

Minutes - Woodbury County Zoning Commission Meeting February 27, 2017

The meeting convened on the 27th of February, 2017 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 – Tom Bride, Shawn Streck, Christine Zellmer Zant, Bruce Garbe and Barbara Parker. Zoning Staff Present: John Pylelo and Peggy Napier. Present from the public were Alan Fagan, Amanda McRoberts, and Luke Grigg.

The 1st agenda item is entertaining a motion to select an acting Chair

A Commissioner is required to be selected by motion and vote to chair the meeting until the 2017 chair is elected. Ms. Zellmer Zant selected Mr. Garbe to be acting Chair. The commission voted 5-0 for Garbe.

a. The Next Agenda Item Is the Election of the 2017 Chairperson

Nomination(s) for the 2017 Chair will be accepted and voted upon. The newly elected chair will then be seated and will chair the balance of the meeting.

Mr. Garbe nominated Christine Zellmer Zant to be 2017 Chairperson. The commission voted 5-0 for Ms. Zellmer Zant.

b. The Next Agenda Item Is the Election of the 2017 Vice-Chairperson

Nomination(s) for the 2017 Vice-Chair will be accepted and voted upon.

Ms. Zellmer Zant nominated Mr. Garbe to be 2017 Vice-Chairperson. The commission voted 5-0 for Mr. Garbe.

The next agenda item is the 2017 Chair's Appointment of the SIMPCO Commission Representative.

Ms. Zellmer Zant agreed to be the Commission Representative for an additional year.

The next agenda item is hearing any person on any non-agenda item.

The chair will welcome any such person present to come forward to be heard.

The zoning office is not aware of any person intending to be present on a non-agenda item.

The next agenda item is the approval of minutes from the Commission's November 27, 2016 meeting.

Prior to your meeting, please review the enclosed proposed minutes.

Barbara Parker made a motion to approve the minutes for November 27, 2016 as written.

Tom Bride seconded the motion; motion carried 5-0.

The next agenda Item is a Public Hearing and Recommendation to the Board of Supervisors Re: The Final Plat for R.J. Addition - a Minor Subdivision; GIS Parcel #894518100008.

Application Background, Location and Zoning

Rodney Lieber, Jodi Lieber, Luke Grigg and Karla Grigg have filed a subdivision application and final platting. The final platting proposes to subdivide a 9.55 gross acre parcel into two (2) lots. The Grigg’s purchased proposed Lot 2 from the Liebers in 1985. The purpose for creating the independent 3.65 acre parcel containing the Grigg’s current single family dwelling along with certain nearby accessory structures, utility locations and drive is to transfer fee title ownership to the Griggs. The remaining Lot 1 will remain controlled by the Liebers as it contains the structures and contractor yard areas used in the operation of the Lieber family businesses known as Lieber Construction, Inc. and Bridgeport Materials, Inc.

The parent parcel lies within rural Woodbury County abutting the southern side of 120th St. The parent parcel is serviced by two drives addressed 2024 and 2030 120th St. The drives are located approximately 0.4 miles west of the intersection of 120th St. and Eastland Avenue. The location is within a portion of the NE ¼ of the NW ¼ of Section 18, Banner Township.

The parent parcel currently has split zoning designations. The northern 8 acres is zoned LI-PD (Light Industrial – Planned Development) and the southern 1.55 acres are zoned AP (Agricultural Preservation). This unusual “split zoning” occurred due to the fact the Liebers purchased the additional southern portion in 2009. The LI-PD zoning was established to allow the parent parcel to be used both for Residential and Light Industrial use purposes.

The parent parcel is not located within any special flood hazard area or within any drainage district. The current and proposed use of the parent parcel and its structures are classified as legal conforming uses within the stated zoning district designation and Woodbury County zoning ordinances. Staff will recommend the re-zoning of the respective lots upon final plat recording.

CSR

The parent parcel’s average Unadjusted CSR2 value is not available due to its history of non-agricultural use. Parcel adjacent thereto have the following Unadjusted CSR2 values: to the West and South 44.91; to the North 61.16 and to the East 63.87. Each of these values are acceptable for subdivision platting approval consideration.

Paving Agreement

The location of the platted lots is along gravel surfaced roadway County roadway ROW. A Paving Agreement meeting paving policy standards is required as a condition for final plat approval.

Extraterritorial Review

Not applicable. There is no incorporated area within two miles of the parent parcel.

Utilities

Independent well and septic systems service the respective lots.

Property Owner Notice

The ten (10) property owners within 1000’ and as listed within the certified abstractor’s affidavit submitted with the application have been timely notified of the public hearing. The Planning and Zoning office has not received comment from any property owner owning property within 1,000’.

Agency Comment

The following departments or agencies were provided copies of the platting and asked to make comment. Responses noted are as of the date of this document.

Woodbury County REC: No response Received

Wiatel: No Response Received

Woodbury County Soil and Water Conservation District: No Response Received.

Iowa Department of Natural Resources: No Response Received.

Siouxland District Health Department: No response Received

Woodbury County Assessor: No response Received

Woodbury County Board of Supervisors: No response Received

Woodbury County Department of Emergency Services: No response Received

Department of Emergency Management: No Response Received

Woodbury County Engineer: *See attached comments dated February 21, 2017 from the Woodbury County Engineer.*

Woodbury County Recorder-Real Estate Department: *The subdivision name has been reserved and is available for use.*

Fire Chief- Lawton Fire District: No Response Received

Pioneer Bank, Sioux City – No Response Received

Staff Recommendation:

Subject to public hearing testimony, the staff recommendation supports a final plat approval recommendation by your Commission conditioned upon:

- 1.) The applicant is to record a Paving Agreement meeting all Woodbury County paving policy standards.
- 2.) That the applicants submit re-zoning applications prior to the recording of the final platting in order the two lots be re-zoned to support the intended future respective uses. Staff will recommend Lot 1 be re-zoned LI (Light Industrial) and Lot 2 to be rezoned AP (Agricultural Preservation).

Attachments

Attached find the following documentation for your review:

- Location and Parcel Information
- Final Platting
- Topographical Contour Mapping with structure and utility placements
- February 21, 2017 letter from County Engineer
- Aerial Photography
- Onsite Photographs

Your Commission is asked to hold the required public hearing and make recommendation on final plat approval to the Board of Supervisors.

Mrs. Parker made a motion to approve the final plat subject to:

- 1) **The applicant is to record a Paving Agreement meeting all Woodbury County paving policy standards.**
- 2) **That the applicants submit re-zoning applications prior to the recording of the final platting in order the two lots be re-zoned to support the intended future respective uses. Staff will recommend Lot 1 be re-zoned LI (Light Industrial) and Lot 2 to be rezoned AP (Agricultural Preservation).**

Mr. Bride seconded the motion; motion carried 5-0.

The next agenda Item is a Zoning Ordinance Section 2.02:9.E Review and Recommendation to the Board of Adjustment; Re: Conditional Use Permit Application for Leroy and Amanda McRoberts; Home Occupation Use Truck Terminal Operations. GSs Parcel #88472840008.

Leroy and Amanda McRoberts have submitted a Conditional Use Permit Application.

The McRoberts are applying to continue operation of their trucking business as a “permitted conditional use” under recently amended portions of Woodbury County’s zoning ordinances. Current ordinance language was recently amended to allow owner operators of smaller trucking operations; who live on the same parcel as the trucking operations; the potential of having vehicles visible from outside the perimeter of the parcel. In the McRoberts’ application the request applies to tractor-trailer units.

The McRoberts parcel is zoned AE (Agricultural Estates). Per zoning ordinances (page 32 under “Residential Uses Home Occupations Truck Terminals (Home Occupation Use” are allowed to be considered as a permitted conditional use. The ordinances allow the home occupation use vehicle visibility test to be waived if a conditional use permit is granted.

The McRoberts parcel location is known as Lot 3 of Hinkel Addition. Hinkel Addition is a 4-lot subdivision platted in 2009. Three of the lots currently have been developed with occupied single family dwellings placed thereon. The fourth lot has been sold but currently is undeveloped.

The applied for use would occur on a portion of a 2.5 gross acre lot addressed 1483 210th Street, Sergeant Bluff, Iowa. The location is within a portion of the SE ¼ of the SE ¼ of Section 28 of Woodbury Township. The parcel is located on the north side of hard surfaced 210th Street approximately 0.6 miles east of Sergeant Bluff, Iowa and 0.6 miles west of the intersection of 210th St. with Elk Creek Rd.

The application is specifically requesting the following:

1. The establishment of a 40’ by 75’ (3000 sf; .07 acre) outdoor area adjacent to the eastern side of the existing accessory structure;
2. That within the designated 40’ by 75’ outdoor area permitting to park up to three (3) tractor-trailers units; and
3. That within the 40’ by 75’ outdoor area trailers may operate refrigeration units when necessary.

See the aerial mapping provided for a visual representation of the location of items 1-3 above.

The 40’ by 75’ area would be the following approximate distances from the following lot lines and respective nearby property owner’s parcels:

To the North: 110’ to adjacent property owner Wilson.

To the East: 95' to adjacent property owners Wilson and Alexander; and 205' to nearby property owner Pry.

To the South 350' to adjacent 210th Street right-of-way.

To the West 65' to adjacent property owner Van Wyhe.

The conditional use permitting process includes a public hearing held by the Woodbury County Board of Adjustment. The ordinances require your Commission review the Conditional Use Permit application and report its findings with recommendation to the Board of Adjustment. Per the ordinances your recommendation is limited to a determination if each of the below standards found within ordinance subsection 2.02-9.F will be met.

A provided copy of the application contains the applicant's response to how each of the standards can be met:

Section 2.02-9.F

(1) *In order to grant a conditional use the Board of Adjustment must determine that:*

(a) *The conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied.*

(The Amendment of March 29th, 2016 satisfies conditional use.)

(b) *The proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan.*

(This use increases the tax base and creates jobs. It does not include noise pollution.)

(c) *The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare.*

(Can't say how neighbors would feel. Some neighbors did not have an issue with this. One neighbor was not supportive. Refrigeration units can meet public health, safety and general welfare. The road is a farm-to-market paved road. The noise would not be any worse than the truck traffic already frequenting this road.)

(d) *The proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.*

(They will use accessory structure when they can. They will have a maximum of three [3] trucks outside.)

(e) *Essential public facilities and services will adequately serve the proposed use or development.*

(The county right-of-way is designed for heavy truck traffic.)

- (f) *The proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties.*

(The parcel is not in the Loess Hill and does not harm any historic area and it does not disturb any historic features on the south side of 210th St.)

- (2) *Other considerations. In its review of conditional use requests,*

The Board of Adjustment shall consider whether, and to what extent:

- (a) *The proposed use or development, at the particular location is necessary or desirable to provide a service or facility that is in the public interest or will contribute to the general welfare of the neighborhood or community.*

(The Zoning Commission can only assume McRoberts indirectly provide a service by transporting goods that will benefit the community.)

- (b) *All possible efforts, including building and site design, landscaping and screening have been undertaken to minimize any adverse effects of the proposed use or development.*

(The sound of the trucks may indirectly impact the noise levels. "Noise" is subjective in nature; some are bothered by it and some are not. There have been a minimal number of complaints but it is difficult not to err on the side of the complainant. It's hard to allow 24/7 noise from refrigerated trucks if one lives close by.)

Attached within your meeting packets is the following documentation which provides additional information for your review of Section 2.02-9.F compliance:

1. Location within Woodbury Township TAM Mapping
2. Parcel Information for GIS #884728400008
3. Conditional Use Permit Application
4. Aerial Mapping of parcel
5. Aerial Mapping of 40' by 75' site
6. Area's Zoning District Mapping
7. Area Flood Plain Mapping (*Trucks are not structures. They can be moved if a flood hazard occurs.*)
8. Letter of Map Amendment dated 10/08/2013
9. Abstractors Affidavit listing required property owner notifications
10. Portion of zoning ordinance's Land Use Summary Table (Page 32 of ordinances)
11. Onsite Photographs

Your Commission is tasked with reviewing the Conditional Use Permit application. You are then to provide your Commission's recommendation to the Woodbury County Board of Adjustment stating if each of the standards found within ordinance subsection 2.02-9.F will be met. You are further tasked with

authorizing your Chairman to provide your recommendation in writing to the Chairperson of the Woodbury County Board of Adjustment.

Discussion:

Ms. Zellmer Zant commented the trucks reside on the north side of the parcel away from densely populated areas.

Mr. Pylelo said other things such as the drainage ditch and foliage block sound.

Mr. Bride noted it is their intent to point the front of the trucks south.

Mr. Garbe insists this is not an appropriate place to park tractor trailers. Eventually they may park trucks containing chemicals and other hazardous materials. New neighbors may want him to park his trucks in a more appropriate place for trucks such as a larger terminal.

Mr. Bride suggested these issues could be discussed at the Board of Adjustment meeting.

Mr. Pylelo said it is possible the BA could come up with heavy conditions.

Mr. Garbe asked if McRoberts had to fence his trucks from view.

Mr. Pylelo said the BA could put that condition on it. They could deny the CUP in spite of amendment.

Amanda McRoberts informed the commission employees will park their cars in the barn. One reefer goes to California every week. It is home only rarely for a day or so.

Mr. Pylelo said the “real” public input will be at the BA meeting on Monday, March 6th.

Mrs. McRoberts said the trucks are new and the reefers are quiet. They have had no complaints in a year.

Mr. Bride asked if their company transported hazardous material.

Mrs. McRoberts answered no.

Mr. Luke Grigg introduced himself and said if the neighbors were satisfied, he was.

Mrs. Barb Parker said she was still concerned about the noise issue.

Mr. Bride said it would be good to look at that in the BA meeting.

He then asked Amanda if their company had a permit to carry hazardous material if they wanted to. She said yes.

Mr. Pylelo said it would impact any other person coming in with the same intentions. There would be a cumulative affect having several small operations and eventually one large one.

The conditions for Home Occupancy control the size of any business. It can't grow any larger than its limit.

Mr. Bride made a motion to recommend approval for the CUP subject to:

- 1. Consideration of the noise from refrigerated units.**
- 2. Consider danger of trucks carrying hazardous materials.**
- 3. Chairperson issue letter to BA before meeting of March 6th, 2017**

Mr. Garbe seconded motion; motion carried 5-0.

The next Agenda Item was Any Citizen Wishing to Be Heard.

The Office of Planning and Zoning was not aware of any citizen to be heard on any non-agenda item.

Mr. Garbe made a motion to adjourn. Mr. Bride seconded the motion; motion carried 5-0.

Next meeting will be March 27.