

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
SEPTEMBER 21, 2016
5:30 P.M.**

The Planning and Zoning Commission meeting of September 21, 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, Wennlund

MEMBERS ABSENT: Rafferty, Stoltenberg

STAFF PRESENT: Greg Beck, City Planner; Lisa Fuhrman, Secretary; Bill Connors, Community Development Director; Brian Fries, Assistant City Engineer; Jeff Reiter, Economic Development Director

2. Approval of the minutes of the meeting of August 17, 2016.

On motion by Kappeler, seconded by Bennett, that the minutes of the meeting of August 17, 2016 be approved as submitted.

ALL AYES

Motion carried.

3. Review of Commission procedures.

Land Use Amendment/Rezoning

4. Case 16-080; Lot 2, Creek View Second Addition, Medium-density Residential to High-density Residential, submitted by Build to Suit, Inc.

5. Case 16-081; Lot 2, Creek View Second Addition, R-3 Single- and Two-family Residence District to R-5 Multi-family Residence District, submitted by Build to Suit, Inc.

Beck reviewed the staff reports. He added that when the property was rezoned in 2006, the Commission imposed a condition that the surrounding properties would be protected by a 25-foot separation from the proposed development.

Kappeler asked for clarification of the difference between a floodway and a flood plain. Beck explained that nothing is allowed to be built in a floodway nor is fill allowed to be placed there. He added that the flood plain must be filled such that it is 2 feet above the base flood elevation for construction to occur and which requires approval of a flood zone development permit. Kappeler asked if this process is similar to what occurred at 2231 Kimberly Road. Beck confirmed this.

Gene Zager, 3548 Black Lion Circle, expressed concern about the location of the entry to the duplex units being placed directly opposite of Black Lion Circle. He explained that due to the limited visibility because of the hill, motorists traveling south on Devils Glen Road oftentimes speed which causes a safety hazard. Zager asked if a berm would be placed along Devils Glen Road similar to those placed in other developments in the area.

Zager asked who the developer is. Kappeler stated that Build to Suit, Inc. is the applicant but not the builder.

Connors explained that if the driveway is offset from Black Lion Circle, it would likely cause a turning movement problem. He indicated that he would encourage the developer to install a berm on Devils Glen Road. Wennlund commented that because the grade of the property is very low relative to street level, it would require a large amount of fill to make a functional berm.

Steve Wilger, 3123 Field Sike Drive, stated that it does not appear as though there is enough space for the number of units indicated given the required 25-foot buffer plus the 25-foot required rear yard setback. He stated that there would only be room for a 30-foot wide unit which would not be compliant with code requirements. Wilger stated that he believes that the code requires two entrances to a subdivision with that many units. He stated that when the neighbors agreed to allow the rezoning of the property several years ago, the plan called for a U-shaped entrance and greenspace in the flood plain area. Wilger stated that since he has lived in his home he has seen storm water rise halfway up the depth of that property. He stated that he does not believe that the city should be in favor of building more apartment units when there are already so many in the area. He stated that the apartment building would emit more light than Crow Creek Park at night. He stated that he is not opposed to the duplex units as long as they are code-compliant, adding that he is alarmed about the scope of the proposed high-density zoning. He expressed concern about the possibility that a hospital or medical

building would be allowed in the future if the rezoning is approved and the proposed concept is abandoned. He stated that in his opinion the proposed rezoning could be considered spot zoning, adding that it is not in the city's best interest to build multi-family housing even though it may be beneficial to the developer.

Wennlund asked if the required 25-foot buffer is a separate distance in addition to the required 25-foot setback. Connors stated that it is not. He explained that no structures are allowed to be built in the buffer yard, adding that the concept plan is not necessarily to scale.

Wennlund asked if Wilger understood the clarification that the required buffer and setback can overlap. Wilger stated that when the neighbors agreed to the R-3 zoning district, there was to have been a 25-foot buffer in addition to the 25-foot rear yard setback, a 3-foot high berm, and evergreen tree plantings along the property lines. Connors reiterated that the buffer zone can be a part of the lot and that no structures are allowed to be placed there.

Wilger asked if the city is going to allow duplexes to be built with no back yard. Wennlund explained that the structures would have a 25-foot rear yard. Wilger stated that this makes no sense to him.

Kappeler explained to Wilger that the only issues being considered by the Commission are the land use amendment and rezoning. She stated most of the issues that he raised would be addressed at a later date during platting and site development plan phases. Wilger stated that until today, he had been under the impression that a much smaller portion of the property would be rezoned to R-5. He added that the revised request does not conform to the concept plan. He expressed concern that the concept for the project would change.

Bert commented that Devils Glen Road is only two lanes and asked if it would eventually be widened. He expressed concern about the impact the increased density would have on the traffic in that area. Fries stated that the city has adequate right-of-way to widen the street as development occurs.

Mike Toom, 3373 Field Sike Drive, stated that he believes that his property value would be reduced by the proposed development. He stated that it does not seem fair that this type of development would be allowed. He explained that several years ago when Field Sike Drive was paved and a culvert installed, the water flow was changed to cross his property. He indicated that when there is more than 1 inch of rain, storm water floods the area. Fries explained that all developers are required to meet the city's storm water detention requirements during the site development plan stage.

Harold Wiatt, 3309 Field Sike Drive, stated that in 1990 the flood water reached Field Sike Drive and questioned the accuracy of the 100-year flood plain boundary indicated on the map. Connors stated that FEMA sets the flood boundaries. Fries explained that because of the direction of grade change from north to south, the proposed development would have no impact on Wiatt's property.

Mark Lewis, 3013 Field Sike Drive, stated that no matter how deep the detention pond is built, there is no way to store the storm water from the area. He questioned where the storm water would go when the valley floods. He stated that after the area where the apartment buildings are to be built is filled, the water must go somewhere. Lewis explained that the area where the apartments and detention pond are to be built is low-lying all the way to Field Sike Drive.

Fries reiterated that the developer will be required to submit a flood zone development permit and certify that enough storage capacity is provided for storm water above the flood elevation. He added that the detention pond would be built above the flood plain level.

Henry Stauffenberg, 3275 Field Sike Drive, stated that the detention pond across the street in the ValleyWynds subdivision does not work. He explained that it has never filled, adding that it is merely a place where weeds grow 4 feet high and that it becomes a mud hole where insects collect.

Stauffenberg stated that he does not believe that apartment buildings should be allowed near residential developments. He stated that when the property to the north was developed, the developer said that the homes were to be built on large lots similar to those already existing in the neighborhood. Stauffenberg explained that when the builders came, the houses were stacked up. He expressed concern that the development that has been proposed is not what will eventually be built.

Lewis stated that his impression is that the entire property is zoned R-3 and asked if that is correct. Connors confirmed this. Lewis stated that the developer plans to rezone a large portion of the property to R-5 so that the apartment buildings can be built. Connors commented that the developer had submitted a new rezoning exhibit. Lewis stated that it appears as though the area proposed to be zoned R-5 encroaches into the area where duplexes are indicated on the concept plan. Connors indicated that this is the case. Lewis questioned why the city would leave the door open to a larger area for R-5 when it doesn't even conform to the submitted concept plan.

Kevin Koellner, the applicant, explained that he is working with the owner and buyer of the property in question. He stated that the developer wishes to leave open the opportunity to build an additional apartment building if the market demand is there. He stated that there would still be a buffer zone of duplex units between the apartments and the single-family homes as required by city code.

Kappeler asked if there would be sufficient room for a separate street from Devils Glen Road for each zoning area and the same number of duplex units indicated on the concept plan according to the revised rezoning exhibit. Koellner explained that even if the developer chooses to build another apartment building there will still be a buffer of duplex units. He indicated that if necessary, the developer would be willing to shift the entrance south. He stated that the duplex units are allowed in the R-5 district and could be shifted south in order to allow for the separate street.

Kappeler asked if the entirety of the property has been zoned R-3 for 10 years. Beck confirmed this. Kappeler commented that from the neighborhood's perspective, the possibility of residential construction is not new.

Wennlund asked for a description of what types of uses are allowed in the R-3 and R-5 districts. Beck explained that R-3 allows single- and two-family dwellings while R-5 is a multi-family residence district. He added that such uses as a hospital could be allowed with a special use permit but that the topography is likely too difficult for anything other than a residential use. Koellner stated that the developer would not object to restricting development to residential only.

