

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, May 6, 2020

Virtual Meeting

The Zoning Advisory Commission met at 6:00 p.m. on Wednesday, May 6, 2020. Due to the COVID-19 pandemic and mandates for social distancing, this meeting was conducted virtually.

Commissioners Present: Vice Chairperson Martha Christ; Commission Members Pat Norton, Rich Russell, Steve Baumhover, Matthew Mulligan, Rebecca Kemp and Brittany Loeffelholz

Commissioners Excused: None

Commissioners Unexcused: None

Staff Members Present: Wally Wernimont, Guy Hemenway and Travis Schrobilgen

CALL TO ORDER: The meeting was called to order by Vice Chairperson Christ at 6:00 p.m.

MINUTES: Motion by Baumhover, seconded by Norton, to approve the minutes of the March 4, 2020 meeting as submitted. Motion carried by the following vote: Aye – Norton, Baumhover, Mulligan, Russell, Kemp, Loeffelholz and Christ; Nay – none.

Vice Chairperson Christ briefed the audience on the order of the cases, order of public input and voting as well as general protocol regarding virtual meetings.

PUBLIC HEARING

REZONING-TRADITIONAL: Application of Steve Emerson: 3000 Jackson, LLC to rezone property located at 3000 and 3040 Jackson Street to rezone from LI Light Industrial zoning district to C-4 Downtown Commercial zoning district.

Steve Emerson, 3888 Lewis Bottoms Road, Shellsburg, Iowa and his engineer, Steve Thompson, noted that the intent is to rezone the subject property from LI Light Industrial district to C-4 Downtown Commercial district to allow the renovation and repurposing of the former H & W buildings at 3000 and 3040 Jackson Street. They stated that this would enable them to convert the currently vacant and deteriorated buildings to a mixed-use development with commercial and office uses on the ground floors and upper story residential use.

Mark Willging – 890 Main Street, attorney representing S&R Properties, which has adjacent property to the north and east, spoke in opposition to the proposal. He said the adjacent light Industrial uses were noisy and have been at that location since 1948. He noted that the proposed uses would not be compatible with the adjacent uses. He said that there would not be a buffer between the light industrial and residential uses. He noted that the original zoning was not an error, pointing to the current uses in the area. He said that conditions had not materially changed; therefore, the request does not meet the criteria established for a rezoning.

Steve Emerson said that he understands the issues brought up by Mr. Willging. He pointed out that his company have other developments near railways or industrial property. He noted that residential uses are required to fill funding gaps and that most of the residences will be on the 30th Street side of the development.

Staff Member Hemenway detailed the staff report noting the building's history as a brewery and more recently as an auto shop and illegal auto salvage business. He said that the property has been in violation of city code regarding its most recent use. He stated that approximately 50% of the 2.8-acre lot is covered with structures. He noted the proposal conforms with the comprehensive plan by creating mixed use areas and supporting infill development.

Staff Member Hemenway summarized the traffic study noting traffic will likely remain at acceptable levels of service since Flexsteel and other businesses in the area have recently moved or reduced their labor force. He noted that public transit is available to the location and that there is direct access to the heritage trail system. He said the proposal meets sustainability goals and would reinvigorate the neighborhood. He also pointed out that many of existing residences in the neighborhood are closer to the adjacent light industrial development than those residential units proposed by the applicant.

Staff member Hemenway noted that the Light Industrial zoning district is no longer typified by structures such as the existing multi-story brewery building since nearly all modern industrial uses prefer more efficient single-story metal frame structures. He stated that circumstances and conditions have changed, and that the neighborhood is in transition.

Commissioner Norton asked whether the traffic study has been reviewed by City Engineering Department staff. He said that traffic has been an issue with other recent developments and that he hopes that the traffic study will be reviewed and will not stop development as it moves forward. Staff member Wernimont noted that development will require that a site plan be reviewed and approval by all appropriate departments. Staff member Hemenway reiterated that Flexsteel has recently relocated, reducing traffic volume which he said is not factored into the study.

Commissioner Russel asked how close the primary stamping equipment was to the

subject property. Staff member Wernimont used the City's geographic information system and measured the distance to the nearest industrial building. He said that he could not verify where the stamping equipment was located.

Commissioner Norton noted that Dubuque Stamp was there first and that he expects the developer assumes the risks associated with the noise and industrial activity around the development.

Commissioners discussed the request and felt that the use of the building and surrounding conditions had so materially changed that the rezoning was warranted. They noted that the H & W building serves to buffer the adjacent residential properties from the industrial activity to the north and that renovation of the deteriorated building will likely have a positive effect on the neighborhood. They also noted that the proposal meets the goals set forth in the comprehensive plan.

Motion by Norton, seconded by Kemp, to approve the rezoning as submitted. Motion carried by the following vote: Aye – Norton, Baumhover, Mulligan, Russell, Kemp, Loeffelholz and Christ; Nay – none.

Text Amendment: Application of the City of Dubuque to define Community Gardens as “a publicly- or privately-owned parcel where people gather to grow produce and flowers.” and to list Community Gardens as a permitted use in all Residential and OR Office Residential districts.

Staff Member Hemenway said that the request is to amend Chapter 2 and Article 3-8 of the Unified Development Code, noting that the intention is to define community gardens and to list them as a permitted use in all residential and office residential districts. He said that community gardens have already been developed in a number of residential neighborhoods throughout the city and that, although allowed as a “park or other natural area”, community gardens have not been defined in the Unified Development Code and listed as a permitted use in residential districts.

Staff said that, based on the popularity of community gardens and on inquiries from citizens, it was prudent to clearly define and list these gardens as permitted in all residential and office residential districts. Staff also discussed the benefits of community gardens that include furthering the City's goals regarding sustainability, beautification of vacant inner-urban lots, creation of vibrant green spaces and provision of educational opportunities and fresh and wholesome foods.

Staff also read into the record a letter of support. He noted there were no letters of opposition submitted.

Hilary Dalton, 1629 Washington Street, spoke in favor of the request and asked that staff read into the record the policy on chickens and bee keeping. Staff Member Hemenway noted that female chickens and ducks for egg production only are allowed as an accessory use in residential districts. He said that hens would be allowed as an

accessory use to community gardens. He also pointed out that bee keeping is neither permitted or prohibited by the Unified Development Code (UDC).

John Wegman, 1710 Jackson Street, spoke in favor of the request noting the benefits of community gardens.

Commissioners discussed the request and agreed that, given the popularity of community gardens and their manifold benefits to the city's neighborhoods, the proposed amendment was warranted.

Motion by Norton, seconded by Loeffelholz, to approve the amendment as submitted. Motion carried by the following vote: Aye – Norton, Baumhover, Mulligan, Russell, Kemp, Loeffelholz and Christ; Nay – none.

ITEMS FROM PUBLIC: None

ITEMS FROM COMMISSION: Chairperson Christ welcomed Commissioner Mulligan.

ITEMS FROM STAFF: None

ADJOURNMENT: Motion by Baumhover, seconded by Kemp to adjourn the May 6, 2020 Commission meeting. Motion carried by the following vote: Aye – Norton, Baumhover, Mulligan, Russell, Kemp, Loeffelholz and Christ; Nay – none.

The meeting adjourned at 6:55 p.m.

Respectfully submitted,



Wally Wernimont, Planning Services Manager

June 3, 2020
Adopted