

Minutes - Woodbury County Zoning Commission Meeting July 22, 2013

The meeting convened on the 22nd of July, 2013 at 6:00 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 – Vice-Chairperson Christine Zellmer Zant, Tom Bride, Mike Knight and David McWilliams. Zoning Staff Present: John Pylelo and Peggy Napier. From the public were Al Fagan, Surveyor, and Joyce Wingert.

The next agenda item was approval of Commission Minutes from meeting of March 25, 2013.

Mr. McWilliams made a motion to accept the minutes as read. Mr. Knight seconded the motion; motion carried 4-0.

The next agenda item was Public Hearing and Recommendation Re: Wingert Second Addition – a Minor Subdivision.

The Woodbury County Office of Planning and Zoning has received a subdivision application from property owner Joyce Wingert. The applicant intends to subdivide a portion of a current 42.5 acre parcel with GIS #8846 20 300 001. The proposed lot has one single family dwelling with outbuildings. No grading is planned. The parcel is located in part of the SW ¼ of the SW ¼, Section 20, Floyd Township abutting the north side of County Home Road a County maintained graveled roadway. The proposed lot will be serviced by an existing drive addressed 1907 County Home Road.

The property is zoned AP (Agricultural Preservation), the current and intended uses are permitted and no portion of the subdivision lies within any floodplain. The average crop suitability rating for the parent parcel is 40.2. The County's paving policies are applicable. With a recorded paving agreement will be required as a condition for subdivision approval.

The location lies within two (2) miles of the Bronson corporate limits and may require subdivision approval by the Bronson Town Council. The eight (8) 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 comment responses requested.

County Engineer:

Mark J. Nahra, County Engineer
March 22, 2013
Re: Lakeland Acres Subdivision

The Secondary Road Department has reviewed the final plat for the above referenced subdivision forwarded with your memo dated February 28, 2013.

I am offering the following comments for your consideration.

- We checked the closure on the plat and found it in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5,000 for each lot as required by Section 355.8 of the Code of Iowa.
- I reviewed driveway location and easement for the lots. The existing driveway has adequate sight distance to the east, but is marginal to the west and near minimum as required by standard. It is adequate in place for one lot home access and farm access. If more than one additional home is built here, access will have to be reviewed prior to approval of a building permit for more than a second home within the subdivision.
- 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.

Mark Nahra
County Engineer

DNR: No Response Received

Western Iowa Telephone: 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

Bronson, Iowa City Clerk – Lindy Jessen: City Council Meeting on 7/18/2013
Waived extraterritorial rights.

Kaneb Pipeline Operating Partnership, L.P.: No Response Received

Water Resource Conservation Plan c/o Jerry Sindt: No Response Received

Mark Nahra P.E. regarding Hwy Easement Book 674; Page 57: No Response Received

For your review find attached:

- Location and parcel information
- Pictures of the site
- Final Platting
- Topographical platting

Staff Recommendation:

Subject to public hearing testimony the Planning and Zoning Office offers a recommendation of final plat approval subject to:

- The recording of a Paving Agreement pursuant to county paving policy; and
- The recording of an easement provide adequate ingress, egress and utility services through proposed Lot 2 to Lot 1.
- If more than one additional home is built here, access will have to be reviewed by Secondary Road Department prior to approval of a building permit for more than a second home within the subdivision.

Your Commission is asked to hold the required public hearing on this matter; then consider the final platting voting to make a recommendation to the Woodbury County Board of Supervisors.

Mr. Pylelo added since the parcel is zoned AP (Agricultural Preservation) and has the recommended amount of residential density allowed in AP zoning designation, he wanted the applicant to understand that should a building permit be received for a balance of the parcel that is not in the subdivision, a building permit for a single family dwelling would not be issued until that zoning was changed to a zoning designation which would allow additional residential density. That would most likely be AE (Agricultural Estates). It has an unlimited amount of density regarding single family dwellings per quarter quarter.

The platting does not include the entire parent parcel. Typically Planning and Zoning asks the parent parcel be included in its entirety either as an additional lot or as an outlot. It makes the administration and review much easier such as tax issues and the paving agreement scenario. Most of those issues have already been ironed out and with this plat planning and zoning has no issue with the balance of the parent parcel being left out of this plat. However, planning and zoning does not want to set a precedent with this situation. Each subdivision application will be judged based on their individual merits and plats.

Staff recommends approval conditioned upon:

- A statement from Bronson saying they waive their extraterritorial review
- Executing and recording a paving agreement which includes a legal description of the entire parent parcel and
- If more than one additional home is built here, access will have to be reviewed by Secondary Roads prior to approval of a building permit within the subdivision.

Mrs. Wingert explained her husband had passed away and she was moving to a different location. She wanted her parcel split and sold to relatives to keep it in the family. No further development was expected.

Mr. McWilliams made a motion to close the public hearing. Mr. Knight seconded the motion; motion carried 3-0.

Discussion:

Vice-Chairperson Zellmer Zant clarified a few things for herself with Mrs. Wingert and Mr. Fagan before it went to a vote.

Mr. McWilliams made a motion to approve the Wingert's Second minor subdivision subject to the following conditions;

- 1. A statement from Bronson saying they waive their extraterritorial review and attached to plat**
- 2. Executing and recording a paving agreement which includes a legal description of the entire parent parcel and**
- 3. If more than one additional home is built here, access will have to be reviewed by Secondary Roads prior to approval of a building permit within the subdivision.**

Mr. Bride seconded the motion; motion carried 3-0.

The next agenda item is hearing any citizen wishing to be heard.

The Planning and Zoning office is unaware of any person intending to be present to be heard on any other issue or matter.

The next agenda is letter from Chairman Grady Marx.

Mr. Pylelo read a letter from Mr. Marx written on May 17, 2013 and received by the Planning and Zoning office on May 22, 2013. The letter states Mr. Marx will be taking a leave of absence as Chairperson of the Woodbury County Zoning Commission while he resolves certain legal issues. (Letter attached)

Recent rash of violation reports.

Mr. Pylelo reported a recent rash of assorted violation reports in the county that he has been investigating.

Mr. McWilliams made a motion to adjourn. Mr. Bride seconded the motion; motion carried 3-0.

Meeting adjourned at 7:35 PM. Next meeting is scheduled for 6 PM, August 26, 2013.

