



## PLANNING AND ZONING Cerro Gordo County Courthouse

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### SPECIAL EXCEPTION STAFF REPORT

#### SUMMARY OF REQUEST

**Case No.:** 22-23

**Hearing Date:** October 25, 2022

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

**Applicant**

Cory Mackedanz  
4968 260<sup>th</sup> Street  
Clear Lake, IA 50428

**Owner**

Selena Losee & Cory Mackedanz  
4968 260<sup>th</sup> Street  
Clear Lake, IA 50428

**Property Address:** 4968 260<sup>th</sup> Street

**Brief Legal Description:** Tract in the SE¼ of the SE¼, Section 10, Clear Lake, Township

**Zoning:** A-1 Agricultural

**Special Use Requested:** 20.2(II) Agricultural and Neighborhood Commercial Business

#### Special Use Description

Angry Bear Motorsports (AMB), owned by Corey Mackedanz, is a floating dock dealership specializing in the sale and installation of EZDock products. The proposed special use would involve inventory storage and distribution of these products, with storage being located as indicated on the provided site plan. No retail sales nor any onsite customer pickup occur from the property. It is a special permitted use in the A-1 District as an agricultural and neighborhood business under Section 20.2(II) of the Zoning Ordinance.

#### STAFF COMMENTS

No comments were received from other departments.

#### FINDINGS OF FACT

1. Selena Losee and Cory Mackedanz are the owners of the subject property.
2. Cory Mackedanz is applying on behalf of the owners.
3. The property is zoned A-1 Agricultural.
4. Cory Mackedanz/Angry Bear Motorsports is the applicant for the proposed Special Use Permit for an agricultural and neighborhood business to operate inventory storage and distribution onsite for a floating dock dealership business.
5. An agricultural and neighborhood business is a special permitted use in the A-1 District, subject to the requirements and conditions as granted by the Board of Adjustment.
6. The application was filed on September 19, 2022 with the Planning and Zoning Office.

## **BACKGROUND INFORMATION**

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

AMB is a floating dock dealership specializing in the sale and installation of EZDock products. The proposed special use would involve inventory storage and distribution of these products, with outdoor storage being located as indicated on the provided site plan (See Figures 1-3). No onsite retail or customer pick up is proposed as a part of the special use. An agricultural and neighborhood business is a permitted special use in the A-1 District with a Special Use Permit (SUP).

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

The property is zoned A-1 Agricultural. The property is also used as a rural acreage.

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

The property sits just outside of Clear Lake's incorporated city limits to the south and east. A residential neighborhood (Four Winds) sits to the east. The Agape Christ Family Church is just to the south in town.

The unincorporated properties to the north and west are zoned A-1 Agricultural. The property to the west is in agricultural production. There is a residential property immediately to the north at 4910 260<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.

The proposed special use will be limited to storage and some minor distribution operations for the business. There is likely little impact to safety and will be largely unnoticeable except for outdoor storage of inventory. If minimum requirements are met, particularly screening, the use will not deter property values or other intentions of the ordinance.

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

The proposed special use will have nominal impact to the appearance and character of the neighborhood. ABM proposes trees along the east side of the outdoor storage; however, additional screening along the north side of the property would be necessary to meet the screening requirement for the special use category (See Figures 4 & 5). With required screening, any visual impact is minimal and compatible with the neighborhood. This should be made a condition of the permit.

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

There is little to no expected impact from the proposed special use beyond the visual aspect due to outdoor storage of inventory (See Figure 4 & 5).

### **Adequacy of Public Services**

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

260<sup>th</sup> St, which is gravel-surfaced, carries approximately 60 vehicles on average per day. Traffic generated by the proposed special use is nominal. ABM anticipates about one vehicle per month travelling to the property. The road is sufficient for the minimal traffic.

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 nor is the property located within a public drainage district.

ABM is responsible for its own refuse disposal. The use will have no impact on schools.

No water or wastewater facilities are anticipated 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)

There should be no discernible noise, smoke, glare, or odors as a result of the operation. No noticeable increase in traffic is expected either.

### **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. Agricultural and neighborhood commercial businesses 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 largely has limited impact in its operation as previously discussed.

The plan otherwise proposes to limit non-farm uses in rural areas that would impact agricultural operations. The business 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.

## 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

- II. Agricultural and neighborhood commercial businesses, provided a buffer zone of at least fifty (50) feet is established between the commercial building's associated work area, and the property lines. **The special use will be at least 50' from all property lines.** Such buffer areas will include any combination of earthen berms, trees, shrubs and bushes, and solid fences to develop compatibility with the adjoining property owners. **ABM proposes to install vegetative screening to the east of the proposed storage area (See Figure 4). Additional screening to the north of the proposed storage area will be necessary to meet this requirement (See Figure 5). This should be made a condition of the permit.** No more than one (1) acre of cultivated farmland can be converted to the new commercial use. **No farmland will be taken out of production as a result of the business.** A-1 and A-2 Districts. **The property is zoned A-1 Agricultural.**

## ZONING DISTRICT REQUIREMENTS

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

**The property is zoned A-1 Agricultural.**

- Minimum parcel size is 10 acres. **The existing 4.6-acre parcel on which the special use is proposed is grandfathered in size, existing prior to the time this rule was adopted. There is a reasonable expectation to be able to continue the use of the property for purposes for which it was intended as zoned.**
- 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. **No new buildings are proposed as a part of the special use.**
- 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.

**No new buildings are proposed as a part of the special use.**

## STATUTORY REQUIREMENTS

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

- CG Public Health – Well Permit, if desired in the future
- CG Public Health – Septic Permit, if desired in the future

## **STAFF ANALYSIS AND RECOMMENDED ACTION**

The proposed AMB operation is limited in impact and will consist strictly of storage and some distribution. The main impact is visual due to the outdoor storage proposed. With the minimum requirements being enforced, this impact will be mitigated. The Board would be justified in approving the application subject to the staff 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 the agricultural-commercial neighborhood business 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 Cory Mackedanz and Angry Bear Motorsports and its successors and assigns and is not transferable to any other party or parties.
8. The site plan 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. All construction 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 install and/or maintain continuous screening to the east and north of the outdoor storage area at a minimum height of 8' to screen the use as required by Article 20.2(II) 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. A 50' setback from all lot lines shall be maintained for all buildings and areas used related to the special use as required by Article 20.2(II) of the Zoning Ordinance.
12. The applicant shall adhere to the requirements of CG Public Health for well and wastewater facilities, as applicable.

## 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: Aerial photo of site

**Figure 1**

Looking at the building out of which the proposed business will operate



September 29, 2022, J. Robbins

**Figure 2**

Looking at proposed inventory storage area located behind the building



September 29, 2022, J. Robbins

**Figure 3**

Looking at proposed inventory storage area located on the west side of the building



September 29, 2022, J. Robbins

**Figure 4**

Looking at the adjacent property to the north from the proposed storage area



September 29, 2022, J. Robbins



**Figure 5**

Looking at the adjacent property to the east from the proposed storage area



September 29, 2022, J. Robbins

**SPECIAL USE PERMIT**

**APPLICATION**

Date Filed 9/19/22 Date Set for Hearing 10/25/22 Case Number: 22-23

Applicant Name: Cory Mackedan Phone: (320) 295-6967 E-Mail: Macksportsman@gmail.com

Mailing Address: 4968 260<sup>th</sup> St Clear lake Iowa 50428

Property Owner Name: Same as above Phone: - E-Mail: -

Property Owner Address: -

Property Description (Not to be used on legal documents): Parcel # 051040000800 Township 05/001

Property Address: 4968 260<sup>th</sup> St Clearlake IA 50428 Zoning: Residential

Brief Legal Description:

Type of Special Use Requested: AG - Neighborhood Business

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

\*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 \_\_\_\_\_

Date: Sept 16 22

## Ag-Neighborhood Business

Angry Bear Motorsports (ABM) is a floating dock dealership specializing in the sale and installation of EzDock products. These docks are made of plastic and float on the water, allowing them to remain in the water over the winter season.

The address listed above will be used to store inventory products including plastic dock sections, benches, kayak launches, and metal gangways. These plastic dock sections will be stored behind a large shed that is already on the property. 50' setback from property line will be followed in accordance with Article 20.2. Additionally, some equipment used to install and ship the products will be stored here, including a forklift and gooseneck trailer. Small units and equipment will remain inside the shed. Expected traffic will be very minimally affected, with an occasional semi-trailer off loading a shipment of dock parts (i.e. approximately once/month during the summer season.) In general, the character of the neighborhood should not be affected, with no changes in odors, fumes, dust, or any other matters pertaining to public safety. Hours of operation will vary, with common 8am to 5pm hours being the norm. ABM does not operate a retail store nor have retail pickup.

The business address does have two neighbors, and both have expressed agreement to the above plan. The dock storage will not be visible from the main road, and it was discussed that ABM would plant additional shrubbery/trees to offset any views of the dock sections from the neighbors' homes, if desired.



