

Minutes - Woodbury County Zoning Commission Meeting May 23, 2016

The meeting convened on the 25th of April, 2016 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 – Tom Bride, David McWilliams, Christine Zelmer Zant and Barbara Parker. Bruce Garbe was on vacation. Zoning Staff Present: John Pylelo and Peggy Napier. Present from the public were Mark Gorton, Michele Ivener, Tom Kimmel, Dolf Ivener, Kelly and Dana Pry, Bill Holland, Jeff Johnson, Bill Jochum, Jaimie Addy, and Kent Ivener.

The first Agenda Item is anyone present wishing to be heard on a non-agenda item.

The Zoning Office is not aware of anyone to be heard on a non-agenda item.

The next agenda item is approval of the minutes from the April 25, 2016 meeting.

Mr. Bride made a motion to approve the April 25 meeting minutes as written. Ms. Zellmer Zant seconded the motion; motion carried 4-0.

The next agenda item is a Public Hearing for a Rezoning Petition by Property Owner Affordable Self Storage, LLC. Re: The Rezoning of GIS Parcel #884728400005 to AE (Agricultural Estates).

Affordable Self Storage is a Limited Liability Corporation controlled by Mr. Kelly Pry. Mr. Pry intends to sell the 3.0 acre parcel to a family member. The family member intends to construct a dwelling to be his family's primary residence. The existing AP (Agricultural Preservation) zoning district designation limits residential density and would not allow the approval of a building permit for the dwelling's construction. The requested AE (Agricultural Estates) zoning provides for the necessary increase in residential density to issue the permitting.

The parcel is located upon hard surfaced county roadway right-of-way and is addressed 1489 210th Street, Sergeant Bluff. The parcel is located within a portion of the SE ¼ of the SE ¼ of Section 28 of Woodbury Township.

The parcel meets all dimensional standards for single family dwelling construction. The parcel has an existing accessory structure placed by a former owner who was agriculturally exempt from local zoning ordinances. The parcel has an existing addressed drive meeting secondary roads department standards for servicing a residence and parcel outbuildings.

A portion of the parcel is designated a Zone A special flood hazard area (100 year flood plain). Sufficient remaining area outside the floodplain exists for placement of a dwelling, a water well and a septic system. Setback and separation distance requirements can be met but may restrict the dwelling placement options

The applicant and the family member will be advised of the following:

1. That the flood plain areas will have an impact upon structure placement options.
2. That the high water table may have impact upon the dwelling structure design and construction methods.
3. That nearby parcels have had issues with percolation rates being sufficient for standard drain field installations.

4. That the Siouxland District Health Department may recommend percolation testing take place prior to any standard septic system installation.
5. That any new residential dwelling must be located upon the parcel so the existing accessory structure is located within a side or rear yard.
6. That certain neighbors exercise the county's home occupation use rules to operate businesses from their residences.
7. That resource extraction of earthen materials has been previously approved by conditional use permitting on an adjacent parcel to the east and north. That borrow operations will result in two ponds.

Congruent zoning to the parcel is:

AP to the northwest with farming use and residential density by subdivision
 AP to the east with farming use and no immediate residential density
 AE to the south with significant residential density
 AE to the west with residential density by subdivision

Staff Recommendation:

Pending public hearing testimony the Zoning Office would support a recommendation by your Commission that the Supervisors approve the rezoning petition from AP to AE.

Comments:

Mr. Bride asked if the parcel allowed for enough room for a single family dwelling.

Mr. Pylelo said there is just enough room for a house. They have gone over the flood area and found enough space while still meeting setbacks.

Ms. Zellmer Zant made a motion to close the hearing. Mrs. Parker seconded the motion; motion carried 4-0.

Discussion:

Mr. Pylelo said the current property owner and the new owner understand the motion standards previously read.

Mrs. Parker made a motion to approve the rezoning subject to the standards being implemented. Mr. Bride seconded the motion; motion carried 4-0.

NOTE: The next four agenda items are Ordinance Section 2.02-9.F reviews and recommendations.

The next four agenda item are conditional use permit applications for use as a borrow areas, or as a gravel pit and storage or as a concrete batch plant. Each use is approved as a conditionally permitted use in only selected zoning districts. In each of the four applications under consideration the location's land use summary table allows the use as a conditionally permitted use. For each of the applications a copy of the application and supporting documentation has been provided.

The conditional use permitting process includes a public hearing held by the Woodbury County Board of Adjustment. The ordinances further require your Commission review the Conditional Use Permit application

and report its findings with recommendation to the Board of Adjustment. By ordinance your recommendation is limited to a determination if each of the below standards found within ordinance subsection 2.02-9.F will be met. Please note that within all four applications the applicant has responded to each of the standards listed within ordinance subsection 2.02-9.F.

Those 2.02-9.F standards are reproduced below and are to be applied to each of the four applications.

For each of the four CUP applications your Commission is tasked with reviewing the Conditional Use Permit application. You are then to provide your Commission's recommendation to the Woodbury County Board of Adjustment stating if each of the standards found within ordinance subsection 2.02-9.F will be met. You are further tasked with authorizing your Chairman to provide your recommendation in writing to the Chairperson of the Woodbury County Board of Adjustment.

Section 2.02-9.F

- 1.) *In order to grant a conditional use the Board of Adjustment must determine that:*
 - (a) *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*
 - (b) *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*
 - (c) *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*
 - (d) *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*
 - (e) *Essential public facilities and services will adequately serve the proposed use or development*
 - (f) *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.*
- 3.) *Applicant shall obtain all federal, state and local permitting required for project.*
- 4.) *Chairman of ZC will sign letter of recommendation to Board of Adjustment.*

The Next Agenda Item is a Zoning Ordinance Section 2.02:9.E Review and Recommendation to the Board of Adjustment for a Conditional Use Permit for property owners Kent Ivener and Kimmel Family Farms, LLC and applicant JB Holland Construction, Inc. in Section 7 of Liberty Township (North Site). Re: Resource Extraction Borrow Pit for Earthen Materials.

The Conditional Use Permit application is for the staging and operation of temporary resource extraction – borrow pit within an 18 acre portion of two congruent rural Woodbury County, Iowa parcels. The application requests the extraction of up to 180,000 cubic yards of earthen material from a 14 acre site for transport to an offsite MidAmerican Energy Flyash Impoundment construction project. The impacted area will be returned to farmland and reseeded. Decommissioning of the site is anticipated to be in November of 2017.

JB Holland Construction, Inc. attempts to find borrow material at locations meeting approved soil specifications; in required quantities and in proximity to the borrow delivery locations. Haul road availability, road specifications and route distances between the borrow area(s) and delivery location(s) are also criteria for selecting any suitable borrow location.

The two parcels are located within a portion of the NW ¼ of the NE ¼ and the NE ¼ of the NE ¼ of Section 7, Liberty Township. The parcels are located between the west side of hard surfaced Port Neal Road and east of the Union Pacific Railroad right-of way. The parcels abut to the north the incorporated area of Sioux City. The parcels are known as GIS parcels #874707200001 and #874707200002. The project will be serviced by a newly installed driveway to be addressed 2257 Port Neal Road, Sergeant Bluff, IA.

The use as a borrow area is described on page 37 of the zoning ordinance's *Land Use Summary Table* within the category and sub-categories of - *Resource Extraction: Borrow Pits for earth materials*

This use is approved as a conditionally permitted use in selected zoning districts. The use as a borrow pit for earth materials is only allowed as a conditionally permitted use (CUP) within the AP and GI (General Industrial) zoning districts. The table further prohibits the requested conditional use in all the county's other zoning districts. As the parcels are zoned GI the requested use can be conditionally approved.

Find included within the background materials a letter from Sioux City Mayor Bob Scott offering comment on this application.

Comments:

There should be no issues with neighbors or haul roads in this north site. There are no city streets and only one resident.

Mrs. Parker asked if there would be any impact on the airport.

Mr. Pylelo said when ponds are created they attract birds and they generate a fear of bird strikes with airplanes. Mr. McWilliams noted tall cranes in this area would especially be a problem. Mr. Pylelo replied the airport is concerned about the height of buildings or towers and since there will not be any structures placed on this site they will not have an issue.

Comments Re: Standards:

1.) *Conditions for CUP (conditional use permit)*

- a) *The site is properly zoned for a CUP*
- b) *An ideal spot is one that is outside of the city with minimal haul route used*
- c) *Be aware that water and birds could be an issue*
- d) *The impacted area will be returned to farmland and reseeded. Decommissioning of the site is anticipated to be in November of 2017.*

- e) *The haul routes are adequate and fugitive dust will be controlled by JB Holland Construction*
 - f) *The department is not aware of any historic features.*
- 2.) *Other considerations. In its review of conditional use requests, the Board of Adjustment shall consider whether, and to what extent:*
- a) *All attempts will be made to keep flyash from escaping into the environment*
 - b) *A letter will be sent to Rick Schneider apprising him of any possible interference with public traffic and other safety concerns around public park areas and Brown's Lake*
- 3.) *Applicant shall obtain all federal, state and local permitting required for project.*
- 4.) *Chairman of ZC will sign letter of recommendation to Board of Adjustment.*

Mr. Bride commented on a comment letter from Sioux City Mayor Scott. Not all concerns raised by the city are applicable to this borrow site.

Ms. Zellmer Zant made a motion to approve the north JB Holland Construction, Inc. borrow pit based on the above standards. Mrs. Parker seconded the motion; motion carried 4-0.

The Next Agenda Item is a Zoning Ordinance Section 2.02:9.E Review and Recommendation to the Board of Adjustment for a Conditional Use Permit for property owners Kent Ivener and Kimmel Family Farms, LLC and applicant JB Holland Construction, Inc. in Section 30 of Liberty Township (South Site). Re: Resource Extraction Borrow Pit for Earthen Materials.

The Conditional Use Permit application is for the staging and operation of temporary resource extraction – borrow pit within a 27 acre portion of two congruent rural Woodbury County, Iowa parcels. The application requests the extraction of up to 220,000 cubic yards of earthen material from the 27 acre site for transport to offsite constructions project(s). The impacted area will be returned to farmland and reseeded. Decommissioning of the site is anticipated to be in November of 2017.

The two parcels are located within a portion of the NE ¼ of the SE ¼ and the NW ¼ of the SE ¼ of Section 30, Liberty Township. The parcels abut the west side of Port Neal Road and the east side of Port Neal Circle right-of-way approximately 0.25 mile south of the intersection of Port Neal Road with Port Neal Circle. The parcels are known as GIS parcels #874730400001 and #874730400004. The project will be serviced by a newly installed driveway to be addressed 2630 Port Neal Road, Sergeant Bluff, Iowa.

The use as a borrow area is described on page 37 of the zoning ordinance's *Land Use Summary Table* within the category and sub-categories of - *Resource Extraction: Borrow Pits for earth materials.*

This use is approved as a conditionally permitted use in selected zoning districts. The use as a borrow pit for earth materials is only allowed as a conditionally permitted use (CUP) within the AP and GI (General Industrial) zoning districts. The table further prohibits the requested conditional use in all the county's other zoning districts. As the parcels are zoned GI the requested use can be conditionally approved.

Comments Re: Standards:

- 1.) *Conditions for CUP (conditional use permit)*
 - a) *The site is properly zoned for a CUP*
 - b) *An ideal spot is one that is outside of the city with minimal haul route used*
 - c) *Be aware that water and birds could be an issue*
 - d) *The impacted area will be returned to farmland and reseeded. Decommissioning of the site is anticipated to be in November of 2017.*
 - e) *The haul routes are adequate and fugitive dust will be controlled by JB Holland Construction*
 - f) *The department is not aware of any historic features.*
- 2.) *Other considerations. In its review of conditional use requests, the Board of Adjustment shall consider whether, and to what extent:*
 - a) *All attempts will be made to keep dust from escaping into the environment*
 - c) *A letter will be sent to Rick Schneider apprising him of any possible interference with public traffic and other safety concerns around public park areas and Brown's Lake*
- 3.) *Applicant shall obtain all federal, state and local permitting required for project*
- 4.) *Chairman of ZC will sign letter of recommendation to Board of Adjustment.*

Ms. Zellmer Zant made a motion to approve the north JB Holland Construction, Inc. borrow pit based on the above standards. Mrs. Parker seconded the motion; motion carried 4-0.

The Next Agenda Item is a Zoning Ordinance Section 2.02:9.E Review and Recommendation to the Board of Adjustment for a Conditional Use Permit for property owners Eugene E. Wright Survivors Revocable Trust and the Arlene A. Wright Survivors Revocable Trust and applicant OMG Midwest, Inc. d/b/a Hallett Materials Extraction in Section 28 of Kedron Township. Re: Resource Extraction for a Gravel Quarry and Storage.

The Conditional Use Permit application is for the staging and operation of Resource Extraction for a Sand and Gravel Quarry within a portion of 7 congruent rural Woodbury County, Iowa parcels totaling 175+ acres. The application further requests the extraction and storage of sand and gravel and for the transport to offsite constructions project(s). The impacted area will be returned to farmland and reseeded. A decommissioning date for the site is unknown.

The seven parcels are located within a portion of the SE ¼ plus of Section 28 of Kedron Township. The parcels lie east of the Little Sioux River and West of Mason Avenue north of Anthon. The impacted parcels are known as GIS parcels #884328200008; 884328300003; 884328300004; 884328400001; 884328400002; 884328400003 and 884328400004. The project will be serviced by a newly installed driveway from the west side of Mason Avenue.

The use as a Gravel Quarry is described on page 37 of the zoning ordinance's *Land Use Summary Table* within the category and sub-categories of - *Resource Extraction: Gravel and Stone Quarries*.

This use is approved as a conditionally permitted use in selected zoning districts. The use as *Gravel and Stone Quarries* is only allowed as a conditionally permitted use (CUP) within the AP and GI (General Industrial) zoning district. As the parcels are zoned AP the requested use is allowed to be conditionally approved.

The use for sand and gravel storage is described on page 38 of the zoning ordinance's *Land Use Summary Table* within the category and sub-categories of - *Warehousing and Freight handling: Sand and Gravel*

Storage. This storage of sand and gravel is a conditionally permitted use in the AP zoning district. As the parcels are zoned AP the requested use is allowed to be conditionally approved.

Comments Re: Standards:

- 1.) *Conditions for CUP (conditional use permit)*
 - a) *The site is properly zoned for a CUP*
 - b) *An ideal spot is one that is outside of the city with minimal haul route used*
 - c) *Area has been used for gravel and quarry purposes since the 1950s*
 - d) *The impacted area will be returned to farmland and reseeded. Decommissioning of the site is anticipated to be in December of 2018.*
 - e) *The haul routes are adequate and fugitive dust will be controlled by Hallett Materials Extraction*
 - f) *The department is not aware of any historic features.*
- 2.) *Other considerations. In its review of conditional use requests, the Board of Adjustment shall consider whether, and to what extent:*
 - a.) *Will complete Hwy 20 corridor with 4 lane highway and make all forms of travel more convenient, efficient, and safe for all travelers*
 - b.) *A letter will be sent to Rick Schneider apprising him of any possible interference with public traffic and other safety concerns around public areas*
- 3.) *Applicant shall obtain all federal, state and local permitting required for project*
- 4.) *Chairman of ZC will sign letter of recommendation to Board of Adjustment.*

Ms. Zellmer Zant made a motion to approve the OMG Midwest Inc. d/b/a Hallett Materials Extraction gravel quarry and storage based on the above standards. Mrs. Parker seconded the motion; motion carried 4-0.

