

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, February 5, 2016, with Chairperson Emily Geertz and board members Virginia Cooper, Carol Schlueter, and Dana Pittman present, Tom Harper was absent. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator was also in attendance.

Others present for this hearing: Devin Warner and Russ Engstler.

Emily Geertz: I will open the Zoning Commission hearing and 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. Okay, do the board members have any changes to the minutes from the previous meeting?

Virginia Cooper: Not that I am aware of.

Dana Pittman: Just minor typo's.

Virginia Cooper: I will make a motion to accept the minutes from the previous meeting.

Dana Pittman: I will second.

Emily Geertz: All in favor say Aye (4) Opposed (0) Absent (Harper). Okay, the minutes are accepted. Let's proceed with our first zoning agenda item.

Emily Geertz: I need to tell the applicants that we only have four members present instead of five today. So if we have a tie vote, it's the same as a no vote. It would pass on to the Board of Supervisors as unfavorable. You can either go ahead with the request with the four members present today or you can ask to have us table it until the next meeting when we may or may not have a full board. So you have the option now of proceeding with four members or not. What would you like to do?

Devin Warner: I will proceed.

Emily Geertz: Okay, Eric could you please read Zoning Agenda Item #1.

Eric Furnas: Zoning Agenda Item #01. All Star Storage LLC by Devin Warner, Record Owner, requests approval to rezone this property from A-1 Agricultural District to C-2 Commercial District in order to have rental mini storage on this property. This property is located in Fulton Township, 3468 Hwy. 927, Durant, in the NE<sup>1</sup>/<sub>4</sub> of Sec. 6-T78N-R1E, South of Hwy. 927 and West of Verde Avenue, containing approximately 3.30 acres and is currently zoned A-1 Agricultural District.

Emily Geertz: Eric, was there any correspondence?

Eric Furnas: No ma'am.

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

Devin Warner: Yes, my name is Devin Warner. The reason why I bought the property was to install or construct mini storage on the parcel of land to the west, it's kind of a pie shaped pie of ground that is bare now, and it's just a grassy area. I am also wanting to subdivide off, my original intention at least, was to separate the house and outbuildings to the east. It would need to be a minimum of one acre. We are flexible on that property line where it will be established for the homestead and the acreage on the west side of that property. I would just simply have mini storage on that triangle part.

Emily Geertz: Okay, is there anyone else in the room that has anything to add? Eric, do you have comments on this request?

Eric Furnas: Just that he is proposing a mini storage facility here and it would need to be rezoned to C-2; also it would allow any of the permitted uses in C-1 Commercial and C-2 Commercial zoning. He would have the freedom to develop any of those; however there are criteria that need to be followed through the Site Plan Review Ordinance. He is not asking for a Conditional Rezoning Agreement, he is asking to rezone the property to C-2 Commercial. Any development of any type, either C-1 Commercial or C-2 Commercial type business would be subject to the Site Plan Review process through our office. Say it was a bed and breakfast or a hotel/motel; we would need to look at parking and water usage on an individual basis, whereas obviously there is less of that with a mini storage unit. But we have a very comprehensive Site Plan Review process, depending upon the proposed use of the property.

Emily Geertz: And there would have to be a new access?

Carol Schlueter: Yeah, that's what I was going to ask.

Eric Furnas: Yeah, he is already working with the County Highway Department.

Devin Warner: Yeah, I believe his name was Dennis. I've been kind of pursuing this property for quite some time, prior to the original owner passing away, that's how I got the opportunity to buy the whole piece. But yes I talked to Dennis probably six plus months ago. He had been out to the site and offered that there would be no problem. I understand there is a permit that needs to be purchased and built to certain county specs. But as far as the sight distance, he thought that there would be no problem with that. I also talked to an engineering firm, Martin & Whitacre, about the surveying.

Carol Schlueter: Okay, so this entrance permit is from Muscatine County? I thought that was a Scott County road?

Devin Warner: The north half is Scott County, the south is Muscatine County.

Carol Schlueter: So it just has to be approved by Muscatine County?

Devin Warner: Yes.

Carol Schlueter: But then the entrance, do you have any idea of where it's going to be?

Devin Warner: Yeah, I don't know how well you can see all of that, but see the buildings, the house and the outbuildings? There is a grove of trees there and you know, it can shift, it's not really set in stone, but I would think that it could be possibly one hundred or one hundred and fifty feet west of that grove of trees. I think that there is some criteria on having two entrances, the entrance for the house and the proposed entrance, I think those have to be a

number of feet away from each other, but I don't know what it is off the top of my head. We have flexibility to put the entrance in wherever he says we can put it.

Carol Schlueter: Because it's not close to the curb or anything like that?

Devin Warner: No, it's not close to the curb at all. I think 660 feet was the line of sight distance, if I remember right, either direction from that driveway.

Emily Geertz: So that would be approved by the County Engineer's Office?

Devin Warner: Right, there's a review process and they approve it.

Eric Furnas: Yeah, he still has a little leg work to make sure that the entrance can be accommodated, but if the County Engineer's Office said that it appears that there is adequate space, they are the ones that approve it. Also, that would be part of the Site Plan Review process.

Virginia Cooper: Well this might seem silly but I remember in the past when we looked at some commercial structures being added on a highway that's an entrance to a community, I think the last time that we talked about it, it was south of Muscatine. But since this is an entrance to Durant, do you have any landscaping plans? Are you planning on just putting up a commercial building or are you actually going to kind of try and hide it and make it look aesthetically pleasing?

Devin Warner: Yeah, I actually own storage buildings in Durant now right along the main highway, Carol is familiar with them, maybe the rest of you aren't. But I am pretty particular about keeping things looking nice. I mean, do I plan on putting up a fence? No not really necessarily. There are some trees there; we are trying to incorporate that. The fellow with me here, Russ Engstler, he is the one that is potentially interested in buying the house. Again, if you are familiar with the property, its dilapidated buildings, those are going down. The house is going to get some significant improvement. I think that it would be nothing but an improvement to what is there now. But I don't really have any landscape plans, other than just building clean and tiding buildings. I'm not planning on having stuff sitting around outside, and of that kind of thing.

Carol Schlueter: Yeah, I know him. He's got storage in Durant and they are very well kept. Here I think the trees would be a hindrance for sight. I mean, just being a safety issue.

Devin Warner: One of my concerns was is that I didn't want to put the buildings, like say, necessarily parallel with the highway, just because I don't want a hiding spot. I mean that kind of goes with the trees too. I mean, if you put up too much blockage, or whatever, then all of a sudden you have a place where people are getting too mischievous there I guess. The house will be occupied at some point in time, and that helps as a deterrent right there.

Carol Schlueter: But the mini storage building is just going to be like garages?

Devin Warner: Yes.

Carol Schlueter: Are they going to be on both sides, north and south?

Devin Warner: Well that's undecided yet too. I was talking to Martin & Whitacre about the site plan, assuming this meeting goes well, and then the next step would be that, it sounds like to me. It would establish how I can put those buildings on there. I thought about putting up a one sided building, kind of parallel with the new proposed property line. So that it would almost act as a privacy fence between the house and the front of the storage buildings. We

talked about maybe extending a grove of trees or something like that, to make it a fence for blockage or a barrier between the two properties. But I'm not 100% sure that ... originally I was going to put up a 120 foot by 40 foot wide double sided storage building, meaning access from both sides. But I have not committed to that yet; I am not locked into that. It just depends upon what fits on that property the best.

Carol Schlueter: It looks like part of it is in the flood plain. So I'm sure that you are not going to build storage buildings in that.

Devin Warner: Yeah, it's way to the west. I mean, about a third of that property is in the flood plain. Dixie had printed off a map for me on that so I can see it. I know that you can't build on there, so that's just going to be green space I guess.

Carol Schlueter: And the water runoff from the building will definitely go by the ordinance, right?

Eric Furnas: Yeah, that is covered in the Site Plan Review.

Devin Warner: Yeah and originally, and I still think that it will happen, I mean, my intention was that I was going to raise that up some amount, but I don't know how much until they do the surveying. The lot is pretty flat, but there is some slope to it. I had some surveyors look at it for septic, and it is flat but it definitely does fall onto that west point.

Carol Schlueter: Well I think it's a good use of this land and I hope that if you buy that other house that it is cleaned up. I drive by it every day and it needs cleaning up, it needs to be addressed.

Devin Warner: Yeah just cleaning up the trees and taking down the old buildings will be a big improvement.

Carol Schlueter: Yes it will.

Emily Geertz: Okay, are there any other comments or questions by the board? Does anyone in the room have anything to add? Then could I have a motion?

Carol Schlueter: Sure I will make a motion that we recommend to the Board of Supervisors to rezone this property from A-1 Agricultural District to the proposed C-2 Commercial District, in order to have rental mini storage on this property.

Emily Geertz: Is there a second?

Virginia Cooper: I will second.

Emily Geertz: All in favor please say Aye (4) Opposed (0) Absent (Harper). The motion has passed and this will move onto the Board of Supervisors.

Devin Warner: Thank you.

Eric Furnas: We will let you know when the Board of Supervisors will hold the public hearing.

Devin Warner: Okay, thank you.

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

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Others present for this hearing: Ryan Hagerty and Dana Wells.

Emily Geertz: We will move on to the next agenda item, Eric can you please read that?

Eric Furnas: Zoning Agenda Item #02. W & H LLC by Dana Wells and Ryan Hagerty, Record Owners, request approval to rezone a portion of their property from C-1 Commercial District to R-3 Residential District. This property is located in Moscow Township, 1159 Moscow Road, Lot 1, and W½ of Lot 2, Block 11, Moscow, containing approximately 0.32 acres and is currently zoned C-1 Commercial District. The Record Owners are proposing to rezone the E½ of Lot 1 and the W½ of Lot 2, Block 11, Moscow, containing approximately 0.20 acres from C-1 Commercial District to R-3 Residential District.

Emily Geertz: Was there any correspondence?

Eric Furnas: Yes we received one letter from Lyle Marolf; it is dated 1/4/16. Objection to Zoning Item #02. 1. No parking except on street. 2. No yards except neighbors. 3. Alley on street on north side of property is a public street according to Supervisors, not a private parking lot. 4. Questionable sewer availability.

Emily Geertz: You were here when I stated that we only have four members present and if the vote is a tie vote, it would move on to the Board of Supervisors as unfavorable. Would you like to proceed or have us table this request?

Dana Wells: Yes, we will proceed.

Emily Geertz: Okay, would the spokesperson or applicant please state their name and tell us what you want to do?

Dana Wells: My name is Dana Wells. All we want to do is to put an apartment downstairs underneath the apartment that is upstairs. Whether I've got to rezone it to residential or whatever... whatever conditions I've got to do to be able to put an apartment downstairs. I mean, we've got three commercial buildings and it's Moscow, we are never going to need that much commercial property in Moscow. And we put in a large enough septic system to cover another apartment when we did that one. So basically to utilize the space, I guess.

Virginia Cooper: So we are actually talking about four apartments, not just one?

Dana Wells: Possibly.

Virginia Cooper: At a later date?

Dana Wells: There would be a total of six.

Ryan Hagerty: So what we have... there is two dilapidated buildings that the only way financially to make them work is to take and make them apartments. I mean, obviously that commercial space has been there a long period of time and nothing has gone into it. I don't remember anything being there, so that is 32 years. We either are going to have to make a pile of rubble out of the one or recondition it and use it. So the only way financially to make this work

is to make apartments out of it. So we have an apartment above the center building there.

Emily Geertz: Uh huh.

Ryan Hagerty: We would like to put one below it that would mimic the upstairs one. The building to the east of it is a brick building that we have invested quite a bit of money into fixing the back half where it was blown out. We've gutted the entire inside of that and it needs to be completely redone. Again, the only way to make it possible is if we could put apartments in there too. So in essences we would have six units there, best case, that would be the most that could be there, then we would have one commercial space left.

Virginia Cooper: So two in the center and four in the brick building that is later to come?

Ryan Hagerty: Yes.

Virginia Cooper: And that number is dictated by the septic system?

Ryan Hagerty: Yeah if we could do another one in the center building that would help us financially so that we would have the money to do the east building. And it would make the bank happy.

Virginia Cooper: And the west building that faces the street and then there is also one on the alley, those would remain commercial?

Dana Wells: That's how Eric suggested it to us, to see if we could cut the property in half, leave that half commercial and make this side residential. If there is an easement that I could get or a Variance or whatever, that I could get to put that apartment in the lower level, I don't care if it gets rezoned, personally.

Carol Schlueter: And the existing septic system will be adequate for all of those apartments?

Eric Furnas: The septic system that is currently serving the building has a limited capacity. The building that they are working on right now, it does look like they have adequate capacity for the apartment in the lower level that they are requesting. If they move forward with the progress on the buildings to the east, we will have to revisit the wastewater issue. But again, that is something that is always done at Site Plan Review time. The septic system would have to be able to accommodate at that time. But they do have the capacity on this current septic system for a couple more apartment buildings already.

Virginia Cooper: And the back of the lot, there's no parking issue because there is a large parking area behind both buildings?

Ryan Hagerty: Yeah.

Virginia Cooper: Okay.

Dana Wells: There is a large parking area now. We figure if it gets to the point where the parking does become an issue, if we do get six apartments total, that one back barn by the alley, it will be ...

Emily Geertz: Well honestly I appreciate that you are doing something with the buildings.

Dana Wells: We are trying.

Carol Schlueter: Now the upstairs apartment is rented now?

Dana Wells: Yes, it has a tenant in it.

Virginia Cooper: Yeah, I think it's an improvement... to say the least. I will make a motion if we are ready.

Emily Geertz: Sure.

Virginia Cooper: I will recommend to the Board of Supervisors that the applicant's property be rezoned, or a portion of his property be rezoned, from the current C-1 Commercial District to the proposed R-3 Residential District, in order for the commercial structures to be converted to multi-family apartments.

Emily Geertz: Is there a second?

Dana Pittman: I'll second.

Emily Geertz: All in favor of the motion please say Aye (4) Opposed (0) Absent (Harper). The motion has passed and it will now move onto the Board of Supervisors.

Dana Wells: Can I have a copy of that letter?

Eric Furnas: Sure, you can have a copy of it, it's public information.

Dana Wells: Thank you.

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