Council Communication

Department: Community Development Case #ZT-19-003 Applicant: David Burns 1210 Longview Loop Council Bluffs, IA 51503	Ordinance No. _____	City Council: 7/22/2019 Planning Commission: 7/09/2019

Subject/Title

Request: Public hearing on the request of David Burns to amend Section 15.08A.050, Site development regulations, in the R-1E/Single-Family Residential Estates District of the Municipal Code (Zoning Ordinance) to increase maximum lot coverage for all structures from 10% to 20%; the Council Bluffs Community Development Department expanded the request to amend Section 15.08A.060(01), Additional regulations, Private Sewage Disposal System, in the R-1E/Single-Family Residential Estates District of the Municipal Code (Zoning Ordinance) by repealing the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 4.32 of the Municipal Code (Health and Sanitation) and replacing it with the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 69 of the Iowa Administrative Code.

Background/Discussion

The Community Development Department has received a request by David Burns to amend Section 15.08A.050, Site development regulations, in the R-1E/Single-Family Residential Estates District of the Council Bluffs Municipal Code (Zoning Ordinance) to increase maximum lot coverage for all structures from 10% to 20%.

The applicant owns property located at 1210 Longview Loop which is zoned in an R-1E District. Last year, the applicant was issued a building permit to construct a detached single-family dwelling in this property. At the time of permit approval, the applicant was informed that his dwelling comprised the entire 10% maximum lot coverage allowed in an R-1E District, and would not be able to construct another structure in his property without obtaining a variance from the Zoning Board of Adjustment.

Earlier this year, the applicant submitted a building permit application to construct an in-ground swimming pool on his property. The applicant was informed that he must receive a variance from the Zoning Board of Adjustment or amend Section 15.08A.050, Site development regulations, in the R-1E/Single-Family Residential Estates District of the Municipal Code (Zoning Ordinance) to increase the maximum lot coverage for all structures. After considering these options, the applicant proposes to amend Section 15.08A.050, Site development regulations, of the Council Bluffs Municipal Code (Zoning Ordinance) to increase maximum lot coverage for all structures in the R-1E District from 10% to 20%. In the text amendment application, Mr. Burns stated he is seeking this request because it will benefit all owners of property zoned in an R-1E District, provide better use of properties by allowing the construction of more accessory structures, increase property tax revenue, and will not adversely impact aesthetics.

The following attachments are included with this report:
Attachment A: Proposed text amendment to Chapter 15.08A, R-1E/Single-Family Estates Residential District
Attachment B: Maps showing all R-1E District in the City of Council Bluffs

Comments

All City Departments and local utility providers were notified of the proposed text amendment change. The following responses were received:

- The Permits and Inspections Division and the Public Works Department noted that Section 15.08A.060(01), Additional regulations, Private Sewage Disposal System, of the Council Bluffs Municipal Code (Zoning Ordinance) references Chapter 4.32, Private Sewage Disposal Systems, of the Council Bluffs Municipal Code, which has been repealed. They stated that Section 15.08A.060(01) should reflect this change.
- The Fire Department stated they had no comments on this request.
- Council Bluffs Water Works stated they had no comments on this request.
- Mid-American Energy stated they had no objections to this request.

The Community Development Department provided the following comments for the text amendment request:

1. As per Section 15.08A.010, Statement of intent, the R-1E District is intended for "low-density residential neighborhoods characterized by single-family detached dwellings on large lots… and serves to preserve existing low-density neighborhoods and for newly developed areas where environmental concerns preclude smaller lots." The Community Development Department determines that the proposed text amendment is compatible with the purpose of the R-1E District.
2. As per Section 15.08A.050, the minimum lot size requirement in the R-1E District is one acre. Along with the maximum lot coverage of 10%, this is intended to allow the construction of private sewage disposal systems, which are not permitted in other residential districts in the City. Increasing the maximum lot coverage to 20% provides owners greater flexibility on how to use their property while reserving 80% of the parcel for the placement of septic tanks and septic drain fields. Furthermore, the proposed request will maintain the low-density character of neighborhoods in an R-1E District and provide a less abrupt "transition" to the R-1/Single-Family Residential District.
3. Changes to the text of Title 15: Zoning are made through the adoption of an ordinance. The ordinance is adopted as part of the Municipal Code and is not specific to an individual project. In the case of this request, the change would apply to any property that is zoned in an R-1E District. As shown on Attachment B, this request will only impact a small number of properties in the City. The following are all properties zoned in an R-1E District in the City of Council Bluffs:
    a. Three residential properties (1005 State Orchard Road; 4703 and 4761 Cedar Lane) located southwest of the intersection of State Orchard Road and Cedar Lane.
    b. Six residential properties (1170, 1201, 1210, 1335, 1401 and 1415 Longview Loop) and two undeveloped parcels of land located along the section of Longview Loop north of Greenview Road.
    c. Two undeveloped parcels of land located east of the intersection of Harry Langdon Boulevard and Valley View Drive.
    d. Sixteen residential properties (100, 101, 105, 108, 112, 116, 117, 120, 121, 124, 125 and 128 Discovery Circle; 4205, 4209, 4525 and 4535 Harry Langdon Boulevard) located in the Cedar Point Subdivision.
4. As stated above, Section 15.08A.060(01), Additional regulations, Private Sewage Disposal System, references Chapter 4.32 of the Municipal Code to establish standards for the construction and maintenance of septic tanks in an R-1E District. As per Ordinance No. 6361, City Council repealed Chapter 4.32 on October 22, 2018. The Permits and Inspections Division stated that now they reference Chapter 69, Private Sewage Disposal Systems, of the Iowa Administrative Code. The Community Development recommends the following text amendment:

    15.08A.060 - Additional regulations.

    01. Private Sewage Disposal System. The construction, use, and maintenance of individual sewage disposal systems in the R-1E district shall comply with Chapter 69 of the Iowa Administrative Code.

Recommendation

The Community Development Department recommends approval to amend Chapter 15.08A, R-1E/Single-Family Estates Residential District, as follows:

1. Amend Section 15.08A.050, *Site development regulations*, in the R-1E/Single-Family Residential Estates District of the Council Bluffs Municipal Code (Zoning Ordinance) to increase maximum lot coverage for all structures from 10% to 20%.
2. Amend Section 15.08A.060(01), *Additional regulations, Private Sewage Disposal System*, in the R-1E/Single-Family Residential Estates District of the Municipal Code (Zoning Ordinance) by repealing the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 4.32 of the Municipal Code (Health and Sanitation) and replacing it with the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 69 of the Iowa Administrative Code.

Public Hearing

Staff speaker on behalf of request:

1. Moises Monrroy, Planner, Community Development Department, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503.

Speakers in favor: None
Speakers against: None

Planning Commission Recommendation

The Planning Commission recommends approval to amend Section 15.08A.050, *Site development regulations*, in the R-1E/Single-Family Residential Estates District of the Municipal Code (Zoning Ordinance) to increase maximum lot coverage for all structures from 10% to 20%; and to amend Section 15.08A.060(01), *Additional regulations, Private Sewage Disposal System*, in the R-1E/Single-Family Residential Estates District of the Municipal Code (Zoning Ordinance) by repealing the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 4.32 of the Municipal Code (Health and Sanitation) and replacing it with the requirement that individual sewage disposals systems in an R-1E district shall comply with Chapter 69 of the Iowa Administrative Code.

VOTE: AYE 6 NAY 1 ABSTAIN 0 ABSENT 4 VACANT 0 Motion: Carried

Attachments

Attachment A: Proposed text amendment to Chapter 15.08A, R-1E/Single-Family Estates Residential District
Attachment B: Map showing all R-1E District properties in the City of Council Bluffs

Prepared by: Moises Monrroy, Planner