



PLANNING AND ZONING Cerro Gordo County Courthouse

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SPECIAL EXCEPTION STAFF REPORT

SUMMARY OF REQUEST

Case No.: 23-1

Hearing Date: January 31, 2023

Staff Contact: John Robbins, Planning and Zoning Administrator

Applicant

Ryco Customs, Inc (Ryan Ruter)
2920 4th Avenue S
Clear Lake, IA 50428

Owner

Daryl L. & Kimberly S. Ruter
5500 235th Street
Clear Lake, IA 50428

Property Address: 5500 235th Street

Brief Legal Description: Property in the SW $\frac{1}{4}$, Section 26, Clear Lake Township

Zoning: A-1 Agricultural

Special Use Requested: 20.2(FF) Boat storage facility

Special Use Description

Ryan Ruter with Ryco Custom, Inc (Ryco) proposes to locate a boat hoist storage facility on his father's property (also co-owner). Generally, boat hoists would be moved to the property in October for storage during the winter. Boat hoists would be removed for the lake season in April or May. It is a special permitted use in the A-1 District as a boat hoist storage facility under Section 20.2(FF) of the Zoning Ordinance.

STAFF COMMENTS

The County Engineer mentioned that if dust ever becomes an issue from boat hoist trips that the applicant may be responsible for providing dust control along routes, and a driveway permit is required for any modifications to the driveway access.

FINDINGS OF FACT

1. Daryl L. and Kimberly S. Ruter are the owners of the subject property.
2. Ryco Customs, Inc. is the applicant for the proposed boat hoist storage facility.
3. The property is zoned A-1 Agricultural.
4. A boat hoist storage facility is a special permitted use in the A-1 District, subject to the requirements and conditions as granted by the Board of Adjustment.
5. The application was filed on November 7, 2022 with the Planning and Zoning Office.

BACKGROUND INFORMATION

Purpose of Special Use Request

Ryan Ruter with Ryco Custom, Inc (Ryco) proposes to locate a boat hoist storage facility on his father's property (also co-owner). Ryco proposes to store about 60 boat hoists on the property in the lake offseason (See Figures 1-3). Generally, boat hoists will be moved to the property in September or October for storage during the winter. Boat hoists will be removed for the lake season in April or May. Properties are needed within a few miles of the lake to serve this need, as the lake has about 2,500 boats hoists in use annually. A special use category was created for boat hoist storage facilities in anticipation of fulfilling this need while also establishing minimum requirements to account for potential impacts. A boat hoist storage facility is a special permitted use in the A-1 District with the granting of a Special Use Permit (SUP) by the Board of Adjustment.

Existing Land Use and Zoning Classification of Property

The property is zoned A-1 Agricultural and has a dwelling, where a co-owner of Ryco resides, and an accessory building.

Land Use and Zoning Classification of Surrounding Property

The property to the south is in the A-1 Agricultural District. Part of it is in agricultural development while the Clear Lake Sanitary District's water treatment plant and office is also nearby.

A large RV park and onsite resident—split zoned in the A-1 Agricultural District and R-3 Single Family Residential District at the north end—is immediately to the west of the proposed boat hoist storage facility. This is separated by significant vegetation that provides a visual barrier from the site (See Figure 1 & 3). There are nine residences, zoned A-2 Agricultural Residence except the acreage at the south end of Evergreen Avenue that is zoned A-1 Agricultural, along the west side of Evergreen Avenue.

The Lekwa Marsh, a significant wetland, is located to the north and east. It provides a significant visual screen for the south shore residential neighborhoods further on.

GENERAL FINDINGS

Harmony and Accord with General Principles and Proposals of the Zoning Ordinance

The intent of the Zoning Ordinance is to provide for the public health, safety, morals, comfort, and general welfare; conserve property values and encourage the most appropriate use of land; provide for the orderly planned use of land resources; and facilitate adequate and economical provisions for public improvements.

A boat hoist storage facility is a visually intensive land use and is generally considered a commercial or industrial type of use. It is a permitted principle use in industrial districts and an accessory permitted use in the C-2 General Commercial District when it is incidental to a specific permitted commercial use (i.e. Clear Lake Boats in the PM Park neighborhood). This type of use can be appropriate in certain locations if these impacts are accounted for, thereby not impacting property values or the general welfare of nearby residents. The subject property

has existing, visually impenetrable vegetation along the west and south sides of the building site (See Figures 1 & 4); however, the proposed storage area includes portions of the farmland that is not behind the vegetation as required by the ordinance. A recommended storage area map has been included in your packet that is in accord with the principles of the ordinance, as discussed later.

Compatibility of Use with the Appearance and Essential Character of Area

The general vicinity is on the urban fringe north of Clear Lake where there is a transition to agricultural areas. There are nine residences along the west side of Evergreen Avenue, if the acreage at the south of Evergreen Avenue is included, and an active RV Park immediately to the west. Again, commercial boat hoist storage is a visually intensive use, so it is essential that appropriate screen buffers are provided to mitigate this type of impact. As aforementioned, the subject property has existing, visually impenetrable vegetation along the west and south sides of the building site (See Figures 1 & 4); however, the proposed storage area includes portions of the farmland that is not behind the vegetation as required by the ordinance (See Figures 2 & 3). The proposed storage area does not provide the needed screening. A recommended storage area map has been included in your packet that includes the southwest portion of the building site and the wooded area south of the building site, which would be sufficient with the existing vegetation to mitigate the visual impact of the use and be within requirements.

Impact on Existing and Futures Uses, Vicinity, and Community as a Whole

There are almost 2,500 boat hoists that are used on Clear Lake annually, and it is necessary to have offseason storage for them during the lake offseason. Industrially or commercially zoned properties in city limits and the unincorporated areas of the county is also limited for this type of use. As a result, it is needed to accommodate this type of use with appropriate minimum requirements. Proposed locations in rural areas for this type of use should be reviewed on a case-by-case basis.

The subject property has existing, visually impenetrable vegetation along the west and south sides of the building site (See Figures 1 & 4); however, the proposed storage area includes portions of the farmland that is not behind the vegetation as required by the ordinance (See Figures 2 & 3). The proposed storage area does not provide the needed screening. A recommended storage area map has been included in your packet that includes the southwest portion of the building site and the wooded area south of the building site, which would be sufficient with the existing vegetation to mitigate the visual impact of the use and be within requirements. From a visual standpoint, this property appears appropriate due to the existing vegetative screening already in place if the Board adopts the recommended storage area map.

This type of use also generates significant traffic during the spring and fall when hoists are being transported to and from the storage location. The route proposed by Ryco is directly from the Lekwa Marsh boat access to the site along and has no dwellings along the trip. As a result, lake residences will not likely notice the traffic generated from the special use.

Adequacy of Public Services

(i.e., highways, streets, police, fire protection, drainage structure, refuse disposal, water and sewage facilities, or schools)

235th St, which is paved, carries approximately 480 vehicles on average per day. Traffic generated by the proposed special use is active in the spring and fall as described in the operator's statement included with the application. Approximately 60 boat hoists will be stored on the property during the lake offseason. Two trips will be generated per hoist twice per year (280 or more total) as a result. The County Engineer mentioned that if dust ever becomes an issue from such trips that Ryco could be responsible for providing dust control. Dust impacts are not a concern, since 235th Street is paved. No condition for dust control is necessary as a result.

Law enforcement protection is provided by the Cerro Gordo County Sheriff's Department. Fire protection is provided by the Clear Lake Fire Department. There should not be a substantial increase in demand for either service.

There are no floodplains on the property. The property sits at the edge of Drainage District 40, which is a landowner manage district, but not close to any public drainage facilities. The drainage district trustees have been notified, and they expressed no concern with the proposed special use regarding the district

Ryco is responsible for any potential refuse disposal, as applicable. The use will have no impact on schools.

No well or wastewater facilities are necessary for the proposed special use.

Public Cost for Additional Public Facilities and Services

There should be no cost to the public as a result of the proposed use.

Potential Detriments to Persons, Property, or General Welfare

(i.e., excessive traffic, noise, smoke, glare, or odors)

See the discussion of traffic in the "Adequacy of the Public Services" section and the discussion of vegetative screening in the impacts section. There should be no discernible noise, smoke, glare, or odors as a result of the operation.

Compatibility and Consistency with the Intent and Purpose of the Zoning Ordinance

The intent of the A-1 Agricultural District is to accommodate agricultural uses that are designed to permit the continued use of such land for agricultural purposes. Boat hoist storage facilities are allowed in the A-1 District, subject to a Special Use Permit being granted by the Board of Adjustment. A portion of the proposed storage area is farm ground, which is inconsistent with the purpose of the A-1 District (See Figures 2 & 3). However, adjusting the storage area location as recommended to not include any farmland and utilize the building site would not impede agricultural operations or potentially take farmland out of production.

Compatibility with County Comprehensive Plan

The Comprehensive Plan encourages the use of performance standards for development where appropriate. The main impact to nearby residents is the visual impact of storage. The subject property has existing, visually impenetrable vegetation along the west and south sides of the building site (See Figures 1 & 4); however, the proposed storage area includes portions of the farmland that is not behind the vegetation as required by the ordinance (See Figures 2 & 3). The proposed storage area does not provide the needed screening. A recommended storage area map has been included in your packet that includes the southwest portion of the building site and the wooded area south of the building site, which would be sufficient with the existing vegetation, mitigate the visual impact of the use, and be within requirements.

The plan also proposes to limit non-farm uses in rural areas that would impact agricultural operations. If the recommended storage area map is adopted by the Board, the proposed special use is not likely to have noticeable impact on farm operations and would be appropriate on the building site, thereby taking no farmland out of production. The proposed storage area would not be entirely consistent with the goals of the Comprehensive Plan.

A consistent theme in the goals of the plan addresses support of natural, recreational, and cultural resources of Clear Lake. Boat hoist storage in the lake offseason is a clear corollary land use to the area recreational and cultural activities that must have sufficient area and be accommodated to support the lake community. With appropriate minimum standards to address the visual impacts and dust control impacts of the use, locations can be reviewed for appropriateness. With the significant vegetation on the building side and limited impact of the proposed route, there seems to be support in the plan for this location, if the staff-recommended storage area map is adopted by the Board.

COMPLIANCE WITH ADDITIONAL ARTICLE 20 REQUIREMENTS

Staff comments are in bold below. Additional requirements for the special use requested are as follows:

20.2 SPECIAL USES

FF. Boat hoist storage facility. A-1 and A-2 Districts. **The property is zoned A-1 Agricultural.**

Minimum Requirements:

1. No land used for the agricultural production of crops shall be used, converted, or taken out of production for the purpose of establishing a boat hoist storage facility. **The proposed storage area includes farmland and does not meet this requirement. The recommended storage area does not include the farmland and would be a viable alternative.**
2. Boat hoists or watercraft shall not be visible from any adjacent public road to a boat hoist storage facility to a minimum height of eight (8) feet. The facility owner shall provide adequate screening, such as berms, fencing, or vegetative buffers, as necessary. **The farmland portions of the proposed storage area are also especially visible from Evergreen Avenue and somewhat visible from 235th Street. The recommended storage area takes advantage of the existing vegetation and would allow the special use to meet this requirement.**

3. All boat hoists or watercraft shall be stored a minimum of fifty (50) feet from all lot lines. **A portion of the proposed storage area is located along the lot line just south of the adjacent RV park. The recommended storage area would allow the special use to meet this requirement.**
4. Boat hoists or watercraft may be stored within an enclosed building for the purposes of a boat hoist storage facility. For any outdoor storage, boats hoists or watercraft, shall be stored no closer than the rear side of the principal building, or the rear side of the closest accessory building if there is no principal building, from the public right-of-way. If there are no buildings on an applicable lot, boat hoists shall be stored a minimum of fifty (50) feet from any public right-of-way. **See comments in Section 3.**
5. The facility owner, at his/her expense, shall provide dust control up to twice per year on applicable gravel-surfaced roads adjacent to any property having a dwelling along said road used to transport boat hoists or watercraft to and from a boat hoist storage facility as desired by the owner of said property. The facility owner shall offer annually to provide said dust control to applicable property owners. All dust control shall be applied by a contractor licensed by the County Engineer's Office following established procedures. The facility owner shall keep records, including contacts made to said property owners and dust control applied, for a minimum of five (5) years. Those records shall be made available to the Zoning Administrator upon request. **There are no gravel roads proposed for the route used to transport boat hoists.**

ZONING DISTRICT REQUIREMENTS

Requirements of the zoning district for which the proposed special use is to be located are as follows:

- Minimum parcel size is 10 acres. **The property is over 10 acres in size and meets the requirement.**
 - 7.5 Height Regulations. No building hereafter erected or structurally altered shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet. **There is no building as a part of the proposed special use so this requirement is not applicable.**
 - 7.6 Yard Requirements. Each lot shall have front, side and rear yards not less than the depths or widths following:
 - A. Front yard depth, fifty (50) feet.
 - B. Each side yard width, twenty-five (25) feet.
 - C. Rear yard depth, thirty (30) feet.**There is no building as a part of the proposed special use so this requirement is not applicable.**

STATUTORY REQUIREMENTS

Additional requirements under Iowa Code or local rules that pertain to the Special Use applied for:

There are no specific additional local or state requirements related to the proposed special use beyond the county Zoning Ordinance that staff is aware of that is applicable besides possible dust control provisions mentioned by the County Engineer.

STAFF ANALYSIS AND RECOMMENDED ACTION

Ryco proposes to store about 60 hoists on the property. The proposed storage area does not meet several requirements of the ordinance, including visual screening, distance from a neighboring property line, and storage on farmland. On its face, this would be justification for denial of the request.

Staff included a recommended alternative storage area in the recommended storage area map included in your packet. This alternative solves all the issues with meeting requirements by utilizing the existing building site and vegetation on the property (See Figure 1 &4). As recommended, all requirements are met and are in line with the goals of the Comprehensive Plan.

Appropriate properties for boat hoist storage need to be close to the lake, which makes this property somewhat ideal location-wise. The Board would be justified in approving the application if Ryco and the Board find the recommended storage area acceptable, subject to the recommended conditions.

RECOMMENDED CONDITIONS TO BE MET IF POSITIVE VOTE BY BOARD OF ADJUSTMENT

Note: In granting a Special Use Permit, the Board of Adjustment may attach conditions which it finds are necessary to carry out the purpose of the Zoning Ordinance, in conformance with what is provided in Article 20 of the Zoning Ordinance, and where reasonable and necessary may increase the required lot or yard, control the location and number of vehicular access points to the property, limit the number of signs, limit coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property, and require screening and landscaping to reduce noise and glare and maintain the property in character in keeping with the surrounding area. Special uses shall ordinarily comply with the standards of the district concerned for principal uses which are permitted therein, except as modified by the Board of Adjustment in granting a Special Use Permit.

