



## PLANNING AND ZONING Cerro Gordo County Courthouse

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### SPECIAL EXCEPTION STAFF REPORT

#### SUMMARY OF REQUEST

**Case No.:** 22-21

**Hearing Date:** October 25, 2022

**Staff Contact:** John Robbins, Planning and Zoning Administrator

**Applicant**

David Kuhlemeier  
20479 Jonquil Avenue  
Clear Lake, IA 50428

**Owner**

Same

**Property Address:** 4424 235<sup>th</sup> Street

**Brief Legal Description:** Property in the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$ , Section 27, Clear Lake, Township

**Zoning:** A-2 Agricultural Residence

**Special Use Requested:** 20.2(F) Boat storage facility

#### Special Use Description

David Kuhlemeier (Kuhlemeier) proposes to locate a boat hoist storage facility on his property. He would lease his 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-2 District as a boat hoist storage facility under Section 20.2(F) of the Zoning Ordinance.

#### STAFF COMMENTS

The County Engineer has been provided the opportunity to comment on the application. Any comment received will be shared with the Board.

#### FINDINGS OF FACT

1. David Kuhlemeier is the owner of the subject property.
2. The property is zoned A-2 Agricultural Residence.
3. David Kuhlemeier is the applicant for the proposed Special Use Permit for a boat hoist storage facility. Mr. Kuhlemeier plans to lease his property to Clear Lake Boats for storage in the lake offseason.
4. A boat hoist storage facility is a special permitted use in the A-2 District, subject to the requirements and conditions as granted by the Board of Adjustment.
5. The application was filed on September 15, 2022 with the Planning and Zoning Office.

## **BACKGROUND INFORMATION**

### **Purpose of Special Use Request**

Kuhlemeier plans to lease his property to Clear Lake Boats for the purpose of storing boat hoists during the winter. Plans include storing about 50-100 boat hoists on the property during the lake offseason (See Figures 1-6). 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-2 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-2 Agricultural Residence. The property is generally vacant and has several old farm structures onsite.

### **Land Use and Zoning Classification of Surrounding Property**

All surrounding property is zoned A-1 Agricultural. Land is either used for farm production or is a wetland/floodplain. The closest resident is approximately 700 feet to the east at 4623 235<sup>th</sup> Street. There are two additional residences about ¼-mile to the west at 4055-A 235<sup>th</sup> Street and 4055-B 235<sup>th</sup> Street.

## **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 sufficient vegetation along the west property line and along the front side west of the driveway (See Figures 7 & 8). However, additional screening will be needed along the front and east sides of the property east of the driveway to properly screen the proposed boat hoist storage area (See Figure 9 & 10). This should be made a condition of the permit.

### **Compatibility of Use with the Appearance and Essential Character of Area**

The general vicinity is near the urban fringe of Clear Lake, though the area is generally about ½ mile or more from any residential areas except a few residences within about ¼-mile. 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 sufficient vegetation along the west property line and along the front side west of the driveway (See Figures 7 & 8). However, additional screening—whether vegetation or fencing—will be needed along the front and east sides of the property east of the driveway to properly screen the proposed boat hoist storage area (See Figure 9 & 10). The applicant has proposed additional trees and vegetation along the southeast corner of the property east of the driveway on the site plan. This should be made a condition of the permit.

### **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 sufficient vegetation along the west property line and along the front side west of the driveway (See Figures 7 & 8). However, additional screening—whether vegetation or fencing—will be needed along the front and east sides of the property east of the driveway to properly screen the proposed boat hoist storage area (See Figure 9 & 10). This should be made a condition of the permit.

This type of use also generates significant traffic during the spring and fall when hoists are being transported to and from the storage location. This proposed location has a direct route from Clear Lake Boat's facility along South Shore Drive, all along a paved road. As a result, the impact of transporting boat hoists to and from the property appears to be minimal, as there will not be a dust control issue.

### **Adequacy of Public Services**

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

235<sup>th</sup> Street, which is paved, carries approximately 460 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 50-100 boat hoists, and possibly more, will stored on the property during the lake offseason. As a result, two trips will be generated per hoist twice per year (up to 400 or more total) as a result. The County Engineer has been provided the opportunity to comment on the application. Any comment received will be shared with the Board.

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 mapped floodplains along the front part of the property as illustrated in hashed-grey in the aerial photograph in your packet. No boat hoists should be permitted to be stored within the special flood hazard area. This should be made a condition of the permit.

The property does not sit within a public drainage district or near any public drainage infrastructure.

Kuhlemeier 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 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 stated purpose of the A-2 District is, “to serve the agricultural community and guide urban land use in rural areas.” In particular, a boat hoist storage facility is generally a commercial or industrial type of use. With the limited land available to accommodate this corollary use to the lake, the application of performance standards can guide this type of use to appropriate properties. Under the minimum standards for the special use, this property is will be compatible with the district and ordinance with additional screening, which mitigate its visual impact.

### **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 increased traffic along the route. The subject property has existing sufficient vegetation along the west property line and along the front side west of the driveway (See Figures 7 & 8). However, additional screening—whether vegetation or fencing—will be needed along the front and east sides of the property east of the driveway to properly screen the proposed boat hoist storage area (See Figure 9 & 10). This should be made a condition of the permit. 265<sup>th</sup> Street is a paved road so will not create a nuisance related to dust. As a result, the road is sufficient to handle this type of traffic. Additionally, this type of traffic is typical for the area and should not be a nuisance.

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 of the use, locations can be reviewed for appropriateness. With the existing and proposed additional 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-2 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. **The subject property has existing sufficient vegetation along the west property line and along the front side west of the driveway (See Figures 7 & 8). However, additional screening—whether vegetation or fencing—will be needed along the front and east sides of the property east of the driveway to properly screen the proposed boat hoist storage area (See Figure 9 & 10). With the additional screening, this requirement will be met.**
3. All boat hoists or watercraft shall be stored a minimum of fifty (50) feet from all lot lines. **Meeting this requirement should be made a condition of the permit.**
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. **The property is on a paved road, and the entire proposed route is also on a paved road. This requirement will be met.**

## 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 2 acres. **The property is 4.64 acres in size and meets the requirement.**
- 8.5 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.**

8.6 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, fifty (50) 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.

## STAFF ANALYSIS AND RECOMMENDED ACTION

Kuhlemeier will likely store about 50-100 hoists on the property. With the existing vegetation and proposed vegetation, the visual impact will be mitigated within the immediate vicinity. So long as the proposed route is adhered, there will be minimal impact to neighboring residents for the increased traffic, as there will be no dust issue on a paved road. 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 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.

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 David Kuhlemeier 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 and install and maintain vegetation as shown on the site plan to screen the use as required by Article 20.2(FF) of the Zoning Ordinance. Any vegetation installed as a means to provide the required continuous screening shall be a minimum of 3' in height at installation.
11. All boat hoists shall be stored a minimum of fifty (50) feet from all lot lines.
12. Boat hoists shall be prohibited from being stored within the FEMA-designated special flood hazard area.

## 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 southeasterly portion of the proposed hoist storage area



September 21, 2022, J. Robbins

**Figure 2**

Looking at the southwesterly portion of the proposed hoist storage area



September 21, 2022, J. Robbins

**Figure 3**

Looking at the proposed hoist storage area east of the open accessory structure



September 21, 2022, J. Robbins

**Figure 4**

Looking at the proposed hoist storage area behind the open accessory structure



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**Figure 5**

Looking at the northwesterly portion of the proposed hoist storage area



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**Figure 6**

Looking at the westerly portion of the proposed hoist storage area



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**Figure 7**

Looking at the existing vegetation along the west property line



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**Figure 8**

Looking at the existing vegetation at the southwest corner of the property



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**Figure 9**

Looking toward the southeast section of the proposed boat hoist storage area from 235<sup>th</sup> Street



September 21, 2022, J. Robbins

**Figure 10**

Looking at the existing vegetation at east side property line



September 21, 2022, J. Robbins

**Figure 11**

Looking at the area located within the special flood hazard area/floodplain



September 21, 2022, J. Robbins

SPECIAL USE PERMIT

Date Filed 9/15/22 gr 9/14/2021 APPLICATION 10/25/22 gr Date Set for Hearing 9/27/2022 Case Number: 22-21

Applicant Name: David Kuhlmeier Phone: 6415255757 E-Mail: \_\_\_\_\_

Mailing Address: 20479 Johnquil ave clear lake

Property Owner Name: DAVID KUHLEMEIER Phone: 6415255757 E-Mail: \_\_\_\_\_

Property Owner Address: 504 58TH ST

Property Description (Not to be used on legal documents): Parcel # 052717600400 Township CLEAR LAKE

Property Address: 4424 235TH ST Zoning: RESIDENTIAL

Brief Legal Description:

Type of Special Use Requested: BOAT HOIST STORAGE

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

LOT TO BE USED FOR BOAT HOIST STORAGE, HAULING HOISTS TYPICALLY 8-5. 4-6 EMPLOYEES GENERALLY FOR THIS ASPECT OF THE BUSINESS, DOES NOT AFFECT TRAFFIC AND CAN MOVE WITH THE FLOW OF TRAFFIC. BOAT HOIST STORAGE IS ESSENTIAL TO THE COMMUNITY.

\*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 David Kuhlmeier Date 9-1-22

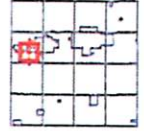
## Operator's Statement

In regards to the Kuhlemeier (4424 235th st.) property. Requesting a special use permit to store Boat hoists on the property, hours of operation vary based on where we are working out of daily/weekly. This particular part of the business only operates a total of about four months, two in the spring and two in the fall (April, May, September, October). Typically operate from 8-5 and only 1-2 employees operate the truck(s), not using this particular lot everyday. Low traffic area, no gravel travel. Use south shore dr west of 15296 Raney dr. turning onto dogwood ave (south) and back to the east on 235th st. Boat hoist storage is a necessity for a lake community and unfortunately there are not enough "commercial" lots available to store all of them. With this specific property being surrounded by a pasture field we would like to know if there is any leeway on the 50' from lot lines especially if the property owner that surrounds say it is no issue. We keep the area cleaner and more organized, there are no moving or flammable parts and top frames of hoists are 10-12' above ground causing no issues next to fences or trees. If we do need to keep 50' from lot lines we lose over half our storage spots as we have stored 120 hoists out there in the past and will now be lucky to get 50 hoists there.

Sincerely, Clear Lake Boats.



Overview



Legend

-  Roads
-  Parcels
-  Section
-  Political Township

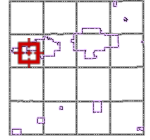


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Overview

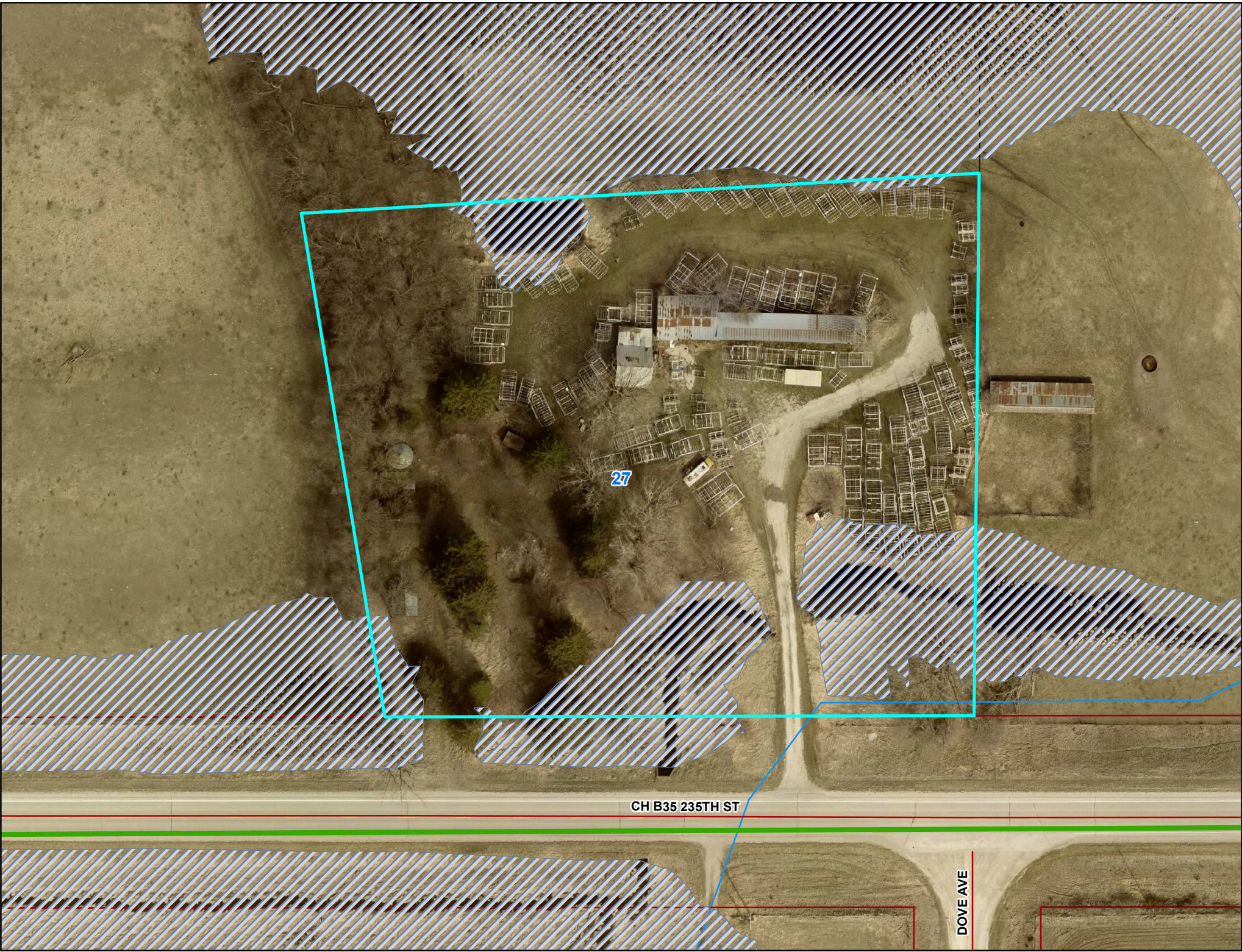


Legend

-  Roads
-  Parcels
-  Section
-  Political Township

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27

CH B35 235TH ST

DOVE AVE