

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).

The Board of Adjustment meeting will be open to the public. Additional and necessary measures will be taken to adhere to social distancing recommendations. Any members of the public who wish to be heard may attend the meeting in person or may call (563) 344-4071 for specific questions or alternative participation. In an effort to practice social distancing and in support of CDC guidelines, the City of Bettendorf will broadcast this meeting online at <http://www.bettendorf.org/live-meeting>.

Constituents who do not have a matter to address with the Board of Adjustment in person are strongly encouraged to stay at home and view the meeting online.

**MEETING NOTICE  
BOARD OF ADJUSTMENT  
AUGUST 13, 2020  
5:00 P.M.**

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

1. Roll Call: Clements \_\_\_\_, Gallagher \_\_\_\_, Spranger \_\_\_\_, Tansey \_\_\_\_, Tombergs \_\_\_\_
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of July 9, 2020.
4. The Board to hold a public hearing on the following items:
  - a. Case 20-009; 3557 Middle Road (C-3) - Special use permit to allow an outdoor service area associated with a bar, submitted by The Quarry QC, LLC. (Deferred from meeting of July 9, 2020)
  - b. Case 20-015; 3557 Middle Road (C-3) - Variance to reduce the required number of parking spaces, submitted by The Quarry QC, LLC. (Deferred from meeting of July 9, 2020)
  - c. Case 20-043; 2775 - 53<sup>rd</sup> Avenue (R-2) - Variance to allow a 6-foot high fence in the required front yard, submitted by Greg McCoy.
  - d. Case 20-044; 428 - 28 ½ Street (C-3) - Variance to allow parking in the required front yard adjacent to 28 ½ Street and to reduce the required buffer yard along the north and west property lines, submitted by Jeremy Richard.

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**  
**JULY 9, 2020**  
**5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Gallagher, Spranger, Tansey, Tombergs  
ABSENT: Clements  
STAFF: Beck, Hunt, Fuhrman

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of June 11, 2020.

On motion by Tansey, seconded by Spranger, that the minutes of the meeting of June 11, 2020 be approved as submitted.

ALL AYES

Motion carried.

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

- a. **Case 20-009; 3557 Middle Road (C-3)** - Special use permit to allow an outdoor service area associated with a bar, submitted by The Quarry QC, LLC. (Deferred to meeting of August 13, 2020)
- b. **Case 20-010; 3557 Middle Road (C-3)** - Variance to reduce the required number of parking spaces, submitted by The Quarry QC, LLC. (Deferred to meeting of August 13, 2020)
- c. **Case 20-032; 4670 Atwood Court (PUD)** - Variance to allow a 5-foot high fence and a swimming pool in the required front yard along Crow Creek Road, submitted by Brock Moshier. (Deferred from meeting of June 11, 2020)

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

Beck reviewed the staff report. Staff report is Annex #3 to these minutes. He stated that a neighbor who wishes to remain anonymous had sent a text message expressing opposition to the request.

Tombergs asked if the exact location of the proposed pool and fence have been determined. Beck confirmed this, adding that the proposed fence would be approximately 10 feet from the property line.

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

Brock Moshier, the applicant, stated that the neighbor who sent the text message who recently installed a 4-foot high fence never uses her basketball court as she indicated in the text. He added that his neighbor to the west who had a 4-foot high fence installed was told that a 6-foot high fence would not be allowed because her lot is adjacent to a main road. Moshier stated that he is requesting permission to allow a 5-foot high fence because he was told that a fence has to be 2 feet higher than the pool it is surrounding and which is proposed to be 30 inches deep. He added that the pool would only be up for the summer months and is intended for use by kids up to the age of 10. He showed a photo which indicates markings on the yard where the fence and 10-foot diameter pool are proposed to be located. Moshier stated that the fence would be approximately 9 feet from the property line. He explained that the topography of his rear yard and the presence of a drainage easement and some large trees would not allow adequate space for a pool. He indicated that pool would be multipurpose. He stated that he has two children with one on the way and that he and his wife would like to use the pool to tread water and use muscles that can't be worked on in a gym to treat existing injuries. He explained that he would like to use his own pool rather than pay for physical therapy, adding that local pools are closed because of the pandemic. Moshier reiterated that the pool would be temporary, adding that he had planned to install a fence next year anyway. He indicated that if he doesn't get the variance, he will still put up a 4-foot high fence in the same location. He stated that the fence would be 6 feet from the existing fence, 5 feet from the house, 1 foot from the street side of the fence, and that he plans to install a 7-foot wide double swinging access door. He indicated that in the winter the area would be a play space for his children. He explained that he does not actually need a 5-foot high fence but it is necessary because of the proposed pool. He commented that the pool would not interfere with any of the utilities.

Tombergs asked if the existing fence is 4 feet tall. Moshier confirmed this.

Tansey asked if the city code differentiates between a temporary pool and a permanent one. Beck stated that it does not.

Moshier asked if he could add a flip-up panel to the existing 4-foot high fence that could be taken down at the end of the season. Spranger stated that the main issue is that of a pool in the front yard and the precedent that granting the variance would set.

Tansey asked if the Board has ever granted a temporary variance. Hunt explained that variances are not temporary, adding the staff would make a distinction between the functional back and side yards. Tombergs commented that her impression is that the slope in the back yard would not allow for a pool installation. Moshier confirmed this. Hunt added that it would be problematic for the city if the applicant placed the pool in the drainage easement. Tombergs stated that she is not opposed to the applicant's suggestion to add a panel extending the height of the fence temporarily. Gallagher commented that while it would be mechanically possible to extend the height of the fence, the main issue is allowing a pool in a front yard. Moshier commented that he may not even put up the pool every year.

Spranger asked if the applicant would still put up a 5-foot high fence if the Board does not grant a variance for the pool in the front yard. Moshier stated that he would not. Spranger commented that allowing a pool in a front yard would set a precedent that would impact the entire city, adding that she does not believe the Board could stand by that decision. She stated that if the pool is not allowed, the 5-foot high fence becomes irrelevant. She asked if a 4-foot high fence would be allowed in the location indicated in the applicant's photos. Hunt confirmed this.

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

On motion by Spranger, seconded by Tombergs, that a variance to allow a 5-foot high fence and a swimming pool in the required front yard along Crow Creek Road be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

Moshier asked if there is a process by which the Code could be changed to address circumstances such as his and the fact that his home is located in a PUD district. Spranger explained that the issue with regard to the pool is the fact that it is proposed to be in a front yard and that it has nothing to do with what zoning district it is in. Moshier asked if

the same rules apply for other neighborhoods that are not in a PUD district. Beck stated that the Code clearly states that pools are not allowed in required front yards. Hunt stated that he would be happy to speak with the applicant regarding any Code requirements with which he has concerns and the process by which they could possibly be changed.

- d. Case 20-036; 4288 Augusta Court (PUD) - Variance to allow a swimming pool within 7 feet of the rear property line, submitted by Kelly Smith.

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

Beck reviewed the staff report. Staff report is Annex #5 to these minutes. He added that the applicant must provide a permission letter from MidAmerican Energy prior to issuance of a building permit.

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

Bill Martin, 4269 Augusta Court, expressed his support for the request as he believes it will be good for their family-oriented neighborhood.

Kelly Smith, the applicant, stated that the proposed pool would be professionally installed and could not be taken down at the end of the season. She stated that subsequent to the packet's being mailed, she had received the required permission letter from MidAmerican Energy Company. She explained that her subdivision is zoned PUD and that the developer was not required to plat lots in accordance with minimum size requirements in traditional residential districts. She commented that her lot is only 4630 square feet in size. She added that she does believe that hers is a very small request and wouldn't negatively impact any other properties.

Tombergs asked if a smaller pool is available. Smith explained that she had considered a smaller pool but was concerned about getting parts later for a non-standard size. She added that she has 4 children and that a smaller pool would not suit their needs.

Tombergs asked for clarification regarding similar cases the Board has considered. Beck explained that he could find no precedent for a swimming pool, only for accessory structures such as a shed which did not involve an easement.

Tansey commented that a smaller pool would probably be a better solution. Gallagher asked if the next smaller size pool is 12 feet by 24 feet. Smith confirmed this, adding that she had requested a 3-foot encroachment but that it may only be 2 feet. She stated that many citizens install a pool without ever requesting a permit, adding that she is merely trying to follow the city's guidelines regarding pools. Smith indicated that she had also

considered placing the pool 5 feet from the house to avoid the easement but that the proximity to the house could be a larger problem. She added that her neighbors support the request.

Gallagher asked if a pool is required to be 8 feet from the house. Smith confirmed this. Beck added that the 8-foot distance is required if there is a basement.

Tombergs commented that many people are now wishing to put pools in their yards because of the COVID issue. Smith stated that COVID is the reason they want to put a pool in now, but that they had always planned to have a pool. She added that if COVID were the only reason, she would have purchased one at Wal-Mart. Tombergs commented that the Board's challenge is that the proposed location is not allowed by Code. Gallagher added that it is difficult to find a hardship related to the request and therefore a reason to change the existing ordinance.

Spranger asked if the Board has previously denied similar cases or there is no precedent at all. Beck stated that there is no precedent.

Smith stated that she has a letter from the Assistant City Engineer who had indicated that staff would allow the encroachment into the easement. Hunt explained that the letter is from an engineering standpoint only and not related to the zoning regulations. He added that it is not intended to serve as a recommendation of Planning Department staff or to the Board of Adjustment.

Tombergs commented that the applicant has other options that would be within the city's guidelines.

On motion by Tombergs, seconded by Spranger, that a variance to allow a swimming pool within 7 feet of the rear property line be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

Moshier asked if the case could be deferred to the next meeting if the applicant could come up with more information and if it makes a difference whether the pool is aboveground or inground. Gallagher explained that it makes no difference what type of pool it is.

Smith asked why a pool must be 10 feet from the rear property line but another accessory structure can be 5 feet away. Beck explained that it has to do with possible flooding if a pool ruptures, seepage from an inground pool, and protection of the neighbors.

Moshier asked if the case could be deferred to next month so the applicant doesn't have to go through the same process with a smaller pool. Gallagher explained that the smaller pool does not require a variance.

Jameson Smith, husband of applicant, stated that he believes that the fact that he only has 31 feet available for the pool in the rear yard is a hardship. He commented that a PUD is supposed to have an amenity provided by the developer and that there are none. Moshier stated that there is not a park or pool available to the family and that the smaller pool is not large enough for them. He commented that in most circumstances a pool raises the value of a home and those around it. He added that since the neighbors have expressed support for the request they might be understanding if water encroaches onto their property.

Gallagher stated that the Board can only consider current ordinance requirements. He added that the city could possibly change the ordinance based on the issues that have been raised but that right now a variance can only be approved if an applicant establishes a hardship not of his or her own making. He added that approving a variance when a hardship has not been established would set a precedent which would change how the ordinance is applied throughout the city. Gallagher suggested that the applicant discuss the issue with staff at a later date.

Mr. Smith reiterated that he believes that the way the subdivision was developed is a hardship in itself. Gallagher commented that it is not a hardship because Smith had purchased the house with the knowledge of the existing lot constraints. He added that a homeowner must accept the rules and regulations based on the location of a house that he or she purchases. He reiterated that the issue cannot be resolved at the Board of Adjustment level.

Mr. Smith asked if the case could be deferred. Tansey explained that the Board has already voted. Tombergs added that she does not believe that circumstances would change before the next meeting.

Mr. Smith asked what would happen if they purchase the smaller pool and something happens to it and it cannot be serviced locally. He added that it may have to be taken down. Gallagher stated that the Board is not the purview to resolve those issues.

Moshier asked how the ordinance would change if there is no precedent set. Tansey explained that if the Board approved Moshier's request for a pool in the front yard, a precedent would be set and many other citizens would make the same request. Moshier

commented that his situation is different than that of the Smiths. He stated that they had gotten permission from the utility companies and the neighbors and confirmed that local pool companies can oftentimes not service certain smaller pools.

- e. Case 20-037; 6855 Prairie Grass Lane (R-2) - Variance to allow a 5-foot high fence in the required front yard along Forest Grove Drive, submitted by John Blackburn.

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

Beck reviewed the staff report. Staff report is Annex #7 to these minutes.

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

On motion by Spranger, seconded by Tombergs, that a variance to allow a 5-foot high fence in the required front yard along Forest Grove Drive be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

- f. Case 20-038; 3830 Norwich Court (R-2) - Variance to allow a 6-foot high fence in the required front yard along Tanglefoot Lane, submitted by Tab McDonough.

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

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

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

On motion by Spranger, seconded by Tansey, that a variance to allow a 6-foot high fence in the required front yard along Tanglefoot Lane be approved in accordance with the Decision and Order.

ALL AYES



Motion carried.

Decision and Order is Annex #10 to these minutes.

- g. Case 20-039; 2814 Villa Court (R-5) - Variance to reduce the required rear yard setback from 25 feet to 11 feet to allow for construction of a 16-foot by 22-foot deck, submitted by Ward Larson.

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

Beck reviewed the staff report. Staff report is Annex #11 to these minutes.

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

On motion by Tansey, seconded by Tombergs, that a variance to reduce the required rear yard setback from 25 feet to 11 feet to allow for construction of a 16-foot by 22-foot deck be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #12 to these minutes.

- h. Case 20-040; 3655, 3707, 3867, 3875 Tanglefoot Lane (C-2) - A request for a variance to either reduce the required front yard setback from 35 feet to 20 feet, to reduce the required rear buffer yard from 30 to 15, or to reduce the required front yard setback from 35 feet to 27 ½ feet and to reduce the required rear buffer yard from 30 feet to 22 ½ feet, submitted by Kevin Dolan.

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

Beck reviewed the staff report. Staff report is Annex #13 to these minutes. He stated that he had received a letter of support from Kevin Koellner, the adjacent property owner.

Gallagher asked if staff's recommendation is that the variance to reduce the required rear buffer yard from 30 feet to 15 feet be approved. Hunt confirmed this, adding that he had clarified this with the applicant.

Gallagher asked if the corner lot is included or if the project involves only 4 lots. Beck explained that the corner lot is anticipated to be for a commercial use. He added that the use will be dependent upon a number of utility-related issues.

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

Kevin Dolan, the applicant, explained that the lots are very shallow and are subject to increased setback requirements which reduces the buildable area and poses a hardship. He stated that the lots are 202 feet deep but that only 137 feet of the depth is usable. He commented that the 3 different options for variances were to offer the Board greater flexibility with regard his need for a 15-foot setback reduction, adding that he is amenable to staff's suggestion. He indicated that he plans to build a 2-story townhome development with units of the same color. Dolan explained that there would be a landscaped berm along Tanglefoot Lane. He stated that unlike some of the recent townhome developments that were built over the objection of the neighbors, the adjacent property owner to the south submitted a letter expressing support. He commented that he is purchasing the property from Genesis who owns the property to the north and is also in support of the request.

Dolan stated that because of the adjacent zoning classification, a buffer yard is required from the storage units to the south. He commented that he believes that it will be a benefit to the city to screen those units. He added that he has worked with city staff to refine the development plan by reducing building height and density. He indicated that staff supports the concept plan which he believes is the highest and best use for the property and which will generate substantial tax revenue for the city.

Cindy Diercks, 3839 Tanglewood Road, asked how many buildings are proposed. Dolan explained that there would be 6 buildings. Diercks asked if the buildings would face Tanglefoot Lane. Dolan stated that the rear of the buildings would face the street. Diercks stated that she is in favor of the land's being developed but expressed concern about the proximity of the buildings to Tanglefoot Lane and the possibility that they would have the same appearance as the developer's townhomes on Tanglewood Road do. Spranger stated that there will be a berm along Tanglefoot Lane and asked how high it would be. Dolan explained that berm would be 3-4 feet tall and that the proposed buildings are 2 stories rather than 3 and would have fenced patios instead of decks. Diercks reiterated that she would prefer that the townhomes face the street. She commented that the Cedarwood condominium development has a very nice berm with mature trees and that she would like the berm and landscaping to be tall enough to screen the buildings. Tombergs commented that the 6-foot privacy fence should provide screening.

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

On motion by Spranger, seconded by Tansey, that a variance to reduce the required rear yard buffer yard from 30 feet to 15 feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #14 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 6:30 p.m.

These minutes and annexes approved

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Greg Beck  
City Planner



COMMUNITY DEVELOPMENT

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

August 13, 2020

**Case 20-009**

Special use permit to allow an outdoor service area associated with a bar.

**Case 20-015**

Variance to reduce the required number of parking spaces.

**Location:** 3557 Middle Road

**Applicant:** The Quarry QC, LLC

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

**Update – August 13**

Deferrals were granted for the referenced cases on April 9, May 14, and July 9. On August 6, the petitioners, represented by attorney Michael Motto, submitted a detailed Special Location Plan (see Attachment A). The provided Special Location Plan included an unsigned Access and Cross Parking Easement Agreement dated generally August 2020 between Geneseo Communications, Inc. and The Quarry QC, LLC. (noted as Exhibit G1 in the Special Location Plan). Mr. Motto has indicated that an executed copy of the agreement will be provided for review by the Board of Adjustment at the August 13 meeting.

Should the petitioners provide a fully executed Access and Cross Parking Easement Agreement dated generally August 2020 between Geneseo Communications and Inc. and The Quarry QC LLC. staff would recommend approval if all other standards for evaluating the Special Use Permit listed in 11-15-9. A.–E are satisfactory to the Board (See Attachment B).

Respectfully submitted,

Greg Beck  
City Planner

# ATTACHMENT A

## BUSH, MOTTO, CREEN, KOURY & HALLIGAN, P.L.C.

*Attorneys and Counsellors at Law*

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August 6, 2020

City of Bettendorf  
c/o Mark Hunt *Via email only* [mhunt@bettendorf.org](mailto:mhunt@bettendorf.org)  
c/o Chris Curran *Via email only* [ccurran@bettendorf.org](mailto:ccurran@bettendorf.org)  
c/o Greg Beck *Via email only* [gbeck@bettendorf.org](mailto:gbeck@bettendorf.org)

Re: *The Quarry; 3557 Middle Rd., Bettendorf, Iowa*

Dear Mr. Hunt, Mr. Curran, and Mr. Beck:

Please accept this letter and attachments as the Special Location Plan for The Quarry in preparation for the Bettendorf City Council meeting on August 13, 2020. As you know, The Quarry is interested in building a patio area where patrons could sit and enjoy the weather. As we are located off the bike path, we expect a steady flow of patrons on foot and on their bicycles, who would prefer to remain outside and/or near their bicycles. The construction of the patio would remove two parking spots, and its square footage would require additional parking spots, but the attached Plan remedies that problem by providing the spots elsewhere. Also, the patio would not be functional during the colder months (approximately late October to mid-May), so while the loss of two parking spots would still be an issue, practically speaking, the patio would be unused and the additional parking spots needed would be a non-issue.

Exhibit A is the Site Plan for the entire commercial building owned by Veritas, of which The Quarry is but one tenant. The Site Plan also shows Colohub to the South, which is on a separate Lot of the Addition. The additional proposed parking would be at the Colohub location.

Exhibit B is the same Site Plan, with the portion of the commercial building occupied by The Quarry shaded in red.

Exhibit C is a version of the same Site Plan, with the proposed location of the patio shaded in purple. As you can see, two parking spots are removed. However, we do not lose any ADA parking spots.

Exhibit D is the floor plan of The Quarry itself, with the "Outdoor Patio" included on the North side of the property outlined in yellow.

Exhibit E is a photograph of the front of The Quarry, showing the two parking spots and the small corner of landscaping/gravel that would be removed for the patio (see Exhibit C).

Exhibit F shows the initial parking calculations for the commercial building owned by Veritas. Based on the assumed capacity of each tenant, 96 spaces are required. 97 spaces are provided.

Thus, by building the patio and removing two parking spots, 96 spaces would still be required, but only 95 spots provided. We anticipate the patio's square footage will require an additional 12 parking spots, increasing the actual need to 108 spots. The construction of the patio thus leaves the Veritas building 13 parking spots short.

As referenced in Exhibit A, Colohub lies directly to the South on Lot 1 of Tunberg's Third Addition. The Veritas commercial building is on Lot 2. Colohub has 40 parking stalls, but only 6 employees. Colohub thus requires 8 parking stalls. Colohub has an excess of 32 parking stalls.

The owners of Lot 1 Tunberg's (Colohub) and Lot 2 Tunberg's (Veritas) have entered in to an Access and Cross Parking Easement Agreement, whereby the two commercial buildings have agreed to share access to parking with a *perpetual* easement of access, ingress, egress, and parking. See Exhibit G. This agreement runs with the land, and is binding on successive owners, heirs, and assigns.

By essentially combining the two parking lots, Lot 1 and Lot 2 now offer a total of 137 parking spots (97 at Veritas and 40 at Colohub), with only 104 being required (96 for the Veritas building and 8 for the Colohub building). If the patio is constructed, the two lots will offer a total of 135 spots (subtract 2 due to the patio construction), with only 116 being required (add 12 due to the patio's square footage). Exhibit G thus solves the mathematical problem created by the construction of the patio.

Exhibit G is not just a mathematical solution, however. It is also a practically useful one. Exhibit H is a photograph from the West looking East between the Veritas building (to the North) and the Colohub building (to the South). You can see how close the two buildings are together. You can also see that parking is already permitted behind the Veritas building (to the left of the photograph).

Exhibit I shows the backdoor of The Quarry, which is identified and lighted. This door is visible in Exhibit G. Patrons are already encouraged to use the back door, and park in those spots.

If you start from Exhibit H and simply pan to the right you will see the parking lot for Colohub. See Exhibit J, Exhibit K. As you can see, access and egress between the building and the landscaping is assumed, with the blocks meant to prevent vehicles from driving over the sidewalk. A sidewalk is available along the entire North side of Colohub.

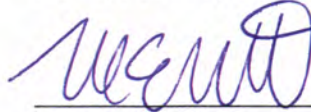
We believe this Special Location Plan is both a mathematical and practical solution that provides

the proper parking and the practical access between the two commercial buildings.

Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

BUSH, MOTTO, CREEN, KOURY & HALLIGAN, P.L.C.



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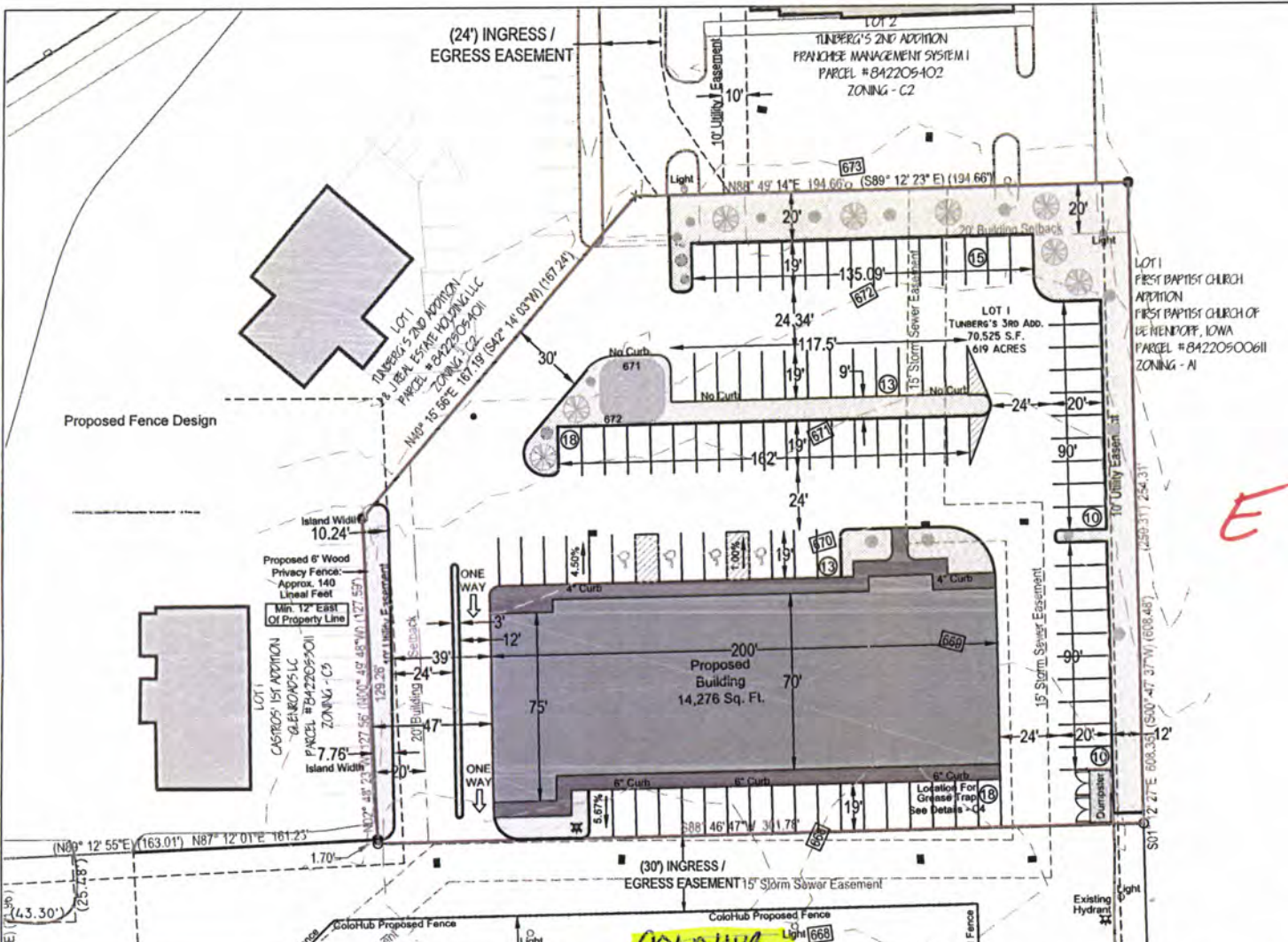
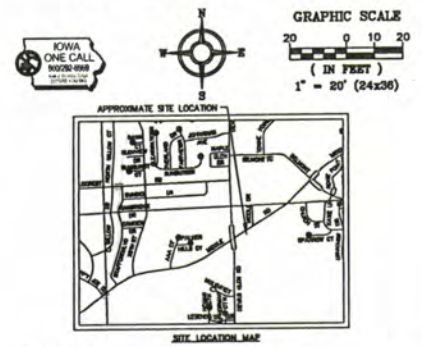
Michael E. Motto

MEM/em  
Enc.

N

SITE PLAN

Russell Construction Company  
Commercial Building  
Lot 1 Tunberg's Third Addition  
Bettendorf, Iowa 52722



- GENERAL NOTES**
- ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF BETTENDORF STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, LATEST EDITION, AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
  - LOT 1 TUNBERG'S THIRD ADDITION BEING A REPEAT OF LOT 3 OF TUNBERG'S 2ND ADDITION TO THE CITY OF BETTENDORF, SCOTT COUNTY IOWA.
  - IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY CONFLICTS WITH THE DRAWINGS OCCUR. ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. EXISTING UTILITY LOCATIONS SHOWN ON THE DRAWINGS ARE APPROXIMATE.
  - THE CONTRACTOR SHALL NOTIFY THE CITY OF BETTENDORF AND THE ENGINEER 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
  - PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREAS. DO NOT ALLOW WATER TO DRAIN OR TO POND ONTO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
  - ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
  - CONCRETE PAVEMENT SHALL CONFORM TO THE REQUIREMENTS OF IOWA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAYS AND BRIDGE CONSTRUCTION, SECTION 2301, PORTLAND CEMENT CONCRETE PAVEMENT. CONCRETE PAVEMENT WITHIN THE PUBLIC RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF BETTENDORF STANDARDS AND SPECIFICATIONS.
  - ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL CONFORM TO THE IOWA CONSTRUCTION SITE EROSION CONTROL MANUAL, LATEST EDITION.
  - NOTE: ALL DIMENSIONS ARE TO THE BACK OF CURB, UNLESS OTHERWISE NOTED.
  - EXISTING ZONING: C2
  - ALL UTILITIES ARE PRIVATE ON-SITE. ALL SANITARY & STORM SEWER MAINTENANCE TO BE DONE BY THE OWNERS OF ANY PORTION OF THE PLATTED AREA.
  - PARKING LOT LIGHTING WILL BE DESIGNED BY A QUALIFIED ELECTRICIAN AND A PHOTOMETRIC PLAN WILL BE SUPPLIED TO THE CITY OF BETTENDORF FOR REVIEW. A MINIMUM OF (2) PARKING LOT LIGHTS WILL BE DESIGNED AND WALL PACKS FOR EACH UNIT WILL BE SHOWN.

**PARKING REQUIREMENTS**

- PLANNED USE: 5,290 SQ. FT. RETAIL - REQUIRED PARKING= 1 SPACE PER 180 SQ. FT. 29 SPACES REQUIRED
- PLANNED USE: 3,500 SQ. FT. BUSINESS/PROFESSIONAL - REQ. PARKING= 1 SPACE PER 300 SQ. FT. 12 SPACES REQUIRED
- PLANNED USE: 5,525 SQ. FT. RESTAURANT - REQUIRED PARKING= 1 SPACE PER 100 SQ. FT. 55 SPACES REQUIRED
- 96 TOTAL SPACES REQUIRED - 97 TOTAL SPACES PROVIDED

**LANDSCAPING NOTES**

<p><b>Minimum Street Yard Overlap Requirements:</b> Total Required Tree Factors=10</p> <p><b>Decision Overlay Tree:</b> 2 inch caliper and 10 each tall or 1.0 4 inch caliper and 45 each tall or 2.0 6 inch caliper and 15 each tall or 3.0</p> <p><b>Decision Overlay Tree:</b> A 4 inch plant at least 10 feet tall or 1.0 with 4 inch or more wide-spaced branches.</p> <p><b>Decision Overlay Tree:</b> A 4 inch plant at least 10 feet tall or 1.0 with 4 inch or more wide-spaced branches.</p> <p><b>Decision Overlay Tree:</b> A 4 inch plant at least 10 feet tall or 1.0 with 4 inch or more wide-spaced branches.</p>	<p><b>Decision Overlay Tree:</b> 2 inch caliper and 10 each tall or 1.0 4 inch caliper and 45 each tall or 2.0 6 inch caliper and 15 each tall or 3.0</p> <p><b>Decision Overlay Tree:</b> 1 1/2 inch caliper and 15 each tall or 1.0 3 inch caliper and 30 each tall or 1.0 4 inch caliper and 15 each tall or 1.0 6 inch caliper and 15 each tall or 1.0 8 inch caliper and 15 each tall or 1.0</p> <p><b>Decision Overlay Tree:</b> A 4 inch plant at least 10 feet tall or 1.0 with 4 inch or more wide-spaced branches.</p>
---	--

**C2 Zoning Requirements**

- Front Yard: 20 Ft. Minimum Building Setback
- Side Yard: 0 Ft. Minimum Building Setback
- Rear Yard: 0 Ft. Minimum Building Setback

Proposed Building Total Square Footage: 14,276

**LEGEND:**

<p>--- EASEMENT LINE</p> <p>--- PROPERTY LINE</p> <p>--- PROPERTY EASEMENT</p> <p>--- EGRESS EASEMENT</p> <p>--- STORM SEWER EASEMENT</p> <p>--- SANITARY EASEMENT</p> <p>--- GAS EASEMENT</p> <p>--- WATER EASEMENT</p> <p>--- ELEC. EASEMENT</p>	<p>M --- EXISTING OR PROPOSED CURB</p> <p>○ --- EXISTING OR PROPOSED CURB</p> <p>○ --- EXISTING OR PROPOSED CURB</p> <p>○ --- EXISTING OR PROPOSED CURB</p> <p>○ --- EXISTING OR PROPOSED CURB</p> <p>○ --- EXISTING OR PROPOSED CURB</p> <p>○ --- EXISTING OR PROPOSED CURB</p> <p>○ --- EXISTING OR PROPOSED CURB</p> <p>○ --- EXISTING OR PROPOSED CURB</p> <p>○ --- EXISTING OR PROPOSED CURB</p>	<p>--- EXISTING OR PROPOSED CURB</p> <p>--- EXISTING OR PROPOSED CURB</p> <p>--- EXISTING OR PROPOSED CURB</p> <p>--- EXISTING OR PROPOSED CURB</p> <p>--- EXISTING OR PROPOSED CURB</p> <p>--- EXISTING OR PROPOSED CURB</p> <p>--- EXISTING OR PROPOSED CURB</p> <p>--- EXISTING OR PROPOSED CURB</p> <p>--- EXISTING OR PROPOSED CURB</p>
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**TOWNSEND ENGINEERING**

DATE: 8/21/2017  
563 386.4236 386.4231  
2224 East 12th Street, Des Moines, IA 50303

DRAWN BY: CT  
CHECKED BY: CT  
DRAWING LOCATION: S:\Russell\Spartan Square\Spartan Square Site Plan 2017

NO.	REVISIONS:	DATE
1.	Revisions To Plan Set As Per COB Review Comments 9-8-17	9-11-17
2.	Revisions To Plan Set After COB PAZ Meeting	9-28-17
3.	Revisions To Plan Set After Russell Review	9-28-17
4.	Revisions To Plan Set As Per COB Review Comments 10-9-17	10-9-17
5.	Revisions To Plan Set As Per COB Review Comments 10-23-17	10-25-17

Site Plan  
Commercial Building  
Lot 1 Tunberg's Third Addition  
Bettendorf, Iowa 52722

Russell Construction Company  
4600 E 53rd Street  
SHEET NO. C1

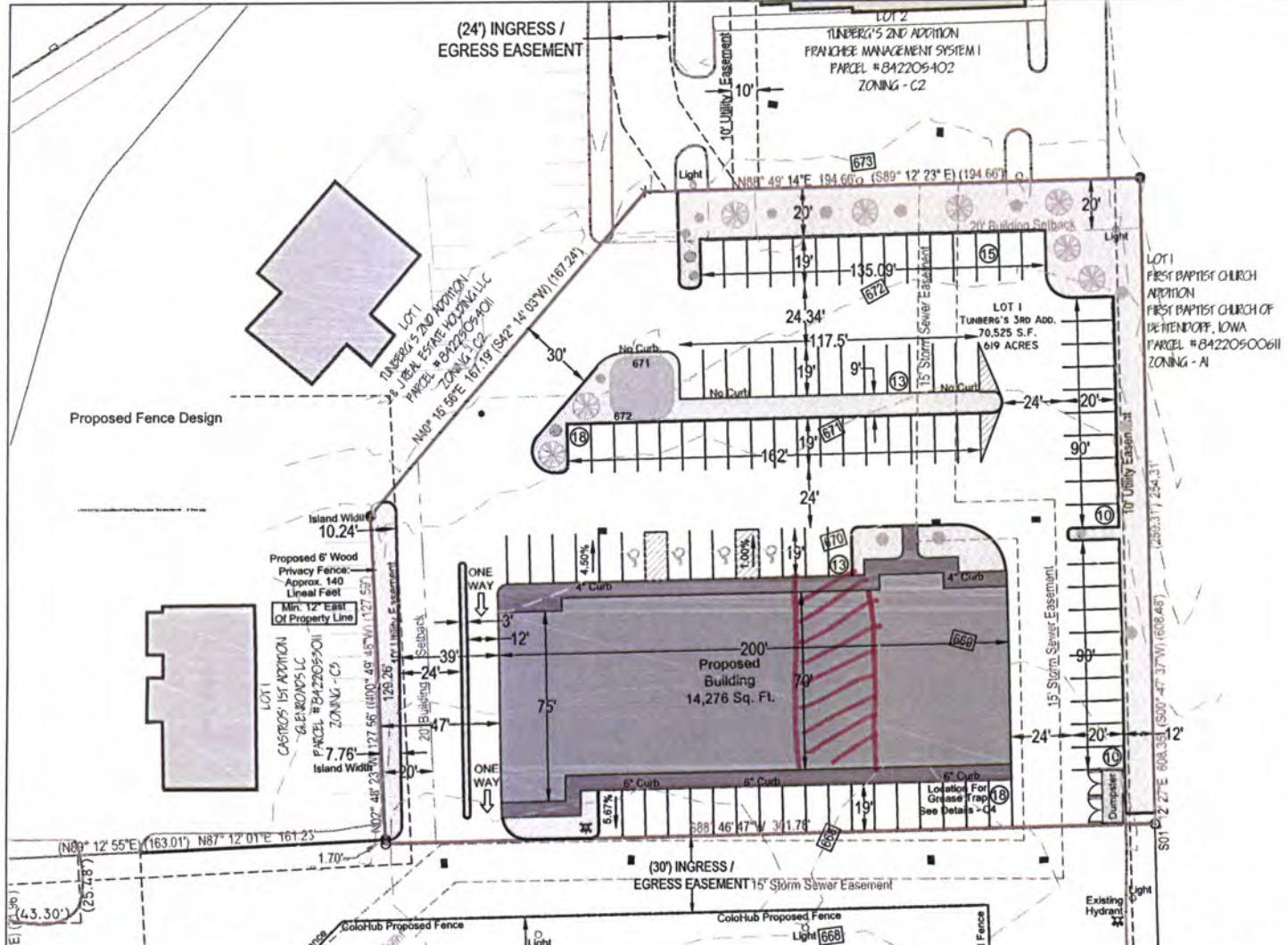


S



**SITE PLAN**

**Russell Construction Company  
Commercial Building  
Lot 1 Tunberg's Third Addition  
Bettendorf, Iowa 52722**



- GENERAL NOTES**
- ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF BETTENDORF STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, LATEST EDITION, AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
  - LOT 1 TUNBERG'S THIRD ADDITION BEING A REPLAT OF LOT 3 OF TUNBERG'S 2ND ADDITION TO THE CITY OF BETTENDORF, SCOTT COUNTY IOWA.
  - IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY CONFLICTS WITH THE DRAWINGS OCCUR. ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. EXISTING UTILITY LOCATIONS SHOWN ON THE DRAWINGS ARE APPROXIMATE.
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  - ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
  - CONCRETE PAVEMENT SHALL CONFORM TO THE REQUIREMENTS OF IOWA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAYS AND BRIDGE CONSTRUCTION, SECTION 2301, PORTLAND CEMENT CONCRETE PAVEMENT. CONCRETE PAVEMENT WITHIN THE PUBLIC RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF BETTENDORF STANDARDS AND SPECIFICATIONS.
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  - NOTE: ALL DIMENSIONS ARE TO THE BACK OF CURB, UNLESS OTHERWISE NOTED.
  - EXISTING ZONING: C2
  - ALL UTILITIES ARE PRIVATE ON-SITE. ALL SANITARY & STORM SEWER MAINTENANCE TO BE DONE BY THE OWNERS AT ANY PORTION OF THE PLATTED AREA.
  - PARKING LOT LIGHTING WILL BE DESIGNED BY A QUALIFIED ELECTRICIAN AND A PHOTOMETRIC PLAN WILL BE SUPPLIED TO THE CITY OF BETTENDORF FOR REVIEW. A MINIMUM OF (2) PARKING LOT LIGHTS WILL BE DESIGNED AND WALL PACKS FOR EACH UNIT WILL BE SHOWN.

**PARKING REQUIREMENTS**

• PLANNED USE: 5,250 SQ. FT. RETAIL - REQUIRED PARKING= 1 SPACE PER 180 SQ. FT.	29 SPACES REQUIRED
• PLANNED USE: 3,500 SQ. FT. BUSINESS/PROFESSIONAL - REG. PARKING= 1 SPACE PER 300 SQ. FT.	12 SPACES REQUIRED
• PLANNED USE: 5,525 SQ. FT. RESTAURANT - REQUIRED PARKING= 1 SPACE PER 100 SQ. FT.	55 SPACES REQUIRED
<b>96 TOTAL SPACES REQUIRED - 97 TOTAL SPACES PROVIDED</b>	

**C2 Zoning Requirements**

- Front Yard: 20 Ft. Minimum Building Setback
- Side Yard: 0 Ft. Minimum Building Setback
- Rear Yard: 0 Ft. Minimum Building Setback

**Proposed Building  
Total Square Footage:  
14,276**

**LANDSCAPING NOTES**

Minimum Street Yard Overseas requirements: Vehicular Use Area = 7 Tree Factors

Tree Species	Minimum Size	Notes
Deciduous Overstory Tree	8 inch caliper and 10 inch tall at root flare	4 inch caliper and 40 inch tall at root flare
Deciduous Understory Tree	A woody plant at least 16 inch tall at maturity with one or more well-developed limbs	1 1/2 inch caliper and 16 inch tall at root flare
Evergreen/Conifer Tree	A woody plant at least 16 inch tall at maturity	12 inch height and 24 inch ball at root flare

**LEGEND**

---	PROPERTY LINE	---	EXISTING CURB
—	STREET LINE	---	EXISTING SIDE WALK
---	PROPOSED FENCE	---	EXISTING SIDE WALK
---	PROPOSED FENCE	---	EXISTING SIDE WALK
---	PROPOSED FENCE	---	EXISTING SIDE WALK
---	PROPOSED FENCE	---	EXISTING SIDE WALK

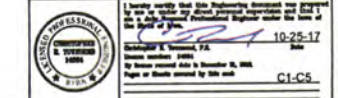


DATE: 8/21/2017  
DRAWN BY: CT  
CHECKED BY: CT  
DRAWING LOCATION: S:\Russell\Spartan Square\Spartan Square Site Plan 17

**REVISIONS:**

NO.	REVISIONS:	DATE
1.	Revisions To Plan Set As Per COB Review Comments 9-8-17	9-11-17
2.	Revisions To Plan Set After COB P&Z Meeting	9-26-17
3.	Revisions To Plan Set After Russell Review	9-26-17
4.	Revisions To Plan Set As Per COB Review Comments 10-9-17	10-9-17
5.	Revisions To Plan Set As Per COB Review Comments 10-28-17	10-28-17

Site Plan  
Commercial Building  
Lot 1 Tunberg's Third Addition  
Bettendorf, Iowa 52722

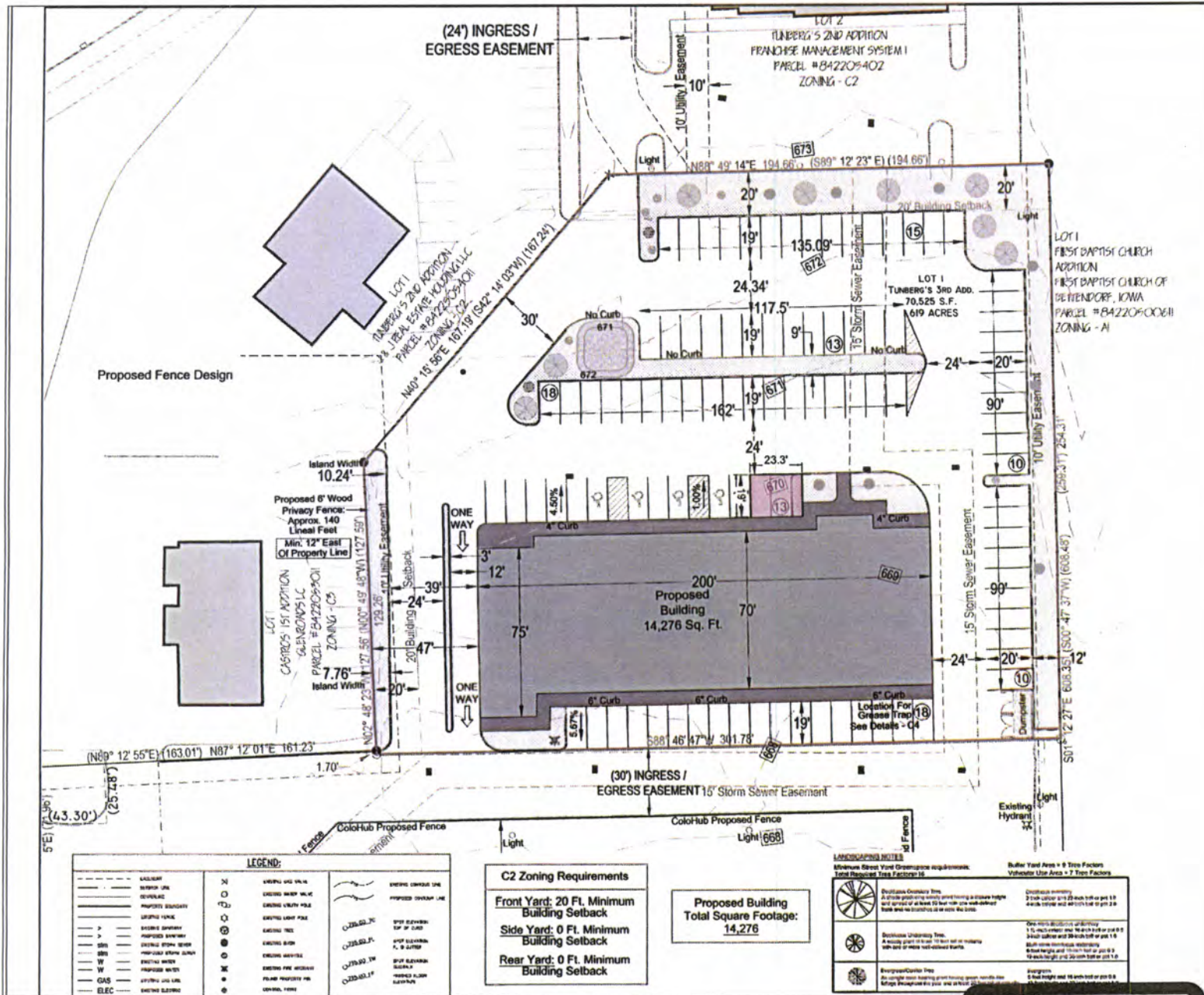


Russell Construction Company  
4600 E 53rd Street

**EXHIBIT**

**B**

SHEET NO. C1



LEGEND:	
(---) EASEMENT	(---) PROPERTY LINE
(---) EGRESS EASEMENT	(---) PROPOSED DRIVEWAY
(---) EGRESS EASEMENT	(---) EGRESS LIGHT POLE
(---) EGRESS EASEMENT	(---) EGRESS LIGHT POLE
(---) EGRESS EASEMENT	(---) EGRESS LIGHT POLE
(---) EGRESS EASEMENT	(---) EGRESS LIGHT POLE
(---) EGRESS EASEMENT	(---) EGRESS LIGHT POLE
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(---) EGRESS EASEMENT	(---) EGRESS LIGHT POLE
(---) EGRESS EASEMENT	(---) EGRESS LIGHT POLE
(---) EGRESS EASEMENT	(---) EGRESS LIGHT POLE
(---) EGRESS EASEMENT	(---) EGRESS LIGHT POLE

**C2 Zoning Requirements**

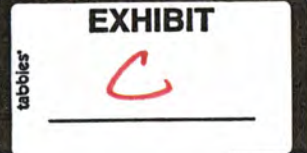
Front Yard: 20 Ft. Minimum Building Setback

Side Yard: 0 Ft. Minimum Building Setback

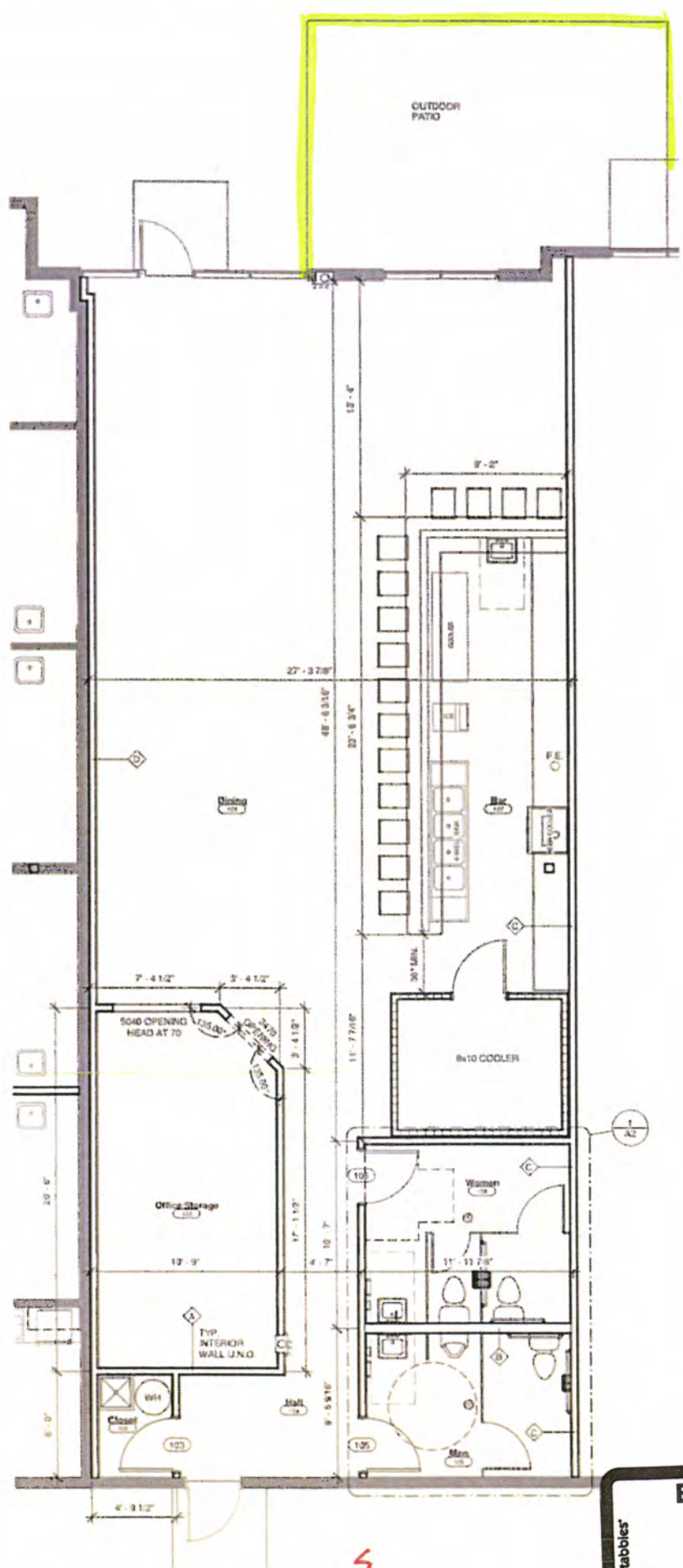
Rear Yard: 0 Ft. Minimum Building Setback

**Proposed Building**  
Total Square Footage:  
14,276

MINOR GRADING NOTES	
Minimum Street Front Graspment requirement: Total Proposed Lot Factor: 16	Buffer Yard Area = 8 Tree Factor Vegetator User Area = 7 Tree Factor
	Proposed Contour Line: A circle showing a grade and bearing a distance and a radius of at least 20 feet with one end centered back and the other end at the new low point.
	Minimum Utility Line: A line showing a grade and bearing a distance and a radius of at least 20 feet with one end centered back and the other end at the new low point.
	Proposed Contour Line: A circle showing a grade and bearing a distance and a radius of at least 20 feet with one end centered back and the other end at the new low point.
	Proposed Contour Line: A circle showing a grade and bearing a distance and a radius of at least 20 feet with one end centered back and the other end at the new low point.



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E

S

**EXHIBIT**

tabbles

D

*Universal* NAILS & SPA

THE  QUARRY

SALONS & STUDIOS

EXHIBIT  
*E*

- 6. ALL DEBRIS MUST BE PROPERLY DISPOSED OF OFF-SITE
- 7. CONCRETE PAVEMENT SHALL CONFORM TO THE REQUIREMENTS OF IOWA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAYS AND BRIDGE CONSTRUCTION, SECTION 2301. PORTLAND CEMENT CONCRETE PAVEMENT CONCRETE PAVEMENT WITHIN THE PUBLIC RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF BETTENDORF STANDARDS AND SPECIFICATIONS.
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- 9. NOTE: ALL DIMENSIONS ARE TO THE BACK OF CURB, UNLESS OTHERWISE NOTED
- 10. EXISTING ZONING: C2
- 11. ALL UTILITIES ARE PRIVATE ONSITE. ALL SANITARY & STORM SEWER MAINTENANCE TO BE DONE BY THE OWNERS OF ANY PORTION OF THE PLATTED AREA.
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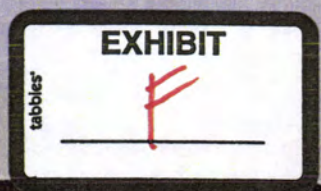
**PARKING REQUIREMENTS**

- PLANNED USE: 5,250 SQ. FT. **RETAIL - REQUIRED PARKING= 1 SPACE PER 180 SQ. FT.**  
29 SPACES REQUIRED
  - PLANNED USE: 3,500 SQ. FT. **BUSINESS/PROFESSIONAL - REQ. PARKING= 1 SPACE PER 300 SQ. FT.**  
12 SPACES REQUIRED
  - PLANNED USE: 5,525 SQ. FT. **RESTAURANT - REQUIRED PARKING= 1 SPACE PER 100 SQ. FT.**  
55 SPACES REQUIRED
- 96 TOTAL SPACES REQUIRED - 97 TOTAL SPACES PROVIDED



I hereby certify that this Engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.

*[Signature]* 10-25-17  
 Christopher R. Townsend, P.E. Date  
 License number: 14864  
 My license renewal date is December 31, 2018.  
 Pages or Sheets covered by this seal: C1-C5



1/1

Doc ID: 021331520006 Type: LAN  
Recorded: 02/02/2018 at 02:58:25 PM  
Fee Amt: \$32.00 Page 1 of 6  
Scott County Iowa  
Rita A. Vargas Recorder  
File **2018-00002809**

**ACCESS AND CROSS PARKING EASEMENT AGREEMENT**  
**Recorder's Cover Sheet**

**Preparer Information:** (name, address and phone number)

Joseph C. Judge  
Lane & Waterman LLP  
220 N. Main Street, Suite 600  
Davenport, IA 52801  
Phone: (563) 324-3246

**Return Document To:** (name and complete address)

Joseph C. Judge  
Lane & Waterman LLP  
220 N. Main Street, Suite 600  
Davenport, IA 52801

**Legal Description:** See Page 2

**Document or instrument number of previously recorded documents:** N/A



File Number: 2018-00002809 Seq: 1

*Terms*

**ACCESS AND CROSS PARKING EASEMENT AGREEMENT**

This Access and Cross Parking Easement Agreement (this "Agreement") is made and entered into as of this 2nd of February, 2018, by and between GENESEO COMMUNICATIONS, INC., an Illinois corporation ("GCI"), and VERITAS SPARTAN SQUARE, LLC, an Iowa limited liability company ("Veritas").

**WHEREAS**, GCI owns the real estate described as Lot 2 of the Final Plat of Tunberg's Third Addition to the City of Bettendorf, Scott County, Iowa (the "GCI Property");

**WHEREAS**, Veritas owns the real estate described as Lot 1 of the Final Plat of Tunberg's Third Addition to the City of Bettendorf, Scott County, Iowa (the "Veritas Property"); and

**WHEREAS**, GCI and Veritas desire to grant and create certain access and parking easements across their respective properties, upon the terms and conditions hereinafter stated.

**NOW, THEREFORE**, in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledge, the parties hereto agree as follows:

1. **GCI Parking and Access Easements.** Subject to the terms and conditions of this Agreement, Veritas grants, transfers, sells and conveys to GCI, its successors and assigns, and creates and establishes for the benefit of the GCI Property, and for the benefit of the licensees and invitees of GCI, its successors and assigns, a perpetual, non-exclusive easement of access, ingress, egress, and parking over and across the areas of the Veritas Property that are from time to time used and maintained for such purposes; provided that, Veritas shall at all times maintain a reasonable access drive from the GCI Property across the Veritas Property to the Middle Road entrance to the development. The purpose of the easements created herein are for pedestrian and vehicular ingress, egress and parking for the benefit of the GCI Property. The easements granted in this Section shall run with the ownership of the GCI Property because the easements are essential and necessary for the use of the GCI Property.

2. **Veritas Parking Easement.** Subject to the terms and conditions of this Agreement, GCI grants, transfers, sells and conveys to Veritas, its successors and assigns, and creates and establishes for the benefit of the Veritas Property, and for the benefit of the licensees and invitees of Veritas, its successors and assigns, a perpetual, non-exclusive easement for passenger vehicular parking on the areas of the GCI Property that are from time to time used and maintained for such purposes. The purpose of this easement is for passenger vehicular parking for the benefit of the Veritas Property. The easement granted in this Section shall run with the ownership of the Veritas Property because this easement is essential and necessary for the use of the Veritas Property.

3. **Taxes and Insurance.** Each party hereto shall be responsible for payment of the property taxes, assessments and other government charges assessed on their respective properties. The parties covenant and agree that all such payments shall be made in a timely

manner as not to infringe on the other party's use of the easement areas. Each party agrees to secure and maintain (or provide for tenant(s) of the premises to secure and maintain) public liability insurance with limits of not less than One Million Dollars (\$1,000,000) for each individual, Two Million Dollars (\$2,000,000) for each accident and Five Hundred Thousand Dollars (\$500,000) for property damage to cover all claims or judgments arising from the use of the respective easement areas.

4. **Responsibilities of Development and Maintenance of Cross Easement**

**Premises.** Each party agrees that it shall be responsible for all costs and expenses attendant and attributable to the development, engineering, landscaping, illumination, paving, striping, maintenance (including snow and ice removal and repairing potholes and other damage) and general upkeep of the easement areas located on its property. If any party fails to so properly repair and maintain its easement area, the grantee of such easement may deliver notice to such owner detailing such needed repair or maintenance. If the owner fails to take, or promptly commence and pursue, necessary remedial actions with ten (10) days, the grantee may, but is not obligated to, perform or have performed, the repair or maintenance, in which case, the owner of the easement area shall promptly reimburse the grantee the cost of such work, plus interest at a rate of Prime plus two percent. Any amounts due shall constitute a lien on the owner's property and the owner shall reimburse the grantee for any costs of collection, including attorney's fees.

5. **Restrictions and Conditions of Easement Conveyances.** To ensure that the above granted easement rights will be effective for the purposes granted and will be used in accordance with the intention of the parties, each party hereby agree as follows:

- (a) Each party, and their licensees and invitees, shall at all times comply with reasonable traffic and parking rules and regulations promulgated by the granting party, its successors and assigns, as owner of the applicable easement area, which are reasonably necessary to govern the use of the easement areas, including, without limitation, compliance with all traffic control devices; provided, however, that the rules and regulations shall not unreasonably interfere with the use of the easement areas for parking and access, as applicable.
- (b) In addition to the easement rights granted hereunder, each granting party, on behalf of itself and its successors and assigns, reserves right to use the easement areas in any manner so long as the use does not unreasonably interfere with the intended purpose of the easement area for parking and access, as applicable.
- (c) The parking easements granted hereunder may only be used for the grantee's passenger vehicular parking for invitees, customers and other visitors to the adjoining property and may not be used for the grantee's truck, delivery vehicles, or vendor vehicles, employee, overnight or extended parking.

6. **No Waiver.** No waiver of any provision hereof shall be deemed to have been made unless expressed in writing and signed by the party charged therewith. No delay or omission in the exercise of any right or remedy accruing to either party upon any breach of this Agreement shall impair such right or remedy or be construed as a waiver of such breach, and a



waiver by such party of any breach shall not be deemed a waiver of any other breach of the same or any other provision of this Agreement.

7. **Attorney's Fees.** In the event that any party to this Agreement shall institute legal proceedings to enforce or construe any of the terms, provisions, covenants, conditions or restrictions set forth in this Agreement, the prevailing party in such legal proceedings shall be entitled to recover its reasonable attorney's fees, litigation expenses and court costs from the non-prevailing party.

8. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Iowa.

9. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which will for all purposes be deemed to be an original, and all of which are identical.

10. **Successors and Assigns.** The terms, conditions, covenants, agreements and easements contained in this Agreement shall run with the land and be binding on the parties hereto and their respective successors in interest.

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

GENESEO COMMUNICATIONS, INC.

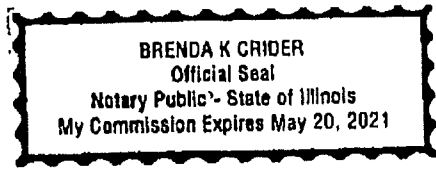
By: *Scott D. Rubins*  
Scott D. Rubins, President

STATE OF Illinois )  
COUNTY OF Henry ) SS:

On this 26 day of January, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Scott D. Rubins, to me personally known, who, being by me duly sworn, did say that he is the President of Geneseo Communications, Inc., an Illinois corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said Scott D. Rubins as such officer acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.

*Brenda K Crider*  
Notary Public

(Notarial Seal)



[SIGNATURES CONTINUE ON NEXT PAGE]

VERITAS SPARTAN SQUARE, LLC

By: [Signature]  
Name: Christopher Cannon  
Title: Member

STATE OF IOWA  
COUNTY OF SCOTT

SS:

This instrument was acknowledged before me on this 1<sup>st</sup> day of February, 2018 by Christopher Cannon as Member of Veritas Spartan Square, LLC, an Iowa limited liability company.

[Signature]  
Notary Public

(Notarial Seal)



**ACCESS AND CROSS PARKING EASEMENT AGREEMENT  
Recorder's Cover Sheet**

**Preparer Information: (name, address and phone number)**

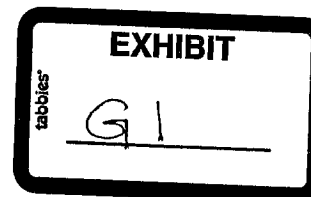
Michael E. Motto  
BUSH, MOTTO, CREEN, KOURY & HALLIGAN  
5505 Victoria Ave., Suite 100  
Davenport, IA 52807  
Phone 563/344-4900  
Fax 563/344-8961

**Return Document To: (name and complete address)**

Michael E. Motto  
BUSH, MOTTO, CREEN, KOURY & HALLIGAN  
5505 Victoria Ave., Suite 100  
Davenport, IA 52807  
Phone 563/344-4900  
Fax 563/344-8961

**Legal Description:**

**Document or instrument number of previously recorded documents:**



## ACCESS AND CROSS PARKING EASEMENT AGREEMENT

This Access and Cross Parking Easement Agreement (this "Agreement") is made and entered into as of this \_\_\_\_\_ day of August, 2020, by and between GENESEO COMMUNICATIONS, INC., an Illinois corporation ("GCI"), and THE QUARRY QC, LLC, an Iowa limited liability company ("The Quarry").

**WHEREAS**, GCI owns the real estate described as Lot 2 of the Final Plat of Tunberg's Third addition to the City of Bettendorf, Scott County, Iowa (the "GCI Property");

**WHEREAS**, CGI and VERTIAS SPARTAN SQUARE, LLC ("Veritas"), the owner of the real estate described as Lot 1 of the Final Plat of Tunberg's Third Addition to the City of Bettendorf, Scott County, Iowa, already have an Access and Cross Parking Easement Agreement (file # 2018-00002809, Recorded 02/02/2018, in the Office of the Scott County Recorder);

**WHEREAS**, The Quarry has a five-year lease with Veritas for the real estate described as Lot 1 of the Final Plat of Tunberg's Third Addition to the City of Bettendorf, Scott County, Iowa (the "The Quarry Property"); and

**WHEREAS**, GCI and The Quarry desire to grant and create certain access and parking easements across their respective properties, upon the terms and conditions hereinafter stated.

**NOW, THEREFORE**, in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **GCI Parking and Access Easements.** Subject to the terms and conditions of this Agreement, The Quarry grants, transfers, sells and conveys to GCI its successors and assigns, and creates and establishes for the benefit of the GCI Property, and for the benefit of the licensees and invitees of GCI, its successors and assigns, a perpetual, non-exclusive easement of access, ingress, egress, and parking over and across the areas of the The Quarry Property that are from time to time used and maintained for such purposes; provided that, The Quarry shall at all times maintain a reasonable access drive from the GCI Property across the The Quarry Property to the Middle Road entrance to the development. The purpose of the easements created herein are for pedestrian and vehicular ingress, egress and parking for the benefit of the GCI Property. The easements granted in this Section shall run with the ownership of the GCI Property because the easements are essential and necessary for the use of the GCI Property.
2. **The Quarry Parking and Access Easement.** Subject to the terms and conditions of this Agreement, GCI grants, transfers, sells and conveys to The Quarry, its successors and assigns, and creates and establishes for the benefit of the The Quarry Property, and for the benefit of the licensees and invitees of The Quarry, its successors and assigns, a perpetual, non-exclusive easement for passenger vehicular

parking on the areas of the GCI Property that are from time to time used and maintained for such purposes. The purpose of this easement is for passenger vehicular parking for the benefit of the The Quarry Property. The easement granted in this Section shall run with the leasehold of the The Quarry Property because this easement is essential and necessary for the use of the The Quarry Property.

3. **Taxes and Insurance.** Each party hereto shall be responsible for payment of the property taxes, assessments and other government charges assessed on their respective properties. The parties covenant and agree that all such payments shall be made in a timely manner as not to infringe on the other party's use of the easement areas. Each party agrees to secure and maintain (or provide for tenant(s) of the premises to secure and maintain) public liability insurance with limits of not less than One Million Dollars (\$1,000,000) for each individual, Two Million Dollars (\$2,000,000) for each accident and Five Hundred Thousand Dollars (\$500,000) for property damage to cover all claims or judgments arising from the use of the respective easement areas.
4. **Responsibilities of Development and Maintenance of Cross Easement Premises.** Each party agrees that it shall be responsible for all costs and expenses attendant and attributable to the development, engineering, landscaping, illumination, paving, striping, maintenance (including snow and ice removal and repairing potholes and other damage) and general upkeep of the easement areas located on its property. If any party fails to so properly repair and maintain its easement area, the grantee of such easement may deliver notice to such owner detailing such needed repair or maintenance. If the owner fails to take, or promptly commence and pursue, necessary remedial actions within ten (10) days, the grantee may, but is not obligated to, perform or have performed, the repair or maintenance, in which case, the owner of the easement area shall promptly reimburse the grantee the cost of such work, plus interest at a rate of Prime plus two percent. Any amounts due shall constitute a lien on the owner's property and the owner shall reimburse the grantee for any costs of collection, including attorney's fees.
5. **Restrictions and Conditions of Easement Conveyances.** To ensure that the above granted easement rights will be effective for the purposes granted and will be used in accordance with the intention of the parties, each party hereby agrees as follows:
  - a. Each party, and their licensees and invitees, shall at all times comply with reasonable traffic and parking rules and regulations promulgated by the granting party, its successors and assigns, as owner of the applicable easement area, which are reasonably necessary to govern the use of the easement areas, including without limitation, compliance with all traffic control devices; provided, however, that the rules and regulations shall not unreasonably interfere with the use of the easement areas for parking and access, as applicable.

- b. In addition to the easement rights granted hereunder, each granting party, on behalf of itself and its successors and assigns, reserves right to use the easement areas in any manner so long as the use does not unreasonably interfere with the intended purpose of the easement area for parking and access, as applicable.
  - c. The parking easements granted hereunder may only be used for the grantee's passenger vehicular parking for invitees, customers and other visitors to the adjoining property and may not be used for the grantee's truck, delivery vehicles, or vendor vehicles, employee, overnight or extended parking.
6. **No Waiver.** No waiver of any provision hereof shall be deemed to have been made unless expressed in writing and signed by the party charged therewith. No delay or omission in the exercise of any right or remedy accruing to either party upon any breach of this Agreement shall impair such right or remedy or be construed as a waiver of such breach, and a waiver by such party of any breach shall not be deemed a waiver of any other breach of the same or any other provision of this Agreement.
7. **Attorney's Fees.** In the event that any party to this Agreement shall institute legal proceedings to enforce or construe any of the terms, provisions, covenants, conditions or restrictions set forth in this Agreement, the prevailing party in such legal proceedings shall be entitled to recover its reasonable attorney's fees, litigation expenses and court costs from the non-prevailing party.
8. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Iowa.
9. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which will for all purposes be deemed to be an original, and all of which are identical.
10. **Successors and Assigns.** The terms, conditions, covenants, agreements and easements contained in this Agreement shall run with the leasehold and be binding on the parties hereto and their respective successors in interest.

(SIGNATURE PAGES TO FOLLOW)





**THE QUARRY QC, LLC**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
  ) SS  
COUNTY OF \_\_\_\_\_ )

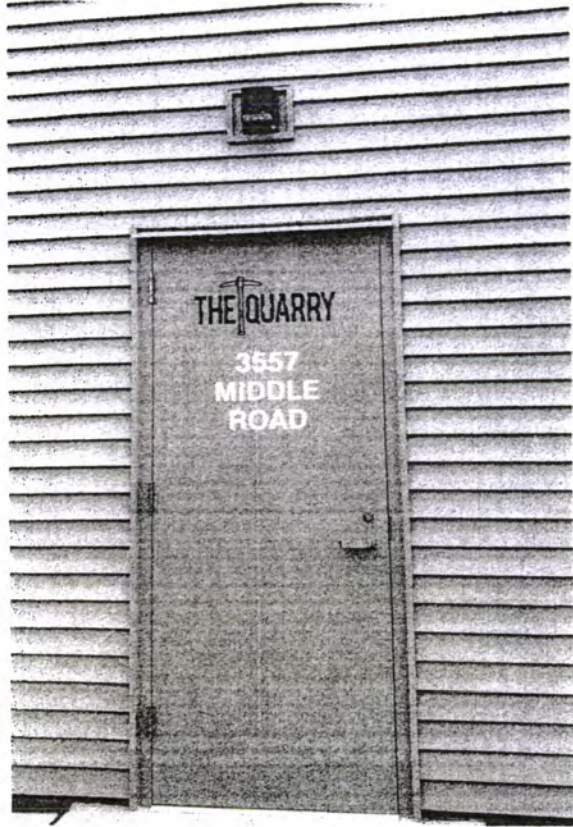
This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by \_\_\_\_\_ as \_\_\_\_\_ of THE QUARRY QC, LLC, an Iowa limited liability company.

\_\_\_\_\_  
Notary Public

(Notarial Seal)



tabbles<sup>®</sup> EXHIBIT  
H





tabbles®  
**EXHIBIT**  
J  
\_\_\_\_\_



tabbles®  
EXHIBIT  
K

## 11-5-9. SPECIAL USE PERMITS

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

1. The proposed use is designated by this title as a special use in the district in which the use is to be located.
2. The proposed use will comply with all applicable regulations in the district in which the use is to be located.
3. The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
4. The location, nature, and height of buildings, walls, and fences, and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
5. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining uses, and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
6. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
7. Conditions in the area have substantially changed and at least one year has elapsed since any denial by the board of adjustment of any prior application for a special-use permit that would have authorized substantially the same use of all or part of the site.
8. The board of adjustment shall impose such conditions and restrictions upon the premises benefited by a special-use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this title. Failure to comply with such conditions or restrictions shall constitute a violation of this title.
9. The proposed use is consistent with the Bettendorf Comprehensive Plan and serves to further the goals of the plan.



## COMMUNITY DEVELOPMENT

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

May 14, 2020

### **Case 20-009**

Special use permit to allow an outdoor service area associated with a bar.

### **Case 20-015**

Variance to reduce the required number of parking spaces.

**Location:** 3557 Middle Road

**Applicant:** The Quarry QC, LLC

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

### **Update – May 14**

At the March 12 meeting, the Board deferred Cases 20-009 and 20-015 until such time as a parking plan was submitted which shows how the applicant plans to remedy the issue of the lack of required parking spaces. Another deferral was granted at the April 9 meeting. At the May 14 meeting the applicant requested a deferral until such time as more members are present. The applicant stated at that meeting that he has obtained 3 spaces on the lot to the south to offset the 2 that would be taken by the proposed patioe. He communicated to staff via email that they plan to obtain 2 additional spaces at the rear of the building to offset the proposed loss; however, staff does not see where any available space could be found to provide those stalls, and the applicant has not provided a physical plan showing the change.

### **Background Information and Facts**

The site is located just southeast of Whitey's Ice Cream near the intersection of Middle Road and Devils Glen Road. The Quarry is a new bar located in a recently-constructed multi-tenant retail structure (see Attachment A – Location Map). If allowed, the applicant would like to have an outdoor service area adjacent to (north of) the main entrance to the unit involved (see Attachment B – Front of Building). The owner plans to enclose the area with a railing to separate it from vehicular traffic. The proposed outdoor service area would occupy two existing parking spaces.

### **Staff Analysis**

The applicable portions of the C-3 District description for this request are: "The C-3 general business district is intended to provide mixed-use areas to be used for **all types of retailing and service uses**, certain wholesale and warehousing uses, and some limited industrial activities that are normally associated with commercial uses. **The uses allowed are often large space uses** and cater to customers who do not make frequent purchases. The district is normally located along major thoroughfares, where adequately sized parcels of land allow for large setbacks, clear vision, and safe ingress and egress."

If allowed, the outdoor service area will have significant separation from surrounding residential areas and individual residences (see Attachment C – Separations), specifically:

- 760-foot separation from the nearest residence to the north and adjacent to Middle Road.
- 990-foot separation from the nearest residence to the east on Sparrow Court.
- 850-foot separation from the nearest residence to the southwest on Holiday Court.

The Board of Adjustment may impose conditions and restrictions upon the premises benefited by any special use permit. In the past, the Board has restricted the hours of outdoor service areas adjacent to residential districts as well as the amount of sound or music that will be allowed as part of the special use permit process. The applicant does intend to have outdoor music and, on occasion, live outdoor music. In this case, the distances listed above from the nearest residences may indicate that those restrictions are not needed.

The special use request for this specific strip center unit has never previously been denied by the Board and therefore, by Code, can be given consideration for approval or denial at this time.

The Board approved a special use permit for the bar. If the current request is approved, that use will be extended to the outdoor patio and expanded by 649+ square feet generating the need for more parking. The parking required for both the indoor bar and the outdoor patio for the bar is 25 spaces (see Attachment D – Bar and Patio Plan). The patio will also occupy at least two existing parking spaces. Upon examination, the overall parking did not match the approved site development plan (see Attachment E – Site Parking). 97 parking spaces were shown to be provided, however, only 89 spaces were actually provided. Taking away 2 spaces for the patio reduces the amount to 87 on-site spaces. The original parking plan did not factor a bar use into the formula which requires a greater number of parking spaces over the originally planned restaurant (21 additional). Beyond the 96 required spaces for the original design, the additional 21 spaces would create a new obligation for 117 parking spaces for the entire site. The adjacent unit to the Quarry is Indulge Salon Studios which operates until 8 pm on Tuesdays and Thursdays. On Mondays and Wednesdays, Indulge is only open until 3 pm. Some overlap is present in these hours, as the petitioner previously mentioned their peak hours were from 3-8 pm. There are also two open retail spaces at this facility, and those final uses and their need for parking are not yet known. The final approval of those future uses will depend upon the available parking. The applicant has indicated that he has added 3 off site spaces to offset the patio area occupation of 2 spaces but has not submitted the required special location plan in order to include them. 117 spaces are required for this site, while 87 parking spaces are provided on site.

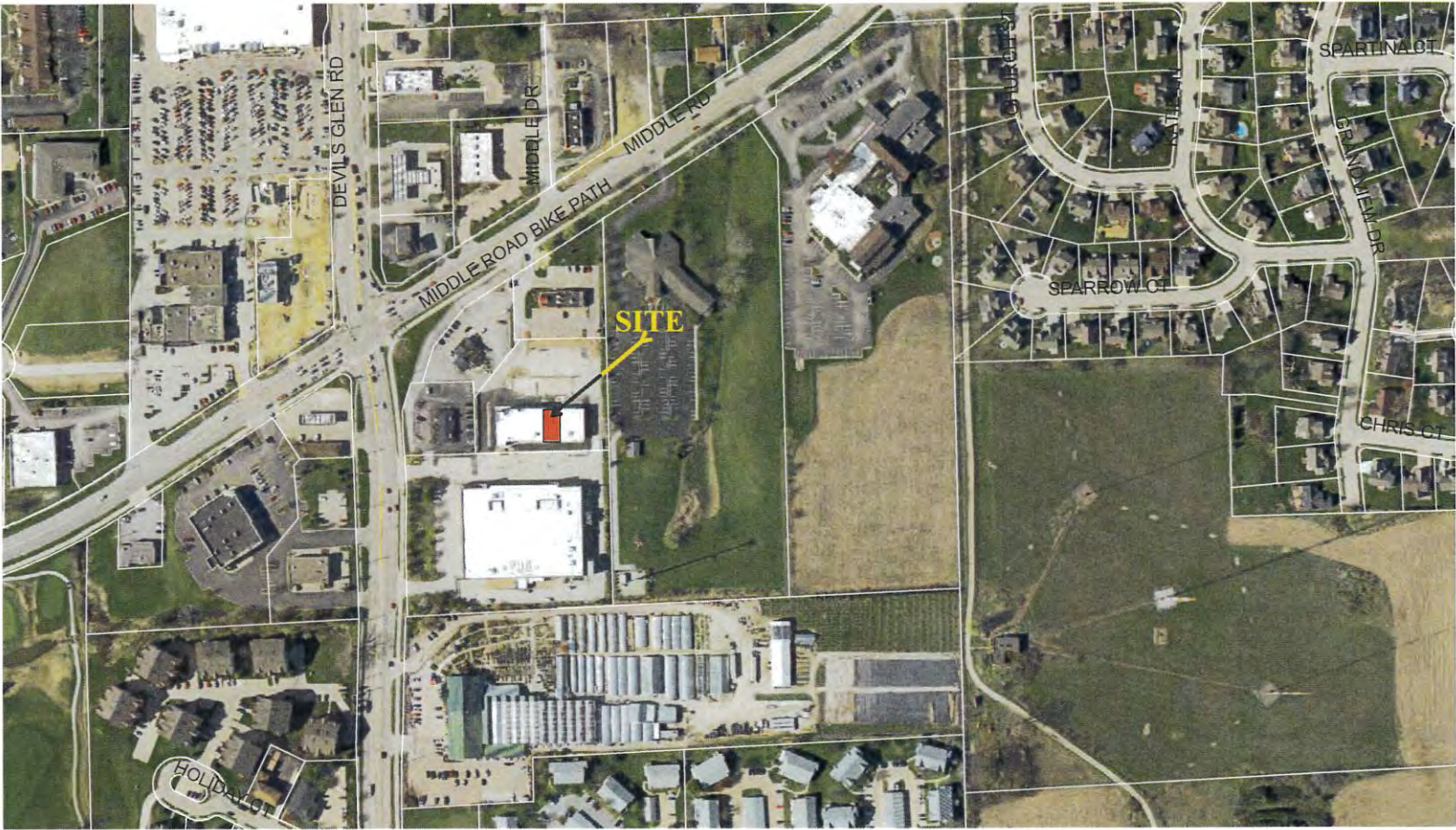
Staff suggests the Board evaluate the number of parking spaces needed for this site and if this request will have any adverse impact on the overall development and the adjacent business owners. The standards for evaluating a special use permit are listed in 11-15-9. A.-E. (see Attachment F - City Ordinance). The Petitioner has emailed the attached photos and correspondence (see Attachment G - Photos and Correspondence).

Respectfully submitted,

Greg Beck  
City Planner



Attachment - A





Attachment - C



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Rock Island, IL 61201  
Phone: 309.796.6920  
Fax: 309.796.9224  
jag@josepharch.com  
JOSEPH ARCHITECTURAL GROUP, P.C.

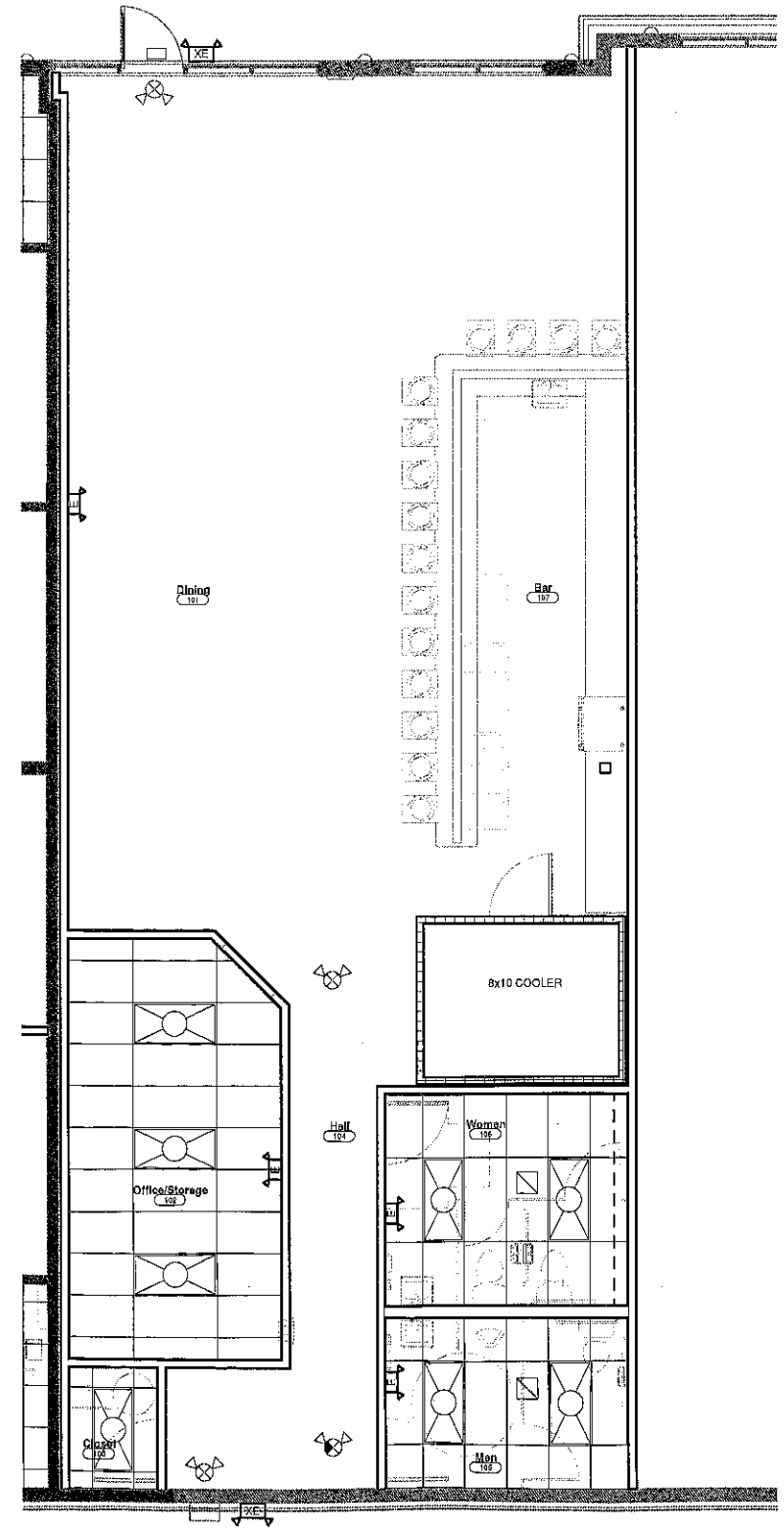
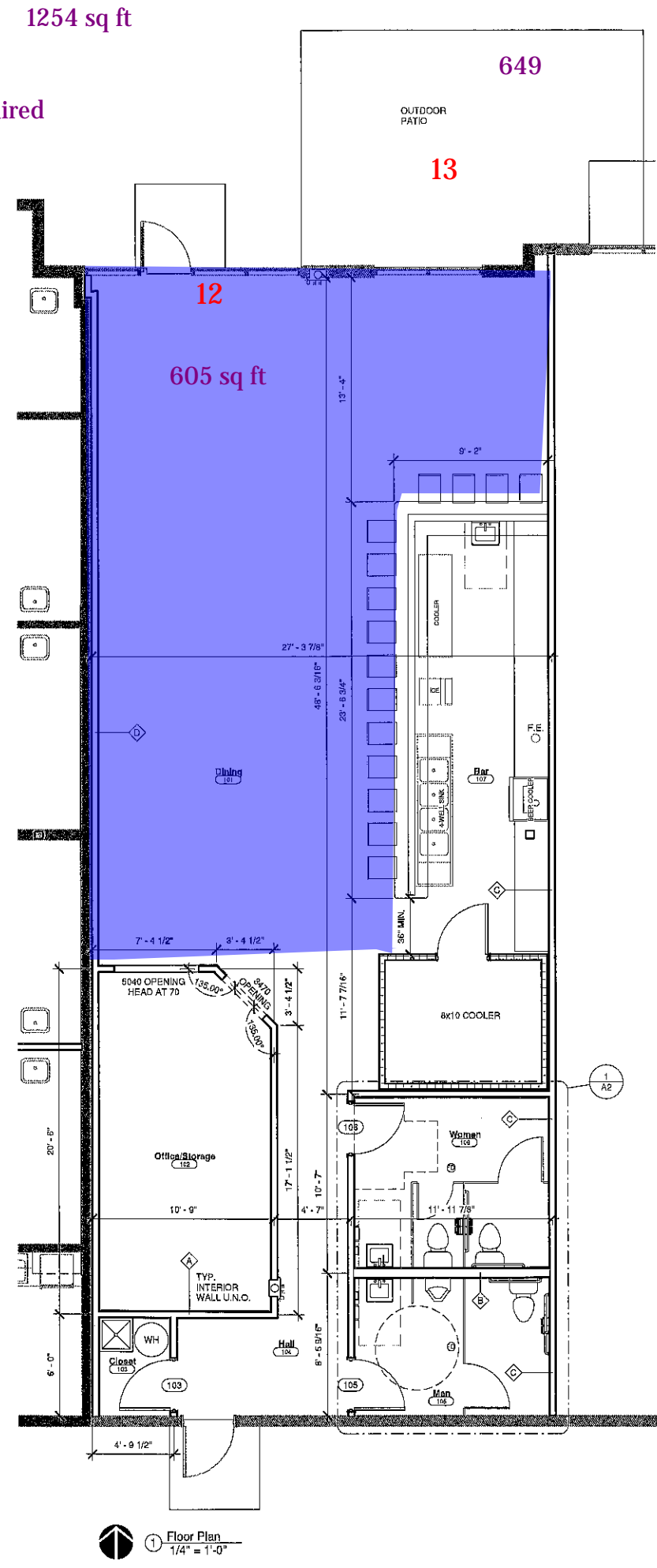
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AND DATE SPECIFIED HEREIN.

REVISIONS  
A  
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Construction Drawings for:  
**Pub Tenant Build-Out**  
3557 Middle Road, Bettendorf, Iowa

**RUSSELL**  
ARCHITECTS  
4610 42nd Avenue, Bettendorf, IA 52007  
(319) 451-0400 | www.russellarch.com

Floor Plan & RCP  
DATE  
11 October 2019  
**A1**  
PROJECT NO.  
**#08719**



**A - (TYPICAL INTERIOR WALL)** - 3-5/8" STEEL STUDS STEEL STUDS @ 16" O.C. W/ 5/8" GYP BD EACH SIDE, CAVITY FILLED W/ SOUND BATT INSULATION

**B - (PLUMBING WALL)** - 6" STEEL STUDS STEEL STUDS @ 16" O.C. W/ 5/8" GYP BD EACH SIDE, CAVITY FILLED W/ SOUND BATT INSULATION

**C - (1 HOUR FIRE RATED WALL)** - SEE DETAIL 3/A00. SECURELY ATTACH WALL TO UNDERSIDE OF ROOF DECK

**D - (SOUND WALL)** - 1/2" GAP FROM FACE OF EXISTING GYP BD, THEN 3-5/8" STEEL STUDS @ 24" O.C. AND SOUND BREAK X SOUND BOARD, CAVITY FILLED W/ MINERAL WOOL INSULATION

NOTE:  
1. EXISTING WALLS ARE DIMENSIONED FROM WALL FACE.  
2. NEW WALLS ARE DIMENSIONED TO WALL CENTERLINE, U.N.O.  
3. FIREBLOCK COMBUSTIBLE WALL SPACES VERTICALLY AT THE CEILING AND FLOOR LEVELS AND HORIZONTALLY AT INTERVALS NOT EXCEEDING 10 FEET - SEE DETAIL 5/A00

- ◇ WALL OR FRAME TYPE
- Wall Types & General Notes  
1/4" = 1'-0"
- 2'-0" x 4'-0" GENERAL PURPOSE TO CEILING MOUNT FIXTURES (TYPICAL)
- WALL PACK
- EXHAUST FAN
- ⊗ EXIT FIXTURE - PER CODE
- ⊗ EXIT FIXTURE W/ EMERGENCY LIGHTING - PER CODE
- ⊗ DIRECTIONAL EXIT FIXTURE - PER CODE
- ⊗ EMERGENCY LIGHTING - PER CODE
- ⊗ EXTERIOR EMERGENCY LIGHTING - PER CODE

1. EXIT FIXTURES TO BE ON BATTERY BACK UP AS PER CODE. LOCATE EXITS SIGNS AND LIGHTING PER CODE, SHOWN IN PLAN FOR REFERENCE ONLY. SEE COMCHECK FOR DETAILED LIGHT REQUIREMENTS
2. WALL LIGHTS THAT PROTRUDE MORE THAN 4" FROM THE WALL SHALL BE MOUNTED SO THAT THE BOTTOM EDGE IS AT LEAST 80" AFF
- 3.

○ RCP Legend  
1/4" = 1'-0"

○ Reflected Ceiling Plan  
1/4" = 1'-0"

○ Floor Plan  
1/4" = 1'-0"

1254 sq ft

25 spaces required

649

OUTDOOR PATIO

13

605 sq ft

12

5040 OPENING HEAD AT 70

3'-4 1/2"

3'-4 1/2"

11'-7 7/16"

17'-1 1/2"

10'-9"

4'-7"

8'-5 3/16"

6'-0"

20'-6"

4'-9 1/2"

10'-9"

11'-7 7/16"

3'-4 1/2"

3'-4 1/2"

7'-4 1/2"

8'-4 1/2"

23'-8 3/4"

45'-8 5/16"

27'-3 7/8"

13'-4"

9'-2"

36" MIN.

F.I.E.

1 A2

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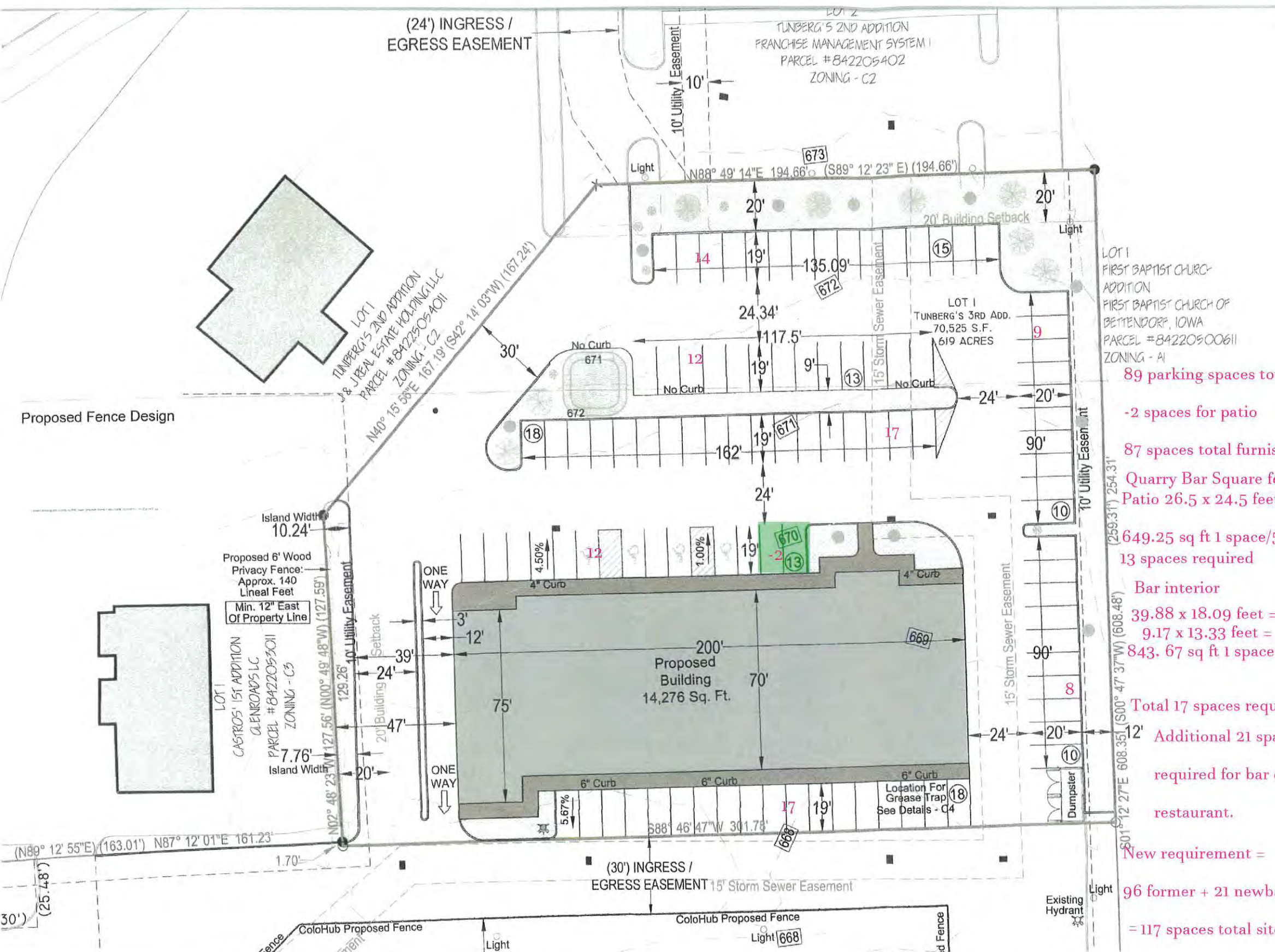
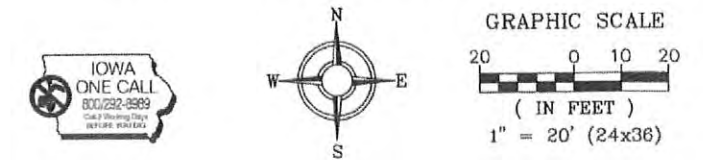
105

# Russell Construction Company

## Commercial Building

### Lot 1 Tunberg's Third Addition

### Bettendorf, Iowa 52722



89 parking spaces total  
 -2 spaces for patio  
 87 spaces total furnished.  
 Quarry Bar Square feet  
 Patio 26.5 x 24.5 feet =  
 649.25 sq ft 1 space/50 sq ft  
 13 spaces required  
 Bar interior  
 39.88 x 18.09 feet = 721.43  
 9.17 x 13.33 feet = 122.24  
 843.67 sq ft 1 space / 50  
 Total 17 spaces required  
 Additional 21 spaces  
 required for bar over  
 restaurant.  
 New requirement =  
 96 former + 21 newbar spaces  
 = 117 spaces total site.

- GENERAL NOTES**
- ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF BETTENDORF STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, LATEST EDITION, AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
  - LOT 1 TUNBERG'S THIRD ADDITION BEING A REPLAT OF LOT 3 OF TUNBERG'S 2ND ADDITION TO THE CITY OF BETTENDORF, SCOTT COUNTY IOWA.
  - IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY CONFLICTS WITH THE DRAWINGS OCCUR. ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. EXISTING UTILITY LOCATIONS SHOWN ON THE DRAWINGS ARE APPROXIMATE.
  - THE CONTRACTOR SHALL NOTIFY THE CITY OF BETTENDORF AND THE ENGINEER 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
  - PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREAS DO NOT ALLOW WATER TO DRAIN OR TO POND ONTO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
  - ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
  - CONCRETE PAVEMENT SHALL CONFORM TO THE REQUIREMENTS OF IOWA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAYS AND BRIDGE CONSTRUCTION, SECTION 2301. PORTLAND CEMENT CONCRETE PAVEMENT. CONCRETE PAVEMENT WITHIN THE PUBLIC RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF BETTENDORF STANDARDS AND SPECIFICATIONS.
  - ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL CONFORM TO THE IOWA CONSTRUCTION SITE EROSION CONTROL MANUAL, LATEST EDITION.
  - NOTE: ALL DIMENSIONS ARE TO THE BACK OF CURB, UNLESS OTHERWISE NOTED.
  - EXISTING ZONING: C2
  - ALL UTILITIES ARE PRIVATE ONSITE. ALL SANITARY & STORM SEWER MAINTENANCE TO BE DONE BY THE OWNERS OF ANY PORTION OF THE PLATTED AREA.
  - PARKING LOT LIGHTING WILL BE DESIGNED BY A QUALIFIED ELECTRICIAN AND A PHOTOMETRIC PLAN WILL BE SUPPLIED TO THE CITY OF BETTENDORF FOR REVIEW. A MINIMUM OF (2) PARKING LOT LIGHTS WILL BE DESIGNED AND WALL PACKS FOR EACH UNIT WILL BE SHOWN.

**LEGEND:**

--- EASEMENT	⊗ EXISTING GAS VALVE	--- EXISTING CONTOUR LINE
--- SETBACK LINE	⊗ EXISTING WATER VALVE	--- PROPOSED CONTOUR LINE
--- CENTERLINE	⊗ EXISTING UTILITY POLE	
--- PROPERTY BOUNDARY	⊗ EXISTING LIGHT POLE	
--- EXISTING FENCE	⊗ EXISTING TREE	
--- EXISTING SANITARY	⊗ EXISTING BUSH	
--- PROPOSED SANITARY	⊗ EXISTING MANHOLE	
--- EXISTING STORM SEWER	⊗ EXISTING FIRE HYDRANT	
--- PROPOSED STORM SEWER	⊗ FOUND PROPERTY PIN	
--- EXISTING WATER	⊗ CONTROL POINT	
--- PROPOSED WATER		
--- EXISTING GAS LINE		
--- EXISTING ELECTRIC		

**C2 Zoning Requirements**

Front Yard: 20 Ft. Minimum Building Setback  
 Side Yard: 0 Ft. Minimum Building Setback  
 Rear Yard: 0 Ft. Minimum Building Setback

Proposed Building  
 Total Square Footage:  
 14,276

**LANDSCAPING NOTES**

Minimum Street Yard Greenspace requirements:  
 Total Required Tree Factors = 16

Buffer Yard Area = 9 Tree Factors  
 Vehicular Use Area = 7 Tree Factors

	Deciduous Overstory Tree A shade-producing woody plant having a mature height and spread of at least 30 feet with one well-defined trunk and no branches at or near the base.	Deciduous overstory 2-inch caliper and 22-inch ball or pot 1.0 4-inch caliper and 40-inch ball or pot 2.0
	Deciduous Understory Tree A woody plant at least 10 feet tall at maturity with one or more well-defined trunks.	One-stem deciduous understory 1 1/4-inch caliper and 16-inch ball or pot 0.5 3-inch caliper and 30-inch ball or pot 1.0
	Evergreen/Conifer Tree An upright cone-bearing plant having green needle-like foliage throughout the year and at least 20 feet tall at maturity.	Multi-stem deciduous understory 6-foot height and 16-inch ball or pot 0.5 12-inch height and 30-inch ball or pot 1.0
		Evergreen 6-foot height and 16-inch ball or pot 0.5 12-foot height and 30-inch ball or pot 1.0

**PARKING REQUIREMENTS**

- PLANNED USE: 5,250 SQ. FT. RETAIL - REQUIRED PARKING= 1 SPACE PER 180 SQ. FT. 29 SPACES REQUIRED
- PLANNED USE: 3,500 SQ. FT. BUSINESS/PROFESSIONAL - REQ. PARKING= 1 SPACE PER 300 SQ. FT. 12 SPACES REQUIRED
- PLANNED USE: 5,525 SQ. FT. RESTAURANT - REQUIRED PARKING= 1 SPACE PER 100 SQ. FT. 55 SPACES REQUIRED

96 TOTAL SPACES REQUIRED - 97 TOTAL SPACES PROVIDED

I hereby certify that this Engineering document was prepared by me or under my direct personal supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Iowa.

**CHRISTOPHER R. TOWNSEND, P.E.**  
 License number: 14864  
 My license renewal date is December 31, 2018.  
 Pages or Sheets covered by this seal: C1-C5

Date: 10-25-17

117 required spaces -  
 87 spaces provided =  
 30 spaces needed.

- A. Purpose: This title is based upon the division of the city into districts, within which the uses of land, and the uses and bulk of buildings and structures, are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, can only be properly classified in any particular district or districts upon consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two categories:
1. Uses publicly operated or traditionally affected with a public interest, and
  2. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property, public facilities, or the city as a whole.
- B. Authority: Special-use permits may be granted by the board of adjustment, but only in accordance with the requirements hereinafter set forth.
- C. Application and Notice of Hearing: An application for a special-use permit shall be filed in duplicate with the city clerk, who shall forward a copy of the application to the board of adjustment without delay. The application shall be in such form, contain such information, and be accompanied by such plans as the board of adjustment may by rule require. The board of adjustment shall hold a public hearing on such application in the manner described in Section 11-15-12 of this chapter.
- D. Report and Decision: Within 100 days after the close of the hearing, unless the applicant shall have consented to a longer period, the board of adjustment shall grant or deny the proposed special use. A written report giving the findings and recommendations for action to be taken on the application shall be prepared by the board of adjustment. The report shall include any recommended conditions or restrictions to be imposed upon the premises benefited by the special-use permit.
- E. Standards: No special-use permit may be granted unless:
1. The proposed use is designated by this title as a special use in the district in which the use is to be located.
  2. The proposed use will comply with all applicable regulations in the district in which the use is to be located.
  3. The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
  4. The location, nature, and height of buildings, walls, and fences, and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
  5. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining uses, and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
  6. The proposed use will not cause substantial injury to the value or other property in the neighborhood.
  7. Conditions in the area have substantially changed and at least one year has elapsed since any denial by the board of adjustment of any prior application for a special-use permit that would have authorized substantially the same use of all or part of the site.
  8. The board of adjustment shall impose such conditions and restrictions upon the premises benefited by a special-use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this title. Failure to comply with such conditions or restrictions shall constitute a violation of this title.
  9. The proposed use is consistent with the Bettendorf Comprehensive Plan and serves to further the goals of the plan.

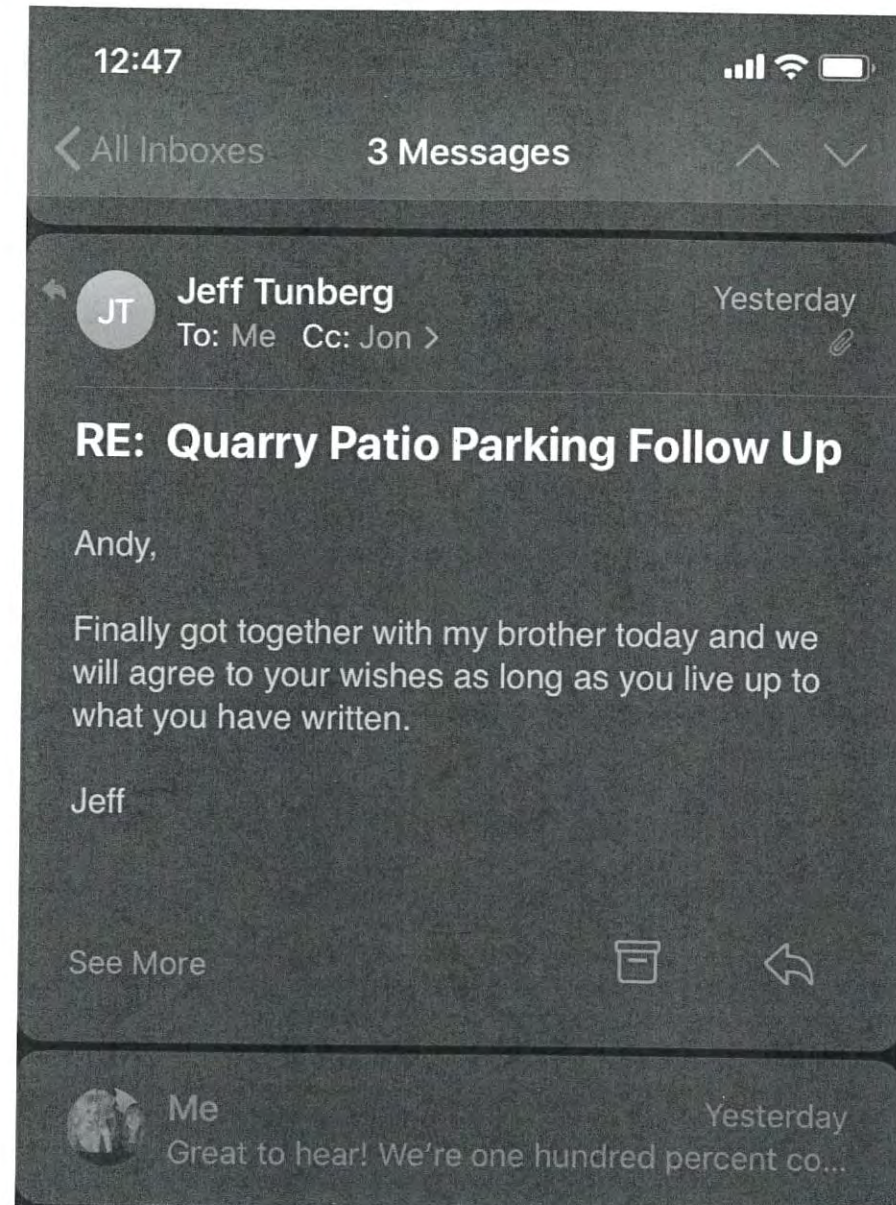
### The Quarry Patio Proposal

After deferring our proposal from the last board of adjustment meeting, we'd like to offer these possible solutions to be able to move forward with our patio construction for Spring 2020.

While our proposed space sits outside our front door to the North of the building, it takes up two parking spaces. So we are looking at creating two more spaces in our lot. Here is a bulleted list of options we have explored and are willing to adhere to.

- Notice on marquis that there is parking available in the back of the building, in an effort to discourage parking in our neighboring establishments lots.
- Purchasing "No Parking" signs for our neighbors as well as installing or paying for installation of the signs
- Creating two new spots for parking, leaving us with the same amount of parking as we have now and have been approved for.

With our bar capacity in relation to our current available parking, our busy hours on a Friday night still leave a plethora of parking options in our lot. That's seats at the bar filled and at least two people at most tables. The patio, in our estimation creates room for about 24 more guests if we are at capacity inside. We are attaching photos of the parking lot at 6PM and 8 PM on a Friday night. This should illustrate the kind of space we have outdoors while having a full bar indoors.



Petitioner's Submittals



Case No. 20-009

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

**Part 1. Property Involved.**

Street Address 3557 Middle Road Bettendorf IA

Legal Description of the property. LOT 1 Tunberg's Third Add

**Part 2. Contact Information.**

Applicant Name Andy Gadien + Phone 563.940.5083

Address 603 Leclair Street Davenport IA FAX \_\_\_\_\_

E-mail Address: dreugadien@gmail.com

Owner Name Andy Gadien + Phone 563.940.5083

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.  
Outdoor seating for guests, fenced in patio for music, drinks and food. Looking for open to close hours as we are in a commercial area. Live music twice a month on Sunday daytime.

**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 10th day of Feb 2020.

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 20th day of February, 2020.  
[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 Feb 10, 2020





COMMUNITY DEVELOPMENT

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

August 13, 2020

**Case No. 20-043**

**Location:** 2775 - 53<sup>rd</sup> Avenue

**Applicant:** Greg McCoy

**Zoning Designation:** R-2, Single Family Residence District

**Request:** Variance to allow a 6-foot high fence in the required front yard.

**Background Information and Facts**

The site is located on the south side of the intersection of 53<sup>rd</sup> Avenue and Barcelona Drive (see Aerial Photo - Attachment A). The applicant has placed a 32-foot long section of 6-foot high fence on the front lot line along 53<sup>rd</sup> Avenue (see Parcel Plot and Site Photo - Attachments B and C). The maximum allowed height for a fence in a required front yard is 4 feet as indicated in Section 11-11-12. L. Fences and Walls (see Zoning Ordinance - Attachment D).

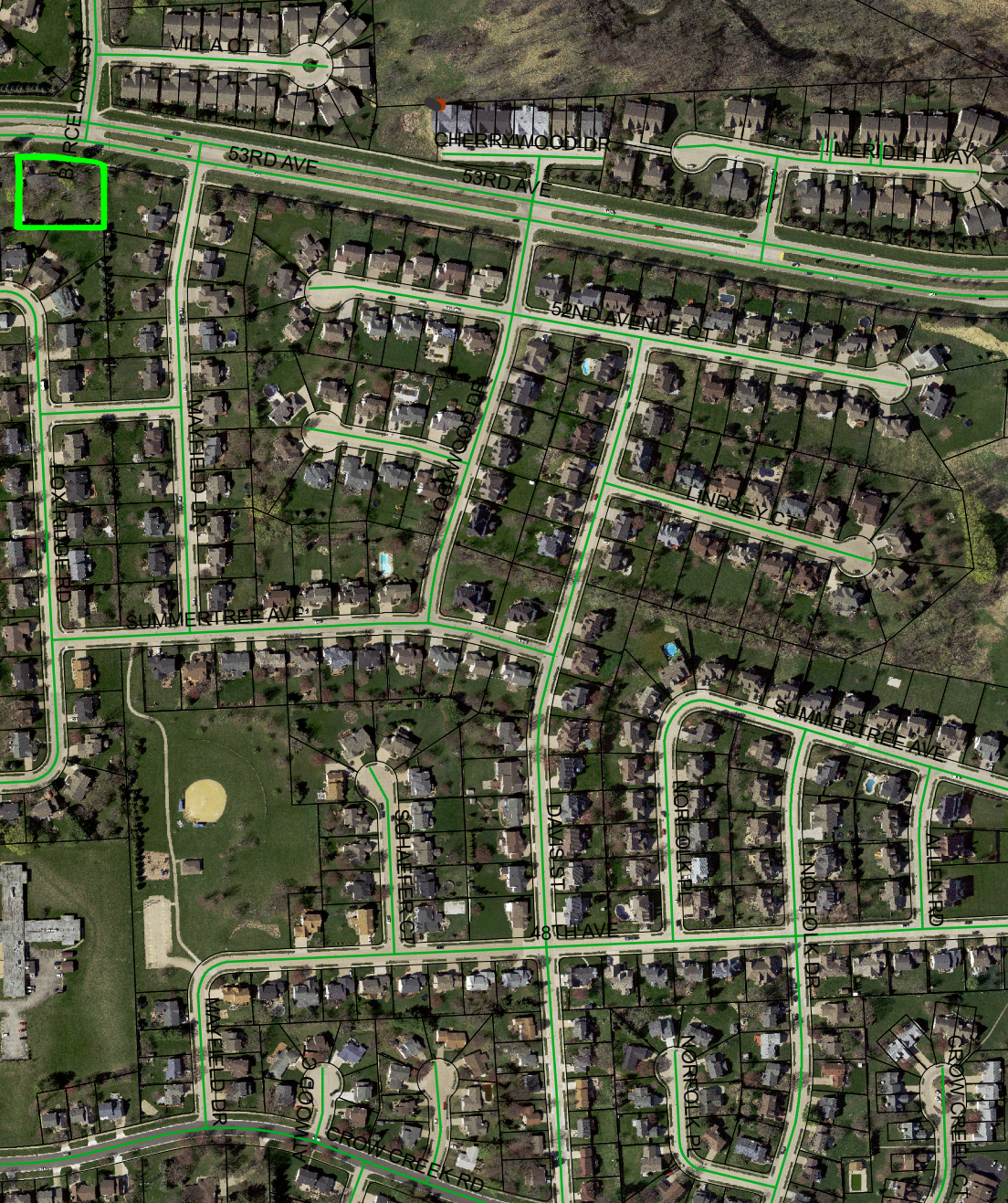
**Staff Analysis**

The longest portion of the applicant's front yard is adjacent to 53<sup>rd</sup> Avenue which has become an arterial street. When the house was built in 1975, this street was local in nature. The Board has ruled in favor of 6-foot high fences along 18<sup>th</sup> Street (17-087 - 3876 18<sup>th</sup> Street and 17-042 1808 Sunset Drive), Devils Glen Road (19-050 - 5762 Danielle Drive and 19-051 - 5738 Danielle Drive), and 6-foot high fences have been placed along other lots adjacent to high traffic streets in the past (53<sup>rd</sup> Avenue). A variance was granted for a 6-foot high fence at zero setback for 3825 Norwich Court in 2004 (04-057). A variance for a 6-foot high fence was granted for a non-through lot at 5700 Crow Creek Road in 2018 in Case 18-027. The idea is to provide more privacy and blunting of noise from the high traffic areas. Many 6-foot high fences are already present east of this lot.

Staff has seen numerous variance requests and approvals for 6-foot high fences granted by the Board of Adjustment over a number of years when the fence is facing a collector or an arterial street. Staff sees this scenario as the same and does not object to the granting of this variance.

Respectfully submitted,

Greg Beck  
City Planner



VILLA CT

CHERRYWOOD DR

MERIDITH WAY

53RD AVE

53RD AVE

52ND AVENUE CT

LOCKWOOD DR

LINDSEY CT

SUMMERTREE AVE

SUMMERTREE AVE

48TH AVE

SCHAFFEL CT

NORFOLK DR

NORFOLK DR

ALLEN RD

LOCKWOOD DR

LOCKWOOD CT

CROWN CREEK RD

NORFOLK DR

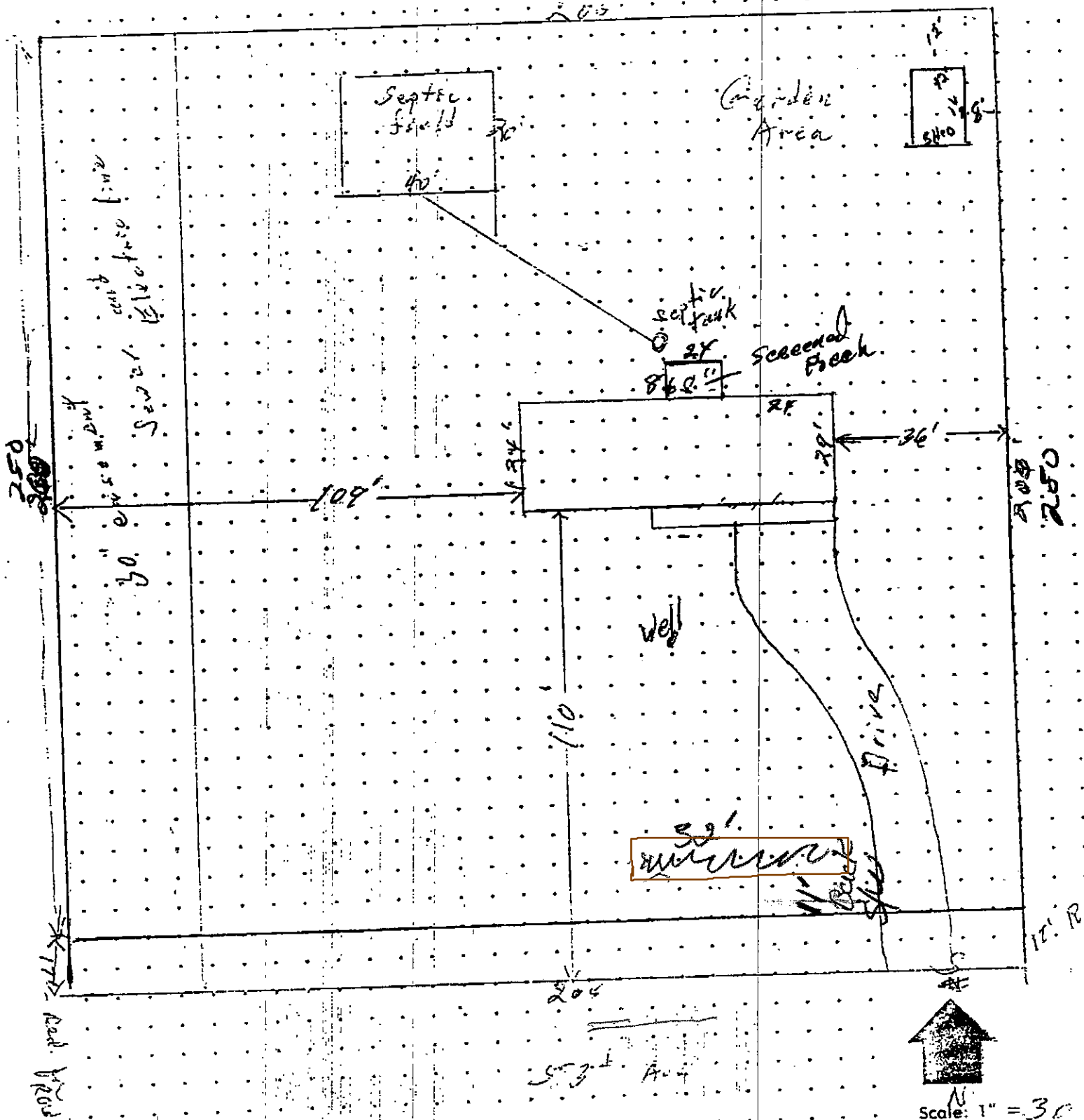
CROWN CREEK RD

PLOT PLAN

COST BREAKDOWN - Building Cost

Plumbing  
 Heating & Air Cond.,  
 if any  
 Electrical  
 TOTAL

1700  
2350  
With building  
2400



PERMIT RECORD

1. House #15-636 7-16-75
2. Screen Porch #89/90-444 12-5-89
3. Shed 01-814 4-26-01

LEGAL DESCRIPTION

BUILDING ADDRESS

2775-53rd Avenue

CONTRACTOR



- g. In any residential district, no accessory building shall be nearer than five feet to the rear lot line, nor nearer than eight feet to any unattached principal building provided, however, that swimming pools shall not be nearer than ten feet to the rear lot line, nor nearer than eight feet to any unattached principal building or accessory building having a basement, and not closer than five feet to any principal building or accessory building not having a basement.

4. In Side Yards:

- a. Overhanging eaves and gutters projecting into the yard for a distance not exceeding 40 percent of the required yard width, but in no case exceeding two feet.
- b. Enclosed detached off-street parking spaces, but not nearer than five feet to the side lot line, nor nearer than ten feet to any principal building.
- c. Open off-street parking spaces. (2008 Code App. B § 18.30)

**11-11-12. L. L. Fences and Walls.** Open and closed fences and walls not exceeding four feet in height above the natural grade level in front yards, and closed-type fences and walls not exceeding six feet in height in side and rear yards, and further provided, that for through lots, a fence not exceeding four feet in height may be located within ten feet of the rear property line when said property line is the right-of-way line of a major street as shown on the thoroughfare plan. When said fence on a through lot is located within 15 feet or less of the right-of-way line, a minimum of one evergreen type plant or comparable landscape planting shall be placed between said fence and right-of-way line for every 25 linear feet or fraction thereof of fence.

- 1. Orientation: The finished side of all fences shall face outward toward any adjacent rights-of-way. All support posts and stringers shall face inward toward the property upon which the fence is located, or the subdivision that it screens (if located on commonly owned property).

**11-11-13. SUPPLEMENTAL DEVELOPMENT REGULATIONS – HEIGHT:**

Except in a planned unit development, no building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the structure is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the structures and fire or parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, radio and television transmission towers and aerials, wireless masts, electric and telephone service poles, water tanks, silos, storage hoppers, elevators, or similar structures may be erected above the height limits herein prescribed. (2008 Code App. B § 18.5)

**11-11-14. SUPPLEMENTAL DEVELOPMENT REGULATIONS – RESIDENTIAL USES:**

- A. Space Between Buildings: The minimum horizontal distance between buildings shall be:
  - 1. Ten feet (10') between one-story, two-story, two and one-half story (2 ½) single-family or two-family buildings or combinations thereof.
  - 2. Thirty feet (30') between one-story, two-story, two and one-half (2 ½) story multi-family buildings or combinations thereof.



Case No. 20-043

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

Part 1. Property Involved. 2775 53rd Ave Bettendorf  
Street Address

Legal Description of the property. South east Quarter of Section 9 in Township  
78 north Range 4 East of the 5th P.M.

Part 2. Contact Information.

Applicant Name Greg L. McCoy Phone 563-209-0951  
Address 2775 53rd Ave Bettendorf FAX \_\_\_\_\_  
E-mail Address: Greg.McCoy90@yahoo.com

Owner Name Same Phone cr  
Address \_\_\_\_\_ FAX \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Agent None 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 H-8-12 Existing Zoning R2

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.

*with all*

*I'm asking for a variance for a 32' fence behind existing shrubs 10 FT back from sidewalk. I bought this property 23 years ago. Traffic, bicyclist, joggers have increased greatly. Some looking right into my living room. I have no privacy not to mention noise. My neighbors have fences 10 FT or closer. Didn't make mine back further due to well in front yard. Truck needs access to maintain well. Fence is 10 FT from well*

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 14 day of July, 20 20

Signature of Applicant Greg J. McCoy Signature of Owner Greg J. McCoy  
(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 14 day of July, 20 20



Britta Ogden  
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

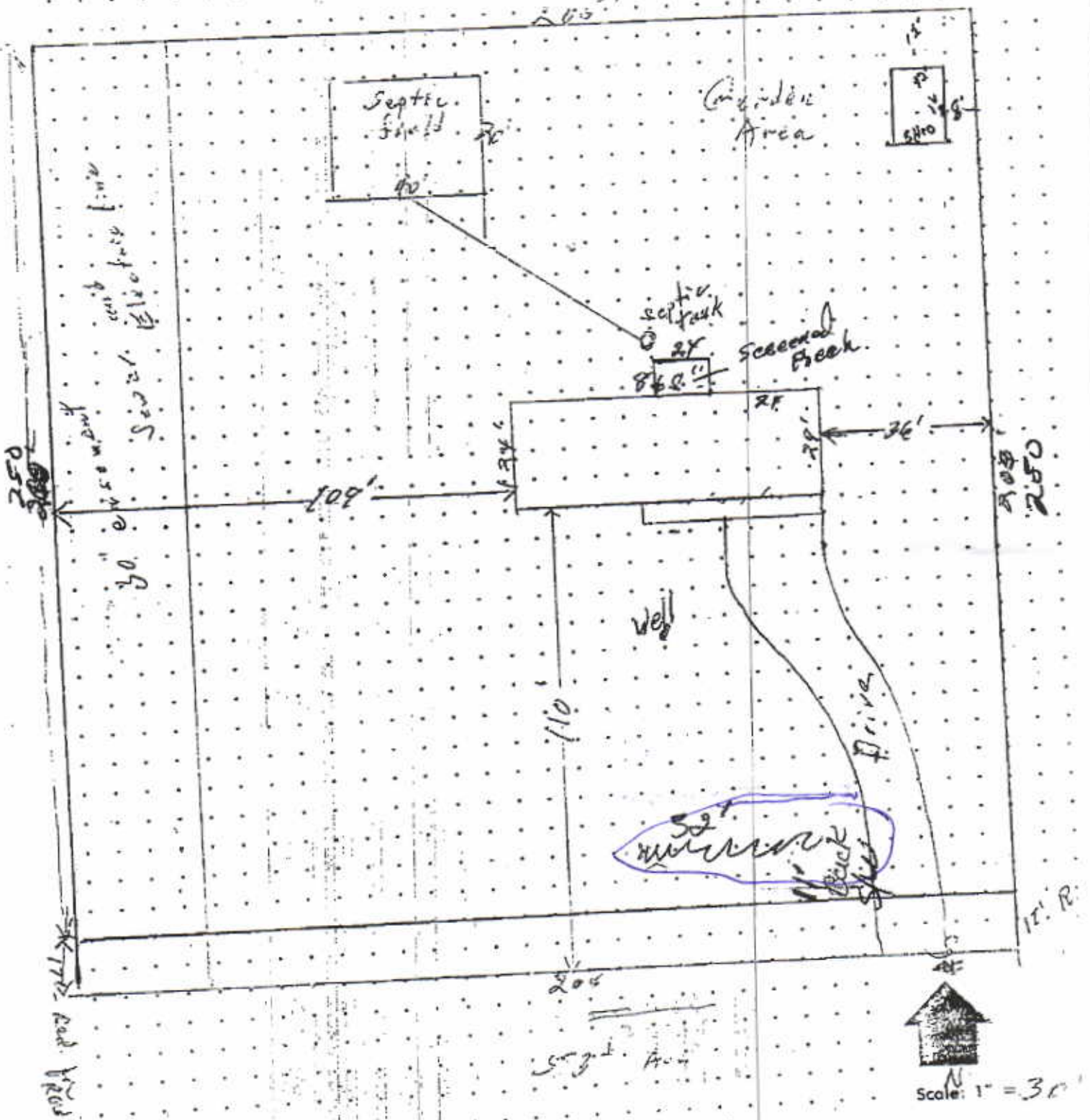
Received by W. J. Johnson  
Amount 48.50 Date 7/15/20



PLOT PLAN

COST BREAKDOWN - Building Cost  
 Plumbing  
 Heating & Air Cond.,  
 if any  
 Electrical  
 TOTAL

17,000  
 2,350  
 With building  
 24,000



PERMIT RECORD

1. House # 15-636 7-16-75
2. Screened Fresh # 89/90-444 10-5-80
3. Shed 01-514 4-26-01

LEGAL DESCRIPTION

BUILDING ADDRESS

CONTRACTOR

2775-53rd Avenue



COMMUNITY DEVELOPMENT

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

August 13, 2020

Staff Report

**Case No. 20-044**

**Address:** 428 - 28 ½ Street

**Applicant:** Jeremy Richard

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

**Request:** Variance to allow parking in the required front yard along 28 ½ Street and to reduce the required buffer yard on the north and west sides of the parcel from 30 feet to 5 feet.

**Background Information and Facts**

Jeremy Richard is seeking a variance to allow parking in the required front yard along 28 ½ Street and to reduce the required buffer yard from 30 feet to 5 feet on the north and west sides of the parcel which is zoned C-3, General Business District (see Aerial Photo, Attachment A). He plans to request a variance to allow parking in the required front yard along 28<sup>th</sup> Street at a later date to allow for a continuation of the existing parking arrangement.

The lot sits north of State Street and has frontage on 28<sup>th</sup> Street and 28 ½ Street (see Site Photo and Sewer Map - Attachments B and C). The applicant plans to construct a new building to house contractor condominiums after demolition of the old building (see Site Plan - Attachment D). Trees will be placed along the western boundary of the property.

