

MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION

6:00 p.m.
Wednesday, November 4, 2009
City Council Chamber
350 W. 6th Street, Dubuque, Iowa

PRESENT: Chairperson Jeff Stiles; Commissioners Ron Smith, Stephen Hardie, Martha Christ, Patrick Norton, Charles Miller and Tom Henschel; Staff Members Kyle Kritz and Guy Hemenway.

AFFIDAVIT OF COMPLIANCE: Staff presented an Affidavit of Compliance verifying that the meeting was being held in compliance with the Iowa Open Meetings Law.

CALL TO ORDER: The meeting was called to order at 6:00 p.m.

MINUTES: The minutes of the October 7, 2009 meeting were approved unanimously, as submitted.

PUBLIC HEARING\REZONING: Application of Joel Callahan to rezone property located on Commerce Park (Lot 8 & 9 Block 3 Westbrook Subdivision) from CS Commercial Service & Wholesale District to R-4 Multi-Family Residential District.

Joel Callahan, 7629 Commerce Park, said that he would like to place multi-family housing on the property he owns on the west side of Dubuque. Mr. Callahan stressed the need for multi-family housing in the community. He discussed the site location and layout, building style and provision of parking. He noted that his contractor shop is located at the end of the Commerce Park cul-de-sac. He distributed renderings of the proposed residential structures to the Commission.

Rick Dickinson, Greater Dubuque Development Corporation, spoke in favor of the request. He cited the need for additional multi-family housing and the current lack of appropriate quality rental housing within the community. He noted that the available housing may be less than three quarters of one percent of all rental units within the community. Mr. Dickinson noted that the influx of employees will further tax the limited supply of rental housing.

Staff Member Kritz outlined the staff report noting the location of the property and surrounding land use. He discussed the adjacent park proposed in Phase 2 of the Westbrook Subdivision. He said that Mr. Callahan is interested in developing 4 twelve-plexes. He said that before the property can be developed as proposed a lot split would be required that would create two interior lots with no frontage along public right-of-way. He said that the proposed lot split has been reviewed and that it should not pose a problem because there will be adequate access to the parking and the buildings at the rear through the two lots with frontage. He said that the apartment buildings will be sprinkled. He discussed the Comprehensive Plan goals as they regard the subject project. He discussed traffic counts for the surrounding area and aerial photos of the site. He reminded the Commission that Section 6-1.1 regarding zoning reclassification is still relevant as the new Unified Development Code has not been published.

Commissioner Henschel noted that the location of the project is more remote than the former multi-family rezoning request along Radford Road. The Commission and staff discussed the request as it regarded spot zoning. Chairperson Stiles noted that there had been a letter of support submitted from a neighboring property owner.

Staff Member Kritz referenced phone calls received from Kevin Oberbroeckling and Doug Horsfall representing adjacent properties.

Commissioner Smith questioned the adjacent uses noting there are contractor shops and stored equipment, and who owned these parcels. Mr. Callahan discussed the ownership and use of the adjacent properties. Chairperson Stiles asked that staff read the uses permitted in a CS District.

Commissioner Hardie said that he understood the need for rental housing in the community and that he feels the design of the buildings is attractive. He said the Commission's primary concern is not economic considerations, but land use. He said he feels the proposed zoning is not appropriate because of the adjacent commercial service and planned industrial uses. He said that all parties involved should seek other more appropriate areas for this kind of development.

Chairperson Stiles commended the applicant, but he said that he still is concerned that this may constitute a spot zone. He said, on the other hand, CS zoning is the least intense of the commercial uses and that R-4 is the most intense residential use; therefore, he feels the two uses are compatible and that he will support the project.

Commissioner Hardie said that placing the residential development at this location runs counter to the green city concept, smart growth and sustainability goals.

Commissioner Norton said that if the lots were located across the street from the subject property, the request would represent a more natural progression or transition

from single-family to multi-family, to the commercial uses. He said the property is surrounded by commercial uses.

Commissioner Smith said that he feels that the proposed use is not compatible with surrounding land uses because they are primarily contractor shops.

Commissioner Miller said that he agreed that placing the multi-family residential across the street from the subject property would afford a good transition between single-family residential and commercial district. He said he recognized the need for rental housing in the community, but that it should be located in an appropriate area.

Commissioner Christ said that she agrees with what had been said and noted that the property is surrounded by commercial development which is not compatible with the proposed residential use. She said she understands that there is a need for rental housing in the community.

Motion by Christ, seconded by Norton, to approve the rezoning request, as submitted: Motion denied by the following vote: Aye – None; Nay – Smith, Hardie, Christ, Norton, Miller, Henschel and Stiles.

ADJOURNMENT: The meeting adjourned at 6:45 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner



Adopted