

**ZONING BOARD OF ADJUSTMENT  
MINUTES  
NOVEMBER 19, 2024**

**1. CALL TO ORDER** – Behrens called the meeting to order at 4:00 p.m.

**2. ROLL CALL**

Members Present: Behrens, Olson, Skudler, and Vargas

Members Absent: Tritsch

Staff: Gibbons, Harter, Jura, and Weber

**3. PLEDGE OF ALLEGIANCE**

**4. ADOPTION OF AGENDA**

Motion by Skudler, second by Olson, to amend and adopt the agenda as requested by Staff. Motion carried by unanimous voice vote.

**5. APPROVAL OF THE OCTOBER 15, 2024 MEETING MINUTES**

Motion by Olson, second by Skudler, to approve the minutes as presented. Motion carried by unanimous voice vote.

**6. PROOF OF PUBLICATION** – Gibbons

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

**8. PUBLIC HEARINGS**

A. CASE #CU-24-007: Public hearing on the request of Dave P. Ayala for a conditional use permit to allow a ‘storage yard’ in an I-2/General Industrial District on property legally described as Lots 13-14, Block 6, Fleming and Davis Addition and the south half of the vacated east/west alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa. Location: Undeveloped land located immediately east of 1610 10<sup>th</sup> Avenue.

Gibbons provided an overview of the request.

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

Dave Ayala, 923 Avenue L, Council Bluffs, IA 51501, spoke as the applicant of the request. Ayala stated that he acquired the subject property to store towed vehicles. Ayala noted that he conducts work for Pottawattamie County who requires that impounded vehicles be on a secured site, which is why he installed the fence on the subject property. Ayala stated that he intends to build a shop building to have the ability to conduct maintenance on his work vehicles and that he intends to comply with all City requirements.

Elias Moreno, 1610 10<sup>th</sup> Avenue, Council Bluffs, IA 51501, spoke as an adjacent resident and noted he is helping the applicant install the fence on the property. Moreno discussed a complaint he has regarding exterior lighting at 1505 10<sup>th</sup> Avenue.

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

Motion made by Vargas, second by Skudler, to approve the request of Dave P. Ayala for a conditional use permit to allow a ‘storage yard’ in an I-2/General Industrial District on property legally described as Lots 13-14, Block 6, Fleming and Davis Addition and the south half of the vacated east/west alley adjacent, City of Council Bluffs, Pottawattamie County, Iowa, based on the following findings of fact:

1. *The proposed conditional use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations, and all other standards or conditions contained in the provisions authorizing such use. The subject property contains 8,160 square feet of land (0.19 acres), which exceeds the minimum lot size, width, and depth requirements for property zoned I-2/General Industrial District. The applicant shall comply with all regulations stated in Section 15.24.110, Salvage and Storage Yard Regulations, of the Council Bluffs Zoning Ordinance, as stated above.*
2. *Adequate utility, drainage, and other necessary facilities or improvements have been or will be provided. The subject property has access to existing public and private utilities within S. 16<sup>th</sup> Street and 10<sup>th</sup> Avenue. No utility service extensions and/or infrastructure improvements are necessary for the proposed 'storage yard' use.*
3. *Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. The subject property is located at the northwest corner of the intersection S. 16<sup>th</sup> Street and 10<sup>th</sup> Avenue. The submitted site plan shows the proposed 'storage yard' will be accessed by a driveway from each abutting roadway. All areas of the property used for vehicle access, parking, drive aisles, circulation, etc. shall be constructed and designed to comply with Council Bluffs Public Works Department standards and all applicable standards stated in Chapter 15.23, Off-Street Parking, Loading, and Unloading, of the Council Bluffs Zoning Ordinance. Furthermore, the Public Works Department stated the applicant must improve the section of 10<sup>th</sup> Avenue abutting their property to current City standards. All parking areas, drive aisles, driveway, circulation routes on the subject property and improvements to said section of 10<sup>th</sup> Avenue shall be constructed, prior to the applicant operating a 'storage yard' on the subject property.*
4. *All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly states that such permits are obtainable for the proposed conditional use on the subject property. The applicant shall obtain all necessary Federal, State, and local permits for the 'storage yard', prior to operating. The parking lot permit and fence permit shall be obtain prior to the business operating.*
5. *All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. The applicant is not proposing any additional exterior lighting at this time. Any future outdoor lighting shall comply with Section 15.24.050, Lighting Controls, of the Council Bluffs Zoning Ordinance.*
6. *The location and size of the conditional use, the nature and intensity of the activities, to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. The subject property is zoned I-2/General Industrial District and is surrounded by the same zoning on all sides. The property contains 8,160 square feet of land (0.19 acres), which exceeds the minimum lot size requirements for property zoned I-2 District, and is suitable for operating a 'storage yard'. Existing development in the areas surrounding the subject property includes a mixture of contractor shops, storage yards, nonconforming residential dwellings, and undeveloped land. The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as 'Light*

- Industrial'. A 'storage yard' is generally consistent with the 'Light Industrial' designation. The subject property has access to S. 16<sup>th</sup> Street and 10<sup>th</sup> Avenue, which are public rights-of-way.
7. *The location, nature and height of buildings, structures, walls, and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use, and enjoyment of the adjacent land, buildings and structures. The applicant's submitted site plan shows a 40' x 40' building at the north-end of the subject property and a six foot-tall chain link fence around the perimeter of the site. The subject property contains sufficient dimensions (60' x 128') for the proposed building to be designed and constructed to comply with all site development standards stated in Chapter 15.21, I-2/General Industrial District of the Council Bluffs Zoning Ordinance. The proposed six foot-tall fence shall be designed to provide a 100% opaque screen of the property and shall be permitted prior to construction. All fencing shall comply with the standards stated in Section 15.24.040(E)(1), *Required Fences*, of the Council Bluffs Zoning Ordinance. Vinyl inserts that provide a 100% opaque screen shall be installed as part of any chain-link fence that is used to screen the property from view.*
  
  8. *The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. Based on the existing development pattern and surrounding land uses, the proposed 'storage yard' is not anticipated to have a negative impact on property values for existing or future land uses in the surrounding area.*

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

## **9. OTHER BUSINESS**

- A. Items of interest: Gibbons stated there were no additional items of interest to discuss.

## **10. ADJOURNMENT** – Behrens adjourned the meeting at 4:19 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.*