

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
OCTOBER 13, 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 September 8, 2016.
4. The Board to hold a public hearing on the following items:
 - a. **Case 16-090; 3421 Field Sike Drive (A-2)** – A request for a variance to increase the allowable garage area from 1,091 square feet to 2,020 square feet, submitted by Joseph Martinolich.
 - b. **Case 16-091; 2239 Kimberly Road (C-2)** – A request for a special use permit to allow an outdoor service area, submitted by Kathy Rashid.
 - c. **Case 16-092; 3557 Deertrail Road (R-2)** – A request for a variance to reduce the required front yard setback from 25 feet to 13 feet to allow for construction of a garage addition, submitted by Donald and Cindy Tice.
 - d. **Case 16-093; 2927 Cambridge Drive (R-2)** – A request for a variance to allow a 5-foot fence in a required front yard along 29th Street, submitted by James Riches.
 - e. **Case 16-094; SE corner of Middle Road and Crow Creek Road (C-1)** – A request for a special use to allow two drive-up windows, submitted by AMF Real Estate, LLC.
 - f. **Case 16-095; 3470 Middle Road (C-2)** – A request for a variance to increase the allowable size of a non-conforming on-premises identification sign from 30 to 42 square feet, submitted by Signs Now/Jeremy Collins.

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
SEPTEMBER 8, 2016
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Gallagher, Voelliger
ABSENT: Clements, Spranger
STAFF: Fuhrman, Soenksen

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of August 11, 2016.

On motion by Falk, seconded by Gallagher, that the minutes of the meeting of August 11, 2016 be approved as submitted.

ALL AYES

Motion carried.

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

- a. **Case 16-056 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.

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 the Planning and Zoning Commission has already approved the site development plan for this project.

Voelliger asked if the tower is to be for emergency personnel use only. Soenksen confirmed this, adding no commercial collocation would be allowed.

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

On motion by Gallagher, seconded by Falk, that a special use permit to allow a radio communications tower be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b **Case 16-075; 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.

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. Soenksen commented that because only three members are present, the vote would have to be unanimous in order for the request to be approved.

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

Mark Roemer, the applicant, stated that he is the developer of the strip center and will own the proposed microbrewery. He added that he currently owns Central Standard and Crust Pizza and opened Harrington's, all of which have outdoor service areas for which Board approval was required. Roemer indicated that he feels that the proposed microbrewery would be a good addition to Bettendorf as many other cities in the area already have them. He commented that there may not be as much indoor seating as indicated on the plan as the brewing equipment may take more space than is shown. Roemer stated that there has been only one problem with an event taking place in the outdoor service area at Central Standard which was quickly resolved.

Voelliger asked if bands would ever play at the microbrewery that could disturb the neighbors. Roemer stated that the possibility of an outdoor band exists, adding that any live music would end by 10 p.m. He added that there would be music playing in the background in the outdoor service area.

Voelliger asked if the customers would be allowed to order food from Central Standard and have it delivered to the microbrewery. Roemer confirmed this, adding that the system worked

well when he opened Harrington's and Jimmy John's and allowed bar customers to bring in the food from Jimmy John's. He indicated that he also used the restaurant as an overflow area. Roemer stated that while he would prefer that the microbrewery customers order food from Central Standard, he would not limit what type of food could be brought in.

Falk asked if there would be a fence enclosing the outdoor seating as there is no barrier indicated on the plan. Roemer confirmed this, adding that a fence would be installed along with heavy stone columns to reinforce the barrier. He explained that a barrier is required by Code.

Gallagher asked if the microbrewery would serve beer only or if there would be a full-service bar. Roemer stated that there would be a full bar for which he would obtain the appropriate liquor license.

Falk commented that the Board has had many discussions with regard to outdoor service areas and that oftentimes the neighbors object. He indicated that while the applicant has always been a good neighbor with regard to the businesses he owns with outdoor areas, he is hesitant to approve the outdoor service area with no restrictions. Falk stated that he is not opposed to approving the microbrewery use, but would prefer that there be some limits placed on the outdoor area. Roemer asked if the proposed restrictions would be similar to those in place at Central Standard and Crust. Falk confirmed this, suggesting that hours when outdoor service and music is allowed be limited and that the use be reviewed periodically until such time as all parties are satisfied. Roemer stated that he would have no problem with a periodic review of the use, adding that it is in his best interest to take care of any problems immediately as they could discourage other tenants from leasing property in his building. He indicated that he is aware of the disturbances that occurred at The Clubhouse which tended to attract a young clientele. He explained that his target demographic will be slightly older customers who want a more calm atmosphere. Roemer reiterated that he is more than willing for the city to review the use periodically, adding that Crust was reviewed annually for two years during which no problems occurred. He indicated that after that initial two year period, the city had indicated that they would contact him if any problems arose. He assured the Board that he would address any problems that the city makes him aware of after the business opens.

Soenksen stated that there is a 10 p.m. restriction on the outdoor area at Crust. He asked if the limitation is for music or outdoor service. Roemer indicated that he believes it is for alcohol service. Fuhrman confirmed this. Falk commented that this restriction would also apply to music. He added that the Board's goal is to create an environment that doesn't pose problems for the neighbors. Gallagher stated that it is likely if the outdoor area were to be open until very late, the neighbors would contact the city.

Voelliger stated that the limitations would also apply to future owners. Roemer stated that he anticipates owning these businesses for at least 5 years, adding that he will likely own the property in perpetuity.

Ron Freidhof, 2355 Wrenwood Court, expressed concern about the potential traffic problems generated by the new business. He asked what businesses would be located in the other two units in the strip center. Roemer stated that as of yet none of the other units have been leased.

Cynthia Freidhof, 2355 Wrenwood Court, stated that the number of available parking spaces is already inadequate, adding that Central Standard customers are forced to park their vehicles on Falcon Avenue or in the spaces provided for her restaurant customers. She indicated that already the construction workers use their lot for parking, adding that Ascentra has given permission to use the credit union lot on Sundays when there are many customers at her restaurant. She stated that she does not have adequate funds to use one of her employees to monitor the parking lot.

Voelliger commented that a variance to allow parking in the required front yard of the building under construction was granted by the Board. Roemer explained that 10 additional spaces are available as a result of the variance approval. Soenksen added that the city restricted parking to one side of Falcon Avenue because of the traffic problems caused when so many businesses opened in the area in a short period of time.

Cynthia Freidhof commented that the number of outdoor seats at both businesses must also be taken into account when calculating the number of required parking spaces and questioned whether the number of spaces meets code requirements. Soenksen explained that the parking plan was reviewed during site development plan approval. Falk commented that his recollection is that the parking requirements were already met and that the variance added spaces in excess of the standards. Roemer confirmed this, adding that even though the required number of spaces was already on site, he deepened the detention pond on the adjacent lot to accommodate the storm water from both lots. He indicated that this allowed for the addition of 10 spaces in the area where a storm water detention area would typically have been located. He stated that he believes that there are now 12 spaces more than is required.

Cynthia Freidhof stated that she does not want to have to purchase additional signage for the parking lot to prevent people other than her customers from parking there. Roemer asked that she let him know when there is a problem so that he can resolve the issue. She indicated that already construction workers park there and that at times large trucks have parked in front of her business and obscure it from view.

Soenksen commented that he had reviewed the site plans and had determined that there are 112 parking spaces available on the two lots. He added that when the business first opens, it will be very popular. Gallagher commented that it appears as though customer traffic has slowed at Central Standard since it first opened. Roemer confirmed this, adding that he does not plan to lease the other spaces to high-traffic users. He stated that he would contact the builder to ensure that the construction workers no longer park in the adjacent lot.

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

A brief discussion was held regarding the restrictions to be placed on the outdoor service area. Cynthia Freidhof commented that if a band attracts a large volume of traffic, it could cause additional parking problems. Voelliger stated that the Board would have no control over that type of issue. Soenksen explained that Roemer would be required to obtain a permit from the Police Department for a large outdoor event. He indicated that if such an event causes problems, it is unlikely that another permit would ever be issued. He reiterated that it is likely that for at least the first few months of operation, there could be parking problems.

On motion by Gallagher, seconded by Falk, that a special use permit to allow a bar, cocktail lounge, and tavern and associated outdoor service area be approved in accordance with the Decision and Order with restrictions on the outdoor service area and the review of the use after one year at which time it will be determined whether it is appropriate for the outdoor use to continue.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

- 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.

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 #7 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.

Gallagher commented that the proposed construction will improve the neighborhood greatly and that the exception is a good use of the Board's authority. Falk concurred.

On motion by Falk, seconded by Gallagher, that an exception to allow demolition and reconstruction of a single-family home on a non-conforming lot be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

Voelliger commented that the applicant had made a great improvement to the neighborhood by renovating her current home. Other Board members concurred.

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

October 13, 2016

Staff Report

Case No. 16-090

Location: 3421 Field Sike Drive

Applicant: Joseph Martinolich

Zoning Designation: A-2, Rural Residence District

Request: Variance to increase the allowable garage area from 1,091 square feet to 2,020 square feet.

Background Information and Facts

The site is located on the south side of Field Sike Drive and is west of the intersection of Devils Glen Road and Field Sike Drive (see Attachment A – Location Map). The applicant would like to place a 30-foot by 60-foot structure on the lot adjoining his home: a 30-foot by 52-foot area of the structure will accommodate vehicle storage and a 30-foot by 8-foot area of the structure will be a covered porch (see Attachment B – Building Configuration). The applicant would like to place the new outbuilding on the vacant lot east of the current residence (see Attachment C – Plot Plan). If allowed, the building will resemble the Elevation Plan shown on Attachment D and the photo illustration shown on Attachment E.

Staff Analysis

The applicant's home is next door and to the west at 3373 Field Sike Drive. Both lots are under the same ownership but are still two separate, distinct lots. If the request is approved, staff would request that the approval be conditioned upon the lot's being legally joined by an "agreement not to sever".

The Code describes the A-2, Rural Residence District as follows:

This district is intended to provide for single-family residential development on lot sizes adequate to allow individual wells and sewage disposal systems and to create an environment of rural type homes on larger lots than required in the urban type residential areas. The permitted uses, lot areas, setbacks and other requirements are designed to encourage a quality residential area in a rural setting.

One of the permitted uses in this zoning district is “gardening and general farming”. Almost all farming operations have large outbuildings such as is being requested. The applicant is not anticipating performing general farming activities at the site, but the makeup of the site including large structures such as outbuildings is consistent with the makeup of the A-2, Rural Residence District.

It is not uncommon for sites in the A-2 Rural Residence District to have a large buildings for tractors, lawn equipment, recreational vehicles, and associated workshop space.

The applicant submitted a “letter of notification” signed by three neighbors showing that the neighbors have been informed of the submitted plan (see Attachment F – Letter of Notification).

When the lots become joined with the agreement not to sever, the following formula and calculation will apply to the request:

House “above ground living area” (AGLA) = 2,728 square feet.
40% calculation of AGLA = 1,091 square feet (allowable garage area).
Current garage area = 700 square feet.
New garage area with request = 1,320 square feet.
Total garage area if approved = 2,020 square feet.

Therefore, this request represents an 85% increase of allowable garage area per Code.

Staff Recommendation

Staff recommends that any approval be conditioned upon the lots at 3373 and 3421 Field Sike Drive being permanently joined with a recorded agreement not to sever. The applicant should understand that even with the variance approval, the building permit of the new structure cannot be issued until the agreement not to sever has been filed and properly recorded at the Scott County Courthouse.

Respectfully submitted,

John Soenksen
City Planner



FIELD SIKE DR



DEVILS GLEN RD

ALAMEDA BLVD

53RD AVE

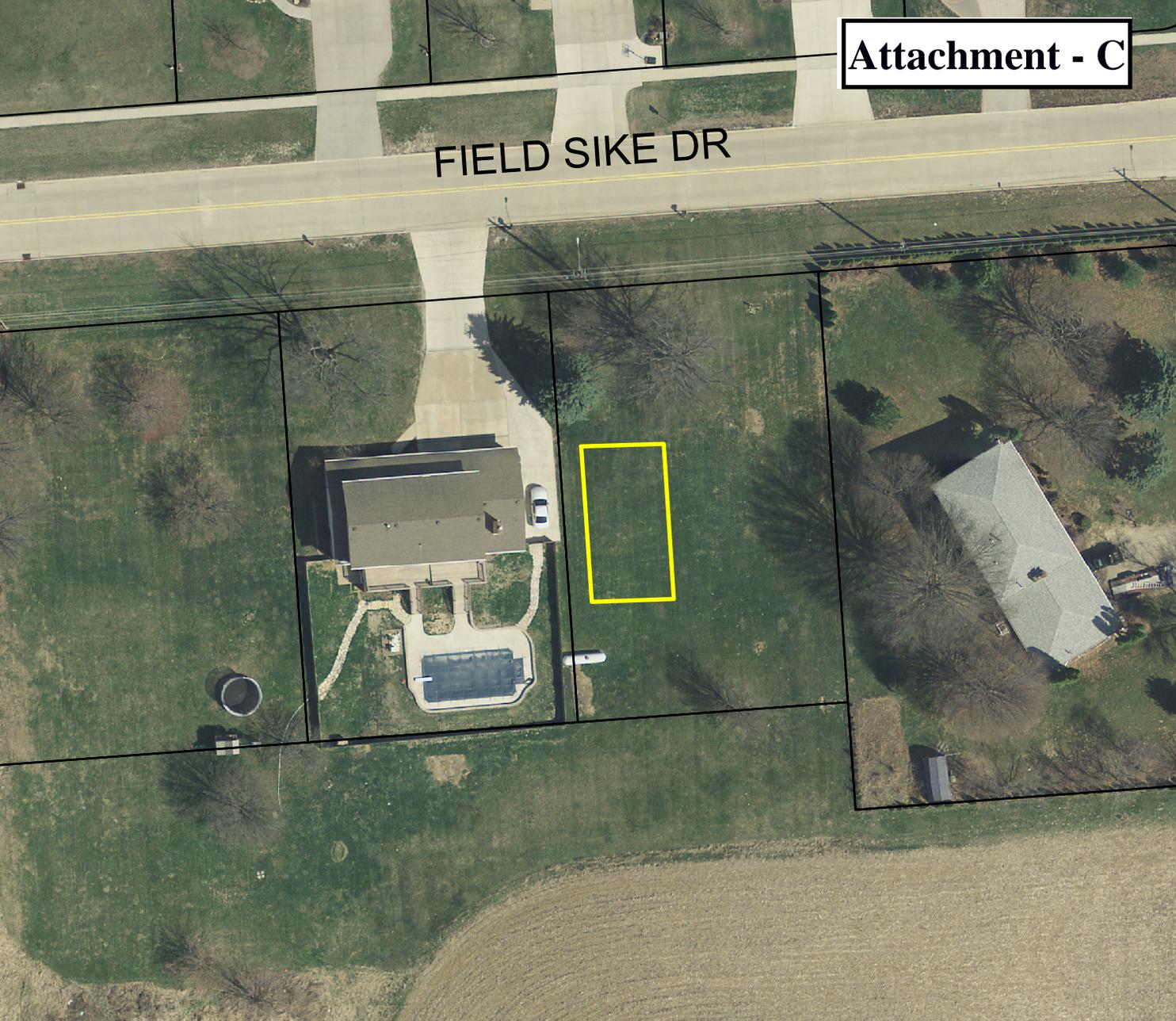
SAVAN CROSSING

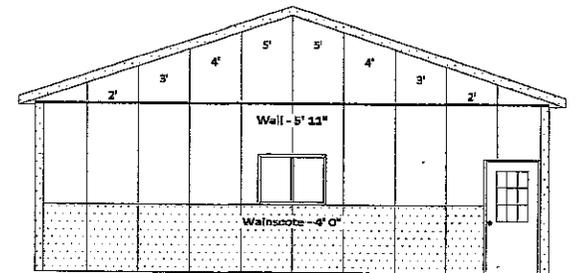
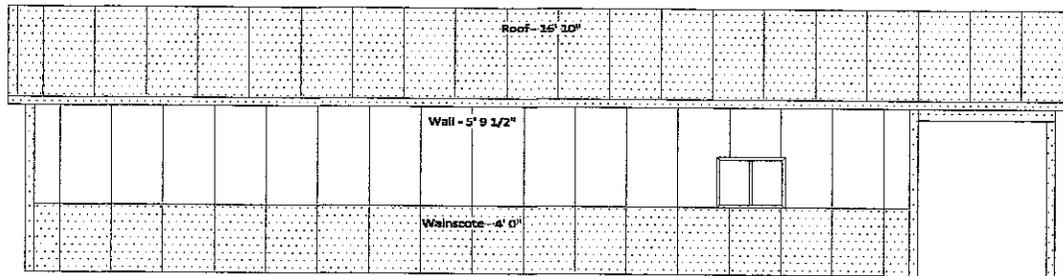
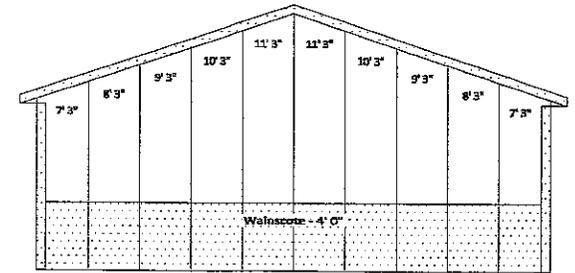
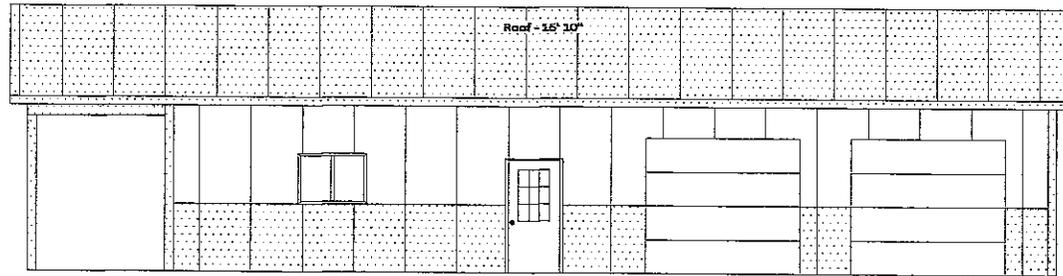
JOSHUA ST

KILTICK

MERIDITH WAY

FIELD SIKE DR





Drawings Prepared By: Floyd Yurzy
 KALONA POST & FRAME
 2120 Hwy 22 Kalona, Ia. 52247
 (319) 656-4422
 floyd@kalonapostandframe.com

Gingerich Structures
 2315 Hwy 127
 Logan, IA. 51546

Job: Joe Martinlich
 3373 Field Site Dr
 Bettendorf, IA. 52722
 Ph# (563) 529-5400

Scale: 3/32" = 1'

Attachment - D

Simon and his crew were extremely courteous a



Attachment - E

Date 9-9-16

To my neighbors residing on Field Sike Drive Bettendorf, Ia. 52722.

Joseph & Jayne Martinolich are proposing to build a 30'w x 60'L x 10'h building next to their house at 3373 Field Sike Drive Bettendorf IA, 52722 and are needing your approval for design.

The size of the building is ok 30x60x10 with an overhang to be on the side of the building closest to their home.

It will be dark gray with white trimmings the same as the house they live in.

Attached is the building Specs.

- X Jeffrey D. Johnson 3456 Field Sike Dr Bettendorf IA
- X [Signature] 3399 Field Sike Dr
- X [Signature] 3498 Field Sike Dr



Case No. 16-090

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

Part 1. Property Involved.

Street Address

3421
3373 FIELD SIKE DRIVE Bettendorf, IA. 52722

Legal Description of the property.

lot 7, Creekview Addition

Part 2. Contact Information.

Applicant Name

JOSEPH Martinolich

Phone

563-529-5400

Address

3373 Field Sike Dr Bettendorf IA 52722

FAX

E-mail Address:

Jrmartinolich@aol.com

IRRSHEAN20@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.
REQUESTING TO BUILD A 1800# STORAGE BARN, ON ADJOINING LOT
EAST OF EXISTING RESIDENCE.

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____.

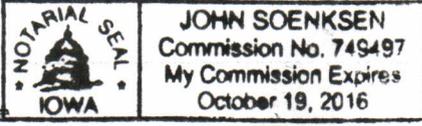
Signature of Applicant: [Signature] Signature of Owner: [Signature]
 (The owner **MUST** indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

State of Iowa)
) SS
 County of Scott)

[Signature]
Kathleen Poorn

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 23 day of Sept, 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 9-23-2016
 Check # 9661



COMMUNITY DEVELOPMENT

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

October 13, 2016

Staff Report

Case No. 16-091

Location: 2239 Kimberly Road

Applicant: Kathy Rashid

Zoning Designation: C-2, Community Shopping District

Request: Special use permit to allow an outdoor service area.

Background Information and Facts

The site is located on the east side of Kimberly Road and just south of Duck Creek (see Attachment A – Location Map). D.Q. Nails occupies a building on the site that was built approximately two years ago. A new building is being constructed north of the existing building; the western tenant slot of the new building will be occupied by Treehouse Café/Pizza (see Attachment B – Plot Plan). The new building already has a deck attached to the rear (north) of the building, and the Treehouse Café/Pizza will add an additional deck as shown on Attachment B. The applicant will like to use the decks for an outdoor service area for Treehouse Café/Pizza.

Staff Analysis

Prior to approving a special use permit, nine standards must be met. Below is a listing of those 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 11-7B-3 lists "similar and compatible" uses as an allowed special use. The deck will be used to serve the same food and drink that will be served inside and is therefore similar and compatible.

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

The site plan for the project was approved by the Planning and Zoning Commission and the City Council. This site plan approval process is intended to 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 site 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 heavily-traveled roads to the east and west (Kimberly Road and Interstate 74). The outdoor use area separation is detailed in item #6 below.

5. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining uses, and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.

The proposed location for the outdoor service area should not interfere with any of the above requirements. Because of the separation specified in item #6 below, staff is not recommending any additional screening at this time. This may be an issue to be revisited should any complaints arise as a result of the proposed use.

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

The outdoor service area will be:

- *Over 350 feet away from the nearest commercial building (The Alpine Center) to the north.*
- *350 feet away from Thomas Place apartments to the south. The new commercial building at the site will serve as a sound barrier between the deck and Thomas Place.*
- *Bordered on the west by Kimberly Road and Duck Creek Golf Course.*
- *Bordered on the east by Duck Creek and Interstate 74. The nearest house on the east side of Interstate 74 is 970 feet away from the deck (see Attachment C – Separation Illustration)*

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.

In the past, the Board has approved these types of requests with the condition that the use be reviewed within one year or sooner if any complaints have been generated as a result of the outdoor service area.

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 has the area designated as a commercial use. The request is consistent with that designation.

Staff Recommendation

Staff recommends approval with the condition that the outdoor service area be reviewed by the Board in one year or sooner if complaints are generated as a result of the outdoor service area.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE

E KIMBERLY RD

KIMBERLY RD

DICK CREEK BIKE PATH

INT 74 RAMP

RAMP

INT 74

MIDDLE RD

MIDDLE RD

RAMP

OAKBROOK PL

DUCK CREEK BIKE PATH

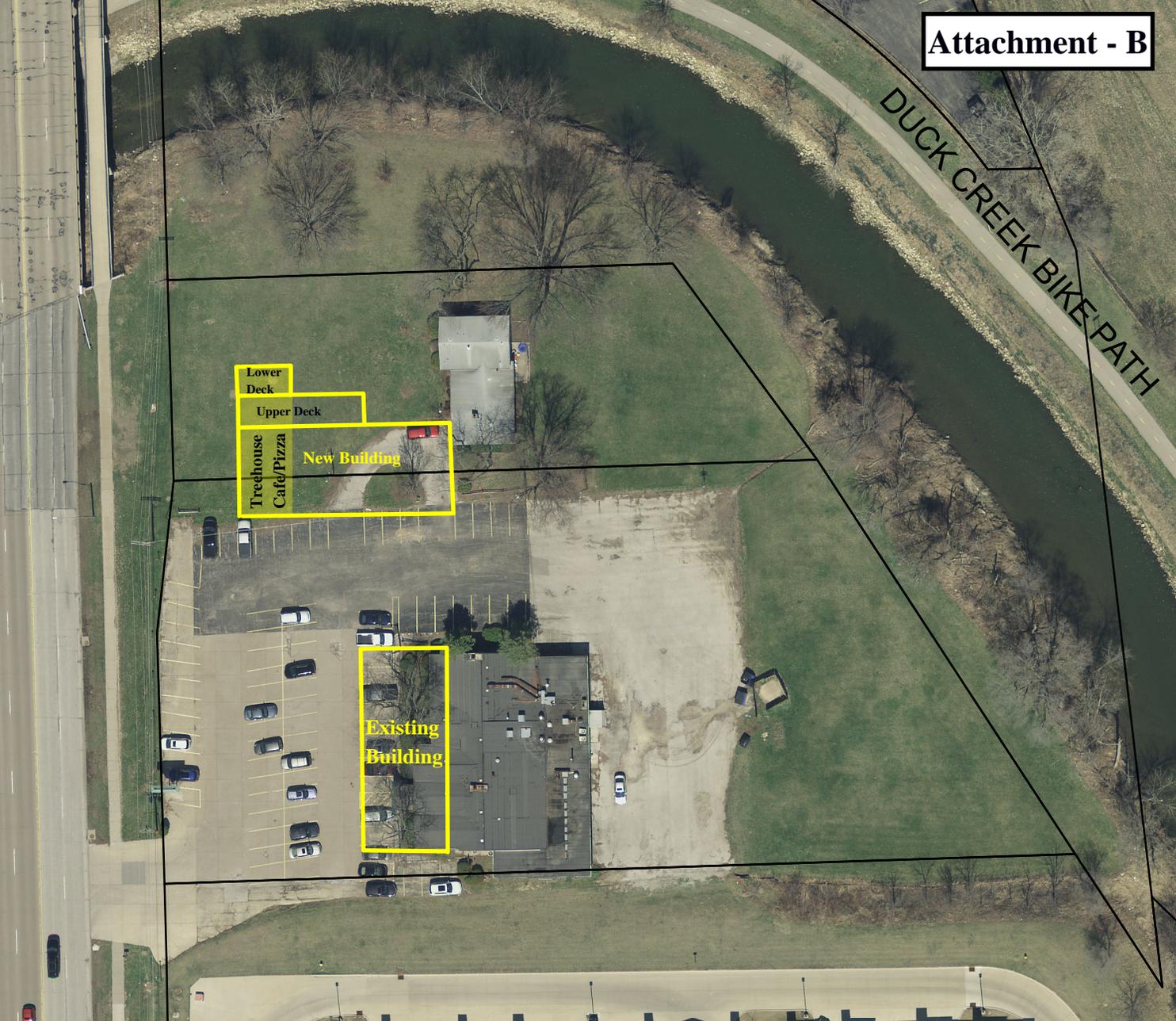
Lower Deck

Upper Deck

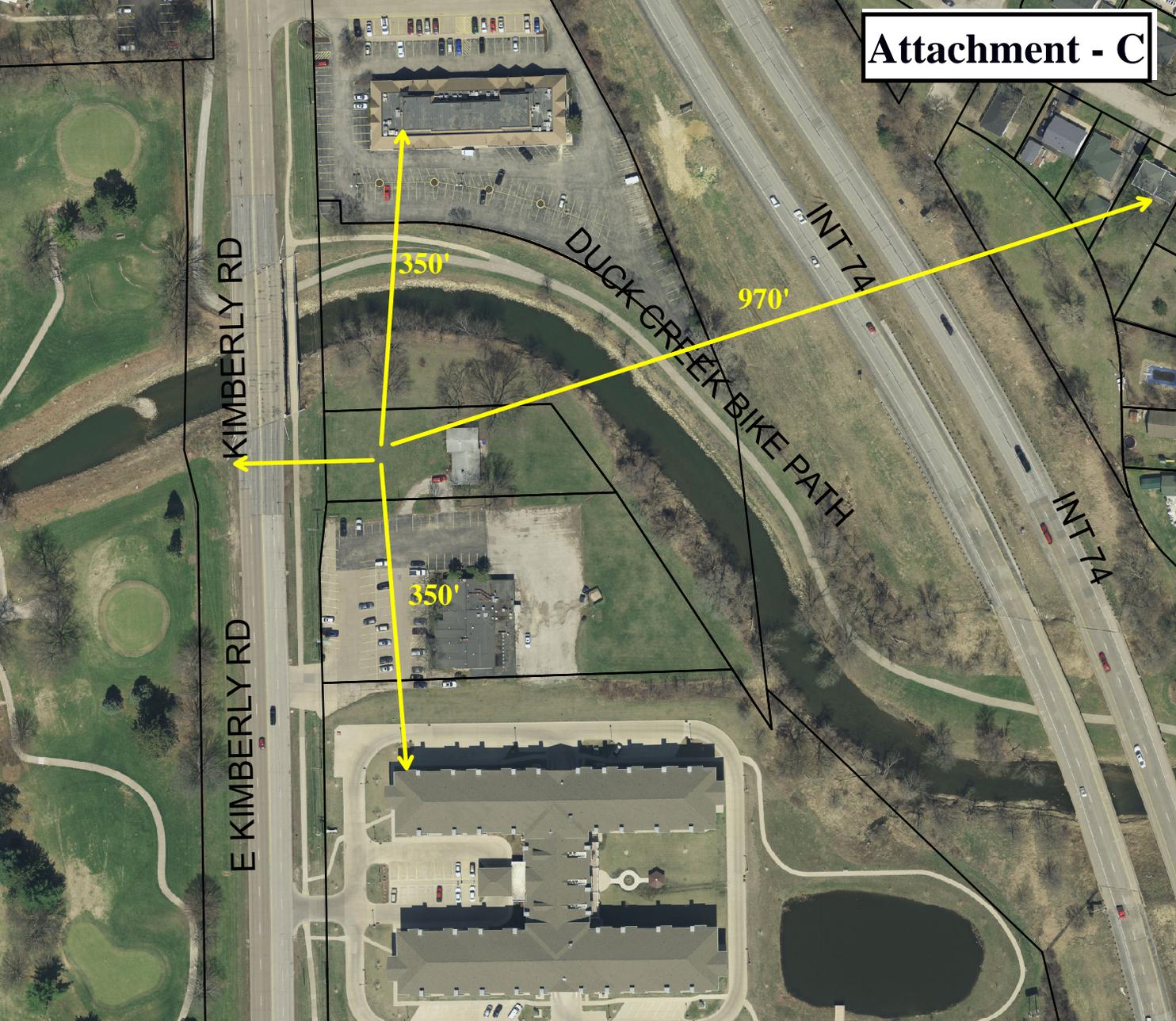
Treehouse
Cafe/Pizza

New Building

Existing
Building



Attachment - C



KIMBERLY RD

E KIMBERLY RD

DUCK-CREEK BIKE PATH

INT 74

INT 74

350'

350'

970'



Case No. 16-091

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

Part 1. Property Involved.
Street Address 2239 Kimberly Rd Bettendorf, Ia 52722

Legal Description of the property. Commercial - restaurant - Pub-Eatery

Part 2. Contact Information.
Applicant Name Kathy Rasheed Phone 563-271-8566
Address 2930 Walnut Ct Bettendorf, Ia 52722 FAX _____
E-mail Address: KR8894@Apl.com

Owner Name Kathy Rasheed Phone _____
Address _____ FAX _____
E-mail Address: Same as Above

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 flood zone 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.

Extend deck space for added seating - to enjoy outside seating. Outdoor 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 26th day of Sept, 20 16.

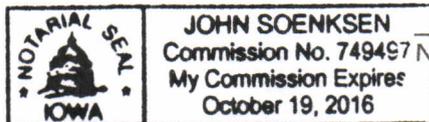
Signature of Applicant Kathy Paschel Signature of Owner _____

(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 26th day of Sept, 20 16.



John Soenkse
 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 John Soenkse
 Amount \$100.00 Date 09-26-2016
 Check # 2163



COMMUNITY DEVELOPMENT

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

October 13, 2016

Staff Report

Case No. 16-092

Location: 3557 Deertrail Road

Applicant: Donald and Cindy Tice

Zoning Designation: R-2, Single-family Residence District

Request: Variance to reduce the required front yard setback from 25 feet to 13 feet to allow construction of a garage.

Background Information and Facts

The site is located south of Riverdale Heights Elementary School at the intersection of Deertrail Road and White Tail Drive (see Attachment A – Location Map). The applicant would like to add a 12-foot by 42-foot addition to the existing structure which, if allowed, will be within 13 feet of the “front” property line adjacent to White Tail Drive (see Attachment B – Plot Plan).

Staff Analysis

As shown on Attachment B, the addition will not interfere with the required vision triangle at the intersection of Deertrail Road and White Tail Drive. The applicant indicates that they have verified with the Deerbrook Homeowners Association that the proposed addition is allowed by the association. The applicant also indicates that he will be bringing signatures from the nearby neighbors supporting the request.

Over the last three years staff has been able to find three cases the Board heard regarding house structure encroachments into the required front yard setback. The following is a summary of those cases.

- At 2337 Oak Street the Board APPROVED a reduction of the front yard setback from 25 feet to 19 feet to allow a porch addition on the front of the house in March of 2015 (see Attachment C – Oak Street Approval). The Board felt the request was in keeping with the neighborhood that had varying front setbacks.
- In November of 2014 the Board DENIED a request to reduce the required front yard setback on a corner lot from 30 feet to 15 feet for a new home construction

at 5770 Little Lane. In that case there were objections submitted to the Board by nearby neighbors (see Attachment D – Little Lane Denial).

- In the most recent case, the Board APPROVED a reduction for the front yard setback on a corner lot at 702 - 8th Street from 7 feet to 3 feet 9 inches to allow a deck addition. The Board felt that the lot configuration and elevation and the additional right-of-way adjacent to the applicant's property supported the request that would not detract from the surrounding neighborhood (see Attachment E – 8th Street Approval).

Based on the above previous rulings, the Board has considered these requests individually on each of their merits and based their decision on the facts that pertain to the specific case and has therefore not set a standard precedent (either approval or denial) for the request now under consideration.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



DEVILS GLEN RD

DEER RIDGE

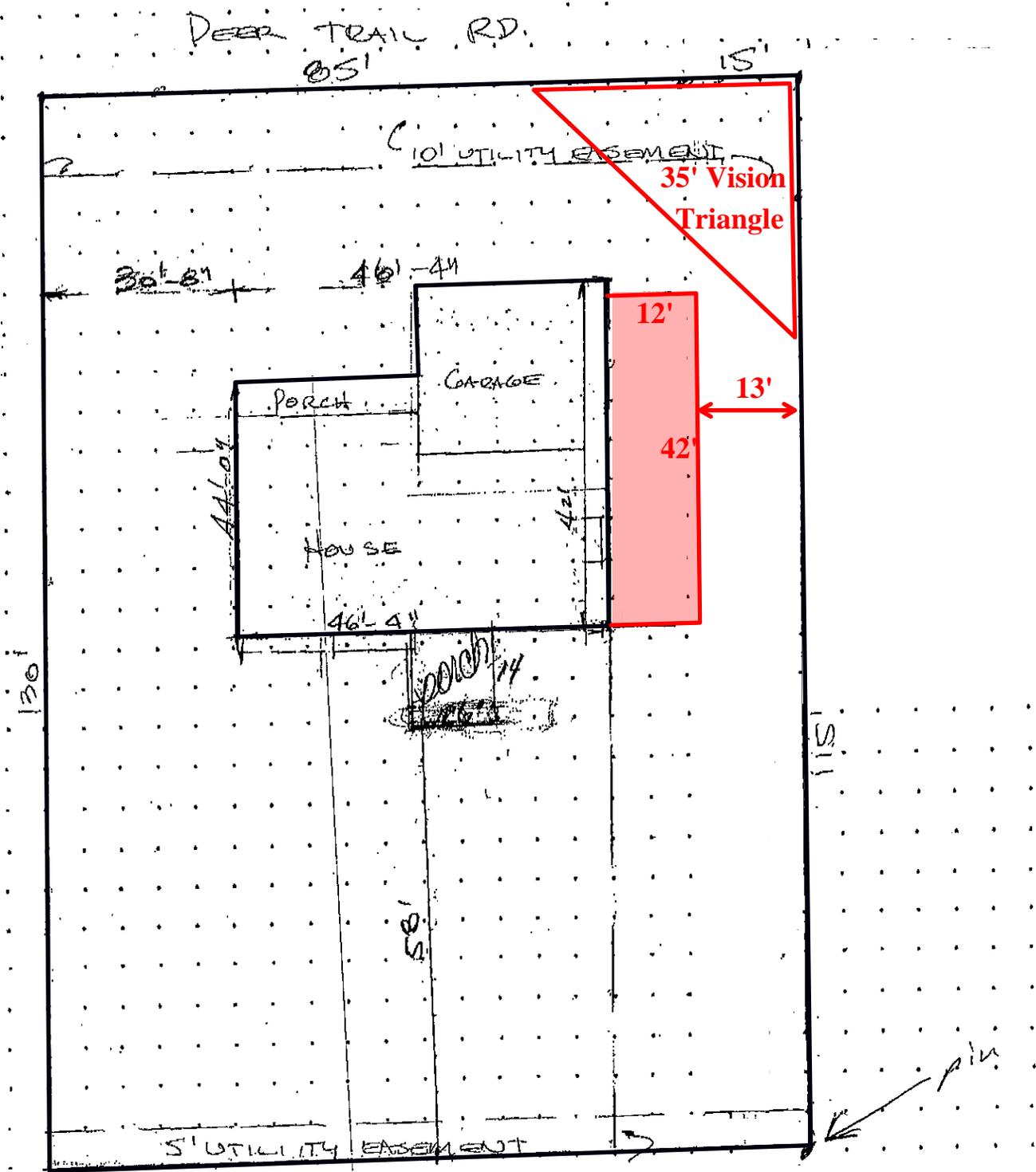
DEER TRAIL RD

SITE

WHITE TAIL DR

ANTLER CT

FAWN LN



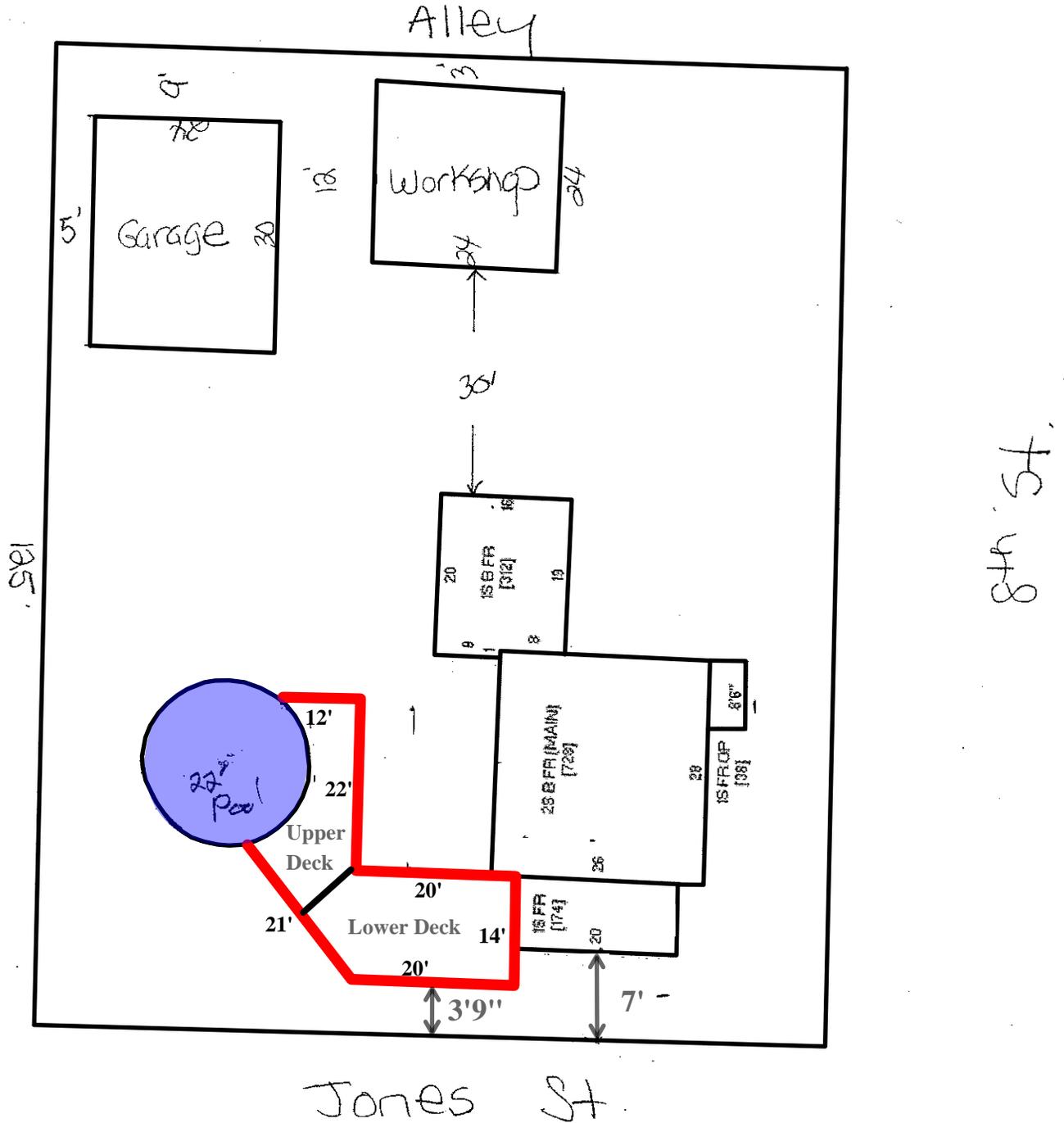
Attachment - C



Attachment - D



PLOT PLAN



Front Setback _____
 Side Setback Min _____ Total _____

Rear Setback _____

Scale 1" = 20'

Indicate North



Case No. 16-092

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

Part 1. Property Involved.

Street Address 3557 Deertvail Road

Legal Description of the property. Lot #29 of Deerbrooke Estate 7th Addition.

Part 2. Contact Information.

Applicant Name _____ Phone _____

Address _____ FAX _____

E-mail Address: _____

Owner Name Donald E & Cindy R Tice Phone _____

Address 3557 Deertvail Road FAX _____

E-mail Address: dcnl76@gmail.com DCNL76@gmail.com

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.

See attached
 A request to reduce the front yard setback from 25-feet to 13-feet to allow a garage addition.

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.

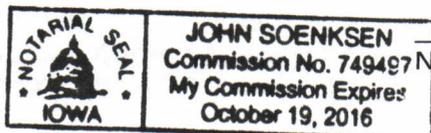
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this _____ day of _____, 20 ____.

Signature of Applicant *Dan Fice* Signature of Owner *Dan Fice*
 (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 27th day of Sept., 20 16.



John Soenkse
 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 *John Soenkse*
 Amount \$50 Date 7-27-2016
 Check # 3696



COMMUNITY DEVELOPMENT

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

October 13, 2016

Staff Report

Case No. 16-093

Location: 2927 Cambridge Drive

Applicant: James Riches

Zoning Designation: R-2, Single-family Residence District

Request: Variance to allow a 5-foot high fence in a required front yard along 29th Street.

Background Information and Facts

The site is accessed by turning off of Middle Road onto 29th Street, and is located at the intersection of Cambridge Drive and 29th Street (see Attachment A – Location Map). The site is west of and adjacent to the Chateau Knoll apartment complex. The applicant would like to place a 5-foot high fence surrounding the rear yard (see Attachment B – Plot Plan). If allowed, the portion of the fence running parallel to 29th Street will be set back 14 feet from the property line adjacent to 29th Street. A 4-foot high fence is allowed at that location without a variance.

The applicant points out the fact that Chateau Knoll is a very large apartment complex and has raised decks on the second floor apartments overlooking his rear yard (see Attachment C – Apartment Illustration).

Staff Analysis

Staff calculations reveal that the apartment complex is located on over 22.6 acres of land, 27 apartment buildings, 8 vehicle parking buildings, 2 swimming pools, a tennis court, and an office building. One of the main entrances to the apartment complex is directly across the street (29th Street) from the applicant's home and rear yard (see Attachment D – Entrance Illustration). The applicant's home is located directly next to a more intense use where significant traffic enters and exits in a way that directly affects the applicant's use of his property.

The applicant's home is zoned R-2, Single-family Residence District, and the apartment complex is zoned R-5, Multi-family Residence District. The Code recognizes the R-5 District as a higher intensity use when located next the R-2 property, and the Code

requires buffering between the two uses. One of the permitted ways to meet the buffering requirement is fencing.

The Board has been consistent limiting 6-foot fences on R-1 and R-2 residential lots to be allowed only along major thoroughfares. The 2014 traffic count on 29th Street between Maplecrest Road and Tanglefoot Lane is 2,210 vehicles per day. There is no data (vehicle count) between Middle Road and Maplecrest, but staff would estimate the count to be higher due to the apartment complex traffic and the traffic to Bettendorf High School. 29th Street is not considered a major thoroughfare.

This request is for a 5-foot high fence and not for a 6-foot high fence that has been problematic in R-1 and R-2 residential front yards. The proposed placement of the fence is also set back 14 feet from the property line as opposed to directly on the property line as on other previous requests.

Staff Recommendation

This property and its location and relation to a large apartment complex entrance pose a unique set of circumstances that are not typical of other residential lots. Approval of this request should not be interpreted as setting a precedent for future fence requests in R-1 and R-2 residential front yards unless those future requests have the exact same set of circumstances presented in this case.

Respectfully submitted,

John Soenksen
City Planner

CAMBRIDGE DR

SITE

CAMDEN DR

**CHATEAU
KNOLL
APARTMENT
COMPLEX**

WILLOW DR

29TH ST

CHATEAU KVL

STAFFORD BLVD

AAA CT

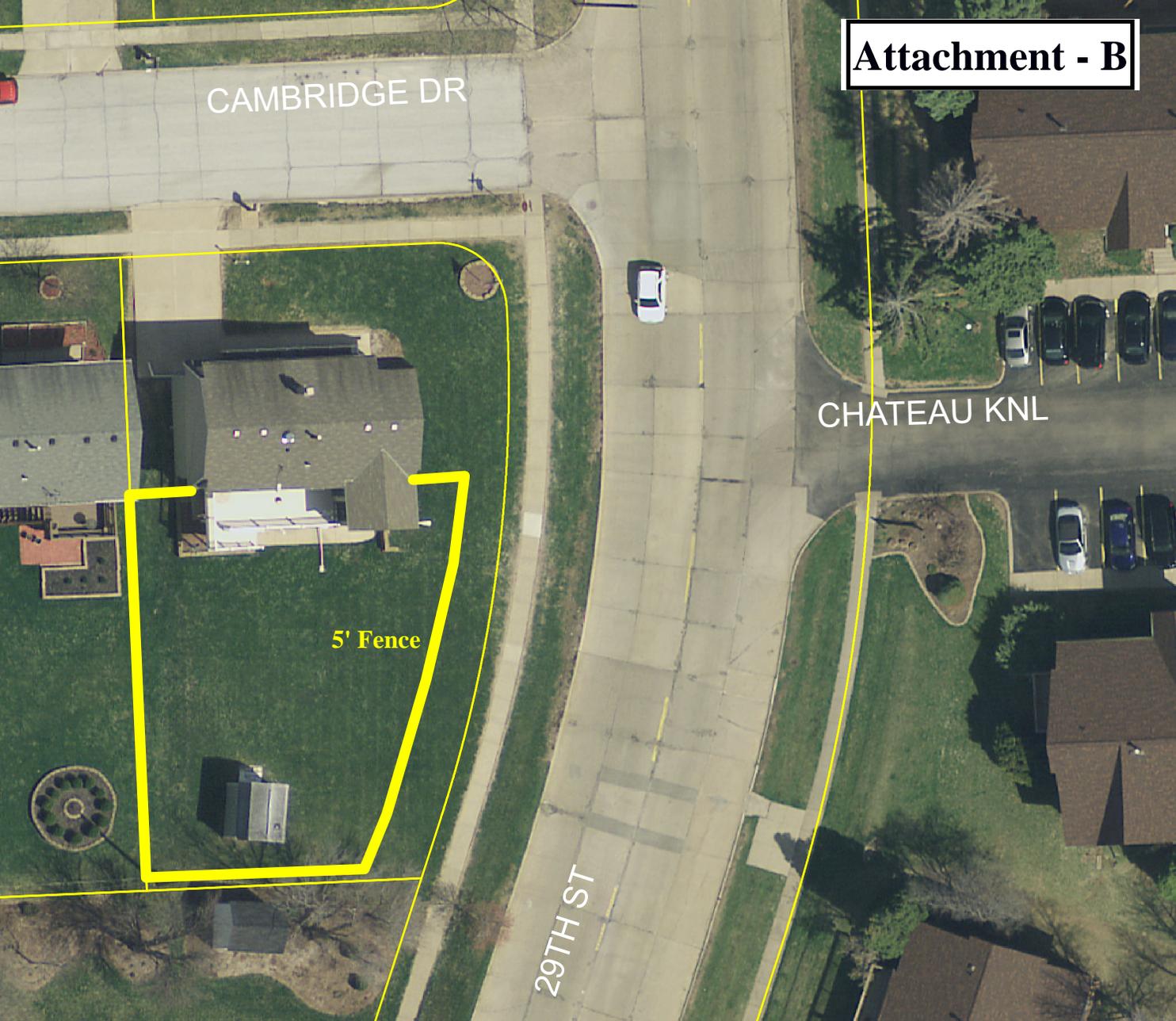
MIDDLE RD

CAMBRIDGE DR

CHATEAU KNL

29TH ST

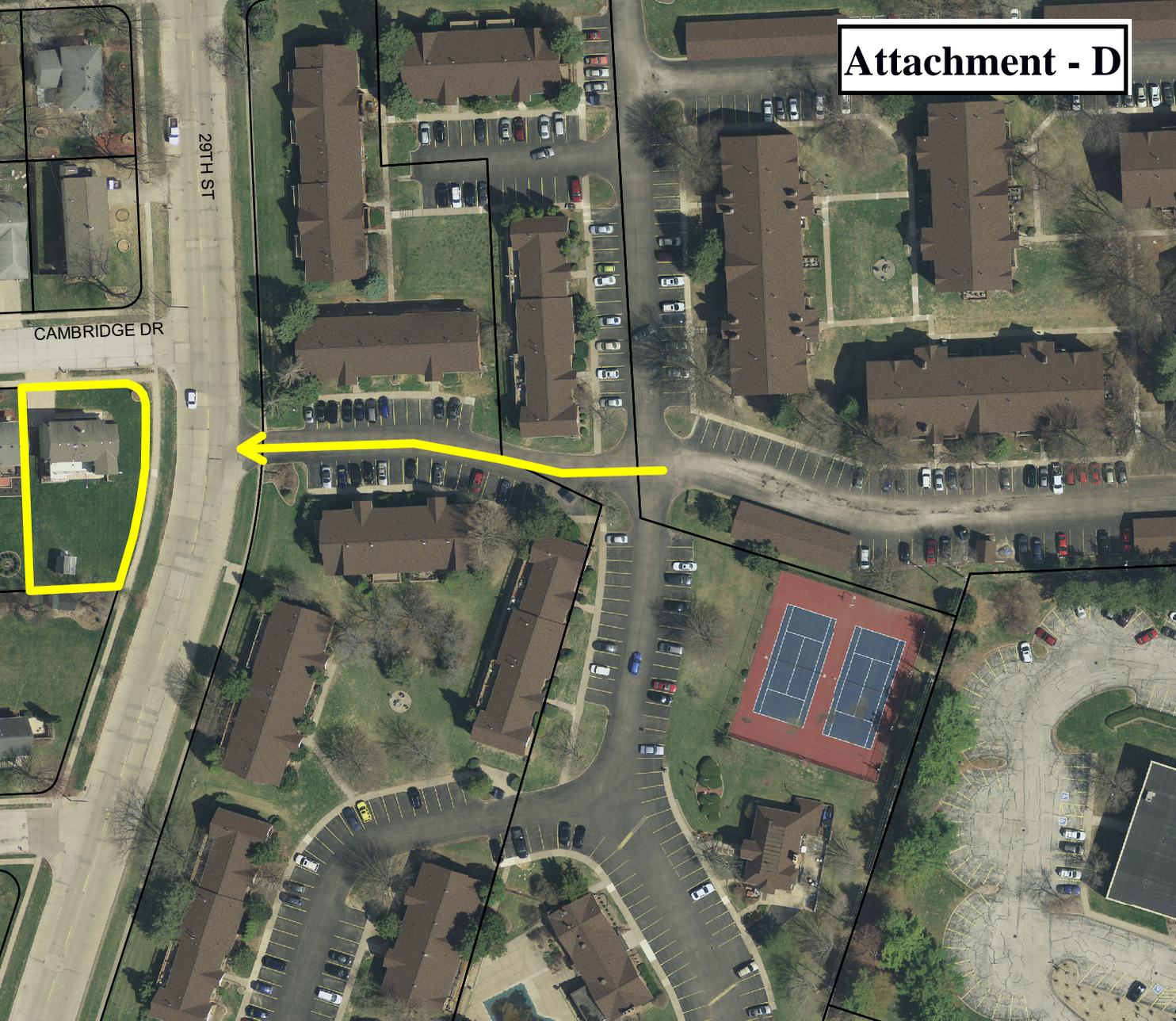
5' Fence





VIEW LOOKING EAST

Attachment - D



29TH ST

CAMBRIDGE DR

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.



Case No. 16-093

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

Part 1. Property Involved.

Street Address 2927 Cambridge Drive, Bettendorf, Iowa

Legal Description of the property. Camden Downs 1st Add. Lot -027.
Camden Downs 1st Add.

Part 2. Contact Information.

Applicant Name James P. Riches Phone 563-343-2540
Address 2927 Cambridge Drive, Bettendorf FAX X
E-mail Address: jimmy.riches@gmail.com

Owner Name (same as above) 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.

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- (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 would like request permission to put in a 5' cedar fence within the front "set back" of my property. My reason for the request is based on the fact that my yard is located on a busy street (29th st) and there is a large apartment complex across the street which generates lots of traffic as well. I would like to fence in as much of my property as possible and without a variance I would only be able to fence in and use about half of my back yard.

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.

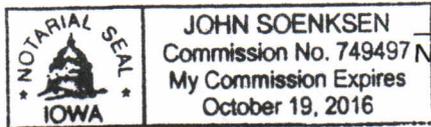
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this _____ day of _____, 20 ____.

Signature of Applicant _____ Signature of Owner *James Mahan*
 (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 27th day of Sept, 20 16.



John Soenk
 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 *John Soenk*
 Amount \$50.00 Date 9-27-2017
credit card



COMMUNITY DEVELOPMENT

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

October 13, 2016

Staff Report

Case No. 16-094

Location: SE corner of Middle Road and Crow Creek Road

Applicant: AMF Real Estate, Inc.

Zoning Designation: C-1, Local Shopping District

Request: Special use permit to allow two drive-up windows.

Background Information and Facts

The site is located at the southeast corner of Crow Creek Road and Middle Road directly across the street from Surrey Heights Fire Station (see Attachment A – Location Map). The applicant is developing this commercial lot and is requesting approval of two drive-up windows.

Staff Analysis

The development will consist of four buildings, and the applicant is requesting a special use permit to allow a drive-up window at two of them (buildings 3 and 4) (see Attachment B – Site Plan). At this time, the best estimate is that building 4 will house a banking facility, and building 3 will contain a coffee shop type business. These businesses are not yet (at the time of this report) confirmed.

The potential banking facility (building 4) will have a drive-up entrance off of Wyndham Drive and will only be accessible by traveling south on Wyndham Drive because of the roadway median barrier at the entrance as shown on Attachment B. This drive-up lane will allow six vehicles to be stacked. Customers using banking facilities, including drive-up windows, has steadily declined over the last several years perhaps due to online banking. Staff feels that the length of the drive-up lane will be sufficient to ensure no vehicles will be stacked off site.

The possible coffee shop (building 3) will have a drive-up entrance accessible within the parking lot, and the separated lane will allow up to 7 vehicles to be stacked. Any overflow traffic in excess of the 7 vehicles will be contained within the parking lot and will not affect any public roadway.

Staff Recommendation

Prior to approving a special use permit, nine standards must be met. Below is a listing of those 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 11-7A-3 lists "drive-in banking facility and drive-up window" as allowed special uses.

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

The site plan for the project will be reviewed by the Planning and Zoning Commission and the City Council. This site plan approval process is intended to ensure that the above 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 site 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 plan shows a concentration of landscaping separating this commercial development from the residential developments to the east and south. This issue will be a main focus of the site plan approval process during review by the Planning and Zoning Commission and the City Council.

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.

Staff's initial review indicates that this standard will be met and this issue will be further scrutinized during the site plan approval process.

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

This property has been zoned commercial before the residential area was developed. The site plan approval process will allow two public hearings to allow neighbors to have any concerns addressed.

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.

At this time staff is not requesting any further 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 has the area designated as commercial. The request is consistent with that designation.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SURREY DR

CROW CREEK RD

45TH AVE

CHARTER OAKS DR

N RICHMOND CIR

WYNDHAM DR

BROOKVIEW CT

E KINGSTON CIR

W KINGSTON CIR

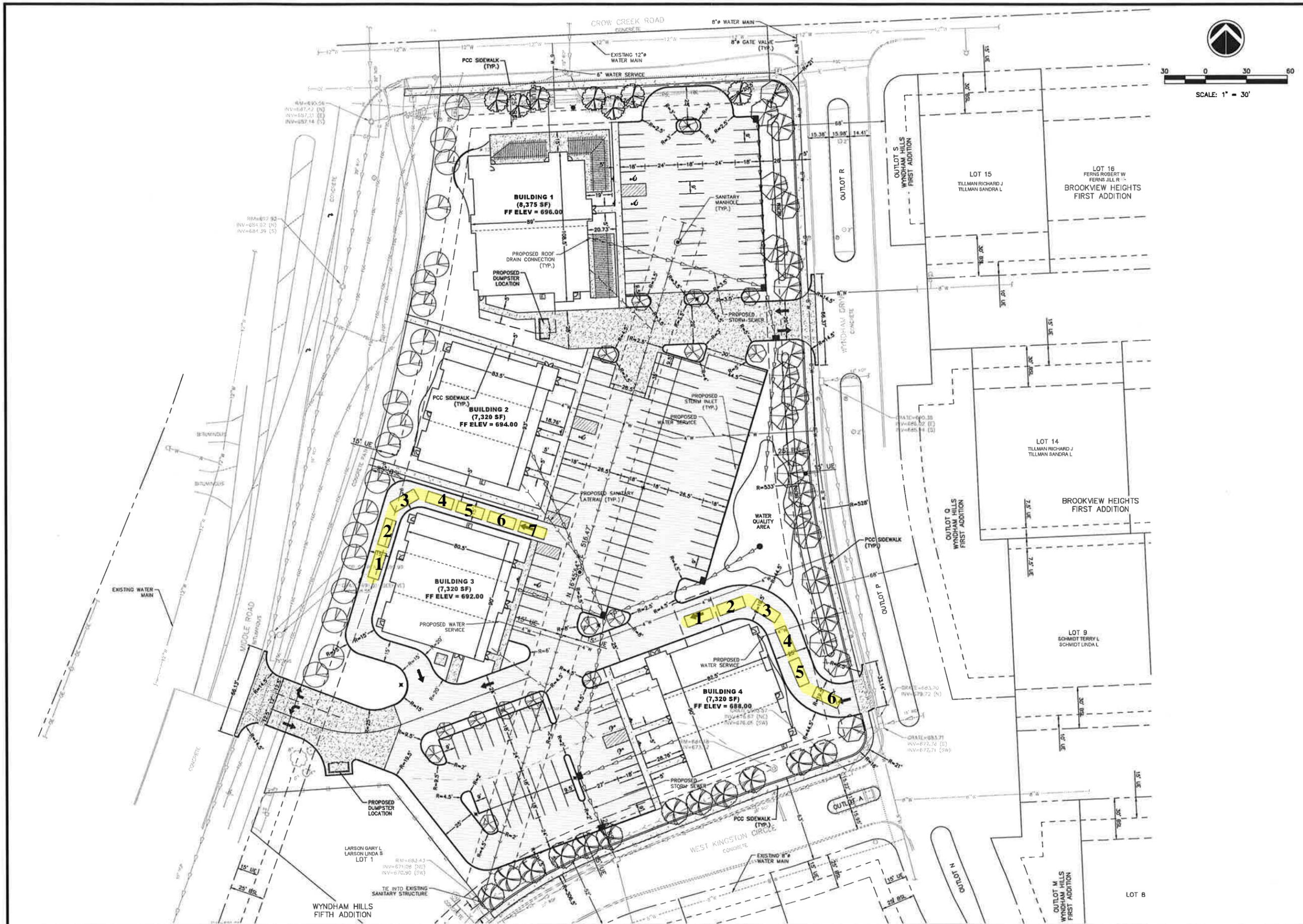
MIDDLE RD

MUIRFIELD DR

MUIRFIELD CT

MIDDLE RD BIKE PATH

SITE



REVISIONS	DATE
No.	
DESCRIPTION	

Missman, Inc.
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ADVANCE HOMES COMMERCIAL DEV.
BETTENDORF, IOWA

SITE LAYOUT AND PAVING PLAN

Missman Project No: C16L036
File Name: C16L036-SITE LAYOUT.dwg
© COPYRIGHT 2016 ALL RIGHTS RESERVED
Field Book No:###
Drawn By: ABL
Checked By: KEC
Date: 09-26-16
C-3
Sheet 1 of 1

Case No. 16-094

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

Part 1. Property Involved.

Street Address S.E. Middle Rd. & Crow Creek Rd., West of Wyndham Dr.
Legal Description of the property. Lot 1 in the Wyndham Hills Fifth Addition: Part of the
N.E. Quarter of Section 14, Township 78N, Range 4E

Part 2.

Applicant Name AMF Real Estate, LLC. Phone (563) 359-0589
Address 4215 East 60th St., Suite 6, Davenport, IA 52807 FAX (563) 359-0308

Owner Name Same as Above Phone _____
Address _____ FAX _____

Agent _____ Phone _____
Address _____ FAX _____

Part 3. This application is for the following: (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 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

October 13, 2016

Staff Report

Case No. 16-095

Location: 3470 Middle Road

Applicant: Signs Now (Jeremy Collins)

Zoning Designation: C-2, Community Shopping District

Request: Variance to increase the allowable size of a non-conforming on-premises identification sign from 30 square feet to 42 square feet.

Background Information and Facts

The site is located at the southwest corner of Middle Road and Devils Glen Road and involves the property containing Governor's Pub and Grill (see Attachment A – Location Map). The business currently has a non-conforming freestanding sign set back 8 feet from the front property line (see Attachment B – Sign Setback). The minimum setback for this type of sign is 15 feet; therefore, any increase of the size of the current sign requires a variance.

The current sign has a 5-foot by 3-foot static upper portion and a 5-foot by 3-foot electronic programmable lower portion totaling 30 square feet of freestanding signage (see Attachment C – Current Sign Illustration). The new sign configuration will be keeping the lower 15 square foot electronic programmable portion and increasing the upper static portion to 27 square feet (see Attachment D – New Sign Illustration). The new total square footage of the freestanding sign will be increased from 30 square feet to 42 square feet.

Staff Analysis

Most of the freestanding sign permits that have been issued over the last several years have been for signs that are at least 60 square feet. While many of those signs are much larger, the 60 square foot sign appears to be a standard size. The current request appears to be for a reasonable size given the size of the property and the busy intersection involved.

The new sign, like the current sign, will be mounted cantilevered off of the pole towards the restaurant and away from the intersection.

Attachment B illustrates that moving the sign to the required setback would place the mounting pole into the traveled portion of the parking lot at a place that is already somewhat tight to negotiate for two passing cars. Placing the pole at the required setback would prove to be problematic and is not a reasonable option.

The current location of the sign appears to be the only logical choice for a sign that, even when increased in size, will be smaller than the standard size used for most businesses throughout the city.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



DUNDEE LN

CHATEAU KNL

DEVILS GLEN RD

MIDDLE DR

MIDDLE RD

MIDDLE RD BIKE PATH

AAA CT

HOLIDAY CT

Attachment - B



SCIENCE RD

8'





QUANTITY 1 (LED WALL CABINET)
 ALUMINUM EXTRUSION
 POLY OR FLEX FACE
 (75.25"W X 70"T)



QUANTITY 2 (POLE CABINET)
 ALUMINUM EXTRUSION
 POLY FACE
 (65.375"W X 60"T)



Customer will receive 1 complimentary proof change with order. Additional proof changes requested by customer will be billed at an hourly rate.



130 East 53rd Street
 Davenport, Iowa 52806
 snqc@mchsi.com
 [phone] 563.391.5632

Please check all aspects of this layout; including but not limited to: color, size, materials, and spelling.

Approved _____ Date _____
 your job will be produced as shown

Changes are needed _____ Date _____
 proof will be re-submitted



Case No. 116-095

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

Part 1. Property Involved. Street Address 3470 MADOLE RD. BETTENDORF, IA 52722

Legal Description of the property. _____

Part 2. Contact Information.

Applicant Name SIGNS NOW (JEREMY COWING) Phone 563-386-7802
Address 130 E. 53RD ST. PAUENPOT, IA 52806 FAX _____
E-mail Address: SNOC@MCHSI.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.
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 - (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.
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- 3. Other. _____
(Attach a separate sheet and explain in detail.)

