

**January 5, 2015**

**To: Mayor Bemrich and City Council**

**From: David Fierke, City Manager**

**Subject: Request for Rezoning from Agricultural (AG) to Light Industrial (LI)**



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**ACTION: Set Public Hearing for January 26<sup>th</sup>, 2015**

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**Brief History**

This Memorandum addresses the zoning regulations of the area of land proposed for annexation included as part of the Knupp Storage Unit Development. Please see the attached map. As per the City's Zoning Ordinance, all newly-annexed land of the City is automatically designated as being part of the Agricultural (AG) District (17.07.02.A.). The current use of this land proposed for annexation, storage units, is not a permitted use of the AG District. As part of the Storage Unit Development Agreement adopted by City Council on September 22, 2014, it was established that the City is in support of rezoning this property from the City's AG District to the City's Light Industrial (LI) District. Rezoning this land from the AG District to the LI District would eliminate creating a non-conforming use once this land is annexed as being part of City Limits.

**Analysis of Issue**

The property to the north and east of the Knupp's storage unit land is zoned as Heavy Industrial (HI). North 15<sup>th</sup> Street/Nelson Avenue abuts this property on the west, and Cardinal Avenue is located to the south of this land. Properties directly west of North 15<sup>th</sup> Street/Nelson Avenue and properties to the south of Cardinal Avenue are not established as being part of a City zoning district, as these properties are located in the unincorporated area of Webster County; however, the land use of these properties is currently undeveloped land.

The applicant has demonstrated their ability to adhere to transportation and parking requirements of the City's Site Plan Ordinance regarding the LI District through the site's approved site plan.

**Budget Impact**

Requests for changes in zoning do not typically entail any City expenditures.

**Strategic Plan Impact**

N/A

**Existing Plan Impact**

The City's Land Use Plan identifies the subject property as Industrial. Storage units are an allowable use of the LI District.

**Subcommittee or Commission Review / Recommendation**

The Plan & Zoning Commission reviewed this rezoning request at their December 23<sup>rd</sup>, 2014 meeting and unanimously recommended approval of said request.

**Staff Conclusions / Recommendations**

Notification of the request for rezoning was sent to property owners within 200 feet of the subject property. No comments have been received to date. Subject to comments from the public at the Public Hearing, Staff recommends rezoning the subject property to the City's LI District.

**Alternatives**

The alternative would be to not approve the rezoning request; however, this would create a non-conforming use within the AG District.

**Implementation and Accountability**

If the Council approves the change, the City's official maps will be amended to reflect a Light Industrial zoning on the subject property.

Signed



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Maggie Carlin  
Associate Planner  
Department of Business Affairs &  
Community Growth

Approved



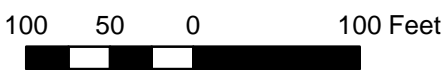
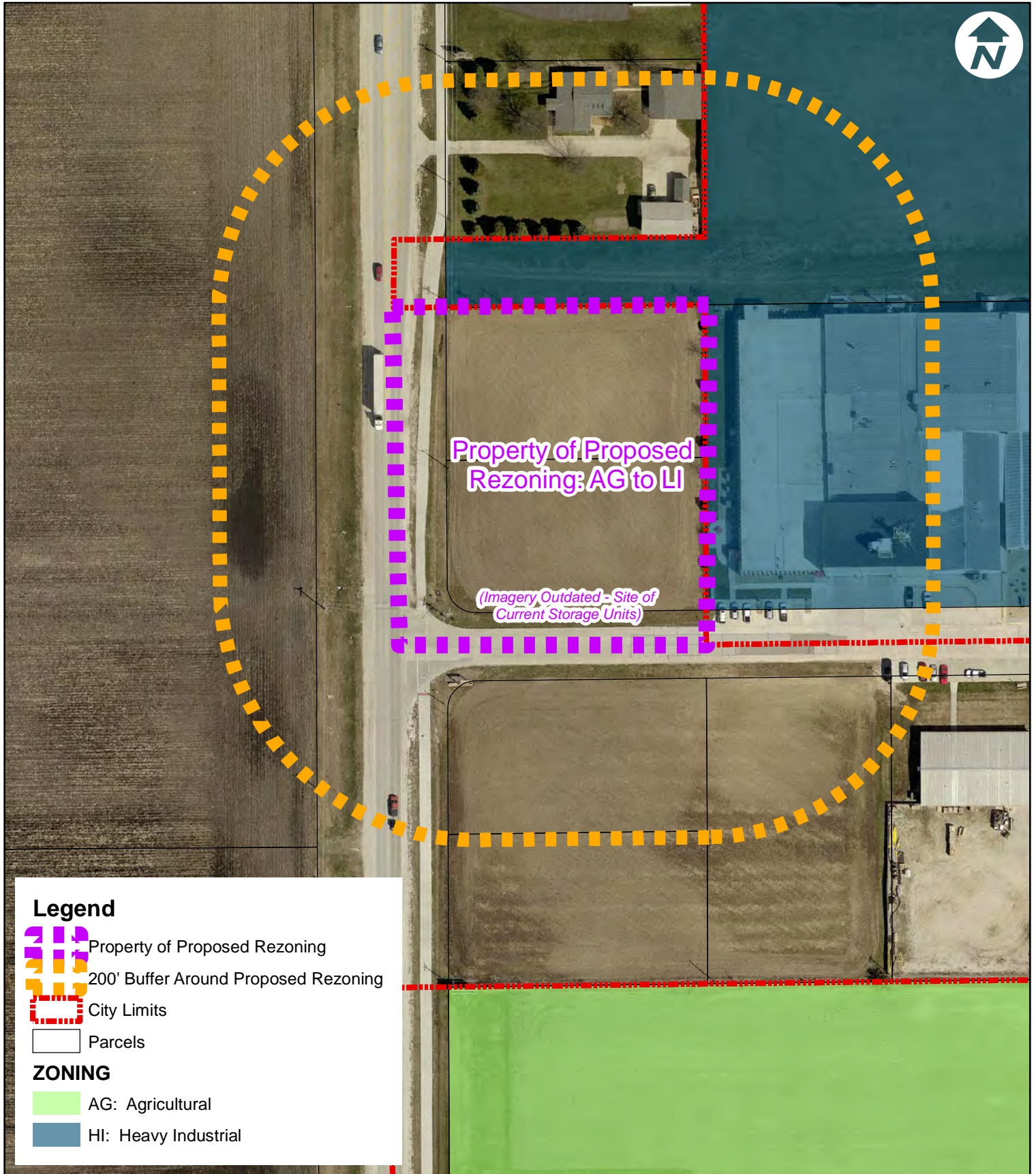
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David R. Fierke  
City Manager

# Rezoning: Case #2105.14



Legal Description: Lots 1 and 2 of the Official Plat for the Airport Industrial Development in Webster County, Iowa; as described in Book 45 at Page 451 Deed Record of the Webster County Recorder's Office; together with the east 50 feet of Nelson Avenue lying adjacent to said Lots 1 and 2 and lying north of the centerline of Cardinal Avenue AND the north 30 feet of Cardinal Avenue adjacent to said Lot 2 lying east of Nelson Avenue.



RESOLUTION NO. \_\_\_\_\_

**RESOLUTION PROPOSING A CHANGE TO THE ZONING OF PROPERTY  
AND AFFIXING A DATE FOR A PUBLIC HEARING**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT DODGE,  
IOWA:

That the City Council of the City of Fort Dodge, Iowa, hereby proposes to change the zoning from Agricultural (AG) to Light Industrial (LI) on the following properties located in Webster County, Iowa, and described as follows:

LOTS 1 AND 2 OF THE OFFICIAL PLAT FOR THE AIRPORT INDUSTRIAL DEVELOPMENT IN WEBSTER COUNTY, IOWA; AS DESCRIBED IN BOOK 45 AT PAGE 451 DEED RECORD OF THE WEBSTER COUNTY RECORDER'S OFFICE; TOGETHER WITH THE EAST 50 FEET OF NELSON AVENUE LYING ADJACENT TO SAID LOTS 1 AND 2 AND LYING NORTH OF THE CENTERLINE OF CARDINAL AVENUE; AND THE NORTH 30 FEET OF CARDINAL AVENUE ADJACENT TO SAID LOT 2 LYING EAST OF NELSON AVENUE.

A public hearing will be held on the 26<sup>th</sup> day of January, 2015, AD, at 6:00 p.m. in the Council Chambers of the Municipal Building located at 819 1<sup>st</sup> Avenue South in Fort Dodge, Iowa, at which time the Council will hear objections to the change in zoning of said property.

The City Clerk is hereby directed to publish notice of said hearing, as by law required.

Passed and approved by the City Council of the City of Fort Dodge, Iowa, this 12<sup>th</sup> day of January, 2015, AD.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Other: \_\_\_\_\_

CITY OF FORT DODGE

BY: \_\_\_\_\_  
Matt Bemrich, Mayor

ATTEST:

\_\_\_\_\_  
Jeff Nemmers, City Clerk

**PUBLIC NOTICE**

**NOTICE OF PUBLIC HEARING**

The City Council of the City of Fort Dodge, Iowa, hereby proposes to change the zoning from Agricultural (AG) to Light Industrial (LI) on the following properties located in Webster County, Iowa, and described as follows:

LOTS 1 AND 2 OF THE OFFICIAL PLAT FOR THE AIRPORT INDUSTRIAL DEVELOPMENT IN WEBSTER COUNTY, IOWA; AS DESCRIBED IN BOOK 45 AT PAGE 451 DEED RECORD OF THE WEBSTER COUNTY RECORDER'S OFFICE; TOGETHER WITH THE EAST 50 FEET OF NELSON AVENUE LYING ADJACENT TO SAID LOTS 1 AND 2 AND LYING NORTH OF THE CENTERLINE OF CARDINAL AVENUE; AND THE NORTH 30 FEET OF CARDINAL AVENUE ADJACENT TO SAID LOT 2 LYING EAST OF NELSON AVENUE.

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JEFF NEMMERS,  
CITY CLERK

Published in the Fort Dodge Messenger this \_\_\_\_\_ day of \_\_\_\_\_,  
2015.

Prepared by Maggie Carlin, Business Affairs & Community Growth, 819 1<sup>st</sup> Ave. South, Fort Dodge, Iowa 50501, 515-573-8321.  
Return to Business Affairs & Community Growth, 819 1<sup>st</sup> Ave. South, Fort Dodge, Iowa 50501

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE PROVIDING FOR A CHANGE IN THE ZONING OF PROPERTY  
TO LIGHT INDUSTRIAL (LI) IN THE CITY OF FORT DODGE, WEBSTER  
COUNTY, IOWA.**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT DODGE,  
IOWA:

**SECTION I. PURPOSE.**

The purpose of this Ordinance is to change the zoning from Agricultural (AG) to Light Industrial (LI) on the following property located in Webster County, Iowa, and described as follows:

LOTS 1 AND 2 OF THE OFFICIAL PLAT FOR THE AIRPORT INDUSTRIAL DEVELOPMENT IN WEBSTER COUNTY, IOWA; AS DESCRIBED IN BOOK 45 AT PAGE 451 DEED RECORD OF THE WEBSTER COUNTY RECORDER'S OFFICE; TOGETHER WITH THE EAST 50 FEET OF NELSON AVENUE LYING ADJACENT TO SAID LOTS 1 AND 2 AND LYING NORTH OF THE CENTERLINE OF CARDINAL AVENUE; AND THE NORTH 30 FEET OF CARDINAL AVENUE ADJACENT TO SAID LOT 2 LYING EAST OF NELSON AVENUE.

**SECTION II.**

The City Council of the City of Fort Dodge, Iowa, hereby makes the following findings:

1. That the zoning changes will create consistency between the City's Land Use Plan and Official Zoning Map.
2. Permit orderly and consistent site development.
3. That changes in zoning will maintain a consistency with adjacent land uses and provide a transition for adjacent zoning.
4. The zoning changes will not negatively impact the character of the neighborhood.
5. That the Public Notice of this intended change in zoning and the dates, time, and place on which the Council would first consider the zoning change Ordinance has been heretofore published, as by law required.

**SECTION III.**

The property, above described, is hereby rezoned to Light Industrial (LI).

SECTION IV.

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION V.

If any Section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole, or any Section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION VI.

This Ordinance shall be in effect after its final passage, approval, and publication, as by law provided. Passed and approved by the City Council of the City of Fort Dodge, Iowa, this \_\_\_\_\_ day of \_\_\_\_\_, AD, 2015.

First consideration \_\_\_\_\_ day of \_\_\_\_\_ 2015.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Other: \_\_\_\_\_

Second consideration \_\_\_\_\_ day of \_\_\_\_\_ 2015.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Other: \_\_\_\_\_

Third consideration \_\_\_\_\_ day of \_\_\_\_\_ 2015.

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Other: \_\_\_\_\_

(City Seal)

CITY OF FORT DODGE

BY: \_\_\_\_\_

Matt Bemrich, Mayor

ATTEST:

\_\_\_\_\_  
Jeff Nemmers, City Clerk

STATE OF IOWA, WEBSTER COUNTY, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015 before me, the undersigned, a Notary Public in and for said State, personally appeared Matt Bemrich and Jeff Nemmers to me personally known, who being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of said corporation, that the seal affixed thereto is the seal of said corporation, that said instrument was signed and sealed on behalf of said corporation by authority of its City Council; and that the said Mayor and City Clerk as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

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Dawn M. Siebken, Notary Public