

DICKINSON COUNTY PLANNING AND ZONING COMMISSION

Monday October 28, 2019

1:00 P.M.

The Dickinson County Planning and Zoning Commission met Monday October 28, 2019 at 1:00 P.M. in the community room of the Dickinson County Courthouse.

Members present were Dalton Kidd, Doris Welle, Vickie Godfredsen and Jed Jensen. Absent was Jon Gunderson, Tony Weber, and Carol Pierce

Also present was David Kohlhaase, Dickinson County Zoning Administrator.

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

First item on the agenda was approval of the minutes from May 20, 2019. Jensen motioned to approve. Kidd seconded the motion. All were in favor.

Second item on the agenda was Recommendation to the Board of Supervisors for an amendment to the Dickinson County Comprehensive Land Use Map from Industrial to Agricultural for the following described property. Dickinson County Iowa parcel number 1012300005, 1012300009, and 1012300008 (EXC the +/- 1.4 acres in the NE corner zoned A-2 Environmentally sensitive) in part SW ¼, Section 12, Okoboji Township.

Dave Kohlhaase gave the staff report. Agenda item number 2 and 3 relate but need to be acted on separately. First is a recommendation to the Board of Supervisors for an amendment to the Dickinson County Comprehensive Land Use plan from Industrial to Agricultural for the following described property: Dickinson County, Iowa parcel numbers 1012300005, 1012300009, and 1012300008 (EXC the +/- 1.4 acres in the NE corner zoned A-2 Environmentally sensitive) in part SW ¼, Section 12, Okoboji Township and second is a recommendation to the Board of Supervisors for a rezoning from HI Heavy Industrial to A-1 Agricultural for Terry Pope on the following described property: Dickinson County, Iowa parcel numbers 1012300005, 1012300009, and 1012300008 (EXC the +/- 1.4 acres in the NE corner zoned A-2 Environmentally sensitive) in part SW ¼, Section 12, Okoboji Township.

The property is owned by Terry Pope. Terry Pope is requesting a zoning change from HI Heavy Industrial to A-1 Agricultural. The three parcels are:

Parcel # 101230005 consisting of 5.08 acres is zoned HI Heavy Industrial. The existing and future land use map is Industrial. The request is to change the zoning to A-1 Agricultural. The existing land use is vacant land.

Parcel #1012300008 except the +/- 1.4 acres in the NE corner which is zoned A-2 Environmentally Sensitive and will be left A-2 Environmentally sensitive, consists of 33.88 acres is zoned HI Heavy Industrial. The existing and future land use map is industrial. The request is to change the zoning to A-1 Agricultural. The existing land use is land-trees, and some salvage items.

Parcel 101230009 consisting of 1.49 acres is zoned HI Heavy Industrial. The existing land use map shows residential and the future land use map shows industrial. The existing land use is the acreage/home site.

A total of acres requesting to be rezoned is 40.45. There is Heavy Industrial land to the east, north, and west and Agricultural to the south. The surrounding land use is storage buildings and agriculture. The purpose of the rezoning is to build a new house. Heavy Industrial does not allow any residential uses, however Agricultural allows for single family residential use. Also to eliminate any future industrial uses and trying to preserve land beautification. The properties past use was a salvage yard, leaving the property blanketed with rusting out old vehicles. This site was a concern for the county. Terry Pope acquired this property May of 2016 and since then there has been major improvements and clean up to the property.

Timothy Pope, Terry's husband said they bought the property in 2016. They have resided at the residence for about 7 years, and have a business in Milford. They immediately started cleaning the land up, which took a lot of time and money. When you look at the aerial photos, you can see

the clean-up efforts. Lincoln Guthrie was Terry's father. Their objective is to clean it up, it's a beautiful piece of property, undeveloped and free, and people fish on their property. They have worked year round and invested in a skid loader to help with the cleanup efforts. They have also cleaned up the family member's property to the east. They're hoping to build a new house on the west side of the property. It is just the two of them, they would like to keep land the way it is. It is a work in process, there are still a lot of cars, but would like to move forward with building a new house.

Welle asked if they would remove the existing home.

Pope said they will probably keep it for extended family. The neighbor John Derner did advise them if they build a new house, the light from the farming operation might shine into the house. But this is something they've lived with at the other house, and it does not bother them. They also allowed bee hives to be placed on the property for honey and everything is blooming beautifully. They are just trying to work the land back to its natural state. It will be deeded over to their kids eventually.

Welle asked about the zoning in the area.

Kohlhaase said everything in red is Industrial, and everything in gray is Agricultural (referring to the zoning map). Keeping in mind the Pope's intent of the property, they decided to rezone the entire property to agricultural. When Horsecreek Park was developed to the east, the subject property was not in the best of shape. But the cleanup has been a blessing to the County from what it was and with the continuation of the clean-up.

Kidd asked if they would have any agricultural practices.

Pope said no, they are in the restaurant business, and have no intent to have livestock or farming.

Godfredson motioned to approve the recommendation to the Board of Supervisors for an amendment to the Dickinson County Comprehensive Land Use Map from Industrial to Agricultural. Jensen seconded the motion. All were in favor.

Third item on the agenda was Recommendation to the Board of Supervisors for a rezoning from Heavy Industrial to Agricultural for Terry Pope on the following described property: Dickinson County, Iowa parcel numbers 1012300005, 1012300009, and 1012300008 (EXC the +/- 1.4 acres in the NE corner zoned A-2 Environmentally sensitive) in part SW ¼, Section 12, Okoboji Township.

Jensen motioned to approve the recommendation to the Board of Supervisors for the rezoning from HI Heavy Industrial to Agricultural. Kidd seconded the motion.

Vote recorded as 4-0 approval. Godfredson, Kidd, Welle, and Jensen approve.

Fourth Item on the agenda Pre Application conference for Jake Scholerman and Bradly Derner.

David Kohlhaase gave the staff report. Parcels 1118200005 and 1118200006 are zoned A-1 Agricultural and the Future Land Use Map shows Agricultural. The requested zoning is R-1 Suburban Residential. Both the Future land Use Map would need to be amended to Residential and the zoning map changed to R-1 Suburban Residential to proceed with a planned subdivision. This is a Pre-application Conference as required by Dickinson County Subdivision Ordinance 103, Article #5, 5.1 Pre-Application Conference takes place whenever a subdivision located within the platting jurisdiction of the County is proposed, the owner and subdivider shall schedule a pre-application conference with the Plats Officer, the Planning and Zoning Commission, and such other County or Utility representatives as is deemed desirable; and by the owner and his engineer and/or planner, as deemed desirable, The conference will be held at a regular Planning and Zoning Commission meeting. The purpose of such conference shall be to acquaint the County with the proposed subdivision, and to acquaint the subdivider with the requirements, procedures, and any special problems relating to the proposed subdivision

Jake Scholerman, Scholerman Contracting, lives in royal with his wife and 3 kids, he has a civil engineering degree from Mankato, they do residential homes etc. They feel this would be a great place for a rural subdivision with that hill side, one can overlook town. They would like to take the A-1 Agricultural land and rezone it to R-1 Suburban Residential which allows them to have 1

acre lots, with open areas with a home and an out building to kind of have the country living feel but still close to the lakes area and Spencer. They're looking at 26 lots with a park in the middle, the entire hill side is locked into CRP for the next 11 years. They talked with David Kohlhaase and Dan Eckert. The preliminary plan is that the road/development is going to be built to County specs, and then turn it over to the County. The development will have a paved road with natural drainage that will drain to a detention pond. This will be a very green development. The development will be served by a private sewer, since Iowa Great Lakes Sanitary Sewer does not have access. Iowa Great Lakes regional water will provide the water service. Alliant has a primary service close and can be brought in, and all lots will have private propane tanks for gas.

Welle stated that Scholerman is going to build the road to County specs.

Scholerman that is correct.

Kidd said just to confirm, the road will be deeded to the County.

Scholerman said yes, that is why they went with a 100' foot right of way for the snow removal.

Kohlhaase said that during the meeting with Dan Eckert, Scholerman said they wanted to have a large right of way. 100' feet is more than what the County requires. In addition, the R-1 Suburban residential district requires a 75' foot setback for all principal structures.

Kidd asked if Eckert recommended anything else.

Kohlhaase said that there was a discussion about 235th street being gravel and future paving.

Scholerman said what he would propose is that when they reach 40 percent of the lots are sold the County would pave to the entrance of the development, and then at 80 percent sold the County would pave the entire half mile south of the development

Kohlhaase said that storm water was discussed.

Scholerman said there is a 350' feet buffer around the river that is A-2 Environmentally Sensitive.

Kohlhaase said that private sewer with the consideration of soil types, the approval or not would go to the Board of Health.

Scholerman indicated this is a low CSR producing field.

Kidd asked if it is being farmed.

Scholerman said that it is not farmable, the long term would be CRP.

Welle said that we are a growing County and it is a wonderful problem to have.

Kohlhaase asked who is the target market.

Scholerman said they are looking at selling the lots for about 60 to 100,000 dollars per lot. These are going to be higher end homes with covenants, where people want to commute a little bit, but close enough to the Iowa Great Lakes and Spencer.

Pam Jordan asked where the environmentally sensitive area is located.

Scholerman said it is right along the river, there is also a natural spring near the location of the pond.

Discussion on additional items regarding paving, watershed/drainage, topography, and soils.

The Planning Commission gave the applicants an approval to move forward with the preliminary plat.

Fifth item on the agenda was Old, Unknown, or other business to be discussed. There was none.

Sixth item on the agenda was Adjournment. Godfredson motioned to adjourn. Kidd seconded the motion. All were in favor.