

## **Minutes - Woodbury County Zoning Commission Meeting November 25, 2013**

The meeting convened on the 25<sup>th</sup> of November, 2013 at 6:30 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 Blake and Brenda Saxon, Linda Chinn, Alan Fagan, Mark and Jo Demarest.

**The first agenda item was approval of Commission Minutes from meeting of September 23, 2013.**

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

**The next agenda item is a public hearing and recommendation for final platting for the High Places Addition – A Minor Subdivision; GIS Parcel #894227300010**

Subdivision applicant Linda Chinn has filed final platting to subdivide the southern 25.93 acres of a 61.64 acre parcel into 2 lots. The intent is to sell proposed Lot 1 to the adjacent property owner to the east for the intended construction of a single family dwelling. The intent for Lot 2 is that it will remain in agricultural production.

The parent parcel is zoned AE (Agricultural Estates) which allows for the potential residential density within the quarter-quarter section; allows the existing and proposed uses; and is not impacted by any flood hazard area.

The location lies within the SE ¼ of the SW ¼ of Section 27 of Union Township a location within rural Woodbury County approximately 1.2 miles northwest of the town of Correctionville and northwest of the intersection 150<sup>th</sup> St and Osceola Avenue. Right-of-way access servicing the parent parcel is both from Osceola Ave. and 150<sup>th</sup> St and not addressed. The average CSR value on the parent parcel is 53.4.

On October 14, 2013 the Town Council of Correctionville approved the proposed final platting.

The twelve (12) 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 thirteen (13) Agencies or Institutions with comment requested.

Western Iowa Telephone: No Response Received

Woodbury County REC: No Response Received

Natural Resource Conservation Service (NRCS): No Response received

County Engineer: Response below

To: John Pylelo, Woodbury County Planning and Zoning Administrator  
From: Mark J. Nahra, County Engineer  
Date: November 25, 2013  
Subject: High Places Addition

The Secondary Road Department has reviewed the final plat for the above referenced subdivision forwarded with your memo dated November 5, 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 have reviewed driveway location for lot 1. Sight distance is adequate. It does not appear that a driveway can be located except at this current location as neither lot has any other point of contact with the right of way of 150<sup>th</sup> Street. No provision appears to have been made for an access to Lot 2 through Lot 1. Development of lot 2 would appear to be a problem due to a lack of access. I noted that the plat is not the entirety of the developer's holdings in this area however, and that Lot 2 can be accessed from adjacent property, also owned by the developer. I would suggest that there be discussion and clarification of Lot 2 access as part of the deliberations of the commission.
- 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.

DNR: 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: No Response Received

Board of Supervisors: No Response Received

Woodbury County Soil Conservation Service: No response Received

Valley Bank and Trust: No Response Received

MidAmerican Energy-Electrical Easement: No Response Received

**Staff Recommendation:** Subject to public hearing testimony the Office of Planning and Zoning intends to make the following staff recommendations to the Zoning Commission.

- a. As approximately 92' of proposed Lot 1 abuts 150<sup>th</sup> St. right-of-way the recording of a paving agreement meeting county paving policy standards be recorded.
- b. The Commission is asked to make note of Attorney Robert Rehan's title opinion exception numbered L which states proposed Lot 2 does not have direct access to a public right-of-way. This fact could restrict access, egress and utility placements for future Lot 2 owners. It could result in legal uses of Lot 2 to be not permitted. It is recommended a notation of this fact be placed upon the platting or within the platting notes. An alternative could be the recording of the proper easements. It should be noted the applicant intends to continue to use Lot 2 for agricultural purposes and owns adjacent ground to both the north and west providing right- of-way access. The staff report contains a plat of survey showing the location of the existing access to Lot 2.
- c. The platting's certification page include the town of Correctionville's resolution of platting approval either on the certification page or by an attachment thereto.

For your review find attached:

- Location Information
- Aerial Photography
- Existing Parcel Information
- Plat of Survey
- Final platting
- Topographical platting
- Onsite photography

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

Several alternatives were discussed regarding access/egress including permanent easements through lot one, but the buyers were not agreeable to easements through Lot one. They also did not like restrictions within a deed restricting a permitted use to Lot two. The developer has agreed to an easement which would follow the sale of the parcel. A sale would be enhanced by having an easement drawn up and recorded.

The buyer does not want a driveway coming up through the middle of his parcel. The other drive on Lot one has been used for 20 years and is adequate for the farmer who uses it to access the field he farms.

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

Discussion:

Zoning Director Pylelo has copy of attachment from Bronson relinquishing extraterritorial rights that will be attached upon signing.

Surveyor Al Fagan said Linda Chinn owns Lot 2 and wants to keep it in farming. Filing an easement causes additional cost and work when the parcel was never intended to be used as a building site.

Mr. Pylelo said something should show up as least in the abstract so there are no misunderstandings in the future. Pylelo suggested Fagan ask Mr. Robert Rehan, their attorney, to draw something and record it to assure access to Lot two. Mr. Fagan agreed to have Mr. Rehan add the appropriate statement to the plat.

Below is a recap of the conditions the Zoning Commission placed upon the High Places Addition subdivision's plat approval recommendation to the Board of Supervisors.

1. The certification page includes the Correctionville resolution of plat approval.
2. The recording of a paving agreement.
3. The developer record a document stating the developer will provide an exclusive and permanent access, egress and utility easement from Lot 2's northern lot line through the developer's adjacent northern parcel ending at Osceola Ave. right-of-way. The easement document is to be recorded prior to the developer's sale of the adjacent northern parcel or the sale of Lot 2; whichever occurs first.
4. Please provide executed photocopies of items #2 and #3. At that time I will place final plat approval upon the upcoming Board of Supervisor's Tuesday morning agenda.

**Commissioner McWilliams made a motion to approve the High Places Addition subdivision subject to the above conditions.**

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

**The next agenda item is a discussion regarding the December 23<sup>rd</sup> meeting date.**

The commission decided to have the meeting pending any agenda items on December 30<sup>th</sup>.

**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. Mcwilliams seconded the motion; motion carried 4-0.**

Meeting adjourned at 6:55 PM. Next meeting is scheduled for 6:30 PM, December 30<sup>th</sup>, 2013.