

MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION

Wednesday, January 7, 2009

6:30 p.m.

City Council Chamber, Historic Federal Building
350 W. 6th Street, Dubuque, Iowa

PRESENT: Chairperson Jeff Stiles; Commissioners Ron Smith, Steve Hardie, Martha Christ, Patrick Norton, Charles Miller, Tom Henschel; Staff Members Kyle Kritz and Guy Hemenway.

ABSENT: None.

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

CALL TO ORDER: The meeting was called to order at 6:30 p.m.

MINUTES: The minutes of the December 3, 2008 meeting were approved unanimously as submitted.

ACTION ITEM/PLAT OF SURVEY: Application of David Chapin for approval of the Plat of Survey Lot 1 of 2 and Lot 2 of 2 of the SE 1/4 of the SE 1/4 of Section 24, T88N, R2E of the Fifth P.M., Table Mound Township, Dubuque County, Iowa located on Old Davenport Road.

Steve Schmitt, MSA Services, Galena, Illinois, outlined the request for a Plat of Survey in Dubuque County. He said that Mr. Chapin's intent it to remove a small corner of a lot from a "parent" parcel to facilitate the platting of a subdivision along Old Davenport Road.

Staff Member Kritz reiterated the request, discussing the proposed subdivision and noting that the subject property is within two miles of the City of Dubuque. He said the small lot created by the plat of survey will not have the required amount of frontage or lot area. He recommended approval subject to waiving lot frontage and lot area.

Commissioners discussed the request and noted that it would facilitate the replatting of the area for a subdivision. There were no public comments.

Motion by Hardie, seconded by Christ, to approve the Plat of Survey Lot 1 of 2 and Lot 2 of 2 of the SE 1/4 of the SE 1/4 of Section 24, T88N, R2E of the Fifth P.M., Table Mound

Township, Dubuque County, Iowa subject to waiving the lot frontage requirement for Lot 1 of 2 and Lot 2 of 2 and waiving the lot area requirement for Lot 2 of Lot 2. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

PUBLIC HEARING\REZONING: Application of Thomas & Karen Gerhard to rezone property, located at 15264 Middle Road, concurrent with annexation, from County R-2 Single-Family Residential District to City CS Commercial Services & Wholesale District

Karen Gerhard spoke in favor of the request. She said that she and her husband's home is located next to their business. She said that they would like to annex their property to the City of Dubuque and rezone the parcel that the business is located on to reflect the commercial use.

Staff Member Kritz outlined the request. He said that the shop has been an auto repair business for approximately 25 years and it has been operating under a County special use permit since 1983. He discussed an aerial photo that indicated the lot and building layout. He noted that the adjacent zoning is CS Commercial Service and Wholesale District, and that rezoning the subject parcel would represent an expansion of the CS district. He said that the driveway and parking area is currently unpaved. He said it would not have to be paved unless the business was to be expanded.

Chairperson Stiles asked for clarification regarding lot pavement. Staff clarified the gravel lot is grandfathered. Commissioner Hardie said that the request appeared reasonable. There were no public comments.

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

PUBLIC HEARING\REZONING: Application of Paul Wheelock to rezone property, located at 607 E. 22nd Street, from C-1c Neighborhood Commercial District, with conditions, to C-1 Neighborhood Commercial District.

Paul Wheelock reviewed his request with the Commission. He noted that the restrictions placed on his property made it very difficult to find a tenant.

Frank Miller, 602 E. 22nd Street, said that he and his neighbors had attended several public meetings in the past regarding this property. He said that he does not object to removing the restrictions on the hours of operation, but that he opposes rezoning the property to a straight C-1. He said that two previous requests for removing the restrictions were denied by the City Council in 1991 and 1992. He said that if the property were to be rezoned to C-1 there would be a substantial number of uses allowed. He said that he is particularly concerned with the possibility of a gas station or video arcade being located on the subject

property. He expressed concerns with the potential for an increase in traffic volume in the neighborhood noting the pedestrian and vehicular traffic associated with Audubon School. He said that if the property were to become an arcade, it could be used as a hangout for school children.

Mr. Wheelock noted that currently he has no tenant interested in the building.

Staff Member Hemenway reviewed the request, discussing the conditions applied to the current C-1c zoning district. He reviewed current C-1 district regulations including permitted uses, conditional uses and parking requirements. He said that uses that would qualify for this location were limited by the lot area and available parking.

Commissioner Hardie asked about a comparable development on West Locust Street.

Mr. Hemenway noted that the development on West Locust Street is somewhat larger than the subject property.

Commissioner Hardie proposed eliminating all previous conditions, other than the restriction on gas stations. Commissioner Miller discussed video arcades. Commissioner Hardie stated that most of the issues seem to have been resolved and that video arcades are no longer popular because they have been replaced by home video systems.

Commissioner Hardie stated that he does not object to an indoor restaurant, even if it does sell beer and wine as an accessory use. Commissioner Norton stated that he feels that the issue is not so much about a video arcade, but that the neighbors are concerned that the property not become a teen hangout. He reiterated that the small size of the lot will limit many businesses from locating there.

Staff Member Hemenway reviewed previous Commission and City Council action regarding the subject property. Commissioners Henschel and Christ noted that they are in favor of removing all conditions exception for the prohibition on gas stations.

Motion by Hardie, seconded by Henschel, to prohibit gas stations from the list of permitted uses in the C-1 District. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Miller, Henschel and Stiles; Nay – None.

Motion by Smith, seconded by Christ, to recommend approval of the rezoning as conditioned with the prohibition on gas stations. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Miller, Henschel and Stiles; Nay – None.

PUBLIC HEARING\PLANNED UNIT DEVELOPMENT AMENDMENT: Application of Doug Edwards/Edwards Family Realty, LLC to expand the existing Planned Unit Development District by rezoning property, at located at 777 Edwards Road, from R-1 Single-Family Residential District to PI Planned Industrial District

Bob Edwards, 1565 Geraldine Drive, reviewed his request with the Commission. He said that Edwards Concrete had expanded their operation onto an area of their own property that currently is zoned R-1 Single-Family Residential district. He said that Edwards Concrete would like to rezone the area to PI Planned Industrial District. He said that the area includes parking and storage.

Staff Member Hemenway reviewed the request noting the size of the area to be added. He stated that the property would be used for an accessory building, outdoor storage and parking. He noted how existing storm water is managed and indicated that the area is screened by natural vegetation. He said that Edwards Concrete would have to submit a site plan to be reviewed by the Engineering Department regarding storm water management and impermeable area.

Commissioners had no objection to the request. There were no public comments.

Motion by Christ, seconded by Hardie, to approve the rezoning as submitted. Motion approved by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

WORK SESSION – UNIFIED DEVELOPMENT CODE:

Staff Member Kritz summarized the changes proposed for Article 6 Overlay Districts; Article 7 Supplemental Use Regulations, Article 8, ZBA Applications & Procedures; Article 9 ZAC Applications & Procedures; Article 10 Historic Preservation; Article 16 Administrative Procedures; and Article 17 Legal Status Provisions of the proposed Unified Development Code.

Commissioner Miller recommended that the word “pony” be left in the Ordinance in an attempt to be all inclusive.

Commissioners discussed the Sign Overlay District Regulations and the changes regarding the Port of Dubuque. Staff Member Hemenway clarified that the Port of Dubuque was excluded in the language indicated in the preamble of the SOD.

Staff Member Kritz discussed wind energy conversion system regulations.

Commissioners discussed the 1,000 foot separation required between wind turbines and historic preservation districts. They discussed proposed regulations for both commercial and industrial wind generators. They asked that wind turbines located in Institutional Districts be required to obtain a conditional use permit. Staff Member Kritz suggested that Institutional Districts could be amended to allow wind turbines on a case-by-case basis. He said this would require that the entity requesting a wind turbine would have to come before the Zoning Advisory Commission to amend the district. Commissioners stated that they felt that this is appropriate. Commissioner Miller discussed changing wind energy conversion system language to use the word off-set versus replace. Commissioner Miller

recommending striking the height requirement for residential wind generators as it relates to house height.

Commissioners discussed the difference between daycare and licensed childcare center, and asked staff if there are inherent problems regarding traffic and parking for childcare centers. Staff discussed their experience with child care centers.

Staff Member Kritz discussed the Zoning Advisory Commission and Zoning Board of Adjustment processes and procedures.

Commissioner Hardie asked why drive-through and automated tellers were struck from the C-4 District. Staff Member Kritz said that he would research that.

Commissioners recommended that the size of signs for licensed childcare centers in commercial districts be altered to allow larger, more appropriate signs. Staff Member Hemenway said that he would look into that.

Commissioner Hardie asked for clarification regarding historic and conservation districts.

ITEMS FROM COMMISSION:

Commissioner Christ asked that Commissioners please remember to turn their cell phones off prior to the meeting.

ADJOURNMENT: The meeting adjourned at 8:20 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner



Adopted