

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

**#11 a
& b**

Date: 3/31/20

Weekly Agenda Date: 4/7/20

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: David Gleiser, CED Director

WORDING FOR AGENDA ITEM:

Zoning Ordinance Map Amendment, Public Hearing and Ordinance 2nd Reading

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The Board of Supervisors held a public hearing on 3/31/20 and approved an application to amend the Zoning District Map and change the zoning district designation for parcel #894634200010 from Agricultural Presentation to Agricultural Estates. Following the public hearing, the Board proceeded to adopt an ordinance approving the amendment to the zoning district map and held the 1st reading of ordinance. The Board will hold another public hearing on the zoning district map amendment and will conduct the 2nd reading of the ordinance.

BACKGROUND:

Glenn and Staci Pry, owners of Parcel #894634200010 (1523 Charles Avenue, Lawton, IA 51030) request to rezone their parcel from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District as they wish to split their parcel and then build a new house for a family member on the property subsequent to a minor subdivision procedure. The proposed minor subdivision would split this 10.5 acre parcel into two lots. Lot 1 would entail 3.45 acres and Lot 2 would include 7.05 acres where their existing residence is located. On 3/23/20 the Zoning Commission voted to recommend approval of the plat as proposed. The Board of Supervisors will review the minor subdivision application subsequent to the completion of this rezone request.

This property is located in a quarter-quarter section that already has two residences. According to Section 3.01 of the Woodbury County Zoning Ordinance, "not more than two residences shall be allowed on any quarter-quarter section (nominally 40 acre) tract; if a property owner wishes to subdivide to create more than two parcels on a quarter-quarter section, concurrently with the platting process the zoning designation should be changed from the AP Zoning District to an appropriate classification" (p. 24). The AE Zoning District is designed for this type of proposal as its purpose is "to provide for a limited increase in the amount of small acreage development, including a controlled expansion of residential uses in appropriate locations throughout the county" (Section 3.01-2, p. 24).

FINANCIAL IMPACT:

None

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Approve 2nd reading of the ordinance. Waive the 3rd reading. Adopt as proposed.

ACTION REQUIRED / PROPOSED MOTION:

Open/close public hearing, then motion to approve the zoning district map amendment.

Conduct the 2nd reading of the ordinance. Motion to approve the 2nd reading, waive the 3rd reading, and adopt as proposed.

ORDINANCE NO. _____

**A ZONING DISTRICT DESIGNATION MAPPING AMENDMENT
TO THE WOODBURY COUNTY, IOWA ZONING ORDINANCE**

WHEREAS the Board of Supervisors of Woodbury County, Iowa, adopted a Zoning Ordinance on July 22, 2008, by Resolution No. 10,455 being recorded in the Office of the Woodbury County Recorder, and

WHEREAS the Woodbury County Zoning Commission has received a report in respect to amending said Ordinance from the Woodbury County Zoning Commission which held hearings on the amendment; all as by law provided. Which the amendment is attached hereto marked item One (1), and hereby made a part hereof; and

WHEREAS the Woodbury County Board of Supervisors has received said report, studied and considered the same, and has held hearings on said amendment, all as by law provided; and

WHEREAS the Woodbury County Board of Supervisors has concluded that the said ordinance shall amend the aforesaid Zoning Ordinance;

NOW THEREFORE, BE IT RESOLVED by the Woodbury County Board of Supervisors, duly assembled, that the aforesaid Zoning District is amended as shown on said attached item One (1); and the previous zoning district designation shall be repealed upon the effective date of this amendment.

Dated this _____ day of April 2020.

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS:

Matthew A. Ung, Chairman

Keith Radig, Vice Chairman

Rocky De Witt

Marty Pottebaum

ATTEST

Patrick F. Gill, Auditor

Adoption Timeline
March 31, 2020: Public Hearing and 1st Reading
_____: Public Hearing and 2nd Reading
_____: Public Hearing, 3rd Reading and Ordinance Adoption

ITEM ONE (1)

Property Owner: Glenn L. Pry & Staci M. Pry, 1523 Charles Avenue, Lawton, IA 51030.

Petitioner Applicant: Glenn L. Pry & Staci M. Pry, 1523 Charles Avenue, Lawton, IA 51030.

Pursuant to Section 2.02:4 of the Woodbury County Zoning Ordinance, and in accordance with Section 335 of the Code of Iowa, the Woodbury County Zoning Commission held a public hearing on Monday, March 23, 2020, to review and make recommendation for an amendment to Woodbury County Zoning Ordinance and Mapping for the unincorporated area of Woodbury County, Iowa, as follows:

Amendment to rezone from the Agricultural Preservation (AP) Zoning District to the Agricultural Estates (AE) Zoning District for 10.50 more or less acres located in the NE ¼ of the NE ¼ in Section 34, T89N, R46W (Concord Township) in the County of Woodbury and State of Iowa. The property is known as GIS Parcel #894634200010.

PART OF THE N.E.1/4 OF THE N.E.1/4 OF SECTION 34, TOWNSHIP 89 NORTH, RANGE 46 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AT THE N.E. CORNER OF SAID N.E.1/4 OF THE N.E.1/4; THENCE S.0°00'00"W. ALONG THE EAST LINE OF SAID N.E. 1/4 OF THE N.E.1/4 FOR 604.72 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S.0°00'00"W. ALONG SAID EAST LINE FOR 503.22 FEET; THENCE S.89°12'56"W. FOR 909.00 FEET; THENCE N.0°00'00"E. FOR 503.22 FEET; THENCE N.89°12'56"E. FOR 909.00 FEET TO THE POINT OF BEGINNING. CONTAINING 10.50 ACRES INCLUDING COUNTY RIGHT OF WAY AND 9.97 ACRES EXCLUDING SAID RIGHT OF WAY. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, RESTRICTIONS AND COVENANTS.

NOTE: THE EAST LINE OF SAID N.E.1/4 OF THE N.E.1/4 IS ASSUMED TO BEAR S.0°00'00"W.

Following the public hearing, the Zoning Commission voted unanimously to recommend approval of said request to the Woodbury County Board of Supervisors.