

**DALLAS COUNTY
PLANNING & ZONING COMMISSION MINUTES**

The Dallas County Planning and Zoning Commission was called to order on **Tuesday, May 21, 2019 at 5:00 P.M., in the Dallas County Board Conference Room at 902 Court Street in Adel, Iowa**, by chairman Craig Walter. Vice Chair Richard Beechum, and members Gail Smith, John Brummett, Sherry James, and Michael Hegarty were present. Murray McConnell, Director; Samuel Larson, Senior Planner; and Elizabeth Kilson, Office Manager, were also in attendance.

Approve Agenda:

Motion by G. Smith **to approve** agenda as presented. **Seconded** by M. Hegarty. **Ayes unanimous. Motion carried.**

Approve Minutes of the last meeting of April 16th, 2019:

Motion by R. Beechum **to approve** the minutes of the last meeting of April 16, 2019 as written. **Seconded** by G. Smith. **Ayes unanimous. Motion carried.**

Old Business: (None)

New Business

C. Walter explained that items one and two would be combined under one motion; items three and four would be combined under one motion.

Item 1: A petition to consider approval of the Preliminary Plat of “Heckman Addition” on Parcel #1534100007 zoned R-1 (Suburban Estate) located in the NE1/4 of NW1/4 of Section 34, T78N, R27W (Van Meter Township) **for Matt Heckman (Civil Design Advantage).**

Item 2: A petition to consider approval of the Final Plat of “Heckman Addition” on Parcel #1534100007 zoned R-1 (Suburban Estate) located in the NE1/4 of NW1/4 of Section 34, T78N, R27W (Van Meter Township) **for Matt Heckman (Civil Design Advantage).**

Petitioner

Matt Heckman introduced himself as the property owner. He advised the commission that proposed lot 3 is to remain in the county; lots 1, 2, street lot A, and outlot Z are to be annexed into the City of Van Meter.

M. McConnell advised the commission where the city boundaries were on the map, and advised the lots that are to be annexed into the city are serviced by city utilities (sewer).

C. Walter asked for public comment – none spoke.

Commission had no comments or questions

S. Larson advised the lots meet the minimum criteria for the zoning in the county, and they meet the minimum criteria for the regulations in the city of Van Meter.

Motion by R. Beechum **to recommend approval of the Preliminary and Final Plat of “Heckman Addition”** on Parcel #1534100007 zoned R-1 (Suburban Estate) located in the NE1/4 of NW1/4 of Section 34, T78N, R27W (Van Meter Township) **for Matt Heckman (Civil Design Advantage).** **Seconded** by G. Smith. **Ayes Unanimous. Motion carried.**

Item 3: A petition to consider approval of the Preliminary Plat of “Sargent’s Second Addition” on Parcels #1505201001 and 1505226002 zoned A-1 (Agricultural) and A-2 (Agricultural/Floodplain/Conservation) located in Section 04, and 05, T79N, R27W (Van Meter Township) **for Roy Sargent (ABACI Consulting).**

**DALLAS COUNTY
PLANNING & ZONING COMMISSION MINUTES**

Item 4: A petition to consider approval of the Final Plat of “Sargent’s Second Addition” on Parcels #1505201001 and 1505226002 zoned A-1 (Agricultural) and A-2 (Agricultural/Floodplain/ Conservation) located in Section 04, and 05, T79N, R27W (Van Meter Township) **for Roy Sargent (ABACI Consulting).**

Petitioner

Mark McMurphy (ABACI Consulting) advised he was on the project. There are 98 acres, nine lots, 10 + acres each. He explained the “Number A” designation of the lots 2-5, to keep buildable lots out of the floodplain, and negate flood insurance on those lots. M. McMurphy advised they meet all the minimum criteria and concerns, and he would answer any questions the commission may have.

Comments from Staff

M. McConnell amplified what M. McMurphy stated about the “lot A” designation. Many lenders do not like floodplain on a property, and even if the building site is not in the floodplain, they may still require flood insurance. This technique has been used in the past, and it removes the floodplain from the buildable part of the lot. These lots are tied together and cannot be sold independently. The preliminary and final meet the requirements. He advised lot 9 has some existing, non-conforming buildings on them. They are currently used by the owner for agricultural related purposes. They are nonconforming as they do not meet current zoning setback requirements. The owners and the office have come to an agreement that the buildings can still be used for agricultural purposes and when lot 9 is sold, they must move the buildings on this lot or any other lot, to become conforming to zoning requirements.

With this approval, the office can recommend approval of the preliminary and final plats.

C. Walter asked for public comment – none spoke

Motion by R. Beechum to recommend approval of the Preliminary and Final Plat of “Sargent’s Second Addition” on Parcels #1505201001 and 1505226002 zoned A-1 (Agricultural) and A-2 (Agricultural/Floodplain/ Conservation) located in Section 04, and 05, T79N, R27W (Van Meter Township) **for Roy Sargent (ABACI Consulting). Seconded** by M. Hegarty. **Ayes** unanimous. **Motion Carried.**

Item 5: A petition to consider approval of the Preliminary Plat of “River Woods” on Parcels # 1526100006, 1526300003, 1526300004, 1526300013, 1526300012, zoned R-1 (Suburban Estate) located in the E1/2 of the SW1/4 of Section 26, T78N, R27W (Adel Township) **for Tom Gratias, GW Development LC (Civil Design Advantage).**

Petitioner

Emily Harding introduced herself as the engineer on the project from Civil Design Advantage. E. Harding advised River Woods is a residential development. Currently, the property is zoned R-1 Suburban Residential (1.5 acre minimum). There are approximately 67 acres, 27 proposed lots, with the private street as an outlot. The street is 26 foot back to back.

Comments from Staff

M. McConnell advised this area was zoned R-1 since 1974. If this property was up for rezone today, the office would prefer RE-1, which is a 3 acre minimum. The primary issue is the number of lots. There is no opposition from the county of the layout of the lots or the street, just a question of the number of lots that get approved. Ted Trewin, Environmental Health Administrator, has concerns and is holding approval until such a time when they can do feasibility study to determine if septic can be supported. M. McConnell asked if a soil study was done – E. Harding advised no, not yet.

M. McConnell advised the preliminary plat, under county regulations, is only reviewed and approved by P&Z commission and staff. It does not go on to Board of Supervisors. Only Final Plats do. He recommends if P&Z would like to approve, they could give preliminary approval of the plat, based on a positive recommendation from Environmental Health Administrator, and that would be resolved before the final plat could come before P&Z. The other option would be to table the preliminary plat until the time of the final plat, and approve the preliminary and final plats at the same time.

**DALLAS COUNTY
PLANNING & ZONING COMMISSION MINUTES**

Comments from the Public

Michael Murphy, 35881 Sample Ln, west of proposed development, voiced concerns about the proposed subdivision. He advised he moved in approximately 2 years ago, children ride the school bus. He is concerned about the site distance and the current speed limit of F-90 (55mph). Adding 27 additional lots will increase traffic, the west bound traffic is already heavy. He would like to see a reduced speed limit, a turn lane or an acceleration/deceleration lane added to F-90.

He has concerns about the storm water management plan. The proposed area has area exceeding 25% slopes. He brought up concerns about erosion from development up stream. He would like to see a better storm water management plan, adding additional sizing in the ponds, to help with even the small storms. Overall, M. Murphy would like to see a less dense development than what is proposed.

Gerald Graves, 28249 360th St, approximately 260ft west of proposed development. He developed a subdivision approximately 25 years ago (God's Green Acres). G. Graves advised the area is a critical zone, and it's the commission's duty to protect such areas. He believes the proposed development is too many houses on too steep of land, emphasizing the steepness of the land. He voiced concerns about the removal of trees, as the area is heavily forested. He gave a brief history of the area, explaining that a majority of the lots in this area are approximately 5 plus acres each. G. Graves advised this area is not comparable to Hickory Lodge. He advised himself and a few other neighbors all have berm/earth homes to have a low impact on the forest. He has concerns about overbuilding and development ruining the area, fertilizers from the small lots running into the streams and springs, worries about septic systems and the impact they will have once they fail, due to the terrain and environment. He asked that the commission apply the RE-1 minimum of 3 acres to this development as well.

Comments from Staff

M. McConnell advised that the office is still waiting on the review from the County Engineer; his office is the one who would approve an entrance. He is also to review the storm water detention plan and give a recommendation on that as well.

Tom Gratias and his son-in-law Al Willie are the ones behind the development. T. Gratias advised that this development is similar to the first phases of Hickory Lodge, not later phases. They wish to maintain as many trees as possible for each lot; only removing what is necessary (where the house and septic will go, as well as the road). They care about the environment and wish to keep it safe. He also stated that there are a lot of possibilities for septic options. They wish to create a place that people will love to live, and create a good tax base for the county. They are looking to get some sort of approval before they move forward and invest more money in studies. T. Gratias advised they are willing to work with the county to find a solution that works and appease any concerns that may have.

C. Walter asked T. Gratias if they considered 3 acre lots.

T. Gratias advised they did, but the entrance to the proposed area is very flat and narrow, and 3 acre lots there would have bad spacing and lots of distance between with no houses. They wished to follow the precedence that Hickory Lodge has set.

E. Harding wished to address the site distance concern and zoning. She advised the property is already zoned R-1, which has a 1.5 acre minimum and they are meeting those requirements. They are not asking for a rezone to RE-1. As for traffic: she spoke with Jeff Ockerman and he went out to look at the site where the street connection will be. She has not heard any comments from them yet.

M. McConnell advised the staff has not received comments either. He also questioned if Ockerman knew it was for a road with 20 plus lots. E. Harding responded that she sent them the preliminary plat.

E. Harding response to the storm water concerns: the plat shows three storm water retention ponds. Each pond meets the state criteria; there are ditch checks for the small storm to help prevent erosion. The offsite flow is factored in to the storm water management plan.

**DALLAS COUNTY
PLANNING & ZONING COMMISSION MINUTES**

G. Graves pointed out that topographically, Hickory Lodge is much flatter than this proposed development, and the lots are slightly larger. He also asked if Conservation had a chance to review the proposed development.

M. McConnell advised that this area was never zoned A-2, and the verbiage cited earlier in the meeting, about critical areas is for rezones, not developments, do not apply to this area. Conservation only has a right to review A-2 zoned areas. This area was zoned R-1 well before the A-2 critical areas section of the ordinance was ever created (approximately early nineties). We cannot retroactively apply that to this area. This area has been zoned R-1 since approximately 1975.

T. Gratias added they would work with the county to add a right turn lane if that was required.

C. Walter clarified that he was willing to add the turn lane; T. Gratias confirmed they were willing to work with the county to get it approved.

Comments from Commissioners

M. Hegarty asked what the dominant tree types were in the area, as that may indicate the soil type since they have not done any soil testing yet.

T. Gratias responded that they did not know, they wanted a preliminary approval before spending some real money to get the testing done.

C. Walter asked M. McConnell how the commission could address the concerns brought forth.

M. McConnell advised that he would prefer a three acre minimum, and historically it takes care of itself when there are too many lots in a space. Looking at previous subdivisions, one owner will buy multiple adjoining lots or they never have sold. M. McConnell agreed it was unfortunate that the County Engineer's review has not been submitted, and the Environmental Health Administrator will not give approval until there have been soil studies. With all the variables and unknowns, the commission could add a minimum lot size, or table the preliminary plat until those questions have been answered.

G. Smith agreed with tabling the preliminary plat, as the soil testing may sort all the concerns brought up today, especially the lot size issue.

T. Gratias wanted to add that the front area had houses before, and they had septic on them. He advised the lots in the rear would probably need different septic than the lots in the front. They just wanted a conceptual approval before investing more money into testing.

G. Smith agreed that the concept is good, but the details need to be worked out, whether it's the lot size or the septic. He felt the development would be a great place to live.

R. Beechum agreed with G. Smith, the concerns needed to be cleared up before they could make a decision. G. Smith added that if they had to loosen the lot size, it may make the process easier. The soil tests would give a clear indication on what would work and what will not. Tabling the preliminary plat would allow more time for the County Engineer to review and clear up the road concerns that many of the neighbors have.

T. Gratias has concerns about the 3 acre minimum, especially the lots in the front where there is no depth. He stated having an average of 3 acres for the lot size could work.

J. Brummett stated that he does not think there should be a 3 acre minimum condition. The property is already zoned to allow for 1.5 minimum acres. He stated it's more important to see how the soil testing goes, and if there is an appropriate septic available for the lot. He stated it's whether or not they want to give preliminary approval with some conditions and lay those out before the final plat can be approved.

M. Hegarty advised that some of the nonstandard septic systems have their own issues, and installing them onto steep lots may not be a good decision. These nontraditional systems put off hydrogen sulfide, and downhill or breezy days may give off offensive odors. He is very interested in seeing the soil testing results and how the water management plans provide for that runoff.

**DALLAS COUNTY
PLANNING & ZONING COMMISSION MINUTES**

C. Walter asked the commission if they wanted to table the preliminary plat.

J. Brummett stated he would give preliminary approval with conditions.

R. Beechum stated he would table it, since both motions would give the same result – all the concerns have to be addressed before the commission can review the final plat.

G. Smith agreed that the soil test would give a clear indication on the lot size concern.

T. Gratias asked for approval with conditions so there is a clear list of what needs worked on.

R. Beechum explained that either motion would give the same results – all concerns would need to be addressed before the final plat can come for review. He did not want to give approval on something that may not be allowed, he didn't mind the lot size.

T. Gratias wanted clarity on the lot layout.

M. McConnell advised that for a middle ground – if the commission agrees – is that they could hear both the preliminary and final plats at the same meeting, to save time for the development.

Motion by R. Beechum **to table the Preliminary Plat of “River Woods” until the County Engineer’s report and the Environmental Health Administration concerns are met**, on Parcels # 1526100006, 1526300003, 1526300004, 1526300013, 1526300012, zoned R-1 (Suburban Estate) located in the E1/2 of the SW1/4 of Section 26, T78N, R27W (Adel Township) **for Tom Gratias, GW Development LC (Civil Design Advantage).** **Seconded** by S. James. **Ayes** by R. Beechum, G. Smith, S. James, M. Hegarty, and C. Walter. **Nay** by J. Brummett. **Motion carried** five to one.

T. Gratias asked what all was needed for the next steps.

M. McConnell advised they needed review back from the Engineers office about the storm water management plan, and the entrance to F-90, and the Environmental Health – whatever it will take to get a positive approval from them.

E. Harding asked for additional feedback. C. Walter responded that there was plenty of discussion that took place tonight. The motion has already been made and seconded, so no further action could take place.

J. Brummett asked if they could amend the motion to have conditions.

G. Smith asked M. McConnell liked the lot sizes. He responded no, but he said that not all the lots have to be 3 acres.

C. Walter suggested they could review the lots and see if any combinations could happen, or adjust them. Not all have lots have to be three acres, but some can be adjusted to be larger.

T. Gratias stated he wanted the preliminary approval, and that by tabling it, there was nothing to work with.

C. Walter advised there was plenty to work with, the three items that have been discussed.

Motion by R. Beechum **to adjourn meeting. Seconded** G. Smith. **Ayes unanimous. Meeting adjourned.**

An audio recording of this meeting is available upon request from the Dallas County Department of Planning & Development.

