

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  
DECEMBER 17, 2008  
5:30 P.M.**

The Planning and Zoning Commission meeting of December 17, 2008 was called to order by Chairman Gallagher at 5:30 p.m. at the City Hall Council Chambers, 1609 State Street.

1. Roll Call

MEMBERS PRESENT: Bennett, Gallagher, Kappeler, Laas, Rafferty, Stoltenberg, Wennlund

MEMBERS ABSENT: None

OTHERS PRESENT: Greg Beck, City Planner; Bill Connors, Community Development Director; Greg Jager, City Attorney; Denny Snyder, City Engineer; Lisa Fuhrman, Secretary - Community Development

2. Review of Commission procedures.

3. Approval of minutes of the meeting of November 19, 2008.

On motion by Kappeler, seconded by Rafferty, that the minutes of the meeting of November 19, 2008 be approved as submitted.

ALL AYES

Motion carried.

**Final Plat**

4. Case 08-104; Wilkison's First Addition, submitted by Judith Wilkison. (Reconsideration)

Gallagher explained that Case 08-104 had been heard at the November 19 meeting and that subsequently new information has become available. He indicated that in order to reconsider the case, a motion to reconsider must be made by a member who had voted with the majority on the request at the previous meeting. Jager explained that the purpose of the motion is to allow further discussion on the matter, adding that an affirmative vote does not presuppose any particular decision. He indicated that the Council has not yet considered the matter so that additional information could be presented to the Commission.

On motion by Wennlund, seconded by Stoltenberg, that Case 08-104 be reconsidered.

ALL AYES

Motion carried.

Jim Egger, engineer representing the applicant, stated that he approximates that the addition of a roof and driveway of the approximate size of the ones at 10 Oak Park Drive would result in a 23 percent increase in storm water runoff. He stated that the amount of water that actually comes off the property is relatively insignificant due to its small size. He explained that using clay fill on the west side of the property would allow for a full basement, not a walkout, adding that the construction would have no adverse impact on any residents who live downstream. He indicated that it would be possible to construct a mowable slope and that the proposed plat would meet the city's platting requirements.

Rafferty asked if the proposed lawn had been included in the engineering calculations with regard to runoff. Egger confirmed this, adding that the position of the terrace had been changed to account for a larger front lawn.

Wennlund asked if the use of clay fill had been taken into consideration. Egger confirmed this, adding that any land can be filled with proper permits even if it is located in a flood plain.

Kappeler asked how far the fill would be placed to the west beyond the house. Egger explained that using the proposed house plan, the fill would be placed approximately 10 feet beyond the house which would allow for a patio.

Kappeler asked how the fill would impact the natural drainageway on the western part of the lot. Egger stated that as the flow is from south to north toward Duck Creek, it would not be impacted at all.

Laas asked if it would be appropriate to require clay fill by placing a note to that effect on the plat. Jager stated that verbiage could be placed on the plat noting the city's expectations with regard to development, adding that perhaps the issue could be addressed in restrictive covenants for the subdivision. Egger stated that the current owner is merely making the lot available for development, adding that it would be the responsibility of whoever constructs a house in the future to use the required material for fill. He indicated that the concept that is being shown is only an exhibit, adding that a builder might choose another style, size, or location for a house.

Jager asked if a different layout would change the storm water calculations. Egger stated that the calculations would change only if the home is either much smaller or much larger. Jager stated that it is his understanding that the applicant would not be in a position to mandate a certain type or size of house. Egger confirmed this.

Connors asked for clarification regarding the location of the end of the filled area if the proposed layout and a 3:1 slope is used. Egger explained that the edge of the fill would be approximately 80 feet from the west property line.

Jager asked if a slope would be required on either the north or south side of the lot. Egger explained that it would depend upon whether the builder chose to use a concrete block retaining wall or an earthen embankment. He added that if an embankment is used the house would be likely be placed in the center of the lot instead of on the northern end. Egger stated that there would still be room for a 3:1 slope on both the northern and southern ends of the lot.

Wennlund commented that many of the neighbors had indicated that the area cannot accommodate any more storm water. Egger explained that this could be mitigated by using rain gardens, rain barrels, or on-site storm water control. He indicated that he believes that the owner would be amenable to a plat note to that effect.

Wennlund asked if it would be practical to attempt to control storm water by use of the methods mentioned. Snyder explained that while those measures are feasible, enforcement of maintenance would be an issue.

Laas asked if clay soil would absorb any water. Snyder explained that the runoff co-efficient of the wooded area is approximately .15, adding that after the lot is developed the co-efficient would likely be .45 for the affected area. He indicated that clay soil is not at all absorbent, adding that the development would effectively increase the amount of runoff for the affected area by approximately 30 percent.

Rafferty asked how there could be only a 23 percent increase in runoff if approximately two-thirds of the lot would be affected by either construction or fill. Egger explained that many variables are taken into consideration when making runoff calculations. He indicated that a flat, wooded area might have a runoff co-efficient of .15 which means that 15 percent of the water runs off the property and 85 percent is absorbed. He added that a steep, wooded area would have a co-efficient of approximately .30. Egger stated that other factors include whether or not the foliage is leafed or not and if it is blooming or not. He indicated that he weighted the lawn area that exists, the steep embankment, and flat plateau and arrived at the 23 percent post-development increase.

Gallagher asked if the owner could be required to achieve a runoff neutral development. Snyder confirmed this. Wennlund reiterated that maintenance of those detention methods would be difficult.

Stoltenberg expressed concern about absentee ownership of the property, adding that additional conditions required by the city would make the sale of the property more difficult because of the added expense involved in development.

Bill Bush, representing Jack and Patricia Bush of 11 Oak Park Drive, stated that he believes that a 23 percent increase in runoff is significant. He stated that development of the property would exacerbate the water problems already experienced by Estate Court residents. He

indicated that he believes that the property was originally platted as one lot because the developer recognized that the west side of the lot is not buildable because of the difficult topography and the fact that it would require fill. He stated that placing fill on the property would materially and substantially alters the charm and character of the neighborhood, adding that he is unaware of anyone who supports the request.

Janet Brown-Lowe, 3 Oak Park Drive, stated that she believes the aesthetic change that would be caused by the project is a compelling reason for denying the request. She expressed concern about the health and safety issues resulting from flooding which could be exacerbated by the development, adding that removing the trees from the property would lessen its functionality in capturing water. She commented that the owner has marketed the property as two developable lots, adding that she feels that it is unfair to impose negative aesthetic, health, and possibly financial impacts on the neighbors. Brown-Lowe stated that she feels that Section 28-3 of the Subdivision Ordinance disallows the request.

Wennlund asked if a sale of the property had taken place. Connors confirmed this, adding that it is his understanding that the eastern portion of the property in question has been sold. Wennlund asked if the sale of only a portion of a platted lot is allowed. Jager explained that the ordinance does not require platting when a portion of a lot is sold.

Joy Bakeris, 17 Estate Court, submitted a photo showing the view from her rear yard as it was not shown at the previous meeting. She pointed out the steep topography of the lot. Bakeris stated that oftentimes water is standing on the property during the summer. She asked who would be financially responsible for potential damage to her home caused by construction.

Tim Walsh, 7 Oak Park Drive, stated that he believes that the proposed development would reduce property values in the neighborhood and indicated that environmental impact, water, and archaeological studies should be required. He commented that in his opinion any proposed house should be subject to approval by a review board and should be at least 3500 square feet in size and have a 3-car garage. Walsh expressed concern that construction vehicles would destroy the street.

Glen Hotchkiss, 22 Estate Court, stated that he does not believe that the runoff is the main issue involved. He explained that because the area is contained in a natural drainage basin, there is no natural exit point for water. Hotchkiss stated that if additional impervious area is added, the runoff from it will exacerbate an existing water problem.

Egger commented that if the owner had chosen to do so, a pool, tennis court, or garage could have been built which would have had much the same effect as building a house. He indicated that no platting or Commission approval would have been required.

Bennett asked for clarification regarding the process of permitting in a mapped flood plain. Egger explained that a flood plain development permit would be required, adding that the city must approve the addition of fill in a flood plain area. He indicated that as long as no fill is placed in the floodway, this is allowed.

Gallagher asked what additional permitting would be required to build a house. Egger explained that a building permit would be necessary.

Jean McGee, 23 Estate Court, commented that sewer connection and damage to the road would not be considerations if only a pool or tennis were being built. She asked for clarification regarding the State of Iowa Administrative Code requirement for replatting. Jager explained that there are no Administrative Code provisions regarding platting, adding that there is a State Code chapter on platting. He indicated that the platting decision is that of the Planning and Zoning Commission and the City Council, not the state. McGee asked if she would be allowed to subdivide her lot if she so chose. Jager explained that the platting requirement is triggered by a division into three or more lots.

Bakeris commented that she has approached the owner with regard to purchasing the property, but the asking price is prohibitive.

Wennlund asked if the lot would be developable if it is not platted. Connors explained that it would not be buildable as the ordinance allows only one principal structure per lot.

On motion by Stoltenberg, seconded by Rafferty, that the final plat of Wilkison's First Addition be recommended for denial.

Kappeler commented that no compelling information had been presented that would cause her to support the request. Rafferty concurred.

#### ROLL CALL ON MOTION

ALL AYES

Motion carried.

5. Case 08-108; Huntington Meadows Second Addition, submitted by Windmill Design and Development.

Beck reviewed the staff report.

On motion by Rafferty, seconded by Bennett, that the final plat of Huntington Meadows Second Addition be recommended for approval.

ALL AYES

Motion carried.

#### Other

6. Commission Update.

Connors stated that the following occurred at the December 6 City Council meeting:

425 - 28<sup>th</sup> Street, Land use amendment and rezoning, public hearing and first reading of ordinance

3200 Devils Glen Road, rezoning, public hearing and first reading of ordinance

4580 Tanglewood Road, Land use amendment and rezoning, third and final reading of ordinance

Shoppes at Duck Creek First Addition, final plat reapproval

Connors reviewed the Planning and Zoning Commission activity for 2008.

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

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

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Gregory W. Beck, City Planner