

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, May 7, 2025

City Council Chambers, Historic Federal Building

Commissioners Present: Chairperson Matt Mulligan; Commissioners Martha Christ, Carrie Lohrmann, and Rich Russell

Commissioners Excused: Commissioners Troy Froistad, Pat Norton, and Teri Zuccaro

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 Christ, seconded by Russell, to approve the minutes of the April 2, 2025 meeting. Motion carried by the following vote: Aye – Christ, Lohrmann, Russell, and Mulligan; Nay – none.

ACTION ITEM/FINAL PLAT: Application of the City of Dubuque to approve the Final Plat of Cedar Ridge Farm Place No. 21.

Bob Schiesl, Assistant City Engineer, spoke on behalf of the application. He explained that an adjacent neighbor of the subject parcel approached the City about buying some of the land. He said the City decided it did not need to keep this parcel and then decided to split the parcel into four smaller parcels and offer to sell them to each of the adjacent neighbors. He said two of the property owners accepted the offer to purchase the land and two declined.

Staff Member Schrobilgen detailed the staff report, noting the submitted Plat of Survey of Cedar Ridge Farm Place No. 21 would create four parcels. He explained that since none of them would have frontage along a public or private street, that this requirement would need to be waived. Staff noted that the lots are labeled as unbuildable on the proposed plat and that if the lots were to be consolidated with adjacent property that has street frontage, then the unbuildable label would be lifted at that time.

There were no questions or concerns from the Commission.

Motion by Russell, seconded by Christ, to approve the Final Plat of Cedar Ridge Farm Place No. 21 as submitted subject to waiving the street frontage requirement for Lot 1,

Lot 2, Lot 3, and Lot 4. Motion carried by the following vote: Aye – Christ, Lohrmann, Russell, and Mulligan; Nay – none.

ACTION ITEM/FINAL PLAT: Application of the City of Dubuque to approve the Final Plat of Southwest Arterial Plat 1.

Bob Schiesl, Assistant City Engineer, spoke on behalf of both of the proposed Southwest Arterial plats. He explained that since the Southwest Arterial is now complete, the City is responsible for resurveying and replatting the land around the roadway interchanges. He said that some property will be designated to the Iowa Department of Transportation, and the City will retain the rest. Referring to the plat map, he explained the division of land and who will own each part.

Staff Member Schrobilgen detailed the staff report, noting the parcels in the submitted Plats of Survey of Southwest Arterial Plat 1 and Southwest Arterial Plat 2 do not need waivers as they have street frontage adequate street frontage and are in substantial conformance with the Unified Development Code.

There were no questions or concerns from the Commission.

Motion by Christ, seconded by Lohrmann, to approve the Final Plat of Southwest Arterial Plat 1 as submitted. Motion carried by the following vote: Aye – Christ, Lohrmann, Russell, and Mulligan; Nay – none.

ACTION ITEM/FINAL PLAT: Application of the City of Dubuque to approve the Final Plat of Southwest Arterial Plat 2.

Bob Schiesl, Assistant City Engineer, spoke on behalf of both Southwest Arterial plats as noted above.

Motion by Christ, seconded by Russell, to approve the Final Plat of Southwest Arterial Plat 2 as submitted. Motion carried by the following vote: Aye – Christ, Lohrmann, Russell, and Mulligan; Nay – none.

PUBLIC HEARING/REZONING: Application of Luke and Julie Merfeld to rezone property located at 405 and 575 Cedar Cross Road from R-1 Single-Family Residential to R-3 Moderate Density Multi-Family Residential zoning district.

Luke Merfeld, 10713 Cottingham Road, spoke on behalf of his application. He explained they are now trying to rezone to R-3 after City Council sent their request for R-4 back down to the Commission.

Mike Reinert, 401 Cedar Cross Road, expressed opposition, saying that he thought R-2 would be better. He said that R-3 zoning would bring intrusions, noise, and other negative attributes in this R-1 area. He wondered if the sanitary sewer system had capacity for this development.

Carol Maas, 3095 Nightengale Lane, asked the Commission to consider potential impacts for adjacent homeowners. She asked if neighbors will be notified of development plans for the property. Associate Planner Moon stated that she would address that question during the staff report. Ms. Maas stated that the other businesses on the street are good neighbors, and she wants something that fits in.

