

**RESOLUTION #36-20**  
**ZONING CHANGE – Leipzig Property**

Whereas, Neil and Carol Leipzig has filed with the Floyd County Zoning Commission (Commission) the required documentation to support the following:

- an application to rezone parcel #072712700400 in Section 2, Township 95 North, Range 16 West of the 5th P.M., Floyd County, Iowa from AG to I-1 for the purpose of construction of storage units;

Whereas, the Commission and the Floyd County Board of Supervisors (Board) provided timely notice of publication on September 25, 2020 regarding a Public Hearing on the application to rezone the subject property set for October 6 and October 13, respectively;

Whereas, the Commission reviewed the information and based on Iowa Code, the Floyd County Zoning Ordinance and Regulations, and the Floyd County Comprehensive Plan and voted to table action on said parcel.

Therefore, upon the Floyd County Board of Supervisor's review of said information and after closing their Public Hearing for the subject property the following actions were taken:

Supervisor Tjaden motioned and Supervisor Kamm seconded to:  
(Check all that apply.)

Approve the first reading of the application to rezone parcel #072712700400 from AG to I-1.

Set the date for the second reading and review of the application for \_\_\_\_\_.

Waive the second reading of the application to rezone said property.

Waive the third reading of the application to rezone said property.

Disapprove the application to rezone said property.

Approve the final reading and approve the application to rezone parcel #072712700400 from AG to I-1.

Vote taken resulted as follows:

Ayes – Tjaden, Kamm, Schwickerath

Nays – \_\_\_\_\_

Absent – \_\_\_\_\_

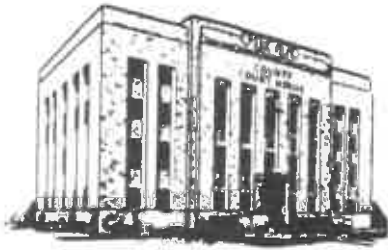
PASSED, ADOPTED AND APPROVED this 13<sup>th</sup> day of October, 2020.

ATTEST:

Gloria A. Carr  
Gloria A. Carr, Auditor

FLOYD COUNTY BOARD OF SUPERVISORS

Roy Schwickerath  
Roy Schwickerath, Chair



## FLOYD COUNTY ZONING ADMINISTRATION

LEZLIE WEBER

FLOYD COUNTY COURT HOUSE  
101 SOUTH MAIN, SUITE 208  
CHARLES CITY, IA 50616  
(641) 257-6144

### **NOTICE OF PUBLIC HEARING**

A Petition to Rezone has been received by the Floyd County Zoning Commission.

#### TO WHOM IT MAY CONCERN

You are hereby notified Neil and Carol Leipzig has filed an application with the Floyd County Zoning Commission for a petition to rezone from AG to I-1 parcel 072712700400 Charles City, in the NE NW EX PAR & HY & N30'OF LOT 1 SENW of Section 27, Township 96 North, Range 16 West of the 5<sup>th</sup> P.M., FLOYD Township, Floyd County, Iowa.

You are further notified the Floyd County Zoning Commission will hold a Public Hearing on this request in the office of the Floyd County Planning & Zoning Department on the 1st floor of the Floyd County Courthouse at 9:00 a.m on October 6, 2020, at which time you may appear to file written or oral objection or support of said application.

(Note: Board of Supervisors will hold a public hearing on October 13, 2020 at 9:30 A.M. to consider same.)

Floyd County Zoning Commission  
By: Lezlie Weber, Zoning Administrator

Charles City Press:  
Direct Bill to: Floyd County Planning & Zoning Department  
101 S. Main Street  
Charles City, IA 50616

*Please publish one time on September 25, 2020.*

**FLOYD COUNTY PETITION TO REZONE**

**Date Submitted:** 9/17/20

**TO: PLANNING AND ZONING COMMISSION  
FLOYD COUNTY COURTHOUSE - 101 S. MAIN  
CHARLES CITY, IA. 50616**

**MEMBERS:**

We (1), the undersigned owner(s) of the property described below in Paragraph 1, do hereby respectfully petition the Floyd County Planning and Zoning Commission and the Board of Supervisors to amend the present Zoning Regulations as hereinafter designated; and in support thereof, present the following facts.

1. The area to be rezoned is legally described as follows:

*See attached legal description*

2. It is requested and desired to rezone the foregoing property from A9 District to F1 District.

3. The reasons for requesting the change or changes are as follows:

*To allow storage units to be constructed*

4. The undersigned are the owner(s) of the property within the area which is under consideration for rezoning.

5. The undersigned have been fully appraised and acquainted with the uses to which the area to be rezoned may be put if the rezoning is approved.

6. I attach as part of this petition:

- A list of names and mailing addresses of the property owners within five hundred (500) feet of the subject property;
- A plat of the area to be rezoned;
- Five (5) copies of any documents submitted;
- A nonrefundable fee of one hundred fifty (\$150.00) dollars.

7. The applicant hereby agrees to pay the costs of this process, and will bear the costs of publication of legal notices in a newspaper of general circulation (to be direct billed to the applicant or agent) of this action.

SIGNED	PRINTED NAME	ADDRESS	CITY	PHONE	PROPERTY DESCRIPTION
<i>Neil Leipzig</i>	NEIL LEIPZIG	8601 220nd Court		262-945-0626	<i>see attached legal</i>
<i>Carol Leipzig</i>	CAROL LEIPZIG	Salem	IA	53168	

**Notice: This petition shall come for public hearing before the Zoning Commission on the 2<sup>nd</sup> Tuesday of each month, and shall be followed by a public hearing before the Board of Supervisors for approval.**

REZONEPET.DOC080498

*agent + Representative = Corvine Parson 641-225-6597*

Minutes of Zoning Commission Meeting held May 22, 2020  
Unapproved minutes

**I. Call to Order.**

Meeting was called to order at 9:00 a.m. Commission members present were Ben Rottinghaus, Pam Erbe-lines, Allison Staudt, Guy Carpenter, and Dean Tjaden. Also present was Jeff Sherman, Zoning administrator. Attached to these minutes and made a part hereof is a list of additional attendees.

**II. Approval of Agenda.**

A motion to approve the agenda was made by Guy Carpenter and seconded by Ben Rottinghaus. The motion was unanimously approved.

**III. Approval of Minutes.**

The chair asked if there was a motion for the minutes. A motion to approve the minutes from the May 22, 2020 was made by Ben Rottinghaus and was seconded by Guy Carpenter. The motion was unanimously approved.

**IV. Public Comment Period.**

None.

**V. Old Business.**

None.

**VI. New Business**

**A. Election of Officers**

Guy Carpenter nominated Dean Tjaden as Chair, Second by Pam Erbe-lines.  
All in favor

Allison Staudt nominated Pam Erbe-Lines as Co-Chair Second by Guy Carpenter All in favor

**VII. Open public hearing regarding application to rezone Parcel #160240001300 from AG to I-1 for the purpose of building storage units.**

**A. Rick Lensing has filed an Application with Floyd Count Zoning commission to rezone 2.64 acers of property from Ag to I-1**

All parties within 500 ft. of property were notified of this hearing. There were no written or oral objections received by the Planning & Zoning Office.

Discussion from Rick Lensing on what he proposed to do. Mr. Lensing had percussed the property from the IDOT for the purpose of building storage building on the property with 40x80 building with 5 larger storage units on the north side of 260<sup>th</sup> St for of storing campers or boats and 40x40 Building with 20 smaller units on the south side of 260<sup>th</sup> St. for smaller stuff. Mr. lensing percussed the ground in May from the IDOT Iowa department of transportation.

Comets from the public. Question was asked from Bruce Bruns to Mr. Lensing if he had prior approval from the IDOT to do this project. Mr. lensing said no he was going to farm it at the time he perched the property. Mr. Bruns was also concerned about lighting if there was going to be a bunch of lights, lighting up his property. Mr. Lensing said most of the light would be on the building with maybe one street light at the driveway. Question was also asked about sincerity if there would be a fence around the building and Mr. lensing said not at this time maybe later on.

Chair closed the Public hearing at 9:20am

Discussion by the board was had concerning the IDOT approval by the board. It was determined that the county could rezone a property without IDOT approval. Also discussed was about any billboards.

### **VIII. Closed public hearing at 9:25**

#### **IX. Review/Action regarding public hearing on approval of zoning request.**

A. Chair asked for a motion to approve or deny the request. Guy Carpenter Made the motion to approve the application as long as the IDOT does not disapproval of the use within thirty days. Jeff Sherman is also to contact the IDOT to see if there is any Issues. Seconded by Pam Erbe – Lines. Roll call vote was taken and it passed unanimously

#### **X. Open public hearing regarding application to rezone #072712700400 from AG to I-1 for the purpose of building storage units.**

A. Neil and Carol Leipzig filed an application with the Floyd County Zoning Commission for a petition to rezone from AG to I1

B. All parties within 500ft of property were notified of this hearing. There were no written or oral objections received by the Planning & Zoning Office.

C. Discussion from Connie Parson who is representing the Leipzig's for this hearing. Mrs. Parson also represents Rick lensing who is the prospective buyer for this property. Mrs. Parson went into detail for the purpose of the rezoning. Rick Lensing would like to put Storage units on this property and maybe. Mrs. Parson presented the Board with some storage units that Mr. Lensing already has in Floyd. The IDOT is in negotiation with the Leipzig's at this time to perches part of this property for the purpose of a frontage road that would run from Waterbury to Woodland acers for when they do the overpass at Floyd. Mrs. Parson presented the board with a map that had two options for placement of the storage units one if the IDOT doesn't perches the front of the property and one if they do perches the front part of the property. Lighting on the storage units would be on the building and not yard lights. So lights should not be an issue with the neighbors

Mrs. Parson also talked about drainage issues the property slopes to the north east. They don't think by added the two building storage units will change the water flow on the Waterbury subdivision. Mrs. Parson brought up the issues of order because the property is zoned Ag know and they could be grain bins and livestock on the property

with the way it is zoned know. She talked about the added tax value the storage units would bring to the county.

Discussion by the board about the access if the IDOT does not put in the frontage road. The access would be on the south west end of the property. Doug Kamm also uses this drive to access to his property that is east of the Leipzig property. If the IDOT dose put in the frontage road who would maintain the road, it problem would be the county at some point when the road is done. Allison Staudt asked if Mr. lensing would be putting up more Storage buildings in the further and Mr. Lensing said he would if he need to.

Comment from public board was given a list of nine property owners that had signed that where not in favor of the zoning change this letter will be attached to the minuets. John field Asked Mr. Lensing if he was going to put a car lot on that property Mr. Field had heard talk of that around. Mrs. Parson Said that was an option that had been talked about and Mr. Lensing confirmed that is a possibility in the future. Pam Erbe –Lines questioned if the car sales would be a different zoning class then the Storage units. It was determined that the I1 also includes Auto sales.

Ben Chatfield had concerns with the drainage if he where to put in a car lot. Mr. Chatfield has spent a lot of money on his property to keep his property from flooding. His property is where all the water goes to from property know and it is a field know if you make it a car lot that will add more runoff. Mr. Chatfield is not saying not to do this, but if you do there should be a retention pound built to control the run off that is all he asks.

Kerry Thorson also had concerns with the runoff from the property.

Mrs. Parson question Jeff Sherman if there was anything in the zoning ordinance that would require Mr. lensing to put in a retention pound if he were to do a car lot Mr. Sherman said that he was not aware of anything in the ordinance. That would require it, but the zoning board could require him to do it as a condition of the zoning.

Pam Erbe – Lines did stated that you cannot reroute a named water way whit out permeation from the Soil and water district. She is a soil and water district commissioner and if it is not named you still need there approval to chance the flow of the water.

Kerry Thorson was not opposed to putting houses on the property, but not a care lot. There are Houses on both sides of this property so it would be a better use of the land. He didn't move to the country to look at a car lot.

Heather Field had the same concerns as Mr. Thorson. Joe Frascht had similar concerns. Other thought the road issue should be settled before the property was sold.

**XI. Closed public hearing at 10:07 regarding application for subdivision.**

**XII. Review/Action regarding public hearing on approval of zoning change.**

Chair asked for a motion to approve or deny the request. Ben Rottinghaus made a motion approve the Zoning change and it was second by Pam Erbe – Lines, but after discussion Ben Rottinghaus changed the motion to table the to table the zoning change until the IDOT settles the frontage road issue. Roll call vote was taken and with four in favor and one apposed.

**VIII. Other Business.**

**XIII. Commission comments. none**

**XIV. Staff Comments. None.**

**XV. Adjournment.**

Chair asked if there was any further business.

Chair closed the meeting

Zoning Administrator

Jeff Sherman

In regards to rezoning, the proposed property currently owned by Neil and Carol Leipzig, to I-1 we the following property owners next to the proposed land for rezoning are opposed to rezoning to this classification. We oppose this due to potential of; decreases in Residential Property Values, significant amounts of traffic associated with a business on what will be a common unimproved gravel road leading to the Waterbury Road and Woodland Drive areas and increased water runoff directed to the houses which sit below the area being proposed for rezoning.

Name: Printed and Written	Address:	Date:
KARRY THORSON	2535 WATERBURY ROAD	30 SEP 20
Kelly Miller	1728 Woodman Ln	10-2-20
Danielle Miller	1728 Woodman Ln	10-2-2020
Ben Chatfield	2545 Waterbury Rd	10-4-2020
Cathie Chatfield	2545 Waterbury Rd	10-4-20
Joe Frasciolo	2530 Waterbury Rd	10-4-20
Gondy Schmitt	2530 Waterbury Rd	10-4-2020
Peter Kalka	2541 Waterbury Rd	10-15-2020
Wendy Kalka	2541 Waterbury Rd	10-15-2020