

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  
MAY 21, 2014  
5:30 P.M.**

The Planning and Zoning Commission meeting of May 21, 2014, 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, Stoltenberg, Wennlund

MEMBERS ABSENT: Rafferty

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 Marshal

2. Approval of the minutes of the meeting of April 16, 2014.

On motion by Kappeler, seconded by Bennett, that the minutes of the meeting of April 16, 2014 be approved as submitted.

ALL AYES

Motion carried.

3. Review of Commission procedures.

Rezoning

4. Case 14-039; Lot 3, The Springs of Bettendorf First Addition, A-1 to R-5, submitted by Rad Pandit.

Beck reviewed the staff report.

Kappeler asked for clarification of staff's statement regarding the unique nature of the property lines in the proposed development. Beck explained that the applicant would like to rezone only the rectangular portion of Lot 3 of The Springs of Bettendorf First Addition. He indicated that there is a conservation area that is part of Lot 3 that is located south of the apartment buildings to the west that is unusable. Wennlund explained that Kappeler's question pertains more to the statement made regarding the property lines of the individual lots. Beck stated that each townhouse lot would be platted such that it would include a front and rear yard, not just the footprint of the structure.

Kappeler asked if residents would then be responsible for maintenance of the entirety of their individual lots. Beck confirmed this, adding that residents may or may not choose to form a homeowner's association which could take over that responsibility for the individual owners.

Kappeler asked if the units would face east. Beck confirmed this. Kappeler asked if there would be a tree line on both the east and west boundaries of the property. Beck explained that there is an existing tree line on most of the eastern property line, adding that there is a 75-foot wide tree preservation easement on the west side of the property. Kappeler asked if the tree preservation easement is part of the apartment development. Beck explained that it is located on Lot 3.

Bennett asked for clarification of the proposed parking arrangements for the development. Beck explained that each unit would have at least 2 parking spaces underneath the building and there would be additional spaces at the rear of the buildings.

Wennlund asked if there would be a landscape buffer on the east side of the public street. Beck explained that the property directly adjacent to the east is now used for agricultural purposes, adding that there is no need to install a buffer at this time. He indicated that as such time as the property is developed a decision regarding the necessity of a buffer would be made. Wennlund asked for clarification of the means by which department personnel would navigate the site. Beck stated that there are fire apparatus turnarounds located between individual buildings.

Wennlund asked if the public street could be built up to the property line or if there are setback requirements. Beck explained that it could be 5 feet from the lot line. Connors reiterated that the street would be public. Wennlund commented that it might be beneficial to include some space between the city street and the property line for a landscape buffer at some point in the future.

On motion by Bennett, seconded by Stoltenberg, that the rezoning of Lot 3, The Springs of Bettendorf First Addition, A-1 to R-5, be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

**Preliminary/Final Plat**

5. Case 14-037; The Highlands Seventh Addition, submitted by Greg Franich. (Preliminary Plat)
7. Case 14-038; The Highlands Seventh Addition, submitted by Greg Franich. (Final Plat)

Beck reviewed the staff reports.

Wennlund asked if there would be a landscape buffer between the proposed development and the existing one to the north. Beck explained that the property

owners to the north would be responsible for any buffering as the subdivision is zoned C-5 which is a more intense zoning classification than R-3. He indicated that the city does not plan to require a buffer.

Wennlund asked if the fire hydrants would be privately owned because the street is not public. Knorrek explained that subsequent to the distribution of the staff report that arrangements were made between the developer and Iowa American Water Company to include a public hydrant.

Wennlund asked who would monitor the condition of the streets since they are private. Connors stated that the maintenance of the street would be the developer's responsibility.

Bert asked if there would be provisions in the platting documents to form a homeowner's association. Beck confirmed this.

On motion by Bennett, seconded by Peters, that the preliminary plat of The Highlands Seventh Addition be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Bennett, seconded by Peters, that the final plat of The Highlands Seventh Addition be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

### **Final Plat**

6. Case 14-012; Hopewell Hills Fourth Addition, submitted by Bettendorf Land Development, LLC. **(Deferred to meeting of June 18, 2014)**
8. Case 14-040; Haley Heights Third Addition, submitted by Middle Road Developers, LC.

Beck reviewed the staff report.

On motion by Stoltenberg, seconded by Bert, that the final plat of Haley Heights Third Addition be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

9. Case 14-041; The Lodges at Beaver Meadows Second Addition, submitted by Beaver Development, Inc.

Beck reviewed the staff report.

Wennlund asked if the hammerhead indicated on the plat would be only temporary until such time as the streets are connected. Beck confirmed this.

On motion by Kappeler, seconded by Bennett, that the final plat of The Lodges at Beaver Meadows Second Addition be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

### Other

10. Case 14-042; Subdivision Development Plan - Proposed Villas at Glengevin Third Addition, submitted by Towne & Country Bettendorf, LC.

Beck reviewed the staff report.

Kappeler asked for clarification of the procedures involved with a development plan in comparison to a plat. Beck explained that the development plan would require City Council approval once the proposed PR-3 overlay district rezoning process is complete. He indicated that because of two vacancies on the City Council, this would likely not take place until August at the earliest after a special election in July. Connors added that in addition to the development plan, a final plat would be required.

Wennlund asked for clarification of how the proposed 55-foot wide lots are consistent with surrounding development as is indicated in the staff report. Connors explained that in the R-3 district lots used for duplex units are allowed to be only 45 feet wide. He indicated that staff's opinion is that the proposed development would actually be less dense than if the applicant were to construct duplex units in accordance with the ordinance.

Kappeler asked how the square footage of the proposed single-family units compares to the duplex units. Connors stated that they are almost exactly the same size.

Bert asked what the price range of the single-family homes would be. Dan Dolan, the applicant, explained that identical units that he built just north on Cavan Crossing sold for between \$300,000 and \$375,000.

Greg Jager, representing the applicant, stated that in the PR-3 district, the city agrees to modify some of the standards of a typical R-3 district in exchange for the certainty that the subdivision will develop as planned. He added that the specific development plan must be approved by the City Council both before construction begins and after it is complete. Jager stated that the rezoning request that the Commission recommended for approval is tied to the proposed development plan. He indicated that he does not believe it is feasible for one request to proceed without the other, adding that this

would enable the City Council to make a more informed decision because all of the details would be available at the same time.

Jager explained that the developer has held two neighborhood meetings to inform nearby residents of the details of his plan. He indicated that at the second meeting several alternatives to the current plan were presented, adding that the proposed plan is the one that seemed most acceptable to the neighbors. Jager stated that the developer agreed to reduce the number of lots by 4 in order to allow for larger lots throughout and to increase the side yards of the proposed units on the east side of the development. He commented that in his experience, developments of this type never cause an adverse effect on property values. He added that any concerns the neighbors have about the aesthetics of the development should be alleviated by the fact that the homeowners will have common exterior maintenance arrangements including snow removal and grass mowing. Jager commented that he believes that because of recent market changes and demands that other developers will begin to make similar requests in the future.

Wennlund asked if the plan that is submitted to City Council would be same as the one that is currently being presented. Stone confirmed this.

Wennlund asked if the footprints of the structures indicated on the plan is as it would be developed. Stone confirmed this, adding that the developer is locked in to that configuration and timeline he has indicated. Wennlund asked for clarification of the procedure should the developer make a change. Jager explained that any change to the approved development plan would require approval of both the Commission and City Council.

Wennlund asked which neighbors had expressed concern about the project. Jager indicated that residents in The Highlands Third Addition located east of the proposed development had expressed concerns.

Bert asked for clarification of the remedy should the developer fail to fulfill the obligations of the agreement which states that the homes will be complete by the end of 2016. Stone explained that the zoning would revert to the underlying zoning or the plan could be amended. Bert commented that the zoning classification's reverting to R-3 would be academic if half of the lots have homes already built and the other half are either not sold or are not marketable. Jager stated that while it is true that a development plan requires that a prediction be made about future market conditions, a similar calculation must be made when a property is zoned conditionally. He added that in the past the Commission and City Council have approved such conditional rezoning requests. Jager explained that in this case, if market conditions preclude the completion of the development as planned the city and developer would likely negotiate an amendment to the plan. He indicated that if the city deems it necessary, building permits and occupancy certificates could be withheld until such time as the city is comfortable with the progress of the developer's plan.

Bert asked if it would be accurate to say that the houses on Lots 17-22 would be only 10 feet apart. Jager confirmed this. Bert asked for clarification of the total square footage of the homes that are proposed to be built. Dolan stated that the homes would be between 1400 and 1800 square feet in size. He indicated that he will be marketing the homes to an aging population who wish to have a single level with a smaller footprint

than is typical and where outside services will be provided. Dolan stated that so far of almost 40 sales of homes in the area, none of the homeowners have children. He indicated that he sells approximately one home per month, adding that the completion timeline would be dependent upon the continuation of that pace. He stated that typically it takes approximately one year after approval of a plat for any actual construction to take place. Dolan acknowledged that there are never any guarantees relative to how the construction process proceeds and if the deadline will be met. He indicated that he believes that if he is proceeding per the requirements of the plan except for the completion date, he would ask for an extension.

Knorrek requested that Recommendation #4 listed in the staff report be removed as hydrant placement along public streets is not considered until after the final plat has been approved. He indicated that there is no need to consider that placement at this stage.

Susan Lohf, 4004 Charles Court, indicated that she believes that a lot of progress has been made at the meetings with the developer. She stated that one of the main concerns of the neighbors was that the width of the side yard setbacks more closely match the homes in her neighborhood. She asked for clarification of where the storm water detention basin is located. Beck explained that it is on Lot 24 of Villas at Glengevlin First Addition.

Lohf expressed concern that the land will not be graded properly to prevent storm water from escaping the proposed subdivision and affecting Lots 15 and 16 in the adjacent subdivision. She indicated that those homeowners have not yet been contacted to confirm that the design will prevent such runoff. Lohf stated that in August 2012 the Commission had required that Highlands Pointe First Addition be vacated before the final plat of Villas at Glengevlin Third Addition is approved. She asked when this would occur. Connors explained that he had researched the issue and had found that the Council resolution requires that the plat be vacated or that the property be replatted. Wennlund commented that the Commission is a recommending body only and that the Council has the latitude to modify the conditions of approval associated with a plat.

Bert asked if the plat would be vacated at the same time as Villas at Glengevlin Third Addition is approved. Connors explained that at the time of the Commission meeting, staff was unaware that the street right-of-way that would be dedicated to the city would remain exactly the same as indicated on the original plat. He added that because of this, vacation of the plat is not necessary and the developer has the right to replat without vacating the previous subdivision.

Wennlund asked if the drainage issue with regard to the adjacent subdivision has been addressed. Mike Janecek, engineer representing the applicant, explained that the property would be graded such that storm water will be conveyed to the south to an existing drainageway. He indicated that there will be a note on the final plat and it is indicated on the construction plans that a swale will be graded along Lots 1-10 which will accomplish that goal. Janecek stated that none of the storm water on the east side of the development will travel east. He indicated that the water from the front yards will actually be directed to the west and eventually to a regional storm water detention basin which has been sized appropriately for the entire development.

Wennlund expressed appreciation for staff's involvement in the discussions between the developer and the neighbors. He indicated that those meetings are very helpful in that many contentious issues are resolved before the public hearing is held.

On motion by Bennett, seconded by Stoltenberg, that the development plan for the proposed Villas at Glengevlin Third Addition be recommended for approval subject to staff recommendations with the caveat that Recommendation #4 with regard to fire hydrant placement be removed.

ALL AYES

Motion carried.

11. Commission Update.

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

May 6

Wendy's 2<sup>nd</sup> Addition, final plat

Wyndham West First Addition, final plat

Connors stated that on May 18 the first steering committee meeting regarding the Comprehensive Plan update was held. Kappeler commented that it appears as though the chosen facilitator has a great deal of experience in this type of endeavor and indicated that the members chosen by staff and the Mayor represent a good cross section of the community.

Connors stated that in addition to the steering committee, the facilitator would like to form focus groups from varying sectors of the community such as downtown business owners, major employers, etc. He asked that if any of the Commission members have suggestions for people who might be interested in participating in a focus group to please submit them to the planning staff. He indicated that the focus groups would be held June 23 and 24 and that the next steering committee meeting would be take place on June 25.

There being no further business, the meeting adjourned at approximately 6:30 p.m.

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

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Gregory W. Beck, City Planner