

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, October 6, 2021

City Council Chambers, Historic Federal Building

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

Commissioners Excused: None

Commissioners Unexcused: None

Staff Members Present: Shena Moon 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 Loeffelholz, to approve the minutes of the September 1, 2021 meeting. Motion carried by the following vote: Aye – Kemp, Loeffelholz, Norton, Russell, Zuccaro and Mulligan; Nay – none; Abstain – Christ.

ACTION ITEM/FINAL PLAT: Application of Patrick Leonard to approve the Final Plat of Rolling Hills Farm No. 2, Parcels 1619326002 and 1619326003.

Dave Schneider, 906 1st Street North, Farley, spoke on behalf of the applicant. He described the parcel and land and its agricultural use. He explained that the property owner of Lot 2 has negotiated purchase of more land from Lot 1, and the subsequent plat is coming before the commission because it is within the City's two-mile extraterritorial jurisdiction. He also noted the new Lot 1 will no longer have the require 50' of street frontage along Lake Eleanor Road.

Staff Member Moon detailed the staff report, noting the submitted Plat of Survey of Rolling Hills Farm No. 2 would transfer lot area from Lot 1 to Lot 2. Prior to subdividing the property, both properties have frontage along Lake Eleanor Road, however with approval of the plat, Lot 1 would lose frontage.

Commissioner Norton asked whether the new Lot 1 would be non-buildable? Staff Member Moon stated that the City wouldn't regulate development standards since the property is in the county. Mr. Schneider explained that County R-2 zoning just needs one (1) acre to be considered buildable, as long as they can get an easement, and they have a note on the proposed plat that it would provide access over Wilson's subdivision

to the north. Staff member Moon added that this access could legally be provided through the plat, deed, or by tying the lots together.

Motion by Kemp, seconded by Zuccaro, to approve the Final Plat of Rolling Hills Farm No. 2, Parcels 1619326002 and 1619326003 as submitted. Motion carried by the following vote: Aye – Christ, Kemp, Loeffelholz, Norton, Russell, Zuccaro, and Mulligan; Nay – none.

Staff Member Moon made mention that the original motion was absent of some language to waive the required street frontage for Lot 1.

Chair Mulligan requested the Commissioner Kemp to amend the motion.

Motion by Kemp, seconded by Zuccaro, to approve the Final Plat of Rolling Hills Farm No. 2, Parcels 1619326002 and 1619326003 as submitted subject to waiving the lot street frontage requirement for Lot 1. Motion carried by the following vote: Aye – Christ, Kemp, Loeffelholz, Norton, Russell, Zuccaro, and Mulligan; Nay – none.

ACTION ITEM/FINAL PLAT: Application of Robert Miller to approve the Final Plat of Stone Quarry Subdivision Plat 4, 8205 Forestry Way, Parcel 1608176001.

Dave Schneider, 906 1st Street North, Farley spoke on behalf of the applicant. He explained that he is working with Dubuque Hardwoods, Mathy Construction, and River City Stone. He stated they are expanding into the adjoining quarry and needed additional room for storage. He added the plat is coming before the commission because it is within the City's two-mile extraterritorial jurisdiction, and it lacks street frontage.

Staff Member Moon detailed the staff report, noting the submitted Plat of Survey of Stone Quarry Subdivision Plat 4, 8205 Forestry Way, Parcel 1608176001 would create Lot 2 from the existing Lot 1. She explained Lot 1 would be accessed through an easement across Lot 2 and Lot 2 would take access through the property to the southwest which will be under the same ownership. Both lots will have access off Old Massey Rd. She noted these lots are zoned County Agricultural.

Commissioners had no questions or concerns.

Motion by Christ, seconded by Russell, to approve the Final Plat of Stone Quarry Subdivision Plat 4, 8205 Forestry Way, Parcel 1608176001 subject to waiving the lot street frontage requirements for both lots. Motion carried by the following vote: Aye – Christ, Kemp, Loeffelholz, Norton, Russell, Zuccaro, and Mulligan; Nay – none.

PUBLIC HEARING/REZONING: Application of Christopher Kidd and Associates, LLC to rezone property located at 4025 Westmark Drive, Parcel 1029226013 to allow a drive-through pick-up windows for pharmacies.

Because of their association with the project, Commissioners Kemp, Mulligan and Norton recused themselves from the discussion.

Patrick Norton, Buesing & Associates, 1212 Locust Street, spoke on behalf of the applicant. He stated his firm has been involved with project from the beginning. He explained Grand River Medical Group is constructing a new facility and determined after the start of construction that they would like to add a drive-through pharmacy. He noted the current planned unit development (PUD) ordinance allows only drive-through banks, so they are requesting to amend PUD to allow a drive-through pharmacy. He noted the pharmacy would be about 450 square feet and is not anticipated to generate a lot of traffic. He described the traffic flow pattern for the drive-through, stating it would not impede site traffic. He explained the traffic reports produced for this project are misleading because this small pharmacy drive-through is not represented in the options for classifying this use. He noted this pharmacy would be operated by Hartig, and patients could get their refills at any other Hartig.

Commissioner Russell asked if patients could access the pharmacy from inside, and Mr. Norton said yes, they could.

Staff Member Moon detailed the staff report. She noted the request is to amend the PUD for Westmark. She described the PUD citing permitted and accessory uses. She noted drive-through banking is allowed but a drive-through pharmacy is not. She noted that when this PUD was created in 1991, the drive-through pharmacy had not become established to the degree it is today. She explained the City Engineering Department conducted traffic counts and reviewed the applicant submitted traffic study, and they did not consider this a significant traffic impact, as it would be an ancillary use to the main medical center.

Commissioners had no further questions or concerns.

Motion by Christ, seconded by Loeffelholz, to approve rezoning 4025 Westmark Drive, Parcel 1029226013 to allow a drive-through pick-up window for a pharmacy as submitted. Motion carried by the following vote: Aye – Christ, Loeffelholz, Russell, and Zuccaro; Nay – none; Abstain – Kemp, Mulligan, and Norton.

Commissioners Kemp and Mulligan returned to the meeting.

PUBLIC HEARING/REZONING: Application of Joe Behan to rezone property located at 684 Kane Street from R-1 Single Family Residential to R-3 Moderate Density Multi-Family Residential to build a three-unit townhouse.

Commissioner Norton recused himself.

Joe Behan, 96 N Grandview Avenue, spoke on behalf of his application. He noted he owns the lot and existing house. He explained that he is looking to separate a lot and develop a three-unit townhouse with garages that would be for sale.

Commissioner Russell sought clarification about the garages, and Mr. Behan explained that each unit would have a one-car garage.

Thomas Kraus, 686 Kane Street, objected to the rezoning, stating that part of the street is all single-family and it's an old neighborhood. He stated property is next to theirs, and while they knew it would be developed eventually, they figured it would be single-family, and they would prefer it remain single-family.

Becky Kraus, 686 Kane Street, objected to the rezoning, stating they have lived there for 23 years and like it. She wondered about green space, number of bedrooms, and parking. She said she wants it to stay single-family.

Rose Thoeni, 580 Primrose Court, objected to the rezoning, stating her main concern is that it's an R-1 neighborhood, which is part of its appeal. She explained that she's concerned with loss of integrity to the neighborhood and had concerns for additional R-3 development. She expressed concerns about parking, lot coverage, and cutting into the bluff. She stated she has no problems with development for a single-family home.

Chris Thoeni, 580 Primrose Court, objected to the rezoning, expressing the desire to keep the neighborhood R-1. He expressed concern that the given area would be insufficient for three units, that there might be parking in the back which would abut his property. He also expressed concerns about building into the hillside and that they could need a retaining wall cut into the bluff.

Kyle Christina, 565 Primrose Court, objected to the rezoning, stating he shared concerns that other neighbors had expressed, as well as concerned about R-3 zoning spreading in the area. He expressed concern about traffic and safety for kids and pedestrians. He noted that the Dubuque comprehensive plan shows this area as single-family.

Mr. Behan responded to the neighbors' concerns proposed describing the subdivision of land. He described the construction as split-foyer houses with a garage and 12' wide driveway for each townhome. He noted he hoped not to need a retaining wall and no parking would be located on the rear side of the structure. He stated he would be selling the units as condos, not renting them.

Commissioner Russell asked if these would be subdivided into to three lots, and Mr. Behan stated they would once the foundations are set.

Chair Mulligan expressed that he hears the concerns of neighbors, and wondered if Mr. Behan would be open to tabling his request for more time to provide more information to

address those concerns with neighbors and commissioners. Mr. Behan replied that he would be open to that.

Commissioner Loeffelholz asked Mr. Behan how long he had owned the property, and he replied less than a year.

Staff Member Duba detailed the staff report. He noted the physical characteristics of the lot and surrounding area, explaining that the proposal is to rezone a portion of the existing parcel. He noted the existing zoning of the area as R-1 and described neighborhood characteristics. He explained the reason a rezoning would be required here and how the proposed new lot is large enough for a three-unit dwelling. He noted the units would each have two off-street parking spaces and that there was plenty of off-street parking nearby. He described the Site Plan review process that the construction would have to go through.

Staff Member Moon added the proposed project had been preliminarily reviewed for compliance with site development standards and would be required to submit for a full site plan review which would look at items such as lot coverage, parking, and setbacks.

Commissioner Kemp expressed support for tabling the request to allow for more communication with neighbors.

Commissioner Russell expressed support for the proposal, noting that it's on a collector street and has individually sellable units.

Commissioner Christ stated she would not support it, noting that it would be R-3 in the middle of R-1, and she didn't see that there was a mistake in the original zoning.

Commissioner Loeffelholz expressed that she doesn't think it belongs in this neighborhood.

Chair Mulligan expressed support for the concept but had concerns about change in the neighborhood.

Commissioner Russell asked staff to confirm if Kane Street is a collector street.

Staff Member Duba made note that it was believed that Kane Street is a collector street, and he articulated the difference between an arterial street, collector street, and neighborhood street.

Motion by Russell, seconded by Kemp, to approve rezoning 684 Kane Street from R-1 Single Family Residential to R-3 Moderate Density Multi-Family Residential to build a three-unit townhouse as submitted. Motion denied by the following vote: Aye – Russell; Nay – Kemp, Loeffelholz, Mulligan, Zuccaro, and Christ; Abstain – Norton.

Commissioner Norton returned to the meeting.

ITEMS FROM PUBLIC: None


ITEMS FROM COMMISSION: None

ITEMS FROM STAFF: None

ADJOURNMENT: Motion by Christ, seconded by Zuccaro to adjourn the October 6, 2021 Commission meeting. Motion carried by the following vote: Aye – Kemp, Loeffelholz, Mulligan, Norton, Russell, Zuccaro and Christ; Nay – none.

The meeting adjourned at 6:55 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

November 3, 2021

Adopted