



# Approved

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

6:00 p.m.

Wednesday September 2, 2015  
City Council Chamber, Historic Federal Building

**Board Members Present:** Chairperson Pat Norton; Commissioners Kristin Dietzel, Tom Henschel Laura Roussell and Michael Belmont; Staff Members Kyle Kritz and Guy Hemenway.

**Board Members Excused:** Commissioners Steve Baumhover and Martha Christ.

**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 August 5, 2015 meeting were approved unanimously as submitted.

**PUBLIC HEARING/REZONING:** Application of Jenk Enterprises Inc. for property located at 412 Loras Blvd. to rezone property from OR Office Residential district to OC Office Commercial district to permit a bridal shop

Cathleen Enabnit, 105 S. Grandview Avenue, representing Jenk Enterprises, Inc., discussed her proposal to place a bridal and dress shop with an apartment above at 412 Loras Boulevard. She noted they already own other bridal shops in the region and are experienced with retail sales. She said the building is currently vacant. She noted that she and her husband have met with the neighbors and have received positive feedback.

Susan Kearns, 1325 Bluff Street, said that she was delighted that someone was trying to re-open the vacant building and she asked that the Commission approve the request.

Staff Member Hemenway reviewed the rezoning request, noting the existing layout of the building, including the apartment above and garage parking. He discussed the list of permitted uses for both the OR and OC districts, noting that the OC district allows retail sales where the OR district does not. He said that the proposed use is considered retail sales and service. He clarified the number of apartments in the upper floors, noting that originally there were three; however, the building has been reconfigured to a single apartment. He discussed the proposed use regarding the potential increase in traffic and demand on parking, noting there is on-street parking available on both Loras Boulevard and Bluff Street at this location. He discussed the surrounding land use and the benefits of re-using the existing vacant building.

Commissioner Roussell said that she felt the re-use of the building would have a positive effect on the neighborhood.

The Commission discussed the request and felt it was appropriate.

Motion by Belmont, seconded by Dietzel, to approve the request to rezone the property from OR Office Residential to OC Office Commercial District. Motion carried by the following vote: Aye – Dietzel, Henschel, Belmont, Roussell and Norton; Nay – None

**PUBLIC HEARING/REZONING:** Application of M&M, LLC / Phillip Mihalakis for property located at 468 E. 12<sup>th</sup> Street to rezone property from Planned Unit Development with a PC Planned Commercial district designation to MHI Modified Heavy Industrial district.

Phil Mihalakis, 2602 Hacienda Drive, discussed the property history. He said he had developed his new facility in 2000 and had two subsequent expansions. He said that he added a paved alleyway at his own expense. He said he was opposed to the original rezoning in 2009, and he said that when asked why his property was rezoned, he has yet to receive a satisfactory answer. He said that his property is a triangle and is buffered by both railroad tracks and roads. He said that his parcel is not a critical piece of the Historic Millwork District. He said that his is the only piece of property located on the other side of the tracks from the Millwork District. He noted that the additional regulations imposed by the City have hurt small business.

Staff Member Kritz outlined the request. He said that the property was originally zoned MHI Modified Heavy Industrial district until 2009 when the property was rezoned to the Historic Millwork District (HMD) Planned Commercial (PC) district. He said that the property is 1.9 acres in area and historically has been used for storage. He discussed the Millwork District Master Plan planning process and noted the rationale for incorporating the subject lot into the district. He discussed the uses that are allowed in the MHI district that are excluded from the Historic Millwork District. He said that both the PUD ordinance and the Master Plan identified this area as a gateway to the Historic Millwork District and the city. He reiterated that Mr. Mihalakis had objected to the original rezoning. He said that the subject property was included in the PUD because of its prominent location as an entryway to the district and community. He said that staff recommended denial of the request so as to protect the existing investment in the Historic Millwork District and to protect future development. He said that the property is currently open space and there would be no need to demolish buildings under the current zoning.

Commissioner Dietzel asked if storage was currently allowed on the site. Staff Member Kritz said that the property is legally non-conforming and that storage was a grandfathered use that could continue.

