

Minutes - Woodbury County Board of Adjustment Meeting December 3, 2018

The Board of Adjustment (BOA) meeting convened on the 3rd of December 2018 at 5:59 p.m. in the Board of Supervisors' Meeting Room Number 104 in the County Courthouse, 620 Douglas Street, Sioux City, Iowa.

BOA Members Present: Bob Brouillette, Katie Colling, Tom Thiesen, Dwight Rorholm, JoAnn Sadler
Staff Present: David Gleiser, Dawn Norton, Dan Priestley
Public Present: Melanie & Roy Olsen, Heather & Eric Hennings, Dave Christiansen

Chairperson Rorholm called the meeting to order at 5:59 p.m.

There were no citizen comments on non-agenda items.

The August 6, 2018 meeting minutes were approved. Motion by Colling, seconded by Brouillette. Carried 5-0.

The Public Hearing began with Priestley introducing a Condition Use Permit (CUP) request from Roy and Melonie Olsen for commercial storage, and banquet and reception events. The CUP is being asked for because the property is zoned AE and does not allow their intended uses. The property is zoned AE, located in the NW ¼ of the SW ¼ of Section 29 in Concord Township, approximately .4 miles east of Sioux City, GIS parcel #8846 33 200 009. The CUP was previously presented but tabled on May 7, 2018 to resolve issues concerning the septic system, well, parcel combination, parking plan, liquor license, restaurant, and business plan.

On May 14, 2018 Priestley notified the Olsen's by email a list of issues to be addressed, along with details and agency contacts.

A meeting to review the requested information was held May 17. It was agreed that the Olsen's would keep CED staff updated on progress and the CUP would again be presented to the Board of Adjustment when issues were addressed.

On September 4, the Olsen's stated they had harvested their grapes which were on the way to be processed into wine at Soldier Creek Winery in Fort Dodge. September 12th Roy sent an email with detailed information on the progress of the requested items.

- Farm business documentation - they will file a Schedule F with year's taxes.
- Parcel combination – met with County assessor, should be done in January.
- Parking plan/secondary driveway – clarifying with Mark Nahra.
- Bed & Breakfast designation – it will be considered a Bed & Breakfast Inn, they have applied for hotel, and food establishment licenses.
- Business plan – put together list of intended uses, times and days of operation, maximum attendance, goals and objectives, marketing plans.
- Licenses – provided copies of applications, testing, inspections.
- Well & septic system– provided documentation of interactions with IDNR and Siouxland District Health department.
- Occupancy limit – contacted State Farm Marshall's office and Lawton fire department; submitted letter from Mike Blankenship listing maximum occupancy as 96.

- Signage – will place signage following Zoning ordinance requirements and work with CED on placement.

Priestley stated the criteria for the CUP have been met and would recommend with the following conditions:

- The contents of the submitted business plan not limited to the types of events, days, hours, attendance caps, meeting frequency, and time limitations/curfew must be followed at all times.
- No parking will be allowed on Buchanan Avenue right-of-way.
- Any outstanding state and local licenses must be attained prior to engaging in any activity that requires the license. Copies of the granted licenses must be submitted to the CED office for verification.
- A 2018 Schedule F Tax document must be submitted along with AG exempt affidavit.
- Maximum occupancy must be posted on premises.
- A sign no greater than 25 sq. ft. be allowed on the premises that meets Section 5.02 of the zoning ordinance placement requirements.

Brouillette asked about criteria 1 analysis, Priestley stated winery portion of plan falls under agriculture, which is allowed in AE zoning districts. The reception hall and storage area are not allowed under AE zoning, but can be petitioned for even if the use is classified as prohibited.

Brouillette asked if any additional neighbor comments have been received, Priestley stated none have been received since original packet from May 7, 2018.

The Olsen's were invited to address the Board, Melonie stated although the maximum occupancy would be 96, they plan on marketing to smaller groups. Parking on Buchanan Ave. would be monitored, and no parking signs placed if necessary. Sadler asked about directional signage to parking, and the evolution from original application as storage to winery and event center. Melonie stated there will be signs for parking. Original plan was just for storage, didn't know a permit was needed for that. They always considered planting a vineyard, and before planting contacted County Planning and Zoning in April of last year. They were told there would be options such as a Bed & Breakfast and small group gatherings, but not told a CUP would be needed.

Rorholm asked if the rental storage was still part of the plan. Melonie stated it was, there are 7 spaces, currently using for grape equipment. It will be rented out for vehicle storage. They have people interested in the storage rental and Bed & Breakfast, they are licensed and ready but have not rented yet. Rorholm asked about the regulations on well, septic and food service. Melonie stated it is a private well, she will be tracking number of people using services and will make necessary upgrades if needed. A new septic has been installed.

Gleiser noted the two-bedroom Bed & Breakfast will be classified by the State as a hotel, which will be held to stronger criteria. No bedrooms will be in their home.

Priestley acknowledges there have been several challenges with this project, but he believes all criteria have been met, and all appropriate documentations, licenses and permits have been addressed.

Rorholm stated he had a concern about fire suppression, asked Priestley how occupancy was determined. Priestley explained it is a little more difficult in unincorporated areas, but the State

Fire Marshall looks at the zoning district, in this case it is AE, but since people will be attending events and staying overnight, it would be considered more of a commercial area. The Fire Marshall uses an international building code for determination, with health and safety taken into consideration.

