

MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION

6:00 p.m.
Tuesday, July 2, 2013
City Council Chamber
350 W. 6th Street, Dubuque, Iowa

PRESENT: Chairperson Charles Miller; Commissioners Ron Smith, Stephen Hardie, Martha Christ, Patrick Norton and Tom Henschel; Staff Member Kyle Kritz, Dave Johnson and Guy Hemenway.

ABSENT: None.

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 June 5, 2012 meeting were approved by the following vote: Aye – Smith, Christ, Norton, Henschel and Miller; Nay – None; Abstain – Hardie.

ELECTION OF OFFICERS: A motion to elect Charlie Miller as Chairperson was approved unanimously. A motion to approve Patrick Norton as Vice Chairperson was approved unanimously. A motion to approve Martha Christ as Secretary was approved unanimously.

ACTION ITEM/WAIVER: Application of Conlon Construction Company, 450 Huff Street, for approval of the request to waive Section 13 of the Unified Development Code Site Design Standards regarding storm water management, permeable area, and landscaping.

Steve Conlon and Michael Hunt, representing Conlon Construction, 1100 Rockdale Road, outlined their request for the Commission. Mr. Conlon noted that they had submitted a modified site plan addressing the concerns raised by the Commission at the last meeting. He said that Conlon has met with the City of Dubuque Engineering Department and reached accommodation regarding storm water management for the site. Mr. Hunt said that the site has been Conlon Construction's storage and maintenance yard for quite some time, and that they want to continue to fully utilize the site. He said there is no additional room on the site for the required landscaping and green space. He said that Conlon has decided to implement several storm water management measures, including capture and re-use of rain water, planting of native species, and a possible a small green roof area.

Staff Member Kritz referenced a letter submitted by Conlon just prior to the meeting noting the measures they have proposed to meet the storm water requirements. He said that Engineering will review the storm water management measures proposed by Conlon construction, and that the Commission need not waive that section of the Ordinance. He said that the existing site is almost fully impermeable and that to comply with the landscape buffer and green space requirements would eliminate the required parking. He said that Conlon could seek a variance from the parking requirements. He noted that Environmental Engineer Denise Ihrig was in attendance to answer any questions Commissioners may have.

The Commission discussed the request, and felt that it was appropriate to waive the remaining two standards.

Motion by Henschel, seconded by Hardie, to waive Sections 13-4.4 and 13-4.6 of the Unified Development Code regarding setbacks, landscaping and required green space. Motion was approved by the following vote: Aye - Smith, Hardie, Christ, Norton, Henschel and Miller; Nay – None.

ACTION ITEM/WAIVER: Application of Blain's Farm & Fleet, Asbury Plaza, for approval of the request to waive Section 13 of the Unified Development Code Site Design Standards regarding design standards for Big Box retail uses related to façade design.

Robert Blain, 4358 North Rivers Edge Road, Janesville, Wisconsin introduced his associates, Neil VanLoo and Dave Wynn. He noted the site location and discussed the building design. Mr. VanLoo discussed photos and renderings of a prototypical Blain's Farm & fleet retail building. He discussed the building's design, materials, layout, garden center, and energy efficiency measures. He noted the building will be sustainable using recycled materials, efficient windows and lighting, HVAC, recycled oil as fuel, skylights and an energy management system.

Staff Member Kritz outlined the history of the implementation in 2009 of the Unified Development Code big box standards. He said that this building would be the first one reviewed under these standards and that it is also the first building located in Asbury Plaza to be bound by these standards as well. He noted that the building's size and location in Asbury Plaza as it related to adjacent streets and businesses. He read the big box standards, noting Blain's building's deficiencies.

Mr. VanLoo said that the building represents a new prototype with branding and marketing implications. He said that Blain's has tried to be true to the guidelines outlined in the City's Unified Development Code with a couple of minor exceptions. He noted that the rear of the building would be located 275 feet from their rear property line and be lower by a 26-foot grade change. He said that there would be landscaping and that exterior storage that would also screen the back side of the building. He noted that

the building redesign would affect the roof drainage and structural systems. Mr. Blain said that the rear and sides of the buildings will not be highly visible. He discussed those design elements incorporated in the building that were intended to break up the long front building wall. He said that altering the building design to incorporate all of the big box standards would cost between \$650,000 and \$700,000. He said that they would be the only large retailer in the Asbury Plaza development that would be held to these standards as the other buildings in Asbury Plaza were not.

Mr. VanLoo said it would cost approximately \$120,000 to bring the front façade into compliance by adding an additional tower.

Staff Member Kritz read through all of the big box standards, noting those that the Farm & Fleet building met and those that were to be waived. Mr. VanLoo noted that the exposed aggregate architectural precast represents a very durable, attractive and well insulated product.

Staff Member Kritz noted that Blain's had committed to providing an additional outdoor public/employee area, and that this requirement would not have to be waived. He noted that the Unified Development Code allows the Zoning Advisory Commission to waive site design standards if they feel that there is good reason and that the intent of the ordinance has been met.

Commissioner Hardie said that he felt that Blain's had made considerable efforts to comply with the City standards and that those standards that have to be waived are very close to compliance. He said that he was comfortable with the building's design as presented.

Commissioner Norton questioned the distance required between the façade towers. Staff Member Kritz explained both the required distance and the distance that Blain's would provide.

Motion by Hardie, seconded by Christ, to approve the Blain's Farm & Fleet building design as presented. Motion was approved by the following vote: Aye - Smith, Hardie, Christ, Norton, and Miller; Nay – None; Abstain – Henschel.

ACTION ITEM\SITE PLAN: Application of Blain's Farm & Fleet for approval of the site plan for the new Blain's Farm & Fleet store for compliance with Asbury Plaza Planned Unit Development District and concept plan.

Staff Member Kritz outlined the site details, noting the requirement that the Zoning Advisory Commission review all site plans in the Asbury Plaza PUD to determine if they are compliant with the original conceptual plan. He noted the lot size, location, building size, parking layout and landscaping, and stated that all were compliant with the Unified

Development Code regulations. He discussed the Asbury Plaza Concept Plan, the ordinance, and discussed oblique photos of the site.

The Commissioners felt that the site plan was appropriate.

Motion by Hardie, seconded by Smith, to approve the Blain's Farm & Fleet site plan as presented. Motion was approved by the following vote: Aye - Smith, Hardie, Christ, Norton, and Miller; Nay – None; Abstain – Henschel.

PUBLIC HEARING\REZONING: Application of Royal Oaks Development, Inc./Steve Moore to rezone an 11 acre parcel located at 380 Cedar Cross Road from AG Agricultural to C-3 General Commercial District.

Steve Moore, representing Royal Oaks Development, discussed the request, noting the parcel size, location, and current zoning. He said their intent is to rezone the property to C-3 General Commercial for its highest and best use.

Catherine Heller, 3262 North Cedar Court, said that her residential building abuts the subject lot. She said that the developer has removed all the trees, and asked if a berm or fence is required to screen the property from the commercial use. She expressed concerns with the amount of light, noise and activity that would spill over from the commercial site.

Barb Powers, 3203 Lake Ridge, said that she wants a privacy fence along the lot line. Staff Member Kritz noted that in a C-3 district, a buffer between commercially zoned and residentially zoned property is required. Ms. Powers asked about sign regulations for the proposed district.

Larry Griffin, 448 Tamarack Court, said that his property abuts the subject lot. He said that he would like measures taken to block the wind as his property located high on a promontory. He said that a fence would be okay, however, it would block the wildlife that traverse his property. He said that trees and a vegetative buffer would be more appropriate for both access for the wildlife and as a wind break.

Jeff Hansel, 439 Tamarack Court, said that he has reviewed Mr. Spiegel grading plans. He said that he feels lowering the site will be positive for the Cedar Lakes Subdivision and that, as a result, he supports the project.

A.J. Spiegel, 8650 Enterprise Drive, Peosta, Iowa, said that there has been much effort expended to clean and clear the existing site of volunteer trees, cottonwoods and trash. He said that his intent is to improve the property and drop the grade about 25 feet from the adjacent residential properties. He said he will install trees or fence buffer as required by the City, and that he will do a good job.

Staff Member Kritz outlined the staff report, noting the adjacent land use and those uses permitted in a C-3 District. He discussed setbacks and screening requirements outlined in the Unified Development Code when commercial property is located next to residential property. He said that it would be up to the developer as to how to screen, but he will have to comply with said requirements. He noted that the Comprehensive Plan calls for this area to be mixed use residential. He detailed the building height limitations in a C-3 district and discussed trip generation for the property if it were to be developed for multi-family residential use. He said that he had discussed those uses permitted in both the C-2 and C-3 districts with the developer and that they chose to seek C-3 because it offered more flexibility. He noted the property's location relative to Highway 20.

Commissioner Hardie asked if Mr. Spiegel would consider deciduous vegetation on the embankment along the south property line between the commercial development and the neighboring residential properties. Mr. Spiegel said that he would agree to place trees along the embankment to help buffer the commercial activity from the adjacent residences.

Motion by Hardie, seconded by Miller, to approve the rezoning from AG Agricultural to C-3 general Commercial District as submitted. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Henschel and Miller; Nay – None.

PUBLIC HEARING/REZONING: Application of Miner Properties to rezone property located at 1048-1060 White Street from Historic Millwork District Planned Unit Development to C-4 Downtown Commercial zoning district.

Dave Miner, 8870 Joyce Court, said that he owns the property along White Street which consists of a gravel parking lot and metal contractor shop building. He said that Mr. Steffans is interested in purchasing the property and expanding his body shop. He said that Mr. Steffans owns Toys Done Right on Central Avenue.

Dan Steffans, 13806 Sherrill Road, said he is the owner of Toys Done Right body shop. He noted the improvements that he had undertaken for his existing commercial building and property and stated that his intent has always been to enhance the property and fit in nicely with the downtown and Millwork District. He said that he works hard to maintain his property and he would like to contribute to revitalization of the downtown area. He said that he understands that he is not necessarily compliant with the vision for the Historic Millwork District but he feels that he will fit in at the subject site. He said that, based on the cost of the improvements to the subject property, it will not be sold to a fly-by-night operation. He said that as a result of the revitalization of the Historic Millwork District and the increasing resident population, his services for an upscale auto repair and body shop will be needed. He said he would like to provide a well-constructed, attractive wooden fence for the vacant lot.

Staff Member Hemenway reviewed the staff report, noting the site size, location, current zoning and proposed zoning. He reviewed the list of uses and conditional uses permitted

in the Historic Millwork District PUD. He discussed the Historic Millwork District Master Plan and vision, noting that automobile related services have been eliminated from the Historic Millwork District PUD, but that there are a number of uses including contractor shops and light manufacturing that are similar in nature and intensity to an auto repair shop. He said that no auto rebuilding would be permitted in either the existing Historic Millwork District or proposed C-4 District. He noted that the Zoning Board of Adjustment has already approved a conditional use permit for this site which requires that the parking lot be paved and that the vacant lot be fenced to a height of six feet with a fully opaque fence. He said that approval of a conditional use permit by the Zoning Board of Adjustment was made contingent on the Zoning Advisory Commission's approval of the rezoning request.

Commissioner Smith asked about fence requirements, expressing concerns with the potential for a chain link fence. Staff Member Hemenway noted that the fence would have to be six foot high and fully opaque. He said it could be wood or vinyl; however, chain link with slats was also acceptable.

In response to a question from Chairperson Miller, Mr. Steffans noted that all of the vehicles he is working on are pulled inside the building in the evenings, and that the parking lot is used for customers and employees, not for storage of repair vehicles.

Commission Hardie asked staff about the difference in the sign regulations between the proposed C-4 and existing Historic Millwork District. Staff Member Hemenway reviewed both sets of sign regulations, noting that in the Historic Millwork District, wall-mounted signage is limited to 50 square feet, and in a C-4 District, it is limited to 100 square feet. Otherwise, he said, all the sign regulations are similar. He stated that, if approved, Mr. Steffans would be required to submit a site plan prior to development of the property.

In response to a question from Commissioner Smith staff noted that if the property were to be developed through the site plan review process, it would be considered one zoning lot, and not eligible for separate signage. Mr. Steffans noted that he will utilize the existing building and not redevelop the site.

Commissioner Miller noted that the building could currently be used for any of those permitted or conditional uses in the existing Historic Millwork District PUD.

Motion by Hardie, seconded by Smith, to approve the rezoning from HMD PUD to C-4 with the condition that the site be bound by the Historic Millwork District sign regulations. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Henschel and Miller; Nay – None.

PUBLIC HEARING\ PUD AMENDMENT: Application of the City of Dubuque to amend Historic Millwork District Planned Unit Development District Conceptual Plan to allow off-street parking needed for redevelopment projects.

Staff Member Kritz stated that he represented the City and presented the staff report, noting the proposed surface parking lots location which he said will bracket Elm Street. He discussed surrounding land use and businesses, noting the receipt of a letter from S&K Packaging regarding access to their dumpster. He said the Engineering Department has reviewed the request and determined that it is still possible to access to dumpster location. He said that the Zoning Advisory commission is being asked to approve the change in use for the property.

Chairperson Miller asked if this request is specific to the subject location. Staff Member Kritz said that it was.

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

ITEMS FROM PUBLIC: None.

ITEMS FROM COMMISSION: Commissioner Christ inquired about the new subdivision being built along Peru Road as it regarded erosion problems and mud on the streets. Staff Member Kritz said that it is the developer's responsibility to live up to the provisions of the Storm Water Pollution Prevention Plan (SWPPP) requirements and to the City's grading and erosion control permit. He said that when they do not they are responsible for clean-up. He said that the SWPPP and grading erosion control processes are intended to reduce these types of erosion problems that tend to spill over onto city streets.

ADJOURNMENT: The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted