

POTTAWATTAMIE COUNTY
BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA

WEDNESDAY, JULY 22, 2020
5:30 P.M.-Meeting

Via Zoom Meeting – Listen Only

<https://zoom.us/j/99002835233?pwd=akdTWjdiM3FRZ2ZjZ3pDc0FhTC9iZz09>

Meeting ID: 990 0283 5233

Password: 921616

1. CALL TO ORDER

Chairman Genereux called the meeting to order at _____ P.M.

2. ROLL CALL

Members Present: Genereux Leaders Pierce Huerter

Members Absent: Genereux Leaders Pierce Huerter

Staff Present: Kalstrup Wyant

3. MINUTES

Motion #1: to approve the Minutes of April 22, 2020

Motion by: _____

Second by: _____

Vote: _____

4. PUBLIC HEARINGS

The Chairman read a statement advising the audience that the public hearings would be conducted in accordance with the Board's Rules of Procedure.

CASE #CU-2020-04

PROPERTY OWNER: Carstens 1880 Farmstead Inc

APPLICANT: Pork Belly Ventures LLC

REQUEST: A Conditional Use Permit to allow temporary establishments or enterprises involving large assemblages of people or automobiles including, but not limited to, carnivals, circuses, rodeo grounds, show rings, livestock auction barns and yards, music festivals, sports festivals and similar uses.

TOWNSHIP: Pleasant

STREET: 32409 380th Street

ZONING: A-2 (Agricultural Production) District

LEGAL DESCRIPTION: 9-77-40 BLDG SITE N1/2 SW EXC COMM 82.38'W SE COR NE SW TH W527.54' N412.9'E527.53'S412.91' TO POB(EXEMPT PORTION)

CASE #CU-2020-05

PROPERTY OWNER: Mabel E Buboltz Trust

APPLICANT: Reworx Services Group LLC, Tim Cofield

REQUEST: A Conditional Use Permit to allow a transformer station, booster station or utility station.

TOWNSHIP: Layton

STREET: Truman Avenue

ZONING: A-2 (Agricultural Production) District

LEGAL DESCRIPTION: 14-77-38 NE SW

5. OTHER BUSINESS

6. ADJOURNMENT

Motion #___: to adjourn.

Motion by: _____

Second by: _____

Vote: _____

The meeting was adjourned at approximately ____ P.M.

**POTTAWATTAMIE COUNTY
BOARD OF ADJUSTMENT MINUTES
WEDNESDAY, APRIL 22, 2020
VIA ZOOM**

1. CALL TO ORDER

Chairman Genereux called the meeting to order at 5:30 P.M.

2. ROLL CALL

Members Present: Genereux, Pierce, Jensen, Leaders, Pierce
Members Absent: Huerter
Staff Present: Kalstrup, Wyant

3. MINUTES

Motion #1: to approve the Minutes of March 25, 2020
Motion by: Pierce.
Second by: Jensen.
Vote: Unanimous. Motion carried.

4. PUBLIC HEARING

The Chairman read a statement advising the audience that the public hearings would be conducted in accordance with the Board's Rules of Procedure.

CASE #ZV-2020-01

APPLICANT: Bryce – Jamie Poland
REQUEST: A 2'4" height variance to allow the construction of a pole building with a height of 24'4" in lieu of 22'.
TOWNSHIP: Hardin
STREET: 29787 Dogwood Rd
ZONING: R-1
LEGAL DESCRIPTION: 36-75-42 N1/2 NE N529' W563' E1394'

Motion #2: to open the public hearing on Case #ZV-2020-01
Motion by: Leaders.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #3: to close the public hearing on Case #ZV-2020-01
Motion by: Jensen.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #4: to approve the request of Bryce – Jamie Poland for a 2'4" height variance to allow the construction of a pole building with a height of 24'4" in lieu of 22'), as filed under Case #ZV-2020-01, subject to the following conditions:

1. The proposed building shall be setback at a minimum of 25 (twenty five) feet from the side yard and 50 (fifty) feet from the rear yard.

Based on the following facts of findings:

1. The applicants' lot size is sufficient to support proposed structure.
2. The property is not in a platted subdivision.
3. The subject building is not going to be used for any commercial activities.

4. The aforementioned facts reduce the potential visual and aesthetic impacts on the line of sight for which the height restriction was adopted.

Motion by: Jensen.
Second by: Pierce.
Vote: Ayes – Jensen, Pierce, Genereux, Leaders. Motion Carried.

CASE #ZV-2020-02

APPLICANT: Pottawattamie County, Iowa
PROPERTY OWNER: Connie D Crispin
REQUEST: A variance to create a parcel of land in an A-3 (River Front and Ag Production) to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.

TOWNSHIP: Rockford
STREET: 31699 140th St
ZONING: A-3 (River Front & Ag Production) District
LEGAL DESCRIPTION: 16-77-44 SW NW

Motion #5: to open the public hearing on Case #ZV-2020-02
Motion by: Jensen.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #6: to close the public hearing on Case #ZV-2020-02
Motion by: Jensen.
Second by: Leaders.
Vote: Unanimous Vote. Motion Carried.

Motion #7: to approve the request of Connie D Crispin for variance to create a parcel of land in an A-3 (River Front and Ag Production) to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-02, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20042 and Parcel 20048 to be severed from PIN774416100007.
2. The survey to create Parcel 20042 and Parcel 20048 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deeds to create Parcel 20042 and Parcel 20048 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20042 and Parcel 20048 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcels 20042 and 20048 are not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcel 20042 and Parcel 20048 or another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

CASE #ZV-2020-03

APPLICANT:

Pottawattamie County, Iowa

PROPERTY OWNER:

Connie D Crispin

REQUEST:

A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.

TOWNSHIP:

Rockford

STREET:

140th St

ZONING:

A-3 (River Front & Ag Production) District

LEGAL DESCRIPTION:

16-77-44 SW NW

Motion #8:

to open the public hearing on Case #ZV-2020-03

Motion by:

Jensen.

Second by:

Pierce.

Vote:

Unanimous Vote. Motion Carried.

Motion #9:

to close the public hearing on Case #ZV-2020-03

Motion by:

Jensen.

Second by:

Leaders.

Vote:

Unanimous Vote. Motion Carried.

Motion #10:

to approve the request of Connie D Crispin to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-03, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20042 and Parcel 20048 to be severed from PIN774416100007.
2. The survey to create Parcel 20042 and Parcel 20048 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deeds to create Parcel 20042 and Parcel 20048 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the

property owner to record said deeds will automatically void this variance approval.

3. Parcel 20042 and Parcel 20048 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcels 20042 and 20048 are not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcel 20042 and Parcel 20048 or another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

CASE #ZV-2020-04

APPLICANT:

Pottawattamie County, Iowa

PROPERTY OWNER:

Rockford Farms Inc

REQUEST:

A variance to create a parcel of land in an A-3 (River Front and Ag Production) to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.

TOWNSHIP:

Rockford

STREET:

31938 130th St

ZONING:

A-3 (River Front & Ag Production) District

LEGAL DESCRIPTION:

18-77-44 NE NE

Motion #11:

to open the public hearing on Case #ZV-2020-04

Motion by:

Jensen.

Second by:

Pierce.

Vote:

Unanimous Vote. Motion Carried.

Motion #12:

to close the public hearing on Case #ZV-2020-04

Motion by:

Jensen.

Second by:

Leaders.

Vote:

Unanimous Vote. Motion Carried.

Motion #13:

to approve the request of Rockford Farms Inc for variance to create a parcel of land in an A-3 (River Front and Ag Production) to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-04, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20047, 20052, 20053 and 20054 to be severed from PIN 7744 18 200 002.
2. The survey to create Parcels 20047, 20052, 20053 and 20054 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deeds to create Parcel 20047, 20052, 20053 and Parcel 20054 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20047, 20052, 20053 and 20054 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcels 20047, 20052, 20053 and 20054 are not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcels 20047, 20052, 20053 and 20054 or another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

CASE #ZV-2020-05

APPLICANT:

PROPERTY OWNER:

REQUEST:

TOWNSHIP:

STREET:

ZONING:

LEGAL DESCRIPTION:

Pottawattamie County, Iowa

Rockford Farms Inc

A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.

Rockford

130th St

A-3 (River Front & Ag Production) District

18-77-44 NE NE

Motion #14:

Motion by:

Second by:

to open the public hearing on Case #ZV-2020-05

Jensen.

Pierce.

Vote: Unanimous Vote. Motion Carried.

Motion #15: to close the public hearing on Case #ZV-2020-05
Motion by: Jensen.
Second by: Leaders.
Vote: Unanimous Vote. Motion Carried.

Motion #16: to approve the request of Rockford Farms Inc for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-05, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20047, 20052, 20053 and 20054 to be severed from PIN 7744 18 200 002.
2. The survey to create Parcels 20047, 20052, 20053 and 20054 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deeds to create Parcel 20047, 20052, 20053 and Parcel 20054 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20047, 20052, 20053 and 20054 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcels 20047, 20052, 20053 and 20054 are not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcels 20047, 20052, 20053 and 20054 or another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

CASE #ZV-2020-06

APPLICANT: Pottawattamie County, Iowa
PROPERTY OWNER: Rockford Farms Inc
REQUEST: A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.
TOWNSHIP: Rockford
STREET: 130th St
ZONING: A-3 (River Front & Ag Production) District
LEGAL DESCRIPTION: 18-77-44 NE NE

Motion #17: to open the public hearing on Case #ZV-2020-06
Motion by: Jensen.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #18: to close the public hearing on Case #ZV-2020-06
Motion by: Jensen.
Second by: Leaders.
Vote: Unanimous Vote. Motion Carried.

Motion #19: to approve the request of Rockford Farms Inc for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-06, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20047, 20052, 20053 and 20054 to be severed from PIN 7744 18 200 002.
2. The survey to create Parcels 20047, 20052, 20053 and 20054 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deeds to create Parcel 20047, 20052, 20053 and Parcel 20054 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20047, 20052, 20053 and 20054 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcels 20047, 20052, 20053 and 20054 are not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcels 20047, 20052, 20053 and 20054 or another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.

2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

CASE #ZV-2020-07

APPLICANT:

Pottawattamie County, Iowa

PROPERTY OWNER:

Rockford Farms Inc

REQUEST:

A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.

TOWNSHIP:

Rockford

STREET:

130th St

ZONING:

A-3 (River Front & Ag Production) District

LEGAL DESCRIPTION:

18-77-44 NE NE

Motion #20:

to open the public hearing on Case #ZV-2020-07

Motion by:

Jensen.

Second by:

Pierce.

Vote:

Unanimous Vote. Motion Carried.

Motion #21:

to close the public hearing on Case #ZV-2020-07

Motion by:

Jensen.

Second by:

Leaders.

Vote:

Unanimous Vote. Motion Carried.

Motion #22:

to approve the request of Rockford Farms Inc for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-07, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20047, 20052, 20053 and 20054 to be severed from PIN 7744 18 200 002.
2. The survey to create Parcels 20047, 20052, 20053 and 20054 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deeds to create Parcel 20047, 20052, 20053 and Parcel 20054 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20047, 20052, 20053 and 20054 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcels 20047, 20052, 20053 and 20054 are not acquired by Pottawattamie County through the Hazard Mitigation Grant

Program, the property owner shall record a deed that describes Parcels 20047, 20052, 20053 and 20054 or another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

CASE #ZV-2020-08

APPLICANT:

Pottawattamie County, Iowa

PROPERTY OWNER:

Ellen Ruth Dilts Trust Et. Al.

REQUEST:

A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program. Program.

TOWNSHIP:

Crescent

STREET:

22926 Riverroad N

ZONING:

A-3 (River Front & Ag Production) District

LEGAL DESCRIPTION:

33-76-44 & 32-76-44 SW NW SECT 33 EXC N528' E825' & EXC COMM 286.42'E NW COR THE40' S124.57' W40'N121.4' TO POB &32-76-44 PT SE NE COMM NE COR THS435.6' W364.77'N435.6' E366.39' TOPOB (PARCEL C)

Motion #23:

to open the public hearing on Case #ZV-2020-08

Motion by:

Jensen.

Second by:

Pierce.

Vote:

Unanimous Vote. Motion Carried.

Motion #24:

to close the public hearing on Case #ZV-2020-08

Motion by:

Jensen.

Second by:

Leaders.

Vote:

Unanimous Vote. Motion Carried.

Motion #25:

to approve the request of Ellen Ruth Dilts Trust Et Al for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-08, subject to the following conditions:

1. The lot size variance is granted for the sole purpose of allowing Parcel 20043, to be severed from PIN 7644 33 100 006.
2. The survey to create Parcel 20043 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deed to create Parcel 20043 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20043 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcel 20043 is not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcels 20043 and another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

CASE #ZV-2020-09

APPLICANT:

Pottawattamie County, Iowa

PROPERTY OWNER:

Gary Frost Trust

REQUEST:

A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.

TOWNSHIP:

Crescent

STREET:

25834 Meadowlark Loop

ZONING:

A-3 (River Front & Ag Production) District

LEGAL DESCRIPTION:

17-76-44 G/L 1

Motion #26:

to open the public hearing on Case #ZV-2020-09

Motion by:

Jensen.

Second by:

Pierce.

Vote:

Unanimous Vote. Motion Carried.

Motion #27:

to close the public hearing on Case #ZV-2020-09

Motion by:

Jensen.

Second by:

Leaders.

Vote: Unanimous Vote. Motion Carried.

Motion #28: to approve the request of Gary Frost Trust for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-09, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20044 and Parcel 20045 to be severed from PIN 7644 17 200 001.
2. The survey to create Parcel 20044 and Parcel 20045 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deeds to create Parcel 20044 and Parcel 20045 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20044 and Parcel 20045 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcels 20044 and 20045 are not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcel 20044 and Parcel 20045 or another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

CASE #ZV-2020-10

APPLICANT:

Pottawattamie County, Iowa

PROPERTY OWNER:

Gary Frost Trust

REQUEST:

A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.

TOWNSHIP:

Crescent

STREET:

Meadowlark Loop

ZONING:

A-3 (River Front & Ag Production) District

LEGAL DESCRIPTION: 17-76-44 G/L 1

Motion #29: to open the public hearing on Case #ZV-2020-10
Motion by: Jensen.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #30: to close the public hearing on Case #ZV-2020-10
Motion by: Jensen.
Second by: Leaders.
Vote: Unanimous Vote. Motion Carried.

Motion #31: to approve the request of Gary Frost Trust for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-10, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20044 and Parcel 20045 to be severed from PIN 7644 17 200 001.
2. The survey to create Parcel 20044 and Parcel 20045 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deeds to create Parcel 20044 and Parcel 20045 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20044 and Parcel 20045 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcels 20044 and 20045 are not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcel 20044 and Parcel 20045 or another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

CASE #ZV-2020-11

APPLICANT: Pottawattamie County, Iowa
PROPERTY OWNER: Alan William Peterson, Tom – Toni Mackland Trust
REQUEST: A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.
TOWNSHIP: Crescent
STREET: 26659 Meadowlark Loop
ZONING: A-3 (River Front & Ag Production) District
LEGAL DESCRIPTION: 9-76-44 NE SW

Motion #32: to open the public hearing on Case #ZV-2020-11
Motion by: Jensen.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #33: to close the public hearing on Case #ZV-2020-11
Motion by: Jensen.
Second by: Leaders.
Vote: Unanimous Vote. Motion Carried.

Motion #34: to approve the request of Alan William Peterson, Tom – Toni Mackland Trust for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-11, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20046 to be severed from PIN 7644 09 300 002.
2. The survey to create Parcel 20046 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020m. The deed to create Parcel 20046 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20046 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcel 20046 is not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcel 20046 and another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property

values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.

5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

CASE #ZV-2020-12

APPLICANT:

Pottawattamie County, Iowa

PROPERTY OWNER:

Kenneth Lee – Jan C Schnack

REQUEST:

A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.

TOWNSHIP:

Crescent

STREET:

26997 152nd St

ZONING:

A-3 (River Front & Ag Production) District

LEGAL DESCRIPTION:

10-76-44 NE NW

Motion #35:

to open the public hearing on Case #ZV-2020-12

Motion by:

Jensen.

Second by:

Pierce.

Vote:

Unanimous Vote. Motion Carried.

Motion #36:

to close the public hearing on Case #ZV-2020-12

Motion by:

Jensen.

Second by:

Leaders.

Vote:

Unanimous Vote. Motion Carried.

Motion #37:

to approve the request of Kenneth Lee – Jan C Schnack for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-12, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20049 to be severed from PIN 7644 10 100 002.
2. The survey to create Parcel 20049 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deed to create Parcel 20049 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20049 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcel 20049 is not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcel 20049 and another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.

2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

CASE #ZV-2020-13

APPLICANT:

PROPERTY OWNER:

REQUEST:

TOWNSHIP:

STREET:

ZONING:

LEGAL DESCRIPTION:

Pottawattamie County, Iowa

Marty N – Rachel K Summy

A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.

Crescent

15273 Missouri Ave

A-3 (River Front & Ag Production) District

15-76-44 N400' W300' NE NW

Motion #38:

Motion by:

Second by:

Vote:

to open the public hearing on Case #ZV-2020-03

Jensen.

