

Dubuque County Zoning Commission

Minutes of November 15, 2022

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

1. ROLL CALL: Members present via a Zoom teleconferencing meeting: Kathleen Scherrman. Members present at the Dubuque County West Campus, 1225 Seippel Rd: Kevin Soppe, Sam Boyes, Ron Breitbach, Carmen Dunkel 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. Soppe, and passed unanimously to approve the minutes of the October 18, 2022 meeting. Vote: 7-0.**

3. PLAT APPROVAL:

Plat of Survey of Sherrill West Side Third Addition – Final Plat

Plat of Survey of Lot 1, Lot 2 and Lot 3 of Sherrill West Side Third Addition comprised of Lot 2 of Lot 9; Lot 1 of Lot 10; Lot 2 of Lot 2 of Lot 10; Lot 2 of Lot 1 of Lot 2 of Lot 10; Lot 2 of Lot 1 of Lot 1 of Lot 2 of Lot 10; Lot 1 of Lot 11; Lot 1 of Lot 2 of Lot 11; Lot 2 of Lot 2 of Lot 11; all in the SW ¼; and Lot 4 of Lot 2 of Lot 6 in the SE ¼ all in Section 13, T90N, R1E, Jefferson Township, Dubuque County, Iowa.

The property is owned by Sherrill United Methodist Church and is adjacent to the City of Sherrill along South Mound Road with a total of 5.519 acres surveyed. The property is zoned C-1, Conservancy. The purpose of the plat is to separate the church and cemetery from each other and create one extra lot for potential sale in the future. The Dubuque County Conservation Board voted in favor of the plat as proposed. The owners were approved for variances for the lot sizes and setbacks on BA# 11-37-22.

The survey creates 3 lots. Lot 1 has a total of 2.217 acres surveyed with a cemetery and it will remain in current ownership and use. Lot 2 has a total of 1.081 acres surveyed with a church and it will remain in current ownership and use. Lot 3 has a total of 2.221 acres surveyed and will remain in current ownership and use.

Lot 1, Lot 2 and Lot 3 will all use existing entrances off South Mound Road.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st North, Farley. Mr. Schneider said the plat is consolidating eight (8) lots down to three (3) and this was being platted if church was to dissolve in the future, they could sell the church separately from the cemetery. Mr. Schneider said lot 3 is vacant land and could possibly be sold in the future. He said the City of Sherrill was not interested in annexing the property into the city limits because they would not gain tax revenue and it would an expense to maintain the road.

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

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

Plat of Survey of Placid Road Subdivision – Final Plat

Plat of Survey of Lot 1 thru Lot 3 of Placid Road Subdivision comprised of the West ½ of the SW ¼ of Section 14, the E ½ of the E ½ of the SE ¼ of Section 15, T88N, R1W, Taylor Township, Dubuque County, Iowa.

The property is owned by Matt & Annette Smith and is adjacent to the City of Epworth along Placid Road with a total of 120.57 acres surveyed. The property is zoned A-1, Agricultural and A-2, Agricultural Residential on ZC#10-30-22. The purpose of the plat is to allow the Smith's to keep their home and buildings and sell the rest of the farm.

The plat creates 3 lots. Lot 1 has a total of 20.728 acres surveyed with a home and agricultural buildings and will remain in current ownership and agricultural use. Lot 2 is a total of 61.492 acres surveyed and will be sold. Lot 3 is a total of 38.307 acres surveyed and will be sold.

Lot 1 will use an existing residential entrance off Placid Road. Lot 2 will use an existing field entrance off Kidder Road. Lot 3 will use an existing field entrance off Placid Road.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st North, Farley. Mr. Schneider said Lots 2 & 3 were sold at auction to a neighboring property.

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 Wold Subdivision, Town of Durango and Dubuque County – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Wold Subdivision comprised of Lot 1 of Lot 2 of Lot 1 of Lot 1 of Lot 1 of Lot 2 of Lot 2 of Lot 10 and Lot 2 of Lot 1 of Lot 1 of Lot 2 of Lot 2 of Lot 10, in the Subdivision of the SW ¼ of Section 31, T90N, R2E, Town of Durango and Lot 2 of Lot 1 of Lot 1 of Lot 1 of Lot 1 of Lot 2 of Lot 2 of Lot 10, all in the Subdivision of the SW ¼ of Section 31, T90N, R2E, Peru Township, Dubuque County, Iowa.

