

**CITY PLANNING COMMISSION
MINUTES
OCTOBER 13, 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, Hutcheson, Rater, Rew, Stroebele and Van Houten

Members Absent: Scott

Staff: Gibbons, Monrroy and Wade

*Danielsen arrived at 6:02 P.M. and was available to vote on the scheduled case.

Note: Rater attended the meeting remotely.

3. ADOPTION OF AGENDA

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

4. APPROVAL – MINUTES OF SEPTEMBER 8, 2020 MEETING

Motion by Van Houten, 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 #ZC-20-011: Public hearing on the request of Caren C. Taylo to rezone properties legally described as Lots 47 through 50, Belmont Addition, along with the South ½ of the vacated east/west alley adjacent from C-2/Commercial District to R-2/Two-Family Residential District. The Community Development Department expanded the request to rezone property legally described as Lots 44 through 46, Belmont Addition, along with the north half of the vacated east/west alley adjacent, from C-2/ Commercial District to R-2/Two-Family Residential District for zoning consistency purposes. Location: 1500 and 1506 Avenue ‘O’, and 1501 Avenue ‘P’.

Monrroy provided an overview of the request.

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

Parker Smith, 1600 5th Avenue, spoke as a representative of the applicant of the request. Smith stated the applicant is requesting the proposed rezoning in order to facilitate the sale of her two properties as it will be difficult for prospective buyers to obtain mortgage loans for said properties if they are zoned C-2/Commercial District. Smith also stated that while the subject properties are surrounded by commercial and industrial uses, the existing dwellings should be zoned residential. Smith clarified that 1501 Avenue ‘P’ was not included in the original request and that he is only advocating for the rezoning of the properties owned by the applicant.

The following member of the public had a general inquiry on the request:

Wayne Konfrst, 1501 Avenue 'P,' spoke as the owner of one of the properties included in the request. Konfrst stated that he runs a business out of his residence and asked what the implications of the proposed rezoning on said business.

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

Van Houten stated that the existing business on 1501 Avenue 'P' would become a legal nonconforming use if the proposed rezoning were to be approved. Gibbons asked Konfrst whether he lives on 1501 Avenue 'P' and what kind of business he operates. Konfrst confirmed that 1501 Avenue 'P' was his residence, where he runs a tree trimming company. Konfrst also stated that the existing operation includes an office space and the storage of equipment. Gibbons stated that if the proposed rezoning was approved, the office component would be considered a home occupation, while the equipment storage would be deemed a legal nonconforming use subject to the regulations established in Chapter 15.26, Nonconformities, of the Council Bluffs Municipal Code (Zoning Ordinance).

Gibbons stated that the City can provide the applicant with a letter that confirms the nonconforming status of the subject properties and addresses lenders' concerns. Smith stated that while the letter may resolve banking issues, it is still difficult to market homes located in commercial zoning districts.

Gibbons stated that the Community Development Department would also be concerned if the proposed rezoning were to be approved as it would constitute spot zoning. Rew and Hutcheson concurred and stated that due to the precedent set by the Planning Commission, they will recommend denial the request.

Motion by Hutcheson, second by Bass to recommend denial of the request to rezone property legally described as Lots 47 through 50, Belmont Addition, along with the South ½ of the vacated east/west alley adjoining, City of Council Bluffs, Pottawattamie County, Iowa, and to rezone property legally described as Lots 44 through 46, Belmont Addition, along with the North ½ of the vacated east/west alley adjoining, City of Council Bluffs, Pottawattamie County, Iowa, from C-2/Commercial District to R-2/Two-Family Residential District, as per Staff's recommendation.

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

Smith asked if the proposed rezoning had been denied. Hutcheson stated the Planning Commission only recommended denial of the request, and clarified that the final decision will be made by City Council. Wade stated that Iowa law requires City Council to hold at least one public hearing on rezoning requests. Wade stated Council will set a public hearing for the proposed rezoning on the October 26, 2020 meeting. Wade anticipated that the public hearing will be held during the first City Council meeting in November.

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 will be multiple cases presented at the November Planning Commission meeting, including the local historic landmark site designation for 12 Scott Street and the 500 Block of West Broadway, and a zoning text amendment relative to the abandonment of nonconforming uses.

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.