

CRITERIA	QUESTIONS TO ASK & RESOURCES TO USE IN STAFF REPORT	DESCRIPTION
<b>Character of the Neighborhood</b>	<ul style="list-style-type: none"> <li>• Zoning of neighboring properties to the N, E, S and W?</li> <li>• General structure height and size in the neighborhood?</li> <li>• Age of structures?</li> <li>• Noise levels of both subject property and adjacent properties?</li> <li>• Historic conditions?</li> </ul>	<p>This is a <i>factual</i> description of surrounding land uses and zoning districts describing the neighborhood. Things that can be considered are noise levels, shadows, open space, historical characteristics, transportation etc.</p> <p>This does not include renters vs. owners, single family vs. two-family, or other things that don't affect the urban design of the <i>neighborhood</i>. Whoever lives in the buildings makes little difference to the "character" of the neighborhood.</p>
<b>Suitability of the Subject Property for the Uses to which it has been Restricted</b>	<ul style="list-style-type: none"> <li>• What is the properties current zoning?</li> <li>• Allowable uses per that zoning district?</li> <li>• Does the existing zoning still make sense for this property?</li> <li>• Do these uses fit with what exists around the site?</li> <li>• Do others fit that are not listed?</li> </ul>	<p>Suitability is looking specifically at the zoning code. This criterion is focused on what the property is current zoned. Having a property zoned agricultural which is too small for such uses may be an example. A property whose zoning regulations have setbacks that make it undevelopable may be another example.</p>

<p><b>Extent to which Removal of the Restrictions will Detrimentially Affect Nearby Property</b></p>	<ul style="list-style-type: none"> <li>• Do the allowed uses in this zoning district conflict with any surrounding sites?</li> <li>• Do the regulations in this zoning district conflict with any surrounding areas?</li> </ul>	<p>Should be based in <i>fact not fear/preference</i>. Answer should be based on zoning-related pieces like uses, setbacks, traffic, lot sizes, etc. Regulations and zoning districts can be different from one another in the same area without being ‘conflicting’.</p> <p>Can any undesirable impacts be mitigated with screening or other design features?</p>
<p><b>Length of Time the Property has been Vacant as Zoned</b></p>	<ul style="list-style-type: none"> <li>• Is the property vacant?</li> <li>• How long has it been vacant?</li> <li>• Are there any known reasons for the vacancy? <ul style="list-style-type: none"> <li>○ Non-suitable zoning</li> <li>○ Financing issues</li> <li>○ Market won’t support the use</li> <li>○ Lack of utilities/services</li> <li>○ Various other potential problems</li> </ul> </li> </ul>	<p>Information is <i>factual</i> but the level of importance of this information can be subjective. Sometimes, a property remains vacant because the zoning is unsuitable, which can be an indicator that a rezoning is advisable. Look at surrounding property zoning districts and uses for clues as to what is working in the area. For example, a property with residential rezoning that has remained undeveloped may be more appropriately rezoned for commercial uses.</p> <p>Sometimes, vacancies are due to other non-related zoning issues like developer financing or an excess of supply of similar properties.</p>
<p><b>Relative Gain to Public Health, Safety, and Welfare as Compared to the Loss in Value or the Hardship Imposed upon the Applicant</b></p>	<ul style="list-style-type: none"> <li>• What, if any, are the public health, safety, and welfare concerns if the rezoning is approved? If it is denied?</li> <li>• How would a denial of the rezoning request impact the applicant? <ul style="list-style-type: none"> <li>○ Limit future ability to use private property as the private owner desires.</li> </ul> </li> </ul>	<p>The public’s health, safety, and welfare are foundational reasons for zoning, and should be prioritized based on <i>factual information</i> and not speculative opinions or personal preferences. This should be weighed against a property owner’s right to use their property in the manner in which they see fit.</p> <p>There are legal cases that have set precedents in this regard. You cannot deny someone the use of their private property without a compelling reason. The impact to the public’s health, safety, or welfare should be documented thoroughly, especially if recommending denial of a request.</p>

<p><b>Conformance of the Requested Change to the Adopted or Recognized Master Plan being Utilized by the City</b></p>	<ul style="list-style-type: none"> <li>• Does the rezoning conform with/further progress toward the Comprehensive Plan, especially the:             <ul style="list-style-type: none"> <li>○ Future Land Use Map</li> <li>○ Goals, Strategies</li> <li>○ Transportation Assets</li> </ul> </li> <li>• Look to other master and strategic plans adopted by the city such as utility plans, transit plans, parks plans, etc.</li> </ul>	<p>Find specific instances (reference page numbers) from the reference plan that support or deny the request for rezoning. Consider if the plan being referenced is current or out of date. Are there any circumstances that have occurred since adoption of the plan that would change its recommendation?</p> <p>The comprehensive plan is never legally binding. However, when you can site the comprehensive plan as supporting or conflicting with a rezoning, your decision will be easier be considered rational should it be challenged. The opposite is true – if you go against the comprehensive plan without a sufficient reason, it will be more difficult to be considered rational.</p>
<p><b>Impact of the Proposed Development on Community Facilities</b></p>	<ul style="list-style-type: none"> <li>• Is infrastructure expansion needed, possible, reasonable, desirable?</li> <li>• Does the proposed expansion comply with the City’s utility plan?</li> <li>• Will the tax revenue generated from the project sufficiently provide for both the upfront capital costs and ongoing maintenance costs of the infrastructure?</li> <li>• Will the rezoning impact parks, recreation, and public safety services?</li> </ul>	<p>Consider all infrastructure including public services the City provides – water, sewer, stormwater, roads, fire, police, parks, recreation, etc. Our current growth patterns in the Midwest of unregulated single-family greenfield development have put cities in severe deficits trying to fund ever-expanding infrastructure without a high enough tax base. There should be a solid understanding of the City’s financial responsibilities before and after the proposed zone change. Findings on this criterion should be informed by <i>factual information/analysis</i> and avoid speculation/conjecture.</p>

<b>Opposition or Support of Neighborhood Residents (a factor to be considered, not sufficient by itself to approve or deny a request)</b>	<ul style="list-style-type: none"> <li>• Has there been vocal or written opposition or support from any neighboring residents?</li> <li>• Were surrounding owners sufficiently notified of the requested rezoning?</li> </ul>	<p>This is not a reasonable factor to use by itself when considering approval or denial. This factor can help add weight to one side or another but should most often be used to help inform other review criteria. There are regulations in place for notifying nearby properties with any rezoning request. Ensure this has taken place.</p>
<b>Recommendations of Permanent Staff</b>	<ul style="list-style-type: none"> <li>• Considering all the previous factors, what is the best recommendation based on the staff's professional expertise?</li> <li>• How does this comply with other technical reports such as the Capital Improvement Plan?</li> </ul>	<p>This is based in professional judgement taking all factors into consideration.</p>