City Council Communication

Department: Community Development CASE #OTB-24-009 Applicant: Nicole Benegas 926 Avenue H Council Bluffs, IA 51503	Reso. of Intent No. _____ Reso. to dispose No. _____	Set Public Hearing: 11/18/2024 Public Hearing: 12/16/2024

Subject/Title

Request: Set public hearing on the request of Nicole Benegas to purchase City owned property legally described as Lot 10, Block 11, Crawford's Addition, City of Council Bluffs, Pottawattamie County, Iowa. The property was formerly addressed at 924 Avenue H.

Location: East of 926 Avenue H

Background/Discussion

The City has received an offer to purchase the property described above. The property is classified as 'transitional dispose' and 'buildable.' The applicant wishes to acquire the subject property in order to incorporate it into property she owns at 926 Avenue H, which is located directly to the west. According to the *Inventory and Disposal Policy for Surplus City Property*, adopted by City Council on April 23, 2018, the property should be priced at the most recent assessed value, which on this property would be $11,000.00. The applicant has offered $1,200.00 to purchase the property, and has submitted a $1,100.00 down payment.

In March 2022, the City passed Resolution 22-87 to sell the subject property to Tammy Grimm under the City's *Inventory and Disposal Policy for Surplus City Property* program for $9,800.00 (the assessed value of the subject property at the time). Ms. Grimm proposed to build a home on the subject property. In September 2023, Ms. Grimm contacted the City stating the adjacent neighbor (the applicant of this request) was encroaching on the subject property, hindering the development of the property within the deadline established in Resolution No. 22-87. On November 13, 2023, at the request of Ms. Grimm, City Council passed Resolution No. 23-311 to transfer ownership the subject property back to the of the City.

As is stated in the adopted *Inventory and Disposal Policy for Surplus City Property*, City owned property is eligible for a forgivable mortgage if it has been actively marketed on the Surplus Property list for more than 24 months. Since the City gained ownership of the subject property less than 24 months ago, it is not eligible for a forgivable mortgage.

The subject property is 33 feet wide by 130 feet deep, and contains 4,290 square feet in area. Since the subject property does not meet the minimum lot size requirements in the R-2/Two-Family Residential District, it is considered a nonconforming lot of record. As per Section 15.26.020 of the Municipal Code (Zoning Ordinance), "nonconforming lots of record existing at the effective date of the ordinance codified in this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any principal use allowed by the regulations for the district and must comply with all other density regulations set forth by this chapter." Although the subject property is a nonconforming lot of record, it is considered buildable as a single-family structure can be constructed on the lot that meets all minimum R-2 District site development regulations. As a nonconforming lot of record, the subject property is also eligible for a conditional use permit for an 'infill dwelling structure,' which can provide some flexibility

from the land development regulations of the underlying zoning district that could further facilitate the construction of a home at this site.

As stated above, the *Inventory and Disposal Policy for Surplus City Property* requires the subject property to be priced at the most recent assessed value ($11,000.00). The applicant's offer of $1,200.00 is below the assessed value of the property. The applicant's reasoning for offering an amount lower than market value is that the subject property is too small for any development to occur. The Community Development Department explained to the applicant that the subject property is buildable, as noted above, and that their offer is not consistent with the *Inventory and Disposal Policy for Surplus City Property*.

Recommendation

The Community Development Department recommends denial of the request of Nicole Benegas to purchase City owned property legally described as Lot 10, Block 11, Crawford's Addition, City of Council Bluffs, Pottawattamie County, Iowa, for the reasons stated above.

Attachments

Attachment A: Zoning/Location Case Map
Attachment B: Resolution No. 23-311

Prepared by: Moises Monrroy, Planner