

## AGENDA ITEM SUMMARY

---

**Subject: Public hearing and second reading of Ordinance 1154 to rezone property owned by Larry Milleson and Jodi Hammond Milleson from R-3, Multi-Family Residence District, to B-3, Service Business District and set date for public hearing**

**Recommendation: Hold hearing and approve second reading of Ordinance 1154**

---

### **Background Summary:**

Larry Milleson and Jodi Hammond Milleson own the properties at 904 and 906 Court Street which are currently zoned R-3, Multi-Family Residence District and initially applied to rezone both properties to B-3, Service Business District. An aerial view of the area is attached showing the subject parcels and the surrounding zoning districts. The easterly half of the block was recently rezoned for Floyd County's law enforcement center from R-3 to B-3. The southwesterly quadrant of the block is already zoned B-3 and includes the Taco John's restaurant. The requested rezoning is an expansion of the surrounding B-3 zoning district.

The Planning and Zoning Commission met on August 23<sup>rd</sup> and held a public hearing on the matter. The applicants stated at the meeting they intend to operate a motorcycle engine repair business at 904 Court Street. There were Court Street residents in attendance at the public hearing and voiced concerns about potential noise, traffic, and other potential business activities if both properties are rezoned.

Following discussions with the applicants and residents, the Commission approved a recommendation to the City Council to rezone 904 Court Street to B-3 zoning district. The zoning district for 906 Court Street will remain as R-3. The applicants said the rezoning of only 904 Court Street will meet their business needs.

The Council completed the first reading of the ordinance amendment at the September 7th meeting to rezone 904 Court Street to B-3 Zoning District and will hold a public hearing and act on the second reading at Monday's meeting.

We recommend the Council approve the second reading of Ordinance 1154.

Larry Milleson and Jodi Hammond Milleson  
904 and 906 Court Street  
Rezoning Request

R-3 Zoning District to B-3 Zoning District



ORDINANCE NO. 1154

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT 904 COURT STREET, CHARLES CITY, IOWA, FROM R-3, MULTI-FAMILY RESIDENCE DISTRICT, TO B-3, SERVICE BUSINESS DISTRICT

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

**SECTION 1. Change in Zoning Classification.** Property legally described as:

Lot 16, Block 29, Kelly & Company's addition to St. Charles, now incorporated as Charles City, Iowa and that part of the alley in Block 29 of Kelly & Company's Addition to St. Charles now incorporated in and as a part of Charles City, Iowa, immediately abutting Lot 16 of said Block 29, otherwise described as follows: Commencing at the NEly corner of Lot 16, thence SWly 132 feet along the Ely Boundary of said Lot 16, thence SEly 7.92 feet along the Sly boundary of Lot 16 extended, thence NEly 132 feet along a line parallel with the Ely Boundary of Lot 16, thence NWly 7.92 feet to the point of beginning

(locally known as 904 Court Street, Charles City, Iowa)

presently classified as R-3, Multi-Family District, is hereby reclassified as B-3, Service Business District.

**SECTION 2. Map Amendment.** The official zoning map of the City of Charles City shall be modified to reflect these changes in zoning classification upon approval and passage of this Ordinance.

**SECTION 3. Severability.** 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 not adjudged invalid or unconstitutional.

**SECTION 4. When Effective.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Dean Andrews, Mayor

ATTEST:

\_\_\_\_\_  
Trudy O'Donnell, City Clerk

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---

Trudy O'Donnell, City Clerk