

## **Minutes - Woodbury County Zoning Commission Meeting February 22, 2010**

The meeting convened on the 22nd of February, 2010 at 6:06 PM in the Board of Supervisor's meeting room on the first floor of the Court House, Downtown, Sioux City, Iowa. Present were the following Commission members – Arvin Nelson, Grady Marx, Mike Knight, Christine Zellmer Zant and David McWilliams. Zoning Staff Present: John Pylelo and Peggy Napier. Present from the public were Jim and Kathy Westergaard, and Neil Kenney.

**The first agenda item was the election of officers.**

**Mr. Grady Marx was elected 2010 Chairman; 4 votes for Mr. Marx and 1 for Mr. McWilliams.**

**After two rounds of voting, Mr. David McWilliams was elected Vice Chair;**

**Round 1: McWilliams - 2, Zellmer Zant - 2, Nelson - 1**

**Round 2: McWilliams - 3, Zellmer Zant - 2**

**The second agenda was the Chairman's appointment of 2010 SIMPCO Representative. Chairman Marx appointed Commissioner Knight to hold the position of SIMPCO Representative but agreed to also attend meetings with Mr. Knight when he could.**

**The third agenda was approval of October 26, 2009 Commission Minutes.**

**Ms. Zellmer Zant made a motion to approve the minutes; Mr. McWilliams seconded the motion; motion carried 4-0.**

**The fourth agenda item was a Consideration of final Platting for the Kenney Addition – A minor subdivision.**

The Woodbury County Office of Planning and Zoning has received a subdivision application from property owner Neil P. Kenney. As this proposed subdivision does not include public

improvements the application qualifies as a minor subdivision under Woodbury County's subdivision ordinances enacted August 1, 2008.

The stated intent is to subdivide the existing 13.33 acre parcel into one lot and an unbuildable outlot. The petitioner agrees to place a building restriction upon the outlot as he does not wish to rezone the parcel from the current AP (Agricultural Preservation) zoning designation to a zoning designation which allows a greater residential density than 2 residences per quarter-quarter section. There is currently one single family dwelling within the quarter-quarter and another under construction. The petitioner's intended use of the outlot will remain agricultural production.

The location lies approximately 2.25 miles south of Salix on the east side of Carroll Avenue and approximately 700' south of Carroll Avenue's intersection with 300<sup>th</sup> St.. The closest accessible hard surfaced roadway is US Hwy 75 at a point approximately 1.7 miles to the northeast. The County's paving policies require a paving agreement be executed by the applicant as a condition of subdivision approval.

In 2009 a building permit was issued to Mr. Neil for the parcel and the construction of a single family dwelling to be used as Mr. Neil's personal residence. The subdivision application was filed for financing purposes. A mid-February inspection of the site shows the structure was enclosed but unoccupied at the time.

This property is zoned AP (Agricultural Preservation); the current and proposed uses are permitted within this zoning district. The proposed lot sizes meet the required 2 net acre area minimums for single family residential dwellings. With the building restriction on the proposed outlot current and anticipated dwelling densities will be met for the current Agricultural Preservation zoning designation. Rezoning of the parcel would not be required.

We enclose County Assessor information showing the average crop suitability rating for the parcel is 45.00. No portion of the subdivision lies within a flood hazard area. No driveway location is shown on the final plat. The Woodbury County Engineer has approved a driveway location for Lot 1 and the drive has been installed.

The eleven (11) property owners within 1000' of the proposed subdivision were notified by letter of the public hearing. Notices were also sent to each of the following Agencies or Institutions with responses noted.

NRCS: No Response Received

County Engineer: No Response Received

DNR: No Response Received

Long Lines Telephone Company: No Response Received

MidAmerican Energy: No Response Received

Siouxland District Health Department: No Response Received.

County Assessor: No Response Received

Emergency Services: No Response Received

Real Estate Department: Subdivision name is available for use

Board of Supervisors: No Response Received

Sloan State Bank Attn: Gene Smith: No Response Received

We enclose final platting, topographical platting, parcel information and on-site pictures recently taken. Should your Commission consider subdivision approval it is recommended any final plat approved have the following condition(s) or change(s):

- A Paving Agreement be recorded meeting Woodbury County paving policies.
- On the recorded final plat Lot 1 show the driveway at the location approved by the County Engineer.
- On the recorded final plat the unbuildable outlot show any field entrance locations.

Discussion:

Mr. Marx suggested there be a notation by the surveyor on the final plat building be restricted to occupied structure only.

Mr. Kenney's attorney, Mr. Westergaard, agreed and said he, Mr. Kenney and Mr. Pylelo had already discussed this matter.

**Ms. Zellmer Zant made a motion the minor subdivision be approved subject to the following conditions:**

- **A notation by the surveyor be placed on the final plat restricting building to occupied structure only**
- **A Paving Agreement be recorded meeting Woodbury County paving policies.**
- **On the recorded final plat Lot 1 show the driveway at the location approved by the County Engineer.**
- **On the recorded final plat the unbuildable outlot show any field entrance locations.**

**Mr. Knight seconded the motion; motion carried 4-0.**

**The fifth agenda item was Any Citizen Wishing to be Heard.**

**No citizens present.**

**The Sixth agenda item was Mr. Pylelo's Report on FEMA's proposed Digital Flood Insurance Rate Mapping within Rural Woodbury County.**

Mr. Pylelo presented the proposed Digital Flood Insurance Rate Mapping within Rural Woodbury County and explained what it would mean for those whose parcels are impacted by the new floodplain areas. He made them aware of the coming March 10 public meeting FEMA was having in the lower level of the courthouse.

Mr. Pylelo also made the commissioners aware of the Planning and Zoning Workshop being held at Bev's on the River on March 25. They were welcome to attend and the Planning and Zoning Office would absorb the cost of registration.

**Mr. McWilliams made a motion to adjourn; seconded by Ms. Zellmer Zant; motion carried.**

Meeting adjourned 6:45 PM

Next meeting is Monday, March 22, 2010.