



MINUTES
CITY OF DUBUQUE ZONING ADVISORY COMMISSION
REGULAR SESSION

6:00 p.m.

Wednesday May 6, 2015

City Council Chamber, Historic Federal Building

Board Members Present: Chairperson Pat Norton; Commissioners Stephen Hardie, Steve Baumhover, Tom Henschel and Laura Roussell; Staff Members Kyle Kritz and Guy Hemenway.

Board Members Excused: Commissioners Martha Christ and Michael Belmont.

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

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

MINUTES: The Minutes of the April 1, 2015 Zoning Advisory Commission meeting were approved unanimously as submitted.

Action Items\Plat of Survey: Application of Buesing & Associates to approve a Plat of Survey of Lots 1 & 2 of Mihalakis Place No. 2 for property located at 2541 Broadway Street.

Chairperson Norton stepped down from the table. Vice Chairperson Tom Henschel presided.

The applicant was not in attendance.

Staff Member Kritz noted that the Plat of Survey represents a shift of the lot line that will help facilitate the sale of the property. He said the Commission had reviewed a similar plat previously; however, the applicant had reconfigured the lot lines. He discussed the lot area and configuration, noting the inclusion of the driveway access. He said that Planning staff recommended approval of the plat as submitted, subject to waiving the lot frontage requirement for Lot 2, which had only 16 feet, 50 feet required.

Commissioners discussed the request and felt it was appropriate.

Motion by Hardie, seconded by Baumhover, to approve the Plat of Survey of Lots 1 & 2 of Mihalakis Place No. 2 subject to waiving the lot frontage requirement for Lot 2.

Motion was approved by the following vote: Aye – Baumhover, Hardie, Henschel and Roussell; Nay – None; Abstain – Norton.

Public Hearings\ Rezoning (Tabled): Application of Jeffrey and Nicole Imbus to rezone property from C-3 General Commercial District with conditions to PUD Planned Unit Development to allow for construction of an assisted living residential development for property located on Lots 4 and 5 of C. J. Bies Sub. No. 2.

Nicole Imbus, 911 Arrowhead Drive, East Dubuque, Illinois, reviewed her request to construct an assisted living facility. She said the first phase will consist of one, 16-room assisted living facility, and that another 16-room and a 19-room facility will be built in subsequent phases of the development.

Steven Krieg, 1576 Bies Drive, discussed the history of the subject property and detailed the past zoning requests for the lots. He noted that conditions in the past limited access to both Bies and Century Drives and also required a landscape buffer and privacy fence to be installed along the north side of the lots. He discussed traffic issues along Bies Drive, expressing concerns with the current volume and speed of traffic. He said that the proposed development may exacerbate traffic problems along Bies Drive. He stated that he is not in favor of the rezoning.

Ms. Imbus said that the proposed assisted living facility should generate very little traffic.

Staff Member Hemenway outlined the staff report, noting the uses permitted under the existing C-3 General Commercial district. He discussed the conditions placed on the property that he said included setbacks, landscaping and a privacy fence on the north side of the lot adjacent to the existing residential development. He discussed access to the property stating that the City of Dubuque Engineering Department has reviewed the proposed driveway to the facility as it concerns SUDAS regulations for both the existing street configuration and possible future realignment of the Sylvan/Bies intersection. He said that the Engineering Department said that the driveway access would be compliant with both scenarios. He discussed potential phasing of the subject property, the architectural style of the buildings, the number of parking spaces provided and the landscaping requirements. He noted that the traffic volume is significant along Bies/Sylvan Drive, noting that it is a cut-through for people going between Pennsylvania Avenue and Dodge Street, and also people accessing Kennedy Mall. He said that the C-3 uses currently permitted under the existing zoning would likely generate greater traffic volume than an assisted living facility.

Commissioner Hardie asked if the Commission could require additional landscaping along the northern property line between the subject lot and the adjacent residential properties. Staff Member Hemenway said the Commission could consider requiring additional landscaping.

Commissioner Roussell asked about the current 20-foot setback requirement. Staff Member Hemenway explained that the setback was intended to protect the adjacent residential use from the high intensity commercial uses allowed in the C-3 District. He said that current concept plan shows the building and parking lot being setback 15 feet from the north property line.

Commissioner Hardie said that he felt the 15-foot setback was adequate provided that additional landscaping was installed.

Commissioners discussed the request and felt that additional landscaping should be placed within the 15-foot setback along the northern property line. The applicant agreed to the Commission's proposal.

Motion by Hardie, seconded by Henschel, to approve the rezoning of Lots 4 & 5 of C.J. Bies No. 2 from C-3(c) General Commercial with conditions to PUD Planned Unit Development with a PR Planned Residential Designation with the condition that four-foot mature trees that will achieve 50% opacity within three growing seasons be installed along the north property line of the subject lot; this landscaping to be in addition to the other required landscaping.

Motion was approved by the following vote: Aye – Baumhover, Hardie, Norton, Henschel and Roussell; Nay – None.

Public Hearings\Rezoning: Application of Gronen Restoration to rezone property located in the 1500 block of White Street from R-2A Alternate Two-Family Residential to OC Office Commercial.

The applicant was not in attendance.

Commissioner Hardie said that he felt it was necessary for the applicant to be present to answer questions as this is a fairly substantial change to a half-block area.

Motion by Hardie, seconded by Roussell, to table the request to rezoning the property from R-2A to OC to the next meeting. Motion was approved by the following vote: Aye – Baumhover, Hardie, Norton, Henschel and Roussell; Nay – None.

Public Hearings/Text Amendment: Application of the City of Dubuque Planning Services Department to amend the Unified Development Code to establish quarries as a conditional use in the AG Agricultural District.

Staff Member Kritz noted the rationale for developing quarry regulations. He said that although there is only one quarry within the city, it is possible that potential quarry areas may be annexed into the city in the future. He said that the existing quarry will not be affected, as it is grandfathered and can continue to operate and even move the quarry face provided they follow all other relevant regulations. He said that newly annexed

property where a quarry was proposed would require that the operator obtain a conditional use permit. He said that the City is currently conducting an annexation study and wanted to be proactive in developing regulations for potential quarry areas. He discussed the requirements and regulations which were borrowed from Dubuque and Clayton Counties. He discussed the setback, storage, parking, and pavement requirements. He noted that quarries also have to follow State Code and Fire Marshal regulations regarding the storage and use of explosives. He said the conditional use permit requirement was placed in the AG Agricultural District as properties that are newly annexed to the City come in as AG districts.

Commissioner Baumhover asked if the existing quarry owner would be notified. Staff Member Kritz said that he had notified the existing quarry owners, but received no response.

Chairperson Norton said he felt it was wise to be proactive regarding quarry regulations.

Motion by Henschel, seconded by Baumhover, to approve the text amendment to the Unified Development Code to establish quarries as a conditional use in the AG Agricultural District. Motion was approved by the following vote: Aye – Baumhover, Hardie, Norton, Henschel and Roussell; Nay – None.

ITEMS FROM COMMISSION: Commissioner Henschel noted that he would not be attending the June Zoning Advisory Commission meeting.

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

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted