

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  
NOVEMBER 20, 2013  
5:30 P.M.**

The Planning and Zoning Commission meeting of November 20, 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: Bert, Kappeler, Peters, Stoltenberg, Wennlund

MEMBERS ABSENT: Bennett, Rafferty

STAFF PRESENT: Greg Beck, City Planner; Bill Connors, Community Development Director; Lisa Fuhrman, Community Development Secretary; Kristine Stone, City Attorney; Brian Fries, Assistant City Engineer; Steve Knorrek, Fire Marshal

2. Approval of the minutes of the meeting of September 18, 2013.

On motion by Stoltenberg, seconded by Bert, that the minutes of the meeting of September 18, 2013 be approved as submitted.

ALL AYES

Motion carried.

3. Review of Commission procedures.

Final Plat

4. Case 13-067; Molo Oil Second Addition, submitted by Mark Molo/Molo Quint, LLC. (Replat)

Beck reviewed the staff report.

On motion by Stoltenberg, seconded by Kappeler, that the final plat of Molo Oil Second Addition be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

**Other**

5. Case 13-069; Ordinance amending Sections 16.18, 16.23, and 16.26 of Appendix B to the Municipal Code (related to manufacture and storage of ammunition at indoor shooting ranges in industrial districts.)

Beck reviewed the staff report.

Connors commented that he had been approached by someone who would like to open an indoor shooting range in Bettendorf in an industrial area. He explained that because ammunition is so expensive, the potential business owner would like to be able to load it himself instead of purchasing it. He indicated that the current ordinance contradicts itself, adding that other similar cities have less stringent requirements for this type of use. Connors stated that staff feels that the simplest method to revise the ordinance would be to incorporate the state, federal, fire, and local building codes that regulate the proposed use already.

Wennlund asked if B & B Shooting has an indoor shooting range. Connors confirmed this, adding that it was established prior to any regulations governing shooting ranges were adopted.

Bert commented that the last sentence modifying the code section regarding the I-1 district does not make sense to him and asked for clarification. Beck stated that he would modify the sentence fragment to make it complete, adding that it was intended to refer back to the requirements regarding the governance of the quantity, utilization, storage, etc. of the materials involved.

Wennlund asked if the ordinance sections that were included in the packet are as they exist now. Beck confirmed this, adding that the attachments to the packet are current ordinances.

Wennlund asked if the ordinance revision would introduce the possibility of a gun range being allowed to be located adjacent to a child care center with a special use permit. Connors confirmed this. Beck indicated that there may be a minimum separation requirement imposed by the state.

Stoltenberg commented that a special use permit would be required. Wennlund indicated that the Board of Adjustment is a quasi-judicial board whose decisions are not subject to City Council approval.

Wennlund asked for clarification of what the mandatory separation requirements are for this type of use. Beck explained that he found references only to outdoor shooting ranges, adding that staff has received requests for permission to open indoor shooting ranges in commercial districts adjacent to residential neighborhoods. He indicated that those requests were denied. Beck stated that the likelihood of a hotel or child care center being located in an industrial district is small. He commented that the child care center indicated in the list of special uses permitted would likely be associated with an on-site employer-sponsored day care. Beck stated that there are building construction requirements imposed by the ATF on structures used as shooting ranges.

Kappeler asked for clarification regarding the relevance of an enclosed building housing a commercial farm or auto salvage yard to the proposed ordinance revision. Beck explained that currently an agricultural building is allowed in the I-2 district while the prohibited uses in the district include all those listed for the I-1 district. He added that because certain agricultural uses are prohibited in the I-1 district a conflict is created. Beck explained that the proposed revision excepting certain prohibited uses is intended to correct that conflict. He indicated that an enclosed agricultural operation or an auto salvage yard would now be allowed.

Kappeler asked if the proposed revision of the permitted uses section relating to enclosed commercial agricultural uses would permit a hog confinement. Beck confirmed this, adding that such a use would be limited by state and federal regulations regarding ground water contamination, separation, minimum lot size, and flood plain designation. He indicated that most of the property in the industrial districts is actually located in flood plain. Connors commented that the price of the property in Bettendorf would decrease the likelihood of a hog confinement being located in the districts in question.

Wennlund expressed concern about the possibility of such disparate uses as child care centers, hog confinements, and shooting ranges being permitted in the same district. Kappeler concurred, questioning why staff feels that the verbiage of the ordinance should be revised to allow this. Beck stated that it is to remove the conflict that exists in the ordinance.

On motion by Kappeler, seconded by Peters, that the ordinance amending Sections 16.18, 16.23, and 16.26 of Appendix B to the Municipal Code be recommended for approval subject to staff recommendations and the grammatical corrections as discussed.

ALL AYES

Motion carried.

6. Commission Update.

Connors stated that the following cases were approved by the City Council:

10/1/13

Lot 1 Genesis at Crow Valley Fourth Addition, site development plan

2030 Middle Road, site development plan

The Highlands Sixth Addition, final plat

Hopewell Hills Third Addition, final plat

2906 State Street, land use amendment, second reading of ordinance

2906 State Street, rezoning, second reading of ordinance

Lots 19 and 20, The Highlands Third Addition, land use amendment, second reading of ordinance

Lots 19 and 20, The Highlands Third Addition, rezoning, second reading of ordinance

10/15/13

2906 State Street, land use amendment, third and final reading of ordinance

2906 State Street, rezoning, third and final reading of ordinance

Lots 19 and 20, The Highlands Third Addition, land use amendment, third and final reading of ordinance

Lots 19 and 20, The Highlands Third Addition, rezoning, third and final reading of ordinance

Unity Farms, preliminary and final plat, first reading of rezoning ordinance

Connors stated that requests for proposal for the proposed revision of the city's Comprehensive Plan were due November 15 and that six submittals were received. He indicated that staff would be reviewing them for compliance.

There being no further business, the meeting adjourned at approximately 5:50 p.m.

These minutes approved \_\_\_\_\_

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Gregory W. Beck, City Planner