

**MINUTES  
ZONING ADVISORY COMMISSION  
REGULAR SESSION**

6:00 p.m.  
Wednesday, November 6, 2013  
City Council Chamber  
350 W. 6<sup>th</sup> Street, Dubuque, Iowa

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**PRESENT:** Chairperson Patrick Norton; Commissioners Michael Belmont, Martha Christ, Tom Henschel; Commissioner Ron Smith; Staff Members Guy Hemenway and Eric Van Buskirk.

**ABSENT:** Commissioner Stephen Hardie.

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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 October 2, 2013 meeting were approved unanimously as submitted.

**ACTION ITEM\SIMPLE SUBDIVISION:** Application of Mark Molo, Molo Oil Company, for the approval of a simple subdivision of Lot 1 and Lot 2 of Westview Shopping Center Place, No. 4.

Mark Molo, 123 Southern, addressed the commission, stating that he is purchasing a portion of City owned property that does not have frontage on a platted right of way.

Staff Member Hemenway stated that Mr. Molo is purchasing a 1.3 acre parcel of property from the City that abuts the old Choo Choo Charlie's site. He said that the purchase requires subdividing an existing lot with no frontage into two lots that will consequently also have no frontage. He noted that the subdivision standards require each new lot to have frontage along a platted public or private street. He said that newly platted lots that lack frontage are, therefore, non-conforming and must be reviewed and approved by the Zoning Advisory Commission and the City Council.

Staff Member Hemenway distributed two aerial photos of the subject property. He noted that access to the subject lot will be taken from Mr. Molo's abutting lot that has frontage along John F. Kennedy Road. He said that the second lot created by the split will be retained by the City and continue to serve as a drainage area.

Commissioners discussed the request and felt that it was appropriate.

Motion by Henshel, seconded by Belmont, to approve the plat of survey of Lot 1 and Lot 2 of Westview Shopping Center Place, No. 4 subject to waiving the lot frontage requirements for Lot 1 and Lot 2. Motion carried by the following vote: Aye - Henschel, Belmont, Christ and Norton; Nay - none.

Staff Member Hemenway requested a five minute recess to confer with the Commission regarding the need for a quorum of four Commission members to approve those agenda items that require a public hearing. After discussion, Chairperson Norton noted that he will not recuse himself from the meeting stating that he did not feel there was a conflict of interest.

Chairperson Norton addressed the chamber regarding the procedure for public hearings.

**PUBLIC HEARING:** Application of Marty McNamer, North Cascade Road Developers, to rezone 1822 Creek Wood Drive from C-2c Neighborhood Shopping Center District with Conditions to R-3 Moderate Density Multi-Family Residential zoning district.

Note: Commissioner Ron Smith arrived at the meeting at 6:09 pm

Marty McNamer, 1800 Manson Road, said that he is the owner of the lot in question. He noted that the subject lot is currently zoned C-2c because his original intent was to locate a dry cleaner or small convenience store on the site. He said that the lot has not been developed in this manner and is currently vacant. He said that the lot is too small to accommodate a commercial development and that the neighborhood has expressed concerns about the parking and traffic generally associated with commercial development. He said he would like to rezone the lot to its original residential designation.

Chairperson Norton asks the chamber for comments about the rezone.

Bob Hartig, 3130 Westmore Drive, stated that he is the owner of the lot adjacent to the subject property. He said he supports the rezoning request.

Staff Member Hemenway distributed aerial photographs of the site. He noted that the subdivision has developed as a low density residential neighborhood with mostly single-family homes. He said that the original intent was to develop this property as a commercial node. He said that neighborhood commercial development is typically found at street intersections located at the edge of subdivisions rather than within the subdivision itself. He said that the proposed rezoning represents an expansion and consolidation of the R-3 district as property on either side of the subject lot is also zoned R-3. He said that commercial development of the subject property may generate more traffic and activity than is typical of residential development.



Commissioner Christ noted her support of the rezoning because she said that she felt it is a continuation of the surrounding residential zoning district. Commissioner Henschel also noted his support.

Motion by Christ, seconded by Henschel, to approve the rezoning of the property located at 1822 Creek Wood Drive from C-2c Neighborhood Commercial Shopping Center district with Conditions to R-3 Moderate Density Multi-Family Residential district. Motion carried by the following vote: Aye – Christ, Smith, Henschel, Belmont and Norton, Nay, none.


**ITEMS FROM PUBLIC:** There were no items from the public

**ITEMS FROM COMMISSION:** There were no items from the commission.

**ITEMS FROM STAFF:** There were no items from the staff.

**ADJOURNMENT:** The meeting adjourned at 6:14 p.m.

Respectfully submitted,

  
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Guy Hemenway, Assistant Planner

  
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Adopted