

PLANNING BOARD MEETING
City Hall - 950 Locust St., Carter Lake, Iowa
Monday, August 9, 2021 7:00 P.M.

AGENDA

Roll Call

Approval of the Agenda

1. Consent Agenda
 - a. Building Permits listing
 - b. City Council Minutes
 - c. Planning Board Minutes

2. New Business
 - a. Grant Anderson MAPA – Comp Plan Proposal
 - b. 2614 N 5th Street site plan and application
 - c. Conditional Use Permit – McGrew Trucking

3. Comments

4. Adjourn

06/11/21

jmc

PLANNING BOARD MEETING
Monday, July 12, 2021 7:00 P.M.

Board Chair Ed Palandri opened public hearing at which time the board was accepting comments concerning proposed text amendment to the land use development ordinances for the city of Carter Lake, Iowa to the Land Use Development Ordinances adopted by the City of Carter Lake, Iowa on August 28, 2006, to rezone a portion of the C/L district and C/A district. Gundersen moved to close the hearing and Podraza seconded, approved unanimously.

Roll Call: Present: Kathy Dueling, Tim Podraza, Jay Gundersen, Ed Palandri and Drew Evers; Absent: Ray Pauly, Bill Owen. Podaraz moved to approve of the agenda, seconded by Dueling; unanimous approval; Gundersen moved to approve the consent agenda with the planning board minutes for June along with the building permit report, seconded by Evers; approved unanimously.

New Business: Ed welcomed Drew Evers Bob Horan to the Planning Board, thanked them for agreeing to be part of the board.

Board reviewed the published notice to rezone a portion of the C/L district and C/A district and moved to added additional details to paragraph #1 and #7. Gundersen moved to approve the proposed recommend to the City Council, (full text included below), seconded by Podraza; Roll Call: Yes-Evers, Gundersen, Dueling, Palandri, Podraza.

The Land Use Development Ordinances adopted by the City of Carter Lake, Iowa on August 28, 2006, shall be amended as follows:

REZONE A PORTION OF THE C/L DISTRICT AND C/A DISTRICT as described below: Beginning at the Southeastern corner of the intersection at 9th Street and Locust in Carter Lake, Iowa, continuing East to the State boundary line with Nebraska, thence in a southwesterly direction along the State boundary line with Nebraska to Avenue J in Carter Lake, Iowa, thence West to 13th Street in Carter Lake, Iowa, thence North to Wood Avenue in Carter Lake, Iowa, thence West to 9th Street in Carter Lake, Iowa, thence north to the point of beginning, known as the Southeastern corner of the intersection at 9th Street and Locust in Carter Lake, Iowa; To now be included in the C-1 Zoning District in the City of Carter Lake.

AND

Amend the approved use of C-1 District to now include warehousing (enclosed) as a Conditional Use in the C-1 Zoning District of the Unified Land Use Development Ordinances to read as follows: Warehousing (Enclosed) shall be defined as set forth on page 36, paragraph "l" of said Ordinance as applied to this use.

Minimum Terms for Conditional Use Permit:

1. As a part of the eligibility to obtain a Conditional Use Permit, at least 10% of the enclosed warehouse building space shall be exclusively designated for retail space only, as defined on page 32, paragraph "z" OF THE Unified Land Use Development Ordinances and for no other use. Said retail shall be open to and face the main public street adjacent to the front of the

building or maybe open to and face the end side of the building should a drive through lane be in use.

2. The site plan, structure, landscaping, and screening of loading docks, loading doors and other service area, shall meet all other requirements of the City of Carter Lake Zoning ordinances and the Unified Land Use Development Ordinances.

3. Compliance with the Uniform Land Development Ordinance's Section 23 Supplemental Use Regulations pertaining to Subsection 2307 "Performance Standards in Industrial Districts." The most restrictive performance standard for the both the M-1 Limited Industrial District and M-2 General Industrial District shall apply.

4. Landscaping/fencing and other means of screening of traffic circulation areas or truck and/or trailer parking areas (as defined here) will be required as is to be properly maintained to meet the screening standards of the Uniform Land Development Ordinance.

