

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

6:00 p.m.

Thursday, July 5, 2018

City Council Chamber, Historic Federal Building

**Commissioners Present:** Chairperson Tom Henschel; Commission Members Pat Norton, Rich Russell, Laura Roussell, Steve Baumhover, and Martha Christ; Staff Members Kyle Kritz and Wally Wernimont.

**Commissioners Excused:** Michael Belmont.

**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 Norton, seconded by Roussell, to approve the minutes of the June 6, 2018 Zoning Advisory Commission meeting as submitted. Motion carried by the following vote: Aye – Baumhover, Christ, Norton, Roussell, Russell, and Henschel; Nay – None.

**ELECTION OF OFFICERS:** Motion by Roussell, seconded by Norton to nominate Tom Henschel as Chairperson. Motion carried by the following vote: Aye – Baumhover, Christ, Norton, Roussell, Russell, and Henschel; Nay – None.

Motion by Roussell, seconded by Norton to nominate Martha Christ as Vice-Chairperson. Motion carried by the following vote: Aye – Baumhover, Christ, Norton, Roussell, Russell, and Henschel; Nay – None.

Motion by Christ, seconded by Norton to nominate Laura Roussell as Secretary. Motion carried by the following vote: Aye – Baumhover, Christ, 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 has submitted formal request to table their rezoning application. He also said that the neighbors have asked that it could be tabled also.

Motion by Christ, seconded by Roussell, to table the rezoning request to a future date. Motion carried by the following vote: Aye – Baumhover, Christ, Norton, Roussell, Russell, and Henschel; Nay – None.

### **ACTION ITEMS**

**PLAT OF SURVEY:** Application of City of Dubuque, for property located at 949 Kerper Boulevard, to approve the Final Plat of Jule Place.

Kyle Kritz, Associate Planner, explained the reasoning for the plat. He said the plat will consolidate property that is associated with the Jule Operation and Training Facility. He explained that the property was the former site of the City Operation and Maintenance Facility. He said the plat will consolidate smaller lots and reflect the new Kerper Boulevard Right-of-Way which was changed as part of the new Jule Operation and Transit Facility. He said the plat is a minor final plat and requires Commission and City Council approval. He said the plat is in compliance with the Unified Development Code and he recommends approval.

Commissioner Russell asked staff about the purpose of outlots B, C & D. Staff Member Kritz said that lots that are designated a letter are typically lots dedicated to the city for public purpose and not developable. He said Lots B, C & D are part of public right-of-way.

Commission Russell asked if the Lots B, C & D should be noted on the plat as non-buildable. Staffperson Kritz said that the certificates associated with the plats sometimes address the lots that are buildable. He said the certificate for this plat does not call out Lots B, C & D as being non-buildable.

The Commission discussed Lots B, C & D and the use of these properties. Commission Norton noted that the plat calls out lots A, E & F specifically because they are being dedicated to the city.

Motion by Russell, seconded by Roussell, to approve the Final Plat of Jule Place subject to the future use of Lots B, C & D being noted on the final plat. Motion failed by the following vote: Aye – Baumhover, Roussell, and Russell; Nay – Chris, Norton, and Henschel.

Motion by Christ, seconded by Norton, to approve the Final Plat of Jule Place as submitted. Motion carried by the following vote: Aye – Baumhover, Christ, Norton, Roussell, and Henschel; Nay – Russell.

## **PUBLIC HEARINGS**

**PUD AMENDMENT:** Application of Key City Investment Company/Georgie Yiannias to amend the ShopKo PUD Planned Unit Development Zoning District to allow development of an outlot.

Steve Moore, representing Georgie Yiannias, explained the request to the Commission. He said he will be handling the real estate development of this property. He discussed the history, size and land uses of the site. He said they will build a 5,000 sq. ft. multi-tenant retail center. He said the site has more parking than what is allowed required.

Staff Member Kritz presented the staff report. He described the historical land uses and zoning designations of the site. He said the existing planned unit development (PUD) allows an 84,000 sq. ft. retail building and an indoor restaurant. He said before they can develop any of the existing parking lot for another building the PUD would need to be amended. He said that he would like the property to be zoned C-3 General Commercial like the adjacent property. However, a clause in the C-3 District regulations said that any building over 60,000 sq. ft. would require the property to be in a PUD. He said the PUD is being amended to include C-3 General Commercial regulations. He said there are approximately 450 parking spaces on site and the existing building requires 260 parking spaces. He said the existing sign outside ShopKo is 350 sq. ft. and only 200 sq. ft. is allowed. He said the sign would be grandfathered. He said the utilities around the site are adequate to handle the proposed building.

Commissioner Russell if the area to be rezoned is only for the 5,000 sq. ft. building. Staffperson Kritz said the entire site would be rezoned. Commissioner Russell asked if the existing parking lot configuration would remain. Staff Member Kritz said the parking lot could be reconfigured. Commissioner Russell if the site will need to be landscaped. Staff Member Kritz said the area where the new building will be constructed would need to meet the UDC landscape requirements. He said the remaining area would not be required to be brought up to Unified Development Code landscape standards because it will not meet the 25% expansion threshold that would kick in the landscape requirements.

Commission Norton said that once a site plan has been submitted to the City, the city departmental staff will verify that the entire site will meet parking requirements. He also discussed sanitary sewer connections. Staff Member Kritz said he runs these PUDs by the Development Review Team to verify if the site can be adequately served by public utilities.

Commissioner Roussel said she would like to add that she likes the fact it will make a more efficient use of the space. Commissioner Russell agreed.

Motion by Christ, seconded by Russell, to amend the ShopKo PUD zoning district to allow for development of the out lot. Motion carried by the following vote: Aye – Baumhover, Christ, Norton, Roussel, Russell, and Henschel; Nay – None.



**ITEMS FROM PUBLIC:** None.

**ITEMS FROM COMMISSION:** None.

**ITEMS FROM STAFF:**

Zoning Advisory Commission Input on By-Laws: Staff Member Kritz noted the information was provided at June 6, 2018 meeting. He asked that Commissioners review and if they had any questions. Chairperson Henschel noted that the By-laws have been revised based on the Commission's suggestions. He said, "Subject to this Policy" has been removed from Section 2 and a typo was corrected in Section 6. Staff Member Kritz recommended they approve the amended Bylaws. The Commission approved the Bylaws by consensus with a 6-0 vote.

Zoning Advisory Commission Input to City Council Goal Setting Session: Chairperson Henschel suggested that they can add as an accomplishment to successes that the Commission is accessible and responsible to the citizen's input as applicable.

Commission Roussell suggested that they include the amended Bylaws and how they will incorporate the changes in the Bylaws into their monthly packet and procedures as an issue or project the Commission can address in the next year.


Motion by Russell, seconded by Christ, to confirm the final wording subject to the changes. Motion carried by the following vote: Aye – Baumhover, Christ, Norton, Roussell, Russell, and Henschel; Nay – None.

**ADJOURNMENT:** Motion by Norton, seconded by Christ, to adjourn the July 5, 2018 Zoning Advisory Commission meeting. Motion carried by the following vote: Aye – Baumhover, Christ, Norton, Roussell, Russell, and Henschel; Nay – None.

The meeting adjourned at 6:40 p.m.

Respectfully submitted,

  
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Kyle L. Kritz, Associate Planner

  
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Adopted