

**CITY PLANNING COMMISSION
MINUTES
FEBRUARY 13, 2018**

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

2. ROLL CALL

Members Present: DeMasi, Danielsen, Holm, Hutcheson, Milford, Rew, Nelson and VanHouten
Absent: Blackman, Crawford and Holtz
Vacancy: None
Staff: Garrett, Gibbons, Meeks and Wade

3. ADOPTION OF AGENDA

Gibbons stated there are the following changes to the posted agenda:

1. Under item 7.C. the case number ZC-18-002 is shown, when in fact the case number is ZC-18-003.
2. The case description under item 7.C. shows the property being rezoned from A-2/Parks, Estates and Agricultural District to R-2/Two Family Residential District. After the date of posting, the applicant amended their request to rezone the property from A-2/Parks, Estates and Agricultural District to R-1/Single Family Residential District.

Motion by VanHouten, second by Rew to adopt the agenda as amended. Motion carried by unanimous voice vote.

4. APPROVAL – MINUTES OF JANUARY 9, 2018 MEETING

Motion by Holm, second by Danielson to adopt the agenda as presented. Motion carried by unanimous voice vote.

5. PROOF OF PUBLICATION – Gibbons

6. REVIEW OF MEETING PROCEDURES – DeMasi

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

- A. CASE #ZC-18-001: Public hearing on the request of Ranjit Johal and R&J Hospitality to rezone property legally described as Lot 2, INRIP Subdivision, Tract 3, from I-2/General Industrial District to PC-Planned Commercial District. The Community Development Department expanded the request to include Lot 1, INRIP Subdivision, Tract 3. Location: 1801 South 35th Street and 3434 Nebraska Avenue.

No one from the public spoke in favor or in opposition of the request.

Gibbons addressed the commission to explain the presented case is a cleanup of the existing zoning, and was triggered by the pending sale of the hotel on the property. Gibbons explained the hotel was built on the property under a different zoning ordinance and in a different zoning district. Gibbons explained that the hotel is a legal nonconforming use, which would be corrected with approval of this request. Gibbons also stated that the expansion of the proposal, by staff, was for zoning consistency purposes, even though the gas station would be allowed in the current I-2/General Industrial District.

Motion by VanHouten, second by Holm to recommend approval to rezone properties legally described as Lot 1, and Lot 2, INRIP subdivision, Tract 3 from I-2/General Industrial District to PC-Planned Commercial District, as per staff's recommendation.

VOTE: AYE – DeMasi, Danielsen, Holm, Hutcheson, Milford, Rew, Nelson and VanHouten.
NAY – None. ABSTAIN – None. ABSENT – Blackman, Crawford and Holtz. Motion carried.

- B. CASE # ZC-18-002: Public hearing on the request of PACE Harvester II, LLC to rezone Lots 8 through 13, Block 10, Riddles Subdivision and the West 1/2 of the vacated north/south alley adjacent along with the South 8 feet of the vacated 10th Avenue adjacent from R-4/High Density Residential District to C-3/Commercial District and adopt an associated development plan. The Community Development Department expanded the request to include: rezoning the vacated 11th Avenue right-of-way abutting Lot 8, Block 10, Riddles Subdivision and the West 1/2 of the vacated north/south alley adjacent and Lot 13, Block 15, Riddles Subdivision and the West 1/2 of the adjacent north/south alley adjacent from I-2/Industrial District to C-3/Commercial District and adopt an associated development plan; and repealing Ordinance No. 6174 which appended a Planned Residential Overlay on Lots 8 through 13, Block 10, Riddles Subdivision and the West 1/2 of the vacated north/south alley adjacent along with the South 8 feet of the vacated 10th Avenue adjacent.
Location: Generally 10th Avenue at South 6th Street.

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

Todd Moeller, 322 S. 50th Avenue, Omaha, NE 68132, a representative of Alley Poyner Macchietto Architecture, displayed a digital presentation to outline the project. The presentation showed draft renderings and floor plans of the building, and outlined some of the operations and tenants of the building.

Danna Kehm, 5108 Wagons Way, Council Bluffs, IA 51501, the CEO of PACE, announced she will be available for any questions from the commission.

No one spoke in opposition of the proposal.

Rew asked who will own the building, and who will occupy the second floor office space. Kehm answered that PACE will own the building, and the office space will be occupied by a mixture of the different partners and tenants of the building. Kehm also stated that ongoing maintenance will be the responsibility of PACE as the owner of the building, with other occupants of the building being tenants.

Gibbons offered clarification on the development plan, stating that the plan only covers the building site, and not adjacent parking lots, even though parking lots will be a part of the actual project.

Rew asked about future stormwater retention. Aaron Wiese, 2111 South 67th Street, Suite 200, Omaha, NE 68106, a representative of Olsson Associates, stated that they are working with City of Council Bluffs staff, and no building permits will be finalized until all stormwater requirements are satisfied.

VanHouten expressed that this is a much needed project in the community.

Motion by VanHouten, seconded by Nelson approve the rezoning of the subject properties, as per staff's recommendation.

VOTE: AYE – DeMasi, Danielsen, Holm, Hutcheson, Milford, Rew, Nelson and VanHouten.
NAY – None. ABSTAIN – None. ABSENT – Blackman, Crawford and Holtz. Motion carried.

- C. CASES SUB-18-002, ZC-18-002, PR-18-001: Combined public hearing on the request of Western Iowa Land Development, LLC, for preliminary plan approval of a 31-lot residential subdivision to be known as Fox Run East Subdivision. The applicant is requesting rezoning a portion of Lot 117, Fox Run Landing, from A-2/Parks, Estates and Agricultural District to R-1/Single Family Residential, and establishing a Planned Residential Overlay over the entirety of the subdivision in order to construct attached single family structures.
Location: An extension of Carriage Road.

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

Jason James, 17375 235th Street, Council Bluffs, IA 51503, spoke as a representative of Western Iowa Land Development. James stated the proposal is to build single family townhomes, similar to those nearby on Middle Ferry Road, as those were very desirable. James stated that previous phases of development in that area has joined the Fox Run Homeowners Association, and these homes would fit within covenants if they choose to add this phase to the association. James also stated that the developer will work with their engineering team, as well as City of Council Bluffs staff to make sure all drainage requirements are satisfied.

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

Ken Degroot, 5121 Council Point Road, Council Bluffs, IA 51501, stated he has concerns with water runoff in the subject area. Degroot also expressed concern for the maintenance of the adjacent pond and surrounding area. Degroot ultimately stated that he is not opposed to the development, but wants to make sure all maintenance and stormwater issues are addressed.

Mark Lewis, 5011 Council Point Road, Council Bluffs, IA 51501, cited an email that was distributed by staff to the commission prior to the meeting that featured photos of ponding water around his property. Lewis agreed that this drainage issues may be caused by the adjacent Fox Run Golf Course, but wants to make sure that this development will not further any of those issues. Lewis also expressed concerns with the retention pond that is shown on plans, and stated he believed that expanding the adjacent pond that is owned by the golf course may be a better option.

Bradley Point, 3102 Gold Rush Road, Council Bluffs, IA 51501 spoke as the President of the Fox Run Homeowners Association. Point asked James if they have the goals of working with the City of Council Bluffs, and neighboring property owners.

James stated that cooperation between the city, developer, and neighboring homeowners is a goal of this project. James stated that developers do not have control over ground they do not own, and many of the ponding and runoff issues are coming from the golf course.

Point asked John Jorgenson of HGM Associates a number of questions regarding the existing golf course pond, and the new retention pond for the development.

John Jorgenson, 640 5th Avenue, Council Bluffs, IA 51501, spoke as a representative of HGM Associates, the engineer for the project. Jorgenson approximated dimension of the new retention pond, and stated that a soil report is currently being completed.

Point expressed concerns with the retention ponds, pooling water, and associated nuisances. Point asked James if an easement or agreement with the golf course for maintenance or use of their stormwater pond would be acceptable, to which James stated would be subject to a recommendation of the engineer or city staff. Point asked for easements and cooperation with the golf course to alleviate runoff and standing water issues.

Degroot asked for clarification on the retention ponds. Jorgenson answered that retention ponds will be sized according to requirements, and reiterated that sharing the existing golf course owned pond may not be an option.

Sara Point, 3102 Gold Rush Road, Council Bluffs, IA 51501, expressed concerns over the bank of the existing pond, asking the commission to review the banks prior to the vote.

Demasi made a motion to accept the letters sent by adjacent property owners as an attachment to the report. Hutcheson seconded. Motion carried by unanimous voice vote.

VanHouten asked staff to clarify what requests are being voted on by the commission. Gibbons stated that the requests are for the preliminary plat approval, the zoning change to R-1/Single Family Residential, and to append the Planned Residential Overlay District on the subject property.

Holm addressed the commission to explain the drainage issues as an adjacent property owner. Wade stated he is welcome to speak as an affected party, but recommended that if he does Holm should abstain from the vote, to which Holm agreed. Holm explained the flow of water in that community, as well as the drainage area. Holm expressed concerns with the maintenance of the stormwater retention pond, as well as golf course owned ponds.

Jorgenson again addressed the commission regarding potential flooding of the neighborhood, but stated the stormwater retention pond will accommodate the stormwater of the new development.

VanHouten stated the agreement between the golf course and the developer would have to be a future agreement, and the commission would not be able to vote on that matter. Gibbons again outlined the requests presented to the commission. Gibbons also stated that the case would be heard by the City Council on February 26, 2018, where they would review the commission's recommendation.

Motion by Nelson, seconded by Danielson to: 1) Approve the Preliminary Plan of the East Fox Run Subdivision; 2) Rezone a portion of Lot 117, Fox Run Landing, from A-2/Parks, Estates and Agricultural District to R-1/Single Family Residential District, and; 3) Append a Planned Residential Overlay over the entirety of the subdivision in order to construct attached single family structures, per staff's recommendations.

VOTE: AYE – DeMasi, Danielsen, Milford, Nelson and VanHouten. NAY – Hutcheson.
ABSTAIN – Holm and Rew. ABSENT – Blackman, Crawford and Holtz. Motion carried.

- 8. OTHER BUSINESS** (*Refer to the taped recording of these proceedings for the official verbatim minutes*)
 - A. City Council update – Wade provided an update of City Council actions relative to recent planning cases.
- 9. ADJOURNMENT** – DeMasi adjourned the meeting at 6:56 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.