



**MINUTES
CITY OF DUBUQUE ZONING ADVISORY COMMISSION
REGULAR SESSION**

6:00 p.m.

Wednesday March 4, 2015

City Council Chamber, Historic Federal Building

Commission Members Present: Chairperson Patrick Norton; Commissioners Steve Baumhover, Stephen Hardie, Martha Christ, Tom Henschel, Michael Belmont, and Laura Roussell; Staff Members Guy Hemenway and Kyle Kritz.

Commission Members Excused: None.

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

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

MINUTES: Motion by Christ, seconded by Belmont to approve the minutes of the February 4, 2015 Zoning Advisory Commission meeting as submitted. Motion carried by the following vote: Aye –Baumhover, Christ, Norton, Henschel, Belmont, and Roussell; Nay – None; Abstain – Hardie.

Chairperson Norton announced that the Mihalakis Plat request has been withdrawn by the applicant.

ACTION ITEMS\FINAL PLAT: Application of Joseph M. Vize, 12055 Cottingham Road, of the Final Plat of Vize Place.

Chairperson Norton stepped away from the table due to a potential conflict of interest. Vice Chairperson Henschel conducted the meeting.

Joe Vize, 12055 Cottingham Road, said that he would like to plat eight acres of property into three lots for residential purposes. He said he had signed the pre-annexation agreement.

Staff Member Kritz noted that as the property is within two miles of the city limits, joint review is required. He noted the property's location and size, and that three new lots would be created, one of which would accommodate the existing house. He noted that Lot 4 has 30 feet of frontage and will continue to have 30 feet of frontage; however, this was less than the 50 feet required by the UDC standards. He discussed access easements to the property, stating that the minor final plat is otherwise compliant with

all other regulations and recommended approval subject to waiving the lot frontage requirement for Lot 4.

Motion by Hardie, seconded by Belmont, to approve the Final Plat of Vize Place subject to waiving the lot frontage requirements for Lot 4. Motion carried by the following vote: Aye – Baumhover, Christ, Hardie, Henschel, Belmont, and Roussell; Nay – None; Abstain – Norton.

PUBLIC HEARINGS\REZONING: Application of Clarke University/Daisy Halvorson, 1550 Clarke Drive, to amend the ID Institutional District to allow new outdoor lighting and expansion of outdoor athletic facilities.

Daisy Halvorson, Vice President for Business and Finance at Clarke University, introduced Chris Droessler, Facilities Manager for Clarke University. She reviewed the request, noting that Clarke University would like to expand, improve and illuminate their athletic fields. She discussed the proposed lighting fixtures and hours of operation for the facility.

Larry Weitz, 2211 Aspen Drive, noted the location of his home in proximity to the athletic fields. He said that his home is relatively close to, and sits below the grade of, the fields. He expressed concerns with the level of ambient light that would be cast on to his lot and the noise that would be generated by activities on the athletic fields. He recommended that, if approved, the lights be turned off at 8 p.m. and that a sound barrier be erected along Clarke University's property to buffer the adjacent residences.

Charles Bart Kintzinger, 2212 Aspen Drive, expressed concerns with the potential impact that the lighting would have on his property and on the neighborhood in general. He also said that he is concerned with the potential damage to his property caused by the vibrations in the bedrock during installation of the foundations for the lighting stantions. He expressed concerns with runoff, noting that the artificial surface would shed water that may increase the flow of storm water through to adjacent residential properties. He said he was concerned with the amount of noise generated by activity on the athletic fields, especially if a new PA system is installed. He said he is concerned with the hours of operation of the facility starting at 6 a.m. and continuing until 10 p.m. in the evening. He questioned whether it would be necessary to remove trees to improve the fields. He asked if Clarke University intended to put up a sound barrier.

Wayne Schumacher, 2222 Aspen Drive, expressed concerns with noise generated by a new PA system. He asked if Clarke University had plans to buffer the adjacent properties from noise.

Jerry Koppes, 1008 Dunham Drive, stated that recent developments on Clarke University's campus have begun to encroach on the neighborhood. He said the new parking lot lighting and the proposed ball field lighting will saturate the neighborhood

with light. He recommended that Clarke University coordinate their athletic activities with the school district and utilize Dalzell Field.

