



Approved

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, February 7, 2024
City Council Chambers, Historic Federal Building

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

Commissioners Excused: None.

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 Zuccaro, to approve the minutes of the January 4, 2024 meeting. Motion carried by the following vote: Aye – Christ, Norton, Russell, Zuccaro, and Mulligan; Nay – none; Abstain – Lohrmann.

PUBLIC HEARING/REZONING: Application of Dusty Rogers to rezone property located at 1646 Asbury Road from C-2 Neighborhood Shopping Center to C-3 General Commercial.

Dusty Rogers, 1646 Asbury Road, spoke on behalf of his application. He explained that they are seeking to rezone from C-2 to C-3 so they can expand the Dog House Lounge into another portion of the building which will give them more space for the seating area, will help to separate the bar and seating area, and will allow them to relocate the pool tables and darts boards.

There was no public input.

Staff Member Moon detailed the staff report. She noted the request to rezone from C-2 to C-3, explaining that the Dog House Lounge has operated here for years in a legally non-conforming status, but the expansion of the business is requiring them to become compliant with zoning, and C-3 allows for the bar/tavern as a permitted use. She displayed an aerial map of the neighborhood and noted the surrounding zoning districts and uses in proximity to the subject site. She displayed a table of permitted uses from C-2 and C-3 districts, noting the additional uses allowed in the C-3 which are not allowed in the C-2. She described how the size and configuration of the site may restrict some uses that

would be permitted in the C-3 zoning district and should the site ever be redeveloped it could require waivers or variances for other development. She noted that the subject property is one of three lots within a larger zoning lot and through which adequate paved off-street parking is provided, and that the property is identified as Mixed Use in the Future Land Use Map.

Chairperson Mulligan asked for clarification on the zoning of some of the adjacent properties and staff provided a summary of adjacent zoning designations.

Chairperson Mulligan asked for clarification about future plans for a roundabout here. Planning Services Director Wernimont confirmed that a roundabout is planned, and there is a building permit moratorium for substantial improvements, but the proposed improvement is not significant enough to trigger the moratorium. He noted that this request has been discussed with the City Engineer who reviewed the scope of work and authorized it to proceed. He stated that the Engineering Department is currently in the process of designing the roundabout and evaluating the layout. He noted the two empty dirt lots just south of the subject property that are City owned lots acquired in the event that space is needed for the roundabout. He mentioned that adjacent property owner Ken Cook discussed the rezoning request with staff and noted he had no issues. He explained that no other comments have been received from property owners in the 200' notification area. He noted the physical footprint of the building is not changing, a bar has been in continue operation for about 50 years at the present site, and the expansion of the bar use is interior only. He discussed how the neighborhood has changed over time and noted the physical grade change between the subject site and the adjacent residential uses to the east. He reiterated that the property has adequate off-street paved parking.

Chairperson Mulligan expressed that because of the moratorium, the plan for a future roundabout, and the separation from the residential properties, rezoning to C-3 without conditions probably makes sense for this property. Commissioner Christ questioned whether there should be consideration for the residences to the east along Avoca. Planning Services Director Wernimont stated that all property owners within 200' of the subject site were notified, which would include the residential properties to the east, and outside of the conversation with Ken Cook, staff has not received any other public input regarding this request. He reiterated that the proposed expansion of the bar use would be interior only and the footprint of the building would not change. He stated that any substantial changes to the building or proposed redevelopment of the site would trigger the moratorium which would require a hold on the property until the City can finish the roundabout planning.

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

PUBLIC HEARING/REZONING: Application of Kenneth Miller, Dubuque Metropolitan Area Solid Waste Agency (DMASWA) to rezone property located at 101 Airborne Road (PIN 1506200016) from AG Agriculture to HI Heavy Industrial.

Ken Miller, DMASWA Administrator, spoke on behalf of the application. He explained that they seek to rezone the gas plant property from AG Agricultural to HI Heavy Industrial in order to conduct activities on the property similar to those at the landfill.

There was no public input.

Staff Member Schrobilgen detailed the staff report. He noted that the property was annexed into the city in 1997, that the property was bifurcated by the construction of the Airborne Rd right-of-way and that the biogas plant was constructed in 2021 as a quasi-public utility, which is a permitted use in the current AG zoning district. He explained that the new project, a residential and small load drop-off facility, would be considered a sanitary landfill use and is only permitted in the HI Heavy Industrial zoning district. He described the surrounding zoning noting that most of the surrounding properties are zoned industrial and that the three R-1 Single-Family Residential zoned properties to the north which are owned by the city but are encumbered by the Airborne Road right-of-way and that any development on those sites would need multiple approvals. He noted there was no public input and concluded that the proposed project would require Development Review approval prior construction.

Commissioners had no comments or questions.

Motion by Norton, seconded by Russell, to approve rezoning the property as submitted. Motion carried by the following vote: Aye – Christ, Lohrmann, 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 Zuccaro to adjourn the February 7, 2024 Zoning Advisory Commission meeting. Motion carried by the following vote: Aye – Christ, Lohrmann, Norton, Russell, Zuccaro, and Mulligan; Nay – none.

The meeting was adjourned at 6:17 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

March 6, 2024

Adopted