

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
SEPTEMBER 8, 2016
5:00 P.M.

PLACE: Bettendorf City Hall Council Chambers, 2nd Floor, 1609 State Street

1. Roll Call: Clements ____, Falk ____, Gallagher ____, Spranger ____, Voelliger ____
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of August 11, 2016.
4. The Board to hold a public hearing on the following items:
 - a. **Case 16-056; I-80 eastbound rest area (mile marker 300) (A-1)** – A request for a special use permit to allow a radio communications tower, submitted by CCSI.
 - b. **Case 16-075; 2255 Falcon Avenue (C-2)** – A request for a special use permit to allow a bar, cocktail lounge, and tavern and associated outdoor service area, submitted by Mark Roemer.
 - c. **Case 16-076; 3417 Moencks Road (R-1)** – A request for an exception to allow demolition and reconstruction of a single-family home on a non-conforming lot, submitted by Christopher and Janessa Ormsby.

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

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

Item 1. Roll Call

PRESENT: Clements, Falk, Gallagher, 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 July 14, 2016.

On motion by Clements, seconded by Falk, that the minutes of the meeting of July 14, 2016 be approved as submitted.

ALL AYES

Motion carried.

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

- a. **Case 16-050; 931 State Street (C-2)** – A request for a variance to reduce the required sign setback for an on-premises identification sign from 20 feet to 0 feet, submitted by Dev Bastola. (Deferred from meeting of July 14, 2016)

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.

Voelliger asked if the Iowa Department of Transportation had acquired the 5-foot width of right-of-way for only a small portion of the frontage of the property. Soenksen confirmed this. Voelliger asked if right-of-way had been acquired further east and west of the applicant's property. Soenksen explained that right-of-way was acquired to the east, adding that the end point for the acquisition is approximately 40 feet from the applicant's eastern property line.

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

Valerie Search, 943 State Street, explained that she is working with Police Chief Phil Redington regarding the possibility of restricting parking on State Street in front of the applicant's property. She stated that she is not opposed to the variance request as long as there is no parking in front of 931 State Street. Search indicated that she would not be in favor of allowing parking in the northeast corner of the lot, adding that the site development plan that was approved did not show parking there. She explained that the small section of the applicant's property that was acquired by the State is where the roadway project stops.

Michael Johnson, 905 State Street, stated that he is not opposed to the request as long as there is no parking along State Street between the two driveways in and out of the gas station.

Chris Schwarzkopf, marketing agent representing the applicant, stated that the revised setback request of 5 feet would give the applicant maximum visibility for a consumer to see the sign, account for the tree on the adjacent property, and allow time for motorists to change lanes in order to enter the site.

Voelliger commented that staff has proposed a 12-foot setback. Soenksen explained that staff does not feel that a 5-foot setback would allow enough line of sight visibility for motorists on the site.

Falk asked if staff anticipates that on-street parking will continue to be allowed in front of the property to the west. Soenksen stated that he has not been involved in any conversations regarding whether on-street parking will continue to be allowed. He explained that the issue should have been addressed at the site plan approval stage, adding that requests for no parking zones are handled through the Police Department who forwards them to City Council.

Voelliger asked if any consideration was given to locating the sign on the east end of the lot. Soenksen explained that the right-of-way that was acquired was taken from that area. He added that if the sign were placed on the east side, the canopy would block visibility. Search stated that she would be opposed to the placement of the sign on the east side. She indicated that she would assume that motorists would enter the site on the west side and exit on the east, adding that if this is the case the sign would not block visibility for those exiting. Search explained that there is currently 1-hour parking on State Street on both sides of the street, adding that she is only requesting that it not be allowed in front of 931 State Street.

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

Gallagher commented that it appears as though a compromise of the revised 5-foot setback would be the best solution. Voelliger stated that he would be opposed to the sign's being

placed in a location which would block the visibility for motorists. Falk stated that if on-street parking is allowed in front of the property to the west, it could impact visibility from the westernmost entrance/exit. Falk asked if that impact is the reason staff had recommended a larger setback. Soenksen explained that he had based his recommendation on the observed line of sight from a vehicle located behind the sidewalk on the west side of the property. He indicated that he realizes that motorists will likely pull further forward if vision is impaired by the proposed sign.

Clements stated that she also believes that traffic will enter on the west side. She asked if the Board members feel that the allowance or restriction of on-street parking makes a critical difference. Voelliger asked how many cars would be able to park in front of 931 State Street. Soenksen stated that there would likely be space for only two or three cars to park there. Falk stated that he believes that it would be a benefit to restrict parking in front of the location. Clements concurred. Soenksen commented that it is unrealistic to believe that a customer would park in front of 931 State Street and then patronize the convenience store. He stated that he would contact the Police Department to find out if parking will be restricted there. He indicated that while he also believes that customers will enter on the west and exit on the east, the driveways are not one-way.

Voelliger asked why staff had recommended a 12-foot setback. Soenksen explained that the 12-foot setback would allow for a 5-foot separation between the existing billboard and the proposed sign while maintaining the maximum setback. He added that the sign would be partially blocked by the existing tree on the adjacent lot if it is set back 12 feet.

Clements asked for clarification regarding the Board's authority to mandate a setback other than the revised request for 5 feet or the staff recommendation of 12 feet. Soenksen explained that the Board has the authority to grant a variance for any setback if it is greater than the original request.

A brief discussion was held regarding the impact of the existing billboard on the placement of the new sign.

Falk commented that he would like the sign to be placed as far from the street as possible while still allowing visibility given the presence of the tree on the adjacent property and still allowing motorists to change lanes safely if necessary. Other Board members concurred.

On motion by Clements, seconded by Gallagher, that a variance to reduce the required sign setback for an on-premises identification sign from 20 feet to 7 feet be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b **Case 16-058; 4513 Stone Haven Drive (R-2)** – A request for a variance to allow a 6-foot high fence in a required front yard along Crow Creek Road , submitted by George Hallas.

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 #5 to these minutes.

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

Voelliger stated that if the variance were granted, a precedent would be set for all neighborhoods with similar low traffic counts. Other Board members concurred. Soenksen commented that traffic counts are updated regularly by the Engineering Department staff.

Falk stated this request is similar to many that the Board has denied in the past. He asked if staff has any information available that would indicate that this is not the case. Soenksen stated that he does not have any additional information. Gallagher reiterated that approving the request would set a precedent which would result in the installation of fences along residential streets. He commented that he believes that if 6-foot high fences that may be allowed along streets similar to 18th Street and 53rd Avenue, the City should consider an ordinance revision that would establish how the fences would look. He stated that while installing fencing to block high traffic areas from residential neighborhoods is common, it can result in a wall-like appearance for long distances.

Gallagher stated that while he is certain that the proposed fence would be attractive, that is not the issue before the Board. Falk concurred, adding that he is also concerned that the home is located in an area with a large population of pedestrian school children. Gallagher added that those children are also riding bikes in the area. Falk stated that the proposed location of the fence would eliminate some of that visibility. Gallagher stated that he does not believe that the proposed fence location is appropriate, especially given the nature of the neighborhood. Falk concurred.

On motion by Gallagher, seconded by Falk, that a variance to allow a 6-foot high fence in a required front yard along Crow Creek Road be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:40 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

August 11, 2016

Staff Report

Case No. 16-056

Location: Interstate 80 eastbound rest area

Applicant: CCSI, as agent for Motorola Solutions, Broadview, Illinois

Zoning Designation: A-1, Agricultural District

Request: Special use permit to allow a radio communications tower.

