the Municipal Code (Zoning Ordinance) by repealing Section 15.02.130, ‘Enforcement’, and adopting a new Section 15.02.130, ‘Violation and Penalty’ of the Municipal Code (Zoning Ordinance).

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

Weber spoke as a representative of the City of Council Bluffs on this request. Weber stated that the current Code Enforcement section of the Municipal Code was lacking remediation times for code enforcement violations. Weber stated that the proposed amendment to the Enforcement section of the Zoning Ordinance was modeled after the City of Cedar Rapids Code Enforcement Ordinance, as well as other ordinances within the State of Iowa. Weber provided a brief explanation of each section of the proposed Enforcement Ordinance, as well as provided example timelines for remediation of zoning code violations.

Motion by VanHouten, second by DiSalvo to recommend approval of the proposed text amendment, per the recommendation of staff.

VOTE: AYE – DeMasi, DiSalvo, Halm, Haner, Holm, Hutcheson, Rew, and VanHouten. NAY – None. ABSTAIN – None. ABSENT – Danielsen. VACANCY – Two. Motion carried.

- 8. OTHER BUSINESS** (*Refer to the taped recording of these proceedings for the official verbatim minutes*)
- A. City Council Update- Wade provided an update of City Council actions relative to recent planning cases.
 - B. Other Items of Interest- Gibbons stated that there are two potential appointments to the Planning Commission being reviewed by the City Council at the next scheduled meeting.
- 9. ADJOURNMENT** – DeMasi adjourned the meeting at 7:00 P.M.

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