

MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION

6:00 p.m.
Wednesday, March 3, 2010
City Council Chamber
350 W. 6th Street, Dubuque, Iowa

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

ABSENT: Commissioner Patrick Norton.

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 February 3, 2010 meeting were approved unanimously as submitted.

Chairperson Stiles announced that the Historic Millwork District PUD rezoning request has been withdrawn and would be heard at the March 15, 2010 City Council meeting.

PUBLIC HEARING\AMEND ID DISTRICT: Application of the University of Dubuque to amend the University of Dubuque ID Institutional District to allow for an expanded parking lot near the corner of Finley and West Streets located at 2320/2350 West Street & 1211 Finley Street.

Jim Steiner, Chairman of Finance at the University of Dubuque, spoke regarding the University's request. He noted that the University is asking to expand an existing parking lot and add a new parking lot. He said the combined parking lot expansion will add 33 spaces to the University's inventory. He discussed lighting, screening and storm water detention for the parking lot areas.

Staff Member Kritz discussed the proposed parking lot, noting that significant on-campus expansions require that the Institutional District be amended. He said that as the parking lot is located next to an existing residential neighborhood, an amendment was warranted. He discussed the parking lot configuration, access and storm water management measures.

Commissioner Hardie asked the applicant to identify those measures undertaken to screen the parking lot. Mr. Steiner said that he will work with the City to design compliant screening. Mr. Hardie, staff and the applicant discussed screening options for the parking lot.

Staff Member Kritz noted that because of the parking lot elevation, a mixture of trees and shrubs should be used for screening.

The Commission discussed the proposed parking lot expansion and felt it was appropriate.

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

PUBLIC HEARING\REZONING: Application of Glinda Manternach, Bethany Home to rezone property located at 921/925 Lincoln Avenue from R-2A Alternate Two-Family Residential District to R-3 Moderate Density Multi-Family Residential District.

Glinda Manternach, Administrator for Bethany Home, said that the proposed rezoning would allow Bethany Home to expand their facility and encompass their current campus and adjacent property.

Staff Member Kritz outlined the request to rezone two lots for future expansion area for the Bethany Home facility. He said that the applicant will be required to apply for a conditional use permit through the Zoning Board of Adjustment to expand onto the adjacent property. Property owners within 200 feet would be notified as part of the conditional use permit process.

The Commission discussed the request and felt it was appropriate.

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

PUBLIC HEARING\REZONING: Application of Greg Prehm / Dubuque Property Investments, LLC to rezone property located at 2639 University Avenue (Lots 46 through 50 of the Lenox Addition, along Beverly Avenue) from R-1 Single-Family Residential District to R-2 Two-Family Residential District.

NOTE: The applicant was not present at the beginning of the public hearing.

Don O'Meara, 2631 Nebraska Street, submitted a petition signed by adjacent property owners opposed to the rezoning request. He said that the petition was signed by 95% of those adjacent property owners. He said that Irving School representatives could not sign

the petition due to a conflict of interest. He distributed photos of the existing apartments along University Avenue noting parking congestion. He said that the buildings are over populated and that the residents are parking in adjacent commercial lots. He said that he feels that the proposal is too dense for the neighborhood and that, if the area were to be rezoned it would expand the existing problems.

NOTE: The applicant arrived at the meeting.

Greg Prehm, 8505 Southern Hills Court, reviewed the style of dwelling units he said he plans to build in the area subject to the rezoning. He distributed photos and renderings of the proposed buildings. He said that redevelopment of this site will facilitate the cleanup of the area.

Carol Steckel, 2645 University Avenue, noted the location of her property relative to the subject property and the existing duplexes along University Avenue. She said she will be partially surrounded by the development. She said that the additional traffic generated by these three duplexes makes it very difficult for her to pull out onto University Avenue from her driveway or for pedestrians to cross the street. She noted problems with parking and an accumulation of trash and construction materials left on the site. She discussed problems with noise and vibrations during the construction of the adjacent duplexes. She said that the adjacent residents party sometimes until 3:00 a.m. She said that to rezone the balance of the property would have a negative impact on the value of her property.

