

Minutes - Woodbury County Zoning Commission Meeting July 2, 2014 – Special Meeting; Railroad Spur

The meeting convened on the 2nd of July, 2014 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 – Christine Zellmer Zant, Tom Bride, Bruce Garbe, David McWilliams and Grady Marx; Zoning Staff Present: John Pylelo and Peggy Napier. Brent Nelson was present from the City Office of Planning and Zoning.

The first agenda item was approval of Commission Minutes of February 24, 2014.

Mr. McWilliams made a motion to accept the minutes as read. Mr. Bride seconded the motion; motion carried 4-0 with Mr. Marx, who was not present at the meeting, abstaining.

The next agenda item was a Review and Recommendation Re: Conditional Use Permit Application for the City of Sioux City Re: Portion of Rail Spur from Union Pacific Rail Line to Southbridge Business Park per Ordinance Section 2.02:9.E.

The City of Sioux City has applied for a Woodbury County, Iowa Conditional Use Permit for the approximate 3000' portion of a rail spur proposed to be located within rural Woodbury County. The proposed rail construction and operation meets the Woodbury County ordinance definition of a "Rail Line". Rail Lines are required to be conditionally permitted within the GI (General Industrial) zoning district by resolution of the County's Board of Adjustment.

That portion of the proposed rail spur within unincorporated Woodbury County is located within an area bordered by the following right of way 225th St. to the north; the existing Union Pacific Railroad line to the east; 235th St. to the south and Alicia Avenue to the west.

The portion of the proposed rail spur within unincorporated Woodbury County lies within portions of the S1/2 of the SW1/4 of Section 6, Liberty Township; within a portion of the N1/2 of the NW1/4 of Section 7, Liberty Township; within the SE1/4 of the NW1/4 of Section 7, Liberty Township; and within the south 33' of the SW1/4 of Section 6, Liberty Township EXCEPT the west 33' thereof used for public road right-of-way, AND EXCEPT the east 100' used as railroad right-of-way. The described area lies within portions of the following GIS parcel numbers: 874706300002, 874707100001, 874707100002, 874707100004, 874706504002 and 874707504001.

The permit application includes only that portion of the rail line lying within an unincorporated area of Woodbury County. As such your recommendation should be specific to this portion of the project. In its entirety the rail spur will connect an existing Union Pacific rail line westerly to the city's proposed Southbridge Business Park.

The conditional use permitting process includes public hearing before the Woodbury County Board of Adjustment. County ordinances require your Commission review the Conditional Use Permit application and report its findings with recommendation to the Board of Adjustment. Your review is to include determination if each of the below seven standards found within zoning ordinance subsection 2.02:09.F will be met.

- (1) *The conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied.*
 - a) *The proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan.*
 - b) *The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare.*

- c) *The proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.*
 - d) *Essential public facilities and services will adequately serve the proposed use or development.*
 - e) *The proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties.*
- (2) *Other considerations. In its review of conditional use requests, the Board of Adjustment shall consider whether, and to what extent:*
- a) *The proposed use or development, at the particular location is necessary or desirable to provide a service or facility that is in the public interest or will contribute to the general welfare of the neighborhood or community.*
 - b) *All possible efforts, including building and site design, landscaping and screening have been undertaken to minimize any adverse effects of the proposed use or development.*

Included find the following to assist you in your review and recommendation:

1. Woodbury County zoning ordinance 2.02:9(E) and (F).
2. The City of Sioux City's CUP Application
3. A Tam Map for Liberty and Liberty West Townships showing geographic location of the proposed rail line relative to Woodbury County/City of Sioux City Jurisdictions.
4. DGR Engineering *Southbridge Rail Phase 1 Construction Overall Site Plan Sheet S.01 for project 263029; Plot Date 06/26/2014*
5. Soil Reports for the parent parcels showing soil types and a weighted average CSR of;
 - a. 6.00 for parent parcel GIS #874706300006
 - b. 34.69 for parent parcel GIS #874706300002
6. Aerials of the location showing:
 - a. Flood plain mapping for the area
 - b. County zoning district designations within the area
 - c. Parcel numbers in the area
7. Copy of a July 1, 2014 e-mail from Woodbury County Director of Economic Development, David Gleiser.
8. Onsite photos

NOTE: As of 4:30 PM Tuesday, July 1st we await additional documentation from the City of Sioux City. Upon arrival the documentation will be reproduced and distributed at the Commission's July 2nd meeting.

Staff Recommendation:

Should the Commission request after the close of the public hearing the Planning and Zoning Office agrees to present its staff recommendation on application.

Your Commission is tasked with reviewing the City of Sioux City's Conditional Use Permit application and providing your Commission's findings and recommendation to the Woodbury County Board of Adjustment. You are further asked to authorize your Chairman provide your findings and recommendation in writing to the Woodbury County Board of Adjustment Chairman.

Mr. Pylelo wanted to make it clear to the Commission and to the audience this evening's meeting was not a public hearing, but a work study session to review the rail line south of the airport to where it begins to curve toward the west and make recommendation to the Board of Adjustment at the public hearing on the evening of Monday, July 7th 2012.

The rail line is two (2) rail lines going parallel south and then curving west to a "drop and pull" rail yard as part of the expansion of Southbridge's Business Park south of the airport. The county's interest in the rail spur is where it ties into the existing line and straddles the section line.

The county part of the rail line is 1,440' from the nearest occupied structure.

Commission member Bride asked how wide the property is that the line goes through. Mr. Nelson from City Planning and Zoning said they have a 100' right-of-way. The rail line will be owned by the city but the city has not decided who will operate it. It will not be the city. It will have chain link security fencing.

Mr. Marx asked if it will go as far as CF. Mr. Nelson said it is designed to allow for extending it, but as yet there are no plans.

Commissioner Garbe asked who owns the parcels the rail line will go through. Mr. Pylelo explained the city bought the fee title to the land they needed for the rail line.

Mr. Pylelo went through the seven (7) standards the commission had to evaluate in sec. 2.02:E(1).

Mr. Hanson explained the city will eventually improve the roads possibly in 2016 around 27 Flags for future public use. The airport fire department can deal with any emergency services until a new fire station is built and staffed.

Mr. Bride wanted to know if there was a potential for negative feedback from those who will have the train tracks running at the ends of their parcels. Mr. Nelson has found many actually believe the train will increase the value of their property.

Mr. Pylelo said all of the standards had been met.

Mr. Marx made a motion to recommend approval subject to the following condition:

- **That the City of Sioux City shall have in place all necessary procedures to remedy fugitive dust from originating from any construction activity for the project including along roadway right-of-way used to service the project.**

Mr. McWilliams seconded the motion; motion carried 5-0.

Next Agenda Item was Any Citizen wishing to be heard.

There were no citizens waiting to be heard.

Mr. McWilliams made a motion to adjourn. Mr. Marx seconded the motion; motion carried 5-0.

Meeting adjourned at 7:15 PM. Next meeting is scheduled for 6 PM, July 28, 2014.