

RESOLUTION 02-25 (BOA)

RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 1312 GILBERT STREET AND 1406 GILBERT STREET

WHEREAS, the Board of Adjustment received a request from CCC Real Estate Holding for a Conditional Use Permit for the purpose of establishment and use of the property as multi-family residential in accordance with section 2.1.6 of the Charles City Unified Development Ordinance in a B-3: Service Business District located at 1312 Gilbert Street and 1406 Gilbert Street and legally described as:

LOT ONE (1), EXCEPT THE WEST THIRTY (30) FEET THEREOF, MCCABE'S ADDITION TO CHARLES CITY, IOWA.

AND

COMMENCING AT THE SOUTHEAST CORNER OF LOT TWENTY-TWO OF SECOND GLENWOOD HEIGHTS ADDITION TO CHARLES CITY, IOWA, THENCE SWLY ON THE SELY LINE OF SAID LOT 22, 26 FEET, THENCE NWLY TO A POINT WHICH INTERSECTS THE NELY LINE OF SAID LOT 22, 87 1/2 FEET, NWLY FROM THE POINT OF BEGINNING, THENCE SELY ON THE NELY LINE OF SAID LOT 22, A DISTANCE OF 87 1/2 FEET TO THE POINT OF BEGINNING; AND

ALSO ALL OF LOT TWENTY-THREE SECOND GLENWOOD HEIGHTS ADDITION TO CHARLES CITY, IOWA, EXCEPT A PARCEL OF LAND LOCATED ENTIRELY WITHIN SAID LOT 23 AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF LOT 22 OF SAID ADDITION, THENCE NELY 26 FEET ON A LINE WHICH WOULD BE AN EXTENSION OF NW BOUNDARY LINE OF SAID LOT 22, THENCE SELY TO A POINT WHICH INTERSECTS THE NELY BOUNDARY LINE OF LOT 22 AND WHICH IS 87 1/2 FEET SELY FROM THE POINT OF BEGINNING, THENCE NWLY TO THE POINT OF BEGINNING.

AND

ALL THAT PART OF LOT FIFTEEN (15) OF THE IRREGULAR SURVEY OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION ONE (1), TOWNSHIP NINETY-FIVE (95) NORTH, RANGE SIXTEEN (16), WEST OF THE 6TH P.M., WHICH LIES SOUTHEASTERLY (SELY) OF GLENWOOD ROAD, AS SHOWN BY PLAT OF SECOND GLENWOOD HEIGHTS SUBDIVISION (SAID ROAD ALSO KNOWN AS NO. 170), AND WHICH LIES SOUTHWESTERLY (SWLY) OF U.S. HIGHWAYS NO. 18 AND 218, EXCEPT A PART OF LOT 15 OF THE IRREGULAR SURVEY OF THE SOUTHWEST QUARTER OF SECTION ONE, T95N, R16W OF THE 6TH P.M. IN CHARLES CITY, IOWA DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHERE THE SOUTH LINE OF SAID LOT 15 INTERSECTS WITH THE SOUTHEAST LINE OF GLENWOOD ROAD, THENCE NORTHEASTERLY ALONG THE SOUTHEAST LINE OF GLENWOOD ROAD 166.00 FEET; THENCE SOUTHEASTERLY 122.58 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 15 232.45 FEET EAST OF THE POINT WHERE THE SOUTH LINE OF SAID LOT 15 INTERSECTS WITH THE SOUTHEAST LINE OF GLENWOOD ROAD; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 15, 232.45 FEET TO THE POINT OF BEGINNING.

AND

A PARCEL OF LAND BOUNDED ON THE SOUTHEAST BY THE NORTHWESTERLY LINE OF LOT 9, BLOCK 98, LANE'S ADDITION TO ST. CHARLES, NOW INCORPORATED AS CHARLES CITY, IOWA ON THE SOUTHWEST BY THE CENTERLINE OF THE OLD FLOYD ROAD; ON THE NORTHWEST BY THE SOUTHEASTERLY RIGHT OF WAY LINE OF GLENWOOD ROAD AND ON THE NORTHEAST BY THE SOUTHWESTERLY RIGHT OF WAY LINE OF GILBERT STREET. SAID PARCEL LOCATED IN CHARLES CITY AND A PART OF LOT 16, IRREGULAR SURVEY OF THE SW 1/4 OF SECTION 1, TOWNSHIP 95 NORTH, RANGE 16 WEST OF THE 6TH P.M.

WHEREAS, notice of hearing was duly published in the Charles City Press on June 27, 2025, and appropriate notice was provided to property owners located within

two-hundred feet of the boundaries of the Property, and a hearing was held on the 7th day of July, 2025, and

WHEREAS, there were no oral objections filed and no written objections filed, and

WHEREAS, the Board engaged in deliberation and fact-finding during the hearing and thereafter granted the conditional use permit and requested that its findings and conclusions be incorporated into the written decision; and

WHEREAS, a written Findings of Fact have been prepared for review by the Board.

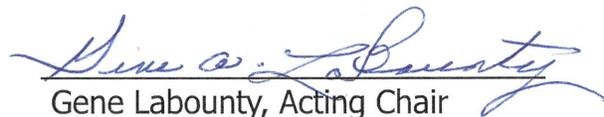
NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of Charles City, Iowa that the conditional use permit described above is hereby approved and the Findings of Face attached hereto are approved and such decision shall be posted by the Board Secretary on the city website in compliance with Iowa law.

BOARD MEMBER Noah moved the adoption of the foregoing Resolution;

BOARD MEMBER powell seconded the motion, and on roll call the voting was as follows:

AYES: Noah, Powell, Labounty
NAYS: none.

Passed and approved this 7th day of July, 2025.


Gene Labounty, Acting Chair

Brittney Lentz
Brittney Lentz, Secretary

**Findings of Fact
For Conditional Use Permit for Property located at
1312 Gilbert Street and 1406 Gilbert Street**

Criteria to be considered by Board of Adjustment in granting or denying a special use permit:

- A. That the proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property. Yes.
- B. That such use shall not impair an adequate supply of light and air to the surrounding property. Yes.
- C. That such use shall not unduly increase congestion in the streets or public danger of fire and safety. Yes.
- D. That such use shall not diminish or impair established property values in adjoining or surrounding property. Yes.
- E. That such use will not unduly burden public utilities. Yes.

5. Conditions/safeguards which should be imposed upon a permit recipient:

- The Conditional Use Permit be subject to transfer of title to the property to only the proposed buyer TD Young Rentals, LLC.
- The Conditional Use Permit Require the removal of non-conforming parking lot at 1312 Gilbert Street, along Glenwood Rd.
- That the Conditional Use Permit require installation of screening of either evergreen shrubbery or solid fencing with a height of 6' between the site and adjacent R-2 (residential) zoning district.
- The transfer of title to a new owner or buyer, other than TD Young Rentals, LLC, will require resubmission or reapproval of the conditional use permit.

If any of these foregoing questions are answered in the negative, the special use cannot be granted.

6. Decision by the Board of Adjustment:

Approved X Disapproved Date: 7/7/2025

Maria LaBounty
Chairperson

Brittney Lentz
Secretary