

SHELDON PLANNING & ZONING COMMISSION

Wednesday, March 25, 2020

4:00 p.m.

City Council Chambers

Agenda

0. Call to Order, Roll Call.
1. Approve minutes of November 14, 2019.
2. Consider rezoning of 301 34th Ave (Crossroads Pavilion) and lot to the north (Sheldon Crossing Plat 1 – Parcels A & B of Outlook X) from Agriculture to Arterial Commercial (AC) – Application by City of Sheldon and Sheldon Chamber & Development Corp.
3. Consider amendment the City of Sheldon Zoning code by deleting subsection 20.3(4)(j) pertaining to signs in the Business Park (BP), Arterial Commercial (AC), Light Industrial (LI), Heavy Industrial (HI), and Agriculture (AG) districts and replacing subsection “j” as “reserved for future use”; and, to repeal subsection 26.4(4) and replace in lieu thereof a new subsection 26.4(4) pertaining to procedures of Board of Adjustment in granting a special exception.
4. Consider rezoning of western 115’ of 1401 S 2nd Ave (former Sunset Motel) from Arterial Commercial (AC) to Residential Multiple (RM) the remainder from Commercial Residential (C1) to Mobile Home District (MH) – Kerwin & Kathy Sterler.
5. Other Comments and City Manager’s report.
6. Adjourn.

City of Sheldon

Planning & Zoning Commission Report for Wednesday, March 25, 2020 4:00 p.m. in City Council Chambers

1. Approve minutes of November 14, 2019.

Attachments: Minutes of November 14, 2019.

Background: None.

2. Consider rezoning of 301 34th Ave (Crossroads Pavilion) and lot to the north (Sheldon Crossing Plat 1 – Parcels A & B of Outlook X) from Agriculture to Arterial Commercial (AC) – Application by City of Sheldon and Sheldon Chamber & Development Corp.

Attachments: Rezoning application; Zoning map.

Background: The applicants, Sheldon Chamber and Economic Development Corporation (SCDC) and the City of Sheldon are requesting a rezone of the Crossroads Pavilion lot (Parcel # 0050050002 – 301 34th Ave) and the lot to the north (Parcel # 0050050001) from Agricultural to Arterial Commercial to “provide for uniform development in this commercial business park. All other development in this vicinity is commercial development”. This also conforms with current use of the Crossroads Pavilion property and facilitates future commercial development to the north of the Crossroads Pavilion. Note: For the sake of simplicity, Items 2 and 3 on this agenda are combined in the same amendment – they are unrelated matters.

3. Consider amendment to the City of Sheldon Zoning code by deleting subsection 20.3(4)(j) pertaining to signs in the Business Park (BP), Arterial Commercial (AC), Light Industrial (LI), Heavy Industrial (HI), and Agriculture (AG) districts and replacing subsection “j” as “reserved for future use”; and, to repeal subsection 26.4(4) and replace in lieu thereof a new subsection 26.4(4) pertaining to procedures of Board of Adjustment in granting a special exception.

Attachments: Ordinance amendment.

Background: This cleans up to code issues which have been present since the adoption of the Zoning ordinance in 2010.

Section 20.3(4)(c) states: Off-premise (billboard type) signs are permitted, and will be limited to one hundred (100) square feet, and must not impair sight distance or create a traffic hazard. Off-premise signs shall comply with the setbacks and height requirements of the district they are located in. Other bulk regulations do not apply. Off-premise signs are governed by State and Federal regulations along highways, where zoning exists. Off-premise sign shall not be allowed in Agricultural Districts.

Section 20.3(4)(j) states that “Off-premises signs and flashing or lighted signs are not permitted.”

This ordinance amendment removes the conflicting wording in 20.3(4)(j).

The 2nd part of the ordinance amendment makes clear that the threshold for granting a Special Exception is 4 votes – the same as the threshold for the variance. The current wording is:

Section 26.4(4): The concurring vote of three members of the Board of Adjustment grants a special exception use permit. No order of the Board of Adjustment granting a special exception use permit shall be valid for a period longer than six (6) months from the date of such order, unless the Board of Adjustment specifically grants a longer period of time or a zoning permit is obtained within the six (6) month period and construction is commenced.

The proposed new language is:

Section 26.4(4): The concurring vote of four (4) members of the whole Board of Adjustment is required to grant a special use permit, even in the event of absentee members or conflicts of interest. No order of the Board of Adjustment granting a special exception use permit shall be valid for a period longer than six (6) months from the date of such order, unless the Board of Adjustment specifically grants a longer period of time or a zoning permit is obtained within the six (6) month period and construction is commenced.

Note: For the sake of simplicity, Items 2 and 3 on this agenda are combined in the same ordinance amendment – they are unrelated matters.

4. Consider rezoning of western 115' of 1401 S 2nd Ave (former Sunset Motel) from Arterial Commercial (AC) to Residential Multiple (RM) the remainder from Commercial Residential (C1) to Mobile Home District (MH) – Kerwin & Kathy Sterler.

Attachments: Rezoning application and purchase offer.

