

**ZONING BOARD OF ADJUSTMENT  
MINUTES  
NOVEMBER 15, 2022**

1. **CALL TO ORDER** – Olson called the meeting to order at 4:00 P.M.

2. **ROLL CALL**

Members Present: Behrens, Olson, Skudler, and Tritsch  
Members Absent: Vargas  
Staff: Gibbons, Harter, Jura, Siracuse, and Weber

3. **PLEDGE OF ALLEGIANCE**

4. **ADOPTION OF AGENDA**

Motion by Behrens, second by Skudler, to adopt the agenda as presented. Motion carried by unanimous voice vote.

5. **APPROVAL OF THE OCTOBER 18, 2022 MEETING MINUTES**

Motion by Behrens, second by Tritsch, to approve the minutes as stated above. Motion carried by unanimous voice vote.

6. **PROOF OF PUBLICATION** – Gibbons

7. **REVIEW OF MEETING PROCEDURES** – Olson

8. **PUBLIC HEARINGS**

A. CASE #BA-22-005: Public hearing on the request of Roger Jones for a variance from Section 15.08B.050, *Site Development Regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow an accessory structure to be located in front of a principal structure with a front yard setback of 12 feet, as opposed to, the required front setback of 25 feet or the existing front setback line of the principal structure (whichever is greater) in the R-1/Single-Family Residential District on property legally described as Lot 8, Lakewood Villas, City of Council Bluffs, Pottawattamie County, Iowa. Location: 8 Lakewood Villa

Siracuse provided an overview of the request.

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

Mark Taylor, 601 Veterans Memorial Highway, Council Bluffs, IA 51501, spoke as the contractor for the project. Taylor noted that the shape of the property presents a hardship and that there is no other location on the property to place a garage.

No one spoke in opposition to the request. Olson closed the public hearing.

Behrens stated that variances are not uncommon in the neighborhood due to the irregular shape of the lots surrounding the canal and that she is in favor of approving the request.

Motion by Tritsch, second by Skudler to approve a variance from Section 15.08B.050, *Site Development Regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow an accessory structure to be located in front of a principal structure with a front yard setback of 12 feet, as opposed to, the required front setback of 25 feet or the existing front setback line of the principal structure (whichever is greater) in the R-1/Single-Family Residential District on property legally described as Lot 8, Lakewood Villas, City of Council Bluffs, Pottawattamie County, Iowa, as per staff's recommendation.

VOTE: AYE – Behrens, Olson, Skudler, and Tritsch. NAY – None. ABSTAIN – None. ABSENT – Vargas. Motion carried.

- B. Case #CU-22-004: Continued public hearing on the request of Heartland Co-Op, represented by David Hoylman from ABP Engineering, for a conditional use permit to allow the expansion of a 'grain storage and distribution' facility in an I-2 District on property legally described as being part of the South ½ of Section 4-74-44, lying east of the Missouri River and West of River Road. Location: 2401 South 37<sup>th</sup> Street

Olson abstained from the request. Behrens announced that the request would require a vote of approval from all three voting members to pass.

Gibbons provided an overview of the new information provided by the applicant.

Tritsch stated that his primary concern is the aesthetic of the proposed hoop buildings. Tritsch stated that he would like for some sort of art or decorative signage to be incorporated into the design of the hoop buildings and asked for the applicant to speak on this matter.

Tom Hauschel, Heartland Co-Op, 2829 Westtown Parkway, West Des Moines, IA 50266, responded that he has had discussions with City staff on design options but is unsure as of today of what that design might look like.

Tritsch noted that the hoop building design should be something the applicant should keep in mind and that he would like to see the buildings have a more permanent look than is typically seen with hoop buildings.

Tritsch stated that he witnessed traffic congestion at the site today while a train was unloading at the property and noted that something should be done to aid traffic flow during unloading times. Hauschel stated that unloading typically takes between 30 to 45 minutes.

Hauschel provided information on the amount of bushels processed at the facility and noted that fans could potentially run 24/7 during certain periods, depending on the level of processing occurring on site at the time.

Skudler asked about the potential turn lane addition. Gibbons noted that the turn lane is a possibility; however, it is unknown at this time who will pay for, design, and engineer the turn lane. Gibbons recommended that the Board not include the turn lane as a requirement of the conditional use permit due the aforementioned uncertainties. Gibbons noted the applicant's request for updated hours of operation during harvest season, which could be included in the Board's recommendation if they so choose. Gibbons noted that the architectural or design requirements for the hoop buildings align with the aesthetic goals and vision that the City has for the Council Bluffs community.

Behrens asked for clarification on what hours of operation are requested. Gibbons noted that the requested hours of operation are 7:00 A.M. to 10:00 P.M. during harvest season and that the requested hours coincide with the City's noise ordinance. Tritsch asked if the applicant would be okay with defining harvest season as September 1<sup>st</sup> through December 1<sup>st</sup>. Hauschel confirmed but noted that this restriction would be for receiving hours as unloading hours would be less predictable. Gibbons noted that enforcement of the noise ordinance after 10 P.M. would be difficult as Community Development staff does not work past 5:00 P.M.

Behrens asked if the applicant was aware of the proposed conditions of approval and stated that she is in favor of the request subject to the conditions and discussed amendments.

