City Council Communication

Department: Community Development CASE #ZT-24-001 Applicant: Just Wright Investments Danielle Wright 2122 Avenue 'A' Council Bluffs, IA 51501 Representative: Deborah Petersen 215 South Main Street, Suite 301 Council Bluffs, IA 51503	Ordinance No. _____	City Council 1st Consideration: 2/26/2024 2nd Consideration: 3/11/2024 3rd Consideration: 3/25/2024 Planning Commission: 2/13/2024

Subject/Title

Request: Public hearing on the request of Just Wright Investments LLC, represented by Deborah Petersen, to amend Section 15.09.030 of the Council Bluffs Municipal Code by adding 'boarding, lodging, rooming house or bed and breakfast' as a conditional use in the R-2/Two-Family Residential District.

Background

The Community Development Department has received a request from Just Wright Investments LLC, represented by Deborah Petersen, to amend Section 15.09.030 of the Council Bluffs Municipal Code by adding 'boarding, lodging, rooming house or bed and breakfast' as a conditional use in the R-2/Two-Family Residential District. The purpose of this request is to allow the applicant to operate a faith-based rooming house for individuals recovering from substance abuse on property addressed at 424 North 1st Street, which is currently zoned R-2/Two-Family Residential District. If the proposed text amendment is approved, the applicant will be required to obtain a conditional use permit from the Zoning Board of Adjustment for the proposed use.

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

A. The Council Bluffs Permits and Inspections Division and the Council Bluffs Fire Department stated that the proposed rooming house at 424 North 1st Street would be acceptable per the Building and Fire Codes provided the number of residents is limited to five.

B. The Council Bluffs Public Works Department stated that they have no comments on the request.

C. The Council Bluffs Parks and Recreation Department stated that they have no comments on the request.

D. The Council Bluffs Police Department stated that they have no objections to the request. They also noted that if residents of the rooming house require a high level of care, it may lead to heightened calls for service and complaints from neighbors should the facility not be suited to the residents' needs.

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

F. MidAmerican Energy Company stated that they have conflicts or concerns on the request.

Discussion

A. As per Section 17.01.010 of the Council Bluffs Municipal Code, a 'boarding, lodging, rooming house or bed and breakfast' is defined as "any dwelling or that part of any dwelling containing one or more rooming units in which space is let by the owner or operator to one or more roomers."

B. The R-2/Two-Family Residential District is intended to provide for a medium-density residential neighborhood in established and developing areas of the community, and is primarily comprised of one- and two-family structures.

C. 'Boarding, lodging, rooming house or bed and breakfast' is a principal use in the R-3/Low Density Multifamily Residential District, the R-4/High Density Multifamily Residential District, and the A-P/Administrative-Professional District. If the proposed text amendment were approved, 'boarding, lodging, rooming house or bed and breakfast' would be allowed as a conditional use in the R-2 District, and thus would require the issuance of a conditional use permit by the Zoning Board of Adjustment.

D. The Community Development Department finds that 'boarding, lodging, rooming house or bed and breakfast' can be a compatible land use with the R-2 District as such use can be an adaptive reuse of existing residential structures previously used for single- and two-family uses, provided all applicable building and fire code requirements are met. In the case of new construction, a 'boarding, lodging, rooming house or bed and breakfast' can be developed to a similar scale and size of surrounding single- and two-family residential uses. Furthermore, allowing such use as a conditional use in the R-2 District provides the opportunity to establish additional site development, off-street parking, landscaping, and screening/buffering standards in order to ensure compatibility with surrounding residential development.

Recommendation

The Community Development Department recommends approval of the request to amend Section 15.09.030 of the Council Bluffs Municipal Code by adding 'boarding, lodging, rooming house or bed and breakfast' as a conditional use in the R-2/Two-Family Residential District.

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

Speakers in favor:
1. Danielle Wright, Just Wright Investments, LLC, 2122 Avenue 'A', Council Bluffs, IA 51501
2. Deborah Petersen, Petersen Law PLLC, 215 South Main Street, Council Bluffs, IA 51503

Speakers against: None

The City Planning Commission recommended approval of the request to amend Section 15.09.030 of the Council Bluffs Municipal Code by adding 'boarding, lodging, rooming house or bed and breakfast' as a conditional use in the R-2/Two-Family Residential District, based on reasons stated above.

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

Attachments

Attachment A: Proposed Section 15.09.030, Conditional Uses, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance)

Prepared by: Moises Monrroy, Planner, Community Development Department