City Council Communication

Department: Community Development CASE #PR-25-001 Applicant/Property Owner: Heidi Mazel 12618 Polo Place Broomfield, CO 80020 Representative: Gabrielle (Gabby) Dowdy 1003 High Street Council Bluffs, IA 51503	Ordinance No. _____ Resolution No. _____	City Council 1st Consideration: 4/21/2025 2nd Consideration: 5/5/2025 3rd Consideration: 5/19/2025 Planning Commission: 4/08/2025

Subject/Title

Request: Public hearing on the request of Heidi Mazel, represented by Gabrielle Dowdy, to append a PR-2/Planned Residential Overlay and to adopt the associated development plan for a 'boarding, lodging, rooming house' on property legally described as the West 110 feet of Lot 1, Block 5, Park Addition, City of Council Bluffs, Pottawattamie County, Iowa.

Location: 1003 High Street, Council Bluffs, Iowa 51503

Background/Discussion

The Community Development Department has received an application from Heidi Mazel, represented by Gabrielle Dowdy, to append a PR-2/Planned Residential Overlay onto property located at 1003 High Street and legally described as the west 110 feet of Lot 1, Block 5, Park Addition, City of Council Bluffs, Pottawattamie County, Iowa, and to adopt the associated development plan. The applicant operates a non-profit organization (The Upper Room) that provides structured support services and housing for single women and women with children who have experienced domestic violence, sexual exploitation, homelessness, and/or addictions. Per the applicant's letter of intent, a maximum of four women (with or without children) will live at 1003 High Street for six-months to two years and will commit to 'The Upper Room's' faith based programming and therapeutic environment. There will be one on-site staff member who will help the program participants accomplish their short-term and long-term goals relative to building life-skills, healthy habits, parenting, and mentorship. A full description of 'The Upper Room' program is included with this report as Attachment 'A'.

The applicant is requesting approval to append a PR-2/Planned Residential Overlay to the subject property so that they can convert the property from a single-family residential dwelling into a four-unit 'boarding, lodging, rooming house'. The property is zoned R-3/Low Density Multifamily Residential District, which allows a 'boarding/rooming/lodging house' as a permitted use. However, as the site is only 7,480 square feet as opposed to the minimum 7,500 square feet required for a multi-family structure in the R-3 District, the applicant is requesting to append a PR-2 Overlay and to adopt an associated development plan to allow the proposed use at the subject property, with a non-conforming lot size for a multi-family structure.

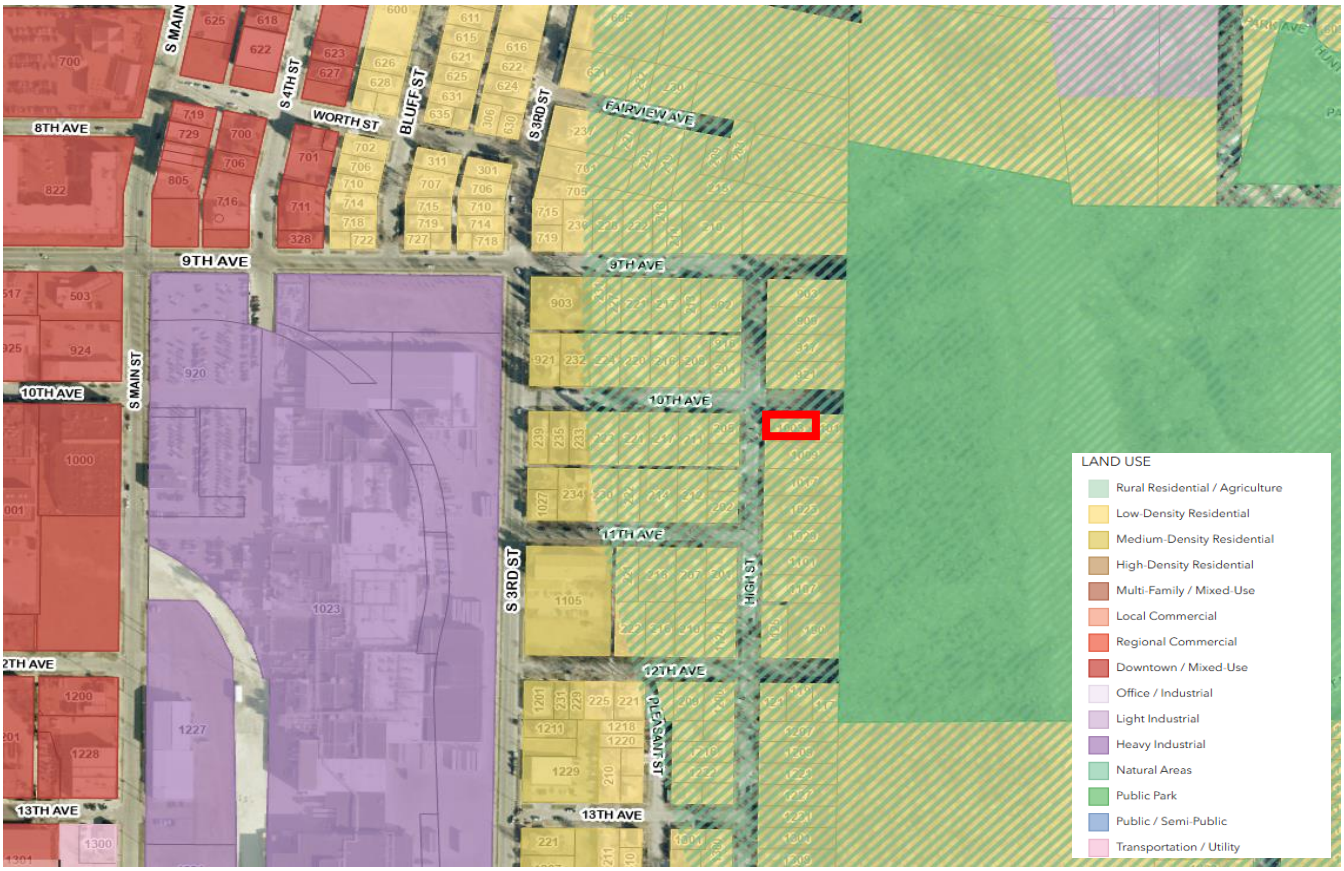
Land Use/Zoning

The subject property is zoned R-3/Low Density Multi-Family Residential District and contains an existing single-family residential dwelling. Surrounding land uses and zoning districts are summarized below:

Direction	Existing Zoning Districts	Existing Land Uses
North	R-3/Low Density Multi-Family Residential District	Single-family residential dwellings
South	R-3/Low Density Multi-Family Residential District	Single-family residential dwellings
East	R-3/Low Density Multi-Family Residential District and A-2/Parks, Estates, and Agricultural District	Single-family residential dwelling and Fairmount Park (City-owned)
West	R-3/Low Density Multi-Family Residential District	Single-family residential dwellings

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

The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject property as 'Medium Density Residential' and part of the 'Loess Hills Preservation Area' (see map below). The proposed ''boarding, lodging, rooming house' is consistent with the Medium Density Residential land use designation.



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. Amber and Ross Miller, 1009 High Street, Council Bluffs, IA, stated they are opposed to the request due to concerns the proposed 'boarding, lodging, rooming house' will have a negative impact on their neighborhood. They are also opposed to the request due to negative online reviews about The Upper Room's affiliated company (Shannon's Hope) in Colorado (see Attachment C).

B. Amber Dobbs, on behalf of Dobbs Holdings, LLC, 204 10th Avenue, Council Bluffs, IA, stated she is opposed to the request due to inadequate space for a 'boarding, lodging, rooming house' to operate on the subject property. Ms. Dobbs stated there are other areas of the city where this use can successfully operate. Ms. Dobbs is also concerned 'The Upper Room' is advertising their Council Bluffs site online when the proposed 'boarding, lodging, rooming house' has not been approved by the City of Council Bluffs (see Attachment D).

C. Stanley Gregory, 101 10th Avenue, stated he is opposed to the request as it is not a compatible land use in the neighborhood. Mr. Gregory also stated the city should expand their 200' public notification boundary to include more landowners for similar type requests.

D. Niki Ferguson, Manager, Entrepreneurial Development, Advance Southwest Iowa Corporation, provided the Community Development Department an email of support for the proposed request (see Attachment E).

City Departments and Utilities – All applicable City departments and utilities were notified of the proposed request and following comments were received:

A. Council Bluffs Community Development Department stated the following:

1. The applicant's letter of intent states the property will be used as a 'group home' for single women who have experienced domestic violence, sexual exploitation, homelessness, and/or addictions, and their children. Program participants will be living at this location for a period of time between six months to two years.

   A 'group home' is defined in Section 15.03.320 of the Council Bluffs Zoning Ordinance as *"a boarding, lodging or rooming house operated by a nonprofit corporation, which provides shelter and personal care or counseling to families or individuals on a temporary emergency basis not to exceed ninety (90) days per roomer. However, the term shall not include any home which is required to be licensed pursuant to any state regulations".*

   A 'group care home' is a permitted use in the R-3 District; however, all program participants will be living at the subject property for longer than 90-days, which exceeds the maximum time allowed for a group care home. The use cannot be considered a 'group care home' based on the duration of time each program participant will be living at the subject property.

2. A 'boarding, lodging, rooming house' is a permitted use in the R-3 District and is defined in Section 15.03.080 of the Council Bluffs Zoning Ordinance as *"a rooming house, as defined CBMC 17.01".*

   Section 17.01.010, ***Definitions***, of the Council Bluffs Housing Ordinance defines a 'rooming house' 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".*

Section 17.01.010, ***Definitions***, of the Council Bluffs Housing Ordinance defines a 'rooming unit' as *"Any room or group of rooms forming a single habitable unit in a rooming house, used or intended to be used for living or sleeping, but not for cooking or eating".*

The submitted floor plans (see Attachment A) shows the building is comprised of three separate levels. Level one is the basement is used for storage and utilities. No bedrooms and/or rooming units are proposed in the basement level. Level two serves as the primary shared living space and is comprised of kitchen/laundry room, dining room, living room, bathroom with a shower, and staff office. Level three is comprised of a bathroom with a shower, three bedrooms for program participants, and one staff bedroom with a walk-out deck. Based on the layout of the building and the use of each level, City staff determined the building will be converted from a single-family dwelling into a 'boarding, lodging, rooming house', which is considered a multi-family residential use.

3. The subject property is zoned R-3/Low Density Multi-Family Residential District and contains 7,480 square feet of land area, as per the Pottawattamie County Assessor's Office. The minimum lot size for a 3-to-4-unit multi-family residential dwelling in an R-3 District is 7,500 square feet, as per Section 15.10.040 of the Council Bluffs Municipal Code (Zoning Ordinance). The subject property is 20 square feet under the minimum lot size (7,500 square feet) requirements for a multi-family residential use.

   City staff advised the applicant of this deficiency and informed them they could not convert the building into a 'boarding, lodging, rooming house'. The applicant asked for options to allow the 'boarding, lodging, rooming house' with this deficiency and were provided the following information:

   - Comment 1: Request a variance from Section 15.10.040, *Site development standards*, *R-3 District*, of the Council Bluffs Zoning Ordinance, relative to minimum lot size for a multi-family residential dwelling. This request would be reviewed by the Council Bluffs Zoning Board of Adjustment (ZBA) in accordance with the requirements outlined in Section 15.02.080, *Variances*, of the Council Bluffs Zoning Ordinance and would require the ZBA to make a determination that the property has an unnecessary hardship for complying with the lot size requirements stated said Section 15.10.040 of the Council Bluffs Zoning Ordinance, based on the below five findings of fact, as required by Iowa Code:

     i. The particular property, because of size, shape, topography or other physical conditions suffers singular disadvantage through the application of this ordinance, which does not apply to other properties in the vicinity.

     ii. Because of such disadvantage, the owner is unable to make reasonable use of the affected property.

     iii. The disadvantage does not exist because of conditions created by the owner or previous owners of the property.

     iv. Granting the variance will not confer on the applicant any special privileges that are denied by this ordinance to other properties or structures in the same district.

     v. Granting the variance will not be contrary to the public interest, will not adversely affect other property in the vicinity, and will be in harmony with the purpose and intent of this ordinance.

- Comment 2: Request an amendment to Section 15.10.040, *Site development standards, R-3 District*, of the Council Bluffs Zoning Ordinance relative to minimum lot size for a multi-family residential dwelling. The process of approval includes public hearings at the City Planning Commission and City Council. If successful, the change would be applicable to all properties zoned R-3 District in the City of Council Bluffs.

- Comment 3: Request to append a PR-2/Planned Residential Overlay and to adopt a site-specific development plan for their proposed 'boarding, lodging, rooming house' for the subject property. The process of approval includes public hearings at the City Planning Commission and City Council, as well as, notifying all property owners within 200' of the subject property of the request. Additionally, the applicant must prepare a set of plans in accordance with Section 15.28, P-R/Planned Residential Overlay of the Council Bluffs Zoning Ordinance.

  As per Section 15.28.020, *PR/Planned Residential Overlay*, of the Council Bluffs Municipal Code (Zoning Ordinance), a PR-2 Overlay for site-specific 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:

  i. A minimum of two (2) residential structures.

  ii. A minimum of one (1) residential structure that contains a minimum of two (2) dwelling units.

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

The combination of the property size being less than 1 ½ acres and use of the property as a multi-family residential dwelling (boarding, lodging, rooming house) met the minimum threshold standards for being eligible for a PR-2 Overlay. City staff informed the applicant that the use of the PR-2 Overlay to circumvent the minimum lot size requirements for a multi-family residential dwelling, which is not part of a broader master-planned development, is concerning from a zoning administration standpoint as it could set a bad precedent for future multi-family projects in the city.

The applicant ultimately decided to pursue the PR-2 Overlay/development plan options rather than seek a variance or change the minimum lot size requirements for a multi-family residential dwelling in an R-3 District, as discussed above.

4. The subject property contains sufficient land area to be used as a single-family residential dwelling, two-family dwelling (duplex), or single-family attached dwelling, as per Section 15.10.040, *Site development regulations, R-3/Low Density Multi-Family Residential District*, of the Council Bluffs Municipal Code (Zoning Ordinance).

5. The minimum number of required off-street parking spaces for a single-family dwelling is two spaces and the minimum number of required off-street parking spaces for a 'boarding, lodging, rooming house' is one-half space for each rooming unit, as per Section 15.23.060, *Parking Spaces Required*, of the Council Bluffs Zoning Ordinance. The submitted floor plan shows a total of four rooming-units on the second floor (one of which is a staff bedroom). Based on the aforementioned parking calculation, a total of two off-street parking spaces are required for the proposed 'boarding, lodging, rooming house'.

   The subject property has an existing one-stall garage and a driveway that measures 16 feet-wide

by 64 feet-deep. Additionally, on-street parking is available on High Street and 10th Avenue for overflow parking. The combination of the existing one-stall garage and the 16'x 64' concrete driveway provides conforming parking for the single-family dwelling. The driveway has sufficient space to provide two off-street parking spaces for proposed 'boarding, lodging, rooming house'; however, the driveway is not designed to comply with the parking requirements for a multi-family use, which requires a minimum five-foot setback from adjacent property lines, landscaping, handicap accessible stall(s), and a two-way drive aisle for traffic circulation. In addition to seeking relief from the minimum lot size requirement for a 'boarding, lodging, rooming house', the applicant is also seeking relief from having to provide a conforming parking lot for their proposed use through the adoption of a PR-2 development plan. This request is being made due to the topography of the site and existing site conditions which make it challenging to construct a conforming parking lot on the subject property. Additionally, the applicant wants to maintain a residential appearance to the property so that their 'boarding, lodging, rooming house' does not detract from the character of the surrounding neighborhood. An expansive parking lot on the subject property could potentially be perceived as being out of character for the surrounding neighborhood.

City staff also made the applicant aware that using the PR-2 Overlay/development plan process to circumvent parking lot design standards for a multi-family use, which is not part of a broader master planned development, could set a bad precedent for future multi-family projects in the city.

B. Council Bluffs Public Works Department stated they have no comments for the proposed request.

C. Council Bluffs Permits and Inspections Division stated the change of use from a single-family dwelling to a 'boarding, lodging, rooming house' will require a licensed Iowa architect to perform a code review, and a licensed general contractor must pull permits for any required new work.

D. Council Bluffs Fire Department stated that anymore than five clients (not including staff) will require a fire sprinkler system to be installed in the proposed 'boarding, lodging, rooming house'.

E. Council Bluffs Police Department stated they have no concerns or objections to the request.

F. Council Bluffs Parks and Recreations Department stated they have no comments for the request.

G. Council Bluffs Water Works stated they have no comments for 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 to convert a single-family residential dwelling in an R-3/Low Density Multi-Family Residential District into a 'boarding, lodging, rooming house'. Photographs that document the existing conditions of the property area included with this report as Attachment 'F'. The following standards shall only be applicable to the proposed multi-family residential dwelling conversion:

A. Site Development

1. The subject property contains an existing single-family dwelling that is being converted into a multi-family residential dwelling (boarding, lodging, rooming house). All uses on the subject property shall

comply with Chapter 15.10, *R-3/Low Density Multi-Family Residential District* and Chapter 15.28, *P-R/Planned Residential Overlay*, of the Council Bluffs Zoning Ordinance.

2. No new building additions and/or accessory structures are proposed at this time, as per the applicant's submitted application. Any new building additions/modification and/or accessory structures built on the property shall comply with Section 15.10.050, *Site Development Standards*, R-3/Low Density Multi-Family Residential District of the Council Bluffs Municipal Code.

3. The subject property has a six-foot tall wooden privacy fence around the existing residential dwelling. The portion of the within the fence that are located within the front and street side yards are non-conforming, as they exceed the maximum six feet allowed in said yards, as per Section 15.24.040, *Fence Regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance). The fence was constructed prior to the applicant purchasing the subject property and they intend to keep it in order to provide privacy and security for their on-site program participants. The fence shall be allowed to remain in-place for safety and security purposes for the on-site program participants. In the event the property is no longer being used as a 'boarding, lodging, rooming house', the fence shall be retrofitted to comply with current fence regulations if it's destroyed by 50% or more of its replacement value. Any modifications to the existing fence and any new fencing added to the property shall comply with the standards stated in Section 15.24.040, *Fence Regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance).

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 'boarding, lodging, rooming house' is based on a calculation of one-half space per rooming unit, as per Section 15.23.060, *Parking Spaces Required*, of the Council Bluffs Municipal Code (Zoning Ordinance). Based on the number of rooming units (4) and said parking calculation, a minimum of two off-street parking spaces shall be required for the 'boarding, lodging, rooming house'. There is an existing one-stall garage and a 16' x 64' paved driveway that can be used to provide the required amount of off-street parking on-site (see Attachment F). Additionally, on-street parking is available on 10th Avenue and High Street for any overflow parking needs.

