

**Dubuque County Zoning Commission
Minutes of August 16, 2016**

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

1. ROLL CALL: Members present: Janet Reiss, Mary Klostermann, Kevin Soppe, Leo Gansen, Jerry Sigwarth and Cathy Caitlin. Staff Present: Anna O’Shea & Tammy Henry.

2. APPROVAL OF MINUTES: A motion was made by Ms. Klostermann, **seconded by Ms. Reiss, and passed unanimously to approve the minutes of the July 19, 2016 meeting. Vote: 6-0.**

3. PLAT APPROVAL:

a) Plat of Survey Ferring Estates- Final Plat

Plat of Survey of Lot 1 and Lot 2 of Ferring Estates comprised of Lot 2, Lot 2-1 and Lot 2-1-1 of the SE ¼ of the NE ¼ all in Section 9, (T89N R1W) Iowa Township, Dubuque County, Iowa.

The property is owned by Brian & Lisa Wolf and is located 1.11 miles north of the City of Bankston along North Bankston Road. The property is zoned A-1 Agricultural with a total of 37.62 acres surveyed. The purpose of the plat is to get the lot and home into compliance for possible future sale.

The survey creates 2 lots. Lot 1 has a total of 1.76 acres surveyed with a home and will be sold off. Lot 2 has a total of 35.86 acres surveyed and will remain in current ownership and use.

Lot 1 will use an existing residential access off of North Bankston Road. Lot 2 will use an existing field entrance off of North Bankston Road.

Speaking to the Board was Brian Wolf, 24219 N Bankston Rd, Epworth. He stated he received a variance to bring the property into compliance as a 1-acre parcel for sale purposes. He is now looking to plat off the home from the surrounding crop ground that he owns.

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

A motion was made by Ms. Klostermann, **seconded by Mr. Sigwarth to approve the plat. The motion passed unanimously. Vote 6-0.**

b) Plat of Survey Loeffelholz Place Plat 2-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Loeffelholz Place Plat 2 comprised of Lot 1 of Lot 2 of Loeffelholz Place, Lot 2 in the NW ¼ of the SW ¼ and Lot 2 of Lot 1 in the SW ¼ of the SW ¼ all in Section 15, (T88N R2E) Table Mound Township, Dubuque County, Iowa.

The property is owned by Ronald & Carol Loeffelholz and Steven & Tara Sisbach and is located 0.83 miles southwest of the City of Dubuque along Swiss Valley Road and Military Road. The property is zoned R-1 Rural Residential with a total of 36.94 acres surveyed. The purpose of the plat is to correct the property lines.

The survey creates 2 Lots. Lot 1 has a total of 35.76 acres surveyed with a home and will remain in current ownership and use. Lot 2 has a total of 1.18 acres surveyed with a home and will remain in current ownership and use.

Lot 1 will use an existing residential access off of Swiss Valley Road. Lot 2 will use an existing residential access off of Military Road.

Speaking to the Board was Steve Sisbach, 11979 Swiss Valley Rd, Peosta. He stated the intent of the plat is to straighten out the lot lines. He said they are adding property to the east and north side of the shed that is currently on their property to meet the required setbacks.

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. Klostermann to approve the plat. The motion passed unanimously. Vote 6-0.**

c) Plat of Survey Larkin Place-Final Plat

Plat of Survey of Lot 1 and Lot 2 of Larkin Place comprised of Lot 2 of Meloy Place, Lot 2 and Lot 1-1-1 NW ¼ of the NE ¼ all in Section 27, (T87N R1E) Prairie Creek Township, Dubuque County, Iowa.

The property is owned by Joseph & Sarah Larkin and is located 0.19 miles north of the City of Bernard along Bernard Road. The property is zoned A-1 Agricultural and R-2 Single Family Residential with a total of 25.42 acres surveyed. The purpose of the plat is to separate the R-2 land from the A-1 to allow for a home to be built with a conventional home loan.

The survey creates 2 Lots. Lot 1 has a total of 23.42 acres surveyed and will remain in current ownership and use. Lot 2 has a total of 2 acres surveyed and will remain in current ownership and be the site of a residential home.