Brouillette asked if BOA is covered under criteria, Priestley answered yes and that a statement should be included in all CUP being issued that all required state laws, rules and regulations are followed. Owners are ultimately responsible for understanding and complying with rules and regulations.

Sadler pointed out this project started out completely different than it ended up, which added to the complexity of the issues.

Brouillette motioned to close the public hearing; Collings seconded. Carried 5-0.

Rorholm commented that it looks like a good project, Brouillette understands a lot of time and effort was put into the project and believe the Olsen's will follow up on anything that would come up, such as parking issues.

Priestley stated the storage rental would be part of the CUP. There should not be an issue with the Bed & Breakfast meeting the requirements. Also, with the parcels being joined, it will all be considered agricultural.

Rorholm asked about issuance of a liquor license and if outside vendors will be allowed. Melonie stated a liquor license will be obtained, and Silver Creek winery will make the wine, with some wine being sold under their label also.

Gleiser noted the applicants did a good job meeting and discussing issues with staff and completing inspections with all agencies and is confident they will follow through with any issues that may arise. This will be the first winery in Woodbury County.

Thiesen asked if the Lawton Fire Department has been contacted, Priestley answered yes.

Brouillette motioned to approve CUP with the following conditions; Collings seconded. Motion carried 5-0.

- The contents of the submitted business plan not limited to the types of events, days, hours, attendance caps, meeting frequency, and time limitations/curfew must be followed at all times.
- No parking will be allowed on Buchanan Avenue right-of-way. County Engineer recommendations be followed.
- Any and all state and local licenses must be attained prior to engaging in any activity that requires the license. Copies of the granted licenses must be submitted to the CED office for verification.
- A 2018 Schedule F Tax document must be submitted along with AG exempt affidavit.
- Maximum occupancy must be posted on premises.
- A sign no greater than 25 sq. ft. be allowed on the premises that meets Section 5.02 of the zoning ordinance placement requirements.

Next, Priestley introduced a CUP application from Eric & Heather Hennings. The property is located at 2086 210th Street, parcel #884633200009, in a General Commercial zoning district. Beacon lists the property in the AG district, but it was rezoned by the BOS several years ago. The Hennings intend to use the facility to hold wedding receptions, graduation parties, conferences, etc. They have provided a complete business plan, sample signage, occupancy limits, parking plan, and occupant load determination documentation. They are working on licensing, and requirements. Neighbors within 500 ft have been notified. No neighbors or agencies have responded.

The County Engineer expressed concern with parking on adjacent roads. No parking signs will be posted if necessary.

IDNR stated this will be a public water supply regulated by the DNR. Well records and inspection reports were included.

Criteria, applicant response, and staff analysis were reviewed. Staff feels all criteria have been met. Priestley mentioned Chris Zellmer Zant, Chairperson of the Zoning Commissions, asked for clarification of material needed to construct the parking lot. Priestley checked and didn't find any requirement for concrete parking. There will be 180 parking spaces.

On November 26th, the Zoning Commission voted 3-0 to recommend approval of the CUP with conditions and recommendations of the County Engineer.

Staff recommends approval of the proposed CUP for use of a banquet and reception hall with the following suggested conditions:

- Any and all state and local regulations be met including all pertinent permits and licenses from all stakeholder's agencies including but not limited to SDH, IDNR, Iowa Department of Inspections and Appeals, Iowa Alcoholic Beverages Division, Woodbury County Auditor's office, etc. All documentation must be provided to the Office of Community and Economic Development for verification.
- No parking will be allowed along the Eastland Avenue and 210th Street rights-of-way adjacent to the properties on either side of the road.
- Parking lot be monitored to assure no parking along the road.
- Owners must pay for any no parking signs, should they become necessary.
- Maximum occupancy must be posted, and adhered to, on the premises.
- Any proposed signage will meet the GC zoning district standards.

Rorholm asked about previous use of building, Eric explained they purchased it in 2008, used it and eventually out grew it, so moved business. It has been empty for a little over a year. There will be some remodel work done, sheetrock, additional windows, removal of overhead doors.

Rorholm asked if it passes State building codes for public use. Eric explained they hired Dave Christensen from Absolute Inspection Services to inspect, it passes codes.

Eric stated they have previously allowed the building to be used for graduation parties, events. Heather mentioned there is plenty of parking spaces in the lot and no road parking will be allowed. They will be hiring contracted security for events, which will keep an eye on parking, as well as other issues.

Brouillette asked about management, Heather stated they will manage it.

Collings motioned to approve CUP with the following staff recommendations; Brouillette seconded. Carried 5-0.

- Any and all state and local regulations be met including all pertinent permits and licenses from all stakeholder's agencies including but not limited to SDH, IDNR, Iowa Department of Inspections and Appeals, Iowa Alcoholic Beverages Division, Woodbury County Auditor's office, etc. All documentation must be provided to the Office of Community and Economic Development for verification.
- No parking will be allowed along the Eastland Avenue and 210th Street rights-of-way adjacent to the properties on either side of the roads.
- Parking lot monitoring for events must be provided to assure no one parks along the road.
- Owners must pay for any no parking signs should they become necessary along county roads because for the event center attendees who persist on parking along roads.
- Maximum occupancy must be posted, and adhered to, on the premises.
- Any proposed signage will meet the GC zoning district standards.

No citizens wishing to be heard.

Board members and staff talked about policies for standardizing rules, and regulations to be met when putting together a CUP project.

Meeting adjourned at 7:30 p.m. Motion by Sadler; second by Colling. Carried 5-0.