City Council Communication

Department: Community Development CASE # ZC-23-001 Applicant/Property Owner: Craig A. McConnell 17731 Honeysuckle Road Council Bluffs, IA 51503	Ordinance No. _____	City Council: 1st Consideration: 1/23/23 2nd Consideration: 2/13/23 3rd Consideration: 2/27/23 Planning Commission: 1/10/23

Subject/Title

Request: Public hearing on the request of Craig A. McConnell to rezone property legally described as Lot 1 and the Northeasterly 10 feet of Lot 2, being a subdivision of Original Plat Lot 168; and Lot 1, Purple's Subdivision, being a part of the Original Plat Lot 167; and Lot 2, Subdivision of Original Plat Lot 168, except the northeasterly 10 feet and except the westerly 8 feet thereof, all in the City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described in Attachment 'A', from A-P/Administrative-Professional District to C-1/Commercial District..

Location: 301 W Pierce Street

Background

The Community Development Department has received an application from Craig A. McConnell to rezone property legally described as Lot 1 and the Northeasterly 10 feet of Lot 2, being a subdivision of Original Plat Lot 168; and Lot 1, Purple's Subdivision, being a part of the Original Plat Lot 167; and Lot 2, Subdivision of Original Plat Lot 168, except the northeasterly 10 feet and except the westerly 8 feet thereof, all in the City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described in Attachment 'A', from A-P/Administrative-Professional District to C-1/Commercial District.

The applicant is the owner of the subject property, which contains a building that currently houses two commercial tenants—an accounting firm and a gun shop. The zoning code classifies the accounting firm as a consumer service establishment and the gun shop as both a consumer service establishment and a retail shopping establishment, neither of which are permitted uses under the property's current A-P zoning. The site has historically been used for commercial purposes, with previous tenants including an eyeglass store and another gun shop. Rezoning the property to the requested C-1 district would bring its current uses into conformance with the Zoning Ordinance while ensuring the property continues to be used for neighborhood scale commercial uses.

Land Use and Zoning

The following zoning and land uses surround the subject property:

- North: A physical therapy office, a fitness center, and a strip mall with a variety of commercial uses, all zoned C-4/Commercial District
- South: Residential structures zoned R-3/Low Density Multifamily Residential District
- East: Residential structures zoned R-3/Low Density Multifamily Residential District
- West: A church zoned R-2/Two-Family Residential District and a bank zoned C-4/Commercial District

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

The future land use plan of the Bluffs Tomorrow: 2030 (Comprehensive Plan) designates the subject property as 'Low-Density Residential.'

Public notices were mailed to all property owners within 200 feet of the request. No comments have been received as of the writing of this report.

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

A. Council Bluffs Fire Department stated is has no comments.
B. Council Bluffs Building Division stated it does not oppose the rezoning request.
C. Council Bluffs Parks and Recreation Department stated it has no comments.
D. Council Bluffs Public Works stated it has no comments.

Discussion

A. The subject property contains 11,880 square feet, which exceeds the minimum lot size requirement (5,000 square feet) of the C-1/Commercial District.
B. Current land use classifications for the subject property include 'consumer service establishment' and 'retail shopping establishment.' Per Chapter 15.03 of the Council Bluffs Municipal Code (Zoning Ordinance), a 'consumer service establishment' is defined as "*a store, shop or office providing personal, financial, professional, technical or repair service and assistance to individual customers*," and a 'retail shopping establishment' is defined as "*a store or shop engaged in the sale of commodities or goods to individual consumers for personal use rather than for resale*." As 'consumer service establishments' and 'retail shopping establishments' are not permitted uses in the A-P/Administrative-Professional District, the proposed rezoning to C-1/Commercial District is necessary to bring the property's existing uses into conformance.
C. The building on the subject property was constructed in 1977, according to County Assessor records. The subject property has historically been used for commercial purposes. Previous uses include an eyeglass shop and a different gun shop than the one that operates on the subject property today. The property's current and former uses have been appropriate in scale and intensity for land directly abutting exclusively residential areas, such as the area to the south and east of the subject property. Beyond bringing the existing uses into conformance with the Zoning Ordinance, rezoning the property to C-1 will ensure that the property continues to be used for such low-intensity, neighborhood scale commercial uses.
D. In addition to the subject property having a history of commercial uses, there are existing commercial uses to the north and west of the property in an existing C-4/Commercial District.
E. If the proposed rezoning is approved, any future development that occurs on the subject property shall conform to the site development standards in Section 15.14.050, *Site Development Regulations in the C-1 District*, of the Council Bluffs Municipal Code (Zoning Ordinance).
F. The Bluffs Tomorrow 2030 (Comprehensive Plan) designates the subject properties as 'Low-Density Residential,' which is intended for *"…lots with one residence that is in a standalone structure. These areas may include scattered, attached or detached single family, or multi-family developments, but these types of uses are integrated into the character and structure of the neighborhood."* The subject property also falls within the Comprehensive Plan's 'Downtown Residential' character area, which aims to include *"non-residential supportive uses that serve everyday needs."* The proposed rezoning would enable the continued presence of neighborhood scale commercial uses that serve residents in and around the downtown area.

Recommendation

The Community Development Department recommends approval of the request by Craig A. McConnell to rezone property legally described as Lot 1 and the Northeasterly 10 feet of Lot 2, being a subdivision of Original Plat Lot 168; and Lot 1, Purple's Subdivision, being a part of the Original Plat Lot 167; and Lot 2, Subdivision of Original Plat Lot 168, except the northeasterly 10 feet and except the westerly 8 feet thereof, all in the City of

Council Bluffs, Pottawattamie County, Iowa, being more particularly described in Attachment 'A', from A-P/Administrative-Professional District to C-1/Commercial District.

Public Hearing

Staff speaker for the request:
1. Brandon Siracuse, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:
1. Craig McConnell, 17731 Honeysuckle Road, Council Bluffs, IA 51503

Speakers against: None

The City Planning Commission recommended approval of the request by Craig A. McConnell to rezone property legally described as Lot 1 and the Northeasterly 10 feet of Lot 2, being a subdivision of Original Plat Lot 168; and Lot 1, Purple's Subdivision, being a part of the Original Plat Lot 167; and Lot 2, Subdivision of Original Plat Lot 168, except the northeasterly 10 feet and except the westerly 8 feet thereof, all in the City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described in Attachment 'A', from A-P/Administrative-Professional District to C-1/Commercial District.

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

Attachments

Attachment A: Legal Description
Attachment B: Location/Zoning Map

Prepared by: Brandon Siracuse, Planner, Community Development Department