



Approved



**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.
Wednesday, June 1, 2011
City Council Chamber
350 W. 6th Street, Dubuque, Iowa

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

ABSENT: Commissioners Martha Christ and Charles Miller.

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

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

MINUTES: The minutes of the May 4, 2011 meeting were approved, unanimously, as submitted.

PUBLIC HEARING\REZONING\LEIBOLD (TABLED): Application of Darlene Leibold Trust / Tom Rauen, Rauen Properties (tabled from May 4, 2011) to rezone property located at 3051 Brunskill Road from R-1 Single-Family Residential District to C-3 General Commercial District

Tom Rauen told the Commission that he would like to develop a self-storage business. He said that he had noted the concerns raised by the surrounding property owners regarding the potential negative impacts of some of the uses permitted in a C-3 District. He said that he is looking to develop a 100-unit mini warehouse and that it would generate very limited noise and traffic. He offered to accept a conditional rezoning that would limit the uses in the C-3 District to only a self-storage facility. He said that he has researched the additional development costs required for extending utilities to the property and that it is not feasible to develop his screen printing business at this location.

Commissioner Hardie questioned staff regarding the ability of the Commission to eliminate most of the uses through a conditional rezoning.

Minutes – Zoning Advisory Commission

June 1, 2011

Page 2

Dan McDonald, representing Greater Dubuque Development Corporation, 300 Main Street, spoke in support of the request. He said that the rezoning would facilitate the expansion of a small business and would be beneficial to the business owner and the community in general. He said that Mr. Rauen has followed the appropriate process throughout.

Kay Wagner, 2711 Brunskill Road, said that she represents area neighbors. She said that she would like to keep the area zoned for residential use and that the proposed zoning change is not compatible with the adjacent properties because it will generate noise and traffic. She said she felt that there is enough property zoned commercially in the community for Mr. Rauen to choose from. She said that the existing neighborhood is a nice residential area that, although within the City, feels like the country because it is surrounded by wooded landscape.

Joan Herrig, 2855 Brunskill Road, discussed the history of development in the area. She said that there are 65 owner-occupied houses in the Brunskill Road area. She said that she does not feel that the Commission would appreciate commercial activity moving into their neighborhoods.

Larry Kretz, 2100 Brunskill Road, said that he owns the adjacent mobile home park. He said that he does not believe that there is a need for self-storage units as there are a number of them in the immediate vicinity. He said he feels a conditional rezoning will not work because it could be overturned by attorneys and would offer no protection to the neighbors.

Staff Member Hemenway reviewed the request noting that it was originally tabled from the May 4th Zoning Advisory Commission meeting to allow the applicant to secure an additional parcel of property adjacent to the Best Western Hotel. He reviewed the surrounding zoning and land use and noted receipt of a petition opposed to the rezoning with one additional signature—Brenda Mills, 3055 Brunskill Road.

Staff discussed vehicle trip generation for various commercial uses including mini warehousing and retail service. Staff noted that the adjacent property contains a legally non-conforming contractor shop.

Commissioner Hardie noted that there have been previous requests for commercial zoning on properties in the area and they had been denied. He said that he believes the existing zoning is appropriate and that he does not support a conditional rezoning in the area.

Commissioner Smith said that he supports Commissioner Hardie's comments. He noted that other businesses may use the storage facility and may, therefore, increase the amount of traffic and activity.

Commissioner Norton said he does not share the same concerns as the rest of the Commission. He said that traffic traveling to the property will primarily access the site from

Dodge Street to the north, which he said will not disturb the neighbors. He said that he believes that the request would represent positive development of property.

Chairperson Stiles said that he will not support C-3 zoning, but that he applauded his business success.

Commissioner Henschel agreed that the C-3 district permits too broad a spectrum of commercial uses for this area. Commissioners discussed limiting the potential uses allowed in the C-3 District.

Motion by Norton, seconded by Stiles, to eliminate all permitted uses in the C-3 District except for: #28—Minwarehousing and #51—Wholesale and Sales Distribution. Motion denied by the following vote: Aye – Norton and Stiles; Nay – Smith, Hardie and Henschel.

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

PUBLIC HEARING\REZONING\WOLFF: Application of Dan Wolff to rezone property located at 1987 Washington Street from C-2 Neighborhood Shopping Center District to C-4 Downtown Commercial District.

Dan Wolff, 3234 Arrowwood Lane, reviewed his rezoning request noting that the car wash at this location has not been profitable. He said that the proposed change is to allow an auto sales lot.

Staff Member Hemenway reviewed the surrounding rezoning and land use. He discussed the difference between C-3 and C-4 zoning districts relative to auto sales lots. He noted that staff has determined the minimum size necessary to support an average auto sales lot and that the subject lot does not meet the 20,000 square foot minimum. He said, therefore, the Zoning Board of Adjustment would have to approve not only a conditional use permit for an auto sales lot in the C-4 District, but also a variance for a lot that is less than the minimum required size. He noted that small auto dealerships often spill out onto the adjacent public right-of-way and into the neighborhoods and create parking problems.

Commissioner Smith said that he feels that the request, as it represented a change from a car wash to a sales dealership, may reduce the amount of noise and activity on the commercial lot.

Commissioner Norton expressed concerns with the range of uses allowed in the C-4 District and their proximity to the adjacent residential properties.

Minutes – Zoning Advisory Commission

June 1, 2011

Page 4

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

PUBLIC HEARING\REZONING\STILES: Application of Jeff & Mindy Stiles to rezone property located at 3087 Central Avenue from R-3 Moderate Density Multi-Family Residential District to R-4 Multi-Family Residential District.

Chairperson Stiles appointed Commissioner Hardie as Chair Pro-Tem, and stepped down from the table.

Jeff Stiles, 3087 Central Avenue, reviewed his request noting the history of the property and recent improvements made to the buildings. He said that an apartment on the first floor had been vacated and that an apartment had been added on the west side of the building. He said that his long term plans may be to change the apartment building to a bed and breakfast. He said his current plan is to increase the building from six to eight units. He noted that many improvements have been made to his home and other homes in the neighborhood. He said he wants to continue this trend. He stated that he had submitted a petition in support of his request signed by 17 neighboring property owners.

John Puccio, 3108 Central Avenue, spoke in support of the request. He said he felt it is appropriate.

Rick Dickinson, Greater Dubuque Development Corporation, spoke in support of the request. He noted that is still a need for quality affordable rental units in the community. He said that although there are 260 units on the market, there is still only a 4% vacancy rate, which he said indicates there is still a need for such units in the community.

Jacob Hessey, 3087 Central Avenue, spoke in support of the request. He said that he is a tenant of Mr. Stiles and that the apartment building offers him a good housing alternative.

Mike Brennan, 3135 Central Avenue, said that he spoke for several neighbors in the area who are opposed to the request. He said that he feels that between 15-20 people live in the apartment building. He said that increasing the number of units would increase traffic and demand on parking.

Dorothy Eisbach, 3084 Central Avenue, said she lives across the street from the Stiles' property. She spoke in opposition to the request stating that the current building is not compliant with City code. She expressed concern with parking and safety in the neighborhood.

Mr. Stiles said that while currently there is significant traffic in the alley, it is created primarily because of the school and the Central Avenue detour. He said that after the school closes and the street improvements are completed, the traffic situation will improve.

He said that he had the City review the changes he is making to the structure to insure code compliance. He said that zoning, building and housing staff have made periodic inspections of the property. He noted the location of the existing and proposed additional parking spaces for the apartment building.

Staff Member Hemenway reviewed the request noting the receipt of the letter in opposition and the submittal of a petition with 17 signatures in support of the request. He discussed the surrounding land use and zoning. He said that, if approved, based on the square footage of the existing lot, a maximum of 7 units would be permitted unless Mr. Stiles seeks a special exception for lot area from the Zoning Board of Adjustment. He discussed parking requirements for the site.

Commissioner Norton asked about the number of units in the building based on information received in a letter of opposition from a neighbor. Staff Member Hemenway noted that based on receipt of the letter, an inspection had been scheduled to insure that the apartment building would be compliant with all City codes and regulations.

Commissioner Smith asked if the two subject lots were addressed separately. Staff Member Hemenway noted that the lots did not appear to be addressed separately but that they were joined by a structure that transcended the common lot line between the two. He said that if the second lot were to be sold separately, it would be limited in square footage to a three-unit building but, in all likelihood, a parking variance would be necessary for both structures.

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

PUBLIC HEARING\AMEND PR DISTRICT/KLUCK: Application of Tom Kluck to amend the Planned Residential District located at 2763 University Avenue to permit a two-story common building with 3 apartments on the second story.

Tom Kluck, 2499 LaVista Court, reviewed his request to expand the proposed office/community building adding square footage and 3 apartments on the second level.

Marlon Avenarius, 2985 University Avenue, said that she is concerned with storm water runoff and the presence of stumps on the property.

Bruce Shaw, 2765 Beverly Avenue, said that the addition of a two-story building at this location would block his light and ventilation. He said that he is concerned that the hammerhead proposed for the end of Beverly has not been built at this point. He said he is opposed to the request.

Minutes – Zoning Advisory Commission

June 1, 2011

Page 6

Mr. Kluck noted that the parking he has provided exceeds that required by the zoning ordinance. He said that he spoke to Ms. Avenarius last week and is planning to remove the stumps and clear and seed the hillside. He said that the storm water management measures are compliant with City codes. He noted that the setback to the north would comply with the 25 foot setback that was originally approved.

Commissioner Norton asked if the second apartment building could be expanded to incorporate the three proposed units. Mr. Kluck said that he did not think that was possible.

Staff Member Hemenway reviewed the request and noted that the staff report was based on the revised concept plan submitted by the applicant. He noted that the number of off-street parking spaces would slightly exceed that required per unit by the Unified Development Code.

The Commission discussed the request noting that the concept plan showed that the community building was going to be 60 feet wide and have a 20 foot setback. They noted that Mr. Kluck has modified his request to increase the setback to 25 feet as was originally approved and to expand the building by 5 feet making it 65 feet wide. Commissioners discussed the size of the building and its setback on the lot.

Mr. Kluck noted that the design of the building would be a little bit narrower than shown on the revised concept plan but that the building footprint would be the same square footage and would comply with the 25 foot setback.

Motion by Henschel, seconded by Smith, to approve the rezoning request, with the condition that the building be set back 25 feet from the north side property line and that the building size not exceed 65 feet by 30 feet. Motion carried by the following vote: Aye – Smith, Hardie, Norton, Henschel and Stiles; Nay – None.

ADJOURNMENT: The meeting adjourned at 7:50 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

Adopted—July 7, 2011