



PLANNING AND ZONING Cerro Gordo County Courthouse

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SPECIAL USE PERMIT STAFF REPORT

SUMMARY OF REQUEST

Case No.: 24-05

Hearing Date: January 30, 2024

Staff Contact: Michelle Rush, Zoning Assistant

Applicant:

JBS Auto, Inc. d/b/a JBS Rentals
603 E Lake Street
Ventura, IA 50482

Owner

Gene & Katherine Hinrichs
1468 200th Street
Ventura, IA 50482

Property Address: not assigned

Brief Legal Description: SE¼ of the NE¼, Section 17, Clear Lake Township

Zoning: A-1 Agricultural

Special Use Requested: 20.2 (FF) Boat hoist storage facility

Special Use Area: 3.5 acres

Parcel Area: 40 acres

Special Use Description

JBS Auto, Inc. d/b/a JBS Rentals (JBS) proposes to operate a boat storage facility on the subject property. JBS leases the area illustrated on the site plan included in your packets from the owner. No structures are proposed as a part of the special use. Boat hoists are transported to the property in September and October for seasonal storage and removed from April through early June for the lake season.

FINDINGS OF FACT

1. Gene and Katherine Hinrichs are the owners of the subject property.
2. J&S Auto, Inc. d/b/a JBS Rentals is the applicant for the request and leases the property for the boat hoist storage business.
3. The property is zoned A-1 Agricultural.
4. The applicant proposes to continue operation of a boat hoist storage facility on the subject property.
5. Boat hoists storage facilities are a special permitted use in the A-1 District, subject to the requirements of the Zoning Ordinance and conditions as granted by the Board of Adjustment.
6. The application was filed on December 6, 2023 with the Planning and Zoning Office.

BACKGROUND INFORMATION

Purpose of Special Use Request

JBS Auto, Inc. d/b/a JBS Rentals (JBS) proposes to operate a boat storage facility on the subject property (See Figures 1 & 2). JBS leases the area illustrated on the site plan included in your packets from the owner. No structures are proposed as a part of the special use. Boat hoists are transported to the property in September and October for seasonal storage and removed from April through early June for the lake season. JBS has been operating the boat storage hoist facility for many years without a permit. The application was filed to legitimize the special use.

Existing Land Use and Zoning Classification of Property

The property is zoned A-1 Agricultural. Using County aerial photography, it can be confirmed that the area used for the special use has not been in agricultural production since at least 2012, which is before any boat hoist storage occurred on the property. The remaining part of the parcel is in agricultural production.

Land Use and Zoning Classification of Surrounding Property

Land to the north and west is zoned A-1 Agricultural and is farmed. There are wetlands to the east. JBS owns the property to the south, which is used for commercial purposes (Figure 3) within the city limits of Ventura.

The incorporated city limits of Ventura are immediately to the south and east of the subject property. There are three dwellings about ¼-mile to the north at the intersection of Cardinal Avenue and 260th Street: 2965 260th Street, 3011 260th Street, and 2958 260th Street.

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.

The property is relatively isolated (See Figure 4 & 5). JBS is the applicant and owns the adjacent commercial property to the south (See Figure 3). The closest dwellings are about ¼-mile to the north off the intersection Cardinal Avenue and 260th Street: 2965 260th Street, 3011 260th Street, and 2958 260th Street. The storage activity is unlikely to be a nuisance to these residents due to ample separation. There is significant existing vegetation along the north and south side of the proposed boat hoist storage area (See Figure 6). However, the storage area is easily visible from US Highway 18, so requiring screening as required by the requirements of Section 20.2(FF) of the Zoning Ordinance would be a reasonable condition of approval (See Figure 7).

Compatibility of Use with the Appearance and Essential Character of Area

The property is isolated from any dwellings so will not significantly impact any nearby residents. The area is primarily an agricultural area on the urban fringe of Ventura (See Figures 4 & 5). There is a commercial property owned by JBS to the south. Eventually, the applicant intends to move boat hoist storage to within city limits on its own property. The City of Ventura has been afforded the opportunity to make comment. Any comments received will be shared with the Board at the hearing. While Cardinal Avenue on the front side of the subject property is a minimum maintenance road and receives low traffic counts, the property is near a primary highway of US Highway 18, so screening as required by the requirements of Section 20.2(FF) of the Zoning Ordinance would be a reasonable condition of approval (See Figure 7).

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

This is the fourth of several Special Use Permit requests for a boat hoist storage facility in the past couple years. 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. It is necessary that there is enough land for storage of boat hoists, and industrial or commercial 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 sufficient vegetation on the north and south sides of the proposed special use area (See Figure 6 & 8). However, additional screening—fencing being the most practical—will be needed along the front lot line along Cardinal Avenue to properly screen the use as required by Section 20.2(FF) of the Zoning Ordinance (See Figure 7). This should be made a condition of the permit.

This type of use also generates significant traffic during the spring and fall when hoists are being transported to and from the storage location. However, this section of Cardinal Avenue is a minimum maintenance road and does not bypass any residences. The only impacted property by the route in which hoists will be transported to and from the subject property is owned by the applicant (See Figures 3-5). No dust control will need to be required as a result in the conditions of the permit.

Adequacy of Public Services

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

Cardinal Avenue is gravel-surfaced and classified as a Level C, minimum maintenance road. It receives less than 30 vehicles per day on average according to Iowa DOT traffic study counts. 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 150 boat hoists, and possibly more, will be stored on the property during the lake offseason. As a result, two trips will be generated per hoist twice per year (at least 600 or more total). The County Engineer has been provided the opportunity to comment on the application. Any comment received will be shared with the Board at the hearing.

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

There is no mapped floodplain on the property. The special use area sits at the edge of public Drainage District 16 but does not appear to be near any public drainage infrastructure based on the County's GIS system. The County Auditor has been provided the opportunity to make comment. Any comments received will be shared at the hearing.

JBS 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 special use.

Potential Detriments to Persons, Property, or General Welfare

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

Please see earlier discussion of traffic in the "Impact on Existing and Futures Uses, Vicinity, and Community as a Whole" 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 A-1 district is intended to permit the continued use of land for agricultural purposes. In particular, a boat hoist storage facility is generally a commercial or industrial type of use. With the limited land available to accommodate this corollary use to the lake, the application of performance standards can guide this type of use to appropriate properties. Under the minimum standards for the special use, this property is compatible with the district and ordinance with additional screening, which mitigate its visual impact. The proposed special use area will not take any farmland out of production.

Compatibility with County Comprehensive Plan

The Comprehensive Plan encourages the use of performance standards for development where appropriate. The proposed special use has two main impacts, which are the visual impact and possible increased traffic along the route. The subject area has existing vegetation on the north and south sides of the proposed special use area. However, there is no screening on the front side of the property (See Figures 1, 2, 4, & 7). Installing proper screening along Cardinal Avenue should be made a condition of any approval. Cardinal Avenue is a gravel surfaced, minimum maintenance road. There are no residences along the route that will be used to transport boat hoists. The only affected property will be JBS's own commercial property to the south.

The plan also proposes to limit non-farm uses in rural areas that would impact agricultural operations. The proposed special use is not likely to have noticeable impact on farm operations and so is appropriate on this non-farmland location. No farmland will be taken out of production as a result of the proposed special use. However, a condition of any approval should prohibit any boat hoist storage from occurring on any adjacent land currently in use for agricultural production.

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 of the use, locations can be reviewed for appropriateness. With the existing and proposed additional vegetation and limited impact of the proposed route, there seems to be support in the plan for this location.

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. **No farmland will be taken out of production due to the proposed special use. Due to the proposed special use area's proximity, any approval should have a condition prohibiting any storage on farmland as required.**
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 a vegetative buffers, as necessary. **The subject area has existing vegetation on the north and south sides of the proposed special use area. However, there is no screening on the front side of the property (See Figures 1, 2, 4, & 7). Installing proper screening along Cardinal Avenue should be made a condition of any approval. With the additional screening, this requirement will be met.**
3. All boat hoists or watercraft shall be stored a minimum of fifty (50) feet from all lot lines. **Meeting this requirement should be made a condition of the permit despite the request from the applicant.**

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. **Meeting this requirement should be made a condition of the permit despite the request from the applicant.**

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. **The property is accessed via Cardinal Avenue, which is gravel-surfaced; however, there are no residences located along the ¼-mile route from US Highway 18, so no dust control is necessary. JBS owns the adjacent commercial property to the south.**

ZONING DISTRICT REQUIREMENTS

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

A-1 District

- Minimum parcel size is 10 acres. **The subject parcel is 40 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 are no buildings associated with the proposed special use.**
- 8.6 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, fifty (50) 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, applicable local or state requirements related to the proposed special use beyond the county Zoning Ordinance in which staff is aware.

