



Approved

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, January 8, 2014
City Council Chamber
350 W. 6th Street, Dubuque, Iowa

PRESENT: Chairperson Patrick Norton; Commissioners Stephen Hardie, Martha Christ, Tom Henschel and Michael Belmont; Staff Members Guy Hemenway and Kyle Kritz.

ABSENT: Commissioner Ron Smith.

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 December 4, 2013 meeting were approved by the following vote: Aye – Christ, Henschel, Belmont, and Norton; Nay – none; Abstain - Hardie.

ACTION ITEM/WAIVER: Application of Robert Klauer/IIW, P.C, to request to waive Section 13-3 Site Development Requirements of the Unified Development Code regarding landscape, permeable area and stormwater management requirements for property located at 422 & 430 Garfield

Mike Jansen, IIW Engineering, 4155 Pennsylvania Avenue, said that he represents Mr. Robert Klauer and the City of Dubuque regarding the Bee Branch Project. He noted that the Bee Branch project is 6.5 miles of drainage that passes through City property, the Klauer property and across the railroad right-of-way. He discussed the alternative alignments that were studied and noted that the preferred route passed through the Klauer property, and that several culverts would be placed under the railroad which will require removal of the circa 1930s Klauer building addition. He said the City will be acquiring a part of the property, including the building, and that Mr. Klauer would like to replace his lost retail square footage with a new addition built behind the existing building. He said that the property is constrained by its size and configuration and that it is difficult to replace the lost square footage if they have to create the required permeable area, landscaping and storm water management measures. He said that that the site will drain directly into the City's Bee Branch drainage and from there to the detention area.

Staff Member Kritz discussed the Bee Branch Project, noting the location of the property that the City will acquire. He discussed the building demolition and the location of the building addition and proposed parking. He said that when redeveloped there will only be a net loss of approximately 200 square feet of permeable area. He discussed the criteria necessary for granting a waiver, noting that Mr. Klauer is not responsible for the building and property reconfiguration; that it's being done to accommodate the City's Bee Branch project. He said that the Commission is being asked to waive the required permeable area, landscaping trees and shrubs and storm water management measures. He said that there is little room on the site to provide the required landscape area, and that the runoff would drain directly into the Bee Branch.

Commissioner Belmont asked about the location of the proposed parking. Staff Member Kritz discussed the parking area that had been proposed on the north side of the Klauer property. He also discussed the landscaping that will line the sides of the Bee Branch drainage.

Commissioner Hardie said that he recognizes that the hardship has not been created by the applicant, and that it is appropriate that the Commission encourage redevelopment of this site. He said that the request will not change the status quo in the neighborhood.

Motion by Hardie, seconded by Christ, to approve the request to waive Section 13-3 Site Development Requirements of the UDC regarding landscaping, permeable area, and storm water management requirements. Motion was approved by the following vote: Aye – Hardie, Christ, Henschel, Belmont and Norton; Nay – None.

ACTION ITEM/PLAT OF SURVEY: Application of Jason Breithaupt, to approve Plat of Survey Centre Grove Plat 3 for property located at 3338 Center Grove Drive.

The applicant was not in attendance. The Commission decided to hear the case in the applicant's absence.

Staff Member Kritz discussed the plat configuration, noting that the intent is to split the lot creating a small lot at southwest corner of the property that will not have frontage on a street. He said that access to the property will be gained from a reciprocal access agreement. He said that staff is satisfied that property access will be adequate. He said the applicant's intent is to be able to sell the property separately, and that this necessitates the lot split.

Commissioners discussed the request and expressed no concerns.

Motion by Hardie, seconded by Belmont, to approve the Plat of Survey Centre Grove Plat 3, subject to waiving the lot frontage requirements for Lot 1. Motion was approved by the following vote: Aye – Hardie, Christ, Henschel, Belmont and Norton; Nay –

None.

PUBLIC HEARING/REZONING: Application of John & Angie Long and Ron & Denise Reeg, to rezone property located at 1060 Edina (Parcels 10-23-477-006 & 10-23-477-007) from R-1 Single Family Residential zoning district to R-2 Two-Family Residential zoning district.

Ron Reeg and John Long, Bellevue, Iowa, reviewed their request, noting that they would like to rezone both their existing duplex and the adjacent vacant parcel. Mr. Reeg said that as there is already a duplex on the property, he would like the zoning to match the use.

Staff Member Hemenway reviewed the legal non-conforming status of the lot with the duplex. He discussed lot size, density in the neighborhood, and provision of on and off-street parking. He noted receipt of a letter of opposition submitted by Mark and Deanne Boardman, 1059 Edina Street, expressing concerns with on-street parking, traffic, property maintenance and the general misbehavior of the student tenants. Staff Member Hemenway reviewed a map indicating the location of existing duplexes and properties with rental licenses in the Edina Street area. He noted that the applicants will be able to provide the required amount of off-street parking, and that most of the homes in this neighborhood have adequate off-street parking, including paved driveways and garages. He reviewed a series of aerial photos noting that the demand for on-street parking is generally relatively light.

Chairperson Norton said that he felt that the concerns expressed by the neighbors regarding parking in the neighborhood have been adequately addressed.

Commissioner Henschel said that he agreed, and that he was in favor of the request.

Motion by Henschel, seconded by Christ, to approve the rezoning for the property located at 1060 Edina from R-1 Single-Family Residential to R-2 Two-Family Residential zoning district. Motion was approved by the following vote: Aye – Hardie, Christ, Henschel, Belmont and Norton; Nay – None.

PUBLIC HEARING/REZONING: Application of Thomas L. Henschel to rezone property located at 1857 Miller Road (Parcel 15-02-204-010 & 15-02-129-024) from R-1 Single-Family Residential zoning district to AG Agricultural zoning district.

Commissioner Henschel stepped down from the table.

Tom Henschel, 1857 Miller Road, informed the Commission that he would like to use an existing steel building for agricultural purposes. He said that if the building were to be lost in a fire, that he would like the ability to rebuild.

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Staff Member Hemenway submitted two aerial photos for the Commission's review. He noted the surrounding land use, flood plain location, and farm and outbuilding locations. He said that the existing agricultural buildings are legally non-conforming, and could not be rebuilt if destroyed. He said that the rezoning request represented incorporating a small area of R-1 into the existing large agricultural property.

The Commission discussed the request and felt it was appropriate.

Motion by Hardie, seconded by Christ, to approve the request to rezone the property at 1857 Miller Road from R-1 Single-Family Residential to AG Agricultural Zoning District. Motion was approved by the following vote: Aye – Hardie, Christ, Belmont and Norton; Nay – None; Abstain - Henschel.

ITEMS FROM COMMISSION: Commissioner Norton noted that he would not be able to attend the upcoming February 5th Zoning Advisory Commission meeting.

Commissioners discussed the vacancy on the Commission and expressed concerns that the Commission has a full Commission.

ADJOURNMENT: The meeting adjourned at 6:45 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted