



Approved

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

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

PRESENT: Chairperson Patrick Norton; Commissioners Stephen Hardie, Martha Christ, Tom Henschel and Steve Baumhover.

Staff Members Guy Hemenway and Kyle Kritz.

ABSENT: Commissioner Michael Belmont.

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 July 2, 2014 meeting were approved unanimously as submitted.

Commissioner Christ noted that she will be absent for the September 3rd Zoning Advisory Commission meeting.

ACTION ITEM/MINOR FINAL PLAT ROYAL OAKS DEVELOPMENT: Application of Royal Oaks Development Corp to approve the Final Plat of Miller Place No. 2 located on Woodgate Drive in Dubuque County (PIN 1523152002).

The applicant was not in attendance.

Staff Member Kritz noted that the subject property is located in Dubuque County within the City's two-mile jurisdiction and is subject to joint review. He said that the subdivision plat creates three lots – one without frontage that will be served by a platted easement. He said that it is not unusual for commercial properties to have reciprocal access agreements. He said that staff did not have concerns with the access easement and recommended approval.

Commissioners discussed the request and felt it was appropriate.

Motion by Henschel, seconded by Hardie, to approve the Final Plat of Miller Place No. 2 subject to waiving the lot frontage requirement for Lot 1. Motion carried by the following vote: Aye – Henschel, Norton, Baumhover, Christ and Norton; Nay – None.

ACTION ITEM/FINAL PLAT OF SIEGERT'S PLACE FIFTH ADDITION: Application of William & Janet Siegert / Dave Schneider, Schneider Land Survey to approve the Final Plat of Lot 3 of Siegert's Place Fifth Addition located at Dodge Street/US Highway 20 West (Next to Menard's).

Dave Schneider, Schneider Land Survey, 906 1st Street, NW, Farley, Iowa, noted that the plat creates a 12.3 acre lot for sale so that the purchaser can develop an auto dealership. He detailed the lot configuration and noted the development moratorium and the Iowa Department of Transportation review process.

Staff Member Kritz outlined the request. He stated that the subdivision splits 65 acres of property into three lots. He discussed the subject property's location and said that it lies within the U.S. Highway 20 Corridor Preservation Zone (CPZ) and the Southwest Arterial Corridor Moratorium Area. He said that the City Council will need to amend the moratorium area prior to approval of the submitted final plat.

He said that the IDOT has reviewed the proposed final plat and had no comments. He said that IDOT will review any subsequent rezoning or site development. He discussed the U.S. Highway 20 CPZ, noting that there have been a number of developments along the corridor within the preservation zone. He discussed the plat configuration and access issues using a map of the area. He noted that, although all lots have frontage, the IDOT may purchase access rights from adjacent property owners.

He discussed conditions that he said the City recommends to impose on the plat which include a hold harmless agreement to indemnify the City should the proposed IDOT frontage road be delayed for any reason and that a separate private access agreement be provided across Lot 3 to serve the balance of the Siegerts' property.

Commissioners discussed the request and felt it was appropriate.

Motion by Hardie, seconded by Christ, to approve the Final Plat of Lot 3 of Siegert's Place Fifth Addition subject to the conditions established in the resolution approving the final plat.

Motion carried by the following vote: Aye – Henschel, Hardie, Norton, Baumhover, and Christ; Nay – None.

PUBLIC HEARING\REZONING: Application of Brian Kane (WBBW Holliday Development LLC) to rezone Holliday Third Addition (Lot 2 of 8, Lot 2 of 6 and Lot 7, all in the Holliday

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Third Addition) along Holliday Drive from C-2 Neighborhood Shopping Center District, to C-3 General Commercial zoning district.

Commissioner Baumhover stepped down due to a conflict.

Brian Kane, Kane, Norby & Reddick, P.C., reviewed the rezoning request. He distributed information that included an exhibit showing the proposed rezoning configuration and a letter containing two conditions agreed upon by the applicant and the neighbors. He said that the exhibit represented a reduction in the area initially asked to be rezoned to C-3. He said that the rezoning now consists of 1.9 acres of land that will be needed to accommodate the display area for the proposed auto sales dealership.

He discussed surrounding zoning and land use, and reviewed the conditions outlined in Ordinance 77-03 that bind the subject properties. He said that they had conducted a neighborhood meeting and that the neighbors expressed concerns with noise, lighting, and stated that they would like the existing vegetation and buffer to remain. He said that the neighbors also requested that WBBW reduce the area to be rezoned to C-3. Mr. Kane reviewed the reduced C-3 area, and he said that the applicants are willing to maintain the existing conditions on the property.

Staff Member Hemenway reviewed the request. He summarized the changes made by Mr. Kane, noting that the applicants reduced the area they originally requested to be rezoned to C-3. He reviewed the existing conditions placed on the property. He noted the difference between C-2 and C-3 zoning and discussed the site topography and grade change between the adjacent residential property and the subject lot. He discussed the original conditions contained in ordinance 77-03, noting that they had either been satisfied or were moot because they were superseded by current Unified Development Code requirements. He said that the only condition that would not carry over, unless reaffirmed by the Commission, was the requirement that the landscape buffer be maintained.

Commissioners discussed the request and felt that given the conditions offered by the applicant reducing the area to be rezoned and maintaining the landscape buffer area, the rezoning was appropriate.

Motion by Hardie, seconded by Christ, to approve the rezoning request subject to reducing the area to be rezoned to C-3 as per Exhibit A and by following the conditions outlined in the letter submitted by the applicant noted as Exhibit B. Motion carried by the following vote: Aye – Hardie, Henschel, Norton and Christ; Nay – None; Abstain – Baumhover.

PUBLIC HEARING\REZONING: Application of Gronen Restoration to rezone property located at 1501 Jackson Street from R-2A Alternate Two Family Residential to OR Office Residential.

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John Gronen, Gronen Restoration, stated that he is working on a redevelopment plan for the St. Mary's Campus. He said that the existing school building at the southeast corner of the campus will be completely rehabilitated creating 12 dwelling units. He reviewed the proposed enhancements to the campus, which he said will include additional green space. He said that the apartment building will meet the Unified Development Code parking requirements. He noted that the past use of the school and church property was more intense than the uses he proposes.

Jeff Morton, Morton Architects, reviewed the existing site conditions and discussed the concept plan for campus enhancement. He said that in the past green space was removed to provide additional parking, but that those hardscape areas will be converted to green space, and used for recreational area and stormwater management. He said that there will be accessible parking provided directly adjacent to the subject building and that remote parking will be available in an existing lot adjacent to the church campus. He said that new lighting will be provided that creates a safe environment for the facility but will not overpower the adjacent properties.

Julie Woodward, 1789 Elm Street, said that she represents Crescent Community Health Center. She spoke in support of the project, and stated that this type of redevelopment is a positive thing for the Washington Neighborhood.

Sister Green, Opening Doors Board of Directors, spoke in support of the project, noting the need for affordable housing in the area.

Michelle Brown, Executive Director of Opening Doors, spoke in support of the project, noting that it provides transitional housing for the adjacent shelter residents.

Staff Member Hemenway reviewed the uses permitted in both the R-2A and OR districts, noting that the adjacent property had been rezoned in the past to accommodate the Maria House. He discussed off-street parking requirements and noted that he had received no input from adjacent property owners.

Commissioner Hardie asked if a change in use could create a greater demand on parking. Staff Member Hemenway noted that a change in use would likely be reviewed by staff and if it was determined that there was a deficit of parking, the applicants would have to either provide parking on-site, on an adjacent lot through the conditional use process, or seek a parking variance.

Commissioners discussed the request and felt it was appropriate.

Motion by Hardie, seconded by Christ, to approve the rezoning request as submitted. Motion carried by the following vote: Aye – Hardie, Henschel, Baumhover and Christ ; Nay – None; Abstain – Norton.

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ADJOURNMENT: The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted