City of Carroll

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MEMO TO: Honorable Mayor and City Council Members

FROM: Mike Pogge-Weaver, City Manager MSP-W

DATE: February 9, 2017

SUBJECT: Consider a request to initiate Zoning Text Amendments to the A-2 and A-P zoning districts

Carroll County and Journey Senior Services have requested the City consider initiating Zoning Text Amendments to the A-2 and A-P zoning districts in order to facilitate the transfer of the former Mallard View building and approximately 7 to 8 acres of land from Carroll County to Journey Senior Services.

The property is currently zoned A-2, Agricultural District, with the overlay zoning of A-P, Agricultural Preserve. The A-P zoning overlay requires a minimum lot size of 20 acres for properties in the A-2 zoning district. Additionally, the A-2 zoning district does not permit nursing homes in the district. Since Mallard View was built prior to zoning, it is permitted to continue as a legal non-confirming use. As a legal non-confirming, the building cannot be expanded nor could it be rebuilt if it was destroyed by more than 60%. Additionally, as a legal non-confirming use, financing could be difficult to obtain which likely would jeopardize the project and the community could lose the building and services.

In discussing this issue internally, two Zoning Text Amendments are needed to address these two issues and are supported by staff. The first would be an amendment to the A-P zoning district to permit a parcel smaller than 20 acres in size when used for commercial or institutional type of uses and when connected to City water and sanitary sewer services. To do this, staff suggests the addition of the following language in the A-P zoning overlay district in City Code section 170.15 paragraph 5.A:

> (3) Uses in the A-P area including commercial, public facilities, institutional facilities, group living (not including apartments), or parks that are connected and served by City of Carroll public water and sanitary sewer systems shall have no minimum lot size except as otherwise required by the underlying zoning district. This exception applies even with a property is zoned A1, A2, or R.

This change would still require a 5-acre lot, as required by the A-2 zoning.

The second amendment would be to the A-2 zoning district to add dementia care as a permitted use in the district. Suggested language by staff would be to add the following to the A-2 zoning district in City Code section 170.12 paragraph 2:

> M. Hospitals, sanitariums, rest homes, nursing homes, convalescent home, or similar institutions that are connected and served by City of Carroll public water and sanitary sewer systems.

At this time, Council should simply initiate the amendment process and send the request to the Planning and Zoning Commission for a public hearing and review on March 8th. The request would then come back to the City Council as an ordinance for a public hearing and consideration on March 27th.

RECOMMENDATION: Initiate the Zoning Text Amendment process and send the request to the Planning and Zoning Commission for a public hearing and recommendation.

CARROLL COUNTY
BOARD OF SUPERVISORS

COURT HOUSE
CARROLL, IOWA 51401

February 6, 2017

Dear Carroll City Council members:

Carroll County is currently allowed, under existing ordinance, a non-conforming use of the county care facility. Due to federal rules, it is not expected that clients will be housed there in the foreseeable future.

Rather than raze the building, the county has conditionally accepted an offer for the buildings and surrounding approx. 7 acres from a local group. The plan is to operate a dementia care center.
It is much better for the new owner to have a legal conforming use. To that end, Carroll County is requesting that the zoning ordinance be amended to allow this type of use and a lot size of not less than 5 acres, which fits current A-2 zoning. The County plans to reserve an easement for continuing use of the communications tower – which provides back-up for county operations as well as use by the school district.

This minor zoning ordinance change will allow for an opportunity for a needed service, employment and will further the goal of preserving farm land.

The Board of Supervisors hopes for the opportunity to further review the plan with each of you, individually and as a council.

Respectfully,

Eugene Meiners

Eugene Meiners
Chair, Carroll County Board of Supervisors

114 East 6th Street ● Carroll, Iowa 51401 ● 712-792-4923

Journey Senior Services

Ken and Nancy Snyder

Chad Kanne

Matt Wendl

P.O. Box 771

Carroll, Iowa 51401

712-790-2660

February 8, 2017

The owners of Journey Senior Services are proposing to develop a 24-unit Dementia Memory Care facility. Our social model of care will be a large open homelike atmosphere where each resident will reside in a room that depicts their life's journey. Our facility will provide a much-needed service that will enable us to keep families close to their loved ones, when afflicted with this terrible disease.

Alzheimer's in Iowa is the 6th leading cause of death, with an estimated 63,000 currently affected with the disease. Expected increase in diagnosis's by 2025 is 17.7%.

We support the County's request for a zoning text amendment to the City of Carroll's zoning code that specifically permits a commercial use in the A-P overlay district on a parcel that is 7 to 8 acres in size, which is less than the normal 20-acre parcel as required by the A-P overlay district.

Additionally, nursing homes and similar uses, similar to what existed at Mallard View, is not a permitted use in the underlying A-2 zoning district. While the use can remain as a "legal non-conforming use" we support the County's request to add nursing homes and similar uses as permitted use in order for future additions on the site and for the building to be rebuilt on the site in case of destruction.

Thank You for your consideration.

Sincerely,

Journey Senior Services

170.12 A-2, AGRICULTURAL DISTRICT.

1. Statement of Intent. This district is intended to accommodate areas predominately agricultural in character or undeveloped for urban use and which are beyond the corporate limits but which fall in the extended area set out in the 28E Agreement between the City of Carroll and Carroll County for zoning, platting and building code control.

2. Principal Permitted Uses. A building or premises shall be used only for the following purposes:

A. Agricultural purposes including necessary buildings and structures which shall be used for agriculture including but not limited to farming, dairying, pasturage, horticulture, floriculture and animal and poultry husbandry and the necessary accessory uses for packing, treating and storing, the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

B. Public parks, playgrounds and recreational areas.

C. Public utility and public service installations and facilities.

D. Cemeteries of 10 acres or more in size.

E. Churches, chapels or parish houses located not less than 20 feet from any side lot line in any "R" District.

F. Any building or structure occupied or used for nursery, elementary, junior high or high schools, public libraries and similar public cultural uses located not less than 20 feet from any side lot line.

G. Sale of nursery and greenhouse products.

H. Railroad rights of way and trackage, not including switching, storage, terminal facilities or freight yards.

I. Single Family detached dwellings.

J. Transformer stations or booster or pressure regulating stations without service yard or storage.

K. Accessory buildings and uses incidental to the principal use, including outdoor swimming pools.

L. Private parking areas.

3. Special Uses: The following special uses are permitted in the "A-2" District only in accordance with the provisions set forth hereinafter.

A. Home occupations.

B. When granted Special Use Permit by the Board of Adjustment after consultation with the Planning and Zoning Commission:

(1) Sanitary landfills, in accordance with County and State regulations except that no sanitary landfill shall be operated within 1,320 feet of any "R" District.

(2) Removal and loading of minerals, sand and gravel, including equipment, buildings or structures for screening, crushing, mixing,

washing or storage located not less than 500 feet from any "R" District and suitably distant or properly screened from any designated scenic highway.

(3) Privately operated country clubs, golf courses, marinas or docking facilities, guest ranches, swimming clubs, riding stables, lakes, resorts or similar recreational uses provided that any principal or accessory building in connection therewith shall be located above flood hazard elevation and not less than 200 feet from any lot in an "R" District.

(4) Airports and landing fields.

4. The following minimum or maximum requirements shall be observed:

A. Lot area: The minimum lot area shall be 5 acres.

B. Lot width: 300 feet minimum

C. Front Yard: 80 feet minimum along state and federal roads 60 feet minimum along other public roads.

D. Side Yards: 30 feet minimum

E. Rear Yard: 100 feet minimum

F. The maximum height for a principal structure shall be 30 feet and 15 feet for an accessory structure, except as provided in Section 170.32(1).

5. Off-Street Parking Requirements: Two per unit required for single family dwelling; and for all other permitted uses as required in Section 170.34.

170.15 A-P, AGRICULTURAL PRESERVATION OVERLAY DISTRICT.

1. Statement of Intent. This District is an overlay zoning that may be used in addition to existing zoning such as A or R Districts. Its intent is threefold:

A. To preserve agricultural use of land in areas beyond the corporate limits but which fall in the area set out in the 28E Agreement between the City of Carroll and Carroll County for zoning control.

B. To encourage the ordered development of housing in those areas immediately adjacent to existing housing within and abutting the city.

C. To avoid the many problems inherent in the development of 5 acre lots in areas not adjacent to current development. These problems include "hop-scotch" developments that are difficult to provide with city services as the city expands, and "land-locking" of areas resulting from development of land abutting roadways with no planned access to inner lots.

2. Exception for existing homes. This ordinance shall have no effect on homes or platted lots in existence as of the date of enactment or the ordinance by the City of Carroll.

3. Principal Permitted Uses. A building or premise shall be used only for the purposes designated by the underlying zoning.

4. Special Uses. The special uses that are permitted in the A – P Overlay District shall be those allowed by, and according to the procedures provided in, the underlying zoning.

5. Minimum Requirements.

A. Lot size.

(1) No lot less than 20 acres will be allowed in A-P areas zoned A1 or A2.

(2) A-P areas also zoned R are prohibited from having lots or parcels greater than 2 acres but less than 20 acres. Minimum lot size must conform to the designated zoning.

B. Width requirements. No lot in any A-P area also zoned A may have road or street frontage less than 300 feet, measured at the street.

6. Corridor Preservation. No lot in any A-P area may be platted, and no building permit shall be issued, that would deny future access to interior areas within any quarter quarter section. As a minimum, there must be left in any quarter quarter section sufficient land for a future 100-feet wide access lane or road to parcels not on street or road frontage, and no plat, survey or subdivision shall be approved which fails to preserve such a corridor of access.

7. Off-Street Parking Requirements. Off-street parking requirements shall be as permitted by the underlying zoning.