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: June 23, 2021, *July 8, 2021*

SUBJECT: Rezoning request from B-2, General Business District to RB-1, Residential-Business Transitional District

Background:
A request was received from Alexa J. and Lucas L. Lenhart to rezone the North 72 feet of Lot 1 and the North 72 feet of the East 10 feet of Lot 2, Block B, Seventh Street Addition to Carroll, Carroll County, Iowa from B-2, General Business District to RB-1, Residential-Business Transitional District. The address of the property is 711 N West St.

Analysis:
When considering rezoning requests, the Planning and Zoning Commission and City Council should take into account the following: Comprehensive Plan, Spot Zoning, and Public Input.

Comprehensive Plan:
A comprehensive plan serves as a long-range plan for community improvement, development, and growth. Iowa Code recommends for communities to adopt comprehensive plans, and that these plans should "include information on the amount, type, intensity and density of existing land use, trends in the market price, and plans for future land use throughout the municipality" (Chapter 18B). Said plans serve as policy guides, and are intended to be flexible and adaptive over time, setting forth the basic framework to guide activities and manage change.

The property is identified in the City of Carroll's Comprehensive Plan as General Business. The proposed rezoning to RB-1, Residential-Business Transitional District would NOT be in conformance with the City's adopted Comprehensive Plan. The uses surrounding the subject property are single-family residential homes except the 4-unit apartment building to the west and a commercial use (dry cleaner) to the southeast. The proposed rezoning would permit both a business or a single-family residential use on the property and appears to be compatible with the units existing adjacent to the subject property.

Spot Zoning:
According the Iowa State University & Outreach's "Midwest Planning Bluz" (Iowa State University Extension's **B**log on **L**and **U**se and **Z**oning), to determine whether illegal spot

zoning has occurred, the courts consider whether the rezoning takes into account the following:

1. the characteristics of surrounding property;
2. the community's comprehensive plan; and
3. the protection and preservation of public health, justice, morals, order, safety and security, and welfare (police power).

It does not appear this proposed rezoning constitutes spot zoning. As the attached Zoning Map shows, the requested zoning district of RB-1, Residential-Business Transitional District also exists north and east of the property.

Public Input:
As required by the City's Zoning Ordinance, letters were sent to property owners within 200' of the proposed rezoning and notice was published in the Carroll Times Herald on June 1, 2021 and June 18, 2021 notifying the public of the requested rezoning. As of the date of this memo, no comments have been received by the City.

Alternatives:
At the close of the public hearing to permit objections or recommendations from the public, the City Council shall approve or deny the rezoning request. The following options exist for the Council:

1. Approve the rezoning request from B-2, General Business District to RB-1, Residential-Business Transitional District for Parcel # 06-24-333-011;
2. Deny the rezoning request from B-2, General Business District to RB-1, Residential-Business Transitional District for Parcel # 06-24-333-011;
3. Table pending additional comment/feedback.

PLANNING AND ZONING COMMISSION RECOMMENDATION: The Planning and Zoning Commission reviewed the rezoning request at their June 9, 2021 meeting. The Commission voted to recommend that the City Council approve the proposed rezoning.

The proposed Ordinance was introduced and the first reading approved on June 28, 2021.

STAFF RECOMMENDATION:
That the City Council consider approving the request to rezone the North 72 feet of Lot 1 and the North 72 feet of the East 10 feet of Lot 2, Block B, Seventh Street Addition to Carroll, Carroll County, Iowa from B-2, General Business District to RB-1, Residential-Business Transitional District.

Surrounding Properties

NW – Single Family

N – Single Family

NE – Single Family

W/SW – 4-unit Apartment Building

Subject Property

E – Single Family

S- Single Family

SE – Commercial (Dry Cleaner)

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING MAP REFERRED TO IN SECTION 170.06 OF THE ZONING ORDINANCE INCORPORATED IN CHAPTER 170 OF THE CODE OF ORDINANCES OF THE CITY OF CARROLL, IOWA AND ALTERING THE ZONING DISTRICT FOR REAL ESTATE SITUATION IN THE CITY OF CARROLL, CARROLL COUNTY, IOWA:

BE IT ORDAINED by the City Council of the City of Carroll, Iowa as follows:

SECTION 1. The Zoning Map referred to and incorporated as a part of Section 170.06, Chapter 170 of the Code of Ordinances, City of Carroll, Iowa is hereby amended to the extent of altering the Zoning District of the following property described from B-2, General Business District to RB-1, Residential-Business Transitional District:

The North 72 feet of Lot 1 and the North 72 feet of the East 10 feet of Lot 2, Block B, Seventh Street Addition to Carroll, Carroll County, Iowa

SECTION 2. The City Clerk is directed to attach a copy of the Ordinance to the official Zoning Map.

SECTION 3. The remainder of the Zoning Map, other than herein specified, shall remain the same as previously drawn and published.

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. 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 6. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved by the Carroll City Council this _____ day of _____, 2021.

CITY COUNCIL OF THE
CITY OF CARROLL, IOWA

BY: _____
Eric P. Jensen, Mayor

ATTEST:

_____
Laura A. Schaefer, City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the ____ day of _____, 2021.

_____
Laura A. Schaefer, City Clerk