

## **Dubuque County Zoning Commission Minutes of June 20, 2023**

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, Kevin Soppe, Ron Breitbach and Lisa Flanagan. Members present via zoom: Sam Boyes, Kathleen Scherrman and Carmen Dunkel. Staff Present at the Dubuque County West Campus, 1225 Seippel Road: Amy Schmerbach and Lindsey Schreiber

**2. APPROVAL OF MINUTES:** A motion was made by Mr. Breitbach, **seconded by Ms. Boyes, and passed unanimously to approve the minutes of the May 16, 2023 meeting. Vote: 7-0.**

### **3. PLAT APPROVAL:**

#### **Plat of Survey of Holstein Lane Subdivision – Final Plat**

Plat of Survey of Lot 1 thru Lot 3 of Holstein Lane Subdivision comprised of Lot 1 of Lot 2 of the NW ¼ of the SW ¼ in Section 19, T90N, R2E, Peru Township and Lot 1 of the NE ¼ of the SE ¼ and Lot 1 of Lot 1 of Lot 2 of the NE ¼ of the SE ¼ in Section 24, T90N, R1E both Jefferson Township, all in Dubuque County, Iowa.

The property is owned by Lawrence & Dianne Brimeyer and is located .31 miles south of the City of Sherrill along Holstein Lane with a total of 45.249 acres surveyed. The property is zoned R-2, Single Family Residential. The purpose of the plat is to allow two of their granddaughters to build homes.

The survey creates 3 lots. Lot 1 has a total of 1.272 acres surveyed and will be sold to their granddaughter. Lot 2 has a total of 1.373 acres surveyed and will be sold to another granddaughter. Lot 3 has a total of 42.604 acres surveyed and will remain in current ownership and agricultural use.

Lot 1 and Lot 2 will use a shared access easement, with a pending entrance permit, off of Holstein Lane. Lot 3 will use an existing field entrance off of Holstein Lane.

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1<sup>st</sup> St North, Farley. Mr. Schneider said he was reconfiguring three (3) lots into three (3) new lots to sell two of the lots to the Brimeyer's granddaughters.

Mr. George 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 Hoffman Farm Subdivision – Final Plat**

Plat of Survey of Lot 1 thru Lot 3 of Hoffman Farm Subdivision comprised of Lot 1 in the NW ¼ of Section 11, T90N, R2W, Liberty Township, Dubuque County, Iowa.

The property is owned by Bruce & Connie Hoffman and is located 1.13 miles north east of the City of Luxemburg along Thunder Road with a total of 101.348 acres surveyed. The property is zoned A-1, Agricultural and A-2, Agricultural Residential. The A-2, Agricultural Residential on approved ZC#04-09-23 was to allow the sale of the home and

buildings. The purpose of the plat is to separate the existing home and farm buildings so they can be sold.

The survey creates 3 lots. Lot 1 has a total of 48.900 acres surveyed and will remain in current ownership and agricultural use. Lot 2 has a total of 48.991 acres surveyed and will remain in current ownership and agricultural use. Lot 3 has a total of 3.457 acres surveyed with a home and agricultural buildings and will be sold.

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

Speaking to the board was Dave Schneider, Schneider Land Surveying, 906 1<sup>st</sup> St North, Farley. Mr. Schneider said he was through the rezoning process for the plat and the Hoffman's have a purchaser for the home and farm buildings. Mr. Schneider said they will continue to rent out the remaining farm ground.

Mr. George if anyone had 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.**

**ZC#06-16-23 CJMD LLC/Michael Gantz R-1, Rural Residential to B-2 Highway Business**

The applicant is requesting to rezone from R-1, Rural Residential to B-2, Highway Business 4.25 acres to allow for additional storage buildings. The property is adjacent to the City of Dubuque along Tanzanite Drive and is legally described as Lot 1 Alt's Sub and Lot 1 & Lot 2 Alt's Sub Plat 2 all in Section 2, T89N, R2E, Dubuque Township, Dubuque County, Iowa.

The property is owned by CJMD LLC/Michael Gantz. Zoning in the area includes C-1, Conservancy to the north, south and west. A-1, Agricultural to the north. R-1, Rural Residential to the north and northeast. R-2, Single Family Residential to the north and northeast. R-3, Single Family Residential to the north, northwest and northeast. R-5, Multi-Family Residential to the north and west. B-1, Business to the northwest. B-2, Highway Business to the north and southwest. M-1, Industrial to the south and west.

The R-1, Rural Residential to the north on ZC#9000-38-77 was to allow the construction of a new home. The R-2, Single Family Residential to the north on ZC#12-08-88 was to allow for a private stable, barn and workshop and to the north on ZC#07-30-18 was to get a non-conforming property into compliance. The R-3, Single Family Residential to the northwest on ZC#07-18-92 was to allow for a new home. The R-3, Single Family Residential to the northeast on ZC#9000-15-77 was to allow for the construction of seven homes. The R-5, Multi Family Residential to the north on ZC#9000-22-71 was to allow for the construction of a two-family home. The B-2, Highway Business to the southwest on ZC#9000-08-78 was to allow a small engine repair and vehicle maintenance shop.

There is one previous zoning case attached to this property on ZC#05-15-07 to allow for mini warehousing only. There are no special use permits attached to this property. There is an approved entrance permit #23-17. Thirty-seven (37) letters were sent to property owners and the City of Dubuque was notified.

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

There was one comment regarding this case from Valerie Kennedy, 505 Sapphire Circle. She said she has no problem with the building but is concerned about having another entrance with so much traffic coming in and out. She said there are already two entrances and are numerous entrances on the other side of the road into the trailer park.

Speaking to the board was Michael Gantz, 17222 Chicory St, Dubuque. Mr. Gantz said the requested rezoning area would be the third stage of the storage buildings and it currently has 3 pads with a power line easement. He said the rezoned area would make the property esthetically pleasing and economically feasible due to the powerline easement and would allow for him to develop a larger flat pad for the third addition. This would allow enough space for the water retention basin that the county would require. Mr. Gantz said he was granted an approved entrance. Mr. Breitbach stated he drove by the property and stated that the elevation to the third stage was quite a bit lower than the residential lots on the hill.

Ms. Boyes asked if the entrance approvals differed between the city and county ordinances. Ms. Schmerbach said she was unsure if there was a difference however she does know the engineer's office checked for safety and site distances upon approving the entrance permit.

Speaking to the board was Steve Oberhoffer, 517 Sapphire Circle, Dubuque. Mr. Oberhoffer said his property is adjacent and asked if a privacy fence and retaining wall would be installed. Mr. Gantz said there if issues arise with the erosion of the embankment then yes, they will install a retaining wall. Mr. Oberhoffer said the privacy fence would help keep lighting and dust from disturbing his residential property.

Mr. George asked Mr. Gantz what the change in the grade of the land would be and Mr. Gantz said he did not have that information. Mr. Gantz said Orgin Design came and did the original drawing of the pad and the next step would to get Orgin Design back to the property along with McDermott Excavation to get the property and as high up as possible to make the road smooth. Mr. George was looking at a drawing from Orgin design and asked if the red lines were the projected elevation lines and Mr. Gantz said yes, however those may change when they begin to excavate.

Speaking to the board was Nicole Carpenter, 527 Sapphire Circle, Dubuque. Ms. Carpenter said her back property line meets up with the rezoning area. She said safety was her concern because her property has a large drop off going down to the proposed storage building. She said she would like a retaining wall with a fence installed to prevent erosion. Mr. Gantz said there will be a fence eventually surrounding the entire property for security reasons. He said if a retaining wall was needed for erosion, a fence would be installed on top of the retaining wall for safety.

Ms. Carpenter asked how far the driveway/entrance would be from her back property line. Mr. Gantz said it only requires a 20' setback however the driveway was being designed to accommodate large RV's in the storage units so the driveway needs to be at least a 60' to 80' wide to enter or exit the oversized storage units comfortably. Ms. Carpenter asked if

the access would be concrete or gravel. Mr. Gantz said based on what's more economically possible his goal was to have either asphalt or concrete.

Speaking to the board was Shawn Carpenter, 527 Sapphire Circle asked if the existing tree line would be disturbed. Mr. Gantz said he wants the project done correctly and he would not know how much of the tree line would be disturbed until the excavating begins.

Speaking to the board was Jessica Rudiger, 501 Sapphire Circle, Dubuque. Ms. Rudiger said her property is adjacent to the property and she had the same concerns about the privacy fence, access, and lighting.

Speaking to the board was Nicole Carpenter, 527 Sapphire Circle, Dubuque. Ms. Carpenter questioned the light pollution from the property. Mr. Gantz said the light pollution will be drastically reduced because of the new light fixtures that were installed, and he said the buildings will block most of the lighting. Mr. Breitbach asked Mr. Gantz if the lights would be mounted to the buildings or on utility poles and Mr. Gantz said they will be mounted to the buildings along with the security cameras.

Mr. George asked if they intended on doing outdoor storage along the back of the property line and Mr. Gantz said no. He said there would be no outdoor storage on the property. Mr. Gantz said allows indoor storage for oversized RV's and Boats. Mr. Gantz said the storage units are designed to be drive through units.

Speaking to the board was Matthew Merz, 17236 Gardners Lane. Mr. Merz said he lives to the north of the location and thanked Mr. Gantz for the clarification on all the questions that were being asked. Mr. Merz said he did not have any objections however, he just asked if the lighting could have diffusers to lessen the light pollution. Mr. Merz said he currently does not have to deal with much of the light pollution from the existing buildings however, since these proposed buildings will be larger in size, he assumes the light pollution would increase.

A motion was made by Mr. Breitbach, **seconded by Mr. Soppe to approve the rezoning of 4.25 acres from R-1, Rural Residential to B-2, Highway Business to allow for additional storage buildings. The motion passed unanimously. Vote: 7-0.**

**ZC#06-17-23 Terry & Lynda Miller/Jay & Brittney Miller A-1 Agricultural to A-2 Agricultural Residential**

The applicants are requesting to rezone from A-1, Agricultural to A-2, Agricultural Residential 1.5 acres to allow the son and daughter in law to build a new home so they can continue to assist in the farming operation. The property is located 2.80 miles west of the City of Cascade along Goose Hill Road and is legally described as the SE NW except Lot 1 SE NW Section 33, T87N, R2W, Cascade Township, Dubuque County, Iowa.

The property is owned by Terry & Lynda Miller. 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) letters were sent to the property owners.

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 Mike Weber, Weber Land Surveying, 26789 46<sup>th</sup> Ave, Bernard. Mr. Weber said they owned a few hundred acres, and their son Jay wants to build a home. Mr. Weber said the board could place a condition on the 20 acres to the west so a second home could not be built. Ms. Boyes asked if the board needed to tie up the entire 20-acres to the west when the Millers have 2 smaller parcels of land to the North and South that could make up the necessary 35-acres needed.

The board decided not to disturb the 20-acres to the west with a condition and just combine the two smaller parcels to the north and south to remainder of the parcel that is being rezoned.

Speaking to the board was Terry Miller, 31028 Goose Hills Rd., Cascade. Mr. Miller said he is looking to phase out of the farming business and his son maintains the hog buildings on the farm so, they would like to build the home close to the hog buildings.

A motion was made by Mr. Breitbach, **seconded by Mr. Soppe to approve the rezoning of 1.5 acres more or less be rezoned to A-2, Agricultural/Residential for one home only and the remainder will stay A-1, Agricultural. That Lot 1 SW NE and Lot 2 NE SW both in Section 33, T87N, R2W, are not allowed to have another dwelling unless the property is rezoned for that use. The motion passed unanimously. Vote: 7-0.**

**ZC#06-18-23 Scot & Karen Knepper 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 separate the home and buildings from the rest of the farm to allow the nephew to purchase the home and buildings. The property is located 2.9 miles northwest of the City of Cascade along Schemmel Road and is legally described as Lot 2 Peter Kramer Place, Section 15, T87N, R2W, Cascade Township, Dubuque County, Iowa.

The property is owned by Scot & Karen Knepper. 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) letters were sent to the property owners.

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 Mike Weber, Weber Land Surveying, 26789 46<sup>th</sup> Ave, Bernard. Mr. Weber said Mr. Kneppers nephew Ben assists in the family farming business. Mr. Weber said Ben plans remove the existing home in the future and replace it with a new home.

A motion was made by Ms. Boyes, **seconded by Mr. Breitbach to approve the rezoning of 2 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 Lot 3 of Peter Kramer Place is not allowed to have another dwelling unless the property is rezoned for that use. The motion passed unanimously. Vote: 7-0.**

**5. OLD BUSINESS:**

Ms. Schmerbach said ZC#05-15-23 Daniel & Maureen Leytem life estate to John Leytem A-1 Agricultural to R-2 Single Family Residential was approved by the Board of Supervisors.

**6. NEW BUSINESS:**

**a) Zoning Code Update: None**

**b) Elections**

Ms. Schmerbach said Carmen Dunkel would not re-seek election to the Zoning Board Commission. The board members thanked Ms. Dunkel for her service on the Zoning Board. Ms. Schmerbach said Sam Boyes and Jerry Sigwarth were appointed to the Zoning Commission by the Board of Supervisors.

Ms. Dunkel excused herself from the meeting @ 7:00 p.m.

A motion was made by Mr. Soppe, **seconded by Ms. Boyes to appoint Mr. George as Chairperson and Mr. Breitbach as Vice-Chairperson. The motion passed unanimously. Vote:6-0.**

**7. PUBLIC COMMENTS:**

**8. ADJOURNMENT:** A motion was made by Mr. Soppe., **seconded by Ms. Flanagan to adjourn the meeting. The motion passed unanimously. Vote: 6-0 . The meeting ended 7:03 at p.m.**