

PLANNING & ZONING COMMISSION MEETING ***CITY OF DYERSVILLE***

Monday, December 12, 2022

Meeting called to order by Chairman Roger Gibbs at 6:30 P.M.

Roll Call: Present: Commission Members: Ryan Cahill, Roger Gibbs, Tim Nefzger, Dan Olberding, Mike Schlichte
Absent: Joe Petsche, Wayne Stelken, Matt Tauke and Bec Willenborg

1st Item: Approve Minutes of the October 10, 2022 Meeting

Chairman Gibbs asked for questions or comments and there were none.

Mike Schlichte made a motion to approve the Minutes of the October 10, 2022 meeting. Motion seconded by Tim Nefzger.

Roll Call Vote: **Ayes:** Ryan Cahill, Roger Gibbs, Tim Nefzger, Dan Olberding, Mike Schlichte

Nays:

Motion Carried

2nd Item: Approve Final Plat of R.L. Steger Addition in Delaware County, Iowa.

Jim Steger, 100 8th Avenue NW Dyersville, was present and advised this plat is his parent's property and they had it surveyed due to his mom's failing health. The family wants to have things in order to keep the property once his mom passes. The family has a purchase agreement in place for the farmland. Chairman Gibbs stated that a preliminary plat was given to them just prior to the meeting. Gibbs asked what the difference was. Steger advised the only change is the word "final" to "preliminary". Commission member Olberding asked if they needed to approve both plats; City Administrator Mick Michel stated he would like the commission to approve both.

Chairman Gibbs asked for any comments or questions from the audience and there none at this time. Steger was asked if he planned to create a subdivision and build houses. Steger advised at this time they plan to keep the property in the family. The commission asked if the easements were OK and Michel advised since they were driveway easements they were fine. Michel had concerns about access to all lots and it appears each lot has access.

Donna Meyer, 2040 325th Avenue Dyersville, spoke and stated they currently live in the country. Meyer asked that if this was approved will they become part of the city. Meyer was told this plat is not annexing any property to the city. This is a plat review within the 2-mile jurisdiction of the city. There is no plan for annexing, and this is not a subdivision plat.

Kristina Pearson, 2050 325th Avenue Dyersville, spoke and asked Steger if he plans on expanding the disposal lot. Steger advised that at this time he does not plan to expand, but this gives him the option to purchase additional property in the future. Pearson asked if the property line along the creek would change and Steger stated they are keeping the existing property line.

Chairman Gibbs asked if all the lots are part of the existing farm. Steger stated they are. The family is just clarifying what can happen to the property once his mother is gone. The family plans to keep the farm for themselves. The new lots being created are for the house, farm buildings, Lot 6 is around Bi-County Disposal and Lots 1 and 2 are creek/pasture and tillable farmland. Commission Member Olberding asked if there were any lots on the northside of Vine Road that were in the city limits. Michel stated there were a couple.

City Administrator Mick Michel stated he understood the circumstances for dividing the property. Lot 1 is not usable property. Lot 2 is farm ground that has the potential for flooding. Lot 3 is usable farm ground. Lot 4 & 5 are the farmhouse and buildings. Lot 6 is for Bi-County possible expansion. If anyone would want to develop Lot 3 into a subdivision, a plan would need to come before the commission with plans for streets and utilities. Michel stated the plat looks dicey with the different lots but there are no problems with the plat. The Comp Plan shows this area as Ag and that is the continued use for the property. Michel stated this process began with a simple Plat of Survey, but he wanted to see a Preliminary and a Final. Michel stated he waived the elevation requirements for the Preliminary because the property is remaining farmland.

After no further discussion, Tim Nefzger made a motion to approve the Preliminary and Final Plats of R.L. Steger Addition in Delaware County, Iowa. Motion seconded by Dan Olberding.

Roll Call Vote: **Ayes:** Ryan Cahill, Roger Gibbs, Tim Nefzger, Dan Olberding,
Mike Schlichte

Nays:

Motion Carried

3rd Item: Approve Final Plat of Spruce Hollow North Plat 2, Dubuque County, Iowa.

Robert Schmerbach, 30547 Golf Course Road Dyersville, was present and stated he owns the property and wants to divide an acre lot for his daughter and son-in-law to build a house. Schmerbach stated he talked to the county when requesting the building permit and they did not have any problems. The plat still needs to go through the Board of Supervisors.

Commission Member Olberding had concerns about this making it through the county process. Olberding thought the county was trying to eliminate the requests for acre lots. Chairman Gibbs asked for questions or comments from the audience and there were none at this time.

City Administrator Mick Michel stated this follows the city guidelines for acre parcels. There are already several similar lots in that area. Michel said this meets city criteria but still needs county approval. Michel also cautioned them on sharing a well due to DNR restrictions.

Rose Schneider, Schneider Landsurveying, stated Dubuque County has this property zoned as R2 and this meets the county requirements. She stated her husband, who prepared the plat, has reviewed this with the county and they have no problems with the plat.

After no further discussion, Ryan Cahill made a motion to approve the Final Plat of Spruce Hollow North Plat 2, Dubuque County, Iowa. Motion seconded by Tim Nefzger.

Roll Call Vote: **Ayes:** Ryan Cahill, Roger Gibbs, Tim Nefzger, Dan Olberding,
Mike Schlichte,

Nays:

Motion Carried

4th Item: Approve Plat of Survey of Hermsen Addition, in the City of Dyersville, Iowa.

Ken Hermsen, 450 S Grandview Avenue Dubuque, was present and stated this property is his parents and his dad passed away earlier this year. Hermsen stated his dad had an implement dealership and farmland. Hermsen said part of the easements they had was on a handshake agreement with Jim Wilhelm. Hermsen is purchasing that property and will move the property line for the house to continue a 66' easement.

Commission Member Nefzger asked if he plans to subdivide the property. Hermsen said he does not plan to do anything right now. He would like a place to do some woodworking and work on cars.

City Administrator Mick Michel stated he worked with the surveyor and had them make some changes prior to submitting the plat. The plat meets the city requirements. If there would be plans to subdivide Lot 2 there is plenty of room. Flood plain issues have also been dealt with.

Commission Member Gibbs asked for comments or questions from the audience and there were none.

After no further discussion, Dan Olberding made a motion to approve the Plat of Survey of Hermsen Addition in the City of Dyersville, Iowa. Motion seconded by Ryan Cahill.

Roll Call Vote: **Ayes:** Ryan Cahill, Roger Gibbs, Tim Nefzger, Dan Olberding,
Mike Schlichte

Nays:

Motion Carried

5th Item: Approve Zoning Application – A1 to C1.

John Rankins, 407 13th Avenue SE Dyersville, was present and stated he plans to put a bin store at this location and needs the zoning to be C1.

City Administrator Mick Michel said this location was a vet clinic and remained one until a few years ago. The vet clinic was a permitted use under A1. The request is to change the zoning from A1 to C1. The city comp plan allows this location for retail use. The city downtown plan calls for the location be used for public space. This location is close to the downtown but is not in it. Michel stated he feels the space would be better suited for office use but not retail. The city plans do not warrant for retail space and being in the flood zone makes it inappropriate. If approved Michel suggests C1 be conditional for office use. Michel stated the commission needs to provide the city council with either a positive or negative report. The request will go back to council either way.

Rankins stated the city wants the property for parking space. He stated the city plans to put an amphitheater across the street, there is a body shop next door and there was an electrical shop in that area. Rankins doesn't feel the city needs office space. He stated that if he can have it for residential space he will turn the building into a duplex.

Michel stated the Comprehensive and Downtown plans back up his request. Michel stated this is not the space for retail. He suggested that if the commission considers this space for Commercial to make it conditional for no drive through. Michel stated C1 is inappropriate due to environmental constraints and there is no parking for retail space.

Chairman Gibbs asked if this will go back to the city council. Michel stated it would whether it was a positive or negative report. A negative report would require a super majority of the council to

overturn the report. Michel stated the comp plan use for this area is mixed use but the downtown plan use is for public space. Michel said he is fine with this remaining a vet clinic or becoming office space.

Commission Member Nefzger asked if they approve this for office space will it need to be changed from A1. Michel said for office space it would need to change to commercial, it can remain A1 for a vet clinic. Michel stated he does not agree with this being used for residential. Retail and residential space in a flood zone is not practical. Rankins stated that the merchandise would be 4' off the floor and in bins.

Chairman Gibbs asked for public comments and there were none.

Rankins stated that there was not a need for a vet clinic or office space in town. Rankins thought the property was zoned commercial and has done a lot of work for a retail space already.

Chairman Gibbs stated the city and commission had done a lot of work developing the comp and downtown plans. It is the commissions job to follow the plans and not deter from them.

After no further discussion, Roger Gibbs made a motion to recommending the Zoning Application be approved from A1 to C1 with the conditional use for office space or keep the Zoning at A1 at 214 1st Street SW, Dyersville, Iowa. Motion seconded by Tim Nefzger.

Roll Call Vote: **Ayes:** Ryan Cahill, Roger Gibbs, Tim Nefzger, Mike Schlichte

Nays:

Abstain: Dan Olberding

Motion Failed

6th Item: Approve Subdivision Ordinance.

City Administrator Mick Michel stated that a couple years ago work started on updating the subdivision ordinance. COVID put a hold on it and he is now bringing it back. There are some issues to resolve and then it can go for approval. This ordinance change will go through City Council and he plans to hold a work session with them to review it. Depending on what Delaware County does, there may be some minor changes or additions. The city updated the Comprehensive Plan, the Downtown Plan and the Zoning Ordinance, now the Subdivision Ordinance needs updating. Michel stated this is updating the subdivision definition and bringing everything up to industry standards.

The commission asked what the different colors on the sheets indicated. Michel said the red areas are the changes and items off the side are considerations the council needs to make. Michel feels this draft is good but needs some minor changes.

Chairman Gibbs asked if the P & Z commission could be part of the council work session and Michel said they could. The commission members agreed it would be a good idea so both parties are on the same page.

After no further discussion, Roger Gibbs made a motion to request a joint work session with the City Council to review the Subdivision Ordinance. Motion seconded by Dan Olberding.

Roll Call Vote: **Ayes:** Ryan Cahill, Roger Gibbs, Tim Nefzger, Dan Olberding, Mike Schlichte

Nays:

Motion Carried

Meeting adjourned at 7:23 pm on a motion by Dan Olberding, seconded by Tim Nefzger.

Lori A Panton

Lori A. Panton – Recording Secretary

12/12/22
Date