Mr. Merfeld stated that the goal is to sell the property, but they don't want anything bad to be developed on the property either.

Staff Member Moon detailed the staff report. She explained how City Council remanded the R-4 rezoning request back to ZAC to consider R-3 zoning. She reviewed characteristics of the subject property and the vicinity. She explained the permitted uses of the R-3 zone and compared that to both the R-1 zone and R-4 zone, noting that R-3 allows up to a maximum of six (6) units to be developed on a parcel provided any development would adhere to the bulk regulations established in the R-3 zoning district. She responded to Ms. Maas' question and said that the rezoning request provides for the public input process and that the development review process does not require public notification or allow for public input. Staff Member Moon noted that development proposing more than two residential units would require review by the city's Development Review Team and during that process the project would be evaluated to ensure it is complying with all site development requirements as well as other applicable city codes. She noted that water and sanitary sewer are available near the property and that the City would evaluate any proposed project to ensure there is adequate sanitary sewer capacity. Staff Member Moon noted how the proposed rezoning would be in concurrence with some Comprehensive Plan recommendations. She also noted that staff had received a letter of from Carol Maas and received a phone call from a neighbor, Sandy Ronek, who expressed concerns primarily with the potential traffic impacts.

Commissioner Russell asked whether the area of 405 Cedar Cross Road would allow six units to be developed. Staff Member Moon said that each unit requires 2,000 square feet of lot area, so with 15,000 square feet, there would be enough area but concluded that other bulk regulations must also be met such as setbacks and parking requirements.

Commissioner Lohrmann asked if the two lots together would allow 12 units, and Staff Member Moon replied yes, but noted that the smaller lot may be restricted as parking, setbacks, and lot coverage requirements would need to be met. Commissioner Lohrmann asked about R-2 and R-4 bulk regulations, and Staff Member Moon shared the bulk regulation requirements for those zoning districts. Commissioner Lohrmann noted the previous rezoning requests for the subject property were for CS and also for R-4. Staff confirmed this and explained the CS zoning was ultimately approved for 595 Cedar Cross Road only.

Motion by Mulligan, seconded by Christ, to recommend approval of the rezoning request for 405 and 575 Cedar Cross Road from R-1 Single-Family Residential to R-3 Moderate

Density Multi-Family Residential zoning district as submitted. Motion carried by the following vote: Aye – Christ, Lohrmann, Russell, and Mulligan; Nay – none.

PUBLIC HEARING/REZONING: Application of Yaroslav (Slavik) Nakonechnyy to rezone property located on Radford Road from Planned Unit Development with PI-Planned Industrial designation to Planned Unit Development with PR-Planned Residential designation.

Tom Larsen, Buesing & Associates, 1212 Locust Street, spoke on behalf of the applicant. He explained that they are requesting to rezone to Planned Unit Development with PR-Planned Residential (PUD-PR) in order to construct four 18-plex apartment buildings. He noted there are apartments to the north. He explained that the development would be phased to help with sanitary sewer issues. He noted that stormwater detention would be provided on site.

There was no public input.

Staff Member Schrobilgen detailed the staff report. He noted that PUDs require a conceptual development plan, and the proposed plan is for four (4) 18-unit multi-family residential buildings totaling seventy-two (72) units. He said they exceed the requirement of 1.5 parking spaces per dwelling unit for multi-family residences. He noted that the Iowa DOT considers this portion of Radford Road a local street and that it is adequate for any additional traffic that would be generated. He said this property has been zoned PUD-PI since 1980, and this new PUD would be similar to the apartment complex to the north. He clarified that sidewalks would be required, and the project would add workforce housing to the area.

Staff Member Moon added that the subject site would be affected by the currently sanitary sewer capacity challenges that the city is working to actively resolve. She stated that the applicant has been made aware of this during the conceptual plan review with the Development Review Team and that the applicant will need to continue working with the City Engineering Department regarding the matter.

Chairperson Mulligan asked if this development parcel was carved out of another, and Schrobilgen replied no, this parcel was already established as part of the Dubuque Industrial Center West PUD.

Commissioner Russell asked if they could build more apartments on the north side of this property, and Schrobilgen replied that they would need to amend the PUD to include additional units on property and/or to make any substantial changes to the approved conceptual development plan.

