



Approved

MINUTES
CITY OF DUBUQUE ZONING ADVISORY COMMISSION
REGULAR SESSION

Wednesday, April 5, 2017

6:00 p.m.

City Council Chamber, Historic Federal Building

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

Commissioners Excused: Pat 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 March 1, 2017 meeting were approved unanimously as submitted.

PUBLIC HEARING/REZONING: Application of Rick Ehrlich to rezone property located at the northwest corner of Evergreen Street and Asbury Road from R-2 Two-Family Residential to OR Office Residential.

Rick Ehrlich, 558 Mill Run, Dubuque, Iowa, said that his request is to rezone his property from R-2 to Office Residential to allow a small office for his wife's realty business. He said the building will be designed to appear residential so as to blend into the neighborhood.

Gene Giesen, 3131 Asbury Road, said that he had been before the Commission regarding this same property for three separate rezoning requests. He said that he would like the property to remain residential, preferably even single-family residential. He expressed concerns with the potential for increased traffic, commercial signage, and the addition of curb cuts into the adjacent streets. He said he would like to see a rendering of the building to determine what it would look like. He said he would prefer the neighborhood to remain residential. He said that there is a high volume of traffic along Asbury Road and he feels that the office would exacerbate this problem.

Mr. Ehrlich noted that he had sent letters to the adjacent property owners and met with several of the neighbors. He said that some stated that they would prefer to see an office rather than a duplex at this location. He said that access to the site must comply with SUDAS regulations, and that a site plan will be necessary to ensure that the development meets all City standards.

Staff Member Hemenway discussed the two previous requests to rezone the subject property. He noted receipt of a letter in opposition submitted by Ms. Holly Kamm, 3175 Asbury Road. He discussed the uses permitted in the OR District. He discussed the standards for parking, setbacks, landscape buffers and the building footprint and access which he said limit development of the subject lot due to its size and location.

He noted that access would likely be taken from the north end of the lot on Evergreen Street to meet SUDAS requirements for separation from intersections. He discussed existing vehicle trips along Asbury Road, noting that the permitted uses in the OR district would add very little traffic to the overall trips along Asbury Road.

Commissioner Russell asked what signage would be permitted. Staff Member Hemenway noted that that a 40-square foot, 10-foot high freestanding sign and a 16-square foot wall-mounted sign would be permitted.

Commissioner Russell asked Mr. Ehrlich if the realty business would accept rental properties. Mr. Ehrlich stated no.

Chairperson Henschel asked staff if this request could be considered a spot zoning. Staff Member Hemenway discussed spot zoning. He said that determining if a request was a spot zone was somewhat subjective.

Commissioner Russell discussed the preamble of the OR District, noting that these types of residential and office uses should be located along heavily travel streets, and that they serve as a transition between residential and commercial uses.

Commissioner Belmont said that he felt that the size of the lot constrains the amount and intensity of uses that could be located on the property.

Commissioner Christ said that she was not comfortable with the request because of the single-family nature of the neighborhood and because of the commercial signage that would be allowed.

Commissioner Baumhover said that he felt that a realty office generates very little traffic and demand for parking.

Commissioner Roussell discussed the purpose of the OR District, and said that she felt that the applicant had done well in that there was very little neighborhood objection to his request.

Chairperson Henschel noted that there are other businesses located near the subject lot, and he said he viewed the request favorably.

Commissioner Roussell asked about signage. Staff and Commissioners discussed the likely location and orientation of commercial signage on the lot. Commissioners discussed the potential for imposing signage restrictions.

Motion by Belmont, seconded by Roussell, to approve the rezoning request as submitted. Motion carried by the following vote: Aye – Baumhover, Roussell, Russell, Belmont and Henschel; Nay – Christ.

ITEMS FROM PUBLIC: None.

ITEMS FROM COMMISSION: Chairperson Henschel complimented Commissioner Christ on making her concerns regarding the rezoning request known, stating that it is much easier for him to impart this information to the City Council when Commissioners articulate their position on a rezoning.

ITEMS FROM STAFF:

Review Bylaws: Staff Member Kritz noted the changes to the Bylaws and asked the Commission for their input. Based on the input from Commissioners, Staff Member Kritz said that he would make the minor changes requested and resubmit the Bylaws at the next regular meeting.

Staff Member Kritz discussed the change regarding the prohibition of ex parte communication between Commissioners and the public, noting that such discourse was permitted for rezonings, but not for requests to create Planned Unit Developments.

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

ADJOURNMENT: The meeting adjourned at 6:35 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

05/03/2017

Adopted