

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, August 2, 2023

City Council Chambers, Historic Federal Building

Commissioners Present: Chairperson Matt Mulligan; Commission Members Martha Christ, Carrie Lohrmann, Rich Russell, and Teri Zuccaro

Commissioners Excused: Pat Norton

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 PM

MINUTES: Motion by Zuccaro, seconded by Russell, to approve the minutes of the June 7, 2023 meeting. Motion carried by the following vote: Aye – Russell, Zuccaro, and Mulligan; Nay – none; Abstain – Lohrmann and Christ.

ACTION ITEM/MINOR SUBDIVISION: Application of John Tranmer, Origin Design to approve the Final Plat of Chaplain Schmitt Island.

Tonya Trumm, O'Connor & Thomas Law Firm, 1000 Main Street, council for Dubuque Racing Association spoke on behalf of the project stating that the final plat would clean up some lease boundaries and allow for future development on the island. John Tranmer, Origin Design, 137 N Main Street was also present to respond to any questions.

Staff detailed the staff report and noted the proposed plat would reconfigure the existing mineral lots into four new lots and is considered a Minor Subdivision per the Unified Development Code. She described each lot and what they would generally contain. She noted that Lot 2 would not have frontage on a private or public street and a waiver of that requirement was part of the final plat request. She further articulated that Lot 2 would be accessed by a 60' wide access easement across Lot 1.

Chairperson Mulligan asked for a clarification regarding the location of the access easement, and staff displayed the plat showing the access easement location across Lot 1. Chairperson Mulligan also questions whether any utility easements are shown on the plat. Planning Services Manager Wally Wernimont explained that the property is currently owned by the City of Dubuque and would remain under City ownership. In the event the lots were to be sold in the future, the City would identify the utility easements as needed at that time.

There was no input from the public.

Motion by Russell, seconded by Christ, to approve the Final Plat of Chaplain Schmitt Island as submitted subject to waiving the lot frontage requirement for Lot 2. Motion carried by the following vote: Aye – Christ, Lohrmann, Russell, Zuccaro, and Mulligan; Nay – none.

Chairperson Mulligan noted the Final Plat of Chaplain Schmitt Island would be reviewed by the City Council on August 7, 2023.

PUBLIC HEARING/REZONING: Application of Adam Kafer, SIMS Properties, LLC to rezone property located at 190 N Crescent Ridge.

Adam Kafer, 190 N Crescent Ridge, spoke on behalf of SIMS Properties. He said they are looking to lease a portion of the building to a CrossFit gym which requires a rezoning.

Rod Tschiggfrie, 244 Hidden Oaks Court, expressed that rezoning this property would be a great fit with the C-3 district nearby and that he is in support of the rezoning.

Staff Member Duba detailed the staff report and described the characteristics of the property and its former use as a quarry. He expressed that the end of usage as a quarry could allow new uses of the property, but some, such as the one proposed, necessitate a rezoning. He described the surrounding area, including topography and the various adjacent uses in the neighborhood, and noted that rezoning this property to C-3 would be an extension of the C-3 district to the west.

Commissioners had no questions or concerns.

Motion by Christ, seconded by Zuccaro, to approve the rezoning as submitted. Motion carried by the following vote: Aye – Christ, Lohrmann, Russell, Zuccaro, and Mulligan; Nay – none.

Chairperson Mulligan noted the rezoning request would be reviewed by the City Council on August 21, 2023.

PUBLIC HEARING/REZONING: Application of Chad Streff to rezone property located at 1064 University Avenue.

Chad Streff, 1064 University Avenue discussed his property stating that he has been operating it as a bar for over 30 years. He explained said he would like to have outdoor activities and that he needed to rezone to do so.

There was no public input from the audience, but a note of support from the radio station and a petition of support from some neighbors were shared with the Commissioners for their consideration.

Staff Member Schrobilgen detailed the staff report. He noted that the property is legally nonconforming as a bar in a C-2 district, and that to expand the usage throughout the property, it has to become a conforming use by rezoning to C-3. He said that this request is for C-3 with conditions and that the conditions would be to set hours of operation for any outside activity, to limit signage and bulk regulations to C-2, and aside from the bar/tavern use, all uses would be limited to those in the C-2 district. He expressed that this change in zoning should have minimal change to traffic, noise level, and other characteristics of the neighborhood and area. He stated that a memorandum of agreement would be drafted and signed by the property owner before the rezoning could be finalized.

Commissioner Zuccaro sought clarification regarding the address of the property and Planning Services Manager Wally Wernimont explained that the assessor has the property list as 1070 but the address of the bar has historically been 1064.

Chairperson Mulligan asked if the applicant had seen the conditions, and Schrobilgen confirmed yes.

Motion by Zuccaro, seconded by Christ, to approve the rezoning with the following conditions:

1. That the uses will be limited to those listed in the C-2 district regulations, with the addition of Bar/Tavern.
2. All Conditional Uses, Accessory Uses, Temporary Uses, Parking Requirements, Sign and Bulk Regulations shall comply with the C-2 Neighborhood Shopping Center Zoning Regulations.
3. Hours of operation for outside activities shall be limited to 9:00 AM to 10:00 PM Sunday thru Thursday and 9:00 AM to Midnight on Friday and Saturday.

Motion carried by the following vote: Aye – Christ, Lohrmann, Russell, Zuccaro, and Mulligan; Nay – none.

Chairperson Mulligan noted the rezoning request would be reviewed by the City Council on August 21, 2023.

ITEMS FROM PUBLIC: None.

ITEMS FROM COMMISSION: Chairperson Mulligan welcomed new Commissioner Carrie Lohrmann.

ITEMS FROM STAFF:

- Oaths of Office were administered for three commissioners:
 - Martha Christ
 - Carrie Lohrmann
 - Teri Zuccaro
- Appointment to Airport Zoning Advisory Commission
 - Motion by Christ, seconded by Zuccaro to appoint Commissioner Russell to the Airport Zoning Advisory Commission. Motion carried by the following vote: Aye – Christ, Lohrmann, Zuccaro, and Mulligan; Nay – none.

- Election of Officers
 - Motion by Christ, seconded by Zuccaro to elect Commissioner Mulligan as Chairperson. Motion carried by the following vote: Aye – Christ, Lohrmann, Russell, and Zuccaro; Nay – none; Abstain - Mulligan.
 - Motion by Zuccaro, seconded by Christ to elect Commissioner Russell as Vice Chairperson. Motion carried by the following vote: Aye – Christ, Lohrmann, Zuccaro, and Mulligan; Nay – none; Abstain – Russell.
 - Motion by Russell, seconded by Zuccaro to elect Commissioner Norton as Secretary. Motion carried by the following vote: Aye – Christ, Lohrmann, Russell, Zuccaro, and Mulligan; Nay – none.

ADJOURNMENT: Motion by Christ, seconded by Mulligan to adjourn the August 2, 2023 Zoning Advisory Commission meeting. Motion carried by the following vote: Aye – Christ, Lohrmann, Russell, Zuccaro, and Mulligan; Nay – none.

The meeting adjourned at 6:29 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

September 6, 2023

Adopted