

REZONING RZ19-11

REZONING REQUEST - 7370 WEBER LAKE ROAD

Application No: RZ19-11
Applicant: Paul and Holly Stumpf
Property Owner: Holly Stumpf
Existing Zoning: A, Agricultural District, with Density Floodway
Overlay District
Requested Zoning: C2, General Commercial District, with Density
Floodway Overlay District
2030 Master Plan: Recommends Agricultural Use
Parcel Size: 3.70 acres
Location: On the east side of Weber Lake Road, approximately
700 feet north of intersection of Weber Lake Road
and Portage Road; near the town of Portage Des Sioux
Council District: 6
Account No.: 856320A000

CONTENTS:

- Staff Recommendation
- Photo(s) of Site
- Aerial Photo
- Surrounding Zoning Map
- Future Land Use Map
- Letters received
 - ◆ None

STAFF RECOMMENDATION

To: County Planning & Zoning Commission

Prepared by: Ellie Marr, CFM

Application No.: RZ19-11

Date: September 18, 2019

GENERAL INFORMATION

Owner: Holly Stumpf

Requested Actions: A zoning map amendment to rezone a parcel from A, Agricultural District (5 acre minimum lot size) with Density Floodway Overlay to C2, General Commercial District with Density Floodway Overlay

Location: East side of Weber Lake Road approximately 700 feet north of intersection of Weber Lake Road and Portage Road; near the town of Portage Des Sioux

Current Zoning: A, Agricultural District with Density Floodway Overlay

Current Land Use: Pole barn used as an auction house

Adjacent Land Use and Zoning:

Direction	Zoning	Land Use
North	A, Agricultural District with Density Floodway Overlay	Farm and wooded area
South	I2, Heavy Industrial with Density Floodway Overlay	Warehouse/storage
East	A, Agricultural District with Density Floodway Overlay	Wooded area
West	A, Agricultural District with Floodway Fringe Overlay	Farm

2030 Master Plan: Agricultural land use (5 acres)

Public Services: County Council District 6 – Vacant
School District – Orchard Farm School District
Fire District – Rivers Pointe Fire District

Utilities: Water – Individual well
Sewer – Individual wastewater treatment system

Zoning History: This property was zoned A, Agricultural in 1959 with the inception of zoning. In 1969, the property was rezoned to M-2 by zoning application #371. In 1999, with the adoption of the Unified Development Ordinance, the overlay flood district of DF, Density Floodway was added and the M-2 designation was changed to I-2. In 2008, the property was rezoned to A, Agricultural zoning with Density Floodway overlay.

REZONING ANALYSIS

This property was originally rezoned to the Heavy Industrial (M-2) zoning district in 1969 by application #371 in order to allow a manufacturing concern to expand its production capabilities. No evidence that the expansion ever took place exists. The property has been used for personal storage purposes since 2003, when the owners constructed a pole barn on the property. Prior to that, the property was used for agricultural purposes. In 2008 the property was rezoned to A, Agricultural zoning with Density Floodway overlay. The owners at that time wished to build a residence and continue using the pole barn for personal storage, however, the residence was never built.

During the flood recovery inspection phase of this year's flooding event, planning staff was provided with pictures of every structure that was inspected for flood damages. At that time, it was discovered that the current owner's tenant was running an auction house with building access by the general public. The owner was notified through code enforcement procedures that this business use in the Agricultural zoning district was not permitted without a zoning change along with a change of building occupancy and inspection for commercial use by the Building Division. Consequently, the owner has applied for rezoning to the C2, General Commercial District.

In reviewing the proposed zoning for this property staff has found that the property location is not conducive to either Industrial or Commercial zoning designations. While the pole barn is elevated above the base flood elevation, the property is located north of a minor intersection and in the Density Floodway of the Mississippi/Missouri Rivers floodplain. The roads leading to the property are subject to flooding during river flooding events. The parcel is also surrounded to the north, east, and west by farm fields and other agricultural zoning designations.

RECOMMENDATION:

The Planning and Zoning Division recommends that this zoning request from A, Agricultural District, (5 acre minimum lot size) with Density Floodway overlay to C2, General Commercial District with Density Floodway overlay not be approved. Staff finds the proposed zoning is not consistent with the 2030 Land Use Plan and is not a good location for commercial zoning within the County.



7370 Weber Lake Road



RZ19-11 Aerial



RZ19-11 Zoning



RZ19-11 Future Land Use