

**MINUTES  
ZONING ADVISORY COMMISSION  
REGULAR SESSION**

6:00 p.m.

Wednesday, March 1, 2023

City Council Chambers, Historic Federal Building

**Commissioners Present:** Vice Chairperson Rich Russell; Commission Members Martha Christ, Pat Norton and Ryan Sempf

**Commissioners Excused:** Becky Kemp, Matt Mulligan, Teri Zuccaro

**Commissioners Unexcused:** None.

**Staff Members Present:** Wally Wernimont, Shena Moon, Travis Schrobilgen, and Jason Duba

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

**MINUTES:** Motion by Norton, seconded by Christ, to approve the minutes of the February 1, 2023 meeting. Motion carried by the following vote: Aye – Christ, Norton, Sempf and Russell; Nay – none.

**ACTION ITEMS/SITE DESIGN WAIVER:** Application of Tom Howald, Aldi, Inc. to waive site design standards within Chapter 13 of the Unified Development Code specifically pertaining to landscape buffer yard requirements for property located at Lot 1 of Plaza 20 No. 8/Plaza 20 – Dodge Street.

Mark Seidel, 20725 Watertown Road, Brookfield, Wisconsin, Pinnacle Engineering Group, spoke on behalf of the application. He outlined his involvement with the project and stated that they are seeking a landscape buffer of less than 7'.

No members of the public shared input.

Staff Member Schrobilgen detailed the staff report. He outlined the Unified Development Code design standards stating the need for the new development to comply with UDC standards, including for a parking lot buffer. He explained they are seeking a waiver of size and covering, as they are proposing a 2' buffer covered with grass in the location indicated on the plan. He noted that the proposed two drive aisles are 25' and 28' wide where 24' is required, expressing there is potential for reallocating space but they would still be short of the required 7' landscape buffer. He noted that the landscaping requirements would be considered as part of the development review process.

Commissioner Sempf asked about the additional width in the drive aisles, and Seidel stated that it is for semi-trucks servicing the site, and the business would prefer to have a 30' drive aisle, but there isn't space.

Commissioner Norton asked what was planned to go in the 2' buffer, and Seidel stated turf grass, but they are open to a taller grass. Norton asked if they would consider installing a fence here, and Commissioner Christ concurred. Norton referred to the fence installed along the Devin Drive side of the Starbucks site. Seidel expressed an openness to this idea and asked if it would be acceptable to work out the details with staff. Russell asked whether 1' could be reduced from the drive aisle and whether the fence should appear consistent with Starbucks, but those were not deemed necessary by the Commission.

Motion by Norton, seconded by Christ, to approve waiving specific requirements within Chapter 13 of the Unified Development Code specifically pertaining to landscape buffer yard requirements with the following condition:

1. A fence be installed along the west side of the property where the 7' landscape buffer requirement is not met.

Motion carried by the following vote: Aye – Christ, Norton, Sempf, and Russell; Nay – none.

**PUBLIC HEARING/AMEND PLANNED UNIT DEVELOPMENT:** Application of Michael Kahle, Plaza 20 to amend the Plaza 20 Planned Unit Development boundary and signage regulations for property located at Plaza 20, 2600 Dodge Street.

Michael Kahle, Plaza 20 Inc, spoke on behalf of the application, noting they are seeking to incorporate recently acquired properties within the Plaza 20 PUD boundary. He stated they are also seeking to update their sign ordinance to accommodate new signage for Subway, which is relocating within the PUD, add area to another freestanding sign, and define out lot signage for the new parcel.

No members of the public shared input.

Staff Member Duba detailed the staff report. He provided a background about the Plaza 20 commercial area and described the business changes taking place within the PUD boundary and explained how the changes are related to the property in the preceding application for the landscape buffer waiver. He noted the PUD boundary adjustment. He described the added area to two existing freestanding signs and the new out lot sign regulations. He also stated that staff had received a letter of inquiry from a neighboring property owner and a copy of the letter had been provided to the Commission.

Commission Sempf questioned whether the proposed PUD amendment is connected to the new site development that was seeking a landscape buffer yard waiver and Staff Member Duba confirmed that yes, the requests are tied to related other.

Motion by Sempf, seconded by Norton, to recommend amending the Planned Unit Development as submitted. Motion carried by the following vote Aye – Christ, Norton, Sempf and Russell; Nay – none.

**PUBLIC HEARING/REZONING:** Application of Cody Austin, Origin Design to rezone property from Hlc Heavy-Industrial with conditions to LI Light-Industrial located at 8480 Old Highway Road.

The applicant withdrew this application.

Commissioner Norton recused himself for the following item.

**PUBLIC HEARING/REZONING:** Application of Kevin Oberbroeckling, CK Construction to rezone the property to a Planned Unit Development with PR-Planned Residential designation located at Carter Road, PIN 1015453009.

Kevin Oberbroeckling, CK Construction, 7869 Commerce Park, spoke on behalf of the application, noting the proposal is to construct two multi-family residential buildings, one with 16 units and 2 stories and the other with 24 units and 3 stories. He acknowledged concerns expressed by some neighbors about landscaping, parking, stormwater, and green space. He expressed that they considered doing condos here, as was approved in a previous PUD. He expressed that there would be no Section 8 housing at this price point of \$1,400 per month, which is lacking availability in Dubuque. He noted the units would be 2 or 3 bedrooms.

Sempf asked what was meant by the comment that Section 8 would not be allowed, and Oberbroeckling replied that he intends for the apartments to be market rate housing, not low-income housing.

John Martin, 2725 Hickory Hill, read an opposition petition signed by 52 people. He noted concerns about density of people and cars, traffic issues with nearby schools, cul-de-sac neighborhoods with only one exit, and insufficient parking. He expressed frustration that he was not notified sooner.

Commissioner Russell asked how many properties were represented in the petition, and Martin stated there were a few signatures from signers who live in the same household but it was mostly one signer per property.

Kathy Waterman, 2890 Katrina Circle, expressed how they were attracted to the area by the development and lifestyle there. She stated they are not necessarily opposed to construction, but expressed concern about the number of units, 3-story roof line, insufficient parking, transient tenants, and AirBnB possibility. She requested the developer install a privacy fence along the property line with the Pine Knoll development.

Staff Member Moon noted that landscaping would be part of site plan review.

Commissioner Russell clarified that the Pine Knoll development and Katrina Circle are the same.

Cheryl May, 2950 Kane Street townhouse, expressed concern about how close the development would be to her property line and requested a fence there. She noted their units face the back and expressed concern about noise and lights from the new development. She noted the prevalence of single-family homes. She expressed concern about runoff and traffic.

Mr. Oberbroeckling acknowledged the concerns of the neighbors. He noted the property was previously approved for residential units, so it's not going to stay vacant forever, and there are other multi-family developments nearby. He stated that the development will comply with City codes.

Staff Member Moon detailed the staff report. She noted the request to rezone to PUD with a Planned Residential designation, and though it is currently zoned PR, a new conceptual plan is proposed. She discussed site development process, which consists of rezoning, site plan review, and permit review. She described details about the property, zoning history, project proposal and conceptual plan. She evaluated potential impacts of the proposed development related to the City's comprehensive plan, utilities, traffic, and surrounding development. She addressed neighbors' questions about installing a fence and stormwater. She spoke to Mr. Martin's concern about the City's notification procedure explaining that property owners within 200' of the subject property receive notification. She read an email from Thomas Schwartz, President of the Pine Knoll homeowners association, which expressed similar concerns to previous speakers.

Wally Wernimont, Planning Services Manager, spoke to the notification process and stated that the petition signatures would be mapped out for review. He stated the next step of the process would be with the City Council meeting on March 20.

Commissioner Sempf noted that the city is short 1,100 housing units, so developments like this are important. He stated that previous approvals for this property were for multi-family housing, so there should not be an expectation it would remain vacant. He expressed concern with the developer's statement saying they won't accept Section 8 vouchers.

Christ had no questions or comments.

Russell expressed that he is in favor of increasing density for growth.

Motion by Sempf, seconded by Russell, to approve the rezoning as submitted. Motion carried by the following vote Aye – Christ, Sempf and Russell; Nay – none.

Norton returned to the meeting.

**ITEMS FROM PUBLIC:** None.

**ITEMS FROM COMMISSION:** Christ expressed concern about commissioners saying the city has a housing shortage, and struggles that people may think that means any residential development would be approved. Russell suggested that the commissioners each have influence on a vote and that was one commissioner view to explain their vote.

**ITEMS FROM STAFF:** Planning Services Manager Wally Wernimont discussed the Iowa State University training workshop scheduled for April 24, 2023 at 5:00pm and invited the commissioners to attend.

**ADJOURNMENT:** Motion by Norton, seconded by Christ to adjourn the March 1, 2023 Commission meeting. Motion carried by the following vote: Aye – Christ, Norton, Sempf and Russell; Nay – none.

The meeting adjourned at 7:00 p.m.

Respectfully submitted,

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Shena Moon, Associate Planner

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Adopted