

The Muscatine County Zoning Commission met in the Administration Building on Friday, June 3, 2022, with Chairperson Tom Harper and board members Carol Schlueter, Martha Peterson, Virginia Cooper, and Brad Akers present. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator were also in attendance.

Others present for this hearing: Jason Curry and Matt McCleary.

Tom Harper: I will open this public hearing and begin by reading the mission statement. The Muscatine County Zoning Commission is a five-member group of residents of the County who are appointed by the Muscatine County Board of Supervisors. We serve as non-professionals and without compensation. Our purpose is to advise the Muscatine County Board of Supervisors on managing the growth of the County. This involves reviewing subdivisions, rezoning requests, the use of public property, and reports related to land use policy and long range planning. Recognizing that our decisions will not satisfy everyone, we attempt to base our decisions on what is best for the long term interest of the County. We ask for your input, pro or con, on issues before us in order that we may formulate the best decisions possible. Please take this opportunity to share your thoughts and concerns with us. Our recommendations are not taken lightly by the Board of Supervisors, but the Board of Supervisors, your elected representatives, make the final decisions on all issues. We all received the minutes from the last meeting. Did the members see any changes or corrections? If not, is there a motion to approve the minutes as read?

Martha Peterson: I will make a motion to approve the minutes from the last months meeting.

Tom Harper: Is there a second?

Carol Schlueter: I'll second it.

Tom Harper: There's been a motion made to approve the minutes from the last meeting as read, and it has been seconded. Are there any comments or questions? Hearing none, all those in favor please say Aye (5) Opposed (0). The minutes are approved. We have a full board, so I will ask Eric to read the request.

Eric Furnas: Zoning Agenda Item #01. Jason and Hope Curry, Record Owners, request approval to rezone their property located in Fruitland Township, in the NW¹/₄ of Sec. 25-T76N-R3W, Northwest of Hwy. 61 at 2147 Hwy. 61, containing approximately 8.07 acres from the current zoning of A-1 Agricultural District to the proposed R-2 Residential District.

Tom Harper: Okay, would the applicant please state your name and your request?

Jason Curry: Jason Curry. I would like to rezone this property from agricultural to R-2 Residential District.

Tom Harper: Eric, was there any correspondence?

Eric Furnas: No sir.

Tom Harper: Okay, do the board members have any questions?

Carol Schlueter: Why do you want to rezone this property?

Jason Curry: We want to separate the property where we want to build some extra houses on this property.

Martha Peterson: How many houses do you plan to build there, or have built there?

Jason Curry: It's all going to depend upon how it's going to lay out with the road and the lots sizes. But we are estimating around six to eight lots.

Tom Harper: But your request today is just for the rezoning of the property in order to have a subdivision there?

Jason Curry: Right.

Tom Harper: You have no plat at this time?

Jason Curry: Correct, we do not have a plat yet.

Eric Furnas: Right, it has to be rezoned first by the Zoning Commission and the Board of Supervisors before the Zoning Commission can entertain a subdivision plat. At which time you would look at lot layout, roads, access, etc.

Tom Harper: But your plan is to build more than one house on this property?

Jason Curry: Correct.

Carol Schlueter: So it would be a residential subdivision?

Jason Curry: Yes.

Brad Akers: Eric, why on the request does it state that it's 8.07 acres then on the application it states 11.34 acres?

Eric Furnas: We found a discrepancy between our GIS programs. When I actually measured the tax parcel it came in as 8.07 acres.

Brad Akers: I see.

Carol Schlueter: So what is on this property now? What are these buildings?

Jason Curry: Right now there is a one family dwelling and a machine shed or storage shed.

Carol Schlueter: So there is a one family living there now? Do you live in that?

Jason Curry: It is not me, my daughter is the one that has been living there, but yes.

Carol Schlueter: Okay, so that will stay there and you are going to do the other lots in the subdivision?

Jason Curry: That is correct.

Martha Peterson: I'm wondering about the infrastructure that will go with the city. You know, they talk about it here, it says located near the city limits where the infrastructure services will be available to be extended. So that means you are going to have to dig under the highway or ... to get these services extended?

Jason Curry: When I spoke with the city that said that they would not require us to tie into the city because it is far enough away. So each property will be served by its own private septic system.

Martha Peterson: And water?

Jason Curry: Yes, a well as well.

Carol Schlueter: Each home with have their own private well and septic system?

Jason Curry: Yes.

Eric Furnas: If I could speak to that. That is general language from our own Comprehensive Plan, with the land use plan. It talks about how the county... the factors and criteria that the county looks at when we consider development. General development of all types, whether it be residential, commercial or industrial. So they are always encouraged to locate within or nearby existing city limits, under the assumption that it's much closer or easier in the future for sewer and water to be brought there. It's not an automatic requirement. It's a general development guideline in the Comprehensive Plan. It's what we expect or we want to encourage development.

Tom Harper: Correct me, we can't force them to use city services but we can encourage them.

Eric Furnas: You actually can if city sewer is within 1,250 feet ... I believe that's what the ordinance states, that we can require connection onto a city sewer. I get this all the time with the folks that are still within the city limits. If the city says that it is not feasible, we don't force them. So the city would give us a green light to issue a septic permit for them, but it is within a reasonable distance. And a lot of times they are very flexible, it may be only 750 feet but it's under a 4 lane highway, so we don't expect them to connect. We would issue the permit then.

Carol Schlueter: Is the National Guard Armory connected to the City of Muscatine?

Eric Furnas: I believe that they would be... but I guess I don't know. The National Guard Armory is in the city limits there. But I don't know if they are connected to city sewer or not.

Carol Schlueter: Okay.

Eric Furnas: Again, that is something that we would look at, at plat time.

Tom Harper: Right, we are just looking to see if this meets our Comprehensive Plan and is a good location for property to be zoned residential. R-2, what is the lot sizes?

Eric Furnas: R-2 does allow for smaller lot sizes, it's down to a half acre.

Carol Schlueter: And a half acre is big enough for a well and their own septic system?

Eric Furnas: Yes, we have a significant amount of R-2 zoning out in the county. It becomes a challenge sometimes in some of the tighter soil areas to have enough space to replace a septic system. In the sandier areas, the septic systems are considerable smaller and easier to fit in. But yeah we have a large amount of R-2 areas that have wells and septic systems on their lots.

Tom Harper: And farther down the road there Thayer Addition, what size are those lots?

Eric Furnas: Oh some of those are very small, some of those are zoned R-3 zoning, those are very very challenging to get septic systems on those. But those were zoned R-3 years ago.

Tom Harper: So R-2 sounds reasonable then.

Eric Furnas: Yeah R-2 can accommodate private wells and septic systems.

Carol Schlueter: Okay, and who lives right across there to the south, I guess it would be.

Tom Harper: Mike Riggan.

Carol Schlueter: Who?

Tom Harper: Mike Riggan lives across the highway.

Carol Schlueter: Okay, and he didn't have any comments or did you talk to him about this?

Jason Curry: I haven't heard anything from him.

Eric Furnas: He didn't submit anything. I happen to have a meeting with him the other day on an unrelated issue. He did ask a couple of general questions related to this request. I guess it is kind of hearsay – but he didn't express any comments or submit anything.

Martha Peterson: Well it seems to me that the closeness to the city is kind of a moot point, when you've got a four-lane highway in-between. It's really just a piece of property that's standing on its own. I mean, it's not right up or abutting Fruitland, but you've got this four-lane highway that is certainly separating it.

Eric Furnas: Yeah, but you go farther south down the road and there is county residential already. So we look at surrounding land uses in the vicinity, the economical potential on a piece of ground. It has very little viability as an agricultural piece of ground because of its small size already.

Virginia Cooper: What's in that green space now?

Jason Curry: There's been alfalfa in there.

Virginia Cooper: And do you do that?

Jason Curry: Yes I did, but without continual water it's just...

Virginia Cooper: And it doesn't list the CSR2 anywhere here, because it's low?

Eric Furnas: Because it's too small of a parcel to have its own CSR2, so I did jump out and look at some of the bigger parcels around it. I mean, they are quite low.

Tom Harper: Eric, do you have any other comments or concerns?

Eric Furnas: I mean, I would say this is obviously within a generally expected development zone, because of how close it is to the corridor or the city limits. I mean, the question is, is it going to be industrial, commercial or residential? It's going to be developed to some extent that close to the city limits. If Muscatine airport was more like the Quad Cities airport, I would probably say that it's not necessarily ideal for residential. But this is not an international airport. Speaking more specifically towards the airport, I think you can look at the other types of development or requests that could be made for development as far as commercial or industrial. I believe that residential may have considerably less of an impact on an airport, as far as lighting, that type of thing. I mean, would you want to put a commercial business right near an approach zone? I think commercial and industrial would have lot more lighting than residential. I think residential is the least of the three that it could go to. I think the Comprehensive Land Use Plan would support this development, just simply because of where it is. I mean there are some hoops that he needs to jump through, if and when he comes back at plat time. He would have to have appropriate lot lay outs, roads, access, those types of things. But I mean, wrestling with development, this is where we want development to happen, very close to existing city limits, off of paved roads, that type of thing.

Tom Harper: Okay, does anybody else here have anything to say?

Matt McCleary: Matt McCleary, 2152 Hwy. 61. I just live to the south of this as well. I just think it makes sense for it to be residential. My understand of R-1 is that it requires about 42,000 sq. ft. area, and R-2 requires a 20,000 sq. ft. It also gives it leeway to utilize a central septic system or a central well and then it knocks it down to 15,000 sq. ft. So I was just curious of how many houses are going in there.

Eric Furnas: That is correct, R-2 would allow for smaller lots if there is a central sewer or well, not city sewer but a cluster type system. But if the plan is for onsite systems it would require at least 20,000 sq. ft. But all of that information would come with a plat after it has been rezoned. It would come back before the Zoning Commission so all neighboring homeowners would also receive a notice.

Virginia Cooper: So if the house and the buildings that are already there and are staying there, what's the actual acreage that is going to be developed?

Jason Curry: I don't know yet.

Virginia Cooper: So it's way less than eight?

Eric Furnas: Well that would be part of the development, I mean that house would be on one of the lots and then however the applicant and surveyor lay it out... I mean, once you have a cul-de-sac in there, it's going to be even smaller.

Virginia Cooper: No, I know but I just want to know how the house and the building in the corner ... I mean, it seems to take up about a whole third of the property. So it's substantially less than eight that will be developed into housing spots.

Jason Curry: Just speculation ... I'm going to say that we are probably looking at about six to seven acres of development on that property. And initially on GIS it was listed as 11 point some odd acres. So going from eleven to eight kind of changed that whole schematic when they realized there was an error. So you know, with dropping down to R-2 with half acre lots, you know, and making everything comfortable we are looking about six to eight additional lots. It's kind of an odd shaped property. So it's kind of hard to really lay everything out and that's kind of what the surveyor will do. But it needs to be rezoned before they can really start working on it.

Carol Schlueter: Where is the access to this property going to be?

Tom Harper: Well probably the one they are using off of Hwy. 61.

Eric Furnas: Well access ... there is always flexibility on that too, that will be addressed on the plat as well.

Carol Schlueter: Okay.

Eric Furnas: The property has frontage along Highway 61. There is some sort of a private maintenance lane that runs past the southwest part of the property. If they worked out an agreement with whoever owns that property, and that would be platted to meet subdivision streets, that would be another option. These would be options that they get to explore at the time of the plat. And it's really kind of irrelevant at this point.

Carol Schlueter: Yeah, it is ... I was just wondering. We are just asked if it fits to rezone this property – I know.

Tom Harper: Yeah, the DOT is going to run that.

Jason Curry: And we have contacted the DOT and talked with them. They said as long as we meet the DOT requirements coming off of there, they don't have a problem with it.

Tom Harper: Right. Okay, is there any other comments, discussion or comments? Hearing none, does somebody want to make a motion to close the public hearing so that we can move onto a motion?

Carol Schlueter: So moved.

Tom Harper: Is there a second?

Brad Akers: Second.

Tom Harper: A motion has been made and seconded to the close the public hearing. Any other discussion? All those in favor of closing the public hearing please say Aye (5) Opposed (0). The motion has passed, the public hearing is closed. Okay, now are there any other questions or comments from the board concerning this rezoning? Not hearing any, is there a motion to take care of this request?

Carol Schlueter: I will make a motion to recommend to the Zoning Commission to

Tom Harper: You mean Board of Supervisors.

Carol Schlueter: Oh, I'm sorry, you're right. I will make a motion to recommend to the Board of Supervisors approval of this request to rezone this parcel from the existing A-1 Agricultural District to the proposed R-2 Residential District.

Tom Harper: Is there a second?

Martha Peterson: I will second that.

Tom Harper: There has been a motion and it's been seconded to recommend to the Board of Supervisors to approve this request in order to rezone this property from the present A-1 Agricultural District to the proposed R-2 Residential District. Any other discussion? Hearing none, all those in favor of the motion signify by saying Aye (5) Opposed (0). The motion carried.

Carol Schlueter: Good luck. I would not want to build by the airport. (laughter)

Tom Harper: Actually I think the most activity down there is from the Armory.

MUSCATINE COUNTY ZONING COMMISSION
By Eric S. Furnas, Planning, Zoning & Environmental Administrator