

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

#11a

Date: 10/12/2016

Weekly Agenda Date: 10/18/2016

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: John Pylelo, Planning & Zoning

WORDING FOR AGENDA ITEM:

Public Hearing; and Second Reading of Zoning District Mapping Amendment Ordinance for Property Owner - Lynette L. Mennen; Applicant - Kyle and Tami Mullenix. Re: Portion of GIS Parcel #884723200001.

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Give Direction

Other: Informational

Attachments

EXECUTIVE SUMMARY:

On September 20, 2016 your Board referred this agenda item to the Zoning Commission for public hearing and recommendation. On September 26th the Commission held said hearing and voted to recommend the approval of the requested zoning map. On October 11th you held a public hearing on this matter. No public hearing testimony was offered. The County Attorney's Office has reviewed the attached ordinance language.

The property owner has entered into a purchase agreement with the applicant to sell a 2.833 acre portion of the referenced 42.26 acre parent parcel. The 2.833 acres portion of the parent parcel lies within the West 1/2 of the NE 1/4 in Section 23, T88N, R47W of the 5th P.M. (Woodbury Township) in the County of Woodbury and State of Iowa. The 2.833 acres are located on the east side of Old Highway 141 north of the intersection of Old Highway 141 and Carroll Avenue and immediately north of the driveway addressed 1679 Old Highway 141. The parcel is currently zoned AP (Agricultural Preservation) and the petitioner has applied to have the parcel rezoned to AE (Agricultural Estates). The proposed use by the applicant is for construction of a single family dwelling building site. The rezoning is requested to allow for the a level of residential density of more than two residences per quarter-quarter.

BACKGROUND:

A copy of the application, mapping, parcel information and proposed ordinance language is attached.

FINANCIAL IMPACT:

No financial impact as application fees offset administrative and legal publication expense.

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:

Staff supports the Commission's recommendation for the approval of the requested zoning district mapping amendment to AE (Agricultural Estates).

ACTION REQUIRED / PROPOSED MOTION:

- 1.) Hold the required Public Hearing followed by motion to close the public hearing
- 2.) A motion to approve the Second Reading of the Ordinance.



Rezoning Application & Zoning Ordinance Map Amendment

Owner Information:	Applicant Information:
Owner <u>Lynette Mennen</u>	Applicant <u>Kyle & Tami Mullenix</u>
Address <u>2057 South Shore Blvd.</u> <u>Montgomery, TX 77356</u>	Address <u>5928 Four Seasons Drive</u> <u>Sioux City, IA 51106</u>
Phone <u>712-223-6062</u>	Phone <u>712-203-1331</u>

Engineer/Surveyor Doug Mordhorst Phone 712-258-6844

Property Information:

Property Address
or Address Range 1673-1679 Old Highway 141, Sergeant Bluff, IA 51054

Quarter/Quarter A portion of SW/NE Sec 23 Twnshp/Range Woodbury Twnp.; T88N/R47W

Parcel ID # 884723200001 GIS # 8847 23 200 001 Total Acres 2.833

Current Use Agricultural Proposed Use Single Family Residential

Current Zoning AP Proposed Zoning AE

Average Crop Suitability Rating (submit NRCS Statement) 52.78

The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(4)(C)(2) through (C)(4) of Woodbury County's zoning ordinances (see attached pages of this application for a list of those items and information).

A formal pre-application meeting is recommended prior to submitting this application.

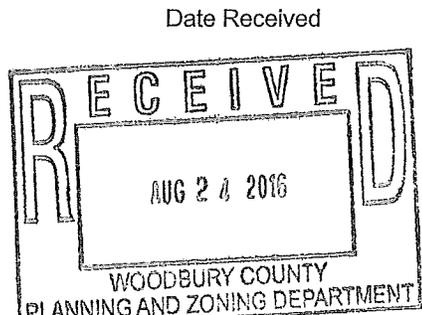
Pre-app mtg. date _____ Staff present _____

The undersigned is/are the owners(s) of the described property on this application, located in the unincorporated area of Woodbury County, Iowa, assuring that the information provided herein is true and correct. I hereby give my consent for the Woodbury County Planning and Zoning Office and zoning commission members to conduct a site visit and photograph the subject property.

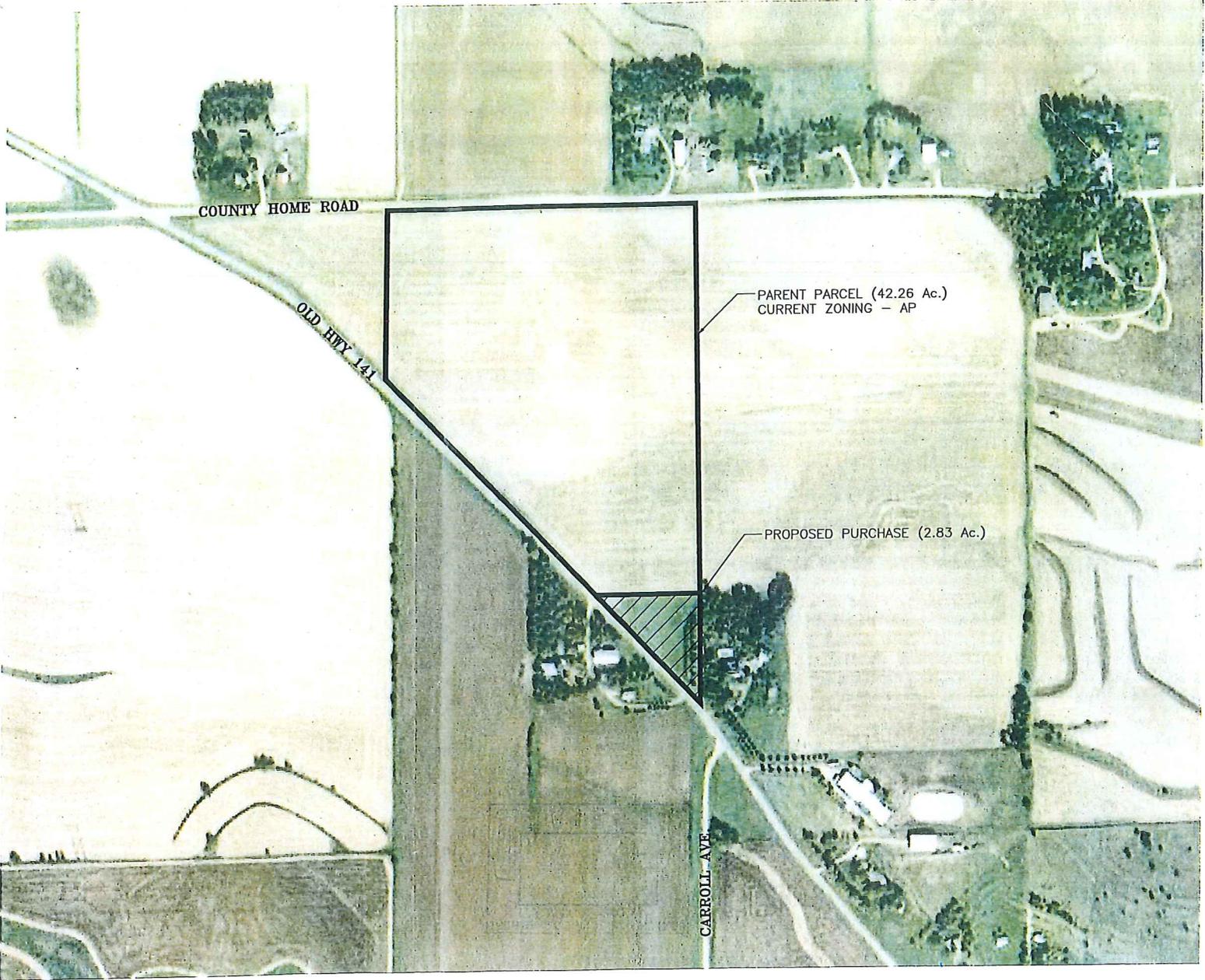
This Rezoning Application / Zoning Ordinance Map Amendment is subject to and shall be required, as a condition of final approval, to comply with all applicable Woodbury County ordinances, policies, requirements and standards that are in effect at the time of final approval.

Owner Lynette Mennen Applicant Kyle Mullenix
Date Aug 18, 2016 Date 8-23-2016

Fee: \$400 Case #: 6128
mullinex & Mennen
Check #: 2407 1197
Receipt #: _____



Section 3.02:4 of the county's zoning ordinances limits the residential density within the AP (Agricultural Preservation) zoning district to no more than two (2) dwellings within any quarter-quarter. Currently two (2) dwellings exist within the impacted SW/NE quarter-quarter portion of Section 23, Woodbury Twp T88N/R47W. The applicant (Mullenix) wishes to purchase 2.833 acres of the SW/NE portion of the parcel from the current property owner (Mennen) for the purpose of constructing a single family dwelling. A successful re-zoning application to the AE (Agricultural Estates) designation allows the Woodbury County to approve the Mullenix building permit application for the construction of the applicant's new home.



COUNTY HOME ROAD

OLD HWY 141

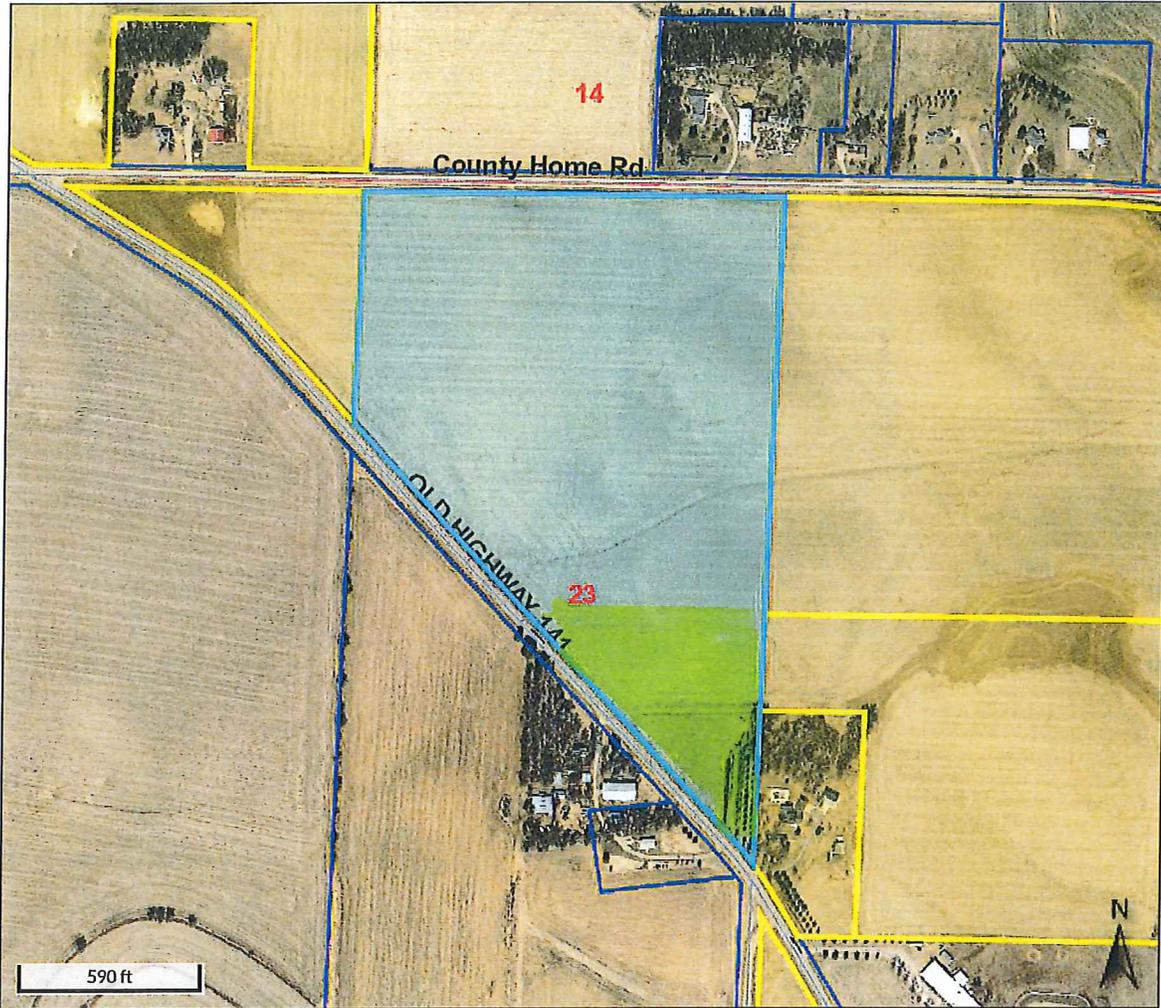
CARROLL AVE

PARENT PARCEL (42.26 Ac.)
CURRENT ZONING - AP

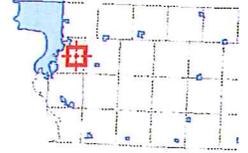
PROPOSED PURCHASE (2.83 Ac.)



Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

- Roads
- Corp Boundaries
- Townships
- Sections
- Residential Sales**
- 2014
- 2015
- 2016
- Parcels

Parcel ID	884723200001	Alternate ID	00000000826365	Owner Address	MENNEN LYNETTE
Sec/Twp/Rng	23-88-47	Class	A		2057 SOUTH SHORE BLVD
Property Address	WOODBURY	Acreage	42.26		MONTGOMERY, TX 77356
District	039 WOODBURY SGT BLUFF LUTON COMM				
Brief Tax Description	WOODBURY TOWNSHIP				
	NE OF RD W 1/2 NE 23				
	-88-47				
	(Note: Not to be used on legal documents)				

Date created: 8/10/2016

Developed by
The Schneider Corporation

2.833 Acres to be rezoned AE



Summary

Parcel ID 884723200001
 Alternate ID 00000000826365
