

## **Minutes - Woodbury County Zoning Commission Meeting March 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 – Chairman Grady Marx, Arvin Nelson, Mike Knight, Christine Zellmer Zant and David McWilliams. Zoning Staff Present: John Pylelo and Peggy Napier. Present from the public were Richard and Patricia Law, Gregg Stroschein, Theresa and Mike Kuhlmann.

**The first agenda was approval of February 22, 2010 Commission Minutes.**

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

**The second agenda item was a Consideration of Final Platting for the Kuhlmann's Second Addition – A minor subdivision.**

The Woodbury County Office of Planning and Zoning has received a subdivision application from property owner Theresa M. Kuhlmann. 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 portions of two parcels. Total parcel area is approximately 57 acres of which approximately 27 acres are platted. The proposed subdivision consists of six (6) lots; of which four (4) of the lots will be for residential development with the remaining two (2) lots will be for general commercial development. Proposed Lots 5 & 6 contain areas within an existing Zone A flood hazard area typically referred to as the 100 year floodplain. Elevation changes and structure placement is prohibited from occurring within these floodplain areas without adherence to Woodbury County Floodplain Management ordinances.

FEMA's proposed flood plain mapping increases the flood plain area within proposed Lots 5 and 6. The additionally included area appears to now place a portion or all of the two metal buildings on Lot 5 within the flood hazard area. Should that mapping be enacted in its currently proposed form development and construction upon Lots 5 and 6 will be even more severely restricted.

The subdivision's location lies approximately 2.5 miles east of Sioux City and approximately 2.5 miles west of Lawton on Charles Avenue between Charles Avenue's intersection with Correctionville Rd. and uS Hwy 20. Woodbury County Paving policies will not require a

Paving Agreement as the adjacent roadways of Charles Avenue, Correctionville Rd. and US Hwy 20 are hard surfaced.

This current zoning district designation of Agricultural Estates is adequate for the residential density intended for Lots 1, 2, 3 & 6. Withstanding the flood hazard issue on Lot 5 the current General Commercial Zoning for Lots 4 & 5 is adequate for the intended uses of the lots.

We enclose County Assessor information showing the average weighted corn suitability rating for the two existing parcels is 61.3.

The twenty-five (25) 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

Final platting, topographical platting, parcel information and recently taken on-site pictures were included in packet for commissioners. Should your Commission consider subdivision approval it is recommended any final plat approved consider the following:

- The platting does not show specific driveway locations. However the Developer Notes state “...*individual driveways centered on the lot frontage along Charles Avenue.*”

- Within the Developer Notes the Utility Provider section does not refer to the telephone service provider who we believe to be Western Iowa Telephone Company.
- Your evaluation whether the remaining portions of the existing parcels to the east and west should be shown on the platting. If not required the remaining acres within western Outlot 'A' be adjusted and an Outlot 'B' be referred to on the platting showing the remaining acres on the eastern parcel. This information may be required to allow acre allocation for recorder, assessor and treasurer purposes.

Discussion:

Issues, comments and conditions discussed by the commission:

1. Resolution of the legal description discrepancy within Lot 6.  
*Boundary issue is a typo and will be corrected on plat.*
2. IDOT caution on Hwy 20 "expressway traffic noise."  
*Mr. Knight suggested the noise control from Hwy 20 could be controlled with a mature tree line and/or other vegetation. Mr. Pylelo said he would work with County Engineer Nahra on this issue.*
3. IDOT request drive for Lots 4 & 5 be 300' north of Hwy 20 pavement.  
*Mr. Pylelo suggested the driveways be pre-approved by IDOT and County Engineer upon sale of lot.*
4. Drives for all lots are not shown on platting but notation states "centered on lot frontage." ...*with the first driveway 300' from highway.*
5. Notice to developer that ROW variances for structures along Charles Ave. will not receive an Engineer approval recommendation
6. Show Western Iowa Telephone telephone utility upon platting. *Will be added.*
7. A portion of the remainder of the western parcel is not platted; # of acres? *Will be considered "Outlots," not "Lots," and access points do not have to be considered.*
8. A portion of the remainder of the eastern parcel (the portion east of Big Whiskey Creek) is not platted; # of acres? *Will be considered "Outlots," not "Lots," and access points do not have to be considered.*
9. Adherence to Floodplain Management ordinances Lots 5 & 6.  
*5 & 6 cannot be LOMAd out of floodplain. Mr. Stroschein has compared current elevations with Mr. Cappuccio and the plat shows accurate flood information.*

**Mr. McWilliams made a motion the minor subdivision be approved subject to the following conditions:**

- 1. Resolution of the legal description discrepancy within Lot 6.**  
*Boundary issue is a typo and will be corrected on plat.*
- 2. IDOT caution on Hwy 20 “expressway traffic noise.”**  
*Mr. Knight suggested the noise control from Hwy 20 could be controlled with a mature tree line and/or other vegetation. Mr. Pylelo said he would work with County Engineer Nahra on this issue.*
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**Mr. Knight seconded the motion; motion carried 4-0.**

**The next agenda item was any citizen wanting to be heard.**

No citizens present.

**The next agenda item was a Report on FEMA’s Woodbury County community meeting of March 10, 2010 and proposed floodplain mapping.**

Mr. Pylelo discussed the March 10, 2010 FEMA public meeting with commissioners who did not attend. Pylelo explained LIDAR (system of elevation measurements using “laser ranging”) and how its technology produces data that is more accurate than present methods. However,

LIDAR has not been used on the entire county. Pylelo and County Engineer Mark Nahra will work on making this a possibility.

**Ms. Zellmer Zant made a motion to adjourn. Seconded by Mr. McWilliam; motion carried 4-0.**

Meeting adjourned at 7 PM.

Next meeting is Monday, April 26, 2010.