

**MINUTES  
ZONING ADVISORY COMMISSION  
REGULAR SESSION**

6:00 p.m.

Wednesday, September 1, 2021

City Council Chambers, Historic Federal Building

**Commissioners Present:** Chairperson Matt Mulligan; Commission Members Becky Kemp, Brittany Loeffelholz, Pat Norton, Rich Russell, and Teri Zuccaro

**Commissioners Excused:** Martha Christ

**Commissioners Unexcused:** None.

**Staff Members Present:** Wally Wernimont, Shena Moon, Travis Schrobilgen and Jason Duba

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

**MINUTES:** Motion by Zuccaro, seconded by Norton, to approve the minutes of the July 7, 2021 meeting. Motion carried by the following vote: Aye – Kemp, Loeffelholz, Norton, Russell, Zuccaro, and Mulligan; Nay – none.

**ACTION ITEM/FINAL PLAT:** Application of Jason Rauen to approve the Final Plat of 3197 Hughes Ct. and 3160 Cedar Cross Ct. to approve the Final Plat of Cedar Ridge Farm Place No. 19.

Jason Rauen, 504 Tahoe Ct, Farley, spoke in favor of the request. He said he purchased land from his neighbor, and he's planning to make a parking lot.

Staff Member Moon detailed the staff report, noting the submitted plat is a simple subdivision, but these lots are non-conforming due to not having street frontage on a platted street and therefore required the commission's review and approval. She noted in early 2021 the Commission reviewed and recommended approval of the Final Plat of Cedar Ridge Place No. 17 which transferred approximate 1.5 acres from Lot 1 to Lot 2. The proposed plat transfers approximately .84 acres from Lot 1 to Lot 2. She added that no new non-conformities or uses would be created by this subdivision.

Commissioners had no questions or concerns about the plat.

Motion by Norton, seconded by Russell, to approve the Final Plat of Cedar Ridge Farm Place No. 19 as submitted subject to waiving the lot frontage requirement for Lot 1 and Lot 2. Motion carried by the following vote: Aye – Kemp, Loeffelholz, Norton, Russell, Zuccaro, and Mulligan; Nay – none.

**PUBLIC HEARING/REZONING:** Application of Denise Foht to rezone property located at the corner of Peru Road, Louise Street and Monroe Avenue, Parcels 1012376010 and 1012376013 to rezone property from R-1 Single-Family Residential to CS Commercial Service & Wholesale designation to accommodate a mini self-storage facility.

Denise Foht, 723 Peru Road, spoke on behalf of her application. She stated she wants a garage for personal use. She hopes to expand or demolish the existing garage but couldn't because the zoning district prohibits having a garage without a house.

Christel Krolick, 743 Louise Street, spoke in opposition to the request. She expressed opposition to a mini-storage facility because it's a quiet neighborhood. She was okay with a personal garage.

Albert Weidenbacher, 3257 Sheridan Road, spoke in opposition to the request. He expressed that he's not opposed to a personal garage, but he doesn't want the property rezoned and is concerned it would become a junk yard.

Dan Ludwig, 801 Peru Road, spoke in opposition to the request. He owns land adjacent to the subject property and expressed that he doesn't want commercial zoning because of all the associated uses. He said he was okay with a personal garage. He stated the grass on the subject property is not cut and the property is not maintained.

Kim Rennison, 807 Peru Road, spoke in opposition to the request. She expressed opposition to the rezoning. She said she's worried a garage will become bigger. She suggested the applicant take down her swimming pool to build a garage on her property, adjacent to her residence. She stated the subject property is not maintained and that the existing garage is falling apart. She stated that she has spoken with other neighbors who are in opposition and said she submitted a petition to staff.

Ms. Foht rebutted some of the previous statements. She stated that she can't put a garage on her property because she has a private well there. She said she would prefer to build a garage without rezoning but that it was not allowed. She agrees the area is in disarray and that right now she does not own the property. She noted a few challenges with property lines and stated she has a car sitting along the subject property because she doesn't have a garage to store it in.

Staff Member Schrobilgen detailed the staff report. He noted there was a house on the subject property, but it burned down and that the property was legally nonconforming. He explained the current zoning does not allow use of the garage for off-site storage. He said the lot is limited to about 5' of access, so access would need to be addressed and further development would require site plan review and approval. He stated the CS district permits a number of more intense uses such as kennels, auto repair, and contractor yards. He said that the Zoning Advisory Commission and City Council denied a 1996 rezoning request to C-3 for auto service and storage for the same property. He said that in discussions with the applicant, she expressed interest in personal storage initially with the possibility of future expansion for commercial storage.

An opposition letter from Dale and Gina Walbrun, 2532 Jackson, was displayed and read into the record by Staff Member Schrobilgen. They stated they own adjacent property and oppose the rezoning due to the number of associated uses, a reduced property value, and an increase in traffic.

The commissioners expressed concern about the lack of clarity in the request, as it had changed from mini-storage to a personal garage. They identified that much of the contention with neighbors and the commission members was the rezoning would allow numerous intense uses.

Commissioner Norton stated they could consider approving a conditional rezoning tailored to the applicant's need, thereby striking other permitted uses in the CS zoning district.

Commissioner Zuccaro expressed about the potential size of a garage structure if rezoned.

Commissioner Russell expressed concern about the off-premise use and changing the residential nature of the area, suggesting that the direct solution would be to build a house on the subject property to go with the garage.

Planning Services Manager Wally Wernimont suggested the option to table the application so staff could clarify the applicant's request. He noted the applicant may be better served by rezoning to R-2A Alternative Two-Family Residential, which would allow the applicant to apply for a Conditional Use Permit from the Zoning Board of Adjustment to allow an off-premise residential garage. He said the change of request would require re-notifying the public.

Given the lack of clarity and the variety of options available, the Commissioners suggested tabling the request to allow staff to work further with the applicant.

Motion by Zuccaro, seconded by Kemp, to table the rezoning request. Motion carried by the following vote: Aye – Kemp, Loeffelholz, Norton, Russell, Zuccaro, and Mulligan; Nay – none.

**PUBLIC HEARING/TEXT AMENDMENT:** Application of the City of Dubuque text amendment to amend the Unified Development Code to add a definition for Registered Child Development Home and to allow Registered Child Development Home as a permitted use in all Office, Commercial, and Industrial districts citywide.

Staff Member Schrobilgen discussed the proposed amendment. He noted that because the City of Dubuque Unified Development Code doesn't currently define a Registered Child Development Home, an applicant's options would be to either acquire state licensure or be limited to the requirements of a homebased business. He said the amendment would provide a potential middle ground for childcare. He read into record the suggested definition as "A facility providing childcare or preschool services for children that requires State of Iowa registration. Registered Child Development Home does not include a licensed childcare center." He explained the City would regulate

registered child development homes similar to how licensed childcare is regulated and would rely on the determination, requirements, inspections and an up-to-date registration from the state of Iowa to ensure the property is safe and appropriate for a registered child development home. He said the amendment would not limit the ability of residents to operate childcare homes as a home-based business and they would continue to be regulated by Article 7. He stated staff reached out to representatives of the Department of Health Services and asked for their input regarding this amendment. The DHS's feedback was positive, and Cherie Kennedy of Child Care Resource and Referral was present and available for any questions regarding state licensure. He concluded, noting the intent was to encourage an increased availability of child care which is generally supported in the 2017 Comprehensive Plan: Imagine Dubuque 2037, as well as the Equitable Poverty Reduction and Prevention Plan.

Cherie Kennedy, 20883 Pleasant Grove Rd, who works for Child Care Resource and Referral, spoke in favor of the request. She described the Registered Child Development Home, the registration requirements, and the capacity of care. She stated she serves as the point person between providers and the state. She emphasized there is a lack of childcare, and this action would remove a barrier. She said she was available for questions.

Commissioners had no questions or concerns

Motion by Norton, seconded by Loeffelholz, to approve the text amendment to add a definition for Registered Child Development Home and to allow Registered Child Development Home as a permitted use in all Office, Commercial, and Industrial districts citywide as submitted. Motion carried by the following vote: Aye – Kemp, Loeffelholz, Norton, Russell, Zuccaro, and Mulligan; Nay – none.

**ITEMS FROM PUBLIC:** None

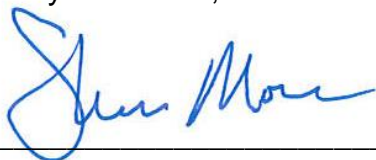
**ITEMS FROM COMMISSION:** None

**ITEMS FROM STAFF:** None

**ADJOURNMENT:** Motion by Kemp, seconded by Loeffelholz to adjourn the September 1, 2021 Commission meeting. Motion carried by the following vote: Aye – Kemp, Loeffelholz, Norton, Russell, Zuccaro, and Mulligan; Nay – none.

The meeting adjourned at 6:45 p.m.

Respectfully submitted,



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Shena Moon, Associate Planner

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10-6-21

Adopted