Motion by Christ, seconded by Lohrmann, to recommend approval of the rezoning request for property located on Radford Road from Planned Unit Development with PI-Planned Industrial designation to Planned Unit Development with PR-Planned Residential designation as submitted. Motion carried by the following vote: Aye – Christ, Lohrmann, Russell, and Mulligan; Nay – none.

PUBLIC HEARING/REZONING: Application of the Dubuque Metropolitan Area Solid Waste Agency to rezone property located at 101 Airborne Road from AG Agriculture to HI Heavy Industrial zoning district.

Ken Miller, DMASWA administrator, spoke on behalf of the application. He explained that the landfill's long-range plan includes rezoning these parcels to facilitate landfill expansion to provide capacity for over 190 years. He explained the process of creating the long-range plan, which included public meetings. He displayed a map of the planned landfill expansion cells and the projected timeline of how long the cells would take to reach their capacity. Mr. Miller acknowledged that one of the parcels has a restrictive covenant and stated that it is not planned for a landfill cell. He said that property may have other uses, such as vehicle storage.

Mr. Miller noted that the eventual goal for landfill property is to cap it as a nature preserve. He said this project will go through several regulatory reviews and that rezoning was the first step in that process. He said they will work with the Army Corps of Engineers to relocate the creek, though it would not be impacted for 70 years, though the timing is subject to study.

Mr. Miller explained that they will maintain the current entrance to the landfill on Airborne Road. He said that with the new customer convenience center, only commercial truck traffic will come through to the landfill, which is currently about 48% of vehicles, or 100-150 trucks per day. He stated that the land in these parcels won't be touched for 75-100 years, except for any required creek relocation work.

Commissioner Lohrmann asked for clarification about the map of future cell development and when the next cell would be used. Mr. Miller explained the current cell has 15 years of capacity, so they wouldn't start construction of the new cell for at least 10 years or so and that they would start with the cells closer to the highway. Commissioner Lohrmann asked about the cells that are capped and closed, and Mr. Miller detailed that process.

Commissioner Russell asked if how projected disposal rates compared to current rates. Mr. Miller responded that they peaked during COVID and have dropped to about 170,000 tons per year. He said there is some uncertainty since DMASWA operates as a regional facility on the state border. He said they want to avoid the situation Cedar Rapids is having where they only have 10 years of capacity left and no option to expand. He said that having to truck to another landfill would significantly increase the cost of services for the region and they were planning head to avoid that.

Commissioner Russell asked with the City's sustainability goals whether there are efforts to reduce waste. Mr. Miller described several diversion programs for recycling, glass, household hazardous waste, batteries, composting, tires, and appliances. He noted that the influx of online shopping increases waste, and they advocate for producer responsibility in packaging in particular.

Commissioner Lohrmann asked what happens to the land when it's not in use, such as becoming a nature preserve. Mr. Miller explained how that would be possible with DNR approval. He also noted that the farmland in the proposed rezoning area could still be farmed until it's phased in. He noted that with permitting, they will go to RFP for design of the phases and cells.

Steve Ingalsbe, 15680 Estate Lane, noted his property is part of the former Jennings Farm, which was laid out 20 years ago with the agreement that it wouldn't be used for landfill purposes. They are on private wells, and he is concerned about the landfill expanding toward them and that this rezoning would open the door for landfill activities.

Glen Beck, 15591 Estate Lane, stated that he bought the property knowing that a landfill could not expand there. He said that if it's zoned HI, it's more likely the landfill will expand, which will lower their property value in this beautiful area.

Lance Hummel, 15633 Estate Lane, stated that he's in close proximity to the land to be rezoned. He submitted a petition of opposition with 39 signatories. He said he felt the process did not have adequate notification or transparency. He said that land was sold with the understanding that it would not be used as a landfill.

Commissioner Russell asked for clarification about which parcel was under the covenant, and Staff Member Schrobilgen displayed it. Staff Member Moon said they discussed the covenant with the City Attorney, and it is a private agreement between DMASWA and the previous owner, and a change in zoning would not affect the agreement, which will remain in place. Mr. Hummel questioned the purpose of rezoning if the covenant would not allow DMASWA to have a landfill on that property.

Steve Olson, 11046 Cottingham Road, questioned by the rezoning is occurring now if the property to be rezoned won't be used for at least 70 years. He said his kids use the creek. He said he is averse to noise and heavy machinery, and the land should stay zoned as AG.

Kari Voss, 11140 Cottingham Road, said there is a covenant, and why rezone it if it doesn't need to be used now.

Mr. Miller responded that the Iowa DNR needs this property rezoned in order to permit landfill activities. He said they are planning for 208 years, and this design takes into account the 1500' buffer from the nearest residential property. He said rezoning it would give potential future development in the area knowledge of the future use. He said they are not planning to use the property with the covenant as landfill. He said it is owned by DMASWA and leased to the Jennings family. He said that work at DMASWA does not occur at night.

Commissioner Lohrmann asked how the concept map fits with homeowners. The map was displayed superimposed over the aerial map. Mr. Miller stated they are staying outside of the land with the covenant and maintaining the 500' required setback, and

1500' setback from wells. Commissioner Lohrmann asked how many parcels are being requested to rezone, and Staff Member Schrobilgen replied that it's a portion of two, and all of one. Miller noted that farming activity will be allowed to continue for decades. Commissioner Lohrmann asked who owns the southern parcel, and Mr. Miller replied DMASWA, and they agreed to the covenant after the sale of the property. Commissioner Lohrmann asked if the rezoning would break the covenant, and Staff Member Moon replied no, the covenant is a private agreement that would remain in place. Mr. Miller replied the intent would be not to use the property affected by the covenant as a landfill cell. Commissioner Lohrmann noted that if a landfill use was not permitted in this area then perhaps they should consider an alternative zoning district for that property to provide additional protection for the adjacent property owners.

Staff Member Duba detailed the staff report. He described the characteristics of the subject property and surrounding area. He noted the history of the parcels in question, which were annexed into the City in 2011. He explained the work that goes into preparing land for landfill use to reduce environmental effects. He listed the conditions on the HI zoning applied to the rest of the landfill, which the Commission could consider.

Staff Member Moon explained the public input map, public notification requirements, and 200' notification boundary. She said 11.7% of the land area in notification boundary was opposed, which is below the 20% needed to require a City Council supermajority for approval.

Chairperson Mulligan asked for the landfill plan map to be superimposed over the aerial map and to show the parcel with the deed restriction. Staff Member Moon displayed a map.

Commissioner Lohrmann said she understood the long-term plan, but that didn't obscure the potential problem of Heavy Industrial zoning adjacent to residences. She stated she would vote no on the proposal as submitted, because the property owners have a right to a zoning buffer.

Motion by Mulligan, seconded by Russell to recommend approval of the rezoning request for the Dubuque Metropolitan Area Solid Waste Agency to rezone property located at 101 Airborne Road (PIN 1401400003 and portions of PINs 1401251002 and 1401400002) from AG Agriculture to HI Heavy Industrial zoning district with the following conditions:

1. The permitted uses for this Heavy Industrial District shall be limited to the following:
 - a. Automated gas station
 - b. Freight transfer facility
 - c. Resource recovery/recycling center (indoor only)
 - d. Railroad or public or quasi-public utility, including substation
 - e. Sanitary landfill
2. The conditional uses for this Heavy Industrial District shall be limited to the following:
 - a. Wind energy conversion system

Motion carried by the following vote: Aye – Christ, Russell, and Mulligan; Nay – Lohrmann.

ITEMS FROM PUBLIC: None.

ITEMS FROM COMMISSION: Commissioner asked if the minutes could reflect why a commissioner votes no, and Staff Member Moon replied yes, this is included, and it's important for commissioners to articulate their positions. She also noted the meetings are recorded.

Planning Services Director Wernimont explained that the council receives draft minutes which include the vote for each item.

ITEMS FROM STAFF:

- City of Dubuque Goal Setting for Fiscal Year 2026

Staff Member Moon displayed the documents. Commissioner Russell asked if the Future Land Use Plan was part of the UDC. Staff Member Moon explained that it's part of the comprehensive plan, and it will be brought to the ZAC when future reviews/updates are proposed.

ADJOURNMENT: Motion by Christ, seconded by Mulligan to adjourn the May 7, 2025 Commission meeting. Motion carried by the following vote: Aye – Christ, Lohrmann, Russell, and Mulligan; Nay – none.

The meeting adjourned at 7:52 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

June 4, 2025

Adopted