5. Landscaping/fencing and other means of screening of loading docks, loading doors and other service areas (as defined here) will be required and is to be properly maintained to meet the screening standards of the Uniform Land Development Ordinance.

6. Avenue H is designated as a Truck Route. Access to Ave H via 5th Street. Locust Street is not designated as a Truck Route. The Applicant shall consult the Chief of Police for options of truck routes.

7. The parking and storage of trucks and trailers which are not currently capable of being operated on public roadways are not allowed to be parked along or facing Locust Street.

AND

that the TABLE 4-1 "Use Matrix for C-1 type in the Code shall be amended as an approved use for "Warehousing" (enclosed) allowed through a Conditional Use permit (C) in the C-1 Zoning District.

Gundersen moved to adjourn at 7:30 p.m. seconded by Podraza; unanimous approval.

PERMITS MASTER FILE LISTING

Permit #	Contractor	Description	Appl Date	Fee(s)		
Status	Owner	Sub-Division	Lot	Issued Date	Cost of Work	Paid
App'l Type	Location	Type of Use		Expire Date		Amount Due
C07-21	VINCO INC.	REPLACE ANTENNAS ON CELL TOWER		8-02-21	35,000.00	380.00
Issued	FRED LEVELL			8-02-21		.00
Contractor	1301 LOCUST ST			8-02-23		380.00
		C07-21			35,000.00	FEE 380.00 PAID .00 DUE 380.00
CP04-21	SHERMAN PLUMBING	TAP FOR A SPRINKLER SYSTEM		7-23-21	3,000.00	54.50
Issued	OWEN INDUSTRIES			7-23-21		54.50
Contractor	500 AVENUE H			7-23-23		.00
		CP04-21			3,000.00	FEE 54.50
MR281-21	OWNER AS GEN CONTRACTOR	REPLACE PRIVACY FENCE		7-06-21	1,300.00	15.00
Issued	BARBARA REMMEN			7-06-21		15.00
Contractor	1012 LOCUST ST			1-02-22		.00
		MR281-21			1,300.00	FEE 15.00
MR282-21	OWNER AS GEN CONTRACTOR	NEW DRIVEWAY & PATIO		7-07-21	3,396.75	20.00
Issued	SKUDLER, HARRY N			7-07-21		20.00
Contractor	1206 DORENE BLVD			1-03-22		.00
		MR282-21			3,396.75	FEE 20.00
MR283-21	OWNER AS GEN CONTRACTOR	PRIVACY FENCE		7-07-21	4,760.00	15.00
Issued	HANNA SIEH			7-07-21		15.00
Contractor	1401 HOLIDAY DR			1-03-22		.00
		MR283-21			4,760.00	FEE 15.00
MR284-21	OWNER AS GEN CONTRACTOR	DRIVEWAY & SIDEWALKS		7-07-21	5,000.00	20.00
Issued	JOHN JOHNSON			7-07-21		20.00
Contractor	1906 LAGOON DR			1-03-22		.00
		MR284-21			5,000.00	FEE 20.00
MR285-21	O P CONCRETE	NEW DRIVEWAY		7-21-21	7,500.00	20.00
Issued	JEAN GUNDERSEN			7-21-21		.00
Contractor	960 KEY CIR			1-17-22		20.00
		MR285-21			7,500.00	FEE 20.00 PAID .00 DUE 20.00
MR286-21	BEST ROOFING	RE-ROOF HOUSE		7-21-21	4,910.00	18.50
Issued	IRWIN, MICHAEL & SANDRA			7-21-21		.00
Contractor	1113 WILLOW DR			1-17-22		18.50
		MR286-21			4,910.00	FEE 18.50 PAID .00 DUE 18.50

