

PLEASE CALL CITY HALL (546-7098) IF YOU CANNOT ATTEND

**PLANNING & ZONING COMMISSION MEETING
Tuesday, August 15, 2023, 4:15 P.M.
AGENDA**

I. CALL TO ORDER

II. ROLL CALL – DE BOER____, FLOY____, BOLLIN____, GERGENI____,
HEIDEBRINK____, SCHIPPER____, SITZMANN____

III. MINUTES

1. May 30,2023

IV. BUSINESS

1. Review Final Plat and Construction Design of Southview Industrial Park.

P&Z Action: (approving) (denying) Final Plat of Southview Industrial Park.

2. Review the Restrictive Covenants of Southview Industrial Park

P&Z Action: (approving) (denying) Restrictive Covenants of Southview Industrial Park.

City Staff comments: City staff and the Planning and Zoning commission have met to review the Preliminary Plat which was approved on 05/30/23 and after review recommended that the developer proceed to submit a final plat.

V. ADJOURNMENT

Planning & Zoning Commission Meeting
Minutes
May 30, 2023 - 4:15 P.M.

I. The regular meeting of the Le Mars Planning & Zoning Commission was called to order at 4:15 P.M. by Chairperson Bollin.

II. Roll Call: Members Present: Bollin, Floy, Schipper, De Boer, Sitzmann, Gergeni, Heidebrink.

 Members Absent: None.

 Others Present: Gaul, Vacura, D. Schipper, Bruns.

III. Minutes: Sitzmann moved, Schipper seconded the May 2, 2023, meeting minutes be approved. Ayes: All present.

IV. Business:

1. Review the Preliminary Plat of Southview Industrial Park.

City Staff has met with the developer to review the concept plan for Southview Industrial Park, and after review recommended that the developer proceed to submit a preliminary plat. Gaul reminded everyone that the trades and smaller start-up businesses want smaller lots. One lot has already been recreated for Pet Parlor. The role today is to approve the design of the preliminary plat.

Baylor Bestgen with JEO Consulting was present to discuss the preliminary design. Grading plans will prepare lots to sell, along with an 8-inch water main, an 8-inch sanitary sewer and lift station, and the paving of 22nd Ave and 34th Street, each thirty-one feet (31') wide, is estimated at three million.

Fire Chief stated the 8-inch main is good for fire hydrants and suggested the whole 34th Street and 22nd Ave paving be done at once so they don't run into a dead-end cul-de-sac or accommodations will need to be made for turn arounds.

MOTION: Sitzmann moved, Floy seconded the Preliminary Plat of Southview Industrial Park be approved. Ayes: All present.

V. Adjournment: Gergeni moved, Schipper seconded the meeting be adjourned at 4:26 P.M. Ayes: All present.

Dennis Bollin, Chairperson

Jan Feller, City Clerk

EXHIBIT A
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

WHEREAS, the City of Le Mars is the owner of certain real estate known as Southview Industrial, in Le Mars, Plymouth County, State of Iowa, and

WHEREAS, said owner adopts certain restrictive covenants governing the use of said property to preserve the general nature of the property, to prevent nuisances, and to maintain a desirable atmosphere for present and future owners of the property, and

WHEREAS the legal description of the property which is subject to the restrictive covenants hereinafter set forth shall include the following:

Southview Industrial Park, in Le Mars, Plymouth County, Iowa.

NOW THEREFORE, in consideration of the best interests of the current owners and future developers of said property and in further consideration of the prospective sale of said property and the best interest of all future purchasers, it is hereby agreed that the following restrictive covenants shall attach to the real estate described hereinabove and said covenants are hereby imposed upon any subsequent owners and occupants of the property as fully and effectively as if they are contained and set forth in each separate deed of conveyance or other document conveying any interest in said property and, once recorded in the office of the Plymouth County Recorder, said covenants shall run with the land until or unless they are specifically released or amended as provided herein:

1. All legitimate business uses conducted by any owner or possessors of lots within Southview Industrial Park, in Le Mars, Plymouth County, Iowa, shall conduct those business uses within enclosed building or within an open area on the lot which is enclosed by a fence or wall.
2. All legitimate business uses which necessitate open storage of product shall be concealed with a fence or wall eight (8) feet in height. No more than twenty percent (20%) of the lot or track shall be used for open storage.
3. Under no circumstances shall any lot be used for the following:
 - A. Auto wrecking or similar storage or salvage.
 - B. Junkyard or similar storage or salvage.
 - C. Bulk storage of oils, petroleum or similar flammable liquids, chemicals, or explosives.
 - D. Extraction of raw mineral materials.
 - E. Uses creating danger to community health or safety.
 - F. Uses in violation of local zoning ordinances including but not limited to uses creating offensive noise, vibration, smoke, fire, dust, link, odors, heat or glare, or toxic byproducts.
4. If after expiration of two (2) years from the date of delivery of the deed from the City of

Le Mars, conveying any property lying within the aforementioned addition, any grantee or assign shall not have begun in good faith the construction of a permanent building upon said site, the City of Le Mars shall have the option to repurchase the property for the original purchase price and enter into possession thereof. This option to repurchase must be exercised in writing within one (1) year after the expiration of the two (2) year period following delivery of the deed referred above. Closing of the repurchase shall take place within sixty (60) days after the exercise of the option to repurchase and shall be at a location designated by the City of Le Mars, or its successors. Provided, however, anything in this article to the contrary notwithstanding, the City of Le Mars, its successors, or assigns, may extend in writing the time in which said construction may be begun and such repurchase right exercised. In the event of a repurchase, the grantor shall convey the property by warranty deed subject only to those encumbrances specified in the original conveyance from the City of Le Mars. Taxes for the year in which the reconveyance occurs shall be prorated to the date of reconveyance.

5. All parking surfaces and drives within the park will be constructed of Portland or asphalted concrete cement.
6. Any or all storm drainage off a developed lot shall be controlled by the lot possessor on site along lot lines to public roadway ditches or public waterways.
7. The City of Le Mars sanitary sewer system will extend sewer to the addition and therefore private septic sewer systems will not be allowed.
8. The City of Le Mars public water system has extended potable water to the addition and therefore private water wells will not be allowed.
9. Developer, City of Le Mars, will not provide natural gas access.
10. Developer, City of Le Mars, will not provide cable TV access.
11. All provisions of the City of Le Mars Code of Ordinance Chapter 167 (Zoning Regulations) shall apply including Chapter 167.14 (I-3 Heavy Industrial District.) Lot owners or possessors may report to planning and zoning commission any conditional uses which would then be reviewed by the City Council and would require a public hearing by the City Council regarding the location, nature, plan, and statements of the use. Such conditional uses would not be allowed without expressed permission of the Zoning Commission and City Council.

DATED this ____ day of _____, 2023.

CITY OF LE MARS, IOWA

BY: _____
Rob Bixenman, Mayor

ATTEST:

Jan Feller, City Clerk

STATE OF IOWA; COUNTY OF PLYMOUTH; SS:

