City Council Communication

Department: Community Development CASE #ZC-24-003 Applicant/Property Owner: Eric Havermann Lochland Holdings, LTD 1115 South 10th Street Apt. #9 Omaha, NE 68103	Resolution No. _____	City Council 1st Consideration: 4/22/2024 2nd Consideration: 5/6/2024 3rd Consideration: 5/20/2024 Planning Commission: 4/9/2024

Subject/Title

Request: Public hearing on the requests of Lochland Holdings Ltd., represented by Eric Haverman, and the City of Council Bluffs to rezone property legally described as being part of Lot 1, and the East ½ of the vacated north/south alley adjacent, except railroad roadway; and part of Lot 16, and the West ½ of the vacated north/south alley adjacent along with part of Lot 2, lying northeasterly of the railroad right-of-way, all in Block 15, Hughes and Doniphan's Addition, City of Council Bluffs, Pottawattamie County, Iowa from C-2/Commercial District to R-2/Two-Family Residential District.

Location: 2100 South 6th Street

Background

The Community Development Department has received an application from Lochland Holdings, LTD, represented by Eric Havermann, to rezone property legally described as Lot 1 and the East ½ of the vacated north/south alley adjacent, except railroad roadway, Block 15, Hughes and Doniphan's Addition, City of Council Bluffs, Pottawattamie County, Iowa from C-2/Commercial District to R-2/Two-Family Residential District. The Community Development Department expanded the rezoning request to include property legally described as being part of Lot 16 and the West ½ of the vacated north/south alley adjacent, along with part of Lot 2, lying northeasterly of the railroad right-of-way, all in Block 15, Hughes and Doniphan's Addition, City of Council Bluffs, Pottawattamie County, Iowa, for zoning consistency purposes

The subject property is developed with a 'single-family dwelling, detached.' Since a 'single-family dwelling, detached' is not a permitted use in the C-2/Commercial District, it is deemed a legal nonconforming use. The proposed rezoning will bring the existing dwelling on the subject property into conformance with the Zoning Ordinance. The purpose of this request is to facilitate the sale of the subject property and allow future owners to obtain mortgage loans from banks.

Land Use and Zoning – The following zoning and land uses surround the subject property:

North: Residential properties that are zoned R-2/Two-Family Residential District and a glass/mirror shop (Midwest Glass & Glazing, Inc.) that is zoned C/2/Commercial District.

South: The South Side Trail and a commercial building, which are zoned C-2/Commercial District.

East: Undeveloped land that is zoned R-3/Low Density Multifamily Residential District.

West: The South Side Trail, which is zoned C-2/Commercial District.

The Future Land Use Plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as 'Low-Density Residential.'

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:

1. Anna Richey, owner of 2026 South 6th Street, contacted the Community Development Department with general inquiries about the proposed rezoning.

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

- The Council Bluffs Permits and Inspections Division stated they had no comments on the request.
- The Council Bluffs Public Works Department stated they had no comments on the request.
- The Council Bluffs Parks and Recreation Department stated they have comments on the request.
- The Council Bluffs Fire Department stated they had no comments on the request.
- The Council Bluffs Police Department stated they had no comments or objections to the request.
- Council Bluffs Water Works stated they had no comments on the request.

Discussion

A. The subject property is developed with a 'single-family dwelling, detached.' Since a 'single-family dwelling, detached' is not a permitted use in the C-2/Commercial District, it is deemed legal nonconforming use. As per Section 15.26.050 of the Council Bluffs Municipal Code (Zoning Ordinance), "any legal nonconforming residential use of a structure may be enlarged to the extent that an otherwise conforming residential use of a structure could be enlarged under the zoning regulations of the most restricted residential district in which such residential use of a structure would be permitted as a principal use." The proposed rezoning to the R-2/Two-Family Residential District would bring the existing dwelling into conformance with the Zoning Ordinance.

B. The subject property does not meet the minimum lot size requirements of the C-2 District. As such, it is considered a legal nonconforming lot of record. Since the subject property does not meet the minimum lot size requirements of the R-2 District, the proposed rezoning would not affect its conformance status.

C. If the proposed rezoning were approved, any construction that occurs on the subject property would be subject to the site development standards in Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance).

D. Properties located to the north of the subject property are zoned R-2 District. As such, the proposed change of zone would be consistent with surrounding zoning.

E. The Bluffs Tomorrow 2030 (Comprehensive Plan) designates the subject property as 'Low-Density Residential,' which is primarily intended for single-family development. The proposed rezoning is consistent with the Future Land Use Plan.

F. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate uses permitted in the R-2 District.

Recommendation

The Community Development Department recommends approval of the request to rezone property legally described as being part of Lot 1, and the East ½ of the vacated north/south alley adjacent, except railroad roadway; and part of

Lot 16, and the West ½ of the vacated north/south alley adjacent along with part of Lot 2, lying northeasterly of the railroad right-of-way, all in Block 15, Hughes and Doniphan's Addition, City of Council Bluffs, Pottawattamie County, Iowa from C-2/Commercial District to R-2/Two-Family Residential District, subject to the comments stated above.

Public Hearing

Staff speakers for the request:
1. Moises Monrroy, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:
1. Tina Polly, 1032 Woodbury Avenue, Council Bluffs, IA 51503

Speakers against: None

The City Planning Commission recommended approval of the request to rezone property legally described as being part of Lot 1, and the East ½ of the vacated north/south alley adjacent, except railroad roadway; and part of Lot 16, and the West ½ of the vacated north/south alley adjacent along with part of Lot 2, lying northeasterly of the railroad right-of-way, all in Block 15, Hughes and Doniphan's Addition, City of Council Bluffs, Pottawattamie County, Iowa from C-2/Commercial District to R-2/Two-Family Residential District, subject to the comments stated above.

VOTE: AYE – Hutcheson, Fruend, Rater, and Stroebele. NAY – None. ABSTAIN – Rew and VanHouten ABSENT – Rater and Watson. VACANT – Three. Motion: Carried.

Attachments

Attachment A: Location/Zoning Map
Attachment B: Letter of Intent

Prepared by: Moises Monrroy, Planner, Community Development Department