

**MINUTES  
ZONING ADVISORY COMMISSION**

**REGULAR SESSION**

Wednesday, April 7, 2010

6:00 p.m.

City Council Chamber  
350 W. 6<sup>th</sup> Street, Dubuque, Iowa

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

**ABSENT:** None.

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

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

**MINUTES:** Motion by Henschel, seconded by Christ, to approve the minutes of the March 3, 2010. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Miller, Henschel and Stiles; Abstain - Norton.

**ACTION ITEM\PLAT OF SURVEY:** Application of Tim McDonald for approval of the Plat of Survey of Lots 1-100 & 2-100 of Finley Waples & Burton's Addition located at the southeast corner of Gilliam and Pearl Streets.

Tim McDonald, 8188 Southern Hills Circle, said that he has proposed to split an existing building lot creating two substandard lots that will be just short of the 5,000 square foot minimum lot area requirement.

Staff Member Kritz reiterated the request, noting that as the lots would be slightly smaller than the minimum requirement, the Commission would have to approve the lot split. He said that Mr. McDonald formerly tried to rezone this property and was denied by both the Zoning Advisory Commission and City Council. He discussed photos of the immediate neighborhood indicating many lots of similar size and configuration to what Mr. McDonald proposed.

Commissioner Smith asked if parking will be provided. Staff Member Kritz said that each single-family residence will have to provide two off-street parking spaces.

Motion by Hardie, seconded by Miller, to approve the Plat of Survey of Lots 1-100 & 2-100 of Finley Waples & Burton's Addition, subject to waiving lot area requirements for both Lot 1 of 100 and Lot 2 of 100. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

**ACTION ITEM\PLAT OF SURVEY:** Application of Joel Callahan / Buesing & Associates for approval of the Plat of Survey of Lots 1-8 & 2-8 of Westbrook Subdivision located along Commerce Park.

The applicant was not in attendance.

Staff Member Kritz outlined the staff report noting the recent rezoning on the subject property. He said that each residential structure is required to be on a separate lot; therefore, Mr. Callahan is asking to create two additional lots to accommodate two twelve-plexes on lots with no frontage. He said that the plat indicates a reciprocal access easement from Commerce Park through the residential parking lot to the proposed interior lots.

Commissioner Hardie asked if the access easement would be posted “no parking”. Staff Member Kritz said that the parking lot drive aisle would be striped as per the site plan.

Motion by Hardie, seconded by Christ, to approve the Plat of Survey of Lots 1-8 & 2-8 of Westbrook Subdivision, subject to waiving the lot frontage requirement for Lot 2-8 of Block III. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

**ACTION ITEM\FINAL PLAT:** Application of Blackacre Properties for approval of the Final Plat Copperhead Place, No. 2, located at 425 Bluff Street.

James O’Brien, 300 Main Street, said he is speaking on behalf of Blackacre Properties. He said his intent is to subdivide the property so as to place each of three townhouses on a separate lot.

Staff Member Kritz reiterated the request, noting that dividing the property into three lots constitutes a subdivision. He said that subdivisions are required to be reviewed by the Zoning Advisory Commission. He noted that the subdivision is in substantial compliance with all applicable requirements.

Commissioners discussed the request and felt it was appropriate.

Motion by Norton, seconded by Henschel, to approve the Final Plat Copperhead Place, No. 2. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

**ACTION ITEM\PRELIMINARY PLAT:** Application of Fondell Excavating for approval of the Preliminary Plat of Orchard Park Subdivision located between Roosevelt Avenue & Shiras Avenue (north of Eagle Valley and south of Orchard Hills).

Curtis McDonald, Fairfield, Iowa, said that he has reconfigured the plat, accommodating a City water tower and slightly reducing the number of lots from what was formerly submitted. He said he is available to answer questions.

Merrill Crawford, 2110 Jonathan Lane, spoke in opposition to the request. He expressed concerns with the density and design of the subdivision, storm water management and the

potential for erosion due to runoff. He said that the storm sewer located on Shiras Avenue may be overwhelmed. He said that five units per acre is too dense for the area and that the lots will not provide enough area for storage. He said that noise from the subdivision will be funneled down the valley. He expressed concerns with traffic, lack of emergency shelters for the subdivision, the difficulty of pedestrian access because of topography, and the lack of public transit at this location. He expressed concerns with school bus safety and noted that the road conditions along Roosevelt Road are substandard. He discussed and an aerial photo he submitted regarding vehicular circulation between Roosevelt Road and Shiras Avenue.

Walt Pregler, 2966 Shiras Avenue, expressed concerns with the substandard street widths proposed for the subdivision. He also expressed concerns with traffic safety, density, lack of parking, and the small size of the proposed homes.

Mike Siegert, 2440 Golden Eagle Drive, said that Roosevelt Road is a dangerous street because it is very narrow and has no shoulders. He expressed concerns with traffic safety.

James Kemp stated that he is one of the developers of Eagle Valley Subdivision. He said that Eagle Valley Subdivision is well designed and that he feels the proposed subdivision also will be well designed. He said that the crawl spaces beneath the proposed residences will provide adequate emergency shelter during inclement weather. He said that it is the City's responsibility to improve the streets surrounding the subdivision as the density increases.

Ilisha Beck, 2096 Golden Eagle Drive, expressed concerns with the potential for an increase in crime in the neighborhood.

Curtis McDonald said that the technical issues regarding the development have been studied and approved by City staff. He said that Eagle Valley is a nicely designed subdivision that is more densely developed than the subdivision he is proposing. He said the lots are designed so as to accommodate garages, if needed. He said that he is proud of the project.

Staff Member Kritz discussed the plat, noting that there will be 74 new building lots and 5 new streets. He said several of the streets are substandard in that they are 27 feet in width and that parking will be limited to one side on the narrow streets. He said that a new water tower will be built at the corner of the subdivision and that there will be adequate water pressure for the area. He discussed recent changes to storm water management regulations for the City. He said that storm water calculations for the project must be submitted and storm water management measures will be required by the Engineering Department. He said that the existing Eagle Valley detention basin will accommodate some of the excess runoff generated by the proposed subdivision. He said that the City is requiring a through access from the subdivision along Baldwin Street to Shiras Avenue, because of the need to provide a secondary access into the Shiras, Orchard Hills area. He discussed traffic flow and trip generation for the area. He said that, although Roosevelt Road currently is built to a county two-lane standard, it is likely to be improved in the future when vehicle trips warrant it. He distributed photos of Clover Hills Subdivision within the City noting that the density and building style are similar to the proposed subdivision.

Minutes – Zoning Advisory Commission

April 7, 2010

Page 4

Commissioner Hardie asked about the lack of emergency shelter for the residences. Curtis McDonald said that there will be a 4 to 4 ½ foot deep heated concrete crawl spaces with exterior access beneath each residence. Commissioner Hardie discussed the relative density between Eagle Valley and the proposed subdivision. He said that Baldwin Street stub has been in place for quite some time and that it was evident that, sooner or later, that access would be linked. He said that he feels the proposed subdivision is well designed, although not exactly like the adjacent developments. He said he is in favor of the request.

Commissioner Norton said he feels that the City will manage the storm water adequately. He said that the stub street was initially installed to insure future access to the subject property and emergency access to the Orchard Hills Subdivision and Shiras Avenue. He said that he feels that Roosevelt Road will ultimately be improved through the City's capital improvement process. He said that the subdivision meets all established standards except for the 3 substandard streets.

Commissioner Miller said that the subdivision, as platted, meets the requirements established by the City and that the lots are above the minimum size required. He asked Staff Member Kritz if the City building code requires basements and garages. Staff Member Kritz said no, it does not. He informed the Commission that, although some of the streets are narrower than standard, the cul-de-sacs meet the minimum size requirement. He said that cul-de-sacs still tend to be difficult for public works trucks to negotiate.

Commissioner Henschel said that he still has concerns about storm water management, traffic, and the density of the development.

Commissioner Smith expressed concern with the lack of emergency shelters and the density of the development.

Chairperson Stiles said that he felt the crawl spaces beneath the structures are adequate for emergency shelters. He said he feels comfortable that erosion will be mitigated by the City during construction and that storm water ultimately will be managed as per City requirements.

Commissioner Christ asked if the Zoning Advisory Commission is allowed to regulate building style. Staff Member Kritz said that it is not the charge of the Commission to review building style, but to address subdivision technical issues such as traffic, utilities and storm water management.

Commissioner Christ said that she supports the project because it is in substantial compliance with all subdivision regulations.

Motion by Hardie, seconded by Stiles, to approve the Preliminary Plat of Orchard Park Subdivision, subject to waiving right-of-way and street width requirements for streets D, E, F and G.

Motion carried by the following vote: Aye – Hardie, Christ, Miller, Norton and Stiles; Nay – Smith and Henschel.

Minutes – Zoning Advisory Commission

April 7, 2010

Page 5

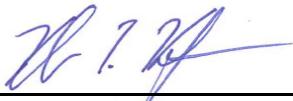
**ITEMS FROM PUBLIC:** Michael Marinko, 2925 Shiras Avenue, stated that he feels the Orchard Park Subdivision represents urban sprawl. He expressed concerns with lack of adequate storm water management and potential loss of habitat, especially as it affects the deer population. He said that he feels that the American Institute of Architects, the American Planning Association, and the Environmental Protection Agency would not approve of a subdivision of this nature.

Staff Member Kritz discussed urban sprawl, noting that the Orchard Park subdivision is a densely developed in-fill site with existing water and sewer that would not represent urban sprawl and would be approved by the agencies that Mr. Marinko mentioned.

Barb Schmitt, 2172 Orchard Drive, asked questions regarding traffic management along Shiras Avenue and the entrance to Eagle Point Park. Chairperson Stiles said that she should direct such questions to the City Engineering Department.

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

Respectfully submitted,



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Kyle L. Kritz, Associate Planner

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Adopted—May 5, 2010