

**MINUTES  
ZONING ADVISORY COMMISSION  
REGULAR SESSION**

6:00 p.m.

Wednesday, September 4, 2024

City Council Chambers, Historic Federal Building

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

**Commissioners Excused:** Martha Christ and Carrie Lohrmann

**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 6:00 p.m.

**MINUTES:** Motion by Zuccaro, seconded by Russell, to approve the minutes of the August 7, 2024 meeting. Motion carried by the following vote: Aye – Norton, Russell, Zuccaro, and Mulligan; Nay – none.

**ACTION ITEM/SITE PLAN REVIEW:** Application of Justin Duck to approve a site development plan for Brakes Plus, 2533 Northwest Arterial, located within the Asbury Plaza PC Planned Commercial zoning district.

Andy Labenz, Olsson Associates, 601 P Street, Lincoln, Nebraska, spoke on behalf of the applicant. He stated that the plan is to construct an oil express building along the private drive in Asbury Plaza north of Starbucks. He noted that there would not be much change to the grade, as they would use the existing drainage way to the south and direct drainage on the north to a bioretention basin.

Chairperson Mulligan asked about the driveway located on the Starbucks property which is located on the southeast side of the subject property, and Mr. Labenz replied that they plan to remove it and close it off.

Staff Member Schrobilgen detailed the staff report, noting the submitted site plan is in the Asbury Plaza Planned Unit Development (PUD), which requires site plans to go through both the Development Review Team (DRT) and Zoning Advisory Commission (ZAC) for approval. He said that the Commission makes the final decision and that it would not go to City Council. He noted that an auto shop is a permitted use in the PUD and that the project meets all Unified Development Code (UDC) standards. He stated that the project has been through DRT review and this is the final submittal.

Commissioner Russell asked how many vehicle trips per day this type of use would generate. Staff Member Schrobilgen stated that he was not sure, but the traffic engineer has reviewed and approved the plan as submitted. He noted the site access is a shared driveway with the Starbucks to the south, and that it was reviewed and approved by the DRT.

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

**PUBLIC HEARING/REZONING:** Application of Josh Jansen to rezone property located at 27 Locust Street (PIN 1025426011 and 1025426022) from C-3 General Commercial to C-4 Downtown Commercial.

Josh Jansen, 11368 Rock Grove Court, spoke on behalf of the request stating he is seeking to rezone the subject properties from C-3 to C-4, as he did recently with the adjacent properties to the north. He noted that the rezoning would allow his mixed-use project to move forward and become more cost effective by adding residential density. He displayed renderings and plans, and described a mixed-use, multi-story development. He noted the setback in C-4 is less than in the current C-3. He noted that Development Review Team (DRT) has reviewed the concept plan, and soon architects and engineers would continue the design process.

Chairperson Mulligan questioned whether Mr. Jansen had already purchased the subject property. Mr. Jansen replied yes, and he'd like to add the subject properties to the development area for his mixed-use project. He also stated that he intends to reach out the property owner just south of the subject property in order to gauge their interest in selling

There was no public input.

Staff Member Moon detailed the staff report noting the request to rezone two parcels from C-3 to C-4 would be an expansion of the C-4 zoning district to the north, and is intended to allow for a multi-story, mixed-use project. She noted that the project has gone to the Development Review Team previously for a conceptual review, that a full site plan review would be required, and that parking and traffic would be evaluated during that review. She displayed photos of the properties to be rezoned and shared the conceptual development plan provided by the applicant. Staff Member Moon disclosed that an adjacent property owner, Ken Lin, had reached out to staff to share concerns with potential traffic, noise, and parking. She made note of a letter that had been submitted by Mr. Lin which was included in the packet to the Commission. She shared a chart of the permitted uses in the C-3 and C-4 zoning districts, noting there are similar types and quantities of uses permitted in both districts.

Chairperson Mulligan expressed support for the project, stating that it would be a welcoming project when entering into Dubuque. He responded to the opposition email, noting that this project is near one of the busiest intersections in Dubuque, that this project

would be beneficial to property values for the entire neighborhood, and acknowledged there would be some environmental work to do.

Motion by Zuccaro, seconded by Norton, to recommend approval of the rezoning of 27 Locust Street (PIN 1025426011 and 1025426022) as submitted. Motion carried by the following vote: Aye – Norton, Russell, Zuccaro, and Mulligan; Nay – none.

Commissioner Norton recused himself for the following item.

**PUBLIC HEARING/REZONING:** Application of Luke Hoffmann to rezone a portion of the property located at 1090 Radford Road from CS Commercial Service and Wholesale to R-3 Moderate Density Multi-Family Residential.

The applicant, Luke Hoffman, 991 June Drive, spoke on behalf of the application stating he owns both 1070 and 1090 Radford Road. He noted he is subdividing a portion of 1090 and seeking to rezone from CS to R-3 in order to allow for the construction of a single-family residence. He stated he intends to consolidate the subdivided portion of 1090 with the property at 1070.

There was no public input.

Chairperson Mulligan asked why the plat stated non-buildable lot if they're building a house on it. Staff Member Schrobilgen stated that the label is part of the platting process. Mr. Hoffman added that they are seeking the best position, setbacks, and views for their house.

Staff Member Schrobilgen detailed the staff report. He explained that the applicant intends to parcel off a portion of 1090 Radford Road and consolidate it with 1070 to the west. He said they are requesting to rezone the subdivided portion from CS to R-3 which would match the existing zone of the 1070 Radford Rd property, in order to construct a single-family residence. He noted that a single-family residence would not require site plan review, and the Inspection & Construction Services would review building plans. He stated the subdivided portion of 1090 to be rezoned is physically separated from other portions of the lot due to topography and a wooded hillside. He stated that a majority of the remainder of 1090 was in the Flood Way which is the most highly regulated portion of the flood plain. Staff noted the proposed house is likely to exceed 50' from the street, which would require future approval from the Zoning Board of Adjustment. He stated that this is a unique area with R-3, CS, and C-3 zoning with legally nonconforming residences. He noted that two letters of opposition were received, and he clarified that the R-3 district would limit any potential development to 6-units. He also noted that the nearest adjacent properties have long backyards, providing about 200 feet to the nearest structure.

Chairperson Mulligan asked for clarification about the potential of 208 residential units as stated in one of the letters of opposition. Staff Member Schrobilgen replied that they likely believed the entire parcel of 1090 Radford Road was being rezoned, he reiterated that the R-3 zoning district is limited to 6 units, that the area to be rezoned is limited to the

exhibit as shown, and that most of the remaining 1090 property is in the floodway and essentially non-buildable.

Motion by Russell, seconded by Zuccaro, to recommend approval of the rezoning of 1090 Radford Road as submitted. Motion carried by the following vote: Aye – Russell, Zuccaro, and Mulligan; Nay – none.

Commissioner Norton returned to the meeting.

**PUBLIC HEARING/REZONING:** Application of Craig Nesteby to rezone property located at 1142 University from C-2 Neighborhood Shopping Center to R-2 Two-Family Residential zoning district.

Janice Nesteby, 721 Hill Street, spoke on behalf of her son's application. She explained that there is an apartment on the second floor, and they would like to put an apartment back on the first floor.

There was no public input.

Staff Member Duba detailed the staff report. He described the characteristics of the property and the surrounding area, including land uses and zoning. He explained that the property was originally developed as a residence but was historically zoned as commercial. He noted that the current owner previously converted the first floor from a the single-family residential use to a commercial space, while maintaining the second floor as a residential unit. The property owner now wishes to convert the first floor to a separate residential unit, thereby creating a duplex on the property. He noted that this would be a downzoning and an expansion of an existing zone.

Commissioner Russell asked about the items being stored behind the property, and Staff Member Schrobilgen replied that storage is accessory to the residential use, and the property can, therefore, only be utilized by the residents of the property. He further clarified that the property cannot be used as a contractor shop by the owner.

Motion by Norton, seconded by Zuccaro, to recommend approval of the rezoning of 1142 University Avenue as submitted. Motion carried by the following vote: Aye – Norton, Russell, Zuccaro, and Mulligan; Nay – none.

**ITEMS FROM PUBLIC:** None.

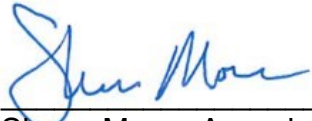
**ITEMS FROM COMMISSION:** None.

**ITEMS FROM STAFF:** Staff Member Moon reminded Commissioners that they're invited to the annual Board and Commission Picnic on Tuesday September 10<sup>th</sup>.

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

The meeting adjourned at 6:33 p.m.

Respectfully submitted,



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Shena Moon, Associate Planner

September 4, 2024

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Adopted