



Approved

**MINUTES**  
**CITY OF DUBUQUE ZONING ADVISORY COMMISSION**  
**REGULAR SESSION**  
Wednesday, May 3, 2017  
6:00 p.m.  
City Council Chamber, Historic Federal Building

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

**Commissioners Excused:** Laura Roussell.

**Commissioners Unexcused:** None.

**CALL TO ORDER:** The meeting was called to order by Chairperson Henschel 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:** Motion by Christ, seconded by Belmont, to approve the minutes of the April 5, 2017 meeting. Motion carried by the following vote: Aye – Baumhover, Belmont, Christ, , Russell, and Henschel; Nay – None; Abstain - Norton.

**ACTION ITEMS**

**Plat of Survey:** Application of Dennis Watters, to approve a Plat of Survey for property at 12204 North Cascade Road in Dubuque County.

Commissioner Norton recused himself and stepped away from the table.

Hannah Heiar, 12204 North Cascade Road, said that she has had her property in the County rezoned and would like to plat off a lot to facilitate construction of a new residence. In response to a question from Commissioner Russell, Ms. Heiar discussed how access to her property would be taken.

Staff Member Kritz reviewed the staff report, noting that the property is located within the City's two-mile fringe, and that the subdivision would create a substandard lot with no frontage. Staff Member Kritz discussed how access to the site would be taken and said that both the City and County Engineering Departments had reviewed the request.

He noted a waiver of the frontage requirement is needed.

Motion by Belmont, seconded by Christ, to approve the Plat of Survey of Watters Homestead subject to waiving the street frontage requirement for Lot 1 and Lot 2. Motion carried by the following vote: Aye – Baumhover, Belmont, Christ, Russell, and Henschel; Nay – None; Abstain – Norton.

**Plat of Survey:** Application of Table Mound Investments/Mike Friederick to approve a Plat of Survey of Table Mound Mobile Home Park No. 2.

Commissioner Norton recused himself and stepped away from the table.

Ken Buesing, Buesing & Associates, 1212 Locust Street, said he is representing Mr. Friederick. He said the request is to plat off a small lot at the back corner of the Table Mound Mobile Home Park that will create a substandard lot that has no access to a public street but will have a 40 foot wide access easement.

Staff Member Kritz noted that the request is a simple plat, which will create a lot with no frontage. He said that none of the streets within the mobile home park are platted; and therefore, are all private streets. He said that Planning staff had no objection to the request as the proposed 40-foot access easement is adequate to serve the parcel.

Commissioner Russell asked if staff was able to determine when the property was platted. Staff Member Kritz said that the property was platted originally in the County, but that it was replatted within the city in the 1990s. He noted the location of the required open space for the property.

Motion by Christ, seconded by Baumhover, to approve the Plat of Survey of Table Mound Mobile Home Park No. 2 subject to waiving the street frontage requirement for Lot 2. Motion carried by the following vote: Aye – Baumhover, Belmont, Christ, Russell, and Henschel; Nay – None; Abstain - Norton.

## **PUBLIC HEARINGS**

**Rezoning:** Application of Lisa Hammel to rezone property located at 175 North Crescent Ridge from CS Commercial Service to C-3 General Commercial to accommodate retail sales and services.

Lisa Hammel, 17094 Chickory Street, noted that the rezoning would facilitate redevelopment of the former Humane Society building for a flea market. She said the rezoning would allow her to conduct retail sales on the site.

George Saffran, 13123 English Mill Road, said he is the property owner, and that he supports the rezoning, noting that Ms. Hammel would lease a portion of his building for her store.

Staff Member Hemenway reviewed the request, noting the former use of the building, surrounding land use, and the proposed use. Staff Member Hemenway said that retail sales under the current CS zoning classification is not permitted. He noted that North Crescent Ridge is a dead end that terminates in a cul-de-sac with few adjacent properties. He said that the proposal should generate very little additional traffic. He asked Mr. Saffran what use would remain in the building if the rezoning were to be approved. Mr. Saffran said he has a used auto dealership and auto repair shop. Staff member Hemenway noted that both CS Commercial Service and Wholesale District and C-3 General Commercial District allow the vehicle-related uses; therefore, if approved, the rezoning would not create a non-conformity.

