

**MINUTES  
ZONING ADVISORY COMMISSION  
REGULAR SESSION**

6:00 p.m.  
Wednesday, October 2, 2013  
City Council Chamber  
350 W. 6<sup>th</sup> Street, Dubuque, Iowa

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

**ABSENT:** None.

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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 September 4, 2013 meeting were approved by the following vote: Aye – Smith, Norton, Henschel and Belmont; Nay – None; Abstain – Hardie and Christ.

**ELECTION OF OFFICERS:** Vice Chairperson Norton was unanimously appointed as Chairperson. Commissioner Henschel was unanimously appointed as Vice Chairperson.

Commissioner Belmont was nominated as Airport Zoning Commission liaison by the following vote: Aye- Smith, Hardie, Christ, Henschel and Norton; Nay – None; Abstain – Belmont.

**ACTION ITEM/FINAL PLAT/PINE KNOLL SUBDIVISION:** Application of Pat Freidman, Pine Knoll Homeowners Association, for approval of the Final Plat for Katrina Circle.

Patricia Friedman, President of the Pine Knoll Homeowners Association, said that the homeowners association was formed in 2000, and they are interested in developing three undeveloped areas of the property by adding nine residential units. She said the request will conform with the approved concept plat for a total of 19 units.

Staff Member Kritz said that as the applicant is planning to create more than two lots and as the lots do not have street frontage, the Commission is required to review the request. He discussed the lot configuration, stating that the lots are “floating” in the common area

owned by the Pine Knoll Homeowners Association and do not have frontage on a private or public street. He said replatting is necessary to facilitate new residential construction within the currently vacant area of the development. He discussed access to the site, stating that the homeowners association is reconstructing the street to City standards. Staff noted that until Monday, the Association was planning to dedicate the reconstructed Katrina Circle to the City of Dubuque, but that as of now; they will not dedicate the street to the City at this time. He said that the ordinance will be revised to reflect the private street status.

Commissioners discussed the request and felt it was appropriate.

Motion by Hardie, seconded by Christ, to approval the Final Plat of Pine Knoll Subdivision subject to waiving the lot frontage requirements for Lots 3, 4 and 5. Motion carried by the following vote: Aye – Norton, Christ, Hardie, Belmont, Smith and Henschel; Nay – None.

**ACTION ITEM/REZONING/1828 CARTER ROAD:** Application of Harry Blewett to rezone property located at 1828 Carter Road from OR Office Residential to C-2 Neighborhood Shopping Center District.

Harry Blewett, 1670 Fox Drive, stated that he is president of the Dubuque Board of Realtors. He reviewed the location of the subject property noting that the Dubuque Board of Realtors has owned the building for approximately 30 years. He discussed the reason for seeking rezoning, stating that Dubuque Coin and Stamp would like to locate in the attached garage area. He said that there is little off-street parking on the site and that the lack of parking limits the use of the property for many of the more intense commercial uses listed in the C-2 District.

Staff Member Hemenway reviewed the request, distributing aerial photos of the site and discussing surrounding zoning and land use. He noted receipt of a letter from a property owner across the street from the subject property expressing their opposition to the request. He reviewed the C-2 District regulations and said that if the property were to be redeveloped the lack of off-street parking will limit a number of the commercial uses at this site.

Commissioners reviewed the parking requirements for commercial uses in the C-2 District. Commissioners discussed what potential impacts redevelopment of the property may have on the adjacent properties and felt that because of the limited size of the site the impacts would be minimal.

Motion by Henschel, seconded by Smith, to approval the rezoning of the property from OR Office Residential to C-2 Neighborhood Commercial Shopping Center District. Motion carried by the following vote: Aye – Norton, Christ, Hardie, Belmont, Smith and Henschel; Nay – None.

**ACTION ITEM/REZONING/2612-2616 UNIVERSITY AVENUE:** Application of Deanne and David Hohmann to rezone property located at 2612, 2614, and 2616 University from C-1 Neighborhood Commercial and R-1 Single-Family Residential to OR Office Residential.

Deanne Hohmann, 2614 University Avenue, said the rezoning is necessary to facilitate construction of a parking at lot at the rear of the Dubuque Dance Studio building on University Avenue.

Commissioner Smith asked about access to the parking lot and its location relative to the adjacent properties. Ms. Hohmann noted that the access would be between two houses. She said that she currently owns one of the houses and is in the process of purchasing the other house. She noted that the parking lot will make drop-off and pick-up of children safer than the current University Avenue location.

Staff Member Hemenway reviewed the request, distributing aerial photos and a preliminary site layout of the proposed parking lot. He reviewed the history of the properties in the area and the surrounding zoning and land use. He reviewed the parking lot's design, detailing the location of the access and noting that a minimum two-way drive is necessary to facilitate the safe entrance and exit from the parking lot. He said that the Zoning Board of Adjustment had already approved a Conditional Use Permit for the parking lot subject to approval of the rezoning request by the Commission and Council. He reviewed the site plan requirements for the parking lot, including the screening, lighting and storm water management necessary for compliance with the Unified Development Code.

Commissioner Hardie spoke in favor of the request, noting the need for additional off-street parking and enhanced safety for pick-up and drop-off for children at the studio. Commissioner Smith agreed that the parking lot would improve traffic safety in the neighborhood.

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

**ACTION ITEM/REZONING:** Application of Nancy Heiar to rezone a portion of the property at 4396 Peru Road from R-1 Single-Family Residential to C-2 Neighborhood Shopping Center District.

Nancy Heiar, 1303 Atlantic Street, noted that she is the property owner of 4396 Peru Road. She stated that a bait and tackle shop that is currently located in an outbuilding behind the residence must be granted a rezoning to permit it to operate legally. She reviewed current access to the property, and noted that there are other businesses located along Peru Road.

Staff Member Hemenway reviewed the request, noting the size of the property and the location of the interior lot where the current outbuilding that houses the business is located. He said that access to the site is taken from Four Mounds driveway. He discussed a letter provided by Chris Happ Olson from the Four Mounds Foundation granting conditional access to the property along Four Mounds driveway. He noted that the business had been started without zoning approval, and the rezoning to C-2 is necessary to permit the business to continue to operate legally.

Commissioner Smith asked that if the driveway access were denied by the Four Mounds Foundation, could the applicant extend a driveway from Peru Road. Staff Member Hemenway noted that a driveway could be extended across the residentially zoned lot from Peru Road; however, he said that it is not ideal to have a commercial access across a residentially zoned lot.

Commissioner Belmont asked if the property could be sold and access still used. Staff Member Hemenway said yes, the property could be sold, but the legal status of the access is questionable.

Commissioner Norton asked staff to clarify the lot configurations. Staff Member Hemenway noted that there are two lots, and that the lot with the business is a fully separate legally described lot.

Commissioner Smith asked about the former greyhound dog runs adjacent to the property. Staff Member Hemenway noted that it is a separate lot owned by an adjacent property owner.

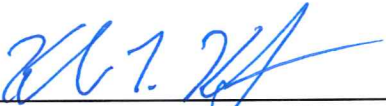
Commissioners and staff discussed the definition of spot zoning. Commissioners discussed the proposed use is small and of minimal impact.

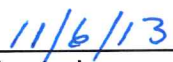
Motion by Smith, seconded by Hardie, to approve the rezoning as submitted. Motion carried by the following vote: Aye – Norton, Christ, Hardie, Belmont, Smith and Henschel; Nay – None.

**ITEMS FROM STAFF:** Staff Member Kritz discussed the pros and cons of conditional rezonings with the 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