



Approved

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

6:00 p.m.

Wednesday May 4, 2016

City Council Chamber, Historic Federal Building

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

Commissioners Excused: None.

Commissioners Unexcused: 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 April 6, 2016 Zoning Advisory Commission meeting were approved unanimously as submitted.

ACTION ITEMS

Preliminary Plat: Application of Derby Grange LLC / Dave Riniker to approve the Preliminary Plat of Rustic Point Estates located at 12568 Kennedy Road.

Chairperson Norton stepped down due to a conflict of interest. Vide Chairperson Henschel presided.

Luke Steger, 16139 Terrace Ridge Road, requested approval of a preliminary plat for Rustic Point Estates as the applicant's representative, and noted the location of the proposed subdivision.

Staff Member Kritz noted that the subject property is located in the County and that Derby Grange, LLC has requested that the City extend public utilities to serve the development. He said that the City plans to acquire right-of-way and extend services to the subject property as a part of annexation and rezoning the property to residential. He said if the subject property is not annexed, then the rezoning approval is moot. He discussed the number of single and multi-family lots in the subdivision. He discussed a colored map noting the lot type and location, street configurations and widths, and parkland location. He said that access to the proposed subdivision will be taken from

Kennedy and Derby Grange Roads. He said that the City will have the ability to service adjacent property should it be annexed as well. He discussed the proposed park area location, noting that the developer had expanded the access to the park to 50 feet in width. He said that more detailed information is needed to determine how much of the park area will be useable. He discussed the 40 points of sustainability required for the subdivision, noting that 30 have been awarded for the solar orientation of the lots, 5 for the reduced street width and 5 for the subdivision's tree planting requirement.

Zoning Commissioners discussed the request and had no concerns. Commissioner Baumhover said he felt this was a very viable project.

Motion by Christ, seconded by Baumhover, to approve the Preliminary Plat of Rustic Point Estates as submitted. The motion carried by the following vote: Aye – Christ, Baumhover, Roussell, Henschel and Belmont; Nay – None; Abstain – Norton.

Plat of Survey: Application of Table Mound Investments, Inc. to approve the Plat of Survey of Table Mound Mobile Home Park.

Chairperson Norton stepped down due to a conflict of interest. Vide Chairperson Henschel presided.

Pat Norton, Buesing & Associates, 1212 Locust Street, said that the property was being platted in conjunction with the South Pointe Development, which he said the Zoning Advisory Commission had recently approved. He noted that the plat represents a land transfer between two parties and that the new lot would not have frontage. He said that the new lot would eventually be merged with South Pointe Development and will be used as a detention area.

Staff Member Kritz reiterated the request, noting that the triangular shaped lot was part of the original subdivision plat. He said the property will serve as a detention area and the City has secured access easements to guarantee continued maintenance of the facility. He said the City is okay with the lot that has no frontage.

Commissioners discussed the request and felt it was appropriate.

Motion by Belmont, seconded by Roussell, to approve the Plat of Survey of Table Mound Mobile Home Park subject to waiving the lot frontage requirement for Lot 2. The motion carried by the following vote: Aye – Christ, Baumhover, Roussell, Henschel and Belmont; Nay – None; Abstain – Norton.

Site Plan: Application of Furniture Mart USA/ David Schneider to review submitted Site Plan for Ashley Home Store for compliance with the Asbury Plaza Planned Commercial District located in Asbury Plaza Shopping Center / Plaza Drive.

Dave Schneider, Schneider Land Surveying, 906 1st St, N., Farley IA, said that he is working with Furniture Mart and Ashley Furniture to develop a retail furniture store. He said their intent is to begin construction soon.

Staff Member Kritz outlined the request, noting the location of the property within the Asbury Plaza Shopping Center. He said that major site plans need to be approved by the Zoning Advisory Commission and the intent is to guarantee compliance with the originally adopted concept plan for the plaza. He discussed site access, noting that the property will have excess parking based on the Asbury Plaza PUD. He said that Ashley Furniture had to develop according to the covenants enacted for the Asbury Plaza by its ownership. He said City Engineering staff has reviewed the proposed access.

