

NOTICE TO THE AUDIENCE. PLEASE REMEMBER THAT IF YOU ARE INTERESTED IN MATTERS ON THE AGENDA THAT WILL HAVE SUBSEQUENT MEETINGS, IT IS YOUR RESPONSIBILITY TO NOTE THE DATES, TIMES, AND PLACES. NO FURTHER LETTERS OR REMINDERS WILL BE SENT. OF COURSE, IF YOU HAVE ANY QUESTIONS ABOUT ANY GIVEN MATTER, DO NOT HESITATE TO CONTACT THE PLANNING DEPARTMENT IN THE CITY HALL ANNEX, 4403 DEVILS GLEN ROAD, BETTENDORF, IOWA (344-4100).

**MEETING NOTICE
BOARD OF ADJUSTMENT
MARCH 9, 2023
5:00 P.M.**

PLACE: Bettendorf City Hall Council Chambers, Second Floor, 1609 State Street

1. Roll Call: Gallagher ____, Spranger ____, Tansey ____, Tombergs ____, Vermillion ____
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of February 9, 2023.
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 wash associated with a convenience store, submitted by Townsend Engineering. (Staff: Beswick)
 - 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. (Staff: Beswick)



The materials for the Board of Adjustment meeting can be accessed by scanning the QR Code.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT AND OTHER APPLICABLE FEDERAL AND STATE LAWS, ALL PUBLIC HEARINGS AND MEETINGS HELD OR SPONSORED BY THE CITY OF BETTENDORF, IOWA, WILL BE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. PERSONS REQUIRING AUXILIARY AIDS AND SERVICES SHOULD CONTACT BETTENDORF CITY HALL AT (563) 344-4000 FIVE (5) DAYS PRIOR TO THE HEARING OR MEETING TO INFORM OF THEIR ANTICIPATED ATTENDANCE.

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
FEBRUARY 9, 2023
5:00 P.M.

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

Item 1. Roll Call

PRESENT: Spranger, Tansey, Tombergs, Vermillion

ABSENT: Gallagher

STAFF: Beck, Fuhrman, Hunt, Reiter

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of January 12, 2023.

On motion by Vermillion, seconded by Spranger, that the minutes of the meeting of January 12, 2023 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 22-080; 2211 Grant Street (C-1) – Special use permit to allow a bar in a C-1 district, submitted by Ben Earwood. (Deferred from meeting of January 12, 2023)
- b. Case 22-081; 2211 Grant Street (C-1) – Special use permit to allow an outdoor service area with alcohol, submitted by Ben Earwood. (Deferred from, meeting of February 9, 2023)

Beck reviewed the staff reports.

Spranger asked if the condition regarding outdoor music's not being allowed until such time as abutting parcels are no longer used for residential purposes applies to those units across the street. Beck confirmed this. Hunt added that further action by the Planning and Zoning Commission and City Council will be required before the project can move forward. He explained that as the area transitions from existing residential uses to more downtown type uses, it will be advantageous for the city for long-vacant buildings to be developed. He added that the Board should consider whether it would be better for the vacant building to remain or to allow it to be used for a bar which may have other negative externalities.

Tombergs asked if there was anyone wishing to speak in favor of or in opposition to the request.

Debbie Hereau, 2203 Grant Street, expressed concern about the additional traffic generated by the new business cutting through her property which may interfere with her deliveries. She commented that she would expect the owner to take responsibility for any debris or damage that may be done to her building.

Ben Earwood, the applicant, explained that development of the property should not affect deliveries to Hereau's business. He stated that he will address any concerns that the neighbors have with lighting or noise.

Josh Howat, owner of Bulldog Arms at 1716 State Street, stated that he and his wife are diligent about keeping the premises of their business clean.

Spranger asked if Howat would be the manager or owner of the bar. Howat explained that Earwood is the developer and that he would purchase the business from him.

Hereau expressed concern about a possible lack of off-street parking. Howat commented that his other business has no off-street parking. He added that he would post signs indicating that no parking is allowed at other businesses.

Jeff Reiter, Assistant City Administrator, stated that he is in favor of economic development in the downtown area. He commented that he has suggested to

other business owners who have had parking issues that customers use municipal lots for overflow parking. He stated that there is an opportunity for additional parking at the Community Center located across the street from the proposed bar.

Vermillion asked for clarification of the proposed hours of operation and whether there would be the opportunity to have food. Howat stated that currently his business is open from noon to 2:00 a.m. and that it is possible that food would be served at some point in the future.

Julia Marbach, 3711 Tam-O-Shanter Drive, stated that she owns two duplexes across the street from the proposed bar and that she does not believe that a bar fits into the developing downtown. She expressed concern about increased traffic and lack of parking, intrusive lighting, and possible noise issues. She stated that she does not believe that allowing exceptions for an alcohol only establishment is the highest and best use of the property.

Tombergs asked if the proposed bar is consistent with the plans for the downtown area. Reiter explained that the Downtown Master Plan does call for businesses including restaurants and bars to be located in the corridor between State and Grant Streets and Sixth and 26th Streets.

Tombergs asked for clarification of the condition regarding outdoor activities. Hunt explained that until such time as the adjacent properties are no longer used for residential purposes, it would not be appropriate to have live bands or any other type of outdoor music on the proposed patio. He added that the applicant has indicated that there would be a space for music/bands inside the building.

Reiter commented that there are many buildings in the downtown that are used for different purposes than were originally intended.

On motion by Spranger, seconded by Tansey, that a special use permit to allow a bar in a C-1 district be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

On motion by Spranger, seconded by Tansey, that a special use permit to allow an outdoor service area with alcohol in a C-1 district be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:45 p.m.

STAFF REPORT

Subject: Gas Station / Car Wash SUP
Author: Taylor Beswick
Department: Community Development
Date: March 9, 2023



Case No.: 23-008 and 23-009

Request: Special Use Permit to allow a car wash associated with a convenience store. (23-008)
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. (23-009)

Location: Southeast corner of Middle Road and 53rd Avenue

Legal Description: (Parcel #: [841137014](#))

Applicant: Townsend Engineering representing Ryan Fick – Century Heights Limited Partners

Current Zoning: C-2, Community Commercial District

Future Land Use Designation: NC, Neighborhood Commercial

Background Information & Facts

Townsend Engineering, representing Ryan Fick of Century Heights Limited Partners, is seeking special use permits to allow a car wash and 10 pumps/20 vehicle fueling stalls associated with a convenience store on a vacant tract of land located southeast of the intersection of Middle Road and 53rd Avenue (see Location Map – Attachment A). The specified parcel is located in the C-2, Community Commercial Zoning District and bordered by two-family residentially zoned development to the east, undeveloped commercially-zoned tracts to the north, west, and south (see Zoning Map – Attachment B). The Future Land Use Map contemplates the tract of land on each corner of the Middle Road/53rd Avenue roundabout as Neighborhood Commercial (NC) (see Future Land Use Map – Attachment C).

The Zoning Code categorizes fuel sales associated with a convenience store by the number of vehicles which can be fueled at one time. For brevity and clarity, 1 pump = 2 vehicle fuel stalls. Gas stations with 4 pumps or less are a permitted use in the C-2 zoning district. Gas stations which include more than 4 pumps are only permitted on a case-by-case basis by the Board of Adjustment via a Special Use Permit. The proposed concept plan for the gas station shows 10 gas pumps (see Concept Plan – Attachment D). The proposed gas station also contains a tunnel car wash which is also permitted only by special use in the C-2 District. The gas station is proposed to be located on a 3.04-acre lot of a proposed two-lot subdivision (see Case No. 23-010 Proposed Final Plat – Attachment E). Access is shown by a private drive lane via Middle Road and a curb cut via 53rd Avenue. At this time, staff is unaware of the proposed hours of operation for this gas station and car wash.

Staff Analysis

The proposed location of the gas station has been zoned C-2 Community Commercial since 1996 (Ordinance #22-96). Century Heights Ninth Addition, the adjacent medium-density, two-family residential development, was developed in the early 2000s. The residential development was originally zoned C-5, Office/Transitional

District and then rezoned to the current status of R-3, Mixed Residential District in 2009. At the time of the residential development, a 50-foot deep landscape buffer easement was added to the rear of all residential lots (see [Century Heights Ninth Addition – Attachment F](#)). The developer at the time, who is also the developer of the proposed gas station, included an earthen berm, high caliper evergreen trees, and a fence. The purpose of the features included in the easement was to buffer the residential development from future commercial development at the site of the proposed gas station. Including the provided landscape buffer, the proposed location of the gas station will be at least 200 feet separated from the nearest residence. Staff contends that the provided buffering, screening, and berm combined with the location addresses any added impacts of a 10-pump gas station compared to a 4-pump gas station for this specific site.

The concept proposes a one lane car wash attached to the gas station. This is commonly observed on recently developed gas stations in the region. No form of car wash is permitted by right in the C-2 district. Staff identifies the dryer/blower noise as the primary negative externality for this type of car wash. Staff believes given the current screening and buffering in place, the orientation and location of the car wash at the site could negate most negative noise impacts from the use.

The applicant has submitted a letter of intent to the City of Bettendorf requesting removal or voiding of the previously approved Special Use Permits related to a gas station and car wash located on the northwest corner of Middle Road and 53rd Avenue (Case No. 22-066 and No. 22-067), pending the approval of current cases before the Board of Adjustment (see [Applicant Letter of Intent – Attachment G](#)). Given the developer's request, staff contends one 10-pump gas station/convenience-store at the intersection of Middle Road and 53rd Avenue is consistent with the Comprehensive Plan's Future Land Use map designation for this area as Neighborhood Commercial. Additional gas stations with more than 4 pumps at this intersection could attract a larger market share and cause the area to function more as a community or regional commercial area. A 4-pump gas station is still permitted by right in the C-2 district at this site, and this does not prohibit future applicants from petitioning for a Special Use Permit for this site. This analysis is based on current development trends which could be reevaluated in the future.

Section 11-15-9 of the City Code stipulates nine required standards that must be met for any special use permit to be granted. Staff has abbreviated those standards with the following list and indicated its position on each.

1. **Is the special use allowed in the targeted district?** Yes, per Section 11-4-5.
2. **Does the special use appear to comply will all applicable zoning regulations?** Yes.
3. **Is the location, size, and character of the use in harmony with the targeted district?** Yes, the location of the development is sufficiently buffered from the surrounding residential development and is bordered by two arterial roads. Additional intensity of fuel pumps and a car wash have been addressed by current buffering, setbacks, berms, and screening.
4. **Does the special use unreasonably hinder or discourage development in the target district?** No, this development should encourage surrounding commercial development within the confines of the future land use map, while also not hindering development in surrounding transitional zoning districts.
5. **Is parking adequate and are the entrances and exits sufficient for the traffic flow to be generated.** Yes.

6. **Will the proposed use cause substantial injury to the value of other property in the neighborhood.?** Staff has found no fact-based findings that the proposed use will cause significant or substantial decreases to property values in the neighborhood based on similar developments in the region.
7. **Has this case been reviewed and denied by the Board of Adjustment within the past year?**
No.
8. **Are there any conditions the Board should impose to ensure the special use is in compliance with the standards above, or to minimize negative externalities of the special use?** Staff would recommend the Board of Adjustment reverse decisions for Case No. 22-066 and No. 22-067, consistent with the applicant's request. This could occur at the next regularly scheduled Board of Adjustment meeting.
9. **Is the proposed use consistent with the Comprehensive Plan?** Yes, the development supports the following Comprehensive Plan Goals: "Goal C Attract and Retain Business and Industry." The proposal is also consistent with neighborhood commercial development, providing amenities to adjacent neighborhoods.

Staff Recommendation

Staff recommends approval of a special use permit to allow a car wash associated with a convenience store on the proposed Lot 1 of Legacy Corners Southeast Addition – Case No. 23-008 with the following condition:

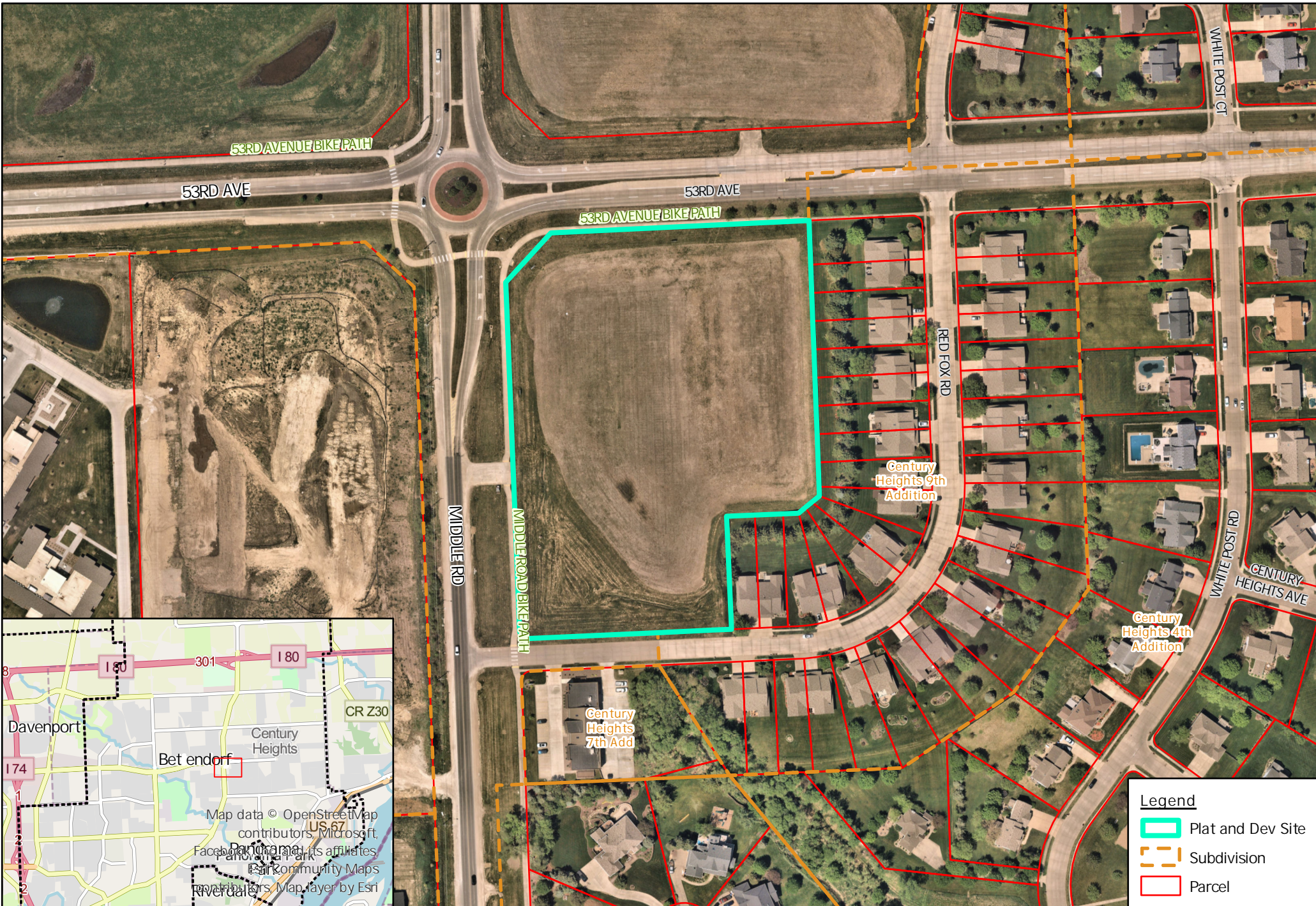
1. The Board of Adjustment reverse the decision for Case No. 22-066, a special use permit for a car wash located at the northwest corner of Middle Road and 53rd Avenue. This reversal would occur at the next regularly scheduled Board of Adjustment meeting.

Staff recommends approval of a special use permit to allow up to ten (10) fuel pumps or twenty (20) vehicle fueling stalls associated with a convenience store on the proposed Lot 1 of Legacy Corners Southeast Addition – Case No. 23-009 with the following condition:

1. The Board of Adjustment reverse the decision for Case No. 22-067, a special use permit to allow up to eight (8) fuel pumps or (16) vehicle fueling stalls associated with a convenience store at the northwest corner of Middle Road and 53rd Avenue. This reversal would occur at the next regularly scheduled Board of Adjustment meeting.

Respectfully submitted,

Taylor Beswick
City Planner



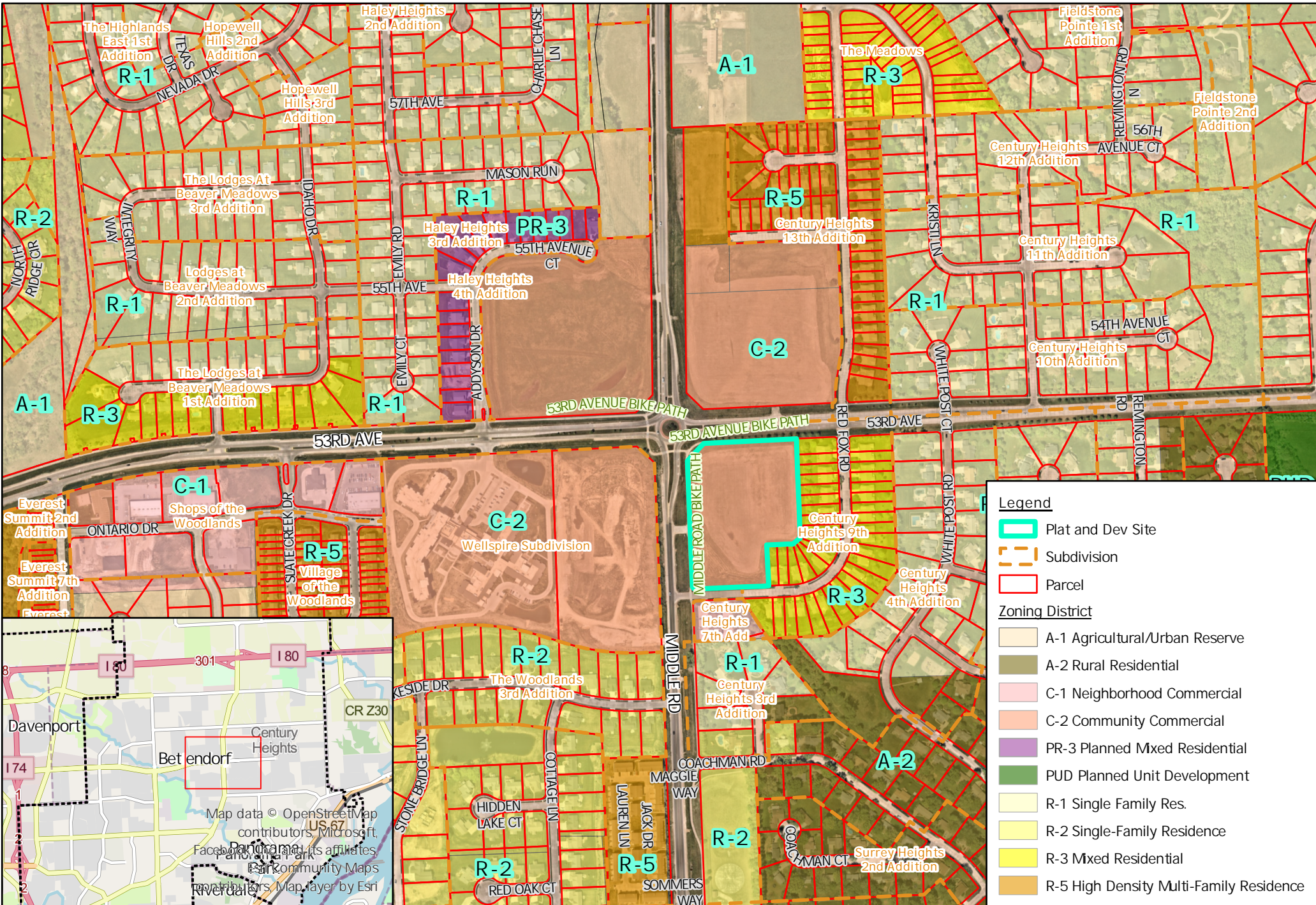
Case No. 23-008 -009: SE Corner of Middle Rd & 53rd Ave

SUP for 10 Pump Gas Station and Car Wash

Current Zoning

1 Inch = 542 Feet

0 212.5 425 850 1,275 Feet



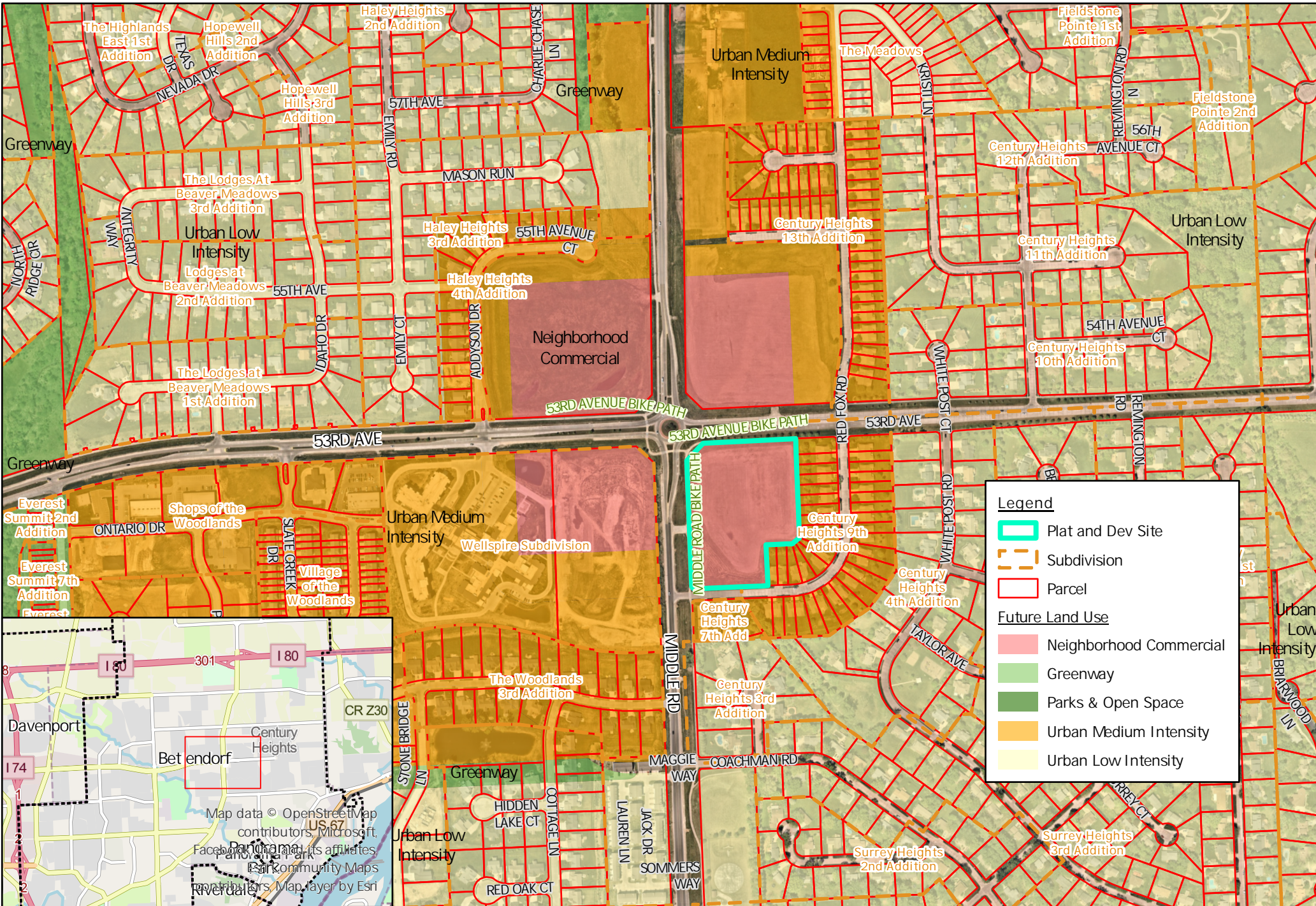
Case No. 23-008 -009: SE Corner of Middle Rd & 53rd Ave

SUP for 10 Pump Gas Station and Car Wash

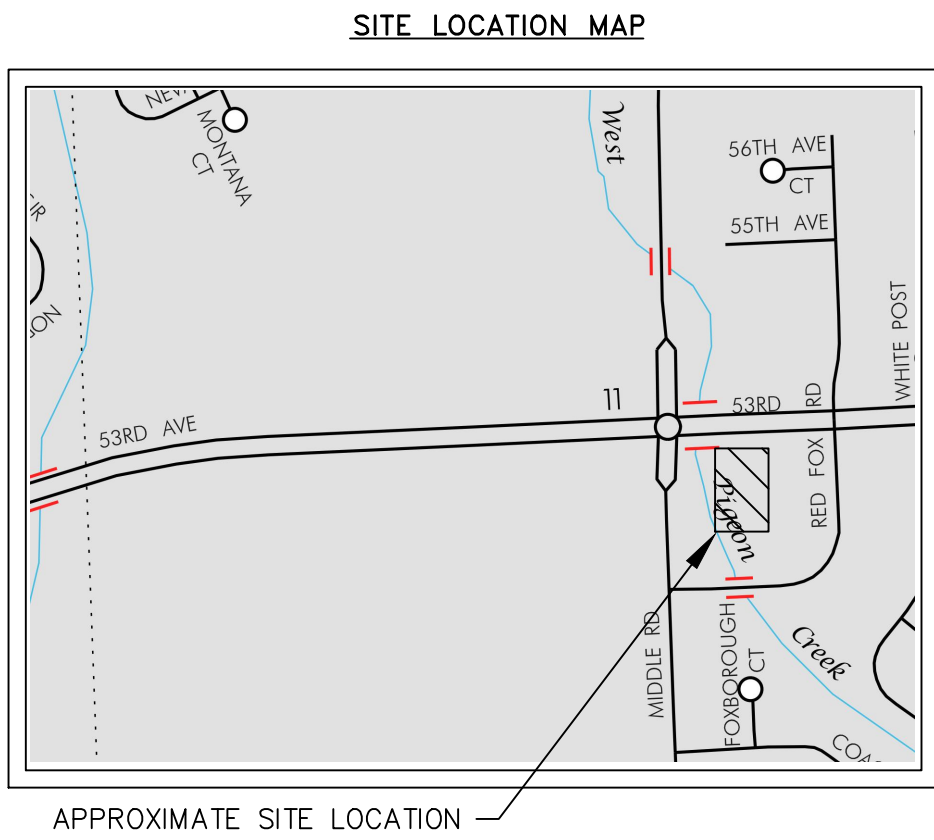
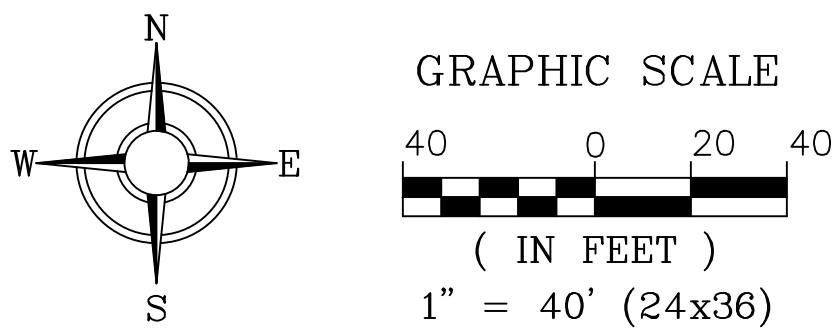
Future Land Use

1 Inch = 542 Feet

0 212.5 425 850 1,275 Feet



Lot 1 - Concept Plan
LEGACY CORNERS - SE



PLAT INFORMATION

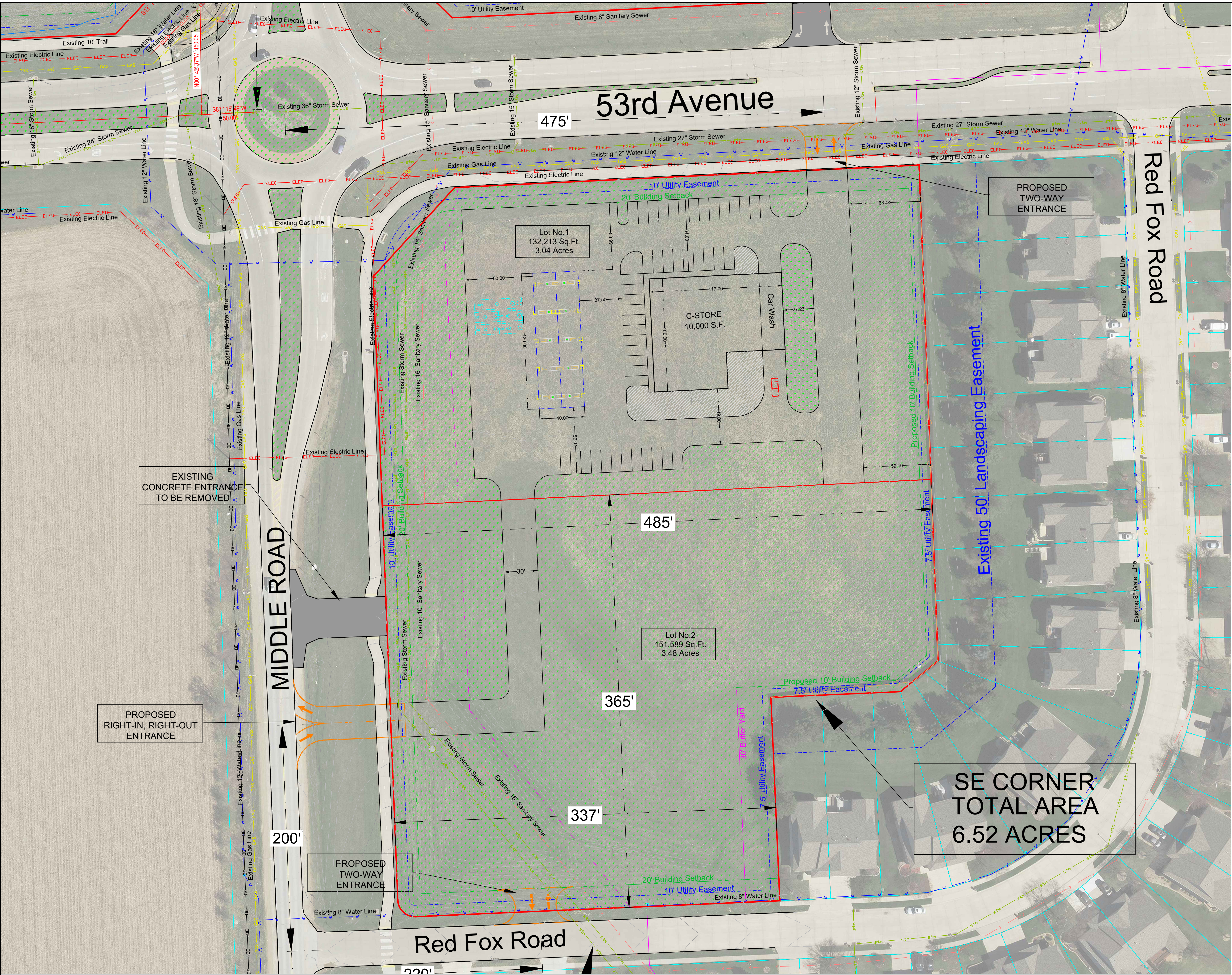
1. Owner:
Century Heights Limited Partners
3211 E. 35th Street Ct.
Davenport, Iowa 52807
2. Engineer:
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236
3. Surveyor:
Michael D. Richmond
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236
4. Attorney:
Mike Gorsline
Vollertsen, Britt & Gorsline, PC
5119 Utica Ridge Road
Davenport, Iowa 52807
Ph: (563) 324-0441

AREA OF SUBDIVISION:

GROSS AREA:	6.52
ROW:	0.00
LOT 1:	3.04
LOT 2:	3.48

CURRENT ZONING - C-2

Front	Rear	Side
25'	25'	Min 5' w/Total Of 10'



<div><div>TOWNSEND</div><div>ENGINEERING</div><div>CIVIL • STRUCTURAL • LAND DEVELOPMENT</div></div>	DATE: 1/24/2023	DRAWN BY:	CHECKED BY:		REVISIONS:		PROJECT	CONCEPT PLAN – SE CORNER	DEVELOPER	MEL FOSTER CO.	SHEET NO.
	563 386.4236 office 386.4231 fax 2224 East 12th Street, Davenport, IA 52803	DRAWN BY	CHECKED BY	NO.	DESCRIPTION	DATE	MIDDLE ROAD & 53RD STREET	3245 E. 35th STREET	DAVENPORT, IOWA 52807	C1	
		DRAWING LOCATION					BETTENDORF, IOWA				
		DRAWING LOCATION									

CENTURY HEIGHTS NINTH ADDITION

TO THE CITY OF BETTENDORF, IOWA

BEING PART OF THE SOUTHEAST QUARTER OF SECTION 11
TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5th P.M.

GENERAL NOTES

IRON MONUMENTS FOUND SHOWN THUS  (5/8" Ø IRON PIN)IRON MONUMENTS SET SHOWN THUS  (5/8" Ø x 30" IRON PIN)CONCRETE MONUMENTS FOUND SHOWN THUS  (6" x 6")CONCRETE MONUMENTS SET SHOWN THUS  (6" x 6" x 48")

DISTANCES SHOWN IN FEET AND DECIMAL PARTS THEREOF

SUBDIVISION CONTAINS 10.25 ACRES, MORE OR LESS

FOR THIS SURVEY THE EAST LINE OF THE SOUTHEAST QUARTER
OF SECTION 11-78-4 WAS ASSUMED TO BEAR NORTHBLANKET UNDERGROUND EASEMENTS GRANTED FOR SEWER, WATER,
GAS, ELECTRIC, TELEPHONE AND CABLE T.V. SERVICES TO INDIVIDUAL
STRUCTURES WITHIN THE LOT WHERE THE STRUCTURE IS LOCATEDALL STREET RIGHT OF WAYS ARE DEDICATED TO THE CITY OF
BETTENDORF, IOWA FOR STREET PURPOSESALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE LATEST
STANDARD SPECIFICATIONS OF THE CITY OF BETTENDORF, IOWAZONING SETBACK LINES ARE BASED ON ZONING REQUIREMENTS AS OF THE
DATE OF CITY COUNCIL APPROVAL. IN CASE OF CONFLICT BETWEEN LINES
SHOWN AND FUTURE CODE REQUIREMENTS THE CODE REQUIREMENTS
SHALL GOVERN

SIDEWALK SHALL BE INSTALLED ALONG THE STREET FRONTAGE OF EACH LOT

SUBDIVISION TRACT ZONED C-5 (OFFICE / TRANSITIONAL DISTRICT)

THE TRACT ADJACENT TO LOTS 1 THROUGH 16 IS ZONED C-2, COMMUNITY
SHOPPING DISTRICT. SEE SECTION 15.2, BETTENDORF ZONING ORDINANCE
FOR USES AND REGULATIONS.

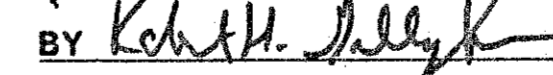
LOT AREAS			
NO.	SQUARE FEET	NO.	SQUARE FEET
1	8,100	20	8,545
2	8,100	21	8,545
3	7,825	22	8,545
4	7,760	23	8,545
5	7,780	24	8,545
6	7,740	25	8,905
7	7,720	26	10,940
8	8,040	27	11,885
9	8,100	28	12,805
10	8,100	29	11,925
11	8,100	30	11,755
12	8,100	31	11,225
13	8,100	32	10,840
14	8,100	33	11,210
15	8,100	34	10,935
16	12,715	35	10,040
17	13,425	36	9,385
18	8,545	37	9,000
19	8,545	38	14,440

CURVE NUMBER	RADIUS	DELTA	ARC	CHORD	CHORD BEARING	TANGENT
1	224.00'	12°-11'-20"	47.65'	47.56'	N.83°-35'-25"E.	23.92'
2	224.00'	16°-23'-20"	71.89'	71.59'	N.68°-18'-05"E.	36.26'
3	224.00'	18°-23'-20"	71.89'	71.59'	N.49°-54'-45"E.	36.26'
4	224.00'	18°-23'-20"	71.89'	71.59'	N.31°-31'-20"E.	36.26'
5	224.00'	18°-23'-20"	71.89'	71.59'	N.13°-08'-00"E.	36.26'
6	224.00'	03°-56'-20"	15.40'	15.40'	N.01°-58'-10"E.	7.70'
7	15.00'	90°-34'-35"	23.71'	21.32'	N.45°-17'-20"W.	15.15'
8	15.00'	89°-25'-25"	23.41'	21.11'	N.44°-42'-40"E.	14.85'
9	276.00'	01°-24'-30"	6.79'	6.79'	N.00°-42'-15"E.	3.39'
10	276.00'	08°-44'-10"	42.08'	42.04'	N.05°-46'-35"E.	21.08'
11	276.00'	08°-44'-10"	42.08'	42.04'	N.14°-30'-45"E.	21.08'
12	276.00'	08°-44'-10"	42.08'	42.04'	N.23°-14'-55"E.	21.08'
13	276.00'	08°-44'-10"	42.08'	42.04'	N.31°-59'-05"E.	21.08'
14	276.00'	08°-44'-10"	42.08'	42.04'	N.40°-43'-10"E.	21.08'
15	276.00'	08°-32'-15"	41.13'	41.09'	N.49°-21'-25"E.	20.60'
16	276.00'	08°-32'-15"	41.13'	41.09'	N.57°-53'-40"E.	20.60'
17	276.00'	08°-32'-15"	41.13'	41.09'	N.66°-25'-55"E.	20.60'
18	276.00'	08°-33'-00"	41.19'	41.15'	N.74°-58'-35"E.	20.63'
19	276.00'	08°-33'-00"	41.19'	41.15'	N.83°-31'-35"E.	20.63'
20	276.00'	01°-53'-00"	9.07'	9.07'	N.88°-44'-35"E.	4.54'
21	250.00'	89°-41'-05"	391.32'	352.58'	N.44°-50'-35"E.	248.63'

CITY OF BETTENDORF, IOWA PLAN & ZONE COMMISSION

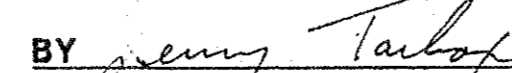
BY ATTEST 

DATE 10-21-99

BY 

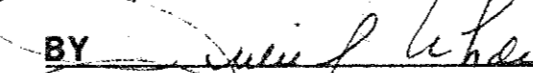
DATE 10/20/99

AT & T CABLE SERVICES

BY 

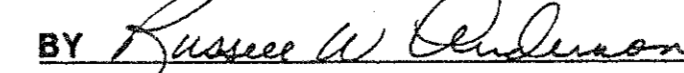
DATE 10-14-99

IOWA-AMERICAN WATER CO.

BY 

DATE 10-14-99

U.S. WEST COMMUNICATIONS

BY 

DATE 10-15-99

MIDAMERICAN ENERGY COMPANY

BY 

DATE 10-14-99

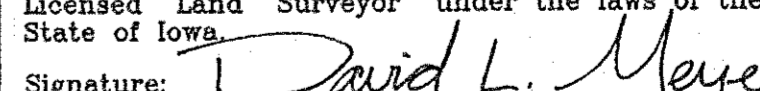
VERBEKE - MEYER

CONSULTING ENGINEERS, P.C.

DAVENPORT, IOWA

VMCE 99186

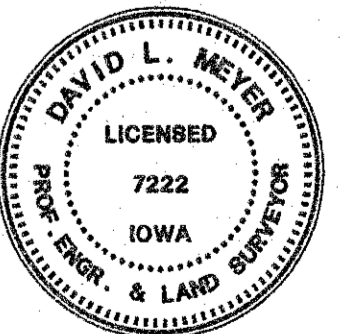
I hereby certify that this land surveying document was prepared by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Signature: 

David L. Meyer, P.E. & L.S., License No. 7222

Date: JULY 22, 1999

My license expires December 31, 2000



PREPARED BY

CENTURY HEIGHTS LIMITED PARTNERSHIP

3211 EAST 35th STREET COURT

DAVENPORT, IOWA

ATTN: ROB FICK

CENTURY HEIGHTS
LIMITED PARTNERSHIP
ZONED C-2, COMMUNITY SHOPPING DISTRICT
SEE SECTION 15.2, BETTENDORF ZONING ORDINANCECENTURY HEIGHTS
LIMITED PARTNERSHIPCENTURY HEIGHTS
SEVENTH ADDITION

CENTURY HEIGHTS

LOT 5

THIRD ADDITION

CENTURY HEIGHTS

LOT 11

FOURTH ADDITION

LOT 10



March 2, 2023

Taylor Beswick
City of Bettendorf
Community Planning Department
4403 Devils Glen Road
Bettendorf, Iowa 52722

Dear Taylor,

Please let this letter serve as notice that subject to the approval of the Special Use Permit allowing 10 pumps/20 fueling stations and a car wash on the southeast corner of 53rd Street and Middle Road in Bettendorf, Iowa, we would like to remove the Special Use Permit that was approved on September 8, 2022 for the northwest corner of 53rd Street and Middle Road. Thank you.

Sincerely,

MEL FOSTER PROPERTIES OF IOWA, LLC

A handwritten signature in blue ink, appearing to read 'RJF'.

Ryan J. Fick
Vice President

RJF:1kl

EXECUTIVE OFFICE
3211 E. 35th St. Ct. at I-74 & Kimberly Rd., Davenport, Iowa 52807-2585
PHONE (563) 359-4663
www.melfosterco.com





Case No. 23-008, 23-009

APPEAL AND APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF BETTENDORF, IOWA

Part 1. Property Involved.

Street Address N/A

Legal Description of the property. Parcel 841137014 SE corner of Middle Road and 53rd Avenue

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH P.M., SCOTT COUNTY, IOWA

Part 2. Contact Information.

Applicant/Contact Name Townsend Engineering

Phone 563-386-4236

Address 2224 E. 12th St., Davenport, IA 52803

E-mail Address: chris@townsendengineering.net

Owner Name Century Heights Limited Partners

Phone 563-823-2200 (Ryan Fick)

Address 3211 East 35th Street Court Davenport, Iowa 52807

E-mail Address: rjfick@melfosterco.com

Part 3. Type of Application. (check at least one)

- ☐ 1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
 - (b) That it will not impair an adequate supply of light and air to adjacent property.
 - (c) That it will not unreasonably increase the congestion in public streets.
 - (d) That it will not increase the danger of fire or of the public safety.
 - (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
 - (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.
- ☒ 2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:
- (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
 - (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
 - (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
 - (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
 - (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
 - (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
 - (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

☐ 3. Other. _____

Part 4. General Information.

Section(s) of Zoning Ordinance Involved Auto Services - Special Use Existing Zoning C2

Part 5. Reasons for Application. In the space below, give a general description of the activity desired and principal reasons why this application should be granted by the Board. If this application is for a variance, please state the hardship which the zoning ordinance imposes on the property. Use the following criteria as justification for the requested variance. Use additional sheets if necessary.

- (a) **It shall be the property owner's responsibility to show that the terms of this ordinance will impose unusual and practical difficulties or particular hardships. The hardship established by the property owner must not be SELF-IMPOSED. A self-imposed hardship is NOT justification for the approval of a variance request.**
- (b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance.
- (c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected.
- (d) That by granting the request for a variance substantial justice shall be done.
- Requesting a special use for a drive through car wash and more than 4 gas pumps at a proposed convenience store at this location.
- The reason for the special use is to allow for development of the convenience store which would not be practical or competitive with the current zoning restrictions.

Part 6. Attachments. The following items are attached and are a part of this application.

- () 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- () 2. Legal Description. (If not shown on page 1.)
- () 3. Floor plan if internal design of building is part of application.
- () 4. List additional attachments.

Part 7. Signature.

I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 24th day of January, 20 23.

Signature of Applicant [Signature] Signature of Owner [Signature]
(The owner **MUST** indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

State of Iowa) ss
County of Scott)

Before me the undersigned Notary Public, in and for the County and State, personally appeared applicant(s) and separately and severally acknowledge the execution of the foregoing application is his/her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this 24th day of January, 20 23
[Signature]
Notary Public in and for Scott County, Iowa



Part 10. Filing Fee.

\$ 50.00 Single Family/Two-family Residential Variance
\$100.00 All Other Applications

Received by [Signature]
Amount \$ 100. Date 2/23/23