

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, November 1, 2023

City Council Chambers, Historic Federal Building

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

Commissioners Excused: Carrie Lohrmann

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 Norton, seconded by Christ, to approve the minutes of the October 4, 2023 meeting. Motion carried by the following vote: Aye – Christ, Norton, Russell, and Mulligan; Nay – none; Abstain – Zuccaro.

ACTION ITEM/FINAL PLAT: Application of City of Dubuque Engineering Department, to approve the Plat of Survey of ISAAC Hanna 2nd Addition.

Bob Schiesl, Assistant City Engineer, spoke on behalf of the application. He noted that the plat is part of the parcel cleanup related to the Southwest Arterial project, which is now complete. He stated they are resurveying and platting parcels that will become part of the right-of-way for Iowa Department of Transportation (IDOT), the City of Dubuque, and any excess land would be sold.

There was no public input.

Staff Member Schrobilgen detailed the staff report, noting the submitted Plat of Survey of ISAAC Hanna 2nd Addition will divide the subject parcel into three parcels which include Lot A to be utilized for IDOT right-of-way for US Hwy 20, Lot B to be utilized for City of Dubuque right-of-way for Old Highway Road, and Lot 1 which will not have access to right-of-way and is intended to be sold.

Chairperson Mulligan stated that he assumed this plat was developed with the future frontage road in mind, and Staff Member Schrobilgen replied that he believed so. The Commissioners had no other questions or concerns.

Motion by Russell, seconded by Zuccaro, to approve the Final Plat of Survey as submitted. Motion carried by the following vote: Aye – Christ, Norton, Russell, Zuccaro, and Mulligan; Nay – none.

ACTION ITEM/FINAL PLAT: Application of City of Dubuque Engineering Department, to approve the Plat of Survey of Weber Acres 2nd Addition.

Bob Schiesl, Assistant City Engineer, spoke on behalf of the application. He stated that this is the same process as the previous request, and this plat is along the Westside Drive frontage road in front of Menards. He noted that the replatting will create right-of-way for the City of Dubuque and Iowa Department of Transportation, and some land is excess and will be sold.

Chairperson Mulligan asked about the proposed Lot 5, and Schiesl stated that it was an old remnant from the original Highway 20 project that the IDOT asked the City to clean up.

There was no public input.

Staff Member Schrobilgen detailed the staff report, noting the submitted Plat of Survey of Weber Acres 2nd Addition is similar to the previous application and is a land cleanup effort following the completion of the Southwest Arterial. He explained that the plans are color coded to show what property the City will retain along westside drive, the property the IDOT will retain along the east, and the remaining lots which would be sold off as excess.

Commissioners had no questions or concerns.

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

Commissioner Norton recused himself from the meeting.

PUBLIC HEARING/PUD AMENDMENT: Application of Aaron Healy, Ruhl & Ruhl to Amend Zone B of the South Pointe Planned Unit Development to allow increased lot coverage and reduced front and rear yard setbacks for townhome development.

Tom Larsen, Buesing & Associates, spoke on behalf of the applicant. He noted that the PUD has been amended multiple times. He explained that the requested setback and lot coverage regulations are already allowed for two-family dwellings and two-unit townhomes, and they would like to extend those regulations to include townhome development between three- to six-unit within Zone B of the PUD area.

Commissioner Russell asked if townhome dwellings of three- to six-units have a greater setback. Mr. Larsen noted that they follow R-3 standards, which are more restrictive, and

the request is to make all townhome dwellings have the same regulations as the two-unit townhome and duplex development is allowed to have currently.

Attorney Douglas Pearce, representing Leanne K. Latham, 2453 Rolling Creek Lane, objected to the request, believing it would reduce greenspace adjacent to her property, which his client does not find acceptable nor was it anticipated when she purchased her home.

Len Decker, 1451 Autumn Ridge Lane, asked if the application is just for the three subject lots for the related project proposing a six-unit townhome development, or for more lots than those. Chairperson Mulligan stated it would apply to all properties within Zone B. Mr. Decker then returned to his seat without noting support or opposition.

Barb Perleth, 2455 Rolling Creek Lane, expressed confusion about the properties included in Zone B and whether it would include the properties behind her house. Staff Member Schrobilgen referred to the map and confirmed Zone B includes the properties behind her house. Ms. Perleth then registered her opposition to the request, noting concerns regarding reduced greenspace and being closer to the neighbors. Attorney Douglas Pearce noted that his client agrees with Ms. Perleth's statement.

Mr. Larsen, during applicant rebuttal, expressed that the change would not reduce the amount of greenspace because two-unit townhomes and duplexes are already allowed the 50% lot coverage and reduced front and rear yard setbacks, so they are seeking the same standards for townhomes ranging from three- to six-units. He noted the original intent was to build all two-unit townhomes or duplexes, but now they want to build a six-unit townhome as one structure.

Staff Member Schrobilgen discussed the application. He noted that the applicant is looking to amend Zone B only, and that this change would only apply to townhomes and not all multi-family development. He explained that the bulk standards for two-unit townhomes are less strict and allow for a 10' front and rear setback and 50% lot coverage. He noted that most development in Zone B has been two-unit townhomes and therefore the 10' setbacks and 50% lot coverage have applied to those developments. He said the change would not allow for an increased number of dwelling units and therefore would not increase traffic. He also noted that it would allow townhouse structures greater coverage than they currently are allowed, but that it is similar to the existing development within Zone B and is therefore not anticipated to have a substantial impact on the neighborhood.

The Commissioners sought clarification as to how the changes would specifically affect development. Staff Member Schrobilgen replied that it would allow for three- to six-unit townhomes to have 10' front and rear setbacks and 50% lot coverage, where three- to six-unit townhomes are currently required to have 20' front and rear setbacks and a maximum of 40% lot coverage. Planning Services Director Wernimont explained that the developer has realized that they need to change the dimensions allowed in order to build the townhomes they have in mind. Director Wernimont stated that this would allow for a

reduction in greenspace from the current regulations but that it is similar to what is already permitted for two-unit townhomes and duplexes. He also noted the difference between a duplex and a townhome.

Chairperson Mulligan noted that there are currently two-unit townhomes constructed with the shorter 10' front and rear setbacks and the 50% lot coverage, so it seems okay for other townhomes to have these standards too. Commissioner Russell agreed, noting that after working through it and understanding it, that at least the consistency of front yard setbacks makes sense.

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

Commissioner Norton returned to the meeting.

PUBLIC HEARING/PUD AMENDMENT: Application of Keith Wolff, Dubuque Sign to amend the Dubuque Industrial Center South Planned Unit Development to increase the size of directional signage.

Keith Wolff, Dubuque Sign Company, spoke on behalf of the application, noting that they are working with Simmons and their sign provider to allow larger directional signs on the Simmons new warehouse building, which they find appropriate based on the size of the property and needing to assist tractor trailer traffic to find their destination.

There was no public input.

Staff Member Duba discussed the application. He noted the large size of the warehouse building and the property generally. He expressed that the truck traffic coming to this site may benefit from larger directional signs. He noted that the six square foot limit for directional signs is almost universally applied, but a larger directional sign may be more appropriate for a commercial property than an industrial use. He stated that the proposed amendment would apply to all properties within the Dubuque Industrial Center South PUD.

Commissioner Zuccaro expressed that six square feet is not big for a sign. Commissioner Norton agreed, expressing that it is also a matter of safety.

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

PUBLIC HEARING/TEXT AMENDMENT: Application of Bill Biver, Mary's Inn Maternity Home to Amend the Unified Development Code to include a definition of Maternity Home and to list Maternity Home as a Permitted Use in all residential, office residential, and commercial zoning districts.

John Freund, 1005 Main Street, spoke on behalf of the applicant. He reminded the Commissioners that he came before them for the rezoning of 1749 Churchill Drive. He stated that this Commission recommended rezoning, City Council unanimously approved it, but the Zoning Board of Adjustment denied the Conditional Use Permit request. Consequently, Mary's Inn was not allowed to operate at the Churchill property and the deal to purchase it fell through.

Mr. Freund stated that in subsequent conversations with the Planning Services Department, the proposed text amendment to the UDC would be an option to pursue and probably would have been their original request in hindsight. He expressed that it's difficult to get a prospective home under contract when having to rezone the property and get a Conditional Use Permit. He explained that the text amendment defines a Maternity Group Home separately from the Group Home. He expressed that he feels it's appropriate for a Maternity Group Home to be a Principal Permitted Use in residential, office residential, and commercial districts.

Mr. Freund expressed that the impact from the Mary's Inn operations should be minimal, noting that other single-family properties could generate more traffic and that their existing location on Balboa Drive blends in with the neighborhood. He expressed that the text amendment fits in with Dubuque's goals to be welcoming and inclusive.

Commissioner Russell asked about traffic and how many women served have cars. Coleen Pasnick, 1535 Alta Vista Street, Director of Mary's Inn Maternity Home stated that approximately eight out of 60 women served have had cars.

Chairperson Mulligan asked whether the limit of four women still fits with the broader circumstances that would be allowed by the proposed text amendment. Ms. Pasnick stated that their original thought when they applied for a Conditional Use Permit for the Balboa Drive location was to serve eight women, but the Zoning Board of Adjustment conditioned that they be allowed only four women, and that they have found it's been good to serve just four women. Bill Biver, 1320 Oeth Court, expressed that they don't want to disrupt neighborhoods, they want to blend into the family environment, and operate as a family.

There was no public input.

Staff Member Moon discussed the application. She outlined the proposed definition of a Maternity Group Home and listed all the zoning districts in which a Maternity Group Home would be a permitted use. She explained the current UDC standards categorize a maternity home as a Group Home and that a Group Home is currently only allowed in R-3, R-4, and OR districts with the approval of a Conditional Use Permit. She discussed the Iowa State Code covering Family Homes as they related to Group Homes in the UDC and explained that the Iowa State Code preempts cities from regulating group homes for individuals with disabilities and/or elderly care.

Commissioner Norton asked a hypothetical question about an ARC group home and how they would be treated differently than Mary's Inn. Staff Member Moon noted that an ARC group home is allowed by-right in all residential districts under state code, and this text amendment for Maternity Group Homes applies to additional zoning districts. Norton noted that ARC group homes would likely have more staff than a Maternity Group Home and concluded that he was supportive of the request.

Chairperson Mulligan noted that the previous rezoning request was approved by the ZAC, was approved by Council, but the Conditional Use Permit request wasn't approved by the ZBA. He said it's unfortunate it had to come via a code change and that he's in favor of the request.

Commissioner Russell expressed that upon reading the request in the packet, he considered the fact that they would be able to move in next to him and that he would be ok with that, and he's in favor of the request.

Motion by Russell, seconded by Christ, to approve the text amendment as submitted. Motion carried by the following vote: Aye – Christ, 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 Mulligan to adjourn the November 1, 2023 Commission meeting. Motion carried by the following vote: Aye – Christ, Norton, Russell, Zuccaro, and Mulligan; Nay – none.

The meeting adjourned at 6:51 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

December 6, 2023

Adopted