City Council Communication

Department: Community Development Case #PR-18-001(M) Applicant: Western Iowa Land Development, LLC PO Box 683 Avoca, IA 51521 Representative: Robert McCarthy PO Box 683 Avoca, IA 51521	Resolution No. _____	City Council: 4/22/19 Planning Commission: 4/9/19

Subject/Title

Request: Public hearing on the request of Western Iowa Land Development, LLC to amend the adopted planned residential development plan for East Fox Run Subdivision by reducing the minimum rear yard setbacks for Lots 1 through 30 from 20 feet to 10 feet.

Location: Carriage Road, lying east of Council Pointe Road.

Background/Discussion

The Community Development Department has received a request from Western Iowa Land Development, LLC, represented by Mr. Robert McCarthy, to amend the adopted planned residential development plan for East Fox Run Subdivision by reducing the minimum rear yard setback for Lots 1 through 30 from 20 feet to 10 feet in order to build townhouse dwellings that are 70 feet by 65.57 feet. As proposed, this style of townhouses cannot be constructed as it does not meet the R-1/Single-Family Residential District's minimum rear yard setback of 20 feet. An exhibit which demonstrates the proposed townhouse design is included with this report as Attachment B.

East Fox Run Subdivision consists of 30 single-family residential lots and has an adopted planned residential development plan (see Case #PR-18-001) which allows the applicant to build 30 attached, single-family dwellings. The subdivision is zoned R-1/Single-Family Residential District, which requires a minimum rear yard setback of 20 feet. No setback or lot coverage variances were requested by the developer at the time of subdivision or development plan approval.

A public hearing on Case #PR-18-001(M) was held on January 8, 2019 by the Planning Commission. The Planning Commission postponed the case after expressing concerns over the grading and drainage of the subdivision. Additional information was requested from the developer as to which lots would be subject to the reduced rear yard setback, as well as proposed grading plans. The applicant submitted drainage, grading and architectural plans for the Planning Commission to review (see Attachments C through H). The submitted materials were routed to the Permits and Inspections Division and the Public Works Department for additional comments.

The Community Development Department supports the proposed PR Overlay amendment for the following reasons:

1. Per Chapter 15.28, *P-R/Planned Residential Overlay* of the Municipal Code (Zoning Ordinance) one of the purposes of the PR Overlay is to provide flexibility in the design, placement of buildings, use of open space, provisions of circulation facilities and parking, and related site and design consideration. This request is consistent with the intent of the PR Overlay.
2. The developer has indicated that the reduced rear yard setback will only apply to Lots 11-12, Lots 17 through 20, and Lots 25-26 (see Attachment C). These lots are located on the south end of the subdivision, and are adjacent to the Fox Run Golf Course to the east and to a retention pond to the west.
3. Due to the location of Lots 11-12, Lots 17 through 20, and Lots 25-26 in the subdivision and the grading and drainage measures to be taken by the developer, the Community Development Department determines that the proposed minimum rear yard setback of 10 feet will not be harmful to the neighborhood.

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

- The Permits and Inspections Division stated the financial responsibility for storm water detention basin maintenance is on the homeowners' association.
- The Fire Department stated they have no comments on the request.
- Council Bluffs Water Works stated they have no comments on the request.
- The Public Works Department stated they have no comments on the request.
- Mid-American Energy stated they have no objections to the request.

Recommendation

The Community Development Department recommends approval to amend the adopted planned residential development plan for East Fox Run Subdivision by reducing the minimum rear yard setback for Lots 11-12, Lots 17 through 20, and Lots 25-26 from 20 feet to 10 feet.

City Planning Commission Public Hearing

Speakers in favor:
1. John Jerkovich, 535 West Broadway Suite 100, Council Bluffs, IA 51503

Speakers against: None.

Planning Commission Recommendation

The Planning Commission recommends approval to amend the adopted planned residential development plan for East Fox Run Subdivision by reducing the minimum rear yard setback for Lots 11-12, Lots 17 through 20, and Lots 25-26 from 20 feet to 10 feet, subject to compliance with all comments and conditions stated in the above staff report.

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

Attachments

Attachment A: Location and Zoning Map
Attachment B: Proposed Townhouse Dwelling Plot Plan
Attachment C: Lots Subject to Reduced Rear Yard Setback

Attachment D: McCarthy Duplex Architectural Plans Attachment E: Storm Sewer Drainage Pipe Attachment F: Floodplain Overflow Area Attachment G: Original Basin Attachment H: Expanded Basin
Prepared by**:** Moises Monrroy, Planner, Community Development Department