

BOARD OF ADJUSTMENT MEETING MINUTES

City Council Chambers

401 4th Street

December 8, 2021 at 5:30 PM

Meeting called to order by Clark at 5:30 PM

IN ATTENDANCE WERE:

Present: Clark, Collins, Jacobson, Johnson

Absent: Lindberg

Others Remotely present: James Colvert, Building Inspector

Charlie Woodford, Applicant

Danny Christoffers, Secretary

Approve Minutes of the Previous Meeting

A motion was made by Jacobson, seconded by Collins to approve the minutes of June 16, 2021.

All ayes, motion carried.

Public Hearing – Conditional Use Permit – RV Interim Parking

The public hearing is to consider a conditional use permit application submitted by Charlie Woodford to allow RV (Recreational Vehicle) long term interim parking within the confines of the existing mobile home parks.

A motion was made by Johnson, seconded by Collins to open the public hearing at 5:33 pm.

All ayes, motion carried.

Garry Clark explained the purpose of the application.

Danny Christoffers said that he received a public comment from Jerry & Roberta Logemann stating that they did not have a problem with the proposed permit.

Garry said that there was one resident who objected to the permit at the Planning & Zoning Commission Meeting.

Danny said that he had provided recommended conditions from his office that he had previously provided to the Planning & Zoning Commission. The Planning & Zoning Commission included those recommendations as part of their recommendation letter to the Board of Adjustment. They also added an additional recommendation that this permit would be limited to the Woodford Mobile Home Park.

Garry asked Charlie if he had any comments he wished to make.

Charlie Woodford said that he did not.

Garry said that Charlie had previously had Temporary Use Permits for the RV Park and how that permit request is different.

Charlie explained that previously the units were billed directly, this time he will keep the utilities in his name and included as part of the rent.

Garry explained that in January 2014 there was a condition that a storm shelter be built for each mobile home park. He asked if that was completed?

Charlie said it wasn't.

Garry said that there was some difficulties with the utilities, this will have modification at this time?

Charlie said that is correct.

Garry said that RV's are subject to serious damage in case of a storm, FEMA has established requirements to have a storm shelter available. If you proceed with this conditional use permit, how will you meet that requirement?

Charlie said that the Fire Department goes over to the school who unlock the school which is available to the Community as a storm shelter. He has a verbal agreement between the Superintendent of the School, Fire Chief, and himself.

Garry said that when the City was trying to end the Temporary Use Permit in 2017 there were some RV's that weren't registered or had problems.

Charlie said it was his recollection that they put a date that they wanted that to end.

Garry provided an excerpt from the May 23, 2017 City Council Minutes for the record:

"5 new RV's have entered the parks and applications were then asked for and received, Dave denied those permits subject to councils direction previously... Bill asked Charlie how the RV's came to be in the parks without permits. Charlie Woodford, spoke about what he recalls from previous conversations. Charlie noted that he recalled that with the pork plant the same actions were to be rolled over as well during that phase. Aaron stated that originally the RV's moved in so fast that they were in before paperwork was presented. Charlie noted that he went through the variance process to allow RV's and would like to know if that would still be available. Ron talked about the conversations that took place in a Board of Adjustment meeting. Bill and Ron both stated that many accommodations were made during the demand for the area.... Mayor then read that he stated in July 2016 "Do not think we can give a specific date. As the project winds down we need to end this program. It has done its purpose and needs to wind down with CF. Maybe if CF decides to extend its project through next February. Mayor requested a poll of consensus from Council on his three point summary mentioned previously and last statement on date of terminating the program being tied to the CF project completion. The council all agreed in consensus."

Another excerpt was referenced:

"Mayor went over some of the previous comments that were stated at the July 2016 meeting. Mayor noted some comments: Charlie Woodford comments "Council should let the process continue until they (CF) stops bringing in these outside contractors."

Another excerpt was referenced:

"Council believes they have been overly generous but feel the RV's need to be vacated by June 1, as stated in the letter that was hand-delivered as well as delivered by certified mail to Charlie."

There were no other comments from the Board of Adjustment.

A motion was made by Johnson, seconded by Collins to close the public hearing at 5:48 pm.

All ayes, motion carried.

Garry explained that this issue has come up before. Our code includes mobile home parks. He has a nice mobile home park, he takes good care of it. It is not an RV park. There is a significant difference between mobile home parks and RV parks. RV parks are transient, Mobile Home parks are permanent residence people live there for a long time and take good care of their property. RV parks tend to detract from Mobile Home Parks. The City of Sergeant Bluff has an image, do we as a City of Sergeant Bluff feel that RV parks are part of our city image? The board has to consider these things when they go to vote on these things. Mr. Woodford runs a business, which needs to stay viable. The City has a responsibility to assist businesses however they can, however they have to do it in a controlled fashion. We do not allow certain businesses in certain areas due to code restrictions, we maintain that by City Codes.

Garry asked James Colvert to explain how city codes work. James Colvert provided examples of how codes are used to limit the types of businesses that are allowed in various areas. He explained that the City Council requested that he work with Charlie Woodford to possibly allow RV's. As a result RV Interim Parking was added as a category in the Land Use Matrix as a Conditional Use. This would cover all three of his parks. As a Conditional Use this comes to the Board of Adjustment to set conditions.

Meg Jacobson asked James if he had any recommendations?

James said that he agrees to the conditions that Danny put in his letter. James recommends the use from April to October. The code refers that this is for construction workers so he doesn't have a way to confirm that they're construction workers. He expressed another concern that some of the RV's are set up for Winter months and how the water service lines will be protected when it's below freezing. He discussed providing a time frame where it would need to be renewed. James recommended that the meters remain in place for the period of the conditional use permit. Charlie interjected and said that he would leave the meters in.

Meg asked how the code came to specify that this was for construction workers?

Danny said that occurred when the Planning & Zoning Commission considered the language changes. James explained how CF Industries workers previously utilized the park for RV's. He described how construction workers RV's may need to go to Brown's lake, N Sioux City, or Onawa unless they are able to utilize Charlie Woodford's parks.

Charlie discussed historical usage of the parks for RV's by construction workers.

James said that the zoning ordinance changed in 2013 and mobile trailer parks were limited to manufacture homes, another later ordinance prohibited RV's. He discussed how RV's can be used by families on home driveways for a limited time.

Meg asked if 15-20 lots is the proposal?

James said the P&Z's recommendation is to that it is to approve with conditions the use of only the Woodford Mobile Home park. Additional conditional use permits would then be needed to use the other parks.

There was discussion about Tiny Homes.

Garry proposed a set of proposed conditions that combined his own recommendations with those of that were recommended by the Planning & Zoning Commission. His first recommendation was to

require a written plan showing how Charlie Woodford would meet the requirements for a storm shelter. The second condition would be to allow RV permits in the Bridge Mobile Home Park and Woodford Mobile Home Park with a maximum of 20 units. The third would be that temporary use permits be issued for 6 months for a fee of \$150 per unit available for renewal for \$100 for an additional 6 months. The fourth would require that the permits be reviewed at the end of the year and allow for the City to request for suspension of modification by appealing to the P&Z and BOA. The fifth would require that Charlie Woodford provide a list of the lots that will be used for RV Interim Parking. The sixth will require that Charlie Woodford retain utility accounts in his name and that all fees will be the responsibility of Charlie Woodford.

There was extensive discussion by the Board of Adjustment on the time frame that the RV's would be allowed, how we could control who would be in the RV's, and the nature and purpose of the proposed fees.

Additional proposed conditions were suggested:

Garry Clark: The Conditional Use Permit would terminate December 31, 2023.

Ed Collins & Meg Jacobson: That the storm shelter plans be approved within 60 days.

Meg Jacobson: The permits to be approved for 1 year rather than 6 months.

There was discussion about whether the storm shelter plans would be necessary to go through the City Council. It was decided that they would not go to the City Council.

Charlie Woodford expressed concern about the limit of 20. He later expressed he didn't see the need for an additional fee because of how business property taxes and costs associated with having utilities in the city already funded the services. It's just a tax. It penalizes them more to come into this community. An RV Park is completely different – he doesn't provide bathroom facilities, washroom houses, laundry facilities – he provides nothing for them. They are aware of the risk of storms when they come in and the policy his business has with the school and Fire Department.

Motion Johnson, second by Jacobson to approve the Conditional Use Permit application submitted by Charlie Woodford for RV Interim Parking subject to the legal ability for the City's ability to enforce the proposed conditions, each to be voted on separately by Roll Call Vote (conditions that fail to pass a vote will not apply).

Roll Call Vote to approve the motion: Clark- yes, Collins- yes, Jacobson- yes, Johnson- yes, Lindberg- absent; All ayes, motion carried.

Condition: That Charlie Woodford would provide a storm shelter plan in writing for the protection of all park residents which meets FEMA requirements to the Building Inspector before any temporary permit is issued and that the storm shelter plan would be turned in within 60 days of this meeting (Meeting date: 12/8/21)

Roll Call Vote to approve Condition: Clark- yes, Collins- yes, Jacobson- yes, Johnson- yes, Lindberg- absent; All ayes, vote carried.

Condition: To allow RV Permits in the Woodford Mobile Home Park and Bridge Mobile Home Park with a maximum of twenty (20) units.

Roll Call Vote to approve Condition: Clark- yes, Collins- yes, Jacobson- yes, Johnson- yes, Lindberg- absent; All ayes, vote carried.

Condition: Temporary Use Permits will be issued for six (6) months for the fee of \$150.00 per unit paid to the City of Sergeant Bluff before issued and will be the responsibility of Charlie Woodord. He may renew them for the fee of \$100.00 for an additional six (6) months.

Roll Call Vote to approve Condition: Clark- yes, Collins- yes, Jacobson- no, Johnson- no, Lindberg- absent; 2-2-1 Vote failed.

Condition: That the permits would be reviewed for potential modification and continuance at the end of the first year. In the event that the City encounters a major administrative or technical difficulty prior to the end of the first year, the City may request that the Conditional Use be suspended or modified by appealing to the Planning & Zoning Commission and Board of Adjustment.

Roll Call Vote to approve Condition: Clark- yes, Collins- yes, Jacobson- yes, Johnson- yes, Lindberg- absent; All ayes, vote carried.

Condition: Charlie Woodford will provide a list of all the lots that will be used for RV Interim Parking to the City Clerk. He will provide periodic updates for additional lots. A lot may be removed from the list when occupied by a manufactured home.

Roll Call Vote to approve Condition: Clark- yes, Collins- yes, Jacobson- yes, Johnson- yes, Lindberg- absent; All ayes, vote carried.

Condition: Charlie Woodford will retain all utility accounts used for RV Interim Parking in his name. Payments for the utility accounts will be made in a timely fashion by Charlie Woodford and any dispute between Charlie Woodford and the tenant regarding the billed charges will be a private matter and not involve the City. All City utilities, meters, connect & disconnect fees will be the responsibility of Charlie Woodford.

Roll Call Vote to approve Condition: Clark- yes, Collins- yes, Jacobson- yes, Johnson- yes, Lindberg- absent; All ayes, vote carried.

Condition: This Conditional Use Permit will terminate two years from February 6, 2022.

Roll Call Vote to approve Condition: Clark- yes, Collins- yes, Jacobson- yes, Johnson- yes, Lindberg- absent; All ayes, vote carried.

Condition: A Temporary Use Permit for a lot will be issued for \$150.00 for one year and may be renewed for an additional year for \$150.00.

Roll Call Vote to approve Condition: Clark- yes, Collins- yes, Jacobson- yes, Johnson- yes, Lindberg- absent; All ayes, vote carried.

The meeting adjourned at 7:29 pm.

Danny Christoffers, Secretary

Garry Clark, Chairman