

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, May 4, 2022

City Council Chambers, Historic Federal Building

Commissioners Present: Chairperson Matt Mulligan; Commission Members Martha Christ, Brittany Loeffelholz, Becky Kemp, Pat Norton, and Rich Russell

Commissioners Excused: Teri Zuccaro

Commissioners Unexcused: None.

Staff Members Present: Wally Wernimont, Shena Moon, Jason Duba, and Ryan Kirschman

CALL TO ORDER: The meeting was called to order by Chairperson Mulligan at 6:04 p.m.

MINUTES: Motion by Christ, seconded by Kemp, to approve the minutes of the April 6, 2022 meeting. Motion carried by the following vote: Aye – Christ, Kemp, Russell, and Mulligan; Nay – none; Abstain – Loeffelholz

ACTION ITEM/FINAL PLAT: Application of Mike Weber, Weber Surveying, LLC to approve the Final Plat of Adams Acres, Airview Drive, Dubuque County (Parcels 1535226001, 1535226002, 1535276002, 1535276001).

Mike Weber, Weber Surveying, 26789 46th Ave, Bernard, Iowa spoke on behalf of the property owners. He noted that this property is in Dubuque County, but it's within the city's two-mile extraterritorial jurisdiction (ETJ), so it requires the commission's review. He explained that four lots are being consolidated into three, with Lot 1 being the balance of the farmland, and Lots 2 and 3 having homes and being enlarged to one acre each to meet the county's requirement.

Staff Member Moon detailed the staff report and the submitted Plat of Survey of Adams Acres noting that the property is within the city's ETJ and therefore subject to city requirements since it's a minor subdivision involving three parcels. She explained that all parcels within this subdivision are under common ownership and the proposed plat would enlarge two of the residential parcels and consolidate the primarily agricultural parcels. She noted that this is in keeping with city's comprehensive plan and no public input was received.

There was no public input for this item.

Commissioners had no questions or concerns.

Motion by Russell, seconded by Kemp, to approve the Final Plat of Adams Acres as submitted. Motion carried by the following vote: Aye – Christ, Kemp, Loeffelholz, Norton, Russell, and Mulligan; Nay – none.

ACTION ITEMS/WAIVER: Application of Kris Nauman, Clarity Clinic to waive site design standards within Chapter 13 of the Unified Development Code specifically pertaining to exterior trash collection areas for property located at 3365 Hillcrest.

Commissioner Norton recused himself.

John Herrig, Herrig Realty, spoke on behalf of the applicant. He explained the history of the site and its conversion from a credit union to Clarity Clinic. He detailed the addition that was previously made to the building and outlined why they put the dumpster and enclosure in the current location. He provided a brief history as to why the dumpster was in its current location mentioning that the current location would eliminate congestion in the loading/unloading parking area and would also aid to maintain the new parking lot in good condition. He expressed a desire to leave the dumpster where it has been installed.

Staff Member Moon detailed the staff report. She outlined the Unified Development Code design standards stating the applicant is seeking a waiver of site design standards to locate the trash collection area in the required front yard. She explained that the site plan review for this property indicated the dumpster would be in a different location that was compliant with this code requirements. She explained that granting a waiver needs to be reasonable and within the intent of code. She noted that Engineering had no concerns for visibility or encroachment.

Commissioner Russell inquired about the intent of the code requiring dumpsters outside of the front yard. Moon replied that it's for aesthetic and functional reasons to preserve vehicle flow and maintain visibility. Planning Services Manager Wernimont noted that the dumpster is encroaching 8', but it's not affecting visibility. Russell inquired about the standard for granting a waiver. Planning Services Manager Wernimont replied that a waiver of the site design standard may be granted if the code requirements are proven impracticable or pose an undue hardship. Russell responded that he felt this didn't meet the standard and he would vote against it.

There was no public input for this item.

Motion by Christ, seconded by Kemp, to approve waiving exterior trash collection areas as submitted. Motion carried by the following vote: Aye – Christ, Kemp, Loeffelholz, and Mulligan; Nay – Russell.

