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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

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Type of Document

REZONING- AGRICULTURAL TO COMMERCIAL

PREPARER INFORMATION:

Zoning Office for Country Haven Guest Homes LTD. on behalf of purchaser Bitter End
Old School Choppers

TAXPAYER INFORMATION:

(Owner)

Shirley Givant, President
Country Haven Guest Homes Ltd.
2490 Prairieview Ave.
Winterset, IA 50273

(Purchaser)

Al Wilkerson
1425 Metro East Drive Unit 108
Pleasant Hill, IA 50327

✓ **RETURN DOCUMENT TO:**

(Owner)

Shirley Givant, President
Country Haven Guest Homes Ltd.
2490 Prairieview Ave.
Winterset, IA 50273

(Purchaser)

Al Wilkerson
1425 Metro East Drive Unit 108
Pleasant Hill, IA 50327

GRANTOR:

GRANTEE:

LEGAL DESCRIPTION:

2490 Prairieview Ave. 3A SW PT SW SW Section 15 Scott Township

Document or instrument of associated documents previously recorded:
(if applicable)

ZO-RESOLUTION-121818
APPROVING REZONING OF PROPERTY
AGRICULTURAL TO COMMERCIAL

Whereas, Country Haven Guest Homes LTD. on behalf of Bitter End Old School Choppers requested to rezone land from Agricultural to Commercial to allow a motorcycle parts internet/mail order business.

Whereas, the tract of land is described as follows:

**3A SW PT SW SW Section 15 Scott Township,
otherwise known as 2490 Prairieview Ave.**

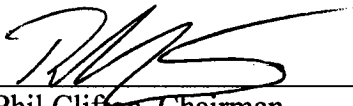
Whereas, the Madison County Zoning Commission, appointed pursuant to the provisions of the Code of Iowa, held a public hearing on Thursday, December 13, 2018 received no adverse comments and recommended by unanimous vote approval of said request;

Whereas, The Board of Supervisors of Madison County, has set same down for public hearing and has given notice thereof as prescribed by law; and

Whereas, Public Hearing was held December 18, 2018 upon this request to rezone the described tract of land, and opportunity has been given to proponent and objectors to be heard thereon;

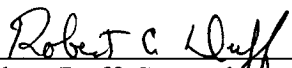
Now, therefore, be it resolved by the Board of Supervisors, Madison County, Iowa the above-described real estate shall be rezoned from Agricultural to Commercial.

DATED at Winterset, Iowa, this 18th day of December, 2018.

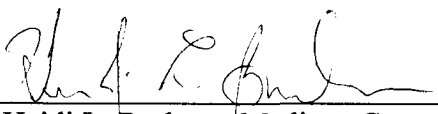


Phil Clifton, Chairman

Aaron Price, Supervisor



Robert Duff, Supervisor

Attest: 

Heidi L. Burhans, Madison County Auditor

Application for Ordinance Amendment
or District Change

For ordinance amendments, the applicant must submit text for recommended change. For district changes, the applicant must submit a survey if the proposed district boundary is not described in terms of an aliquot part(s). Additional information will be required upon request of the Zoning Commission, Board of Supervisors or Board of Health. In addition, please attach any other information that you believe will be helpful in reviewing your application.

Please Print All Information.

First Name <i>Shirley</i> Last Name <i>Givart, President</i>		First Name _____ Last Name _____	
Company Name <i>Country Haven Guest Homes Ltd</i>		Company Name _____	
Address <i>2490 Prairieview Ave</i>		Address _____	
City <i>Winterset</i> State <i>IA</i> Zip <i>50213</i>	City _____ State _____ Zip _____		
Phone Number (area code) <i>515-483-5172</i> Fax or E-mail _____ Cell Phone _____	Phone Number (area code) <i>515-480-3037</i> Fax or E-mail _____ Cell Phone _____		
3. Type of Request ☐ Environmental Health Amendment ☐ Zoning Amendment ☒ Zoning District Change	4. Legal Description (For district change only) <i>Parcel # 520101566030000</i> <i>3A SWPT SW SW T75N R27W Section 15</i> <i>2490 PRAIRIEVIEW SCOTT TOWNSHIP</i>		
Current Zoning District <i>Agricultural</i>		Proposed Zoning District <i>Commercial</i>	
See ATTACHED			

