

Minutes - Woodbury County Board of Adjustment Meeting April 02, 2007

The meeting convened on the 2nd of April, 2007 at 7:00 PM in the Board of Supervisors Meeting Room in the Court House, Sioux City, Iowa. Present were the following Board members: Willard B. McNaughton serving as Chairperson, Corey Meister, Russell Walker, Brian Crichton and Robert Brouillette. Zoning Administrator John Pylelo and Peggy Napier were also in attendance. Present from the public were Chris Hillinger and Kevin Sampson. The Chairman informed those present the meeting was being audio taped.

The first agenda item was approval of the previous meetings.

Minutes of the February 5th, 2007 Board of Adjustment meeting were approved on motion by Mr. Brouillette subject to the condition the distance be checked for discrepancies on page 2; seconded by Mr. Walker; motion carried 4-0.

The second agenda item is a public hearing and consideration of a Conditional Use Permit Application for Craig D. and Shari L. Hillinger; parcel #8946 35 400 009

Mr. and Mrs. Hillinger own a parcel at the northwest corner of the intersection of Dallas Avenue and US Highway 20 which they intend to sell to Dakota Traffic Services, LLC (DTS) for their use in their business operation. DTS is a road construction company which supplies traffic control, pavement markings and permanent signing to governmental agencies and private businesses. The sale is contingent upon the parcel and structure being used for what could be described in the category of a construction yard. That use is currently not allowed within the Commercial Highway Use (CHS-CU) zoning district in which the parcel lies. The parties wish to close their real estate transaction prior to the time required for the typical re-zoning process of the parcel.

Your Board is aware the County continues to work on the evaluation of zoning districts under our 2005 Development Plan. In that evaluation the Zoning Commission possibly could make a recommendation to the Board of Supervisors to change the zoning district of this parcel allowing the buyers requested use. This fact has been explained to the applicants and the potential buyer. The parties wish to proceed with this conditional use hearing before your Board due to the immediate business operational needs of the purchaser.

The parcel in question is described as follows. A 2.91 gross/2.0 net acre rectangular parcel abutting Dallas Avenue on the east and US Hwy 20 on the south. The parcel is addressed 1889 US Hwy 20 and is located in the southeast corner of the SE1/4 SE ¼ of Section 35, Concord Township.

The parcel currently contains a 6,240sf pole framed metal warehouse, 720' linear feet of 7' chain link fencing and a water well. The parcel has no septic system. The structure meets all required setbacks. The structure is currently used primarily for storage by the Hillinger' *Healy Werks* auto restoration business operation. Some personal storage use may also be involved.

The parcel's zoning and construction history is as follows:

In 1971 Woodbury County originally zoned the property AG (Agricultural).

In 1983 Mr. Lester Pratt rezoned a 500' by 400' portion of ground (4.59 acres) in the SE corner of Section 35 from AG (Agricultural) to CHS-CU (Commercial Highway Use-Condition Use). The current 2.91 acre parcel is a portion of the 4.59 acres.

Minutes of the Zoning Commission's June 20, 1983 public hearing on the Pratt rezoning matter refers to a CHS-PD designation being recommended. The Board of Supervisors resolution #6831 dated June 20, 1983 changes the zoning to CHS-CU with neither record stipulation any specifically approved conditional use. Accordingly any future change in use is required to be reviewed and approved by the Board of Adjustment.

Woodbury County ordinances require property owners with the CU and PD zoning designation to notify the Office of Planning and Zoning of any anticipated or actual change in the properties use.

The 10 property owners within 1000' of all or part of the parcel have been notified of this hearing. It should be noted the statutory requirement is notification of property owners within 500'. The Iowa Department of Transportation (IDOT) was also notified. To date no responses have been received from nearby property owners or the IDOT.

Discussion:

The Board discussed Mr. Kevin Sampson's (the purchaser's) option to install a septic system. The contractor has worked with the county before and believes there would be enough room for a drain field on the north side of the parcel.

The Board wanted to ensure the property's intended use by having the wording agreed upon between Mr. Sampson and the Planning and Zoning Office.

The Board was skeptical of the ability to change the access road. Mr. Pylelo wanted to hear more about what it will look like.

The Board asked any trucks kept on the site be painted and property appearances kept neat, and there be no intention made to sublet any space. In addition, present or future owners of the parcel are advised they are required to notify the Office of Planning and Zoning should there be any change in use of the parcel.

Mr. Crichton made a motion to approve the Conditional Use Permit on the condition;

- **The parcel is to be used by future property owner C&M Development, LLC and lessee Dakota Traffic Services, LLC in the lessee's course of business as a roadway construction company supplying and maintaining traffic controls, pavement markings and permanent roadway signage for governmental agencies and private business**
- **The said use of the property is to be limited to the above stated use without additional Board of Adjustment review and approval**

Mr. Meister seconded the motion; motion carried 4-0.

The next agenda item was an update on Woodbury County's General Development Plan.

Mr. Pylelo apprised the Board of the Zoning Commission's progress with the General Development Plan and the projected timeline for completion. He asked the Board to consider any questions or changes that would affect their decisions as members of the Board of Adjustment. A minor discussion ensued.

Mr. Brouillette made a motion to adjourn; seconded by Mr. Crichton. Motion carried.

Meeting adjourned 7:39 PM.

The next meeting is scheduled to be Monday, May 7, 2007 at 7 PM in the Board of Supervisor's meeting room.