

NOTICE TO THE AUDIENCE: Please remember that if you are interested in matters on the agenda that will have subsequent meetings, it is your responsibility to note their dates, times, and places. No further letters or reminders will be sent. Of course, if you have any questions about any given matter, do not hesitate to contact the Planning Department in the City Hall Annex, 4403 Devils Glen Road, Bettendorf, Iowa 52722 or phone (563) 344-4100.

MINUTES
PLANNING AND ZONING COMMISSION
MARCH 15, 2023
5:30 P.M.

The Planning and Zoning Commission meeting of March 15, 2023, was called to order by Stoltenberg at 5:30 p.m. in the City Hall Council Chambers, 1609 State Street.

1. Roll Call

MEMBERS PRESENT: Gannaway, Kappeler, Ormsby, Stoltenberg, Wennlund

MEMBERS ABSENT: Gibson, Satterfield

STAFF PRESENT: Greg Beck, City Planner; Taylor Beswick, City Planner; Mark Hunt, Community Development Director; Brent Morlok, City Engineer; Chris Curran, City Attorney; Troy Said, Assistant Fire Chief; Lisa Fuhrman, Secretary

2. Approval of the minutes of the meeting of February 15, 2023.

On motion by Wennlund, seconded by Gannaway, that the minutes of the meeting of February 15, 2023 be approved as submitted.

ALL AYES

Motion carried.

3. Review of Commission procedures.

Rezoning

4. Case 23-018; 5019 Hopewell Avenue, A-1 Agricultural/Urban Reserve District to R-3 Mixed Residential District, submitted by CT Creek. (Staff: Beck)

Beck reviewed the staff report.

Kappeler asked if the concept plan is compliant with the city's density standards. Beck stated that 157 dwelling units would be allowed and that the applicant is proposing only 62. Kappeler commented that it might be helpful for the audience to have a review of what other types of uses could be allowed on the site given the existing future land use. Beck explained that in the ULI future land use a C-1 zoning district that would have allowed light commercial, office, or a local restaurant could have been requested. He added that in the

UMI future land use up to a C-2 district is permitted which would allow a convenience store with up to 4 pumps with the option of requesting a special use permit which would allow additional pumps. He commented that the proposed concept is likely the least intense way of transitioning and buffering from a residential neighborhood to a more intense intersection like Middle Road and Hopewell Avenue.

Ormsby asked for clarification of how storm water detention would be handled. Beck explained that water would be conveyed to a city-owned basin to the south.

Stoltenberg stated that three emails were received expressing objections to the request from Wendy Clifton, Jim Walsh, and Jerome Nathan and requested that they be placed in the record.

Tim Cernin, 5213 Hopewell Court, expressed concern about the density of the proposed concept, increased traffic, children's safety, and the unappealing berm.

Glenn Dugan, 5736 Butterfield Court, expressed concern about the significant disparity between the type of homes located in his neighborhood and the proposed homes, a reduction in property values that will affect resale value, and the proposed extension of Butterfield Court to Hopewell Avenue which will connect two distinctly different types of neighborhoods. He requested that the north end of Butterfield Court remain a dead end to separate the conflicting home styles and create two distinct neighborhoods, adding that an additional emergency access route is not necessary.

Stoltenberg commented that the current case is for a rezoning only and that many of the issues that were raised are those that would be addressed later in the development stages if it is approved. He added that residents would have future opportunities to comment.

Jim Walsh, 5275 Hopewell Court, commented that he believes that the proposed church and townhomes should be considered two separate projects, adding that no one is opposed to the construction of a church. He stated that a church is allowed in an A-2 district and asked why it is necessary for a request to rezone the entire parcel to R-3. Walsh asked if the number of townhome units that would be permitted is for the overall parcel or just the 8 acre lot. Beck stated that the number of units he had indicated would be allowed on Lot 2 of the proposed plat if it is rezoned to R-3. Walsh commented that he believes there are a lot of inconsistencies between the concept plan and the ordinance requirements and that he does not believe that it meets the best needs of the city.

Neil Griffith, 5350 Griffin Lane, commented that there are other areas in the city where the proposed development could be located and suggested that the property in question should be purchased by the city for use as a pocket park for the residents in the area.

Hunt explained that all vacant land in the city is zoned A-1 which serves as a holding district for undeveloped property. He stated that the developer then decides which zoning district is appropriate for his or her proposal in accordance with the future land use map designation. He added that further analysis of the density would take place during the site development plan review process.

Stoltenberg asked when the future land use designation was approved. Beck stated that it occurred in 2017. Stoltenberg commented that he believes that the previous future land use map showed commercial for the area. Beck stated that the map that was approved in 2002 indicated that the area was intended for Office Research Campus. Stoltenberg commented that at least as far back as 2002 the property was intended for uses similar to those being proposed. Kappeler commented that the development would provide the intended buffer for the single-family residential uses.

Gannaway asked if there would be an opportunity during future discussions regarding the development to discuss the possibility of Butterfield Court's remaining a dead end. Hunt stated that Butterfield Court was stubbed in with the intention of extending it through to Hopewell Avenue.

Ormsby expressed concern about the proposed R-3 district given that up to 157 homes could be built there even though the concept plan shows far fewer units. Hunt explained that the rezoning could be recommended for approval subject to a condition tying it to the proposed concept.

Brian Boelk, Axiom Consultants, stated that the concerns expressed by the residents at the neighborhood meeting will be taken into consideration when the final plat and site plan are designed.

Kappeler asked if any consideration was given to separating the church and townhome developments. Hunt stated that the only concept that was submitted by the applicant shows both the church and townhomes being developed together. Walsh commented that he believes the neighbors would have fewer concerns if the two products were developed separately. He suggested that the church be located nearer the single-family homes and the townhomes be built on the corner.

Kappeler expressed concern about the proposed density of the townhome development, indicating that if the Commission were to vote, she believes the development should be limited to no more than is indicated on the concept. She commented that the size of the parcel intended for the townhomes and to provide a buffer for the single-family homes is limited because of the flood plain area separating the two lots. Stoltenberg and Wennlund concurred. Wennlund added that while the proposed number of units is a little high from his perspective, it appears as though a good buffer is provided on the south side of the townhome development from the terminus of Butterfield Court. He indicated that after reviewing the plat, he believes that the intention was always for Butterfield Court to be extended. Wennlund stated that the proposed development provides a natural transition from Middle Road easterly, adding that he would not be opposed to swapping the location of the church and townhomes.

Kappeler commented that she likes the idea of having the more dense townhouses in the center of the single-story units. She added that there does not appear to be much space between the duplexes and the existing single-family homes. Wennlund concurred.

Kappeler stated that she would be more comfortable deferring the request with the anticipation of submittal of a less dense project as she would vote to recommend denial of the current request.

On motion by Kappeler, second by Ormsby, that the rezoning request be postponed until the next regularly-scheduled meeting based on the issues raised at the meeting.

ALL AYES

Motion carried.

Site Development Plan

5. Case 23-012; 2570 Middle Road, submitted by Switch Homes of Dubuque. (Staff: Beck) (Deferred to meeting of April 19, 2023)
6. Case 23-019; 2255 Middle Road, submitted by City of Bettendorf/Brent Morlok. (Staff: Beswick)

Beswick reviewed the staff report.

Kappeler asked if the 302 parking spaces shown includes the existing spaces located across the street from the former Life Fitness Center. Beswick confirmed this, adding that the proposed parking configuration is an improvement on the current conditions and meets code requirements. Morlok explained that the calculation is based on a desired ratio for overall parking of 4:1 and that the pool will have a 1200 person capacity.

Kappeler asked if parking would be allowed on any of the internal roads on the site. Morlok stated that no parking would be allowed on any of the internal access drives.

Patrick Mahoney, 1927 Fairmeadows Drive, stated that he had received a notice from the city regarding a previous action and asked if any of the proposed construction would affect his property in any way. Beswick explained that the notice Mahoney received was regarding a variance request to reduce the required front yard setback from 25 feet to 10 feet which was granted by the Board of Adjustment. He commented that the variance is applicable only to the areas along Middle Road and 23rd Street affected by the project. Hunt stated that the variance will allow for installation of flat work and fencing which will be closer to the road than is allowed by code.

On motion by Kappeler, second by Gannaway, that the site development plan for 2255 Middle Road be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

Final Plat

7. Case 23-010; Legacy Corners Southeast, submitted by Century Heights Limited Partners/Ryan Fick. (Staff: Beswick)

Beswick reviewed the staff report.

Gannaway requested that the safety of residents who use the bike path along 53rd Avenue is taken into consideration during later development phases.

Wallace Fairfield, 5169 Red Fox Road, asked for clarification of the design of the detention pond as it does not appear to match current conditions. Beswick explained that the pond will be located on the outlot and that the developer will grade the property to conform with the plat.

Lynn Davis, 5273 Red Fox Road, expressed concern about the safety of residents who use the bike path and indicated that she does not believe that the buffer shown on the concept plan is sufficient.

Mike Davis, 5273 Red Fox Road, asked if the proposed storm water detention pond will be smaller than exists today. Morlok explained that the developer will be required to meet newer ordinance requirements that are more restrictive than when the property was originally graded. He stated that the majority of recreational trails are located along collectors or arterials so that they can be used by the most residents possible. He added that while he understands the concern regarding the safety of crossings, the situation is very common in the city. He explained that during site development plan review, staff will evaluate the crossing locations to ensure that they are in the safest method possible. Wennlund commented that because of the proximity to the roundabout where traffic does not stop, it is especially important to choose the best location for the crossings.

Kappeler commented that in the past developers have been very accommodating in reconfiguring development sites to help alleviate the concerns of the residents.

Elaine Olson, 5296 Red Fox Road, commented that she believes it is very important that the concerns of the neighbors be heard throughout the process.

Ormsby expressed her appreciation for staff's work with developers to create projects that are beneficial to the community.

On motion by Kappeler, second by Wennlund, that the final plat of Legacy Corners Southeast be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

Future Land Use Map Amendment/Rezoning

8. Case 23-013; SW corner of Devils Glen Road and Forest Grove Drive, Open Space and Parks to UMI Urban Medium-Intensity, submitted by E & A Enterprises, LLC. (Staff: Beswick) (Moved to special meeting of April 5, 2023 by Chairman)
9. Case 23-014; SW corner of Devils Glen Road and Forest Grove Drive, C-1 Neighborhood Commercial District to C-2 Community Commercial District, submitted by E & A Enterprises, LLC. (Staff: Beswick) (Moved to special meeting of April 5, 2023 by Chairman)
10. Case 23-015; SW corner of Devils Glen Road and Forest Grove Drive, R-1 Single-Family Residence District to C-2 Community Commercial District, submitted by E & A Enterprises, LLC. (Staff: Beswick) (Moved to special meeting of April 5, 2023 by Chairman)
11. Case 23-016; SW corner of Devils Glen Road and Forest Grove Drive, C-1 Neighborhood Commercial District to R-4 Medium-Density Multi-Family Residence District, submitted by E & A Enterprises, LLC. (Staff: Beswick) (Moved to special meeting of April 5, 2023 by Chairman)
12. Case 23-017; SW corner of Devils Glen Road and Forest Grove Drive, C-1 Neighborhood Commercial District to R-1 Single-Family Residence District, submitted by E & A Enterprises, LLC. (Staff: Beswick) (Moved to special meeting of April 5, 2023 by Chairman)

Site Development Plan (DCA District)

13. Case 22-097; 3150 Glenbrook Circle South, submitted by Nelson Construction and Development. (Staff: Hunt) (Deferred to meeting of April 19, 2023)

Other

14. Case 23-020; Annexation of property generally located northeast of the intersection of Forest Grove Drive and Criswell Street in Scott County, Iowa, submitted by Forest Grove Properties, LLC. (Staff: Beswick)

Beswick reviewed the staff report.

Curran expressed his appreciation for Beswick's work on the proposed annexation and indicated that the annexation issue has been on the City Council's radar for a long time. He stated that the proposal meets the city's stated policy goals perfectly. He reviewed the differences between voluntary and involuntary annexations, adding that this project is 100% voluntary.

A brief discussion was held regarding the increased demand for city services that will occur as a result of annexation.

Griffith asked if storm water runoff and sanitary sewer would run south to the lift station and then to Davenport or to LeClaire. Morlok explained that storm water detention will be required and that runoff will be detained and eventually released into Spencer Creek. He added that the sanitary sewer design will have to be approved by the DNR and will be a part of the lift station system. He stated that the flows that go to the treatment plant have been drastically reduced in recent years.

On motion by Ormsby, second by Kappeler, that the proposed annexation be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

15. Commission Update

Hunt reminded the Commission of the special P & Z meeting on April 5.

There being no further business, the meeting adjourned at approximately 7:45 p.m.