



MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION
6:00 p.m.
Wednesday, October 1, 2014
City Council Chamber
350 W. 6th Street, Dubuque, Iowa

PRESENT: Chairperson Patrick Norton; Commissioners Steve Baumhover, Stephen Hardie, Martha Christ, Tom Henschel 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 August 6, 2014 meeting were approved unanimously as submitted.

ACTION ITEMS/MINOR FINAL PLAT: Application of Beverly Miller for approval of the Final Plat of Steger Heights Plat 2.

Beverly Miller, 2735 Dodge Street, said that she would like to reconfigure her lots to separate the two businesses and two houses on the property, allowing each to be placed on an individual lot.

Staff Member Kritz noted that the new house will be built on Lot 6 and that the plat will resolve the number of easements, businesses, and houses on the property. He discussed a land swap between an adjacent property owner and the applicant. He said that Lots 1, 3, and 4 would not have street frontage; however, they would be served by existing access easements. He said the re-plat will clean-up an existing convoluted and confusing subdivision.

Commissioners discussed the request and felt it was appropriate.

Motion by Hardie, seconded by Christ, to approve the Final Plat of Steger Heights Plat No. 2 subject to waiving the lot frontage requirements for Lots 1, 3 and 4. Motion carried by the following vote: Aye – Baumhover, Hardie, Christ, Henschel, Norton, and Belmont; Nay – None.

PUBLIC HEARING\REZONING: Application of B. M. Properties/Brandon Merrick to rezone property located at 815 Rose Street from R-2 Two Family Residential to R-3 Moderate Density Multi Family Residential to permit the addition of a dwelling unit to an existing five-plex.

Chairperson Norton stepped down from the table due to a conflict.

Brandon Merrick, owner of property at 815 Rose Street, reviewed the request to rezone his property. He said that his intent is to add a sixth unit within the existing building which is currently a five-plex.

David Sutton, 1186 Center Place, expressed concerns regarding the traffic generated by Nativity Church and Loras College. He said there are many cars parked on the street which can become very congested during peak times, especially in the winter. He said that the additional unit will create more demand on parking and generate additional traffic.

Mr. Merrick noted that there is a parking lot at the rear of his property noting that he has not received any complaints from his tenants or adjacent property owners regarding parking availability.

Commissioner Hardie asked for clarification regarding off-street parking. Mr. Merrick said that he believes there is space for nine vehicles behind his apartment building.

Staff Member Hemenway reviewed the staff report, noting the history of the property and explaining how the five-plex came into existence. He reviewed surrounding land use and zoning, stating that a conforming nine-space parking lot would be required if the additional unit were to be approved. He also noted that the applicant would have to apply for a special exception to permit the apartment building on an 11,300 square foot lot when 12,000 square foot minimum is required.

Commissioner Baumhover asked if Planning staff had received any neighborhood input regarding issues with parking. Staff Member Hemenway said that the neighbors within 200 feet have been notified and he had not received any input regarding parking.

Commissioner Hardie asked where residents of the apartment building would be likely to park. Mr. Merrick noted that the new unit will be located at the rear of the property adjacent to existing parking.

Commissioner Baumhover asked what additional reviews would be necessary. Staff Member Hemenway noted that Mr. Merrick would have to submit a site plan showing the new parking lot configuration and that it would have to comply with all City regulations. He also stated that if the parking lot was not compliant, a parking variance could be applied for from the Zoning Board of Adjustment, and that a special exception would also be needed for lot area.

Commissioner Hardie asked if the Commission could require that a nine space parking lot be built. Commissioner Baumhover asked if there was enough space on the lot for compliant parking. Mr. Merrick said that he felt that he could create a nine-space lot at the rear of the property.

Commissioner Hardie said he felt the rezoning would be appropriate provided that a nine-space paved parking lot be required and that a sidewalk connection from the parking lot to the front of the building to facilitate pedestrian access be constructed.

Motion by Hardie, seconded by Christ, to approve the rezoning request from R-2 to R-3 with the conditions that:

1. A paved and striped nine-space parking lot compliant with all City rules and regulations be constructed at the rear of the property, and
2. A sidewalk that joins the parking with the front entrance of the apartment building be installed.

Motion carried by the following vote: Aye – Baumhover, Hardie, Christ, and Henschel; Nay – Belmont; Abstain - Norton.

PUBLIC HEARING\PUD SIGN AMENDMENT: Application of Theisen's / STP Holdings/ Tony Theisen, to amend the Theisen's PC Planned Commercial district sign regulations for property located at 2900 Dodge Street.

Commissioner Henschel stepped down from the table due to a conflict.

Tony Theisen, representing Theisen's at 2900 Dodge Street, said that their property is currently zoned Planned Unit Development but that the sign regulations refer to the C-3 General Commercial standards. He said Theisen's is interested in updating their PUD to customize their sign regulations. He said that the updated sign regulations were needed so that they could adequately market Theisen's products and location.

Staff Member Hemenway reviewed the request, noting the history of sign installations and variances granted for Theisen's property. He reviewed similar planned commercial development sign regulations as they related to Theisen's request. He said that a number of PUDs in the city defer to C-3 sign regulations and a number have custom sign regulations such as Wal-Mart and Asbury Plaza. He said that these PUD sign standards are similar to what Theisen's is requesting. He reviewed in detail the number, location and square footage of the wall-mounted and freestanding signs proposed by Theisen's.

Chairperson Norton asked staff to compare sign regulations for a number of the PUDs in the community. Staff Member Hemenway outlined similar sign regulations.

Commissioners discussed the request and felt it was appropriate.

Motion by Christ, seconded by Hardie, to approve the amendment to Theisen's PC Planned Commercial sign district regulations. Motion carried by the following vote: Aye – Baumhover, Hardie, Christ, Norton, and Belmont; Nay – None; Abstain –Henschel.

PUBLIC HEARING\REZONING: Application of Leonard & Jody Koopman to rezone the property located at 2663 Roosevelt from R-1 Single Family Residential to AG Agriculture to permit Row Crops, Orchards and Livestock.

Leonard Koopman, 501 Sunset Ridge, reviewed the history of the property, noting the confusion between County tax zones and City zoning districts, with a disclaimer that it is not a zoning classification. He said that they have invested time and money into the property and are interested in rezoning to AG to permit a broad cross-section of agricultural activities, including livestock and row crops.

Staff Member Hemenway reviewed the history of the property. He said that the Assessor's Office applies a tax classification to each property within the City. He said that tax classification should not be confused with City zoning districts as they are two separate entities. He discussed the surrounding zoning and land use, noting that the property is bordered by a vineyard and a small farm that grazes horses. He discussed the location of the adjacent residential properties, noting that there are six with backyards that are buffered from the subject property by a wooded area. He discussed the location of the Koopmans new house noting that the Fire Department must approve the proposed site to ensure that adequate water is available and that the property is accessible to emergency vehicles. He said that the Koopmans have proposed an expansion of the former agricultural use. He noted that the property had lost its legally non-conforming status because the former Destiny Stables horse farm had ceased operation for over a year.

Commissioner Baumhover inquired about issues related to the presence of livestock and sanitation. Staff Member Hemenway said that the Koopmans would have to follow all federal, state and local regulations regarding water quality and management of their livestock.

Commissioners discussed the request and felt it was appropriate given the surrounding land use and location of the property.

Motion by Hardie, seconded by Christ, to approve the rezoning from R-1 to AG. Motion carried by the following vote: Aye – Baumhover, Hardie, Christ, Henschel, Norton, and Belmont; Nay – None.

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

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted