

PUBLIC INFORMATION NOTICE

Re: Application to Rezone submitted by Spiegel Family Realty Co. Iowa LLC ("Spiegel Family, LLC")
Parcel No.'s: 1403376001 and 1403300004
Request to Re-Zone from A-1 "Agricultural" to M-2 "Heavy Industrial"
(Current Use: Rock Quarry)

The purpose of this notice is to provide as much transparency as possible so as to avoid misunderstandings and misinformation in reference to the Spiegel Family LLC request to re-zone its property, generally described above, from A-1 Agricultural to M-2 "Heavy Industrial" and to obtain a Conditional Use Permit to allow the property to be used as a quarry. This notice will provide background, a description of process, Council April 7th Work Session discussion notes, and next steps

The Spiegel Family, LLC owns property on which they operate a Quarry. This Quarry is currently licensed and registered through the Iowa Department of Agriculture and Land Stewardship as required by the Iowa Code and Iowa Administrative Code. (License #700 and mine registration is 31044) The Quarry has been operated by the Spiegel Family, LLC for a number of years and used for purposes of development by the Spiegel Family, LLC. It is the City's understanding that the rock, gravel, minerals, etc. have never been quarried and/or sold or used by any entity other than Spiegel Family, LLC or related entity.

Due to complaints of residents generally tied to heavy truck traffic and blasting related to quarry operation, City staff reached out to representatives of Spiegel Family, LLC to discuss. During City staff review it was determined that the quarry was impermissibly located in an A-1 Zoning District as opposed to the required M-2 Zoning District. In addition, it was determined that the quarry, to exist and operate in an M-2 District, must also be issued a Conditional Use Permit. All of this was discussed with Spiegel Family, LLC representatives, who immediately took the required steps to apply for a change in zoning from A-1 to M-2 and to obtain a Conditional Use Permit to allow for the use of the property as a quarry.

To change zoning from A-1 to M-2 requires review by the Planning & Zoning Board followed by a recommendation for or against to the Council. The Council, upon receipt of the recommendation, shortly thereafter sets the matter for a public hearing. After the receipt of comment, if any, at the public hearing the Council may then, at that meeting or at a later meeting, take up consideration of the requested change in zoning by the consideration of an Ordinance to approve the request. Normal procedures require that Ordinances be given consideration at three separate Council meetings before final approval. The Council will hold the required Public Hearing on Tuesday April 12, 2022, at 6:00 p.m. in City Council Chambers. The public is welcome to attend and comment. The Council may or may not introduce and consider approval of the first reading of an Ordinance to change the zoning after the public hearing.

During the April 7th work session, the Council discussed the pending application, the recommendation of the Planning & Zoning Board to change the zoning classification from A-1 to M-2, and the public hearing set for the 12th. During a work session the Council does not take action, but merely discusses what lies ahead and their thoughts on those matters. During the Council discussion on April 7th, they identified the following issues/thoughts, not intended to be an all-inclusive list, with regard to the rezoning request. The Quarry is in operation at the present and has been for some time. The Quarry is licensed and permitted as required by law. The Spiegel Family, LLC has provided information to the Council showing that their intended plan for the "quarry property" is residential use, that the operation of the quarry is not intended to be long-term. That the City Comprehensive Plan calls for the "quarry property" to be residential use. That the City Council does not see the Comprehensive Plan being changed to provide for

M-2 use in that area. That the City has other properties identified for M-2 and/or Commercial use. That Residential use of the property is best suited in light of adjacent properties and community planning.

Based upon the above discussion points, the Council, in recognition of the fact that they were also looking forward to public comment on the 12th, discussed the following potential resolution of the requested re-zoning request. Re-zone the property from A-1 to M-2 with the following restrictions or covenants. The rezoning would be temporary (two (2) years was discussed) and tied to the current owner. The zoning would revert to A-1 if Spiegel Family, LLC sold, leased, or assigned the property to another person or entity. The property would revert to A-1 zoning at the conclusion of the temporary term absent a request by the Spiegel Family, LLC, and agreement by the City to extend the M-2 zoning for an additional period of time. (The City would follow the regular re-zoning process at that time should such a request come in.) The M-2 Zoning change would only allow the "quarry" use, no additional M-2 use or other business use would be allowed or permitted on the property. That if the Board of Adjustment denies the Conditional Use Permit, described below, the zoning classification would automatically revert to A-1.

As noted above, the next step in the process is the April 12th Public Hearing. After the hearing, the Council will, either at that meeting or a follow-up meeting, consider the first reading of the Ordinance to change the zoning classification of the property with or without the conditions or restrictions noted above, or others. The Council will take up the Ordinance on two more occasions and if approved will then publish the Ordinance after which it will take effect.

At some point during consideration or after approval of the Re-Zoning request, the Board of Adjustment will take up the request to allow the property to be used for "Quarry" purposes. The Board of Adjustment will schedule a hearing on that request, hold the hearing, and thereafter issue a written decision, granting or denying the Conditional Use Permit. Their decision is final, not subject to City Council concurrence or confirmation, but subject to an appeal by any party, with said appeal being to the District Court.

Final review and consideration of the re-zoning request and Conditional Use Permit will bring this matter to a close.