

ORDINANCE NO. 6471

AN ORDINANCE TO AMEND CHAPTER 15.19 P-I/PLANNED INDUSTRIAL DISTRICT OF THE 2020 MUNICIPAL CODE (ZONING ORDINANCE) OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.19.020 "PRINCIPAL USES" TO ALLOW "SCHOOL".

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

SECTION 1. That Chapter 15.19 "P-I/Planned Industrial District" of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Section 15.19.020 "Principal Uses" to include "School" by reading as follows:

15.19.020 Principal Uses

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

1. Business, professional office;
2. Business goods and service establishment;
3. Equipment sales and rental;
4. General government use;
5. Local utility services;
6. Manufacturing, general and light;
7. Retail Shopping establishment;
8. School;
9. Warehousing and distribution, limited.

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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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

October 25, 2021


MATTHEW J. WALSH

Mayor

Attest:


JODI QUAKENBUSH

City Clerk

First Consideration: 9-27-21

Second Consideration: 10-11-21

Public Hearing: 10-11-21

Third Consideration: 10-25-21

Council Communication

Department: City Clerk
Case/Project No.: ZT-21-004
Submitted by: Moises Monroy, Planner

Ordinance 6471
ITEM 4.B.

Council Action: 10/11/2021

Description
Ordinance to amend Chapter 15.19 P-I/Planned Industrial District by amending Section 15.19.020 "Principal Uses" to allow "School.

Background/Discussion
See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	9/17/2021
Attachment A - Proposed Chapter	Other	9/17/2021
Public Hearing Notice	Notice	9/17/2021
Ordinance 6471	Ordinance	9/22/2021

City Council Communication

Department: Community Development CASE #ZT-21-004 Applicant: City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503	Ordinance No. _____	1 st Consideration: 9/27/2021 2 nd Consideration: 10/11/2021 3 rd Consideration: 10/25/2021 Planning Commission: 9/14/2021
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Subject/Title

Request: Public hearing on the request of the City of Council Bluffs to amend Section 15.19.020, P-I/Planned Industrial District – Principal Uses, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘school’ as a principal use in the P-I/Planned Industrial District.

Background

The Community Development Department is proposing to amend Title 15: Zoning of the Council Bluffs Municipal Code (Zoning Ordinance) relative to ‘schools’ as follows:

- Amend Section 15.19.020, P-I/Planned Industrial District – Principal Uses, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘school’ as a principal use in the P-I/Planned Industrial District.

As per Section 15.03.0595 of the Council Bluffs Municipal Code (Zoning Ordinance), ‘school’ refers to “all schools, public or non-public, at all levels from prekindergarten level through grade twelve, which meet the requirements of the State Board of Public Instruction, and accredited schools that provide post-secondary education,” and includes “the buildings and all land contiguous to said buildings.” Schools are allowed as a principal use in the following zoning districts:

- R-1/Single-Family Residential District;
- R-1M/Single-Family Manufactured Housing District;
- R-2/Two-Family Residential District;
- R-3/Low Density Multifamily Residential District;
- R-4/High Density Multifamily Residential District;
- A-P/Administrative Professional District;
- C-1/Commercial District;
- C-2/Commercial District;
- C-3/Commercial District;
- C-4/Commercial District; and
- P-C/Planned Commercial District.

Additionally, schools are permitted as a conditional use in the MCR/Mixed Commercial-Residential District if it is contained within a mixed commercial/residential structure. A recent inquiry by Iowa Western Community College (IWCC) to operate a vocational training school in conjunction with a proposed logistics park to be located east of their campus (see Cases #SUB-21-011, #ZC-21-010 and #PI-21-001) has necessitated the proposed text amendment.

All City Departments and local utilities were notified of the proposed text amendment. No adverse comments have been received.

