

Minutes - Woodbury County Zoning Commission Meeting November 28, 2016

The meeting convened on the 28th of November, 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 Zellmer Zant, and Barbara Parker. Zoning Staff Present: John Pylelo and Peggy Napier. Present from the public were Kirk Scheelhaase, Scott Gernhart, and Craig Hillinger.

The first Agenda Item is Any Citizen Not on the Agenda Wishing to be Heard.

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

The next agenda item is the approval of minutes from the Commission's September 26, 2016 meeting.

Mrs. Parker made a motion to approve the September 26, 2016 meeting minutes.

Mr. Bride seconded the motion; motion carried 4-0.

The next item was a Public Hearing and Recommendation to Board of Supervisors Re: The Final Plat for Koehle Addition – a Minor Subdivision; GIS Parcel #884729127001.

Application Background, Location and Zoning

Kirk and Tamara Scheelhaase have filed a subdivision application and final platting. The platting proposes to subdivide a 36.73 acre parcel into two (2) lots. The intent is to create independent parcels for the existing single family dwelling at its new location upon the parent parcel. New construction has occurred on the parcel including basement excavation. Permitting was issued for this construction. No new above grade dwelling construction is stated. Some but not all outbuilding structures will be located on proposed Lot 1.

The parent parcel lies within rural Woodbury County abutting the southern side of 190th St. The parent parcel is serviced by a drive addressed 2460 190th St. The drive is located approximately 0.4 miles west of the intersection of 190th St. and Garner Avenue. The location is within a portion of the NW ¼ of the NE ¼ of Section 19, Merville Township.

The parent parcel is zoned AP (Agricultural Preservation). The parent parcel is not located within any special flood hazard area or within any drainage district. The current and proposed use of the parent parcel and its structures are classified as legal conforming uses within the AP zoning district designation and Woodbury County zoning ordinances. Existing and proposed single family dwelling construction meets the allowable residential density.

CSR

The primary use of the parent parcel is residential and agricultural. The parent parcel's average Unadjusted CSR2 value is 41.03. This value is acceptable for subdivision platting approval consideration.

Paving Agreement

The location of the platted lots is along a gravel surfaced roadway ROW. A Paving Agreement meeting paving policy standards is required as a condition for final plat approval required.

Extraterritorial Review

Not applicable. There is no incorporated area within two miles of the parent parcel.

Utilities

Well and septic systems service the existing dwelling on proposed Lot 1. Both systems are entirely located within Lot 1. The building permit application process may require confirmation of inspections and required utility upgrades.

Property Owner Notice

The three (3) property owners within 1000'; and listed within the certified abstractor's affidavit; were notified by letter of the public hearing. As of November 21, 2016 the Planning and Zoning office had not received comment from any property owner owning property within 1,000'.

Agency Comment

The following departments or agencies were provided copies of the platting and asked to make comment. Responses noted are as of November 21, 2016:

Woodbury County REC: No Response Received

Wiatel: No Response Received

Woodbury County Soil and Water Conservation District: No Response Received

Iowa Department of Natural Resources: No Response Received

Siouxland District Health Department: No Response Received

Woodbury County Assessor: No Response Received

Woodbury County Board of Supervisors: No Response Received

Woodbury County Department of Emergency Services: No Response Received

Department of Emergency Management: No Response Received

Woodbury County Engineer: Comments attached

Woodbury County Recorder-Real Estate Department: The subdivision name has been reserved and is available for use.

Fire Chief – Merville Fire District: No Response Received

Staff Recommendation:

Subject to public hearing testimony the staff recommendation supports a final plat approval recommendation by your Commission condition upon:

- 1) The applicant is to record a Paving Agreement meeting all Woodbury County paving policy standards.

Attachments

Attached find the following for your review:

- Location and Parcel Information
- Final Platting
- Topographical Contour Mapping
- Aerial Photography
- Onsite Photographs

Your Commission is asked to hold the required public hearing and make recommendation of final plat approval to the Board of Supervisors.

Comments:

Mr. Pylelo was told the paving agreement was already being worked and he would have it soon.

Pylelo commented even though the parcel would be a flag lot, it was a legal conforming lot. The road with was an adequate 25'. The parcel will be 200' wide.

Mr. Bride made a motion to close comments. Ms. Zellmer Zant seconded the motion; motion carried 4-0

Discussion:

Mr. Bride made a motion to recommend approval of the subdivision. Mrs. Parker seconded the motion; motion carried 4-0.

Mr. Pylelo will wait for a copy of the Paving Agreement before he presents the subdivision to the BOS.

The next agenda item was a Public Hearing and Recommendation to Board of Supervisors Re: The Final Plat ANCA Addition – a Minor Subdivision; GIS Parcel #894635300016.

Application Background, Location and Zoning

Anca Properties, LLC has filed a subdivision application and final platting. The platting proposes to subdivide a 4.0 net acre parcel into two (2) lots. The intent is to create independent parcels for selected existing structures. It is the intent of the applicant to sell Lot 2 retaining Lot 1 for business operations and leasing opportunities.

The parent parcel lies within rural Woodbury County approximately 3.5 miles east of Sjioux City abutting the north side of Highway 20. The parent parcel is serviced by a drive addressed 1819-1821 Highway 20, Lawton. The location is within a portion of the SE ¼ of the SW ¼ of Section 35, Concord Township.