Alice Rhomberg, 1008 Clarke Crest Court, said that she is concerned with the potential for people to cut through her yard to access the athletic fields. She said it is possible that people would park on her street and utilize her yard for a cut-through. She said she is also concerned about the amount of light and noise generated by the athletic fields and what affect it may have on the value of her property.

Daisy Halvorson noted that Clarke University has been at this location since 1843. She said that there would be some noise and activity associated with the athletic events and the practice field. She said that the competitive events will be primarily held at Senior High School's Dalzell Field. She said that the fields will be open at 6 a.m. because it is necessary to meet the training and practice schedule of the various athletic teams. She said that the ability to continue events until 10 p.m. is also needed for practice and athletic events. She said they anticipate that the fields would be lighted for about 200 hours a year. She said that the fields would primarily be used for lacrosse and soccer competitions.

Staff Member Hemenway reviewed the staff report, noting the changes proposed for the athletic fields. He discussed the size of the fields, their location relative to the adjacent properties, the height of the light stantions and the vegetative buffer around the fields. He noted that Musco Lighting stated that the proposed fixtures would reduce light spillover by approximately 50 percent.

Staff Member Kritz reviewed a survey of parking in the Clarke University campus area that that he had conducted over the last several weeks. He noted that there appears to be adequate parking available in Clarke's lots and along the adjacent public right-of-way.

Commissioner Baumhover asked if the trees will act as a buffer for lighting and noise. Staff Member Kritz said that deciduous trees provide a good buffer when they are fully leafed but, that due to the height of the light poles, he felt they would provide minimal buffering from the adjacent athletic lighting and noise. Commissioner Baumhover said he is concerned with the amount of ambient light cast onto adjacent residential properties and the possible impact of noise from athletic activities on the neighborhood.

Commissioner Hardie said that the Zoning Advisory Commission has dealt with lighting issues at the city's colleges in the past. He said that it is not unusual for schools to have lighted fields and that this sort of activity is vital to the city's universities. He said that the lighting will only be used periodically throughout the year. He recommended that a direct sidewalk connection from the 179-space parking lot be extended to the athletic fields.

Commissioner Christ noted that her residential property is located directly adjacent to the University of Dubuque soccer practice fields, and that they are lighted in the

evenings during events. She said that initially the lighting was noticeable, but, after a period of time she grew used to it and that now it has very little impact on her property. She said that, based on her experience with the adjacent field lighting, she had no problems with the request.

Commissioner Henschel questioned whether security fencing could be placed along Clarke's property line to prevent pedestrian traffic from cutting through neighboring properties. Commissioner Hardie said he did not feel fencing was necessary because the topography and wooded area creates a natural barrier.

Commissioner Baumhover asked Commissioner Christ if the lighting for soccer matches was turned off by 10 p.m. Commissioner Christ said yes, and sometimes even before.

Chairperson Norton asked if the applicant would be willing to extend the sidewalk from the 179-space parking lot to the athletic fields. Ms. Halvorson said that they would be willing to extend the sidewalk.

Motion by Hardie, seconded by Christ, to approve the amended ID Institutional District for Clarke University to allow new outdoor lighting and expansion of the outdoor athletic fields with the condition that a direct sidewalk connection be extended from 179-space parking to both athletic fields. Motion carried by the following vote: Aye –Baumhover, Christ, Norton, Henschel, Hardie, Belmont, and Roussell; Nay – None.

PUBLIC HEARING\REZONING: Application of Mary's Inn to rezone property located at 2750 Balboa Drive, from R-1 Single-Family Residential District to R-3 Moderate Density Multi-Family Residential District.

John Freund, Freund Law Firm, stated that he represents Mary's Inn regarding their 2750 Balboa Drive location. He outlined the mission of Mary's Inn, noting that applications for rezoning and a conditional use will be reviewed by the Zoning Advisory Commission, City Council and Zoning Board of Adjustment. He said they met with the neighbors and have noted their concerns. He discussed the residents of the proposed shelter, noting they would be young pregnant women or new mothers with their babies. He reviewed the similarities and differences between the R-1 and R-3 Districts, noting that there are some intense conditional uses allowed in the R-1 District.

