

**BOONE COUNTY ZONING COMMISSION MINUTES**  
**MONDAY OCTOBER 28, 2019**  
**5:30 P.M. – BOONE COUNTY COURTHOUSE, 1<sup>ST</sup> FLOOR**  
**201 STATE STREET, BOONE**  
**PLEASE ENTER THROUGH THE EAST DOOR**

**I. OPEN MEETING AND ROLL CALL**

Robert North	Carla Barnwell	Eric Crosman
Kay Rice	Marilyn Jordan	Jan Danilson
Lance Stumbo (Chairman)	Kim Houlding	Gary Luna

Present: Gary Luna, Jan Danilson, Eric Crosman, Marilyn Jordan, Carla Barnwell, Kay Rice

Absent: Kim Houlding , Lance Stumbo and Robert North

Also Present: Shelia & Brian Bales, Rick Wailes, and Debbie Ladd

**II. APPROVAL OF MINUTES**

A. September 30, 2019

September 30, 2019 minutes to be approved at the following meeting.

**III. APPROVAL OF AGENDA**

**IV. DISCLOSE CONFLICT OF INTEREST AND EX-PARTE COMMUNICATION**

A. None

**V. CITIZENS COMMENTS ON ITEMS NOT ON THE AGENDA (ADDITIONS TO AGENDA)**

A. None

**VI. OPEN PUBLIC HEARING(S) AND CONSIDERATION OF APPLICATION(S)**

A. Petition to Amend Zoning District Boundaries Application # 2019-001 submitted by Debbie Ladd to Rezone approximately 5.86 gross acres from A-1 (Agriculture Conservation) to C-1 (General Commercial ) to allow for an Event Center primarily focused on providing space and necessities for weddings, anniversary's and general family get-togethers to be located at 1411 160<sup>th</sup> St, Boone, Ia 50036.

Public hearing opened by acting Chairman Eric Crosman.

Debbie Ladd was present to speak in regards to her petition to rezone the property.

Ladd stated her daughter had recently become engaged and was having difficulty finding a venue in central Iowa for her wedding next year. Ladd stated they were planning a wedding and expecting 300 to 350 guests.

She explained her daughter had looked all over but had been unable to find a venue which had not previously been booked for 2019 or 2020.... with many venues already being booked into the summer of 2021.

Ladd was proposing to convert an existing Morton building into a banquet facility they were planning to possibly add on a kitchen facility and restrooms.

She stated people could come in and use the facility for an outdoor wedding or they could just come and use the facility.

She was hoping to open up her home for people to make memories with their family.

Ladd also noted her daughter had found that most venues offered very little customer service.

Ladd wanted to provide customer service and bring people to Boone County for their weddings. She was hoping the venue would bring people from Boone, Fort Dodge and Ames. She felt this venue would benefit hotels and restaurants in Boone County. She also noted this could bring business to the florists, bakers, caters etc.

She stated she would be happy to answer and questions the Zoning Commission members may have.

Director Mike Salati noted there were two things to consider in regards to this request. He stated that Ladd did not need the Zoning Commission's approval in order to hold their own personal event.

Salati noted the Zoning Ordinance in Section 4.16 divided each property into a Zoning District. He noted the ordinance stated which uses were allowed in each district.

Director Mike Salati noted in the Use Chart in section 4.16 there was a very specific use delineated for this type of facility. He stated the use was called a catering service banquet / reception facility.

Salati noted this use was only allowed in the C-1 (General Commercial) District.

Salati also noted Zoning changes must be made in conformance with our Comprehensive Plan.

Salati noted the rezoning would first require a change to our comprehensive plan due to the fact that future land use plan showed this area to be an area slated for the TA-1 (Transitional Agriculture) District.

He noted that the Zoning Commission would also need to make a recommendation on the actual change of zoning from A-1 (Agriculture Conservation) District to C-1 (General Commercial) District.

Salati noted both things would have to occur prior to the approval of the request.

Eric Crosman next asked for public comments.

Shelia Bales was first to speak. She stated they lived across the road from the proposed venue. She stated they had renovated an old barn into a home where they primarily lived on the weekends.

Bales noted both she and her husband had recently retired and that they were able to get away more frequently and were spending a lot of more time at the property than they had in the past.

Shelia Bales stated they did have concerns with the potential zoning change. She stated she was worried about traffic; they were concerned with the significant amount of traffic if the venue were hosting up to 350 people.

Bales noted the road was gravel and the additional traffic would deteriorate the road and make for a lot of dust and dirt. She stated this would require more maintenance by Boone County.

Shelia Bales also had concerns with the venue hosting an outdoor patio or live music or a D-jay. She stated this would have a remarkably negative impact on the peace which they currently have.

Bales noted they had purchased the property for that purpose and that she preferred it stays that way. She stated the venue would attract a large amount of people and there would be the possibility of loud drunken behavior.

Bales stated she was also concerned with increased truck traffic stating they did not live at the property full time, more like half time and she stated with the increase of traffic people may take an interest in what was "back there". She stated they would prefer people not know they lived there because they were not there a fair amount of time.

She stated they did not want to lose their security or their privacy. She stated they were also concerned with the effects the venue may have on the wild life.

Bales requested an environmental impact study be done prior to the approval of the rezoning.

Bales also questioned security at the venue and how they handle intoxicated individuals. Bales also discussed the issue of fire safety.

She stated they had moved to this property to enjoy the peace and quiet, she also expressed concern with the possible decline in property value.

Eric Crosman asked for any further comments.

Gary Luna questioned how far the barn set back from the road.

Brian Bales stated it was setback approximately 300 feet.

Chairman Eric Crosman closed the public hearing.

Carla Barnwell was first to speak. Barnwell questioned whether the venue could be permitted through a Conditional Use Permit, as it was an exception to the normal use of agriculturally zoned land.

Barnwell noted she had spoken with Director Michael Salati who stated the "Venue" was not specifically listed as one of the permitted Conditional Uses.

Barnwell also discussed why the change to the Comprehensive Plan was required as "spot zoning" was illegal in the state of Iowa.

Barnwell noted the Comprehensive Plan would first need to be modified.

Carla Barnwell also noted if this were to be permitted through the conditional use process the criteria for approval by the Board of Adjustment would be that the venue would need to be compatible with the surround land use. Noting the proposed venue would be surrounded by agricultural land. Barnwell noted the use would need to transition to the surrounding land use with a reasonable buffer.

Barnwell stated traffic issues would need to be addressed. She also noted that parking and loading would need to be addressed.

Barnwell noted lighting would need to be compatible with that of the surrounding properties which were cornfields on the most part.

She stated they would need to address environmental protection including sewer, erosion control, not creating excessive noise, dust, smoke, odor, vibration, glare water pollution or any nuisance conditions.

Barnwell also noted that there was another neighbor approximately 300 feet to the west. She stated that was pretty close.

She noted if the Board of Adjustment found all of the conditions could be met they should not approve it if it would un-dually increase road congestion or decrease property values. Barnwell stated these criteria were written into the ordinance as a requirement for a Conditional Use Permit approval.

She did state that was not what they as a board were looking at tonight. She stated if it were those would be the criteria and she did not personally believe those criteria could be met because the noise and nuisance and lights and odors from kitchens and outdoor smokers and possibly live music.

Barnwell noted if the property were to be rezoned any commercial use could potentially take place on the property if it were to be rezoned.

She discussed the possibilities for commercial uses such as Wal-Mart, Whatcha Smoking, and the whole range of commercial activity which would then be allowed in the Commercial District.

Barnwell stated if she if she lived a few hundred feet from the property she certainly would not want her neighbor to do this as she had moved into the county for the privacy and peacefulness.

Barnwell noted she had formerly been on the Story County Planning and Zoning Commission and that they had dealt regularly with an enterprise that started small and grew and grew and grew. She stated this was certainly a problem for the neighbors and she believed that property values would be impacted in a case like that.

Barnwell stated she did not want to see the property rezoned and that she did not believe that it was currently the spirit of the area as it currently stands in the comprehensive plan.

Carla Barnwell suggested possibly speaking with the Board of Supervisors in regards to re-writing the conditional use ordinance to include event venues as a possible conditional use and then have the board come back and revisit and consider if that would be a reasonable use of this property.

Barnwell noted a conditional use permit would be a way of seriously restricting possible activities. She noted the board could include specific uses. She noted a conditional use permit could limit the hours of operation, the closing time, whether events would run past 10:00 p.m. on a Saturday night.

Barnwell also noted the weekends were the times when people want to be outside enjoying their property on their days off.

Barnwell discussed hours of set up and clean up, the need for garbage trucks to travel down the gravel road. She also questioned whether they would limit the number of guests allowed.

She noted if the venue were to be allowed through the Conditional Use Permit things could be limited to private parties. She questioned whether bonfires would be allowed, if there

would be accommodations for overnight guests, camping RVS, whether they would need approval from the fire marshal.

Carla noted the septic system would actually be the limiting factor on the number of people which could be accommodated.

Barnwell discussed the need for screening... and possible signage.

She again discussed the issues with rezoning the property to commercial.

Someone questioned whether the property was on rural water, it was stated it was on Xenia rural water.

Eric Crosman questioned whether the applicant would like to respond to the questions.

Debbie Ladd stated she had no intention of her property becoming any more than a scenic country venue for people to hold weddings or family get together. She stated they would not be doing the cooking other than their own family barbeques.

Ladd stated they had already spoken to the fire people and were looking into what they would need to do for fire protection.

She noted they too were concerned with the roads and were hopeful if this were to go through they could work with the Board of Supervisors in regards to doing something with the road which she hoped would be a benefit to all of the people living on the road. Ladd stated she wanted to keep the venue as an idyllic scenic countryside place as it currently was.

Ladd stated she had pasture on one side of her property in which she was trying to plant flowers to encourage wildlife. She stated the additional wildflowers would be a good thing.

Debbie Ladd noted they wanted to be good neighbors, and that they would do everything they could to keep people in check. She stated they had planned to hire security for the events to be held at the venue.

Ladd also discussed hours for the venue and possibly having the events over by 11:00 p.m. She stated it would not be a "party all night kind of thing". She stated they did not wish to turn the venue into a commercial looking setting.

Debbie Ladd stated they would do everything required by code as far as sewage and water and fire and safety.

Rick Wailes noted he was Ladd's contractor and had been in business in Boone County for over 40-years. He stated they wanted the venue to be as safe as possible. He noted they wanted to keep the property as natural looking and nice looking as it is today.

Wailes noted the main portion of the building was existing. He stated there were two 80' x 50' buildings currently on the property.

Kim Houlding questioned what they were proposing for the road.

Rick Wailes stated they would need to meet with the supervisors to see what could be done.

Debbie Ladd stated many of the neighbors paid to have dust control put down. She discussed extending the area in which she had dust control put down. Ladd stated the road was not currently a gravel road but rather a dirt road with pebble rock. She stated traffic on that road was a concern and that if approved the Board of Supervisors would do something to help with the road.

It was questioned whether Ladd meant paving the road.

Ladd stated no, that was not her intent.

Staff noted Scott Kruse, Boone County Engineer stated white rock should be put down if the venue were to be approved. It was also noted that the upgrade be made at the applicant's expense.

Brian Bales stated during the recent rains there were a couple of areas between Nature Rd and the Ladd property which had been washed out. He stated the county had come out and resurfaced the road.

Brian Bales spoke in regards to fire safety. Bales noted they often had fires in their fire pit, he noted it was not located directly next to the corn crops or fields. Bales also noted when the winds were strong they would just go without having a fire. He noted one spark and the whole field would go up in fire.

Bales was also concerned with someone being careless with a cigarette and a fire starting.

Brian Bales also spoke about the possibility of future expansion noting if the venue were successful they may want to build more and add more services.

He was also concerned with the rezoning and the possibility of having general commercial properties around his home.

Carla Barnwell noted if the property were to be rezoned the property would continue to be commercial even if the property were to be sold.

Eric Crosman questioned the location of the proposed venue.

Discussion was held on the location.

Debbie Ladd noted most people knew the property from the previous owners Barb and Larry Stotts.

Eric Crosman questioned whether Ladd had spoken to any of her surrounding property owners and whether they had concerns with the proposal.

Ladd stated the neighbors were fine with the proposal.

Jan Danilson questioned exactly what would need to be done... she questioned whether the Comprehensive Plan would need to be re-written and then the property rezoned.

Director Mike Salati stated the Zoning Commission would need to make a recommendation onto the Board of Supervisors. He noted the Zoning Commission was the recommending body and that the Board of Supervisors was responsible for making the final decision.

Eric Crosman questioned what area would be included in the rezoning; he questioned whether they would just rezone that section or quarter section.

Director Mike Salati noted it would just be that specific property. He noted Ladd may only wish to rezone part of her property excluding the home as this could cause a problem in the future as a residence is not allowed in the C-1 (General Commercial) District.

Jan Danilson questioned why this would not be considered spot zoning. She stated she believed they would be required to do the whole district.

Director Mike Salati noted spot zoning was something that was not in conformance with the Comprehensive Plan. Salati stated as long as the Comprehensive Plan was amended they could rezone the property and still be in compliance with the Iowa Code.

Carla Barnwell read information from Iowa State Extension in regards to spot zoning. She stated spot zoning for the sole benefit of the landowner and contrary to the comprehensive plan is unreasonable. She also noted rezoning was not appropriate for the financial benefit of an individual property owner but detrimental to the surrounding area.

Barnwell questioned the validity of rezoning the property if the case were taken to court.

Kim Houlding questioned whether they would allow fireworks or balloons.

Ladd noted they would probably allow balloons but not fireworks

Houlding commented there had been problems with wildlife due to the balloons.

Ladd noted they would try to keep the balloons located inside the venue. She also stated they could put restrictions in the contracts.

Marilyn Jordan questioned whether live bands would be allowed.

Ladd stated they would but that they would be inside the building.

Jordan questioned whether the building would be air conditioned.

Ladd stated the building would have air conditioning.

Shelia Bales questioned the size of the patio.

Ladd stated the only patio would be on the south side of the building for entrance purposes. She stated there would be a deck on the east side of the property.

Bales questioned how large the deck would be.

Rick Wailes stated the deck would be approximately 24' x 70'.

Kim Houlding questioned if that was the side on which their other neighbor resided.

Debbie Ladd stated that it was.

Carla Barnwell questioned whether they would write up a contract for each use.

Ladd stated they would. She also stated that insurance and security would be included in the contract.

Kim Houlding questioned how many events Ladd planned to have in one year.

Ladd stated that was a good question and that they had no idea. She stated they had one planned which was her daughter's wedding.

Ladd stated from information she had gathered from other venue owners across the state, most had started out by doing about three weddings the first year and then around twelve to twenty the second year.

Ladd stated the events were primarily in the summer months with the outdoor facility. She stated they would possibly operate from May to October.

Kay Rice questioned whether the events would be limited to just weddings.

Ladd stated they would like to eventually make the facility available to anyone wanting to use it. She stated the venue could possibly be used for anniversary parties and class reunions.

Kay Rice noted there was a shortage of venues and that it could possibly be well used.

Rick Wailes noted his daughter had a wedding party at the community center, he noted no tables or chairs were set up. He stated there were no decorations and that many families were not capable of doing these types of things.

He noted that after setting up and decorating for the wedding he was shot.

Kay Rice noted she was most concerned with the impact the venue may have. She stated she too lived in a rural setting on a gravel road and believed the venue would create an awful lot of traffic.

Brian Bales noted that even though contracts are in place, once the band starts up and the alcohol starts to flow the contract goes out the window. He discussed enforcing the contract. He questioned whether or not one person could control the crowd.

He further discussed the fact that contracts were very hard to enforce.

Shelia Bales noted the guests were going to do what they wanted regardless of a contract.

Eric Crosman was concerned with turning the property into a commercial property with all of the farming going on in the area. He discussed keeping commercial and agricultural uses separate.

Kim Houlding discussed the fact that a farmer may possibly have to spread manure the day on which a wedding was to be held.

Brian Bales also note there was a hog confinement in the area.

Crosman noted the area was a farming community and he was concerned with rezoning the property to commercial.

Carla Barnwell stated she too agreed. She stated she appreciated their wanting to be entrepreneurial but questioned whether it was keeping in spirit with the land use. She also again questioned whether that would be seen as spot zoning.

Barnwell discussed the importance of protecting the agricultural and natural areas.

Barnwell questioned the number of parking spaces available.

She noted Ladd had spoken of having events for up to 300 people, which could require up to 175 parking spaces.

Ladd noted they had overflow parking in the back and that they had more than ample parking.

Barnwell questioned whether parking would be allowed on the road.

Director Mike Salati stated it would not be allowed.

Barnwell next questioned whether Ladd would apply for a liquor license.

Debbie Ladd stated they would, and that they wished to control the sales of alcohol which would minimize events from getting out of control.



Carla Barnwell also questioned whether they would ever want to provide accommodations for guests such as RV parking or camping.

Ladd stated guests would have use of the house but there would be no RV or camping sites. Ladd noted there were many campgrounds in the area.

Marilyn Jordan questioned how they planned to control someone coming onto the property that had been drinking previously.

Ladd stated they had been working on security services, they were looking at possibly hiring an off duty officer or a security guard. She stated they were trying to anticipate any problems which may occur.

Ladd stated they wanted to make memories for the families while avoiding a tragedy.

Kim Houlding stated she had counted 165 parking spaces.

It was again noted there was additional overflow parking in the back.

Jan Danilson stated she commended their thought and everything that Ladd had put into the idea but she stated there were some obstacles one of which was the gravel road and the traffic.

She stated to change the comprehensive plan and then to rezone the property it would require a lot from the supervisors and then the Zoning Commission would have to look at the request in a more thorough way.

Danilson noted it was a great idea and something that was needed but did not know if this was what it looks like with the zoning right now.

Debbie Ladd questioned where such a venue could be put in the county. She noted people were looking for a rural setting. She questioned where such a venue would be allowed.

Jan Danilson again spoke in regards to the increase in traffic and increased maintenance on the gravel road. Danilson again discussed her concerns with the venue located on a gravel road.

Debbie Ladd stated there definitely was a need and that she understood the concerns of the Zoning Commission members.

Discussion was held on the surrounding properties and uses in the area. It was noted that the area was not all agricultural uses. It was noted Nagel industries was in the same section along with a seed corn operation. It was also noted there were other businesses in the area.

Mike Salati noted some businesses were allowed in the A-1 (Agriculture Conservation) District.

Salati noted that the businesses were located there legally.

It was also noted many of the commercial businesses were there prior to the implementation of zoning.

Public Hearing closed by Chairman Eric Crosman

Carla Barnwell moved to recommend Board of Supervisors denial of the application

# 2019-001 submitted by Debbie Ladd to Rezone approximately 5.86 gross acres from A-1 (Agriculture Conservation) to C-1 (General Commercial ) to allow for an Event Center primarily focused on providing space and necessities for weddings, anniversary's and general family get-togethers to be located at 1411 160<sup>th</sup> St, Boone, Ia 50036.

***Seconded by Kim Houlding***

Gary Luna—yes  
Jan Danilson –yes  
Eric Crosman—yes  
Kim Houlding—yes  
Marilyn Jordan—yes  
Carla Barnwell—yes  
Kay Rice—yes

***Motion Carried***

**VII. CONSIDERATION OF SUBDIVISION PLAT APPLICATION**

A. None

**VIII. UNFINISHED BUSINESS**

A. None

**IX. NEW BUSINESS**

None

**X. REPORT OF ZONING ADMINISTRATOR AND DIRECTOR OF PLANNING**

A. Director's Report (Planning and Development Department)  
None

**IX. ADJOURNMENT**

A. Meeting Adjourned

Respectfully submitted,

Wanda Cox