

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, September 2, 2016, 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: Dean Maurer, Kay Busher, and Kirk Latta.

Emily Geertz: I will open this public hearing and I want to read the mission statement first. 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. The board needs to approve the minutes from last month. We were all sent a copy to review. Any changes?

Dana Pittman: Minor typos.

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

Virginia Cooper: I will make a motion to approve the minutes.

Emily Geertz: Is there a second to the motion?

Tom Harper: I'll second it.

Emily Geertz: All in favor of approving the minutes, please say Aye (5) Opposed (0). The motion is approved. It looks like we have a full board, so we will proceed with agenda item #1. Eric, can you please read the first request?

Eric Furnas: Zoning Agenda Item #01. Kirk and Kim K. Latta, Record Owners, request approval to rezone their property from the present A-1 Agricultural District to the proposed R-1 Residential District. This property is located in Moscow Township, in the SE¼ of Sec. 10-T78N-R2W, West of N. Isett Avenue, containing approximately 75 acres and is currently zoned A-1 Agricultural District.

Emily Geertz: Eric, was there any correspondence?

Eric Furnas: The correspondence is attached to your packet.

Emily Geertz: Would the applicant or spokesperson please state their name and tell us about the request.

Kirk Latta: Kirk Latta and my wife and I own the parcels.

Emily Geertz: Eric, do you have any comments?

Eric Furnas: I guess I would ask that Mr. Latta expand on his request. Maybe give a little summary of what you have now and tell us what you are planning?

Kirk Latta: I live there, I've owned the property for 25 years and I built a house there. And I've been thinking about selling a little bit and maybe having my daughter build a house on the property right north of my place.

Carol Schlueter: Okay, so why does it have to all be rezoned if your daughter only wants to build one house there?

Kirk Latta: Well I have a couple of daughters, number one, and in talking with Eric ... I figured I might as well rezone the whole thing. My intention is not to put a subdivision or anything like that there.

Tom Harper: So you are thinking about dividing it off from other parcels?

Kirk Latta: No.

Carol Schlueter: But if this is approved he can, or anyone can that owns that property in the future. Is that correct?

Eric Furnas: A little history of the property, there is actually two separate parcels. One parcel has his current house on it and then there is another parcel that is to the south of it that has about 38 acres, with a total of about 75. So depending upon where any future planned residence would be, there would have to be a subdivision because there is a parcel that his house sits on and if he wanted to put a house on the other parcel that doesn't have anything, if it was rezoned, it would not have to be subdivided. One of the reasons why he looked towards rezoning when we discussed how a house might be accomplished on this property... I think one of the areas that he had in mind would not have met the separation distances for a rural residence under a Special Use Permit. So to give him that freedom of placing a residence where you don't have the separation distance, rezoning would be the option. But to answer your question, yes once all 75 acres are rezoned, than someone could come in the future and apply to subdivide.

Tom Harper: Is there the same stipulation with Wilton, as far as the two miles radius that they have to approve roads?

Eric Furnas: Not that I am aware of.

Tom Harper: Okay, so that's just the City of Muscatine?

Eric Furnas: The City of Muscatine and Nichols.

Carol Schlueter: So the blue is the flood plain on these maps?

Eric Furnas: Yes, there is some flood plain in some lower areas on the property and that is represented by the blue on that map.

Tom Harper: So your house is on the back parcel?

Kirk Latta: Yes.

Tom Harper: And presently the front south parcel is just farmed and pastured?

Kirk Latta: Yes and CRP.

Carol Schlueter: Of this ground how many acres are farmable... farm ground?

Kirk Latta: Well right now the only thing I got in tillable is we got hay in about 14 acres.

Carol Schlueter: Of all this ground you own here?

Kirk Latta: Yeah there's about 4½ acres of CRP in the back and the rest I mow.

Carol Schlueter: So you do it yourself? You do not rent it out to another farmer?

Kirk Latta: I have another farmer take the hay off.

Carol Schlueter: Okay, so there's no corn or beans on any of this ground?

Kirk Latta: No. The parcel that I wanted to build a house on, I've been mowing, I was originally going to build a house there but I decided not to, I've been mowing it for 15 years.

Carol Schlueter: Okay. So this is where he lives, or this is where he lives?

Tom Harper: He lives here.

Carol Schlueter: Are there other buildings on this property?

Kirk Latta: Yes.

Carol Schlueter: And what is that?

Kirk Latta: There's a machine shed and storage basically. That's where I was going to build a house, over there towards the road on that parcel. There used to be a house there that was torn down years ago.

Tom Harper: So just farm buildings, storage buildings, no residence there?

Kirk Latta: No residence there.

Virginia Cooper: What's this? There are his buildings and then this?

Carol Schlueter: What's this way up here?

Eric Furnas: That's another parcel that he owns that is not included in this rezoning request.

Carol Schlueter: So that's not included in this?

Eric Furnas: Yes, I believe he owns that small parcel to the north there.

Carol Schlueter: So why are you not including that in this request, that small area?

Kirk Latta: Because that's in the flood plain.

Virginia Cooper: Well it's not in the blue on my map.

Carol Schlueter: Well part of it is.

Emily Geertz: I think it's already been split off.

Kirk Latta: Oh yeah, I own that but that's separate and there is already a house on that.

Virginia Cooper: But you do own that?

Kirk Latta: Yes.

Carol Schlueter: And there is a house there?

Kirk Latta: Yes.

Carol Schlueter: And who lives there?

Kirk Latta: Naomi Birkhofer lives there.

Carol Schlueter: So you rent it out?

Kirk Latta: Yes, I rent it to her. She originally owned it, her husband died and I bought it and rent it to her. I help her out.

Carol Schlueter: Okay. Is the only access to this property off of North Isett? There's no access along Hwy. 6, correct?

Kirk Latta: Well I have the whole frontage along Hwy. 6.

Carol Schlueter: But there's no access to it now?

Kirk Latta: No, well there is one drive off the backside.

Carol Schlueter: And this one over here isn't that where Grings live?

Kirk Latta: Yes.

Carol Schlueter: On the other side, there is a house along Isett. If the rezoning is not approved and his daughter wants to build a house, he would have to come back for what?

Eric Furnas: Well there is only two ways that you can build a single family residence on A-1 zoned property, one is a Special Use Permit granted by the Board of Adjustment, and the other is if you are a farmer and you would obtain a farm exemption. So a person that is not a farmer would have to apply to the Board of Adjustment for a rural residence.

Kirk Latta: But I couldn't do that on the parcel that I was wanting to build a house on. I would have to go on the south side towards the highway, I could do that. But I couldn't on this parcel because there is already a house on it, so I would have to get it rezoned.

Carol Schlueter: So you want to place a house on the same parcel that your house is on?

Kirk Latta: Yes, on that parcel. That is my intention.

Virginia Cooper: But potential you may be adding two houses at some point in time for two daughters, correct?

Kirk Latta: That's possible.

Virginia Cooper: On that same parcel?

Kirk Latta: No, that would go more south. I don't think they wanted to live that close together.

Carol Schlueter: But the CSR ground is above the 55, is that correct?

Eric Furnas: Well one parcel is 57 and the other one was right at 50. I just noted that for the overall consideration for the rezoning. We don't necessarily have a CSR threshold to rezone, but I think it's worth noting.

Kirk Latta: It is all highly erodible ground.

Emily Geertz: Yeah, it's not good farm ground.

Emily Geertz: Are there any other comments from anyone, any questions? Do you want me to read the correspondence?

Eric Furnas: That's up to you.

Emily Geertz: I can read it. We did receive on correspondence and I will read it. We received the public hearing notice to rezone Kirk and Kim Latta's property from agricultural to residential. We will not be able to attend this meeting, but would like to express our opinions. We live directly across from Kirk and Kim Latta. We did not move into the country to have a housing addition built right across the road from us. We feel that there are a lot of housing choices in this area and there is not a need for another housing addition. We are concerned that with the addition of more housing, the traffic flow on North Isett Avenue will increase, and the bridge north of us which is already in disrepair will need to be replaced. There is an embargo currently in place for this bridge. We enjoy the peacefulness of this area and would like to see it stay this way. Thank you, Randy and Sonya Sturms. Do you know where they live?

Someone: They live down here at the corner of N. Isett Avenue and Hwy. 6.

Tom Harper: I guess I'm ... with the flood plain and the highly erodible area... I don't think that there's any chance, you know, in the future of a large scale development in this area. I mean, I think it's just going to be impossible to build. But I don't think that that precludes this from rezoning.

Kirk Latta: Right and that's not my intentions.

Tom Harper: Yeah, I understand that but just in my opinion, I just don't think that this could be... I don't think you would see a large scale development here because the land is just not suitable for it. That being said, I don't see any problem with rezoning it.

Emily Geertz: Any other comments from the board?

Carol Schlueter: On the north parcel, of that how many acres there where I believe you want to build this house for your daughter, how many acres there is farmable or hay ground?

Kirk Latta: There's five acres there, roughly, if I remember right.

Carol Schlueter: Where the buildings are?

Kirk Latta: Yes, where the buildings are.

Carol Schlueter: But there's more hay ground to the south then?

Kirk Latta: No, that is something that I seeded down about 15 years ago and I've been mowing it for 15 years. I really wanted to build a house there instead of way back.

Carol Schlueter: I guess I wouldn't have a problem with him rezoning that in order for his daughter to build a dwelling there on that north half, if he just wanted to rezone that portion of it.

Eric Furnas: Well at this point the application is for both parcels.

Carol Schlueter: I understand that, I understand that. But I would be for that, just the north half. I have a problem with rezoning all of it, I really do.

Virginia Cooper: And I agree with Carol.

Carol Schlueter: But like I said if he would agree to split that and just do the north for now, because it sounds like maybe the house isn't going to get built for a while anyway. I just have a problem with rezoning it all right now, but I know that the request is for all of it.

Eric Furnas: The applicant would have to propose any kind of a conditional rezoning. Right now the request is for all 75 acres. So your decision needs to be based on that.

Emily Geertz: Okay, knowing that land... I don't have a problem with rezoning all of it. It's not very good ground.

Carol Schlueter: Yeah, I know the land too. I'm thinking of the neighbors and there is a hog building there and there is a chicken barn there real close. There's farm ground on the other side and people spray. I know it's happened before that people spray on this and somebody lives here and that person over here sues that farmer because he sprayed. That's my problem. I farm, I do farm and we are very careful. But I respect both people that live there and have to work there. But that's just my opinion.

Emily Geertz: Well if there aren't any other questions or comments, is there a motion?

Tom Harper: I will make a motion that we recommend to the Board of Supervisors approval of this rezoning request from Kirk and Kim Latta as stated, from the present A-1 Agricultural District to the proposed R-1 Residential District.

Emily Geertz: Is there a second?

Dana Pittman: I'll second it.

Emily Geertz: All those in favor please say Aye (3) and Opposed (2). The motion carries with a 3-2 vote. Now that will go on to the Board of Supervisors and Eric will be contacting you about the time.

Kirk Latta: Okay, 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, September 2, 2016, 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: Rachel Huffman, Bev White, and James Goedken.

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

Eric Furnas: Zoning Agenda Item #02. Dyrk S. and Rachel L. Huffman, Record Owners, request approval of the preliminary and final plat of the proposed one (1) lot agricultural subdivision, Pheasant Crossing, Lot 1, containing approximately 5.76 acres. This property is located in Seventy-Six Township, 1685 231st Street, North of 231th Street, in the NE¼ of Sec. 6-T76N-R3W, containing approximately 68 acres, and is zoned A-1 Agricultural District.

Emily Geertz: Eric, was there any correspondence?

Eric Furnas: No ma'am.

Emily Geertz: Would the applicant or spokesperson state their name and tell the board about the request?

Rachel Huffman: Hi, my name is Rachel Huffman. I'm a little nervous. (She started crying and I couldn't pick up a lot of what she said) We moved to the country and I need to move to town, I can't handle living in the country. We have someone interested in buying the house but not the farm ground. They are a nice couple from the Letts area that wants to buy the house. They would love to buy the whole property but there is a lot of land. So they just wanted 5.7 acres and the house along with the outbuilding. We left an easement on this so that we can get to the other land that we have. There wouldn't be any changes in zoning.

Tom Harper: So this is more or less a narrow strip of land from the road back to the present building?

Rachel Huffman: Yeah, just basically the house, septic and building with the 5.76 acres. The small strip of ground will be used for access to get back to the farm ground for the buyer for the other land.

Tom Harper: So this is not a rezoning, this is just an ag subdivision?

Eric Furnas: Yes, the only reason that this is in front of you is because in the southeast corner of that parcel, there had been a small previous split, where some land was sold to the neighbor. So a subdivision was required because of the previous split. The zoning does not change; it just creates a parcel of land for the house to be sold separately.

Dana Pittman: The house is there?

Eric Furnas: Yes, the house that is there is included in this 5.76 acre parcel. The parcel also includes the septic system, drive and outbuilding. They just took what was necessary to accommodate the house and the buildings and the utilities that were there.

Carol Schlueter: Okay, so they just want to sell the house off from the farm ground now, is that right?

Eric Furnas: Yes. This plat includes the septic system and the little outbuilding that's in front of the house.

Carol Schlueter: What is this back here?

Rachel Huffman: It's a little outbuilding. It's really for the mice to live in.

Eric Furnas: This is typically done when the property has been previously split, like this one. It's an agricultural subdivision. They are still wanting to sell the farm ground and do have an easement to the rest of the farm ground. But someone is interested in just purchasing the house right now. The property would still be zoned A-1 Agricultural District.

Emily Geertz: Is there any other questions? Please state your name first.

Bev White: My name is Bev White. I just don't understand how they can have a subdivision.

Eric Furnas: The word subdivision sometimes causes people to think it's going to be a residential subdivision, with many houses on several lots. This is an agricultural subdivision. They need to do this because they had separated this property once before, I believe they sold a strip of land to a neighbor. They would be selling off the house and retaining the farm ground or at least selling it separately. It has the frontage along the road. It contains more than the required one acre. If someone were to buy the farmland, they would have to abide by the A-1 Agricultural District Ordinance, as well as the person buying the dwelling.

Tom Harper: Yeah we have seen these typically before; I don't have a problem with it.

Carol Schlueter: No, I don't either.

Emily Geertz: If there are no other questions or comments, is there a motion?

Tom Harper: I will recommend to the Board of Supervisors approval of this request in order to allow the one lot agricultural subdivision, Pheasant Crossing.

Emily Geertz: Is there a second?

Virginia Cooper: I will second it.

Emily Geertz: Okay, all in favor of the motion please say Aye (5) Opposed (0). The motion has been approved. This request will go onto the Board of Supervisors. Eris will have to inform you of the time and date.

Rachel Huffman: Thank you so much.

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