

**MINUTES**  
**ZONING ADVISORY COMMISSION**  
**REGULAR SESSION**  
6:00 p.m.  
Wednesday, May 1, 2013  
City Council Chamber  
350 W. 6<sup>th</sup> Street, Dubuque, Iowa

---

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

**ABSENT:** Commissioners Martha Christ and Eugene Bird, Jr.

---

**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 March 6, 2013 meeting were approved unanimously as submitted.

**PUBLIC HEARING\TEXT AMENDMENT:** Application of Premier Bank, 140 W. 9<sup>th</sup> Street, for a text amendment to Amend Article 15-11.10 to permit freestanding signs along W 9<sup>th</sup> St between Iowa & Main Street in a C-4 Downtown Commercial Zoning District.

Keith Wolff, Dubuque Sign Company, said he was representing Premier Bank. He reviewed the location of the proposed signage, noting that it would increase visibility for eastbound traffic along 9<sup>th</sup> Street. He offered to answer any questions from the Commission.

Staff Member Hemenway reviewed the C-5 District freestanding sign history, noting past amendments to the district which would allowed freestanding signs for a number of businesses in the area. He discussed the rationale for prohibition of freestanding in those parts of downtown where buildings were built to the front property lines. He said that the C-5 District is unique in that it is in the Old Town Neighborhood and property lines go the street centerline, and therefore affording the property owner the ability to petition the City to place signs on their property within the City's roadway and sidewalk easement. He said that Engineering reviews all requests for signage in a right-of-way easement in an effort to insure pedestrian access and traffic safety. He said that Engineering has reviewed the

Premier Bank request and has no objections. He said that staff is considering modifying the C-5 Districts to allow freestanding signage throughout so as to make the district more uniform. He said that the City Engineering Department will still review any request for signs in the right-of-way easement.

Commissioners discussed the request and felt it was appropriate .

Motion by Hardie, seconded by Norton, to approve the amendment to Article 15-11.10 to permit freestanding signs along W. 9<sup>th</sup> Street between Iowa and Main Streets in a C-4 Downtown Commercial zoning district. Motion was approved by the following vote: Aye – Smith, Hardie, Norton, Henschel and Miller; Nay – None.

**PUBLIC HEARING\REZONING:** Application of Jon Kluck to rezone property at 8005 Seippel Court from existing CS Commercial Service and Wholesale District, with conditions, to reduce the north side setback from 50 feet to 20 feet.

Jon Kluck, 8005 Seippel Court, reviewed his request, noting the history and setback, stating that the current property owner most impacted by the proposed change does not object to the reduced setback. Mr. Kluck provided letters of support from the adjacent property owner.

Commissioner Hardie reviewed the existing setbacks and ownership with staff and the applicant.

Staff Member Hemenway reviewed the request, noting the change to the original memorandum of agreement stating that the ownership of the adjacent property had changed. He said that the current owner submitted a letter stating that he does not object to the reduced setback from residential for the CS District.

Commissioners discussed the request, noting the letter submitted in support of the request submitted by the adjacent property owner asked that a condition restricting exhaust fans and storage on the north side of the building be added. Commissioners discussed the request and felt it was appropriate.

Motion by Henschel, seconded by Hardie, to approve the rezoning of the existing CS Commercial Service and Wholesale District with conditions to eliminate the 20% lot depth requirement and with the conditions that no storage or exhaust fans be allowed on the north side of the building. Motion was approved by the following vote: Aye – Smith, Hardie, Norton, Henschel and Miller; Nay – None.

**ACTION ITEM\TEXT AMENDMENT:** Application of the City of Dubuque for approval of a text amendment to Amend Section 7-2 Towers and Antennas of the Unified Development Code to establish timelines for review of applications.

Staff Member Kritz, representing the City of Dubuque, noted the change due to recent FCC rulings that compel government entities to establish a reasonable timeframe for review of tower and antenna requests. He noted the sections of the City of Dubuque Unified Development Code that will be changed to reflect the required timelines established by the FCC. He discussed the history of the tower request within the community and stated that current timeframes fall well within the FCC requirements.

Commissioners discussed the request and felt it was appropriate.

Motion by Hardie, seconded by Henschel, to approve the amendment to Article 7-2 Towers and Antennas of the Unified Development Code to establish timelines for review of applications. Motion was approved by the following vote: Aye – Smith, Hardie, Norton, Henschel and Miller; Nay – None.

**PUBLIC HEARING\TEXT AMENDMENT:** Application of the City of Dubuque to amend Section 11-7(D) Major Subdivisions and Section 11-15(H) Streets of the Unified Development Code to require that street names be included on preliminary plats.

Staff Member Kritz outlined the request, discussing current Code requirements regarding street naming protocol. He said the street naming convention is in place so as to not duplicate or confuse new street name with existing streets. He said the amendment will enable staff to require formal names be assigned prior to the plat review and approval. He said this will help with 911 issues.

Commissioner Miller asked if this is County-wide. Staff Member Kritz stated the review would be for all streets in the County by E911.

Motion by Henschel, seconded by Miller, to approve to amend Section 11-7(D) Major Subdivisions and Section 11-15(H) Streets of the Unified Development Code to require that street names be included on preliminary plats. Motion was approved by the following vote: Aye – Smith, Hardie, Norton, Henschel and Miller; Nay – None.

**PUBLIC HEARING\TEXT AMENDMENT:** Application of the City of Dubuque to Amend Section 6-4 Flood Hazard Overlay District of the Unified Development Code.

Staff Member Kritz explained the request, noting the City's receipt of new FEMA floodplain panel rate maps. He noted the current requirements for certification of flood walls and levees. He said that the new panels indicate that the City's flood wall is fully accredited and that the map revisions will reflect the status.

Commissioners discussed the request and felt it was appropriate.

Motion by Norton, seconded by Smith, to amend Section 6-4 Flood Hazard Overlay District of the Unified Development Code. Motion was approved by the following vote: Aye – Smith, Hardie, Norton, Henschel and Miller; Nay – None.

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

Respectfully submitted,

---

Kyle L. Kritz, Associate Planner

---

Adopted