

**MINUTES  
ZONING ADVISORY COMMISSION  
REGULAR SESSION**

6:00 p.m.

Wednesday, October 2, 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:** Shena Moon and Travis Schrobilgen

**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 September 4, 2024, meeting. Motion carried by the following vote: Aye – Norton, Russell, Zuccaro, and Mulligan; Nay – none; Abstain – Christ, Lohrmann.

Commissioner Norton recused himself from the next item.

**ACTION ITEM/PRELIMINARY PLAT:** Application of Chris Miller to approve the Preliminary Plat of Miller North Cascade Road Subdivision (PIN 1504177007, 1504177009, 1504327004, 1504376001, 1504352023, and 1509100003).

Tom Larsen, Buesing & Associates, 1201 Locust Street, spoke on behalf of the applicant. He noted that the proposal is in the County and includes fourteen residential lots and four commercial lots. He said the residential lots will be sold and developed as soon as possible but the commercial lots would be developed in the future. He discussed utilities noting that individual septic will be used and probably three wells with four to six homes on each well. He concluded that the residential lots are large three-to-five acre lots along a 24' wide street with no curb and gutter.

Staff Member Moon detailed the staff report, noting the submitted Preliminary Plat of Miller North Cascade Road Subdivision was in substantial conformance with the Unified Development Code (UDC). She noted that the subject property currently consists of six (6) existing lots with a total of approximately 75 acres of land area. She stated the plat of survey would create a total of fourteen (14) residential lots and four (4) commercial lots, and that each lot proposed will exceed the City's minimum lot area and street

frontage standards. She stated that the plat includes a public utility easement on both sides of the interior street.

Staff Member Moon noted that the preliminary plat receives sustainability credit for reduced pavement width of the street, for compliance with the Dubuque County stormwater management ordinance, and qualifies partially as a Conservation Subdivision. These items total 40 points of sustainability where a minimum of 40 points are required.

Chairperson Mulligan asked how far City water was from the site. Staff replied that an active water main is about 1 mile from the subject property.

Motion by Christ, seconded by Lohrmann, to recommend approval the Preliminary Plat of Miller North Cascade Road Subdivision (PIN 1504177007, 1504177009, 1504327004, 1504376001, 1504352023, and 1509100003) as submitted. Motion carried by the following vote: Aye – Christ, Lohrmann, Russell, Zuccaro, and Mulligan; Nay – none.

Commissioner Norton returned to the meeting.

**ACTION ITEM/PLAT OF SURVEY:** Application of Paul Merkes to approve the Plat of Survey of Middle Fork Second Addition (PIN 0923400001, 0923400002, 0923476001, and 0923451001).

Dave Schneider, Schneider Land Surveying, 906 1st St NW, Farley, IA 52046, spoke on behalf of the applicant. He described the proposal to reconfigure four lots in order to settle an estate. He said that a couple of the family members are platting off Lot 2 and Lot 4 and auctioning off Lot 1 and Lot 3 along with the parcel to the south across Middle Road.

Staff Member Schrobilgen detailed the staff report. He noted that the submitted Final Plat of Middle Fork Second Addition would create four lots. He said Lot 1 did not have frontage along an approved street and therefore requires the Commission to waive the frontage requirement for Lot 1. He stated that the proposed subdivision was otherwise in substantial conformance with the UDC.

Commissioners had no questions or concerns.

Motion by Russell, seconded by Christ, to recommend approval of the Plat of Survey of Middle Fork Second Addition (PIN 0923400001, 0923400002, 0923476001, and 0923451001) subject to waiving the lot frontage requirement for Lot 1. Motion carried by the following vote: Aye – Christ, Lohrmann, Norton, Russell, Zuccaro, and Mulligan; Nay – none.

**PUBLIC HEARING/REZONING:** Application of Samantha Wright to rezone property located at 1000 Cedar Cross Road from CS Commercial Service and Wholesale to C-3 General Commercial.

Samantha Wright, 1000 Cedar Cross Road, spoke in favor of the request. She noted that she has a retail store on the property but recently found out that the property was not zoned appropriately. She is asking to remedy that issue. She said there is C-3 zoning across the street and the surrounding area is commercial.

Staff Member Moon detailed the staff report noting that the CS zoning district allows for thirty-nine (39) Principal Permitted Uses and the proposed C-3 zoning district allows for fifty-eight (58) Principal Permitted Uses. She shared a chart which provided a side-by-side summary of the Principal Permitted Uses in both zoning districts and highlighted those that were permitted in both districts. She noted that the future land use for the site is commercial and that it is along a commercial corridor which consists of properties zoned LI Light Industrial, CS Commercial Service and Wholesale, and C-3 General Commercial. She shared that there was a signage complaint regarding temporary signage at the property and through the zoning enforcement process staff realized that the underlying zoning district did not permit the current retail use. She said the rezoning would rectify the use concern and noted that staff did not anticipate any negative impacts regarding rezoning the property to C-3.

Commissioner Mulligan asked how many zoning enforcement officers are within the city. Staff Member Moon noted that there is one and added that enforcement is complaint driven. She explained that the need to rezone the property for retail use was discovered through the zoning enforcement process.

Motion by Lohrmann, seconded by Zuccaro, to recommend approval of the rezoning of 1000 Cedar Cross Road as submitted. Motion carried by the following vote: Aye – Christ, Lohrmann, Norton, Russell, Zuccaro, and Mulligan; Nay – none.

**ITEMS FROM PUBLIC:** None.

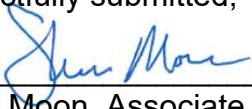
**ITEMS FROM COMMISSION:** None.

**ITEMS FROM STAFF:** Staff stated that they would like to know which Commissioners would like to receive a hard copy of the meeting packets and which would prefer to receive an electronic copy only. Staff stated they would check in with each Commissioner after the meeting.

**ADJOURNMENT:** Motion by Russell, seconded by Mulligan to adjourn the October 2, 2024 Zoning Advisory Commission meeting. Motion carried by the following vote: Aye – Christ, Lohrmann, Norton, Russell, Zuccaro, and Mulligan; Nay – none.

The meeting adjourned at 6:18 p.m.

Respectfully submitted,



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Shena Moon, Associate Planner

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**November 6, 2024**

Adopted