

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 18, 2016
5:30 P.M.

The Planning and Zoning Commission meeting of May 18, 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, Bert, Kappeler, Peters, Rafferty, Stoltenberg, Wennlund

MEMBERS ABSENT: None

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

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

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

ALL AYES

Motion carried.

3. Review of Commission procedures.

Preliminary Plat

4. Case 16-030; Old Hunters Woods Sixth Addition, submitted by Old Hunters Woods Development Co., LC.

Beck reviewed the staff report.

Wennlund asked if the detention system provided in other subdivisions is adequate to handle the storm water from the proposed lots. Fries confirmed this. Beck added that

storm water would be directed through an easement to two detention basins located adjacent to Still Creek Pass.

Wennlund asked for clarification of Condition #4 listed in the staff report regarding protection of the road and gutter line from erosion. Beck explained that the subdivision must be constructed such that at the terminus of Woody Creek Lane no scouring occurs.

Wennlund asked how much further the Old Hunters Woods subdivisions would extend. Beck explained that the plat currently under consideration is the final one as the land adjacent is owned by others.

Wennlund asked if a hammerhead would be installed at the end of Woody Creek Lane. Fries explained that there may not be a need for a hammerhead as there is only one lot that extends past Grover Station.

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

ALL AYES

Motion carried.

Site Development Plan

5. Case 16-034; 2255 Falcon Avenue; submitted by Build to Suit, Inc.

Beck reviewed the staff report.

Kappeler asked how the agreement with regard to shared parking, dumpsters, and storm water between the two lots under single ownership would work if one of them were sold. Beck explained that any agreement would have to be recorded at the Scott County Courthouse and suggested that a note be placed on the site development plan so that any future owner is aware of the terms of the agreement.

Kappeler asked for clarification of where the shared amenities would be located. Beck explained that Lots 2 and 3 will share an access located between the two lots near the south end of the properties, that the storm water runoff from both lots would be directed toward a detention basin on Lot 2, and that the dumpster which will be used by occupants of both buildings will be located on the south side of Lot 2 near the shared property line with Lot 3. He added that the parking spaces on both lots must be shared so that the required number of stalls is available for Lot 2. Beck stated that the busiest times of the day for the donut shop to be located on Lot 3 would likely not coincide

with those of the restaurant on Lot 2. He indicated that there would also be an office for a chiropractor which would not necessarily be open at the same times as the restaurant. Beck stated that he is unsure what type of retail uses would occupy the remaining two spaces. He added that the total number of available spaces on both lots is slightly more than what is required based on the square footage of the two structures.

Kappeler commented that there is already a large amount of overflow parking on Lot 3 by customers visiting the restaurant on Lot 2. She indicated that while she appreciates the fact that the businesses that are existing and proposed would not necessarily be open at the same time, the possibility exists that one or both of the lots would be sold in the future or that the type of business changes. Beck explained that he calculated the required number of spaces by applying the strictest standards based on use. He indicated that the city cannot compel the applicant to provide more parking spaces than are required.

Kappeler asked if any legal parking is allowed on Falcon Avenue. Beck stated that parking is allowed only on one side of the street. Kappeler commented that the number of driveways along Falcon Avenue limits the amount of parking space on the street.

Kappeler asked if there would be a fence installed along the berm similar to what exists on Lot 2. Beck confirmed this. Kappeler asked who owns the berm along the southern property line. Beck explained that the applicant owns the berm. Connors added that the homeowners on Lindenwood Drive maintain the berm on their side of the fence, and the developer takes care of the maintenance on the other side.

Bert commented that the recording of a covenant or agreement that runs with the land regarding the shared parking is simple when the properties are under common ownership. He expressed concern about the perpetuity of a private agreement even if it is recorded. He indicated that it is possible that future owners could decide to abandon the original shared parking agreement in favor of another arrangement. Bert stated that any agreement must be written in such a way that the current or future property owners could not vacate it without the express consent of the City Council. He indicated that he believes that the city and its residents has an interest in the parking issues that already exist there. Wennlund concurred.

Wennlund stated that there is no landscaping indicated on the plan in the side yards. Beck explained that no landscaping buffer is required as the zoning classifications of the lots are the same, adding that the developer has met the requirements of the landscape ordinance.

Wennlund asked if there would be concrete bumpers or merely striping separating the parking spaces along the shared property line. Paul Bofelli, representing the applicant, explained that the parking area would be striped only, adding that there would be no

curb or bumpers. Stoltenberg commented that he would be in favor of just striping the spaces. He indicated that typically commercial snow removal contractors push the snow into parking spaces. He asked for clarification of the snow removal plan for the two lots. Bofelli explained that some of the snow may be pushed into parking stalls, adding that if the volume of snow is too great, consideration would be given to hauling it off-site. He indicated that some of the snow could be put into the detention pond on Lot 2 which will be made deeper to accommodate the additional runoff from Lot 3. He added that the detention pond will be surrounded by a 4-foot high retaining wall. Stoltenberg commented that striping the parking spaces will facilitate the removal of snow as it could be pushed from one end of the lots to the other.

Stone requested that the applicant submit any shared parking agreement to her for review and approval prior to recording.

Ron Friedhof, 2297 Falcon Avenue, commented that the existing business already utilizes all of the available parking, adding that there are two empty units in the building. He stated that when those vacant units are filled, additional parking must be made available for them.

Friedhof asked what the hours of operation of the donut shop would be. Connors stated that he does not know which hours the donut will be open. Friedhof stated that he had spoken to the staff at the shop in Iowa City who had indicated that it would be open 24 hours per day there, adding that if that is the case in Bettendorf it would cause parking conflicts. He expressed concern about there being enough parking.

Wennlund reiterated that while everyone is aware of the parking issues in the development, the code requirement regarding parking spaces has been met. Stone asked if the parking requirements are met if the lots are considered separately or if the shared parking agreement is necessary to meet them. Connors stated that Lot 2 does not have enough spaces but that Lot 3 has more than is required, adding that when the shared parking is taken into consideration there are enough. Stone stated that to meet the minimum standard the shared parking agreement is necessary. Kappeler asked how the site plan for Lot 2 got approved if there were not enough parking spaces to meet ordinance requirements. Connors explained that originally the developer had indicated that the businesses planned for the first building would be a restaurant, an office, and a small retail unit. He added that the developer would now like to request a special use permit for a bar which would hopefully catch the overflow from the restaurant when necessary. He indicated that as a result of the change in plans, the parking calculation changed. Connors stated that the new calculation of required parking means that the developer must add spaces to Lot 3 to make up that difference. He commented that he always tries to take into consideration the developer's intentions of how the property will be used when making calculations for required parking.

Wennlund asked if there would be a drive-up window at the donut shop. Connors stated that there would be no drive-up window.

Kappeler asked if the donut shop is one that would be applying for a liquor license. Connors stated that he does not want to reveal the name of the donut shop, but indicated that no alcohol would be served there. Kappeler commented that she had heard that the donut shop might be open 24 hours per day which is why she thought perhaps the business would serve alcohol as well. Connors stated that the donut shop would not be open 24 hours per day, nor would it serve alcohol.

Bert commented that given the design of the site, it is possible that potential customers would drive away from the donut shop if no parking spaces are available for them to use. He indicated that he has at times intended to visit Central Standard but drove away because there were no parking spaces available.

Wennlund commented that given the nature of the business model of the proposed donut shop and the existing restaurant, it is unlikely that the peak hours for both businesses would coincide. He stated that it appears as though as many parking spaces as possible were included in the design of the sites.

Stoltenberg asked if the city would be made aware of future tenants for the vacant spaces and would then determine the required number of parking spaces and ensure that they are provided. Connors confirmed this, adding that it is difficult to make that determination when multi-tenant buildings are involved. He indicated that if a proposed use is an intense one, he will recommend to the developer that he find a different tenant.

Rafferty asked if there is any way that the city could restrict the size of the proposed building. Beck explained that if the proposed design meets ordinance requirements, the city has no authority to do that. Connors stated that he always tries to enforce the literal intent and word of the code and reiterated that no request should be denied if it meets those requirements. Rafferty commented that the dearth of parking might solve the problem if customers decide to visit a different restaurant if space is not available.

Peters asked for clarification of the size of the proposed building as compared to the existing one. Connors stated that the square footage of the two buildings is almost identical. Peters commented that the larger parking lot that is proposed on Lot 3 will likely solve most of the parking problem in the area. She added that during construction, the problem will be exacerbated. Kappeler concurred, adding that Lot 3 was where the contractors parked during construction of the Central Standard and Kwik Star buildings and is where employees park now.

Wennlund asked if there would be any way to add more parking spaces on the west side of Lot 2. Beck explained that the existing landscape berm and the required turning radius would preclude that.

On motion by Rafferty, seconded by Kappeler, that a site development plan for 2255 Falcon Avenue be recommended for approval subject to staff recommendations and the additional condition that any shared parking agreement be reviewed and approved by the City Attorney prior to City Council consideration and a note be placed on the final site development plan detailing same.

ALL AYES

Motion carried.

Other

6. Commission update.

Connors stated that subsequent to the last Commission meeting the Downtown Master Plan was presented to the City Council along with the Commission's comments from the previous meeting. He added that those comments would be incorporated into the document which will then be submitted to the City Council for final approval. Connors stated that work is continuing on the updated zoning ordinance, adding that it should be completed by August.

There being no further business, the meeting adjourned at approximately 6:00 p.m.

These minutes approved _____

Gregory W. Beck, City Planner