

**MINUTES**

**ZONING ADVISORY COMMISSION**

**REGULAR SESSION**

6:00 p.m.

Wednesday, January 4, 2012

City Council Chamber

350 W. 6<sup>th</sup> Street, Dubuque, Iowa

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**PRESENT:** Chairperson Charles Miller; Commissioners Stephen Hardie, Martha Christ, Patrick Norton, Tom Henschel and Eugene Bird Jr.; Staff Members Kyle Kritz and Guy Hemenway.

**ABSENT:** Commissioner Ron Smith.

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**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 December 7, 2011 meeting were approved, unanimously, as submitted.

**ACTION ITEM\FINAL PLAT:** Application of IIW, P.C. / CRDS Development, Inc. for approval of the Final Plat Giese Subdivision of 2225 Kerper Boulevard.

The applicant was not in attendance.

Staff Member Kritz said that the request is to split a lot creating a substandard lot with no frontage. He discussed the lot location and building configuration for the property and noted that Staff has no objections to the request.

The Commission discussed the request and felt that it is appropriate.

Motion by Norton, seconded by Henschel, to approve the Final Plat Giese Subdivision subject to waiving the lot frontage requirements for Lot 1. Motion carried by the following vote: Aye – Hardie, Christ, Norton, Henschel, Bird and Miller; Nay – None.

**PUBLIC HEARING\REZONING:** Application of Julia Cheung & Alex Fursov to rezone property located next to 3150 Asbury Road (Northwest corner of Asbury Road & Evergreen) from R-1 Single-Family Residential District to OC Office Commercial District.

Julia Cheung, 3150 Asbury Road, spoke in favor of her request. She reviewed her and her husband's background including moving from the Ukraine, gaining U.S. citizenship, undertaking a college education and having experience in food preparation and business management. She reviewed her proposed deli and catering business noting that the building would be approximately 900 square feet in size with adequate off-street parking and that there would be few employees. She said that she would comply with sign regulations and would be sensitive to the surrounding residential properties. She said that she would observe the City's health regulations and site plan requirements for her business.

Craig Reber, 3165 Asbury Road, spoke in opposition to the request noting that the area is primarily residential with some scattered commercial properties. He said he is concerned with the list of uses permitted in the OC District and how they potentially may impact the neighborhood.

Bill Kahler, 2205 Evergreen Drive, spoke in opposition to the request. He said that there are 35 residences along Evergreen Drive and that 33 of the home owners signed a petition in opposition to the request. He said that the neighbors are concerned with the existing traffic situation, both with moving vehicles and vehicles parked along the street. He discussed traffic concerns related to the adjacent church and church parking lot and the Lux Club. He said he is concerned with exterior garbage storage and associated smells and the potential noise generated by the business. He submitted a petition in opposition to the rezoning request signed by area neighbors.

Anita Gansen, 2385 Evergreen Drive, stated that she agrees with the previous speakers and noted that there are existing storefronts in the area that are available for commercial use.

Holly Kamm, 3175 Asbury Road, said that she is a long-time neighborhood resident. She reviewed the neighborhood history, including the former and current business development along Asbury Road. She said that the area she lives in is predominately residential. She expressed concern with traffic safety and sanitary sewer service.

Robert and Donna Shaw, 2210 Evergreen, said they agree with the previous speakers regarding their concerns with traffic safety and demand for off-street parking along Evergreen Drive. The Shaw's said they are having problems with cars turning around in the residential driveways along Evergreen Drive. They expressed concerns with exterior garbage storage and its potential to attract rodents.

Peter Sweeney, 2240 Graham Circle, said that he is speaking for his mother who lives at 3126 Asbury Road. He said that he is opposed to the request because he feels that a deli is not compatible with the surrounding residential area. He noted concerns regarding traffic safety.

Joyce Gansen, 2385 Evergreen Drive, said that she agrees with the previous speakers. She expressed concerns with pedestrian, bicycle and vehicular traffic safety in the neighborhood.

Emily McDonagh, 2270 Evergreen Drive, said that she supports the applicants' business venture but feels that there are better locations in the community for this kind of business other than the existing residential neighborhood.

Holly Richey, 2233 Evergreen Drive, spoke in opposition to the request. She said that she just purchased a house in the neighborhood and that she agrees with the comments of the previous speakers.

Deb Pic-Deutmeyer, 2325 Evergreen Drive, spoke in opposition to the request noting concerns with traffic safety.

Gene Geisen, 3131 Asbury Road, spoke in opposition to the request expressing concern with the volume of traffic along Asbury Road and traffic safety in general in the neighborhood.

Julia Cheung, stated that currently there is a large volume of traffic along Asbury Road and that the area has changed from a quiet residential area to a busy thoroughfare. She noted that she could conduct catering as a home-based business but she needs to rezone the property because the take-out deli would not be permitted in the current district. She said that the business would be small, with approximately 20-30 customers per day, and that the traffic generated by her proposed business would be very insignificant compared to the existing traffic along Asbury Road. She said that a parking lot will be built to accommodate her customers. She said it is not her fault that Evergreen Drive is used as a shortcut from adjacent residential streets to Asbury Road. She said she would agree to put in screening to buffer the adjacent residential properties and that she will follow all sanitation rules and garbage collection requirements. She said that she would not allow any trash or litter to be blown around the property and that she is willing to take access wherever it is required, including along Asbury Road. She said that her development will follow all relevant City rules and regulations. She said if the deli business were to fail, the 900 square foot building could be reutilized as some sort of low-intensity, office-type use.

Staff Member Hemenway outlined the staff report. He noted receipt of letters from the neighbors opposed to the request. He reviewed notification requirements and surrounding zoning and land use. He discussed the existing traffic and potential trip generation as it regards the proposed deli and catering business. He said that the Zoning Advisory Commission has the ability to limit the number of uses permitted in the OC district through the conditional rezoning process. He said that any development at this site would require a site plan that addresses access from the subject lot to the adjacent public streets, required parking, storm water management, and trash sequestration.

Commissioner Norton asked if staff has projected vehicular trips for the deli. Staff Member Hemenway said no and Staff Member Kritz clarified that the ITE manual does not specify deli, but does discuss trips generated by a fast food restaurant, which he said is not similar.

Commissioner Norton said that he feels the small size of the building and lot would constrain the amount of traffic generated by the business. He said that, in all likelihood, it would have little additional impact to the existing residential neighborhood. He said that the request is somewhat in keeping with the sustainability goals being promoted by the City as they encourage mixed-use development within neighborhoods.

Commissioner Bird inquired about the former zoning that had been undertaken for the chiropractic clinic along Asbury Road just west of the subject property. Commissioners discussed the former rezoning of the chiropractic clinic.

Commissioner Henschel said that he is concerned about the potential impact of a business on the surrounding residential properties.

Chairperson Miller thanked those in attendance noting that the Commission's charge is to review the criteria for granting a rezoning. He stated he cannot support the request.

Commissioner Hardie said that the subject lot is located in a predominately residential area, the chiropractic clinic notwithstanding. He said former rezonings along Asbury Road do not justify approving another rezoning. He noted concerns with traffic safety and site access.

Commissioner Christ said she agrees with Commissioners concerns regarding traffic and said that she sees no compelling reason for the rezoning.

Motion by Hardie, seconded by Christ, to approve the rezoning request. Motion denied by the following vote: Aye – None; Nay – Hardie, Christ, Norton, Henschel, Bird and Miller.

**PUBLIC HEARING/AMEND PUD:** Application of the City of Dubuque to amend the Historic Millwork District PUD Conceptual Development Plan to allow for Intermodal Center and an 80-space surface parking lot located in the Historic Millwork District.

Aaron DeJong, Assistant Economic Development Director for the City of Dubuque, discussed the history of the Historic Millwork District and explained how the district has evolved. He said when the district was initially created, passenger rail service to Dubuque was not anticipated. He said that the area that will accommodate the intermodal facility had originally been designated as a location for a park. He said, however, that the intermodal facility and platform will ideally be located along the railroad track between 9<sup>th</sup> and 11<sup>th</sup> Streets. He discussed the intermodal facility site configuration including the location of the surface parking, ramp, platform and intermodal terminal.

Bob Johnson, 1079 Elm Street, said that the proposed intermodal facility will border his property. He said that he has studied the plans for the facility and he fully supports the amendment to the PUD that changes the park use to accommodate the intermodal facility. Commissioner Henschel said that he is in favor of the request. He said that the development of the Historic Millwork District is very exciting and that the facility is impressive.

Commissioner Hardie said that it is unfortunate that the park area is being eliminated. He said that he is somewhat ambivalent about the intermodal facility.

Chairperson Miller asked if green space will be located elsewhere within the district. Staff Member DeJong said that provision of green space has been considered for the Historic Millwork District and that the intent is to create a highly active urban space that may be small, but have quality amenities.

Staff Members Kritz and DeJong discussed the potential bike/hike connections from the Historic Millwork District to adjacent parks and trails.

The Commission discussed the request and felt it is appropriate.

Motion Christ, seconded by Henschel, to approve the amendment to the Historic Millwork District. Motion carried by the following vote: Aye – Hardie, Christ, Norton, Henschel, Bird and Miller; Nay – None.

**PUBLIC HEARING\TEXT AMENDMENT:** Application of the City of Dubuque to amend Section 16-11-15(k) Streets of the Unified Development Code to incorporate Complete Streets Policy.

Staff Member Kritz outlined the request to amend the Unified Development Code to adopt a Complete Streets Policy. He defined Complete Streets and said that if the policy was adopted subdivisions would still be reviewed on a case-by-case basis by the Commission and Council. He said that application of the Complete Streets policy will primarily impact City street projects but that developers of new subdivisions with local residential streets would still be required to install sidewalks and curb ramps. He said that it would be unlikely that transit stops or bike paths would need to be accommodated on a new local residential street within a new subdivision.

Chairperson Miller asked for clarification regarding potential for restricted driveway access. Commissioner Hardie asked whose responsibility it is to require the Complete Streets measures. Staff Member Kritz noted that staff would recommend measures to fulfill the Complete Streets Policy, but it would be a policy not a strict regulation. He said that both the Commission and Council would have the ability to review subdivision plats and the application of the Complete Streets policy.

Tony Zelinskas, 1405 Oeth Court, said that he is the president of the Tri-State Trail Vision Coalition. He spoke in favor of the request noting the enthusiasm for additional bike/hike opportunities in the community.

Commissioners discussed the request and felt it is appropriate.

Motion by Hardie, seconded by Christ, to approve the amendment to Section 16-11-15(k) of the Unified Development Code. Motion carried by the following vote: Aye – Christ, Norton, Hardie, Henschel, Bird and Miller; Nay – None.

**ITEMS FROM THE PUBLIC:**

Phil Mihalakis, 2602 Hacienda Drive, noted concerns with the disposition of the vacant lots he owns along 12<sup>th</sup> Street that he says have been incorporated into the Historic Millwork District. He said he felt that they should not have been included in the Historic Millwork District PUD and asked for the rationale behind the inclusion. He said that when he continually contacts the City and asks why he was included, he has not been provided an answer. He said that he feels that the property he owns is being closed in on by development.

Staff Member Kritz recommended that Mr. Mihalakis contact the Planning Services Department regarding his questions and concerns.

**ADJOURNMENT:** The meeting adjourned at 7:45 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

Adopted—February 1, 2012