

The following are minutes of the Bettendorf Board of Adjustment 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 Board meeting.

**MINUTES
BETTENDORF BOARD OF ADJUSTMENT
MARCH 9, 2023
5:00 P.M.**

Gallagher called the meeting to order at 5:00 p.m.

Item 1. Roll Call

PRESENT: Gallagher, Tansey, Tombergs, Vermillion
ABSENT: Spranger
STAFF: Beswick, Fuhrman, Hunt, Curran

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of February 9, 2023.

On motion by Tombergs, seconded by Tansey, that the minutes of the meeting of February 9, 2023 be approved as submitted.

ALL AYES

Motion carried.

Item 4. The Board to hold a public hearing on the following items:

- a. Case 23-008; SE corner of 53rd Avenue and Middle Road (C-2) – Special use permit to allow a car was associated with a convenience store, submitted by Townsend Engineering.
- b. Case 23-009; SE corner of 53rd Avenue and Middle Road (C-2) – Special use permit to allow gas sales associated with a convenience store that is designed to include pump islands that will permit fueling of more than 8 vehicles at a time, submitted by Townsend Engineering.

Beswick reviewed the staff reports.

Gallagher explained that the details of the layout of the site have not been finalized but that the Board's decision is to decide whether or not to allow a car wash and more than 8 gas pumps associated with a convenience store.

Tansey asked when the limitation on the number of gas pumps was codified. Beswick explained that since at least 1997 a special use permit has been required for gas pumps associated with convenience stores in the C-2 district, adding that the limited and unlimited gas sales categories were added during the zoning ordinance revision in 2017. He stated that the property has been zoned C-2 since 1996.

Gallagher stated that the future land use designation is Neighborhood Commercial and asked for clarification of the difference between that designation and Community Commercial. Beswick explained that uses in Community Commercial areas are those that attract customers from an entire city or region whereas those in Neighborhood Commercial tend to target adjacent neighborhoods. Gallagher asked if staff feels that in order to maintain the neighborhood commercial character of the area, there should be only one gas station for all of the corner lots at that intersection. Beswick stated that having gas stations with unlimited gas sales on every corner would draw customers from a much larger area. He explained that there is a distinction between limited and unlimited gas sales, adding that a 4-pump gas station would be allowed without a special use permit. He commented that the trend has been toward gas stations with more than 4 pumps for a long time.

A brief discussion was held regarding the condition that Cases 23-066 and 23-067 related to property on the northwest corner of the intersection of 53rd Avenue and Middle Road be reversed.

Gallagher asked if there was anyone present wishing to speak in favor of the requests.

Ryan Fick, the applicant, explained that he is in agreement with the city that there should not be more than one gas station with unlimited sales at the intersection, adding that he has submitted a letter requesting that the Board reverse their earlier decisions. He stated that prior to development of Century Heights Ninth Addition the property was zoned C-2. He explained that covenants, plat notes, and marketing signage were used to inform people who were interested in building homes there of the fact that the lots were adjacent to a commercial district. Fick stated that the lots adjacent to the commercial area were platted with a greater depth than is typical and that screening was added in order to provide a buffer. He explained that the 50-foot landscape easement with a berm in the subdivision is maintained by the residents. He commented that he does not believe that a convenience store with unlimited gas sales and a car wash would have any greater impact than one with 4 pumps.

Dan Burich, 5276 Red Fox Road, read a letter in opposition to the requests from the board of the homeowner's association for the Villas of Century Heights I and submitted it for the record. He expressed concern about the size and scope of the proposed store and the possibility that the roundabout will be enlarged in the next few years.

Wallace Fairfield, 5169 Red Fox Road, expressed concern about possible drainage issues caused by the proposed development of the site and asked when they will be addressed. Beswick explained that issues such as drainage and site layout will be addressed during the platting and site development plan reviews by the Planning & Zoning Commission. He added that the final plat of the subdivision will be presented at the March 15 meeting, adding that a site development plan would be submitted and reviewed at a later time. Hunt reviewed the process related to the proposed development of the site.

Elaine Olson, 5296 Red Fox Road, stated that she does not believe that a convenience store with unlimited gas sales and a car wash would fit into the neighborhood.

Ann Ambrozi, 5258 Red Fox Road, expressed concern about the noise and lights that will result from the proposed development, adding that she does not believe that the berm and trees are an adequate buffer.

Mike Davis, 5273 Red Fox Road, expressed concern about safety issues caused by the increased traffic that will be generated.

Lois Boyer, 5275 Red Fox Road, stated that she does not believe that it is safe to have a gas station at an intersection without a traffic signal.

Dena Manta, 5237 Red Fox Road, read a letter in opposition to the request.

David Dooley, 5313 Judge Road, asked if it is common for large gas stations to have to request a variance. Beswick stated that the request is for a special use permit, not a variance. He explained that the ordinance has a list of uses, some of which are permitted and others that require a special use permit. He stated that the Kwik Star locations on Devils Glen Road and 53rd Avenue among others required a special use permit.

Michelle Smyth, 5185 Red Fox Road, expressed concern about the large volume of traffic that will be associated with the convenience store and asked if it would be open 24 hours per day.

Steve Ambrozi, 5258 Red Fox Road, expressed concern about the amount of traffic that will be generated by the store and the fact that customers will likely use Red Fox Road as a way to get to Middle Road without using the roundabout.

Roberta Vidmar, 5251 Red Fox Road, asked if other zoning districts would allow unlimited gas sales associated with a convenience store. Beswick confirmed this. Vidmar asked why the developer is not required to rezone the property in order to accomplish his goal, adding that she believes that the special use permit process is a way to bypass the City Council. Tansey explained that the special use permit for unlimited gas sales is built into the C-2 section of the ordinance. Gallagher stated that while Board of Adjustment actions are not reviewed by the City Council, a final plat and site development plan for the property will be required to be approved by that body.

A discussion was held regarding the ramifications for the developer if the current requests were denied and if the previous requests remained in effect.

Anne Ambrozi stated that she believes that the proposed gas station is too close to the roundabout to safely navigate in the area and that a turn lane will eventually be required. She added that the other Kwik Star locations have a way to exit the site near a traffic signal. She stated that traffic delineators had to be added on Devils Glen Road because of this issue. Gallagher explained that the traffic delineators were added on Devils Glen Road because of problems with the right-in/right-out entrance, not because of increased traffic.

There being no one else present wishing to speak in favor of or in opposition to the request, Gallagher closed the public hearing.

On motion by Tansey, seconded by Vermillion, that a special use permit to allow a car wash associated with a convenience store be granted in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE: Gallagher, Tansey, Vermillion

NAY: Tombergs

Motion carried.

On motion by Vermillion, seconded by Tansey, that a special use permit to allow gas sales associated with a convenience store that is designed to include pump islands that will permit fueling of more than 8 vehicles at one time be granted in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE: Gallagher, Tansey, Vermillion

NAY: Tombergs

Motion carried.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 6:40 p.m.