



PLANNING AND ZONING Cerro Gordo County Courthouse

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SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 22-20

Hearing Date: September 27, 2022

Staff Contact: John Robbins, Planning and Zoning Administrator

Applicant

April Templeton
4346 260th Street
Clear Lake, IA 50428

Owner

Same

Property Address: 4346 260th Street

Brief Legal Description: Property in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 10, Clear Lake, Township

Zoning: A-1 Agricultural

Special Use Requested: 20.2(FF) Boat storage facility

Special Use Description

April Templeton (Templeton) proposes to locate a boat hoist storage facility on her property. She would lease her property for Clear Lake Boats to store boat hoists in the offseason. Generally, boat hoists would be moved to the property in September to October for storage during the winter. Boat hoists would be removed for the lake season in April to June. It is a special permitted use in the A-1 District as a boat hoist storage facility under Section 20.2(FF) of the Zoning Ordinance.

STAFF COMMENTS

A packet was provided to the County Auditor for comment since the property is located at the edge of Drainage District 40. It was noted that the district is landowner managed and recommended they be notified. The drainage district trustees have been notified, and they expressed no concern with the proposed special use regarding the district.

The County Engineer mentioned that if dust ever becomes an issue from boat hoist trips that the applicant may be responsible for providing dust control along routes.

FINDINGS OF FACT

1. April Templeton is the owner of the subject property.
2. The property is zoned A-1 Agricultural.
3. April Templeton is the applicant for the proposed Special Use Permit for boat hoist storage property. Mrs. Templeton leases her property to Clear Lake Boats for storage in the offseason.
4. A boat hoist storage facility is a special permitted use in the A-1 District, subject to the requirements and conditions as granted by the Board of Adjustment.
5. The application was filed on September 1, 2022 with the Planning and Zoning Office.

BACKGROUND INFORMATION

Purpose of Special Use Request

Templeton plans to lease her property to Clear Lake Boats for the purpose of storing boat hoists during the winter. Plans include storing about 100 or more boats hoists on the property during the lake offseason (See Figures 1 & 2). Conversations with Clear Lake Boats reveal there is not enough industrially zoned land to store the more than 2,000 plus boat hoists used on the lake, so a solution is necessary to serve a needed land use. Properties are needed within a few miles of the lake to serve this need. A special use category was created for boat hoist storage facilities in anticipation of fulfilling this need while also establishing minimum requirements to account for potential impacts. A boat hoist storage facility is a special permitted use in the A-1 District with the granting of a Special Use Permit (SUP) by the Board of Adjustment.

Existing Land Use and Zoning Classification of Property

The property is zoned A-1 Agricultural and has a dwelling where Templeton resides.

Land Use and Zoning Classification of Surrounding Property

All surrounding property is zoned A-1 Agricultural. All land, except to the south, is used for farm production.

The property directly to the south has several uses, include a dwelling at 4333 260th Street. The same property has the Plain Ol' Pumpkins pumpkin patch and ag-tourism business operating there. The property also has some land in agricultural production and a private airstrip.

GENERAL FINDINGS

Harmony and Accord with General Principles and Proposals of the Zoning Ordinance

The intent of the Zoning Ordinance is to provide for the public health, safety, morals, comfort, and general welfare; conserve property values and encourage the most appropriate use of land; provide for the orderly planned use of land resources; and facilitate adequate and economical provisions for public improvements.

A boat hoist storage facility is a visually intensive land use and is generally considered a commercial or industrial type of use. It is a permitted principle use in industrial districts and an accessory permitted use in the C-2 General Commercial District when it is incidental to a

specific permitted commercial use (i.e. Clear Lake Boats in the PM Park neighborhood). This type of use can be appropriate in certain locations if these impacts are accounted for, thereby not impacting property values or the general welfare of nearby residents. The subject property has existing visually impenetrable vegetation along all lot lines, which will screen the use well and mitigate the impact of the use (See Figures 2-6).

Compatibility of Use with the Appearance and Essential Character of Area

The general vicinity is on the urban fringe north of Clear Lake where there is a transition to agricultural areas. The immediate area has some residencies within a half mile to the south and east. There is also a commercial use with the pumpkin patch and ag-tourism business across 260th Street to the south. Again, commercial boat hoist storage is a visually intensive use, so it is essential that appropriate screen buffers are provided to mitigate this type of impact. As aforementioned, the subject property has existing visually impenetrable vegetation along all property lines, which will screen the use and mitigate the impact of the use. (See Figures 2-6). With this screening, the proposed special use will not deter from the appearance and character of the area.

Impact on Existing and Futures Uses, Vicinity, and Community as a Whole

There are almost 2,500 boat hoists that are used on Clear Lake annually, and it is necessary to have offseason storage for them during the lake offseason. It is necessary that there is enough land for storage of boat hoists, and industrial or commercial zoned properties in city limits and the unincorporated areas of the county is also limited for this type of use. As a result, it is needed to accommodate this type of use with appropriate minimum requirements. Proposed locations in rural areas for this type of use should be reviewed on a case-by-case basis.

The subject property has existing visually impenetrable vegetation along all property lines, which will screen the use and mitigate the impact of the use (See Figures 2-6). With this screening, the proposed special use will not deter from the appearance and character of the area. The large open yard on the property would help address the need for land to service this need for a recreational lake. From a visual standpoint, this property appears appropriate due to the existing vegetative screening already in place.

This type of use also generates significant traffic during the spring and fall when hoists are being transported to and from the storage location. The route proposed by Templeton and Clear Lake Boats from US 18 is via Dogwood Avenue to 260th Street. The only dwelling affected by potential dust from traffic generated by the proposed special use is 4333 260th Street, which has the pumpkin patch as well, directly across the road to the south. The pumpkin patch has a Special Use Permit as well that applies dust control in front of its property and Templeton's property already. Staff has discussed this matter with Andy Meyer, the resident and owner of 4333 260th Street. Mr. Meyer states that he will continue providing dust control under the provisions of his Special Use Permit to resolve any conflict with dust control requirements.

Adequacy of Public Services

(i.e., highways, streets, police, fire protection, drainage structure, refuse disposal, water and sewage facilities, or schools)

260th St, which is gravel-surfaced, carries approximately 40 vehicles on average per day. Traffic generated by the proposed special use is active in the spring and fall as described in the operator's statement included with the application. Approximately 100 boat hoists, and possibly more, are stored on the property during the lake offseason. As a result, two trips will be generated per hoist twice per year (400 or more total) as a result. The County Engineer mentioned that if dust ever becomes an issue from such trips that Templeton could be responsible for providing dust control.

Dust from the gravel roads on Dogwood Avenue and 260th Street will be the biggest impact from the traffic generated by the proposed special use. The only dwelling affected by potential dust from traffic generated by the proposed special use is 4333 260th Street, which has the pumpkin patch as well, directly across the road to the south. The pumpkin patch has a Special Use Permit as well that applies dust control in front of its property and Templeton's property already. Staff has discussed this matter with Andy Meyer, the resident and owner of 4333 260th Street. Mr. Meyer states that he will continue providing dust control under the provisions of his Special Use Permit to resolve any conflict with dust control requirements.

Law enforcement protection is provided by the Cerro Gordo County Sheriff's Department. Fire protection is provided by the Clear Lake Fire Department. There should not be a substantial increase in demand for either service.

There are no floodplains on the property. The property sits at the edge of Drainage District 40, which is a landowner manage district, but not close to any public drainage facilities. The drainage district trustees have been notified, and they expressed no concern with the proposed special use regarding the district

Templeton is responsible for any potential refuse disposal, as applicable. The use will have no impact on schools.

No well or wastewater facilities are necessary for the proposed special use.

Public Cost for Additional Public Facilities and Services

There should be no cost to the public as a result of the proposed use.

Potential Detriments to Persons, Property, or General Welfare

(i.e., excessive traffic, noise, smoke, glare, or odors)

Please see discussion of dust and traffic in the "Adequacy of the Public Services" section. There should be no discernible noise, smoke, glare, or odors as a result of the operation.

Compatibility and Consistency with the Intent and Purpose of the Zoning Ordinance

The intent of the A-1 Agricultural District is to accommodate agricultural uses that are designed to permit the continued use of such land for agricultural purposes. Boat hoist storage facilities are allowed in the A-1 District, subject to a Special Use Permit being granted by the Board of Adjustment. No farmland will be taken out of production as a result of the special use. It is difficult to foresee the operation impeding any nearby agricultural activities.

Compatibility with County Comprehensive Plan

The Comprehensive Plan encourages the use of performance standards for development where appropriate. The proposed special use has two main impacts, which are the visual impact and possible dust impacts to dwellings along the route. The subject property has existing visually impenetrable vegetation along all property lines, which will screen the use well and mitigate the visual impact (See Figures 2-6). There is one residence along the proposed route along Dogwood Avenue and 260th Street at 4333 260th Street, owned by Andy Meyer which also operates the pumpkin patch. Mr. Meyer holds a Special Use Permit as well for his business that also has dust control provisions. Staff has spoken with Mr. Meyer, who has no concern with working out dust control with Templeton.

The plan also proposes to limit non-farm uses in rural areas that would impact agricultural operations. The proposed special use is not likely to have noticeable impact on farm operations and so is appropriate on an existing building site. No farmland will be taken out of production as a result of the proposed special use.

A consistent theme in the goals of the plan addresses support of natural, recreational, and cultural resources of Clear Lake. Boat hoist storage in the lake offseason is a clear corollary land use to the area recreational and cultural activities that must have sufficient area and be accommodated to support the lake community. With appropriate minimum standards to address the visual impacts and dust control impacts of the use, locations can be reviewed for appropriateness. With the significant vegetation and limited impact of the proposed route, there seems to be support in the plan for this location.

COMPLIANCE WITH ADDITIONAL ARTICLE 20 REQUIREMENTS

Staff comments are in bold below. Additional requirements for the special use requested are as follows:

20.2 SPECIAL USES

FF. Boat hoist storage facility. A-1 and A-2 Districts. **The property is zoned A-1 Agricultural.**

Minimum Requirements:

1. No land used for the agricultural production of crops shall be used, converted, or taken out of production for the purpose of establishing a boat hoist storage facility. **No farmland will be taken out of production due to the proposed special use.**

2. Boat hoists or watercraft shall not be visible from any adjacent public road to a boat hoist storage facility to a minimum height of eight (8) feet. The facility owner shall provide adequate screening, such as berms, fencing, or a vegetative buffers, as necessary. **Significant and visually impenetrable vegetation exists along all property lines surround the proposed storage area (See Figures 1-6). It is already in place well above the required minimum height for screening.**
3. All boat hoists or watercraft shall be stored a minimum of fifty (50) feet from all lot lines. **This requirement will be met.**
4. Boat hoists or watercraft may be stored within an enclosed building for the purposes of a boat hoist storage facility. For any outdoor storage, boats hoists or watercraft, shall be stored no closer than the rear side of the principal building, or the rear side of the closest accessory building if there is no principal building, from the public right-of-way. If there are no buildings on an applicable lot, boat hoists shall be stored a minimum of fifty (50) feet from any public right-of-way. **This requirement will be met.**
5. The facility owner, at his/her expense, shall provide dust control up to twice per year on applicable gravel-surfaced roads adjacent to any property having a dwelling along said road used to transport boat hoists or watercraft to and from a boat hoist storage facility as desired by the owner of said property. The facility owner shall offer annually to provide said dust control to applicable property owners. All dust control shall be applied by a contractor licensed by the County Engineer's Office following established procedures. The facility owner shall keep records, including contacts made to said property owners and dust control applied, for a minimum of five (5) years. Those records shall be made available to the Zoning Administrator upon request. **There is one residence along the proposed route along Dogwood Avenue and 260th Street at 4333 260th Street, owned by Andy Meyer which also operates the pumpkin patch. Mr. Meyer holds a Special Use Permit as well for his business that also has dust control provisions. Staff has spoken with Mr. Meyer, who has no concern with working out dust control with Templeton. Allowing these two operators to work out dust control matters in front of their properties is sufficient to meet this provision. Records should be maintained of any dust control applied as required.**

ZONING DISTRICT REQUIREMENTS

Requirements of the zoning district for which the proposed special use is to be located are as follows:

- Minimum parcel size is 10 acres. **The property is 16.92 acres in size and meets the requirement.**
 - 7.5 Height Regulations. No building hereafter erected or structurally altered shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet. **There is no building as a part of the proposed special use so this requirement is not applicable.**

7.6 Yard Requirements. Each lot shall have front, side and rear yards not less than the depths or widths following:

- A. Front yard depth, fifty (50) feet.
- B. Each side yard width, twenty-five (25) feet.
- C. Rear yard depth, thirty (30) feet.

There is no building as a part of the proposed special use so this requirement is not applicable.

STATUTORY REQUIREMENTS

Additional requirements under Iowa Code or local rules that pertain to the Special Use applied for:

There are no specific additional local or state requirements related to the proposed special use beyond the county Zoning Ordinance that staff is aware of that is applicable besides possible dust control provisions mentioned by the County Engineer.

STAFF ANALYSIS AND RECOMMENDED ACTION

Templeton will likely store over 100 hoists on the property. With the existing vegetation surrounding the building site on the property, the hoists will not be visible within the immediate vicinity. So long as the proposed route is adhered to and dust controls requirements are met, there will be minimal impact to neighboring residents for the increased traffic. Appropriate properties for boat hoist storage need to be close to the lake, which makes this property somewhat ideal. Due to the limited impacts and no interference with current farm operations, the Board would be justified in approving the application, subject to the recommended conditions.

RECOMMENDED CONDITIONS TO BE MET IF POSITIVE VOTE BY BOARD OF ADJUSTMENT

Note: In granting a Special Use Permit, the Board of Adjustment may attach conditions which it finds are necessary to carry out the purpose of the Zoning Ordinance, in conformance with what is provided in Article 20 of the Zoning Ordinance, and where reasonable and necessary may increase the required lot or yard, control the location and number of vehicular access points to the property, limit the number of signs, limit coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property, and require screening and landscaping to reduce noise and glare and maintain the property in character in keeping with the surrounding area. Special uses shall ordinarily comply with the standards of the district concerned for principal uses which are permitted therein, except as modified by the Board of Adjustment in granting a Special Use Permit.

1. This Special Use Permit may be reviewed at any time in the future upon the request of the applicants or a majority of the Board of Adjustment members.
2. The provisions and/or regulations as stated shall be minimum requirements and wherever the requirements of any other lawfully adopted rules, regulations, or ordinances are at a variance, the most restrictive shall govern.

3. It is contemplated that from time to time during the operation of a boat hoist storage facility that conditions may arise which are not covered by the terms of this permit and which cannot be anticipated. In the event such conditions do arise, the Board of Adjustment of Cerro Gordo County, Iowa, may impose additional regulations to meet any new conditions. In addition, if said facility should, at any time, be operated in any manner which violates the rules and regulations of any federal or state regulatory agency, then the Board of Adjustment may impose such other conditions so as to ensure compliance with such rules and regulations.
4. This permit will be subject to revocation for operator's failure to comply with the provisions as herein set forth or such other provisions as may, from time to time, be imposed by the Board of Adjustment of Cerro Gordo County, Iowa, under the terms of this permit.
5. County representatives shall have the right to enter the premises at any time upon notification to the permit holder for the purposes of enforcing the provisions of this Special Use Permit.
6. Any other necessary permits or licenses required by federal, state, and local agencies shall be obtained by the applicant and current copies placed on file with the county Planning and Zoning Office.
7. This Special Use Permit is granted to April Templeton and any successors and assigns and is not transferable to any other party or parties.
8. The site plan, proposed route map, and operator's statement is hereby adopted as presented and the applicant shall adhere to said site plan. The Board of Adjustment shall have the right to review any proposed change in or expansion of the special use.
9. Any construction associated with the special use shall strictly comply with the site plan submitted with the application. A Zoning Permit Application shall be completed and a Zoning Permit issued prior to any new construction on the site related to the special use.
10. The applicant shall maintain all existing vegetation along the lot lines of the property to screen the use as required by Article 20.2(FF) of the Zoning Ordinance.
11. All boat hoists shall be stored a minimum of fifty (50) feet from all lot lines.
12. The owner of 4333 260th Street shall be contacted annually offering to provide dust control in front of the residence on 260th street for a minimum of three hundred (300) feet at the applicant's expense as desired by said owner up to twice per year. All dust control shall be applied by a contractor licensed by the County Engineer's Office following established procedures. Templeton shall keep records for a minimum of five (5) years, including contacts made to the owner of 4333 260th Street and dust control applied. Those records shall be made available to the Zoning Administrator upon request. At any time after operation of the special use begins, the owner may have dust control applied under established procedures at Templeton's expense as described above. Where conflicts in other permitted special uses occur, it shall be the responsibility of Templeton to negotiate with the holder of the applicable Special Use Permit regarding the application of dust control as desired by affected property owners.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Alternatives

1. Grant the requested Special Use Permit Application subject to any condition as deemed necessary by the Board (The Board reserves the right to remove, amend, or add additional conditions from those recommended as deemed necessary).
2. Deny the requested Special Use Permit Application.

