Request: Approval of a Conditional Use Permit for Lavender Life to allow an Agri-tourism use of a lavender farm with related seasonal retail sales, tours and public use.

Subject Property / Surrounding Land Uses:
The subject property is located at 1687 NE 56th Street, Pleasant Hill. The property is approximately 45.44 acres in size, and is comprised of four (4) adjacent tax parcels. The property is legally described as part of the NW ¼, and part of the NW ¼ of the SW ¼, all within Section 35 of Township 79 North, Range 23 West of the 5th P.M. (Clay Township), and is zoned “AG” Agricultural District. The developed portion of the property is located in the southwest corner near NE 56th Street, including the main driveway, residence and accessory structures. The existing residence was constructed in 1967 according to County records. The property also contains a 20’ x 32’ detached garage (constructed in 1967), a 16’ x 42’ accessory barn (constructed in 1976) and a 45’ x 60 accessory shed (constructed in 1991). The property also appears to contain an additional accessory building recently constructed on the property without permits.

This request seeks to legitimize an existing Agri-tourism use on the property consisting of a lavender farm, gift shop and use by the public. The lavender gift shop is located within the 16’ x 42’ building just southeast of the residence. The applicant has also established an outdoor lavender growing area just east of the residence. The remainder of the property to the north and east is utilized in row crop production, and contains areas of natural resources including woodlands and floodplain along a drainageway that flows into East Fourmile Creek where it crosses within the northwest corner of the property near NE 56th Street.

The property is bordered by the corporate limits of Pleasant Hill to the south, west and east, and is also bordered by abandoned railroad right-of-way and the Highway 65 bypass to the east. Existing light industrial development within the City of Pleasant Hill is located directly to the south within the Metro East Business Park. The regional Gay Lea Wilson recreational trail is also located to the south between the subject property boundary and the adjacent industrial park. Directly west of the property, lying west of NE 56th Street is a parcel located within the City of Pleasant Hill but owned by Polk County Conservation. The property contains a segment of East Fourmile Creek, including floodplain and woodlands. Further to the west and north is the existing Copper Creek development within the City of Pleasant Hill. The subject property is bordered to the north, and partially to the west, by an existing Iowa Interstate railroad line. The next property to the north and west is a large, approximately 53-acre parcel within unincorporated Polk County. This property is addressed as 2155 NE 56th Street, is zoned Medium Density Residential and contains an existing residence. The majority of this adjacent property is encumbered by East Fourmile Creek and adjacent floodplain that flows through the property. See Attachment A for a vicinity map of the subject property and surrounding area.
**Application**
The Polk County Zoning Ordinance, *Article 4: Use Regulations, Division 2 Table of Uses, Table 4.1* permits Agri-tourism uses within the “AG” Agricultural District upon the granting of a Conditional Use Permit by the Polk County Board of Adjustment. The Agri-tourism use category permits limited commercial uses on a property when they are directly associated or accessory to an established agricultural use on the same property. The applicant operates an existing lavender farm on the property, including a seasonal gift shop for lavender and lavender products. This Conditional Use Permit is requested in order to legitimize the seasonal retail sales use and general use of the lavender farm by the public, as well as requesting approval for future tours, to include wagon and carriage rides. See Attachment B at the end of this report for a copy of the application and exhibit provided. The applicant recently rezoned the property from the “MDR” Medium Density Residential District to the “AG” Agricultural District. This zone change was completed by the owner in coordination with staff in order to more closely align the property’s zoning designation with its current and future use(s). The zone change also allowed the applicant to make this Conditional Use Permit request to legitimize the current and future plans for the lavender farm and associated gift shop and public use.

**Public Testimony**
Staff mailed out a total of 25 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 of this application.

**Natural Resources / Environmental**
The topography of the subject property varies, ranging from a high elevation of approximately 860 feet in the area of the existing house and accessory buildings to a low point of approximately 820 feet directly north of the house along the drainageway that feeds into East Fourmile Creek in the northwest corner of the property near NE 56th Street. The north and northeastern portion of the site is primarily utilized for row crops and is relatively flat with some sloping topography moving west towards the drainageway and intersection with East Fourmile Creek. The property contains an area of Zone ‘A’ 1% Annual Chance Floodplain along the drainageway and connection to East Fourmile Creek in the northwest part of the property near NE 56th Street. The property also contains a significant area of woodlands along the drainageway that cuts through the middle of the site.

**Roads / Utilities**
The property has approximately 850 feet of frontage to the west onto NE 56th Street, which is a paved two-lane minor arterial roadway. NE 56th Street provides access south to University Avenue (Hwy 163) within the City of Pleasant Hill, and also provides access north through unincorporated Polk County, the City of Des Moines and eventually connects with 8th Street SW within the City of Altoona. The subject property is bordered to the north and partially to the west by an existing Iowa Interstate railroad line, and is bordered to the east by an abandoned railroad right-of-way, community trail and the Highway 65 bypass. The property is served by an existing driveway entrance to the west accessing NE 56th Street.
Water service is available through Des Moines Water Works. Current available mapping shows there is an existing 12-inch (12”) water main along NE 56th Street adjacent to the southern edge of the property. The existing residence on the property is served by an onsite septic system located north and east of the dwelling.

**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 was recently rezoned to the “AG” Agricultural District. The site contains an existing single-family residence and accessory structures, and is also partially used in row crop production and pasture land. The surrounding area is a mix of residentially zoned land with existing low density single-family homes and open space in unincorporated Polk County. Surrounding land within the City of Pleasant Hill is also a mix of light industrial and residential development as well as open space. The proposed Agri-tourism use of a lavender farm, and associated gift shop, tours and public access fit with the current nature of the property and surrounding uses.

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 Agri-tourism use is already partially established on the property, and has generated no complaints from adjacent properties or the public. The Agri-tourism use provides an economic benefit to Polk County and surrounding communities. The use also connects consumers and the general public to the agricultural land and setting where these local products are grown.

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 will be required to provide a minor site plan designed by a licensed professional engineer to show all existing and future improvements required to accommodate the proposed use and meet the requirements of the Polk County Zoning Ordinance. Site plan approval, building permits and other approvals will be required if this Conditional Use Permit is approved.

**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.**
Agri-tourism uses are permitted within the “AG” Agricultural District upon approval of a Conditional Use Permit by the Board of Adjustment. Staff’s review confirms that the property has a legitimately established agricultural use of a lavender farm. The proposed gift shop, tours and general public access would be considered allowable associated uses to the farm and permitted under the Agri-tourism use category.

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 applicable site plan approval and completion of all required site improvements and building code requirements.

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.

Future site plan and building permit review will ensure all requirements for the proposed use are met, with the intent of protecting the public health, safety and welfare. 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: The Ordinance allows the proposed use pending approval of this Conditional Use Permit by the Board of Adjustment, and pending future approval of a minor site plan, compliance with all required site improvements and building code requirements. Once completed, Polk County Public Works will issue a certificate of occupancy for the gift shop.

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**: Agri-tourism 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, the majority of which are currently open space in close proximity. The closest adjacent properties to the south are light industrial in nature and separated by substantial tree cover, setbacks and a regional recreational trail.

2. **Character of the neighborhood**: Surrounding properties have limited existing development as well as limited future development potential. The proposed use poses no significant negative impacts upon the surrounding neighborhood.

3. **Traffic conditions**: NE 56th Avenue is a paved, two-lane minor arterial roadway, and is more than adequate to handle the minor increase in seasonal traffic that will be generated by this use.

4. **Parking**: There is adequate room on the property to accommodate required parking for visitors. This will be reviewed and approved through the site plan process. Based on the property’s zoning and limited traffic, parking will be permitted on a granular surface. It is anticipated that a single, paved handicapped stall and signage will be required.

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 for Lavender Life to allow the Agri-tourism use of a lavender farm with related seasonal retail sales, tours and public use, subject to the following conditions of approval:

1. This Conditional Use Permit is valid for the following Agri-tourism uses on the subject property: Lavender gift shop within the existing 16’ x 42’ accessory building located southeast of the residence, tours – to include wagon and carriage rides, and general public access and use of the property for educational purposes, pictures and similar enjoyment.

2. Special Events uses are specifically prohibited. Any future planned Special Events would first require an amendment to this Conditional Use Permit and approval by the Board of Adjustment, including additional details for consideration. Special Events include weddings, parties, concerts, or other similar large gatherings. Graduation pictures, wedding party pictures and similar small gatherings at the property for pictures and general enjoyment are permitted under condition #1 and not considered Special Events.

3. The gift shop is restricted to operating no more than six (6) months per year, and no more than five (5) days per week, between the hours of 10am and 5pm.

4. This Conditional Use Permit applies only to the subject property and is only valid for the applicant and business owner known as Otto Farms, Inc., Norm Olson, and/or Lavender Life and Kindra Olson. This approval is not transferrable to other entities or property owners.

5. Under the definition and intent of the Agri-tourism use category within the Polk County Zoning Ordinance, the primary agricultural use of the property as a lavender farm must remain continually operational. If this agricultural use ceases for any reason, then the associated Agri-tourism uses of the gift shop, tours and other public use aspects of the property would no longer be permitted, and this Conditional Use Permit would be considered null and void.

6. The applicant shall gain approval of a Minor Site Plan from Polk County. The Minor Site Plan shall be prepared by an Iowa licensed Professional Engineer and demonstrate compliance with all Polk County Zoning Ordinance requirements. Prior to the issuance of a Final Certificate of Occupancy, all required site improvements and Building Code updates shall be completed and inspected by Polk County.

7. The operation shall comply with all Polk County Building Codes and all Polk County Environmental Health regulations.

8. The applicant shall obtain a retroactive Building Permit and inspections from Polk County for the recently constructed accessory building along the southerly property line located east of the existing residence and structures.
Attachment A
Vicinity Map

Subject Property

Des Moines

Altoona

Pleasant Hill

0
0.5
1
1.5
2
Miles
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.)

   Lavender Farm with Retail Shop

2. Subject Property Address: 1687 N 56th St, Pleasant Hill, IA 50327

3. Subject Property District and Parcel Number: MFL 0744-004-000

4. Subject Property Legal Description (attach if necessary):

   522 acres

5. Filing Fee: - $435.00

6. Applicant(s) Information:

   Otto Farms Inc.

   Applicant (Print Name)  Signature  3-6-2022  Date

   Sentaro Sano

   Name and Interest in Property (owner, renter, perspective buyer, etc.)  Email

   nsano@nemoshai.com

   1687 N 56th St, Pleasant Hill, IA 50327  Phone

   515-401-2613  Fax

7. Applicant(s) Representative:

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

   Mack Dickinson

   Applicant Representative (Print Name)  Firm or Business Name

   Nyenmaster, Land & Farm

   1600 Des Moines St, Des Moines, IA 50309  Address, City, State and Zip

   mdc@nyenmaster.com  Phone

   515-263-3146  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)

   Otto Farms, Inc.

   Signature  3-6-2022  Date

   RE Investments

   Signature  3-16/22  Date
9. Written description:

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

[Signature]

See Attached

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 14th 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            |

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Lavender Life Business Plan

The current and future plans for Lavender Life and its Conditional Use Permit is as follows:

To operate a small retail shop consisting of products made onsite including soaps, lotions, balms, candles, dried and fresh lavender along with many other similar items. The retail shop will be open seasonally, 6 months out of the year, Wednesday through Sunday, 10:00am until 5:00pm.

The lavender fields attract florists, master gardeners (as well as novice gardeners), photographers and all types of people who just love lavender, drawing visitors from 3 hours away.

We will allow photographers to use the lavender fields and surrounding area for family/children’s portraits, graduations, engagement announcements, weddings as well as other special occasions.

Our customers will be able to have the experience of cutting their own fresh lavender, relax and enjoy the park like setting with a country life feeling.

In the future we will offer wagon rides and horse drawn carriage rides for all to enjoy.

Our farm is set up to accommodate senior citizens and mobility impaired visitors with a circular drive. They can stop and enjoy the lavender fields without leaving their vehicle. A handicap restroom is available onsite.

Educational groups are encouraged to visit and learn. Elementary and Secondary school students accompanied by teachers/supervisors are welcome. We have an open door to horticultural students attending ISU or other local colleges to engage in field work to help them further their experience and education.

Our workforce is comprised of a team of volunteers that enjoy the outdoors while working with fresh lavender and a variety of flowers, fruits and vegetables. We will employ 5-6 high school and college age students on a part time basis to work in the fields as needed.

With the acceptance of our Conditional Use Permit, we plan to bring something very special and unique to Polk County for all to enjoy. With this comes additional visitors from miles around which other local businesses will be able to appreciate as well.

Attached is an overhead view of the Lavender Life farm including the retail shop, lavender fields, (one way) entrance/exit route, 22 parking spaces, 1 handicap parking space with additional space for overflow parking if needed. The average visit to the farm would be approximately 15-30 minutes, which makes parking easily accessible for many visitors.

**Key for overhead view:**

1. Gift Shop
2. Handicap Parking – 16’
3. Parking – 57’
4. Parking – 72’
5. Parking – 42’
6. Parking – 24’
7. Lavender Fields – 1400 Plants
8. Overflow Parking (if needed)
9. Home/Residence
10. Detached Garage
11. Outbuilding