Commissioners discussed the request and felt it was appropriate.

Motion by Norton, seconded by Russell, to approve the rezoning from CS to C-3 as submitted. Motion carried by the following vote: Aye – Baumhover, Belmont, Christ, Norton, Russell, and Henschel; Nay – None.

**Rezoning:** Application of UFit Properties, LLC to rezone property on Cedars Crest Court (PIN#1034251031) from CS Commercial Service and Wholesale to C-3 General Commercial to accommodate a fitness business.

Michael Pagel, Kintzinger, Herman, and Konrady, Attorneys at Law, 100 W. 12<sup>th</sup> Street, said he represented the applicant. He noted that the proposed use is a fitness center with additional retail space. He said that if approved, construction would begin this summer. He discussed the adjacent land use, noting that there were similar uses in the surrounding area.

Staff Member Hemenway reviewed the request, noting that the Commission has reviewed similar requests in the area. He discussed street access to the site and surrounding zoning and land use. He noted that site plan review would be required prior to development, and that setbacks, landscaping, and storm water management requirements would be satisfied.

Commissioners asked if it would be possible to add recreational uses to the CS zoning district. Staff Member Hemenway said that the City is considering adding recreational uses to the CS district.

Commissioner Henschel asked how the site would be accessed. Staff Member Hemenway noted that access would likely be taken directly across from Cedar Crest Court and that the City Engineering Department would review such access for SUDAS requirements regarding separation from adjacent driveways and intersections.

Commissioners discussed the request and felt it was appropriate.

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

**PUD Amendment:** Application of Chick-Fil-A / Anchor Sign to amend the Warren Plaza PUD to permit a second freestanding sign for property located at 3500 Dodge Street.

Josh McIlvenny, representing Anchor Sign Company, stated that the request is to amend Warren Plaza PUD sign regulations to allow for a second freestanding sign to serve the new Chick-Fil-A franchise. He discussed the restrictions placed by Brixmor, owner of the Warren Plaza, that did not allow Chick-Fil-A to share the existing freestanding sign.

Colby Burnett, representing Chick-Fil-A, 3500 Dodge Street, reviewed his request. He noted that the restaurant sits below the grade of the highway and that allowing them to have a small freestanding sign along Dodge Street would help alert passing traffic to their location.

Staff Member Hemenway reviewed the request, noting the existing signage within Warren Plaza and the restaurant's location relative to the elevation of U.S. Highway 20. He discussed the original sign regulations for Warren Plaza and noted that the proposed sign would be relatively small in area and short in height, and would be required to meet SUDAS requirements for visibility and traffic safety.

Commissioner Russell asked if the Commission would be setting a precedent by allowing a second freestanding sign. Staff Member Hemenway noted that each request is reviewed on its merits and that the Commission's decisions do not set precedent.

Commissioner Belmont asked if the applicants had requested permission from Hy-Vee to use the existing freestanding sign. The applicant stated that Target exerts legal control over the sign, and that they denied additional businesses to use the sign.

Commissioners discussed the sign proposed for the Chick-Fil-A site and felt it was appropriate as the sign was relatively small.

Motion by Christ, seconded by Baumhover, to approve the request to amend the Warren Plaza PUD to permit a second freestanding sign as submitted. Motion carried by the following vote: Aye – Baumhover, Belmont, Christ, Norton, Russell, and Henschel; Nay – None.

**PUD Amendment:** Application of Dutrac Community Credit Union, 3465 Asbury Road, to amend the Dutrac Community Credit Union PUD to modify screening requirements.

