

Dubuque County Zoning Commission Minutes of March 15, 2022

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

1. ROLL CALL: Members present via a Zoom teleconferencing meeting: Kathleen Scherrman and Ron Breitbach, Members present at the Dubuque County West Campus, 1225 Seippel Rd: Kevin Soppe, Jerry Sigwarth, Cathy Caitlin, Sam Boyes and Dave George. Staff Present at the Dubuque County West Campus, 1225 Seippel Road: Tammy Henry and Amy Schmerbach.

2. APPROVAL OF MINUTES: A motion was made by Ms. Caitlin, **seconded by Mr. Sigwarth, and passed unanimously to approve the minutes of the February 15, 2022 meeting. Vote: 7-0.**

3. PLAT APPROVAL:

a) Plat of Survey of Hilken Hill Subdivision-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Hilken Hill Subdivision comprised of the NW ¼ of the SW ¼ and a part of the SW ¼ of the SW ¼ all in Section 23, T88N, R3E, Mosalem Township, Dubuque County, Iowa.

The property is owned by Carol Boleyn, Madonna Klein and Margaret Mootz and is located 5.06 miles east of the City of Dubuque along Hilken Hill Road with a total of 32.57 acres surveyed. The property is zoned R-2, Single Family Residential. The purpose of the plat is to separate the land that is used as a cow pasture and sell the other lot for horse pasture.

The survey creates 2 lots. Lot 1 has a total of 29.15 acres surveyed and will remain in current ownership and agricultural use. Lot 2 has a total of 3.42 acres surveyed with two barns and will be sold for use as a horse pasture.

Lot 1 will use an existing field entrance off Hilken Hill Road. Lot 2 will use an existing field entrance off Hilken Hill Road.

Speaking to the Board was Jeremy Leemon, 615 Pimlaco Way, Epworth. Mr. Leemon said he had nothing to add to Ms. Henry's statement.

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

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

4. REZONING CASES:

ZC#03-07-22 Paul & Jean Deutmeyer A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 2 acres to allow for the construction of a new home to replace the old farm home to continue to assist in the family farming operation. The property is located 2.02 miles east of the City of Worthington along K & K Road and is legally described as Lot 1 of NW of the NW Section 34, T88N, R2W, Dodge Township, Dubuque County, Iowa

The property is owned by Paul & Jean Deutmeyer. Zoning in the area includes A-1, Agricultural to the north, south, east and west.

There are no previous zoning cases attached to this property. There are no Special Use Permits attached to this property. Four (4) notification letters were sent to the property owners and the City of Worthington 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 Paul Deutmeyer, 29599 East Worthington Rd, Worthington. Mr. Deutmeyer had nothing to add to Ms. Henry's statement.

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. The motion passed unanimously. Vote 7-0**

ZC#03-08-22 State of Iowa 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 be allowed to sell the existing home and garage. The property located .058 miles south of the City of Dubuque along Olde Davenport Road is legally described as Lot 2 O'Rourke Farms Addition Section 13, T88N, R2E, Table Mound Township, Dubuque County, Iowa.

The property is owned by the State of Iowa. Zoning in the area includes A-1, Agricultural to the northwest. B-1, Business to the northwest. C-1, Conservancy to the north, east and west. R-2, Single Family Residential to the south, west and east. R-3, Single Family Residential to the northwest. M-1, Industrial to the west. The R-2, Single Family Residential to the south. The R-3, Single Family Residential to the northwest was to allow for a single family home subdivision. The M-1, Industrial to the west on ZC# 04-03-91 was to rezone 17 acres to allow for a wood export business and/or some other compatible industrial use.

There was one rezoning case attached to this property on ZC#02-09-18 to allow for an Iowa Department of Transportation Maintenance Garage Facility. There are no Special Use Permits attached to this property. Four (4) 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 135 Objective 5.2 and Chapter 8 Housing page 122 Objective 12.7 may apply to this case.

Speaking to the Board was Sam Shea, Iowa Department of Transportation, 5455 Kirkwood Blvd SW, Cedar Rapids. Also Speaking to the Board was Brad Burger, 14117 Route 136 North, Dyersville. Mr. Shea & Mr. Burger said they had nothing to add to Ms. Henry's statement.

