

Minutes - Woodbury County Zoning Commission Meeting – October 26, 2020

The Zoning Commission (ZC) meeting convened on the 26th of October 2020 at 6:00 PM via teleconference due to the social distancing recommendations as a result of the COVID-19 virus.

ZC Members Present (Telephone): Chris Zellmer Zant, Tom Bride, Barb Parker
County Staff Present: David Gleiser, Dan Priestley
Public Present (Telephone): Scott Gernhart

Call to Order

Chair Zellmer Zant formally called the meeting to order at 6:00 PM.

Public Comment on Matters Not on the Agenda

No public comment for non-agenda items.

Approval of Minutes

The September 28, 2020 minutes were approved. Motion by Commissioner Bride to approve; second by Commissioner Parker. Motion passed 3-0.

Minor Subdivision Public Hearing – Petersen Addition

Priestley delivered the staff report for the Petersen Addition minor subdivision proposal. K B Peterson, LLC has submitted a minor subdivision application to split their parcel into three lots (Lot 1 – 2.55 total acres; Lot 2 – 2.18 total acres; Lot 3 – 33.40 total acres) to establish the Petersen Addition. The property is identified as Parcel #894513300005 and located in T89N R45W (Banner Township) in the SE ¼ of the SW ¼ of Section 13. The address is 1293 Garner Avenue, Merville, IA 51039. The property is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. The proposed Lots 1-3 are compliant with the Woodbury County Zoning Ordinance including the dimensional standards. As part of a farm operation, the front accessory structure just west of Garner Avenue on Lot 1 is Agricultural Exempt from the ordinance. In the future, if this property were to be sold to a non-farmer, this would be construed as a legal nonconforming structure. The proposed Lots 2 and 3 will remain part of the farming operation. If Lot 2 was ever to be sold to a non-farmer for the purpose of building a single-family dwelling, the property owner must submit a zoning ordinance map amendment application to the Zoning Commission and the Board of Supervisors to rezone from Agricultural Preservation (AP) to an appropriate classification as per Section 3.01.1 of the Woodbury County Zoning Ordinance. The review memo from Mark Nahra, County Engineer indicated that the proposed subdivision is in compliance with the subdivision requirements as per Iowa Code 355.8. It also indicated that the property meets the access requirements as long as it is used for agricultural purposes. Staff recommends approval for this minor subdivision proposal.

Commissioner Bride inquired if Lot 2 or 3 were to be sold for non-farm purposes if whether the subdivision would be required. Priestley stated that if the lots were sold to non-farmers for the construction of single-family dwellings, a rezone would be required for the lots. Commissioner Bride inquired about the legal nonconforming structure on Lot 1 and its application to the existing parcel north of Lot 1. Priestley indicated that there would be no impact on the existing landowner's property. If a non-farmer were to purchase the property, they would be subject to the ordinance legal nonconforming requirements. Chair Zellmer-Zant inquired about why the property owners are subdividing the property. The surveyor, Scott Gernhart, stated that the property was being subdivided because there is an existing parcel that was previously platted in the quarter-quarter section. As long as they were submitting a subdivision, the property owners decided to add the Lot 2 as part of the process. Chair Zellmer Zant inquired about the ingress/egress shared driveway and asked staff to read Mark Nahra's memo into the record. Priestley quoted Nahra's review memo (see attachment) stating he "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. The existing driveway for the parcel is on the line between lots 2 and 3. If lot 2 becomes residential and needs a driveway, a new drive may be located not closer than 180' south of the north line of the lot. Due to a hill north of the property, sight distance is very limited for access to Lot 2. As long as both lots are used for agricultural purposes, the single driveway exceeds minimum sight distance requirements and may continue to be used. The access driveway to lot 1 can also continue to be used. Mark had no other concerns or issues with the subdivision application." Chair Zellmer Zant stated that if in the event Lot 2 or 3 were to be sold, would people know this would be an issue? Gernhart said the property owners are aware of the issue but will continue to share the driveway and not request a second one. Commissioner Bride indicated that if this were to go to a residential lot, the driveway would have to be addressed.

Parker made a motion to recommend approval of the Peterson Addition and receive and include the review memo by County Engineer Mark Nahra including the condition that if the lots were to be used for non-agricultural purposes such as the building of single-family dwellings, that the lots be rezoned to appropriate zoning designations. Second by Commissioner Bride. Motion passed 3-0.

Public Comment on Matters Not on the Agenda

No public comment for non-agenda items.

Commissioner Comment or Inquiry

Chair Zellmer Zant inquired about receiving access to the future land use maps of the municipalities. Commissioners Bride and Parker concurred about receiving the information. Director Gleiser indicated that the commission will be offered access to the comprehensive plans. Commissioner Bride inquired about the Zoning Commission and Board of Adjustment openings. Director Gleiser indicated that there are two applications for the Zoning Commission and one for the Board of Adjustment. The application deadline is December 15. Director Gleiser indicated that he expects several applications before the deadline. Director Gleiser stated that once the details are sorted out for the comprehensive plan, a steering committee will be put together for the process. He also indicated that FEMA has provided draft maps for the upcoming floodplain review process. The state COVID-19 policies will be monitored concerning future in-person meetings on the proposals.

Adjourn

Motion by Commissioner Parker to adjourn; second by Commissioner Bride. Motion passed 3-0. Meeting adjourned at 6:30 PM.

ATTACHMENT



Woodbury County Secondary Roads Department

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To: Dan Priestley, Woodbury County Zoning Coordinator
David Gleiser, Woodbury County Community and Economic Development Director

From: Mark J. Nahra, County Engineer

Date: October 22, 2020

Subject: Petersen Addition – a minor subdivision application

The Secondary Road Department has reviewed the information provided for the above referenced subdivision application forwarded with your memo dated October 2, 2020.

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. The existing driveway for the parcel is on the line between lots 2 and 3. If lot 2 becomes residential and needs a driveway, a new drive may be located not closer than 180' south of the north line of the lot. Due to a hill north of the property, sight distance is very limited for access to Lot 2. As long as both lots are used for agricultural purposes, the single driveway exceeds minimum sight distance requirements and may continue to be used. The access driveway to lot 1 can also continue to be used.
- I have no other concerns or issues with this minor subdivision application.

If there are any more questions or issues that arise later, please contact this office.

Cc: File