

Minutes - Woodbury County Zoning Commission Meeting August 26, 2013

The meeting convened on the 26th of August, 2013 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 – Vice-Chairperson Christine Zellmer Zant, Tom Bride, Mike Knight and David McWilliams. Zoning Staff Present: John Pylelo and Peggy Napier. From the public were Scott Gernhart, Surveyor, Robert and Debbie Anderson, Brad Dunn, and Joe Dunn.

The first agenda item was approval of Commission Minutes from meeting of July 22, 2013.

Mr. McWilliams made a motion to accept the minutes as read. Mr. Knight seconded the motion; motion carried 4-0.

The Next agenda item is a public hearing and recommendation for final platting for the Magnus Addition – A Minor Subdivision; GIS Parcel #894507400003 and #894507400004.

Bruce and Robert Anderson and Bruce and Debra Anderson have filed final platting to subdivide approximately 40 acres into 5 lots. Two of the lots are intended to be for additional residential development. Of the remaining 3 lots Lot 1 currently has an existing family dwelling addressed 2069 120th St. and Lots 4 and 5 will be designated agricultural lots. The agricultural lots will provide for the retention of approximately 26 acres in agricultural production.

The site lies in rural Woodbury County approximately 3.5 miles northeast of Lawton on the north side of 120th St. The closest drive to the proposed location is currently addressed Lot 1 with an address of 2069 120th St. The location lies within the SW ¼ of the SE ¼ of Section 7 of Banner Township.

The AP zoning district designation allows up to two (2) single family dwellings within the quarter-quarter section. Before construction permitting for full residential development could occur the zoning district designation change would be required. The applicant has decided to postpone that re-zoning application to a later date.

The average CSR for the 34 acre parent parcel #894507400004 is 63.5 which is above the county policy standards of 60.00 or below allowing subdivision. However, 26 of those acres will remain in agricultural production and another approximate 4 acres are within proposed Lot 2 and are currently covered by timber.

The eleven (11) property owners within 1000' of the proposed subdivision were notified by letter of the public hearing. Notices were also sent to each of the following Agencies or Institutions with comment requested.

NRCS: No Response received

County Engineer: Response received August 26, 2013

To: John Pylelo
From: Mark J. Nahra, County Engineer
Date: August 26, 2013
Subject: Magnus Addition

The Secondary Road Department has reviewed the final plat for the above referenced subdivision forwarded with your memo date August 15, 2013.

I am offering the following comments for your consideration.

- We checked the closure on the plat and found it in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5,000 for each lot as required by Section 355.8 of the Code of Iowa.
- I reviewed driveway location and easement for the lots some time ago in preparation for the request for a subdivision of this property. Not all of the existing driveways on the road frontage have adequate sight distance. The proposed agricultural easement for Lot 2 is an existing driveway that does not have adequate sight distance to the west. As long as its use is confined to agricultural use, the driveway can remain in place. If, at some day in the future, a residence is proposed for Lot 2 or 5, the driveway on the east line of lot 2 is not adequate and should not be used for a house drive. Lot 2 has a second access, which is adequate for use for a house drive, and only this entrance site would be permitted.

The proposed access easement for lots 3 and 4 has also been reviewed. There is no driveway at the location shown at this time, but the location has been reviewed and provides adequate sight distance. A house drive could also be located anywhere within 150 feet of the southwest lot corner. No location farther east on the Lot 3 frontage allowed adequate sight distance for residence use.

- If at some future date any additional entrances are needed, the secondary road department should be contacted for a permit.
- I have no other concerns or issues with this subdivision.

DNR: Standard letter received

Western Iowa Telephone: 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: Subdivision name is available for use

Board of Supervisors: No Response received

Pioneer Bank, Sioux City Iowa: N response received

Colonial Savings F.A.: No Response Received

Staff Recommendation: Subject to public hearing testimony the Office of Planning and Zoning makes the following staff recommendations:

- That a Paving Agreement be recorded pursuant to county paving policies.
- That the required easement documents be recorded.
- Staff will recommend minor additions be made to the final platting as a condition of an approval recommendation including driveway locations for all residential lots.

For your review find attached:

- Location and parcel information
- Final platting (Includes Topographical platting)
- Onsite photography

Your Commission is asked to hold a public hearing on this application making a recommendation on final plat approval to the Board of Supervisors.

Robert Anderson has the homestead. He intends to sell existing home to daughter and build a smaller home on Lot 2.

Mr. McWilliams made a motion to close the public hearing. Mr. Bride seconded the motion; motion carried 4-0.

Discussion:

Zoning Director Pylelo reminded the commission even though they don't intend to build any additional homes, should anyone apply for a building permit for a single family dwelling the parcel will have to be rezoned from AP (Agricultural Preservation) to AE (Agricultural Estates).

The commission reviewed the three conditions above with the Andersons.

Commissioner Knight made a motion to approve the Magnus minor subdivision subject to the following conditions;

1. That a Paving Agreement be recorded pursuant to county paving policies.
2. That the required easement documents be recorded.
3. Staff will recommend minor additions be made to the final platting as a condition of an approval recommendation including driveway locations for all residential lots.

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

The next agenda item is a public hearing and recommendation for final platting for the Dunn Family Addition – A Minor Subdivision; GIS Parcel #894606200002 and #894606200005.

The Judith L. Dunn Estate has filed final platting to subdivide approximately 71 acres into 4 lots and a single 7.67 acre outlot. This property is currently zoned AP (Agricultural Preservation) and the proposed uses are permitted within this zoning district. The location lies within the N ½

of the NE ¼ of Section 6 of Concord Township. A portion of Lot 1 lies within a Zone A Special Flood Hazard Area 9 year flood plain.

The AP zoning district designation allows up to two (2) single family dwellings within the quarter-quarter section. Before construction permitting for full residential development could occur the zoning district designation would need to be approved for change. The applicant has decided to postpone that re-zoning to a later date.

The site lies in rural Woodbury County approximately 2300' east of the city of Sioux City on both the north and south sides of the far north eastern portion of Benton Avenue near the Plymouth County line. The closest drive to the proposed location is currently addressed 990 Benton Avenue.

The existing parcels are zoned AP (Agricultural Preservation) with the proposed uses permitted within that zoning district. Current residential density would require the rezoning of the remainder of the parcel before full additional residential development could occur.

The average CSR for the respective parcels is as follows:

#8946 06 200 002 36.45 acres 76.40

#8846 06 200 005 33.62 acres 43.57

This creates an overall weighted CSR average for the 70.07 acres of 60.65. This average is minimally above the county policy standards of 60.00 or below allowing subdivision.

Since a significant portion of Lot 1 is in the 100 year flood plain; a pipeline easement traverses Lot 2; and the majority of Lots 3, 4, and all of Outlot A, will remain in agricultural production, staff will recommend the policy standard of a 60.00 or below CSR is being met.

Staff Recommendation: Subject to public hearing testimony the Office of Planning and Zoning makes the following staff recommendations:

- That a Paving Agreement be recorded pursuant to county paving policies.
- That the 40' access/egress easement through Lot 3 providing access/egress to the east and to Outlot A to the south be recorded.
- Zoning Commission will recommend minor additions be made to the final platting including indication the location of any special flood hazard area (SFHA) in lot 1.
- That the city of Sioux City approve the final platting or waive the city's right to extraterritorial review.

For your review find attached:

- Location and parcel information
- Final platting
- Topographical platting
- Onsite photography

The four (4) property owners within 1000' of the proposed subdivision were notified by letter of the public hearing. Notices were also sent to each of the following Agencies or Institutions with comment requested.

- NRCS: No Response received
- County Engineer: Response received August 26, 2013

To: John Pylelo, Woodbury County Planning and Zoning Administrator
From: Mark J. Nahra, County Engineer
Date: August 26, 2013
Subject: Dunn Family Addition

The Secondary Road Department has reviewed the final plat for the above referenced subdivision forwarded with your memo date August 16, 2013.

I am offering the following comments for your consideration.

- We checked the closure on the plat and found it in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5,000 for each lot as required by Section 355.8 of the Code of Iowa.
 - I reviewed driveway location and easement for the lots. The existing driveways have adequate sight distance and each lot is served by at least one entrance. If, at some future date any additional entrances are needed, the secondary road department should be contacted for a permit.
 - I have no other concerns or issues with this subdivision.
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- DNR: Standard letter received
 - Western Iowa Telephone: No Response Received
 - MidAmerican Energy: No Response Received
 - Siouxland District Health Department: No response received.
 - County Assessor: No Response Received
 - Emergency Services: No Response Received
 - Real Estate Department: Subdivision name is available for use
 - Board of Supervisors: No Response received
 - Williams Brothers Pipeline nka Magellan Pipeline Company: No response received
 - Iowa Public Service Company nka MidAmerican Energy: No Response Received
 - Woodbury County Soil Conservation Attn: Jerry Sindt: No Response Received
 - Bradley L. Dunn RE: Driveway Easement Dated June 29, 2012

Your Commission is asked to hold a public hearing on this application making a recommendation on final plat approval to the Board of Supervisors.

Mr. Dunn explained the reason for the minor subdivision was to separate the property for the Dunn siblings per the estate requirements. At this time they have no intention of building on any of the lots.

Commissioner Bride asked for the location of the access road for Lot 4. Mr. Dunn said the lot currently has a field entrance that is not addressed.

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

Discussion:

There was no discussion.

Mr. McWilliams made a motion to recommend approval for the Dunn minor subdivision subject to the following conditions;

- **That a Paving Agreement be recorded pursuant to county paving policies.**
- **That the 40' access/egress easement through Lot 3 providing access/egress to the east and to Outlot A to the south be recorded.**
- **Zoning Commission will recommend minor additions be made to the final platting including indication the location of any special flood hazard area (SFHA) in lot 1.**
- **That the city of Sioux City approve the final platting or waive the city's right to extraterritorial review.**

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

The next agenda item is a public hearing any citizen wishing to be heard.

The Planning and Zoning office is unaware of any person intending to be present to be heard on any other issue or matter.

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

Meeting adjourned at 6:45 PM. Next meeting is scheduled for 6 PM, September 23, 2013.