

MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION

Wednesday, April 1, 2009
6:00 p.m.
City Council Chamber
350 W. 6th Street, Dubuque, Iowa

PRESENT: Chairperson Jeff Stiles; Commissioners Ron Smith, Stephen Hardie, Martha Christ, Patrick Norton, Charles Miller and 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 p.m.

MINUTES: The minutes of the March 4, 2009 meeting were approved unanimously as submitted.

ACTION ITEM PLAT OF SURVEY: Application of the City of Dubuque for approval of the Plat of Survey Riverwalk Ninth Addition located at 5th & Bell Streets.

Staff Member Kritz described the subdivision of six lots in the Port of Dubuque area. He noted that the intent is to consolidate the lots to make them more useable.

Commissioners felt the request was appropriate.

Motion by Hardie, seconded by Christ, to approve the Plat of Survey Riverwalk Ninth Addition, as submitted. Motion carried by the following vote: Aye - Smith, Hardie, Christ, Miller, Henschel and Stiles; Nay - None.

PUBLIC HEARING AMEND ID DISTRICT: Application of Gary Gansemer, Hillcrest Family Services, to amend the Hillcrest Family Services ID Institutional District located at 2005 Asbury Road to permit the continued use of a portable classroom building.

Chairperson Stiles excused himself from the table due to a conflict of interest.

Gary Gansemer, representing Hillcrest Family Services, said that his request is to continue the use of a portable classroom that originally had been approved in 2000. He said permission to keep the classroom was extended in 2003. He said that he inadvertently failed to ask to continue the use when it expired in 2006. He asked that the Commission allow Hillcrest Family Services to continue to use the portable classroom.

Commissioner Hardie asked if the request is still to allow the classroom on a temporary basis. Mr. Gansemer explained the continued need for classroom space into the foreseeable future. He said that Hillcrest Family Services is discussing provision of services with the Dubuque Community School District.

Staff Member Hemenway reviewed the request, noting the timeline of events for Hillcrest Family Services' portable classroom. He said that the Commission could approve the portable classroom in perpetuity or establish a timeframe for removal of the structure. He reviewed an aerial photo of the site noting the location of the classroom relative to the adjacent properties.

Commissioner Henschel said that he is in favor of a three-year extension. Commissioner Norton expressed concerns about the use of a temporary facility on a permanent basis. Commissioner Christ said she has no objection to a three-year extension. Commissioners Smith and Miller said that they feel that a permanent solution should be found rather than continuing to use a temporary classroom.

Motion by Hardie, seconded by Smith, to permit the continued use of the portable classroom for three years. Motion carried by the following vote: Aye - Smith, Hardie, Christ, Miller, Norton, and Henschel; Nay – None; Abstain – Stiles.

Motion by Christ, seconded by Henschel to approve the use of the portable classroom as amended. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Miller, and Henschel; Nay – Norton; Abstain – Stiles.

PUBLIC HEARING/AMEND PUD DISTRICT: Application of Dan Fitzgerald, Horizon Development Group to amend the Applewood Senior Housing Planned Unit Development located at 3225 Pennsylvania Avenue by rezoning 1.7 acres from R-1 Single-Family Residential District to PUD Planned Unit Development to allow construction of a three-story, 43-unit senior apartment residence.

Dan Fitzgerald, Horizon Development Group (HDG) outlined Horizon's development history. He said that HDG has three facilities in the City of Dubuque—Applewood #1 and #2 and the Woodlands. He said that HDG's intent is to expand the existing Applewood senior housing development and add Applewood #3. He said that HDG conducted a neighborhood meeting that seven adjacent property owners attended. He said that the meeting went well and that the neighbors' primary concern was the height of the building.

He said that the neighbors asked that the roof pitch be changed, that the first floor grade elevation be lowered and that landscaping buffer be created to help mitigate the building height. He said that HDG's architect had changed the roof pitch of the building, lowered the first floor elevation, and proposed additional screening. He said that the building height would be five feet lower and in line with Applewood #2.

Mr. Fitzgerald introduced Kevin Burow, staff architect for HDG. Mr. Burow gave a video presentation regarding the building design and site layout. He discussed the building redesign comparing the roof line of the proposed structure with Applewood #2. Mr. Fitzgerald said that the building has been designed to maximize the use of the property, creating a more sustainable development with a smaller footprint, less exposed building area and more permeable area. He discussed the proposed parking area location. He discussed setbacks, noting that the building will be 76 feet from the adjacent residential property along Carter Road. He discussed additional landscaping for the rear property area.

Commissioner Smith asked if the apple trees at the rear of the property would be removed. Mr. Fitzgerald said that they will be removed and replaced with new screening.

Leonard Diederichs, 1870 Carter Court, spoke in opposition to the request. He said that a three-story structure is too tall for the adjacent single-family neighborhood. He said that Applewood #1 and #2 are two-story and that to allow a three-story building at this location would constitute a spot zone. He said he felt that HDG could make a two-story building work on this site.

Virgil Blocker, 1850 Carter Road, referenced a letter he submitted. He spoke in opposition to the request. He said that HDG had satisfied his lighting and screening concerns, but he still feels that a two-story building is more appropriate.

Dan McDonald, Greater Dubuque Development Corporation, said that HDG has an impeccable reputation in Dubuque. He said that the project is consistent in size and scale with the Angelis and Oak Park senior housing facilities. He said that HDG has made a good faith effort to lower the building and address the concerns raised by the neighbors. He said that new local development is sorely needed.

Kenneth Johnson, 1852 Carter Road, said that he is pleased with the project. He said that if the building were to be a two-story structure, it would move the building walls much closer to his property. He spoke in support of the request.

Herb Bisping, local realtor, said that he represents both Lange (the existing property owner) and HDG. He said that this is an ideal location for the expansion of Applewood. He said that single-family homes adjacent to Applewood #1 and #2 have increased in value.

Jerome Mistek, 1846 Carter Road, referenced a letter he submitted. He said that if the Commission were to approve a three-story structure at this location it would set a precedent. He expressed concern with what may happen on the remaining 2.8 acres of Lange property. He said that HDG may request higher buildings in the future.

Mr. Fitzgerald stated that HDG had explored use of the two-story building at this location. He said that the site is constrained by its size and that a two-story structure would be set much closer to the rear property line and would consume more of the green space. He said that a two-story structure would only be set back 15 feet from the rear property line.

Commissioner Henschel asked if the lower level would be parking or residential units. Mr. Fitzgerald said that both parking and residential use would be located on the lower level. Commissioner Miller asked how the landscaping would be placed on the lot. Mr. Fitzgerald said that landscaping would be placed along the hilltop at the back of the property where it would be most effective. He said that it would be placed about 12-15 feet from the rear property line so that it would not encroach on the adjacent residential properties.

Staff Member Kritz discussed the site size and layout, building configuration and parking. He discussed the history of Applewood #1 and #2, distributed an aerial photo of the site and discussed the building elevations and contours of the site. He noted how building height and stories are defined by the Zoning Ordinance. He discussed traffic generation, utility extensions and fire safety. He stated that Applewood #3 would be approximately the same height as Applewood #2 and be set back farther from the rear property line than Applewood #2. He said that the Commission has the right to review subsequent development and that making a decision on one property does not set a precedent for adjacent properties. He noted that neighbors expressed concern with height during the 1993 rezoning of Applewood #1 and #2.

Commissioner Smith asked for clarification on the landscaping requirements. Commissioner Norton inquired as to what the setbacks are for Applewood #1 and #2. Chairperson Stiles read a letter submitted by Anita Mistek, 1840 Carter Road, into the record.

Commissioner Smith said that he felt a three-story building with a lower roof line and lowered base elevation is better than a sprawling two-story structure. He said that he feels the additional landscaping is necessary. Commissioner Christ agreed. Commissioner Norton noted that a two-story building would have a higher first floor elevation and be built much closer to the property line. He said that placing the building farther away from the adjacent properties and lowering the roof line is a win/win situation.

Commissioner Christ asked if the building change would require an amended motion. Chairperson Stiles said that he feels HDG has addressed the neighbors' concern with height by the proposed building and landscaping modifications.

Commissioner Hardie proposed amending the ordinance to include the proposed building redesign and more robust landscaping.

Motion by Hardie, seconded by Miller, to amend the Applewood Senior Housing Planned Unit Development located at 3225 Pennsylvania Avenue by rezoning 1.7 acres from R-1 Single-Family Residential District to PUD Planned Unit Development to allow construction of a three-story, 43-unit senior apartment residence with the following conditions: (1) That the roof pitch be 4/12; (2) that the first floor elevation be 808 feet; (3) that two parallel rows of American arborvitae be required adjacent to the rear property line; and (4) that the rear yard setback of the structure be a minimum of 76 feet 6 inches. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

Motion by Hardie, seconded by Miller, to approve the Applewood Senior Housing Planned Unit Development located at 3225 Pennsylvania Avenue by rezoning 1.7 acres from R-1 Single-Family Residential District to PUD Planned Unit Development to allow construction of a three-story, 43-unit senior apartment residence as amended. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Henschel and Stiles; Nay – Miller.

PUBLIC HEARING\TEXT AMENDMENT: Application of the City of Dubuque to amend Section 4-9 Towers and Antennas to add Wireless Telecommunication Facility Permit Requirement.

Staff Member Kritz asked the Commission to table the request to amend Section 4-9 Towers and Antennas to allow staff to conduct further research.

The motion to table the request to amend Section 4-9 Towers and Antennas was approved unanimously.

ITEMS FROM STAFF: Staff Member Kritz distributed literature regarding green roofs for the Commission.


The Commission discussed their preference regarding upcoming Unified Development Code public hearings. They asked staff to conduct a series of meetings reviewing one third of the draft UDC at each.

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

Respectfully submitted,



Kyle L. Kritz, Associate Planner



Adopted

