

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 17, 2016
5:30 P.M.**

The Planning and Zoning Commission meeting of August 17, 2016, was called to order by Wennlund at 5:30 p.m. in the City Hall Council Chambers, 1609 State Street.

1. Roll Call

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

MEMBERS ABSENT: Bert

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

2. Approval of the minutes of the meeting of July 20, 2016.

On motion by Bennett, seconded by Stoltenberg, that the minutes of the meeting of July 20, 2016 be approved as submitted.

ALL AYES

Motion carried.

3. Review of Commission procedures.

Land Use Amendment

4. Case 16-062; North side of the 4600-4800 block of Forest Grove Drive, Office/Research Campus to Traditional Residential, submitted by Grunwald Land Development/Dale Grunwald.

5. Case 16-063; North side of the 4600-4800 block of Forest Grove Drive, Office/Research Campus to High-density Residential, submitted by Grunwald Land Development/Dale Grunwald.

6. Case 16-064; North side of the 4600-4800 block of Forest Grove Drive, Office/Research Campus to Commercial, submitted by Grunwald Land Development/Dale Grunwald.

Rezoning

7. Case 16-065; North side of the 4600-4800 block of Forest Grove Drive, A-1 Agricultural District to R-3 Single- and Two-family Residence District, submitted by Grunwald Land Development/Dale Grunwald.
8. Case 16-066; North side of the 4600-4800 block of Forest Grove Drive, A-1 Agricultural District to R-5 Multi-family Residence District, submitted by Grunwald Land Development/Dale Grunwald.
9. Case 16-067; North side of the 4600-4800 block of Forest Grove Drive, A-1 Agricultural District to C-2 Community Shopping District, submitted by Grunwald Land Development/Dale Grunwald.

Beck reviewed the staff reports.

Rafferty asked for clarification of staff's statement with regard to what the Commission should consider when making a decision whether to approve the request. Beck explained that because the future land use map has not yet been formally adopted, that the typical review and recommendation procedure is in a transitional phase. He stated that Commission members should evaluate the project based on the same factors considered during the review process of The Woodlands subdivisions at Middle Road and 53rd Avenue. He added that the current project is also subject to a conditional zoning agreement which must be taken into consideration along with the new standards that will be adopted in the future.

Rafferty asked if the concept plan that was submitted by the applicant is compliant with the new standards that will be implemented along with the new Comprehensive Plan. Beck explained that the new Comprehensive Plan does not specifically define a specific combination of uses that would constitute a 'mixed' use. Stone added that while the Comprehensive Plan which includes the mixed use areas has been adopted, it has not been officially implemented because the Zoning Regulations supporting it are not yet finished. She stated that because the review and approval process is in this transitional phase, a conditional zoning agreement is required. She indicated that the applicant has agreed to be bound by the standards detailed in the revised Comprehensive Plan. Stone explained that when evaluating rezoning requests, staff will consider density yield of the overall project. She stated that the concept plan that was submitted meets the required density yield if the proposed reduction from 7 to 5 dwelling units per acre is

approved by the City Council. She added that the Commission should also consider the characteristics of the property and whether the proposed use is compatible with the surrounding area.

Kappeler commented that the Commission has considered this concept plan before. She indicated that it appears to her as though the plan has not been revised, merely that it might meet the density yield because the requirements for the U-LI and U-MI may be revised downward. Stone stated that there is now a small area of commercial added which increased the density yield. Beck indicated that the calculated density for the project as submitted is 6.22 units per acre which includes the multi-family residential district on the eastern edge of the property and the commercial/multi-family residential units along Forest Grove Drive. He added that one-third of the overall development would be commercial with two-thirds being residential.

Kappeler stated that while she understands that the current request is for a land use amendment and rezoning, it is also important to consider the inclusion of a buffer area. She indicated that other mixed use developments with differing intensities of use closely proximate to one another that the Commission has reviewed included substantial buffer areas to provide a separation.

Wennlund concurred. He asked if a site development plan would be required for all of the different phases of development. Connors explained that a site development plan would be required only for the multi-family and commercial areas of the development.

Bennett asked if the applicant would be required to submit preliminary and final plats. Connors confirmed this.

Stone reiterated that adherence to the concept plan that was submitted is a requirement of the conditional zoning agreement. She added that if the concept changes, a new agreement would be required.

Wennlund expressed concern about the lack of any sort of buffer between the commercial and residential areas of the development. He questioned why the single-family residence district is located adjacent to the interstate with the multi-family district's being placed closer to the street. He stated that in his opinion the multi-family residential structures should be located near the interstate. He questioned the likelihood that future homeowners would wish to purchase single-family residences located so close to the interstate. Wennlund commented that the streets in the development are very long and straight with no curves to create the appearance of varying setbacks. He indicated that in his opinion the design of the residential area seems monotonous.

Wennlund asked who owns the property to the east. Grunwald explained that he is currently in negotiations with the owner for the purchase of the property along with the single-family home along Forest Grove Drive. He indicated that the owner of existing house would like to stay there for at least 10 more years. Grunwald stated that until he secures that property, the final design cannot be completed.

Wennlund asked if the developer would then control all of the property on the north side of Forest Grove Drive to Middle Road. Grunwald confirmed this. Wennlund commented that it is very difficult for the Commission to evaluate this type of project when it is presented in many different phases. Grunwald explained that the multi-family is placed on the eastern edge of the lot in anticipation of further commercial development on the property to the east that he is attempting to purchase.

Wennlund stated that the concept plan indicates that the property immediately east of the multi-family residential area is to be rezoned to R-5. He asked if that would instead be commercial. Grunwald explained that the first approximately 250 feet of that property would be multi-family residential in order to provide a buffer with the remainder being commercial. Wennlund commented that it would be much more appealing conceptually to have a street buffer rather than having commercial backing up to a homeowner's rear yard.

Rafferty expressed concern about the effect that the design of the development would have on the property owner to the west as it would preclude him or her from including a mixed use development because of the proximity to single-family residences. He stated that while the concept plan indicates one way to achieve a mixed use development, he does not believe that it is what the Commission or the consultant envisioned when the layout of the property was discussed at an earlier meeting. He commented that there is very little connectivity between the proposed plan area and the areas to the east and west. He stated that he anticipates the area on the south side of Forest Grove Drive developing in a similar manner to the west. Rafferty stated that it is likely that the Commission will continue to receive requests for land use amendments and rezoning requests to enable R-1 zoning districts and single-family developments. He expressed concern that approving the proposed plan would only encourage such requests.

Stoltenberg asked if another sewer line would be available from the south to connect the eastern portion. Beck explained that that is yet to be determined. He indicated that the City Engineer would make that determination during the preliminary plat stage based on the feasibility of such an extension. Morlok explained that any extension would have to cross two other parcels which are not under the developer's control. He indicated that currently the sewer is stubbed at Hopewell Avenue.

Stoltenberg asked if the three lots at the southwest corner of the property would be zoned commercial. Grunwald stated that he would be open to suggestions. Stoltenberg suggested that the lots be zoned commercial rather than residential. Other Commission members concurred.

Wennlund asked for clarification of the types of uses that are allowed in the C-2 district. Beck stated that the developer's intent is to have commercial uses on the first floor such as restaurants, offices, and retail. He explained that the intent of the C-2 district is to draw people to the area in order to utilize the services available.

Connors stated that in the new U-MI district, there is a scale of the type of commercial and office uses that are allowed along with lot coverage ratio standards. Wennlund commented that the district is intended for a mix of complementary uses such as single- and multi-family housing, schools, churches, mid-sized parks, commercial and mixed use, parks, plazas, and quality streetscapes.

Wennlund commented that the land use amendment and rezoning requests would be considered separately.

On motion by Stoltenberg, seconded by Bennett, that the land use amendment for the north side of the 4600-4800 block of Forest Grove Drive, Office/Research Campus to Traditional Residential, be approved subject to staff recommendations. (16-062)

On motion by Stoltenberg, seconded by Bennett, that the land use amendment for the north side of the 4600-4800 block of Forest Grove Drive, Office/Research Campus to High-density Residential, be approved subject to staff recommendations. (16-063)

On motion by Stoltenberg, seconded by Bennett, that the land use amendment for the north side of the 4600-4800 block of Forest Grove Drive, Office/Research Campus to Commercial, be approved subject to staff recommendations. (16-064)

Rafferty stated that he is unable to support the motions as he believes that the Commission should demand something more from the developer that is closer to representing what was originally envisioned. He added that while he is in favor of the mixed use concept of commercial and multi-family residential, the concept plan that was submitted is not creative enough, should include more commercial lots, and should have a better, more creative street layout. Rafferty stated that in his opinion unless the Commission demands more from developers, different and better developments will be

never be submitted. He added that the new Comprehensive Plan mandates that developers meet higher standards than before.

Kappeler concurred, adding that the proposed concept plan is nothing like the design that RDG created for the developer for the property in question. She indicates that while she understands that the plan would meet the lowered density yield, there is no sense of community because of the straight streets and the boxlike design of the lots. She commented she does not believe that the plan meets the expectations the Commission members had when discussing the new method of evaluating projects with the new design standards. Kappeler stated that while she appreciates the proposed mixed use character of the overall development, the design is not at all what she expected to see. She stated that she would be unable to support the requests.

Bennett asked what kind of flexibility to make changes would be allowed the developer given the requirements of the conditional zoning agreement. Stone explained that the agreement would allow slight changes to street layout and lot lines, but basically the overall concept must be adhered to. She indicated that the boundaries of the zoning districts must remain as indicated on the concept plan. Stone stated that there could be slight adjustments within each zoning district as long as the overall density yield is met.

Bennett stated that typically at the land use amendment and rezoning stages, a fully-developed concept plan is not available. She asked if the new expectation of a developer is a more detailed concept at the early stages. Stone explained that while discussions have been held with the consultants regarding this issue during the ongoing revision of the zoning regulations, no concrete decisions have been made in this regard. She indicated that once the new regulations have been implemented, specific requirements regarding what types of documents and drawings are required at what stage will be available.

Bennett commented that she is somewhat sympathetic to the developer given the expense of hiring an engineer to complete these types of detailed site plans in the early stages of review. She stated that oftentimes a land purchase is contingent on approval of a land use amendment and rezoning request, adding that the investment for a detailed plan would be lost if the requests are not eventually approved.

Stoltenberg commented that he does not believe that the difficulties inherent in the transition period between the previous and future methods of evaluating projects should hold up development. He indicated that he also would have liked to see more curved streets in the design. He added that if the developer is able to acquire the additional property, perhaps the zoning could be altered again. Stoltenberg stated that he would be voting to support the project.

Rafferty stated that the proposed concept is a good indication of what will be built, adding that it is not at all like what the Commission had in mind for the area. He reiterated that if the Commission does not recommend denial of the request, the city will continue to receive requests for more of the same to the west. Rafferty indicated that this first project in the area gives the Commission the ability to establish their expectations regarding future development. He stated that in his opinion approving the requests would determine what type of development will occur to the west. He stated that it would have been more palatable if the developer had merely submitted a drawing showing only the proposed zoning classifications but which was more creative like the plan conceived by the consultant. Rafferty stated that if the developer had submitted a plan more closely resembling that which the Commission had indicated they wanted, he would be more amenable to supporting the requests.

Stolenberg agreed, adding that he does not believe that it is fair that the developer be required to meet the Commission's expectations given that the Comprehensive Plan has not yet been adopted.

Bennett stated that the Commission is sending a strong message to the developer that at the preliminary plat, final plat, and site development plan stage, the proposed concept plan will not be acceptable.

Dale Grunwald, the applicant, stated that if the Commission wishes to have curved streets and less density, he cannot deliver the required density yield of 7-12. He stated that the streets are straight in order to increase density. He stated that he would be willing to accept suggestions, adding that he is more than willing to include commercial along the entire length of Forest Grove Drive. He stated that in his opinion the property to the east must develop commercially before the commercial areas in his development. Grunwald stated that he believes that if he builds out the residential area, it will drive the commercial development along Forest Grove Drive. He stated that he has no problem reserving the commercial property until after the houses are built.

Wennlund expressed concern about recommending approval of the rezoning requests as they are tied to the specific concept plan submitted. He indicated that he is sympathetic to the developer given the expense of a detailed site plan. He reiterated that the concept plan should be redrawn more creatively and differently without the straight, long streets that have the appearance of tract housing. Wennlund indicated that the developer has some flexibility given that the project has a density yield of 6.22 while only 5 is required. He suggested that the developer find a way to improve the flow through the development while still meeting the required density yield. He stated that given the fact that only minor adjustments to the plan would be allowed, he would be more comfortable if the developer made an attempt to redesign the plan.

Grunwald asked if those adjustments could be made at the preliminary plat stage. Connors confirmed this, adding that staff would be willing to meet with the developer to collaborate to redesign the plan. Wennlund asked how this more detailed review would relate to the concept plan that is part of the conditional zoning agreement. Stone explained that the rezoning requests are tied specifically to the submitted concept plan and that the developer would have to adhere to it in order to maintain the conditional zoning classifications.

Peters commented that it would be difficult to approve the rezoning given the Commission's opposition to the single-family district proposed in the southwest corner of the development. She added that it is important to provide a multi-family buffer between the commercial and residential districts. She stated that she is opposed to allowing the residential to develop before the commercial area given the city's experience with the developments at 53rd Avenue and 18th Street. Peters stated that he city is still paying a price for that decision.