STAFF ANALYSIS AND RECOMMENDED ACTION

JBS will store about 150 or more hoists on the property. Existing vegetation is sufficient on the north and south sides of the proposed storage area. However, to meet screening requirements of Section 20.2 of the Zoning Ordinance, a requirement to install a screening fence along Cardinal Avenue running the length of the proposed storage area should be made a condition of any approval. No residences will be affected by the route to the property, so dust control requirements are unnecessary, as the only property that will be significantly impacted will be JBS's commercial property to the south.

Appropriate properties for boat hoist storage need to be close to the lake, which makes this property appropriate, since no farmland will be taken out of production. JBS states in the operator's statement that it plans to move boat hoist storage to its own property within the next couple of years, so staff recommends an expiration date for any approval at the end of calendar year 2025. Due to the limited impacts and no interference with current farm operations, the Board would be justified in approving the application, 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 the 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. If the special use is discontinued for a period of more than one (1) year, this Special Use Permit shall expire and be considered null and void.
7. 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.
8. This Special Use Permit is granted to JBS Rentals only and is not transferrable to any other party or parties. **This Special Use Permit shall expire December 31, 2025.**
9. The site plan and operator's statement is hereby adopted as presented and the applicant shall adhere to said site plan. The Board of Adjustment shall have the right to review any proposed change in or expansion of the special use.
10. All construction 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.
11. A continuous, 8'-tall screening fence running the length of the boat hoist storage area, except at the driveway into the site, shall be installed along Cardinal Avenue and shall be set back a minimum of 50' from the right-of-way of Cardinal Avenue to screen the use as required by Article 20.2(FF) of the Zoning Ordinance.
12. All boat hoists shall be stored a minimum of fifty (50) feet from all lot lines.
13. Boat hoists are prohibited from being stored on any land that is in agricultural production at the time this Special Use Permit is granted.

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: Site plan
- Exhibit 5: Aerial photo of site

Figure 1

Looking at the southern half of the special use area from Cardinal Avenue



January 3, 2024, T. Meyer

Figure 2

Looking at the northern half of the property from the Highway 18



January 3, 2024, T. Meyer

Figure 3

Looking at the adjacent property to the south from Cardinal Avenue



January 3, 2024, T. Meyer

Figure 4

Looking south along the front lot line/Cardinal Avenue from the driveway



January 3, 2024, T. Meyer

Figure 5

Looking north along Cardinal Avenue from the Highway 18



January 3, 2024, T. Meyer

Figure 6

Looking at the existing vegetation along the north side of the proposed boat hoist storage area



January 3, 2024, T. Meyer

Figure 7

Looking toward the special use area from the southeast on Highway 18



January 3, 2024, T. Meyer

Figure 8

Looking along the south side lot line from Cardinal Avenue



January 3, 2024, T. Meyer

SPECIAL USE PERMIT

APPLICATION

Date Filed 10-30-23 Date Set for Hearing _____ Case Number: _____

Applicant Name: JBS Auto, Inc dba JBS Rentals Phone: 641 425 8733 E-Mail: jbsauto@comcast.net

Mailing Address: 603 E Lake St Ventura, IA 50482

Property Owner Name: Gene Hinrichs Phone: 641 529 1511 E-Mail: _____

Property Owner Address: 1468 200th St Ventura, IA 50482

Property Description (Not to be used on legal documents): Parcel # 05172000500 Township Clear Lake

Property Address: SE NE 17-96-22 Zoning: AG

Brief Legal Description:
SE NE 17-96-22

Type of Special Use Requested: Storage of Boat hoists on Parcel # 05172000500

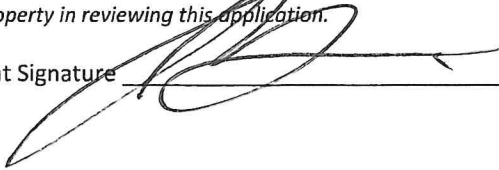
Special Use Description: Please provide a general description of the proposed special use.

JBS Rentals leases land at above Parcel from Gene Hinrichs.
JBS Rentals uses leased land for the storage of boat hoists.
The leased land is the 3.449 acres in the SE corner
of above Parcel.

***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 Other (Explain) JBS Rentals leases
the land from Gene Hinrichs _____ 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 

Date 10-30-23

received
12-6-23

OPERATOR'S STATEMENT

In regards to the property owned by Gene & Kathrine Hinrichs:

JBS Rentals leases 4 acres which is a partial section in the SE corner of : SE NE 17-96-22 (Parcel ID 051720000500) from Gene and Kathrine Hinrichs. There is not a 911 address. The surrounding land is owned by Gene and Kathrine Hinrichs to the North and West, JBS Rentals to the south, and a gravel minimum maintenance road to the east. We have included the Land Lease Contract.

JBS Rentals/Hinrichs are requesting a special use permit to store Boat Hoists on this property. The hours of operation are really dependent upon the weather but usually 9-6pm. We work during daylight hours when the wind, temps, and precipitation allow. This is usually Monday through Friday during the months of April, May, part of June, September, October, and part of November but if the weather during the week is bad, we do run on the weekends to catch up. We have just one truck with one employee running it. This is our main lot that houses approximately 150 hoists.

We travel east on Lake St. in Ventura from either McIntosh State Park boat landing or Lynn Lorenzen boat landing, go north on McIntosh Rd., cross Hwy 18, and go about 1 block North on the gravel minimum maintenance road to the lot entrance. This gravel road has very low traffic with it being a minimum maintenance road.

Boat hoist storage is a necessity for lake living. There are not enough correctly zoned lots in the Ventura Area to store all of these hoists. This lot is the correct size and distance for us to store the boat hoists. We mow the lot twice a year and keep the hoists in organized rows. There are no moving or flammable parts when these hoists are stored. The lot has a few trees on the south border and no buildings to interfere. With this land being surrounded by the Hinrich's and JBS Rental's land, we would like to be able to put the hoists next to the property line and not 50' from it.

