

TO: Zoning Board of Adjustment
FROM: Matt Wyant
DATE: September 9, 2022

RE: Case #CU-2022-05

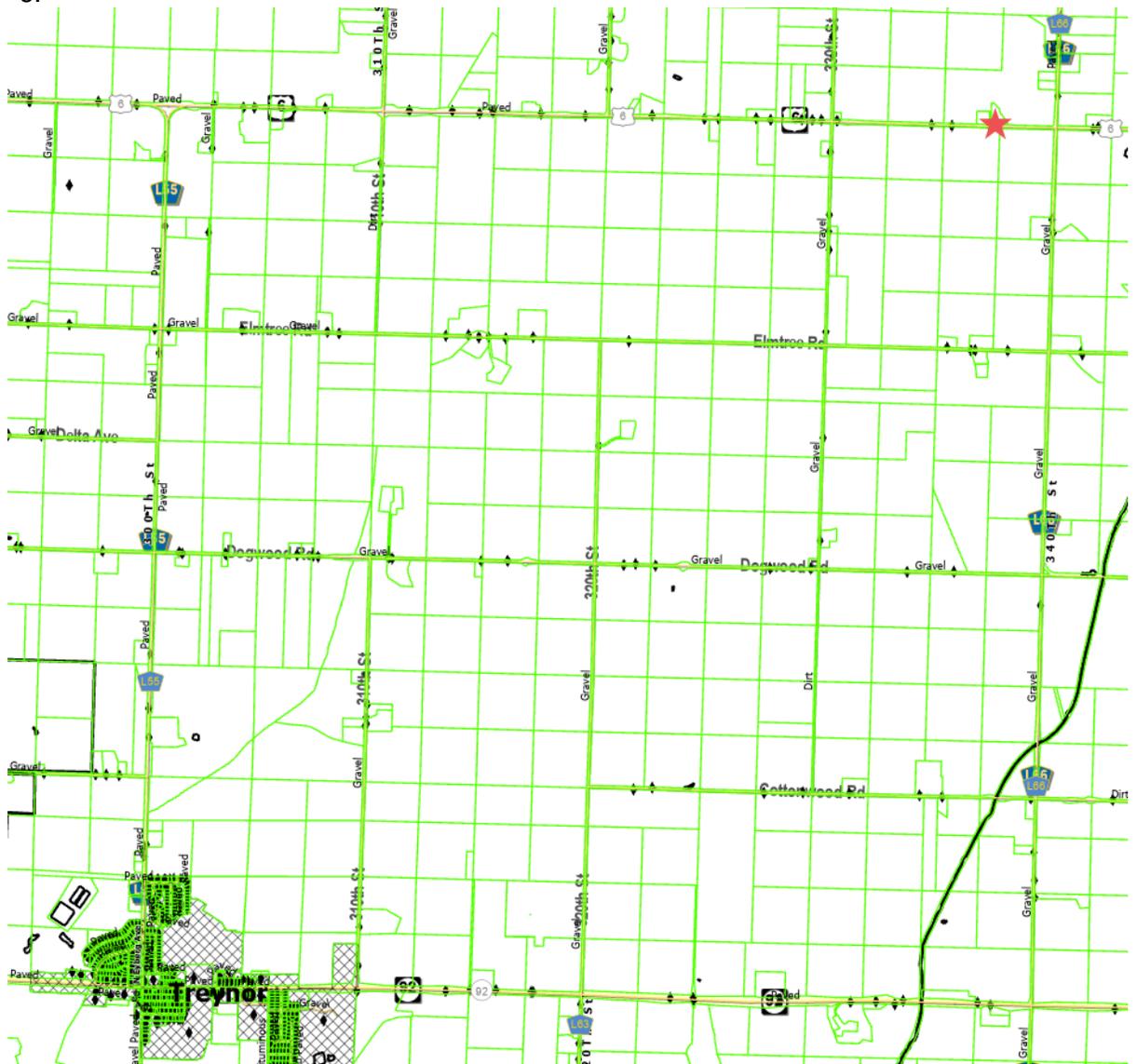
REQUEST: Conditional use approval to permit a rural enterprise business (cabinet building) in an accessory structure.

LOCATION: 33652 Hwy 6

Washington Township

15-75-41 PT S1/2 SE COMM SE COR SW SE TH W209.49' N538.49' E64.71' SELY564.79' S83' W172.78' TO POB (PARCEL A SW SE & PARCEL A SE SE)

The subject property is approximately 5 miles north east of city limits of Treynor on Hwy 6.



APPLICANT: Tyler P – Christy Graham

GENERAL INFORMATION: The applicant has made this request in order to allow them to utilize an existing 30' x 50' accessory building and proposed 30' x 65' addition to accessory building for building cabinets. (3,450 sq ft) **SEE ATTACHMENT #1 – FLOOR PLAN**

The following is the applicants' site plan:



The following is the applicants' explanation of the rural enterprise business:

Conditional Use Permit
Tyler Graham
33652 Hwy 6
Treyvor, IA 51575

Business name: Premier Woods, LLC

Number of employees: 2 (1 full time on property, 1 full time in the field.)

Hours of operation Mon-Fri 7:00am - 4:30pm

Nature of Business: self performing cabinet shop, operations performed all inside, no evidence of operation on the outside.

Number of deliveries for the business: 2-3 per month, mainly material deliveries.

Customers: Rarely come to the shop to meet, usually meet on the jobsite.

All Material and equipment are stored inside

Virtually no noise can be heard outside.

Waste all contained in a 2 yard dumpster, that's picked up every Friday

Reasons for need for more than 1000 sq ft

- Most of my material that I need for cabinet making comes in sheet form or long length lumber.
- Cabinet making equipment is large and takes up a lot of square feet.
 - 50% of the space is taken up by material and equipment,
 - 25 % of the space is for staging or storing cabinetry
 - 25% of the space is for aisles or space to move between equipment and material
- Commercial Real Estate is very expensive to buy and even more to lease. My family and I thought by working out of the building on our property, this would be the best way to start and grow, without having the major overhead of renting.

Plans for the future

- Work out of my existing structures for the next 10-15 years and evaluate when/if the time comes to buy a bigger space.
- No additional employees needed

New addition to have an office (130 sq ft) for business and personal use. 1 Bathroom (toilet only)

SITE REVIEW: A single family dwelling, accessory structure, well and septic system are currently on the 2.71 acre lot.

AREA REVIEW: The use of properties in the area are a combination of primarily agricultural and a few larger rural acreages.



ZONING: The subject 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:

.15 *Rural enterprise businesses, subject to the provisions of Chapter 8.004.165.*

Section 8.004.165 recites the following criteria for establishment of a rural enterprise business: **RURAL ENTERPRISE BUSINESS:** Rural enterprise businesses are intended to be clearly incidental and secondary to the use of the premises as a single-family dwelling. The establishment and continuance of a rural enterprise business shall be subject to the following requirements:

- .01 Any new rural enterprise business established after the effective date of this Section shall be situated on a property where there is a single-family dwelling occupied by the owner/operator of the rural enterprise business.
- .02 Rural enterprise businesses may include the following: assembly, processing, fabrication, repair of cars, light trucks, agricultural equipment and household appliances, lawn service, contractor's equipment storage, auto body shops.
- .03 There shall be no evidence that a rural enterprise business is being conducted on the premises due to outdoor displays or storage, excessive noise, obnoxious odors, electrical disturbances, or considerable increase in vehicular traffic.
- .04 The establishment of a rural enterprise business shall not have a negative impact on the public road servicing the property by causing increased dust problems or damage to the roads. The County Engineer and the Development Director shall determine this impact after analyzing the proposed business.
- .05 The total area devoted to the rural enterprise business shall not exceed one (1) acre, including the building, parking areas and any outside storage area. All work performed on the property must occur within the building situated on the property.
- .06 The total square footage of the dwelling or accessory building dedicated to the business shall be limited as follows:
- | | | |
|----|------------------|-------------------|
| A. | Up to 1.99 acres | 600 square foot |
| B. | 2 to 2.99 acres | 1,000 square foot |
| C. | 3 to 4.99 acres | 1,200 square foot |
| D. | 5 to 9.99 acres | 1,500 square foot |
| E. | 10 acres plus | 2,000 square foot |
- .07 More than one occupation is allowed per property; however, the sum of the total area, signage, parking and employee limitations of the property shall not exceed the limitations set by this Chapter for a single occupation. That portion of the business located in the dwelling is limited to twenty-five percent (25%) of the living area of the dwelling. Living area may include a finished basement.
- .08 The number of outside employees and patron parking spaces shall be limited a follows:
- | Acres | Employees | Patron Parking |
|---------------------|-----------|----------------|
| A. Up to 1.99 acres | 1 | 2 |
| B. 2 to 2.99 acres | 2 | 2 |
| C. 3 to 4.99 acres | 3 | 3 |
| D. 5 to 9.99 acres | 4 | 4 |
| E. 10 acres plus | 5 | 5 |
- .09 The rural enterprise business shall provide one (1) parking space for each employee. No on-street parking shall be permitted in connection with a rural enterprise business. Patrons and employees shall park in the designated parking area.
- .10 Any items that are to be stored outside shall be stored in the rear yard of the rural enterprise business and the items shall be enclosed within a sight-obscuring fence and shall not be visible from an adjoining parcel or from the private or

public road. This shall not be construed to prohibit parking spaces for employees and patron's operable vehicles.

.11 All hazardous wastes, by-products and emissions must be stored and/or disposed of in conformance with Federal, State and local regulations.

.12 One (1) on-site sign shall be allowed as provided in Chapter 8.090.030.06.

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 Hwy 6, a paved state highway. The Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 2,760 vehicles per day.

FLOOD HAZARD: The Flood Insurance Study prepared by the Federal Emergency Management Agency for the County designates in the Flood Insurance Rate Maps that the property as being in a Zone X-Areas of minimum 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 area in the subject accessory structure dedicated to the rural enterprise business shall be limited to what was shown on the floor plan submitted with the application.
2. All work shall be conducted indoors.
3. Any signage shall be limited to Section 8.090.030.06 of the Pottawattamie County, IA Code and installed after building permit is issued.

based on the following findings of fact:

1. The rural enterprise business is a listed permitted conditional use in the A-2 District, which conforms to the Land Use Policy Plan.
2. Due to the numerous types and size of machinery, and also due to the type of raw materials and finished product associated with this rural enterprise business, outside storage is not an option. In lieu of utilizing the allowable acre of property for the rural enterprise business, all storage of machinery, raw materials and finished product will be in the accessory building.
3. The subject property is located in an area primarily utilized for agricultural. This rural enterprise business is not foreseen to have any negative impact on area properties.
4. The existing road system is adequate to accommodate the rural enterprise business.
5. The aforementioned conditions will minimize any potential adverse impact on adjoining properties by limiting the size of the rural enterprise business.
6. The rural enterprise business complies with the conditions imposed for such a land use as follows:
 - A. The rural enterprise business is located on the same property where the business owner's residence is located.
 - B. The rural enterprise business is for building cabinets.
 - C. There is no evidence that the rural enterprise business will create excessive noise, obnoxious odors, and electrical disturbances.
 - D. The total area devoted to the rural enterprise business is less than 1 acre.
 - E. No on-street parking will be permitted with this rural enterprise business.

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