

Minutes of Woodbury County Zoning Commission July 24, 2006

The meeting convened on the 24th of July, 2006 at 6:03 PM in the Board of Supervisor's meeting room on the first floor of the court house, Sioux City, Iowa. Present were the following Commission members – Chairman Don Groves, Dwight Rorholm, Arvin Nelson, and Grady Marx; Zoning Staff Present: John Pylelo and Peggy Napier. Present from the public were Riley Simpson, consultant for Flat Earth Planning, Brian Mastbergen, and Julie Nylen.

The first agenda item was comments on the lack of Zoning Commission minutes.

Mr. Marx was concerned there had not been minutes presented before previous and current meetings. He suggested minutes be caught up and brought to the commission before the commission went forward. Chairman Groves agreed minutes be a priority until they are made current.

The second agenda item was the work session and discussions of the new and revised subdivision ordinances.

Mr. Marx said there were comments regarding adequate “light” and “air” in **Section 1.02: #2. Intent: F.** Marx repeated his concerns from the previous meeting; the provisions were too “cityized.”

Mr. Simpson said Mr. Marx's comments were valid on the Intents and Purpose page. They may have been lifted too directly from Sioux City's ordinances. Simpson made a mental note to go through his provisions and make appropriate adjustments. However, he did feel the comment regarding “light” and “air” could prove to be valid.

Mr. Simpson reviewed Simple, Major, and Minor Subdivisions

Mr. Marx wanted to provide more checks and balances for each form of subdivision. Mr. Simpson explained with a Simple Subdivision (clear 40 acres split one time), Mr. Pylelo doesn't even see the plat. It goes directly to the Recorder's office. The only time it comes to Pylelo's attention is if the owner decides to build and there happens to be a discrepancy with the parcel. At that point, someone from the recorder's office contacts Pylelo and draws his attention to the discrepancy.

A discussion ensued regarding opportunities to check on the landowners or require them to divulge their plans to the Planning and Zoning office. Mr. Pylelo's comment was it might be more advantageous to keep the surveyors apprised about any changes. Then they will have current information to pass on to the landowner.

In a Minor Subdivision a plat is not presented with topography. The Commission reviews only the final plat before it is sent to the Board of Supervisors for approval. The Commission may review the plat for a second time by request.

In a Major Subdivision the final plat does not come back to the Zoning Commission if there are no changes to the preliminary plat. A Major Subdivision is one requiring construction of public improvements. The subdivider shall comply with the submittal and review requirements for both preliminary and final plats.

The design standards are per County Engineer but regulated through the Zoning Commission. This gives an adequate template available for developers to avoid future problems and issues with drainage. The developer may be able to sign covenant. If subdividers want the county to take care of roads, they need to be responsible for making roads meet county standards.

Mr. Marx asked if this was the appropriate place to insert regulations pertaining to interior roads; whether they must be paved or not. Currently subdividers sign paving agreements or agreements included in the subdivision's covenants ensuring they will pay a portion of the paving costs should the County Engineer decide paving is appropriate.

Mr. Pylelo said alternatives should be looked at regarding paving interior roads, but he did not think it appropriate the Planning and Zoning office make that decision.

Mr. Rorholm thought the restriction for the subdivision should be if a road through the subdivision ever becomes a public road it will have to meet certain requirements such as setbacks, paving, acceptable right-of-way, curbs, width, etc. He continued saying maybe the common right-of-way and other conditions should be what is acceptable to the county so those conditions are already met should the time come to pave.

Mr. Rorholm said the approved plat needs to reflect proper lot sizes and street (roadway) width which will meet County Design Standards should the subdivision petition the county to pave the street (road).

Mr. Pylelo said those design standards need to be set by the County Engineer since it will have to meet his standards eventually anyway. It isn't sufficient to defer only to the zoning commission since the makeup of the commission does not typically include an engineer, although it happens to meet those conditions at this time in Woodbury County.

Chairman Groves gave the example of Berea Heights subdivision off of Stone Ave. who wanted the county to maintain their roads, but the roads did not meet the county's specifications.

Mr. Simpson summarized by stating:

If somebody wants to have a private road interior in a subdivision, in order to have that road serve the lots primarily so they can put off paving the roads because, at this time, paving doesn't necessarily make sense, they would still have to:

- Dedicate a right-of-way that meets the county standard
- They may be dedicating that right-of-way to a homeowners association

- They would be grading the roadway to the same profile that the county would require
- All the culdesac dimensions and all related things would meet county requirements
- The only thing they would have to do is put the prescribed paving surface on it

The third agenda item was Consideration of Petition for Rezoning for Landmark Holdings, LLC – GIS #8847 04 376 001

The Woodbury County Office of Planning and Zoning has received a petition for rezoning from Landmark Holding, LLC. Landmark Holding is a land and building management company and is represented tonight by Mrs. Julie Nylen. Mrs. Nylen requests a particular parcel be rezoned to remove the planned development (PD) designation from the existing General Commercial (GC) designation to facilitate the sale of the property. Landmark Holdings has received a recent offer of purchase from a local civil engineering firm conditioned upon a change in zoning designation which would allow the use of the parcel and structure to provide professional engineering and related services. Mr. Brian Mastbergen of DeWild, Grant and Rechert and Associates Company with offices at 4425 Singing Hills Blvd., Sioux City represents the potential purchaser.

The parcel is located at 1421 170th St., Sioux City near the intersection of Morningside Avenue and Whispering Creek Drive laying just north of Morningside Veterinary Hospital and within the SW ¼ of Section 4 of Woodbury Township.

The zoning history of the parcel is as follows:

- Prior to 1998 the parcel’s zoning designation was R-10 (Suburban-Residential).
- In September of 1998 Mr. Nylen applied for a zoning designation change to CG-PD (General Commercial – Planned Development). The Zoning Commission recommended approval of the zoning change. The effect of the PD designation limited the permitted use of the parcel and structure for only activity related to land and building management operations. Your Board subsequently approved the zoning designation change to CG-PD.

The 33 property owners within 500’ of the parcel have been notified of the required public hearing. Today written responses have been received from Randy A. and Linda C. Olson of rural route #2, Sioux City who have stated it is okay to rezone that parcel of land, and from David and Laurie Davenport who list their business address as 1114 4th St. in Sioux City but who own residential property within the 500’ of the designation who state, “We are in favor of the rezone.”

Review of the petition to rezone application verifies the correct amount of signatures had been obtained from nearby qualified property owners favoring approving of the request of zoning change.

The parcel adjacent and to the south is zoned CG (General Commercial). The property adjacent to the NE is zoned AG (agricultural). The property to the west is within the city limits of Sioux City and is currently undergoing rezoning for a proposed crematorium. The Hwy 20 Bypass lies to the northwest.

This concludes John's dialogue.

Mrs. Nysten invited Mr. Mastbergen to explain his intents and potential uses for the property.

Mr. Groves explains to Mr. Mastbergen if his firm moves and sells their property, there could possibly be some uses the neighbors and surrounding homeowners might not approve of. He further explained the commission would like to see some restrictions placed on the property that would deter these uses.

Mr. Pylelo asked if Mr. Mastbergen would be agreeable to having the property zoned for general office use with a PD (planned development) standing although he felt the commission's list of venues they did not want to allow was too restrictive.

Chairman Groves said he didn't want to be restrictive, but (that area) was changing and there are things the commission did not want to see there.

Mr. Rorholm made a motion the old General Commercial zoning be revoked and the new PD state the property can be used for any general business, office-type work and associated with it employees vehicles, parking, activities and operations related to general businesses and offices. Mr. Marx seconded the motion: motion carried.

Mr. Pylelo stated the next step was to take the commission's recommendations to the Board of Supervisors for their public hearing (August 31) and their final approval.

The Fourth Agenda Item was a continuation of the discussion of Section 1.02:#2 of Subdivisions

Discuss ensued regarding whether interior roads and/or private roads should be paved/not paved or considered per County Engineer's Standard.

Mr. Marx said the interior road did not have to be paved. Mr. Simpson stated the county standard for roadway is a paved road. When the plat is approved there can be an agreement in place regarding who will pave it.

Mr. Marx said he would do it the other way because he wanted to get the cost of paving a private road down. He thought it would hinder the owner's desire to develop the ground the road would be on. Marx also commented the owner should not be told he has to pave the road, but should be given an opportunity to opt out of having to pave the road.

Mr. Rorholm said the paving agreement would say the owner has to pave under certain circumstances.

Mr. Marx took exception at having to tell the owner up front he has to pave the road, but that the commission would make an exception for his particular case.

Mr. Simpson said the language in the ordinance should say the standard is paved roads.

Mr. Marx disagreed.

Mr. Simpson explained the language in the ordinance should have the teeth to say we are supposed to pave that road; however, given the fact the road isn't going to serve more than "x" people and whatever reasons, the board can accept a deferral on that.

Mr. Marx didn't like the word "deferral" because he thought it makes people jump through one more hoop. Marx agreed with Mr. Rorholm's comment saying if it was stated in the paving agreement that at the point and time the county road is paved, the "T" has to be paved, even if it's only a certain number of feet from the "T". Marx said it is a private, interior road and they can drive on whatever they want to on the rest of the road.

Mr. Simpson asked if the County Engineer's Standard was paved roads.

Mr. Pylelo quoted "interior roadways shall meet County Engineer's Standards, and currently those Standards are 31' Portland cement, back to back, curb and gutter. If the County Engineer changes that standard, the ordinances will just follow along. Pylelo said he didn't want to change anything. He thought it would simplify things to simply defer to whatever the County Engineer's Standards are currently.

Mr. Rorholm discussed potential problems with reading plats requiring grading and laying contours.

Chairman Groves gave an example of what the city road standard's will be for the next five (5) years and said these standards will have to be considered for any subdivisions within two (2) miles distance from the city (referring to future annexation).

A decision was made for Mr. Simpson, Mr. Pylelo and Mr. Rorholm to confer with County Engineer Dick Storm to discuss what standards he would go with.

Commission went through Article 7. Definitions

Mr. Marx made a motion to adjourn; seconded by Mr. Rorholm; motion carried.

Meeting adjourned 9:00 P M