

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, May 12, 2017 with Chairperson Tom Harper and board members Emily Geertz and Carol Schlueter present, Virginia Cooper and Clyde Evans were absent. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator were also in attendance.

Others present for this hearing: Ken Ferris and Mike Birkinbine.

Tom Harper: Welcome to the Muscatine County Zoning Commission meeting. I have a state to read. This 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. We will start with approving the minutes from last month, Norma Jean Acres Addition. Everyone should have received those and read them. If there are no changes, is there a motion to approve the minutes?

Carol Schlueter: So moved.

Emily Geertz: Second.

Tom Harper: A motion has been made and seconded to approve the minutes from last meeting. All those in favor signify by saying Aye (3) Opposed (0) Absent (Cooper & Evans). Alright for the two applicants, this is normally a five member board but as you can see there is only three of us here today. As per State law in order for this to pass onto the Board of Supervisors, it has to have at least three affirmative votes, which means all three of us have to vote yes – it has to be unanimous. If one of us does not vote to approve it, the request is denied. So at this time you have the choice of either proceeding with this board today or you can have us table it until next month and I can't guarantee that we'd have five members next month either. So it's your choice. Eric, would you read the first request?

Eric Furnas: Zoning Agenda Item #1. Kenneth W. Ferris, Record Owner, requests approval of the Preliminary and Final Plat of the proposed one lot residential subdivision, Ferris Subdivision, containing approximately 11.28 acres and is zoned R-1 Residential District. This property is located in Fulton Township, North of 160th Street and South of U.S. Hwy. 61, 3977 160th Street, in the SE¼ of Sec. 36-T78N-R1E, containing approximately 29.27 acres and is zoned R-1 Residential District and C-2 Commercial District.

Tom Harper: Was there any correspondence?

Eric Furnas: No sir.

Tom Harper: Is the applicant here?

Ken Ferris: Yes.

Tom Harper: Will you please state your name?

Ken Ferris: I'm Ken Ferris.

Tom Harper: Okay, do you want to proceed with this today?

Ken Ferris: Yes.

Tom Harper: I guess it's pretty simple what you want, but please describe what your request is.

Ken Ferris: My wife and I, as Eric stated, we have 29 acres and we want to subdivide 11 off the front that matches up with two neighboring properties that are residential. We would like to build one single family house there.

Tom Harper: Okay, I noticed on the plat here there is an easement to get back to the commercial building?

Ken Ferris: Yes.

Tom Harper: But you own the property behind this?

Ken Ferris: I own the property behind this, correct.

Carol Schlueter: Okay, this house is for you and your wife to live in?

Ken Ferris: Yes.

Carol Schlueter: What is your proposed ... if this passes how soon are you going to build?

Ken Ferris: Probably next year, next spring.

Carol Schlueter: In 2018?

Ken Ferris: In 2018, yes.

Carol Schlueter: Okay, this is still my concern. You living on the property, which is not legal now, correct?

Eric Furnas: Correct, that's my understanding is that he is residing on a commercially zoned property.

Carol Schlueter: Like I said, I don't have a problem with approving this today but when this house is built and you are living in that house than nobody can live in that commercial building.

Ken Ferris: Correct.

Carol Schlueter: So it has to be taken out, the living quarters. Right, Eric?

Eric Furnas: Correct. It can't be converted or used for an apartment or a residential living area.

Carol Schlueter: Like it can't have a kitchen or a sleeping area?

Ken Ferris: I have an office there. I run my business out of there.

Carol Schlueter: Yes but you live there now?

Ken Ferris: Yes. See when I bought the property it was zoned agricultural, A-1 and it was zoned that way so we could have one residential property on that property. And then the county ... with me running the tree farm and all of that, they said that we had to turn it into a commercial property. So that's

how that all evolved. So it wasn't really put on their illegally to start with. I mean it was zoned so that I could have one residence on that 29 acres.

Carol Schlueter: Is that right Eric?

Eric Furnas: Well not the residence in the commercial structure ... and this really is kind of a non-issue or not an argument for this case anyway.

Ken Ferris: I mean, I didn't put it in there to begin with... I had permission to do it. And you know as... and because I thought a nursery was agricultural and in Scott County it is and Muscatine County says no, they said I was running a commercial property and they rezoned it. So I mean, I just didn't put it in there...

Carol Schlueter: But just so you know down the road that no one can live there. You can't rent it out or anything.

Ken Ferris: Yeah, I understand.

Carol Schlueter: Okay.

Tom Harper: Is there anyone else here that wishes to comment on this request? Any further discussion or questions from the board members?

Carol Schlueter: It meets all of our requirements, right Eric?

Eric Furnas: Yes it has adequate space for a septic system. The land use maps show this area for expected continued development. It is consistent with the mix of agricultural, residential and commercial use in that area. It has a hard surfaced road that this has frontage. If you look across the road, I mean, the city limits of Blue Grass has apartments and condo development. It's a natural area for future development.

Carol Schlueter: But he will need his own well and septic for this house? He's not going to use the old, or can he?

Eric Furnas: Correct. I doubt if it would be feasible to extend the septic and I don't know what the well situation is. Houses can share wells but there's no way that that commercial property has an adequate septic system for a new residence.

Ken Ferris: Yeah the septic system ... I fully expect to meet all the criteria. But I do have a well on that property that I would use.

Eric Furnas: And that's always a possibility. And just for clarification, there is no objection if a person negotiates city utilities being extended from a nearby municipality. We are fine with that as well. I doubt if most municipalities are going to do that without annexation. But that is always an option.

Tom Harper: Any other comments?

Mike Birkinbine: Hi, I'm Mike Birkinbine. I just want to make a statement that I think we should approve this. I am the neighbor that is at 3961 and 3957, we butt right up on the west side of Mr. Ferris's. And it is a hodgepodge out there today, as stated already with the apartments, SSAB and everything else out there. So I believe that this is the right thing for Mr. Ferris.

Tom Harper: Okay, any other discussion?

Emily Geertz: I know that this probably isn't relevant either but I remember rezoning it to C-2 because it used to be a tree farm. So what is it now?

Ken Ferris: Most of the acreage... the front part of it is just mowed because I have a pond and everything. The back part we are just going to put beans in.

Emily Geertz: The part that is zoned C-2 you are just going to farm?

Ken Ferris: Sorry ... I didn't mean to interrupt you, but I do run another business out of there, it's called deck supply. And actually we are moving that to Walcott. So I just use those buildings for the most part for storage.

Carol Schlueter: So you won't be running that business out of there anymore?

Ken Ferris: I'm not... I'm just not sure. You know I don't know. I haven't even purchased that property in Walcott.

Tom Harper: Is there anything else? If not, is there a motion to recommend to the Board of Supervisors?

Emily Geertz: I will make a motion to recommend to the Board of Supervisors to approve the preliminary and final plat of the proposed one lot residential subdivision Ferris Subdivision containing approximately 11.28 acres and is zoned R-1 Residential District.

Tom Harper: Is there a second?

Carol Schlueter: I will second it.

Tom Harper: A motion has been made and seconded to recommend to the Board of Supervisors approval of the preliminary and final plat of the proposed one lot residential subdivision Ferris Subdivision containing approximately 11.28 acres and is zoned R-1 Residential District. Any other discussion? Hearing none, all those in favor of the motion signify by saying Aye (3) Opposed (0) Absent (Cooper & Evans).

Ken Ferris: 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, May 12, 2017 with Chairperson Tom Harper and board members Emily Geertz and Carol Schlueter present, Virginia Cooper and Clyde Evans were absent. Eric S. Furnas, Planning & Zoning Administrator and Dixie Seitz, Office Administrator were also in attendance.

Others present for this hearing: Ben Sterner, Tanya Sterner, Clare Sterner, Jim Hull, Ron Ballenger, and Marilyn Ballenger.

Tom Harper: Eric, can you please read the next request?

Eric Furnas: Zoning Agenda Item #2. Mark A. or Peggy L. Weih, Record Owners, Clare Sterner, Developer, and Ben and Tanya Sterner, Proposed Builders, request approval of the Preliminary and Final Plat of the proposed Sterner-Weih 2nd Addition, Lot 1, containing approximately 1.45 acres, and is zoned R-2 Residential District. This property is located in Moscow Township, in the NE¼ of Sec. 9-T78N-R2W, East and West of Moscow Road, 1139 Moscow Road, containing approximately 21.14 acres and is zoned R-2 Residential District.

Tom Harper: Was there any correspondence?

Eric Furnas: No sir.

Tom Harper: Is the owner or applicant present?

Tanya Sterner: Yes.

Tom Harper: As you heard in the previous meeting, we do not have a full board. Do you wish to proceed?

Tanya Sterner: We're good.

Tom Harper: Please state your names and what your request is.

Tanya Sterner: Hi, my name is Tanya Sterner and this is Brett Sterner and our request is to build a residential home on this property.

Tom Harper: Alright. Do you have any comments Eric?

Eric Furnas: Just to clarify from what I have read. The lot one is a total of 1.45 acres and the 21.14 acres is what this lot is being taken out of. It is actually split currently by Moscow Road, what we would call the parent parcel. But the lot that they are proposing is on the east side of Moscow Road. It is more than adequate to meet the lot width and lot area requirements for R-2 Residential District. It is within what we would call the Town of Moscow, although it is not an incorporated town anymore. Obviously the majority of the surrounding uses is residential in this area. So it would be consistent with the direction of the comprehensive plan as far as continued development. The 1.45 acres provides an adequate space for the separation of a private onsite wastewater treatment system and well. There is frontage to a paved road on Moscow Road. I believe that this represents orderly development in this area.

Emily Geertz: Okay, where on this property... I don't understand what I am looking at.

Carol Schlueter: I don't either. Can you show us where you are wanting to build?

Tanya Sterner: This is the property that is the 21 acres...(everyone talking and looking at the maps)

Emily Geertz: Oh okay, I see it now.

Carol Schlueter: Yep, okay thanks.

Tanya Sterner: Yep, you've got it.

Tom Harper: So this building site at the bottom of this is going to be part of the property?

Clare Sterner: Right now it is yeah.

Tom Harper: So you are just going to take the top north 1.45 acres off of this?

Clare Sterner: Yes.

Tom Harper: Okay, is there anyone here that wishes to speak on this request? If so, please state your name before you speak.

Jim Hull: I'm Jim Hull. I live at 1085 Ocean Avenue across from where they are talking about building. I want to know if it's going to be a house with vinyl siding or if it's going to be like a metal building with living quarters and a work area out behind.

Ben Sterner: It would be a residential house. It would be a normal house with attached garage.

Carol Schlueter: Is it going to be stick built or pre-fab and just brought in? A stick house is built from the ground up. Is that what it's going to be?

Ben Sterner: Yeah.

Carol Schlueter: Okay.

Eric Furnas: That's really not a matter of consideration. It could be either one of those as long as it meets the residential code. I don't feel like an applicant should have to describe a house that they want to build, as long as it meets residential code.

Carol Schlueter: Right.

Eric Furnas: I mean, we have a zoning ordinance and building codes. It's surely not something that we should need to have them explain at this point.

Tom Harper: Right well as long as their proposed dwelling meets the building codes, that is not our concern here.

Eric Furnas: Yeah, we are looking at this lot and whether or not the proposed lot meets the residential standards for the R-2 Residential District.

Tom Harper: Right.

Jim Hull: So even with a metal building too? I mean, would it...

Eric Furnas: It is possible to convert metal buildings but it is very difficult to do it because of the standards of our residential code. But there is nothing that says you can't put steel siding on a house.

Jim Hull: Well I realize that.

Eric Furnas: But it is very difficult to convert a pole building to a residence but it can be done, I don't want to mislead you. But again, this is simple to

separate off a piece of property. This board is here to determine whether or not this property is a good candidate for residential development.

Jim Hull: You know he's got a bunch of cars and he's got to have a place to put them some time or another so I imagine he's going to put up a building to have those.

Eric Furnas: And we have zoning regulations that deal with detached accessory structures as well. Because of the current R-2 zoning there are provisions that dictate where the building can go and how much of a rear yard space it can occupy and those types of things.

Tom Harper: Okay, are there any other comments or questions? If not, is there a motion?

Carol Schlueter: I will make a motion to recommend to the Board of Supervisors approval of the preliminary and final plat of the proposed Sterner-Weih 2nd Addition, Lot 1, containing approximately 1.45 acres and is zoned R-2 Residential District.

Emily Geertz: I will second that.

Tom Harper: A motion has been made and seconded to recommend to the Board of Supervisors approval of the preliminary and final plat of the proposed Sterner-Weih 2nd Addition, Lot 1, containing approximately 1.45 acres and is zoned R-2 Residential District. Any other discussion? Hearing none, all those in favor of the motion signify by saying Aye (3) Opposed (0) Absent (Cooper & Evans). The motion carried.

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