



Approved

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

6:00 p.m.

Wednesday, May 1, 2019

City Council Chamber, Historic Federal Building

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

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 April 3, 2019, Zoning Advisory Commission meeting as submitted. Motion carried by the following vote: Aye – Norton, Russell, Roussell, Belmont, Baumhover, Christ and Henschel; Nay – None.

PLAT OF SURVEY: Application of Mark Schlitzer to approve the Plat of Survey Lot 1 in the Northeast Quarter of the Northwest Quarter of Section 9 T89N, R2E of 5th P.M., Dubuque County, Iowa.

Mark Schlitzer, 16765 Schlitzer Lane, said that he would like to split his property to facilitate building a residence.

Staff Member Kyle Kritz detailed the staff report noting that the proposed lot split is to facilitate the construction of a single-family home on a family farm. He explained the lot is located in the county and within two miles of the City of Dubuque corporate limits. He said that Lot 1 does not have frontage on a platted or private street. He noted the lot would be accessed by an existing 33-foot wide access and utility easement.

There were no public comments.

Commissioners discussed the location of the proposed lot.

Motion by Baumhover, seconded by Christ, to approve the Plat of Survey of Lot 1 in the Northeast Quarter of the Northwest Quarter of Section 9 T89N, R2E of 5th P.M., Dubuque County, Iowa subject to waiving lot frontage requirement for Lot 1. Motion carried by the following vote: Aye – Norton, Russell, Roussell, Baumhover, Belmont, Christ and Henschel; Nay – None.

PLAT OF SURVEY: Application of Ron McCarthy to approve the Plat of Survey of Maple Leaf Addition No. 4.

Ron McCarthy, 207 Oak Forest Drive, Epworth, representing the sellers. described the proposal noting the current configuration of the three lots makes them all unsellable. He said they want to reduce the number of lots from three to two and remove any building encroachments in order to make both lots sellable.

Staff Member Kyle Kritz detailed the staff report noting the location and that a substandard Lot 2 would be created. He stated that even though Lot 2 will have less frontage and lot area as required by the R-1 District, both lots would be sellable, and since they were already developed, would not impact adjacent properties.

There were no public comments.

Commissioners discussed the request and felt it was appropriate.

Motion by Norton, seconded by Roussell, to approve the Plat of Survey of Maple Leaf Addition No. 4 subject to waiving lot frontage and lot area for Lot 2. Motion carried by the following vote: Aye – Norton, Russell, Roussell, Baumhover, Belmont, Christ and Henschel; Nay – None.

PUBLIC HEARING/REZONING: Application of Ace Construction to rezone property at 2325 Garfield Avenue from C-2 Neighborhood Shopping Center zoning district to C-3 General Commercial zoning district.

Phil Jensen, attorney representing Ace Construction, discussed the proposal stating that the applicant has removed brush, junk, and abandoned vehicles from the property. He also noted that the applicant is requesting the rezoning from C-2 to C-3 enabling him to build a contractor shop.

Mr. Jensen then discussed what he deemed as anomalies in the code. He noted that grocery store, laundromat, schools and gas stations are allowed in C-2 but are more intense than artist studios or contractor shops which are not allowed.

In conclusion, Mr. Jensen stated that the contractor shop would not create noise, light, or other nuisance issues.

Amy Taylor, 2365 Garfield Ave., said that her property is located across the train tracks from the subject property. She stated they had burned debris and noted concerns about smoke, drainage and noise.

Mr. Jensen rebutted, stating that burning debris would not be a normal use at the property and that it would be used primarily for outside storage and parking a vehicle overnight.

Staff Member Guy Hemenway clarified Euclidean Zoning and addressed the anomalies mentioned by Mr. Jensen. Mr. Hemenway noted that schools, gas stations, and corner grocery stores are residential uses generally associated with neighborhoods. He continued, stating that contractor shops do not generally operate in a similar fashion. He discussed the lot location, nearby utilities, and access issues noting that the property is restricted in size and has limited access.

Commissioner Norton noted the limited access and asked if it would be problematic. Staff member Hemenway replied that legal access is problematic and would be addressed through the development review process with advice from the legal department.

Commissioners discussed easements and access to the lot. The Commission compared the uses permitted in the C-2 and C-3 zoning districts. The Commission discussed screening requirements for contractor's shops and access for emergency services (Police, Fire and Ambulance).

Motion by Russell, seconded by Belmont, to approve the rezoning from C-2 Neighborhood Shopping Center zoning district to C-3 General Commercial zoning district. Motion carried by the following vote: Aye - Russell, Roussell, Baumhover, and Belmont; Nay – Christ, Norton, and Henschel.

PUBLIC HEARING/REZONING: Application of SWAD LLC / Portzen to rezone from C-3 General Commercial zoning district to PUD Planned Unit Development zoning district.

Mike Portzen, 16748 Thunder Hills Drive, Peosta, explained the rezoning is to accommodate an approximately 185,000 sf big box retailer. He explained that since the building is over 60,000 sf, the Unified Development Code requires the property to be located in a Planned Unit Development (PUD). He discussed the proposal noting the location of a gas line, gas line easement, elevation, and screening. He explained the limitations of what could be placed in the gas line easement.

Commissioners asked about storm water drainage from the site. Mike Portzen responded noting that water runoff should be significantly reduced and that most would go toward the west detention basin away from the neighboring residential properties.

Ben Wilson (6525 Kinsley Ct.), Ryan Brown (6500 Kinsley Ct.), Kevin and Joan Hedrick (6505 Kinsley Ct.), Melissa Cook (6535 Kinsley Ct.), and Carol Prater (6615 Kinsley Ln.), all expressed concerns with potential inadequate screening, storm water drainage, light pollution and requested additional vegetative screening be made a requirement.

Mike Portzen rebutted noted that he has offers for a truck stop at this location and felt a big box retailer would have less of an impact on the adjoining property. He said that grading, lot lines, and gas line easement all limit the vegetative screening options.

Staff Member Wally Wernimont presented three letters of opposition noting that two of the three were submitted by individuals present at the meeting. He presented the staff report, noting the size, location, existing easements, gated emergency access lane, storm water drainage of the proposed Planned Unit Development. He explained that the proposed PUD is a portion of a larger commercial development. He referred to site diagrams showing the proposed street configuration. He explained because the building is larger than 60,000 sf, the Unified Development Code requires the property to be rezoned to a PUD. He explained that the proposed streets in the development would be private unless a connection is made to English Mill Road. He referred to vehicle trips based on big box retailers and noted that the City of Dubuque Engineering Department is requiring a traffic study to be conducted as part of the development. He discussed the requirement for screening of the property from the adjoining properties and the existing gas line easement. He noted the applicant is proposing to not have intermediate landscaping islands in the parking lot.

Commissioners discussed screening, lighting, stormwater drainage and landscaping islands as they pertain to the rezoning request. The Commission discussed the potential to shift the building and parking lot to allow additional space for a vegetative screen in addition to a solid fence. The Commission discussed placing additional requirements on the type of a screening fence.

Motion by Christ, seconded by Baumhover, to approve the rezoning from C-3 General Commercial zoning district to PUD Planned Unit Development zoning district with the requirement of 100% opaque screening. Motion carried by the following vote: Aye - Norton, Russell, Roussell, Baumhover, Christ and Henschel; Nay – Belmont.

PUBLIC HEARING/REZONING and ID AMENDMENT: Application of James Steiner, University of Dubuque, to rezone the property at 1998 Grace Street from R-1 Single-Family Residential zoning district to ID Institutional District and to amend the University of Dubuque Institutional District to allow a Student Wellness Center.

James Steiner, Vice President of Finance and Auxiliary Services, University of Dubuque, 2000 University Avenue, discussed the proposed project. He explained that the Wellness Center will be for students only and that it is for initial consultation. He discussed the need for a wellness center that can assist students both mentally and physically.

Ashley and Adam Childers, 1988 Grace St., questioned the amount of traffic that would be created and whether screening was necessary. Mr. Steiner noted that they would follow the requirements in the Unified Development Code and that traffic would not significantly increase and that parking is being added.

Staff Member Kyle Kritz noted that the University of Dubuque is asking to rezone a property into and amend its Institutional District to accommodate the Wellness Center. He explained the project location relative to existing campus buildings. He said that the project would include the construction of an 11-stall parking lot with access on Grace Street. He said there had been no input from those neighbors who received written notification.

Commissioner Christ noted that the proposed parking lot was in a good location being located away from the nearby residences and that the Wellness Center would be a great addition to the University's campus.

Motion by Russell, seconded by Roussell, to rezone the property at 1998 Grace Street from R-1 Single-Family Residential zoning district to ID Institutional District and to amend the University of Dubuque Institutional District to allow a Student Wellness Center. Motion carried by the following vote: Aye – Norton, Russell, Belmont, Roussell, Baumhover, Christ and Henschel; Nay – None.

PUBLIC HEARING/ID AMENDMENT: Application of James Steiner, University of Dubuque, to amend the University of Dubuque Institutional District to allow the construction of a Welcome Center.

James Steiner, Vice President of Finance and Auxiliary Services, University of Dubuque, 2000 University Avenue, discussed the proposed project noting the Welcome Center is internally located on campus and will be connected to the Myers Building.

There were no public comments.

Staff Member Wally Wernimont presented the staff report, noting the project location relative to existing campus buildings and existing streets. He said that there are no parking concerns and that development would need to go through the development review process. He noted letters were submitted pointing to concerns about tax revenue.

Commissioners discussed the proposal and felt it was appropriate.

Motion by Christ, seconded by Norton, to amend the University of Dubuque Institutional District to allow the construction of a Welcome Center. Motion carried by the following vote: Aye – Norton, Russell, Belmont, Roussell, Baumhover, Christ and Henschel; Nay – None.

PUBLIC HEARING/REZONING: Application of Royal Oaks Development Corporation to rezone from County R-2 to City R-2 Two-Family Residential in conjunction with annexation.

Mike Weber, 26789 46th Avenue, Bernard, representing Royal Oaks Development Corporation, described the proposal, noting the rezoning and annexation process and that public sewer and water were adjacent to the property.

Ted Huinker, 890 Main Street – Suite 200, spoke on behalf of the applicant. He discussed a pre-annexation agreement from 2014. He also mentioned that they have already reduced their request from fourplexes down to no more than two-unit town homes.

Eric Lockhart, 7764 Silver Oaks Drive, Homeowner Association President, asked the commission to deny the proposal to provide more time to work out their negotiations with the applicant.

Jim Schrieber, 8198 Silver Oaks Drive, Homeowner Association Board Member, expressed his opposition to the proposal due to safety concerns stemming from the hill and winter maintenance.

Jolene Bodine, 8280 Talyn Ct, and Aaron Brant, 7924 Silver Oaks Drive, discussed keeping Silver Oaks Subdivision a low-density residential area and echoed concerns about the Silver Oaks Drive hill.

Jeffery Ketterer, 9879 Elle Ct., echoed the concerns about the hill and winter maintenance.

Mike Weber presented his rebuttal to the neighbors' concerns. He noted that Silver Oaks Drive would remain a private street under the control of the homeowners' association until such a time as it is dedicated to the city. Additionally, he discussed density and reducing the proposal from fourplexes down to two-family townhomes.

Ted Huinker also rebutted noting the rezoning is for the entire 108 acres, and not just those parcels along Silver Oaks Drive. He also noted that those parcels in question were under the Homeowners' Association's control and the covenants would need to be changed before they could build townhomes.

Staff Member Wally Wernimont presented the staff report, noting the layout, size, location, easement, and access of the proposed rezoning. He described the 12 lots and Silver Oaks Drive. He discussed rezoning in conjunction with annexation. He also noted the difference between County R-2 and City R-2 zoning districts. He also noted covenants and Homeowner Associations are private contracts that have no bearing on City rules and regulations. Additionally, he described the process for dedication of private streets to the city. He noted that a pre-annexation agreement does exist. He

described the notification requirements and noted the changes to the roadway regarding the SW Arterial interchange.

Commissioners asked for clarification from staff on covenants, notification, current permitted development, and the private road dedication process. Staff clarified each.

Commissioners discussed the proposal.

Motion by Russell, seconded by Belmont, to rezone from County R-2 to City R-2 Two-Family Residential in conjunction with annexation. Motion carried by the following vote: Aye - Norton, Belmont, Russell, Roussell, Baumhover, Christ and Henschel; Nay – None.

ITEMS FROM PUBLIC: None.

ITEMS FROM COMMISSION: None.

ITEMS FROM STAFF: None.

ADJOURNMENT: Motion by Russell, seconded by Christ, to adjourn the May 1, 2019 Zoning Advisory Commission meeting. Motion carried by the following vote: Aye - Norton, Russell, Belmont, Roussell, Baumhover, Christ and Henschel; Nay – None.

The meeting adjourned at 8:20 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner



Adopted