

## **Minutes - Woodbury County Zoning Commission Meeting March 24, 2008**

The meeting convened on the 11<sup>th</sup> of March, 2008 at 12:45 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 – Acting Chairman Grady Marx, Commissioners: Dwight Rorholm, David McWilliams and Arvin Nelson. Excused absence: Commissioner Christine Zellmer Zant. Zoning Staff Present: Director John Pylelo and Clerk Peggy Napier arriving at approximately 2:00 PM. Present from the public was Riley Simpson, the County's consultant with Flat Earth Planning.

**The first agenda item was approval of March 11, 2008 Commission Minutes.**

**Commissioner Rorholm made the motion to approve the March 11, 2008 minutes as presented with no changes; seconded by Commissioner Nelson; motion carried 4-0.**

**The next agenda item was the final plat review and recommendation for Bumsted Addition Subdivision.**

The Woodbury County Office of Planning and Zoning has received a subdivision application from property owner Gary and Eileen Bumsted. The stated intent is to subdivide the existing 24 acre parcel into 2 lots for sale of a portion of the parcel. There is currently a single family dwelling and multiple accessory structures on proposed Lot 1. Proposed Lot 2 has no structures.

The 24 acre parcel lies approximate 2.50 miles south of Anthon and is located in the SW ¼ of Section 17 in Miller Township. The parcel abuts the east side of Morgan Trail and the north side of 250<sup>th</sup> St. both County maintained graveled roadways.

The parcel is zoned AG (Agricultural), the current and intended uses are permitted and no portion of the subdivision lies within any floodplain. The weighted average crop suitability rating for the parcel is 39.0. Access for driveway purposes would be provided by two separate driveway locations. Lot 1 would use the existing drive at 2498 Morgan Trail and a separate drive for Lot 2 is proposed for location along 250<sup>th</sup> St.

The Board of Supervisors at their meeting of March 11, 2008 considered the final platting and forwards to your Commission for recommendation. Mr. Pylelo stated the proposed driveway location for Lot 2 has been reviewed and approved by the County Engineer. Further Mr. Pylelo informed the Commission a Paving Agreement meeting County paving policies for both 250<sup>th</sup> St and Morgan Trail had been executed.

**Commissioner Rorholm made a motion to recommend approval of the final plat for Bumsted Addition subdivision subject to the recording of the paving agreement. Seconded by Commissioner Nelson; motion carried 4-0.**

**The next agenda item was the final plat review and recommendation for Deer Meadow Estates Addition subdivision.**

*The Deer Meadow Estates Addition was tabled at the developer's request. It will be revisited at the April 28<sup>th</sup>, 2008 meeting.*

**The next agenda item was any citizen wishing to be heard before the Commission**

*There were not citizens present wishing to be heard.*

**The next agenda item was general discussion regarding agricultural land preservation legislation within the Iowa Code.**

**Mr. McWilliams made the motion to table the agenda item until such time as Commissioner Zellmer Zant is present; seconded by Commissioner Nelson; carried 4-0.**

**Commissioner McWilliams made a motion to recess for lunch; seconded by Commissioner Nelson; motion carried 4-0.**

Meeting recessed at approximately 12:25 PM

**Commissioner McWilliams made a motion to reconvene; seconded by Commissioner Nelson; motion carried 4-0.**

Meeting reconvened at 1:14 PM

**The next agenda item was a Work Session Re: Woodbury County Zoning and Subdivision Ordinances and Zoning District Mapping.**

County consultant Mr. Riley Simpson addressed the Commission and reviewed changes to the proposed zoning district mapping approved at the Commission's March 11, 2008 meeting. Specifics changes included:

- The assignment of the AE (Agricultural Estate) zoning designation to parcels southeast of Sioux City to Glen Ellen Road.

- The assignment of the SR (Suburban Residential Zoning designation to parcels near the intersection of Derocher Path and Old Lakeport Rd.
- The correction of the mapping to reflect recent annexation by the City of Sioux City.

Discussion ensued regarding the 2005 Development Plan and the impact of the 2005 Future Land Use Mapping on zoning decisions.

The Commission then took up discussion of Mr. Nick Corey’s informal request for AE (Agricultural Estate) zoning on parcels southeast of the intersection of Glen Ellen and Elk Creek Roads. Zoning Director Pylelo reported the most current status of Mr. Corey’s intention to develop the property based upon the Commission’s likely denial of any rezoning application. The Commission reaffirmed that the combination of the below factors would likely result in the Commission’s denial of any AE zoning designation application:

- a crop suitability rating of 73;
- the proximity to a zone A flood hazard area;
- the potential for inclusion within a water inundation area should a breach occur to a nearby retention structure; and
- the impact of drainage on nearby parcels by any grading plan

Mr. Simpson continued with discussion of proposed zoning ordinance language. Discussion was held on stand alone ABE (Adult Business Entertainment) ordinances and their impact upon proposed zoning ordinances. Mr. Simpson covered proposed language within section 5.04 of the zoning ordinances. This section focuses primarily upon applicability of the ordinances, separation distances and the operational requirements to be established by any adult business entertainment ordinances adopted by the Board of Supervisors.

*Enclosed find April 8, 2008 drafts of both zoning and subdivision ordinances along with Riley Simpson email explaining changes. The documents represent changes made through your March 11, 2008 meeting.*

Consultant Simpson used the rest of the meeting to review the changes made to ordinance language within the March 11<sup>th</sup> meeting. Changes are noted below:

- Page 15: #5 Conservation Development – Under “A,” “B” and “C” it was decided the dashes (-) should be deleted before “CD.”  
In the last line under “B,” “AP” should be added before “AE.”

- Page 29: After “Agricultural and agri-business uses,” “(See Sections 1.03-2 and 1.03-3 regarding exemption of farming from these regulations.)” was added for clarification.
- Page 31: At “Adult Products,” “(As defined in Sec. 6.02)” was added. A discussion ensued regarding how “Adult Entertainment” will be handled in counties close to the Hyperion building site.

Simpson also reviewed proposed sign ordinance language on pages 49 to 52:

- Page 50: Under “Required Setbacks” for GC through GI, “side” should be “from side lot line” and “from Right-of-way” should be added.
- Page 51: “A – (2)” “Free Standing” should be added after “Ground Signs”
- Same page: Under “Allowed” in (1) Wall signs under “Building Signs” from AP through NR should be changed from “No” to “Yes.”
- Same place: Under “Maximum Size” from GC through GI Mr. Pylelo suggested the commission get the County Engineer’s input for “20% of wall area.”

Mr. Pylelo said he would check into how is possible to keep signage off of Hwy 20.

**Mr. Rorholm made a motion to take a brief recess. Mr. Nelson seconded the motion; motion carried 4-0.**

**Meeting recessed at 3:40 PM. Meeting reconvened by Chairman Marx at 4:00PM.**

- Page 52: Under #8-Standard of off-premise advertising signs; GC – Mr. Pylelo suggested the commission look into the “1000 feet” for required separation. The commission may want to drop back to 660 feet which complies with state regulations. It would keep everything standardized. He suggested the industry standard may work for required separation for HC as well.
- Page 53: Discussion ensued regarding language preventing any building down from dams in the flood inundation areas. Mr. Pylelo said Mr. Cappuccio hadn’t decided where this language would fit into the Floodplain Management Ordinance. It is a safety issue and creates a problem with it affecting farmers and buildings they want to put up in these areas.

Adult Business Entertainment language on page 70 along with the definitions impacting on pages 75-76: Your commission decided Adult Entertainment Businesses would be allowed in the GI zoning district.

- Chairman Marx suggested “Daycare Centers” be added as “G” under “Location Requirements.”
- Discussion ensued regarding whether it should be a conditional use or not. Before going further the commission decided to wait until information came back from the County Attorney’s office regarding Adult Entertainment.

**Commissioner Rorholm made a motion to adjourn the meeting; Commissioner McWilliams seconded the motion; motion carried 4-0.**

*Meeting adjourned at 5:15 PM.*

Next meeting will be Tuesday, April 8, 2008, from 12 noon until no later than 9 PM.