

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, October 4, 2019, with Chairperson Tom Harper and board members Carol Schlueter, Virginia Cooper, and Barry McManus present, Brad Akers was absent. Eric S. Furnas, Planning & Zoning Director and Dixie Seitz, Office Administrator were also in attendance.

Others present for this hearing: Jodi Simon, Jay Simon and Bill Simon.

Tom Harper: We have a member missing?

Dixie Seitz: Brad Akers, yeah. I don't know... I didn't hear from him either way.

Tom Harper: Okay, I will open this public hearing and start by reading 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. We have the minutes from the last meeting and they were sent to everyone. If there are no changes or corrections, I will entertain a motion to approve the minutes.

Virginia Cooper: I move to approve the minutes from the last meeting.

Tom Harper: Is there a second?

Carol Schlueter: I'll second it.

Tom Harper: A motion has been made and seconded to approve the minutes from the previous meeting, any further discussion? Not hearing any, all those in favor of the motion please say Aye (4) Opposed (0) Absent (Akers). The motion carried. Alright, this is a disclaimer, like I said this is normally a five member board but today we have a member absent. So if this is a tie vote, it would be declined.

Bill Simon: Could one of us step in? (laughter)

Virginia Cooper: I've never heard that one before. (laughter)

Tom Harper: You have the option up until the time that we vote on any motion to ask for us to table this until the next meeting. But I can't guarantee you that at the next meeting we will have five members. So it is up to you.

Jodi Simon: Can I ask if it is declined do we have to wait?

Eric Furnas: You have to wait six months. Isn't that right?

Dixie Seitz: No, they can go before the Board of Supervisors because this is...

Eric Furnas: Oh that's right, on a rezoning you can actually go before the Board of Supervisors because this is just a recommendation. Yes they make their own decision independently. And just to be clear, you can ask them to table it right up until they are ready to vote.

Tom Harper: I think that they have to have some sort of a super majority.

Eric Furnas: Yeah, the burden of proof is higher but yes it doesn't necessarily kill this request.

Tom Harper: Okay, Eric would you read the first request?

Eric Furnas: Zoning Agenda Item #01. Judith Ann Nealson, Record Owner and Bill and Jodi Simon, Proposed Buyers, request approval to rezone their property from the current A-1 Agricultural Zoning District to the proposed R-1 Residential Zoning District. This property is located in Wapsie Township, East of Garfield Avenue, 1051 Garfield Avenue, in the SE¼ of Sec. 1-T78N-R4W, containing approximately 20.53 acres and is currently zoned A-1 Agricultural District.

Tom Harper: Is there any correspondence?

Eric Furnas: No sir.

Tom Harper: Would the applicant please state their name and give us some background on your case?

Bill Simon: My name is Bill Simon and I am buying the property. Eventually I would like to build a house for ourselves. We would like to subdivide some lots, that's our future goal anyway, in order to have our kids build houses in the future on this property.

Jodi Simon: It's possible... that the maximum would be six homes there. The house that is there we would keep there and then build our house and we have four children, although probably only two of them are going to do it but we would split it five ways.

Bill Simon: Yeah so we are here to try to make it residential. We talked with Eric about the options or the different ways we could go about this, if this is rezoned to residential.

Tom Harper: So this request at this time is for residential rezoning only?

Bill Simon: That's correct.

Tom Harper: With a possible future subdivision?

Eric Furnas: As admirable as their intents might be, you are really charged with looking at this piece of property from a residential development as a generic standpoint. You know, is this an ideal... I mean, I think it's good that they have a proposed idea but that is a completely separate process where you folks, the same board, would critic a proposed subdivision, the density, the roads... So this would be from a land use standpoint... is it good agricultural land or could it provide residential development?

Tom Harper: But you plan on leaving the existing house there?

Bill Simon: Yes.

Virginia Cooper: What's the use of this property right now?

Bill Simon: Well there is a hayfield there, some agricultural and there's a lot of trees

Jodi Simon: Well she also has a place where animals can come in, it's on the northwest corner there.

Bill Simon: That's probably where we would build and that would be our backyard.

Tom Harper: Any other discussion or questions?

Carol Schlueter: Will this ever get annexed into West Liberty?

Eric Furnas: Most likely, it's probably being looked at maybe in the five year or ten year plan. From a planning prospective this is, in my opinion, this is what the Comprehensive Plan and the future land use maps... is the type of area that we want to encourage development. This is on an existing corporate boundary and the plan talks about encouraging development in places where infrastructure and services are available or can be readily extended, like sewer and water. You know, this is not ten miles out into the county. They have a fully functional paved road going right past this. The land uses across the road are residential. The code talks about... I know you always wrestle with preservation of farm ground, as you should according to the Comp Plan. We are to attempt to preserve our prime farm ground in economically viable units. But I think we can all look at how big this piece of ground is, is it really economically viable on its own as an agricultural piece of property? It is limited in size and secluded by creeks... I mean, if you are headed to having it be a residential development. Obviously within a two mile corridor around any existing city limits, we encourage development.

Virginia Cooper: Did you have any correspondence?

Eric Furnas: No ma'am.

Carol Schlueter: So we don't have a CSR on this?

Eric Furnas: Because of the size of the property there wasn't a CSR average. There is one vein, I looked at the soil maps and there is a flat knob that has fairly decent soil but the assessor's office doesn't assign a CSR average and because of the slopes and flood plain it's not...

Carol Schlueter: So it is rolling?

Eric Furnas: Yes, and there actually is some flood plain on that property.

Carol Schlueter: I have not been past there lately. Do you know where it is?

Tom Harper: Yes.

Bill Simon: Well the owner of this property thinks it's the highest point in the county.

Eric Furnas: It might be close, I don't think it is ... but yeah there is definitely some slopes there.

Carol Schlueter: Okay but everything around it on that side of the road is still A-1, is that correct?

Eric Furnas: Directly to the south of it there is a parcel that is between that is still zoned A-1 Agricultural District but there is some residential in the county already.

Carol Schlueter: Okay so right here is residential and there is residential? (looking at the map)

Eric Furnas: Yes that's in the county but then in the city limits and even to the west there ... I mean, this is the direction that we see development in the City of West Liberty... going out that way. I told them as they consider, you know,

city sewer and city water, annexation may very well be a part of that and they understand that.

Virginia Cooper: How far out is it from the City of West Liberty?

Carol Schlueter: Well the boundary is right here.

Eric Furnas: In one direction it's about 835 feet to the corner of the property and then it's directly across the road, which is even closer. It is literally in the shadow of the existing city limits.

Bill Simon: We were told that the city planning is planning on developing toward that way.

Carol Schlueter: So if this rezoning is approved by the Board of Supervisors they can go ahead and build one house on it without any other approval?

Eric Furnas: No, there is already one house on it. They would have to subdivide in order to build another house or tear that house down and build a new one. Yeah, our codes limit you to one house per lot.

Carol Schlueter: Okay, so they would have to come back for subdivision approval?

Eric Furnas: Right.

Tom Harper: Is there any other discussion? Does anybody care to make a motion to recommend to the Board of Supervisors?

Carol Schlueter: I will make a motion that we recommend to the Board of Supervisors approval of this rezoning in order to change it from A-1 Agricultural District to R-1 Residential District.

Tom Harper: Is there a second?

Barry McManus: I will second that.

Tom Harper: Okay, a motion has been made and seconded to recommend to the Board of Supervisors approval of this request to rezone this property from the present A-1 Agricultural District to the proposed R-1 Residential District, this property is located in Wapsi Township, East of Garfield Avenue... and other questions or comments? Hearing none, all those in favor of the motion please signify by saying Aye (4) Opposed (0) Absent (Akers). The motion is carried. This will now go on before the Board of Supervisors and you will receive information from Eric's office as to when that meeting would be.

Bill Simon: Thank you.

Jodi Simon: Thank you for your time.

Carol Schlueter: Thank you, good luck.

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