

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 10/20/22

Weekly Agenda Date: 10/25/22

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Daniel Priestley, CED Zoning Co

WORDING FOR AGENDA ITEM:

a. Receive final report-Zoning Commission recommendation to approve rezone from Agricultural Preservation (AP) to the General Commercial (GC) Zoning District for Curtis Epling of Midwest Auto Properties, LLC's 5-acre property located on Parcel #884701200009. b. Conduct Public Hearing on a Zoning Ordinance Map Amendment to rezone from AP to GC. c. Approve the 1st Reading of the Ordinance

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The Board of Supervisors will hold a public hearing at 4:45 PM to discuss a proposed Zoning Ordinance Map Amendment to rezone Curtis Epling of Midwest Auto Properties, LLC's 5-acre property located on Parcel #884701200009, Government Lot 1, T88N R47W (Woodbury Township) from the Agricultural Preservation (AP) to the General Commercial (GC) Zoning District.

Following the public hearing, the Board may defer consideration of the proposal; or reject the proposal; or proceed to adopt an ordinance approving the amendment to the zoning district map.

A 60% majority of the Board of Supervisors shall be required to adopt the proposed amendment of the zoning district map if the owners of more than 20% of either, (a) the area of the subject property or (b) the area of real property lying within 500 feet of the subject property file a written objection prior to the conclusion of the public hearing.

The Board of Supervisors may impose restrictive conditions upon the approval of an amendment to the zoning district map if, before the conclusion of the public hearing, the owner agrees to the conditions in writing.

BACKGROUND:

Curtis Epling of Midwest Auto Properties, LLC has filed an application for a zoning ordinance map amendment (rezone) on the property as referenced as Parcel #884701200009, Government Lot 1, T88N R47W (Woodbury Township) from the Agricultural Preservation (AP) to the General Commercial (GC) Zoning District for the purpose of using the property for outdoor storage and eventually having a building for automotive repair. This proposal has been properly noticed in the Sioux City Journal Legals Section on September 29, 2022 for the Zoning Commission public hearing and on October 20, 2022 for the Board of Supervisors' public hearings. The neighbors within 1000 FT have been duly notified via a September 26, 2022 letter about the October 5, 2022 Zoning Commission public hearing and have been requested to comment. As of September 21, 2022, no comments or inquiries have been received about the proposal. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer has recommended for a pavement agreement to be signed as the rezone has the potential to generate traffic and the parcel should participate in the cost of any future pavement to meet the needs of traffic at a new commercial enterprise. Neil Stockfleth of the Woodbury County Soil and Water Conservation District "recommends against this rezoning proposal because a significant portion of this parcel lies in a flood zone, making it more prone to flood damages if it is developed as a business property." Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the criteria for approval. With the ability to enforce the floodplain development regulations as per Section 5.03 of the Woodbury County Zoning Ordinance, it is the recommendation of staff to approve this zoning ordinance map amendment (rezone) to the GC Zoning District with the condition that pavement agreements be signed for improvements to both 162nd Street and Charles Avenue. The Woodbury County Zoning Commission voted 5-0 to recommend approval of the rezone from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District with the condition that pavement agreements be signed with Woodbury County as determined by the Board of Supervisors and that the applicant follow the floodplain regulations.

FINANCIAL IMPACT:

0

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Receive final report and Zoning Commission recommendation from their 10/5/22 meeting.
Open and close the public hearing. (Set Time: 4:45 PM)
Conduct and approve the first reading of the ordinance.
The 2nd and 3rd public hearings and readings of the ordinance have been scheduled for Tuesday, 11/1/22 at 4:45 PM, and Tuesday, 11/8/22 at 4:45 PM, respectively.

ACTION REQUIRED / PROPOSED MOTION:

- a. Receive final report-Zoning Commission recommendation to approve rezone from Agricultural Preservation (AP) to the General Commercial (GC) Zoning District for Curtis Epling of Midwest Auto Properties, LLC's 5-acre property located on Parcel #884701200009.
- b. Conduct Public Hearing on a Zoning Ordinance Map Amendment to rezone Parcel #884701200009 from AP to GC. (Set Time: 4:45 PM)
- c. Motion to Approve the 1st Reading of the Zoning Ordinance Map Amendment (rezone).



**WOODBURY COUNTY
COMMUNITY & ECONOMIC DEVELOPMENT**
620 DOUGLAS STREET – SIOUX CITY, IA 51101

Dan Priestley · Zoning Coordinator · dpriestley@woodburycountyiowa.gov
Dawn Norton · Sr. Clerk · dnorton@woodburycountyiowa.gov
Telephone (712) 279-6609 Fax (712) 279-6530

**ZONING ORDINANCE MAP AMENDMENT (REZONE) PROPOSAL
AGRICULTURAL PRESERVATION (AP) to GENERAL COMMERCIAL (GC) ZONING DISTRICT
Midwest Auto Properties, LLC (Curtis Epling)
FINAL REPORT – 10/20/22**

APPLICATION DETAILS	PROPERTY DETAILS	TABLE OF CONTENTS
<p>Applicant(s): Midwest Auto Properties, LLC (Curtis Epling) Application Type: Zoning Ordinance Map Amendment (Rezone) Current Zoning District: Agricultural Preservation (AP) Proposed Zoning District: General Commercial (GC) Total Acres: 5.00 Acres Current Use: AG Proposed Use: Outdoor Storage Corn Suitability Rating(s): 71.38 (Beacon) Pre-application Meeting: August 29, 2022 Application Date: August 29, 2022 Legal Notice Date: September 29, 2022 Stakeholders' (1000') Letter Date: September 26, 2022 Zoning Commission Public Hearing Date: October 5, 2022 Board of Supervisors Public Hearing Dates: October 25, 2022, November 1, 2022, and November 8, 2022 (optional).</p>	<p>Parcel(s): 884701200009 Township: T88N R47W (Woodbury) Section: 1 Quarter: Government Lot 1 Zoning District: Agricultural Preservation (AP) Floodplain District: Zone A (Floodplain) Address: 1605 Charles Ave., Lawton, IA 51030</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Summary, Recommendation, Aerial & Plat Excerpt <input type="checkbox"/> Review Criteria <input type="checkbox"/> Legal Notification <input type="checkbox"/> Adjacent Owners' Notification <input type="checkbox"/> Stakeholder Comments <input type="checkbox"/> Supporting Documentation <input type="checkbox"/> Application

SUMMARY

Curtis Epling of Midwest Auto Properties, LLC has filed an application for a zoning ordinance map amendment (rezone) on the property as referenced as Parcel #884701200009, Government Lot 1, T88N R47W (Woodbury Township) from the Agricultural Preservation (AP) to the General Commercial (GC) Zoning District for the purpose of using the property for outdoor storage and eventually having a building for automotive repair. This proposal has been properly noticed in the Sioux City Journal Legals Section on September 29, 2022 for the Zoning Commission public hearing and on October 20, 2022 for the Board of Supervisors' public hearings. The neighbors within 1000 FT have been duly notified via a September 26, 2022 letter about the October 5, 2022 Zoning Commission public hearing and have been requested to comment. As of September 21, 2022, no comments or inquiries have been received about the proposal. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer has recommended for a pavement agreement to be signed as the rezone has the potential to generate traffic and the parcel should participate in the cost of any future pavement to meet the needs of traffic at a new commercial enterprise. Neil Stockfleth of the Woodbury County Soil and Water Conservation District "recommends against this rezoning proposal because a significant portion of this parcel lies in a flood zone, making it more prone to flood damages if it is developed as a business property." Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the criteria for approval. With the ability to enforce the floodplain development regulations as per Section 5.03 of the Woodbury County Zoning Ordinance, it is the recommendation of staff to approve this zoning ordinance map amendment (rezone) to the GC Zoning District with the condition that pavement agreements be signed for improvements to both 162nd Street and Charles Avenue. The Woodbury County Zoning Commission voted 5-0 to recommend approval of the rezone from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District with the condition that pavement agreements be signed with Woodbury County as determined by the Board of Supervisors and that the applicant follow the floodplain regulations.

AERIAL MAP

FLOODPLAIN

<p>Legend — Roads — Corp Boundaries — Townships — Parcels County Zoning AE AP GC GC-PD LI LI-PD SR WR</p>	<p>Legend — Roads — Corp Boundaries — Townships — Parcels FEMA Flood Map A AE AE FLOODWAY AHL AO X 0.2 PCT ANNUAL CHANCE FLOOD HAZARD X AREA WITH REDUCED FLOOD RISK DUE TO LEVEE</p>
<p>Parcel ID 884701200009 Alternate ID E20892 Owner Address MIDWEST AUTO PROPERTIES,LLC Sec/Twp/Rng 1-88-47 Class A 1901 HWY 20 Property Address 1605 CHARLES AVE Acreage 5 LAWTON, IA 51030</p> <p>District 0000 Brief Tax Description PT GOVTL LOT 1 BEING A TCT COM SE COR OF GOV LOT 1 THEC N 425.97' THEC WLY 33.02' TO POB THEC S 392.54' THEC W 406.92' THEC N 554.23' THEC E 306.38' THEC SELY 190.38' TO POB 1-88-47 S ACRES <small>(Note: Not to be used on legal documents)</small></p>	<p>Parcel ID 884701200009 Alternate ID E20892 Owner Address MIDWEST AUTO PROPERTIES,LLC Sec/Twp/Rng 1-88-47 Class A 1901 HWY 20 Property Address 1605 CHARLES AVE Acreage 5 LAWTON, IA 51030</p> <p>District 0000 Brief Tax Description PT GOVTL LOT 1 BEING A TCT COM SE COR OF GOV LOT 1 THEC N 425.97' THEC WLY 33.02' TO POB THEC S 392.54' THEC W 406.92' THEC N 554.23' THEC E 306.38' THEC SELY 190.38' TO POB 1-88-47 S ACRES <small>(Note: Not to be used on legal documents)</small></p>

ZONING COMMISSION AND STAFF RECOMMENDATIONS

Zoning Commission Recommendation

The Woodbury County Zoning Commission voted 5-0 to recommend approval of the rezone from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District with the condition that pavement agreements be signed with Woodbury County as determined by the Board of Supervisors and that the applicant follow the floodplain regulations.

Staff Recommendation

With the ability to enforce the floodplain development regulations as per Section 5.03 of the Woodbury County Zoning Ordinance, it is the recommendation of staff to approve this zoning ordinance map amendment (rezone) to the GC Zoning District with the condition that pavement agreements be signed for improvements to both 162nd Street and Charles Avenue.

Minutes - Woodbury County Zoning Commission Special Meeting – October 5, 2022

The Zoning Commission (ZC) meeting convened on the 5th of October at 6:00 PM in the first-floor boardroom in the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Tom Bride, Barb Parker, Jeff O'Tool, Corey Meister
County Staff Present: Dan Priestley, Dawn Norton
Public Present: Deb Main, Gayle Palmquist

Call to Order

Chair Chris Zant formally called the meeting to order at 6:00 PM.

Public Comment on Matters Not on the Agenda

None.

Approval of Previous Meeting Minutes – August 22, 2022

O'Tool motioned. Second: Parker 5-0.

