



Approved

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, February 6, 2013
City Council Chamber
350 W. 6th Street, Dubuque, Iowa

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

ABSENT: Commissioner Stephen Hardie.

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

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

MINUTES: The minutes of the January 2, 2013 meeting were approved unanimously as submitted.

ACTION ITEM\ FINAL PLAT: Application of Justin and Paula Licht requesting approval of the Final Plat of Survey for property located 17349 Peru Road.

Justin Licht, 17349 Peru Road, reviewed the proposal and said that he would like to sell a portion of his lot to two neighbors to enable them to enlarge their yards.

Staff Member Kritz said this was a minor plat which will create three compliant lots. He said that as the property is within two miles of the city limits, a joint city and county review is required.

There were no public comments.

Commissioners discussed the request and felt it was appropriate.

Motion by Henschel, seconded by Smith, to approve the Final Plat of Boleyn Fourth Subdivision, Dubuque County, Iowa. Motion was approved by the following vote: Aye – Smith, Christ, Bird, Norton, Henschel and Miller; Nay – None.

PUBLIC HEARING/REZONING: Application of the City of Dubuque for approval of a request to rezone property located at 501 Seippel Road from AG Agricultural to PUD Planned Unit Development.

City of Dubuque Economic Development Director David Heiar discussed the property history. He noted that five farms had originally been acquired for industrial park development and this was the last one to be developed. He said the property is approximately 175 acres of which half will remain recreational area due the terrain and presence of the flood plain. He said that the existing Dubuque Industrial Center West is almost fully developed and additional industrial space is needed. He said that the proposed PUD is modeled after the existing Dubuque Industrial Center West PUD.

Kim Sanford, 12033 Cousins Road, discussed access to the site. He said that he felt that rezoning around the three properties along Cousins Road created an island. He discussed future improvements to Highway 20 and access to his property and to the Dubuque Landfill. He said that he was concerned with the future development of the industrial property and reconfiguration of the landfill access as it regards access to his property.

Dan McDonald, representing Greater Dubuque Development Corporation, spoke in favor of the request. He discussed development of the subject property and noted that the land was originally purchased with the intent to develop an industrial park. He discussed the status of the Dubuque Industrial Center West, noting that additional industrial development property is needed and that the City is constrained to the east and to the north due to the river and topography.

Karen Rokusek, 12101 Cousins Road, asked why land that is to remain undeveloped needs to be rezoned. She recommended that the property that will not be built on not be rezoned. She asked if it is legal to create an island of residential in the midst of commercial and industrial development.

Mr. Heiar said that the City is asking that the entire 175 acre parcel be rezoned with approximately one-half to be designated as public open space and recreation area. He said some of this area is wooded, hillside and floodplain. He said that it may be developed for a pond, bike/hike path and recreation area similar to that in the Dubuque Industrial Center West. He said that he is not aware of how access to the landfill will be changed as this issue has not been resolved.

Staff Member Kritz noted various design configurations for the Southwest Arterial interchange access as it affected Cousins Road. He discussed the annexation and island affect and spot zoning. He discussed the PUD concept plan, noting the location of the building pads and where the recreation area would be located. He said that the open space and recreation area would be regulated by a shared maintenance agreement between the industrial park property owners and the City as is the Bergfeld Recreation Area.

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Commissioner Bird requested clarification regarding the location and size of the open space. Staff Member Kritz discussed the Industrial Park layout, noting the location of the open space, which he said included a wooded hillside and flood plain. Commissioner Bird asked if extension of the roadway into the recreational space would require an amendment to the Planned Unit Development. Staff Member Kritz said that changing the roadway and access configuration would likely require that the PUD be amended.

Staff Member Kritz discussed the future access to the landfill, noting that the concepts he was aware of showed access to be provided by a frontage road along U.S. Highway 20.

Ms. Rokusek asked for clarification regarding the maintenance agreements for the common area in the industrial park. Staff Member Kritz said the maintenance responsibility for the common area amenities would be shared between the industrial park property owners and the City of Dubuque.

Staff Member Kritz outlined the staff report, discussing the concept plan indicating where the four primary building pads and new street access will be located. He discussed the PUD Ordinance noting that the uses in the industrial park would be the same as those in the Dubuque Industrial Center West. He said that City water and sewer were available to the site, and that development would avoid the wetlands and floodplain areas.

Staff Member Kritz indicated that the industrial park could be a conservation subdivision in that wetlands, flood plain, and the wooded hillside area would all be preserved. He discussed the surrounding zoning and street cross-sections for the development. He said that street trees would be placed along with additional landscaping, that existing native trees will be preserved, innovative storm water infiltration will be used on the sloped sides of the building pads, and a series of three detention ponds be used to control storm water.

Commissioner Norton spoke in favor of the request, said that he respected the neighbors' concerns, but that the open space areas will maintain an approximately 400-foot buffer between the industrial property and the adjacent residential properties. He said that the Commission, at this point, cannot control highway access and landfill issues.

Chairperson Miller said that he sympathizes with the neighbors, but he is also in favor of the request. He said that the Commission cannot control the Iowa Department of Transportation and City Landfill access issues. He said that the wooded area and floodplain will remain as a buffer.

Motion by Christ, seconded by Norton, to approve the rezoning of property at 501 Seippel Road from AG Agricultural to PUD Planned Unit Development with a PI Planned Industrial Designation. Motion was approved by the following vote: Aye – Smith, Christ, Bird, Norton, Henschel and Miller; Nay – None.

PUBLIC HEARING/REZONING: Application of Mark Arthofer requesting approval to rezone property located 165 Westside Court from PC Planned Commercial to CS Service and Wholesale District

Mark Arthofer, 5272 Fagan Road, Zwingle, IA, said that he would like to rezone the property so he can expand his operation and add a commercial building.

Staff Member Kritz outlined the staff report. He said that the applicant is acquiring a portion of Menard's Planned Unit Development, and the rezoning is necessary to enable the property owner to expand his business operation. He said that the existing PUD does not permit contractor shops and yards, and therefore, the rezoning is necessary.

There were no public comments.

Commissioners discussed the request and felt it was appropriate.

Motion by Bird, seconded by Henschel, to approve the request to rezone the property located at 165 Westside Court from PC Planned Commercial to CS Commercial Service and Wholesale District. Motion was approved by the following vote: Aye – Smith, Christ, Norton, Bird, Henschel and Miller; Nay – None.

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

Respectfully submitted,

Kyle L. Kritz, Associate Planner

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Adopted