2. All off-street parking areas shall be designed to comply the standards for one-and-two family uses, as per Section 15.23, *Off-Street Parking, Loading, and Unloading* of the Council Bluffs Zoning Ordinance in order for the property to maintain a residential appearance that is compatible with the surrounding neighborhood.

C. Landscaping

1. All existing and proposed new landscaping on the property shall be maintained in accordance with all applicable City codes.

2. All proposed raised garden beds shall be kept behind the six-foot-tall privacy fence and shall be maintained in accordance with applicable City codes.

D. Architecture

1. Any additions/modifications to the existing residential dwelling and/or new accessory structures built on the subject property shall be designed with a residential appearance that is compatible with the architectural character/design of the surrounding neighborhood.

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).

F. Miscellaneous

1. The property shall not be used as an emergency shelter, as defined in Section 15.03.250, *Emergency Shelter and Homeless Service Center*, of the Council Bluffs Zoning Ordinance.

2. The conversion of the building from a single-family residential dwelling into a multi-family residential dwelling (boarding, lodging, rooming house) shall comply with all applicable Federal, State, and local codes and ordinances.

3. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the property and/or intensity of the 'boarding, lodging, rooming house' 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.

Recommendation

The Community Development Department recommends denial of the request from Heidi Mazel to append a PR-2/Planned Residential Overlay and to adopt the associated development plan for a 'boarding, lodging, rooming house' on property legally described as the West 110 feet of Lot 1, Block 5, Park Addition, City of Council Bluffs, Pottawattamie County, Iowa, based on staff comments above.

Public Hearing

Staff speakers for the request:
1. Christopher Gibbons, AICP. Planning and Code Compliance Manger, City of Council Bluffs, 209 Pearl Street, Council Bluffs IA, 51503

Speakers in favor:
1. Gabrielle Dowdy, 1003 High Street, Council Bluffs, IA 51503
2. Leslie Pottebaum, 16155 W. 74th Drive, Arvada, CO 80007
3. Camille Mandono, 9990 Jasper Street, Commerce City, CO 80022
4. Joseph Hall, 5322 Hardings Landing Road, Council Bluffs, IA 51501
5. Patti McAtee, 22465 Three Bridge Road, Council Bluffs, IA 51503
6. Bill Davis, 23521 Old Lincoln Highway, Crescent, IA 51526
7. Jensen Dowdy, 23521 Old Lincoln Highway, Crescent, IA 51526
8. Mary Cummings, 3529 11th Avenue, Council Bluffs, IA 51501
9. Jolene Lee, 8 Osage Street, Council Bluffs, IA 51501

10. Dave McAtee, 22493 Mudhollow Road, Council Bluffs, IA 51503
11. Cynthia Williams, 2363 Waubonsie Avenue, Thurman, IA 51654

Speakers against:
1. Ross Miller, 1009 High Street, Council Bluffs, IA 51503
2. Carolynn Storm, 921 High Street, Council Bluffs, IA 51503
3. Amy Guzman – 1023 High Street, Council Bluffs, IA 51503
4. Christine Merrill, 1023 High Street, Council Bluffs, IA 51503
5. Jason Kuehnhold, 2006 8th Avenue, Council Bluffs, IA 51501

The Planning Commission recommended denial to append a PR-2/Planned Residential Overlay and to adopt the associated development plan for a 'boarding, lodging, rooming house' on property legally described as the West 110 feet of Lot 1, Block 5, Park Addition, City of Council Bluffs, Pottawattamie County, Iowa, based on reasons stated above, and as per staff's recommendation.

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

Attachments

Attachment A: Letter of Intent and 'The Upper Room' Program Information
Attachment B: Location/zoning map
Attachment C: Amber and Ross Miller opposition email
Attachment D: Amber Dobbs opposition email
Attachment E: Nikki Ferguson support email
Attachment F: Existing site condition photographs
Exhibit A: Letters of support submitted by the applicant at the April 8, 2025 Planning Commission meeting

Prepared by: Christopher Gibbons, AICP, Planning and Code Compliance Manager