



Approved

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

6:00 p.m.

Wednesday November 2, 2016

Aigler Auditorium, Carnegie Stout Public Library

Commissioners Present: Chairperson Tom Henschel; Commissioners Pat Norton, Rich Russell, Steve Baumhover, Martha Christ, and Michael Belmont; Staff Members Kyle Kritz and Guy Hemenway.

Commissioners Excused: Commissioner Laura Roussell.

Commissioners Unexcused: None.

CALL TO ORDER: The meeting was called to order by Chairperson Henschel 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 5, 2016 meeting were approved unanimously as submitted.

ACTION ITEMS/WAIVER: Application of Epic Construction for property located at 4343 Chavenelle Road to waive section 13-3.5(D) of the Unified Development Code regarding the installation of Landscape Islands.

The applicant was not in attendance. Chairperson Henschel decided to move the request to the end of the agenda.

PUBLIC HEARINGS/TEXT AMENDMENT (TABLED FROM 10/5/2016): Application of Greater Dubuque Development Corporation (GDDC) to amend the Unified Development Code to establish an administrative waiver process for free-standing solar arrays.

The applicant was not in attendance. Chairperson Henschel asked that staff present the staff report.

Staff Member Kritz discussed the initial Greater Dubuque Development Corporation (GDDC) request to create an administrative waiver for solar arrays that he said did not limit the height or square footage of the structure. He said the current bulk regulations

limit solar arrays located on residential properties to 100 square feet in area and 10 feet in height. He discussed the administrative waiver versus the Special Exception process. He said that the existing Limited Setback Waiver process limits the reduced setback to 33% of the required setback. He said that the proposed administrative waiver application would require that signatures of all adjacent property owners, a dimensioned rendering of the array and a site plan noting the location of the array be submitted.

Staff Member Kritz noted that at the last Zoning Advisory Commission meeting, Commissioners expressed concerns that there were no limits on the size or height of an array that could be approved through the administrative waiver process. He read a letter submitted by David Lyons, of GDDC, proposing that the limits be set at 500 square feet in area and 20 feet in height for an administrative waiver. He said that the Zoning Advisory Commission has the ability to propose other limitations.

Dan McDonald, GDDC, 900 Jackson Street, said he was speaking on behalf of David Lyons. He said that the administrative waiver affords a balanced approach that involves the neighbors directly. He said this allows verification of adjoining neighbors' signatures through the notary process, and still allows the Special Exception process for those interested in installing an array that cannot garner the neighbors' signatures or that would be in excess of the proposed limitation. He said that the request meets Dubuque's Sustainability goals.

Bob Renne, 1950 Avalon Road, submitted a photo of an array. He said that at previous meetings the Zoning Advisory Commission had passed what he considered to be reasonable regulations with a 100 square foot area and 10-foot height limitation. He said that arrays of this size would have little effect on the neighborhood. He noted that the array in the photo he submitted was 100 square feet in area. He discussed the energy needs of residences. He said that arrays of considerable size will affect not only the adjacent properties but the entire neighborhood. He said that the existing Code adequately addresses the need for solar arrays with the provision for a Special Exception for those that would like to install an array that is larger than what is permitted. He said that the Commission should use caution when considering modifying the requirements. He recommended that, if approved, the Commission require that all those within 200 feet be required to sign an administrative waiver.

Chairperson Henschel asked if Mr. Renne had any size limitations in mind. Mr. Renne reiterated that neighbors within 200 feet should have to sign an administrative waiver.

Commissioner Russell asked for clarification regarding the photos submitted by Mr. Renne. Mr. Renne said that the array in the photos is approximately 106 square feet in area. Mr. Renne also noted fire safety and load issues with roof-mounted arrays.

David Lyons arrived at the meeting at 6:18 p.m. He said that when the bulk standards for solar arrays are set too low it may force individuals to consider reduced and inadequate sized arrays or to forego installing solar all together. He discussed the

City's sustainability initiatives, noting that solar arrays help the community reduce its carbon footprint, improve its air quality and create an additional source of renewable energy. He said that the abutting neighbors who would be required to sign a waiver are the ones that are most affected by the installation. He said that the proposed limits are reasonable. He said it is not likely people will build larger arrays than necessary because the State of Iowa does not require that energy corporations buy back any surplus energy generated by the array. He said that a 500 square foot limitation will satisfy the demand for larger homes.

Commissioner Baumhover said that he considered a 20-foot high array excessive. Mr. Lyons noted that, based on Dubuque's topography, 20 feet was reasonable.

Cyndi Mueller, 1950 Avalon Road, said that the existing regulations are adequate to satisfy the solar needs of the community. She said that new and emerging technology will dictate the size and configuration of arrays, which she said may be much smaller and compact. She said that large arrays could affect not only the abutting neighbors but the entire neighborhood.

Commissioner Norton said that he was in favor of the concept, but that 500 square feet in area is too large. He said it represents a five-fold increase of what is currently permitted. He said he would like to reduce both the size and height permitted.

Commissioners discussed proposed further size limitations on size and height. Commissioner Belmont said that the proposed language does not change the overall concept but just sets the trigger a little bit higher from 100 to 500 square feet. He said that, other than that, the process is identical.

Staff Member Hemenway noted that requiring a 200-foot notification would likely include 20-40 additional signatures which he said would greatly reduce the likelihood of a successful administrative waiver.

Commissioner Christ said that if she lived 2-3 doors down from a solar array she did not believe she would be affected. She said that the lot size will often dictate the size of the array possible.

Commissioner Baumhover said that he was not comfortable with the 20-foot height limitation which he said he felt was excessive.

Motion by Belmont, seconded by Christ, to approve the amendment to the Unified Development Code to establish an administrative waiver process for freestanding solar arrays. Motion carried by the following vote: Aye – Henschel, Russell, Baumhover, Christ and Belmont; Nay – Norton.

ACTION ITEMS/WAIVER: Application of Epic Construction for property located at 4343 Chavenelle Road to waive section 13-3.5(D) of the Unified Development Code regarding the installation of Landscape Islands.

Pat Udelhoven, Epic Construction representing Rite Hite, said that the site is constrained by its size. He said that the installation of the islands will represent a loss of three parking spaces he said are necessary to satisfy the demand.

Staff Member Kritz discussed the site plan process for Rite Hite. He noted the parking is at a premium on this site. He said the current site configuration affords significant setbacks for the parking lot that included green space along the street and on the hillside behind the lot.

Commissioner Norton asked if Rite Hite met the UDC parking requirements. Staff Member Kritz said that they meet the current parking requirement, but the number of employees often fluctuates and that it is difficult to determine the exact requirement. He said that Rite Hite does have surplus parking based on the requirement.

Mr. Udelhoven said that, with the increase in size of Rite Hite's facility, they anticipate hiring new employees which will create additional demand for parking.

Commissioner Norton asked why additional parking is needed when the exact employee numbers are not known. Mr. Udelhoven noted that 20 stalls were lost by the expansion.

Commissioner Russell asked Mr. Udelhoven for clarification regarding the parking lot layout. Commissioners Norton and Russell noted that additional parking could be created on-site behind the buildings.

Staff Member Kritz noted that sound planning principles for efficiency and limiting sprawl encourage expansion of existing properties and infill development.

Commissioner Belmont said he is not concerned with the request as the applicants have achieved the intent of the Unified Development Code by providing large buffer areas around the parking lot.

Commissioner Norton said that parking lot requirements should be based on the number of employees, and Commissioner Russell agreed. Commissioner Belmont said that he was not concerned with the request.

Motion by Baumhover, seconded by Christ, to approve the request to waive Section 13-3.5(D) of the Unified Development Code as it regards installation of landscape islands. Motion carried by the following vote: Aye – Henschel, Norton, Baumhover, Christ and Belmont; Nay – Russell.

ITEMS FROM STAFF: Staff Member Kritz noted that the County Airport Zoning Commission was in need of two liaisons, and Commissioners Belmont and Henschel agreed to continue as the Zoning Advisory Commission Liaisons to the Airport Zoning Commission.

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

Kyle L. Kritz, Associate Planner

Adopted