

**MINUTES  
ZONING ADVISORY COMMISSION  
REGULAR SESSION**

6:00 p.m.

Wednesday, October 4, 2023

City Council Chambers, Historic Federal Building

**Commissioners Present:** Chairperson Matt Mulligan; Commission Members Martha Christ, Carrie Lohrmann, Pat Norton, and Rich Russell

**Commissioners Excused:** Teri Zuccaro

**Commissioners Unexcused:** None.

**Staff Members Present:** 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 Norton, seconded by Russell, to approve the minutes of the September 6, 2023, meeting. Motion carried by the following vote: Aye – Norton, Russell, and Mulligan; Nay – none; Abstain – Christ.

Commissioner Lohrmann joined the meeting.

**ACTION ITEM/SITE DESIGN WAIVER:** Application of Dan Ernzen, Biedler Towing to waive Site Design Standards within Chapter 13 of the Unified Development Code.

Dan Ernzen, Beidler Towing, 1015 Century Circle, spoke in favor of the request. He noted he is constructing an addition and was told he needed to hard surface the drive aisles within the storage yard and that it would be expensive. He said he already installed screening, hard surface in the gravel area outside the gate, that he installed 15 shrubs out front and made the site look nice.

Staff Member Schrobilgen detailed the staff report, noting the applicant was looking to construct a 32' x 62' addition and that the size is an expansion greater than 25% of the existing structures and therefore current UDC standards would apply. He noted that one requirement was that all vehicle access areas (driveways) must be hard surfaced and the other was that 39 shrubs were required. He said the applicant originally had 7 shrubs in front of the office building, but the request is to waive all shrub requirements. He said the applicant is seeking to waive both requirements and that waivers require the affirmative vote of at least four Commissioners.

Commissioners discussed the proposal and asked the applicant if he would be amenable to installing any hard surface driveways. The applicant noted that he intended to install some on the north and south side and to the end of the building within a year or two. Commissioners further discussed the proposal noting that waiving the landscaping at the site seemed appropriate, but there was additional discussion regarding the hard surface requirement. Commissioners noted the cost to install the entire drive aisle, whether waiving the hard surface requirement was appropriate, and what conditions might be appropriate.

Commissioner Lohrmann asked for clarification regarding the recommendation in the staff report. Staff member Schrobilgen said the staff report recommends installing hard surface inside the north gate for a length of 25' which coincides with a curb that already exists in the same location. He also noted that the intent is to reduce dragging any gravel into the public right of way.

Commissioner Norton stated that he understood the waiver for landscaping but was having some heartburn regarding leaving the drive aisles through the site as gravel. The Commission discussed the paths of travel through the site and runoff on the site. Staff member Moon noted that the Commission may wish to consider allowing the applicant to phase the hard surface improvements as they have done with other projects in the past.

Commissioner Norton sought clarification regarding the Commission's ability to make separate motions. Planning Services Director Wernimont noted that the items could be divided and voted on separately. He also clarified that if a motion fails that the Commission could make a second motion.

Motion by Lohrmann, seconded by Russell to approve the request as submitted with the following condition:

1. The 25' length of the northern driveway behind the fence line shall be hard surfaced.

Motion failed by the following vote: Aye – Lohrmann, Russell, and Mulligan; Nay – Christ and Norton.

Commissioner Christ recommended paving of the northern driveway to the end of the proposed new building.

Commissioner Lohrmann questioned whether the applicant could come back to discuss the proposal and Chairperson Mulligan invited Mr. Ernzen back to the podium. Mr. Ernzen noted that he intended to pave to the end of the building anyway and is ok with that request but took issue about when it needed to be installed because they planned to phase it as they saved enough money to do so.

Commissioner Christ made a motion to approve the request as submitted with the condition that the northern drive aisle be hard surfaced from the fence to the end of the new building addition and Commissioner Lohrmann seconded the request. Commissioner Russell questioned whether he could add a timeline to the paving requirement. Planning

Services Director Wernimont clarified that there have been instances in which the Commission has set a date by which the paving requirement would need to be completed. Commissioner Russell suggested that the first 25' of hard surface be completed at the time of the building construction and the remaining portion of the paving area (approximately 60') would be completed by the end of 2024. Chairperson Mulligan expressed concern that there is no certainty as to when the building would be completed and that it may end up as a zoning enforcement matter if not completed in time. He stated there is a motion and second on the floor and requested staff to call the roll.

Motion by Christ, seconded by Lohrmann, to approve the request as submitted with the following condition:

1. The northern drive aisle be hard surfaced from the fence to the end of the new building addition (approximately 90').

Motion carried by the following vote: Aye – Christ, Lohrmann, Russell, and Mulligan; Nay – Norton.

**PUBLIC HEARING/REZONING:** Application of Derek Hays to rezone property located at 1860 Hawthorn Street.

Derek Hays, 409 Massachusetts Avenue, Indianapolis, Indiana, 46204 spoke on behalf of The Annex Group. He described their vertically integrated business model, shared other projects they have completed, and explained their desire to make an impact in each community they develop in. He described the current use of the subject site and the proposed development. He noted easements, the flood wall, and other items influenced the location of buildings on site. He said they proposed a dog park, 201 mixed residential units, car ports, in-unit washer and dryers, fitness center, and in-building clubhouse. He said he thought the building and development is visually appealing and included a roof deck area for the residents. He noted the buildings would be 4 stories in height and noted the intended timeline of opening in 2026.

Mr. Hays also discussed their intention to participate in the Low-Income Housing Tax Credits and shared rent limits released by HUD, rent and market data, and information regarding how they determine the cost of each type of unit. He then discussed the community's need for additional housing. He concluded by addressing questions that came from the Point Neighborhood Association meeting the night before. He provided an example of another completed project and showed testimonials from the residents of that development.

Robin Kennicker, 2929 Elm Street, spoke in opposition to the request. She noted she attended the Point Neighborhood Association as well and stated that many people support the idea of affordable housing in Dubuque and that there needs to be more higher income jobs in the City. She stated that the cost of rent for the units will still be higher than most can afford. She said the cost of electricity is too high and that natural gas would be cheaper. She said that there is no certainty in who will live in the units and that the location is not appropriate as the site is only a block away from the railroad tracks and she is concerned that this project will require an overpass at Hawthorne for vehicles and

pedestrians. She had concerns about who would pay for an overpass, expressed concern that the train tracks are dangerous for pedestrians to cross, and that there is no place to walk on Kerper. She noted the distance to the nearest grocery store is 15 blocks away and that is too far. She recommended that the Commission table the request to allow for additional input from the community.

Tina and Rick Ishman, 2605 Kerper Boulevard, spoke in opposition. They noted they agree with many of the comments provided by Robin Kennicker. They stated the location is not the best for this project. They said the site is used by the community for the Fourth of July fireworks, car shows, and other events. They expressed concerns that the big building will take away their view of the river. They questioned how many kids would live in the building and where they would go to school. They noted other locations in the City that they thought would be better sites for the project.

Rick Dickinson, President of Greater Dubuque Development Corporation, spoke in favor of the request noting that he considers this project as essential housing for Dubuque. He stated that citizens who make \$20 an hour, which is only about \$40,000, would be served by a project like this. He said essential housing would be located where amenities already exist pointing out the public park, bike path, and pool nearby.

Zach Barry, 2688 University Avenue, provided comments regarding the request. He noted that it is hard to find affordable housing in Dubuque, but stated the rental rates seem to be a little high for affordable. He said he thought the location had a nice view and was beneficial and equitable to the residents. He disagreed that the other site mentioned by other speakers stating it was not appropriate due to industrial smells and potential issues with plumbing capacity. He asked if the property management company would be local. He noted that train quiet zones would be beneficial for the city and that the area is a food desert. He also said it would be nice to have mixed use with commercial space on the bottom floor.

The applicant, Derek Hays, stated that he understands the concerns of the neighbors but believes the location is ideal for their development, highlighting that the area is mixed-use with nearby amenities and on-site amenities for the residents, noting the area will be safe. He said their company is located in Indianapolis but would hire a local team to manage the property.

Staff Member Moon detailed the staff report noting the site location and that the property would be subdivided to remove a small 'tail' portion of the site. She outlined the review process including the rezoning review process, the site plan review process, and the permit review process. She outlined the site history and existing characteristics and outlined the location of utilities and easements on the site, which influenced the location of the proposed buildings and site layout. She briefly provided an overview of the site noting a proposed 201 units, vehicular access from Kerper and Hawthorne, and approximately 250 parking spaces. She also discussed the number of average annual daily vehicular trips expected to/from the site and noted the site is located along the city's Pink Line bus route and the city's multi-use trail. She noted that the sanitary sewer lift

station would need to be upgraded at the City's expense. She stated the project aligns with the Comprehensive Plan goals and priorities and that it is in conformance with the future land use plan.

Commissioners requested clarity on the adjacent property and whether it was discussed to incorporate that into the project. Planning Services Director Wernimont stated that the property is privately owned and would require coordination with the property owner, but that the site is not part of the proposed development. The Commissioners questioned what the code required parking is and Staff Member Moon noted that the proposed conceptual plan would provide 1.25 spaces per dwelling unit. Planning Services Director Wernimont shared examples of other low-income housing projects within Dubuque in which we have allowed for a general ratio of 1.25 spaced per dwelling unit. He stated that staff had multiple discussions with the applicant regarding parking and utilized data from their other projects to help inform the parking needs for the conceptual plan. He explained that the site is located directly adjacent to jobs, that it is adjacent to a bus route, and that the city has received a RAISE Grant that will allow for development of a walkable path along the Kerper Boulevard right-of-way. These factors make the site an ideal location for the proposed project.

Chairperson Mulligan stated that he thought the site was a great spot, that the area needs a development such as this, and that he is in favor of the request. Commissioner Lohrmann noted that the project's positives outweigh the negatives, and she was in favor of the request.

Motion by Russell, seconded by Norton, to approve the rezoning as submitted. Motion carried by the following vote: Aye – Lohrmann, Norton, Russell, and Mulligan; Nay – Christ.

**ITEMS FROM PUBLIC:** None.

**ITEMS FROM COMMISSION:** None.

**ITEMS FROM STAFF:** None.

**ADJOURNMENT:** Motion by Christ, seconded by Norton to adjourn the October 4, 2023, Commission meeting. Motion carried by the following vote: Aye – Christ, Lohrmann, Norton, Russell, and Mulligan; Nay – none.

The meeting adjourned at 7:02 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

**November 1, 2023**

Adopted