



# Approved

**MINUTES**  
**CITY OF DUBUQUE ZONING ADVISORY COMMISSION**  
**REGULAR SESSION**  
6:00 p.m.  
Wednesday March 1, 2017  
City Council Chamber, Historic Federal Building

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

**Commissioners Excused:** Commissioner Patrick Norton.

**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 January 12, 2017 Zoning Advisory Commission meeting were approved unanimously as submitted.

## ACTION ITEMS

**Waiver:** Application of McClure Engineering to waive Section 13-4.6 of the Unified Development Code, regarding parking lot landscape buffer for property located at 2620 Dodge Street.

Todd Raufiesen, representing Starbucks Corporation, reviewed his request to waive Section 13-4.6 of the Unified Development Code regarding the required landscape buffer for their future site at 2620 Dodge Street.

Staff Member Hemenway reviewed the Unified Development Code language regarding landscape buffer requirements, noting that the subject property is a constrained infill site. He said that the Commission can waive the strict application of the code requirements if they deem that it is appropriate. He noted that redevelopment of the site will increase the green space approximately 60% to meet the 20% requirement, will eliminate the unlimited curb cut and have three access points that have been approved by the City's Engineering Department. He said that redevelopment will also serve to add some landscaping.

Commissioner Russell asked what the minimum drive aisle width was. Staff Member Hemenway noted that the minimum width is 24 feet which he said is reflected on the proposed site plan.

Commissioners Baumhover and Christ stated that they supported the request because redevelopment of the site would improve site access and add greenspace.

Motion by Christ, seconded by Russell, to approve the request to waive Section 13-4.6 of the UDC regarding parking lot landscape buffer. Motion carried by the following vote: Aye – Russell, Roussell, Baumhover, Christ, Belmont and Henschel; Nay – None.

**Waiver:** Application of Spahn & Rose Lumber Company, 15 S. Main Street, to waive Section 13-4.10 (B) and 13-4.4 (E) of the Unified Development Code regarding required permeable area and screening.

Staff noted that the applicant has requested tabling the request.

Motion by Christ, seconded by Russell, to table the item at the applicant's request. Motion carried by the following vote: Aye – Russell, Roussell, Baumhover, Christ, Belmont and Henschel; Nay – None.

## **PUBLIC HEARINGS**

**Rezoning:** Application of Derby Grange, LLC., 12568 Kennedy Road to rezone 50.4 acres at the northwest corner of Kennedy Road and Derby Grange Road from County AG Agricultural to City R-2 Two-Family Residential concurrent with annexation to the City of Dubuque.

Chairperson Henschel stated that the rezoning for Derby Grange, LLC at 12568 Kennedy Road and the abutting rezoning request for 2.99 acres on Derby Grange Road owned by Jim Kress would be heard simultaneously as both are connected and but will be voted on separately.

Chairperson Henschel noted receipt of two letters of opposition, one from Daniel Bolgren, 12307 Brittany Court, and one from Ben and Sarah Fern, 16673 Clay Hill Road, which he entered into the record.

Brian Riniker, 2300 Stone Brook Lane, Eldridge, Iowa, outlined his request for the Commission. He said that 90% of the homes within the proposed development will be single-family with some two-unit townhouses along the Derby Grange/Kennedy Road frontages. He said the lots would typically be approximately 100' x 130' deep with a minimum of 1,600 square foot dwelling units. He said that the property would have City water and sewer; therefore, no wells would need to be drilled on the property and there would be no septic systems. He said he felt that Kennedy Road could handle the additional traffic due to the completion of the Northwest Arterial, noting Kennedy Roaqd previously carried truck traffic from John Deere Dubuque Works. He noted the

surrounding residential land use. He said that the property would include a dedicated City park area, storm water management measures, and access to the site would meet all SUDAS requirements for traffic safety. He said that covenants for the property will mandate tree planting. He said he felt the subdivision would be in character with the surrounding neighborhoods.

Jim Kress, 22514 Finley's Landing Road, Sherrill, Iowa, said he would like to annex 3 acres of his property into the City and rezone to R-1 Single-family to facilitate access to the Derby Grange, LLC subdivision.

