

**Dubuque County Zoning Commission
Minutes of March 15, 2016**

Vice-Chairperson Kevin Soppe called the meeting to order at 6 p.m.

1. ROLL CALL: Members present: Janet Reiss, John Goodmann, Kevin Soppe, Leo Gansen, and Jerry Sigwarth. Staff Present: Anna O’Shea & Angela Steffens.

2. APPROVAL OF MINUTES: A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe, and passed unanimously to approve the minutes of the February 16, 2016 meeting and February 16, 2016 Work Session. Vote: 5-0.**

3. PLAT APPROVAL:

a. Plat of Survey of Stoffel-Wolf Addition –Final Plat

Plat of Survey of Lot 1 and Lot 2 of Stoffel-Wolf Addition comprised of Lot 1 of Sub. of Lot 1 of the SE ¼ of the NE ¼ and Lot 1 of Sub. of Lot 2 of Lot 2 of the SE ¼ of the NE ¼ all in Section 23, (T90N R1W) Concord Township, Dubuque County, Iowa.

The property is owned by Kevin & Dawn Wolf & Joseph Stoffel and is located 0.83 miles northwest of the City of Rickardsville along Pfeiler Road. The property is zoned A-1 Agricultural with a total of 39.76 acres surveyed. The purpose of the plat is to allow Kevin & Dawn Wolf to have access to their property off of both Pfeiler Road and Plum Creek Road.

The survey creates 2 lots. Lot 1 has a total of 17.46 acres surveyed and will remain in current use and belongs to Kevin & Dawn Wolf. Lot 2 has a total of 22.30 acres surveyed and will remain in current use and belongs to Joseph Stoffel.

Lot 1 will use existing field entrances off of both Pfeiler Road and Plum Creek Road. Lot 2 will use an Existing residential access off of Pfeiler Road.

Speaking to the Board was Kevin Wolf, 21179 Plum Creek Road, Holy Cross. He stated the property is currently divided east and west. The intention to divide the property north and south.

Ms. O’Shea asked if Mr. Wolf owned adjacent property? Mr. Wolf said yes.

Speaking to the Board was Joe Stoffel, 22169 Pfeiler Road, Holy Cross. He said he was in agreement with what Mr. Wolf said.

Mr. Sigwarth asked if they were just exchanging ground? Mr. Wolf stated yes it would make it more of a square parcel.

Mr. Soppe asked if anyone wished to speak in favor or against this case? No one spoke.

A motion was made by Mr. Sigwarth, **seconded by Ms. Reiss to approve the plat. The motion passed unanimously. Vote 5-0.**

b. Plat of Survey of Wombacher Acres Plat 2 – Final Plat

Plat of Survey of Lot 1 and Lot 2 of Wombacher Acres Plat 2 comprised of Lot 1 of Lot 2 of Wombacher Acres, Lot 1 in the NE ¼ of the SE ¼ and Lot 3 in the NW ¼ of the SE ¼ all in

The property is owned by Joan Hess Living Trust and is located 0.70 miles south of the City of Dubuque along North Cascade Road. The property is zoned R-1 Rural Residential with a total of 41.21 acres surveyed. The purpose of the plat is for sale purposes to allow an adjacent property owner access to their ground.

The survey creates 2 Lots. Lot 1 has a total of 29.80 acres surveyed and will remain in current ownership and use. Lot 2 will have a total of 11.41 acres surveyed and will be sold to Robert Sabers to allow access to his property.

Lot 1 will have access to North Cascade Road across Lot 2 of Lot 1 and Lot 1 of Lot 1 of Lot 1 of Wombacher Acres. Lot 2 will use an existing access off of North Cascade Road.

Speaking to the Board was Bob Sabers, 6171 Centura Court, Dubuque and Dave Schneider, Schneider Land Surveying, 906 1st St N, Farley. Mr. Schneider stated Mr. Sabers owns about 120 acres east of Lot 1 of the survey. Currently the lot does not have defined access to a public right of way. The purchase of Lot 2 and a 75' off of Lot 1 is to acquire access.

Mr. Soppe asked how Ms. Hess has access? Mr. Schneider said she owns two lots that connect to Lot 1.

Mr. Goodmann asked how access is currently obtained for the lot that is landlocked? Mr. Sabers said he purchased the property in 1990 and has been using an access from a agreement with another landowner.

Mr. Soppe asked if anyone wished to speak in favor or against this case? No one spoke.

A motion was made by Mr. Sigwarth, **seconded by Mr. Goodmann to approve the plat. The motion passed unanimously. Vote 5-0.**

4. REZONING CASES:

1. ZC#02-09-16 Jeffrey & Wanda Pape & Three Rivers F.S Company A-1 Agricultural to M-2 Heavy Industrial (Tabled from 2-16-2016 Zoning Meeting)

The applicants are requesting to rezone from A-1 Agricultural to M-2 Heavy Industrial 10.44 acres more or less, to allow for mixing of fertilizers for farming use. The property is located 0.40 miles north of the City of Dyersville along Highway 136 and is legally described as Lot 3 Esch Estates Section 20, (T89N R2W) New Wine Township, Dubuque County, Iowa.

The property is owned by Jeff & Wanda Pape. Zoning in the area includes A-1 Agricultural to the north, south, east & west. R-2 Single Family Residential to the west & south. R-1 Rural Residential to the west. B-2 Highway Business to the southwest. M-2 Heavy Industrial to the west. The R-2 Single Family Residential to the west on ZC#04-06-99 was to allow for 13 one acre lots for the construction of single family homes. The R-1 Rural Residential to the west on ZC#09-25-06 was to allow for the construction of a single family home. The B-2 Highway Business to the southwest on ZC#9000-01-77 was to

Zoning Commission Meeting Minutes –March 15, 2016

allow for an implement business. The B-2 Highway Business to the southwest on ZC#09-18-08 was to allow for the construction of an addition to an existing commercial structure. The M-2 Heavy Industrial to the west on ZC#03-06-13 was to allow for the construction of a concrete batch plant on a permanent site. There are no Special Use Permits attached to this property. Eleven (11) rezoning notification letters were sent to the property owners and the City of Dyersville was notified.

Comprehensive Plan Policy Chapter 9 Agricultural and Natural Resources page 135 objective 5.4 may apply to this case.

Ms. O’Shea stated Mr. Gansen has a conflict of interest in this case and will not be participating in this case.

Speaking to the Board was Dale Hefel, Three Rivers FS, 1200 Field of Dreams Way, Dyersville and David Meyer, Burrington Group, 105 W Main St, Manchester. Mr. Hefel stated he is going to give a presentation on Three Rivers. He began by saying that in 1930, farmers established a cooperative in Delaware and Dubuque County. They currently have their businesses located in the unincorporated areas of Holy Cross, Centralia, and Dubuque in Dubuque County. They are looking to stay in the county jurisdiction. The Iowa Department of Agriculture and Land Stewardship has preapproved the property for the mixing of fertilizer and Anhydrous Ammonia storage. Also, the Dyersville Fire Chief approves of the plan and they provided a signed affidavit. Mr. Hefel stated that the business would fit in with the current farm businesses in the area. Three Rivers has received top safety awards in the last 4 years within the FS System which operates in 40 states and in Canada. In conclusion, Three Rivers FS has a strong desire to be in the unincorporated area in Dubuque County, they have 85 years of being a good neighbor and partner, a strong safety record and training program, and a long-term commitment to the Dubuque County Agricultural Community.

Mr. Goodmann asked why they would like to stay in the county jurisdiction? Mr. Hefel stated the nature of the business does not allow it to be within a city limits. He said that with the handling of Anhydrous Ammonia they do not want to be in a heavily populated area. They have not had a spill in the last 85 years of handling Anhydrous Ammonia.

Mr. Hefel also presented to the Board 10 letters of support. He noted one was from the Dyersville Fire Chief as well as a Dyersville City Council Member.

Mr. Goodmann asked if there is any precedence for this kind of case? Ms. O’Shea stated there has not been a rezoning case in the county for Three Rivers FS. They have a facility in Holy Cross, which must have been there before 1969 because it is all zoned M-1 on the original zoning maps. There is a facility west of the city of Centralia on Old Highway Road, which is zoned A-1 and they have only added a small building for office space through a Special Use Permit. There is a facility on Highway 20 near Dubuque, that has large propane tanks and is zoned B-2, which is the original zoning from 1969. She said that the Three Rivers FS properties have followed a different process when they wanted to expand.

Mr. Soppe asked within the 10 acres how close is the business to the Kirsch’s home? Mr. Hefel said it is over 400’ because of the preapproval of Iowa Department of Agriculture and Land Stewardship.

Mr. Sigwarth asked if this facility would bring jobs to Dubuque County? Mr. Hefel said it would transfer the 4-5 people from the Earlville facility that was closed.

Mr. Soppe asked if there was a potential to place this facility and the corporate office at the same location? Mr. Hefel stated the purpose of the facility is to have a satellite office to get the products to the consumer faster. With having the two Anhydrous Ammonia and with possible growth they might expand with propane tanks, they are looking for more space.

Mr. Goodmann said the only way he would agree to this would be on a conditional use. He said the property is in the middle of agricultural lots and if the business would close, it would leave the property with an M-2 zoning without conditions.

Ms. O’Shea stated this property was paid for before a plat or survey was completed. The Auditor notified Three Rivers that a deed split is a transfer of property that is not legal in Dubuque County. In order for the property to be surveyed, they have to meet the requirements of the Zoning Ordinance. They will have go through rezoning, Special Use Permit, and if that is all approved they will present a plat of survey to the Zoning Board.

Mr. Soppe asked if anyone wished to speak against this case?

Speaking to the Board was Ray Kirsch, 308 2nd Ave SW, Dyersville. He stated he owns the property to the south that adjoins the property in this case. One concern he has is the driveway they are putting in. Ms. O’Shea said they have an entrance permit approved by the DOT and the DOT stated it would be available for the commercial use of the property. His other concern is placement of the tanks, they would be about 500’ from his home. He also is not sure if when mixing the fertilizer if there would be dust and if that would be regulated. He said regarding the 5 acre residential lot he owns that adjoins the Three Rivers FS site, the business would discourage people from purchasing or building on the lot if the business is placed there.

Mr. Sigwarth asked the size of the residential lot? Mr. Kirsch stated 5 acres.

Mr. Soppe asked how big is his farm? Mr. Kirsch stated about 8 acres.

Mr. Goodmann asked when was the lot zoned residential? Ms. O’Shea stated in about 2006. Mr. Kirsch stated when his in-laws were going to retire they were going to build there and decided against it and moved to town. He bought it with the understanding that he could build on the lot or sell it as residential. The Hoeger property was rezoned in 1999 and platted into 13 residential lots.

Speaking to the Board was Kory & Ashley Manternach, 14521 Rt 136, Dyersville. Mr. Manternach stated they own a residence west of where Three Rivers FS is looking to rezone. They did not want a view of industrial property from their front window and they were concerned about safety. The other concerns they had would be the drop in their property value and where they are placing the driveway to the property, which is on a hill. Ms. Manternach said she went to the DOT office and was told the driveway meets regulations by the DOT codes but feels it is not safe.

Ms. O’Shea read a letter submitted by Duane Gravel, 14510 Rt 136, Dyersville. Mr. Gravel stated he did not care if the rezoning went through or not but if this property was to be rezoned then he had a 40 acre parcel he is going to try to rezone as well.

Mr. Manternach responded to Mr. Gravel’s comment. He would like to know where does the Industrial stop when it is right next to his residential lot. He also said the city of Dyersville has an Industrial Park for businesses already.

Ms. Reiss asked if this farm was originally splitting this property to create residential lots? Ms. O’Shea said since 2006 they have platted off 5 acres residential land owned by Mr. Kirsch along Rt 136 and there has not been any other rezoning on the property. The other 8 acre lot with the home and farm buildings was platted off and considered a farm.

Ms. Manternach said when they purchased their home 3 years ago, they had no intention to live across from an Industrial area. She said even though it is not a heavily populated area, she does not want her family effected. They do not feel it is a good fit for the neighbors.

Speaking to the Board was Doug & Nikki Recker, 14106 Rt 136, Dyersville. They stated they provided a letter from Mr. Recker’s doctors stating he has a health condition that will not allow him to breathe the chemical in or it will have serious effects on his health. Mr. Recker does not feel the business belongs in the middle of a residential area. He also feels the entrance to the property is not safe. Ms. Recker has concerns with the water use for the property. Their property is south of the property being rezoned. She said she understands that FS has not had a spill in over 85 years but what happens to her family if it does spill in their area? She also had the concern towards the lower property value.

Mr. Goodmann asked Mr. Soppe if it was the entire piece that was being rezoned? Mr. Soppe said not the entire piece, it would be the northwest corner of the property.

Speaking to the Board was Jeff Pape, 31406 Floyd Rd, Dyersville. Mr. Pape stated he purchased the property with the intent to sell the 10 acres and approached Mr. Kirsch or his son to see if the had any interest. They decided against it. He said he also offered to purchase the 5 acre residential lot and Mr. Kirsch declined. Mr. Pape said Three Rivers deals with all fire chiefs when placing these tanks. He said the fire chief had a concern about having the Anhydrous Ammonia in the Industrial Park with close proximity to a nursing home, school, and hospital. He checked with the DOT and the driveway is wide enough to allow access for trucks. The driveway was installed to safety standards approved by the DOT. His understanding is at this point there would not be dry fertilizer at this facility. He said the reason this sale went through to Three Rivers before the rezoning was approved was because of the time frame with 1031 exchange with the sale of the Earlville property.

Mr. Pape continued speaking. In regards to the five acre lot which is located at the entrance for the property purchased by Three Rivers, Mr. Kirsch approached Mr. Pape and wanted to know if Three Rivers wanted to purchase it as well and he was told to speak with Three Rivers. He stated there are 12 businesses that are across the road, which are mostly agricultural. He said regarding the detriment to well water, the Quarry is to the west of these properties and from blasting he believes that would cause more damage. He said in regards to the Manternach’s issues, they brought up valuable points but they purchased their property with an Industrial zoned property behind them with an entrance going onto

136. He stated the M-2 zoning is because of the mixing of fertilizer, which he said consists of placing a stabilizer with the Anhydrous Ammonia to keep it in the ground. He feels the conditional zoning makes sense. According to the Smart Plan for the county, the intent is to keep these types of facilities located where they can service other farms and on a major road. He said that in regards to Mr. Recker, someone is applying Anhydrous to his fields that are near his home. Regarding runoff with this type of facility, the EPA regulates the industry and they must meet standards. He wanted to point out the safety record as well.

Mr. Soppe asked what is the distance from the front of the lot to the back square? Mr. Meyer said approximately 560' feet from the end of the pan handle to the center of the road.

Speaking to the Board was Herb Manternach, 29127 Goose Hill Rd, Cascade. He stated this business would be better a fit in the Industrial Park.

Speaking to the Board was Gary Lahr, 3176 235th St, Worthington. He stated he has a farm that adjoins the Industrial Park. He said CPS was the first business to be placed in the Industrial Park. He feels that is the last place you would want a facility like that intermixed with buildings. If you had a leak of any kind, you have a larger area to clear out. He understands a person does not want to have tanks next to their homes but when you move the county, you have the chance of things like this happening. He stated he is the Chairman of the Board for Three Rivers. He feels Three Rivers is very responsible and in regards to conditions, they would have no problems. This facility would help with efficiency on deliveries and decrease road time and be placed in an area where there are multiple farming businesses.

Speaking to the Board was Elmer Ries, 27651 N Bankston Road, New Vienna. He stated people would like the facility in the area but not next to their own home. He said if Mr. Pape and Three Rivers wants the facility in the area, they could place it on Mr. Pape's property a half mile away off Floyd Road where there is a better access.

Ray Kirsch readdressed the Board. He stated when Mr. Pape approached him about purchasing the five acre lot he said it would not be worth much because it was just dirt.

Mr. Goodmann said they create Industrial areas to place these types of facilities. He also has a problem with this property being sold before it was presented to the Zoning Board. In regards to the neighbors building houses in agricultural areas and they complain about smells, he feels there is a big difference between an ag smell and having an M-2 zoning with Anhydrous Ammonia.

Mr. Sigwarth said they have heard may complaints on the driveway entrance but that decision is not the Zoning Board decision. He said the parcel is already zoned A-1, Agricultural and the business could place the Anhydrous Ammonia tanks on the property. He also stated that if Three Rivers FS purchased the property and it was not zoned properly, then that was their gamble.

Mr. Soppe said he lived next to the FS facility in Centralia for 5 years and in regards to accidents, they were a good neighbor, but the way they went about the rezoning is not right.

Mr. Soppe asked about the current septic system? Ms. O’Shea said there is a building on the property that has a restroom.

Mr. Soppe asked if anyone else wished to speak in favor or against this case? No one spoke.

A motion was made by Mr. Sigwarth, **seconded by Ms. Reiss to approve the rezoning conditional to the mixing of fertilizer and for the storage and sale of Anhydrous Ammonia and propane only and if the business closes or the property changes hands the zoning will revert back to A-1, Agricultural. Vote 3-1. Mr. Sigwarth, Mr. Soppe, and Ms. Reiss voted in favor. Mr. Goodmann voted against. Mr. Gansen abstained.**

2. ZC#03-11-16 Lelia Valentine & Greg Valentine A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 3 acres more or less, to allow the existing farm home and out buildings to be separated from the rest of the farm property for estate purposes and for her son to obtain the new lot with the house & buildings as his residence. The property is located 1.97 miles east of the City of Bernard along Creek Branch Lane and is legally described as Lot 2 NW NW & Lot 1 SW NW Section 31, (T87N R2E) Washington Township, Dubuque County, Iowa.

The property is owned by Lelia Valentine Estate. Zoning in the area includes A-1 Agricultural to the north, south, east and west. R-1 Rural Residential to the north. The R-1 Rural Residential on ZC #04-16-92 was to allow for the construction of a single family home. The R-1 Rural Residential on ZC #04-22-95 was to allow for the construction of a single family home. The R-1 Rural Residential on ZC #04-22-96 was to allow for 7.5 acres to be rezoned to bring the property into compliance with the ordinance. The R-1 Rural Residential on ZC #05-28-96 was to allow for the construction of a single family home. There are no Special Use Permits attached to this property. Seven (7) rezoning notification letters were sent to the property owners and the City of Bernard 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 Greg Valentine, 2210 Jaeger Dr, Dubuque. He stated this rezoning is for estate purposes.

Mr. Goodmann asked how many acres they are having rezoned? Ms. O’Shea said 3 acres. Mr. Valentine stated that the rest of the ground is tillable and will be sold.

Mr. Soppe asked if the remaining property has access? Mr. Valentine stated yes.

Mr. Soppe asked if anyone wished to speak in favor or against this case? No one spoke.

A motion was made by Mr. Goodmann, **seconded by Mr. Sigwarth to approve the rezoning with the conditions for one home only and the balance is to stay A-1 with no additional homes unless the property is rezoned. The motion passed unanimously. Vote 5-0.**

c. Plat of Survey of Lot 1 & Lot 2 of Valentine Homestead-Final Plat

Zoning Commission Meeting Minutes –March 15, 2016

Plat of Survey of Lot 1 and Lot 2 of Valentine Homestead comprised of Lot 2 of the NW ¼ NW ¼ & Lot 1 of the SW ¼ NW ¼, both in Section 31, (T87N R2E) Washington Township, Dubuque County, Iowa and this survey is located in the NW of Section 31, (T87N R2E) Washington Township, Dubuque County, Iowa.

The property is owned by Lelia Valentine Estate and is located 2.46 miles east of the City of Bernard along Creek Branch Lane. The property is zoned A-1 Agricultural with a total of 35.53 acres surveyed. The purpose of the plat is to allow the existing farm home and out buildings to be separated from the rest of the farm property for estate purposes and for her son to obtain the new lot with the house & buildings as his residence.

The survey creates 2 lots. Lot 1 has a total of 32.482 acres surveyed and will remain in current ownership and use. Lot 2 has a total of 3.048 acres surveyed and will be sold to the son to use the house & buildings as his residence.

Lot 2 will use a 24' wide access easement across Lot 1 off of Creek Branch Lane. Lot 1 will use An existing residential access off of Creek Branch Lane.

Speaking to the Board was Greg Valentine, 2210 Jaeger Dr, Dubuque. He had nothing more to add.

Mr. Soppe asked if anyone wished to speak in favor or against this case? No one spoke.

A motion was made by Mr. Goodmann, **seconded by Mr. Soppe to approve the plat. The motion passed unanimously. Vote 5-0.**

3. ZC# 03-12-16 Dewayne Beecher & Mary Jo Pancratz A-1 Agricultural to R-1 Rural Residential-Conditional

The applicants are requesting to rezone from A-1 Agricultural to R-1 Rural Residential 3 acres more or less, to allow for a future single family home site and bring an existing home into compliance, conditional for one new home only. The property is located 3.97 miles northwest of the City of Bernard along Raysford Lane and is legally described as Lot 1 & Lot 3 of Beecher's Place Section 07, (T87N R1E) Prairie Creek Township, Dubuque County, Iowa.

The property is owned by Dewayne Beecher Etal and Mary Jo Pancratz. Zoning in the area includes A-1 Agricultural to the north, south, east and west. There are no Special Use Permits attached to this property. Six (6) rezoning notification letters were sent to the property owners and the City of Bernard 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 Dewayne Beecher, 20332 Raysford Lane, Bernard and Gary Conrad, 21652 Kings Row, Dubuque. Mr. Beecher said he would like to sell part of this land that he has owned for 43 years so he can purchase a motorhome. He said he currently owns 19 acres. He said one of the neighbors is going to purchase 2 acres off the property to have better access to his shed. The other 5 acres will be sold to have a home placed on it. It will leave Mr. Beecher with 12 acres. He said the property is zoned agricultural but has not been farmed in about 150 years.

Mr. Goodmann asked why this property is non compliant? Ms. O’Shea said Mr. Beecher owns about 20 acres and there is not any farm use on the property. This was part of a platted farm with a farm home over 30 years ago. Mr. Beecher’s property is used as residential. Mr. Goodmann asked if this zoning proceeded the zoning requirements we have in place now? Ms. O’Shea said yes. Ms. O’Shea said the A-2 zoning would not work because it is creating a subdivision. She said the R-1, Rural Residential seemed most appropriate.

Mr. Goodmann asked if Mr. Beecher was aware that the property could not be subdivided further if it is approved with conditions? Ms. O’Shea said yes and they would have to sign the conditional rezoning agreement and comply with the conditions placed on the property by the Board.

Mr. Beecher said that Ms. O’Shea had advised him to take a portion of the 5 acre lot he is selling and zone it R-1. Ms. O’Shea said she is recommending the rezoning of about 3 acres which includes about 1.5 for the current home owned by Mr. Beecher and about 1.5 for the new home on the 5 acre lot. Since Mr. Beecher’s home is a non-conforming use, he has to rezone the home to make it a conforming use for platting purposes.

Mr. Soppe asked how they are going to regulate where the 1.5 acres of residential will go on the new lot? Mr. Beecher said that was already established on the site plan. The rezoning was placed on the most buildable part of the lot.

Mr. Soppe asked if the person who purchased the property could put the home in a different location on the lot? Ms. O’Shea said the purchaser could, but they would have to rezone the different area.

Ms. O’Shea stated the rezoning was the only way to subdivide the property. She pointed out on the zoning map that there is not any residential zoning in the area. Some of the lots were created when 5 acres were considered a farm.

Mr. Goodmann asked if this ground is tillable? Ms. O’Shea said most of the land is in forest reserve. Mr. Beecher said 12 acres are in forest reserve.

Mr. Beecher said there was a Special Use Permit on the property. It was for a 200’ communication tower on the backside of the property.

Mr. Gansen asked if there was any other residential zoning in the area and how far they are from the city of Bernard? Ms. O’Shea said there is no other residential in the area and they are 4 miles from the city of Bernard. She said this does set a precedent for residential in the future.

Mr. Soppe asked if anyone wished to speak in favor or against this case?

Speaking to the Board was Sheila McDermott, 20553 Raysford Lane, Bernard. She stated she and her husband are against the rezoning. They feel there are enough homes in the area already. Their family had to build the road up themselves to County standards and then later signed it over to the County. They do not want more neighbors complaining about their cattle noises and the mud it creates when they are accessing their fields.

Mr. Beecher readdressed the Board and said everything that Ms. McDermott said was correct regarding the road. He said he spoke to Mr. McDermott himself and he told Mr. Beecher he had no problem with selling the lot but the issue would be with the person that is going to purchase the lot and the complaints about the farm operation they might file. He wants to put in the purchase agreement to the buyer that they are aware they are purchasing a lot in the country and there will be farm odors.

Ms. McDermott readdressed the Board and asked about a 10 acre parcel they own and whether one of her children could build on the lot? Mr. Soppe said they would have rezone the property.

Mr. Soppe asked if anyone wished to speak in favor or against this case? No one spoke.

A motion was made by Mr. Goodmann, **seconded by Ms. Reiss to approve the rezoning with the conditions that only one new home will be allowed to be built on this property and the property cannot be further subdivided beyond the two lots being surveyed and sold. Vote: 4-1. Mr. Goodmann, Mr. Soppe, Mr. Sigwarth, and Ms. Reiss voted in favor. Mr. Gansen against.**

4. ZC# 03-13-16 Doris Rubel Declaration of Trust & Crystal Lake Cave Mining LLC & Pablo & Julie Ramirez R-2 Single Family Residential to B-2 Highway Business

The applicants are requesting to rezone from R-2 Single Family Residential to B-2 Highway Business 4.5 acres more or less, to add an 18 Hole Miniature Golf Course to the Crystal Lake Cave Business. The property is located 2.60 miles east of the City of Dubuque along Crystal Lake Cave Drive and is legally described as Lot 2 SE NW & Lot 2-1-1 SW Section 16, (T88N R3E) Mosalem Township, Dubuque County, Iowa.

The property is owned by Doris Rubel Declaration of Trust and Crystal Lake Cave Mining LLC. Zoning in the area includes A-1 Agricultural to the north and west. R-2 Single Family Residential to the north, south, east & west. R-1 Single Family Residential to the west. The R-1 Single Family Residential to the west on ZC#06-9-97 was to allow for two (2) eight (8) acre parcels to allow for one single family home on each lot. There are no Special Use Permits attached to this property. Four (4) rezoning notification letters were sent to the property owners.

Comprehensive Plan Policy Chapter 8 Housing page 122 objective 12.7 and Chapter 7 Economic Development page 106 objective 7.1 may apply to this case.

Speaking to the Board was Pablo & Julie Ramirez, 6840 Crystal Lake Cave Road, Dubuque. Mr. Ramirez stated they are in the process of purchasing Crystal Lake Cave from Ms. Rubel. They are looking to add an 18 hole miniature golf course on the property. It would give people another attraction to go along with the cave. He stated there would not be any additional buildings, no loud music, and no alcohol served.

Ms. O’Shea said there were comments from the neighbors submitted to the Zoning office regarding their concerns on this case. They were passed out before the meeting.

Mr. Soppe asked if anyone wished to speak in favor or against this case? No one spoke.

Mr. Goodmann asked why there is 4.5 acres being rezoned? Mr. Ramirez stated they are not going to utilize the entire property for the golf course, only about ½ acre. Ms. O’Shea

said it was a recommendation she made because they are already using the property as a commercial use. They have the Crystal Lake Cave, additional parking is going to be added, they have a couple of pavilions, and the addition of the miniature golf course. The intent is to take the entire business portion of the property and rezone it, which was about 4.5 acres.

Mr. Ramirez said according to a neighbor one of the concerns is about loud noises. They currently have school trips that come to the property. They are not putting in any outdoor music and they will use the same hours as the cave, which closes at 6:00 p.m.

Ms. O’Shea said the road is substandard in regards to right of way, which would not allow additional homes on the road. There are two homes currently, one is Mr. & Ms. Ramirez’s and the other is Ms. Rubel who is Ms. Ramirez’s mother.

Mr. Goodmann had some concerns on how to regulate the conditions placed on the property for the future. Mr. Ramirez said he works for the Dubuque Police Department and is familiar with noise complaints. They were thinking of the neighbors when they were going through the process by keeping the hours reasonable and not allowing the loud music. They also do not want people to drive from their property after drinking, that is why they are proposing no alcohol. They are going to work the golf course around the existing trees.

Ms. O’Shea said according to the County Ordinance miniature golf has to be under a B-2 zoning as a place of recreation/entertainment.

Mr. Sigwarth asked if the Cave is currently a non-conforming use? Ms. O’Shea said the Cave is a legal non-conforming use on the property. The property is primarily a commercial use most of which is underground other than parking. The Cave is the only thing on the property other than the two homes.

Mr. Goodmann asked if they currently sell other products on the property? Mr. Ramirez stated souvenirs, soda, ice cream, and snacks.

Mr. Ramirez stated they have no problem with the regulation of hours. They are currently closed during the winter. Their season is from the beginning of May to the end of October.

A motion was made by Mr. Goodmann, **seconded by Ms. Reiss to approve the rezoning of the property to B-2 conditional for the Crystal Lake Cave business with an 18-hole miniature golf course only, that no alcohol will be permitted to be sold on the property, and that the business must close by 6:00 p.m. The motion passed unanimously. Vote 5-0.**

5. ZC# 03-14-16 Jerald & Richard Reiter A-1 Agricultural to M-1 Industrial

The applicants are requesting to rezone from A-1 Agricultural to M-1 Industrial 0.26 acres more or less, to sell and repair vintage cars. The property is located 0.05 miles north of the City of Cascade along Reiter Road and is legally described as SE SW Section 29, (T87N R1W) White Water Township, Dubuque County, Iowa.

The property is owned by Jerald & Richard Reiter. Zoning in the area includes A-1 Agricultural to the north, south, east and west. M-2 Heavy Industrial to the west. B-2 Highway Business to the

east. The M-2 Heavy Industrial to the west on ZC# 05-07-15 was to allow for (2) 30,000 gallon propane tanks. The B-2 Highway Business to the east on ZC# 05-07-85 was to allow for a roadside recreational park/miniature golf course. There are no special use permits attached to this property. Six (6) rezoning notification letters were sent to the property owners and the City of Cascade was notified.

Comprehensive Plan Policy Chapter 9 Agricultural and Natural Resources page 134 objective 3.1 and Chapter 7 Economic Development page 105 objective 4 may apply to this case.

Speaking to the Board was Jerald Reiter, 25473 Reiter Road, Cascade. He stated in order to obtain a dealer's license to sell and repair vintage cars he needs to be zoned correctly. He also said he will be painting the vintage cars and that requires an M-1 zoning.

Mr. Goodmann asked if this rezoning is approved conditional, is it removing any farm ground from production? Mr. Reiter said no it is an existing building on the property.

Mr. Sigwarth asked if the city of Cascade had any comments? Ms. O'Shea said they were notified and did not receive any comments.

Ms. O'Shea said the rezoning is being pursued by the DOT because she is unable to sign off on a dealer's license until the zoning is correct.

Mr. Soppe asked if anyone wished to speak in favor or against this case? No one spoke.

A motion was made by Mr. Goodmann, **seconded by Mr. Gansen to approve the rezoning with the property being conditional for the repair and sale of vintage cars and the if the business closes or the property changes hands the zoning will revert back to A-1, Agricultural. The motion passed unanimously. Vote 5-0.**

5. OLD BUSINESS:

1) Update on previous zoning cases.

Mr. O'Shea stated all of the cases from the prior month were approved as per conditions placed on the property by the Zoning Board except the Andrew & Sharon Klein case. The Board of Supervisors made the rezoning conditional. The conditions were if the property was sold to someone outside the family or if the business ceases it would revert back to R-2 and it is for auto, vehicle, and/or tractor repair and tire sales business only.

2) Discussion on Definitions for Code Update.

The discussion on the definitions for code updates was discussed in the work session that was held at 5:00 p.m. on March 15, 2016.

6. NEW BUSINESS: None

7. PUBLIC COMMENTS: None

8. ADJOURNMENT: A motion was made by Mr. Sigwarth, **seconded by Mr. Soppe to adjourn the meeting. The motion passed unanimously. Vote: 5-0. The meeting ended at 8:17 p.m.**