

MINUTES

**ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, May 2, 2012

City Council Chamber

350 W. 6th Street, Dubuque, Iowa

PRESENT: Chairperson Charles Miller; Commissioners Ron Smith, Patrick Norton, Tom Henschel and Eugene Bird, Jr.; Staff Members Kyle Kritz and Guy Hemenway.

ABSENT: Commissioners Stephen Hardie and Martha Christ.

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 April 4, 2012 meeting were approved unanimously as submitted.

ACTION ITEM\PLAT OF SURVEY: Application of David Heiar, City of Dubuque for approval of the Plat of Survey Lot 1 and Lot 2, Dubuque Industrial Center West Addition located in the 6200 Block of Chavenelle Road in the Dubuque Industrial Center West.

Commissioner Tom Henschel stepped down from the table due to a conflict, as he is employed by Theisen's.

Staff Member Kritz spoke on behalf of the City of Dubuque. He noted the location of the property and stated that Lot 2 has no frontage on a private or public street. He said that Lot 2 would be sold to Theisen's and that Lot 1 would be retained by the City. He said there will be a driveway access easement for the property.

The Commission discussed the request and felt it is appropriate.

Motion by Norton, seconded by Bird, to approve the Plat of Survey, subject to waiving lot frontage for Lot 2. Motion carried by the following vote: Aye – Smith, Norton, Bird, Miller; Nay – None; Abstain – Henschel.

ACTION ITEM\PLAT OF SURVEY: Application of Deron Muehring, City of Dubuque for approval of the Plat of Survey of Lot 1 and 2 of Bee Branch Subdivision No. 7 located at 2268 Washington Street.

Commissioner Patrick Norton stepped down from the table due to a conflict, as he works for Buesing & Associates, Inc.

Deron Muehring, City of Dubuque Engineering Department, noted the lot locations and said that the City wants to purchase additional land for improvements to the Bee Branch Creek Restoration project.

Staff Member Kritz said that Lot 2 is substandard as it does not have the required lot area. He discussed the Bee Branch project noting the location of permeable surface alley way.

Commissioners discussed the request and found it to be appropriate.

Motion by Henschel, seconded by Bird, to approve the Plat of Survey subject to waiving lot area for Lot 2. Motion carried by the following vote: Aye – Smith, Henschel, Bird and Miller; Nay – None; Abstain – Norton.

ACTION ITEM\PLAT OF SURVEY: Application of Deron Muehring, City of Dubuque for approval of the Plat of Survey of Lot 1 and 2 of Bee Branch Subdivision No. 8 located at 2264 Washington Street.

Commissioner Norton again abstained due to a conflict as an employee of Buesing & Associates, Inc.

Deron Muehring, City of Dubuque Engineering Department, noted that the circumstances of the plat were the same as the previous request relative to the Bee Branch project.

Staff Member Kritz stated that Lot 2 does not have the required amount of lot area or frontage, but would be used for improvements for the Bee Branch project.

Commissioners discussed the request and felt it is appropriate.

Motion by Henschel, seconded by Bird, to approve the Plat of Survey, subject to waiving the lot area and lot frontage for Lot 2. Motion carried by the following vote: Aye – Smith, Henschel, Bird and Miller; Nay – None; Abstain – Norton.

ACTION ITEM\FINAL PLAT: Application of David Peterson/Buesing & Associates for approval of the Final Plat of Peterson Addition located at 12647 North Cascade Road in Dubuque County.

Commissioner Norton again abstained due to a conflict as an employee of Buesing & Associates, Inc.

David Peterson, 12647 North Cascade Road, property owner, said that he wants to split his lot. He said that there would be access across an easement to the back half of the property.

Staff Member Kritz noted that Commission review is necessary as the property is within the City's two-mile fringe. He discussed the Southwest Arterial moratorium area and said that City Council will review the property in light of the need for right-of-way acquisition. He said that the Petersons had received a driveway access permit from Dubuque County. He discussed access to North Cascade Road and right-of-way acquisition for the property and upcoming highway project. He noted the substandard frontage for the lot and the lack of required driveway spacing. He said no private or public street is being platted on the property. He discussed the pre-annexation agreement that the City would be presenting to the Petersons that the City Council would review, because the property is in a primary growth area as designated in the City's Fringe Area Development Policy.

The Commission discussed the request and felt it is appropriate.

Motion by Bird, seconded by Smith, to approve the final plat, subject to waiving the lot frontage for Lot 2. Motion carried by the following vote: Aye – Smith, Henschel, Bird and Miller; Nay – None; Abstain – Norton.

ACTION ITEM\WAIVER: Application of Lee Kolker / Dan Hingtgen for approval of a request to waive Article 13-3.5D Unified Development Code regarding installation of parking lot landscape islands located at 3715 Pennsylvania Avenue / Hempstead High School.

Dan Hingtgen, 2464 Matthew John Drive, introduced Otto Krueger and Gary Schulte. He detailed the parking status of Hempstead High School and environs, stating that Hempstead currently utilizes most of the parking and leases additional spaces from the adjacent church property. He said that Hempstead is undertaking a 60,000 square foot addition and reconfiguring the parking lot area. He said that the lot is not visible from the adjacent public right-of-way; therefore, landscaping should not be necessary. He said that if the landscaping is required, the number of spaces in the parking lot would be reduced.

Staff Member Kritz detailed the waiver requirements, noting that this is the first request since the Unified Development Code was adopted in 2009. He noted the rationale for the waiver process and said that the project will meet all other design and bulk standards. He said that Staff did not make a recommendation.

Chairperson Miller asked if the purpose of the waiver process was to address hardship issues. Staff Member Kritz said yes, and noted that there is a significant amount of existing landscaping on site.

Commissioners Bird and Henschel said that Hempstead had provided good reasons for waiving the requirements.

Motion by Bird, seconded by Norton, to approve the request to waive Article 13-3.5d of the Unified Development Code regarding installation of parking lot landscape islands. Motion carried by the following vote: Aye – Smith, Norton, Henschel, Bird and Miller; Nay – None.

PUBLIC HEARING\REZONING: Application of Catherine George to rezone property located at 890 Cedar Cross Road from CS Commercial Service & Wholesale District to C-3 General Commercial District.

Catherine George, 580 Woodland, said that she is requesting the rezoning to facilitate the sale of her property for retail purposes.

Staff Member Hemenway reviewed the staff report, noting the permitted uses in both the CS and C-3 Districts, surrounding zoning and land use. He discussed existing traffic volumes along Cedar Cross Road and noted that the City has programmed improvements in their Five-Year CIP for the area.

Commissioner Bird clarified the area to be rezoned. Staff Member Hemenway noted that it would be two lots with three existing buildings.

Chairperson Miller asked if staff could identify other C-3 properties in the area. Staff Member Hemenway noted the location of several other C-3 properties along Cedar Cross Road.

The Commission discussed the request and felt it is appropriate.

Motion by Smith, seconded by Norton, to approve the rezoning from CS Commercial Service & Wholesale District to C-3 General Commercial District. Motion carried by the following vote: Aye – Smith, Norton, Henschel, Bird and Miller; Nay – None.

PUBLIC HEARING\REZONING: Application of Robert & Leann McDonald to rezone property located at 3399 Eagle Point Drive from R-1 Single-Family Residential District to AG Agricultural District.

Rob McDonald, 3399 Eagle Point Drive, reviewed his request, noting that he recently purchased the property and currently owns two additional parcels that are zoned AG as well as another parcel belonging to the McDonald family that is also zoned AG and

currently under agricultural production. He said he plans to clear some of the area to plant vegetables and flowers, but has no intention of locating livestock there.

Staff Member Hemenway reviewed the surrounding zoning and land use and previous use of the property. He noted that he had received no objections to the properties. He reviewed aerial photos of the site, stating that there is currently agriculturally zoned property under cultivation that is directly adjacent to a number of houses in the Orchard Hills Subdivision.

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

Motion by Bird, seconded by Henschel, to approve the request, as submitted. Motion carried by the following vote: Aye – Smith, Norton, Henschel, Bird and Miller; Nay – None.

ADJOURNMENT: The meeting adjourned at 6:45 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

Adopted—June 6, 2012