

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  
MARCH 21, 2012  
5:30 P.M.**

The Planning and Zoning Commission meeting of March 21, 2012, 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, \*Kappeler, Laas, Stoltenberg, Wennlund

MEMBERS ABSENT: Rafferty

STAFF PRESENT: Greg Beck, City Planner; Bill Connors, Community Development Director; Greg Jager, City Attorney; John Soenksen, City Planner; Lisa Fuhrman, Community Development Secretary; Steve Knorrek, Fire Captain.

2. Approval of the minutes of the meeting of February 15, 2012.

On motion by Bennett, seconded by Laas, that the minutes of the meeting of February 15, 2012 be approved as submitted.

ALL AYES

Motion carried.

\*Kappeler arrived.

3. Election of officers.

On motion by Kappeler, seconded by Bennett, that the Wennlund be elected as chairman of the Planning and Zoning Commission for 2012.

ALL AYES

Motion carried.

4. Review of Commission procedures.

**Land Use Amendment/Rezoning**

5. Case 12-015; 2701 Devils Glen Road, C-2 to C-3, submitted by Geneseo Communications, Inc.

Beck reviewed the staff report.

Bennett asked if the building would be used for server storage. The applicant, Scott Rubins, confirmed this, adding that the servers to be housed are owned by his firm's customers. He indicated that his firm will provide the space and security for the servers but that the individual owners would be responsible for their maintenance. He explained that a data center requires the availability of fiber optic cable, a source of electricity, and a concrete building. Rubins indicated that the proposed site meets all of those needs and has recently become available for purchase. He stated that an agreement has been negotiated with Hy-Vee who owns the building.

Kappeler asked for clarification regarding the notation on the concept plan that shows a possible outlot. Connors explained that because of the excessive amount of parking spaces on the property, the applicant would like to reserve the right to subdivide the property in the future. He indicated that the proposed rezoning is contingent upon the continuing use of the former Eagle grocery store as a data center. Connors stated that at such time as the building's use changes, the zoning classification would revert to C-2. Kappeler asked if the conditional zoning applies to the entire parcel. Connors confirmed this.

Laas asked if the landscaping requirements are different in the C-2 and C-3 districts. Beck stated that they have the same requirements.

Laas asked if the exterior of the building would be remodeled. Rubins stated that no changes would be made to the exterior of the building with the exception of the closure of one door. He added that there would be no structural changes or additional square footage. He indicated that all of the improvements would be made to the inside of the building.

On motion by Stoltenberg, seconded by Bennett, that the rezoning of 2701 Devils Glen Road, C-2 to C-3, be approved subject to staff recommendations.

ALL AYES

Motion carried.

6. Case 12-020; South side of the 4200 block of Tanglefoot Lane, Office/transitional to Traditional Residential, submitted by KW Development, LLC. **(Withdrawn)**

7. Case 12-021; South side of the 4200 block of Tanglefoot Lane, A-1 to R-1, submitted by KW Development, LLC. **(Withdrawn)**

8. Case 12-022; North side of the 4200 block of Tanglefoot Lane, A-1 to R-3, submitted by KW Development, LLC.

9. Case 12-023; North side of the 4200 block of Tanglefoot Lane, A-1 to R-1, submitted by KW Development, LLC.

Beck reviewed the staff reports.

Kappeler asked why the applicant has requested to rezone a portion of the development to R-3 and if the intent is to building duplex units. Beck explained that because the underlying

land use designation for that portion of the property is Medium-density Residential staff had recommended the R-3 district to avoid a land use amendment.

Wennlund asked if the applicant plans to construct single-family homes throughout the development. Beck confirmed this.

Kappeler asked if the lot that directly abuts Tanglefoot Lane and the flag lot adjacent to it could share one access point. Beck confirmed this, adding that the proposed layout is designed in that manner. He commented that staff prefers that there be as few access points on Tanglefoot Lane as possible.

Wennlund asked if the development would result in there being only two additional curb cuts on Tanglefoot Lane. Beck confirmed this.

Ed Guzis, 4200 Tanglewood Road, stated that while he has no objection to the rezoning, he is concerned about the additional traffic that will be generated by a new residential development and the negative impact it could have on Tanglewood Road which is already in very poor condition. Guzis indicated that he had previously spoken to the Director of Parks and Recreation who had assured him that Tanglewood Road would be improved before the new baseball diamonds and parking lots at Crow Creek Park were put in, adding that this has obviously not been the case. He stated that during the summer months, cars are parked on both sides of Tanglewood Road which is very steep and poses a safety hazard.

Guzis explained that oftentimes children run out into the street and expressed concern about their safety. He indicated that at times it can be very difficult to exit onto Devils Glen Road and suggested that the layout be revised such that the westernmost access from Tanglewood Road be moved to Tanglefoot Lane to alleviate some congestion.

Connors stated that staff is aware of the traffic issues along Tanglewood Road related to speeding vehicles, adding that this would be an enforcement issue rather than one of design. He indicated that it is likely that most of the traffic involved would travel west to Devils Glen Road, adding that developers are often asked to participate in a traffic study when new areas are subdivided to determine the need for traffic signals or other traffic calming measures.

Chad Miller, reiterated the concerns of Mr. Guzis and requested that the commission suggest to the City Council that the items listed in the Community Improvement Program related to the improvement of Tanglewood Road be completed prior to the development of the proposed subdivision. He stated that he believes that it would be much easier to build the subdivision if the road has already been improved, adding that he does not think that Tanglewood Road is in good enough repair to handle the weight of construction traffic. Miller also suggested that the proposed recreational trail connection between Crow Creek Park and Middle Road be rerouted through the proposed development in the area of the drainageway where it would connect to Tanglefoot Lane.

Bob Walter, applicant, stated that he believes that the majority of the traffic that will be generated will exit onto Devils Glen Road from Tanglefoot Lane rather than from Tanglewood Road because there is a traffic signal there. He explained that because of the topography of the land it is not feasible to move the second access to Tanglewood Road to Tanglefoot Lane. He indicated that the heavy construction equipment would be required to use Tanglefoot Lane except for when the cul-de-sac is built.

Lynn Geick, 4275 Tanglewood Road, reiterated his neighbor's concerns about the pedestrian traffic using Tanglewood Road and the inherent safety issues because there is no shoulder on the street. He expressed concern about additional storm water from the proposed subdivision negatively impacting his lot, adding that he has never received a response from city staff regarding this issue even though he has reported the problem. He explained that storm water from the adjacent property already has damaged trees and shrubs on his lot. Geick asked for clarification regarding the developer's intent with regard to the grading of the proposed subdivision in light of the difficult topography.

Walter explained that while some trees would need to be cored out in order to create a level building plane, there would be no changes to the grade adjacent to Geick's property. He indicated that those homes would have walkout basements, adding that the storm water runoff from the subdivision would be directed to a detention basin specifically for that purpose and would not affect any other lots nearby.

Stoltenberg asked any consideration has been given to Miller's suggestion regarding the rerouting of the recreational trail. Connors explained that ultimately the Park Board will make the decision regarding the trail route and that a consultant is in the process of completing a transportation plan to which a related comprehensive trail plan has been added. Jager explained that currently the city's plan is to connect the recreational trail from Field Sike Park to Middle Road along Crow Creek. He adding that Miller is opposed to the proposed trail route as it goes through a portion of his rear yard. Miller clarified that the trail route actually goes through his front yard, reiterating his suggestion of a relocation of the proposed trail.

On motion by Kappeler, seconded by Bennett, that the rezoning of property located on the north side of the 4200 block of Tanglefoot Lane, A-1 to R-3, be approved subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Bennett, seconded by Stoltenberg, that the rezoning of property located on the north side of the 4200 block of Tanglefoot Lane, A-1 to R-1, be approved subject to staff recommendations.

ALL AYES

Motion carried.

### **Final Plat**

10. Case 12-019; George and Nancy Coin First Addition, submitted by Jimmy D. Rose.

Beck reviewed the staff report.

Wennlund asked if approval of the plat would connote the Commission's approval of a non-conforming use as the existing house does not meet current setback requirements. Beck explained that because the house was constructed prior to adoption of the zoning ordinance, the house is already considered to be a legal, non-conforming use.

Wennlund asked if the homeowner would be required to abide by current ordinance requirements if the house were destroyed at some point in the future. Beck explained that such a decision would be in the purview of the Board of Adjustment.

On motion by Laas, seconded by Kappeler, that the final plat of George and Nancy Coin First Addition be approved subject to staff recommendations.

ALL AYES

Motion carried.

11. Case 11-024; Wyndham Hills Sixth Addition, submitted by AMF Real Estate, LLC.

Beck reviewed the staff report.

Wennlund asked if any consideration has been given to the long-term maintenance responsibilities of the outlots if at such time in the future the restrictive covenants expire. Beck explained that while Outlot A is a part of the current request, it is meant to be for the use of all of the residents who live in the area that was included in the preliminary plat. He indicated that while the developer plans to consult with future homeowners as to their preferred use for the outlot, it is likely that it would be used for recreational purposes.

Dennis Williams, representing the applicant, explained that Outlot A would likely be used for greenspace for the neighborhood. He indicated that it may be used as a putting green or a park area depending upon what the neighbors decide. He stated that the maintenance of the outlot, the detention area, and the mowing of the berms will be the responsibility of the homeowner's association.

Wennlund asked if there is a way to assign the maintenance responsibility of the homeowners on a more long-term basis if for some reason the homeowner's association documents are not renewed in the requisite 21 years. Jager explained that it is unlikely that a plat note alone could override the responsibility of the homeowner's association to renew the restrictive covenant documents and assign maintenance to another party. He suggested that a possible solution would be to insert a plat note allowing the city to renew those documents at such time as it may become necessary.

On motion by Kappeler, seconded by Stoltenberg, that the final plat of Wyndham Hills Sixth Addition be approved subject to staff recommendations.

ALL AYES

Motion carried.

### Site Development Plan

12. Case 11-076; 3950 Middle Road, submitted by Lindquist Real Estate Partnership.

Beck reviewed the staff report.

On motion by Bennett, seconded by Laas, that the site development plan for 3950 Middle Road be approved subject to staff recommendations.

ALL AYES

Motion carried.

**Zoning Ordinance Amendment**

13. Case 12-025; Section 15.23.13 - Special uses permitted in the C-2 Community Shopping District.
14. Case 12-026; Section 15.33.18 - Special uses permitted in the C-3 General Business District.

Beck reviewed the staff reports.

On motion by Stoltenberg, seconded by Kappeler, that the zoning ordinance amending Section 15.23.13 - Special uses permitted in the C-2 Community Shopping District be approved subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Laas, seconded by Kappeler, that the zoning ordinance amending Section 15.33.18 - Special uses permitted in the C-3 General Business District be approved subject to staff recommendations.

ALL AYES

Motion carried.

**Other**

15. Case 12-017; 2012 Urban Renewal Plan (2701 Devils Glen Road.)

Van Dyke reviewed the staff report. He explained that Geneseo Communications, Inc. is seeking both local and state funds in order to proceed with their plan to locate a data center at 2701 Devils Glen Road. He indicated that the City Council has recently approved the submittal of an application to the Iowa Economic Development Authority which will require a local match of funds.

Van Dyke explained that Geneseo Communications, Inc. has agreed to base its request for tax increment financing on a minimum assessed value of \$3.7 million even though the current assessed value of the property is slightly less than \$3 million. He added that it is estimated that the assessed value of the property upon completion will be between \$4 and \$4.5 million.

Van Dyke stated that staff is requesting approval of the amendment to the urban renewal plan because of the benefits such a unique business could bring to the city in addition to the fact that it may attract similar companies who may wish to take advantage of the availability of a fiber optic network.

Stoltenberg asked for clarification of how much of the city's fiber optic capacity the proposed data center would draw. Van Dyke explained that Geneseo Communications, Inc. would merely be installing their cable in the city's conduit at their own expense and would not use the city's fiber. He stated that the applicant would like to connect an existing conduit system from Chicago to Denver and plans to use the city's conduit to connect them and will install some additional fiber for the city's use in the future.

On motion by Bennett, seconded by Kappeler, that the amendment to the 2012 Urban Renewal Plan be approved subject to staff recommendations.

ALL AYES

Motion carried.

16. Commission Update.

Connors stated that the following items were approved by the City Council at their March 6, 2012 meeting:

- Old Bettendorf High School 2<sup>nd</sup> Addition, final plat
- 115 - 23<sup>rd</sup> Street, site development plan
- 2002 Spruce Hills Drive and 2828 - 18<sup>th</sup> Street, first reading of rezoning

Connors stated that occasionally citizens request the e-mail addresses of members of the various boards and commissions. He asked that the P & Z Commission members if they might be interested in having e-mail addresses unique to the city. Jager commented that the members could consider the matter and let staff know if they desire to do so.

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