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

A motion was made by Ms. Caitlin, **seconded by Mr. George to approve the rezoning. The motion passed unanimously. Vote: 7-0**

Plat of Survey of Lot 1-2 and Lot 2-2 of O'Rourke Farms Addition-Final Plat

Plat of Survey of Lot 1-2 and Lot 2-2 of O'Rourke Farms Addition a division of Lot 2 of O'Rourke Farms Addition Section 13, T88N, R2E, Mosalem Township, Dubuque County, Iowa.

The property is owned by State of Iowa and is located .058 miles south of the City of Dubuque along Olde Davenport Road with a total of 33.20 acres surveyed. The property is zoned A-1, Agricultural with a pending ZC#03-08-22 to rezone 2 acres to R-2, Single Family Residential. The purpose for the plat is to allow them to separate the house and garage to be sold.

The survey creates 2 lots. Lot 1-2 has a total of 31.20 acres surveyed with a Department of Transportation Maintenance Garage, detached buildings and salt storage building and it will remain in current ownership and use. Lot 2-2 has a total of 2 acres surveyed with a home and garage and will be sold for residential use.

Lot 1-2 will use an existing entrance off of O'Rourke Drive. Lot 2-2 will use an existing entrance off of Olde Davenport Road.

Speaking to the Board was Sam Shea, Iowa Department of Transportation, 5455 Kirkwood Blvd. SW, Cedar Rapids. Also, Speaking to the Board was Brad Burger, 14117 Route 136 North, Dyersville. Mr. Shea & Mr. Burger said they had nothing to add to Ms. Henry's statement.

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

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

ZC#03-09-22 David & Susan Albrecht and Dylan Kutsch 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 1.11 acres to allow for the construction of a new home. The property is located .19 miles north of the City of Sherrill along Circle Ridge Road and is legally described as Lot 2-1-1 in the NE of the NE of Section 13, T90N, R1E, Jefferson Township, Dubuque County, Iowa.

The property is owned by David & Susan Albrecht. Zoning in the area includes A-1, Agricultural to the north, south, east and west. A-2, Agricultural Residential to the northeast. R-1, Rural Residential to the north. R-2, Single Family Residential to the north and south. The A-2, Agricultural Residential to the northeast on ZC#01-01-16 was to allow the home to be sold to the daughter and her husband who currently live in the home and are partnership in with the farming operation. The R-1, Rural Residential on ZC#9000-18-80 and ZC#9000-11-76 to the north of this property were for the purposes of building single family homes. The R-2, Single Family Residential to the south on ZC#12-48-96 and to the north on ZC#02-02-15 of this property were also for the purposes of building single family homes.

There are no previous zoning cases attached to this property. There are no Special Use Permits attached to this property. Seven (7) notification letters were sent to the property owners and the City of Sherrill 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 North, Farley. Mr. Schneider said he was contacted by Mr. Kutsch to create the one acre lot.

Ms. Caitlin asked Mr. Schneider what the reason for the R-2, Single Family Residential. Mr. Schneider said there was already an R-2, Single Family Residential directly adjacent from the property. Mr. Schneider said the property does not have an agricultural background. Ms. Henry said the property did not qualify for the A-2, Agricultural Residential. Ms. Caitlin asked Mr. Schneider if there was a reason for not requesting the R-1, Rural Residential and he said the main reason was due to the setbacks. Ms. Caitlin stated that in her opinion the concern that there is already two R-1, Residential Zoning in a sea of Agriculture and a couple of A-2, Agricultural Residential that she considers spot zoning. It was a concern to her turning Agricultural land to Residential Zoning. Mr. Schneider said it is rare to switch to a R-1, Rural Residential rather than a R-2 because it is a better solution for placement of homes and requires shorter driveways.

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

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

ZC#03-10-22 Thomas J. Budde Rev. Family Trust A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 15.83 acres to allow them to separate the existing farm home and buildings so they are able to sell them. The property is located 1.97 miles north of the City of Holy Cross along Tollgate Road and is legally described as the NW of the SE and the NE of the SE lying west of County Road, all in Section 5, T90N, R1W, Concord Township, Dubuque County, Iowa.

The property is owned by Thomas J. Budde Rev. Family Trust. Zoning in the area includes A-1, Agricultural to the 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. Five (5) notification letters were 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 North, Farley. Mr. Schneider said the owner currently rents out the farm to his grandson and wants to sell the house and farm buildings.

