

Dubuque County Zoning Commission Minutes of January 17, 2023

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

1. ROLL CALL: Members present at the Dubuque County West Campus, 1225 Seippel Rd: Kevin Soppe, Sam Boyes, Kathleen Scherrman, Ron Breitbach, Carmen Dunkel, and Lisa Flanagan. Chairperson Dave George was absent. 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 Mr. Breitbach, **seconded by Mr. Soppe, and passed unanimously to approve the minutes of the December 20, 2022 meeting. Vote: 6-0.**

3. PLAT APPROVAL: None

4. REZONING CASES:

ZC#01-01-23 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 22 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 and part Lot 1-2 SE NW, in Section 4, 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, Agricultural 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 to the east 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.

The applicants had a previous zoning case that was brought before the Zoning Commission on September 20, 2022 on ZC#09-29-22 in which they were asking for 74.94 acres be rezoned from R-1, Rural Residential to B-2, Highway Business to allow the development of 15 commercial lots and to allow for a range of retail and commercial services. Mr. Miller told the Board that businesses are having trouble finding land in Dubuque so they are seeking property in Illinois and Wisconsin. Mr. Miller told the Zoning Board that one of the businesses that would be located on this property was a lumber yard that he owns.

The Zoning Board wanted to know what the plan was for the septic systems and wanted to know how they would get water to these lots. Mr. Miller told them that he was working with the health department to find out what he would need for the septic and water. The Zoning Board decided to table this case until they had more information.

After doing more research, Mr. Miller realized it would not be cost effective for him to develop the entire 74.94 acres because of the fill that was needed to elevate the site. Mr. Miller decided to withdraw his request to rezone the entire 74.94 acres.

Mr. Miller came in and put in a new application on December 12, 2022. The new application is now asking for only 22 acres to be rezoned. Mr. Miller would still own the entire 74.94 acres, but he would just not plan on any development on this land at this time. The new plan is asking for six (6) lots. The lot sizes range from 3 acres to the largest being 5.1 acres.

Mr. Miller has been working with Buesing & Associates Inc. for concepts for this land. The intent would be to provide an overall grading plat that will minimize the volume of soil that would need to be removed off the site or imported to the site.

Buesing & Associates believes that two wells could serve this commercial development and are planning for each lot to have its own private sewage disposal system. They will need to have a plan to manage the storm water that would leave the property during construction. They would be required to weekly inspections to make sure there are no erosion problems during construction. They have met with the Health Department and the Watershed department to come up with the plan for the new infrastructure if the zoning is approved.

There is one previous zoning cases ZC#09-29-22 attached to this property, it was withdrawn by the applicant. There are no Special Use Permits attached to this property. Fourteen (14) 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 Chris Miller, Miller Properties, 1204 Timber Hyrst Court, Dubuque & Tom Larsen, Buesing & Associates, 1212 Locust St, Dubuque. Mr. Miller said had nothing to add to what Ms. Henry said and he was open for additional questions.

Ms. Boyes asked to see what the original rezoning request was compared to this new application. Ms. Henry displayed the original and current plan.

Ms. Flanagan asked if Mr. Miller had looked into existing industrial zoned areas for his plan first rather than rezoning property that is used as agricultural land. Mr. Miller said they have looked at other properties in Dubuque, Illinois and Wisconsin. Mr. Miller said the demand for the use is high.

Speaking to the board is Ed Raber, Dubuque County Project Coordinator, 720 Central Ave, Dubuque. Mr. Raber provided a packet of the comprehensive plan maps for the City of Dubuque and the County of Dubuque. Mr. Raber said the comprehensive plan for Dubuque County was last updated in 2013 and the City of Dubuque was 2017 and the Southwest Arterial was not yet developed.

Mr. Raber said that both the City of Dubuque and County of Dubuque maps reflect similar comprehensive plans for the Southwest Arterial & North Cascade Road interchange to be developed as mixed use. Mr. Raber said that both government bodies in two separate planning processes, planned to see these interchanges along highways to be developed as mixed use in the future.

Mr. Breitbach asked what the process differences would be between the City and County for property that is zoned Commercial Use. Ms. Henry said the Dubuque County would make the owners meet setbacks however, the County of Dubuque does not have Building Codes or Inspections. Mr. Breitbach asked Mr. Miller & Mr. Larsen if they intended to follow some of the City of Dubuque Building Codes.

