City of Carroll

112 E. 5th Street Carroll, Iowa 51401-2799 (712) 792-1000 FAX: (712) 792-0139

MEMO TO: Honorable Mayor and City Council Members

FROM: Mike Pogge-Weaver, City Manager MPW

DATE: March 13, 2017

SUBJECT: Zoning Text Amendment to the A-2 and A-P Zoning Districts

Carroll County and Journey Senior Services have requested the City consider revisions to the City's zoning code in the form of 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 when 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.

The Planning and Zoning Commission conducted a public hearing on this request at their March 8, 2017 meeting. Both Carroll County and Journey Senior Services spoke in favor of the request. No other public comments were received at that time. The Planning and Zoning Commission unanimously recommended approval of the request to the City Council.

The City Council will conduct a public hearing on this request at their March 27, 2017 meeting at 5:15 p.m., pursuant to Chapter 414 of the Code of Iowa and Chapter 170 of the Carroll Code of Ordinances. Public notice of this Public Hearing was published in the Carroll Daily Times Herald on March 17, 2017.

The City Council should review the requested zoning text amendments, take public comment on the request, close the public hearing, and consider introducing the ordinance and waiving the first reading. The Council could also consider waiving the second and third reading and adopt the ordinance on March 27th or take that action at a future meeting (April 10 and April 24).

PLANNING AND ZONING COMMISSION RECOMMENDATION: Mayor and City Council adopt the ordinance approving the Zoning Text Amendment.

STAFF RECOMMENDATION: Mayor and City Council introduction and waive the first reading of the attached zoning text amendments ordinance. Mayor and Council could also consider waiving the second and three readings and move to adoption of the attached Ordinance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CARROLL, IOWA, BY AMENDING PROVISIONS PERTAINING TO ZONING REGULATIONS.

BE IT ENACTED by the City Council of the City of Carroll, Iowa:

SECTION 1. SECTION MODIFIED. Chapter 170, Section 12, Subsection 2 of the Code of Ordinances of the City of Carroll, Iowa, is amended by adding the following paragraph M:

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.

SECTION 2. SECTION MODIFIED. Chapter 170, Section 15, Subsection 5, paragraph A of the Code of Ordinances of the City of Carroll, Iowa, is amended by adding the following subparagraph (3):

(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 when a property is zoned A1, A2, or R.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof adjudged not invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and adopted by the Carroll City Council this _____ day of _____, 2017.

CITY COUNCIL OF THE
CITY OF CARROLL, IOWA

By: _____
Eric P. Jensen, Mayor

ATTEST:

By: _____
Laura A. Schaefer, City Clerk

First Reading: March 27, 2017

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the _____day of _____, 2017.

_____

Laura A. Schaefer, City Clerk

PLANNING AND ZONING COMMISSION

MINUTES OF MARCH 8, 2017

The Carroll Planning and Zoning Commission met in regular session on March 8, 2017, 5:17 PM, in the Farner Government Building, Mayor's Office. Present: Ron Juergens, Thomas Loeck, Pat Mack, Katie McQueen, and Jayne Pietig. Absent: John Horbach, Lisa Lampe, Jean Ludwig and Pat Venteicher. Also present: Michel Pogge-Weaver, City Manager, David Bruner, City Attorney and Greg Schreck, Building/Fire Safety Official. Commissioner Thomas Loeck presided.

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MOTION by Juergens, second by Macke, to elect Thomas Loeck as chairperson. All present voted aye. Absent: Horbach, Lampe, Ludwig and Venteicher. Motion carried.

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MOTION by Juergens, second by Macke, to elect Katie McQueen as vice-chairperson. All present voted aye. Absent: Horbach, Lampe, Ludwig and Venteicher. Motion carried.

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MOTION by Juergens, second by McQueen, to approve the minutes of the October 12, 2016 as mailed. All present voted aye. Absent: Horbach, Lampe, Ludwig and Venteicher. Motion carried.

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Michel Pogge-Weaver, City Manager, reviewed the zoning text amendments to the A-2 and A-P Zoning Districts within current City of Carroll Zoning Ordinance. A public hearing was opened at 5:21PM by Chairperson Loeck to review the zoning text amendments as presented. Kenny Snyder, representing Journey Senior Services, spoke in support of the amendments. Neil Bock, representing Carroll County Board of Supervisors, spoke in support of the amendments. No one appeared to oppose the zoning text amendments. Notice of public hearing was published in the Daily Times Herald. The public hearing was closed at 5:26PM. MOTION by Juergens, second by Macke, to recommend to the City Council approval of the zoning text amendments to the A-2 and A-P Zoning Districts as presented. All present voted aye. Absent: Horbach, Lampe, Ludwig and Venteicher. Motion carried.

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MOTION by Juergens, second by McQueen, to adjourn at 5:27 PM. All present voted Aye. Absent: Horbach, Lampe, Ludwig and Venteicher. Motion carried.

Thomas Loeck, Chairperson

Michel J. Pogge-Weaver, City Manager

DRAFT

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