

MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION
Wednesday, May 6, 2009
6:00 p.m.
City Council Chamber
350 W. 6th Street, Dubuque, Iowa

PRESENT: Chairperson Jeff Stiles; Commissioners Ron Smith, Stephen Hardie, Patrick Norton, Charles Miller and Tom Henschel; Staff Members Kyle Kritz and Guy Hemenway.

ABSENT: Commissioner Martha Christ.

CALL TO ORDER: The meeting was called to order at 6:00 p.m.

AFFIDAVIT OF COMPLIANCE: Staff presented an Affidavit of Compliance verifying that the meeting was being held in compliance with the Iowa Open Meetings Law.

MINUTES: The minutes of the March 25 and April 1, 2009 meetings were approved unanimously as submitted.

PUBLIC HEARING\PLANNED UNIT DEVELOPMENT\KLUCK: Application of Matthew Lundh / Tom Kluck to rezone property located north of University Avenue between Ethel & Prys Streets from OR Office Residential to PUD Planned Unit Development with a PR Planned Residential District designation.

Matt Lundh, 2678 Marywood Drive, introduced himself as the architect for the project. He reviewed the design process undertaken, noting that the proposal is for two apartment buildings with 24 dwelling units in each. Mr. Lundh indicated that he had met with the neighbors and considered their concerns when designing the project. He discussed the provision of parking, landscaping and building setbacks.

Bruce Schall, 2765 Beverly Street, stated that he has no concerns with the project. He said, however, that he is opposed to the City placing a hammerhead cul-de-sac at the end of Beverly Street. He requested that a fence be placed along the north property line of the subject property to prevent people from parking on Beverly Street and walking into the development.

Mr. Lundh said that the developer is willing to consider installation of a fence and that he will work with the neighbors regarding this request. He noted that the City requested a hammerhead at the end of Beverly Street.

Tom Kluck, 2499 LaVista Court, said that he is opposed placing a hammerhead at the end of Beverly Street because it will encroach on his property.

Staff Member Hemenway reviewed the application, noting the number of dwelling units, surface and in-garage parking, site access, green space and the potential number of vehicle trips per day generated by the residential units. He said that he received a letter from Richard Walton, 2758 University Avenue, expressing concerns with traffic along University Avenue. He clarified the process for approval of a landscape plan. He discussed the City's request for a hammerhead, noting that it is a separate issue from the proposed PUD request and would be resolved at the site plan review level.

Commissioner Hardie asked about the density and number of units permitted under the existing OR Office Residential zoning district. Staff Member Hemenway noted that it is possible to build four 12-plexes at this location, but that the lot layout is not ideal for such a configuration.

Chairperson Stiles noted receipt of the letter from submitted by Richard Walton. Commissioner Hardie expressed concerns with the proposed 10-foot building setback proposed along University Avenue. He said that, although the adjacent residences are built relatively close to University Avenue, they are not nearly as high or as large in scale as the proposed apartments. He said he is concerned with the three-story building height in relation to the existing homes.

Commissioner Norton agreed, noting concerns with the building height and the 15-foot setback at the rear of the property.

Commissioner Smith questioned the concept plan setbacks and the ordinance language.

Mr. Lundh said that his quandary was how to fit the buildings and the required parking on the site without building closer to both the front and rear property lines. He said that the building height from the grade to the top of the peak will be approximately 39 feet. He discussed the layout and elevations of the proposed buildings.

Commissioner Hardie said he still has concerns regarding the lack of specifics regarding the landscaping, building setbacks and building height. Chairperson Stiles recommended that the first building be moved farther back than 10 feet from the University Avenue frontage.

Commissioners discussed the project, noting concerns with the lack of specificity for the plan. Mr. Lundh said that in order to make the buildings accessible elevators are needed,

therefore, two 3-story buildings are more efficient than creating more buildings at a lower height. He said that the existing OR zoning allows four, 3-story, 40-foot high buildings that would create as many units on the site as the proposed plan.

Commissioner Hardie reiterated that he feels the setback of the first building should be a minimum of 20 feet from the University Avenue frontage and that the applicant should provide a detailed landscape plan for Commission review.

Motion by Hardie, seconded by Stiles, to table the request to rezone the property from OR Office Residential District to PUD Planned Unit Development with a PR Planned Residential district designation to the next regular meeting.

Motion carried by the following vote: Aye – Smith, Hardie, Norton, Miller, Henschel and Stiles; Nay – None.

PUBLIC HEARING\TEXT AMENDMENT\DRA: Application of Dubuque Racing Association to amend Section 4-3.12 Freeway 61/151 Corridor Overlay District (SOD) to permit an off-premise sign on Chaplin Schmitt Island.

Brian Southwood, representing the Mystique Casino, reviewed the proposed text amendment. He noted that the request is to allow the use of an existing public service sign as an off-premise business sign.

Staff Member Hemenway reviewed the history and intent of the Sign Overlay District and Freeway Corridor Plan. He defined public service signs noting that they are permitted to advertise the name and location of both public and private entities. He reviewed the details of the SOD regulations and the existing free-standing on-premise signage associated with the casino.

He stated that the Freeway Plan recommended protecting gateways into the community and, therefore, banned all off-premise signage on Chaplin Schmidt Island.

Commissioner Miller inquired about the proposed regulations in the Unified Development Code and how they would pertain to the proposed signage. Staff Member Hemenway outlined the proposed regulations for off-premise electronic signs, noting that the language had not been reviewed or approved by the City Council.

Commissioner Norton asked what the underlying CR District regulations would allow regarding signage. He asked if the existing on-premise sign would meet the district regulations. Staff Member Hemenway reviewed the existing CR District sign regulations, noting that the Casino had received a variance for two free-standing signs and that a variance would be necessary for any additional free-standing signage.

Commissioners asked if the sign has already been installed. Mr. Southwood noted that the sign is up.

Commissioner Hardie noted that the City's interpretation of a public service sign is very liberal and that the proposed text amendment for an off-premise sign allows only one sign for the casino in all of the Sign Overlay District for Chaplin Schmidt Island. He said that it appears the City seems to do whatever it wants, when no other entity can. Mr. Southwood noted that he did not write the ordinance and that another option that the casino could have taken was to increase the leased land area to include the sign, thus, making it an on-premise sign.

Commissioners discussed the request noting that it does not comply with the intent of the Sign Overlay District ordinance.

Motion by Henschel, seconded by Smith, to approve the text amendment to permit an off-premise sign. Motion denied by the following vote: Aye – None; Nay – Smith, Hardie, Norton, Miller, Henschel and Stiles.

PUBLIC HEARING\TEXT AMENDMENT\CITY OF DUBUQUE: Application of City of Dubuque to amend Section 4-9 Towers and Antennas to add Wireless Telecommunication Facility Permit Requirement.

Staff Member Kritz noted that the City of Dubuque has requested to withdraw its application. Motion by Hardie, seconded by Miller, to approve the City's request to withdraw the application request. Motion carried by the following vote: Aye – Smith, Hardie, Norton, Miller, Henschel and Stiles; Nay – None.

ITEMS FROM COMMISSION:

Commissioner Hardie asked if City staff would present an overview of the Historic Millwork District Master Plan to the Commission at an upcoming meeting. Staff Members said that they would discuss the request with Planning Services and Economic Development Department Managers.

ADJOURNMENT: The meeting adjourned at 7:10 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

Adopted – June 3, 2009