City Council Communication

Department: Community Development CASE # ZC-23-013 Applicant/Property Owner: Philip S. Storey 1200 Crescent Drive Council Bluffs, IA 51503	Ordinance No. _____	City Council 1st Consideration: 8/28/2023 2nd Consideration: 9/11/2023 3rd Consideration: 9/25/2023 Planning Commission: 8/8/2023

Subject/Title

Request: Public hearing on the request of Philip Storey to rezone property legally described as the South 100 feet of Lot 1 and all of Lots 2 and 3, all in Block 16, Bayliss First Addition, City of Council Bluffs, Pottawattamie County, Iowa from R-3/Low Density Multi-Family Residential District to C-1/Neighborhood Commercial District.

Location: Undeveloped land lying at the northeast corner of North 7th Street and Mynster Street intersection.

Background

The Community Development Department has received a request from Mr. Philip Storey to rezone property legally described as the South 100 feet of Lot 1 and all of Lots 2 and 3, all in Block 16, Bayliss First Addition, City of Council Bluffs, Pottawattamie County, Iowa from R-3/Low Density Multi-Family Residential District to C-1/Neighborhood Commercial District. The subject property is located at the northeast corner of the intersection of North 7th Street and Mynster Street and contains 0.34 acres (15,000 sq. ft.) of undeveloped land. The purpose of this request is to allow the applicant the ability to construct a 3,500 square foot laundromat facility and 17 parking stalls on the subject property (see Attachment A).

Land Use and Zoning

The following zoning and land uses surround the subject property:

- North: A mixture of single-family and multi-family residential dwellings all zoned R-3/Low Density Multi-Family Residential District;
- South: Medical clinic (plasma center) zoned C-4/Downtown Business District;
- East: A place of religious assembly zoned R-3/Low Density Multi-Family Residential District, and a retail sales establishment zoned C-4/Downtown Business District; and
- West: A mixture of single-family and multi-family residential dwellings all zoned R-3/Low Density Multi-Family Residential District, and a mixture of retail sales establishments and a place of religious assembly all zoned C-3/Central Business District.

A location/zoning map is included with this report as Attachment 'B'.

The future land use plan of the Bluffs Tomorrow: 2030 (Comprehensive Plan) designates the subject property as 'Local Commercial'.

Public notices were mailed to all property owners within 200 feet of the request. The City received one comment from Scott Friedman, 13007 Frances Street, Omaha, NE 68144, on behalf of the B'nai Israel

Synagogue (618 Mynster Street), who stated said the synagogue is opposed to the rezoning request for the following reasons:

1. The commercial laundromat will increase pedestrian and vehicular traffic along Mynster Street, which raises security concerns for protecting the synagogue's property; and
2. The north side of Mynster Street is zoned R-3 District and the proposed C-1 District will allow commercial land uses that are out of character and incompatible with the adjacent residential area.

All City Departments and local utilities were notified of the proposed rezoning request. The following comments were received:

A. Council Bluffs Fire Department stated they have no comments for the request.
B. Council Bluffs Public Works stated they have no comments for the request.
C. Council Bluffs Water Works stated they have no comments for the request.
D. MidAmerican Energy stated they have no objections to the proposed rezoning.

Discussion

1. The applicant has requested to rezone the subject property from R-3/Low Density Multi-Family Residential District to C-1/Neighborhood Commercial District in order to build a new 3,500 square foot laundromat with 17 off-street parking stalls. Per Section 15.14.01 of the Council Bluffs Municipal Code (Zoning Ordinance), the purpose and intent of the C-1/Neighborhood Commercial District is to *"provide for the development of retail, office, and minor commercial facilities adjacent to neighborhood residential areas. The district allows for a large variety of commercial and service uses".* A laundromat is considered a 'consumer service establishment' as per Section 15.03.172 of the Council Bluffs Zoning Ordinance and is allowed in a C-1 District as a principal use.
2. The future land use plan of the Bluffs Tomorrow 2030 (Comprehensive Plan) designates the subject property as 'Local Commercial'. This designation is described as *"commercial areas with land uses oriented towards goods and services that meet the demand of Council Bluffs residents. These uses include grocery stores, convenience stores, pharmacies, banks, auto services, and small offices. They are typically located along visible corridors or at neighborhood centers, and may be configured as multi-tenant shopping centers or individual developments on smaller lots".* The C-1/Commercial District allows a variety of neighborhood oriented commercial land uses and is generally consistent with the 'Local Commercial' future land use plan designation.
3. The property contains 15,000 square feet (0.34 acres) of land, which exceeds the minimum C-1/Commercial District lot size requirements. All land development on the property shall comply with the site development standards stated in Section 15.14.050, *Site Development Regulations, C-1/Commercial District,* of the Council Bluffs Zoning Ordinance.
4. The subject property is adjacent to an existing commercial node at one of the entrances into the Kanesville-Tinley Neighborhood. Rezoning the property from R-3 District to C-1 District will provide the residents in said neighborhood access to additional neighborhood oriented goods and services that are within a reasonable biking/walking distance of their homes.
5. The subject property has access to water, sanitary sewer, and storm sewer utilities within North 7th Street and Mynster Street rights-of-ways and is suitable for commercial development.
6. The subject property is located within an AH Flood Zone, as per FEMA Flood Insurance Rate Map panel #19155C0413E, dated 2/4/2005. All development on the subject property shall comply with applicable Federal, State, and local floodplain development standards.

Recommendation

The Community Development Department recommends approval of the request by Philip Storey to rezone property legally described as the South 100 feet of Lot 1 and all of Lots 2 and 3, all in Block 16, Bayliss First Addition, City of Council Bluffs, Pottawattamie County, Iowa from R-3/Low Density Multi-Family Residential District to C-1/Neighborhood Commercial District, based on reasons stated above.

Public Hearing

Staff speaker for the request:

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

Speakers in favor:

1. Philip Storey, 1200 Crescent Drive, Council Bluffs, IA 51503

Speakers against:

1. Deborah Petersen, 215 S. Main Street, Council Bluffs, IA 51503
2. Debbie Soloman, 1103 N. 93rd Street, Omaha, NE 68114
3. Rick Katelman, 2767 Farnam Street, Omaha, NE 68131

The City Planning Commission recommended approval of the request by Philip Storey to rezone property legally described as the South 100 feet of Lot 1 and all of Lots 2 and 3, all in Block 16, Bayliss First Addition, City of Council Bluffs, Pottawattamie County, Iowa from R-3/Low Density Multi-Family Residential District to C-1/Neighborhood Commercial District.

VOTE: AYE – Bass, Bailey, Opperman, Rew, Stroebele, and Van Houten. NAY – Hutcheson, Knauss, and Rater. ABSTAIN – None. ABSENT – None. VACANT - Two Motion: Carried.

Attachments

Attachment A: Conceptual laundromat site plan
Attachment B: Location/zoning map

Prepared by: Christopher N. Gibbons, AICP, Planning Manager, Community Development Department