

**MINUTES**  
**ZONING ADVISORY COMMISSION**  
**REGULAR SESSION**

6:00 p.m.  
Wednesday, December 5, 2012  
City Council Chamber  
350 W. 6<sup>th</sup> Street, Dubuque, Iowa

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**PRESENT:** Chairperson Charles Miller; Commissioners Stephen Hardie, Martha Christ, Patrick Norton, Tom Henschel and Ron Smith; Staff Members Kyle Kritz and Guy Hemenway.

**ABSENT:** Commissioner Eugene Bird, Jr.

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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 November 7, 2012 meeting were approved unanimously as submitted by a vote of 6 to 0.

**ACTION ITEM/FINAL PLAT:** Application of: McDermott Brothers Construction for approval of the Final Plat of Survey Brunsill Street Place No. 1 for property located in the 3000 block of Brunskill Road.

Commissioner Norton excused himself from the table.

Dan McDermott, 9010 Royal Wood Drive, detailed his project. He noted that the structures had to be built prior to subdividing the lot so that the lot lines could follow the common walls between each unit.

Staff Member Kritz reviewed the staff report, noting the final plat allows for six townhouses. He discussed the extension of City sewer to the project and the dedication of Lot B for expansion of the Brunskill Road right-of-way. He stated that the buildings would be served by a private drive. He said that the Fire Department had reviewed and approved the site access. He said that Lot A will serve as a detention basin that will ultimately be dedicated to the City. He noted the need to waive lot frontages.

Commissioners discussed the request and felt it was appropriate.

Motion by Hardie, seconded by Christ, to approve the Final Plat of Brunskill Street Place No. 1, subject to waiving the lot frontage requirements for Lots 2-6, inclusive, and Lot A. Motion was approved by the following vote: Aye –Smith, Hardie, Christ, Henschel and Miller; Nay – none; Abstain – Norton.

**ACTION ITEM\PLAT OF SURVEY:** Application of North Cascade Road Developers, LLC, to approval the Final Plat of Timber-Hyrst Estates #3 for property located in the 2000 block of Creekwood Drive.

Commissioner Norton excused himself from the table.

Marty McNamer, 1800 Manson Road, stated that he represented North Cascade Road Developers. He said that he wanted to finish the second half of Phase #2 of Timber-Hyrst Estates Subdivision.

Staff Member Kritz outlined the subdivision history, noting that Creekwood Drive would be extended and a new cul-de-sac street would be added. He said that a secondary access would be provided in the next phase of the subdivision. He said that the City Fire and Engineering Departments met with the developer and have agreed that a second connection from North Cascade Road to the subdivision will be created in the next phase of the development. He said that, if necessary, a temporary access will be created if the next phase does not extend all the way to Creekwood Drive. He noted that parkland has been dedicated as required.

Commissioner Smith questioned the lack of a secondary access. Staff Member Kritz clarified that the current access arrangement was approved as part of the preliminary plat of Timber-Hyrst Estates #2.

Commissioners discussed the request, reviewing the phasing of the development and the need for and timing of a secondary access in light of the July 2011 storm that cut-off access to the subdivision.

Motion by Henschel, seconded by Christ, to approve the Final Plat of Timber-Hyrst Estates #3 subject to waiving the maximum cul-de-sac length standard. Motion was approved by the following vote: Aye – Smith, Hardie, Christ, Henschel and Miller; Nay – None; Abstain – Norton.

**ACTION ITEM\WAIVER:** Application of Portzen Construction, Inc./Trinity Townhouses, LLC requesting to waive the Old Town Neighborhood Overlay District design guidelines established in Article 6-6 of the Unified Development Code regarding building setback and design for property located in the 1700 block of Garfield Avenue.

Mike Portzen, representing Portzen Construction and Trinity Townhouses, LLC, distributed photos and an informational packet to the Commission. The packet included photos of houses in the Rhomberg Avenue and Garfield Street area that had setbacks in excess of

20 feet. He said it is not possible to meet both the ECIA Affordable Housing standards and the Unified Development Code standards and make the project viable. He noted that under current Unified Development Code regulations he could build duplexes without complying with any of the Old Town Neighborhood Design Guidelines.

Staff Member Hemenway reviewed the staff memo. He summarized Mr. Portzen's request, noting that he is asking to waive the setback and building façade design guidelines. He reviewed the development of, and rationale for, the Old Town Neighborhood Design Guidelines. He also discussed the recommendations provided by the Safe Community Task Force.

Commissioner Hardie asked if duplexes were subject to the Old Town Neighborhood Design Guidelines. Staff Member Hemenway explained that the Old Town Neighborhood Design Guidelines were only required for developments of three or more units because those developments are subject to site plan review.

Chairperson Miller asked if federal and local rules are in conflict with the City's design guidelines. Staff Member Hemenway distributed a letter submitted by Candace Eudaley of ECIA, and noted that a member of ECIA is available to answer questions from the Commission. Commissioners read the letter, and Commissioner Hardie noted that the letter stated that ECIA required that the project meet all local code requirements. He stated he is opposed to the waiver because the Old Town Neighborhood Design Guidelines exist to insure that development is compatible with existing architecture and sensitive to the historic nature of the neighborhood.

Mr. Portzen said that if the waivers are not approved, it will kill the project. He said that the additional cost per unit would increase, and that they would then not meet the affordable guidelines established for the ECIA program. Commissioner Hardie said that the rules have been in place for several years and that developers should be aware of them when developing their projects.

Motion by Hardie, seconded by Henschel, to approve the waiver of the Old Town Neighborhood Overlay District Guidelines. Motion was denied by the following vote: Aye – Henschel; Nay – Smith, Hardie, Christ, Norton, and Miller.

**PUBLIC HEARING/ID AMENDMENT:** Application of Finley Hospital to rezone property located at 390 & 444 North Grandview Avenue from OS Office Service District and OR Office Residential District to ID Institutional District

David Brandon, President and CEO of Finley Hospital, reviewed the request to expand the hospital's institutional district. He submitted a concept plan to the Commission and discussed proposed changes to the Finley campus that he said included a building addition and interior floor plan reconfiguration. He said that the new building will have 37,000 square feet on each of two floors and will include additional off-street parking.

Frank Belcastro, 285 North Grandview, expressed concerns regarding the noise that he said will emanate from the proposed helicopter pad. He also stated that he was concerned with the effectiveness of directional signage for emergency access to the hospital facility. He said that signage issues need to be addressed. A written comment in support from the owners of property at 1725 Delhi Street was received and filed.

Eric Whitland, Envision Architects, said that helicopter noise is a function of distance. He said that the new heli-pad location will be two-stories up and farther away from the surrounding properties than the existing location. He said that he will work with the Commission, staff and property owners to develop a logical signage package for emergency access to the facility.

Staff Member Hemenway reviewed the rezoning request, noting existing land use and zoning. He noted that the concept plan distributed at the meeting was not part of tonight's request. He said that if Finley chooses to proceed with an addition in the future, they would have to return to the Zoning Advisory Commission and City Council with a concept plan that would include details regarding parking, traffic circulation, and building scale and design.

He said that the current request is to incorporate the two parcels totaling approximately one acre located along Grandview Avenue into Finley's ID District. He said that the request will enable Finley to expand without crossing the surrounding streets and encroaching on existing residential neighborhoods.

Commissioners discussed the request and felt it was appropriate.

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

**ITEMS FROM COMMISSION:** Commissioners discussed an extension of Creekwood Drive and what they felt was a significant street length without a secondary access. Commissioners stated that it was important to critically assess each and every development to insure that when needed, secondary access is available for emergency purposes.

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

Respectfully submitted,



Kyle L. Kritz, Associate Planner

1-2-13

Adopted