

## **BOARD OF ADJUSTMENT – AGENDA**

October 24, 2024 5:30 PM  
Mount Vernon City Hall  
213 1<sup>st</sup> St. NW

1. Approval of Agenda.
2. Approval of minutes from May 25, 2023, meeting.
3. Conditional Use Permit Application – 502 1<sup>st</sup> St SE

Public hearing, discussion, and possible action on an application for Conditional Use Permit.

4. Adjournment.

**Mount Vernon  
Board of Adjustment  
Minutes – May 25, 2023**

**Mount Vernon City Hall**

**Meeting was called to order at 5:30 p.m. by Terry Elam. Those in attendance: Board members Mark Andresen, Johnathon Brinson and Terry Elam; City Planner Leigh Bradbury, community members Ben Pospisil, Dave Steen and Paula Sears.**

**1. Approval of Agenda.**

Motion to approve the agenda by Andresen, seconded by Brinson, carried with all in favor.

**2. Approval of minutes from March 21, 2023.**

Motion to approve the minutes by Andresen, seconded by Brinson, carried with all in favor.

**3. Public Hearing, discussion and consideration of an Application for Conditional Use for installation of a ground-mounted solar system at 302 Hwy 1 South in Mount Vernon, Iowa, by Rabe Hardware and on behalf of Bridge Community Bank.**

Summary of staff report provided by City Planner Leigh Bradbury, explaining zoning requirements specific to this parcel as a double-frontage lot, zoned General Commercial (GC) within the US Hwy 30 Overlay District. Discussion of possible options to facilitate a ground installation at this address including relocation and pursuing an alternative solar configuration. Board members discussed conditional approval, subject to compliance with existing zoning regulations (setbacks).

Motion to approve a Conditional Use Permit for ground-mounted solar at 302 Hwy 1 South, provided it complies with setback requirements in the 2023 Code of Ordinances. Landscape screening elements shall be added, based on the US Hwy 30 Overlay design standards. Moved by Andresen, seconded by Brinson, carried with all in favor.

**4. Meeting adjourned at 5:57 p.m., May 25, 2023.**

Minutes by Leigh Bradbury, City Planner

**STAFF REPORT  
BOARD OF ADJUSTMENT  
October 24, 2024**

**AGENDA ITEM:** Conditional Use Permit / 520 1<sup>st</sup> St SW

**APPLICANT:** Doug Berner  
**LOCATION:** 520 1<sup>ST</sup> Street SE  
**ZONING:** Limited Commercial / Office District (LC)  
**REQUESTED USE:** Trade Services

Applicant Doug Berner will be present at the meeting to answer the questions of the Board.

**PURPOSE**

The Conditional Use Permit procedure allows for board approval of specific types of land uses which have unusual site development or operating characteristics that could adversely affect surrounding properties. (CH165.1309)

**PROPOSED USE:**

The proposal before the board is for use as Trade Services. If approved, the owner intends to pursue construction of a new building with commercial condo units that allow for equipment storage, office space and leasable shop-spaces.

Trade Services is listed as a Conditional Use within Limited Commercial districts per Code Chapter 165.410.3 (S) and is defined as:

*Establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts\*. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating , ventilating, and air conditioning) contractors.*

*\*Outdoor storage is not allowed in Limited Commercial (LC) districts.*

**ZONING & USE OF ADJACENT PROPERTIES**

- NE corner: Limited Commercial - Convenience Storage (conditional use)
- NW corner: Suburban Residential - Single Family Residential
- West: Suburban Residential - Multi-family Small Scale (6 units each)
- East: Suburban Residential - Cemetery
- South: Limited Commercial - Liquor Sales

**ZONING DISTRICT – LIMITED COMMERCIAL / OFFICE**

Limited Commercial / Office districts are intended to provide areas for office and community-oriented commercial development, rather than intensive commercial activities. Commercial and office uses that are permitted are to be compatible with nearby residential and civic areas. Bulk regulations specific to the district are designed to ensure compatibility with nearby residences.

**CRITERIA FOR REVIEW:**

The board is to review and act upon the request, based on criteria established in Table 1313A of the Mount Vernon Code of Ordinances. These criteria examine the following items:

- Site Development
- Operating Characteristics
- Land Use Compatibility
- Height & Scale

The board's responsibility is to address any conditions in which bulk regulations may still permit conditions to exist that will adversely affect surrounding properties.

The applicant has submitted a draft site plan, which has been reviewed by engineering and planning staff with the following observations:

1. A 6' opaque screening barrier will be required along the rear lot line and northwest corner of the parcel as it abuts to Suburban Residential parcels.
2. Dumpster(s) should be shielded and shall not exist in front of any buildings.
3. Parking spaces must allow for articulation of equipment into and out of the equipment bays.

4. Stormwater runoff will continue to be a discussion and will require approval from the City's Engineer. Development of the site and any new building(s) cannot increase the existing problem.
5. A lighting / photometric plan is required in accordance with Article 11 Outdoor Lighting Regulations. These regulations include, but are not limited to, the following:
  - After hours lighting – 60% reduction in light levels 10 p.m.-6 a.m.
  - Restrictions on light trespass between LC and SR districts
  - Full cut-off luminaires / fixtures
  - Maximum and Minimum light levels (Table 1107-A)
6. There is an Impervious Coverage restriction of 70% for the district. Existing conditions on the parcel were initially calculated at 73.3%, an excess area of 1,468.17 square feet.
7. Landscaping requirements along First Street have been met and will provide somewhat of a visual screen / buffer street-side and for the Cemetery.
8. Outdoor storage is prohibited in LC districts.

**STAFF RECOMMENDATION:**

The type of use presented by the applicant is more commonly referred to as “contractor condos”, being a combination of equipment storage, office space and leasable shop-spaces. These types of buildings have gained popularity with developers and small business owners. A zoning amendment is being drafted to define it as a use and to identify the zoning districts where it is most appropriately located.

