

Minutes - Woodbury County Zoning Commission Meeting April 24, 2017

The meeting convened on the 24th of April, 2017 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, Shawn Streck, Christine Zellmer Zant, and Barbara Parker, Bruce Garbe was absent. Zoning Staff Present: John Pylelo, Peggy Napier and Dawn Norton. Present from the public were Jean Frank, Nicole Musick, Douglas Mordhorst, Carla Grigg, Luke Grigg, Rodney Lieber.

The 1st agenda item is approval of the minutes from the Commission's February 27, 2017 meeting.

Tom Bride made a motion to approve the minutes from February 27, 2017 subject to the following:

Tom Bride pointed out from page 7 '*Mr. Luke Grigg introduced himself and said if the neighbors were satisfied, he was...*' should be deleted.

Barb Parker seconded the motion; motion carried 4 – 0.

The next agenda item is hearing any person on any non-agenda item.

The chair will welcome any such person present to come forward to be heard.

The zoning office is not aware of any person intending to be present on a non-agenda item.

The next agenda item is a Public Hearing and Recommendation to Board of Supervisors and Authorization of Chairman's Signature Re: 2017 Amendment to Grow Woodbury County Urban Renewal Area.

Iowa Code Section 403.5 requires a county's Zoning Commission review the proposed amendment of any urban renewal area determining if the area to be included is consistent and conforms to the Woodbury County's 2005 General Development Plan. The Commission is then required to make written comment to the Board of Supervisors of Commission findings.

Background:

Woodbury County has previously negotiated development agreements with businesses operating within rural Woodbury County including within or near the Port Neal Industrial Complex (PNIC). The development agreements include the county providing certain infrastructure improvements or benefits. The County has desired to recoup the cost of improvements through tax increment financing (TIF) and adopted the required Urban Renewal Plan and areas in early 2013. At that time the area was known as *The Liberty Park Urban Renewal Area*.

The Urban Renewal Plan's area was amended in early 2014 (Amendment #1) to include additional geographic area. The amendment included additional area within the PNIC; additional area adjacent to the northwestern quadrant of the I29 interchange at 260th St. and adding 260th St. right of way connecting the two locations.

The Urban Renewal Plan was amended again in 2016 (Amendment #2) to change the name of the Urban Renewal Area to *Grow Woodbury County Urban Renewal Area*. Also, to amend the Urban Renewal Area by adding a portion of all of 15 parcels representing 327 acres. This added area included a portion of the southern end of the PNIC which included the AGP expansion projects. Also included was an area for Sergeant Bluff's Dogwood Trail Project.

Gelita USA, Inc.

The County now proposes a 2017 Amendment to the *Grow Woodbury County Urban Renewal Area* occur (Amendment #3). The proposed amendment adds 246.39 acres to the overall urban renewal area. All added acres are in Woodbury County and outside corporate limits of any city or town.

The proposed amendment is primarily related to the fact Gelita USA, Inc. and Woodbury County intend to enter a development agreement which includes the construction by the company of a collagen peptide processing facility at a cost of \$22,000,000. Terms within the agreement include a commitment by Woodbury County to make scaled economic development tax increment payments over a five-year period in an amount not to exceed \$499,612.

The 246.39 acres included within the 2017 Amendment is comprised of 5 congruent parcels and adjacent Port Neal Road right-of-way. All parcels are zoned GI (General Industrial) and include the industrial business operations of Gelita USA, Inc. and include surrounding property controlled by the company where the new facility will be located.

Of the 5 county parcels portions of 3 parcels lie within a Zone A special flood hazard area (SFHA). These Zone A areas are commonly referred to as the 100-year flood plain.

Access/egress to the amended urban renewal area will be provided from existing or improved public roadway right-of-way. Portions of Union Pacific Railroad spur right-of way lie adjacent; or in proximity; to the 5 county parcels to be included within the 2017 Amendment.

For Commission review find attached the following:

1. Site location mapping Liberty/Liberty West
2. Aerials indicating location of the 5 impacted county parcels
3. Set Date and Public Hearing Notice for May 9, 2017 (this document provides and a copy of the proposed 2017 Urban Renewal Plan Amendment and legal descriptions).
4. Woodbury County/Gelita USA, Inc. Development Agreement
5. IDEA Economic Development Assistance Contract Number 17-DF/TC-021
6. Tax Incentive Agreement Dated December 19, 2016
7. Location Mapping providing current and historical background
8. Aerial Mapping providing location and parcel information
9. Aerial indicating floodplain designation
10. Aerial indicating zoning district designation
11. Consultation Meeting Aerial Showing Location and Gelita Project Details
12. A copy of Woodbury County General Development Plan-Adopted 2005

Staff Recommendation:

Staff is of the opinion the 2017 Amendment to the *Grow Woodbury County Urban Renewal Area* conforms to, or is consistent with, the County's 2005 General Development Plan for the following reasons:

The 2017 Amendment to the *Grow Woodbury County Urban Renewal Area* is consistent and conforms with the County's Vision Statement which states: "...all people and business prosper, rooted in a diverse, agriculturally-based economy."

The 2017 Amendment to the *Grow Woodbury County Urban Renewal Area* is consistent and conforms to the Development Plan's stated goals in each of the following areas:

Land Use Goal – To minimize conflict with agriculture, which is the principal land use in Woodbury County, guide future growth and development of non-agricultural uses to a compact pattern by efficient and economical expansion of public infrastructure. Due to historical use of the 5 parcels only 2 of the 5 have adjusted crop suitability ratings (Adjusted CSR2) which range from 12.04 to 72.0.

Economic Development Goal – In cooperation with other communities, Woodbury County should support growth and stabilization of existing and new, diverse enterprises that effectively leverage public investments to create jobs, payrolls and tax base that contribute to a healthy, stable local economy. The construction project being proposed within the amended Urban Renewal Area is valued at \$22,000,000 with a guaranteed minimum tax assessment of \$5,000,000. The project will create 21 qualifying new jobs. Construction completion is scheduled for the Spring of 2018.

Agricultural Goal – Recognize agriculture as a principal economic sector in Woodbury County and the primary economic sector in the rural portion of the county lying outside Sioux City based on the natural resource of fertile, tillable soil to be found in Woodbury County. The project Gelita proposes will produce collagen peptides which can be used in multiple medical products including use in veterinary medicine. The process also serves agriculture and livestock production as a Gelita raw material source for unprocessed collagen is animal bone, cartilage, connective tissue, skin and hides.

Commercial and Industrial Business Goal – Woodbury County shall build upon the strength of agriculture as the most important business in its rural area and shall encourage compatible commercial and industrial business development to develop a diverse, strong economic future in the rural portion of the county. The PNIC and surrounding area is rural Woodbury County’s primary General Industrial site. The PNIC is the home of the majority of rural Woodbury County’s general industrial activities many of which directly or indirectly support agricultural.

Transportation Goal – Woodbury County shall develop and support an efficient transportation system to serve current and future circulation and access needs. Specifically, to:

Encourage frontage roads for safe access and to maintain traffic carrying capacity of the roads for development along major roads and highways;

and

To continue working with the Iowa Department of Transportation via the County Engineer and public input to upgrade highways in and through the County by either resurfacing or widening of existing state or County Highways. Port Neal Road and 260th St. right-of-way are arterial roadways which will provide Gelita’s proposed project with access to the Federal Interstate Highway System.

For the above reasons staff recommends your Commission support a finding that the proposed 2017 Amendment to the *Grow Woodbury County Urban Renewal Area* conforms to, or is consistent with, the County’s 2005 General Development Plan.

On May 9, 2017, the Woodbury County Board of Supervisors will hold a public hearing on the question of amending the *Grow Woodbury County Urban Renewal Area*. At that time your Commission recommendation will be presented for Supervisor consideration.

