

**MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday, April 2, 2025

Jule Operations & Training Facility, 949 Kerper Blvd.

Commissioners Present: Chairperson Matt Mulligan; Commission Members Martha Christ, Troy Froistad, Carrie Lohrmann, Rich Russell, and Teri Zuccaro

Commissioners Excused: Patrick Norton

Commissioners Unexcused: None.

Staff Members Present: Shena Moon and Travis Schrobilgen

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

MINUTES: Motion by Christ, seconded by Froistad, to approve the minutes of the March 5, 2025, meeting. Motion carried by the following vote: Aye – Christ, Froistad, Lohrmann, Russell, and Mulligan; Nay – none; Abstain – Zuccaro.

ACTION ITEM/FINAL PLAT: Application of Luke Hoffman, Kellhoff Properties, LLC to approve the Final Plat of Kellhoff Addition, 3196 Windsor Avenue (PIN 1013208001).

Jessalyn Simon, Buesing and Associates LLC, 1212 Locust Street, spoke on behalf of the applicant. She stated that the applicant is dividing a lot that contains an existing home in order to build a second house, and that the proposed house would be similar in size to those in the neighborhood.

Staff Member Moon detailed the staff report, noting the submitted final plat would divide the property into two lots. She stated that in the R-1 zoning district there is a 5,000 sq. ft. minimum lot size requirement and that as submitted, the two proposed lots would be approximately 3,279 square feet and 3,764 square feet and would require a waiver of the lot size requirement. She said the lots would otherwise be in substantial conformance with the Unified Development Code (UDC).

Commissioner Russell asked if the final plat meets lot frontage requirements and asked if a house would meet setbacks. Staff Member Moon stated that both lots would meet the minimum 50' street frontage requirement. She stated the existing home has a legally non-conforming front yard setback along Davis Street but all would comply with all other

required setbacks and the proposed home on the new lot would be compliant with all required setbacks. Staff member Schrobilgen noted that the UDC has a minimum size for single-family residences which is a width as 20 feet and overall footprint at 720 sq. ft.

Commissioner Lohrmann commented that the smaller lots seem to be in keeping with other smaller lots in the neighborhood.

Motion by Christ, seconded by Zuccaro, to approve the Final Plat of Kellhoff Addition, 3196 Windsor Avenue (PIN 1013208001) as submitted. Motion carried by the following vote: Aye – Christ, Froistad, Lohrmann, Russell, Zuccaro, and Mulligan; Nay – none.

ACTION ITEM/FINAL PLAT: Application of Jeffery Stein, Hy-Vee to approve the Final Plat of Hy-Vee Subdivision No. 2.

Dan Marti, Origin Design, 137 Main Street spoke on behalf of the applicant. He stated that the proposed plat had been reviewed and approved by the city about 20 years ago but was mistakenly not recorded at that time. This error was recently discovered and they are looking to remedy it by recording the plat.

Staff Member Schrobilgen detailed the staff report, noting the submitted Final Plat consolidates a number of lots into four new lots. He stated that the survey was originally reviewed and approved in 2005, but recording was never completed. He noted that four lots were being created, one for the gas station, one for the Hy-Vee Store, and then two, Lot A and Lot B, were to be dedicated to the city for public right of way and utility purposes. He said the proposed lots are in substantial conformance with the Unified Development Code.

Commissioners did not have any questions and found the request appropriate.

Motion by Russell, seconded by Froistad, to recommend approval of the Final Plat of Hy-Vee Subdivision No. 2 as submitted. Motion carried by the following vote: Aye – Christ, Froistad, Lohrmann, Russell, Zuccaro, and Mulligan; Nay – none.

PUBLIC HEARING/PUD AMENDMENT: Application of James Gantz to amend the Planned Unit Development by updating the conceptual development plan, amending the parking requirements, and adding multi-family residential as a principal permitted use for property located at 3125 Pennsylvania Avenue.

Jim Gantz, applicant, spoke on behalf of the project. He said the current PUD covers two properties located at 3125 and 3175 Pennsylvania Avenue (Applegate I and Applegate II, respectively) and they are looking to amend PUD to allow the 3125 Pennsylvania Avenue property to be converted from senior housing to non-age restricted market rate housing. He said that the Applegate I (3125 Pennsylvania) building was originally built in 1994, and at that time the developer received Section 42 Housing Tax Credits from the Iowa Finance Authority which restricted the property to be

limited to senior housing. He said the Section 42 Tax Credit came with income and rent restrictions as well.

Mr. Gantz noted that the bank initially owned the apartment buildings for 15 years and had constructed it as part of a community improvement initiative, and that his partnership has owned it for last 15 years. He explained that the Section 42 Tax Credit requires the property to be senior housing for 30 years and that the Applegate I (3125 Pennsylvania) just came out of compliance with that requirement. As such, he explained that they are now seeking to convert that building from affordable senior housing to non-age restricted market rate housing. He stated that they are seeking to remove the age restrictions in the PUD for the one property only and that the other property, Applewood II (3175 Pennsylvania) would remain as senior housing. He explained that Applewood II (3175 Pennsylvania) would come out of compliance with Section 42 in the next year; however, they plan to maintain the use on that property as senior housing.

