



APPROVED

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, November 4, 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, Travis Schrobilgen, and Jason Duba

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

MINUTES: Motion by Mulligan, seconded by Norton, to approve the minutes of the October 7, 2020 Zoning Advisory Commission meeting as submitted. Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Norton, Russell, and Christ; Nay – none.

ACTION ITEM / PLAT OF SURVEY: Application of John Tranmer, IIW, P.C., to approve the Plat of Survey of Lot 1 & Lot 2 of Yiannias Place No. 5, 190 John F. Kennedy Rd.

Georgia Yiannis and Dave Lugar spoke regarding the request to replat the subject property. They explained that they plan to sell seven acres behind PetSmart, divide it, and retain an easement for the west lot, which will be designated unbuildable. They noted in the future lot 1 will be consolidated with the lots along John F. Kennedy Road.

Staff Member Schrobilgen noted that the submitted Plat of Survey of Lot 1 & Lot 2 of Yiannias Place No. 5, 190 John F. Kennedy Rd, subdivides an approximately twelve-acre tract into two irregular parcels. He said that the subject property is zoned C-3 General Commercial. He said that the plat will result in two irregular lots located behind PetSmart and Staples along JFK road. He noted that Lot 2 has adequate street frontage and access. He said that Lot 1 will be accessed via an easement through Lot 2 and will be designated as non-buildable. He noted that, in the future, Lot 1 will be

consolidated with the lots along John F. Kennedy Road and the non-buildable status of the lot will be removed at that time. He said that both lots exceed the minimum required lot area.

Commissioners did not have questions or express concerns regarding the request.

Motion by Baumhover, seconded by Mulligan, to approve the Plat of Survey of Lot 1 & Lot 2 of Yiannias Place No. 5, 190 John F. Kennedy Rd. as submitted, subject to waiving the lot frontage requirement for Lot 1. Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Russell, and Christ; Abstain – Norton; Nay – none.

ACTION ITEM / PLAT OF SURVEY: Application of Kristin Woodward-Vaassen to approve the Plat of Survey of Annabel Lee Barn Lot Place.

Kristin Vaassen, 2319 Manson Rd, spoke in favor of the request noting that approval of the plat will enable the barn to be converted into a single-family home on its own lot.

Terry Koelker, Buesing & Associates, explained that the platted lot encompasses the existing outbuilding, and an easement was created in a 2012 plat to access the outbuilding and adjacent property.

Chairperson Christ explained that neighbors would be allowed to speak, but only with regards to the lot split, nothing else.

Peter Arling, 1744 Creek Wood Dr, objected to platting this lot and the waiver of street frontage requirement.

Staff Member Hemenway detailed the staff report, noting the submitted Plat of Survey of Annabel Lee Barn Lot Place subdivides an approximately 12-acre lot located at the western terminus of Manson Road creating an approximately $\frac{1}{2}$ acre interior lot. He said that Lot 2 is approximately 11.5 acres in area and will continue to have the required frontage along the Manson Road cul-de-sac but that Lot 1 will not have frontage on a platted public or private street as required by Article 5-2.7 of the Unified Development Code. He noted that Lot 1 will be accessed from a 20' wide paved access easement across Lot 2 from the Manson Road frontage. He referred to the history of the property noting that it was originally developed as a mobile home park that contained 43 trailers and a sewage lagoon. He explained these mobile homes were all removed by 2011. He explained the mobile home park generated approximately 205 vehicle trips per day. He said that splitting the 12-acre lot as requested will have little effect on the status of the subject property or surrounding properties or on residential density and will enable the property owner to convert an accessory building on Lot 1 into a single-family residence.

Larry Vogt, resident of Creek Wood Drive, attempted to speak during the Commission's discussion but Chairperson Christ did not allow additional input because the public input portion of the meeting had been closed.

Commissioners asked whether the subject lots were part of the same subdivision as the neighboring properties whose residents were objecting to the proposal. They also asked if there were special restrictions on the property.

Staff member Hemenway explained that the subject lots were not in the same subdivision as the Creek Wood properties, and that there are no special restrictions other than those established that govern all properties located in an R-1 zoning district. He said that any code violations that occur on the property are subject to enforcement like any other residentially zoned property. In response to a question from the Commission, Staff member Hemenway explained that the current property access is paved, has been reviewed and approved by the Fire Department and that there are two hydrants in close proximity to Lot 1. He recommended approval subject to waiving the lot frontage requirement for Lot 1.

Motion by Baumhover, second by Russell, to approve the Plat of Survey of Annabel Lee Barn Lot Place as submitted subject to waiving the lot frontage requirement for Lot 1. Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Russell, and Christ; Abstain – Norton; Nay – none.

ACTION ITEM / FINAL PLAT: Application of Terry Koelker, Buesing & Associates to approve the Final Plat of Survey of CN Davis Place, 16335 Humke Road/13389 BMR Lane.

Terry Koelker, Buesing & Associates, spoke on behalf of the property owners, explaining that the plat would create four lots, with three accessing BMR Lane and one accessing Humke Road.

Staff Member Schrobilgen detailed the staff report, noting the submitted Final Plat of Survey of CN Davis Place, 16335 Humke Road/13389 BMR Lane subdivides a total of 6.103 acres into Lots 1, 2, 3 and 4 of CN Davis Place. He said that the property is located in Dubuque County within the City's 2-mile jurisdiction and is being reviewed jointly by the City of Dubuque and Dubuque County. He noted that the subject property is currently zoned County R-1 Residential. He said that the McAndrews are selling part of their parcel to the Davis' who are combining it with their property and then dividing it again to create saleable lots. He said that the plat, as proposed, will result in lots from 1.2 to 2.1 acres in size that will exceed the required lot area and frontage.

Commissioners did not have questions or express concerns about the request.

Motion by Mulligan, seconded by Kemp, to approve the Final Plat of Survey of CN Davis Place, 16335 Humke Road/13389 BMR Drive as submitted. Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Russell, and Christ; Abstain – Norton; Nay – none.

ACTION ITEMS / SITE PLAN WAIVER: Application of Benjamin Beard, Straka Johnson Architects, to waive specific requirements of the Unified Development Code for 13.4.6 Parking Lot Landscaping for landscape buffer yard and 13.3.5 Parking Lot Layout for landscaping islands for property located at 1800 Clarke Dr., Senior High School.

Benjamin Beard, Straka Johnson Architects, spoke on behalf of the property owner, the Dubuque Community School District. He said they are working on several additions to improve access to building, and that the request is related to auditorium parking lot. He said their intent is to maximize parking in the northwest corner of the property. He noted that there is precedent for not having vegetative islands in the east lot. He explained the topographical site constraints.

Staff Member Schrobilgen detailed the staff report. He outlined the Unified Development Code design standards stating the applicant is requesting a waiver from the site design standards as allowed by Article 13-2(D) in the City's Unified Development Code for a multi-addition project and parking lot improvements at Dubuque Senior High School. He noted what requirements are being waived and discussed the reasons for the requirements. He said that the applicants are seeking to maximize the number of parking spaces, manage topographical challenges and improve safety and traffic flow for cars and delivery vehicles.

Commissioners asked if the site plan had been reviewed by the City's Development Review Team. Planning Services Manager Wernimont said the proposal is at the preliminary site plan stage and will still have to be fully reviewed by the DRT. Commissioners discussed the parking lot layout and asked how many stalls would be lost if the requirements were not waived. They discussed possible reconfiguration of the lot using one-way drive aisles and angled parking, redoing street access to entrance-only or exit-only. After discussion, Commissioners said that they were satisfied that the applicant had considered several various alternatives and that the current design was acceptable.

Motion by Mulligan, seconded by Loeffelholz, to approve waiving specific requirements of the Unified Development Code for 13.4.6 Parking Lot Landscaping for landscape buffer yard and 13.3.5 Parking Lot Layout for landscaping islands as submitted. Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Norton, Russell, and Christ; Nay – none.

PUBLIC HEARING / REZONING: Application of Jeffrey Morton, Morton Architects, to rezone property from C-1 Neighborhood Commercial to C-2 Neighborhood Shopping Center to allow for a carry-out restaurant located at 801 Rhomberg Ave.

Jeffrey Morton spoke on behalf of Goodtimes Property LLC and Chef Kevin Scharpf. He explained the plan is to develop a restaurant on the subject property. He said that Mr. Scharpf is going to purchase the property, rehabilitate the building, and make improvements to the neighborhood.

Mr. Scharpf echoed Mr. Morton, stating that he hopes to build on his experience at Brazen and bring excitement and vibrancy to the neighborhood.

Mr. Morton explained that the business was granted a conditional use permit limiting operating hours, requiring screening, prohibiting a drive-thru and made contingent on an approved rezoning. He stated there is good precedent for rezoning, as the property across the street received a C-2 designation

Tina Sheston, 805 Rhomberg Avenue, said that she lives next door and asked what the restaurant's hours of operation would be. Mr. Scharpf explained that the venue would be a lunch and dinner restaurant, not open past 8:00 or 9:00 on weekdays and not past 10:00 on weekends, which he said meets the Zoning Board of Adjustment condition for hours of operation. Ms. Sheston asked about seating and Mr. Scharpf said that there would little interior seating as the restaurant will be primarily a carry-out and delivery operation. Ms Sheston said that this information helped ease her concerns with parking.

Staff Member Hemenway detailed the staff report. He said that the property is located in a mixed-use neighborhood characterized by single- and multi-family residential development, a grocery store and restaurant. He said that the rezoning would expand the C-2 district across Rhomberg Avenue. He noted that there is some overlap in the 21 uses permitted in the C-2 district and the 16 uses permitted in the C-1 district.

Staff member Hemenway said that redevelopment of a vacant commercial space is generally beneficial to a neighborhood in that it reduces the crime and blight associated with boarded and poorly maintained properties and buildings. He noted, however, that it is possible that redevelopment of the property will increase noise, activity and demand for parking above that generated by a vacant building or some of the uses permitted in the C-1 district. He said that on October 22, 2020, the Zoning Board of Adjustment reviewed and approved the applicant's conditional use permit request to permit a carry-out restaurant at this location contingent on approval of a rezoning. He said that the Board required that the restaurant close by 10:00 PM, that there be no drive-thru service, that the parking area be screened to shield vehicle lights from adjacent residential properties, and that approval be contingent on rezoning from C-1 to C-2.

Commissioners expressed concern with vehicles backing out into Rhomberg Avenue from the parking lot. Mr. Morton explained that the site plan has reoriented the parking, rotating the spaces 90 degrees to allow drivers to drive forward onto Rhomberg Avenue.

Motion by Russell, seconded by Baumhover, to approve rezoning the property from C-1 Neighborhood Commercial to C-2 Neighborhood Shopping Center to allow for a carry-out restaurant located at 801 Rhomberg Ave. as submitted. Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Norton, Russell, and Christ; Nay – none.

ITEMS FROM PUBLIC: None

ITEMS FROM COMMISSION: Commissioner Russel requested that the minutes reflect that the Commission received emails from Peter Arling and Bob Hartig outlining their objections to application of Kristin Woodward-Vaassen for the Plat of Survey of Annabel Lee Barn Lot Place.

ITEMS FROM STAFF: None

ADJOURNMENT: Motion by Mulligan, seconded by Norton to adjourn the November 4, 2020 Commission meeting. Motion carried by the following vote: Aye – Baumhover, Kemp, Loeffelholz, Mulligan, Norton, Russell, and Christ; Nay – none.

The meeting adjourned at 7:15 p.m.

Respectfully submitted,



Wally Wernimont, Planning Services Manager

January 6, 2021

Adopted