Your Commission is tasked with reviewing this agenda item information; voting on agenda item approval including authorization your Chairman provide the appropriate written report of your findings to the Woodbury County Board of Supervisors as subscribed by Iowa Code Section 403.5.

Barb Parker made a motion to close the public hearing. Tom Bride seconded, motion carried 4 – 0.

Comments

No representatives from Gelita.

Discussion

Barb Parker asked if matter would go to any other cities for consideration. John Pyleo stated it would go to the City of Sioux City.

John Pyleo stated the City of Sioux City intends to have document signed to release TIF.

Tom Bride commented if appears the expansion appears to be consistent with the Comp Plan. Tom also asked if there were any objections from the public. John said there were no comments yet, there will be a public hearing May 9th.

Tom Bride made a motion the commission chair write a recommendation letter to the Woodbury County Board of Supervisors. Barb Parker seconded, motion carried 4 – 0.

The next agenda Item is a Public Hearing and Recommendation Re: Final Plat of Whiskey Acres Addition – A Minor Subdivison; GIS Parcels #884712300002 and 884712300004.

Note: Agenda Items 4 and 5 are companion items pertaining to the same two parcels. Independent public hearing are required although crossover discussions of subdivision and re-zoning issues may occur.

Application Background, Location and Zoning

Dale Frank, Jean Frank and Christine Foster have filed a subdivision application and final platting. The platting proposes to subdivide two congruent parcels totaling 20.041 acres into 5 lots. The intent is to create independent parcels for selected existing structures and to provide 3 lots for future residential development.

The parent parcels lie within rural Woodbury County abutting the north side of 180th St approximately 1.0 miles east of the Eagle Ridge Development in Morningside. The parcels are located within a portion of the SW ¼ of Section 12, Woodbury Township.

The parent parcels are zoned AP (Agricultural Preservation). The parent parcel is not located within any special flood hazard area or within any drainage district. The current use of the parent parcels and structures are classified as legal conforming uses within the AP zoning district designation and Woodbury County zoning ordinances. The number of existing single family dwellings meet the allowable residential density. However, the proposed increase of residential density is not allowed resulting in the companion AE (Agricultural Estates) re-zoning agenda item.

CSR

The primary use of the parent parcels is residential historical Unadjusted CSR2 values not available. Average Unadjusted CSR2 values for adjacent parcels range from 46.09 to 66.33. These values are marginally acceptable for subdivision platting approval consideration. The fact no agricultural ground will be removed from agricultural production is notable.

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.

Extraterritorial Review

The City of Sioux City has extraterritorial right to subdivision approval which by policy they will exercise. A similar subdivision application has been submitted to Sioux City.

Utilities

Well and septic systems service the existing dwellings on Lots 1 and 3. New well and septic systems are planned for the remaining lots.

Drives and Outlot A

The parent parcels are serviced by two drives addressed 1721 and 1727 180th St. The 1721 address will continue to service Lot 1. The 1727 address will continue to service Lot 3 and proposed Lots 2, 4 and 5; all through Outlot A. Outlot A will also provide any new utility access for Lots 2, 3, 4 and 5.

Property Owner Notice

The six (6) property owners within 1000'; and listed within the certified abstractor's affidavit; were notified by letter of the public hearing. As of April 19, 2017 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 October 21, 2015:

Woodbury County REC: No response Received

Long Lines: 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.

Fire Chief- Lawton Fire District: No Response Received

Casey Lee, Clerk Woodbury Township Trustees

The City of Sioux City, Iowa: Comment has been received. See narrative below.

