

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
AUGUST 21, 2013
5:30 P.M.**

The Planning and Zoning Commission meeting of August 21, 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, Bert, Kappeler, *Peters, Rafferty, Wennlund

MEMBERS ABSENT: Stoltenberg

STAFF PRESENT: Greg Beck, City Planner; Bill Connors, Community Development Director; John Soenksen, City Planner; Lisa Fuhrman, Community Development Secretary; Kristine Stone, City Attorney; Steve Knorrek, Fire Captain; Denny Snyder, City Engineer

2. Approval of the minutes of the meeting of July 17, 2013.

On motion by Rafferty, seconded by Bennett, that the minutes of the meeting of July 17, 2013 be approved as submitted.

ALL AYES

Motion carried.

3. Review of Commission procedures.

Land Use Amendment/Rezoning

*Peters arrived.

4. Case 13-042; 2906 State Street, Commercial to General Industrial, submitted by Nick Dubil. (Land Use Amendment)

5. Case 13-043; 2906 State Street, C-3, General Business District to I-2, General Industrial District, submitted by Nick Dubil. (Rezoning)

Beck reviewed the staff reports.

Rafferty asked how many properties along State Street are zoned I-2. Beck explained that nearly all of the properties from approximately the 2500 block of State Street to the

eastern city limits are zoned I-2. He indicated that there are a few lots that are zoned Commercial on the south side of State Street, but that the majority are I-2.

Rafferty indicated that discussions had been held in the past regarding the limitation of industrial uses along the corridor and asked if any limit has been imposed. Connors explained that when the discussion was held, the decision had been made to limit industrial uses beginning at 26th Street.

On motion by Rafferty, seconded by Bennett, that the land use amendment for 2906 State Street, Commercial to General Industrial, be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Bennett, seconded by Kappeler, that the rezoning of 2906 State Street, C-3, General Business District to I-2, General Industrial District, be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

6. Case 13-051; Lots 19 and 20, The Highlands Third Addition (SW corner of Kilt Court and Charles Court), Office/transitional to Traditional Residential, submitted by Heartland Builders of the Quad Cities, Inc. (Land Use Amendment)
7. Case 13-045; Lots 19 and 20, The Highlands Third Addition (SW corner of Kilt Court and Charles Court), C-5, Office/transitional District to R-3, Single- and two-family Residence District, submitted by Heartland Builders of the Quad Cities, Inc. (Rezoning)

Beck reviewed the staff reports. Connors added that when the area was developed, duplexes were allowed with a special use permit in the C-5 district. He indicated that later the residential component was removed from the list of permitted special uses in the C-5 district. He stated that several adjacent property lines were changed using a plat of survey which resulted in the lot's being unsuitable for duplex development. Connors explained that the simplest method of developing the two lots would be to amend the land use plan and zoning map which would allow construction of a single-family dwelling.

Kappeler asked if her understanding from the staff report that a single-family home would be a less intense use than a duplex and would occupy less lot square footage is correct. Beck confirmed this.

Wennlund asked if it would be possible to build a duplex on the two lots. Connors explained that while it would be possible, because of the size of the lots it could not be built a similar size or style as the surrounding units.

Rafferty asked if a duplex built on the lots would be zoning-compliant. Connors explained that in order that property owners not be penalized by the change removing the residential component from the C-5 section of the ordinance, any property that was platted prior to approval of the ordinance would be grandfathered.

Carey Nowack, the applicant, explained that because of adjustment of property lines in the subdivision, Lots 19 and 20 are no longer suitable for duplex development. He indicated that the proposed single-family home will conform to the style of the existing duplexes in the subdivision. He added that he has received permission from the homeowner's association to build a single-family home on the two lots.

On motion by Kappeler, seconded by Bennett, that the land use amendment for Lots 19 and 20, The Highlands Third Addition, Office/transitional to General Industrial, be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Bennett, seconded by Rafferty, that the rezoning of Lots 19 and 20, The Highlands Third Addition, C-5, Office/transitional District to R-3, Single- and two-family Residence District, be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

Final Plat

8. Case 13-047; VenWoods Estates Third Addition, submitted by Kevin Koellner/Build to Suit. (Replat)

Beck reviewed the staff report.

On motion by Rafferty, seconded by Bert, that the final plat of VenWoods Estates Third Addition be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

Site Development Plan

9. Case 13-044; 1109 Tanglefoot Lane, submitted by Redeemer Lutheran Church.

Beck reviewed the staff report.

Wennlund asked if the Commission is being asked to approve a conceptual site development plan based on an anticipated future building addition. Connors explained that Redeemer Lutheran Church is concerned about the ramifications of the agreement to acquire 10 feet of right-of-way for the Utica Ridge Road reconstruction project scheduled for 2014. He indicated that the applicant is unsure if the right-of-way acquisition would prohibit construction of possible future church building additions. Connors stated that the building addition that has recently been completed was small enough that it did not require Commission and City Council approval. He indicated that the current action is merely to give the church some reassurance that they could proceed with anticipated building additions if they choose to do so in the future.

Bert asked if the additional right-of-way would be used for a turn lane. Snyder explained that Utica Ridge Road would be reconstructed in 2014, adding that as a part of the project a right-turn lane would be installed at Tanglefoot Lane.

Kappeler asked for clarification of the net impact on parking a full buildout of the proposed additions would have. Connors explained that the parking requirements would be determined based on the use of the proposed building additions which is as yet unknown. He added that future parking requirements would be assessed as the projects are completed.

Wennlund asked the site is code-compliant now with regard to parking requirements. Connors confirmed this.

On motion by Peters, seconded by Kappeler, that the site development plan for 1109 Tanglefoot Lane be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

10. Case 13-049; 3222 and 3236 Bear Tooth Court, submitted by Build to Suit, Inc.

Beck reviewed the staff report.

Wennlund asked if an agreement not to sever would be required because the building is on two lots. Beck confirmed this, adding that the applicant is considering the sale of the southern 10 feet of Lot 13 to the owner of Lot 14. Connors added that if the sale takes place, a replat would be necessary which would combine Lots 12 and 13 and deed the aforementioned 10 feet to the owner of Lot 14.

Kappeler asked if the 10 feet of property in question is necessary for the applicant to accomplish the proposed project. Connors explained that the property to be deeded to the owner of Lot 14 was not taken into consideration when the site development plan was drawn.

On motion by Kappeler, seconded by Bert, that the site development plan for 3222 and 3236 Bear Tooth Court be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried

11. Case 13-050; 5123 Middle Road, submitted by S & B Powell, LLC.

Beck reviewed the staff report.

Wennlund asked what the zoning classification of the property is. Beck stated that the property is zoned C-5.

Wennlund asked if there would be an adequate buffer separating the proposed building addition and the residential properties to the south. Beck confirmed this, adding that there is a landscaped berm along the southern edge of the lot which provides the required buffer. Wennlund commented that the area in question is heavily landscaped but that the plantings are quite sparse nearer the building. He asked if the existing landscaping would be adequate. Beck confirmed this, adding that the applicant cannot be required to install plantings beyond what the ordinance requires. He indicated that the applicant may need to either move some of the existing trees or replace them to maintain compliance.

Kappeler asked how many of the trees on the southern portion of the property would need to be moved. Chris Townsend, the applicant's engineer, explained that 3 trees would likely be removed and relocated as a result of the construction.

Rafferty asked if the existing retention pond would be enlarged to accommodate the additional runoff generated by the increased impervious area. Townsend confirmed this.

Verne Mark, 5075 Red Fox Road, stated that in his opinion the number of on-site parking spaces would not be adequate once the building is enlarged. He indicated that currently there are 23 spaces and that while the proposed site development plan shows an additional 12 spaces, the office space in the building will be approximately doubled. He questioned whether the people who visit the building would add to the number of vehicles that are currently parked on the street. Mark stated that there are already 3 to 4 cars parked on the street on a regular basis.

Jarod Powell, the applicant, explained that there are 3 separate businesses located in the building at this time. He indicated that the building addition does not necessarily mean that more people will be visiting. He stated that the additional space for Powell Financial Group will mostly be used for conference rooms. Powell indicated that a portion of the additional space will be used by the Curves business to allow their equipment to be rearranged. He stated that the chiropractor whose office is in the lower part of the building had requested that the patrons of Curves park in the street rather than in her assigned spaces. Powell added that the 12 additional spaces will allow people who park their vehicles on the public street to use the parking lot instead.

Wennlund asked if the proposed amount of parking spaces is adequate for the increased building size. Connors explained that staff had reviewed parking calculations several times basing the formula on an office use. He indicated that staff determined

that the applicant will have exactly the required number of parking spaces after the project is complete.

Janet Fairfield, 5169 Red Fox Road, commented that when she had left her subdivision earlier in the day there were 4 cars parked on the street. She indicated that there were only 3 available parking spaces available in the lot at that time, adding that she does not believe that the available parking will be adequate after the building addition is complete.

Wennlund asked if Curves would be considered an office use as it relates to parking requirement calculations. Connors explained that typically staff uses an office use to determine required parking in C-5 districts because there are so few uses allowed in that district that are not office-related. He added that staff had not been aware of how much of the building's square footage would be allotted to each user. Powell explained that the Curves space is approximately 850 square feet, adding that one of the reasons that cars were parked on the street earlier in the day is that each Wednesday his office holds a meeting between 10:30 and 11:30 a.m. He indicated that many of the people who attend that meeting are not employees of his office in Bettendorf.

Wennlund asked if street parking is allowed on Red Fox Road. Connors confirmed this.

Mark asked what recourse the residents would have if the use of the building changes and a more intense use locates there which would require more parking spaces. He expressed concern that more vehicles would be parked on Red Fox Road if this occurs. Connors explained that typically parking requirements for multi-tenant retail buildings are determined during site development plan approval. He added that it would not be feasible to require a building owner to install more parking spaces merely because a slightly more intense user became a tenant and customers may park on public streets. Stone concurred.

On motion by Bert, seconded by Peters, that the site development plan for 5123 Middle Road be recommended for approval subject to staff recommendations.

Rafferty indicated his support of the request, reiterating that on-street parking is allowed. He added that the issue of parking availability is often raised with regard to office/transitional developments and the possibility of different uses locating in them. He stated that the current decision should be based on the number of spaces required for the current uses. Bert added that none of the residents had reported that patrons of the businesses had parked their cars overnight or that damage had been done to vehicles owned by the residential neighbors. Wennlund commented that the area in question is on his walking route and that he has oftentimes seen cars owned by the residents parked overnight on the street. He indicated that in his opinion the building makes an ideal transition between a commercial area and a residential one.

ROLL CALL ON MOTION

ALL AYES

Motion carried.

Other

12. Commission Update.

Connors stated that subsequent to the previous Planning and Zoning Commission meeting the final plat of Crowne Pointe Towne Homes Third Addition, the final plat of Century Heights Twentieth Addition, and the 2013 Transportation Plan were approved by City Council.

There being no further business, the meeting adjourned at approximately 6:15 p.m.

These minutes approved

Gregory W. Beck, City Planner