

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

6:00 p.m.

Wednesday, June 6, 2018

City Council Chamber, Historic Federal Building

Commissioners Present: Chairperson Tom Henschel; Commission Members Pat Norton, Rich Russell, Laura Roussell, Steve Baumhover, Tom Henschel and Michael Belmont; Staff Members Laura Carstens, Guy Hemenway and Wally Wernimont.

Commissioners Excused: Martha Christ.

Commissioners Unexcused: None.

CALL TO ORDER: The meeting was called to order by Chairperson Henschel at 6:05 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 Norton, seconded by Belmont, to approve the minutes of the May 2, 2018 Zoning Advisory Commission meeting as submitted. Motion carried by the following vote: Aye – Baumhover, Belmont, Norton, Roussell, Russell, and Henschel; Nay – None.

PUBLIC HEARING - REZONING: Application of Royal Oaks Development Corp./ Michael J Weber (tabled) to rezone 19.23 acres located in Silver Oaks Estates from County R-2 Residential to City R-3 Moderate Density Multi-Family Residential Zoning District in conjunction with annexation to the City of Dubuque.

Chairperson Henschel informed the Commission and those in attendance that the applicant had submitted a formal request to table their rezoning application.

Commissioners discussed the request and felt that the public hearing for Royal Oaks Development Corp's rezoning request should be held at the next regular Zoning Advisory Commission meeting.

Motion by Baumhover, seconded by Roussell, to table the rezoning request and require that it be heard at the July 5, 2018 Zoning Advisory Commission meeting. Motion carried by the following vote: Aye – Baumhover, Belmont, Norton, Roussell, Russell, and Henschel; Nay – None.

ACTION ITEMS

PLAT OF SURVEY: Application of Gary Lindenberg, 693 Kaufmann Avenue to approve the Plat of Survey of Lindenberg Place.

Commissioner Norton recused himself from the discussion.

Gary Lindenberg, 693 Kaufmann Avenue, explained his request. He noted that he purchased the subject property and subsequently discovered that the house had been built over the property line. He said the submitted plat will correct the encroachment.

Staff Member Hemenway discussed the property history, noting that a Special Exception for setback had been granted to the former property owner. He said that the applicant had purchased the property in good faith and had found that the house had been built illegally over the side yard setback and into the adjacent lot, creating an encroachment. He said that approval of the lot split will eliminate the encroachment and provide the required setback. He said that both Lots 1 & 2 currently have no frontage and when reconfigured, will also still not have any frontage, therefore not increasing the non-conformity. He recommended approval.

Commissioner Belmont asked if the property owner of Lot 1 had agreed to the lot split. Mr. Hemenway said that the lot was split after litigation and the property owner of Lot 1 was compelled to part with a portion of the lot.

Motion by Belmont, seconded by Russell, to approve the Plat of Survey of Lindenberg Place subject to waiving the lot frontage requirements for Lot 1 and Lot 2. Motion carried by the following vote: Aye – Baumhover, Belmont, Roussell, Russell, and Henschel; Nay – None; Abstain - Norton.

SITE PLAN: Application of Epic Construction / LFOD of Dubuque, to approve the site plan for a new medical office building located at Lot 2 Cedar Lake Plaza (Parcel # 10-34-101-022).

Brad Bierman, 164 East Street, Potosi, Wisconsin, discussed the site plan for the new ENT building. He noted that the Cedar Lakes Planned Unit Development district regulations require that site plans be reviewed by both the Zoning Advisory Commission and City Council. He said he had submitted a complete site plan to the City's Development Review Team and it had been approved.

Staff Member Hemenway outlined the staff report, noting that the site is located in the Cedar Lake Planned District, and that the area has been primarily developed for medical clinics. He explained that the Commission and Council site plan review requirement was instituted in response to concerns about potential development on what was vacant property at the time. He said that the City Development Review Team has reviewed and approved the site plan subject to Commission and Council approval.

Commissioner Russell asked if access will be taken from Lake Ridge Drive. Mr. Bierman said that there are two shared accesses on both Lake Ridge Drive and on Cedar Cross Road. He said there will be no further curb cuts onto Cedar Cross Road.

Commissioners discussed the request and felt it was appropriate.

Motion by Baumhover, seconded by Belmont, to approve the site plan for a new medical office building on Lot 2 of Cedar Lake Plaza. Motion carried by the following vote: Aye – Baumhover, Belmont, Norton, Roussell, Russell, and Henschel; Nay – None.

PUBLIC HEARINGS

REZONING: Application of Korrin & Sean Schriver / Holy Spirit Parish to rezone approximately 4.5 acres of Holy Spirit Parish property located at 2900 Davenport Street from R-1 Single-Family Residential Zoning District to AG Agricultural Zoning District with conditions.

Korrin and Sean Schriver, 2815 Jackson Street, said they are proposing to purchase the subject property and rezone it to accommodate gardens and greenhouses.

Mary Lou Bahl said that she represented Holy Spirit Parish, 2115 Windsor Avenue. She spoke in favor of the request, stating they support the re-use of this currently vacant property.

Staff Member Hemenway presented the staff report. He said that the request is to rezone five acres of land from R-1 Single-Family Residential to AG Agricultural district. He noted the land's location, topography, existing landscaping and surrounding land use. He discussed aerial photography of the site. He said that the property sits below the grade of Davenport Street and well above the grade of Central Avenue. He discussed the location of the two access roads to the property. He said the applicants intend to create an urban farmstead, which he said would be a relatively low intensity use for the acreage. He discussed livestock, noting that unless further restricted, all livestock would be permitted. He expressed concerns with potential impacts livestock would have on adjacent residential properties. He noted that the applicants offered to restrict the animals permitted on-site to chicken, ducks, and other fowl, bees, pygmy goats (maximum of five). He discussed the potential for a conditional rezoning that would clearly itemize what animals are permitted on-site.

Commissioner Roussell said that she felt this was a great re-use of the property, and that it is screened on at least three sides by substantial vegetation. She said this is a good use of the land.

Commissioner Norton asked about the differentiation between livestock and how stockyards and confinement operations are viewed. Staff Member Carstens explained

the differentiation between standard agricultural livestock and confinement and feedlot operations.

Staff Member Hemenway noted that the greenhouses are permitted in Agricultural districts.

Commissioner Belmont asked if the size and height of buildings in agricultural districts are limited. Staff Member Hemenway said there are no bulk standards for buildings other than required permeable area on an agricultural property. He said that the site, due to its topography and access and storm water management requirements, is limited to the amount of impermeable area that could be created.

Commissioners discussed the existing landscape screening on the site. Commissioner Norton recommended that the natural vegetation and screening be left in place. Commissioner Roussell said she was amenable to that requirement. Commissioner Baumhover noted the change in topography affords natural screening and that to grow trees or other screening at the base of the hill would not adequately screen.

Commissioner Belmont asked what additional fowl the applicants had in mind. Ms. Schriver said they have considered raising pheasants or other game birds for local restaurants. Commissioners discussed the request and expressed concerns with the spectrum of animals that may be allowed. Commissioner Belmont suggested exclusion of ratites, such as ostrich and emu.

Motion by Norton, seconded by Baumhover, to approve the rezoning request with the condition that the animals allowed on the subject property be limited to fowl, excluding ratites (the mostly large, flightless birds with a ratite breastbone, i.e., the ostrich, rhea, emu, cassowary and kiwi), bees, a maximum of five pygmy goats and aquaponics. Motion carried by the following vote: Aye – Baumhover, Belmont, Norton, Roussell, Russell, and Henschel; Nay – None.

PUD AMENDMENT: Application of the City of Dubuque to amend the Port of Dubuque Planned Unit Development District by adjusting boundaries of Zone A and Zone B, referencing the new Conceptual Development Plan for Zone B.

Staff Member Laura Carstens noted that the City Council approved a new plan for the South Port. She referenced the 2002 Port of Dubuque Regulating Plan will remain in place for the North Port and the South Port will follow the 2017 Area Wide Use Plan. She noted the City's outreach to the property owners included a presentation and mailings. She noted new boundaries for Zone A – North Port and Zone B – South Port were recommended.

Staff Member Carstens recommended that the excursion gambling boat use be replaced by licensed gambling facility approved by the State of Iowa for consistency.

There were no public comments.

Commissioner Roussell noted the changes appear to be minimal and are consistent with the plan.

Motion by Roussell, seconded by Belmont, to approve the Port of Dubuque Planned Unit Development District amendment with the language change, adjusting boundaries of Zone A and Zone B, and referencing the new Conceptual Development Plan for Zone B. Motion carried by the following vote: Aye – Baumhover, Belmont, Norton, Roussell, Russell, and Henschel; Nay – None.

ITEMS FROM PUBLIC: None.

ITEMS FROM COMMISSION: None.

ITEMS FROM STAFF: Staff Member Carstens discussed the definitions of traditional and quasi-judicial rezonings, noting the difference between the two and how each is handled. She said that a recent court decision allows Commissioners to engage in exparte communication for traditional rezonings, but prohibits the same for quasi-judicial rezonings. She asked that the Commission consider a policy change that would permit taking input from citizens regarding rezonings but asking that said input be forwarded in written format to the Planning Services Department. She said that it would then be disseminated to the entire Commission. She said it would help the Commission and staff create a transparent and consistent process for receiving public input.

She noted that Commissioners could visit sites for traditional rezonings and then provide their written thoughts to Planning Services staff so that they could be distributed at the meetings. She said if time does not allow the Commissioners to prepare written comments, they could provide that same information at the public hearing to the full Commission. She asked the Commission to consider changing the by-laws to reflect the new policy.

Commissioner Belmont inquired about the wording “subject to this policy” in the last sentence in Section 2. Chairperson Henschel agreed that the language would be clearer without the wording in Section 2. Staff Member Carstens said wording was a bit confusing and could be easily struck without altering the meaning of the sentence.

Chairperson Henschel asked about Section 6 regarding a typo. Staff Member Carstens said she would correct the typo.

Commissioner Roussell said it would be nice to have the policy statement regarding expartate communication as it concerned traditional and quasi-judicial rezonings attached to the agenda schedule. Staff Member Carstens indicated staff intended to provide the information in the agenda packets.

Commissioner Russell discussed the time frame regarding site visits and public input. He asked how many days prior to the meeting they would be provided the information. Staff Member Carstens discussed the notification procedure, stating that the Commissioners receive the notice approximately one week before the meeting, but that the public notice goes out approximately two weeks prior. She said that the agendas could be sent to the Commission at the same time that the public notification was mailed. Commissioner Russell said that it would be advisable for Commissioners to send the information regarding a site visit to staff as soon as possible after the site visit.

Commissioners discussed the request and asked that staff take into consideration their recommendations, and then return the amended bylaws to them for a final review. Commissioner Norton noted that this would permit Commissioners to redirect people to staff and to provide their thoughts in writing.

Zoning Advisory Commission Input to City Council Goal Setting Session: Staff Member Carstens said the City Council has recently completed their goal setting session and has requested input from the Commission. She asked that Commissioners review and consider adding information to the forms that outline successes and initiatives the Commission has undertaken in the last year. She said that this information would then be gathered and reviewed by the City Council. Staff Member Carstens noted that she had already added some information on the existing form. She said she can revise the form based on Commission input.

Commissioner Belmont asked that the Commission be allowed to take the information home and consider the initiatives and successes of the past year and provide their input at the next meeting.

Commissioner Russell said he was glad to see that the Comprehensive Plan information had been included.

Chairperson Henschel said the Commission would review the information and discuss it at the next regular meeting.

ADJOURNMENT: Motion by Norton, seconded by Belmont, to adjourn the June 6, 2018 Zoning Advisory Commission meeting. Motion carried by the following vote: Aye – Baumhover, Belmont, Norton, Roussell, Russell, and Henschel; Nay – None.

The meeting adjourned at 7:00 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner



Adopted