

Recorder Use Only



Document 093861

Book 2009 Page 3861 Type 04 099 Pages 12

Date 8/20/2009 Time 10:35 AM

Rec Amt \$.00

SHERYL J THUL, COUNTY RECORDER
BOONE IOWA

ret. to - Co. Auditor
BOARD OF SUPERVISOR
BOONE COUNTY, IOWA

ORDINANCE NO. 97

ORDINANCE AMENDING THE OFFICIAL BOONE COUNTY ZONING MAP

PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 83 NORTH, RANGE 25 WEST BOONE COUNTY, IOWA, CONTAINING APPROXIMATELY 1.26 ACRES MORE OR LESS.

WHEREAS, In this case, Mr. Darren Hemmen is conducting business called Hemmen Moving Service and has applied for re-zoning of his property from A-1 (Agricultural Conservation District) to I-1 (Light Industrial) to accommodate a trucking facility for hauling household and business goods.

WHEREAS, At certain times it is necessary to clarify or change language of the Zoning Ordinance to make regulations more proficient in addressing issuers of growth and desires of the citizens. It is also necessary to clarify the ordinance to make it organized and easier to understand.

WHEREAS, The Director of Planning and Development forwarded a recommendation for approval to the Boone County Zoning Commission. The Zoning Commission held a public hearing on **Monday, March 30, 2009** in accordance with Iowa Code and has forwarded a letter of recommendation of approval to the Boone County Board of Supervisors for the rezoning of the property noted hereinabove. The Zoning Commission, with a unanimous vote, recommends approval of Petition 2009002 by the Board of Supervisors with recommendations of the Planning and Development Department and any change of use is approved by Boone County.

WHEREAS, on **Tuesday, April 21, 2009**, the Board of Supervisors considered action on the first reading of Ordinance No. 97 – Rezoning of Darren Hemmen’s property from A-1 Agricultural Conservation District to I-1 Light Industrial. Motion *passed* unanimously two (2) to one (1) votes in favor of rezoning from A-1 to I-1.

WHEREAS, on **Tuesday, April 28, 2009**, the Board of Supervisors considered action on the second reading of Ordinance No. 97 – rezoning of Darren Hemmen’s property from A-1 Agricultural Conservation District to I-1 Light Industrial. Motion *failed* two (2) to one (1) votes against the rezoning from A-1 to I-1.

WHEREAS, on **Tuesday, May 26, 2009**, the Board of Supervisors reconsidered the previous vote from the Tuesday, April 28, 2009 Public Hearing to rezone Darren Hemmen’s property

from A-1 Agricultural Conservation District to I-1 Light Industrial. Motion *passed* unanimously three (3) to zero (0) votes in favor of reconsidering the rezoning from A-1 to I-1. The Rezoning Petition is being reconsidered because the use of the residential dwelling unit has been changed. The residential dwelling unit will no longer be used as a rental home or residential dwelling. The residential dwelling will be used only as an office/storage area for the moving business.

WHEREAS, on **Tuesday, June 9, 2009**, the Board of Supervisors considered action on the second reading of Ordinance No. 97 – Rezoning of Darren Hemmen’s property from A-1 Agricultural conservation District to I-1 Light Industrial. This action is a continuation of a previously heard public hearing request for rezoning from A-1 to I1 was held. Motion passed unanimously three (3) votes to zero (0) in favor of rezoning from A-1 to I-1 provided Darren Hemmen provide the Board of Supervisors at the June 15th Public Hearing a signed letter stating that the house will not be used as a residence or rental property; that the current vehicle advertising sign will be replaced with a sign that complies with the zoning regulations; and that the County has the option to check out the residential dwelling unit on the property periodically.

WHEREAS, on **Tuesday, June 16, 2009**, the Board of Supervisors considered action on the third reading of Ordinance No. 97 – rezoning of Darren Hemmen’s property from A-1 Agricultural Consideration District to I-1 Light Industrial. Darren Hemmen provided the Board of Supervisors a signed letter stating that the house will not be used as a residence or rental property; that the current vehicle advertising sign will be replaced with a sign that complies with the zoning regulations; and that the County has the option to check out his residential dwelling unit periodically. Motion passed unanimously three (3) votes to zero (0) in favor of the rezoning from A-1 to I-1.

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

SECTION ONE: That Boone County shall, and it does hereby, approve an amendment to the Official Zoning Map that the property described above *(See Exhibit A) be re-zoned from A-1 Agricultural Conservation District to I-1 Light Industrial District.

