

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

MEETING NOTICE
BOARD OF ADJUSTMENT
MARCH 9, 2017
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 January 12, 2017.
4. The Board to hold a public hearing on the following items:
 - a. **Case 17-006; 5104 Pandit Drive (R-5)** – A request for a variance to reduce the required width of a single-family residential lot from 70 feet to 50.5 feet, submitted by Everest Homes, LLC.
 - b. **Case 17-007; 3775 Middle Road (A-1)** – A request for a variance to reduce the required side yard setback from 50 feet to 29 feet to allow construction of a building addition, submitted by McClure Engineering.
 - c. **Case 17-009; 221 - 15th Street (C-2)** - A request for a variance to reduce the required front yard setback from 20 feet to 1.8 feet to allow for construction of a 5-story apartment building, submitted by Jennifer Bennett.
 - d. **Case 17-010; 221 - 15th Street (C-2)** - A request for a variance to reduce the required number of parking spaces from 247 to 170, submitted by Jennifer Bennett.

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
JANUARY 12, 2017
5:00 P.M.

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

Item 1. Roll Call

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

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of December 8, 2016.

On motion by Falk, seconded by Spranger, that the minutes of the meeting of December 8, 2016 be approved as submitted.

ALL AYES

Motion carried.

Item 4. The Board to review and approve the 2016 Board of Adjustment Annual Report.

On motion by Falk, seconded by Clements, that the 2016 Board of Adjustment Annual Report be approved as submitted.

ALL AYES

Motion carried.

Item 5. Election of officers.

On motion by Falk, seconded by Spranger, that Voelliger and Falk retain their positions of chairman and chairman pro tem, respectively.

ALL AYES

Motion carried.

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

- a. **Case 16-092; 3557 Deertrail Road (R-2)** – A request for a variance to reduce the required front yard setback from 25 feet to 16 feet to allow for construction of a garage addition, submitted by Donald and Cindy Tice. (Deferred to meeting of January 12, 2017)

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

Don Tice, the applicant, explained that he and his wife would like to build a third stall for their existing garage. He stated that the side of the house containing the stoop, front door, garage door, and windows is obviously the front yard. He added that the side of the house which is to be the location of the proposed addition is merely a linear expansion of vinyl siding with one door. Tice stated that he believes that these facts constitute a hardship. He showed several photos showing homes in the neighborhood where there is landscaping in required front yards and some which have 3-car garages. He explained that his home was actually built approximately 3 feet west of the location indicated on the plot plan. He indicated that the proposed garage addition would not impede into the required vision triangle. Tice stated that he plans to install windows and a door on the side of the proposed addition to improve the appearance. He added that his fence and the crab apple trees along White Tail Drive are substantially closer to the street than the proposed addition. He indicated that he had received 24 signatures on a petition from his neighbors in support of the request and that the homeowner's association has no objection.

Voelliger asked if a precedent would be set by approving the request. Soenksen commented that the Board has taken each case on its own merit. Voelliger stated that the example from the staff report of the porch on Oak Street was merely for a replacement of an existing porch.

Falk stated the applicant's examples of landscaping in a required front yard are not relevant to the applicant's request for a variance to build a garage addition. Soenksen commented that the vision triangle is applied only to structures, not landscaping. Falk stated that plantings allowed in areas where structures are not. Connors explained that landscaping is an allowable encroachment in a required front yard.

Falk asked where the driveway is proposed to be located and if it would require an additional curb cut that may be very close to the corner. Soenksen explained that the Public Works department is required to approve any additional curb cut on a public street. Falk asked if the

applicant is likely to be allowed to make an additional curb cut. Connors confirmed this, adding that a homeowner is allowed a 30-foot width for a driveway. Falk asked if the proximity of the driveway to the intersection has any bearing on whether or not an additional curb cut would be allowed. Connors stated that it does not.

Clements asked if the garage area to floor area ratio would be code-compliant if the request is granted. Soenksen confirmed this.

Voelliger stated that while he likes to see residents get the highest and best use from their property, he is concerned about the precedent that would be set by granting the request. Tice stated that only approximately 4 homes would be affected by the proposed construction. Voelliger explained that any Board action affects the entire city.

Falk asked if the entire roof of the existing garage would be removed in order to facilitate the construction. Tice confirmed this, adding that he has spoken to an engineering firm who had some ideas for a more aesthetically-pleasing structure but that no firm decision has been made. Falk stated that it appears as though the applicant is unsure that the proposed structure will be identical to the rendering submitted. Tice stated that he would be willing to accept a restriction that a shed-type roof be installed if the Board chooses to do so. Falk stated that he does not believe that is necessary, adding that the Board's decision relates to the encroachment into the required setback.

A brief discussion was held regarding possible construction methods that could be used for the proposed garage addition. Clements commented that it is not necessarily pertinent to the Board's decision whether or not the applicant chooses to install windows and doors in the proposed addition in order to achieve a more residential appearance. Falk concurred, adding that it might be in the applicant's best interest to do so as it would increase the usability of the addition.

Clements asked if the homeowner's association restricts the number of vehicles that can be parked in a driveway. Tice stated that there is no such restriction.

Voelliger asked if the garage addition would be offset from the existing garage. Tice confirmed this, adding that he thought the offset would provide more visual interest.

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

On motion by Spranger, seconded by Clements, that a variance to reduce the required front yard setback from 25 feet to 16 feet to allow for construction of a garage addition be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. **Case 16-111; 627 Eighth Street (R-2)** – A request for a variance to allow an accessory building (garage) within 3 feet of the front property line adjacent to Eighth Street, submitted by Michael Lavery. (Withdrawn)

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:35 p.m.

These minutes and annexes approved _____

John Soenksen, City Planner



COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4055

March 9, 2017

Staff Report

Case No. 17-006

Location: 5104 Pandit Drive

Applicant: Everest Homes, LLC

Zoning Designation: R-5, Multi-Family Residence District

Request: Variance to reduce the required width of a single-family residential lot from 70 feet to 50.5 feet.

Background Information and Facts

The site is located at 5104 Pandit Drive which is on the west side of the cul-de-sac located at the south end of Pandit Drive (see Attachment A – Location Map). Pandit Drive is adjacent to and directly east of The Springs apartment complex. When originally platted (Everest Summit First Addition), there were 6 lots on the west side of the cul-de-sac and 6 lots on the south side of the cul-de-sac which were intended for two 6-unit townhouse buildings. A snow storage area, which was only accessible via an access easement, was located between those proposed buildings (see Attachment B – Previous Plat Illustration). When the developer decided to replat a portion of the original subdivision in order to accommodate different types of housing, city staff requested that the replat be configured such that access to the snow storage area could be made more accessible by the city when plowing the cul-de-sac. Cul-de-sacs with numerous small lots have been problematic for the Street Department because there is nowhere to place the large quantity of snow that accumulates there. The developer chose to reduce the number of lots on the west side of the cul-de-sac (Lots 9-11) from 6 to 3 in order to accommodate construction of single-family houses. As a part of the replat, better access to the snow storage area on Lot A was included (see Attachment C – New Plat).

In February staff received a building permit application and associated plot plan for a single-family home on the lot in question and discovered that it does not meet the minimum requirement for width (see Attachment D – Plot Plan).

Staff Analysis

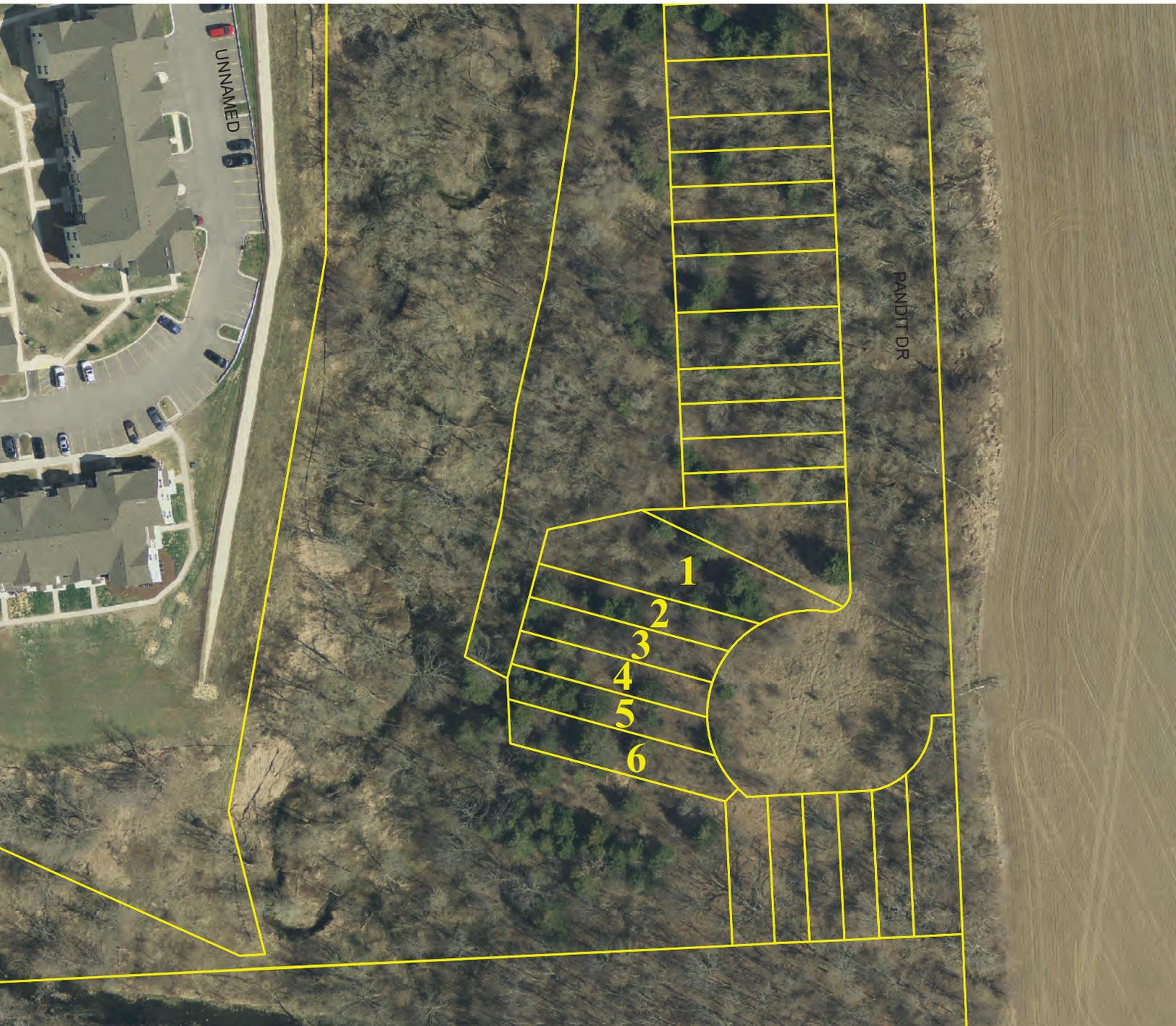
If allowed, the new structure will be similar and compatible to the surrounding development on Pandit Drive and will not detract for the aesthetics of the neighborhood and will not detract from the values of the surrounding properties.

Respectfully submitted,

John Soenksen
City Planner

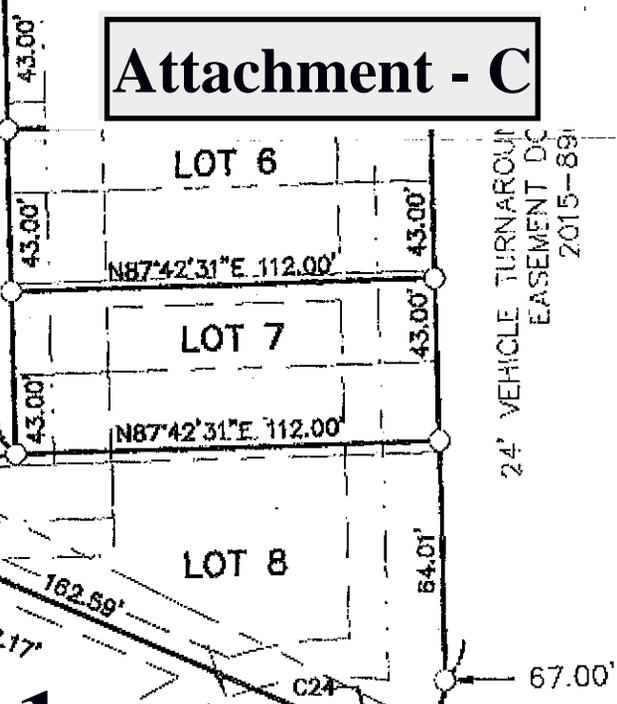


Attachment - B



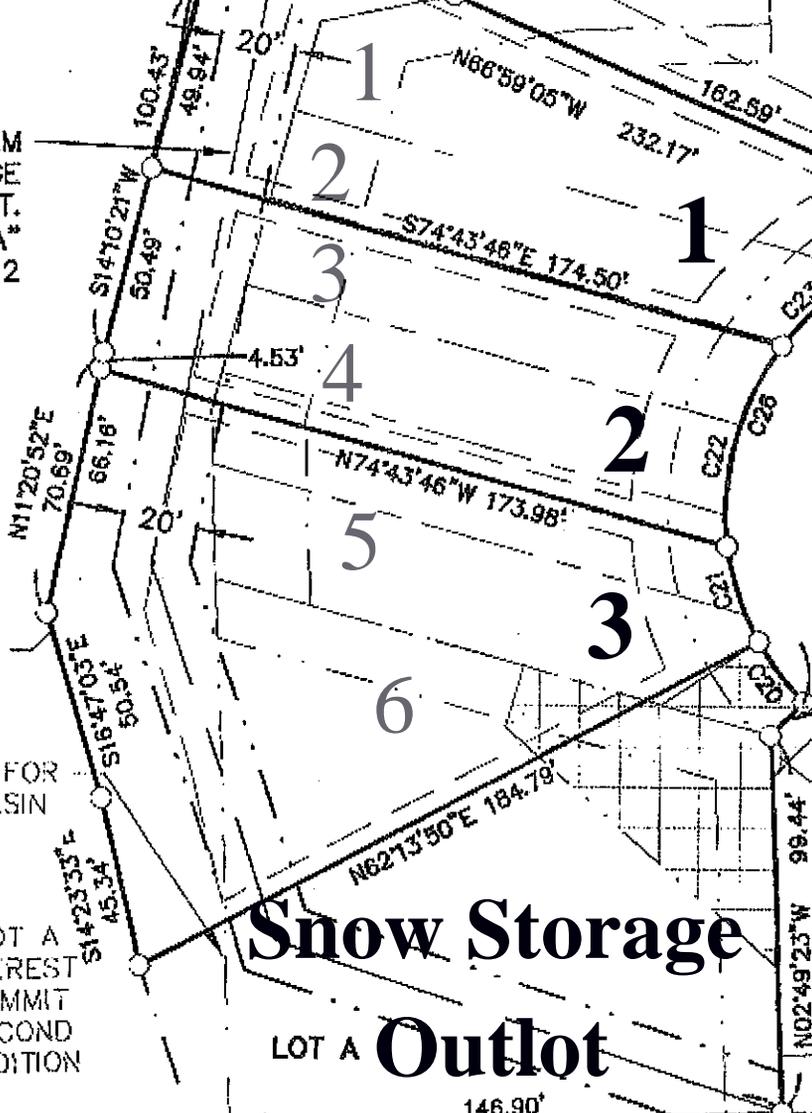
Attachment - C

LOT B
EVEREST
SUMMIT
SECOND
ADDITION



24' VEHICLE TURNAROUND
EASEMENT DC
2015-891

CL OF STORM
WATER DRAINAGE
EASEMENT.
SEE DETAIL "A"
ON SHEET 2



15' SANITARY SEWER
AND UTILITY
EASEMENT DOC. 2015-891

Check page 2

100 YEAR
FLOODPLAIN

DRAINAGE EASEMENT FOR
HOPEWELL CREEK BASIN
DOC. 2015-8965

LOT A
EVEREST
SUMMIT
SECOND
ADDITION

Snow Storage Outlot

EVEREST SUMMIT
FIRST ADDITION



15.00' U.E.
DOC. 2015-8365

SOUTH LINE OF
N 1/2 - SE 1/4
SEC. 10

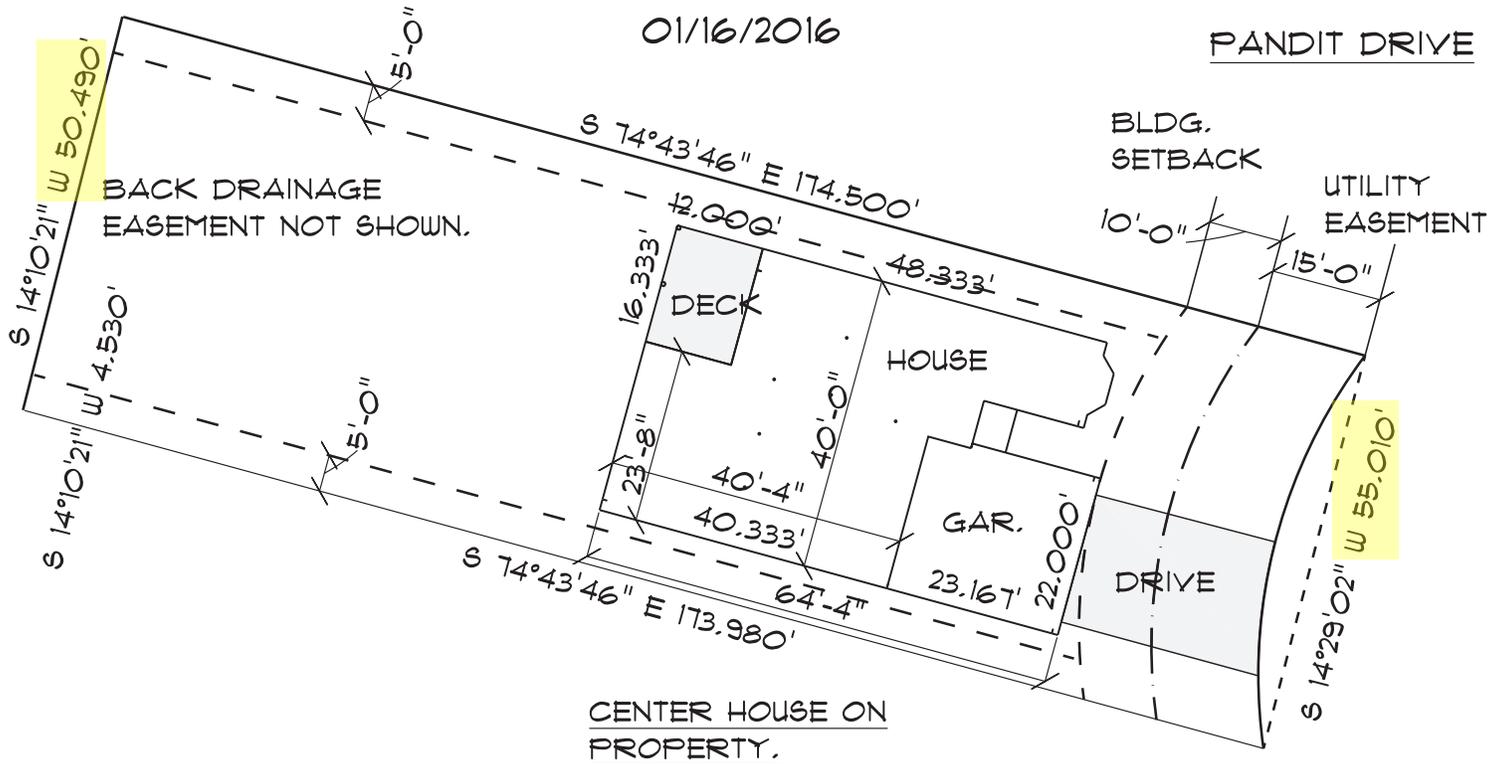
OF PARK COMMISSIONERS
EAST 1/4 - SOUTHEAST 1/4
10 T78N R4E

Attachment - D



LOT 10
EVEREST SUMMIT 3 RD. ADD.
BETTENDORF, IA.
SCALE = 1" = 30'
01/16/2016

PANDIT DRIVE





Case No. 17-006

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

Part 1. Property Involved.

Street Address 5104 pandif dr

Legal Description of the property. Everest Summit 3rd Addition Lot 10

Part 2. Contact Information.

Applicant Name EVEREST HOMES LLC Phone 563-676-0993

Address 5772 NEW CASTLE LN BETT 52722 FAX _____

E-mail Address: Ra2pandif@gmail.com

Owner Name RAD PANDIT Phone _____

Address 5772 NEW CASTLE LN BETTENDORF I 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.

LOT 10 DOES NOT MEET THE WIDTH REQUIREMENT, I HAVE ALLOCATED LAND TO THE EAST FOR SNOW STORAGE BY THE CUL DE SAC. IT DOES HOWEVER MEET THE REQUIREMENT FOR SQUARE FOOTAGE AND ALL OTHER REQUIREMENTS. SINCE I ALLOCATED EXTRA LAND FOR SNOW STORAGE I WOULD LIKE TO REQUEST A VARIANCE ON WIDTH REQUIREMENT

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 15th day of February, 2017.

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

State of Iowa)
) SS
 County of Scott)

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

Witness my Hand and Notarial Seal this 15th day of February, 2017.
[Signature]
 Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.
 \$ 50.00 Single Family/Two-family Residential Variance
 \$100.00 All Other Applications

Received by [Signature]
 Amount 50.00 Date 2-15-17
no charge





COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4055

March 9, 2017

Staff Report

Case No. 17-007

Location: 3775 Middle Road

Applicant: McClure Engineering

Zoning Designation: A-1, Agricultural District

Request: Variance to reduce the required side yard setback from 50 feet to 29 feet to allow construction of a building addition.

Background Information and Facts

The site is located on the south side of the 3700 block of Middle Road and involves the Our Savior Lutheran Church property (see Attachment A – Location Map). The church would like to put two additions on the east side of the existing church structure. Currently the easternmost portion of the church is 64 feet from the side/east property line (see Attachment B – Current Setback). One of the proposed additions to the church would be within 29 feet of the east property line (see Attachment C – Site Plan). The Code requires a 50-foot side yard setback in the A-1, Agricultural District; therefore, the proposed addition would not be allowed without a variance.

Staff Analysis

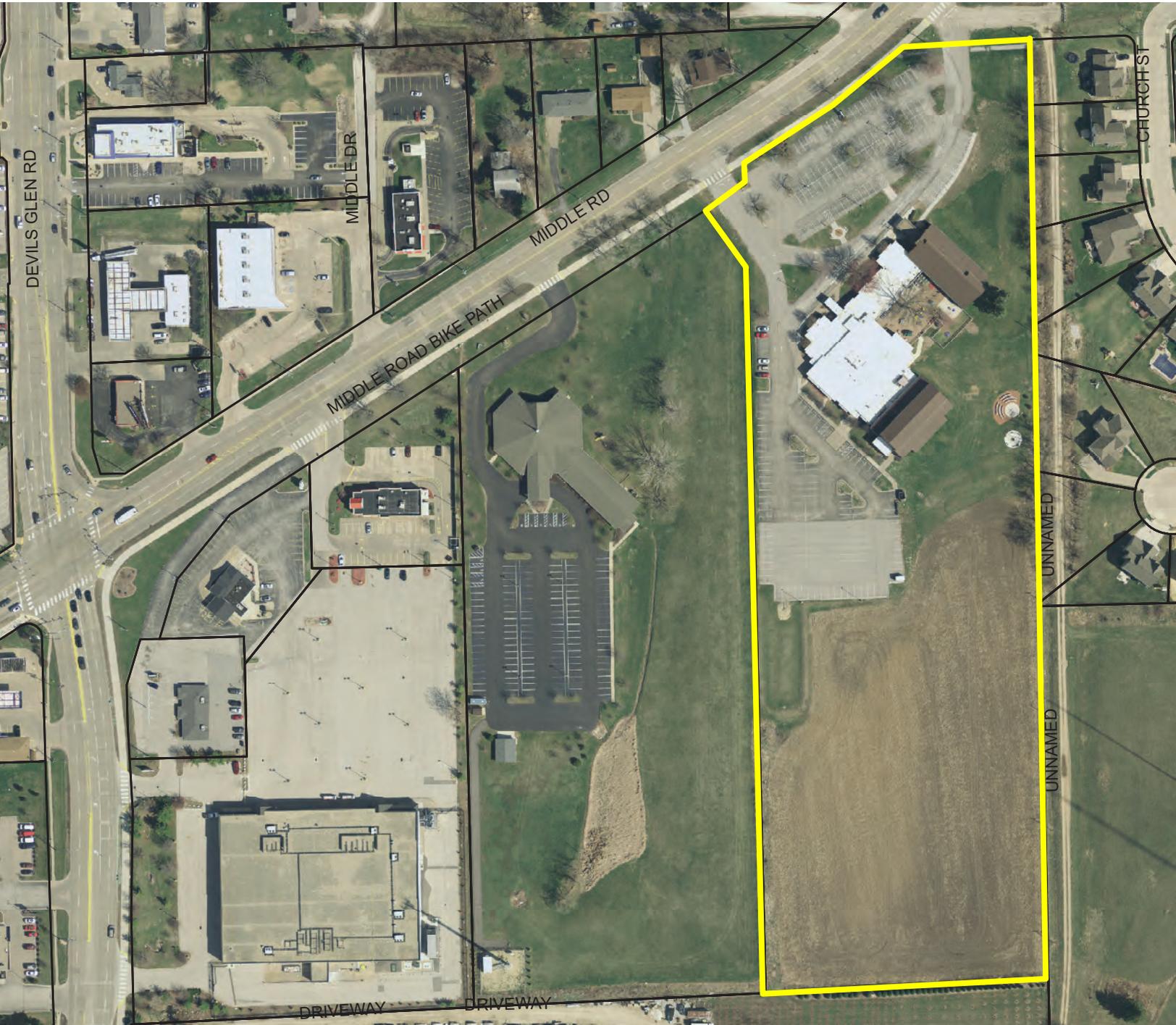
The subdivision east of and adjacent to the church property is Belmont Meadows 2nd Addition. On the western side of Belmont Meadows 2nd Addition is a 50-foot wide right-of-way and utility easement (see Attachment D – Final Plat). This easement contains the roadway leading to what is commonly referred to as “the tower farm” located south of Belmont Meadows 2nd Addition and which contains numerous broadcast towers for commercial radio and television stations.

