

DICKINSON COUNTY PLANNING AND ZONING COMMISSION  
Monday, March 20, 2006  
1:00 P.M.

The Dickinson County Planning and Zoning Commission met Monday, March 20, 2006 at 1:00 p.m. in the Engineer/Zoning conference room.

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

Bob Chaffin, Acting Chairman, called the meeting to order at 1:22 p.m.

First on the agenda was approval of the minutes of February 27, 2006. Weber moved to approve the minutes as written. Gunderson seconded. All were in favor.

Second on the agenda was a preapplication discussion by Bernard Cohrs for proposed Deer Run Plat.

August Scheppmann was present to represent Bernie Cohrs.

For the new members, Kohlhaase explained the process of going through subdivision and that today was approval for the proposed concept.

Scheppmann said they are asking to go from A-1 Agricultural to R-1 Suburban Residential. The plat being presented is six lots located south from Hwy. 9, from Cohrs' shop about ¾ mile south on the east side of the road. There is not much agricultural use around, some to the south. The north belongs to Cohrs. They have some parties interested right now in purchasing, so decided to plat several lots since they had to go through subdivision.

Scheppmann said they would ask that the Commission consider the preliminary and final plat in one meeting. They will have soil studies done for the private sewer systems. They have rural water available. They will call the plat Deer Run. They will meet with the Board of Health for an okay of septic systems. They will bring the abstract up to date. All the lots are bigger than three acres which will allow for horses.

Kohlhaase said the existing land use is shown as agricultural; the future land use map is agricultural. The request is to rezone to R-1 Suburban Residential.

Fairchild asked if the gravel on this property is played out?

Scheppmann said yes.

Kohlhaase said all adjoining property owners within 500 feet would be notified. The developer will need to furnish letters from the utility companies. There will be a special meeting with the Board of Health for approval on septic systems. Since this is a simple subdivision the commission could consider the preliminary and final plat at one meeting, but they would be two separate agenda items.

Fairchild asked if the property slopes to the river? It would be up to the engineer to design the septic systems.

Scheppmann said it does not slope steeply.

Pam Jordan asked about entrances to the lots. Would there be six separate entrances?

Dan Eckert said yes. He would have to review to see if that is okay. They need 550' of sight distance. Each lot owner would seek a driveway permit from their office.

Chaffin asked about requirements for placement of a home.

Kohlhaase said the R-1 district spells out setbacks.

Jordan asked if they could manufacture proper soils for septic systems?

Kohlhaase said they could mix the soils. They could regulate placement of the homes through private covenants.

Chaffin asked about bringing in black dirt.

Scheppmann said they already have a stockpile from the gravel operation.

Kohlhaase said the items Planning and Zoning would be looking at are:

- 1) Are they taking prime agricultural land?
- 2) Are they affecting neighbors?
- 3) Is it acceptable for private sewers?
- 4) Are utilities provided?
- 5) How will drainage be affected? It all goes to the river. Is there any impact on anyone? Topographic lines will be shown on the preliminary plat.

Fairchild asked if fire protection is an issue?

Kohlhaase said yes, it is a Planning and Zoning board concern.

Gunderson said the fire protection is in Spirit Lake's jurisdiction. Water is from Osceola Rural Water.

Kohlhaase said they would need to provide a letter from the engineer on driveways.

The members were in agreement with considering the preliminary and final plat at one meeting and to have the developers move forward with their plan.

Third on the agenda was discussion of possible amendments. The first was the difference between gravel extraction and resource extraction.

Kohlhaase said that in Industrial Use types gravel extraction and resource extraction are both listed as separate uses, yet the resource extraction definition includes gravel operations. In checking with Northwest Iowa Planning and Development, they said in newer ordinances, it is listed as resource extraction. Kohlhaase suggested deleting gravel extraction from the use types.

There was a discussion of the reclamation process.

The members discussed leaving resource extraction as a principal permitted use in the A-1 and HI districts and as a conditional use in the A-2 district. Weber moved to recommend the changes. Fairchild seconded. All were in favor.

The second item was discussion of apartment building. Kohlhaase said the definition in the ordinance is single rooms in a multifamily structure. None of the multifamily buildings allow for more than eight units per structure. In the county there is no place to put up an apartment building.

Kohlhaase said we need to decide if we want to allow for apartment buildings, where would we want them, and should they be a conditional or principal use? He suggested a better definition for apartment building.

Weber said the problem that he sees is often apartment buildings are later turned into condo ownership. If we build a 30-unit apartment, but condos can't be more than 8 units, we've created a nonconforming building.

After some discussion there were three options offered:

- 1) Leave the ordinance as is.
- 2) Change the number of units allowed in multifamily.
- 3) Add a conditional use for apartments in the R-3 district.

The members agreed to think about it further and have it on the agenda for the next meeting.

Fourth on the agenda was continued review of Zoning Ordinance 102.

- a. R-5 Mobile Home District – no changes recommended.
- b. GC General Commercial District – no changes recommended.
- c. HC Highway Commercial District – do we need a definition of highway?
- d. RE Resort Enterprise – Mardi Allen requested that this be tabled and discussed at next month's meeting. She left a list of five items for the board's review. The members agreed to table.
- e. LI Light Industrial District – no changes recommended.
- f. HI Heavy Industrial District – no changes recommended.

Fifth on the agenda was any old, new or unknown business.

Kohlhaase said on the billboards issue, Saunders was going to write up some new wording for the ordinance. In the meantime, Paul Johnson heard there may be too much litigation with banning billboards. This will be put on next month's agenda for discussion.

Kohlhaase said regarding the Beck Excavating rezoning, this was approved by the Planning and Zoning Commission. It was tabled by the Board of Supervisors to April 18<sup>th</sup>. Becks are checking on access into the property. Also in the zoning ordinance, uses allowed in the A-1 district may already fit what the Becks are proposing without rezoning.

Fairchild moved to adjourn. Gunderson seconded. All were in favor. The meeting adjourned at 3:12 p.m.