

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

Others present for this hearing: Paul Null, Jim Crowder, Mike Shield, John Hintermeister, and Gary Lindley.

Emily Geertz: I will open the public hearing by reading the Mission Statement first, if I can find it. It's attached here somewhere I think. No, it's not.

Dixie Seitz: It's not attached to the agenda?

Emily Geertz: No. You'd think I'd have it memorized by now – but I don't.

Carol Schlueter: I swear I seen it earlier, but it's not there now.

Eric Furnas: I think I can summarize it for the people that are here.

Emily Geertz: Okay, sure.

Eric Furnas: 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. However, today we have someone absent so if they vote and it's a tie vote it will go onto the Board of Supervisors as a denial. You have the option of continuing with them today or they can table this until next month when they may or may not have a full board. They serve as non-professionals and without compensation. Their 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 their decisions will not satisfy everyone, they attempt to base their decisions on what is best for the long term interest of the County. They ask for your input, pro or con, on issues before them in order that they may formulate the best decisions possible. Please take this opportunity to share your thoughts and concerns with them. Their 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.

Emily Geertz: Very good, thank you.

Eric Furnas: I've heard it a few times.

Emily Geertz: Yeah. Okay, do you wish to go ahead with the four members present?

John Hintermeister: Yes, we'll go ahead.

Emily Geertz: We all received an email with the previous minutes. Are there any changes or corrections? If not, is there a motion to approve the previous minutes.

Tom Harper: I will make a motion to approve the minutes as written.

Emily Geertz: Is there a second?

Virginia Cooper: I will second the motion.

Emily Geertz: All in favor of the motion please say Aye (4) Opposed (0) Absent (Pittman). Okay, Eric could you read the first request?

Eric Furnas: Zoning Agenda Item #01. Tripar 5 LLC, Record Owners Paul Null, James Crowder and Mike Shield, by Attorney John Hintermeister, request preliminary approval to replat Lot 18 of Margate Addition Replat Kent Estates, into five (5) residential lots. This property is located Bloomington Township, North of Cranbrook Cross, in the NE¼ of Sec. 22-T77N-R2W, Lot 18, Margate Replat, Kent Estates, containing approximately 3.25 acres and is zoned R-2 Residential District.

Emily Geertz: Was there any correspondence?

Eric Furnas: All correspondence that we received was forwarded to you in your packets. We received emails from Gary and Sheryl Lindley, Joshua Allen, Bradley A. Pankow, Jim and Barbara Cahill, Mary L. Wildermuth, Rob and Katie Becker, and Judi Holdorf.

Emily Geertz: Okay, thank you. Could the applicant or spokesperson please state their name and tell the board about your request?

John Hintermeister: I am John Hintermeister. This is Paul, Mike and Jim, if you have any questions directly to them. I have passed out a brief history, if there is anyone in the room that would like a copy of that, I do have extra. And partially for the benefit of Virginia who forgot her glasses, I will go through this briefly.

Virginia Cooper: Thank you.

John Hintermeister: Jim and Irene Kent did the original Kent Estates Subdivision in 1977. I was the attorney for them when they did that, so I have been involved with this particular real estate for nearly 40 years. The final plat was approved by the county and the city was for all of Kent Estates Subdivision lots. So that was all approved. And then for development purposes, Kent Estates was divided into eight separate additions. I have listed those in the information I provided to you. The addition that we are dealing with today or the lots that we are dealing with today is in the Margate Addition. The first plat that's in your stack is for the original Kent Estates Subdivision. A portion of that that is relevant is highlighted in yellow. The reason I did that is to show you the five lots that we are talking about today. In 2000, Jim and Irene Kent sold Margate, Ramsgate and Riverhead to Bob Simmering. He was doing business under the Whispering Pines Development Corporation and he established the Whispering Pines golfing community. I was not involved in that particular development. In 2003, Bob Simmering as President of the Whispering Pines Development Corporation submitted a replat of Margate, Ramsgate and Riverhead. It is the second plat in your packet. It shows lot 18, which is what the five previous lots became, okay? The third plat shows that was the 5<sup>th</sup> hole of the golf course, that's what it ended up being. Now the important part of all of this is when the golf course failed, which all of us...I played that golf course many times and we were all sorry to see it go, and many of the people that moved there had because of that golf course. When that failed a number of the residents within the Whispering Pines golf community, decided to try and keep some part of that golf course going, so various individuals bought the former golf course holes. Obviously they thought that was to keep it going or they would have replatted it back to where they were originally, in the original Kent Estates Subdivision. So that's why we are here. These three guys were among those who wanted to try and keep the golf course going so they bought Lot 18, which was the former 5<sup>th</sup> hole of the golf course. The fourth plat that's in your stack is the magic photograph of the status of this property at this time. The fifth plat is what is submitted here for your approval today, that's the subdivision that they are proposing. Now several things happen if this is done. This is not new, we are just asking for it to basically be reversed to the original plan which has been there for 40 years. The lot sizes are slightly bigger than they were before,

because they reconfigured that area. But there are five residential lots which front onto the streets and I think that they have all the infrastructure necessary. Clearly redeveloping these five residential lots are the highest and best use of that parcel of real estate. The benefits are that the county school district will benefit because you will increase the tax base by probably more than a million dollars. You have five lots and you are talking about \$200,000 to \$250,000 houses. You are going to add a million bucks plus to the tax base. And actually the homeowners association benefits significantly because the five lots and dwellings will decrease the homeowners dues significantly. It gives a bigger base or a broader base to cover future special assessments. So that is why we are here. We are asking for approval. There have been some significant objections. I thought that there would be people here objecting. One other thing I want to add is that there has been some fuss about this future development and we have made several attempts to sit down with the homeowners association and the board of directors and work through this, hopefully with their cooperation, and we were severely rebuffed. That's why we are here. Do you have any questions for me or for these three guys?

Carol Schlueter: Okay when this subdivision was originally set up, I guess back in 1977 when it was Kent Estates, on this first one; you've got 16, 17, 18, 19 and 20?

John Hintermeister: Right.

Carol Schlueter: It was all approved, the septics and everything was approved, right, the water runoff and all of that?

John Hintermeister: The runoff and the water was. At that point Margate was not developed. At that point the preliminary plat of Kent Estates, which was the land use issue, the layout, the streets, the lot sizes, all of that was approved. But Margate had not yet been developed. So there weren't any houses or streets there at that point. They then sold those three additions to Bob Simmering. He replatted and that's when the streets and the ... the major changes ... he took those three lots and turned them into hole number five. And there were other lots, of course, within that addition that were not turned into the golf course. So that's the key to all of this and that's the fact that we are not really asking for anything different, we just want to go back to what it was.

Tom Harper: So this is the original as it was platted in 1977 but not developed?

John Hintermeister: Correct.

Tom Harper: Just sat there on the books?

John Hintermeister: That's correct. And for development purposes, it was done in eight separate additions. So they didn't have to put in all the streets in the whole thing all at the same time.

Carol Schlueter: But then that has been approved over the years?

John Hintermeister: Oh yeah, it's been approved by this board, by the county and the city.

Tom Harper: And it was all subject to what the requirements were back in 1977?

John Hintermeister: Yes.

Tom Harper: And it was okayed with the standards at that time when it was replatted?

John Hintermeister: Yes, and that's what we are asking for. The golf course was a great idea, but let's put it back where it was.

Tom Harper: Now these lots on the north side of those, those are all duplexes? Those were all part of the Planned Unit Development?

John Hintermeister: Yes that was part of the Planned Unit Development.

Carol Schlueter: Okay, so you three gentlemen, where are your houses in comparison to these lots? (John Hintermeister, Mr. Null, Mr. Crowder and Mr. Shield indicated where they lived on the map).

Paul Null: We are part of the Planned Unit Development.

Carol Schlueter: Okay, got it.

Tom Harper: So you three bought this hole number five for your use, your recreational use, basically right?

John Hintermeister: Well they bought it to keep some of the golf course going, but that's not what happened.

Tom Harper: So now your request is to go back to ... to replat this to sell for residential development?

John Hintermeister: Yes.

Tom Harper: Okay.

Carol Schlueter: Eric, I've read all of the correspondence that we received...

Eric Furnas: Okay, one of the things that I will comment on, just because I believe that it's relevant to the overall density... Lot 18, which was hole number 5 that they are looking to replat, would be going back to something very very close to the original five lots that were approved on the original Kent Estates plat. However, when the Margate Planned Unit Development Plat was submitted, the density of those lots directly to the north of this were significantly changed under the provisions of a Planned Unit Development. So if you look at the Kent Estates plat, there was five lots that were part of that north, it was much larger. There are now around ten lots that were part of a Planned Unit Development, and that's fine, those were accepted under the Planned Unit Development. However, the Planned Unit Development offers flexibility within our typical subdivision guidelines by allowing smaller lots than would normally be allowed in that zoning district, through the use of reserved green space, which was that spot there. That being said, there are times where it is appropriate to consider ongoing more dense residential development and I want you to understand that that is what you really need to be weighing. Are we at that point where an overall density increase is appropriate? Because we are essentially, if you approve this plat, you would be essentially making those lots to the north non-compliant because of their lot size. You would be removing them from the Planned Unit Development concept. They benefitted from greater density by the reserved green space to the south of that. So you would be recognizing that we've reached a point where a greater density is acceptable and is beneficial to the citizens of the community. My concern with this is that there are some challenges in this area with wastewater handling. Because of the density of the lots to the north, they kind of designed a couple of cluster systems. We don't have as part of this preliminary plat that's been submitted today any kind of a wastewater design or storm water plat, since this is a replat. Those are typically done on a large development scale, however I think that would be beneficial for us to be able to study. Because these lots and the density in

this area, we are running into wastewater handling issues. I am not saying that they can't be accommodated. I just feel like it should be part of a plat approval process, which is typically done at the preliminary plat time. It would show the contours, and I'm not so worried about storm water runoff it's the same as what it was when it was developed before. But we have reached a point in this community when we need to look at the overall wastewater handling that affects this community. I think that that should be part of any further development. Where are the systems located? Where are they discharging to? Because most of the systems out here are discharging systems, like sand filters. It's just reached a point that it's just hard to manage without the proper planning on the front end of it.

Tom Harper: Well with that being said, all of these lots like 7A through 17B are showing like a duplex on there, are they sharing... A and B, are they sharing one septic system?

Eric Furnas: There are actually two large sand filters that 9 A & B, 10 A & B, and 11 A & B, I believe, there are two large sand filters for them. The units, A & B share a septic tank and then four units share a large sand filter that was professional designed. Which is fine, that is the type of septic system that you would normally see when you start having a density of this type. However, it also requires extra large green space somewhere to be able to accommodate those. When we were out there the other day ... that's the other thing I would like to see on the plat, there's evidence that some of that system serving those zero lot line dwellings, or condo's for a generic term, there is evidence that some of that may be on this property already. I may be wrong, I mean I don't have a survey grade GPS, but I would like to see that indicated on the plat so that we know already where the existing septic systems for the existing residential neighbors are, and what is the plan for wastewater handling of the proposed residential lots.

John Hintermeister: May I address that?

Eric Furnas: Yes.

John Hintermeister: That certainly ... the wastewater issue we haven't talked about, we have talked about the density and that's when we came back with the five lots as opposed to simply matching the lots to the north, because of the density issue. The wastewater treatment issue is obviously something new that we have to deal with. We are certainly more than willing to do that, to come back with that information. What we would ask, is if your inclination is to approve this or to approve it subject to final county approval of a wastewater treatment plan? Our problem, of course, is that we'd like to see this done. We've already spent a significant amount of money, we'd like to at least have some indication from you and the Board of Supervisors that this is an acceptable plan before we spend anymore money. So we would ask you to approve that subject to final approval by Eric or the Board of Supervisors or even back to you with a satisfactory treatment of dealing with the wastewater issue.

Carol Schlueter: Okay, Kent Estates, are there more lots that use to be these golf holes?

John Hintermeister: Yes.

Carol Schlueter: So if this is approved, then somebody else can come in and say that they want to do the same thing.

John Hintermeister: Yes, and they will.

Gary Lindley: There are at least four or five other areas that would be impacted by this decision and they are much more complex than what we are talking about today.

Carol Schlueter: That other individuals own the holes?

Gary Lindley: Yes.

John Hintermeister: This one is the easiest and the least intrusive of any of them.

Virginia Cooper: Could you in the back row, could you please stand up and state your last name please?

Gary Lindley: Gary Lindley, I am the treasurer for the HOA.

Virginia Cooper: And can you tell me, just briefly because that's not what we are talking about today, but how the other ones are more complex than this?

Gary Lindley: Well they are more complex in that some of them don't have roads. I take issue with "Bob Simmering didn't change the roads from the original plat". He changed the roads significantly from the 1977 plat. They are nowhere close to the way they are today than what they were there. So some of these other plots have road issues if you replatted them. The people or somebody is going to have to put in roads and utilities. The septic runoff, I agree with Eric, it's a big deal out there and it's only going to get bigger. So that is an issue, storm water runoff has always been an issue, and utilities. Plus, people don't this...

Virginia Cooper: Okay, thank you. I appreciate your response.

John Hintermeister: I would respond in that the roads that are relevant to this request are the same as they were in the original plat. We understand that everybody wants the status quo. We would be more than happy to entertain an offer to purchase this lot from those who want to maintain the status quo. That's on the table.

Virginia Cooper: Were there any issues with the utility easement on this?

Eric Furnas: Well the submitted plat portrays utility easements for each proposed lot. I think my main concern is just the density of this area and the wastewater. I would like to see that addressed at some point. I pretty much guarantee that if I take this plat to the Board of Health and there's not a wastewater plan, it's not going through. And I think that you understand that.

John Hintermeister: I do and that is a reasonable request. We would comply with that.

Eric Furnas: Yeah, the density issue is kind of for you folks to determine whether things have evolved to the point of you know... is increased density acceptable? There is no question about the land use. This is in an area designated for homes, it is a platted subdivision. This is where residential development overall is encouraged. The change in density, if that's something that you are comfortable with and then the water issues.

Virginia Cooper: And since it is already following through with what the other plan was, any other golf hole that's going to come before us in the future, it would have to be addressed individually on the same level that this is. So no matter, I mean, if we were to move forward in some fashion today, whatever that fashion may be, that doesn't set precedence for a full ride on anything in the future. They all have to come back to us for approval.

Eric Furnas: The precedents that I can see is that you would be recognizing that the density would be potentially acceptable. But there would be a whole different set of issues on those other lots because of roads and frontage. This one does not have issues with roads and frontages.

Emily Geertz: I thought I would point out that there has been a lot of negative feedback, but we cannot uphold HOA covenants. I think that that is important for everyone to understand.

John Hintermeister: Yes that's for the people across the street to figure out. They are the ones to determine the validity of the covenants.

Carol Schlueter: I guess, my personal opinion is since we are asking for it, I would like to see it brought back to us before we make any decisions. That's my personal opinion, I would like to see it before I approve it. Yes, I think it could go back into lots, but I think what Eric is wanting is what I would like to see before I would approve it.

Virginia Cooper: I agree.

Tom Harper: Well the request is for preliminary approval, not the final plat.

Eric Furnas: Those types of things are generally required on preliminary plats, however, when we see a replat we do not require it and it's not usually a full scale topographical survey. But because this is a replat, I do think that the wastewater issue is very valid and one that should be studied. You could table this or approve it subject to approval of the wastewater issue or you could just choose to have it added on the final.

Tom Harper: Okay, if you are ready I will make a motion to recommend to the Board of Supervisors approval of the preliminary plat with the conditions of a wastewater plan to see how they are dealing with the wastewater issues and the storm water runoff plan.

Eric Furnas: Yes, most likely I will work with their surveyor to portray that on the plat.

John Hintermeister: That is a reasonable request to deal with the wastewater.

Emily Geertz: Is there a second to that motion?

Virginia Cooper: I second the motion.

Emily Geertz: All in favor of the motion please say Aye (4) Opposed (0) Absent (Pittman). The motion has been carried.

John Hintermeister: Thank you.

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

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

Others present for this hearing: Gary Johnson and Agnes Johnson.

Emily Geertz: Eric, will you please read the next request?

Eric Furnas: Public Hearing - Zoning Agenda Item #02. Gary M. or Agnes M. Johnson, Record Owners, request to rezone their property from the current A-1 Agricultural District to the proposed R-1 Residential District. This property is located in Sweetland Township, North and East of Geneva Hills Road, in the NE<sup>1</sup>/<sub>4</sub> of Sec. 20-T77N-R1W, containing approximately 21.90 acres and is currently zoned A-1 Agricultural District.

Emily Geertz: Okay and you were here when I said that we only have four members present today. Do you wish to proceed?

Gary Johnson: Yes we do.

Emily Geertz: Would you please state your name and tell us a little about your request?

Gary Johnson: Sure, my name is Gary Johnson and this is my wife Aggie. We are requesting to rezone our land, our 21 acres from agricultural to residential so that we can build a single family ranch style home. We do not plan on subdividing the property ever. We just want this for us and our horses. We only have three horses, and that's the way it's going to stay there, not anything more than that, and just the one residential home on that 21 acres.

Emily Geertz: Eric do you have any comments on this request?

Eric Furnas: I put my comments in the staff development report, I will summarize them. The CSR2 is a low 49, there is residential development in the immediate vicinity. The Comprehensive Plan land use map designates this area as expected residential development. So the rezoning would be consistent with the future land use plan. Part of the property already has frontage along an existing seal coated road. It is less than two miles from the City of Muscatine, which is also consistent with residential development.

Tom Harper: So there are no buildings on this property now?

Gary Johnson: That's correct.

Carol Schlueter: And none of it is farmable?

Gary Johnson: We'll do hay for the horses.

Emily Geertz: How many acres are tillable for the hay?

Gary Johnson: About half.

Aggie Johnson: And it's a wooded area too.

Eric Furnas: Farming would be pretty difficult, it's highly erodible and hay is good, but the ag value is quite low.

Aggie Johnson: Yeah, it's mostly hills.

Eric Furnas: You go out New Era Road, turn right onto Geneva Hills, or you could come up Hwy. 22 and turn onto Geneva Hills Road.

Carol Schlueter: Okay, yeah I know the area.

Emily Geertz: Well I don't see any problems rezoning this property.

Carol Schlueter: Well yeah, the CSR is below our 55 and they are only going to put one house on there for you to live in, correct?

Gary Johnson: Yes ma'am.

Carol Schlueter: It's close to other residential zoning.

Emily Geertz: Are there any other comments from anyone present? (changed tapes) If not, is there a motion to recommend to the Board of Supervisors?

Tom Harper: I will make a motion that we recommend to the Board of Supervisors that this property be rezoned from A-1 to R-1 Residential.

Emily Geertz: Is there a second?

Carol Schlueter: I'll second it.

Emily Geertz: All in favor say Aye (4) Opposed (0) Absent (Pittman). The motion is carried. Now it goes onto the Board of Supervisors.

Gary Johnson: Thank you.

Carol Schlueter: You bet.

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

Public Hearing - Zoning Agenda Item #03. Jeffrey A. or Pamela R. Turkle, Record Owners, request rezoning their property from the current A-1 Agricultural District to the L-1 Light Industrial District. This property is located in Union Township, South of Iowa Interstate Railroad, West of Vine Avenue, adjacent to the City of Stockton, in the NE¼ of Sec. 5-T78N-R1E, containing approximately 0.39 acres, currently zoned A-1 Agricultural District.

**Request tabled until next month**