

**MINUTES  
ZONING ADVISORY COMMISSION  
REGULAR SESSION**

6:00 p.m.

Wednesday, September 2, 2020

Virtual Meeting

The Zoning Advisory Commission met at 6:00 p.m. on Wednesday, September 2, 2020. Due to the COVID-19 pandemic and mandates for social distancing, this meeting was conducted virtually.

**Commissioners Present:** Vice Chairperson Martha Christ; Commission Members Steve Baumhover, Rebecca Kemp, Brittany Loeffelholz, Matthew Mulligan, Pat Norton and Rich Russell

**Commissioners Excused:** None.

**Commissioners Unexcused:** None.

**Staff Members Present:** Guy Hemenway, Travis Schrobilgen and Jason Duba

**CALL TO ORDER:** The meeting was called to order by Vice Chairperson Christ at 6:00 p.m.

**MINUTES:** Commissioner Russell asked that the minutes be amended to correct the misspelling of his name. Staff indicated they would correct the error.

Motion by Russell, seconded by Mulligan, to approve the minutes of the August 5, 2020 meeting as amended. Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Norton, Russell, and Christ; Nay – none.

**ACTION ITEM/FINAL PLAT:** Application of David Schneider to approve the Final Plat of Cedar Ridge Farm Place No. 17.

Dave Schneider, 906 1<sup>st</sup> Street North, Farley, Iowa, spoke on behalf of the property owners: Wenzel Towing and Dolphin Custom Cabinets. He said that Wenzel Towing, 3197 Hughes Court, experienced a small landslide at the back of their lot that cascaded into the Catfish Creek floodplain. He said that they needed to excavate and grade to correct the encroachment. He said that they intended to purchase the adjacent property as storage for the excavated material. He said that the property owner does not intend to build on the land.

Staff Member Hemenway detailed the staff report, noting the submitted Plat of Survey of Cedar Ridge Farm Place No. 17 subdivides two abutting lots, one located off of Hughes



Court and the other off of Cedar Cross Court, by removing approximately 1.5 acres from Lot 1 and consolidating it with Lot 2 due to the landslide previously described. He noted that both lots are legally non-conforming as neither currently has frontage on a platted street and neither will have frontage after the split. He said that Lot 2 takes street access from a 24' wide easement across the property at 3195 Hughes Court and that Lot 1 takes access from the property at 3160 Cedar Cross Court. He said that an access easement is not necessary for Lot 1 as both lots are under common ownership.

Staff member Hemenway said that, currently, Lot 1 is zoned LI Light Industrial district and R-1 Single-Family Residential district and Lot 2 is zoned LI Light Industrial district and AG Agricultural district. He noted that if the lot split is approved, Lot 2 will contain R-1, LI and AG districts. He said that expansion of the commercial activity at 3197 Hughes Court will be confined to the portion of Lot 2 that is zoned LI and that any commercial expansion to the AG or R-1 districts on Lot 2 will require that a rezoning be requested and approved.

Staff member Hemenway said that the Iowa Department of Natural Resources is actively involved in dealing with the landslide. He recommended approval of the Final Plat of Cedar Ridge Farm Place No. 17 subject to waiving the lot frontage requirement for Lot 1 and Lot 2.

Commissioners sought clarification regarding the status of the access easement to Lot 2. Staff member Hemenway stated that the access easement had previously been established.

Motion by Mulligan, seconded by Norton, to approve the Final Plat of Cedar Ridge Farm Place No. 17 subject to waiving the lot frontage requirements for Lot 1 and Lot 2.

Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Norton, Russell, and Christ; Nay – none.

**ACTION ITEM/FINAL PLAT:** Application of Dave Schneider to approve the Final Plat property of Derby Grange Subdivision No. 5.

Dave Schneider, 906 1<sup>st</sup> Street North, Farley, Iowa, spoke on behalf of the owner Ron Breitbach, who was present. He noted that the plat would constitute a major subdivision in the County. He said that property is within two miles of the City Limits which he noted necessitated the Commission's review. He said the subdivision would create four additional lots – reconfiguring two lots into five – four for family and one for Mr. Breitbach. He said that the property is zoned County R-3, so residential development is permitted. He noted that he is working with Dubuque County Soil and Water Conservation District's Urban Coordinator, Eric Schmechel, regarding storm water management. He said that the proposed residences will be similar to other homes in the area. He noted that the subject property shares a well with the Derby Grange Golf Course.



Commissioners asked how many homes could be on a private well like theirs. Mr. Schneider said that four to six homes can be on such a well, but if more than 24 people are using it at one time, it would have to be classified as a public water supply source. Mr. Breitbach clarified that their well is a public water supply source, so it is not an issue to serve additional homes as there is excess capacity. He also clarified that they would not be closing the golf course.

Staff Member Schrobilgen detailed the staff report, noting the submitted Final Plat subdivides Lot 2 in Derby Grange No. 2 and Lot B in Derby Grange No. 3 for a total of 13.55 acres into Lots 1, 2, 3, 4 and 5 in the Derby Grange Subdivision. He noted that the property is located in Dubuque County within the City's 2-mile jurisdiction and is being reviewed jointly by the City of Dubuque and Dubuque County. He said that the subject property is currently zoned County R-3 Residential.

Staff member Schrobilgen said that the plat as proposed will result in three, 1.00-acre lots, one, 1.01-acre lot and one, 9.54-acre lot, all of which are intended to be used for single-family homes. He said that all lots have the required amount of frontage, exceed the minimum required lot area and have utility easements as required. He said that the submitted Final Plat complies with the City of Dubuque's subdivision regulations contained in the Unified Development Code.

Commissioners had no questions and expressed no concerns regarding the proposal.

Motion by Baumhover, seconded by Mulligan, to approve the Final Plat of Cedar Ridge Farm Place No. 17 as submitted. Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Norton, Russell, and Christ; Nay – none.

**ITEMS FROM PUBLIC:** None.


**ITEMS FROM COMMISSION:** None.

**ITEMS FROM STAFF:** None.

**ADJOURNMENT:** Motion by Norton, seconded by Russell to adjourn the September 2, 2020 Commission meeting. Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Norton, Russell, and Christ; Nay – none.

The meeting adjourned at 6:20 p.m.

Respectfully submitted,

  
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Guy Hemenway, Assistant Planner

October 7, 2020  
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Adopted