

Minutes - Woodbury County Board of Adjustment Meeting January 9th, 2012

The meeting convened on the 9th of January, 2012 at 6 PM in the Board of Supervisors Meeting Room in the Court House, Sioux City, Iowa. Present were the following Board members: Corey Meister, David Scholten, and JoAnn Sadler. Vice-Chairman Corey Meister chaired the meeting. Zoning staff John Pylelo and Peggy Napier were also in attendance. Sheldon D. Hamann, Kathy Showalter, John J. Dixon, Steve Core, and Beth Core were present from the public.

Vice-Chairman Corey Meister called the meeting to order at 6 PM.

The first agenda item approval of the December 5, 2011 meeting minutes.

Mr. Scholten made a motion to table approval of minutes until the full board was present. Ms. Sadler seconded the motion; motion carried 3-0.

Ms. Sadler made a motion to have Vice-Chairman Corey Meister chair the meeting until current Chair Crichton is present or a complete board is present. Mr. Scholten seconded the motion; motion carried 3-0.

The first agenda item is the election of 2012 Board of Adjustment Chairman and Vice-Chairman.

Mr. Scholten made a motion to table the election of officers until the full board was present. Ms. Sadler seconded the motion; motion carried 3-0.

The next agenda item is public hearing and consideration of a Conditional Use Permit application for Sheldon and Roxanne Hamann/Platinum Grain LLC; GIS Parcel #8743 07 200 002 and #8743 08 100 001.

Property owners Sheldon & Roxanne Hamann of 2316 Lenox Avenue, Anthon have applied for a Conditional Use Permit. The Hamanns propose to sell a total of 20 acres within portions of two parcels they own to Platinum Grain, LLC. No subdivision process is required by the Hamanns to convey the 20 acres to Platinum. Platinum intends to construct a grain storage facility within the 20 acres. The construction meets the ordinance definition of a "grain terminal/elevator". Within this AP (Agricultural Preservation) zoning district designation the use of land for a grain terminal/elevator is a

conditionally permitted use. To date the applicants have been represented by Kathleen Showalter of Planscape Partners of Minneapolis MN. and Clear Lake IA.

Project description: Platinum Grain LLC's terminal/elevator facility will buy and store agricultural crops. The application's site plan provides for the construction of up to seven (7) grain bins. The initial construction phase includes the first two (2) grain bins, elevator bulk heads, an office, a 30' by 50' unloading shed, inbound and outbound scales, inbound and outbound drives, parking, loading and unloading areas, a well, septic system and on-premise signage. Subsequent phases of construction are planned to include installation of up to five (5) additional grain bins and grain drying structures/equipment.

The initial two grain bins will have sidewalls of 90' and overall height at peak of 130'. Bin diameters will be 105'. Storage capacity of the first two bins will be 750,000 bushels per bin; 1,500,000 bushels total. Grain bins will be constructed of rigidized, high-strength, corrugated, galvanized steel. The elevator bulk heads will have a height of 170'-175'. The application requests permitting to construct structures up to 185' in height.

The location is bordered by Highway 31 to the east. Access/egress will be provided from two proposed drives along Hwy 31 roadway right-of-way. The location is approximately 0.8 miles southwest of Anthon, Iowa on the west side of Hwy 31. The location is approximately 1320' north of the intersection of 235th St and Hwy 31.

The closest occupied structures are:

- The Hamann residence 700' to the west addressed 2316 Lenox Ave.
- The O' Connell residence 700' to the south addressed 2328 Lenox Ave.
- The Berning residence 925' to the north addressed 2287 Lenox Ave.

The IDOT was provided anticipated peak traffic data and has determined a minor right turning lane is required for the south access drive to the facility. We anticipate the installation of this right-of way improvement will be a condition within the IDOT's south driveway permitting process.

The proposed north egress drive is in close proximity to an existing drive servicing the Berning parcel to the north-northwest addressed 2287 Lenox Ave. and the Gothier Mink, Inc. parcel to the north. The potential exists for a multi-owner driveway permit application for this drive.

The proposed 20 acre parcel is not within any designated zone A flood hazard area or within any drainage district. However, nearby areas to the south and east do lie within the designated Zone A flood hazard areas primarily due to a water source known as the Little Sioux River.

All congruent and nearby zoning district designations are the identical AP (Agricultural Preservation) designation.

The site plan intends to meet all required dimensional standards within the County's zoning ordinances. The exception may be an approved site plan meeting the front set back for the light industrial zoning designation rather than the Agricultural zoning designation. The impact of such approval would place the building zone up to within 50' rather than the required 100' from Highway 31 roadway ROW.

Driveway, parking and loading area specifications will be enforced within the building permit application process or by standards established by the Woodbury County engineer.

Current use of Parcel: The parcels' past land use was agricultural consisting primarily of row crops.

Existing Structures: There are no current structures or improvements with the 20 acres.

Grading and vegetation: It is likely sufficient building site grading will occur to require NPDES permit #2 permitting from Iowa Department of Natural Resources. Graded and undeveloped areas will be seeded or farmed. No shrubbery or tree planting is planned.

Internal Drive and loading/unloading areas: Site plan does not provide exact internal driveway locations and specifications. After inquiry the applicant states that drives will be 24' in width at ROW and widen within the parcel to allow sufficient width to stage 3 trucks behind the inbound scale. Gravel throughways will flow from access point at ROW to egress point at ROW. Unloading will take place at the receiving building. Loading takes place between the receiving building and first grain bin.

Hours of Operation: Undetermined

Security: No security fencing or special security features are planned.

Fire suppression: No formal fire suppression systems will be installed

Lighting: Unknown

Signage: Single ground type signage in an area between Hwy 31 right-of-way and bin closest to right-of-way.

Soils: Assessor's records show the location to be soils made up of various silt loams. Soil testing reports show clay soils to the depths of 6' to 13'; underlain is native sands. Groundwater is present at depths of 23' to 27'.

Employees: Year round - one; Seasonal - three

Well and Septic system: The location has no current well or septic system installations.

Notification: The six (6) property owners within 500' of the parcel were notified by mail of the public hearing. As of January 3, 2012 no one has contacted the Zoning Office requesting additional information. The Zoning Office also mailed notifications to the following departments or agencies requesting comment:

Mark Nahra, Woodbury County Engineer: No response received to date

Kelly Mulvihill, Iowa Department of Transportation: See attached traffic study

Chief of Anthon Fire Department: No response received to date

Chuck Cipperley, Siouxland District Health Department: No response received to date.

Ron Brandt, Siouxland District Health Department: No response received to date.

Gary Brown, Department of Emergency Services: No response received to date.

Ruth Groth, City Clerk Anthon Iowa: No response received to date.

Vickie Buettner, Clerk for Miller Township Trustees: No response received to date.

For your review find attached the following:

1. Project description from Kathy Showalter dated December 15, 2011
2. Site location mapping
3. Aerials indicating parcel identification, floodplain, zoning designation
4. Parcel information for the two Hamann parcels to be impacted
5. Multi-phase Site Plans including topography
6. IDOT Hwy 31 entrance and exit traffic data and analysis
7. Hwy 31 road shoulder diagram and specifications
8. On site photos

Staff Recommendation:

Staff is of the opinion the below conditional use standards within Section 2.02(9) of the ordinances can be met and recommends approval of the conditional use permit application. Any conditional use permit approval should provide conditions are in place to mitigate any undue adverse impact on adjacent property. As the applied for use is agricultural in nature it does meet the standards established with Woodbury County's 2005 General Development Plan and within the County's current zoning ordinances for the AP zoning district. Staff cannot anticipate any activity by the operator which would create what could be considered a nuisance within this designated agriculturally zoned district.

However, staff recommends, as a traffic safety precaution within roadway right-of way, that the requirement of approved IDOT driveway permits be a condition of application approval. Further that evidence of driveway permit issuance be provided as part of the building permit application process for any construction phase of the facility.

You are referred to Section 2.02(9) of the County's zoning ordinances (copied below) which governs conditional uses.

Your Board is asked to hold the required public hearing and then take under consideration the proposed conditional use permit application.

Excerpt from Woodbury County zoning ordinances pages 22 and 23:

F. Requirements for conditional uses.

(1) *Standards. In order to grant a conditional use, the Board of Adjustment must determine that:*

(a) *The conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied.*

- (b) *The proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan.*
 - (c) *The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare.*
 - (d) *The proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.*
 - (e) *Essential public facilities and services will adequately serve the proposed use or development.*
 - (f) *The proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties.*
- (2) *Other considerations. In its review of conditional use requests, the Board of Adjustment shall consider whether, and to what extent:*
- (a) *The proposed use or development, at the particular location is necessary or desirable to provide a service or facility that is in the public interest or will contribute to the general welfare of the neighborhood or community.*
 - (b) *All possible efforts, including building and site design, landscaping and screening have been undertaken to minimize any adverse effects of the proposed use or development.*

G. Limitations.

- (3) *The Board of Adjustment may set a time limit for establishment of the use authorized by a conditional use permit as a condition for approval. If the use has not been established within that time, the Board of Adjustment may consider revocation of the conditional use permit.*
- (4) *If the use or development for which the conditional use permit was granted ceases to exist for a period of ninety days, the certificate of occupancy shall be terminated. The use or development shall not be reinstated unless the Board of Adjustment issues another conditional use permit.*

G. Appeal of the actions of the Board of Adjustment. *Any interested party may appeal a decision of the Board of Adjustment as provided by the Code of Iowa. Such an appeal suspends the effect of the action of the Board of Adjustment until the appeal has been resolved.*

Kathy Showalter asked if approval allowed for...

Mr. Scholten if they had obtained permits from IDOT (Iowa Department of Transportation).

Ms. Showalter said they were in the process.

Mr. Pylelo asked if there was an anticipated timeline for when phase I would be completed.

Ms. Showalter said construction would begin this spring. Phase II would begin two (2) or three (3) years from now.

Mr. Pylelo asked exactly what is *Platinum*. **Ms. Showalter** explained *Platinum LLC* is the Hamann's first grain operation terminal.

Mr. Pylelo asked the three board members present how they would be inclined to vote to determine if Ms. Showalter and Mr. Hamann wanted to proceed with the vote or table item for a complete board presence.

Ms. Showalter preferred to proceed with the vote rather than push meeting to February.

The office of Planning and Zoning recommends the following conditions:

- Two (2) driveway permits from IDOT
- Evidence of the issued driveway permits be presented with completed building permit application.

Mr. Scholten made a motion to close the public hearing. Ms. Sadler seconded the motion; motion carried 3-0.

Discussion:

Preliminary deliberation – all 3 (three) board members present approved CUP subject to above conditions.

Mr. Scholten made a motion to approve subject to the following conditions:

- **Two (2) driveway permits from IDOT**

- **Evidence of the issued driveway permits be presented with completed building permit application.**

Ms. Sadler seconded the motion; motion carried 3-0.

Mr. Scholten made a motion to adjourn. Ms. Sadler seconded the motion; motion carried 3-0.

Meeting was adjourned at 6:24 PM.

Next meeting is February 6th, 2012