



# Approved

MINUTES  
CITY OF DUBUQUE ZONING ADVISORY COMMISSION  
REGULAR SESSION

6:00 p.m.

Wednesday, June 5, 2019  
City Council Chamber, Historic Federal Building

**Commissioners Present:** Chairperson Tom Henschel; Commissioners Pat Norton, Rich Russell, Laura Roussell, and Steve Baumhover; Staff Members Kyle Kritz, Guy Hemenway and Travis Schrobilgen.

**Commissioners Excused:** Martha Christ and Michael Belmont.

**Commissioners Unexcused:** None.

**CALL TO ORDER:** The meeting was called to order by Chairperson Henschel at 6:01 p.m.

**AFFIDAVIT OF COMPLIANCE:** Staff presented an Affidavit of Compliance verifying the meeting was being held in compliance with the Iowa Open Meetings Law.

**MINUTES:** Motion by Roussell, seconded by Norton, to approve the minutes of the May 1, 2019 Zoning Advisory Commission meeting as submitted. Motion carried by the following vote: Aye – Norton, Russell, Roussell, Baumhover and Henschel; Nay – None.

**Rezoning:** Application of Maximo Damaso, 1961 Central Avenue, to rezone property from C-4 Downtown Commercial zoning district to OC Office Commercial zoning district.

Maximo Damaso, 2620 Pearl Street, discussed his proposal, noting that the current street level commercial spaces have been 95% vacant the last several years. He said he would like to convert the first-floor commercial spaces to residential in an effort to rent them.

Commissioner Russell asked the applicant if the storefronts are currently occupied. Mr. Damaso said they are currently vacant. Commissioner Roussell asked how many units Mr. Damaso intended to add to the first-floor commercial space. Mr. Damaso replied he intended to add three units.

Staff Member Hemenway outlined the staff report, stating that Mr. Damaso's intent is to convert the first floor of his building at 1961-1965 Central Avenue from a commercial

storefront to a residential space. He noted the building's location on Central Avenue and stated it was originally designed and built at the turn of the century as a classic commercial storefront with two stories of apartments above. He said that the property is currently zoned C-4 Downtown Commercial district and that the intent of prohibiting first floor residential use is to maintain a critical mass of commercial and retail activity at the street level. He said that there is no parking available on the site as the structure is built up to both sides of the lot, making the back yard inaccessible. He discussed the City's efforts to improve the Central Avenue Corridor that he said included proposals for additional landscaping and infrastructure, street improvements and traffic modifications. He said that Central Avenue will be changing from one-way to two-way.

Commissioner Norton asked staff to clarify the address. Staff Member Hemenway noted that there are two storefronts addressed 1961 and 1965 Central Avenue.

Commissioner Russell said that he thinks it is important to keep the critical mass of commercial activity at the street level. Commissioner Roussell said she felt that the Comprehensive Plan encouraged mixed-use development which she noted is the building's current use.

Commissioner Norton said that he is not in favor of the request and would be much more amenable to the change if the programs and improvements to the Central Avenue corridor do not change the commercial dynamic. He said these may help the applicant rent his storefront. Commissioner Baumhover said that he is confident that programs will be available that would help with the commercial atmosphere along Central Avenue and help improve property owners' success.

Motion by Roussell, seconded by Baumhover, to approve the rezoning of 1961 and 1965 Central Avenue from C-4 Downtown Commercial zoning district to OC Office Commercial zoning district. Motion was denied by the following vote: Aye – none; Nay – Norton, Russell, Roussell, Baumhover and Henschel.

**Rezoning:** Application of Bard Materials / Ben Schroeder, Lot 9 Seippel Court, to rezone property from AG Agricultural zoning district to MHI Modified Heavy Industrial zoning district.

Ben Schroeder, P O Box 247, Dyersville, IA, outlined his proposal for the Commission. He said that he had conducted a neighborhood meeting, inviting all the property owners within 800 feet of the subject lot. He discussed the property's history and detailed traffic patterns in the existing location. He said traffic congestion at his existing location is tight and that he would like to upgrade and re-locate the plant.

He introduced Jacob Craig as his plant engineer. He said that the batch plant would be located on the subject lot when it is not located on other remote sites. He discussed the site development, which he said would include an office and shop building and engineered septic and storm water management. He said that the site and his business are regulated by a number of governmental entities to ensure safety, security

and compliance with environmental regulations. He said that shifting the plant should improve the traffic patterns in the area and he said he is still subject to oversight by the City as his project proceeds.

Commissioner Russell asked if the Bard is intent on bidding for paving for the Southwest Arterial project. Mr. Schroeder said they would bid on portions of the job, but he said that the highway surface will be mostly asphalt, which he said they do not produce.

Staff Member Kritz outlined the staff report, noting a recent change in zoning of the property from CS to AG, which he said occurred last year. He said that the area is not serviced by sanitary sewer. He discussed the surrounding land use and zoning. He said that the property was annexed in 2003 and had been rezoned from County M-1 (Industrial) to CS Commercial Service, and then just recently, to AG. He referenced an aerial photo of the site and noted the mixed-use nature of the surrounding land uses. He said that commercial and industrial activity dominates the area. He discussed the uses allowed under the MHI Modified Heavy Industrial district, stating that all the uses would be permitted, not just what the applicant is proposing.

Commissioner Norton asked staff what the batch plant is considered. Staff Member Kritz noted it would be considered primarily manufacturing as it combines various raw materials to make a final product.

Chairperson Henschel asked if any letters had been submitted by the public. Staff Member Kritz stated that staff had received no correspondence.

Commissioner Norton asked about screening requirements. Staff Member Kritz said that screening would be required along the common lot line between the residentially and industrially zoned properties. He said it may take the form of fencing or plantings or any combination thereof.

Commissioners discussed the proposal, stating they felt it was appropriate due to the mixed-use character of the neighborhood and the surrounding industrial activity.

Staff Member Kritz noted that any development on this lot would require that it meet all City codes for fire, storm water management, water distribution, and that these issues would be reviewed through the Development Review process.

Commissioners discussed the request and felt it was appropriate.

Motion by Russell, seconded by Roussel, to approve the rezoning from AG to MHI. Motion carried by the following vote: Aye -Norton, Russell, Roussel, Baumhover and Henschel; Nay – None.

**ITEMS FROM PUBLIC:** None.

**ITEMS FROM COMMISSION:** Commissioner Roussell asked that the staff schedule a presentation of the Imagine Dubuque Implementation Plan at a future date. Staff Member Kritz said that he would discuss the request with the Imagine Dubuque staff and ask them to schedule a presentation for the Commission's consideration.

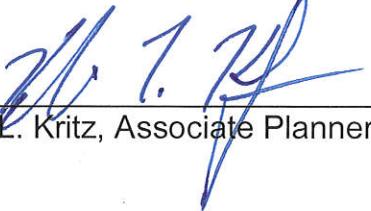
**ITEMS FROM STAFF:** Staff Member Kritz noted that Commissioners Belmont and Norton are required to renew their applications if they want to continue serving on the Commission, and that Commissioner Roussell's status is in question if she were to be elected to the City Council.

Commissioners discussed future membership of the Commission.

**ADJOURNMENT:** Motion by Baumhover, seconded by Russell, to adjourn the June 5, 2019 Zoning Advisory Commission meeting. Motion carried by the following vote: Aye -Norton, Russell, Roussell, Baumhover and Henschel; Nay – None.

The meeting adjourned at 6:35 p.m.

Respectfully submitted,

  
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Kyle L. Kritz, Associate Planner

  
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Adopted