

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 20, 2015
5:30 P.M.

The Planning and Zoning Commission meeting of May 20, 2015, was called to order by Wennlund at 5:35 p.m. in the City Hall Council Chambers, 1609 State Street.

1. Roll Call

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

MEMBERS ABSENT: None

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

2. Approval of the minutes of the meeting of April 15, 2015.

On motion by Kappeler, seconded by Stoltenberg, that the minutes of the meeting of April 15, 2015 be approved as submitted.

ALL AYES

Motion carried.

3. Review of Commission procedures.

Final Plat

4. Case 15-027; The Settlement at Pigeon Creek Eighth Addition, submitted by KW Development, LLC.

Beck reviewed the staff report.

Wennlund asked for clarification of the condition requiring that Outlot A have a rolled curb. Beck explained that the Outlots A and B are islands in the center of the street and that a rolled curb makes access and maneuverability for fire apparatus easier if it becomes necessary. Knorrek indicated that while it is preferable to have no islands, the rolled curb design is acceptable.

Wennlund asked if the islands would be paved. Beck explained that they would be landscaped.

Wennlund asked if street parking adjacent to the islands would be possible. Beck stated that in order to restrict parking, the ordinance would have to be revised. Wennlund asked if the design would allow enough room for the necessary maneuverability and street parking. Beck indicated that while there would be enough space to maneuver the fire apparatus, the design would likely not allow street parking in those areas. Wennlund commented that there are several areas in the city where longer islands exist which makes it difficult for vehicles to be parked on the street.

Jared Kerkhoff, the applicant, explained that the purpose of the islands is to soften the appearance of the long cul-de-sac. He indicated that the lots in the subdivision are large enough to allow for ample parking for visitors on each property. He stated that during the design phase for the subdivision the location of driveways in relation to the islands is taken into consideration, adding that he and Bob Walter would be building all of the homes in the subdivision and would therefore have complete control of the configuration.

Kappeler asked for clarification of the remaining steps that the developers must take with regard to Lots 12 and 13 as related to FEMA requirements. Beck explained that the developers must obtain a Letter of Map Removal from FEMA verifying that the structures as they are located on the lots would not be located in the 100 year flood plain. Connors stated that while the city is considering requiring builders to construct homes 2 feet above the 100 year flood plain, the current developers would only be required to build the houses 1 foot above that level. He indicated that when the developers designed the subdivision a study from the 1980s was used but that the current FEMA map controls whether or not a homeowner is required to purchase flood insurance. He added that the houses on those lots must either be elevated or that FEMA must certify that they are removed from the designated flood plain. Connors commented that the elevation means that the lowest floor, including the basement, is elevated at least 1 foot above the designated flood plain.

Bob Vandewoestyne, 5245 School House Road, asked if the berm that was constructed near his property would be removed during subdivision construction. He explained that the berm in question was built by the city to capture the storm water from the farm fields adjacent to his subdivision when it was being constructed. Kappeler asked if the berm was constructed at Vandewoestyne's request. Vandewoestyne confirmed this, adding that it was constructed to solve a drainage problem of his neighbor. He indicated that the berm that extends along the rear of all of the properties is not the problem, just the one constructed by the city. Connors explained that because the farm fields from which the water runs off will be developed, the problem should be alleviated. Vandewoestyne stated that the berm should now be removed as it will no longer be necessary. Connors stated that the city currently owns the property but that it will be deeded to the developers at the time of platting, adding that it would be their decision whether or not to remove it. Vandewoestyne indicated that he and the developers have now come to an amicable resolution.

On motion by Kappeler, seconded by Bennett, that the final plat of The Settlement at Pigeon Creek Eighth Addition be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

5. Case 15-037; Old Hunters Woods Fifth Addition, submitted by Old Hunters Woods Development Co., LC/Tim Dolan.

Beck reviewed the staff report.

Kappeler asked for clarification of where the runoff from the outlots would be released. Beck demonstrated that the water would run off from the outlots in a southwesterly direction to Pigeon Creek.

On motion by Bennett, seconded by Rafferty, that the final plat of Old Hunters Woods Fifth Addition be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

Site Development Plan

6. Case 15-012; 1801 Kimberly Road, submitted by Reed Windmiller. (Deferred from meeting of April 15, 2015)

Beck reviewed the staff report.

Wennlund asked if the easement is to the benefit of the property to the south. Beck confirmed this. Wennlund asked if there is a separate agreement allowing truck drivers going to the Duck Creek development to use the private access easement. Beck explained that this is not the case, adding that he had checked the platting documents for both Murphy's First Addition and the development agreement for Duck Creek but had been unable to find any such agreement.

Wennlund asked if staff is comfortable with the curbing indicated at the end of the proposed building even though it encroaches into the easement. Connors stated that the encroachment is minor enough that it will not impede access, adding that it could prevent motorists from accidentally hitting the building.

Rafferty asked for clarification of the type of materials that would be used to construct the building. Reed Windmiller, the applicant, stated that rock-faced block with matching mortar would be used, adding that the metal work would be aluminum.

Wennlund asked if the car wash would be open 24 hours per day. Windmiller confirmed this.

Kappeler asked if the bays would be self-serve or automatic. Windmiller stated that all three bays would be operated by the customer.

Kappeler asked if the applicant or the owners of Duck Creek Mall would be allowed to close off the access from the easement to the Duck Creek development. Connors explained that

the applicant and the owner of the Subway restaurant would have to agree to close it off because it is jointly utilized. He indicated that he does not know whether or not the long-time, continued use by truck drivers going to the Duck Creek development gives them any right to prevent the closure. Stone explained that while it is possible to establish an easement by continued use over time, she does not know whether or not it would be applicable in this case. She indicated that she is unaware of how long the truck traffic has been using the private easement. Stone explained that because it is very clear that the applicant and the owner of the Subway restaurant are the beneficiaries of the easement, in her opinion they could close it if they choose.

Kappeler asked how many cars would have to be stacked before they would block the access easement. Windmiller stated that there is room for 4 stacking spaces for 2 of the bays and 5 for the third. He indicated that he and the owners of the Duck Creek development are in favor of leaving the easement open.

Kappeler commented that the revised site development plan is an improvement over the original version.

On motion by Rafferty, seconded by Kappeler, that the site development plan for 1801 Kimberly Road be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

Wennlund expressed his appreciation to the applicant for his willingness to work with staff to resolve some of the Commission's concerns with regard to the original site development plan.

Other

7. Case 15-038; 2015 Comprehensive Plan.

Connors stated that the revised Comprehensive Plan is now complete, adding that the consultant was able to incorporate the input received from the City Council, Boards and Commissions, general public, and staff. He indicated that with a positive recommendation from the P & Z Commission, the plan would be presented to the City Council for final adoption. He explained that after final adoption, the process to revise the zoning regulations could then begin.

Connors reviewed the revised plan which will allow residents to create a shared vision of the future of Bettendorf, provide guidance for staff and Board and Commission members, and give a legal basis for the city's land use regulations. He indicated that the plan will address the strengths and challenges that face the city while striving for continued, orderly growth. Connors stated that in order to fully implement the Comprehensive Plan, the zoning regulations will need to be rewritten. He indicated that many of the city's past planning efforts such as the Transportation Plan, I-74 Reconstruction Plan, and Parks Plan were taken into consideration.

Connors stated that the plan recommends that the city use a density approach to land use, adding that the Future Land Use Map will be used to make all future decisions. He indicated that the plan includes a future annexation map along with a 7-point strategy to guide those plans. He stated that new developments should provide multi-modal, interconnected roads and street connectivity should be ensured by identifying necessary street right-of-way in advance of subdivision development.

Connors stated that the revised plan encourages connectivity and walkability and the development of a mixture of compatible uses within neighborhoods. He indicated that civic centers such as parks, open spaces, and schools will serve as an attraction for potential residents and will promote new development.

Connors stated that according to a study completed by Gruen and Gruen, it appears as though the predicted total land need for the next 20 years is approximately 1500 acres, adding that 5000 undeveloped acres currently exist within the city limits.

Connors stated that the new plan includes Development Character Areas (DCAs) which integrate and mix uses, control intensity, and consider compatibility of uses and the form development will take. He explained that the Neighborhood Commercial category was added to the original map, adding that it integrates better with residential neighborhoods. He indicated that there is a table listing the DCA and the possible uses and the Residential-and Non-residential density range along with descriptions. Connors stated that staff will be able to use the table and descriptions to determine whether a proposed project meets the goals of the plan with regard to the use, the intensity, and the form.

Connors indicated that the boundaries between DCAs on the future land use map are fuzzy lines which are meant to show approximate areas for transition rather than rigid ones. He reiterated that the Future Land Use Map will provide the basis for decisions of the P & Z Commission, the City Council, and private developers.

Rafferty commented that within the boundary areas of the DCAs there is a mixture of commercial and residential. He stated that the way one property develops may well influence the future development of the surrounding parcels. He indicated that in the future if single-family residential is located on the boundary of a mixed use DCA, it could preclude the adjacent property owner from developing his or her property commercially. He stated that the property may have to be developed as a higher-intensity residential use instead. Rafferty added that as long as developers are aware of this possibility, he is not necessarily opposed to it. He stated that the protection of the firm boundaries no longer exists. Connors stated that in his opinion there must be a higher-intensity residential use such as a 12-plex or townhouse development between single-family residential and commercial. He added that if a developer owns a large parcel and plans to develop the entire lot with different uses, those boundary lines could be fuzzier.

Kappeler commented that in the past the Commission has been more apt to see smaller parcels rather than large, inclusive developments. Rafferty stated that large-scale, integrative mixed-use developments when the properties are owned by different parties have rarely been successful. He asked if the Commission, City Council, or city staff would be responsible for informing developers of the city's goals and enforcing them. He expressed concern that

there will not be the discipline within the city to tell developers that a particular project may not work because it is not in accordance with the new plan. Connors concurred, adding that the revisions to the zoning regulations should address some of those concerns. He stated that because typically small parcels are involved, the decision-making bodies and city staff will have to be very careful that proposed developments fit into the new land use categories on the map.

Connors expressed his appreciation to everyone who participated in the development of the new Comprehensive Plan. Kappeler stated that she believes that the end product is excellent. Rafferty concurred, adding that the new plan is much more workable than the previous one.

On motion by Rafferty, seconded by Stoltenberg, that the 2015 Comprehensive Plan be recommended for approval and adoption.

ALL AYES

Motion carried.

Wennlund commented that from the vetting of the consultants to the increasing community involvement throughout, the process was very impressive.

8. Case 15-039; Section 11-13-5, Performance Standards for DRCOD.

Stone reviewed the staff report, adding that the proposed ordinance change is at the request of one of the City Council members. She indicated that Davenport has a similar ordinance regulating their downtown area. She explained that Class E liquor licenses regulate the sale of carry-out liquor only and would not affect bars or restaurants. Stone stated that carry-out establishments located within the proposed radius of an existing Class E liquor-licensed establishment could apply for a lesser license such as a wine and/or beer permit. She indicated that discussion had been held at a Committee of the Whole session regarding the possibility of restricting the sale of all carry-out alcoholic beverages within the proposed radius but that the decision was made to include only future Class E liquor license holders.

Wennlund asked for clarification of the difference between Class E licenses and Class C permits and how it relates to the proposed restriction. Stone explained that the proposed ordinance would restrict only Class E liquor licenses and does not affect the sale of beer or wine. She indicated that ultimately the Council had expressed their comfort with the proposed regulation of carry-out liquor sales only. Kappeler asked if there is any required buffer for the Class C permit holders. Stone stated that there is not, adding that some Council members had expressed some concern regarding the possibility that a plethora of standalone carry-out liquor stores would be established downtown.

Kappeler asked if the Class E license holders tend to be exclusively for liquor stores. Stone explained that this is not the case, adding that CVS, Hy-Vee, Casey's, and other similar establishments have Class E liquor licenses.

Rafferty asked if the proposed ordinance would only affect the DRCOD area. Stone confirmed this.

On motion by Stoltenberg, seconded by Rafferty, that the ordinance amending Section 11-13-5, Performance Standards for DRCOD be recommended for approval.

ALL AYES

Motion carried.

9. Commission update.

Connors stated that subsequent to the last meeting, the final plat of Pegasus First Addition was approved by City Council.

Connors indicated that staff would like to establish a small committee to aid staff in the revision of the zoning regulations. Rafferty expressed interest in being on the committee.

There being no further business, the meeting adjourned at approximately 6:40 p.m.

These minutes approved _____

Gregory W. Beck, City Planner