Public Hearing: Zoning Ordinance Map Amendment (Rezone) From AP To GC Proposal – Midwest Auto Properties, LLC (Curtis Epling) – Parcel #884701200009

Priestley read the preliminary report and staff recommendation into the record. Curtis Epling of Midwest Auto Properties, LLC has filed an application for a zoning ordinance map amendment (rezone), for the parcel from Agricultural Preservation (AP) to the General Commercial (GC) Zoning District for the purpose of using the property for outdoor storage and eventually having a building for automotive repair. This proposal has been properly noticed in the Sioux City Journal Legals Section on September 29, 2022. The neighbors within 1000 FT have been duly notified via a September 26, 2022 letter about the October 5, 2022 Zoning Commission public hearing and have been requested to comment. As of September 21, 2022 no comments or inquires have been receive about the proposal. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer has recommended a pavement agreement be signed as the rezone has the potential to generate traffic and the parcel owner should participate in the cost of any future pavement to meet the needs of traffic at the new commercial enterprise. Neil Stockfleth of the Woodbury County Soil and Water Conservation District "recommends against this rezoning proposal because a significant portion of this parcel lies in a flood zone, making it more prone to flood damages if it is developed as a business property." Based on the information receive and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the criteria for approval. With the ability to enforce the floodplain development regulations as per Section 5.03 of the Woodbury County Zoning Ordinance, it is the recommendation of staff to approve this zoning ordinance map amendment (rezone) to the GC Zoning District with the condition that pavement agreements be signed for improvements to both 162nd Street and Charles Avenue. Deb Main asked how close this parcel was from the proposed pipeline. Bride stated this action pertains to a rezone of the property. Current owners are not selling the property. Motion to close public hearing: Bride. Second: O'Tool. Motion approved 5-0. Priestley offered an explanation as to how staff can enforce the floodplain regulations to address the concerns by Neil Stockfleth of the Woodbury County Soil and Water Conservation District. Although the applicant is not present at this public hearing, Priestley has had conversations with the applicant and his surveyor, and they are aware of the need to determine Base Flood Elevation (BFE) as part of meeting the floodplain development regulations. O'Tool recommended approval of zoning rezone request by Midwest Auto Properties, LLC from AP to GC with the conditions that pavement agreements be signed with Woodbury County as determined by the Board of Supervisors and requirement for an approved floodplain development permit. Second: Bride. Motion approved 5-0.

Information/Discussion: Zoning Requirements Concerning the Permitting of Hazardous Liquid Pipelines including the Conditional Use Permit Requirements in the Zoning Ordinance and Possible Ordinances or Ordinance Amendments

Priestley offered information about recent proposals to consider amendments for the permitting of hazardous liquid pipelines. Three possible options include continuing with the existing zoning ordinance language for a conditional use permit, adopting an amendment to the zoning ordinance to include additional criteria for consideration, and adopting a standalone ordinance where the Board of Supervisors become the permitting body. Staff has recently met with the county attorney's office and county engineer to review the proposal. Community and Economic Development staff had recommended using the existing ordinance criteria and recommending that the Board of Supervisors consider passing a resolution asking for the Zoning Commission and Board of Adjustment to ask for further information to assist with the clarification of the conditional use permit criteria. Priestley informed the commissioners that Supervisor Radig has requested for the consideration of a proposal to institute 500 FT setbacks from the pipeline. Deb Main and Gayle Palmquist addressed the board by offering concerns about the effects of

hazardous liquid pipelines. They encouraged the county to use their regulatory authority to pass an ordinance to regulate pipelines.

Information/Discussion: Permitting of RAGBRAI Special Events for the Sales of Food, Beverages (With and Without Alcohol), Goods and Services, When RAGBRAI Selects Woodbury County as a Location for the Annual Event.

Priestley presented a proposed Zoning Ordinance Text Amendment to allow for the sales of food, beverages, goods, and services when RAGBRAI selects Woodbury County as a location for their annual event. The proposal includes a temporary use provision and a Conditional Use Permit option if there is a desire to sell alcohol products. The temporary use provision allows for the sales of food, beverages (with no alcohol), goods, and services. A conditional use permit would be required if there is a desire to sell alcohol products.

Information/Discussion: Permitting of Special Events

Priestley offered information about the possible permitting of events other than RAGBRAI. He noted the concerns that the Zoning Commission had referenced at the August 22, 2022 meeting. After discussions with the County Attorney's office, there were concerns about a general special events category and the possible impacts to other uses. Thus, the RAGBRAI proposal was developed to specifically address the challenges of selling goods and services in the unincorporated area of Woodbury County during the 2022 RAGBRAI event.

Public Comment on Matters Not on the Agenda

None

Commissioner Comment or Inquiry

None

Staff Update

Priestley indicated that the public meeting attendance for Comp Plan 2040 has been low and public input is important for the future development of Woodbury County. Priestley stated that the Board of Supervisor meetings are also an important tool for public input and awareness of issues involving the County. Meeting schedules and agendas are posted on the Woodbury County website.

Adjourn

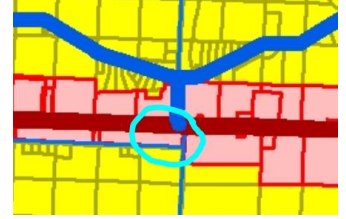
Motion by O'Tool. Second: O'Tool. 5-0. The meeting adjourned at 7:50 PM.

EVALUATION CRITERIA

The Zoning Commission shall base their recommendations and the Board of Supervisors shall base their decision on any requested amendment of the zoning district map on the following criteria:

Conformance with the goals and objectives set forth in the approved general development plan for Woodbury County including the future land use map.

The 2005 Future Land Use Map shows this area as General Commercial (GC). The parcel is currently zoned Agricultural Preservation (AP) and the request is to change to GC for the purpose of using the property for outdoor storage and eventually having a building for automotive repair.. The request conforms to the goals and objectives of the general development plan as it relates to the following land use goals:



- **Land Use Goal 1.1:** Adopt a land use plan that designates areas for anticipated future population and business growth needs of the County.
- **Land Use Goal 1.2:** Adopt development regulations that promote efficient, stable land uses with minimum conflicts and provision of public infrastructure.
- **Land Use Goal 1.3:** Encourage development near cities by discouraging leap-frog development outside municipalities.
- **Economic Development Goal 2.2:** Support existing, growing businesses in Woodbury County.

Compatibility and conformance with the policies and plans of other agencies with respect to the subject property.

There are no conflicts with the policies and plans of other agencies.

Consideration of the Corn Suitability (CSR) of the property.

The CSR2 rating for this property includes ratings of 71.38. The agricultural goal of the Woodbury County General Plan is to protect prime farmland as determined by a high corn suitability rating (e.g. over 65 CSR) from conversion to other land uses.

Summary

Parcel ID	884701200009
Gross Acres	5.00
ROW Acres	0.00
Gross Taxable Acres	5.00
Exempt Acres	0.00
Net Taxable Acres	5.00 (Gross Taxable Acres - Exempt Land)
Average Unadjusted CSR2	71.38 (356.91 CSR2 Points / 5 Gross Taxable Acres)

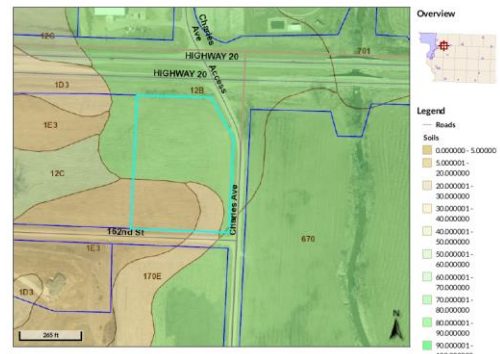
Agland Active Config: 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	5.00	71.38	356.91	356.91
Non-Crop	0.00	0.00	0.00	0.00
Total	5.00		356.91	356.91

Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	3.33	309.69	309.69
100% Value	170E	NAPIER-CASTANA SILT LOAMS, 9 TO 20 PERCENT SLOPES	57.00	0.44	25.08	25.08
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	1.23	22.14	22.14
Total				5.00	356.91	356.91



Compatibility with adjacent land uses.

The rezone proposal to GC comports with the Woodbury County Future Land Use Map (2005) as this parcel is designated as a future GC parcel. The area adjacent to this property includes mixed uses including a residential dwelling approximately 330 FT to the southwest on an AP parcel. The area also includes commercially zoned property to the east, northeast and north as well as agricultural to the south, southwest and northwest. This property abuts Highway 20, Charles Avenue, and 162nd Street.



Compatibility with other physical and economic factors affecting or affected by the proposed rezoning.

This property abuts Highway 20, Charles Avenue, and 162nd Street. If any commercial development were to proceed in this area, the eventual paving of Charles Avenue and 162nd Street may be required. Thus, the property owner should be required to sign pavement agreements to address Charles Avenue and 162nd Streets.

Any other relevant factors.

This property is located in the Special Flood Hazard Area (SFHA – floodplain). The property owner(s) must elevate any structures as required by the Woodbury County Zoning Ordinance or seek a Letter of Map Amendment for Areas that could possibly be outside of the floodplain if found by a surveyor and FEMA.

CURRENT – EFFECTIVE FLOODPLAIN MAP



DRAFT FLOODPLAIN MAP (Possibly Effective Jan./Feb. 2024)



LEGAL NOTIFICATION FOR ZONING COMMISSION PUBLIC HEARING

Published in the Sioux City Journal's Legals Section on **September 29, 2022.**

***** Proof of Publication *****

STATE OF IOWA
COUNTY OF WOODBURY

The undersigned, of said County, being duly sworn, on oath states the undersigned is an employee of the Sioux City Journal printed and published by Journal Communications, in Sioux City in said County and issued daily and Sunday

Woodbury County Planning & Zoning
Accounts Payable
620 DOUGLAS STREET 6TH FLOOR
SIOUX CITY IA 51101

ORDER NUMBER 52147

Subscribed and sworn before me in Sioux City, in said County,

this 29 day of September, 2022

Chris Cirrus

Michelle Graham Notary Public

In and for Woodbury County.



Section: Legal

Category: 015 Attorneys & Legals

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FILED ON: 9/29/2022

NOTICE REGARDING PUBLIC HEARING FOR
A ZONING ORDINANCE MAP AMENDMENT
(REZONE)

WOODBURY COUNTY
ZONING COMMISSION

The Woodbury County Zoning Commission will hold a public hearing on the following item hereafter described in detail during a special meeting on October 5, 2022 at 6:00 PM or as soon thereafter as the matter may be considered. The said hearing will be held in the Board of Supervisors' Meeting Room, Number 104, County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said item may now be examined at the office of Woodbury County Community and Economic Development, on the 6th Floor of said courthouse by any interested persons. All persons who wish to be heard in respect to this matter should appear at the aforesaid hearing in person. There is an option available to call 712-464-1133 and enter the Conference ID: 403 184 608# during the meeting to listen or comment. It is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

Item One (1)
Pursuant to Section 335 of the Code of Iowa, the Woodbury County Zoning Commission will hold a public hearing to consider the application for a zoning ordinance map amendment (rezone) to the Woodbury County Zoning Ordinance and/or Map for the Unincorporated Area of Woodbury County Iowa by Midwest Auto Properties, L.L.C.

The proposed amendment is to rezone from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District for 5.00-acres located on Government Lot 1, Section 1, T88N, R47W (Woodbury Township) in the County of Woodbury and State of Iowa. The property is known as GIS Parcel #884701200009 and is described as The East 5 acres of a parcel of land described as follows: Government Lot 1, excluding therefrom all roads and easements, in Section 1, Township 88 North, Range 47 West of the 5th P.M., Woodbury County, Iowa, subject to and together with any and all easements.

Owner(s)/Applicant(s): Midwest Auto Properties, L.L.C., 1901 Highway 20, Lawton, IA 51030, Curtis Eping, 1901 Highway 20, Lawton, IA 51030. Property Address, 1605 Charles Avenue, Lawton, IA 51030.

Customer Ad Proof

180-60017915 Woodbury County Planning & Zoning

Order Nbr 52563

Publication **Sioux City Journal**

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Address 1 620 DOUGLAS STREET 6TH FLOOR
Address 2
City St Zip SIOUX CITY IA 51101
Phone 7122796557
Fax 7122796530

PO Number
Rate Open
Order Price 37.47
Amount Paid 0.00
Amount Due 37.47

Section Legal
SubSection
Category 015 Attorneys & Legals

Start/End Dates 10/20/2022 - 10/20/2022
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Notes

Ad Proof

NOTICE REGARDING PUBLIC HEARINGS FOR A ZONING ORDINANCE MAP AMENDMENT (REZONE) WOODBURY COUNTY BOARD OF SUPERVISORS

The Woodbury County Board of Supervisors will hold public hearings on the following item of business, hereafter described in detail, on Tuesday, October 25, 2022 at 4:45 PM, Tuesday, November 1, 2022 at 4:45 PM and Tuesday, November 8, 2022 at 4:45 PM or as soon as possible thereafter as the matter may be considered. Pursuant to Iowa Code Section 331.302, the second and third public hearings may be waived by the Board of Supervisors.

Said hearings shall be held at the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, in the Board of Supervisors meeting room in the basement of the courthouse. Persons wanting to participate in the public hearings may attend in person during the meetings to comment.

Copies of said item may now be examined in the Woodbury County Auditor's office in the said Courthouse during the normal business hours of Monday through Friday between 8:00 AM and 4:30 PM by any interested persons.

All persons who wish to be heard in respect to this matter should appear to participate in the aforesaid hearings.

Item One (1)
 Pursuant to Section 335 of the Code of Iowa, the Woodbury County Board of Supervisors will hold public hearings on the referenced dates and times above to consider the application for a zoning ordinance map amendment (rezone) to the Woodbury County Zoning Ordinance and/or Map for the Unincorporated Area of Woodbury County Iowa by Midwest Auto Properties, L.L.C.

PROPOSED ZONING ORDINANCE MAP AMENDMENT (REZONE): The proposal is to rezone from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District for 5.00-acre located in Government Lot 1, Section 1, T88N, R147W (Woodbury Township) in the County of Woodbury and State of Iowa. The property is known as GE Parcel #884701200006 and is described as

The East 5 acres of a parcel of land described as follows: Government Lot 1, excluding therefrom all roads and easements, in Section 1, Township 88 North, Range 47 West of the 5th P.M., Woodbury County, Iowa, subject to and together with any and all easements.

Owner(s)/Applicant(s): Midwest Auto Properties, L.L.C., 1901 Highway 20, Lareton, IA 51030. Curtis Epling, 1901 Highway 20, Lareton, IA 51030. Property Address: 1606 Charles Avenue, Lareton, IA 51030.

**NOTICE REGARDING PUBLIC HEARINGS
FOR A ZONING ORDINANCE
MAP AMENDMENT (REZONE)
WOODBURY COUNTY
BOARD OF SUPERVISORS**

The Woodbury County Board of Supervisors will hold public hearings on the following item of business, hereafter described in detail, on business, hereafter described in detail, on Tuesday, October 25, 2022 at 4:45 PM, Tuesday, November 1, 2022 at 4:45 PM and Tuesday, November 8, 2022 at 4:45 PM or as soon as possible thereafter as the matter may be considered. Pursuant to Iowa Code Section 331.302, the second and third public hearings may be waived by the Board of Supervisors. Said hearings shall be held at the Woodbury County Courthouse, 620 Douglas Street,

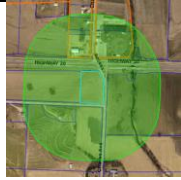
Sioux City, Iowa, in the Board of Supervisors' meeting room in the basement of the courthouse. Persons wanting to participate in the public hearings may attend in person during the meetings to comment. Copies of said item may now be examined in the Woodbury County Auditor's office in the said Courthouse during the normal business hours of Monday through Friday between 8:00 AM and 4:30 PM by any interested persons. All persons who wish to be heard in respect to this matter should appear to participate in the aforesaid hearings.

Item One (1)
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PROPOSED ZONING ORDINANCE MAP AMENDMENT (REZONE): The proposal is to rezone from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District for 5.00-acres located on Government Lot 1, Section 1, T88N, R47W (Woodbury Township) in the County of Woodbury and State of Iowa. The property is known as GIS Parcel #884701200009 and is described as The East 5 acres of a parcel of land described as follows: Government Lot 1, excluding therefrom all roads and easements, in Section 1, Township 88 North, Range 47 West of the 5th P.M., Woodbury County, Iowa, subject to and together with any and all easements.

Owner(s)/Applicant(s): Midwest Auto Properties, L.L.C., 1901 Highway 20, Lawton, IA 51030, Curtis Epling, 1901 Highway 20, Lawton, IA 51030, Property Address, 1605 Charles Avenue, Lawton, IA 51030.

PROPERTY OWNER(S) NOTIFICATION – 1000'



The **fifteen (15)** property owners within 1,000 FT; and listed within the certified abstractor's affidavit; were notified by a **September 8, 2022** letter of the public hearing before the Woodbury County Zoning Commission on **September 26, 2022**.

As of **September 22, 2022**, the Community and Development office has received the following inquires. The names of the property owners are listed below. When more comments are received after the printing of this packet, they will be provided at the meeting.

Property Owner(s)	Mailing Address	Comments
Theresa M. Kuhlmann Rev. Trust & Michael D. Kuhlmann Rev. Trust	8240 N 123rd St., Omaha, NE 68142	No comments.
Charles C Le Neal	1637 Charles Ave., Lawton, IA 51030	No comments.
Gehrig Johndreau and Carol Jean Sikora	1751 170th St., Lawton, IA 51030	No comments.
Jeremy J. & Kristi Boatman	1762 162nd St., Lawton, IA 51030	No comments.
Brian D. Peterson	1739 Charles Ave., Lawton, IA 51030	No comments.
Midwest Auto Properties, LLC	1901 Hwy 20, Lawton, IA 51030	No comments.
Everett Dean & Lois Neal	1637 Charles Ave., Lawton, IA 51030	No comments.
Dana D. & Kimberly A. Neal	1774 162nd St., Lawton, IA 51030	No comments.
Andrew S. & Ashley J Ellensohn	7586 Correctionville Rd., Lawton, IA 51030	No comments.
Casey L. & Ashley M. Watts	1583 Charles Ave., Lawton, IA 51030	No comments.
Thomas A. & Angela Kayl	1585 Charles Ave., Lawton, IA 51030	No comments.
Michael & Terri Pagan	1589 Charles Ave., Lawton, IA 51030	No comments.
H & H Real Estate, LLC	1597 Charles Ave., Lawton, IA 51030	No comments.
H & H Real Estate, LLC	1624 180th St., Sioux City, IA 51106	No comments.
Todd W. & Tara M. Shumansky	1275 Buchanan Ave., Sioux City, IA 51108	No comments.

STAKEHOLDER COMMENTS

911 COMMUNICATIONS CENTER:	I have no issues with this. – Glenn Sedivy, 9/7/22.
CENTURYLINK / LUMEN:	No comments.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
IOWA DEPARTMENT OF TRANSPORTATION (IDOT):	No comments.
LONGLINES:	No comments.
MAGELLAN PIPELINE:	No comments.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the proposed rezoning for MEC electric. We have no conflicts. – Casey Meinen, 9/7/22.
MIDAMERICAN ENERGY COMPANY (Gas Division):	MEC Gas has no conflicts with the proposed rezoning below either. – Tyler Ahlquist, 9/7/22.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS)	No comments or concerns from the SWCD. – Randi Prichard, 9/8/22.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	NIPCO has no issues with this request. – Jeff Zettel, 9/13/22.
NUSTAR PIPELINE:	The rezoning request does not impact our pipeline. No comments or concerns. Please note that our pipeline does cross in close proximity to the west on future requests. – Matt McGee, 9/9/22.
SIouxLAND DISTRICT HEALTH DEPARTMENT:	No comments.
WIATEL:	No comments.
WOODBURY COUNTY ASSESSOR:	No comments.
WOODBURY COUNTY CONSERVATION:	No comments.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	No comments.
WOODBURY COUNTY EMERGENCY SERVICES:	No comments.
WOODBURY COUNTY ENGINEER:	I do not have objections to the proposed rezoning of this parcel. I agree that a paving agreement should be put in place. The agreement should follow the current 80/20 cost share. I doubt the other side of the road will develop due to the flood plain status, but 40% of the frontage cost from this adjacent landowner will be appropriate should traffic grow to a level that justifies the eventual paving of the roadway up to 162nd Street. This rezone has the potential to generate traffic and the parcel should participate in the cost of any future pavement to meet the needs of traffic at a new commercial enterprise on Charles Avenue. Thank you for the opportunity to comment. – Mark Nagra, PE, 9/19/22.
WOODBURY COUNTY RECORDER:	No comments thank you. – Diane Swoboda Peterson, 9/7/22.
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	Woodbury REC has no questions or concerns. – Kent Amundson, 9/7/22.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD recommends against this rezoning proposal because a significant portion of this parcel lies in a flood zone, making it more prone to flood damages if it is developed as a business property. – Neil Stockfleth, 9/7/22.
WOODBURY COUNTY TREASURER	The taxes have been paid in full (August 23, 2022 for \$208.00). – Kim Koepke, 9/7/22.

ORDINANCE NO. ____

**A ZONING DISTRICT DESIGNATION MAPPING AMENDMENT
TO THE WOODBURY COUNTY, IOWA ZONING ORDINANCE**

WHEREAS the Board of Supervisors of Woodbury County, Iowa, adopted a Zoning Ordinance on July 22, 2008, by Resolution No. 10,455 being recorded in the Office of the Woodbury County Recorder, and

WHEREAS the Woodbury County Board of Supervisors has received a report in respect to amending the said Ordinance from the Woodbury County Zoning Commission which held a public hearing on the amendment; all as by law provided. Which the amendment is attached hereto marked item One (1), and hereby made a part hereof; and

WHEREAS the Woodbury County Board of Supervisors has received said report, studied and considered the same, and has held hearings on said amendment, all as by law provided; and

WHEREAS the Woodbury County Board of Supervisors has concluded that the said ordinance shall amend the aforesaid Zoning Ordinance;

NOW THEREFORE, BE IT RESOLVED by the Woodbury County Board of Supervisors, duly assembled, that the aforesaid Zoning District is amended as shown on said attached item One (1); and the previous zoning district designation shall be repealed upon the effective date of this amendment.

Dated this ____ day of _____, 2022.

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS

Keith Radig, Chairman

Jeremy Taylor, Vice Chairman

Rocky De Witt

Matthew Ung

Justin Wright

Attest:

Patrick Gill, Woodbury County Auditor

Adoption Timeline: Public Hearing and 1st Reading: Public Hearing and 2nd Reading: Public Hearing and 3rd Reading: Adopted: Effective:
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ITEM ONE (1)

Property Owner(s): Midwest Auto Properties, L.L.C., 1901 Highway 20, Lawton, IA 51030.
Property Address, 1605 Charles Avenue, Lawton, IA 51030.

Petitioner Applicant(s): Curtis Epling, 1901 Highway 20, Lawton, IA 51030

Pursuant to Section 2.02:4 of the Woodbury County Zoning Ordinance, and in accordance with Section 335 of the Code of Iowa, the Woodbury County Zoning Commission held a public hearing on Monday, September 26, 2022, to review and make a recommendation for amendments to the Woodbury County Zoning Ordinance and Mapping for the unincorporated area of Woodbury County, Iowa as follows:

Amendment to rezone from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District for 5.00-acres located on Government Lot 1, Section 1, T88N, R47W (Woodbury Township) in the County of Woodbury and State of Iowa. The property is known as GIS Parcel #884701200009 and is described as

The East 5 acres of a parcel of land described as follows: Government Lot 1, excluding therefrom all roads and easements, in Section 1, Township 88 North, Range 47 West of the 5th P.M., Woodbury County, Iowa, subject to and together with any and all easements.

**AGREEMENT TO IMPOSE COVENANT
BASED UPON LINEAL LOT FRONTAGE**

The undersigned, *Curtis Epling of Midwest Auto Properties, LLC*, the owner(s) of the real estate legally described as follows:

The East 5 acres of a parcel of land described as follows: Government Lot 1, excluding therefrom all roads and easements, in Section 1, Township 88 North, Range 47 West of the 5th P.M., Woodbury County, Iowa, subject to and together with any and all easements.

In consideration of the approval of the Zoning Ordinance Map Amendment Proposal from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District I/we agree as follows:

1. To impose a recorded covenant on *162nd Street* agreeing to an assessment on said Parcel of Land in event *162nd Street* is hard surfaced and graded for that purpose (the Improvement).
2. At the time of the Improvement, the then owners, their successors, and assigns shall be assessed collectively a maximum of eighty percent (80%) of the total actual cost of the Improvement to the centerline of *162nd Street*. The centerline to be fifty percent (50%) of the total Improvement of said roadways, therefore, the effective collective assessment against the Parcel of Land will be a maximum of forty percent (40%) of the total actual cost of the improvements abutting said parcel.
3. The collective assessment shall be individually prorated to the Parcel of Land on the basis of the number of lineal feet on which the Parcel of Land abuts the said roadway(s) and the respective Parcel owner(s) shall have the responsibility for the assessment only on the lot within the Parcel of Land he/she or it may own.
4. In the event that statutes or ordinances existing at the time of the Improvements results in an overall lower assessment against the Parcel of Land, then the lower amount shall be assessed against said Parcel of Land.
5. This Agreement to Impose Covenant shall be binding upon the respective successors, heirs, administrators, executors and assigns of the parties.

Dated this _____ day of _____, 20 ____.

Curtis Epling,
Midwest Auto Properties, LLC

On this ___ day of _____ A.D. 2022, before me, the undersigned Notary Public, personally appeared to me known **Curtis Epling of the Midwest Auto Properties, LLC** to be the person(s) named herein and who executed the foregoing instrument, and acknowledge that **Curtis Epling of the Midwest Auto Properties, LLC** executed the same as a voluntary act and deed.

Notary Public in and for said County

Seal or stamp above

**AGREEMENT TO IMPOSE COVENANT
BASED UPON LINEAL LOT FRONTAGE**

The undersigned, *Curtis Epling of Midwest Auto Properties, LLC*, the owner(s) of the real estate legally described as follows:

The East 5 acres of a parcel of land described as follows: Government Lot 1, excluding therefrom all roads and easements, in Section 1, Township 88 North, Range 47 West of the 5th P.M., Woodbury County, Iowa, subject to and together with any and all easements.

In consideration of the approval of the Zoning Ordinance Map Amendment Proposal from the Agricultural Preservation (AP) Zoning District to the General Commercial (GC) Zoning District I/we agree as follows:

1. To impose a recorded covenant on *Charles Avenue* agreeing to an assessment on said Parcel of Land in event *Charles Avenue* is hard surfaced and graded for that purpose (the Improvement).
2. At the time of the Improvement, the then owners, their successors, and assigns shall be assessed collectively a maximum of eighty percent (80%) of the total actual cost of the Improvement to the centerline of *Charles Avenue*. The centerline to be fifty percent (50%) of the total Improvement of said roadways, therefore, the effective collective assessment against the Parcel of Land will be a maximum of forty percent (40%) of the total actual cost of the improvements abutting said parcel.
3. The collective assessment shall be individually prorated to the Parcel of Land on the basis of the number of lineal feet on which the Parcel of Land abuts the said roadway(s) and the respective Parcel owner(s) shall have the responsibility for the assessment only on the lot within the Parcel of Land he/she or it may own.
4. In the event that statutes or ordinances existing at the time of the Improvements results in an overall lower assessment against the Parcel of Land, then the lower amount shall be assessed against said parcel of land.
5. This Agreement to Impose Covenant shall be binding upon the respective successors, heirs, administrators, executors and assigns of the parties.

Dated this _____ day of _____, 20 ____.

Curtis Epling,
Midwest Auto Properties, LLC

On this ____ day of _____ A.D. 2022, before me, the undersigned Notary Public, personally appeared to me known **Curtis Epling of the Midwest Auto Properties, LLC** to be the person(s) named herein and who executed the foregoing instrument, and acknowledge that **Curtis Epling of the Midwest Auto Properties, LLC** executed the same as a voluntary act and deed.

Notary Public in and for said County

Seal or stamp above

PARCEL REPORT

Summary

Parcel ID 88470120009
 Alternate ID 820892
 Property 1605 CHARLES AVE
 Address LAWTON IA 51030
 Sec/Twp/Rng 1-88-47
 Brief PT GOV'T LOT 1 BEING A TCT COM SE COR OF GOV LOT 1 THEC N 425.97' THEC WLY 33.02' TO POB THEC S 392.56' THEC W 406.92' THEC N 554.22'
 Tax Description THEC E 306.38' THEC SELY 190.38' TO POB 1-88-47 5 ACRES
 (Note: Not to be used on legal documents)
 759-3236 (6/19/2018)
 Deed
 Book/Page
 Gross Acres 5.00
 Net Acres 5.00
 Adjusted CSR 356.91
 Pts
 Zoning AP - AGRICULTURAL PRESERVATION
 District 0030 WOODBURY/LAWTON-BRONSON
 School District LAWTON BRONSON
 Neighborhood N/A

Owner

Deed Holder
 Midwest Auto Properties, LLC
 1901 Hwy 20
 Lawton IA 51030
Contract Holder
 Midwest Auto Properties, LLC
 1901 Hwy 20
 Lawton IA 51030

Land

Lot Area 5.00 Acres; 217,800 SF

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
6/4/2018	PETERSON BRIAN D	MIDWEST AUTO PROPERTIES, LLC	759-3236	Normal	Deed		\$76,500.00
1/30/2018	MCALLISTER TERENCE W & DEBRA	PETERSON BRIAN D	757-2988	NO LONGER USED (formerly Sale of two of more separately assessed parcels)	Deed	Y	\$0.00
3/28/2008	ANDERSON EMMA	MCALLISTER TERENCE & DEBRA	697/3900	SALE OF PORTION OF PROPERTY (SPLIT)	Deed		\$4,500.00

Show There are other parcels involved in one or more of the above sales:

Valuation

	2022	2021	2020	2019	2018
Classification	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$9,010	\$9,010	\$8,520	\$8,520	\$12,430
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$9,010	\$9,010	\$8,520	\$8,520	\$12,430
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$9,010	\$9,010	\$8,520	\$8,520	\$12,430

Sioux City Special Assessments and Fees

[Click here to view special assessment information for this parcel.](#)

Woodbury County Tax Credit Applications

[Apply for Homestead, Military or Business Property Tax Credits.](#)

No data available for the following modules: Residential Dwellings, Commercial Buildings, Agricultural Buildings, Yard Extras, Permits, Sioux City Tax Credit Applications, Photos, Sketches.

SOIL REPORT

Summary

Parcel ID 88470120009
 Gross Acres 5.00
 ROW Acres 0.00
 Gross Taxable Acres 5.00
 Exempt Acres 0.00
 Net Taxable Acres 5.00 (Gross Taxable Acres - Exempt Land)
 Average Unadjusted CSR2 71.38 (356.91 CSR2 Points / 5 Gross Taxable Acres)

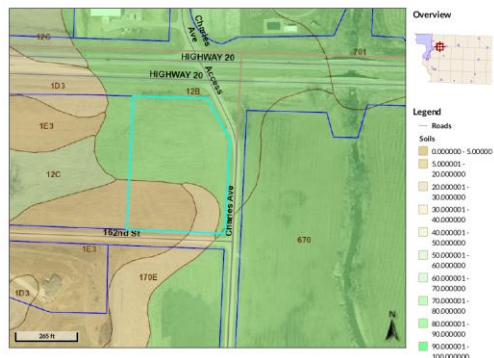
Agland Active Config 2017 CSR2

Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	5.00	71.38	356.91	356.91
Non-Crop	0.00	0.00	0.00	0.00
Total	5.00		356.91	356.91

Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	3.33	309.69	309.69
100% Value	170E	NAPIER-CASTANA SILT LOAMS, 9 TO 20 PERCENT SLOPES	57.00	0.44	25.08	25.08
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	1.23	22.14	22.14
Total				5.00	356.91	356.91



ELEVATION





OFFICE OF PLANNING AND ZONING WOODBURY COUNTY

Zoning Ordinance
Section 2.02(4)
Page 1 of 8

Rezoning Application &
Zoning Ordinance Map Amendment

Owner Information:	Applicant Information:
Owner <u>Midwest Auto Properties, LLC</u>	Applicant <u>Curtis Epling</u>
Address <u>1901 Hwy 20</u> <u>Lawton IA 51030</u>	Address <u>1901 Hwy 20</u> <u>Lawton, IA 51030</u>
Phone <u>712-870-0840</u>	Phone <u>712-870-0840</u>

Engineer/Surveyor Scott Gerhart, PE Phone (712) 870-9789

Property Information:

Property Address or Address Range 1605 Charles Ave - Parcel 'A' NENE Woodbury

Quarter/Quarter Govt Lot 1 Sec 1 Twtnshp/Range 88 - 47

Parcel ID # 884701200009 or GIS # _____ Total Acres 5.00

Current Use Ag Proposed Use Outdoor Storage

Current Zoning AP Proposed Zoning GC

Average Crop Suitability Rating (submit NRCS Statement) 71.38 (Beacon)

The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(4)(C)(2) through (C)(4) of Woodbury County's zoning ordinances (see attached pages of this application for a list of those items and information).

A formal pre-application meeting is recommended prior to submitting this application.

Pre-app mtg. date 8/29/22 - Phone Conversation w/ Scott Gerhart, PE, Engineer
Staff present Den Priestley

The undersigned is/are the owner(s) of the described property on this application, located in the unincorporated area of Woodbury County, Iowa, assuring that the information provided herein is true and correct. I hereby give my consent for the Woodbury County Planning and Zoning Office and zoning commission members to conduct a site visit and photograph the subject property.

This Rezoning Application / Zoning Ordinance Map Amendment is subject to and shall be required, as a condition of final approval, to comply with all applicable Woodbury County ordinances, policies, requirements and standards that are in effect at the time of final approval.

Owner [Signature] Applicant [Signature]

Date 8/30/22 Date 8/30/22

Fee: \$400 Case #: 6799

Check #: 1003

Receipt #: _____

