

## **Minutes - Woodbury County Zoning Commission Meeting September 24, 2012**

The meeting convened on the 24<sup>th</sup> of September, 2012 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 – Chairman Grady Marx, Christine Zellmer Zant, Arvin Nelson, and David McWilliams. Mike Knight was absent due to a previous commitment. Zoning Staff Present: John Pylelo and Peggy Napier. From the public were Larry and Randy Hunt, Gregg Stroschein from Frontier Consultants, Inc., and County Engineer Mark Nagra.

### **The first agenda item was approval of Commission Minutes of June 25, 2012.**

Mr. Pylelo pointed out one condition was not included in the Commissioner's Knight's motion for the approval recommendation of re-platting of Lot 5 Bollmeyer's Addition . Peggy Napier will adjust the minutes in order to add this additional condition on page 3 of the June 25, 2012 minutes as follows:

- The Planning and Zoning office will not release the original signed mylar copy of the platting until such time the Woodbury County Engineer certifies public improvements are completed and meet the standards established with Woodbury County's subdivision ordinances.

**Mr. McWilliams made a motion to accept the minutes subject to the above additional condition being included. Mr. Nelson seconded the motion; motion carried 4-0.**

### **1. The first agenda item was a Public Hearing and Consideration of Final Platting for the Hunt First Addition and Recommendation to Board of Supervisors; GIS Parcel #864505100005.**

The Woodbury County Office of Planning and Zoning received a subdivision application from the Randy and Ronnie Hunt Partnership of 2836 Eastland Ave., Salix, IA 51052. The applicant intends to develop 95.638 gross acres into three lots in order the two existing residences can be located upon individual parcels. No portion of the existing parcel is located within a flood hazard designation. Abutting roadway right of way is currently hard surfaced and thus a paving agreement will not be required.

The property is located in the N ½ of the NW ¼ of Section 5 and the NE ¼ of the NE ¼ of Section 6, Willow Township; and within the SE ¼ of the SE ¼ of Section 31, West Fork Township. The location is approximately 4.2 miles north of Hornick abutting the east side of Hwy D-25 at 280<sup>th</sup> St.

Currently the two residences are serviced by separate driveways accessing 280<sup>th</sup> St. and Hwy D-25 (Formerly Old Hwy 141) right-of-way. The platting provides for a connecting private road traversing the subdivision which would provide all three lots with access/egress to both roadway right-of-ways. The property is zoned AE (Agricultural Estates) with the proposed use and residential density permitted within this zoning district.

The average CSR for the area to be developed is 25.90. For your review find attached:

- Location and parcel information
- Pictures of the site
- Final platting
- Topographical platting

The thirteen (13) property owners within 1000' of the proposed subdivision were notified by letter of the public hearing. As of September 19, 2012 the following property owners contacted the Planning and Zoning Office:

On September 12, 2012 Tom Jordening of 2477 Old Hwy 141 contacted the Planning and Zoning Office asking what the applicant was accomplishing by the proposed subdivision.

On September 17, 2012 Doug Folsom of 1505 250<sup>th</sup> St. contacted the Planning and Zoning Office and inquired about the amount of residential density which would be allowed and the use of his ground for a portion of the private road.

Notices requesting comment were also sent to each of the following Agencies or Institutions with responses as of September 18<sup>th</sup> noted.

County Engineer: Response received September 24, 2012 and attached to minutes

Department of Natural Resources: Standard NPDES Permit #2 correspondence was received and forwarded to applicant

Western Iowa Telephone Company: No Response Received

Woodbury County REC: No Response Received

Iowa Public Service Company (nka MidAmerican Energy Company): No Response Received

Garretson Drainage District: No Response Received

Garretson Lateral P Drainage District: No Response Received

Iowa State Highway Commission (nka Iowa Department of Transportation): No Response Received

Farm Credit Services of America, FCLA and PCE: 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

Woodbury County Soil Conservation District: No response Received

Natural Resources Conservation Service: No response Received

Mr. Pylelo wished to postpone a staff recommendation until after testimony and commission discussion.

**Your Commission is asked to hold the required public hearing on this matter, consider the final platting and vote on your recommendation to the Board of Supervisors.**

Mr. Stroschein from Frontier Consultants, Inc. approached the commission to explain the subdivision was required primarily because of a re-financing situation with the Hunt's financial institution. The bank wants the loan to qualify for resale in the secondary market. The discussion included the final plat, the topography plat, and possible solutions to certain issues.

