

Recorder Use Only



Document 111282

Book 2011 Page 1282 Type 04 099 Pages 11

Date 4/08/2011 Time 3:08 PM

Rec Amt \$.00

VERONICA A RARDIN, COUNTY RECORDER  
BOONE IOWA

Reel-Boone Co Auditor

**BOARD OF SUPERVISOR  
BOONE COUNTY, IOWA**

ORDINANCE No. 108

**ORDINANCE AMENDING THE OFFICIAL BOONE COUNTY ZONING MAP**

James Grabau, property owner, petitioning to rezone 1.38 acres, more or less, from A-1 Agricultural Conservation District to C-1 General Commercial District to accommodate the expansion and sale of Grabau Construction, an existing construction business.

**LEGAL DESCRIPTION:**

PARCEL C IN EAST HALF OF SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 84 NORTH, RANGE 26 WEST OF THE 5<sup>TH</sup> P.M., BOONE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID Southeast Quarter which is 1,086.95 feet south of the East quarter corner of said Section 16, thence N89°52'W 293.96 feet; thence S00°00'E 76.66 feet; thence N89°52'W 161.04 feet; S00°00'E 164.74 feet; thence S89°52'E 200.00 feet; thence N00°00'W 54.00 feet, along the west line of the parcel to the east; thence N31°33'12"E 124.21 feet, along the northwesterly line of the parcel to the east; thence S89°52'E 190.00 feet, along the north line of the parcel to the south; thence N00°00'E 81.40 feet to the Point of Beginning, containing 1.38 acres with 0.11 acres subject to public road.

**PETITIONER:** *James Grabau*, 871 P Avenue, Boone, Iowa 50036

**PROPERTY OWNER:** *James Grabau*, 871 P Avenue, Boone, Iowa 50036

**WHEREAS**, at certain times it is necessary to amend the Boone County Official Zoning Map when addressing issues of growth, farmland preservation, conservation, and desires of the property owner and citizens.

**WHEREAS**, at certain times it is necessary for County of Boone to request that property(ies) or parcel(s) or lot(s) be rezoned in order to accommodate a different land use in accordance with the local zoning regulation.

**WHEREAS**, the rezoning itself gives rise to the need for the condition. James Grabau, Petitioner and Property Owner, is requesting to re-zone 1.38 acres with 0.11 acre right-of-way from A-1 Agricultural Conservation District to C-1 General Commercial District to accommodate for the expansion of current operations of a construction business built on land owned by James Grabau. Mr. Grabau intends to sell the land and the construction company.

**WHEREAS**, the commercial use as a construction business is a supportive service to the agriculture community as well as to county residents as a whole. The Comprehensive Development Plan Future Land Use Map shows the area as rural residential and/or transitional agriculture.

**WHEREAS**, surrounding conditions have a reasonable relation to the rezoning. James Grabau's 1.38 acre construction business. Surrounding agricultural uses will not impact the existing construction company or the vacant agricultural land that it is abutting

**WHEREAS**, James Grabau (+/-) 1.38 acres with 0.11 acre right-of-way is currently used to accommodate an existing construction business.

**WHEREAS**, the Director of Planning and Development forwarded to the Zoning Commission a recommendation for approval to allow for the re-zoning from A-1 Agricultural Conservation District to C-1 General Commercial District.

**WHEREAS**, The Zoning Commission held a public hearing on Monday, January 31, 2011 in accordance with Iowa Code. The Zoning Commission moved to "recommend approval" of the proposed amendment to the Boone County Official Zoning Map. The recommendation to the Boone County Board of Supervisors for the proposed map amendment to the Boone County Official Zoning Map has been certified by a formal report from Thomas Ross, Chair of the Boone County Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF BOONE COUNTY, IOWA AS FOLLOWS:

**SECTION ONE:**

That the Boone County Board of Supervisors shall, and it does hereby, approve an amendment to the Boone County Zoning Ordinance-Official Zoning Map as summarized above (See \*Exhibit A); that said property be re-zoned from A-1 Agricultural Conservation District to C-1 General Commercial District.

**SECTION TWO:** Approval with the following conditions:

None.

**SECTION THREE:** That this amendment shall be in full force and effect from and after its passage and approval in the manner provided by law.

ACTION UPON FIRST READING

Moved by: Duffy

Seconded

by: Lusher

Discussion:

AYES (A), NAYES (N), ABSENT (X):

Bill Lusher  Steve Duffy

DATE: February 23, 2011

Tom Foster

ACTION UPON SECOND READING

Moved by: Duffy

Seconded

by: Lusher

Discussion:

AYES (A), NAYES (N), ABSENT (X):

Bill Lusher  Steve Duffy

DATE: March 2, 2011

Tom Foster

ACTION UPON FINAL READING

Moved by: Duffy

Seconded

by: Lusher

Discussion:

AYES (A), NAYES (N), ABSENT (X):

Bill Lusher  Steve Duffy

DATE: March 9, 2011

Tom Foster

Thomas J. Foster  
Chairman  
Boone County Board of Supervisors

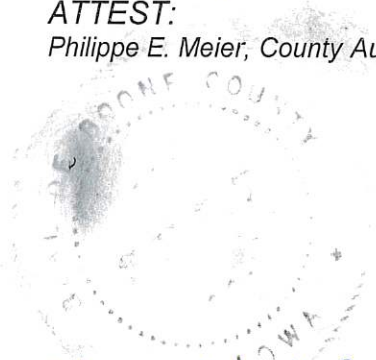
3-15-2011  
Date

Philippe E. Meier

3-15-2011  
Date

ATTEST:

Philippe E. Meier, County Auditor



\* As recorded with Boone County Recorder