Ms. Caitlin asked Mr. Schneider why the property was 15.83 acres when usually an A-2, Agricultural Residential has a one acre minimum. Mr. Schneider said this property is probably more of A-1, Agricultural but it does not qualify because of the acreage size. He said the owner does farm and plans of moving livestock to the property. Ms. Caitlin stated

that we could do a 10 acre A-1, Agriculture and wondered if the state code allowed it. Ms. Henry said County Attorney Mr. May was checking on the code and it had not been determined yet. Ms. Caitlin stated that if we could follow up on it as this is a perfect case that could stay an A-1, Agriculture. Mr. George asked how this would work with the ordinance and if this was something that would be absorbed into our ordinance to stay consistent with the state. Ms. Henry said that she would talk with Mr. May to see if we have to adjust our ordinance. Mr. May stated he just has not been able to finish the analysis. Mr. George asked if the state law overrides our ordinance and Ms. Henry said yes.

Ms. Boyes ask if there were any additional questions. No one spoke.

A motion was made by Mr. Sigwarth, seconded by Ms. Caitlin to approve the rezoning with the conditions that 15.83 acres more or less be rezoned around the existing home and buildings 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 7-0.

Plat of Survey of Budde Farm Subdivision – Final Plat

Plat of Survey of Lot 1 thru Lot 3 of Budde Farm Subdivision comprised of the NW ¼ of the SE ¼ and part of the NE ¼ of the SE ¼, lying west of County Road, all in Section 5, T90N, R1W, Concord Township, Dubuque County, Iowa.

The property is owned by Thomas J. Budde Rev. Family Trust and is located 1.97 miles north of the City of Holy Cross along Tollgate Road with a total of 70.60 acres surveyed. The property is zoned A-1, Agricultural with a pending ZC#03-10-22 to rezone 15.83 acres to A-2, Agricultural Residential. The purpose of the plat is to separate the home and buildings for sale purposes.

The survey creates 3 lots. Lot 1 has a total of 30.41 acres surveyed and will remain in current ownership and agricultural use. Lot 2 has a total of 15.83 acres surveyed with a home and buildings and will be sold. Lot 3 has a total of 24.36 acres surveyed and will remain in current ownership and agricultural use.

Lot 1, Lot 2 and Lot 3 will all use an existing 24' wide access easement off of Tollgate Road.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st North, Farley. Mr. Schneider had no additional comments.

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

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

ZC#03-11-22 JJS Real Estate, LLC and Jeffrey & Jamie Hammerand and Scott Breiner A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 1.919 acres to allow for the construction of a new home to replace an old farm home that has

been torn down. The property is located 1.19 miles northwest of the City of Balltown along Ridge Road and is legally described as Lot 2 in the SW of Section 31, T91N, R1E, Jefferson Township, Dubuque County, Iowa.

The property is owned by JJS Real Estate LLC. Zoning in the area includes A-1, Agricultural to the north, south, east and west. A-2, Agricultural Residential to the south. The A-2, Agricultural Residential to the south on ZC#05-20-18 was to allow for the construction of one home only. The A-2, Agricultural to the south on BA#07-26-15 and BA#07-27-15 was to allow a single family dwelling on agricultural ground unsuitable for farming.

There are no previous zoning cases attached to this property. There are no Special Use Permits attached to this property. Four (4) notification letters were sent to the property owners and the City of Balltown 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 stated that she had received one comment for the case. Dave March, 20501 Ridge Rd, Sherrill. Dave was for the rezoning to A-2, Agricultural Residential but wanted to confirm that one home will be allowed on the parcel.

Speaking to the Board was Dave Schneider, Schneider Land Surveying, 906 1st North, Farley. Mr. Schneider stated that Jeffrey & Jamie Hammerand, are part owners of JJS Real Estate LLC. Their lender requested them to separate the property that they wish to build a home and shop on from the JJS Real Estate LLC to obtain their residential financing.

Speaking to the board was Jamie Hammerand, 826 Harlan St, Dubuque. Ms. Hammerand stated they planned on building a single family home to replace the existing home that had burned down.

Ms. Boyes ask for any additional questions. No one spoke.

A motion was made by Ms. Caitlin, **seconded by Mr. Soppe to approve the rezoning with the conditions that 1.919 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: 7-0**

Plat of Survey of JJS Farm Subdivision-Final Plat

Plat of Survey of Lot 1 and Lot 2 of JJS Farm Subdivision comprised of Lot 2 of the SW fractional ¼ of Section 31, T91N, R1E, Jefferson Township, Dubuque County, Iowa.

The property is owned by JJS Real Estate LLC and is located 1.919 miles northwest of the City of Balltown along Ridge Road with a total of 76.354 acres surveyed. The property is A-1, Agricultural with a pending ZC# 03-11-22 requesting to rezone 1.919 acres to A-2, Agricultural Residential. The purpose of the plat is to allow for Jeffrey & Jamie Hammerand of JJS Real Estate to build a single family home.

The survey creates 2 lots. Lot 1 has a total of 74.435 acres surveyed and will remain in agricultural use and current ownership. Lot 2 has a total of 1.919 acres surveyed and will be sold to Jeffrey & Jamie Hammerand of JJS Real Estate LLC to build a new single family home.

Lot 1 and Lot 2 will use an existing residential entrance off Ridge Road.

Speaking to the Board, Dave Schneider, Schneider Land Surveying, 906 1st St. North, Farley. Dave had nothing to add.

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

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

ZC#03-12-22 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 10 acres to be allowed to get an existing campground with six (6) cement pads and two (2) cabins 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 cabin/home 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 cabin/home, a pavilion, a fire pit with a seating area, an existing cabin and a kitchen shed. Some of the property is in the Flood Plain and it has been determined by the Iowa Department of Natural Resources that none of the structures or camps sites are located within the Flood Plain.

There is one previous rezoning case attached to this property on ZC#05-11-21. The case originally went to the Zoning Commission on May 18, 2021. The Zoning Commission tabled the case waiting for the Army Corp of Engineers determination of what if anything was in the Flood Plain. It was determined by the Iowa Department of Natural Resources and the Army Corps of Engineers that none of the structures or cement pads were in the Flood Plain. Mr. Kendrick along with David Meyer from the Burrington group came back to ask that the case go back to the Zoning Commission for review again. The Zoning Commission heard the case again on January 18, 2022. The commission had much discussion about the application that night and whether or not the application was a complete application and if it provided enough information for the Zoning Commission to determine if the case should be approved or denied. The Zoning Commission did vote on a

motion to approve that ended up with a three to three vote, there was one member absent that night. Three of the Board members felt that the application was completed and they were in favor of the PC being approved. Three other board members felt that the case did not provided a completed application to be able to determine if this should be a PC.

Mr. Kendrick requested that his case be moved forward to the Supervisors for their decision. On January 20, 2022 the Zoning Office received an updated application from the Kendrick's providing additional information to their original application, that was sent to the Dubuque County Board of Supervisors where it was denied. The Supervisors recommend that Mr. Kendrick reapply with a completed application to the Zoning Commission for a new case review.

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 and Chapter 9 Agricultural and Natural Resources page 135 objective 7.1 and 7.2 may apply to this case.

Speaking to the Board Kirby Kendrick, 105 East Maple St, Edgewood. Mr. Kirby stated that they update the PC, Planned Complex application to meet the Zoning Board's standards.

Ms. Boyes stated that after eleven (11) months of reviewing this case at the state and local levels that it was her opinion & recommendation to move forward to a vote.

Ms. Caitlin asked Mr. Kendrick to clarify what the meaning of all four months out of the year that they were spending their time there. Mr. Kendrick said mostly the warmer months but also used in the winter.

Ms. Boyes asked him if he was making a statement that they use the property year round and Mr. Kendrick said yes.

Ms. Caitlin ask what increased accommodations & aesthetic qualities they were offering would benefit the public. Mr. Kendrick said tree tours with schools. Ms. Caitlin asked if the children would be staying on the grounds and Mr. Kendrick said no. Ms. Caitlin asked why there was six camping pads if the children would not be staying on the property. Mr. Kendrick said that it was for personal use and the timber tours would serve as the public accommodation.

Mr. George asked if any of the buildings would be for full time residents and Mr. Kendrick said no.

Mr. Breitbach asked if the Planned Complex zoning had any restrictions for part time or full time use. Ms. Boyes said no.

Ms. Scherman asked about the trails that were on the property and if they were accessible for people with disabilities. Mr. Kendrick said weather permitting they are accessible for walking & wheel chairs.

Mr. Breitbach wanted to clarify that this campground is for family & public use and was not to become an income generating business. Mr. Kendrick said it is not an income generating business. Mr. Breitbach asked if there was anything stating this in the zoning ordinance regarding this and Ms. Henry stated that the board could list a condition saying that this could not generate income.

Ms. Caitlin commented about 6C & 6D of the Planned Complex Ordinance and thought the use was very limited. Ms. Boyes stated that the Board could not dictate the owner's frequency of usage.

Mr. May stated it was the Boards decision to determine what is an acceptable proposal for general public benefit.

Ms. Caitlin stated that this was a new application and the Board has not had the 30 days to review and ask questions. Ms. Boyes stated that the point of this meeting was to review and ask additional questions regarding the Planned Complex before moving it to the Board of Supervisors and Mr. May agreed.

Ms. Caitlin asked Mr. Kendrick if the road leading into the property was a private road. Mr. Kendrick said the initial road leading to the property is maintained by Clayton County but then after gated entrance, it becomes a private road. Ms. Caitlin asked who maintained Borne Lane and Mr. Kendrick said that he and his family maintained it.

Mr. Breitbach stated that Mr. Kendrick offered to put a statement in writing that this was not to be for business use however, it would be used for his family and the education for students. Mr. Breitbach stated he would support the vote if this is a condition.

Mr. George asked if we could request that the property not be used as a full time residential. Ms. Henry stated that property already has an address and one of the buildings are currently assessed as a single family home. Mr. May stated that it can be assessed as a single family home however; it does not necessarily reflect what the building can be used for.

Mr. George used an Airbnb for example. He stated these types of properties are assessed as residential however; they are used to make a profit. Mr. George stated if Mr. Kendrick agreed not to do the same then he would be in favor of the agreement.

Ms. Boyes said that if the Board already placing the restriction that it's not to be used for business use or for profit we would then take away Mr. Kendrick's ability to rent out the property for profit.

Ms. Henry asked the Board to clarify if the stipulation that the property would not be used for business use or profit. She confirmed with the board that this stipulation covered the entire 10 acres.

Mr. George stated he was wondering what the Kendrick's intent was. He didn't want to see it become a PC, Planned Complex when it should have been and A-2, Agricultural Residential.

Ms. Henry said it would have never qualified for an A-2, Agricultural Residential. She said it has multiple structures and multiple uses.

Ms. Caitlin talked about item D listed in the ordinance. She stated that any changes to the property are subject to all regulations and procedures of the original proposal and must be brought to the Board as a Planned Complex Amendment. She wanted to make sure Mr. Kendrick was aware of the process.

Speaking to the Board who identified herself as Dubuque County Supervisor Ann McDonough, 2469 Whitetail Drive, Asbury. Ms. McDonough stated she had significant concerns regarding the case after being denied by the Board of Supervisors. She felt the Zoning Board has not followed the ordinance. She said to Ms. Henry with all do respect, I told you specifically at that meeting and directed you that we follow the ordinance item by item. She said she had talked to Mr. May the morning after the meeting. Ms. McDonough stated this was her third meeting regarding this case. Ms. McDonough stated that in listening to Mr. Kendrick orally, that his intentions of the Planned Complex contradicted what was in actual writing. She said the written portion is important since this was a new application. Ms. McDonough said she admired Mr. Kendrick's persistence and stated he was in a very bad predicament. She said we want to try to alleviate but the answer to that is to go through the procedure item by item and to get it right so it will get resolved. However, the work session that the Board is having now, she did not know how it would culminate to a vote. She stated that the conversation should be put in writing and directed back to Mr. Kendrick. Ms. McDonough said she was not practicing law however, she was legally trained, and thought all questions within the meeting should be in writing by Ms. Henry & Ms. Schmerbach and given back to Mr. Kendrick to explore what the application is. She said as she reads the ordinance it has to have a public amenity or public purpose because that is the point of it being a Planned Complex. She said it is planned for the public's good. Ms. McDonough said if the Board wants to say the public's good is that we just have a problem that we have to fix than just say that because there needs to be some public purpose to a Planned Complex."

Ms. Boyes asked Supervisor McDonough if she had a purposed direction or something specific that she was looking for. Supervisor McDonough said I asked Mr. May to meet with the director of zoning to get the training and to get the information put together to handle this property. She stated the timing does not comply with the ordinance and since this was a brand new application and it stands on its own merit and needs to be worked up as its own case study. Ms. McDonough said that this was the preview of what we would hear from her as this moves onto the Board of Supervisors. Ms. McDonough said to the board that she has done everything she could to ask the board to follow the ordinance.

Ms. Boyes said to Supervisor McDonough with all due respect that in the February meeting, Supervisor McDonough was under the impression that there was a third house going on this parcel and there was not. Supervisor McDonough stated she was looking at a duplex and yet at tonight's meeting Mr. Kendrick used the word duplex. Ms. Boyes stated that it's currently listed as a single family home.

Supervisor McDonough said to Ms. Boyes that she could assert that it has been eleven (11) months but in fact, there has been no analysis that complies with the ordinance and yet the County Attorney sits there and tells you that ordinance is not in order but yet you are not

following it and you are not coming to conclusion. Ms. McDonough said she would wait to see what the board decides.

Ms. Boyes said she has based her analysis on speaking twice in the past sixty days on review of the ordinance and with a meeting with County Attorney May. She stated she has given her opinion based on the ordinance and if there are any additional suggestions or requests, they need to be brought forward. Ms. Boyes said if there is specific verbiage being requested regarding what the board is requiring Mr. Kendrick to meet from a public standpoint that needs to be stated. Ms. Boyes said with Mr. Kendrick allowing the public and schools in to utilize the property he has met the requirements for the application and she had nothing else to ask. Ms. McDonough said it was not up to her to ask. She said it was up to Mr. Kendrick to present. She said you should say to the applicant you need to find a public purpose, public good or amenity. Ms. McDonough said Mr. Kendrick should do some reflection as to what he wish to present to the board. Ms. McDonough said she heard Mr. George say tonight that he was still trying to figure out what this Planned Complex was. Ms. McDonough said I know your tired of it but she wants the board to follow the procedure and follow Mr. May because they are the experts in the room.

Mr. Sigwarth stated that in his opinion it was wrong when the County Supervisors denied the initial application. He said Mr. Kendrick took it to the County Supervisors and answered the additional questions that was asked of him. Mr. Sigwarth said the board told Mr. Kendrick of what he needs to provide and he has provided everything requested multiple times. Mr. Sigwarth said he did not like the board wasting time and he also did not like that Dubuque County Supervisor Ann McDonough was not trusting the board to do their jobs.

Ms. Schermann commented that on Mr. Kendrick's previous application, he mirrored another PC, Planned Complex application that did not have a public intent and was approved however, the board denied Mr. Kendrick's request. Ms. Schermann said Mr. Kendrick's application was comprehensive and she was in support of it.

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

A motion was made by Mr. Sigwarth, second by Mr. Soppe to approve the rezoning with the condition that the 10 acres cannot be used for commercial use. Ms. Boyes, Ms. Schermann, Mr. Breitbach and Mr. George voted in favor of the motion. Ms. Caitlin voted against the motion. Vote 6-1.

5. OLD BUSINESS:

Ms. Henry said ZC#02-03-22 Joseph A Demmer Trust A-1 Agricultural to A-2 Agricultural Residential, ZC#02-04-22 Edwin & Rose Marie Horsfield and Nicholas & Ellie Wegmann A-1 Agricultural to A-2 Agricultural Residential, ZC#02-05-22 Edwin & Rose Marie Horsfield and Nicholas & Ellie Wegmann and Josh Wegmann A-1 Agricultural to A-2 Agricultural Residential, ZC#02-06-22 Wilfred & Darlene Vorwald Family's Living Trust and Danita Grant/DB&T Bank A-1 Agricultural to A-2 Agricultural, ZC#10-21-21 Chapter 1-Zoning Ordinance Amendments (Tabled from the January 18, 2022 Meeting) were all approved by the Board of Supervisors.

6. NEW BUSINESS:

Ms. Henry said the Dubuque County Auditor Kevin Dragatto hopes to have the Zoning Ordinance codified, which includes the Solar Ordinance within the next two weeks. Mr. Sigwarth asked if we need to revisit the PC, Planned Complex ordinance. Ms. Henry said yes. Ms. Henry said she would also like to talk to Mr. May regarding the 10 acre farm. Mr. May said he would try to have information for the 10 acres farm by April 1st so Ms. Henry could include the information in the Boards packets for the April 19th meeting.

7. PUBLIC COMMENTS:

8. ADJOURNMENT: A motion was made by Mr. Sigwarth, seconded by Mr. Soppe to adjourn the meeting. The motion passed unanimously. Vote:7-0 . The meeting ended at 7:27 p.m.