



**MINUTES**  
**CITY OF DUBUQUE ZONING ADVISORY COMMISSION**  
**REGULAR SESSION**

6:00 p.m.

Wednesday December 3, 2014  
City Council Chamber, Historic Federal Building

**Board Members Present:** Chairperson Pat Norton; Board Members Stephen Hardie, Steve Baumhover, Martha Christ, Tom Henschel and Michael Belmont; Staff Members Kyle Kritz and Guy Hemenway.

**Board Members Excused:** None.

**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 November 5, 2014 Zoning Advisory Commission meeting were approved unanimously as submitted.

**PUBLIC HEARING\AMEND ID DISTRICT:** Application of the University of Dubuque to construct a new educational facility adjoining the University on Auburn Street.

Jim Steiner, Vice President of Finance for the University of Dubuque, presented his request. He noted that the proposal was to construct an academic building for the Physician's Assistant Program. He discussed the building's location, size, internal uses and relationship to campus parking. He emphasized that storm water management measures would be used to mitigate any storm water generated by project.

Adam Schwendinger, 1845 Bennett Street, said that he is a resident of the neighborhood and that repeated expansions of the University of Dubuque's campus facilities have created negative impacts in the neighborhood. He expressed concerns regarding increased demand on parking and asked the University of Dubuque to clarify where parking for the proposed facility would be located. He said storm water is a concern because the storm sewers are overwhelmed during rain events to the point where it pops manhole covers off and floods the streets. He said he would like to know what the building architecture will look like.

Virginia Till, 1550 Alta Place, said she would like to see a visual rendering of the buildings. She expressed concerns regarding the additional demand for on-street parking that the increased student population and number of student vehicles may create. She said the intersection of Loras Boulevard and North Algona Street is problematic because cars park in close proximity to the intersection making visibility difficult. She said that some of the

student rental housing in her neighborhood is disruptive and she asked if the University of Dubuque had considered creating additional student housing.

Dan McDonald, representing Greater Dubuque Development Corporation, spoke in support of the request. He noted the positive economic impact that the colleges and universities in Dubuque have had. He said that Dubuque's schools of higher education have been neighborhood institutions for decades. He said that the University of Dubuque's parking reconfiguration represents a gain of 33 additional parking spaces. He said that the University has a robust shuttle service, and that they are helping support public transit, all of which he said will help reduce traffic and the demand for on-street parking.

Jim Steiner noted that the University had followed all notification protocol for adjacent properties. He said that the University has studied parking issues in collaboration with the City of Dubuque Engineering Department and City Manager. He said they have discussed methods to help mitigate demand for parking, including increasing the "no student parking" areas and adding additional street signage. He said they have generally reached the extent of the "no student parking" zones into the neighborhoods. He said that the University will add water retention and storm water management methods to help mitigate any additional storm water that may be generated by the project. He said that sequestration and infiltration of the storm water should help improve the storm water situation.

He said that the proposed building architecture will blend well with the existing building. He discussed the student enrollment numbers, highlighting the number of commuter students. He said that the intersection of Loras Boulevard and North Algona is somewhat remote from the campus and that the University has no control over that intersection. He said that the University also has no authority regarding off-campus student behavior. He said that the University has recently built one, 150-bed student dormitory and that they will be building two more dormitories when funding is secured.

Staff Member Kritz described the University's project, including the building and parking locations, noting the interior uses. He discussed the expansion and relocation of the parking lot, stating parking will be located on the fringe and that the development will be interior to the campus, which he said encourages pedestrian access. He noted that parking issues for the campus are reviewed on a case-by-case basis each time the University proposes an expansion or amendment to their district. He noted availability of on-street and off-street parking, and the University's shuttle for staff, students, and faculty. He discussed storm water management measures undertaken by the University, noting that the proposed building will be built over an existing impermeable area. He discussed the notification process. He noted concerns about storm water and intersection visibility off-campus should be referred to the Engineering Department, and concerns with rental housing to the Housing Department.

Commissioner Belmont asked about current storm water flow. Mr. Steiner said that the storm water flows from an existing parking lot where the Physician's Assistant Building will be located to a catch basin in the street. He said that the new system will infiltrate a certain

percentage of the storm water, which he said may help reduce storm water generated from the site.

Commissioners discussed the request and felt that it was appropriate.

