MINUTES
CITY OF DUBUQUE ZONING ADVISORY COMMISSION
REGULAR SESSION
6:00 p.m.
Wednesday June 1, 2016
City Council Chamber, Historic Federal Building

Commissioners Present: Chairperson Pat Norton; Commission Members Laura Roussell, Steve Baumhover, Tom Henschel and Michael Belmont; Staff Members Kyle Kritz and Guy Hemenway.
Commissioners Excused: Martha Christ.
Commissioners Unexcused: None.

CALL TO ORDER: The meeting was called to order by Chairperson Norton 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: The minutes of the May 4, 2016 Zoning Advisory Commission meeting were approved unanimously as submitted.

Chairperson Norton asked that the rezoning request for the Dubuque PONY League be moved to beginning of the agenda at the request of the applicant due to a time constraint.


Greg Yoko, representing the Dubuque PONY League, discussed the proposed baseball facility project. He noted the project location, number of fields and proposed access. He said that a speed study had been completed for West 32nd Street. He discussed the potential for a right-in/right-out access along the Northwest Arterial. He reviewed the size and location of the ball fields and the proposed parking lot and concession stand layout. He said the PONY League organization has been looking for several years for property that would accommodate the ball field complex. He noted that the area to be rezoned does not include the western portion of the property adjacent to Tiffany Court.

Kelley Deutmeyer, 2705 Tiffany Court, spoke in opposition to the request expressing concerns with potential access from the site to Tiffany Court and the traffic capacity and proposed access to West 32nd Street. She said if the Commission was inclined to
approve, the request she recommended that they restrict the number of uses, hours of operation, lighting, and require that there be direct access to the Northwest Arterial.

Terry Hackbarth, 1951 W. 32nd Street, discussed the potential impacts of a CR zoning on the lower portion of the subject property, which he said is directly adjacent to his home. He said he agreed with the previous speaker and recommended that the property next to him not be rezoned.

Sandy Loeffelholz said she was speaking on behalf of her parents, Buck and Judith Loeffelholz, 1901 W. 32nd Street. She said that they agree with the previous speaker and she expressed concerns about the traffic safety and difficult access to West 32nd Street.

Cliff Hahlen, 2359 W. 32nd Street, expressed concerns with traffic safety along West 32nd Street, and the potential noise created by the proposed recreational activity.

Dick Krogman, 1801 W. 32nd Street, expressed concerns with traffic safety and access to the subject property. He noted that there is heavy traffic along W. 32nd Street all the way to Kennedy Road.

Timothy Bahl, 1701 W. 32nd Street, said that he concurred with previous speakers expressing concern with traffic safety.

Mr. Yoko said that the speed of traffic along W. 32nd Street is not their responsibility. He reviewed the purchase agreement with the current owner of the subject property, and said they have no plans to develop the lower portion of the lot. He said he shared the neighbors’ concerns regarding traffic volume but that any development of this property will create additional traffic.

Staff Member Hemenway distributed two letters of opposition submitted by neighbors of the subject property. He distributed an aerial photo of the site and discussed the concept plan and the list of allowed uses in the CR District. He noted that a speed study had been conducted by the City’s Engineering Department, and that the next step would be to undertake a sight visibility study to determine where safe access may be gained. He said that development of the property for recreational purposes will create additional traffic, but that residential development likely would generate more traffic than the proposed sports complex. He said that the property proposed to be rezoned terminates approximately 1,100 feet east of the east end of Tiffany Court. He noted that any future access to Tiffany Court from the proposed sports complex would require another rezoning, and would have to be reviewed and approved by the Commission and City Council.

Staff Member Kritz reviewed access standards for West 32nd Street and the Northwest Arterial.
Commissioner Roussell said that there is a traffic problem at John F. Kennedy Road and West 32nd Street, especially during peak times. She said she is in favor of reducing the size of the rezoning and placing potential conditions to help mitigate the negative impacts.

Commissioner Henschel said that he shared Commissioner Roussell’s concerns regarding traffic safety.

Commissioner Belmont said that he supported the development of a baseball facility within the community, but he said he felt the Commission needed more time to digest the information.

Commissioner Roussell agreed, stating that traffic access and safety is a major concern.

Commissioner Baumhover said that he also supported tabling the request and seeking more information regarding traffic safety and access.

Chairperson Norton said that 85% speed study information would be warranted for this site. He said that the Commission should separate traffic engineering from the primary zoning issues. He said that he agreed with excluding the area along West 32nd Street from the area to be rezoned.

Commissioner Roussell said she felt two access points should be provided.

Mr. Yoko said he would be okay with restricting the area to be rezoned.

Commissioners discussed possible conditions and alternatives regarding traffic safety, site access, and physical extent of the rezoning.

Motion by Baumhover, seconded by Henschel, to approve the rezoning subject to reducing the area to be rezoned as per Exhibit A, and limiting access to the Northwest Arterial only. Motion was denied 3 to 2 due to lack of four concurring votes by the following vote: Aye – Baumhover, Henschel and Norton; Nay – Roussell and Belmont.

**ACTION ITEM/WAIVER:** Application of Robert & Mariko Willbrecht, 2025 Radford Road, to waive Article 13-4.6-B of the Unified Development Code, regarding the required seven (7) foot parking lot landscape buffer.

Steve Ulstad, representing Robert and Mariko Willbrecht, 2025 Radford Road, discussed the request to waive the parking lot setback on the south side of the lot. He discussed site constraints and noted that the Willbrechts are required to create 15 off-street parking spaces and a safe and functional bus drop-off area. He said that the south side of the parking lot would be screened by a 4’ high vinyl fence.
Staff member Hemenway noted the site design standard for parking lot landscape buffers and the mechanism necessary to seek a waiver outlined in the Unified Development Code. He discussed the surrounding land use and property history.

Commissioners discussed the request and felt it was appropriate due to site constraints.

Motion by Belmont, seconded by Roussell to approve the waiver of Article 13-4.6-B of the Unified Development Code regarding the required seven foot parking lot landscape buffer. Motion carried by the following vote: Aye - Norton, Belmont, Roussell, Henschel, and Baumhover; Nay - None.

PUBLIC HEARING/AMENDED PUD (Referred by City Council to consider as a conditional use): Application of Keith Gutierrez to amend the Historic Millwork District Planned Unit Development to allow microbrewery, winery and distillery as permitted uses for property located in the Historic Millwork District Planned Unit Development

Stuart Mabus noted that he is a long-term owner of property at 1098 Jackson Street and 250 E. 11th Street within the Historic Millwork District. He read from a letter that he submitted to the Commission. He discussed previous meetings held with property owners in the HMD and noted the concerns they raised regarding venting, milling, trash disposal and truck deliveries. He said that he and Mr. Gutierrez had addressed the concerns raised by adjacent property owners at the meeting.

He noted that 7-Hills Brewing Company held a public forum on Wednesday, May 25, 2016 at the warehouse. He discussed the number of individuals that attended and noted their concerns. He said he had discussions with other businesses that were supportive of the concept of the microbrewery in the district. He said that Mr. Gutierrez said he would like to continue to include wineries and distilleries also in the list of permitted uses in the district. He said that microbreweries have been located in other historic neighborhoods and that they make good neighbors.

He asked the Commission to approve the proposed amendment making microbreweries, wineries and distilleries permitted uses in the Historic Millwork District.

Nancy Kann and Jeff Morton, representing Gronen Development, 900 Jackson Street, said that they were not in favor of a microbrewery, distillery and winery as a permitted use, but rather as a conditional use, to ensure the compatibility of these uses with others uses permitted in the district. Mr. Morton discussed the distinction between a brew pub and a microbrewery as established in the Unified Development Code. He said that Gronen Development is not necessarily opposed to 7-Hills Brewery, but they feel it would be more appropriate to list it as a conditional use. He discussed other uses within the district that are conditional. He expressed concerns with microbreweries other than 7-Hills that may locate in the district should they be made permitted uses. He discussed specific concerns regarding the maximum brewing
volume, the milling process, bulk storage, potential odors, the production waste stream, and the shipping and receiving process.

Ms. Kann recommended that microbrewery, distillery and winery be added to the HMD PUD as a conditional use to provide property owners and residents of the area input regarding proposed facilities to foster compatible development within the HMD.

Rick Dickinson, Executive Director, Greater Dubuque Development Corporation, said that he supports a microbrewery in the HMD. He said, however, that Greater Dubuque Development Corporation’s intent is to find a compromise regarding the concerns raised by the previous speakers. He stated that a microbrewery, distillery, and winery should be made a conditional use within the district. He said that conditions could be established that require 7-Hills to be bound by the floor plan they submitted. He said that he felt that microbreweries should have a retail, restaurant or hospitality component. He said there would be no guarantee this would be the case if a microbrewery is listed as a permitted use.

Keith Gutierrez reviewed his proposal, and noted that he would agree with the condition that there be a retail component to any microbrewery. He said that he felt microbreweries, distilleries and wineries are otherwise being treated differently than a restaurant. He said that the retail component could simply be a tasting room, bar or restaurant.

Sean Carter stated that he is a brew master. He discussed production capacity noting that small brew pubs actually have to brew more often than larger microbreweries. He reviewed the American Brewing Association standards, stating that a large brewery produces up to 6 million barrels per year. He reviewed the size and production volume of regular craft brewers. He discussed the grinding operation, noting that large breweries have large grinders, but microbreweries use grinders that are approximately the size of a window air conditioner and that are in an enclosed room with a fire rated door. He said they produce very little noise and operate only a couple of times a week for approximately 20 minutes each.

He discussed the storage of products within the building. He discussed the odor issue, noting that all restaurants vent odors to the outside. He discussed the waste stream from microbrewery facilities. He said that the spent grain is prized by farmers as feed.

He said that any kitchen refuse or trash would be disposed of the same way all restaurants do, and he said they would keep the dumpster on the interior of the building. He said that shipping and receiving would be similar to any other restaurants or other commercial entities in the district with trucks bringing supplies.

Tim McNamara said that he is in favor of the proposed microbrewery, but said that he believes that additional scrutiny needs to be applied because of the mix of commercial and residential uses in the district. He said that each microbrewery, distillery, and
A winery could have its own unique operations and a conditional use is the best way to address the potential negative impacts of these uses.

Gary Carner, 1664 Washington Street, spoke in favor of the request. He said that he felt the microbrewery is a good fit for the area and hopes that the Commission can support it.

Keith Gutierrez said that he felt that pedestrian safety could be ensured that the delivery times would be limited and coordinated. He said he believes that a microbrewery, distillery and winery are being singled out and treated differently than other uses already permitted in the district. He said many of these uses can produce similar noises, odors and traffic without any further review. He said that he felt that a microbrewery will help bring additional foot traffic to the Historic Millwork District and will help promote existing businesses. He said a microbrewery would be complimentary to other businesses in the district.

Commissioner Belmont asked if it was necessary to grind grain on site. Mr. Carter said that yes as it is more cost effective. He described the grinding process, noting that the grinder is relatively small and contained within a room.

Staff Member Hemenway noted the receipt of letters from both Mr. Mabush and Gronen Development that he distributed to Commissioners. He presented the staff report, discussed the definitions of a brew pub and a microbrewery as established in the Unified Development Code. He reviewed the request by the City Council is that the Commission consider a proposed text amendment to allow microbrewery, winery and distillery as a conditional use with conditions on noise and odors. He reviewed the eight (8) City Code standards for the Zoning Board of Adjustment to grant a conditional use permit. He reviewed the proposed conditions on noise and odors, noting they were taken from the City Code section on nuisances. He clarified that the request to amend the PUD is not site-specific, but would apply to listing microbreweries, wineries and distilleries as a permitted use in the entire district. The Commission received and filed the letters.

Commissioner Belmont thanked everyone in attendance for their input and he discussed potential conditions that could be placed upon a microbrewery.

Commissioner Roussell said that she supports a microbrewery as a conditional use, noting that it would be advisable to add a retail component.

Commissioner Henschel asked about the Zoning Board of Adjustment’s input regarding the conditional use. Staff Member Hemenway noted that some members of the Zoning Board of Adjustment felt that it should be a permitted use and others felt that it should be a conditional use.
Commissioner Belmont said that it appears as though the proposed 7-Hills microbrewery facility would not be objectionable, but he said he had concerns with future microbreweries that may generate negative impacts.

Commissioners discussed the request and felt that requiring the conditional use process for a microbrewery, distillery and winery in the Historic Millwork District PUD was warranted.

Motion by Belmont, seconded by Henschel, to recommend that a microbrewery, distillery, and winery be made a conditional use in the Historic Millwork District Planned Unit Development provided that: 1) any products or wastes containing odor producing substances emanating from the building or property associated with a microbrewery, distillery or winery in such concentrations to create a public nuisance as established by the City Manager shall be prohibited and 2) the operation of a microbrewery, winery or distillery facility shall not cause any loud or excessive noise that results in annoyance or discomfort to a reasonable person.

Motion was approved by the following vote: Aye – Baumhover, Roussell, Henschel, Belmont and Norton; Nay – None.

**ADJOURNMENT**: The meeting adjourned at 7:55 p.m.

Respectfully submitted,

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Kyle L. Kritz, Associate Planner

Adopted