

AGENDA

ROLL CALL

AGENDA ITEMS

- 1.** Approve Minutes of the December 12, 2022 Meeting
- 2.** Approve Plat of Survey of Mercy Park No. 2 in the City of Dyersville, Iowa. Plat Submitted by Mercy Health Services.
- 3.** Approve Final Plat of Bell 3rd Addition to the City of Dyersville, Dubuque County, Iowa. Plat submitted by Dave Bell.
- 4.** Recommendation on Zoning Application to change property at 214 1st Street SW from A1 to C1

ADJOURNMENT

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

Index Legend	
Location:	LOT 2-2-1-2-1-1-1-1 NW1/4 - SW1/4 SECTION 31, T89N, R2W CITY OF DYERSVILLE DUBUQUE COUNTY, IOWA
Proprietor:	KENNEDY, ELLEN LIVING CENTER
Requestor:	MERCY HEALTH SERVICES
Surveyor:	CRAIG L. GEISER, PLS
Surveyor Company:	ORIGIN DESIGN CO., 137 MAIN STREET DUBUQUE, IOWA 52001 PHONE: (563)556-2464

FOR RECORDER USE

PLAT OF SURVEY
MERCY PARK NO. 2
IN THE CITY OF DYERSVILLE, IOWA



WESTRIDGE ESTATES 4TH ADDITION
DOC. NO: 24987-03

LOT 7

LOT 8

NO CAP

LOT 6

FOUND 3/4" REBAR
W/ NO CAP

GRAPHIC SCALE



(IN FEET)

DRAWING MAY HAVE BEEN REDUCED

LEGEND

PROPERTY BOUNDARY
LOT/R.O.W LINE
SECTION
RIGHT-OF-WAY
RECORDED AS
FOUND 5/8" IRON REBAR WITH RED
PLASTIC CAP NO. 12631
UNLESS OTHERWISE NOTED
SET 5/8" IRON REBAR WITH
YELLOW PLASTIC CAP NO. 21408

SEC.
R.O.W.
()



LOT 2
0.40 ACRES
17,294 SQFT

EXISTING
CONCRETE
WALKWAY

LOT 1
4.26 ACRES
185,524 SQFT

LOT 1
MERCY PARK
DOC. NO: 6554-81

LOT 1 WESTRIDGE
2ND SUBDIVISION
DOC. NO: 7713-01

LOT 2-2-1-2-1-1-1-1
NW1/4-SW1/4 SEC. 31
DOC. NO: 6385-93

DATE OF SURVEY: JANUARY 24, 2023
TOTAL AREA SURVEYED: 4.66 ACRES

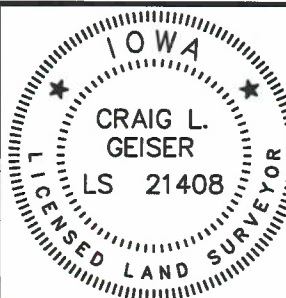
SE CORNER OF
LOT 1, WESTRIDGE
2ND SUBDIVISION

FOUND 5/8" REBAR W/ NO
CAP N03°06'08"W 0.70' FROM
ACCEPTED CORNER LOCATION

12TH AVENUE SW
(66' R.O.W.)

NOTE

THIS SURVEY IS SUBJECT TO
EASEMENTS, RESERVATIONS,
RESTRICTIONS AND RIGHTS-OF-WAY
OF RECORD AND NOT OF RECORD.



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED
AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY
DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND
SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

FOR ORIGIN DESIGN

Craig L. Geiser 1-30-23
CRAIG L. GEISER DATE

LICENSE NO. 21408 MY LICENSE RENEWAL DATE IS 12/31/2024

PAGES OR SHEETS COVERED BY THIS SEAL 1 THRU 2

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design®

800 556-4491 origindesign.com

DRAWN	GSB	PLAT NO.	1-1A-23
CHECKED	CLG	PROJ. NO.	23701
DATE	1/24/23	SHEET	1 of 2
P: \23\700\701\DRAWINGS\SURVEY\23701 PLAT			

SURVEYOR'S CERTIFICATE

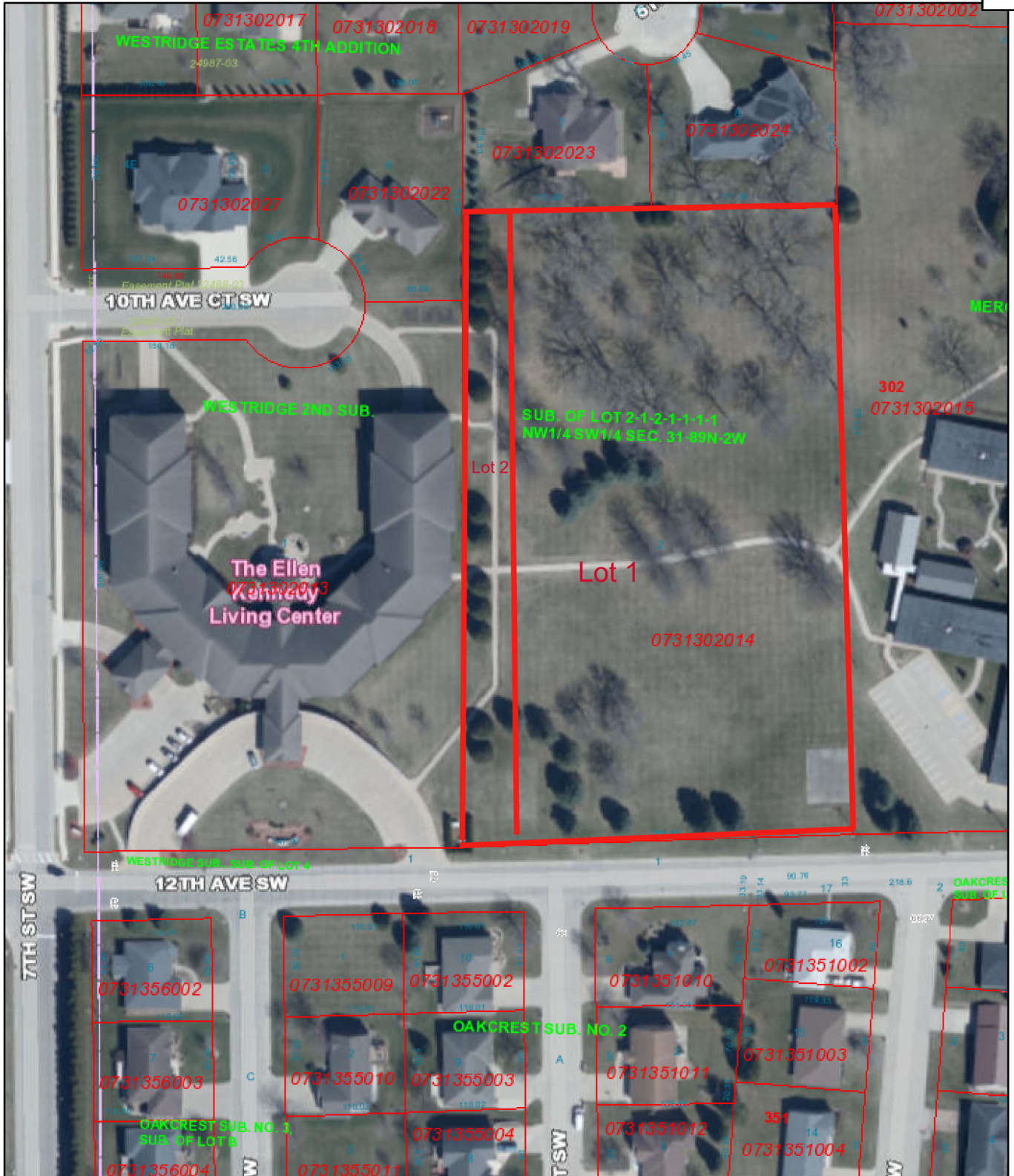
I, Craig L. Geiser, a Duly Licensed Land Surveyor in the State of Iowa, do hereby certify that the following real estate was surveyed and platted by me or under my direct personal supervision, To Wit:

Lot 2-2-1-2-1-1-1-1 of the Northwest Quarter of the Southwest Quarter of Section 31, Township 89 North, Range 2 West of the 5th Principal Meridian, in the City of Dyersville, Dubuque County, Iowa.

This survey was performed for the purpose of subdividing and platting said real estate henceforth to be known as

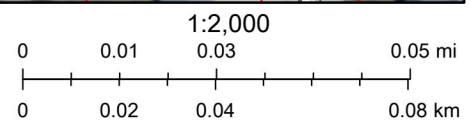
Lot 1 & Lot 2 of Mercy Park No. 2 in the City of Dyersville, Iowa.

Containing 4.66 acres, more or less, and subject to easements, reservations, restrictions, and rights-of-way of record and not of record, the plat of which is attached hereto and made a part of this certificate. All monuments are placed or will be placed within one year from the date this plat is recorded.



1/27/2023, 9:04:39 AM

Tax Parcels



INDEX LEGEND

LOCATION: LOT 3 - BELL 2ND ADDITION TO DYERSVILLE, DUBUQUE COUNTY, IOWA
PROPRIETORS: LIBERTY INVESTMENT COMPANY
REQUESTOR: DAVE BELL
SURVEYOR: BILL BURGER
SURVEYOR COMPANY: WM. BURGER LANDSURVEYOR
RETURN TO: BILL BURGER, 510 3RD STREET WEST COURT,
WORTHINGTON, IA 52078 | (563) 855-2028

Item 3.

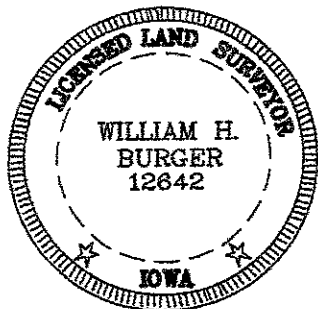
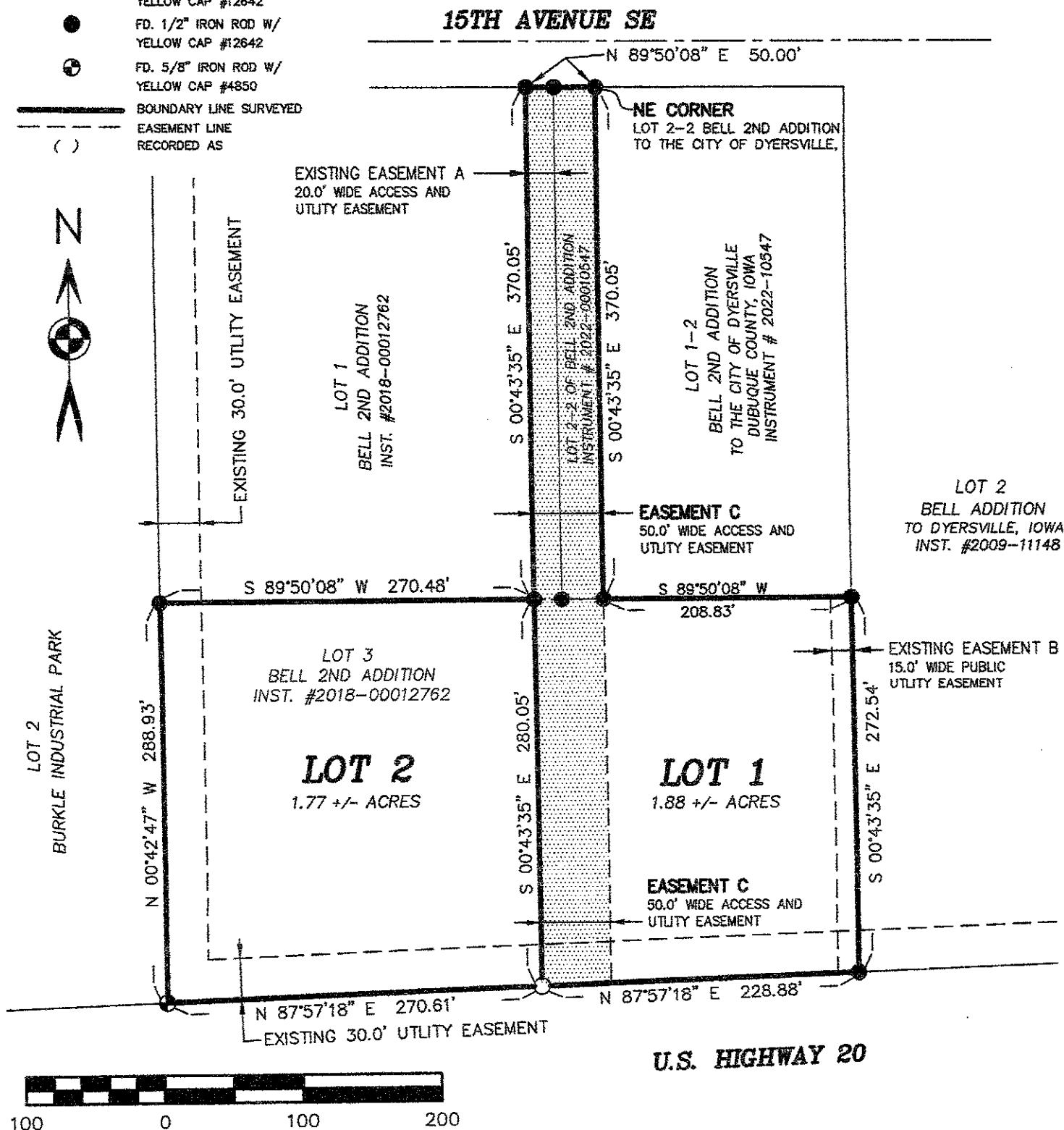
PREPARED BY BILL BURGER OF WM. BURGER LANDSURVEYOR 510 3RD STREET WEST COURT, WORTHINGTON, IOWA 52078 (563) 855 2028

FINAL
PLAT

BELL 3RD ADDITION
TO THE CITY OF DYERSVILLE, DUBUQUE COUNTY, IOWA
COMPRISED OF LOT 3 AND LOT 2-2 OF BELL 2ND ADDITION TO THE CITY OF DYERSVILLE, DUBUQUE COUNTY, IOWA

LEGEND

- SET 1/2" IRON ROD W/
YELLOW CAP #12642
● FD. 1/2" IRON ROD W/
YELLOW CAP #12642
⊕ FD. 5/8" IRON ROD W/
YELLOW CAP #4850
— BOUNDARY LINE SURVEYED
- - - EASEMENT LINE
() RECORDED AS



NO. OF SHEETS COVERED BY THIS SEAL 1

DATE OF SURVEY: 1/17/2023

PROPRIETORS: SEE INDEX LEGEND

I HEREBY CERTIFY THAT THIS LANDSURVEYING DOCUMENT WAS
PREPARED AND RELATED SURVEY WORK WAS PERFORMED BY ME OR
UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY
LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022

WILLIAM H. BURGER

#12642

DATE

SHEET 1 OF 6

SCALE: 1" = 100'

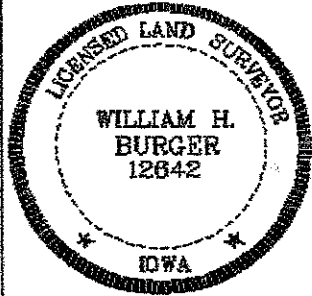
Wm. Burger
LandSurveyor

510 3rd Street West Court
Worthington, Iowa 52078

10

DESCRIPTION

BELL 3RD ADDITION TO THE CITY OF DYERSVILLE, DUBUQUE COUNTY, IOWA – Comprised of Lot 3 of Bell 2nd Addition to the City of Dyersville, Dubuque County, Iowa as recorded in the Office of the Dubuque County Recorder File number 2018-00012762 and Lot 2-2 of Bell 2nd Addition to the City of Dyersville, Dubuque County, Iowa as recorded in the Office of the Dubuque County Recorder File number 2022-0010547, containing a total of 3.65 acres, divided into Two (2) lots and numbered Lot 1 and Lot 2 as shown on the attached plat; **subject to easements of record and not of record;**



SURVEYORS CERTIFICATE

I hereby certify that this land survey document was prepared and related survey work was performed by me or under my direct personal supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa;

My license renewal date is December 31, 2024

William H. Burger 1/30/22

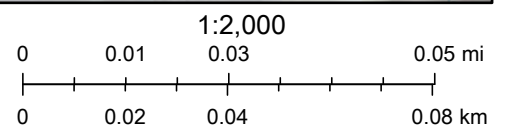
Date

William H. Burger Reg. No. 12642
Sheet No. 2 covered by this seal



1/31/2023, 9:25:08 AM

Tax Parcels



Esri, Inc., Dubuque County, Iowa

ZONING APPLICATION

For Office Use Only		Item 4.
Date Filed	_____	
Fee	\$ _____	
Receipt #	_____	
Case #	_____	
Task #	_____	

- ☒ Zone amendment from A1 to C1 ☐ Text Amendment
- ☐ Planning Unit Development ☐ Site Plan Review ☐ Sign Permit
- ☐ Comprehensive Plan Amendment

Property Owner John Rankins 214 1st St SW 52040 563-599-2161
 Name Address Zip Phone #

Applicant John Rankins 214 1st St SW 52040 563-599-2161
 Name Address Zip Phone #

Representative _____
 Firm Name Address Zip Phone #

Contact John Rankins 407 13th Ave SE 52040 563-599-2161
 Name Address Zip Phone #

JRRPROP@gmail.com
 E-Mail Address

General Location/Address 214 1st St SW

Legal Description _____

Currently Zoned: _____

Proposed Use Type _____ Existing Use _____
 (Section 165.05.14 Use Matrix)

Description of the Proposed Use(s) _____

Site Summary Information

a. Total Site Area	_____ Sq. Ft.	g. Total Paved Area	_____ Sq. Ft.
b. Building Coverage	_____ Sq. Ft.	h. Number of Parking Stalls	
c. Maximum Building Height	_____ Ft.	i. Number of Handicapped Stalls	
d. Number of Residential Units	_____	j. Parking Lot Area	_____ Sq. Ft.
e. Non-Residential Use Area	_____ Sq. Ft.	k. Interior Parking Lot Landscaping	_____ Sq. Ft.
f. Accessory Use Area	_____ Sq. Ft.	l. Sign Permit – Sign Area	_____ Sq. Ft.

If you have any questions about this application, please contact the City at 563-875-7724.

John Rankins
 Owner's Signature

Owner/Applicant Signature
 (If not the property owner, the applicant certifies with this signature to be the authorized agent of the property owner.)

1-31-23
 Date Submitted

John Rankins
 Print or Type Name of Applicant

ZONING APPLICATION

Item 4.

The procedures for all zoning applications are listed in the Dyersville Code of Ordinances, Chapter 165. The application review procedure will not begin until a complete application is submitted to the City, according to Chapter 165 of the Dyersville Code of Ordinances. **Incomplete Applications Cannot Be Processed. Call the City at 563-875-7724 for meeting dates and deadlines.**

Site Layout

Use this checklist to provide a general site plan, drawn to scale with dimensions, as a part of all zoning applications required for site plan review, planned unit developments, and sign permits. The site plan is required to show the following, however, the City may waive items for inclusion after a pre-application meeting:

- _____ The date, scale, north point, title, name of owner and name of the person preparing the plan.
- _____ The location and dimensions of boundary lines, easements, and setbacks of all existing and proposed buildings and parking areas from the boundary lines.
- _____ The location, size, height, and use of proposed and existing structures on the site.
- _____ The location of major site features, including drainage systems with existing and proposed contour lines to display proposed grading, but in no case greater than at 5-foot intervals, and 2-foot intervals for PUD applications.
- _____ The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, and lighting.
- _____ Landscape concept plan showing location and type of existing trees over 6 inches in diameter and proposed plantings, berms, bufferyards, screening, fencing, and lighting schemes.
- _____ For a sign permit include the location of the sign, schematic design, dimensions, and total sign area.
- _____ Any other information that may be required for review by the Administrator, or his/her designee, such as stormwater management plans, utility plans, landscaping plans, architectural elevations, and off-site improvements.

Site Plan and Planned Unit Development Applications

Please submit additional pages describing the proposed uses and site design. This should include information about the hours of operation, number of employees and clients, type of programming or services, traffic expected to be generated, use of landscaping/buffering when applied, a development schedule, and any other information showing compatibility between the proposed development, surrounding land uses (existing or planned), and the natural environment.

Application Checklist

- ☐ Completed and Signed Application Form
- ☐ Filing Fee (Check with the City Administrative Office)
- ☐ Dimensioned and Labeled Site Layout
- ☐ Supplemental Narrative Material

ZONING APPLICATION

Item 4.

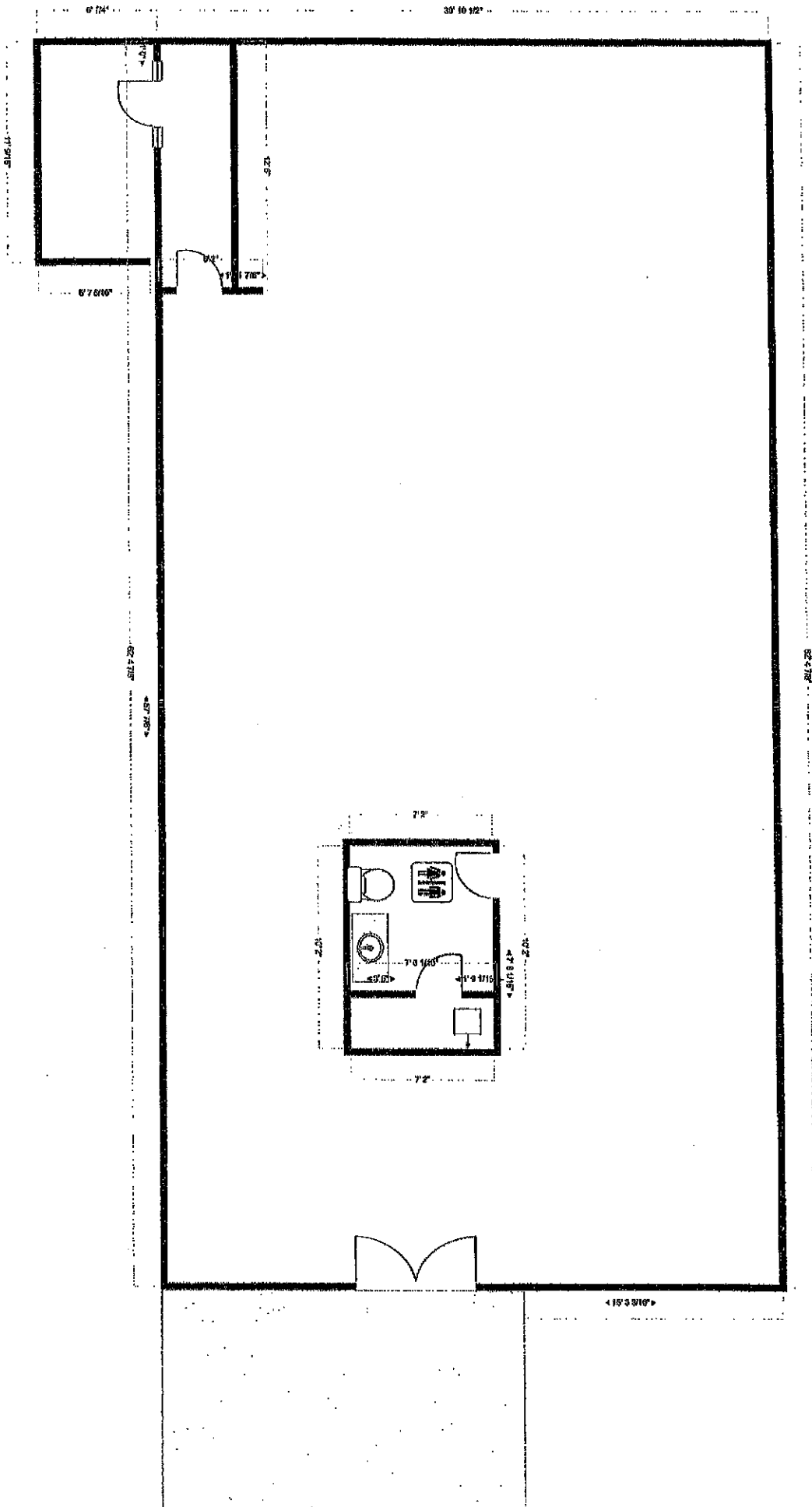
Planning & Zoning Meeting: _____ Approved ____ Denied ____ Tabled ____

Chairperson Signature

City Council Date: _____ Approved ____ Denied ____ Tabled ____

Resolution # _____

Task # _____





2/1/2023, 1:12:20 PM

 Tax Parcels

