**City Council Communication**

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| Department: Community Development<br><br>CASE # ZC-21-001<br><br>Applicant/Property Owner:<br>Triple Play Holdings, LLC<br>101 North 69th Street, Apt. 31<br>Omaha, NE 68132 | Ordinance No. _____ | 1st Consideration: 3/22/2021<br>2nd Consideration: 4/12/2021<br>3rd Consideration: 4/26/2021<br><br>Planning Commission: 3/9/2021 |

**Subject/Title**

**Request**: Public hearing on the request of Triple Play Holdings, LLC, represented by Deric Poldberg, to rezone property legally described as Lot 3 and the Westerly 60 feet of Lot 5, Auditor's Subdivision of the SE ¼ SE ¼ of Section 36-75-44, City of Council Bluffs, Pottawattamie County, Iowa, from R-1/Single-Family Residential District to R-3/Low-Density Multifamily Residential District.

**Location**: 147 15th Avenue

**Background**

The Community Development Department has received an application from Triple Play Holdings, LLC, represented by Deric Poldberg, to rezone property addressed at 147 15th Avenue and legally described as Lot 3 and the Westerly 60 feet of Lot 5, Auditor's Subdivision of the SE ¼ SE ¼ of Section 36-75-44, City of Council Bluffs, Pottawattamie County, Iowa, from R-1/Single-Family Residential District to R-3/Low-Density Multifamily Residential District. The applicant is requesting the proposed rezoning in order to obtain a conditional use permit for the baseball training facility at this site.

The subject property, formerly used as Pusey Elementary School, is split-zoned R-1/Single-Family Residential District and R-3/Low Density Multifamily Residential District. The school building is located in the R-1 District, and the associated parking lot and playground are located in the R-3 District. After the school closed down in 2010, the previous property owner, the Council Bluffs Community School District, leased the subject property to Heartland Family Service until 2014. In January 2015, the applicant began leasing the subject property from the school district to operate a baseball training facility (Triple Play Sports) at the former school building. The applicant also maintained the building safe from vandalism during this time on behalf of the school district. The applicant purchased the subject property in October 2020. The applicant intends to rezone the subject property and obtain a conditional use permit from the Zoning Board of Adjustment in order to bring the baseball training facility into conformance with Title 15: Zoning of the Council Bluffs Municipal Code.

*Land Use and Zoning*

The following zoning and land uses surround the subject properties:

North: Residential properties that are zoned R-1/Single-Family Residential District.
South: Residential properties that are zoned R-1/Single-Family Residential District and R-3/Low Density Multifamily 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 and R-3/Low Density Multifamily Residential District.

The future land use plan of the Bluffs Tomorrow: 2030 (Comprehensive Plan) designates the subject properties as Public/Semi-Public.

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

- Bryce Triplett, owner of 110 15th Avenue, stated that approval of the proposed rezoning should be subject to a condition which requires the subject property to revert to the R-1/Single-Family Residential District if the existing baseball training facility ceases to operate. The purpose of this request is to avoid the subject property being developed as multifamily housing.

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

- 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.

**Discussion**

1. The subject property is currently split-zoned R-1/Single-Family Residential District and R-3/Low Density Multifamily Residential District. If approved, the proposed rezoning will provide one consistent zoning classification for the entire premises.
2. The baseball training facility located on the subject property is considered a 'commercial recreation' establishment, as defined in Sections 15.03.156 and 15.03.157 of the Council Bluffs Municipal Code (Zoning Ordinance). While 'commercial recreation (indoor and outdoor)' is a conditional use in the R-3 District, it is not permitted in the R-1 District. As such, the baseball training facility is an existing illegal use since it was established after the effective date of the current Zoning Ordinance without the necessary regulatory approval. The Community Development Department communicated this information to the applicant prior to them purchasing the subject property.
3. The proposed rezoning is the first step in the process to bring the existing baseball training facility into conformance with Title 15: Zoning of the Council Bluffs Municipal Code.
4. If the proposed rezoning is approved, the applicant shall obtain a conditional use permit (CUP) from the Zoning Board of Adjustment to allow 'commercial recreation (indoor and outdoor)' in the R-3 District. Site development regulations and off-street parking standards will be addressed as part of the CUP review process.
5. The subject property exceeds the minimum lot size requirements of the R-3 District.
6. As per the submitted letter of intent (see Attachment 'B'), the applicant plans to lease part of the former school building to other businesses and/or non-profit organizations in order to generate additional revenue. Only land uses allowed in the R-3 District shall occur on the subject property.
7. The Bluffs Tomorrow: 2030 (Comprehensive Plan) designates the subject property as Public/Semi-Public, which is intended for larger areas that support activities for the benefit of the general public. The R-3 District and the existing 'commercial recreation' establishment on the subject property are generally consistent with the intent of the Public/Semi-Public land use designation. The Comprehensive Plan also indicates that the City should work to adaptively reuse schools, local libraries, churches and other supporting uses that have since been vacated and left behind structures that may become dilapidated. If the existing baseball training facility were to cease operations, the subject property could accommodate other uses, such as housing, social

services, local offices or other institutional uses that complement the surrounding neighborhood. The proposed rezoning would facilitate the adaptive reuse of the subject property.

8. 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 Triple Play Holdings, LLC, represented by Deric Poldberg, to rezone property legally described as Lot 3 and the Westerly 60 feet of Lot 5, Auditor's Subdivision of the SE ¼ SE ¼ of Section 36-75-44, City of Council Bluffs, Pottawattamie County, Iowa, from R-1/Single-Family Residential District to R-3/Low-Density Multifamily 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:

1. Deric Poldberg, Triple Play Holdings, LLC, 101 North 69th Street, Apt. 31, Omaha, NE 68132

Speakers against: None

**Planning Commission Recommendation**

The Planning Commission recommended approval of the request of Triple Play Holdings, LLC, represented by Deric Poldberg, to rezone property legally described as Lot 3 and the Westerly 60 feet of Lot 5, Auditor's Subdivision of the SE ¼ SE ¼ of Section 36-75-44, City of Council Bluffs, Pottawattamie County, Iowa, from R-1/Single-Family Residential District to R-3/Low-Density Multifamily 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: Letter of Intent

Prepared by: Moises Monrroy, Planner, Community Development Department