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

6:00 p.m.

Wednesday, December 6, 2017

City Council Chamber, Historic Federal Building

**Commissioners Present:** Chairperson Tom Henschel; Commissioners Pat Norton, Rich Russell, 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 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 Norton, to approve the minutes of the November 1, 2017 meeting as submitted. Motion carried by the following vote: Aye – Norton, Russell, Roussell, Baumhover, Christ, Belmont, and Henschel; Nay – None.

**WAIVER:** Application of McDermott Enterprises, LLC/Kim McDermott to waive Section 13 of the Unified Development Code regarding the 20% green space/permeable area requirement, tree planting requirement, shrub planting requirement and two storm water management tools for property located at 485 Central Avenue.

Alex Wilson, 71 Ford Dr., East Dubuque, IL reviewed his request, noting that the existing site is entirely paved, and to reduce the paved area as per City requirements would not allow for adequate parking and automobile display area.

Staff Member Hemenway reviewed the waiver procedure and criteria necessary for the Commission's consideration. He noted the location of the property and discussed the differences between development of a green field site and an urban in-fill site. He reviewed the standards required for granting a waiver.

Commissioner Norton asked about the existing easement through the property. Staff Member Hemenway noted there is a 20-foot wide sanitary sewer easement that bisects

the property which he said limits the position of any structures on this site. He said that the subject property is located in a mixed-use area that is primarily commercial, but with some adjacent residential use. He noted that the Zoning Board of Adjustment had approved a Conditional Use Permit for an auto sales lot in this area as it is mixed use.

Commissioner Russell asked about the location of the existing curb cuts. Mr. Wilson said that there are two curb cuts each on Central Avenue and Iowa Street. He noted that a couple of the curb cuts may be closed leaving only one from Central Avenue and one from Iowa Street.

Commissioners reviewed the location of the proposed curb cuts. Staff Member Hemenway noted that site plan review by the Engineering Department would ensure that the curb cuts were placed to provide the greatest degree of traffic safety possible.

Commissioner Norton expressed concerns with waiving the storm water BMPs because of the potential for downstream flooding. He said he was not concerned with the other waiver requests.

Commissioner Russell stated that he felt the applicant could have done more to comply with the green space, landscaping and storm water management requirements.

Commissioner Norton reviewed the ordinance language that outlines the measures necessary to trigger compliance with design standards.

Commissioner Roussell said she agreed that the applicant could have included some measures that would more closely mirror the standards that are established in the ordinance.

Commissioner Baumhover said he was torn, noting it would be difficult to redevelop the site following current regulations.

Commissioner Belmont said he felt the applicant had an opportunity to provide additional green space on the site.

Commissioner Christ said that she had mixed feelings, and agreed that redevelopment of this site would be positive, but there were other measures that may be taken to further comply with the ordinance.

Mr. Wilson reviewed how the site would be redeveloped, noting that the site has been vacant since 2011. He said that they were planning to open around the first of the year, and that tabling the request was not desirable.

Commissioners discussed potential alternatives for the requested waivers.

Motion by Norton, seconded by Christ, to approve the request to waive Section 13 of the Unified Development Code regarding the 20% permeable area requirement, tree and shrub requirement, 10-foot landscape buffer requirement along the 5<sup>th</sup> Street, Iowa Street, and Central Avenue frontages, with the exception of the two-foot buffer along 5<sup>th</sup> Street as indicated on the submitted site plan, but not waiving the two BMPs for storm water management and requiring that the 10-foot buffer be placed between the south side of the existing office building along Central Avenue to the southern property line of the subject property. Motion was denied by the following vote: Aye – Russell, Roussell, and Belmont; Nay – Baumhover, Christ, Norton and Henschel.

Motion by Baumhover, seconded by Christ, to approve the request to waive Section 13 of the Unified Development Code regarding the 20% permeable area requirement, tree and shrub requirement, 10-foot landscape buffer requirement along the 5<sup>th</sup> Street, Iowa Street, and Central Avenue frontages with the exception of the two-foot buffer along the 5<sup>th</sup> Street frontage as indicated on the submitted site plan, but not waiving the two BMPs for storm water management. Motion was approved by the following vote: Aye – Baumhover, Christ, Norton, and Henschel; Nay – Roussell, Russell, and Belmont.

**WAIVER:** Application of McClure Engineering Associates, Inc. to waive Section 13-4.6 of the Unified Development Code regarding parking lot landscape buffer requirements for property located at 2620 Dodge Street.

Mike Janacek, representing McClure Engineering and the Starbucks at 2620 Dodge Street, reviewed his previous request to waive the buffer setback on the west side of the parking lot. He said that their initial intent was to waive the entire buffer, and they felt that that had been approved. Mr. Janacek noted that a portion of the Plaza 20 access drive encroaches on Starbuck's property. He said that they could place stop blocks in the parking lot to prevent encroachment into the access driveway.

Commissioner Norton asked how the initial engineering had failed to note the encroachment into the setback. Mr. Janacek explained misunderstanding, stating they had measured face-to-face on the curbing, not back-to-back. He said that there is two feet of area from the face-to-face of the curbs.

Staff Member Hemenway reviewed the waiver request, noting what transpired regarding the first waiver request. He said that the initial site plan submittal indicated a two-foot landscape buffer on the west side of the parking lot but that it was not clear that there was an encroachment into the setback. He noted that a letter had been submitted by Plaza 20 management expressing concerns that vehicles parked up to the curbing on the west side of the lot encroach onto Plaza 20's access driveway.

Staff Member Hemenway said that he feels that the small 10"-16" earthen area is not adequate to support vegetation, and he recommended that a substantial iron or steel fence with brick or concrete pillars be placed along the west side property line. He

noted that redevelopment of the site had added green space and eliminated curb cuts thus increasing permeable area and improving traffic safety.

Commissioner Belmont asked if the applicant considered angled parking as a means of reducing the drive aisle width and increasing the landscape buffer area. Mr. Janacek said that Starbucks did not want to create a single access parking lot. Commissioner Roussell asked about the possibility of a wrought iron fence. Mr. Janacek said that he could not necessarily agree to that because he could not speak on behalf of the owner. Commissioner Norton noted it would be difficult to maintain viable vegetative landscaping along the very narrow buffer on the west side of the property.

Commissioners discussed alternatives to address the aesthetic quality of the parking lot and to adequately eliminate encroachments into the traveled portion of the access drive. Commissioners discussed the request and agreed to waive the landscape buffer requirement with the condition that a substantial barrier, a minimum of three feet in height, be placed in the buffer area along the west side of the parking lot.

Motion by Roussell, seconded by Christ, to approve the request to waive Section 13-4.6 of the Unified Development Code regarding the parking lot landscape buffer requirement with the condition that, in lieu of landscaping, a substantial barrier a minimum of three feet in height be placed along the west side of the parking lot to eliminate the potential for encroachment into Plaza 20's access drive. Motion carried by the following vote: Aye – Norton, Russell, Roussell, Baumhover, Christ, Belmont, and Henschel; Nay – None.

**ITEMS FROM STAFF:** Staff Member Hemenway distributed hard copies of the Imagine Dubuque Comprehensive Plan and stated that the Comprehensive Plan represented the culmination of several years of staff, consultant, and community work. He recommended that the Commission review the Comprehensive Plan and use the information contained within to help make more informed decisions for future zoning requests.

**ADJOURNMENT:** Motion by Christ, seconded by Baumhover, to adjourn the December 6, 2017 Zoning Advisory Commission meeting. Motion carried by the following vote: Aye – Norton, Russell, Roussell, Baumhover, Christ, Belmont, and Henschel; Nay – None.

The meeting adjourned at 7:20 p.m.

Respectfully submitted,

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Kyle L. Kritz, Associate Planner

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Adopted