



Approved

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

6:00 p.m.

Wednesday, October 7, 2015

City Council Chamber, Historic Federal Building

**Commission Members Present:** Chairperson Pat Norton; Commissioners Kristin Dietzel, Laura Roussell, Steve Baumhover, Martha Christ, Tom Henschel and Michael Belmont; Staff Members Kyle Kritz and Guy Hemenway.

**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 Belmont, seconded by Henschel, to approve the minutes of the September 2, 2015 Zoning Advisory Commission meeting. Motion carried by the following vote: Aye – Roussell, Henschel, Belmont, Dietzel, and Norton; Nay – None; Abstain – Baumhover and Christ.

**PUBLIC HEARING\REZONING:** Application of Thomas Tiefenthaler to rezone property located at 1660, 1670, and 1690 University Avenue from R-2 Two-Family Residential District to C-2 Neighborhood Shopping Center District.

Commissioner Henschel excused himself from the table.

Thomas Tiefenthaler, 1107 Scenic Hill Lane, DeWitt, Iowa, outlined his request. He said that he had conducted a neighborhood meeting and had received input from several adjacent property owners. He noted that he had discussions with the City's Engineering Department regarding access to the site and use of the alley behind the subject property. He reviewed the building design and materials and noted that he would provide off-street parking in excess of the City's requirements. He said he will have attractive landscaping and period lighting. He said he takes security for the site seriously and will include lighting and cameras. He said that the development would be very attractive. He noted that Holy Trinity Lutheran Church owns the two lots to the west of his property, and that their intent is to demolish a single-family home and expand their parking area. He said that he anticipates working together with the church to manage storm water for the entire site.

Elaine Heaton, 1790 Custer Street, said that she is opposed to the rezoning because this area is residential in nature and further commercial development would exacerbate traffic problems. She said that the streets are incapable of handling added traffic and that there is not sufficient space to widen the street.

Linda Luedtke, 1475 North Grandview Avenue, submitted a letter of opposition provided by Virginia Meyer at 1495 North Grandview Avenue. Ms. Luedtke said she was opposed to the rezoning because of the potential for kids to hang out at the Laundromat. She said she does not want her neighborhood ruined because of additional traffic. She said that she feels the neighborhoods are being ruined by the intrusion of the college, hospital, and businesses.

Jason Meyer, 3507 Keystone Drive, expressed concerns with traffic congestion in the area. He said that he was interested in how parking would be managed in the area.

Dan Wild, 2316 Antler Ridge, said that he represented Holy Trinity Lutheran Church. He noted concerns with the use of the alley and security with the potential for patrons of the proposed laundromat to be loitering in the area. He said that Mr. Tiefenthaler would not be using the alley; however, and that the church was not opposed to the rezoning request.

Dick Hartig, 560 Villa Street, spoke in opposition to the request. He expressed concerns with traffic safety, the potential increase in traffic and the safety of the children waiting at the bus stop. Mr. Hartig discussed the number of employees in the surrounding businesses and hospital, and their impact on available parking. He said that it is likely that as a result of the increase in the number of area employees and patrons of the business that parking would creep into the neighborhoods affecting the quality of life. Mr. Hartig discussed the East/West Corridor Moratorium noting that there would be traffic signals at University and Grandview Avenue and a new roundabout located at Five Points in close proximity to the subject property.

Mr. Tiefenthaler noted that he would comply with the City's parking requirements.

In response to public comments, Chairperson Norton asked staff to clarify a super-majority vote. Staff Member Kritz reviewed the procedure for determining percentage of opposition within 200 feet of the subject property, and noted the percentage needed to require a super majority vote by the City Council to approve a rezoning request.

Staff Member Hemenway outlined the staff report, noting the number of uses permitted in the C-2 District. He said that drive-in/carry-out restaurant in the C-2 District would require that a conditional use permit be reviewed and approved by the Zoning Board of Adjustment through a public hearing process. He discussed traffic volumes on the adjacent streets and the surrounding zoning and land use. He provided written input on the request, which the Commission received and filed.

Commissioners discussed the permitted uses in the C-2 District. They discussed traffic generation for individual commercial uses allowed in the district. Commissioners felt the traffic generated by the new uses would represent a small percentage of the overall traffic on the adjacent streets. Commissioners noted that the presence of a roundabout and traffic signals should slow down traffic and alleviate some of the traffic congestion at both intersections.

Commissioner Dietzel said that the property surrounding the subject lot is generally not residential but a mixture of non-residential uses.

Mr. Tiefenthaler noted that in his discussions with the City's Engineering Department, they stated that the surrounding streets are arterials and are capable of accommodating higher traffic volumes.

Commissioners discussed the request and felt it was appropriate.

Motion by Christ, seconded by Baumhover, to approve the rezoning of property located at 1660, 1670, and 1690 University Avenue from R-2 Two-Family Residential District to C-2 Neighborhood Shopping Center District. Motion carried by the following vote: Aye – Baumhover, Roussell, Christ, Dietzel and Norton; Nay - Belmont; Abstain – Henschel.

