

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

6:00 p.m.

Thursday, January 2, 2020

City Council Chamber, Historic Federal Building

Commissioners Present: Vice Chairperson Martha Christ; Commission Members Pat Norton, Steve Baumhover and Michael Belmont; Staff Members Wally Wernimont, Guy Hemenway and Travis Schrobilgen.

Commissioners Excused: Rich Russell

Commissioners Unexcused: None.

CALL TO ORDER: The meeting was called to order by Vice Chairperson Christ 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 Baumhover, seconded by Norton to approve the minutes of the December 4, 2019, Zoning Advisory meeting as amended. Motion carried by the following vote: Aye - Norton, Baumhover, Belmont and Christ; Nay – None.

PUBLIC HEARING/REZONING: Application of Mehta, LLC, to rezone property located at 245 Railroad Avenue from LI Light Industrial zoning district to C-3 General Commercial zoning district.

Eddie Severns stated that he is the owner of RF2 Furniture and was speaking on behalf of Sanjay Mehta, owner of the property at 245 Railroad Avenue. He said his furniture business is currently located in the Historic Millwork District. He would like to relocate to 245 Railroad Avenue so he can expand the business. He said that it would give him an additional 2,000 square feet of retail space. He said that he had signed the lease but found out later that a furniture store was not permitted in the light industrial zoning district.

Staff Member Wernimont outlined the staff report noting the subject property's location and the types of uses that exist on site and in the surrounding area. He said that the request represents an expansion of the adjacent C-3 district. He said the rezoning will not create non-conformities on the existing lot. He said that staff perceives no problems regarding the rezoning and that there had been no input from adjacent property owners.

Commissioners discussed the proposal noting that it represented an expansion of the C-3 district.

Motion by Norton, seconded by Baumhover to approve the rezoning of 245 Railroad Avenue from LI Light Industrial to C-3 General Commercial. Motion carried by the following vote: Aye - Baumhover, Norton, Belmont and Christ; Nay – None.

PUBLIC HEARING/REZONING: Application of Kristin and Steve Vaassen to rezone property located at 2319 Manson Road from R-1 Single-Family Residential zoning district to C-3 General Commercial zoning district.

Vice Chair Christ noted that, as there are only four Commissioners present, the applicant will need a minimum of three positive votes to forward an affirmative recommendation to the City Council.

Applicants Kristin and Steve Vaassen, 2319 Manson Road, discussed the packet of information they submitted to the Commission. They discussed the property history and the history of the historic barn that they said was purchased in Tipton, Iowa and reassembled on their site. They noted that they received Zoning Board of Adjustment approval for the 2,800 square foot structure. They said that they had originally wanted to rezone the property to OC Office Commercial, but that city staff had recommended that they rezone to C-3 General Commercial. They discussed the need for the event venue stating that there was nothing in the local vicinity that offered the kind of assembly area they had created. They said that after the initial rezoning request, they withdrew and considered applying for a Condition Use Permit from the Zoning Board of Adjustment for an accessory dwelling unit. They said that they finally decided, with staff's input, to ask for C-3 zoning.

The Vaassens said that C-3 seemed extreme for the kinds of uses that they proposed. They said that the term 'event center' is not accurate because event centers are usually much larger venues such as the Grand River Center and Five Flags. They said that an assembly hall would be a more accurate description of what they propose. They addressed neighbor's concerns regarding noise and traffic. They noted the letters of reference provided to the Commission in the packet of information.

Peter Arling, 1744 Creek Wood Drive, said that he represented a number of neighbors in the Creek Wood Drive area. He referenced a petition signed by 77 neighbors opposed to the rezoning. He noted the packet of information also included additional letters and other materials. He discussed a brief history of the Vaassens' event venue project noting the initial rezoning request that was withdrawn, subsequent Conditional Use application and the current rezoning application. He said the Vaassens had reduced the area to be zoned so that fewer neighbors would be notified. He expressed concerns with the potential for noise generated by events that he said would be amplified throughout the valley. He said that there would be an increase in traffic. He said that the proposed use does not fit neatly into a residential neighborhood.

Mr. Arling said that the initial Special Exception granted by the Zoning Board of Adjustment was to build a barn only as an accessory structure to the principle

residential use. He said that the minutes reflected that no commercial uses would occur in the barn. He said that the Vaassens moved ahead with their proposal and are asking for a rezoning after the fact. He referenced a portion of the Unified Development Code regarding the criteria established necessary for granting a rezoning. He said that it is contingent upon the applicant to demonstrate that the conditions in their area have materially changed so as to warrant a rezoning. He said that the property was AG Agricultural and R-1 Single-Family Residential and it is still surrounded by R-1 zoning. He said that it appears to be an illegal spot zone.

Kevin Crahan, 1600 Manson Road, said he is opposed to the rezoning because of traffic concerns. He said that he felt this would especially endanger children in the neighborhood. He said that a commercial building is not appropriate in a residential area.

Nathan Duccini, 1605 Manson Road, said that he agreed with the two previous speakers adding that there are no sidewalks in the neighborhood. He said that the road is substandard in that it has a hill and blind curve. He said he was concerned that some of the people at the venue would consume alcohol and create an unsafe traffic situation. He said that Dubuque is not lacking for commercial spaces.

Janet Faley, 1717 Creek Wood Drive, said that she agreed with the previous speakers. She said that she had an additional concern with noise as her property is only 300 feet from the property. She discussed decibel levels noting that at that distance the levels would be very high and disruptive to her property.

Larry Vogt, 1750 Creek Wood Drive, said that the topography in the area is steep and his property overlooks the valley and the subject property. He said that the original function of the barn was to be for storage and a workshop. He said Creek Wood Drive is a narrow street and may even become busier when the highway is completed. He said that the event center will increase traffic volumes.

Mark Sullivan, 1983 Creek Wood Drive, said that the event barn may not have an impact at his location but he is opposed to it because of the potential for additional traffic on Creek Wood Drive. He said that all the area residential properties have developed in an orderly fashion and that the intent of the R-1 zoning is to protect people's reasonable expectations. He said that C-3 zoning is too extreme for the residential area. He said that traffic safety is a concern.

Jan Bahl, 2333 Manson Road, said that the subject property used to be a trailer court that generated much more traffic than the event venue is likely to. She said when the Southwest Arterial is opened it will relieve a significant portion of the traffic that currently uses North Cascade Road and Kelly Lane. She said that the event venue will be positive for the area and will increase property values. She said that she is in favor of the proposal.

Patty Herther, 1774 Creek Wood Drive, said that she was concerned with what may occur within the commercial zone after the Vaassens left or sold the property. She said that traffic generated by the trailer park would come out as a trickle relative to the amount that would flow out of an event venue.

Megan Eisel, 1887 Creek Wood Drive, expressed concerns with traffic volumes and the safety of children in the neighborhood.

Bob Hartig, 1804 Creek Wood Drive, said that he was surprised that the project had gotten this far. He said that the barn was three times the size that had been approved at the Zoning Board of Adjustment. He said that he was a licensed architect and that, using relevant codes, had calculated that there could be upwards of 1,100 people in the barn space. He said that this would require up to 277 parking spaces. He said that the building structure was not designed to accommodate a commercial use. He said that the building would not be code compliant regarding fire safety and accessibility. He said that he was concerned with the noise that the venue would generate, its impact on the value of the property in the neighborhood, and that the building is not compliant with the original zoning approvals.

Matt Horsfield, 1720 Creek Wood Drive, said that he opposed and he agreed with the concerns raised by the neighbors. He said noise is a primary concern because of the proximity of his residence to the barn. He said that he was used to a small amount of noise from adjacent properties but the event center would hold recurring events that would impact the value on his property. He said that he felt that 200 foot notification required by the City was not adequate and that it should be 1,000 feet.

Tessa Fahey, 1722 Creek Wood Drive, said that she was opposed because of the noise that could be generated up until 11:00 p.m. She expressed concerns with traffic safety.

Davin Curtis said that he spoke on behalf of the McCoys at 1834 Creek Wood Drive. He said that he agrees with the objections raised by the neighbors. He said that these included noise and the timing and volume of traffic. He said that if the Zoning Board of Adjustment would have known that the barn was going to be converted to commercial uses that the Special Exception would not have been approved.

Rod Krapfl, 1632 Manson Road, said that he had lived in the neighborhood for quite some time. He said that he was opposed to the request expressing concerns with the traffic and noise.

The Vaassens spoke to the neighbor's concerns. They said that they spoke with a Realtor and he felt the property values would remain stable and not be impacted by the proposed rezoning. They discussed the uses permitted in the C-3 district and said that they would just be operating an event center. Mrs. Vaassen said that the vision for use of the property could change and it could be redeveloped for more intense residential uses. The Vaassens stated that noise generated by the event venue would be muted by the surrounding timber, topography and the proximity of the adjacent properties. She said the timber would reduce the decibel level of activities at the event venue. She said that they would gladly follow the city noise ordinance. She noted the surrounding land use saying there are restaurants and churches nearby.

The Vaassens said that the capacity of the barn would be 125 people, not what was suggested by the neighbor. She said that trees were cleared in an effort to clean the

property and they expect to replace them with appropriate vegetation. She said Creek Wood Drive is not a short cut heading to the proposed venue site and, according to Google Maps, traffic would come from the Kelly Lane area. She said that the barn is not currently up to code but they would follow the code review process to ensure that all city codes would be met.

The Vaassens noted that the boundaries of the area to be rezoned had changed from the initial submittal because they decided to place the parking lot farther away from the property lines to the north. They said that this enabled them to reduce the area to be rezoned and to place the parking behind the barn, thus screening it from the adjacent residential properties. She said that when she spoke with neighbors in the past regarding their proposal, traffic had not been raised as a concern.

Staff Member Hemenway outlined the staff report. He discussed notification standards and the series of applications submitted by the Vaassens. He said that notification was predicated on a hand drawn area map because the area to be rezoned did not follow parcel lines. He said that a 1,000 foot notification would not be advisable because in a standard rezoning hundreds of adjacent properties would be notified. He assured the Commission that if approved the barn would have to meet commercial building standards that included ADA accessibility, fire safety and parking requirements before a certificate of occupancy would be issued. He said that a site plan would also need to be submitted and reviewed.

Staff Member Hemenway said that an event center is not listed in the Unified Development Code as a permitted use. He said staff tried to fit it into what was the most appropriate zoning that would enable the Vaassens to do all that they had proposed. He said that had included an event center with some retail sales and a bridal suite which would be hotel/motel style accommodation. He said that all the uses that the Vaassens proposed were listed as permitted in a C-3 district. He said that the OC District required that an assembly hall or private club be granted a Conditional Use Permit. He said that this would require another public hearing and notification of neighbors within 200 feet. He said that the Zoning Board of Adjustment approval for a 2,800 square foot structure was not based on gross floor area, but on the footprint of the building. He said that there are 54 uses listed as permitted in the C-3 District, some of which are relatively intense, and would not likely locate on the Vaassens property because of its remote location. He said that the Vaassens are asking to rezone approximately 5 acres of their 24 acre property. He said that the standard width of Manson Road varies and that the original plans for Tymber-Hurst subdivision showed Creek Wood Drive as a dead end. He noted that subsequent subdivisions of the property resulted in a connection to North Cascade Road. He said that it is difficult to judge how much traffic would be generated by any one use permitted in the C-3 District. He said traffic from the event center would probably be heaviest on weekends and holidays and would enter and exit almost at the same time.

Commissioner Norton asked Staff Member Hemenway to define spot zoning. Staff Member Hemenway said an example of a spot zone is where a very small commercial use, like a neighborhood grocery store, is located on a small lot in close proximity to residential use. He said that he did not like the term spot zone because it is hard to quantify. He said that he feels the Zoning Advisory Commission's charge is to

determine if the nature and intensity of the proposed land use is appropriate given the adjacent surrounding land uses.

Commissioner Norton said that he felt the barn venue was a great concept, however, the C-3 zoning would be in place long-term. He said it does not matter how they define the event venue, all the C-3 uses would be permitted in the district. He said he does not feel that the use fits given the adjacent property.

Vice Chairperson Christ said that she felt the uses permitted in the C-3 district were not appropriate at this location.

Commissioner Baumhover said that he did not feel that a use of this intensity was appropriate at the subject location.

Vice Chairperson Christ said that the barn has been beautifully restored, but that this kind of use did not fit given the surrounding land use.

Motion by Norton, seconded by Baumhover to approve the rezoning as submitted. Motion was denied by the following vote: Aye - None; Nay – Baumhover, Norton, Belmont and Christ.

ITEMS FROM PUBLIC: None.

ITEMS FROM COMMISSION: Commission Members noted that this was Staff Member Kritz's last meeting and they wished him well. Staff Member Kritz addressed the Commission thanking them for their years of service.

ITEMS FROM STAFF: None.

ADJOURNMENT: Motion by Christ, seconded by Baumhover, to adjourn the January 2, 2020 Zoning Advisory Commission meeting. Motion carried by the following vote: Aye - Baumhover, Norton, Belmont and Christ; Nay – None

The meeting adjourned at 7:37 p.m.

Respectfully submitted,



Guy Hemenway, Assistant Planner

2-5-20

Adopted