

ORDINANCE NO. 6478

AN ORDINANCE TO AMEND CHAPTER 15.18 P-C/PLANNED COMMERCIAL DISTRICT OF THE 2020 MUNICIPAL CODE (ZONING ORDINANCE) OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.18.030 "CONDITIONAL USES" TO ALLOW "MANUFACTURING, LIGHT".

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

SECTION 1. That Chapter 15.18 "P-C/Planned Commercial District" of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Section 15.18.030 "Conditional Uses" to include "Manufacturing, light" by reading as follows:

15.18.030 Conditional Uses

The following conditional uses shall be permitted in a PC district in accordance with the requirements set forth in CBMC 15.02:

- A. Communication tower;
- B. Day care services;
- C. Auction, indoor;
- D. Manufacturing, light (subject to the following criteria);
 - 1. Light manufacturing shall only be permitted in a P-C district containing greater than fifty (50) acres;
 - 2. Any light manufacturing use shall be an adaptive reuse of an existing building; and
 - 3. The sum total acreage of properties used for light manufacturing shall not exceed 20% of the total acreage within any contiguously zoned P-C/Planned Commercial District.

(Ord. 5469 § 2 (part), 1999)

(Ord. No. 6116, § 1, 1-10-2011; Ord. No. 6142, § 1, 12-12-11)

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

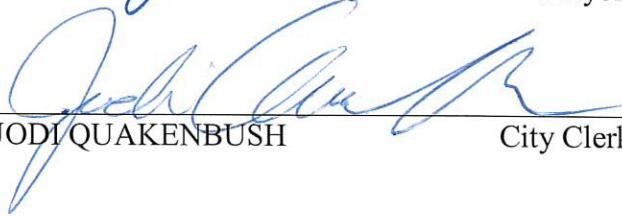
PASSED
AND
APPROVED

February 14, 2022.



MATTHEW J. WALSH Mayor

Attest:



JODI QUAKENBUSH City Clerk

First Consideration: 1-10-22
Second Consideration: 1-24-22
Public Hearing: 1-24-22
Third Consideration: 2-14-22

Proof Of Publication

State of Iowa

Pottawattamie County

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PASSED AND APPROVED February 14, 2022.

MATTHEW J. WALSH Mayor

Attest: JODI QUAKENBUSH City Clerk

First Consideration: 1-10-22
Second Consideration: 1-24-22
Public Hearing: 1-24-22
Third Consideration: 2-14-22
2022 (2) 19- 1 Saturday

CITY OF COUNCIL BLUFFS
209 PEARL ST.
COUNCIL BLUFFS, IA 51503

I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 19th day of February, 2022.


Billing Representative

Sworn to and subscribed before me this 19th day of February, A.D. 2022.


Notary Public

State of Virginia
County of Hanover
My Commission expires _____

Linh Thuy Le
Notary Public
Commonwealth of Virginia
Reg. No. 7953581
My Comm. Expires Nov. 30, 202

Publication Cost: \$41.98
Customer Number: 1003258
Order Number: 0000290306

E-mail

jquakenbush@councilbluffs-ia.gov

Council Communication

Department: City Clerk
Case/Project No.: ZT-21-005
Submitted by: Brandon Syracuse, Planner

Ordinance 6478
ITEM 6.A.

Council Action: 2/14/2022

Description

Ordinance to amend Chapter 15.18 P-C/Planned Commercial District of the Zoning Ordinance by amending Section 15.18.030 "Conditional Uses" to allow "Manufacturing, Light." ZT-21-005

Background/Discussion

See attached staff report.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	12/22/2021
Attachment A - Former Mall of the Bluffs scenario map	Other	12/22/2021
Attachment B - Manawa Power Centre and Metro Crossing scenario map	Other	12/22/2021
Attachment C - Mid-America Center scenario map	Other	12/22/2021
Attachment D - Proposed Chapter 15.18	Other	12/22/2021
Ordinance 6478	Ordinance	1/4/2022

City Council Communication

Department: Community Development CASE #ZT-21-005 Applicant: C P Holdings, Inc. 1801 South 54 th Street Omaha, NE 68106	Ordinance No. _____	Planning Commission: 12/14/2021 1 st Consideration: 01/10/2022 2 nd Consideration: 01/24/2022 3 rd Consideration: 02/14/2022
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Subject/Title

Request: Public hearing on the request of C P Holdings, Inc., represented by Jason James, to amend Section 15.18.030, *P-C/Planned Commercial District – Conditional Uses*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘Manufacturing, Light’ as a conditional use (subject to further limitations) in the P-C/Planned Commercial District.

Background

The Community Development Department has received an application from C P Holdings, Inc. to amend Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance) relative to ‘light manufacturing’ as follows:

- Amend Section 15.18.030, *P-C/Planned Commercial District – Conditional Uses*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘light manufacturing’ as a conditional use in the P-C/Planned Commercial District.

As per Section 15.03.462 of the Council Bluffs Municipal Code (Zoning Ordinance), ‘light manufacturing’ refers to “an establishment engaged in the manufacture or processing of finished products from previously prepared materials. Such uses will include processing, fabrication, assembly, packaging and distribution of products with limited incidental storage. Typical uses include bakeries, bottling plants, publishing houses, warehousing and distribution, assembly of electronic and metal products, frozen food lockers, garment manufacturing, optical goods, pharmaceutical manufacture and printing.” Light manufacturing is allowed as a principal use in the following zoning districts:

- P-I/Planned Industrial District
- I-1/Light Industrial District
- I-2/General Industrial District

Additionally, light manufacturing is permitted as a conditional use in the C-2/Commercial District if it is contained within a structure of 50,000 square feet or less. As such, this proposal to allow light manufacturing as a conditional use in the P-C/Planned Commercial District is not without precedent. A recent inquiry by C P Holdings (d.b.a. Certified Transmission) to use the old Council Bluffs School District building (located at 1751 Madison Avenue and previously a Target store) at the former Mall of the Bluffs for a light manufacturing use has necessitated the proposed text amendment.

All City Departments and local utilities received notification of the proposed text amendment. No departments or utilities expressed opposition to the request.

Discussion

1. The P-C/Planned Commercial District is intended to provide for the development of retail shopping centers, hotel/motel services, destination resorts, and office parks. Since the creation of the P-C/Planned Commercial zoning district decades ago, the market for large retail shopping centers has changed dramatically. The rise of e-commerce has rendered brick-and-mortar shopping centers around the country significantly less useful for a large segment of consumers. As a result, like countless other communities, Council Bluffs has faced multiple closures of large “big box” stores in its shopping centers in recent years, and it is reasonable to expect that future closures will occur. The City now faces the challenge of determining what to do with these abandoned and obsolete retail facilities.

In recent years, the City has approved text amendments allowing multifamily dwellings and mixed commercial/residential structures as principal uses within P-C districts, with the intent being to support the City’s commercial centers by enabling people to live closer to the commercial amenities within them. The Community Development Department has also received interest in allowing light manufacturing in P-C districts. Light manufacturing uses have the potential to further support commercial uses in P-C districts. Unlike more intensive manufacturing uses (general or heavy manufacturing), light manufacturing produces few negative impacts on surrounding properties, meaning there is little reason for concern about such uses having a net negative effect on commercial centers. Light manufacturing facilities also employ people and therefore would increase the “daytime population” inside P-C districts that may patronize restaurants during meal breaks, stores on their way home from work, etc. Light manufacturing is consistent with the intent of the P-C zoning designation as a supportive land use that can help ensure the long-term sustainability of the city’s large commercial centers.

2. The intent of the P-C/Planned Commercial District is decisively not to primarily host industrial land users. As such, the Community Development Department is recommending several limitations to prevent excessive light manufacturing within P-C districts:
 - a. Light manufacturing shall be allowed in the P-C/Planned Commercial District as a conditional use;
 - b. Light manufacturing in a P-C district shall only be allowed as an adaptive reuse of existing buildings (expansions of existing buildings may be permitted through the conditional use process);
 - c. The sum total acreage of properties used for light manufacturing shall not exceed twenty (20) percent of the total acreage within any contiguously zoned P-C district; and
 - d. Light manufacturing shall be permitted in P-C districts containing greater than fifty (50) acres).

The aforementioned limitations will ensure that the addition of light manufacturing in P-C districts occurs in buildings previously intended for commercial purposes that are no longer needed or supported by the market. The proposed limitations will also ensure that light manufacturing does not become the dominant land use within a P-C district. If an existing building needs to be expanded to support a light manufacturing use, this can be allowed through the conditional use permit (CUP) process as outlined in CBMC 15.02.090 and by amending the development plan for the subject property.

In determining limitations to place on light manufacturing in the P-C district, several scenario maps were created showing hypothetical buildings and parcels being used for light manufacturing in P-C districts. These scenarios visually show how a P-C district could look with the introduction of light manufacturing, though the scenarios do not represent all possibilities. Some scenarios that fall in line with the proposed limitations are included in Attachments A, B, and C.

3. The addition of light manufacturing as a conditional use ensures that such uses in a P-C district will go through adequate review before receiving approval. In addition to following the Planned Commercial Development Plan, a light manufacturing use will require a public hearing by the Zoning Board of Adjustment. The CUP process, according to CBMC 15.02.090, requires the City to notify all property owners

within 200 feet of the property for which the CUP is requested. As such, neighboring properties will have a chance to weigh in on the potential for a light manufacturing use to negatively impact their property.

4. Attachment D contains a draft of the proposed text amendment language to allow light manufacturing in P-C/Planned Commercial Districts subject to the limitations mentioned above.

Recommendation

The Community Development Department recommends approval of the request to amend Section 15.18.030, P-C/Planned Commercial District – Conditional Uses, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘Manufacturing, Light’ as a conditional use (subject to further limitations) in the P-C/Planned Commercial District.

Public Hearing

Staff speakers for the request:

1. Brandon Siracuse, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. John Jerkovich, 535 West Broadway, Suite 100, Council Bluffs, IA 51503

Speakers against: None

Planning Commission Recommendation

The City Planning Commission recommended approval of the request to amend Section 15.18.030, P-C/Planned Commercial District – Conditional Uses, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘Manufacturing, Light’ as a conditional use (subject to further limitations) in the P-C/Planned Commercial District.

VOTE: AYE - Bass, Danielsen, Opperman, Rater, Rew, Scott, Stroebale, and VanHouten. NAY - None
ABSTAIN - None ABSENT – Halm, Haner, and Hutcheson. VACANT – None. Motion: Carried.

Attachments

- Attachment A: Former Mall of the Bluffs Scenario Map
- Attachment B: Manawa Power Centre and Metro Crossing Scenario Map
- Attachment C: Mid America Center Scenario Map
- Attachment D: Proposed Chapter 15.18, P-C/Planned Commercial District, of the Municipal Code (Zoning Ordinance)

Prepared by: Brandon Siracuse, Planner, Community Development Department

Chapter 15.18 - P-C/PLANNED COMMERCIAL DISTRICT

15.18.010 Statement Of Intent

15.18.020 Principal Uses

15.18.030 Conditional Uses

15.18.040 Accessory Uses

15.18.050 Site Development Regulations

15.18.055 Additional Regulations

15.18.060 Development Plan Review Procedure

15.18.070 Signs

15.18.010 Statement Of Intent

The PC district is intended to provide for the development of retail shopping centers, hotel/motel services, destination resorts, and office parks. Facilities in planned commercial districts are designed to be used in common, such as ingress and egress roads, extensive parking accommodations, proper relations to traffic arteries, and compatibility with surrounding uses. Because large retail/service centers have significant impact upon the development of the city, final authority over their development shall be retained by the city council, with extensive review by the planning commission.

(Ord. 5469 § 2 (part), 1999)

15.18.020 Principal Uses

The following principal uses shall be permitted outright in a P-C district:

1. Automobile service establishment;
2. Business, professional office;
3. Business goods and service establishment;
4. Commercial recreation (indoor);
5. Consumer service establishment;
6. Cultural service;
7. Financial service;
8. General government use;
9. Hotel/motel;
10. Local utility service;
11. Places of public assembly, entertainment or recreation;
12. Private parking lot;
13. Public parking lot;
14. Public safety service;
15. Retail shopping establishment;
16. Restaurant (drive-in, limited and general);
17. Tavern;
18. Consumer fireworks sales;
19. Small alcohol production facility;
20. School;
21. Dwelling, multifamily; and

22. Mixed commercial/residential structure.

(Ord. 5634 § 1, 2001)

(Ord. No. 6333, § 1, 6-11-2018; Ord. No. 6344, § 1, 8-13-2018; Ord. No. 6374, § 1, 12-17-2018)

HISTORY

Amended by Ord. 6441 on 3/8/2021

15.18.030 Conditional Uses

The following conditional uses shall be permitted in a PC district in accordance with the requirements set forth in CBMC 15.02:

1. Communication tower;
2. Day care services;
3. Auction, indoor;
4. Manufacturing, light, subject to the following criteria:
 1. Light manufacturing shall only be permitted in a P-C district containing greater than fifty (50) acres;
 2. Any light manufacturing use shall be an adaptive reuse of an existing building; and
 3. The sum total acreage of properties used for light manufacturing shall not exceed 20% of the total acreage within any contiguously zoned P-C/Planned Commercial District.

(Ord. 5469 § 2 (part), 1999)

(Ord. No. 6116, § 1, 1-10-2011; Ord. No. 6142, § 1, 12-12-11)

15.18.040 Accessory Uses

The following accessory uses shall be permitted in a PC district: Uses of land or structures customarily incidental and subordinate to one of the principal uses in the PC district, unless otherwise excluded.

(Ord. 5469 § 2 (part), 1999)

15.18.050 Site Development Regulations

1. The minimum tract of land considered for a P-C District shall be ten (10) acres.
2. Minimum lot size, setback requirements, height, lot coverage, signage, and landscaping shall be determined through the development plan review procedure described in this chapter. The components of an approved development plan shall prevail over conflicting standards or regulations elsewhere in this title

(Ord. 5469 § 2 (part), 1999)

HISTORY

Amended by Ord. 6441 on 3/8/2021

15.18.055 Additional Regulations

1. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

(Ord. No. 6333, § 1, 6-11-2018)

15.18.060 Development Plan Review Procedure

1. Application. A completed application form, ten (10) copies of the development plan, along with the required fee, shall be submitted to the community development department. The development plan shall be reviewed in accordance with the procedures outlined below. The following information shall be submitted to the community development department:
 1. A letter of intent stating the proposed uses, improvements necessary to serve the development, construction time frame, and phasing;
 2. The development name and legal description of the boundary;
 3. A north arrow, scale, bar scale and date;
 4. The names and addresses of the owner, and the architect or engineer preparing the plan;
 5. A location map showing the proposed development and its relationship to existing abutting subdivisions and community facilities such as streets, schools, parks, and commercial areas;
 6. All established floodway or floodway fringe encroachment limits;
 7. A soils and drainage report prepared by the engineer. The report shall show the general soil and drainage conditions and include preliminary recommendations as to the adaptability of the property proposed for development;
 8. Location and size of any sites to be considered for dedication to public use;
 9. Layout, numbers and dimensions of proposed lots;
 10. The location, width, name, grade and typical cross-sections of all proposed streets within the development and the width and name of any platted street located within two hundred (200) feet of the site;
 11. The location and width of other public ways, railroad rights-of-way, utility and all other easements existing or proposed within the development and within two hundred (200) feet;
 12. Existing and proposed contour intervals of not more than five feet;
 13. All existing and proposed underground installations within the proposed development or adjacent thereto or the location of the nearest available facilities;
 14. The location of all existing and proposed structures, proposed parking areas, pedestrian ways, private and public streets, and landscaping;

15. Proposed landscaping plan;
16. Proposed signage plan;
17. Traffic impact study to include: (i) data on existing peak hour traffic volumes and conditions; (ii) directional distribution estimates of added traffic; (iii) projections of added traffic volumes for all of the appropriate critical hours; (iv) determination of needed improvements, controls, driving locations, and their design; and (v) identification of any need for additional right-of-way which could be secured from the developer;
18. Architectural drawings, renderings, or other visual documents which illustrate proposed building design. The community development director shall determine the adequacy and completeness of the development plan application.

The community development director may require additional information prior to scheduling review by the city planning commission.

2. Review by City Planning Commission. The city planning commission, in reviewing the development plan, shall take into consideration conformance with the comprehensive plan, recognized principles of land use planning, landscape, architecture, the conservation and stabilization of the value of property, adequate open space for light and air, congestion of public streets, the promotion of public safety, health, convenience and comfort and the general welfare of persons using the facility. In addition to the proposed use meeting the general requirements herein set forth, the commission, in recommending approval of the proposed development plan, may recommend certain conditions to be attached to such use which the commission deems necessary in order to carry out the intent and purpose of this title. Such conditions may include, but are not limited to, an increase in the required lot or yard area, control of the location and number of vehicular access points to the property, limitations to the number of signs, limitations to coverage or height of buildings situated on the property because of obstruction to view and reduction of light and air to adjacent property, required screening and landscaping where necessary reduce noise and glare, and designation of responsibility for maintenance of the property.
3. Review by City Council. After review of the development plan by the city planning commission, it shall be forwarded to the city council, with its written recommendations, whether for approval or denial, whereupon the city council may take action on the plan. Approval of the development plan shall be by city council resolution.
4. Building Permit Review. The community development director shall review all building and public works construction permits for compliance with the approved development plan. No building or public works construction permit shall be issued if determined by the community development director to be inconsistent with the approved development plan. If the community development director determines that major changes are requested, review and approval by the city planning commission and city council shall be required.

5. Amendment to Development Plan. Proposed amendments to an approved development plan shall be subject to the same review and approval procedure as an initial application.

(Ord. 5469 § 2 (part), 1999)

15.18.070 Signs

In addition to the signage approved in the development plan, signage in this district shall comply with CBMC 15.33, "Signs."

(Ord. 5469 § 2 (part), 1999)

DRAFT

Proof Of Publication

State of Iowa

Pottawattamie County

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of the Community Development Department to amend Title 15: Zoning of the Council Bluffs Municipal Code by amending Section 15.18.030, P-C/Planned Commercial District - Conditional Uses, of the Council Bluffs Municipal Code (Zoning Ordinance) to add 'manufacturing, light' as a conditional use in the P-C/Planned Commercial District.

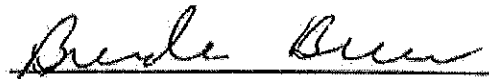
You are further notified that the public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 24th day of January, 2022 in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush, City Clerk
2022 (1) 16- 1 Sunday

I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

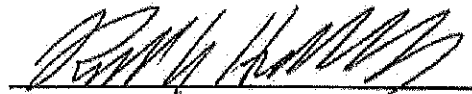
The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 16th day of January, 2022.



Billing Representative

Sworn to and subscribed before me this 16th day of January, A.D. 2022.



Notary Public

State of Virginia
County of Hanover
My Commission expires _____

Richard A. Hundley
Notary Public
Commonwealth of Virginia
Notary Registration No. 7904041
Commission Exp. Jan 31, 2024

CITY OF COUNCIL BLUFFS
209 PEARL ST.
COUNCIL BLUFFS, IA 51503

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