

TO: Zoning Board of Adjustment
FROM: Matt Wyant, County Planning Director
DATE: October 16, 2023

RE: Case #CU-2023-04

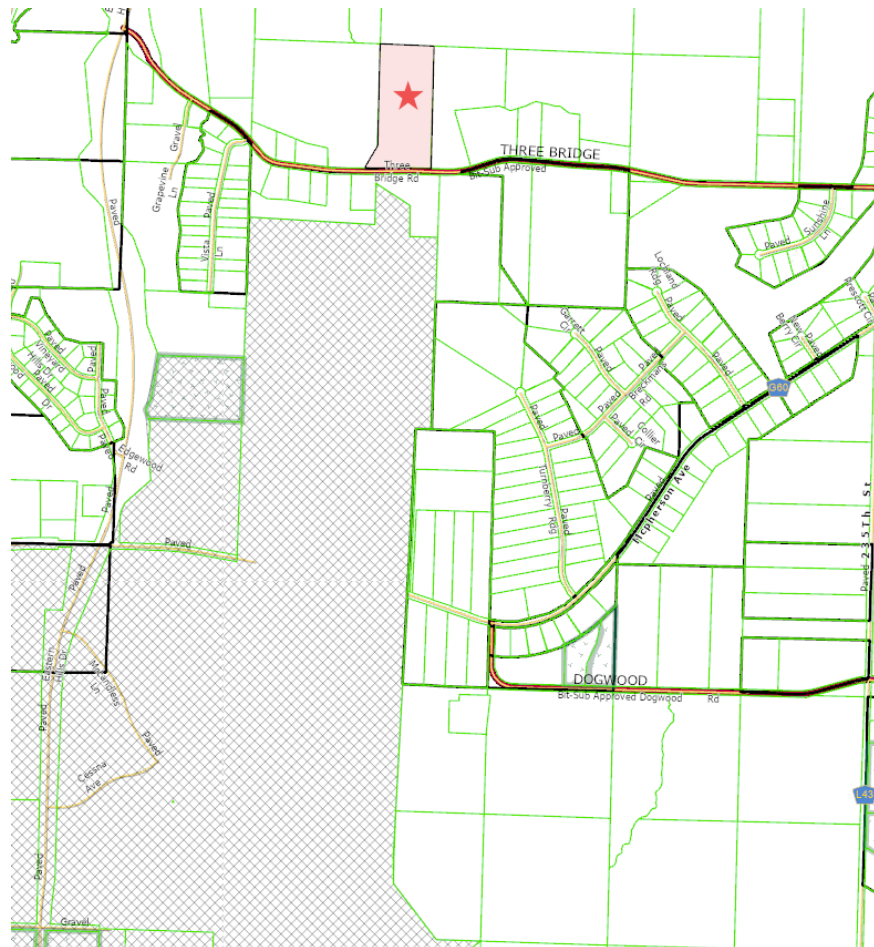
REQUEST: Conditional use approval to permit the operation of a rural enterprise business (landscaping business).

APPLICANT: Brad Andersen - Property owner

LOCATION: 22494 Three Bridge Road - Garner Township

23-75-43 PT SW SE & SE SW COMM S1/4 COR TH W139.33'
NE288.56' N1057.73' E557'S1311.56'W556.99' TO POB (INCLUDES
PARCEL D OF SW SE)

The subject parcel is located directly north of the city limits of Council Bluffs.



**GENERAL
INFORMATION:**



The applicant is requesting a conditional use permit be granted to allow for a rural enterprise business to utilize up to 2,000 square feet of an existing 2,640 square foot (30' x 88') detached accessory building. The applicant owns and operates a landscaping business. This type of rural enterprise business requires space for equipment storage and shop/office to operate. The applicant is also requesting to be able to have outdoor equipment and material storage.

Brad Andersen
22494 Three Bridge Road
Council Bluffs, Iowa 51503

To whom it may concern:

Company: I own a company called Great Outdoors Lawn and Landscape, we have been in business since 2011. I moved in and purchased this property in 2014. My son (Gavin Andersen) and I are in business together, we also have a total of 3 people who show up at the shop regularly besides Gavin and myself. I do not sell any materials to the public from my house, nor do I advertise from here.

What we do:

We do Landscaping primarily, consisting of softscapes consisting of removing and installing plants, shrubs, mulch, river rock) sod install, Retaining walls, and paver patios. We do not do any lawn care with employees as we sub this service out. We also sub out Concrete services at times. We do not have employees mow lawns

Daily procedures:

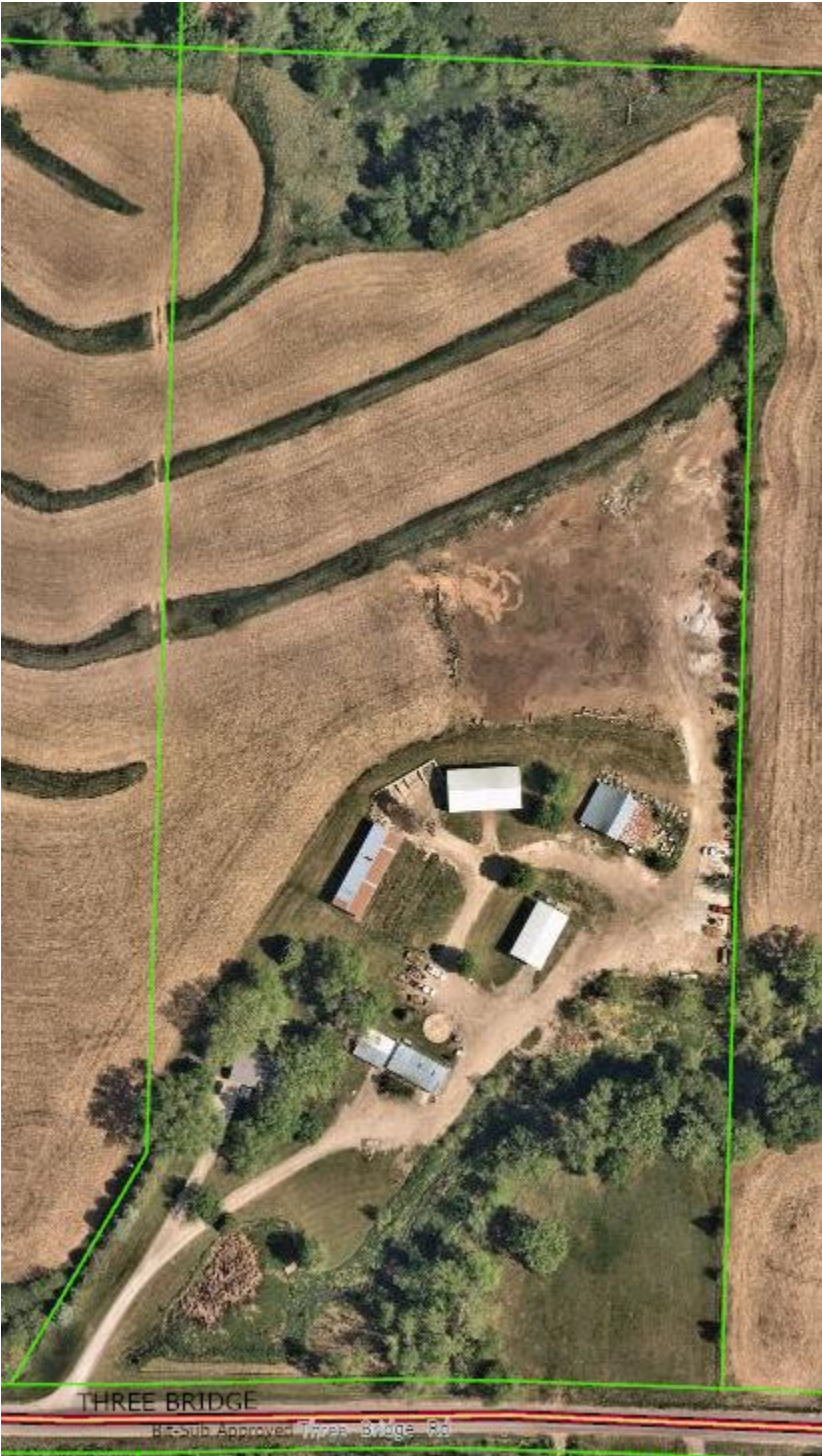
Generally only 1 to 2 employees show up to get items ready and take materials to job sites. Most of the time we go to get materials away from the shop and bring them to the job site. Sometimes during the day an employee may come back to the shop to grab materials, but we try to just make sure he has everything when he leaves, so he does not have to come back to shop, but some days he may come back and some days he does not until end of day.

Thank you

Brad Andersen

SITE REVIEW:

Currently situated on the applicant's 17.16 acre parcel is a single family dwelling, serviced by a well and septic system, and six outbuildings.



AREA REVIEW:

The majority of the area properties are utilized for residential and agricultural purposes. 22465 Three Bridge Road (across the road from subject property) was granted a conditional use permit in 2016 for a dog training service.



ZONING:

The applicant's property is located in a Class R-2 (Urban Transitional) District.

Section 8.020.030, also establishes the need for obtaining a conditional use permit for a rural enterprise business.

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

.07 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 as 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 from Three Bridge Road, an official bituminous County Road. The 2016 Iowa Department of Transportation Traffic Flow Map indicated an average traffic flow of 930 vehicles per day.

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 request for a Rural Enterprise Business, subject to the following conditions:

1. The applicant will follow the criteria set out in Section 8.004.165 Rural Enterprise Business. In accordance with those regulations:
2. The area dedicated to the Rural Enterprise Business shall be limited to 2,000 square feet in the subject building with a maximum of 5 employees.
3. 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.
4. Any outdoor storage will be screened from sight by a sight obscuring fence or landscape buffer.

Based on the following finding of facts:

1. The subject property is located in the Class R-2 District. The Zoning Ordinance, adopted in conjunction with the Land Use Plan, stipulates that "Rural Enterprise Business" is a permitted conditional use in the R-2 District.
2. The subject property is located in an area which is a mixture of residential and agricultural. The business is a landscaping business and the equipment to be utilized in this service-related business are atypical of the type of equipment that can be routinely seen on a rural acreage or an agricultural operation.
3. The building dedicated to the business is 2,000 square foot and the total area dedicated to the business is less than 1 acre.
4. The business consists of three employees, the owner, and his son.
5. No on-street parking is permitted with this land use, nor is any proposed by the applicant. The rural enterprise business has three outside employees who will travel to the property in the morning and then leave with the business equipment for the day and return at the end of the day. The employees may occasionally return to the shop during the day. The existing road system is adequate to accommodate the additional vehicles being added to the traffic count.
6. No hazardous wastes or by-products will result from 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.