

DICKINSON COUNTY PLANNING AND ZONING COMMISSION

Monday, January 15, 2007

1:00 P.M.

The Dickinson County Planning and Zoning Commission met Monday, January 15, 2007 at 1:00 p.m. in the conference room of the Zoning/Engineer's building.

Members present were Sally Nielsen, Duane Moser, Tony Weber, Tim Fairchild, and Jon Gunderson. Absent were Robins Jackson and Bob Chaffin.

First on the agenda was approval of the minutes of December 18, 2006. Weber moved to approve the minutes. All were in favor.

Second on the agenda was Kemp's Enterprise and Giese Family Farms Inc., a rezoning application from A-1 Agricultural to HC Highway Commercial in the SW ¼ of Section 33, Superior Township.

Kohlhaase said the highway commercial district would allow a drive-in as outdoor entertainment. The future land use map identifies this property as agricultural.

Gaylord Kemp of Kemp Enterprises said the reason he chose this location is the amount of land, approximately 10 acres, and it is away from the lights of any city. It is also centrally located to many surrounding communities. There is ease of traffic coming in and exiting the drive-in.

Weber asked if all utilities are available?

Kemp said Iowa Lakes Electric Cooperative runs down Highway 9. They buried new cable last year. Rural water is available for \$450 hook-up fee. If the zoning is approved, Beck Engineering will be designing a septic system.

Kohlhaase explained that a commercial septic system that will be using more than 1500 gallons of water per day needs to be designed by an engineer. He then read from the intent of the agricultural and highway commercial districts. The site fits the intent of both uses.

There had been no correspondence or phone calls received.

Bob Turpin said he had interest in the farm ground to the south. Right now drainage run-off is to the west and then over them.

There was a question on drainage laws. Kohlhaase said you can't change where the water enters or exits, but you can do what you want with it on your own property.

Kemp said they would be putting gravel or rock approximately 3 inches deep on top of the soil, so it is his opinion that the water would slow down. He pointed out on a map where the water ends up in the corner down by the railroad tracks.

Bob Turpin said his opinion is the water crosses the road to the west to the slough area, then ponds on the northwest, southwest, and southeast corner.

Weber asked if the 10 acres is tilled right now?

Ron Harris of Giese Family Farms said yes.

Turpin said maybe they should put in a retaining pond to hold the water.

There was question of how much hard surface there would be on the site. Kemp said they will have approximately a 40' x 40' building for concession stand and two bathrooms.

Kohlhaase talked about maximum ground cover.

Kemp said that every 45 feet there would be a slant up with a dip in between for the cars to park slightly uphill for a view of the screen. Those dips should hold some of the water.

Gunderson asked where the screen would be on the property?

Kemp said it would face east. He said he would prefer to put in a smooth rock base. It would be less noisy.

Fairchild said that smooth rock would pack less.

Kohlhaase asked if they could tile the channels where the cars park?

Gunderson asked what is in the south corner of the railroad track?

Kemp said weeds and grass.

Weber asked if this farm is tiled?

Ron Harris said it was tiled to the north eight years ago. Discussion followed of tiling.

Fairchild said he thought the drive-in was a good idea, and asked how Kemp came up with the idea?

Kemp said as a boy, he had attended the local drive-ins and had good memories of that.

Fairchild asked the height of the screen?

Kemp said the screen is 45' x 90' and is 65' in the air.

Dan Eckert, County Engineer, came into the meeting and Kohlhaase explained the drainage concerns on the property. He asked Eckert if the water would percolate through the rock.

Eckert said he felt the change to the water run-off would be minimal.

Kohlhaase said Mr. Kemp has to go to the Board of Supervisors with the rezoning request, then to the Board of Adjustment for a conditional use permit. He said a stipulation should be attached that the rezoning goes into effect only if the conditional use permit is approved.

Weber said he has some concern that the property doesn't fall into the land use plan as shown on the comprehensive plan just approved. We would be taking farm land out of production. He does agree it is a good location for this type of use. There is no question that everything along a highway lends itself to commercial development. Any traffic concerns are addressed by the two main highways. Beck may also need to look at making some retention ponds when he designs the septic system.

There being no further questions, Gunderson moved to vote with the stipulation that the rezoning would not go into effect unless the conditional use permit is approved by the County Board of Adjustment. Moser seconded. All in favor to vote. The vote was recorded as 5 – 0 to recommend approval to the Board of Supervisors.

Mardi Allen asked if there were any traffic flow issues?

Kemp said they would be able to hold 75 to 100 cars coming off Highway 71. Beck will beef up the entrance. He had talked to the D.O.T. and they were not concerned with traffic at that time of day.

Third on the agenda was discussion of an annual meeting with the Board of Supervisors.

The meeting held a year ago was interrupted by public who came to the meeting and had questions.

Fairchild said even though this is a working session, we can't close the meeting, but we could keep it closed to public comment.

Lonnie Saunders said it could be posted as a working session, but you don't have to take questions or input from the public.

It was suggested by Mardi Allen to meet late afternoon on a Wednesday. The board sometimes has a working session after lunch on Wednesdays. The Zoning office will check and set up a time.

Fourth on the agenda was election of officers. Gunderson nominated Sally Nielsen as Chairman. Fairchild moved for nominations to cease. All were in favor. Nielsen nominated Tony Weber as Vice-Chairman. All were in favor. Gunderson nominated Duane Moser as Secretary. All were in favor.

Fifth on the agenda was old, new or unknown business. Kohlhaase mentioned that an appeal had been filed with District Court by Scott Nylan for the Board of Adjustment decision on his airport application.

Weber moved to adjourn. Moser seconded. All in favor. The meeting adjourned at 1:42 p.m.

Filed By: _____ Date: _____