City Council Communication

Department: Community Development CASE # ZC-22-002 Property Owner(s)/Applicant(s): Lindy and Michael Levell 1515 South 8th Street Council Bluffs, IA 51501 Wayne and Kathy Goff 2037 23rd Avenue Council Bluffs, IA 51501	Ordinance No. _____	1st Consideration: 2/28/2022 2nd Consideration: 3/14/2022 3rd Consideration: 3/28/2022 Planning Commission: 2/8/2022

Subject/Title

Request: Public hearing on the request of Lindy and Michael Levell, and Wayne and Kathy Goff, to rezone property legally described as Lot 10, Block 72, Riddles Subdivision, Council Bluffs, Pottawattamie County, Iowa from C-2/Commercial District to R-2/Two-Family Residential District.

Location: 1513 and 1515 South 8th Street

Background

The Community Development Department has received an application from Lindy and Michael Levell, and Wayne and Kathy Goff, to rezone properties addressed at 1513 and 1515 South 8th Street, being legally described as Lot 10, Block 72, Riddles Subdivision, Council Bluffs, Pottawattamie County, Iowa, from C-2/Commercial District to R-2/Two-Family Residential District.

The subject property consists of two parcels of land and each contain a detached single-family dwelling. Since a 'single-family dwelling, detached' is not a permitted uses in the C-2/Commercial District, it is deemed a legal nonconforming use. The purpose of this request is to bring the existing dwellings into conformance with the Zoning Ordinance in order to allow the sale of these properties.

Land Use and Zoning

The following zoning and land uses surround the subject properties:

North: Residential properties that are zoned R-2/Two-Family Residential District.
South: A mixed commercial-residential structure, which is zoned C-2/Commercial District.
East: A contractor shop (Hearty Electric, Inc.), which is zoned C-2/Commercial District.
West: Residential properties that are zoned R-2/Two-Family Residential District.

The future land use plan of the Bluffs Tomorrow: 2030 (Comprehensive Plan) designates the subject property as Public Park.

Public notices were mailed to all property owners within 200 feet of the request. No comments have been received by the Community Development Department as of the date of this report.

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

- The Council Bluffs Permits and Inspections Department stated the applicant should ensure any utility connection to the dwellings are not made through the parcels zoned C-2 District as replacements could be costly going from a commercial standard to a residential standard.
- The Council Bluffs Public Works Department stated they have no comments on the request.
- The Council Bluffs Fire Department stated they have no comments on the request.
- Council Bluffs Water Works stated they have no comments on the request.
- Mid-American Energy Company stated they have no conflict with the request.

Discussion

1. Both parcels included in the proposed rezoning are each developed with a detached single-family dwelling. Since a 'single-family dwelling, detached' is not a permitted use in the C-2/Commercial District, they are deemed legal nonconforming uses. 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 dwellings into conformance with the Zoning Ordinance.
2. Neither property meets the minimum lot size requirements of the C-2 District. As such, they are considered legal nonconforming lots of record. Since the subject properties do not meet the minimum lot size requirements of the R-2 District, the proposed rezoning would not affect their conformance status.
3. If proposed rezoning were approved, any construction that occurs on the subject properties would have to conform to the site development standards in Section 15.09.050, *Site Development Regulations – R-2 District*, of the Council Bluffs Municipal Code (Zoning Ordinance). Due to the substandard size and configuration of these parcels, a single-family structure with a floor area not less than 500 square feet and a minimum width of not less than 20 feet could not be rebuilt in compliance with R-2 District minimum setback requirements. Therefore, if either existing single-family structure were to be destroyed by 50% or more, another single-family structure could only be built on the property with approval of a variance from the Zoning Board of Adjustment.
4. Properties located to the north and west of the subject properties are zoned R-2 District. As such, the proposed change of zone would be consistent with surrounding zoning.
5. The Bluffs Tomorrow 2030 (Comprehensive Plan) designates the subject properties as Public Park, which is intended for active recreation, typically hosting fields, play equipment, pavilions, and supporting amenities related to athletics and public gathering. The City of Council Bluffs has no intention to build a park in this area. At the time of adoption of the Bluffs Tomorrow 2030 Plan, there was not a clear vision on the development of the area between South 8th Street and the South Expressway and between the Iowa Interstate Railroad and 16th Avenue due to the City's ongoing acquisition of former Iowa Interstate Railroad right-of-way and its plans to reconstruct the South Expressway. The Public Park designation was selected in the interim until there was more certainty on how this area would be developed. The City of Council Bluffs will amend the future land use designation of this area on the following update to the Bluffs Tomorrow 2030 Future Land Use Map to ensure it is consistent with the existing residential development.
6. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate the uses permitted in the R-2 District.

Recommendation

The Community Development Department recommends approval of the request of Lindy and Michael Levell, and Wayne and Kathy Goff, to rezone property legally described as Lot 10, Block 72, Riddles Subdivision, Council Bluffs, Pottawattamie County, Iowa from C-2/Commercial District to R-2/Two-Family Residential District.

Public Hearing

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

Speakers in favor:
1. Rachel Edwards, Heartland Properties, 21588 McPherson Avenue, Council Bluffs, IA 51503

Speakers against: None

The Planning Commission recommended approval of the request of Lindy and Michael Levell, and Wayne and Kathy Goff, to rezone property legally described as Lot 10, Block 72, Riddles Subdivision, Council Bluffs, Pottawattamie County, Iowa from C-2/Commercial District to R-2/Two-Family Residential District.

VOTE: AYE - Halm, Rater, Rew, Scott, Stroebele, and VanHouten. NAY - Danielsen ABSTAIN – None. ABSENT – Bass, Danielsen, Haner, Hutcheson, and Opperman. VACANT - None Motion: Carried.

Attachments

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

Prepared by: Moises Monrroy, Planner, Community Development Department