Connors commented that his impression had been that if the scale of commercial relative to residential developments is appropriate, they could coexist. He stated that the protections for homeowners would be added in to the Zoning Regulations.

Wennlund reiterated his concern that if the rezoning requests are approved, the city is locked in to the details of the submitted concept plan. He commented that even though Grunwald has indicated his willingness to include commercial along the length of Forest Grove Drive, that is not what is currently shown on the plan which would be tied to the conditional zoning and which the Commission has agreed is not appropriate. Stone explained that strict legal descriptions would included as part of the conditional zoning agreement which could not be changed. She added that if the rezoning requests are approved, the property in question would have to be rezoned again in order to implement those changes. Stone stated that in the future a developer would simply request a change to a U-MI district which would allow him the inherent flexibility to make that type of change without rezoning.

Kappeler asked if the proposed extension of the commercial area to encompass the residential lots along Forest Grove Drive would increase the disparity between the commercial and residential. Connors that the new designations have different floor area ratios for commercial buildings in each district.

Jeff Boeh, 4150 Forest Grove Drive, stated that given his discussions with both commercial and residential investors regarding his property to the west, it is unlikely that potential homeowners would want to buy a house near I-80. He added that the likelihood of commercial building's being built on his property to the west if the proposed 14 single-family lots indicated on the proposed concept plan is allowed is

negligible. Boeh stated that a homeowner who purchases a house in that area would likely be adamantly opposed to any commercial development on the adjacent property. He stated that while he understands the challenges of being the first developer in a new area, he does not feel that the proposed concept is very well thought out. He indicated that he does not believe it is appropriate to accept a plan based on changes to the Comprehensive Plan that have not even been approved. He questioned what would happen if the developer is not able to acquire the property. Boeh expressed concern about the feasibility of sewerage the property given the fact that the city does not wish to install a pumping station. He stated that his property has even more water issues along the interstate which is a very expensive problem to solve. He requested that the Commission give more consideration to the ramifications of approving the requests as submitted. Boeh suggested that perhaps in the future developers could be encouraged to contact not only adjacent property owners, but those further away who will be affected in the future by decisions made now. He stated that the first developer sets the tone for all of those properties in question.

ROLL CALL ON MOTIONS

AYE:	Bennett, Peters, Stoltenberg
NAY:	Kappeler, Rafferty, Wennlund
ABSTAIN:	None

Motions failed.

Stone explained that because the motions to approve the land use amendments have failed, the Commission would not address the rezoning requests. She indicated that the cases would still be presented to the City Council but would require a supermajority to override the Commission's negative recommendation.

Wennlund commented that if a better plan is submitted which includes the suggestions of the Commission, it might be better received. He stated that the first development in this very important corridor will set the bar for future projects.

Grunwald stated that he has already submitted 7 plans and asked for the Commission's help detailing what they want. Wennlund asked how this could be accomplished. Connors stated that at this point, he doesn't understand what the Commission wants and is therefore unable to help Grunwald. He indicated that if any members wish to stay after the meeting to discuss these design issues, he would be more than happy to meet with them.

Kappeler stated that she is not in favor of approving a plan and associating rezoning requests that would immediately have to be changed. She reiterated that because the

Commission is opposed to placement of residential along Forest Grove Drive, at the very least that portion of property would have to be rezoned again. She indicated that she concurs with the comment that the development would set the tone for the entire corridor.

Wennlund stated that his main reason for voting against the request is that the conditional rezoning is tied to the concept plan. He indicated that all of the Commission members agreed that the entire frontage along Forest Grove Drive should be Commercial and that portions of the frontage are shown as residential. He reiterated that there is essentially a 2200-foot straight street which provides no visual interest.

Rafferty suggested that more connectivity should be required because this development affects future projects to the east and west. He indicated that he feels that the streets should run more east and west rather than north and south. He stated that the current placement of residential on the concept plan would likely mean that no further commercial development would occur adjacent to this development.

Stoltenberg commented that he does not believe that it is appropriate to expect the developer to anticipate what other property owners may do in the future.

Preliminary Plat

10. Case 16-068; Bettendorf Industrial Park 2nd Addition, submitted by Kevin Koellner.

Beck reviewed the staff report.

Wennlund commented that some of the lots seem very narrow and questioned whether they would be feasible for an industrial type use. Beck explained that the plat notes clearly indicate the required setbacks, adding that any builder should be aware of those restrictions.

Wennlund asked if parking is allowed in a required front yard. Beck stated that it is not allowed unless a variance is granted by the Board of Adjustment.

Kevin Koellner, the applicant, explained that the smaller lots allow more flexibility for those who may want to build a small structure. He added that this type of configuration worked well on Bear Tooth Court and that it allows for the possibility that one user would buy two lots and construct a larger building.

On motion by Bennett, seconded by Rafferty, that the preliminary plat of Bettendorf Industrial Park 2nd Addition be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

Preliminary Plat/Final Plat

11. Case 16-069; Sunset West, submitted by CDS Partners, LLC. (preliminary plat)

15. Case 16-070; Sunset West, submitted by CDS Partners, LLC. (final plat)

Beck reviewed the staff reports.

Wennlund asked if Outlot C is to be used for access. Beck explained that while he unsure of the purpose of Outlot C, it is not part of the access easement. He added that the access easement is adjacent to Lots 4 and 5.

Wennlund asked if the existing gravel drive will still be used. Gerald lossi, partner in the project, explained that the gravel road will be abandoned. He added that there is a well located on Outlot C to provide outside water to the residents of Lots 4 and 5.

On motion by Stoltenberg, seconded by Kappeler, that the preliminary plat of Sunset West be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Bennett, seconded by Kappeler, that the final plat of Sunset West be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

Final Plat

12. Case 15-027; The Settlement at Pigeon Creek Eighth Addition (amended), submitted by KW Development, LLC.

Beck reviewed the staff report.

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

ALL AYES

Motion carried.

13. Case 16-059; Everest Summit Second Addition (replat), submitted by Everest Homes, LLC.

Beck reviewed the staff report.

Wennlund asked if the proposed revision to the plat changes the boundary of the original subdivision. Beck explained that it does not, adding that the lot lines will now extend 10 feet further into the outlot. He indicated that the additional 10 feet in depth has no effect on storm water storage capacity.

On motion by Kappeler, seconded by Peters, that the final plat of Everest Summit Second Addition be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

14. Case 16-060; Spencer Hollow Second Addition (replat), submitted by Nick Kremer.

Beck reviewed the staff report.

Kappeler asked if the recreational path is in the street or is merely a sidewalk. Beck explained that it is a sidewalk along Alvie Lane. Connors added that because the lots in question have two street frontages in front and back, the developer decided to soften their appearance by installing a berm and sidewalk. Kappeler commented that this should help more clearly define the front and rear yards.

On motion by Bennett, seconded by Stoltenberg, that the final plat of Spencer Hollow Second Addition be recommended for approval subject to staff recommendations.

Wennlund asked for clarification of Condition #2 in the staff report which indicates that there are some unresolved issues with the original plat. Beck stated that all of the issues have been addressed.

ROLL CALL ON MOTION

ALL AYES

Motion carried.

Site Development Plan

16. Case 16-057; I-80 eastbound rest area (mile marker 300), submitted by CCSI.

Beck reviewed the staff report.

Wennlund asked if there are other towers in the city that are 300 feet high. Beck explained that those in the tower farm are much taller. Connors added that there are no communications towers taller than 300 feet. Beck stated that the towers in the tower farm are used for television, adding that the current request is for a communications tower for use by the Iowa State Patrol.

On motion by Kappeler, seconded by Peters, that the site development plan for the I-80 eastbound rest area (mile marker 300) be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

17. Case 16-061; 3255 Fields Drive, submitted by Legacy Development.

Beck reviewed the staff report.

Wennlund asked how the number of required parking spaces is calculated. Beck explained that the factors that were considered include the proposed warehouse/office use, the fact that each unit would require at least one employee space, and the office square footage.

Kappeler asked if the units would have inside parking. Beck explained that it is his understanding that there would be at least one parking space inside the structure. Steve Zelle, the applicant, explained that the building will be used for construction

condos which will each have an overhead door. He reiterated that there would be at least one parking space inside each unit. He stated that there would be office space and separate restroom facilities for each condo unit.

On motion by Bennett, seconded by Rafferty, that the site development plan for 3255 Fields Drive be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

Other

18. Commission update.

Connors stated that subsequent to the last Planning and Zoning Commission meeting the third and final reading of an ordinance rezoning the proposed Haley Heights Fourth Addition was held and that the final plats of Morrell’s First Addition and Haley Heights Fourth Addition were approved. He indicated that the proposed land use amendment for Creek Ridge Second Addition was withdrawn.

There being no further business, the meeting adjourned at approximately 6:45 p.m.

These minutes approved _____

Gregory W. Beck, City Planner