

Minutes - Woodbury County Zoning Commission Meeting

May 19, 2008

The meeting convened on the 19th of May, 2008 at 6:02 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 – Chairman Grady Marx, Commissioners: Dwight Rorholm, and David McWilliams. Commissioner Arvin Nelson was absent because of planting and Commissioner Christine Zellmer Zant left a message during the meeting asking to be excused: Staff members present were Director John Pylelo and Clerk Peggy Napier. Present from the public was Riley Simpson, the County's consultant with Flat Earth Planning; Dave Marx, and Engineer Bill Dotzler.

The first agenda item was approval of April 28, 2008 Commission Minutes.

Commissioner Rorholm made the motion to approve the April 28, 2008 minutes; seconded by Commissioner McWilliams; motion carried 3-0.

The next agenda item was consideration of final platting for Deer Meadow Estates Addition subdivision – GIS Parcels #8942 28 200 002, #8942 28 200 003 and #8942 28 200 007.

The Woodbury County Office of Planning and Zoning has received a Subdivision application from property owner R & J Van Beek, L.L.C. The stated intent is to subdivide the existing three parcels into 20 lots single family residential development. There are currently no structures on any of the three parcels.

The parcels are located in part of the NE ¼ Section 28 Union Township abutting the north and east sides of Michigan Avenue which is a County maintained, graveled roadway. The subdivision's location lies approximately 1.25 miles northwest of the Correctionville. Correctionville town counsel has waived their right to extraterritorial review of this development.

The parcels are zoned AG (Agricultural), the current and intended uses are permitted and no portion of the subdivision lies within any floodplain. The average crop suitability rating for the parcel is 43.0. Access for driveway purposes would be provided by two separate driveway locations off Michigan Avenue with the lots serviced by a proposed private interior roadway. The County's paving policies apply requiring a paving agreement related to Michigan Avenue be recorded as a condition for subdivision approval. County subdivision ordinances further require the interior roadway be built according to the standards and specifications of the County Engineer.

At the Commission's meeting of January 28, 2008 the public hearing was held and a recommendation to approve the preliminary platting was approved. At your meeting of April 8, 2008 engineer Bill Dotzler and Attorney Cody McCullough appeared to discuss the proposed subdivision and several of the following conditions your Commission original placed upon your recommendation of preliminary plat approval to the Board of Supervisors. Comments in **bold** are those of the Planning and Zoning office

1. The final plat show grading plan for the entire subdivision and for each individual lot and outlot. **That final platting reflects this condition.**
2. The lots have to fit the contour of the road. **The final platting reflects this condition.**
3. The developer needs to show how the lots will be built with no unnecessary grading. **The final platting reflects this condition.**
4. The final plat needs to show the entrances for each lot. **The final platting does not reflect this condition as at your meeting of April 8, 2008 this condition was removed because the Tract A roadway is private. Driveway locations are to be determined by the developer and the Design Review Committee.**
5. Internal road, drainage and entrances meet County Engineer's standards. A copy of the final platting has been provided the County Engineer. **A copy of the final platting has been provided the County Engineer and we await comment. Upon review of preliminary platting the Engineer stated he recommends a combination of roadway surfacing specifications for the internal, private roadway within Tract A. Specifically a graveled internal roadway for all portions of Tract A except where a portland cement roadway will be required from Michigan Avenue east to the crest of the nearest hill. The County Engineer's office states that distance is estimated to require portland cement paving of up to 350'. *The Planning and Zoning office has had a conversation with Engineer Storm and Assistant Roger Milligan and after a brief discussion commission decided to defer to Dick Storm's recommendation.***
6. A Homeowner's Association be formed including covenants. **Within your meeting packets you will find the May 5, 2008 draft of proposed Declaration of Covenants, Conditions and Restrictions for Deer Meadow Estates. Also attached are the proposed Bylaws. The portion of the Covenants impacting Zoning Commission conditions are as follows:**
 - **Page 4 Article III(3)....reference to internal roadway (Tract A) shall remain a private roadway**
 - **Page 6 Article V(2)....fences are subject to Design review Committee review and approval. *After brief discussion it was decided inappropriate***

for commission to make decisions regarding fencing for adjacent farmers. This should be between the lot owner and adjacent owners. They decided to remove this Article.

- **Page 7 Article VI(1&2)**....primary and accessory structures are subject to Design review Committee review/approval and Woodbury County ordinances.
- **Page 7 Article VI(3)**....refers to construction site envelope and restricts primary and accessory structures to the building site envelope except for gazebos and recreational facilities.
- **Page 7 Article VI(4)**....limits excavation and grading to the 10,000sf building site envelope. Any excavation requires Design Review Committee approval.

Above three (3) articles are considered “accessory structures” or possibly “recreational structures.” The descriptions are too broad and need to be tightened up.

7. Each lot have a permit from the Department of Health. **Prior to primary structure construction each lot’s owner will be required to obtain well and septic permits. The Woodbury County Health Department has previously made comment that it foresees no unusual issues with the installation of well and septic systems on any of the lots. Can be done.**
8. A statement defining who is responsible for fencing next to farm lands. **At your meeting of April 8, 2008 this issue was discussed with representatives of the subdivision. This requirement was removed in light of testimony that one of the adjacent landowners did not wish to enter into any fencing agreement. It was decided to allow the developer to enter into fencing negotiation with fence construction and maintenance determined by what is agreeable to the respective parties. Commission decided to waive #8.**
9. As this proposed subdivision abuts non hard surfaced county maintained right-of-way a paving agreement will be required as a condition of subdivision approval. **The Planning and Zoning office awaits a proposed paving agreement from the developer meeting the County Engineer’s recommendation. The Paving Agreement will provide that the developer share in the cost of any future hard surfacing of Michigan Avenue from lot 5’s northern lot line; then south along Michigan Avenue to Michigan Avenues’ intersection with 150th St.; then east along 150th St. to a point where 150th St. intersects with existing hard surfacing at Hwy L36 (a/k/a Osceola Avenue). A distance of approximately 9,894 linear ft. Still waiting for Paving Agreement. Decided the homeowners are the only ones interested in paving Michigan Ave. They will pay their portion and it will be included in the covenants.**

At their meeting of May 13, 2008 the Supervisors considered the final platting and now forwards to your Commission for recommendation.

Commissioner McWilliams made a motion to recommend approval subject to;

- **#5 - Internal road, drainage and entrances meet County Engineer's standards**
- **#9 - the execution and recording of a paving agreement to be included in the covenants**

Motion seconded by Commissioner Rorholm; motion carried 3-0.

Chairman Marx asked for a recess. The Commission recessed at 6:42 PM and reconvened at 6:50 PM.

The next agenda item was consideration and recommendation for the Preliminary Platting for Marx Development Addition subdivision.

Chairman Marx excused himself from the discussion because of personal interest in the agenda item. Commissioner Nelson was telephoned and asked to participate in the discussion and decisions via telephone. Nelson agreed.

The Woodbury County Office of Planning and Zoning has received a subdivision application from property Mr. Wallace and Mr. Robert Marx, managers of Marx Development. L.L.C. The stated intent is to subdivide an existing 18+ acre parcel into 4 lots for industrial development.

The parcel is located in the SE ¼ of the NE ¼, Section 01, West Liberty Township at the NE corner of the intersection of Andrew Avenue and 225th St. lying approximately 0.5 south of the Sioux Gateway Airport.

Andrew Avenue and 225th St. are county maintained graveled roadway and a paving agreement for both roadways will be required as a condition of subdivision approval. The subdivision's location lies within 2 miles of the corporate limits of the city of Sioux City and the city of Sergeant Bluff and may require approval by the Sioux City's City Council. Sergeant Bluff's right to extra territorial review appears by statute to be

extinguished by Sioux City's close proximity.

The parcels are zoned MH (Heavy Industrial), the current and intended uses are permitted and no portion of the subdivision lies within any floodplain. The average crop suitability rating for the parcel is 52.0. The platting proposes driveway access which would be provided to each of the lots as follows:

- Lot 1 – proposes the use of two separate existing drives addressed 2258 and 2260 Andrew Avenue.
- Lot 2 – proposes driveway access along 225th St. which would also serve as a separate 40' wide access/egress easement through Lot 2 to serve as access to property owned by the developer to the north.
- Lot 3 – proposes the use of an existing unaddressed drive.
- Lot 4 – proposes the use of an existing unaddressed drive and a separate 40' wide access/egress easement through Lot 4 to serve as access to property owned by the developer to the north.

Present activity on the parcel is as follows:

- Lot 1 – Proposed Lot 1 and its structures are currently leased by Fiedler Enterprises. Fiedler's business activities are over the road trucking, local trucking and dry goods storage.
- Lot 2 – Proposed Lot 2 has no structures or business activity.
- Lot 3 – Proposed Lot 3 has no structures but contain gravel piles owned by Woodbury County under a short term storage agreement. The materials stored by the County are for roadway maintenance.
- Lot 4 – Has a single abandoned structure, a parking area for several over the road trailers and contains gravel piles owned by Woodbury County under a short term storage arrangement.

Notification was sent to the nine (9) property owners within 1000' of the proposed subdivision's parcel. To date no responses have been received. Notices were also sent to each of the following Agencies or Institutions with responses noted.

City Clerk of Sergeant Bluff: On May 14, 2008 Dale G. Peterson, Mayor of Sergeant Bluff, telephoned and then emailed the Planning and Zoning Office.

