

Minutes - Woodbury County Zoning Commission Meeting September 26, 2016

The meeting convened on the 26th of September, 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, Bruce Garbe, Christine Zellmer Zant, and Barbara Parker. Zoning Staff Present: John Pylelo and Peggy Napier. Present from the public were Wendell and Becky Hubert, Kyle Mullenix.

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 August 22, 2016 meeting.

Mrs. Zelmer Zant made a motion to approve the August 22, 2016 meeting minutes subject to correcting the second motion on page 4 from "*Mr. Bride*" to "*Mrs. Zellmer Zant.*"

Mrs. Parker seconded the motion; motion carried 5-0.

The next item was a Public Hearing and Recommendation to Board of Supervisors Re: The Rezoning of a portion of GIS Parcel #884723200001 for Property Owner - Lynette Mennen; and Applicants Tami and Kyle Mullenix.

On September 20, 2016 the Board of Supervisors received this application and referred to your Commission for public hearing and recommendation.

Lynette Mennen wishes to sell a 2.88 acre portion of an existing parcel 42.26 acre parcel to Tami and Kyle Mullenix. The Mullenix family wishes to construct a single family dwelling on the property purchased. The existing 42.26 acre parent parcel is bare ground and currently in row crop production with an Average Adjusted Crop Suitability rating of 42.26. The parent parcel is an unaddressed parcel lying on the northeast side of Old Hwy 141 between County Home Road and Carroll Avenue.

The rezoning is requested as the parent parcel has an AP (Agricultural Preservation) zoning district designation which limits residential density and would not allow the approval of a building permit for Mullenix construction. The requested AE (Agricultural Estates) zoning district designation provides for an increase in the allowed residential density to allow permitting to be issued.

The 2.88 acres will have approximately 700' of frontage along Old Hwy 141 which is a hard surfaced county maintained roadway. The 2.88 acres will be located within a portion of the SW ¼ of the NE ¼ of Section 23 of Woodbury Township. The proposed parcel is capable of meeting dimensional standards for single family dwelling construction. The parent parcel does not lie within any drainage district or special flood hazard area.

The current zoning district designations and use of property in the area is as follows:

- To the north - AP and AE with farming use and significant residential density by subdivision.
- To the east - AP with farming use and some residential density.
- To the southeast - AP and AE with farming use and significant residential density by subdivision
- To the south - AP with farming use and some residential density
- To the west - AP to the west with farming use.

The legal description for the property to be rezoned is attached to the MLS and Associates, P.L.C.'s plat of survey #5181A (West Portion) dated August 17, 2016.

To assist you in your review of this agenda item find attached:

1. Re-zoning application including aerial representation of the proposed parcel and a construction site plan
2. Referred to Plat of Survey with legal description
3. Beacon Parent Parcel information
4. Beacon Aerial Mapping
5. CSR2 verification for parent parcel
6. Email dated August 4, 2016 from County Engineer Mark Nahra relative to his driveway assessment.

Written notice of the public hearing was to the 15 property owners within 1,000 feet of the parent parcel. No contact has been received from those property owners except a telephone contact from Ellen Shupe of Indianapolis IN. Mrs. Shupe owns multiple parcels to the northeast. Mrs. Shupe inquired as to how the re-zoning would impact her. Staff conveyed information and Mrs. Shupe stated she did not wish to make any formal comment. It is not anticipated she will attend or be represented at the public hearing.

Comments:

Mr. Wendel Hubert asked why the area is being rezoned and could there be more than 2 houses per 40 acres.

Mr. Pylelo said AE (Agricultural Estates) zoning provided for increased residential density.

Kyle Mullenix said he requested the rezoning. With the subdivisions in the north and east areas, the trend appears to be increasing density. Rezoning solved a problem of having to rezone sometime in the future.

Mr. Mullenix called County Engineer Mark Nahra and discussed location of potential access roads. Mr. Nahra said he approved of driveways at either end of the parcel.

Ms. Zellmer Zant made a motion to close comments. Mr. Bride seconded the motion;

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.

Ms. Zellmer Zant made a motion to recommend approval to rezone. Mr. Garbe seconded the motion; motion carried 5-0.

Public Hearing and Recommendation to Board of Supervisors Re: The Rezoning of GIS Parcel #884723200007 and #884723200008 for Property Owners – Jimmie Lee and Renee T. Colyer; and Applicant – The Woodbury County Zoning Commission

On September 20, 2016 the Board of Supervisors received this application and referred to your Commission for public hearing and recommendation.

At your Commission meeting of August 22, 2016 the previous agenda item's (Mennen rezoning) impact upon the remainder of the quarter-quarter section was discussed. Your Commission voted to approve participating in the filing of a rezoning application for of the balance of the quarter-quarter owned by the Colyer family requesting identical rezoning from AP to AE. Staff recommended you consider this additional area be similarly rezoned as the Mullenix construction would make the two residences on the Colyer parcels legal non-conforming structures. This would occur due to the residential density limitation of AP.

Your Chairman executed a rezoning application which was also executed by property owner Jimmie Lee Colyer. The Colyer family plans no immediate new residential construction but should this agenda item be approved the Colyer family would be in a position to split a portion or portions of their property (subject to subdivision ordinances) having the knowledge any subsequent buyer could be issued new dwelling construction permitting.

The Colyer property to be rezoned totals 33.71 acres within the West ½ of the NE ¼ in Section 23, T88N, R47W of the 5th P.M. (Woodbury Township) in the County of Woodbury and State of Iowa. The 33.71 acres are located on the westerly side of Old Highway 141 north of the intersection of Old Highway 141 and Carroll Avenue; and located along the west side of Carroll Avenue.

The 33.71 acres are the entirety of GIS Parcel #884723200007 (2.24 acres addressed 1650 Old Hwy 141) and #884723200008 (31.47 acres addressed 1646 Old Hwy 141).

Both parcels have existing structures including single family dwellings. The larger parcel is in row crop production. The Average Adjusted Crop Suitability rating (CSR2) for this 31.47 acre parcel is 49.85. No CSR2 data is available for the 2.24 acre parcel.

In combination the two parcels will have approximately 1,825 feet of frontage along Old Hwy 141 and 500 feet of frontage along Carroll Avenue. Old Hwy 141 is a hard surfaced county maintained roadway. Carroll Avenue is a graveled county maintained roadway. The two parcels do not lie within any drainage district or special flood hazard area.

The current zoning district designations and use of property in the area is as follows:

- To the north - AP and AE with farming use and significant residential density by subdivision.
- To the east - AP with farming use and some residential density.
- To the southeast - AP and AE with farming use and significant residential density by subdivision
- To the south - AP with farming use and some residential density
- To the west - AP to the west with farming use.

The legal description for the property to be rezoned is currently being compiled from county real estate and abstracting records.

To assist you in your review of this agenda item find attached:

1. Re-zoning Application
2. Beacon Parent Parcel information
3. Beacon Aerial Mapping
4. CSR2 verification for parent parcel

Comments:

Mr. Kimmie Lee Colyer said he has no plans for a residential structure on the parcel.

Mrs. Zellmer Zant made a motion to close the hearing. Mr. Garbe seconded the motion; motion carried 5-0.

Staff Recommendation:

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

Mrs. Parker made a motion to recommend approval for rezoning. Ms. Zellmer Zant seconded the motion; motion carried 5-0.

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.

Mr. Garbe made a motion to adjourn. Mrs. Zellmer Zant seconded the motion; motion carried 5-0. Meeting was adjourned at 8:15 PM.

Next scheduled meeting is October 24, 2016.