

Council Communication

Department: Community Development CASE # ZC-18-011 Applicant/Property Owner: Samar Realty by Jeannette Fox 3110 Gold Rush Road Council Bluffs, IA 51501 Representative: John Huston Hunter Key Real Estate 501 S. Main Street Council Bluffs, IA 51503	Ordinance No. _____	City Council: 12/17/18 Planning Commission: 8/14/18
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Subject/Title

Request: Rezone property legally described as being the South 87 feet of Lot 6, Block A, Curtis and Ramsey's Addition from C-1/Commercial District to R-3/Low Density Multi-Family Residential District.

The Community Development Department expanded the request to rezone properties legally described as Lots 4 and 5, Block A and the North 43 Feet of Lot 6, Block A, all in Curtis and Ramsey's Addition from C-1/Commercial District to R-3/Low Density Multi-Family Residential District.

Location: 1000 5th Avenue, 1006 5th Avenue, 1010 5th Avenue, and 410 S. 10th Street.

Background

The Community Development Department has received an application from Samar Realty LLC, by Jeanette Fox, represented by John Huston Hunter of Key Real Estate, to rezone the property legally described as the South 87 feet of Lot 6, Block A, Curtis and Ramsey's Addition from C-1/Commercial District to R-3/Low Density Multifamily Residential. The applicant is proposing this rezoning to allow an existing building on the site to be renovated and used as a four unit multifamily dwelling. The building has historically been used as a multifamily dwelling, but has been vacant for many years, and has therefore lost the status as a legally nonconforming use in the C-1/Commercial District. The building is addressed as 1000 5th Avenue.

The Community Development Department has expanded the request to include surrounding properties that are also currently legally nonconforming uses in the C-1/Commercial District. These properties are described as Lot 4, Lot 5, and the North 43 Feet of Lot 6, all in Block A, Curtis and Ramsey's Addition. The addresses of these properties are 1006 5th Avenue, 1010 5th Avenue, and 410 S. 10th Street. The expansion of the request also prevents the applicant's property from being spot-zoned in the C-1/Commercial District. The property owners included in the expansion of this rezoning have been notified, and the applicant was able to secure signatures from these property owners showing their approval.

Land Use and Zoning

The following land uses surround the subject properties:

North: Residential structures that are zoned in the R-3/Low Density Multifamily Residential District.

South: A commercial building that is zoned in the C-2/Commercial District
East: A commercial building that is zoned in the C-1/Commercial District
West: Residential structures that are zoned in the R-3/Low Density Multifamily Residential

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 were received for the request.

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

- The Council Bluffs Fire Marshall stated they have no comments on the request.
- The Permits and Inspections Division stated the property has been vacant for a long time, and has lost its nonconforming provisions. The building will need to be brought up to current fire and building code requirements for multi-family dwellings.
- The Public Works Department stated they have no comments regarding the rezoning request, though feel that the availability of off-street parking for the multi-family dwelling needs to be addressed.
- Council Bluffs Water Works stated they have no comments on the request.

The following attachments are included with the case staff report:

- Attachment A: Location/zoning map
- Attachment B: Site Photos
- Attachment C: Approval of Owners of Properties Included in the Rezoning Request

Discussion

1. If approved, the subject properties will be zoned to the same district as properties located in the area.
2. The proposed rezoning is consistent with the Future Land Use Plan of the Bluffs Tomorrow: 2030 Comprehensive Plan.
3. As stated in Section 15.26.030 – *Nonconforming uses* – (3) Abandonment of Nonconforming Use- “If any nonconforming use ceases for a continuous period of more than six months, any subsequent use shall conform to the regulations of this title.”. The applicant has stated that the subject four-unit multifamily dwelling (addressed as 1000 5th Avenue) has been vacant for approximately 12 years, meaning that the use is to be considered abandoned per the Zoning Ordinance. The proposed multifamily dwelling would not be an allowable use in the C-1/Commercial District, as it is currently zoned, but would be allowed in the proposed R-3/Low Density Multifamily Residential Zoning District as a Principal use.
4. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate the uses permitted in the R-3/Low Density Multi-Family Residential District.

Recommendation

The Community Development Department recommends approval of the request to rezone the properties legally described Lots 4, 5, and 6, Block A, Curtis and Ramsey’s Addition, City of Council Bluffs, Pottawattamie County, Iowa, from C-1/Commercial District to R-3/Low Density Multifamily Residential District., based on reasons stated above.

Public Hearing

Speakers in favor:

1. John Huston Hunter, 4208 Savage Street, Council Bluffs, IA 51501

Speakers against: None.

Planning Commission Recommendation

The Planning Commission recommends approval of the request to rezone the properties legally described Lots 4, 5, and 6, Block A, Curtis and Ramsey's Addition, City of Council Bluffs, Pottawattamie County, Iowa, from C-1/Commercial District to R-3/Low Density Multifamily Residential District., based on reasons stated above.

VOTE: AYE 7 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 4 Motion: Carried

Attachments

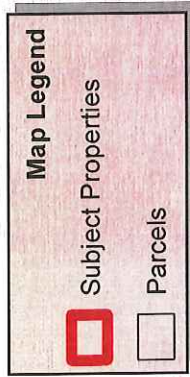
Attachment A: Location/zoning map

Attachment B: Site Photos

Attachment C: Approval of Owners of Properties Included in the Rezoning Request

Prepared by: Chris Meeks, Planner

CITY OF COUNCIL BLUFFS - CITY PLANNING COMMISSION CASE #ZC-18-011 LOCATION/ZONING MAP



0 50 100
1 Inch = 100 Feet



Last Amended: 7/19/18

Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
Telephone: (712) 328.4629

DISCLAIMER
This map is prepared and compiled from various sources. The City of Council Bluffs is not responsible for any errors or omissions. Users of this map are advised to verify the information contained on this map with the appropriate authorities. The City assumes no legal responsibility for the information contained on this map.



Attachment B:

Site Photos

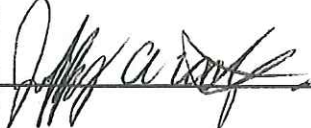




Above: Aerial photo of subject properties (highlighted in red).

Below: Ground level photo of subject properties (from Google Earth).



PETITION TO REZONE TO R3 MULTIFAMILY**1000 S 10TH St****Council Bluffs, IA 51501****7/25/2018**

	Name	Address	City/State/Zip	Signature
1	Coats Realty LLC	1006 5th Ave	CB/IA/51501	
2	John Skradski	410 S 10th St	CB/IA/51501	
3	Sean Thomsen	1010 5th Ave	CB/IA/51501	

Notes:

Any questions Please contact:

PLANNING & COMMUNITY
DEVELOPMENT
209 PEARL STREET
COUNCIL BLUFFS, IA 51503
OFFICE: 712-328-4629
FAX: 712-328-4915

CHRIS MEEKS
PLANNER

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