

Dubuque County Zoning Commission Minutes of February 16, 2021

Chairperson Sam Boyes called the meeting to order at 6 p.m.

1. ROLL CALL: Members present via a Zoom teleconferencing meeting: Jerry Sigwarth, Cathy Caitlin, Sam Boyes and Kathleen Scherrman. Members present at the Dubuque County West Campus, 1225 Seippel Road: Ken Runde. Staff Present at the Dubuque County West Campus, 1225 Seippel Road: Tammy Henry and Angela Steffens.

2. APPROVAL OF MINUTES: A motion was made by Mr. Runde, **seconded by Ms. Caitlin, and passed unanimously to approve the minutes of the January 19, 2021 meeting. Vote: 5-0.**

3. PLAT APPROVAL:

a) Plat of Survey of Gibbs Subdivision-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Gibbs Subdivision comprised of Lot 1 of the NE ¼ of the SW ¼ and comprised of Lot 2 of the NW ¼ of the SE ¼ all in Section 13, (T88N-R1W) Taylor Township, Dubuque County, Iowa.

The property is owned by Joseph Gibbs and is located .52 miles southeast of the City of Epworth along Lone Pine Road with a total of 19.21 acres surveyed. The property is zoned A-1, Agricultural. The purpose of the plat to allow the sale of Lot 1 to the adjoining neighbor, Ryan & Katie Demmer.

The survey creates 2 lots. Lot 1 has a total of 5.28 acres surveyed and it will be sold the neighbor and will remain in agricultural use. Lot 2 has a total of 13.93 acres surveyed and will remain in current ownership and agricultural use.

Lot 1 and Lot 2 will both use existing access from adjoining land owned by the property owners.

Speaking to the Board was Bill Burger, Burger Land Surveying, 510 3rd St. W Court, Worthington. Mr. Burger said they are basically splitting the lot down the middle. He said the buyer will farm everything on the east side of the creek and Mr. Gibbs will continue to farm everything west of the creek.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Mr. Sigwarth, **seconded by Ms. Scherrman to approve the plat. The motion passed unanimously. Vote 5-0.**

b) Plat of Survey of Dietz Farm Subdivision Plat 5-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Dietz Farm Subdivision Plat 5 a division of Lot 4 of Dietz Farm Subdivision Plat 4 Section 14, (T89N-R1E) Center Township, Dubuque County, Iowa.

The property is owned by Dietz Century Farm LLC and is located .58 miles northwest of the City of Asbury along Derby Grange Road with a total of 17.287 acres surveyed. The property is zoned R-2, Single Family Residential. The purpose of the plat is to sell Lot 1 to the grandson with the rest of the farm on the north side of Derby Grange Road.

The survey creates 2 lots. Lot 1 has a total of 2.005 acres surveyed with grain bins and a machine shed that will be sold to the grandson and will remain in agricultural use. Lot 2 has a total of 15.282 acres surveyed and it will remain in current ownership and agricultural use.

Lot 1 will use an existing field entrance off of Derby Grange Road. Lot 2 will use an existing shared entrance off of Lewis Road.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St. North, Farley. Mr. Schneider said the grandson needed the buildings across the road for the farming operation so Mr. Dietz wants to plat those off so he can sell it to him. He said the City of Asbury did approve this plat earlier that evening.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Ms. Caitlin, **seconded by Mr. Sigwarth to approve the plat. The motion passed unanimously. Vote 5-0.**

c) Plat of Survey of Hoeger Farm Subdivision-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Hoeger Farm Subdivision comprised of the W ½ of the SE ¼ of the NE ¼ Section 7, (T89N-R2W) New Wine Township, Dubuque County, Iowa.

The property is owned by John Hoeger and is located adjacent to the City of New Vienna along Vaske Road with a total of 20.06 acres surveyed. The property is zoned A-1, Agricultural and A-2, Agricultural Residential. The purpose of the plat is to separate Lot 2 that was approved on ZC#10-21-20 to A-2, Agricultural Residential to allow the daughter and son-in-law to build a new home on the farm to continue to assist in the farming operation.

The survey creates 2 lots. Lot 1 has a total of 18.85 acres surveyed and will remain in current ownership and agricultural use. Lot 2 has a total of 1.21 acres surveyed and will be the site of the new home for the daughter and son-in-law.

Lot 1 will use a 30' wide access easement across Lot 2. Lot 2 will use an approved residential entrance permit #20-47 off of Vaske Road.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St. North, Farley. Mr. Schneider said this is a follow up plat for a previous rezoning. He said if there were any questions he would be happy to answer them.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Ms. Scherrman, **seconded by Mr. Sigwarth to approve the plat. The motion passed unanimously. Vote 5-0.**

4. REZONING CASES:

ZC#02-03-21 William & Dianne Ernzen and Jeff & Barb Bergfeld A-1 Agricultural to R-2 Single Family Residential

The applicants are requesting to rezone from A-1, Agricultural to R-2, Single Family Residential 2 acres to allow their daughter and son in law to build a future home. The property, located adjacent to the City of Dyersville along Olde Castle Road and is legally described as Lot 1 Heritage Acres Section 5, (T88N-R2W) Dodge Township, Dubuque County, Iowa.

The property is owned by William & Dianne Ernzen. Zoning in area includes A-1, Agricultural to the north, south and west. R-2, Single Family Residential to the east and west. R-3, Single Family Residential to the north. The R-2, Single Family Residential to the east on ZC#05-17-02 was to allow 10 acres to be rezoned for residential lots. The R-2, Single Family Residential to the west on ZC#06-18-06 was allow 20 acres to be rezoned for a residential development. The R-3, Single Family Residential to the north on ZC#9000-15-70 was to allow for a single family home. The R-3, Single Family Residential to the north on ZC#9000-15-79 was to allow for the construction of a single family home. The R-3, Single Family Residential to the north on ZC#9000-13-81 was to allow for the construction of a single family home. The R-3, Single Family Residential to the north on ZC#02-08-98 was to allow for the construction of a single family home. The R-3, Single Family Residential to the north on ZC#09-27-03 was to allow a single family home into compliance with the Zoning Ordinance. There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Twenty-eight (28) rezoning notifications were sent to the property owners and the City of Dyersville was notified.

Comprehensive Plan Policy Chapter 9 Agricultural and Natural Resources page 134 objective 3.1 and Chapter 8 Housing page 122 objective 12.7 may apply to this case.

Ms. Henry explained that there is a lot of residential zoning in the area. She said they did not receive any comments back from Dyersville.

Speaking to the Board was Jeff Bergfeld, 403 1st Ave E. Farley, Mr. Bergfeld said that he thought what Ms. Henry said covered everything.

Ms. Caitlin asked why the applicants wouldn't just build a house and leave the property zoned A-1 as it is. Ms. Henry said they can't separate one acre in the A-1 district. She said they are not buying the whole parcel they are only buying 2 acres. Ms. Caitlin asked why the A-2 is not an option. Ms. Henry said it is not because they are not going to be farming the parcel. Ms. Caitlin said she is concerned about how much agricultural land is taken away because we can never get that back.

Ms. Boyes said because it is family she is fine with the rezoning request.

Mr. Sigwarth said the property is so close to Dyersville that he thinks it will eventually be in the City of Dyersville.

Ms. Boyes asked if there were any questions. No one spoke.

A motion was made by Mr. Sigwarth, **seconded by Mr. Runde to approve the rezoning. The motion passed. Vote 4-1. Mr. Sigwarth, Mr. Runde, Ms. Scherrman and Ms. Boyes voted in favor of the motion, Ms. Caitlin voted against the motion.**

ZC#02-04-21 Coates Development and Ryan & Jessi Coates M-1 Industrial Conditional to M-1 Industrial Conditional

The applicants are requesting to rezone from M-1, Industrial Conditional to M-1, Industrial Conditional 5 acres to allow Coates Development to rent space to the existing business known as, Skyline Diesel, to get the property into compliance with the current M-1, Industrial Conditional Zoning Agreement. The property, located 0.75 miles east of the City of Peosta along Cottingham Road and is legally described as Lot 3 Cottingham Road Subdivision Section 14, (T88N-R1E) Vernon Township, Dubuque County, Iowa.

