



Approved

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

6:00 p.m.

Wednesday April 6, 2016

City Council Chamber, Historic Federal Building

**Commissioners Present:** Chairperson Pat Norton; Commission Members Laura Roussell, Martha Christ, Tom Henschel and Michael Belmont; Staff Members Kyle Kritz and Guy Hemenway.

**Commissioners Excused:** Kristen Dietzel.

**Commissioners Unexcused:** Steve Baumhover.

**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 March 2, 2016 Zoning Advisory Commission meeting were approved by the following vote: Aye – Christ, Henschel, Belmont and Norton; Nay – None; Abstain - Roussell.

**ACTION ITEMS:**

**Final Plat:** Application Bob Saber/ David P. Schneider to approve the Final Plat of Wombacher Acres Plat 2 for property located at 14132 N. Cascade Road.

Dave Schneider, Schneider Land Surveying, representing Bob Saber, outlined his request. He discussed the lot reconfiguration, noting that Lot 2 is simply needed for access to the balance of the property.

Staff Member Kritz noted the property location and the joint review process required between the City and County. He said that the reconfiguration will provide access to the Saber property. He recommended approval as the plat is in compliance with City regulations, subject to waiving the required frontage for Lot 1.

Motion by Henschel, seconded by Christ, to approval the Final Plat of Wombacher Acres Plat 2 subject to waiving the frontage requirement for Lot 1. Motion carried by the following vote: Aye – Roussell, Christ, Henschel, Norton and Belmont; Nay – None.

**Final Plat:** Application of Dubuque Hardwoods Inc. / David J. Miller for approval of the Final Plat Gassman Quarry Plat 2 for property located at 10492 Highway 52 South.

David Schneider, Schneider Land Surveying, said that he has been working with both Bob Miller and SITCO, which he said was relocated from the Port of Dubuque. He said they would like to split a lot that they jointly own so they can clearly identify each business and its property as separate entities. He said that the current access to this site is paved and he said that will enable the property owners to sell and/or transfer ownership of separate lots.

Staff Member Kritz noted the property's location and he said that the property owners are splitting the lots proactively to allow the sale or transfer of property in the future. He said that the split is compliant with County subdivision regulations regarding access. He said that Planning staff has no objection to the split as it clears up property ownership and delineates access.

The Commission discussed the request and felt it was appropriate.

Motion by Christ, seconded by Roussell, to approve the Final Plat of Gassman Quarry Plat 2. Motion carried by the following vote: Aye – Roussell, Christ, Henschel, Norton and Belmont; Nay – None.

### **PUBLIC HEARINGS:**

**Rezoning:** Application of Tom Tiefenthaler to rezone property located 1710 & 1730 University Avenue (PIN 10-26-212-005 & 006) from R-2 Two Family Residential to C-2 Neighborhood Shopping Center District.

Commissioner Henschel stepped down from the table.

Tom Tiefenthaler, 1107 Scenic Hill Drive, DeWitt, Iowa, reviewed his request noting that he was speaking on behalf of himself and Holy Trinity Lutheran Church. He stated that he had worked closely with the Engineering Department to align the property access with Atlantic Street. He said this would provide ideal, safe access for both his future business and the balance of the church's property.

John Chesterman, 1028 Duggan Drive, said that he represented Holy Trinity Lutheran Church. He spoke in favor of the request as he said it would facilitate the construction of a new storage building on the church property and provide additional parking.

Staff Member Hemenway reviewed the staff report, noting the surrounding zoning and land use. He discussed the previous rezoning request for the applicant's adjacent property. He discussed SUDAS specifications for spacing and visibility for access from the subject property onto University Avenue. He said this is a mixed use area and that

there are some residential properties across University Avenue from the subject property.

Commissioner Belmont said that the request is reasonable as it is a logical extension of the existing commercial onto the smaller triangular lot he said is not likely to be developed for residential use.

Commissioner Roussell said that she is in favor of the request, and that she was pleased that the access issues had been resolved.

Commissioners discussed the request and felt it was appropriate.

Motion by Roussell, seconded by Belmont, to approve the request to rezone the property from R-2 Two-Family Residential District to C-2 Neighborhood Shopping Center District. Motion carried by the following vote: Aye – Roussell, Christ, Norton and Belmont; Nay – None; Abstain - Henschel.

**Rezoning:** Application of Gary Carner to rezone property located at 1690 Elm Street from LI Light Industrial to C-4 Downtown Commercial District.

Gary Carner, 1690 Elm Street, reviewed his request, noting that the uses permitted under the C-4 zoning classification would be a better fit for the adjacent residential neighborhood, and facilitate finding tenants for the building.

Theresa Caldwell, 1633 Elm Street, said she is concerned about the mix of tenants and uses that would be allowed if the property were to be rezoned. She said that she was opposed to any change that would allow a junk yard.

Mr. Carner said that he lives across the street from the subject property. He said two of the current tenants will remain and that the proposed zoning would not permit a junk or salvage business.

Staff Member Hemenway reviewed the rezoning request, noting the existing use of the building and available off-street parking. He contrasted the uses allowed in both the LI Light Industrial and C-4 Downtown Commercial Districts. He said that vehicle related uses that are permitted in a LI Light Industrial District require a conditional use permit in the C-4 District. He said that a bar/tavern is allowed in both districts and that retail sales and upper story residential is only permitted in the C-4 District. He said the current LI Light Industrial District allows both processing and assembly and resource recycling and recovery centers.

Commissioner Henschel said that he felt the proposed rezoning was more appropriate for the mix of uses that are currently in the area.

Commissioner Christ said that she felt the C-4 uses were less intense than those allowed in the LI Light Industrial District. She said she felt C-4 was a better fit for the neighborhood.

Chairperson Norton said that he did not feel that any of the uses in the C-4 district would be unacceptable for the neighborhood.

Commissioner Belmont said he did not feel the proposed zoning change would permit any uses that would be inappropriate for the neighborhood.

Commissioner Roussell said that she felt the rezoning would facilitate redevelopment of the building and property.

Chairperson Norton said that he felt that the uses permitted in the C-4 District are less intense than those allowed in the industrial district.

Motion by Henschel, seconded by Roussell, to approve the rezoning from LI Light Industrial to C-4 Downtown Commercial District. Motion carried by the following vote: Aye – Roussell, Christ, Henschel, Norton and Belmont; Nay – None.

**Amended PUD:** Application of Sara Hutchinson to amend the Plaza 20 Planned Unit Development (PUD) District to allow construction of new retail space and rezone property from R-1 Single-Family Residential to Planned Unit Development for property located at 2600 Dodge Street.

Sara Hutchinson, 221 Bradley Street, said that she represented the Plaza 20 ownership. She said her request is to rezone a portion of the R-1 Single-Family Residential to PUD Planned Unit Development and to permit construction of a new multi-tenant retail building. She described the location of the building and the property to be rezoned. She noted that the request would allow replacement of somewhat deteriorated buildings and provision of a fire safety lane on the back side.

Shane Fletcher, 151 Cherokee Drive, said that he is opposed to the rezoning. He said that maintenance for the property and buildings is lacking. He said that the commercial building could be built on the existing property without requiring a rezoning. He said he is concerned with continual erosion on the hillside and the consequent water pollution. He said that Plaza 20 already has vacant tenant spaces that could accommodate additional commercial development.

Allen Sampson, 123 Cherokee Drive, said that he is concerned that the project is already underway without having received appropriate approval. He said that he is concerned that the property owners will go ahead with the project without receiving approval. He said it is common for debris from Plaza 20 to be found in the valley. He said that the entire hillside has been stripped of trees. He said he is somewhat encouraged that the plan shows tree replacement on the hillside. He asked if there

would be any change in the uses permitted in the PUD. He expressed the need for replacement of the landscaping and screening. He said he was concerned that people may trespass from Plaza 20 onto the adjacent private properties.

Darlene Eddy, 146 Cherokee Drive, questioned the property owner's ability to fill and excavate without prior approval. Staff Member Kritz noted that property owners are allowed to grade their property if they acquire the appropriate permits and that tree removal is a right of property ownership.

McKenzie Decker, 143 Cherokee Drive, said that she is disappointed that the trees have been removed. She expressed concerns with the potential for additional commercial development and consequent litter.

Diane Ahmann, 119 Cherokee Drive, said she was concerned with the addition of the fire lane and neighborhood security. She said that she felt that cameras were needed to monitor the area.

Jan Neenan, 120 Cherokee Drive, said that she feels the proposed development will have a negative impact on the neighborhood and is opposed to the rezoning request.

Mike Kahle, 2888 Thornwood Ct, said that he is part owner of Plaza 20. He discussed the Plaza's ownership history and the history of the stand-alone restaurant. He said that Plaza 20 had to sue to get the restaurant building back, and that they tried unsuccessfully to rent it. He said that it was finally demolished. He said that they plan to remove the Dubuque Appliance building. He said that although the new building could be accommodated on the existing PUD there is still a need for a 30-foot wide fire lane around the entire building. He said that this requires that additional property be rezoned. He said throughout the process they have tried to maintain trees and that when completed, the property will be re-seeded and additional landscaping installed. He said that they have been very careful to follow all rules and regulations regarding the excavation process. He said that Plaza 20 continually strives to remove trash that may have accumulated in the valley. He said that they have followed the storm water pollution prevention plan process.

Staff Member Kritz discussed the applicant's proposed rezoning and new construction. He outlined the property history and referred to a map of the area. He discussed the proposed changes to the PUD. He discussed site access issues, including fire access to the proposed building. He said that the proposed development will not result in the removal of any parking spaces and that the current number of parking spaces exceeds the City's requirements for commercial development. He discussed the list of permitted uses and said that access to Plaza 20 will not change. He said that landscaping will be required but that the specific tree species had not yet been identified. He said that the Zoning Advisory Commission could specify the tree variety and size if they chose.

Commissioner Roussell discussed the request for security cameras and asked if that could be conditional. Staff Member Kritz said that this condition had not been required in the past. She said she was also concerned with the continual removal of trash that may accumulate from the site. Staff Member Kritz noted that the accumulation of debris around large shopping centers is a typical problem.

Chairperson Norton asked if a security fence on the back side of the property may help. Commissioners discussed the request and decided that the fence would likely not prevent people from walking around the end of the fence and would serve to collect trash.

Commissioner Henschel said that he was satisfied with the request, and that the staff report had addressed many of his questions.

Commissioner Belmont said that the proposed expansion of the PUD encroaches very little beyond the existing PUD and that there is a significant buffer of both distance and topography between the residential use and the commercial use.

Chairperson Norton discussed site access and topography. He said that the current strip of residentially zoned property is not likely to be developed for residential purposes as it is too narrow. He said that he understands that the Fire Department needs complete access to all the buildings.

Staff Member Kritz said that they have the ability to reduce the area that is proposed for the PUD expansion.

Commissioners discussed the issue and felt it was not necessary to reduce the proposed PUD area.

Motion by Christ, seconded by Belmont, to approve the request to amend the Plaza 20 PUD Planned Unit Development District to allow construction of a new retail space and rezone property from R-1 Single-Family Residential to PUD Planned Unit Development with the condition that the landscaping added along the east side of the PUD be a shade tree variety. Motion carried by the following vote: Aye – Roussell, Christ, Henschel, Norton and Belmont; Nay – None.

**Amended PUD:** Application of Chris Miller to amend the Tower Hills Planned Unit Development (PUD) District to allow development of South Pointe Village; comprised of two commercial lots and Single and Multi-Family residences for property located along Rockdale Road.

Chairperson Norton stepped down from the table.

Chris Miller, 1205 Heather Glen, said that he represented South Pointe Village Development. He said that they would like to amend the existing PUD to allow single-family, multi-family and commercial development on the property.

Pat Leonard, 8439 Lake Eleanor Road, said he has concerns with the traffic that may be generated by the subdivision as it would all flow onto a two-lane substandard road without curb and gutter. He questioned whether there was adequate sanitary and storm sewer in the area and whether erosion from the site would be problematic. He said that he was also concerned with additional commercial development along Rockdale Road.

Kevin Kelleher, 9237 Bellevue Heights, said that he represented the Dubuque Community Schools. He said they were in favor of the request, and that he asked that sidewalks be extended from the proposed subdivision directly to the school property to facilitate safe pedestrian access. Chris Miller said that their intent is to connect the subdivision to the school property with sidewalks.

Staff Member Kritz noted that the request is to amend the existing Tower Hills Development, which he said has languished since the 1970s. He said that only a small portion of the original PUD was developed which he said resulted in a small mobile home park. He noted the property history and discussed adjacent and proposed land uses that included mixed residential, mobile homes, and commercial development. He referred to maps of the subject property, noting the original development and subsequent development. He discussed the zoning history of the property. He outlined the draft ordinance for the property, noting the location of the proposed uses, number of lots, and the proposed access.

He discussed the street configuration, widths, and potential for limitation of on-street parking. He discussed extension of utilities to the area and the need for a secondary emergency access. He said that the Commission could require the developer to provide a second access. He said that staff recommends that a second access be required. He said that the interior roadways will all be public streets with street lighting, fiberoptics, utilities and sidewalks. He said that the developer had reached a preliminary agreement with the School District to use the playground for additional recreation or defacto park area. He noted the Safe Route to School proposal that would include extending sidewalks directly from the subdivision to the School District's property. He discussed the potential for creation of a passive recreation area, which would have a water feature. He noted the sustainability measures undertaken for the subdivision, including the solar alignment of the lots. He discussed traffic generation for the proposed development.

Commissioner Belmont asked if the public utilities were adequate to serve site. Staff Member Kritz said the City had studied the proposal and were satisfied that the necessary utilities could be extended to the site. He said the potential for looping the water system from the Catfish Creek area would be beneficial to both the developer and the City.

Commissioner Belmont asked if the City had considered new urbanism that would encourage mixed commercial and residential development.

Commissioner Henschel said he felt there is definitely a need for a secondary access.

Commissioners discussed the request and felt that a secondary access should be required. Staff Member Kritz said that the Commission could require a secondary access using a set number of units to trigger said access. Commissioner Christ said that she felt the need for a secondary access should be subject to Fire Department discretion.

Commissioners discussed the request and said that they felt that once the development reached 100 units complete, that a secondary access should be required. Mr. Miller said that it was always their intent to provide a secondary access, and he said they will continue to negotiate with adjacent properties to provide the access.

Motion by Christ, seconded by Roussell, to approve the amendment to the Tower Hills Planned Unit Development District to allow development of South Pointe Village with the condition that the secondary emergency access be required when 100 dwelling units are completed. Motion carried by the following vote: Aye – Roussell, Christ, Henschel, and Belmont; Nay – None; Abstain – Norton.

**ITEMS FROM STAFF:** Staff Member Kritz noted that Commission Member Kristen Dietzel had resigned and he expressed his thanks and appreciation for the service that she rendered during her time as a Commissioner.

**ADJOURNMENT:** The meeting adjourned at 8:00 p.m.

Respectfully submitted,

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Kyle L. Kritz, Associate Planner

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Adopted