Existing development regulations do not address maximum permitted sound levels for LC districts that are adjacent to residential zoning districts. This may warrant discussion, with consideration to maximum sound levels, duration and time periods in which they are allowed.

Eliminating the excess impervious coverage would require removal of existing concrete that is in good condition. In place of removing the existing concrete, it is recommended that the street and cemetery-side buffer / landscaping requirements be increased to provide a visual and audible screen.



**520 First Street SE**



## VS



## 5

I hereby certify that this engineering document was performed by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.

Signed \_\_\_\_\_ Date \_\_\_\_\_

DOUGLAS F BRAIN 8-12-23

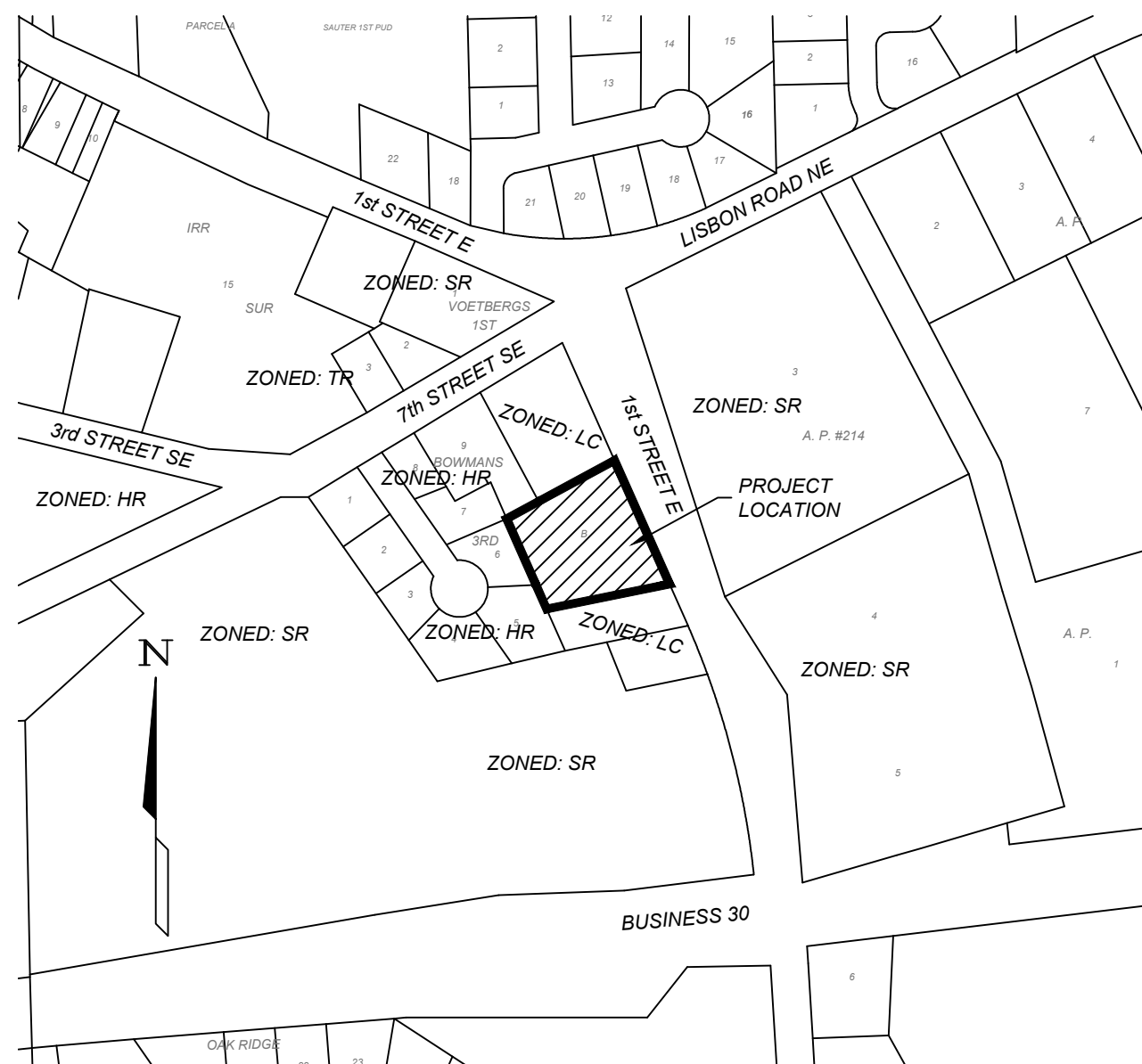
Douglas F. Brain, P.E.

My License Renewal Date is December 31, 2024

License Number 20267

Pages or sheets covered by this seal:

THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON THE ABOVE GROUND STRUCTURES, UTILITY COMPANY LOCATIONS OR PUBLIC RECORDS AND MAY VARY FROM THE ACTUAL LOCATION. ADDITIONAL BURIED UTILITIES AND STRUCTURES MAY BE ENCOUNTERED AND SHOULD BE CONSIDERED AND VERIFICATION MADE FROM VARIOUS UTILITIES AND GOVERNMENT AGENCIES PRIOR TO ANY EXCAVATION.



**LOCATION MAP**  
SCALE: 1" = 300'

\*SMALLER TREES USED BECAUSE OF OVERHEAD POWER LINES

LANDSCAPING:  
LANDSCAPE REQUIRED (20%) STREET PROPERTY LINE  
150 FEET \* 15 FEET / 500 SQUARE FEET PER TREE = 5 TREES  
5 ORNAMENTAL TREES\*  
4- EVERGREEN TO BLOCK PARKING LOT





