

## **Minutes - Woodbury County Board of Adjustment Meeting September 7th, 2010**

The meeting convened on the 7<sup>th</sup> of September, 2010 at 7 PM in the Board of Supervisors Meeting Room in the Court House, Sioux City, Iowa. Present were the following Board members: David Scholten, Robert Brouillette, Corey Meister and Brian Crichton; Russell Walker had previous commitments. Zoning Director John Pylelo and Clerk Peggy Napier were also in attendance. Present from the public were Rick and Tracy Prichard, Jessica Watson, and Calvin “Dewey” and Becky Christensen.

*Vice-Chair Corey Meister called the meeting to order at 7 PM.*

### **The first agenda item was Elections of 2010 Chairman and Vice-Chairman.**

The first vote for Chairman produced one vote for each Board member.

The Board voted a second time resulting in one (1) vote for Mr. Brouillette, one (1) vote for Mr. Walker, and two (2) votes for Mr. Crichton, electing Mr. Crichton 2010 Board of Adjustment Chairman.

The first vote for Vice-Chairman produced one (1) vote for Mr. Walker, one (1) vote for Mr. Brouillette, and two (2) votes for Mr. Meister, electing Mr. Meister 2010 Board of Adjustment Vice-Chairman.

### **The second agenda item approval of the November 2<sup>nd</sup>, 2009 meeting minutes.**

**Mr. Brouillette made a motion to approve the minutes as written. Mr. Scholten seconded the motion; motion carried 3-0.**

### **The next item was a Public Hearing and Consideration of Conditional Use Permit application for Calvin D. and Rebecca F. Christensen; GIS Parcel #8847 09 200 007.**

On August 19, 2010 a conditional use permit application was received from the property owners for proposed operation of *doggie daycare*. The specific activities listed within the application of providing grooming and boarding of four or more dogs or other household pets classify the proposed use as a commercial kennel. The applicant’s business plan also provides for the future sales of pet care related merchandise.

Specifics of the applicant’s business operations plan which are relative to the Commissions’ consideration of the application are as follows:

**Parcel characteristics:** A 5.02 acre almost rectangular parcel approximately 250' by 1320'. The parcel lies, in part, adjacent to the east side of Morningside Ave. and is addressed 6801. The parcel is zoned AE (Agricultural Estates). The applicants also own an adjacent 0.24 acre irregular shaped parcel which provides an approximate combined roadway frontage of 275'.

**Access/egress:** The parcel is serviced from Morningside Ave., a paved and county maintained roadway. The applicant intends to construct an extension of the existing drive traveling east to the parcel's rear yard. The drive will be surfaced with limestone rock.

**Parking** Construction of six (6) 10' by 20' (200 sf per space) limestone rock parking stalls for employee and customer parking.

**Current use of Parcel** The parcels' current use is as the residential dwelling of the applicants. The parcel has existing accessory structures used for personal storage and in an existing horse breeding business owned by the applicants.

**Existing Structures:**

- Dwelling: 1,400 sf built 1976; attached Garage 552sf built 1976.
- Barn: 32' by 24' built 1976
- Shed: 14' by 10' built 1950 (plus an addition at a later date)

**Structures proposed to be placed into Commercial Use:**

Conversion of a 20' by 62' (1,240 sf) portion of an existing structure to commercial kennel use.

Construction of a new 36' by 60' (1,860 sf) accessory structure (either stand alone or as an addition to existing structure). The commercial structure(s) will include an indoor exercise area of 1,500 sf, office, kitchenette, bathroom, storage area, laundry, grooming room, conference room and 50 kennels of assorted size. The commercial structure(s) will be provided water from the existing well. Treatment of solid waste from the commercial structure(s) will be by installation of a new septic system approved and inspected by the Siouxland District Health Department.

Construction of a 95' by 105' (9,975 sf) outdoor fenced exercise area.

**Hours of Operation:**

- Mon.-Fri.** 7:00 AM to 6:00 PM
- Sat.-Sun.** 8:00 AM to 10:00 AM & 3:00 PM to 5:00 PM (Pick up and drop off hours).

**Security:** 300 linear feet of 6' to 8' fencing around 3 sides of the irregular shaped 95' by 105' outdoor exercise area. All exterior doors of commercial structures will be latched and locked after operating hours. The commercial structure(s) may have a security system installed.

**Lighting:** Dusk to Dawn 300 watt halogen for lighting parking area.  
Motion light at a front door location of new structure  
Four light exterior halogens for exercise area (hours of operation only).

**Employees:** Initially three (3); Consisting of applicants and their daughter, Jessica Watson.

**Nearby Zoning Districts:**

Adjacent to the North (City of Sioux City): RG20 PD (mixed city zoning – planned development for Memorial Cemetary), and (Woodbury County zoning) AE (Agricultural Estates).