*as recorded in the Boone County Recorders office

SECTION TWO: Approval with the following conditions:

1. Any change of use of the property from a trucking facility must be approved by Boone County.
2. That Darren Hemmen provide a signed letter for the record stating: *(See Exhibit B):
 - a. That the home/residential dwelling located on the property would only be used for office space and/or storage purposes only, and that the house/residential dwelling would not become a rental home or personal home.
 - b. That trailers containing advertising signs will be parked in back behind the fence, and that a permanent sign, e.g., freestanding or building attached sign, be erected vice a vehicle sign.

- c. That the county has the option to periodically inspect the house on the property, and that the house is not being used as a residential dwelling.

*as recorded in the Boone County Recorder's Office.

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

DATE: April 21, 2009

Moved by: Foster

Seconded by: Lusher

Discussion:

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

Mike O'Brien N Bill Lusher

A Tom Foster A

ACTION UPON SECOND READING

DATE: April 28, 2009

Moved by: Lusher

Seconded by: Foster

Discussion:

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

Mike O'Brien N Bill Lusher

N Tom Foster A

ACTION UPON SECOND READING

DATE: June 9, 2009

RECONSIDERED

Moved by: Lusher

Seconded by: Foster

Discussion:

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

Mike O'Brien A Bill Lusher

A Tom Foster A

ACTION UPON FINAL READING

DATE: June 16, 2009

Moved by: Lusher

Seconded by: Foster

Discussion:

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

Mike O'Brien A Bill Lusher

A Tom Foster A

M. O'Brien
Chairman

June 16, 2009
Philippe S. Meier
Date

Boone County Board of Supervisors

Philippe E. Meier

June 16, 2009

Date

ATTEST:

Philippe E. Meier, County Auditor

I hereby agree to the conditions set forth above:

Jamen J. Hemmen

Applicant Signature

7-24-09

Date



Boone County GIS

Geographic Information System

Map created by the Boone County Planning and Development Department 515-433-0550

This data is provided "as is" with no warranty or any representation of accuracy, timeliness or complete listing. The user is responsible for determining accuracy for the appropriate use of the data. The County makes no warranty, express or implied, as to the use of the data. The user acknowledges and accepts the liability of the data, including the fact that the data is dynamic and it is a constant state of maintenance and update.



DARREN HEMMEN
 1293 W. AVENUE, AMES, IA 50014
 PARCEL A SWSE (1.28 ACRES)
 RE-ZONING PETITION 2009002
 A-1 TO I-1

- Legend**
- Roads
- <all other values>
- ROAD_TYPE**
- == <Null>; Gravel
 - == Paved; paved; pavedS; raved

DARREN HEMMEN
 PETITION NO. 2009002
 RE-ZONE A-1 TO I-1

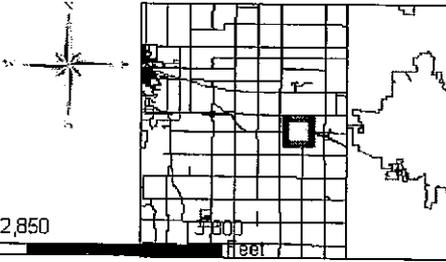


EXHIBIT "A"

Hemmen Moving Service

1293 "W" Avenue
Ames, IA 50014

June 11th 2009

Boone County Planning and Development Department
Attn: Sandra Monck, Director
201 State Street
Boone, IA 50036

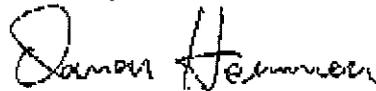
Ms. Monck:

Hemmen Moving Services is requesting that the Boone County Board of Supervisors consider rezoning the property located at 1293 "W" Avenue in Ames, IA 50014 from A-1 to I-1. If you would make this change the following would apply:

1. The home/house located on the property would only be used for office space and/or storage purposes and not for a rental home or personal home.
2. Trailers containing advertising or signs will be parked in back behind the fence and a permanent wall sign, pole sign or free standing sign will be used.
3. It is my understanding the Sandra Monck will be stopping by randomly to confirm that the house on the property is not being used for living arrangements.

We ask your favor in making this change possible. Please contact me at 515 460 8234 if you need additional information.

Sincerely,



Darren Hemmen

EXHIBIT "B"