Chairperson Norton asked if the parking exceeded the maximum amount permitted. Staff Member Kritz noted that the furniture store is 38,000 square feet in area, and the cap only applies to those big box retailers of 50,000 square feet or greater.

Commissioner Belmont asked about the proximity of the curb cut to the corner. Staff Member Kritz noted that, while not ideal, as this is a private drive the City does not have the ability to deny the access.

Commissioner Henschel said he is in favor of the development of the vacant out lots.

Motion by Christ, seconded by Henschel, to approve the site plan for the Asbury Plaza Furniture Mart/Ashley Furniture as submitted. The motion carried by the following vote: Aye – Christ, Norton, Baumhover, Roussell, Henschel and Belmont; Nay – None.

PUBLIC HEARINGS

Rezoning: Application of Steve Smith to rezone property located on Wolff Road (Parcel ID#1020376004) from CSc Commercial Service & Wholesale with conditions to LI Light Industrial District.

Steve Smith, 2150 Tuscan Ridge, said that he would like to create a 22,000 square foot indoor recreation and trampoline center.

Clinton Krapfl, 2236 Indy Drive, noted that CSc zoning had conditions regarding setbacks and landscape vegetation.

Staff Member Kritz noted that the Zoning Advisory Commission would have to reiterate said conditions that had been originally established in 1986 if they were to continue. He noted that the maximum building height permitted in the LI District is 50 feet versus 40 feet in the Commercial Service district.

Brian Lammers, 19228 English Mill Road, questioned the original landscaping that had been recommended. He said there may be more appropriate landscaping for screening purposes than 80-foot trees.

Julia Lyga, 2240 Indy Drive, questioned the site plan requirements regarding lighting, parking, and dumpster locations.

Laura Hecker, 2224 Indy Drive, expressed concerns regarding storm water management for the site.

Steve Smith noted the top of the wall would be on 22 feet in height on the west side building.

Staff Member Kritz noted the request was to create an indoor recreation facility. He said that most of the adjacent parcels within the city are zoned LI Light Industrial. He said that many of the light industrial uses overlap with those uses permitted in the CS District. He discussed uses already permitted in the CS District, including processing and assembly and indoor resource and recycling centers. He said that the City of Dubuque's Unified Development Code design standards require that dumpsters be enclosed and lighting use cut-off luminaires. He said that the property is at the end of Wolff Road and that a hammerhead or cul-de-sac would be created to facilitate truck turning. He discussed the parking lot landscaping noting that screening would be needed along the perimeter of the parking lot. He discussed topography and site visibility from the adjacent residential subdivision. He said that storm water would be managed as per City requirements. In response to a question regarding a fence along the rear property line, he said that a fence would not prevent a cut-through pedestrian traffic unless the entire facility was fenced.

Staff Member Kritz discussed the original conditions placed on the zoning approval that included the 30-foot building setback and the 80-foot tree landscaping requirements. He said the Commission had several options. He said that one would be to approve the rezoning request without conditions; one would be to adopt the same conditions as the original rezoning, or one would be to modify the conditions.

Commissioner Henschel recommended restricting the building height to 40 feet.

Commissioner Belmont asked if it was difficult for staff to enforce conditions imposed by the Commission. Staff Member Kritz noted that sometimes there may be difficulty, but that staff has consistently enforced conditions applied to rezonings.

Commissioner Belmont asked the owner if he was okay with the 40-foot height limit. Commissioner Roussell said that she would like to see the tree landscaping buffer requirement included. Commissioner Belmont agreed.

Motion by Belmont, seconded by Henschel, to approve the rezoning with the conditions that: 1) The building height be limited to 40 feet; 2) the building setback along the west property line be a minimum of 30 feet; and 3) the western boundary of the subject property be planted with trees of a species that at maturity would be a minimum of 80 feet in height. Planting of these trees is to be undertaken within 12 months after the

building permit is obtained. The motion carried by the following vote: Aye – Christ, Baumhover, Roussell, Henschel, Belmont and Norton; Nay – None.

Rezoning: Application of Al Urbain Construction Management, Inc. to rezone property located at 800 & 804 Rhomberg Avenue from C-1 Neighborhood Commercial and R-2A Alternate Two-Family Residential to C-2 Neighborhood Shopping Center zoning district.

Al Urbain, Urbain Construction Management, Inc., reviewed the request, noting the location of the property and the former use of the site. He said the applicant proposes to create a drive-through restaurant. He said that only one person responded to the invitation to meet and discuss the project.

Staff Member Hemenway reviewed the former uses of the site, surrounding zoning and land use, and the recent Zoning Board of Adjustment action approving a conditional use permit for the property. He discussed the uses allowed in both C-1 and C-2 zoning, noting there were only five uses permitted in the C-2 that are not permitted in C-1, and that those are conditional uses in C-1. He discussed the drive-through configuration, noting that Engineering had done a preliminary review of the drive-through. He stated that repurposing of vacant commercial structures generally has a positive impact on the neighborhood and prevents the building from deteriorating and from becoming a security and litter problem. He said that vacant commercial properties such as this can contribute to urban blight.

Commissioner Roussell said that redevelopment of this property would on balance be positive for the neighborhood.

Commissioner Baumhover asked about drive-through options. Staff Member Hemenway noted that various drive-through configurations have been discussed with Engineering and that they had preferred access from Rhomberg and with an exit to the alley.

Chairperson Norton said that the drive-thru configuration was not necessarily germane to the rezoning request, and that the ultimate configuration should be left to City staff.

Commissioners discussed the request and felt it was appropriate.

Motion by Henschel, seconded by Christ, to approve the rezoning as submitted. The motion carried by the following vote: Aye – Christ, Baumhover, Roussell, Henschel, Norton and Belmont; Nay – None.

Amended PUD: Application of Keith Gutierrez to amend the Historic Millwork District Planned Unit Development to allow microbrewery, winery and distillery as permitted uses.

Keith Gutierrez reviewed his request with the Commission. He said he would like to develop a microbrewery in the Historic Millwork District.

Staff Member Hemenway noted that the receipt of a letter from Gronen Development, 900 Jackson Street, asking the Commission to consider changing the amended language to move the microbrewery, winery and distillery from a permitted use to a conditional use. There were no other public comments.

Staff Member Hemenway reviewed the proposed amendment, noting that brew pubs are currently allowed in the HMD, and he discussed the difference between a brew pub, including the volume permitted, a microbrewery, and a brewery. He said that he had not been able to find any metrics regarding various levels of wineries and distilleries. He noted the external impacts that could be associated with the brewery operation, such as truck traffic and demand on parking. He discussed the experience with similar facilities in the Pittsburgh area that he said had developed in residential neighborhoods. He further reviewed the procedure for that the Zoning Board of Adjustment to review a conditional use request at a public hearing.

Chairperson Norton asked about experiences with similar facilities. Staff noted that there had not been smells and other problems associated the few area microbreweries they had visited.

Commissioner Belmont asked about the limitations regarding microbreweries and brew pubs. Staff Member Hemenway noted that the distinctions and thresholds are clearly spelled out in the definition section of the Unified Development Code.

Commissioner Roussell asked what the impact on the applicant would be if a conditional use permit was required. Staff Member Hemenway reviewed the conditional use permit process, noting that a public hearing would be held and that the Zoning Board of Adjustment would have the ability to deny the request, approve as submitted, or approve with added conditions.

Commissioners Christ and Belmont said they were in favor of the request as they felt it was consistent with the current allowed uses in the Historic Millwork District.

Please note: Chairperson Norton had to leave on a family emergency.

Motion by Christ, seconded by Roussell, to approve the amended PUD as submitted. The motion carried by the following vote: Aye – Christ, Baumhover, Roussell, Henschel and Belmont; Nay – None.

ADJOURNMENT: The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted