

**CITY PLANNING COMMISSION
MINUTES
OCTOBER 9, 2018**

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

2. ROLL CALL

Members Present: DiSalvo, DeMasi, Halm, Holm, Holtz, Hutcheson, Rew, and VanHouten
Absent: Danielsen, and Haner
Vacancy: One
Staff: Garrett, Gibbons, Meeks, Monrroy and Wade

3. ADOPTION OF AGENDA

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

4. APPROVAL – MINUTES OF SEPTEMBER 11, 2018 MEETING

Motion by DeMasi, second by Holm 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*)

Gibbons asked for the permission of DeMasi and the approval of the Commission to hear agenda item 7.B. prior to item 7.A. to allow additional time for Holtz to arrive for the public hearing.

Motion by VanHouten, second by Hutcheson to amend the agenda to hear agenda item 7.B. before 7.A. Motion approved by unanimous voice vote.

B. CASE #PR-18-002: Public hearing on the request of Clark Storage, represented by Henry Clark, to adopt a planned residential development plan on property legally described as being part of Lot 4, Sherwood Subdivision (Phase 2), located in the NE1/4 of Section 29-75-43 and the SE1/4 of Section 20-75-43, City of Council Bluffs, Pottawattamie County, Iowa. Location: Undeveloped land lying east of 2009 Sherwood Court.

VanHouten abstained from the request. DiSalvo abstained unless his vote is needed for a motion to carry.

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

Henry Clark, 58681 Kidd Road, Glenwood, IA 58681, spoke as the applicant of the proposal. Clark stated he intends to construct a commercial storage facility at the proposed location. Clark provided an overview of the surrounding area, as well as constraints on the site. Clark stated the buildings would be predominantly metal with a wainscoting detail, as well as shrubbery and metal decorative fencing installed on the site to help with the appearance of the buildings. Clark stated that he is extending water utility to the site, and electric facilities will also be extended to the site.

No one spoke in opposition of the request.

Gibbons stated that Clark's proposed use will also require a Conditional Use Permit that will be reviewed by the Zoning Board of Adjustment. Gibbons stated that the Commission will be approving the development plan that will dictate the site development standards for the property.

Rew asked when construction will start for the project. Clark stated there is no timeline as of now, but hopes to start clearing brush during the winter months of 2018 and 2019, with major site development commencing in fall of 2019.

Motion by Holm, second by DeMasi to recommend approval of the applicant's request for adoption of a planned residential development plan on the above described property, as per the recommendation of staff.

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

- A. CASES #ZC-18-013, #PR-18-003, and #CP-18-001: Combined public hearing on the request of Zimmerman Properties Development, LLC to rezone property legally described as Lot 2, Arbor Creek from A-2/Parks, Estates, and Agricultural District to R-3/Low Density Multi-Family Residential District and to append a PR/Planned Residential Overlay and adopt the associated development plan over the same. The Community Development Department expanded the request to include amending the future land use plan of the Bluffs Tomorrow: 2030 Plan (comprehensive plan) to reclassify Lot 2, Arbor Creek from "Rural Residential/Agricultural" to "Medium Density Residential". Location: Undeveloped land located at the northwest corner of the intersection of College Road and Railroad Avenue.

DeMasi abstained from the request. DiSalvo abstained unless his vote is needed for a motion to carry.

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

Jeff Beckler, Zimmerman Properties Development, LLC, 1329 East Lark Street, Springfield, MO 66215 spoke as a representative of the applicant of the request. Beckler stated that the development consists of a 60 unit multifamily structure with 2 and 3 bedroom units. Beckler stated that they are in support of all recommendations of the Community Development Department. Beckler stated that the units would be available for those who earn at or below 60% of the area median income for Pottawattamie County, and would potentially offer some market-rate apartments at the development. Beckler stated residents would be required to submit income verification, and be subject to thorough background checks. Beckler stated that Zimmerman Properties Development would remain as the owner and manager of the apartment development, and has a long history of providing safe and quality housing.

Michael Osbourn, KAW Engineering, 14700 West 114th Terrace, Lenexa, KS 66215 stated the firm he works for provides the engineering services for many of the projects Zimmerman Properties Development is involved with. Osbourn stated that through several meetings with City staff, it has been determined that there are adequate utilities on the site to accommodate the 60 unit multifamily residential development. Osbourn stated that, when complete, stormwater release rates would be lower than what the current conditions of the site provide. Osbourn explained that the traffic impacts were reviewed, and they anticipate 33 vehicle trips to and from the site in the morning, and 51 vehicle trips to and from the site in the afternoon, and the existing College Road and Railroad Avenue infrastructure can accommodate the increased traffic demands.