Pierce.

Unanimous Vote. Motion Carried.

Motion #39:

Motion by:

Second by:

Vote:

to close the public hearing on Case #ZV-2020-03

Jensen.

Leaders.

Unanimous Vote. Motion Carried.

Motion #40:

to approve the request of Marty N – Rachel K Summy for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-13, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20050 to be severed from PIN 7644 15 100 002.
2. The survey to create Parcel 20050 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deed to create Parcel 20050 shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.
3. Parcel 20050 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcel 20050 is not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcel 20050 and another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and

Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

CASE #ZV-2020-14

APPLICANT:

Pottawattamie County, Iowa

PROPERTY OWNER:

Robert G Summy Trust

REQUEST:

A variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program.

TOWNSHIP:

Crescent

STREET:

14897 Marigold Ln

ZONING:

A-3 (River Front & Ag Production) District

LEGAL DESCRIPTION:

9-76-44 E1/2 SE EXC I-29

Motion #41:

to open the public hearing on Case #ZV-2020-14

Motion by:

Jensen.

Second by:

Pierce.

Vote:

Unanimous Vote. Motion Carried.

Motion #42:

to close the public hearing on Case #ZV-2020-14

Motion by:

Jensen.

Second by:

Leaders.

Vote:

Unanimous Vote. Motion Carried.

Motion #43:

to approve the request of Ellen Ruth Dilts Trust Et Al for variance to create a parcel of land in an A-3 (River Front and Ag Production) which also consists of less than 2 acres, is less than 175' wide and/or is less than 300' deep to sell the property to Pottawattamie County, Iowa through the Hazard Mitigation Grant Program, as filed under Case #ZV-2020-14, subject to the following conditions:

1. The variance to create parcels in an A-3 zoning district and the lot size variance is granted for the sole purpose of allowing Parcel 20051 to be severed from PIN 7644 09 400 003.
2. The survey to create Parcel 20051 must be completed and recorded prior to the County's remittance of the Hazard Mitigation Grant Program Application in June 2020. The deed to create Parcel 20051

shall be recorded with an approved Sketch Plat Application prior to closing if the applicant proceeds with the HMGP. Failure on the part of the property owner to record said deeds will automatically void this variance approval.

3. Parcel 20051 shall not be sold as a separate parcel other than to Pottawattamie County. In the event Parcel 20051 is not acquired by Pottawattamie County through the Hazard Mitigation Grant Program, the property owner shall record a deed that describes Parcel 20051 and another adjacent parcel and contains the following language: For Zoning, Subdivision, Taxation and Assessment purposes the described properties shall be considered one parcel.

based on the following findings of fact:

1. The division of the subject property is for the sole purpose of allowing the property owner to participate in the Hazard Mitigation Grant Program. The acquisition of the property by the County will remove a dwelling and farm structures from the Floodplain, which will remove the occupants and structures from harm's way in future flood event.
2. The granting of this variance does not serve as a mere convenience to the property owners.
3. The granting of this variance will not impair the general purpose and intent of the Zoning Ordinance.
4. The granting of this variance will not impair adequate supply of light and air to adjacent properties; will not increase the hazard from fire and other damages to said property; will not diminish any property values; will not increase the congestion of traffic hazards on public roads; and will not impair the public health, safety and general welfare of the inhabitants of the County.
5. The granting of this variance is not based on nonconforming uses of land, nor will it allow a use that is not permitted by the Zoning Ordinance.

5. ADJOURNMENT

Motion #44: to adjourn.
Motion by: Jensen.
Second by: Pierce.
Vote: Unanimous. Motion carried.

The meeting was adjourned at approximately 5:47 P.M.

APPROVED: _____

Mike Genereux, Chairman

_____ Date

ATTEST: _____

Matt Wyant, Planning Director
Planning & Development

TO: Zoning Board of Adjustment
FROM: Pam Kalstrup, Acting Planning Director
DATE: July 10, 2020

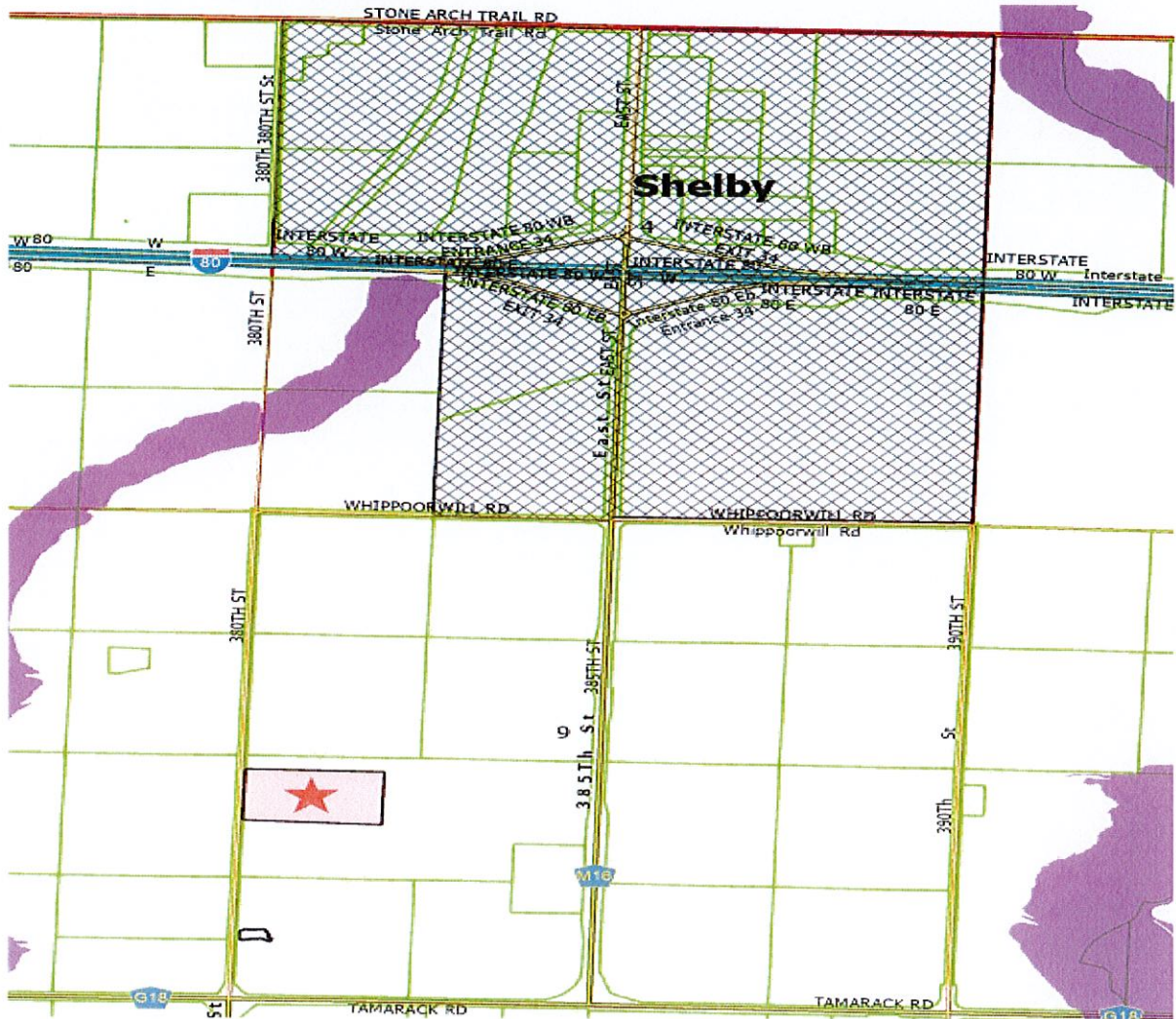
RE: Case #CU-2020-04

REQUEST: A Conditional Use Permit to allow temporary establishments or enterprises involving large assemblages of people or automobiles including, but not limited to, carnivals, circuses, rodeo grounds, show rings, livestock auction barns and yards, music festivals, sports festivals and similar uses.

LOCATION: Pleasant Township

9-77-40 BLDG SITE N1/2 SW EXC COMM 82.38'W SE COR NE SW TH W527.54'
N412.9'E527.53'S412.91' TO POB(EXEMPT PORTION)

The subject parcel is located approximately 1/2 of a mile south of the city limits of Shelby at 32409 380th Street.



PROPERTY OWNER: Carstens 1880 Farmstead

APPLICANT: Pork Belly Ventures LLC

GENERAL INFORMATION: The applicant has made this request in order to allow a camp location for a 3 day bicycle tour of south west Iowa. The applicant submitted the following additional information:

Tire Swing Bicycle Tour

This new southwest Iowa cycling event is operated by Pete Phillips and Tammy Pavich of Pork Belly Ventures. With its home base at beautiful and historic Carsten's Farm, this 3-day bicycle tour of 300 to 500 riders will include tent camping, RV camping, motel-trailer "glamping," all meals, portable shower trailers, portable toilets, live music on stage each afternoon and evening, bike mechanic services, massage therapy, and bonfires and marshmallows after dark. Soft drinks, beer, and wine spritzers will be served to participants in accordance with Iowa law. Tire Swing will offer two cycling routes daily. Ride participants may choose between a paved route under 40 miles and a gravel route under 40 miles, or a rider may choose to ride both routes on one or more days. The ride sponsor will offer a refreshment stop at about the midpoint of each day's ride.

The majority of set-up will take place on Wednesday and Thursday, September 16 and 17. Most riders will arrive on Thursday evening, September 17. Cycling occurs on Friday, Saturday, and Sunday morning, September 18-20.

6/15/2020

DETRUMUCK 11.18.17. 60 - 6000

Carsten's Farm - Google Maps

Google Maps

Carsten's Farm / TIRE SWABS BICYCLE TOUR



Google

Regarding Pork Belly Ventures LLC,
Tire Swing Bicycle Tour
Carsten's Farm
Sept 17-20, 2020

In advance of completing the "Application to Operate a Temporary Food Establishment," we are submitting this summary of our planning to date for meals and beverages. At present, we don't have a good sense of the number of participants, which will have an impact on the menus we choose. The event is three months away, and we are already developing tentative plans for food and beverage, summarized below, along with a tentative list of caterers with whom we may be working.

Regardless of the caterer we work with, we will provide servers for all meals.

Beverages

In the mornings, we will brew coffee (custom built commercial Bunn Coffeemaker). We will provide bottled water and Gatorade. The Pancake Man may offer orange juice.

In the afternoon and evening, we plan to provide bottled water and Gatorade. We may mix instant lemonade to be dispensed from large thermal coolers. We have a cold-plate system for serving keg beer. We are considering offering a wine spritzer.

Breakfasts

We will serve breakfast at Carsten's Farm on Friday, Saturday, and Sunday mornings.

We are in touch with The Pancake Man (Jim Kuper of Council Bluffs), who would provide breakfast on Friday and Saturday mornings. His breakfast would consist of either pancakes or French Toast, with sausage, syrup, and butter. His equipment makes it possible to make a lot of pancakes very quickly. We would provide servers, tables, and assistance.

Sunday's early breakfast would be grab-and-go items, like yogurts, bananas, donuts or bagels, and possibly hard-boiled eggs. We may supplement with other small items, like granola bars. After a short bike ride, we would offer a final Sunday brunch, to include the Pancake Man's pancakes and sausage, plus an egg/potato casserole from Minden Meat Market. We're also considering a fresh fruit salad for our final brunch.

Lunches

We will serve lunch at Carsten's Farm on Friday and Saturday. We imagine sandwiches, a cold side salad, chips, a cookie, and a piece of fruit.

