

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, January 10, 2020, with Chairperson Tom Harper and board members Carol Schlueter, Virginia Cooper, Brad Akers, and Barry McManus present. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator were also in attendance.

Others present for this hearing: Rick and Lanna Ryan.

Tom Harper: I will open this public hearing of the Muscatine County Zoning Commission and I will 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. The next item of business is to approve the minutes from the October, 2019, Zoning Commission meeting. It was Nealson's rezoning request. Those minutes have been supplied to everyone but we probably all forgot about them. Is there anyone that had any changes? If not, is there a motion to approve the minutes as read?

Virginia Cooper: I will make a motion to approve the minutes from the last meeting in October.

Tom Harper: Is there a second?

Carol Schlueter: I will second it.

Tom Harper: A motion has been made to approve the minutes from the last meeting and it has been seconded. Any other discussion? Hearing none, all those in favor of the minutes signify by saying Aye (5) Opposed (0). The motion carried. The next item is that this is the start of the new year for us so we need to appoint or elect a new chair and a vice chair. I will take nominations at this time.

Virginia Cooper: I would like to not be chair or vice, I'm just putting that out there again.

Barry McManus: Same here.

Brad Akers: Same here.

Carol Schlueter: So I nominate Tom to be chairperson.

Barry McManus: I'll second that.

Tom Harper: Who's vice chair now?

Virginia Cooper: I'm vice chair now but I would like not to be.

Tom Harper: Okay, so are there any nominations? I'm not hearing any nominations.

Carol Schlueter: You heard it. (laughter)

Tom Harper: Any other nominations?

Carol Schlueter: I move nominations cease.

Tom Harper: Okay a motion has been made to appoint Tom Harper as the chair for the next year and it's been seconded. Any other discussion? Hearing none, all those in favor of the motion signify by saying Aye (5) Opposed (0). The motion carried. Okay, I need nominations for vice chair.

Barry McManus: I nominate Carol.

Virginia Cooper: I'll second.

Tom Harper: Okay, any other nominations? Hearing none, a motion has been made to appoint Carol Schlueter as the vice chair for the next year. All those in favor signify by saying Aye (5) Opposed (0). The motion carried. Okay, now we can move onto the agenda items. Eric, would you please read the request?

Eric Furnas: Zoning Agenda Item #01. Richard L. and Lanna Ryan, Record Owners, request rezoning of their property located at 2101 Old Hwy. 61, Muscatine, Iowa, from the present C-1 Commercial District to the proposed R-1 Residential District. This property is located in Fruitland Township, SE¼ of Sec. 26-T76N-R3W, Thayer Lodge Subdivision, Lots 10, 11 & 12, containing approximately 1.98 acres and is currently zoned C-1 Commercial District.

Tom Harper: Any correspondence?

Eric Furnas: No sir.

Tom Harper: Okay, I assume that you are the applicants.

Richard Ryan: Yes.

Lanna Ryan: Yes.

Tom Harper: Do you want to state your case?

Lanna Ryan: Well we are not able to get a conventional loan because it is zoned commercial.

Tom Harper: And you are right next to the cycle shop?

Lanna Ryan: Yes.

Barry McManus: Eric I'm not really up on my zoning for C-1 Commercial District and R-1 Residential District ... what does that do to the ... I mean, is it good or bad, does it lower the taxes?

Eric Furnas: Well the taxes wouldn't change because the taxes are based on what the property is being used for, which is residential. However, one of the things that people come up against when they buy these types of properties and the reason why you can't get a 30 year mortgage on them is because you won't get a right to rebuild letter after it's been substantially damaged because this is considered a non-conforming use. This property is currently zoned C-1 Commercial District and our ordinance states that if it is substantially damaged by an act of God that you cannot automatically rebuild the home. So as you can probably imagine, some mortgage lenders would probably be a little concerned about that. It's because we expect that land uses would revert back to what is allowed in that zoning district, if something is heavily damaged. The Board of Adjustment is given the authority to grant the ability to rebuild a dwelling that has been substantially damaged, but that does not help the lending companies. They

don't want to take that "maybe" as a good enough reason to approve them. So the taxes ... to answer your question would not change. They is being taxed as residential because it is the primary and only use on this property. But it's mostly because they would not automatically be able to rebuild. This was zoned commercial some time ago and the commercial development in that area really hasn't happened. It's probably not an ideal location for commercial use. The development trends in that area have not been towards commercial. All of the surrounding land uses are certainly residential. So it would be more in harmony with the existing land uses than potential commercial land uses.

Virginia Cooper: Hasn't this Zoning Commission in the past also already transitioned down there from commercial to residential?

Eric Furnas: Yes the property next door was rezoned to residential and we denied a commercial request for the property across the street, to avoid conflict with the predominately residential uses.

Virginia Cooper: Yeah and this is actually turned into a very nice little residential community down there. Yeah, it's very nice down there.

Brad Akers: Basically it's just matching things up with how it's really being used for down there.

Virginia Cooper: Yes.

Eric Furnas: Yeah and when I get rezoning requests I always think that a downward departure in use intensity is not that hard of a consideration. This takes away from potentially intrusive uses and it benefits the owners.

Tom Harper: And this is adjacent to existing R-1 Residential District?

Eric Furnas: Right. It's not a spot zoning situation at all because it is physically adjoining to existing residential property. There is still a little bit of commercial around should someone want to put in a convenience store to serve that residential neighborhood. But I think with the existing uses is what we see as a trend in that area.

Tom Harper: Alright, any other discussion by the board? Does the applicant have any more to say?

Lanna Ryan: No.

Tom Harper: Okay, hearing none, I will entertain a motion to recommend to the Board of Supervisors approval of this rezoning request.

Barry McManus: I make a motion to recommend to the Board of Supervisors approval of this rezoning request as requested by the Ryan's.

Tom Harper: Is there a second to that motion?

Brad Akers: I will make a second the motion.

Tom Harper: There has been a motion and it has been seconded to recommend to the Board of Supervisors approval of this rezoning request by Richard and Lanna Ryan. Any other discussion? Not hearing any, all those in favor of the motion please say Aye (5) Opposed (0). The motion is approved. The request will now go onto the Board of Supervisors. You will need to talk with Eric concerning that date. Not having any other business, we are adjourned.

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