

**MINUTES
CITY OF DUBUQUE ZONING BOARD OF ADJUSTMENT
REGULAR SESSION**

5:00 p.m.

Thursday, June 27, 2019

City Council Chamber, Historic Federal Building

Board Members Present: Chairperson Jonathan McCoy, Board Members Keith Ahlvin, Jeff Cremer, Bethany Golombeski, and Joyce Pope; Staff Members Travis Schrobilgen, Guy Hemenway, John Maddock and Wally Wernimont.

Board Members Excused: None.

Board Members Unexcused: None.

CALL TO ORDER: The meeting was called to order by Chairperson McCoy at 5:04 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 Pope, seconded by Cremer, to approve the minutes of the May 23, 2019 Zoning Board of Adjustment meeting as submitted. Motion carried by the following vote: Aye – Ahlvin, Golombeski, Pope, Cremer and McCoy; Nay – None.

Docket: 26-19/Special Exception: Application of Andrea Lattner, 225 South Grandview Avenue, to install a 6' high fence along the front property line (Whelan Street), when 4' height maximum permitted, in an R-1 Single-Family Residential zoning district.

Lea Lattner, representing the applicant, discussed the proposal noting a need to sequester a dog with a 6' high fence around the rear yard. She also noted other fences that exceed the height in the area.

Staff Member Schrobilgen presented the staff report. He noted the property location and requirements of the special exception. He pointed out that a visibility triangle is generally required at the intersection of an alley and street; however, since the alley is unimproved he felt that the proposed fence will have little impact on public safety or interfere with the use and enjoyment of neighboring properties.

Board Members discussed the request and found it acceptable.

Motion by Ahlvin, seconded by Golombeski, to approve the special exception request as submitted. Motion carried by the following vote: Aye – Cremer, Pope, McCoy, Golombeski, and Ahlvin; Nay – None.

Docket 27-19/Special Exception: Application of Justin Birch, 2920 Pennsylvania Avenue, to build an attached walkway/deck 2' from the west side property line, where 6' minimum is required, in an R-1 Single-Family Residential zoning district.

Staff Member Schrobilgen submitted a memo indicating the applicant had requested to withdraw the application.

Docket 28-19/Conditional Use Permit: Application of Dubuque Cellular Telephone, 2330 Rockdale Road, to install a 114' high cell tower in a C-3 General Commercial zoning district.

Julie Shebek, 2124 Larry Drive, Cedar Rapids IA, spoke on behalf of the applicant. She discussed the proposal noting the need for additional cellular coverage in the area.

Staff member Hemenway detailed the staff report noting that the proposed tower is a monopole that it is partially screened by a building and mature vegetation. He also said that in the event of a catastrophic failure, the antenna would land only on the applicants' property. He also mentioned that most of the neighboring properties were vacant or accommodated commercial uses.

The Board discussed the proposal and found it appropriate.

Motion by McCoy, seconded by Ahlvin, to approve the Conditional Use Permit request for 2330 Rockdale Road as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski and McCoy; Nay – None.

Docket 29-19/Conditional Use Permit: Application of Jacob Rios, 2155 Southpark Court, to open a licensed child care facility with 85 children and 14 employees in a C-3 General Commercial zoning district.

Jacob Rios, 561 Jefferson Street, said that he would like to open a licensed child care facility. He submitted and discussed a floor plan indicating the approximate interior space available and noted the drop off and pickup area on the lot. Board members McCoy and Pope asked about the blacktop showing as greenspace in the site plan. Mr. Rios said the portion of blacktop in question would be converted to greenspace.

Staff Member Hemenway outlined the staff report, discussing the large drop-off and pick-up area. He also noted that any childcare facilities with more than 11 children are regulated by the state. He also discussed why a Conditional Use Permit is required for childcare facilities.

Board Members discussed the request and felt it would be appropriate.

Motion by Pope, seconded by Ahlvin, to approve the Conditional Use Permit request as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski, Pope, and McCoy; Nay – None.

Docket 30-19/Variance: Application of Luke Merfeld, 3130 Cedar Cross Court, to build a 24' x 76' addition 2' from the front property line (Lake Ridge Drive), where 20' minimum is required, in a CS Commercial Service and Wholesale zoning district.

Luke Merfeld, 10713 Cottingham Road, Peosta, IA., discussed his proposal.

Staff Member Wernimont detailed the proposal. He noted the size, location and City departments responsible for review and oversight during the planning and construction phases. He also informed the Board that no utilities would be extended to the addition and that stormwater would not increase as the proposed addition will be built over impermeable area.

The Board discussed the proposal and Board Member Pope asked the applicant what specifically, was his hardship. Mr. Merfeld indicated that he has limited alternative addition locations, limited space within the current building and the proposed location would not impact his off-street parking spaces. He also mentioned that the space would be used for storage of alternators, mechanical parts and tools.

The board requested clarification on the difference between special exceptions and variances. Staff member Wernimont discussed the difference.

Motion by Pope, seconded by Golombeski, to approve the Variance request as submitted. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski, Pope, and McCoy; Nay – None.

Docket 31-19/Variance: Application of Randy's Auto Plaza, 690 W. Locust Street, to conduct vehicle sales on a 15,200 sq. ft. lot, where 20,000 sq. ft. minimum is required, in a C-3c General Commercial with conditions zoning district.

Ron Klien, 690 W. Locust Street, discussed the request noting that he has cleaned the property. He said that the request is necessary due to the limited lot size. He also mentioned the goal was to increase foot traffic to the site.

Staff Member Hemenway discussed the lot size and site plan. He also noted the history of the property and the potential for increased traffic and a reduced parking availability due to potential spillover and storage of parts. He also noted the concerns expressed by the neighboring property owner regarding outdoor storage of salvage vehicles and auto parts.

Board Members discussed the proposal noting the potential for spillover onto city streets and the difficulty regulating vehicle repair. Chairperson McCoy asked Staff member

Hemenway whether the adjacent street allowed public parking and whether salvaged vehicles on the premises would be a concern. Staff Member Hemenway said that on-street parking is a shared public resource and that the presence of salvage vehicles is generally a grey area since these type vehicles are often found at local dealerships.

Ron Klein noted that they do not salvage vehicles and would only be displaying five to six cars.

Chairperson McCoy asked if limiting the number of cars for sale to either five, six, or ten would be an acceptable condition. Mr. Klien said he thought 10 would be more than enough but did not want to limit his partner without discussing that with him. He reiterated that there are no safety issues with the request and that he is a good neighbor.

Chairperson McCoy then asked if they would be amenable to limited hours of operation. Mr. Klein said he did not want to limit himself, his partners, or future owners of the property.

The Board discussed further limiting hours of operation.

Motion by McCoy, seconded by Ahlvin, to approve the Variance request with the condition that there is a limit of (10) ten vehicles for sale on the property. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski and McCoy; Nay – Pope.

Board Member Pope referenced criteria established in the Unified Development Code regarding disadvantage, reasonable use and special privilege as reasons for her denial.

Docket 32-19/Sign Variance: Application of Chad Richardson, 5400 Highway 20, to install (13) wall-mounted signs for a total of 715 sq. ft of wall-mounted signage, where (2) wall-mounted signs and 400 sq. ft. maximum permitted, and to install (1) 225 sq. ft. freestanding sign, where 200 sq. ft. maximum permitted, in a C-3 General Commercial zoning district.

Chip Walker, 6296 Rucker Road Suite C, Indianapolis Indiana, representing the applicant discussed the proposal noting the difficulty of using only 2 signs to advertise for multiple dealerships and a body shop at the same location. He also noted that the dealers require their own design standards. He referenced a few local business properties, including a Ford dealership and Menards, with more than the permitted number of signs.

Staff Member Hemenway detailed the staff report noting the number of signs requested and he said that car dealership standards do not supersede local sign regulations. He pointed out that Menards is located in a Planned Commercial District with signs allocated to that site and that the Ford dealership was granted a sign variance. He noted that a balance should be maintained between allowing adequate business advertising and maintaining an attractive commercial corridor. He said that sign regulations are integral in

maintaining orderly development. He suggested potential sign configurations that would comply with the established regulations.

Chairperson McCoy suggested finding a compromise and asked the applicant what other dealers have done when limited to two signs. The applicant said that they generally have to seek variances for freestanding signs and not building mounted signs. He said that they would be willing to reduce the number of freestanding signs if they could keep the building signs as requested.

Commissioner Pope requested clarification from the applicant on where and which signs were proposed.

The commission discussed the proposal and the possibility of limiting the number or size of signage.

Motion by McCoy, seconded by Cremer, to approve the variance request with the conditions that: 1) the premises be limited to a maximum of two (2) freestanding signs, and, 2) the building be limited to a maximum of (13) thirteen wall-mounted signs not to exceed an aggregate of 675 sq. ft. Motion carried by the following vote: Aye – Cremer, Ahlvin, Golombeski, and McCoy; Nay- Pope.

Board Member Pope said that she felt the request did not meet the criteria regarding reasonable return.

ITEMS FROM STAFF: None.

ITEMS FROM BOARD: None.

ITEMS FROM PUBLIC: None.

ADJOURNMENT:

Motion by McCoy, seconded by Pope, to adjourn the June 27, 2019 Zoning Board of Adjustment meeting. Motion carried by the following vote: Aye – Cremer, Ahlvin, Pope, Golombeski, and McCoy; Nay – None.

The meeting adjourned at 6:27 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

7-25-19

Adopted