City Council Communication

Department: Community Development CASE # ZC-20-004 Applicant/Property Owner: Dew Right Properties, LLC 1409 Dorene Boulevard Carter Lake, IA 51510	Ordinance No. _____	Planning Commission: 4/14/2020 1st Consideration: 5/4/2020 2nd Consideration: 5/18/2020 3rd Consideration: 6/8/2020

Subject/Title

Request: Public hearing on the request of Dew Right Properties LLC, represented by Joe Dew, to rezone property legally described as Lot 7 and the East 5 feet of Lot 8, Block 9, Everett's Addition from R-2/Two-Family Residential District to R-3/Low Density Multi-Family Residential District. The Community Development Department expanded the request to rezone the neighboring property legally described as the West 50 feet of Lot 8, Block 9, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa from R-2/Two-Family Residential District to R-3/Low Density Multi-Family Residential District for zoning consistency purposes.

Location: 1728 and 1730 3rd Avenue

Background

The Community Development Department has received an application from Dew Right Properties, LLC, represented by Joe Dew, to rezone property they own, addressed as 1728 3rd Avenue and legally described as Lot 7 and the East 5 feet of Lot 8, Block 9, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa from R-2/Two-Family Residential District to R-3/Low Density Multi-Family Residential District. The Community Development Department has expanded the request to include the neighboring property, addressed as 1730 3rd Avenue and legally described as the West 50 feet of Lot 8, Block 9, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa, for zoning consistency purposes.

There are two structures located on the subject property. The westerly structure is used as a detached single-family dwelling and is renter-occupied. The easterly structure is currently vacant and was previously a commercial structure. The applicant wishes to repair the vacant building and convert it into another residential structure. As per Section 15.09.050 of the Council Bluffs Municipal Code (Zoning Ordinance), only one principal structure is allowed per lot in an R-2 District, therefore the applicant would not be allowed to repurpose said vacant building into a residential structure since the occupied building is currently used as a residence. The purpose of this request is to allow the applicant to have more than one principal structure on the subject property since there are no limit on the number of principal structures allowed per lot in the R-3 District.

Land Use and Zoning

The following zoning and land uses surround the subject properties:

North: Residential properties that are zoned R-2/Two-Family Residential District.
South: Residential properties that are zoned R-2/Two-Family Residential District.
East: Residential properties that are zoned R-2/Two-Family Residential District.
West: Residential properties that are zoned R-3/Low Density Multi-Family Residential District.

The future land use plan of the Bluffs Tomorrow 2030 (Comprehensive Plan) designates the subject properties as Low-Density Residential.

Public notices were mailed to all property owners within 200 feet of the request. The following comments were received:

1. Marvin E. Tippery, owner of the property addressed as 1730 3rd Avenue, contacted the Community Development Department and inquired about the purpose of the rezoning. Mr. Tippery also inquired about the impact of the proposed rezoning on his property taxes. Mr. Tippery stated he is not in opposition of the request.

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

- The Permits and Inspections Division stated that since the building will change Occupancy classification, the entire structure will be required to be brought up to the current IRC and other adopted Codes. They also stated the exterior wall to the west will be impacted with respect to fire resistivity. They expressed concern that there will be multiple issues within the building that must be addressed, including a manifolded sewer and water service to the buildings.
- The Public Works Department stated they have no comments on this request.
- Council Bluffs Water Works stated they have no comments on this request.
- Mid-American Energy Company stated they have no conflicts with this request. They also stated that they have existing electric facilities on these properties and recommend that the applicant should contact them to determine any costs that may be associated with future service needs.

The following attachments are included with the case staff report:

- Attachment A: Location/Zoning Map

Discussion

1. The property at 1728 3rd Avenue meets minimum lot size requirements of the R-2 and R-3 Districts. Proposed rezoning will not impact its conformity with the Council Bluffs Zoning Ordinance.
2. Since the property at 1730 3rd Avenue is 50 feet in width as opposed to the 55 feet required for a corner lot in the R-2 District, it is considered a nonconforming parcel. If rezoned to R-3, the property would be brought into conformance with the Zoning Ordinance as it does not have a minimum lot width requirement.
3. None of the existing structures located on the north side of 3rd Avenue between South 17th and South 18th Streets meet the minimum front yard setback requirements of the R-2 and R-3 Districts. As per Section 15.24.090 of the Council Bluffs Municipal Code (Zoning Ordinance), "the required front yard shall be as stated in each zoning district, except when forty-five (45) percent or more of the frontage on one side of a street between two intersecting streets is improved with buildings and a majority of the improved frontage have front yard setbacks less than those required for that zoning district, then the minimum required front yard setback for new construction shall be the average distance of the improved frontage." The average front yard setback for the 1700 block of 3rd Avenue is approximately 10 feet and 9 inches. All new construction along this frontage shall be set at 10 feet and 9 inches from the front property line.
4. The property at 1730 3rd Avenue contains 6,900 square feet of land. The existing detached single-family dwelling and accessory structures at this property comprise approximately 2,780 square feet in area, or 40% of the total lot area. This exceeds the maximum lot coverage allowed in the R-2 District of 35%. The maximum lot coverage allowed in the R-3 District is 45%, which would bring this property into conformance with the Zoning Ordinance.
5. If rezoned to the R-3 District, the applicant will be allowed to repair the vacant building and convert into a residential structure. All proposed repairs and new construction shall meet all applicable building, fire and zoning codes.
6. The Bluffs Tomorrow 2030 (Comprehensive Plan) designates the subject properties as Low Density Residential. The R-3 District allows for a variety of residential uses, including single- and two-family dwellings, as well as low density multi-family, which are consistent land uses with the Low Density Residential classification. The proposed R-3 District will allow for the existing and proposed residential uses on the subject properties.

7. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate the uses permitted in the R-3 District.

Recommendation

The Community Development Department recommends approval of the request of Dew Right Properties, LLC, represented by Joe Dew, to rezone property legally described as Lot 7 and the East 5 feet of Lot 8, Block 9, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa, and to rezone property legally described as the West 50 feet of Lot 8, Block 9, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa, from R-2/Two-Family Residential District to R-3/Low Density Multi-Family Residential District, based on the reasons stated above.

Public Hearing

Staff speaker for the request:

1. Christopher Gibbons, Planning Manager, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor:

1. Joe Dew, 1409 Dorene Boulevard, Carter Lake, IA 51510

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended approval to rezone property legally described as Lot 7 and the East 5 feet of Lot 8, Block 9, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa, and to rezone property legally described as the West 50 feet of Lot 8, Block 9, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa, from R-2/Two-Family Residential District to R-3/Low Density Multi-Family Residential District, as per staff's recommendation.

VOTE: AYE 9 NAY 0 ABSTAIN 0 ABSENT 2 VACANT 0 Motion: Carried

Attachments

Attachment A: Location/Zoning Map

Prepared by: Moises Monrroy, Planner, Community Development Department