⊗ New Tree Shrub  
⊗ Current Tree Shrub  
▣ Gravel Storage

Storage

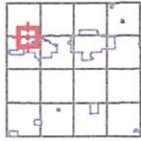
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**Overview**



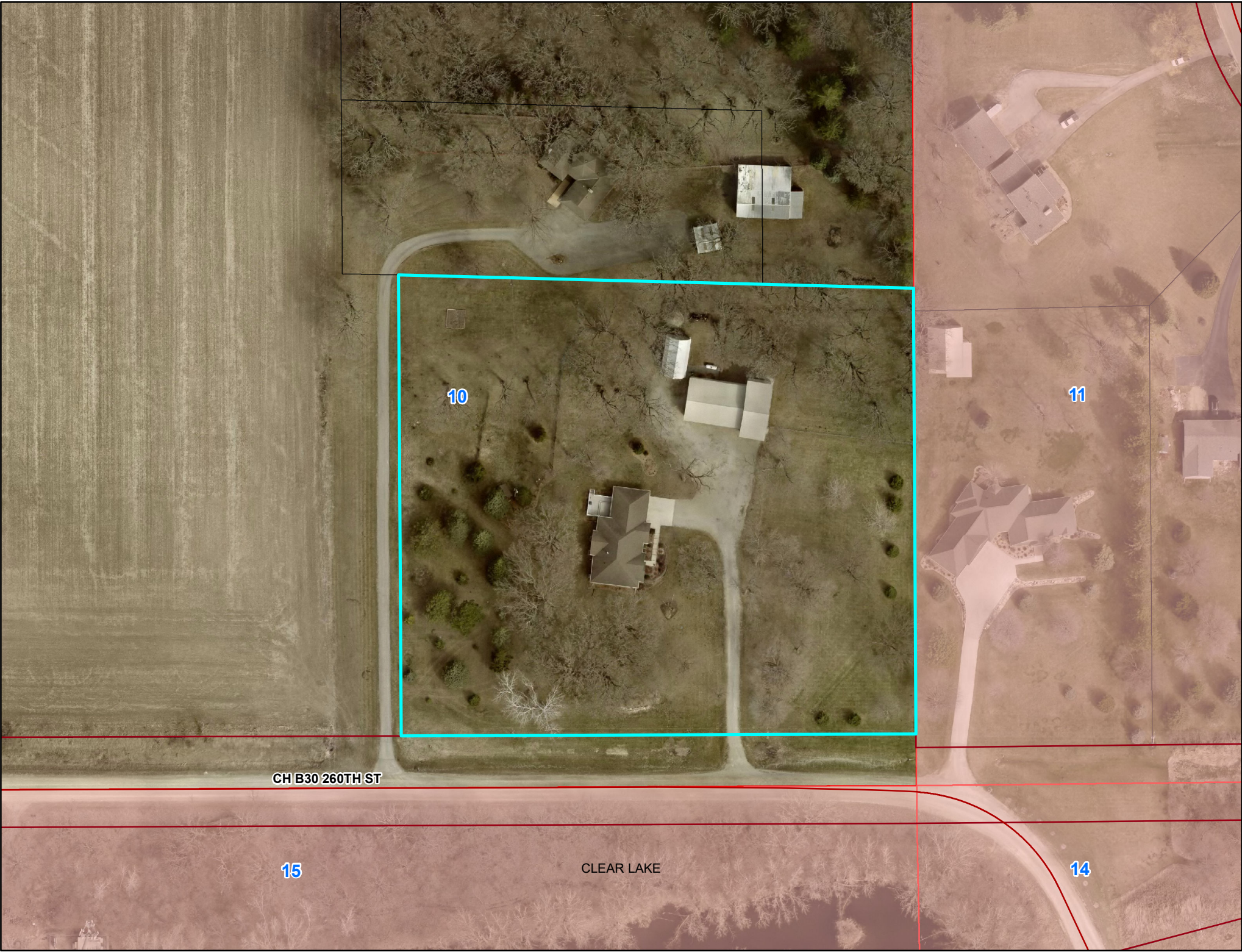
**Legend**

— Roads

<b>Parcel ID</b>	051040000800	<b>Alternate ID</b>	n/a	<b>Owner Address</b>	LOSEE SELENA & MACKEDANZ CORY
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		4968 260TH ST
<b>Property Address</b>	4968 260TH ST CLEAR LAKE	<b>Acreage</b>	4.13		CLEAR LAKE, IA 50428
<b>District</b>	12038				
<b>Brief Tax Description</b>	TRACT IN SE SE 10-96-22 COM AT SE COR SEC 10 TH N 00013' E 437.25' ALG E LINE SAID SEC TH W 452.57' TH S 450.44' TO S LINE SEC 10 TH E 452.25' TO POB 4.60 AC				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 9/9/2022  
 Last Data Uploaded: 9/9/2022 8:39:31 AM

Developed by  **Schneider**  
 GEOSPATIAL



CH B30 260TH ST

10

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CLEAR LAKE

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