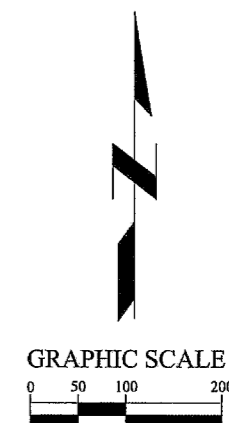
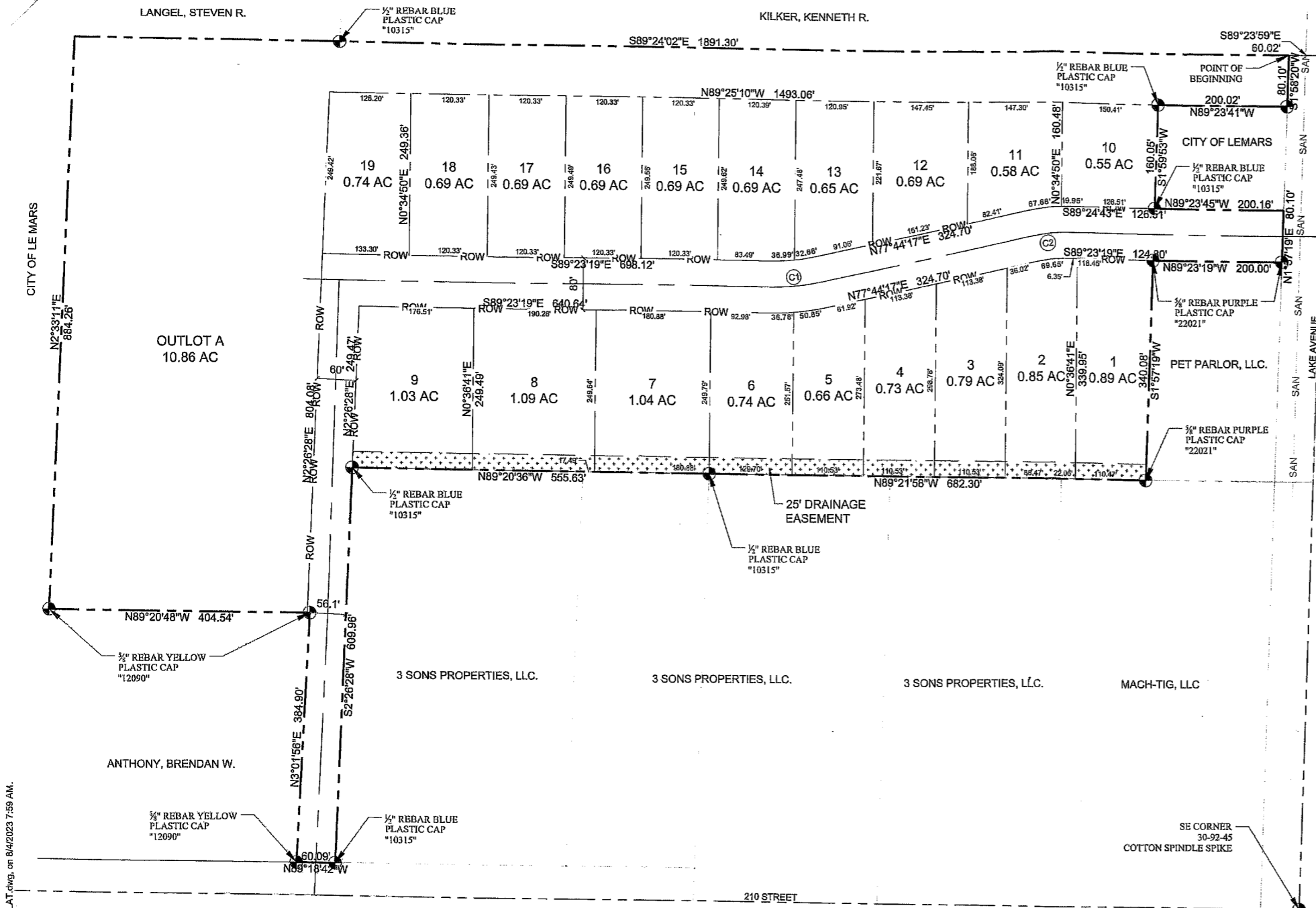
THIS RECORD acknowledged before me this _____ of September, 2020, by ROB BIXENMAN and JAN FELLER as Mayor and City Clerk, respectively, of the CITY OF LE MARS, IOWA.

REVISIONS

DATE: 07/24/2023
PROJECT NO.: 190998
DRAWN BY: CLM
REVIEWED BY: TMM
FILE NAME:

FINAL PLAT

SHEET



LEGEND

+++++ DRAINAGE EASEMENT

LEGEND

- MONUMENT FOUND
- MONUMENT SET
- CALCULATED POINT
- D DEEDED DISTANCE
- G GOVERNMENT DISTANCE
- M MEASURED DISTANCE
- P PLATTED DISTANCE
- R RECORDED DISTANCE
- Y.P.C. YELLOW PLASTIC CAP
- O.P.C. ORANGE PLASTIC CAP
- R.P.C. RED PLASTIC CAP

CURVE DATA TABLE						
CURVE #	LENGTH	RADIUS	DELTA	TANGENT	CHORD BEARING	CHORD LENGTH
C1	78.64'	350.00'	012°52'24"	39.49'	N84°10'29"E	78.47'
C2	78.64'	350.00'	012°52'24"	39.49'	S84°10'29"W	79.47'