Lot 1 will use an existing access off of Bernard Road. Lot 2 will have access across Lot 1 of Larkin Place on a 30' wide easement off of Bernard Road.

Speaking to the Board was Mike Weber, Weber Surveying, 26789 46th Ave, Bernard. He stated this property was rezoned to R-2 in January 2016 so that the Larkin's could build a home. They now have to plat off the area for the home for mortgage purposes.

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 6-0.**

4. REZONING CASES:

1) ZC#07-24-16 Hartbecke Road Property, LLC M-2 Heavy Industrial Conditional to M-2 Heavy Industrial Conditional (Tabled from the July 19, 2016 Zoning Board Meeting and Amended July 25, 2016.)

The applicants are requesting to rezone from M-2 Heavy Industrial Conditional to M-2 Heavy Industrial Conditional 11 acres more or less, to allow any use allowed in the M-1 Industrial district; and to allow manufacturing; a construction firm office and site; construction material processing including crushing, recycling, sales and storage of cement, asphalt, rock, aggregate, wood, drywall and other construction materials; composting of yard waste, wood and garden materials; and storage buildings. Composting with animal products, drywall and food will cease by March 31, 2017 or sooner with DNR approval. The Stormwater Retention Pond is to be

removed upon DNR approval. The property, located .75 miles west of the City of Epworth just east of the intersection of Hartbecke Rd. and U.S. Route 20 is legally described as Lot 1 of the SW ¼ SE ¼, Section 9 (T88N R1W) Taylor Township, Dubuque County, Iowa.

The property is owned by Hartbecke Road Property, LLC. Zoning in the area includes A-1 Agricultural to the north, south, east and west. M-1 and B-2 to the west. The M-1 and B-2 to the West on ZC#04-14-02 was to allow for a Multi-Purpose Recreation Facility then amended on ZC#03-06-08 to allow the manufacturing of pre-cast concrete forms. The subject property was rezoned to M-2 Heavy Industrial-Conditional in April of 2002 to allow a Livestock Buying Station only and it received a Special Use Permit (BA#05-37-02) in 2002 to construct the station. The Special Use Permit was revoked in 2008 (BA#09-48-08) as the owner never completed construction on the structure because the roof had fallen in and the use ceased. At that time, the property reverted back to A-1 Agricultural. In 2012 (ZC# 04-08-12) there was a request to rezone back to M-2 Heavy Industrial to allow for the operation of an organic composting facility. Two (2) rezoning notification letters were sent to the property owners and the City of Epworth was notified.

Comprehensive Plan Policy Chapter 7, Economic Development, page 105 Objective 1.2 and 3.2 and Chapter 12, Land Use page 179 objective 5.1 and page 180 Objective 5.4 may apply to this case.

Speaking to the Board was Jake McAllister, 1621 McCabe Lane, Cascade, Craig Kluesner, 501 Tahoe Ct, Farley and George Davis, 120 S Grandview Ave, Dubuque. Mr. McAllister said they are looking to rezone the property and do something different. The intent is to end the complaints from the surrounding neighbors but they have no direct plans presently. He said the current M-2 zoning was because of the composting on the property. Mr. Davis said that Mr. Kluesner is involved with construction material recycling that would also need an M-2 zoning. They have been working with the City of Epworth and the County Attorney regarding how the language would have to be written to address the odor issues. Mr. Davis said they are asking to still do the composting of yard waste in their rezoning request.

Ms. Klostermann said in the permitted uses they listed Aggregate, Drywall, Wood and other Construction Materials but in then they said they are going to cease using Drywall and Food. Mr. McAllister said they are not going to compost drywall they are going to grind up the drywall and sell it to farmers.

Ms. Klostermann stated she was on the Board when this rezoning was approved and was told there was not going to be any odor. She said she does not like to be lied to. Mr. Davis said this is an attempt to resolve the problems with the odor.

Ms. O'Shea said she spoke with Mr. Davis about a Conditional Zoning Agreement and will involve the County Attorney in the final document before it goes to the Board of Supervisors. It will be based on the conditions put on by the Zoning Board.

Mr. Sigwarth asked about the amount of noise they will have from the crushing of material? Mr. Kluesner said it is about once or twice a year and will take about 3 weeks and the work would be done during weekdays, not weekends. Mr. McAllister said they currently run a grinder on the property in the City of Farley and it would not be any louder than what they are currently doing. Mr. Sigwarth said if they could eliminate the smell that would be good.

Mr. Gansen asked if the Conditional Zoning Agreement addresses specific restrictions, but they stated they are unsure what is planned for the future on this property? Mr. McAllister said there would be multiple things going on with the property. They would also like to put storage units on the property and rent the shop out.

Mr. Gansen asked if the changes would increase traffic? Mr. Kluesner said he does not feel it will be any more traffic than what they currently have for the composting facility. Mr. Gansen said that when this property was going to be used for livestock they were only going to allow traffic to go to the west otherwise they would have had to put in a turning lane. He feels that could be an issue in the future. Mr. Kluesner said with the precast business that is just up the road from the compost facility, they have to get on the highway, go towards Farley, and use the ramps from the highway to change directions. Ms. O’Shea said there were concerns at that time regarding slow moving vehicles when the property was going to be used for livestock.

Ms. Henry stated there was a comment submitted from the City of Epworth. The City Council of the City of Epworth has reviewed the proposal and offers these concerns for modifications to the conditions:

- 1) That an enforceable odor condition be made part of the proposal, including control of the holding pond odor.
- 2) That the proposal be modified to delete “organic material”, and delete the word “etc”.
- 3) That the proposal identify that drywall will not be stored or composted at the site.
- 4) That the holding pond be removed. If it cannot be removed due to storm water regulations, then the pond must be aerated and the aeration supplemented with treatment as needed to control its odor.
- 5) That the date February 28, 2017 (to cease composting meat and meat products) be replaced with 70 days from the date of re-zoning approval. This allows the Company to comply with a sixty-day notification to cease existing contracts.

Mr. Davis said they met with the City of Epworth and the residents that wanted to attend and they dealt with the issues other than the 1st issue which is still pending discussion.

Ms. Caitlin asked about the concern by the City of Epworth with the storage or composting of drywall? Mr. Davis said they can verify it with the City of Epworth but he thinks the issue was resolved. Mr. Davis said the city does not want composting of drywall.

Mr. Gansen asked if it would be a problem to only go west out of the entrance? Mr. Kluesner said it would be a problem. He said at least 80 % of the time, someone is going to be in a straight truck, but there will be some semi traffic. Mr. McAllister said if it became an issue, they would have to direct the semi traffic west.

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

Speaking to the Board was Sandy Gassman, Mayor of Epworth, 403 W Main St, Epworth. She said the City of Epworth met with Mr. Kluesner, Mr. McAllister and Mr. Davis and they are in agreement with the zoning proposal contingent on the odor enforcement.

Speaking to the Board was Connie Bohle, 10487 Hartbecke Rd, Farley. She said she lives about .5 miles from the property. She thinks the rezoning proposal is finally a solution to the problems they have had with the property.

Speaking to the Board was Dave Kress, 24317 Old Hwy Rd, Epworth. He asked when is the start date for crushing the rock? Ms. O’Shea said once the rezoning is approved by the Board of Supervisors with the published conditions it becomes effective. Mr. Kress said things with the property have improved in the last while. He said he thinks they are on the right track to fixing the problems with the property.

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

Ms. Klostermann asked Ms. Gassman, Mayor of Epworth to readdress the Board.

Ms. Klostermann asked Ms. Gassman about the 70 days from the rezoning before they cease excepting meat product? Ms. Gassman said yes and they are aware of the uncertainty of the DNR regarding the retention pond. She said regarding any other concerns the city had, they have been explained and addressed.

Mr. Davis, Mr. McAllister, and Mr. Kluesner readdressed the Board. Ms. Klostermann asked them if they were in an agreement with the City of Epworth on the conditions? They agreed to the conditions with the City of Epworth and that the drywall can be stored but not composted. Ms. Klostermann stated that it was good to table the case last month in order to speak with the city and come to an agreement.

