

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, January 4, 2024

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, 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 Norton, to approve the minutes of the December 6, 2023 meeting. Motion carried by the following vote: Aye – Christ, Norton, Russell, and Zuccaro; Nay – none; Abstain – Mulligan.

Commissioner Norton recused himself from the meeting.

ACTION ITEM/PLAT OF SURVEY: Application of Samantha Humke to approve the Plat of Survey of Humke Place.

Samantha Humke, 1045 Hiawatha Drive, East Dubuque, explained that they are looking to reconfigure two long, narrow properties which are not optimal for development. They would like to divide them so the second lot would potentially be buildable in the future. She stated that access to Lot 2 would be across Lot 1.

Staff Member Duba detailed the staff report. He noted the size of the proposed lots and displayed maps of the current and proposed lot configurations. He explained that this is a Simple Subdivision and requires Commission review because it is creating a lot without street frontage.

Chairperson Mulligan asked about how the second lot would be accessed if it were sold, and Staff Member Duba noted that the plat provides an access and utility easement for Lot 2 across Lot 1. Staff Member Moon noted that if Lot 2 were to be built upon, a Special Exception would be required because to the setback distance between Lot 2 and a public street.

Chairperson Mulligan asked if neighbors were notified for this request, and Staff Member Moon explained that public notice was not required for the proposed subdivision plat, however it would be required for a future Special Exception request should the property owner choose to building a single-family residence on Lot 2.

Motion by Russell, seconded by Zuccaro, to approve the Plat of Survey of Humke Place submitted subject to waiving the street frontage requirement for Lot 2. Motion carried by the following vote: Aye – Christ, Russell, Zuccaro, and Mulligan; Nay – none.

ACTION ITEMS/WAIVER: Application of Tom Larsen to waive specific requirements of Chapter 13 for property located at 1870 St. Ambrose Street.

Pat Norton, Buesing & Associates, 1212 Locust Street, spoke on behalf of the property owner. He explained that this request is the same as last month. St. Anthony's Church is planning to remove two school buildings on Rosedale due to maintenance costs and is seeking to construct a parking lot in their place. He indicated that the lot would provide closer, safer access to the church for church members. He stated that church members have been crossing Rosedale in the dark and some have even slipped and fallen on ice during the winter months. He explained that the width between the church and the alley doesn't allow 10' width for a buffer yard, so they are seeking to reduce it to 3'.

Commissioner Russell asked if the alley is public right-of-way and Mr. Norton confirmed that it is.

Commissioner Christ asked if the applicant was still amenable to installing fencing along the alley, and Mr. Norton replied yes.

Staff Member Moon detailed the staff report. She explained that at the last meeting a full Commission was not present and so the applicant is making this request again in the hopes of a different outcome. She stated that a parking lot is a permitted use and that the focus of the request is the reduced buffer yard. She outlined the Unified Development Code design standard stating the requirement is for a 7' buffer yard, and the applicant is seeking approval for a 3' buffer yard.

Chairperson Mulligan noted that the property across the alley does not have a 7' buffer, and Staff Member Moon replied that the adjacent property it is a single-family residence with detached accessory structure and is not subject to the same site design standards as the proposed parking lot.

Chairperson Mulligan asked about vehicle headlights casting light on to adjacent residential structures and questioned how high a fence would need to be to obscure them. Staff Member Moon stated that the Commission may wish to identify a minimum height of the fence or may wish to include a more general condition that would require a fence that obscures the vehicular headlights from shining on to adjacent properties. Commissioner Russell questioned whether the project would be subject to site plan

approval from the Development Review Team and Staff Member Moon confirmed that it would require site plan approval.

Motion by Christ, seconded by Zuccaro, to approve site design waiver to allow a 3' landscape buffer yard where a 7' buffer yard is required subject to the following condition:

1. Fencing shall be installed along the alley to obscure vehicle headlights from shining onto adjacent residential properties.

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

ACTION ITEMS/WAIVER: Application of Chris Staver to waive specific requirements of Chapter 13 for property located at 110 E. 30th Street, 114 E. 30th Street and 2987 Jackson Street

Pat Norton, Buesing & Associates, 1212 Locust Street, spoke on behalf of the property owner. He stated that Chris Staver, owner of the Copper Kettle restaurant, is seeking to create parking due to recent street closures caused by the dilapidated H&W building which has had a negative impact on his business by making it difficult for restaurant patrons to find parking. He stated that Mr. Staver owns both homes to be demolished for the parking lot, and the properties were recently rezoned to allow this change. He noted that the lot is 60' wide and with the proposed parking stalls and drive aisles there is little to no room for no room left for buffers or greenspace. He stated that they are seeking a waiver from the permeable area requirements, the landscape buffer yard requirements, the minimum tree and shrub requirements, and the screening requirement along the southern property line. He stated that Mr. Staver also owns the property located directly to the south and that there is an existing metal fence located on the shared property line, and they intend for that fence to remain.

Chairperson Mulligan noted that the fence is located on the property line and so cars will be about 2' from the house. Mr. Norton confirmed this to be correct.

Staff Member Moon detailed the staff report, explaining that the applicant is seeking waivers to construct a parking lot. She noted that this has been taken as a conceptual plan to the Development Review Team and the applicant is actively seeking waivers from the Engineering Department for curb cut location on White Street and the parking lot throat distance. She outlined the waiver before the Commission which includes a request for reduced permeable area, to eliminate the landscape buffer yard requirements, to waive the screening requirement, and to eliminate the site landscape requirements. She stated that waiver request requires four affirmative votes in order to be approved.

Commissioner Zuccaro asked about the white area on the site plan and Staff Member Moon replied that is a parking lot island. Staff Member Moon also noted that vehicle travel through the parking lot is one-way from White Street to 30th Street.

Commissioner Zuccaro asked if there were 15 stalls in the lot and if they would be used by restaurant workers. Staff Member Moon deferred to the property owner about the use of the stalls.

Chairperson Mulligan recommended that the three areas of the parking lot that can be landscaped should be landscaped. He expressed that the fence is a concern, but Mr. Staver owns the house, so he doesn't want to get in the way of business needs.

Commissioner Russell recommended that a minimum number of shrubs be required and suggested six.

Motion by Russell, seconded by Mulligan, to approve waiving the specific site development requirements of Chapter 13 with the following conditions:

1. A minimum of six shrubs shall be planted on the site.

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

Commissioner Norton returned to the meeting.

PUBLIC HEARING/TEXT AMENDMENT: Application of Tom Rauen to amend the Unified Development Code to add Mini-warehouse below the first floor only as a Permitted Use in the C-4 Downtown Commercial and C-5 Business District zoning districts.

Tom Rauen, 9190 Royal Wood Drive, Peosta, spoke for his application. He explained that he owns property at 962/980 Main Street that includes a walkout basement along 10th Street and the alley. He's hoping to start a pack/ship/storage business to meet the needs of a growing number of downtown residents. He noted the space has approximately 7,000 square feet, and it hasn't been used in 30 years. He explained that this is climate-controlled storage, not outdoor storage, and he showed examples from other similar businesses. He stated that he believes this project would help meet a "Community Need" for this type of service. He noted that the pack and ship business use is already permitted in other zoning districts.

There was no public input.

Staff Member Moon discussed the application and noted that the majority of the proposed use is "mini-warehousing" per the code. She explained that in an effort to use this space, the applicant is seeking a text amendment for the C-4 and C-5 zoning districts and the proposal is to allow mini-warehousing below the first floor only. She expressed that this amendment is seeking to address changing needs downtown, while not detracting from prime storefront and upper level spaces that might be better suited for retail, commercial, and residential uses.

Chairperson Mulligan endorsed this proposal and expressed that some could suggest that this space is the first floor of Mr. Rauen's property, and that first floor warehouse

space might not pencil, so at some point in the future perhaps the requirement that it be below the first floor only may no longer be needed.

Commissioner Norton suggested that the use could be just not on the first floor, that it could be below or above the first floor. He suggested that the UDC rewrite should define indoor climate-controlled storage as distinct from mini-warehousing.

Planning Services Director Wernimont noted that there have been inquiries to turn vacant office space into storage space, but the City wants to maintain vibrancy downtown, so is reluctant to expand this use to other portions of buildings where other uses may be better suited. He acknowledged there is a need for storage, however.

Motion by Christ, seconded by Zuccaro, 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 Norton, seconded by Christ to adjourn the January 4, 2024 Commission meeting. Motion carried by the following vote: Aye – Christ, Norton, Russell, Zuccaro, and Mulligan; Nay – none.

The meeting adjourned at 6:42 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

February 7, 2024

Adopted