

Minutes - Woodbury County Zoning Commission Meeting June 27, 2011

The meeting convened on the 23rd of May, 2011 at 5:59 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 – Vice-Chairman David McWilliams, Mike Knight, Arvin Nelson, and Christine Zellmer Zant. Grady Marx was absent due to circumstances beyond his control. Zoning Staff Present: John Pylelo and Peggy Napier. Present from the public were Linda Miller and Doug Mordhorst.

The first agenda was approval of May 23rd, 2011 Commission Minutes.

Ms. Zellmer Zant made a motion to approve the minutes as written.

Mr. Knight seconded the motion; motion carried 4-0.

The next agenda item was a Public Hearing and Recommendation on Re-Zoning for Luane Todd, Cheryl Todd and Linda Lurene Miller – GIS Parcel #884215100006

The Woodbury County Office of Planning and Zoning received a violation of subdivision ordinances notification from the County Recorder's office in October of 2010. The property owners were contacted and have filed a petition for rezoning to allow for the subdivision of the property. A deed was recorded in 2010 where the Todds sold an area proposed as Lot 1 to Miller.

The petitioners request a 7.64 acre parcel be rezoned from AP (Agricultural Preservation) to AE (Agricultural Estates). The rezoning is required as the AP zoning designation limits to two (2) the number of single family dwellings within a quarter-quarter section (40 acres). Should the rezoning petition be approved petitioner would then make application for subdividing the existing parcel into two lots.

No portion of the existing parcel is located within an existing or proposed flood hazard designation or a drainage district. Adjacent and nearby zoning designations consist of AP (Agricultural Preservation).

It is of note the proposed final platting shows an ingress-egress easement and a 20' utility easement impacting proposed Lot 1.

The eight (8) property owners within 1000' of the proposed rezoning were notified by letter of the public hearing. As of June 21, 2011 no nearby property owners had contacted the Planning and Zoning Office.

Notices were also sent to each of the following Agencies or Institutions with responses noted.

County Engineer: No Response Received

DNR: *Letter received dated 06/20/2011 re: NPDES Permit #2. Letter was forwarded to Applicants.*

Schaller Telephone: No Response Received

Woodbury County REC: No Response Received

Siouxland District Health Department: No Response Received

County Assessor: No Response Received

County Emergency Services: No Response Received

County Real Estate Department: Subdivision name is available for use

Board of Supervisors: No Response Received

Gulf Central Pipeline Company l/k/a Kanab Pine Line Operation Partnership; n/k/a NuStar c/o Domingo Torres: No Response Received

Municipal Credit Union, Sioux City: No Response Received

City Clerk, Kingsley Iowa: No Response Received regarding intent of Kingsley's extraterritorial review.

The eight (8) property owners within 1000' of the proposed rezoning were notified by letter of the public hearing. As of June 21, 2011 no nearby property owners had contacted the Planning and Zoning Office. We enclose final platting, topographical platting, parcel information and on-site pictures recently taken.

Staff Recommendation: Subject to public hearing testimony staff recommends a Zoning Commission approval recommendation to the Supervisors.

Your Commission is asked to hold a public hearing and provide a re-zoning recommendation to the Board of Supervisors.

The commission questioned Ms. Miller and found the use of the land would not change. Rezoning would make it possible to split the parcel. The Todds did not own any contiguous adjacent property, and the property had changed hands three times. Miller would have like to

have bought the entire parcel, but since she couldn't afford the hoop buildings the Todds wished to maintain ownership of the remainder of the property.

Ms. Zellmer Zant made a motion to close the public hearing. Mr. Knight seconded the motion; carried 4-0.

Discussion:

After a very short discussion the commission went to a vote.

Mr. Knight made a motion to recommend approval for rezoning the Miller parcel from AP (Agricultural Preservation) to AE (Agricultural Estates). Ms. Zellmer Zant seconded the motion; motion carried 4-0.

The third agenda item was a Public Hearing and Recommendation on Final Platting for the Todd Addition – A minor subdivision.

We refer you to all written staff information provided within the previous agenda item and hereby make it a portion of the public record for this item.

A deed was recorded in 2010 where the Todds sold an area proposed as Lot 1 to Miller. Miller has taken possession of the area represented as proposed Lot 1. The County Recorder has not processed the deed due to the subdivision ordinance violation outstanding.

The eight (8) property owners within 1000' of the proposed rezoning were notified by letter of the public hearing. As of June 21, 2011 no nearby property owners had contacted the Planning and Zoning Office.

Staff recommendation: Subject to public hearing testimony staff recommends final plat approval recommendation to the Supervisors. Any final plat approval recommendation is to include the condition of recording a paving agreement applicable to both 180th St. and Story Ave. meeting County paving policies.

Your Commission is asked to hold a public hearing and provide a recommendation for plat approval to the Board of Supervisors.

The agency comments were the same with the exception of County Engineer whose response follows:

The Secondary Road Department has reviewed the final plat for the above referenced subdivision forwarded with your memo dated June 14, 2011.

I am offering the following comments for your consideration.

- *I checked the error of closure on the measured and recorded plat descriptions for the entire lot and found it to be 1:48,342 for the measured plat which is in compliance for the full subdivision of*

1:10,000 as required by Section 355.8 of the Code of Iowa. Lot 1 has no error of closure. Lot 2 has an error of closure of 1:26,674. Both lots exceed the state code closure requirement of 1:5,000 for each lot.

- *I noticed that the plat was not consistent in the line bearing and length notation on showing the differences between measured and recorded distances. The surveyor should edit the plat to consistently show the measured and recorded differences. The north line along 180th Street is consistent with the original legal for the parcel. The west line, is not as the plat reads S 00d 00'00"E, while the recorded legal reads S00d00'00"W. The south line does not match the recorded plat description either, yet the plat shows that the distance and bearing measured and recorded match. These are minor defects with the plat and do not affect closure, but a legal document like a plat should be consistent and correct in its line calls and description.*
- *The existing entrances shown on the plat were not reviewed in the field. If additional entrances are needed, the owner(s) will need to contact my department before construction.*
- *I have no other concerns or issues with this subdivision.*

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

Mr. Doug Mordhorst, the surveyor, noted the changes on the plat and assured the commission it would be corrected.

County Engineer Nahra said as long as there were no plans for new construction, no grading, and no comments from the neighbors, he did not have any further issues with the subdivision. Nahra also noted the pipeline had a very old easement and was a blanket bulk easement applied to the entire parcel; and since there were no comments from NuStar, it didn't appear to impact any existing structures.

Discussion:

The first two (2) conditions previously stated by Mr. Pylelo would become part of the approval conditions.

Ms. Zellmer Zant made a motion to close the public hearing. Mr. Knight seconded the motion; carried 4-0.

Ms. Zellmer Zant made a motion to recommend approval of the subdivision subject to the following conditions:

- 1. The condition a paving agreement meeting County paving policies is executed and recorded.**
- 2. The changes are made to correct the legal language on the plat.**

Mr. Knight seconded the motion; carried 4-0.

The third agenda item was any citizen wanting to be heard.

Commissioner Arvin Nelson informed the Zoning Commission he had called Board Supervisors Larry Clausen and Chairman Mark Monson regarding thistles growing and getting ready to seed on county owned land that had been rented to WITC (Western Iowa Technical College). Mr. Pylelo gave Mr. Nelson the phone number of the Weed Commissioner, Kirby Weber.

Mr. Nelson made a motion to adjourn. Mr. Knight seconded the motion; motion carried 4-0.

Meeting adjourned at 6:34 PM. Next meeting will be on July 25th at 6 PM.