

The Muscatine County Zoning Commission met in the Board of Supervisors Office on Friday, October 1, 2021, with Chairperson Tom Harper and board members Carol Schlueter, Martha Peterson and Virginia Cooper in attendance, Brad Akers was absent. Eric S. Furnas, Planning, Zoning & Environmental Administrator and Dixie Seitz, Office Administrator also attended the hearing.

Others present for this hearing: Humberto Cobos, Jan Rohner, Bob Rohner, Charles Herrold, Kathy Herold, Maximo Lara, and Javier Ramirez.

Tom Harper: I will 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. We have all received the minutes from the last meeting. If there are no changes, is there a motion to approve them as written?

Carol Schlueter: So moved.

Tom Harper: Is there a second?

Virginia Cooper: Second.

Tom Harper: There has been a motion and a second to approve the minutes as written. Is there any further discussion? Hearing none, all those in favor of approving the minutes from the last meeting, please say Aye (4) Opposed (0) and Absent (Akers). The motion is approved. Eric, would you like to read the request?

Eric Furnas: Do you want to tell the applicant about the four members present?

Tom Harper: Yes, we are normally a five-member board, today we have a member absent and one member needs to leave early. In order for this request to pass favorably onto the Board of Supervisors, you need to have at least three members vote for it. Would you like to continue or wait until next month when we may or may not have a full board?

Humberto Cobos: Yes, I'll go ahead.

Tom Harper: Okay. Eric, would you read the request please?

Eric Furnas: Zoning Agenda Item #01. Humberto Vazquez Cobos and Dolores Ortiz Ramos, Record Owners, request approval to rezone their property from the present A-1 Agricultural District to the proposed I-2 Heavy Industrial District in order to provide custom butchering. This property is located in Wapsie Township in the NE¹/₄ of Sec. 12-T78N-R4W, East of 701 E. 6th Street in West Liberty, containing approximately 3.13 acres and is currently zoned A-1 Agricultural District.

Tom Harper: Was there any correspondence?

Eric Furnas: We did receive an email from DeLane & Karen Wright. I'm not sure if you have it in your packets.

Tom Harper: Yes, we received that email.

Eric Furnas: I can read it into the minutes. My wife and I own the property immediately west of Mr. Cobos property at 625 E. 6th Street. I have discussed Humberto's plans with him and we feel there is no need to be concerned about rezoning. Since moving in Humberto has made significant improvements to a property that had been suffering from inattention, both in appearance and structurally. We have been quite pleased. I am aware some neighbors are concerned about increased traffic, but after listening as Humberto explained his plans to me, I cannot see how there would be a noticeable change in present traffic patterns. There would likely be no more than during the previous occupancy where a feed delivery business was operating out of this property, and considerably less than when the auction business was still operating just to the north of us. Another concern I have heard expressed is the potential for livestock, but of course, this property is presently zoned for that, so rezoning would not be a contributing factor. My impression of Mr. Cobos is that he is conscientious and a good neighbor. I have no reason to believe that is going to change. We support his plans and encourage the Board to approve this application. Sincerely, DeLane & Karen Wright, 625 E. 6th Street, West Liberty, Iowa.

Tom Harper: Okay, would the spokesperson or their representative please state your name and tell us what you are wanting today.

Humberto Cobos: Yes, I am Humberto Cobos. I am a little nervous because it's the first time I've ever been to something like this. I am the owner of 701 E. 6th Street in West Liberty. I am requesting to have a custom butchering shop in order to provide people with fresh meat. I would be supplying local. That's what I would be doing, is to encourage people to buy local. I would tell them where the meat actually comes from, let them know and teach them about the different sizes, frozen and not frozen, and all that. There is a lot of concerns about whether my butchering shop would be good. I would not be having a retail store. I would be doing custom butchering, so the traffic would be less. So the people would be coming to ask for a whole lamb or a whole beef, that's kind of what my butchering shop would be. So they would purchase the lamb, I would gut it or process the lamb for them and they would pick it up. There isn't a walk in cooler at the moment. But they would come and get the animal, purchase it and take it the same day. Traffic... there is already some traffic coming to the area, they are turning around in my driveway. Some people want to cross from one street to the other street through my property. I'm okay with that, I'm not the kind of people that would be ... well this is private property, but they are really not doing any damage to my property. We would be building like a floor for the storage of all the guts. We would be hiring a rendering company to come on Monday morning, or whenever ... it depends upon how many animals we process. It also depends on whether it's a whole beef or a half beef, or whole lamb, things like that. Not everybody wants a whole lamb or a whole beef at the same time. So the traffic will be less as well, because it's not a retail store.

Tom Harper: Okay, is there anyone here that would like to make any comments or has any questions? If so, please state your name prior to speaking.

Bob Rohner: Yeah, I'm Bob Rohner and I support young entrepreneurs, but you are asking... and I just need to get this clarified, that it's going to be zoned heavy industrial. Would the heavy industrial zoning classification be permanent?

Tom Harper: Yes, if it is rezoned.

Bob Rohner: So as soon as that is zoned I-2 Heavy Industrial District they could slap a big turkey farm there, they could do anything they wanted to.

Tom Harper: Well you can raise animals in A-1 Agricultural District, but if it was rezoned it would be anything that is permitted in the I-2 Heavy Industrial District.

Bob Rohner: So it really makes no difference as to what he is going to do, once you change that zoning, it is done... is that correct?

Tom Harper: Well I don't have the ordinance in front of me, so I'm not sure what is allowed in the industrial zoning.

Eric Furnas: The answer is yes, once it is rezoned to I-2 Heavy Industrial District any of the permitted uses under I-1 Light Industrial District and heavy industrial would be allowed there.

Bob Rohner: So regardless of what he is saying, he can do anything that he wants.

Eric Furnas: Well no...

Bob Rohner: Well I mean as long as it meets the code?

Eric Furnas: Yes, under permitted uses.

Jan Rohner: Or the next owner?

Eric Furnas: Yes, and the next owner.

Tom Harper: Yes, once it is rezoned it's going to stay in that class until someone else asks to change it.

Martha Peterson: So a locker is considered heavy industrial?

Eric Furnas: Right now our zoning ordinance does not draw any distinction between size and scope of butcher shops and packing plates. Now if you want to discuss why, you know we can do that. I think you have to understand, although this is arguable far less impact than a large-scale Tyson plant butchering thousands of head, they are still dealing, although on a smaller scale, with some of the same things. They have live animals coming in and product going out, including by-product, the noise of the animals being butchered...

Virginia Cooper: But if it is already zoned A-1 Agricultural District they can have animals.

Eric Furnas: Yes, live animals can reside there and can be raised there already.

Virginia Cooper: And pens of animals?

Eric Furnas: Yeah, since it is zoned A-1 Agricultural District now. I'm just trying to explain why I think butcher shops of any size remain in I-2 Heavy Industrial District.

Tom Harper: So you will be slaughtering animals, right, not just cutting meat?

Humberto Cobos: Yes, I will basically be slaughtering animals. I've been working my entire life... I mean, I know I'm not that old yet. (laughter) But I've been working since I was 14 years old picking tomatoes and all of that. I've been working in different factory's at different levels. I've seen it when the animals come in and go out in a package. Now I'm currently working for a farmer, taking care of his animals and cleaning a feedlot. I do have a concern that it has to be rezoned to I-2 Heavy Industrial District, especially if it has to stay like that. I would like to do it yes, but still my priority is not all selling. This is the ideal farm that we've wanted to buy since I was younger to pursue my dreams. But not only to

pursue it, but helping to provide people with local fresh meat as well. Now it has been difficult since the store prices are skyrocketing and everything is going really high. So I want to be able to provide the people with fresh meat or if they have a whole freezer. It can be grain fed or grass fed. But whether I do this business or not, we will be raising animals as well. Right now we do have some goats.

Tom Harper: So I looked through the ordinance and there is no... what he wants to do, it's not a Special Use Permit under C-2 Commercial District or...

Carol Schlueter: I don't understand for sure what you want to do. You want to kill the animal but you're not going to wrap it and package it, cut it up?

Humberto Cobos: No.

Carol Schlueter: So where is that animal going to go then... say I want a half of a beef, you're going to buy this animal from some place, take it to your place, you are going to slaughter it. You've got a half of a beef there. Then where does it go to get packaged and wrapped?

Humberto Cobos: Well there is two types... we are going to be cutting in pieces, right? But say some people want a whole animal for their party. In the Hispanic culture, we do cook a lot of lambs, a whole beef. So that's kind of one of the things, so they come to me and want a whole beef for their party for this weekend. So I would provide them with that, I would cut it into chunks the way they want it. Then they would take it and cook it for their party, BBQ or something like that. Some people just want half a beef but locker appointments are now booked up until 2023 and it's getting close to 2024.

Carol Schlueter: Yeah, I know.

Humberto Cobos: So some people would like to have meat in their freezer. So sometimes you go to Walmart and there's a roast for \$30, well we can provide that for less. I mean, it's not going to be special cuts or anything like that at the moment. In the long time from now we could probably build a freezer to have a special cut for them, but they would take it at the same time. We're not going to be doing special package or cooking. It's just going to be a one man operation.

Virginia Cooper: So you are going to be building a freezer for the hides and the guts, but not for the extra meat?

Humberto Cobos: If we have to, we can yes. But I'm worried about... having to prevent the extra smell. I don't want to have guts sitting outside waiting until the rendering company comes. I work in a feedlot, I work on a hog farm too, treating and doctoring animals. As much as I love the animals, I don't want to have that smell going around, especially around town.

Virginia Cooper: Well I'm sure if you are planning on processing meat or killing and cutting meat, I'm sure that is highly regulated by the state anyway.

Eric Furnas: Yes there is custom butchering, it's a lower level, but it is still regulated depending upon the services provided.

Humberto Cobos: Yeah I've already talked to different entities of the government and they have come to my place to assist. They looked at which buildings would be available or suitable and what I could do better for the buildings that are existing. That's why we want to build a cooler so that way we would have the hides and guts inside and they wouldn't be smelling or anything.

Tom Harper: Is retail allowed under I-2 Heavy Industrial District?

Eric Furnas: Yeah, any commercial activity which occurs completely within the building is also allowed in industrial districts. I think the conversation that we are having is kind of going off in a separate direction, it may be a very valid conversation to have, I mean... I am personally all for more local butcher shops. I think they are a great type of business that we should encourage. The State has recently made monies available for these types of enterprises. But really the task in front of you right now is, is this particularly piece of property a good fit for I-2 Heavy Industrial District. Because this operation does appear in our zoning ordinance under this zoning district. Anytime at your pleasure, I would prepare and would have a conversation about a separate level distinction for different types of land use districts. But for the purpose of this meeting, you are really wrestling with this piece of property, is it a good fit for this location or not?

Tom Harper: Yeah, I think you are correct though, we need to have a future discussion on this.

Virginia Cooper: But the feed delivery business and the auction business that was on this site and prior to this owner, neither one of those ... or they both worked at this site the way it was zoned?

Eric Furnas: Well some of those may have been considered non-conforming historical uses or may not have necessarily been in compliance. Again, it's kind of irrelevant to comment on the previous use as to if it was legal or not when the purpose of this meeting is to change the zoning.

Virginia Cooper: Well I was just assuming that it was legal, that's what I was trying to understand.

Eric Furnas: Yeah, I don't know. I would have to look how far back it went in order to consider it non-conforming.

Tom Harper: I noticed that it's not there now but had there been any other development along the city there recently?

Eric Furnas: Not beyond residential... I mean, you have the ball diamonds there.

Bob Rohner: That's a dead-end street there.

Jan Rohner: It's a very narrow dead-end street.

Eric Furnas: Yeah, would you like me to get into the staff development report?

Tom Harper: Yes, go ahead.

Eric Furnas: Well the language from the Comprehensive Plan that depicts what the I-2 Heavy Industrial District should have and where they should be. You can see, I can't point to any supporting characteristics about this property that would suggest that it's an ideal place for I-2. Again, it is a completely separate conversation whether we should allow small scale butchering. If you look at the Comprehensive Plan language for I-2 Heavy Industrial District, the future land use map, the infrastructure recommended for I-2, there's just not anything about this piece of property that would suggest that the Comprehensive Plan supports this type of rezoning.

Carol Schlueter: Does anybody else have anything to say?

Maximo Lara: I am Maximo Lara and I live on 5th Street. My concern is, is my property values going to go down if it were to get built? And if that's the case, you know, I don't want to be putting money into my house when eventually I could lose money. I know that the government, you know, if it's a government type of thing, that's different. But I don't agree with this.

Jan Rohner: This street used to be a through street all the way down to the park. It's such a narrow street and no parking allowed...but we still get a lot of walking traffic going down to the park when the kids have games.

Bob Rohner: I would like to add just a little bit, our neighbor just moved in next to us, what is it 702? Anyway, his wife came over and pointed out that the reason she bought this house was because it was on a quiet dead-end street where she could raise her three kids. Now all the homes up there are \$200,000 homes. They are highly appraised homes and it's probably the nicest lots in West Liberty. And in fact, if you ask an appraiser he will probably tell you that that's why we're so much higher than the rest of the city. I have the same concern as he does, what's going to happen to the value? Once again, I support this type of thing but this zoning would allow you to put just about anything that you want there.

Tom Harper: Okay, well we have one of our members having to leave early so it would be a three person vote.

Martha Peterson: Or do you want to bring it to a motion now?

Carol Schlueter: Or can Eric present his staff report?

Eric Furnas: Yeah, if you would like me to read through the staff report, that's up to you or if you want to close the public hearing and start deliberating.

Tom Harper: Yeah, I read over the staff report.

Carol Schlueter: Yeah, I did too and I can't see where this zoning would work in this area. I don't see where I could vote for this to be changed to the I-2 Heavy Industrial District. Now that's just my opinion.

Tom Harper: Just so you know, this board is not the final say on this request. We make a recommendation to the Board of Supervisors. They have a public hearing also, but it is up to them on whether it will be rezoned or not.

Humberto Cobos: Yeah, I understand that.

Tom Harper: But the only thing this is contingent on is, if we deny your request then that increases the voting level that the Board of Supervisors have to approve it. It has to be approved with four out of the five members. So it's still on the table here.

Humberto Cobos: No, I understand that.

Martha Peterson: And I have to leave so you are down to three.

Eric Furnas: I would ask that if there is an interest by the Zoning Commission in exploring whether custom butchering businesses should be allowed in different zonings, to direct me to bring back that item for a public hearing. I think this is something that we are going to see in the future.

Martha Peterson: Yes, I think so too. (Martha left the hearing)

Eric Furnas: So small scale butcher shops have their place, because I think they are gaining in popularity and it's a good conversation that you potentially can have. But I guess I would like to get some direction from you to explore to add that type of enterprise somewhere else in the Zoning Ordinance.

Tom Harper: Okay, is there any other questions or comments? If not, is there a motion to close the public hearing?

Virginia Cooper: I will move to close the public hearing.

Tom Harper: Is there a second?

Carol Schlueter: I'll second.

Tom Harper: Okay, a motion has been made and seconded to close the public hearing. Any other discussion? Hearing none, all those in favor of closing the public hearing, please say Aye (3) Nay (0) Absent (Akers & Peterson). The motion carried, the public hearing is closed. So we need to deliberate on this. Do the board members have anything else they'd like to discuss on this?

Carol Schlueter: No, I stated how I felt about it.

Virginia Cooper: Yeah, and I do think that we should have Eric address the smaller scale butchering shops. That's all I can see that we can do right now.

Tom Harper: Well how about a motion to approve it with that added to it?

Eric Furnas: You might want to ask the applicant if he wants to proceed or not, or table it until next month.

Tom Harper: Do you want to proceed?

Humberto Cobos: Yeah, sure.

Carol Schlueter: Okay, I have another comment... we are talking about reviewing this for a small scale butchering shop... if he tables this and we do something different to change that...

Eric Furnas: It doesn't matter, this request has to go forward one way or the other.

Carol Schlueter: Okay, I understand but that's what I wanted to check, thank you.

Eric Furnas: Yeah, because if there was a change or a distinction made for a smaller scale or custom butchering... it would be a separate request anyway because we would be talking about putting it into a lower impact district.

Carol Schlueter: Okay.

Tom Harper: Does anybody care to make a motion then?

Eric Furnas: It should be made in the positive and then vote however you feel.

Carol Schlueter: Okay, I will make a motion that we recommend to the Board of Supervisors to approve the rezoning of this property from the present A-1 Agricultural District to the proposed I-2 Heavy Industrial District in order to provide the custom butchering request by Humberto Cobos.

Tom Harper: With a stipulation?

Carol Schlueter: With a stipulation that we are asking for Eric to review the small scale or custom butchering shops in the Zoning Ordinance.

Eric Furnas: Probably that you would direct me to bring information back at an additional public hearing to look at smaller scale and similar type operations and the proper placement of custom butchering shops.

Carol Schlueter: Yeah, what he said.

Eric Furnas: Sorry, I was kind of thinking aloud here.

Tom Harper: We want to review and explore the zoning classifications by perhaps adding custom butchering or small scale butchering shops.

Eric Furnas: Yeah, there should be some distinction between what we are saying as packing plants and small scale butcher shops.

Tom Harper: Yeah, so not in the I-2 Heavy Industrial District, but maybe in a C-2 Commercial District or something like that?

Eric Furnas: Yeah, I think I am clear on your intent.

Tom Harper: Okay, is there a second?

Virginia Cooper: Second.

Carol Schlueter: Well I made a positive motion for the butcher shop, but do we need two motions?

Tom Harper: Okay, a motion has been made and seconded to approve the request by Humberto Cobos to rezone this property from the present A-1 Agricultural District to the proposed I-2 Heavy Industrial District and then also to direct the Zoning Administrator to come back to the board at a public hearing to review the proposed placement of this type of classification. Is there any other discussion? Hearing none, I will call for a roll call vote. Carol?

Carol Schlueter: Nay.

Tom Harper: Virginia?

Virginia Cooper: Nay.

Tom Harper: And I will vote Aye. So the motion is denied.

Virginia Cooper: So my question is...

Tom Harper: So Eric will get with you when this goes before the Board of Supervisors. Your request is denied but it is still alive and will be heard by them. Alright, is there a motion to close the public hearing?

Carol Schlueter: I make a motion that we adjourn.

Tom Harper: Is there a second?

Virginia Cooper: Second.

Tom Harper: A motion has been made and seconded to adjourn the public hearing, all in favor signify by saying Aye (3) Opposed (0) Absent (Akers & Peterson). The public hearing is closed.

(After the public hearing was closed the board continued to have questions concerning the motion that was made. It was determined that perhaps they should have made two separate motions, one for the rezoning request and the other motion to have Eric Furnas check into seeing if a smaller scale or custom butchering shop would fit into a different zoning classification in the Zoning Ordinance. Eric stated that he would be checking into it and placing the item before the Zoning Commission in the near future.

MUSCATINE COUNTY ZONING COMMISSION

By Eric S. Furnas, Planning, Zoning & Environmental Administrator