

MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION

6:00 p.m.

Wednesday, November 7, 2012

City Council Chamber

350 W. 6th Street, Dubuque, Iowa

PRESENT: Chairperson Charles Miller; Commissioners Stephen Hardie, Martha Christ, Patrick Norton, Tom Henschel and Eugene Bird, Jr.; Staff Members Kyle Kritz and Guy Hemenway.

ABSENT: Commissioner Ron Smith.

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 September 5, 2012 meeting were approved as submitted by a vote of 5 to 0, with one abstention.

ACTION ITEM/WAIVER: Application of the Dubuque Community School District to request to waive Article 13-3.1(B) and 13-3.5(D) of the Unified Development Code regarding site lighting and parking lot landscaping islands for property located at 2135 Woodland Drive (Kennedy Elementary School).

Mark Fassbinder, IIW Engineers & Surveyors, noted that the school district's request for a parking variance was reviewed and approved by the Zoning Board of Adjustment. He said that Kennedy Elementary School would like to place an addition on the north end of the building and not change the parking lot configuration. He said that they would like to retain the existing light fixtures and not be required to install the intermediate landscaped islands in the parking lot. He said that the new addition will meet all Unified Development Code and other City code requirements. He said that Kennedy School does not want to retrofit the existing building and parking lot lighting or add parking lot islands. He said the addition will represent a reconfiguration of the interior floor plan and not increase the number of staff or students.

Staff Member Kritz reiterated the request and discussed an aerial photo, noting the location of the parking lot, light standards, and building lighting. He discussed the Zoning Board of Adjustment action regarding the variance and how parking requirements are established for schools. He discussed the required landscaped islands, noting developing a parking lot elsewhere on the site would be problematic.

In response to a question by Commissioner Norton, Mr. Fassbinder said that the school would have to upgrade four light fixtures. Commissioner Hardie said that the school district should embrace sustainability and provide the required landscaping and green space.

Staff Member Kritz outlined the former site plan waiver requests reviewed by the Commission. Commissioner Hardie said he felt it would not be difficult to install cut-off luminaries on the current light fixtures. Commissioner Henschel said that he is not concerned with the lack of landscaped islands, but does have concerns with the affect of lighting on the neighborhood. Chairperson Miller agreed and noted that some additional surface parking could be created on the site.

Commissioner Norton said that he did not have concerns with not requiring additional landscaped islands, because the existing berm screens the lot from the adjacent properties and that one additional island would not significantly improve the site. He noted that excessive lighting will generally generate complaints.

Commissioners decided to consider the request to waive the requirements regarding landscaping and lighting separately.

Motion by Norton, seconded by Henschel, to waive Article 13-3.1(B) Site Lighting. Motion failed by the following vote: Aye – Norton; Nay – Hardie, Christ, Bird, Henschel and Miller.

Motion by Henschel, seconded by Norton, to waive Article 13-3.5(D) Landscaping. Motion failed for lack of four affirmative votes by the following vote: Aye – Christ, Norton and Henschel; Nay – Hardie, Bird and Miller.

ACTION ITEM\PLAT OF SURVEY: Application of Marty McNamer and David Hartig for approval of the Plat of Survey for McNamer Acres #4 for property located in the 1600 block of Old Mill Road.

Pat Norton stepped down from the table. The applicant was not in attendance.

Staff Member Kritz noted the property's size, location and configuration. He said that Lot 1 will have no frontage and therefore the Zoning Advisory Commission must waive that requirement. He discussed the history of the flooding in the area, and floodplain restrictions for the property. He discussed the existing floodplain buy-out program and said that the property will be dedicated to a conservancy easement. He said the applicants have expressed no intention to build on the property, but if they did, any development would require that a Conditional Use Permit be reviewed and approved by the Zoning Board of Adjustment. Staff Member Kritz recommended approval of the Plat of Survey of McNamer Acres #4, subject to waiving lot frontage for Lot 1.

Motion by Hardie, seconded by Bird, to approve the plat of Survey of McNamer Acres #4, subject to waiving the lot frontage requirement for Lot 1. Motion was approved by the following vote: Aye – Hardie, Christ, Henschel, Bird and Miller; Nay – None; Abstain – Norton.

ACTION ITEM/REZONING: Application of Louis and Irene Bassler to rezone property located at 2995 Asbury Road from R-1 Single-Family Residential to OR Office Residential District.

Louis Bassler, 13774 Surrey Lane, reviewed his request to rezone the property, noting that his daughter would like to convert the building to a small medical clinic. Mr. Bassler distributed an outline of their proposed business and a site plan, noting the location of a small parking lot, walkway and landscaping. Mr. Bassler noted that there were existing commercial uses across Avalon Road, and he said he felt a small clinic of this nature would have minimal impact on the surrounding residential properties.

Brian Blair, 3893 Crescent Court, spoke in support of the request, noting that the neighborhood has existing businesses, and that a small business would be consistent with the Asbury/Carter Road corridors. Two written comments in support were received.

Staff Member Hemenway reviewed the permitted uses in an OR District. He noted that the size of the lot constrains the number and intensity of uses that could realistically utilize this site. He reviewed the parking requirements for medical offices. He discussed the surrounding zoning and land use, traffic counts and noted the available on-street parking.

Commissioner Bird asked if the parking space along Asbury was necessary. Staff Member Hemenway clarified the parking requirements, noting that the parking lot on the Avalon Road side could satisfy the parking requirements established in the Unified Development Code.

Commissioner Norton discussed the development of commercial properties along Asbury Road in close proximity to the subject lot. Commissioner Christ said that she was not comfortable with an expansion of commercial activity into an R-1 Residential area. She said she was opposed for that reason. Commissioner Bird said that he preferred that no access be allowed onto Asbury Road from the existing driveway as a matter of public safety. Mr. Bassler noted that the site plan indicated a turnaround area for the Asbury Road driveway, stating that a vehicle parked in the garage or in the driveway could back into the turnaround area and then safely pull forward onto Asbury Road. He said that the patients for the clinic would use the side parking. Commissioner Bird said that given Mr. Bassler's intention to pave a turnaround area on the front drive, that he withdrew his objection for driveway access to Asbury Road.

Commissioner Hardie said that he felt that rezoning to OR represents very minimal change in the neighborhood and he noted that none of the neighbors have expressed opposition. Commissioner Henschel agreed with his assessment.

Motion by Henschel, seconded by Bird, to approve the rezoning from R-1 Single-Family Residential to OR Office Residential District. Motion was approved by the following vote: Aye – Hardie, Norton, Henschel, Bird, and Miller; Nay – Christ.

PUBLIC HEARING/ID AMENDMENT: Application of University of Dubuque to amend the Institutional District Campus Plan to change outdoor practice field into an indoor practice facility located at 2000 University Avenue.

Keith Wipperfurth, Director of Construction Management for the University of Dubuque, discussed the project history, and noted the location, height, size, and floor plan for the proposed indoor practice facility. He said that there would be no additional staff assigned to the facility. He said that the volume of the storm chambers under the parking area would be

increased to accommodate the additional runoff from the reduced permeable area created by the facility.

Mike Larkin, 24 Princeton Place, spoke in opposition to the request, noting concerns with the potential damage caused by storm water runoff and the impact of site lighting. He said that students often park on Princeton Place and cut through yards to access the recreational facilities. Staff distributed a site plan to Mr. Larkin. He said that he would like additional information about the project. He said that the continuing expansion of the University of Dubuque's facilities has led to a neighborhood decline and has had a negative impact on property values. He said that the development will likely increase traffic to the area.

Amy Kane, 168 Princeton Place, said she is opposed to development of more large structures behind the houses on Princeton Place. She said the existing facilities are creating problems with excessive lighting and noise. She said that exhaust fumes from the parking lot increase the amount of air pollution, and that cut-through pedestrian traffic is a problem. She said that storm water periodically runs into their yards and that her view to the former field area has been blocked by trees planted by the University.

Mr. Wipperfurth said that the University of Dubuque does not condone student cut-through traffic and he noted that the neighbors requested that arborvitae be planted along the property line to serve as screening. He said that the University is working to resolve some of the storm water runoff issues by increasing the size and capacity of the storm chambers.

Commissioner Christ asked if the current lighting levels can be reduced or redirected so as to have less of an impact on the adjacent properties. Mr. Wipperfurth said that the light levels were dictated by the requirements necessary for each sporting activity.

Commissioner Christ asked if the no student parking districts could be expanded. She expressed concerns with the safety of students crossing streets during sporting events often after dark.

Mr. Wipperfurth said that the University does not have the additional staff needed to monitor an expanded no student parking area. He attempted to explain student parking behavior and some of the obstacles the University faces regarding control of student parking. Commissioners said that they felt the University could do a better job of controlling student parking through various measures that have been undertaken at other schools and universities throughout the country.

Chairperson Miller recommended that the University limit outdoor activity hours when possible so as to reduce the impact of lighting on the neighborhood. He asked if the fence could be extended along the property line to help eliminate or reduce cut-through traffic. Mr. Wipperfurth said that a six-foot high chain link fence would be placed along the property line and would be installed as part of the future housing project.

Commissioners discussed the timing of the housing, parking and practice facility projects. Staff Member Kritz explained stadium lighting requirements, noting that cut-off luminaries are not practical for stadium lighting. He noted that a significant on-campus expansion necessitates Zoning Advisory Commission review. He discussed the development history of this portion of the campus, noting the location of the new practice facility. He said he had received a letter

from Jerry and Jean Mootz, expressing concerns similar to those of that the neighbors already articulated. He noted the parking lot location and access and said that additional storm water chamber capacity would be added and the storm water management for the facility would be reviewed through the site plan review process. He noted the location of the arborvitae screening, which he said was added in 2010, and said that a six-foot high chain link fence would help reduce cut-through traffic.

Chairperson Miller inquired about the location of the south terminus of the proposed fence, asking if the fence could be extended the full length of the property. Commissioner Hardie said he thought that the University could willingly extend the fence without being prompted by the Commission. Commissioners discussed the request, and felt that it would be advisable to require that a fence be placed along the property line to limit cut-through pedestrian traffic.

Motion by Christ, seconded by Bird, to approve the request to amend the Institutional District Campus Plan to allow conversion of the outdoor practice facility into an indoor practice facility with the condition that a six-foot high security fence be extended to the south end of the soccer field. Motion was approved by the following vote: Aye – Hardie, Christ, Norton, Henschel, Bird and Miller; Nay – None.

ITEMS FROM STAFF: Staff Member Kritz noted that Tom Thompson had submitted a letter of apology informing the Commission that missing the last Commission was an oversight on his part.

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

Respectfully submitted,



Kyle L. Kritz, Associate Planner



Adopted