

**ZONING BOARD OF ADJUSTMENT  
MINUTES  
DECEMBER 17, 2024**

**1. CALL TO ORDER** – Behrens called the meeting to order at 4:01 p.m.

**2. ROLL CALL**

Members Present: Behrens, Olson, Skudler, Tritsch, and Vargas

Members Absent: None

Staff: Harter, Jura, and Monrroy

**3. PLEDGE OF ALLEGIANCE**

**4. ADOPTION OF AGENDA**

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

**5. APPROVAL OF THE NOVEMBER 19, 2024 MEETING MINUTES**

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

**6. PROOF OF PUBLICATION** – Harter

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

**8. PUBLIC HEARINGS**

A. CASE #CU-24-008: Public hearing on the request of SDTVEGA LLC, represented by Jason Anderson (NP Dodge), for a conditional use permit to allow the continuance of a nonconforming ‘contractor yard’ in a C-2/Commercial District on property legally described as a part of the SE ¼ NW ¼ and a part of the NE ¼ NW ¼ of Section 15-74-44, City of Council Bluffs, Pottawattamie County, Iowa. Location: 3020 Veterans Memorial Highway.

Monrroy provided an overview of the request.

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

Jason Anderson, NP Dodge, 1032 Woodbury Avenue, Council Bluffs, IA 51503, stated the current owners, the Nano family, have used the subject property as a contractor yard since 1979. Anderson stated the previous owners from whom the Nano family purchased the subject property had also operated a contractor yard. Anderson also stated he had obtained statements from a police officer and a firefighter who could attest that the subject property had historically been used as a contractor yard. Anderson stated that allowing the continuance of a nonconforming ‘contractor yard’ at this site in order for the applicant to operate their concrete removal/installation business was a fair and reasonable request. Anderson cited Section 15.26.010(C) of the Council Bluffs Municipal Code (Zoning Ordinance), which states that the nonconformities clause of the Zoning Ordinance is intended “to allow for the reasonable continuation of legally established uses which do not meet current use regulations of their respective zoning districts.” Anderson presented historical photographs of the subject property for the consideration of the Board.

Motion by Vargas, second by Skudler, to accept the exhibits presented by Anderson into the record. Motion carried by unanimous voice vote.

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

Motion made by Olson, second by Vargas, to approve the request of SDTVEGA LLC for a conditional use permit to allow the continuance of a nonconforming 'contractor yard' in a C-2/Commercial District on property legally described as a part of the SE ¼ NW ¼ and a part of the NE ¼ NW ¼ of Section 15-74-44, 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 is zoned C-2/General Industrial District. The subject property contains 2.86 acres (124,581 square feet) in area, which exceeds the minimum lot size requirement for the C-2 District. The size of the property is adequate for the proposed 'contractor yard.'

Outdoor storage shall be limited to mixer trucks, dump trucks, trailers and other construction equipment and materials associated with the applicant's concrete removal/installation operation. The outdoor storage of construction equipment and materials associated with the applicant's concrete removal/installation operation shall be limited to the area outlined in blue on page 1 of the submitted site plan (see Attachment 'C'). The attached map is intended to memorialize the area on the subject property that historically has been used for outdoor storage. Outdoor storage of construction equipment and/or materials shall not be allowed elsewhere at this site. The boundary of the proposed 'contractor yard' shall not be allowed to expand.

No junk, solid waste, inoperable vehicles, scrap metal, storage/shipping containers, or other similar materials shall be stored on-site. No concrete manufacturing, crushing, or salvaging activities shall be allowed on the subject property.

2. Adequate utility, drainage, and other necessary facilities or improvements have been or will be provided. All necessary utilities are available to service the proposed 'contractor yard.' As such, no additional utility service extensions and/or infrastructure improvements will be required as part of this conditional use permit.
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 has direct frontage onto Veterans Memorial Highway. All off-street parking areas, drive aisles, vehicle circulation routes, and outdoor storage areas shall be constructed of hard surface pavement and shall be designed to comply with the standards stated in Section 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance). Required paving of the proposed 'contractor yard' shall be completed in phases corresponding with the four outdoor storage areas identified in page 2 of the submitted site plan (see Attachment 'C'):
  - a. Phase #1: Outdoor storage area #1 and existing driveway shall be paved within six months from the date of approval of this conditional use permit, as weather conditions allow.
  - b. Phase #2: Outdoor storage area #2 shall be paved within one year from the date of approval of this conditional use permit, as weather conditions allow.
  - c. Phase #3: Outdoor storage area #3 shall be paved within two years from the date of approval of this conditional use permit, as weather conditions allow.
  - d. Phase #4: Outdoor storage area #4 shall be paved within three years from the date of approval of this conditional use permit, as weather conditions allow.

No traffic conflicts or congestion on the adjacent public streets are anticipated to occur. No additional improvements are necessary for the request.

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 be required to obtain all necessary permits for the operation of the proposed ‘contractor yard.’ The applicant shall also comply with all federal, state, and local laws and requirements for the proposed use.*
5. *All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. If any outdoor lighting is proposed to be installed on the subject property, it shall comply with the standards in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (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 C-2/General Industrial District. The subject property contains 2.86 acres (124,581 square feet) in area, which exceeds the minimum lot size requirement for the C-2 District. Land uses in the vicinity include single-family residential homes to the north and west and a commercial storage facility (Armor Storage) to the east. This request for a conditional use permit is intended to allow the continuance of an existing nonconforming ‘contractor yard’ and reduce its degree of nonconformity if conducted in accordance with the comments and conditions outlined in this report.*
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. No additional structures are proposed to be built on the subject property at this time. Any future buildings and/or building additions constructed at this site shall be subject to C-2 District site development standards (i.e., minimum setback requirements, maximum building height, and maximum lot coverage for all structures). Any additional buildings and/or building additions constructed at this site shall not be required to be contained within the area identified as the proposed ‘contractor yard.’*

Any fences and/or walls proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance). A fence with a minimum 50% opacity and a minimum height of six feet and/or a landscape buffer capable of providing a substantially opaque barrier shall be installed along the southerly boundary of the proposed ‘contractor yard’ to properly screen all outdoor storage of construction equipment and materials from public view. This fence/landscape buffer shall not be installed until the required paving of all outdoor storage areas is completed.

A fence with a minimum 50% opacity and a minimum height of six feet and/or a landscape buffer capable of providing a substantially opaque barrier shall be installed along the northerly property line of the subject property to properly screen all outdoor storage of construction equipment and materials from the residential properties in the surrounding area.

A physical barrier (e.g., a fence, a wall, a landscape buffer, etc.) shall be installed around the perimeter of the proposed ‘contractor yard’ that clearly delineates its boundary on the subject property. This barrier shall not be installed until the required paving of all outdoor storage areas is completed.

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. The proposed ‘contractor yard’ is not anticipated to have an adverse impact on the property values of existing uses in the surrounding area if conducted in accordance with the comments and conditions outlined in this report.*

The conditions of approval are as follows:

1. The applicant shall secure all necessary permits and licenses for the operation of the conditional use and shall comply with all applicable Federal, State, and local codes.
2. The hours of operation shall be Monday through Friday from 6:00 A.M. to 6:00 P.M., as stated in the applicant’s letter of intent (see Attachment ‘B’).
3. Outdoor storage shall be limited to mixer trucks, dump trucks, trailers and other construction equipment and materials associated with the applicant’s concrete removal/installation operation. No junk, solid waste, inoperable vehicles, scrap metal, storage/shipping containers, or other similar materials shall be stored on-site. No concrete manufacturing, crushing, or salvaging activities shall be allowed on the subject property.
4. The outdoor storage of construction equipment and materials associated with the applicant’s concrete removal/installation operation shall be limited to the area outlined in blue on page 1 of the submitted site plan (see Attachment ‘C’). Outdoor storage of construction equipment and/or materials shall not be allowed elsewhere at this site. The boundary of the proposed ‘contractor yard’ shall not be allowed to expand.
  - a. A physical barrier (e.g., a fence, a wall, a landscape buffer, etc.) shall be installed around the perimeter of the proposed ‘contractor yard’ that clearly delineates its boundary on the subject property. This barrier shall not be installed until the required paving of all outdoor storage areas is completed.
5. Any future buildings and/or building additions constructed at this site shall be subject to C-2 District site development standards (i.e., minimum setback requirements, maximum building height, and maximum lot coverage for all structures).
  - a. Any additional buildings and/or building additions constructed at this site shall not be required to be contained within the area identified as the proposed ‘contractor yard.’
6. All off-street parking areas, drive aisles, vehicle circulation routes, and outdoor storage areas shall be constructed of hard surface pavement and shall be designed to comply with the standards stated in Section 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).

- a. Required paving of the proposed ‘contractor yard’ shall be completed in phases corresponding with the four outdoor storage areas identified in page 2 of the submitted site plan (see Attachment ‘C’):
  - i. Phase #1: Outdoor storage area #1 and existing driveway shall be paved within six months from the date of approval of this conditional use permit, as weather conditions allow.
  - ii. Phase #2: Outdoor storage area #2 shall be paved within one year from the date of approval of this conditional use permit, as weather conditions allow.
  - iii. Phase #3: Outdoor storage area #3 shall be paved within two years from the date of approval of this conditional use permit, as weather conditions allow.
  - iv. Phase #4: Outdoor storage area #4 shall be paved within three years from the date of approval of this conditional use permit, as weather conditions allow.
7. Off-street parking for the proposed ‘contractor yard’ shall comply with Chapter 661—18, Parking for Persons with Disabilities, of the Iowa Administrative Code.
8. Any fences and/or walls proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).
  - a. A fence with a minimum 50% opacity and a minimum height of six feet and/or a landscape buffer capable of providing a substantially opaque barrier shall be installed along the southerly boundary of the proposed ‘contractor yard’ to properly screen all outdoor storage of construction equipment and materials from public view. This fence/landscape buffer shall not be installed until the required paving of all outdoor storage areas is completed.
  - b. A fence with a minimum 50% opacity and a minimum height of six feet and/or a landscape buffer capable of providing a substantially opaque barrier shall be installed along the northerly property line of the subject property to properly screen all outdoor storage of construction equipment and materials from the residential properties in the surrounding area.
9. Any signage proposed to be installed on the subject property shall be permitted separately and shall comply with the standards in Chapter 15.33, Signs, of the Council Bluffs Municipal Code (Zoning Ordinance).
10. Any outdoor lighting proposed to be installed on the subject property shall comply with the standards in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).
11. 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.

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

**9. OTHER BUSINESS**

A. Items of interest: Harter sated there were no additional items of interest to discuss.

**10. ADJOURNMENT** – Behrens adjourned the meeting at 4:14 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.*