



Approved

**MINUTES  
ZONING ADVISORY COMMISSION  
REGULAR SESSION**

6:00 p.m.

Wednesday, December 4, 2013  
City Council Chamber  
350 W. 6<sup>th</sup> Street, Dubuque, Iowa

---

**PRESENT:** Chairperson Patrick Norton; Commissioners Ron Smith, Tom Henschel and Michael Belmont; Staff Members Guy Hemenway and Kyle Kritz.

**ABSENT:** Commissioners Stephen Hardie and Martha Christ.

---

**CALL TO ORDER:** The meeting was called to order at 6:05 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 November 6, 2013 meeting were approved unanimously as submitted.

**ACTION ITEM/WAIVER:** Application of Finley Hospital, 350 North Grandview Avenue, requesting to waive section 13-4.6(A) of the Unified Development Code by reducing the required 10' wide parking lot landscape buffer to 5' along the Grandview Avenue and Delhi Street frontages.

Representatives of Finley Hospital asked that their request be moved to the end of the meeting. The Commission agreed.

**ACTION ITEM/FINAL PLAT:** Application of John Perry, 14370 North Cascade Road, to approve the Final Plat for Freedom Ridge Estates, Plat 2, in Dubuque County.

John Perry noted that he would like to add one lot to his subdivision, which he said would create a flag lot with less than 50 feet of frontage. He said that he spoke with County Zoning Administrator Anna O'Shea and she had no problem with his request.

Staff Member Kritz noted that, as the property is located within two miles of the City, it requires a joint City/County review. He outlined the property history and said that no public improvements, such as streets or sewer, would be extended to the property. He said Lot 2 has only 31 feet of frontage and Lots 1 & 4 have no frontage. He said that Lot 4 has been labeled as non-buildable. He discussed flood plain issues and the property's topography.

Minutes – Zoning Advisory Commission

December 4, 2013

Page 2

He discussed the proposed Southwest Arterial alignment relative to the subject subdivision. He recommended approval subject to waiving the lot frontage requirements for Lots 1, 2 and 4.

Commissioners discussed the request and felt it was appropriate.

Motion by Henschel, seconded by Smith, to approve the Final Plat of Freedom Ridge Estates Plat. 2, subject to waiving the lot frontage requirements for Lots 1, 2 and 4. Motion carried by the following vote: Smith, Henschel, Belmont, and Norton; Nay – None.

**ACTION ITEM/FINAL PLAT:** Application of McDermott Brothers Construction for approval of the Final Plat of Brunskill Street Place No. 2 located on Brunskill Road.

Chairperson Norton excused himself from the discussion, and Vice Chairperson Henschel chaired the discussion.

Terry Koelker, Buesing & Associates, said that he was representing Dan McDermott. He said that Mr. McDermott is proposing to build six zero lot line townhouses that will be accessed from a private driveway easement and have no frontage on a public street.

Staff Member Kritz noted that the subdivision will enable Mr. McDermott to create six individually platted townhouse units similar to those that have been approved across the private access drive. He said that Lots 2 through 6 do not have frontage on a public or approved private street. He said that the detention facility for the entire development had already been approved.

Commissioners discussed the request and felt that it was appropriate.

Motion by Smith, seconded by Belmont, to approve the Final Plat of Brunskill Street No. 2, subject to waiving the lot frontage requirements for Lots 2 through 6. Motion carried by the following vote: Smith, Henschel, and Belmont; Nay – None; Abstain – Norton.

**PUBLIC HEARING/REZONING:** Application of McCoy Family Properties to rezone the property located at 10785 U.S. Route 61 pending annexation from Dubuque County B1, Business zoning district to City of Dubuque C-3 General Commercial zoning district

Peter Arling said that he represents the McCoy Family and he introduced Nick Neis of Truck Country. Mr. Arling said that Truck Country is in the process of annexing their property to the City. He said that they would like to rezone their property so that their business would be compliant with current City of Dubuque Unified Development Code regulations. He said that the proposed annexation will help the City grow and extend services and utilities to the area. He said it would also help Truck Country to expand their business.

Minutes – Zoning Advisory Commission

December 4, 2013

Page 3

There were no public comments.

Chairperson Norton noted receipt of an email in favor of the rezoning request.

Staff Member Kritz discussed the Commission's role regarding annexation and rezoning. He said that Truck Country's vehicle sales and service business is a permitted use in the C-3 district. He said that the subject property is located along a highway and that the surrounding property has been developed for a mix of residential and commercial uses.

Chairperson Norton asked if screening would be required for the property. Staff Member Kritz said that screening would not be a requisite of the rezoning process, but that any subsequent development on the property will need to comply with the Unified Development Code standards. Chairperson Norton said that he felt the C-3 district reflects the proper zone for the existing use of the property.

Motion by Henschel, seconded by Belmont, to approve the rezoning request pending annexation. Motion carried by the following vote: Smith, Henschel, Belmont, and Norton; Nay – None.

**ACTION ITEM/WAIVER:** Application of Finley Hospital, 350 North Grandview Avenue, to waive section 13-4.6(A) of the Unified Development Code reducing the required 10' wide parking lot landscape buffer to 5' along the Grandview Avenue and Delhi Street frontages.

Brian Sandman, of Invision Architects, introduced Dan Hintgen of WHKS, and said that they represent Unity Point Health - Finley Hospital. He said that the request is to waive a portion of the 10-foot buffer to allow for adequate space for Finley's new parking lot.

Mr. Hintgen explained that there would be 10 feet of green space between the edge of the parking lot and the sidewalk. He said that five feet of green space would be on Finley's property and five feet would be on the public right-of-way.

Staff Member Hemenway explained the rationale for requiring a 10-foot landscape buffer between new parking lots and the right-of-way. He reviewed the exhibits provided by Finley Hospital. He noted the right-of-way widths for both Grandview Avenue and Delhi Street. He said that the boulevard width and median landscaping serve to buffer the residential properties across Grandview Avenue from Finley's parking lot. He said that the property across Delhi Street is commercial in nature. He discussed the difficulty of retrofitting off-street parking and accommodating a building expansion into an existing land-locked site. He said that the Finley has few options for expansion.

Chairperson Norton asked about parking lot configuration options. Dan Hintgen reviewed the design options he said that Finley had explored, noting that most were not feasible due to topography and the need for safe traffic circulation.

Minutes – Zoning Advisory Commission

December 4, 2013

Page 4

Staff Member Kritz discussed former waivers that the Commission had reviewed noting that most were for developed sites like Finley's.

Commissioner Henschel asked about access to the site. Staff Member Hemenway said that access, traffic and parking issues would be reviewed at the next Zoning Advisory Commission meeting when Finley Hospital submits the proposal to amend their institutional district to permit a building addition.

Commissioner Belmont said that future changes could consume an additional portion of the City's right-of-way along Finley's property. Staff Members agreed that it is possible that future street improvements may affect the right-of-way.

Motion by Henschel, seconded by Smith, to approve the request to waive section 13-4.6(A) of the Unified Development Code reducing the required 10' wide parking lot landscape buffer to 5' along the Grandview Avenue and Delhi Street frontages. Motion carried by the following vote: Smith, Henschel, Belmont, and Norton; Nay – None.

**ITEMS FROM STAFF:** Staff member Kritz asked if Commissioners would consider moving the next regular Zoning Advisory Commission meeting scheduled for January 2 to January 8, 2014. Commissioners agreed to the request.

**ADJOURNMENT:** The meeting adjourned at 6:50 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Kyle L. Kritz, Associate Planner

  
\_\_\_\_\_  
Adopted