

DICKINSON COUNTY PLANNING AND ZONING COMMISSION

Monday August 15, 2022

1:00 P.M.

The Dickinson County Planning and Zoning Commission met Monday August 15, 2022 at 1:00 P.M. in the community room of the Dickinson County Courthouse.

Members present were Tony Weber, James Blum, Erica Schultes, Carol Pierce and Jon Gunderson. Absent was Teresa Garvey.

Also present was Steve Goodlow, Dickinson County Assistant Attorney, David Kohlhaase, Dickinson County Zoning Administrator and Megan Kardell Dickinson County Zoning Assistant.

Tony Weber-Chairman called the meeting to order at 1:00 p.m. and read the opening statement.

First item on the agenda was Approval of the minutes from May 16, 2022. Pierce motioned to approve the minutes. Blum seconded the motion. All were in favor.

Second item on the agenda was New Business. 1st item of New Business was the Recommendation to the Board of Supervisors for an Amendment to the Comprehensive Land Use Plan, Future Land Use Map from Agricultural to Residential.

Kohlhaase said there is a correction on this agenda item. After further study, that property is zoned agricultural and the future land use does show this property as residential. So for that reason, the first agenda item will be voided on the agenda.

2nd item of New Business is the Recommendation to the Board of Supervisors for a Rezoning from A-1 Agricultural to R-1 Suburban Residential for Monie Nordblad.

Kohlhaase said the applicant is here to speak to you. The parcel is 10 acres, and they are requesting to rezone it to R-1 Suburban Residential.

Rod Simonson he helped with the paperwork for Mr. Nordblad. He has 10 acres and his house is too big, he would like to split the parcel into two-five acre parcels and build a small retirement home.

Pierce said when you say retirement home, you mean a single family occupancy, correct?

Simonson said correct.

Weber said in regards to the drawing that was submitted, you show the new house and a driveway, where is the existing house on the property.

Simonson said it is to the north.

Kohlhaase said the 10 acre parcel is identified in blue, one can see the house on the northerly part of the parcel. The split will basically be down the middle of the property. The R-1 district requires 150' feet in width minimum and one acre lot size minimum. The agricultural district requires 10 acres, which is why they cannot split this as it is currently zoned.

Blum stated the current house will stay, and there will be another house on the second half.

Simonson said correct.

Pierce said the area where you are tearing down the buildings, is that for the new home?

Simonson said yes.

Kohlhaase said the existing property as well as the future is serviced by a private sewer systems. The existing private sewer system is in compliance and meets the required setbacks.

Pierce asked if there will be a second driveway.

Simonson said there is a second driveway that was put in on the south side.

Weber opened the meeting to the public.

Weber closed the meeting to the public. No correspondence.

Blum motioned to Recommend to the Board of Supervisors for a Rezoning from A-1 Agricultural to R-1 Suburban Residential for Monie Nordblad. Schultes seconded the motion.

5-0 Approval. Gunderson, Blum, Schultes, Pierce, Weber, approve.

3rd Item on the agenda was Recommendation to the Board of Supervisors for a Rezoning from A-1 Agricultural to HC Highway Commercial for Ivan Simpson

Kohlhaase said the area is outlined in green. The property is currently zoned A-1 Agricultural and the request is for Highway Commercial. The future land use plan identifies the property as future commercial.

Ivan Simpson introduced himself to the Commission. He started out by giving a history of the Simpson family farm. He is the second generation farmer and he also has a son, Adam, whom is the third generation. The building in question was built as an Ag building, and to be used as an Ag building to support Adam's cow/calf operation. He has an existing cow/calf operation 2 ½ miles west of this location. He lives on the home farm and would like to move the whole operation to the home site. Present rules would allow them to have 999 head of feeder cattle or 1200 head of hogs with a hog confinement, no permits required from the DNR or the County. In the fall of 2021, ½ a mile west of this area they applied for and received a conditional use permit on a Morton building, advertised it, and became overwhelmed with storage requests. They turned down 82 boats that fall. They had overruns and they put them in the new building that was still under construction, illegally. They got caught, reprimanded, complied, and asked for a conditional use permit and did not receive it. The building was not built in compliance to the commercial zoning district. The lean-to was originally built on the east side of the building for the calving operation. They removed the lean-to and constructed it on the west side of the building and now they comply with the commercial district setbacks with a 58' feet front yard. If one looks at the income from recreational storage verses feed cattle, the recreational storage is much more profitable. They shifted gears in the middle of the construction of the building to go to a storage type building and other activities because of that area producing the revenue stream better than agricultural. So at this point, they applied for a zoning change to Highway Commercial to be able to utilize that building in the summertime for some horse activity, riding academy, arena stuff, possibly some events, and then storage in the winter. The building to the north, they did receive a conditional use permit to supplement the overflow of the storage area. Drainage seems to be a concern and they have a comprehensive drainage plan, plus there is waterway that was designed and funded by the State of Iowa. So when the water comes between the two buildings, there is not a whole lot they can do about that, it is the natural drainage of this farm, along with the two farms to the west. Neither one of these buildings affect the drainage that comes through that area, but they do have the roof water to address from the two buildings that they are being requested to be rezoned to Highway Commercial. Patrick Mohning will talk about the drainage plan. The trails association wrote a letter giving their blessing because of the measures they are trying to take to control the water that runs on the bike trail. There are 3 soil quality restoration areas and one rain garden.

Weber asked if the south property line is where there is an existing fence.

Simpson said it is an existing plot. That pasture ground was divided into two parcels, there was a fence line years ago, but it is no longer there. He is not planning on any changes to the property or building another building on this property, especially because he does not have enough pasture land to feed the horses.

