

## **Minutes - Woodbury County Zoning Commission Meeting April 25, 2011**

The meeting convened on the 25th of April, 2011 at 6:00 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, David McWilliams, Arvin Nelson, and Christine Zellmer Zant. Mike Knight was absent due to previous commitments. Zoning Staff Present: John Pylelo and Peggy Napier. Present from the public was Jeff Crull and Rich and Shirley LeFebvere.

**The first agenda was approval of February 28<sup>th</sup>, 2011 Commission Minutes.**

**Mr. David McWilliams made a motion to approve the minutes as written.**

**Mr. Nelson seconded the motion; motion carried 3-0 with Ms. Zellmer Zant abstaining, not being present for the February 28<sup>th</sup> meeting.**

**The next agenda item was a Public Hearing and Recommendation on Final Platting for the Crull Addition – A minor subdivision - GIS Parcel # 8946 31 400 003.**

The Woodbury County Office of Planning and Zoning has received a minor subdivision application from Jeffery L. Crull. The applicant requests a 14.857 acre parcel be subdivided into two lots for residential development. The applicant will retain the 12.689 acre Lot 1, a metal building and a shed for future residential development as his personal residence. The applicant intends to place on the market the 2.168 acre Lot 2 containing an existing single family dwelling and garage. Proposed Lot 1 will require a new drive accessing the west side of Benton Ave. Proposed Lot 2 has an existing driveway location accessing the north side of 158<sup>th</sup> St.

The parcel is zoned AE (Agricultural Estates) and is properly zoned for the proposed lot sizes and the additional residential density created should the subdivision be approved. There is no impact by existing or proposed flood hazard designations. The existing septic system was inspected prior to the recent purchase of the parcel by the applicant.

The existing parcel is rectangular in shape and abuts the north side of 158<sup>th</sup> St and the west side of side of Benton Ave. The location is approximately 3000' east of the city limits of Sioux City. The parcel abuts graveled roadway requiring a recorded Paving Agreement as a condition of subdivision approval.

The closest hard surfaced county right-of-way is 155<sup>th</sup> St. approximately 700' to the north. The parcel is not within an existing or proposed flood hazard area or drainage district. The parcel's average CSR is 34.80.

The twenty-eight (28) property owners within 1000' of the proposed subdivision were notified by letter of the public hearing. As of April 20, 2011 the following property owners had contacted the Planning and Zoning Office:

- Judith Navarette of 1556 Benton Ave. inquiring the reason for the subdivision process.
- Grady Marx 1461 158<sup>th</sup> St. inquiring as to the number of lots within the proposed subdivision.

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

County Engineer:

*From: Mark J. Nahra, County Engineer  
Date: April 25, 2011  
Subject: Crull Addition Subdivision*

*The Secondary Road Department has reviewed the final plat for the above referenced subdivision forwarded with your memo dated April 13, 2011.*

*I am offering the following comments for your consideration.*

- *We checked the closure on the plat and found it over 1:252,000 which is in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5000 for each lot as required by Section 355.8 of the Code of Iowa.*
- *A platted, proposed entrance to Lot 1 was reviewed. The location shown on the plat as a proposed entrance meets county requirements for sight distance. As I was reviewing the location, I ran into Mr. Crull and he told me that the driveway location shown on the plat was not where he wanted the driveway. I looked at an alternate location that he had marked with a flag approximately 150 feet south of the NE corner of Lot 1. This location did not meet sight distance requirements. My review showed that a driveway can be placed anywhere between 175 feet and 300 feet south of the NE corner of Lot 1 that meets sight distance. Mr. Crull will need to get a permit from my office for the final location within this range of locations along the east line of his property. The surveyor should note on the final plat that the proposed driveway location is 175 feet south of the NE corner as this appears to be where his client desires the driveway to be located.*
- *I have no other concerns or issues with this subdivision.*

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

DNR: Standard NPDES Permit #2 Letter received and forwarded to the Applicant

QWest: 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

Real Estate Department: Subdivision name is available for use

Board of Supervisors: No Response Received

Magellan Pipeline Company L.L.C.: No Response Received

Municipal Credit Union, Sioux City: No Response Received

City Clerk, Sioux City Iowa: No Response Received

*Mr. Brent Nelson, Sr. Planner with Sioux City's planning staff, has advised the County they will recommend to the City Council it waive the city's right to subdivision approval.*

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 approval recommendation include the following:

- The condition a paving agreement meeting County paving policies be recorded for the adjacent portions 158<sup>th</sup> St. and Benton Ave.

**Your Commission is asked to hold a public hearing and provide a final plat recommendation to the Board of Supervisors.**

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

#### Discussion

Mr. Marx explained where the new driveway would be to Mrs. Shirley LeFebvere. Mrs. LeFebvere understood the change and had no issue with it.

Mr. Marx and Mr. McWilliams brought to the attention of the commission they are both neighbors of Mr. Crull and wondered if a vote from them would create a conflict of interest. Mr. Marx disclosed to the commission Jeff had discussed the proposed subdivision with him.

Mr. Pylelo noted a conflict of interest with both commissioners would leave two (2) commissioners to vote; Nelson and Zellmer Zant. He suggested if Marx and McWilliams felt a conflict of interest they may want to abstain. He also recommended Mr. Crull poll the remaining commissioners to see what their vote might be before deciding to continue with a vote or table the item until all commissioners were present.

Mr. Crull polled the commission. Mr. Nelson and Ms. Zellmer Zant would recommend approval.

Mr. Marx felt he could continue without experiencing a conflict and would also vote to recommend approval. Mr. McWilliams did not and chose to abstain.

**Ms. Zellmer Zant made a motion to recommend approval subject to;**

- **a paving agreement meeting County paving policies be executed and recorded for the adjacent portions 158<sup>th</sup> St. and Benton Ave.**
- **a new driveway be agreed upon with the County Engineer and a permit be obtained for said driveway.**

**Mr. Nelson seconded the motion; motion carried 3-0.**

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

No citizens present.

Mr. Pylelo gave an update on the progress of the proposed FEMA maps and Snyder and Associates work in the county.

Snyder and Associates have not finished with the final stage of evaluations on the areas of the county that had been selected.

Surveyor Alan Fagan has successfully removed twenty nine (29) homes from the Browns Lake area out of the flood zone. It has not yet been decided how these locations will be presented to FEMA; individually or presented to the Board of Supervisors for one large LOMA (Letter of Map Amendment) statement. LOMA letters are still coming into the office.

Mr. Pylelo also advised the commission in about sixty (60) days the current fee schedule will be revisited. He anticipates researching other counties as a baseline for changes.

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

Meeting adjourned at 6:25 PM. Next meeting will be on May 23<sup>rd</sup> at 6 PM.