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

Ron Wolfe, 536 College Road, Council Bluffs, IA 51503, spoke as a neighboring property owner, and a representative of the College Road/Indian Hills Neighborhood Association. Wolfe stated that the property was gifted to the Parks Commission of the City of Council Bluffs, and has long considered the site to be a park. Wolfe stated there is a significant watershed that drains to the site, and the property has acted as a stormwater retention site. Wolfe stated the rezoning of the parcel to R-3/Low Density Multifamily Residential would be a case of spot zoning, as a majority of the neighborhood is zoned A-2/Parks, Estates, and Agricultural District, and the A-2 District is a consistent zoning district. Wolfe also stated College Road

is currently overcrowded, and disagrees with the previous statements regarding the ability of the adjacent roads to accommodate the increased traffic. Wolfe also expressed concerns with adjacent property values, the changing character of the neighborhood, and the precedence of amending the Bluffs Tomorrow: 2030 Comprehensive Plan to fit specific projects. Wolfe asked the Commission to vote “no” to the proposal.

Randy Nash, 721 College Road, Council Bluffs, IA 51503 spoke as an adjacent property owner. Nash expressed concerns with traffic on College Road, and stated that the condition of the road is also an issue.

Deborah Petersen, 215 South Main Street, Council Bluffs, IA 51503, stated she is speaking on behalf of the Midlands Humane Society. Petersen stated that the Midlands Humane Society currently has a 99 year lease with the City of Council Bluffs for the land which the humane society sits upon, and the building has been short on space since it was built. Petersen expressed concerns with the location of stormwater basins on the Humane Society site, as well as the subject property, stating that the close proximity of the two basins may increase drainage issues. Petersen agreed that the proposed use is much more intensive than the rest of the neighborhood, and the rezoning would be a case of spot zoning. Petersen cited the Bluffs Tomorrow: 2030 Comprehensive Plan goals, and expressed concerns with the proposed amendment for such a small land area, and single developer project. Petersen agreed that there is a housing need in the city, but the subject property would not be appropriate for the proposed development, and asked that the Planning Commission and City Council recommend denial of the proposals.

Linda Kemp, 11801 Gow Circle, Belleview, NE 68133, spoke as a representative of the Midlands Humane Society. Kemp stated that the Humane Society does not feature enough surgery suites, community rooms, retail space, grieving/surrender rooms, and separate isolation areas for different sized animals. Kemp stated that the humane society has always envisioned expanding onto the subject property, and for that reason has decided to submit an offer to buy the subject property. Kemp asked that the Planning Commission and City Council deny the request to allow the Humane Society to expand and continue to offer services to the community.

Marti Nerenstone, 33 Indian Hills Road, Council Bluffs, IA 51503, stated she is a part of the College Road/Indian Hills Neighborhood Association. Nerenstone stated there is currently significant water on the site. Nerenstone stated during the winter months the roads are dangerous, and cars often slide into ditches, or slide into mailboxes. Nerenstone asked the audience who was in attendance from the neighborhood surrounding the proposal, and approximately 12 individuals raised their hand. Nerenstone stated the additional traffic would be a detriment to the community.

Hutcheson closed the public hearing.

Gibbons provided clarification on the comments of those speaking on the proposal. Gibbons stated that the Arbor Creek Subdivision is currently being reviewed by the City Council, with a variance for Lot 3, Arbor Creek, with the City Council being able to grant a variance as it pertains to final subdivision plats. Gibbons also stated post-construction stormwater easements have been applied to the detention basin on Lot 1, Arbor Creek, on the final plat, which is the site of the Midlands Humane Society. The purpose of the easement is to address the long-term maintenance of the detention basins on Lot 1, Arbor Creek, by the property owner. Gibbons stated the request to amend the Bluffs Tomorrow: 2030 Comprehensive Plan is on a smaller scale than the West Broadway Area Plan, and Mid City Area Plan, and would only affect the future land use map, which is prompted by increased development in the area around College Road, Railroad Avenue, and Valley View Drive. Gibbons stated that city staff met with the Midlands Humane Society, and showed them options to expand on the existing site they occupy. Gibbons stated the developer would install sidewalks along the frontage of their site, and would potentially install wider sidewalks along College Road to expand the City’s trail network. Gibbons stated landscaping requirements and fencing requirements have also been recommended as conditions on the approval of the proposal.

Petersen asked Hutcheson for the opportunity to address the comments made by Gibbons regarding the Midlands Humane Society. Hutcheson allowed it. Petersen stated that the expansion plan the city showed the Humane Society did not consider the layout of the building, and the Humane Society does not consider the proposal to be a viable option.

Tom Ackley, Koley Jesson Law Firm, 1125 S. 103rd Street, Omaha, NE 68124, a representative of Zimmerman Properties Development, also asked for an opportunity for rebuttal to the comments made during the public hearing. Hutcheson allowed it. Ackley stated that the character of Railroad Avenue has changed, and rezoning a corner property to allow a multifamily development would not be unusual. Ackley also stated there would be an adequate buffer to shield the new development from view of existing residences, and the development of the site should help alleviate drainage issues.

Rew asked why the developer did not purchase the property further north on Railroad Avenue that is adjacent to the Sherwood Forest Apartment Complex. Beckler stated that the site was an option, but the seller was not cooperative with Zimmerman Properties Development.

Rew asked for clarification on the approval of the final plat by the City Council. Wade stated the approval of the final plat is being considered by the City Council, but is waiting on clarification that they are able to grant variances on final plats. Gibbons stated that the Planning Commission would not normally see a final plat for review, and at this time the subject property is known as “proposed Lot 2, Arbor Creek”.

Rew asked if the city has discussed improvements to College Road in that area. Gibbons stated that it would be a conversation for the Public Works Department, and no adverse comments were received.

VanHouten asked for additional information on what the rent would be in the development, as well as how many units Zimmerman Properties Development manages. Beckler stated that Zimmerman Properties Development owns approximately 100 properties and manages approximately 300 properties, which accounts for approximately 15,000 units across 14 states. Beckler stated that the rent limit would be capped at \$1,100 per month, though this complex would be modeled to keep unit rents below \$630 per month. Beckler stated they aim for 10-12% of the apartment to be market rate units.

Holm asked what the square footage of the apartment units would be, as well as who would be constructing the development. Beckler stated the units would be 950-1100 square feet in size. Beckler stated that construction of the apartment buildings would be bid out locally, though Zimmerman Properties Development would serve as the general contractor.

Holm asked if there is any expansion planned at this time. Beckler stated that was not currently planned.

Rew stated that he does acknowledge the growth in the area, though he is not sure that the apartment complex fits on the proposed site. Rew stated that he has concerns with the state of College Road, traffic patterns, spot zoning, and amending the comprehensive plan.

Holm stated he also has concerns with the state of College Road and the drainage issues on the site.

VanHouten stated that there are many factors to consider, including the need for additional housing in the city. VanHouten stated he sees this as a good project, though understands the concerns of the neighbors.

Halm asked if there were other sites that were considered in the city. Beckler stated other sites have been considered, though infrastructure and issues with the sellers have prompted the proposal being located at this site.

Halm asked if the access to the trail system and other transportation options were considered in choosing the subject property. Beckler stated that it was, and the occupants of the units would benefit from the trail system.

Halm asked if college students would be able to live in the apartment units. Beckler stated full-time college students would be able to live in the market rate units, but would not be eligible for the affordable housing units. Hutcheson asked if the developer would still build the units on that site if the low-income housing tax credits were not awarded, which would benefit the students attending Iowa Western Community College. Beckler stated the current proposal is contingent on the low-income housing tax credits being awarded, though they would explore all options in the event they were not.

Motion by VanHouten to recommend approval, as per staff's recommendations. There was no second. The motion failed.

Motion by Rew, second by Hutcheson to recommend denial of the applicant's requests.

VOTE: AYE –Halm, Holm, Holtz, Hutcheson, and Rew. NAY – VanHouten. ABSTAIN– DeMasi, and DiSalvo. ABSENT– Danielsen, and Haner. VACANCY– One. Motion carried.

Rew clarified that the case would still be heard by the City Council.

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 introduced Joe DiSalvo, Travis Halm, and Heath Haner as new Planning Commissioners, and thanked Mikayla Holtz for her time serving the City of Council Bluffs as a Planning Commissioner. Gibbons also introduced Moises Monroy as a new planner with the Community Development Department.
9. **ADJOURNMENT** – DeMasi adjourned the meeting at 7:37 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.