

Minutes - Woodbury County Zoning Commission Meeting June 28, 2010

The meeting convened on the 28th of June, 2010 at 5:59 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 – Vice-Chairman David McWilliams, Arvin Nelson, and Christine Zellmer Zant. Grady Marx and Mike Knight were absent due to prior commitments. Zoning Staff Present: Peggy Napier. Present from the public were Richard Wilson of Wild Oats LLC, James D. Wilson, Rob Wilson, Bruce Sorenson, Wallace Sorenson, Troy and Brenda Groves, and Douglas Mordhorst.

The first agenda was approval of June 16, 2010 Commission Minutes.

Ms. Zellmer Zant made a motion to approve the minutes; Mr. Nelson seconded the motion; motion carried 3-0.

The second agenda item was a Public Hearing and Recommendation Re: Rezoning Petition for Wild Oats, LLC.

The Woodbury County Office of Planning and Zoning has received a petition for rezoning from Richard Wilson of Wild Oats, LLC. The property owner requests a 19.56 acre parcel be rezoned from AP (Agricultural Preservation) to AE (Agricultural Estates).

The rezoning is requested as the AP zoning designation limits to two (2) the number of single family dwellings within a quarter-quarter section (40 acres) and there are currently four (4) single family dwellings within this quarter-quarter section. Should the rezoning petition be approved petitioner would then make application for subdividing the existing parcel into two lots. One of the two lots will be 2+ acres and used for the construction of a single family dwelling for a family member. It is the applicant's intention the 2nd lot will remain in agricultural production.

The existing parcel is irregular in shape, abuts the east side of Charles Ave. approximately 1/8th of a mile north of Charles Ave.'s intersection with 140th St. The Assessor's webpage shows a minor amount of roadway frontage for this parcel along the north side of 140th St. In discussions with surveyor Doug Mordhorst of MLS Surveying he states the fence line along the parcel's eastern boundary veers westerly from the quarter-quarter line as it approaches the 140th St. roadway right-of-way. It is expected additional surveying information and the details of a potential property owner agreement will be available at the hearing.

Based upon the facts presented to date, the location of the fence line to the west of the quarter/quarter line and past use of the property in question may result in adverse possession

rule of law. Should this occur or should the applicant negotiate the transfer of ownership of the property in question it may result in no 140th St. roadway right-of-way access. Both Charles Ave. and 140th St. roadways are graveled at this location requiring a recorded paving agreement per county paving policy as a condition of subdivision approval.

The closest hard surfaced county right-of-ways are approximately 2 miles to the south at Correctionville Rd. and approximately 2 ¾ miles to the north at 110th St. (Hwy D-12). The gravel surface along Charles Ave. changes to an earth surfaced non-graveled roadway approximately 950 feet north of the parcel's current driveway. The parcel is not within any current or proposed flood hazard area or drainage district.

The balance of the quarter-quarter section lies to the south and entirely within Compton's Addition subdivision having an AE zoning designation. Parcels to the west are also zoned AE. Parcels to the north and east are zoned AP.

It is anticipated the driveway locations for both lots will be from Charles Ave. which is a graveled and county maintained roadway at this location. The County's Future Land Use Mapping shows the parcel's location classified Agriculture. The average Corn Suitability Rating (CSR) for the parcel is 52.3.

The current parcel is located within part of the SW ¼ of the SW ¼ of Section 23, Concord Township. The current entrance to the parcel is on the east side of the roadway and addressed 1380 Charles Ave. The current parcel is known as GIS parcel # 8946 23 300 003.

Correspondence has been mailed to property owners within 1000' notifying them of this agenda item and the public hearing.

On June 14, 2010 Bruce Sorensen of 1364 Dallas Ave. visited the office and stated he owns property to the east and northwest of the parcel requested for re-zoning. As previously stated Mr. Sorensen believes the applicant's parcel does not have frontage to 140th St. as represented within the petitioner's application and as represented upon the Woodbury County Assessor's website. Mr. Sorensen believes his parcel to the east (GIS #8946 23 300 009) lies adjacent to Lot 3 of Compton's Addition subdivision (GIS Parcel #8946 23 300 008) owned by Troy & Brenda Groves and addressed 1835 140th St.

Mr. Sorensen stated his opposition to the re-zoning request as he does not wish to see additional residential development in this area. Mr. Sorensen stated his intent to be in attendance at the re-zoning's public hearing to voice to your Commission the reasoning behind his concerns.

At their June 22, 2010 meeting the Board of Supervisors considered the petitioner's re-zoning application and refers the matter to your Commission to hold the required public hearing. Upon the close of the public hearing you are then asked to consider the application making recommendation to the Board of Supervisors.

STAFF RECOMMENDATION: Although the parcel is classified as agriculture within future land use mapping the requested zoning is compatible with adjacent zoning and has the potential for minimal impact upon county infrastructure in the area. Subject to public

testimony the Woodbury county Office of Planning and Zoning recommends approval of the requested AP to AE re-zoning for this parcel.

Commissioners should note that further detailed analysis of local infrastructure impact will take place within the subdivision application to be submitted by the petitioner should the re-zoning request be approved.

Mr. Richard Wilson wants to have two (2) acres from the 19.56 acres he owns for his nephew and wife to build a house on. The original house on this property was destroyed by a controlled burn approximately three (3) years ago. Wilson and his neighbor to the east, Mr. Bruce Sorensen, have resolved the fencing issue on the southeastern corner of Wilson's property and will be presenting the Planning and Zoning office with a legal document stating this fact. Mr. Wilson will be giving the long narrow strip of land to Mr. Sorensen.

Mr. Doug Mordhorst said the 2 acre parcel has not been surveyed yet. The 19 + parcel needs to be re-zoned from AP (Agricultural Preservation) to AE (Agricultural Estates) before it can go through the minor subdivision process to split off the 2 acres.

The 19.56 acres need to be subdivided because the rest of the 40 acres it comes from had already been subdivided.

Mr. and Mrs. Groves, whose lot abuts Wilson's and Sorensen's parcels on the north and east sides, were concerned they may be losing some of their land in the agreement between Mr. Wilson and Mr. Sorensen. Mr. Mordhorst assured them their lot was not being altered by the agreement and offered to explain further outside of this meeting.

Mr. Bruce Sorensen made it clear he did not want to see any further development on Wilson's property. Mr. Wilson said the rest of the 19.56 acres would remain in agricultural production. Mr. Wally Sorensen noted the remainder of the forty (40) acres is already split into Compton's Subdivision.

The public hearing was closed with a motion from Mr. Nelson and seconded by Ms. Zellmer Zant; motion carried 3-0.

Discussion:

Ms. Zellmer Zant said she would approve the re-zone on condition the Mr. Wilson, Mr. Sorensen, and Mr. and Mrs. Groves all sign the agreement giving Mr. Sorensen the strip of land attached to Wilson's property and lying between Grove's and Sorensen's properties. She felt it would keep the proceedings "*legally clean.*"

Mr. Mordhorst said he felt satisfied he found the pins for Groves' lot line and could show them where they were.

Mr. Nelson did not believe it should be necessary for a third party to sign off on the agreement but agreed to vote yes.

Ms. Zellmer Zant said as a courtesy everyone should be provided with correct information.

Vice-chair McWilliams gave the parties involved the option to table their agenda item until all members of the commission were present. He also gave the option to poll the commission present for their vote.

The poll resulted in a “yes” vote and the parties agreed not to table their item.

Ms. Zellmer Zant made a motion to approve the re-zone from AP to AE on the condition all three (3) parties sign the legal agreement. Mr. Nelson seconded the motion; motion carried 3-0.

The third agenda item was any citizen wanting to be heard.

No citizens present.

The fourth agenda item was a Study Session: Low Impact Development (LID) ordinances.

Mr. Pylelo was not at the meeting; therefore the study session was postponed until next meeting.

Ms. Zellmer Zant made a motion postpone study session until Mr. Pylelo was present. Mr. Nelson seconded the motion; motion carried 3-0.

Mr. Zellmer Zant made a motion to adjourn. Mr. Nelson seconded the motion; motion carried 3-0.

Meeting adjourned at 6:40 PM. Next meeting will be on July 26th at 6 PM.