Dinners

We will serve dinner at Carsten's Farm on Thursday, Friday and Saturday. We will probably work with the Minden Meat Market on two of three dinners.

Thursday is likely to be a light dinner—we have not gotten far on this menu.

Friday night, we're planning brisket from Minden Meat Market with mashed potatoes and gravy, two or three sides, and a dinner roll.

Saturday night, we're talking about the Minden Meat Market's southern style shredded pork sandwich, cheesy potatoes, with two or three sides.

Possible Vendors on Site

If we were to invite any food vendors to be part of the Tire Swing Bicycle Tour, we would want to be confident that they would be successful and find it worthwhile. If we have sufficient attendance, we may invite an ice cream vendor and a pie vendor.

Here's an early list of caterers we are considering and talking with:

The Pancake Man, P.O. Box 277, Council Bluffs, Iowa 51502

Minden Meat Market, 315 Main Street, Minden, Iowa 51553

HyVee, Madison, 1745 Madison Avenue, Council Bluffs, Iowa 51503

Possibly one or more food entrepreneurs who are members of the Kitchen Council.

SITE REVIEW: This area of Carstens 1880 Farmstead Inc consists of 13.88 acres.

ZONING: The property is located in a Class A-2 (Agricultural Production District).

Section 8.010.030.18, establishes the need for obtaining a conditional use permit for large assemblages of people as follows:

.16 Temporary establishments or enterprises involving large assemblages of people or automobiles including, but not limited to, carnivals, circuses, rodeo grounds, show rings, livestock auction barns and yards, music festivals, sports festivals and similar uses.

8.096.030.03 of the County Code recites the following criteria for the reviewing conditional use permits:

.03 The Board shall have the power to hear and decide only such appeals for conditional uses as the Board is specifically authorized to pass on by the term of this Ordinance; to decide such questions as are involved in determining whether conditional uses should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under this Ordinance; or to deny conditional uses when not in harmony

with the purpose and intent of this Ordinance. In reviewing an application for a conditional use permit, findings based on the following criteria shall be made and serve as the basis for approval or denial of the request:

- A. Does the proposed use conform to the Land Use Policy Plan?
- B. Is the site suitable for the proposed use? Such factors as size and shape of the property, topographic conditions, soil conditions to support water and septic systems, accessibility to transportation facilities, and soil erosion problems shall be considered.
- C. Is the proposed use compatible with surrounding property use? Such factors as the activities and function of the proposed use should be considered to determine if the proposed use conflicts with or reduces the usefulness or value or creates other negative impacts on adjoining property or properties in the general area, including public health, safety and welfare.
- D. Is the adjoining road system adequate to accommodate the proposed use in terms of the present traffic volume vs. road capacity and the general condition of the road system?
- E. Can adequate measures be taken to minimize any potential adverse impacts on adjoining property? If so, stipulate such measures as required by the ordinance or special conditions that would be required.
- F. Does the conditional use comply with all conditions imposed on it by the provisions of the district in which such conditional use may be authorized?

ROADS & TRAFFIC: Access to the subject property is gained from 380th Street, a gravel county road. The 2016 Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 290 vehicles per day.

SANITARY FACILITIES:

The applicant will provide portable toilets and hand washing stations to the attendees in compliance with Environmental Health Regulations.

FLOOD HAZARD:

The Flood Insurance Study prepared by the Federal Emergency Management Agency for the County designates the property as being in a Zone X, Areas of minimal flooding.

STAFF

RECOMMENDATION: Based on the above information, the preliminary recommendation by the Planning Department is to approve the application, subject to the following conditions:

1. The applicant shall apply for the necessary permits to insure compliance Environmental Health Regulations and State Regulations.
2. No on-road parking shall be permitted during this event.
3. Any changes to the proposed events as approved shall be presented to the Board of Adjustment for review and approval prior to said change being made.

based on the following findings of fact:

1. Does the proposed use conform to the Land Use Policy Plan?

The subject property is located in the Class A-2 (Agricultural Production) District. The County Zoning Ordinance, which is adopted in conjunction with the Land Use Plan, stipulates that the proposed type of event is a permitted conditional use in the A-24 District.

2. *Is the site suitable for the proposed use? Such factors as size and shape of the property, topographic conditions, soil conditions to support water and septic systems, accessibility to transportation facilities, and soil erosion problems shall be considered.*

The proposed event is not the dominate use of the subject property. Conditions on sanitary facilities and parking address the potential land use concerns presented by this type of activity.

3. *Is the adjoining road system adequate to accommodate the proposed use in terms of the present traffic volume vs. road capacity and the general condition of the road system?*

The proposed event is not the dominate use of the subject property and is limited to a three day period.

4. *Can adequate measures be taken to minimize any potential adverse impacts on adjoining property? If so, stipulate such measures as required by the ordinance or special conditions that would be required.*

Yes, see imposed conditions

5. *Does the conditional use comply with all conditions imposed on it by the provisions of the district in which such conditional use may be authorized?*

The proposed special events will comply with all other provisions of the County Code.

This recommendation is subject to change, based on evidence and information presented by the applicant and interested parties at the public hearing.

