

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 18, 2015  
5:30 P.M.**

The Planning and Zoning Commission meeting of February 18, 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: Bennett, Bert, Kappeler, Peters, Stoltenberg, Wennlund

MEMBERS ABSENT: Rafferty

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

2. Approval of the minutes of the meeting of January 21, 2015.

On motion by Bennett, seconded by Stoltenberg, that the minutes of the meeting of January 21, 2015 be approved as submitted.

ALL AYES

Motion carried.

3. Review of Commission procedures.

**Land Use Amendment/Rezoning**

4. Case 15-014; The entirety of The Highlands Third Addition, Office/transitional to Traditional Residential, submitted by Highland Villas.

5. Case 15-007; The entirety of The Highlands Third Addition, C-5 to PR-3, submitted by Highlands Homeowners Association 3<sup>rd</sup> Addition.

Beck reviewed the staff reports.

Wennlund stated that there are two different applicants listed for the two cases and asked if staff is confident that the applications are in order. Beck confirmed this.

Wennlund asked for clarification of the possible impact of not changing the land use designation and zoning classification. Beck explained that in some instances a lender

will not underwrite a mortgage and an insurer will not cover a property that is non-conforming. He added that a residential zoning classification will also ensure that no commercial enterprise can be undertaken in the subdivision that might have been allowed in a C-5 district.

Wennlund stated that it appears as though the entire subdivision is built out except for one lot on the western boundary. Beck explained that the lot in question is an outlot and is therefore not buildable.

Kappeler asked if there is the potential for this type of non-conforming use situation for other areas in the city. Beck explained that the subdivision located southeast of 53<sup>rd</sup> Avenue and Middle Road was rezoned to R-3 in 2009. He indicated that those lots were conforming with regard to setback requirements, adding that if other homeowners wish to rezone in the future their conformity with those requirements would have to be taken into consideration.

Kappeler asked if there are any undeveloped areas of the city where this might also be an issue. Beck explained that there is one lot that he is aware of near Lindquist Ford, adding that the developer is aware of the constraints on the property.

On motion by Kappeler, seconded by Bennett, that the land use amendment for the entirety of The Highlands Third Addition, Office/transitional to Traditional Residential, be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Kappeler, seconded by Peters, that the rezoning for the entirety of The Highlands Third Addition, C-5 to PR-3, be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

### **Final Plat**

6. Case 15-008; The Lodges at Beaver Meadows Third Addition, submitted by Beaver Development, Inc.

Beck reviewed the staff report.

Beck stated that a letter had been received from Harlen Briggs, 4209 Nevada Drive, expressing concern about storm water detention and the purpose of the berm on the north side of the subdivision and whether or not it was required by the city. He indicated that staff would respond to Mr. Briggs regarding his concerns as he was unable to attend the meeting. Wennlund commented that Briggs has requested a

written response to the questions he posed in his letter such as whether the grading of the subdivision will ensure that storm water runoff will be contained on the developer's property. Fries confirmed this. Wennlund asked if the berm is to be permanent. Fries explained that there is a natural berm along the northern boundary of the proposed subdivision, adding that according to the grading plan there is no intention to remove it. Wennlund indicated that Briggs would also like to know whether the berm is legally required to remain in place. He requested that staff respond to the concerns. Fries stated that he would be happy to do so.

Bert asked why the segment of the street indicated as 56<sup>th</sup> Avenue could not be renamed Integrity Way as it appears to be a continuation of that street. Beck explained that the city's addressing system does not allow for streets to run both north-south and east-west.

On motion by Kappeler, seconded by Stoltenberg, that the final plat of The Lodges at Beaver Meadows Third Addition be recommended for approval subject to staff recommendations and that staff respond to the concerns expressed in the letter from the resident at 4209 Nevada Drive.

ALL AYES

Motion carried.

### **Final Plat/Site Development Plan**

7. Case 15-009; Everest Summit First Addition, submitted by Everest Homes, LLC. (Final Plat)
9. Case 15-010; proposed Everest Summit First Addition, submitted by Everest Homes, LLC. (Site Development Plan)

Beck reviewed the staff reports.

Wennlund asked for clarification regarding the configuration of the individual buildings. Beck explained that each building would have 6 units with individual driveways.

Kappeler asked if storm water runoff would be conveyed above or below ground to the detention area. Beck explained that water would be directed from the paving to intakes in Pandit Drive where it would be conveyed underground to the detention area. He added that the subdivision is graded such that water would also sheet flow to the detention area and be released at the 5-year rate.

Wennlund asked who would maintain the detention area. Beck stated that it would be the responsibility of the homeowners association. Kappeler asked if the association would also be responsible for any erosion that may occur along the creek. Beck confirmed this, adding that any costs associated with maintaining the creek bed is the responsibility of the association.

