

**CITY PLANNING COMMISSION
MINUTES
NOVEMBER 10, 2020**

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

2. ROLL CALL

Members Present: Bass, Danielsen*, Halm**, Haner, Holm, Rater, Rew, Scott, Stroebele and Van Houten

Members Absent: Hutcheson

Staff: Garrett, Gibbons, Knott, Monrroy, Wade and Weber

*Danielsen arrived at 6:19 P.M. and was available to vote on all cases except item 7.A.

**Halm arrived at 6:05 P.M. and was available to vote on all cases.

Note: Bass, Danielsen, Haner and Rater attended the meeting remotely.

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 OCTOBER 13, 2020 MEETING

Motion by Scott, 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 – Stroebele

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

A. CASE #HP-20-005: Public hearing on the request of The 712 Initiative for local historic landmark designation of property legally described as Lots J, K, L and M, Auditor's Subdivision, of Block 6, Mynster's Addition, and Block 2, Bayliss 1st Addition, City of Council Bluffs, Pottawattamie County, Iowa, and being commonly known as the 500 Block of West Broadway. Location: 530 West Broadway.

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

Gibbons provided an overview of the request.

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

Sheryl Garst, The 712 Initiative, 1228 South Main Street, Council Bluffs, IA 51503, spoke as a representative of the applicant of the request. Garst stated that the subject property should be designated as a local historic landmark site since it is one of the few remaining historic buildings along the 500 Block of West Broadway. Garst stated that the local historic designation would increase the likelihood of The 712 Initiative obtaining federal/state historic tax credits for the proposed mixed-use project on this location.

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

Scott, Bass and Halm expressed support for the request as it would help preserve a historic structure in Council Bluffs.

Motion by Scott, second by Halm to recommend approval of the request for local historic landmark designation of property legally described as Lots J, K, L and M, Auditor's Subdivision, of Block 6, Mynster's Addition, and Block 2, Bayliss 1st Addition, City of Council Bluffs, Pottawattamie County, Iowa, and being commonly known as the 500 Block of West Broadway, as per Staff's recommendation.

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

- B. CASES #ZC-20-012, #CP-20-002, and #SAV-20-004: Combined public hearings on the requests of YMCA of Greater Omaha to rezone properties legally described as Lots 6 through 11, Baughn's Subdivision of Lot 8, Original Plat of Council Bluffs, Pottawattamie County, Iowa, EXCEPT East Kaneshville Boulevard right-of-way, from R-3/Low Density Multifamily Residential District to A-P/Administrative-Professional District; and to amend the Bluffs Tomorrow: 2030 Plan by reclassifying said properties from Low Density Residential to Local Commercial; and to vacate and dispose of Baughn Street right-of-way lying between Harmony Street and East Kaneshville Boulevard. Location: West of 235 Harmony Street.

Monrroy provided an overview of the request. Monrroy then presented a letter in opposition of the request from the Historical Society of Pottawattamie County as an exhibit to the Planning Commission.

Motion by Stroebele, seconded by Rew to accept the letter of opposition from the Historical Society of Pottawattamie County as Exhibit 'A' into the record. Motion approved by unanimous voice vote.

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

Leo McIntosh, YMCA of Greater Omaha/Charles E. Lakin YMCA, 235 Harmony Street, Council Bluffs, IA 51503, spoke as a representative of the applicant of the request. McIntosh stated that the applicant is requesting to vacate and dispose of the Baughn Street for safety purposes, as well as to provide space for outdoor recreational amenities and additional off-street parking. McIntosh stated that the proposed site layout was designed after consulting with various community stakeholders in Council Bluffs. McIntosh also stated that the proposed outdoor facilities would be open to the public, and could serve as a community park for residents living near the Charles E. Lakin YMCA.

Scott asked whether the applicant had considered preserving the old St. Patrick's Church and incorporating it into the layout of the expanded campus. McIntosh stated the applicant had considered that option, but opted against it as the church building covers a significant amount of land area that could be used for outdoor recreational amenities and off-street parking. McIntosh also stated that the existing YMCA facility already provides a sufficient amount of indoor amenities, and that maintaining the church would not address the needs of the Charles E. Lakin YMCA. McIntosh also stated that maintaining and operating the church building would be cost prohibitive.

Stroebele asked about the ownership of the old St. Patrick's Church. McIntosh stated that the YMCA of Greater Omaha owns the property where the old St. Patrick's Church is located.

Chris Rochleau, 1425 9th Avenue, Council Bluffs, IA 51501, spoke as a board member of the Charles E. Lakin YMCA. Rochleau reiterated the purpose of the Baughn Street vacation and subsequent demolition

of the old St. Patrick's Church is to install outdoor recreational amenities at the Charles E. Lakin YMCA. Rochleau acknowledged the concerns of demolishing a historic structure, but stated the needs of the Charles E. Lakin YMCA and its members also have to be considered as the facility continues to grow.

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

Sheryl Garst, 1228 South Main Street, Council Bluffs, IA 51503 spoke as a representative of The 712 Initiative. Garst stated that the applicant's proposal does not coincide with the vision for this area established in the Bluffs Tomorrow: 2030 Comprehensive Plan. Garst stated there are alternatives to address the parking needs at the Charles E. Lakin YMCA, including a two-level parking garage and increasing walkability options. Garst presented an alternative conceptual plan as an exhibit to the Planning Commission.

Motion by Rew, seconded by Van Houten to accept Garst's alternative conceptual plan as Exhibit 'B' into the record. Motion approved by unanimous voice vote.

Garst stressed the importance of preserving historic structures in the city and suggested the applicant sell the old St. Patrick's Church to a developer who is willing to adaptively reuse it. Garst stated there is potential to redevelop the church as a residential structure, which could help address some of the housing needs in Council Bluffs. Garst also questioned whether another outdoor recreational facility was needed in Council Bluffs. Garst presented a list of comments from the public relative to the old St. Patrick's Church as an exhibit to the Planning Commission.

Motion by Scott, seconded by Halm to accept the list of comments from the public as Exhibit 'C' into the record. Motion approved by unanimous voice vote.

Patricia Murphy, 333 Willow Avenue, Council Bluffs, IA 51503 spoke as a representative of Preserve Council Bluffs. Murphy stated that the old St. Patrick's Church is a landmark structure in Council Bluffs that should be preserved. Stroebele asked Murphy for her opinion on future uses of the church. Murphy stated that the church should be adaptively reused as an apartment building. Garst stated there is interest to convert the building into ten to fifteen apartment units.

Holm mentioned that it was his understanding that St. Patrick's Church was listed as local historic landmark and thus was not allowed to be demolished. Gibbons clarified that the Commission was reviewing a right-of-way vacation, a rezoning and an amendment to the Comprehensive Plan and not a historic preservation request. Gibbons also clarified that the old St. Patrick's Church is not included in the National Register of Historic Places and is not a local historic landmark.

Anthony Beraldi, 238 Harmony Street, Council Bluffs, IA 51503 spoke as a neighboring property owner. Beraldi stated he was in opposition of the request to vacate and dispose of Baughn Street. Beraldi also stated that closing the Baughn Street would create traffic issues and suggested that a crosswalk be installed if it is dangerous for children to cross the street. Beraldi also suggested converting Baughn Street into a one-way street for safety purposes.

Ken Freudenburg, 510 Oakland Avenue, Council Bluffs, IA 51503 spoke as a representative of the Lincoln-Fairview Neighborhood Association. Freudenburg presented a letter from the neighborhood association originally addressed to the applicant in 2019 as an exhibit to the Planning Commission.

Motion by Scott, seconded by Rew to accept the letter from the Lincoln-Fairview Neighborhood Association as Exhibit 'D' into the record. Motion approved by unanimous voice vote.

Freudenburg stated that approval of the applicant's requests would facilitate the demolition of the old St. Patrick's Church. Freudenburg stated that the neighborhood association was strongly opposed to such action. Freudenburg stated that the church should be preserved considering the amount of historic architecture that has been lost through the years in Council Bluffs. Freudenburg also stated that a small event center would be an appropriate use of the church.

Linda Emge, 244 Harmony Street, Council Bluffs, IA 51503 spoke as a neighboring property owner. Emge stated that the proposed vacation of Baughn Street would exacerbate existing traffic problems. Emge also stated that any prevailing parking issues at the Charles E. Lakin YMCA should have been addressed at the time of construction of the existing facility. Emge suggested constructing an overpass over Baughn Street as an alternative to the applicant's proposal.

Deb Petersen, 215 South Main Street, Council Bluffs, IA 51503 spoke in opposition of the request. Petersen stated that Baughn Street is regularly used for vehicular and pedestrian circulation, and thus should not be vacated. Petersen stated that additional off-street parking does not justify an amendment to the Bluffs Tomorrow: 2030 Comprehensive Plan or a change to the City's zoning map. Petersen also stated that efforts to preserve historic structures such as the Hughes-Iron building or the PACE building demonstrate that the old St. Patrick's Church can be restored.

Amanda Scott, 220 Harmony Street, Council Bluffs, IA 51503 spoke as a neighboring property owner. Scott stated that the proposed vacation would negatively affect neighbors who regularly use Baughn Street. Scott expressed concern over the impact of removing the public utilities installed during the reconstruction of Baughn Street would have on the neighborhood. Gibbons clarified that a public utility easement would be retained over the subject right-of-way if it were to be vacated. Gibbons also stated that if applicant intends to remove the utilities in Baughn Street, it would be their responsibility to pay for all costs. Scott coincided with The 712 Initiative's assessment that there are other options to address off-street parking at the Charles E. Lakin YMCA.

Stroebele closed the public hearing.

Scott stated he is opposed to the request and cited the neighborhood's opposition to the expansion of the Charles E. Lakin YMCA campus and a potential designation of the old St. Patrick's Church as a local or national historic structure as his reasoning.

Van Houten stated he was unaware of the Commission approving a request to vacate and dispose of an active public street in his time as a Commissioner. Van Houten stated that based on the testimony provided during the public hearing, the neighborhood actively uses Baughn Street for traffic circulation and that there is a demand for the street to remain open. Rew concurred with Van Houten and stated that the proposed vacation would significantly alter traffic patterns along East Kaneshville Boulevard.

Van Houten clarified to the public that the applicant would be still able to demolish the old St. Patrick's Church even if the requests are denied by City Council.

Halm stated that an amendment to the Comprehensive Plan and the vacation of public right-of-way used for traffic circulation are fundamental changes that affect the subject property and the surrounding area

that should benefit all affected parties. Halm stated that the proposed parking lot and outdoor recreational expansion area are not significant improvements to the site that justify the applicant's requests.

Motion by Van Houten, second by Scott to recommend denial of the requests to rezone properties legally described as Lots 6 through 11, Baughn's Subdivision of Lot 8, Original Plat of Council Bluffs, Pottawattamie County, Iowa, EXCEPT East Kanesville Boulevard right-of-way, from R-3/Low Density Multifamily Residential District to A-P/Administrative-Professional District; and to amend the Bluffs Tomorrow: 2030 Plan by reclassifying said properties from Low Density Residential to Local Commercial; and to vacate and dispose of Baughn Street right-of-way lying between Harmony Street and East Kanesville Boulevard based on the following reasons:

1. Most right-of-way vacation requests involve streets and alleys that are unimproved and/or not utilized for traffic circulation. The applicant's request would result in vacating a fully improved roadway which is utilized by the neighborhood for on-street parking and traffic circulation. Approval of this request would also be disruptive to the traffic patterns in this area of the City.
2. The proposed rezoning and future land use plan amendment results in a fundamental change to the City's zoning map and Bluffs Tomorrow: 2030 Comprehensive Plan. The request by the applicant to expand their parking lot and construct an outdoor amenity area for the YMCA campus does not justify such a fundamental change to the City's zoning map and future land use plan of the Bluffs Tomorrow: 2030 Plan.

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

Beraldi asked if Baughn Street would remain open at this time. Stroebele confirmed that the subject right-of-way would not be vacated at this time. Stroebele clarified that the Commission only made a recommendation, and that City Council would make the final decision on all three cases. Rew stated community members would be able to continue the discussion on the applicant's requests at the upcoming public hearings held by City Council.

Petersen asked when City Council would consider these items. Gibbons stated that the first reading of the ordinance for the proposed rezoning would take place at the November 23, 2020 City Council meeting, and the public hearings for all three items would be scheduled for December 14, 2020.

- C. CASE #MIS-20-007: Public hearing on the request of the City of Council Bluffs to review and adopt the Fiscal Year 2022-2023 through Fiscal Year 2025-2026 Capital Improvement Plan.

Gibbons provided an overview of the request.

Kathy Knott, Director, Finance Department, City of Council Bluffs, was present to answer any questions relative to the FY 2022-2023 through FY 2025-2026 CIP from the public and the Planning Commission.

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

Holm expressed concern with the condition of the Indian Creek levee. Wade stated that the levee would be rehabilitated to the standards required by Court.

Rew asked whether there were any infrastructure costs that could help facilitate new development on the east side of Council Bluffs. Wade stated that he was not aware of such costs. Rew elaborated on his inquiry and stated that the extension of utilities and other infrastructure to the east side of Council Bluffs is cost prohibitive and hinders development in that area of the city. Wade stated that REID financing has been used in the development of the Hills of Cedar Creek and Whispering Oaks, which has allowed developers to pay for the installation of infrastructure over time. Knott stated that projects in the East Beltway area, including the extension of Steven Road, are included in the CIP. Gibbons stated that the joint land use study between the City of Council Bluffs and Pottawattamie County would address the extension of utilities to the east.

Bass asked whether the Council Bluffs Police Department had proposed any projects. Knott stated that no projects have been presented by the Police Department other than completion of the shooting range. Wade stated it is not common for the Police Department to propose any capital improvement projects.

Holm asked whether the Council Bluffs Fire Department had proposed any projects. Knott stated that Fire Chief Justin James has been interested in pursuing a project on the south side of Council Bluffs, but that she was not aware of any details. Knott also stated that said project would require a vote from the citizens of Council Bluffs to secure a bond.

Motion by Danielsen, second by Bass to recommend approval of the request to review and adopt the Fiscal Year 2022-2023 through Fiscal Year 2025-2026 Capital Improvement Plan, as per Staff's recommendation.

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

- D. CASE #ZT-20-005: Public hearing on the request of the Community Development Department to amend Section 15.26.030(b), *Abandonment of Nonconforming Use*, of the Municipal Code (Zoning Ordinance) to allow a nonconforming use to cease for a continuous period of twelve (12) months before the subsequent use shall be required to conform to the use regulations of Title 15: Zoning.

Weber provided an overview of the request.

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

Motion by Van Houten, second by Halm to recommend approval of the request to amend Section 15.26.030(b), *Abandonment of Nonconforming Use*, of the Municipal Code (Zoning Ordinance) to allow a nonconforming use to cease for a continuous period of twelve (12) months before the subsequent use shall be required to conform to the use regulations of Title 15: Zoning, as per Staff's recommendation.

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

Wade stated that Midlands Humane Society had submitted an offer to purchase the city-owned property located east of their site at 1020 Railroad Avenue. Wade stated that the City wishes to maximize the

development potential of said city-owned property in order to generate taxes. Wade also stated that proposals for residential development at this site have met opposition from the surrounding neighborhood regarding the number and type of dwelling units. Rew stated that the condition of College Road negatively affects any proposed development at this site. Gibbons stated if City Council were to approve the RFP submitted Neal Drickey, the Planning Commission would review the subsequent subdivision, rezoning and planned residential development plan. Holm asked for an estimate cost to install the necessary infrastructure along College Road. Wade stated that the proposed residential density is not sufficient to recuperate the cost to install said infrastructure.

- B. Other items of interest: Gibbons stated that City Council has directed the Planning Commission to elaborate on their reasoning when voting in denial of requests for clarification purposes.

Gibbons informed the Commission that Chris Meeks had accepted a job offer with Polk County and that Weber has been promoted to the Planner position. Gibbons stated that the Zoning Enforcement Officer position would be eliminated, and that Staff would begin the process to hire a third Planner.

9. ADJOURNMENT – Stroebele adjourned the meeting at 6:27 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.