

Dubuque County Zoning Commission

Minutes of September 20, 2022

Chairperson Dave George called the meeting to order at 6 p.m.

1. ROLL CALL: Members present at the Dubuque County West Campus, 1225 Seippel Rd: Dave George, Sam Boyes, Kathleen Scherrman, Kevin Soppe, Carmen Dunkel, Ron Breitbach and Lisa Flanagan. 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. Boyes, **seconded by Mr. Breitbach, and passed unanimously to approve the minutes of the August 16, 2022 meeting. Vote: 7-0.**

3. PLAT APPROVAL:

Plat of Survey of Adams Acres-Final Plat (Tabled from the April 19 and the May 17, 2022 Meetings)

Plat of Survey of Lot 1, Lot 2 and Lot 3 of Adams Acres a consolidation and division of the following lots: Lot 1 of Lot 1 of Lot 2 of Lot 1 of the NE NE, Lot 1 of Lot 1 of Lot 1 of Lot 1 of Lot 1 of the NE NE, Lot 2 of Lot 1 of Lot 1 of Lot 1 of Lot 1 of the NE NE, Lot 1 of Lot 1 of the SE NE and Lot 2 of the SE NE all in Section 35, T88N, R2E, Table Mound Township, Dubuque County, Iowa

The property is owned by Garry James & Illa Kay Adams Rev. Trust and Illa Kay Adams Farm Trust and is located .88 miles south of the City of Dubuque along Airview Drive with a total of 78.13 acres surveyed. The property is zoned R-2, Single Family Residential and A-1, Agricultural. The purpose of the plat is to increase the lot size around each house to get the lot sized into compliance for at least one acre. The remainder of the crop ground will be sold to a neighbor. The plat was tabled on April 19th & May 17, 2022 because there were 2 homes on the parcel at that time. The 2nd home has since been torn down and there is only one home on each parcel now.

The survey creates 3 lots. Lot 1 has a total of 75.76 acres surveyed and will remain in current agricultural use and be sold to a neighbor. Lot 2 has a total of 1.21 acres surveyed with a home and will remain in current ownership and residential use. Lot 3 has a total of 1.16 acres surveyed with a home and will remain in current ownership and residential use.

Lot 1 will use an existing field entrance off of Airview Drive. Lot 2 and Lot 3 will use existing residential entrances off of Airview Drive.

Speaking to the board was Mike Weber, Weber Land Surveying, 26789 46th Ave, Bernard. Mr. Weber said this plat was made up from five (5) existing lots and was consolidated down to three (3) lots and the City of Dubuque had approved the plat as well.

Mr. George asked if anyone had additional questions, and no one spoke.

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

Plat of Survey of Kass 5th Addition – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Kass 5th Addition a consolidation and a division of Lot 1-2 of Kass Subdivision and Lot 2 of Kass 4th Addition located in Section 14, T89N, R1E, Center Township, Dubuque County, Iowa.

The property is owned by Black Barn LLC and Gary D & Linda Ellen Miller Trust and is located .15 miles northwest of the City of Asbury along Asbury Road with a total of 10.28 acres surveyed. The property is zoned R-2, Single Family Residential. The purpose of the plat is to allow the owners of Lot 2 to add more land to their lot.

The survey creates 2 lots. Lot 1 has a total of 7.92 acres surveyed and will remain in current ownership and residential use. Lot 2 has a total of 2.36 acres surveyed with a home and shed and will remain in current ownership and residential use.

Lot 1 and Lot 2 will use existing residential entrances off of Asbury Road.

Speaking to the board was Mike Weber, Weber Land Surveying, 26789 46th Ave, Bernard. Mr. Weber stated that the Miller's home was built close to the lot line, so they wanted to purchase the additional land to increase their lot size. He said the City of Asbury had approved the plat.

Mr. Breitbach asked if there was a home located on Lot 1. Ms. Henry said a building permit was applied for, so a home is currently being built. She said in the future Lot 1 could potentially have more homes.

Mr. George asked if anyone had additional questions, and no one spoke.

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

Plat of Survey of Heisler Place – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Heisler Place comprised of Lot 1-1-1-2 of SE ¼ SW ¼ Section 25, T89N, R1E, Center Township, Dubuque County, Iowa.