The Hunts, Mr. Stroschein, Mr. Pylelo, County Engineer Nahra and the commission discussed the portion of road providing access/egress through Lot 3 for the Hunts and various utilities. The general consensus was the road and utilities should be moved onto Lot 3 or Planning and Zoning required a written and signed easement providing access/egress from Mr. Douglas Folsom who owns the portion of land the road is on.

Mr. Nahra pointed out his department and Planning and Zoning needed to consider options for future situations; i.e. either Folsom's or Hunt's land being sold and what will be serviceable for new owners.

**Staff Recommendation:** On September 24, 2012 the Woodbury County Zoning Commission voted to recommend approval of the final plat for Hunt first Addition subject to the following conditions:

1. Recording of a utility easement for the line segments L8 through L11 or, in the alternative, the relocation of all utility components lying outside the platted

subdivision (owned by Mr. Douglas Folsom ) to an area within Lot 3; and

2. Removal of the driveway segment easement between Lots 1 and 2 retaining the utility easement. Dependent upon negotiations with Mr. Folsom it is noted the width of the utility easement may change from the submitted platting as the easement traverses outside the platted subdivision. It is noted that should utility service components lying outside the platted subdivision be moved to an alternative location within the platted subdivision the above referred utility easement for the area lying outside the platted subdivision would not be required and should be removed.
3. That the correct gross and net acreage computations for Lots 1 and 2 be reflected upon the platting; and
4. That the correct driveway easement bearing points impacting Lot 2 be reflected upon the final platting; and
5. The recording of all the necessary access/egress/maintenance and utility easements to accomplish the following:
  - a. Lot 1 to be serviced from 280<sup>th</sup> St. roadway ROW.
  - b. Lot 2 to be serviced from Hwy D-25 roadway ROW.
  - c. Lots 1 and to 2 to receive utility services from the water well, telephone box and electric box located within Lot 3.

**Mr. McWilliams made a motion to close the public hearing. Mr. Nelson seconded the motion; motion carried 3-0.**

Discussion:

The Zoning Commission discussed 1) getting a signed easement from Mr. Folsom, 2) moving the utilities onto the Hunt's land, and 3) the other roadways and easements through the other lots.

As Chair of the Zoning Commission, Mr. Marx agreed to draft a letter and hand deliver it to Mr. Folsom regarding the easement issue.

**Mr. McWilliams made a motion to recommend approval for the Hunt's Subdivision subject to the following conditions:**

1. **Recording of a utility easement for the line segments L8 through L11 or, in the alternative, the relocation of all utility components lying outside the platted subdivision (owned by Mr. Douglas Folsom ) to an area within Lot 3; and**

2. **Removal of the driveway segment easement between Lots 1 and 2 retaining the utility easement. Dependent upon negotiations with Mr. Folsom it is noted the width of the utility easement may change from the submitted platting as the easement traverses outside the platted subdivision. It is noted that should utility service components lying outside the platted subdivision be moved to an alternative location within the platted subdivision the above referred utility easement for the area lying outside the platted subdivision would not be required and should be removed.**
3. **That the correct gross and net acreage computations for Lots 1 and 2 be reflected upon the platting; and**
4. **That the correct driveway easement bearing points impacting Lot 2 be reflected upon the final platting; and**
5. **The recording of all the necessary access/egress/maintenance and utility easements to accomplish the following:**
  - a. **Lot 1 to be serviced from 280<sup>th</sup> St. roadway ROW.**
  - b. **Lot 2 to be serviced from Hwy D-25 roadway ROW.**
  - c. **Lots 1 and to 2 to receive utility services from the water well, telephone box and electric box located within Lot 3.**

**Next Agenda Item was Any Citizen wishing to be heard.**

There were no citizens waiting to be heard.

**Next Agenda Item was a Study Session: Evaluation of New Obstruction Lighting Techniques for Towers to reduce Avian Fatalities.**

The zoning commission decided to wait until the study was adopted before making any decisions or recommendation to the Board of Supervisors.

**Ms. Zellmer Zant made a motion to adjourn. Mr. McWilliams seconded the motion; motion carried 3-0.**

Meeting adjourned at 7:10 PM. Next meeting will be at 6 PM, October 22, 2012.