

**RESOLUTION # 31-23**  
**ZONING CHANGE – Double Double, LLC**

Whereas, Nick Hopp, representing Double Double U, LLC, filed with the Floyd County Zoning Commission (Commission) documentation to support the following:

- an application to rezone from AG to I-1, 1.25 acres of parcel #07-36-476-003-00, per survey recorded in Document #2023 1730 described as Parcel H in the SE ¼ SE ¼ of Section 36, Township 96N, Range 16W of the 5<sup>th</sup> PM of Floyd County, Iowa in St Charles Township;

Whereas, October 3, 2023 Notice of Publication on the application to rezone the subject property was timely published for the Zoning Commission hearing held on October 12, 2023 and Floyd County Board of Supervisor hearing held on October 16, 2023;

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 recommend to the Board to approve said application.

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 Jorgensen motioned and Supervisor Keifer seconded to:  
(Check all that apply.)

<input checked="" type="checkbox"/> Approve the first reading of the application to rezone 1.25 acres, known as Parcel H in SESE 36-96-16 from AG to I-1.
<input checked="" type="checkbox"/> Set the date for the second reading and review of the application for <u>October 23, 2023</u> .
<input type="checkbox"/> Waive the second reading of the application to rezone said property.
<input type="checkbox"/> Waive the third reading of the application to rezone said property.
<input type="checkbox"/> Disapprove the application to rezone said property.
<input type="checkbox"/> Approve the final reading and approve the application to rezone 1.25 acres, known as Parcel H in SESE 36-96-16 from AG to I-1.

Vote taken resulted as follows:

Ayes – Jorgensen, Keifer, Kuhn

Nays – \_\_\_\_\_

Absent – \_\_\_\_\_

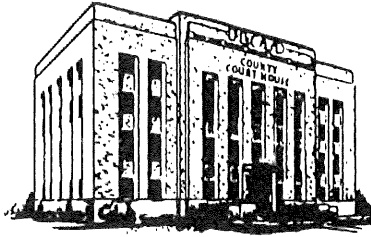
PASSED, ADOPTED AND APPROVED this 16<sup>th</sup> day of October, 2023.

ATTEST:

FLOYD COUNTY BOARD OF SUPERVISORS

Gloria A Carr  
Gloria A. Carr, Auditor

Mark A Kuhn  
Mark A. Kuhn, Chair



## FLOYD COUNTY ZONING ADMINISTRATION

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Jeff Sherman

FLOYD COUNTY COURT HOUSE  
101 SOUTH MAIN, SUITE 206  
CHARLES CITY, IA 50616  
(641) 257-6145

### NOTICE OF PUBLIC HEARING

The Floyd County Zoning Commission has received Application to Rezone from AG to I-1 for a storage building.

#### TO WHOM IT MAY CONCERN

You are hereby notified Double Double U has filed an application with the Floyd County Zoning Commission for a petition to rezone 1.25 acres from AG to I-1 for the purpose of putting up a storage building at address 1923 Rotary Park Rd PARC "H" SE ¼ SE ¼ Section 36, Township 96 North, Range 16 West of the 5<sup>th</sup> P.M., St. Charles Township, Floyd County, Iowa.

You are further notified the Floyd County Zoning Commission will hold a Public Hearing on this request in the EOC of the Floyd County Courthouse at 8:00 a.m. on October 12, 2023 at which time you may appear to file written or oral objection or support of said application.

Floyd County Board of Supervisors will hold public hearings on October 16, 2023 at 9:15 a.m. to consider same.

Floyd County Zoning Commission  
By Jeff Sherman, Zoning Administrator

*Please publish one time on October 3, 2023*

**FLOYD COUNTY PETITION TO REZONE**

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

**MEMBERS:**

We ( I ) , 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. That the area to be rezoned is legally described as follows:

Please see attached plat. 1 acres from PIN 07-36-476-003-00

2. That it is requested and desired to rezone the foregoing property from Ag land District to I-1 District

3. That the reasons for requesting the change or changes are as follows:  
To extend current lot already zoned commercial


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

5. That 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
	Nick Hopp	PO box 316 Decorah IA		3192406121	07-36-476-003-00

**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 directly followed by a public hearing before the Board of Supervisors for approval.**

REZONEPET DOC080496

DocuSigned by:  
  
2CD3E70F667C4C1...