Mr. Gantz discussed the site improvements being proposed to Applewood I (3125 Pennsylvania) which consists of a reconfiguration of the existing surface parking lot. He stated this is necessary in order to adhere to the 1.5 parking spaces per apartment requirement for multi-family residential housing per the City's code. He noted that senior housing only required .5 parking spaces per apartment. He stated that the Applewood II (3175 Pennsylvania) property does not have site area to provide the additional parking needed if they wished to convert it to non-age restricted residences which is one of the reasons why they plan not to convert that property.

Mr. Gantz stated that his partnership also owns the Woodlands Apartments which is a senior housing. He stated that based on his understanding of the market that filling Applewood I (3125 Pennsylvania) with market rate senior housing and thus they wished to allow for all ages to occupy the building. He said they are making a \$750,000 investment in the Applewood I (3125 Pennsylvania) property in order to upgrade the apartment building. He also said with the low-income status being removed the property will now be taxed as market rate and that assessments went up too. He concluded that the partnership has decided to allow the existing residents to remain in the building for two more years with the currently affordable rental rates in order for them to find alternative housing, if necessary.

Pat Johnson, 1852 Carter Road, spoke in opposition and noted that he submitted a petition. He read the statement on the petition into the record.

Roaslie Jahn, 1871 Carter Road, spoke in opposition and noted she signed the petition. She noted concerns with removing the 55+ limit and questioned what impact it might have on the other apartments and the neighbors.

Commissioner Lohrmann noted that most of the proposed renovations are good but noted the Section 42 process seems confusing and questioned what it would take to renew the tax credit. Commissioner Russell asked if the renewal process for Section 42

was guaranteed to be approved. Commissioner Mulligan asked for clarification on the concept plan.

Mr. Gantz responded to neighbors' concerns and addressed questions from the Commission. He said renewal of the tax credits was very competitive and that there is no guarantee of approval. He reiterated that Applewood II (3175 Pennsylvania) would not have the site area to accommodate the additional parking needed in order to convert the property. He stated that the concept plan for Applewood I (3125 Pennsylvania) would reconfigure and expand the existing surface parking lot in order to meet the 1.5 parking space per unit requirement. He clarified that Applewood III and IV, which are located toward the west, are under separate ownership.

Cody Austin also spoke in favor the project and stated that the revised site plan would eliminate one access drive from Pennsylvania Avenue. He stated the petition appears to be misleading as it states a hypothetical situation where all the Applewood Apartments properties, I through IV, would be converted from senior housing to non-age restricted market rate housing. He said only one building, Applewood 1 (3125 Pennsylvania), is proposed to be converted. He commented that if any use change were proposed to Applewood II (3175 Pennsylvania) in the future that it would be required to be reviewed by the ZAC and City Council.

Staff Member Moon detailed the staff report and concept plan. She stated that proposed amendment would allow only Applewood I (3125 Pennsylvania) to be converted to non-age restricted market rate housing and that Applewood II (3175 Pennsylvania) would remain restricted to senior housing. She noted that the Applewood I property is approximately 2.5 acres and is improved with a three-story residential building with a surface parking lot and underground parking lot. She noted the topography of the site which slopes downhill from east to west with an overall elevation change of approximately thirty-six (36) feet. She said the request is to amend the PUD to permit multi-family residences as a permitted use for the 3125 Pennsylvania Avenue property only. She noted that a letter of opposition was submitted from the property owner to the east and that an opposition petition was submitted which contains signatures of more than 20% of the property owners within the notification area, which triggers a supermajority vote at the City Council. Staff noted that the verbiage of the petition would be reviewed to address the applicant team's concern about its wording.

The Commission discussed the request. Commissioner Mulligan noted that receiving Section 42 Tax Credits from the Iowa Finance Authority is a very difficult and competitive process, and that approval was not guaranteed. He noted that there is a lot of senior housing in Dubuque. He stated that the applicant's partnership is their own neighbor in this instance and that they would want to protect each building's value. He said they are conforming to parking regulations and that it makes sense to convert. He stated that the amendment would not prohibit seniors from renting units in the building. He concluded that parking on adjacent streets did not appear to be an issue, as that would be a long walk to the subject site from any adjacent residential streets other than

Pennsylvania Avenue. Commissioner Russell noted that he is glad to hear that existing tenants are being accommodated for 2 years. Commissioner Christ noted that the applicant owns both Applewood I and II and that it would be in his own interest to maintain the sites and keep them nice for himself and the neighbors. Commissioner Lohrmann stated that she found the request to be an odd one and there is a potential for a domino effect of use changes to adjacent senior housing properties.

Motion by Zuccaro, seconded by Russell, to approve the PUD amendment as submitted. Motion carried by the following vote: Aye – Christ, Froistad, Russell, Zuccaro, and Mulligan; Nay – Lohrmann.

ITEMS FROM PUBLIC: None

ITEMS FROM COMMISSION: None

ITEMS FROM STAFF: Staff Member Moon noted that the Unified Development Code update is moving forward and consultant is preparing a Technical Report which will be shared in the near future. She noted that staff also emailed board and commission members regarding a Iowa State Extension training opportunity and asked for those interested to please reply and confirm with staff. Commissioners Froistad, Lohrmann, and Zuccaro noted interest in attending.

ADJOURNMENT: Motion by Russell, seconded by Mulligan to adjourn the April 2, 2025 Commission meeting. Motion carried by the following vote: Aye – Christ, Froistad, Lohrmann, Russell, Zuccaro, and Mulligan; Nay – none.

The meeting adjourned at 7:05 p.m.

Respectfully submitted,



Shena Moon, Associate Planner

May 7, 2025

Adopted