

DICKINSON COUNTY PLANNING AND ZONING COMMISSION

Monday, June 19, 2006

1:00 P.M.

The Dickinson County Planning and Zoning Commission met Monday, June 19, 2006 at 1:00 p.m. in the conference room of the Zoning/Engineer's building.

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

Sally Nielsen, Vice-Chair, called the meeting to order at 1:00 p.m.

First on the agenda was approval of the minutes of April 17, 2006 and May 22, 2006. Weber moved to accept the minutes as written. Moser seconded. All were in favor.

Second on the agenda was a preapplication discussion for John Brown.

Jim Blum, surveyor for the subdivision, passed out copies of the proposed plat. He said this is the Jill Ficken property on 28<sup>th</sup> street. The City of Spirit Lake is on two sides. He gave some history on the property. Two parcels have been sold off. Ficken wants to sell to John Brown to attach to his existing property. Since two parcels have already been sold, it requires a subdivision. There is no intention to divide the property further. The only access is a 30 feet strip from the north. There will be no utility improvements or services. They are only looking to comply with subdivision regulations. John Brown owns the property to the east and south of this.

Nielsen asked for any questions.

Kohlhaase said the only thing different about this property is the private sewer is in place. The code allows for a drainfield on another property by easement. In the future they may have City of Spirit Lake sewer.

Fairchild asked if all this property is in the county?

Kohlhaase said yes.

Blum said they will need approval from Spirit Lake since it is within two miles.

The members agreed for the developer to proceed to preliminary plat.

Third on the agenda was a preapplication discussion for Bartels, Bartels, and Fox.

Jim Blum, surveyor for the project, handed out a draft of the proposed plat. Mike Zenor was representing Bartels, Bartels and Fox, owners of McClelland's Beach. The family has been leasing out lots since the 1890's. They are at the point of wanting to subdivide. They are offering lots for sale to those who now have houses there. There are areas of non-compliance and they will be asking for variances on those lots that don't comply.

Kohlhaase said this is the only unplatted residential area in Dickinson County. It is grandfathered in, and so are the existing homes there.

Blum said this is located on the north end of Big Spirit. There is a mile of shoreline. In 1968 Westergard put together a plat of 132 lots for taxation purposes. The average size of the lots is 5,000 to 5,500 square feet. They

looked at the lots to determine which ones comply with present zoning. He explained the drainage for the property. There is no change proposed for the zoning. The road comes in on the east and dead ends on the west. There is another loop to the north to a dead end. The county engineer has said this road will not be taken over. Sanitary sewer and rural water are in place. The second and third rows are served by an extension of these lines.

Blum reviewed a summary of the lots in the subdivision. Of the 132 lots, they are proposing to leave 130 homes. They will try to re-locate two homes. They will try to get a loop road in. This property is located in two sections and has nine agricultural areas. Of the 132 lots, only 27 comply with zoning. From approximately Lot 1 to 47, they can move the road back. On the west there is not much they can do. The number one priority is to meet the square footage.

Roads: There is now a 24 feet right of way coming in and a 25 feet right of way going out. At spots, it narrows to a 19 feet right of way. They propose a road coming in from the east with an 80 feet right of way. From the east to Lot 30, they plan a 55 feet right of way. Lot 30 west to Lot 78 will be a 25 feet private roadway and utilities easement. They are not doing a lot of grading that would create siltation to the lake. This narrower private road will slow traffic also. From Lot 78 west, they can't increase the right of way. It would create more setback problems. They will eliminate Lots 101 and 130 to place a turn around road with a 30 feet right of way. This provides a way to get sewer to the north back lots. There are currently four accesses to the lake from 10 feet to 24 feet. They will downsize all to 10 feet to get more lot spaces. There are no keyholing issues.

Weber asked if the 25 feet road easement is going to be a fixed easement.

Blum said yes, they will have to identify it as such.

Weber asked if the area between Lots 50 and 51 is the outlet from the slough?

Dave Bartels said yes.

Fairchild asked about the present use. His concern was with liability to the county with fire trucks on the narrow roads, etc.

Zenor said this would be a private easement agreement.

Kohlhaase said there was no zoning in place when this property was developed, so no particular placement was required. Then the 1972 and 1982 ordinances came into effect. Everything that has been done out there is the best we can do working with what's in place. If the Planning and Zoning Commission will be looking at approving the subdivision, they can approve variances from those lots not conforming now, but any future changes will have to meet zoning requirements.

Weber asked if there is any intent to connect Shore Acres?

Bartels said no, nor to the state park either.

Supervisor Pam Jordan asked if there was fire protection now?

Bartels said they can drop suction lines to the lake. There are no fire hydrants – not enough water pressure from rural water.

Blum said they have talked to the fire chief. They are aware of the situation and there is enough water in the lake and slough.

Moser asked of the remainder of the property not being platted, will Bartels maintain and keep that?

Bartels said yes. The agricultural land is planted and used for crop production.

Jordan asked if a new tax assessment will be done?

Saunders said each lot will have to be re-assessed.

Jordan asked if they will have a homeowner's association?

Saunders said if they want to draw up protective covenants for the plat. These are normally good for 21 years.

There being no more comments, Weber said he saw no problem with the plat. The other members present agreed that the developers could proceed with the platting. It will be put on next month's meeting as a public hearing.

Skipped to eighth on the agenda – regulations for billboards.

Kohlhaase gave some background. After research and information provided, the Planning and Zoning members recommended no more billboards be allowed. They asked Lonnie Saunders to write up a proposed billboard ordinance.

Saunders passed out sample wording of a simple and a more complex ordinance. The simple proposal says no future billboards allowed, with existing billboards grandfathered in and when no longer used, would have to be removed. The second proposal contains more definitions and the existing billboards would have to come down after ten years. This one is modeled after Okoboji's ordinance except for a limit of 45 feet maximum square footage. The DOT's maximum limit is 1200 square feet.

Supervisor Paul Johnson said the county has the right to make requirements more restrictive than the State's, but can't make them less restrictive.

Kohlhaase said in the present zoning ordinance, most signs have to meet state requirements. The land where signs are placed must be zoned commercial or industrial.

Rod Kestel and Darin Plautz with Waitt Outdoor Advertising were present. The discussion of the billboards north of Milford – the state requires 300 feet spacing between billboards and up to 1200 sq. feet in area. That's why those are so close together. The billboards they have in place in the county (6 of them) are each in various municipalities. The largest sign they have is 672 square feet and that is in Omaha. In other areas of the country, they have a radius spacing which takes care of sign placement being too close. There are very few options left for property to place billboards. If you make spacing limitation broader, it will eliminate future growth.

Plautz said that the zoning needs to be commercial or industrial. Most of the potential property they've looked at is zoned agricultural.

Kohlhaase said the option may be in the future to change some agricultural land to commercial or industrial.

Fairchild asked how to decide if it's a billboard opposed to any other sign?

Kestel said a location off-premises is generally a billboard. On premise signs usually have no size limit.

Gunderson said he wants to go with the original recommendation of no new billboards, with existing billboards grandfathered and will disappear if they are unused for a period of one year.

Saunders suggested a better billboard definition, one that includes a square footage requirement and described as off-premise. The billboard wording could be passed today and work on the entire sign ordinance later.

Steve Hallgren agreed they need to have off-premise versus on-premise and square footage requirements.

The members agreed the definition for billboards will include "off-premise" and maximum size of 45 square feet. Lonnie Saunders will prepare an ordinance.

Fourth on the agenda was the Urban Renewal Plan Orleans/Dickinson County. This plan had been previously reviewed and accepted by the Planning and Zoning Commission. However, there has been a change in the legal description from that originally presented. After discussion, Fairchild moved to recommend approval of the Urban Renewal Plan for Orleans/Dickinson County. Weber seconded. All were in favor.

Members went to sixth on the agenda, Steve Hallgren with Northwest Iowa Planning and Development. He was presenting the final copy of the Comprehensive Land Use Plan and Future Land Use Map.

Hallgren said the added pages to the plan are as follows:

Page 35 – inserted a land use map.

Page 116 – five year construction program.

Page 121 – Osceola Rural Water service area.

Page 122 – Clay Regional Water district map.

Page 124 – IGLSS district map.

Page 125 – IGLSS service territory map.

The members commented that some parts of the sanitary sewer map appear to be incorrect. Hallgren will check with Glen Petersen and make any corrections.

Hallgren said that Chapters 5 and 6 were the meat of the document. He will change the paragraph on dredging to be not specifically for lake, as it could also apply to rivers.

The Land Use Map changes – he added a proposed residential area off Hwy. 86 and along 9. He explained the conservation areas.

Kohlhaase said that technically, the Planning and Zoning Commission is supposed to base their decisions on if the plan conforms to the land use plan. However, they also need to be open to conditions that might change. Some land may be suited to a type of development even though it is not shown as residential.

Hallgren reminded the members that the land use map can change as land is rezoned.

Steven Litts, Director of the Trails Assoc., presented some suggested additions to the land use plan which incorporate trails information. Hallgren said he will add these to the final comprehensive plan document.

There was no further discussion. Chaffin moved to recommend approval of the final draft of the Comprehensive Land Use Plan with the changes in wording on dredging and adding the trails wording. Moser seconded. All were in favor.

Seventh on the agenda was review of Zoning Ordinance 102, Article 14, Resort Enterprise District recommended changes. Weber went through the proposed changes discussed by the committee.

Gunderson moved to recommend the changes in the wording for the Resort Enterprise District to the Board of Supervisors. Chaffin seconded. All were in favor.

Fifth on the agenda was discussion of an Overlay District for PMC. Kohlhaase gave a history of the PMC development on West Lake. It is a small neighborhood of mobile homes and cottages with little space between structures. Over the years as they needed to make changes, there was no way they could conform to county regulations. The office had been trying to use mobile home district setbacks, but they actually are zoned R-4 lakeshore residential. An overlay district is a separate zoning district for unusual pre-existing developments. He reviewed the proposed guidelines and it would include using mobile home subdivision setbacks. He said there are two choices – make no change to their district which means they can't make any improvements, or work with them.

The members discussed building height which was 35 feet. They felt it should be limited to single story in such a congested area.

Weber suggested this be tabled until next meeting for further discussion and action. The members agreed.

Ninth on the agenda was any old, new or unknown business. There was none.

Chaffin moved to adjourn. Fairchild seconded. All were in favor. The meeting adjourned at 4:00 p.m.

Filed By: Barbara Woodley

Date: June 23, 2006