

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, May 1, 2024

City Council Chambers, Historic Federal Building

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

Commissioners Excused: None.

Commissioners Unexcused: None.

Staff Members Present: Shena Moon, Travis Schrobilgen, and Jason Duba

CALL TO ORDER: The meeting was called to order by Chairperson Mulligan at 6:04 p.m.

MINUTES: Motion by Zuccaro, seconded by Russell, to approve the minutes of the April 3, 2024 meeting. Motion carried by the following vote: Aye –Lohrmann, Russell, Zuccaro, and Mulligan; Nay – none; Abstain – Christ and Norton.

ACTION ITEMS/WAIVER: Application of Jordan Pape to waive Site Design Standards within Chapter 13 of the Unified Development Code for property located at 1080 East 12th Street.

Jordan Pape, Vice President of Assets, Tucker Trucking, 1080 East 12th Street, spoke on behalf of the application. He described the work at the site in the context of the company's growth. He explained the vegetation planted for screening is in the right-of-way, and the Engineering Department has agreed to provide them with a revocable license to leave them there, but they need approval from the Commission. He stated that the shrubs they planted as part of their requirement died, so they were replanted, but he requests a waiver from that requirement so they don't have to be replanted again if they die. He explained that they paved more of the site than they were approved, taking the permeable area down from 20% to 17%, and they would like to keep it that way. Mr. Pape stated that Tucker is a growing business, and this site is useful for their growth.

Commissioner Russell asked where the shrubs were supposed to be planted, and Mr. Pape indicated the green areas on the site map and said some have been relocated to the exterior and now are considered screening.

Staff Member Schrobilgen detailed the staff report. He noted this project started in 2021 and was approved in 2022. He explained that upon inspection, the site did not appear to be consistent with neither the approved plans or the previously granted site design waivers. He noted that vegetative screening is a separate requirement from the on-site shrub requirement. He said that the site plan approval process does allow for minor alterations to previous approvals, but these changes were too significant and required review by the Commission. He outlined the Unified Development Code design standards stating the requirements and the applicant's proposal for each. He noted that the site is below the permeable area requirement by about 2,100 square feet but would continue to manage stormwater the same way. He stated the Engineering Department was amenable to allowing a revocable license for screening and irrigation lines within the right-of-way.

Chairperson Mulligan detailed the previous waivers and the tree and shrub requirement. He stated that shrubs have been planted as screening. Staff Member Schrobilgen noted that by code, screening shrubs do not count as site shrubs.

Chairperson Mulligan asked about the impermeable area, and Staff Member Schrobilgen indicated on the site plan the areas that were paved that were originally permeable area.

Chairperson Mulligan expressed that this is a growing company, and they took the time to make this request.

Commissioner Russell expressed that 2100 sq. ft. on this site is a small difference in permeable area and isn't significant, and that an applicant should be able to double count screening shrubs as site shrubs.

Motion by Christ, seconded by Zuccaro, to approve the request to waive the requirements of Chapter 13 of the Unified Development Code, specifically Section 13-4.4(E) and 13-4.4(F) Site Landscaping, and Section 13-4.10(B) Exterior Storage in Nonresidential Districts, subject to the following conditions:

1. That the applicant be issued a revocable license from the Engineering Department for the related encroachments into the city right-of-way; and
2. That in the event that the revocable license is revoked or otherwise made null and/or void, screening shall be installed on-site per the UDC requirements.

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

Commissioner Norton recused himself from the following two items.

ACTION ITEMS/WAIVER: Application of Jordan Rettenmaier to waive Site Design Standards within Chapter 13 of the Unified Development Code for property located at 1100 Lincoln Avenue.

Justin Lau, Buesing & Associates, 1212 Locust Street, spoke on behalf of the application. He explained that they are seeking to waive the parking lot side buffer requirement for the development of the proposed four-plex. He explained there is an existing apartment on

the south lot. He noted that the development would be compliant with other code requirements.

Staff Member Duba detailed the staff report. He outlined the Unified Development Code design standards stating the applicant is seeking to waive the 7' parking lot landscaped buffer requirement on both sides of the proposed parking area. He noted that this would allow for the code-required six parking stalls (1.5 per unit). If denied, the applicant would need to reconfigure the parking arrangement or seek a parking variance for fewer spaces. He noted that all other site design standards will be met.

Chairperson Mulligan agreed with this request and expressed that this area would be suitable for reduced parking requirements in order to foster development, such as with the recent removal of off-street parking requirements for historic districts.

Motion by Lohrmann, seconded by Russell, to approve waiving specific requirements of Chapter 13 of the Unified Development Code, specifically Section 13-4.6(B) Parking Lot Landscaping, as submitted. Motion carried by the following vote: Aye – Christ, Lohrmann, Russell, Zuccaro, and Mulligan; Nay – none.

PUBLIC HEARING/REZONING: Application of Jordan Rettenmaier to rezone property located at 1100 Lincoln Avenue from R-2A Alternate Two-Family Residential and C-1 Neighborhood Shopping Center to R-3 Moderate Density Multi-Family Residential.

Justin Lau, Buesing & Associates, 1212 Locust Street, spoke on behalf of the application. He stated they are requesting to rezone half of the lot from R-2A to R-3 for a proposed four-plex.

There was no public input.

Staff Member Duba detailed the staff report. He explained the characteristics of the subject property and the proposed subdivision of the lot, leaving the existing apartment on Lot 2 and the proposed four-plex on Lot 1. Lot 2 would remain C-1, and Lot 1 would be rezoned from R-2A to R-3. He noted the number of uses in the zoning districts and explained that the primary difference is that R-3 zones allow up to a six-plex, though this lot's size would only allow a four-plex. He explained that being currently zoned as R-2A, and if subdivided into 25' lots, the property size would allow two additional duplexes to be built here without a rezoning. He described the Point Neighborhood as mixed use and mixed residential with a variety of densities and expressed that this rezoning would not seem out of character. He noted that the development would meet all bulk regulations, including parking with the approval of the site design waiver. He noted that this type of development is in keeping with the recommendations of the Comprehensive Plan.

Commissioners had no questions or concerns.

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

Commissioner Norton returned to the meeting.

PUBLIC HEARING/REZONING: Application of Richard Biechler to rezone property located at 5501 Old Highway Road from Planned Unit Development with PR-Planned Residential designation to C-3 General Commercial.

Richard Biechler, 17333 Humke Road, spoke on behalf of the application. He stated that he purchased the lot for a contractor shop for his electrical contracting & directional drilling business. He stated that his request is to rezone from PR to C-3 to allow a contractor shop.

There was no public input.

Staff Member Moon detailed the staff report. She explained that the property was annexed in 2000, and that it was an existing mobile home park and was given a PR designation. She explained that the mobile homes have been removed, and the applicant is seeking to rezone the property for a contractor shop. She noted that the property is on the edge of the Dubuque city limits. She displayed a zoning map of the area and noted that there is a mix of zoning districts, including C-3 across the street. She noted the site is fairly flat, that there is a water main nearby, but that sanitary sewer is further away. She said that the Development Review Team (DRT) would review all aspects of site development, including the sanitary sewer requirements. She stated that this development is not anticipated to have a significant impact on traffic and noted that the C-3 zoning district allows 58 permitted uses. She stated that no public input had been received.

Commissioner Russell asked to clarify the area to be rezoned, and Moon showed it on a map, and clarified that it is only the lot that was previously utilized as a mobile home park.

Chairperson Mulligan expressed that there is a hodgepodge of zoning in the area.

Commissioner Lohrmann asked if the C-3 properties across the street was residence and an empty lot. Staff Member Moon responded yes, and expressed that this is an area in transition, that it's near the Dodge Street corridor and the industrial center, so there are numerous zoning districts and uses in the area.

Chairperson Mulligan questions whether the neighbors complained, and Staff Member Moon confirmed that public notices were sent to all properties within 200', including county residents.

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.

ITEMS FROM PUBLIC: None.

ITEMS FROM COMMISSION: None.

ITEMS FROM STAFF: None.

ADJOURNMENT: Motion by Christ, seconded by Russell to adjourn the May 1, 2024 Commission meeting. Motion carried by the following vote: Aye – Christ, Lohrmann, Norton, Russell, Zuccaro, and Mulligan; Nay – none.

The meeting adjourned at 6:39 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

June 5, 2024

Adopted