

The following are minutes of the Bettendorf Planning and Zoning Commission and are a synopsis of the discussion that took place at this meeting and as such may not include the entirety of each statement made. The minutes of each meeting do not become official until approved at the next meeting.

**MINUTES
PLANNING AND ZONING COMMISSION
APRIL 17, 2013
5:30 P.M.**

The Planning and Zoning Commission meeting of April 17, 2013, was called to order by Wennlund at 5:30 p.m. at the City Hall Council Chambers, 1609 State Street.

1. Roll Call

MEMBERS PRESENT: Bennett, Kappeler, Peters, Stoltenberg

MEMBERS ABSENT: Bert, Rafferty, Wennlund

STAFF PRESENT: Greg Beck, City Planner; Bill Connors, Community Development Director; John Soenksen, City Planner; Lisa Fuhrman, Community Development Secretary; Decker Ploehn, City Administrator; Kristine Stone, City Attorney; Brian Fries, Assistant City Engineer; Steve Knorrek, Fire Captain

2. Approval of the minutes of the meeting of March 20, 2013.

On motion by Bennett, seconded by Stoltenberg, that the minutes of the meeting of March 20, 2013 be approved as submitted.

ALL AYES

Motion carried.

3. Review of Commission procedures.

Preliminary Plat

4. Case 13-015; Century Heights Phase III, submitted by Century Heights Phase III, LC.

Beck reviewed the staff report.

Kappeler asked for clarification of the expected completion date of subdivision improvements. Connors explained that city staff has contacted the owners of the properties immediately south of the 53rd Avenue extension who had dedicated the necessary right-of-way when The Settlement at Pigeon Creek subdivisions were built. He added that the developers have contacted the owners of the property directly north of 53rd Avenue and discussions have been held in order to determine if the extension of 53rd Avenue would allow further development of the property on the north side. Connors commented that if no agreement with regard to acquisition of right-of-way on Hopewell Avenue and 53rd Avenue is made, City Council has indicated a willingness to consider condemnation proceedings. He stated that at

least one and possibly two additional access points to the proposed subdivision would be available prior to or concurrent with development.

Kappeler asked if there would be some sort of resolution of the outstanding issues prior to presentation of the final plat. Connors confirmed this.

Ploehn explained that the second of three readings of the ordinance rezoning the property in question had been held at the April 16 City Council meeting. He indicated that in the past the City Council has been reticent to condemn private property for the purpose of providing access to individual subdivisions. He added that in the future they will consider the greater public purpose when making a decision on whether to condemn private property. Ploehn indicated that because of the large amount of site work to be completed, it is unlikely that very many homes could be built during the current construction season. He indicated that the third and final reading of the ordinance rezoning the property in question would be held on May 7.

Kappeler stated that just prior to the meeting two petitions had been submitted by the residents of the Century Heights area. She indicated that one requests that all development be halted until 53rd Avenue is extended to allow direct access and the other asks that the safety of the children in the neighborhood be considered prior to allowing the development.

Chad Staats, 5471 Judge Road, stated that he believes that it is premature to approve the preliminary plat prior to acquisition of right-of-way and definite plans with regard to pavement of the extensions of Hopewell Avenue and 53rd Avenue. He expressed concern about the additional traffic generated by 119 new homes, adding that it is too much for Judge Road to handle. Staats stated that most of the homeowners on Judge Road have small children whose safety would be at risk if their street is the only access point to the proposed subdivision. He explained that there already is a well-documented problem with motorists speeding along Judge Road.

Reed Barrett, 5382 Judge Road, concurred with Staats, adding that the Hopewell Avenue extension alone is not a viable option because the homeowners on the southern half of the proposed development will still use Judge Road.

Eric Kies, 5363 Judge Road, requested that all activity be stopped until the 53rd Avenue extension is constructed so that traffic is not funneled through his neighborhood.

Todd Kaplan, 5523 Julie Ann Road, expressed concern about residential streets being used for the heavy equipment that would be required to construct the proposed subdivision. He requested that no site work be done until special access is available for that construction equipment.

Matt Blaylock, 5477 Julie Ann Court, stated that he is new to the area and had chosen Bettendorf because of the quality of life available. He stated that there already is a large amount of traffic on Judge Road, adding that the proposed subdivision would bring 'big city traffic' to his neighborhood. He requested that concrete plans be made for the extension of 53rd Avenue and Hopewell Avenue prior to development.

Rob Fick, developer of the project, stated that the proposed development would be the 19th of the Century Heights subdivisions. He explained that the original Century Heights

development was built adjacent to the fully-developed Surrey Heights subdivisions which had only one access point at the time. He indicated that Hopewell Avenue could have provided an additional means of access but that city staff had requested that the alignment be changed to go directly east and west instead. He stated that none of the existing traffic problems are the result of the proposed development as no activity has occurred yet. Fick explained that negotiations for an alternate route for heavy construction equipment are ongoing. He stated that the proposed plat meets all of the city's requirements and is consistent with the existing housing in the Century Heights subdivisions. He indicated that it is his hope that the majority of the issues that have arisen will be resolved by the time the final plat is considered.

Connors reviewed the process by which vacant property is developed from the rezoning stage to the final plat. He indicated that in his opinion approval of the preliminary plat in no way would negatively impact the residents.

Beck submitted a letter from Adam Judd, 5487 Judge Road, expressing concern about the safety of the children in the neighborhood which would be impacted by the increased amount of traffic generated by the proposed development.

Emily Scranton, 5470 Hugo Road, questioned how many homes are allowed to be developed with only one means of access. She expressed concern about availability of police, fire, and ambulance services. Connors commented that The Settlement at Pigeon Creek subdivision development had been halted because only one access point in and out was available.

Ploehn explained that during the reconstruction of Hopewell Avenue, only one access was left available in and out of the The Highlands subdivisions which was from 53rd Avenue. He indicated that the City Council is aware that another access to the proposed subdivision must be built through property that is not under the developer's control. Ploehn stated that the original plan for the alignment of Hopewell Avenue had been changed to better fit with the overall long-range plan for its extension. He added that if the configuration of Hopewell Avenue had not changed, quicker access to the propose subdivision would have been available. He reiterated that this is not an unusual circumstance, adding that there are many other subdivisions which have been developed in the past with similar configurations.

Melissa Judd, 5487 Judge Road, asked if staff's position is that having only one entrance to a 120-lot subdivision from a residential street is acceptable and that the subdivision could be approved as is. Ploehn confirmed this. Judd reiterated that one access is inadequate to serve the existing homes in addition to the proposed ones. She stated that having 400-600 vehicles traveling down Judge Road en route to the new subdivision is not acceptable. Ploehn stated that the traffic volume would not be nearly that high as it could take years to build out all of the lots. He explained again that the city council has already authorized the construction of the Hopewell Avenue extension and had expressed a willingness to pursue condemnation of the property owned by Unity Corporation to provide an additional entrance from 53rd Avenue. He stated that he believes that the acquisition process could be completed in approximately 1 year. Judd stated that she believes that approval of the preliminary plat should be contingent on the construction of an additional access without using Judge Road. Ploehn explained that the Planning and Zoning Commission could recommend that but does not have the authority to require it but that the City Council does. He reiterated that the City Council had restricted development in The Settlement at Pigeon Creek subdivisions because

of a lack of access. Judd indicated that requiring the access would ease the concerns of many of the neighbors.

Staats suggested that Clock House Avenue be left as is and never be connected to the proposed development. He stated that new separate entrances should be used for the proposed subdivision from Hopewell Avenue and 53rd Avenue. Ploehn reiterated that prior to construction of any new homes, site work including utility and sewer installation must be completed. Dave Meyer, the applicant's engineer, explained that the site work would likely take 8 months. Ploehn stated that he believes that access to 53rd Avenue will become available during that time period. He indicated that no more than 20 homes would likely be built this year given the constraints of the required site work. He reiterated that the proposed subdivision is no different than many others that have been built. Ploehn stated that the extension of arterials streets must be coordinated with residential development. He explained that the cost of extending Hopewell Avenue to Criswell Street is approximately \$9 million, adding that the city must prioritize these projects in order to benefit the largest number of citizens possible. He stated that the funding of the city's operations and economic viability depend upon this type of residential development.

Cliff Pim, 5656 Madison Court, expressed concern about the increased amount of bus and construction equipment traffic that would be generated by the proposed development.

Todd Kaplan, 5523 Julie Ann Road, stated that currently there is no way for heavy equipment to access the proposed subdivision and asked for a definite alternative.

Mike Milan, 5406 Judge Road, stated that he does not believe that development should occur at the cost of safety.

Fick explained that currently there is dedicated city-owned right-of-way along 53rd Avenue and it is his hope that staff could negotiate an easement to allow the construction equipment to access the site from it.

Eric Winterlin, 5670 Madison Court, asked for an explanation of the remaining steps required to approve the proposed subdivision. Connors explained that the Planning and Zoning Commission must make a recommendation regarding the plat to the City Council who will then make a final decision. He indicated that even if the Commission recommends denial, the developer can still present the plat to the City Council but that a supermajority would be required for approval.

Kappeler commented that the issues that have been raised by the neighbors are typically addressed prior to the final platting stage but that staff has provided enough information for the Commission to make a recommendation regarding the preliminary plat.

On motion by Stoltenberg, seconded by Bennett, that the preliminary plat of Century Heights Phase III be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

5. Case 13-016; Copper Ridge Third Addition, submitted by Copper Ridge Properties.

Beck reviewed the staff report.

Kappeler asked if the water feature and detention area that have been referenced are the same structure. Beck explained that the detention structure is designed to retain the storm water, adding that the engineer must certify that it is capable of containing the water from the entire subdivision. Connors added that there is only one storm water structure.

On motion by Bennett, seconded by Stoltenberg, that the preliminary plat of Copper Ridge Third Addition be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

Site Development Plan

6. Case 13-017; 1109 Terrace Park Drive, submitted by LaMacchia Group.

Beck reviewed the staff report.

Kappeler asked if the existing credit union building would be reused or razed. Beck stated that if it is demolished a new site development plan would be required. Larry Coverstone, President of the credit union, indicated that plans for the existing building are indeterminate at this time. Connors commented that the only allowable use for the drive-up window at the existing building would be for a bank, adding that any other use would require a special use permit from the Board of Adjustment. He indicated that the existing special use permit that was granted by the Board allowed a drive-in banking facility only.

Joe Minorik, the applicant, explained that the facility would be 2 stories in the front and approximately 2 ½ stories in the back. He indicated that many of the suggestions that were submitted at a neighborhood meeting have been incorporated into the design.

Minorik stated that the effect of storm water on residential property was the main concern expressed at that meeting. He explained that currently the majority of the storm water from the property flows to the adjacent yards to the east. He indicated that the design includes a curb line approximately 18 feet from the east property line in addition to a series of catch basins to capture the storm water and which are connected to the detention basin. Minorik stated that the residents at the neighborhood meeting had requested that a berm be installed to block storm water in addition to a fence to screen headlights, adding that both of those suggestions were integrated into the project design. He indicated that the site lighting will be LED and that no light will escape the property.

Minorik displayed the elevations that were used at the neighborhood meeting showing the two-story entry, high-performance glass, brick tower features on the corners, and solid cut stone on the remainder of the building. He added that the area indicated on the plan as future development would be used for parking if it becomes necessary, not a building. Minorik explained that the parking spaces provided should be adequate, adding that the

applicant prefers to leave a green space rather than pave unnecessary parking spaces. He indicated that the detention pond is adequate to handle storm water for the entire property even if additional parking spaces are needed in the future.

Bob Jurkowski, 1119 Terrace Park Drive, asked for confirmation that the berm would be 4 feet tall with a 6-foot high fence on top of it. Jason Holdorf, the applicant's engineer, explained that the berm would be 2 ½ feet tall and confirmed that the fence would be 6 feet high.

Jurkowski asked if drain tile would be installed under the berm to help handle storm water. Holdorf confirmed this.

Jurkowski asked for clarification of the precise location of the entrance on Terrace Park Drive. Beck explained that staff would require that it be aligned directly with the Terrace Park Drive entrance to Miller Meier Limb and Brace at 4505 Utica Ridge Road.

Jurkowski asked how storm water runoff from the driveway would be handled at the entrance on Terrace Park Drive. Holdorf explained that the development will be graded such that the storm water will be directed to the storm drains on the site, adding that the only water that would come down the driveway to the street would be from the driveway itself.

Jurkowski asked who would monitor the site during construction to ensure that the runoff does not damage adjacent properties. Brian Fries, Assistant City Engineer, explained that there is a process which includes a requirement for both city and state permits prior to dirt being moved and only after comprehensive review and approval of the proposed grading plan. He indicated that there is an Erosion Control Inspector who will regularly inspect the site for compliance during construction.

On motion by Stoltenberg, seconded by Bennett, that a site development plan for 1109 Terrace Park Drive be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

7. Commission Update.

Connors indicated that the final plat of The Lodges at Beaver Meadows First Addition was approved at the April 2 council meeting and that the public hearing and first reading of the ordinance for the conditional rezoning of 2421 - 53rd Avenue was approved.

There being no further business, the meeting adjourned at approximately 6:50 p.m.

These minutes approved _____

Gregory W. Beck, City Planner