

**CITY PLANNING COMMISSION  
MINUTES  
APRIL 10, 2018**

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

**2. ROLL CALL**

Members Present: DeMasi, Danielsen, Holm, Holtz, Hutcheson, Nelson, Rew, and VanHouten  
Absent: Crawford  
Vacancy: Two vacant positions  
Staff: Brown, Meeks and Wade

**3. ADOPTION OF AGENDA**

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

**4. APPROVAL – MINUTES OF March 13, 2018 MEETING**

Motion by Rew, second by Hutcheson to adopt the minutes as presented. Motion carried by unanimous voice vote.

**5. PROOF OF PUBLICATION** – Brown

**6. REVIEW OF MEETING PROCEDURES** – DeMasi

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

A. CASE #ZC-18-006: Public hearing on the request of Kate Cross to rezone the South 135 feet of Lot 5, J.W. Squire's Subdivision of the west 216 feet of Outlot 5, Jackson's Addition from R-1/Single Family Residential District to A-P/Administrative-Professional District. Location: 526 South 3<sup>rd</sup> Street.

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

Kate Cross, 526 South 3<sup>rd</sup> Street, Council Bluffs, IA 51503, stated she was advised by staff to make the application to rezone the property to the A-P/Administrative Professional District, and submitted the application once she finalized the purchase of the home. Cross stated that she has no plans for significant renovations to the building, rather she intends to restore and preserve the home, including repairs to the boiler system and existing elevator. Cross stated her request if to mover her therapy practice in the home, and have one other therapist also practice in the building full time, with other therapists hosting the occasional session in the home. Cross stated the sessions will be individuals and small groups, working with children, adults, couples, families, as well as referral clients. Cross hopes to help the community by providing therapy in a peaceful setting.

Carolyn Anderson-Burgher, 508 South Main Street, Council Bluffs, IA 51503, spoke as a representative of Kanesville Therapy, and a colleague of Kate Cross. Anderson-Burgher stated there are not enough therapists in the community, and Cross will help fill this need in living room type setting. Anderson-Burgher acknowledges that there will be more traffic than a single family dwelling, but the traffic will not be constant and provided services will outweigh the slight increase in traffic.

John Burgher, 16 Locust Lodge, Council Bluffs, IA 51503, stated he has known Cross for many years, and is familiar with her practice. Burgher stated there will not be constant traffic, and there is adequate parking on site. Burgher stated the only renovations to the home would be to update a bathroom, but there would be no exterior renovations. Burgher stated that for many factors this may be the best option for a therapist to offer group sessions.

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

Rita (and John) Doidge, 8 Grenville Court, Council Bluffs, IA 51503, stated she believes the home should remain a family home, and the increased traffic, noise, and potential parking problems would not be a benefit to the neighborhood. Doidge also had concerns with what the next business who would could occupy the home would be.

Kathy Bess Walters Hill, 220 5<sup>th</sup> Avenue, Council Bluffs, IA 51503, grew up in the area, and has since moved back to the community. Bess Walters Hill stated the preservation of the history of the neighborhood is important. Bess Walters Hill acknowledged she is not opposed to the use, but feels there is a better place for professional offices. Bess Walters Hill asked the commission to vote against further encroachment of businesses into historic neighborhoods.

DeMasi closed the public hearing.

Rew asked Cross how many sessions she would hold on a daily basis, what the hours would be, how many would be in a group session, and what the intention of the home would be when she purchased it. Cross answered that there would be 8-10 sessions daily with varying hours. Group sessions would be 6-8 individuals, and she purchased the home with the intention to both live there, and for her and one other therapist to conduct sessions out of the home, with the occasional outside therapist using the home for group sessions.

Rew asked Brown if other zoning options were explored. Brown answered the proposal could be conducted in other zoning districts, but the A-P/Administrative Professional Zoning District was the most consistent with the neighborhood, as it is often used as a transition between residential and downtown commercial districts. Brown also stated that Cross could conduct her business as a home occupation in the current zoning district, but that would not allow others to work there.