Kim Adams, Operations and Facilities Manager for Dutrac, 3465 Asbury Road, said that the request is to amend the Dutrac's PUD enabling them to remove the deteriorated

arborvitae and replace them with new vinyl fencing and native plantings. She said that the arborvitae are stressed and at their mature height, the berm that they are planted in does not retain enough water to support the trees.

Commissioner Russell asked if Dutrac had landscaping in their parking islands. She said that currently, the islands just have mulch and no vegetation. She said that the fence would screen lights and views to the dumpster, and will reduce the engine noise of vehicles and also provide for a security barrier for employees leaving the facility later in the evening.

Tom Prochaska, 2261 Southway, said that his property is kitty-corner from Dutrac's facility. He said that he feels a vinyl fence would not be aesthetically pleasing or environmentally sensitive. He said he would like to see a visual of the proposed fencing and landscaping.

Ms. Adams submitted photos of the proposed fence, noting that it was a dark wood-like color that would be visually pleasing.

Commissioner Russell asked about the original landscape requirements. Staff Member Kritz clarified the requirements of the original PUD.

Commissioner Belmont noted that the berm meets the minimum height requirement and that the proposed fencing would serve as an additional barrier.

Commissioner Christ said that the topography of the site and the berm form a natural screen for the area.

Staff Member Kritz reiterated the request, noting that the original PUD was created in 1987. He said that at that time the PUD required a berm and/or vegetative screening. He noted that the request is to replace the existing deteriorating arborvitae with a vinyl fence and landscaping that would help soften the view from the adjacent properties. He noted that the proposal would meet current UDC requirements for planned development's required landscaping.

Motion by Norton, seconded by Christ, to approve the amendment to the Dutrac Community Credit Union PUD to modify the screening requirements as submitted. Motion carried by the following vote: Aye – Baumhover, Belmont, Christ, Norton, and Henschel; Nay – Russell.

Commissioner Belmont noted he was encouraged that the fence material was quality and that he felt Dutrac Community Credit Union was being a good neighbor.

**Rezoning:** Application of Dubuque Racing Association to rezone Chaplain Schmitt Island and the surrounding Mississippi River and Peosta Channel from HI Heavy Industrial and CR Commercial Recreation to PUD Planned Unit Development with a PC Planned Commercial designation.

Commissioner Belmont recused himself and stepped away from the table.

Brian Southwood, 1220 Valentine Street, representing the Dubuque Racing Association, introduced Ryan Peterson of RDG Consulting, Planning and Design, and Jesus Aviles, Manager of the Q Casino.

Mr. Peterson, using a PowerPoint presentation, discussed the design guidelines proposed for Chaplain Schmitt Island. He noted that the guidelines consisted of five sections. He discussed the proposed uses for the island, and he outlined each of the five sections. He said that Chaplain Schmitt Island is Dubuque's gateway to entertainment. He noted that the guidelines addressed the built form, including building materials. He said that new projects would have to meet the guidelines and that expansions of existing projects of over 50% of the value of the building or 25% of the floor area of the building would have to meet the new standards in accordance with FEMA requirements. He discussed landscaping and exterior furniture standards. He said that these requirements would apply only to public property. He discussed the sign requirements, noting that the intent is to brand the island and clearly identify the buildings.

Jesus Aviles, president of the DRA and manager of the Q Casino, discussed the sign request. He showed a video taken from the Highway 151/61 Wisconsin bridge heading west toward the city of Dubuque that highlighted the existing freestanding sign. He discussed the evolution of signage for Schmitt Island. He also gave a power point presentation regarding electronic message signs relative to traffic safety with historic accident data for the Highway 151/61 Wisconsin bridge, noting there was only one accident that was attributed to a distracted driver.

Staff Member Carstens reviewed the Chaplain Schmitt Island Master Plan and recent amendments intended to eliminate residential uses. She reviewed the extent of the area within the planned district and the conceptual development plan.

Staff Member Kritz outlined the Chaplain Schmitt Island PUD standards, noting that a Chaplain Schmitt Island key stakeholders group had reviewed the proposed changes for the district. He said that as already stated, 50% of an increase in value or 25% of floor area expansion would trigger the design standards and design review threshold.

Staff Member Hemenway reviewed the evolution of the CR Commercial Recreation District sign regulations and the UDC adoption in 2009. He reviewed a chart comparing proposed sign regulations for the island to adopted sign regulations for the Port of Dubuque.

Staff Member Carstens summarized the Planned Commercial District standards. She noted that new uses were added and that some uses were eliminated or specifically prohibited. She noted that off-premise signs are not permitted on Chaplain Schmitt Island; however, the entire island is subject to the PUD regulations so that all

businesses within the island could advertise anywhere within the PUD. She recommended that the Commission review the request considering the application in light of the established standards. She said that the Commission can approve, deny, or modify the request.

Commissioner Russell asked what the rationale for eliminating the parking lot landscape island requirement was. Staff Member Kritz said that while consulting with the stakeholders, they expressed concerns with landscape islands because of the potential loss of parking. Commissioner Russell said that he would like to see a video that focused on the freestanding sign for the entire time a vehicle was traveling west along the Wisconsin bridge.

Commissioner Norton noted the area and height of the existing freestanding sign, expressing concerns with full video streaming at the city's entryway.

Commissioner Baumhover said that he could understand the casino's need to be visible to people traveling along the highway. He asked if full animation would be on both sides of the sign. Mr. Aviles noted that the sign was two-sided and that it would be animated on both sides.

Commissioner Russell said he agreed that the point of the electronic message sign is to distract people.

Commissioner Norton said he recommended not allowing full video and retaining the current regulations for the operation of electronic message signs.

Commissioner Russell said that he felt that the interior landscape islands should be required.

Mr. Aviles noted that electronic message signs could be utilized to promote all the businesses and activities on the entire island.

Commissioner Christ said that parking on the island is at a premium, especially during special events. She said that she felt the requirement for interior islands would exacerbate an already critical parking issue. She said she felt that the restricted land area on the island and the lack of available parking at peak times constituted a hardship.

Commissioners discussed the request, and agreed with Commissioner Christ that the need for parking was paramount on the island such that interior landscape islands could potentially reduce the amount of available parking.

Mr. Southwood stated that the sign standards for wall-mounted signs provided by the City were in error, noting that some of the bulk standards presented were in excess of what the Chaplain Schmitt Island Planned District sign regulations proposed. Staff member Carstens read the correct wall-mounted sign regulations into the record.

Staff Member Carstens noted that the Commission could propose different time limitations for the functionality of the electronic message signs that may reach a compromise.

Commissioners said that they would rather vote on the condition that the electronic message signs be regulated as per current standards.

Motion by Baumhover, seconded by Russell, to approve the Chaplain Schmitt Island rezoning from HI and CR to PUD Planned Unit Development with a PC Planned Commercial designation with the condition that the electronic message signs be regulated as per the current standards outlined in the Unified Development Code. Motion carried by the following vote: Aye – Baumhover, Christ, Norton, Russell, and Henschel; Nay – None; Abstain - Belmont.

**ITEMS FROM PUBLIC:** None.

**ITEMS FROM COMMISSION:** Commissioner Russell said that he was pleased with some of the concepts included in the Chaplain Schmitt Island Concept Plan, which he felt presented imaginative pedestrian access, including a bridge and tunnel.

Chairperson Henschel said that he would like the motions for rezonings to be brought forward in a timely manner. Commissioners discussed measures that they felt may help reduce the discussion time and get to a motion in a timelier fashion.

**ITEMS FROM STAFF:** None.

**ADJOURNMENT:** Motion by Christ, seconded by Norton, to adjourn the May 3, 2017 Zoning Advisory Commission meeting. Motion carried by the following vote: Aye – Baumhover, Belmont, Christ, Norton, Russell, and Henschel; Nay – None.

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

Respectfully submitted,

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Kyle L. Kritz, Associate Planner

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Adopted