

DICKINSON COUNTY PLANNING AND ZONING COMMISSION

Monday, April 21, 2008

1:00 P.M.

The Dickinson County Planning and Zoning Commission met Monday, April 21, 2008 at 1:00 p.m. in the community room of the Dickinson County Courthouse.

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

Sally Nielsen called the meeting to order at 1:00 p.m.

First on the agenda was approval of the minutes of March 17, 2008. Weber moved to approve the minutes as written. Chaffin seconded. All ayes.

Second on the agenda was Brett Parks, pre-application discussion for a proposed subdivision in the SE ¼, Section 12-98-37.

Parks said he owns approximately 18 acres south of Milford on 230th Street. It is zoned Heavy Industrial. It abuts an abandoned railroad right-of-way. He would like to subdivide the property into 20 lots for storage buildings. The lots will exceed the required 10,000 square feet. Most are 15,000 to 17,000 square feet. There will be one entrance off the existing 40 feet driveway. Two roads will be installed to service the lots.

Kohlhaase said both the existing and future land use maps show this property as Heavy Industrial. The lot sizes exceed zoning requirements. The plan would not meet the cul-de-sac requirement of 600' in length. There are no utilities needed except electricity. The roads will be privately owned.

Weber asked about the size of the cul-de-sac. Could a semi turn around?

Brad Beck said a semi requires 45 feet to turn around.

Parks said the streets are planned to be 50 feet wide. He has enough room to loop the street, but he would lose two to three lots. Parks explained the elevation of the land and the setbacks for the lots. This is mostly gravel base.

Weber said there may be Low Impact Development issues since these requirements may soon to be adopted into the subdivision ordinance. They would need to look at this since it will be near Mill Creek.

Parks pointed out the surrounding properties. There is 100 feet of railroad right-of-way to the east, and farmland to the east of that. Derner's cattle operation is to the southwest. Guthrie's salvage yard to the west. North is the City of Milford. Northeast is D & W Development storage buildings.

Fairchild asked about maximum ground cover, with the addition of all the roofs, concrete, etc.

Kohlhaase said zoning requires less than 80% maximum ground cover.

Parks said this shouldn't be a problem. The lots are much larger than required to be.

Kohlhaase said in the past, this property was a nightmare. Vern Brosh was the former owner and had turned it into a landfill for white goods. He was required to clean it up. Parks has continued to clean up. The use seems consistent with the intent of the zoning ordinance.

Chaffin asked if the lots will be rented or sold?

Parks said they will be sold. He may spec build some buildings.

The members agreed Parks could proceed with the preliminary plat.

Third on the agenda was Boone DeWall proposed subdivision.

Brad Beck was representing Mr. DeWall. He explained the location on Sunner Avenue, just south of 28th Street in Spirit Lake. The proposal is for five residential lots just one acre each. They are requesting rezoning from agricultural to R-2 residential. There is City of Spirit Lake water, and sewer is stubbed out. They don't want to annex at this time, but DeWall must sign an agreement to voluntarily annex when required. He explained the sewer hook-up. They will create detention ponds for a 100 year storm and hook into storm sewer at the back of the lots.

Kohlhaase said the property is presently zoned A-1 agricultural. The intent is to build single family homes. The minimum lot width is 80 feet, so in reference to zoning, none of the lots could be split again.

Weber said a duplex could be built.

Kohlhaase said the future land use plan shows this property as residential. There will be five driveways off Sunner Avenue. The cities of Okoboji and Spirit Lake are within two miles and will have opportunity to comment on the subdivision.

Beck said they have left 33 feet on the south side of the property so that 32nd street can be brought on through in the future. He said since this is a simple subdivision, he would request the board consider review of the preliminary and final plats at the same time. They will furnish a bond or letter from the bank that all improvements will be made within two years.

Fairchild asked if there was any access to the back of the lots?

Beck said no, the access is all from Sunner Avenue.

DeWall said access to the back of the lots will be from the main driveway around the house. The 33 foot access on the south could eventually have a tee off that.

The board members had no problem with reviewing both the preliminary and final plat at the next meeting.

Kohlhaase told Beck and DeWall to think about LID improvements. They could be asked to include these in their plan.

Fourth on the agenda was discussion of proposed amendments to Zoning Ordinance 102 and Subdivision Ordinance 103 to add Low Impact Development regulations.

Kohlhaase said a committee has been working since the end of December and arrived at wording for Subdivision Ordinance 103 and Zoning Ordinance 102. Tony Weber was chair of the committee.

Weber reviewed the recommended changes to Zoning Ordinance 102. He explained LID practices may not be suitable on some steep lake banks.

Beck said the stormwater management manual states 15' away from the top of the bank or 15' from a basement.

Fairchild asked who decides if the lot is not suitable?

Weber said it would be a judgement call in some instances. The county does have a new Urban Conservationist, Steve Anderson, or you can consult a licensed engineer.

Beck asked if the board would consider adding wording of maximum square footage of impervious on a lot. For instance, when 60% or 5,000 square feet is impervious or when 60% or 10,000 square feet is impervious.

The members agreed that most of those would be caught under proposed paragraph one of Section 12.

Weber reviewed changes to Subdivision Ordinance 103. No questions.

This will go to public hearing for the May meeting to make recommendation to the Board of Supervisors. Gunderson moved to go forward to the public hearing. Fairchild seconded. All were in favor.

Fifth on the agenda was old or unknown business. Kohlhaase said that right now, if an adult entertainment establishment wants to locate in a Highway Commercial or General Commercial district, zoning has no recourse to refuse the permit. At the County Zoning conference he attended, this was a topic of conversation. He was told there is a legal precedence that zoning can't say no to adult entertainment. This can be handled on an individual basis or by making it a difficult thing to get accomplished.

Kohlhaase asked the board if they wanted to pursue this and if so which direction they would want to go. He said we could add a definition for adult entertainment and make it a conditional use that would go to the Board of Adjustment for approval.

Discussion followed. Northwest Iowa Planning is getting some examples and going to provide them to our office. The board members agreed to discuss this at the next meeting.

There being no further business, Fairchild moved to adjourn. Weber seconded. All were in favor. The meeting adjourned at 2:30 p.m.

Filed By: Barbara K. Woodley Date: April 30, 2008