City Council Communication

Department: Community Development CASE # ZC-23-006 Applicant/Property Owner: Craig A. McConnell P.O. Box 1154 Council Bluffs, IA 51502	Ordinance No. _____	1st Consideration: 4/24/2023 2nd Consideration: 5/8/2023 3rd Consideration: 5/22/2023 Planning Commission: 4/11/23

Subject/Title

Request: Public hearing on the request of Craig A. McConnell to rezone property legally described as Lots 1-3, Block 14, Bryant and Clark's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, from R-3/Low Density Multifamily Residential District to C-1/Commercial District.

Location: 200 South 29th Street

Background

The Community Development Department has received an application from Craig A. McConnell to rezone property legally described as Lots 1-3, Block 14, Bryant and Clark's Subdivision, from R-3/Low Density Multifamily Residential District to C-1/Commercial District.

The applicant is the owner of the subject property, which contains a building that formerly housed the dental office of Dr. Bradley D. Higginbotham. Due to the subject property's R-3 zoning designation, the dental office was considered a legal nonconforming 'business, professional office' use. According to the Pottawattamie County Assessor, the applicant purchased the subject property from Dr. Higginbotham in November 2022. The applicant now seeks to rezone the subject property to C-1/Commercial District to expand the potential commercial uses of the existing building to serve the neighborhood.

Land Use and Zoning

The following zoning and land uses surround the subject property:

- North: The Grass Wagon (private event venue) zoned C-2/Commercial District, a tract of undeveloped land zoned R-3/Low Density Multifamily Residential District, and a tract of undeveloped land zoned R-4/High Density Multifamily Residential District
- South: Residential uses zoned R-3/Low Density Multifamily Residential District
- East: Residential uses zoned R-3/Low Density Multifamily Residential District
- West: Residential uses zoned R-3/Low Density Multifamily Residential District

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

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. The following comments were received:

A. Trudy Owens, P.O. Box 41, Treynor, IA 51575, contacted the Community Development Department to provide comments on behalf of her father, Joe Daub, 2921 2nd Ave, Council Bluffs, IA 51501. Owens

stated general concerns about the negative effects a future commercial use of the subject property could have on her father, who is elderly, particularly if the future use of the property is more intense than the former dentist office. Owens also had general questions about why the property needed to be rezoned if it has been used for commercial purposes in the past.

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.
E. Black Hills Energy stated it has no concerns.
F. MidAmerican Energy stated it has no conflicts with the request.

Discussion

A. The subject property contains 19,650 square feet of land, which exceeds the minimum lot size requirement (5,000 square feet) of the C-1/Commercial District. The existing structure on the subject property conforms to the setback, height, and lot coverage requirements of the C-1/Commercial District.
B. According to Chapter 15.14, *C-1/Commercial District*, of the Municipal Code (Zoning Ordinance), the C-1 district is "intended to provide for the development of retail, office, and minor commercial facilities adjacent to neighborhood residential areas." The district permits a variety of commercial uses that would be appropriate for a neighborhood setting. A full list of permitted uses can be found in the C-1/Commerdial District regulations (Attachment 'B').
C. The subject property formerly contained a dental office, which is classified as a 'business, professional office' per Section 15.03.114 of the Municipal Code (Zoning Ordinance). A 'business, professional office' is permitted as a conditional use in the R-3 district, provided the floor area for such use does not exceed 2,000 square feet. The dental office on the subject property contained 2,248 square feet of gross floor area and existed without a conditional use permit prior to modern zoning restrictions. The former dentist office therefore operated as a legal nonconforming use under existing zoning.
D. Section 15.26.030, *Nonconforming Uses*, of the Municipal Code (Zoning Ordinance) allows abandoned legal nonconforming uses to resume within 12 months of abandonment. After a nonconforming use has been abandoned for a period of greater than 12 months, the nonconforming use may not be reestablished. Therefore, if a 'business, professional office' use is not resumed on the subject property within 12 months of its initial abandonment, use of the property would be restricted to the uses permitted in the R-3 district only.
E. The building on the subject property was constructed in 1973, according to County Assessor records. The structure is commercial in nature, and the subject property has historically been used for commercial purposes (a dental office). The property's recent use as a dental office has been appropriate in scale and intensity for land directly abutting exclusively residential areas. Rezoning the subject property to C-1/Commercial District would allow the property to continue to be used for a variety of neighborhood-scale commercial uses.
F. In addition to the subject property having a history of commercial uses, there are existing commercial uses to the north of the property in an existing C-2/Commercial District. These properties are considered part of the West Broadway Corridor, as defined in the Bluffs Tomorrow: 2030 (Comprehensive Plan).
G. The Comprehensive Plan designates the subject property 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."* This future land use designation does not specifically call for commercial uses to be integrated into neighborhoods.

H. The subject property also falls within the Comprehensive Plan's 'Traditional Neighborhood' character area, which does not explicitly call for commercial uses to be integrated into traditional residential neighborhoods. In fact, the Comprehensive Plan calls for policies to "[strengthen] the buffer between residential uses and adjacent rail corridor, industrial uses, and commercial uses" within the 'Traditional Neighborhood' character area (p. 48).

I. The land directly to the north of the subject property falls within the Comprehensive Plan's 'West Broadway' character area, which specifically calls for policies that "[minimize] the impacts of commercial and industrial development along West Broadway on residential areas to the south by placing housing along the north side of 2nd Avenue" (p. 52). While this character area's description does not directly mention the land on the south side of 2nd Avenue, one can logically conclude, if housing is the preferred land use on the north side of 2nd Avenue to buffer residential areas to the south from commercial uses, residential uses would also be preferred on the south side of 2nd Avenue. The future land use plan, however, currently designates much of the land along 2nd Avenue north of the subject property as 'Multi-Family/Mixed-Use.' With this land slated for a mixed use development pattern in the future, it would be reasonable to expect some commercial uses to locate on the south side of 2nd Avenue as well.

J. The City adopted the current Comprehensive Plan in 2014. Since then, the West Broadway corridor has evolved, and so has the vision for this area of the city. With the reconstruction of West Broadway, adoption of the West Broadway Corridor Design Overlay, completion of the FIRST AVE multi-use trail, plans for future trail-oriented development, and long term plans for high quality transit alongside the FIRST AVE trail, the overall corridor is steadily transitioning to a more walkable, mixed use environment. Neighborhood-scale commercial uses within walking distance of where people live help improve the accessibility of commercial services, and having such uses on the periphery of the West Broadway Corridor would further the evolving multimodal vision for the area. As such, the proposed rezoning would not be contradictory to the City's goals and objectives. The Community Development Department anticipates the need to further evaluate the future land use designation of the subject property and others like it along the periphery of the West Broadway corridor during the next major Comprehensive Plan update to reflect the changing nature of the corridor.

K. If the proposed rezoning is approved, any future development or redevelopment 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) and any other applicable regulations in the Municipal Code.

Recommendation

The Community Development Department recommends approval of the request of Craig A. McConnell to rezone property legally described as Lots 1-3, Block 14, Bryant and Clark's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, from R-3/Low Density Multifamily Residential 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 to rezone property legally described as Lots 1-3, Block 14, Bryant and Clark's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa, from R-3/Low Density Multifamily Residential District to C-1/Commercial District, as per staff recommendation.

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

Attachments

Attachment A: Location/Zoning Map
Attachment B: C-1/Commercial District Regulations

Prepared by: Brandon Siracuse, Planner, Community Development Department