



MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION

6:00 p.m.
Wednesday, July 1, 2015
City Council Chamber
350 W. 6th Street, Dubuque, Iowa

PRESENT: Chairperson Patrick Norton; Commissioners, Martha Christ, Steve Baumhover, Kristin Dietzel, Tom Henschel, Laura Roussell and Michael Belmont; Staff Members Guy Hemenway and Kyle Kritz.

ABSENT: None.

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 6, 2015 meeting were approved unanimously as submitted.

ELECTION OF OFFICERS: Patrick Norton was appointed unanimously as Commission Chairperson, Tom Henschel was appointed unanimously as Commission Vice Chairperson and Martha Christ was appointed unanimously as Commission Secretary.

ACTION ITEM/PLAT OF SURVEY: Application of the City of Dubuque to approve a Plat of Survey Bee Branch Subdivision No. 12 for property located at 605 Lincoln Avenue.

Staff Member Kritz represented the City of Dubuque. He noted the City had acquired a strip of land from Audubon School. He said that the school district had reviewed and approved the City's acquisition of their property. He said that although Lot 2 had no frontage, it would remain undeveloped as it is part of the Bee Branch corridor. He recommended 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 Belmont, seconded by Christ, to approve the Plat of Survey Bee Branch Subdivision No. 12, subject to waiving the lot frontage requirement for Lot 2. Motion carried by the following vote: Aye – Baumhover, Dietzel, Christ, Henschel, Belmont, Roussell and Norton; Nay – None.

PUBLIC HEARING/REZONING: Application of Gronen Restoration to rezone property located at 1500 block of White Street from R-2A Alternate Two-Family Residential District to OC Office Commercial District.

John Gronen, 1766 Plymouth Court, introduced property manager Nancy Kann and Dubuque Bank and Trust representative Bret Tooley. He discussed the master plan for the restoration and re-use of St. Mary's School, Rectory and Church buildings. He said that the buildings would be restored to meet the Secretary of Interior Standards for Historic Preservation. He said the buildings will contain a child care center, community kitchen, office space, and bed and breakfast. He said the Maria House will be included in the campus. He noted improvements to the entire campus, which he said will include an interior green space, landscaping and interior and remote parking areas. He said the project would take 2-3 years to complete. He said there would rarely be over 200 people at an event.

Mr. Tooley discussed the shared parking with DB&T's 50 and 65 space lots to the south of the property, and referenced a lot that is currently being built with an additional 30 spaces.

Chairperson Norton asked Mr. Tooley if there was a formal agreement between the two parties regarding use of the parking. Mr. Tooley said that there was.

Mr. Gronen said that he met with neighbors and community leaders and has only received positive comments regarding the project.

Staff Member Kritz summarized the request, noting the list of permitted and conditional uses in the OC District. He discussed the conceptual layout, including the proposed alley vacation, noting that there was an increase in green space on the campus. He discussed surrounding land use. He noted that the OC District was created with the intent of encouraging adaptive re-use of older building such as the church and school. He said that the Gronen's propose a wide range of uses which he said would be permitted in the OC District. He discussed off-street parking requirements, noting that the church had credit that would satisfy all of the proposed uses. He said the site is compliant with parking requirements.

Commissioner Henschel said that he felt this was a great development. Mr. Gronen noted that there would be shared residential agreement between Maria House and the proposed apartments that may enable some of the Maria House residents to graduate to full-time apartment living. Commissioner Belmont said that this was a great bonus

for the neighborhood. Chairperson Norton said that this is a wonderful restoration of a somewhat deteriorated building and a great adaptive re-use of the facility.

Motion by Christ, seconded by Belmont, to approve the rezoning from R-2A Alternate Two-Family Residential district to OC Office Commercial District. Motion carried by the following vote: Aye – Baumhover, Dietzel, Christ, Henschel, Belmont, Roussell and Norton; Nay – None.

PUBLIC HEARING/REZONING: Application of Louis Mihalakis/ACE Construction, to rezone property located at 460-464 West Locust from C-1 Neighborhood Commercial District to C-3 General Commercial District.

The applicant was not in attendance.

A motion to table the request to the end of the meeting was approved unanimously.

A motion to bring the request back to the table was approved unanimously.

The applicant was not in attendance.

William Berzle, 449 W. Locust Street, noted he was a long-term resident of the neighborhood. He said that Mr. Mihalakis bought the adjacent property several years ago and has since stock piled appliances and has parked utility trailers on the street in front of the buildings. He said that Mr. Mihalakis has been unloading appliances and has filled the building to capacity with microwaves, dishwashers, refrigerators and stoves, etc. He said he has had to look at this mess across the street for a number of years. He noted he had contacted the City Zoning Enforcement Officer regarding the illegal use of the building and trailers on the street, some loaded with appliances. He said he was concerned that a salvage business is being undertaken at this location. He asked the Commission to review the case at this evening's meeting and deny the request.

Commissioner Belmont asked if the Commission can vote in the absence of the applicant. Chairperson Norton and Commissioner Christ said that the Commission had voted without the applicant being present in the past.

Commissioner Christ said that she felt the use is much too intense for the property and surrounding neighborhood.

Staff Member Hemenway presented the staff report, noting the property history and surrounding land use. He said that C-3 permitted a number of uses that were somewhat intense including bars, taverns, carryout restaurants, and auto repair. He said that applicant's request to rezone had been prompted by an enforcement action

regarding the storage appliances and other materials inside the building, which is not permitted in a C-1 District.

Motion by Christ, seconded by Henschel, to approve the request to rezone from C-1 Neighborhood Commercial district to C-3 General Commercial district. Motion was denied by the following vote: Aye – None; Nay - Baumhover, Dietzel, Christ, Henschel, Belmont, Roussell and Norton.

PUBLIC HEARING/REZONING: Application of JLD Investments, LLC to modify the zoning conditions applied to the property regarding fencing for property located at 900 Seippel Road.

The applicant was not in attendance.

Motion by Baumhover, seconded by Henschel, to table the request to the next meeting. Motion carried by the following vote: Aye – Baumhover, Dietzel, Christ, Henschel, Belmont, Roussell and Norton; Nay – None.

PUBLIC HEARING/TEXT AMENDMENT: Application of the City of Dubuque to amend the Unified Development Code to establish procedures for the review of new freestanding solar arrays.

Staff Member Kritz represented the City of Dubuque and outlined the staff report. He discussed the proposed amendment to the Unified Development Code regarding the regulation of solar arrays. He said that solar arrays have been permitted in residential districts since 1985 and regulated as a common accessory structure. Accessory structures are currently allowed to be 1,000 square feet in area and 15 feet in height in residential districts. He discussed the general accessory structure regulations, noting that two recent Zoning Board of Adjustment cases have prompted a re-examination of the regulations for solar arrays. He discussed four potential options for the Commission's consideration, including:

- 1) Leave the ordinance as is,
- 2) Requiring a conditional use permit for all freestanding solar arrays in residential districts,
- 3) Creating a threshold of 100 square feet and 10 feet in height for solar arrays in residential districts that could be waived by the Zoning Board of Adjustment through the Special Exception process, and
- 4) Prohibiting free-standing solar arrays in residential districts altogether.

He discussed the Zoning Board of Adjustment's process for public hearings regarding requests for both conditional uses and special exceptions. He referred the Zoning

Advisory Commission to the lengthy materials that had been submitted by people concerned with free standing solar arrays.

Commissioner Henschel asked what options were available to someone wanting to build a solar array larger than 100 square feet. Staff Member Kritz noted that they could seek a Special Exception through the Zoning Board of Adjustment.

Commissioner Roussell asked why staff had settled on 100 square feet and 10 feet in height for the bulk standards for solar arrays. Staff Member Kritz said that after reviewing a number of ordinances, he felt that 100 square feet and 10 feet in height would not likely be offensive to adjacent residential properties, especially in densely developed areas. He said that the solar array issue is mostly aesthetic in nature.

Tim Mueller, 2901 Hillcrest Road, said that he is a solar contractor and has installed many arrays in the area. He said that the installations follow all codes and there are no safety issues regarding freestanding solar arrays. He said that some homes cannot accommodate roof-mounted solar arrays so their only option is to place freestanding arrays in the yard. He discussed the history of the project on his property, noting that it was halted and that he had been to the Zoning Board of Adjustment seeking a special exception. He discussed the City's sustainability efforts. He said he felt the accessory structure ordinance was ineffective, and that the permitted accessory structure area should be predicated on a percentage of the lot area. He said that solar arrays are not permanent structures. He said that a 100 square foot array would not generate enough electricity for a typical single-family home. He said that 500 square feet is the minimum surface area necessary to fully supply a single-family home with electricity. He discussed the City's solar and sustainability initiatives.

Robert Renne, 1950 Avalon, said that he felt there is a need for a qualified engineer to write a spec for the solar array size. He said he felt each array installation should obtain an environmental impact statement because it can kill off the green space underneath the array. He said a private solar consultant should be required to review and to approve all installations in the city. He questioned the impact of large arrays on the use and value of adjacent residential properties. He discussed solar shade ordinances that other communities have adopted regarding the growth of vegetation that blocks sunlight. He expressed concerns with electrical safety, sharp edges, surface temperature, and glare. He said that if the array had a catastrophic failure, it could dump toxic chemicals onto adjacent property. He said more technical input was needed before the Commission renders a decision.

Rita Catrell, 918 Rhomberg, said that she is not opposed to solar arrays per se, but has concerns with children's' safety, especially regarding those arrays that may be close to parks. She said that electromagnetic fields emit radiation that may be harmful to human health. She said that it is possible there could be litigation against the City if solar arrays caused harm. She said she felt more study was needed.

Cindy Renne, 1950 Avalon, said that ground-mounted solar arrays can de-value the neighbor's property and disrupt the aesthetic of the neighborhood. She said she did not mind those arrays that are mounted on rooftops. She referenced the wind power ordinance in the City's Unified Development Code that prohibits ground-mounted wind turbines. She said that solar arrays located on properties next to parks and schools are dangerous for children.

Lisa Mueller, CEO of Solar Planet, said that solar arrays are inspected by electrical inspectors and are safe. She showed pictures of solar arrays that had been erected in schoolyards.

Commissioner Belmont asked Mr. Mueller if the wiring on solar arrays was safe. Mr. Mueller noted that the wiring is inspected, shielded and is safe.

Commissioner Dietzel asked about the size and capacity needed for a typical home. Mr. Mueller said that 100 square foot panel would only supply 16% of the electricity needed by a typical home.

Commissioner Baumhover asked what the typical height of a solar array is. Mr. Mueller noted that they begin at 3 feet in height in the front and up to 10 feet in height in the back.

Commissioner Dietzel asked if staff could explain the rationale behind the maximum size and height that were recommended. Staff Member Kritz explained how the maximum size and height requirements were determined, noting that he reviewed a number of other ordinances and product literature. He noted that height is measured from grade to the top of the panel.

Commissioner Henschel said he is favor of staff's recommendations with 100 square feet of panel area and 10 feet in height with the option for property owner to petition the Zoning Board of Adjustment for a special exception.

Commissioner Dietzel said she was concerned with the limitation on a homeowner's ability to install an effective array. Staff Member Kritz noted that the City's Unified Development Code, through the sustainability requirements, encourages the platting of solar lots within new subdivisions.

Commissioner Roussell discussed the four options, stating that she liked the threshold option which established minimal standards and allowed the property owner to petition the Zoning Board of Adjustment.

Commissioners discussed the options.

Motion by Belmont, seconded by Henschel, to recommend limiting freestanding solar arrays on residentially zoned property to 100 square feet in area and 10 feet in height, with the ability for a property owner wanting to exceed the maximum standards to petition the Zoning Board of Adjustment for a Special Exception. Motion carried by the following vote: Aye – Baumhover, Dietzel, Christ, Henschel, Belmont, Roussell and Norton; Nay – None.

ADJOURNMENT: The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted