City Council Communication

Department: Community Development CASE #PR-22-002 Applicant: Robert A. Criswell 24232 205th Street Crescent, Iowa 51526 Property Owner: Same as applicant Developer: Same as applicant	Ordinance No. _____ Resolution No. _____	1st Consideration: 4/25/22 2nd Consideration: 5/9/22 3rd Consideration: 5/23/22 Planning Commission: 4/12/22

Subject/Title

Request: Public hearing on the request of Robert A. Criswell to append a PR/Planned Residential Overlay and adopt the associated planned residential development plan to allow for the construction of two duplexes in an R-1/Single-Family Residential District on properties legally described as Lots 399 and 400, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa.

Location: Undeveloped land lying south of Avenue H between North 16th and North 17th Streets

Background

The Community Development Department has received a request from Robert A. Criswell to append a planned residential overlay and adopt the associated development plan to allow for the construction of two 24' x 64' duplexes on property legally described above.

On February 28, 2022, Council Bluffs City Council approved Ordinance No. 6483 to amend Chapter 15.28, P-R/Planned Residential Overlay, of the Council Bluffs Municipal Code (Zoning Ordinance) to enact new standards in regards to planned residential overlays within the city. The intent of the text amendment was to provide a tool to allow for innovative and imaginative residential development through flexibility in land use and site design through the adoption of a development plan.

The applicant has submitted an application to append a residential overlay and adopted the associated development plan to construct one single-story 24' x 64' duplex on each lot for a total of two duplexes (4 individual units total). Each duplex building will be oriented north/south with entrances facing a common outdoor area between the two buildings. The submitted plot plan, included as Attachment 'A', shows off-street parking provided along the adjacent east/west alley. Per the submitted duplex plans, included as Attachment 'B', all facades will be covered in horizontal lap siding, with the north and south facades having a stone base. The applicant is also proposing flowerbeds along the north, south, and internal building foundations. The applicant's letter of intent is included with this report as Attachment 'C'.

Attachments – The following attachments are included with this report:

- Attachment A – Plot Plan
- Attachment B – Duplex Plans
- Attachment C – Letter of Intent
- Attachment D – Zoning/Location Map

- Attachment E – Petition in Opposition to Proposal

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

North: Residential properties zoned R-1/Single-Family Residential District
South: Two non-conforming single-family dwellings, undeveloped land, and a convenience store zoned C-2/Commercial District
East: Residential properties zoned R-1/Single-Family Residential District
West: Residential properties zoned R-1/Single-Family Residential District

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

Public notices were mailed to all property owners within 200 feet of the request. The following comments were received:

Roger Staniford, 1600 Avenue H, Council Bluffs, IA 51501 called the Community Development Department and stated that he is opposed to the duplex development and noted that others in the neighborhood were also in opposition to the request.

Juan Navarret, 1609 Avenue H, called the Community Development Department and stated that he is opposed to the duplex development and noted that he is working with neighbors to sign a petition against the proposal.

A neighborhood petition against the proposal, which includes 21 signatures, was submitted to the Community Development Department. This petition has been included with this report as Attachment 'E'. Community Development Department staff reviewed the submitted petition against Iowa Code Section 414.15, *Changes*, which states "*In case, however, of a written protest against a change or repeal which is filed with the city clerk and signed by the owners of twenty percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty percent or more of the property which is located within two hundred feet of the exterior boundaries of the property for which is located within two hundred feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths of all the members of the council.*"

Of the 21 signatures in opposition to the request, nine (9) consisted of property owners within the 200-foot notification boundary. These nine property owners own a total of 27.2 percent of the land area within the 200-foot notification boundary. Therefore, per Iowa Code Section 414.15, if these property owners wish to file a written protest with the City Clerk, the subject request shall not become effective except by a favorable vote of at least three-fourths of all the members of City Council.

All City Departments and local utilities were notified of the proposed planned residential overlay request. The following comments were received:

The Community Development Department provided the following comments:
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 the requirements of the underlying zone would not be inconsistent with the Comprehensive Plan or harmful to the neighborhood in which it is located*." Furthermore, Section 15.28.020, Applicability, of the CBMC (Zoning Ordinance), states that *"A PR Overlay may be applied to all residential zoning districts, except the R-1M/Single-Family Manufactured Housing District, and the A-P Administrative Professional District"* and *"The PR-2 Overlay is intended for site-specific infill development. A PR-2 Overlay may be applied to any property, or combination of contiguous properties owned by the same person or entity, that contain a maximum*

of one and one-half (1 ½) acres of total land area; however, at least one of the following shall be included within the development:

1. *A minimum of two (2) residential structures.*
2. *A minimum of one (1) residential structure that contains a minimum of three (3) dwelling units.*
3. *A minimum of one (1) mixed commercial-residential structure."*

Additionally, Section 15.28.030, Permitted Land Uses and Site Development Regulations, of the CBMC (Zoning Ordinance), lists *"dwelling, two-family"* as an allowed use in a PR Overlay.

The applicant proposes to append a PR/Planned Residential Overlay over the entirety of the subject properties in order to allow two two-family dwellings to be located in an R-1/Single-Family Residential District. The following items regulate the development of the subject property:

1. Site Development

a. Per Section 15.28.020, Applicability, of the CBMC, the maximum land area allowed for a PR-2 Overlay is 1.5 acres. The subject properties contain a total of 0.24 acres, which qualifies for use of a PR-2 Overlay.

b. Per Section 15.28.020, Applicability, of the CBMC, *"at least one of the following shall be included within the development:*

1. *A minimum of two (2) residential structures.*
2. *A minimum of one (1) residential structure that contains a minimum of three (3) dwelling units.*
3. *A minimum of one (1) mixed commercial-residential structure."*

The proposed development contains two residential structures and therefore qualifies for use of a PR-2 Overlay.

c. Both lots shall be developed to R-1/Single Family Residential District site development standards, as per Section 15.08B.050, *Site Development Regulations*.

d. All fencing in the subdivision shall comply with the standards stated in Section 15.24.040, Fence Regulations, of the Council Bluffs Municipal Code (Zoning Ordinance).

e. Sidewalks shall be installed along the frontage of both lots at the cost of the developer and not the City prior to issuance of a Certificate of Occupancy for each lot. Sidewalks shall be built to City standards.

f. All utilities shall be installed underground. 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.

2. Off-Street Parking

a. Per Section 15.23.060, Parking Spaces Required, of the Council Bluffs Municipal Code (Zoning Ordinance) the required number of off-street parking spaces for two-family dwellings with two bedrooms or more is 1.5 spaces per dwelling unit. The proposed duplexes contain two two-bedroom units each, which requires a total of six (6) parking spaces. The submitted plot plan shows eight (8) off-street parking spaces along the adjacent narrow alley south of the subject properties, which exceeds the minimum required per CBMC Section 15.23.060. However, the subject alley is narrow (approximately 9.5 feet wide) and terminates onto private property, which requires alley users to drive onto private property to utilize the full extent of the alley. Due to the alley's narrow design and path, no parking shall be provided along the alley.

b. The Community Development Department recommends that no off-street parking be required for the proposed duplexes for the following reasons:

i. The subject properties are located within walking distance to a Metro bus stop for the yellow and blue routes.

ii. Adequate on-street parking is available along Avenue H.

c. In the event that off-street parking is provided it shall be allowed in the front-yard setback. The Community Development Department encourages a parking area designed with a shared driveway to minimize the size of the curb-cut along Avenue H. The applicant shall coordinate with the Community

Development Department on parking lot design to ensure that the character of the residential neighborhood is maintained.

d. If the applicant wishes to provide off-street parking for the proposed development, a revised plot plan showing proposed parking areas shall be submitted to the Community Development Department for review and approval. All off-street parking areas, driveways and drive aisles shall comply with the standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance).

3. Architecture

a. The submitted house plans, included as Attachment 'B,' show all facades of each building covered in horizontal lap siding, with the north facade having a stone base and two additional windows for increased transparency. The proposed plans are generally acceptable in design and layout and shall be adopted as submitted.

4. Landscaping

a. The submitted house plans, included as Attachment 'B,' show flower beds planted along the north and south and internal facades of both buildings. In addition to the proposed landscaping, one street tree shall be planted per lot. All street trees shall comply with the Council Bluffs Street Tree Guide (see attachment) and shall be planted prior to the issuance of a Certificate of Occupancy for each lot.

5. Signage

a. A signage plan was not submitted with the development plan. All signage (detached and attached) shall comply with Section 15.33.160(C), P-R/Planned Residential District Sign Regulations, of the Municipal Code (Zoning Ordinance).

Council Bluffs Public Works Department stated that they are not in favor of locating parking off the adjacent alley as it is narrow (approximately 9.5 feet wide) and would not support two-way traffic. The Public Works Department recommends the driveway be loaded to Avenue H.

Council Bluffs Parks and Recreation Department stated they have no comments in regards to the request.

Council Bluffs Permits and Inspections Division stated they have no concerns with the proposed duplex plans.

Council Bluffs WaterWorks stated they have no comments in regards to the request.

Cox Communications stated that they have no conflicts with the request.

MidAmerican Energy stated that they have no conflict with the request and noted that the developer should contact MidAmerican Energy to discuss the project timeline and identify costs associated with extending electric service to the proposed duplexes.

Recommendation

The Community Development Department recommends approval of the request to append a PR/Planned Residential Overlay and adopt the associated planned residential development plan to allow for the construction of two duplexes in an R-1/Single-Family Residential District for property legally described as Lots 399 and 400, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to all comments stated above and the following condition:

1. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed by City Planning Commission and

approved by City Council prior to such changes being made. Minor modifications to the adopted development plan that result in a product that is considered compatible with the overall development may be administratively approved by the Community Development Director or their designee.

Public Hearing

Staff speakers for the request:

1. Haley Weber, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor: None

Speakers against:

1. Roger Frieze, 1702 Avenue H, Council Bluffs, IA 51501
2. Roger Staniford, 1600 Avenue H, Council Bluffs, IA 51501
3. Juan Navarrete, 1609 Avenue H, Council Bluffs, IA 51501
4. Ralph Moddelmog, 2502 Eagle Ridge Drive, Council Bluffs, IA 51503

Planning Commission Recommendation

The Planning Commission recommended approval of the request to append a PR/Planned Residential Overlay and adopt the associated planned residential development plan to allow for the construction of two duplexes in an R-1/Single-Family Residential District for property legally described as Lots 399 and 400, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to all comments stated above and the following condition:

1. Any modifications to the approved development plan which substantially alters the design, layout, configuration, and/or appearance of the project shall be reviewed by City Planning Commission and approved by City Council prior to such changes being made. Minor modifications to the adopted development plan that result in a product that is considered compatible with the overall development may be administratively approved by the Community Development Director or their designee.

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

Attachments

Attachment A – Plot Plan
Attachment B – Duplex Plans
Attachment C – Letter of Intent
Attachment D – Zoning/Location Map
Attachment E – Petition in Opposition to Proposal

Prepared by: Haley Weber, Planner, Community Development Department