

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  
FEBRUARY 15, 2017  
5:30 P.M.**

The Planning and Zoning Commission meeting of February 15, 2017, 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, Ormsby, Peters, Rafferty, Stoltenberg, Wennlund

MEMBERS ABSENT: None

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

2. Approval of the minutes of the meeting of November 16, 2016.

On motion by Kappeler, seconded by Stoltenberg, that the minutes of the meeting of November 16, 2016 be approved as submitted.

ALL AYES

Motion carried.

3. Review of Commission procedures.

4. Review and approval of the 2016 Planning and Zoning Commission Annual Report.

On motion by Wennlund, seconded by Rafferty, that the 2016 Planning and Zoning Commission Annual Report be approved as submitted.

ALL AYES

Motion carried.

5. Election of officers.

On motion by Kappeler, seconded by Rafferty, that Wennlund remain in the position of Chairman for 2017.

ALL AYES

Motion carried.

Wennlund introduced Janessa Ormsby as the new member of the Planning and Zoning Commission.

### **Preliminary Plat/Final Plat**

6. Case 16-107; Jeremiah Schramm Subdivision, submitted by Jeremiah Schramm. (Preliminary Plat)
7. Case 16-108; Jeremiah Schramm Subdivision, submitted by Jeremiah Schramm. (Final Plat)

Beck reviewed the staff reports. He indicated that Michael Cronkleton, 1505 Old Freeport Court, had submitted some photos to the Public Works department showing erosion problems behind his home which is adjacent to the proposed subdivision.

Wennlund asked if staff had evaluated the photographs. Morlok stated that he had only recently received the photos but indicated that storm water department staff would visit the site. He indicated that from the photos it appears as though the condition of the area is consistent with what is typically seen in wooded areas. Morlok added that he does not believe that the addition of three homes would exacerbate the situation, reiterating that his staff would evaluate the problem.

Beck displayed the photos showing the erosion damage and the steps that Cronkleton has taken to attempt to ameliorate it. He added that all of the storm water runoff from Lincoln Road funnels into that area. He explained that before the house at the end of Lincoln Road was built, there was a detention pond on the south side of Lincoln Road where storm water was collected, detained, and then released through a concrete pipe. Cronkleton stated that the pond was filled in when the house was constructed. He indicated that even a mild rain storm can overwhelm the area.

Kappeler asked if the photos demonstrating efforts to minimize the storm water damage had been completed by Cronkleton. He confirmed this, adding that he has spent a lot of time and effort and hundreds of dollars attempting to address the erosion problems. Kappeler asked what the city's response has been. Cronkleton stated that he had not spoken to city staff until last week.

Stoltenberg asked when the hammerhead at the terminus of Lincoln Road would be constructed. Connors stated that prior to occupancy of the first new home, the hammerhead would have to be built. Stoltenberg commented that given that timetable, the situation could remain as is for a significant length of time.

Kappeler stated that while the written staff report indicates the need for a sewer ejector pump, staff's had indicated that sanitary sewer connection is available. Beck explained that a sewer connection is available on the north side of Lincoln Road. Morlok explained that originally the applicant had intended to connect to the sewer ejector pump serving the house on the south side of Lincoln Road but that staff had denied that request. Kappeler stated that it appears as though there is no need for an ejector pump given the configuration shown. Morlok confirmed this.

Wennlund asked why the access easement indicated on the plat is only half the width of the street. Beck explained that the access easement is meant to ensure full access to Lot 1 from Lincoln Road.

Kappeler asked if the storm outlet is the location of the erosion damage demonstrated by Cronkleton. Beck explained that there is erosion damage further north but that storm water runoff from Lincoln Road has caused problems near the outlet. Kappeler expressed concern about the topography, the existing erosion problems, and the possibility that a detention basin was displaced when the house at the end of Lincoln Road was built. Morlok explained that it is possible that the lot was used as a temporary sediment basin before the home was constructed. Kappeler expressed concern about the possibility that drainage problems may occur on Lot 3 given the existing problems and the runoff from the existing homes along Glenn Street which are built at a much higher elevation. She indicated that she would like some more information regarding how the proposed development would impact the area. Wennlund commented that there is an 18-foot grade change over an approximately 100-foot distance from the eastern side of the plat to the west.

Wennlund asked what staff's position is with regard to the proposed development and the existing and possible future drainage issues. Morlok explained that outlet protection should have been provided at the end of the street using rip rap. He added

that extending the hammerhead will cause the storm water runoff to move further east. He indicated that the ordinance does not restrict subdividing because of a steep grade on a property. Wennlund commented that the city or the developer would need to address these issues on a long- and short-term basis. Morlok explained that this type of issue would likely need to be addressed through the city's streambank stabilization program. He stated that staff would need to verify if there are drainage easements, adding that the city would address the damage in city right-of-way because it is being caused by runoff from a city street. He indicated that any erosion further downstream would be on private property.

Leighton Hitesman, 2617 Lincoln Road, confirmed that there is a great deal of water that runs between his property and the proposed subdivision. He indicated that adjacent to his driveway is a 3-foot drop where the water runs which has displaced concrete on his drive. He stated that he does not have access to city sewer, adding that the staff report indicates that one of the homes would also have to maintain an ejector pump which will be detrimental to the homeowner. Hitesman asked if he would be required to install a city sidewalk as a result of the proposed subdivision. Connors stated that he would not be required to install sidewalk.

A brief discussion was held regarding the courtesy notices that were mailed. Connors confirmed that all residents within 200 feet of the proposed project had been notified.

Wennlund asked for clarification of the proposed sewerage methods for the proposed subdivision. Morlok explained that all of the lots would utilize gravity sewer with Lots 2 and 3 connecting to the line in the north side of Lincoln Road and Lot 1 to the south. He added that Hitesman would have the opportunity to connect to city sewer if he chooses.

Mike Richmond, engineer representing the applicant, stated that it appears as though the cause of the erosion is located outside of the proposed subdivision. He added that the proposed development would not cause any further erosion damage. He commented that the developer is planning to build on Lot 2 which has a higher elevation than Lot 3. Richmond explained that the owner will likely sell Lot 3 eventually. He reiterated that a public sanitary sewer main would be installed to serve the lots.

Bob Glenn, 1530 - 29<sup>th</sup> Street, asked where the houses would be sited and if the property would be graded in any way. Wennlund commented that required setbacks would need to be observed. Richmond added that the houses have not been sited yet. He indicated that the 30-foot front yard setbacks are indicated on the plat, adding that the homes could be placed in any location on the lot outside of those setbacks. He

stated that the owner plans to grade Lot 2 in order to facilitate placement of a house and to ensure that the driveway is not too steep.

On motion by Stoltenberg, seconded by Rafferty, that the preliminary plat of Jeremiah Schramm Subdivision be approved subject to staff recommendations and the removal of any reference to installation of a sewer ejector pump in the subdivision from the plat.

ALL AYES

Motion carried.

On motion by Stoltenberg, seconded by Rafferty, that the final plat of Jeremiah Schramm Subdivision be approved subject to staff recommendations and the removal of any reference to installation of a sewer ejector pump in the subdivision from the plat.

ALL AYES

Motion carried.

### **Preliminary Plat**

8. Case 16-112; Glenbrook Ridge, submitted by Kevin Koellner.

Beck reviewed the staff report.

Kappeler asked for clarification of the location of the pipeline easement. Beck indicated that the easement runs north to south approximately 400 feet from Devils Glen Road.

Kappeler commented that it appears as though the configuration of the development has shifted to include an outlot in the area to developed with duplexes. Beck confirmed this, adding that some changes were made to the layout to accommodate the required street turning radius.

Kappeler asked if the two-family units on the north side of the subdivision are included in the preliminary plat. Beck confirmed this, adding that the entire development is a part of the proposed plat. He added that the property has two different zoning classifications.

Rafferty asked if there would be an association formed to maintain and manage the outlots. Beck confirmed this. Rafferty suggested that the detention ponds be consolidated in some way so as to facilitate easier maintenance.

Steve Wilger, 3213 Field Sike Drive, stated that in 2011 when the applicant purchased the property involved a signed agreement was reached with the city, the residents, and the developer guaranteeing that there would be a 25-foot separation, a 3-foot berm, and evergreen tree plantings between the existing single-family homes and the proposed development. He explained that the guarantee was made by the mayor and Steve Van Dyke that those stipulations would be a part of a plat to ensure that any future development would be separated from the adjacent homes. Wilger stated that while some separation is provided, he was told that there would be a berm with evergreen trees to provide a soft transition between the two developments. He indicated that he had spoken with the developer who had indicated that this would not be possible. He requested that some sort of agreement between the neighbors and the developer be reached before the plat is approved. Wilger commented that there is an enormous erosion problem in the area along the pipeline easement. He added that during a heavy rain, the runoff from the detention pond north of Field Sike Drive runs under the street and down through the pipeline area. He stated that unless there is an adequate detention basin installed, the problem will continue. Wilger expressed concern that if the R-5 area is raised to accommodate construction, the house to the west of the development will experience even more severe problems during a rain event. He indicated that he expects the agreement he signed in 2011 to be adhered to. Connors stated that the required flood plain development permit includes a developer certification that no one will be adversely impacted upstream or downstream. He indicated that he had been unable to locate a copy of the agreement to which Wilger referred and requested that he provide it to him for review. Bert asked if the agreement had been recorded at Scott County. Connors stated that he is not sure as it was negotiated prior to his tenure. Wilger stated that he would provide the agreement and ask that Steve Van Dyke attend the next meeting. Connors stated that it would be up to the Commission whether they feel it is necessary for Van Dyke to attend.

Kevin Koellner, the contractor for the developer, stated that he has seen the agreement and would like to clarify what he had said with regard to the stipulations. He explained that a 25-foot buffer yard along the perimeter development has already been provided. He stated that the topography and layout of the development may preclude installation of a 3-foot berm, adding that the trees would be planted per the agreement. Koellner stated that the purpose of the 3-foot berm had been to raise the elevation of the trees. He proposed that the engineer indicate the areas where a 3-foot berm is feasible and in the areas where it is not 3-foot taller trees could be planted. He stated that by doing so, the spirit of the agreement will be met.

Jason Holdorf, engineer representing the applicant, explained that the reason that the detention basins are located throughout the site is that they are not allowed to be installed in the flood plain. He stated that the development is now much less dense, adding that the original concept plan had shown 38 villas with the current plan showing 21. He indicated that the plan has been reconfigured such that there are no units located south of Lots 2 and 3 of Creek View Addition. Holdorf stated that there is approximately a 350-foot distance from the south side of the existing house to the proposed villa. He indicated that complete storm water calculations would be provided at the final plat stage. Rafferty suggested that the number of detention basins be reduced to facilitate easier maintenance.

On motion by Kappeler, seconded by Stoltenberg, that the preliminary plat of Glenbrook Ridge be approved subject to staff recommendations.

ALL AYES

Motion carried.

### **Final Plat/Sewer Easements**

9. Case 16-032; Village of the Woodlands, submitted by Windmill Development, LLC.
10. Case 16-033; Shops of the Woodlands, submitted by Windmill Development, LLC.
11. Case 17-005; Sanitary and storm sewer easements in The Woodlands subdivisions, submitted by Windmill Development, LLC.

Beck reviewed the staff reports. Connors commented that the extension of the sewer from Wyndham West to the proposed development includes a cost-sharing agreement.

Kappeler asked for clarification of the sewer connections to Everest Summit. Morlok explained that the westernmost 4 lots of Shops of the Woodlands would tie into the sanitary sewer main serving Everest Summit and would also be required to have their own onsite detention system. He indicated that the remainder would be served by the detention basin south of the horseshoe drive.

Kappeler suggested that an agreement regarding proper maintenance of the detention areas be included in the platting documents. Morlok explained that all of the basins in the development are wet ponds.

Wennlund asked for clarification of the proposed property swap with Genesis and land to be negotiated for future right-of-way. Beck explained that a portion of property along the southern edge of the Genesis property will be swapped with the developer in order to allow the proposed curved street. He added that right-of-way must be negotiated in the future to allow the extension of Crow Creek Road. Connors commented that the residential area is not being platted at this time because the right-of-way negotiations are pending.

On motion by Kappeler, seconded by Peters, that the final plat of Village of the Woodlands be approved subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Kappeler, seconded by Peters, that the final plat of Shops of the Woodlands be approved subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Kappeler, seconded by Peters, that the sanitary and storm sewer easements to serve The Woodlands subdivisions be approved subject to staff recommendations.

ALL AYES

Motion carried.

### **Replat**

12. Case 17-001; Copper Ridge Fourth Addition (replat), submitted by Copper Ridge Properties, LLC.

Beck reviewed the staff report.

Rafferty stated that the staff report indicates that Lots 18, 19, and 20 are involved in the replat but that the plat shows that the lots involved are 15, 16, and 17. Beck stated that he would ensure that the error is corrected on the council resolution.

On motion by Rafferty, seconded by Bert, that the final plat of Copper Ridge Fourth Addition be approved subject to staff recommendations and the correction of the involved lot numbers.

ALL AYES

Motion carried.

### **Replat**

13. Case 17-003; ValleyWynds 9<sup>th</sup> Addition (replat), submitted by Pete Bush.

Beck reviewed the staff report.

Rafferty asked if Lots 1A through 5A are outlots tied to the adjacent lots. Beck confirmed this, adding that each owner will have responsibility for those lots. Rafferty asked if those homeowners would be responsible for maintenance of the outlots. Beck confirmed this. Wennlund commented that there is a plat note indicating that the owners of the lots with drainage easements must maintain them as a lawn free of structures, bushes, trees and other landscaping that would impede the surface flow of storm water. Ormsby stated that the homeowner would have no right to build any structure such as a shed but would be required to maintain the lot. Rafferty commented that the plat note indicates that no landscaping is to be allowed. Morlok explained that the note is intended only for lots with dedicated drainage easements. He added that only Note 10 pertains to the lots in question which indicates that they are to owned by the adjacent lot owners and cannot be developed. He indicated that the note with regard to drainage easements is a standard plat note. Wennlund asked if a shed or structure would be allowed to be built there. Connors stated that construction on those lots would not be allowed. Rafferty stated that the plat note restricting development on Lots 1A through 5A is not at all clear. Morlok stated that the note could be reworded to indicate that no building is allowed on those lots.

On motion by Rafferty, seconded by Ormsby, that the final plat of ValleyWynds 9<sup>th</sup> Addition be approved subject to staff recommendations and the revision of the plat note verbiage regarding development on Lots 1A through 5A.

ALL AYES

Motion carried.

**Other**

11. Commission update.

Connors stated that the City Council followed the recommendation of the Commission for all of the cases presented subsequent to the last meeting.

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

These minutes approved \_\_\_\_\_

\_\_\_\_\_  
Gregory W. Beck, City Planner