VanHouten stated he is confident Cross will be a good neighbor, but feels that rezoning this property will be standalone zoning which should be avoided. VanHouten reiterated prior concerns with what future occupants of the building would use it as if it were rezoned to A-P/Administrative Professional. Rew agreed, adding that he would like to see the proposal work, but has concerns with this being spot zoning.

Motion by VanHouten, second by Nelson to recommend denial of the request to rezone property legally described South 135 feet of Lot 5, J.W. Squire's Subdivision of the west 216 feet of Outlot 5, Jackson's Addition from R-1/Single Family Residential District to A-P/Administrative-Professional District, as per staff's recommendation.

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

- B. CASE #SAV-18-001: Public hearing on the request of Christopher B. Harris to vacate and dispose of the north/south alley located between Lots 12 and 13, Westside Second Addition. Location: 1813 Avenue L.

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

Christopher Harris, 1813 Avenue L, Council Bluffs, IA 51501, stated he requested the vacation and disposal to allow him to construct a room addition, which would not fit on his lot without the vacation and disposal of the subject right-of-way.

No one spoke in opposition of the request.

Motion by VanHouten, second by Hutcheson to recommend approval of the request to vacate and dispose of the north/south alley located between Lots 12 and 13, Westside Second Addition, as per staff's recommendation.

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

- C. CASE #SAV-18-003 and CASE #ZC-18-005: Combined public hearing on the request of Conagra Foods Packaged Foods to vacate and dispose of the north/south alley bisecting Lots 1 through 3, Block 5, along with the east/west alley adjoining the northeast 55 feet of Lots 4 and all of Lots 7 through 22, Block 5, all in William's First Addition and to rezone property legally described as being the East 35 feet of Lots 1-3 and all of Lots 15-22, Block 5, Williams First Addition from R-3/Low Density Multi-Family Residential District to I-2/General Industrial District. Location: Lying south of 9<sup>th</sup> Avenue between South 3<sup>rd</sup> and South 4<sup>th</sup> Streets.

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

Bob Griffin of Ehrhart Griffin and Associates, 142 West Broadway, Suite 136, Council Bluffs, IA 51503, spoke as a representative of the applicant. Griffin cited the staff report which shows no adverse comments from city staff or utility providers. Griffin stated ConAgra has no issues with the recommended conditions of staff. Griffin addressed the concerns of neighboring citizens by stating there will be no refrigeration with any expansion, and there will be no increase of truck traffic in the area of the proposed rezoning.

John Lewandowski of ConAgra Foods, 11 ConAgra Drive, Omaha, NE 68102, stated ConAgra is happy with the facility in Council Bluffs, and has the goal to continue to expand and add value to the facility, and to add jobs in the community. Lewandowski stated there are no formal plans for expansion, but a majority of the truck traffic will remain on the south end of the property.

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

Alicia Brady, 903 South 3<sup>rd</sup> Street, Council Bluffs, IA 51503, had concerns with increased traffic and environmental impacts associated with the expansion of an industrial site. Brady also had concerns that expansion of the industrial site will hurt the historic nature of the neighborhood. Brady stated that she is happy that ConAgra is willing to construct a fence, but an additional buffer and greenspace will be a benefit.

Steve Gorman, 203 5<sup>th</sup> Avenue, Council Bluffs, IA 51503, spoke as a representative of the Gibraltar Neighborhood Association. Gorman stated that historically ConAgra has been a good neighbor, but feels that the proposal can be more "neighbor friendly", and provide better aesthetics to the neighborhood, as well as a corridor into downtown Council Bluffs.

James Brady, 903 South 3<sup>rd</sup> Street, Council Bluffs, IA 51503, stated he had additional written statement that he would like to submit into record.

DeMasi made a motion, seconded by Hutcheson to accept the written letters into record. All were in favor.

Mr. Brady stated that he felt that the approval of the rezoning was allowing the industrial use to encroach on downtown, as well as the historical neighborhoods that the city was been trying to revive. Mr. Brady stated he opposes the project until the plans for the site are released by ConAgra.

Ann Walters, 220 5<sup>th</sup> Avenue, Council Bluffs, IA 51503, stated her opposition to the encroachment of the industrial uses into the historic districts of the city she finds very important. Walters cited the development of other ConAgra sites in Omaha, NE as a reason for caution on this use. Walters asks the City of Council

Bluffs to delay the decision to rezone until the city has time to consult with representatives of adjacent historic districts on the design and use of the land.

Rita Doidge, 8 Grenville Court, stated the concerns she has on this case is that there is no clear plan for what will be built on this site, that residential zoned land is being taken from the neighborhood, and that the approval of this rezoning could allow even more industrial expansion beyond the subject area.

Evelyn Carlson, 328 9<sup>th</sup> Avenue, Council Bluffs, IA 51503, stated she is not necessarily opposed to the proposal, but has concerns with the truck traffic.

Tallie Washburn, 439 Glen Avenue, Council Bluffs, IA 51503, stated that she agrees with many of the reasons other individuals have stated, but feels that ConAgra does not maintain the site very well. Washburn stated that the subject property should remain zoned for residential uses, and that ConAgra should do more to beautify this site, as they have for others. Washburn stated that the denial of the rezoning should not be seen as the City of Council Bluffs being opposed to ConAgra in the city, and that ConAgra should improve the aesthetics of their current site before asking for expansion.

Benjamin Washburn, 439 Glen Avenue, Council Bluffs, IA 51503, stated he is opposed as well. Mr. Washburn stated that the site is too small to be well suited for an industrial use, and he will fight to be sure the opinions of surrounding property owners are adequately addressed.

With no one else wishing to speak, DeMasi closes the public hearing.

Rew calls Lewandowski to the podium to answer some questions of the commission. Rew asks how long ago the first of the residential properties was purchased, and when the last was purchased, to which Lewandowski answered it was over 8 years ago the first property was purchased, and the last was purchased over 3 years ago. Lewandowski also noted that ConAgra has no intention of closing the plant if expansion is not allowed, and that there are no current plans to cross any streets.

Holm asked a question regarding the setbacks required for the building, and on any additional buffers that could be implemented. Brown stated that the City Council could implement buffers beyond the required setback that would supersede any variance the Zoning Board of Adjustment could grant.

Holm asked if the applicant agreed with the conditions listed in the staff report, and what the future plans would be. Lewandowski stated he was not opposed to any conditions, and that there were no formal plans for expansion at this time.

Rew asked if the applicant has had any discussions with neighboring property owners. Griffin stated there has not, but they are willing to speak with neighbors.

Wade stated for the record the currently assigned truck routes around the facility.

Rew stated that he understands the concerns from neighboring property owners, but noted that the roadways provide a barrier for expansion for the industrial site, and that suggestions of a park or future houses on that property is not feasible.

Motion by Rew, second by Holm to recommend approval of the request to vacate and dispose of the north/south alley bisecting Lots 1 through 3, Block 5, along with the east/west alley adjoining the northeast 55 feet of Lots 4 and all of Lots 7 through 22, Block 5, all in William's First Addition and to "conditionally rezone" the East 35 feet of Lots 1-3 and all of Lots 15-22, Block 5, Williams First Addition from R-3/Low Density Multi-Family Residential District to I-2/General Industrial District subject to the conditions

stated in section 9.0 of Resolution No. 10-10 and submittal of a landscaping plan that adequately buffers the applicant's food production facility from the neighboring residential areas, as per staff's recommendation.

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

- D. CASE #SAV-18-004: Public hearing on the request of Prestige World Wide Enterprises, LLC, represented by Tyler Brunow, to vacate and dispose of the east/west alley located south of Lots 1-5, Block 5, Thompson's Addition and north of Lots 1-8, Block 2, Porter and Cobb's Addition. Location: Lying east of North 14<sup>th</sup> Street.

No one spoke in favor or opposition of the request.

Motion by Hutcheson, second by DeMasi to recommend approval of the request to vacate and dispose of the east/west alley located south of Lots 1-5, Block 5, Thompson's Addition and north of Lots 1-8, Block 2, Porter and Cobb's Addition, as per staff's recommendation.

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

- E. CASE #SUB-18-005: Public hearing on the request of HCC Investments, LLC for preliminary plan approval of a 46-lot single family residential subdivision to be known as The Hills of Cedar Creek Central, legally described as being part of the SE1/4 of 75-43-24. Location: North of the Hills of Cedar Creek Subdivision.

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

Bill White of Ehrhart Griffin and Associates, 401 N. 2<sup>nd</sup> Street, Council Bluffs, IA 51503, spoke on behalf of the applicant. White stated that he understands the concerns that were raised, and reminded the Commission that the original master plan of this area had a commercial district located where the proposed subdivision is to be located. White stated that the expansion of Stevens Road has always been a part of this plan.

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

Kathy Rieken Gutshall, 5402 Taggart Circle, Council Bluffs, IA, 51503, presented a letter to the Commission.

DeMasi made a motion, Seconded by Danielson to accept the letter. The Motion carried by unanimous voice vote.

Rieken Gutshall also cited a letter that was included as an attachment with the staff report. Rieken Gutshall stated she has concerns with the landscaping and buffer zones, the location of the walking trail, and the triple-frontage lot that will be created by the construction of Stevens Road. Rieken Gutshall also had concerns that Stevens Road will become a collector road for the subdivision and will have significant traffic.

Dave Johnson, 5403 Taggart Circle, Council Bluffs, IA 51503, stated he has concerns with the layout with the subdivision, with the front of homes looking into the backyard of homes on Taggart Circle, and would like to see a buffer similar to other areas in the subdivision.

DeMasi asks White if he would like to address the buffer on the properties. White stated that it was not a part of the original master plan, and does not see it as a part of the plan as presented.

DeMasi closed the public hearing.

Holm asked questions regarding the expansion of Eastern Hills Drive, to which White and Brown explain that the road is project that is facilitated by the city, and is not expected to change. Holm also stated concerns with how close the new roadways and sidewalks will be to existing homes. Brown explains that the approval of this preliminary plan will not be the final approval by the city, as a final plat would still need to be submitted.

Motion by Nelson, second by Danielson to recommend approval of the preliminary plan approval of a 46-lot single family residential subdivision to be known as The Hills of Cedar Creek Central, legally described as being part of the SE1/4 of 75-43-24, per the recommendation of staff.

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

**8. OTHER BUSINESS** (*Refer to the taped recording of these proceedings for the official verbatim minutes*)

- A. Report of the Nominating Committee and Election of Officers – DeMasi stated that the nominating committee has recommended DeMasi to serve as the Chair, and Hutcheson to serve as the Vice Chair for the next year.

Holm makes a motion, seconded by DeMasi for nomination of officers to cease. All were in favor by voice vote.

DeMasi made a motion, seconded by Rew to accept the recommendation of officers by the nominating committee. All were in favor by voice vote.

- B. City Council update – Wade provided an update of City Council actions relative to recent planning cases.
- C. Planning Commission Annual Report – Brown asks the Commission to accept the annual report, and to have DeMasi sign the report as the Chair of the Commission.

VanHouten made a motion, DeMasi seconded, to accept the annual report as presented. All were in favor by voice vote.

- D. Other items of interest – Brown announces to the Commission that Ken Milford has asked not to be reappointed to the Planning Commission. Brown thanked Milford for his 18 years of service. Brown indicated that Pam Blackman has also resigned her position. Brown stated that commissioners are appointed by the Mayor's office, and any recommendations will be forwarded there.

**9. ADJOURNMENT** – DeMasi adjourned the meeting at 7:51 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.*