

MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION

6:00 p.m.
Wednesday, February 3, 2010
City Council Chamber
350 W. 6th Street, Dubuque, Iowa

PRESENT: Chairperson Jeff Stiles; Commissioners Tom Henschel, Charlie Miller, Patrick Norton, Martha Christ and Steven Hardie; Staff Members Laura Carstens, Kyle Kritz and Guy Hemenway.

ABSENT: Commissioner Ron Smith.

AFFIDAVIT OF COMPLIANCE: Staff presented an Affidavit of Compliance verifying that the meeting was being held in compliance with the Iowa Open Meetings Law.

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

MINUTES: The minutes of the January 6, 2010 meeting were approved, unanimously, as submitted.

ACTION ITEM LOT SPLIT: Application of Dan Wedig / Lea Droessler for approval to split a lot creating two new substandard lots for property located at 418/420 Emmett Street.

Dan Wedig, property owner at 418/420 Emmett Street, said that his intent is to split a lot with a duplex on it to facilitate the sale of each unit separately and to promote home ownership.

Staff Member Hemenway reviewed the staff report. He noted that UDC standards require a minimum of 1,200 square feet per lot; therefore, each new lot is slightly substandard. He noted that the lot split will not create an additional unit, effect residential density, or increase traffic or demand on parking at this location. He recommended that the Commission approve the lot split subject to waiving the lot area minimum requirements for Lots 1 and 2.

The Commission discussed the request and had no objections.

Motion by Christ, seconded by Norton, to approve the lot split for Lots 1 and 2 of Droessler Place subject to waiving the lot area requirements for Lots 1 and 2. Motion carried by the following vote: Aye – Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

ACTION ITEM\PRELIMINARY PLAT: Application of Michael & Ann Felderman / Greg Adams for approval of the Preliminary Plat of Felderman Subdivision located along the Northwest Arterial and Arboretum Drive.

Terry Koelker, Buesing and Associates, said that he represents the property owner and developer. He said that the developer would like to create a 14 lot subdivision and offered to field any questions the Commission may have.

Staff Member Kritz described the subdivision location, lot configuration, and access. He said that the subdivision is the first where the Unified Development Code sustainability measures have been applied. He discussed the points awarded for the inclusion of sustainable development tools. He noted that the subdivision would have energy efficient street lighting and that the residences would utilize the green building code. He discussed storm water management, storm water infiltration and the additional green space provided for the subdivision. He recommended approval of the preliminary plat, as submitted.

Commissioner Henschel asked if it is typical to include the detention area on a residential lot. Staff Member Kritz noted that it is somewhat unique, but that there are other subdivisions that have a detention basin behind a residential lot. He said that staff will be working with the developer to further refine the location of the detention basin.

Staff Member Kritz discussed the potential for creating storm water infiltration on the site versus simply detaining the water in a basin. Commissioners discussed the detention basin's location and maintenance access.

The Commission discussed the request and felt it is appropriate.

Motion by Hardie, seconded by Christ to approve the Preliminary Plat of Felderman Subdivision, as submitted. Motion carried by the following vote: Aye – Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

PUBLIC HEARING\REZONING: Application of the City of Dubuque to rezone property bounded by 12th Street on the North, White Street to the West, Freeway 61/151 to the East, and 5th Street to the South from C-4 Downtown Commercial District and HI Heavy Industrial District to PUD Planned Unit Development for the area generally described as the Historic Millwork District.

Chairperson Stiles stepped down from the table due to a conflict of interest.

Staff Member Carstens discussed development of the Master Plan for the Historic Millwork District. She noted that the intent of the ordinance is to promote a diverse mixed-use development, but, to also protect existing commercial and industrial uses. She discussed the existing zoning and the PUD with regard to the permitted uses, conditional uses and

bulk standards. She discussed the status of conditional uses within the district. She noted that an artisan/production shop has been added as a permitted use. She said that height restrictions have been removed from the proposed bulk standards in the PUD and that height will be regulated by the Downtown Design Guidelines. She discussed the sign regulations for the district noting that a comprehensive sign plan is required for large buildings. She noted that residential uses would be allowed on any building level. She said these changes have been tested with the property owners. She discussed the original concept plan for the district noting that some changes were made to improve flexibility. She said that surface parking lots will have to be approved by the City Council. She said the City has worked together with the property owners to try to address concerns while still following the guidelines of the Master Plan.

Commissioner Henschel asked what changes have been made in response to the concerns expressed by the property owners. Staff Member Carstens outlined the concerns raised by a number of the property owners and the City's response to said concerns. Commissioners discussed those properties within the district where property owners had submitted letters of opposition. Commissioners discussed the potential problem with excessive noise often typical of industrial uses and the possibility that it may interfere with residential uses. Staff Members Kritz and Carstens explained the City's stance regarding the noise ordinance, noting that the City has embraced the mixed use concept for the Historic Millwork District that would include industrial, residential and commercial users.

Staff Member Carstens noted the transition in height from the large scale buildings and the center of the district to the lower building height and smaller scale buildings as one moves toward residential structures in the Washington Neighborhood. She noted that the plan does not address the acquisition of property.

Dave Miner, Miner Plumbing, 1048 White Street, expressed concerns with his ability to potentially expand his business to a vacant lot next door. He said that to enlarge his business would probably require a conditional use permit and that he is not guaranteed approval to expand.

Staff member Guy Hemenway read a letter of opposition submitted by Mr. John White, 409 Burch Street, into the record.

Staff agreed to research the status of Mr. Miner's property and get back to him with an answer.

Beth Golombeski, representing four major property owners in the Historic Millwork district, spoke in support of the request. She said that the proposed a mixed use development located in close proximity to downtown will enhance the development of both areas.

Commissioner Hardie said initially he had concerns with noise, but after listening to staff's explanation of the mixed use concept for the district, his concerns were somewhat

addressed. He expressed concern with the potential for toxic materials to be handled or processed in laboratories for research, development or engineering listed as a permitted use in the district. He recommended that permitted use #62, laboratories for research, development or engineering, be shifted to conditional use status so that the Zoning Board of Adjustment would have the ability to review such facilities.

Commissioner Norton said that he is sympathetic to the property owners' concerns regarding elimination of potential uses for their property.

Commissioners discussed removing the existing undeveloped green space area found on a number of properties at the northeast corner of the district. After further discussion, the Commission decided to leave these properties in the district.

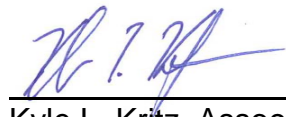
Staff Member Kritz noted that some uses that were not permitted under the existing HI or C-4 districts were added to the new PUD, and that commercially zoned property usually commands a higher value than industrially zoned property.

Motion by Hardie, seconded by Christ, to make use #62 Laboratories for research, development or engineering a conditional use and to incorporate the appropriate language outlined in Article 8-20(d)(3) regarding storage and use of hazardous substances in the criteria necessary for granting a conditional use permit. Motion approved by the following vote: Aye – Hardie, Christ, Norton, Miller and Henschel; Nay – None; Abstain – Stiles.

Motion by Christ, seconded by Henschel, to approve the proposed Historic Millwork District PUD, as amended. Motion carried by the following vote: Aye – Hardie, Christ, Norton, Miller and Henschel; Nay – None; Abstain – Stiles.

ADJOURNMENT: The meeting adjourned at 7:15 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

Adopted—February 3, 2010