



# Approved

**MINUTES  
ZONING ADVISORY COMMISSION  
REGULAR SESSION**

6:00 p.m.

Wednesday, October 7, 2020  
Virtual Meeting

Due to the COVID-19 pandemic and mandates for social distancing, this meeting was conducted virtually.

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

**Commissioners Excused:** None

**Commissioners Unexcused:** None

**Staff Members Present:** Wally Wernimont, Guy Hemenway, and Jason Duba

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

**MINUTES:** Motion by Kemp, seconded by Mulligan, to approve the minutes of the September 2, 2020, Zoning Advisory Commission meeting. Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Norton, Russell, and Christ; Nay – none.

**ACTION ITEM/FINAL PLAT:** Application of Weber Surveying, LLC., Mike Weber to approve the Final Plat of Decker Acres, 7985 Schueller Heights Rd., Dubuque County.

Mike Weber, surveyor, spoke on behalf of Decker Estates. He said that their intent is to subdivide the property so the three brothers can buy portions of the farm. He said that the Zoning Advisory Commission is reviewing the plat because it is within the City's two-mile extraterritorial jurisdiction.

Staff Member Wernimont detailed the staff report for the Decker Acres plat. He noted the plat subdivides three forty-acre tracts into five irregular parcels totaling 115 acres, as illustrated on the included map. He said that the plat as proposed, will result in five irregular lots, two of them being Lot 1 and Lot 2 of Decker Acres. He noted that all lots have the required frontage and exceed the minimum lot area requirement.

Commissioner Norton asked if the County had reviewed the plat. Staff member Wernimont stated that the Zoning Advisory Commission review plats first, then the

Dubuque City Council, and then Dubuque County conducts their review before it is sent to the County Recorder.

Motion by Norton, seconded by Mulligan, to approve the Final Plat of Decker Acres, 7985 Schueller Heights Rd., Dubuque, County as submitted. Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Norton, Russell, and Christ; Nay – none.

**ACTION ITEMS/WAIVER:** Application of Buesing & Associates, Inc., Patrick Norton to approve a Site Design Waiver from the UDC required landscape buffer yard reducing it from 7 feet to 2.5 feet in order to add parking and increase the drive-through lane queue length for property located at 2620 Dodge St.

Commissioner Member Norton recused himself and acted on behalf of owners/applicants.

Patrick Norton spoke on behalf of Buesing & Associates (1212 Locust), Plaza 20, and Starbucks. He cited existing traffic issues created by the Starbucks drive-thru. He said that last fall Plaza 20 widened the entrance to the shopping area at Devon Drive, and the current phase will relocate the entrance to the Starbucks drive-thru to the south to accommodate a 13-car queue. He noted that in doing so, there is an area created that will add parking, but a variance is needed to permit a 2.5' buffer instead of 7' buffer. He said that installation of a fence would not be advisable because vehicles will overhang the parking lot edge by two feet. He noted that, without the variance, they would have to eliminate 7 parking stalls.

Staff Member Hemenway outlined the Unified Development Code design standards stating the applicant is requesting a waiver of Chapter 13-4.6 regarding the required parking lot landscaping buffer. He said that based on a recent traffic study of the cueing problems for both the Starbucks and Dunkin Donuts restaurants, engineers have redesigned the drive through to accommodate 13 stacking spaces. He said that this reconfiguration has extended the Starbucks site to the south into the interior of the Plaza 20 development. He said that the applicant would like to expand the parking lot to the south, keeping it in line with the existing parking lot and provide a 2'6" wide landscape buffer along the western edge of the lot. He noted that requiring a 7-foot-wide landscape buffer would likely eliminate an entire row of six parking spaces.

Commissioners discussed alternatives to the fencing barrier and decided that ornamental grasses could be a good alternative. Staff member Hemenway stated that the City's site plan review process will require some screening, so vegetation could be an option. Staff and the applicant discussed curb stops but agreed that they posed maintenance and safety concerns. Mr. Norton addressed questions regarding access and egress from the frontage road.

Motion by Mulligan, seconded by Baumhover, to approve waiving specific requirements of the UDC required landscape buffer yard as submitted reducing it from 7 feet to 2.5

feet and to allow the site plan review process to determine the most appropriate buffer. Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Russell, and Christ; Abstain – Norton; Nay – none.

**PUBLIC HEARING/REZONING:** Application of Wilma McDonell to rezone property located at 785 Groveland Pl. from C-1 Neighborhood Commercial to C-3 General Commercial to allow for an auto sales lot.

Wilma McDonnel, spoke on behalf of her application, noting this property had been a beauty shop for 30 years. She said that they are willing to display however many cars the Commission felt were appropriate. She said that people use the internet to search for cars and will not need to come by the lot all the time.

Nick Bries, 2520 Stafford, discussed his business plan noting that his intent is to operate a small sales lot and have his son do vehicle detailing in the attached garage. He said that only four or five cars would be on the lot at any one time. He said that he used to run Big A car lot. He said that he understands concerns about parking. He said the lot would be kept clean and that there would not be old tires or parts lying around. Mr. Bries stated that he was willing to abide by any conditions that the Zoning Advisory Commission members felt necessary to mitigate any potential negative impacts to the neighborhood.

The following neighbors all spoke in opposition to the application:

- James Ploessl, 825 Harlan Street, expressed concerns with safety, traffic, noise, lack of space, and the chemical smells associated with detailing.
- William Stumpf, 741 O'Neill Street, said that past commercial uses here were more appropriate and stated that he shared neighbor's concerns with parking, traffic, noise, and future issues with upzoning the property.
- Terry and Bev Volkert, 745 Groveland Place, expressed concerns with traffic safety noting the potential for the loss of visibility at the alley intersection.
- David Giegerich, 2835 Argyle Street, expressed concerns for families and kids in the neighborhood, future C-3 uses, noting that this project would only benefit the seller.
- Mark Loney, 804 Harlan Street, expressed concerns with the impact on property values and safety on the street.
- Michelle Freisinger, 815 Harlan Street, stated that she felt that this is an incompatible use for this residential neighborhood.
- Eric Shrobelgen, 801 Goethe Street, expressed concerns with noise, parking, traffic safety, and for children and seniors in the area.
- Jade Angelica, 775 Groveland Place, asked who owns the property. She expressed concerns with other potential uses that she said may include a tattoo parlor and CBD sales. She said she was concerned with the impacts on parking, traffic, visibility, upzoning to C-3, noise, toxic materials, property values, and the inadequate rationale for this change.
- Nick Glennon, 725 Groveland Place, expressed concerns with customers test driving cars down the street.

Mr. Bries responded to concerns by stating they are not planning to park cars on the side of building, that there would only be three to four visitors a day and that the property is ultimately going to be used for some commercial purpose. He said that he remodeled the building and wants to provide his son an opportunity to conduct auto detailing. He said that he is willing to abide by any conditions the Commission may require.

Ms. McDonell said that traffic already speeds past the building noting that the beauty shop generated a lot of traffic.

Staff Member Hemenway read the names and addresses of those opposed that submitted letters or signed a petition. He summarized their concerns that he said included parking, incompatibility, traffic volume and safety, noise, the potential impacts of auto lot, and property value.

Staff member Hemenway said that the building has been operated as a commercial entity such as a grocery store, office and hair salon with upper story residential uses since it was built in 1947. He said that most of the former commercial uses were relatively low intensity neighborhood-oriented businesses. He said that the proposed rezoning to C-3 General Commercial district has the potential to introduce relatively intense commercial uses into a primarily single-family neighborhood. He noted that the amount of noise, activity, traffic and demand on parking that could result may be excessive given the proximity of the surrounding residential properties. He said that, in addition, the parking areas on the property are substandard with no well-defined access and no drive aisle thus requiring vehicles to back directly into the public right-of-way.

Staff member Hemenway clarified that property ownership is not required when applying for a rezoning, an auto detail shop is not permissible in a C-1 district, and that retail sales of CBD and a tattoo parlor may be permitted in a C-1. He said that the request to open an auto sales lot will have to be reviewed and approved by the Zoning Board of Adjustment as a variance for having too little lot area is required.

Commissioners asked for clarification regarding a rezoning application filed by someone other than the property owner. Staff member Hemenway explained that such a filing is allowed under state law, noting that the City has done so. Commissioners expressed concerns about the size of the lot and insufficient parking, to which Hemenway discussed the parking credit given the former use. Commissioners cited other concerns that included the incompatibility of uses and traffic safety and they stated that they felt that other locations would be more appropriate for auto sales. Commissioners applauded the applicant for trying to do something for his son, but still felt that the subject property is not appropriate for a C-3 district.

Motion by Norton, seconded by Baumhover, to approve rezoning 785 Groveland Pl. as submitted. Motion denied by the following vote: Aye – none; Nay – Baumhover, Kemp, Loeffelholz, Mulligan, Norton, Russell, and Christ.

**PUBLIC HEARING/REZONING:** Application of Brian Riniker to rezone a portion of Rustic Point Estates from R-1 Single-Family Residential to R-2 Two Family Residential property located 12481 Kennedy Rd.

Commissioner Member Norton recused himself, as he is the engineer of record.

Brian Riniker spoke on behalf of the development team of Rustic Point Estates. He noted that demand for townhouses has increased. He said that, if approved, the rezoning would make 9 of 47 lots in Phase 2 to be R-2. He said that the subject lots serve as barrier from John F Kennedy Road.

Staff Member Hemenway detailed the staff report, stating that the four subject lots abut existing R-2 zoned lots on the north and south, thus representing an expansion of the R-2 district. He said that all four subject lots have back yards that face either Kennedy Road or Derby Grange Road and all only have access to the interior Wagon Wheel Lane. He said that the potential for four additional units should have very little impact on traffic on the interior streets or on the intersections at Derby Grange and Kennedy Roads. He said that the lots will be adequately served by extension of City water and sanitary sewer from their terminus in the Wagon Wheel Road right-of-way. He said that the rezoning, if approved, would not significantly increase vehicular traffic or residential density.

Commissioners had no comments or questions.

Motion by Mulligan, seconded by Loeffelholz, to approve rezoning a portion of Rustic Point Estates from R-1 Single-Family Residential to R-2 Two Family Residential as submitted. Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Russell, and Christ; Abstain – Norton; Nay – none.

**ITEMS FROM PUBLIC:** None

**ITEMS FROM COMMISSION:** None

**ITEMS FROM STAFF:** Staff member Hemenway thanked Commissioner Mulligan for remaining for the whole meeting despite a scheduling conflict.

**ADJOURNMENT:** Motion by Norton, seconded by Baumhover to adjourn the October 7, 2020 Commission meeting. Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Norton, Russell, and Christ; Nay – none.

The meeting adjourned at 7:22 p.m.

Respectfully submitted,



Wally Wernimont, Planning Services Manager

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11-4-2020

Adopted