

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, November 6, 2020, with Chairperson Tom Harper and board members Carol Schlueter, Virginia Cooper, and Martha Peterson present, Brad Akers was absent. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator were also in attendance.

Others present for this hearing: William Reimers, Lisa Reimers, and Barton Howard.

Tom Harper: I will open the public hearing of the Zoning Commission and 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, we have some minutes from last month to approve that were emailed to everyone. If there are no changes, is there a month to approve the minutes as written?

Carol Schlueter: So moved.

Tom Harper: Is there a second?

Virginia Cooper: Second.

Tom Harper: Okay a motion has been made and seconded to approve the minutes from the last meeting. All those in favor signify by saying Aye (4) Opposed (0) Absent (Akers). The motion carried. Eric, would you please read the request?

Eric Furnas: Zoning Agenda Item #01. Barton J. Howard, Record Owner, requests approval to rezone a portion of his property from the present R-1 Residential District to the proposed C-2 Commercial District in order to allow his tree service business to be located on this property. Mr. Howard's property is located in Bloomington Township, North of 3812 Park Avenue West, in the SW¼ of Sec. 13-T77N-R2W, containing approximately three (3) acres and is currently zoned R-1 Residential District.

Tom Harper: Okay, is the applicant here?

Barton Howard: Yes.

Tom Harper: Okay, can you please state your name and the nature of your request?

Barton Howard: My name is Barton James Howard, and I just want to put a pole barn up and store my equipment there.

Tom Harper: Okay, was there any correspondence?

Eric Furnas: No correspondence.

Tom Harper: I need to tell you that normally this is a five-person board but today we have a member absent. So in order for your request to advance as a positive motion, the vote must be at least a 3-1 vote. It cannot be a tie vote. So at any time prior to the vote you may ask us to table your request until the next month.

Although we never know if we will have a full board next month or not, but it's up to you. Would you like to go on?

Barton Howard: Yes.

Tom Harper: Okay, Eric do you have any comments?

Eric Furnas: Yes, the ordinance that is in front of me doesn't list the specific type of business that he operates. That happens, we don't define every single type of business. The Zoning Ordinance does allow for similar uses. We don't have tree service, for example, in our C-2 Commercial District, which is our most intensive commercial use. I think that this... we had an ordinance amendment a few years ago that didn't appear in this that is similar to that part of his operation, although he won't be planting a nursery. There's not a lot of activity going on, on site, this is for storage for his equipment. It doesn't show the specific use, tree trimming business, but they are materially similar to the impacts of other C-2 Commercial District businesses. That is why I guided him towards the C-2 Commercial District. If you look at the map on the back of your packet, he actually owns all three of those parcels. There is one highlighted in blue, that was the larger one. There is an existing house on the south parcel that is not highlighted and it is not a part of this rezoning request. It is a single family dwelling where Mr. Howard is residing, and that would stay R-1 Residential District. So the parcel that is outlined in blue and the small sliver to the west are the parcels that would be included in this three acres to be rezoned.

Tom Harper: So you own all the property north of White Distribution?

Barton Howard: Yes.

Tom Harper: Okay, and where does the city end up on this?

Eric Furnas: The city limit ends right at White Distribution. Then across the street you have Mr. Reimer's building ... on the map it's kind of in light pink or gray, that's the city limits there. Then our office and the Engineer's office is right down the street south of there.

Tom Harper: Okay, I will open up this to public comments. If you are going to speak, please state your name and address before you speak.

William Reimers: My name is William Reimers, and this is my wife Lisa Reimers. We live at 3800 Park Avenue West. The reason why we are here today is in support of Mr. Howard's request. We have personally known Mr. Howard since he was a young man. He's been a respectable man in the community and we are just here to support him.

Tom Harper: Okay, anybody else? Do any of the board members have any questions?

Carol Schlueter: Yes I do. Okay, so the ground that he all owns... all of this other is still zoned R-1 Residential District, right?

Eric Furnas: The large piece to the south of the highlighted one is zoned R-1 Residential District, it has the house and the driveway, that is staying R-1 Residential District, yes. It would at least have some implications of him trying to zone that to commercial, because of the continued use of him using that as a residence. Because if a tornado or something would happen and it would need to be rebuilt, he would need to have that zoned residential in order to rebuild.

Carol Schlueter: Okay, so right now the tree service business is getting run off of this property?

Eric Furnas: No, he has not moved that in there because he has not built a pole building there to do that. He asked but I told him that we couldn't permit that under R-1 Residential District.

Carol Schlueter: Okay, so your business right now is at another location?

Barton Howard: Yes.

Carol Schlueter: And like Eric said, you are just going to put up a building and store your equipment here? So you won't have any nursery or anything like that here on this property?

Barton Howard: Right.

Martha Peterson: I have a question. Are you going to have an office in this building as well?

Barton Howard: So I plan on having an office space in there.

Carol Schlueter: Okay, so Eric where would the access be here, getting in and out of the place?

Eric Furnas: So that is still being worked out. I know that he had talked to the county road department on having an access to the north. I don't think that they were real supportive. Now he would need to get an entrance permit from either the county off of Park Avenue West or the state off of Hwy. 38.

Barton Howard: There is a farm drive that is north on that parcel.

Eric Furnas: Yeah there is an existing kind of an ag entrance, but according to the county regulations, whenever there is a change of the use, an entrance permit has to be granted as to whether or not he has to extend the culvert or not. But that is solely up to the county road department as to approving that or not as a commercial entrance.

Carol Schlueter: Okay is that entrance off of Park Avenue West or Highway 38?

Eric Furnas: It's actually on the north part of Park Avenue West, it's beyond where the bend is.

Tom Harper: So the other option is to get a permit from the state and that's more involved than the county.

Eric Furnas: It may very well be. But at the same time I think the distance to the intersection and that curve is what the county road department was working with Mr. Howard. But that is what he would have to address, even if this is rezoned.

Virginia Cooper: Yeah, either way the entrance doesn't affect us.

Eric Furnas: No.

Carol Schlueter: So on the building that he wants to put up, there is no sewer or water there?

Eric Furnas: Well there is actually water that surrounds it. The county actually brought municipal water, it's MPW water, all the way around that property. There is fire hydrants, that is one of the things that I pointed out that actually makes this area kind of prime for development because we do have fire hydrants now in this area, you know as far as commercial development. The city sewer has not been extended that far yet, but it comes up to the front of our building,

the county building, so it's in the vicinity. When we look at the conversions of commercial types, we look at whether there are water and sewer readily available or if it can be easily extended. So one is already there, the other one is headed there. However, on a lot that size with a minimal water use for a single office, I would have no problem just going with septic... approving a septic system for it or even maybe tying it into the residential one. Now if this were a bar and restaurant ... we'd be working with the city on sewer there. So there are some options on wastewater here.

Carol Schlueter: So if he put an office in there he is going to have to have sewer and water probably, right?

Eric Furnas: Well it just depends upon whether it's just his office with a bathroom or if he makes it public for clientele to come in and use it as well.

Carol Schlueter: Okay, I understand.

Tom Harper: Any other discussion? Okay, is there anyone else here that has any comments? Hearing none, I would entertain a motion on this request.

Virginia Cooper: I move to approve to the Board of Supervisors consideration for the rezoning of approximately three acres of the current R-1 Residential District to C-2 Commercial District for Barton J. Howard.

Tom Harper: Is there a second?

Carol Schlueter: I'll second it.

Tom Harper: Is there any other discussion? Okay, hearing none, all those in favor of the motion to recommend to the Board of Supervisors approval of this rezoning from the present R-1 Residential District to the proposed C-2 Commercial District, please signify by saying Aye (4) Opposed (0) Absent (Akers). The motion carried. Eric will let you know the specifics concerning when the Board of Supervisors meeting will be. And we are adjourned.

MUSCATINE COUNTY ZONING COMMISSION

By Eric S. Furnas, Planning, Zoning & Environmental Administrator