



Approved

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

6:00 p.m.

Wednesday, October 3, 2018

City Council Chamber, Historic Federal Building

Commissioners Present: Chairperson Tom Henschel; Board Members Pat Norton, Laura Roussell, Steve Baumhover, Martha Christ, Tom Henschel and Michael Belmont.

Commissioners Excused: Rich Russell.

Commissioners Unexcused: None.

Staff Members Present: Kyle Kritz and Wally Wernimont

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 Norton, seconded by Roussell, to approve the minutes of the September 5, 2018 meeting. Motion carried by the following vote: Aye – Baumhover, Belmont, Christ, Norton, Roussell, and Henschel; Nay – None.

PUBLIC HEARINGS

PUD Amendment: Application of Dubuque South Pointe, LLC to amend the PUD to revise townhouse setback requirements in the South Pointe Subdivision.

Commissioner Pat Norton recused himself from the table.

Pat Norton, Buesing & Associates, 1212 Locust Street, explained the request to the Commission. He said that he is in attendance to represent Dubuque South Pointe, LLC, and noted that Aaron Healy and Holly Lovell could not attend the meeting.

Mr. Norton explained that the Zoning Advisory Commission reviewed the request previously. He said that the amendment would only include a portion of the subdivision. He said when the previous amendment came before the Zoning Advisory Commission there was a miscommunication on which lots would be covered by the proposed rezoning.

No one spoke in opposition to the request.

Staff Member Kritz presented the staff report. He explained that the Commission heard an amendment previously on this request. He said there was a miscommunication on the lots to be rezoned. He said the request is for some of the residential lots to have 10-foot front and rear yard setbacks. He said that several of these lots will abut the mobile home park or Table Mound School or are double frontage lots. He said the applicants are also requesting to exempt open decks from the required rear yard setback. He explained there are several public utility easements along the rear property line which would prohibit decks to be constructed into the easement area.

Commissioner Belmont asked if the previous amendment included open decks in the required setback. Staff Member Kritz said that the open decks were not in the previous submittal. Commissioner Belmont said that there is a potential to have two decks that will touch each other at the common rear property line. He noted he had concerns with the required rear yard setback which would allow decks to be constructed 0 feet from the property line. Chairperson Henschel agreed with Commissioner Belmont.

Staff Member Kritz explained to the Commission that they have the ability to recommend modifications to the PUD amendment request by the applicant. Commissioner Belmont said he has no issues with a deck being constructed two feet from the rear property line. Commissioners Roussell and Christ stated they have no objection to the proposed modification to the PUD amendment.

Motion by Belmont, seconded by Baumhover, to approve the PUD amendment provided that a two-foot rear yard setback be allowed for open decks. Motion carried by the following vote: Aye – Baumhover, Belmont, Christ, Roussell, and Henschel; Nay – None; Abstain – Norton.

Rezoning: Application of K & L Leasing LLC to rezone property located at 701 Bluff Street from OR Office Residential to C-4 Downtown Commercial zoning district.

Ken Lin, K & L Leasing LLC, reviewed his request with the Commission. He said he would like to rezone the property to C-4 Downtown Commercial to allow for the development of a new restaurant.

No one spoke in opposition to the request.

Staff Member Wernimont reviewed the allowed uses in OR Office Residential versus the allowed uses in the C-4 Downtown Commercial zoning district. He reviewed the existing district boundaries of OR and C-4. He noted the availability of off-street parking on the adjacent property owned by the applicant, and the surrounding zoning and land uses.

The Commission discussed the ownership of the adjacent structure, reviewed the mixed-use nature of the area, and noted that there were no objections to the rezoning request.

Motion by Christ, seconded by Norton, to approve rezoning the property from OR Office Residential to C-4 Downtown Commercial zoning district. Motion carried by the following vote: Aye – Baumhover, Belmont, Christ, Norton, Roussell, and Henschel; Nay – None.

Rezoning: Application of A & A Horsfall Properties LLC to rezone property located at 3172 W. 32nd Street from R-1 Single-Family Residential to R-2 Two-Family Residential zoning district.

Commissioner Baumhover recused himself from the discussion.

Doug Horsfall reviewed his request noting his desire to rezone the property to allow for construction of a two-unit townhouse.

Nicole Jackson, 3210 W. 32nd Street, spoke in opposition to the request. She said she purchased her home because of the country feel of the neighborhood. She said that the building of a two-unit townhouse would change the character of the neighborhood. She said that it would increase traffic, and is not in compliance with the Comprehensive Plan's Land Use Map, which designated the property for single-family use. She reviewed the criteria for granting a rezoning.

George Pfeiler, 3150 John F. Kennedy Road, spoke in opposition to the request. He said he liked the property to be maintained as R-1 Single-Family Residential.

Kim Brestrup supported the previous speakers who voiced their opposition to the request.

David Unsen, 3078 John F. Kennedy Road, spoke in opposition to the request. He said that R-2 Two-Family Residential zoning is not consistent with the surrounding area of single-family homes. He said he would like the property to remain zoned as R-1 Single-Family.

Lyle Cardy, 3058 John F. Kennedy Road, said that the area has always been R-1 Single-Family Residential, and is opposed to multi-family dwellings because of the additional density of the neighborhood. He said that if the property is rezoned, it will encourage additional rezoning requests to two-family.

Staff Member Wernimont noted that staff has received an email in opposition to the rezoning from Katy Pemsil on behalf of David Pemsil who resides at 3032 West 32nd Street. Staff provided a copy of the email to the Commission.

Chairperson Henschel asked if Mr. Horsfall would like to respond to the comments made by the neighbors. Mr. Horsfall declined to rebut.

Staff Member Wernimont presented the staff report. He reviewed the request, noting the difference between R-1 and R-2 zoning, indicating that R-2 has the same list of uses except that it allows duplexes. He reviewed the surrounding developments that incorporated two-unit townhomes in their developments. He noted that the area has changed with the construction of the Northwest Arterial and the reconfiguration of the W. 32nd Street to a cul-de-sac and bike trail. He reviewed the existing and historical vehicle trips for W. 32nd Street. He said, if subdivided, the lot is large enough to accommodate two two-unit townhomes or duplexes.

Commissioner Roussell reviewed the existing lot layout and noted the Comp Plan designates the future land use of the area as single-family residential.

Commissioner Christ felt that the subject neighborhood has always been single-family unlike recent subdivisions that have been constructed. She indicated that the subdivisions that have been constructed have incorporated two-unit homes that were planned from the beginning.

Commissioner Belmont said that he does not support the request because of the existing zoning but doesn't believe duplexes would cause harm to the area.

Commissioner Norton felt that R-2 Two-Family is not inconsistent with R-1 Single-Family as the only difference is duplexes. He explained that the existing lot could be subdivided, and a second single-family home could be constructed in the neighborhood.

Commissioners discussed what a spot zoning is, and what it isn't.

Commissioner Christ stated that the difference for her with regard to the rezoning to R-2 Two-Family is this is an already established neighborhood of single-family homes.

Motion by Norton, seconded by Belmont, to approve the rezoning from R-1 Single-Family to R-2 Two-Family Residential zoning district. Motion was denied by the following vote: Aye – Norton and Henschel; Nay – Roussell, Belmont, and Christ; Abstain – Baumhover.

Rezoning: Application of Luke & Julie Merfeld to rezone property located at 405 & 575 Cedar Cross Road from R-1 Single-Family Residential to CS Commercial Service and Wholesale zoning district.

Staff Member Kritz noted that the applicants have withdrawn their rezoning request.

ITEMS FROM THE COMMISSION: Chairperson Henschel noted that the Commission has received the final version of Ex Parte Communication Policy for rezoning requests.

ITEMS FROM STAFF: Staff Member Kritz explained to the Commission that when they make a motion, they should always make it into a positive, so as to not create confusion if the motion was voted down.

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

The meeting adjourned at 6:55 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

12.5.18

Adopted