



Approved

**MINUTES  
ZONING ADVISORY COMMISSION  
REGULAR SESSION**

6:00 p.m.

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

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

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

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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 August 7, 2013 meeting were as amended.

**ACTION ITEM\PRELIMINARY PLAT:** Application of Ken Kress for approval of the Preliminary Plat of Katra Subdivision located west of 17387 Humke Road in Dubuque County.

Commissioner Norton excused himself from the table.

Ken Kress, 17387 Humke Road, said that he is platting a small subdivision that will include seven new lots on a new street named Katra Court. He noted that the City is required to review the plat prior to County review. He said that some of the storm water management improvements for the subdivision will include narrower streets and rain gardens.

Staff Member Kritz discussed the plat, noting that one of the eight lots is currently built on so that there will only be seven new lots. He noted the location of the subdivision. He discussed vehicular trip generation and noted that the subdivision will have a 22 foot wide private street with a 66' right-of-way and a 75-foot radius for the cul-de-sac. He said that the cul-de-sac length was compliant with current City standards.

He said the applicant is asking to waive the frontage requirements for Lot 5 and to permit a 22-foot wide street. He discussed the BP gas pipeline easement noting that BP has agreed that the off-set easement is preferable as it keeps it all on one lot. He said that the subdivision will meet the 40 points needed for sustainable development, which he said included credit for narrower streets, poured concrete versus asphalt, French drains, soak-

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away pits, and the use of Dubuque County erosion control measures. He said that the plat is in substantial compliance with the subdivision regulations, noting that there are platted easements to accommodate the future extension of public utilities.

Commissioner Henschel expressed concern with the narrow width of the street. Staff Member Kritz noted that parking would not be allowed on either side of the street.

The Commission discussed the request and felt it was consistent with the provisions of the Unified Development Code.

Motion by Henschel, seconded by Smith, to approve the preliminary plat of Katra Subdivision subject to waiving the lot frontage requirement for Lot 5 and waiving the street width requirement permitting a 22-foot wide street. Motion carried by the following vote: Aye – Smith, Henschel and Miller; Nay - None; Abstain – Norton.

**PUBLIC HEARING\REZONING:** Application of Leslie Shalabi/Mike Moench to rezone property located at 1072 Locust from OR Office Residential to C-4 Downtown Commercial zoning district.

Mike Muench, 323 Jones Street, said he is proposing to rezone the subject property from OR to C-4 to allow more flexibility for redevelopment. He noted that the C-4 district would be expanded across the alley to include the subject property. He said that, if approved, the rezoning would create a non-conformity on the first floor as it is currently residential. He said that although he is not the property owner, there is a purchase agreement with the executor of the property.

Mr. Tom Zaber, 3074 Kane Court, said he owns the building at 1005 Locust Street, and introduced his friend, Joseph Kluesner, 1025 Locust Street. He submitted a four-page written document entitled, “Commercial Creep in Downtown Dubuque.” He read the document, which outlined the history of the neighborhood, and detailed his concerns with transformation of the neighborhood from what he said was primarily residential to commercial uses. He noted that further commercial development would denigrate the district’s character, create additional demand on parking, and possibly destroy the integrity of the subject structure. He noted that there is an underground oil tank located on the subject property, and he expressed concerns with the potential for sub-surface pollution. He asked that the Commission deny the request to rezone from OR to C-4. Mr. Kluesner stated that he agreed with all of the issues Mr. Zaber outlined.

Mr. Muench stated that he appreciated the concerns expressed by the neighboring property owners. He noted that his plan is to spend approximately \$300,000 to renovate the building which he said would include exterior improvements and achieve ADA compliance. He said for this to happen, the building has to be commercially viable, so that he has the ability to re-coop his investment. He said that he would locate a printing shop in the back half of the building and market the front half potentially as a restaurant or coffee

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shop. He said that there may be a small impact on on-street parking, but that the area is walkable and that the tenants are aware of his plans.

Staff Member Hemenway reviewed the request, discussing an aerial photo that indicated the surrounding properties, buildings and uses. He said that this is a mixed-use neighborhood and that Locust Street is heavily traveled at this location. He discussed the property history, noting that the original zoning of the property permitted the contractor's shop that is currently located along the south part of the building. He reviewed the uses allowed in both the OR and C-4 Districts and the parking requirements for each zoning classification. He noted that the property is located within a historic district and he said that any exterior changes or demolition would have to be reviewed by the Historic Preservation Commission and follow the established design guidelines.

Commissioners discussed the design of the residential structure, noting that it is three stories with half a story below grade. Chairperson Miller read aloud Section 9-5 of the Unified Development Code outlining the criteria established for granting a reclassification of property. He said initially he did not feel that the request met the criteria.

Commissioner Norton said that as the property was originally zoned for business, that the Commission was being asked to correct a mistake from when it was formerly rezoned to OR. Commissioner Smith said he was in favor of the request, because he felt it would facilitate redevelopment and improvement to the property and buildings. Chairperson Miller stated that he had concerns with the broad range of uses allowed by the C-4 District. He reviewed the surrounding and existing land uses and recommended that some of the more intense commercial uses be eliminated. Commissioners discussed which uses they felt were not appropriate in the subject neighborhood.

Motion by Miller, seconded by Norton, to approve the rezoning request, with the condition that the automated gas station, gas station, service station, bar/tavern, and private club uses be prohibited. Motion was approved by the following vote: Aye – Smith, Norton, Henschel and Miller; Nay – None.

**ITEMS FROM PUBLIC:** None.

**ITEMS FROM COMMISSION:** None.

**ITEMS FROM STAFF:** None.

**ADJOURNMENT:** The meeting adjourned at 7:15 p.m.

Respectfully submitted,

  
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Kyle L. Kritz, Associate Planner

  
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Adopted