Background Information and Facts

The applicant is working in conjunction with Motorola Solutions on a new Iowa statewide interoperable communications network to be used by state, county, and local police agencies throughout the state of Iowa. As part of that project, a police emergency communications tower will be located on the property of the eastbound rest area on Interstate 80 just west of the Middle Road exit (see Attachment A – Location Map). If approved, the tower will be located toward the southeast corner of the rest area property (see Attachment B – Tower Location Illustration).

Staff Analysis

The tower and associated equipment will be located well away from the public access area of the rest area and can only be accessed using a new drive from the exit ramp to the rest area (see Attachment C – Site Plan). The proposed tower will be 300 feet tall.

Staff Recommendation

Prior to approving a special use permit, nine standards must be met. Below is a listing of those nine standards and staff's evaluation of the request in relationship to each standard.

1. The proposed use is designated by this title as a special use in the district in which the use is to be located.

Section 11-5A-3 lists "radio and television studio, station and transmission tower" as an allowed special use in the A-1, Agricultural District.

2. The proposed use will comply with all applicable regulations in the district in which the use is to be located.

The plan as submitted meets and exceed all applicable regulations in the A-1, Agricultural District. At their August 17 meeting, the Planning and Zoning Commission recommended that the City Council approve the site plan. The site plan for the project is on the agenda for the September 6 City Council meeting. This site plan approval process will ensure that this standard is met.

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.

Staff is satisfied that the proposed tower site and associated equipment facility will be in harmony with the development on the site and the surrounding area.

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 site is surrounded by heavy vegetation and landscaping that will mute the impact of the facility. There are three farms with related residences in the area. The two farm homes on the north side of I-80 are 440 feet and 1,000 feet away from the proposed tower site, and the farm home on the south side of I-80 is over 1,600 feet away. It is common for communication towers of these types to be located in rural agricultural areas and along the interstate.

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.

Parking will only be needed during construction of the tower and during periods of maintenance. The new secured driveway leading up to the tower site shown on Attachment C will be approximately 350 feet long and will accommodate any vehicles needed for those purposes. Parking will not routinely be associated with this use.

6. The proposed use will not cause substantial injury to the value of other property in the neighborhood.

It is common for communication towers of this type to be located in rural agricultural areas and along the interstate.

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.

The request has never been the subject of a denial by the Board.

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 general intent of this title. Failure to comply with such conditions or restrictions shall constitute a violation of this title.

Staff has no recommendations for any further restrictions or conditions.

9. The proposed use is consistent with the Bettendorf comprehensive plan and serves to further the goals of the plan.

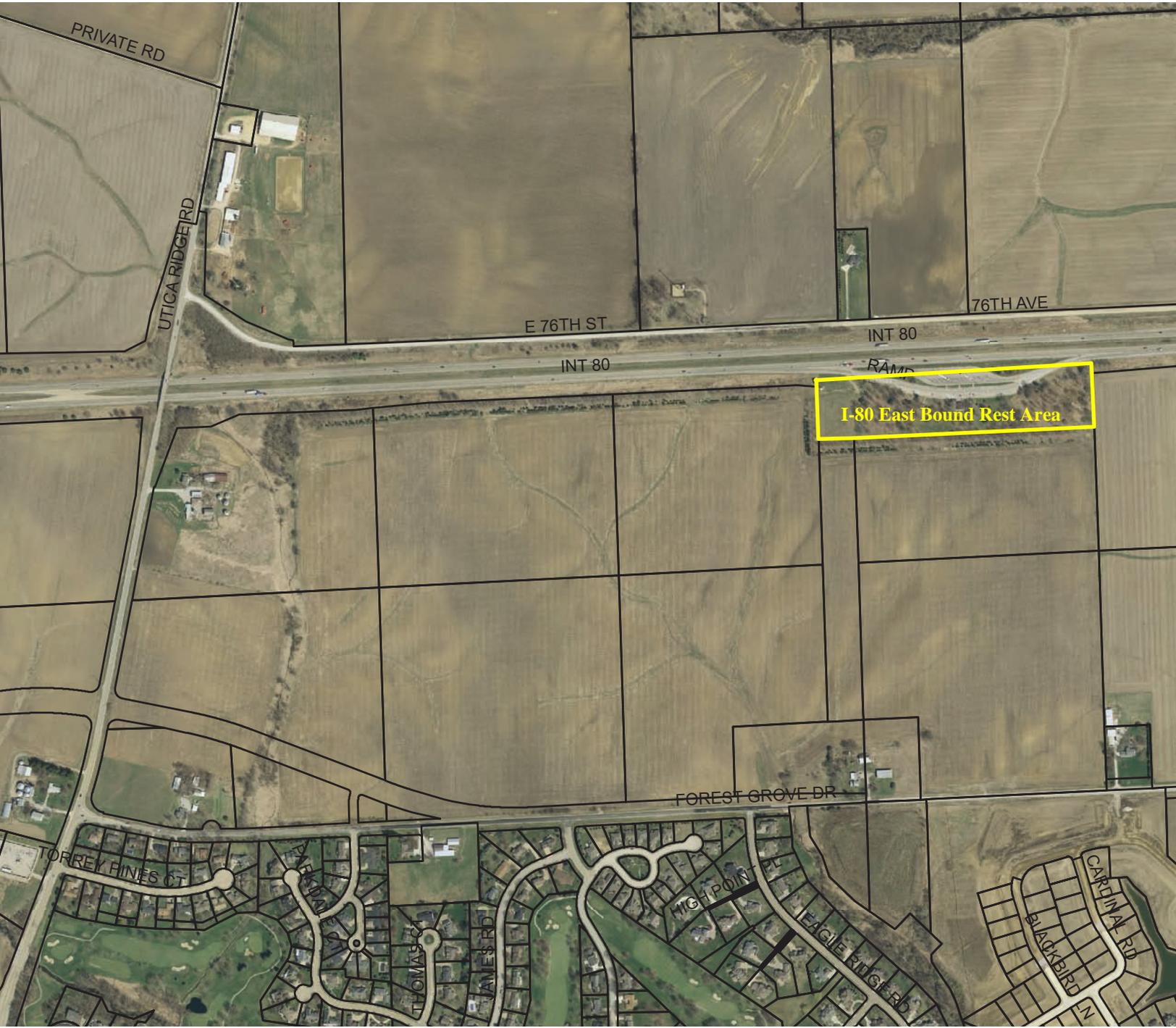
The future land use map excludes the interstate corridors from specified land use designations; therefore, the request is not in conflict with the comprehensive plan or land use map.

Based on the above analysis, staff recommends approval of the request with no further restrictions or conditions.

Respectfully submitted,

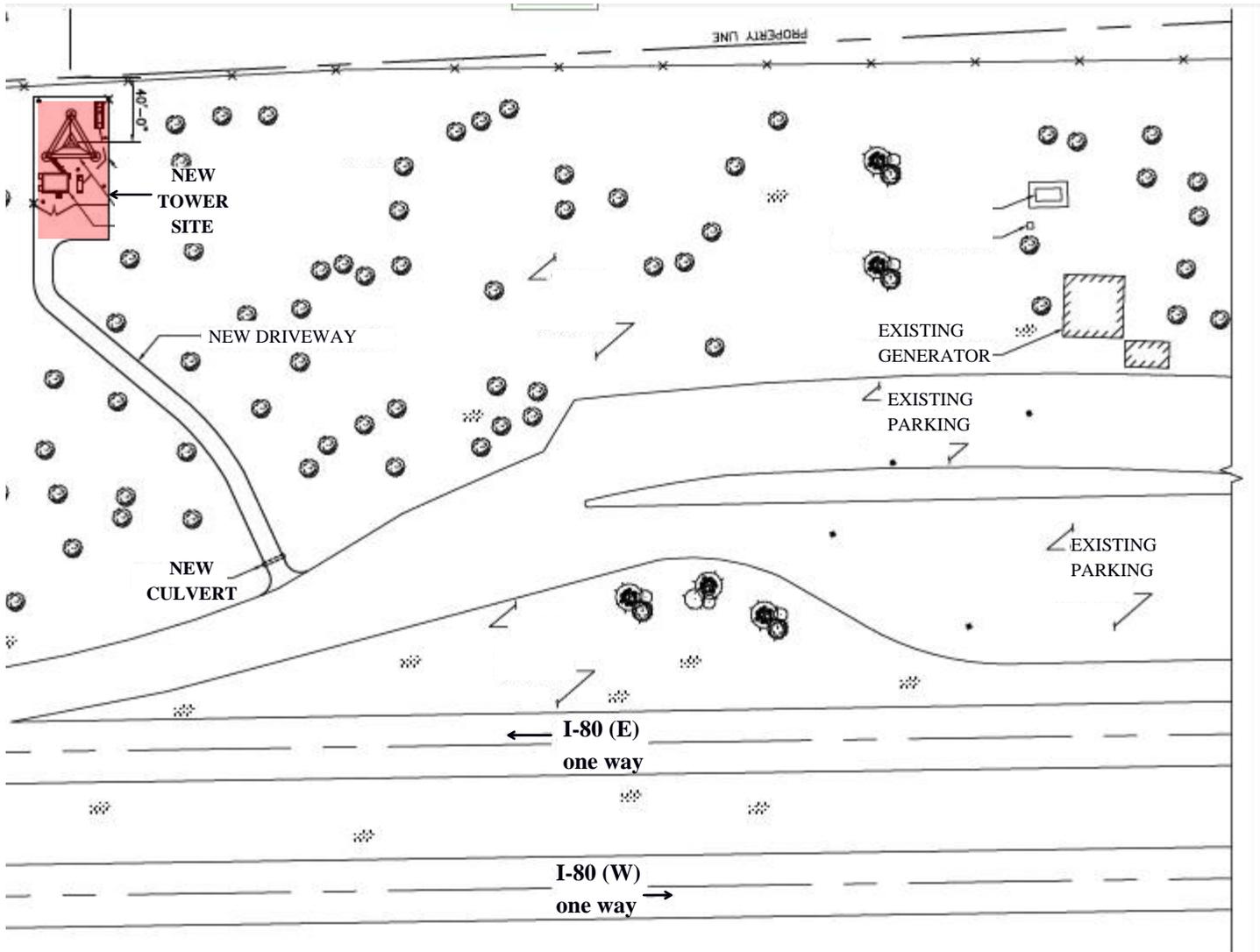
John Soenksen
City Planner

Attachment - A



Attachment - B







Case No. 16-056

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

Part 1. Property Involved

Street Address 41.595441, -90.488736

Legal Description of the property. See attached

Part 2. Contact Information.

Applicant Name CCSI, As Agent for Motorola Solutions Phone 630-572-9999
Address 2649 Gardner Road, Broadview, IL 60155 FAX 630-572-9998
E-mail Address: pkearney@cgroupmail.com (Pam Kearney)

Owner Name State of Iowa, DPS Phone 515-725-6182
Address 800 Lincoln Way Ames, IA 50010 FAX 515-725-6195
E-mail Address: Roxann M. Ryan, Commissioner

Agent CCSI, As Agent for Motorola Solutions Phone 630-572-9999
Address 2649 Gardner Road, Broadview, IL 60155 FAX 630-572-9998
E-mail Address: pkearney@cgroupmail.com (Pam Kearney)

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 11-5A-3 Existing Zoning A-1

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.
Construct a new 300' self-support tower on behalf of the State of Iowa and Motorola. The equipment that will be going this tower is for a state-wide State Police System.

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. N/A
- 4. List additional attachments. FAA Approval Letter, One Set of Construction Drawings

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 Dan Keary, As Agent Signature of Owner Dan Keary, As Agent for MOTOROLA
(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 18th day of July, 2016.

Regina Poulsen
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 USA Finance
Amount \$100. Date 7/25/16
CK# 4151

Scott Site-Legal Description

That portion of land located in the NE 1/4 NE 1/4 of Section 4 in Township 78 North, Range 4 East of the 5th Principal Meridian in the parcel described as follows:

A parcel of land located in the NE 1/4 NE 1/4 of Sec. 4 and the NW 1/4 NW 1/4 of Sec. 3, both in T78N, R4E

of the 5th P.M., Scott County, Iowa, lying on the south side of part of the following described centerline of Interstate Route No. 80, as shown on Official plans for Project 82-6-1-80-1(42)303.

The centerline, designated by station points 100 feet apart, numbered consecutively from west to east, is described as follows: Beginning at Sta. 1133+00.8 a point 200.1 ft South of the NE Cor. of said Sec. 4 on the east line thereof; thence S89°10'W 200.8 ft to Sta. 1131+00. Also, beginning at said Sta. 1133+00.8, thence N89°10'E 99.2 ft to Sta. 1134+00.

Said parcel is described as follows: Bounded on the west by a line normal to centerline through Sta. 1131+00; on the north by the south right of way line of Interstate Route No. 80; on the east by a line normal to centerline through Sta. 1133+04; on the south by a line 450 ft normally distant southerly from and parallel to centerline.

Said parcel contains 1.4 acres, more or less.



COMMUNITY DEVELOPMENT

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

September 8, 2016

Staff Report

Case No. 16-075

Location: 2255 Falcon Avenue

Applicant: Mark Roemer

Zoning Designation: C-2, Community Shopping District

Request: Special use permit to allow a bar, cocktail lounge, or tavern and associated outdoor service area.

Background Information and Facts

The site is located in the last undeveloped lot on Falcon Avenue and is between Central Standard Bar & Grill and Ross's Restaurant (see Attachment A – Location Map). The applicant is the owner of the building where Central Standard is located and is now building a similar building on the site. The applicant plans to open a microbrewery in the westernmost space of the building which will be similar in size and configuration to Central Standard including an outdoor service area (see Attachment B – Combined Site Plan). A more detailed illustration of the area and the indoor and outdoor service area is shown on Attachment C- Site Plan. The proposed outdoor service area will be located at the microbrewery's main entrance and will measure 16 feet by 40 feet. It will accommodate a single row of outdoor seating (see Attachment D – Outdoor Service Illustration). The outdoor and indoor seating arrangements are illustrated in Attachments E and F.

Staff Analysis

Microbreweries with on-site service are becoming a new trend. It is staff's interpretation that the "bar, cocktail lounge, tavern" use listed in the C-2 District is the most similar and compatible use defined in the Code that resembles this use and therefore requires a special use permit.

The areas involved in this request and the business size, configuration, and ownership is the similar as a similar business currently exists next door at Central Standard. The Board allowed the outdoor service area at Central Standard feeling that the use, ownership, and overall operation was similar and compatible to Crust Pizza. Central Standard is considered a restaurant with associated alcohol service. The microbrewery

will not be a restaurant and is more similar to a bar than a restaurant. The Board denied an outdoor service area request for The Clubhouse, citing the fact that a bar outdoor service area is different and more intrusive upon the adjacent residential area than a restaurant outdoor service area. The Board also noted numerous complaints from the surrounding neighbors regarding the operation of The Clubhouse including vandalism incidents in the neighborhood related to that business. Staff is not aware of any similar complaints regarding Crust Pizza or Central Standard and which are under the same ownership as the new proposed microbrewery.

Typically outdoor music is associated with outdoor service areas. Staff is not aware of the intentions of the applicant and whether outdoor music is a part of this request.

Staff Recommendation

Staff would consider Crust Pizza and Central Standard to be restaurants with associated alcohol sales. The proposed use does not involve a restaurant. A microbrewery may be dissimilar, to some degree, from a business that is strictly a tavern, perhaps less intrusive, perhaps not.

Given the applicant's known record and reputation regarding the other businesses mentioned in this report, staff is comfortable with the proposed microbrewery concept given the plan and design shown in the attachments to this report. It should be noted, however, that there is no guarantee that the applicant will own the microbrewery in perpetuity.

The outdoor service area is a question deserving considerable scrutiny by the Board given past problems in this area.

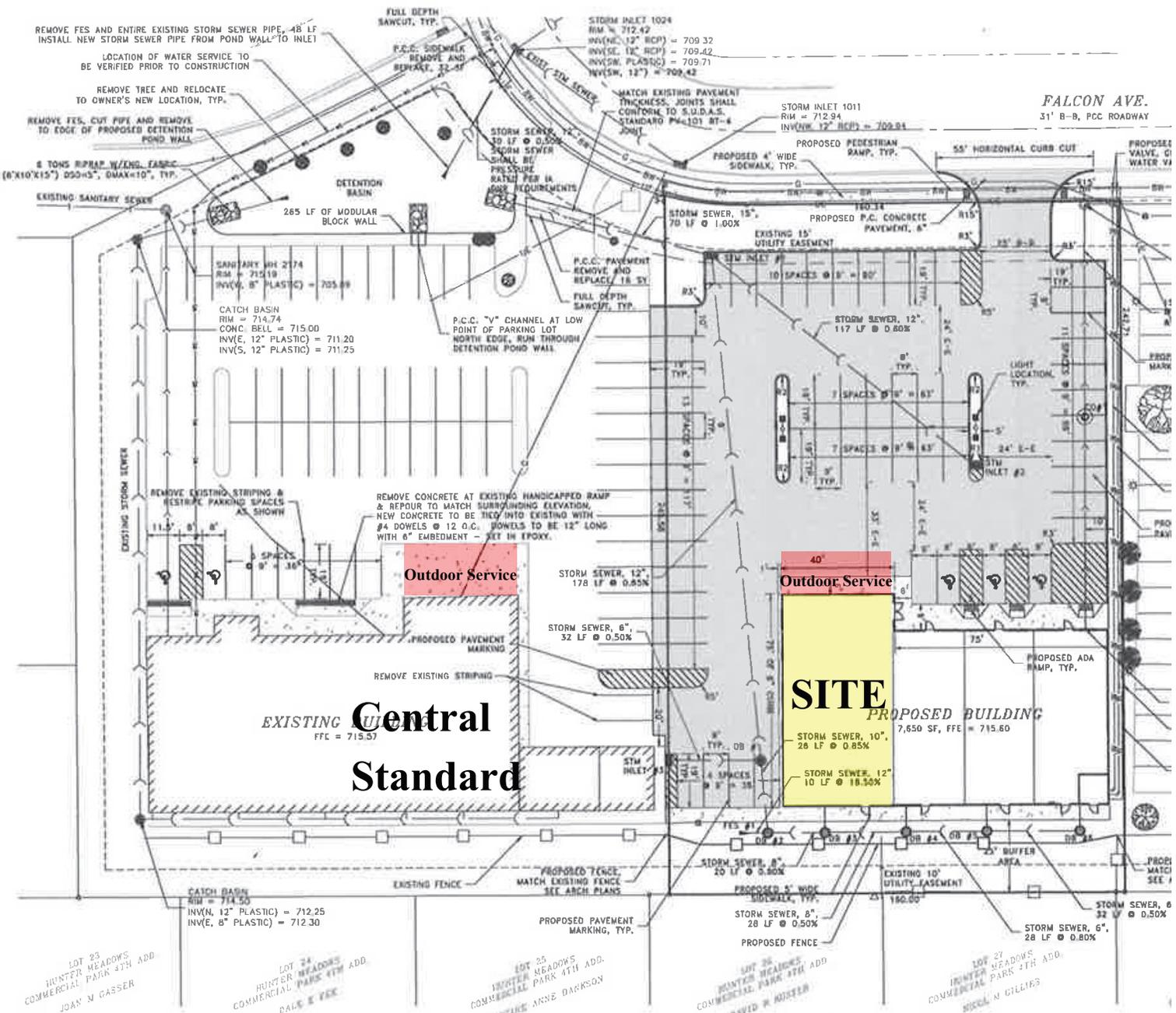
The Board may:

- Approve the request as submitted – a bar with related outdoor service area.
- Approve the microbrewery without the outdoor service area.
- Approve any combination of the above with specific conditions deemed necessary by the Board to ensure the integrity of the surrounding neighborhood.
- Disapprove the request entirely.

Respectfully submitted,

John Soenksen
City Planner





Central Standard

SITE
PROPOSED BUILDING
7,650 SF, FFE = 715.60

OWNER/DEVELOPER
MARK NOEMER
2550 MIDDLE ROAD
BETTENDORF, IA 52722
PHONE: (563) 650-6572

ENGINEER
MCCLURE ENGINEERING ASSOC. INC.
ATTN: LOREN RAINS, P.E.
4700 KENNEDY DRIVE
EAST MOLINE, IL 61244
PHONE: 309-782-9350

ARCHITECT
KELLY & ASSOC. ARCHITECTURE
ATTN: DENNIS KELLY
3600 ARCHER DRIVE #100
EAST MOLINE, IL 61244
PHONE: 309-751-3026

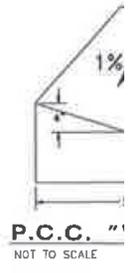
PARKING SPACES
STANDARD SPACES: 54
HANDICAPPED SPACES: 3
TOTAL ON-SITE PARKING: 57
REQUIRED SPACES (BOTH LOTS): 106
TOTAL PARKING (BOTH LOTS): 116

ZONING/LOT INFO.
CURRENT ZONING: C-2
LEGAL DESCRIPTION: LOT 3 HUNTER MEADOWS
COMMERCIAL PARK 2ND ADD.
TOTAL LOT AREA: 0.90 ACRES
FRONT YARD SETBACK: 20'
REAR YARD SETBACK: 25'
SIDE SETBACK: NONE (WEST)
5' (EAST)
WATER SUPPLY: PUBLIC
SANITARY SEWER: PUBLIC

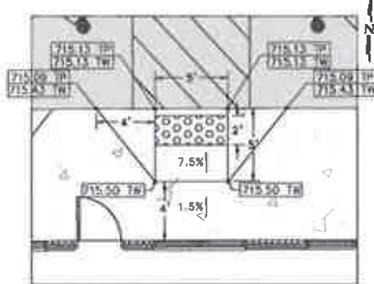
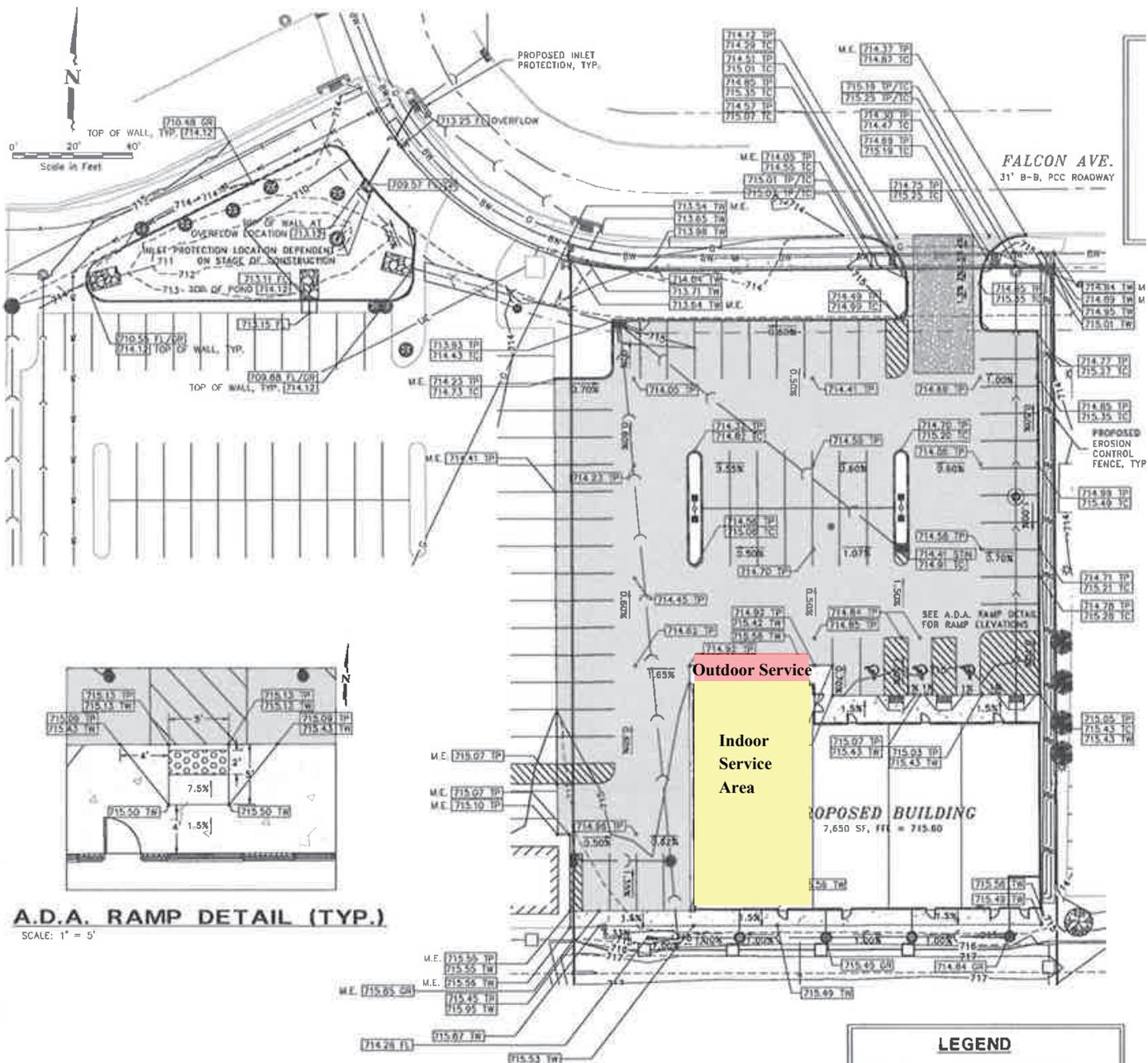
NOTE: ALL MAINTENANCE NEEDED FOR ON-SITE STORM AND SANITARY SEWER SHALL BE THE RESPONSIBILITY OF THE OWNER.

STRUCTURES

DB #1 (24" DIA. CLOSED) RIM = 715.04 INV (W, 6") = 712.19 (IN) INV (S, 10") = 712.19 (IN) INV (N, 12") = 712.19 (OUT)	DB #4 (24" DIA. OPEN) RIM = 713.43 INV (E, 6") = 712.71 (IN) INV (W, 8") = 712.71 (OUT)	STM INLET #1 RIM = 713.83 INV (S, 12") = 710.88 (IN) INV (SE, 12") = 710.88 (IN) INV (W, 15") = 710.58 (OUT)
DB #2 (24" DIA. OPEN) RIM = 714.98 INV (E, 8") = 712.41 (IN) INV (W, 12") = 712.41 (IN) INV (N, 10") = 712.41 (OUT)	DB #5 (24" DIA. OPEN) RIM = 713.18 INV (E, 6") = 712.94 (IN) INV (W, 8") = 712.94 (OUT)	STM INLET #2 RIM = 714.41 INV (NW, 12") = 711.36 (OUT)
DB #3 (24" DIA. OPEN) RIM = 715.16 INV (E, 8") = 712.57 (IN) INV (W, 8") = 712.57 (OUT)	DB #6 (24" DIA. OPEN) RIM = 714.84 INV (W, 6") = 713.10 (OUT)	STM INLET #3 RIM = 715.23 INV (E, 6") = 712.35 (OUT)
FES #1 (METAL) FL. 12" = 714.28		CO #1 RIM = 714.85 INV (S, 6") = 708.96 (IN) INV (N, 6") = 708.96 (OUT)

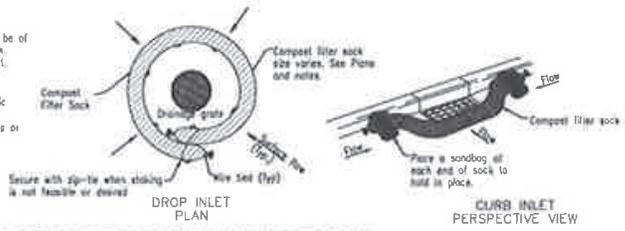


Attachment - C



A.D.A. RAMP DETAIL (TYP.)
SCALE: 1" = 5'

- Notes
1. Anchoring stakes shall be sited, spaced, and be of a material that effectively secures the filter sock. Stake spacing shall be a maximum of three feet.
 2. Overlap ends of sock per manufacturers recommendations (1" min. 3" max.)
 3. Use 8" to 12" dia sock on curbside in traffic areas.
 4. Use 12" - 18" dia sock in non-traffic areas or areas where safety is not a concern.

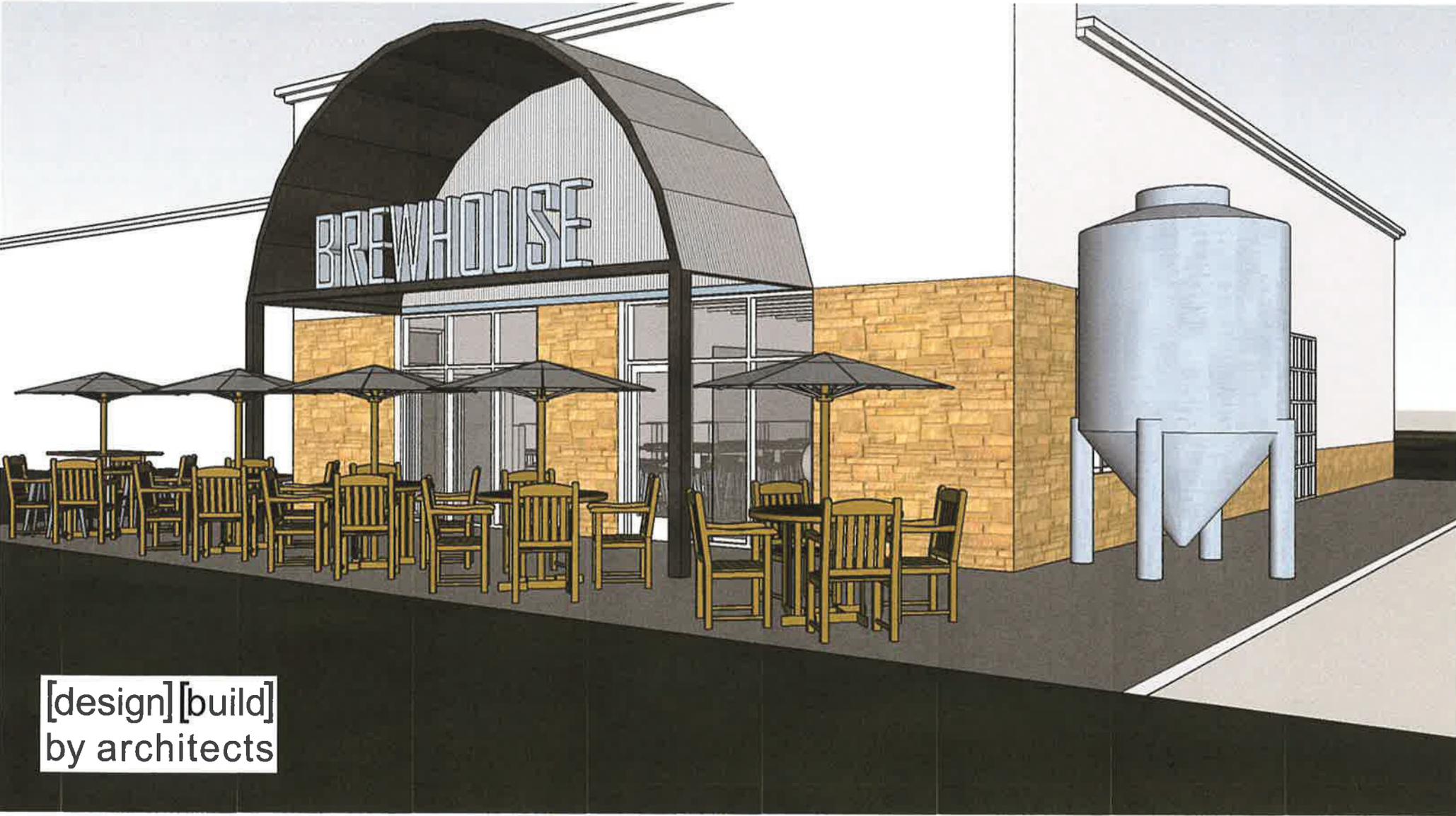


COMPOST FILTER SOCK INLET PROTECTION

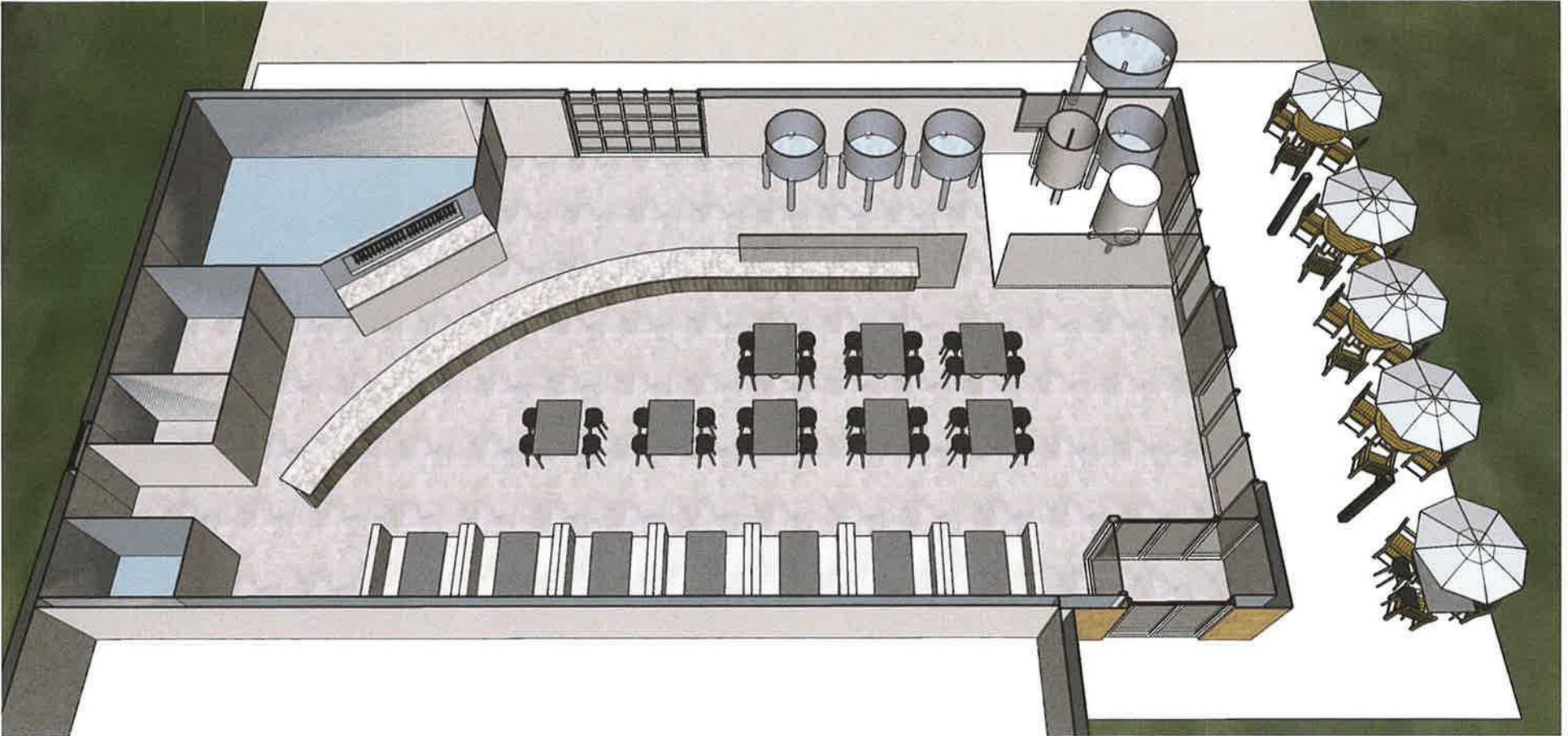
LEGEND	
	EROSION CONTROL FENCE
	FILTER SOCK INLET PROTECTION
	VEHICLE TRACKING CONTROL
	FLEXIBLE GROWTH MEDIUM

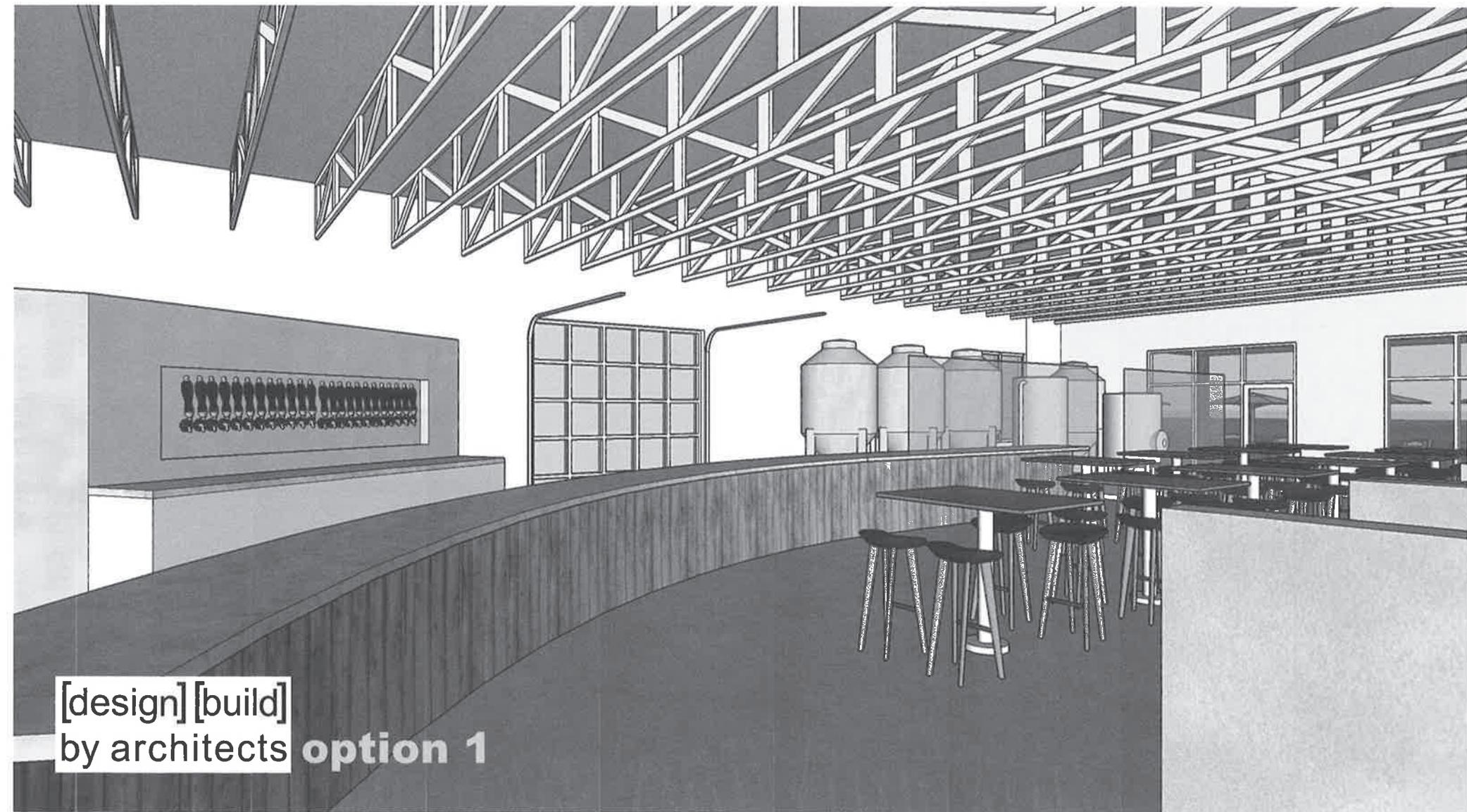
DETENTION	
PRE-DEVELOPMENT RUNOFF COEFFICIENT C:	0.15
POST-DEVELOPMENT RUNOFF COEFFICIENT C:	0.65
100 YEAR REQUIRED STORAGE:	10,653 C.F.
100 YEAR PROVIDED STORAGE:	10,661 C.F.
100 YEAR RELEASE RATE:	1.26 CFS
OVERFLOW ELEVATION:	713.25
ORIFICE:	PROPOSED 12" STORM W/ 5.4" ORIFICE

DT
EQUAL
TEXTILE FABRIC



[design] [build]
by architects





[design] [build]
by architects **option 1**



Case No. 16-075

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

Part 1. Property Involved.

Street Address 2255 Falcon Ave Bett, IA 52122

Legal Description of the property. Hunter Meadows Comm Park

2nd Lot: 003

Part 2. Contact Information.

Applicant Name Mark Roemer Phone 563 650 6572

Address 4620 E 53rd Ste 200 DAN, IA 52807 FAX _____

E-mail Address: mrkroemer@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 11-7B-3 Existing Zoning C-2

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.

We are requesting to be allowed to operate
9 micro brewery pub, making & selling craft
beer. The proposed microbrewery will have a
full bar, approximately 3000 sq ft with a occupancy
between 50-80 customers and an associated
out door service area.

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 22 day of Aug, 20 2016

Signature of Applicant [Signature] Signature of Owner _____
 (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 day of August, 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 100 Date 8-22-2016
 Check # 3063



COMMUNITY DEVELOPMENT

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

September 8, 2016

Staff Report

Case No. 16-076

Location: 3417 Moencks Road

Applicant: Christopher and Janessa Ormsby

Zoning Designation: R-1, Single-family Residence District

Request: Exception to allow demolition and reconstruction of a single-family home on a non-conforming lot.

Background Information and Facts

The site is located near the intersection of Evergreen Place and Moencks Road (see Attachment A – Location Map). A home with 728 square foot of aboveground living space was built in 1958 and is located on the 50-foot by 150-foot lot (see Attachment B – House Photo). The applicant feels that the existing house design is not consistent with current standards and would like to demolish the existing structure and build a new home (see Attachment C – New House Plans).

Staff Analysis

The entire area on the east side of Moencks Road including this site is zoned R-1, Single-family Residence District (see Attachment D – Zoning Map). Many of the lots shown on Attachment D do not meet the minimum requirements of the R-1 district. The R-1 zoning district requires:

- 10,000 square foot lots
- 75-foot lot widths
- 30-foot front yard setbacks
- 40-foot rear yard setbacks

The applicant's lot has:

- 7,500 square feet
- 50-foot width
- 25-foot front yard setback
- In excess of a 40-foot rear yard setback

Because the front yard setbacks of the homes facing Moencks Road between Duke's Drive and Valley Drive average 25 feet, staff is comfortable with the new home's being placed at a 25-foot front yard setback which will meet the "established setback" and meet the Code requirement. The submitted house plan shows that the new structure will comply with rear and side yard setback requirements. It should be noted that the applicant is attempting to acquire additional land (abandoned right-of-way) to the rear of this site and if successful will add even more space to the lot.

According to the assessor's website, the current structure is assessed at a value of approximately \$30 per square foot for a total of \$39,610 in assessed value not including land. Currently, new construction is being assessed a minimum of \$100 per square foot for the structure (not including land). The anticipated new assessed value for the new home would be approximately \$237,000 or an anticipated increase of taxable value of nearly \$100,000.

Staff Recommendation

It has long been the goal of the city to see stable redevelopment of some of the original sections of the city. This project meets that goal. The applicant recently redeveloped the adjacent structure (to the north) which was previously an abandoned church and has greatly increased the value of that property and is now ready to do the same at this site. Staff recommends approval of the request as submitted.

Respectfully submitted,

John Soenksen
City Planner



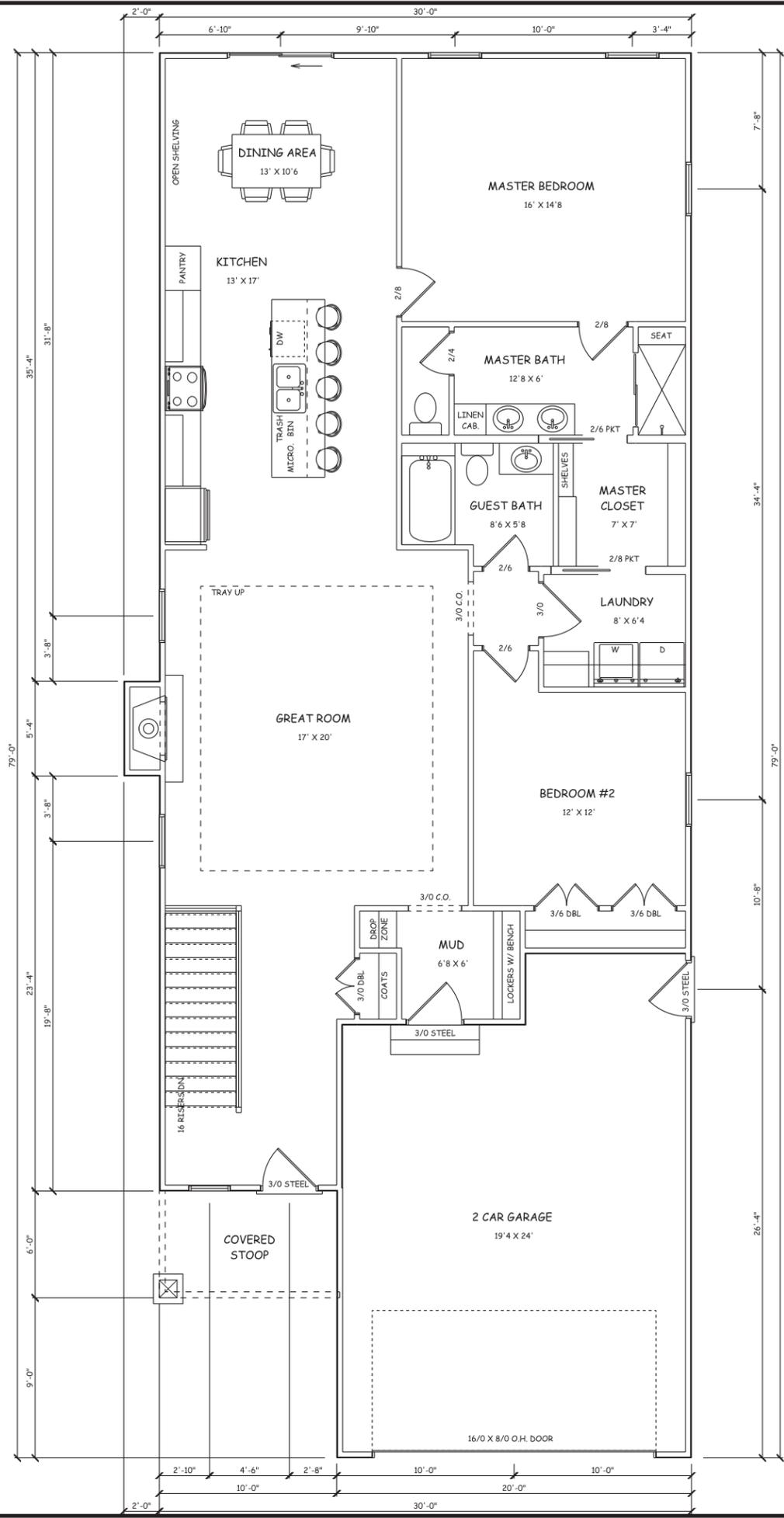




FRONT ELEVATION
SCALE: 1/4" = 1'-0"



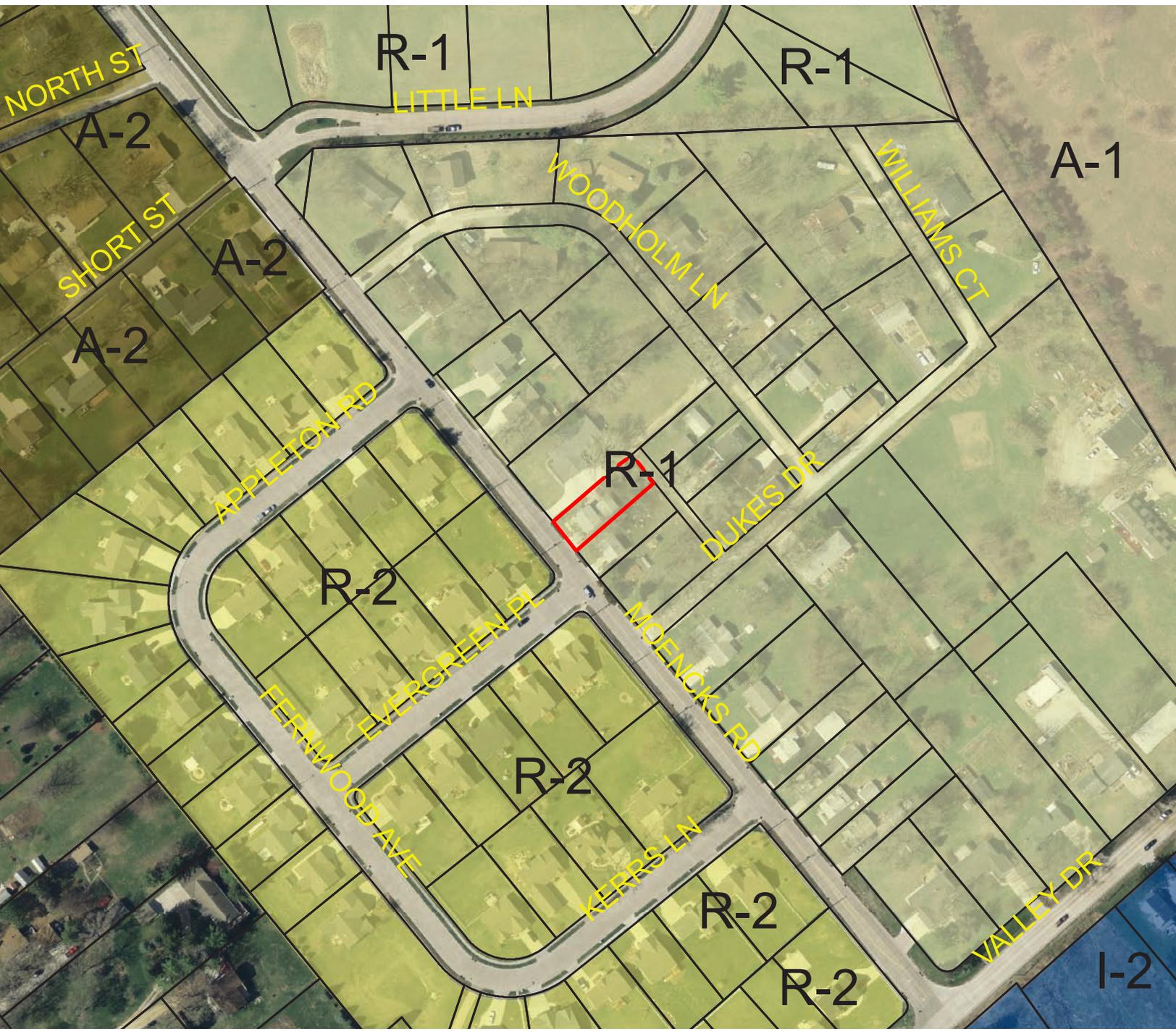
REAR ELEVATION
SCALE: 1/4" = 1'-0"



MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"
1,699 SQ. FT. MAIN LEVEL AREA



ORMSBY RESIDENCE		
SCALE:	DRAWN BY: MNS	REVIS
DATE: 8/19/2016	PRELIM ONLY	REVISED
ELDRIDGE LUMBERYARD INC.		
3921	DRAWING NUMBER	2 OF 4





Case No. 16-076

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

Part 1. Property Involved.

Street Address 3417 Moencks Road

Legal Description of the property. Lot #4, J. J. Kress's Pleasant View Subdivision

Part 2. Contact Information.

Applicant Name Christopher & Janessa Ormsby Phone 468-9136
Address 3449 Moencks Rd., Bettendorf, IA FAX _____
E-mail Address: _____

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. Grant exception to permit reconstruction of nonconforming Structures / Lot
(Attach a separate sheet and explain in detail.)

Part 4. General Information.

Section(s) of Zoning Ordinance Involved 11-2B-4: B4 Existing Zoning R1- Single Family

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

- (a) It shall be the property owner's responsibility to show that the terms of this ordinance will impose unusual and practical difficulties or particular hardships. The hardship established by the property owner must not be SELF-IMPOSED. A self-imposed hardship is NOT justification for the approval of a variance request.
- (b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance.
- (c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected.
- (d) That by granting the request for a variance substantial justice shall be done.

Requesting reconstruction (demolish current house and build new structure) on nonconforming lot 50-feet wide at a front setback of 25 feet.

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 23 day of Aug, 2016.

Signature of Applicant [Signature] Signature of Owner same
(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 23rd day of August, 2016.



[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 8-23-2016