Comment City of Sioux City:

As the subdivision's location is within 2 miles of Sioux City's corporate limits the city is allowed extra-territorial review. The city has comment as follows:

1. Lots 1 and 3's existing structures be removed from the final platting. County concurs as structure placements will remain on the topographical mapping.
2. A final plat reference of Outlot A's drive at the ROW access point. County concurs.
3. The final plat's Notes section add the narrative: "*Access, egress and utilities to Lots 2, 3, 4 and 5 is to be provided through Outlot A.*"

Staff Recommendation:

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

1. A recorded Paving Agreement meeting county paving policies.
2. The recording of a controlling document providing the terms for the use and maintenance of Outlot A. The document is to include language for the collection and the payment of real estate assessments for the Outlot. The document is to reflect the responsible parties and cost allocation for making any required; or requested and approved; private drive improvements.
3. Outlot A's private drive be improved (widened) per any County Engineer recommendation.
4. That the following narrative be added to the notes section of the final plat: *Outlot A will not be considered for designation as Woodbury County dedicated roadway ROW.*
5. Final plat approval by Sioux City Council.
6. Lots 1 and 3's existing structures be removed from the final platting. County concurs as structure placements will remain on the topographical mapping.
7. A final plat reference of Outlot A's drive at the ROW access point. County concurs.
8. The final plat's Notes section add the narrative: "*Access, egress and utilities to Lots 2, 3, 4 and 5 to be provided through Outlot A.*"

Attachments

Attached find the following for your review:

- Tam Mapping Location Information
- Subdivision Application
- Parcel Aerial and Information for Parent Parcel #884712300002
- Parcel Aerial and Information for Parent Parcel #884712300004
- Pictometry Aerial
- Pictometry Aerial with Lot Lines
- Final Platting
- 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 Secondary Road department (County Engineer, Mark Nahra) has reviewed the final plat for the above referenced subdivision forwarded with your memo dated April 3, 2017.

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 the parcel for access issues. Slight distance at the driveway is adequate for multiple housing access. The acreage is currently served by a single lane driveway that is asphalt surfaced. While this is no doubt adequate for the existing house, it is very narrow for multiple homes where the potential for two vehicles to meet is much greater. Since the lane will serve as access to three additional lots, the owners should consider widening it to a width that will serve two land traffic. A sixteen-foot-wide drive would suffice for this use and will allow traffic to meet on the lane. The main driveway adjacent to the road can be widened, if needed, to accommodate the additional width. A permit would need to be obtained from my department to apply for the additional width within the roadway.
Some type of a maintenance agreement for the access drive should be drafted and recorded with the subdivision so that as ownership changes, all parties living within the subdivision will have an agreement in place for sharing work that will eventually be needed on the driveway.
- 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.

Egress and access ownership, taxes, maintenance and paving agreement for 20% of each lot has not been drafted yet, but will be forthcoming from Attorney Cody McCollough.

Discussion

Tom Bride asked if the setbacks were non-compliant and John Pylelo said yes, they are now but after the rezoning, they will be compliant. He said after the rezoning 10' setback may change to 3', and a 20' setback may change to 10'.

Tom Bride suggested a turnaround at the end of lot 8 for emergency vehicles. John Pylelo said that would be added to recommendations.

Jean Frank asked if they would be forced to create a turnaround, Tom Bride and Chris Zellmer-Zant stated they strongly encouraged it, and gravel would be sufficient. Chris suggested it could be added to recommendation #3.

Tom Bride made a motion to approve recommendation subject to;

- 1. A recorded Paving Agreement meeting county paving policies.**
- 2. The recording of a controlling document providing the terms for the use and maintenance of Outlot A. The document is to include language for the collection and the payment of real estate assessments for the Outlot. The document is to reflect the responsible parties and cost allocation for making any required; or requested and approved; private drive improvements.**
- 3. Outlot A's private drive be improved (widened) per any County Engineer recommendation. Create gravel turnaround for emergency vehicles.**

4. **That the following narrative be added to the notes section of the final plat: *Outlot A will not be considered for designation as Woodbury County dedicated roadway ROW.***
5. **Final plat approval by Sioux City Council.**
6. **Lots 1 and 3's existing structures be removed from the final platting. County concurs as structure placements will remain on the topographical mapping.**
7. **A final plat reference of Outlot A's drive at the ROW access point. County concurs.**
8. **The final plat's Notes section add the narrative: "*Access, egress and utilities to Lots 2, 3, 4 and 5 to be provided through Outlot A.*"**

Motion was seconded by Barb Parker; motion carried 4 – 0.

The next agenda Item is a Public Hearing and Recommendation Re: Rezoning Application of Dale Frank, Jean Frank and Christine Foster; GIS Parcels #884712300002 and 884712300004.

Dale Frank, Jean Frank and Christine Foster have also filed a re-zoning application. As approval of final platting for Whiskey Acres Addition will result in three additional lot locations. The current AP zoning will not allow building permits to be approved for the new lots as the 2 dwellings per quarter-quarter maximum currently exists.

The requested AE re-zoning has no residential density limitation and would allow the Zoning Office to approve the anticipated permit applications.

You are referred to the previous information and attachments provided within companion item 4 narrative. We additionally provide as an attachment to this agenda item a copy of the re-zoning application.

The same property owners within 1,000' and agencies listed within item 4 were notified of the re-zonings public hearing. As of April 19, 2017, no comment has been received from any property owner or agency.

Comments

No comments.

Discussion

Barb Parker asked if surrounding zoning was AP. John Pylelo stated yes, owned by Brian Peterson. John anticipates 4 or 5 lots will be owned by Frank family who are aware of the zoning conditions.

Motion by Shawn Streck, seconded by Tom Bride. Motioned carried 4 – 0.

The next agenda Item is a Public Hearing and Recommendation Re: Rezoning Application of Luke J. and Karla R. Grigg for Lot 2 of R.J. Addition.

Note: Agenda Items 4 and 5 are companion items pertaining to independent lots within the same subdivision. The final plat for R.J. Addition was recorded on April 5, 2017. Independent public hearing are required although crossover discussions of the independent re-zoning procedures may occur.

The Woodbury County Board of Supervisors approved R.J. Addition's final plat with the condition the respective lots be re-zoned to their independent current uses; i.e. Lot 1 be re-zoned to operate the light industrial businesses of the Lieber Family and Lot 2 be re-zoned to allow the Griggs to continue to occupy the single family dwelling and outbuildings as their primary residence.

Previously Rodney and Jodi Lieber owned the the area represented by both lots and lived in Lot 2's single family dwelling. The Liebers also operated family businesses from independent outbuildings on the parent parcel under a LI-PD (Light-Industrial-Planned Development) zoning district designation. In 1985 the Liebers sold their former residence; selected outbuildings; utility locations and driveway with the ground represented by Lot 2 to the Griggs under contract. That contracted amount was eventually paid and the Liebers were required to subdivide the parent parcel to be in position to transfer fee title ownership of Lot 2 to the Griggs which they did on April 2017.

The Griggs filed a re-zoning application requesting Lot 2 consisting of 3.26 net acres be re-zoned from LI-PD (Light Industrial-Planned Development to AG (Agricultural Preservation). Lot 2 is serviced by a drive addressed 2024 120th St.

Lot 2 lies within rural Woodbury County abutting the southern side of 120th St.. The drive is located approximately 0.4 miles west of the intersection of 120th St. and Eastland Avenue. The location is within a portion of the NE ¼ of the NW ¼ of Section 18, Banner Township. Lot 2 is not located within any special flood hazard area or within any drainage district.

The parent parcel's average Unadjusted CSR2 value is not available due to its history of non-agricultural use. Adjacent or nearby parcels have the following Unadjusted CSR2 values: to the West and South 44.91; to the North 61.16 and to the East 63.87. Each of these values are acceptable for re-zoning approval consideration.

The ten (10) property owners within 1000'; as listed within the certified abstractor's affidavit submitted with the application; have been timely notified of the public hearing. The Planning and Zoning office has not received comment from any property owner owning property within 1,000'.

Staff Recommendation:

Subject to public hearing testimony, the staff recommendation supports re-zoning approval recommendation to AP (Agricultural Preservation) by your Commission.

Comments

No comments.

Barb Parker motioned to close the public hearing. Seconded by Shawn Streck. Motion carried 4 -0.

