

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
APRIL 19, 2023
5:30 P.M.

The Planning and Zoning Commission meeting of April 19, 2023, was called to order by Wennlund at 5:30 p.m. in the City Hall Council Chambers, 1609 State Street.

1. Roll Call

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

MEMBERS ABSENT: None

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; Jeff Reiter, Assistant City Administrator; Lisa Fuhrman, Secretary; Jeremy Petersen, Chief Building Official

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

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

ALL AYES

Motion carried.

3. Review of Commission procedures.

4. Case 22-097 – Site Development Plan (DCA District); 3150 Glenbrook Circle South, submitted by Nelson Construction and Development. (Staff: Hunt) (Deferred to meeting of May 17, 2023)

5. Case 23-012 – Site Development Plan; 2570 Middle Road, submitted by Switch Homes of Dubuque. (Staff: Beck) (Deferred to meeting of May 17, 2023)

6. Case 23-026 – Final Plat; Encore Central Avenue Subdivision, submitted by Encore Homes, LLC/James Rasche. (Staff: Beswick)

Beswick reviewed the staff report.

On motion by Kappeler, second by Stoltenberg, that the final plat of Encore Central Avenue Subdivision be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

7. Case 23-020 – Site Development Plan; 4060 Middle Road, submitted by Ridge Investment Group, LLC. (Staff: Beck)

Beck reviewed the staff report.

Kappeler asked if some of the required landscaping could be relocated along Woodfield Drive to provide a buffer for the multi-family housing to the north. Beck stated that he had contacted the applicant regarding the possibility of planting some type of hedge that would grow 6-8 feet tall to be used as a buffer that would not interfere with overhead power lines. He added that even though a hedge would not count toward the required number of trees, the overall tree count will be met by using the deciduous overstory trees shown. Kappeler commented that a letter was received from Karen Hileman (4032 Woodfield Drive) suggesting such a buffer. Beck stated that the possibility of additional landscaping could be worked out before the City Council meeting. Wennlund stated that Hileman had also requested that a berm with evergreens be installed, adding that he does not believe that changing the grade of a utility easement is allowed.

Stoltenberg asked why the Woodfield Drive access point is not lined up with Crowne Pointe Circle. Morlok explained that the offset prevents left-turn conflicts.

Chris Wynn, representative of the developer, explained that while the original site plan showed plantings along Woodfield Drive to serve as a buffer, they were removed after he discovered that the transmission line easement restricts any type of plantings or fencing underneath the power lines. He added that if the developer is required to plant a continuous row of shrubs, the city should give credit toward the required tree count for them. He commented that the intent is for the Middle Road shared access to serve as the main entrance to the store and that the Woodfield Drive access will mostly be used for deliveries to the rear of the store. Wynn stated that there is a regional storm water basin for the development and that a water quality feature has been added at the city's request.

Thomas Carter, 4036 Woodfield Drive, commented that he does not believe that a Dollar Tree store is good for the community because it will extract wealth, lower property values and tax revenue, and there are enough chain dollar stores in the area.

Chris Thielbert, 3504 Crowne Pointe Circle, expressed concern about increased traffic which will likely cut through the access to Bettendorf Christian Church and the safety of the children participating in activities at the church.

Terry Kishuie, 3400 Crowne Pointe Circle, commented that she does not believe that the city should be cheapening her neighborhood by allowing a low value dollar store across the street.

Karen Hileman, 4032 Woodfield Drive, commented that the pylon sign noted on the site plan is proposed to be located near Woodfield Drive which she believes will direct motorists to use the secondary entrance. She asked if there any plans for a traffic signal at that location and requested that the sign be moved closer to the Middle Road entrance. Morlok stated that if the applicant were amenable, the location of the sign could be moved. He explained that it is unlikely that the traffic count on Woodfield Drive would ever warrant a traffic signal unless there are safety issues in the future.

On motion by Stoltenberg, second by Kappeler, that a site development plan for 4060 Middle Road be recommended for approval subject to staff recommendations.

A discussion was held regarding the safety issues that were mentioned, the proposed location of the sign, and the required landscaping.

ROLL CALL ON MOTION

ALL AYES

Motion carried.

8. Case 23-018 – Rezoning; 5019 Hopewell Avenue, A-1 Agricultural/Urban Reserve District to R-3 Mixed Residential District, submitted by CT Creek. (Staff: Beck) (Postponed at the March 15, 2023 meeting)

Beck reviewed the staff report. Hunt added that as a result of comments received at the neighborhood meeting, the developer reduced the number of townhouse units by 6 and increased the width of the buffer between the single-family homes and the proposed development. He commented that the site is constrained by the 50-foot stream bank requirement required by the city.

Kappeler asked what type of plantings will be installed in the landscape buffer. Beck stated that the city's preference is for evergreens. Kappeler asked for clarification of the width of the setback between the existing subdivisions and the proposed development. Beck explained that the required setback is 25 feet but that it has been increased to 30 feet.

Gannaway asked for clarification of how Butterfield Court will be extended. Morlok explained that the intent was always for the street to be extended which is evidenced by the fact that there is an easement in place. He added that the city would never have imposed a requirement for a cul-de-sac on an adjoining property,

Wennlund opened the public hearing and asked if there is an affidavit of publication. Fuhrman confirmed this.

Glenn Dugan, 5736 Butterfield Court, expressed concern about the possible reduction in property values in his neighborhood and the drastic mismatch between the two types of neighborhoods. He added that he believes the city's justifications for recommending approval

of the rezoning request are baseless. He suggested that another developer be found who will build single-family homes on the property.

John Huffman, 5575 Berkshire Street, stated that he had sent an e-mail to city staff regarding his concerns but had not received a reply and expressed concern about the storm water runoff from nearby subdivisions that negatively impacts his property. He stated that a detention basin must be located on the property in question, not further downstream. He requested that the Commission not move forward until there is a storm water management plan in place based on current conditions. He added that he believes that residents should be afforded the ability to attend meetings virtually.

Neal Griffith, 5350 Griffin Lane, stated that there are enough high-density residential areas in the city, adding that the proposed development is too dense for the neighborhood.

Craig Ruesch, representing Hope Church, explained that while he would have considered a single-family subdivision for the property in question, he had been approached by a developer who proposed the multi-family residential development. He commented that his engineer has been working with city staff regarding the storm water issue, adding that the proposed development is compliant with the city's comprehensive plan.

Tim Cernin, 5213 Hopewell Court, stated that he believes that the opportunity to address the Commission at meetings should be equal for all people who can't attend the meeting in person. He asked if the Commissioners had read e-mails submitted by the Wendy and Tony Clifton and Jim Walsh. Wennlund confirmed this. Cernin indicated that he does not believe that a 30-foot buffer is wide enough and that a berm should be required. He expressed concern about safety issues related to additional school bus traffic, the proposed on-street parking, the disparity in average assessed value and size of the proposed units compared to his neighborhood, storm runoff generated by this and future developments, and reduction in his property values. He commented that there are better locations for affordable housing and that he and his neighbors are not opposed to the church's being built near them. He requested that the property be rezoned to R-1 instead.

Curran stated that the Commission wants to hear from all concerned parties regarding the cases before them, adding that some of the rules related to open meetings and remote access were changed under Covid. He explained that while the city is not yet able to open remote access to everyone, the e-mail from Wendy Clifton would be read directly into the record at her request. He stated that all written correspondence is made a part of the record.

Jeff Haynes, 2815 Edgewood Drive, stated that he is a member of the church and that they have the best intentions for the development of the property. He added that the developer has made some concessions in an attempt to alleviate some of the neighborhood's concerns.

Heidi Huiskamp-Collins, 5620 Butterfield Court, expressed concern about the possibility that the assessed value of her home will go down because of the neighbors who are going to move into the R-3 area.

Ruesch explained that while he had indicated that he would have been willing to accept an offer from a developer who would zone the property R-1, that offer never happened. He stated that the church is under contract with CT Creek for an R-3 development.

Rob Davis, CT Creek, stated that the concerns expressed by the residents at the neighborhood meeting resulted in the developer's reducing the number of units by 6 which is a significant number. He commented that the proposed number of units is only one third of what would be allowed.

Brian Boelk, Axiom Consultants, explained that the current request is for a rezoning only, not a site development plan. He added that some of the issues that have been brought up will be addressed at the site plan stage. He stated that the proposed R-3 district is compliant with the comprehensive plan, reiterating that the addition of a landscaped buffer on the east and south side of the subdivision is beyond what is required. Boelk stated that it is common to have a transition from single-family to townhomes, adding that the exact situation is located directly to the south in The Meadows subdivision.

Wennlund read an e-mail from Wendy Clifton, 5323 Hopewell Court, who had requested that it be read into the record.

Wennlund closed the public hearing.