Sergeant Bluff raises the issues of creation of environmental concerns, increased vehicular traffic on Port Neal Road and adjoining residential areas. Sergeant Bluff's letter of May 14, 2008 was attached to your packet for your review.

City of Sioux City Planning Office: The City of Sioux City will be exercising their city's right to extraterritorial review. Included within their conditions for their subdivision approval will be a voluntary annexation agreement from the developer.

NRCS: No Response received

County Engineer: No Response received

DNR: No Response received

Long Lines: No Response received

Woodbury County REC: No Response received

Siouxland District Health Department: No Response received

County Assessor: No Response received

Emergency Services: No Response received

Real Estate Department: No Response received

Board of Supervisors: No Response received

At their meeting of May 13, 2008 the Supervisors considered the preliminary platting and now forwards to your Commission for recommendation.

Commissioner Nelson identified the location as "north of 27 Flags." It was agreed this was the location. Nelson noted this subdivision would "fit" in this area.

Commissioner Rorholm did not see any problems.

Director Pylelo said the plat needed correcting;

- Paving Agreement be executed and recorded; and
 - To show the ROW along Andrew Avenue; and
 - Graphically show building setbacks within each of the four lots; and
 - Show the distances on Lots 1 and 4 from existing structures to lot lines (see last comment below); and
 - The final platting reflect a notation that both the 40' wide ingress/egress easements in Lots 2 and 4 will never be dedicated county right of way; and
 - Correction of the misspelling of the word "*COMPANY*" as shown above Lots 2/3
 - As the Commission wishes to confirm all the existing structures lie within construction setback envelopes you could forego providing the actual distance dimensions of structures from lot lines by showing the setback envelopes graphically on the final plat . My review indicates setback violations do not exist and all structures will fall within their respective envelopes.

Commissioner Rorholm made a motion to recommend approval subject to the following conditions:

- **Paving Agreement be executed and recorded; and**
- **To show the ROW along Andrew Avenue; and**
- **Graphically show building setbacks within each of the four lots; and**
- **Show the distances on Lots 1 and 4 from existing structures to lot lines (see last comment below); and**
- **The final platting reflect a notation that both the 40' wide ingress/egress easements in Lots 2 and 4 will never be dedicated county right of way; and**
- **Correction of the misspelling of the word "*COMPANY*" as shown above Lots 2/3**

- **As the Commission wishes to confirm all the existing structures lie within construction setback envelopes you could forego providing the actual distance dimensions of structures from lot lines by showing the setback envelopes graphically on the final plat. My review indicates setback violations do not exist and all structures will fall within their respective envelopes.**

Commissioner McWilliams seconded the motion; motion carried 3-0.

(Nelson voted via telephone. Mr. Marx did not participate in the discussion or the vote.)

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

There were no citizens wishing to be heard.

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

Mr. Simpson reviewed questions and comments made at the May 13, 2008 town hall meeting at the Merville Community Center in Merville, IA.

A lengthy discussion ensued regarding sheds on skids; farm exempt sheds on skids versus non-farm sheds on skids.

Commissioner McWilliams made a motion to amend the 1971 ordinance to delete the 120sf dimensions of sheds on skids.

Chairman Marx seconded the motion; motion carried 3-0.

Mr. Simpson agreed to find the mission language regarding building permits. The Planning and Zoning Office agreed to provide Mr. Simpson and members of the Commission with copies of the current fee schedule. It will be included with the rest of the proposed ordinances for the Board of Supervisors to review.

A lengthy discussion ensued regarding current ordinances governing “junk,” what qualifies as “junk,” and who will be responsible for monitoring it. Chairman Marx wants

ordinances slightly looser; Director Pylelo understands the Board wants ordinances tighter. No decision.

A lengthy discussion regarding Kennels ensued asking the Commission if they “want to place restrictions on private dog ownership.” This appears to be more of a civil or nuisance issue rather than a Zoning issue. The Commission is not interested in limiting the number of personal pets.

A discussion ensued regarding “simple subdivisions.” Mr. Simpson noted there needs to be language no house can be built on a split parcel. Mr. Pylelo stated the Supervisors can legally waive this ordinance. Mr. Simpson said the question is who gets the second housed on the 40 acres, not how many splits have been made.

Director Pylelo stated for clarification subdivision grandfather rights occur prior to the 1971 ordinances, not prior to adoption of this proposed ordinance.

Commissioner Rorholm commented the Land Use Map is the most important tool in all of the proposed materials.

Director Pylelo stated the map shows justifiable growth patterns and added it should be reviewed every three (3) to five (5) years.

Commissioner McWilliams made a motion to adjourn; Commissioner Rorholm seconded the motion; motion carried 3-0.

Meeting adjourned at 9:21 PM.

Next meeting Monday, June 2, 2008 at 6 PM.