Motion by Hardie, seconded by Baumhover, to approve the amendment to the University of Dubuque's ID District to permit construction of a new educational facility adjoining the University' Science Center. Motion carried by the following vote: Aye –Baumhover, Hardie, Christ, Henschel, Norton and Belmont; Nay –None.

**PUBLIC HEARING/AMEND ID DISTRICT:** Application of the University of Dubuque to amend their ID District to construct an addition to the Stoltz Center gymnasium to increase the seating capacity on McCormick Street.

Jim Steiner, Vice President of Finance for the University of Dubuque, discussed expansion of the basketball court and addition of 360 seats at one end of the gymnasium proposed by the University.

There were no public comments.

Staff Member Kritz discussed the proposed expansion and detailed parking issues for the campus. He said there will be 339 parking spaces located in close proximity to the gymnasium in the commuter parking lots along McCormick Street, which are sparsely used in the evenings and weekends when basketball games are held. He noted that the University's parking meets the established parking ratio for arenas.

Commissioner Hardie said that based on past performance and on the sensitivity provided to neighborhood aesthetics he was confident the campus improvements would be well done.

The Commission discussed the request and felt it was appropriate.

Motion by Hardie, seconded by Henschel, to approve the amendment to the University of Dubuque's ID District to construct an addition to the Stoltz Center gymnasium to increase the seating capacity. Motion carried by the following vote: Aye –Baumhover, Hardie, Christ, Henschel, Norton and Belmont; Nay –None.

**PUBLIC HEARING\AMEND ID DISTRICT:** Application of Loras College, 755 Loras/1450 Loras Parkway, to construct an addition to the Boiler Room Building.

John McDermott, Assistant Vice President for Loras College, noted the development history of the subject area on campus, and discussed the project. He said that Einstein Bagels had contracted with Aramark to provide a small, 900 square foot, bagels sales portion within the 4,000 square Welcome Center area. He said that the total building area will be 8,000 square feet, and that they may consolidate the Spirit Shop/Book Store and other retail into one spot.

Staff Member Kritz noted receipt of letters from Tom and Sandy Cullen, 1358 Belmont Street and from the JRM Trust, James R. May, Trustee at 750-754 Loras Boulevard in opposition to Loras' request, which he noted were included in the Commission packet.

Staff Member Kritz discussed the project, including the location of the Welcome Center and bagel café, noting other retail-related activity on college campuses within the city. He said such uses as food service and the sale of college related clothing are customary on most all college campuses. He noted the square footage of the uses and the proposed Welcome Center building, stating that of the 8,000 square foot building, much of it would be used for office and 900 square feet would be used for the bagel shop. He noted the square footage of the proposed interior uses on the building, stating that the building in 2006 had been approved for coaches' office space.

Commissioner Hardie asked about the definition of the principal use. Staff Member Kritz discussed the definitions of the principal and accessory buildings for institutional districts. Commissioner Hardie expressed concerns with the building's location and its proximity to parking across the street. He said that this corner location may prove tempting for people wanting to access the retail component of the building. He said that he was hesitant to approve the request at this location.

Chairperson Norton said that he has given great thought to the issue, noting that he said he felt it was not typical for non-students to access campus retail service. He said there will be no outdoor signage, and that he felt the bagel business would be more of a transient use for the captive campus student population.

Staff Member Kritz discussed the traffic and parking on Loras Boulevard and the Alumni Center parking lot. Commissioner Hardie said he still felt pedestrian traffic crossing Loras Boulevard could create a safety issue.

Commissioner Baumhover said that he did not believe the amount of commercial traffic generated by business would create a traffic safety problem.

Commissioners discussed the request and felt it was appropriate.

Motion by Christ, seconded by Baumhover, to approve the amendment to Loras College's ID District to allow the addition above the existing Boiler Room Building. Motion was approved by the following vote: Aye – Baumhover, Christ, Henschel, Belmont and Norton; Nay – Hardie.

**PUBLIC HEARING/REZONING:** Application of Mary's Inn / Gary & Joan Miller for property located at 2098 Rosemont, to rezone the property from R-1 Single-Family Residential to R-3 Moderate Density Multi-Family Residential.

Tim Duggan, representing Mary's Inn, asked to table the request because the management for Mary's Inn has not resolved all contingencies with the current property owner.

Motion by Christ, seconded by Hardie, to table the request for Mary's Inn to rezone the property at 2098 Rosemont from R-1 Single-Family Residential to R-3 Moderate Density Multi-Family Residential. Motion was approved by the following vote: Aye – Baumhover, Christ, Henschel, Hardie, Belmont and Norton; Nay –None.

