

Docket Number: 20/9095

Applicant: Sondra K. Feldstein Revocable Trust, represented by Sondra Feldstein (property owner), 9095 NE 72nd Street, Bondurant, IA 50035

Request: Review and rehearing of a previously approved Conditional Use Permit for Special Events at the subject property of 11045 NE 56th Street, Elkhart.

Subject Property / Surrounding Land Uses:

The subject property is approximately 18.34 acres in size, and is legally described as the South ½ of the SW¼ of the SW¼ of Section 2 of Township 80 North, Range 23 West of the 5th P.M. (Douglas Township). The property is zoned “AG” Agricultural District, and is located approximately two (2) miles southeast of the City of Elkhart, and approximately three (3) miles northwest of the City of Bondurant. The property is located at the northeast corner of NE 56th Street and NE 110th Avenue, having significant amounts of frontage onto both public roadways. Surrounding properties are zoned “AG” Agricultural District and primarily dedicated to row crops. There are also a few nearby residences, including adjacent to the north and south of the subject property. Southwest of the subject property is the State-owned Errington Marsh, a wetlands preserve and passive recreation area. See *Attachment A* at the end of this report for a vicinity map of the subject property and surrounding area.

Property History

On June 15, 2015 the Polk County Board of Adjustment approved a Conditional Use Request for the subject property to allow certain Special Events within a future Commercial Stable building. The events include team roping, mounted shooting, ranch horse, 4-H shows, saddle club shows, horse clinics and camps, horse therapy programs, cattle and lamb jackpot shows, dog agility shows and other related events. There were a number of conditions of approval, including that “the Conditional Use Permit shall be reviewed and reheard in five years by the Polk County Board of Adjustment to assess the status of the use and its affect on the subject property and the area of the County.” The Board of Adjustment also approved two (2) variances on June 15, 2015. The first increased the number of days per year that Special Events are allowed at the subject property from the Ordinance permitted 21 days per year up to a maximum of 80 days per year. The second variance approved an increase in the allowable floor area ratio for the subject property from 4.0% to 4.4% to allow the proposed 140’ x 250’ Commercial Stable building. See *Attachment B* and *Attachment C* for copies of the Dispositions summarizing the previously approved Conditional Use Permit and Variances from June of 2015.

In accordance with the Conditional Use Permit and Polk County Zoning Ordinance requirements, the applicant completed an engineered site plan for the new building and site improvements in August of 2015. See *Attachment D* for a copy of the approved development site plan. Following completion of the new building in 2016 planning staff followed up with the applicant regarding the remaining site improvements that needed to be completed prior to receiving the final Certificate of Occupancy. At that time, staff and the applicant had extensive communication regarding the required landscaping to be planted along the street frontages of NE 56th Street and NE 110th Avenue adjacent to the developed portions of the property. Eventually, these conversations led to the applicant requesting landscaping variances from the Board of Adjustment. On June 20, 2016 the Board of Adjustment approved a requested variance to reduce

the installation height of proposed evergreen plantings to be less than six (6) feet tall, but denied a requested variance to reduce the required plantings to zero (0) for a portion of the western street buffer yard adjacent to NE 56th Street and for the entire southern street buffer yard adjacent to NE 110th Avenue.

Present Status / Certificate of Occupancy:

Following denial of the landscaping variance in June of 2016, staff continued to follow up with the applicant regarding the outstanding site improvements, including landscaping. Staff has detailed correspondence with the owner attempting to find alternative solutions to meet the County's landscaping requirements. Staff has allowed the use to continue without a final Certificate of Occupancy to-date. Staff also recently allowed the owner to obtain a Commercial Building Permit to install a permanent restroom inside the building, even though the final occupancy permit remains outstanding. As part of the review for this rehearing, staff performed a site inspection of the subject property on June 5, 2020.

Upon review of the site, it appears that none of the required landscaping has been installed. This includes the required street landscaping along portions of NE 56th Street and NE 110th Avenue, as well as the required peripheral buffer yard landscaping along the northern property line shared with the adjacent property at 11127 NE 56th Street. Additionally, new improvements have been made to the property without the required approvals and permits from Polk County. These new improvements include: A new covered outdoor stable building (approximately 150' x 26'), new outdoor exercise areas and structures, new gravel driveway extension, additional grading and excavation work, and a new freestanding sign. An updated site plan is required for the majority of these improvements, and the new outdoor stable structure requires a building permit and inspections. Due to the existing floor area ratio for the property the outdoor stable also requires the granting of an additional floor area ratio variance, or it will need to be removed from the site.

Application Details / Discussion:

The subject property has an existing Conditional Use Permit previously approved on June 15, 2015 permitting certain Special Events within the constructed Commercial Stable building on the property. This June 15, 2020 Conditional Use Permit public hearing serves to satisfy the condition of that original 2015 approval which required a review and rehearing of the Conditional Use Permit in five years by the Polk County Board of Adjustment to assess the status of the use and its affect on the subject property and the area of the County. The Board may take action to either affirm or deny this existing Permit, including any new or altered conditions of approval. The Polk County Zoning Ordinance empowers the Board of Adjustment to revoke any Conditional Use Permit if it determines that the conditions or restrictions are being violated.

Public Testimony

Staff mailed out a total of seven (7) 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) response in support, and zero (0) responses in opposition. The response in support came from the property adjacent to the south at 10941/10951 NE 56th Street, including a written letter addressed to the Board Members. This letter can be found as *Attachment E* at the end of this report.

Natural Resources / Environmental

The property is not located within a mapped floodplain, nor does it contain other mapped environmental hazards or features. The property does contain wetland soils located in the south central and southeastern portions of the site. While there are no mapped wetlands, there is a depression area that appears to be continually wet located in the southeast portion of the property. Recent aerials appear to show additional grading and excavation work within this depression area has been performed in recent years. This would need to be evaluated as part of an updated site plan process. Apart from this shallow depression area, the site topography is relatively flat with no significant changes in elevation. There are a few volunteer trees and shrubs located along the shared property line with the property to the north at 11127 NE 56th Street. The non-developed portions of the site remain in open space and agricultural production.

Roads / Utilities

The subject property is located at the northeast corner of NE 56th Street and NE 110th Avenue, both local roadways maintained by Polk County. NE 56th Street is paved while NE 110th Avenue is gravel surfaced adjacent to the subject property. Access to the site is currently taken from NE 56th Street. Water service is provided by Des Moines Water Works. Potable water and portable toilets are required for individual special events. The owner is also in the process of installing a permanent restroom facility inside the building, including a new onsite wastewater treatment system.

Analysis

The Board of Adjustment in reviewing an application for a Conditional Use permit shall consider the proposal in terms of the following (these responses are similar or unchanged from the original 2015 hearing and staff report, as the conditions warranting the original approval are largely unchanged):

1. Existing zoning and land use in the vicinity of the uses.

The subject property and surrounding area is zoned "AG" Agricultural District, with the majority of surrounding land used agriculturally in row crop production. There are also a few single-family residences adjacent to the north and south of the property.

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 commercial stable and related special events uses provide a benefit to area clubs and member organizations for horse, livestock and animal shows and therapy programs. The subject property is conveniently located in relation to major roadways and interstates, while also still preserving the rural character of the surrounding area.

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.

The applicant was required to complete an engineered site plan for development of the use at the property. However, aside from building inspections for the main stable building, many of the required site improvements remain uncompleted. Additionally, the applicant has made other significant improvements to the property without proper approvals and permits.

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.**
The applicant will need to complete an updated engineered site plan and acquire additional permits and approvals in order to comply with the Ordinance.
- 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 subject property is located within a rural area of the County where the land use is conducive for the use. The closest residential property to the proposed structure is located approximately 230 feet to the south.
- 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 staff's recommended conditions of approval. An updated site plan and additional permits are required in order for the use to come into compliance.

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:** The Ordinance allows the proposed use pending approval of this Conditional Use Permit by the Board of Adjustment, and pending approval of an updated site plan, completion of site improvements, obtaining building permits/inspections, and other potential requirements to remedy the existing compliance issues with the property.
 - 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 are permitted within the “AG” Agricultural District upon the granting of a Conditional Use Permit.
- 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 subject property is adjacent to larger agricultural parcels and a few parcels containing residences. Access is taken from NE 56th Street and special events are understood to primarily occur weekends and are not open to the general public. Through completion of the updated site plan, a licensed engineer will verify the design for the property’s storm water drainage. Additional grading and/or other improvements may be required to achieve compliance with the County’s storm water requirements.
- 2. Character of the neighborhood:** The subject property is located in a rural area of the County surrounded by agricultural row crops, conservation/wetland areas and a few scattered residences. Some of the adjacent and nearby properties have livestock. The use appears appropriate for the rural area of the County with the conditions recommended by County staff. The closest residential property to the proposed structure is located 230 feet to the south.
- 3. Traffic conditions:** The latest available data from the Iowa DOT dates from 2016 and identifies an annual average daily traffic count of 360 vehicles along this stretch of NE 56th Street, and 35 vehicles along this stretch of NE 110th Avenue. This use will create temporary increases in traffic along NE 56th Street, but can be accommodated for these periodic times.
- 4. Parking:** Parking within the public right-of-way along NE 56th Street and NE 110th Avenue is prohibited. Onsite parking is provided.
- 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. Portable toilets and garage containers will need to be provided for users of the property.
 3. **Public utilities:** Adequate for proposed use. Potable water shall be provided to participants.
 4. **Public services:** Adequate for proposed use.

Recommendation

Staff recommends approval of the Conditional Use Permit to allow for the continuation of Special Events at the approximately 18.34-acre subject property located at 11045 NE 56th Street, Elkhart, IA 50073, being District/Parcel 200/00037-000-000, subject to the following conditions:

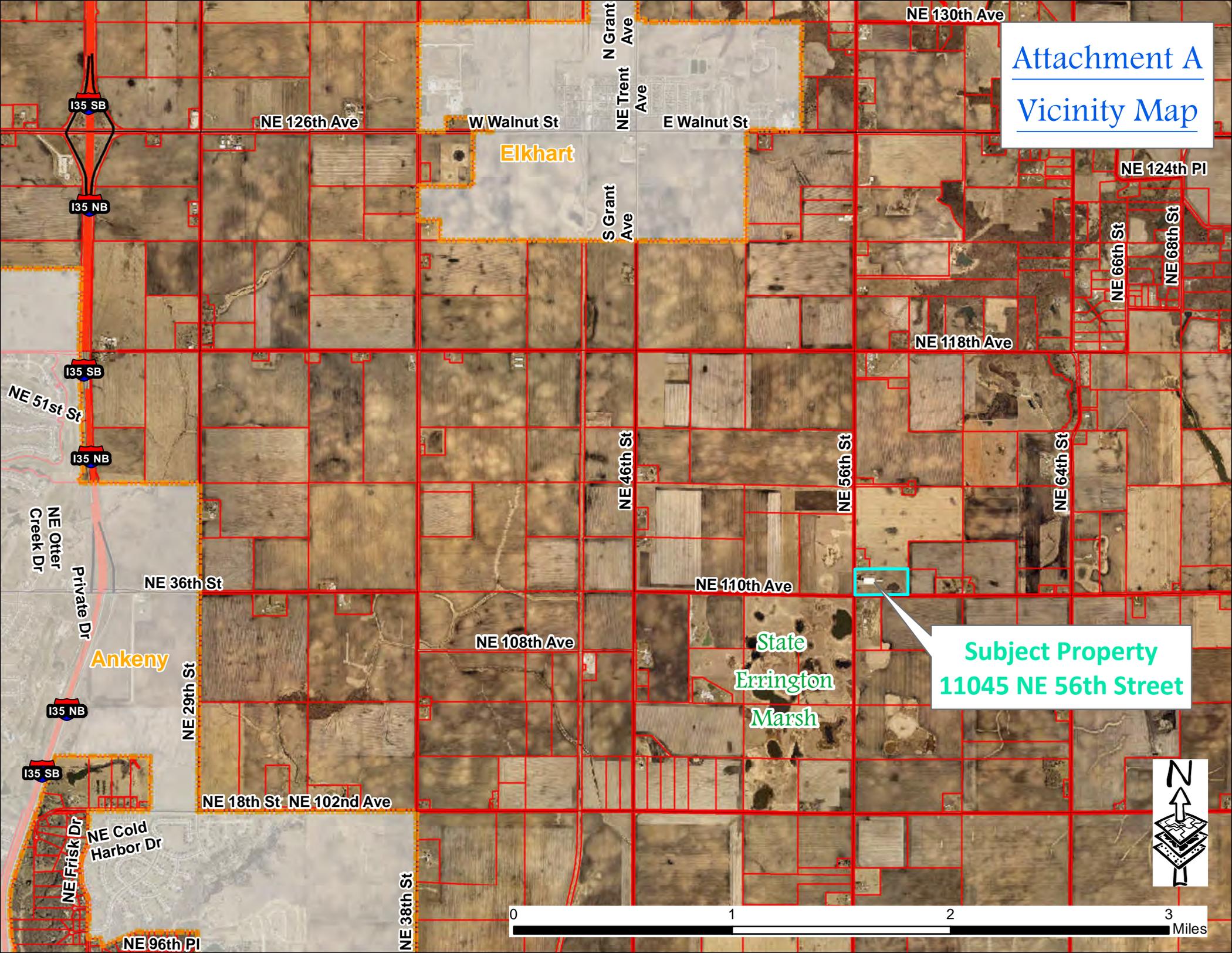
1. This Conditional Use Permit and following conditions replaces the previously approved Conditional Use Permit from June 15, 2015 under Docket #415.
2. Given the ongoing noncompliance in regards to the previously approved site plan and site improvements, as well as continued improvements to the property without required approvals and permits, the applicant is required to have an Iowa licensed engineer complete an updated site plan for the property and gain approval of said site plan by Polk County no later than December 31, 2020. Furthermore, the applicant shall then complete all items identified on the approved updated site plan no later than June 30, 2021 in order to receive the Final Certificate of Occupancy. If these deadlines are not met this item will come back before the Polk County Board of Adjustment for consideration to revoke the Conditional Use Permit.
3. The Conditional Use Permit is valid only for Sondra Feldstein to conduct special events only for activities identified in this submittal on the subject property. The Conditional Use Permit does not transfer to any other future titleholders, lessee, option purchasers or others having interest in using the property.
4. The special events may occur at the subject property as indicated in this submittal without obtaining subsequent Conditional Use Permits, however, if proposed future special events have planned activities and/or layouts on the subject property that are different from the special events described in this submittal, a new Conditional Use Permit may be required. The applicant shall communicate any planned differences 60 days prior to the

special event to allow County staff to determine if a new Conditional Use Permit is needed. In making the determination, County staff will consider the impact of the planned special event differences to the adjacent properties, neighborhood, road right-of-way, utilities, and public services in the area.

5. The applicant is strongly discouraged from using any part of the wetland soils area of the subject property located in the south central area for building and parking improvements to limit disruption to the wetland soils and stormwater drainage in the area.
6. The applicant shall have potable water available for participants and other users using the structure and property for special events and other activities during the week.
7. Secured garbage/recycling bins or a central solid screened garbage dumpster shall be provided outdoors to contain discarded solid waste.
8. At minimum, one portable toilet shall be provided for events and shows planned for less than 50 participants, two portable toilets for 50 to 125 participants, and three portable toilets for 126 to 200 participants.
9. Manure collected from the operation shall be stored in a containment facility and/or trailer that is screened from adjacent properties until it is removed from the property.
10. The applicant shall keep the adjacent roads clean of any dirt, mud, debris that may accumulate on the roads from the planned use of the subject property.
11. If camp fires for participants staying overnight are allowed by the applicant, camp fires shall only occur in approved devices defined as a grill or fireplace in accordance with Polk County Air Quality Division regulations.
12. If the County receives complaints at any time during the duration of the Conditional Use Permit, and/or if the Polk Sheriff's Department is called to respond to incidents on-site or off-site relating to special events, the applicant shall take action to respond to such complaints. If complaints continue even after the applicant responds to complaints, the County at any time, may place the applicant's Conditional Use Permit on the Polk County Board of Adjustment agenda after notifying the applicant, and recommend that the Board of Adjustment re-evaluate, change the conditions, place additional conditions, or revoke the applicant's Conditional Use Permit.

Attachment A

Vicinity Map



Subject Property
11045 NE 56th Street



Attachment B

NOTICE OF DISPOSITION

POLK COUNTY BOARD OF ADJUSTMENT
5885 N.E. 14TH STREET
DES MOINES, IA. 50313

DOCKET # 415

June 22, 2015

Owner: Sondra Feldstein
9095 NE 72nd Street
Bondurant, IA 50035

Please be advised that during open session on June 15, 2015 the Conditional Use Permit request was **APPROVED** with conditions by the Board of Adjustment for Special Events planned to occur inside a proposed 140' x 250' accessory structure that will be constructed and used as a Commercial Stable and located on the subject property located in the 11000 block of NE 56th Street. Special Events include team roping, mounted shooting, ranch horse, 4-H shows, saddle club shows, horse clinics and camps, horse therapy programs, cattle and lamb jackpot shows, dog agility shows and potentially other related activities.
structure.

Background:

- 1.) The subject property is located at the northeast corner of NE 56th Street and NE 110th Avenue in the 11000 block of NE 56th Street (District & Parcel #200/00037-000-000). The subject property is a double frontage parcel with approximately 627 lineal feet of frontage on NE 56th Street and 1280 lineal feet of frontage along NE 110th Avenue and it contains 18.3 acres. The subject property is zoned AG-Agricultural District and its located in Douglas Township.
- 2.) The applicant is requesting a Conditional Use Permit for Special Events planned to occur inside the proposed 140' x 250' structure used as a Commercial Stable (a permitted use in the AG District) and planned for horse, livestock and dog shows and events and other related activities on the subject property. The applicant is also requesting variances to increase the number of days for special events from 21 to 80 a year and a .4% Floor Area Ratio (FAR) increase from 4% to 4.4%. The applicant's reason for submitting the Conditional Use Permit request is partially due to her interest and involvement with horse shows over the last 11 years through 4-H, saddle club and mounted shooting club. She served on the board of the Iowa Cowboy Mounted Shooting Association, the board of the Flying Arrow Saddle Club, and she's currently serving as superintendent of the Polk County Fair horse show.
- 3.) Based on drawings submitted with the Conditional Use Permit application and information obtained from the applicant through the review process, the proposed 140' x 250' accessory structure is shown in the northwest portion of the property with a gravel drive off of NE 56th Street extending easterly to the structure, trailer parking with future

electrical hook-ups is planned for the south side of the building (some participants will likely stay in their living quarters trailers on-site), and portable toilets are also planned. Cattle pens are shown on the northwest side of the proposed building, and space for parking is shown on the south side of the building. Approximately 15-50 cattle and up to 20 horses owned by the applicant are planned to be kept on the property for event use. A water standpipe is shown in the southwest corner with a proposed water line extending to the building and a light pole is shown west of the building near the west property line. The layout drawing of the building shows a 100' x 200' indoor riding arena space, a warm up and staging area with stalls in the east 50 feet portion of the building, a transition area on the south side of the building with stalls and an area located in the southwest area of the building for an office and spectators. A 20 feet high overhead door is shown on the west and east sides of the building, three 14 feet high overhead doors some with lights are shown on the southwest and southeast areas and two 36 inch service doors with lights are located in the southwest and southeast corners of the building. A perspective drawing shows the overall size of the building, with the interior layout, the trusses and overhead doors.

- 4.) Events and shows are anticipated from middle March through middle November mostly on weekends totaling approximately 64 days and from Middle November to middle March mostly weekends for approximately 16 days. Typical weekends may have 20 to 30 trailers staying Friday and Saturday night or Saturday and Sunday night, 30 to 70 horses and 50 to 100 people in attendance consisting of competitors and family. Once or twice a year a larger team roping event may bring in 120 horses, 50 trailers and 200 people for the weekend. The people in attendance include the competitors and those traveling with them. All events and shows will generally be for participants of clubs and related organizations and will not be open to the general public. The events and shows will occur inside the proposed accessory structure. A sound system is planned to announce various stages of planned events. All groups leasing the proposed structure will be required to carry insurance and to include the name of the structure as an additional insured. Horse camps and horse therapy programs are anticipated to occur during the week and may involve 15 to 25 people with no horse trailers as the horses would be provided by applicant. Other activities may include club practices involving 15 to 30 people, 6 to 12 trailers and 4H practices involving 80 horses and people with 35 trailers occurring during the week or on week-ends.
- 5.) The following items were submitted with the Conditional Use Permit Application; revised written background information from the applicant of the proposed special events and uses, drawings of the parcel showing the proposed building, space layout of the building and perspective elevation drawing of the proposed building and a copy of a warranty deed. Responses to comments and questions were also provided at County staff's request.
- 6.) Under the provisions of the Polk County Zoning Ordinance, Article 4, Use Regulations, Division 2, Table of Uses, Table 4.1 Table of Uses, states in part, Special Events located in the AG- Agricultural District may be permitted with the approval of a Conditional Use Permit from the Polk County Board of Adjustment.

- 7.) A site review of the property was conducted on Friday, May 29, 2015. The entire parcel appeared to be planted in a grass or plant that was growing well. No standing water was visible. There were two vertical standpipes used for draining stormwater in the southeast portion of the property. An overhead high power electric utility was located near the east edge of the property and extended in a north/south orientation and beyond the adjacent properties to the north and south of the subject property. Residences are located on the adjacent parcels to the north and south of the subject property. There is a state public hunting and wetland/conservation area located at the southwest corner of the intersection. Distant gun fire noise from the Izaak Walton League located to the west of the subject property was heard from the subject property.
- 8.) The subject property is located in a rural area of the County surrounded by agricultural row crops, conservation/wetland areas and a few scattered residences. The City of Elkhart is located approximately 1 ½ miles to the north and the Izaak Walton League is located approximately ½ mile to the west of the subject property. Information on the adjacent properties including the size of the largest building is provided below including information about other uses in the area. The Polk County Assessor's Office records, 2014 aerial and the site review were used to provide the information.

<u>Direction/Address</u>	<u>Use</u>	<u>Zoning</u>	<u>Bldg.Size(sq.ft.)</u>	<u>ParcelSize (acres)</u>
North/11127 NE 56 th St.	Residential	AG	1080	3.2
North/none	Agricultural	AG	none	94
East/none	*Agricultural	AG	none	9.4
South/none	Agricultural	AG	none	58.5
South/10941 NE 56 th St.	Ag/res	AG	4320	18.6
Southwest	**Ag/Cons.	OS	none	114.5
West	Ag	AG	800	57.4

*This is a platted vacant residential lot; Lot 1 High Plains Subdivision. **IDNR public hunting/conservation land. There is an additional adjacent 79 acre IDNR parcel and a few adjacent USA parcels. There are three single-family residences located within the 500 feet notification radius of the subject property and a few additional residences beyond the 500 feet radius. According to Polk County Assessor's records, the single-family residence located to the north was built in 1978 and the two residences to the south were built in 1900 and 1908. The residence likely closest to the proposed structure would be located at minimum 230 feet to the south. From review of an aerial drawing, cattle/livestock and fenced enclosures for livestock are visible on the parcels to the south and east of the subject property. The Jensen Agricultural Support (permitted use in AG District), Experimental Farm Equipment Testing structure located to the northeast of the subject property at 11320 NE 64th Street is approximately 81' x 200' (16,200 sq. ft.) on a 98 acre parcel. Several tractors are visible outside of the structure from review of the aerial.

- 9.) Background on Special Events from the Polk County Zoning Ordinance
- Such events shall be limited to a total of twenty-one (21) days per year with no event exceeding fourteen (14) days in a given twelve (12) month period.
 - The access to the property shall be in accordance with established traffic standards.
 - Water and sanitary sewer (portable toilets may be permitted) must be supplied to the site, light, noise and dust from the activity shall be limited to the site.
 - All parking shall be limited to the site.

- e. The event(s) shall meet the Polk County Noise Ordinance requirements and obtain a sound permit if necessary.
 - f. The event(s) shall provide appropriate measures as determined by the Building Official to protect the attendees of the event(s).
 - g. The event(s) shall be reviewed by the Polk County Sheriff's Department.
 - h. Applicant shall provide security if required by Polk County Sheriff's Department.
 - I. If a Liquor License is needed, the event(s) shall submit appropriate liquor license application only upon approval of all other items listed above or required by this ordinance. The liquor license shall be submitted in accordance to the Liquor License policy.
10. Background on Commercial Stables from the Polk County Zoning Ordinance. Commercial stables are permitted uses in an AG-Agricultural District. The use includes for a fee, the boarding, training and recreational riding of horses.
- a. All buildings housing or used by horses and manure storage containment area must be located at least 200 feet from all boundary lines of the property.
 - b. Stable shall be permitted one, double faced sign, maximum 10 feet height on the premises not to exceed 12 sq. ft. per face.
 - c. Manure storage containment must be designed and constructed to screen from adjacent properties and roadway.
 - d. Manure disposal must be shown on a plan completed in an appropriate manner approved by the Zoning Administrator.
- 11.) The following represents a few of the Issues, Vision items, and Goals identified in the North East Area Plan from the Polk County 2030 Comprehensive Plan that relate to the Conditional Use Permit request.

Issues:

Strong desire to protect prime farmland and maintain large scale agricultural activities within the Northeast area. Desire to improve water quality through improved stormwater management. Interest in promoting ag-related economic development and agricultural support businesses.

Vision:

The area is dominated by farmland and agricultural activities. Tree planting efforts have increased tree cover in areas with marginal agricultural soils.

Goals:

Farmland Protection Goal – Polk County will preserve the Northeast Area's high quality farmland and protect the agricultural practices necessary to retain farming as the primary land use in the area.

Value-added Economic Development Goal – Polk County will encourage commercial and industrial investment that adds value to the Northeast Area's agricultural production practices.

Water Goal –

Polk County will improve surface water and groundwater quality and lower the risk of flooding by promoting appropriate stormwater management and assessing water quality

impacts of land use decisions.

Public Awareness Goal –

Polk County will encourage public education and participation in the Polk County Comprehensive Plan and other local government decision making processes.

- 12.) The applicant is required to meet the Polk County Noise Pollution Ordinance requirement of not exceeding 60 dBA from a receiving land use.

History

- 1.) The 2030 Polk County Comprehensive Plan was approved May 9, 2006. The adoption date for the Polk County Zoning Ordinance and Map amendment was September 10, 2007. The subject property was zoned AG-Agricultural District with the adoption of the County wide Zoning Map amendment. Prior to the 2007 Zoning Ordinance and Map amendment, the subject property was also zoned Agricultural District.
- 2.) The legal description of the subject property is: S 1/2 SW 1/4 SW 1/4 LESS 1.66 A RD SEC 2-80-23
- 3.) The subject property was recorded into the Sondra K Feldstein Revocable Trust on May 19, 2015.

Natural Resources

- 1.) The grade of the subject property generally drops from the north to the south with the low area being in the south central area of the subject property. The grade drops approximately 12 feet from the northwest area to the southeast area of the property and the grade drops approximately 4 to 5 feet from the east to the low area of the property.
- 2.) According to the FEMA Rate Insurance maps, the area of the subject property is located in a Zone C; areas of minimal flooding. From review of an aerial photograph from 2008, a continuous area of standing water is visible covering parts of the southcentral, southeastern and northeast area of the subject property. The standpipes and drain tile located in this area may have alleviated the flooding.
- 3.) According to the Soils Survey of Polk County, the soils covering the subject property include; Canisteo, Clarion and Okoboji. See table below for soil characteristics.

	<u>Building Site</u>	<u>Sanitary Facilities</u>	<u>Shallow Excavations</u>
Canisteo - clay loam	Shallow excavations- Severe wetness	Septic systems- Severe wetness	Severe wetness
Clarion Loam	-Slight wetness	Slight wetness	Slight wetness
Okoboji - silty clay loam	Ponding	Percs slowly	Severe ponding

There were also symbols located on the soils map indicating wet depression area. The Polk County Zoning Ordinance indicates that wetlands are areas of 10,000 sq. ft. or more

where standing water is retained periodically and hydric vegetation has adapted to the area. Also wetlands include marsh and swamp areas identified on the U.S.G.S. maps and Okoboji silt loam soils listed in the Polk County Soils Maps are designated as wetlands.

- 4.) The subject property contains a limited amount of green space along the northwest and southeast corners of the property.

Roads/Utilities

- 1.) NE 56th Street is a paved County road and its classified as a Local Road and NE 110th Avenue is a gravel County road and its classified as a Local Road. There is a stop sign for west bound traffic on NE 110th Avenue. NE 56th Street extends east of the City of Elkhart, and on the west side of the City of Bondurant and to the City of Altoona and I-80 area.
- 2.) No road improvement is identified in the Polk County Secondary Roads 5 Year Capital Improvement Program for either road adjacent to the subject property.
- 3.) The following are the Annual Average Daily Traffic Counts from the Iowa Department of Transportation for NE 56th Street and NE 110th Avenue adjacent to the subject property.

	<u>NE 56th Street</u>	<u>NE 110th Avenue</u>
Years 2000	40	60
2004	220	60
2008	320	60
2012	380	35

Annual average daily traffic counts increased by 340 vehicles (850% increase) overall during the twelve year period for NE 56th Street and traffic counts for NE 110th Avenue dropped by 25 vehicles (71% decrease) during the same period.

- 4.) Utilities

Water – 8” Main - Des Moines Water Works is located on the south side of NE 110th Avenue and a 4” Main Des Moines Water Works is located on the east side of NE 56th Street. Hydrants will be provided for livestock use.

Sanitary Sewer – None.

Storm Sewer –Two stand pipes were visible in the south central area of the property for what appeared to be for underground drain tiles. The boundary of Drainage District #12 is located south of the subject property.

Gas – None. Closest gas service is MidAmerican Energy located on the east side of NE 72nd St.

Electric – Overhead electric - MidAmerican Energy is located on the east side NE 56th Street and the south side of NE 110th Avenue. Motion sensor lighting is proposed for the entrance door of the structure.

Analysis

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

1. Existing zoning and land use in the vicinity of the uses.

The subject property and the adjacent properties area zoned AG-Agricultural District. The subject property appeared to be planted in a row crop. The subject property is located in a rural area of the County surrounded by agricultural row crops, conservation/wetland areas and a few scattered residences. The City of Elkhart is located approximately 1 ½ miles to the north and the Izaak Walton League is located approximately ½ mile to the west of the subject property.

2. Planned and proposed public and private development, which may be adversely affected by the proposed use.

There are no known public or private developments which may be adversely affected by the proposed use. An adjacent property owner however, contacted Planning Division staff expressing concern about the impact the proposed improvement may have to the stormwater drainage 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.

The subject property is located on a north/south road within relatively close proximity to the Elkhart interchange; approximately 5 ½ miles and 7 miles from the I-80 area. The proposed use would likely be beneficial to clubs and member organizations for horse, livestock and dog participants including participants of horse therapy programs and for 4-H members to practice their skills in an indoor arena. During special events, nearby businesses in Ankeny, Bondurant, Altoona and others may also benefit as participants will be in the area over the weekend.

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.

The Polk County Zoning Ordinance requires a 200 feet minimum setback from property lines for the proposed building and manure storage area. The applicant expressed interest in taking access from NE 56th Street, a paved road. The applicant is aware of the wetland area of the property and plans to preserve this area of the property. Public water will be provided for livestock and dogs that will use the property. Portable toilets will be provided for participants. The applicant will be available on-site to address the needs of the users of the property. Special events will primarily be on week-ends for approximately 50 to 100 participants and upto to 200 participants a few times a year. Special events are not open to the general public. Parking of vehicles, trucks and horse trailers will occur on-site. A site plan drawing will be required from an Iowa licensed architect/engineer and stormwater

drainage calculations for the proposed use.

Findings

The application shall be denied if the Board of Adjustment find 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.**

The application will be in compliance with the granting of a Conditional Use Permit by the Polk County 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 special events would be located in a rural area of the County where the land use is conducive for the planned use. The closest residential property to the proposed structure is located approximately 230 feet to the south. The special events will generally occur on weekends.

- 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.**

The special events will be beneficial to horse, livestock and dog owner enthusiasts and 4-H members who use the indoor area. County staff is recommending approval of the Conditional Use Permit with the conditions identified in the recommendation below.

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 proposed use appears to be consistent with some of goals of the 2030 Polk County Comprehensive Plan.
2. **Polk County Zoning Ordinance:** The proposed use is allowed upon approval of the Condition Use Permit.
3. **Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** An inspection of the completed site improvements at the subject property and issuance of a Certificate of Occupancy by the County is required prior to commencing with the use of the property/structure for special events.

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

- 1. Comprehensive Plan:** The proposed location of the use appears to be consistent with parts of the 2030 Polk County Comprehensive Plan.
- 2. Polk County Zoning Ordinance:** The proposed use is allowed upon approval of the Conditional Use Permit.
- 3. Other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the County:** The applicant will need to have an Iowa licensed architect/engineer submit a site plan and stormwater drainage calculations, and once approved, submit building, entrance, and other County permits, have all improvements inspected prior to the County issuing a Certificate of Occupancy for the property/structure and proposed special events.

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 subject property is adjacent to larger agricultural parcels and a few parcels containing residences. Access to the subject property will be off of NE 56th Street and special events will be on weekends and not open to the general public. Stormwater drainage will be studied by an Iowa licensed engineer.
- 2. character of the neighborhood:** The subject property is located in a rural area of the County surrounded by agricultural row crops, conservation/wetland areas and a few scattered residences. Some of the adjacent and nearby properties have livestock. The use appears appropriate for the rural area of the County with the conditions recommended by County staff. The closest residential property to the proposed structure is located 230 feet to the south.
- 3. traffic conditions:** Traffic generally has increased over the last 12 years for NE 56th Street near the subject property. Slight increases of traffic are anticipated for special events and for practice activities during the week. It is anticipated that many of the participants will stay in their living quarters trailers on-site during the special event.
- 4. parking:** On-site parking will be provided.
- 5. public improvements:** There are no known public improvements that would be affected by the proposed use.

6. **public sites or rights-of-way:** The proposed access location off of NE 56th Street will be reviewed by the County based on an entrance permit application submittal by the applicant.
7. **other matters affecting the public health, safety, and general welfare:**
There are no other known matters affecting the public health, safety, and general welfare.

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. Portable toilets and garbage containers will need to be provided for users of the property.
3. **public utilities:** Water will be provided for horses, livestock and dogs. Potable water shall also be provided to participants.
4. **public services:** Adequate for proposed use. The Polk County Sheriff's Office is aware of the requested use.

Recommendation

Staff recommends approval of the proposed Conditional Use Permit for the requested Special Events to occur on the 18.3 acre subject property located at the 11000 block of NE 56th Street (District & Parcel #200/00037-000-000) with the following conditions:

- 1.) The Conditional Use Permit is valid only for Sondra Feldstein to conduct special events only for activities identified in this submittal on the subject property. The Conditional Use Permit does not transfer to any other future titleholders, lessee, option purchasers or others having interest in using the property.
- 1.) The special events may occur at the subject property as indicated in this submittal without obtaining subsequent Conditional Use Permits (except as identified under #6 below), however, if proposed future special events have planned activities and/or layouts on the subject property that are different from the special events described in this submittal, a new Conditional Use Permit may be required. The applicant shall communicate any planned differences 60 days prior to the special event to allow County staff to determine if a new Conditional Use Permit is needed. In making the determination, County staff will consider the impact of the planned special event differences to the adjacent properties, neighborhood, road right-of-way, utilities, and public services in the area.
- 2.) The applicant shall submit a site plan drawing to the County for review from an Iowa licensed architect/engineer and stormwater drainage calculations within one year or the Conditional Use Permit is null and void. After the site plan drawing is approved the applicant may submit building permit and entrance permits for the proposed site improvements. The County shall inspect the subject property when all building and site

improvements are completed and issue a Certificate of Occupancy prior to using the subject property.

- 3.) The applicant is strongly discouraged from using any part of the wetland soils area of the subject property located in the south central area for building and parking improvements to limit disruption to the wetland soils and stormwater drainage in the area.
- 4.) The applicant shall have potable water available for participants and other users using the structure and property for special events and other activities during the week.
- 6.) Secured garbage/recycling bins or a central solid screened garbage dumpster shall be provided outdoors to contain discarded solid waste.
- 7.) At minimum, one portable toilet shall be provided for events and shows planned for less than 50 participants, two portable toilets for 50 to 125 participants, and three portable toilets for 126 to 200 participants.
- 8.) Manure collected from the operation shall be stored in a containment facility and/or trailer that is screened from adjacent properties until it is removed from the property.
- 9.) The applicant shall keep the adjacent roads clean of any dirt, mud, debris that may accumulate on the roads from the planned use of the subject property.
- 10.) If camp fires for participants staying overnight are allowed by the applicant, camp fires shall only occur in approved devices defined as a grill or fireplace in accordance with Polk County Air Quality Division regulations.
- 11.) The Conditional Use Permit shall be reviewed and reheard in five years by the Polk County Board of Adjustment to assess the status of the use and its affect on the subject property and the area of the County.
- 12.) If the County receives complaints at any time during the duration of the Conditional Use Permit, and/or if the Polk Sheriff's Department is called to respond to incidents on-site or off-site relating to special events, the applicant shall take action to respond to such complaints. If complaints continue even after the applicant responds to complaints, the County at any time, may place the applicant's Conditional Use Permit on the Polk County Board of Adjustment agenda after notifying the applicant, and recommend that the Board of Adjustment re-evaluate, change the conditions, place additional conditions, or revoke the applicant's Conditional Use Permit.

A motion was made by Mc Coy and seconded by Anania to waive staff presentation and **APPROVE** the Conditional Use Permit for Special Events with the above 12 conditions recommended by staff.

Vote: Yea: Mc Coy, Anania, Thorn, Fisher and Kruse. Nay: None. Absent: None.

Respectfully Submitted,

Kelli Munoz, Recording Secretary

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, officer, department, board, or bureau of the County, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Adjustment.

NOTICE OF DISPOSITION

POLK COUNTY BOARD OF ADJUSTMENT
5885 N.E. 14TH STREET
DES MOINES, IA. 50313

DOCKET # 15/2657

June 22, 2015

Owner: Sondra Feldstein
9095 NE 72nd Street
Bondurant, IA

Please be advised that during open session on June 15, 2015 the Variance Appeal requests were **APPROVED** with a condition by the Board of Adjustment to increase the number of days allowed for Special Events for horses, livestock and dog shows and clinics to occur inside the proposed new 140' x 250' accessory structure from 21 days a year to approximately 80 days a year and a .4% Floor Area Ratio (FAR) increase (from 4% to 4.4%) for the proposed 140' x 250' accessory structure on the subject property located in the 11000 block of NE 56th Street.

Background:

- 1.) The subject property is a rectangular shaped parcel located in the 11000 block of NE 56th Street, Douglas Township (District & Parcel #200/00037-000-000). The subject property has double frontage and contains 18.3 acres. The subject property has approximately 627 lineal feet of frontage on NE 56th Street and 1280 Lineal feet of frontage along NE 110th Avenue. The subject property is zoned AG-Agricultural District and its located in Douglas Township.
- 2.) The applicant is requesting variances to increase the number of days for special events from 21 to 80 a year and a .4% Floor Area Ratio (FAR) increase from 4% to 4.4% for the proposed 140' x 250' structure for Special Events planned to occur inside the structure used as a Commercial Stable (a permitted use in the AG District) and planned for horse, livestock and dog shows and events and other related activities. The applicant is also requesting a Conditional Use Permit for Special Events planned to occur inside the proposed 140' x 250' structure.
- 3.) The appellant proposes to use the accessory structure for Special Events involving team roping, mounted shooting, ranch horse, 4-H shows, saddle club shows, horse clinics and camps, horse therapy programs, cattle and lamb jackpot shows, dog agility shows and potentially other related activities. Events and shows are anticipated from middle March through middle November mostly on weekends totaling approximately 64 days and from Middle November to middle March mostly weekends for approximately 16 days. Typical weekends may have 20 to 30 trailers staying Friday and Saturday night or Saturday and Sunday night, 30 to 70 horses and 50 to 100 people in attendance consisting of competitors and family. Once or twice a year a larger team roping event may bring in 120 horses, 50 trailers and 200 people for the weekend. The people in attendance include the competitors and those traveling with them. These events and shows will generally be

for clubs and related organizations and not open to the general public and the events and shows will occur inside the proposed accessory structure. A sound system is planned to announce various stages of planned events.

- 4.) Based on drawings submitted with the Variance Appeal application and information obtained from the applicant through the review process, the proposed 140' x 250' accessory structure is shown in the northwest portion of the property with a gravel drive off of NE 56th Street extending easterly to the structure, trailer parking with future electrical hook-ups is planned for the south side of the building (some participants will likely stay in their living quarters trailers on-site), and portable toilets are also planned. Cattle pens are shown on the northwest side of the proposed building, and space for parking is shown on the south side of the building. Approximately 15-50 cattle and up to 20 horses owned by the applicant are planned to be kept on the property for event use. A water standpipe is shown in the southwest corner with a proposed water line extending to the building and a light pole is shown west of the building near the west property line. The layout drawing of the building shows a 100' x 200' indoor riding arena space, a warm up and staging area with stalls in the east 50 feet portion of the building, a transition area on the south side of the building with stalls and an area located in the southwest area of the building for an office and spectators. A 20 feet high overhead door is shown on the west and east sides of the building, three 14 feet high overhead doors some with lights are shown on the southwest and southeast areas and two 36 inch service doors with lights are located in the southwest and southeast corners of the building. A perspective drawing shows the overall size of the building, with the interior layout, the trusses and overhead doors.
- 5.) Under the provisions of the Polk County Zoning Ordinance, Article 4 Use Regulations, Division 4 Use Categories and Standards, Section 4 Commercial Uses, (Y) In part, special events may include rodeos and for profit and non-profit groups (1) states, Such events shall be limited to a total of twenty-one (21) days per year with no event exceeding fourteen (14) days in a given twelve (12) month period. Also, the Polk County Zoning Ordinance, Article 5 District Performance Standards, Division 4 Non-residential Performance Standards, Table 5.2 Non-residential Development Performance Standards indicates that nonresidential uses located in the AG-Agricultural District have a maximum 4% FAR and a minimum 90% Open Space Ratio (OSR).
- 6.) A site review of the subject property was initially conducted by Planning Division staff on Friday, May 29, 2015. The entire parcel appeared to be planted in a grass or plant that was growing well. No standing water was visible. There were two vertical standpipe used for draining stormwater in the southeast portion of the property. An overhead high power electric utility was located near the east edge of the property extending in a north/south orientation and past the adjacent properties to the north and south. Residences are located on the adjacent parcels to the north and south of the subject property. There is a state public hunting and wetland/conservation area located at the southwest corner of the intersection. The Izaak Walton League is located approximately ½ miles to the west of the subject property and gun fire from the facility was heard.
- 7.) The subject property is located in a rural area of the County surrounded by agricultural

row crops, conservation/wetland areas and a few scattered residences. The City of Elkhart is located approximately 1 ½ miles to the north and the Izaak Walton League is located approximately ½ mile to the west of the subject property. Information on the adjacent properties including the size of the largest building is provided below. The Polk County Assessor's Office records, 2014 aerial and site review were used to provide the information.

Direction/Address	Use Type	Zoning	Bldg size (sq.ft.)	Parcel Size (acres)
North/11127 NE 56 th St.	Residential	AG	1080	3.2
North/none	Agricultural	AG	none	94
East/none	*Agricultural	AG	none	9.4
South/none	Agricultural	AG	none	58.5
South/10941 NE 56 th St.	Ag/res	AG	4320	18.6
Southwest	**Ag/Cons.	OS	none	114.5
West	Ag	AG	800	57.4

*This is a platted vacant residential lot; Lot 1 High Plains Subdivision. **IDNR public hunting/conservation land. There is an additional adjacent 79 acre IDNR parcel and a few adjacent USA parcels. There are three single-family residences located within the 500 feet notification radius of the subject property and a few additional residences beyond the 500 feet radius. According to Polk County Assessor's records, the single-family residence located to the north was built 1978 and the two residences to the south were built in 1900 and 1908. The residence likely closest to the proposed structure would be located a minimum 230 feet to the south. Cattle/livestock and fenced enclosures for livestock are visible on the parcels to the south and east of the subject property from review of an aerial drawing. The Jensen Agricultural Support, Experimental Farm Equipment Testing structure located to the northeast of the subject property at 11320 NE 64th Street is approximately 81' x 200' (16,200 sq. ft.) on a 98 acre parcel.

- 8.) Background on Special Events from the Polk County Zoning Ordinance
- a. Such events shall be limited to a total of twenty-one (21) days per year with no event exceeding fourteen (14) days in a given twelve (12) month period.
 - b. The access to the property shall be in accordance with established traffic standards.
 - c. Water and sanitary sewer (portable toilets may be permitted) must be supplied to the site, light, noise and dust from the activity shall be limited to the site.
 - d. All parking shall be limited to the site.
 - e. The event(s) shall meet the Polk County Noise Ordinance requirements and obtain a sound permit if necessary.
 - f. The event(s) shall provide appropriate measures as determined by the Building Official to protect the attendees of the event(s).
 - g. The event(s) shall be reviewed by the Polk County Sheriff's Department.
 - h. Applicant shall provide security if required by Polk County Sheriff's Department.
 - I. If a Liquor License is needed, the event(s) that shall submit appropriate liquor license application only upon approval of all other items listed above or required by this ordinance. The liquor license shall be submitted in accordance to the Liquor License policy.

History

- 1.) The 2030 Polk County Comprehensive Plan was approved May 9, 2006. The adoption date for the Polk County Zoning Ordinance and Map amendment was September 10, 2007. The subject property was zoned AG-Agricultural District with the adoption of the County wide Zoning Map amendment. Prior to the 2007 Zoning Ordinance and Map amendment, the subject property was zoned Agricultural District.
- 2.) The legal description of the subject property is: S 1/2 SW 1/4 SW 1/4 LESS 1.66 A RD SEC 2-80-23
- 3.) The subject property was recorded into the Sondra K Feldstein Revocable Trust on May 19, 2015.

Natural Resources

- 1.) The grade of the subject property generally drops from the north to the south with the low area being in the south central area of the subject property. The grade drops approximately 12 feet from the northwest area to the southeast area of the property and the grade drops approximately 4 to 5 feet from the east to the low area of the property.
- 2.) According to the FEMA Rate Insurance maps, the area of the subject property is located in a Zone C; areas of minimal flooding. From review of an aerial photograph from 2008, a continuous area of standing water is visible covering parts of the southcentral, southeastern and northeast area of the subject property. The standpipes and drain tile located in this area may have alleviated the flooding.
- 3.) According to the Soils Survey of Polk County, the soils covering the subject property include; Canisteo, Clarion and Okoboji. See table below for soil characteristics.

	<u>Building Site</u>	<u>Sanitary Facilities</u>	<u>Shallow Excavations</u>
Canisteo	Shallow excavations Severe wetness	Septic systems Severe wetness	Severe wetness
Clarion	Slight wetness	Slight wetness	Slight wetness
Okoboji	Ponding	Percs slowly	Severe ponding

There were also symbols located on the soils map indicating wet depression area. The Polk County Zoning Ordinance indicates that wetlands are areas of 10,000 sq. ft. or more where standing water is retained periodically and hydric vegetation has adapted to the area. Also wetlands include marsh and swamp areas identified on the U.S.G.S. maps and Okoboji silt loam soils listed in the Polk County Soils Maps are designated as wetlands.

- 4.) The subject property contains a limited amount of green space along the northwest and southeast corners of the property.

Roads/Utilities

- 1.) NE 56th Street is a paved County road and its classified as a Local Road and NE 110th Avenue is a gravel County road and its classified as a Local Road. There is a stop sign

for west bound traffic on NE 110th Avenue. NE 56th Street extends east of the City of Elkhart, on the west side of the City of Bondurant and to the City of Altoona and I-80 area.

- 2.) No road improvement is identified in the Polk County Secondary Roads 5 Year Capital Improvement Program for either road adjacent to the subject property.
- 3.) The following are the Annual Average Daily Traffic Counts from the Iowa Department of Transportation for NE 56th Street and NE 110th Avenue adjacent to the subject property.

	<u>NE 56th Street</u>	<u>NE 110th Avenue</u>
Years 2000	40	60
2004	220	60
2008	320	60
2012	380	35

Annual average daily traffic counts increased by 340 vehicles (850% increase) overall during the twelve year period for NE 56th Street and traffic counts for NE 110th Avenue dropped by 25 vehicles (71% decrease) during the same period.

- 4.) Utilities

Water – 8” Main - Des Moines Water Works is located on the south side of NE 110th Avenue and a 4” Main Des Moines Water Works is located on the east side of NE 56th Street. Hydrants will be provided for livestock use, potable water is not planned for participants.

Sanitary Sewer – None.

Storm Sewer – Two stand pipes were visible in the south central area of the property for what appeared to be for underground drain tiles. The boundary of Drainage District #12 is located south of the subject property.

Gas – None. Closest gas service is MidAmerican Energy located on the east side of NE 72nd St.

Electric – Overhead electric - MidAmerican Energy is located on the east side NE 56th Street and the south side of NE 110th Avenue. Motion sensor lighting is proposed for the entrance door of the structure.

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed.

Conclusion: Increasing number of special events in proposed 140’ x 250’ from 21 to 80

- 1.) Are there exceptional or extraordinary circumstances or special conditions applying only to the property in question and which does not exist generally on other property in the same zoning district which makes it impossible to place a use permitted in the district on the property?

Yes. The Commercial Stable aspect of the use is permitted in the AG-Agricultural District. The appellant’s plans for the structure are different than a typical nonresidential use that is planning a one-time or annual special event. There is

greater emphasis on the appellant's structure serving largely as an event and show venue for horse, livestock and dog clubs and organizations.

- 2.) Is the variance necessary for the preservation and enjoyment of property rights possessed by other properties in the same zoning district in the same vicinity? (No variance can permit uses that are prohibited in a district)

Yes. The use is considered a Commercial Stable. While events are limited with a typical commercial stable use, the actual operations exceed the 21 days per year limited for Special Events. The nearby Izaak Walton League is an Outdoor Firearm Range that also operates beyond the 21 days per year limited for Special Events.

- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?

Yes. All special events will occur inside the proposed structure. The building and manure will be required to be located 200 feet from property lines. On-site parking will be provided. The appellant will be required to have an Iowa licensed architect/engineer submit a site plan and drainage calculations for the proposed structure and site improvements.

- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?

Yes. The appellant plans to make the structure available to 4-H and other groups for practice however, the appellant's goal is for the structure to become a venue for several horse, livestock and dog clubs and organizations and that it is leased throughout the year.

- 5.) Does the variance support the intent of Article 7 Natural Resource Protection and Article 8 Stormwater and Erosion Control Management of the Polk County Zoning Ordinance?

Yes. The appellant is required to meet the environmental provisions of the Polk County Zoning Ordinance. A site plan and stormwater drainage calculations will be required from an Iowa licensed architect/engineer.

Be It Ordered:

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed. Since items 1-5 were answered in the affirmative, staff recommends approval of the variance request with the condition that the use and variance is reviewed and reheard in five years by County staff and the Board of Adjustment.

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed.

Conclusion: .4% FAR increase for the proposed 140' x 250'

- 1.) Are there exceptional or extraordinary circumstances or special conditions applying only

to the property in question and which does not exist generally on other property in the same zoning district which makes it impossible to place a use permitted in the district on the property?

Yes. The Commercial Stable aspect of the use is permitted in the AG-Agricultural District. The planned structure will provide space for an indoor arena, warm-up areas, stalls, office and spectator area.

- 2.) Is the variance necessary for the preservation and enjoyment of property rights possessed by other properties in the same zoning district in the same vicinity? (No variance can permit uses that are prohibited in a district)

Yes. The Jensen building is smaller in size and located on a larger parcel, however the structure is closer to the front property line and its adjacent to more residences.

- 3.) Will the variance preserve adjacent property and support the purpose of the ordinance and the public interest?

Yes. It will likely be difficult to detect the requested .4% increase and the structure will be located 200 feet from all property lines. The appellant is required to provide a 90% Open Space Ratio (OSR) on the subject property and landscaping is also required for buffering similar to other nonresidential uses.

- 4.) Is there a special condition or circumstance that did not result from the actions of the applicant?

Yes. The size of the structure provides greater layout flexibility and increased variety of interior uses.

- 5.) Does the variance support the intent of Article 7 Natural Resource Protection and Article 8 Stormwater and Erosion Control Management of the Polk County Zoning Ordinance?

Yes. The appellant is required to meet the environmental provisions of the Polk County Zoning Ordinance. A site plan and stormwater drainage calculations will be required from an Iowa licensed architect/engineer.

Be It Ordered:

The Board of Adjustment may grant a variance if items 1 through 5 are affirmed. Since items 1-5 were answered in the affirmative, staff recommends approval of the variance request.

A motion was made by Mc Coy and seconded by Anania to waive staff presentation and **APPROVE** both Variance Appeals; the Floor Area Ratio increase from 4% to 4.4% and the increase of the number of special events from 21 to 80 days in a year with the condition this item is brought back to the Board of Adjustment in five (5) years to reassess and be reheard.

Vote: Yea: Mc Coy, Anania, Thorn, Fisher and Kruse. Nay: None. Absent: None.

Respectfully Submitted,

Kelli Munoz, Recording Secretary

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, officer, department, board, or bureau of the County, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Adjustment.

SITE PLAN

FOR

FELDSTEIN COMMERCIAL STABLES

11045 NE 56TH STREET
POLK COUNTY, IOWA

OWNER/DEVELOPER
SONDRA FELDSTEIN REVOCABLE TRUST
9095 NE 72ND STREET
BONDURANT, IOWA 50035
CONTACT: SONDRA FELDSTEIN
PHONE: (515) 250-2330



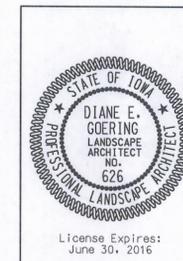
SCALE: 1"=2000'

VICINITY MAP

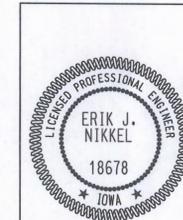
INDEX OF SHEETS

1. TITLE SHEET
2. PROJECT INFORMATION SHEET
3. SITE PLAN
4. PLANTING PLAN

Site Plan
 Approved
 Approved with conditions (see attached)
 Denied
 In Accordance with Division 10300 Polk County Zoning Ordinance
 Date: 8/19/2015 Planning: *Chad Noy*
 see approval letter for conditions



I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly licensed Professional Landscape Architect under the laws of the State of Iowa.
Diane E. Goering 8/12/15
 Diane E. Goering, ASLA Date
 License Number 626
 Pages or sheets covered by this seal:
 Sheet 4

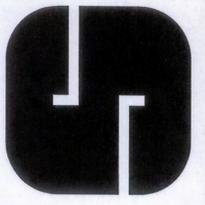


I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.
Erik J. Nikkel 8/12/15
 Erik J. Nikkel, P.E. Date
 License Number 18678
 My License Renewal Date is December 31, 2015
 Pages or sheets covered by this seal:
 Sheets 1-3

FELDSTEIN COMMERCIAL STABLES

TITLE SHEET

SNYDER & ASSOCIATES, INC.



Project No: 1150567

Sheet 1 of 4

2	REVISED PER COUNTY COMMENTS	08/12/15	AWS
1	REVISED PER COUNTY COMMENTS	07/28/15	AWS
MARK	REVISION	DATE	BY
Engineer:	EJN	Checked By:	BKC
Technician:	AWS	Date:	07/07/15
Scale:	1"= 1'	Field Bk:	
Project No:	1150567	Sheet	1 of 4

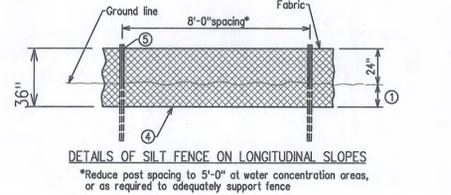
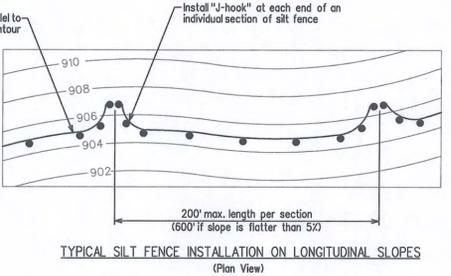
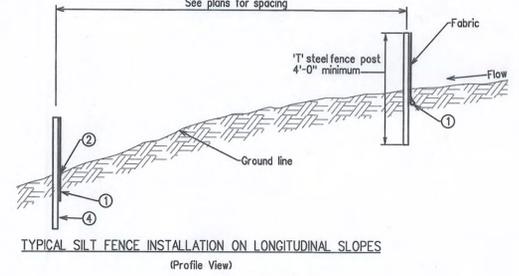
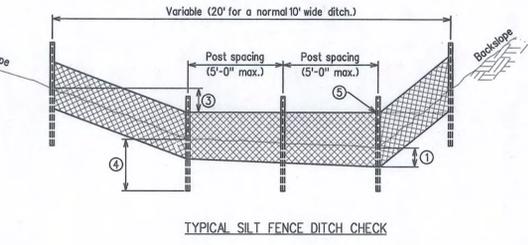
POLK COUNTY, IOWA

2727 S.W. SNYDER BLVD.
ANKENY, IOWA 50023
515-964-2020 | www.snyder-associates.com

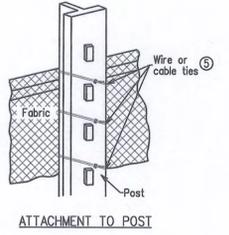
LEGEND

Features	Existing	Proposed
Spot Elevation	93.0	93.0
Contour Elevation	-93-	-93-
Fence (Barbed, Field, Hog)	-x-x-	-x-x-
Fence (Chain Link)	-//-	-//-
Fence (Wood)	-	-
Fence (Silt)	-	-
Tree Line	-	-
Tree Stump	-	-
Deciduous Tree or Shrub	(Symbol)	(Symbol)
Coniferous Tree or Shrub	(Symbol)	(Symbol)
Communication	-C(x)-	-C-
Overhead Communication	-OC(x)-	-OC-
Fiber Optic	-FO(x)-	-FO-
Underground Electric	-E(x)-	-E-
Overhead Electric	-OE(x)-	-OE-
Gas Main with Size	-4" G(x)-	-4" G-
High Pressure Gas Main with Size	-4" HPG(x)-	-4" HPG-
Water Main with Size	-8" W(x)-	-8" W-
Sanitary Sewer with Size	-8" S(x)-	-8" S-
Duct Bank	-DUCT(x)-	-DUCT-
Test Hole Location for SUE w/ID	(Symbol)	(Symbol)

(x) Denotes the survey quality service level for utilities



- GENERAL NOTES:**
- Install silt fence according to the requirements of Section 9040, 3.07 and at locations shown in the contract documents or as directed by the Jurisdictional Engineer.
- Insert 12 in. of fabric a minimum of 6 in. deep (fabric may be folded below the ground line)
 - Compact ground by driving along each side of the silt fence as required to sufficiently secure the fabric in the trench to prevent pullout and flow under the fence.
 - In ditches, extend silt fence up side slope so the bottom elevation at the end of the fence is a minimum of 2 in. higher than the top of the fence in the low point of the ditch.
 - Steel posts to be embedded 20 in. unless otherwise allowed by the Jurisdictional Engineer.
 - Secure top of engineering fabric to steelposts using wire or plastic ties (50 lb. min.). See details of "Attachment to Posts."



GENERAL NOTES

- NOTIFY UTILITY PROVIDERS PRIOR TO BEGINNING ANY CONSTRUCTION ACTIVITIES AND COORDINATE WITH UTILITY PROVIDERS AS NECESSARY DURING CONSTRUCTION. CONTRACTOR IS RESPONSIBLE FOR DETERMINING EXISTENCE, EXACT LOCATION, AND DEPTH OF ALL UTILITIES. PROTECT ALL UTILITY LINES AND STRUCTURES NOT SHOWN FOR REMOVAL OR MODIFICATION. ANY DAMAGES TO UTILITY ITEMS NOT SHOWN FOR REMOVAL OR MODIFICATION SHALL BE REPAIRED TO THE UTILITY OWNER'S SPECIFICATIONS AT THE CONTRACTOR'S EXPENSE.
- CONSTRUCTION OF ALL STREET AND UTILITY IMPROVEMENTS SHALL CONFORM TO THE URBAN STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS AND THE SOILS REPORTS PREPARED BY OTHERS.
- LENGTH OF UTILITIES SHOWN ON PLANS ARE DIMENSIONED FROM CENTERLINE OF STRUCTURE TO CENTERLINE OF STRUCTURE.
- ALL TRAFFIC CONTROL SHALL BE PROVIDED IN ACCORDANCE WITH REQUIREMENTS SET FORTH IN THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD). WHEN CONSTRUCTION ACTIVITIES OBSTRUCT PORTIONS OF THE ROADWAY, FLAGGERS SHALL BE PROVIDED. FLAGGERS SHALL CONFORM TO THE MUTCD IN APPEARANCE, EQUIPMENT AND ACTIONS.
- NOTIFY OWNER, ENGINEER, DES MOINES WATER WORKS, AND POLK COUNTY PUBLIC WORKS AT LEAST 48 HOURS PRIOR TO BEGINNING WORK.
- IN THE EVENT OF A DISCREPANCY BETWEEN THE QUANTITY ESTIMATES AND THE DETAILED PLANS, THE DETAILED PLANS SHALL GOVERN.
- ALL FIELD TILES ENCOUNTERED DURING CONSTRUCTION SHALL BE RECONNECTED AND NOTED ACCORDINGLY ON THE AS-BUILT DOCUMENTS.
- DIMENSIONS, BUILDING LOCATION, UTILITIES AND GRADING OF THIS SITE ARE BASED ON AVAILABLE INFORMATION AT THE TIME OF DESIGN. DEVIATIONS MAY BE NECESSARY IN THE FIELD. ANY SUCH CHANGES OR CONFLICTS BETWEEN THIS PLAN AND FIELD CONDITIONS ARE TO BE REPORTED TO THE ARCHITECT/ENGINEER PRIOR TO STARTING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LAYOUT VERIFICATION OF ALL SITE IMPROVEMENTS PRIOR TO CONSTRUCTION.
- CONTRACTOR TO LOAD AND TRANSPORT ALL MATERIALS CONSIDERED TO BE UNDESIRABLE TO BE INCORPORATED INTO THE PROJECT TO AN APPROVED OFF-SITE WASTE SITE.
- CONTRACTOR TO STRIP AND STOCKPILE TOPSOIL FROM ALL AREAS TO BE CUT OR FILLED. RESPREAD TO MINIMUM 6" DEPTH TO FINISH GRADES.
- ALL PROPOSED CONTOURS AND SPOT ELEVATIONS SHOWN ARE FINISHED GRADES AND/OR TOP OF PAVING SLAB (GUTTER), UNLESS OTHERWISE NOTED.
- THE CONTRACTOR IS RESPONSIBLE FOR CLEANING DIRT AND DEBRIS FROM NEIGHBORING STREETS, DRIVEWAYS, AND SIDEWALKS CAUSED BY CONSTRUCTION ACTIVITIES IN A TIMELY MANNER.
- THE ADJUSTMENT OF ANY EXISTING UTILITY APPURTENANCES TO FINAL GRADE IS CONSIDERED INCIDENTAL TO THE SITE WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLING EROSION CONTROL MEASURES AS NECESSARY. CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR MAINTAINING ANY EXISTING EROSION CONTROL MEASURES ON SITE AT THE TIME OF CONSTRUCTION. GRADING AND SOIL EROSION CONTROL CODE REQUIREMENTS SHALL BE MET BY CONTRACTOR. A GRADING PERMIT IS REQUIRED FOR THIS PROJECT.
- CONTRACTOR TO COORDINATE NATURAL GAS, ELECTRICAL, TELEPHONE AND ANY OTHER FRANCHISE UTILITY SERVICES WITH UTILITY SERVICE PROVIDER, POLK COUNTY, AND THE OWNER PRIOR TO CONSTRUCTION.
- CONTRACTOR TO VERIFY ALL UTILITY CROSSINGS AND MAINTAIN MINIMUM 18" VERTICAL AND HORIZONTAL CLEARANCE BETWEEN UTILITIES. CONTRACTOR TO COORDINATE UTILITY ROUTING TO BUILDING AND VERIFY CONNECTION LOCATIONS AND INVERTS PRIOR TO CONSTRUCTION.
- POLK COUNTY ENTRANCE PERMITS WILL BE REQUIRED FOR THE PROPOSED DRIVEWAY ENTRANCES.
- A POLK COUNTY GRANT PERMIT WILL BE REQUIRED FOR WORK WITHIN THE ROAD RIGHT-OF-WAY THAT IS NOT RELATED TO THE DRIVEWAY ENTRANCES.
- THE CONDITIONAL USE PERMIT (CUP) WITH CONDITIONS FOR SPECIAL EVENTS PLANNED TO OCCUR INSIDE A PROPOSED 140' X 250' ACCESSORY STRUCTURE THAT WILL BE CONSTRUCTED AND USED AS A COMMERCIAL STABLE AND LOCATED ON THE SUBJECT PROPERTY LOCATED IN THE 11000 BLOCK OF NE 56TH STREET. SPECIAL EVENTS INCLUDE TEAM ROPING, MOUNTED SHOOTING, RANCH HORSE, 4-H SHOWS, SADDLE CLUB SHOWS, HORSE CLINICS AND CAMPS, HORSE THERAPY PROGRAMS, CATTLE AND LAMB JACKPOT SHOWS, DOG AGILITY SHOWS AND POTENTIALLY OTHER RELATED ACTIVITIES WAS APPROVED BY THE BOARD OF ADJUSTMENT ON JUNE 15, 2015 UNDER DOCKET #415.
- THE VARIANCE APPEAL REQUEST WITH CONDITIONS TO INCREASE THE NUMBER OF DAYS ALLOWED FOR SPECIAL EVENTS FOR HORSES, LIVESTOCK AND DOG SHOWS AND CLINICS TO OCCUR INSIDE THE PROPOSED NEW 140' X 250' ACCESSORY STRUCTURE FROM 21 DAYS A YEAR TO APPROXIMATELY 80 DAYS A YEAR AND .4% FLOOR AREA RATIO (FAR) INCREASE (FROM 4% TO 4.4%) FOR THE PROPOSED 140' X 250' ACCESSORY STRUCTURE ON THE SUBJECT PROPERTY LOCATED IN THE 11000 BLOCK OF NE 56TH STREET WAS APPROVED BY THE BOARD OF ADJUSTMENTS ON JUNE 15, 2015 UNDER DOCKET #15/2657.
- YARD HYDRANTS TO BE BACKFLOW PROTECTED AUTOMATIC DRAINING FREEZELESS SANITARY YARD HYDRANT WOODFORD MODEL S3 OR EQUIVALENT.
- NO EXTERIOR LIGHTS ARE PROPOSED, BUT IF EXTERIOR LIGHTS PROPOSED TO BE ADDED IN THE FUTURE AN EXTERIOR LIGHTING PLAN MEETING THE REQUIREMENTS OF THE ZONING ORDINANCE MUST BE SUBMITTED AND APPROVED BEFORE THE LIGHTS ARE INSTALLED.
- NO OUTSIDE REFUSE COLLECTION AREA IS PROPOSED, BUT IF THERE IS AN OUTSIDE REFUSE COLLECTION AREA, THE REFUSE CONTAINERS MUST BE ENCLOSED FROM PUBLIC VIEW BY SOLID SCREENING, SUCH AS AN OPAQUE FENCE AND GATE.
- THE PLAN FOR MANURE CONTAINMENT IS FOR A WAGON TO BE PLACED ON-SITE WITH ADEQUATE SIDES TO CONTAIN THE MANURE. MANURE WILL BE DISPOSED OF AFTER EACH WEEKEND EVENT. THE MANURE COULD BE SPREAD ON THE PARCEL WITHIN THE HAYFIELD AREA. IF THE GROUND IS FROZEN, IT WILL BE HAULED OFF-SITE TO THE OWNER'S MANURE PILE AT THEIR HOME. FROM PAST EXPERIENCE WITH THESE TYPES OF OPERATIONS, THE VOLUME OF MANURE IS SOMEWHAT LIMITED.

EXISTING TOPOGRAPHY

CONTOURS SHOWN HAVE BEEN OBTAINED FROM THE IOWA DNR MAPPING PROJECT PERFORMED FROM 2008-2010 AND ARE SHOWN IN THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). CRITICAL LOCATIONS WERE SHOT WITH FIELD SURVEY TO CONFIRM LIDAR TOPOGRAPHY.



PROPERTY DESCRIPTION

S 1/2 OF THE SW 1/4 SW 1/4 OF SECTION 2, TOWNSHIP 80 NORTH, RANGE 23 WEST OF THE 5TH P.M., POLK COUNTY, IOWA.

PROPERTY ADDRESS

11045 NE 56TH STREET
ELKHART, IA 50073

ZONING

AG - AGRICULTURAL DISTRICT

GENERAL USE

COMMERCIAL STABLE WITH SPECIAL EVENTS

BUILDING DESCRIPTION

35,000 SF
HEIGHT AT PEAK 22'-7"

BASE SITE CALCULATIONS

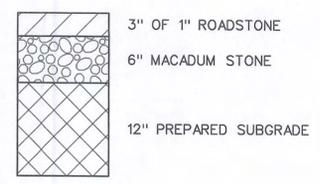
18.34 AC TOTAL SITE AREA	
0.00 AC NATURAL RESOURCE AREA	
18.34 AC BUILDABLE LAND	
18.34 AC BUILDABLE LAND	
0.044 MAX FLOOR AREA RATIO	
.807 AC MAX FLOOR AREA (35,151 SF)	
(35,000 SF BUILDING PROPOSED)	
(0.0438 PROPOSED FLOOR AREA RATIO)	
18.34 AC BUILDABLE LAND	
0.90 MINIMUM OPEN SPACE RATIO	
16.51 AC MINIMUM OPEN SPACE	
(17.18 AC PROVIDED)	
(0.94 PROPOSED OPEN SPACE RATIO)	

DEVELOPMENT SCHEDULE

ACTIVITY	SCHEDULE
EARTHWORK	AUGUST 2015
PAVEMENTS	AUGUST 2015
LANDSCAPING / SITE FINISH	NOVEMBER 2015

UTILITY PROVIDERS

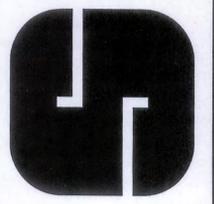
WATER - DES MOINES WATER WORKS
WASTE WATER - PORTABLE RESTROOM FACILITY



FELDSTEIN COMMERCIAL STABLES

PROJECT INFORMATION

SNYDER & ASSOCIATES, INC.



Project No: 1150567

Sheet 2 of 4

POLK COUNTY, IOWA

2727 S.W. SNYDER BLVD.
ANKENY, IOWA 50023
515-964-2020 | www.snyder-associates.com

MARK	REVISION	DATE	BY
2	REVISED PER COUNTY COMMENTS	08/12/15	AWS
1	REVISED PER COUNTY COMMENTS	07/28/15	AWS

Engineer: EUN Checked By: BKC Scale: 1"=100'
Technician: AWS Date: 07/07/15 Field Bk: Pg: 2 of 4

RECEIVED

20 JUN -1 PM 12: 27

POLK CO.
PUBLIC WORKS

Mary Ellen Cory

10941 NE 56th Street
Elkhart, IA 50073
515-257-0726

May 28, 2020

Polk County Planning & Zoning Department
5885 NE 14th Street
Des Moines, IA 50313

Dear Planning & Zoning Committee,

I am writing in regards to **Prairie Rose Arena located at 11045 NE 56th Street, Elkhart, Iowa, 50073**. The property is the land directly north of where my family lives (10941 NE 56th Street, Elkhart).

It has been brought to my attention that the owner / manager of Prairie Rose Arena, Sondra Feldstein, is being asked to plant more trees and shrubs along the boundaries of the property. I am asking that you would sincerely consider granting a variance for this requirement for two reasons. The first reason is due to the year round issue of safety concerning visibility when exiting Prairie Rose Arena onto NE 56th Street. If there is any question about this, I would invite the Planning & Zoning Committee to actually drive out to the parking lot at the Arena, and upon exiting, carefully consider what it would be like to exit while driving a relatively slow-moving pick up pulling a loaded horse trailer. It is not an ideal situation to pull out and look either to the north or to the south, both directions have limited visibility due to natural rises and dips in the roadway. The second reason is a more seasonal issue. When it snows and the wind blows, I foresee a drifting problem on that section of roadway where trees or shrubs would be growing. We have experienced this along other sections of the road on NE 56th Street.

Prairie Rose Arena has been a wonderful addition to our local community. The grounds and building are attractive and well-maintained. We are grateful for all that has happened at this location.

Sincerely,

Mary Ellen Cory

