City Council Communication

Department: Community Development CASE # ZC-21-004 Applicant/Property Owner: Tim and Matt Storey 21350 McPherson Avenue Council Bluffs, IA 51503 Property Owners: Chad R. Taylor 1326 North Broadway Council Bluffs, IA 51503 Lorelie Dawn Porter 20 Norton Avenue Council Bluffs, IA 51503 Anthony W. Hale 40 Norton Avenue Council Bluffs, IA 51503 Dionisio Trazell Browder 100 Norton Avenue Council Bluffs, IA 51503	Ordinance No. _____	1st Consideration: 4/26/2021 2nd Consideration: 5/10/2021 3rd Consideration: 5/24/2021 Planning Commission: 4/13/2021

Subject/Title

Request: Public hearing on the request of Tim and Matt Storey to rezone properties legally described as the East ½ of Lot 3 and Lots 4 through 12, Auditor's Subdivision of part of Lot 4 in the NE ¼ NW ¼ and that part of Lot 1 in the NW ¼ NW ¼ all in Section 30-75-43, City of Council Bluffs, Pottawattamie County, Iowa, from R-1/Single-Family Residential District to R-2/Two-family Residential District.

Location: 20, 40 and 100 Norton Avenue, 1326 North Broadway, and an undeveloped parcel of land west of 100 Norton Avenue

Background

The Community Development Department has received an application from Tim and Matt Storey to rezone properties legally described as the East ½ of Lot 3 and Lots 4 through 12, Auditor's Subdivision of part of Lot 4 in the NE ¼ NW ¼ and that part of Lot 1 in the NW ¼ NW ¼ all in Section 30-75-43, City of Council Bluffs, Pottawattamie County, Iowa, from R-1/Single-Family Residential District to R-2/Two-family Residential District. The purpose of this request is to allow the applicants to construct a duplex on property they own located west of 100 Norton Avenue.

The property owned by the applicants is an undeveloped parcel of land. Since a 'two-family dwelling' is not a permitted use in the R-1 District, the applicants are requesting to rezone their property to the R-2 District. Properties addressed at 20 Norton Avenue, 40 Norton Avenue, 100 Norton Avenue and 1326 North Broadway have been included in this request for zoning consistency purposes.

Land Use and Zoning
The following zoning and land uses surround the subject properties:

North: An undeveloped parcel of land owned by Jennie Edmundson Memorial Hospital that is zoned R-3/Low Density Multifamily Residential District.
South: Residential properties that are zoned R-2/Two-Family Residential District.
East: Residential properties that are zoned R-1/Single-Family Residential District.
West: Residential properties that are zoned R-1/Single-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. No comments have been received by the Community Development Department as of the date of this report.

- Anthony Hale, owner of 40 Norton Avenue, contacted the Community Development Department and had a general inquiry relative to the construction of the duplex proposed by the applicants.

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

- The Permits and Inspections Division stated they have no comments on the request.
- The Public Works Department stated they have no comments on the request.
- The Fire Department stated they have no comments on the request.
- Council Bluffs Water Works stated they have no comments on the request.
- Mid-American Energy Company stated they have no conflict with the request. They also stated that the developer or their agents should contact Mid-American Energy directly and provide finalized plans to identify costs and timelines associated with any relocation or extension of new electric facilitates to accommodate the proposed uses of the site.
- Lumen Technologies provided a map of Lumen utilities located in the general vicinity of the subject property (see Attachment 'D').

Discussion

1. All subject properties included in the proposed rezoning exceed the minimum lot size requirements of the R-2/Two-Family Residential District.
2. A 'two-family dwelling' is not a permitted use in the R-1 District. As such, the proposed rezoning to the R-2 District is necessary to allow the applicants to construct a duplex on the undeveloped parcel of land they own.
3. If proposed rezoning is approved, any construction that occurs on the undeveloped parcel of land owned by the applicants shall conform to the site development standards in Section 15.09.050, *Site Development Regulations in the R-2 District*, of the Council Bluffs Municipal Code (Zoning Ordinance).
4. The applicants, at the recommendation of the Community Development Department, have included 20 Norton Avenue, 40 Norton Avenue, 100 Norton Avenue and 1326 North Broadway in the request for zoning consistency purposes.
5. A 'single-family dwelling, detached' is a permitted use in the R-2 District. As such, the proposed rezoning will not have an adverse impact on the conformity of the existing single-family residential uses on 20 Norton Avenue, 40 Norton Avenue, 100 Norton Avenue and 1326 North Broadway.
6. Since the site development regulations in the R-1 and R-2 Districts are virtually identical, the proposed rezoning will not create or resolve any nonconformities relative to the existing residential structures (i.e., lot coverage, setbacks and height).

7. If approved, the subject properties will be zoned to a district that remains consistent with the general character of the surrounding residential neighborhood. The proposed two-family residential use is compatible with the existing development in the area and will not have an adverse impact on properties in the vicinity.
8. The Bluffs Tomorrow 2030 (Comprehensive Plan) designates the subject properties as Low-Density Residential. The R-2 District is generally consistent with the Low-Density Residential classification.
9. Adequate utilities (e.g., water, sanitary sewer, electric, etc.) are available to accommodate the uses permitted in the R-2 District.

Recommendation

The Community Development Department recommends approval of the request of Tim and Matt Storey to rezone properties legally described as the East ½ of Lot 3 and Lots 4 through 12, Auditor's Subdivision of part of Lot 4 in the NE ¼ NW ¼ and that part of Lot 1 in the NW ¼ NW ¼ all in Section 30-75-43, City of Council Bluffs, Pottawattamie County, Iowa, from R-1/Single-Family Residential District to R-2/Two-family Residential District.

Public Hearing

Staff speaker for the request:

1. Moises Monrroy, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, Iowa 51503

Speakers in favor: None

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended approval of the request of Tim and Matt Storey to rezone properties legally described as the East ½ of Lot 3 and Lots 4 through 12, Auditor's Subdivision of part of Lot 4 in the NE ¼ NW ¼ and that part of Lot 1 in the NW ¼ NW ¼ all in Section 30-75-43, City of Council Bluffs, Pottawattamie County, Iowa, from R-1/Single-Family Residential District to R-2/Two-family Residential District.

VOTE: AYE – Bass, Danielsen, Halm, Haner, Hutcheson, Rater, Rew, Scott, Stroebele, and VanHouten NAY - None ABSTAIN - None ABSENT – None VACANT - One Motion: Carried.

Attachments

Attachment A: Location/Zoning Map
Attachment B: Signatures of Property Owners Included in the Request
Attachment C: Lumen Technologies Utility Location Map

Prepared by: Moises Monrroy, Planner, Community Development Department