PERMITS MASTER FILE LISTING

Permit #	Contractor	Description	Appl Date	Fee(s)		
Status	Owner	Sub-Division	Lot	Issued Date	Cost of Work	Paid
App'l Type	Location	Type of Use		Expire Date		Amount Due
MR287-21	SOUTH O ROOFING	RE-ROOF GARAGE		7-23-21	6,500.00	18.50
Issued	CHARLIE CLAPP			7-23-21		18.50
Contractor	1548 WALKER ST			1-19-22		.00
		MR287-21			6,500.00	FEE 18.50
MR288-21	OWNER AS GEN CONTRACTOR	SIDEWALK		7-23-21	600.00	20.00
Issued	JIM MORASI			7-23-21		20.00
Contractor	4423 N 17TH ST			1-19-22		.00
		MR288-21			600.00	FEE 20.00
MR289-21	OWNER AS GEN CONTRACTOR	100' X 14' SHED		7-26-21	700.00	15.00
Issued	KOCH, STEPHANIE			7-26-21		.00
Contractor	190 CARTER LAKE CLB			1-22-22		15.00
		MR289-21			700.00	FEE PAID 15.00 DUE 15.00
MR290-21	LEADING EDGE ENTERPRISES	REPLACE DRIVEWAY		7-26-21	11,984.00	20.00
Issued	RON BARBER			7-26-21		20.00
Contractor	1114 DORENE BLVD			1-22-22		.00
		MR290-21			11,984.00	FEE 20.00
MR291-21	CARDINAL FENCE	NEW PRIVACY FENCE		7-26-21	2,700.00	15.00
Issued	CARLA TRAMONTANIS			7-26-21		15.00
Contractor	918 SILVER LN			1-22-22		.00
		MR291-21			2,700.00	FEE 15.00
MR292-21	OWNER AS GEN CONTRACTOR	REPLACE FRONT PROCH		7-26-21	3,000.00	.00
Issued	SMITH, MICHAEL & GRACE			7-26-21		.00
Contractor	1333 LINDWOOD DR			1-22-22		.00
		MR292-21			3,000.00	FEE .00
MR293-21	LEADING EDGE ENTERPRISES	REPLACE DRIVEWAY		8-02-21	11,984.00	20.00
Issued	RON BARBER			8-02-21		.00
Contractor	1114 DORENE BLVD			1-29-22		20.00
		MR293-21			11,984.00	FEE PAID 20.00 DUE 20.00
MR294-21	THOMPSON 7 THOMPSON	RE-ROOF		8-02-21	5,000.00	18.50
Issued	BILL BAZER			8-02-21		.00
Contractor	1215 AVENUE O			1-29-22		18.50
		MR294-21			5,000.00	FEE PAID 18.50 DUE 18.50

PERMITS MASTER FILE LISTING

Permit #	Contractor	Description	Appl Date	Fee(s)		
Status	Owner	Sub-Division	Lot	Issued Date	Cost of Work	Paid
Appl Type	Location	Type of Use		Expire Date		Amount Due
MR295-21	THOMPSON & THOMPSON			8-02-21	5,000.00	.00
Issued	BILL BAZER			8-02-21		.00
Contractor	1215 AVENUE O			1-29-22		.00
		MR295-21			5,000.00	FEE .00
MR296-21	OWNER AS GEN CONTRACTOR	ADDITION TO THE EXISTING DECK		8-04-21	1,000.00	23.00
Issued	FABIOLA GONZALEZ			8-04-21		.00
Contractor	3510 LOT #160 N 9TH ST			1-31-22		23.00
		MR296-21			1,000.00	FEE PAID DUE 23.00
MR297-21	OWNER AS GEN CONTRACTOR	FIRE PIT & HOT TUB		8-04-21	14,500.00	43.50
Issued	JOE HAWKINS			8-04-21		.00
Contractor	1001 WILLOW DR			1-31-22		43.50
		MR297-21			14,500.00	FEE PAID DUE 43.50
MR298-21	OWNER AS GEN CONTRACTOR	REPLACE GARAGE DOORS		8-04-21	5,000.00	13.50
Issued	ONEIL, MICHAEL & LEDONNA			8-04-21		.00
Contractor	230 MARINA CT			1-31-22		13.50
		MR298-21			5,000.00	FEE PAID DUE 13.50
RM073-21	A-1 UNITED HEATING & AIR	REPLACE FURNACE & AIR		7-06-21	2,700.00	43.50
Issued	SHANNON DUNLAP			7-06-21		43.50
Contractor	1015 AVENUE P					.00
		RM073-21			2,700.00	FEE 43.50
RM074-21	BURTON PLUMBING	REPLACE A/C		7-07-21	6,700.00	52.00
Issued	TERESA ROSE			7-07-21		52.00
Contractor	3510 LOT #206 N 9TH ST					.00
		RM074-21			6,700.00	FEE 52.00
RM075-21	THERMAL SERVICES	REPLACE FURNACE & A/C		7-09-21	9,000.00	43.50
Issued	KAREN CAMERNZIND			7-09-21		43.50
Contractor	450 CORONADO CIR					.00
		RM075-21			9,000.00	FEE 43.50
RM076-21	BURTON PLUMBING	REPLACE A/C		7-09-21	5,600.00	52.00
Issued	JNJ PROPERTY MANAGEMENT			7-09-21		.00
Contractor	1818 SAND POINT DR					52.00

