City Council Communication

Department: Community Development CASE #PR-24-002 Applicant/Representative: Bryan Yoder Yoder Construction Inc. 101 McCandless Lane Suite A Council Bluffs, IA 51503 Property Owner: Kim and Alex Kouri 1441 McPherson Avenue Council Bluffs, IA 51503	Ordinance No. _____ Resolution No. _____	City Council: 12/16/2024 Planning Commission: 11/12/2024

Subject/Title

Request: Public hearing on the request of Yoder Construction, Inc., on behalf of Kim and Alex Kouri, to append a PR/Planned Residential Overlay onto property legally described as Lots 10 through 14, Weldon's Addition, along with the vacated section of Hillside Drive right-of-way adjacent, City of Council Bluffs, Pottawattamie County, Iowa, and to adopt the associated development plan.

Location: 1441 McPherson Avenue

Background/Discussion

The Community Development Department has received a request from Yoder Construction, Inc., on behalf of Alex and Kim Kouri, to append a PR/Planned Residential Overlay onto property legally described as Lots 10 through 14, Weldon's Addition, along with the vacated section of Hillside Drive right-of-way adjacent, City of Council Bluffs, Pottawattamie County, Iowa, and to adopt the associated development plan. The purpose of this request is to allow the construction of an accessory dwelling unit (ADU) on property zoned R-1/Single-Family Residential District.

The property owner, Kim Kouri, currently resides in the existing single-family home on the subject property. Mrs. Kouri intends to sell the home to her son, Alex Kouri, and wants to build an accessory dwelling unit that would serve as her part-time residence and a guest house for visitors. The proposed ADU will be a detached, split-level 1,576-square foot house located west of the existing home on the subject property. Since the proposed ADU will be located behind the existing home, it will not be visible from McPherson Avenue.

Only one principal structure is allowed per lot 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 two (2) dwelling units.
- A minimum of one (1) mixed commercial-residential structure.

The proposed planned residential overlay would allow the applicant to construct the proposed accessory dwelling unit 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. Jonathan Quigley, St. Albert Catholic Schools, 400 Gleason Avenue, contacted the Community Development Department and had general inquiries relative to the request.

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 Chief of Staff stated that the subject property consists of multiple platted lots of record and could have had the potential for further development, and as such the proposed ADU will not have an adverse impact on the surrounding area.

B. The Council Bluffs Public Works Department stated that a parcel split may be required to allow a separate septic system for the proposed ADU. They also stated that the applicant should contact Pottawattamie County to discuss regulations relative to private septic systems that would be applicable to this project.

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

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

E. MidAmerican Energy stated that they have no conflicts with the request. They also stated that the applicant should contact them directly to identify costs and areas of responsibility associated with any relocation or extension of their electric distribution facilities that may be required for the project.

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 construction of an accessory dwelling unit (ADU) on property zoned R-1/Single-Family Residential District. The following standards shall only be applicable to the proposed ADU; any future modifications/additions to the existing home shall be exempt from this development plan.

A. Site Development

1. The proposed accessory dwelling unit shall be subject to all site development standards for principal structures 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 'C') shows the proposed ADU will comply with all minimum setback requirements in the R-1 District:

        i. Interior side yard setback (north): 44 feet (more or less).

        ii. Interior side yard setback (south): 149 feet (more or less).

        iii. Rear yard setback: 300 feet (more or less).

b. The construction of the proposed ADU will bring the lot coverage of all structures on this site to 5.5% of the total lot area, and thus will not exceed the maximum lot coverage allowed in the R-1 District (35% of the total lot area).

c. The submitted building elevations (see Attachment 'D') show the proposed ADU will measure approximately 25 feet in height, and thus will not exceed the maximum height allowed for principal structures in the R-1 District (35 feet).

2. All fencing shall be installed in accordance with Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).

3. The applicant shall work with local utility providers to ensure all utilities necessary to service the proposed ADU are provided. All utilities shall be installed underground. Any easements needed for the extension of utilities to serve the proposed ADU shall be retained and shown on the building plans at the time of building permit review. Any cost to remove, relocate, modify, and/or extend utilities to this site shall be at the sole cost of the developer and not the City.

   a. The existing home on the subject property is served by a private septic system. The applicant intends to install a separate private septic system to service the proposed ADU. The applicant shall work with Pottawattamie County to ensure compliance with regulations relative to private septic systems that would be applicable to this project. In the event a separate private septic system cannot be installed as per County regulations, the applicant shall be required to connect into the City's sanitary sewer system.

B. Off-Street Parking

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

   a. The total number of required off-street parking for a 'single-family dwelling' is based on a calculation of two parking spaces per unit, as per Section 15.23.060, Parking Spaces Required, of the Council Bluffs Municipal Code (Zoning Ordinance). Based on this calculation, a minimum of four off-street parking spaces shall be required for the existing home and the proposed ADU. There are two existing garages on the subject property (one detached structure, one attached to the existing home) which provide more than four parking spaces for the entire site, and the paved area located to the east of the existing home can be used for excess parking. As such, no additional parking shall be required to be provided as part of this project.

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).

   a. The submitted building plans (see Attachment 'D') show there will be a nine-foot wide roll-up door on the south elevation of the proposed ADU. A driveway will not be required to be extended up to this door until such time the property owner converts the "fitness room" on the opposite side of the door into a garage.

   b. The existing driveway entrance which connects into McPherson Avenue shall not be required to be paved at this time as it only provides to the single-family home at 1439 McPherson Avenue and does not serve the subject property in any way.

C. Landscaping

1. The existing tree buffer around the perimeter of the subject property shall be maintained at all times.

D. Architecture

1. The architectural renderings in the submitted building plans (see Attachment 'D') show the proposed ADU will be a split-level 1,576-square foot house which will be generally compatible with the design of the existing home. The proposed building elevations are acceptable and shall be adopted as proposed.

E. Signage

1. 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 planned residential overlay onto property legally described as Lots 10 through 14, Weldon's Addition, along with the vacated section of Hillside Drive right-of-way adjacent, City of Council Bluffs, Pottawattamie County, Iowa, and to adopt the associated development plan, subject to the comments stated above and the following conditions:

A. Any future modifications/additions to the existing single-family home shall be exempt from the standards adopted planned residential development plan; and

B. 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

Speakers in favor: None

Speakers against: None

The City Planning Commission recommended approval to append a planned residential overlay onto property legally described as Lots 10 through 14, Weldon's Addition, along with the vacated section of Hillside Drive right-of-way adjacent, City of Council Bluffs, Pottawattamie County, Iowa, and to adopt the associated development plan, subject to the comments stated above and the following conditions:

A. Any future modifications/additions to the existing single-family home shall be exempt from the standards adopted planned residential development plan; and

B. 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.

VOTE: AYE – Freund, Hutcheson, Knauss, Rater, Rew, Van Houten, and Watson. NAY - None ABSTAIN – None. ABSENT – Stroebele. VACANT - Three Motion: Carried.

Attachments

Attachment A: Location/Zoning Map
Attachment B: Letter of Intent
Attachment C: Plot Plan
Attachment D: Building Plans

Prepared by: Moises Monrroy, Planner, Community Development Department