



Approved



**MINUTES
ZONING ADVISORY COMMISSION**

REGULAR SESSION

Wednesday, June 2, 2010

6:00 p.m.

City Council Chamber
350 W. 6th Street, Dubuque, Iowa

PRESENT: Chairperson Jeff Stiles; Commissioners Ron Smith, Stephen Hardie, Martha Christ, Patrick Norton and Charles Miller; Staff Members Kyle Kritz and Guy Hemenway.

ABSENT: Commissioner Tom Henschel.

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 May 5, 2010 meeting were approved unanimously, as submitted.

ACTION ITEM\FINAL PLAT: Application of City of Dubuque – Engineering Department for approval of the Final Plat Inland Molasses Place No. 2 located at 1300 Inland Lane.

Staff Member Kritz outlined the request stating that Lot 2 is being platting in order to facilitate the Water Pollution Control Plant expansion project. He noted that the plat is in substantial compliance with City standards and recommended approval.

Commissioners discussed the request and felt it is appropriate.

Motion by Hardie, seconded by Christ, to approve the Final Plat Inland Molasses Place No. 2. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller, and Stiles; Nay – None.

ACTION ITEM\FINAL PLAT: Application of Mid America Holdings for approval of the Final Plat of Center City Place #2 located at the southwest corner of E. 11th & Washington Streets.

Chairperson Stiles abstained from discussion due to a conflict of interest for this plat and the following three plats.

Vice Chairperson Charles Miller presided.

Staff Member Kritz said that the Final Plat of Center City Place #2 will provide additional right-of-way to help facilitate street improvements and utility extensions for the Historic Millwork District.

Commissioners felt that the request was appropriate.

Motion by Hardie, seconded by Smith, to approve the Final Plat of Center City Place #2, as submitted. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton and Miller, Nay – None; Abstain – Stiles.

ACTION ITEM\FINAL PLAT: Application of Warehouse Redevelopment, LLC for approval of the Final Plat of Center City Place #3 located at the southwest corner of E. 10th & Washington Streets.

Staff Member Kritz identified the location of the plat noting that it is part of the old Eagle Window and Door Manufacturing property. He said, like the former plat, it would help facilitate street and public utility improvements in the Historic Millwork District.

Commissioners felt that the request was appropriate.

Motion by Hardie, seconded by Smith, to approve the Final Plat of Center City Place #3. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller; Nay – None; Abstain – Stiles.

ACTION ITEM\ PLAT OF SURVEY: Application of Caradco Building, LLP for approval of the Plat of Survey of Center City Place #4 located at the southeast corner of E. 10th & Jackson Streets.

Staff Member Kritz outlined the request describing the location of the plat and noting that acquisition of the property will facilitate street and utility improvements in the Historic Millwork District. He said that the property would also accommodate an underground access tunnel and window wells. He noted that the plat is in substantial compliance with all City standards and recommended approval.

Commissioners felt that the request was appropriate.

Motion by Hardie, seconded by Smith, to approve the Plat of Survey of Center City Place #4. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton and Miller; Nay – None; Abstain – Stiles.

ACTION ITEM\ PLAT OF SURVEY: Application of Wilmac Property Company for approval of the Plat of Survey of Center City Place #5 located at the northeast corner of E. 10th & Jackson Streets.

Staff Member Kritz said that the Plat of Survey of Center City Place #5 is a mirror image of the previous plat in the Historic Millwork District, noting that a 5 foot section of the lot will accommodate window wells. He said that the plat is in substantial compliance with all City regulations and recommended approval.

Commissioners felt that the request was appropriate.

Motion by Hardie, seconded by Norton, to approve the Plat of Survey of Center City Place #5. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton and Miller; Nay – None; Abstain – Stiles.

PUBLIC HEARING\AMEND ID INSTITUTIONAL DISTRICT: Application of University of Dubuque to amend the University of Dubuque ID Institutional District to add a new office/classroom building and additional parking south of the West and Finley Streets intersection. A new parking lot is proposed north of West and Finley Streets intersection for property located at 2488 West Street / 1220 Finley Street / 881 McCormick Street.

Jim Steiner, Vice President of Finance at the University of Dubuque, outlined the project for the Commission. He identified the subject lots stating that the project will facilitate the development of Mercer Hall which he said is a 12,000 square office/library and classroom building, along with two surface parking lots. He said that the completion date for the project is August of 2011. He discussed storm water infiltration measures undertaken by the University. He said that the development will satisfy all City requirements.

Staff Member Kritz reiterated the request noting that inclusion of the new property into the University of Dubuque's Institutional District and the construction of a new building require that the district be amended through the Commission and City Council. He discussed the proposed parking lot expansions, storm water infiltration and sustainability measures undertaken by the University. He noted the location of the improvements and discussed the Unified Development Code requirements regarding parking lot design. He noted that the UDC requires landscape islands for lots with bays of 20 or more spaces. He said that if the landscape islands were required, the University would lose 4 parking spaces. He said the City not opposed to the parking lot design without landscape islands because of the critical need for parking in the neighborhood and because of the sustainability measures included in the balance of the parking lot design. He noted that the parking lot design included a bioswale with native planting and an underground storage chamber that promotes storm water infiltration.

Commissioner Hardie asked Staff Member Kritz to clarify the location of the expansion area. Staff Member Kritz noted the location.

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Staff Member Kritz noted that the landscape island requirement must be waived by the Zoning Advisory Commission as part of the motion, if they are so inclined.

Commissioner Hardie expressed concerns with not providing landscape islands. He discussed the necessity for a parking ramp which he said would limit expansion of the campus area and preserve neighborhood integrity and housing stock.

Chairperson Stiles asked if the loss of 4 spaces is critical to the University. Mr. Steiner said no and noted that the University has explored the construction of a ramp at various locations on the campus and that it has proven to be cost prohibitive.

Commissioner Christ asked if Finley Street would remain a public street or become a private street. Staff Member Kritz noted that Finley Street will continue to be a public street.

Commissioners discussed the request and felt that it is important to install the parking lot islands.

Motion by Smith, seconded by Christ, to approve the amended University of Dubuque ID District, with the condition that the parking lot landscaped islands be included in the parking lot at the corner of Finley and West Streets.

Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller and Stiles; Nay – None.

PUBLIC HEARING\REZONING: Application of Toby Kress to rezone property located along Old Highway Road (west portion of Lot 1 Kunde Place #3) from AG Agricultural District to CR Commercial Recreation District.

Toby Kress, 16349 North Cascade Road, reviewed his request to rezone approximately 20 acres which he said will facilitate development of a campground. He discussed the surrounding zoning and land use, noting that access to the site would be taken from Old Highway Road across his adjacent property. He said he will meet all City requirements and indicated that the project will benefit both the City and himself.

Staff Member Hemenway reviewed the staff report, noting the history of the annexation and rezoning of the subject parcels. He reviewed access and traffic issues. He noted that a condition of approval for the former rezoning had been placed on the property by the Commission requiring that trees be placed along the western border of the property. He recommended that the Commission consider requiring that the western boundary line of the subject property be screened as required for the prior rezoning.

The Commission discussed the request and felt that it is important to maintain the vegetative buffer along the western property line of the subject lot.

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Motion by Christ, seconded by Smith, to approve the rezoning request, with the condition that 70 evergreen trees be placed along the western property line of the subject lot. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller and Stiles; Nay – None.

PUBLIC HEARING\REZONING: Application of Scott Potter to rezone property located at 525 Garfield Avenue / 1907 & 1911 Johnson Street from C-1 Neighborhood Commercial District and R-2A Alternate Two-Family Residential District to C-3 General Commercial.

Chairperson Stiles read into the record a letter of support for the rezoning submitted by Harold and Iona Koppes, 3472 Crestwood Drive, owners of the property at 516-518 Rhomberg Avenue.

Scott Potter, 515 Garfield Avenue, reviewed his request noting that his vision is to remove one building on the subject lots and add parking that would facilitate redevelopment of the existing commercial building. He said the building could be reused for uses such as vehicle repair or photography with the option to add apartments above the first floor.

Rick Baumgartner, 601 Garfield Avenue, said that he is a tenant of Mr. Potter and noted that he supports the request. He said that the development that Mr. Potter has undertaken over the years has improved the entire neighborhood.

Staff Member Hemenway reviewed the staff report noting the existing structures and their existing and former uses. He reviewed the allowed uses in a C-3 District and discussed the surrounding zoning and land use. He noted that the property is 10,500 square feet in area, which may limit the intensity of commercial activity due to parking and setback requirements. He said, however, that some C-3 activities may be relatively intense when placed directly adjacent to existing single- and multi-family residential uses.

Commissioner Hardie said that he did not feel that C-3 zoning is appropriate directly adjacent to a residential development because of the intensity and number of uses allowed in the C-3 District.

Chairperson Stiles asked why the applicant chose C-3 zoning. Staff Member Hemenway noted that the applicant wants to undertake auto related business and has a contractor shop and yard that requires C-3 zoning.

Commission Smith expressed concerns with C-3 uses in this area, noting that while he has faith that Mr. Potter would be sensitive to his surroundings, but that the zoning would be in place much longer than Mr. Potter would own the property.

Commissioner Norton explored the potential for placing conditions on the property that would limit the uses to those less intense commercial uses.

Commissioner Hardie said that he is hesitant to remove those uses that Mr. Potter is requesting. He noted that Mr. Potter may not always be the property owner.

Mr. Potter said that he is going to maintain the historic commercial building and that his intention is to demolish an existing residence to create additional parking and storage area. He said that his son is very active in his business and will take over in the event that he can no longer operate the business. He said that the former use at 525 Garfield Avenue was more intense than the uses that he is proposing. He said that his intent is to enhance the neighborhood.

Staff Member Hemenway noted that upper-story residential uses are allowed in C-1, C-2 and C-3 zoning districts; however, the auto related uses and contractor shops are only allowed in C-3 zoning districts.

Chairperson Stiles said that he feels that the surrounding land uses are more intense than what Mr. Potter proposes.

Commissioner Hardie again noted that the rezoning is not for one individual, but for 53 commercial uses.

Motion by Christ, seconded by Smith, to approve the rezoning request. Motion carried by the following vote: Aye – Christ, Norton, Miller, and Stiles; Nay – Hardie and Smith.

ITEMS FROM PUBLIC:

Dave Rusk, 2340 Coates Street, inquired about action items that already had been heard at the meeting. He was informed that all 5 items had been approved.

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

Respectfully submitted,



Kyle L. Kritz, Associate Planner

Adopted—July 7, 2010