The property is owned by Coates Development LLC. Zoning in the area includes R-1, Rural Residential to the north, south, east and west. R-2, Single Family Residential to the northeast and southeast. B-2, Highway Business to the west. M-1, Industrial to the east. The R-2, Single Family Residential to the northeast on ZC#10-30-02 was to allow for 45 acres to be rezoned for a single family residential development. The R-2, Single Family Residential to the southeast on ZC#07-22-02 was to rezone 230 acres to allow for a less restrictive setback requirement for a new residential development. The M-1, Industrial to the east on ZC#04-05-12 was to allow 18 acres to be rezoned with conditions placed on six (6) of the lots. The M-1, Industrial to the east on ZC#01-01-02 was to rezone 45 acres to allow for warehousing, storage and trucking services. The M-1, Industrial on ZC#03-10-06 was to rezone 1.97 acres to allow for a Trade & Contractors Office. The M-1, Industrial to the east on ZC#03-07-07 was to rezone from 2.198 acres to allow for Auto Body Repair & Painting including auto sales and outside storage of vehicles. The M-1, Industrial to the east on ZC#09-15-05 was to rezone 1.25 acres to allow for the construction of a Heating & Air Conditioning Installation Business.

There are two (2) previous zoning case attached to this property. They included ZC#11-37-16 which was to allow for the construction of an 80' x 120' building that would be used for an office and shop for Midwest Concrete. The second case was on ZC#04-13-19 which was to allow 3 acres to be rezoned to enlarge the existing M-1, Industrial zoned area to include the current and future expansion. Both cases were given a Conditional Rezoning Agreement with the conditions:

1. That a tree buffer is maintained between the home to the north and the business.
2. That the rezoning is for a contractor shop and office only.

There are no Special Use Permits attached to this property. Two (2) rezoning notification letters were sent to the property owners and the City of Peosta was notified.

Comprehensive Plan Policy Chapter 9 Agricultural and Natural Resources page 135 objective 5.4 Chapter 12 Land Use page 179 Objective 3.5 and Chapter 7 Economic Development page 105 objective 3.2 and 3.4 may apply to this case.

Ms. Henry explained that Ryan and Jessi want to add another building to their property. She said that in doing this they needed a variance and when she went to the property to take pictures she notice there was another business there called Skyline Diesel. This business was not approved to be there so that placed them in violation. She said the Coates's didn't realize that they couldn't rent this space out to another business. Ms. Henry said that they went before the Board of Adjustment on February 2, 2021 and were

approved with the condition that they get their conditional agreement changed and add Skyline Diesel.

Speaking to the Board was Ryan & Jessi Coates, 9885 Cottingham Road, Peosta. Mr. Coates said he could answer any questions.

Speaking to the Board was Patrick Brehm, 9919 Cottingham Road, Peosta. Mr. Brehm said he has no problem with this case but said there could be in the future a road that adjoins Cottingham Road and just wanted the Board to be aware of this. He said the Coates's have always been good neighbors and has no objections to what they are doing.

Ms. Boyes asked if they could condition it to a particular business. Ms. Henry said yes they can and that the Coates's have no intention of renting additional space to any other business.

Mr. Coates said he is fine with conditioning it to just the Skyline Diesel business because they are not going to rent to any other business. He said the owner of that business is a friend of theirs and was doing work for their business and that's why he was renting that space.

Mr. Sigwarth said he thinks they should make the condition more general so they don't have to keep coming back before the Board. He thinks it's a good idea to promote these small businesses. Mr. Breitbach agreed with this.

Ms. Caitlin said she thinks they should condition it to what the owners are asking for because that is the notice that they have given to the public.

Mr. Runde asked if they could put a condition that if they sold their house the condition would end. Ms. Henry said their house is on a separate lot and they are only looking at the property with the businesses.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Mr. Sigwarth, **seconded by Ms. Caitlin to approve the rezoning, with the condition that 5 acres more or less stay zoned M-1, Industrial and that a tree buffer is maintained between the home to the north and the business and that the rezoning is for a contractor shop, office and diesel/automotive repair shop. The motion passed unanimously. Vote 5-0.**

ZC#02-05-21 David & Rose Schneider A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 1 acre to allow the separation of the existing farm home from the crop ground for financing purposes. The property, located 1.96 miles south of the City of Holy Cross along Schneider Road and is legally described as Lot 1 NW SE Section 31, (T90N-R1W) Concord Township, Dubuque County, Iowa.

The property is owned by David & Rose Schneider. Zoning in the area includes A-1, Agricultural to north, south, east and west. There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. One (1)

rezoning notification letter was sent to the property owners and the City of Holy Cross was notified.

Comprehensive Plan Policy Chapter 9 Agricultural and Natural Resources page 134 Objective 3.1 and Chapter 8 Housing page 122 Objective 12.7 may apply to this case.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st Street N. Farley, Mr. Schneider said they would like to split off the crop ground from his house for financial purposes. He said the farm buildings need some work and he will need to use the house for collateral to do the repairs. He said they want to separate one acre.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Ms. Caitlin, **seconded by Mr. Sigwarth to approve the rezoning, with the condition that 1 acre more or less be rezoned to A-2, Agricultural/Residential for one home only and the remainder will stay A-1, Agricultural. That the balance of the parcel is not allowed to have another dwelling unless the property is rezoned for that use. The motion passed unanimously. Vote 5-0.**

ZC#02-06-21 Trappistine Nuns/Sister Myra Hill R-2 Single Family Residential to PC Planned Complex

The applicants are requesting to rezone from R-2, Single Family Residential to PC, Planned Complex 62 acres to reorganize the facilities at the Trappistine Abbey according to the Nuns required lifestyle. This will include replacing some of the outdated retreat houses and remove & relocate the current Welcome Center/Gift Shop. The property, located 4.14 miles southeast of the City of Dubuque along Hilken Hill and Abbey Hill Lane and is legally described as Lot 2 in Hilken Hill Place in Section 27, except the Westerly 551.89' feet, Lot 1 of Lot 2 and Lot 2 of Lot 2 of Lot 2 in the SE ¼ of the SW ¼, Lot 1, Lot 1 of Lot 2 and Lot 2 of Lot 2 in the SW ¼ of the SE ¼, the NW ¼ of the SE ¼, and part of the SW ¼ of the NE ¼ described as beginning at the SW corner of said SW ¼ of the NE ¼, thence northeasterly to a point 900' feet E and 300' feet N of said SW corner, thence southeasterly to the SE corner of said SW ¼ of the NE ¼, thence W to the point of beginning all in Section 22 and all located in (T88N-R3E), Mosalem Township, Dubuque County, Iowa.

The property is owned by the Trappistine Nuns Inc. Zoning in the area includes R-1, Rural Residential to the south. R-2, Single Family Residential to the north, south, east and west. R-3, Single Family Residential to the northeast and south.

The PC, Planned Complex will include the Trappistine Abbey Sisters Residence, Offices and Church, Candy Production and Mail Order Sales. It will also include a Double House used for guests & Retreatants, Sister Hermitages and the Sister's Cemetery. The Trappistine Nuns are planning on constructing a new Retreat House for guests and they plan on adding additional Sister Hermitages to the property in the future. They are also planning to move the location of their existing Gift Shop and Welcome Center to the home that they purchased at the entrance of their property off of Hilken Hill Road. The Gift Shop and Welcome Center will be in the lower level of the home and a parking area will be constructed adjacent to the home. The main level and upstairs of the home will be used for the caretaker, visiting clergy or rented out. The PC, Planned Complex will follow the R-2 setbacks which consists of 50' front & rear yard setback and a 20' side yard setback. The

Trappistine Abbey Sisters are requesting this change to allow them to make some changes in the future to fit both their service needs and Serquestrial Lifestyle.

There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Ten (10) rezoning notification letter were sent to the property owners and there was no city notified.

Comprehensive Plan Chapter 12 Land Use page 180 objective 9.1 and 9.3 may apply to this case.

Ms. Henry said the Sisters are currently using this property as a PC, Planned Complex and have several different uses on the property. She said they worked with Mr. Schneider and the Sisters to come up with a plan that would not make the Sisters come in and make a request every time they wanted to do something on their property. This rezoning would allow them more growth and expansion. She said they will still have to get permits for everything they do.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st Street N. Farley, Mr. Schneider said the Trappistine Nuns had purchased a house at the end of their driveway so they could move and separate their candy sales, gift shop and their visitor center. He said instead of keeping it as a residential zoned property and rezoning each piece to accommodate the uses it would make more sense to zone it to a PC. He said there are some facilities that need to be replaced because they are old so they are trying to figure out what needs to be removed and where the new ones will be built in an effort to better serve the Sisters. The Sisters would like their business away from their living quarters.

Ms. Caitlin asked if they can have their business in a PC zoned district. Ms. Henry said yes this does allow for all the uses that the Sisters are doing. She said that if in the future the Sisters want to do something that is not in the PC they would have to come back and request that. Ms. Henry read the description of the PC, Planed Complex District-

"PC" PLANNED COMPLEX DISTRICT

The PC Planned Complex District is intended to encourage flexible and innovative design in the development of appropriate 10-acre or larger sites as one integrated project. It would allow residential, commercial and industrial developments or combinations of those uses that are complementary and integrated, all in the same area. This district requires a site plan drawn to scale showing the location of all streets, lots, buildings with exterior dimensions and designated parking areas, sewer and water facilities and uses labeled. A written statement must accompany the site plan explaining how the development meets the purpose and intent of the ordinance, is in accord with the future land use map, benefits the general public and meets the generally accepted principals of good planning. Any amendments to the plan will be required to follow all regulations and procedures of the original plan.

Mr. Schneider said in the next couple of years the Sisters plan on an apartment type building for their retreats and this would not fit in the R-2, Single Family Residential district.

Ms. Caitlin wanted to make sure the comment was read in.

Ms. Henry said there was one comment from John Weimerskirch, 7646 Windy Ridge, Dubuque. Mr. Weimerskirch said he is in favor of the rezoning as long as it does not change his zoning.

Ms. Boyes asked if anyone had any questions. No one spoke.

A motion was made by Ms. Caitlin, **seconded by Mr. Runde to approve the rezoning. The motion passed unanimously. Vote 5-0.**

5. OLD BUSINESS:

Ms. Henry said that the Kordell Properties, Broadview Court LLC and Mary Ferring R-1 Rural Residential, R-4 Multi-Family Residential & B-2 Highway Business to M-1 Industrial was approved by the Board of Supervisors and the Jeffrey & Wanda Pape A-1 Agricultural to M-1 Industrial has been tabled. She said that Mr. Pothoff is working with them to find a solution for them to get the Home Based Business.

Mr. Sigwarth said he felt like the Board did not have the DOT information regarding the Jeff Pape case. Ms. Henry explained that she did not get that information until after the Zoning meeting. She also said that the information she received after the Zoning meeting was forwarded to the Board of Supervisors. Mr. Sigwarth said the Kirsch's should have brought that information to the Zoning Board so they would have understood the situation better.

6. NEW BUSINESS:

Ms. Henry said that her and Ms. Steffens have been working on the "Parts 3-13 and the A-2 Agricultural Residential district of the Ordinance and she will be sending this information out to the Zoning Board for their review. She said that they are also looking into what someone would have to do to convert a shouse back into a garage without making the owner tear it apart. She said that she talked with the County Attorney and he recommended putting something in the Parts of the Ordinance to explain what the owner would need to do. She said the Assessor would tax the building according to its primary use.

7. PUBLIC COMMENTS: None

8. ADJOURNMENT: A motion was made by Ms. Caitlin., **seconded by Mr. Runde to adjourn the meeting. The motion passed unanimously. Vote: 5-0. The meeting ended at 7:23 p.m.**