

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, May 5, 2021

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 Rebecca Kemp, Brittany Loeffelholz, Rich Russell, and Matthew Mulligan

Commissioners Excused: Steve Baumhover and Pat Norton

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 Loeffelholz, to approve the minutes of the April 7, 2021 Zoning Advisory Commission meeting as submitted. Motion carried by the following vote: Aye – Kemp, Loeffelholz, Mulligan, Russell, and Christ; Nay – none.

ACTION ITEM/PLAT OF SURVEY: Application of Terry Koelker for a Plat of Survey of Vize Place #2 for property located at Cottingham Rd., Parcel # 09-36-376-007.

Terry Koelker, Buesing & Associates, spoke on behalf of the property owner, Deborah Vize. He explained that the plat creates two lots, of which Lot 1 would be sold to Jim Vize to build a home. He noted that there is an easement to provide access to the lot from Cottingham Road.

Assistant Planner Schrobilgen detailed the staff report. He noted the property is currently used as agricultural ground, and subdividing the lot as requested will have little effect on the status of the subject property, surrounding properties or on residential density. He said that the lot split will enable the property owner to sell a portion of the property. He said that subdivision in all other respects complies with the City of Dubuque's subdivision regulations contained in the Unified Development Code with the exception of required lot frontage for Lot 1.

Motion by Mulligan, seconded by Kemp, to approve the Plat of Survey of Vize Place #2 for property located at Cottingham Road, Parcel # 09-36-376-007 as submitted, subject

to waiving the lot frontage requirement for Lot 1. Motion carried by the following vote: Aye – Kemp, Loeffelholz, Mulligan, Russell, and Christ; Nay – none.

PUBLIC HEARING/REZONING: Application of Drew Siegert to rezone property from C-2 Neighborhood Shopping Center to C-3 General Commercial to allow for manufacturing and packing of chocolate for property located at 3049 Asbury Rd.

Drew Siegert, 3049 Asbury Road, spoke on behalf of his request. He explained the Betty Jane candy company is experiencing unprecedented demand and they do not have enough manufacturing space to meet it. He said their plan is to move the retail sales elsewhere and use this building solely for manufacturing. He said they would add a second chocolate making line, but it would not be too noticeable from the exterior of the building. He noted that this expansion would add four to five manufacturing jobs and several retail jobs at whatever new site they use for sales. He said they sent out letters to neighbors and talked with them, and the main concern was about semi-truck traffic. He said that the change could actually lead to a decrease in traffic because they currently do not fill the trucks to capacity and the added line would allow them to fill the trucks and reduce the total number of deliveries to the site.

Tom Siegert, 3049 Asbury Road, also noted that moving the retail store would reduce traffic to the site by eliminating retail traffic.

Dan McDonald, Greater Dubuque Development Corporation, 900 Jackson Street, spoke in favor of the request noting the Betty Jane Candy Company is a nationally-known business and they want to continue operating at the location. He said that they are a great neighbor and have reached out to the neighborhood regarding the request.

Stan Irwin, 2140 Judson Drive, noted his property was adjacent to the rear (south) of Betty Jane's property. He said he is not necessarily against the change, but was concerned with the potential for street degradation due to an increase in semi-truck traffic. He said that Mr. Siegert adequately addressed the traffic issue and that they trust him. He said his primary concern was that Mediacom and others in the area might also rezone to C-3. He said this change would allow 30+ uses that are not compatible with a family neighborhood, which could be a concern for future development if Betty Jane leaves and a new business comes. He asked if there are other examples of C-3 zones next to R-1, and suggested a change to C-2 with conditions as an option to reduce the number of potential future uses.

Larry Hoppman, 3055 Vail Trail, said he shared the same concerns as Mr. Irwin. He said that Betty Jane has been a good neighbor except for trucks. He expressed concern about what a C-3 rezoning would do to his property value.

Drew Siegert responded and said he appreciates their concerns. He said the company is not planning to move. He ventured that semi-truck traffic would likely decrease, and acknowledged trucks occasionally block Judson Drive, though it is probably due to rookie truck drivers struggling with the maneuver.

Assistant Planner Hemenway detailed the staff report. He discussed the uses permitted in C-2 and C-3 districts. He explained the rather complicated zoning history of this property. He said the C-3 district does allow relatively intense uses. He encouraged the Commission to compare uses of the C-3 and C-2 districts. He noted receipt of the letter of opposition from Mr and Mrs. Irwin along with the opposition from Mr. Hoppman.

Commissioners expressed support for Betty Jane and their business. They said that they supported the idea of a conditional rezoning that would change the zoning to C-3 and would strike uses deemed inappropriate for the property and surrounding neighborhood. They expressed doubt that many of the C-3 uses would ever want to locate on the Betty Jane property due to site constraints. They discussed specific permitted uses that should be struck.

Motion by Mulligan, seconded by Loeffelholz, to approve the rezoning of 3049 Asbury Rd. from C-2 Neighborhood Shopping Center to C-3 General Commercial to allow manufacturing and packing of chocolate, with the condition that the following uses be struck from the list of permitted uses:

- Bar or tavern
- Car wash, full service
- Car wash, self service
- Construction supply sales or service
- Contractor shop or yard
- Gas station
- Hotel
- Mini warehouse
- Mobile or manufactured home sales or service
- Mortuary or funeral home
- Private club
- Service station
- Vehicle body shop
- Vehicle Sales or rental
- Vehicle service or repair

Motion carried by the following vote: Aye – Kemp, Loeffelholz, Mulligan, Russell, and Christ; Nay – none.

Planning Services Manager Wally Wernimont explained that a Memorandum of Agreement will be drafted listing the uses that will be struck, and it will need to be signed by Mr. Siegert before being presented to the City Council.

ITEMS FROM PUBLIC: None

ITEMS FROM COMMISSION:

Appointment to the Airport Zoning Advisory Commission. Assistant Planner Schrobilgen explained the need to appoint two commissioners. Commissioners Mulligan and Kemp volunteered to serve.

Motion by Russell, seconded by Christ, to approve the appointment of Kemp and Mulligan to the Airport Zoning Advisory Commission. Motion carried by the following vote: Aye – Kemp, Loeffelholz, Mulligan, Russell, and Christ; Nay – none.

ITEMS FROM STAFF:

Planning Services Manager Wally Wernimont discussed the opportunity for the Commission to provide input for City Council Goal Setting. He explained initiatives that could be relayed to the City Council would be evaluating and updating the Unified Development Code and conducting hybrid meetings to allow virtual and in-person attendance. He provided the goal setting documents for commission review and input.

ADJOURNMENT: Motion by Loeffelholz, seconded by Kemp to adjourn the May 5, 2021 Commission meeting. Motion carried by the following vote: Aye – Kemp, Loeffelholz, Mulligan, Russell, and Christ; Nay – none.

The meeting adjourned at 6:50 p.m.

Respectfully submitted,



Wally Wernimont, Planning Services Manager

June 2, 2021

Adopted