Council Communication

Department: Community Development CASE # ZC-18-014 Applicant/Property Owner: David Malone 1340 Valley View Lane Council Bluffs, IA 51503 Property Owners: Tim and Michelle Hogueison 1316 Valley View Lane Council Bluffs, IA 51503 Margaret Cozad 1324 Valley View Lane Council Bluffs, IA 51503 Keith Zuehlke 1400 Valley View Lane Council Bluffs, IA 51503 Dennis and Dorries Loghry 1408 Valley View Lane Council Bluffs, IA 51503	Ordinance No. _____	City Council: 1/14/19 Planning Commission: 12/11/2018

Subject/Title

Request: Public hearing on the request of David Malone to rezone the properties described as Lots 8-11, Auditor's Subdivision of Part of Lot 2 in Auditor's Subdivision of the Northeast ¼ of the Northwest ¼ in Section 5-74-43, and the North 174.47 Feet of Lot 4 lying East of Valley View Lane and West of the Railroad, and Lot 5, Auditor's Subdivision of the Southeast ¼ of the Northwest ¼ in Section 5-74-43 from A-2/Parks, Estates and Agricultural District to R-1/Single Family Residential.

Location: 1340, 1316, 1324, 1400, and 1408 Valley View Lane

Background

The Community Development Department has received an application from David Malone to rezone his property at 1340 Valley View Lane, from A-2/Parks, Estates and Agricultural District to R-1/Single Family Residential. The applicant expanded the request at the advice of the Community Development Department and with the permission of adjacent property owners to rezone the remainder of the homes on the block, addressed as 1316, 1324, 1400, and 1408 Valley View Lane from A-2/Parks, Estates and Agricultural District to R-1/Single Family Residential. The entirety of area proposed to be rezoned is legally described as Lots 8-11, Auditor's Subdivision of Part of Lot 2 in Auditor's Subdivision of the Northeast ¼ of the Northwest ¼ in Section 5-74-43, and the North 174.47 Feet of Lot 4 lying East of Valley View Lane and West of the Railroad, and Lot 5, Auditor's Subdivision or the Southeast ¼ of the Northwest ¼ in Section 5-74-43. Currently, the subject properties contain residential dwellings, which are consistent with neighborhoods that are typically zoned R-1/Single Family Residential. The applicant has requested the rezoning to allow a greater structure-coverage maximum for the lots, as in the A-2 District,

only 10% of the total square footage of a property is allowed to be covered in structures, whereas in the R-1 District, 35% of the property can be covered in structures.

Land Use and Zoning

The following zoning and land uses surround the subject properties:

North: A residential structure and undeveloped land that is zoned A-2/Parks, Estates and Agricultural District, as well as Interstate 80.

South: A commercial building that is zoned in the C-2/Commercial District

East: A railroad line, the Council Bluffs municipal boundary, and undeveloped land that is currently under the jurisdiction of Pottawattamie County.

West: Valley View Lane, and a commercial structure that is zoned C-2/Commercial District.

The future land use plan of the Bluffs Tomorrow 2030 (comprehensive Plan) designates the subject property as Regional Commercial.

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 subject properties use on-site septic systems, and there is not currently public sewer located in the right-of-way in front of each lot. Each property owner will be required to account for the area requirements for septic and lateral fields as well as potable wells, or to connect to a public sewer line.
- The Public Works Department stated they have no comments regarding the rezoning request.
- 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: Aerial Photos
- Attachment C: Approval of Owners of Properties Included in the Rezoning Request

Discussion

1. If approved, the subject properties will be zoned to a district that is consistent with the general character of the neighborhood. The subject properties all feature single family dwellings which are allowed in the A-2/Parks, Estates and Agricultural District, but are more generally associated with the R-1/Single Family Residential District.
2. The subject lots do not comply with the minimum lot size dimensions (150 'by 200') or, lot area (3 acres) for properties zoned in an A-2 District. Approval of the rezoning request will bring the lots into conformance, as their sizes meet minimum R-1 District standards, with the exception of 1408 Valley View Lane, which does not meet the required depth of 100 feet, while it does meet the area requirement of 5,000 square feet.
3. All of the lots in the proposed rezoning with the exception of 1340 Valley View Lane currently exceed the 10% structure coverage maximum for the A-2 Zoning District. All of the properties would be in conformance with the 35% structure coverage maximum for the R-1 District, if rezoned.

4. While the rezoning would allow the subject properties a greater structure coverage maximum, individual property owners will still need to adequately address all utilities, including sewer and water. No building permits will be approved until the subject property adequately addresses the sewer and water needs for that property.
5. A sanitary sewer line has been extended a portion of the way along Valley View Lane, though it does not front any individual properties. If on-site septic systems cannot be installed, properties will need to connect to the sanitary sewer line.
6. 1230 Valley View Lane was not included in the request due to an accessory structure having a larger footprint than the principal structure, which is allowed in the A-2 District, but would be nonconforming in the R-1 District.

Recommendation

The Community Development Department recommends approval of the request to rezone the properties legally described Lots 8-11, Auditor's Subdivision of Part of Lot 2 in Auditor's Subdivision of the Northeast ¼ of the Northwest ¼ in Section 5-74-43, and the North 174.47 Feet of Lot 4 lying East of Valley View Lane and West of the Railroad, and Lot 5, Auditor's Subdivision of the Southeast ¼ of the Northwest ¼ in Section 5-74-43, from A-2/Parks, Estates and Agricultural District to R-1/Single Family Residential District, based on reasons stated above.

Public Hearing

Speakers in favor:

1. David Malone, 1340 Valley View Lane, Council Bluffs, IA 51503

Speakers against: None.

Planning Commission Recommendation

The Planning Commission recommends approval of the request to rezone the properties legally described Lots 8-11, Auditor's Subdivision of Part of Lot 2 in Auditor's Subdivision of the Northeast ¼ of the Northwest ¼ in Section 5-74-43, and the North 174.47 Feet of Lot 4 lying East of Valley View Lane and West of the Railroad, and Lot 5, Auditor's Subdivision of the Southeast ¼ of the Northwest ¼ in Section 5-74-43, from A-2/Parks, Estates and Agricultural District to R-1/Single Family Residential District, based on reasons stated above.

VOTE: AYE 8 NAY 0 ABSTAIN 0 ABSENT 1 VACANT 2 Motion: Carried

Attachments

Attachment A: Location/zoning map
Attachment B: Aerial 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-18-014 LOCATION/ZONING MAP

Map Legend

- Properties Proposed to be Rezoned
- City of Council Bluffs Boundary
- Parcels

0 125 250

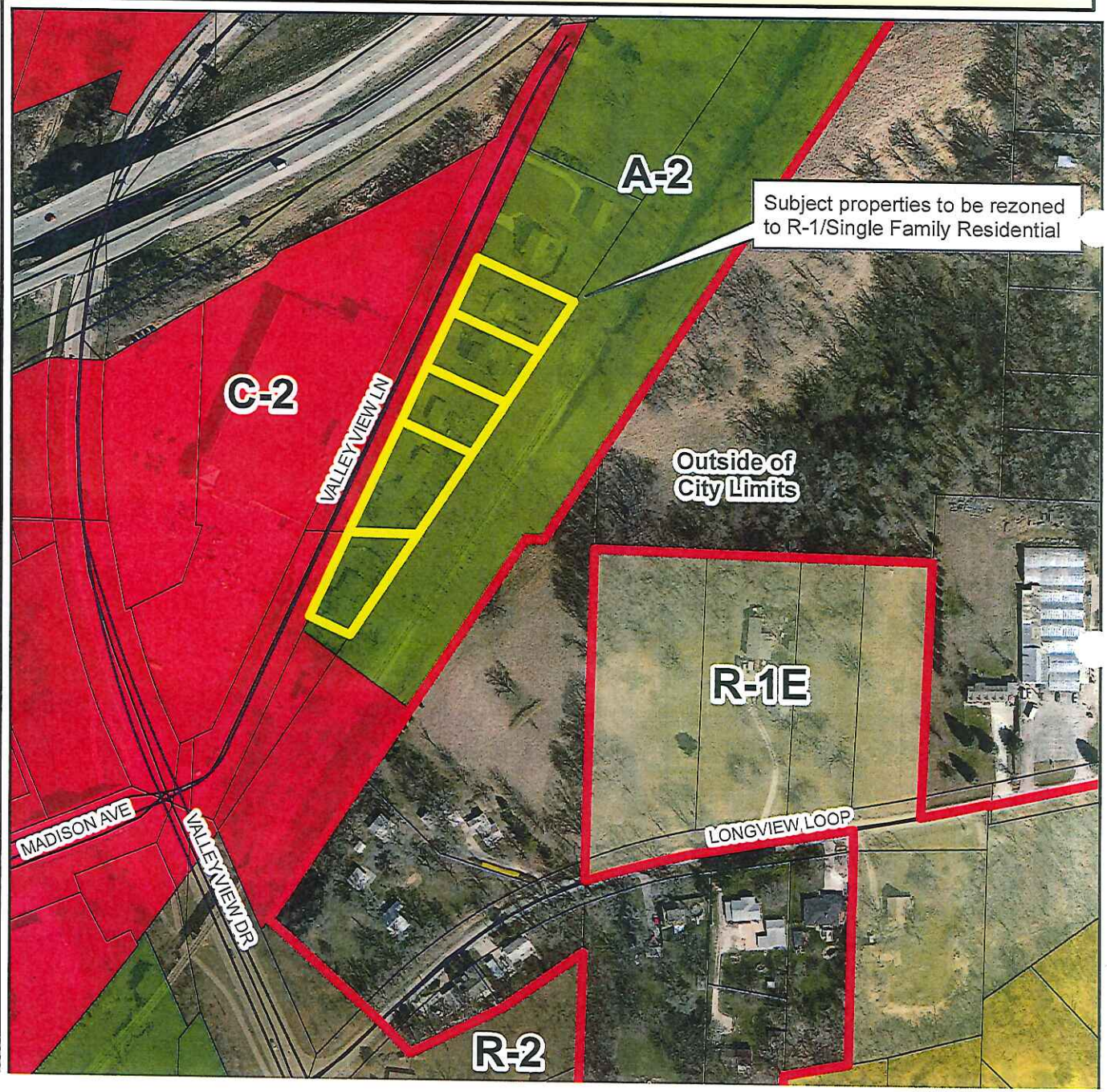
1 Inch = 252 Feet



Last Amended: 11/16/18

Council Bluffs Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503
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DISCLAIMER
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Attachment B

Aerial Photos



Above: Aerial photo of the subject properties facing South.

Below: Aerial photo of the subject property facing East.



Attachment C

Approval to rezone property from A-2 to R-1.

Name Dennis Loghry
Address 1408 Valley View Lane
Signature Dennis Loghry

Name Michelle Hoquieson
Address 1316 Valley View Lane
Signature Michelle Hoquieson

Name Margret Cozad
Address 1324 Valley View Lane
Signature Margret Cozad

Name
Address
Signature