Curran reviewed the legislative process with regard to rezoning requests as they relate to the Commission and City Council and the guidance in the City Code. Kappeler explained that the Commission does not have the authority to change the proposed zoning district to R-1 as was suggested by several residents. She added that the Commission can only evaluate the request as submitted by the developer.

Morlok explained that all of the area generally bounded by Middle Road on the west, Willmeyer Drive on the east, and Hopewell Avenue and 53rd Avenue on the north and south are served by a single regional storm water detention basin located on the north side of 53rd Avenue. He stated that none of the people who live in that area have a storm water detention basin in their own subdivision. He stated that the argument that the current developer must include a detention basin is not applicable. Morlok explained that the entire basin was engineered with established runoff rates to serve the entire area. He added that Ginger Creek and the north leg of Pigeon Creek are federally regulated, adding that small, individual basins are not allowed. He stated that water quality volume will be required for each lot in the proposed subdivision which will filter the water before it reaches the creek. He indicated that review of the water quality and preliminary engineering calculations will occur during the site development plan review phase.

Hunt reviewed an e-mail from Huffman he received on April 6 regarding a meeting held on April 5 at which Huffman expressed concerns about storm water. He apologized if he had missed any other e-mails from Huffman or any other concerned parties.

Ormsby asked how the proposed development would be an investment in the existing neighborhood as stated in the staff report, adding that she had checked with several realtors

who had indicated that property values would be reduced by building homes of a lower cost than those that are existing. She asked for clarification of the location of Section 11-15-13(b) in the code. Beck explained that the section is the 8-step rezoning test which references conformance to the future land use map and consistency with the goals of the Comprehensive Plan. He added that both the ULI and UMI future land use designations permit the proposed R-3 zoning district. Beck stated that Goal E relates to providing housing options and reinvesting in existing neighborhoods, adding that the proposed development will have a different type of housing than the surrounding single-family homes. He stated that the Comprehensive Plan refers to uses becoming more intense as they move toward more heavily-traveled streets such as Middle Road, which is an arterial. He stated that the intent is to provide a buffer with a housing type that is more intense than the existing single-family to the east.

Ormsby commented that the Commission must decide whether the proposed development will negatively impact nearby parcels. Wennlund stated that the most recent assessments for the two single-family homes on Kristi Lane that directly abut the multi-family development to the south have increased by 15-25 percent. He commented that the data does not appear to show that there was a negative impact caused by The Meadows development.

Stoltenberg stated that the plan all along has been to transition to more intense uses along the Middle Road corridor. He added that the proposed residential development will provide a buffer and that he does not believe that it will reduce the property values of the homes in the adjacent neighborhood.

Gibson commented that she will vote in favor of the request after considering the information the Commission was given, the fact that home values do keep going up in Bettendorf, and because the plan has always been to have a transition.

Kappeler stated that while revisions have been made over time to the Comprehensive Plan, the review committees she served on have always wanted to have a step down effect where there are very intensive uses planned along arterial roads with some type of buffer as you move away from those busy streets. She commented that the proposed development is a good example of that planning principle, adding that the neighbors in many of the places where residents pointed out as examples of good development were opposed to those projects.

On motion by Stoltenberg, second by Gannaway, that the request to rezone 5019 Hopewell Avenue from A-1 to R-3 be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

9. Case 23-013 – Future Land Use Amendment; 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)

10. Case 23-021 – Future Land Use Amendment; SW corner of Devils Glen Road and Forest Grove Drive, Open Space and Parks to ULI Urban Light Intensity, submitted by E & A Enterprises, LLC. (Staff: Beswick)

Beswick reviewed the staff report.

11. Case 23-014 – Rezoning; SW corner of Devils Glen Road and Forest Grove Drive, C-1 Neighborhood Commercial District to C-2 Community Commercial District (commercial uses), submitted by E & A Enterprises, LLC. (Staff Beswick)
12. Case 23-017 – Rezoning; 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)
13. Case 23-022 – Rezoning; SW corner of Devils Glen Road and Forest Grove Drive, C-1 Neighborhood Commercial District to C-2 Community Commercial District (townhomes), submitted by E & A Enterprises, LLC. (Staff: Beswick)
14. Case 23-023 – Rezoning; SW corner of Devils Glen Road and Forest Grove Drive, C-1 Neighborhood Commercial District to R-3 Mixed Residential District, submitted by E & A Enterprises, LLC. (Staff: Beswick)
15. Case 23-024 – Rezoning; SW corner of Devils Glen Road and Forest Grove Drive, R-1 Single-Family Residence District C-1 Neighborhood Commercial District, submitted by E & A Enterprises, LLC. (Staff: Beswick)

Beswick reviewed the staff report, adding that the developer has indicated that at the platting stage he is willing to place a restrictive covenant on the property that is currently zoned C-1 and which will remain so that prohibits gas sales.

Curran reviewed the procedures related to the multiple public hearings that will take place. He stated that any and all comments made by those in the audience will be applicable to all of the involved cases and will be made a part of each record.

Gibson asked if the restriction on gas sales runs with the land or if it would not be enforceable if the plan were revised for some reason. Curran explained that the condition is part of the ordinance rezoning the property and would run with the land. Hunt added that if the rezoning of the property is not approved and the project does not move forward, any use that is allowed in the C-1 district could be contemplated including gas stations. He reiterated that the restrictions on gas sales and the other uses listed in the agreement are only enforceable if the rezoning is approved.

Wennlund opened the public hearing for Case 23-013 and asked if there is an affidavit of publication. Fuhrman confirmed this.

Greg Jager, attorney representing the applicant, stated that Forest Grove Drive/Veteran's Parkway is one of three streets that connect one end of Bettendorf to the other end of Davenport, adding that the intersection with Devils Glen Road is one of the busiest in the city. He explained that because of

the voluminous traffic, it is appropriate to have commercial uses that serve a wider geographical clientele on the corner. Jager stated that while no specific users have been identified for the commercial areas, concept plans have been drawn. He indicated that the developer has not offered to condition the rezoning request based on a concept plan because he will need some flexibility in how the site is marketed and developed. He explained that because the concept plan is not final, the developer has chosen to focus on the proposed uses for the site. He reiterated that the developer would provide a document restricting all of the C-1 area from use for a gas station. He reviewed the list of uses that the developer has agreed to prohibit in the corner area that is proposed to be rezoned to C-2, adding that the proposed C-2 area to the south will be restricted to townhome development only. Jager commented that because single-family homes will be built to the west by the same developer, it is to his benefit to develop the area with uses that will fit into the area nicely.

Samir Kulkarni, design director for Bush Construction, stated that his goal is to promote quality design for the development while keeping in mind the high level of interest from all sides. He added that the proposed renderings show a cohesive and contemporary design that is contextually appropriate and ties well into the nearby neighborhoods. He showed slides of the conceptual layout of the proposed development, renderings showing the proposed style of the commercial buildings and residential townhomes, and the streetscape along both sides of Devils Glen Road.

Michael Meloy, attorney representing Dr. Allen Diercks (6549 Blackberry Lane) and other residents who live on Blackberry Lane, stated that he believes that this is the wrong location for the proposed development which is primarily commercial. He commented that there is no existing commercial use in the immediate area or any commercial development south of Forest Grove Drive between the east side of Middle Road and the west side of Utica Ridge Road. He stated that there is almost unanimous opposition to the proposed commercial designation from the property owners in attendance as it is too intense. Meloy suggested that no action with regard to the rezoning requests should be taken until such time as the future land use map is updated. He stated that he believes Parks and Open Space is a logical land use designation because of the baseball fields that used to be located on the site. He expressed concern about a reduction in property values of the residential homes in the neighborhood, congestion, traffic problems, and the negative impact the development will have, adding that the rezoning requests are not in the best interest of the city as a whole.

Kristi Fuller, 6559 Eagle Ridge Road, expressed concern that the development will wreck the recreational path and will increase the vehicular traffic in the area.

Ken Golden, 3895 Lakeview Court, expressed concern about increased traffic, safety of pedestrians and cyclists, children walking to and from school, and the overall density of the project. He commented that many of the residents purchased their homes based partially on the area's zoning of C-1 and designation on the future land use map as Parks and Open Space which is now considered to be an error.

Janet Morales, 3360 Crow Lake Drive, expressed opposition to the request as it would negatively impact the ability of residents to safely cross the street when they must navigate around the traffic entering and existing the proposed businesses. She added that she is concerned that the increased volume of traffic caused by the Forest Grove Drive reconstruction will encourage motorists using the neighborhood as a pass through to become the norm.

Terry Donart, 6560 Blackbird Lane, concurred with the concerns expressed regarding increased traffic and the associated safety concerns.

