



Approved

**MINUTES
CITY OF DUBUQUE ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday November 4, 2015
City Council Chamber, Historic Federal Building

Commissioners Present: Chairperson Pat Norton; Commission Members Kristin Dietzel, Laura Roussell, Steve Baumhover, Martha Christ, and Tom Henschel; Staff Members Kyle Kritz and Guy Hemenway.

Commissioners Unexcused: Michael Belmont.

CALL TO ORDER: The meeting was called to order by Chairperson Norton at 6:00 p.m.

AFFIDAVIT OF COMPLIANCE: Staff presented an Affidavit of Compliance verifying the meeting was being held in compliance with the Iowa Open Meetings Law.

MINUTES: The minutes of the October 7, 2015 Zoning Advisory Commission meeting were approved unanimously as submitted.

PUBLIC HEARING/REZONING: Application of Julie Cheung and Alex Fursov to rezone property located at the northwest corner of Asbury Road and Evergreen Drive from R-1 Single-Family Residential District to R-2 Two-Family Residential District.

Julia Cheung, 3150 Asbury Road, noted that she owns two lots along Asbury Road and is asking to rezone the vacant lot to the east to R-2. She noted that the property was previously zoned R-2 and had been subsequently rezoned to R-1. She said that she had requested a rezoning for commercial use on the property and was denied because of concerns regarding traffic and public safety. She said her intent is to build a duplex that will meet all existing City codes. She said that she could currently build a single-family dwelling on the lot. She referenced letters submitted by the neighboring property owners opposed to the rezoning, stating that they expressed concerns with parking, traffic safety and property values. She said that these same concerns were raised when she asked to rezone the property for commercial use. She referenced the staff report stating that the Comprehensive Plan's 2030 Future Land Use Plan designated this property for single- or two-family use. She discussed the design of the duplex she is proposing to build on the lot. She said that the addition of one unit on the lot would not appreciably increase the traffic, and have little effect on public safety, property values or storm water generation in the neighborhood.

Holly Kamm, 3175 Asbury Road, said that she is a long-time resident of the neighborhood. She reviewed the history of the area, noting that it has always been

primarily single-family residential in nature. She said that she feared that approval of an R-2 zoning on the subject lot would lead to more requests for multi-family zoning throughout the area and erode the value and character of the neighborhood. She said that she strongly objects to the proposed rezoning.

Donna Shaw, 2210 Evergreen Drive, said that she was opposed to the rezoning because theirs is a single-family neighborhood. She said she is concerned with the potential impact on traffic as Evergreen Drive is used as a short-cut and is heavily traveled. She stated that the duplex would be an income property and not like a single-family home. She said that she is opposed to spot zoning.

Robert Shaw, 2210 Evergreen Drive, spoke in opposition to the request, stating that the area is a single-family neighborhood. He expressed concerns with traffic and public safety. He said that a duplex would not fit in with the single-family neighborhood and that he hopes that, if approved, what would be built on the lot would be compatible with the neighboring residences.

Bill Kahler, 2205 Evergreen Drive, said that he lives directly adjacent to the subject parcel and is concerned about the building design. He expressed concerns with the management of storm water from the property, stating that it may drain onto his property. He asked if it were possible for Ms. Cheung to split the subject lot.

Staff Member Hemenway noted that the subject lot is 8,400 square feet in area and that there is a minimum of 5,000 square feet of lot area required for any new lot. He said that if subdivided, the two new lots would not meet the minimum standard; however, the split could be approved as substandard lots by the Zoning Advisory Commission. He also noted that the applicant could utilize some of the property from their 15,000 square foot adjacent lot and incorporate that into two new lots and possibly meet the 5,000 square foot minimum standard.

Mr. Kahler reviewed photos that he stated showed the property has been poorly maintained.

Chris Johans, 3126 Asbury Road, said that he has recently moved into the neighborhood and he said that he felt that a duplex would have people moving in and out like a revolving door, and that he is concerned for the safety of his children.

Gene Geisen, 3131 Asbury Road, said that the change in zoning would perpetuate the intrusion of apartment buildings into a neighborhood that is single-family in nature. He said that residents would begin to move out.

Julie Cheung stated that she was sorry that the letter she sent to the neighbor was taken as a threat, but she wanted to make it clear that she could subdivide the lot and build two single-family homes on the subject property. She said that she felt it was not the neighbors' business who lives in their house and that she is not required to present her building plans to the neighbors for their review or approval. She said that a duplex

should generate very little additional traffic in the neighborhood. She asked that if the Commissioners were prone to her deny her request, they clearly state what their objections are.

Staff Member Hemenway noted the materials submitted by the neighbors included letters of opposition, photographs and a petition with 62 signatures. He said that the letter Ms. Cheung had sent to the neighbors along with a rendering of the proposed duplex was included in the packet of information. He reviewed the R-1 and R-2 district regulations noting that setbacks, building height and lot coverage are identical in both districts, but that in an R-2 District a second unit is permitted. He reviewed aerial photos of the area illustrating the building envelope, lot coverage and foot print for the subject lot. He discussed the Institute of Traffic Engineers traffic generation averages for both a single-family home and a duplex. He said that a duplex generates few additional trips over those generated by a single-family home.

Staff Member Kritz reviewed information he provided regarding spot zoning. He said that when the Commission reviews a request to rezone a single lot that they should consider the proposed use and its relationship to the adjacent properties and what the Comprehensive Plan recommends for redevelopment of the area. He stated that the 2030 Future Land Use Plan shows this area to be developed for either single-family homes or duplexes.

Commissioner Roussell reviewed some of the neighbor's concerns stating that the potential increase in traffic and demand on parking would be similar to that created by a single-family home.

Commissioner Dietzel said that the minimal amount of traffic generated by a duplex made traffic safety and parking not germane to the Commission's review.

Commissioner Henschel said that he agrees that the proposal does not appreciably affect the neighborhood but that he is disappointed that the neighbors cannot get along. He said that because of the considerable neighborhood opposition he will not support the request.

Commissioner Christ stated that she had previously lived in a duplex along Grandview Avenue. She said that the disagreement between the applicant and the neighbors is not germane to the issue. She said that the Commission must review the request based on the criteria established for granting rezoning.

Commissioner Baumhover said that he felt that the maintenance of the property is not a Zoning Commission concern and that traffic generated by a duplex will have little additional impact on the adjacent streets.

Chairperson Norton said that the amount of traffic at this intersection will be almost identical whether a single-family home or a duplex is built here. He said that the Commission's charge is to look at the proposed zoning and not a particular structure as

a zoning will last on this property for quite some time. He said that the Commission does not need to review specific plans. He said he anticipates little difference on the impact to the neighborhood between a single-family home and a duplex.

Motion by Christ, seconded by Baumhover, to approve the request to rezone the property from R-1 to R-2. Motion carried by the following vote: Aye – Christ, Baumhover, Dietzel, Roussell and Norton; Nay – Henschel.

PUBLIC HEARING/REZONING: Application of MV Residential Development, LLC to rezone property located at the northwest corner of University Avenue and Alta Vista from R-2 Two-Family Residential District to OR Office Residential District.

Pete Schweigerat, representing Miller Valentine Group, distributed photos and a map of the proposed redevelopment site. He discussed the corporate history of the Miller Valentine Group. He said that they are generally long-term owners of all of the assets they develop. He said that want to create a senior independent living facility for 55+ year old residents. He discussed the aging population demographic trend. He said that they had chosen the Nativity Parish site over several other locations. He said their intent is to create 40 to 50 1-2 bedroom 100% accessible units. He said that the facility will have a fitness center, theater, community room and support services for the elderly. He discussed the building architecture and noted the security measures that will be incorporated into the design. He said that the facility will share parking and access with Nativity Church. He noted this is a \$95 million project.

Bennett Cook, 1395 Alta Vista Street, spoke in support of the request, stating it will meet a need in the community. He expressed confidence in the Miller Valentine Group.

Perry Mason, Radio Dubuque and a Nativity Parish Board Member, said that he supported the request.

Paul Sigwarth, O'Connor Thomas and a Nativity Parish Board Member, expressed support for the project and the Miller Valentine Group. He said that the project will help not only the community and Nativity Church, but the neighborhood as well. He said that the area served in the past as a playground for the school. He noted the surrounding land use.

Staff Member Kritz outlined the staff report noting the surrounding zoning and land use and the property history. He said that the Comprehensive Plan called for this area to be institutional use. He said that the property had been down-zoned in both 1975 and 1985. He noted there is a two-acre minimum for a Planned Unit Development and that this property would not qualify. He discussed the conditional zoning process and the OR District regulations. He detailed the Iowa Department of Transportation traffic counts for streets in the area. He discussed the criteria needed to approve a rezoning, stating that there had been changes in this neighborhood.

Commissioner Henschel agreed that this was a positive change for the church, community and the neighborhood.

Motion by Henschel, seconded by Christ, to approve the rezoning request as submitted. Motion carried by the following vote: Aye – Baumhover, Dietzel, Christ, Roussell, Henschel and Norton; Nay - None.

ITEMS FROM COMMISSION: Chairperson Norton asked that staff provide the Commission with a refresher course regarding the rezoning process and the criteria established for granting a rezoning. Staff Member Kritz said that staff would present a refresher under Items from Staff at the next regularly scheduled Zoning Advisory Commission meeting.

ADJOURNMENT: The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted