A regular meeting of the Board of Adjustment was held this date in the City Council Chambers located on 5th Floor, City Hall, 405 - 6th Street, Sioux City, Iowa, at which time the following items were considered.

### MEMBERS PRESENT
- Jason Geary, Chair
- Ryan Ross, Vice Chair
- Suzan Stewart
- Cindy O’Neill
- Michelle Bostinelos
- Andrew Glisar
- Robert Anderson

### MEMBERS ABSENT
- Jeff Hanson, CD Oper Manager
- Chris Madsen, Senior Planner
- Ron Kueny, Zoning Enf Officer
- Larissa Carrell, Admin Secretary
- Caleb Christopherson, City Attorney
- Erin Berzina, Planner
- Brent Nelson, Senior Planner

Geary called the meeting to order at 4:36 p.m., and read the opening statement explaining the procedure. He then introduced the Board members and City staff to the audience. The Board was asked if any had contact with the owner, petitioner, agent, or anyone listed on the notification list regarding the agenda items.

**Agenda Item 2020-0004**: Requested conditional use permit pursuant to Municipal Code Section 25.02.100, Residential and Commercial Uses of the Home, for the properties located at 2900 Jackson Street and 717 29th Street.

Berzina presented the conditional use permit for the properties located at 2900 Jackson Street and 717 29th Street. Berzina stated that the Petitioner would like to use the property at 2900 Jackson Street as a 5-room bed and breakfast inn, with an accessory small event space located at 717 29th Street. Berzina went over the bed and breakfast standards located in section 25.02.100.11 of the Municipal Code and the standards for conditional uses and general considerations. Berzina spoke on the parking standards stating that the Code requires one (1) space per guest room plus one (1) additional space for a total of six (6) required for the bed and breakfast. Berzina noted eight (8) spaces will be provided. The Code requires one (1) space per every 100 square feet of event space for a total of 106 spaces for the accessory event space. Staff has discussed this, in length, and feels the Code for accessory event spaces is unbalanced and they may be revisiting this section of Code at a later date.

Berzina stated that she was just given a signed contract with St. John’s Evangelical Lutheran Church located at 2801 Jackson Street allowing the Petitioner access to approximately 24 spaces in the Church parking lot located at 2821 Jackson Street. The parking can be used for events as along as advanced notice is given. Berzina stated that the Historic Preservation Commission reviewed this item at their December 3, 2019 meeting and it was met with no objections due to no changes being brought forth to the property. Berzina stated they did receive three (3) comments from notices sent out.

Ross asked for further explanation on the parking requirements in the Code. Berzina stated that NC.4 and NC.5 lot sizes vary greatly and if there was to be an event space like this, providing off street parking would be nearly impossible. Consequently, the accessory space needs to be revisited in the Code so it makes more sense.
O’Neill has asked if staff had looked at the amount of parking that is reasonable for this size of event space. Berzina stated staff had not come to an exact number. Ross and O’Neill were coming up with capping event size. Geary wanted to know if Air B&B or Bed and Breakfasts are allowed by right in this area. Berzina stated it is only allowed in NC.4 and NC.5 with a conditional use permit. Geary also brought up his concern with the parking situation.

John and Deborah Wockenfuss, 2900 Jackson Street, Petitioner, stated they love their property and have spent a lot of blood, sweat and tears restoring and keep this property up over the past sixteen (16) years. Wockenfuss stated this house is the only Savion Queen Anne home in the State of Iowa. Wockenfuss stated the ball room of the home can seat fifty (50) people and they would like to keep all parties to that size or smaller. They do not want to sell the home and see it get turned into apartments. Geary asked if the property does get sold, would they keep the conditional use permit. Berzina stated the conditional use permit goes with the property, but if it is not in use for one (1) year they would have to reapply for the conditional use permit. O’Neill and Stewart asked how the Petitioner would be held accountable to the restrictions on the conditional use permit if approved. Berzina stated it is all complaint driven.

Susie Feathers, 2820 Jackson Street, Scott Hindman, 2900 Jones Street, William Weber, 2916 Jones Street, and Peggy La, 2405 Jackson Street all spoke in favor of the item. They all stated they have no additional concerns with the parking because it’s always a concern with Bryant Elementary School and Blessed Sacrament School/Church located in the neighborhood. They all spoke highly of the Wockenfuss’ and what they have done to keep the property in great condition.

Brittany Lesline, 2822 Jackson Street operator of the Linda Sue Manor spoke in favor of this item. Lesline spoke about the neighborhood, how Air B&B works, and what kind events they host. She addressed the parking in the area and how the time of these events it will work out great. Geary asked what kind and size of events they host. Lesline stated small events ten to fifteen (10-15) people, like baby showers and bridal showers.

Connie Cohen-Nelson, 2915 Jackson Street, spoke in opposition of the item. Nelson addressed her letter that was sent to the Commission. Nelson’s main concern is parking stating it has always been an issue especially on Sunday when church is in session. Nelson stated many times she has been blocked into her driveway. Nelson addressed her concern with having another event space when we have the Pierce Mansion.

There was general discussion among the Commission on parking and what restriction they can add to the conditional use permit. The Commission talked with Legal Staff on how to word their motion.

Ross (O’Neill) moved to approve item 2020-0004 with the following conditions: group/event sizes no larger than fifty (50) people, events being held from sunrise to sunset Monday through Saturday only, and contingent on a parking agreement always being in effect with St. John’s Church. Motion failed. 3-4-0 (Yes: Geary, Ross, Bostinelos, No: O’Neill, Anderson, Glisar, Stewart Abstain: 0).

Motion failed with a 3-4-0 vote. Stewart presented another motion.

