

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  
OCTOBER 21, 2015  
5:30 P.M.**

The Planning and Zoning Commission meeting of October 21, 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: Bert, Kappeler, Rafferty, Wennlund

MEMBERS ABSENT: Bennett, Peters, Stoltenberg

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

2. Approval of the minutes of the meeting of September 16, 2015.

On motion by Kappeler, seconded by Bert, that the minutes of the meeting of September 16, 2015 be approved as submitted.

ALL AYES

Motion carried.

3. Review of Commission procedures.

**Rezoning**

4. Case 15-074; 4275 Tanglewood Road, A-2 Rural Residence District to R-3 Single- and Two-family Residence District, submitted by Ryan and Amy Clark.

Beck reviewed the staff report.

Rafferty asked if there are any alternatives available to the applicant should the request be denied. Beck explained that the only alternative would be for the entire family to share the house. He indicated that the applicant's plan to build an addition to the

existing house which would include kitchen and bath facilities would necessarily redefine the structure as a duplex. Rafferty expressed concern about rezoning to a multi-family

zoning district when the surrounding properties are zoned single-family. Beck explained that the maximum density allowed in the R-3 district is a two-family structure/duplex, adding that it is not a multi-family residence district. He stated that there is no other remedy such as a special use permit available to the applicant. Connors stated that in the past he has allowed two families to live in a single-family home with shared living spaces, adding that this differs from the current request in that the applicant plans to have a separate entrance to the proposed addition that cannot be accessed from the existing structure.

Wennlund asked why Lot 26 in Grayhawk Addition is not served by the city's sanitary sewer system. Beck explained that because the topography is so difficult the sanitary sewer could not be extended to that lot. Wennlund asked if there is any sanitary sewer available to the north or east. Beck stated that there is no sanitary sewer available to the north, adding that in the future it is possible that it could be extended from Tanglefoot Lane to the north if that property is developed.

Bert asked for clarification of the second condition listed in the staff report with regard to sewer connection being required by Scott County and if the city has any interest in requiring a connection. Beck explained that sanitary sewer connection is in the purview of the Scott County Health Department. He added that the City of Bettendorf does not have the power to compel homeowners to connect to the municipal sewer system.

Alex Sierk, 3804 Grayhawk Court, asked if approving the rezoning request would set a precedent that might encourage the rezoning of adjacent properties by other property owners. He stated that the adjacent property owner has been excavating on his land and has created a cliff at the edge of his lot on Grayhawk Court. Sierk asked what the zoning classification of the adjacent property is. Beck explained that the adjacent lot is currently zoned Agricultural. He indicated that the land use designation for the entire area surrounding the applicant's property is Traditional Residential. Beck added that while that property could be rezoned to R-3, the most intense use allowed in that district is a two-family structure/duplex that would most likely be built on two lots with a 0-lot line configuration.

Jody Stone, 3889 Grayhawk Court, explained that storm water drains to her property and asked if the proposed construction would cause sewage to back up. Fries explained that there is likely a dedicated drainage easement on her property, adding that the system is designed to drain to a storm water detention area behind the lots on the north side of Grayhawk Court. Wennlund asked if the proposed construction would affect that system. Fries stated that it would have no effect, adding that staff would review any plans for future development to ensure that the storm water system functions as intended.

Ed Guzis, 4200 Tanglewood Road, expressed support for the request.

On motion by Rafferty, seconded by Kappeler, that the rezoning of 4275 Tanglewood Road. A-2 to R-3, be recommended for approval subject to staff recommendations.

Wennlund asked if it is necessary to document the condition related to the connection of the lot to the sanitary sewer system at such time as Scott County requires it. Beck stated that it would not be necessary as the connection requirement is standard procedure.

ALL AYES

Motion carried.

### **Final Plat**

5. Case 15-075; Genesis at Crow Valley Fifth Addition, submitted by Genesis Health System.

Beck reviewed the staff report.

Kappeler asked if the intention is for the city to convert the private drive to a public street. Beck explained that this plat is the first step toward that end. Kappeler asked how this would affect the property immediately to the east of the private drive. Connors stated that Falcon Avenue is currently in effect only a two-lane street. He explained that there are a lot of turning movements at that intersection but no dedicated turn lane exists there. He indicated that according to a recent traffic study, installation of a traffic signal light is warranted there. He added that Genesis Health System, Gastroenterology Associates, and ORA are dedicating right-of-way to the city and will share the cost of the traffic signal installation. Connors stated that the only other option to increase the safety of motorists and pedestrians at the intersection is to close the median cut. He indicated that staff feels that the proposed plat is a more workable solution.

Bert stated that he disagrees with staff's assertion that sidewalks are not necessary within the proposed subdivision. Beck explained that there is a grade change that would preclude installation of sidewalks on the east side of Falcon Avenue at the intersection. He added that it might be possible to install sidewalks on the west side of Falcon Avenue. Beck stated that many of the clientele who use the facilities are being dropped off there. Connors added that some of the existing site improvements were installed prior to the city's gaining the right-of-way and would preclude installation of sidewalks. Bert stated that if there are no sidewalks, runners and cyclists will be forced to use the road to travel from 53<sup>rd</sup> Avenue to 56<sup>th</sup> Avenue which could cause a safety issue. Kappeler concurred with Bert. She asked whether there is any other way to

connect 53<sup>rd</sup> Avenue and 56<sup>th</sup> Avenue by a means other than a sidewalk along Falcon Avenue. She suggested that perhaps some other means of connection could be accomplished on the west side of the Genesis complex. Bert stated that it is possible that some of the clientele visiting these medical facilities would be using mass transit and might need to have a sidewalk available. Connors stated that the possible installation of sidewalks could be something that the city considers after the right-of-way is dedicated. Wennlund asked if the intent is to expand the width of the road to a standard size in the future. Connors stated that the existing road width is 31 feet but that it is not built to city standards. Wennlund asked if the city would have to reconstruct the street to make it compliant with city standards. Stone stated that the city is not contemplating a reconstruction of the street to city standards at any time in the near future. She added that the city is merely accepting the right-of-way in order to make the necessary intersection improvements. She stated that eventually the street would be added into the city's Community Improvement Program. Stone stated that the traffic signal installation has already been approved.

Rafferty asked if the dedicated right-of-way is wide enough to add turn lanes. Connors confirmed this. Rafferty stated that in his opinion the city could come up with an acceptable method to facilitate the installation of sidewalks. Wennlund concurred, adding that there are existing sidewalks on most of the remainder of the subdivision. He indicated that Falcon Avenue would be the only area where there are no sidewalks.

On motion by Rafferty, seconded by Kappeler, that the final plat of Genesis at Crow Valley Fifth Addition be recommended for approval subject to staff recommendations and the condition that sidewalks be installed on the west side of Falcon Avenue if it is deemed practical and possible.

ALL AYES

Motion carried.

### **Site Development Plan**

6. Case 15-076; 3890 State Street, submitted by Epic Construction.

Beck reviewed the staff report.

Kappeler asked for clarification of staff's recommendation that 13 trees be planted along street frontages and 5 trees planted along the north boundary. She commented that it appears from the aerial photograph that there are many more trees than exist today. Beck explained that the aerial photo is old and that the trees shown have been removed. Kappeler asked why so many trees are required to be planted along the street frontages when such a large number of trees were removed from the northern end of the property. Beck stated that staff would ensure that the trees are placed wherever

practical and that they are not located in any utility easements. Kappeler commented that she feels that the required plantings would be better utilized as a buffer between the neighboring lots. Rafferty concurred, adding that the commercial property owners across the street likely would not be concerned about landscaping in the front of the building. He stated that if he were an adjoining property owner, he would be more concerned about a buffer. Connors explained that the aerial photo is outdated, adding that the applicant had received permission to remove those trees approximately a year ago in preparation for the proposed building addition.

Wennlund asked for clarification of the location of additional required parking spaces generated by the building addition and asked if the available parking is adequate based on the number of employees. Beck explained that staff has requested that the applicant furnish a more detailed parking layout and detail on the number of employees who will be added prior to consideration by City Council. He indicated that the applicant has not yet indicated what the proposed use of the building addition will be. Wennlund stated that it appears as though at least 8 parking spots would be displaced by the building addition and asked if any of the interior of the building addition would be used for parking. Beck stated that staff is under the assumption that all of the parking spaces would be located outside.

Wennlund asked why there is a note on the site plan which indicates that there will be no bathrooms located inside the proposed addition. Beck explained that it is likely because there was no indication of a sanitary sewer line on the original site plan running to the location of the proposed addition. He stated that the revised site plan does show a sanitary sewer line.

Wennlund asked for clarification of the purpose of the proposed 8-inch PCC entry and parking indicated on the site plan. Beck explained that the applicant has not yet indicated whether the PCC pavement would be used for parking of semi-trailers. He stated that if this were to be the case, additional landscaping and fencing would be required.

Wennlund commented that it appears as though the site plan submitted is more of a preliminary plan and asked if a final site plan would be presented at a later date. Beck explained that the site plan submitted is the final plan but that the parking issues would be resolved prior to City Council consideration.

Wennlund stated that he is not comfortable recommending approval of the site plan that was submitted because there is no parking indicated on it. He commented that it appears as though a different site plan would be submitted to the City Council. Connors stated that often there are revisions made to site plans prior to submittal to City Council. He indicated that if the Commission feels that the plan that was submitted is not adequate, the case could be deferred until such time as it is more complete.

Kappeler asked where the outside storage which will be displaced by the building addition will be relocated. She questioned whether the outside storage would be moved and if it would be screened. Louis Johnson, representing the applicant, explained that the equipment that is currently being stored in the outdoor area would be placed inside the proposed building addition. He indicated that a new concrete parking area would be placed to the east of the new building.

Wennlund asked if the truck delivery dock would still exist. Johnson confirmed this.

Wennlund asked if the new building would be used only as warehouse storage. Johnson explained that the new building would be used as a service facility which is currently located in the existing building.

Rafferty asked if the sidewalk along 39<sup>th</sup> Street would be extended. Johnson confirmed this, adding that it would be connected to the existing sidewalk to the north in front of the apartment buildings. He indicated that a landscape barrier would be placed between the apartment buildings to the north and the proposed building. Rafferty commented that he would prefer to have seen a landscape plan detailing those plans. Wennlund concurred.

Mike Richmond, engineer representing the applicant, explained that the sanitary sewer lateral shown on the plans is per the records obtained from the city's Public Works Department. He added that it would not be connected to the new addition. Richmond stated that the pavement shown to the north of the addition is not intended for any type of vehicle storage, it is to be used for loading and unloading of semi-trucks. Wennlund asked if the loading area would be at grade level or raised. Richmond explained that the paved area would be higher than the finished floor of the addition. Johnson stated that because the street is a dead end, the paved loading area would make it easier for semi-trucks to maneuver onto the site.

Gail Dover, 3729 Vogel Court, expressed concern about the number of trees that have been removed and which were not replaced. She questioned how strictly the requirements of the landscape ordinance are enforced. She stated that when the apartment buildings were built, a 25-foot landscape buffer was to have been enforced and has not been. Connors stated that screening can be required in excess of what the landscape ordinance mandates. He stated that he would work with Johnson and Richmond to reach a consensus with regard to the landscaping that would be required along the north and west sides of the property. He reiterated that a landscape plan would be required. Richmond stated that a landscape plan was submitted with the other documents.

Willidam Rash, 3735 Vogel Court, concurred with Dover regarding the lack of landscape buffer between the commercial and residential areas. He questioned what type of work would be going on in the new addition, if there would be any battery repair, and what

the hours of operation would be. Johnson explained that the hours of operation will be between 7:30 a.m. to 4:30 p.m. He indicated that the entrance to the new building would be only from the east and that no battery servicing would occur as that type of work is outsourced.

On motion by Kappeler, seconded by Rafferty, that the site development plan for 3890 State Street be deferred until such time as a more complete site development plan which includes parking and screening is available.

ALL AYES

Motion carried.

**Other**

7. Commission update.

Connors stated that the following items were approved by City Council subsequent to the last P & Z meeting:

- 3225 Zimmerman Drive, site development plan
- Lot 1, Interstate 74 Technology Park Fourth Addition, site development plan
- 2223 Kimberly Road, site development plan
- Maple Glen Additions, PUD plan, public hearing and first reading of ordinance
- 1838 State Street, rezoning, public hearing continued

Connors stated that he is currently working on the Definitions section of the zoning ordinance.

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