



SPIRIT LAKE PLANNING AND ZONING

Planning & Zoning Meeting

Spirit Lake City Hall

June 4, 2024

6:30 PM

Ceremonies: Chairperson Chris Fourroux called the meeting to order at 6:30 pm. Roll call was taken with Chairperson Chris Fourroux, Vice Chairperson Jill Shacklett, Commissioner DB Thomas, and Commissioner Terry Moore present. Commissioner Barbara Brown absent.

Consent Calendar: Approval of May 7, 2024 Regular Meeting Minutes and May 28, 2024 Workshop Minutes.

Commissioner DB Thomas made a motion to approve the May 7, 2024 Regular Meeting Minutes. Second by Vice-Chairperson Jill Shacklett, followed by a vote with all Commissioners voting aye – motion passed. Commissioner DB Thomas made a motion to approve the May 28, 2024 Workshop Minutes. Second by Commissioner Terry Moore, followed by a vote with all Commissioners voting aye – motion passed

Public Hearing: Bill Daum and Brian Rush, seeking preliminary plat approval for Colton's Acres Subdivision located North of the right of way line of State Highway No. 54 and Easterly of the East boundary of Blackwell Addition, Phase I. Legal: Parcel # S-0000-008-1600 and S-0000-008-1640

Chairperson Chris Fourroux prefaced the hearing by explaining the public hearing process and guidelines.

Chairperson Fourroux asked for any declarations from the Commission. Commissioner DB Thomas recused himself from the decision. Chairperson Fourroux disclosed that he has voted on this plat twice in the past. Once not in favor of recommending approval and once in favor of recommending approval to Council, after some of the issues with the plan had been addressed. Chairperson Fourroux motioned to open the Public Hearing for the Preliminary Plat. Vice-Chairperson Shacklett seconded the motion, followed by a roll call vote with all Commissioners voting aye – hearing opened at 6:38 pm.

Applicant presentation:

Eric Olson of Olson Engineering, representing the applicants, provided a presentation on the Colton's Acres subdivision, beginning with the history of this project which began in 2021. Mr.

Olson explained that his project was placed on hold due to the City's need for a new well. The City is nearing the end of the application process for water rights and will be drilling a new well soon. The developer is hoping to begin developing this land in the spring.

Mr. Olson showed in the plan where Stark St, Stilson Ave, and Barbara Ave will all be extended in this development. Barbara Ave will provide an exit for the subdivision onto Hwy 54. There will be 57 lots that are approximately ½ acre each which meets the current zoning requirements for this area. Per City Code, the plan also includes a lot that is just over one-acre that they would like to be used as a park.

Mr. Olson went on to provide an overview of the infrastructure improvements that will be made for this project and explained that all improvements are in accordance with City Code and will tie into existing City services. He explained that all proposed improvements and design are intended to meet the requirements laid out in the City's Comprehensive Plan.

Commissioner questions:

Vice-Chairperson Shacklett asked for clarification on the upgrades to Hwy 54. Mr. Olson explained that in the pre-development meeting with the City, it had been decided that the City would not require a traffic study but the developer would make the improvements that ITD would require in this situation.

Chairperson Fourroux asked if it is the developer's intention to build-out the one-acre parcel into a park. Mr. Olson explained that Spirit Lake code does not require the developer to build the park. Chairperson Fourroux followed up by asking if the land would be dedicated to the City as a park, because City code only requires a municipal land donation and does not specify use. Mr. Olson explained that it would be the developer's preference if it were a park.

Public Testimony:

Pete Ward stated that the previous hearings raised concerns about the sidewalks and the park, to which the applicant addressed and corrected the issues. He is still concerned about water pressure and fire flow in the area. He would also like to make sure streetlights and traffic control are addressed in the final plat process. The current plan does not indicate stop signs or streetlights at some intersections.

Ed Faranda also voiced concerns about water pressure and fire flow. He would like to see the developer use streetlights that direct the light downward. He does not want to see the park area turn into an overgrown lot. He also has concerns about how this development will affect property values and property taxes, and he would like to see an updated traffic study.

Jaclyn Wakefield stated that she is neutral on the development but wants to make sure the developer is paying their share of development impact fees based on the additional homes and traffic created due to this project. She would also like to see the developer finish the front yards of the new homes with sprinkler systems and landscaping prior to selling each home.

Erv Nave shared concerns about necessary improvements to Hwy 54 and the trees that would need to be removed there. He stated he has low water pressure and is concerned about water and sewer issues. The park and schools are also concerns.

Deborah Holland chose not to approach the podium, stating that everyone had already said what she was going to say.

Lynn Cole is completely against this. Traffic and schools will be impacted. Daum homes scare her. She listed complaints from owners of homes constructed by Daum, including roofing, flooring, and grade issues. She believes the fire department should be involved in the building permit process.

Sonya Diaz did not wish to speak but donated her time to Lynn Cole. Ms. Cole went on to express concerns about construction quality and home warranty issues. She then circled back to water pressure concerns and the need for a back up system.

Timothy Rogers did not wish to speak but signed in as opposed to the project.

Rebuttal from Mr. Olson:

Fire flow concerns: the City engineer requested off-site improvements for this project and those improvements will be discussed in the final design. Streetlights: will be addressed with the City engineer in final design and he expects they will be at each intersection. Impact fees: yes, impact fees are very important and the City needs to be sure the fees charged to builders are taking care of the growth. The studies need to be updated regularly and the builders are required to pay them. Traffic: they are planning improvements to Hwy 54 and streets adjoining the subdivision that should address the impact. Front yards (grass, trees, sprinklers): on the builder's property it is up to them. In the right-of-way they will follow City Code requirements. Sidewalks on Blackwell and Stark: sidewalks will be built within the subdivision, not on existing streets. Sewer and water: the developers purchased 43 sewer connections for this development, so capacity is available. Hwy 54: add approximately 7-8 feet in addition to the turn lane, but all work will be done within the ITD right-of-way with no encroachment on private property. Construction complaints: those are building issues and not what we are here to talk about tonight.

Mr. Olson added that Mr. Daum and Mr. Rush are willing to add an additional \$1000 per lot above the required impact fees at the time the building permits are issued, to be dedicated to developing this park.

Due to this new information, Chairperson Fourroux re-opened public comment.

Sonya Diaz doesn't see how that will improve how the houses look. She doesn't feel that is enough.

Ed Faranda stated that landscaping in front of new homes is more important.

Lewis Purcell would like clarification on whether code requires a park or not. He agrees with adding the money if the area is dedicated as a park.

Vice-Chairperson Shacklett motioned to close the Public Hearing. Second by Commissioner Thomas, followed by a roll call vote with all Commissioners voting aye - Public Hearing closed at 7:28 pm.

New Business:

- a. Bill Daum and Brian Rush, seeking preliminary plat approval for Colton's Acres Subdivision located North of the right of way line of State Highway No. 54 and Easterly of the East boundary of Blackwell Addition, Phase I. Legal: Parcel # S-0000-008-1600 and S-0000-008-1640

The Commission discussed the Preliminary Plat application and the Public Hearing findings. Commissioner Moore addressed the water pressure and flow issues. He stated that he recently spoke with Tim (Public Works Director) and Tim told him the fire flow and water pressure would be okay.

Vice-Chairperson Shacklett read aloud the City Engineer's report on water in this development:

4. 10-3-6: Improvement Standards

A.2 Street, Water and Sewer Standards:

Water: Proposed water distribution system is 8-inch in size with individual metered services to each lot and valving at interconnection location. The distribution system will be connected into the existing City system at Stark St., Stilson/Blackwell, as well as Barbara/Blackwell. This creates a looped system throughout with one dead end mainline, roughly 200-ft in length, serving lots 1,2,3 of Block 3. A hydrant is required at the end of that dead end mainline for flushing purposes. The IDEQ is not currently approving water mainline extensions within the City of Spirit Lake until Well No. 6 is constructed and online. This restriction is in reference to the system's lack of redundancy with their current sources.

A.5 Adequate Fire Protection: The Spirit Lake Fire Protection District will determine the minimum fire flows required for the development. It will be up to the developer to address any offsite improvements to the water system necessary for fire projection purposes. The Spirit Lake Fire Protection District will also determine the appropriate locations for fire hydrants.

Commissioners discussed this statement acknowledging that a looped system will help, but still question if additional improvements are needed.

Commissioner Moore and Chairperson Fourroux each addressed streetlights. It was determined that streetlights should have been included in this Preliminary Drawing. The Commission continued reviewing the Engineer's report to see if everything had been covered. Chairperson Fourroux brought up the comment on the City Engineer's report requiring curbing within the development. Mr. Olson stated that their plans do not include curbing in the on the new streets, but that requirement can be addressed as part of the final design.

Chairperson Fourroux then read aloud the City Engineer's recommendation, "The comments reflected herein are minor in nature and can be addressed during the design phase of the subdivision. Recommendation is for approval of the preliminary plat as noted above."

Chairperson Fourroux clarified that the City engineer has identified some issues with the Preliminary Plat, but they are easily addressed in the next phase of planning.

Commissioner Moore asked Deputy Clerk Dawn Eaton if City Code requires builders to improve front yards as part of the construction process. The answer was no. The Commission also discussed that they are aware that many of the City's ordinances need to be updated. It is difficult to find the balance between additional requirements and individual property rights. Ordinances would need to be updated by the City Council.

To address public comments, the Commission discussed the fact that this review is for the division of land only and has nothing to do with the building contractor. Planning and Zoning does not review the building plans or advise on building code concerns.

Following the Commissioners' discussion, Chairperson Fourroux wished to read one additional written comment that was not addressed during the public hearing.

Vice-Chairperson Shacklett motioned to re-open the Public Hearing. Commissioner Thomas seconded, followed by a roll call vote with all Commissioners voting aye – hearing re-opened at 7:53 pm.

Chairperson Fourroux read a comment provided by Timothy Rogers as follows: “Water pressure in the summer is still bad even after the last hearing. What has been done to add more water pressure or water to the system? I think if a new development goes in they should pay for all the improvements as add any new water wells to the system.”

Chairperson Fourroux provided an opportunity for rebuttal, to which Mr. Olson stated that similar comments had been previously addressed.

Vice-Chairperson Shacklett motioned to close the Public Hearing. Commissioner Moore seconded, followed by a roll call vote with all Commissioners voting aye – hearing closed at 7:54 pm.

Commissioner Moore asked Dawn if all required fees have been paid up to this point. The answer is yes. Vice-Chairperson Shacklett also asked for clarification that this is just the Preliminary Plat and the next step is to go back to the engineer to finalize the plan. Dawn explained that, yes, next the applicant will make the revisions that the City Engineer has requested plus add the additional details that are required. Once the Final Plat is reviewed by the City Engineer, it will come back to Planning and Zoning for another recommendation to Council.

Vice-Chairperson Shacklett asked Chairperson Fourroux if the Commission should consider the water and sewer capacity issues. Chairperson Fourroux answered that the Commission is here to review the plan, which has been reviewed by our engineer. The engineer knows a lot more about the water and sewer capacity than the Commission does.

Chairperson Fourroux asked if the required agencies had been notified. Dawn stated that yes, I was included on an email of notification, but there have been no responses yet. Dawn also stated that the Lakeland School District invited me to a Long-Range Planning meeting last fall, where I shared this proposed plan as well as the other plan that is currently on hold. The school district is aware that these homes are coming.

Commissioner Moore asked for more information on the traffic study. Dawn asked Mr. Olson to clarify if a traffic study had been done. Mr. Olson stated that they provided a trip generation and distribution letter rather than a study. It provides traffic counts rather than impacts.

Dawn, again, followed with additional information regarding Hwy 54. ITD is planning a widening project for Hwy 54 beginning this preparation (moving utilities and clearing trees) beginning this summer and the construction next summer. Dawn has already forwarded the traffic counts provided in the application to ITD for them to consider in their widening project. Addressing an earlier comment about removing trees for the turn lane, I stated that ITD may remove them as part of the widening project anyway.

With no further discussion, Vice-Chairperson Shacklett acknowledged the minor revisions outlined in the City Engineer’s report and motioned to recommend City Council approval of this

Preliminary Plat application. Commissioner Moore seconded the motion, followed by a roll call vote with Vice-Chairperson Shacklett, Chairperson Fourroux, and Commissioner Moore all voting aye. Commissioner Thomas had previously recused himself. Motion passed.

Request to speak to Commission: none

Adjournment: Commissioner Terry Moore motioned to adjourn the meeting, seconded by Vice-Chairperson Jill Shacklett. Meeting adjourned at 8:04 pm.

Written by:


Dawn Eaton, Deputy Clerk

Accepted:


Chairperson Chris Fourroux