

Dubuque County Zoning Commission

Minutes of May 18, 2021

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

1. ROLL CALL: Members present via a Zoom teleconferencing meeting: Cathy Caitlin, Kathleen Scherrman and Ron Breitbach. Members present at the Dubuque County West Campus, 1225 Seippel Road: Kevin Soppe, Jerry Sigwarth, Sam Boyes and 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. Sigwarth, **seconded by Mr. Runde, and passed unanimously to approve the minutes of the March 30 and April 20, 2021 meeting. Vote: 7-0.**

3. PLAT APPROVAL:

a) Plat of Survey of Vize Place #2-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Vize Place #2 comprised of Lot 3 of Vize Place Section 36, (T89N-R1E) Center Township, Dubuque County, Iowa.

The property is owned by Deborah Vize and is located adjacent to the City of Dubuque along Cottingham Road with a total of 4.997 acres surveyed. The property is zoned R-1, Rural Residential and C-1, Conservancy. The purpose of the plat is to create a lot that will be sold to a family member to build a new home.

The survey creates 2 lots. Lot 1 has a total of 1.182 acres surveyed and will be the site for the new home for a family member. Lot 2 has a total of 3.815 acres surveyed and will remain in current ownership and use.

Lot 1 and Lot 2 will use an existing 66' wide access easement off Cottingham Road.

Speaking to the Board was Terry Koelker, Buesing & Associates, 1212 Locust St. Dubuque. Mr. Koelker said the plat meets all the ordinances required.

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

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to approve the plat. The motion passed unanimously. Vote 7-0.**

b) Plat of Survey of Weinschenk Place-Final Plat

Plat of Survey of Lot 1 thru Lot 4 of Weinschenk Place comprised of Lot 1-1-1 & Lot 4 of the NE $\frac{1}{4}$ SE $\frac{1}{4}$; all that part of the following described real estate lying east of the centerline of U. S. Highways 52 & 67: "Lot 1-1-1-3 of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ all in Section 27, (T88N-R3E) Mosalem Township, Dubuque County, Iowa.

The property is owned by Kim Weinschenk and Spring Valley Investments Inc. and is located 4.85 miles east of the City of Dubuque along Ridgeview Drive and Route 52 South with a total of 38.091 acres surveyed. The property is zoned R-1, Rural Residential and PC, Planned Complex. The purpose of the plat is reconfigure the property to be allowed create two (2) lot to allow for Kim's children to build future homes and to adjust a property line to allow the property owners to own the property that they currently maintain.

The survey creates 4 lots. Lot 1 has a total of 3.645 acres surveyed and it will be sold. Lot 2 has a total of 6.051 acres surveyed and it will be sold. Lot 3 has a total of 27.213 acres surveyed with a house and buildings and it will remain in current ownership and residential use. Lot 4 has a total of 1.182 acres surveyed and it will remain in current ownership and agricultural use.

Lot 1 thru Lot 3 will have access off of Ridgeview Drive. Lot 4 will have access from an adjoining lot in common ownership.

Speaking to the Board was Terry Koelker, Buesing & Associates, 1212 Locust St. Dubuque. Mr. Koelker said Lot 4 is only included on this plat to adjust the lot lines to meet the existing fence line. He said they created Lot 1 and Lot 2 so the owner can sell them in the future.

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

A motion was made by Mr. Sigwarth, **seconded by Mr. Runde to approve the plat. The motion passed unanimously. Vote 7-0.**

c) Plat of Survey of Dostal Subdivision-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Dostal Subdivision comprised of Lot 10 and Lot 11 in the Subdivision of Section 2, (T89N-R2E) Dubuque Township, Dubuque County, Iowa.

The property is owned by Alan & Janann Dostal and is located .42 miles west of the City of Dubuque along South John Deere Road with a total of 12.343 acres surveyed. The property is zoned R-2, Single Family Residential and R-3, Single Family Residential. The purpose of the plat is to separate Lot 2 to be allowed to sell to the adjoining neighbor, Ronald Pothoff.

The survey creates 2 lots. Lot 1 has a total of 8.022 acres surveyed with Ag buildings and will remain in current ownership and agricultural use. Lot 2 has a total of 4.321 acres surveyed and will be sold to the neighbor, Ronald Pothoff.

Lot 1 will have access off of the private road Daisy Hill Lane. Lot 2 will have access from adjoining land in common ownership.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St. N., Farley. Mr. Schneider said he has been working with Ronald Pothoff in acquiring some additional ground between Gardner's Lane and South John Deere Rd. He said the County vacated a piece of this and vacated it so now it makes more sense for the Pothoff's to own it.

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

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to approve the plat. The motion passed unanimously. Vote 7-0.**

d) Plat of Survey of Graf Station Plat 2, City of Graf and Dubuque County-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Graf Station Plat 2, City of Graf and Dubuque County comprised of Lot 14 Graf Station, Center Township, Dubuque County, Iowa and Philip Bahl Place, City of Graf all in Section 29, (T89N-R1E) Dubuque County, Iowa.

The property is owned by MBP Enterprises LLC and Donald Merz and is partially located within the city limits of the City of Graf with the remainder located in the unincorporated portion of Dubuque County with a total of 7.933 acres surveyed. The property is zoned A-1, Agricultural for the unincorporated portion located within Dubuque County. The purpose of the plat to adjust a lot line which would allow the property owners to own the property that they currently maintain.

The survey creates 2 lots. Lot 1 has a total of 5.659 acres surveyed that has 5 building and an office that is used as a wood processing facility that will remain in current ownership and use. Lot 2 has a total of 2.274 acres surveyed and it will remain in current ownership and agricultural use.

Lot 1 will use an existing business access off of Graf Road. Lot 2 will use a 30' wide access easement across Lot 1.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St. N., Farley. Mr. Schneider said he did a retracement survey on this parcel a year ago and they realized the wood processing facility was occupying more ground than what they owned. He said the owners worked out a deal to split this into two lots so each could own what they have been currently maintaining.

Ms. Boyes asked if anyone had any questions.

Mr. Breitbach asked where the easement was on Lot 2. Mr. Schneider said it is on the north side across the Heritage trail and along Lot 1.

A motion was made by Mr. Breitbach, **seconded by Ms. Scherrman to approve the plat. The motion passed unanimously. Vote 7-0.**

e) Plat of Survey of Ridge View Acres-Preliminary Plat

Preliminary Plat of Survey of Lot 1 thru Lot 12 of Ridge View Acres comprised of Lot 1 in the SW ¼ of the SE ¼ and Lot 3 of Lot 1 in the SE ¼ of the SW ¼ all Section 7, (T89N-R2E) Dubuque Township, Dubuque County, Iowa.

The property is owned by Mark McClain and is located .25 miles west of the City of Dubuque along Hales Mill Road with a total of 23.786 surveyed. The property is zoned R-2, Single Family Residential and C-1, Conservancy. The purpose of the plat is to create a residential subdivision.

The survey creates 12 lots. Lots 1 thru Lot 12 all are a minimum of 1 acre in size and will be sold for residential homes. Each lot shall have its own individual septic system. There will be two (2) shared wells and the Dubuque Water Department would recommend service lines from water main to building structures to be copper with a control valve (curb stop and box) near the right of way line. A copy of the water utility plan showing the water distribution piping from water wells and

individual water services lines will be submitted by review by the Dubuque Water Department. Lots 1 thru 12 have an approved residential entrance permit #21-02 off of Hales Mill Road.

The survey creates a 66' wide right way private access easement that will be utilized as a public utility easement and storm water conveyance easement. The site grades and storm water management facilities are subject to change in size, shape, location and type based on the final design as dictated by the storm water calculations, cut/fill calculations and concerns generated during the preparation of construction documents and the review process.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st St. N. Farley. Mr. Schneider said he has been working with the owner to figure out what the best configuration for the streets would be in an effort to minimize grading and use as much open space as possible. He said as they move from the preliminary plat to the final plat they will be looking very closely at the layout and making sure they are meeting the roads, utilities and storm water requirements to satisfy the County Storm Water Management.

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

A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to approve the plat. The motion passed unanimously. Vote 7-0.**

4. REZONING CASES:

ZC#05-10-21 Dennis & Carol Schmitt A-1 Agricultural to R-3 Single Family Residential

The applicants are requesting to rezone from A-1, Agricultural to R-3, Single Family Residential 2.5 acres to allow the construction for two (2) new homes for family members. The property, located .11 miles west of the City of Sageville along Robin Hood Drive and Kennedy Road and is legally described as Lot 1-1-1 SE NE Section 10, (T89N-R2E) Dubuque Township, Dubuque County, Iowa.

The property is owned by Dennis & Carol Schmitt. Zoning in the area includes A-1, Agricultural to the north, south and east. R-1, Rural Residential to the north, east and west. R-2, Single Family Residential to the north, northeast and northwest. R-3, Single Family Residential south, west and northwest.

The R-1, Rural Residential to the north on ZC#9000-10-79 was to allow 1 acre to be rezoned for a residential home. The R-1, Rural Residential to the north on ZC#06-17-01 was to allow 1 acre to be rezoned for a future residential home. The R-1, Rural Residential to the east on ZC#12-31-17 was to allow 1.95 acres to be rezoned for a future residential home. The R-1, Rural Residential to the west on ZC#9000-08-73 was to allow 5.195 acres to allow for residential homes.

The R-2, Single Family Residential to the north on ZC#06-11-89 was to allow 10 acres to be rezoned for a residential subdivision. The R-2, Single Family Residential to the north on ZC#01-03-06 was to rezone 1 acre for a residential home. The R-2, Single Family Residential to the north on ZC#08-18-20 was to allow 1.5 acres to be rezoned for a single family home. The R-2, Single Family Residential to the northeast on ZC#02-08-02 was to allow 35 acres to be rezoned from A-1, Agricultural for a residential homes. The R-2, Single Family Residential to the northwest on ZC#07-17-00 was to rezone 20.56 acres from A-1, Agricultural to allow for a residential subdivision.

The R-3, Single Family Residential on to the south on ZC#9000-15-74 was to rezone 25.30 acres for a residential subdivision. The R-3, Single Family Residential to the west on ZC#04-21-95 was to rezone 31 acres for a residential subdivision. The R-3, Single Family Residential to the northwest on ZC#9000-14-73 was to rezone 10.275 acres to allow for a residential subdivision.

There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Thirty-three (33) rezoning notification letters were sent to the property owners and the City of Dubuque 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 St. N. Farley. Mr. Schneider said the owners would like to create two lots off of Robin Hood Drive so their son and daughter could eventually build homes. He said as they were working on the survey they realized the Schmitt's existing house did not meet the minimum lot size requirements so this plat will also fix that. He said the owners have contacted the neighbor about a potential easement and working through that.

Ms. Henry said she received a document signed by some of the people in the neighborhood a couple hours before this meeting. (See attached.)

Ms. Henry said that when they were working with the Schmitt's and Mr. Schneider to develop these lots it looked like Robin Hood Drive was a county road. She said she talked to the County Engineer and he said they could put a couple lots off the cul-de-sac on Robin Hood Dr. As they moved forward with this project some of the neighbors called and said this is a private road. Ms. Henry said the Engineer's office verified that it was not a county road. She said in 1963 and 1968 the County adopted this road and thought they took in all of Robin Hood Dr. She said the County Engineer realized that there was never a resolution that said the county was responsible for this drive and they did not know that Blocks 5 & 6 were not part of this. She said that for over sixteen years the county has plowed this last ¼ mile or so at the end of the cul-de-sac at the end of Robin Hood Drive because they believed it was a county road until last week. She said the Engineering Department will be sending letters to all of those neighbors and asking them if they want a resolution that says it's a county road or if they want it to be a private road but at this point it is a private road.

If it stays a private road the Schmitt's will not have access unless the neighbors allow them to.

Mr. Breitbach asked if they have to wait until the ownership of the road is determined before they make any decisions.

Mr. Schneider said that when they started this project they thought they would have access from Robin Hood Drive to these lots so that's the way the case is being presented. He said the intent of this project is to create lots for family members. He said they brought this case forward now to let everyone involved understand what the Schmitt's were doing.

Ms. Caitlin asked Mr. Schneider if he was good with tabling this case until the ownership of the road is determined. Mr. Schneider said yes.

Mr. Sigwarth said that he hopes the people that live on Robin Hood Drive understand that if it continues to be a private road they will have to maintain this road.

Ms. Boyes asked if the Board members had any other questions. No one spoke.

Speaking to the Board was Dennis Schmitt, 11092 Kennedy Road, Dubuque. Mr. Schmitt said he has no intentions of developing a subdivision on his property. He would only like to have one road back to two lots so that his kids can build homes. He also said he plans on planting \$10,000 worth of trees and would not cut them down in the future for more homes. He said he talked to his neighbor, Brian Lacy, about giving him an access easement.

Speaking to the Board was Steve Gudenkauf, 11226 Robin Hood Drive, Dubuque. Mr. Gudenkauf said the neighbors thought Robin Hood Drive was a private road and have paid to maintain it for many years and adding two more houses at the end has created some resistance from them. He said he doesn't feel like having two more homes would be a problem the neighborhood was worried about a subdivision going on the Schmitt's property. He said he supports this project.

Ms. Boyes said she feels that bringing this case before the Board before the ownership of the road was determined was a good idea so everyone could understand what they are trying to do.

Speaking to the Board was James Alexander 11287 Robin Hood Drive, Dubuque. Mr. Alexander said he thinks this should be tabled until the ownership of the road is determined. He asked if the Schmitt's had to get some kind of easement to be able to create the two lots. Mr. Schneider said that the county had said they would give them access from Robin Hood Drive to do this based on the frontage that they had. He said he and the Schmitt's met with Brian Lacy about getting an access for additional land to make a 66' road and this agreement is being looked over by both parties.

A motion was made by Ms. Caitlin, **seconded by Mr. Runde to table the rezoning until the County or private citizenship responsibility of Robin Hood Drive is determined. The motion passed unanimously. Vote 7-0.**

f) Plat of Survey of Schmitt Estates-Final Plat

Plat of Survey of Lot 1 thru Lot 4 of Schmitt Estates comprised of Lot 1 of Lot 1 of Lot 1 and Lot 2 of Lot 1 of Lot 1 in the SE ¼ of the NE ¼ Section 10, (T89N-R2E) Dubuque Township, Dubuque County, Iowa.

The property is owned by Dennis & Carol Schmitt and is located .11 miles west of the City of Dubuque along Robin Hood Drive and Kennedy Road with a total of 21.29 acres surveyed. The property is zoned A-1, Agricultural with a pending ZC#05-10-21 requesting to rezone 2.5 acres to R-3, Single Family Residential. The purpose of the plat is to separate 2.5 acres to allow the construction for two (2) new homes for family members and to allow an existing home lot to conform to the current county guidelines.

The survey creates 4 lots. Lot 1 has a total of 2.66 acres surveyed with a home & building that will remain in current ownership and residential use. Lot 2 has a total of 16.12 acres surveyed and it will remain in current ownership and agricultural use. Lot 3 has a total of 1.25 acres surveyed and it will be sold to a family member for a future home site. Lot 4 has a total of 1.26 acres surveyed and it will be sold to a family member for a future home site.

Lot 1 will use an existing 20' wide access easement of Kennedy Road. Lot 2 thru Lot 4 will use a 66' wide private access and public utility easement off Robin Hood Drive.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st N., Farley. Mr. Schneider said at this point the plat will have to wait until the rezoning issue is taken care of.

A motion was made by Ms. Caitlin, **seconded by Mr. Sigwarth to table the plat. The motion passed unanimously. Vote 7-0.**

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st N., Farley. Mr. Schneider said at this point the plat will have to wait until the rezoning issue is taken care of.

ZC#05-11-21 Timothy Kendrick Trust and Kirby Kendrick A-1 Agricultural to PC Planned Complex

The applicants are requesting to rezone from A-1, Agricultural to PC, Planned Complex 6.10 acres to be allowed to get an existing campground with six (6) cement pads and a duplex into compliance with the Dubuque County Health and Dubuque County Zoning.

The property, located 3.17 miles northwest of the City of Luxemburg along Borne Lane and is legally described E ¼ NW NW, S ½ NE NW & N ½ NE NW lying west of Borne Lane and SE NW Section 6, (T90N-R2W) Liberty Township, Dubuque County, Iowa.

The property is owned by Timothy Kendrick Revocable Trust. Zoning in the area includes A-1, Agricultural to the north, south, east and west and is adjacent to both Delaware and Clayton Counties. The property owners had started construction of a new home/duplex when they came in to request the septic permit it was discovered that they had not applied for the building permit. When they requested to apply for a building permit, it was determined that they had developed several camping sites as well as several structures including Pavilions, and Storage Sheds that had not been permitted. It was also determined that the A-1, Agricultural zoned property was being used for multi uses for the family, which resulted in having to request to rezone to PC, Planned Complex. The PC, Planned Complex would contain six (6) cement camping pads that have electricity, a home/duplex, a pavilion, fire pit with seating area and an existing cabin and a kitchen shed. Some of the property is in the Flood Plain and it is still being determined if any of the structures or camps sites are located within the Flood Plain.

There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Six (6) rezoning notification letters were sent to the property owners and there was no city notified.

Comprehensive Plan Chapter 12 Land Use page 180 objective 6.5 and 9.1 and Chapter 11 Watershed Management page 163 objective 1.3 and 3.4 may apply to this case.

Speaking to the Board David Meyer, Burrington Group Engineering & Land Surveying, 105 W Main St. Manchester. Mr. Meyer said the Kendrick family purchased this property years ago and built a cabin with a road leading to it. He said they have camping pads that are used for the family and are not rented out and there is a 20' x 17' shelter that's used for a refrigerator and freezer. He said there is also a screened in shelter that is in the flood plain. He said these properties are in the flood plain based upon a horizontal line and that the building that is the picnic area is the only one that is in the flood elevation by the mapping location and by elevation.

Ms. Caitlin asked if there was ever a storm water, erosion control permit or flood plain permit applied for or issued in this case. Mr. Meyer said not that he was aware of. Ms. Caitlin asked if there were any building permits for any of the buildings. Mr. Meyer said no. Ms. Caitlin asked if the DNR was involved in the construction of the pond. Mr. Meyer said he believed they were and he thought the NRCS was also involved.

Ms. Caitlin asked if this was just for family use. Mr. Meyer said yes and they utilize the property for company meetings. She asked if the proposed building was the duplex that was already there. Mr. Meyer said yes and the other cabin to the south is a single family cabin. Ms. Caitlin asked why they had a place to store multiple canoes.

Speaking to the Board was Kirby Kendrick, 105 E Maple St., Edgewood. Mr. Kendrick said they have a holding rack for canoes and when his siblings and their kids come they can use them. Ms. Caitlin asked if it was just for his family. Mr. Kendrick said he is friends with some of his employees and on occasion they will come out and spend the day with them but it is not for commercial use.

Speaking to the Board was Eric Schmechel, Dubuque County Erosion Control Director, 1225 Seippel Rd, Dubuque. Mr. Schmechel said there are some flood plain challenges that exist with this site and he has been in contact with the DNR about this. He said a letter was sent to the Burrington Group back in March that show the base elevations of some of the structures or the cabin in the flood plain as mapped by FEMA. He said that based on some of the photos and further investigation the DNR is sending their field office crew to the site to do a more thorough examination. He said after they have done this there will be a clearer understanding of the elevations and decide where the existing buildings, cabins, camping pads and electrical stations sit in those elevations. He said until the DNR responds back to them there is no further action Dubuque County will take in issuing a flood permit.

Ms. Caitlin said the Planned Complex requires that there be a minimum of ten acres a written statement must accompany the site plan and explain 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 principles of good planning. She said that this was not attached and feels like they need to follow the correct procedure when applying for the Planned Complex. She said the owners did not acquire any permits for the buildings that are on this property. She asked if there was a written statement from the owners that should be part of the PC application.

Mr. Kendrick said he has been working with Ms. Henry and was not aware that he was missing anything or that it had to be ten acres. He said his family owns 1,200 acres and 1,000 of them are in Clayton County and a little bit is in Delaware County and he thought this property was Clayton County so when applying for his septic permit he went to Clayton County and found out that his property was actually in Dubuque County. When he went to Dubuque for his septic permit he found out that he needed building permits for his structures.

Ms. Caitlin asked if he has stopped construction until this is sorted out and said he must be paying property taxes to Dubuque County and feels he should have known that he had to get the permits and follow the DNR rules. Mr. Kendrick said he thought this property was in Dubuque County and said they have stopped construction.

Ms. Henry said she was out to the site and all construction has stopped.

Mr. Breitbach asked if Clayton County requires building permits. Mr. Kendrick said to his knowledge you do not have to. He said their business is in Clayton County and they didn't have to get permits for that so he assumed he didn't need them for the existing buildings on this piece of property. He also said because he was so far out in the country he didn't think he had to go through all the permitting processes.

Ms. Caitlin said Clayton County does require building permits. She said she hasn't researched it much and didn't know all the details and requirements.

Mr. Breitbach asked what happens if the DNR says the property is in the flood plain can what will happen with this project. Mr. Schmechel said if the DNR says that some or all of it is in the flood plain they will have to follow the procedures, enforcement and violation levels they have and then work with Mr. Kendrick and the DNR to see what they have to do to get him in compliance. He said this is not a fast process and will take some time.

Ms. Boyes said this is a very complicated situation and feels the Board has an opportunity to right a wrong and with the help of the DNR get this figured out, however, she feels they can't move forward until the DNR decides what needs to be done.

Mr. Breitbach asked if the PC would be the correct request because there is not ten acres. Ms. Henry said she while they wait to hear from the DNR she could work with Mr. Kendrick and Mr. Meyer to correct the PC and make sure we are getting any documents that we still need to be doing and get it to ten acres and do whatever it takes to make it a formal request for a Planned Complex.

Ms. Caitlin said she feels like this is spot zoning and should not be allowed. She said they denied a case earlier for the same request and doesn't feel they should treat this property any differently. She feels that approving this would be rewarding someone for going around all the rules that he was supposed to have followed. She said that the present that they set in this case is a loud message to the county to do whatever they want and then ask for forgiveness.

Speaking to the Board was Pat Roling, 31988 Spoden Rd., Guttenberg. Mr. Pat Roling said his parents own the land to the east of the Kendrick property and they are concerned about the property becoming commercialized and attracting more people, and possibly coming on their land. He said they are fine with the Kendrick's using it for their family but don't want it to be used for commercial.

Speaking to the Board was Ed Roling, 31988 Spoden Rd., Guttenberg. Mr. Ed Roling said he is concerned with the heavy traffic that is coming around the area. He said he doesn't have a problem if it's just the Kendrick family but doesn't feel like that's what its being used for.

Ms. Boyes said that the Board can not control any Airbnb's that are in the County.

Speaking to the Board was Ann McDonough, County Supervisor, 2469 Whitetail Dr., Asbury. Ms. McDonough asked that Ms. Henry screen share the photos that she has so the public can observe and engage and become aware of what they are looking at. She said this appears to be a well developed area, it is not some small cabin in the trees. She said these buildings have kitchens and there is a well developed ponds and recreational areas and feels like they need to make sure everyone sees the pictures to see what is happening on this property. Ms. McDonough said the pictures were not in the packet that she received and said it would be good to be able to share the pictures at the meetings.

Ms. Henry said she will talk to IT about sharing the pictures, as of right now she is not able to share them in the conference room. Ms. McDonough forwarded to the pictures to Dawn Sherman and asked her to share them.

Mr. Kendrick said there is no commercial business on his property and the ATV use is on private property.

Ms. Caitlin said they can not run multiple Airbnb's on one property and if they approve the Planned Complex they can't control who comes and goes on the property.

Dawn Sherman shared the pictures for the Kendrick case.

Mr. Kendrick said the cabin on the top of the hill was the there when they bought the property and they have not done any construction on this building. He said the place below, it a little kitchen which has a refrigerator and microwave, the place to the right is a wood structure with a screened in porch eat in. He said there is a concrete ring that is a fire pit.

Mr. Kendrick explained that the building they have started is going to have one side with living quarters and the other side is another living quarters with garages in between. He said one side is for his parents.

Ms. Henry said Mr. Kendrick told her that the other side was for his family to stay in. She said the building does not have a septic system at this time but there is one in the little existing cabin.

Mr. Breitbach asked if there were six concrete pads. Mr. Kendrick said yes. Mr. Breitbach asked if there were six family members that have RV's or campers. He said he has no problem if these are for family use but if it's for commercial use he is not ok with that. Mr. Kendrick said there is no commercial use on this property.

Ms. Caitlin asked Mr. Kendrick if he understood that if they approve the PC he can use the property for whatever he wants. He said he does understand now.

Mr. Sigwarth asked if he charges for anyone to put their campers on the pads. He said no.

A motion was made by Mr. Sigwarth, **seconded by Mr. Runde to table the rezoning until a decision about the flood plain is made by the DNR. The motion passed unanimously. Vote 7-0.**

5. OLD BUSINESS:

Ms. Henry said Case ZC#03-09-21 William Lawler A-1 Agricultural to R-2 Single Family Residential was approved by the Board of Supervisors.

Mr. Sigwarth left the meeting at 7:49 p.m.

6. NEW BUSINESS:

Ms. Henry said they are still working with Ed Raber to get information on the solar ordinance and the mobile home parks.

7. PUBLIC COMMENTS:

Ms. McDonough said that the meeting times for the Board of Supervisors on our website are incorrect and asked Ms. Henry to correct them. She asked about the status of the platting ordinance and the solar ordinance and wondered why she hasn't been given any information. Ms. Henry explained that the Zoning department does not handle the platting office that is done by the Auditor's office. She said she is working on the solar ordinance but does not have anything put together yet to send out to her.

Ms. Boyes asked if there is any way they can make it easier to find the links for the County meetings, because it takes some searching at this point to find them. Ms. Henry said the that is the

way the Board of Supervisors has set it up and they will be putting the Zoning Meetings and the Board of Adjustment meetings links on their also.

8. ADJOURNMENT: A motion was made by Ms. Scherrman, **seconded by Mr. Breitbach to adjourn the meeting. The motion passed unanimously. Vote: 6-0. The meeting ended at 7:55 p.m.**