

MINUTES
CITY OF DUBUQUE ZONING ADVISORY COMMISSION
REGULAR SESSION

6:00 p.m.

Wednesday, March 4, 2020

City Council Chamber, Historic Federal Building

Commissioners Present: Vice Chairperson Martha Christ; Commission Members Pat Norton, Rich Russell, Steve Baumhover, Rebecca Kemp and Brittany Loeffelholz; Staff Members Wally Wernimont, Guy Hemenway and Travis Schrobilgen.

Commissioners Excused: Michael Belmont.

Commissioners Unexcused: None.

CALL TO ORDER: The meeting was called to order by Vice Chairperson Christ 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 Baumhover, to approve the minutes of the February 5, 2020 Zoning Advisory Commission meeting as submitted. Motion carried by the following vote: Aye - Baumhover, Russell, Kemp, Loeffelholz and Christ; Nay – None; Abstain – Norton.

PUBLIC HEARING/REZONING: Application of IIW, P.C. to amend the PUD property located at 1100 Mt. Carmel Dr. to accommodate a secondary emergency access for a senior living community.

Mike Jansen, IIW, 4158 Pennsylvania Ave., said that he represents the Sisters of the BVM and their senior housing project. He noted that IIW had been involved in the development of the original 2015 Planned Unit Development (PUD) and the 2018 PUD amendment. He said the 2018 amendment included changing the boundaries of the PUD. He discussed a timeline that indicated that Phase I of the PUD could commence but prior to Phase II starting, a secondary emergency access road was required to be installed. He said this 2020 PUD amendment is for a gated secondary emergency access to the BVM's property. He said that the roadway as designed is sufficient for fire apparatus and other emergency vehicles.

Greg Gorton, 1845 S. Grandview Avenue, introduced his wife Kristen and a neighboring property owner Wayne Chandlee, 1843 S. Grandview. He noted that they are one-third

owners of the first half of the access lane that extends from Grandview Avenue to their respective houses. He spoke in opposition to the request noting that he had submitted an email outlining many the concerns. He said that he was concerned that the access drive would create a loop between Grandview Avenue and Shady Oaks for people who were hiking or biking in the neighborhood. He said this would increase traffic. He expressed concerns that the road may be used for a construction or service access. He said he also was concerned that the road at some future date would be converted into a public street for additional access without any further public input or oversight. He asked that if the construction process or fire apparatus were to damage the existing access lane, who would be responsible for the repairs. He questioned how the notification process worked and he said that he felt that the access road would not work because it would be an approximately 20% grade.

Mr. Chandlee said that he was concerned that the additional paved area would reduce the amount of green space in the neighborhood. Kristen Gorton said that she was concerned that the amendment may allow the access drive to become a public roadway.

Doug Isaacson, property owner of Lot 2 along the Shady Oaks Drive, said that the request is for a substantially sized roadway. He said that he conditionally supports the request and that he would like to be insured that he can take access off the emergency drive for a residential driveway.

Dawnell Gordon, 1023 Shady Oaks Drive, said that she felt the emergency access off Shady Oaks Drive would not resolve emergency access issues as Grandview Avenue could be backed up well past the Louis Murphy Park entrance. She said that various activities including the lights in the park and the Grandview Gallop block Grandview Avenue for significant periods of time.

Thomas King, 1081 Shady Oaks Drive, spoke in opposition to the request. He said that the access drive as proposed will not solve the secondary access issue. He said that it will also potentially create increased traffic in the neighborhood. He said that other planned developments within the community do not have secondary accesses.

Erika O'Donnell, 1064 Shady Oaks Drive, spoke in opposition to the request. She reiterated concerns expressed by the neighbors. She said that the upgraded road will increase traffic in the neighborhood.

Emily Duehr, 1947 S. Grandview Avenue, said that she was concerned that future development of the BVM's property would place access through her back yard.

Mike Steele, 1067 Shady Oaks Drive, expressed concerns that the access road would be upgraded to a full residential or commercial access in the future.

Mike Jansen said that he would like to address the concerns raised by the neighbors. He said that the lane will be gated and used for emergency access only; therefore,

eliminating through traffic. He said that the BVMs will not allow the access road to be used as a construction or service road. He said that the grade and driveway design has been reviewed and approved by the Fire Department and is being reviewed by the Engineering Department. He said that the roadway will not be converted to a full access road. He said there is currently access to the balance of the BVM's property from a platted roadway easement on the northside of the property off the South Grandview Avenue cul-de-sac. He said that traffic volume is not an issue because the access drive will only be used in the rare event that the Grandview Avenue access would be blocked.

Cody Austin, IIW, 4158 Pennsylvania Ave., said that the width of the secondary access would be 20' from Shady Oaks Drive to the gate and then tapers down to 12' wide through the property.

Staff Member Wernimont detailed the staff report noting letters of opposition submitted by Realtor Gwen Kosel, Mike and Diana Garrity, 1849 South Grandview Avenue and Connie Bries Welp, 1056 Shady Oaks Drive. He said the standard driveway width for two-way traffic is a minimum of 24'. He said that standard roadway width varies from 27-31' and that the emergency access road itself will only be 20' wide. He said that the events that were discussed that happen along South Grandview Avenue such as the Grandview Gallop require that a Special Event Permit be issued, and that Fire and Police are made aware and have contingencies for access.

Staff Member Wernimont said that the proposed roadway will be for a secondary emergency access only. He said the access will be gated and the only vehicles that will traverse the property would be emergency vehicles or a snowplow to keep the drive access clear during inclement weather. He said that neighbors within 200' of the proposed access drive had been notified and the amendment request had been published in the public notices section of the Telegraph Herald. He said that if the Commission makes a recommendation to the City Council that another public hearing regarding the request would be held at the March 16, 2020 City Council meeting. He explained the requirement for construction of a secondary emergency access prior to commencement of Phase 2 of the development.

Staff Member Wernimont noted that the proposed access lies fully within the BVM's property. He said that other similar residential facilities generally have two accesses, either on a secondary driveway or adjacent city streets. He said that the amended ordinance mirrors the existing ordinance with the exception that the emergency secondary access is indicated on the concept plan. He said there will not be through traffic on the proposed access. He said that the BVMs could build a residential driveway to the house at 1847 S. Grandview Avenue in the same location without any further review. He noted that fire access to some of the abutting residential properties requires that the fire hoses be stretched approximately 1,000' from the Grandview Avenue. He said if the access would be approved the Fire Department noted that it would reduce the length of hose needed to approximately 600'.

Commissioner Baumhover asked if the developers had considered different options.

Staff Member Wernimont said that there had been consideration for an access from Julien Dubuque Drive by the girls' softball fields. He said that there were topography and roadway negotiation issues. Mr. Jansen noted that engineers had looked extensively at other options and that a driveway access off Julien Dubuque Drive would require traversing property that was not owned by the BVM's and would create extreme grades and switchbacks that would be very difficult for fire apparatus to negotiate. He said the roadway would not accommodate all the Fire Department's equipment. Cody Austin noted that of all the options studied the driveway access from Shady Oaks was the best.

Commissioner Norton asked if crossing the existing driveway easement was legal. He expressed concerns that the existing driveway access and the proposed emergency driveway would create a loop creating a walking path. He asked about various options regarding gating and fencing the access. He said that a fence could possibly reduce the pedestrian traffic, but it would also be somewhat unsightly.

Commissioner Russell asked about existing covenants. Staff Member Wernimont said that staff was not aware of covenants that would prohibit construction of the access driveway. He explained that covenants are private agreements typically between property owners, homeowner's associations and developers.

Commissioner Norton said that maybe an option would be to place two gates on the access road; one at the Shady Oaks Drive and one at the BVM's property. He said that he was aware that the property owner could create a residential driveway by right.

Staff Member Wernimont noted that two gates would slow response time for emergency vehicles. Commissioner Norton asked for clarification on the proposal. Staff Member Wernimont said that this is an amendment to the BVM's Planned Unit Development prompted by the requirement for an emergency access.

Commissioners further discussed the request.

Motion by Russell, seconded by Baumhover to approve the amendment to the BVM Planned Unit Development request for emergency secondary access. Motion carried by the following vote: Aye - Norton, Baumhover, Russell, Kemp, Loeffelholz and Christ; Nay – None.

ITEMS FROM PUBLIC: None.

ITEMS FROM COMMISSION: None.

ITEMS FROM STAFF: None.

ADJOURNMENT: Motion by Christ, seconded by Norton, to adjourn the February 5, 2020 Zoning Advisory Commission meeting. Motion carried by the following vote: Aye - Norton, Baumhover, Russell, Kemp, Loeffelholz and Christ; Nay – None

The meeting adjourned at 7:20 p.m.

Respectfully submitted,



Wally Wernimont, Associate Planner

May 6, 2020
Adopted