Michael O'Meara, representing Don O'Meara, 2629 Nebraska Street, stated that he represents the Lenox Neighborhood Association. He reviewed legal issues with the Commission regarding what he said is their quasi-judicial status. He said that the Iowa Supreme Court said that the number of people in a unit could be no more than 3 unrelated. He said he believes the request is a spot zone and he referenced a former zoning on Beverly Avenue. He said that he felt that the City did not meet due process for mailing notices, as required by law. Mr. O'Meara continued to review legal issues including what he said is a deficiency of square footage for each of the lots and the lack of information provided by the applicant, including the location a City sewer easement across the property.

Mary Kass, 2617 Van Buren, stated that she objects to the rezoning, noting that she had also objected to the previous request on the property. She said that the existing duplexes along University Avenue generate a lot of noise and garbage.

Susan Lau, 2633 Van Buren Street, spoke in opposition to the request. She expressed concerns about the existing noise, garbage, construction debris and lack of snow removal and parking problems generated by the existing duplexes. She discussed the misbehavior of the tenants of these properties and noted that it would be very difficult to sell her home now. She said that the developer is irresponsible and that the existing site needs to be cleaned.

Mary Schwind, 2613 Van Buren Avenue, spoke in opposition to the request. She discussed problems with the existing residential development, including a proliferation of garbage and excessive noise.

Audrey Yarnell, 2653 University Avenue, spoke in opposition to the request. She said she feels the area should remain single-family.

Mr. Prehm stated that a family is defined as no more than 4 unrelated individuals.

Staff Member Hemenway noted that all State and Municipal Code requirements have been satisfied regarding the Zoning Advisory Commission procedures and written notification. He reviewed the definition of a family, noting that much of the information that neighbors felt was necessary would be provided at the site plan or building plan level. He reviewed the current lot layout and minimum requirements for lot area for single- and two-family residential development as required by the Unified Development Code.

Commissioner Hardie asked about the existing mobile homes. Staff Member Hemenway noted that the Housing Department and Building Department had responded to complaints regarding the vacant and abandoned buildings on the subject property.

Commissioner Miller asked staff to review the requirements for requesting a rezoning. Staff Member Hemenway noted that State law requires that the City process a property owner's request to rezone and that the Commission does not have the latitude to deny a person the ability to file a rezoning application.

Commissioner Smith expressed concerns about the existing development and stated that he feels that the proposed additional development will be too dense. He said that he cannot support the rezoning request.

Commissioner Christ agreed with Commissioner Smith stating that the density is not appropriate for the area.

Commissioner Hardie stated that he will not be supporting the request because he feels it is not appropriate for the area and that the developer has demonstrated a poor track record regarding his existing development in the neighborhood.

Commissioner Henschel agreed saying that he feels the development is too dense relative to the adjacent residential properties.

Commissioner Miller said that he feels the developer is not being a good neighbor and that he has concerns about the potential for increased demand for parking in the neighborhood.

Chairperson Stiles said that he initially felt the request was appropriate, because it would aid in removing the blighted mobile homes from the property, but after listening to the neighbors' concerns, he will not support the request.

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

PUBLIC HEARING\REZONING (REFERRED BY CITY COUNCIL): Application of City of Dubuque to rezone property bounded by 12th Street on the North, White Street to the West, Freeway 61/151 to the East, and 5th Street to the South from C-4 Downtown Commercial District and HI Heavy Industrial District to PUD Planned Unit Development for the area generally described as the Historic Millwork District.

Staff Member Kritz asked the Commission to concur in the City's request to withdraw the resubmitted rezoning request for the Historic Millwork District.

Commissioner Hardie questioned why the request was withdrawn. Staff Member Kritz reviewed an amendment regarding noise and indicated that after additional discussion, it was decided by staff to withdraw the request because the proposed language would not be effective in dealing with the noise issue.

Motion by Hardie, seconded by Christ, to concur with the withdrawal of the City's request for rezoning. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Miller, and Henschel; Abstain - Stiles; Nay – None.

ITEMS FROM COMMISSION: Commissioner Hardie asked if staff could draft a letter and send it to the appropriate departments noting the neighbors' concerns regarding potential Code violations on the University Avenue properties.

Motion by Hardie, seconded by Christ, to direct City staff to send written notification to affected departments regarding Code enforcement for the property at 2631, 2635 and 2639 University Avenue. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Miller, Henschel and Stiles; Nay – None.

ADJOURNMENT: The meeting adjourned at 7:25 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

Adopted—April 7, 2010