TO: Board of Adjustment
FROM: Pam Kalstrup, Acting Planning Director
DATE: July 10, 2020

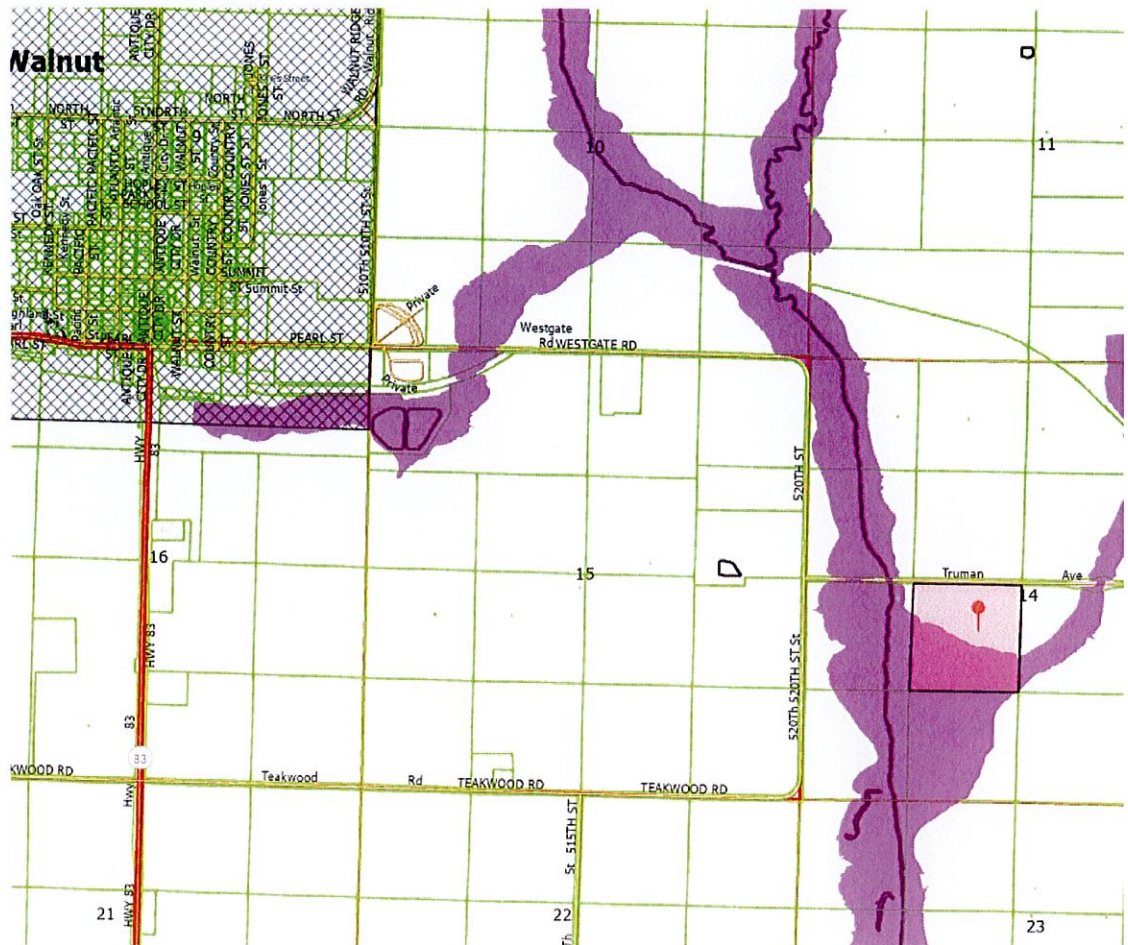
RE: Case #CU-2020-05

REQUEST: Conditional Use Permit approval to allow a transformer station, booster station or utility station.

LOCATION: Layton Township

14-77-38

The subject property is located approximately 1 ¼ miles southeast of Walnut corporate limits on Truman Avenue.



PROPERTY OWNER: Mabel E Buboltz Trust

APPLICANT: Reworx Services Group LLC, Time Coefield

GENERAL INFORMATION: Reworx Services Group LLC is leasing 66' x 66' area from Mabel E Buboltz (lease agreement as been executed) in order to construct an unmanned shelter with a generator to enhance and improve fiber optic cable transmission, speed and capacity.

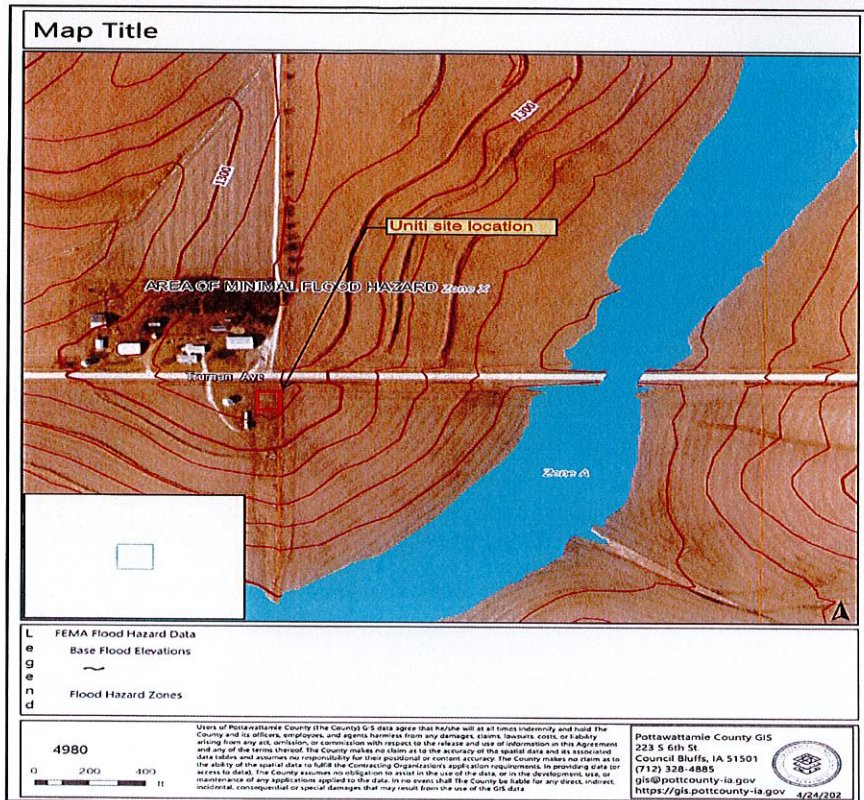
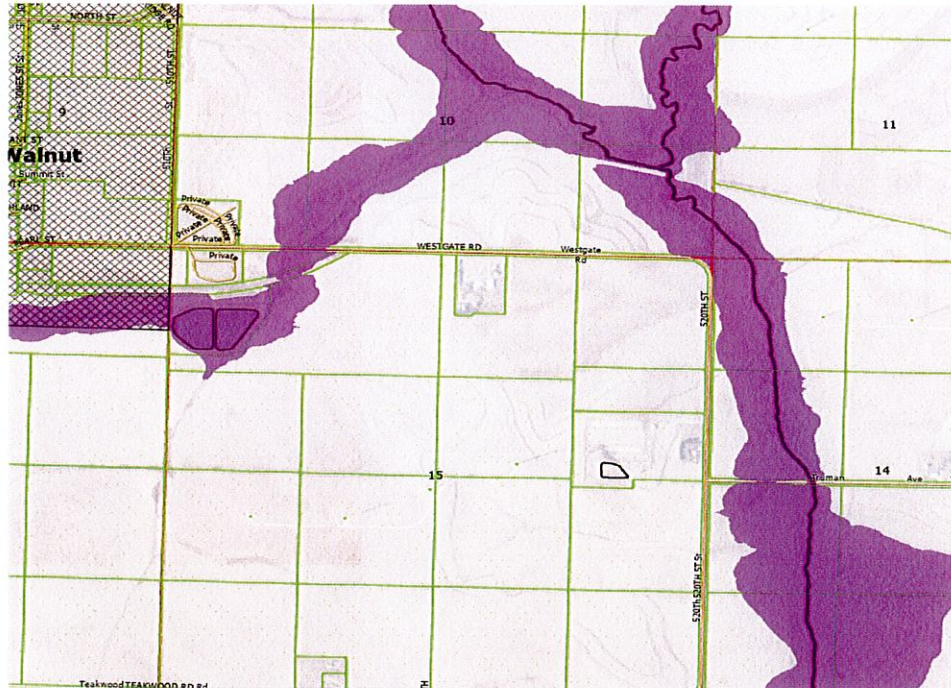


SITE REVIEW:

The subject property is currently utilized for agricultural purposes. As previously noted, it is the applicant's intent to utilize the subject property to construct a fiber optic booster

AREA REVIEW:

The majority area properties are utilized for agricultural purposes.



ROADS & TRAFFIC: Access to the subject property will be gained from Truman Avenue. Truman Avenue is a gravel county road. The 2016 Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 35 vehicles per day.

ZONING: The applicant's property is located in a Class A-2 (Ag Production) District.

8.010.030 **CONDITIONAL USES:** The following *conditional uses* shall be permitted in a Class A-2 District, when authorized in accordance with the requirements of Chapter 8.096:

- .03 Transformer stations, booster stations, utility stations, and radio or television transmitter and towers, and broadcasting stations, when operating requirements necessitate locating in the district; provided there is no yard or garage for service or storage, or any building for general administrative or sales offices, and further provided, that the premises upon which such use is erected shall be appropriately landscaped, screened and maintained so as to be in harmony with the general appearance of the surrounding area, and not objectionable as to noise, odor, vibration or other disturbances. The minimum lot area and setback may be waived by the Board only on finding that the waiver will not create a detrimental effect on adjacent properties.

Section 8.096.030.03 of the County Code states:

.03 *The Board shall have the power to hear and decide only such appeals for conditional uses as the Board is specifically authorized to pass on by the term of this Ordinance; to decide such questions as are involved in determining whether conditional uses should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under this Ordinance; or to deny conditional uses when not in harmony with the purpose and intent of this Ordinance. In reviewing an application for a conditional use permit, findings based on the following criteria shall be made and serve as the basis for approval or denial of the request:*

- A. *Does the proposed use conform to the Land Use Policy Plan?*
- B. *Is the site suitable for the proposed use? Such factors as size and shape of the property, topographic conditions, soil conditions to support water and septic systems, accessibility to transportation facilities, and soil erosion problems shall be considered.*
- C. *Is the proposed use compatible with surrounding property use? Such factors as the activities and function of the proposed use should be considered to determine if the proposed use conflicts with or reduces the usefulness or value or creates other negative impacts on adjoining property or properties in the general area, including public health, safety and welfare.*
- D. *Is the adjoining road system adequate to accommodate the proposed use in terms of the present traffic volume vs. road capacity and the general condition of the road system?*
- E. *Can adequate measures be taken to minimize any potential adverse impacts on adjoining property? If so, stipulate such measures as*

required by the ordinance or special conditions that would be required.

F. Does the conditional use comply with all conditions imposed on it by the provisions of the district in which such conditional use may be authorized?

STAFF

RECOMMENDATION: Based on the above information, the preliminary recommendation by the Planning Department is to approve the application, subject to the following conditions:

1. The applicant shall apply for the necessary permits to insure compliance with the Pottawattamie County, Iowa, Building Code.
2. The leased area shall be fenced and gated.

Based on the following findings of facts:

1. The subject property is located in the A-2 (Agricultural Production) District. The County Zoning Ordinance, which is adopted in conjunction with the Land Use Plan, stipulates that the proposed land use is a permitted conditional use in the A-2 District. The Land Use Plan recognizes the need for adequate utilities to accommodate existing and future development.
2. The subject property is suitable for the placement of a booster station and will not create a detrimental effect on adjacent properties.
3. The subject property consists of 39 acres and the placement of a booster station is not foreseen to have any negative impact on area properties.
4. The only time the proposed booster station will have any utilization of the Truman Avenue road system is primarily during its initial construction. Traffic to the station will be minimal after construction. The existing road system is adequate to accommodate said delivery and no negative impact should be encountered.
5. The proposed station will meet the criteria set forth by the Zoning Ordinance.

This recommendation is subject to change, based on evidence and information presented by the applicant and interested parties at the public hearing.