The following motions are provided for the Board's consideration:

Provided motion of **approval**:

To adopt the staff report as the Board's findings and to grant the application, subject to the conditions recommended by staff and as modified by the Board of Adjustment, for the placement of an agricultural-commercial neighborhood business, and further, that the grant of the application be made effective immediately and on the condition that **[NAME OF APPLICANT]** shall perform all operations under the application under the specific direction of the Cerro Gordo County Zoning Administrator, consistent with the proposed conditions and recommendations approved by the Board of Adjustment, until such time as a formal resolution is drafted and adopted by the Board of Adjustment, not to exceed 60 days.

Provided motion of **denial**:

To adopt the staff report as the Board's findings and to deny the application for the reasons stated in the staff report as well as for the following reasons: **[STATE ADDITIONAL REASONS FOR DENIAL, IF ANY]**. Said reasons for denial shall be stated in the official transcript and minutes of the Board of Adjustment, and shall be made in writing to the applicant in letter form by the Board's secretary.

EXHIBITS

- Exhibit 1: Figures
- Exhibit 2: Special Use Permit Application
- Exhibit 3: Operator's Statement
- Exhibit 4: Site plan
- Exhibit 5: Route Map
- Exhibit 6: Aerial photo of site

Figure 1

Looking at the east section of the proposed hoist storage area



September 14, 2022, J. Robbins

Figure 2

Looking at the existing vegetation along the west side of the property and the storage area on the west half of the rear yard of the property



September 14, 2022, J. Robbins

Figure 3

Looking at the existing vegetation along the east side of the property from 260th Street



September 14, 2022, J. Robbins

Figure 4

Looking at existing vegetation along the front side of the property, east of the driveway from 260th Street



September 14, 2022, J. Robbins

Figure 5

Looking at existing vegetation along the front side of the property, west of the driveway from 260th Street



September 14, 2022, J. Robbins

Figure 6

Looking at the driveway entrance into the property from 260th Street



September 14, 2022, J. Robbins

SPECIAL USE PERMIT

APPLICATION

Date Filed 9/1/22 Date Set for Hearing 9/27/22 Case Number: 22-20

Applicant Name: April Templeton Phone: 641-529-1302 E-Mail: lus@cltel.net
Mailing Address: 4346 260th St Clear Lake IA 50428
Property Owner Name: April Templeton Phone: 641-529-1302 E-Mail: lus@cltel.net
Property Owner Address: 4346 260th St Clear Lake IA 50428
Property Description (Not to be used on legal documents): Parcel # 05-10-300-006 Township Clear Lake
Property Address: 4346 260th St Clear Lake IA Zoning: A-1
Brief Legal Description: SE 1/4 of the SW 1/4, Sect. 10, Clear Lake Township

Type of Special Use Requested: Commercial boat hoist storage facility

Special Use Description: Please provide a general description of the proposed special use.

Boat and pwc hoist storage behind house to the north.

*Attach all required items listed in the application checklist, including written operator's statements, site plan, filing fee, and all other materials required to be submitted with this application

I am the Owner Contract Purchaser Other (Explain) _____ of the property affected.

I, the applicant, being duly sworn, depose and say that I am the owner or that I am authorized and empowered to make the accompanying application; and that the information provided is true and correct, and actual construction, as applicable, and operation of the proposed special use will proceed in accordance with the purposes herein stated on the application and all submitted materials. I further agree to any conditions and/or requirements the Board of Adjustment may stipulate. The Planning & Zoning staff and Board of Adjustment members are also given permission to enter the above property in reviewing this application.

Applicant Signature April Templeton Date 9/1/2022

April Templeton

Operator's Statement

I am proposing to have a commercial boat hoist storage facility at my acreage at 4346 260th Street. I lease my land for storage with Clear Lake Boats during the lake offseason. We store about 100 hoists on the property each year.

Time of Operation:

Beginning September – October, Boats are brought to the property during Monday thru Friday, 8am-5pm

Ending April 15 – June 15, Boats are taken off the property Monday thru Friday, 8am-5pm

No hoists are moved on weekends. Please refer to the route map included with the application, which shows the streets that are used for transporting.



10

Storage Area

CH B30 260TH ST

15



CLARK RD

VENTURA

IC & ERR

US 18

W 2ND AVEN

CLEAR LAKE

15

16

DOGWOOD AVE

CH B30 260TH ST

9

10

Route Map

DOGWOOD AVE

CH B30 260TH ST

CLEAR LAKE

US 18

CLEAR LAKE

