

**MINUTES**  
**ZONING ADVISORY COMMISSION**  
**REGULAR SESSION**

Approved

Wednesday, February 4, 2009  
6:30 p.m.

City Council Chamber, Historic Federal Building  
350 W. 6th Street, Dubuque, Iowa

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

**ABSENT:** None.

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**CALL TO ORDER:** The meeting was called to order at 6:30 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 January 7, 2009 meeting were approved unanimously, as submitted.

**ACTION ITEM PLAT OF SURVEY:** Application of Steve Smith for approval of the Plat of Survey of Northrange Industrial Park No. 3 located on Pennsylvania Avenue.

Commissioner Ron Smith excused himself from the table due to a conflict of interest.

Steve Smith, 4962 Asbury Circle, detailed his request for a lot split. He described the location of the lot.

Staff Member Kritz outlined the request noting a previous condition placed on the property requiring that a public street be created in an effort to limit the number of curb cuts onto Pennsylvania Avenue. He discussed the platted easement for a potential street extension from Pennsylvania Avenue to Wolff Road. He discussed lot frontage for each of the three the effected parcels. He discussed the property history and said that the Commission's charge is to determine whether or not the street must be extended before the lot split can occur. He reviewed past Zoning Advisory Commission action regarding the lots. He said access to the proposed lot would be taken from Pennsylvania Avenue.

Commissioner Hardie said that he feels the original intent of the Commission was to minimize the number of curb cuts onto Pennsylvania Avenue. Staff Member Kritz stated that access could be taken from the proposed street easement to the lot.

Commissioners discussed the request. Commissioner Henschel asked if access could be taken through the adjacent property. Staff Member Kritz noted that the adjacent property is privately owned and that the property owner would have to agree to a shared access.

The Commission discussed the request and felt that the new lot should be accessed through the existing roadway easement.

Motion by Hardie, seconded by Miller, to approve the Plat of Survey of Northrange Industrial Park No. 3 with the condition that access to the subject lot is taken exclusively through the roadway easement along the eastern boundary of said lot. Motion carried by the following vote: Aye – Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None; Abstain – Smith.

**ACTION ITEM PRELIMINARY PLAT:** Application of David Chapin/Steven Schmidt for approval of the Preliminary Plat of Tanglewood Subdivision.

Steven Schmidt, land surveyor for MSA Services, reviewed the proposed preliminary plat. He said that the proposed subdivision is approximately 1.8 miles from the City limits and is adjacent to Hickory Acres Subdivision. He said that the property owner has been working with the County for approximately one year to develop the property. He reviewed the proposed open space, recreation and storm water detention area. He said that the subdivision would be developed in three phases. He said it is Mr. Chapin's intent to preserve as many of the mature trees on the site as possible, using covenants. He noted the location of a gas line through the subdivision. He said that they have discussed the project with the Dubuque Regional Airport Manager and that he had no objections to the subdivision.

Pat Ready, engineer for MSA Services, 2867 Wedgewood Drive, discussed the on-site septic systems and the adjacent packaged treatment plant. He said that the adjacent plant did not have adequate capacity for the proposed subdivision. He said that water will be provided by 8 cluster wells and that each lot will have either a standard septic with leech field or sand filter septic system. He said that although the streets are compliant with the County standard of 22 feet of paving with 4 foot shoulders, they do not meet the minimum 26 feet for private streets in the City. He noted the cul-de-sac length saying that the waiver is needed for anything in excess of 1,300 feet. He said that it is difficult to provide a secondary access to the property because of the topography of the site and the County standard for frontage. He noted that the applicant is going to limit on-street parking through covenants and that there will be adequate off-street parking along driveways and in garages on these large lots. He said that additional paving would eliminate approximately 13% of the green space or permeable area.

Staff Member Hemenway reviewed the request noting the open space, detention area, access, lot layout and platted easements for future extensions of City services. He discussed water and septic service for the subdivision. He noted that the subdivision does not meet City standards for lot frontage, pavement and maximum cul-de-sac length standards. He noted that Lot B should be labeled nonbuildable, except for the proposed entry sign to the subdivision.

Commissioners questioned why the City should waive the standards. Staff Members Hemenway and Kritz noted that this subdivision is in a secondary growth area. They noted the unique nature of the County subdivision, in general, and stated that due to the low density of the development that it may be appropriate to waive some City standards.

Motion by Hardie, seconded by Christ, to approve the Preliminary Plat of Tanglewood Subdivision subject to waiving lot frontage requirements for Lot A (detention and recreation space) and designating Lot B as non-buildable, except for the subdivision entry sign, and waiving the pavement width standard from 26 feet to 22 feet and the cul-de-sac maximum length standard from 1,300 feet to over 3,000 feet. Motion carried by the following vote: Aye – Smith, Christ, Norton, Miller, Henschel and Stiles; Nay – Hardie.

**PUBLIC HEARING\REZONING:** Application of Richard Strohmeyer / Joseph Oberbroeckling to rezone property, located at 3520/3522 Hillcrest Road, from R-1 Single-Family Residential District to R-3 Moderate Density Multi-Family Residential District.

Richard Strohmeyer, 3522 Hillcrest Road, requested a rezoning noting that when the structures were built the original zoning was in error.

Staff Member Hemenway reviewed the staff report discussing the property history and noting the series of events that led to the rezoning request. He stated that, if the rezoning is approved, the existing four-plex units could not be expanded because the property has a limited lot area and is deficient in required parking.

The Commission discussed the request and felt it was appropriate.

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

**PUBLIC HEARING\REZONING:** Application of Radio Dubuque Inc./ Nativity Parish to rezone property, located at 1225 Alta Vista Street, from R-2 Two-Family Residential District to OS Office Service District.

Chairperson Stiles noted for the record the receipt of a letter from Jim and Julie Gross, adjacent property owners.

Tom Parsley, representing Radio Dubuque Inc., 346 W. 8<sup>th</sup> Street, outlined his request to build a studio for 4 local radio stations.

Jim Gonyier, 934 Oxford Street expressed concern with the potential removal of three large trees along the edge of the subject property. Mr. Parsley said that, in discussions with Nativity Parish, they have decided to preserve the trees in question.

Staff Member Kritz outlined the zoning history of the property. He discussed the permitted uses in an OS Office Service District. He discussed traffic issues noting that the applicant is working with Nativity Parish to secure access to the site from Alta Vista Street. He discussed communication tower regulations, including the need for a conditional use permit.

Commissioner Hardie expressed concern regarding setback requirements and asked if the applicant would be willing to place the building a minimum of 20 feet from the property line along University Avenue. Mr. Parsley said that he would be amenable to that.

Motion by Christ, seconded by Smith, to approve the rezoning request with the following conditions: 1) That the minimum front yard setback along University Avenue be 20 feet; and 2) That there be no direct vehicle access onto University Avenue. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller, Henschel; Nay – None.

**PUBLIC HEARING\REZONING:** Application of Straka Johnson Architects/Hillcrest Family Services to rezone property located at 1985/1989 Asbury Road from R-3 Moderate Density Multi-Family Residential District to ID Institutional District.

Gary Gansemer, representing Hillcrest Family Services, reviewed the request. He stated that Hillcrest Family Services intends to try to move the two existing houses on the subject property rather than demolishing them. He noted that Hillcrest Family Services will be requesting an extension to permit the existing mobile classroom to remain on the campus.

Marty Johnson, Straka Johnson Architects, reviewed the proposal to build a new chapel. He discussed the proposed setbacks, parking spaces and access to the existing parking areas.

Commissioner Smith asked if the sidewalk would be extended along Wilbrecht Lane. Mr. Gansemer said that the sidewalk will be extended.

John Gannon, 1925 Floraview Drive, noted concerns about traffic and parking along Wilbrecht Lane. Mr. Gansemer stated that he does not believe that the chapel will generate much traffic.

Staff Member Hemenway reviewed the request noting the green space provided around the proposed chapel, the number of seats in the chapel and the location of the existing and proposed parking. He noted that many of the patrons of the chapel would be Hillcrest residents that would walk to church activities. He said that the chapel would generate little additional traffic or demand on parking, especially during peak traffic times.

Commissioners discussed the request, reviewing the existing parking layout. Commissioners felt that the request is appropriate.

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

**PUBLIC HEARING\TEXT AMENDMENT:** Application of City of Dubuque to amend the C-2 Neighborhood Shopping Center District to allow “Passenger Transfer Facility” as a conditional use.

Staff Member Kritz outlined the request discussing the history of the “Passenger Transfer Facility” amendment. He discussed the rationale for amending the C-2 District noting that a number of the C-2 properties are located in the downtown area and may be suitable for a passenger transfer facility. He discussed the conditional use permit process. He stated that rezoning some of the neighborhood commercial properties to C-3 may not be appropriate. He recommended approval of the request.

Commissioners discussed the request and felt it is appropriate.

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

**ADJOURNMENT:** The meeting adjourned at 8:00 p.m.

Respectfully submitted,

  
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Kyle L. Kritz, Associate Planner

3.4.09  
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Adopted