The property is owned by Richard & Karen Wold and is in Dubuque County and the City of Durango along Iowa Highway Route 3 with a total of 9.567 acres surveyed. The portion of the property that is in Dubuque County is zoned C-1, Conservancy. The purpose of the plat is to allow the owners to keep Lot 1 which has 2 sheds and a Mobile Home on it. Lot 2 will be sold and it has a metal warehouse and commercial building with apartments.

The survey creates 2 lots. Lot 1 has a total of 1.005 acres surveyed with 2 sheds and a Mobile Home and it will remain in current ownership and use. Lot 2 has a total of 8.562 acres surveyed with a metal warehouse and commercial building with apartments and it will be sold.

Lot 1 and Lot 2 both will use existing entrances off Iowa Highway No. 3.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st North, Farley. Mr. Schneider said the entire town of Durango was in flood plain and they only way to build is if you replace a building on the existing foundation.

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

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

Plat of Survey of Country View Estates Plat 4 – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Country View Estates Plat 4 comprised of Lot 7 and Lot 8 in Country View Estates Section 7, T89N, R2E, Dubuque Township, Dubuque County, Iowa.

The property is owned by Greg & Nancy Adams and Hales Mill Development LLC and is located 0.53 miles west of the City of Dubuque along Hales Mill Road with a total of 2.704 acres surveyed. The property is zoned R 2, Single Family Residential. The purpose of the plat is to adjust a lot line to give Lot 2 a larger back yard.

The plat creates 2 lots. Lot 1 has a total of 1.428 acres surveyed and will continue in current ownership and use. Lot 2 has a total of 1.276 acres surveyed and will continue in current ownership and use.

Lot 1 and Lot 2 will have access off Keagan Court.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1st North, Farley. Mr. Schneider said the lot line adjustment was to improve the aesthetics of the property.

Mr. George asked if anyone had 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 Conley-Wilwert Place – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Conley-Wilwert Place comprised of Lot 1 of SE ¼ of NE ¼, Lot 4 of the SE ¼ of NE ¼, Lot 2 of Lot 2 of E ½ of SE ¼, all of Section 21, T90N, R1E, Jefferson Township, Dubuque County, Iowa.

The property is owned by John & Jeanne Conley and Alex Wilwert and is located 1.24 miles northeast of the City of Rickardsville along South Mound Road with a total of 40.809 acres surveyed. The property is zoned R-1, Single Family Residential and A-1, Agricultural. The purpose of the plat is to adjust the lot lines so the road right of way is where it should be.

The survey creates 2 lots. Lot 1 has a total of 38.199 acres surveyed with a home and agricultural buildings and will remain in current ownership and agricultural use. Lot 2 has a total of 1.421 acres surveyed and will remain in current ownership and residential use.

Speaking to the board was Jessalyn McDermott, Buesing & Associates, 1212 Locust St, Dubuque. Ms. McDermott said the plat is just adjusting lot lines.

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

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

Plat of Survey of Lot 1-1 & Lot 2-1 Breitsprecker Acres No. 2 – Final Plat

Plat of Survey of Lot 1-1 & Lot 2-1 of Breitsprecker Acres No. 2 comprised of Lot 1 Breitsprecker Acres No. 2 Section 13, T89N, R1E, Center Township, Dubuque County, Iowa.

The property is owned by Mark Breitsprecker and is located 0.14 miles north of the City of Asbury along Derby Grange Road with a total of 23 acres surveyed. The property is zoned R-2, Single Family Residential. The purpose of the plat is to create a 3-acre parcel for a new home site for his brother.

The plat creates 2 lots. Lot 1 has a total of 20 acres surveyed with a home and it will remain in current ownership and use. Lot 2 has a total of 3 acres surveyed and will be the site for a new home for the brother.

Lot 1 will use an existing residential entrance off Derby Grange Road. Lot 2 will have a 66' access easement across Lot 1.

Speaking to the board was Jessalyn McDermott, Buesing & Associates, 1212 Locust St, Dubuque. Ms. McDermott said the plat is set up with a 66' wide access easement running through the entire 23-acre property, and this would allow for potential future development.

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 Lot 1-1 & Lot 2-1 of the E ½ of the NE ¼ – Final Plat

Plat of Survey of Lot 1-1 & Lot 2-1 of the E ½ of the NE ¼ comprised of Lot 1 of the E ½ of the NE ¼ of Section 27, T89N, R1E, Center Township, Dubuque County, Iowa.

The property is owned by Daniel & Betty Buelow and is located .04 miles west of the City of Dubuque along Middle Road with a total of 54.786 acres surveyed. The property is zoned R-1, Rural Residential. The purpose of the plat is to create a lot for the son to build a home in the future.

The plat creates 2 lots. Lot 1-1 has a total of 2.767 acres surveyed and will be the site for a future home. Lot 2-1 has a total of 52.019 acres surveyed with an existing home and buildings and it will remain in current ownership and use.

Lot 1-1 and Lot 2-1 will share an existing residential entrance off Middle Road.

Ms. Henry said the plat was designed with a 66' wide access easement if the property owners decide to add additional homes in the future.

Speaking to the board was Andy Buelow, 17137 Middle Road, Dubuque. Mr. Buelow said the purpose of the plat is to preserve the tillable farm ground and mentioned that there is an existing field entrance on the property.

Mr. George asked if anyone had 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.**

4. REZONING CASES:

ZC#11-31-22 Chapter 1-Zoning Ordinance Amendments

Amendments to the following section of the Zoning Ordinance:

PC-Planned Complex District, Sections 1-15.13 through 1-15.14

This section was previously reviewed in a public hearing by the Zoning Commission on May 17, 2022 with County Attorney CJ May present, and then again on October 18, 2022. The changes were made as requested by the Zoning Commission and is here today for approval.

See documents attached.

The board discussed ordinance and the application for the PC, Planned Complex. The board discussed changing the verbiage on the ordinance and application from “A written statement” to “A detailed written statement”.

Mr. Breitbach said he would like to see a preliminary process being followed for wells and septic’s prior to approving the rezoning request. He said his concern is if the board approves the rezoning request and the property owner begins to develop the PC, Planned Complex only to find out the initial plans for the PC, Planned Complex are not financially feasible and decides not to proceed with the PC, Planned Complex. He said then we have land zoned for a use that may never happen. The board agreed to add “Initial Health Department Review Date” and “Entrance Application Status” to the Office Use Only section of the application.

A motion was made by Ms. Boyes, **seconded by Mr. Breitbach to approve as amended the Chapter 1-Zoning Ordinance Amendments. The motion passed unanimously. Vote: 7-0.**

5. OLD BUSINESS: Update on Previous Rezoning Cases

Ms. Henry stated ZC#10-30-22 Matt & Annette Smith A-1 Agricultural to A-2 Agricultural Residential was approved at the Board of Supervisors meeting. Vote was 2-1, Mr. Wickham & Mr. Pothoff were in favor of the rezoning request and Ms. McDonough vote against the rezoning request.

6. NEW BUSINESS: Discussion on Zoning Code Update

Ms. Henry said County Auditor Kevin Dragotto was still working on codifying the Solar Ordinance.

7. PUBLIC COMMENTS:

8. ADJOURNMENT: A motion was made by Ms. Boyes, **seconded by Mr. Soppe. to adjourn the meeting. The motion passed unanimously. Vote:7-0 . The meeting ended at 7:25 p.m.**

CHAPTER 1 - ZONING ORDINANCE OF DUBUQUE COUNTY, IOWA

Color Key

Blue-New Additions to the Ordinance Amendments

Green-Moved from one section of the ordinance to a new location

Red-Deleted removed from the ordinance strike or replace

1-15.13 "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. A written statement answering number 6(a) thru 6(b) of this ordinance with a site plan explaining how the development will not cause harm to the general public. Any amendments to the plan will be required to follow all regulations and procedures of the original plan. Any amendments to the plan will be required to ask for an amendment to their original plan.

