

**MINUTES  
ZONING ADVISORY COMMISSION  
REGULAR SESSION**

6:00 p.m.

Wednesday, January 6, 2010  
City Council Chamber  
350 W. 6<sup>th</sup> Street, Dubuque, Iowa

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

**ABSENT:** Commissioner Ron Smith.

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**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 December 2, 2009 meeting were approved unanimously as submitted.

**ACTION ITEM\PLAT OF SURVEY:** Application of Buesing & Associates for approval of the Plat of Survey Pinchuck-Herrig Place located on Miller Road.

The applicant was not in attendance.

Staff Member Kritz described the plat location and discussed an aerial photo of the site. He said the applicant's intent is to consolidate three lots and create two new ones. He said Lot 1 does not have frontage along a public or private street; however, it will be sold to the owner of Lot 26 of Timber Hyrst Estates, which does have frontage on Creekwood Drive. He said staff does not object to the proposed plat of survey because while the lot does not have frontage on a public or private street, it is not readily buildable due to topography and flood plain. He recommended approval.

Commissioners discussed the request and felt it was appropriate.

Motion by Hardie, seconded by Henschel, to approve the plat of survey of Pinchuck-Herrig Place subject to waiving the lot frontage requirement for Lot 1. Motion carried by the following vote: Aye – Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

**PUBLIC HEARING\REZONING:** Application of Terry Mozena / Langworthy Neighborhood Association to rezone a portion of the Langworthy Neighborhood properties from R-2 Two-Family Residential District to R-1 Single-Family Residential District.

Terry Mozena, 1036 W. 3<sup>rd</sup> Street, said he represents the Langworthy Neighborhood Association. He reviewed the request to rezone a portion of the Langworthy Neighborhood from R-2 to R-1. He said he would like the district zoning to be consistent and to reflect the single-family character of the neighborhood. He said the request is consistent with Comprehensive Plan Goals that will help preserve the character of the neighborhood.

Cindy Steinhauser, 450 Alpine Street, spoke in support of the rezoning request. She noted that a number of structures in the Langworthy Neighborhood have been converted from multi-family units back to their original single-family configuration. She said the rezoning would help reinforce this trend.

Greg Schuetz, 1095 Langworthy Street, said that he lives next to the Campbell property at 1133 Langworthy Street. He noted that there have been problems with renters at that property in the past. He said that he supports the request to rezone the neighborhood properties.

Staff Member Hemenway reviewed the request noting the number of parcels and residences within the district. He discussed the map that indicated those property owners that have signed a petition in favor of the request, and those that have not signed the petition. He discussed two letters of support that were submitted and one letter of opposition by Ms. Campbell at 1133 Langworthy Street.

Commissioner Henschel said that the rezoning seems very reasonable as it would reinforce the original intent of the single-family neighborhood.

Commissioner Norton said he is concerned with a resident's private property being rezoned over their objections. He discussed the ability for the Commission to rezone just those properties that signed the petition in favor of the request.

Commissioner Hardie said that there really had been only one letter of opposition and that the person submitting it had not attended the meeting. He said that he felt the neighborhood rezoning was appropriate.

Mr. Mozena clarified that those property owners within the rezoning area that did not sign the petition could not be reached by the timeline necessary for submittal of information to the Planning Department. He said those that did not sign were not necessarily opposed; they just could not be reached in a timely fashion.

Chairperson Stiles asked for clarification regarding non-conformities. Staff Member Hemenway noted that all residential structures within the district would be able to be rebuilt

under the current UDC non-conformity regulations. He noted that there are a number of multi-family residences within the districts that are currently non-conforming under the R-2 regulations.

Commissioner Christ said she fully supported the request.

Commissioner Miller said that he did not support a friendly amendment to his motion regarding excluding some of the properties within the district. He noted that changing the zoning did not necessarily create additional non-conformities.

Motion by Miller, seconded by Christ, to approve the rezoning as submitted. Motion carried by the following vote: Aye – Hardie, Christ, Miller, Henschel and Stiles; Nay – Norton.

**PUBLIC HEARING\TEXT AMENDMENT:** Application of Norm Granback / Blue Moon Development Co. to permit freestanding signs in the C-5 Central Business District.

Norm Granback, representing the Holiday Inn at 450 Main Street, reviewed his request for a text amendment. He said that the Holiday Inn would like to install a freestanding sign on their property because many out-of-towners are not able to identify the hotel or its entrance at street level. He said that the Holiday Inn is rebranding world-wide and that new signage is going to be required.

Staff Member Hemenway reviewed the request, noting where freestanding signage is currently allowed in the C-5 District.

Commissioners asked how many signs were currently allowed on the Holiday Inn and at what locations they were permitted. Staff Member Hemenway clarified the permitted wall-mounted signage for the site. Commissioner Hardie asked if signs would be allowed on both sides of Main Street from 4<sup>th</sup> to 5<sup>th</sup> Streets. Staff Member Hemenway said yes; however, the west side of the street is the site of the Five Flags Civic Center and Orpheum Theater.

Commissioners discussed the request and felt it was reasonable.

Motion by Christ, seconded by Henschel, to approve the amendment to permit freestanding signs in the C-5 Central Business District. Motion carried by the following vote: Aye – Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

**PUBLIC HEARING\TEXT AMENDMENT:** Application of City of Dubuque to amend Article 15-12 of the Unified Development Code regarding off-premise sign area.

Staff Member Hemenway reviewed the request, noting that the amended language is intended to reflect the intent of the original zoning ordinance and the wishes of the Sign Committee for the new Unified Development Code.

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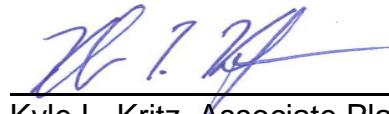
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Commissioners and staff discussed the intent of the original square footage requirements for off-premise signage. Staff noted that the amended language attempts to more clearly state the original intent of the zoning ordinance. He noted that the amended language was drafted with the City Legal staff's guidance.

Motion by Miller, seconded by Henschel, to approve the amendment to Article 15-12 of the Unified Development Code regarding off-premise sign area. Motion carried by the following vote: Aye – Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

**ADJOURNMENT:** The meeting adjourned at 7:00 p.m.

Respectfully submitted,



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Kyle L. Kritz, Associate Planner

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Adopted—February 3, 2010

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