



Approved



**MINUTES  
ZONING ADVISORY COMMISSION  
REGULAR SESSION**

6:00 p.m.  
Wednesday, November 2, 2011  
City Council Chamber  
350 W. 6<sup>th</sup> Street, Dubuque, Iowa

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

**ABSENT:** Chairperson Charlie Miller.

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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 October 5, 2011 meeting were approved, unanimously, as submitted.

**ACTION ITEM\PLAT OF SURVEY:** Application of James & Jo Edwards for approval of the Plat of Survey JJ Kemp Place located behind and across the alley at 508 Hill Street.

James Edwards, 508 Hill Street, discussed the history of the garage structure noting that it is located across the alley directly behind his residence. He said that he would like to purchase the garage and use it for storage for his residence and as a workshop.

Staff Member Hemenway reviewed the plat noting that both new parcels lack frontage on a platted City street and that Lot 2 is less than 5,000 square feet in area. He said that the structures and lot area currently are nonconforming as they are built on a lot separate from the residence and that the current lot does not have frontage on a public street. He said that replatting this property will facilitate the sale of one of the garages to Mr. Edwards and will not change the status quo in the neighborhood. He noted that Mr. Edwards had received a conditional use permit from the Zoning Board of Adjustment enabling him to use the off-premise garage. He said that the proposed plat will not adversely impact any of the adjacent properties.

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The Commission discussed the request and felt it was appropriate.

Motion by Hardie, seconded by Christ, to approve the Plat of Survey JJ Kemp Place subject to waiving lot frontage on Lots 1 and 2 and lot area for Lot 2. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Henschel and Norton; Nay – None.

**ACTION ITEM\PLAT OF SURVEY:** Application of Marty McNamer for approval of the Plat of Survey of McNamer Acres #3 located at the west end of Manson Road.

The applicant was not in attendance.

The Commission decided to hear the request.

Staff Member Kritz noted that the Plat of Survey of McNamer Acres #3 subdivides 23 acres of property that formerly accommodated a mobile home park. He discussed the history of the property, the location of the flood plain on Lot 2 and access from Manson Road to the proposed lots. He said that Lot 1 will be the site of a new single-family home and Lot 2 had been labeled nonbuildable.

Commissioner Smith asked about current zoning on the property, which is R-1 Single-Family.

Staff Member Kritz noted that any replat of the property removing the non-buildable designation would have to be reviewed and approved by the Commission.

The Commission discussed the request and found it was appropriate.

Motion by Henschel, seconded by Hardie, to approve the Plat of Survey of McNamer Acres #3, subject to waiving the lot frontage requirement for Lot 2. Motion was approved by the following vote: Aye – Smith, Hardie, Christ, Henschel and Norton; Nay – None.

**ACTION ITEM\MINOR PLAT:** Application of Buesing & Associates for approval of the minor plat of Lots 1, 2 & 3 Knepper Addition located at 1834 Creek Wood Drive.

Peter Arling, 700 Locust Street, said that he represents the applicants. He said that the replat is an attempt to clean up a number of remnant properties splitting three lots and transferring ownership.

Staff Member Kritz noted that because there are 3 new lots, the submitted plat is a minor final plat and requires review by the Zoning Advisory Commission and City Council . He discussed the location of the lots and their configurations. He noted that Lot 3 will be annexed into the City in the future. He recommended approval.

The Commission discussed the request and felt it was appropriate. Motion by Hardie, seconded by Christ, to approve the Minor Plat of Lots 1, 2 & 3 Knepper Addition, subject to waiving lot frontage for Lots 1, 2 & 3 and lot area for Lot 3. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Henschel and Norton; Nay – None.

**PUBLIC HEARING\REZONING (TABLED FROM OCTOBER 5, 2011):** 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, said that the rezoning he proposes will allow the property to be used as an office and contractor shop and for storage of his construction equipment. He said that most of the masonry business is conducted at the construction site and that there would be very little noise and activity on the subject property. Noting the adjacent land uses, he said that the area is a mixture of residential and commercial properties. He said that the subject parcel is relatively small and that few of the uses allowed in C-3 would easily fit on the subject property. He said that he would use compliant fixtures so as not to cast light on the adjacent properties. He said that he is open to a conditional rezoning eliminating some of those uses that the Commission may consider inappropriate.

Richard Chaney, 2230 Jaeger Drive, spoke in opposition to the request, noting that the subject property is surrounded by residential use. He said that he felt that the zoning should remain residential. He noted that there is vacant, commercially zoned property in close proximity to the subject property. He reviewed alternative locations for commercial businesses. He said that he is concerned with the impact that commercial uses may have on traffic and the value of adjacent residential properties.

