

**MINUTES**  
**ZONING ADVISORY COMMISSION**  
**REGULAR SESSION**

6:00 p.m.  
Wednesday, October 5, 2011  
City Council Chamber  
350 W. 6<sup>th</sup> Street, Dubuque, Iowa

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

**ABSENT:** None.

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**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 September 7, 2011 meeting were approved unanimously, as submitted.

**ACTION ITEM PLAT OF SURVEY:** Application of Dan & Bernadette Leibfried for approval of the Plat of Survey Leibfried Place located at 2304 & 2310 Eagle Street.

Steve Scott, 100 W. 12<sup>th</sup> Street, stated that he is the attorney representing Dan & Bernadette Leibfried. He noted that the Leibfrieds are out of town. He summarized the request stating that the plat represents a property swap between adjacent property owners that would help facilitate the installation of an air conditioning unit along the side of the residence, so that there will be no encroachment.

The Commission discussed the request and felt it was appropriate.

Motion by Henschel, seconded by Hardie, to approve the Plat of Survey Leibfried Place, subject to waiving the lot frontage requirement for Lot 2. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Henschel and Miller; Nay – None.

**ACTION ITEM PLAT OF SURVEY:** Application of Richard Runde for approval of the Plat of Subdivision of City Lot 493 in the Original Town of Dubuque, located on the southwest corner of 16<sup>th</sup> & Jackson Streets.

Rick Runde, 1034 Barbara Lee, said that he represents St. Mary's Church. He said that St. Mary's would like to subdivide property between 15<sup>th</sup> and 16<sup>th</sup> Streets along Jackson Street to facilitate the sale of 3 lots.

The Commission discussed the request and felt it was appropriate.

Motion by Hardie, seconded by Christ, to approve the Plat of Subdivision of City Lot 493 in the Original Town of Dubuque. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Henschel and Miller; Nay – None.

**PUBLIC HEARING\REZONING:** Application of Joe Zwack, Triple J Land Co LLC / Daryl Biechler, DSD Properties to rezone property located at 2155 Rockdale Road, from R-3 Moderate Density Multi-Family Residential District to C-3 General Commercial District.

Daryl Biechler, 7762 Wild Nest Lane, reviewed the proposed use of the property noting the requirement for C-3 zoning. He said that the building would have an office and garage area that would be used for the storage of equipment and tools. He said that the back of the property would be used for outdoor storage. He said that his intent is to refurbish the building.

Commissioner Smith asked if there is a business currently in the building. Mr. Biechler said that the building currently is vacant and that they have been cleaning the grounds and remodeling the building.

Richard Chaney, 2270 Jaeger Drive, spoke in opposition to the request, noting concerns regarding the spectrum of what he said were intense commercial uses allowed in the C-3 zoning district. He also expressed concerns with the potential impact to the traffic along Rockdale Road, the potential for bright outdoor lighting, and the safety of the children being dropped off of school buses in the immediate proximity to the subject property. He said that he was concerned with the close proximity of the subject lot to the surrounding residential property. He asked for clarification regarding ownership of the property. Staff Member Hemenway noted that Mr. Biechler stated that he is the current owner of the property.

Mr. Biechler noted that he is willing to have conditions placed on the rezoning, if the Commission felt it was necessary. He said that once the Southwest Arterial is completed, the traffic volume along Rockdale Road should be reduced. He said any exterior lighting will use cut-off fixtures. He noted that there are other commercial uses in the area.

Staff Member Hemenway reviewed the staff report and discussed the surrounding land use and zoning and the extensive history of zoning on the site. He stated that the applicant chose C-3 zoning because he would like the ability to do both a contractor shop and upper story residential use. He discussed the existing conditions along Rockdale Road, traffic counts and the potential for traffic generation for those uses permitted in a C-3 district.

Commissioner Hardie discussed the uses permitted in C-3 and CS districts. He asked if the applicant would be willing to table and resubmit an application for a different district that may be more appropriate for the use that he proposes.

Mr. Biechler said that he has no plans to demolish the building or to put a second story on the structure at this time. He studied the uses allowed in the CS district and stated that he feels his business would not generate much traffic.

After further discussion, Mr. Biechler asked that his request be tabled to the next Zoning Advisory Commission meeting to allow him to research other potential zoning districts and talk with the neighbors.

Motion by Hardie, seconded by Christ, to table the rezoning request until the November 2, 2011 Zoning Advisory Commission meeting. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Henschel and Miller; Nay – None.

**PUBLIC HEARING\REZONING:** Application of Chad Hallahan to rezone property, located at 901 Rhomberg Avenue, from C-1 Neighborhood Commercial District to C-2 Neighborhood Shopping Center District.

Chad Hallahan outlined his request noting that when he initially leased the property he was not aware that he cannot operate a tattoo parlor under the current zoning. He said that he did not, at the time, understand the difference between commercial zoning districts.

Staff Member Hemenway reviewed the request, noting that the applicant not only has to be approved for a rezoning, but if successful, a conditional use permit is required for a tattoo parlor in a C-2 District. He said that a conditional use permit requires notification of those neighbors within 200 feet and another public hearing to be held. He reviewed the allowed uses in both the C-1 and C-2 districts and noted that, because of the size constraints of the lot, parking would limit the number of uses that could locate there without a parking variance. He noted receipt of a letter in opposition that was unsigned and did not have an address.

Commissioners said that as the communication was anonymous they would disregard it.

Commissioner Miller said that he is comfortable that a public hearing is required as part of the conditional use process for a tattoo parlor. Commissioner Norton noted that the request before the Zoning Advisory Commission is not only for a tattoo parlor, but for any of the uses permitted in a C-2 district. He noted that because of site constraints, the more intense commercial uses in the C-2 district would be limited.

The Commission discussed the request and felt it was appropriate.

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

**ADJOURNMENT:** The meeting adjourned at 6:45 p.m.

Respectfully submitted,

  
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Kyle L. Kritz, Associate Planner

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Adopted—November 2, 2011