



Approved

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

6:00 p.m.

Wednesday, April 4, 2018

City Council Chamber, Historic Federal Building

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

Commissioners Excused:

Commissioners Unexcused:

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, Belmont, seconded by Christ, to approve the minutes of the March 7, 2018 meeting. Motion carried by the following vote: Aye— Baumhover, Roussell, Christ, Russell, Belmont and Henschel; Nay – None, Abstain-- Norton.

ACTION ITEMS

Simple Plat: Application of John F. Thompson Trust / Buesing Associates to approve the Plat of Survey of MVT Place, located at 237 Fremont Avenue.

Commissioner Norton recused himself due to a conflict of interest.

The applicant's representative, Tom Thompson, 11168 Holy Cross Road, Holy Cross, Iowa, spoke in favor of the request, noting that the plat would split two family lots for a home and carriage house. He noted the plat would eliminate a property line encroachment by the garage of the home.

Staff reviewed the staff report, noting the plat would eliminate the garage encroachment and create two saleable lots. Staff noted Lot 1 will have 0 feet of street frontage but will have alley access.

There were no public comments.

The Zoning Advisory Commission discussed the request, and clarified the lot areas.

Motion by Christ, seconded by Baumhover, to approve the Plat of Survey of MVT Place subject to waiving the lot frontage requirement for Lot 1. The motion was approved by the following vote Aye- Roussel, Christ, Baumhover, Russell, Belmont and Henschel; Nay – None, Abstain- Norton.

PUBLIC HEARINGS

PUD Amendment: Application of Dubuque South Pointe LLC / Aaron Healey to revise Dubuque South Pointe Development PUD to modify bulk standards for Townhouse Lots for South Pointe Subdivision

Commissioner Norton recused himself due to a conflict of interest.

The applicant's representative, Patrick Norton, Buesing & Associates, spoke in favor of the request, asking for approval of revised bulk standards. He noted that the developers have received requests for larger townhouse units, which exceed the existing bulk standards of 40% lot coverage and 20-foot setbacks.

Staff Member Kritz reviewed the staff report, noting the PUD amendment will allow larger townhouses. He explained that a number of the units are located on double-frontage lots, which require two, 20-foot setbacks. He noted the applicant's requested adjustment of standards for 43% lot coverage and 13-foot setbacks. He explained staff recommended 50% lot coverage and 10-foot setbacks for greater flexibility. He said that these standards are used in the R-2A District in older areas of town.

Staff Member Kritz also explained that the proposed six-foot screening fence along South Pointe Drive is intended to provide privacy for the adjacent townhouse units. He noted the fence would meet SUDAS standards for traffic visibility.

There were no public comments.

The Zoning Advisory Commission discussed the request, and asked staff to explain the SUDAS standards for the fence. Staff Member Kritz noted the applicant's engineer had submitted a layout plan for the fence to the City Engineering Office. He explained the City Engineering staff were comfortable with the layout, and would field verify to ensure that the SUDAS standards would be met when installation of the fence began.

Motion by Roussel, seconded by Christ, to approve the revised Dubuque South Pointe Development PUD to modify bulk standards for townhouse lots. Motion was approved by the following vote: Aye – Baumhover, Roussel, Christ, Russell, Belmont and Henschel; Nay – None, Abstain- Norton.

PUD Amendment: Application of the City of Dubuque to amend Millwork District Planned Unit Development to allow a new Parking Lot for property located at 1146 Elm Street.

Planning Services Manager Laura Carstens, representing the City of Dubuque, spoke in favor of the request, noting the amendment would allow a parking lot on the former S & K property at 1146 Elm Street. She reviewed the 2009 Historic Millwork District Master Plan's goals, impacts, and coordinated parking strategy. She noted the 2010 PUD implements the Master Plan. She said the City Council previously approved PUD amendments for parking lots adjacent to the subject property in 2013 and 2015. She recommended approval of the PUD amendment as being consistent with the Master Plan and an expansion of previous amendments for parking lots.

There was one public comment received and filed.

The Zoning Advisory Commission discussed the request and felt it was appropriate.

Motion by Baumhover, seconded by Belmont, to approve the amendment to the Historic Millwork District to allow a new parking lot at 1146 Elm Street. Motion was approved by the following vote: Aye – Baumhover, Roussell, Christ, Norton, Russell, Belmont and Henschel; Nay – None.

ID Amendment: Application of Mercy Hospital, Mercy Drive, to amend the Institutional District to allow a new surface parking lot east of the helipad.

Cody Austin, IIW, 4155 Pennsylvania Avenue, said that he represents Mercy Hospital. He said that Mercy would like to create a 133-space parking lot. He said that it will conform to the UDC design guidelines and provide effective screening and storm water management.

Commissioner Russell asked if the other Mercy parking lots would be reconstructed. Mr. Austin described the proposed process for parking lot improvements and the addition of the cancer center building on the campus.

Chad Caszatt, 1085 Clara Court, inquired about traffic circulation patterns along Wooten Street. He said he is concerned that a parking lot near his house would impact his property value. Mr. Austin said that the new lot will displace parking spaces in the existing lot and will; therefore, not generate additional traffic. He said there will be no direct access to Clara Court and that storm water for the parking lot will be managed as per City of Dubuque Engineering requirements.

Staff Member Kritz discussed the nature of institutional districts, stating that they serve as a campus plan for hospitals and schools. He said that because the parking lot represents a significant change on the campus fringe, it is necessary for Mercy to amend their institutional district concept plan to reflect the changes. He said that an ambulance maintenance facility had been approved for this location in the past, but had never been built. He said that the additional parking lot is part of a larger general redevelopment of the Mercy campus that will ultimately accommodate a new cancer center. He discussed traffic circulation in the neighborhood.

Commissioner Russell asked what the number of spaces were in parking lot C. Mr. Austin said the reconfiguration will bring all the parking lots into compliance, and ultimately the campus will lose from 30-50 parking spaces.

Commissioner Belmont said that the 40-foot setback from the adjacent residential properties should serve as an effective buffer.

Staff Member Kritz noted the grade change between the parking lot and the adjacent residences. He said that the difference in elevation and the presence of mature landscaping would serve to buffer the lot from the neighbors.

Commissioners discussed the request and felt it was appropriate.

Motion by Christ, seconded by Roussell, to approve the amendment to the Institutional District to allow new surface parking lot east of the helipad for Mercy Hospital. Motion was approved by the following vote: Aye – Baumhover, Roussell, Christ, Norton, Russell, Belmont and Henschel; Nay – None.

Rezoning: Application of Royal Oaks / Michael Weber, to rezone 19.23 acres in Silver Oaks Estates from county to R-3 Moderate Density Multi-Family Residential District in conjunction with annexation to the City of Dubuque.

Mike Weber, Weber Surveying, 26789 46th Ave., Bernard, Iowa, said that he represents Royal Oaks. He said that their intent is to annex the subdivision to the City and rezone to permit residential use from single-family homes to six-unit buildings.

Eric Lockhart, 7764 Silver Oaks Drive, said that there had just been a transference of their homeowner association. He discussed the covenants for the subdivision noting that they limited development to single-family residences. He said that because the neighbors were not notified they have not had time fully study the proposal. He expressed concerns with traffic and the potential impact on property values. He asked the Commission to table the request until the neighbors have adequate time to review the proposal.

Deb Hooks, 7834 Silver Oaks Drive, expressed concerns with ownership and maintenance of the access road. She asked that the Commission table the request so neighbors could conduct further review.

Walter Schlessor, 8303 Wildlife Ridge, expressed concerns with the potential for increased traffic in the neighborhood. He asked that the neighbors be provided more time to review the request.

Kevin Ciesielski, 8605 Wildlife Ridge, expressed concerns with the potential impact on property values. He said that he does not believe there is a demand for multi-family housing in the area. He asked that the Commission deny the request.

Kevin Zettek, 7897 Silver Oaks Drive, asked that the Zoning Advisory Commission deny the rezoning request.

Joleen Bodine, 8280 Talyn Court, said that she agreed with the concerns raised by the neighbors, and she asked that the Commission deny the rezoning request.

Mr. Weber said that the individual lots and the access road is owned by the development group with property lines going to the center of the street and access guaranteed by an easement. He noted that the development is directly adjacent to the City limits and that City water and sewer are available. He said that the lots will be sized to accommodate four-plexes.

Commissioner Baumhover asked if the development request is urgent, or if the applicant had the ability to table the request. Mr. Weber said he was not sure.

Staff Member Kritz outlined the staff report, noting that the request is for an annexation and rezoning. He said that the Commission is only reviewing the rezoning request. He discussed a map provided in the packet that delineated the City limits. He noted that he had not been aware that there were issues regarding covenants and access. He said that covenants are not within the purview of the Commission. He said that the preliminary plat called for this area to be single-family homes on smaller lots. He said that City water and sewer are available to the site. He said that R-3 zoning would allow single-family homes up to six-unit residential structures dependent on lot size. He said that the traffic generated by a multi-family dwelling per unit is less than that generated by a single-family home.

Commissioner Russell asked if the street would be a public street. Staff Member Kritz said the street would remain private unless dedicated to the City. He said that the notification process was followed, however, many of the residents that spoke were outside of the 200-foot limit.

Commissioner Baumhover asked if another road were to be built, how would it be configured. Staff Member Kritz discussed road configuration and proposed access to the private street system.

Mr. Weber said that because there are unresolved issues with the covenants and access, he would like to table the request.

Commissioner Belmont said that he had concerns with the intensity of R-3 zoning, and that R-2 may be more appropriate. Commissioners Belmont, Christ, and Norton said they agreed.

Motion by Christ, seconded by Norton, to table the request to rezone 19.23 acres from County R-2 to City R-3 Moderate Density Multi-Family Residential in conjunction with annexation to the City of Dubuque to a future date. Motion was approved by the

following vote: Aye – Baumhover, Roussell, Christ, Norton, Russell, Belmont and Henschel; Nay – None.

Commissioner Norton recommended that Mr. Weber and the ownership of Royal Oaks work with the neighbors to resolve any outstanding homeowner association issues.

Rezoning: Application of Sam Murley and Ron Klein to rezone approximately 4 acres located on Stone Valley Drive from C-3 General Commercial to PUD Planned Unit Development with a PR Planned Residential designation.

Commissioners Norton and Baumhover recused themselves.

Sam Murley, 14157 Deerfield Court, said that he represents himself and Ron Klein. He said they would like to build three buildings totaling 60 units in three phases. He said that the development will have shared amenities including a swimming pool. He said that it will be a quality development and that this style of housing is needed in the community.

Tobie Carol, 6635 Kingsley Lane, said that she is opposed to the rezoning. She asked for a show of hands from members of the audience of those opposed to the rezoning. She said that only 3 of the 57 people represented said that they would have purchased their properties if they knew there was the potential for an adjacent rezoning. She said that they want to maintain the country feel for their subdivision. She said that an apartment complex will block her view and double the residential population. She said that it will tax the school district's ability to accommodate the students. She said it will be detrimental to their property values. She expressed concerns with traffic safety especially at what she said was a blind intersection. She discussed the neighborhood covenants that she said do not allow houses to be rentals. She said that the City continues to seek vacant commercial development property on the west side.

Carol Krayner, 6615 Kingsley Lane, said that hers is a beautiful subdivision and neighborhood with a pond, trees and plentiful wildlife. She said that the subject property should be maintained as green space. She expressed concerns with traffic safety, storm water drainage, and potential flooding. She showed photos of the area.

Kelly Ungs, 6610 Kingsley Lane, expressed concerns with the potential impact of the proposed development on traffic safety and residential density. She said that this change may also affect her property value.

Candi Stallsmith, 6520 Kingsley Court, expressed concerns with drainage and storm water management for the site.

John Carol, 6625 Kingsley Lane, said that the proposed development borders his property on two sides of his subdivision. He said his is a newer subdivision and he felt this kind of residential development would contribute to the decline of his neighborhood

with potential for an accumulation of trash and unkept properties. He said that renters do not have long-term interest in the neighborhood. He said that the City will grow in this area, and that commercial zoning makes more sense. He said that he is not anti-growth, but he asked that the Zoning Advisory Commission deny the request.

Tom Sieverding, 6630 Kingsley Lane, said that he lives in very close proximity to the proposed development. He said that the current subdivision has a small community feel that would be disrupted by this development. He expressed concerns with the potential for additional traffic. He asked that the Commission deny the request.

Valerie Parr, 6620 Kingsley Lane, said that she has small children. She said she does not want to live by an apartment complex. She said she was concerned with the safety of her children.

Ben Wilson, 6625 Kingsley Court, expressed concerns with traffic volume and circulation.

Brian Brown, 6500 Kingsley Court, said that Hoover School had reached its capacity, and that the additional students would further tax the school. He expressed concerns with fire safety saying there is no fire station close by. He urged the Commission to vote against the request.

Brent Cook, 6535 Kingsley Lane, asked that the Commission deny the rezoning request.

Jennifer Davis, 6601 Dorchester Court, said that she agreed with the concerns raised by her neighbors. She said she wanted to know if the residents of the proposed apartments would be income-tested. She said that she was concerned with the building design.

Russell Pfab, 6515 Kingsley Court, expressed concerns with traffic safety.

Molly Anderson, 6625 Kingsley Lane, said that hers is a great neighborhood. She said that they may lose the cohesiveness of their neighborhood should the rezoning be approved. She said that the area would become too large with too much resident population. She expressed concerns with the developer stating that many of his promises had not been kept.

Melissa Cook, 6535 Kingsley Court, asked for a guarantee regarding the development proposal. She said she is opposed to the request.

Mr. Murley stated that the first building will be step one of a multi-phase process. He said they have not determined the exact building design at this point. He said that storm water will flow to an existing detention basin.

Staff Member Kritz outlined the staff report, discussing the concept plan for the site. He noted that the site will be approved for 60 units in three buildings with a central pool area. He discussed street access. He discussed the existing and surrounding zoning, noting the number of uses allowed in the C-3 District. He said that residential use is currently allowed on the second floor of any development within the C-3 District. He discussed the zoning history of the area, noting that the request represents a transition between residential and commercial development. He discussed the street and highway reconfiguration and new traffic patterns that will result. He discussed trip generation for the proposed development, stating it would generate approximately 400 vehicle trips per day. He discussed existing 30+ multi-family residential developments that he said are scattered throughout the community. He noted that the Southwest Arterial is slated to be completed in 2019.

Staff member Kritz said that the Dubuque Community School District regularly redistricts their service areas to accommodate changing student populations. He said that when developed both C-3 and R-3 districts will generate additional traffic, but that C-3 has the potential to generate more traffic than a residential development. He said that C-3 development could easily be more objectionable to adjacent single-family residences than residential development. He said the storm water detention area has been sized for commercial development, and will readily accommodate residential development. He said that the proposed apartment buildings will meet current Fire Codes and will be sprinkled. He discussed secondary access issues. He said that the PUD Ordinance would limit the development to 60 units, and that any increase in the number of units would require that the applicant resubmit a request to amend the district that would be heard at another public hearing. He said that the development could be apartments, condominiums, townhouses, or assisted living residences. He discussed the setbacks as detailed on the concept plan. He noted that there would be approximately 22 trees and 35 shrubs along with screening along the parking lot edges.

Commissioner Roussell asked about the setback and buffering for the development. Staff noted that due to the high pressure gas easement and the required setback from the property line, there would be a minimum of 65 feet between the buildings and the property lines of the adjacent development. Commissioner Roussel also asked about storm water detention. Staff Member Kritz said that storm water will be managed as per Engineering requirements. He noted that the grade of the site is below that of the adjacent neighborhood.

Commissioner Russell asked if there are building design guidelines that could be required as part of Commission approval. Staff Member Kritz said the Commission can recommend design guidelines if they are specific.

Commissioner Russell asked about sidewalks. Staff Member Kritz discussed sidewalk installation adjacent to the detention basin and the future park.

Commissioner Belmont noted that the landscape requirements are included in the PUD. He also said there is a considerable setback so that a landscape buffer may not even be necessary.

Commissioner Roussell asked if a single entrance for traffic is adequate. Staff Member Kritz said it should be adequate based on average traffic numbers, and that there had been a proposed secondary emergency access.

Commissioner Belmont said that because the C-3 district allows many commercial uses and upper story residential, and that the development will be limited to what is portrayed on the concept plan, he was prone to approve the request.

Commissioner Russell asked about the potential for a masonry exterior on the buildings. Commissioners Christ and Belmont agreed that the building design was important.

Commissioners discussed the request, stating that they felt that a 20% masonry building façade would help insure quality building design.

Motion by Belmont, seconded by Russell, to approve the rezoning request with the condition that the front building facades of each building be comprised of a minimum of 20% masonry construction. Motion was denied for a lack of four affirmative votes by the following vote: Aye – Christ, Russell and Belmont; Nay – Roussel and Henschel; Abstain – Norton and Baumhover.

ADJOURNMENT: Motion by Christ, seconded by Russell, to adjourn the April 4, 2018 Zoning Advisory Commission meeting. Motion was approved by the following vote: Aye – Baumhover, Roussell, Christ, Norton, Russell, Belmont and Henschel; Nay – None.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner



Adopted