Stewart (Glisar) moved to approve item 2020-0004 as presented by staff. Motion carried. 4-3-0 (Yes: Glisar, Stewart, Bostinelos, Anderson, No: Ross, Geary, O’Neill, Abstain: 0).

**Agenda Item 2020-0009:** Requested conditional use permit pursuant to Municipal Code Section 25.02.120 for property located at 512 West 7th Street.
Madsen presented the conditional use permit for 512 West 7th Street, which is currently operating as the Tienda Maya grocery store. The conditional use permit is for the sale of alcohol and tobacco off-premise consumption. The Petitioner mainly wants to sell alcohol. Madsen went over the standards of the conditional use permit, with one being “not within 300 feet of a school or park.” The subject property is within 300 feet of Cook Park. All other standards are currently being met by the subject property. Bostinelos questioned how close Girls Inc. is to the subject property. Madsen stated he questioned that as well, but the Assessor’s Office has it registered as a charitable organization, not a school.

Geary declared conflict of interest and removed himself from this item and abstained, due to work done for the owner of the property at 512 West 7th Street. Ross took over the meeting for this item.

Juan Francisco, 512 West 7th Street, Petitioner, stated they are a Latin market that provides Central American items. They would like to sell beer only at this location. Stewart asked what the store hours were. Francisco stated at this time they are open 9:00 am to 8:00 pm. Stewart asked what he meant by “at this time”. Francisco stated they close a little earlier in the winter time.

Peggy La, 2405 Jackson Street, owner of the Hong Kong Market, spoke in opposition. La felt that there are too many stores in the area that already sell alcohol. O’Neill asked if it was due to competition. La stated that she isn’t worried about the competition. Francisco stated that he will mainly market to Hispanic clients and that he doesn’t feel there are too many stores that sell alcohol or tobacco products.

O’Neill (Bostinelos) moved to approve item 2020-0009. Motion carried. 4-2-1 (Yes: Anderson, Ross, Bostinelos, Glisar, No: O’Neill, Stewart, Abstain: Geary).

**Agenda Item 2020-0010:** Requested conditional use permit pursuant to Municipal Code Section 25.02.190.14 for the property located at 5501 18th Street.

Madsen presented the conditional use permit to operate a borrow pit on the property located at 5501 18th Street to open the site for development. Madsen stated the Petitioner is proposing to operate on the property they own and on the City-owned property adjacent to 28th Street/ Outer Drive. The Petitioner is proposing to remove an estimated 694,500 cubic yards from their property and 141,813 cubic yards from the City property. Madsen stated the Petitioner is also proposing to fill an estimated 24,985 cubic yards on their property and 2,064 cubic yards on the City property. Madsen stated the main access to the site would be Barker Avenue. Madsen went over all general considerations for this borrow pit. Madsen listed all the other working borrow pits in the area. Madsen went over all standards that must be satisfied. The Petitioner has not satisfied any of these standards at this time.

Glisar asked if the dump would be visible from the bypass if the property was brought down to grade. Madsen stated he was unsure and he would refer that question to the Petitioner’s Engineer. Geary asked Madsen to clarify what permits would still need to be obtained if they get approval today and if they would be able to move any dirt in the meantime. Madsen listed the multiple permits still needing to be obtained upon approval and that the Petitioner would only be able to move 50 cubic yards until all permits were obtained.

John Hines, Attorney for the Petitioner, 417 Lake Shore Drive North Sioux City SD, stated staff did a great job of explaining the conditional use permit. He stated the objective is to make the land developable. Hines noted they are aware of the other permits and steps that need to take place before they can operate the borrow pit. He said it is acceptable to the Petitioner if the
Board makes it a condition of approval that the Petitioner obtain all permits. Ross wanted to know how long it may take to complete the project so a sunset can be placed on the borrow pit. Hines stated he will have the Engineer speak on that.

Ryan Callahan, Engineer for the Petitioner, 1270 South Derby Lane, stated that it will most likely take more than one season and be completed in phases. Callahan stated that the landfill will still not be visible.

Luann Bertrand, 5500 East 18th Street, spoke in opposition to the borrow pit. Bertrand stated the area is very pretty and isn’t thrilled with having a borrow bit outside her front door. Bertrand is very concerned with the dust and issues it may cause coming off the exit. Bertrand also stated the site of the landfill will be very unimpressive to people coming into town. Bertrand stated the condition of Barker Avenue is not safe to travel with that many trucks.

Thomas Crawford, 1360 Barker Avenue, spoke neither in favor or opposition stating he just wanted to make a few comments. He stated the dust, in the area, during the construction of the bypass was out of control and he fears that will happen again. Crawford also stated that he wants to know if the Petitioner will help maintain Barker Avenue and get it to a safe condition for travel with all the truck traffic.

Hines spoke for the Petitioner stating they will have no problem maintaining Barker Avenue through the duration of the borrow pit.

O’Neill left the meeting and was absent throughout the remaining portion of the meeting.

Ross (Stewart) moved to approve item 2020-0010 with the following conditions; a two (2) year sunset starting January 28, 2020 and that the Petitioner maintains Barker Avenue in a passable manner. Motion carried. 6-0-0 (Yes: Geary, Stewart, Bostinelos, Anderson, Glisar, Ross, No: 0 Abstain: 0).

Other Business
  a. Other items brought forward by the Board and / or staff.
  b. Approval of the minutes from December 10, 2019 and January 14, 2020 meeting

There were only three (3) Commission members able to vote on the minutes, so the approval will be deferred until February 11, 2020.

There being no further business, the meeting was adjourned at 6:36 p.m.
Submitted by
Larissa Carrell

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CHAIR                                PLANNING DIRECTOR