1. This Special Use Permit may be reviewed at any time in the future upon the request of the applicants or a majority of the Board of Adjustment members.
2. The provisions and/or regulations as stated shall be minimum requirements and wherever the requirements of any other lawfully adopted rules, regulations, or ordinances are at a variance, the most restrictive shall govern.

3. It is contemplated that from time to time during the operation of a boat hoist storage facility that conditions may arise which are not covered by the terms of this permit and which cannot be anticipated. In the event such conditions do arise, the Board of Adjustment of Cerro Gordo County, Iowa, may impose additional regulations to meet any new conditions. In addition, if said facility should, at any time, be operated in any manner which violates the rules and regulations of any federal or state regulatory agency, then the Board of Adjustment may impose such other conditions so as to ensure compliance with such rules and regulations.
4. This permit will be subject to revocation for operator's failure to comply with the provisions as herein set forth or such other provisions as may, from time to time, be imposed by the Board of Adjustment of Cerro Gordo County, Iowa, under the terms of this permit.
5. County representatives shall have the right to enter the premises at any time upon notification to the permit holder for the purposes of enforcing the provisions of this Special Use Permit.
6. Any other necessary permits or licenses required by federal, state, and local agencies shall be obtained by the applicant and current copies placed on file with the county Planning and Zoning Office.
7. This Special Use Permit is granted to Ryco Customs, Inc. and Ryan, Daryl, and Kimberly Ruter, and any successors and assigns and is not transferable to any other party or parties.
8. The storage area map as recommended by staff and the proposed route map and operator's statement are hereby adopted as presented. The applicant shall adhere to said storage area map as recommended by staff. The Board of Adjustment shall have the right to review any proposed change in or expansion of the special use.
9. Any construction associated with the special use shall strictly comply with the site plan submitted with the application. A Zoning Permit Application shall be completed and a Zoning Permit issued prior to any new construction on the site related to the special use.
10. The applicant shall maintain all existing vegetation adjacent to storage area as recommended by staff on the property to screen the use as required by Article 20.2(FF) of the Zoning Ordinance.
11. All boat hoists shall be stored a minimum of fifty (50) feet from all lot lines.

BOARD DECISION

The Board of Adjustment may consider the following alternatives:

Alternatives

1. Grant the requested Special Use Permit Application subject to any condition as deemed necessary by the Board (The Board reserves the right to remove, amend, or add additional conditions from those recommended as deemed necessary).
2. Deny the requested Special Use Permit Application.

The following motions are provided for the Board's consideration:

Provided motion of **approval**:

To adopt the staff report as the Board's findings and to grant the application, subject to the conditions recommended by staff and as modified by the Board of Adjustment, for the placement of an agricultural-commercial neighborhood business, and further, that the grant of the application be made effective immediately and on the condition that **[NAME OF APPLICANT]** shall perform all operations under the application under the specific direction of the Cerro Gordo County Zoning Administrator, consistent with the proposed conditions and recommendations approved by the Board of Adjustment, until such time as a formal resolution is drafted and adopted by the Board of Adjustment, not to exceed 60 days.

Provided motion of **denial**:

To adopt the staff report as the Board's findings and to deny the application for the reasons stated in the staff report as well as for the following reasons: **[STATE ADDITIONAL REASONS FOR DENIAL, IF ANY]**. Said reasons for denial shall be stated in the official transcript and minutes of the Board of Adjustment, and shall be made in writing to the applicant in letter form by the Board's secretary.

EXHIBITS

- Exhibit 1: Figures
- Exhibit 2: Special Use Permit Application
- Exhibit 3: Operator's statement
- Exhibit 4: Proposed storage area map
- Exhibit 5: Staff-recommended storage area map
- Exhibit 6: Route map
- Exhibit 7: Aerial photo of site

Figure 1

Looking along the west side of the acreage



November 14, 2022, J. Robbins

Figure 2

Looking along the west side of the tree line in the farm field



November 14, 2022, J. Robbins

Figure 3

Looking along the north side of the farm field



November 14, 2022, J. Robbins

Figure 4

Looking south at the trees/wooded area at the south side of the building site



November 14, 2022, J. Robbins

Ryan@rycocustoms.com

SPECIAL USE PERMIT

APPLICATION

Date Filed 11/2/22

Date Set for Hearing 1/31/22

Case Number: ~~23-1~~ 23-1

Applicant Name: Ryco Customs, Inc. Phone: 641-430-5171 E-Mail: ryan@rycocustoms.com

Mailing Address: 2920 4th Ave. S Clear Lake, IA ~~50428~~ 50428

Property Owner Name: Daryl Ruter Phone: 641-425-6029 E-Mail:

Property Owner Address: 5500 235th St Clear Lake, IA 50428 052617600100

Property Description (Not to be used on legal documents): Parcel # 052612600700 Township

Property Address: 5500 235th St Clear Lake Zoning:

Brief Legal Description:

Acreage with a couple partials attached to each other.

Type of Special Use Requested: Boat Lift Storage

Special Use Description: Please provide a general description of the proposed special use.

The highlighted area will be used for boat lift storage. Boat lift are removed from lake and transported into the field for storage. The area around the tree lines and a minimum of 400 ft away from Evergreen Ave. will be the target setting.

*Attach all required items listed in the application checklist, including written operator's statements, site plan, filing fee, and all other materials required to be submitted with this application

I am the [] Owner [] Contract Purchaser [X] Other (Explain) The son of the owner, Daryl Ruter of the property affected.

I, the applicant, being duly sworn, depose and say that I am the owner or that I am authorized and empowered to make the accompanying application; and that the information provided is true and correct, and actual construction, as applicable, and operation of the proposed special use will proceed in accordance with the purposes herein stated on the application and all submitted materials. I further agree to any conditions and/or requirements the Board of Adjustment may stipulate. The Planning & Zoning staff and Board of Adjustment members are also given permission to enter the above property in reviewing this application.

Applicant Signature [Signature]

Date 10-27-22

To: Cerro Gordo County Planning and Zoning

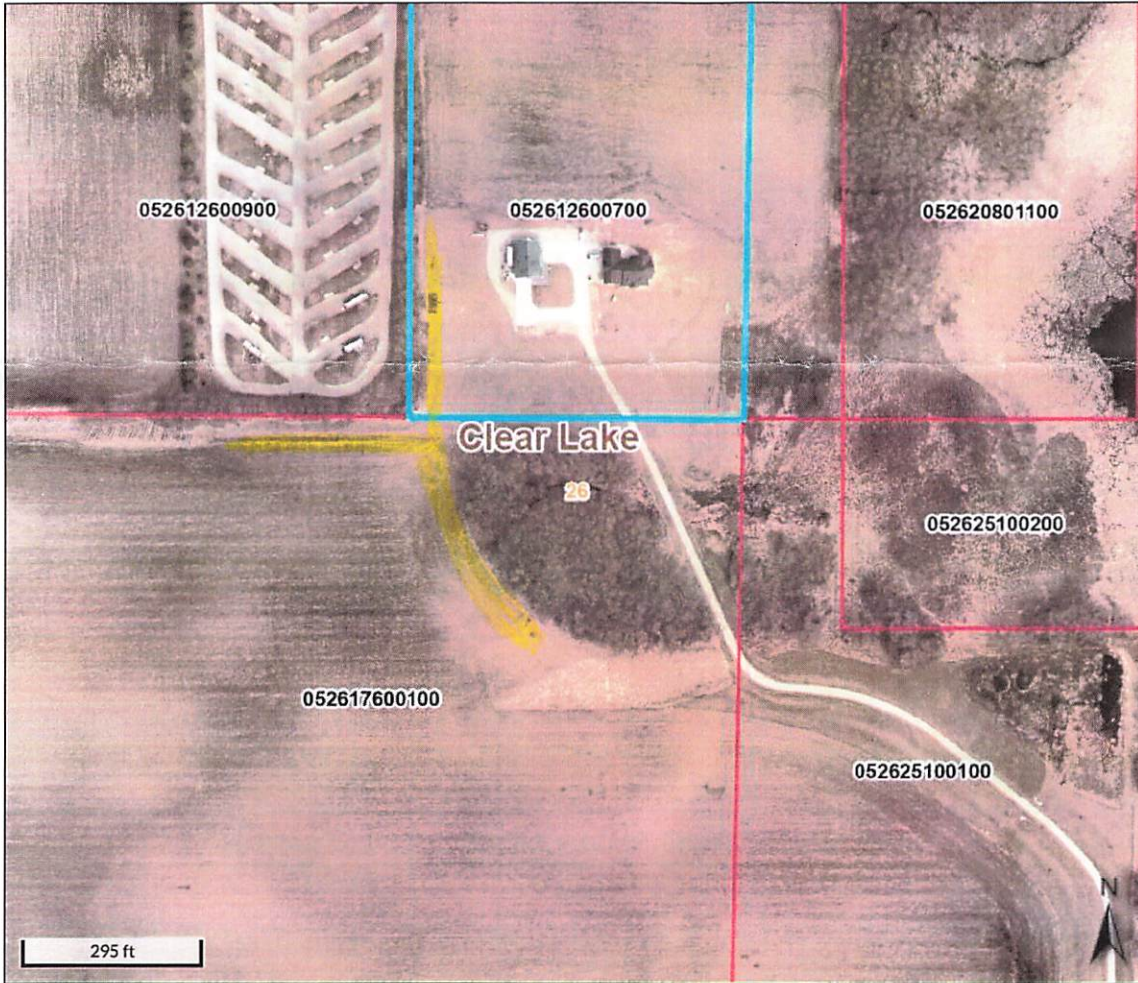
From: Ryco Customs, Inc. / Ryan Ruter

Operating statement: Ryco Customs Inc located in Clear Lake IA operates as a marine service provider for the local Clear Lake area. Ryco is equipped with a floating service barge with crane, transport trailer, and approved DOT truck to accommodate the local customers of Clear Lake with boat lift installs, removals, hoist storage, and misc sales and repairs. The area at 5500 235th St. in Clear Lake is owned by Daryl Ruter (Ryan's father) and a small portion of the property is used for hoist storage. The RYCO team transports boat lifts to and from this location and onto Clear Lake through the Likwa Marsh approach in the southeast corner of the lake. RYCO currently stores about qty 60 boats lift in the winter months on this property. These lifts are placed into service during the summer months, so the storage area is empty for most of the summer months from about May 1 to October 1 while the lifts are at the customers properties. The purposed area (highlighted on map) and transport route (highlighted on other map) will be used by RYCO moving forward to accommodate county regulations and abide by the terms of the special use permit being applied for. Thanks for your time.

Ryan Ruter

A handwritten signature in black ink, appearing to read 'Ryan Ruter', with a long horizontal flourish extending to the right.

Purposed Storage Area



Overview



Legend

- Roads
- Parcels
- Corporate Limits
- Section
- Political Township

Parcel ID	052612600700	Alternate ID	n/a	Owner Address	RUTER DARYL L & KIMBERLY S
Sec/Twp/Rng	26/96/22	Class	Ag Dwelling		5500 235TH ST
Property Address	5500 235TH ST	Acreage	9.13		CLEAR LAKE, IA 50428
	CLEAR LAKE				

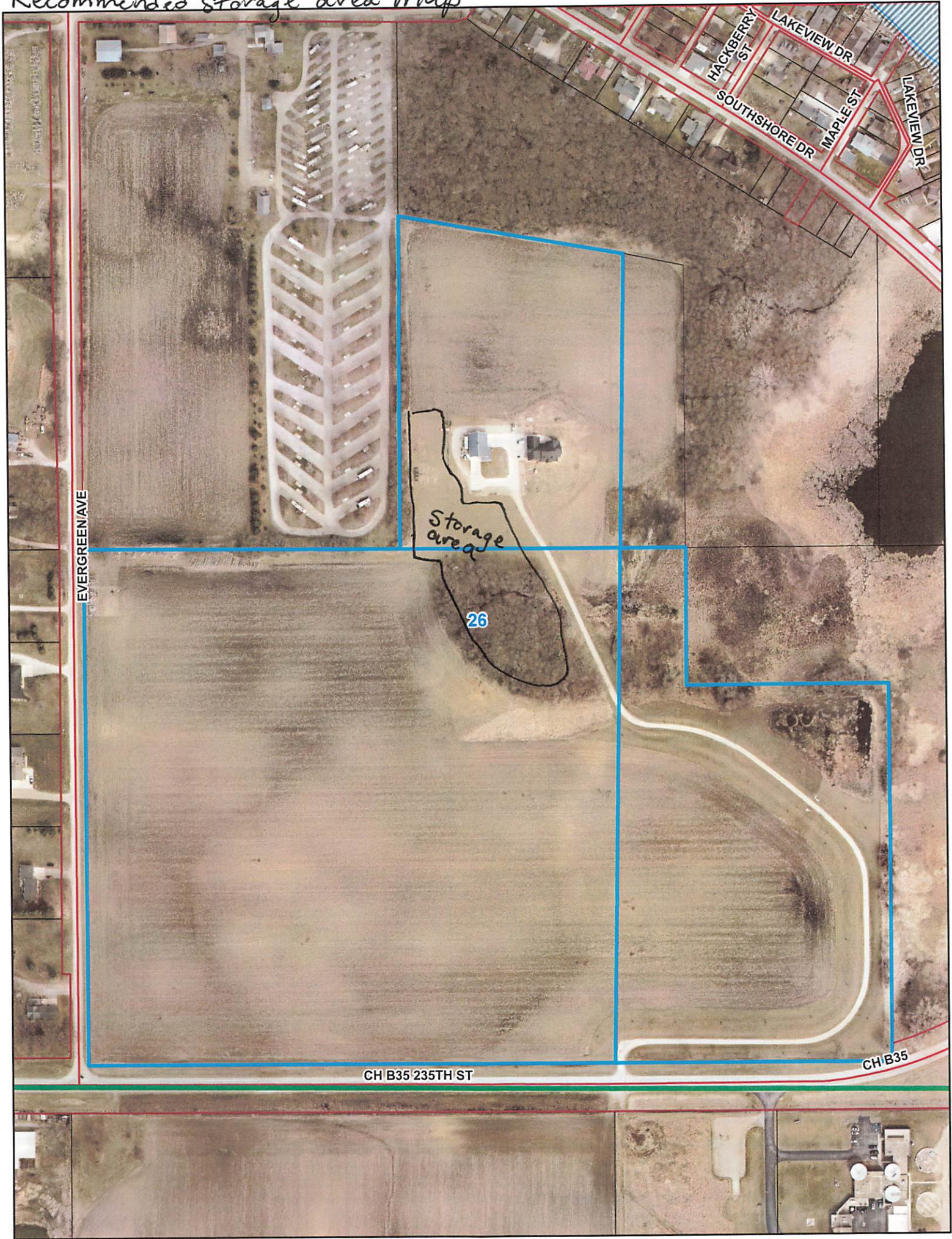
District 12037
 Brief Tax Description L 1 SUB NE NW EXC THAT PART DEED TO STATE OF IOWA SEE DEED BK 124 PG 83 "ALSO AG DWELLING"
 (Note: Not to be used on legal documents)

Date created: 10/27/2022
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Area highlighted in yellow is the area we would move all hoists into a minimum of 400ft away from Evergreen Ave and 50ft or more from campground property lines.

Recommended storage area map



EVERGREEN AVE

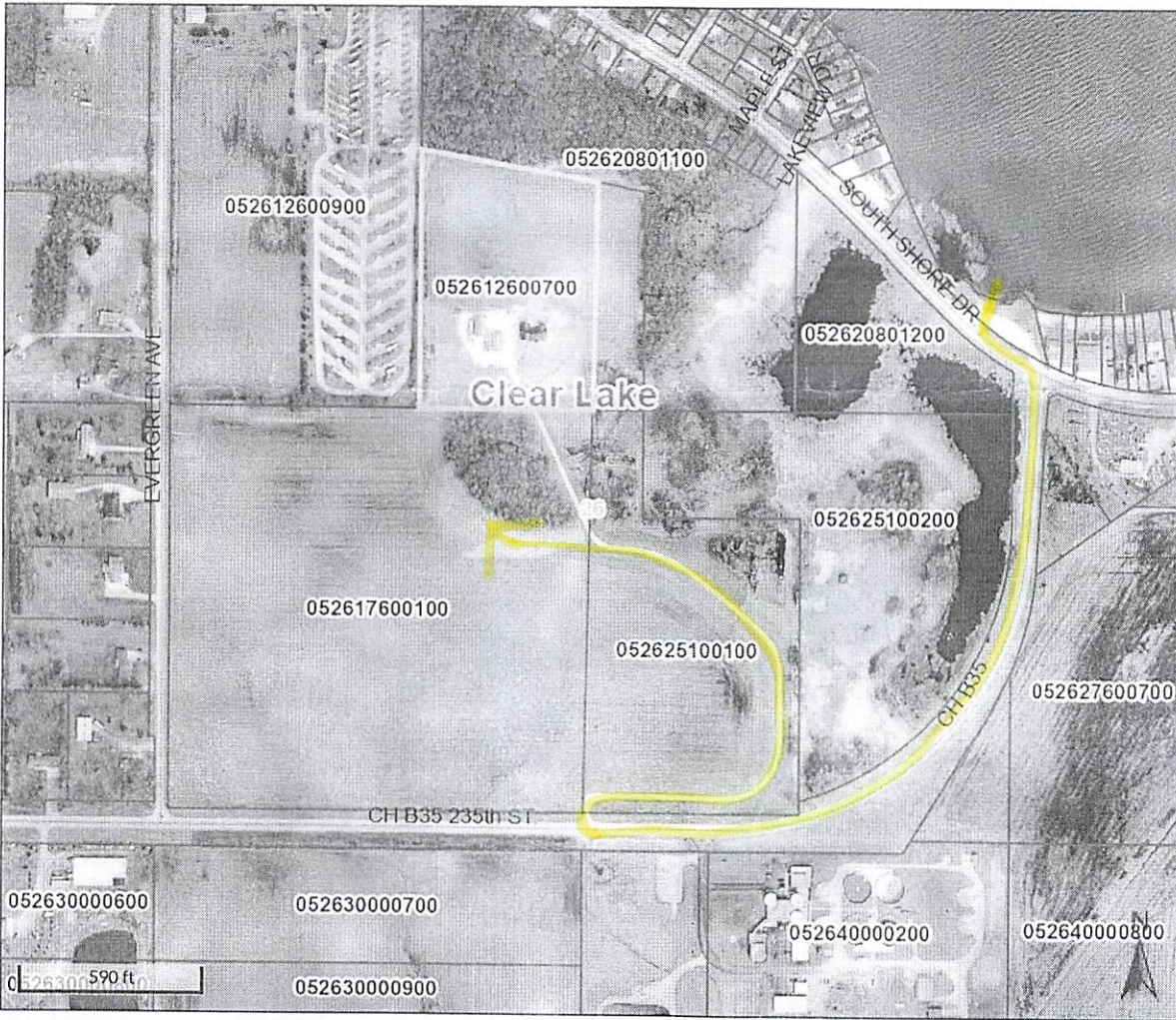
HACKBERRY ST
LAKEVIEW DR
SOUTHSHORE DR
MAPLE ST
LAKEVIEW DR

Storage area
26

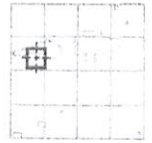
CH B35 235TH ST

CHB35

Route Map



Overview



Legend

- Roads
- Parcels
- Corporate Limits
- Section
- Political Township

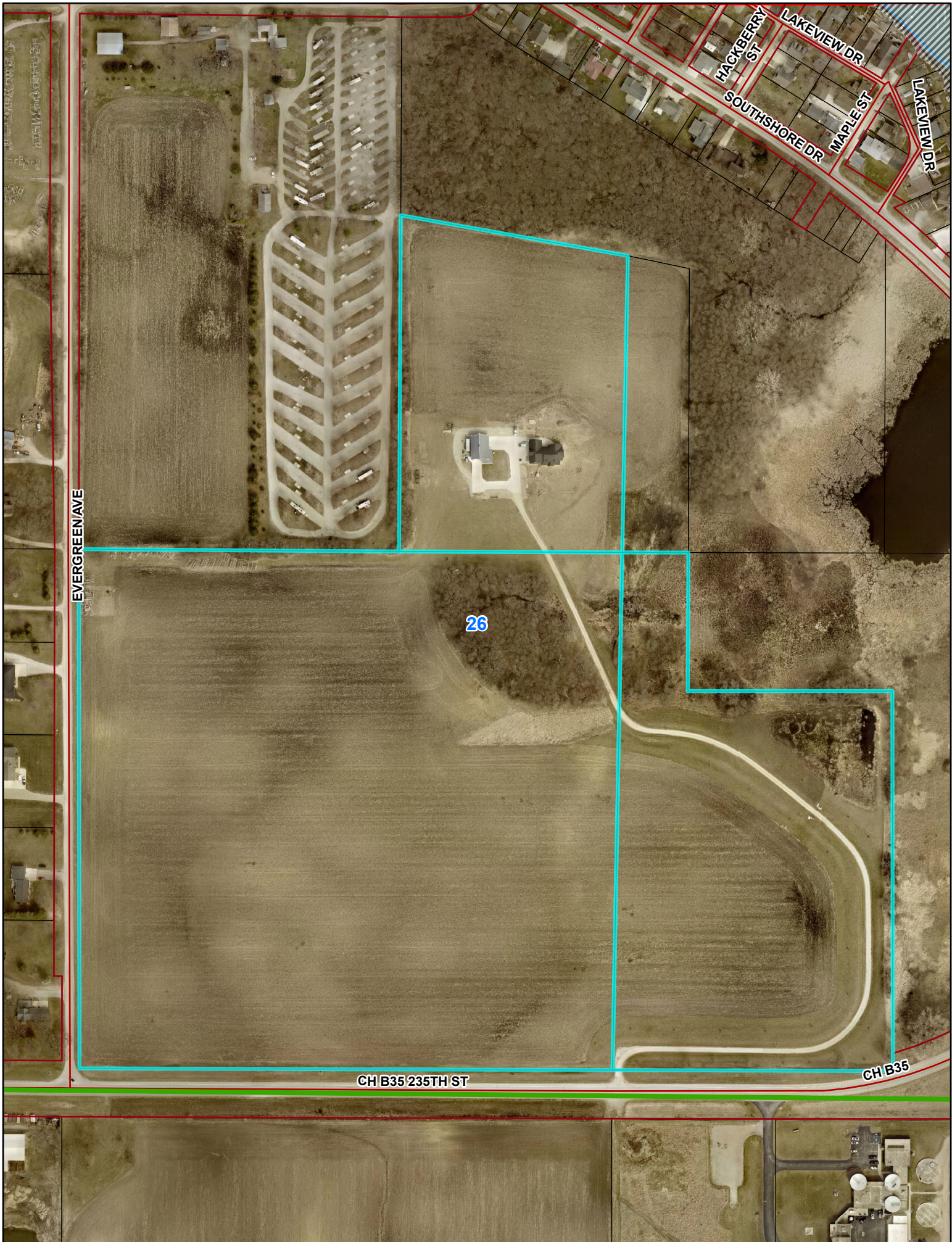
Parcel ID	052612600700	Alternate ID	n/a	Owner Address	RUTER DARYL L & KIMBERLY S
Sec/Twp/Rng	26/96/22	Class	Ag Dwelling		5500 235TH ST
Property Address	5500 235TH ST	Acreage	9.13		CLEAR LAKE, IA 50428
	CLEAR LAKE				

District 12037
 Brief Tax Description L 1 SUB NE NW EXC THAT PART DEED TO STATE OF IOWA SEE DEED BK 124 PG 83 "ALSO AG DWELLING"
 (Note: Not to be used on legal documents)

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Highlighted is the route map that Ryco will take to transport hoists to and from the lake onto Daryl Ruter property.



EVERGREEN AVE

26

CH B35 235TH ST

CH B35

HACKBERRY ST
LAKEVIEW DR
SOUTHSHORE DR
MAPLE ST
LAKEVIEW DR