Commissioner Norton returned to the meeting.

Chair Mulligan explained the public hearing process and then recused himself for the first public hearing item.

Vice Chair Kemp assumed the role of Chair.

PUBLIC HEARING/REZONING: Application of Rob Decker, Axiom Consultants to rezone property located between 32nd Street and Northwest Arterial (Parcel 1015276004) from AG Agriculture to R-1 Single-Family Residential and R-4 Multi-Family Residential to allow for single-family and multi-family residential developments, respectively.

Rob Decker, Axiom Consultants, 60 Court Street, Iowa City, spoke on behalf of the property owner. He explained the two portions of the property, the majority to be rezoned to R-1 and two small portions to R-4. He said the intent is for row houses on the multi-family portion. He noted that the R-1 single-family development will be unique in that the development will preserve existing trees, have wet detention basins with trails around them, dedicated parkland with hiking and biking trails are planned, a core property is planned for community gardens to be conveyed to the city as a park, and a west side park with amenities as a buffer to the neighborhood to the west. He expressed that the connection to 32nd Street is under discussion, but that it has a challenging grade, geometry, and site lines.

Eric Lucy, 2736 Tiffany Ct, stated that he spoke on behalf of multiple residence in the area, many of which signed the petition that was provided to the city. He gave some historical perspective about how Tiffany Court was developed in the 1990s. He stated that he's supportive of developing new housing in the city but has concerns about access to this property and increased traffic on Tiffany Court, Brueck Road, and Blasen Drive. He felt that most new residents of the development would not use the right turn out onto the Northwest Arterial but would drive through the existing neighborhood. He expressed a need to study traffic, safety, and emergency access for the proposed development. He proposed a full access onto the Northwest Arterial where currently a right turn only option is proposed. He said this would serve additional future development to the east and north. He also suggested an access directly along 32nd Street in order to alleviate the traffic through Tiffany Court, Brueck Road, and Blasen Drive

Terry Hackbarth, 1951 West 32nd Street, said that he had no problem with the single-family development, but he expressed concern about the multi-family development, which would be directly next to his property. He worried that it would be a massive apartment complex. He felt this wouldn't fit in with the existing development in the neighborhood and was concerned about potential impacts to his property value.

Paul Baker, 2945 Brueck Road, expressed concern about increased traffic on the street making it unsafe for children playing and people walking along Brueck Road.

Larry Bergquist, 2797 Tiffany Court, echoed the previous sentiments regarding traffic and safety and expressed the need for traffic plans. He pointed out that it is a beautiful site,

and the proposed park land will likely attract more than just homeowners to the area, making it all that more important to have another access along 32nd Street.

Kelley Deutmeyer, 2705 Tiffany Court, echoed previous sentiments and called for a traffic safety study for Tiffany Court, Brueck Road and Blasen Drive stating there is already concerns with traffic speeds on these roads. She stated that she appreciated that engineering is reviewing an access point on 32nd Street and she believes that would be a good option to alleviate traffic through the neighborhood. She pointed out that the city now has jurisdiction over the Northwest Arterial and an access point can now be considered by the city and now is the time to consider that. She is supportive of development, and it looks great, but access and safety are key. She asked whether police and fire have been involved in the access discussion.

Jennifer Steines, 2733 Tiffany Court, echoed previous sentiments and expressed concerns about traffic safety along Tiffany Court, Brueck Road and Blasen Drive. She also expressed concerns about safety along 32nd Street and the lack of sidewalks along the street. She also questioned whether the city has evaluated the ground stability related to the sink hole at the end of Tiffany Court. She noted it's called Tiffany Court because it's a court, and she felt changing that would devalue her property.

Greg Malm, 3110 Castle Woods Lane, expressed concern about traffic safety of the Arbor Oaks neighborhood, which is used by cut-through traffic from JFK to 32nd and new residents would likely use it, too, thereby increasing traffic in the neighborhood. He stated that adding a full access at the Northwest Arterial would be key in helping to alleviate the traffic impacts of the development.

Paul Grevas, 3040 Castle Woods Lane, seconded Greg, reiterating concern for kids with additional fast cut-through traffic. He was also concerned about the increase of traffic that could result from the development.

Laura Markham, 2964 Brandywine Park Drive, noted concerns about traffic safety, particularly to and from Eisenhower Elementary cutting through the neighborhood. She stated that 32nd Street is not safe for biking or walking. She felt the multi-family proposed site does not have good visibility. She thinks the development looks good but needs Northwest Arterial access.

Thomas Fitzpatrick, 2965 Wilderness Road, stated that he has small kids and is a member of law enforcement. He expressed concern with cut-through traffic going fast, school safety, and 32nd Street not being developed with sidewalks or gutters which makes it unsafe for walking or biking. He expressed dissatisfaction with the right-only from the Northwest Arterial and stated that people will not use it. He expressed support for development but not here.

Chad Cox, 2742 Tiffany Court, stated he was drawn to the neighborhood because it is a quiet court. He likes the subdivision but is concerned about access and feels it needs full access on the Northwest Arterial.

Fernanda Kramer, 2739 Tiffany Court, expressed concern for construction vehicles using Tiffany Court and questioned how those vehicles would gain access to the site.

Keith Lucy, 3065 Huntington Drive, stated that he is not against development but has concerns about sinkholes/mines and traffic patterns. He stated the number of homes planned for this development and the possible future developments in the area is going to be much higher than we believe. He expressed concerns about safety for children and requested more traffic study before granting a rezoning.

Rob Decker, Axiom Consultants, said that very good comments were made. He noted the intent of the multi-family property is for row houses of four to six units, not a large apartment building.

Matt Mulligan, 1167 Hunters Ridge, developer, stated that they held a neighborhood meeting and proposed the site plan. He noted they heard good aspects and similar concerns and that they try to hear all comments and hope to come to an amicable resolution. He pointed out that the next steps include site plan review where they will try to find a safe solution for ingress/egress for this and future development and that many studies will need to be conducted as they continue to plan the development. He noted that this development is planned to be done in two phases.

Commissioner Russell asked whether this would be a platted development. Mr. Mulligan responded that the current design is a schematic, but that they would be platting at a later stage and that many additional conversations need to happen before preparing a plat. Mulligan stated they chose to rezone to R-1 rather than PUD.

Planning Services Manager Wernimont detailed the project location, existing land use, and outlined the rezoning request to R-1 and R-4 zoning districts which establish development standards such as minimum lot sizes, street frontage requirements, land use, etc. He clarified that the plan provided is a concept plan only and he reviewed the city process that the development would proceed through including City Council review, development review by various city departments, platting, improvement plans, sustainability requirements, emergency access, and consideration of street access options. He discussed the history of development in this area generally and Tiffany Court specifically, including its classification as a stub street which is intended to provide connection to future development. He acknowledged that people may become accustomed to living on a dead-end stub street, but stub streets are planned to go through in the future development, and he shared exhibits of stub streets currently existing throughout the City. He mentioned the property is currently zoned AG Agricultural and this zoning district allows for agricultural use but is also intended to be a holding zone for future development or uses. He mentioned that the site is surrounded by primarily R-1 Single-Family Residential zoned property, with some agricultural land to the north. He stepped through aerial images showing the evolution of development in the area, highlighting the development of the Northwest Arterial and surrounding residential development. He provided a plat history for the residential neighborhoods along Tiffany

Court, Brueck Road, and Blasen Drive, specifically highlighting the temporary cul-de-sac easement that was platted at the end of Tiffany Court. He discussed access to the site including the requirement for two points of access and stated there are currently no plans to put in a full access intersection on the Northwest Arterial but right-in right-out would be supported. He stated that the engineering department recently studied traffic speeds and counts along 32nd Street highlighted that the requirements of SUDAS are met at the Tiffany Court access along 32nd Street. He mentioned that the concept plan shows an access along 32nd Street but there are some concerns with topography, site visibility, site distances, and traffic speeds. He noted that many of the concerns expressed by the public, such as emergency access, would be addressed in future stages of review for the project, and there will be additional opportunities for public input. He explained that this development is in line with the city's comprehensive plan and future land use map and that the lack of housing as demonstrated to during a City Council work session. He noted that many of the public comments supported the concept of this development, and that concerns about access will be further evaluated and addressed.

Planning Services Manager Wernimont noted an email from Andrew Carroll, 2930 Brueck Road, expressing concern about traffic safety for his children was presented.

Planning Services Manager Wernimont noted the Planning Services Department has received a petition stating concerns with safety and financial harm, along with the list of signatories. He showed a GIS map of their properties, and the 200' notification buffer around the subject property.

Commissioner Norton stated there were good points on both sides, and that this step is just moving the property from an AG placeholder zone into a useful zoning designation. He noted that it complies with the long-range plan. He agreed to the need to work out access to the site, but that the Arbor Oaks cut through is not in the purview of the Commission.

Planning Services Manager Wernimont stated that the concerns about construction equipment access would be handled through the platting and improvement plans.

Commissioner Russell agreed with neighbors about access and noted that would be considered in future steps. He expressed the feeling that the more accesses the better, including a roundabout on the Northwest Arterial, connection to Olympic Heights Road, and an additional access to 32nd Street.

Vice Chair Kemp stated that the Commission is not voting on access, just rezoning as requested.

Motion by Russell, seconded by Christ, to approve the rezoning as submitted. Motion carried by the following vote: Aye – Christ, Loeffelholz, Norton, Russell, and Kemp; Nay – none.

Chair Mulligan returned and resumed chairing the meeting.

PUBLIC HEARING/TEXT AMENDMENT: Application of the City of Dubuque text amendment to amend the Unified Development Code Section 16-8-5.10.1 “Accessory Dwelling Unit” to allow accessory dwelling units in the R-1, R-2, R-2A, R-3, R-4, OR, OC and C-1 districts and to modify conditions of eligibility.

Staff Member Duba discussed the application. He noted that planning staff received an inquiry from a property owner about constructing an accessory dwelling unit on his property in an R-1 district. The property owner asked whether he would be allowed to live in the proposed accessory dwelling unit while renting out the principal dwelling unit, which is on the same parcel. Staff noted the proposed arrangement is currently not allowed, but felt that it could be acceptable for a property owner to live in either the principal dwelling or the accessory dwelling provided the lot was still owner occupied. Staff also felt that it would be appropriate for all residential districts to have the ability to develop an accessory dwelling unit, so long as the principal dwelling is a single-family detached dwelling, as in R-1 districts. He noted that accessory dwelling units would still require a conditional use permit and have to meet all associated requirements and bulk regulations.

Planning Services Manager Wally Wernimont stated that this could help individuals age in place, stay on their property, and build a more ADA accessible accessory unit.

There was no public input for this item.

Commissioners had no questions or concerns.

Motion by Norton, seconded by Kemp, to approve the text amendment as submitted. Motion carried by the following vote: Aye – Christ, Kemp, Loeffelholz, Norton, Russell, and Mulligan; Nay – none.

ITEMS FROM PUBLIC: None

ITEMS FROM COMMISSION: Commissioner Russell expressed that staff need to connect with the neighborhood about plats and further steps in the process for the housing development.

ITEMS FROM STAFF: Wernimont stated that Board & Commission Goal Setting is coming up. He noted there is an update of the Unified Development Code coming, which will consider additional city plans, and several text amendments are anticipated. He noted other boards had expressed appreciation for the improvement of the digital display during meetings.

ADJOURNMENT: Motion by Kemp, seconded by Christ to adjourn the May 4, 2022 Commission meeting. Motion carried by the following vote: Aye – Christ, Kemp, Loeffelholz, Norton, Russell, and Mulligan; Nay – none.

The meeting adjourned at 8:09 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

6-1-2022

Adopted