

DICKINSON COUNTY PLANNING AND ZONING COMMISSION

Monday, April 17, 2006

1:00 P.M.

The Dickinson County Planning and Zoning Commission met Monday, April 17, 2006 at 1:00 p.m. in the conference room of the Zoning/Engineer's building.

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

Robins Jackson, Chairman, called the meeting to order at 1:00 P.M.

First on the agenda was approval of the minutes of March 20, 2006. Moser moved to approve the minutes as written. Chaffin seconded. All were in favor.

Second on the agenda was Gary Cohrs, rezoning application from A-1 Agricultural to R-1 Suburban Residential, SW ¼ Section 6, Lakeville Township, recommendation to the Board of Supervisors.

Kohlhaase gave some background on the project. The board will be looking at the zoning issue, the preliminary plat and final plat. This is treated as a package and discussed as one item. However, each agenda item will require a separate vote. The existing and future land use is agricultural. The use is currently cropland and in the past, a gravel pit. The developer would like to divide the property into six lots, with proposed R-1 Suburban Residential zoning. The Board of Health approved private sewer systems with the stipulation that percolation tests of the soil would be performed and proper permits issued.

Kohlhaase advised the P & Z members they must consider the following in making a decision on the rezoning:

1. Is this prime agricultural land or marginal?
2. Will the agricultural community and the development be in conflict?
3. Consider other built up areas.

For the subdivision consider the following:

1. Is there a need and demand for lots in this area?
2. Are improvements available – private sewer, rural water, others described?
3. Landscaping and drainage plans.
4. Flood plain – this buffers the West Fork of the Little Sioux River.
5. Driveways – there are 6 individual driveways proposed.

Bob Bendixen with Jacobsen-Westergard, was representing Gary Cohrs. He pointed out the specific area of the proposed development. It is located four miles east and one mile south of Lake Park. They propose six lots. Lot 6 is the largest, bordering on the West Fork of the Little Sioux. They propose reclamation of the former gravel pit. The site will be landscaped and excavated, creating gradual slopes to the Little Sioux for drainage. The soils run very porous to highly drainable on the west to denser on the easterly part. This side is subject to flooding and holds moisture. The westerly portion is subject to erosion. They will leave this in grass to help. The soil is low in phosphorus and potassium so it is not good for crop growth.

There is a demand for the lots. This area and the surrounding area have home sites overlooking the river. This will be compatible with surrounding uses.

Bendixen passed out a developer's statement showing the utilities proposed. All utilities are in the right of way easement. This area is not served by natural gas. Each lot will have L.P. service with buried tanks. The Board of Health will have to approve private sewer systems after the landscaping and grading is done.

Percolation tests will be taken for each lot to design the septic systems. Osceola Rural Water will serve each lot. The only lot subject to any flood plain is Lot 6 in the southeast corner for approximately 200 feet. This subdivision is located halfway between Lake Park and Spirit Lake. They are 150' width lots, so they will have large side yards to improve fire safety.

Russ Jahn, adjoining property owner, asked about the access to Parcel "A".

Bendixen said this would be from the county road along the south line of the section 30 feet wide for approximately 790 feet.

Jahn asked if the south property line would be identified.

Bendixen explained where the survey line would be done.

Barbara Tagami, County Naturalist, asked where the porous area was on the plat.

Bendixen pointed out approximately lots 1 through 4.

Tagami was concerned about how septic systems will work in the porous area?

Bendixen said they would be bringing in soils from the north onto the porous area. The soil types brought in will be granular to those that are loamy. They will do percolation tests to determine the best design for the drainfield.

Mrs. Hunter, adjoining property owner, asked if this request was subject to an environmental impact statement?

Kohlhaase said no.

Mrs. Staake, adjoining property owner, asked if there would be any restrictive covenants? Can a mobile home be moved in and used for hunting?

Kohlhaase explained the allowed uses would be a single family or duplex. The minimum width or length must be 22 feet, which excludes mobile homes. The developer often writes covenants controlling the development.

Mrs. Staake said there are six driveways proposed. They live across the road from the development. She is concerned with a lot of extra traffic. She asked if they would consider fewer lots. All the existing acreages have 10 to 20 acres.

Dan Eckert, County Engineer, said that the road going by this proposed development is hilly, and visibility is not the greatest. By law, to control access to a subdivision, the county would have to buy access rights. If the plat gets approved, the county will have to provide access to each lot, unless the traffic flow is over 1000 cars per day.

Bernie Cohrs said he had received lots of call for acreages overlooking the river, so decided to subdivide.

Bendixen said the land is suitable for residential development on land that is highly erodeable for agricultural use.

Kohlhaase said they would use the soils information once the land is reclaimed in the permitting process. They will then do a much closer examination of the soil types. They can look at alternative septic treatment systems. If the soils don't meet the state requirements, a septic permit can't be issued.

Chaffin asked where the Staake's driveway is in relation to the proposed plat?

Staake said approximately across from proposed Lot 2.

Moser asked what is the criteria for building on a three-acre site?

Kohlhaase said the ordinance allows stables on three acres or greater, with one horse per acre. Permitted uses are a single family residence or duplex, which must come first. They can have accessory uses in the side or rear yard. They must have a minimum of a 75' front yard. There are some commercial uses allowed, unless restrictive covenants are in place that allow residential uses only.

Tagami felt there needs to be more information gathered before this property is rezoned. She said the board doesn't want to be in a hurry and make a mistake.

Jackson asked Cohrs if they were going to move the dirt all at one time?

Cohrs said no, just as the lots are sold.

Jackson asked if they would be reclaiming the gravel pit anyway?

Cohrs said yes, all the gravel will be out by the end of this summer, then they will reclaim it.

Mrs. Hunter said they are the landowners right down the road. They have been putting the land back into native prairie. To place this subdivision in the middle of nowhere would be detracting from their quality of life. They don't want to live in a residential type setting. There is already a lot of traffic on that road with gravel being hauled now. She would ask the board to take more time to consider this decision.

Moser asked Cohrs what was the reason for making the lots this small?

Cohrs said the most common request he gets is for three to five acres. Ten acres would not be affordable for most people.

Bendixen said you need to visualize this as urban residential. There will be some construction traffic to build homes over time, but it will be developed slowly. Eventually, the gravel operation will cease, cutting down traffic.

Mrs. Staake said there is a lot of land around this proposed site in conservation easement.

Mr. Staake said with six residential lots there could be as many as 24 extra vehicles.

There being no further questions from the board, Nielsen moved to vote on the rezoning application. Weber seconded. All were in favor. The vote was Nielsen, Weber, Gunderson, Moser, Jackson – approve, Chaffin – deny.

Third on the agenda was Deer Run Preliminary Plat– recommendation to the Board of Supervisors. Weber moved to recommend approval of the preliminary plat. Nielsen seconded. All were in favor.

Deer Run Final Plat – Moser moved to recommend approval of the final plat. Nielsen seconded. All were in favor.

Fourth on the agenda was Faye Meadows pre-application discussion.

Kohlhaase said that Ken Ferguson is the property owner and Brad Beck is the engineer for the project.

Brad Beck said that the property in question is west of Ferguson Landscape Center and south of Center Lake. The county home road is on the south. This was a sod farm in the past, and now is tillable acres. Ferguson has sold some lots off this and the property description is very lengthy and confusing. He wants to get the legal cleaned up so at some point the property can be developed.

Beck said it is currently zoned agricultural and Ferguson wants to keep it agricultural. Future thoughts are a horseshoe type road, with access to 165th Street in Phase 2. The drainage would remain the same. There would be no need for water or sewer right now.

Chaffin asked how many acres?

Ferguson said about 52 – 55 acres.

Beck said they would subdivide 5 lots of approximately 10 acres each. Ferguson would like to divide the property with a clean description of 5 lots and later do the subdivision in phases.

Weber asked how far is the property from the boundaries of Spirit Lake?

Ferguson said about ½ mile to ¾ mile.

Weber said we would have to give a copy to the City of Spirit Lake for review.

Kohlhaase said with this acreage size, the intent of the applicant would be to make it a simpler subdivision without topographic maps and drainage plans.

Beck said they have topo information but would like to waive drainage and perc test issues.

There being no further questions, the board saw no problem with Ferguson proceeding with a preliminary plat on five lots.

Fifth on the agenda was Steve Hallgren with Northwest Iowa Planning and Development, an update of the comprehensive plan.

That item was temporarily tabled.

Sixth on the agenda was a review of Zoning Ordinance 102, RE Resort Enterprise District. Kohlhaase read the intent of the district. He went through the permitted and conditional uses, bulk regulations, density and green belt buffer regulations.

Supervisor Mardi Allen said her concern was with Resort Enterprise district turning into condos. This was originally set up for resorts for the vacationing public to enjoy. The Nielsen property came up and will be both resort and condos. She said if we keep condos in the RE district we should look at setbacks. She suggested a buffer on the roadside, lakeside and side yards of maybe 20 feet for every 10 feet in height. A 50 foot tall building would need 100 feet of buffer.

Allen said the county has only a few Resort Enterprise properties left:

Sand Bar Beach (currently flooded)

Harlan's Beach – already in the process of building condos.

Angler's Bay

With these locations in mind, it would be possible to have condos all along the east side of Big Spirit.

Weber said privately owned condos can be rented to the vacationing public in a resort district the same as a hotel.

Allen said she would like to see a reduction in the density of buildings.

Kohlhaase said he doesn't think we'll see any more 75 acre properties zoned Resort Enterprise. The big issue is should condos be allowed in the RE district? Should we throw condos out of RE and make a separate district for condos?

Allen said she feels very strongly that the Resort Enterprise district is not being used as it's original intent – for tourism.

Discussion followed.

Kohlhaase asked Steve Hallgren if he would research some other counties or states that would have resort uses and see how they handle it. We will come up with some general suggestions and present them at the next meeting.

The meeting returned to the discussion of update of the Comprehensive Land Use Plan.

Hallgren had posted several maps. He has a copy of all the future land use city maps except for Lake Park and Orleans. He added the cities' future land use onto the county land use map. He pointed out those changes and asked for further comments from the board.

Hallgren said he had added to the draft of the comprehensive plan a wetlands priority map, a trail map, and miscellaneous small changes. He handed out to the board members an amended copy of the overall goal and land use objectives.

Page 18 – added definition of resort enterprise and sensitive natural area.

Under residential development – added No. 12 and 13.

Page 26 – added No. 6.

Added a section on Civic/Public Land Use Policies.

Under Natural Resource/Conservation Land Use – made a change to No. 9.

By next month's meeting, Hallgren will have the changes done to the land use map. If the Planning and Zoning Commission is happy with the policy recommendation and map, they need to make a recommendation to the County Board of Supervisors at that time. Additional maps will show future land use, future transportation plans, the rural water maps and sanitary sewer line maps.

Seventh on the agenda was discussion of possible amendments.

- 1) Apartment buildings – Kohlhaase had researched Ordinance 102 and suggested the best way to handle a request for apartment buildings would be to treat them as a planned unit development (PUD). The R-2, R-3 and R-4 Districts allow PUD as a conditional use.
- 2) Billboards – The board members said they had already recommended no more billboards allowed in the county. They request that Saunders write up something to add “no billboards” to the sign regulations.

Eighth on the agenda – any old, new or unknown business. Kohlhaase said sometime in the future there would be discussion of some changes on McClelland's Beach. The next meeting will be May 15th.

Chaffin moved to adjourn. Gunderson seconded. All were in favor. The meeting adjourned at 3:50 p.m.

Filed By: Barbara Woodley Date: April 20, 2006