

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 19, 2015
5:30 P.M.**

The Planning and Zoning Commission meeting of August 19, 2015, 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, 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, Secretary; Kristine Stone, City Attorney; Brian Fries, Assistant City Engineer; Steve Knorrek, Fire Marshal

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

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

ALL AYES

Motion carried.

3. Review of Commission procedures.

Land Use Amendment/Rezoning/Final Plat/Site Development Plan

4. Case 15-042; 3885 Middle Road and 4105 Belmont Road, Office/transitional to Commercial, submitted by Blackhawk Bank & Trust. (Withdrawn)

5. Case 15-066; 3885 Middle Road, Office/transitional to Commercial, submitted by Blackhawk Bank & Trust.

6. Case 15-043; 3885 Middle Road, C-5 Office/transitional District to C-1 Local Shopping District, submitted by Blackhawk Bank & Trust. (Deferred from meeting of July 15, 2015)

7. Case 15-044; Blackhawk Bank Addition, submitted by Blackhawk Bank & Trust. (Deferred from meeting of July 15, 2015)

8. Case 15-052; 3885 Middle Road, submitted by Blackhawk Bank & Trust. (Deferred from meeting of July 15, 2015)

Bert indicated that he would abstain from discussion and voting regarding Cases 15-066, 15-043, 15-044, and 15-052.

Beck reviewed the staff reports.

Kappeler asked for clarification of the route a customer would take to enter the bank if traveling from Scott Community College on Belmont Road. Beck explained that a customer would have to proceed to the intersection of Middle and Belmont Roads, turn left, and enter from the full access entry on Old Belmont Road.

Wennlund commented that the revised site development plan is a great improvement over the original. Kappeler concurred, adding that the addition of a park space is a great addition to the project.

Ellyonia Yenney, 2994 Church Street, asked if the inclusion of a park would be guaranteed or if it is merely the city's intent to utilize the space for a greenspace. She asked if there was any possibility that the city would be allowed to sell the property that is deeded over and use it for some other purpose. Connors commented that the generosity of Blackhawk Bank & Trust to deed the property to the city in response to the concerns of the neighbors is very much appreciated. He explained that because the process of the acquisition of the property, review and acceptance by the Park Board, City Council, and staff is not yet complete, there are no definite plans yet. He added that the space is not intended to be used as a traditional park with playground equipment but more of a space with tables, sculptures, and a drinking fountain to be utilized by residents who are using the adjacent recreational trail. He commented that the property is so small it is unlikely that it could be used for any other purpose.

Wennlund reiterated that the city's intent is for a park space, adding that it would be inappropriate to make any sort of binding agreement with regard to the disposition of the property before it has even been deeded to the city. Stone concurred, adding that the Park Board and City Council have not even had the opportunity to formally accept the property.

On motion by Kappeler, seconded by Bennett, that the land use amendment for 3885 Middle Road, Office/transitional to Commercial, be recommended for approval subject to staff recommendations.

ROLL CALL ON MOTION

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

Motion carried.

On motion by Kappeler, seconded by Bennett, that the rezoning of 3885 Middle Road, C-5 Office/transitional District to C-1, Local Shopping District, be recommended for approval subject to staff recommendations.

ROLL CALL ON MOTION

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

Motion carried.

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

ROLL CALL ON MOTION

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

Motion carried.

On motion by Kappeler, seconded by Bennett, that the site development plan for 3885 Middle Road be recommended for approval subject to staff recommendations.

ROLL CALL ON MOTION

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

Motion carried.

Wennlund expressed his appreciation for the willingness of the applicant, staff, and residents to work together to make revisions to the original concept.

Rezoning

9. Case 15-050; 325 - 16th Street and 1625 Grant Street, C-2 Community Shopping District to C-3 General Business District, submitted by Jason Holdorf/Missman, Inc.

Beck reviewed the staff report.

Kappeler asked how the design standards for the downtown area would impact the alley vacation requested by the applicant. Beck explained that the newly-revised Comprehensive

Plan calls for an alley-joining concept throughout the downtown. He added that the intent is for the alleys to become pedestrian walkways.

Wennlund asked if the developer's intent is to proceed with the rezoning regardless of the result of the alley vacation request. Beck confirmed this, adding that the Downtown Riverfront Corridor Overlay District standards will also be applicable.

Dr. Jaroslava Odvarko, 1610 Grant Street, asked for clarification of the properties which are currently being rezoned. Connors explained that the martial arts center and the adjacent lot are proposed to be rezoned, adding that the remainder of the lots along Grant Street are already zoned C-3. Odvarko asked if the project would encompass the entire block or only up to the alley. Beck stated that the lots involved are those from Grant Street south to the alley.

Odvarko asked if there would be gas pumps at the proposed convenience store. Beck confirmed this. Odvarko asked where the pumps would be located. Connors reiterated that the proposed request is merely to rezone the property and that the site development plan detailing the layout would be submitted at a later date.

Odvarko commented that once the property is rezoned the applicant would be able to do anything he or she wishes. She stated that while she understands the need for a gas station in the downtown, such facilities are dirty and unkempt. She indicated that she does not want such a business to be located directly across the street from hers. Connors stated that it is untrue that the applicant would be able to do anything he or she wanted if the property is rezoned. Odvarko asked what other type of business would be allowed if the applicant does not build a convenience store. Connors stated that the applicant has every intention to build a convenience store with gas pumps, reiterating that the layout of the site will likely be different than indicated on the preliminary concept plan. Odvarko stated that when there were gas stations located in the downtown she could smell the fumes from the gas.

On motion by Kappeler, seconded by Stoltenberg, that the rezoning of 325 - 16th Street and 1625 Grant Street from C-2 to C-3 be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

Land Use Amendment/Rezoning/Replat

10. Case 15-057; 945 - 40th Avenue and 751 Golden Valley Drive, Office/Research Park to Commercial, submitted by Build to Suit, Inc.
11. Case 15-058; 945 - 40th Avenue and 751 Golden Valley Drive, C-6 Office and Research Park District to C-3 General Business District, submitted by Build to Suit, Inc.
12. Case 15-059; Interstate 74 Technology Park Fourth Addition, submitted by KRE, LLC.

Beck reviewed the staff reports.

Kappeler asked if Golden Valley Drive would be extended as shown on the plat. Connors explained that the previous developer had touted an office campus development and the creation of 4,000 jobs which would have necessitated the extension of Golden Valley Drive and the addition of a traffic signal. He indicated that whether Golden Valley Drive is extended in the future depends upon whether or not the current applicant acquires and develops the entire property. Kappeler asked if the extension of Golden Valley Drive is a key component of the proposed development. Connors stated that in his opinion it is not.

Stoltenberg commented that it appears from the concept plan as though there would be semi-truck traffic and questioned whether or not a traffic signal would be warranted. Connors stated that an educated decision regarding the installation of a traffic signal would be made at such time as more details about the development become available.

On motion by Bennett, seconded by Stoltenberg, that the land use amendment for 945 - 40th Avenue and 751 Golden Valley Drive, Office/Research Park to Commercial, be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Bennett, seconded by Stoltenberg, that the rezoning of 945 - 40th Avenue and 751 Golden Valley Drive, C-6 Office and Research Park District to C-3 General Business District, be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Bennett, seconded by Stoltenberg, that the final plat of Interstate 74 Technology Park Fourth Addition be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

Rezoning/Replat

13. Case 15-060; 4343 Utica Ridge Road, C-2 Community Shopping District to C-5 Office/transitional District, submitted by RIA Federal Credit Union.
14. Case 15-061; Terrace Park Thirteenth Addition, submitted by RIA Federal Credit Union.

Bert indicated that he would abstain from discussion and voting regarding Cases 15-060 and 15-061.

Beck reviewed the staff reports.

Wennlund asked for clarification of the rationale for rezoning the lot in question. Beck explained that that applicant feels that by rezoning the proposed Lot 1 to C-5 it might preclude the future rezoning of Lot 2 to C-2. Wennlund commented that a future owner could request the rezoning of the property and asked if it would be possible for the applicant to accomplish the same goal via a deed restriction. Stone explained that it is possible that the property could be sold with the contingency that it be used for a particular use to protect their own business interests.

Leslie Schadt, 1121 Bunker Hill Court, asked what businesses are allowed in the C-5 district. Beck explained that mostly office type uses are allowed along with some very limited retail. He added that in order for a restaurant to be located on Lot 2 a special use permit would be required, adding that restaurants are a permitted use in the C-2 district. He indicated that the C-5 district is much more restrictive than the C-2 district. Beck commented that the size of Lot 2 would further restrict the type of use that would likely be located there.

Schadt stated that the rezoning of the proposed Lot 1 to allow the credit union has not worked out well for the neighborhood. She indicated that her quiet residential area has been encroached upon by noise, lights, and traffic. She stated that eventually her property values would likely be reduced as a result of the newly-built credit union and the other commercial development along the Utica Ridge corridor in Davenport.

Harlan Schadt, 1121 Bunker Hill Court, explained that his neighborhood shares a property line with the proposed Lots 1 and 2. He stated that prior to the construction of the credit union building there had been a landscape buffer between the neighborhoods that has since been replaced by a fence that only extends to the property line of Lot 1. He requested that the Commission members and City Council consider the negative effect of the lighting on Lot 1 currently has on the neighborhood in addition to lighting for the use that will be located on Lot 2. He stated that there is currently no buffer between Lot 2 and the residential neighborhood.

Wennlund asked if the applicant is in compliance with the site development plan requirements. Connors assured the Commission that he would measure the light output from the RIA Federal Credit Union building at night to determine whether or not it is in violation of code requirements. He stated that he would require that the light output be adjusted downward if this is found to be the case. Connors added that when Lot 2 is developed, a site development plan review will be required and that this type of issue would be addressed at that time.

Wennlund reiterated that Connors would ensure that the light output from the RIA Federal Credit Union site is compliant with code requirements. He added that until Lot 2 is developed and a site development plan submitted, the Commission has no authority to address the concerns that have been expressed regarding fencing and buffering on that lot.

On motion by Stoltenberg, seconded by Peters, that the rezoning of 4343 Utica Ridge Road, C-2 Community Shopping District to C-5 Office/transitional District, be recommended for approval subject to staff recommendations.

ROLL CALL ON MOTION

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

Motion carried.

On motion by Stoltenberg, seconded by Peters, that the final plat of Terrace Park Thirteenth Addition be recommended for approval subject to staff recommendations.

ROLL CALL ON MOTION

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

Motion carried.

Replat

15. Case 15-063; Gegner's First Addition, submitted by Warren J. Gegner.

Beck reviewed the staff report.

Bert commented that the demolition of the existing garage is not listed as a condition in the staff report and asked if the motion should include that requirement. Beck explained that the applicant had indicated that the garage would be demolished at such time as another house is built. Warren Gegner, the applicant, stated that at such time as he is prepared to build another house, the garage will be removed. He stated that there is already a two-car garage attached to the existing house and had chosen to remove the detached garage so that the other lot would be larger.

Bert expressed concern that the applicant's commitment to demolish the detached garage might not be honored if ownership of the lots changes in the future. He suggested that the Commission condition approval on the removal of the garage at such time as the ownership of Lot 2 changes. Gegner agreed to the proposed condition.

On motion by Bert, seconded by Kappeler, that the final plat of Gegner's First Addition be recommended for approval subject to staff recommendations and the condition that at such time as the two lots are under separate ownership and prior to construction of a house on Lot 2, the detached garage must be demolished.

Stone commented that there is a plat note requiring demolition of the detached garage at such time as a building permit is requested for Lot 2.

ROLL CALL ON MOTION

ALL AYES

Motion carried.

Site Development Plan

16. Case 15-065; 3800 Tanglefoot Lane, submitted by Scott County Family Y.

Bennett indicated she would abstain from discussion and voting regarding Case 15-065.

Beck reviewed the staff report.

Wennlund commented that it appears as though any required addition of parking would be located to the north of the existing spaces because of the steep grade of the property to the east. Beck stated that Connors had indicated that the occupancy load would trigger the requirement of additional parking spaces, adding that it would be preferable for any new parking spaces to be on more level ground. Connors stated that when the YMCA was originally constructed the required number of spaces was provided on site. He indicated that subsequently additional spaces were added. He explained that the YMCA has a cross parking agreement with Genesis so that their adjacent spaces can be used. Connors stated that the applicant has indicated that if there is a need, additional straight-in parking spaces could be added along the driveway on the eastern portion of the property. Wennlund asked if the Genesis spaces included in the cross parking agreement can be used to satisfy the requirements for the addition to the YMCA. Connors stated that he has allowed that in the past. Wennlund commented that it must be the case that Genesis has more spaces than required since those spaces should not be counted twice. Connors stated that currently a large portion of the Genesis facility is not occupied and that areas of the building are being repurposed. He added that if at such time as the uses in the Genesis building require all of the on-site parking, the YMCA has agreed to add parking on the east side of the existing lot.

Wennlund asked if it is appropriate to consider the site development plan even though it does not indicate the required amount of parking. Kappeler asked if the additional parking spaces under consideration are not to be required until such time as they become necessary. Connors explained that by combining the existing on-site parking and the spaces indicated in the cross parking agreement, the parking requirement is exceeded.

Wennlund asked for clarification of the duration of the parking agreement with Genesis and what would happen if it expires. Connors stated that not only is there room for a row of parking along the driveway, but there is a flatter area on the northeastern portion of the property where more spaces could be added. He added that a condition could be added to that effect. Wennlund stated that he would be more comfortable with an assurance that should the Genesis spaces no longer be available, there is an adequate number of spaces on site for the YMCA. He added that as the Genesis building is repurposed, more spaces will become necessary for that development.

Greg Schaapveld, representing the applicant, explained that the lease agreement with Genesis is indefinite but reviewed yearly. He indicated that the lot on which the YMCA is located is owned by Genesis and leased by the applicant. He added that the relationship

between Genesis and the YMCA is closely intertwined. He explained that the value of the cross parking agreement as opposed to installing more parking spaces is that the peak times at which the facilities are patronized. He indicated that the hours of operation for the Genesis medical facility are between 8:00 a.m. and 5:00 p.m. Schaapveld stated that the time of peak parking lot usage for the YMCA is after 5:00 p.m. and for the most part only in January and February. He stated that the staff at the YMCA is very cognizant of the fact that if customers can't find parking near the building, they won't become or remain members. He indicated that this is why the additional parking was built north of the original parking lot. Schaapveld stated that the purpose of the cross parking agreement is to have employees use the Genesis parking spaces and leave the on-site parking for customers. He indicated that the current intent is to use the Genesis parking spaces to satisfy the requirement triggered by the new addition, adding that currently there are 20 more spaces than required for the YMCA facility as of today. He stated that the expansion necessitates 80 additional spaces, 60 of which are provided by the cross parking agreement. Schaapveld explained that if for some reason in the future the relationship between Genesis and the YMCA is dissolved, additional on-site parking could be added along the entrance road or a separate lot could be added in the far northeast corner of the property with an entry from Tanglewood Road. He indicated that if a separate lot is built it would be used for employee parking.

Wennlund asked if the parking requirements for Genesis and the expanded YMCA are met with the existing parking configuration. Connors confirmed this.

On motion by Kappeler, seconded by Stoltenberg, that the site development plan for 3800 Tanglefoot Lane be recommended for approval subject to staff recommendations.

ROLL CALL ON MOTION

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

Motion carried.

Other

17. Discussion of the revisions to the Future Land Use Map.

Connors stated that several months ago the Planning and Zoning Commission recommended approval of the Comprehensive Plan to the City Council. He explained that subsequent to that recommendation, several members of the City Council had expressed concern that they had not had enough input into the configuration of the Future Land Use Map. He indicated that two work sessions were held, and several changes were made. Connors stated that the Mayor and City Council agreed that the map indicated too much space for the office park category and subsequently removed it from the area south of Interstate 80 near Middle Road. He added that the office park space was moved to the north side of the interstate and a small section was added to the east. Connors stated that the area for commercial development was reconfigured with some space added near the interstate and along Middle Road where

office park was previously located. He indicated that the consultant is in agreement with these changes.

Bennett asked if these were the only changes. Connors stated that he had made the decision to change the designation of the property located north of Tanglefoot Lane near the city limits to accommodate an applicant who is currently developing that land.

Wennlund asked for further explanation of why the future land use map was changed near Interstate 80 and Middle Road and for clarification of the expectations for development in that area. Connors stated that the City Council feels that there was too much area dedicated to the office park category and that it is unlikely that it would be developed in that manner. He indicated that the City Council does not feel that it is appropriate to reserve so much prime real estate for the office park category when it could take several years for it to be developed. He stated that the previously approved map showed little commercial space in the Middle Road and Hopewell Avenue areas. He demonstrated that the business park area was expanded and move north of the interstate and that more commercial area is now available further south in the Middle Road corridor. He indicated that the plan is to review the future land use map approximately every 5 years as conditions change. Connors stated that there are no utilities available north of the interstate and that that area would likely not be a concern until it is more ready for development. Wennlund commented that it appears as though the struggle between residential and commercial development will continue. Kappeler expressed her support for the continuing review of the future land use map as the market is often rapidly-changing.

On motion by Kappeler, seconded by Bennett, that the revisions to the Future Land Use Map be recommended for approval.

ALL AYES

Motion carried.

18. Commission update.

Connors stated that the first committee meeting to discuss the update of the Zoning Regulations would be held on August 27. He stated that the progress of the update would be brought incrementally before the Commission on a monthly basis. He indicated that subsequent to the last Planning and Zoning Commission meeting the final plat of ValleyWynds 8th Addition was approved and the public hearing and first reading of an ordinance amending Section 11-11-11 of the zoning ordinance was approved.

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

These minutes approved _____

Gregory W. Beck, City Planner