City Council Communication

Department: Community Development CASE #ZC-23-003 Applicant/Owner: Pottawattamie County 223 South 6th Street Council Bluffs, IA 51501 Representative: Matthew Wyant, Planning Director Pottawattamie County 223 South 6th Street Council Bluffs, IA 51501	Ordinance No. _____	City Council 1st Consideration: 1/23/23 2nd Consideration: 2/13/23 3rd Consideration: 2/27/23 Planning Commission: 1/10/2022

Subject/Title

Request: Public hearing on the request of Pottawattamie County, represented by Matthew Wyant, to rezone property legally described as Lots 1 through 3 and Lots 19-20, Block 7, Jefferis Subdivision along with the vacated north/south alley adjacent to said Lots 1-3 and Lot 20, and the vacated east/west alley abutting the southerly portion of said Lots 19-20, all in the City of Council Bluffs, Pottawattamie County, Iowa, from A-P/Administrative-Professional District and R-3/Low Density Multi-Family Residential District to C-3/Central Business District.

Location: Southwest corner of the intersection of 5th Avenue and Pearl Street.

Background

The Community Development Department has received an application from Pottawattamie County, represented by Matthew Wyant, to rezone property legally described as Lots 1 through 3 and Lots 19-20, Block 7, Jefferis Subdivision along with the vacated north/south alley adjacent to said Lots 1-3 and Lot 20, and the vacated east/west alley abutting the southerly portion of said Lots 19-20, all in the City of Council Bluffs, Pottawattamie County, Iowa, from A-P/Administrative-Professional District and R-3/Low Density Multi-Family Residential District to C-3/Central Business District (see Attachment A).

The subject property contains 38,709 square feet of land (0.89 acres) and is part of Pottawattamie County's government campus in downtown Council Bluffs. In 2021, the applicant demolished an office building that was situated in the far northeast corner of the property in order to prepare the site for redevelopment. Currently, the applicant uses the subject property as a construction staging area for their courthouse expansion project at 227 South 6th Street. Once the courthouse project is completed, the applicant plans to redevelop the subject property with a new public health building (see Attachment B), which will replace their existing public health center at 600 South 4th Street. The applicant requests to rezone the subject property from a mixture of R-3, A-P, and C-3 Districts to C-3 District for zoning consistency purposes, and to allow their new public health building to be built with site development standards that are compatible with other commercial properties in the Downtown Council Bluffs area.

Land Use and Zoning

The subject property is zoned a mixture of A-P/Administrative Professional District, R-3/Low Density Multi-Family Residential District, and C-3/Central Business District. Surrounding zoning includes A-P and C-3 Districts to the north, R-3 District to the west, and C-3 District to the south and east. Surrounding land uses include a mixture of government offices (Council Bluffs City Hall and Pottawattamie County Courthouse), a multi-family apartment building (Regal Towers), professional offices, and retail/commercial. Additionally, the subject property is located immediately west of the Historic Haymarket District, which is a locally designated historic district and a federally designated historic district on the National Register of Historic Places.

The future land use plan of the Bluffs Tomorrow: 2030 (Comprehensive Plan) designates the subject property as 'Downtown/Mixed Use.'

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 it has no comments.
B. Council Bluffs Permits and Inspections Division stated they are not opposed to the new County Public Health building's facility and location on the subject property.
C. Council Bluffs Public Works Department stated they have no comments for the rezoning request.
D. Black Hills Energy stated they have no concerns for the request.

Discussion

A. The subject property is zoned a mixture of R-3 District, A-P District, and C-3 District. The combination of said zoning districts creates development challenges due to differences in site development standards between the three zoning districts. The purpose of this request is to rezone the entire property to the C-3 District for zoning consistency purposes.
B. Per Section 15.16.010 of the Council Bluffs Municipal Code (Zoning Ordinance) the C-3 District *"is intended to accommodate office, retail and related activities in the traditional commercial center of the city as well as other appropriate commercial sites".* The applicant plans to build a new public health facility on the subject property, which is consistent with the purpose and intent of the C-3 District.
C. Per Section 15.16.050 of the Council Bluffs Municipal Code the following site development regulations are applied to properties zoned C-3 District:

1. *Lots or parcels of land zoned C-3 on or before the effective date of this ordinance and lots or parcels of land in areas less than two acres rezoned to C-3 after the effective date of this ordinance shall not be subject to minimum lot size, setback or lot coverage requirements. Maximum height is limited to one hundred (100) feet for principal structures and twenty-four feet for accessory structures.*

   The subject property contains 0.89 acres of land; therefore, the property is exempt from minimum lot size, setbacks, and lot coverage requirements. The applicant's conceptual site plan shows a two-story building, with a combined total of 16,240 square feet of office space, being constructed in the far northeast corner of the property. The proposed office building will be constructed with zero setbacks adjacent to the property lines that abut 5th Avenue and Pearl Street rights-of-way, which is allowed in the C-3 District, and is compatible with the historic development patterns of existing

buildings in the adjacent Historic Haymarket Commercial District.

2. *Lots or parcels of land more than two acres in areas rezoned to C-3 after the effective date of this chapter shall be required to submit a development plan for consideration by the planning commission and city council concurrent with the rezoning application. The development plan review shall follow the procedure used in CBMC 15.18.*

   The subject property contains 0.89 acres of land; therefore, the applicant is not required to submit a development plan with their rezoning request.

D. The Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as 'Downtown/Mixed-Use', which is described as *"areas oriented towards pedestrians, including restaurants, private offices, specialty retail, and service providers. Often, residences are included in the upper stories above a ground-floor commercial use. In some cases, several uses occupy a single building. This type of development is most prominent in and around the Downtown area".* The proposed zoning and use of the subject property for government/professional office purposes meets the future land use goals of the Bluffs Tomorrow: 2030 Comprehensive Plan.

Recommendation

The Community Development Department recommends approval of the request by Pottawattamie County, represented by Matthew Wyant, to rezone property legally described as Lots 1 through 3 and Lots 19-20, Block 7, Jefferis Subdivision along with the vacated north/south alley adjacent to said Lots 1-3 and Lot 20, and the vacated east/west alley abutting the southerly portion of said Lots 19-20, all in the City of Council Bluffs, Pottawattamie County, Iowa, from A-P/Administrative-Professional District and R-3/Low Density Multi-Family Residential District to C-3/Central Business District, based on reasons stated above.

Public Hearing

Staff speaker for the request:

1. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. Elizabeth Hunter, Snyder & Associates, Inc., 208 Antioch Drive, Council Bluffs, IA 51503

Speakers against: None

The City Planning Commission recommended approval of the request by Pottawattamie County, represented by Matthew Wyant, to rezone property legally described as Lots 1 through 3 and Lots 19-20, Block 7, Jefferis Subdivision along with the vacated north/south alley adjacent to said Lots 1-3 and Lot 20, and the vacated east/west alley abutting the southerly portion of said Lots 19-20, all in the City of Council Bluffs, Pottawattamie County, Iowa, from A-P/Administrative-Professional District and R-3/Low Density Multi-Family Residential District to C-3/Central Business District, based on reasons stated above.

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: Location/Zoning Map
Attachment B: Preliminary Site Plan

Prepared by: Christopher Gibbons, Planning Manager, Community Development Department