Kappeler commented that it appears as though the snow storage area along the east side of Pandit Drive is very steep and asked if access would be adequate. Beck explained that the area will be regarded such that it is suitable for snow storage. Fries added that there will be a 10-foot wide buffer back of curb graded to allow snow storage. Kappeler asked if all of the snow from the driveways and the streets in the subdivision would be stored there. Fries explained that there is an additional lot to be specifically used for snow storage.

Kappeler asked who would be responsible for removal of snow from the paved areas of the subdivision. Connors stated that the city staff will make one pass along Pandit Drive and would make every attempt to deposit the snow in the storage area on the east side of the street. He added that the association is responsible for clearing the driveways and ensuring that the snow is not deposited into the street. He indicated that the snow storage area near the end of the cul-de-sac is intended for that purpose.

Wennlund asked if there would be an agreement specifying that the association would be responsible for clearing the driveways or if each homeowner would clear his or her own driveways and sidewalks. Greg Jager, attorney representing the applicant, confirmed that there would be an association in place.

Wennlund asked if residents would be allowed to park on the access easement to the snow storage area in the summer. Beck explained that parking on the easement would not be allowed, adding that it is merely to serve as access to the snow storage area. Wennlund asked if city staff would be responsible for depositing snow in the storage area near the cul-de-sac. Connors stated that this would not be the case.

Bennett asked if the diagonally hatched area indicated on the plat is to indicate buildable area. Beck confirmed this.

Jager stated that there have been several discussions between city staff and the applicant to address the city's concerns regarding soil stabilization and snow removal. He indicated that a geotechnical survey of the property was recently completed and would be forwarded to the Community Development Department. He stated that coupled with the on-site review during the building inspection process while units are being constructed there should be no cause for concern related to soil stabilization.

Jager indicated that the while Pandit Drive will be the standard width of 31 feet, the applicant has granted 67 feet of right-of-way to the city. He stated that on the east side of the street, the ground will be graded to a 1:10 slope. He indicated that this would provide approximately 12 to 15 feet of flat ground that can hold snow for the entire length of the street. Jager commented that after the most recent heavy snow event, it appears as though the snow in most areas of the city was able to be deposited in the typically 4-foot wide grass area between the sidewalk and the curb. He explained that because there would be no sidewalks along the east side of Pandit Drive, there would be an additional 4 feet of snow storage area available in addition to the typical boulevard area and the additional right-of-way granted by the applicant for storage of snow. Jager commented that if there is a succession of massive snow events, there would be snow storage issues all over the city. He explained that for most snow storms in Bettendorf there should be more than sufficient snow storage for both the driveways

and the street. He reiterated that there is an additional snow storage area available near the end of the cul-de-sac should it become necessary.

Jager explained that the applicant's agreeing to dedicate such a large amount of right-of-way to the city is a benefit in that it gives a great deal of flexibility with regard to the location of a future street to connect to Pandit Drive from the east. He added that according to the development agreement the association is responsible for the maintenance of the area on the east side of Pandit Drive.

Wennlund commented that it appears as though the configuration of the buildings may not leave much room for snow storage. Jager explained that there would be storage space adjacent to the driveways as in most other subdivisions, adding that some of the snow would be pushed across the street to the area along Pandit Drive.

On motion by Bennett, seconded by Stoltenberg, that the final plat of Everest Summit First Addition be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Bennett, seconded by Stoltenberg, that the site development plan for the proposed Everest Summit First Addition be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

8. Case 15-016; Forest Grove Park 1<sup>st</sup> Addition, submitted by Steven Grimes. (Final Plat)
9. Case 15-001; 6000 Forest Grove Drive, submitted by Steven Grimes. (Site Development Plan)

Beck reviewed the staff report.

Steve Grimes, the applicant, explained that the proposed final plat and site development plan will facilitate the first phase of the Forest Grove Park project. He indicated that the city has negotiated an exchange of land with Pleasant Valley Community School District to accommodate a future school site. He added that additionally, there was a small land swap with the developer of the subdivision to the east to facilitate construction of a shared access road. Grimes stated that the first phase of the project will be more of a neighborhood park and that construction is scheduled to begin this summer.

On motion by Bennett, seconded by Kappeler, that the final plat of Forest Grove Park 1<sup>st</sup> Addition be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

On motion by Bennett, seconded by Kappeler, that a site development plan for 6000 Forest Grove Drive be recommended for approval subject to staff recommendations.

ALL AYES

Motion carried.

**Site Development Plan**

10. Case 15-011; 2421 - 53<sup>rd</sup> Avenue, submitted by Build to Suit, Inc.

Beck reviewed the staff report.

Wennlund asked if the site development plan would be the final step for this project. Beck confirmed this.

Kappeler commented that the conditions for the C-3 zoning indicate that the landscaping must be in excess of what is required by ordinance and asked if the landscape plan requires a minimum caliper of tree. Beck stated that it does not but that the developer is aware that the plantings must be of a certain maturity and height at the time of installation and that they must reach full maturity in just a few years in order to maintain an opaque buffer.

Wennlund asked if those requirements are incorporated into the plan. Beck confirmed this. Chris Townsend, engineer representing the applicant, explained that the details with regard to caliper, minimum height, and type of planting are listed on the site development plan.

Wennlund asked if the developer is under some sort of time constraint according to the resolution referenced in the staff report. Connors confirmed this, adding that construction must begin by May 21, 2015.

On motion by Kappeler, seconded by Bert, that the site development plan for the 2421 - 53<sup>rd</sup> Avenue be recommended for approval subject to staff recommendations.

ROLL CALL ON MOTION

AYE:	Bennett, Bert, Kappeler, Stoltenberg, Wennlund
NAY:	None
ABSTAIN:	Peters

Motion carried.

**Ordinance Amendment**

11. Case 15-013; Section 18.10.13, Permitted Use Sites, submitted by Scott Rubins.

Beck reviewed the staff report.

Kappeler asked if staff has any concerns about the proposed tower's proximity to Devils Glen Road. Beck explained that because the structure of the tower is such that it would not collapse onto the street, staff has no concerns. Connors asked if Kappeler's concern is more related to the aesthetics of the tower. Kappeler confirmed this, adding that a new tower was recently installed adjacent to the applicant's property. She indicated that the proposed tower, however, is much closer to Devils Glen Road. Connors explained that because of the way the site developed with regard to location of loading docks, cooling towers, and generators, the proposed site seemed the most feasible.

Bennett asked why the applicant had not chosen to co-locate on the nearby tower. Connors explained that the applicant was unable to secure an agreement with AT & T who owns the nearby tower. Scott Rubins, the applicant, explained that because the service that he plans to offer would be in direct competition with AT & T, the proposed rent would have been prohibitive. He indicated that it is more cost-effective for him to build his own tower.

Wennlund asked if the service proposed to be offered is for internet provision to the public or for internal use. Rubins explained that the FCC has recently auctioned a new airway called LTEX that uses cell phone technology to provide internet service at a 50-100 mbps speed. He indicated that he is currently working with the owner of the spectrum that covers Bettendorf to provide that service. Rubins stated that even if he is unable to reach an agreement with the owner of that spectrum, he should be able to use the 2.4 spectrum and provide the service at a speed of approximately 40 mbps to homes within a 2 mile radius.

Wennlund commented that the proposed structure seems less aesthetically-pleasing than a monopole design. He asked if it would be possible to install a monopole rather than the proposed tower. Rubins stated that he would be willing to install a monopole tower. Wennlund commented that in his opinion a monopole would better fit into the neighborhood especially give the close proximity of the proposed tower to Devils Glen Road. He added that because of the relatively short height, design, and weight restrictions of a monopole tower there would be limited space for other tenants to co-locate. Wennlund reiterated that a monopole would be less obtrusive given the tower's proximity to Devils Glen Road. Bennett concurred, adding that a truss tower has a much more industrial appearance.

Kappeler commented that the development of the site has only slight changed the outward appearance of the building and that a monopole would be more in keeping than the originally proposed tower design. Stoltenberg concurred. He asked why the city requires co-location if the ordinance requirement can be bypassed for economic reasons alone. Stone explained that the ordinance requires co-location where feasible. Wennlund commented that the co-location requirement was intended to limit the

number of towers. Stoltenberg commented that the verbiage regarding feasibility may be the cause of the problem. Rubins explained that the new technology the industry uses will lend itself to shorter towers but in greater number because of its ability to penetrate walls and trees.

On motion by Stoltenberg, seconded by Bennett, that the ordinance amendment of Section 18.10.13, Permitted Use Sites be recommended for approval subject to staff recommendations and the condition that the proposed tower be of a monopole design.

ALL AYES

Motion carried.

**Other**

12. Commission update.

Connors stated that subsequent to the last Commission meeting the preliminary plat of The Settlement at Pigeon Creek was approved by City Council.

Connors stated that the Comprehensive Plan committee members have received a draft of the first half of the revised plan and that he would forward the second half when he receives it later in the week. He commented that March 26 has been tentatively scheduled for an open house to present the plan to the public. Connors stated that the consultant will then move forward with the revision of the Zoning Ordinance.

There being no further business, the meeting adjourned at approximately 6:35 p.m.

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

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Gregory W. Beck, City Planner