Motion by Tritsch, second by Behrens to recommend approval of the request for a conditional use permit to allow the expansion of a 'grain storage and distribution' facility in an I-2 District on property legally described as being part of the South ½ of Section 4-74-44, lying east of the Missouri River and West of River

Road, per staff's recommendation with additional conditions regarding hours of operation and building architecture, as listed below.

VOTE: AYE – Behrens, Olson, Skudler, and Tritsch. NAY – None. ABSTAIN – None. ABSENT – Vargas. Motion carried.

The conditions of approval are as follows:

1. The applicant shall secure all necessary permits and licenses for the proposed improvements on the subject property and shall comply with all applicable Federal, State and local codes. This shall include all proposed improvements that impact the IPL levee system and/or the Missouri River, which shall be reviewed and approved by the U.S. Army Corps of Engineers and the City of Council Bluffs.
2. The applicant shall work with the City of Council Bluffs to determine whether to connect into existing sanitary sewer in the vicinity or replace the failed septic system at the time of building permit application.
3. The hours of operation from September 1<sup>st</sup> through December 1<sup>st</sup> shall be Sunday through Saturday 7:00 A.M. to 10:00 P.M. The hours of operation all other times of the year shall be Sunday through Saturday 7:00 A.M. to 4:30 P.M.
4. The applicant shall confirm the location of all property lines and submit a revised site plan or a survey at the time of building permit application that includes the correct course bearing distances for the subject property.
5. All construction that occurs on the subject property shall be subject to the minimum setback/maximum lot coverage requirements in Section 15.21.050 of the Council Bluffs Municipal Code (Zoning Ordinance). The site layout in Attachment 'D' is acceptable and shall be approved as part of this request.
6. All construction that occurs on the subject property shall be subject to the following building height requirements:
  - a. Existing structures on the subject property that exceed the maximum height allowed in the I-2 District were approved via variances in 2005 and 2014 (see Cases #BA-05-006 and #BA-14-006). Both variances shall be incorporated into the approval of the proposed conditional use permit.
  - b. The proposed grain silos and associated conveyor equipment will exceed the maximum height allowed in the I-2 District. The building elevations for the proposed grain silos, hoop buildings and associated conveyor equipment as shown in Attachment 'E' are acceptable and shall be approved as part this request.
  - c. All other structures shall be subject to the maximum building height requirements in Section 15.21.050 of the Council Bluffs Municipal Code (Zoning Ordinance).
7. The proposed parking area and internal roadway shall be subject to the following off-street parking requirements:
  - a. The minimum number of parking spaces shall be calculated using Schedule A in Section 15.23.060, *Parking Spaces Required*, of the Council Bluffs Municipal Code (Zoning Ordinance). In cases where several uses occupy a structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirement of the different uses.
  - b. The proposed employee parking area and internal roadway shall be designed and hard surfaced to City standards. The construction of the proposed employee parking and internal roadway will be phased in conjunction with the construction of the new grain silos and hoop buildings. The proposed phasing of the project is acceptable.
  - c. A parking lot permit for the proposed employee parking area shall be submitted along with the building permit application for Phase 1 of the project.
  - d. The new employee parking area shall connect directly onto the proposed internal roadway.
  - e. All off-street parking lots shall comply with Chapter 661—18, *Parking for Persons with Disabilities*, of the Iowa Administrative Code.
8. All outdoor lighting shall comply with Section 15.24.050, *Lighting Controls*, of the Council Bluffs Municipal Code (Zoning Ordinance). The height of the proposed light poles (30'-0") is acceptable. All

light poles shall be painted or finished aluminum or steel. Wood poles shall not be allowed. Cut-off lenses shall be incorporated to contain all light onsite and direct it away from the vision of passing motorists, cyclists and pedestrians. The applicant shall submit a photometric plan that shows the amount of lighting that will be generated as part of this project prior to installation.

9. All signs on the subject property shall be installed in accordance with I-2 District signage standards. A separate permit shall be required for all proposed signage prior to installation.
10. The applicant shall be responsible for implementing the necessary dust control measures to reduce the amount of dust/debris generated due to the operation of the existing 'grain storage and distribution' facility.
11. The applicant shall coordinate the location of the new track line with the owner of the adjacent railroad. The applicant shall be responsible for establishing any cross access easements necessary for the new track line.
12. All outdoor storage of propane tanks shall occur entirely within the subject property. Alternatively, the applicant shall provide proof of an agreement with the railroad that indicates the outdoor storage of propane tanks associated with the 'grain storage and distribution' facility will be allowed on the right-of-way.
13. The applicant shall provide architectural renderings for the hoop buildings and receive design approval from the Board prior to receiving building permits.
14. Any modifications to the approved conditional use permit which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed and approved by the Zoning Board of Adjustment prior to such changes being made. Minor modifications to the approved conditional use permit that result in a design that is considered compatible with the overall development may be administratively approved by the Community Development Director or their designee.

## **9. OTHER BUSINESS**

A. Items of interest – None.

## **10. ADJOURNMENT – Behrens adjourned the meeting at 4:26 P.M.**

*The recording of this proceeding, though not transcribed, is part of the record of each respective action of the Zoning Board of Adjustment. The recording of this proceeding is incorporated into these official minutes of this Board meeting as if they were transcribed herein.*