

**MINUTES**

**ZONING ADVISORY COMMISSION  
REGULAR SESSION**

6:00 p.m.

Wednesday, June 6, 2012

City Council Chamber

350 W. 6<sup>th</sup> Street, Dubuque, Iowa

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**PRESENT:** Chairperson Charles Miller; Commissioners Ron Smith, Stephen Hardie, Martha Christ, Patrick Norton, Charles Miller, Tom Henschel and Eugene Bird Jr.; Staff Member Kyle Kritz.

**ABSENT:** None.

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**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 2, 2012 meeting were approved as submitted.

**ACTION ITEM PRELIMINARY PLAT NORTH RIDGE ESTATES:** Application of We Development LLC / MSA Professional Services Inc. for approval of the Preliminary Plat North Ridge Estates located at 4168 Peru Road.

Pat Ready, MSA Professional Services Inc., reviewed the proposed subdivision noting that 38 single-family home building lots will be created and that several of the lots will be part of the ECIA program that helps defray some of the down payment costs for first time homebuyers.

Mr. Ready indicated that they are working on storm water management requirements with the City Engineering Department and will meet the regulations and policies for storm water control. He explained that the submitted plat complies with the Unified Development Code requirement for 40 points of sustainable techniques; these techniques include LED street lighting, preservation of existing mature trees on the property, provision of 15 solar lots and that all buildings will meet the State's green building code. He noted that City water and sewer are available on Peru Road and will be extended throughout the subdivision. He said the plat includes two new public streets—Marisa Ridge and Cayden Court, and both streets will be built with 50 foot of right-of-way and 31 foot of paving. Mr. Ready indicated that Marisa Ridge will function as a collector street and City Engineering has agreed to allow it 31 foot of paving rather than 37 feet, provided off-street parking is restricted to one-side only. He noted that the subdivision has been laid out to minimize grading and preserve the existing trees on the site to the extent possible. Mr. Ready also reviewed the new ADA requirements for crosswalks and curb ramps at street intersections.

Commissioner Hardie indicated that he is disappointed that the developer was choosing to not donate land for recreational/open space and would still have preferred the dedication of open space even if it is not suitable for play area.

Mr. Ready indicated that they did look at potential areas, but because of the sloped topography of the site and that the overhead power lines that run through Lot B at the northern end of the site there was just not an area conducive to open space. Mr. Ready indicated that the lots were somewhat larger in size and range between 7,000 – 10,000 square foot per lot. Mr. Ready also noted that the developers are dedicating over an acre to the City for right-of-way purposes along Roosevelt and Peru Roads.

Commissioner Smith asked about the access for Lots 37 and 38. Mr. Ready replied that those two lots will gain access from Peru Road. Commissioner Smith then asked about Lots 39-42. Mr. Ready replied that at this point the final plat will combine those four lots into one or they will be added to lots fronting on Marisa Ridge.

Staff Member Kritz reviewed the location of the proposed subdivision. He noted that the proposed subdivision will include two public streets—Marisa Ridge and Cayden Court—both having 50 foot or right-of-way and 31 foot of paving. Marisa Ridge will function as a collector street and the City Engineering Department has agreed to allow it at a 31 foot width paving provided parking is restricted to one side. He explained Cayden Court will allow parking on both sides. Marisa Ridge also will be stubbed to the north as City staff feels that eventually the property to the north and east will develop in the future and Marisa Ridge would serve as a collector street for future development. He noted the submitted subdivision does require a waiver of the maximum grade for a collector street which is limited to 10%; however, there is a small section of Marisa Ridge that is 12%. He said City Engineering does not object to the 12% for a short distance, as there is adequate transition to 4% before it intersects with Peru Road.

Staff Member Kritz also pointed out that the existing house on the lot is situated on an approximately 20,000 square foot lot, but that the front yard setback from Marisa Ridge would only be 15 foot where City standard is 20 foot. He said approval of the final plat would make the lot a legal non-conforming lot, and this has occurred elsewhere in the City on infill development sites.

Staff Member Kritz indicated that City sewer and water is available from Peru Road and will be extended throughout the subdivision. He reviewed the proposed 40 points sustainable techniques that the developer is proposing including utilizing the green building code for 100% of the new homes, LED street lights, preservation of existing trees on the site, noting that the covenants will be written to insure that the area around the trees is fenced off so root systems are not compacted during construction of homes or the street, that the applicant has proposed planting street trees in compliance with the City's street tree policy, and that the applicant is proposing 15 solar lots in the subdivision.

Staff Member Kritz reviewed that the criteria contained in the Unified Development Code requires 70% of a subdivision must meet the solar lot criteria, which in this case would require 27 lots. He noted that the City Planner, Laura Carstens, has approved the proposal to get 15 points or half the points possible by providing over half of the required number of lots.

Staff Member Kritz also reviewed the surrounding zoning and land use noting that the Boyes' salvage yard is adjacent to the subdivision on its south side. He noted a copy of the screening requirements for salvage yards was attached to the staff report for the Commission's review.

Staff Member Kritz recommended approval of the submitted preliminary plat, subject to waiving the maximum collector street grade to allow 12%, where 10% is required. Commissioner Norton expressed concern with awarding points for solar lots less than the 70% specified in the UDC, not specifically having a problem with the current request, but that he would not like to see where someone puts in 7 solar lots, they would get 7 points as an example.

Staff Member Kritz indicated that City Planner, Laura Carstens, and he also share that concern. Commissioner Norton indicated that perhaps the UDC should be amended to reflect the ability to get half the points for half of the required solar lots.

The Commission discussed the guidelines for park and open space in the Unified Development Code. They discussed that their recommendation as part of the UDC was that it be a requirement, but that as part of the UDC review process, the City Council changed the UDC to make it a guideline.

The Commission noted that several developers had provided comments to the City Council that they would not be able to claim the dedication of park/open space in the City as a tax deduction if it was a requirement.

Commissioner Henschel indicated concern that the subdivision is relying on storm water detention rather than absorbing the storm water, but he was pleased that the City Engineering Department has worked with the engineer for the developers and that the solution is the best given the restrictions of the site.

Motion by Hardie, seconded by Smith, to approve the Preliminary Plat North Ridge Estates subject to waiving the maximum collector street grade to allow 12%, where 10% is required. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller, Henschel and Bird; Nay – None.

**PUBLIC HEARING\REZONING:** Application of the City of Dubuque to rezone property located at the southwest corner of 16<sup>th</sup> Street and Kerper Boulevard from POS Public Open Space to C-3 General Commercial District

Staff Member Kritz reviewed the staff report, reviewing the request to rezone the southwest corner of 16<sup>th</sup> Street and Kerper Boulevard from POS Public Open Space to C-3 General Commercial. He reviewed that a portion of this area was created through the removal of silt material from the 16<sup>th</sup> Detention Basin that was dewatered and compacted to create this additional building area along 16<sup>th</sup> Street. He said that the property on the west side of the freeway was a parking lot for the former Dubuque Packing Company site and the small half-acre parcel on the south side of the Bee Branch outlet to the 16<sup>th</sup> Street Detention Basin was also paved and used for parking previously.

Staff Member Kritz reviewed the surrounding zoning and land use, noting that the property was zoned HI Heavy Industrial until 1993 when, as part of implementation of the Freeway Corridor Plan, it was rezoned to POS Public Open Space. He also reviewed existing traffic counts for 16<sup>th</sup> Street and noted that City Engineering has been in the process of evaluating 16<sup>th</sup> Street and working with the developer of the former pack site to coordinate future improvements to the 16<sup>th</sup> Street corridor. He said the study has encompassed intersections from 16<sup>th</sup> & Elm to Admiral Sheehy Drive to identify appropriate improvements in the future to accommodate increased vehicle trips.

No one spoke regarding the request.

The Zoning Advisory Commission discussed the half-acre parcel on the south side of the Bee Branch Creek and inquired about whether it could be more useful as an open space area or part of a bike path. The Commission discussed the improvements as part of the Bee Branch restoration project.

Staff Member Kritz indicated that open space, bike trails and play areas are incorporated as part of the Bee Branch Creek restoration project and, there is discussion of running a bike path along the water's edge, between the new businesses that will locate along 16<sup>th</sup> Street and the existing 16<sup>th</sup> Street Detention Basin.

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

**ADJOURNMENT:** The meeting adjourned at 6:40 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "K. L. Kritz", is written over a horizontal line.

Kyle L. Kritz, Associate Planner

Adopted—July 5, 2012