



not receptive to doing. As a result, City staff informed him that he could request that the property be de-annexed from the City to the County, thereby making it fall under the less restrictive County zoning regulations. However, a de-annexation would require that the property be newly surveyed to obtain separate legal descriptions for the portions currently inside and outside city limits. That survey was completed in the fall of 2024.

Lassiter also stated that the property is almost entirely within a floodplain, as shown on the FIRM maps from FEMA. He said that staff have been working with Mr. Fisher to bring the property into compliance with the County's Floodplain Development Ordinance, which is outside the jurisdiction of the Zoning Commission. Elevation measurements had been collected by a surveyor, and it was determined that most of the property already met the minimum elevation requirement in the Floodplain Ordinance. He stated that there is also a Floodplain Overlay District in the Zoning Ordinance, and while certain industrial-type uses are prohibited in that zone, this does not include the storage of construction equipment such as steel roll-off containers and IBC tote tanks.

Mr. Loir asked if the entire property needed to be elevated in order to meet the floodplain requirements. Lassiter said that it only needed to include areas where material was being stored. Mr. Fisher said that the driveway entrance was lower in order to allow for a gradual ascent from Tama Road. Loir noted that he had no personal issues with the proposed use of the property – rather, he and his associate Mr. Johnson simply wanted to better understand the situation, after Meyer Marina received the public hearing notice for the rezoning request.

Lassiter noted that staff received a public comment from Michael Schwenker, who lives 0.5 miles north of the AF Holdings property. He said that Mr. Schwenker was also the person who complained about the property in 2023, and he indicated that he was opposed to the rezoning. This was based on a variety of concerns, including flood risk, environmental contamination, and lowered property values from poor aesthetics.

Mr. Fry referenced the environmental issue, and asked whether the Zoning Ordinance had any jurisdiction over this. Mr. James confirmed that it did not, and said that any suspicions of illegal burning or dumping should be directed to the Iowa Department of Natural Resources.

Fry framed a hypothetical situation where the owner had come to the Commission with the same identical rezoning request, except that nothing had been constructed yet. He asked whether such a proposal would be compliant with the minimum requirements of the "I-1" Industrial District. James said that it would be mostly compliant, except for the fact that the storage yard is not presently enclosed by a fence of at least 8 feet in height, as the Ordinance requires. Lassiter said that there are no minimum setbacks for an outdoor storage yard, unless the property is adjacent to a Residential or Commercial Zone. That does not apply in this case, since the neighboring properties outside city limits are all zoned Agricultural.

Mr. Nagrocki asked if the fence needed to visually conceal the storage yard, or if it could just be chain-link. James said it could be any type of fence, so long as it is at least 8 feet in height.

Fry asked what would happen if the owner refused to build the required fencing around the storage yard. James said that staff would inspect the site after the Zoning Permit was approved, and the owner would be cited for a violation if the fence had not been constructed as required. He said that under normal circumstances, if nothing had been constructed yet, the developer would be required to include items such as fencing on the Site Plan submitted with the zoning permit, and this would be used to evaluate whether the permit should be approved. Lassiter said that the only way he'd be able to avoid the fence requirement is to request a variance from the Board of Adjustment.

Fry asked what would happen if the City Council chose not to de-annex the south parcel. James said that it would remain under the City's zoning jurisdiction, and the County's authority would be limited to the north parcel from then on.

Loir asked why the de-annexation request did not involve the small 0.5-acre property called Parcel H, on the south side of Tama Road. Fisher said his understanding was that they didn't want to remove any territory on the south side of Tama Road. Loir said it was likely because there is a City water line passing under that property, which feeds into the nearby water treatment plant.

Fry asked if there is any prior precedent where the County approved a rezoning, in order to allow a previously non-conforming use that had been illegally established, such as a commercial or industrial use in a Residential zone. Lassiter said he was unaware of any, noting that most zoning violations have involved the construction of a building that would be allowed in the respective zoning district, such as a new house or detached garage in a Residential district. In those instances, the violation was simply the result of not obtaining a permit beforehand.

James said he understood Mr. Fry's concerns about precedent, but suggested that each case is unique and should be viewed on its own individual merits. Mr. Nagrocki said he agreed with that assessment.

Nagrocki noted how the AF Holdings property is directly adjacent to a segment of the Flint River Trail, used for recreational walking and biking. He asked if there are plans to extend it past 113th Street. James said that a future extension would likely go along Mill Dam Road, to connect with the separate trail segment heading east-west south of Flint Creek. Loir said that most trail users park off Tama Road and head south, with the section between Tama and 113th used much less often, since it dead-ends. Fry said that most bicyclists will use Tama Road to go between the trail and Highway 99. Mr. Fisher said that there are often multiple cars parked along Tama. Nagrocki said it's unlikely that the County would establish a park or trailhead in this area. James noted it would be more likely that the City would establish something like that.

**Motion #2:** To close the public hearing.  
**Motion by:** Fry  
**Seconded by:** Carroll-Jones  
**Vote:** Unanimous vote. Motion carried.

Chairman Nagrocki closed the public hearing at approximately 6:14 P.M.

Mr. Fry made a motion to recommend approval of the rezoning. Prior to obtaining a second, Mr. Caston said he did not feel comfortable making a final decision at this time, and suggested that the Commission table the matter to a future meeting. He said he felt this was a very complex case, and he wanted to take some more time for research and evaluation. He emphasized how the final decision would set a precedent for deciding on similar matters in the future, and this could incentivize others to build illegally, if they thought this could be fixed through 'retroactive rezoning'. Ms. Carroll-Jones concurred, and stated she'd prefer to have more time to digest and evaluate the facts of this particular case. She was particularly concerned about the impact on the adjoining bike path (Flint River Trail).

**Motion #3:** To recommend approval for rezoning the AF Holdings LLC property on the 11000 block of Tama Road from "A-1" Agricultural to "I-1" Industrial  
**Motion by:** Fry  
**Seconded by:** Nagrocki  
**Vote:** Fry, Nagrocki – Aye; Carroll-Jones, Caston – Nay. Motion failed.

With failure to obtain a majority vote in favor of rezoning, and the nay votes recommending postponement on a final decision, the matter was tabled to a future meeting.

**A(2). Request for Major Site Plan Review for construction equipment storage yard on 11000 block of Tama Road (AF Holdings LLC) – ZBP-24-29**

During the public hearing, Mr. Lassiter mentioned that Major Site Plan Review is required for all uses that are allowed only in the "I-1" Industrial District, with the Zoning Commission reviewing the site plan prior to the administrative approval of a zoning permit. In this instance, since the property had already been developed for its intended use, the Site Plan Review was placed on the same meeting agenda as the proposed rezoning.

Lassiter noted that the applicant intended to eventually develop the northern third of the property, with a secondary outlet onto 113th Street. However, this would likely not be completed for at least several years. He stated that if the Commission did not feel comfortable including this long-term expansion as part of the present Site Plan approval, they could exclude it from their recommendation – thereby necessitating a separate Major Site Plan Review in the future if the owner decides to follow through on it.

With the decision to table the rezoning request, it was necessary to table the Major Site Plan Review as well, since the proposed use is not yet compliant with the property's current zoning.

**Motion #4:** To table a vote on Major Site Plan Review for construction equipment storage yard on the 11000 block of Tama Road  
**Motion by:** Fry  
**Seconded by:** Caston  
**Vote:** Unanimous vote. Motion carried.

6. **Old Business**

None

7. **Public Input**

None

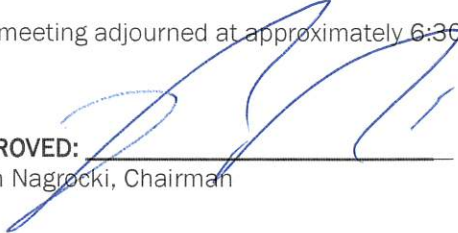
8. **Future Agenda Items**

It was acknowledged that another meeting would need to be scheduled for the rezoning request and Major Site Plan Review for AF Holdings LLC. Mr. Lassiter stated that he would send out a poll to the members after Christmas, in order to schedule a meeting for some time in January or February. He also noted that an additional unrelated rezoning request may be submitted in time to be included on the agenda for that same meeting.

9. **Adjournment**

**Motion #5:** To adjourn  
**Motion by:** Fry  
**Seconded by:** Carroll-Jones  
**Vote:** Unanimous vote. Motion carried.

The meeting adjourned at approximately 6:30 P.M.

**APPROVED:**   
Ryan Nagrocki, Chairman

**ATTEST:**   
Zach James, Land Use Administrator