

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
JANUARY 15, 2014
5:30 P.M.**

The Planning and Zoning Commission meeting of January 15, 2014, was called to order by Rafferty at 5:30 p.m. at the City Hall Council Chambers, 1609 State Street.

1. Roll Call

MEMBERS PRESENT: Bennett, Bert, Kappeler, Peters, Rafferty, Stoltenberg

MEMBERS ABSENT: Wennlund

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

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

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

ALL AYES

Motion carried.

3. Review of Commission procedures.

4. Review and approval of the 2013 Planning and Zoning Commission Annual Report.

On motion by Kappeler, seconded by Peters, that the 2013 Planning and Zoning Commission Annual Report be approved as submitted.

ALL AYES

Motion carried.

5. Election of officers.

On motion by Kappeler, seconded by Rafferty, that Wennlund remain in the position of chairman for 2014.

ALL AYES

Motion carried.

Rezoning

6. Case 14-001; Lot 25, Villas at Glengevlin Second Addition and the entirety of Highlands Pointe First Addition, R-3 Single-family and Two-family Residence District to PR-3 Planned Residential Overlay District, submitted by Towne & Country Bettendorf, LLC.

Beck reviewed the staff report.

Rafferty asked why staff had not made a recommendation with regard to the case. Beck explained that there has never been a request for a planned residential overlay in an R-3 district since the ordinance establishing planned residential overlays was originally enacted. He indicated that because there is no precedent, staff had not made a recommendation.

Rafferty indicated that the ordinance section regarding overlay districts indicates that a developer must establish a hardship in order to deviate from the ordinance requirements. He asked for clarification of the applicant's hardship. Dan Dolan, the applicant, explained that the proposed development is the third phase of the Villas at Glengevlin project. He indicated that 22 of the lots having duplex homes in the first phase and 24 of the lots in the second phase are only 45 feet wide. Dolan stated that by acquiring additional property for the second phase, he was able to build detached homes rather than duplexes on 8 of the lots. He indicated that 7 of the 8 lots were sold before the street was even installed and that he feels that he is meeting the needs of an aging demographic. Dolan explained that the original plan had shown 13 attached buildings with 45-foot wide lots. He indicated that he would actually be lowering the density by reducing the number of homes by two because most of the lots would actually be 50 feet wide. He indicated that unlike The Legends at Palmer Hills, the streets of the proposed subdivision would be built to city specifications.

Rafferty asked why it would be necessary to implement an overlay district if 45-foot wide lots are allowed in the R-3 district. Dolan explained that lots for attached homes are allowed to be 45 feet wide but that the minimum lot width for detached homes is 70 feet. He indicated that he feels that the volume of sales based on detached homes will compensate him for the reduction in the total number of homes.

Robert Hartung, 4101 Treeline Drive, stated that he and his wife have recently retired and would like to downsize. He indicated that the proposed detached condominium homes would be ideal for him, adding that retaining older residents who contribute to the city's tax base but do not necessarily consume many city services would be beneficial for everyone.

On motion by Kappeler, seconded by Bennett, that the rezoning of Lot 25, Villas at Glengevlin Second Addition and the entirety of Highlands Pointe First Addition, R-3 Single-family to Two-family Residence District to PR-3 Planned Residential Overlay District be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

7. Case 14-002; East side of the 5800 block of Devils Glen Road, A-1 Agricultural District to R-2 Single-family Residence District, submitted by Windmill Development, LLC.

Beck reviewed the staff report.

Rafferty asked if the lot that is proposed to be rezoned to A-2 is included in the current request. Beck indicated that the rezoning for that property would be presented at the next meeting.

Rafferty asked why developers have so frequently requested properties be rezoned to R-2 when the definition of the R-2 district indicates that it is to be used only in the older sections of the city and for infill. He indicated that even when lot sizes are in conformance with the requirements of the R-1 district it seems as though developers frequently request an R-2 district. Beck explained that most developers prefer to rezone to R-2 because the setback requirements are less strict and there is no staggered setback requirement.

Craig Windmill, the applicant, indicated that he will be building all of the homes in the subdivision and will be able to control how the houses are oriented on the lot. He indicated that the less strict side yard setback standards in the R-2 district will allow him more flexibility with regard to the streetscape.

On motion by Kappeler, seconded by Bennett, that the rezoning of property located on the east side of the 5800 block of Devils Glen Road, A-1 Agricultural District to R-2 Single-family Residence District be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

8. Case 14-005; 3715 and 3719 State Street, I-2 General Industrial District to C-2 Community Shopping District, submitted by Rad Pandit.

Beck reviewed the staff report.

Kappeler asked for clarification of the request and which buildings would be demolished. Beck explained that the only two buildings that will be removed are garages. Rad Pandit, the applicant, explained that the majority of the building will be used as a traditional convenience store. He added that the remainder of the building would be used as a food court with a seating area with multiple counters for serving pizza, subs, and fried chicken. Pandit indicated that the food court would resemble one that could be found in a mall but on a much smaller scale.

Rafferty asked why the property is being rezoned to C-2, not C-3. Beck explained that staff feels that the C-2 district represents the least intense district in which the proposed use is allowed.

Hartung asked when issues such as potential ingress and egress problems would be addressed. Rafferty indicated that those types of issues would be resolved during the site development plan review.

On motion by Kappeler, seconded by Stoltenberg, that the rezoning of 3715 and 3719 State Street, I-2 General Industrial to C-2 Community Shopping District be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

Preliminary Plat

9. Case 13-070; Haley Heights Additions - Phase II, submitted by Middle Road Developers, LC. **(Deferred from meeting of December 18, 2013)**

Beck reviewed the staff report.

Kappeler asked for clarification of the proposed use of the lot directly north of the outlot for the proposed subdivision. Beck explained that it is under different ownership and can remain as an open space and cannot be required to be used as a detention area.

On motion by Kappeler, seconded by Bennett, that the preliminary plat of Haley Heights Additions - Phase II be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

10. Case 14-004; Wyndham West Additions, submitted by Advance Homes, Inc.

Beck reviewed the staff report.

Bennett asked how many lots would be allowed to be developed before a second entrance is required by the city. Beck explained that there are some parties interesting in developing the property to the north which could trigger the extension of Crow Creek Road. He suggested that the Commission could recommend a staging plan for the proposed subdivision.

Rafferty asked what the recommendation of the fire department is. Connors suggested that since no fire department representative is available, the issue could be raised during the final platting stage. He added that the public works department is considering an intersection improvement at Crow Creek Road and Middle Road which may affect the development.

Joe Ven Horst, 4825 Brookview Court, asked if the excess right-of-way previously owned by his family from the Middle Road widening project is included in the proposed subdivision. Beck stated that it is not.

Ven Horst asked for clarification of the disposition of the right-of-way in question. Connors explained that because there are utilities located in that property, it would remain as city-owned right-of-way.

Ven Horst asked if trees could be planted there if he could get the property back. Connors confirmed this, adding that the location of the utilities would have to be taken into consideration. He indicated that no structures could be built on that easement.

On motion by Bennett, seconded by Stoltenberg, that the preliminary plat of Wyndham West Additions be recommended for approval subject to staff recommendations and that the question regarding the number of lots that are allowed to be developed before a second entrance is required be clarified by the fire department prior to final platting.

ALL AYES

Motion carried.

Other

11. Commission Update.

Connors stated that the following cases were approved by the City Council subsequent to the last meeting:

999 Middle Road, site development plan
Buena Vista Addition, final plat

Rafferty stated that he believes that the definition of the R-2 district in the ordinance should be revised to reflect the reality of current development practices and its use in the newer areas of the city. Connors stated that a revision of the zoning ordinance was included in the request for proposal for the Comprehensive Plan update for which a consultant is currently be chosen.

There being no further business, the meeting adjourned at approximately 6:10 p.m.

These minutes approved _____

Gregory W. Beck, City Planner