

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, January 8, 2016, at 10 a.m., with Chairperson Emily Geertz and board members Virginia Cooper, Carol Schlueter, Dana Pittman, and Tom Harper present. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator was also in attendance.

Others present for this hearing: John Eichelberger.

Emily Geertz: I will open the Zoning Commission meeting and I will read 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 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. I will ask the board members if there are any changes to the minutes from the previous meeting.

Virginia Cooper: None that I know of.

Dana Pittman: No.

Emily Geertz: Okay, is there a motion to approve the minutes?

Carol Schlueter: I will make a motion to approve the minutes from the last meeting.

Emily Geertz: Second?

Tom Harper: I'll second.

Emily Geertz: All in favor say Aye (5) Opposed (0). Okay, the minutes are approved. We will start with Zoning Agenda #1, Eric can you read that please?

Eric Furnas: Zoning Agenda Item #01. Tod S. and Janice K. McCleary, Record Owners, request approval of the preliminary and final plat in order to replat McCleary's First Addition, Phase 1, Lots 1 & 2. This property is located in Fruitland Township, in the SW¹/₄ of Sec. 20-T76N-R2W, North of 57th Street, containing approximately 15 acres, and is zoned R-2 Residential District.

Emily Geertz: Was there any correspondence?

Eric Furnas: No correspondence.

Emily Geertz: Would the applicant or spokesperson for this request please state their name and tell us about your request?

John Eichelberger: Hi, my name is John Eichelberger. I am the attorney for Tod and Janice McCleary and I am representing them on this request. From the application and the plat you can probably see that Tod and Janice would like to replat lots one and two of the subdivision. They also own the property behind where these two lots are. They are in the process of selling each lot. What they want to do is to simply extend the depth of those lots which would absorb this extra space that they own behind. They don't want to sell the lots and still own this property behind it. So we are just replatting lots one and

two. We are basically pushing the lot lines back. The lots will be bigger and it won't change the zoning. That way they don't have to worry about access to the back of their lots.

Emily Geertz: Does anyone in the audience here have anything to add, either questions or comments? Eric do you have any comments?

Eric Furnas: It's a simple replat as I stated on the development report. And as John said, it does not constitute any additional lots. There are no new driveways or entrances off of the county road being proposed. It looks like they are just adding additional real estate to lots one and two.

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

Tom Harper: Well we are just trying to get our bearings.

Carol Schlueter: Can you come up here and show us what you are talking about?

John Eichelberger: Absolutely.

Carol Schlueter: Or at least just show me, I don't understand. So these are the two lots that we are talking about, right?

John Eichelberger: Right, so we are talking about extending this line straight up here and extending this line straight up here. So this now becomes a long skinny lot. And then this lot will pick up what's left.

Carol Schlueter: Okay, so what is going to happen to this lot here?

John Eichelberger: They are still going to own it. They don't know if... perceivable they might sell it to this guy. They don't have any plans for development but they are going to hang onto it, it's not part of the subdivision. I think they run mini bikes and things like that on it.

Carol Schlueter: Well if they sell that do they have to come back here to put a house on it?

John Eichelberger: I don't know the answer to that.

Eric Furnas: Well it's not part of the platted subdivision but it's a parcel of land that is zoned residential.

John Eichelberger: Yeah and what we didn't want to do is to have easements for people to get back here to this property. So everyone's lot is just deeper.

Carol Schlueter: Okay so this is just someone else's property?

John Eichelberger: Yeah and this is the railroad property and I don't know who owns that right there.

Carol Schlueter: So these lots are sold now?

John Eichelberger: McCleary's own both lots.

Carol Schlueter: And they want to do this before they sell them?

John Eichelberger: Exactly. In fact they live on one and their daughter lives on the other one.

Carol Schlueter: Oh so there are houses on them now?

John Eichelberger: Yes and they do live there right now.

Carol Schlueter: Okay, thank you for explaining that.

John Eichelberger: Oh you are welcome.

Emily Geertz: Are there any other questions or comments? Is there a motion?

Tom Harper: I will make a motion that we recommend to the Board of Supervisors the approval of the preliminary and final plat of McCleary's First Addition, Phase 1, Lots 1 & 2.

Emily Geertz: Is there a second?

Carol Schlueter: I will second it.

Emily Geertz: All in favor say Aye (5) Opposed (0).

John Eichelberger: Thank you very much.

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By Eric S. Furnas, Planning & Zoning Administrator

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Others present for this hearing: Rosy Eichelberger, Nicholas White, Judy Seiler, Ronald Seiler, and Mike Shield.

Emily Geertz: We will move on to the Trade Winds/Clove request, Eric could you read that request?

Eric Furnas: Zoning Agenda Item #02. Trade Winds LLC, by Randy Van Winkle, Record Owner and Benjamin and Amy Clove, Record Owners, request approval of the preliminary and final plat in order to replat Lots 16, 17 & 23 of Ramsgate Replat, Kent Estates, into two residential lots, and to vacate the existing utility easements between the lots. This property is located in Bloomington Township, in Sections 22/23-T77N-R2W, bordering Cranbrook Cross, containing approximately 11.6 acres, and is zoned R-2 Residential District.

Emily Geertz: Was there any correspondence?

Eric Furnas: Yes we had one email. It was from Joshua Allen, Whispering Pines HOA President. I will just go ahead and read it and make it part of the record. The Whispering Pines HOA Board has not been approached regarding the replat and vacation of easements that will be discussed tomorrow. We just heard from a homeowner this afternoon. I am not sure at this point if any of the board members will be able to attend Friday as I cannot. We are trying to reach out to the Cloves to discuss their plans and ensure they understand the lot maintenance requirements, as Trade Winds have not always complied. I can be reached on my cell phone for discussion. That's all the correspondence that we received.

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

Rosy Eichelberger: Hi, I am Rosy Eichelberger from the Eichelberger Law Office. I represent Benjamin and Amy Clove, who are co-applicants on this request with Trade Winds, and Nick White is here on behalf of Trade Winds. What we are trying to do is Benjamin and Amy Clove has already purchased these lots, 16 and 17 of Ramsgate. They have been given the opportunity to purchase part of what use to be hole number seven in the golf course, which is currently Lot 23 of Ramsgate. So all they are asking to do is to extend the property that they are going to have, so that they are not limited as to where they can put their house. They are really just cushioning themselves to the rest of the neighborhood. They intend to have it remain as one single residential lot. Lots 14 and 15 are currently owned by Benjamin's mother, Marianne Clove. So this property is also going to be behind what will be her residences. The reason why we are asking to vacate the utility easements that are currently on the interior lot lines is so that wherever they place a driveway, they can put a driveway anywhere instead of going over utility easements. On the plat, lot 2 is the remaining portion of lot 23.

Tom Harper: So Marianne Clove, she owns lot 14 and 15 with a residence on their presently?

Rosy Eichelberger: No, they are bare lots.

Tom Harper: Okay.

Rosy Eichelberger: She plans on building on one and most likely is going to gift one of the lots to her other son when he gets done with school.

Tom Harper: Alright.

Virginia Cooper: So the driveway would possibly be coming through the original lot, 16 or 17?

Rosy Eichelberger: It will definitely come through one or the other.

Virginia Cooper: And they would be crossing a utility easement at some point at the back of the property?

Rosy Eichelberger: Correct.

Virginia Cooper: So if they decide to build further and deeper in the property, then they would just use their existing driveway and go from there?

Rosy Eichelberger: There is no residence on this property as of right now. They are all bare lots.

Tom Harper: But part of the replat is to also vacate the existing utility easements on 16 and 17?

Rosy Eichelberger: Correct, so that they are not limited in where they place the home.

Tom Harper: Okay.

Eric Furnas: Yeah, if approved they wouldn't be crossing any easements because they are being asked to vacate them with this plat.

Virginia Cooper: Okay.

Tom Harper: And I assume the setbacks on both lots meet the standards?

Eric Furnas: Well there are no setbacks being considered yet, because no one has started construction. But yes, the same standards would apply based on the zoning district. The lot configuration obviously meets the minimum size standards because it's larger than what is currently in the subdivision.

Rosy Eichelberger: And I wanted to also add, part of the reason why the Homeowner's Association was not approached prior to this meeting, we were going to approach their association but their covenants say that as long as the only reason that you are resubdividing a lot inside of Kent Estates, or Ramsgate specially, is to add to the current lot ... so to increase the lot size you don't have to get board approval. So that's why we did not approach the HOA because we were following their specific code.

Virginia Cooper: So there shouldn't be an issue with that?

Eric Furnas: Well it's not really necessarily our issue.

Tom Harper: Right.

Eric Furnas: We deal with the regulations of the Muscatine County Subdivision Ordinance.

Tom Harper: Right, their covenants don't pertain to us.

Eric Furnas: It's something that usually the Zoning Commission takes into consideration, what position their board is taking, and what their board views are or would take, but it's not really something that governs this board.

Tom Harper: As a side note, who is the ownership of Trade Winds?

Nick White: The owners are Randy Van Winkle and Robert Simmering.

Emily Geertz: Any other comments from anyone here for this case? If so, please state your name and address the board. Does anyone on the board have any additional comments or questions? If not, is there a motion to recommend to the Board of Supervisors?

Virginia Cooper: I will make a motion that we recommend to the Board of Supervisors the approval of the preliminary and final plat to replat Lots 16, 17 and 23 of Ramsgate Replat, Kent Estates, into two residential lots, and vacating the existing utility easements between the lots.

Emily Geertz: Is there a second?

Tom Harper: Second.

Emily Geertz: All in favor of that motion please say Aye (5) Opposed (0). The motion has passed; it will now move onto the Board of Supervisors.

Rosy Eichelberger: Thank you.

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