Zoning Ordinance Section 2.02:9.E Review and Recommendation to the Board of Adjustment for a Conditional Use Permit for Property Owner Herman Rock Jr. and Applicant Flynn Co. Inc. Re: The Staging and Operation of heavy construction services - Concrete mixing (temporary); On GIS Parcel #894333200006.

The Conditional Use Permit application is for the staging and operation of temporary heavy construction services - concrete mixing temporary (a concrete batch plant) within a 4 acre portion of a 29 acre parcel. Production is intended to provide concrete for the Hwy 20 corridor expansion project. The impacted area will be returned to agricultural production. It is anticipated the batch plant will be active for 2 months with decommissioning of the site anticipated to be within 6 months of permit issuance.

The parcel is located within a portion of the SE ¼ of the NE ¼ of Section 33, Rutland Township. The parcel abuts the west side of Lee Avenue approximately 330 feet north of the intersection of Lee Avenue and Hwy 20. The parcel is 7 miles east of Merville and is known as GIS parcel #894333200006.

The use for temporary concrete mixing is described on page 37 of the zoning ordinance's *Land Use Summary Table* within the category and sub-categories of – *Manufacturing and Processing–Temporary Heavy Construction Services-Concrete Mixing (temporary)*.

This use is approved as a conditionally permitted use in selected zoning districts. The use temporary concrete mixing is allowed as a conditionally permitted use (CUP) within the AP zoning district. As the parcel is zoned AP the requested use is allowed to be conditionally approved.

Comments:

Mark Gorton claims there are no floodplain concerns.

With the trucks leaving directly from the temporary concrete plant to Hwy 20, they will not even be mixing with east/west traffic.

There will be 2 exits from the plant onto Lee Ave.

Once they hit hard top there will appropriate signage for Hwy 20 traffic.

Comments Re: Standards:

- 1.) *Conditions for CUP (conditional use permit)*
 - a) *The site is properly zoned for a CUP*
 - b) *This is an ideal spot with minimal haul route used*
 - c) *The proposed use and development will create a positive effect upon adjacent property, the character of the neighborhood, traffic conditions, and other factors affecting the public health, safety and general welfare*
 - d) *The impacted area will be returned to farmland and reseeded. Decommissioning of the site is anticipated to be 6 months*
 - e) *The haul routes are adequate and fugitive dust will be controlled by Flynn Company, Inc.*
 - f) *The department is not aware of any historic features.*
- 2.) *Other considerations. In its review of conditional use requests, the Board of Adjustment shall consider whether, and to what extent:*
 - a) *Will complete Hwy 20 corridor with 4 lane highway and make all forms of travel more convenient, efficient, and safe for all travelers*
 - b) *Does not apply to this project*
- 3.) *Applicant shall obtain all federal, state and local permitting required for project*
- 4.) *Chairman of ZC will sign letter of recommendation to Board of Adjustment.*

Ms. Zellmer Zant made a motion to approve the Flynn Company, Inc. temporary concrete plant based on the above standards. Mrs. Parker seconded the motion; motion carried 4-0.

The Next Agenda Item Is Any Citizen Not On the Agenda Wishing to be Heard.

The Office of Planning and Zoning is not aware of any citizen to be heard on any non-agenda item.

Ms. Zellmer Zant made a motion to adjourn. Mrs. Parker seconded the motion; motion carried 4-0. Meeting was adjourned at 7:15 PM.