Background: The applicants, Kerwin & Kathy Sterler, are requesting a rezone of the former Sunset Motel property (1401 S 2nd Ave – Parcel # 0046370000), so that the western 115 feet of the following real estate is zoned as Residential Multiple (RM) and the remainder of the following real estate is zoned as Mobile Home District (MH). The western 115 feet is currently zoned Arterial Commercial (AC), and the remainder is zoned Commercial Residential (C1). The property is currently owned by the City, and the City Council has indicated their support for this proposal by approving a real estate contract with the Sterlers on March 4, 2020. The acquiring party is current in a “due-diligence” period. All parties recognize the Planning & Zoning Commission cannot be committed to a certain course of action. The rezoning is encouraged to facilitate redevelopment of the property in the manner presented to the City Council by the Sterlers.

Note: While the first two items on this agenda were combined in the same ordinance amendment, this item is separated just in case the property transfer from the City to the Sterlers doesn't proceed.

The Sheldon Planning & Zoning Commission met on Thursday, November 14, 2019 at 4:00 p.m. Members present were: Jay Schemper, Tom Fuoss, Mark Kleinwolterink, Tim Pottebaum, Bailey Elgersma, Fred Grein and Chris Nuckols. Absent: Dennis Vanden Hull. Also present: Sam Kooiker (City Manager), Todd Uhl (Public Works Director), Curt Strouth (Chamber Director), Tammy Vander Veen, Lora Meendering and Patricia Meester.

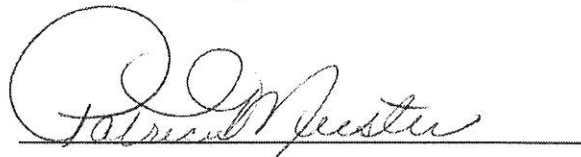
A motion was made by Tim Pottebaum and seconded by Tom Fuoss to approve minutes of October 9, 2019. Roll call taken, Ayes All. Motion Carried.

Kooiker presented the consideration for rezone of 1220 S. 2nd Avenue from Heavy Industrial (HI) to Arterial Commercial (AC), since Meendering & Vander Veen's plan is to renovate this location to house a brewery and a coffee shop with two 2nd level living areas. Heavy Industrial will not allow for this. Curt Strouth also stated that he felt it would be a good fit for Sheldon. Meendering stated that "We think it would be a great way to restore the building and the vision for revitalizing old 60.

Motion by Grein and seconded by Pottebaum to approve the rezoning of 1220 S. 2nd Ave from Heavy Industrial to Arterial Commercial. Ayes, All, motion carried Now this item will go to the City Council for a public hearing and up to three ordinance readings.

A motion was made by Nuckols and seconded by Pottebaum to approve allowing special exception for second floor apartments in Arterial Commercial. Ayes all, motion carried. Also, to go before the City Council for public hearings with up to three ordinance readings.

Chairman Kleinwolterink motioned to adjourn at 4:23 p.m. All Ayes, motion carried.

A handwritten signature in cursive script, reading "Patricia Meester", is written over a horizontal line.

Patricia Meester, Deputy Clerk

CITY OF SHELDON
PETITION FOR REZONING

We (I), the undersigned, owner(s) of the property described in paragraph 1 below, do hereby respectfully petition the Sheldon Planning & Zoning Commission and the Sheldon City Council to amend the present Zoning Classification as hereinafter designated, and in support thereof, the following facts are presented:

Any additional sheets and/or documents should be attached as necessary.

1. That the area to be rezoned is contained in the following legal description:

Sheldon Crossing Plat 1 - Parcels 'A' and
'B' of outlook X.

2. That it is requested and desired that the foregoing property be rezoned from: AG district to the AC district.

3. That the reasons for requesting the change are as follows:

To provide Uniform Development in this
development Park. All other development is
currently commercial development.

4. That in addition to this request for rezoning, there is also attached a plat and an abstractor's certificate, specifically identifying the proposed property to be rezoned.

PETITIONERS:

Curt Strouth
SCDC

1/28/20
Date

Note: All applicable filing, notification, and publication fees must be paid before a meeting before the Planning & Zoning Commission or a Public Hearing before the City Council will be held.

~~~~~  
For Office Use Only

Date Received: \_\_\_\_\_ Filing Fee Paid: ☐ yes ☐ no \_\_\_\_\_ Amount

Notification and Publication Fees Paid: ☐ Yes ☐ No \_\_\_\_\_ Amount

Decision of the Sheldon Planning & Zoning Commission: Recommend ☐ Yes ☐ No

**INDEX LEGEND**

Location: Part of Outlot X, Plat of Sheldon Crossing Plat 1, also referred to as Parcel 'E' in the NW 1/4 and the SW 1/4 of Sec. 33-97-42.

Requestor: City of Sheldon

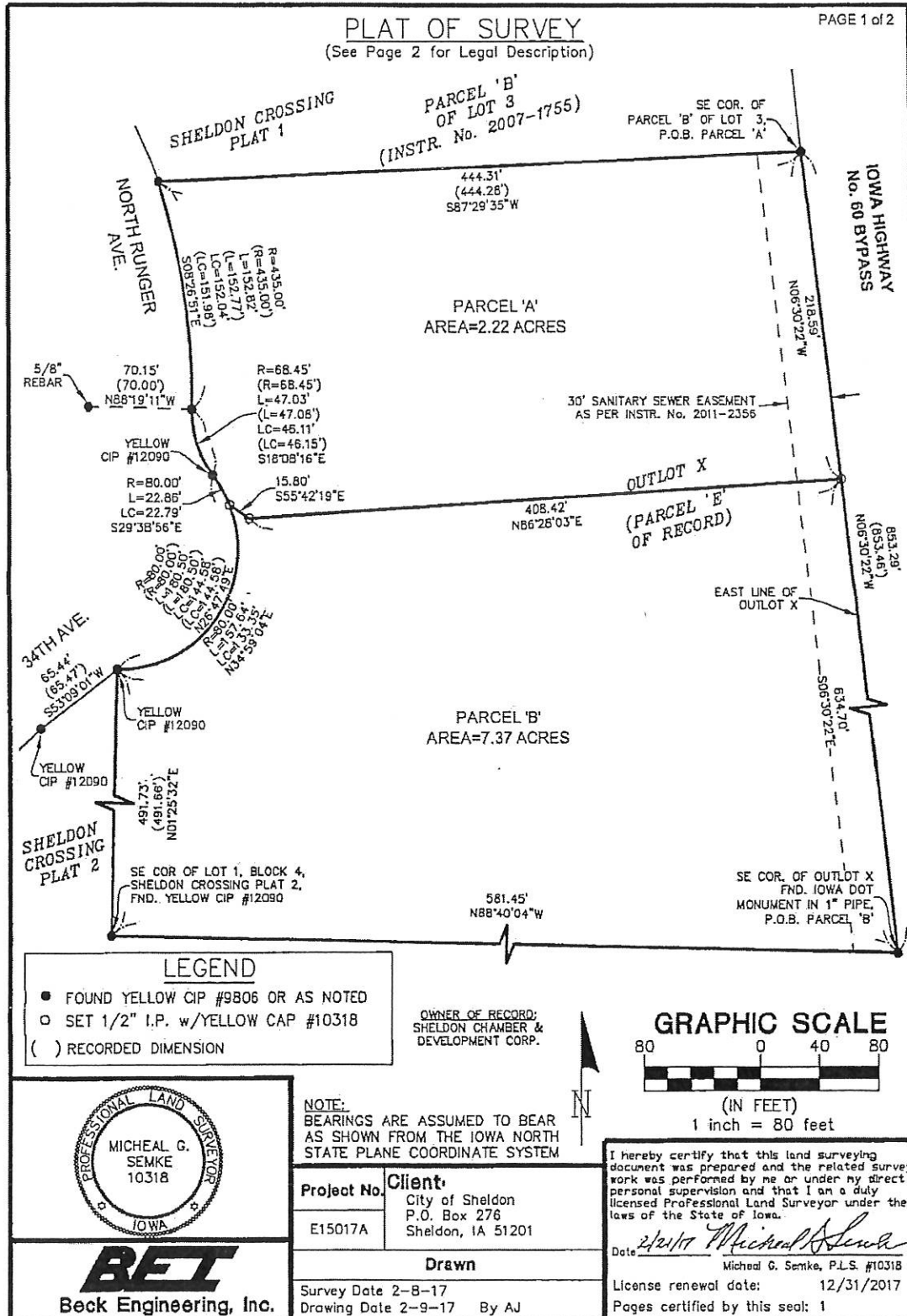
Proprietor: Sheldon Chamber & Development Corp.

Surveyor: Micheal G. Semke, P.L.S. #10318

Surveyor Company: Beck Engineering, Inc.  
3301 Zenith Avenue, PO Box 238  
Spirit Lake, Iowa 51360  
www.beck-engineering.net

Return To: bbeck@beck-engineering.net | (712) 336-3596

O'BRIEN COUNTY RECORDER:  
SUSAN SMITH  
Instrument #2017-0562  
03/13/2017 08:36 AM  
PS PLAT OR SURVEY  
Book: PS 5 Page: 604 # Pages: 2  
Total Fees: \$12.00



| INDEX LEGEND      |                                                                                                                                  |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Location:         | Part of Outlot X, Plat of Sheldon Crossing Plat 1, also referred to as Parcel 'E' in the NW 1/4 and the SW 1/4 of Sec. 33-97-42. |
| Requestor:        | City of Sheldon                                                                                                                  |
| Proprietor:       | Sheldon Chamber & Development Corp.                                                                                              |
| Surveyor:         | Michael G. Senke, P.L.S. #10318                                                                                                  |
| Surveyor Company: | Beck Engineering, Inc.<br>3301 Zenith Avenue, PO Box 238<br>Spirit Lake, Iowa 51360<br>www.beck-engineering.net                  |
| Return To:        | bbeck@beck-engineering.net   (712) 336-3596                                                                                      |

## PLAT OF SURVEY

PAGE 2 of 2

Parcel 'A', that being a part of Outlot X, Plat of Sheldon Crossing Plat 1, City of Sheldon, O'Brien County, Iowa which is also a portion of what is referred to as Parcel 'E' in the Northwest Quarter and the Southwest Quarter of Section 33, Township 97 North, Range 42 West of the 5th P.M., O'Brien County, Iowa, as per Instrument No. 2004-3193 located at the O'Brien County Recorder's Office, more particularly described as follows: Beginning at the Southeast corner of Parcel 'B' of Lot 3 of said Plat of Sheldon Crossing Plat 1; thence South 87°29'35" West 444.31 feet along the South line of said Parcel 'B' of Lot 3 to the Southwest corner of said Parcel 'B' of Lot 3; thence Southeasterly 152.82 feet along the Easterly right-of-way line of North Runger Avenue along a 435.00 foot radius curve concave Southwesterly with a chord bearing of South 08°26'51" East 152.04 feet; thence Southeasterly 47.03 feet along said Easterly right-of-way line along a 68.45 foot radius curve concave Northeasterly with a chord bearing of South 18°08'16" East 46.11 feet; thence Southeasterly 22.86 feet along said Easterly right-of-way line along an 80.00 foot radius curve concave Southwesterly with a chord bearing of South 29°38'56" East 22.79 feet; thence South 55°42'19" East 15.80 feet; thence North 86°28'03" East 408.42 feet to the East line of said Outlot X; thence North 06°30'22" West 218.59 feet along the East line of said Outlot X to the Point of Beginning, containing 2.22 acres and subject to easements and encumbrances both apparent or of record.

Parcel 'B', that being a part of Outlot X, Plat of Sheldon Crossing Plat 1, City of Sheldon, O'Brien County, Iowa which is also a portion of what is referred to as Parcel 'E' in the Northwest Quarter and the Southwest Quarter of Section 33, Township 97 North, Range 42 West of the 5th P.M., O'Brien County, Iowa, as per Instrument No. 2004-3193 located at the O'Brien County Recorder's Office, more particularly described as follows: Beginning at the Southeast corner of said Outlot X; thence North 88°40'04" West 581.45 feet along the South line of said Outlot X to the Southeast corner of Lot 1, Block 4, Plat of Sheldon Crossing Plat 2, City of Sheldon, O'Brien County, Iowa; thence North 01°25'32" East 491.73 feet along the East line of said Lot 1 to the Easterly right-of-way line of North Runger Avenue; thence Northeasterly 157.64 feet along said Easterly right-of-way line along an 80.00 foot radius curve concave Northwesterly with a chord bearing of North 34°59'04" East 133.35 feet; thence South 55°42'19" East 15.80 feet; thence North 86°28'03" East 408.42 feet to the East line of said Outlot X; thence South 06°30'22" East 634.70 feet along the East line of said Outlot X to the Point of Beginning, containing 7.37 acres and subject to easements and encumbrances both apparent or of record.



**BEI**  
Beck Engineering, Inc.

|                           |                                                      |
|---------------------------|------------------------------------------------------|
| Project No.               | Client                                               |
| E15017A                   | City of Sheldon<br>P.O. Box 276<br>Sheldon, IA 51201 |
| Drawn                     |                                                      |
| Survey Date 2-8-17        |                                                      |
| Drawing Date 2-9-17 By AJ |                                                      |

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

Date 2/21/17 *Michael G. Senke*  
Michael G. Senke, P.L.S. #10318  
License renewal date: 12/31/2017  
Pages certified by this seal: 1



ORDINANCE NO. O20-\_\_\_\_\_

AN ORDINANCE TO RE-ZONE CERTAIN PROPERTY SUBJECT TO THE SHELTON, IOWA ZONING ORDINANCE, AND TO AMEND SECTIONS 20.3(4)(j) AND 26.(4)(4) OF THE SHELTON, IOWA ZONING ORDINANCE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SHELTON, IOWA:

**SECTION 1. RE-ZONING of Parcels A and B of Outlot X in Sheldon Crossing Plat**

1. The Sheldon, Iowa Zoning Ordinance is hereby amended so that the following real estate is zoned solely as Arterial Commercial (AC), to-wit:

*That part of Outlot X, Plat of Sheldon Crossing Plat 1, City of Sheldon, O'Brien County, Iowa, which is also a portion of what is referred to as Parcel E in the Northwest Quarter and the Southwest Quarter of Section 33, Township 97 North, Range 42 West of the 5<sup>th</sup> P.M., O'Brien County, Iowa, as per Instrument No. 2004-3193 located at the O'Brien County Recorder's Office, referred to as **Parcel A** according to the Plat of Survey of Michael G. Semke, P.L.S., dated February 21, 2017, and recorded March 13, 2017, in Plat Book 5, at page 804 (Instrument #2017-0562), in the office of the O'Brien County Recorder; containing 2.22 acres and subject to easements and encumbrances both apparent or of record;*

AND

*That part of Outlot X, Plat of Sheldon Crossing Plat 1, City of Sheldon, O'Brien County, Iowa, which is also a portion of what is referred to as Parcel E in the Northwest Quarter and the Southwest Quarter of Section 33, Township 97 North, Range 42 West of the 5<sup>th</sup> P.M., O'Brien County, Iowa, as per Instrument No. 2004-3193 located at the O'Brien County Recorder's Office, referred to as **Parcel B** according to the Plat of Survey of Michael G. Semke, P.L.S., dated February 21, 2017, and recorded March 13, 2017, in Plat Book 5, at page 804 (Instrument #2017-0562), in the office of the O'Brien County Recorder; containing 7.37 acres and subject to easements and encumbrances both apparent or of record.*

**SECTION 2. ZONING MAP.** The City Clerk is hereby directed to amend the official Sheldon Zoning Map to reflect the changes hereinabove made.

**SECTION 3. RECORDING.** The City Clerk is hereby authorized, as deemed necessary, to record the foregoing amendments and additions to the Sheldon Zoning Map at the office of the Recorder of O'Brien County, Iowa.

**SECTION 4. REVISED SUBSECTION.** The current content of Section 20.3(4)(j) of the Sheldon, Iowa Zoning Ordinance is hereby deleted in its entirety and replaced with the following language, to wit:



*Section reserved for future use.*

**SECTION 5. REVISED SUBSECTION.** The current content of Section 26.4(4) of the Sheldon, Iowa Zoning Ordinance is hereby deleted in its entirety and replaced with the following language, to wit:

*The concurring vote of four (4) members of the whole Board of Adjustment is required to grant a special use permit, even in the event of absentee members or conflicts of interest. No order of the Board of Adjustment granting a special exception use permit shall be valid for a period longer than six (6) months from the date of such order, unless the Board of Adjustment specifically grants a longer period of time or a zoning permit is obtained within the six (6) month period and construction is commenced.*

**SECTION 6. REPEALER.** All sections, subsections, subparagraphs, and other parts of Sheldon, Iowa Zoning Ordinance in conflict with these amendments are hereby repealed.

**SECTION 7. SAVING CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 8. EFFECTIVE DATE.** This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

PASSED, APPROVED, AND ADOPTED, this 15th day of April, 2020.

---

Greg Geels, Mayor

ATTEST:

---

Angela Beckman, City Clerk

243

I, Angela Beckman, City Clerk of the City of Sheldon, Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. O20-\_\_\_\_\_ passed and approved by the City Council of said City at a meeting held April 15, 2020, signed by the Mayor on April 15, 2020, and published in the Sheldon Mail-Sun on \_\_\_\_\_, 2020.

---

Angela Beckman, City Clerk  
Sheldon, Iowa

## Sam Kooiker

---

**From:** Darren Bumgarner <darren.bumgarner@nwipdc.org>  
**Sent:** Friday, December 20, 2019 9:59 AM  
**To:** Sam Kooiker  
**Subject:** RE: Issue with Sheldon Zoning code

Sam,

Unfortunately Section 26.4(4) is incorrect and should state four (4) members. This section of the ordinance should be amended to reflect 4 members. To clear it up even more, the City may want to amend this section to read:

*The concurring vote of four (4) members of the whole Board of Adjustment grants a special use permit, even in the event of absentee members or conflicts of interest.*

It is unfortunate this section is in error and apparently no one noticed for 9 years. This oversight was missed by the planner who assisted the City with the zoning update, it was missed by the P & Z Commission members who would have actively participated in the update and review process, City administration at the time and by the City Attorney (if city attorney had a chance or was requested by City to review draft).

There is a conflict with sections 25.7 and 26.4.4. If the City has an immediate case in front of them due to a 4-3 vote for a special exception, then section 1.6 Conflict with Other Laws may be applicable; where the more restrictive provision would apply. In this case 4 votes needed. Definitely consult with city attorney for legal advice and how to proceed. Section 1.6 reads:

### 1.6. CONFLICT WITH OTHER LAWS.

Where any condition imposed by any provision of this ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this ordinance or by the provision of an ordinance adopted under any other law, or by provision of any Statute, the provision which is more restrictive or which imposes a higher standard or requirement shall apply.

This ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this ordinance shall govern.

Call or email should you have any other questions.

Best Regards,

Darren Bumgarner  
Northwest Iowa Planning & Development Commission  
P.O. Box 1493  
217 West 5<sup>th</sup> Street  
712-262-7225 ext. 143

**From:** Sam Kooiker <sam@cityofsheldon.com>  
**Sent:** Thursday, December 19, 2019 5:21 PM  
**To:** Darren Bumgarner <darren.bumgarner@nwipdc.org>  
**Cc:** Todd Uhl <tuhl@cityofsheldon.com>; Micah J. Schreurs <micah.schreurs@woodsfuller.com>; Meg George <Meg.George@woodsfuller.com>  
**Subject:** Issue with Sheldon Zoning code

Hi Darren,

We have a question that came up today re the thresholds for the Board of Adjustment for the votes needed for passage.

The section on Special exemptions 26.4(4) refers to 3 members, and the section on variances - 25.7(1) refers to 4 votes.

This means we have a different standard for Variances vs Special Exceptions, and it also isn't clear what happens the entire board (7 members) votes down a special exception on a 4 – 3 vote. Does it still pass under the plain reading of 26.4(4).