Kris Wegner

1739 Shadow Ave Charles city6412204135

Index Legend	
Prepared by & Returned to: Kirk D. Reicks, PLS 19211 10 East Main Street New Hampton, Iowa 50659 Phone: 641-394-2725	
Proprietor(s): Double Double U, LLC	
Requested By: Nick Hopp	
County: Floyd	City: N/A
Section(s)-Township-Range: 36-T96N-R16W	
Allquot Part(s): SE 1/4 - SE 1/4	

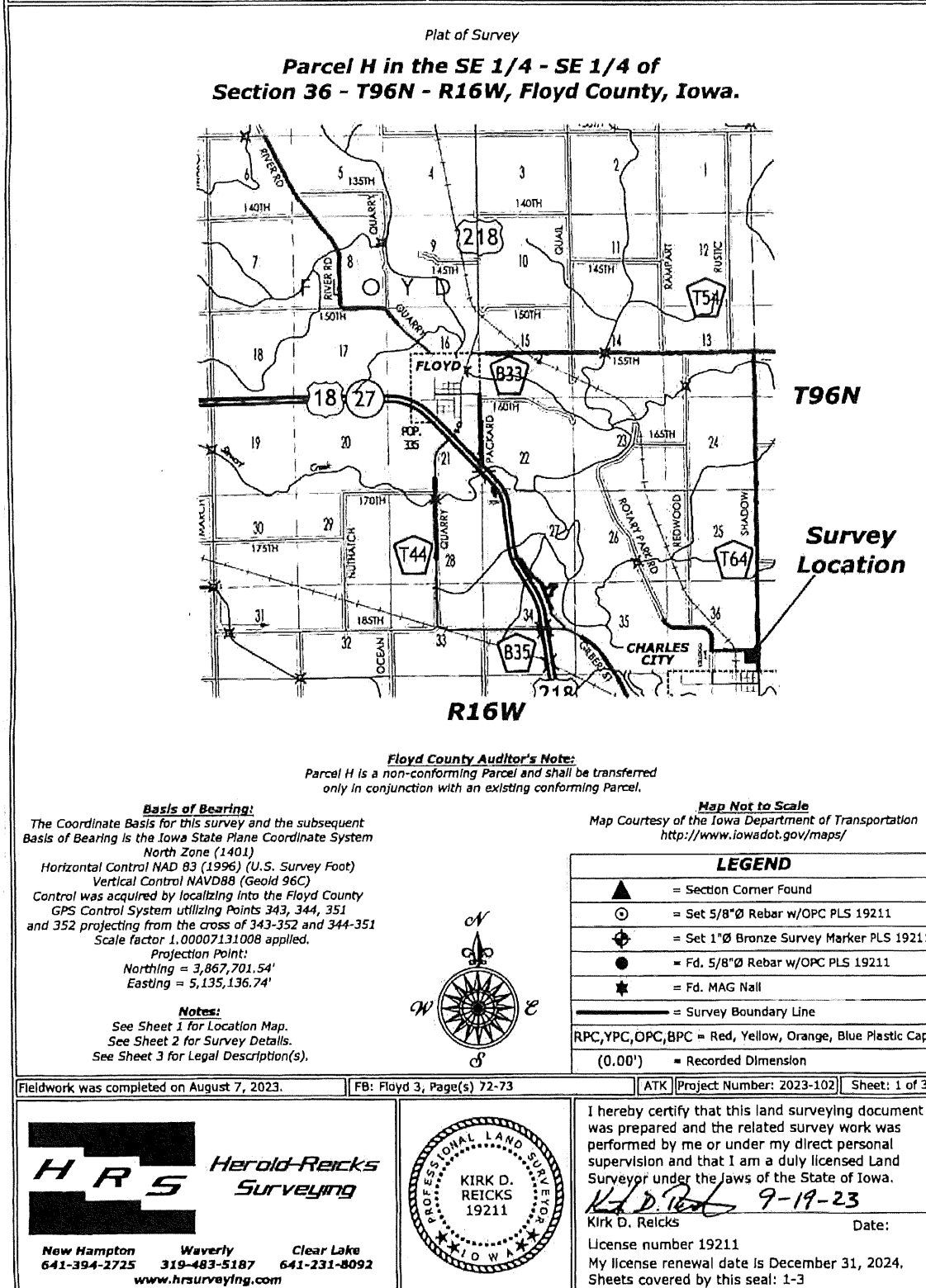


Document 2023 1730

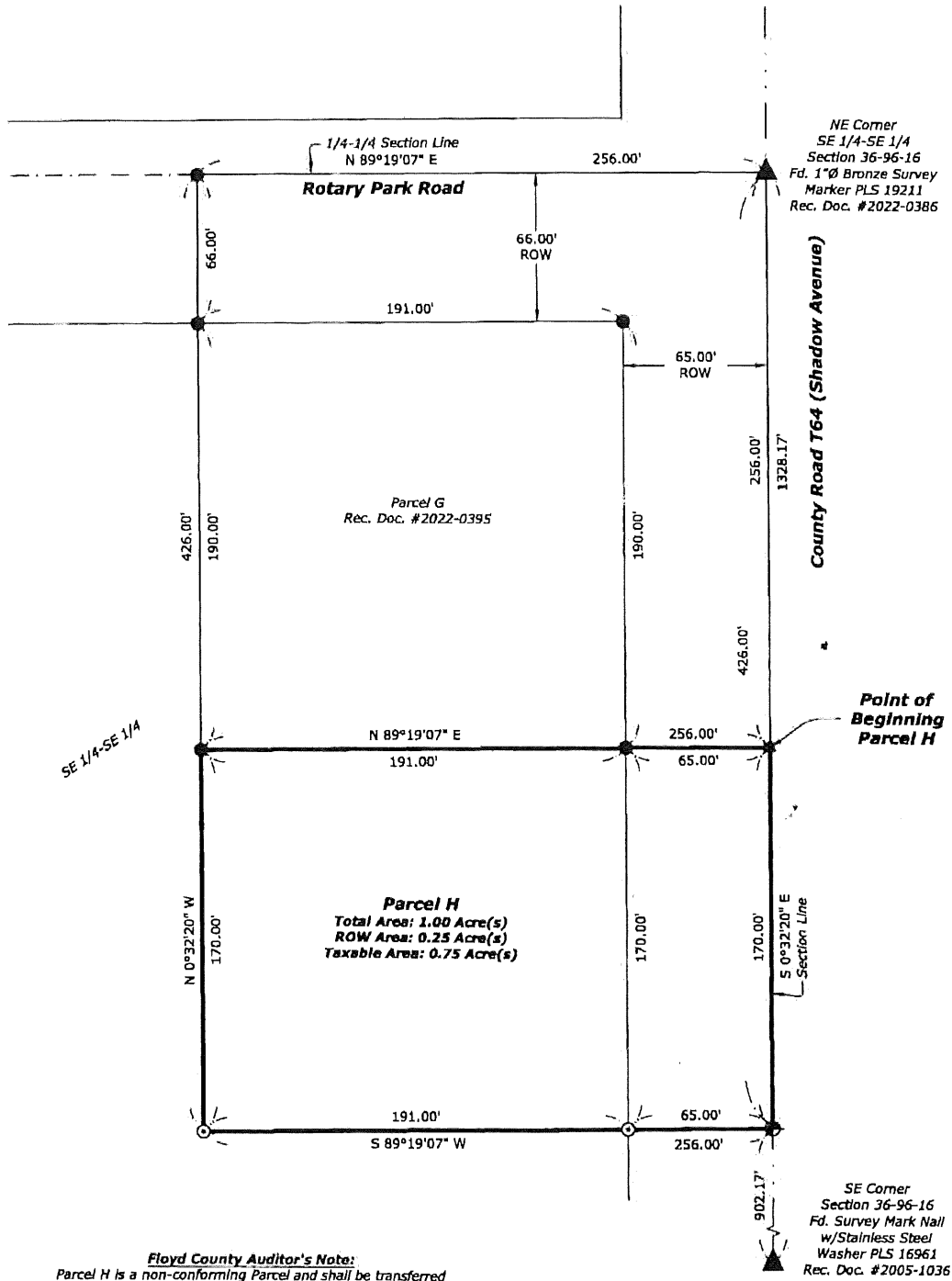
Book 2023 Page 1730 Type SURV Pages 3  
Date 9/21/2023 Time 10:27 AM  
Rec Amt \$17.00

INDX  
NOTE  
SCAN  
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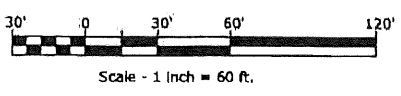
AMY M ASSINK, COUNTY RECORDER  
FLOYD COUNTY IOWA



Plat of Survey  
**Parcel H in the SE 1/4 - SE 1/4 of  
 Section 36 - T96N - R16W, Floyd County, Iowa.**



**Floyd County Auditor's Note:**  
 Parcel H is a non-conforming Parcel and shall be transferred  
 only in conjunction with an existing conforming Parcel.



LEGEND	
	= Section Corner Found
	= Set 5/8"Ø Rebar w/OPC PLS 19211
	= Set 1"Ø Bronze Survey Marker PLS 19211
	= Fd. 5/8"Ø Rebar w/OPC PLS 19211
	= Fd. MAG Nail
	= Survey Boundary Line
RPC, YPC, OPC, BPC	= Red, Yellow, Orange, Blue Plastic Cap
(0.00')	= Recorded Dimension

Plat of Survey

**Parcel H in the SE 1/4 - SE 1/4 of  
Section 36 - T96N - R16W, Floyd County, Iowa.**

**Legal Description(s):**

**Parcel H** in the Southeast Quarter of the Southeast Quarter of Section 36, Township 96 North, Range 16 West of the 5<sup>th</sup> P.M., Floyd County, Iowa, and more particularly described as follows:

Commencing at the Northeast Corner of the Quarter-Quarter of said Section;

Thence **South 00°32'20" East, 256.00 feet** along the East Line of said Quarter-Quarter Section to the Point of Beginning;

Thence continuing **South 00°32'20" East, 170.00 feet** along said East Line;

Thence **South 89°19'07" West, 256.00 feet**;

Thence **North 00°32'20" West, 170.00 feet** to the Southwest Corner of Parcel G, as recorded in Document Number 2022-0395, on file in the Floyd County Recorder's Office, Charles City, Iowa;

Thence **North 89°19'07" East, 256.00 feet** along the South Line of said Parcel G to the Southeast Corner thereof and the Point of Beginning.

Containing **1.00 Acre(s)**, including 0.25 Acre(s) of County Road T64 (Shadow Avenue) Right-of-Way, subject to any easements recorded or unrecorded.

**Floyd County Auditor's Note:** *Parcel H is a non-conforming Parcel and shall be transferred only in conjunction with an existing conforming Parcel.*

Note: The Bearings and Distances indicated in this Legal Description are to the Monuments "Found or Set" as indicated on the attached "Plat of Survey" and the calls along the courses in this Description are to those Monuments as indicated.

References are hereby made to any Recorded Documents, if indicated on this Plat of Survey.

Minutes of Zoning Commission Meeting held October 12, 2023

Unapproved minutes

**Call to Order.**

The meeting was called to order at 8:02 a.m. in the EOC at the Court House. Commission members present were, Dean Tjaden, Ben Rottinghaus, and Pam-Erbe-Lines and Guy Carpenter. Also present was Jen Solomon Zoning Administrative Assistant, Jeff Sherman Zoning Administrator.

**Approval of Agenda.**

A motion to approve the agenda as was made by Guy Carpenter and seconded by Pam Erbe-Lines. The motion was unanimously approved.

**Approval of Minutes.**

The chair asked if there was a motion for the August 23, 2022 & June 13, 2023 minutes. A motion to approve the minutes from the August 23, 2022 & June 13, 2023 meeting was made by Guy Carpenter and seconded by Ben Rottinghaus. The motion was unanimously approved. Minutes from the July 12, 2023 were in question due to have an illegal meeting and should or should not approve those minutes Pam Erbe-Lines asked if the board should discuss this with the County Attorney on those minutes, Chairman Tjaden asked for a motion to ask County Attorney to ask about approving minutes on an illegal meeting. A motion to ask County Attorney about July 12, 2023 minutes was made by Pam Erbe-Line seconded by Ben Rottinghaus. The motion was unanimously approved.

**Open Public Hearing:** County Staff Presentation of Case: A request by Double Double U, LLC has filed an application with the Floyd County Zoning Commission for rezoning 1.25 acres from AG to I-1 located adjacent to 1923 Rotary Park Rd for the purpose of putting up a storage building in the PARC 'H' SE ¼ SE ¼ Section 36, Township 96North, Range 16 West of the 5<sup>th</sup> P.M., St Charles Township, Floyd County, Iowa.

**Public Comment pertaining to rezone.**

Nick Hopp was on a conference call representing Double Double U, LLC to explained that he wanted to expand south for an additional storage building, he has had a survey done and the land in his name once approval from the board to have this rezoned. Gordon Bogey asked about the ground where the storage building are going to be he said that was prime land in Floyd County and we shouldn't put up storage units on this we have enough in the county. Jeff Sherman Zoning Administrator did ask Nick Hopp what the CSR was for the land Nick did state that the land had a CSR of 52 to 56, not prime farm ground.

**Public Hearing was closed and action was taken:**

**Motion was made to approve the application from Double Double U, LLC for rezoning from AG to I1 by Guy Carpenter and Seconded by Ben Rottinghaus.**

**Roll call vote was taken with all commissioners voting Aye.**

**Commission Comments:** Chairman Dean Tjaden will present the Zoning Boards recommendation for the rezoning application for Double Double U, LLC to the Board of Supervisors meeting on October 16, 2023 at 9:15 am in the supervisors boardroom.

**Presentation on Comprehensive Plan section & Ordinance concerning Wind Turbines:**

Zoning Board Commission had come to a condenses to table Comprehensive Plan & Ordinance revision until decision from Board of Supervisors to hire NIACOG to help with updates to Comprehensive Plan and Zoning Ordinance. Jeff Sherman explained to the Zoning Board that this was not budgeted for this year to do an update to the Comprehensive Plan and Zoning Ordinance.

**Presentation of Iowa's Sunshine Meeting Law:** Chairman Tjaden did ask Jen Solomon to present Iowa Sunshine Law; Jen Solomon did go over something key points on the PowerPoint that was given to the Zoning Board per email sent on October 2, 2023 and copies provided to them at the meeting. Some questions where brought up and Chairman Tjaden asked if we can get some clarification on this and asked Board of Supervisor Mark Kuhn he said that he wasn't discussing this that would need to be brought up by County Attorney and Chairman Tjaden did say that this presentation was brought by the supervisors, and Supervisor Kuhn spoke and said the reason why was due to the illegal meeting on July 12, 2023. No further discussion of Iowa Sunshine Law was discussed.

**Staff Updates:** Jeff and Jen said no updates

**Adjournment.** At 9:11 AM