

MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION

Wednesday, October 6, 2010

6:00 p.m.

City Council Chamber, Historic Federal Building
350 W. 6th Street, Dubuque, Iowa

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

ABSENT: None.

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: The minutes of the September 1, 2010 meeting were approved unanimously, as submitted.

ACTION ITEM\PLAT OF SURVEY: Application of Dave Schneider / David & Julie Lott for approval of the Plat of Survey Lott Addition located at 637 Arlington Street.

Julie Lott, 937 Center Place, said that she has restored a brick duplex and created two townhouses. She said she would like to split the lot along the center of the townhouses. She said one of the newly created lots will not have the required amount of frontage or lot area.

Staff Member Kritz reiterated the request noting lot frontage and area requirements for the R-2A district. He said that the plat is otherwise compliant with City standards and he recommended approval.

Commissioners felt the request was appropriate.

Motion by Hardie, seconded by Miller, to approve the Plat of Survey Lott Addition subject to waiving required lot frontage and lot area for Lot 2. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

ACTION ITEM\PLAT OF SURVEY: Application of Dave Schneider / Ricky Youtzy for approval of the Plat of Survey Youtzy Subdivision located at 4304 Peru Road.

Rick Youtzy, 4304 Peru Road, said that he would like to split 1.5 acres off of a 6-acre parcel. He said the smaller parcel will only have 46 feet of frontage.

Staff Member Kritz discussed an aerial photo of the subject property noting the position of the existing residence on the lot. He said the location of the residence dictates the lot line location because of setback requirements. He said that a small portion of the property that currently extends into the public right-of-way will be dedicated to the City in the future as public right-of-way.

Commissioner felt the request was appropriate.

Motion by Hardie, seconded by Christ, to approve the Plat of Survey Youtzy Subdivision subject to waiving lot frontage requirements for Lot 2. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

ACTION ITEM\FINAL PLAT: Application of Jerry Spiegelhalter & George Holland for approval of the Final Plat Lot 1 and Lot 2 of Westwood Heights No. 2 located along Middle Road and Rocky Hill Lane.

John Tranmer, IIW Engineers, said he represents Jerry Spiegelhalter. He said that Mr. Spiegelhalter would like to sell the western portion of his lot to a neighbor. He said that the new lot would only have 24 feet of frontage.

Staff Member Kritz noted that Lot 2 has no frontage and as the lot is within two miles of the corporate limits of the City of Dubuque, a joint City/County review is necessary. He said that Rocky Hill Lane is not an approved public or private street; therefore, the frontage along this access would not qualify. He said that subdivision of the lot will facilitate the sale of the property and that no house will be built on the substandard lot.

The Commission discussed the request and felt it was appropriate.

Motion by Norton, seconded by Henschel, to approve the Final Plat Lot 1 and Lot 2 of Westwood Heights No. 2, subject to waiving lot frontage for Lot 2. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

PUBLIC HEARING\REZONING: Application of John Herrig / Flint Drake / Radford Development LLC to rezone property located at the end of Radford Court from C-2 Neighborhood Shopping Center District to R-4 Multi-Family Residential District.

John Herrig, 13750 Surrey Lane, outlined his request to rezone property at the end of the Radford Court cul-de-sac. He said that his intent is to develop approximately 20 units of townhomes with a one car garage per unit and a standalone 8-car garage. He discussed the lot location and surrounding land use and zoning. He said that R-4 zoning is an appropriate transition between the current commercial and residential development. He distributed renderings of the proposed residential buildings.

Tom Luksetich, 2744 Linda Court, said that he represents the St. Vincent De Paul Society, which he said is an adjacent property. He said he is in favor of the request and that the current lot is overgrown and harbors pests. He said that he is in favor of redevelopment of this property as it will clean up the neighborhood.

Gary Kunkel, 1911 Hummingbird Drive, spoke in opposition to the request. He said he has concerns with storm water runoff, noting that the area currently floods. He said he also is concerned with the lack of privacy created by the large multi-story apartment buildings.

Sally Schneider, 1941 Hummingbird Drive, said she is concerned with storm water run-off that will be generated by the proposed development. She said she would like to know how many stories the buildings will be and how many people they would accommodate. She expressed concerns with potential traffic from the site.

Gary Kunkel asked if the development would accommodate Section 8 housing.

Karen Maury, 1981 Hummingbird Drive, distributed photos to the Commission. She said that she has recurring problems with existing businesses on Radford Court. She said the primary problem in the neighborhood is storm water runoff and flooding. She expressed concern with traffic safety as it relates to the access from the subject site to Eleanor Roosevelt Middle School. She said she feels the developer should place a fence along the rear property line to prevent cut through pedestrian traffic. She said there is no play area proposed for the children.

Greg Wollmuth, 1885 North Court, expressed concerns with storm water management and erosion. He asked that the Commission deny the request.

Mark Sullivan, 4617 Camelot Drive, said that he owns two duplexes on Hummingbird Drive directly behind the subject property. He expressed concerns with storm water runoff. He said that he spent a lot of money installing drain tile to help alleviate the flooding. He recommended that the property remain single-story commercial development. He said if granted a blanket rezoning, building height could be excessive.

John Herrig said that the City requires storm water management measures for all new development. He said he has designed a detention area in the southeast corner of the property that may somewhat improve drainage from what is now an uncontrolled lot. He discussed storm water management measures and traffic access to Radford Road from Radford Court. He said that currently school children from Eleanor Roosevelt Middle School cut through the adjacent residential yards. He said that the proposed units would be two-story with a basement or possibly 2 ½ stories. He said he will grade the property and lower the grade by approximately 7 feet.

Staff Member Kritz outlined the staff report. He discussed the property history, surrounding land use and zoning, access and Comprehensive Plan recommendations for the property.

He discussed R-4 District uses and regulations noting the 40 foot maximum building height. He discussed historic storm water runoff patterns in the area. He encouraged the neighbors to speak with City Engineering regarding storm water management issues. He noted that the impervious area on the proposed development would be similar to that permitted in a C-2 zoning district. He discussed the Unified Development Code's best management practices for sustainable development. He said currently there is no requirement for screening or fencing between residential lots.

Commissioner Smith asked if fencing would be required in a commercial zoning district. Staff Member Kritz indicated that fencing or landscaping is required between commercial and residential uses.

Commissioner Henschel asked if the height of the building can be restricted. Staff Member Kritz said that the Commission can impose conditions on rezoning requests.

Commissioner Hardie said that he feels C-2 commercial activity may be more intense than the residential activity with the potential for increased light levels, noise and traffic. He said, however, the applicant has not produced evidence proving that the original rezoning was a mistake. He said that it is not ideal to have residential access through a commercial area because it impacts traffic safety for the residential population.

Commissioners discussed the need for a recreation area for the residents of the proposed development.

Chairperson Stiles said that he feels the storm water from the site will be regulated when the lot is developed. He said he is confident that City Engineering will regulate and monitor runoff from the site. He said that a residential use would be potentially less intense than the permitted commercial uses and will afford a transition between the moderate density residential and commercial activity.

Commissioner Hardie disagreed, saying that there is no guarantee that storm water problems would be improved.

Commissioner Norton said that storm water volume and velocity would be equal in either zoning district. He said that storm water management on the site will be costly. He said he feels it is the City's responsibility to comprehensively manage storm water in the area. He said that he feels R-4 zoning is a good transition between the commercial development and the existing residential area.

Commissioner Henschel said that he stills believes that a height restriction is necessary and that recreation area is needed.

Commissioner Norton noted that children would likely use the playground at Carver Elementary School as their recreation area.

Commissioner Miller asked if a subdivision plat is necessary for this project. Staff Member Kritz said that the Commission will see the lot layout when they review the subdivision plat for this property.

Commissioner Smith expressed concerns with access through the commercial area for the residential development. He said that he feels drainage will continue to be an issue at this location.

Commissioner Christ expressed concerns with traffic safety as it related to both vehicular and pedestrian traffic.

Commissioner Henschel asked to modify his motion to place a 30 foot height restriction on the residential buildings on this site. Commissioner Norton agreed.

Motion by Henschel, seconded by Smith, to place a condition on the rezoning that the maximum building height for this site be 30 feet. Motion carried by the following vote: Aye: – Norton, Miller, Henschel, Smith and Stiles; Nay – Hardie and Christ.

Motion by Henschel, seconded by Smith, to approve the rezoning request, as amended. Motion carried by the following vote: Aye – Norton, Miller, Henschel and Stiles; Nay – Hardie, Smith and Christ.

PUBLIC HEARING\REZONING: Application of Davin Curtiss to rezone property, located south of Creek Wood Drive, in conjunction with annexation, from County C-1 and R-2, to City R-1 Single-Family Residential District.

Davin Curtiss, 700 Locust Street, said he is requesting that a 2.7 acre lot be rezoned in conjunction with annexation to the City of Dubuque. He said he would like the property to be rezoned to R-1 Single-Family Residential district. He said that the Commission had already approved the plat of the property. He said approval of the request will facilitate the sale of the lot to a property owner in Timber-Hyrst Subdivision.

Staff Member Kritz outlined the request. He said that the rezoning is being considered in conjunction with an annexation request. He discussed the existing zoning, proposed zoning and surrounding land use. He discussed the topography of the lot.

The Commissioner discussed the request and felt that it is appropriate.

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

PUBLIC HEARING\REZONING: Application of Jay Freeberry to rezone property located at 40, 42, 44, 48 Main Street from C-3 General Commercial and C-4 Downtown Commercial District to OC Office Commercial District.

Staff Member Hemenway reviewed the request, noting that the applicant was not in attendance. He said that the applicant had e-mailed him and asked that the request be heard in his absence. Staff Member Hemenway noted that the request is to rezone the subject property as well the existing southern half of a large industrial building where work currently is underway to create office space with residential units above. He reviewed the surrounding land use and street access. He noted that the development has provided the requisite amount of parking for development of the entire structure. He noted that the applicant would like to take advantage of the flexibility allowed by the OC Office Commercial zoning which he said allows both residential, office and commercial development on the first floor. He said that the applicant has noted that C-4 zoning does not allow residential development on the first floor and that he would like to possibly place 9 units on the ground level of the north half of the existing building.

Commissioner Smith asked staff to clarify property ownership.

Chairperson Stiles said that he is supportive of the mixed use development that is permitted in an OC District.

The Commission discussed the request and felt it is appropriate.

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

PUBLIC HEARING\TEXT AMENDMENT: Application of City of Dubuque to amend Article 13 of the Unified Development Code to clarify the number of bicycle parking spaces required for parking lots over 50 spaces.

Staff Member Kritz asked that the request be tabled to the November 3, 2010 Zoning Advisory Commission meeting.

Motion by Hardie, seconded by Smith, to table the request to the November 3, 2010 Zoning Advisory Commission meeting. Motion carried by the following vote: Aye: Smith, Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

ADJOURNMENT: The meeting adjourned at 7:15 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

Adopted—November 3, 2010