

**CITY PLANNING COMMISSION
MINUTES
NOVEMBER 8, 2022**

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

2. ROLL CALL

Members Present: Bailey, Bass, Halm, Hutcheson, Knauss, Opperman, Rater, Rew, Scott, Stroebele and Van Houten

Members Absent: None

Staff: Bemis, Gibbons, Harter, Jura, Monrroy, Syracuse and Weber

3. ADOPTION OF AGENDA

Motion by Rew, second by Scott to adopt the agenda as presented. Motion carried by unanimous voice vote.

4. APPROVAL – MINUTES OF OCTOBER 11, 2022 MEETING

Motion by Stroebele, second by Scott to adopt the minutes as presented. Motion carried by unanimous voice vote.

5. PROOF OF PUBLICATION – Gibbons

6. REVIEW OF MEETING PROCEDURES – Bass

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

A. CASE #MIS-22-007: Public hearing on the request of the City of Council Bluffs to review and adopt the Fiscal Year 2024-2025 through Fiscal Year 2027-2028 Capital Improvement Plan.

Bemis provided an overview of the request. Gibbons clarified that the role of the Planning Commission was to determine whether the CIP is consistent with the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan).

Stroebele asked if the difference in revenue between fiscal years was due to federal government funding. Bemis stated funding sources differed through each fiscal year, which explained the difference in revenue from one year to the next.

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

Stroebele asked whether Staff could provide CIP information from previous fiscal years when the Commission reviews CIP requests in the future. Gibbons stated that it would be possible since it is public information. Rew and Stroebele suggested Staff should provide a document that monitors how projects are funded through each fiscal year. Bemis stated that the CIP from previous years are available to the public and can be viewed online at the City's website.

Rew noted the lack of public parks on the east side of Council Bluffs and stated that this issue was not addressed in the CIP. Rew asked whether the Eastern Hills Drive Trailhead Park was the only public park that would serve this area of the city. Gibbons confirmed Trailhead Park was the only public park in the area at this time. Gibbons also noted that City was currently in negotiations with Jim Duggan and HCC Investments, LLC to potentially dedicate land for a public park as part of the preliminary subdivision plan for the next phases of the Hills of Cedar Creek.

Scott asked if the Planning Commission had the authority to add additional items to the CIP. Harter stated the Commission does not have such authority.

Motion by Bailey, second by Van Houten, to find the proposed Capital Improvement Program for FY2024 through FY2028 consistent with the Bluffs Tomorrow: 2030 Comprehensive Plan, as per Staff's recommendation.

VOTE: AYE – Bailey, Bass, Halm, Hutcheson, Knauss, Opperman, Rater, Rew, Scott, Stroebele and Van Houten. NAY – None. ABSTAIN – None. ABSENT – None. VACANT – None. Motion carried.

- B. CASE #URV-22-008: Public hearing on the request of the City of Council Bluffs to create the Whispering Oaks Urban Revitalization Area and certifying its compliance with the Bluffs Tomorrow: 2030 Comprehensive Plan, on property located at the intersection of Franklin Avenue and Greenview Road, and being more particularly described in the associated case file.

Van Houten abstained from the request.

Harter provided an overview of the request.

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

Stroebele asked whether owners of the future multifamily residential development within the proposed urban revitalization area would be required to pay property taxes based on the actual value added by the improvements at the end of the abatement period. Harter confirmed property taxes would be assessed at the actual value added by the improvements at the end of the abatement period.

Rew asked for the number of dwelling units for the proposed multifamily/mixed-use development on Whispering Oaks Phase V. Gibbons stated that the City had not seen a proposal for the assisted living facility component of the project, so the total number of units could not be determined at this time. Gibbons stated the multifamily component of the project would provide a total of 256 units.

Motion by Scott, second by Halm, to recommend approval of the request to create the Whispering Oaks Urban Revitalization Area on property located at the intersection of Franklin Avenue and Greenview Road, as per Staff's recommendation and with the following findings:

1. The proposed Whispering Oaks Urban Revitalization Plan and Area furthers the goals of the City's Comprehensive Plan; and
2. The Whispering Oaks Urban Revitalization Plan is an area appropriate for urban revitalization designation as specified in Iowa Code Section 404.1.5, which discusses an area designated as appropriate for public improvements related to housing and residential development, or construction of housing and residential development, including single or multifamily housing.

VOTE: AYE – Bailey, Bass, Halm, Hutcheson, Knauss, Opperman, Rater, Rew, Scott and Stroebele. NAY – None. ABSTAIN – Van Houten. ABSENT – None. VACANT – None. Motion carried.

- C. CASE #URV-22-009: Public hearing on the request of the City of Council Bluffs to create the Black Squirrel Flats Urban Revitalization Area and certifying its compliance with the Bluffs Tomorrow: 2030

Comprehensive Plan, on property located at the intersection of South 34th Street and 12th Avenue, and being more particularly described in the associated case file.

Harter provided an overview of the request.

Gibbons stated the proposed urban revitalization area was associated with a request by Scott Porter and Doug Reisz to vacate 12th Avenue right-of-way that was previously reviewed by the Commission. Gibbons also stated that Scott Porter and Doug Reisz were proposing to build 20 townhome units on the subject property. Gibbons noted that their proposal was compatible with the subject property's current zoning designation and the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), and that financial incentives available through the proposed urban revitalization area could help cover costs relative to the construction of a private driveway and utility extensions for the new townhomes.

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

Rew asked if any of the neighboring property owners had objected to the proposed townhome residential project. Gibbons stated that a rezoning was not necessary for this project, but noted that the subject property was replatted to avoid the creation of a landlocked parcel of land due to the vacation of 12th Avenue right-of-way. Gibbons stated that he did not recall any opposition to the project.

Motion by Van Houten, second by Rew, to recommend approval of the request to create the Black Squirrel Flats Urban Revitalization Area on property located at the intersection of South 34th Street and 12th Avenue, as per Staff's recommendation and with the following findings:

1. The proposed Black Squirrel Flats Urban Revitalization Plan and Area furthers the goals of the City's Comprehensive Plan; and
2. The Black Squirrel Flats Urban Revitalization Plan is an area appropriate for urban revitalization designation as specified in Iowa Code Section 404.1.5, which discusses an area designated as appropriate for public improvements related to housing and residential development, or construction of housing and residential development, including single or multifamily housing.

VOTE: AYE – Bailey, Bass, Halm, Hutcheson, Knauss, Opperman, Rater, Rew, Scott, Stroebele and Van Houten. NAY – None. ABSTAIN – None. ABSENT – None. VACANT – None. Motion carried.

- D. CASES #ZC-22-007 and #PI-22-001: Public hearing on the request of B&D Land and Development Company, LLC, represented by Bob Decker, to rezone property legally described as being part of Lots 1, 2, 3, 4, 7, 8, 9 and 10 (including the abutting vacated alley), all in Block 12, Beer's Addition along with part of Lots 1, 2, 7, 8, 9 and 10, (including the abutting vacated alley), all in Block 9, Beer's Addition, along with part of vacated First Avenue between Blocks 9 and 12, Beer's Addition, City of Council Bluffs, Pottawattamie County, Iowa, from I-1/Light Industrial District to P-I/Planned Industrial District; and to adopt a P-I/Planned Industrial development plan for said property legally described above and being more particularly described in the associated case file. Location: 1104 2nd Avenue.

Rew abstained from the request.

Gibbons provided an overview of the request.

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

Robert Decker, 7910 North 124th Street, Omaha, NE 68142 spoke as the applicant of the request. Decker stated that the proposed tower would be used to store new equipment. Decker explained that the installation of said new equipment was necessary for their manufacturing operation to meet production demands and stay competitive in the industry.

Van Houten asked the applicant if he was okay with Staff's recommendation. Decker stated that the proposed expansion to their operation would be constructed in accordance with Staff's recommendation.

Bass asked the applicant if he expected any revenue growth as a result of the proposed expansion to their operation. Decker confirmed that the proposed expansion would generate additional revenue for Decker Plastics.

Decker clarified that the proposed tower needed to exceed maximum 75-foot building height requirement in the I-1/Light Industrial District in order to accommodate new equipment that converts raw material into plastic. Decker noted the height of said new equipment was the minimum height recommended by the manufacturer.

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

Motion by Stroebele, second by Hutcheson, to recommend approval of the request to rezone property legally described as being part of Lots 1, 2, 3, 4, 7, 8, 9 and 10 (including the abutting vacated alley), all in Block 12, Beer's Addition along with part of Lots 1, 2, 7, 8, 9 and 10, (including the abutting vacated alley), all in Block 9, Beer's Addition, along with part of vacated First Avenue between Blocks 9 and 12, Beer's Addition, City of Council Bluffs, Pottawattamie County, Iowa, from I-1/Light Industrial District to P-I/Planned Industrial District; and to adopt a P-I/Planned Industrial development plan for said property legally described above, as per Staff's recommendation.

VOTE: AYE – Bailey, Bass, Hutcheson, Knauss, Opperman, Rater, Scott, Stroebele and Van Houten.
NAY – Halm. ABSTAIN – Rew. ABSENT – None. VACANT – None. Motion carried.

- E. CASE #PC-22-001: Public hearing on the request of Ryan Companies US, Inc., represented by David R. Madden, Esq., to adopt a planned commercial development plan for property legally described as Lot 2, Bluffs Vision 4 Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. Location: Undeveloped land lying at the southwest corner of 24th Avenue Bass Pro Drive.

Opperman abstained from the request.

Siracuse provided an overview of the request.

Stroebele asked for an amount of time vehicles would be allowed to be parked on the proposed parking lot before it is considered a display of inventory for sale and/or lease. Gibbons stated the parking lot would be limited to customer and employee parking, vehicles awaiting service, and leased vehicles awaiting pickup by customers. Gibbons anticipated a one-week time limit for outdoor parking would be established through the adoption of the conditional use permit that is required for the proposed 'indoor automobile sales and rental' establishment. Gibbons also stated that the proposed operation would be limited to vehicle leasing and servicing since state law prohibits the direct sale of motor vehicles by manufactures. Gibbons stated that if state law were to change to allow the direct sale of motor vehicles by manufactures, the Zoning Ordinance would need to be amended before vehicles could be sold on the subject property.

Gibbons also acknowledged that code enforcement efforts to ensure the display of inventory for sale and/or lease does not occur outdoors would be difficult.

Stroebele stated he was not opposed to the proposed 'indoor automobile sales and rental' establishment, but expressed his reservations on the number of parking stalls. Gibbons stated that after several discussions about the matter, the City determined that the applicant had provided reasonable justification for the number of parking stalls. Gibbons also noted that the proposed 'indoor automobile sales and rental' establishment would be the only electric vehicle leasing company in the Omaha metro area, which would justify the need for additional parking.

Rew asked whether electric vehicle charging stations would be included in the proposed development. Gibbons confirmed that electric vehicle charging stations were included in this project. Rew asked if the charging stations would be available to the public. Gibbons referred the question to David R. Madden, the applicant's attorney.

Bass asked who would monitor this site to ensure it remains compliant. Gibbons stated that the Planning and Code Compliance Division is responsible for zoning code enforcement, and noted that inspections would be conducted annually to ensure the operation remains in compliance with the conditional use permit to be adopted for this establishment.

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

David R. Madden, Esq., Richardson Madden PC, LLC, 11819 Miracle Hills Drive, Suite 104, Omaha, NE 68154 spoke as the attorney of the applicant of the request. Madden stated the proposed 'indoor automobile sales and rental' establishment would be built and operated in accordance with Staff's recommendation. Madden stated that vehicles would not be parked outdoors for an extended period of time. Madden stated that the number of parking stalls associated with this project is necessary as the proposed electric vehicle leasing company would serve both Nebraska and Iowa. Madden stated that the charging stations that will be built as part of this project will not be available to the public.

Bass asked if all electric vehicle models would be serviced at the proposed 'indoor automobile sales and rental' establishment. Madden clarified that the operator would be a specific electric vehicle manufacturer that would only lease/service their own vehicle models.

Scott asked about the storage of lithium batteries that power electric vehicles. Madden stated that lithium batteries would be stored indoors.

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

Motion by Rew, second by Van Houten, to recommend approval of the request to adopt a planned commercial development plan for property legally described as Lot 2, Bluffs Vision 4 Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, as per Staff's recommendation.

VOTE: AYE – Bailey, Bass, Halm, Hutcheson, Knauss, Rater, Rew, Scott, Stroebele and Van Houten.
NAY – None. ABSTAIN – Opperman. ABSENT – None. VACANT – None. Motion carried.

- F. CASE # ZT-22-009: Public hearing on the request of the Community Development Department to amend Section 15.28.060, Development Plan Review Procedure, of the Council Bluffs Municipal Code (Zoning Ordinance) to provide clarity on the legislative process for adopting a P-R development plan.

Gibbons provided an overview of the request.

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

Rew asked if the proposed amendment would grant Staff the authority to adopt development plans. Gibbons clarified that only City Council would have the authority to adopt planned residential development plans through resolution. Gibbons also stated Staff could approve minor modifications to an adopted development plan.

Motion by Bailey, second by Halm, to recommend approval of the request to amend Section 15.28.060, Development Plan Review Procedure, of the Council Bluffs Municipal Code (Zoning Ordinance) to provide clarity on the legislative process for adopting a P-R development plan, as per Staff's recommendation.

VOTE: AYE – Bailey, Bass, Halm, Hutcheson, Knauss, Opperman, Rater, Rew, Scott, Stroebele and Van Houten. NAY – None. ABSTAIN – None. ABSENT – None. VACANT – None. Motion carried.

8. OTHER BUSINESS (*Refer to the taped recording of these proceedings for the official verbatim minutes*)

A. City Council Update: Jura provided an update of City Council actions relative to recent planning cases.

B. Other Items of Interest: Gibbons stated there were no additional items of interest to discuss.

9. ADJOURNMENT – Bass 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.