

**MINUTES**

**ZONING ADVISORY COMMISSION**

**REGULAR SESSION**

6:00 p.m.

Wednesday, September 5, 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, Patrick Norton and Eugene Bird Jr.; Staff Members Kyle Kritz and Guy Hemenway.

**ABSENT:** Commissioners Martha Christ and Tom Henschel.

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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 August 1, 2012 meeting were approved, unanimously, as submitted.

**ACTION ITEM\PLAT OF SURVEY:** Application of Tom Thompson / Buesing & Associates for approval of the Plat of Survey of North Fork Trails No. 4, located at 3400 Keymont Drive.

Commissioner Norton stepped away from the table due to a conflict.

The applicant was not present.

Staff Member Kritz noted that there are two existing townhomes in the subdivision. He said that it is the intent of the applicant to split a lot to accommodate one of the townhomes. He said that this will leave Lot 2 with 16 feet of frontage along Keymont Drive. He noted that Lot 2 will be owned by the homeowners association and will be used for open space. He recommended that the Commission approve the plat subject to waiving the lot frontage requirement for Lot 2.

Commissioners discussed the request and felt it was appropriate.

Motion by Hardie, seconded by Bird, to approve the Plat of Survey of North Fork Trails No. 4, subject to waiving the lot frontage requirement for Lot 2. Motion carried by the following vote: Aye – Smith, Hardie, Bird and Miller; Nay – None; Abstain – Norton.

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**ACTION ITEM\FINAL PLAT:** Application of Steve Schmidt, MSA / Westside Place Town Homes LLC / Westside Arterial Development LLC for approval of the Final Plat Harvest View Estates Eleventh Addition, located on Millstone Drive.

Steve Schmidt, MSA Professional Services, said that the plat represents the continuation of Harvest View Estates by adding 5 single-family building lots that are from 12,000 to 22,000 square feet in area. He said that there is a 6<sup>th</sup> lot, Lot A, which is approximately 1.6 acres in area that will be reserved for future development. He said that public improvements have already been installed.

Commissioner Hardie asked about access to Lot A. Mr. Schmidt noted that Lot A has access.

The Commission discussed the request and felt it was appropriate.

Motion by Hardie, seconded by Norton, to approve the Final Plat of Harvest View Estates Eleventh Addition. Motion carried by the following vote: Aye – Smith, Hardie, Norton, Bird and Miller; Nay – None.

**ACTION ITEM\WAIVER:** Application of Portzen Construction, Inc. / Holy Spirit Church for approval to waive Article 13-3.5(D) which requires parking bays in excess of 11 spaces in length to provide landscaping islands at the end of each aisle, located at 1700 Lincoln Avenue.

Mike Portzen, Portzen Construction, reviewed the sequence of events that led to development of a parking lot at 1700 Lincoln Avenue. He said that the intent of the new parking lot is to replace the 56-space lot located at the corner of Garfield Avenue and Hamilton Street that is being removed as part of a redevelopment project he is undertaking. He said that the new lot will only have 46 additional spaces, and that if the landscape islands are installed it will further reduce the number of spaces by 4. He said that his initial site plan submittal did not have islands shown and that Planning staff did not note the need for islands until the second site plan review.

Staff Member Hemenway discussed the site plan review process that he said preceded the parking lot paving and he explained the purpose of the waiver as outlined in the Unified Development Code. He said that the first site plan was reviewed in early June and that prior to receiving a site plan approval letter the parking lot was paved. He reviewed the Code language requiring site plan approval prior to commencement of development projects, the requirements and purposes of landscape islands, and the criteria established for granting a waiver from the strict application of the Code regulations. He noted that the new parking lot will have 76 spaces and he said if the islands were to be installed the number would be reduced by 4 to 72 spaces.

Commissioner Hardie commended Mr. Portzen for his donation of labor and materials to the church parking lot project. He said that he feels that because of his experience, Mr. Portzen would understand the requirements of the Unified Development Code. He noted that the University of Dubuque previously asked for a similar waiver which he said the Commission denied.

Chairperson Miller said that he concurred with Commissioner Hardie and asked Mr. Portzen if there would be additional green space and landscaping associated with the parking lot. Mr. Portzen noted that there is more green space after development of the parking lot than before the former school building was removed. He said that two Boy Scouts are working with Planning staff to provide a landscape plan for the site.

Commissioner Hardie asked Planning staff and Mr. Portzen to clarify the sequence of events undertaken for the site plan review process. Mr. Portzen noted that he had submitted a preliminary layout and that the parking lot island issue was not raised until the second site plan review.

Planning Staff discussed the sequence of events regarding site plan review for the parking lot. Staff noted the significant number of comments provided by all departmental City staff involved in the first site plan review. Staff said that the parking lot was paved between the issuance of the first and second review letters, noting that the original submittal had significant deficiencies requiring submittal of a second site plan. Staff also noted that the parking lot was paved prior to issuance of a site plan approval letter.

Mary Lou Bahl, representing Holy Spirit Church, noted that she supports the waiver because of the potential loss of badly needed parking. She said that the islands pose a trip hazard for elderly parishioners and that they make snow removal difficult. She discussed the landscape plan for the site, noting that two Eagle Scouts are working closely with Staff Member Wally Wernimont to draft a comprehensive plan for the church campus.

Chairperson Miller asked if the Commission would look favorably on requiring additional landscaping on the site in lieu of the landscape islands. Commissioners discussed the potential for additional landscaping to replace the parking lot island greenery.

Staff noted that the Commission would have to be specific regarding the number and species of landscaping that would have to be added.

Commissioner Norton reviewed the primary issues regarding the requested waiver, discussing the review process. He said he was weighing several issues.

The Commissioners discussed the ability to require additional landscaping in an effort to grant the waiver for the required islands.

Motion by Norton, seconded by Hardie, to approve the applicant's request to waive the requirement of Articles 13-3.5D of the Unified Development Code. The motion failed by the following vote: Aye – Smith, Norton and Miller; Nay – Hardie and Bird. Motion failed for a lack of four affirmative votes.

**ITEMS FROM STAFF:**

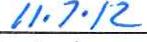
Staff Member Kritz discussed the City's policy regarding minimum street widths. He noted that the City has developed an alternate 27 foot wide street standard within a 50 foot right-of-way with parking confined to one side. He said that the Fire, Engineering, Police and City Manager's departments have reviewed and approved the request, and therefore, the Zoning Advisory Commission would not have to waive the street width standard in future subdivisions for 27-foot wide streets.

Staff Member Kritz stated that storm water management options and alternatives will be offered for the Commission's review for any future requests to waive the Unified Development Code requirements regarding Low Impact Development Tools for infiltrating storm water. He discussed various alternatives, noting that at a previous waiver request, Commissioners were not given options or other methods for storm water infiltration.

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

Respectfully submitted,

  
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Kyle L. Kritz, Associate Planner

  
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Adopted