

JACKSON COUNTY ZONING COMMISSION

7:00 p.m.

Monday, May 19, 2025

Community Room, Jackson County Courthouse

201 W Platt Street, Maquoketa, Iowa

Commissioners Present: Chair Mike Burke, Vice Chair Tom Stewart, Commissioners Sandra Gerlach, Emerita Kies, Kristine Pfab, Monica McHugh, and Brian Venema
Staff Member Present: Zoning Administrator Lori Roling & Administrative Assistant Becca Pflughaupt

CALL TO ORDER AND ROLL CALL: The meeting was called to order by Chair Burke at 7:02 p.m. and roll call taken. A sign-in sheet was distributed. The Zoom meeting was launched. Those noted in attendance were:

Steve Czipar - Dubuque

Tyler Czipar - Dubuque

Gary Knief - Bellevue

Rhonda Rowen - Spragueville

Randy Rowan - Spragueville

Laura Carstens, ECIA – Zoom

Chase Kueter – Zoom

Samsung – Zoom

Pbeschen – Zoom

Papa T's cell phone – Zoom (Terry Kueter)

iPhone – Zoom (Kerensa Kettmann)

Pat Kettmann - Zoom

MINUTES: Motion by McHugh, seconded by Kies, to approve the minutes of the April 21, 2025 Zoning Commission meeting as submitted. Motion carried unanimously.

CASE – ZC25-02 Rezoning – Front 230' as measured from centerline of the road of 30706 320th St, Bellevue, IA in Section 30 of Tetes Des Morts Township

Chair Burke asked for a presentation by the applicant. Tyler Czipar summarized that the request is to rezone the front 230' from A-1 to C-1 to utilize the building to operate an engine machining business.

Staff Member Roling provided aerial views of the subject property and surrounding area from the staff report and using the County GIS map. Roling noted that it's the front 230' as measured from the centerline of the road. Roling stated she's not ever rezoned a part of the property, but it gives them opportunities. Stewart also does not recall ever rezoning a portion of a property. Roling highlighted the Staff Report. The request fits in with the land use. Roling stated she does not have any direct concerns. Burke agreed. Stewart stated after reading the report he did not see anything that concerned him.

Burke opened for public comments.

McHugh asked Czipar if he currently has another repair location. Czipar stated that he does own another business called Czipar Performance, this proposed location would not be like that one. Czipar went into detail giving some background as to why they want to start this business which involves the rezoning request. Czipar's dad, Steven Czipar, will be retiring and this will be the work he will do. None of the other business operations would take place at this location. Stewart asked if there would be other employees, Czipar stated no. Kies asked where the other business is located. Steve Czipar spoke and told of the lead time problems they had faced with Czipar Performance with machined items and that's what prompted them to want to purchase some machines and start machining some of their own blocks and this building is a good spot to do that in.

Chair Burke asked for public comments. Roling called out to those on Zoom to speak.

Peggy Beschen stated her concern is that being out in the country is nice and peaceful and quiet. She has miniature horses and is concerned about it becoming zoned commercial, and that the business may grow. Beschen stated concern about delivery trucks.

Terry Kueter has no concerns with them doing the business out of there except some concern about the increase of noise, he would not want the value of his land to decrease. Kueter is wondering about the commercial business getting sold.

Pat Kettman's concern is noise and the safety aspect of increased deliveries and increase in semi traffic. Also concerned about property values and if the property was to be sold.

Kerensa Kettman's concern is about property values and peace and quiet.

Tyler Peters stated his concerns are the same as Peggy Beschen's and also with heavy equipment getting offloaded. Peters stated he's worried about them becoming a big operation and engine noise with the testing of the rebuilds, he moved out of town to live in the peaceful country.

Gary Knief raised concerns about it being rezoned and if they wanted to sell it. Knief's grandparents owned the property at one time. Knief is concerned about the heavy equipment being unloaded.

Chair Burke asked for the applicant's rebuttal.

Steven Czipar stated that they only asked for the two acres to be rezoned. No engine installs, it's just machining the engines. The other building they have is for storage. Tyler Czipar reiterates that there will be no testing of engines or cars, there's not much noise, it's all inside and rarely will you open the doors. The machining equipment makes little noise. The little bit of installs they do, they do at the other shop. They prefer to do the engine, give it to the customer, let them install it and then they tune it remotely. Tyler Czipar stated that in the case if they sell

the property, they are ok for it to go back to ag. They are not concerned about building a business to then sell it. They want to start this business to fill a void that they need. Stewart questioned the off-loading of the machinery on the highway. Czipar stated that it's equipment that he buys and none of those things are related to the business that the rezoning is for, it's for different properties that he owns. Stewart asked if they are related to the business, Czipar said no. Burke asks that with the heavy equipment being unloaded, can they get off the road. Tyler Czipar stated that some of the equipment haulers don't think that they can pull in the driveway, but they can, and he stated he would make it a point to tell them that they have to.

Chat from Zoom question: If this is rezoned, is there any control over what changes can happen for a business or will they just need to fight it if it does?

Stewart states they can rezone with restrictions. It was a standard in the past and it was a useful tool. McHugh has a different philosophy; she doesn't want to place restrictions. Czipar stated he knows things can happen and things can change, but he stated it's likely going to be passed down to his children. Roling asked Czipar regarding his long term plan is to build on this property. So, if he were to build on it, he would do a home-based business which does not transfer from property owner to property owner. McHugh stated she doesn't like the restrictions as we're policing and as it sells do we have the communication and monitoring capabilities for the zoning department to track. Discussion took place. McHugh states she understands the safety issue regarding the semis, but farmers do the same thing now, so why are people upset. Tyler Czipar adds the parts that they get for engines will most likely be on a UPS truck, but will most likely be sent to the other building and not to this location.

Motion by Stewart, second by McHugh, to close the public hearing. Motion carried unanimously.

Motion by McHugh to rezone the 2 acres to commercial with no restrictions, seconded by Pfab.

Discussion followed.

Move to rezone the front 230' to commercial with no restrictions, roll call vote is as follows:

Brian Venema – Yes

Kristine Pfab – Yes

Monica McHugh – Yes

Emerita Kies – Yes

Sandra Gerlach – Yes

Tom Stewart – Yes

Mike Burke – Yes

Motion passed unanimously. Forwarded with recommendation for approval to the Board of Supervisors.

ITEMS FROM PUBLIC:

None

WORK SESSION: ZONING ORDINANCE UPDATE PROJECT

Consultant Laura Carstens, ECIA presented:

Carstens walked through the cover sheet and pointed out that the work session packets have been posted to the website. Carstens is looking for review and approval by consensus and the Commission may recommend changes, but they are trying to nail things down as they're getting into the home stretch.

Carstens states that the project schedule is revised, and the changes are in red. Moving on to the first chapter to review. Chapter 3. Major updates are: Section 3.3 *General Procedures* establish the methods for preapplication conference, application and fee, and approval and referral of zoning applications. Section 3.10 *Administrative Waiver* gives the Zoning Administrator the power to modify setback requirements that meet certain criteria, thus reducing case load for the Board of Adjustment and fostering property improvements. Section 3.11 *Temporary Use Permits* gives the Zoning Administrator the power to approve these temporary uses, thus reducing case load for the Board of Adjustment.

Moving on the changes Carstens would like to review with the Commission is the Administrative Waiver. This is to allow projects to move through in a shorter time frame and there is certain criteria that must be met that require it to comply with the ordinance. It presents the opportunity for someone to work with the adjoining property owners and get their project approved at the administrator level. McHugh states she's not sure she likes the waiver. Carstens goes on to explain. The Commission stated they are good with it as is. Carstens stated it will be run by the Board of Adjustment at their meeting.

McHugh stated she would like to add an electronically signed form, that should also be an option. The consensus from the Commission is yes to also add electronic signed forms.

Next chapter is Chapter 4 Board of Adjustment. The consensus of the Commission is to accept what is acceptable for the Board of Adjustment

Chapter 5 is the Zoning Commission chapter. Major updates are as follows:

Section 5.1 and 5.2 for the Commission's creation and proceedings, Section 5.3 for powers and duties related to Iowa Code are added, Section 5.4 is reworked to clarify procedures for Text Amendments, Section 5.5 is reworked to clarify procedures for Map Changes (Rezoning), Section 5.6 for Comprehensive Plan adoption and amendment.

Carstens points out the time limit to the Board of Supervisors. It states: "The Commission's final report shall be filed with the Board of Supervisors within forty-five (45) days of the Commission's public hearing unless the public hearing has been continued or tabled for more information or at the request of the applicant." Discussion followed. Commission consensus is to leave the 45-day time limit.

Roling asks regarding the 10 and 20 public notices. The ordinance states: "Notice shall be given at least ten (10) and no more than twenty (20) days (Iowa Code Section 331.305), in advance of the public hearing by publication of the requested rezoning in a newspaper of general circulation in the county and by contacting by mail, for the purpose of a courtesy notice of the public hearing, all property owners within five hundred (500) feet of the exterior boundaries of the property for which the rezoning is requested. The notice shall state the location of the district affected by naming the township and section, and the boundaries of the district shall be expressed in terms of streets or roads if possible." McHugh stated that the notice was in the newspaper. Mailing of notices is a courtesy, not a requirement. There was discussion on the mailing of notices to public. Carstens stated that we're making an effort to comply and exceed the requirements. Carstens stated she will look into the Iowa Code.

Carstens went through 5.6 Comprehensive Plan Adoption and Amendments. By Commission Consensus, Carstens is going to change from 30 to 45 days in the Recommendation section of 5.6.

Carstens clarified that she has received Commission consensus to: correct typos, check on the public notices under Iowa Code and change 30 days to 45 days.

Continuing to the Matrix of allowed uses: recommending that special exception uses and structure are proposed to be renamed to Conditional Use Permit to reflect that they are allowed only after meeting required conditions in the Ordinance and any additional conditions set by the Board of Adjustment. This new terminology is found in many updated city and county zoning ordinance in Iowa. The intention is to get it into one, but it's still a work in progress.

Reviewing the revised A-1 Agricultural District. The A-1 District has been reformatted to use tables and an outline format to provide for a more user-friendly layout of regulations and additional resources. Major updates are as follows: Tables are used for Principal, Accessory, and Conditional Uses and Structures. Land uses and parking requirements are revised according to the Matrix of Allowed Uses. References are shown for relevant sections of the Zoning Ordinance and other County ordinances; these will become hyperlinks in the online version. The specific conditions for Conditional Uses and Structures and section of Special Requirements will be addressed in Section 2.9. Revisions recommended by the Zoning Commission at prior work sessions such as modern-day regulations will be included in this section. A new section has been added for Temporary Uses and Structures. —Signs are under review. Changes were made that were requested at the prior meeting, some things are still under review. Carstens goes through the principal and accessory uses table. Carstens, answering the question posed at the last meeting regarding the case studies on parking requirements, states that the study does not indicate whether these were suburban, rural or urban schools.

Roling poses a family cemetery question and parking spaces. There was some discussion. Find a different name for what they want to do for a private cemetery only open to the family. Need to figure out a way to address it. Carstens stated she will look at Iowa Code.

Home Based Business and Related Uses chapter has been revised after reviewing some real-life examples. Discussion Based on recent Iowa Code 335.35 regarding home-based business, the following updates are recommended for Chapter 6. Definitions and a new Section 2.9. Home Occupation is allowed as an Accessory Use in the A-1 and R-1 Districts. It is proposed to be replaced by Home-Based Business (HBB) in accordance with Iowa Code 335.35 definitions and characteristics of “No-impact home-based business.” Farm Home Occupation is allowed as an Accessory Use in the A-1 District. It is proposed to be replaced by Farm Home-Based Business in accordance with Iowa Code 335.35 definitions and characteristics of “No-impact home-based business.” Home Industry is proposed to be renamed from a Special Exception to a Conditional Use in A-1 Agricultural District. Discussion followed.

Gerlach asked if the State Code is in the ordinance and if it changes, how does it get updated? When the code of Iowa changes then the Jackson County ordinance must change. Carstens states it can get changed by sections. If the code of Iowa is amended and it impacts a county or a city zoning ordinance then where it’s incumbent on us to get it changed and match that code. Stewart asks, do we add a sentence that will automatically update that, Carstens states she’s not sure how. Discussion followed.

Farm Home-Based Business. McHugh wanted clarification and feels this paragraph needs some work. Discussion followed. Carstens stated we are using the current language. Consensus is to leave it at this time and come back to it next meeting.

Rules of procedure will be continued to next meeting.

ITEMS FROM Commission: Motion by McHugh to table Data Processing Center Draft Ordinance to next meeting, seconded by Pfab. Roling shared what she came up with for the definition of Data Processing Center. “Data Center means a facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations. Data Centers includes commercial cryptocurrency mining operations and processing.” Discussion followed. Definition is correct for data processing, put a separate definition for crypto mining and delete demand response load. Burke re-stated the motion to table, motion carried unanimously.

ITEMS FROM STAFF: Next Meeting June 16, 2025 at 7:00 pm

ADJOURNMENT: Motion by Gerlach, seconded by Kies, to adjourn the May 19, 2025 Zoning Commission meeting. Motion carried unanimously.

The meeting adjourned at 9:24 p.m.

Respectfully submitted,
Lori Roling
Zoning Administrator

Adopted: 6/16/2025