**PUBLIC HEARING\REZONING:** Application of Jason and Kim Meyer to rezone property located at 3507 Keystone Drive from R-1 Single-Family Residential District to R-3 Moderate Density Multi-Family Residential District.

Jason Meyer, 3705 Keystone Drive, outlined his request for the Commission. He said he would like to rezone the property to R-3 and that he will close the existing daycare business, which he said will reduce the traffic in the area. He said he would like to convert the existing structure into an up/down duplex.

Nick Wilson, 3511 Keystone Drive, said he would like the property to remain single-family as he did not want apartment buildings in the neighborhood. He said if Mr. Meyer's intent is to create a duplex, then R-2 zoning would be appropriate and would not permit an apartment building.

Mr. Meyer stated that the exterior of the structure would not be changed, but the structure would be internally reconfigured into a duplex.

Staff Member Kritz outlined the staff report and referenced an aerial photo, noting the location of the North Fork of the Catfish Creek, and the surrounding land use and zoning. He discussed the range of dwelling units permitted in an R-3 District, noting that the lot is approximately 23,000 square feet in area and can accommodate multiple units. He discussed parking requirements, setbacks, and storm water management for the site, stating they could be accommodated on site.

In response to a question from Chairperson Norton, Mr. Meyer said that he intends to convert the one building to a duplex and possibly build row houses in the future.

Staff Member Kritz clarified the number of units permitted and the lot area required in the R-2 and R-3 Districts.

Commissioner Christ said she felt R-2 zoning is more appropriate. Commissioner Dietzel agreed, stating that the surrounding land use is primarily single-family.

Staff Member Kritz said that the Commissioners could approve R-2 zoning as it represented a reduction in intensity.

Chairperson Norton asked if the applicant was agreeable to rezoning the property to R-2. Mr. Meyer said that R-2 zoning was acceptable.

Commissioners discussed the options available to grant the approval.

Motion by Christ, seconded by Henschel, to approve the rezoning of property located at 3507 Keystone Drive from R-1 Single-Family Residential District to R-3 Moderate Density Multi-Family Residential District. Motion was denied by the following vote: Aye - None; Nay – Baumhover, Roussell, Christ, Henschel, Belmont, Dietzel and Norton.

Motion by Henschel, seconded by Roussell, to approve the rezoning of property located at 3507 Keystone Drive from R-1 Single-Family Residential District to R-2 Two-Family Residential District. Motion was approved by the following vote: Aye – Baumhover, Roussell, Christ, Henschel, Belmont, Dietzel and Norton; Nay - None.

**PUBLIC HEARING/AMEND INSTITUTIONAL DISTRICT:** Application of the University of Dubuque to amend ID Institutional District to construct an addition to Mercer Birmingham Hall located at McCormick Street Extension.

Jim Steiner, Vice President of Finance and Auxiliary Services, University of Dubuque, outlined the University's request. He said the University's intention is to build a locker room and storage building that will be 8,300 square feet in area and will connect Mercer Birmingham Hall with the Facilities building. He said it will alleviate the need for the visiting team to walk along the street to access the locker room. He said the request will not add faculty, staff or students to the campus. He said storm water will be sequestered in underwater chambers as the University has done in other parking lots. He said that the development will meet all other City codes and ordinances.

Staff Member Kritz noted that the ID District is somewhat like a PUD and that any significant on-campus expansion requires Commission and Council review. He said staff prefers to err on the side of caution, and have most campus facility buildings or parking lot additions reviewed.

Staff Member Kritz discussed the building's floor plan, size and location on campus. He said that the addition should not generate additional demand on parking or add traffic to the area. He discussed how storm water would be managed.

Staff Member Kritz discussed the 200-foot notification process, noting that the Planning Services Department experienced a computer error that excluded at least one property owner. He noted that the UDC requires staff to make a reasonable effort to notify by mail those property owners whose property is being considered for reclassification, and those owners of adjacent property and other parcels within 200 feet of the subject property.

In response to a question from the Chairperson, Staff Member Kritz stated that he believed that the property owner within the 200-foot notification area who did not receive written notification was aware of the meeting because of the October 7, 2015 newspaper article.

Commissioner Belmont asked Mr. Steiner if the University of Dubuque could delay their request in an effort to renotify all property owners. Mr. Steiner said that the University needed to start the project immediately because of concerns with the changing weather and short construction season.

Commissioner Henschel said that he was in favor of the project since the storm water is being adequately managed. Commissioner Belmont said that he approves of the request since it does not represent an expansion of the campus.

Chairperson Norton said that he was in favor the request because it would not generate additional traffic and that storm water would be managed.

Commissioner Roussell said that she felt that the proposed addition joining the two buildings was a very efficient use of campus space.

Motion by Belmont, seconded by Christ, to approve the amendment to the ID District to construct an addition to Mercer-Birmingham Hall. Motion was approved by the following vote: Aye – Baumhover, Roussell, Christ, Henschel, Belmont, Dietzel and Norton; Nay - None.

**ADJOURNMENT:** The meeting adjourned at 7:15 p.m.

Respectfully submitted,

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Kyle L. Kritz, Associate Planner

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Adopted