

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 10, 2016**  
**5:00 P.M.**

PLACE: Bettendorf City Hall Council Chambers, 2<sup>nd</sup> Floor, 1609 State Street

1. Roll Call: Falk \_\_\_\_, Gallagher \_\_\_\_, Johnson \_\_\_\_, Spranger \_\_\_\_, Voelliger \_\_\_\_
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of February 11, 2016.
4. The Board to hold a public hearing on the following items:
  - a. **Case 16-003; 325 – 16<sup>th</sup> Street (C-3)** – A request for a variance to allow parking in a required front yard, submitted by Bill Ernst. (Deferred from meeting of February 11, 2016)
  - b. **Case 16-004; 325 – 16<sup>th</sup> Street (C-3)** – A request for variance from the requirements of the Downtown Riverfront Corridor Overlay District related to signage for small shopping centers to allow a 30-foot high pole sign and to increase the allowable size of a sign from 100 square feet to 300 square feet, submitted by Bill Ernst. (Deferred from meeting of February 11, 2016)
  - c. **Case 16-005; 325 – 16<sup>th</sup> Street (C-3)** – A request for a special use permit to allow a drive-up window, submitted by Bill Ernst. (Deferred from meeting of February 11, 2016)
  - d. **Case 16-013; 1045 Hall Street (R-2)** – A request for a variance to allow a garage to exceed the 40% rear yard ratio by 100 square feet to allow construction of a 720 square foot garage, submitted by Jenna Kinyon.

**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 11, 2016  
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Gallagher, Johnson, Voelliger  
ABSENT: Spranger  
STAFF: Fuhrman, Soenksen, Connors

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of December 10, 2015.

On motion by Falk, seconded by Gallagher, that the minutes of the meeting of December 10, 2015 be approved as submitted.

ALL AYES

Motion carried.

Item 4. The Board to review and approve the 2015 Board of Adjustment Annual Report.

On motion by Johnson, seconded by Falk, that the 2015 Board of Adjustment Annual Report be approved as submitted.

ALL AYES

Motion carried.

Item 5. Election of Officers.

On motion by Gallagher, seconded by Falk, that Voelliger retain his position of chairman for 2016.

ALL AYES

Motion carried.

Item 6. The Board to hold a public hearing on the following items:

- a. **Case 16-001; 5382 Clemons Road (A-1)** – A request for a special use permit to allow a 150-foot tall radio transmission tower, submitted by Brian Porter.

Voelliger asked if there was an affidavit of publication. Soenksen stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Soenksen reviewed the staff report. Staff report is Annex #3 to these minutes. Soenksen stated that he had just received the specifications for the proposed tower which would be similar to a flagpole with a small, circular array at the top. He indicated that he had advised the applicant to hold a neighborhood meeting but he is not aware of whether or not one was held. Soenksen stated that he had received 3 letters expressing opposition to the request. Letters are Annex #4, #5, and #6 to these minutes.

Voelliger asked if there was anyone present wishing to speak in favor of the request.

Brian Porter, the applicant, stated that he sent letters to the residents who live within 200 feet of the proposed tower 6 days ago. He indicated that the FCC has approved the tower construction permit, the proposed location, and the tower height. He stated that he has attempted to reduce the impact of the proposed tower by choosing a location near a group of trees that would camouflage approximately 70 feet of the tower in addition to the tower's design which is only 24 inches in diameter at the base and tapers to 7 inches in diameter at the top. He indicated that tower is similar to a lighting pole that you might see at an athletic stadium. He indicated that there would be two circular antenna arrays that are made of 1 1/4-inch wide material. Porter explained that the existing farm house on the property near the proposed tower location would be demolished. He indicated that the tower would be low power similar to a ham radio tower. He explained that this type of tower is designed by the FCC to serve a small community and that because of the lower power the placement is critical. Porter stated that there are several similar towers already within the city, adding that there is one near Davenport West High School in a residential area about which he has received no complaints. He stated that these lower power stations are intended to serve the community. He explained that the homeowner at the proposed location is willing to allow the tower to be placed there. Porter stated that if necessary, the tower height could be reduced to approximately 130 feet.

Voelliger asked if Porter had signed a lease with the property owner. Porter stated that a lease would be signed after permission from the city had been granted. Voelliger commented that the possibility that the current homeowner sells his property in the future would have to be taken into consideration with regard to any lease. Porter agreed. He submitted a copy of the community notice to the Board. Notice is Annex #7 to these minutes.

Johnson asked if there would be any opportunity for co-location on the tower. Porter stated that the tower would be for a single use only, adding that he had pursued the possibility of co-locating on another existing tower, but had learned that either the cost was prohibitive or the tower owners were not interested.

Voelliger asked if there was anyone wishing to speak in opposition to the request.

Jim Roberts, 5257 South Richmond Circle, asked why the applicant could not increase the wattage from the existing tower so that its range could be extended. Porter stated that the FCC would not allow a wattage increase because it is on a different frequency.

Roberts asked why the applicant could not co-locate on an existing structure in the tower farm. Porter reiterated that he had made that attempt, but that the cost is prohibitive.

Roberts stated that the tree that is to camouflage the tower is only 30-40 feet tall and asked how 70 feet of the tower would be hidden if this is the case. Porter explained that the tower tapers and becomes less and less visible. Roberts asked if the tower would be lit. Porter stated that it is not tall enough to require lighting.

Roberts commented that the grade changes substantially in the area and that none of the existing homes are built at a higher point than where the tower would be located. Porter stated that while the tower would be visible, he had tried to choose a tower style that is as narrow as possible while still accomplishing his coverage goal.

Roberts asked why the applicant could not co-locate on the existing tower at First Baptist Church on Middle Road. Porter explained again that the cost is prohibitive, adding that there is no feasible location on that site for another tower. He indicated that a tower built at the church location would not be able to serve the proposed audience.

Paul Kanakares, 3950 Park Avenue, stated that he believes that the proposed tower would be an eyesore and displayed a picture demonstrating what the tower may look like from his perspective. Porter commented that the proposed tower would be much narrower than the one indicated in the picture but that otherwise it appears to be an accurate representation.

Kanakares asked if the applicant had considered streaming the broadcast online given the fact that radio seems to be becoming less and less popular. Porter explained that a stream would not be available to people who wish to listen when they are not at home. He added that older, poorer people may not have access to the resources required to access the content.

Kanakares stated that the topography of the area was changed when the current owner purchased the property and brought in fill. He questioned whether the ground where the tower is proposed to be located has the integrity to support the tower. Porter explained that the

tower has been engineered to withstand the wind load, adding that it would be placed in a concrete footing deep into the ground.

Bill Minard, 905 Park Avenue, stated that he is the mayor of Panorama Park, and he was not consulted about the proposed tower. He indicated that he does not understand how the property in question has maintained its agricultural zoning after having been sold, adding that the remainder of the area is residentially zoned. Minard stated that he does not believe that the proposed tower location is appropriate and that current residents likely did not expect a new tower to be built near their homes. He commented that the homes surrounding the existing tower farm were built after the towers were installed. He stated that if the tower is allowed it would negatively affect saleability of the homes in the area.

Falk commented that while the proposed location of the tower is zoned Agricultural, it is indicated as traditional residential on the future land use map included in the new Comprehensive Plan.

Amy Delabruere, 3620 Park Avenue, expressed opposition to the request and indicated that the tree line between her property and the proposed tower location is very thin and would not provide much of a visual buffer.

Minard stated that he does not believe that the size of the audience targeted justifies the location of the tower in a residential area. Porter explained that the tower's location would allow the content to be reached by residents of Pleasant Valley, Bettendorf, part of LeClaire, East Moline, Moline, and Silvis.

Adam Seitz, 5050 Auburn Avenue, commented that residential development has been the primary driver of the city's tax base and that the proposed tower would discourage homeowners from purchasing homes near it. He indicated that the vacant property in the area will be very likely to develop as residential at some point in the future.

Jean Mattson, 5420 Clemons Road, asked if the proposed tower signal would interfere with over-the-air television broadcasts. Porter explained that the tower signal would be on a different wavelength and could not interfere with over-the-air television or any FM radio stations.

Mattson asked if the vehicles and equipment required to construct the tower and demolish the farm house would be heavy enough to damage the surface of Clemons Road and whether the applicant would be required to fix any damage. Porter agreed to repair any damage to the road surface caused by construction equipment and vehicles accessing the site from Clemons Road.

Johnson asked if the city would be involved in any discussions regarding damage to Clemons Road. Soenksen stated that the city has no authority in the matter because it is a private street. Gallagher commented that the parties involved would have to enter into a private agreement.

Johnson commented that there likely is some type of easement granted to the owner of the proposed tower site since the city is required to provide access to each home.

Johnson asked if the applicant would be required to get approval from any other city boards or commissions if the special use permit is granted. Soenksen explained that the Board of Adjustment process is the first step of three. He indicated that a site development plan would be required to be submitted for review and recommendation by the Planning and Zoning Commission and would then be forwarded to the City Council for final approval or denial.

Johnson commented that it does not appear as though the presence of very large towers along Devils Glen Road and near Crow Creek Road deterred people from purchasing the homes near them. Seitz stated that his company developed those subdivisions and the lots nearest the towers were the last to be sold.

Tammie Gill, 3655 Park Avenue, stated that there is a ham radio tower located near her property and that she had to purchase an amplifier for her analog television to counteract the interference possibly caused by it. She stated that if the tower is approved, she would have to look at a tower on both sides of her home.

Voelliger asked if there are different regulations specified in the ordinance related to ham radio towers and radio transmission towers. Soenksen confirmed this.

Mike Mueller, 5217 Auburn Court, asked what would prevent more towers from being located in that area.

Johnson asked if the farm house would be demolished. Connors confirmed this. Johnson stated that it would be difficult for her to deny a homeowner the opportunity to utilize his property as he sees fit when the proposed use is allowed by Code.

Falk concurred, but stated that from his perspective the allowance of the use serves only one purpose but impacts many others. He indicated that the comment with regard to the negative impact on the use and developability of the vacant property surrounding it is valid. He stated that as indicated in the new Comprehensive Plan the intent of the city is to develop that vacant property as residential.

Johnson asked if the applicant has any other options if the special use permit is denied. Porter stated he has a May 10 deadline for specifying a location to the FCC or he would lose the spectrum. He indicated that it is possible he could find a location north of the interstate.

Gallagher commented that he does not believe that the proposed tower is consistent with the surrounding residential area.

On motion by Gallagher, seconded by Falk, that a special use permit to allow a 150-foot tall radio transmission tower be denied in accordance with the Decision and Order.

#### ROLL CALL ON MOTION

AYE: Falk, Gallagher, Voelliger

NAY: Johnson

Motion carried.

Decision and Order is Annex #8 to these minutes.

- b. **Case 16-002; 1777 Isle Parkway (C-7)** – A request for a variance to reduce the required setback for an on-premises identification sign from 100 feet to ½-foot, submitted by Isle of Capri.

Voelliger asked if there was an affidavit of publication. Soenksen stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Soenksen reviewed the staff report. Staff report is Annex #9 to these minutes.

Voelliger asked if there was anyone present wishing to speak in favor of the request.

Doug Jarvis, sign contractor representing the applicant, stated that Isle of Capri has changed the design of the signage and is installing new signs. He added that the parrot sign on top of the hotel will be removed.

Gallagher commented that because the Isle of Capri owns all of the surrounding property and there is no way to install a sign within the required setbacks because of the levee, he is in support of the request. Johnson commented that this is a very unique situation.

On motion by Gallagher, seconded by Johnson, that a variance to reduce the required setback for an on-premises identification sign from 100 feet to ½-foot be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #10 to these minutes.

- c. **Case 16-003; 325 – 16<sup>th</sup> Street (C-3)** – A request for a variance to allow parking in a required front yard, submitted by Bill Ernst. (Deferred to meeting of March 10, 2016)
  
- d. **Case 16-004; 325 – 16<sup>th</sup> Street (C-3)** – A request for variance from the requirements of the Downtown Riverfront Corridor Overlay District related to signage for small shopping centers to allow a 45-foot high pole sign and to increase the allowable size of a sign from 100 square feet to 350 square feet, submitted by Bill Ernst. (Deferred to meeting of March 10, 2016)
  
- e. **Case 16-005; 325 – 16<sup>th</sup> Street (C-3)** – A request for a special use permit to allow a drive-up window, submitted by Bill Ernst. (Deferred to meeting of March 10, 2016)

There being no further business, it was unanimously approved to adjourn the meeting at approximately 6:00 p.m.

These minutes and annexes approved \_\_\_\_\_  
  
\_\_\_\_\_  
John Soenksen, City Planner



COMMUNITY DEVELOPMENT  
City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

March 10, 2016

Staff Report

**Case No. 16-003**

**Location:** 325 – 16<sup>th</sup> Street

**Applicant:** Bill Ernst

**Zoning Designation:** C-3, General Business District

**Request:** for a variance to allow parking in a required front yard setback.

**Background Information and Facts**

The site involves the entire half block area south of Grant Street between 16<sup>th</sup> and 17<sup>th</sup> Streets (see Attachment A - Location Map). The buildings currently shown on the site in Attachment A will be demolished and the entire site cleared as part of the project. This will coincide with the downtown reconfiguration due to the I-74 Corridor Project (see Attachment B – Downtown Reconfiguration). If allowed, the project will involve a commercial building that will accommodate up to three tenants.

**Staff Analysis**

There are multiple requests involved in this project. Staff will address each of those requests below.

**Variance for Parking in Front Setback**

Limited parking, especially off-street parking has been a common problem for developers in the downtown area. River's Edge Addition (containing the businesses of Missman Incorporated, Riverside Grill, and Build to Suit) in close proximity to this site has parking in the front setback. K & K Hardware has parking in the front setback. The businesses that currently occupy this site now under consideration (Campion Training Center and Car Quest), have parking in the front setback.

The parking variance request involves 24 parking spaces (see Attachment C – Site Plan). The portions of those parking spaces that are in the required setback are highlighted in purple on the Site Plan. If allowed, the parking spaces will be 20 feet away from the paved portion of 16<sup>th</sup> Street and 15 feet away from the paved portion of 17<sup>th</sup> Street. As originally submitted, the parking spaces adjacent to Grant Street were only 5-feet back from the paved portion of the street. Staff requested to have the greenspace between the parking and roadway (Grant Street) be increased. The applicant agreed to that request and the parking is now setback 13-feet from the paved portion of Grant Street.

**Special Use for a Drive-up Window**

A proposed drive-up window will be located towards the north end of the east side of the eastern-most tenant space. The window is identified in that area on the Site Plan (Attachment – C) and the drive-up lane is highlighted in orange. The separated drive-through lane will

accommodate up to thirteen vehicles. The designated flow of traffic in the drive-through lane moving counter-clockwise around the rear of the building appears to flow smoothly and not conflict with other functions on the site. The potential stacking of thirteen vehicles within the drive-through lane appears to be more than sufficient.

#### Sign Variance

The applicant would like to place a 30-foot high, 300 square foot monument-style shopping center sign located towards the intersection of 17<sup>th</sup> Street and Grant Street (see Attachment C – Site Plan, sign location highlighted in yellow). If allowed, the sign will resemble the design shown on Attachment D – Sign Illustration. Staff, in conjunction with an ordinance committee, has been working on new Downtown-Riverfront Corridor Overlay District (DRCOD) standards to include a uniform approach to signage in the downtown area. This will be the first major redevelopment in the downtown that will test that unified approach.

Other than business directly adjacent to Interstate-74, staff cannot reference another business in the downtown area that has a 300-square foot free standing sign. If allowed, the requested sign will be three city blocks away from Interstate-74.

In 2005, River's Edge Addition was granted setback variances for two shopping center signs adjacent to State Street. Those signs vary between 82 and 96 square feet and are 12 ½ feet high. The current DRCOD limits a development of this type to one 15-foot high sign with a maximum of 100 square feet. This request is for a sign twice that height and three time that square footage.

The applicant originally requested a 45-foot high, 350 square foot pole sign. At staff's request, the applicant has revised that request to a 30-foot, 300 square foot monument sign which is more in keeping with the new design standards that are being considered for the downtown.

#### Staff Recommendation

All of the requests involve a new half block downtown redevelopment. When completed, the project will resemble the building illustrated on Attachment E – Building Illustration.

Staff recommends approval of the special use request for the drive-up window and associated drive through lane as submitted.

The variance request for parking is consistent with other approved variances in the downtown area and consistent with other parking situations in the downtown area.

Staff cannot identify a hardship related to the requested sign size.

Respectfully submitted,

John Soenksen  
City Planner



Case No. 16003

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

Part 1. Property Involved.

Street Address 325 16th Street, Bettendorf, Iowa

Legal Description of the property. Lots 4,5,6 and 7 in Block 6 in the Original Town (now City) of Bettendorf, Scott County, Iowa.

Part 2. Contact Information.

Applicant Name Bill Ernst Phone 563-332-2408  
Address 101 Woodland Road, Milan, IL 61264 FAX 563-332-2405  
E-mail Address: bernst2001@yahoo.com

Owner Name Bill Ernst Phone 563-332-2408  
Address 101 Woodland Road, Milan, IL 61264 FAX 563-332-2405  
E-mail Address: bernst2001@yahoo.com

Agent Jason Holdorf Phone 563-344-0260  
Address 1717 State Street, Bettendorf, IA 52722 FAX 563-344-0263  
E-mail Address: jasonh@missman.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. \_\_\_\_\_  
(Attach a separate sheet and explain in detail.)





COMMUNITY DEVELOPMENT  
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March 10, 2016

Staff Report

**Case No. 16-004**

**Location:** 325 – 16<sup>th</sup> Street

**Applicant:** Bill Ernst

**Zoning Designation:** C-3, General Business District

**Request:** for a variance from the requirements of the Downtown Riverfront Corridor Overlay District related to signage for small shopping centers to allow a 30-foot high monument sign and to increase the allowable size of a sign from 100 square feet to 300 square feet.

**Background Information and Facts**

The site involves the entire half block area south of Grant Street between 16<sup>th</sup> and 17<sup>th</sup> Streets (see Attachment A - Location Map). The buildings currently shown on the site in Attachment A will be demolished and the entire site cleared as part of the project. This will coincide with the downtown reconfiguration due to the I-74 Corridor Project (see Attachment B – Downtown Reconfiguration). If allowed, the project will involve a commercial building that will accommodate up to three tenants.

**Staff Analysis**

There are multiple requests involved in this project. Staff will address each of those requests below.

**Variance for Parking in Front Setback**

Limited parking, especially off-street parking has been a common problem for developers in the downtown area. River’s Edge Addition (containing the businesses of Missman Incorporated, Riverside Grill, and Build to Suit) in close proximity to this site has parking in the front setback. K & K Hardware has parking in the front setback. The businesses that currently occupy this site now under consideration (Campion Training Center and Car Quest), have parking in the front setback.

The parking variance request involves 24 parking spaces (see Attachment C – Site Plan). The portions of those parking spaces that are in the required setback are highlighted in purple on the Site Plan. If allowed, the parking spaces will be 20 feet away from the paved portion of 16<sup>th</sup> Street and 15 feet away from the paved portion of 17<sup>th</sup> Street. As originally submitted, the parking spaces adjacent to Grant Street were only 5-feet back from the paved portion of the street. Staff requested to have the greenspace between the parking and roadway (Grant Street) be increased. The applicant agreed to that request and the parking is now setback 13-feet from the paved portion of Grant Street.

### Special Use for a Drive-up Window

A proposed drive-up window will be located towards the north end of the east side of the eastern-most tenant space. The window is identified in that area on the Site Plan (Attachment – C) and the drive-up lane is highlighted in orange. The separated drive-through lane will accommodate up to thirteen vehicles. The designated flow of traffic in the drive-through lane moving counter-clockwise around the rear of the building appears to flow smoothly and not conflict with other functions on the site. The potential stacking of thirteen vehicles within the drive-through lane appears to be more than sufficient.

### Sign Variance

The applicant would like to place a 30-foot high, 300 square foot monument-style shopping center sign located towards the intersection of 17<sup>th</sup> Street and Grant Street (see Attachment C – Site Plan, sign location highlighted in yellow). If allowed, the sign will resemble the design shown on Attachment D – Sign Illustration. Staff, in conjunction with an ordinance committee, has been working on new Downtown-Riverfront Corridor Overlay District (DRCOD) standards to include a uniform approach to signage in the downtown area. This will be the first major redevelopment in the downtown that will test that unified approach.

Other than business directly adjacent to Interstate-74, staff cannot reference another business in the downtown area that has a 300-square foot free standing sign. If allowed, the requested sign will be three city blocks away from Interstate-74.

In 2005, River's Edge Addition was granted setback variances for two shopping center signs adjacent to State Street. Those signs vary between 82 and 96 square feet and are 12 ½ feet high. The current DRCOD limits a development of this type to one 15-foot high sign with a maximum of 100 square feet. This request is for a sign twice that height and three times that square footage.

The applicant originally requested a 45-foot high, 350 square foot pole sign. At staff's request, the applicant has revised that request to a 30-foot, 300 square foot monument sign which is more in keeping with the new design standards that are being considered for the downtown.

### Staff Recommendation

All of the requests involve a new half block downtown redevelopment. When completed, the project will resemble the building illustrated on Attachment E – Building Illustration.

Staff recommends approval of the special use request for the drive-up window and associated drive through lane as submitted.

The variance request for parking is consistent with other approved variances in the downtown area and consistent with other parking situations in the downtown area.

Staff cannot identify a hardship related to the requested sign size.

Respectfully submitted,

John Soenksen  
City Planner



Case No. 16-004

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

**Part 1. Property Involved.**

Street Address 325 16th Street, Bettendorf, Iowa

Legal Description of the property. Lots 4,5,6 and 7 in Block 6 in the Original Town (now City) of Bettendorf, Scott County, Iowa.

**Part 2. Contact Information.**

Applicant Name Bill Ernst Phone 563-332-2408  
Address 101 Woodland Road, Milan, IL 61264 FAX 563-332-2405  
E-mail Address: bernst2001@yahoo.com

Owner Name Bill Ernst Phone 563-332-2408  
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Agent Jason Holdorf Phone 563-344-0260  
Address 1717 State Street, Bettendorf, IA 52722 FAX 563-344-0263  
E-mail Address: jasonh@missman.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.** \_\_\_\_\_  
(Attach a separate sheet and explain in detail.)





COMMUNITY DEVELOPMENT  
City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

March 10, 2016

Staff Report

**Case No. 16-005**

**Location:** 325 – 16<sup>th</sup> Street

**Applicant:** Bill Ernst

**Zoning Designation:** C-3, General Business District

**Request:** for a special use permit to allow a drive-up window.

**Background Information and Facts**

The site involves the entire half block area south of Grant Street between 16<sup>th</sup> and 17<sup>th</sup> Streets (see Attachment A - Location Map). The buildings currently shown on the site in Attachment A will be demolished and the entire site cleared as part of the project. This will coincide with the downtown reconfiguration due to the I-74 Corridor Project (see Attachment B – Downtown Reconfiguration). If allowed, the project will involve a commercial building that will accommodate up to three tenants.

**Staff Analysis**

There are multiple requests involved in this project. Staff will address each of those requests below.

**Variance for Parking in Front Setback**

Limited parking, especially off-street parking has been a common problem for developers in the downtown area. River’s Edge Addition (containing the businesses of Missman Incorporated, Riverside Grill, and Build to Suit) in close proximity to this site has parking in the front setback. K & K Hardware has parking in the front setback. The businesses that currently occupy this site now under consideration (Campion Training Center and Car Quest), have parking in the front setback.

The parking variance request involves 24 parking spaces (see Attachment C – Site Plan). The portions of those parking spaces that are in the required setback are highlighted in purple on the Site Plan. If allowed, the parking spaces will be 20 feet away from the paved portion of 16<sup>th</sup> Street and 15 feet away from the paved portion of 17<sup>th</sup> Street. As originally submitted, the parking spaces adjacent to Grant Street were only 5-feet back from the paved portion of the street. Staff requested to have the greenspace between the parking and roadway (Grant Street) be increased. The applicant agreed to that request and the parking is now setback 13-feet from the paved portion of Grant Street.

**Special Use for a Drive-up Window**

A proposed drive-up window will be located towards the north end of the east side of the eastern-most tenant space. The window is identified in that area on the Site Plan (Attachment – C) and the drive-up lane is highlighted in orange. The separated drive-through lane will accommodate up to thirteen vehicles. The designated flow of traffic in the drive-through lane moving counter-clockwise around the rear of the building appears to flow smoothly and not conflict with other functions on the site. The potential stacking of thirteen vehicles within the drive-through lane appears to be more than sufficient.

#### Sign Variance

The applicant would like to place a 30-foot high, 300 square foot monument-style shopping center sign located towards the intersection of 17<sup>th</sup> Street and Grant Street (see Attachment C – Site Plan, sign location highlighted in yellow). If allowed, the sign will resemble the design shown on Attachment D – Sign Illustration. Staff, in conjunction with an ordinance committee, has been working on new Downtown-Riverfront Corridor Overlay District (DRCOD) standards to include a uniform approach to signage in the downtown area. This will be the first major redevelopment in the downtown that will test that unified approach.

Other than business directly adjacent to Interstate-74, staff cannot reference another business in the downtown area that has a 300-square foot free standing sign. If allowed, the requested sign will be three city blocks away from Interstate-74.

In 2005, River's Edge Addition was granted setback variances for two shopping center signs adjacent to State Street. Those signs vary between 82 and 96 square feet and are 12 ½ feet high. The current DRCOD limits a development of this type to one 15-foot high sign with a maximum of 100 square feet. This request is for a sign twice that height and three time that square footage.

The applicant originally requested a 45-foot high, 350 square foot pole sign. At staff's request, the applicant has revised that request to a 30-foot, 300 square foot monument sign which is more in keeping with the new design standards that are being considered for the downtown.

#### Staff Recommendation

All of the requests involve a new half block downtown redevelopment. When completed, the project will resemble the building illustrated on Attachment E – Building Illustration.

Staff recommends approval of the special use request for the drive-up window and associated drive through lane as submitted.

The variance request for parking is consistent with other approved variances in the downtown area and consistent with other parking situations in the downtown area.

Staff cannot identify a hardship related to the requested sign size.

Respectfully submitted,

John Soenksen  
City Planner



Case No. 16-005

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

Part 1. Property Involved.

Street Address 325 16th Street, Bettendorf, Iowa

Legal Description of the property. Lots 4,5,6 and 7 in Block 6 in the Original Town (now City) of Bettendorf, Scott County, Iowa.

Part 2. Contact Information.

Applicant Name Bill Ernst Phone 563-332-2408  
Address 101 Woodland Road, Milan, IL 61264 FAX 563-332-2405  
E-mail Address: bernst2001@yahoo.com

Owner Name Bill Ernst Phone 563-332-2408  
Address 101 Woodland Road, Milan, IL 61264 FAX 563-332-2405  
E-mail Address: bernst2001@yahoo.com

Agent Jason Holdorf Phone 563-344-0260  
Address 1717 State Street, Bettendorf, IA 52722 FAX 563-344-0263  
E-mail Address: jasonh@missman.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:

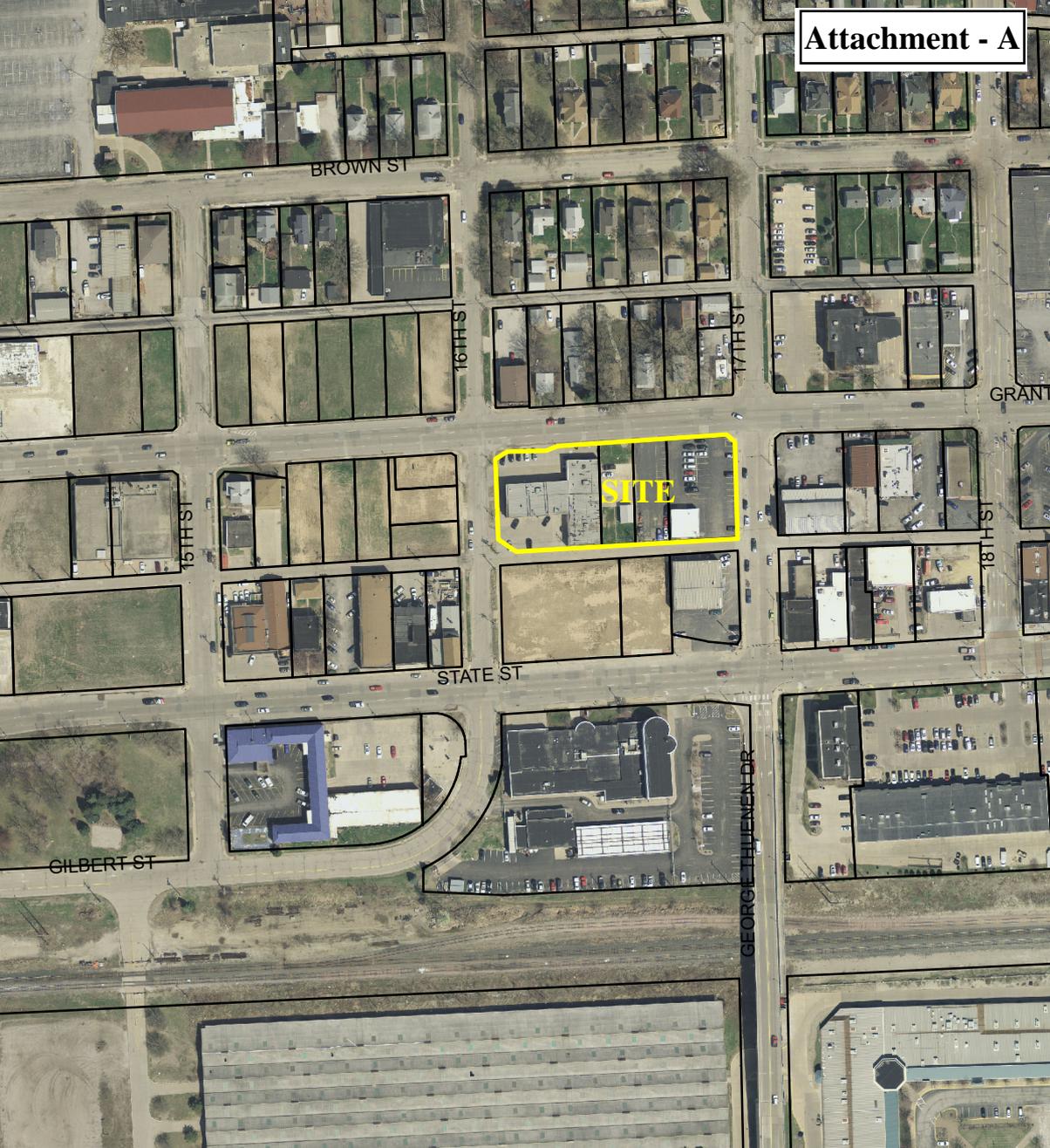
- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
- (b) That it will not impair an adequate supply of light and air to adjacent property.
- (c) That it will not unreasonably 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. \_\_\_\_\_  
(Attach a separate sheet and explain in detail.)





BROWN ST

16TH ST

17TH ST

GRANT ST

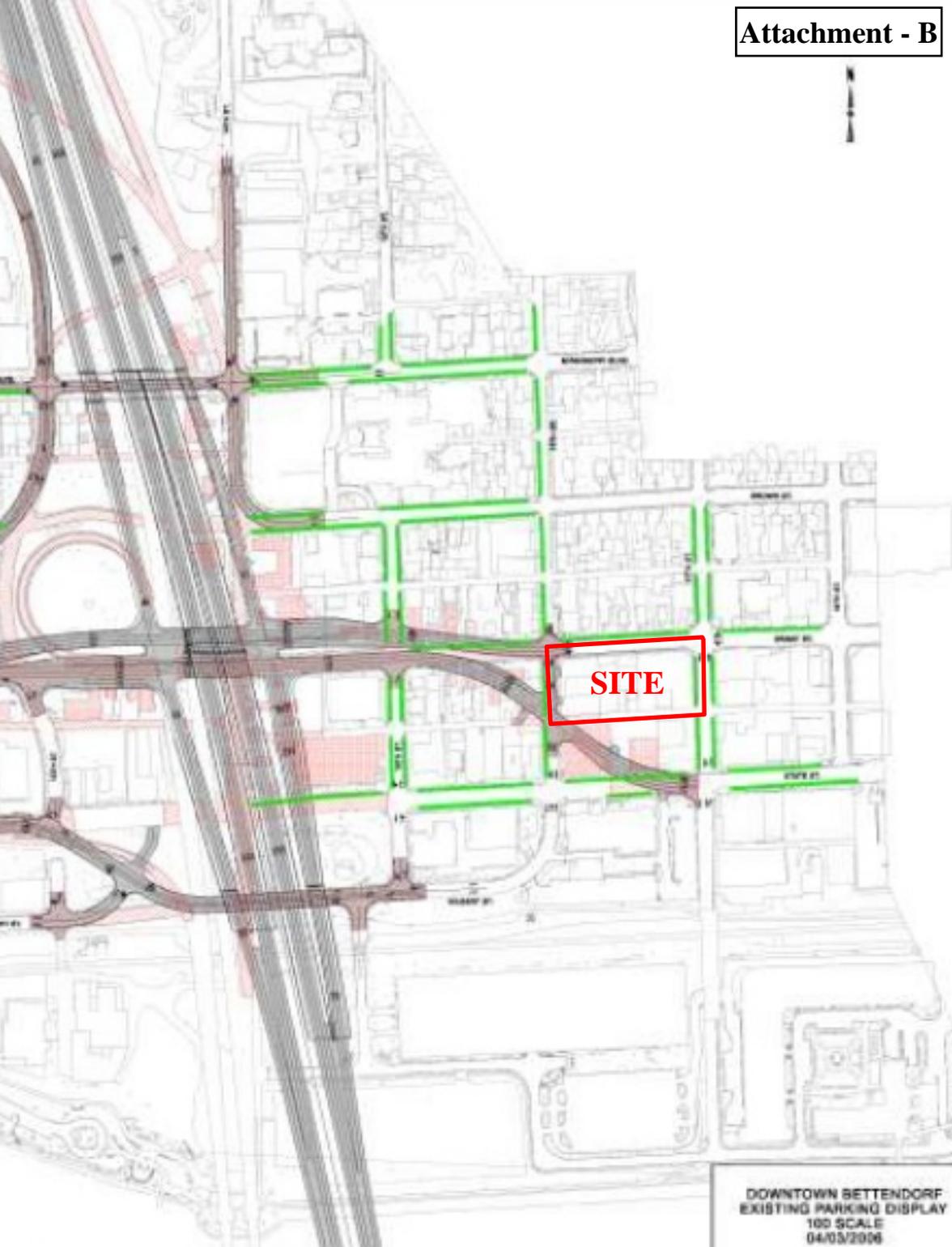
SITE

STATE ST

18TH ST

GILBERT ST

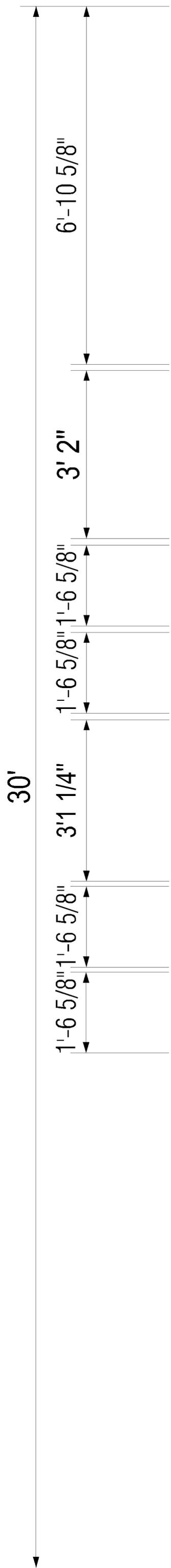
GEORGE HILLENEN DR



**SITE**



6'-8 3/4"



bp

regular

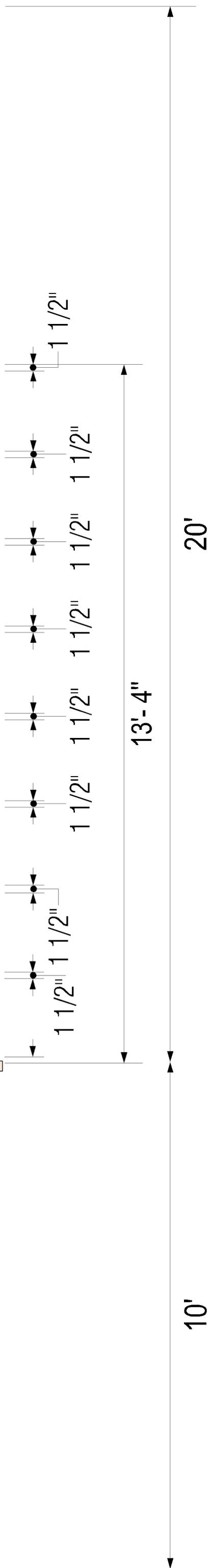
with *Invigorate*

diesel

**QCMART**  
QUICK & CONVENIENT

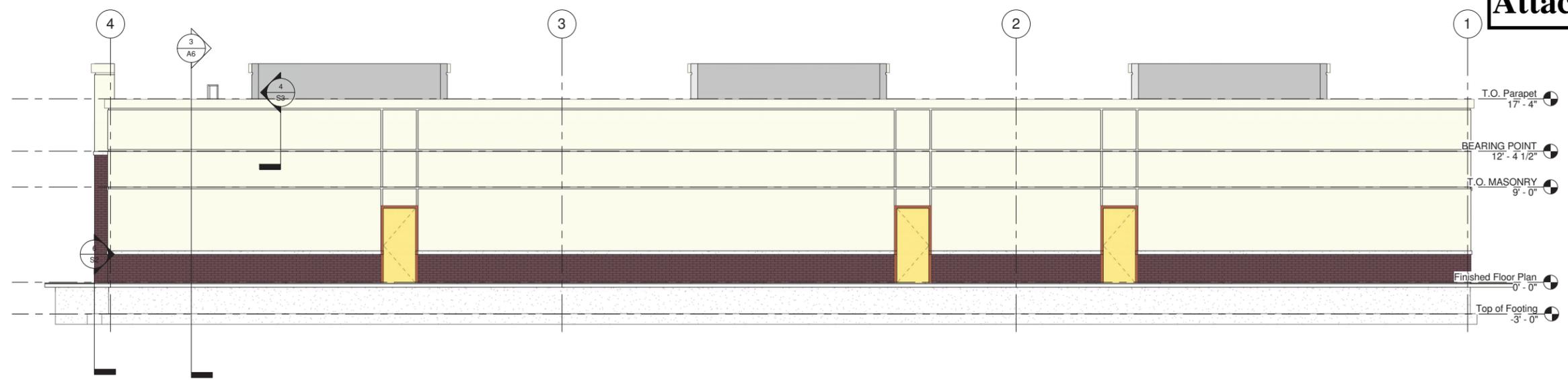
*Tony Sacco's*  
**COAL FIRED PIZZA**

**FIREHOUSE SUBS**

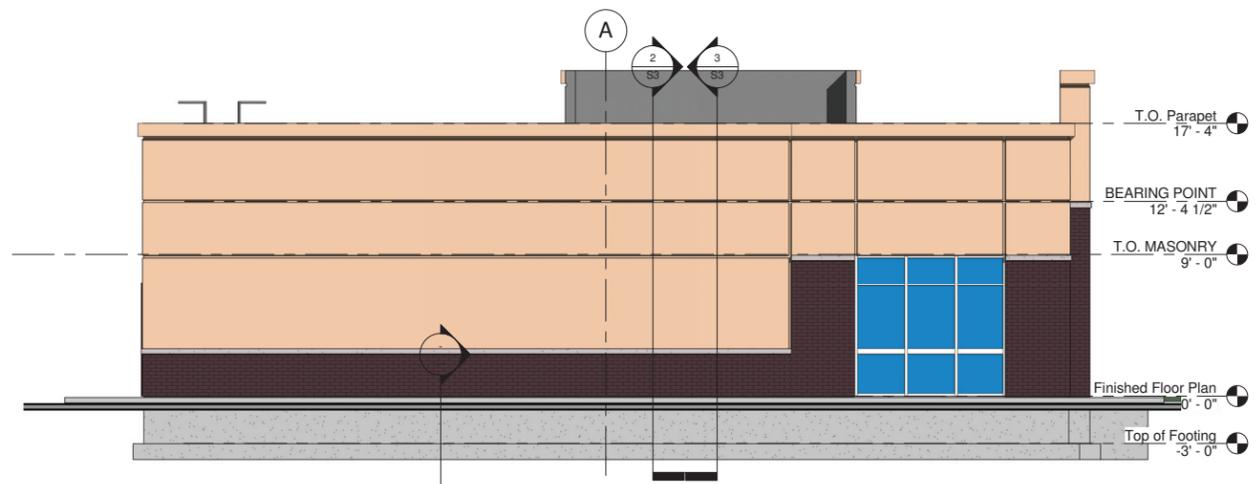


20'

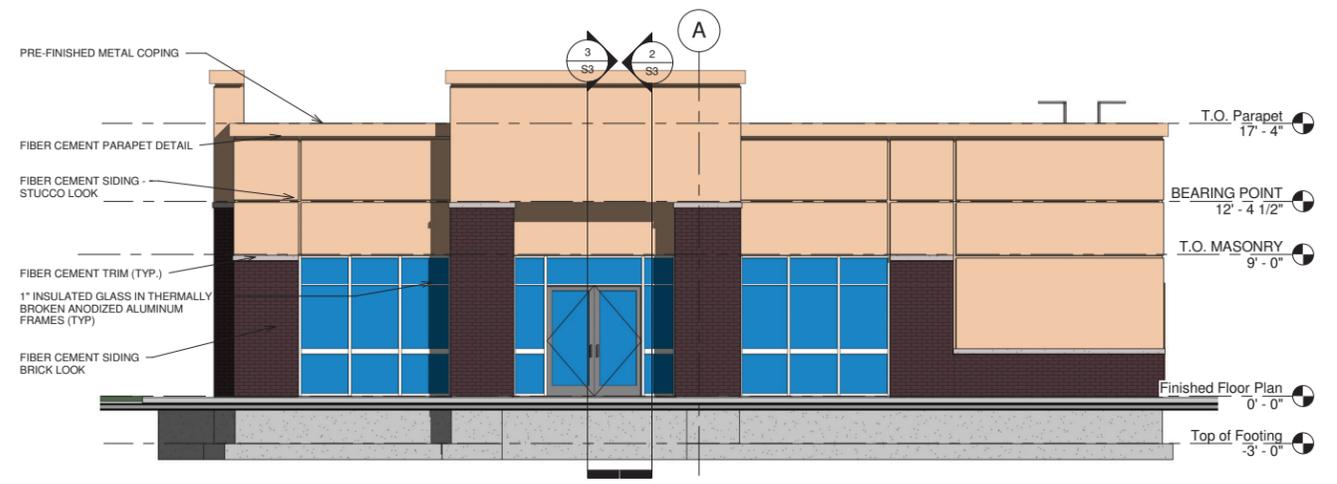
10'



1 South Elevation  
 A3 3/16" = 1'-0"



3 East Elevation  
 A3 3/16" = 1'-0"



4 West Elevation  
 A3 3/16" = 1'-0"



5 North Elevation  
 A3 3/16" = 1'-0"

REVISIONS  
 ▲ ▲ ▲ ▲

Preliminary Drawings for:  
**QC Mart Retail**  
 Grant Street, Bettendorf, Iowa

**RUSSELL**  
 Elevations  
 4000 E. 53rd Street  
 Des Moines, Iowa 50307  
 Tel: (515) 459-4600  
 Fax: (515) 459-4601  
 www.russellinc.com

DATE  
 17 August 2015

**A3**  
 PROJECT NO.  
**#04015**



COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

March 10, 2016

Staff Report

**Case No. 16-013**

**Location:** 1045 Hall Street

**Applicant:** Jenna Kinyon

**Zoning Designation:** R-2, Single Family Residential

**Request:** for a variance to allow a garage to exceed the 40% rear yard ratio by 100 square feet to allow construction of a 720 square foot garage.

**Background Information and Facts**

The site is located on the south side of Hall Street approximately halfway between 10<sup>th</sup> Street and 12<sup>th</sup> Street (see Attachment A – Location Map). The applicant would like to replace an existing detached garage with a new 720 square foot garage that would occupy more than 40% of the required rear yard.

**Staff Analysis**

A 720 square foot garage is allowed by code without a variance. Therefore the size of the garage is not an issue. The placement of the garage requires the variance due to the 40% rear yard occupation requirement. If allowed the 24' X 30' garage would be at the required 5-foot setback from both the rear property line and the side (east) property line (see Attachment B – Plot Plan). If allowed, the garage would match the size of the garage next door (west) which was allowed by an approved variance in 2008 (case 08-049). That variance reduced the side yard from 5-feet to 3-feet. In that previous case the 24-foot wide side of that garage faced the alley and it did not exceed the 40% ratio. In the current request the 30-foot wide side of the garage will face the alley and thus will exceed the 40% rear yard ratio. The yellow highlighted area on Attachment B illustrates the required rear yard.

In summary, both of the above mentioned garages are the same square footage, same dimensions (24' X 30'), and are occupying the same areas in the rear yard. They are simply oriented differently: length vs. width facing the alley.

**Staff Recommendation**

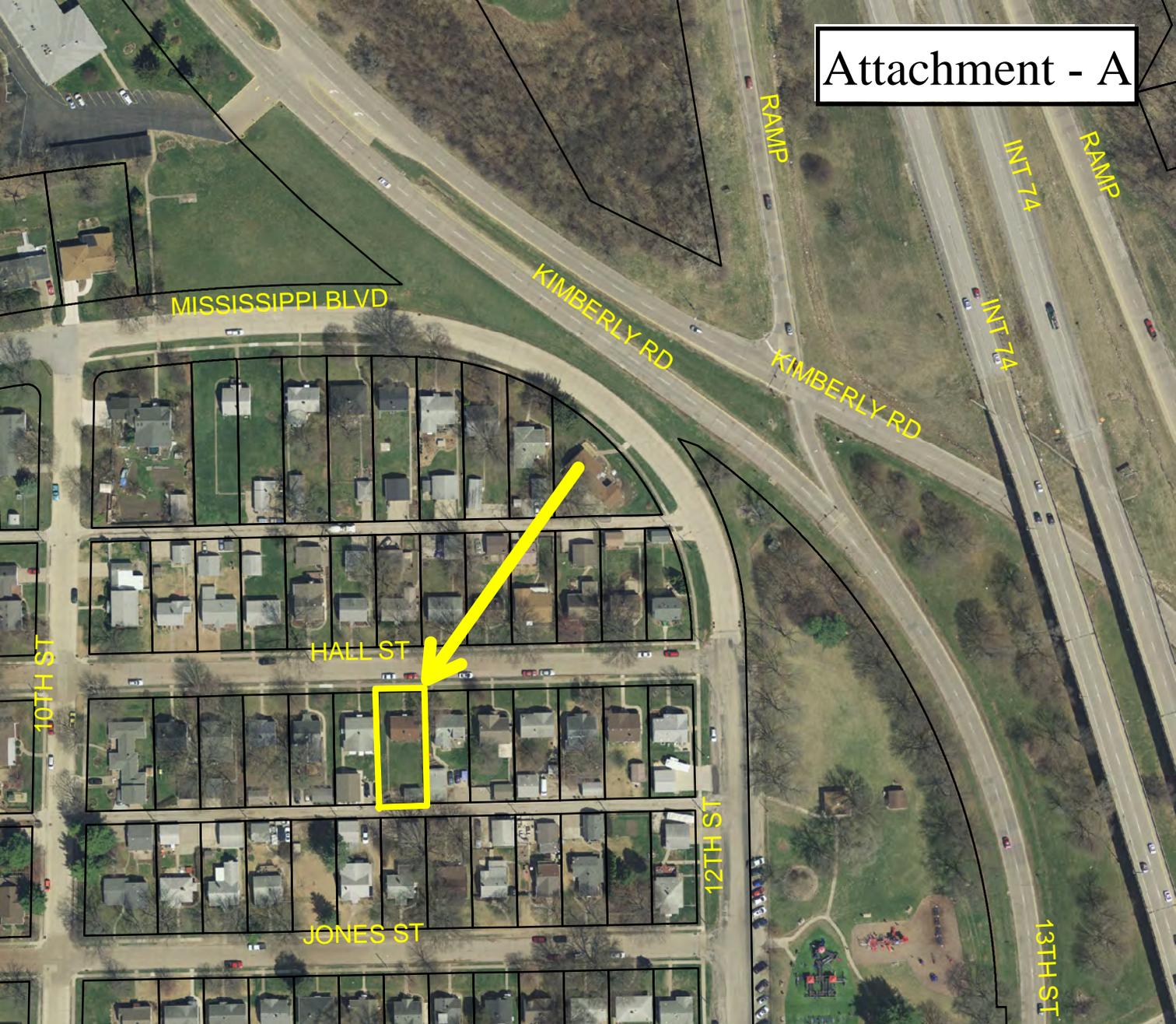
Staff in conjunction with a zoning committee is working on a new ordinance that recognizes the constraints of the smaller lots in the original sections of the city in an effort to find some relief that will allow the efficient use of those properties without the need for future variances.

The size and dimensions of the requested garage are equal to the garage next door that was approved by a side yard variance in 2008. The request appears to be similar and compatible to the previously approved request.

Respectfully submitted,

John Soenksen  
City Planner

Attachment - A



MISSISSIPPI BLVD

KIMBERLY RD

KIMBERLY RD

INT 74

RAMP

10TH ST

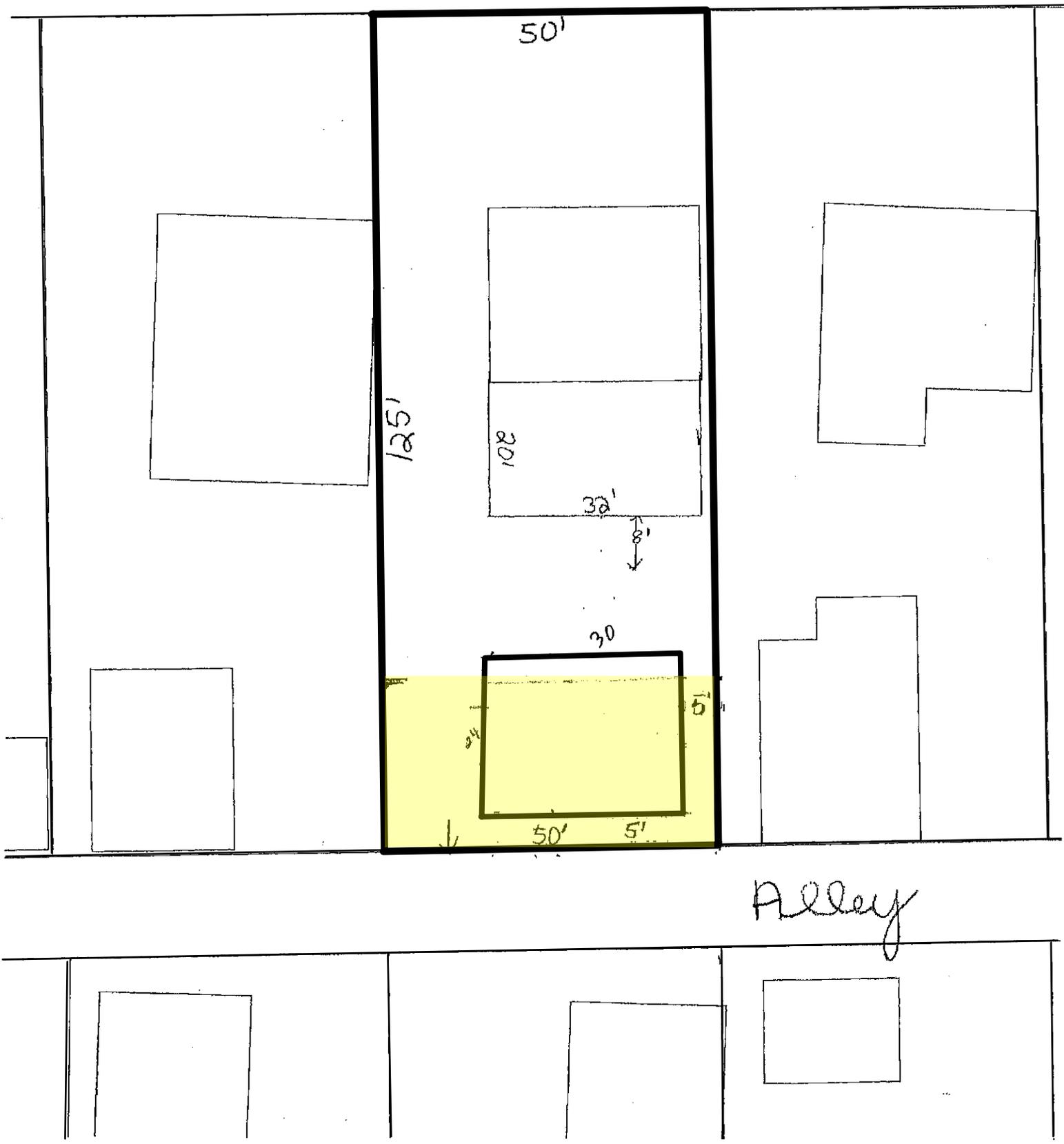
HALL ST

12TH ST

JONES ST

13TH ST

# Hall Street



Attachment - C

HALL ST

New  
Garage





Case No. 16-013

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

Part 1. Property Involved.

Street Address 1045 Hall Street

Legal Description of the property. \_\_\_\_\_

Part 2. Contact Information.

Applicant Name Jenna Kinyon

Phone 563 508 4502

Address 1045 Hall St

FAX \_\_\_\_\_

E-mail Address: olgrendel@gmail.com

Owner Name \_\_\_\_\_

Phone \_\_\_\_\_

Address \_\_\_\_\_

FAX \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Agent \_\_\_\_\_

Phone \_\_\_\_\_

Address \_\_\_\_\_

FAX \_\_\_\_\_

E-mail Address: \_\_\_\_\_

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. \_\_\_\_\_

(Attach a separate sheet and explain in detail.)

**Part 4. General Information.**

Section(s) of Zoning Ordinance Involved \_\_\_\_\_ Existing Zoning \_\_\_\_\_

**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.

I want to tear down the old garage that is a blight to the city & my neighbors & construct a new 24' x 30' garage 5' from the alley & 5' from the property line with more than 40% in rear yard. A 500 sqft vs 520 sqft difference that saves on construction costs.

**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.**

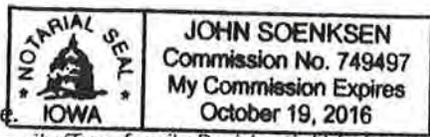
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

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 22<sup>nd</sup> day of Feb. 20 16.



[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 50.00 Date 2-22-2016  
Credit Card