Applicant Signature: <i>Shirley Givart, President</i>	Date: <i>11-7-18</i>
Owner Signature (For district change only, unless same as applicant):	Date:

RECEIVED
NOV 16 2018
BY: *CJ*

Bitter End - Old School Choppers, Inc.
1425 Metro East Drive, Unit 108
Pleasant Hill, IA 50327

Business Plan for Use of Building:

2490 Prairieview Ave Winterset, IA

Background on Bitter End – Old School Choppers, Inc.

FEIN: 20-4292421

Year Established: 2003 in Scottsburg IN

Business Type: Corp-S

Years in Business: 15

Number of Employees: 1 Full-Time (Owner), 2 Part-Time (Product Designer, Mail Order Clerk)

Projected Annual Revenue for 2018: \$400,000

Business Class: Automotive (motorcycle) parts mail order, 95%+ through internet sales. **Please note:** We do not offer motorcycle repair and service and do not have a parts showroom.

Retail Traffic: We have very little on site retail walk-in traffic, which currently averages only 2 to 3 people per week at our current Pleasant Hill location. We anticipate this will decline to 1 to 2 people per week due to the remote location of the building in Winterset.

Revenue Generation: We receive the majority of our revenue thru sales on our eBay Store, bitterendoldschoolchoppers, where we currently offer over 5,000 unique items. We ship worldwide on a daily basis. We also have a website, which does a smaller percentage of our revenue and also take orders over the phone.

Anticipated vehicle traffic:

UPS – twice per day – morning delivery, afternoon pick-up

FedEx – once or twice per week for delivery – few of our suppliers use FedEx

USPS – once per day – delivery and pick-up during same stop

DHL – once or twice per month – only used occasionally for large international shipments

Retail walk-in traffic – 1 to 2 people per week based on history at current location in Pleasant Hill and anticipated decline due to remoteness of location of Winterset building

Freight (Semi Truck/Trailer) – None.

General Nature of Use of Building:

Warehousing/Product Storage, Product Development, and Mail Order Fulfillment

Detailed Use of Building (by room) for Operations:

Entry/Lobby – Drop-off and pick-up of parcels by UPS and USPS

Great Room – Product Development and Order Packing

2nd Floor Above Great Room – Living quarters for Manager/Owner

Office/Front Entrance – Manager/Owner's office and front entrance

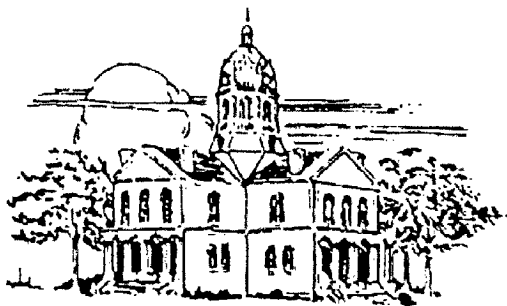
Kitchen – Employee break room

Building Mechanical room – Building mechanical maintenance and monitoring

2 rooms of previous rest home residential wing – bedrooms for owner's 2 daughters at 2 weekends per month only.

Residual rooms (previous rest home residential wing):

- One Exercise, weight room for employees
- Product storage and warehousing
- Product photography studio
- Office for Part-Time employee(s)



Courthouse at Winterset
Madison County, Iowa
Built in 1876 of native limestone.

Madison County Office of Zoning and Environmental Health

C.J. (Jeff) Nicholl, Zoning Administrator

ZONING ADMINISTRATOR REPORT AND RECOMMENDATION

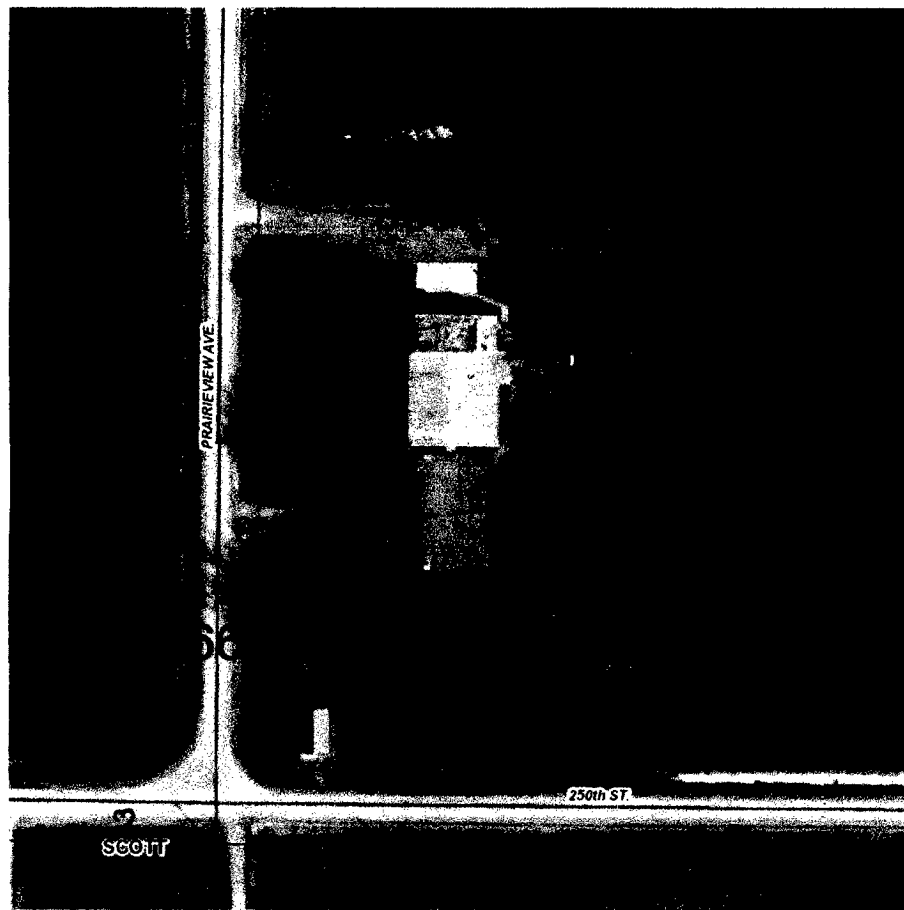
APPLICANT: Country Haven Guest Homes LTD/ Bitter End-Old School Choppers Inc.

PROJECT LOCATION: 2490 Prairieview Ave., 3A SW PT SW SW Section 15 Scott Township,

REQUEST: Rezoning from A-Agricultural to C-Commercial to allow a motorcycle parts internet/mail order business.

CURRENT ZONING: A-Agricultural

SITE MAP



BACKGROUND/PROJECT DESCRIPTION:

- The property is currently zoned “A” Agricultural and is 3 acres
- Madison County Zoning Regulations require “C” Commercial zoning for this use.
- The area is accessed from an existing entrance on Prairieview Ave. The property is bordered by 250th Street on the south.
- The applicants propose to reside at this location as well as operate an internet based mail order type business and utilize space as warehousing/product storage and product development.
- The tract contains a structure previously used as a multi residential structure.
- The main structure is 7124 sq. ft. with numerous rooms. This space will become the entry/lobby for drop off and pick up of parcels, an area for product development and packing, office space for the manager/owner, office space for part time employees, product storage and warehousing, an exercise/weight room and photography studio.
- Two additional rooms will be used as bedrooms.
- There is a 1344 sq. ft. “mezzanine” that will be converted to and used as living quarters for the manager/owner.
- Madison County has no records of a septic system installed at this facility.

APPLICABLE REGULATIONS:

- Madison County Zoning Regulations:
- Section 11, - Commercial District-Subsection A-2 (a)(ii)

ANALYSIS / STAFF COMMENTS:

- **COMPREHENSIVE PLAN:** This business seems to be a fit in either a location inside or near city limits, but also to a location in the rural area. It is located along and adjacent to county roads providing transportation access but will not impede traffic flow. It is located away from residential development. The applicant has demonstrated the business is sustainable and therefore there is a need. These factors demonstrate it meets the criteria noted in the Comprehensive Plan which is designed to give a broad scope of goals and objectives. Therefore, staff feels the request is consistent with the Madison County Comprehensive Plan and no conflicts have been identified.
- **TRAFFIC AND ACCESS:** Access to the subject property is from Prairieview Ave.
- **OTHER AGENCY REVIEW/COMMENTS:** The notice of this request was sent to departments that may have an interest. At the time of this recommendation, no comments have been received. I have conferred with the MC Environmental Health Department and have reviewed the files related to the property.
- **PUBLIC NOTIFICATION AND PUBLIC COMMENTS:**
- Notice of the public hearing for this application was published as required and notification letters were sent to property owners within 500 feet of the subject property.

GENERAL COMMENTS:

- Upon approval of the rezoning request, a Madison County Business Use Permit will be required prior to the proposed operation beginning.
- Applicants must have a compliant POWTS approved and installed prior to occupation and operation.
- Any manmade improvements to the site and all activities occurring on the site must meet the rules and regulations of all local, state and federal requirements.
- Building Permits are required for any additional structure constructed.
- Although development is encouraged to locate within city limits, there are certain conditions where it may be considered appropriate in rural areas, staff feels this request does adhere to the Comprehensive Plans goals and objectives.

STAFF RECOMMENDATIONS:

- Providing all stipulations are met, staff recommends APPROVAL of the rezoning request

REASON FOR STAFF RECOMMENDATION:

As proposed, the request is consistent with the Madison County Comprehensive Plan with no conflicts identified. The proposed development will conform to applicable Madison County Zoning regulations. Staff has identified no effects from the proposal which would result in a significant detrimental impact on adjoining or neighboring properties. Staff has not received any comments from the public regarding the request.

Respectfully submitted,



C.J. Nicholl
Zoning Administrator

APPLICABLE ORDINANCE SECTIONS:

MADISON COUNTY COMPREHENSIVE PLAN

The Madison County Comprehensive Plan contains the following:

3. Commercial and Industrial Land Use
 1. Encourage commercial and industrial development within incorporated areas utilizing municipal water, sewer, and utilities where they are capable of supporting such activities.
 2. It is recognized that certain commercial and industrial activities by their very nature must be located in sparsely populated areas or near the agricultural community. Those activities may be located in the rural area provided:
 - a. They do not impede the traffic flow upon major roads and intersections.
 - b. Transportation access is provided.
 - c. They are removed from residential development.
 - d. It can be shown that there is a recognized need for such development.

Goals

- To ensure orderly and efficient growth and development in order to prevent future conditions of distress, preserving natural human and economic resources, and conserving land resources
- To ensure a suitable living environment for all families, present and future, living in Madison County by promoting economic, industrial, and agricultural development
- To encourage communication among other units of government and the general public.
- To recognize the rural character and the high quality of life in Madison County, and to encourage the preservation of that desired status.
- To maintain an ongoing planning process in which public input is considered an important element.
- To maintain the existing air, water, and land quality through thoughtful consideration of various land use impacts and appropriate control measures to minimize effects upon the environment.
- To encourage the development standards for residential acreage developments and other non-farm developments.
- Discourage development within flood plains and other environmentally sensitive areas such as, wetlands, native prairies, severe slopes and heavily forested areas.

APPLICABLE ORDINANCE SECTIONS: (continued)

SECTION 11 – COMMERCIAL DISTRICT REGULATIONS

The “C” Commercial District is one of neighborhood and general retail and customer service uses designed to be compatible with each other and nearby residential districts. The following regulations and the “General Regulations” contained in Section 8 shall apply in the “C” Commercial District.

A. Principal Permitted Uses.

1. Any use permitted in the "R" Residence District.
2. Any retail business or service establishment supplying commodities or performing services such as the following:
 - a. Automotive Service:
 - i) Filling Station (See Section 13)
 - ii) Tires and Auto Accessory Store
 - iii) Public Parking
 - iv) Repair Garage
 - b. Business Service:
 - i) Bank
 - ii) Loan Office
 - iii) Professional or Commercial Office Travel Bureau
 - iv) Real Estate Office
 - c. Clothing Service:
 - i) Apparel Shop
 - ii) Clothes Cleaning Pickup Station
 - iii) Costume Rental
 - iv) Diaper Service
 - v) Shoe Sales or Repair
 - vi) Tailor and Hat Cleaning or Repair Shop
 - d. Equipment Service:
 - i) Household Appliances
 - ii) Phono-Record Shop or Photographic Shop.
 - e. Food Service:
 - i) Caterer
 - ii) Drugstore
 - iii) Fruit and Vegetable Store
 - iv) Grocery
 - v) Meat Market
 - vi) Restaurant
 - vii) Tea Rooms
 - f. General Retail Service:
 - i) Bird or Pet Shop
 - ii) Book Store
 - iii) Cigar Store
 - iv) Florist Shop.
 - v) Furrier
 - vi) Hardware
 - vii) Paint and Wallpaper Store

APPLICABLE ORDINANCE SECTIONS: (continued)

- g. Recreational Equipment:
 - i) Toy Shop
 - ii) Variety Store
 - iii)
 - h. Personal Service:
 - i) Barber Shop
 - ii) Beauty Parlor
 - iii) Cosmetics
 - iv) Masseur Salon
 - v) Optician
 - vi) Reducing Salon
 - i. Amusement Enterprises:
 - i) Billiard Halls.
 - ii) Bowling Alleys
 - iii) Theater (indoor)
 - j. Hotel, Motel, Private Club or Lodge.
 - k. Advertising sign or billboard provided that when the same is located within fifty (50) feet of an "R" District boundary line, it shall be affixed to or be part of a building and not extend over any street line nor project above the roof line or parapet wall. See Section 13.
 - l. Funeral Homes.
 - m. Clinics.
- 4. Drive-in eating and drinking establishments, bars and cocktail lounges, summer gardens and road houses, including entertainment and dancing; provided the principal building is distant at least one hundred (100) feet from any "R" District.
 - 5. Automobile, trailer, mobile home and farm equipment establishments for display, hire, sales and repair including sales lots; however, this paragraph shall not be construed to include automobile, tractor, machinery or similar wrecking and used parts yards.
 - 6. Theaters: provided that for drive-in theaters, the screen shall be located so as not to be visible from adjacent highways. Sufficient drive area shall be provided so that cars will not be waiting in line on any public right-of-way or otherwise create a hazard to vehicular movement.
 - 7. Animal hospital, veterinary clinic or kennel; but not including any exercising runway; provided any structure or area used for such purpose shall be at least two hundred (200) feet from any "R" District boundary.
 - 8. Commercial baseball fields, swimming pools, skating, golf driving ranges or similar recreational uses and facilities.
 - 9. Carpenter, plumbing, printing, sheet metal and sign painting shops, bakery, laundry, clothes cleaning and-or dyeing establishments, lumber yards and commercial greenhouses.

SECTION 18 - DISTRICT CHANGES AND AMENDMENTS

A. General

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of Supervisors may by resolution on its own action or by petition after recommendation by the Zoning Commission after Public Hearing as provided herein, amend, supplement or change the regulations, district boundaries or classifications of property, now or hereafter established by this Ordinance or amendments thereof.