**PUBLIC HEARING/AMEND ID DISTRICT:** Application of Dubuque Regional Humane Society / Maria Benham, 4242 Chavenelle Road, to amend Dubuque Industrial Center Planned Unit Development to permit an electronic message sign.

Maria Benham, representing the Dubuque Regional Humane Society, reviewed her request, noting that the Humane Society is a somewhat unique use within the Dubuque Industrial Center. She said that their operation could benefit from the addition of an electronic message sign that would help advertise their services and showcase the animals they have for adoption. She said that the Unified Development Code allows electronic message signs in many places in Dubuque and those areas surrounding the Dubuque Industrial Center. She said that amending the district would be very positive for the operation of the Humane Society.

There were no public comments.

Staff Member Hemenway reviewed the genesis of sign regulations for the Dubuque Industrial Center. He reviewed the existing regulations that govern the operation of electronic message signs, and noted that these signs are allowed in all commercial and industrial districts. He discussed the surrounding zoning and uses on the adjacent properties. He noted the sign's proximity to the Northwest Arterial IDOT right-of-way. He said that all owners within the Dubuque Industrial Center were notified and that he had not received any input.

Chairperson Norton asked if there were any other electronic message signs along the Northwest Arterial. Staff Member Hemenway reviewed the location of existing electronic message signs along the Northwest Arterial. He said that he had contacted the IDOT and that the only concern they expressed regarded the potential impact of the sign on traffic safety. He said that based on the sign's size and its distance from the traveled portion of the Northwest Arterial, it should have very limited impact, if any, impact on traffic safety.

Commissioner Henschel asked about the size of those signs that would be permitted in the district. Staff Member Hemenway reviewed the regulations regarding sign size, number and location of signs permitted in the DIC.

Commissioners discussed the request and felt it was appropriate.

Motion by Baumhover, seconded by Christ, to approve the Dubuque Humane Society's request to amend the Dubuque Industrial Center ID District Amendment to permit electronic message signs. Motion was approved by the following vote: Aye – Baumhover, Christ, Henschel, Hardie, Belmont and Norton; Nay –None.

**PUBLIC HEARING/REZONING:** Application of Brian Kane / Warrior Enterprises, LLC, 2075 Holliday Drive, to rezone the property from C-2 Neighborhood Shopping Center to C-3 General Commercial zoning district.

Chairperson Norton stepped down from the table.

Brian Kane, representing Warrior Enterprises, LLC, reviewed his request for the Commission. He discussed the previous rezoning request, noting the location of the property to be rezoned, the surrounding businesses, residential properties, and land uses. He discussed adjacent zoning. He said that Warrior Enterprises held a meeting with the neighbors and that only a couple of people showed up. He said that the area proposed to be rezoned will be used as vehicle display for McGrath Auto Sales.

There were no public comments.

Staff Member Hemenway reviewed the request, reviewing the allowed uses in the C-2 and C-3 Districts, and the previous condition regarding screening of the subject parcel from the residential subdivision to the west. He noted that if the Commission chose to maintain the condition regarding screening and landscaping, that they would have to reiterate that as part of the motion.

Commissioners discussed the request and felt it was appropriate, provided the condition for screening and landscaping remains in place.

Motion by Hardie, seconded by Christ, to approve the request to rezone the property at 2075 Holliday Drive, from C-2 Neighborhood Shopping Center District to C-3 General Commercial District with the condition that an earthen barrier shall be constructed along the boundary of the lot which lies adjacent to Embassy West No. 3 Subdivision. The barrier will be graded such that it will slope at a rate of approximately three-to-one (3:1) with the grade rising from the property to the east. The barrier shall be to a minimum of 50 feet and to a maximum of 75 feet in width, extending from the property line to the east. The barrier will be seeded in grasses and shall be planted with conifer (evergreen) trees. The trees shall initially be a minimum of 7 to 8 feet in height and shall be planted at the top of the barrier. The trees shall be planted in a zig-zag pattern approximately 15 feet apart. Motion was approved by the following vote: Aye – Baumhover, Christ, Henschel, Hardie, and Belmont; Nay –None; Abstain - Norton.

**ITEMS FROM COMMISSION:** Commissioner Hardie asked if staff could potentially develop a definition for principal use. Staff Member Kritz said he would look into it.

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