

**Docket Number:** 22/11580

**Applicants:** Ross & Cheri Sorensen (property owners), 11520 NE 110<sup>th</sup> Avenue, Maxwell, IA 50161

**Request:** Approval of a Conditional Use Permit for Special Events.

**Subject Property / Surrounding Land Uses:**

The subject property is located at 11520 NE 110<sup>th</sup> Avenue, Maxwell. The property is approximately 4.69 acres in size, and is legally described as Parcel 2019-32 as recorded in Book 17248, Page 114 in the Office of the Polk County Recorder, Polk County, Iowa, and being located within Section 1, Township 80 North, Range 22 West of the 5<sup>th</sup> P.M. (Franklin Township). The property is zoned "AG" Agricultural District. The site contains an existing single-family dwelling built in 2001, and a small accessory structure located east of the residence, which appears to have been constructed without a permit between 2019 and 2020. The applicants and current property owners purchased the subject property in 2019.

The subject property was separated off from the adjacent farm ground in 2000 by plat of survey by the prior owner, creating an approximately 10.46 acre parcel for the residence, which was later constructed in 2001. In 2019, that same previous owner created a new plat of survey to establish a smaller approximately 5-acre parcel for what is current configuration of the subject property as Parcel 2019-32. That 2019 survey also created an adjacent "L" shaped parcel (Parcel 2019-31) that was to be joined with the adjacent farm ground to the north and west. This "L" shaped parcel has not been permanently joined to the adjacent farm ground, but is retained under the same ownership. The applicants have an agreement with the owners of this parcel to utilize it for their flower growing operation, and have indicated they may purchase the property at some point in the future.

Surrounding properties are also zoned "AG" Agricultural District, and currently in agricultural production, including some areas of woodlands adjacent to the north and east. There are a few existing residences on smaller lots located southeast of the property, with the closest residence being approximately 500 feet to the southeast. The agricultural ground directly south of the subject property, being on the south side of NE 110<sup>th</sup> Avenue, was recently surveyed to create two (2) new parcels that are each buildable for a future single-family residence. The remaining farm ground adjacent to these parcels has no further development rights under the County's agricultural preservation requirements. The subject property is located approximately one-half (½) mile east of NE Hubbell Road / Hwy 65, and approximately five (5) miles northeast of the City of Bondurant. See *Attachment A* for a vicinity map of the subject property and surrounding area.

**Application**

The applicants are requesting approval of a Conditional Use Permit to allow Special Events at the property in conjunction with an established flower farm on the site, known as Iowa Flower Company/Farm. The applicants have an established grow operation for flowers on the property and adjacent ground through agreement with that owner. They are proposing to hold various events, to include Snip and Sip, Art and Blooms and Make it Take it. These events would bring members of the general public to the property to pick and purchase their own flowers, purchase local art, listen to music, and purchase vendor food and beverages, including alcohol. All activities are proposed outdoors. The applicants are proposing to bring in local food trucks. They are

proposing onsite temporary parking, and would bring in temporary portable restrooms to service these events. The submitted application and site plan(s) can be found as *Attachment B* to this report. The Polk County Zoning Ordinance, *Article 4: Use Regulations, Division 2, Table 4.1* permits Special Events within the “AG” Agricultural District upon the granting of a Conditional Use Permit by the Polk County Board of Adjustment. If approved, the Ordinance limits Special Events to more than 21 days per year with no single event exceeding 14 days.

### **Public Testimony**

Staff mailed out a total of eight (8) notices regarding this request, including the date and time of the public hearing, to surrounding property owners within the 500-foot notification boundary. To-date staff has received one (1) phone call in support and one (1) phone call with questions about the proposal. No items of opposition testimony have been received at the time of this report.

### **Natural Resources / Environmental**

The site topography slopes gradually from a high elevation of approximately 906 feet along the eastern property line to a low elevation of approximately 880 feet along the western property line. The 5-acre Parcel 2019-32 contains the existing residence, yard area and flower growing operation located directly north of the residence. The adjacent “L” shaped Parcel 2019-31 is partially used by the applicants for additional flower growing, and partially remains in agricultural production. The property contains no areas of mapped floodplain or other environmental hazards or features. There are some existing trees located in the southeast corner of the property as well as along the eastern and northern property lines.

### **Roads / Utilities**

The property has approximately 400 feet of frontage onto the north side of NE 110<sup>th</sup> Avenue, which is a paved two-lane local roadway maintained by Polk County. NE 110<sup>th</sup> Avenue provides access west to NE 112<sup>th</sup> Street and NE Hubbell Road / Hwy 65, and also provides access east to local properties in Polk County and eventually extends east into Jasper County.

County records do not clearly indicate the source or provider of water supply for the property. Wastewater treatment needs are served by a private onsite septic system located northwest of the residence.

### **Analysis**

The Board of Adjustment in reviewing an application for a Conditional Use permit shall consider the proposal in terms of the following:

- 1. Existing zoning and land use in the vicinity of the uses.**  
The subject property and all surrounding land is zoned “AG” Agricultural District. There are a few residences in relative proximity, but primary surrounding uses are agricultural. The proposed Special Events would have minimal impact on nearby residences.
  
- 2. Planned and proposed public and private development, which may be adversely affected by the proposed use.**  
There are no major public or private developments planned in the area.

3. **Whether and to what extent the proposed use, at the particular location for which it is suggested, is necessary or desirable to provide a development which is in the interest of the public convenience or which will contribute to the general welfare of the area or Polk County.**

The proposed Special Events would provide an opportunity for residents to visit an active flower farm and purchase flowers and related products and local art.

4. **Whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety and welfare in general.**

If approved, the applicants will be required to comply with all conditions of approval, including maximum number of participants, restricted hours of operation, public health, etc.

### **Findings**

The application shall be denied if the Board of Adjustment finds any of the following:

- a. **The application and record fail to establish compliance with the standard made applicable to the proposed development by the provision of this Ordinance.**

Special Events are permitted within the "AG" Agricultural District upon approval of a Conditional Use Permit by the Board of Adjustment. Upon staff's review, the proposal complies with the standards set forth in the Ordinance for Special Events, subject to the recommended conditions of approval and final approval by the Board of Adjustment.

- b. **The proposed use, developed in the proposed manner, and at the proposed location, would be inconsistent with the standards pursuant to the provisions of this Ordinance.**

The proposed use is consistent with the Ordinance, subject to approval of this Conditional Use Permit and compliance with the conditions of approval.

- c. **The adverse impacts on the overall public health, safety and welfare are not balanced by the public or private benefits of the proposal. The Board of Adjustment shall include in this balance, any proposals of the applicant and any conditions that it might impose on the development, pursuant to the provisions of this Ordinance, to ameliorate problems associated with the development.**

See recommended conditions of approval at the end of this report.

**In addition, no application for a Conditional Use Permit shall be approved unless the Board of Adjustment specifically finds the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:**

- A. **The proposed use is not in harmony with the general purpose, goals, objectives, and standards of the following:**

1. **Polk County Comprehensive Plan:** The proposal is consistent with the goals and policies of the 2030 Polk County Comprehensive Plan.

2. **Polk County Zoning Ordinance:** Staff review finds the proposal is consistent with the

use standards in the Ordinance for Special Events, subject to compliance with the recommended conditions of approval.

3. **Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** None.

**B. The proposed location of the use is not consistent with policies or provisions of the following:**

1. **Comprehensive Plan:** The proposed use is consistent with the goals and policies of the 2030 Polk County Comprehensive Plan.
2. **Polk County Zoning Ordinance:** Special Events uses are allowed within the “AG” Agricultural District, subject to approval of a Conditional Use Permit by the Board of Adjustment.
3. **Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** None.

**C. The proposed use at the proposed location results in a substantial or undue adverse effect on any of the following either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County or other governmental agency having jurisdiction to guide growth and development:**

1. **Adjacent property:** The proposed use is compatible with adjacent properties. Those in closest proximity contain no residences or structures and are in agricultural production. There are seven (7) single-family residences located to the southeast of the subject property. These properties are located on the opposite, south side of NE 110<sup>th</sup> Avenue and between 500 and 1,500 feet away from the subject property residence at their closest point. The proposed events are infrequent and subject to several restrictions, both within the Polk County Zoning Ordinance, and additional restrictions as recommended below by staff. The proposed events will have a minimal impact on adjacent properties.
2. **Character of the neighborhood:** The character of the neighborhood is primarily row crop agricultural production with a small number of existing and possible future single-family homes on large lots. The events proposed would not have a substantial negative impact on the neighborhood.
3. **Traffic conditions:** NE 110<sup>th</sup> Avenue is a paved, two-lane roadway that is adequate to handle the minor increase in traffic for the events proposed.
4. **Parking:** There is adequate room on the property to accommodate temporary event parking.

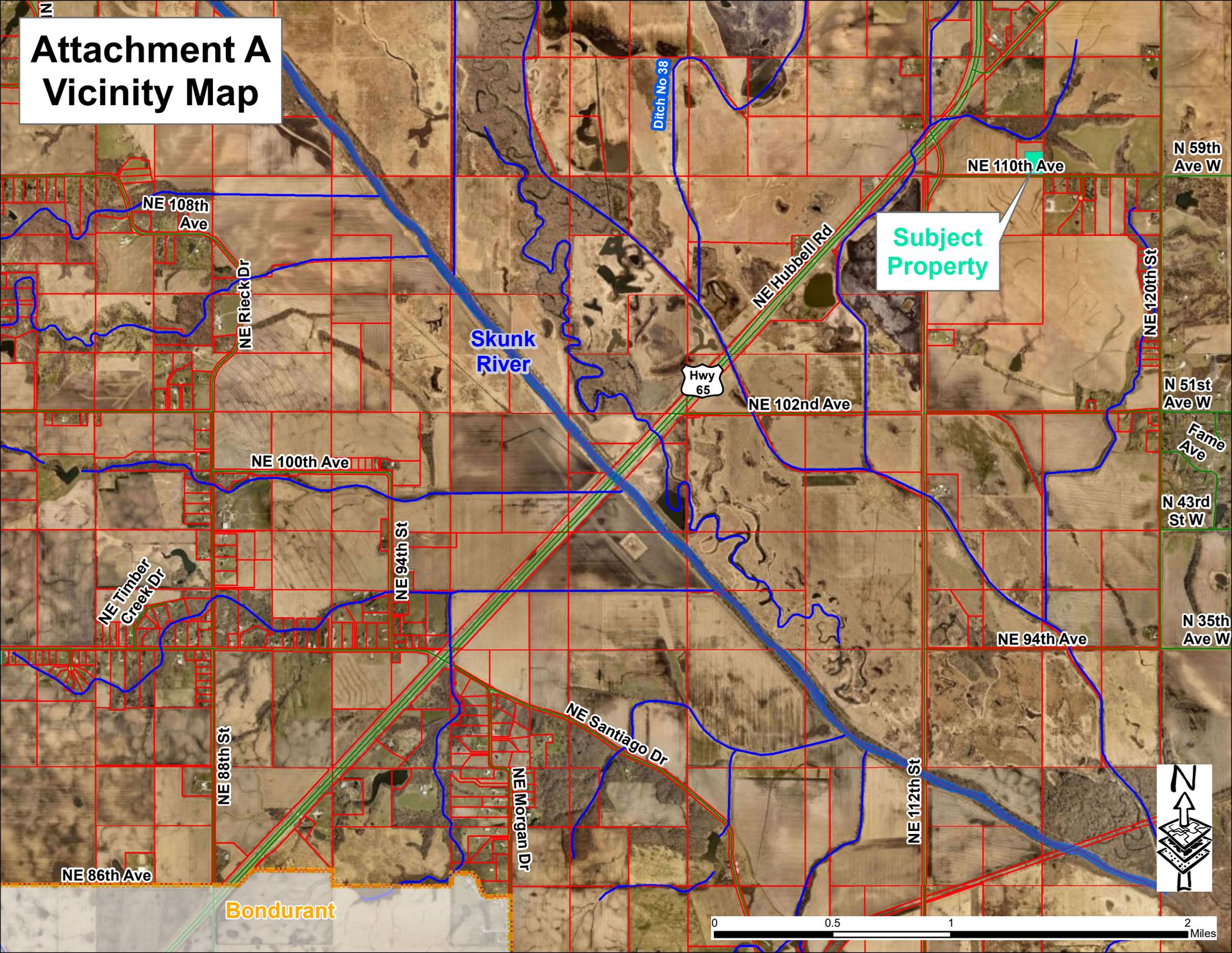
5. **Public improvements:** No impact upon future public improvements is anticipated.
  6. **Public sites or rights-of-way:** No impact upon public sites or adjacent rights-of-way is anticipated.
  7. **Other matters affecting the public health, safety, and general welfare:** None.
- D. **The proposed use in the proposed area is not adequately served by or imposes an undue burden on any of the following.**
1. **Public improvements:** Adequate for proposed use.
  2. **Public facilities:** Adequate for proposed use.
  3. **Public utilities:** Adequate for proposed use.
  4. **Public services:** Adequate for proposed use.

#### **Recommendation**

Staff recommends approval of the Conditional Use Permit to allow Special Events at the subject property, subject to the following conditions:

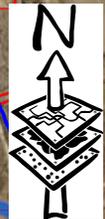
1. This Conditional Use Permit applies only to the subject property and is only valid for the applicants and current property owners Ross and Cheri Sorensen, dba Iowa Flower Farm/Company. This approval is not transferrable to other entities or property owners, and the Conditional Use Permit is considered invalid upon transfer of the property to another owner, or operation of Special Events by another entity.
2. As stipulated in the Polk County Zoning Ordinance for Special Events – No more than 21 events shall be held in a calendar year.
3. No events shall begin prior to 10am nor extend past 9pm.
4. The maximum number of attendees for any event shall be 50 persons.
5. All events shall comply with Polk County Environmental Health regulations. Portable restrooms and handwashing stations shall be provided in accordance with the number of attendees and minimum number required under Environmental Health rules. Restrooms and handwashing stations shall also meet minimum handicap accessibility requirements.
6. Applicants shall notify Polk County Public Works prior to each event. Any proposed amplified sound or music shall obtain a Sound Permit, if required.
7. All food and alcohol vendors shall have required State and Local permits, licenses and inspections, including valid liquor license approved by Polk County for alcohol sales.
8. The applicant shall obtain a retroactive Building Permit and inspections from Polk County for the recently constructed accessory building located east of the residence.

# Attachment A Vicinity Map



Subject  
Property

Bondurant



**Conditional Use Permit Application**

Conditional Uses are those uses which may have a special impact or uniqueness demanding closer scrutiny and analysis to the site and the surrounding environment. When such a use is proposed, a review and report by Planning Division staff of the location, design, configuration, and impact will be conducted, comparing the proposed use to fixed standards and presented to the Board of Adjustment for action at a public hearing. Notices of the request are mailed to all property owners located within 500 feet of the subject property.



Please complete the entire application, submit with fee and review the standards on page 3.

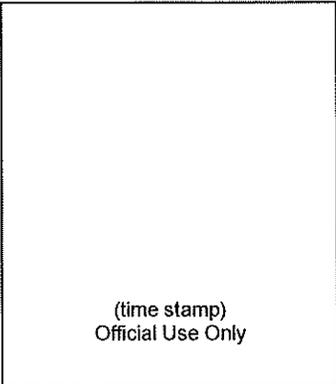
To: **Polk County Board of Adjustment**

1. The undersigned Petitioners request that the Board consider this application for a Conditional Use Permit for the following use: (Describe briefly the nature of the use.)  
To use our property to host events. See below

2. Subject Property Address: 11520 NE 110th Ave, Maxwell IA 50161

3. Subject Property District and Parcel Number: 230/00013-011-000

4. Subject Property Legal Description (attach if necessary):  
PARCEL 2019-32 BK 17248 PG 114 BEG S 1/4 COR SEC 1 THN N 535.67F W 406.64F S 535.67F E 406.64F TO  
POB BNG PRT PARCEL B BK 8434 PG 200 SE 1/4 SW 1/4 LESS .31A RD SEC 1-80-22



5. Filing Fee: - \$435.00

6. Applicant(s) Information:

Ross Sorensen  
Applicant (Print Name)

Signature

4/26/2022  
Date

Owner ross@iowaflowerfarm.com  
Interest in Property (owner, renter, perspective buyer, etc.) Email

11520 NE 110th Ave., Maxwell, IA 50161 515-537-4147  
Address, City, State and Zip Phone Fax

7. Applicant(s) Representative:

If the appeal is going to be represented by someone other than the applicant please provide that information below.

\_\_\_\_\_  
Applicant Representative (Print Name) Firm or Business Name

\_\_\_\_\_  
Address, City, State and Zip

\_\_\_\_\_  
Email Phone Fax

8. Property Owner Consent:

The application must be signed by all the Titleholders, Contract Purchasers, or Option Purchasers of the subject property. The application may also be signed by the Registered Agent for a corporation or other person with similar legal authority to sign for a property owner. (if additional signatures are needed please attach)

Ross Sorensen  
(Print Name)

Signature

4/26/2022  
Date

Cheri Sorensen  
(Print Name)

Signature

4/26/2022  
Date

9. Written description:

Please provide a written description providing specific detail and reasons for the proposed Conditional Use Permit. (attach if necessary)

We are looking to do events on our property. Below are the events which we would like to hold on our property.

Events:

- Snip and Sip

- Music, which would be through our outdoor speakers which are attached to our house, so we can control the volume and type of music
- Food, we would connect with food trucks to provide food during the event.
- Beverages, we would like to sell Beer, Wine and soft-drinks during the events.
- The participants would pick their own flowers and enjoy the music, food and beverages

-Art and Blooms

- This would be where w would have 10-15 artists setup on the property
- Food Trucks, drinks would be available and music
- People would be able to purchase art from the vendors and flowers from the farm

-Make it Take it

- This is where we have baskets of different flowers available
- People can pick the flowers they want
- We help the people build their bouquets
- Music, beverages will be available

There are NO Public Buildings on the property

All activities will occur out-doors

Parking - we have 5 acres and all vehicles would be parked on our property - NO street parking

Bathrooms - we would plan to contract for portable bathrooms to be brought to the property and available during the events

- Two portable bathrooms would be available:
- One for males and one for females

Upon approval of events through Polk County we plan on applying for a Beer and Wine permit (license) and have appropriate insurance

Law Enforcement (Polk County Sheriff's Office) would be contacted prior to any event to determine if there is a need for police during the events.

WE ASSUME THAT THE EVENTS WILL ONLY HAVE NO MORE THAN 50 PEOPLE ON THE PROPERTY AT ANY GIVEN TIME.

10. Required Information: (must be included prior to making submittal)

- A. Complete Application including the detailed description of requested Conditional Use Permit, including specific information about the request.
- B. Submit six (6) copies of a fully dimensioned, to scale site plan meeting site plan requirements, as required.
  - 1. Provide additional information as required by Zoning Ordinance specific to the use requested.
  - 2. Submit a reduced size, 11"X17" site plan that is legible that can be reproduced.

**A completed application with required information and filing fee must be submitted. Incomplete submittals will not be processed and will be returned to the Applicant.**

Return forms to: Polk County Public Works, Planning & Development Division 5885 NE 14<sup>th</sup> Street  
 Des Moines, IA 50313  
 ▪ Phone (515) 286-3705 ▪ Fax (515) 286-3437 ▪  
 email: PublicWorks@polkcountyiowa.gov

Forms available online <http://www.polkcountyiowa.gov/PublicWorks/> BOA Calendar Calendar

OFFICIAL USE ONLY			
Received by		Docket Number	
Application deadline		Date Received	
BOA meeting date		BOA Approved	Y / N

## **Conditional Use Permit Standards**

### **Section 1. Review Standards**

The review determines whether the proposed use should be permitted by weighing public need for and benefits to be derived from the use against the local impact which it may cause. The review shall consider the proposal in terms of:

- (A) Existing zoning and land use in the vicinity of the use; and
- (B) planned and proposed public and private developments which may be adversely affected by the proposed use; and
- (C) whether and to what extent the proposed use, at the particular location for which it is suggested, is necessary or desirable to provide a development which is in the interest of the public or which will contribute to the general welfare of the area or Polk County; and
- (D) whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety and welfare in general.

### **Section 2. General Standards**

No application for a conditional use permit shall be approved unless the Board of Adjustment specifically finds the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of the Polk County Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County.

- (A) The proposed location and use shall be consistent with policies or provisions of the Comprehensive Plan, this Ordinance, or other plans or programs of the County.
- (B) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County or other governmental agency having jurisdiction to guide growth and development.
- (C) The proposed use in the proposed area will be adequately served by, and will not impose an undue burden on, any public improvements, facilities, utilities, and services. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time, and in a manner consistent with the Comprehensive Plan, this Ordinance, and other plans, programs, maps, and ordinances adopted by Polk County to service the development. The approval of the conditional use permit shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.

Flowers are pre-picked and on patio for Bouquet Class

Septic Tank

11520

Socializing & Drinks

Portable Toilets

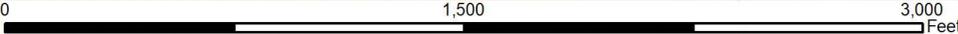
Parking

NE 110TH AVE



Hwy  
65

Subject  
Property



Flowers for Picking

Septic Tank

11520

Drinks & Socializing

Parking



Food Trucks if we have them



Portable Toilets

Parking

NE 110TH AVE