Adjacent to the East (City of Sioux City): RE

Adjacent to the South (Woodbury County): SR (Suburban Residential)

Adjacent to the West (City of Sioux City): RE

The Christensen parcel is within a mixed use and zoned multi-jurisdictional neighborhood. Nearby uses within 1 mile are residential and mixture of general commercial uses including a veterinary office, cemetery, funeral home/crematorium and golf club course. Residential uses are adjacent to the North and South. General Commercial uses are Adjacent to the East and West. Woodbury County’s Heritage Addition subdivision lies approximately 425’ to the south

**Distances from commercial kennel structure to occupied structures:**

|  |      |
|--|------|
| Christensen residence 6801 Morningside Ave:        | 135’ |
| Dyer residence 6803 Morningside Ave:               | 167’ |
| Sargisson-Robinson residence 6805 Morningside Ave: | 271’ |

**Distances from outdoor exercise areas to occupied structures:**

|  |      |
|--|------|
| Charistensen redience 6801 Morningside Ave:        | 32’  |
| Dyer residence 6803 Morningside Ave:               | 114’ |
| Sargisson-Robinson residence 6805 Morningside Ave: | 252’ |

**Closest distances to Christensen property lines:**

|                              |     |
|------------------------------|-----|
| Commercial kennel structure: | 10’ |
| Outdoor exercise area:       | 0’* |

\*runs along north property line

**Notification:** The twenty-one (21) owners of property within 500’ of the parcel were norifiedd by mail of the public hearing. As of August 27, 2010 one of those property owners contacted the Zoning Office by phone requesting additional information. The caller expressed no position on the application’s approval or denial. The Zoning Office also mailed notifications to the following departments or agencies requesting comment:

The City of Sioux City: September 3<sup>rd</sup>, Brent Nelson of City Planning and Zoning saying City Zoning had no adverse comment.

Disaster and Emergency Services: No response received to date

Sioux City Animal Control: No response received to date.

Woodbury County Engineer: No Objection

Board of Supervisors: No response received to date

Siouxland District Health: No response received to date

**Staff Recommendation:**

A conditional use application is required as a commercial kennel use is only permitted conditionally within an AE zoning district. Section 2.02(9) of the County's zoning ordinances govern conditional uses and include the following requirements be met to grant any conditional use.

A. *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.*

**B. Limitations.**

*(1) 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*

*(2) 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.*

**C. 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.*

Rich and Tracy Pritchard from 6968 Morningside Avenue at Heritage Place approached the commission to voice their concerns about possible noise pollution, potential traffic, trash and odor issues. Mrs. Pritchard had OSHA noise decibel statistics and commented noise was their primary concern and fencing was not an adequate sound barrier.

The distance from Pritchards to the proposed exercise area will be approximately 35' to 40'.

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

Discussion:

Mr. Crichton asked about the hours of operation and was told operating hours would be from 7 AM to 6 PM with all dogs remaining indoors at night.

Mr. Pylelo commented noise might be tied to the number of dogs in the exercise area at any given time. The Christensens said a couple of dogs at a time would be rotated for exercise and every attempt would be made to control noise when the dogs are outside.

Mr. Brouillette suggested moving exercise area to other end of property farther from other residents. Christensens explained they wanted walk area closer to proposed interview area.

Mr. Brouillette asked if they were licensed. Mr. Pylelo explained licensing was only required for breeding dogs, not for doggy daycare. The two businesses are not even comparable.

Mr. Pylelo noted the area Christensens wish to occupy is properly zoned AE which allows for animals, but is abutted on two (2) sides by a certain density of residents.

Chairman Crichton asked if Christensen wished the Board be polled considering Board members present did not represent the full Board. Mr. Christensen agreed;

Mr. Brouillette will approve providing an avenue for noise complaints be available.

Mr. Scholten will approve.

Mr. Meister will approve.

Mr. Crichton will approve subject to monitoring for noise, trash, odor, and traffic issues.

**Mr. Brouillette made a motion to approve subject to:**

**Adherence to any and all state conditions required for a doggy daycare business.**

**Mr. Meister seconded motion; motion carried 3-0.**

**The next item was any Citizen wishing to be heard by the Board.**

There were no citizens wishing to be heard by the Board.

**The next item was Planning and Zoning Office updates.**

Mr. Pylelo discussed FEMA issues around the Brown's Lake area and throughout Liberty Park and South Bridge areas.

Pylelo also commented on annexation discussions regarding Christy Rd. and Sgt. Bluff areas.

**Mr. Scholten made a motion to adjourn; seconded by Mr. Brouillette. Motion carried 3-0.**

Meeting adjourned 8:04 PM.