Bert asked if the property would eventually be required to be replatted in accordance with the eventual layout and distinct zoning classifications. Koellner stated that the lender would likely require a replat.

Wilger stated that when the property was rezoned 10 years ago, the 25-foot buffer yard and the additional 15 feet that was added to his rear yard was supposed to have been shown on a replat but that it never was completed. He indicated that he was told by Steve Van Dyke that the city would ensure that it was replatted, reiterating that it was never done. Connors stated that the County's website does show the additional property added to the rear of Wilger's lot with a separate parcel number. Wilger reiterated that it was never replatted. Wennlund commented that the city would not have been allowed to plat someone else's property.

Bert asked for clarification of the surrounding zoning district classifications. Beck stated that the surrounding properties are zoned R-2, R-3, R-5, C-1, C-2, C-5, PR-3, A-1, and A-

2. Wennlund commented that it seems very clear that the proposed classification would not constitute a spot zoning as had been indicated earlier by Wilger.

On motion by Kappeler, seconded by Bennett, that the land use amendment for Lot 2, Creek View Addition, Medium-density Residential to High-density Residential, be approved subject to staff recommendations. (16-080)

ALL AYES

Motions carried.

On motion by Kappeler, seconded by Bennett, that the rezoning of Lot 2, Creek View Addition, R-3 Single- and Two-family Residence District to R-5 Multi-family Residence District, be approved subject to staff recommendations and according to the revised rezoning exhibit. (16-081)

ALL AYES

Motions carried.

Wennlund commented that it might be helpful for the developer to hold a neighborhood meeting prior to the site development plan stage.

Land Use Amendment/Rezoning

6. Case 16-086; 804, 834, 872 Tanglefoot Lane, Office/Research Campus to Commercial, submitted by Thomas J. Pastrnak.
7. Case 16-087; 804, 834, 872 Tanglefoot Lane, C-6 Office and Research Park District to C-3 General Business District, submitted by Thomas J. Pastrnak.

Beck reviewed the staff reports.

On motion by Bennett, seconded by Peters, that the land use amendment for 804, 834, and 872 Tanglefoot Lane, Office/Research Campus to Commercial, be approved subject to staff recommendations. (16-086)

ALL AYES

Motion carried.

On motion by Bennett, seconded by Peters, that the rezoning of 804, 834, and 872 Tanglefoot Lane, C-6 Office and Research Park District to C-3 General Business District, be approved subject to staff recommendations. (16-086)

ALL AYES

Motion carried.

Amended Final Plat

8. Case 12-056; Villas at Glengevlin Second Addition (amended), submitted by Towne & Country Bettendorf, LLC.
9. Case 14-010; Villas at Glengevlin Third Addition (amended), submitted by Towne & Country Bettendorf, LLC.
10. Case 14-076; Villas at Glengevlin Fourth Addition (amended), submitted by Towne & Country Bettendorf, LLC.

Beck reviewed the staff reports.

Bennett asked if the elevation values were missing on the previous plats. Beck explained that the low water entry values were inaccurate on the original plats. Bert asked why the elevations figures were wrong. Mike Janecek, engineer representing the applicant, explained that there were some typographical errors on the plats in addition to design changes made by the developer which necessitated regrading of ditches in order to meet the required low water entry elevations. He added that these changes and corrections had been made to all three of the subdivisions at once.

Wennlund asked if any of the changes had affected existing construction. Janecek confirmed this, adding that when some of the existing buildings had been surveyed it was discovered that the required low water entry level was not met. He indicated that the developer had regarded some of the ditches and rear yards so that the low water entry level conforms to the requirements and could be certified as such.

On motion by Kappeler, seconded by Bert, that the amended final plat of Villas at Glengevlin Second Addition be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Kappeler, seconded by Bert, that the amended final plat of Villas at Glengevlin Third Addition be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Kappeler, seconded by Bert, that the amended final plat of Villas at Glengevlin Fourth Addition be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

Final Plat/Site Development Plan

11. Case 16-072; The Fountains 6th Addition, submitted by Russell Construction.
12. Case 16-073; 3726 and 3728 Thunder Ridge Road, submitted Russell Construction.