Commissioner Roussell asked Mr. Mihalakis what future use he proposed for the property. Mr. Mihalakis said that he had no future use in mind; however, re-utilizing property with the current regulations and restriction would limit his full use of the property. He noted that he has had difficulty making improvements to his property.

Chairperson Norton said that Mr. Mihalakis is limited in the potential future use and development of his property under the current zoning regulations. In response to a question, Mr. Mihalakis said he has no specific proposed use for the property currently.

Chairperson Norton said that both sides have presented valid arguments; however, the subject property is located at the northeast end of the district and is separated by railroads and streets. He said that he felt the property owner should also have rights regarding the use and redevelopment of his property.

Commissioner Belmont reiterated the concern for protection of the gateway to the community.

Commissioner Dietzel said as there was no plan for redevelopment of the site, there is nothing that would prompt a rezoning.

Commissioner Roussell asked if Mr. Mihalakis could re-apply for a rezoning in the future if he had a potential use for the property. Staff Member Kritz noted that Mr. Mihalakis could apply for a rezoning at any time.

Commissioner Dietzel said she felt that Mr. Mihalakis could continue his current operation under the existing zoning and; therefore, the rezoning was not necessary.

Motion by Henschel, seconded by Belmont, to approve the rezoning request as submitted. Motion was denied by the following vote: Aye – Norton; Nay - Dietzel, Henschel, Belmont, and Roussell.

**PUBLIC HEARING/REZONING:** Application of Horizon Development Group, Inc. (Applewood Senior Apartments) for property located at 3275 Pennsylvania Ave to rezone property from R-1 Single-Family Residential district to PR Planned Residential district to permit construction of a 60-unit Senior Apartment Residence.

Scott Kwezscenski, Horizon Development Group, 5201 E. Terrace Drive, Madison, Wisconsin outlined the request to construct a 60-unit senior apartment building on Pennsylvania Avenue. He said that Horizon Development Group has developed Applewood I, II and III directly adjacent to the subject property, and he noted they have been very successful, are operating at 100% capacity with a waiting list. He said the building would be a two-story framed structure with 60 units and underground parking. He said the building would be very similar to Applewood III. He said that access would be taken from Pennsylvania Avenue. He said that financing requires that the appropriate zoning be in place prior to closing. He said he has met with neighbors and fielded their comments. He said that some of the neighbors asked that the arborvitae be removed from the north property line, and that Horizon supports the request. He noted that the facility would have compliant exterior lighting and that the trees and landscaping on the site would be well maintained.

Don Moody, 1840 Carter Road, said that he supported the project provided that the arborvitae is not installed along the north property so as to maintain visibility and sunlight to

the rear of his property. He said the kind of landscaping that had been installed for Applewood I and II is preferred.

Virgil Blocker, 1850 Carter Road, said that he supports the project. He said Applewood has been a good property manager and good neighbors.

Staff Member Kritz noted the history of previous Applewood developments and discussed the history of the subject property. He noted the property size, location and surrounding land use. He discussed the concept plan, access to the site, and traffic counts from along Pennsylvania Avenue. He noted lighting and storm water management requirements for the proposed development.

Staff Member Kritz said that the PUD ordinance does not require substantial screening along the north property line. He reviewed that in discussions with the applicant and adjacent property owners, the consensus is that the arborvitae along the north property line should not be required. He noted that replacement landscaping could consist of a diverse group of trees and shrubbery similar to the landscaping on the adjacent developments. He said the Commission has the option to recommend that the general landscaping be approved at the site plan review phase in their approval.

Commissioner Henschel applauded both the applicant and the neighbors regarding their ability to work together to facilitate the project.

The Commission discussed the request, and felt it was compatible with the neighborhood. The Commission noted that landscaping is adequately addressed elsewhere in the City Code.

Motion by Belmont, seconded by Roussell, to approve the rezoning request, requiring that the arborvitae screen be deleted and appropriate screening be installed along the north property line of the site. Motion carried by the following vote: Aye – Dietzel, Henschel, Belmont, Roussell and Norton; Nay – None.

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

Respectfully submitted,

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Kyle L. Kritz, Associate Planner

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Adopted