

**MINUTES**  
**ZONING ADVISORY COMMISSION**  
**REGULAR SESSION**

June 3, 2009  
6:00 p.m.  
City Council Chamber  
350 W. 6<sup>th</sup> Street, Dubuque, Iowa

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

**ABSENT:** None.

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

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

**MINUTES:** The minutes of the May 6, 2009 meeting were approved unanimously as submitted.

**PUBLIC HEARING\ PUD/Rezoning (tabled from May 6, 2009):** Application of Tom Kluck to rezone property located north of University Avenue between Ethel & Prys Streets from OR Office Residential District to PUD Planned Unit Development with a PR Planned Residential District designation.

Motion by Miller, seconded by Smith to remove the request from the table. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller, Horton and Stiles; Nay – None.

Mike Ruden, IIW Engineering, reviewed the request noting that the intent is to construct two 24-unit apartment buildings with 28 parking spaces within the lower level of each building. He reviewed the site layout, the relative heights between existing residences, and the proposed landscaping for the site. He said that there will be a small exercise building located on the north portion of the property. He told the Commission that it is the intent of the property owner to shift Building #1 approximately 20 feet to the south in an effort to preserve a number of mature trees at the north end of the property. He said this will increase the distance between Building #1 and the adjacent residence to approximately 100 feet. He noted that the project will be phased with Building #1 and associated parking constituting Phase I and Phase II will include Building #2, an exercise building and associated parking. He said that the intent of the property owner is to clean out some scrub trees on the north portion of the property. He said that the parking ratio will be 1.8 spaces per unit which he said is in excess of that required by the Zoning Ordinance for multi-family residential zoned property.

There were no public comments.

Staff Member Hemenway reviewed the staff report noting the building setbacks, the detailed landscape plan, the amount of green space and proposed storm water control measures. He noted that a letter had been submitted by Richard Walton, 2758 University Avenue, expressing concerns with the potential for the increase in traffic. Staff Member Hemenway said that the Fire, Water and Engineering Departments have reviewed the initial site plan and are satisfied with access.

Commissioner Hardie asked if the Beverly Street cul-de-sac is going to be built. Mr. Ruden noted that the intent of the property owner is to work with City Engineering to resolve the issue. Chairperson Stiles inquired about storm water management for the site. Commissioner Hardie said that he is in favor of the project because all of the needed information had been presented in a detailed manner. Chairperson Stiles said that this was a great site design and that it fit the topography of the neighborhood. Commissioner Miller said that he is in favor of the project because it is well thought out and detailed.

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

**PUBLIC HEARING\ PUD/Rezoning:** Application of Steve Boge / Clark & Linda Wolff to rezone property located along Key Way Drive from C-3 General Commercial District to PUD Planned Unit Development with a PR Planned Residential District designation.

Steve Boge outlined his request noting his request to build 15 townhouses on a one-acre site with a 16-bay detached garage. He said that townhouses will have basements and that the units will be energy efficient and ADA compliant. He said that the grade change of the site makes access from Key Way Drive very difficult; therefore, the access will be taken from Hillcrest Road.

There were no public comments.

Staff Member Kritz discussed the site layout and noted that a variance has been granted by the Zoning Board of Adjustment for a one-acre PUD. He said that the development will occur in two phases. He discussed the building design, access, Water and Fire Department review, storm water management and provision of green space. He said the buildings will be set back 12 feet from the property lines, but that the 10-foot deck added to the back of the building will be two feet from the north and south property lines. He discussed trip generation for the residences and street access.

Commissioner Smith asked about elimination of parking on the site. Staff Member Kritz noted that the adjacent commercial/residential development still will have compliant parking after this

site is developed. Commissioner Hardie asked staff to clarify setbacks and building proximity in regard to the adjacent property.

Commissioner Norton asked if the building lot area per unit is comparable to existing residential district requirements. Staff Member Kritz outlined square footage requirements per unit for existing residential districts noting that the proposed development is within such parameters.

The Commission discussed the site layout and felt it is appropriate.

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

**PUBLIC HEARING\ Text Amendment:** Application of Jeff Morton / Dubuque Initiatives to amend Section 4-3.11 Sign Regulations to place a freestanding sign along the 7<sup>th</sup> Street frontage in a C-5 Central Business District.

Jeff Morton, Morton Architects, reviewed the request. He noted that the quandary that he faces is that the historic Roshek Building consumes the entire site. He said that the current C-5 district regulations allow free-standing signs on Locust Street, but not on adjacent side streets. He said that if the sign were to be positioned on the Locust Street frontage, it would impede access to the accessible ramp and obscure the traffic signal. He distributed a site diagram showing the location of the sign and some decorative planters as related to the building and adjacent public right-of-way.

There were no public comments.

Staff Member Kritz outlined the staff report, noting that the existing C-5 district sign regulations allow free standing signs on Locust Street and Iowa Street and a portion of Main Street. He said that the proposed amendment is limited to 7<sup>th</sup> Street from Locust Street to the alley. He distributed aerial photos of the site. He said that if the sign were to be moved to the Locust Street side, as permitted, it would conflict with the accessible ramp and traffic signal.

Commissioner Hardie said that, although the sign design is nice, he does not agree with placing the sign on public right-of-way. He said that he is uncomfortable with granting special permission or amending the ordinance for one single business to allow the sign on public right-of-way.

The Commission discussed the C-5 district sign regulations and different options for placement of the sign. Commissioner Norton asked if a variance is possible. Staff Member Kritz said that because the sign is not permitted, a variance is not possible. Commissioner Norton said that he feels it is better to place the sign as indicated, than to move it closer to Locust Street where it would conflict with pedestrian access and a traffic signal.

Chairperson Stiles said that this site is unique and because of the lot layout and architecture, that the Zoning Advisory Commission should be flexible, enabling the property owner to place signage on this site. Commissioner Miller said that traffic along 7<sup>th</sup> Street is light and that the sign will not be obtrusive; therefore, he is in favor of the text amendment. Commissioner Smith asked Mr. Morton to clarify the setbacks for the planters.

Motion by Smith, seconded by Christ, to approve the text amendment, as submitted. Motion carried by the following vote: Aye – Smith, Christ, Norton, Miller, Henschel and Stiles; Nay – Hardie.

**ITEMS FROM STAFF:**

**Presentation by Aaron DeJong and Laura Carstens on Historic Millwork District**

Staff Members Laura Carstens and Aaron DeJong conducted a PowerPoint presentation regarding the Historic Millwork District Master Plan.

Staff Member Carstens stated that an ordinance is being drafted for the district that will be viewed at an upcoming Zoning Advisory Commission meeting. Staff Member DeJong discussed the economic development mechanisms behind the Historic Millwork District initiatives. He discussed the economic study statistics and demographics provided by ERA.

Staff answered number of questions from the Commission. Commissioners were very supportive of the Master Plan.

**ADJOURNMENT:** The meeting adjourned at 7:45 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

Adopted—July 1, 2009