- a APPLICATION: The owner or owners of contiguous property comprising ten (10) acres or more may submit an application to have their land classified "PC" Planned Complex on the Zoning Map. The application shall be made to the Zoning Administrator and shall include the following:
- (1) Legal description of the property as it is presently recorded.
 - (2) Six (6) copies One original copy of the plan of the property showing the existing topography, all buildings and other manmade structures, present uses and recorded lot lines. The plan shall also include an approval from the Soil and Water Department. This plan shall be drawn to a scale of one (1) inch equals two hundred (200) feet with contour intervals of two (2) feet.
 - (3) Plot plan of proposed development must meet county site plan rules and show all buildings with exterior dimensions, parking areas with parking stalls delineated and direction of traffic indicated, streets showing direction of traffic indicated, streets showing direction of traffic flow, points of ingress and egress from public right-of-ways, sanitary sewer and water facilities to be provided (if these involve connection to public facilities the connection will be indicated).
 - (4) A preliminary plan for any privately operated sanitary sewer facilities or water facilities.
 - (5) Proposed plat of the area to be included in the planned complex and any public right of way included as a part of the development. The plat will be administered according to the provisions of the county subdivision regulations. The final plat shall be approved in conjunction with the planned complex. Existing lots and blocks that are deemed to be unsuitable for the best development of the proposed complex shall be vacated.
 - (6) The proposed development needs to be reviewed at a preliminary meeting.
 - (7) A written statement describing the concept of the proposed development substantiating the following:
 - (a) That the proposed development is in accord with Section 1-3 Purpose and Intent of this Ordinance.
 - (b) That the proposed uses are in accord with the future land use plan.

- (c) That in consideration of the best interests of the general public the proposed development is more beneficial than the development that could be accomplished under the provisions of any other district.
- (d) That the general public will actually benefit by the proposal because of increased accommodations and aesthetic qualities.
- (d) That the general public will not be harmed by the proposal because of increased accommodations and aesthetic qualities
- (e) That the development will not impose an undue burden on public services and facilities, such as utilities, fire and police protection.
- (e) That the design for the area is in accord with sound and generally accepted principles of architecture, landscape architecture, engineering and related fields.

b **REVIEW:** Upon receipt of such application the Zoning Administrator shall notify the chairman of the Dubuque County Zoning Commission. Within thirty (30) days of the date of such application, the Commission shall prepare a specific listing of additional information that they deem necessary in preparing an analysis of the proposal. Within 30 days of receipt of such information the Commission will prepare in writing an analysis of the proposal and forward the analysis and application to the Board of Supervisors. The Board of Supervisors shall hold a public hearing prior to taking action on the proposal.

c **PERMITS:** The Zoning Enforcement Officer Office shall issue permits only for buildings, structures or uses shown on the plan.

d **AMENDMENTS:** A proposed amendment to the plan will be subject to all regulations and procedures of an original proposal.

A proposed amendment to the plan will require the owner to ask the Zoning Commission for that change to be made to the existing PC, Planned Complex.

1-15.13 "PC" PLANNED COMPLEX DISTRICT

The PC Planned Complex District is intended to encourage flexible and innovative design in the development of appropriate 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 answering number 6(a) thru 6(b) of this ordinance with a site plan explaining how the development will not cause harm to the general public. Any amendments to the plan will be required to ask for an amendment to their original plan.

- a APPLICATION: The owner or owners of contiguous property comprising ten (10) acres or more may submit an application to have their land classified "PC" Planned Complex on the Zoning Map. The application shall be made to the Zoning Administrator and shall include the following:
 - (1) Legal description of the property as it is presently recorded.
 - (2) One original copy of the plan of the property showing the existing topography, all buildings and other manmade structures, present uses and recorded lot lines. The plan shall also include an approval from the Soil and Water Department. This plan shall be drawn to a scale of one (1) inch equals two hundred (200) feet with contour intervals of two (2) feet.
 - (3) Plot plan of proposed development must meet county site plan rules and show all buildings with exterior dimensions, parking areas with parking stalls delineated and direction of traffic indicated, streets showing direction of traffic flow, points of ingress and egress from public right-of-ways, sanitary sewer and water facilities to be provided (if these involve connection to public facilities the connection will be indicated).
 - (4) Proposed plat of the area to be included in the planned complex and any public right of way included as a part of the development. The plat will be administered according to the provisions of the county subdivision regulations. The final plat shall be approved in conjunction with the planned complex.
 - (5) The proposed development needs to be reviewed at a preliminary meeting.
 - (6) A written statement describing the concept of the proposed development substantiating the following:
 - (a) That the proposed development is in accord with Section 1-3 Purpose and Intent of this Ordinance.
 - (b) That the proposed uses are in accord with the future land use plan.
 - (c) That in consideration of the best interests of the general public the proposed development is more beneficial than the development that could be accomplished under the provisions of any other district.
 - (d) That the general public will not be harmed by the proposal because of increased accommodations and aesthetic qualities

- (e) That the development will not impose an undue burden on public services and facilities, such as utilities, fire and police protection.
- (f) That the design for the area is in accord with sound and generally accepted principles of architecture, landscape architecture, engineering and related fields.

b PERMITS: The Zoning Office shall issue permits only for buildings, structures or uses shown on the plan.

c AMENDMENTS: A proposed amendment to the plan will require the owner to ask the Zoning Commission for that change to be made to the existing PC, Planned Complex.



DUBUQUE COUNTY ZONING
1225 SEIPPEL ROAD, DUBUQUE IA 52002
PHONE: (563) 589-7827 FAX: (563) 589-7868

OFFICE USE ONLY: CASE# ZC _____

APPLICATION FOR PLANNED COMPLEX DISTRICT ZONING OR AMENDMENT
DUBUQUE COUNTY ZONING ORDINANCE

APPLICATION DATE: _____

PROPERTY OWNER(S): _____ PHONE: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

APPLICANT: _____ PHONE: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

SITE ADDRESS: _____ PARCEL #: _____

TOTAL # OF ACRES TO BE REZONED: _____ SQUARE FEET: _____

CURRENT ZONING OF THE PROPERTY: _____

The PC Planned Complex District is intended to encourage flexible and innovative design in the development of appropriate sites as one integrated project. It would allow residential, commercial, and industrial developments or a combination of those uses that are complementary and integrated, all in the same location.

The following documents are necessary for the PC Planned Complex District application. Each item should be attached to this application form on a separate sheet. Incomplete applications will be returned to the applicant for additional information.

1. Legal Description of the property as it is presently recorded.
2. One original copy of the Site Plan drawn to a scale of one (1) inch equals two hundred (200) feet with contour intervals of two (2) feet. The plan should show the following:
 - a. The location of all streets
 - b. Existing Topography
 - c. All buildings and other manmade structures
 - d. Present uses
 - e. Recorded lot lines
3. Provide a plot plan of the proposed development that meets the county site plan rules showing the following:
 - a. All buildings with exterior dimensions
 - b. Parking areas with parking stalls delineated
 - c. Streets showing direction of traffic flow
 - d. Points of ingress and egress from public rights-of-ways
 - e. A Preliminary Plan showing private or public water and sewer facilities shall be provided. (If these involve connection to public facilities, the connection will be indicated.)

4. A proposed plat of the area to be included in the planned complex. Any public right-of-way included as a part of the development should be indicated. The plat will be administered according to the provisions of the county subdivision regulations. The final plan shall be approved in conjunction with the planned complex.
5. A formal written statement describing the concept of the proposed development substantiating the following:
 - a. That the proposed development is in accordance with Section 1-3 Purpose and Intent of this Ordinance.
 - b. That the proposed uses are in accord with the future land use plan.
 - c. That, in consideration of the best interests of the general public, the proposed development is more beneficial than the development that could be accomplished under the provisions of any other district.
 - d. That the general public will not be harmed by the proposal because of increased accommodations and aesthetic qualities.
 - e. That the development will not impose undue burden on public services and facilities, such as utilities, fire and police protection.
 - f. That the design for the area is in accord with sound and general accepted principles of architecture, landscape architecture, engineering, and related fields.

CERTIFICATION: I/we, the undersigned, do hereby certify that:

1. The information submitted herein is true and correct to the best of my/our knowledge and upon submittal becomes public record.
2. Fees are not refundable and payment does not guarantee approval.
3. All additional required written and graphic materials are attached.

Property Owner: _____ Date: _____

Property Owner: _____ Date: _____

Applicant: _____ Date: _____

RETURN APPLICATION TO: DUBUQUE COUNTY ZONING, 1225 SEIPPEL RD, DUBUQUE IOWA 52002
 HOURS: 8:00 A.M. TO 4:30 P.M.
 INCLUDE \$250 APPLICATION FEE, MADE PAYABLE TO: DUBUQUE COUNTY TREASURER.

****OFFICE USE ONLY****

FEE: _____ DATE PAID: _____

DATE OF PREVIOUS APPLICATION (IF ANY): _____

PUBLICATION DATE: _____

ZONING BOARD MEETING DATE: _____ DECISION: _____

SUPERVISORS MEETING DATE: _____ DECISION: _____