



Approved

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, May 7, 2014
City Council Chamber
350 W. 6th Street, Dubuque, Iowa

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

ABSENT: Commissioner Martha Christ.

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 April 2, 2014 meeting were approved unanimously as submitted.

PUBLIC HEARING\REZONING: Application of the Sisters of Charity BVM/The Lakota Group (tabled) to rezone property located at 1100 Carmel Drive from R-1 Single-Family Residential to PUD Planned Unit Development.

Motion by Hardie, seconded by Henschel to bring the request back to the table. Motion was approved by the following vote: Aye – Hardie, Henschel, Belmont, and Norton; Nay – None.

Daniel Grove of the Lakota Group said he was representing the Sisters of Charity BVM. He said that the Sisters had made several changes in response to the concerns raised by Commissioners at the last meeting. He introduced Sister Teresa Hadro, 2827 Pinard Street.

Sister Hadro discussed the history of the Mount Carmel property and detailed what she said was an extensive planning process undertaken by the Sisters. She said that during the planning process, the Sisters had worked closely with the neighbors and City staff to develop a plan that addressed their concerns. She discussed the goals incorporated into the plan and noted that the Sisters intent is to ensure continued stewardship of the land. She said that they have no current development plans for the property. She discussed demographics of the facility's resident population.

Mr. Grove reiterated the details of the plan, including bulk standards, landscaping, preservation of open space, and permitted uses. He said they felt there was no need for a detailed concept plan like the colleges have, and said that the Sisters were of the opinion that requiring an amendment process for the plan was not necessary. He said that, in response to the Commissioner's concerns, they further limited the permitted uses and included a conditional use component in the plan. He discussed the proposed uses and their location on the site. He outlined the conditional use process and noted the restrictions listed.

Dan Ernst, 899 Mt. Carmel Road, said that he supports the Sisters request. He said that he has had a good long-term relationship with the Sisters, and he asked that the Commission allow the property to be rezoned as proposed.

Mike Gaherty, 1849 S. Grandview Avenue, expressed concerns with traffic. He asked how many units could be built on the property.

Steve Juergens, 200 Security Building, 151 W. 8th Street, said that he represented the Butler family who own properties along both Mount Carmel and Grandview Avenue. He said they had concerns with the lack of detail in the plan and the lack of traffic analysis for the proposed Planned Unit Development.

Mike Conlon, 1975 S. Grandview Avenue, said that he is an adjacent property owner. He praised the Sisters for involving the neighbors in the planning process, but he said that the plan lacks detail. He expressed concerns with the potential for increased traffic along Grandview Avenue.

Patty Haas-Chandee, 945 Carmel Drive, said she is a long-term area resident and has not experienced any issues with traffic. She said that the Mount Carmel facility would serve as a great nursing home.

Mr. Grove said that he had no rebuttal.

Staff Member Kritz detailed the memo he provided noting the changes the Sisters proposed to the PUD. He discussed the Zoning Board of Adjustment conditional use process and said that the changes proposed were targeted to address the concerns raised by the Commission at their last meeting. He discussed traffic issues regarding the PUD, noting the potential need for a secondary access. He said that four concurring votes are needed for approval of the Sister's request.

Commissioner Henschel said that he still had concerns regarding the number of uses permitted.

Commissioner Hardie said that the Sisters put forth a commendable effort; however, he said that the PUD plan does not provide enough detail. He said, generally, developers

would have to amend planned districts if what they proposed ran counter to the plan. He said this allows the Commission additional scrutiny regarding subsequent development. He said that the Sisters property is a large area with much uncertainty, and that the plan did not address traffic management and infrastructure extension issues. He said that the Sisters had not provided a plan with enough specificity.

Chairperson Norton said that he agreed. He said there is not enough detail even though the plan has covenants and bulk standards. He said that a physical concept plan has not been provided. He said that approval of the request would be giving the Sisters a blank check for development. He said it is difficult to adequately evaluate traffic generation without a plan. He asked Commissioners if they would be willing to condition approval of the plan on the inclusion of an amendment process.

Commissioner Belmont said he was not necessarily concerned with the plan because the Sisters had placed limitations on development through the conditional use process. He said he had minor concerns with the potential intensity of the general office use.

Commissioner Hardie said some uses could be quite intense. Commissioner Norton agreed that the intensity of the possible uses is of concern.

Motion by Hardie, seconded by Henschel, to approve the rezoning as submitted. The motion was denied by the following vote: Aye – Belmont; Nay – Hardie, Henschel and Norton.

PUBLIC HEARING\REZONING: Application of Dr. Mary Lynn Neumeister to rezone property located at 3674 Crescent Ridge from R-1 Single-Family Residential to C-3 General Commercial zoning district.

Mary Lynn Neumeister, 3674 Crescent Ridge, noted the site location and size of the property and stated that there was a large row of trees along the property's boundary. She said that Mr. Herrig, who owns the adjacent property, was in favor of her request. She discussed alternative uses for the property considered by her family, noting that they did not want to rent the property as a residence. She discussed the preliminary plan for reconfiguration of U.S. Highway 20, and noted its impact on the status of her property.

Jim Neumeister said that he had been contacted by the Boy Scouts who he said were interested in using this site as their office and main facility. He expressed frustration with the IDOT, stating they have failed for quite some time to make a decision regarding the status of their property.

Staff Member Hemenway discussed the proposed rezoning, existing land use and surrounding zoning. He noted the receipt of a letter of opposition submitted by Ruth Durey of 3663 Crescent Ridge.

Minutes – Zoning Advisory Commission

May 7, 2014

Page 4

Staff Member Kritz reviewed the Iowa Department of Transportation process regarding the comment period required for rezonings located in the Corridor Preservation Zone. He said that he had received information from the IDOT stating that their preliminary intent was to acquire the property but they had not made a final decision.

Commissioners discussed the request. Several Commissioners noted that the request was logical and that the ultimate disposition of the IDOT property was not of concern.

Motion by Hardie, seconded by Belmont, to approve the rezoning as submitted. Motion failed by lack of four affirmative votes by the following vote. Aye – Hardie, Belmont, and Norton; Nay – Henschel.

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

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted