

## **Minutes - Woodbury County Zoning Commission Meeting July 24, 2017**

The meeting convened on the 24th of July, 2017 at 6:00 PM in the Board of Supervisor's meeting room on the first floor of the Court House, downtown, Sioux City, Iowa. Present were the following Commission members – Tom Bride, Shawn Streck, Christine Zellmer-Zant, Bruce Garbe and Barb Parker. Zoning Staff Present: John Pylelo, Peggy Napier and Dawn Norton. Present from the public were Pat & Cyndi DeRocher.

- 1. The 1st agenda item is hearing any person not on any non-agenda item.**  
None were heard.
- 2. The 2nd agenda item is approval of the minutes from the Commission's June 26, 2017 meeting.**

**Shawn Streck made a motion to approve the minutes** subject to the following corrections:

- Page 1, paragraph one, changed '26nd' to 26<sup>th</sup>; page 3 Diane Peterson's email, last sentence changed 'them' to *their*.
- Corrected Tom Bride's name from 'Tom McBride' to *Tom Bride*, pages 4 and 5.
- Page 4, fourth paragraph, changed '...setbacks don't apply because it's under 1000 animal units' to *500 animal units.*

**Tom Bride seconded the motion; motion carried 5 – 0.**

- 3. The 3<sup>rd</sup> agenda item is Zoning Ordinance Section 2.02:9E Review and Recommendation to the Board of Adjustment for Conditional Use Permit Application by Property Owners Cynthia DeRocher-Anderson and Patrick G. DeRocher for eleven (11) rural Woodbury parcels in Sections 16, 17 and 21 of Kedron Township.**

Your Commission is specifically tasked with reviewing the Conditional Use Permit application and provide your Commission's recommendation to the Woodbury County Board of Adjustment stating if each of the standards found within ordinance subsection 2.02-9.F will be met.

You are further tasked with authorizing your Chairperson to provide your recommendation in writing to the Chairperson of the Woodbury County Board of Adjustment. For each agenda item the applicant has responded to each of the standards. The Section 2.02-9.F standards are as follows:

Section 2.02-9.F

- (1) *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.*

**BACKGROUND**

The applicants wish to develop and operate a multi-use event center complex within rural Woodbury County. The development and multiple uses will occur within 11 parcels all owned by the applicants. The location is 2 miles north of Anthon and 0.3 miles west of Hwy 31 right of way. Access to the development can occur from either the north or south along different sections of Wolf Creek Trail. The development will be serviced by an existing drive addressed 1953 Wolf Creek Trail.

The eleven parcels are as follows:

<u>GIS No.</u>	<u>Acres</u>
1) #884321100002	37.25
2) #884321200008	21.86
3) #884316300001	39.40
4) #884316300002	39.00
5) #884316300003	40.00
6) #884316300004	40.00
7) #884316400001	51.50
8) #884317200001	39.00
9) #884317200002	38.00
10) #884317200003	40.00
11) #884317200004	<u>39.03</u>
	425.04 Acres

A portion of the development area is within a Zone A flood hazard area primarily along or near a tributary of the Little Sioux River named Rock Creek. Rock Creek bisects 8 of the 11 parcels within the project area. The applicant has been issued a Woodbury County Floodplain Development Permit to begin a grading plan increasing elevations within a specific area. The goal being to remove from the 100-year flood plain an area where the southern portion of the horse arena and event center structure will be located.

As the applicants reside on one of the eleven parcels the project was initially assessed under the existing zoning and the county's home occupation use ordinances. It was determined it would be impossible all home occupation tests could be consistently met. This fact; and the fact the combination of the existing permitted uses and the requested conditional uses would not be compatible with any single zoning district designation; are the reasons the conditional use permit application is required.

All eleven parcels, and the rural area in general, are zoned AP (Agricultural Preservation). Current uses of the parcels are compliant with the Woodbury County zoning ordinances. Of note is the fact that the private agricultural, timber and livestock uses of the land; and the structures in which these uses occur; are exempt from local ordinances under section 335.2 of the Iowa Code (the agricultural exemption). However, when the uses and structures are offered to the general public a non-agricultural business use is initiated with the protections afforded under Section 335.2 no longer applicable.

The proposed development's centerpiece includes the construction of a 200' by 216' multilevel structure which will include on its main level a horse arena; bleachers; horse stalls; header, calf and striping chutes; a tack room; saddle and prepping area; wash bay; restrooms; office, concession, kitchen and storage areas. The upper level will contain nine (9) residential apartments rental units.

The Office of Planning and zoning has previously received a building permit application for this structure. The application was approved in March 2017 as the applicants stated the structure was solely for personal use. The applicants subsequently determined to primarily use the structure for business uses. Your Commission's CUP review is required due to the fact significant business use of the structure is now planned.

The average unadjusted corn suitability rating (CSR2) for the parcel where structure grading will occur is 63.11.

The application requests the following to be conditionally permitted uses. The uses requested are a mixture of indoor and outdoor uses or activities.

- 1) An event center for rodeo events, clinics, receptions, auctions, exhibitions, meetings; bed and breakfast type lodging and food services. Note: Beer and/or liquor license applications may be considered.
- 2) Parking areas for complex attendees.
- 3) Equestrian trail riding and stable facility rental.

- 4) Retail sales in the areas of camper related groceries, camper related supplies, horse supplies, tack supplies and animal health services.
- 5) Outdoor recreational events including archery, horseshoes, etc.
- 6) Appropriate signage.
- 7) Camp grounds and recreational vehicle park. A portion with utility hookup.

Find attached the following documentation exhibits to assist in your review:

Exhibit:

- A. Woodbury Township TAM Mapping showing location
- B. The CUP application including
  1. Applicants' narrative
  2. Response to Section 2.02:9.E standards
  3. Structure Isometric View Drawing, Plan view Roof, Main Floor Plan, Apartment Layout and Individual Apartment Layout
  4. Close-up Aerial of GIS Parcel #884321200008 with overlay information showing Arena/Event Center and Parking Areas
- C. Pictometry Aerial with pre-grading plan elevation contours
- D. Aerial of impacted sections and adjacent sections in Kedron Township.
- E. Aerial of Northern Parcels included with parcel numbers
- F. Aerial of Southern Parcels included with parcel numbers
- G. Aerial of Northern Parcels included with zoning district information
- H. Aerial of Southern Parcels included with zoning district information
- I. Aerial close-up of parcel proposed for structure placement (Parcel #884321200008).
- J. Aerial close-up of parcel proposed for structure placement (Parcel #884321200008) showing 100-year flood plain area shaded blue.
- K. Soil Summary information and average unadjusted CSR2 rating of 63.11
- L. On site photographs

**Staff Recommendation:**

At the Commission's request Planning and Zoning Office staff can present its evaluation if the Section 2.02-9(F) standards are; or can be; met. It is anticipated your Commission's recommendation will be presented to the Board of Adjustment at their Monday August 7, 2017 meeting.

**Your Commission is tasked with reviewing the Conditional Use Permit application. You are then to provide your Commission's recommendation to the Woodbury County Board of Adjustment stating if each of the standards found within ordinance subsection 2.02-9.F will be met. You are further tasked with authorizing your Chairperson to provide your recommendation in writing to the Chairperson of the Board of Adjustment.**

**COMMENTS:**

Bruce Garbe asked about extra parking. Mr. DeRocher explained there will be extra graveled parking to the north of the facility, and pasture parking to the south. There will be 2 exits and a circle flow for traffic.

Shawn Streck asked if there will be year-round horse boarding, Pat responded it will not be specific year-round boarding, but used year-round for boarding during events.

Mr. Garbe asked about the use of the other parcels for trail rides and suggested the DeRocher's get an easement with the neighboring property owner to avoid any issues in the future with crossing over on the land.

Bruce Garbe asked for clarification regarding the acres (40) on the building permit application and the total acres (425.04) intended for the project. John Pylelo explained the building permit may be redone, as the original application was changed from personal use to business use, listing all the 425.04 acres.

Tom Bride asked if this facility has the same following as the equestrian center that was proposed for Menville. Mr. DeRocher stated yes and no. Some of the same people may be interested in this facility, but this is a personal venture.

**COMMENTS FROM PUBLIC:**

Pat DeRocher spoke of the proposed uses and reasons for building this facility. The building will be used for scheduled events such as summer camp for kids, trail rides, riding lessons and events, clinics, camping, and possibly weddings or similar events. The nine rental units will not be used for long term housing rentals. An indoor facility for activities such as these is currently not available in this area, so the ability to use it year-round will be welcomed. They don't plan on regularly scheduling large events. Pat and Cynthia's intent for the facility is not necessarily to make a profit, but to give back. They started out in a single wide trailer and added on, keeping the rustic look and feel. They intend to continue that look with the new amenities and incorporate some of the history of the land into the design.

**Motion to close public hearing by Tom Bride, seconded by Bruce Garbe; carried 5-0.**

**DISCUSSION:**

John Pylelo referenced Section 2.02-9F (1) (c) and a concern of possible dust control issues, and the proximity of neighboring house. Also, (1) (d) regarding placement of access signs. DOT would need to be contacted since it is a State highway.

Chris Zellmer-Zant asked about a Floodplain Development Permit for area in the floodplain. Mr. Pylelo replied a permit has been applied for and approved. A LOMA application will be completed also, per Mr. DeRocher.

John Pylelo suggested the recommendation he would suggest to the Board of Adjustment would be to have access signage place placed by the North entrance from Hwy 31, and possibly a sign by the South access point directing traffic to the next exit.

**Motion to recommend to Board of Adjustment, with the recommendation that signage be placed, made by Bruce Garbe; seconded by Barb Parker; carried 5-0.**

**Agenda Item #4**

**Any citizen wishing to be heard.**

The Zoning Office is not aware of any citizen intending to be present to be heard. None heard.

**Agenda Item #5**

**Any Commissioner comment or Inquiry**

Staff is available to address any Commissioner comment or concern. None addressed.

**Tom Bride motioned for the meeting to be adjourned; Bruce Garbe seconded; carried 5-0.**

Meeting adjourned 7:07 p.m. Next meeting is scheduled for August 28, 2017.