Thoughts on this?

Sam Kooiker, City Manager  
City of Sheldon  
416 9<sup>th</sup> Street  
Sheldon, IA 51201  
(712) 324-4651 phone  
(712) 324-4601 fax  
[sam@cityofsheldon.com](mailto:sam@cityofsheldon.com)

## OFFER TO PURCHASE

The undersigned, Kerwin and Kathy Sterler (Buyers) offer to purchase from The City of Sheldon (Owner) real estate 1023 Garfield Ave located in the City of Sheldon, County of O'Brien, State of Iowa.

The purchase price offered is \$1.

The offer is conditional upon the following terms:

1. Buyers will remove asbestos, demolish and cleanup the existing house within 5 months. We will remove and trim trees as required. (weather permitting).
2. The remaining work on property will begin as soon as possible weather permitting and transfer of title.
3. Our plan for the cleared area will be to move a house from outside of the city limits onto the property.
4. This offered is valid only with acceptance of our Sunset Motel offer. The Sunset Motel can be accepted and the Garfield property can be rejected.

Sterler Rentals  
621 26th Ave  
Sheldon IA 51201



Kerwin Sterler

A handwritten signature in cursive script that reads "Kerwin Sterler".

Kathy Sterler

A handwritten signature in cursive script that reads "Kathy Sterler".

## OFFER TO PURCHASE

The undersigned, Kerwin and Kathy Sterler (Buyers) offer to purchase from The City of Sheldon (Owner) real estate known as The Sunset Plaza Motel at 1401 2<sup>nd</sup> Ave located in the City of Sheldon, County of O'Brien, State of Iowa.

The purchase price offered is \$5000.

The offer is conditional upon the following terms:

1. (Phase 1) The Buyers agree to have the house asbestos removed, repaired and rented within 60 days from closing or as weather permits. This will keep the tax value at this location (\$87,000).
2. (Phase 2) Buyers will remove asbestos, demolish and cleanup the existing motel and garage; the old signage with posts will be removed. Numerous trees will be removed and the rest of the trees trimmed. The southeast garage will be left as storage initially, it will then be repaired or removed. The lot will be backfilled to grade. This phase should be completed in less than 5 months.
3. Our plan for the cleared area will be to expand our present rental business by the addition of up to 6 mobile homes. Along with this will be new infrastructure for each unit (the infrastructure will be completed after Phase 2). With the addition of the homes on the property, the value should increase by approximately \$150,000.

We ask for priority consideration to purchase this property as we are a directly adjacent neighbor. Both the value and the future use of this property directly affect our adjacent property values and rentability.

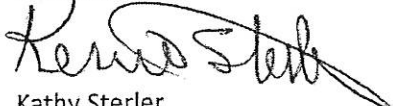
This offer supersedes all previous offers from the above said buyers.

*Sterler Rentals*

*621 26<sup>th</sup> Ave*

*Sheldon IA 51201*

Kerwin Sterler



Kathy Sterler



CITY OF SHELTON  
PETITION FOR REZONING



We (I), the undersigned, owner(s) of the property described in paragraph 1 below, do hereby respectfully petition the Sheldon Planning & Zoning Commission and the Sheldon City Council to amend the present Zoning Classification as hereinafter designated, and in support thereof, the following facts are presented:

Any additional sheets and/or documents should be attached as necessary.

1. That the area to be rezoned is contained in the following legal description:  
Attachment A

2. That it is requested and desired that the foregoing property be rezoned from: C1 (Commercial Residential) district to the mobile home park district.

3. That the reasons for requesting the change are as follows:

Converting commercial residential to  
allow for mobile home park

4. That in addition to this request for rezoning, there is also attached a plat and an abstractor's certificate, specifically identifying the proposed property to be rezoned.

PETITIONERS:

Kerwin Sterler  
Kathy Sterler

02-04-2020  
Date

Note: All applicable filing, notification, and publication fees must be paid before a meeting before the Planning & Zoning Commission or a Public Hearing before the City Council will be held.

~~~~~  
For Office Use Only

Date Received: _____ Filing Fee Paid: ☐ yes ☐ no _____ Amount

Notification and Publication Fees Paid: ☐ Yes ☐ No _____ Amount

Decision of the Sheldon Planning & Zoning Commission: Recommend ☐ Yes ☐ No

4

Legal Description for former Sunset Motel – 1401 S. 2nd Ave, Sheldon, IA.

The Southerly 97 feet in width of the Northerly 312 feet in width of Lot Five (5), except the Easterly 150 feet in width thereof, and except that part thereof conveyed to the State of Iowa by Warranty Deed recorded in Land Deed Record 53 on Page 279; and part of said Lot 5 described by metes and bounds as follows:

Commencing at a point on the Easterly line of said Lot 5, 150 feet South of the Northeast corner of said Lot, for a point of beginning; running thence Southerly along the Easterly line of said Lot 5 a distance of 162 feet; thence Westerly on a line parallel with the Northerly line of said Lot 5 a distance of 150 feet; thence Northerly on a line parallel with the East line of said Lot 5 a distance of 162 feet; thence Easterly a distance of 150 feet to the point of beginning;

All in the Subdivision of the Southwest Quarter of the Southwest Quarter (SW¹/₄ SW¹/₄) of Section Thirty-one (31) in Township Ninety-seven (97) North of Range Forty-two (42) West of the Fifth Principal Meridian, as shown by the recorded Plat of said Subdivision in the City of Sheldon, O'Brien County, Iowa;

CITY OF SHELTON
PETITION FOR REZONING

RECEIVED
RD. 5.20
JK

We (I), the undersigned, owner(s) of the property described in paragraph 1 below, do hereby respectfully petition the Sheldon Planning & Zoning Commission and the Sheldon City Council to amend the present Zoning Classification as hereinafter designated, and in support thereof, the following facts are presented:

Any additional sheets and/or documents should be attached as necessary.

1. That the area to be rezoned is contained in the following legal description:

Attachment B

2. That it is requested and desired that the foregoing property be rezoned from: AC-Arterial Commercial district to the Rm-Residential district.

3. That the reasons for requesting the change are as follows:

Converting Arterial Commercial to residential
multiple so existing house can be
left.

4. That in addition to this request for rezoning, there is also attached a plat and an abstractor's certificate, specifically identifying the proposed property to be rezoned.

PETITIONERS:

Kerwin Sterler
Kathy Sterler

02-04-2020

Date

Note: All applicable filing, notification, and publication fees must be paid before a meeting before the Planning & Zoning Commission or a Public Hearing before the City Council will be held.

~~~~~  
For Office Use Only

Date Received: \_\_\_\_\_ Filing Fee Paid: ☐ yes ☐ no \_\_\_\_\_ Amount

Notification and Publication Fees Paid: ☐ Yes ☐ No \_\_\_\_\_ Amount

Decision of the Sheldon Planning & Zoning Commission: Recommend ☐ Yes ☐ No

***Legal Description for former Sunset Motel – 1401 S. 2<sup>nd</sup> Ave, Sheldon, IA.***

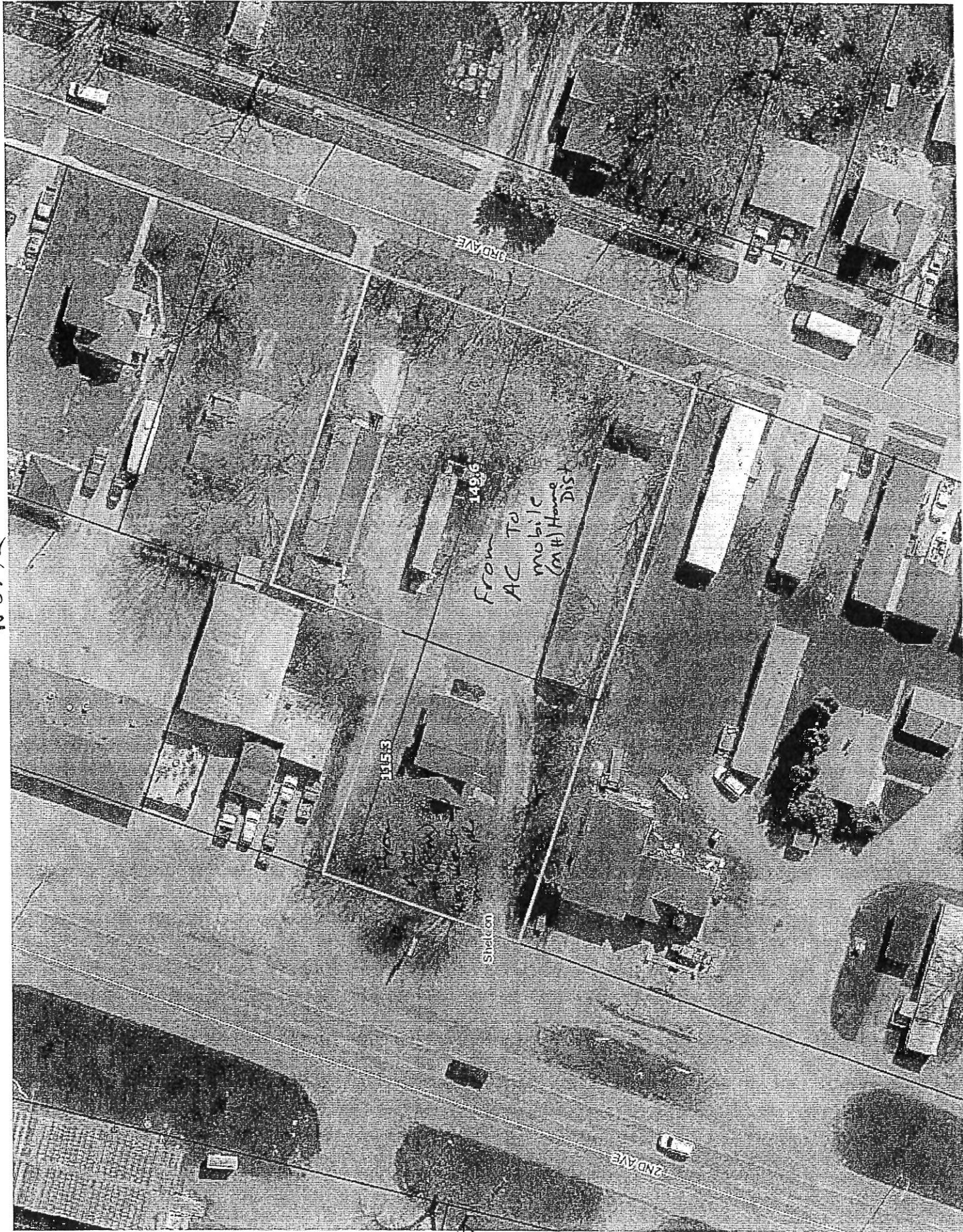
*The Southerly 97 feet in width of the Northerly 312 feet in width of Lot Five (5), except the Easterly 150 feet in width thereof, and except that part thereof conveyed to the State of Iowa by Warranty Deed recorded in Land Deed Record 53 on Page 279; and part of said Lot 5 described by metes and bounds as follows:*

*Commencing at a point on the Easterly line of said Lot 5, 150 feet South of the Northeast corner of said Lot, for a point of beginning; running thence Southerly along the Easterly line of said Lot 5 a distance of 162 feet; thence Westerly on a line parallel with the Northerly line of said Lot 5 a distance of 150 feet; thence Northerly on a line parallel with the East line of said Lot 5 a distance of 162 feet; thence Easterly a distance of 150 feet to the point of beginning;*

*All in the Subdivision of the Southwest Quarter of the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>) of Section Thirty-one (31) in Township Ninety-seven (97) North of Range Forty-two (42) West of the Fifth Principal Meridian, as shown by the recorded Plat of said Subdivision in the City of Sheldon, O'Brien County, Iowa;*

355

North



South

Wright

ORDINANCE NO. O20-\_\_\_\_\_

AN ORDINANCE TO RE-ZONE CERTAIN PROPERTY SUBJECT TO THE SHELTON, IOWA ZONING ORDINANCE

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SHELTON, IOWA:

**SECTION 1. RE-ZONING of 1401 S. 2<sup>nd</sup> Avenue, Sheldon, Iowa.** The Sheldon, Iowa Zoning Ordinance is hereby amended so that the western 115 feet of the following real estate is zoned as Residential Multiple (RM) and the remainder of the following real estate is zoned as Mobile Home District (MH), to-wit:

*The Southerly 97 feet in width of the Northerly 312 feet in width of Lot Five (5), except the Easterly 150 feet in width thereof, and except that part thereof conveyed to the State of Iowa by Warranty Deed recorded in Land Deed Record 53 on Page 279; and part of said Lot 5 described by metes and bounds as follows:*

*Commencing at a point on the Easterly line of said Lot 5, 150 feet South of the Northeast corner of said Lot, for a point of beginning; running thence Southerly along the Easterly line of said Lot 5 a distance of 162 feet; thence Westerly on a line parallel with the Northerly line of said Lot 5 a distance of 150 feet; thence Northerly on a line parallel with the East line of said Lot 5 a distance of 162 feet; thence Easterly a distance of 150 feet to the point of beginning;*

*All in the Subdivision of the Southwest Quarter of the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>) of Section Thirty-one (31) in Township Ninety-seven (97) North of Range Forty-two (42) West of the Fifth Principal Meridian, as shown by the recorded Plat of said Subdivision in the City of Sheldon, O'Brien County, Iowa.*

**SECTION 2. ZONING MAP.** The City Clerk is hereby directed to amend the official Sheldon Zoning Map to reflect the changes hereinabove made.

**SECTION 3. RECORDING.** The City Clerk is hereby authorized, as deemed necessary, to record the foregoing amendments and additions to the Sheldon Zoning Map at the office of the Recorder of O'Brien County, Iowa.

**SECTION 4. REPEALER.** All sections, subsections, subparagraphs, and other parts of Sheldon, Iowa Zoning Ordinance in conflict with these amendments are hereby repealed.

**SECTION 5. SAVING CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.



**SECTION 6. EFFECTIVE DATE.** This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

PASSED, APPROVED, AND ADOPTED, this 15th day of April, 2020.

\_\_\_\_\_  
Greg Geels, Mayor

ATTEST:

\_\_\_\_\_  
Angela Beckman, City Clerk

I, Angela Beckman, City Clerk of the City of Sheldon, Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. O20-\_\_\_\_\_ passed and approved by the City Council of said City at a meeting held April 15, 2020, signed by the Mayor on April 15, 2020, and published in the Sheldon Mail-Sun on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Angela Beckman, City Clerk  
Sheldon, Iowa