Mr. Raber said they did have a large meeting with the developers, County Engineer, and multiple county offices regarding the proposed development ideas. Mr. Raber emphasized that the drawing that was given to the board was not a completed site plan it was just a highlight of the land they were asking to rezone. He said there would be a plat and other items that would be presented and that this is an unusual case for Dubuque County and agreed that there would be many more questions as development moves forward.

Ms. Henry said if the rezoning request is approved, she would then plan pre-plat meetings with the developer, surveyor, soil & water department, and the health department that would provide them with instructions of what needs to be done to meet the county ordinances. She said once the plat is completed then the Zoning Board would be provided with a detailed design of the land.

Mr. Breitbach said the board did originally table the rezoning request for more information from the developers. Mr. Breitbach said they have now met the request with the information provided at this meeting. He thought it was a positive plan for the builder to develop on county property rather than across the road that the City of Dubuque owns.

Mr. Miller said the City of Dubuque does not have it in their 5-year budget plan to install water and sewer in that location. He said he would like to keep the remaining property zoned as R-1, Single Family Residential so the city could eventually provide the residential land with the sewer and water.

Mr. Breitbach asked Mr. Raber if the rezoning is granted by the Dubuque County Board of Supervisors, could the City of Dubuque annex the land into the city later and then require them to meet there ordinances as far as streets, curbs, and gutters? Mr. Raber said he did not think there was anything that could prohibit the city from doing that however, he thinks they would negotiate with the property owner or association to come up with a solution.

Mr. Soppe asked if Dubuque County had a lot of B-2, Highway Business property. Ms. Henry said no however, the Key West area has an abundance of B-1, Business and B-2, Highway Business zoned districts that currently has single family homes located on them.

Mr. Soppe asked how wide the road access through the commercial property to the residential section was. Ms. Henry verified it would have a 66' wide road access.

Speaking to the Board was Cindy Welsh, 12670 North Cascade Rd, Dubuque. Ms. Welsh said she live adjacent to the property for 25 years. Ms. Welsh said her property overlooks the property and she does not want to see her view turn into a lumber yard. Ms. Welsh she would rather see homes built rather than see businesses. Ms. Welsh said she is against the rezoning request.

Speaking to the board was Wendy Walser, Florida. Wendy's parents are William & Margaret Walser, 12430 Walser Lane, Dubuque. Ms. Walser said she intends to move to

her parent's home that they built. Ms. Walser is against the rezoning because she said the beauty of the land would be lost.

Mr. Breitbach asked if the county has rules regarding lighting. Ms. Henry said we do have ordinances regarding lighting so the developers would have to provide information on their plans.

Mr. Scherrman asked Mr. Miller what the hours of operation would be. Mr. Miller said 7am-5pm, Monday through Friday. No weekends. Ms. Henry said we have no control over the hours of business.

Mr. Breitbach asked what the difference of elevation would be between the Lot 1 in the commercial section and Ms. Welsh's residence. Mr. Larsen said the elevation drops down from Ms. Welsh's property to the commercial property. Mr. Larsen said the current elevation of Lot 1 is 945' but once construction is complete it would drop down by an estimated 20' or more to approximately 920'. Mr. Larsen estimated Ms. Welsh's property is sitting around 973'. Mr. Breitbach said its approximately 50' lower than Ms. Welsh's property and the view would still exist.

A motion was made by Ms. Dunkel **seconded by Ms. Scherrman to approve the rezoning from R-1, Rural Residential to B-2, Highway Business. Ms. Dunkel, Ms. Scherrman, Ms. Boyes, Mr. Breitbach and Ms. Flanagan voted in favor of the motion. Mr. Soppe voted against the motion. The motion passed unanimously. Vote: 5-1.**

5. OLD BUSINESS: Update on Previous Zoning Cases-None

6. NEW BUSINESS: The board discussed adding a Planning position to the Zoning Department. Ms. Henry reminded to the board members send an email or letter to her with their ideas regarding adding a Planning Position. Ms. Henry would like to present the feedback to the Board of Supervisors during the zoning budget meeting January 25, 2023.

7. PUBLIC COMMENTS: None

8. ADJOURNMENT: A motion was made by Mr. Soppe., **seconded by Mr. Breitbach. to adjourn the meeting. The motion passed unanimously. Vote:6-0. The meeting ended at 7:15 p.m.**