City Council Communication

Department: Community Development CASE #SUB-23-005 Applicant(s)/Property Owner(s): Yoder Construction, Inc. 101 McCandless Lane Suite A Council Bluffs, IA 51503	Resolution No. _____	City Council: 4/24/2023

Subject/Title

Request: Final plat approval of an eight-lot subdivision to be known as Park Ridge Subdivision, being a replat of property legally described as Lots 2 through 5 and a part of the vacated north/south alley adjacent, Wells Park Addition, City of Council Bluffs, Pottawattamie County, Iowa.

Location: 441 and 437 Park Avenue and properties previously addressed at 435 and 431 Park Avenue

Background/Discussion

The Community Development Department has received an application from Yoder Construction Inc., represented by Bryan Yoder, for final plat approval of an eight-lot minor subdivision to be known as Park Ridge Subdivision, being a replat of property legally described as Lots 2 through 5 and a part of the vacated north/south alley adjacent, Wells Park Addition, City of Council Bluffs, Pottawattamie County, Iowa. The proposed subdivision is comprised of 0.64 acres (20,192 square feet), more or less, of land, and will consist of eight single-family attached residential lots.

The applicant is currently building a series of 'two-family dwellings' on properties located along Park Avenue he purchased from the City in 2019 (Cases #OTB-19-005 through #OTB-19-010). The applicant wishes to replat the subject properties so that each dwelling unit is located on a separate lot of record and can be sold individually as 'single-family dwellings, attached.' As part of this application, the applicant is requesting subdivision variances from the minimum lot size requirements for 'single-family dwellings, attached' in the R-2/Two-Family Residential District for proposed Lots 3, 6 and 8. The applicant has also submitted an offer to buy the remnant East ½ of the vacated north/south alley adjacent (see Case #OTB-23-003), which will be included in the proposed subdivision.

Comments

A. The proposed subdivision is currently zoned R-2/Two-Family Residential District. The future land use plan of the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) designates the subject properties as Low Density Residential. The proposed subdivision is consistent with the Bluffs Tomorrow: 2030 Plan (Comprehensive Plan), as well as the purpose and intent of Title 14: Subdivisions and Title 15: Zoning of the Council Bluffs Municipal Code.

B. The minimum lot area for 'single-family dwellings, attached' in the R-2 District is 2,500 square feet, as per Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance). Proposed Lots 1, 2, 4, 5 and 7 exceed minimum R-2 District lot size requirements. Proposed Lots 3, 6 and 8 vary between 2,378 square feet and 2,470 square feet in area, thus do not meet minimum R-2 District lot size requirements. Since the dimensions of the existing platted lots of record limit the size of proposed Lots 3, 6 and 8, the applicant is requesting a variance from minimum R-2 District lot size requirements.

Section 14.11.040(A) of the Council Bluffs Municipal Code (Subdivision Ordinance) states: *"Where it can be shown that due to special conditions, a literal enforcement of this ordinance will result in an unnecessary hardship, the City shall have the power to vary such regulation so that substantial justice will be accomplished, provided that such variance would:*

1. *Not be in contrary to the public interest;*
2. *Be in the best interest of the City;*
3. *Be within the spirit and intent of this title;*
4. *Not be detrimental to the future residents in and near the proposed subdivision;*
5. *Be consistent with the City's comprehensive plan."*

The Community Development Department has reviewed the applicant's variance request and recommends approval for the following reasons:

1. The proposed subdivision is designed to be compatible with existing development in the surrounding area. The subdivision variances are not anticipated to be detrimental to the future residents in and/or adjacent to the subdivision.

2. The proposed subdivision is part of an infill development project in the Park/Glen Avenues National Historic District. The proposed 'single-family dwellings, attached' are generally compatible with existing land uses in the vicinity, which primarily consist of 'single-family dwellings, detached.' The architectural design of the proposed 'single-family dwellings, attached' is intended to replicate the historic nature of the surrounding neighborhood.

3. Although proposed Lots 3, 6 and 8 do not meet minimum R-2 District lot size requirements, they are still considered developable as a new 'single-family dwelling, attached' could be constructed on said lots in compliance with the site development standards in Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance). The proposed attached single-family homes, as shown on previous submittals by the applicant, appear to meet all setback, lot coverage and building height requirements on each property.

4. The applicant is proposing to construct four 'single-family dwellings, attached' as part of this project, which will provide a total of eight dwelling units. The proposed development addresses the need for additional housing in Council Bluffs.

5. The Bluffs Tomorrow: 2030 Plan (Comprehensive Plan) encourages housing diversity in order to meet the needs of the community and ensure the long-term stability of residential neighborhoods. The proposed development is consistent with this policy and is in the best of the City as it will increase access to housing and diversify housing options in Council Bluffs.

C. All lots have direct frontage on a public right-of-way (Park Avenue).

D. No new rights-of-way are proposed to be dedicated to the City as part of this subdivision.

E. All development activity within this subdivision shall comply with the standards set forth in Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance).

1. On November 19, 2019, the Zoning Board of Adjustment approved variances from Sections 15.23.020(D) and 15.23.030(C)(5) of the Council Bluffs Municipal Code (Zoning Ordinance) to allow one off-street parking space to be located within the required front yard setback on the subject properties. The variance runs with the land and thus is still in effect.

F. Public water, sanitary sewer and storm sewer utilities are available to service the proposed subdivision. All costs to construct, remove and/or relocate any utilities for the proposed subdivision shall be the responsibility of the developer and not the City.

G. All utilities (electric, cable and communication facilities, etc.) shall be installed underground. All costs to construct, remove and/or relocate any utilities in this subdivision shall be the responsibility of the developer, and not the City.

H. The Council Bluffs Fire Department stated they have no comments on the request.

Council Bluffs Water Works stated that they have no comments on the request.

Recommendation

The Community Development Department recommends final plat approval of an eight-lot subdivision to be known as Park Ridge Subdivision, subject to the comments stated above and the following conditions:

A. The final plat shall be recorded within 90 days of City Council approval or the plat will become null and void unless an extension has been requested and granted by the Community Development Department Director.

B. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.

C. All utilities shall be installed underground. Any costs to construct, remove and/or relocate any utilities shall be the responsibility of the applicant and/or developer, and not the City.

D. Granting a variance to allow Lots 3, 6 and 8, Park Ridge Subdivision to have lot sizes less than 2,500 square feet, as required in Section 15.09.050, Site Development Regulations, R-2/Two-Family Residential District, of the Council Bluffs Municipal Code (Zoning Ordinance), based on the reasons stated above.

Attachments

Attachment A: Location/Zoning Map
Attachment B: Letter of Intent
Attachment C: Park Ridge Subdivision Final Plat

Prepared by: Moises Monrroy, Planner, Community Development Department