

MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION

6:00 p.m.
Wednesday, September 7, 2011
City Council Chamber
350 W. 6th Street, Dubuque, Iowa

PRESENT: Chairperson Charles Miller; Commissioners Ron Smith, Patrick Norton and Tom Henschel; Staff Members Todd Shoemaker, Kyle Kritz and Guy Hemenway.

ABSENT: Commissioners Stephen Hardie and Martha Christ.

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 August 3, 2011 meeting were approved, unanimously, as submitted.

ACTION ITEM/FINAL PLAT: Application of John Sibley for approval of the Final Plat Pine View Subdivision, Dubuque County, Iowa, located at 12724 Pine View Drive.

John Sibley, 12724 Pine View Drive, said that he is purchasing a small piece of property from his neighbor and incorporating it into his residential lot.

Staff Member Kritz stated that, as the plat is within 2 miles of the City of Dubuque, Zoning Commission review is required. He said that the applicant is asking to waive the lot frontage for Lot 2, which he said is currently being used as a septic field and will, therefore, not be built on. He recommended approval of the plat subject to waiving lot frontage requirements.

Commissioner Norton asked why the lots will not be consolidated to provide frontage. Staff Member Kritz noted that consolidation would incur an added expense and that, as the drainage field serves the adjacent lot, the two lots are bound together. In addition, the existing lot that will become Lot 2 currently does not have frontage.

The Commission discussed the request and felt it was appropriate.

Motion by Henschel, seconded by Smith, to approve the Final Plat of Pine View Subdivision, subject to waiving the lot frontage requirement for Lot 2. Motion carried by the following vote: Aye – Smith, Norton, Henschel and Miller; Nay – None.

ACTION ITEM PLAT OF SURVEY: Application of Allen Weber for approval of the Plat of Survey for Lot 1-1 & 2-1 Gillespie's Third Addition located at 340 Olympic Heights.

Allen Weber reviewed his request with the Commission, noting that he would like to purchase a small portion of his neighbor's lot to eliminate the encroachment of his detached garage.

Staff Member Hemenway reviewed the request, noting that the lot is substandard in both frontage and lot size. He said that the lot had been platted in an effort to eliminate an encroachment and to provide the required setbacks for a detached accessory structure.

Commissioners discussed the request and felt it is appropriate.

Motion by Norton, seconded by Henschel, to approve the Plat of Survey for Lot 1-1 & 2-1 Gillespie's Third Addition subject to waiving the lot frontage and area requirements for Lot 2-1. Motion carried by the following vote: Aye – Smith, Norton, Henschel and Miller; Nay – None.

ACTION ITEM PLAT OF SURVEY: Application of Dave Schneider for approval of the Plat of Survey Asbury Plaza No. 16 located at the end of Plaza Drive.

Dave Schneider, Schneider Surveying, said that he has been working with Premier Bank to replat a foreclosed lot. He said that the bank was told that they need to establish a legal plat of survey acceptable to the County Auditor's office.

Staff Member Kritz noted that the City had reached an agreement with Premier Bank regarding provision of easements that would enable the City to access and maintain City utilities. He recommended approval of the plat.

Motion by Henschel, seconded by Norton, to approve the Plat of Survey Asbury Plaza No. 16 subject to waiving the lot frontage requirement for Lot 2. Motion carried by the following vote: Aye – Smith, Norton, Henschel and Miller; Nay – None.

PUBLIC HEARING AMEND PADRE PIO HEALTHCARE CENTER ID DISTRICT: Application of William Peterson Architects to amend the Padre Pio Healthcare Center Institutional District to allow construction of a four-story nursing addition and a one-story therapy center.

William Peterson, Peterson Architects, reviewed the project details, noting the addition of beds and a skilled nursing and physical therapy facility.

Staff Member Hemenway reviewed the staff report, noting the location and square footage of the additions. He discussed access, location of available off-street parking and traffic generation. He noted that the green space requirements have been met and that a biofiltration cell will be added on the southeast corner of the campus. He discussed historical parking patterns for the facility.

The Commission discussed the request and felt it was appropriate.

Motion by Norton, seconded by Henschel, to approve the amendment to the Padre Pio Healthcare Center ID District. Motion carried by the following vote: Aye – Smith, Norton, Henschel and Miller; Nay – None.

PUBLIC HEARING\REZONING: Application of Tom Thompson to rezone property located at the 3400 Block of Keymont Drive from R-2 Two-Family Residential District to R-3 Moderate Density Multi-Family Residential District.

Charles Daoud, 396 Moore Heights, representing the applicant, outlined his request for the Commission. He noted that a change in the housing market had facilitated their need to reconfigure the sites to allow for increased units in each building.

Chairperson Miller asked the applicant what form the housing would take. Mr. Daoud said that their intent was to create more moderately priced townhouse units. He said that they would like to create introductory housing. He said that the current concept is for four-plexes.

Chairperson Miller noted the receipt of a letter in opposition expressing concerns with multi-family housing and increased traffic.

Commissioner Norton asked whether the units would be condos or rentals. Mr. Daoud said that their intention is to sell the housing as individual units. He said that they have developed a great relationship with their neighbors and that the units would be populated by good, solid citizens.

In response to a question from Commissioner Smith, Mr. Daoud said that they may build with a rent-to-buy option, but would not build unless 3 of the 4 units are sold.

Staff Member Kritz outlined the request, noting that there would only be 2 additional units on the subject property. He stated that there had been a loss of property from the original concept plan due to the limitation created by an existing drainage area. He said that

streets, water, sewer and storm water management could accommodate the additional dwelling units. He said that none of our residential districts restrict rental housing.

Commissioner Henschel asked if the Commission could limit the buildings to four-plexes. The Commission discussed a possible conditional rezoning.

Tom Thompson, 11168 Holy Cross Road, Farley Iowa, said that four-plexes are preferable to six-unit buildings and that the building configuration would not change the overall density of the site. He said that he would be amenable to a condition limiting the development to four-plexes.

Staff Member Kritz discussed the lot configuration as it regarded four- versus six-unit buildings. He said that it would be difficult to site six unit buildings on some of the lots, especially those at the end of the cul-de-sac, and still meet required setbacks.

Commissioners discussed the topography and geometry of the site, noting how such restraints limit building design. Chairperson Miller asked if rooming and boarding houses are allowed in R-3 districts. Staff Member Kritz noted that rooming and boarding houses in R-3 districts require a public hearing as part of a conditional use permit that must be granted by the Zoning Board of Adjustment.

Commissioner Smith asked if the Commission would review the replat of the subject property. Staff Member Kritz noted that it was not likely as the final plat would go to the City Council.

Commissioner Henschel said that he still would like to consider limiting the building configuration to four units.

Commissioners discussed placing conditions on the rezoning but felt that due to the physical limitations of the site, it was not necessary.

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

PUBLIC HEARING\TEXT AMENDMENT: Application of the City of Dubuque to amend Section 6-4 Flood Hazard Overlay District of the Unified Development Code

Staff Member Kritz outlined the request to adopt a new flood map and amended ordinance language that is necessary to comply with the recommendations of the Iowa Department of Natural Resources predicated on new Federal statutes for flood plain regulations. He discussed the changes include building design modifications and limitations on the use of RVs in a flood plain area.

Commissioner Henschel asked if any of the changes in the Code would affect the new map configuration provided by FEMA. Staff Member Kritz said that it would not and that the Planning staff can work with the final map version provided by FEMA.

The Commission discussed the changes and felt they were appropriate.

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

ITEMS FROM STAFF:

Consent Decree

Staff Member Todd Shoemaker, City Environmental Engineer, summarized the consent decree for management of waste water in the City of Dubuque. He said that as the Zoning Commission reviews development within the City, it is important that they be informed of the intent of the consent decree. He noted that the City has reached an accommodation with the Federal government regarding litigation and that the consent decree was part of the agreement.

Commissioner Henschel asked if the Commission has any other responsibilities other than an awareness of the intent of the consent decree. Staff Member Shoemaker noted that for the Commission, the consent decree is informational only.

In response to a question from Chairperson Miller, Staff Member Shoemaker noted that in addition to City staff, contractors, developers and consultants involved in projects that may affect waste water management were also apprised of the consent decree. He discussed an inflow and infiltration study being undertaken by the City.

Commissioners discussed the consent decree and thanked Staff Member Shoemaker for providing the information.

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

Respectfully submitted,



Kyle L. Kritz, Associate Planner

Adopted—October 5, 2011