Discussion

1. The P-I/Planned Industrial District is intended to provide for the development of assemblage facilities, manufacturing facilities, research and development activities, business services, storage and distribution centers in an industrial park setting. The proposed text amendment would allow research and development facilities, colleges, universities and vocational/training schools to occur within business/industrial parks, which is consistent with the intent of the P-I District.
2. Properties zoned P-I District are limited to the new Black Hills Energy facility at 2287 College Road and 30.96 acres, more or less, of undeveloped land owned by IWCC located directly to the north. The Community Development Department has received an application from Nestory Park, a private real estate investment firm, to rezone 63.1 acres, more or less, of undeveloped land lying north of the existing P-I District, also owned by IWCC, from P-C/Planned Commercial District to P-I/Planned Industrial District (see Case #ZC-21-010). The purpose of the request is to allow for the development of a logistics park on the 94.06 acres, more or less, of land lying north of the Black Hills Energy facility. The requested text amendment is also intended to facilitate the development of the proposed logistics park and the associated IWCC vocational training facility, as well as any future planned industrial development that occurs in Council Bluffs. It is anticipated that the proposed text amendment will stimulate broader economic and workforce development by diversifying what is allowed to occur within a planned industrial development.

Recommendation

The Community Development Department recommends approval of the request to amend Section 15.19.020, *P-I/Planned Industrial District – Principal Uses*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘school’ as a principal use in the P-I/Planned Industrial District.

Public Hearing

Staff speaker for the request:

1. Moises Monrroy, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, Iowa 51503

Speakers in favor: None

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended approval to amend Section 15.19.020, *P-I/Planned Industrial District – Principal Uses*, of the Council Bluffs Municipal Code (Zoning Ordinance) to allow ‘school’ as a principal use in the P-I/Planned Industrial District.

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

Attachments

Attachment A: Proposed Chapter 15.10, *P-I/Planned Industrial District*, of the Municipal Code (Zoning Ordinance)

Prepared by: Moises Monrroy, Planner, Community Development Department

Attachment A

Chapter 15.19 - P-I/PLANNED INDUSTRIAL DISTRICT

15.19.010 Statement Of Intent

15.19.020 Principal Uses

15.19.030 Conditional Uses

15.19.040 Accessory Uses

15.19.050 Site Development Regulations

15.19.060 Development Plan Review Procedure

15.19.470 Signs

15.19.080 Additional Regulations

15.19.010 Statement of Intent

The P-I district is intended to provide for the development of assemblage facilities, manufacturing facilities, research and development activities, business services, storage and distribution centers in an industrial park setting. The facilities in the planned industrial district are designed to be used in common by sharing ingress and egress roads, ensuring appropriate design with respect to traffic arteries and compatibility with surrounding uses. Business and industrial activities shall be primarily enclosed operations with significant screening and landscaping of exterior operations and storage. Final authority over development plans shall be retained by the city council, with extensive review by the planning commission.

(Ord. 5688 § 1 (part), 2002)

15.19.020 Principal Uses

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

- A. Business, professional office;
- B. Business goods and service establishment;
- C. Equipment sales and rental;
- D. General government use;
- E. Local utility services;
- F. Manufacturing, general and light;
- G. Warehousing and distribution, limited;
- H. Retail Shopping establishment.
- I. School

(Ord. 5688 § 1 (part), 2002)

HISTORY

Amended by Ord. 6416 on 7/13/2020

15.19.030 Conditional Uses

The following conditional uses shall be permitted in a P-I district in accordance with the requirements set forth in CBMC 15.27:

- A. Communication tower;
- B. Day care services.

(Ord. 5688 § 1 (part), 2002)

HISTORY

Amended by Ord. 6416 on 7/13/2020

15.19.040 Accessory Uses

The following accessory uses shall be permitted in a P-I district:

- A. Uses of land or structures customarily incidental and subordinate to one of the principal uses in the P-I district, unless otherwise excluded.

(Ord. 5688 § 1 (part), 2002)

15.19.050 Site Development Regulations

Minimum tract size, lot size, setback requirements, height, lot coverage, signage and landscaping shall be determined through the development plan review procedures described in this chapter. The components of an approved development plan shall prevail over conflicting standards or regulations elsewhere in this title.

(Ord. 5688 § 1 (part), 2002)

15.19.060 Development Plan Review Procedure

The development plan review procedure shall be as follows:

- A. Application. A completed application form and ten (10) copies of the development plan along with the required fee shall be submitted to 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 proposed phasing of the project;
 - 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 pertaining to the adaptability of the property proposed for development;
8. Location and size of any sites to be considered for dedication for public use;
9. Layout, numbers and dimensions of all 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 right of ways, 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. On projects twenty (20) acres or more in area, or as deemed necessary by the community development director, a 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; determination of needed improvements, controls, driving locations, and their design; (iv) and identification of any need for additional right-of-way which could be secured from the developer, shall be submitted;
18. Architectural drawings, renderings, or other visual documents which illustrate proposed building design. The community development department director shall determine the adequacy and completeness of the development plan application.

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

- B. 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, landscaping, 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 on the net square footage of signs, lot coverage limitations and/or height of buildings because of obstruction to view and reduction of light and air to adjacent property, required screening and landscaping where necessary to reduce noise and glare and designation of responsibility for maintenance of the property.

- C. 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.
- D. Building Permit Review. The community development department 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 it is determined by the community development department director to be inconsistent with the approved development plan. However, the community development department director shall have the authority to approve minor changes to the development plan. If the community development department director determines that major changes are requested, review and approval by the city planning commission and city council shall be required.

(Ord. 5688 § 1 (part), 2002)

15.19.470 Signs

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

(Ord. 5688 § 1 (part), 2002)

15.19.080 Additional Regulations

Business and industrial activities shall be primarily enclosed operations with significant screening and landscaping of exterior operations and storage.

(Ord. 5688 § 1 (part), 2002)

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 15.19.020, P-1/Planned Industrial District - Principal Uses, of the Council Bluffs Municipal Code (Zoning Ordinance) to add 'school' as a principal use in the P-1/Planned Industrial 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 11th day of October, 2021 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
2021 (10) 3 - 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 03rd day of October, 2021.


Brenda Bruce
Billing Representative

Sworn to and subscribed before me this 3rd day
of October, A.D. 2021.


Linh Thuy Le
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, 2025

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

Publication Cost: \$15.22
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Order Number: 0000262195

E-mail

jquakenbush@councilbluffs-ia.gov

Proof Of Publication

State of Iowa

Pottawattamie County

ORDINANCE NO. 6471

AN ORDINANCE TO AMEND CHAPTER 15.19 P-1/PLANNED INDUSTRIAL DISTRICT OF THE 2020 MUNICIPAL CODE (ZONING ORDINANCE) OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.19.020 "PRINCIPAL USES" TO ALLOW "SCHOOL".

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

SECTION 1. That Chapter 15.19 "P-1/Planned Industrial District" of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Section 15.19.020 "Principal Uses" to include "School" by reading as follows:

15.19.020 Principal Uses

The following principal uses shall be permitted outright in a P-1 district:

1. Business, professional office;
2. Business goods and service establishment;
3. Equipment sales and rental;
4. General government use;
5. Local utility services;
6. Manufacturing, general and light;
7. Retail Shopping establishment;
8. School;
9. Warehousing and distribution, limited.

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

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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 October 25, 2021

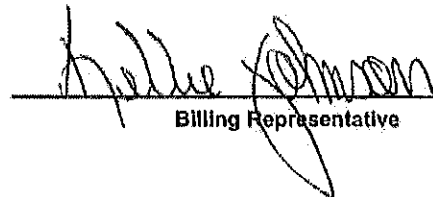
MATTHEW J. WALSH Mayor
Attest: JODI QUAKENBUSH City Clerk

First Consideration: 9-27-21
Second Consideration: 10-11-21
Public Hearing: 10-11-21
Third Consideration: 10-25-21
2021 (10) 29-1 Friday

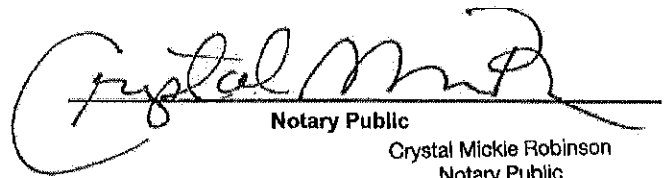
I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN Daily Nonpareil, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

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

The First publication thereof began on the 29th day of October, 2021.


Billing Representative

Sworn to and subscribed before me this 29th day
of October, A.D. 2021.


Notary Public
Crystal Mickie Robinson
Notary Public
State of Virginia
County of Hanover
My Commission expires
Commonwealth of Virginia
Reg. No. 7932290
My Comm. Expires June 30, 2025

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

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