Discussion

No discussion.

Barb Parker motioned to rezone the property from LI-PD to AP. Tom Bride seconded, motion carried 4 – 0.

The next agenda Item is a Public Hearing and Recommendation Re: Rezoning Application of Rodney D. and Jodi P. Lieber for Lot 1 of R.J. Addition.

Rodney Lieber and Jodi Lieber have filed a re-zoning application The Liebers request Lot 1 consisting of 5.55 net acres be re-zoned from: LI-PD (Light Industrial-Planned Development) and AP (Agricultural Preservation) to LI (Light Industrial).

The Woodbury County Board of Supervisors approved R.J. Addition's final plat with the condition the respective lots be re-zoned to their independent current uses; i.e. Lot 1 be re-zoned to operate the light industrial businesses of the Lieber Family and Lot 2 be re-zoned to allow the Griggs to continue to occupy the single family dwelling and outbuildings as their primary residence.

Previously Rodney and Jodi Lieber owned the the area represented by both lots and lived in Lot 2's single family dwelling. The Liebers also operated family businesses from independent outbuildings on the parent parcel under a LI-PD (Light-Industrial-Planned Development) zoning district designation. In 1985 the Liebers sold their former residence; selected outbuildings; utility locations and driveway with the ground represented by Lot 2 to the Griggs under contract. That contracted amount was eventually paid and the Liebers were required to subdivide the parent parcel to be in position to transfer fee title ownership of Lot 2 to the Griggs which they did on April 2017.

The Liebers continue to own Lot 1 and as it contains the structures and contractor yard areas used in the operation of the Lieber family businesses known as Lieber Construction, Inc. and Bridgeport Materials, Inc.

Lot 1 lies within rural Woodbury County abutting the southern side of 120th St. The lot is serviced by a drive addressed 2030 120th St. The drive is located approximately 0.4 miles west of the intersection of 120th St. and Eastland Avenue. The location is within a portion of the NE ¼ of the NW ¼ of Section 18, Banner Township.

Lot 1 has split zoning designations. The northern 8 acres is zoned LI-PD (Light Industrial – Planned Development). The LI-PD zoning was established to allow the parent parcel to be used both for Residential and Light Industrial use purposes.

In 2009 the Liebers purchased and combined a congruent 1.55 acre area of ground to the south with the original 8 acres. The combination resulted in the existing “split zoning” designation of Lot 1

Lot 1 is not located within any special flood hazard area or within any drainage district. The parent parcel's average Unadjusted CSR2 value is not available due to its history of non-agricultural use. Adjacent or nearby parcels have the following Unadjusted CSR2 values: to the West and South 44.91; to the North 61.16 and to the East 63.87. Each of these values are acceptable for re-zoning approval consideration.

The ten (10) property owners within 1000' and as listed within the certified abstractor's affidavit submitted with the application have been timely notified of the public hearing. The Planning and Zoning office has not received comment from any property owner owning property within 1,000'.

Staff Recommendation:

Subject to public hearing testimony, the staff recommendation supports re-zoning approval recommendation to LI (Light Industrial) by your Commission.

Attachments

Attached find the following documentation for your review:

- Location and Parcel Information
- Final Platting
- Topographical Contour Mapping with structure and utility placements
- February 21, 2017 letter from County Engineer
- Aerial Photography
- Onsite Photographs

Comments

Rod Lieber commented traffic is already reduced because trucks have been moved to a temporary place. He plans to keep property the way it is, maybe use shop for storage.

Discussion

John Pylelo stated potential nuisance issues in LI (Light Industrial) require CUP (Conditional Use Permit).

Tom Bride motioned to close the public hearing, Barb Parker seconded. Motioned carried 4 – 0.

Barb Parker motioned to rezone from LI-PD and AP to LI, Shawn Streck seconded. 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.

Barb Parker made a motion to adjourn. Shawn Streck seconded the motion; motion carried 4-0.

Next meeting will be May 22, 2017.