

Approved

MINUTES  
**ZONING ADVISORY COMMISSION**  
**REGULAR SESSION**

Wednesday, August 4, 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, Martha Christ, Charles Miller and Tom Henschel; Staff Members Kyle Kritz and Wally Wernimont.

**ABSENT:** Commissioners Stephen Hardie and Patrick Norton.

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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 by Chairperson Stiles at 6:00 p.m.

**MINUTES:** The minutes of the July 7, 2010 meeting were approved, unanimously, as submitted.

**ACTION ITEM\FINAL PLAT:** Application of John A. Brennan for approval of the Final Plat Lot 1, Lot 2 and Lot 3 of Larkspur Addition located at 1432 S. Grandview Avenue.

John Brennan, 1432 S. Grandview Avenue, explained his request to the Commission. He said that the property is adjacent to his lot at 1432 S. Grandview Avenue. He said that he is proposing to subdivide the lot into three separate lots. He noted the size of the lots that would be created.

Staff Member Kritz presented the staff report. He said that the applicant is acquiring the property adjacent to his lot at 1432 S. Grandview Avenue. He explained that the subdivision of the lot will create three lots. He noted that one of the lots will be listed as "nonbuildable". He said that the Fire Marshall reviewed access to the lots and did not have any issues with emergency access to them.

Staff Member Kritz recommended approval of the final plat subject to the waiving of frontage for Lot 1 and Lot 2 of the subdivision.

Chairperson Stiles said that if the Fire Department is okay with access to the lot, that he has no objections to the subdivision.

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Motion by Christ, seconded by Smith, to approve the Final Plat Lot 1, Lot 2 and Lot 3 of Larkspur Addition, waiving frontage requirements for Lot 1 and Lot 2. Motion carried by the following vote: Aye – Smith, Christ, Miller, Henschel and Stiles; Nay – None.

**ACTION ITEM\PLAT OF SURVEY:** Application of Greg McCoy for approval of the Plat of Survey of Lot 1 of the NE ¼ SW ¼, Section 2, T88N, R2E of the 5<sup>th</sup> P.M. located south of Creek Wood Drive.

Davin Curtis said that he is Greg McCoy's legal counsel and would be representing him at the meeting. Mr. Curtis explained that Mr. McCoy is purchasing a 2.79 acre parcel from an existing farm that is adjacent to his property along Creek Wood Drive. He said that the parcel contains land that is rugged and located next to Catfish Creek. He explained that the plat of survey is required in order to legally describe the land to be sold. He explained that the lot will have no frontage but will be accessed through the lot owned by the applicant.

Staff Member Kritz presented the staff report. He noted the location of the property in relationship to the City limits. He explained that the parcel in question is located in the County adjacent to the City. He explained that the property is only accessed through Mr. McCoy's lot.

Chairperson Stiles asked if the lot has been identified as "nonbuildable". Staff Member Kritz said that the lot has not been designated as "nonbuildable" at this time.

Davin Curtis explained that at this time, the lot is not being proposed to be built upon and to remain as a separate lot; however, in the future, the lot may be consolidated with Mr. McCoy's lot.

Staff Member Kritz explained that a parcel must also have a separate legal description if in the future the property is annexed to the City.

Motion by Christ, seconded by Henschel, to approve the plat of survey subject to waiving lot frontage. Motion carried by the following vote: Aye – Smith, Christ, Miller, Henschel and Stiles; Nay – None.

**PUBLIC HEARING\MIHALAKIS:** Application of Michelle Mihalakis to rezone property located at 380 E. 21<sup>st</sup> Street from R-2A Alternate Two-Family Residential District to OR Office Residential District.

Michelle Mihalakis reviewed her request with the Commission. She explained that she would like to rezone the property to facilitate the conversion of a single-family home to a women's shelter.

No one spoke in opposition to the request.

Staff Member Wernimont outlined the rezoning request. He reviewed the size of the lot and the amount of available green space. He noted that the site currently does not have off-street parking. He reviewed that the applicant will be coming before the Zoning Board of Adjustment for a conditional use permit and a parking variance in order to open the women's shelter as a rooming and boarding house. He noted that little vehicle traffic is anticipated with the shelter.

The Commission discussed the request noting that the rezoning will be consistent with other properties in the immediate area.

Motion by Smith, seconded by Christ, to approve the rezoning. Motion carried by the following vote: Aye – Smith, Christ, Miller, Henschel and Stiles; Nay – None.

**PUBLIC HEARING\TEXT AMENDMENT:** Application of the City of Dubuque to amend Article 2 Unified Development Code to modify Definition of Townhouse.

Staff Member Kritz presented the staff report. He explained that the Unified Development Code was adopted in October 2009. He explained that the text amendment is to allow townhouses to have a common wall at the rear of the building as well as the side of the building. He explained that in reviewing the definition of townhouse, it specifically refers to a common wall only along the side of the structure. He noted that recently a developer requested to have townhouses connected along the rear wall instead of the side wall.

He explained that the bulk regulations allowed a rear common wall; however, during review of the Unified Development Code, he noticed that the definition did not reflect what was approved.

No one spoke in opposition to the request.

Motion by Christ, seconded by Henschel, to approve the text amendment. Motion carried by the following vote: Aye – Smith, Christ, Miller, Henschel and Stiles; Nay – None.

**PUBLIC HEARING\TEXT AMENDMENT:** Application of the City of Dubuque to Article 5 Unified Development Code to allow upper floor housing units in the CR Commercial Recreation zoning district as a permitted use.

Staff Member Kritz presented the staff report. He explained that upper housing is permitted in commercial districts except CR Commercial Recreation or a CS Commercial Service zoning districts. He explained that this text amendment is to only allow upper floor housing in a Commercial Recreation District. He explained that in a Commercial Service District, there are not many compatible uses that would work well with residential above. He explained that allowing the residential use above the first floor encourages mixed-use development. He explained that the City only has 5 Commercial Recreation Districts in the City. He referred to the location of the Commercial Recreation Districts.

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No one spoke in opposition to the request.

Chairperson Stiles said he is in support of the text amendment and is very encouraged in the mixed-use aspect of allowing residential above the first floor.

Motion by Smith, seconded by Henschel, to approve the text amendment. Motion carried by the following vote: Aye – Smith, Christ, Miller, Henschel and Stiles; Nay – None.

**PUBLIC HEARING\TEXT AMENDMENT:** Application of the City of Dubuque to amend Article 5 Unified Development Code to allow residential use as a conditional use in the LI Light Industrial and MHI Modified Heavy Industrial zoning districts.

Staff Member Kritz presented the staff report. He explained that in a HI Heavy Industrial District that a residential use is permitted only with a conditional use permit. He explained that in the Unified Development Code under Article 8 that we allow residential use in LI Light Industrial, MHI Modified Heavy Industrial and HI Heavy Industrial zoning districts. He explained that the Zoning Board of Adjustment would review the requests for residential uses in an LI and MHI District as a conditional use.

No one spoke in opposition to the request.

Commissioner Miller explained that it would make sense to correct the code. He explained that currently, in Article 8, residential use is allowed in an LI, MHI and HI as a conditional use; however, it does not state that in Article 5 under conditional uses. He explained if they do not approve the text amendment, that they will be looking at amending Article 8 to remove residential use from those districts.

Commissioner Henschel asked about the Millwork District and residential uses allowed as a conditional use.

Staff Member Kritz explained that the Millwork District is classified as a PUD which allows residential uses.

Motion by Christ, seconded by Henschel, to approve the text amendment. Motion carried by the following vote: Aye – Smith, Christ, Miller, Henschel and Stiles; Nay – None.

**ADJOURNMENT:** The meeting adjourned at 6:25 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

Adopted—September 1, 2010