

**CITY PLANNING COMMISSION
MINUTES
DECEMBER 10, 2019**

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

2. **ROLL CALL**

Members Present: DeMasi, Haner, Holm, Hutcheson, Rater, Rew, Stroebele and Van Houten
Late: Halm
Absent: Disalvo and Scott
Staff: Garrett, Gibbons, Meeks, Monrroy, Wade and Weber

3. **ADOPTION OF AGENDA**

Motion by Van Houten, second by Holm to adopt the agenda as presented. Motion carried by unanimous voice vote.

4. **APPROVAL – MINUTES OF NOVEMBER 12, 2019 MEETING**

Motion by DeMasi, second by Holm to adopt the minutes as presented. Motion carried by unanimous voice vote.

5. **PROOF OF PUBLICATION** – Gibbons

6. **REVIEW OF MEETING PROCEDURES** – Hutcheson

7. **PUBLIC HEARINGS** - (*Refer to the taped recording of these proceedings for official verbatim minutes*)

A. CASE #SAV-19-008: Public hearing on the request of Richard L. Mowery Jr. to vacate and dispose of Avenue M right-of-way located between North 8th and North 10th Streets, and abutting properties legally described as Lots 2 and 3, Block 8, Turley's Addition and Lots 2 through 5, Block 7, Turley's Addition along with the vacated alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa. Location: 1408 North 8th Street, 813 Avenue 'M', and 829 Avenue 'M'.

Monrroy provided an overview of the request.

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

Diane Mowery, 829 Avenue 'M,' Council Bluffs, IA 51503, spoke as the spouse of the applicant of the request. Mrs. Mowery stated that her husband's family have owned the three properties abutting the subject right-of-way for about 100 years, and have provided maintenance to Avenue 'M' throughout those years. Mrs. Mowery also stated there is no street sign identifying Avenue 'M' and no snowplow has ever cleaned it up in the past. Mrs. Mowery then reiterated the purpose of this request is to allow her husband to construct a garage north of the existing house.

Richard L. Mowery, Jr., 829 Avenue 'M,' Council Bluffs, IA 51503, spoke as the applicant of the request. Mr. Mowery reiterated that his family has owned and maintained the three properties adjoining Avenue 'M' for 100 years.

Van Houten asked Mr. Mowery if he was aware of Staff's comments regarding limitations on building structures in the area between the house and the property line along North 10th Street if Avenue 'M' were to be vacated. Mr. Mowery stated he was aware of those limitations and had no issues with them. Mr. Mowery explained that since semi-trucks regularly travel along North 10th Street at high speeds, he would like to keep all structures as far away as possible from it. Van Houten asked Mr. Mowery if he had any issues with an easement being retained over the subject right-of-way for the maintenance and repair of existing utilities. Mr. Mowery stated he had no issues with an easement being retained over Avenue 'M.'

Stroebele asked Mr. Mowery if he was going to keep the subject right-of-way open to North 8th and North 10th Streets. Mr. Mowery clarified that this section of Avenue ‘M’ has never been open to North 8th Street. Mr. Mowery stated that there is curb along the easterly edge of Avenue ‘M’ as there is a 6- to 8-inch drop from Avenue ‘M’ to North 8th Street.

Rew asked Mr. Mowery to identify where he was planning to build the proposed garage. Mr. Mowery stated that the garage will be built directly north of the house.

Gibbons stated that one of the conditions of approval was to replat the lots south of the subject right-of-way into two lots of record with access to a public street. Gibbons asked Mr. Mowery if he had any issues complying with said condition. Mr. Mowery stated he had no issues complying with that condition.

No one in opposition of the request. Hutcheson closed the public hearing.

Motion by Van Houten, second by Holm to recommend approval to vacate and dispose Avenue M right-of-way located between North 8th and North 10th Streets, and abutting properties legally described as Lots 2 and 3, Block 8, Turley’s Addition and Lots 2 through 5, Block 7, Turley’s Addition along with the vacated alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa, as per Staff’s recommendation.

VOTE: AYE – DeMasi, Haner, Holm, Halm, Hutcheson, Rater, Rew, Stroebele and Van Houten.
NAY – None. ABSTAIN – None. ABSENT – Disalvo and Scott. Motion carried.

- B. CASE #ZC-19-004: Public hearing on the request of CAMCO Inc., represented by Donald Campbell, to rezone properties legally described as Lots 1 and 2, Block 4, Riddle’s Subdivision, City of Council Bluffs, Pottawattamie County, Iowa from I-1/Light Industrial District to R-3/Low Density Multi-Family Residential District. Location: 814 and 818 South 7th Street.

Meeks provided an overview of the request.

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

Donald Campbell, 19 Pelican Drive, Council Bluffs, IA 51501 spoke as the applicant of the request. Campbell stated that the purpose of the request is to increase the marketability of the existing single-family dwellings as he intends to sell them in the future.

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

Halm asked why the subject properties were zoned I-1/Light Industrial. Gibbons stated that a significant amount of properties along 9th Avenue have historically been industrial. Holm agreed and stated that a winery had been located in the vicinity years ago. Gibbons also stated that the Community Development had not received any requests to rezone the subject properties prior to this request. Van Houten stated that nonconforming residential uses in industrial areas can be found throughout the city, especially along North 8th and North 16th Streets.

Motion by Van Houten, second by DeMasi to recommend approval of the request to rezone the properties legally described as Lots 1 and 2, Block 4, Riddle’s Subdivision, City of Council Bluffs, Pottawattamie County, Iowa from I-1/Light Industrial District to R-3/Low Density Multi-Family Residential District, as per Staff’s recommendation.

VOTE: AYE – DeMasi, Haner, Holm, Halm, Hutcheson, Rater, Rew, Stroebele and Van Houten.
NAY – None. ABSTAIN – None. ABSENT – Disalvo and Scott. Motion carried.

- C. CASE #MIS-19-005: Public hearing on the request of Methodist Jennie Edmundson Hospital to adopt a site-specific signage plan for the Jennie Edmundson Memorial Hospital Campus, generally described as an area geographically bounded by Keeline Avenue to the north, Nicholas Street to the south, East Kanessville Boulevard and East Broadway to the west, and Cook Avenue to the east. Locations: 808 and 933 East Pierce Street.

Rew stated that he will abstain from voting on the request.

Weber provided an overview of the request.

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

Vincent Rew, 234 Mt. Vernon Avenue, Council Bluffs, IA 51503, spoke as a representative of the applicant of the request. Vincent Rew stated that the size and number of signs proposed in the signage plan takes into account various factors, including the size of the campus, the new medical office and the physical capabilities of their patients.

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

Stroebele asked if increasing the total sign area by 20% or less than initially proposed in a site-specific signage plan would require review by the City Planning Commission and approval by City Council. Gibbons stated that an increase of the total sign area proposed in a signage plan by 20% or less would only require administrative review and approval by Staff. Gibbons also stated that this provides applicants with the flexibility to make minimal revisions to their signage plan while not being detrimental to adjacent properties. Gibbons stated the signage plan presented is reasonable when taking into account the numerous frontages and the acreage of the site. Gibbons stated that Staff recommends approval of the request.

Motion by Hutcheson, second by Holm to recommend approval to adopt a site-specific signage plan for Jennie Edmundson Memorial Hospital, being an area geographically bounded by Keeline Avenue to the north, Nicholas Street to the south, East Kanessville Boulevard and East Broadway to the west, and Cook Avenue to the east and legally described below, as per Staff's recommendation.

The property addressed as 808 East Pierce Street and legally described as JENNIE EDMUNDSON ADD LT 1, EXC CITY ROW;

The property addressed as 933 East Pierce Street and legally described as AUD SUB SECTION 30-75-43 SE NW LTS 4 THRU 7, AUD SUB NE SW LTS 6 THRU 11, KEELINE HOME PLACE LT 1, BLK 1, HILLSIDE ADD BLKS 1 THRU 4, JUDDS COURT LTS 1 THRU 10, BELDENS SUB LTS 14 AND 15 AND ALL VAC ALLEYS, VOORHIS, FIELD AND RIDGE STREETS ADJ, HAGGS FIRST ADD LTS 1 THRU 4 AND 5 EXC NELY34' NWLY100' AND ALL LTS 6 AND 9 BLK 3 AND 1/2 VAC ALLEY ADJ AND LTS 7 AND 8 BLK 3; and

The parking lot located west of 933 East Pierce Street, generally described as being geographically bounded by Kanessville Boulevard to the west, Ridge Street to the south, and East Pierce Street to the east, and legally described as HAGGS EXTENSION LTS 4 THRU 7 BLK 6 AND ALL VAC E OAK ST AND ALL VAC ALLEY ADJ AND BOCKS SUB PT LTS 4 THRU 7 < 8 EXC SWLY14.47' STRIP TO CITY ALL SE OF HWY.

VOTE: AYE – DeMasi, Haner, Holm, Halm, Hutcheson, Rater, Stroebele and Van Houten. NAY – None. ABSTAIN – Rew. ABSENT – Disalvo and Scott. Motion carried.

- D. CASE #MIS-19-004: Public hearing on the request of the City of Council Bluffs to review and adopt the Fiscal Year 2021-2022 through Fiscal Year 2024-2025 Capital Improvement Plan.

Garrett provided an overview of the request.

Rew asked if the Lake Manawa Power Center Entrance enhancement project would focus on both entrances of the Manawa Power Center. Garrett stated that these enhancements will focus on the south entrance as the north entrance will be impacted by the reconstruction of I-80. Garrett stated that sidewalks will begin to be installed throughout the Manawa Power Center as part of this project. Garrett stated he is hopeful that a trail along South Expressway will be a part of these enhancements in the future.

Rew asked if the property improvements and installation of bike trails in Mid-City would be coordinated with the improvements of the 1st Avenue corridor. Garrett stated that Mid-City is the area around the West Broadway viaduct, bounded by Indian Creek on the west and Kelly's Carpet on the east, located further east of the 1st Avenue corridor. Garrett stated that funding in Mid-City will go towards continuing efforts of property acquisition and site contamination clean up.

Hutcheson asked Garrett to elaborate on the FIRST AVE Program. Garrett stated that the FIRST AVE Program is a continuation of the work the City has done in the 1st Avenue corridor. Garrett stated funding will come from various sources, including federal funds funneled through MAPA, a grant from the Iowa West Foundation and \$150,000 rolled over from a previous budget year. Garrett stated funding would be used for property acquisition, demolition, consultant work, trail construction and ground preparation.

Rew asked for an update on the properties located between South 32nd Street and South 34th Street and along 1st Avenue. Garrett stated that the City's website has a page dedicated to the West Broadway and 1st Avenue corridors, which provides information on all projects taking place in the area, including the redevelopment of the properties recently rezoned to the MCR/Mixed Commercial-Residential District. Garrett stated City Council selected a proposal to redevelop these properties that consisted of 254 dwelling units. Garrett stated the proposal showed townhomes along 2nd Avenue, apartments south of 1st Avenue, a mixed-use building north of 1st Avenue and a significant amount of amenities, including playgrounds, walkable areas and a parking arboretum. Garrett also stated that he received a draft of the development agreement for this project from the City's private attorney, signifying the project is moving forward. Gibbons stated that the developer will submit a development plan, a rezoning request for the property north of 1st Avenue and a final plat as part of this project, all of which will be reviewed by the Planning Commission.

Holm noted that the Capital Improvement Program shows 8.4 acres of land will be donated to the City for the design and engineering of East End Park. Garrett stated the land will be donated by the developers of the Hills of Cedar Creek. Rew asked where the park would be located. Gibbons stated the park will be located in the vicinity of the southwest corner where Cedar Lane and Eastern Hills Drive intersect.

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

Holm asked for clarification as to why expenditures by the Public Works Department will decrease every year, especially considering the flooding issues the city has dealt with throughout the past year. Gibbons stated the figures found in later years are simply placeholders and it is certain that more funding sources and projects will be added in the future.

Gibbons clarified that the Commission is being asked to review the Capital Improvement Program and determine whether it is consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan).

Motion by DeMasi, second by Hutcheson to find the proposed Capital Improvement Program for Fiscal Year 2020-2021 consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan), as per Staff's recommendation.

VOTE: AYE – DeMasi, Haner, Holm, Halm, Hutcheson, Rater, Rew, Stroebele and Van Houten. NAY – None. ABSTAIN – None. ABSENT – Disalvo and Scott. Motion carried.

- E. CASE #URN-19-003: Public hearing on the request of the City of Council Bluffs to amend the Playland Park Urban Renewal Area by adopting Amendment #5 for property legally described as Block 1, Rivers Edge Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. Location: Lying south of Avenue 'B' and north of Rivers Edge Parkway.

Garrett provided an overview of the request.

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

Stroebele asked for the number of dwelling units in River's Edge. Gibbons stated that the existing townhomes and mixed-used building contain 32 dwelling units. Garrett stated that an additional 200 dwelling units will be available once the large apartment building is completed. Garrett also stated that Broadmoor, the developer of the townhomes and the large apartment building, owns the block east of the townhomes and plans to develop it as townhomes as well. Garrett stated that Broadmoor is also interested in pursuing an agreement to develop the piece of land east of the large apartment building.

Rew asked whether the development of River's Edge was meeting expectations or if it should be reevaluated. Garrett stated that all developers were performing to the standards established in their development agreements with the City, with the exception of Argent. Garrett stated that while it was his impression that the project was moving slower than expected, there was still optimism since the developer approached the City to increase the scope of the project. Rew asked whether increasing the scope of the project would be a good idea if no businesses were moving into the existing building. Garrett stated that since development agreements were in place or in the process of being adopted for the majority of the land in River's Edge still owned by the City, development was moving in the right direction. Rew noted that the parking garage was significantly underutilized. Wade agreed and stated that it is due to lack of occupancy of the existing office building. Wade also stated that while the underuse of the parking garage has deferred some costs, such as staffing and installation of mechanical equipment, the development of River's Edge will be in a better place once it is occupied.

Halm and Stroebele noted that there is a high demand for the apartment units at River's Edge. Rew stated there was always optimism in the success of the residential component of River's Edge and that the issue was finding a solution to make the ancillary uses around it work. Halm stated the construction of I-29 and flooding may be hindering the revitalization of the area. Rew asked if flooding has been an issue for residents of River Park apartments. Halm stated he was only aware of a garage flooding. Wade stated that the ground where the apartments were built was graded to ensure units would not flood. Holm and Stroebele stated that measures have to be taken to address the flooding along the Missouri River.

Motion by Van Houten, second by Holm to find Amendment #5 to the Playland Park Urban Renewal Area consistent with the Bluffs Tomorrow: 2030 Plan (comprehensive plan) and recommend approval to amend the Playland Park Urban Renewal Area by adopting Amendment #5 for property legally described as Block 1, Rivers Edge Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, as per Staff's recommendation.

VOTE: AYE – DeMasi, Haner, Holm, Halm, Hutcheson, Rater, Rew, Stroebele and Van Houten.
NAY – None. ABSTAIN – None. ABSENT – Disalvo and Scott. 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.

Gibbons stated that a temporary use permit was granted to Echo Group, Inc. by City Council to allow them to convert Conex shipping containers into contractor trailers and offices within the former Bomgaars retail space at 2703 East Kanesville Boulevard for a period of up to two years.

B. Other items of interest: Rew asked for an update on Menards's plan to demolish the Mall of the Bluffs. Garrett stated Staff had no firsthand knowledge on Menards's plans and only knew what was reported on local news outlets. Garrett stated Staff was approached by the real estate company that recently purchased Hy-Vee at the Mall of Bluffs back in January 2019 to discuss the demolition of the mall and building a Menards in its place. Garrett stated that no further discussions were held after the City expressed its unwillingness to provide \$20 million in TIF assistance for this redevelopment project. Garrett stated that the same company recently approached the City to discuss adjusting the property lines between the Hy-Vee and the mall site. Garrett stated that since the Mall of the Bluffs area is zoned P-C/Planned Commercial, a development plan which addresses sidewalks, grading, drainage, utilities and stormwater management would have to be adopted before any redevelopment, including any subdivision action, takes place. Rew asked if traffic flow would be addressed by a development plan. Garrett stated that traffic flow would be addressed in the development plan as it is major concern for the school district since Kirn Middle School is located in the former Target building.

Holm asked if Staff had any information on excavation taking place on a property at the intersection of South Expressway and Veterans Memorial Highway. Garrett stated the site is being cleaned up but there is no development currently associated with said excavation.

Gibbons stated that the City and Pottawattamie County were updating their 28E Agreement, which governs subdivisions that occur within a certain distance outside of the City's corporate limits. Gibbons stated that as part of this update, the City and the County will conduct a study of the three-mile area outside the City's limits to determine where the City can realistically grow and develop. Gibbons stated that certain areas within the City's limits with potential for future development, including the Dodge Riverside, Fox Run Landing and Council Bluffs Country Club golf courses, land east of Lake Manawa, land around South 192nd Street, land around Yellow Pole Road and land out by the airport, would be included in the scope of the study. Gibbons stated it is anticipated that this will be 9-month process, which will result in policy changes on how subdivisions, parcel splits and lot line adjustments are handled in unincorporated areas, as well as updates to the City's future land use map and the Bluffs Tomorrow: 2030 Plan (comprehensive plan). Rew stated that this study would also help developers find areas in Council Bluffs that are ideal for development. Gibbons stated the study will be a major undertaking by the City in 2020. Gibbons also stated the update was long overdue since the last 28E Agreement was adopted in 2010.

Garrett stated that the Community Development Department would be moving from their current location at the Fire Station to the former Public Health Department space at City Hall in January 2020. Halm asked if the new space would be ADA accessible. Garrett confirmed that space would be ADA accessible.

Gibbons stated Lindsey Danielsen submitted an application to the Mayor's Office to fill the vacancy left by Joe Disalvo, who was recently elected to the City Council. Gibbons stated that if appointed by City Council, Danielsen would bring the Commission to full capacity and begin her own 5-year term.

Hutcheson stated that the subcommittee on attendance and absences met the previous month and would bring up the topic at next month's Planning Commission meeting.

9. ADJOURNMENT – Hutcheson adjourned the meeting at 7:09 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.