

Minutes - Woodbury County Zoning Commission Meeting

July 27, 2009

The meeting convened on the 27th of July, 2009 at 6:00 PM in the Board of Supervisor meeting room in the Woodbury County Court House, downtown, Sioux City, Iowa. Present were the following Commission members – Chairman Grady Marx, David McWilliams, Arvin Nelson, Christine Zellmer Zant and Michael Knight: Staff members present were Director John Pylelo and Clerk Peggy Napier. Present from the public was Nick Jensen.

The first agenda item was approval of meeting minutes from June 22, 2009.

Commissioner McWilliams made the motion to approve the June 22, 2009 minutes; the motion was seconded by Commissioner Zellmer Zant; motion carried 4-0.

The second agenda item was a public hearing re: final platting and recommendation to Supervisors of a minor subdivision for Property Owner Kielhorn.

The Woodbury County Office of Planning and Zoning has received a minor subdivision application from property owners Larry L. and Carol L. Kielhorn for the subdivision of 34.96 acres. At the July 21, 2009 meeting of the Woodbury County Supervisors considered the final platting and forwards to your Commission for public hearing and recommendation.

The applicants have a purchase offer pending with the Jensen family from Holstein, Iowa conditioned upon the proposed subdivision being approved. The Jensen family operates funeral homes in the area and wish to construct a funeral chapel on one of the two proposed lots. Earlier this year by Ordinance No.25 dated May 19, 2009 the Board of Supervisors accepted your recommendation and approved the rezoning of 2 acres of the proposed subdivision to be known as Lot 2 from AP (Agricultural Preservation) to GC (General Commercial). The GC zoning allows a funeral chapel as a permitted use.

The existing 34.96 acre parcel is irregular in shape and lies between Hwy 31 to the north and US Hwy 20 to the south. The parcel is located within the SE ¼ of the NW ¼ of Section 35 in Union Township approximately 120' northeast of the corporate limits of the town of Correctionville. The parcel is not within a flood hazard area or drainage district. The Corn Suitability Rating (CSR) for the 34.8 acre parcel is 62.7. Ingress/egress would be provided by existing field entrances along the respective roadways.

The thirteen (13) property owners within 1000' of the proposed subdivision were notified

by letter of the public hearing. A written response was received from Battle Creek Ida Grove Scholarship Foundation stating no objections to the proposed sale of Lot 2 for the intended use as a funeral chapel.

Notices were also sent to each of the following Agencies or Institutions with responses noted.

NRCS: No Response received

City Clerk Town of Correctionville: No Response received

County Engineer:

The Secondary Road Department has reviewed the final plat for the above referenced subdivision forwarded with your memo dated.

I am offering the following comments for your consideration.

- *We checked the closure on the plat and found it to be in compliance with the Zoning Ordinance platting requirements.*
- *The proposed driveway locations have not been reviewed by county secondary road staff since the IDOT has authority on the adjacent road rights of way. Highway 20 is a controlled access roadway and driveway access will need to comply with IDOT and landowner agreements.*
- *A question was asked as to the effect of the construction of a funeral home and parking lot on Lot 2 of the Kielhorn Addition. The affected area is very small and I would not anticipate that the faster runoff will adversely affect area drainage.*
- *An additional question was asked about the parking/loading area surfacing. Paving for this type of business is required to allow for safe access for visitors and to assure handicapped accessibility. The developer should use either hot mix asphalt or concrete paving with provisions made for proper drainage in the lot. The thickness of the parking lots should be adequate to support the types of loads expected by the developer, which may include service and supply trucks or semi tractor trailer units.*

If there are any more questions or issues that arise later, please contact this office.

Iowa DNR: Standard NPDES storm water discharge permit letter dated July 8, 2009 was received and forwarded to the applicant and the engineer for the project. NPDES permitting has been obtained.

Qwest Communications: No Response received

Long Lines Communication: No Response received

Woodbury County REC: No Response received

Siouxland District Health Department: No Response received

County Assessor: No Response received

Emergency Services: No Response received

County Recorder: Real Estate Department: Subdivision name is available

Board of Supervisors: No Response received

Iowa DOT: See comment of Kelly Mulvihill of Iowa DOT

Kelly Mulvihill of Iowa DOT: Correspondence has been received from the IDOT requiring Lot 2's drive to be re-located to maintain north to south roadway alignment and to allow for installation of a joint drive with the property owner to the West.

The DOT states the drive's re-positioning will require the cooperation of the DOT and the Town of Correctionville in that the DOT would convey certain ground it owns south of Hwy 20 to Correctionville and Correctionville accept the ground including it within their Town's roadway system. IDOT wants the road coming out of the nursing home to move East to line up with the proposed chapel's drive. We provide DOT letters dated March 30, 2009 and July 14, 2009 relative to these Lot 2 drive issues. Planning and Zoning Director Pylelo stated the re-location of the road fits into Correctionville's roadway system should Correctionville choose to use it and it would provide access to the golf course.

Mr. Nick Jensen approached the Commission to explain the chapel will seat approximately one hundred (100) people; parking area will be adequate and the size of the lot allows for future expansion.

Commissioner Nelson asked if Correctionville will stop the traffic in the event of a funeral. Mr. Jensen said that had been discussed with the city and it was agreed State Troopers would help occasionally if needed.

Ms. Zellmer Zant, in consideration of potential development of the remainder of the Kielhorn lot, asked Mr. Jensen if Correctionville had made any offer to annex that land.

Mr. Jensen said Correctionville's interest in future development would more likely be to the south of Kielhorn's land where the owner passed away and his son is interested in selling the land to the city for development.

Ms. Zellmer Zant then asked where the access point was to the east of the IDOT.

Mr. Pylelo assured Zant a condition can be included that no access points be lost to that

parcel. In fact, he was sure the DOT has fixed access points along Hwy 20. Most may already be used but it remains they would have commented when notified by Planning and Zoning of the Keilhorn addition. Mr. Pylelo also pointed out the access points will be addressed in the building permit process.

Mr. Jensen was asked about potential drainage problems. Mr. Pylelo explained that would be addressed in the building permit process.

Mark Wright and Kelly Mulvihill of the IDOT have assured Mr. Jensen if the right-of-way ever moved, it would be to the South, not the North.

Mr. McWilliams made a motion to close the public hearing. Ms. Zellmer Zant seconded the motion; motion passed 4-0.

Ms. Zellmer Zant made a motion to approve the Kielhorn's request for a minor subdivision subject to each of the following conditions:

- 1. A Letter from Correctionville City Council showing approval of proposed subdivision or, in the alternative, the town's waiver of Correctionville's right to extraterritorial review.**
- 2. Letter of intent for proposed relocation of Manner Road.**
- 3. Execution and recording of Paving Agreement**

Mr. McWilliams seconded the motion; motion carried 4-0.

The next agenda item was Any Citizen Wishing to be Heard.

Citizen attending had already been heard.

Ordinance Discussion:

Mr. McWilliams asked that language referencing exparte rules be added to comments the chairperson makes at the beginning of the meeting. Mr. Pylelo said he would have language ready for the commission to review for the next meeting.

Mr. Pylelo discussed an offensive odor permeating certain areas of rural Woodbury County. He disclosed Doyle Smith was spreading the substance on fields, sometimes on empty lots between houses.

Mr. Marx explained it is micronutrients containing a high salt content that does not off the nutrients. He also said in the past if people complained the practice stopped.

Mr. Pylelo informed the commission *Camp High Hopes* would be developing its grounds on Correctionville Rd. a quarter of a mile outside of city limits.

Mr. Pylelo discussed activity occurring in the North East portion of Brown Lake on land owned by Mr. Rick Patterson and now part of the city of Salix. Mr. Patterson is still interested in development of an RV Park area, but the current issue is utility capabilities being implemented which raise issues with other Brown's Lake developments. Two factions exist regarding those who wish to be part of the city water system and those who want the private wells to remain as is. At this time no resolution has been reached.

Mr. Pylelo informed the commission Kevin Jones of *Kevin's Tree Service* and Caryl Johnston have been cited due to repeated violations and not adhering to the *Home Occupation* ordinances on the Johnston property at 8 Rose Lane and on the Pat Luse property at 4608 DeRocher Path.

A brief discussion ensued regarding the decision the Board of Supervisors made in the *K&L Properties/Hennings* Rezoning. The Board decided against the recommendation of the Zoning Commission to deny rezoning. The commission perceived the decision as more of a "cause" for Rural Economic Development than an effort to adhere to the future direction of the Development Plan adopted in August of 2008. They suggested more time might have been spent by the Hennings researching other possible locations. Chairman Clausen did comment the Zoning Commission had made the correct decision and thanked the commission for the considerable amount of time spent working on the issue. Mr. Pylelo pointed out 90% of the time the Board of Supervisors go with the recommendation of the Zoning commission.

Commissioner McWilliams made a motion to adjourn; Commissioner Knight seconded the motion; motion carried 4-0.

Meeting adjourned at 7:10 PM.