Pierce said it looks like there is one drive that goes directly out on to 86, and you would continue with the same drive, correct?

Simpson said yes.

Pierce said it goes directly across the bike path, how much traffic are you anticipating if this is made into a storage building for recreational storage?

Simpson said in the fall, one will see the boats come in, and in the spring go out. There will be less crossing of boats then of semi's full of corn.

Pierce said you stated before the rest of the site is unsuitable for building another building, it is strictly that building then.

Simpson asked for storage?

Pierce said yes.

Simpson said in the summer he plans to use the building for other activities.

Pierce asked for clarification about other activities.

Simpson said they do a lot of cow cutting and working cow training, they also professionally ride horses, so he will be riding in there.

Pierce asked if it is going to be party central.

Simpson said no.

Kohlhaase said the commercial district allows for both riding academy and marine services and in reference to drainage and to what the property owner is responsible for, it is the impervious surface they have created.

Blum said which amount to the first inch and a quarter of runoff.

Kohlhaase said that is correct and what is used in the design calculations.

Blum said in the note it says "all runoff" maybe one would like to clarify that.

Pat Mohning, Mohning Land Surveying, he developed the drainage and low impact development plan for the Simpson property. The building to the north as stated was granted a conditional use permit. What they have done there is a soil quality restoration area and a rain garden designed to handle the runoff from that building. That is designed to county specs for the first inch and a quarter of rain. Basically, the idea there is that is the standard to cover approximately 95% of rainfall events in a given year. On the south building, there are two areas designed, one to the northeast of the building that would handle the northeast quarter of that building for runoff, with a soil quality restoration area. Then a bigger area to the southeast of the building a soil quality restoration area, however that one has been designed in a 2' foot depression area to allow any water coming off of that building a chance to soak and settle in rather than just running off the property toward the bike trail. At this time, Simpson does not have any proposed concrete or other impervious surfaces.

Correspondence was read.

Orin Ellwein 20540 Breakwater Drive., one of his main concerns about this project is safety. With the access to that area going across the bike trail and he's listed several businesses that he is going to run out of there, riding academy, boat storage, marine activity, a small engine repair business, he thinks there is going to be a significant amount of increase of traffic going across the bike trail, which in his mind will create a huge hazard. His other point about drainage, after the last rain, the only place the water was running over the bike trail was adjacent to this building. He's not sure what that means, but there are drainage problems somewhere along the line. Finally, over the last couple weeks he has had two different people tell him that Simpson is driving a tractor on the bike trail back and forth between the two buildings, which to his mind shows the disregard for rules, the rules seem to be designed to fit him, not him fitting the rules.

Simpson said he has an agreement with the bike trail, he cleans the rocks off the driveways, and sprays the weeds. He takes this upon himself to do this. They changed their plans in the middle of the construction, this is a much more fitting land use, and we need to look at what is best for the area.

Weber closed the public hearing.

Pierce asked from an administrative position, can they specify that they only keep the one building, rather than trying to expand, which was one of the concerns.

Kohlhaase said you can attach conditions/stipulations onto your recommendation to the Board of Supervisors if you choose to, I caution you to find the balance of a zoning change and what the property can be used for and what it cannot be used for, that is a decision for you all to make.

Weber asked if we had the Highway Commercial District uses with him.

Kohlhaase said yes and showed Weber.

Schultes asked if this property sold down the road and a new commercial use wanted to open, would they have to come before the board.

Kohlhaase said as long as those commercial uses are consistent with what the Highway Commercial district allows as permitted uses, no they would not. All the uses that you see under the permitted uses would be allowed on that property.

Schultes said that would include building another building, they would not need to come before the board.

Kohlhaase said possibly, yes.

Blum clarified that the future land use plan shows this as future commercial.

Kohlhaase yes.

Blum motioned to make the Recommendation to the Board of Supervisors for a Rezoning from A-1 Agricultural to HC Highway Commercial for Ivan Simpson. Gunderson seconded the motion.

5-0 Approval. Pierce, Schultes, Weber, Blum, Gunderson approve.

Third item on the agenda was update from Darren Bumgarner on Comprehensive Land Use Plan

Kohlhaase said we started this process prior to COVID, but due to that and other circumstances the abbreviated update was delayed, but now we are ready to bring it back to the table.

Darren Bumgarner, NWIPD said he has some updates to the population and economics, what he thinks would be important is to set some sort of schedule and establish how you want to move forward. The update would include the demographics, population, land use map, future land use map and the goals and objectives. He was thinking in October or November we need to start looking at the current and future land use map. This is going to take a bit of time, there is going to need to be input from many entities. Somewhere down the road he would like the updated map on display for public comment. The goals and objectives can be done towards the end of the process. In October we can start the mapping process, bring back the maps in November and December, then begin to look at the goals and objectives in January, followed by a public hearing that is required by law to update the comprehensive land use plan. Maybe things will be ready in March or April to go to the Supervisors, but it could be May or June too. This is just a tentative schedule and there are always circumstances that are out of our control.

Weber would like to be able to work with the local municipalities to have a comprehensive land use update.

Kohlhaase agrees with Weber, and added the utilities need be involved as well. He continued that we will work with NWIPD and the GIS department to gather the data and get things sent out to the Commission and we'll take things month by month.

Fourth item on the agenda was Old, Unknown, or Other Business. Schultes asked about a post from a local organization stating that the Commission made a recommendation to the Board of Supervisor regarding campground regulations. She did not recall this and wanted to clarify that they did not make this recommendation. The Commission did not make the recommendation as stated in the post.

Fifth item on the agenda was Adjournment. Schultes motioned to adjourn. Pierce seconded the motion. All were in favor.

(For more information see P&Z 08 15 22 recording)