Chairperson Norton asked how many young women would be residing at Mary's Inn. Mr. Freund stated that there would be typically four mothers and their babies with an on-site manager.

Michael Irvin, 2760 Balboa, stated that he lives directly adjacent to the proposed inn. He spoke in opposition, stating he felt the shelter would have a negative impact on the value of his property. He said that he spoke with a real estate professional who said that the proposed use would lower his property value. He stated that he was also concerned about the amount of traffic that may be generated by the facility.

George Portzen, 2735 Balboa, said that he lives across the street from the facility and opposes it. He said he agreed with the reasons given by the previous speaker and that he is also concerned about the value of his property.

Judy Portzen, 2835 Ken Court, said that although she does not live in the neighborhood, she agrees with the neighbor's concerns and is opposed to the rezoning. She said that although the Inn is a worthwhile cause, the applicant should have explored options other than locating their facility in a single-family neighborhood. She expressed concerns with the impact this facility could have on property values and traffic in the neighborhood.

Shirley Peacock, 2772 Balboa, noted that her house is adjacent to the subject property. She introduced her daughter, Lynn, who spoke on her behalf. She stated that if the rezoning were to be approved, nothing would guarantee that Mary's Inn would remain at this location and that the property would not be redeveloped for some other use. She said that the property could potentially be redeveloped as multi-family housing that would have a negative impact on the value of her property. She said that her mother is elderly and enjoys the quiet solitude of the neighborhood and would be compelled to move out of the area if the rezoning were to be approved.

Mr. Freund said that he would try to address the concerns raised by the neighbors. He said that he felt Mary's Inn would have very little impact on the property value, as they plan to keep their property well maintained and in excellent condition. He said that the young women residents of the facility will not be allowed to have vehicles and that visits by agency staff should be relatively infrequent. He said that, because of these factors, the facility should generate very little vehicular traffic. He said that Mary's Inn has no intention of tearing down the existing home and building multi-family housing. He said that the goal of Mary's Inn is to create a peaceful and quiet residential atmosphere and a supportive environment for the young women.

Commissioner Roussell asked if agency representatives would be frequently visiting the facility for support services. Mr. Freund said he was not sure, but he felt the number of visits would be similar to typical medical support for pregnant women.

Staff Member Hemenway reviewed the staff report. He noted the differences in the permitted and conditional uses in both R-1 and R-3 Districts. He discussed protected status class, noting that pregnant women do not enjoy such status. He discussed the traffic, parking, and activity generated by other group homes located in residential neighborhoods that Planning Services has had experience with. He said that if the rezoning request is approved, Mary's Inn will have to apply for a conditional use permit from the Zoning Board of Adjustment. He said that the Board can limit the number of residents and can add whatever conditions they feel may mitigate any potential negative impacts the facility may have. He stated the Commission could also consider a conditional rezoning limiting the permitted uses to a single-family home. He said that

this would address the concern regarding redevelopment of the property for multi-family housing.

Commissioner Henschel said he supports the idea of a conditional rezoning.

Chairperson Norton discussed and clarified the conditional rezoning process. Commissioner Baumhover said that he agreed with Commissioner Henschel regarding a conditional rezoning intended to prevent redevelopment of the property for multi-family residential use.

Commissioner Belmont said he was concerned about the incompatibility of the R-3 Multi-Family Residential district with the surrounding single-family residential use, and the relatively small size of the subject property.

Commissioners and Staff Member Kritz discussed the definition of a “spot zone.” Staff Member Kritz noted that charge of the Commission is generally to try and determine whether the use is similar and compatible with adjacent uses.

Commissioner Hardie said that the spot zone issue is a straw man and that the proposed residential use is compatible with the neighborhood.

Motion by Hardie, seconded by Henschel, to approve rezoning the property at 2750 Balboa Drive from R-1 Single-Family Residential to R-3 Moderate Density Multi-Family Family District with the condition that the list of permitted uses be limited to a single-family home. Motion carried by the following vote: Aye – Baumhover, Hardie, Christ, Henschel, Roussell, and Norton; Nay – Belmont.

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

Respectfully Submitted

Kyle L. Kritz, Associate Planner

Adopted