



# Draft

MINUTES  
CITY OF DUBUQUE ZONING ADVISORY COMMISSION  
REGULAR SESSION

6:00 p.m.

Wednesday, November 1, 2017  
City Council Chamber, Historic Federal Building

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

**Commissioners Excused:** None.

**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 Christ, to approve the minutes of the October 4, 2017 Zoning Advisory Commission meeting as submitted. Motion carried by the following vote: Aye – Baumhover, Roussell, Christ, Norton, Russell, Belmont and Henschel; Nay – None.

**ACTION ITEMS/PLAT OF SURVEY:** Application of Julian Nemmers for approval of the Plat of Survey Lot L & Lot M Cedar Ridge Farm Place No. 15.

Staff Member Kritz noted that City staff was acting as the applicant. He said that the Cedar Ridge Farm Place detention basin is being ceded to the City for public maintenance purposes as Lot M. He said that the City will seek reimbursement from the property owners for ongoing maintenance costs. He said that the plat also included Lot L that is in the floodplain of Catfish Creek and includes railroad tracks. He said no maintenance will be required on Lot L. He said that both Lots L and M have no frontage. He recommended that the Commission approve the plat subject to waiving the lot frontage for Lots L and M.

Commissioners discussed the request and felt it was appropriate.

Motion by Christ, seconded by Norton, to approve the Plat of Survey of Lot L and Lot M Cedar Ridge Farm Place No. 15 subject to waiving the lot frontage requirement for Lots

L and M. Motion carried by the following vote: Aye – Christ, Belmont, Norton, Russell, Baumhover, Roussell and Henschel; Nay - None.

**PUBLIC HEARINGS/REZONING:** Application of Brandon Merrick to rezone property located in the 3900 block of Inwood Avenue from R-1 Single-Family Residential to R-2 Two-Family Residential zoning district.

Commissioner Norton recused himself.

Brandon Merrick, 8110 Southern Hills Circle, reviewed his request, noting that he would like to construct duplexes on two vacant lots that he owns along Inwood Avenue. He said that he is building a single-family home on a third lot.

Randy Leib, 889 Salem Street, said that he is opposed to the request because the streets are narrow and the additional traffic will create an unsafe situation. He said that he does not feel that multi-family development fits well into the neighborhood. He recommended that the neighborhood remain single-family residential.

Robert Vandermeulen, 3940 Oneida Avenue, said that he has lived in the area for 30 years. He said that the streets initially were gravel and there is no curb, gutter or sidewalks. He said that, if approved, the proposal would increase traffic in the area. He said that as the area is currently all single-family and that he is opposed to the rezoning.

Robert McMullen, 3998 Inwood Avenue, said that he agrees with the neighbors opposed to the rezoning. He said that the streets are too narrow and that there are no curbs or sidewalks. He said he felt the area should remain single-family residential.

Jacob Leib, 3987 Inwood Avenue, expressed traffic safety concerns noting the sharp curve at the south end of Inwood Street. He said that the street is narrow and the visibility is poor at this location.

Oakley Bandy, 3941 Inwood, said that he was not necessarily opposed to duplexes, but that he was concerned with the narrow substandard nature of the streets. He said that the streets do not accommodate on-street parking as there is no shoulder. He said that duplexes at this location would generate demand for on-street parking and increase traffic the neighborhood.

Josh Feldman, 3915 Inwood, expressed concerns with storm water management on the site. He said that the additional impermeable area will generate storm water that may damage their property. He said the additional traffic and density also will be a problem.

Ron Kuhl, 3994 Oneida Avenue, said that he is opposed to the request. He said that his family has lived in the area for years, and that the neighborhood is a nice, single-family neighborhood with attractive landscaping and gardens. He said that the City of

Dubuque is an All-American City and that he felt theirs is an All-American neighborhood that should remain single-family.

John Gartmann, 3976 Inwood Avenue, said that he has lived in the area for quite some time. He said that the streets are narrow and traffic safety is an issue. He said that he is opposed to the rezoning to R-2.

Kelly Hingtgen, 3416 Foothill Drive, said that she felt that the property should be kept single-family because it is a single-family oriented neighborhood. She expressed concerns with the additional storm water runoff the duplexes will generate.

Brandon Merrick addressed the runoff issue, noting that he could build five single-family houses on the five lots, and that the impermeable area would be very similar to that of duplexes. He said that traffic will not be appreciably different with duplexes versus single-family homes.

Staff Member Hemenway reviewed the request. He distributed aerial photos of the neighborhood. He noted the location of the subject property and discussed the surrounding land use and zoning. He said that the current R-1 district regulations would permit four single-family homes to be built on the two subject parcels. He said that the existing streets are substandard and that there is approximately 20 feet of pavement and no curb, gutter, sidewalks or shoulders. He discussed the number of units that could be built on both R-1 and R-2 lots noting that if fully developed as R-2, the net gain would be two units.

Staff Member Hemenway stated that the parking standards in both R-1 and R-2 districts require two paved off-street spaces per unit. He said that bulk standards such as setbacks, building height and lot coverage are the same in both districts. He said that city water is available along Inwood Street and that hydrants and sanitary sewers are located at the north and south ends of the block. He said that the site is sloped, and that storm water runs from the north end of the property to the south onto the platted but unimproved Toledo Street, where it empties into a storm sewer.

Commissioners asked staff to clarify setback requirements for both zoning districts.

Commissioner Belmont asked about the trigger for street improvements. Staff Member Kritz noted that there is no trigger, but that the property owners in the neighborhood could request city streets to be improved, noting that street improvements would be assessable.

Commissioner Belmont asked the applicant to explain the parking proposed for the duplexes. Mr. Merrick noted that each duplex would have a two-car garage with driveway space.

Commissioner Baumhover asked about on-street parking. Staff Member Hemenway noted that on-street parking would be difficult because there are no shoulders and the grassy parkway area would either be muddy or icy during inclement weather.

Commissioner Baumhover discussed the potential impact duplexes may have on the existing street system.

Commissioner Belmont said he believed that placing R-2 zoning in the middle of an R-1 neighborhood is somewhat out of character.

Staff Member Hemenway discussed spot zoning noting that the term is somewhat subjective.

Chairperson Henschel said he agreed with many of the concerns that the neighbors expressed.

Commissioner Russell said he did not object to the mixture of R-1 and R-2 zoning.

Commissioner Christ noted that the Commission has approved several similar requests for R-2 adjacent to R-1 in the past.

Commissioner Roussell noted that the request was not for a large multi-family development, but just two to three duplexes. She said many of the issues that were raised cannot be addressed by the Commission.

Motion by Russell, seconded by Baumhover, to approve the request to rezone property located in the 3900 block of Inwood Avenue from R-1 Single-Family Residential district to R-2 Two-Family Residential district. Motion carried by the following vote: Aye – Christ, Russell, Baumhover, Roussell and Henschel; Nay – Belmont; Abstain - Norton.

**ITEMS FROM PUBLIC:** None.

**ITEMS FROM COMMISSION:** None.

**ITEMS FROM STAFF:**

Imagine Dubuque – Land Use: Staff Member David Johnson provided an overview of the 2017 Comprehensive Plan, entitled Imagine Dubuque 2037: A Call to Action, with additional information about the Land Use Chapter and the 2037 Future Land Use Map. He discussed how the Comprehensive Plan can be a tool used by the Zoning Advisory Commission in their deliberation regarding individual rezoning requests. Commissioners discussed the Imagine Dubuque process and thanked Dave and other City staff for their efforts.

**ADJOURNMENT:** Motion by Russell, seconded by Christ, to adjourn the November 1, 2017 Zoning Advisory Commission meeting. Motion carried by the following vote:

Aye – Christ, Belmont, Norton, Russell, Baumhover, Roussell and Henschel; Nay - None.

The meeting adjourned at 7:25 p.m.

Respectfully submitted,

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Kyle L. Kritz, Associate Planner

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Adopted