

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
MAY 11, 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 March 9, 2023.
4. The Board to hold a public hearing on the following cases:
 - a. **Case 23-032; 1705 Oak Street (R-2)** – Special use permit to allow an electronic programmable sign in an R-2 district, submitted by Steve Miller. (Staff: Beck)
 - b. **Case 23-033; 2207 Falcon Avenue (C-2)** – Special use permit to allow an outdoor service area with alcohol, submitted by Rigoberto Herrera. (Staff: Beck)
 - c. **Case 23-035; Lot 1, Creek Ridge Estates Third Addition (R-5)** – Variance to reduce the required side yard setback from 21 feet to 5 feet, submitted by Axiom Consultants/Brian Boelk. (Staff: Beck)
 - d. **Case 23-034; Lot 7, Bettplex First Addition (C-3)** – Variance to allow parking in a required front yard, submitted by Paul Bofelli. (Staff: Beswick)
5. The Board to reverse the Decision and Order for the following cases:
 - a. **Case 22-066; NW 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 22-067; NW corner of 53rd Avenue and Middle Road (C-2)** – Special use permit to allow unlimited gas sales associated with a convenience store, 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
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 wash 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.

STAFF REPORT

Subject: Special Use Permit
Author: Greg Beck
Department: Community Development
Date: May 11, 2023



Case No.: 23-032
Request: Special Use Permit- Digital Sign Attachment to Institutional Bulletin Sign
Location: West of 18th Street, south of Oak Street
Legal Description: Parcel #: 842830001
Applicant: Steve Miller (St James Lutheran Church)
Current Zoning: R-2, Single Family Residence District
Future Land Use: Urban Low Intensity

Background Information and Facts

Steve Miller, representing St. James Lutheran Church, is seeking a special use permit to allow a digital sign addition to an Institutional Bulletin sign (see Aerial Photo, Attachment A). The parcel is zoned R-2, Single Family Residence District. The perimeter of the area around this parcel is also zoned R-2, Single Family Residence District (see Zoning Aerial, Attachment B). The Future Land Use map contemplates future development in the vicinity to be governed by Urban Low Intensity land use. No zoning changes are expected in this established neighborhood (see Future Land Use Map, Attachment C). The applicant seeks the Special Use Permit for a proposed digital attachment to an existing sign on the east side of the parcel (see Site_Photos, Attachment D). The concept for sign is within the parameters of the ordinance, as the proposed digital addition area is below 32 square feet (see Sign Attachment E). The provisions applying to this request are found in Sections 11-15-9 Special Use Permits and 11-14-7 (Table of Sign Types, Definitions, and Restrictions) of Zoning Ordinance.

Staff Analysis

The evaluation of this location requires that the applicant's project meet each step of a nine-step test before the Board of Adjustment issues a Special Use Permit.

11-15-9: SPECIAL-USE PERMITS:

E. Standards: No special-use permit may be granted unless:

1. The proposed use is designated by this title as a special use in the district in which the use is to be located. **11-14-7. Institutional Bulletin 006 Listed as a Special Use in residentially zoned districts when an attached message center is proposed.**
2. The proposed use will comply with all applicable regulations in the district in which the use is to be located. **The sign will only be permitted to operate digitally between 7:00 a.m. and 10 p.m. All light from the sign must reflect only within the confines of the church parcel.**

3. 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. The sign message center addition is proposed for placement on top of the existing institutional bulletin sign located along a minor arterial street (18th Street). The sign is not adjoining any residential property boundaries. Restrictions placed on illumination and hours of activity will limit impact on surrounding properties.

4. 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. The sign meets the setback requirements for its type. It will not interfere with any surrounding property uses.

5. 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. The nearby entry to the parking lot will not be impeded by the sign's location.

6. The proposed use will not cause substantial injury to the value of other property in the neighborhood. The sign will be updated from its current status and have no demonstrable impact on surrounding property values. The sign faces 18th Street and is separated by a minimum of 80 feet from property to the east and 63 feet from property to the south.

7. 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. No prior application has been made from this location within the last year for a Special Use Permit.

8. The board of adjustment shall impose such conditions and restrictions upon the premises benefitted 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 general intent of this title. Failure to comply with such conditions or restrictions shall constitute a violation of this title. The Board of Adjustment may place conditions as necessary on the potential approval of this Institutional Bulletin sign.

9. The proposed use is consistent with the Bettendorf Comprehensive Plan and serves to further the goals of the plan. The application meets the following Goal of the Comprehensive Plan - Goal F: Promote Recreational and Cultural Activity.

Staff Recommendation

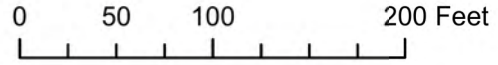
Staff recommends that the Board of Adjustment should approve the Special Use Permit.

Respectfully submitted,

Greg Beck
City Planner

23-032: 1705 Oak Street - SUP

N



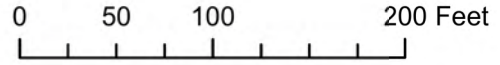
By Class

RDCLASS

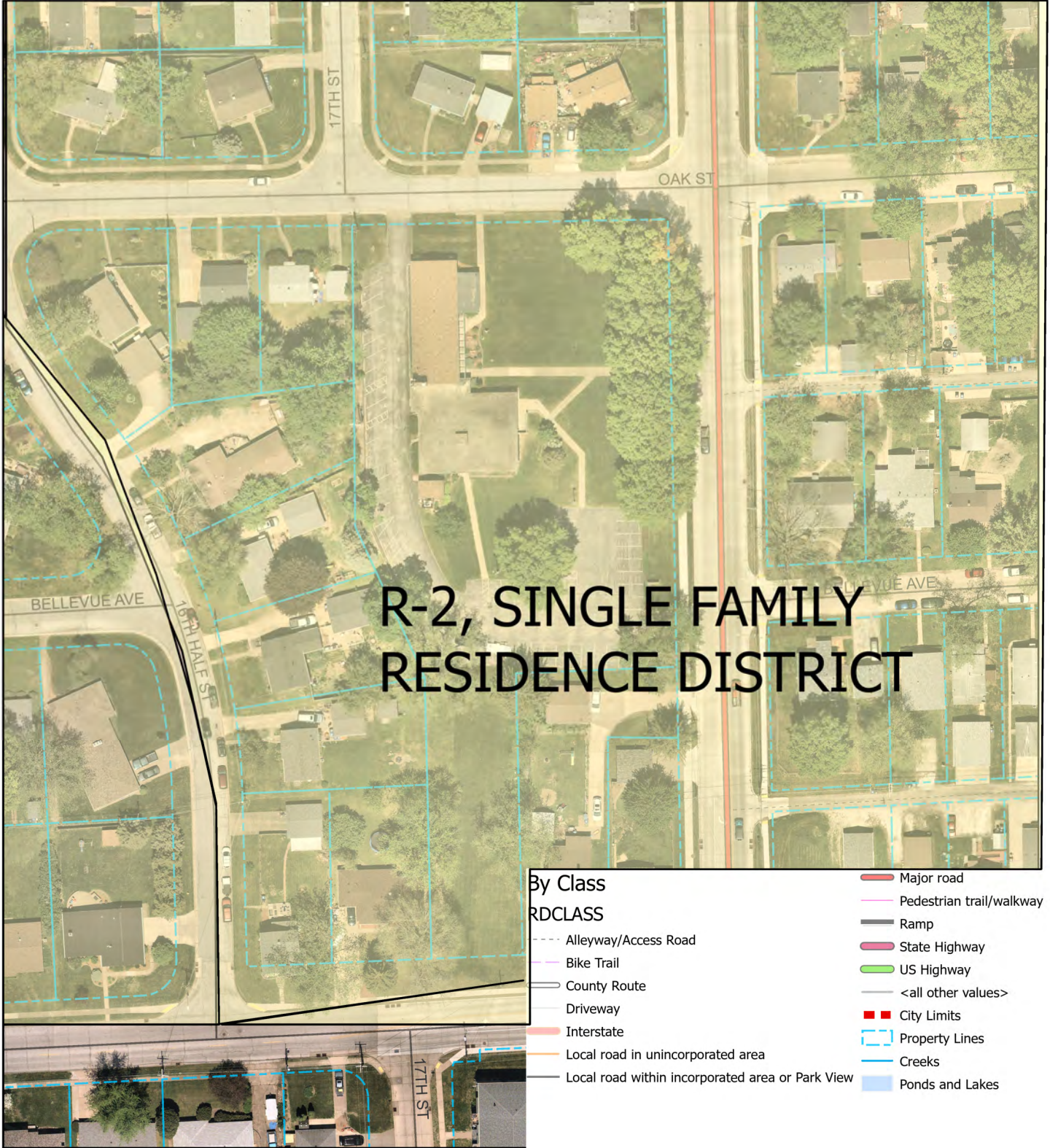
- - - - - Alleyway/Access Road
- - - - - Bike Trail
- - - - - County Route
- - - - - Driveway
- - - - - Interstate
- - - - - Local road in unincorporated area
- - - - - Local road within incorporated area or Park View
- - - - - Major road
- - - - - Pedestrian trail/walkway
- - - - - Ramp
- - - - - State Highway
- - - - - US Highway
- - - - - <all other values>
- City Limits
- - - - - Property Lines
- - - - - Creeks
- Ponds and Lakes

23-032: 1705 Oak Street - SUP

N



Zoning Map

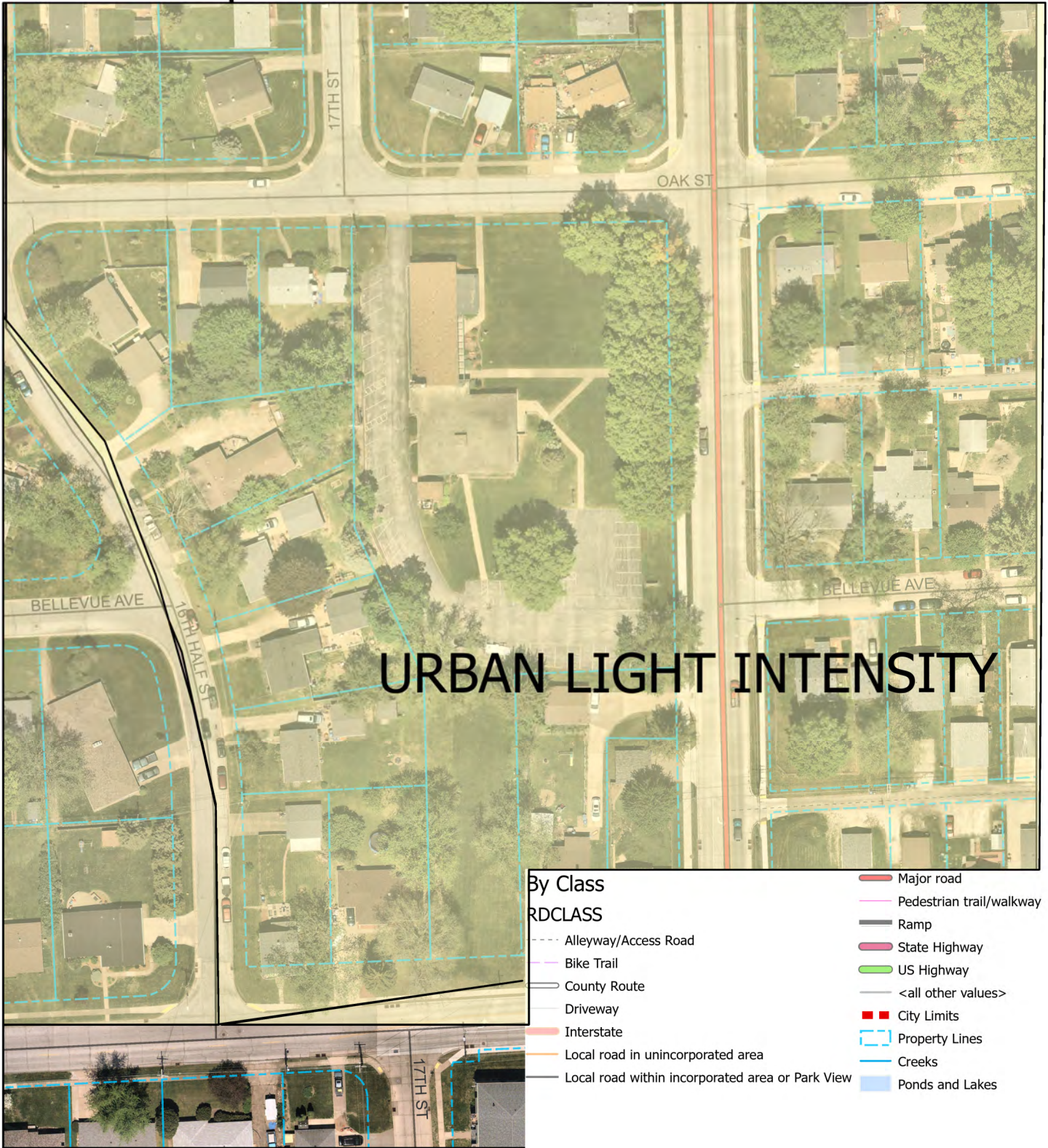
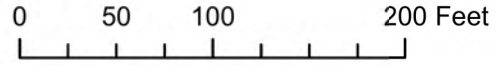


23-032: 1705 Oak Street - SUP

N



Future Land Use Map



23-032 1705 OAK STREET SUP SIGN

VIEW OF SIGN LOOKING EAST AT 18TH STREET AND BELLEVUE AVENUE



SIGN
LOCATION



SIGN

18TH ST

VIEW LOOKING NORTH
FROM 18TH STREET
ENTRANCE



DIGITAL
ADDITION

20 1/2"

4 ft

1 ft

#8 67 45 158
MESSAGE SIGN

STAFF REPORT

Subject: Special Use Permit
Author: Greg Beck
Department: Community Development
Date: May 11, 2023



Case No.: 23-033
Request: Special Use Permit- Outdoor Alcohol Service
Location: Southwest of Falcon Avenue, south of 53rd Avenue and west of 18th Street 2207 Falcon Avenue
Legal Description: Lot 2 Hunter Meadows Commercial Park Second Addition (Parcel #: 840937602)
Applicant: Rigoberto Herrera (California Burrito)
Current Zoning: C-2, Community Commercial District
Future Land Use: CC, Community Commercial

Background Information and Facts

Rigoberto Herrera, representing California Burrito, is seeking a special use permit to allow an outdoor service area located on the east side of a proposed bar at 2207 Falcon Avenue (see Aerial Photo, Attachment A). The parcel is zoned C-2, Community Commercial District. South and west of this parcel the zoning classification is R-2, Single Family Residence District. C-2, Community Commercial District zoning borders the lot to the north and east (see Zoning Aerial, Attachment B). The Future Land Use map contemplates future development in the vicinity to be governed by Community Commercial land use. A Future Land Use Map designation of Urban Low Intensity is present for the residential areas west and south (see Future Land Use Map, Attachment C). The applicant seeks the Special Use Permit for a proposed outdoor service area on the northwest side of the restaurant (see Site_Photos, Attachments D and E). The concept for outdoor service area shows the building facing north with an entry from the parking lot (see Concept Plan, Attachment F). The provisions applying to this request are found in Sections 11-4-5-B (Permitted Uses Table) and 11-15-9 (Special Use Permits) of the Zoning Ordinance requiring the Board of Adjustment to rule on the Special Use Permit.

Staff Analysis

The evaluation of this location requires that the applicant's project meet each step of a nine-step test before the Board of Adjustment issues a Special Use Permit.

11-15-9: SPECIAL-USE PERMITS:

E. Standards: No special-use permit may be granted unless:

1. The proposed use is designated by this title as a special use in the district in which the use is to be located. **11-4-5. Permitted Uses outdoor patios are regarded as requiring a Special Use Permit.**

2. The proposed use will comply with all applicable regulations in the district in which the use is to be located. **The proposed outdoor patio shall be required to meet the requirements of the Zoning Ordinance and other applicable laws for this location.**

3. 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. **This area south of 53RD Avenue is commercial from the Davenport border to Brentwood Drive. The area around this location is heavily landscaped to provide screening from the residential properties west and south of this location, as required by the subdivision plat (see Hunter Meadows Commercial Park Second Addition, Attachment G). Access will come from Falcon Avenue to this parcel which connects 18th Street and 53rd Avenue. This outdoor use is consistent with the Special Use Permit granted for the restaurant in the same building in 2014. The site and parking are not expanding. Except for the patio, all other activities are contained in the building.**

4. 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. **The location is already defined by adjacent structures and uses and will have marginal impact on the surrounding area; as the building, outdoor service and the parking area are not being expanded outside the parcel on which the building is located. The outdoor service is already available at other establishments serving alcohol in the Falcon Avenue area. The location is along heavily-traveled streets, adding little in the way of traffic count.**

5. 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. **The size of the business space used for serving patrons required ten parking spaces. The parking is little changed from what would be required if the proposed office use of the original proposal was in place. The total restaurant customer service area is approximately 1,000 square feet. The office proposed for this part of the building would have had 1629 square feet of space for determining parking at 1 space per 200 square feet (8 spaces required). The restaurant has a total of 994 square feet customer area for 1 space per 100 square feet (10 spaces required). Extra screening was required when this location was platted in the 1990s to separate the residential uses from the commercially zoned areas. Entrance and exit drives allow for correct movement of traffic to and from the lot.**

6. The proposed use will not cause substantial injury to the value of other property in the neighborhood. **The outdoor service area is approximately two hundred square feet and is buffered by heavy landscaping. The structure meets the required screening standards between the R-2, Single Family Residence District and the C-2, Community Commercial District.**

7. 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. **No prior application has been made from this location within the last year for a Special Use Permit.**

8. The board of adjustment shall impose such conditions and restrictions upon the premises benefitted 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 general intent of this title. Failure to comply with such conditions or restrictions shall constitute a violation of this title. **The Board of Adjustment may place conditions as necessary on the potential approval of this outdoor service area.**

9. The proposed use is consistent with the Bettendorf Comprehensive Plan and serves to further the goals of the plan. **The application meets the following Goal of the Comprehensive Plan - Goal C: Attract and Retain Business and Industry.**

Staff Recommendation

Staff recommends that the Board of Adjustment should approve the Special Use Permit for the proposed outdoor service area for the portion of the building addressed as 2207 Falcon Avenue.

Respectfully submitted,

Greg Beck
City Planner

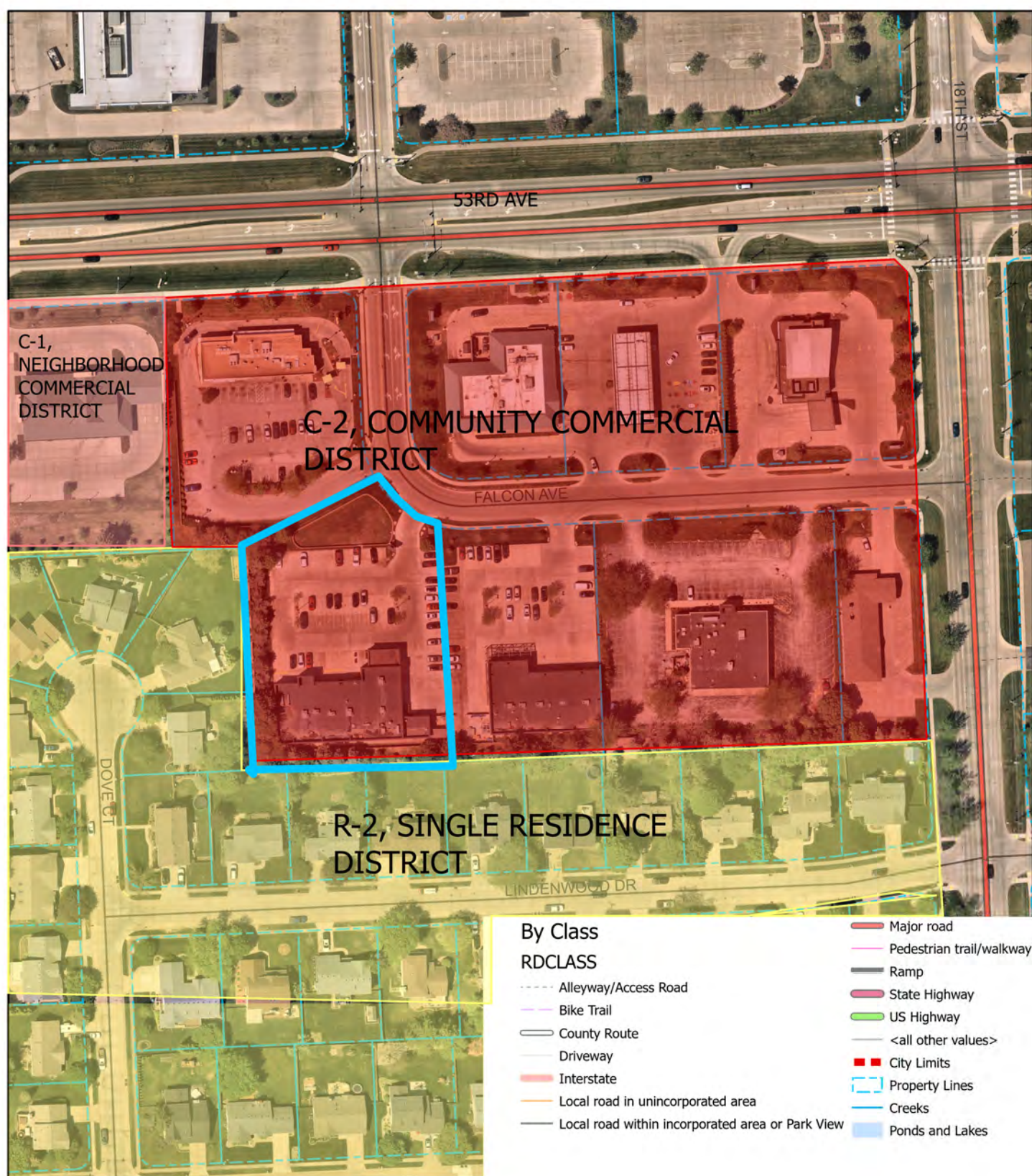
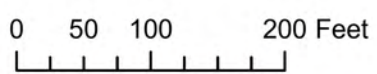
CASE 23-033 2207 FALCON AVENUE – SPECIAL USE PERMIT



0 50 100 200 Feet



CASE 23-033 2207 FALCON AVENUE SPECIAL USE PERMIT ZONING MAP



By Class RDCLASS

- Alleyway/Access Road
- - - Bike Trail
- ⊔ County Route
- Driveway
- Interstate
- Local road in unincorporated area
- Local road within incorporated area or Park View

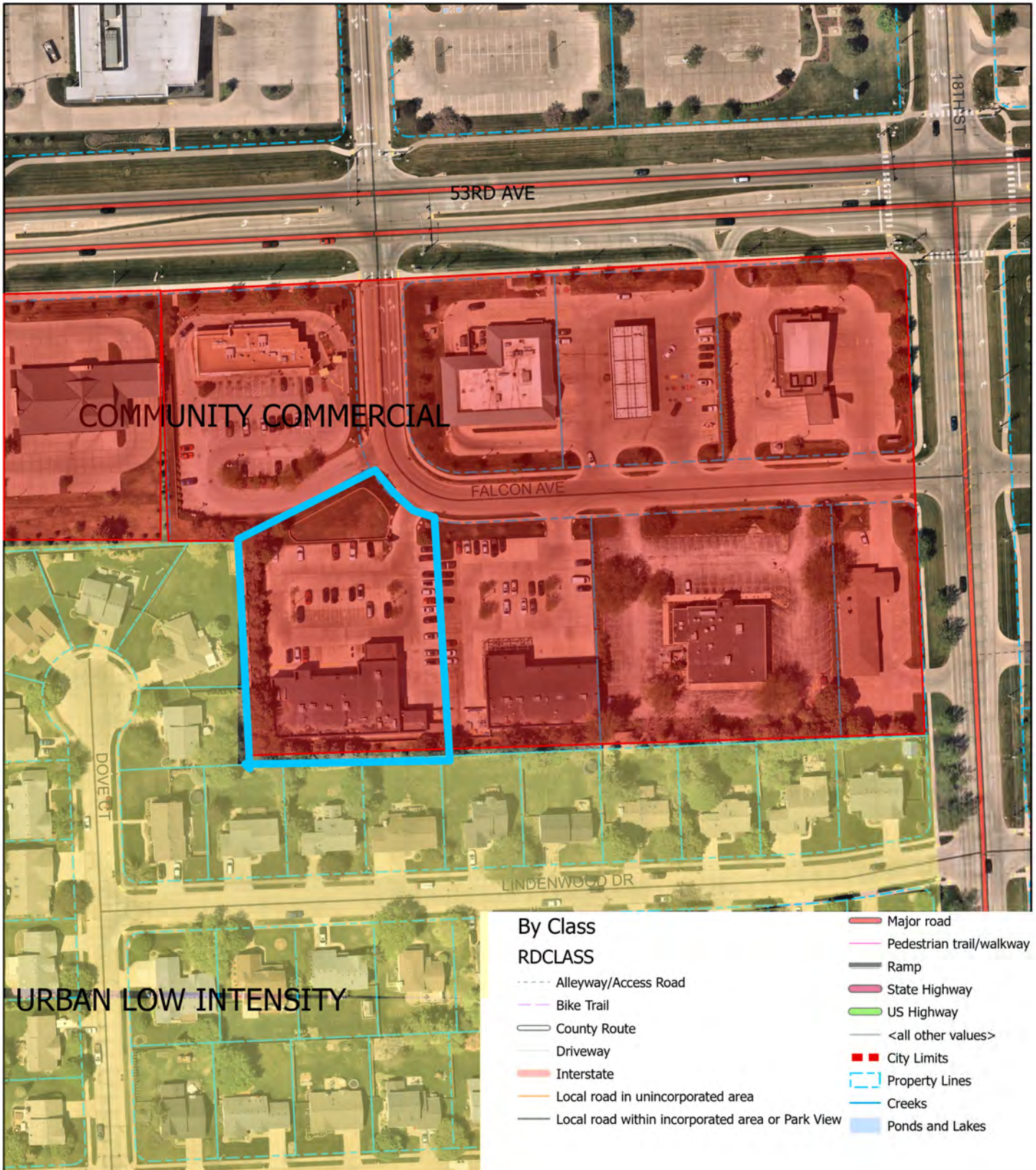
- Major road
- Pedestrian trail/walkway
- Ramp
- State Highway
- US Highway
- <all other values>
- City Limits
- ⊔ Property Lines
- Creeks
- Ponds and Lakes

CASE 23-033 2207 FALCON AVENUE SPECIAL USE PERMIT

FUTURE LAND USE MAP



0 50 100 200 Feet



2207 FALCON AVENUE



05/03/2023 10:58



HUISKAMP & COLLINS
INVESTMENTS, LLC

California Burritos
Mexican Grill

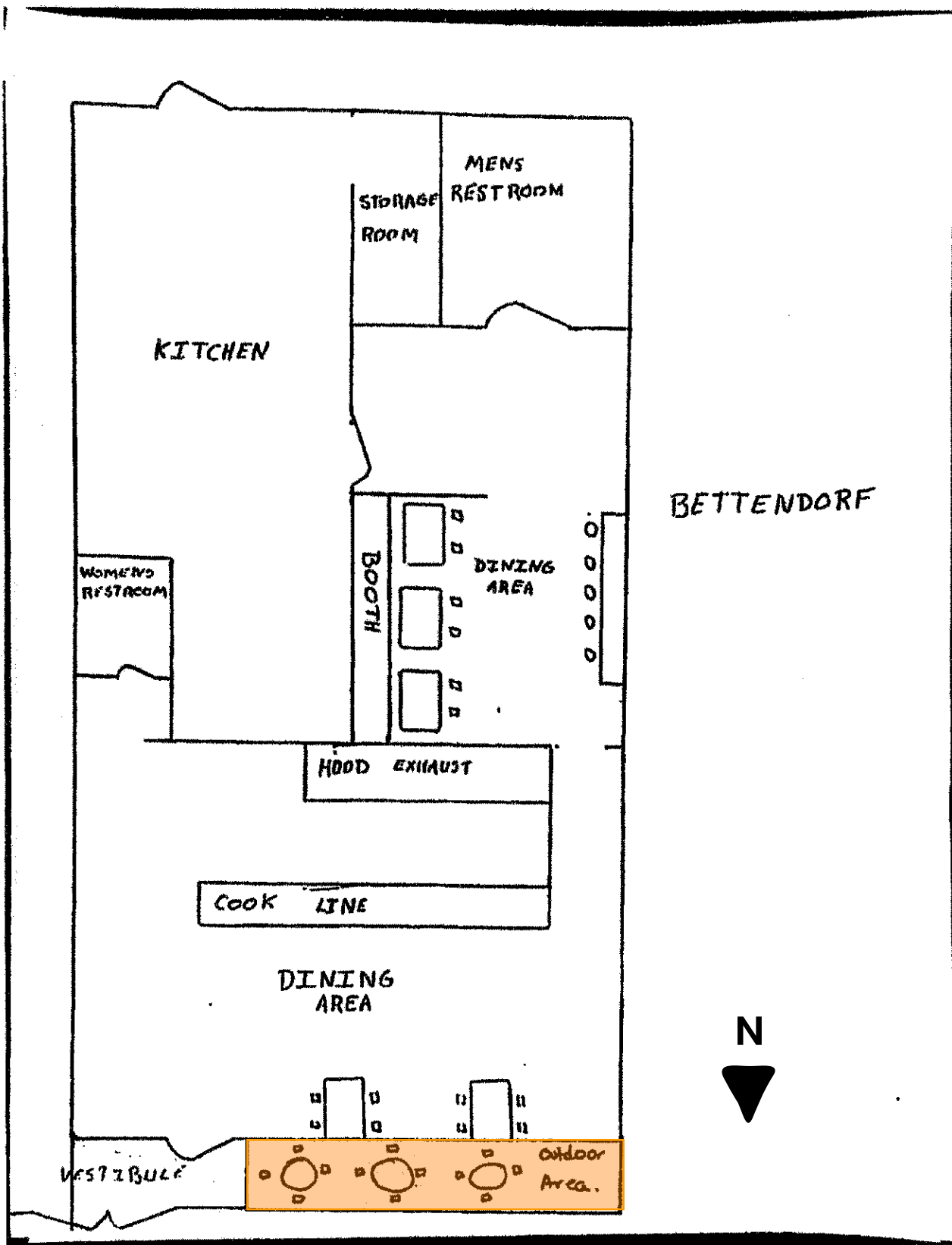
2209 2207

OPEN

OUTDOOR SERVICE AREA

05/03/2023 10:55

PLOT PLAN



STAFF REPORT

Subject: (Variance)
Author: Greg Beck
Department: Community Development
Date: May 11, 2023



Case No.: 23-035
Request: Variance: Reduce west boundary side yard setback from 21 feet to 7.5 feet.
Location: South of Creek Hill Drive
Legal Description: Lot 1, Creek Ridge Estates Third Addition (Parcel #: 8427231001)
Applicant: Brian Boelk (Axiom Engineering)
Current Zoning: R-5, High Density Multi-Family Residence District
Future Land Use: Urban High Intensity

Background Information and Facts

Brian Boelk, Axiom Engineering, is requesting reduction of a side yard setback. The site is located on the south side of Creek Hill Drive and north of State Street (see Aerial Photo, Attachment A). Lot 1, Creek Ridge Estates Third Addition is zoned R-5, High Density Multi-Family Residence District; which would have a typical side yard of five feet (see Zoning Aerial, Attachment B). An additional 2.5 feet would be required for the side yard because the height of the proposed building is greater than two stories “ Note 3: Height limit in table for one- or two-story structures; the combined side yard requirement shall be increased by five feet (5’) for each additional story over two (2) and shall be distributed equally among the two side yards.” (Zoning Ordinance, 11-8-5B Note 3). The applicant would like to reduce the platted side yard setback from 21 to 7.5 feet. The future land use map shows this area as Urban High Intensity to reflect the existing and proposed multi-family housing accommodated by the R-5 zoning (see Future Land Use Aerial, Attachment C). The plat has placed a significantly greater side yard up against the same zoning class for the adjoining lot to the west (see Final Plat, Attachment D).

Staff Analysis

This lot was anticipated to be built with multifamily housing similar to what was in the original Creek Ridge Estates subdivision. Other requests for side yard setback relief have been granted where a petitioner asked for greater than 12.5 feet of relief. The Board has ruled in favor of a reduction of 27 feet in a side yard setback in an A-1, Agricultural / Urban Reserve District from 50 to 23 feet (Case 14-081; 3125 Mt. Joy Avenue). A reduction in another side yard setback from 50 to 25 feet was granted by the Board for an A-1, Agricultural / Urban Reserve District property (Case 14-069, 4340 Tanglewood Road). A third variance was granted to reduce the side yard setback in an A-1, Agricultural / Urban Reserve District from 50 to 29 feet (Case 17-007, 3775 Middle Road). A variance in an A-1, Agricultural / Urban Reserve District was granted to reduce the side yard setback from 50 to 20 feet

(Case 07-050, 3116 Mount Joy Avenue). A multi-family structure was given side yard relief from 50 to 24 feet of setback distance by the Board in 2003, which is now zoned R-5, High Density Multi-Family Residence District (Case 03-031, 2405 Devils Glen Road). Staff did not see any denials of requests by the Board of Adjustment for reductions in side yards comparable to the relief being requested by the Petitioner, after reviewing the last 20 years of annual reports.

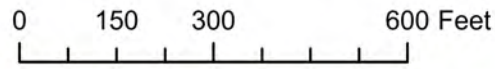
Staff evaluated the following factors as well when considering if the setback distance posed a hardship. The petitioner did not conduct the platting to place the side yard setback where it is currently located. The setback is almost three times greater than required for this zoning district. The adjoining property to be benefitted by the increased setback is of the same zoning classification of R-5, High Density Multi-Family Residence District. The constraining nature of the additional 12.5 feet forces any design for multi-unit housing to be more dense and more limited. Therefore, the added setback distance would pose an impediment to developing the lot.

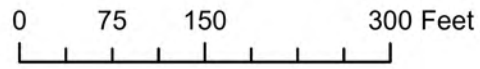
Staff views the 20 years of past variance requests and approvals for reductions in setbacks as acknowledgment by the Board that greater constraints than necessary have been placed upon properties with greater side yard setback requirements. Staff would support the petitioner's request for reduction in this side yard setback as he has requested.

Respectfully submitted,

Greg Beck
City Planner

Case No. : 23-035 VARIANCE TO REDUCE SIDE YARD SETBACK FROM 21 FEET TO 7.5 FEET



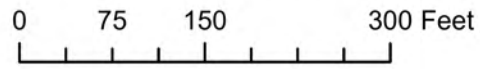


ZONING MAP

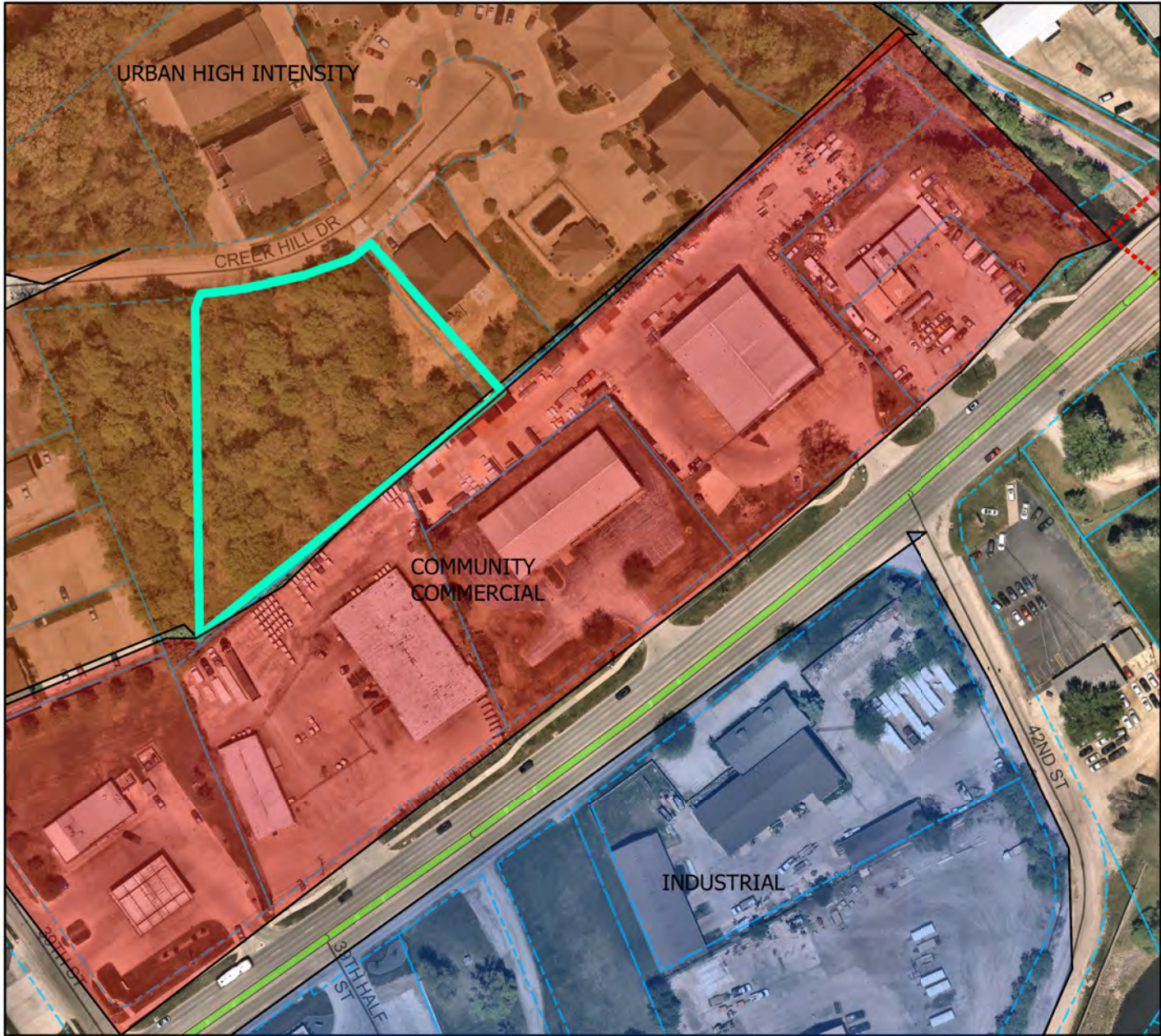




Case No. : 23-035 VARIANCE TO REDUCE SIDE YARD SETBACK FROM 21 FEET TO 7.5 FEET

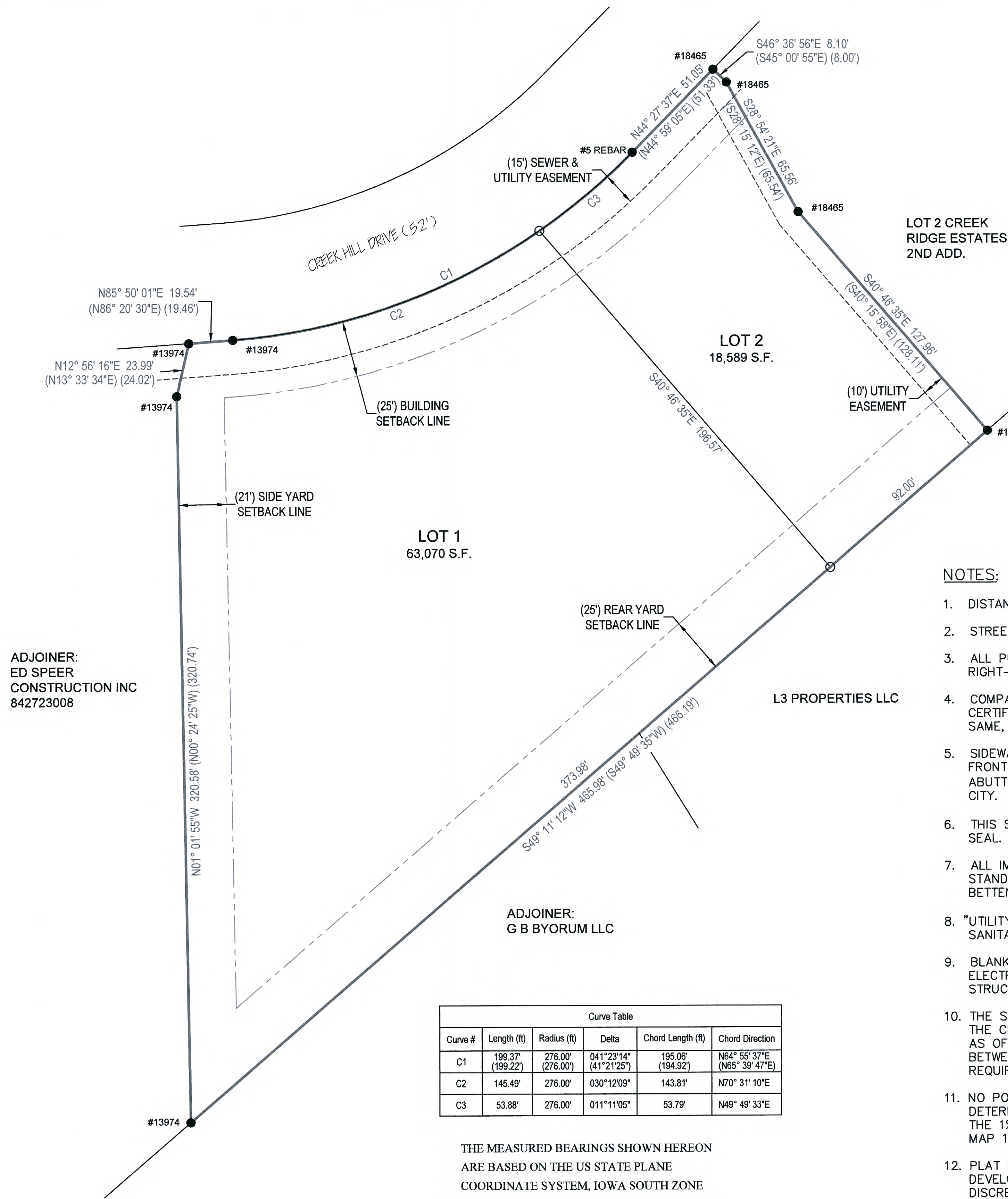


FUTURE LAND USE MAP



FINAL PLAT CREEK RIDGE ESTATES 3RD ADDITION

BEING A REPLAT OF LOT 1 OF CREEK RIDGE ESTATES 2ND ADDITION TO THE CITY OF BETTENDORF, SCOTT COUNTY, IOWA, LOCATED IN PART OF THE EAST HALF OF SECTION 27, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH P.M., SCOTT COUNTY, IOWA.



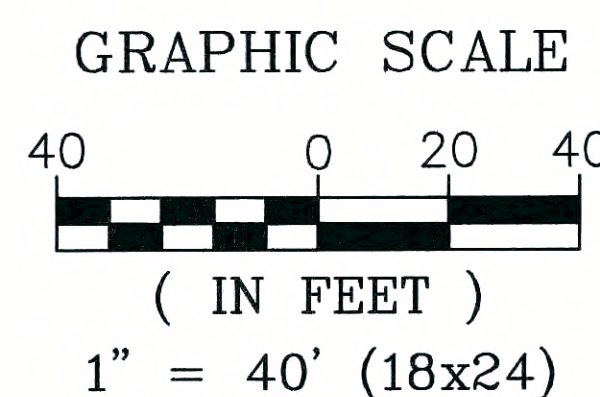
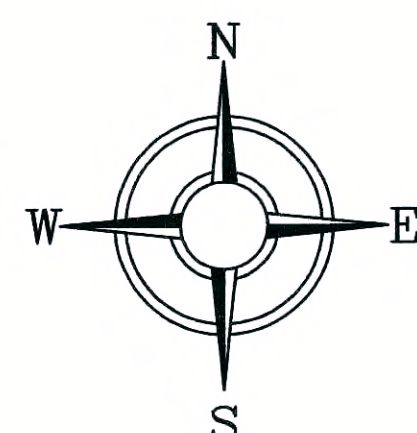
ADJOINER:
ED SPEER
CONSTRUCTION INC
842723008

ADJOINER:
G B BYORUM LLC

Curve #	Length (ft)	Radius (ft)	Delta	Chord Length (ft)	Chord Direction
C1	199.37 (199.22)	276.00 (276.00)	041°23'14" (41°21'25")	195.06' (194.92')	N64° 55' 37"E (N65° 39' 47"E)
C2	145.49'	276.00'	030°12'09"	143.81'	N70° 31' 10"E
C3	53.88'	276.00'	011°11'05"	53.79'	N49° 49' 33"E

THE MEASURED BEARINGS SHOWN HEREON ARE BASED ON THE US STATE PLANE COORDINATE SYSTEM, IOWA SOUTH ZONE (1402) GEOID 12A, NAD 83 (2011) EPOCH 2010.00.

LEGEND:
DEED DIMENSION = (0.00')
FIELD DIMENSION = 0.00'
MONUMENTS FOUND:
#5 REBAR W/ GREEN CAP #18465 = ●
#5 REBAR W/ ORANGE CAP #13974 = ●
MONUMENTS SET:
#5 REBAR W/ YELLOW CAP #23503 = ○
BOUNDARY LINE = ————
EASEMENT LINE = - - - - -
SETBACK LINE = - · - · -



PLAT INFORMATION

- Owner:**
Dana Development LLC
1016 Coffelt Ave
Bettendorf, Iowa 52722
- Engineer:**
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236
- Surveyor:**
Michael D. Richmond
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236
- Attorney:**
Milissa Hofmann
3425 E. Locust Str., Suite 201
Davenport, Iowa 52803
(563)326-4900

NOTES:

- DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
- STREET RADIUS AT ALL INTERSECTIONS SHALL BE 25 FEET.
- ALL PUBLIC UTILITIES SHALL BE LOCATED WITHIN EASEMENTS OR PUBLIC RIGHT-OF-WAY.
- COMPARE THE DESCRIPTION OF THIS PLAT WITH THE DEED, ABSTRACT OR CERTIFICATE OF TITLE; ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND AT ONCE REPORT ANY DIFFERENCE.
- SIDEWALKS SHALL BE CONSTRUCTED ALONG ALL PUBLIC STREET FRONTAGES. INSTALLATION OF SIDEWALKS SHALL OCCUR WHEN THE ABUTTING PROPERTY (LOT) IS DEVELOPED OR WHEN SO ORDERED BY THE CITY.
- THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE AND SEAL.
- ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR CONSTRUCTION FOR THE CITY OF BETTENDORF, IA.
- "UTILITY EASEMENTS" SHALL ACCOMMODATE GAS, ELECTRIC, WATER, SANITARY SEWER AND COMMUNICATION LINES AS NEEDED.
- BLANKET UNDERGROUND EASEMENTS GRANTED FOR SEWER, WATER, GAS, ELECTRIC, TELEPHONE, AND CABLE T.V. SERVICES TO INDIVIDUAL STRUCTURES WITHIN THE LOT WHERE THE STRUCTURE IS LOCATED.
- THE SUBJECT PROPERTY IS ZONED R-5 AT THE TIME OF ACCEPTANCE BY THE CITY. ZONING 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.
- NO PORTION OF THE SUBDIVISION IS LOCATED WITHIN THE FEMA DETERMINED SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD AS SHOWN ON FLOOD INSURANCE RATE MAP 19163C0386F, EFFECTIVE DATE FEBRUARY 18, 2011.
- PLAT NOTES ESTABLISH REQUIREMENTS FOR HOW A SUBDIVISION WILL DEVELOP. HOWEVER, THE CITY RESERVES THE RIGHT IN ITS SOLE DISCRETION TO ALTER OR AMEND ANY PLAT NOTE, OR TO SELL OR VACATE ANY RIGHT OF WAY OR UTILITY EASEMENT DEDICATED WITHIN THE PLAT. FURTHER, THE CITY RESERVES THE RIGHT UPON REQUEST OF THE OWNER TO RELOCATE ANY EASEMENT, ALTER LOT BOUNDARIES OR ALLOW GROUND TO BE REPLATTED.
- CHANGES IN THE PLAT WHICH AFFECT THE PLACEMENT OF UTILITY FACILITIES ARE TO BE REVIEWED AND APPROVED BY THE AFFECTED UTILITIES AND ANY CHANGES WHICH RESULT IN THE RELOCATION OF UTILITY FACILITIES SHALL BE AT THE EXPENSE OF THE PARTY REQUESTING THE CHANGE.
- ALL BUILDING SETBACKS, RESTRICTIONS AND COVENANTS ESTABLISHED WITH CREEK RIDGE ESTATES 2ND ADDITION SHALL APPLY TO CREEK RIDGE ESTATES 3RD ADDITION.

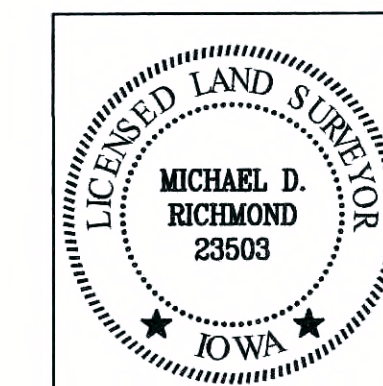
APPROVAL SIGNATURES:

<i>[Signature]</i> MAYOR	DATE: 5-25-20
<i>[Signature]</i> CITY CLERK	DATE: 5-29-20
<i>[Signature]</i> CHAIRMAN PLAN & ZONE	DATE: 4 21 2020
<i>[Signature]</i> CENTURY LINK	DATE: 4-17-2020
<i>[Signature]</i> IOWA - AMERICAN WATER COMPANY	DATE: 4-17-2020
<i>[Signature]</i> MEDIACOM	DATE: 5-19-20
<i>[Signature]</i> MIDAMERICAN ENERGY	DATE: 5-19-20
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD M.E.C.	

- ALL UTILITIES ARE TO BE INSTALLED UNDERGROUND.
- ALL STORM SEWER AND DRAINAGE EASEMENTS SHALL HAVE A BLANKET INGRESS/EGRESS EASEMENT.
- THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS AND ROADWAYS OF RECORD.
- NO INVESTIGATION CONCERNING ENVIRONMENTAL AND SUBSURFACE CONDITIONS, OR FOR THE EXISTENCE OF UNDERGROUND CONTAINERS, STRUCTURES OR FACILITIES WHICH MAY AFFECT THE USE AND DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
- NO INVESTIGATION WAS MADE AS A PART OF THIS SURVEY TO DETERMINE OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITIES OR MUNICIPAL FACILITIES, EXCEPT AS NOTED. CALL IOWA ONECALL AT 1-800-292-8989 FOR INFORMATION REGARDING THESE UTILITIES OR FACILITIES.
- NEW MONUMENTS WILL BE SET IN ACCORDANCE WITH RELEVANT IOWA CODE.

ZONING & LOT INFORMATION

CURRENT ZONING: R-5
TOTAL NUMBER OF LOTS: 2
TOTAL SITE ACREAGE: 1.875 ACRES



I hereby certify that this land surveying document was prepared and the related survey work was performed 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]
MICHAEL D. RICHMOND
Iowa License Number: 23503
My license renewal date is December 31, 2021
Pages or sheets covered by this seal: 1



DATE: 00/00/00

563 386.4236 office 386.4231 fax
2224 East 12th Street, Davenport, IA 52803

DRAWN BY:
KLC

CHECKED BY:
MDR

DRAWING LOCATION
S:\McDEVIT\CREEK HILL

NO.	REVISIONS: DESCRIPTION	DATE

PROJECT
FINAL PLAT
CREEK RIDGE ESTATES 3RD ADDITION
BETTENDORF, IOWA

PREPARED FOR
DANA DEVELOPMENT LLC
1016 COFFELT AVE
BETTENDORF IA 52722

SHEET NO.
1
OF
1



STAFF REPORT

Subject: Board of Adjustment - Variance
Author: Taylor Beswick
Department: Community Development
Date: May 11, 2023

Case No.: 23-034
Request: Variance to allow parking to encroach 4 feet into the required front yard.
Location: NW of intersection of Forest Grove Drive and Friendship Path
Legal Description: Lot 7, Bettplex First Addition (Parcel #: 840203107)
Applicant: Paul Boffeli – Build to Suit, Inc.
Current Zoning: C-3, General Business District
Future Land Use: UMI, Urban Medium Intensity

Background Information & Facts

Paul Boffeli is requesting a variance to allow parking for a medical office development to encroach 4 feet into the required front yard along Friendship Path (see [Aerial Map – Attachment A](#)). The lot is located in the C-3, General Business zoning district and is bordered by A-1, Agricultural/Urban Reserve to the west and commercially-zoned areas to the north and east (see [Zoning Map - Attachment B](#)). The Future Land Use Map contemplates the area as Urban Medium Intensity (UMI) (see [Future Land Use Map - Attachment C](#)). The site development plan proposes two medical office buildings on a 1.6 acre lot requiring a total of 79 parking spaces per the off-street parking schedule (see [Site Development Plan – Attachment D](#)). A total of 18 spaces are proposed to encroach into the 20-foot front yard setback required in the C-3 zoning district.

Staff Analysis & Recommendations

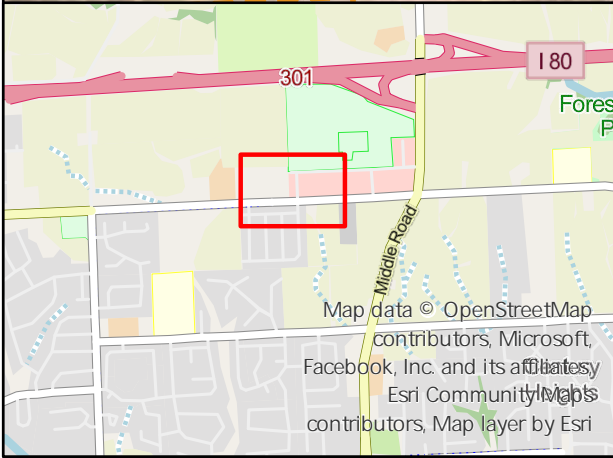
The future owner of the medical office buildings plan to utilize the entirety of the proposed parking spaces. Upon platting of the Bettplex Additions, Lot 7 was made unusually narrow due to the requirement by the City to align Friendship Path north of Forest Grove Drive with Friendship Path south of Forest Grove Drive. Staff contends given the surrounding commercial uses and the likelihood of future commercial development to the west that an encroachment 4 feet into the frontyard for parking will not negatively impact the surrounding character or safety of the area. Furthermore, the required 15-foot street landscape buffer is still observed along Friendship Path. Per Bettendorf Code § 11-13-3 (B.): *“Parking lots may be allowed in a front yard if authorized by the board of adjustment, provided that the district does not require that the front yard be landscaped and devoted to no other use, and further provided that the parking is in accord with all other ordinance provisions.”* The request meets the stated standards.

Staff Recommendation

Staff recommends approval of the variance request.

Respectfully submitted,

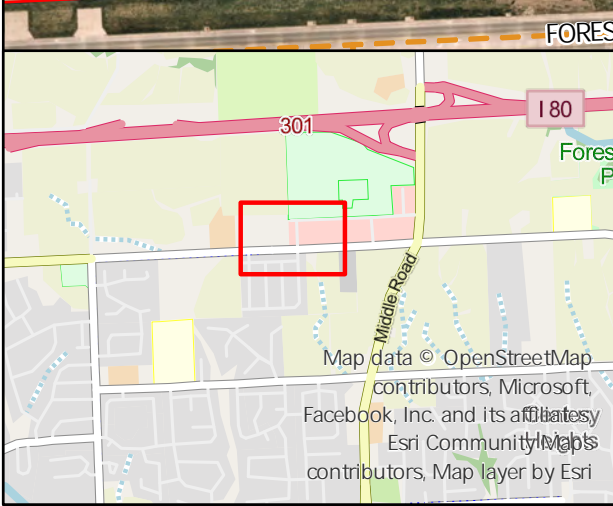
Taylor Beswick
 City Planner



Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri

Legend

- Development Site
- Subdivision
- Parcel



Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri

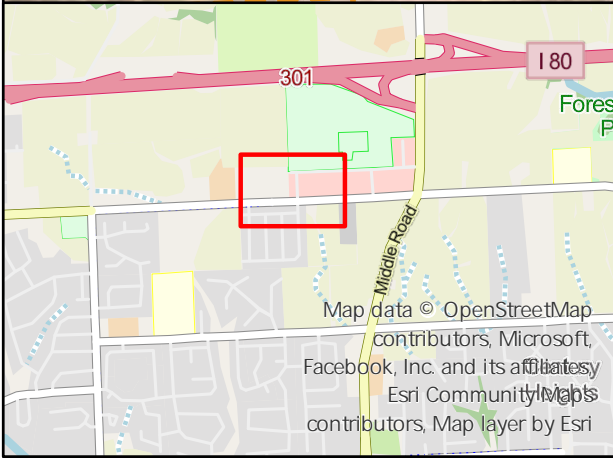
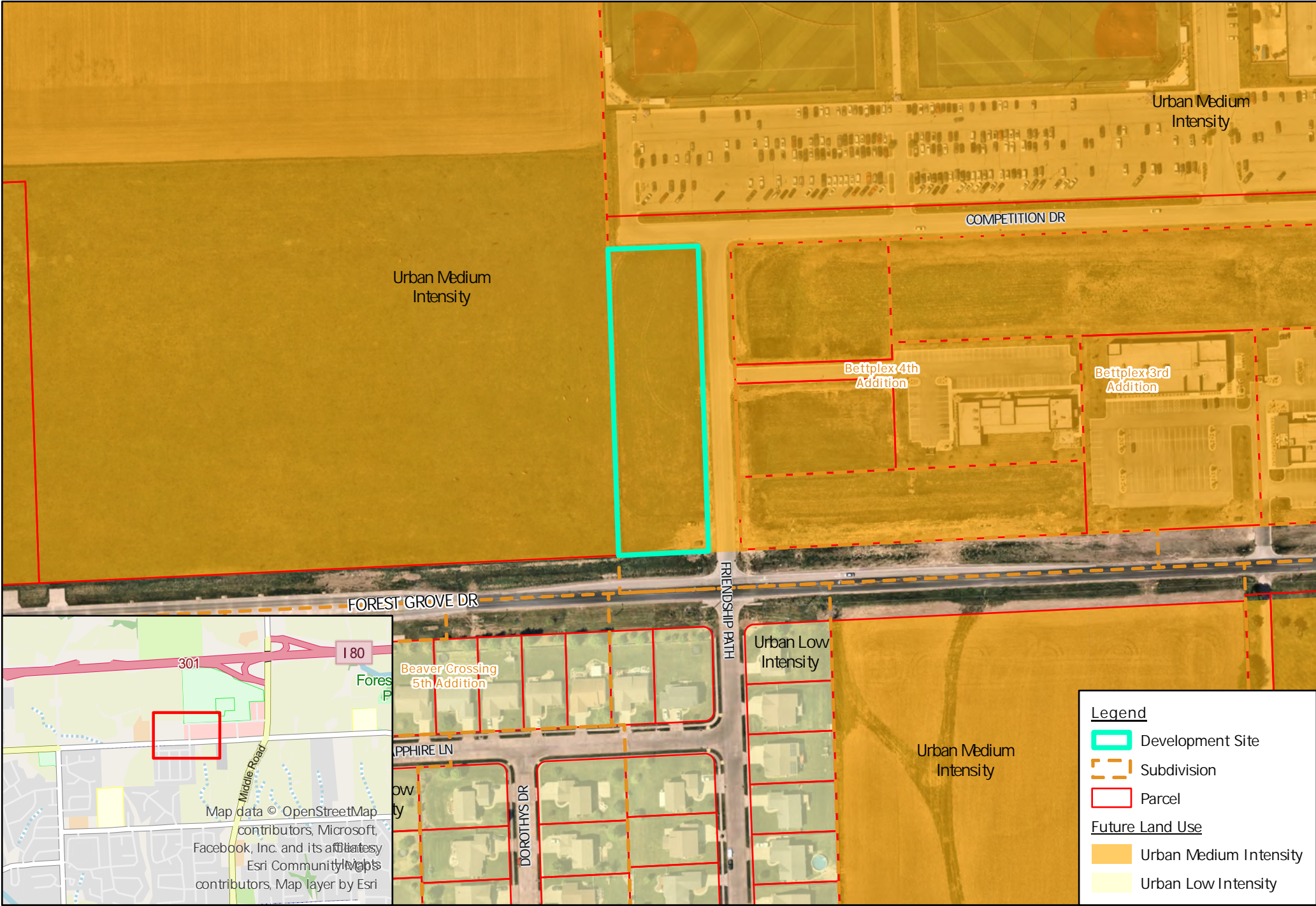


Legend

- Development Site
- Subdivision
- Parcel

Zoning District

- A-1 Agricultural/Urban Reserve
- C-3 General Business
- C-7 Regional Entertainment
- R-1 Single Family Res.
- R-2 Single-Family Residence
- R-3 Mixed Residential

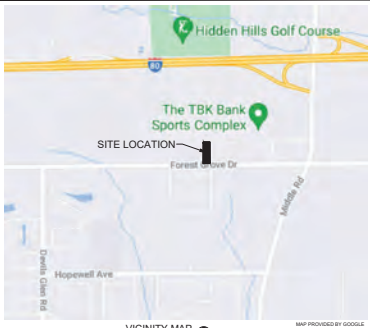


Legend

- Development Site
- Subdivision
- Parcel

Future Land Use

- Urban Medium Intensity
- Urban Low Intensity



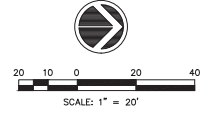
DEVELOPER: BUILD TO SUIT
 1835 STATE STREET #101
 BETTENDORF, IOWA 52722
 563.355.2022

ARCHITECT: STREAMLINE ARCHITECTS
 575 27TH AVENUE
 EAST MOLINE, ILLINOIS 61244
 563.345.2724

LEGAL DESCRIPTION
 LOT NUMBER 7 OF BETTPELEX 1ST ADDITION, IN THE CITY OF BETTENDORF, SCOTT COUNTY, IOWA

SITE INFORMATION	
ZONING DISTRICT: C-3 PUBLIC GATHERING AND RECREATIONAL ACTIVITY DISTRICT	
SITE LOCATION: LOT 7 BETTPELEX 1ST ADDITION, BETTENDORF, IOWA	
TOTAL LOT 7 AREA	76,911 S.F. ±
FRONT YARD REQUIRED	1.61 ACRES ±
REAR YARD REQUIRED	20'
SIDE YARD REQUIRED	NONE
TOTAL BUILDING AREA	141,733.00 SF (B) + 4,389 SF
REQUIRED PARKING - 78 SPACES (INCLUDING 4 ADA) REFER TO ARCH. SITE PLAN PROVIDED ± 79 (INCLUDING 4 ADA)	
TOTAL VEHICULAR USE AREA (V.U.A.) ±	29,515 S.F. ±
CONSTRUCTION ACTIVITY DESCRIPTION The construction includes 2 proposed buildings, associated parking lot and utilities.	

- GENERAL NOTES
- ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF BETTENDORF DESIGN AND SPECIFICATIONS, LATEST EDITION AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
 - UNDERGROUND FACILITIES, STRUCTURES AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS, RECORDS, AND FIELD INVESTIGATION. THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. IF IT IS POSSIBLE THERE MAY BE OTHERS, THE EXISTENCE OF WHICH PRESENTLY NOT KNOWN OR SHOWN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR EXISTENCE AND EXACT LOCATION AND TO AVOID DAMAGE THEREOF.
 - IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY CONFLICTS WITH THE DRAWINGS OCCUR. ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
 - PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREAS. DO NOT ALLOW WATER TO POND ONTO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
 - ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
 - THE CONTRACTOR SHALL EXERCISE PROPER CAUTION TO PROTECT THE EXISTING IMPROVEMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY DAMAGE.
 - ALL EROSION CONTROL MEASURES MUST BE INSTALLED PRIOR TO THE COMMENCEMENT OF ANY EARTH DISTURBING OPERATIONS. THE REMAINING EROSION CONTROL MEASURES SHALL BE INSTALLED AS SOON AS REASONABLY POSSIBLE AFTER GRADING OPERATIONS BEGIN. WHERE THE PRESENCE OF SILT FENCE WILL INTERFERE WITH ACTIVITIES, DIVERSION DITCHES AND SMALL TEMPORARY SEDIMENT TRAPS SHALL BE UTILIZED UNTIL SILT FENCE OR OTHER MEASURES MAY BE INSTALLED AND VEGETATION ESTABLISHED.
 - BUILDING CONSTRUCTION TYPE IS ANTICIPATED TO BE TYPE "VP" PER THE 2000 INTERNATIONAL BUILDING CODE.
 - SEE ARCHITECTURAL PLANS. BUILDING OCCUPANCY TYPES ARE ANTICIPATED TO BE (BUILDING A) "BUSINESS-OUTPATIENT CLINIC" (BUILDING B) "BUSINESS-SHELL ONLY" PER THE 2000 INTERNATIONAL BUILDING CODE.
 - THE PROPOSED BUILDINGS WILL NOT BE EQUIPPED WITH AUTOMATIC FIRE SPRINKLER SYSTEMS.
 - PROVIDED PROPERTY YARD DIMENSION NOTES
 30' WIDE BUFFER YARD ALONG WEST PROPERTY LINE (NO BUILDINGS WITHIN BUFFER YARD)
 30' WIDE STREET YARD ALONG NORTH (EAST & SOUTH) PROPERTY LINES
 8' WIDE SIDE YARD ALONG WEST PROPERTY LINE



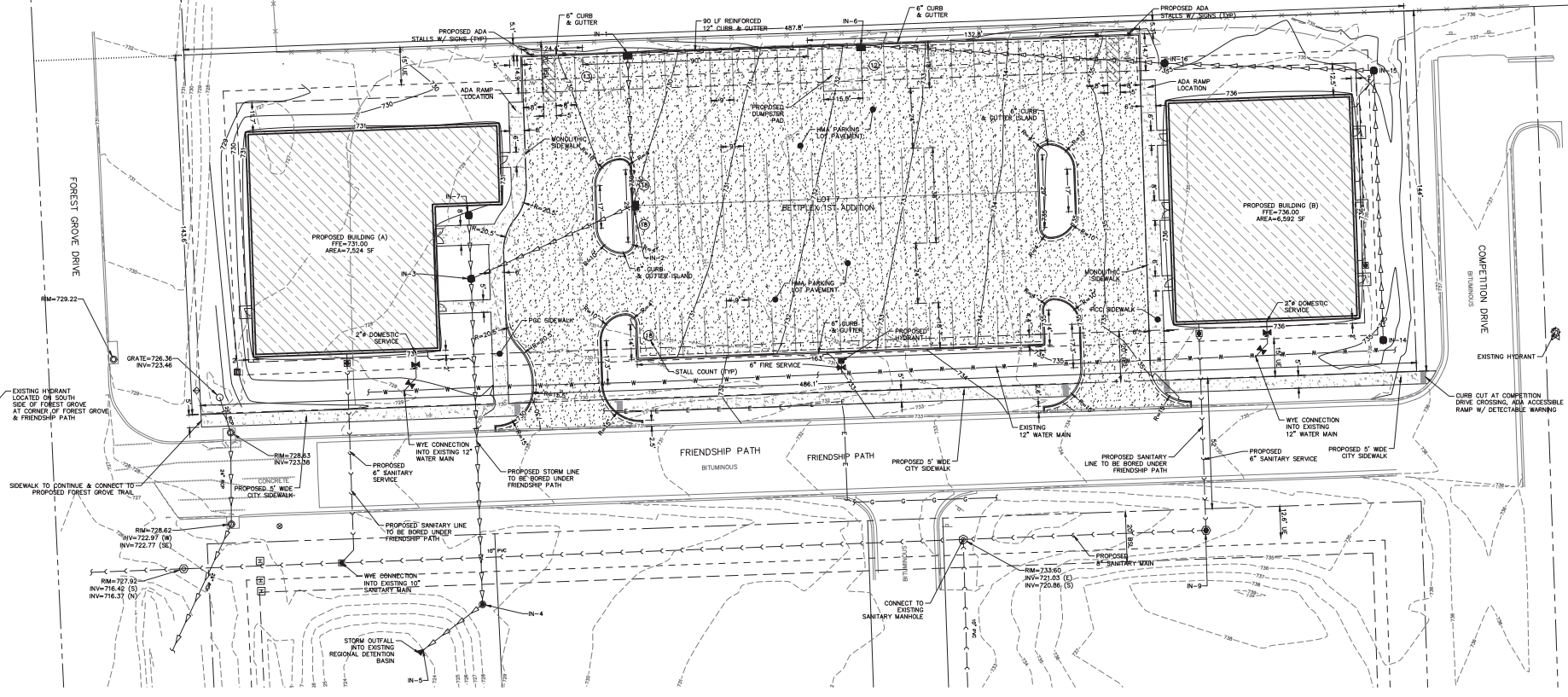
DATE	REVISIONS	DESCRIPTION
	No.	



BETTPELEX LOT 7 DEVELOPMENT
 BETTENDORF, IA
 CITY SITE PLAN

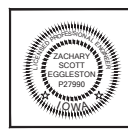
IMEG Project No: 23000975.00
 File Name: 23000975.00 City Site Plan.dwg
 © COPYRIGHT 2023 ALL RIGHTS RESERVED
 Field Book No: #####
 Drawn By: ZSE
 Checked By: JLH
 Date: 04/25/2023

C-1
 Sheet 1 of 1



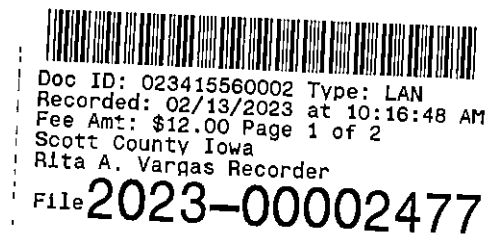
LEGEND

- | | | | | |
|--------------------|----------------------------|------------------|-----------------------------|---------------------------|
| STORM INLET | SURVEY BOUNDARY | SETBACK LINE | PROPOSED SANITARY SEWER | PROPOSED WATER VALVE |
| FLARED END SECTION | PROPERTY LINE | SANITARY SEWER | PROPOSED STORM SEWER | PROPOSED HYDRANT |
| SANITARY MANHOLE | CENTERLINE | STORM SEWER | PROPOSED WATER LINE | PROPOSED SANITARY MANHOLE |
| WATER VALVE | HISTORICAL LINE - AS NOTED | WATER LINE | PROPOSED STORM SEWER INLET | PROPOSED CLEANOUT |
| HYDRANT | EASEMENT LINE | CONTOUR | PROPOSED FLARED END SECTION | PROPOSED HMA PAVEMENT |
| | R.O.W. LINE | PROPOSED CONTOUR | PROPOSED STORM MANHOLE | PROPOSED PCC PAVEMENT |



I hereby certify that this plan was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.
 Signature: Zachary Scott Eggleston
 Date: 04/25/2023
 License No. P27990
 My license renewal date is December 31, 2024.
 Pages or sheets covered by this seal: THIS SHEET

Title: April 25, 2023, 4:15:24 PM
 C:\Users\james@imeg.com\OneDrive\Documents\23000975-00_City_Site_Plan.dwg



Return to: Lisa Fuhrman, City of Bettendorf, 4403 Devils Glen Road, Bettendorf, IA 52722, 563-344-4061

CITY OF BETTENDORF – ZONING BOARD OF ADJUSTMENT DECISION AND ORDER

Legal Description Part of the SE¼NW¼ of Section 11 in Township 78N (Parcel #: 841119007)
Project Number 22-066 and 22-067
Project Type Special use permits to allow a car wash (22-066) and unlimited gas sales (22-067) associated with a convenience store.

Facts

Townsend Engineering, representing Middle Road Developers, LC, is seeking special use permits to allow a car wash and unlimited gas sales associated with a convenience store on a vacant tract of land located northwest of the intersection of Middle Road and 53rd Avenue. The specified parcel is located in the C-2, Community Commercial Zoning District and bordered by single-family residential zoned development to the north and west and undeveloped commercially zoned tracts to the south and east. The Future Land Use Map contemplates the tract of land on each corner of the Middle Road/53rd Avenue roundabout as Neighborhood Commercial (NC).

The proposed site development plan for the gas station shows more than 4 gas pumps which is permitted only by special use in the C-2 District. 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 2.16-acre lot of a proposed three-lot subdivision. Access will be provided by a private drive lane via Middle Road.

The proposed location of the gas station has been zoned C-2 Community Commercial since 1996 (Ordinance #38-96). Haley Heights Fourth Addition, the adjacent single-family residential development, was approved in 2016. At the time of the residential development, a berm running parallel to Addyson Drive was constructed. The purpose of the berm was to buffer the residential development from future commercial development at the site of the proposed gas station. The site of the proposed gas station is situated closest to Middle Road and away from the residential development. Furthermore, the construction configuration shows the car wash and convenience store building buffering the gas pumps from the residential development.

A private drive lane is shown connecting to Middle Road and providing access to the gas station. The alignment of the connection is restricted by a median for the roundabout. Given the alternative locations on this parcel, the selected site is the best location for efficient traffic flow and reduced negative externalities including noise and light.

Section 11-5-9 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.

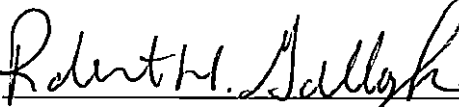
4. **Does the special use unreasonably hinder or discourage development in the target district?** No, this development should encourage surrounding commercial development.
5. **Is parking adequate and are the entrances and exits sufficient for the traffic flow to be generated.** Yes.
6. **Will the special use devalue surrounding properties?** Staff contends this will increase the value of the surrounding commercial property, and that sufficient buffers are proposed to not affect the value of the surrounding residential properties.
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?** No.
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."

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT OF THE CITY OF BETTENDORF, IOWA; that the following Findings of Fact are made:

1. The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
2. The proposed use will comply with all applicable regulations in the district in which the use is to be located.
3. 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.
4. 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.
5. 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.
6. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
7. 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.
8. 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.

THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF BETTENDORF, IOWA; that the request for a special use permit to allow a car wash (22-066) and unlimited gas sales (22-067) associated with a convenience store on a portion of the property legally described as part of the SE¼ of the NW¼ of Section 11 in Township 78N (Parcel # 841119007); is hereby granted.

Done this 8th day of September, 2022.


Robert H. Gallagher, Chair
Board of Adjustment