Beck reviewed the staff reports.

Bennett asked for clarification of the internal traffic pattern. Beck explained that motorists will enter from Hopewell Avenue using the driveway, travel east and then south around the new building, and then west to the driveway exiting at Thunder Ridge Road. He indicated that previously motorists used the driveway from Hopewell Avenue and traveled directly south to the driveway connecting to Thunder Ridge Road. He added that because the construction of a bridge connecting the proposed and existing building will not allow traffic to pass under it.

Bennett asked how wide the proposed access driveway is. Beck explained that it is approximately 27 feet wide, adding that it meets the Fire Department's standards.

Kappeler asked if the traffic entering the site from Thunder Ridge Road would be affected. Beck stated that he does not believe that is the case as only the northern traffic pattern is changing.

Wennlund asked how Building C would be accessed if the driveway in front of it is closed. Rick Ockerlund, representing the applicant, explained that there is a connecting link between Building C and the new building. He indicated that a resident would walk through the new building, across the connecting link, and into Building C. Wennlund asked what the distance is from Building C to a location where a resident could be picked up. Ockerlund stated that there is an entrance to Building D at the southeast corner which leads to a common area which has access to the connecting link. He added that the width of the bridge is 60 feet long and 12 feet wide.

Kappeler asked if the bridge is at ground level. Ockerlund confirmed this.

Wennlund asked if the parking is adequate to accommodate a new building, especially during special events when many visitors are on the site. Ockerlund explained that The Fountains does not allow special events and parties such as weddings in their facilities. Wennlund commented that this must be a new policy.

Bennett asked if the only way emergency service personnel could reach Building C is to park in front of Building D, walk through Building D, walk across the bridge, and enter Building C. Ockerlund stated that even though the main entrance in the center of Building C will no longer be accessible after the bridge is connected to it, emergency personnel would still be able to walk through the Grand Lodge building to the south and use the connecting link to access Building C.

Bert asked if there is a place where an ambulance can park directly in front of Building C if need be so that emergency personnel do not have to use the tunnel. Ockerlund stated that Building C is for independent living, adding that the residents don't require much care. Bert acknowledged Ockerlund's point, and asked again where an ambulance could pull up to access Building C. Connors stated that there are egress points and stair towers at both the northeast and southeast corners of the building. Kappeler asked if those access points are for resident pickup or only for emergency use. Connors stated that technically they could be used for both purposes.

Donna Metzger, 5512 Cavan Crossing, stated that emergency vehicles are required at The Fountains on almost a daily basis. She stated that the complicated means one must use to access Building C doesn't seem very expedient especially in an emergency situation. She explained that a special event was held at The Fountains the previous Sunday, adding that the parking lot was so congested it would have been unlikely that

an emergency vehicle could have reached Building C at all. She expressed concern about the existing parking problem's being exacerbated by the proposed construction.

Wennlund explained that because the number of parking spaces proposed to be provided is code-compliant, the Commission cannot require more. Metzger asked if the Code takes into account special events and the additional spaces required for them and questioned when the Code was written. She suggested that perhaps the Code should be updated to better reflect current needs. Connors explained that there is no requirement for specific spaces to be allotted for infrequent events at a facility such as a school or gymnasium. He added that the Zoning Regulations were written in the early 1970s and are currently being updated. Metzger commented that staff's assertion that the parking spaces meet the code requirement is tantamount to a blow-off in her opinion. Wennlund commented that even if from a practical standpoint it appears as though the parking spaces may not seem adequate, the Commission has no other option but to use the current regulations as their guide. He added that even though the Zoning Regulations are being updated, the possibility exists that the requirements will remain the same with regard to parking spaces.

Dick Whistler, resident of The Fountains, stated that the two entrances referenced earlier at the northeast and southeast corners of Building C are only accessible with a key. He expressed concern about the difficulty emergency personnel may experience because of the additional keyed entrances that will be required. He explained that many of the residents use canes and/or wheelchairs, adding that the entrances referenced earlier have steps which would make access very difficult for them. Wennlund commented that the additional distance that must be traversed because of the proposed reconfiguration will pose a challenge for many who have difficulty walking.

Grant Lemen, 3660 Thunder Ridge Road, asked if there is a height limitation for the proposed building and questioned how many stories the building would be. Connors stated that he does not recall whether there was a height limitation. Lemen stated that the other buildings in the development are three stories, adding that the proposed building appears to be four stories. Connors stated that counting a level as a story is determined by how much of it is exposed. He added that if 50 percent of the foundation is below grade, it is considered to be a basement.

Kappeler asked if the proposed building has four stories of living units with an additional level of parking below. Wennlund commented that it appears as though there are four stories of apartments plus a garage level. Ockerlund stated that the building as proposed meets all of the city's height requirements and is code compliant. He added that there are four stories of apartments plus a level of underground parking.

Bennett asked for clarification of the purpose for the bridge. Ockerlund stated that there is a storm sewer and water easement between Building C and the proposed Building D and that no ground level construction can occur there because of them. He stated that the easements are public. Connors explained that the bridge could not be built at grade level because the city must be able to access the sewer if necessary. Connors stated that it had been his impression that the bridge would come in at the second level and asked for confirmation of that. Ockerlund stated that the bridge would be built approximately 2 ½ feet above ground level in order to leave an interstitial space below the bridge. He stated that the area between the two buildings would be grassy. He indicated that because of the easement, the bridge cannot be built at ground level.

Wennlund asked how high the bridge base would be above ground level. Ockerlund stated that it would be 2 ½ feet above ground level. Bennett asked if the bridge would be covered. Ockerlund explained that it would be enclosed and would have heat and lights. Bennett commented that it seems as though the structure would be better described as a tunnel.

Wennlund asked if 2 ½ feet would be enough space in order to access the sewer if necessary. Fries stated that he had also been under the impression that the bridge was to come from the second level of the building. He indicated that there is a sanitary sewer and a storm sewer running through the area. Connors stated that if in fact the bridge is to be built only 2 ½ feet above grade level, he has a problem with that. Fries concurred. Ockerlund stated that there is enough room to access the sewer to do repairs if necessary. Fries stated that the sanitary sewer would be deeper than a typical storm sewer at approximately 8 feet deep. Wennlund asked who had determined that 2 ½ feet of clearance is enough space to do sewer repairs if necessary. Ockerlund stated that the bridge is 12 feet wide, adding that a contractor could just dig it out and make the repairs. Wennlund asked again for clarification of how a contractor could make a repair in the center of the 12-foot span with only 2 ½ feet of clearance. Ockerlund stated that if a sanitary sewer is required, a contractor would have to remove most of the run to get to it.

Kappeler commented that her consideration of the site plan and staff's recommendation was based on the understanding that the bridge was to be located at the second level of the building. She suggested that the case be deferred until such time as further staff review and discussion can take place. Wennlund concurred.

Wennlund explained that the Commission does not feel as though a positive recommendation could be given and asked if the applicant would prefer that the case be deferred so as not to require a supermajority vote at the City Council level. Ockerlund stated that if the bridge is placed at the second level, it would hinder travel

from building to building and emergency personnel access. Connors stated that Code requires a grade level door which could be used by residents if necessary. Ockerlund stated that the bridge is the connecting link for the convenience of the residents.

Ockerlund stated that the case could be deferred, adding that when the design was originally submitted it was approved at staff level. He indicated that it has not changed. Fries reiterated that staff's impression was that the bridge was to be at the second level. He requested that Ockerlund show where on the plans an elevation of the bridge is indicated. Ockerlund stated that nothing has changed since the original submittal. Fries stated that he does not believe that the clearance proposed is enough to provide access to the sewer. Ockerlund stated that from an engineering and construction standpoint, there is enough clearance. Connors stated that staff would meet again with the developer to resolve these issues.

Jack Johnson, 5659 Cavan Crossing, expressed concern about whether the storm and sanitary sewers are sized adequately to accommodate the proposed developments in the area. He indicated that he feels that the proposed construction in the area would likely negatively impact the residents further downstream.

On motion by Kappeler, seconded by Bennett, that the final plat of The Fountains 6th Addition be deferred until such time as further discussions are held in order to resolve the issues noted.

ALL AYES

Motion carried.

On motion by Kappeler, seconded by Bennett, that the site development plan for 3726 and 3728 Thunder Ridge Road be deferred until such time as further discussions are held in order to resolve the issues noted

ALL AYES

Motion carried.

Final Plat/Site Development Plan

13. Case 16-077; City Hall First Addition, submitted by Jason Holdorf/Missman, Inc.
14. Case 16-078; 1609 State Street, submitted Downing Architects.

Beck reviewed the staff reports.

Kappeler asked for clarification of how the traffic will flow when all of the road construction is complete. Beck explained that City Hall will be accessed from 16th Street, adding that a sidewalk will eventually be installed along the new southeasterly access from Grant Street which ends at George Thuenen Drive. Beck stated that the pavement will end in front of City Hall and will be blocked from the new access. He added that a new access point to City Hall will be added from the southeasterly access. Beck stated that the pavement will be removed under the I-74 bridge.

Kappeler asked how fire truck apparatus would gain access to the street. Beck explained that fire trucks would exit from the garage bay to 16th Street. Connors added that the plan to still have a traffic signal there, but in a slightly different location.

On motion by Bert, seconded by Peters, that the final plat of City Hall First Addition be approved subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Bert, seconded by Peters, that the site development plan for 1609 State Street be approved subject to staff recommendations.

ALL AYES

Motion carried.

Final Plat

15. Case 16-079; Crowne Pointe Eleventh Addition, submitted by Heartland Builders of the Quad Cities.

Beck reviewed the staff report.

Wennlund asked what the original intent for Outlot B had been. Beck stated that he is unsure of the original intent, adding that the area currently serves as a greenspace. Carey Nowack, the applicant, explained that not all of the outlots will be used for garages. He explained that the homeowner's association approached him with a request that ownership of Outlot C which contains the irrigation main be transferred to

them. He stated that he sold it to them for \$1 with the understanding that they would replat it accordingly and maintain the property.

He added that at one time he had anticipated further development to the east but that it had proven to be cost-prohibitive. He added that he plans to retain ownership of Outlot A to provide room for an access to that property in case it ever is available for sale at a more reasonable price. He indicated that the condominium units have only 2-car garages and that many of the residents have indicated a desire for a third stall. He stated that he anticipates building 4 storage garages with a 28-foot depth on Outlot B to be made available to the residents. He stated that if in the future the garages are built, that outlot would then be turned over to the association as well.

Wennlund asked if the property in question is deep enough to provide access. Nowack stated that there are 15 ½ acres available for development to the east and that the outlot would merely be used to gain access to the property.

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

ALL AYES

Motion carried.

Site Development Plan

16. Case 16-084; 3048 Victoria Street, submitted by Natural Health Improvement Center.

Beck reviewed the staff report.

Dr. Tara Pratt, the applicant, asked for clarification of how many trees would be required to be placed on the property in order for her to be compliant with the landscape ordinance. Beck explained that 8 trees would be required as a buffer between the proposed building and the residential area to the east, 2 trees would be required in the vehicular use area, and 6 trees would be required along the street frontage.

Pratt stated that the number of trees required would block the view of the office from the street. Beck explained that the required trees are allowed to be placed anywhere on the property as long as the total number of trees required is met.

Kappeler commented that there are trees planted along the street in front of the office building next door and asked if this is the case all along Victoria Street. Beck explained that each development must comply with the landscape ordinance, reiterating that there are already trees planted at the rear of some of the properties on Victoria Street. He added that if it is not possible to plant all of the required trees in the required yard areas, they can be spaced throughout the site.

Bert stated that he understands why trees would be required along the rear of the property to buffer the use from the residential areas, but asked why trees are required along the street. Beck explained that according to the landscape ordinance trees are required to be placed in the streetscape area and the vehicular use areas. He stated that compliance with the landscape plan is evaluated for every proposed site development plan.

Connors commented that during the neighborhood meeting some of the neighbors had indicated that they do not wish for trees to be placed on the west side of the property as they don't want leaves in their pools. He stated that typically residents wish for heavier landscaping to be installed, adding that this is not the case for this neighborhood. He indicated that staff would work with the developer and property owners to ensure compliance with the landscape ordinance while attempting to be flexible with the location of the trees.

Pratt expressed concern about her ability to place 16 trees on a 1-acre lot. She stated that once the building is constructed and the parking areas paved, there won't be a lot of greenspace available. Peters asked if the trees could be a small caliper. Pratt stated that she had been told that the trees must be 3 inches in diameter. She stated that she had not planned on spending \$20,000 on trees in an area where she had planned to plant only some bushes and hostas. Pratt explained that she treats many elderly patients who could slip on leaves in the parking lot if it is wet. She expressed concern that trees could fall onto her building in a high wind if they are placed close to it. Wennlund stated that the development must be compliant with the landscape ordinance. Connors reiterated that staff would meet with the developer in order to ensure compliance while providing some flexibility for location of trees.

Steve Brethauer, 2317 Southview Drive, stated that he sees no need for so many trees to be placed on the site. He indicated that he would prefer to have a privacy fence similar to the one on the adjacent lot instead of trees and which would be cheaper than landscaping. He indicated that he has spoken with Dr. Chip Irwin who owns the adjacent property and had indicated that he had been required to place a privacy fence on his rear property line. Brethauer asked why a privacy fence is not to be installed as a part of this development. Connors stated that he cannot recall if a neighborhood meeting was

held when the dentist's office was built, adding that oftentimes a compromise can be reached at that time. Wennlund asked if there is any code requirement for a fence. Connors stated that there is no such requirement.

Pratt asked what the purpose of the privacy fence would be and if it would be allowed to be chain link. She questioned whether the fence would have to surround the entire property. Wennlund explained that because there is no code requirement for a fence, the Commission cannot negotiate to reduce the number of trees required.

Brethauer asked why Dr. Irwin had been required to place a privacy fence on the rear property line. Beck stated that a developer has the option to install an opaque privacy fence in order to reduce the depth of the required yard.

Susan Brethauer, 2317 Southview Drive, stated that Dr. Irwin had told her today that the city required that the fence be installed. She commented that if 8 trees are required to be placed in the rear yard they could interfere with the electrical power lines along the property line. She stated that further up the street there are trees that have had to be trimmed very severely so as not to touch the power lines. She stated that she would prefer not to have 8 trees along her property line.

Wennlund stated that it appears as though there is enough space to plant trees while keeping them away from the power lines.

On motion by Bert, seconded by Bennett, that the site development plan for 3048 Victoria Street be recommended for approval subject to staff recommendations with the understanding that staff will work to reach a code-compliant resolution with regard to the landscaping design and the concerns of the neighbors.

ALL AYES

Motion carried.

17. Case 16-089; 879 – 40th Avenue, submitted by 40th Avenue Investors, LLC.

Beck reviewed the staff report.

Wennlund asked what type of use would be located in the building. Beck stated that there would be contractor condos located there.

Wennlund asked where the trash enclosure is located. Koellner explained that the dumpster would be placed behind the proposed building at the southwest corner and would be screened.

Kappeler asked how the existing building would affect truck loading access to the new building. Connors stated that the trucks would enter from 40th Avenue, travel around Building 2, enter the loading bay, and back up into the drive.

On motion by Bennett, seconded by Kappeler, that the site development plan for 879 – 40th Avenue be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

Kappeler commented that Koellner's development is a nice addition to that area and fits well with the character of the neighborhood. Koellner stated that the landscaping will be installed before winter which will further improve the appearance of the development. He added that given the market demand he has experienced, this type of use was needed in the area.

Other

18. Commission update.

Connors stated that staff had had discussions with Dale Grunwald regarding the concept plan he had submitted from property near I-80 and Middle Road after the Commission presentation at which many good suggestions were made for revisions. He commented that not much progress has been made since that meeting. Wennlund commented that the plan that was presented to the Commission at the last meeting was not much different from what has been presented several times in the past.

Connors stated that subsequent to the last Planning and Zoning Commission meeting the preliminary plat of Bettendorf Industrial Park 2nd Addition, the preliminary and final plats of Sunset West, the amended final plats of The Settlement at Pigeon Creek Eighth Addition, Everest Summit 2nd Addition, and Spencer Hollow 2nd Addition, the site development plan for the I-80 eastbound rest area, and the site development plan for 3255 Fields Drive were approved.

There being no further business, the meeting adjourned at approximately 7:30 p.m.

These minutes approved

Gregory W. Beck, City Planner