

Zoning Commission Meeting Minutes – May 3, 2024

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, May 3, 2024 at 10:00 a.m.

Present: Brad Akers (Vice Chairperson), Martha Peterson, Carol Schlueter

Absent: Virginia Cooper, Tom Harper (Chairperson)

Staff Present: Eric Furnas, Morgan Othmer

Others present for this meeting included: Mark Peterson, Julia Peterson, Jamie Heuer, Tracy Heuer, Steve Kundel

- Brad Akers read the Mission Statement.

- Approval of the April 12, 2024 meeting minutes.
 - A motion was made by Martha Peterson to approve the April 12, 2024 meeting minutes and was seconded by Carol Schlueter.
 - Aye's: Brad Akers, Martha Peterson, Carol Schlueter
 - Opposed: None
 - Motion approved.

- **Agenda Item #1**
 - Mark Peterson explained his request to rezone his property. The Peterson's long-term goal is to split the parcel, sell the existing house, and build a new, smaller home on part of the split land.

 - This was followed by a questions and comments session.
 - Eric Furnas explained that the split would require a one lot subdivision be approved. He also explained that the existing house may pre-date zoning, may be a part of the farm, or was built under a Special Use Permit. Mr. Peterson stated that he thinks the house was built in the 1890's.
 - Mr. Furnas spoke about the area around the parcel and that according to the Comprehensive Plan – Future Land Use Map, the area is moving towards Heavy Industrial use. He also noted that if the rezoning was approved, farm ground would not be taken out of production.
 - Brad Akers pointed out that there are several other residences nearby, even though the parcels are zoned as agricultural.

 - A motion was made by Carol Schlueter to recommend to the Board of Supervisors to approve the request to have the parcel rezoned from the existing A-1 Agricultural District to the proposed R-1 Residential District for Mark & Julia Peterson; Martha Peterson seconded the motion.

- Aye's: Brad Akers, Martha Peterson
- Opposed: Carol Schlueter
- Motion approved

- **Agenda Item #2**

- Steve Kundel explained the subdivision request. They are looking to split the existing parcel into three lots. The new lots would be divided to help match how they are currently being used. One of the lots would separate the existing house and another lot will be used by the neighboring business.
- This was followed by a questions and comments session.
 - Eric Furnas confirmed that the subdivision lots would meet the required minimum lot size and width requirements and that there are existing entrances.
- Martha Peterson made a motion to approve the combined preliminary/final plat of the three-lot, I-2 heavy industrial subdivision, Heuer Subdivision; Carol Schlueter seconded the motion.
 - Aye's: Brad Akers, Martha Peterson, Carol Schlueter
 - Opposed: None
 - Motion approved

- **Public Hearing on the adoption of regulations pertaining to Private Burial Sites in Muscatine County.**

- Mr. Furnas explained to the Zoning Commission that he was asked by a citizen what the county's requirements are for a private burial. This brought to light that the Zoning Ordinance does not define private burial sites or family cemeteries. He recommended that the Zoning Commission amend the ordinance. Mr. Furnas presented the following definitions to the Zoning Commission for their feedback:
 - **Cemetery** means any area that is or was open to use by the public in general or any segment thereof and is used or is intended to be used to inter or scatter remains.
 - **Private Burial Site** means any area used to inter or scatter human remains where use is restricted to members of a family and where the interment rights are conveyed without a monetary payment, fee, charge, or other valuable form of compensation or consideration.
- Currently, cemeteries are listed as a Special Permitted Use in the both the A-1 Agricultural and R-1 Residential Districts. Staff is not recommending any changes to where Cemeteries may be located.

- Mr. Furnas does recommend that the Zoning Commission add Private Burial Site as a Special Permitted Use in the A-1 Agricultural District with some minimum requirements. The following minimum requirements were discussed:
 - What the minimum setbacks should be from property lines and waterways
 - If a Private Burial Site should be allowed in areas that are part of the Flood Plain
 - If the Special Use Permit is granted, the site plan should be recorded.
 - If fencing should be required around the site.

- A motion was made by Carol Schlueter and was seconded by Martha Peterson to approve the following:
 - Definitions for Cemetery and Private Burial Site (as worded above)
 - A Special Use Permit will be required for all Private Burial Sites with the following requirements:
 - A minimum 25' separation distance from waterways
 - A minimum 10' setback from property lines
 - That a Private Burial Site will not be allowed in the Flood Plain
 - That once approved, a site plan be recorded.
 - Aye's: Brad Akers, Martha Peterson, Carol Schlueter
 - Opposed: None
 - Motion approved

- Meeting adjourned at 10:50 a.m.

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