Jared Stein, 3400 Crow Lake Drive, expressed opposition to the developer's requests because he does not believe that it is appropriate to locate such a large development in a small space in the middle of an existing and future residential area. He expressed concerns about the lighting, hours of operation, the water runoff that will come from the development, and the maintenance of the proposed detention basin. He requested that the Commission consider all of the standards listed in the zoning ordinance prior to making their recommendation. He expressed concern about the number of intersections that will be added as a result of the proposed development and the future residential subdivision to the west.

Allen Diercks, 6549 Blackberry Lane, suggested that the development be located on the north side of Forest Grove Drive or further west on Forest Grove Drive at the intersection with Utica Ridge Road.

Kimberly Kim, 6552 Blackbird Lane, stated that she believes that a C-2 district is inappropriate for the residential area as it is too close to the elementary school. She added that Pleasant Valley Community School District does not provide busing for the children in the area and that the increased traffic will create serious safety concerns. She expressed frustration that the street alignment has not yet been confirmed as new streets will change the flow of traffic.

Denis Bland, 6311 Cattail Lane, stated that traffic in the area is already heavy and questioned why a commercial development has to be located there when there are other locations with available commercial space. He expressed concern about the lighting and additional traffic that will be generated by the development that is incongruous with the residential neighborhood.

Sarah Maifield, 6515 Blackbird Lane, expressed concern about increased traffic and the safety issues associated with. She stated that she believes that there will be a large amount of garbage generated by the development.

Wennlund closed the public hearing for Case 23-013.

On motion by Kappeler, second by Ormsby, that Commission action for Case 23-013 be tabled.

ALL AYES

Motion carried.

Wennlund opened the public hearing for Case 23-021 and asked if there is an affidavit of publication. Fuhrman confirmed this.

Wennlund closed the public hearing for Case 23-021.

On motion by Satterfield, second by Gannaway, that Commission action for Case 23-021 be tabled.

ALL AYES

Motion carried.

Wennlund opened the public hearing for Case 23-014 and asked if there is an affidavit of publication. Fuhrman confirmed this.

Wennlund closed the public hearing for Case 23-014.

On motion by Gannaway, second by Kappeler, that Commission action for Case 23-014 be tabled.

ALL AYES

Motion carried.

Wennlund opened the public hearing for Case 23-017 and asked if there is an affidavit of publication. Fuhrman confirmed this.

Wennlund closed the public hearing for Case 23-017.

On motion by Gannaway, second by Satterfield, that Commission action for Case 23-017 be tabled.

ALL AYES

Motion carried.

Wennlund opened the public hearing for Case 23-022 and asked if there is an affidavit of publication. Fuhrman confirmed this.

Wennlund closed the public hearing for Case 23-022.

On motion by Gannaway, second by Satterfield, that Commission action for Case 23-022 be tabled.

ALL AYES

Motion carried.

Wennlund opened the public hearing for Case 23-023 and asked if there is an affidavit of publication. Fuhrman confirmed this.

Wennlund closed the public hearing for Case 23-023.

On motion by Gannaway, second by Satterfield, that Commission action for Case 23-023 be tabled.

ALL AYES

Motion carried.

Wennlund opened the public hearing for Case 23-024 and asked if there is an affidavit of publication. Fuhrman confirmed this.

Wennlund closed the public hearing for Case 23-024.

On motion by Gannaway, second by Satterfield, that Commission action for Cases 23-013, 23-014, 23-017, 23-021, 23-022, and 23-023 be removed from the table.

ALL AYES

Motion carried.

Gannaway asked for staff comment regarding the concerns regarding traffic safety that were expressed by the residents. Morlok explained that traffic volume is approximately 3 times what is typical because of the detour caused by Forest Grove Drive reconstruction. He added that while funding has been allocated for a traffic signal at the intersection of Forest Grove Drive and Devils Glen Road, there is a lead time of 40 to 50 weeks for the equipment which would be installed next year. Morlok stated that widening of Devils Glen Road is programmed in the Community Improvement Program for 2026, adding that depending on available funding and council priorities it could potentially be moved up. He stated that at least one and possibly two crossings will be added at the recreational trail depending on the street configuration of future residential subdivisions to the west. He explained that the city does not distinguish between residential and commercial crossings, adding that some of the busier crossings have been upgraded with a rapid flash beacon in addition to the stop signs.

Kappeler asked if a bar would be allowed in the building shown on the northwest corner of the concept plan that would be adjacent to residential homes. Beswick explained that a special use permit approved by the Board of Adjustment would be required for a bar. Wennlund commented that because the developer of the commercial area is the owner of the future residential future homeowners would be aware of their proximity to commercial uses. Beswick added that there are required landscape buffers between more intense districts and lesser ones.

Wennlund stated that the fact that the future land use designation for the corner was commercial for decades lends itself to staff's assertion that the change to Open Space and Parks was an error in 2017. He added that if the property had been intended for use as a park or recreational area, it would not still be zoned C-1 or C-5. Hunt commented that Beswick's research found no reason for that change, adding that it is likely that the consultant saw what looked like a park use without realizing it was a temporary use as noted on the site plan. Kappeler commented that future land use is seen as a suggestion but that the zoning is legislation. Stoltenberg added that because the area is currently zoned C-1, it is irrelevant what the land use designation is.

Gannaway asked what information would have been available regarding future use of the property if a future homeowner was considering building a house in the area. Hunt stated that the zoning would have been indicated as C-1, and that after 2017 the future land use designation would have been shown as Parks and Open Space. Beswick added that when the Copper Ridge subdivisions were rezoned and developed the future land use map showed the area as commercial and office/transitional. Kappeler commented that commercial use was anticipated when Copper Ridge was developed which is evidenced by a significant berm in both width and height to screen that residential area from the proposed commercial area across the street. She stated that while single-family homes are not typically built along arterial streets, especially at intersections, Copper Ridge was developed that way. Wennlund added that Copper Ridge is zoned R-3 which makes a little more sense given its proximity to the C-1 and C-5 across the street. Stoltenberg commented that the Comprehensive Plan was updated subsequent to the development of Copper Ridge, adding that the revisions included development of small community areas where a few small retail businesses would be located within walking distance of the surrounding residents.

Beswick reviewed the uses that are allowed in the C-1 district, adding that the developer has requested a rezoning to C-2 merely to facilitate development of larger restaurants than are allowed in C-1. Stoltenberg reiterated that the developer is willing to restrict the use of the C-2 area to prohibit the majority of uses that most people would find objectionable near a residential area. He added that in addition, some of the currently zoned C-1 area is being rezoned to R-3. He stated that the proposed restrictions currently do not exist.

On motion by Kappeler, second by Stoltenberg, that the future land use amendment for property generally located at the southwest corner of Devils Glen Road and Forest Grove Drive, Open Space and Parks to UMI Urban Medium Intensity, be recommended for approval subject to staff recommendations. (Case 23-013)

ALL AYES

Motion carried.

On motion by Kappeler, second by Stoltenberg, that the future land use amendment for property generally located at the southwest corner of Devils Glen Road and Forest Grove Drive. Open Space and Parks to ULI Urban Light Intensity, be recommended for approval subject to staff recommendations. (Case 23-021)

ALL AYES

Motion carried.

On motion by Stoltenberg, second by Kappeler, that the rezoning of property generally located at the southwest corner of Devils Glen Road and Forest Grove Drive, C-1 Neighborhood Commercial District to C-2 Community Commercial District (commercial uses), be recommended for approval subject to staff recommendations. (Case 23-014)

ALL AYES

Motion carried.

On motion by Stoltenberg, second by Gannaway, that the rezoning of property generally located at the southwest corner of Devils Glen Road and Forest Grove Drive, C-1 Neighborhood Commercial District to R-1 Single-Family District, be recommended for approval subject to staff recommendations. (Case 23-017)

ALL AYES

Motion carried.

On motion by Stoltenberg, second by Kappeler, that the rezoning of property generally located at the southwest corner of Devils Glen Road and Forest Grove Drive, C-1 Neighborhood Commercial District to C-2 Community Commercial District (townhomes), be recommended for approval subject to staff recommendations. (Case 23-022)

ALL AYES

Motion carried.

On motion by Stoltenberg, second by Kappeler, that the rezoning of property generally located at the southwest corner of Devils Glen Road and Forest Grove Drive, C-1 Neighborhood Commercial District to R-3 Mixed Residential District, be recommended for approval subject to staff recommendations. (Case 23-023)

ALL AYES

Motion carried.

On motion by Stoltenberg, second by Kappeler, that the rezoning of property generally located at the southwest corner of Devils Glen Road and Forest Grove Drive, R-1 Single-Family Residence District to C-1 Neighborhood Commercial District, be recommended for approval subject to staff recommendations. (Case 23-024)

ALL AYES

Motion carried.

15. 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. (Withdrawn)

16. 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. **(Withdrawn)**

There being no further business, the meeting adjourned at approximately 10:45 p.m.