



Approved



**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.
Wednesday, April 6, 2011
City Council Chamber
350 W. 6th Street, Dubuque, Iowa

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.

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 March 2, 2011 meeting were approved, unanimously, as submitted.

ACTION ITEM\PRELIMINARY PLAT: Application of Rick Ehrlich/Chad Ellis/Graceland LLC for approval of the Preliminary Plat of Liberty Subdivision located at the east end of Liberty Avenue.

Chairperson Stiles stated that, although plat reviews are not required to be public hearings, he would open the meeting to the public to enable those neighbors in attendance to voice their concerns. He noted receipt of a letter from Kenneth and Diane Anglin at 925 Liberty Avenue expressing concerns with the proposed subdivision.

Nick Lange, Buesing & Associates, said that he spoke for the developer. He noted that the proposed subdivision is an infill development with water and sewer available and the appropriate zoning in place.

Staff Member Kritz outlined the request noting the subdivision size, number of lots, proposed street widths, parking restrictions and access from Liberty Avenue. He discussed storm water management for the site noting that the applicant has achieved the 40 points necessary for the subdivision to be deemed sustainable. He discussed the ECIA housing

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project and the State of Iowa's Green Streets requirement. He discussed the current condition of Liberty Avenue and said that staff had explored potential secondary access to the site. He said that Fire and Engineering staff had both reviewed the existing Liberty Avenue conditions and access, and that the Fire Department is recommending limiting on-street parking to the south side of the street.

Keith Anglin, 919 Liberty Avenue, discussed the Liberty Avenue access to the subdivision, noting the narrow width of the street. He said that all of the neighbors are opposed to the subdivision as they are concerned with traffic safety and the potential for damage to the street which may trigger a street assessment.

Diane Anglin, 919 Liberty Avenue, expressed concern with traffic safety and potential for damage to the streets during construction. She said that the sewer line lies close to the surface and it may be damaged by storm water runoff from the subdivision.

Roger Pickel, 944 Liberty Avenue, spoke in opposition to the request, noting the problem with access to the neighborhood for City snow plows. He also expressed concerns with runoff and the potential for erosion and flooding that he said may be caused by the subdivision. He said that he feels the lot sizes, while meeting the City's minimal standards, are still very small.

Mr. Lange said that the storm water from the site will be managed as per City requirements and that the developer said that he will be careful with the roadway during the development process.

Commissioner Norton said that he had visited the site and does not feel that access is problematic, and questioned how the Commission could deny a subdivision plat that complies with the Unified Development Code.

Chairperson Stiles discussed the potential for a second access and noted that, while the existing access is not ideal, streets of this width are not unprecedented. He said that storm water will be managed through the City's site plan review process.

Commissioner Henschel said that he supports the project, but that he would prefer some additional green area.

Staff Member Kritz noted that storm water that currently flows through the property will also have to be accommodated.

Motion by Hardie, seconded by Christ, to approve the Preliminary Plat of Liberty Subdivision. Motion approved by the followed vote: Aye – Smith, Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

Commissioner Miller asked that staff draft a letter asking that the City Council consider street improvements to Liberty Avenue, and prohibit on-street parking on the north side of

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Liberty Avenue. There was a consensus among commissioners regarding Commissioner Miller's request.

PUBLIC HEARING\REZONING: Application of Rev. Richard Mihm, Dubuque Rescue Mission to rezone property located at 2505 Elm Street from R-2A Alternate Two-Family Residential District to OR Office Residential District.

Rev. Richard Mihm, Dubuque Rescue Mission, reviewed his request with the Commission, noting that his intent is to develop a facility that will provide a residence for 12 men. He said that he conducted a neighborhood meeting at Comiskey Park and explained the project to some of the adjacent property owners and noted their concerns. He said that the existing home will be demolished and a new structure will be built at the same location.

John C. Abbot, Sr., 2533 Elm Street, spoke in opposition to the request, noting concerns with the potential residents and their proximity to the bike/hike path and nearby park. He expressed concerns with the safety of the children in the neighborhood.

Karla Siegert, 2530 Elm Street, spoke in opposition to the request, noting concerns about the impact the facility may have on the value of her property and on the safety of the surrounding neighborhood. She said that there are already a number of similar residential facilities in the area and she feels that the additional facility is not necessary.

Rev. Mihm noted that many of the men in the facility may have drug and alcohol problems, but all will have a job and must demonstrate that they will comply with all of the requirements of the facility. He said that residents typically have a maximum of two years to stay at the residence. He noted that many children currently visit the downtown Mission on a daily basis and that he feels that there is no threat to their safety. He said that the proposed site is ideal because of its proximity to the bike/hike trail and Comiskey Park and also to neighborhood retail amenities such as a drug store, grocery store and the Crescent Community Health Center. He noted that the facility will have a resident manager and will provide a service that is not currently offered at other facilities.

Commissioner Hardie asked if the residents will be screened to determine if they are sexual predators. Reverend Richard Mihm reviewed that all residents will be screened for being on the sex offender registry and being near Comiskey Park would exclude anyone from that list living in the residence.

Commissioners asked why the proposed zoning is OR versus multi-family residential. Staff Member Hemenway noted that either OR or R-3 zoning permits the facility and that the permitted uses are very similar. He noted that either district requires a conditional use permit.

Commissioner Smith asked how the facility will function and how staffing will be structured. Rev. Mihm reviewed the proposed staffing for the facility.

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Staff Member Hemenway reviewed the staff report noting that a conditional use permit will still be necessary if the rezoning is approved. He said that the Zoning Board of Adjustment will conduct another public hearing. He discussed the location of the facility relative to the bike/hike trail and park and noted that there are a number of other facilities in the area. Chairperson Stiles spoke in support of the rezoning stating that there is a need for this facility and that he does not feel that the safety of the neighborhood will be compromised.

Commissioner Norton spoke in support of the rezoning noting that the group home will serve a different population than that being served by other facilities in the area. He said he feels the zoning is compatible with the surrounding zoning and that it provides a transition from the adjacent industrial area.

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

ITEMS FROM COMMISSION: Commissioner Hardie asked for clarification regarding the ex parte communication rule as it regarded visiting the subject site. Staff Member Kritz said that Commission members are permitted to visit a subdivision site as subdivision review is an action item and not a public hearing. Commission and Staff discussed the Commission's ability to visit sites for subdivision and rezoning requests.

ITEMS FROM STAFF: Staff Member Hemenway reviewed the bicycle parking memo. Commissioners discussed the potential to amend the Unified Development Code to require up to two bicycle parking spaces for those parking lots with less than a 50 spaces.

Commissioner Norton said that he feels there is a need for bicycle parking in smaller, commercial, retail-type facilities and that provision of spaces may encourage bike ridership. He noted that it is more likely that people will bike to small retail businesses rather than the large retail stores.

The Commission discussed the request and decided not to alter the existing Unified Development Code language.

ADJOURNMENT: The meeting adjourned at 7:00 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

Adopted—May 4, 2011