

DICKINSON COUNTY PLANNING AND ZONING COMMISSION

Monday, May 19, 2008

1:00 P.M.

The Dickinson County Planning and Zoning Commission met Monday, May 19, 2008 at 1:00 p.m. in the community room, first floor of the Dickinson County Courthouse, Spirit Lake, Iowa.

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

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

First on the agenda was approval of the minutes of April 21, 2008. This was tabled to next month's meeting.

Second on the agenda was Maverick MX LLC, preliminary plat of Horse Creek Park Subdivision, recommendation to the Board of Supervisors.

Brad Beck was engineer for the project. He said they changed the plans by eliminating the easterly fork in the cul-de-sac. This eliminated three lots. They are using existing Heavy Industrial zoning. The subdivision meets all lot requirements. There is a 66 feet right of way. The street will be privately owned, built to county specifications with the exception of the surfacing requirement which will be gravel.

Utilities:

Iowa Lakes Electric has electricity available to the site. There will be one common bathroom on Outlot A. The Board of Health approved a holding tank for the septic system. Iowa Lakes Regional water can provide water to the site.

Kohlhaase said regarding the covenants and restrictions, he would propose that for number 4, the wording be changed to specify road plans. He read the proposed covenants and restrictions.

Discussion followed of other uses that could happen in a Heavy Industrial district. Weber said it would somewhat limit operations with the restriction of water and sewer.

Beck said this plat is within two miles of Milford city limits, so he would suggest any recommendation be contingent on Milford's approval.

Don Olson owns the abandoned railroad property to the east. He does not oppose the survey, but when he purchased the property he understood that there was an 8 feet access beyond the pin lines. He has no objection to the proposed subdivision.

There being no further questions, Weber moved to recommend approval of the preliminary plat of Horse Creek Subdivision with the condition of City of Milford approval. Moser seconded. All were in favor.

Kohlhaase said the preliminary plat will go before the Board of Supervisors on June 10, 2008, 11:00 a.m.

Third on the agenda was Danny L. DeWall, a rezoning from A-1 Agricultural to R-2 One and Two Family Residential District, NE ¼ Section 8 and NW ¼ Sec. 9, Center Grove Township, a recommendation to the Board of Supervisors.

Brad Beck, engineer for Mr. DeWall, said this rezoning is requested for the proposed Country Cove subdivision. The only change from the presentation last month is instead of two detention ponds, there will be three. Otherwise it is the same 5 lot subdivision, with lot sizes slightly over one acre. They will use the existing street. The City of Spirit Lake agreed to driveway permits. Improvements installed will be an 8" sanitary sewer main which is the responsibility of the property owner, grading, and the ponds.

Dan Eckert, County Engineer, had questions on who would maintain the ponds.

Beck said they are part of Drainage District #22, but the property owner will be responsible for maintaining the ponds. They are not dedicated to the county.

Beck said they have applied for their NPDES permit, but not received it back yet. The drainage will be outletting at the pre-development rate for a 10 year storm.

Kohlhaase explained to those attending the request for subdivision and rezoning.

Beck said this is within two miles of Spirit Lake and Okoboji. Neither city had any objection and planned to let the 30 day comment period pass with no response.

Eric Hoiem had a concern on the 33 feet right of way at the south of the subdivision. Having a road go through there is not a big deal, but they would lose an established grove of trees. A little to the south and east there is a wetland that is wet part of the year. The road would have to go through there. This is in CRP for another eight years. His concern is displacing the row of trees and wetland, unless they put in a low impact development road of 30 feet width.

Discussion followed.

Weber commented on the restrictive covenants that the wording "uniform building code" should be changed to "international building code."

Kohlhaase said the statement of using an accessory building for apartment or living quarters must be eliminated as the county doesn't allow this.

Gunderson moved to vote on the rezoning application. Weber seconded. The vote was recorded as all approve.

Fourth on the agenda was the preliminary and final plat of Country Cove Subdivision, recommendation to the Board of Supervisors.

Kohlhaase said all information has been presented to the board. The developer has also furnished a letter from the bank guaranteeing money for the improvements, and a letter that the property will be maintained by Mr. DeWall for two years.

There being no other questions, Weber moved to recommend approval of the preliminary and final plat of Country Cove Subdivision. Roach seconded. All were in favor.

Kohlhaase said the rezoning and plat goes to the Board of Supervisors on May 20, 2008 at 11:00 a.m.

Fifth on the agenda were amendments to Zoning Ordinance 102 and Subdivision Ordinance 103 to add Low Impact Development wording, a recommendation to the Board of Supervisors. This has been discussed in committee and presented to the Planning and Zoning Board. Now this is the public hearing.

Gunderson moved to recommend approval of the proposed amendments to the Board of Supervisors. Weber seconded. All were in favor.

Sixth on the agenda was a discussion of adult oriented establishment zoning regulations.

Kohlhaase said zoning can't just say no to adult entertainment. He was provided information from Northwest Iowa Planning and Development on the best and simplest wording that they could find.

Discussion followed. The districts where this would best fit would be general commercial and highway commercial. The regulations can specify distances away from residential and businesses, schools, and parks. To make it difficult, the distances could be increased.

Weber said it appears easier to do something beforehand rather than after the fact. Having reasonable guidelines in place would be beneficial to the county.

After discussion, the members agreed they want to address this issue. They decided it should be allowed in the General Commercial and Highway Commercial districts as a conditional use. The distance from various residential, businesses, parks, schools, etc. should be a minimum of 1 mile. The zoning office will write this up and will present it at next month's meeting.

Seventh on the agenda was old or unknown business.

Mardi Allen asked the planning and zoning members to consider changing the language in the zoning ordinance so people could rebuild in areas zoned other than residential without having to rezone the property.

Kohlhaase said allowing people to rebuild their nonconforming homes is not helping the nonconforming to go away. The members agreed to discuss further.

There being no further business, Weber moved to adjourn. The meeting adjourned at 2:30 p.m.