City Council Communication

Department: Community Development CASE #PR-23-006 Applicant/Property Owner: Jamie Augustine 8129 Fort Street Omaha, NE 68134	Ordinance No. _____ Resolution No. _____	**City Council** PR Overlay 1st Consideration: 11/27/2023 2nd Consideration: 12/12/23 3rd Consideration: 1/08/2024 PR Development Plan: 1/08/2024 Planning Commission: 11/14/2023

Subject/Title

Request: Public hearing on the request of Jamie Augustine to append a PR-2/Planned Residential Overlay onto property legally described as Lot 65, City Acres, City of Council Bluffs, Pottawattamie County, Iowa, and to adopt the associated development plan.

Location: 2637 Avenue 'L'

Background/Discussion

The Community Development Department has received a request from Jamie Augustine to append a planned residential overlay onto property legally described as Lot 65, City Acres, City of Council Bluffs, Pottawattamie County, Iowa, and to adopt the associated development plan. The purpose of this request is to allow the applicant to construct a three-unit residential structure on the subject property, which is zoned R-1/Single-Family Residential District.

The applicant acquired the subject property earlier this year. Subsequently, the applicant submitted a request to append a planned residential overlay onto the subject property in order to construct two single-family dwellings on one parcel of land, but withdrew his application prior to the meeting with the City Planning Commission. The applicant is now proposing to build a three-unit residential structure on the subject property. The proposed structure would be considered a 'townhouse dwelling,' which is defined in Section 15.03.236 of the Council Bluffs Municipal Code (Zoning Ordinance) as "*a series of attached single-family dwellings separated by exterior quality walls or a common wall between units as required by Council Bluffs Building Code, except that the minimum number of abutting dwelling units in any townhouse series shall be three. Each dwelling shall front wholly and directly on a public street, or upon a courtyard or way through which the owner of the townhouse dwelling unit has legally guaranteed ingress and egress to a public street*." The subject property had been previously developed as 'single-family dwelling, detached.' The proposed townhouse will be one story tall and have a slab foundation. Each dwelling unit will contain a one-stall, front-loaded attached garage with direct access onto Avenue 'L.'

A 'townhouse dwelling' is not a permitted use in the R-1 District. As per Section 15.28.020 of the Council Bluffs Municipal Code (Zoning Ordinance), a PR-2 Overlay for site-specific infill development may be applied to any property zoned R-1, R-1E, R-2, R-3, or R-4 if it contains no more than 1 ½ acres of total land area and includes one of the following:

- A minimum of two (2) residential structures.

- **A minimum of one (1) residential structure that contains a minimum of three (3) dwelling units.**

- A minimum of one (1) mixed commercial-residential structure.

The proposed planned residential overlay would allow the applicant to construct a 'townhouse dwelling' on the subject property.

Property Owner Notification – Public notices were mailed to all property owners within 200 feet of the request. The Community Development Department received the following comment:

A. Penny Farrell, owner of 2623 Avenue 'L,' stated she is opposed to the request as she is concerned there is not sufficient space at this site to accommodate an adequate amount of off-street parking for three dwelling units. Mrs. Farrell also expressed concern regarding the amount of traffic that could be generated as a result of the construction of the proposed townhouse. Mrs. Farrell stated she is also concerned the development will have an adverse impact on her privacy if the proposed townhouse is located on the south side of the subject property. The Community Development Department explained the proposed townhouse would be located 25 feet from the front property line, which would be consistent with existing development in the surrounding area. Additionally, property addressed at 2627 Avenue 'L separates the subject property and Mrs. Farrell's residence, thus visibility into her property from the proposed townhouse should be minimal. Mrs. Farrell stated the subject property should only be developed with a single-family dwelling.

B. The public notice mailed to Clarence A. and Leanna McDonald (2626 Avenue 'J') was returned as undeliverable.

City Departments and Utilities – All appropriate City departments and utilities were notified of the proposed planned residential overlay. The following comments were received:

A. The Council Bluffs Public Works Department stated the applicant will be required to install a sidewalk adjacent to Avenue 'L.'

B. The Council Bluffs Parks and Recreation Department stated they have no comments or concerns regarding the request.

C. The Council Bluffs Police Department stated they have no comments or objections regarding the request.

D. The Council Bluffs Fire Department stated they have no comments on the request.

E. Council Bluffs Water Works stated they have no comments on the request.

Planned Residential Development Plan – Section 15.28.010, Statement of Intent, PR/Planned Residential Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance) states that *"the Planned Residential Overlay is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of requirements of the underlying zone would not be inconsistent with the comprehensive plan or harmful to the surrounding neighborhoods."* The purpose of this request is to allow the applicant to construct a three-unit residential structure on the subject property, which is zoned R-1/Single-Family Residential District.