The parent parcel is zoned GC (General Commercial). A minor portion of the northwestern corner of the parent parcel is located with a Zone A special flood hazard area commonly referred to as the 100 year flood plain. No structures are located within the flood plain. The parcel does not lie within any drainage district. The current and proposed use of the parent parcel and its structures are classified as legal conforming uses within the GC zoning district designation and Woodbury County zoning ordinances. Undetermined future use(s) of the respective lots may require re-zoning of one or both lots.

CSR

The primary use of the parent parcel is commercial. The parent parcel's average unadjusted CSR2 value is not available as the parcel has no historical agricultural use. The adjacent parcel's CSR2 value is 52.11 and within a value acceptable for subdivision platting approval consideration.

Paving Agreement

The location of the platted lots is along a hard surfaced state roadway ROW. A Paving Agreement meeting paving policy standards is not required.

Extraterritorial Review

Not applicable. There is no incorporated area within two miles of the parent parcel.

Utilities

Independent well and septic systems service and are entirely located within the respective proposed lots. Site plan mapping provides the locations.

Implementation of Parking, Loading and Sign Ordinances

A parking/loading site plan is provided for Lot 1. This site plan provides for 30 spaces and 1 handicap space within Lot 1. The site plan will meet state code and zoning ordinance standards for almost any use mix within Lot 1's structure 25,360 sf. Signage ordinances will be implemented within any new sign permitting process.

Lot 2's parking/loading site plan is not available at this time as the use mix is undetermined. Sufficient areas exist to meet most any use mix for the lot's multiple structures. The Zoning Office will work toward compliance with the buyer. Signage ordinances will be implemented within any new sign permitting process.

Re-Zoning

It is possible one or both lots may have to be re-zoned if any future use falls outside those permitted under the current General Commercial zoning designation. It is possible buyers or tenants with Limited or General Industrial uses may be interested in all or portions of the various structures. A Planned Development overlay, or a conditional use application, may be required for one or both lots.

Property Owner Notice

The twelve (12) property owners within 1000' listed within the certified abstractor's affidavit were notified by letter of the public hearing. As of November 21, 2016 the Planning and Zoning office had not received comment from any notified property owner.

Agency Comment

The following departments or agencies were provided copies of the platting and asked to make comment. Responses noted are as of November 21, 2016:

MidAmerican Energy: Requested an electronic copy of the final plat.

Wiatel: No Response Received

Iowa Department of Natural Resources: No Response Received

Siouxland District Health Department: No Response Received

Woodbury County Assessor: No Response Received

Woodbury County Board of Supervisors: No Response Received

Woodbury County Department of Emergency Services: No Response Received

Department of Emergency Management: No Response Received

Woodbury County Engineer: No Response Received

Woodbury County Recorder-Real Estate Department: The subdivision name has been reserved and is available for use

Liberty National Bank: No Response Received

Fire Chief – Lawton Fire District: No Response Received

Final Plat Adjustments

The final plat and topographical mapping provided reflects an Ingress/Egress Easement in Lot 1. On November 22nd the zoning office received an amended mylar plat changing the dimensions of the easement. The general location of the easement and its length remain the same. However, the width of the easement varies from the previous 18 foot width to a varying width of 12 feet to 31.3 feet. The change was made to provide Lot 2 with an easement area to more efficiently use a nearby Lot 2 structure. A copy of a portion of the mylar plat reflecting the change is provided.

Staff Recommendation

Subject to public hearing testimony the staff recommendation supports a final plat approval recommendation by your Commission conditioned upon:

- 1) Should future intended use(s) not be permitted under the then existing zoning designation the lot owner; and/or tenant; shall obtain the necessary zoning district designation needed for the intended use(s).
- 2) The lot owners and or their tenants shall comply with Woodbury County Parking, Loading and Sign Ordinances.
- 3) The recorded final plat shall reflect the easement dimension changes.

Attachments

Attached find the following for your review:

- 1) Location and Parcel Information
- 2) Parking Loading Plan for Lot1
- 3) Aerial Photography showing building locations and Lot 1 parking/loading plan
- 4) Diagram showing well locations, septic locations and building square footage computations
- 5) Onsite Photographs
- 6) Final Platting
- 7) Copy of the portion of mylar plat reflecting the easement change
- 8) Topographical Contour Mapping

Your Commission is asked to hold the required public hearing and make recommendation on final plat approval to the Board of Supervisors.

Comments:

The staff recommendations included three (3) conditions and the following comments:

- The DOT was not sent a letter, they were called. If they have any issues they will be added to the other conditions.
- DOT applications for new drives are usually denied, but that shouldn't stop the applicants from moving forward. There are no plans for new structures. Mr. Hellinger has not had any conversations with the DOT. He had tried to get a new driveway permit from them years ago but was denied.
- The new copy of the plat with the change was reviewed.

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

Discussion:

Ms. Zellmer Zant made a motion to approve the subdivision subject to the three (3) conditions plus comments from the DOT.

- 1) Should future intended use(s) not be permitted under the then existing zoning designation the lot owner; and/or tenant; shall obtain the necessary zoning district designation needed for the intended use(s).**
- 2) The lot owners and or their tenants shall comply with Woodbury County Parking, Loading and Sign Ordinances.**
- 3) The recorded final plat shall reflect the easement dimension changes.**

Planning and Zoning will be in contact with the Department of Transportation. Any comment they offer will be provided to the Board of Supervisors.

Mr. Bride seconded the motion; motion carried 4-0

The next Agenda Item was Any Citizen Wishing to be Heard.

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

Mrs. Zellmer Zant made a motion to adjourn. Mr. Bride seconded the motion; motion carried 4-0.

There will not be a December Zoning Commission meeting due to the holidays.