City Council Communication

Department: Community Development CASE # ZC-20-007 Applicant: City of Council Bluffs	Ordinance No. _____	1st Consideration: 07/27/2020 2nd Consideration: 08/10/2020 3rd Consideration: 08/24/2020 Planning Commission: 7/14/2020

Subject/Title

Request: Public hearing on the request of the City of Council Bluffs to rezone properties legally described as Lot A, Casady's Addition and the North 25 feet of the West 125 feet of the vacated 17th Avenue right-of-way adjacent; Lots 1-4, the North 23 feet of Lot 5, and all of Lots 6-8, all in Block 4, Casady's Addition along with the South 25 feet of the vacated 17th Avenue right-of-way adjacent to said Lots 1 and 8; Lots 45-51, Linda Loma Addition; and the part of Lot 53, Linda Loma Addition particularly described as commencing 17.08 feet East of the Northwest Corner, thence East 114.65 Feet, South 12', West 104.33 feet, and Northwest 15.83 feet to the Point of Beginning; Lots 11 and 12 excluding part of the northeast corner of Lot 11, Karges Addition; all in the City of Council Bluffs, Pottawattamie County, Iowa, from R-3/Low Density Multifamily Residential District and C-2/Commercial District to R-3/Low Density Multifamily Residential District.

Location: Generally lying North of Harry Langdon Boulevard, South of West Graham Avenue, East of High Street.

Background

The Community Development Department is proposing to rezone the properties legally described above, and generally described as lying North of Harry Langdon Boulevard, South of West Graham Avenue, East of High Street from R-3/Low Density Multifamily Residential District and C-2/Commercial District to R-3/Low Density Multi-Family Residential District. Currently, the subject properties contain residential dwellings, which are not permitted as a principal or conditional use in the C-2/Commercial District, but are a permitted principal use in the R-3/Low Density Residential District. By rezoning the properties to the R-3 District, the issue of the existing homes being nonconforming uses will be resolved, which will allow additional investment in existing home and will allow damaged or destroyed homes to be replaced. Any properties that are used for commercial purposes and are currently conforming uses with the C-2/Commercial District are not included in the rezoning request.

Land Use and Zoning

The following zoning and land uses surround the subject properties:

North: Land that is zoned R-3/Low Density Multi-family Residential District and is primarily used for residential structures.

South: Land that is zoned I-2/General Industrial District and is primarily used for industrial purposes, including a railyard.

East: Land that is zoned R-3/Low Density Multi-family Residential District and is primarily used for residential structures.

West: Land that is zoned C-2/Commercial District and is used as commercial businesses, and land that is zoned I-2/General Industrial District and used for industrial purposes.

The future land use plan of the Bluffs Tomorrow 2030 Comprehensive Plan designates a majority of the subject properties as "Low-Density Residential", though properties with primary frontage onto Harry Langdon Boulevard are designated as "Local Commercial".

Public notices were mailed to all property owners within 200 feet of the request. Following the publishing of the public notification including their properties in the rezoning request, Leslie and Joyce Kennedy, owner of the properties addressed as 1800, 1802 and 1806 Tostevin Street requested that their properties be removed from the rezoning request. That letter has been included as Attachment C, and Staff has removed their

properties from 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 regarding the request.
- The Public Works Department stated they have no comments regarding the rezoning request.
- Council Bluffs Water Works stated they have no comments regarding the request.
- Cox Communications stated they have no concerns with the rezoning request.
- MidAmerican Energy stated they have no concerns with 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 residential neighborhoods Northeast of Harry Langdon Boulevard. The subject properties feature single family dwellings which are allowed in the R-3/Low Density Multi-Family Residential District, but would not be allowed in the C-2/Commercial District.
2. There are a total of 16 properties included in this rezoning request, of which 5 do not meet the minimum 5,000 square foot minimum lot size requirement for a lot containing a single family dwelling in the R-3/Low Density Multifamily Residential District, A Majority of these lots are still be considered developable as they are existing lots of record and would have adequate dimensions to construct a single family dwelling (as defined in Section 15.03.230 as being not less than 500 square feet and at least 20 feet in width) in accordance with R-3 District standards. In the C-2/Commercial District, in which the properties are currently zoned, the minimum lot size requirement is also 5,000 square feet, so the proposed rezoning will not affect the level of nonconformity of these parcels.
3. As per Section 15.26.030 *Nonconforming Uses* in the Council Bluffs Code of Ordinances, nonconforming uses, such as the existing residential dwellings on the subject properties in the current C-2 District, are under many restrictions which prohibit the enlargement, reoccupation after 6 months or vacancy, change of use, or repairs exceeding 50 percent of the last assessed value of the structure. The regulations regarding nonconforming structures greatly limit the ability for homeowners to secure financing to purchase these structures for residential purposes, or the ability to invest in and improve the structures. The rezoning of the subject properties could act as a catalyst to spur improvement of the subject neighborhood and promote improving the existing structures and redeveloping those that have fallen into irreparable states of neglect.
4. The proposed rezoning is generally consistent with the future land use plan of the Bluffs Tomorrow 2030 (comprehensive Plan) as a majority of the subject properties are designated as “Low-Density Residential”. There is one parcel which would be zoned R-3/Low Density Multifamily Residential, but would be designated in the future land use plan as “Local Commercial”. The residential character of the neighborhood is well established and does not appear likely to change as a result of this rezoning request. The possibility of rezoning those parcels designated as “Local Commercial” for the expansion of an existing business or the development of new business would remain a possibility for the future if the character of the area changes.
5. The City of Council Bluffs has submitted a 657a petition to the Iowa District Courts to acquire the properties addressed as 1707, 1711, and 1715 High Street, though no hearing has taken place at the time of this report and the properties are still under private ownership. The City has filed this petition due to the state of disrepair of the properties, and deems them as potentially unable to be rehabilitated. Until such time properties are awarded to the City, the current property owner would be able to apply to building permits to rehabilitate the homes on the property and bring them into compliance with building code standards. If the City is awarded title to these properties, the proposed rezoning would allow the City to accept proposals for new residential dwellings to be constructed on the properties which will help improve the housing stock in this area of the City.

Recommendation

The Community Development Department recommends approval of the request to rezone the properties legally described as Lot A, Casady’s Addition and the North 25 feet of the West 125 feet of the vacated 17th Avenue

right-of-way adjacent; Lots 1-4, the North 23 feet of Lot 5, and all of Lots 6-8, all in Block 4, Casady's Addition along with the South 25 feet of the vacated 17th Avenue right-of-way adjacent to said Lots 1 and 8;; Lots 45-51, Linda Loma Addition; and the part of Lot 53, Loma Linda Addition particularly described as commencing 17.08 feet East of the Northwest Corner, thence East 114.65 Feet, South 12', West 104.33 feet, and Northwest 15.83 feet to the Point of Beginning; Lots 11 and 12 excluding part of the northeast corner of Lot 11, Karges Addition; all in the City of Council Bluffs, Pottawattamie County, Iowa, from R-3/Low Density Multifamily Residential District and C-2/Commercial District to R-3/Low Density Multifamily Residential District based on reasons stated above.

Public Hearing

Staff speaker for the request:

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

Speakers in favor: None

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended approval to rezone the properties legally described as Lot A, Casady's Addition and the North 25 feet of the West 125 feet of the vacated 17th Avenue right-of-way adjacent; Lots 1-4, the North 23 feet of Lot 5, and all of Lots 6-8, all in Block 4, Casady's Addition along with the South 25 feet of the vacated 17th Avenue right-of-way adjacent to said Lots 1 and 8;; Lots 45-51, Linda Loma Addition; and the part of Lot 53, Loma Linda Addition particularly described as commencing 17.08 feet East of the Northwest Corner, thence East 114.65 Feet, South 12', West 104.33 feet, and Northwest 15.83 feet to the Point of Beginning; Lots 11 and 12 excluding part of the northeast corner of Lot 11, Karges Addition; all in the City of Council Bluffs, Pottawattamie County, Iowa, from R-3/Low Density Multifamily Residential District and C-2/Commercial District to R-3/Low Density Multifamily Residential District.

VOTE: AYE 11 NAY 0 ABSTAIN 0 ABSENT 0 VACANT 0 Motion: Carried

Attachments

Attachment A: Location/zoning map
Attachment B: Aerial Photos of the Subject Properties
Attachment C: Email from Joyce and Leslie Kennedy

Prepared by: Chris Meeks, Planner
Approved by: Christopher Gibbons, Planning Manager, Community Development Department