A motion was made by Mr. Gansen, **seconded by Mr. Sigwarth to approve the rezoning with the following conditions:**

- 1. For the following uses only: All uses allowed under the M-1 Industrial district per the Dubuque County Zoning Ordinance; Construction firm office and site; Construction material processing including crushing, recycling, sales and storage of cement, asphalt, rock, aggregate, wood, drywall and other construction materials; composting of yard waste, wood and garden materials; and storage buildings.**
- 2. All semi-trucks and dump trucks pulling a trailer leaving the property for the purpose of heading east on Highway 20 are required (for safety reasons) to turn right (West) onto Highway 20 for the purpose of using the Farley, Iowa interchange to access the East bound lanes of Highway 20.**
- 3. Composting with animal products, drywall and food composting shall cease by March 31, 2017 or sooner with DNR approval.**
- 4. Grinding or crushing of cement, asphalt, rock, aggregate, wood, drywall and other construction materials will only take place during daylight hours.**
- 5. The stormwater retention pond will be removed upon DNR approval. If it cannot be removed due to stormwater regulations, then the pond must be aerated and the aeration supplemented with other treatment as needed to control its odor.**
- 6. Acceptance of animal and food product materials will cease the later of: 1) 70 days after rezoning approval by the Dubuque County Board of Supervisors; or 2) DNR approval of the adjustment.**
- 7. All odors, including odors from the retention pond, must be contained within the property or adequately addressed to avoid complaints. If odor complaints are received by the Dubuque County Zoning Office, the county has the authority to shut down the operation after a hearing with the Board of Supervisors. The motion passed unanimously. Vote 6-0.**

2) ZC#08-25-16 Robert & Carissa Trilk A-1 Agricultural to M-1 Industrial

The applicants are requesting to rezone from A-1 Agricultural to M-1 Industrial ½ acre more or less, to allow for a contractors business/shop and to make custom metal products including furniture, signs, railings, metal art etc. The property located 0.12 miles south of the City of Dubuque along U.S. Highway 20, is legally described as S ½ NE NE Section 12, (T88N R1E) Vernon Township, Dubuque County, Iowa.

The property is owned by Robert & Carissa Trilk. Zoning in the area includes A-1 Agricultural to the north, east and south. R-1 Rural Residential to the north and south. R-2 Single Family Residential to the north, south and west. R-4 Multi-Family Residential to south and east. B-1 Business to the east. B-2 Highway Business to the south and east. M-1 Industrial to the east. M-2 Heavy Industrial to the northeast. The R-2 Single Family Residential to the west on ZC# 11-22-12 was to rezone 40 acres more or less, to allow for less restrictive setbacks for a single family residential development. The R-2 Single Family Residential to the southwest on ZC# 10-30-03 was to rezone 110 acres more or less, to allow for single-family residential development. The B-1 Business to the east on ZC#9-8-83 was to rezone 2.05 acres to permit the expansion of a greenhouse. The B-2 Highway Business to the south and east on ZC#11-6-88 was to rezone 4.7 acres to allow the fabrication, packaging, and assembly of office products such as furniture and partitions. There are no previous rezoning cases attached to this property. 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 Dubuque was notified.

Comprehensive Plan Policy Chapter 9 Agricultural and Natural Resources page 135 objective 3.3 and 5.4 may apply to this case.

Speaking to the Board was Rob & Carissa Trilk, 14805 Route 20, Peosta. Mr. Trilk said they are looking to rezone ½ acre for a construction business and a lite hobby metal shop. He said their son is going to school for industrial design and he has been doing his projects in the shop. The metal work is contained to a small portion located in the shop with no outside storage, odor or noise. There are no employees. It is only family working on the projects.

Ms. Klostermann asked if their entrance to the property was off of Hwy 20? Mr. Trilk said yes, it is directly across from Namasco.

Mr. Soppe asked Ms. O’Shea why some of the railings that are built by Mr. Trilk are not considered under the construction business? Ms. O’Shea said some of the work they are doing is done with a plasma cutter, which is some of the same type of equipment that the business across the road is doing in an Industrial zoning district.

Ms. Klostermann asked Ms. O’Shea what the intended future land use was of the area? Ms. O’Shea said the area on the future land use map shows residential, but the property is right next to the city land fill and they have recently expanded. The landfill also has to keep a certain distance from homes to not disturb wells.

Mr. Sigwarth asked if the City of Dubuque commented on the rezoning case? Ms. O’Shea said there were no comments submitted regarding this case.

Mr. Gansen asked what type of contractor shop is operating on the property? Mr. Trilk said a construction business. There is nothing manufactured on the property for the construction business. He just parks his job trailer on the property.

Ms. O’Shea said this was a violation case. Mr. Trilk has been working with the Zoning Office to bring the property into compliance.

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

Ms. Klostermann said the Board has had cases like this in the past. This property is surrounded by all different types of zoning districts and not just agricultural.

A motion was made by Ms. Klostermann, **seconded by Ms. Caitlin to approve the rezoning with the condition that only the uses as a contractor business and shop and to make custom metal products including, furniture, signs, railings, metal art, etc. are allowed. The motion passed. Vote 5-1. Ms. Klostermann, Ms. Caitlin, Ms. Reiss, Mr. Soppe and Mr. Sigwarth voted in favor. Mr. Gansen voted against.**

3) ZC#08-26-16 Shirley Lake Trust & Jim & Lisa Sporer A-1 Agricultural to A-2 Agricultural Residential

The applicants are requesting to rezone from A-1 Agricultural to A-2 Agricultural Residential 2.25 acres more or less, to separate the home and buildings from the farmland and to allow the daughter and son-in-law to live in the home and assist in the farming operation. The property located 0.78 miles southwest of the City of Holy Cross along Kluesner Road, is legally described as SW SW Section 19, (T90N R1W) Concord Township, Dubuque County, Iowa.

The property is owned by Shirley Lake Trust. Zoning in the area includes A-1 Agricultural to the north, south, east and west. R-1 Rural Residential to the west and east. M-1 Industrial to the west. The M-1 Industrial to the west on ZC# 11-11-14 was to rezone 5.9 acres to allow manufacturing and packaging of compost pellets and farm manure pumping business.

There are no previous rezoning cases attached to this property. 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 Holy Cross 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 Lisa & Jim Sporer, 898 Sunshine St, Holy Cross. Ms. Sporer said her mother recently moved out of the home into an assisted living facility and they would now like to purchase the home. Her mother will continue to own the surrounding crop ground and would like to keep the home in the family.

Mr. Gansen asked if the crop ground is rented out? Ms. Sporer said yes to the neighbor next door.

Mr. Gansen asked Ms. O’Shea if A-2 is the best fit for this property? Ms. O’Shea said Ms. Sporer’s mother is going to retain ownership of the land. They were also informed that no additional homes could be placed on the remaining land without rezoning. Ms. Klostermann said this situation is what A-2 was intended for, to preserve existing homes in the county.

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

A motion was made by Ms. Klostermann, **seconded by Mr. Gansen to approve the rezoning with the condition that 2.25 acres more or less around the home be rezoned to A-2, Agricultural/Residential for one home only and the remainder will stay A-1, Agricultural and the balance of that parcel is not allowed to have another dwelling unless the property is rezoned for that use. The motion passed unanimously. Vote 6-0.**

4) ZC#08-27-16 Michael & Mary Arthofer & Ben Arthofer A-1 Agricultural to R-3 Single Family Residential

The applicants are requesting to rezone from A-1 Agricultural to R-3 Single Family Residential 4.46 acres more or less, to create three lots and to allow for two (2) additional homes to be built. The property, located 4.23 miles south of the City of Peosta along Ryan Road, is legally described as Lot 2-1 NW NW Section 06, (T87N R2E) Washington Township, Dubuque County, Iowa and Lot 1-1 Anton J Fischer Place in both Section 01, (T87N R1E) Prairie Creek Township, and Section 6, (T87N R2E) Washington Township, Dubuque County, Iowa.

The property is owned by Michael & Mary Arthofer. Zoning in the area includes A-1 Agricultural to north, south, east and west. R-1 Rural Residential to the east and west. R-2 Single Family Residential to the south. R-3 Single Family Residential to the north. The R-1 Rural Residential to the west on ZC#02-07-95 was to rezone 3 acres to allow for the construction of a single family home on the farm. The R-1 Rural Residential to the west on ZC# 02-03-89 was to rezone 25 acres for the purpose of single family lots. The R-2 Single Family Residential to the south on ZC#9000-29-87 was to allow for a single family home to be built. The R-3 Single Family Residential to the north on ZC#900-14-71 was to allow for rezoning of 36 acres for residential lots. There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Twenty Five (25) rezoning notification 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 Ben Arthofer, 3605 Mya Rose Ct, Dubuque. He said they are taking the lot owned by his grandparents and splitting it to be able to build an additional two homes. It will allow him to build a home close to his grandparents to help assist them as they age. Each lot created will have over an acre required by health department standards.

Ms. Klostermann asked what the Future Land Use Map has projected for this area? Ms. O'Shea said it intended as residential.

Ms. Klostermann asked if the division of the property is creating a subdivision? Ms. O'Shea said it would be a subdivision plat. They are rezoning the entire parcel to residential. It will create two buildable lots and one with an existing home. Ms. O'Shea said they still need to speak with the health department on what they would require regarding wells and septic. The process has been started on access for the lots. One lot has an existing entrance, one would probably have access off Monastery Road and the other lot would have an access off of Ryan Road.

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

A motion was made by Ms. Caitlin, **seconded by Mr. Sigwarth to approve the rezoning. The motion passed unanimously. Vote 6-0.**

5) ZC# 08-28-16 Timber Ridge Estates LLC A-1 Agricultural to R-2 Single Family Residential

The applicants are requesting to rezone from A-1 Agricultural to R-2 Single Family Residential 19 acres more or less, to create 17 residential lots. The property is located 0.36 miles north of the City of Dubuque along Kennedy Road, and is legally described as W 19.85 AC N ½ SE NE Section 09, (T89N R2E) Dubuque Township, Dubuque County, Iowa.

The property is owned by Timber Ridge Estates LLC. Zoning in the area includes A-1 Agricultural to the north, south, east & west. R-1 Rural Residential to the northeast. R-2 Single Family Residential to the west, southeast and north. R-3 Single Family Residential to the east and north. The R-1 Rural Residential to the northeast on ZC# 9000-7-78 was to allow for a lot for a single family home. The R-2 Single Family Residential to the north on ZC# 03-09-92 was to rezone 17 acres to allow for a subdivision that would have 15 home sites. The R-2 Single Family Residential to the north on ZC#03-05-90 was to rezone 18 acres for the purpose of a multi lot residential subdivision. The R-2 Single Family Residential to the west on ZC#12-09-86 was to rezone 40 acres for residential subdivision to allow for 6 lots. The R-3 Single Family Residential to the east on ZC# 06-29-95 was to rezone an existing 1.5 acres to bring the property into conformity with the zoning ordinance. There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Thirty One (31) rezoning notification letters were sent to the property owners and the City of Dubuque 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 Matt Horsfield, 505 E Main St, Epworth. He stated he is representing the property and that Ms. Henry explained what the intent with the property is.

Mr. Gansen asked how close some of the other rezoning cases are to this location? Ms. O'Shea said within 500' of the property in question. Mr. Horsfield said this subdivision would be across from two other subdivisions. All of the lots will be one acre lots.

Ms. Klostermann asked if there is an existing home on the property? Mr. Horsfield said there is a home and small machine shed on the property that would be removed.

Mr. Sigwarth asked about storm water plans, runoff and road plans. Ms. O'Shea said those are things that will be discussed with the County Engineer and the Storm water Administrator Eric Schmechel. Ms. O'Shea said they are looking at designing one of the streets with a 50' wide right of way with storm water retention in the right of way. That could reduce some of the runoff and help capture some of the runoff from the cul de sac. She said the road development would be discussed more when they discuss the plat. The preliminary plat will be discussed after the rezoning request.

Ms. Klostermann asked why not rezone the property to R-3 for less setbacks? Mr. Horsfield said the reason for rezoning to R-2 was that there is a large easement on the backside of the property for storm water runoff. By having multiple retention basins throughout the subdivision it will help disburse the water evenly instead of having just one detention area. Ms. O’Shea said this property is on a high point and has several different drainage areas that drain in different directions.

Mr. Soppe asked what was going to happen with the road past Lot 3? Mr. Horsfield said the road will run continuously into the cul de sac and there will be an easement for Lot 3 to put in a driveway to that lot.

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

Speaking to the Board was Norb Link, 11955 Deer Valley Trail, Dubuque. He stated he has no objections to the subdivision. His concern is with the runoff, which could cause problems in his yard and mud during construction of the subdivision.

Mr. Horsfield readdressed the Board on the concerns that Mr. Link had. Mr. Horsfield said that their company follows the proper DNR permits and they have full time staff that manage the erosion control plans & policy. They do inspections weekly on the erosion control.

Mr. Soppe asked what the side setback is for R-2? Ms. O’Shea said that for R-2 properties the setbacks are 20’ side, 50’ front and 50’ rear.

Ms. O’Shea said the only written comment submitted regarding this case was from Barney Bishop, 16605 Forest Glen Ct, Dubuque. Mr. Bishop had concerns as well with the runoff from the property that is being requested to be rezoned.

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

A motion was made by Mr. Gansen, **seconded by Mr. Sigwarth to approve the rezoning. The motion passed unanimously. Vote 6-0.**

d) Plat of Timber Ridge Estates – Preliminary

Plat of Survey of Lots 1 thru 17 of Timber Ridge Estates a division of the N ½ of the SE ¼ of the NE ¼ of Section 9, (T89N R2E) Dubuque County, Iowa except the east 10 feet thereof.

The property is owned by Timber Ridge Estates LLC and is located 0.36 miles north of the City of Dubuque along Kennedy Road. The property is zoned A-1 Agricultural with a total of 19.574 acres surveyed. The property has a pending rezoning case # ZC08-28-16 from A-1 Agricultural to R-2 Single Family Residential. The purpose of the plat is to create a subdivision with 17 residential lots with a minimum of 1 acre in size.

The survey creates 17 residential building lots. Forest Glen Court, a private roadway, will be extended to accommodate Lots 1 thru 3, which will consist of a 66’ wide right of way and a 22’ road top with 4’ wide shoulders. Timber Court, a private roadway, will be extended off of Forest Glen Court to accommodate Lots 4 thru 17, which will consist of a 50’ right of way and a 22’ road top with 4’ wide shoulders. The road and cul-de-sac will be designed for storm water runoff and

storage to meet the requirements of the Dubuque County Erosion & Sediment Control and Storm Water Ordinance. The property owner is requesting a variance to the 66' wide right of way requirement for Timber Court. Lots 1 thru 3 will have access from a private road called Forest Glenn Court. Lots 4-17 will have access off of a private road called Timber Court. No additional access to Kennedy Road will be allowed for this subdivision.

Proposed utilities will be installed underground within a 20' wide Public Utility Drainage, and Storm Water Infiltration Easement along Forest Glen Court and Timber Court, along the outer perimeter of the lots and between Lots 7 & 8 and 14 & 15. The 17 residential lots will be served by 4 shared wells and they will each have individual septic systems. The covenants, engineered road plans, storm water calculations and erosion control plans will be available when the final plat is ready for approval.

Requesting the plat was Matt Horsfield, 505 E Main St, Epworth.

Ms. Klostermann asked about the 50' right of way for the subdivision? Ms. O'Shea said across the road on Forest Glen Court they have 50' right of way because it has curb and gutter. She said Mr. Horsfield is working with the County Engineer, Surveyor, Eric Schmechel, and herself in order to come up with a design that would accommodate the 50' right of way and additional storm water runoff. Mr. Horsfield said in most instances now you do not want to funnel all of the runoff into one place. It is better to have it disbursed evenly over the property. Ms. O'Shea said there is an additional easement for runoff as well. She also said if the Board does not allow the variance for the 50' right of way, the plat would have to be redesigned.

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

A motion was made by Ms. Caitlin, **seconded by Ms. Klostermann to approve the preliminary plat. The motion passed unanimously. Vote 6-0.**

6) ZC#08-29-16 Dennis & Debra Schmitt & Justin & Stacy Schmitt 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 more or less, to allow the son to build a home and continue to assist in the farming operation. The property, located 0.75 miles north of the City of Sherrill along Balltown Road is legally described as Lot 2-3 SE SE Lying S of RD Section 11, (T90N R1E) Jefferson Township, Dubuque County, Iowa.

The property is owned by Dennis & Debra Schmitt. Zoning in the area includes A-1 Agricultural to the north, south, east, and west. R-1 Rural Residential to the west. The R-1 Rural Residential on ZC#1-06-92 was to rezone 40 acres to allow for a single family home subdivision.

There are no previous rezoning cases attached to this property. There are no Special Use Permits attached to this property. Nine (9) rezoning notification letters were sent to the property owners and the City of Sherrill 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 Justin & Stacy Schmitt, 5114 Sherrill Rd, Sherrill. Mr. Schmitt said they would like to purchase a couple of acres to build a home and help with the farm operation.

Ms. Henry said the City of Sherrill submitted a letter that stated the city council has no issues with the rezoning request.

Mr. Schmitt said he and his brother each rent half the farm from their father. They currently crop farm the land. He would like to have cattle in the future and be closer to the farm operation.

Ms. Klostermann asked if there was any other homes on this 40 acre parcel? Mr. Schmitt said no and he understands the conditions that are placed on the parcel.

Ms. Klostermann said this is the purpose of A-2 by not creating subdivision and preserving land.

Ms. Klostermann asked about an approved entrance? Ms. O’Shea said the entrance is approved. They have to remove a field entrance in order to have the access for the new home.

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

Speaking to the Board was Joe Kruser, 16099 Balltown Rd, Sherrill. He stated he owns the land across the road from the property that is being rezoned. His concern is about more subdivisions. Ms. Klostermann said the intent of A-2 is to allow an agricultural residential home and to preserve agricultural ground, not to create subdivisions. Mr. Kruser said that he is opposed to building a home on land that can be farmed. Ms. Klostermann said in that area there are already subdivisions. The Schmitt’s could come and request a residential zoning that could create a subdivision.

Ms. O’Shea said the Schmitt’s were instructed when getting the entrance permit to try to get access from Panoramic View Homeowners’ Association. They were denied by the association so they will be accessing the property off of Balltown Road. They will have to remove the field entrance in order to put in the new access per the Board of Supervisors.

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 rezoning with the conditions that 2 acres more or less be rezoned to A-2, Agricultural/Residential for one home only and the remainder will stay A-1, Agricultural and that the balance of that parcel is not allowed to have another dwelling unless the property is rezoned for that use. The motion passed unanimously. Vote 6-0.

5. OLD BUSINESS:

1) Update on Previous Zoning Cases and District Court Decision

Ms. O’Shea said the Bell and Besler rezonings from A-1 to A-2 were approved as recommended by the Zoning Board. Emerald Development was also approved by the Board of Supervisors. It was rezoned from R-5 to R-3.

Ms. O’Shea said she provided the Zoning Board with a copy of the Shooting Range court decision which was in favor of the County Sheriff’s office. The case can be appealed up until August 20, 2016.

6. NEW BUSINESS:

1) Discussion on Zoning Code Update-Zoning Districts

Ms. O’Shea said she has provided the Board with a copy of the districts showing the changes suggested by the Zoning Board. She said they would look into going over the districts that will be worked on at the upcoming meetings.

Ms. O’Shea handed out some information to the Board on ethics, open meeting laws, ex parte communication and Zoning Board responsibilities. Ms. O’Shea said there are rules that the Board needs to follow and it can be a liability to the county if the Boards do not follow them.

7. PUBLIC COMMENTS: None

8. ADJOURNMENT: A motion was made by Ms. Klostermann, **seconded by Ms. Reiss to adjourn the meeting. The motion passed unanimously. Vote: 6-0. The meeting ended at 8:23 p.m.**