Suzanne Conlon-Kalb, 12470 Eton Circle, said that she was opposed to rezoning the property to R-2 Two-Family Residential. She noted the difference in acreage of the proposed subdivision and the surrounding properties. She said she is also opposed to annexation of the adjacent properties. She said she would rather see the property rezoned to R-1. She said she was concerned with the smaller lot sizes proposed, the affect the subdivision would have on taxes, traffic safety, property values, the environment and aesthetics. She said that she is concerned with the uses listed as permitted under the R-2 regulations, which she said included utilities and substations. She asked how children from the new subdivision would get to school given the lack of sidewalks in the area. She said she felt the proposed subdivision would not be compatible with the adjacent properties.

Gerald Osterhaus, 12893 Sterling Oaks Court, said that he resides in Northern Hills Subdivision along Clay Hill Road. He expressed concerns with traffic at the intersection of Clay Hill, Kennedy and Rupp Hollow Roads. He said that improvements should be undertaken at that intersection and at the intersection with the Northwest Arterial and Kennedy Road. He said that tree trimming to improve visibility should be done. He said that he has concerns with the density of the proposed subdivision relative to the existing residential subdivisions in the area.

Paul Kalb, 12471 Eton Circle, said he was opposed to the proposed subdivision due to its density and the potential for increased traffic. He said that the existing residential development consists of large lots with plenty of green space. He said his intent is to protect the value of properties in his neighborhood.

Raymond Quint, 16501 Breckenridge Court, expressed concerns with traffic safety. He said that a study regarding traffic along Kennedy Road should be undertaken. He expressed concerns with long-term maintenance of Kennedy Road. He asked if the streets within the proposed subdivision would have curb and gutter and city utilities. He asked if the City was providing the utilities gratis or if the developer would be paying for all or a portion of the utilities.

Joe Mettille, 16559 Clay Hill Road, stated that he originally moved into the county for peace and quiet. He said that he felt that the proposed subdivision is much too dense and will create traffic problems. He recommended that the City consider developing the Pfohl farm property along Asbury Road.

Dan Griswold, 16673 Forest Gate Road, stated that he moved to the county because he wanted to be in a less densely developed residential area. He said the proposed subdivision will be out of character with the existing county residential development. He expressed concerns with the impact the development may have on traffic safety and property values. He said he felt the uses permitted in the R-2 District were not compatible with the adjacent land use.

Philip Kalvelage, 16785 Clay Hill Road, said that the City of Dubuque required that his subdivision be low density. He said that the City should install infrastructure improvements prior to development of the area. He expressed concerns with traffic safety and storm water management, as storm water flows across his property.

Mariann Groom, 16693 Clay Hill Road, expressed concerns with storm water management from the development. She said that she felt the lots should be larger. She also said she was concerned with vehicular, pedestrian, and bicycle traffic safety.

Myra Jo Kalb, 12471 Eton Circle, said she is opposed to the R-2 zoning because of the potential for noise, light pollution, elimination of green space and aesthetics.

Joe Mulgrew, 16543 Herrod Lane, said that he felt that the adjacent intersections were dangerous and that traffic safety was of utmost concern.

Susan Chapman, 16431 Forest Gate Road, said that she agreed with the concerns expressed by her neighbors, and that she is opposed to the proposed rezoning.

James McDonald, 16853 Northern Hills Drive, expressed concerns with traffic safety, especially during peak times when the soccer complex traffic is at its peak. He asked who will pay for the public improvements for the subdivision.

Julia Hermann, 16334 Forest Gate Road, said that she is opposed to the rezoning and agrees with the concerns raised by her neighbors.

Patricia Iverson, 12475 Brittany Court, said that she is opposed to the rezoning and agrees with those concerns raised by her neighbors.

Bob Rehfeldt, 16483 Clay Hill Road, expressed concerns with traffic safety and emergency access, noting that he feels that it would be difficult for emergency vehicles including fire trucks to safely get in and out of the subdivision. He said that the street widths and on-street parking may serve as a barrier to emergency access.

Brian Moran, 16593 Forest Gate Road, said that he agreed with the concerns expressed by his neighbors and was opposed to the rezoning.

Kristin Clark, 12210 Forest Meadow, said she was opposed to the request because her child suffers from an illness where air quality is of the utmost importance. She said that

she needs clean air and that a densely developed residential subdivision would impact the air quality in her area. She said her and her husband work in the medical field and must be able to get to their job site in a timely manner. She said that additional traffic may impact that ability. She expressed concerns with the safety of bicyclists along the roadways.

Michael Pagel said that he was an attorney with Kitzinger Law Firm, and that he represented some of those in the neighborhood. He said that the request, as stated, will be in violation of both the City's Unified Development Code regulations and of Iowa State Law regarding zoning. He said that the request violates the rules regarding density and traffic safety. He noted the preamble to the City's Unified Development Code Agricultural District states that agriculturally zoned property should remain as a holding zone intent on preventing premature development of large land acreages and recently annexed land for which the most appropriate future use has not yet been determined. He said that a decision on the disposition of this property should not be made hastily. He discussed State of Iowa and City codes and noted a rezoning should advance the community's interest versus that of a private developer.

Kenny Maas, 16713 Clay Hill Road, said he was opposed to the request and agreed with his neighbors' concerns.

Jackie Koontz, 16375 Rustic Forest Trail, said she is opposed to the proposed R-2 zoning stating that it is inconsistent with development in the area. She expressed concerns with traffic safety, especially as it regards school children.

Mr. Riniker said that his father lives directly adjacent to the proposed subdivision, and that they would like to control development so that it is done appropriately. He said that the large lots in the County are not selling, and that his more modest sized lots are in demand. He said that he wants to preserve the natural beauty of the area and as such, the subdivision will have strict covenants. He said that he is paying for all of the interior utility extensions and dedicating park land to the City. He said that he feels his development will not detract from the value of the adjacent properties.

Jim Kress said that he would like his property to be rezoned so that the proposed subdivision will have an access road. He said that his property will be rezoned to R-1 and will remain single-family residential.

Staff Member Kritz reiterated both rezoning requests, noting that they would be done in conjunction with annexation. He said that the Commission's only charge is to review the proposed rezoning requests and not the annexations. He said that both the rezoning and annexation requests will go to a subsequent City Council meeting.

He discussed the uses permitted in an R-2 District, noting that the proposed development would be similar to those such as Arbor Hills and Harvest View Estates within the city. He said that the subdivision will have standard city streets with curb and gutter. He noted the street widths stating that there would be parking permitted only on

one side for streets built with 27 feet of paving. He said that each house will likely have a minimum of four to five off-street parking spaces because of the 20-foot driveway setback and the two to three car garages proposed for the houses. He noted utility extensions to the property. He said that the county lots are a minimum of one acre because that is what is required to accommodate the septic systems. He said that R-1 and R-2 lots have a minimum lot size of 5,000 square feet, but that the developer is proposing lots from between 10,000 – 13,000 square feet. He said that the City is currently running out of residential building lots and that the City has excess capacity for both water and sanitary sewer.

Staff Member Kritz said that City sewer will alleviate the need for septic systems and that City water will eliminate the need for wells. He said that the City will be installing a right turn lane at the Kennedy Road/Northwest Arterial intersection this year. He said the City will be annexing the Kennedy Road right-of-way and will maintain the road in cooperation with the County. In response to a question from a previous speaker, he said that the Pfohl property is under private ownership and that the City cannot compel them to undertake residential development. In response to a question regarding who pays for extension of water and sanitary sewer, he said the City will extend utilities to the property but the developer will pay for all interior utility extension costs, including construction of the new public streets.

Staff Member Kritz noted that two-unit residences are currently in demand. In response to a question about how children will get to school, he said that children within the proposed subdivision will access area schools similar to those children currently living in the surrounding area. He discussed sidewalk improvements and extensions for the subdivision and for Kennedy Road. He said that if traffic counts warrant it, there is a possibility that traffic lights could be installed somewhere along the access roads in the future. He also noted that the School District accommodates the additional school age population by redistricting.

He discussed traffic counts and said that the Institute of Traffic Engineering trip generation manual indicates that the proposed subdivision will generate approximately 1,065 vehicle trips per day. He noted historic Iowa Department of Transportation traffic counts for Kennedy Road, stating that in 2001 there was 7,700 vehicle trips per day, and in 2005, it had dropped to 4,580 due to the completion of the Northwest Arterial which linked Highway 52 North with Dodge Street/ Highway 20. He said that there had been 200 units built in the County since 1993. He said that in 2013, the IDOT counts for Kennedy Road were down to 3,860 vehicle trips per day and that the City had counted 3,360 vehicle per day along Kennedy Road in April of 2016. He said that if approximately 1,000 vehicle trips per day are generated when the subdivision is fully built-out, the traffic volumes will still be 37% lower than at the peak in 2001. He discussed accident reports. He said there had been three at the intersection of Kennedy Road and Derby Grange Road since 2006. He noted that the proposed subdivision accesses and the current Kennedy Road/Derby Grange Road intersection meet SUDAS visibility requirements for intersections.

Chairperson Henschel asked about storm water management for the subdivision. Staff Member Kritz said that the subdivision will utilize three detention basins, but that details regarding how storm water for the property will be managed will be provided by a civil engineer during staff review of the improvement plans. He said this would have to occur prior to any development of the property.

Commissioner Roussell asked about fire safety access to the site. Staff Member Kritz noted that the development review team for the City, including Fire Department personnel, had reviewed the proposal and noted the street width. He said that as it regards emergency access, the street width is adequate.

Commissioner Belmont asked if the City had required low density development along the subdivision on Clay Hill Road. Staff Member Kritz said the City simply had required one driveway maximum per each two single-family homes, and did not dictate lot size or density.

He noted that Jim Kress's three-acre property was requested to be rezoned to R-1 and it was needed for access to the balance of the Derby Grange LLC Subdivision lot. He said that the proposed rezoning and subdivision will maximize the configuration for Derby Grange LLC and will let Mr. Kress develop a number of single-family lots.

Commissioner Russell asked if Mr. Kress had submitted a preliminary plat for the property. Staff Member Kritz indicated on the map where Mr. Kress's property was located.

Commissioner Roussell said that she had concerns with the issues raised by the neighbors. Commissioner Christ said that development in this area is inevitable as is change. She said that the average lot sizes are large enough and that the property will not be too densely developed. She said there is no compelling reason to not approve the proposed rezoning.

Commissioner Russell said that he was not concerned the density as the subdivision would only create a little over two units per acre. He said that development of this scale was more sustainable. He noted that not everyone can afford a two-acre lot for housing development.

Commissioner Roussell said that she had some townhomes in her neighborhood and they are well done. She said that she felt that the traffic problems along Kennedy Road will remain constant.

Commissioner Baumhover asked what would happen if traffic increased significantly. Staff Member Kritz said that if traffic warrants indicated the need for roadway improvements the City would consider them through the established Capital Improvement Plan process.

Commissioner Baumhover asked if there was enough space along the right-of-way to expand the roadway. Staff Member Kritz said that would be something that an engineering study would have to determine. Commissioner Baumhover said that the traffic counts provided by staff were very helpful and informative.

Commissioner Baumhover asked if sidewalks are planned for Kennedy Road. Staff Member Kritz noted that any new street projects must be reviewed in light of the City's Complete Streets Policy, which he said generally includes sidewalks.

Motion by Christ, seconded by Russell, to approve the rezoning of 50.4 acres at the northwest corner of Kennedy road and Derby Grange Road from County AG to City R-2 concurrent with annexation to the City of Dubuque. Motion carried by the following vote: Aye – Russell, Roussell, Baumhover, Christ, and Henschel; Nay – Belmont.

**Rezoning:** Application of Jim Kress to rezone 2.99 acres along Derby Grange Road from County AG Agricultural to City R-1 Single-Family Residential concurrent with annexation to the City of Dubuque.

Commissioner Russell said he felt it was positive that both developers were working together to provide a logical development and good access.

Motion by Christ, seconded by Baumhover, to approve the rezoning of 2.99 acres from County AG to City R-1 Single-Family Residential concurrent with annexation to the City of Dubuque. Motion carried by the following vote: Aye – Russell, Roussell, Baumhover, Christ, Henschel and Belmont; Nay – None.

**ITEMS FROM PUBLIC:** None.

**ITEMS FROM STAFF:** None.

**ITEMS FROM COMMISSION:** Commissioner Belmont recommended that once public input is closed, that it should not be re-opened. Commissioners agreed.

**ADJOURNMENT:** Motion by Christ, seconded by Russell, to adjourn the meeting. Motion carried by the following vote: Aye – Russell, Roussell, Baumhover, Christ, Henschel and Belmont; Nay – None.

The meeting adjourned at 8:00 p.m.

Respectfully submitted,



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Kyle L. Kritz, Associate Planner

04/05/2017

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Adopted