 Property Address Woodbury
 Sec/Twp/Rng 23-88-47
 Brief Legal Description WOODBURY TOWNSHIP NE OF RD W 1/2 NE 23 -88-47
 (Note: Not to be used on legal documents)
 Document(s) DED: 661-265 (10/5/2004)
 Gross Acres 42.26
 Net Acres 42.26
 Exempt Acres 0.00
 CSR 2230.6
 Class A - Agriculture
 Tax District 039 WOODBURY SGT BLUFF LUTON COMM
 School District SGT BLUFF LUTON

Owner

Primary Owner
 (Deed Holder)
 Mennen Lynette

Secondary Owner

2057 South Shore Blvd
 Montgomery, TX 77356

Land

Lot Area 42.26 Acres; 1,840,846 SF

Sales

Date	Seller	Buyer	Recording	NUTC	Type	Multi Parcel	Amount
10/5/2004	LAROS JOHN LIFE ESTATE, MENNEN LYNETTE REM	MENNEN LYNETTE	661/265	TRANSFER TO / BY ESTATE	Deed		\$0.00

+ There are other parcels involved in one or more of the above sales:

Valuation

	2016	2015	2014	2013	2012
Classification	Agriculture	Agricultural	Agricultural	Agricultural	Agricultural
+ Assessed Land Value	\$101,050	\$101,050	\$101,050	\$103,380	\$67,940
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
+ Exempt Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$101,050	\$101,050	\$101,050	\$103,380	\$67,940
- Exempt Value	\$0	\$0	\$0	\$0	\$0

	2016	2015	2014	2013	2012
= Net Assessed Value	\$101,050	\$101,050	\$101,050	\$103,380	\$67,940

Treasurer Link

[Click here to view tax information for this parcel](#)

Iowa Land Records

Book-Page: 661-265 (10/5/2004)

Data for Woodbury County between Beacon and Iowa Land Records is available on the Iowa Land Records site beginning in 1994. For records prior to 1994, contact the County Recorder or Customer Support at www.iowaLandRecords.org.

No data available for the following modules: Owner, Residential Dwellings, Commercial Buildings, Agricultural Buildings, Yard Extras, Permits, Valuation (Sioux City), Photos, Sketches.

The maps and data available for access at this website are provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. There are no warranties, expressed or implied, as to the appropriate use of the maps and data or the fitness for a particular purpose. The maps and associated data at this website do not represent a survey. No liability is assumed for the accuracy of the data delineated on any map, either expressed or implied.

Last Data Upload: 9/13/2016 10:42:31 PM

 Developed by
Schneider The Schneider Corporation

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

ORDINANCE NO. _____

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 Board of Supervisors has received reports in respect to amending said Ordinance from the Woodbury County Zoning Commission which held hearings on said amendments; all as by law provided. Which amendments are attached hereto marked **items One (1) and Two (2)**, 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 amendments, 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 hereby resolved by the Woodbury County Board of Supervisors, duly assembled, that the aforesaid Zoning is amended as shown on said attached items One (1) and Two (2); and

Now therefore, be it hereby resolved by the Woodbury County Board of Supervisors, duly assembled, that the previous zoning district designation shall be repealed upon the effective date of this amendment.

Dated this 25th day of October, 2016.

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS:

BY: _____
Larry Clausen

BY: _____
Mark Monson

BY: _____
Jaclyn Smith

BY: _____
Jeremy Taylor

BY: _____
Matthew A. Ung

ATTESTED TO

BY: _____
Patrick F. Gill, Auditor

Adoption Timeline
October 11, 2016: Public Hearing and 1st Reading
October 18, 2016: Public Hearing and 2nd Reading
October 25, 2016: Public Hearing, 3rd Reading and Ordinance Adoption

ITEM ONE (1)

Property Owner: Lynette Mennen, 2057 South Shore Blvd., Montgomery, Texas 77356.

Petitioner Applicant: Kyle and Tami Mullenix, 5928 Four Seasons Drive, Sioux City, Iowa 51106

Pursuant to Section 335 of the Code of Iowa, 2016, the Woodbury County Board of Supervisors held a public hearing on October 11, 2016 to amend the Woodbury County Zoning Ordinance and/or Mapping for the unincorporated area of Woodbury County, Iowa, as follows:

An amendment to re-zone from the AP (Agricultural Preservation) to the AE (Agricultural Estates) zoning district designation for:

All that part of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 23, Township 88 North, Range 47 West of the Fifth Principal Meridian, Woodbury County, Iowa, described as follows:

Commencing at the Southeast corner of said West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 23; thence North $0^{\circ}16'14''$ East along the East line of said West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ for 504.29 feet to the centerline of Old Highway No. 141 and the point of beginning; thence Northwesterly along said centerline for 208.20 feet on a 1685.17 foot radius curve, concave Southwesterly, having a long chord of 208.07 feet, bearing North $41^{\circ}26'33''$ West; thence North $44^{\circ}58'55''$ West along said centerline for 490.80 feet; thence North $88^{\circ}14'21''$ East for 376.97 feet; thence North $80^{\circ}14'55''$ East for 111.99 feet to said East line of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$; thence South $0^{\circ}16'14''$ West along said East line for 553.69 feet to the point of beginning.

Said described parcel contains 2.833 acres, more or less, which includes 0.504 acres in roadway easement.

ITEM TWO (2)

Property Owner : Jimmie Lee and Renee T. Colyer, 1650 Old Hwy 141, Sergeant Bluff, IA 51054

Petitioner Applicant: The Woodbury Count Zoning Commission, 6th Floor Courthouse, 620 Douglas Street, Sioux City, IA 51101

Pursuant to Section 335 of the Code of Iowa, 2016, the Woodbury County Board of Supervisors held a public hearing on October 11, 2016 to amend the Woodbury County Zoning Ordinance and/or Mapping for the unincorporated area of Woodbury County, Iowa, as follows:

An amendment to re-zone from the AP (Agricultural Preservation) to the AE (Agricultural Estates) Zoning District designation for:

All that part of the West ½ of the Northeast ¼ lying South and West of Highway #141 in Section 23, Township 88, North, Range Forty Seven, West of the Fifth Principal Meridian, in the County of Woodbury and State of Iowa.