

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, February 6, 2015, with Chairperson Emily Geertz, and members Virginia Cooper, Dana Pittman, and Tom Harper present, George Alt was absent. Steve Boka, Interim Zoning Administrator and Dixie Seitz, Office Administrator were also in attendance.

Others present for this hearing: Steve Kundel and Ralph Buster.

Emily Geertz: Okay, Steve would you like to read the Buster request?

Steve Boka: Certainly. Zoning Agenda Item #02. Ralph E. and Barbara A. Buster, Record Owners, request approval of the preliminary and final plat of a proposed two lot agricultural subdivision, Buster's Subdivision, containing approximately 15 acres in each lot. This proposed subdivision is located in Sweetland Township, South of New Era Road in the NW $\frac{1}{4}$ of Sec. 22-T77N-R1W, containing approximately 65 acres and is zoned A-1 Agricultural District. This request was tabled from last month.

Emily Geertz: Steve, was there any correspondence?

Steve Boka: We received no correspondence or communications.

Emily Geertz: Okay, would the applicant or spokesperson state your name and tell the board about the request?

Steve Kundel: My name is Steve Kundel. I am an attorney here in town and I represent Barbara and Ralph Buster. We are here today to submit the preliminary and final plat of Buster's Subdivision. We've actually been in front of the county before about a year and a half ago. So our goal is still the same, what our goal is more or less estate planning for the Busters. What they would like to do is to create essentially these two lots with the idea that Ralph and Barb are going to deed over these lots to their daughters so that at some point in the future their daughters can come back and build a house on these properties. So the history of this goes, and maybe Emily may remember this, we originally came in front of the county and submitted a change of zoning request. When the board asked us why we were going to rezoning, the idea was if we changed the zoning then we would have a little more free rein of where the daughters can build their house. The board, however, did not like that and suggested that we come back and that we still can do a subdivision. Their plans to build are not immediate, they were just looking in the future. The idea would be that everybody would be better served if and when they decide to build, that they can come back and ask the county. The theory was that they would use the rural residence rule essentially to achieve that. So what we have done, and things have changed a little bit since we were here in September of 2013, we were looking to change the zoning essentially the ground where this parcel is but also another parcel. So we've changed that and some of the stuff behind the scenes that we've been working on, at least what I'm been working on with Jodee, the southern portion, which we've essentially abandoned. We've essentially shoved that out so we are creating two parcels now. They are both along New Era, where it's a hard surface road. I worked with Jodee, it seemed like a never ending plat of circles, essentially to make sure that when the daughters are ready to build that there are buildable areas along these lots. One of the issues with these lots, there's a ravine and a creek that cuts through there. So even though the lots themselves are good size, as far as having a good buildable area it is actually pretty small. But there are areas in these lots that have a stable area where they could build a house and then also are further than the 750 foot setback from surrounding houses as well. So what we are proposing today is a preliminary and final plat creating two lots. The immediate goal of the Busters is, if this is approved, they will deed over these lots to their

daughters. At some point in the future their daughters will need to come back and petition the county, you know when they are ready to build.

Virginia Cooper: So this is A-1 ag district, it says it's non-tillable, it's just all wooded and ravines?

Steve Kundel: Yes.

Virginia Cooper: Okay.

Steve Kundel: Yeah, I might have a magic photo of this property.

Virginia Cooper: Yeah, we have one.

Steve Kundel: Yeah, if you are driving on New Era Road... many times the road is quite a bit higher than the bulk of the acreage involved with these lots, then it essentially rises up again.

Virginia Cooper: Okay so if we approve it and then they come back later and want to build, they could not build in the tillable, I mean, it says non-tillable here, but it looks like on the magic map that it is.

Dana Pittman: It's just the wooded area is all it is.

Virginia Cooper: See I'm looking at this blue.

Emily Geertz: This isn't part of it.

Virginia Cooper: Got it, okay I see.

Tom Harper: As an ag subdivision the only uses permitted is under A-1 and any residence has to come back to the Board of Adjustment. They could build farm buildings on it without any permission?

Steve Kundel: The other reason for kind of the odd shape of these lots is Mr. Buster wants to keep all of the pasture and the tillable acres, essentially for himself because that is income to him. So essentially the idea was to cut off the non-tillable portion of this ground, which really isn't suitable for farming.

Virginia Cooper: Yeah, I was just looking at the wrong highlighted area there.

Emily Geertz: Is there anyone else who would like to say anything? Steve do you have any other comments or impute?

Steve Boka: I just thought I'd go over a couple of things that's already been said. I think there's going to be a challenge finding an appropriate site to build here. I mean, it's not without its own challenge. The ground is not a good agricultural site, by any stretch. There is going to be some challenges. There is also some flood plain mixed in there. But those are all development constraints for when it comes back for a permit application, after the subdivision is complete. The subdivision itself adheres to the requirements to the county ordinance for processing. That's all I have.

Emily Geertz: Does anyone on the board have any comments or questions?

Tom Harper: Are you ready for a motion?

Emily Geertz: I am ready for a motion.

Tom Harper: I will make a motion to recommend to the Board of Supervisors approval of the preliminary and final plat of the two lot agricultural subdivision, Buster's Subdivision as stated and applied for.

Emily Geertz: Do I have a second?

Dana Pittman: I'll second it.

Emily Geertz: All in favor say Aye (4) Opposed (0) Absent (Alt). Okay, we will recommend this preliminary and final plat of the two lot agricultural subdivision Buster's Subdivision to the Board of Supervisors. Thank you.

Steve Kundel: Thank you.

MUSCATINE COUNTY ZONING COMMISSION
By Steve Boka, Interim Zoning Administrator

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, February 6, 2015, with Chairperson Emily Geertz, and members Virginia Cooper, Dana Pittman, and Tom Harper present, George Alt was absent. Steve Boka, Interim Zoning Administrator and Dixie Seitz, Office Administrator were also in attendance.

Others present for this hearing: Joe Van Zandt and Steve Kundel.

Emily Geertz: Okay, this is different. Do you want me to read this?

Steve Boka: Sure.

Emily Geertz: 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 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.

Steve Boka: This statement is intended to just help people understand the role of the commission, if they have not had a past occasion to present anything to you. It kind of sets a tone of what your role is and the process and explains that this is an advisory group to the Board of Supervisors so they don't think it ends here regardless of what happens. I think it just provides some clarity to folks that maybe aren't accustomed to the process. I suggest that if you want to do so, read that before every meeting to help the people that are in the audience. If there are any questions or comments on that, they certainly can be adjusted or changed. But that's kind of a template of what I have used in the past.

Emily Geertz: Okay, does anyone want to talk about the mission statement? Alright, now I will ask the board members if there are any changes to the minutes of the previous meeting. I was not there.

Dana Pittman: Just a few typos.

Emily Geertz: Did you already go over it with Dixie?

Dixie Seitz: Yes, he gave them to me.

Emily Geertz: Okay, I will ask for a motion to approve the minutes?

Virginia Cooper: I move that we approve the minutes from the last meeting.

Emily Geertz: Is there a second?

Dana Pittman: Second.

Emily Geertz: All in favor please say Aye (4) Opposed (0) Absent (Alt). The minutes have been approved. There are four members present today, if we have a tie vote it is the same as a no vote. So we can pass that onto the Board of Supervisors but if it was a tie vote it would be an unfavorable recommendation. So I'm just letting everyone here know. So you could have

us table it and come back when we may or may not have a full board next month. It's up to you. What would you like to do?

Steve Kundel: We are going to proceed.

Emily Geertz: Okay, the first item on the agenda is Van Zandt Farms, Steve could you read the request?

Steve Boka: Sure, you want to do the Van Zandt proposal first, is that correct?

Emily Geertz: I guess so.

Steve Boka: Zoning Agenda Item #03. Van Zandt Farms LLC, Record Owners by Hertz Farm Management Inc., request approval of a preliminary and final plat of the one lot residential subdivision, Van Zandt Rolling Acres. The proposed subdivision lot contains 14.53 acres, is located southwest of Seven Springs Road, and is zoned R-1 Residential District. This property is located in Lake Township in the SW¹/₄ of Sec. 32-T77N-R2W, it is split by Seven Springs Road, zoned R-1 Residential District and contains approximately 33 acres.

Emily Geertz: Okay, would the applicant or their representative please state their name and tell us about your request?

Steve Kundel: My name is Steve Kundel. I am the attorney for Joe Van Zandt or Van Zandt Farms. We are here today to propose the preliminary and final plat of the Van Zandt Rolling Acres. What we are doing is literally just splitting off, and I have the copies of the subdivision plat or do you have the plat?

Emily Geertz: Yeah, I'd take one of the bigger ones.

Steve Kundel: And I have other copies if you would want them. (changed tapes) So what we are proposing today is to just create a one lot subdivision, and depending upon how you would count it with or without the right-of-way, it would be about 14 acres. It's kind of almost like a triangular like piece of property. The reason why we are here is that there has been splits on this section before. So we are required to have a formal subdivision, rather than just trying to do a plat of survey. The ultimate goal for the Van Zandt family would be to eventually sell this piece. So we are here essentially just to, you know, carve that out and then go through the subdivision. Then eventually at some point in time in the future, they can go ahead and sell that piece off.

Virginia Cooper: So are we talking about the piece on the east side of Seven Springs or the west?

Steve Kundel: Yes, the southwest.

Tom Harper: So there are no building plans today?

Steve Kundel: No.

Tom Harper: Just to do the subdivision for future use?

Steve Kundel: Yes.

Virginia Cooper: And that house was split off?

Steve Kundel: Yeah, I believe that house was split off in 2003 or 2004.

Emily Geertz: Okay, Steve do you have any comments?

Steve Boka: Well just for the record, we did have one communication from George Reimers. He was just querying as to what this was about and then ultimately he said he had no opposition. So I just wanted to make sure that that got into the minutes. The other comment at the staff level is that the review of the plat we noticed that there wasn't any signature blocks for the utility companies and it's been amended and has been provided for. But it still should be listed and the signature line provided for another utility in this case, which would be the rural electric, they should sign off on it. We have no objection to approval subject to receipt of the necessary signed plat.

Steve Kundel: I spoke to the surveyor and he is working on getting the necessary signatures for that. So I don't think that that would be an issue.

Virginia Cooper: So would this be open for future use for one dwelling or multiples?

Steve Kundel: I believe the zoning is R-1 Residential right now, so somebody could, now Van Zandt's have no interest in this but somebody could in theory buy this parcel and then further subdivide and put a more rural subdivision there. That's not our intent. Our intent is to literally just create this subdivision to be able to sell it to somebody and create a proper legal description.

Steve Boka: And more directly to your question, it would be what you approve and any further division of real estate would require a resubmission and go through another approval process at a later date if that happens.

Tom Harper: So this is just a one lot, single lot subdivision, so any further action would be later.

Steve Boka: Yeah, I'm not sure if you have the aerial or not, but it was divided by Seven Springs Road. It's all one parcel now, and they want to create a separate deed for that parcel for whatever reason in the future. So nothing is really changing, other than they are going to create a separate deed for that property. In the future, if something else happens they will have to come back through this review process.

Tom Harper: Is it R-1 Residential on both sides?

Steve Boka: It is.

Emily Geertz: Is there any other questions or comments from anyone?

Virginia Cooper: Are there any conditions that we want to place on this?

Emily Geertz: Well they would have to come back then.

Virginia Cooper: Yeah. I will recommend to the Board of Supervisors approval of this proposal.

Emily Geertz: Is there a second?

Dana Pittman: I'll second.

Emily Geertz: All in favor please say Aye (4) Opposed (0) Absent (Alt). Okay, we recommend to the Board of Supervisors approval of a preliminary and final plat of the proposed one lot residential subdivision Van Zandt Rolling Acres. Thank you.

Steve Kundel: Thank you.

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