

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, May 3, 2023

City Council Chambers, Historic Federal Building

Commissioners Present: Chairperson Matt Mulligan; Commission Members Martha Christ, Becky Kemp, Rich Russell, Ryan Sempf and Teri Zuccaro

Commissioners Excused: Pat Norton

Commissioners Unexcused: None.

Staff Members Present: Wally Wernimont and Shena Moon

CALL TO ORDER: The meeting was called to order by Chairperson Mulligan at 6:05 p.m.

MINUTES: Motion by Zuccaro, seconded by Sempf, to approve the minutes of the April 5, 2023 meeting. Motion carried by the following vote: Aye – Christ, Kemp, Russell, Sempf, Zuccaro, and Mulligan; Nay – None.

Chairperson Mulligan recused himself from the first public hearing item.

PUBLIC HEARING/REZONING: Application of James P. Gantz to rezone property located at Northwest Arterial, PIN 1010476002.

Jim Gantz, 12241 Forest Meadow Drive, discussed the proposal to rezone the property in order to develop 152 residential housing units. He began by thanking the Commission for the courtesy of their review at the April 5, 2023 and recapped that the two main points of discussion during that meeting centered around the need for further evaluation of site access and the sanitary sewer capacities for his project. Mr. Gantz stated that since that meeting, he has received feedback from the City Engineer who confirmed there is sufficient sanitary sewer capacity to support his project. Mr. Gantz referenced the memo provided by the City's Engineering Department and expressed strong concern with the recommendation in the memo to allow one right-in/right-out only access on the Northwest Arterial. He stated that the memo also indicates that a roundabout intersection, signalized intersection, J-turn intersection, and right-in/right-out intersections were studied. He said that staff's recommendation for a right-in/right-out access only would limit his ability to lease units as it would create an inconvenient configuration for entering and exiting the property. He stated that the right-in/right-out configuration would require tenants coming to or leaving the property to conduct a U-turn at either the John F. Kennedy Road or Central Avenue intersections along the Northwest Arterial.

Mr. Gantz expressed concern with the City Attorney's opinion on access provided in the memo from Engineering and reiterated that he believes he has a legal right to a full intersection at station 73+00. Mr. Gantz stated that the City's Comprehensive Plan identifies the property as Open Space/Park Space, but he purchased the property with the intent to develop it and he paid development prices for the property. He stated that his patent gives him full access to both the eastbound and westbound lanes of the Northwest Arterial, but the City will not allow another intersection on the Northwest Arterial. He stated that he believes that all sections of the Northwest Arterial were originally designed as limited access and yet the City has allowed multiple intersections along the first three phases of the roadway. He continued noting that he believes the City is choosing not to allow another intersection and that his project is not feasible with a right-in/right-out only access. He also stated that he believed there were plans in the past that showed a full intersection, however, the City is no longer entertaining that now.

Mr. Gantz stated that he had previously expressed concerns to the City regarding the access along the Northwest Arterial and he felt the City should have coordinated a meeting with the owners of all developable land in the area including him, Switch Homes, and the owners of the 100-acre property to the east of Switch Homes in order to discuss access at the Northwest Arterial. He also expressed concerns about the relocation of the Switch Homes development access along the Northwest Arterial, which was shifted 500 feet west of station 73+00 which may now result in the closure of the median at station 73+00.

Mr. Gantz stated that he would accept tabling his request but that he would like to meet with the City to discuss a signalized intersection. He further stated that he believes it would be best to meet with the City and adjacent developers to discuss how an intersection would work. He stated that he does not have an interest in revising his current conceptual plan to adhere to the City's recommendation for a right-in/right-out only access along the Northwest Arterial as he believes it will be detrimental to the success of his development.

Eric Lucy, 2736 Tiffany Court, provided comments saying that he is representing other residents in his neighborhood and that they do not oppose development in the area; however, they are concerned with safe and adequate access to the residential developments. He stated that the Switch Homes development and the subject development are located directly across from each other along the Northwest Arterial, and he believes common sense would be to have a full intersection to provide safe and adequate access into both developments. Mr. Lucy stated that safety is a concern as vehicles coming and going from Mr. Gantz's development will inevitably have to make U-turns to access the property, which he believes to be unsafe. He further stated that the majority of the Northwest Arterial has signalized intersections and it doesn't make sense to not allow one in this location. Mr. Lucy stated that he believes an intersection at this location may help regulate speeds along this stretch of the Northwest Arterial which may make it safer for travelers. He suggested that property owners/developers in the area need to communicate and meet with the City to develop a plan that works for all.

Staff Member Moon detailed the staff report and recapped the application review history stating that previous concerns identified included site access and sanitary sewer capacity. She stated that the City's Engineering Department has been working to further evaluate those issues. Staff Member Moon provided an overview of the Engineering Department's memo which summarized the review and study of sanitary sewer capacity and site access. She described how the Northwest Arterial is considered a 'limited access highway' and how the access to the subject property is defined as a Type C farm access/driveway with anticipated traffic volumes between 1 to 10 vehicle trips in a peak hour. She explained that the Engineering Department hired a traffic engineer consultant, MSA Professional Services, to study multiple access configurations including a right-in/right-out, half J-turn, signalized, and roundabout intersection, and based on that analysis the recommendation is to allow one right-in/right-out access. Staff Member Moon discussed the sanitary sewer study conducted by the Engineering Department which concluded that there was capacity for the proposed development and recommended that the gravity collection system, lift station, and forced main would be privately owned utilities and that the applicant would need to coordinate the design and construction of the force main connection to/through the Switch Homes development. She outlined staff's recommendation to table the review to a future meeting to allow the applicant time to revise the conceptual plan in response to the Engineering Department recommendations and to meet the criteria for PUD approval.

Planning Services Manager Wally Wernimont stated that the Engineering Department provided a very detailed memo which went above and beyond the level of analysis normally conducted for projects of this type. He stated that an independent engineering company was hired to study four access options and the analysis was largely focused on the safety of each access option. Mr. Wernimont read a summary of the right-in/right-out access assessment from the Engineering memo highlighting that the assessment took into consideration the highest possible number of trips to and from the site during peak times, which is a volume beyond what is considered to be standard trip generation. He emphasized that the right-in/right-out access is the safest option as it has the least conflict points along the Northwest Arterial. He also stated the assessment recommends closure of the medians along the Northwest Arterial as they are not safe locations for vehicles to make U-turns and that the right-in/right-out access is the most affordable access option identified.

Mr. Wernimont discussed the current agriculture zoning of the property and the future land use map designation of Park and Open Space and identified that the property has historically been zoned for agriculture use.

Mr. Wernimont provided background on the access location for the Switch Homes development to the south clarifying that the access was moved 500' to the west as there was better site visibility and the access location is more level there. He discussed the Northwest Arterial stating that it is a limited access highway and that the multiple intersections that currently exist along the Northwest Arterial were developed in different phases. He discussed the attorney's opinion regarding access which was provided in the

Engineering memo and the Engineering memo recommends right-in/right-out access. He outlined the request in the staff report, which is to table the item so that there is an opportunity to meet with the developer to discuss site access.

Commissioner Zuccaro sought clarification asking what the process would be if the Commission elected to move forward with rezoning the property and expressed concern regarding the time it's taking to come to an access solution, and she understands the developer's concerns regarding right-in/right-out only access.

Mr. Wernimont stated that the Commission could vote to move the rezoning application forward with the current conceptual plan and it would go to the City Council for their review. If the Commission sought to recommend approval with conditions, the applicant/owner would be required to sign a memorandum of agreement showing acceptance of the conditions. An alternative option would be table the request and allow more time for staff to meet with Mr. Gantz.

Commissioner Kemp questioned whether the Commission has the authority to recommend approval of the rezoning with the condition that a signalized intersection be allowed as there are a number of intersections already existing along the Northwest Arterial.

Mr. Wernimont stated that the Commission has the ability to condition any request and reiterated that the applicant/owner would be required to sign a memorandum of agreement to the condition before the review would proceed to City Council for review.

Commissioner Zuccaro questioned whether the Commission would have to identify the exact location of a signal if they included it as a condition or whether they could be vague. Mr. Wernimont stated that they could be vague in the condition and recommended the Commission discuss the request amongst themselves to see if there is consensus on how to move forward.

Commissioner Russel expressed concern about including a condition that would contradict the City's Engineering Department's recommendation. Mr. Wernimont stated that the City Council will receive all the same information as the Commission along with the details regarding the Commission's recommendation, and that there will be another public hearing at the City Council.

Commissioner Sempf questioned what a J-turn is, and staff shared a diagram from the Engineering Memo of the J-turn and explained the configuration. Commissioner Sempf also questioned what is meant by a 'warrant' in the Engineering memo. The City Engineer Gus Psihoyos, attending virtually, explained that traffic engineers have manuals they use to analyze a project to determine whether the traffic generated by a project would warrant a full intersection. He stated that Mr. Gantz has not conducted a traffic analysis but that the Engineering Department looked at the traffic that would be generated by his development and determined a signalized intersection would not be warranted based on the trip generation. Mr. Psihoyos further explained that a signalized intersection would

cost more than \$3.5 million in this location, and it would require modifications to the Northwest Arterial which would include widening, grading, and two new lanes.

Commissioner Sempf asked what the Mozena Farms South/Switch Development property was originally identified as in the City's Comprehensive Plan, and Mr. Wernimont stated it was identified as Single-Family Residential on the Future Land Use Map.

Commissioner Sempf sought clarification on whether an intersection had ever been contemplated at this location on the Northwest Arterial. Assistant City Engineer Bob Schiesl, attending virtually, explained that when the Northwest Arterial was originally developed there was a conceptual plan to extend North Grandview Avenue from 32nd Street north to the Northwest Arterial at Station 73+00, and that it was going to be a right-in/right-out only access and not a signalized intersection, and that the conceptual plan never materialized.

Commissioner Sempf explained that he is in support of housing in the City, however he does have safety concerns about a signalized intersection at this location based on the information provided regarding the classification of the Northwest Arterial as a limited access highway and the Class C access. He stated that he does not want these challenges to limit development opportunities for the site but adding a light in this location would be different than other light locations along the Northwest Arterial as it sits at the top of a large hill. He expressed support for tabling the project to allow the staff time to meet with Mr. Gantz and would have trouble conditionally approving a signalized intersection at this location. Additionally, he expressed concern with approving a signalized intersection without hearing from other developers in the area, as a signalized intersection would be a cost they would incur.

Commissioner Christ agreed with Commissioner Sempf, stating she is in support of tabling the request to allow more time for further evaluation and meetings between the City and Mr. Gantz.

Commissioner Russell stated that he is not in favor of a signalized intersection, and he is in support of the Engineering recommendation to allow for a right-in/right-out intersection.

Commissioner Kemp sought to clarify who would be responsible for paying for the cost of a signalized intersection. Mr. Wernimont stated that discussion would be needed to determine who would be responsible for the cost.

Commissioner Zuccaro sought clarification on a comment made by Mr. Psihoyos regarding the width needed along the Northwest Arterial to accommodate the signalized intersection and questioned whether other portions of the Northwest Arterial had to be widened when signalized intersections were built. Assistant City Engineer Bob Schiesl clarified that the phases of the Northwest Arterial from Hwy 20 to John F. Kennedy Road were originally designed to allow access whereas phase four from John F. Kennedy Road to Central Avenue was designed as an access-controlled highway.

Motion by Christ, seconded by Sempf, to table rezoning to a future meeting. Motion carried by the following vote: Aye – Christ, Russell, Sempf, and Zuccaro; Nay – Kemp.

Chairperson Mulligan returned to the meeting.

PUBLIC HEARING/TEXT AMENDMENT: Application of the City of Dubuque to Amend the Unified Development Code Section 16-11-7: Application Requirements and Review Process and 16-12-6: Off-Site Improvements regarding the evaluation of off-site impacts of subdivision and site plan developments.

Staff Member Moon discussed the application, noting that the City of Dubuque is requesting the application be tabled to a future meeting to allow more time for staff to analyze the potential impacts of the proposed text amendment.

No public input was provided.

Motion by Christ, seconded by Kemp, to table the text amendment to a future meeting. Motion carried by the following vote: Aye – Christ, Kemp, Russell, Sempf, Zuccaro, and Mulligan; Nay – none.

ITEMS FROM PUBLIC: None.

ITEMS FROM COMMISSION: None.

ITEMS FROM STAFF:

- City of Dubuque Goal Setting for Fiscal Year 2023

Planning Services Manager Wally Wernimont explained that the City Council annually asked for input from the staff, Boards, and Commissions for goal setting for the next fiscal year. They request a summary of successes of the Commission and the short-term issues and projects that are recommended for the next fiscal year goal setting.

The Commission discussed goal setting and made recommendations to include updates to the future land use map within the comprehensive plan, and a detailed analysis of the downtown, with consideration of zoning changes that could development throughout the downtown.

Motion by Sempf, seconded by Zuccaro to approve the goal setting for Fiscal Year 2023 as discussed. Motion carried by the following vote: Aye – Christ, Sempf, Kemp, Zuccaro, Russell, and Mulligan; Nay – none.

Planning Services Manager Wally Wernimont recapped the Iowa State University Workshop for Planning and Zoning Officials training event and requested feedback from the Commissioners.

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

The meeting adjourned at 7:35 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

June 7, 2023
Adopted