Combining the 29-foot side yard setback of the proposed new structure with the 50-foot wide easement will equal 79 feet of separation from the proposed church addition to the nearest buildable area in the adjacent subdivision. If allowed, the church addition will be over 130 feet from the nearest structure in Belmont Meadows 2nd Addition. The combination of these facts may ensure that the intent of the required side yard setback will be met if the variance is allowed.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A

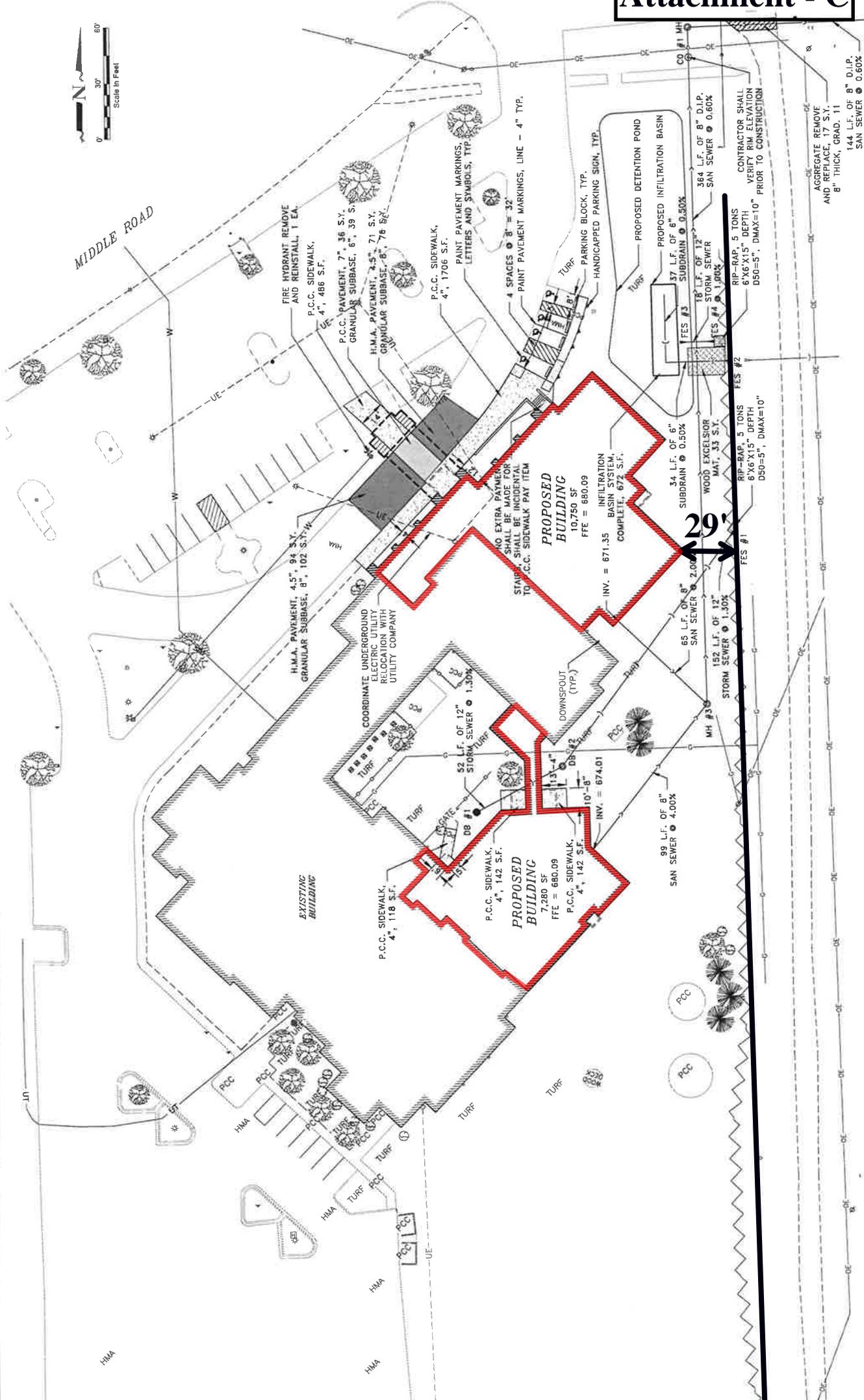


Attachment - B





MIDDLE ROAD



FIRE HYDRANT REMOVE AND REINSTALL, 1 EA.
P.C.C. SIDEWALK, 4", 486 S.F.

P.C.C. PAVEMENT, 7", 36 S.Y.
GRANULAR SUBBASE, 6", 39 S.Y.

H.M.A. PAVEMENT, 4.5", 71 S.Y.
GRANULAR SUBBASE, 8", 76 S.F.

P.C.C. SIDEWALK, 4", 1706 S.F.

PAINT PAVEMENT MARKINGS, LETTERS AND SYMBOLS, TYP
4 SPACES @ 8" = 32"
PAINT PAVEMENT MARKINGS, LINE - 4" TYP.

PARKING BLOCK, TYP.
HANDICAPPED PARKING SIGN, TYP.

PROPOSED DETENTION POND
PROPOSED INFILTRATION BASIN

37 L.F. OF 6" SUBDRAIN @ 0.50%
18" L.F. OF 12" STORM SEWER
364 L.F. OF 8" D.I.P. SAN SEWER @ 0.60%

CONTRACTOR SHALL VERIFY RIM ELEVATION PRIOR TO CONSTRUCTION
RIP-RAP, 5 TONS
6"X6"X15" DEPTH
D50=5", DMAX=10"

AGGREGATE REMOVE AND REPLACE 175 S.Y.
8" THICK, GRAD. 11
144 L.F. OF 8" D.I.P. SAN SEWER @ 0.60%

H.M.A. PAVEMENT, 4.5", 94 S.Y.
GRANULAR SUBBASE, 8", 102 S.Y.-W

COORDINATE UNDERGROUND ELECTRIC UTILITY RELOCATION WITH UTILITY COMPANY

NO EXTRA PAVEMENT SHALL BE MADE FOR STAIRS, SHALL BE INCIDENTAL TO P.C.C. SIDEWALK PAT ITEM

PROPOSED BUILDING
10,750 SF
FFE = 680.09

INV. = 671.35 INFILTRATION BASIN SYSTEM, COMPLETE, 672 S.F.

34 L.F. OF 6" SUBDRAIN @ 0.50%
WOOD EXCELSIOR MAT, 33 S.Y.

RIP-RAP, 5 TONS
6"X6"X15" DEPTH
D50=5", DMAX=10"

P.C.C. SIDEWALK, 4", 118 S.F.

52 L.F. OF 12" STORM SEWER @ 1.30%

PROPOSED BUILDING
7,280 SF
FFE = 680.09

P.C.C. SIDEWALK, 4", 142 S.F.

INV. = 674.01

65 L.F. OF 8" SAN SEWER @ 0.50%

152 L.F. OF 12" STORM SEWER @ 1.30%

P.C.C. SIDEWALK, 4", 142 S.F.

99 L.F. OF 8" SAN SEWER @ 4.00%

P.C.C.

P.C.C.

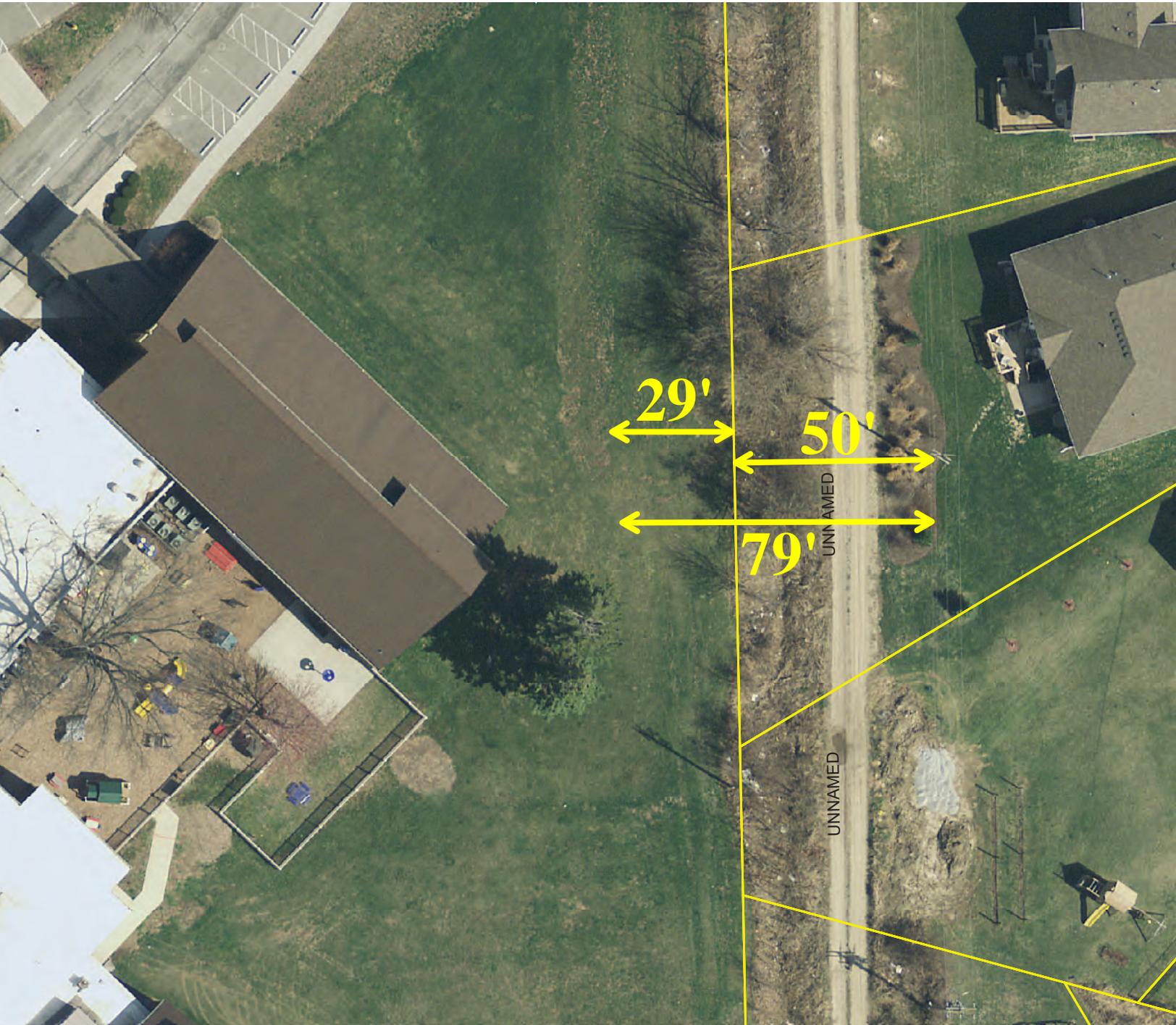
P.C.C.

P.C.C.

P.C.C.

29'

Attachment - E



29'

50'

79'

UNNAMED

UNNAMED



Case No. 17-007

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

Part 1. Property Involved.

Street Address 3775 MIDDLE ROAD

Legal Description of the property. SEE ATTACHED

Part 2. Contact Information.

Applicant Name LOREN RAINS @ MCKLURE ENGINEERING Phone 309-792-9350

Address 4700 KENNEDY DRIVE FAX _____

E-mail Address: l.rains@mcklureengineering.com

Owner Name OUR SAVIOR CHURCH - JOHN OVERBERKE Phone 563-322-5141

Address 3775 MIDDLE ROAD FAX _____

E-mail Address: jobettendorf@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 OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH P.M., IN SCOTT COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 22, THENCE SOUTH $0^{\circ}47' 1/2''$ WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22, A DISTANCE OF 673.53 FEET; THENCE NORTH $59^{\circ}20'10''$ EAST 1101.28 FEET TO THE PLACE OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE NORTH $59^{\circ}20'10''$ EAST 185.64 FEET; THENCE NORTH $45^{\circ}44'$ EAST 47.68 FEET TO A POINT IN THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22 THAT IS NORTH $89^{\circ}11'$ EAST 1131.93 FEET FROM THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22; THENCE NORTH $89^{\circ}11'$ EAST 202.50 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SAID SECTION 22; THENCE SOUTH $0^{\circ}49' 1/2''$ WEST 1326.89 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22; THENCE SOUTH $89^{\circ} 11' 1/2''$ WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22, A DISTANCE OF 393.84 FEET TO A POINT THAT IS NORTH $89^{\circ} 11' 1/2''$ EAST 939.82 FEET FROM THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22; THENCE NORTH $0^{\circ}47' 1/2''$ EAST, PARALLEL WITH THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 22, A DISTANCE OF 1201.57 FEET TO THE PLACE OF BEGINNING, CONTAINING 11.71 ACRES OF LAND.

EXHIBIT A



COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4055

March 9, 2017

Staff Report

Case No. 17-009 and 17-010

Location: 221 – 15th Street

Applicant: Jennifer Bennett/Shive-Hattery, Inc.

Zoning Designation: C-2, Community Shopping District

Request: Variance to reduce the required front yard setback from 20-feet to 1.8 feet (Case 17-009), and to reduce the required number of parking spaces from 247 to 170 (Case 17-010).

Background Information and Facts

The site is located between State Street and Grant Street and 15th Street and 16th Street and is the location of the Twin Bridges motel (see Attachment A - Location Map). The existing buildings on the site will be demolished and cleared to make way for a new 5-story apartment complex with first floor commercial space (see Attachment B – Site Plan). The project will consist of two matching buildings attached by a connecting walkway. The west side (Building A) is scheduled for construction in 2017-2018, and the east side (Building B) will be constructed in 2019.

Two variance requests are necessary for this project: one involving the building setback and another involving a reduction of the number of required parking spaces. Staff will examine the issues separately, and each request will require separate action by the Board.

Staff Analysis

REDUCTION OF REQUIRED FRONT YARD SETBACK FROM 20 FEET TO 1.8 FEET

The site is zoned C-2 which requires a 20-foot front yard setback. The downtown area is made up of a mixture of commercial zoning districts including C1, C-2, C-3, C-4, and C-5 with C-2 and C-3 being the predominant classifications. Most of those zoning districts require a 20-foot front yard setback, yet the vast majority of the buildings downtown are built at a zero setback. The Twin Bridges motel, which will be demolished, is at a zero setback from the 15th Street side and at a 6-foot setback on the State Street side; the proposed buildings would be at a similar setback as many of the buildings in the downtown area.

REDUCTION OF REQUIRED PARKING SPACES FROM 247 TO 170

The development will be a mixture of residential and commercial uses with residential being the predominant use. Although not yet confirmed, it is generally assumed that the commercial space will be occupied by a restaurant. Given the request for a reduced number of parking spaces, it seems likely that most, if not all, of the parking will be used by the apartment residents. The parking for the commercial use will be either on-street or at some other off-site parking area. It is not unusual for downtown commercial businesses to have off-site parking only. On the north side of the 1700 block of State Street there are three businesses in a row (a portrait studio, Muddy Waters tavern, and Fumbles tavern) that have no on-site parking. Prior to the reconfiguration of the downtown streets in preparation for the I-74 bridge project, there were also several businesses on the north side of the

1600 of State Street with no on-site parking. While it is not preferred to allow commercial businesses to provide no on-site parking, it is a situation that has existed in the downtown for decades.

The upcoming replacement of the I-74 bridge will involve realignment of the bridge structure just west of this site (see Attachment C – Bridge Realignment Illustration). There will be two remnant properties which are currently used as a staging area that will potentially be available to the city that could be used for off-site parking lots. These remnant parcels are located on the west side of the 200 and 300 blocks of 15th Street as shown on Attachment C. With the completion of the second phase of this project scheduled for 2019, the remnant properties may become available within a close proximity of that completion date. This has the potential to relieve some of the parking deficit for this site.

The completed buildings will have 132 apartments of the following sizes:

8 units	394 square feet
24 units	456 square feet
4 units	650 square feet
72 units	675 square feet
8 units	800 square feet
16 units	1,000 square feet

Given the proposed configuration, 108 of the 132 units will be less than 800 square feet in size. In comparison, The Springs at Bettendorf has apartments ranging from 616 square feet to 1,367 square feet with most units ranging from 972 square feet to 1,168 square feet. Regency Apartments range from 600 square feet to 1,080 square feet with most units on the upper end of that range. Chateau Knoll ranges from 662 square feet to 1,330 square feet, and the complex seems to have a relatively even mixture of apartment sizes.

The developer feels that the proposed reduction of spaces is appropriate given that these units are a smaller size than what is commonly found as noted in the examples listed above. Staff agreed that a multiplier of 1.5 spaces per residential unit may be an appropriate number for required spaces given the nature of the development. Using that multiplier, 198 spaces would fulfill that requirement. The request is for 170 spaces which represents a 16½ percent deficit or 28 spaces too few. The developer is anticipating that the remnant properties will be available at the completion of this project (2019) and will be sufficient to account for the deficit of residential parking spaces.

Attachment D shows the west view of the project, and Attachment E shows the north view of the project. Parking in the downtown has always posed a challenge to meet the Code requirement given the nature and density of buildings in this and other downtown areas. The developer is asking the Board take into account all of the above in consideration of the variance request.

Respectfully submitted,



John Soenksen
City Planner



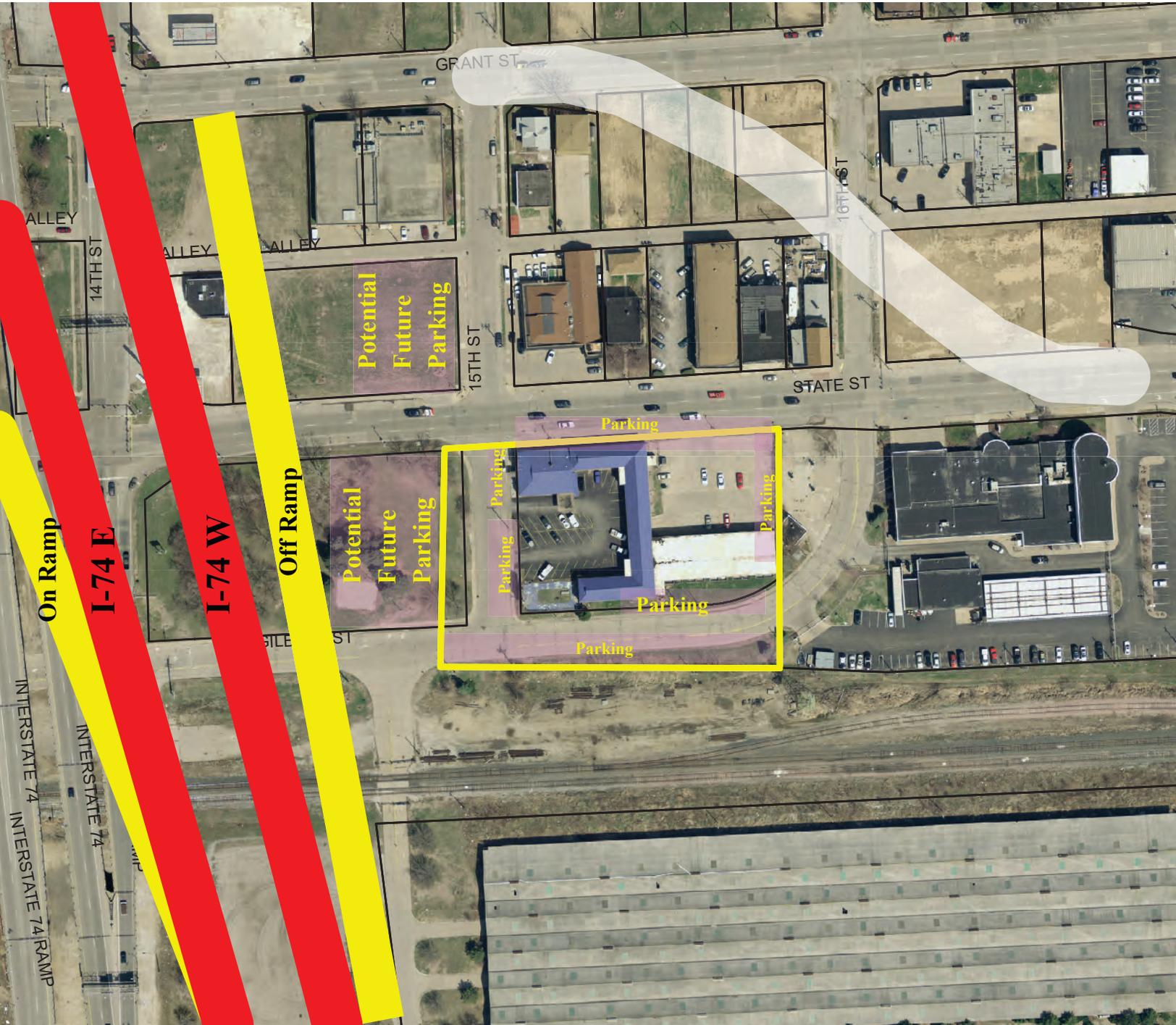
Grant St.

State St.

SITE

CITY HALL

I-74



Attachment - D



VIEW LOOKING SOUTH FROM CORNER OF 15TH STREET AND STATE STREET

12.5.2016



Attachment - E



MAIN ENTRANCE
12.5.2016





Case No. 17-009

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

Part 1. Property Involved.

Street Address currently 221 15th Street, proposed 1500 State Street

Legal Description of the property. Scott County Parcel 842864002--1 Future Lot 1 of 1500 State Addition

Part 2. Contact Information.

Applicant Name Jennifer Bennett Phone 309.764.7650

Address 1701 River Drive, Suite 200 Moline, IL 61265 FAX _____

E-mail Address: jbennett@shive-hattery.com

Owner Name Kuhad Hospitality, Inc. Phone _____

Address 221 15th Street Bettendorf, IA 52722 FAX _____

E-mail Address: _____

Agent N/A 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.)



Case No. 17-010

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

Part 1. Property Involved.

Street Address currently 221 15th Street, proposed 1500 State Street

Legal Description of the property. Scott County Parcel 842864002--1 Future Lot 1 of 1500 State Addition

Part 2. Contact Information.

Applicant Name Jennifer Bennett Phone 309.764.7650
Address 1701 River Drive, Suite 200 Moline, IL 61265 FAX _____
E-mail Address: jbennett@shive-hattery.com

Owner Name Kuhad Hospitality, Inc. Phone _____
Address 221 15th Street Bettendorf, IA 52722 FAX _____
E-mail Address: _____

Agent N/A 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 11-14A-8 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.

The required parking count for the project is 247 stalls, the variance request is to reduce that requirement to 170 stalls. The land to the west of the site will not become available for re-use until the I-74 project is completed in 2020/2021. It is the developer's intent to work with the City when that land is available to create additional parking, if needed. The adjacent portions of Gilbert and State Street will see significantly reduced traffic as a result of the I-74 and City Hall expansion projects, and thus on-street parking will be more readily available for vehicles as well.

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

- (X) 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.

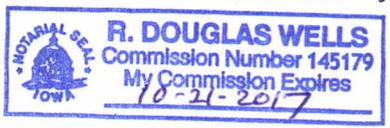
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 27th day of February, 20 17.

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

State of Iowa)
 SS
County of Scott)

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

Witness my Hand and Notarial Seal this 27th day of February, 20 17.



[Signature]
Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.
\$ 50.00 Single Family/Two-family Residential Variance
\$100.00 All Other Applications

Received by [Signature]
Amount \$100 Date 2/21/17