

**MINUTES OF THE MEETING
OF THE ALLAMAKEE COUNTY
PLANNING AND ZONING COMMISSION**

June 21, 2010

Board of Supervisors' Room, Courthouse, Waukon, Iowa

Meeting was called to order at 6:00 P. M. by Chairperson John Smola.

Roll call of Commission Members:			Term Expires
	Nancy Everman	Present	2010
	Kirby Cahoon	Present	2011
Chair	John Smola	Present	2012
	James Pladsen	Present	2013
Vice-Chair	Duane Leppert	Present	2014

Planning and Zoning Staff present: Tom Blake, Zoning Administrator. See attendance sheet for public and others in attendance. All Board members voting "AYE" unless noted. MCU means Motion Carried Unanimously.

Everman made a motion to approve the May 17, 2010 minutes. Pladsen seconded. MCU

Pladsen made a motion to approve the May 26, 2010 minutes. Cahoon seconded. MCU

Pladsen made a motion to approve the June 7, 2010 minutes. Cahoon seconded. MCU

Smola presented the proposed meeting agenda and asked that the proposed meeting agenda be amended by removing item V.b. Cluster Development. Motion made by Everman to approve the agenda as amended. Cahoon seconded. MCU

Smola opened the Public Comment Period. There being no public comment, the Period was closed.

Smola called for Old Business.

- a) Public Hearing, Majestic Properties, LLC/Brink, Zoning Change Request, Lots 6 - 9, 12 and 13, Black Hawk Estates Subdivision, A-1 to R-2.

Jason Brink, Majestic Properties, LLC, presented his request to rezone his property in Black Hawk Estates Subdivision. Brink presented a map south and west of New Albin, showing that there was very little developable property within the two mile boundary. Much of the property was in flood plain or bluffland. Smola inquired into the purpose of the rezoning – Brink advised it was to allow him to develop the lots as platted. Smola – Will this benefit the rest of the subdivision? Brink – it will provide a denser, more community like, atmosphere.

Discussion was held regarding the history of the subdivision and the subsequent adoption of the Zoning and Subdivision Ordinances. Compliance with the Comprehensive Plan and with aspects of zoning, per the Land Use Planning Notebook were discussed. Blake advised that the New Albin Mayor, Mr. Mauss, recommended the Commission approve the rezoning to allow development of the lots as platted. Discussion was held regarding uses allowed in R-2 that were not allowed in A-1, such as multi-family housing, that might not be compatible with other development within the subdivision and surrounding area. Brink advised that the covenants prevented any use except single family residential. There were comments from attendees in support of the request. Smola asked if there were any other comments from the public. There being none, the public hearing was closed.

Smola presented sections of the ordinance and Land Use Management Handbook that pertained to this request including, urban form of development, spot zoning, and the effects covenants have on property versus zoning restrictions. Discussion was held regarding these issues, Urban Growth Areas and the covenants recorded on this land.

Leppert made a motion to recommend the Board of Supervisors approve the requested zoning district change from A-1 to R-2. Everman seconded. Discussion was held regarding the covenants and zoning restrictions.

Leppert made a motion to rescind his motion, Everman seconded, MCU.

Everman made a motion to recommend the Board of Supervisors approve the requested zoning district change from A-1 to R-2. Blake advised that zoning changes could be done conditionally and recommended the current covenant restrictions be conditions on the rezoning approval. This would allow the County to enforce the restrictions/covenants. Everman withdrew her motion.

Leppert made a motion to recommend the Board of Supervisors approve the requested zoning district change from A-1 to R-2 for Lots 6,7,8,9,12,13, Black Hawk Estates Subdivision with the conditions that 1) no lot may be further divided, 2) no variances from the ordinance may be sought or granted, 3) the roadway serving these 6 lots will be brought into compliance with the ordinance requirements and 4) the use will be restricted to the principal use of single family residences. Cahoon seconded. Ayes; Cahoon, Pladsen, Everman, Leppert. Nays; Smola. Motion Carried.

b) Mobile Home Park Zoning – Taylor's Site Plan submittal

The Taylor Site Plan was reviewed. Discussion was held regarding the issues on the site, especially non-conforming uses and non-conforming structures. The need to visit this site, and other, similar, sites was discussed. The need to review applicable regulations in neighboring counties was also discussed. Leppert made a motion to set a meeting for a site visit, July 12, 2010. Cahoon seconded. MCU.

Zoning Administrator Report—Blake presented his reports to the Commission regarding office activity and items of interest and the 3 Acre Lot requirement impact report. Discussion was held the minimal impact the 3 Acre requirement has on development county-wide.

New Business:

- Establish Public Hearing regarding a zoning ordinance text change for the “Agricultural Exemption Legend”. Everman made a motion to set the public hearing for 6:00 P.M., of July 19, 2010. Pladsen seconded. MCU.
- The Marti, Robert C. Subdivision Plat was presented for review. Cahoon made a motion to approve a Resolution approving the said subdivision. Pladsen seconded. MCU.

Motion made by Everman and seconded by Cahoon to adjourn the meeting. MCU

Tom Blake, Zoning Administrator