



Approved

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, August 6, 2025
City Council Chambers, Historic Federal Building

Commissioners Present: Chairperson Matt Mulligan; Commission Members Rich Russell, Troy Froistad, Carrie Lohrmann, and Martha Christ

Commissioners Excused: Patrick Norton and Teri Zuccaro

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

PUBLIC HEARING/REZONING: Application of Zoe Zein to rezone property located at 705 Caledonia

Chairperson Mulligan noted that the applicant had submitted a request to table the rezoning request to a future meeting.

Motion by Christ, seconded by Russell, to table the request to a future meeting. Motion carried by the following vote: Aye – Christ, Froistad, Lohrmann, Russell, and Mulligan; Nay – none.

PUBLIC HEARING/REZONING: Application of Sherry Ehrlich to rezone property located at 32 West 32nd Street.

Tom Larsen, Buesing and Associates, spoke on behalf of the applicant. He noted that the applicants are looking to construct a realty office on the site. He said they are working on site layout that would have parking located in the rear with green space out front along 32nd Street. He noted that a general office use shouldn't generate much traffic volume and that the applicant does not intend for the office to negatively impact the neighboring properties. He noted the surrounding zoning districts and stated that the proposed OR would be a transitional buffer between the residential zoning districts and

other adjacent uses and zoning districts. He stated that a site plan would require review by city staff and that the applicant would need to meet city code requirements. He stated that parking would be provided on the site.

Jonie Heitzmann, 3152 W 32nd Street, spoke in opposition to the request on behalf of herself and her husband, Ron Heitzmann. She stated that she researched the OR zoning district, and she noted that the OR district allows more principal permitted uses than the R-1 district, and that the uses in the OR would not fit the neighborhood. She stated that while she wasn't initially concerned about a smaller real estate office, the potential for other uses that would be permitted in the OR district do concern her. She said she believes this to be spot zoning and that spot zoning benefits the property owner and not the neighborhood. She said she felt that the proposed uses would not benefit the neighborhood. She said she chose her property because of the R-1 neighborhood and appreciates the proximity to the trail. She said the Northwest Arterial is not always great to live by, but it provides a natural transition from single-family to higher intensity uses to the north. She said the neighborhood previously opposed a request for an R-4 zoning on a neighboring property and the developer changed their plan, subdivided the property, and constructed two single-family residences.

Genevieve Voss, 3160 W 32nd Street, spoke in opposition to the request on behalf of herself and her husband, Richard Voss. She noted that they bought their home in an R-1 district and expected the neighborhood would remain single-family. She expressed her concerns around vehicles parking along 32nd Street. She stated that the lot could be used for two single-family dwellings which would be a better fit for the neighborhood.

Tom Larsen responded to the public comments. He noted that parking would need to be provided on the property and that a real estate office would generate a low volume of traffic.

Staff Member Moon detailed the staff report noting that the site is surrounded primarily by R-1 zoning to the south and east and that there is an OS Office Service zoning district to the west which could allow for similar uses as the proposed OR district. She noted the C3 and R-3 zoning districts located across the Northwest Arterial. She discussed the public notification requirements and stated that staff did receive several letters of opposition which have been shared with the applicant and the commission. She shared a public opposition map and noted that because more than 20% of the notified property owners are in opposition to the request that it would require a super majority vote at the City Council to be approved.

Staff Member Moon shared a chart which outlines the principal permitted uses in the R-1 and OR zoning districts. She noted the uses that are permitted in both zoning districts and that the OR zoning district is generally a transitional district between residential and commercial uses. She noted that the OR district would not allow for a single-family or two-family dwelling unless it is located within an existing structure, but that it would allow for the construction of a townhome. Staff Member Moon stated that the Commission may wish to consider whether a conditional rezoning would be

appropriate as that would allow for the Commission to approve certain uses in the OR district that they felt might be appropriate and omit others that they do not find appropriate for the subject site.

Staff Member Moon addressed the discussion regarding spot zoning and stated that spot zoning can be more nuanced than just one zoning district within a sea of a different zoning district. She stated that there may be instances in which a zoning district may be appropriate as it may provide services or uses that would benefit the neighborhood such as a corner store in a residential neighborhood. She noted the OS district across 32nd Street highlighting the proximity of that district to the subject property.

Staff Member Moon clarified that the site is around 21,000 square feet in area and the lot could potentially be subdivided to create two single-family lots; however, a challenge of this property is establishing a safe access point from 32nd Street on to the site. She noted that the property is located on a curved portion of 32nd Street and that safe access to the site would be reviewed no matter the property use. She noted the applicant is actively working with the Engineering Department to consider the safest point of access. She noted that parking along 32nd Street would not be allowed. She stated that parking would need to be provided on the subject property and that the parking requirements would be based on the use. Staff Member Moon noted that a site plan review would be required for any residential development of more than two units and any commercial uses.

Commissioner Lohrman asked if the property had a building currently and staff noted that the lot was vacant and clarified that single-family and two-family dwellings would be allowed in an existing building only.

Commissioner Russell questioned who owned the OC district to the west and staff clarified that it is owned by the City of Dubuque and it is platted as part of the public right-of-way.

Commissioner Lohrman stated that she does not find the rezoning appropriate. She said the neighbors have battled to keep the area R-1, noted the arterial is a natural break between residential and commercial uses, and said there is no benefit to the neighborhood in switching to OR.

Commissioner Russell stated that he agrees with the applicant representative that parking and traffic would have a minimal impact but agrees that the arterial is a natural break between residential and commercial uses.

Commissioner Froistad noted that he agreed with his fellow Commissioner. He asked if the parcel had unseen issues that would explain why it has been on the market for so long or why it hadn't been developed to-date. Staff noted that there are no major site constraints from the City's perspective and that the property is developable. He stated he was opposed the OR zoning.

Commissioner Christ questioned how many multi-family residential units could be constructed on the property. Staff stated that based on site area alone in the OR district a maximum of 19 dwelling units could be constructed; however, the calculations do not take into consideration other development requirements such as open space, parking spaces, drive aisles, etc. which would reduce the buildable area of the site. Commissioner Christ that it is worth considering what could be the lesser of 'two evils' when considering a multi-family residential use versus a smaller office use. Staff clarified that any future rezoning requests would require review by the Zoning Advisory Commission and City Council.

Chairperson Mulligan noted that a conditional rezoning could be considered but it would still be rather vague. He stated that in this case a site plan would be helpful to see during the rezoning request as low intensity office use might be an acceptable use here. He concluded that residential seems more appropriate.

Motion by Russell, seconded by Mulligan, to recommend approval of the rezoning as submitted. Motion denied by the following vote: Aye – None.; Nay – Christ, Froistad, Lohrmann, Russell, and Mulligan.

ITEMS FROM PUBLIC: None

ITEMS FROM COMMISSION: None

ITEMS FROM STAFF:

Election of Officers: The Commission discussed election of officers and determined that they would vote next month.

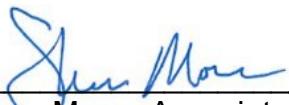
Amendment of the by-laws: Motion by Lohrman, seconded by Mulligan, to amend the by-laws to reflect a September date for the Election of Officers.

Oaths of Office: Commissioner Mulligan read the Oath of Office into the record.

ADJOURNMENT: Motion by Christ, seconded by Lohrman to adjourn the August 6, 2025 Commission meeting. Motion carried by the following vote: Aye – Christ, Froistad, Lohrmann, Russell, and Mulligan; Nay – none.

The meeting adjourned at 6:47 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

September 3, 2025

Adopted