Staff Member Hemenway reviewed the request, noting the existing and proposed zoning, surrounding land uses, and the number of allowed uses in the C-3 General Commercial zoning district. He reviewed traffic counts along Rockdale Road, noting that current IDOT counts approach 10,000 vehicle trips per day. He noted that the size of the parcel may limit the number of uses that can effectively operate on the property. He noted a petition in opposition has been submitted, which them was received and filed by the Commission.

Commissioner Hardie said that the issue is not whether the applicant's intended use will fit, but the potential for the impact of all the other uses allowed in the C-3 District may have on the adjacent properties. He expressed concern with the substandard nature of Rockdale Road. Commissioner Henschel felt that the size of the parcel will significantly limit those uses that can locate there. Commissioner Smith agreed, stating that there may only be a half-dozen uses that may effectively use a lot of this size. Vice Chairperson Norton also agreed with the other Commissioners, saying that the size of the lot will effectively limit the number of uses.

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Motion by Christ, seconded by Hardie, to bring the rezoning request back to the table. Motion approved by the following vote: Aye – Smith, Hardie, Christ, Henschel and Norton; Nay – None.

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

**PUBLIC HEARING\AMEND PUD:** Application of Peter Arling, O'Connor & Thomas, P.C. / Asbury Dubuque LLC/Richardson Investments, LLC to amend the Asbury Plaza PUD to allow for a right-in/right-out access to the Northwest Arterial and to amend the list of permitted uses, height and sign regulations, located in the Asbury Plaza Shopping Center.

Peter Arling, 700 Locust Street, said that he represents the applicants. He discussed the proposed project noting that Richardson Motors has outgrown their present site and is looking for a location that will give them room to expand. He discussed the concept layout for the proposed Richardson dealership, noting that their request is to amend the PUD to list vehicle sales and service dealerships as a permitted use in the Asbury Place PC Planned Commercial zoning district. He said that automobile manufacturers require corporate standards for building design and signage. He discussed the proposed right-in/right-out access, noting that it would have little impact on the traffic flow along the Northwest Arterial. He said that Richardsons had considered providing access to the adjacent commercial properties in the future.

Dan McDonald, Greater Dubuque Development Corporation, 300 Main Street, spoke in favor of the request. He discussed market issues and noted that automobile corporations have stringent requirements for signage and building design. He stated that he felt that the access would not compromise traffic flow along the Northwest Arterial.

Staff Member Kritz outlined the staff report, noting the Asbury Plaza PUD development history and development timeframe. He discussed current property ownership and noted that the applicant's request is to amend the district by expanding auto sales to include all vehicles, increase the building height, modify the sign standards and create a right-in/right-out access to the Northwest Arterial. He reviewed the existing right-in/right-out accesses along the Northwest Arterial. He discussed standards for access separation and noted that the Traffic Study indicated a Level of Service B. Staff noted the enclosed Traffic Study and memo from the City Engineer. He discussed the expanded definition in the Unified Development Code where auto sales was changed to include all vehicles such as motorcycles and trucks. He said that the proposed amendment also eliminated redundant uses from the list of permitted uses. He said that the applicants are also asking to increase the building height from 25 to 50 feet and to increase the number of signs permitted.

Commissioner Henschel said that he struggles with the need for a right-in/right-out access so close to the soccer field and over an existing bike trail. Commissioner Christ said that she has concerns with the right-in/right-out access being used for the church and soccer groups and how that may impact public safety.

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Staff Member Kritz noted that the traffic study had built in an increase in traffic volume from both Asbury Plaza and the Northwest Arterial over the next 20 years. He said that if Richardsons intends to change their access configuration, the Zoning Advisory Commission would review it as another amendment to the PC district.

Commissioner Christ reiterated her concern with traffic safety as it regards the access. Commissioner Smith expressed concerns with the potential for cut-through traffic from the adjacent businesses. Mr. Arling noted that the current configuration does not lend itself to cut through traffic as it is a rather convoluted pathway and would not be attractive to motorists.

The Commission and applicants discussed traffic issues. Commissioner Hardie said that he is comfortable with the proposed amendments as they only apply to Richardson's property.

Vice Chairperson Norton said that he feels that this is a great development and he discussed both right-in/right-out access and IDOT regulation of said access. He said he is pleased that the sign standards are confined to Richardson's lot and not applicable to the all of Asbury Plaza.

Motion by Christ, seconded by Hardie, to approve the request to amend the Asbury Plaza Planned Commercial District. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Henschel and Norton; Nay – None.

**ITEMS FROM STAFF:** Staff Member Kritz noted that a new Commissioner will be on board for the next meeting, therefore, we will have a full Commission.

**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—December 7, 2011