



APPROVED

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

6:00 p.m.

Wednesday June 7, 2016

City Council Chamber, Historic Federal Building

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

Commissioners Excused: Martha Christ.

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: Motion by Belmont, seconded by Baumhover, to approve the minutes of the May 3, 2017 Zoning Advisory Commission meeting. Motion carried by the following vote: Aye – Norton, Russell, Baumhover, Belmont; and Henschel; Nay – None; Abstain - Roussell.

ACTION ITEMS:

Plat of Survey: Application of Sarah L. Zenner to subdivide property located at 2427 West 32nd Street (Plat of Survey of D& E Rainbow Acres).

Sarah Zenner, 12246 Rupp Hollow Road, stated that she would like to re-plat the property at 2427 West 32nd Street to facilitate the sale of the single-family home on the property to her son. She introduced her brother, Greg Gottschalk.

Staff Member Kritz noted that Lot 1 has no frontage on a private or public street. He described the lot location, current driveway access and zoning, noting that the house is legally non-conforming as it is zoned Agricultural but there is no agricultural activity on the site. He said that any future residential construction on the site would require Zoning Board of Adjustment approval of a Special Exception for a residence located more than 50 feet from the street frontage.

Commissioner Belmont asked how a platted lot with no access easement could be approved. Staff Member Kritz noted that there was an access easement indicated on the submitted plat.

Commissioners discussed the request and felt it was appropriate.

Motion by Norton, seconded by Belmont, to approve the Plat of Survey of D & E Rainbow Acres subject to waiving the lot frontage requirement for Lot 1. Motion carried by the following vote: Aye – Baumhover, Roussell, Norton, Russell, Belmont, and Henschel; Nay – None.

Waiver: Application of Paul Kardatzke to waive Section 13-4.6B to allow a parking lot landscape buffer, one (1) foot from the south property line, ten (10) feet required for property located at 4800 Asbury Road.

Paul Kardatzke stated that he is the architect for the Culver's restaurant project, and he introduced business owner Dick Adams. He stated that the additional parking lot area was needed to accommodate an expansion of the facility that will add seating and enlarge the lot to provide additional employee parking.

Mr. Adams said that there is currently 54 feet of green space between the edge of the proposed parking lot and the right-of-way. He noted that there is a 30-foot wide intervening lot owned by Asbury Plaza.

Staff Member Kritz reiterated that there is a 30-foot wide intervening lot between the subject lot and the public right-of-way. He discussed the roadway configuration, noting that further expansion of Asbury Road or the Northwest Arterial at this location is not likely. He said that because of the large parkway and intervening lot, it will appear to the motoring public that the parking lot meets the required setback.

Commissioner Russell expressed concerns with employee parking that he said would back directly into the drive aisle.

Staff Member Kritz noted that as it is strictly employee parking it would be less frequently used.

Commissioner Russell asked Mr. Adams for clarification regarding the number of required parking spaces. Staff Member Kritz noted that the facility would be compliant as it regarded required parking.

Commissioner Belmont said that he feels the 30-foot intervening lot mitigates the reduced setback; therefore, it was appropriate.

Commissioner Russell said he still had concerns with vehicles backing directly into the drive aisle.

Commissioner Norton asked Mr. Adams if he could obtain a landscape easement from the owners of Asbury Plaza. Mr. Adams said that Asbury Plaza management have not responded after repeated attempts to contact them.

Commissioners discussed the request.

Motion by Baumhover, seconded by Belmont, to approve the waiver of Section 13-4.6 to allow the parking lot landscape buffer one foot from the south side property when 10 feet is required. Motion carried by the following vote: Aye – Baumhover, Roussell, Norton and Belmont, and Henschel; Nay – Russell.

PUBLIC HEARINGS

Rezoning: Application of John Long to rezone property located at 970 Kirkwood (PIN# 10-23-429-036) from R-1 Single-Family Residential to R-2 Two-Family Residential to accommodate a duplex.

John Long, 36787 River Point Court, Bellevue, Iowa, introduced his partner, Ron Reeg. He said that the request is to rezone their property to R-2 to facilitate construction of a duplex. He said that the neighboring residence is a duplex and that there is student housing in the neighborhood. He said that the proposed duplex will have the required amount of off-street parking.

John and Pam Hickey, 975 Kirkwood Street, spoke in opposition to the request. They presented a petition with 9 signatures from adjacent property owners that they said were opposed to the request. Mrs. Hickey noted the changing nature of the neighborhood and said that if a duplex were to be placed at this location the additional vehicles would consume on-street parking. She said that it is typical for college students to have their own cars. Mr. Hickey discussed the volume of traffic along Kirkwood during the school year. The Hickeys asked that the Commission deny the request.

Ron Reeg said that he had worked at Loras College in the past. He said that because of the house's proximity to the campus, most students would walk and only drive to go shopping. He said that a duplex at this location would add very few vehicle trips to the streets. He said that the house would have a brick and stone exterior to make it blend in with the neighborhood and look appropriate. Mr. Reeg noted that several of the houses in the neighborhood were owned by Loras College.

Staff Member Hemenway outlined the staff report. He noted that the applicants intended to split the lot between their property and the adjacent residence at 930 Kirkwood Street. He stated for the record that Planning staff had received a petition with nine signatures from seven adjacent property owners and an email from Mr. James O'Dowd, all opposed to the rezoning request. He reviewed the surrounding zoning and

land use, required off-street parking and stated that City parking requirements are based on average usage. He noted that the required parking may not be sufficient to meet the needs of each unit.

Commissioner Norton asked how it would be possible for the Commission to ensure that a building is constructed in a manner compatible with the neighborhood.

Staff Member Hemenway noted that the property is not located in a historic preservation district; therefore, there is no established architectural design criteria for the neighborhood. He said that the exterior building treatments and design would have to be submitted prior to a rezoning and then made a condition of a rezoning. He said without that information the design would be very subjective.

Commissioner Norton noted the age of the neighborhood. He said that Kirkwood Street is wide enough to accommodate any additional traffic potentially generated by a duplex.

Commissioner Belmont said he is opposed to the request because of the surrounding single-family zoning. He said that he felt that a duplex would not provide a transition or fit in with the neighborhood.

Commissioner Roussell said that she supports the arguments put forth by Commissioner Belmont and that she has concerns with the number of potential residents that could occupy the two units.

Commissioner Russell said that he felt the infill development was sustainable and that it was appropriate. He said that he was in favor of the request.

Commissioner Baumhover said that he supports the request because he felt that the streets were adequate to handle the additional traffic.

Motion by Baumhover, seconded by Russell, to approve the rezoning from R-1 Single-Family Residential to R-2 Two-Family Residential District to accommodate a duplex. Motion failed by the following vote: Aye – Baumhover, Russell, and Henschel; Nay - Roussell, Norton and Belmont. (The motion was denied for lack of four affirmative votes).

ITEMS FROM COMMISSION: None.

ITEMS FROM STAFF

Revised Bylaws: Staff Member Kritz noted that the past requests for revisions to the bylaws have been made. He itemized the changes. Commissioners reviewed the bylaws and felt they were adequate.

Motion by Belmont, seconded by Russell, to approve the revised bylaws as submitted. Motion carried by the following vote: Aye – Baumhover, Belmont, Roussell, Norton, Russell, and Henschel; Nay -None.

ADJOURNMENT: Motion by Norton, seconded by Russell, to adjourn the June 5, 2017 Zoning Advisory Commission meeting. Motion carried by the following vote: Aye – Baumhover, Belmont, Roussell, Norton, Russell, and Henschel; Nay -None.

The meeting adjourned at 6:50 p.m.

Respectfully submitted,

Kyle L. Kritz, Associate Planner

Adopted