



Approved

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, April 2, 2014
City Council Chamber
350 W. 6th Street, Dubuque, Iowa

PRESENT: Chairperson Patrick Norton; Commissioners Stephen Hardie, Martha Christ, Tom Henschel and Michael Belmont; Staff Members Guy Hemenway and Kyle Kritz.

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 February 5, 2014 and March 5, 2014 meetings were approved unanimously as submitted.

ACTION ITEM\SIMPLE SUBDIVISION: Application of Laura Jelinske, 11832 Lorelei Lane, for approval of a Plat of Survey, Lot 1 and 2 of Jelinske Addition, Dubuque County.

Chairperson Norton excused himself from the table.

Jim Jelinske, 11832 Lorelei Lane, said that he would like to sell 23 acres of his existing lot to a neighboring property owner.

Staff Member Kritz noted that the request was to split a 40-acre parcel into two lots. He said that the existing lot does not have frontage on a public or private street and, therefore, neither of the two new lots will have frontage. He said that there are no plans for development of Lot 2 for residential purposes.

Commission members discussed the request and felt it was appropriate.

Motion by Belmont, seconded by Christ, to approve the plat of Survey of Lot 1 and 2 of Jelinske Addition, Dubuque County, subject to waiving the lot frontage requirements for Lots 1 and 2. Motion carried by the following vote: Aye – Hardie, Christ, Henschel and Belmont; Nay – None; Abstain – Norton.

ACTION ITEM/REZONING: Application of the Sisters of Charity, BVM/The Lakota Group to rezone property located at 1100 Mount Carmel Drive from R-1 Single-Family Residential to PUD Planned Unit Development.

Sister Teresa Hadro, 2827 Pinard Street, stated that she is president of the Sisters of Charity BVM. She outlined her request for the Commission noting that, although the Sisters have no immediate development plans, they would like to ensure that their property is developed following the BVM's philosophy regarding land stewardship. She noted the steady decline of the facility's resident population. She discussed the structure of the facility, including the areas devoted to assisted living, congregational offices, out buildings, the cemetery and the Roberta Kuhn Center. She said that the cemetery would not be included in the PUD. She said the Sisters want to continue to be good neighbors and stewards of the property. She introduced Dave Grove and Rebecca Hurley of the Lakota Group.

Mr. Grove conducted a PowerPoint presentation outlining the existing campus layout, planned uses and preservation of the natural features. He discussed the lengthy planning process undertaken by the Sisters highlighting the measures taken to ensure the neighbors were included. He provided a matrix comparing permitted and conditional uses in the R-1, R-4, ID and the proposed PUD District and compared bulk standards established in each district. He noted the extensive landscape buffers located on the north and west sides of the property. He discussed the woodland preservation and landscape measures proposed for the property and outlined the proposed sign regulations.

No one spoke in opposition to the request.

Staff Member Kritz discussed the PUD planning process noting that the proposed uses and bulk standards have been well thought through. He said that this is a good attempt at insuring adaptive re-use of this large and unique acreage. He noted that the property is currently under common ownership similar to colleges and hospitals.

Staff Member Kritz discussed the Fire Code preemption issues, noting that staff would prefer that Fire Code issues be handled through the International Building and Fire Codes and not through the PUD. He noted that extension of the public streets could not be approved without review by the Engineering Department to insure all current street standards were met. He said that the bike parking requirements should simply reference standards established in the Unified Development Code. He also recommended that the landscaping requirements reference those established in the UDC. He said there was no need to require balled and burlapped trees.

Staff Member Kritz noted that, in Institutional Districts when significant on-campus expansions occur, the Commission has the ability to review them as an amendment to the district. He said this may be one measure the Commission may consider requiring to

insure that the impact that future development has on the surrounding residential property, and on traffic volumes and street access, is considered.

Commissioner Belmont asked about the need for fire protection language in the PUD.

Chairperson Norton asked Mr. Grove if the Sisters were amenable to adopting the staff's recommendations for the PUD ordinance. Mr. Grove said the Sisters were amenable to all but the condition that future development requires further Commission review.

Commissioner Hardie said that the proposed PUD represented a very well thought out framework, but that it lacked the details necessary for the Commission to render an informed decision. He said that, as there is no concept plan included with the PUD, details on how infrastructure may be extended to the site are lacking. He said he would be more comfortable if the Commission were afforded the ability to review future development. He said that one of his primary concerns is the possible need for a secondary access to the property. He likened the current PUD to a blank check and said he would like the Commission to exert more control over future development of the site.

Commissioner Henschel agreed, stating that he shared Commissioner Hardie's concerns regarding the uncertainty of how the property could be developed and the potential impacts.

Commissioner Belmont noted that the design and landscape guidelines were very detailed.

Chairperson Norton asked if the Commission would review a plat of the property. Staff Member Kritz said that the Commission would only review a plat if the property were to be subdivided.

Mr. Grove said that the Sisters expressed concerns regarding their ability to insure that future development reflected the planning framework they established. He said that they would like to be able to exercise control over the property as it develops. He said that they would rather restrict the number and type of uses than require that further development require an amendment to the district.

Mr. Grove, staff and the Commission discussed traffic and access issues, including the need for secondary access. Commissioner Hardie again expressed his concerns with the Commission's lack of control over future development and with a PUD that lacks a master plan.

Staff Member Kritz discussed traffic analysis along South Grandview Avenue, offering a compromise whereby traffic generation data could be used to determine a threshold for future review by the Commission.

Commissioner Belmont asked if there was a set threshold for traffic volumes on Grandview Avenue. Staff Member Kritz said there was not.

Commissioner Christ expressed concerns with the lack of detail in the plan. She said she felt the Commission needs the ability to review future development of the property. She said that the plan is somewhat of a blank canvas.

The Commission took a 5 minute recess.

Sister Hadro said that the Sisters would like to retain flexibility in their development options and she noted that they have been good stewards of the land for over 124 years. She asked the Commission to table their request to enable them to evaluate their options.

Motion by Belmont, seconded by Hardie, to table the rezoning request. Motion carried by the following vote: Aye – Hardie, Christ, Henschel, Norton, and Belmont; Nay – None.

PUBLIC HEARING/TEXT AMENDMENT: Application of the City of Dubuque for approval of a text amendment to amend Section 16-11-7 of the Unified Development Code to add Fringe Area Development Standards.

Staff Member Kritz discussed the existing policy regarding fringe area development standards. He noted that the request is to codify the requirement that subdividers must comply with rules for new subdivisions within two-miles of the corporate limits. Staff member Kritz indicated that a pre-annexation agreement will be required that stipulates when the corporate limits are adjacent to the property they will annex. As part of the agreement the City will abate a portion of the property taxes on a sliding scale over ten years.

He discussed state law and the right it affords municipalities to regulate fringe areas. He discussed the rationale for the requirement, noting that cities have a vested interest in reviewing proposed street and development patterns and in ensuring logical extension of utilities. He said that the proposed amendment would codify what is currently a policy.

Commissioners discussed the request and felt it was appropriate.

Motion by Hardie, seconded by Christ, to approve an amendment to Section 16-11-7 of the Unified Development Code to add Fringe Area Development Standards. Motion carried by the following vote: Aye – Hardie, Christ, Henschel, and Belmont; Nay – Norton.

PUBLIC HEARING/TEST AMENDMENT: Application of the City of Dubuque for approval of a text amendment to amend Section 16-11-2 of the Unified Development Code to reference Iowa Code Section 354.9 and Two-Mile Extra Jurisdictional Subdivision Review Authority.

Minutes – Zoning Advisory Commission

April 2, 2014

Page 5

Kyle Kritz, Associate Planner, reviewed the requested text amendment explaining that the language change will explicitly reference state code Section 354.9 in the Unified Development Code. He noted that Section 354.9 of the Iowa Code specifically allows municipalities to exert control over subdivisions within its boundaries and within two-miles of the city limits.

Commissioners discussed the request and felt it was appropriate.

Motion by Henschel, seconded by Christ, to approve an amendment to Section 16-11-2 of the Unified Development Code to reference Iowa Code Section 354.9 and Two-Mile Extra Jurisdictional Subdivision Review Authority. Motion carried by the following vote: Aye – Hardie, Christ, Henschel, Norton, and Belmont; Nay – None.

ADJOURNMENT: The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted – 05/07/2014