

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, November 3, 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 in City Council Chambers: Jason Duba

Staff Members Present Virtually: Wally Wernimont, Shena Moon, and Travis Schrobilgen

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

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

PUBLIC HEARING/REZONING: Application of Dave Frommelt, American Realty to rezone property located at Bies Drive, Parcels 1028206011 and 1028206012 from C-3c General Commercial zoning district with conditions to PR Planned Residential zoning district to allow for the development of a multi-family residential development.

Commissioner Norton recused himself.

Dave Frommelt, American Realty, spoke on behalf of the application. He stated that he represents the owners, the Klauer Family. He referred to the conceptual development plan and its two 28-unit apartment buildings. He expressed that this is a good location for the development with nearby amenities and good street access.

No public input was given.

Staff Member Moon detailed the staff report. She noted characteristics of the property and surrounding area, including zoning, easements, and adjacent land uses. She noted that the proposed Planned Residential Planned Unit Development would replace the

existing C3-c General Commercial with conditions zoning designation and the rezoning would be bound by the conceptual plan. She indicated the conceptual development could be a good buffer between single-family residential uses to the north and commercial and retail uses to the south.

Chair Mulligan asked how many parking spaces would be on-site, and Staff Member Moon replied that it would be 88.

Commissioners Mulligan and Russell both expressed support, noting that the project would provide a good transition between uses and that it represented good infill development.

Motion by Russell, seconded by Loeffelholz, to approve rezoning Bies Drive, Parcels 1028206011 and 1028206012 to from C-3c General Commercial zoning district with conditions to PR Planned Residential zoning district to allow for the development of a multi-family residential development as submitted. Motion carried by the following vote: Aye – Christ, Kemp, Loeffelholz, Russell, Zuccaro, and Mulligan; Nay – none; Abstain – Norton.

Commissioner Norton returned to the meeting.

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 from R-1 Single-Family Residential zoning district to R-3 Moderate Density Multi-Family Residential zoning district to accommodate an off-premise residential garage.

Denise Foht, 723 Peru Road, spoke on behalf of her application. She gave an overview of the various zoning changes she has applied for in pursuit of constructing a garage for personal use.

Chair Mulligan recalled the previous case Ms. Foht brought to the Commission attempting to rezone to CS Commercial Service for use as personal and commercial mini-storage and asked Ms. Foht to summarize how the request has progressed. She replied that the initial request was a misunderstanding between staff and her and that what she really wanted was a personal garage to store her vehicles because her area to build on her property at 723 Peru Road was limited by a well.

Commissioner Norton asked what approval the Zoning Board of Adjustment had granted, and Ms. Foht replied that they approved a Conditional Use Permit for an off-premise residential garage, which is contingent on the Commission approving this rezoning. She also noted they reviewed a special exception request to construct an 1,800 sq. ft. garage but that was denied, and she could only build a 720 sq. ft. garage.

Kim Rennison, 807 Peru Road, suggested that the rezoning be to R-2A, which had previously been suggested. She expressed concern at some of the additional uses in the R-3 zoning.

Albert Weidenbacher, 3257 Sheridan Road, expressed concern about the R-3 designation.

Dan Ludwig, 801 Peru Road, expressed concern that, once zoned R-3, this property could be used to develop apartments and townhouses, which he felt would be inappropriate for the area.

Ms. Foht responded and described the vehicles and belongings she hopes to store in the garage in order to make her property, and the subject property cleaner. She also reiterated that the property is not currently hers and that she was seeking the rezoning to build a garage before purchasing the property. If denied, she would not purchase the property.

Staff Member Schrobilgen detailed the staff report. He noted that there had been some confusion about the original nature of Ms. Foht's request. He noted that Ms. Foht was initially requesting to rezone to CS Commercial Service to allow a mini-storage facility. After discussion with staff, Ms. Foht's request is now to rezone to R-3, which allows a Conditional Use Permit for an off-premises residential garage. He described why R-3 zoning was selected over R-2A. He read the conditions for an off-premise garage, including the maximum size of 720 square feet, no outside storage, and that commercial use of any kind is prohibited. He noted that the Zoning Board of Adjustment approved a conditional use permit to allow a 720 sq ft off-premises garage. He noted at the same meeting, the Zoning Board of Adjustment denied Ms. Foht's Special Exception request to build a larger 1,800 square foot garage.

Chair Mulligan suggested that, rather than rezoning both parcels to R-3, the Commission only rezone the smaller, southern parcel, as that is where the garage would be constructed. Planning Services Manager Wernimont confirmed that the Commission could rezone just one of the two lots on the docket. Commissioner Norton suggested that the Commission separate the matter into two separate votes. Chair Mulligan sought to confirm with the applicant if she was amenable to the proposal, and Ms. Foht replied that she was.

Motion by Christ, seconded by Kemp, to approve rezoning Lot 1 of 1 of Evelyn Tharp Place from R-1 Single-Family Residential zoning district to R-3 Moderate Density Multi-Family Residential zoning district to accommodate an off-premises residential garage as submitted. Motion carried by the following vote: Aye – Christ, Kemp, Loeffelholz, Norton, Russell, Zuccaro, and Mulligan; Nay – none.

Motion by Norton, seconded by Russell, to approve rezoning property located at the corner of Peru Road, Louise Street, and Monroe Avenue, Lot 2 of Evelyn Tharp Place from R-1 Single-Family Residential zoning district to R-3 Moderate Density Multi-Family

Residential zoning district. Motion denied by the following vote: Aye – none; Nay – Christ, Kemp, Loeffelholz, Norton, Russell, Zuccaro, and Mulligan.

PUBLIC HEARING/REZONING: Application of Jeff Adams to rezone property located at 1597 Delhi Street from ID Institutional zoning district to C-2 Neighborhood Shopping Center zoning district.

Robin Scalise, Unity Point Health Finley Hospital, spoke on behalf of the application. She stated they are seeking to sell the property as it has been vacant for about 10 years and the rezoning is part of the negotiated sale.

Chair Mulligan asked whether the vacant lots adjacent to the property were also owned by Finley, and Ms. Scalise responded yes, and she stated the buyer thinks the existing parking is adequate.

Commissioner Kemp asked if the potential buyer plans to keep the existing building, and Ms. Scalise replied yes, that is the intent.

Charlie Hartig, Hartig Drug, spoke to express questions regarding the nature of the potential business, parking adequacy, and traffic flow on Stewart Street. He noted that the C-2 designation covers many possible commercial uses.

Staff Member Duba detailed the staff report. He noted the property's history and various zoning designations over the decades, including previous designation as a commercial property. He discussed the nature of the C-2 district.

Commissioner Norton noted that while parking may be an issue, the Commission's charge is to determine if the zoning is appropriate. Commissioner Christ indicated that she felt the rezoning fit well in this area as it was an expansion of the existing C-2 Neighborhood Commercial District. Commissioner Norton stated that the rezone was sensible, as this property would no longer be part of the Finley campus.

Chair Mulligan acknowledged that it would be nice to know more about the proposed use of the site, but the City's site plan review process will cover parking.

Motion by Christ, seconded by Russell, to approve rezoning 1597 Delhi Street from ID Institutional zoning district to C-2 Neighborhood Shopping Center zoning as submitted. Motion carried by the following vote: Aye – Christ, Kemp, Loeffelholz, Norton, Russell, Zuccaro, and Mulligan; Nay – none.

ITEMS FROM PUBLIC: None.

ITEMS FROM COMMISSION: None.

ITEMS FROM STAFF: None.

ADJOURNMENT: Motion by Christ, seconded by Zucarro to adjourn the November 3, 2021 Commission meeting. Motion carried by the following vote: Aye – Christ, Kemp, Loeffelholz, Norton, Russell, Zuccaro, and Mulligan; Nay – none.

The meeting adjourned at 6:50 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

12/1/2021
Adopted