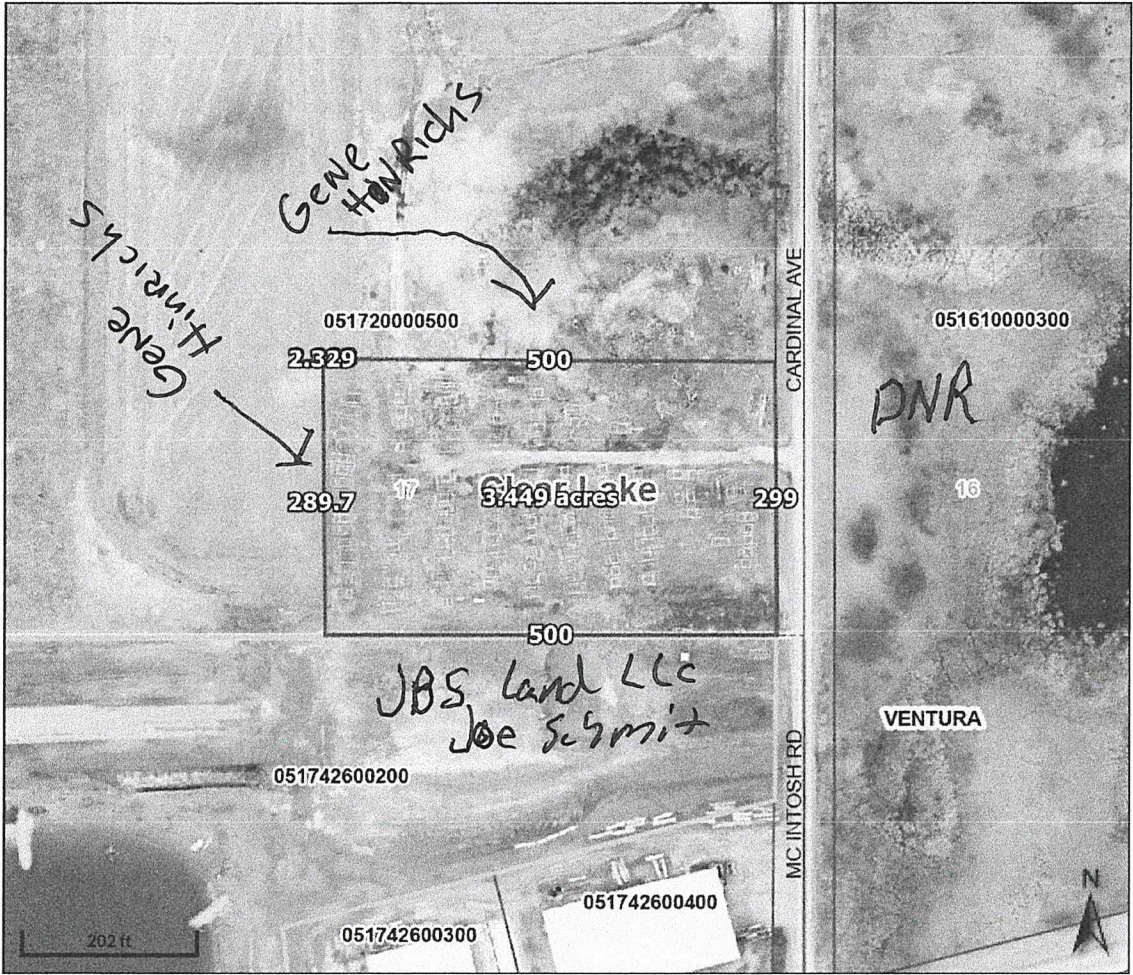
The land that JBS Rentals owns that borders this leased land to the South will be eventually used for these hoists. JBS Rentals purchased the land late 2021 for this purpose because of the zoning and location. But it was purchased with thousands of tons of fill dirt that we are in the process of selling. Once that is done, the hoists will be moved to that location.

Sincerely,

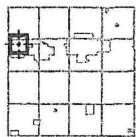
JBS Rentals Joe and Billie Schmit

And

Gene and Kathrine Hinrichs



Overview

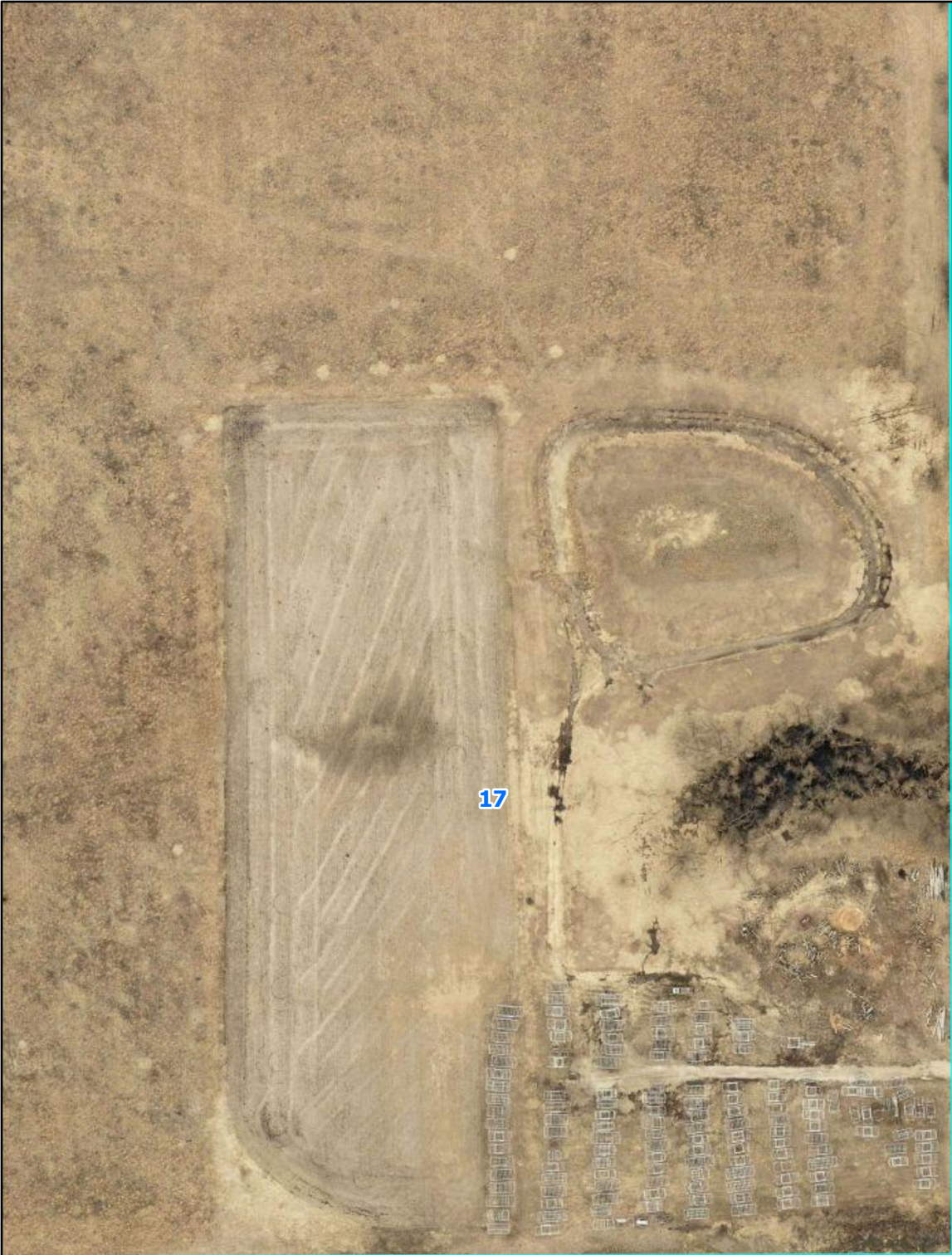


Legend

- Private Roads
- Roads
- Parcels
- Corporate Limits
- Section
- Political Townships

Parcel ID	051742600200	Alternate ID	n/a	Owner Address	JBS LAND LLC
Sec/Twp/Rng	17/96/22	Class	Commercial		603 E LAKE ST
Property Address	1201 HWY 18 E	Acreage	14.19		VENTURA, IA 50482
	VENTURA				
District	VENTURA GHV				
Brief Tax Description	L 1 DEK ADD TO VENTURA				
	(Note: Not to be used on legal documents)				

Date created: 10/27/2023
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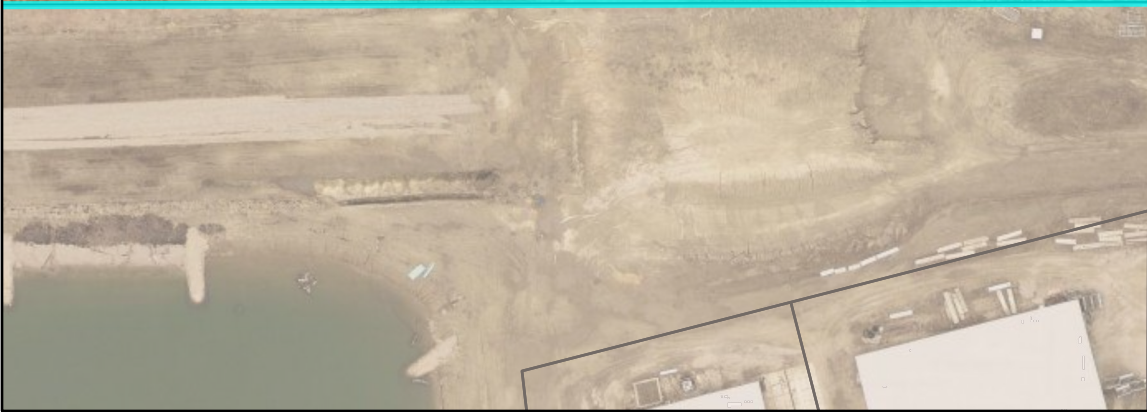


17

16

CARDINAL AVE

VENTURA



MC INTOSH RD