The property is owned by Diane & Donald Leik and is located .19 miles southeast of the City of Dubuque along Humke Road with a total of 1.979 acres surveyed. The property is zoned R-1, Rural Residential. The purpose of the plat is to separate the lot to be sold to the adjoining neighbor.

The survey creates 2 lots. Lot 1 has a total of 0.166 acres surveyed and is a non-buildable lot. This lot will be sold to the adjoining neighbor and combined with Lot 2 of Humke Place. Lot 2 has a total of 1.693 acres surveyed with a home and garage and will remain in current ownership and residential use.

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

Ms. Henry stated this plat was being done to add more space the adjoining lot because if they ever need to repair their septic, they will need the additional space to do so. She said that Lot 1 is listed as a non-buildable lot but once a new plat is drawn up to combine them the clause would be removed.

Speaking to the board via zoom was Jessalyn McDermott, Buesing & Associates, 1212 Locust St, Dubuque. Ms. McDermott said they plan to deed Lot 1 to the Mr. Heisler and then will follow up with a plat to combine the two lots into one.

Mr. George asked if there were additional questions, and no one spoke.

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

Plat of Survey of McAndrew Farm Subdivision – Final Plat

Plat of Survey of Lot 1 and Lot 2 of McAndrew Farm Subdivision part of the NW ¼ of the SE ¼; part of Lot 1 of Lot 3 of the NE ¼ of the SE ¼; part of the SW ¼ of the SE ¼; and part of the SE ¼ of the SE ¼, all in Section 1, T87N, R1E, lying southeasterly of southeasterly right of way line of U.S. Highway No. 151 and northwesterly of the centerline of McCullough Lane (formerly Primary Road No. U. S. Highway 151), Prairie Creek Township, Dubuque County, Iowa.

The property is owned by the Estate of Lucille McAndrew, c/o Janice Tucker and is located 4.12 Miles northeast of the City of Bernard along McCullough Lane with a total of 39.194 acres surveyed. The property is zoned A-1, Agricultural and A-2, Agricultural Residential on ZC#08-27-22. The purpose of the plat is to separate the existing farm home, sheds, and a silo so a family member can remain living in the home and the family can sell the remaining land.

The survey creates 2 lots. Lot 1 has a total of 1.547 acres surveyed with a home, sheds, and a silo and will remain in current ownership and residential use. Lot 2 has a total of 37.647 acres surveyed and will be sold.

Lot 1 use an existing residential entrance off of McCullough Lane. Lot 2 will use an existing field entrance off of McCullough Lane.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St North, Farley. Mr. Schneider said that Lot 2 was already auctioned off.

Mr. George asked if there were additional questions, and no one spoke.

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

Plat of Survey of Fuglsang and Meloy Subdivision Plat 3 – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Fuglsang and Meloy Subdivision Plat 3 comprised of Lot 2 in Fuglsang and Meloy Subdivision Plat 2 Section 17, T88N, R3E, Mosalem Township, Dubuque County, Iowa.

The property is owned by Debbie Fuglsang and is located 2.08 miles southeast of the City of Dubuque along Bradel Cove Road with a total of 5.887 acres surveyed. The property is zoned R-2, Single Family Residential. The purpose for the plat is to create a lot for the owner's son.

The survey creates 2 lots. Lot 1 has a total of 4.257 acres surveyed with a home and will remain in current ownership and residential use. Lot 2 has a total of 1.630 acres surveyed and will sold to Debbie's son for a new home in the future.

Lot 1 will use a 66' wide access & public utility easement off of Bradel Cove Road. Lot 2 will use an existing 20' wide ingress and egress easement off of Bradel Cove Road.

Ms. Henry explained that the setback lines for the son were placed on the plat because in the future if the adjacent land was to be developed the setbacks would still be met if the 20' wide access easement needed to be expanded to a 66' wide access easement.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St North, Farley. Mr. Schneider said he worked with the county engineer a few years ago to allow access to these lots knowing it would be two lots in the future.

Mr. George asked if there were additional questions, and no one spoke.

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

Plat of Survey of Windy Ridge Subdivision - Final Plat

Plat of Survey of Lot 1 thru Lot 5 of Windy Ridge Subdivision comprised of Lot 1, the W ½ of Lot 2, and the E ½ of Lot 2 all in the SW ¼ of the SW ¼ of Section 9, and Lot 1 and Lot 2 of Schrobilgen Place of Section 16, all in T89N, R1E, Center Township, Dubuque County, Iowa.

The property is owned by Ronald & Jessalynn Breiner and Kent & Judy Roebken and is located 1.81 miles northwest of the City of Asbury along Five Points Road with a total of 74.354 acres surveyed. The property is zoned R-2, Single Family Residential on ZC#08-25-22 and ZC#08-26-22. The purpose of the plat is to divide the residential zoned land from the agricultural zoned land and fix title issues with the two lots owned by Kent & Judy Roebken.

The survey creates 5 lots. Lot 1 has a total of 1.389 acres surveyed with a home and two sheds and will remain in current ownership and residential use. Lot 2 has a total of 1.500 acres surveyed with a home and shed and will remain in current ownership and residential use. Lot 3 has a total of 30.061 acres surveyed and will remain in current ownership and agricultural use. Lot 4 has a total of 17.510 acres surveyed with a shed and grain bin and will remain in current ownership and agricultural use. Lot 5 has a total of 23.894 acres surveyed and will be combined with Lot 3 of Windy Ridge Subdivision Plat 2 and will remain in current ownership and agricultural use.

Lot 1 and Lot 2 will use existing residential entrances off of Five Points Road. Lot 3 will use an existing field entrance off of Five Points Road. Lot 4 will use an existing field entrance off of Five Points Road. Lot 5 will use an existing field entrance off of Five Points Road.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St North, Farley. Mr. Schneider said the plat was a follow-up to the rezoning cases that were recently approved and the reconfigured lot lines now meet the R-2, Single Family Residential setbacks.

Mr. George asked if there were additional questions, and no one spoke.

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

Plat of Survey of Windy Ridge Subdivision Plat 2 – Final Plat

Plat of Survey of Lot 1, Lot 2 and Lot 3 of Windy Ridge Subdivision Plat 2 comprised as the S ½ of the NW ¼ of the SE ¼, the SW ¼ of the SE ¼, and Lot 1 of the S ¾ of the SE ¼ of the SE ¼ all in Section 8, T89N, R1E, Center Township, Dubuque County, Iowa and Lot 5 in Windy Ridge Subdivision in Sections 9 & 16 in T89N, R1E, Center Township, Dubuque County, Iowa.

The property is owned by Ronald & Jessalynn Breiner and is located 1.81 miles northwest of the City of Asbury along Five Points Road with a total of 115.680 surveyed. The property is zoned A-1, Agricultural. The purpose of the plat is combining the agricultural lots to sell as agricultural land.

The survey creates 3 lots. Lot 1 has a total of 37.109 acres surveyed and will be sold. Lot 2 has a total of 36.420 acres surveyed and will be sold. Lot 3 has a total of 42.151 acres surveyed and will be sold.

Lot 1 will use a 66' wide access and utility easement off of Five Points Road. Lot 2 will use a 66' wide access and utility easement off of Five Points Road. Lot 3 will use an existing residential entrance off of Five Points Road.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St North, Farley. Mr. Schneider said this plat was the follow-up plat that incorporates Lot 5 of Windy Ridge Subdivision to create a larger piece of A-1, Agricultural land. He said he took four (4) tax parcels and consolidated them into three (3) tax parcels and added a 66' access easement.

Mr. George asked if there were additional questions, and no one spoke.

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

Plat of Survey of Wild Wood Estates Plat No. 3 – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Wild Wood Estates Plat No. 3 comprised of Lot 70 and Lot 71 of Wild Wood Estates Section 19, T88N, R2E, Table Mound Township, Dubuque County, Iowa.

The property is owned by Mark Roling Trust & Sara Roling Trust and is located 2.08 miles south of the City of Dubuque along Royal Wood Drive with a total of 36.30 acres surveyed. The property is zoned R-2, Single Family Residential. The purpose of the plat is to make Lot 1 smaller and add the land to the adjacent residential property. The survey creates 2 lots. Lot 1 has a total of 3.66 acres surveyed with a home and will remain in current ownership and residential use. Lot 2 has a total of 32.64 acres surveyed with a home and will remain in current ownership and residential use.

Lot 1 and lot 2 will use existing residential entrances off of Royal Wood Drive.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St North, Farley. Mr. Schneider said the previous owners of Lot 70 wanted to sell the property and the trails to the pond was shared between both lots, the Roling's decided to purchase the lot. He said this plat allows them to move the property lines to add the trails to the pond onto their land. Mr. Schneider said in the future they plan on renovating and selling the existing house on Lot 1.

Mr. George asked if there were additional questions, and no one spoke.

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

Plat of Survey of Kane Business Park – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Kane Business Park comprised of Lot 2 of Lot 1 of Lot 1 of Lot 3, and Lot 1 of Lot 1 of Lot 2 of Lot 3, all in the E ½ of the NW ¼ and the NW ¼ of the NW ¼ in Section 7, T88N, R2E, Table Mound Township, Dubuque County, Iowa.

The property is owned by Thomas P. Kane and Julie M. Kane, trustees of the Thomas P. Kane and Julie M. Kane Revocable Trust 2017 and is located .66 miles southeast of the City of Dubuque along West Ridge Lane with a total of 4.954 acres surveyed. The property is zoned M-1, Industrial. The purpose of the plat is to allow Kordell Properties, LLC to obtain Lot 2 which has an existing building and parking area. The survey creates 2 lots. Lot 1 has a total of 3.600 acres surveyed with three buildings and parking areas and will remain in current ownership and industrial use. Lot 2 has a total of 1.354 acres with a buildings and parking area and will be sold to Kordell Properties, LLC.

Lot 1 and Lot 2 will use a 26' wide access and utility easement off of West Ridge Lane.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st St North, Farley. Mr. Schneider said that Kordell Properties LLC currently leases the property and operates their business out of the building that is located on Lot 2.

Mr. George asked if there were additional questions, and no one spoke.

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

4. REZONING CASES:

ZC#09-28-22 Michael Hodge and Annette Hall A-1, Agricultural to R-2, Single Family Residential

Ms. Henry stated this application was withdrawn.

ZC#09-29-22 Betty Tigges/Miller Companies R-1, Rural Residential to B-2, Highway Business

The applicants are requesting to rezone from R-1, Rural Residential to B-2, Highway Business 74.94 acres to allow the development of sellable commercial lots and to allow for a range of retail and commercial services. The property is located .81 miles southeast of the City of Dubuque along N. Cascade Road and is legally described as the Bal Lot 2-1 NE SW, Bal Lot 1-2, SE NW, SE SW, part Lot 1-2 SE NW, Lot 2-1-1-1-1-1 SW SW in Section 4, T88N, R2E, Table Mound Township, Dubuque County, Iowa and Lot 2-2-2 NW NW Section 9, T88N, R2E, Table Mound Township, Dubuque County, Iowa.

The property is owned by Betty Tigges. Zoning in the area includes C-1, Conservancy to the southeast. A-1, Agriculture to the north and east. A-2, Agricultural Residential to the east. R-1, Rural Residential to the north, south, east and west. R-2, Single Family Residential to the north and west. The A-2,

Agricultural Residential zoning on ZC#01-03-17 was to allow one farm home only. The R-1, Rural Residential to the north on ZC#02-05-18 was to separate the home to sell to their daughter. The R-2, Single Family Residential to the north on ZC#01-03-10 and ZC#05-17-06 were both to allow the construction of a single family home.

There are no previous zoning cases attached to this property. There are no Special Use Permits attached to this property. Seventeen (17) rezoning notification letters were sent to the property owners and the City of Dubuque was notified.

Comprehensive Plan Policy Chapter 7 Economic Development page 105, Objectives 1.2, 1.5 and 3.2 and Page 106 Objective 9.5 and page 107 Objective 10.8 and Chapter 9 Agricultural & Natural Resources page 134 Objective 3.1 and page 135 Objectives 3.3 and 5.1 may apply to this case.

Speaking to the board was Chris Miller, Miller Companies, 1204 Timber Hurst Court, Dubuque. Mr. Miller said it would be 15 commercial lots and without giving up too much information it would have light retail and commercial businesses that may use the property for outdoor storage and office space. Mr. Miller said he was working with potential tenants that were interested in 2 of the 15 parcels and he did not believe it would cause it to be highly traveled area based on the 2 potential tenants. He said businesses are having trouble finding land in Dubuque so they are seek property in Illinois and Wisconsin.

Mr. Miller referenced the City of Dubuque Future Land Use Map and stated that it's inevitable that this property would draw business use with the Southwest Arterial location. Mr. Breitbach asked what planning was in place for utilities and Mr. Miller said they are looking into the wells. He said that the City of Dubuque's 5-year plan is looking into obtaining water in the area. Mr. Miller said that public sewer may be more difficult to obtain however he believes the City of Dubuque will make it a priority.

Mr. Breitbach said he is concerned that the development plan is lacking information.

Mr. Miller said he contacted the Dubuque County Health Department and his engineer regarding the septic systems. His engineer thought with the terrain of the land it would be a sand filter septic system rather than a standard septic system.

Mr. Breitbach asked if they were approved by the Dubuque County Health Department for the septic systems. Ms. Henry said she had not been provided with any documentation regarding the septic plan. Mr. Miller said he just had a phone conversation with the health department, and it's too early into the development obtain anything in writing. Ms. Henry said they would have to provide the Health Department with a site plan and what their use would be.

Mr. Miller said one of the two businesses interested in a lot was a lumber yard. Ms. Henry asked him if he was the owner? He said "yes".

Speaking to the board was Jerry Elbert, 10765 Daisy Hill Lane, Dubuque. Mr. Elbert introduced himself as the realtor for both parties. He asked if the construction of southwest arterial was in the plan when zoning was put in place in the 1960's or early 1970's. Ms. Henry said no. Mr. Elbert said now with the southwest arterial completed the current zoning should be reviewed.

Mr. Elbert asked if there are checks and balances regarding septic systems that needs to be followed. Ms. Henry said the Health Department looks at every zoning permit and determines what the use is going to be, and they follow the current state guidelines.

Speaking to the board was Jim Brimmer, 10061 Ginger Ridge, Dubuque. Mr. Brimmer stated he is the son-in-law to Ms. Tigges. Mr. Brimmer said he was familiar with the Southwest Arterial design. He stated he attended multiple meetings regarding the design because at that time he was in management of the the Dubuque Community School District Grounds Department and there was conversation about a new school being built along the arterial. He said the City of Dubuque at that time intended to see further business development along the highway using frontage roads.

Speaking to the board was Cynthia Welsh, 12670 North Cascade Road, Dubuque. Ms. Welsh said that she was against the rezoning request as she lives directly next to the property. She said her home faces the property and she doesn't want businesses operating out her front door.

Speaking to the board was Frank Pothoff, 17344 Melody Circle, Dubuque. Mr. Pothoff said he would be concerned about the noise. He asked if B-2, Highway Business was the correct zoning that they needed. Ms. Henry said they had to apply for the B-2, Highway Business because of the outdoor storage and B-1, Business would not allow outdoor storage.

Speaking to the board was Lynn Siegert, 2970 Summer Dr, Asbury. Mr. Siegert said he is the son of Betty Tigges. Mr. Siegert said the noise from the businesses would not be louder than typical farm equipment.

Speaking to the board was Catherine Caitlin, 6552 Mitchell Mill Road, LaMotte. Ms. Caitlin expressed her concerns regarding the rezoning request and the lack of information provided by the applicants.

A motion was made by Mr. Breitbach, seconded by Ms. Flanagan to table the rezoning case until further information is provided. The motion passed unanimously. Vote: 7-0.

5. OLD BUSINESS:

Ms. Henry said ZC#08-23-22 Dennis & Sallie Hunt A-1 Agricultural to A-2 Agricultural Residential, ZC#08-24-22 Thomas J Budde Revocable Family Trust A-1 Agricultural to A-2 Agricultural Residential, ZC#08-25-22 Ronald & Jessalynn Breiner R-1, Rural Residential to R-2, Single Family Residential, ZC#08-26-22 Kent & Judy Roebken R-1, Rural Residential to R-2, Single Family Residential, ZC#08-27-22 Estate of Lucille McAndrew, c/o Janice Tucker A-1, Agricultural to A-2 Agricultural Residential were all approved by the Board of Supervisors.

6. NEW BUSINESS:

Ms. Henry provided the board members with the updated Zoning Code Binders. She said that the Solar Ordinance was not complete. Mr. Henry provided an updated P-C, Planned Complex application to the members for them to review and discussion will take place at the next meeting.

7. PUBLIC COMMENTS:

Speaking to the board was Catherine Caitlin, 6552 Mitchell Mill Road, LaMotte. Ms. Caitlin read in a prepared written statement expressing her thoughts and concerns regarding the preservation of Agricultural land.

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