

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, September 1, 2017 with Chairperson Tom Harper and board members Emily Geertz and Virginia Cooper present, Carol Schlueter, 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: Todd Bermel.

Tom Harper: I will open this public hearing of the Muscatine County Zoning Commission 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 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. Okay, I need to tell you that normally we are a board of five members, today we have two absent. So if we vote it would need to be unanimous in order to pass this onto to the Board of Supervisors as approved. You have the option of having us table it until next month when we may or may not have a full board next month. It's up to you. What would you like to do?

Todd Bermel: I will go ahead.

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

Eric Furnas: Zoning Agenda Item #01. Darrell L. Crieger, Record Owner and Todd Bermel, Proposed Buyer and Applicant, request approval to rezone this property from the existing I-2 Heavy Industrial District to the proposed R-1 Residential District. This property is located in Fruitland Township in the SW¼ of Sec. 21-T76N-R2W, 2551 Stewart Road, east along Stewart Road, containing approximately two acres and is currently zoned I-2 Heavy Industrial District. Also since this notice was sent out, Mr. Bermel has purchased the property so he is the Record Owner now but the request is still the same.

Tom Harper: Okay. Was there any correspondence?

Eric Furnas: No sir.

Tom Harper: Okay, could you give us a little background on your application?

Todd Bermel: The background is mainly financial. The banks won't give you a loan for a house that is on industrial zoned ground. You can't get a fixed rate loan through a big bank like Fannie Mae. They will give you a loan without a fixed rate. The person before me buying this property went until the last day before closing and then the bank pulled out, that is what I was told.

Tom Harper: Okay when I first read this application in my mind for some reason I thought it was Pettibone, but this is on Stewart Road?

Todd Bermel: Yes it's on Stewart Road.

Tom Harper: And is this the property that at one time had a private camp ground on it?

Todd Bermel: I'm not aware of that.

Eric Furnas: Yeah I'm not aware of that either.

Tom Harper: Yeah, it doesn't matter. How many acres is this?

Eric Furnas: It is two acres.

Virginia Cooper: Is it substantially damaged or is that just part of how the Zoning Ordinance reads?

Eric Furnas: No, it's not damaged that's how the ordinance reads for a non-conforming use. That's part of the risk issue that the financial institutions have is that if this structure was substantially damaged by fire, explosion or Act of God, because it's a non-conforming use there's not an automatic right to rebuild because you would have to go before the Board of Adjustment, so that scares away some of the lenders.

Virginia Cooper: Yeah, I just didn't understand that.

Tom Harper: And none of the gravel pits are active today, are they?

Eric Furnas: No and I'd like to talk a little bit about that. Normally we would shy away from taking property out of industrial once we reserve that, even as a buffer zone. But when Muscatine County developed Deep Lakes Park it really changed the land use dynamics of this property and certainly around the property. This property is completely surrounded by Deep Lakes Park, you are all very aware of what that is. And I did talk with the Conservation Director, Curt Weiss to see if they would have any objections. Their position was that they'd much rather have a residential use than a potential industrial use buffering our park. So I think in this case taking into consideration with the steps that Muscatine County did with developing Deep Lakes, this makes total development sense. There is very limited industrial potential for this small two acre parcel anyway and because of the possible impact of Deep Lakes Park, this makes total sense.

Virginia Cooper: How did they get a house on it in the first place?

Eric Furnas: This house preexisted when the county rezoned that island area and that's why it's a non-conforming use. You can see on the map that right across the road in that green shaded area is currently zoned residential. So this is not spot zoning and it would be in harmony with the other surrounding uses.

Emily Geertz: I agree, I think it makes total sense.

Virginia Cooper: Are you ready?

Tom Harper: I'm ready?

Virginia Cooper: I'd like to make a motion to ... sorry, I'd like to make a motion to recommend to the Board of Supervisors to approve to...

Eric Furnas: Can we... I'm sorry. I think we need to get into the habit of closing the public hearing on these things.

Virginia Cooper: Oh, got you, sorry.

Eric Furnas: Yeah, I think we need to do that because of some of the last cases. We just need to get into the habit of doing that with a public hearing.

Tom Harper: Okay, so if there are no other questions or comments, I will entertain a motion to close the public hearing.

Virginia Cooper: I will make that motion.

Tom Harper: Is there a second?

Emily Geertz: I'll second it.

Tom Harper: All in favor of closing the public hearing please say Aye (3) Opposed (0) Absent (Schlueter & Evans). The motion passed. Now the public hearing is closed and we can discuss or you can make a motion.

Virginia Cooper: I will make a motion to recommend to the Board of Supervisors to approve this proposed rezoning from heavy industrial to residential.

Tom Harper: Okay, is there a second?

Emily Geertz: I'll second the motion.

Tom Harper: There has been a motion to recommend to the Board of Supervisors approval of the request for rezoning and it has been seconded. Any other discussion? Hearing none, all those in favor of the motion please say Aye (3) Opposed (0) Absent (Schlueter & Evans).

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