A. Site Development

1. In order to maintain a consistent street wall that enhances pedestrian interest and maintains the aesthetic quality of the area, the proposed homes shall be built within a build-to zone defined by a minimum front yard setback of 20 feet and a maximum front yard setback of 30 feet.

    a. The submitted plot plan (see Attachment 'B') shows the proposed townhouse will have a front yard setback of 25 feet.

2. The minimum required interior side yard setback for the proposed townhouse shall be five feet.

    a. The submitted plot plan (see Attachment 'B') shows the proposed townhouse will have an interior side yard setback of six and a half feet.

3. All principal and accessory structures shall comply with all other site development standards (i.e., rear yard setback, building height, and lot coverage) in Section 15.08B.050, Site Development Regulations, R-1/Single-Family Residential District, of the Municipal Code (Zoning Ordinance).

    a. The submitted plot plan (see Attachment 'B') shows the proposed townhouse will have a rear yard setback of 193 feet.

    b. The submitted floor plan (see Attachment 'C') shows the proposed townhouse will comply with R-1 District lot coverage requirements.

    c. The submitted building elevations (see Attachment 'C') show the proposed townhouse will measure approximately 25 feet in height, and thus will not exceed the maximum height allowed for principal structures in the R-1 District.

4. Building features may project into required yards to the extent and under the conditions and limitations in Section 15.24.060, Yard Exceptions and Permitted Intrusions into Required Yards, of the Council Bluffs Municipal Code (Zoning Ordinance).

5. All fences and walls shall be installed in accordance with Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).

6. All site lighting shall comply with the standards in Section 15.24.050, Lighting Controls, of the Council Bluffs Municipal Code (Zoning Ordinance).

B. Off-Street Parking

1. The required number of off-street parking spaces for the proposed townhouse shall be based on the standards in Section 15.23.060, Parking Spaces Required, of the Municipal Code (Zoning Ordinance).

    a. A minimum of six parking spaces will be required for the proposed townhouse. Each unit will have a one-stall attached garage, which would not provide the required amount of off-street parking for the development. In order to meet minimum off-street parking requirements, the driveways shall be included in the total parking count for the development.

2. All parking/loading areas, driveways and drive aisles shall comply with the standards in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).

C. Landscaping

1. The applicant did not provide a landscaping plan for the proposed development. The Community Development Department recommends that a total of two street trees be planted at this site prior to the issuance of the Certificate of Occupancy for the proposed townhouse. Required street trees shall be generally evenly spaced apart along the entire length of the frontage.

2. All tree species planted along the frontage of a public right-of-way shall comply with the Council Bluffs Street Tree Guide and be reviewed and approved by the City prior to installation.

D. Architecture

1. The submitted building elevations show the proposed townhouse will be one story tall with a slab foundation and front-loaded garages, and will be primarily constructed out of siding. To enhance the architectural design of the proposed townhouse and maintain the appearance of the surrounding area through the use of high quality, durable materials, the Community Development Department recommends that a minimum of 10% of the front façade be made of brick, stone or tile. Masonry materials shall be located primarily along the base of the building.

E. Signage

1. A signage plan was not submitted with the development plan. Only exempt signs and temporary signs shall be permitted on the subject property, in accordance with Sections 15.33.080 and 15.33.090 of the Council Bluffs Municipal Code (Zoning Ordinance).

Recommendation

The Community Development Department recommends approval of the request to append a PR-2/Planned Residential Overlay onto property legally described as Lot 65, City Acres, City of Council Bluffs, Pottawattamie County, Iowa, and to adopt the associated development plan, subject to the comments stated above and the following condition:

A. Any modifications to the approved development plan which substantially alter the design, layout, configuration, and/or appearance of the project shall be reviewed the City Planning Commission and approved by City Council prior to such changes being made. All minor modifications to the adopted development plan may be administratively approved by the Community Development Director.

Public Hearing

Staff speakers for the request:
1. Moises Monrroy, 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

Speaker in favor:
1 Jamie Augustine, 8129 Fort Street, Omaha, NE 68134

Speakers against:
1. Jacob Hedges, 2647 Avenue L, Council Bluffs, IA 51501
2. Amber Hedges, 2647 Avenue L, Council Bluffs, IA 51501
3. Javier Hernandez, 2627 Avenue L, Council Bluffs, IA 51501
4. Connie Myers, 2645 Avenue L, Council Bluffs, IA 51501

The City Planning Commission recommended approval of the request to append a PR-2/Planned Residential Overlay onto property legally described as Lot 65, City Acres, City of Council Bluffs, Pottawattamie County, Iowa, and to adopt the associated development plan, subject to the comments stated above and the following condition:

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VOTE: AYE – Bass, Knauss, Rater, Rew, and Stroebele. NAY – Hutcheson and Watson. ABSTAIN – None. ABSENT – Bailey, Opperman, and VanHouten. VACANT - One Motion: Carried.

Attachments

Attachment A: Location/Zoning Map
Attachment B: Plot Plan
Attachment C: Building Plans
Attachment D: Architectural Rendering

Prepared by: Moises Monrroy, Planner, Community Development Department