PERMITS MASTER FILE LISTING

Permit #	Contractor	Description	Appl Date	Fee(s)		
Status	Owner	Sub-Division	Lot	Issued Date	Cost of Work	Paid
Appl Type	Location	Type of Use		Expire Date		Amount Due
		RM076-21			5,600.00	FEE 52.00 PAID .00 DUE 52.00
RM077-21	SERVICE ONE	REPLACE A/C		7-09-21	6,700.00	27.00
Issued	JEFF SLAYMAN			7-09-21		.00
Contractor	1112 CACHELIN DR					27.00
		RM077-21			6,700.00	FEE 27.00 PAID .00 DUE 27.00
RM078-21	BURTON PLUMBING	REPLACE A/C & FURNACE		7-09-21	5,700.00	67.00
Issued	LARRY CURD			7-09-21		67.00
Contractor	1009 SHOAL POINTE DR					.00
		RM078-21			5,700.00	FEE 67.00
RM079-21	SERVICE ONE	NEW AIR CONDITIONER		7-21-21	6,000.00	27.00
Issued	MALLIN ALVARENGA			7-21-21		27.00
Contractor	3510 LOT #300 N 9TH ST					.00
		RM079-21			6,000.00	FEE 27.00
RM080-21	BURTON PLUMBING	REPLACE A/C & FURNACE		7-26-21	10,762.00	42.00
Issued	MIKE KLINE			7-26-21		.00
Contractor	111 SHORELINE DR					42.00
		RM080-21			10,762.00	FEE 42.00 PAID .00 DUE 42.00
RM081-21	BURTON PLUMBING	NEW A/C UNIT		8-04-21	8,000.00	52.00
Issued	TERESA ROSE			8-04-21		.00
Contractor	3510 LOT #206 N 9TH ST					52.00
		RM081-21			8,000.00	FEE 52.00 PAID .00 DUE 52.00
RN012-21	B.C. HOMES	NEW SINGLE FAMILY HOUSE	9,10,11,	7-26-21	363,000.00	2,425.50
Issued	SEMINARA, MATT			7-26-21		2,425.50
Contractor	1801 LAGOON DR			7-26-22		.00
		RN012-21			363,000.00	FEE 2,425.50
ROW049-21	BURTON PLUMBING	STREET EXCAVATION FOR SEWER		8-02-21	4,200.00	100.00
Issued	CRONIN			8-02-21		.00
Contractor	4330 N 14TH ST			1-29-22		100.00
		ROW049-21			4,200.00	FEE 100.00 PAID .00 DUE 100.00

PERMITS MASTER FILE LISTING

Permit #	Contractor	Description	Appl Date	Fee(s)
Status	Owner	Sub-Division	Issued Date	Paid
App'l Type	Location	Type of Use	Expire Date	Amount Due
			Cost of Work	
RP099-21	AKSARBEN HTG/AIR		7-06-21	25.00
Issued	BUSCHELMAN, DIANNE		7-06-21	25.00
Contractor	4334 N 15TH ST		10-04-21	.00
		RP099-21	2,713.00	FEE 25.00
RP100-21	GUNDERSEN TRENCHING	REPIAR SEWER	7-07-21	42.50
Issued	RON BARBER		7-07-21	42.50
Contractor	1114 DORENE BLVD		10-05-21	.00
		RP100-21	3,000.00	FEE 42.50
RP101-21	BURTON PLUMBING	REPLACE WATER HEATER	7-09-21	25.00
Issued	MIKE KLINE		7-09-21	25.00
Contractor	111 SHORELINE DR		10-07-21	.00
		RP101-21	2,600.00	FEE 25.00
RP102-21	BURTON PLUMBING	SEWER REPAIR	7-26-21	42.50
Issued	CRONIN		7-26-21	.00
Contractor	4330 N 14TH ST		10-24-21	42.50
		RP102-21	4,500.00	FEE PAID DUE 42.50 .00 42.50
RP103-21	BURTON PLUMBING	SEWER REPAIR	8-02-21	42.50
Issued	CRONIN		8-02-21	.00
Contractor	4330 N 14TH ST		10-31-21	42.50
		RP103-21	4,200.00	FEE PAID DUE 42.50 .00 42.50
RP104-21	VICTORY PLUMBING	GAS PRESSURE TEST	8-02-21	25.00
Issued	SKLENAR, RICHARD & G 1301		8-02-21	.00
Contractor	1301 MAYPER DR		10-31-21	25.00
		RP104-21	300.00	FEE PAID DUE 25.00 .00 25.00
GRAND TOTAL			37	578,509.75
				FEE 3,884.00
				PAID 2,949.00
				DUE 935.00

Carter Lake Comprehensive Plan Update

Proposed Scope of Work

The Omaha-Council Bluffs Metropolitan Area Planning Agency (MAPA) has prepared a scope of work related to a comprehensive plan update for the City of Carter Lake (city), which is organized by task as outlined below.

A. TASKS

Task 1: Project Management and Coordination

The purpose of Task 1 is to ensure that the project is completed on time and on budget to the satisfaction of the city. MAPA staff will coordinate with the city to establish a work plan and schedule at the beginning of the process that identifies all milestones and deadlines.

Deliverables: A work plan and schedule which are agreeable to the city and MAPA.

Task 2: Public Participation

The purpose of Task 2 is to identify a vision for the future that is shared by citizens and leaders of Carter Lake. Three to four public workshops will be held at key points in the planning process to identify community needs, refine plan goals, and evaluate final recommendations. Interactive mapping, surveying, visualization, and other methods of collecting public input (including online tools) will be evaluated and utilized.

Deliverables: An updated vision and community goals for the city.

Task 3: Community Profile

The purpose of Task 3 is to develop a comprehensive assessment of the existing demographic, physical, and socioeconomic characteristics of Carter Lake. In addition, information on natural and cultural resources and other community assets will be included as well.

Deliverables: The following areas of focus will be assessed and summarized as part of the plan update:

- Demographics
- Facilities and services
- Utilities and infrastructure
- Environmental resources and recreation
- Housing
- Economic development
- Land use

Task 4: Land Use and Growth Management

The purpose of Task 4 is to evaluate and forecast the future conditions and growth needs of Carter Lake. Considerations to be addressed include barriers related to policies and regulations, existing land use, infrastructure and utilities, and others as identified through public involvement.

Based on existing land use factors, environmental constraints, physical features, economic conditions, population projections, community goals and policies, and experience in similar

communities, a future land use plan will be developed to indicate the category, future location, extent, and intensity of land use for the next 20 years. The land use plan will be presented in both narrative and graphic form, and consideration shall be given to potential and adverse environmental effects resulting from proposed uses. Methods to ensure adequate and reasonable protection of the public from adverse influences will be discussed.

Deliverables: A future land use map intended to guide residential development, commercial and industrial activity, and zoning within Carter Lake’s regulatory boundaries.

Task 5: Goals, Objectives, and Implementation

The purpose of Task 5 is to use recorded data and citizen and stakeholder input to develop actionable goals and objectives. The goals and objectives selected during the public involvement process will form the basis of the city’s comprehensive plan implementation strategy.

Deliverables: A planning implementation strategy which will assist in guiding the city’s development and strategic decision making for years to come.

Task 6: Consideration of Iowa Smart Planning Principles

The purpose of Task 6 is to consider the Iowa Smart Planning Principles and Elements (per Iowa State Code Chapter 18B: Land Use – Smart Planning) in all aspects of the Carter Lake Comprehensive Plan Update. These principles may be applied when the city deliberates all appropriate planning, zoning, development, and resource management decisions. Application of these principles is intended to produce greater economic opportunity, enhance environmental integrity, improve public health outcomes, and safeguard Iowa’s quality of life. The principles also address the need for fair and equitable decision-making processes.

Deliverables: Considerations and recommendations with regards to collaboration, efficiency and transparency, clean and renewable energy, occupational, housing and transportation diversity, revitalization, community character, natural resources, and sustainable design.

Task 7: Final Plan

The purpose of Task 7 is to deliver to the City of Carter Lake a finished comprehensive plan update. MAPA will first prepare a draft comprehensive plan for public review, which will include a summary of the public involvement process. A presentation of the draft plan to the Carter Lake City Council will commence a 30-day comment period in which input from citizens and local stakeholders and officials will be solicited. Based on feedback received during the comment period, MAPA will develop the final plan for review and approval.

An executive summary will also be included in the final product. This brief section will summarize the comprehensive plan and allow users to become quickly acquainted with the plan without reading it in its entirety.

Deliverables: MAPA will provide the city with ___ copies of the final comprehensive plan document. Digital versions of the plan will be made available as well. Relevant tabular and geospatial data will be provided as Microsoft Excel files and as a geodatabase.

B. PROJECT TIME LINE

Work Tasks	Months											
	1	2	3	4	5	6	7	8	9	10	11	12
Project Management & Coordination (Task 1)	■	■	■	■	■	■	■	■	■	■	■	■
Public Participation (Task 2)	P			P						P		P
Community Profile (Task 3)	■	■	■									
Land Use & Growth Management (Task 4)				■	■	■						
Goals, Objectives, & Implementation (Task 5)						■	■	■				
Consideration of Iowa Smart Planning Principles (Task 6)								■	■	■		
Final Plan (Task 7)										■	■	■

P = Public Meetings

C. CAPACITY OF MAPA TO PERFORM PROPOSED SCOPE OF WORK

MAPA employs a staff of 22 full-time professionals with expertise in various areas such as planning, engineering, financial administration, and community assistance, including three full-time Community Development Planners. The following is a list of personnel that will be involved in the project:

Grant Anderson, Community Development Planner – Project Leader

Travis Halm, Transportation Planner

Laura Heilman, Community Relations Liaison/Project Coordinator

Ryan Ossell, Community Development Planner

Owen Stuckey, GIS Assistant

Donald Gross, Community Development Manager – Mr. Gross is responsible for the supervision of all community development projects.

FOR OFFICE USE: CASE # _____ Receipt # _____
Z.B.A. Public Hearing: _____ Amount _____

CITY OF CARTER LAKE

APPLICATION FOR PLANNING BOARD AGENDA

- 1. APPLICANT: Chris Stara - TSL Company Holdings, Ltd. Phone: (531) 444-4820
Address: 10001 S. 152nd St. Omaha, NE 68138 *Status: A.

- 2. REPRESENTED BY: Chip Corcoran, RIC Phone: (816) 800-0950
Address: 5015 NW Canal St., Ste. 100, Riverside MO 64150

- 3. STREET ADDRESS/LOCATION: 2614 N. 5th Street, Carter Lake, Iowa

- 4. LEGAL DESCRIPTION: CARTER LAKE-AUD SUB 20-75-44 & ACCRE S376' E464'LT 16 EXC CITY

- 5. OWNERS NAME: Hastings Family Holdings, LLC

- 6. OWNERS ADDRESS: 10001 S. 152nd St. Omaha, NE 68138

- 7. REASONS FOR REQUEST AND INTENDED USES: Please see attached Narrative

- 8. ZONING DISTRICT: M-1 Limited Industrial District

- 9. PRESENT USE: Offices and Maintenance Facility for Logistics Business


- 10. COPY OF BLUEPRINTS OF INTENDED STRUCTURE. Please see attached Site Plan

- 11. ADMINISTRATIVE DECISION ISSUED: _____

FOR OFFICE USE

- 12. ATTACHED TO THE APPLICATION ARE:
 - a. Denied "Building Permit Application" Form..... _____
 - b. Approves..... _____
 - c. Restrictions..... _____

THE FACTS PRESENTED ABOVE ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE:

13. SIGNATURE:  Date: August 8, 2021

TYPED OR PRINTED NAME: Hastings Family Holdings, LLC
By: Thomas Hastings, Managing Member *Status: P.O.

*NOTE: P.O. = Property Owner C.P. = Contract Purchaser
O.H. = Legal Optionholder A. = Owner's authorized agent

NARRATIVE

BACKGROUND AND PROJECT DESCRIPTION:

The subject property is located at the intersection of North 5th Street and Avenue H and is zoned M-1 Limited industrial District. The property is surrounded primarily by industrial development. Except for a single-family home, located to the north. Since 2018 the property has been used by the property owner as offices, and a maintenance facility for its logistics business. In 2020 the company began to transition maintenance operations to a larger facility and has listed the property for lease with CBRE of Omaha, Nebraska.

The applicant is working towards a lease agreement with a perspective tenant. The tenant is requesting to utilize the land to the south of the building for outdoor storage of liquid handling equipment that they rent to the public, contractors, and municipalities. Equipment being offered for rent will include water pumps, generator sets, filtration systems, pipe, hoses, and tanks. Other equipment will include company trucks and trailers used to haul rental equipment. There will be 10 to 15 full-time employees, with duties ranging from sales, engineering and maintenance. Operations will be between the hours of 8am to 5pm, Monday thru Friday. This will be the tenants first permanent facility in the greater metropolitan area. The applicant is requesting a Conditional Use Permit for outdoor storage on behalf of the perspective tenant.

Jackie Carl

From: Michael O'Bradovich <mike@oblaw.org>
Sent: Wednesday, August 4, 2021 10:08 AM
To: NA Cumberledge; Pat Paterson; Denise Teeple (joan61554@msn.com); Jackie Wahl ; Jason Gundersen (Gundee97@gmail.com); Keebie Kessler (keebiekessler@gmail.com)
Cc: Jackie Carl; Ed Palandri; Chief Kannedy
Subject: McGrew Holdings 2920 N 5th St

At the last Council meeting, discussions were held on the "Conditional Use" permit for the new owner of the above - described property.

It was reported that they had taken occupancy and were not acting in accordance with a Conditional Use Permit which was negotiated with the City, namely, that trucks/trailers were parked along the south side of the building in plain view from Locust Street. It was also pointed out that the change of the text of the zoning code allowing their use was not yet fully adopted and that a conditional use permit could not, therefore, have been issued.

All of these facts are true.

I incorrectly stated that the conditional use permit was to be approved by the Council. The City Clerk indicated that it was to be issued by the Planning Board. Ed Palandri was also uncertain.

Regardless, Denise also pointed out that since neither the zoning change nor conditional use permit were finalized, whatever the company was currently doing was in violation of the ordinances. She is correct.

First, the zoning change needs to be finalized at your next meeting. Second, the Conditional Use permit which the Planning Board already approved will be delivered to them. IF THE PROPERTY OWNER OBJECTS TO ANY PORTION OF THE PERMIT, they can then appeal the permit to the City Council for review and the Council can modify the permit if it so chooses. This was my error and I apologize for making that mistake at the meeting which resulted in confusion.

Next, I was told that not only did the company have trucks and trailers outside of the south side of building, but they were also "opening" the bags which were delivered and "re-packaging" them. This action is completely contrary to the promise of the representatives of the company. Not only was re-packaging outside not planned, but re-packaging INSIDE the building was not planned or allowed at all. I am not sure what is happening.

I called the Chief and he reported what he had learned when he confronted the employee about the situation. I will forward to you the Chief's email which was sent to me.

I advised him that an Order to Cease and Desist should be issued immediately for any activities which are not in accord with the current zoning code. I will prepare that letter for him today.

The Order is in the nature of a DEMAND TO ABATE-----that means that whatever a property owner is doing in violation of the Code must be abated/stopped or face a municipal infraction.

How this will affect your action of the rezoning is unclear to me.

Thanks,
MJO

CAUTION: This email originated from **OUTSIDE** of the organization. Please use caution when clicking links or opening attachments. Call the sender by phone if there is any uncertainty.