

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, May 3, 2019, with Vice Chairperson Virginia Cooper and board members Carol Schlueter, Brad Akers, and Carl Kleppe Jr. present, Tom Harper was absent. Eric S. Furnas, Planning & Zoning Director and Dixie Seitz, Office Administrator were also in attendance.

Others present for this hearing: Robert Arndt.

Virginia Cooper: I would like to open this public hearing 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. I'd like to ask the members if there are any changes to the minutes from the previous meeting? I don't believe there were any changes. If not, I would ask for a motion to approve the minutes as written.

Carl Kleppe Jr.: So moved.

Brad Akers: Second.

Virginia Cooper: All in favor of approving the minutes as written, please say Aye (4) Opposed (0) Absent (Harper). The motion passed. So what you need to know is that there are only four of us present here today, that means that if there is a tie vote that it's the same as a no vote. So we would pass this request onto the Board of Supervisors as unfavorable. So you can either choose to go ahead with this today or you can ask that it be tabled until the next meeting. We can't guarantee that there will be a full board next month either, but you need to know that going in. Do you guys want to move forward?

Eric Furnas: And you can make your decision right up until the time that they make their motion and vote.

Virginia Cooper: Eric will you read the first request?

Eric Furnas: Zoning Agenda Item #01. Robert E. and Deborah D. Arndt, Record Owners, request approval to rezone their property from the current C-2 Commercial District to the proposed R-1 Residential District. This property is located in Seventy-Six Township, in the SW¼ of Sec. 34-T76N-R3W, 1918 Hwy. 61, containing approximately 15.92 acres.

Virginia Cooper: Was there any correspondence?

Eric Furnas: No ma'am.

Virginia Cooper: Is the spokesperson here?

Robert Arndt: Yes ma'am.

Virginia Cooper: Can you please tell the board a little about your project? Tell us your name and about the project.

Robert Arndt: My name is Bob Arndt. My wife and I bought that property about 20 years ago and we've been there ever since. My kids are now at the age where they are looking for places to live. My end game would be to give my kids a piece of ground, or a lot, a couple acres or whatever. I was told that first I have to get it rezoned and then I have to divide it off. My end game is to have my kids live up there with my wife and I. Years ago the Board of Adjustment granted permission for us to have my mother-in-law live up there with us in a mobile home. My mother-in-law was going to have a liver transplant and my wife wanted her there so that she could take care of her. So it's wonderful – they are still there. But I was thinking, I guess, down the road we were thinking it would be nice if we could do the same for our kids. My daughter has kids now that they want to keep in the L & M school district and it's hard to find a piece of property in the school district that they could afford. I figured that I have enough ground so maybe I could give each kids an acre or so and live up there with us. There are already four or five houses right there so I don't think it will hurt much.

Carol Schlueter: Is any of this 15.92 acres farmable ground? Is it being farmed for crops?

Robert Arndt: It hasn't been farmed since I've been there.

Carol Schlueter: So all of this 15 acres is like timber?

Robert Arndt: For the most part, yeah. I could tell where there are some opened up areas where somebody might have had... well I was told that they used to grow tomatoes up there.

Carol Schlueter: And you live on this property now?

Robert Arndt: Yes ma'am I do.

Carol Schlueter: And the trailer is there for your mother?

Robert Arndt: My mother-in-law.

Carol Schlueter: Okay and the Board of Adjustment stipulated that when she passes away or moves away that the trailer has to be removed?

Robert Arndt: Yes that's the understanding.

Carol Schlueter: But now you want to subdivide so that your kids can build houses up there, correct?

Robert Arndt: Yes ma'am.

Carol Schlueter: Okay.

Robert Arndt: The county called us about a year ago or so to see if my in-law's were still using it and they are and they were fine with that. But they just wanted to remind me that when they are done with that that it has to go. And yeah we really appreciated the fact that they let us move it there for them. So now my kids are looking for a place to settle and you know, I've got the ground...

Carol Schlueter: Eric, why is this zoned C-2 Commercial District?

Eric Furnas: Well that's a great question.

Robert Arndt: Well up at the top of the hill on 61 there used to be an old tire shop there and a two room motel that had a lunch counter next to the garage. That was all there way back a long time ago.

Eric Furnas: Yeah if you look at the zoning map that we provided, there is some C-2 Commercial zoning on both sides of the highway and it was done years ago. I imagine they thought it might be a little commercial corridor years ago coming into Muscatine. There's been literally no commercial development, nor is it really ideal in this day and age because of the distance to the sewer and municipal water, and the expansion of the highway. Other than commercial billboards that are across the road that requires commercial zoning, there is no commercial development in that area. This area really is more acceptable for residential development. It could have been developed and taken out of farming a long time ago. This is actually a downward departure in potential land intensity use. He could develop this commercially if he wanted to today. But the potential for a smaller subdivision, and again that's not something that we are considering today, but it still is a less potentially extensity use than commercial. If you look on the map there's already some residential in the vicinity and that's why I believe it would be consistent with current land uses in the vicinity. It's probably more consistent with future land uses, you know, if you talk about residential versus commercial or agricultural where there is no sewer or city water and really no way to get it there.

Virginia Cooper: So this is a subdivision? (pointing at the subdivision down the road)

Carl Kleppe Jr.: Yes that's the one right on the county line, between Louisa and Muscatine.

Eric Furnas: It's an older subdivision, Woodland Hills that's across the road from Louisa County.

Virginia Cooper: So just out of curiosity, as you go down the hill, what's commercial down here?

Eric Furnas: Nothing, that's the city limits and the airport.

Virginia Cooper: Okay I wondered. So it's just these funny little things that kind of got left behind and I see there is still one more up here.

Eric Furnas: Yeah I think years ago they might have been thinking about truck stops before coming into town but we've learned that if they are out in the middle of the county, it's really not a good location for commercial.

Brad Akers: I agree.

Carl Kleppe Jr.: So he just has that parcel that's zoned commercial, he doesn't own the one that is adjacent to the north?

Eric Furnas: No he doesn't own that.

Carl Kleppe Jr.: Is that tied up with the other C-2 Commercial District across the road?

Eric Furnas: No, it's all zoned C-2 Commercial District and maybe it was a common ownership at the time but it's not now. So it wouldn't change the zoning of that parcel, this is the only one that we are considering now.

Carol Schlueter: And his property is just inside the blue line, correct?

Eric Furnas: That's correct.

Virginia Cooper: Yeah, interesting.

Robert Arndt: I think it would be within the county's best interest to rezoning that so that they can get some taxes off of the couple houses that will go up. It's just more tax money.

Carl Kleppe Jr.: Yeah you guys will just have to figure out how to get the correct frontages and all.

Robert Arndt: Yeah and they told me that this meeting was strictly for rezoning only and that I had to do that before I could even proceed with splitting property.

Virginia Cooper: Does anyone in the room have any other impute on this request? Does the board have any other comments or questions? If not, at this time I would like to ask for a motion to close the public hearing.

Carol Schlueter: So moved.

Virginia Cooper: Is there a second?

Carl Kleppe Jr.: Second.

Virginia Cooper: All in favor of the motion to close the public hearing please say Aye (4) Opposed (0) Absent (Harper). The public hearing has been closed. So is there anything that the board would like to talk about?

Carol Schlueter: I don't see a problem with this rezoning.

Carl Kleppe Jr.: Yeah I don't either.

Virginia Cooper: Okay, does someone care to make a motion then to recommend to the Board of Supervisors?

Carl Kleppe Jr.: I will make a motion to recommend to the Board of Supervisors approval of this rezoning request for the Robert Arndt's property containing approximately 15.92 to be rezoned to R-1 Residential District.

Virginia Cooper: Is there a second to that motion?

Brad Akers: I will second it.

Virginia Cooper: All in favor of the motion to recommend to the Board of Supervisors approval of this request for the Arndt's property containing approximately 15.92 acres to be rezoned from the current C-2 Commercial District to the proposed R-1 Residential District, please say Aye (4) Opposed (0) Absent (Harper). The motion has been approved, the request will now go onto the Board of Supervisors.

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

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, May 3, 2019, with Vice Chairperson Virginia Cooper and board members Carol Schlueter, Brad Akers, and Carl Kleppe Jr. present, Tom Harper was absent. Eric S. Furnas, Planning & Zoning Director and Dixie Seitz, Office Administrator were also in attendance.

Others present for this hearing: Glen Swanson, Judy Swanson, Chris McAlister, and Sheila Budelier.

Virginia Cooper: Okay, we will move onto the second request. Eric, will you please read the request?

Eric Furnas: Zoning Agenda Item #02. Lotso Properties LLC by Christopher L. and Becky J. McAlister, Record Owners, request approval of the preliminary and final plat of the proposed one lot agricultural subdivision, Clear Mist Subdivision, containing approximately 12.36 acres. This property is located in Wilton Township in the NE¼ of Sec. 24-T78N-R1W, Parcel B, 1320 Vail Avenue, containing approximately 35.24 acres and is zoned A-1 Agricultural District.

Virginia Cooper: Was there any correspondence?

Eric Furnas: No ma'am.

Virginia Cooper: Is the applicant or the spokesperson here, can you please state your name and talk to us about your project?

Chris McAlister: My name is Chris McAlister and I own the property. We are wanting to sell off the 12 plus acres. The other portion that we are talking about was purchased by my cousin and there was kind of a falling out so we purchased it from him about three years ago hoping that our daughter would want to live there but she doesn't want to. So we decided that we don't want to be landlords of the house that is on there. We just want to keep the farm ground.

Carol Schlueter: So all of the ground that will go with this house is like timber area, right?

Chris McAlister: Yes and then the lawn around the house.

Virginia Cooper: Eric, do you have anything on this? I see that the office recommends this for approval, do you have any impute?

Eric Furnas: Well I want to point something out to the Zoning Commission. If you look at the aerial map that shows the original parcel and then look at the plat itself, it would appear that this subdivision would create a little strip of land or an additional parcel, but that's not the case. The McAlister's already amended their parcel to pick that up so we talked to them about inadvertently creating another lot, so they are adding that to their current parcel. So we are not creating a separate lot or a land locked lot so that someone can come back and say, well I should be able to build a house on this because this isn't really useful. They minimized the amount of ground as much as possible to separate the house and to retain as much farm ground as possible. It's not ideal, however, our ordinance does allow for flag lots around existing houses. It's probably not something that we would allow someone to do in order to build a new dwelling. But I think given the layout of where that house is and what they did already to amend their current parcel as to not create an inadvertent additional lot, this makes sense. Staff does recommend approval of this proposed agricultural subdivision. It is still zoned agricultural so there are no changes as far as allowable land uses on any of the ground. This just allows them to sell this parcel off with the house.

Carl Kleppe Jr.: So is that land a part of this new subdivision plat?

Chris McAlister: Yeah we kind of went back and forth and yes that is part of it. At some point we might rent out the farm ground if there has to be another access moved. We'd like to sell the house with the driveway.

Virginia Cooper: Does anyone in the room have any impute that they'd like to share?

Glen Swanson: Can I see that subdivision plat? (yes)

Eric Furnas: I think one of the safeguards too... you asked about that lane, if you notice, that lane is not 66 foot wide like a typical street. So if the future owner of this were to come back and want to divide that property or to develop it, it wouldn't meet the standards for a subdivision road. So this would just be for one single lot, one home.

Carol Schlueter: No because you want to keep the farm ground as farm ground?

Chris McAlister: Yes.

Carol Schlueter: Because you own farm ground to the north of that?

Chris McAlister: Yes.

Eric Furnas: And it truly couldn't be developed anyway because it's zoned A-1 Agricultural District.

Carl Kleppe Jr.: Right, so we are just allowing them to split off this house and sell that.

Chris McAlister: Right.

Carl Kleppe Jr.: Yeah I actually did the foundation on that. I did your house too.

Chris McAlister: Oh okay.

Glen Swanson: How far away is this house to your house?

Chris McAlister: In feet?

Glen Swanson: Yeah.

Chris McAlister: Oh I'd have no idea. (it's approximately 1,201 feet)

Glen Swanson: I'm just curious because I live across the street there and we couldn't build a house where we wanted to because there was another house across the road and you've got to be so many feet away. I was just wondering.

Eric Furnas: Well this house was allowed through a farm exemption.

Glen Swanson: I see.

Virginia Cooper: Are there any other questions or comments by anyone here? Any questions or comments from the board?

Carol Schlueter: I don't have a problem with this.

Virginia Cooper: Is there a motion to recommend to the Board of Supervisors?

Carl Kleppe Jr.: I will make a motion to recommend to the Board of Supervisors approval of this proposed one lot agricultural subdivision, Clear Mist Subdivision.

Virginia Cooper: Is there a second?

Carol Schlueter: I'll second it.

Virginia Cooper: There has been a motion and it has been seconded to approve the request for a one lot agricultural subdivision, Clear Mist Subdivision. All in favor of the motion please say Aye (4) Opposed (0) Absent (Harper). The motion has passed. This will go onto the Board of Supervisors.

Chris McAlister: Okay, thank you.

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