Since the filing staff discovered paperwork indicating that the parcel due north of this one is zoned C-3, General Business District and not R-2, Single-Family Residence District (see Zoning Letter and Zoning Map - Attachment E). This verified zoning classification of the parcel north of the site would not require the a buffer yard along the northern property line.

The applicant feels the setback area requirement for parking and buffer yard landscaping is too onerous given the parcel's size and configuration. The property to the north has been used for storage and received a variance to build the same type of structure in 1986.

**Staff Analysis**

Staff found three cases regarding this particular area of the City. Case 08-023 at 3027 State Street permitted parking in the required front yard at Vizient. Case 00-041 at 2745 - 62<sup>nd</sup> Street involved an encroachment into a required front yard to provide parking spaces. Case 611 at 427 28 ½ Street granted a variance to build a garage for his business and to

permit parking in the required front yard. This lot is the one due north of the applicant's lot and contains a business much like he is proposing on his site. Staff found two variance cases for properties nearby for which a hardship was again recognized due to parcel constraints. At 2611-2701 State Street (Case 96-78) parking was allowed up to the property line due to lot size limitations and at 2312 State Street (Case #227, 1976) where parking within 6.5 feet of the property line was allowed because too much of the lot was consumed by front yard setbacks.

Landscaping was reduced in Case 03-007 at 431 -17<sup>th</sup> St to narrow 2 street frontage areas from 15 to 10 feet and 20 feet to 5 feet to enclose a parking lot. Case 03-026 saw the reduction of landscaping from 15 to 7.5 feet. As mentioned earlier, the applicant's request was made with the understanding that the parcel to the north was zoned R-2. Staff would not be averse to still having this variance request granted if for some reason the zoning of the parcel addressed as 427 - 28<sup>th</sup> Street is found to be zoned R-2.

In constituting a hardship, the cases above looked at the constrained nature of areas on the lots that did not provide enough parking due to the setbacks restrictions. The odd shape of the parcel because of remnant pieces that form it contributed to the present day constraints. Staff sees the circulation issue on site being important to the use and safety of the location.

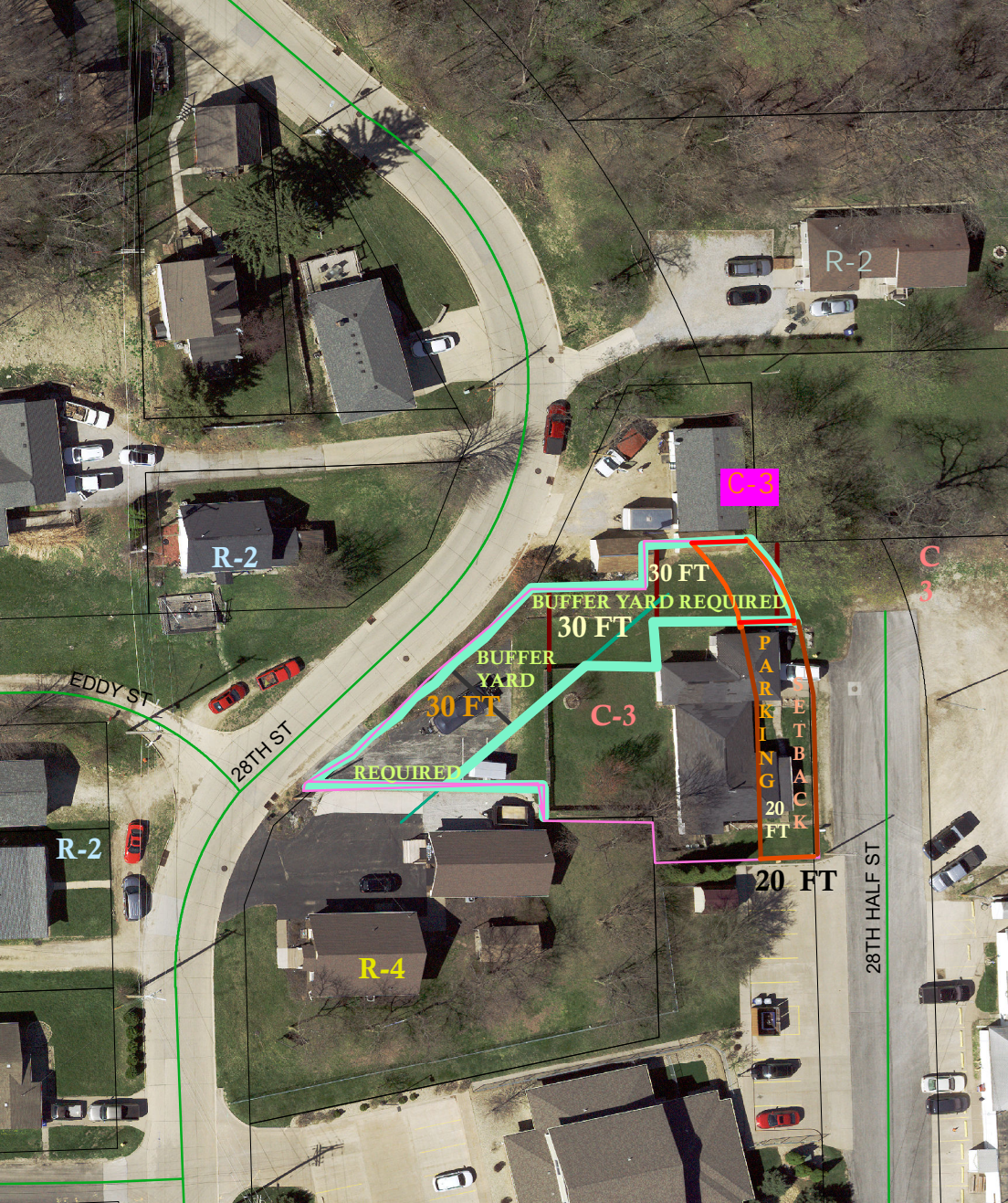
#### **Staff Recommendation**

Staff sees a hardship present given the case history of parking setback variances granted along State Street. Staff recommends approval of the request with the following conditions:

1. A Site Development Plan be approved by the City Council for this project.
2. Any conditions the Board of Adjustment, City Council, or Planning and Zoning Commission may impose upon site development.
3. Compliance with any and all City ordinance provisions and any agreements the City and developers enter into that control the development. Approval of the variance does not absolve the Petitioner from any other applicable state, federal, or city codes.

Respectfully submitted,

Gregory W. Beck  
City Planner



R-2

R-2

C-3

C-3

30 FT

30 FT BUFFER YARD REQUIRED

30 FT

30 FT BUFFER YARD REQUIRED

30 FT

30 FT BUFFER YARD REQUIRED

C-3

PARKING SETBACK 20 FT

20 FT

EDDY ST

28TH ST

R-2

R-4

28TH HALF ST



State St

28 1/2 th St

VIEW LOOKING WEST



2730 EDDY ST

427 28th

Site

428 28 1/2 St

425 28th St

28th St

VIEW LOOKING EAST

LAWNDALE

MISSISSIPPI BOULEVARD

ADDITION

SOUTH STREET

STATE

3732

434

430

424

418

404

2801

2804

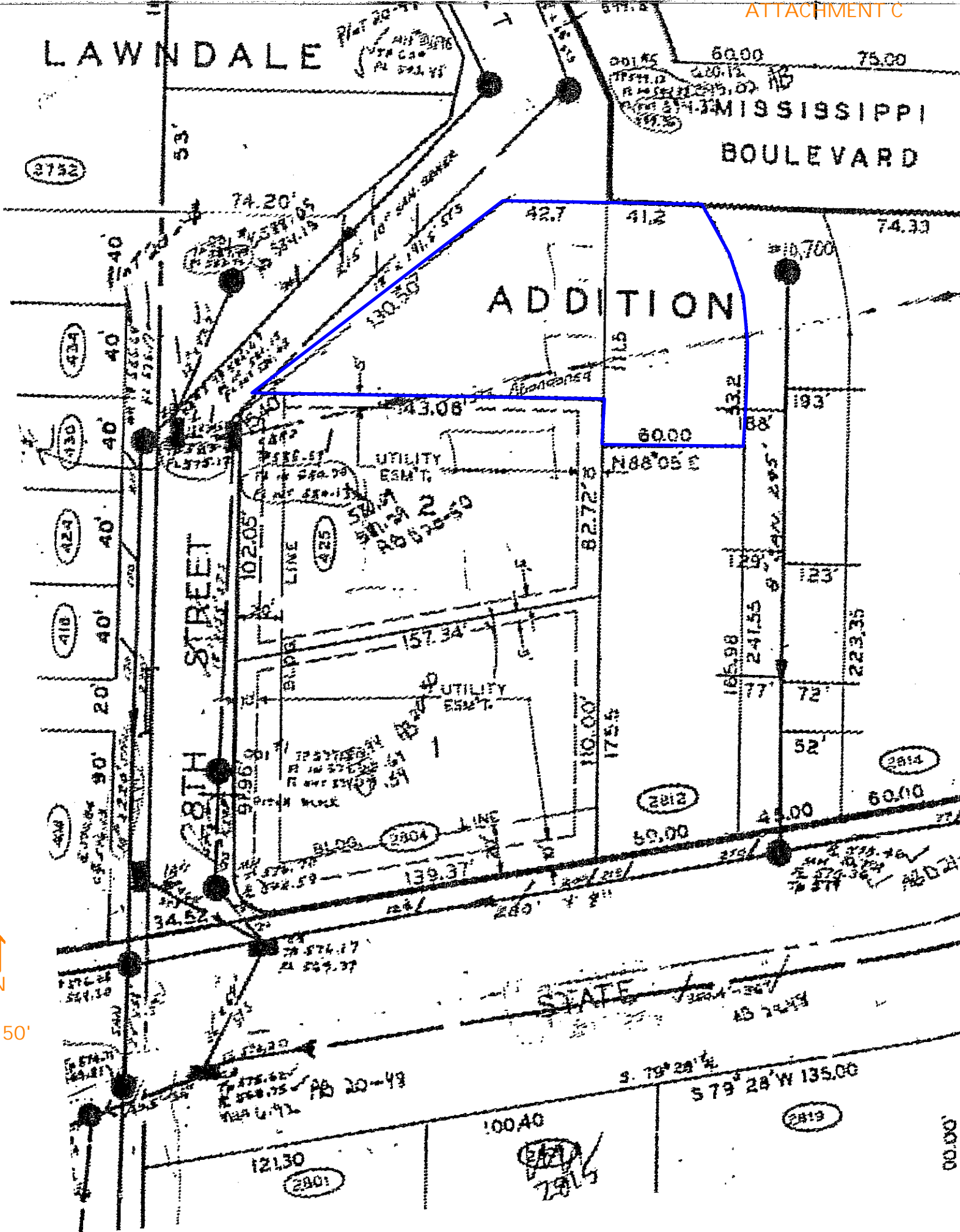
2812

2814

2819



1" = 50'



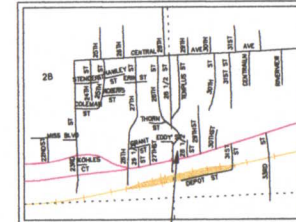
# ATTACHMENT D SITE PLAN

## RICHARD 28th ST. PROPERTY TO THE CITY OF BETTENDORF, IA



GRAPHIC SCALE  
10 0 5 10  
( IN FEET )  
1" = 10' (24x36)

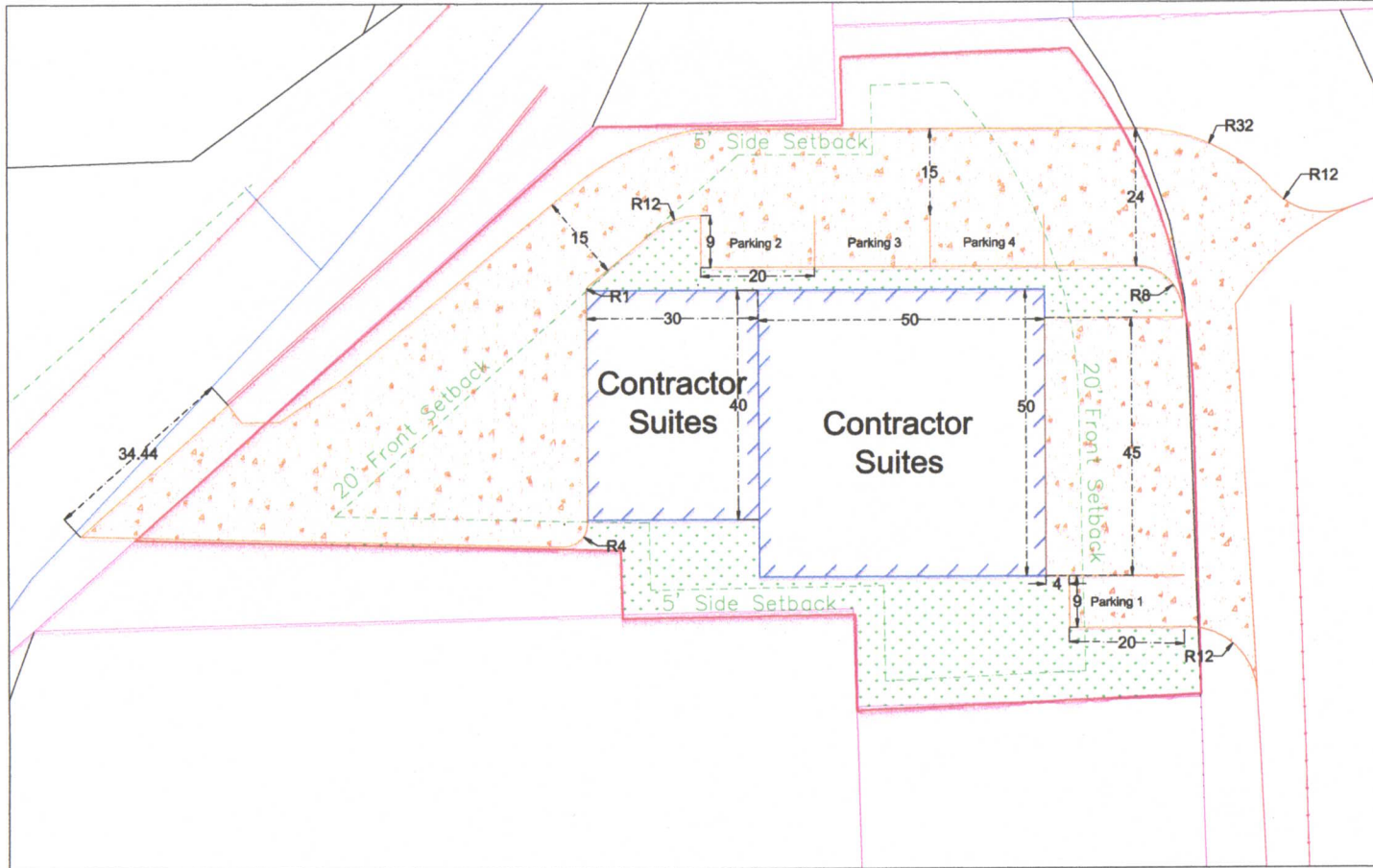
SITE LOCATION MAP



APPROXIMATE SITE LOCATION

**GENERAL NOTES**

- ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF BETTENDORF STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, LATEST EDITION, AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
- LEGAL DESCRIPTION OF PROPERTY: 428 28th 1/2 STREET BETTENDORF, IOWA 52722
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY CONFLICTS WITH THE DRAWINGS OCCUR. ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. EXISTING UTILITY LOCATIONS SHOWN ON THE DRAWINGS ARE APPROXIMATE.
- THE CONTRACTOR SHALL NOTIFY THE CITY OF BETTENDORF AND THE ENGINEER 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
- PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREAS. DO NOT ALLOW WATER TO DRAIN OR TO POND ONTO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
- ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
- CONCRETE PAVEMENT SHALL CONFORM TO THE REQUIREMENTS OF IOWA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAYS AND BRIDGE CONSTRUCTION, SECTION 2301, PORTLAND CEMENT CONCRETE PAVEMENT. CONCRETE PAVEMENT WITHIN THE PUBLIC RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF BETTENDORF STANDARDS AND SPECIFICATIONS.
- ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL CONFORM TO THE IOWA CONSTRUCTION SITE EROSION CONTROL MANUAL, LATEST EDITION.
- NOTE: ALL DIMENSIONS ARE TO THE BACK OF CURB, UNLESS OTHERWISE NOTED.



LEGEND:			
--- EXISTING EASEMENT	⊗ EXISTING GAS VALVE	--- EXISTING CONTOUR LINE	
--- SETBACK LINE	○ EXISTING WATER VALVE	--- PROPOSED CONTOUR LINE	
--- CENTERLINE	⊕ EXISTING UTILITY POLE	○ 715.00 JC	SPOT ELEVATION TOP OF CURB
--- PROPERTY BOUNDARY	☆ EXISTING LIGHT POLE	○ 715.00 FL	SPOT ELEVATION FL & DUTTER
--- EXISTING FENCE	⊙ EXISTING TREE	○ 715.00 JW	SPOT ELEVATION SCHEDULE
--- EXISTING SANITARY	⊙ EXISTING BUSH	○ 715.00 JF	FINISHED FLOOR ELEVATION
--- PROPOSED SANITARY	⊙ EXISTING MANHOLE		
--- EXISTING STORM SEWER	⊗ EXISTING FIRE HYDRANT		
--- PROPOSED STORM SEWER	⊙ FOUND PROPERTY PIN		
--- EXISTING WATER	⊙ CONTROL POINT		
--- PROPOSED WATER			
--- EXISTING GAS LINE			
--- EXISTING ELECTRIC			

**AREAS:**

TOTAL: 13,105 S.F.

**PRE-DEVELOPED:**

IMPERVIOUS: 7,792 S.F.  
PERVIOUS: 5,313 S.F.

**DEVELOPED:**

IMPERVIOUS: 9,911 S.F.  
PERVIOUS: 3,194 S.F.

**INCREASE IN**

IMPERVIOUS: 2,119 S.F.



DATE: 8/22/20 TE PROJECT NO: Richard Properties  
563 386.4236 office 386.4231 fax  
2224 East 12th Street, Des Moines, IA 52803

DRAWN BY: BA CHECKED BY: MDR  
DRAWING LOCATION: S:\RICHARD-JEREMY PROPERTIES

REVISIONS:		
NO.	DESCRIPTION	DATE

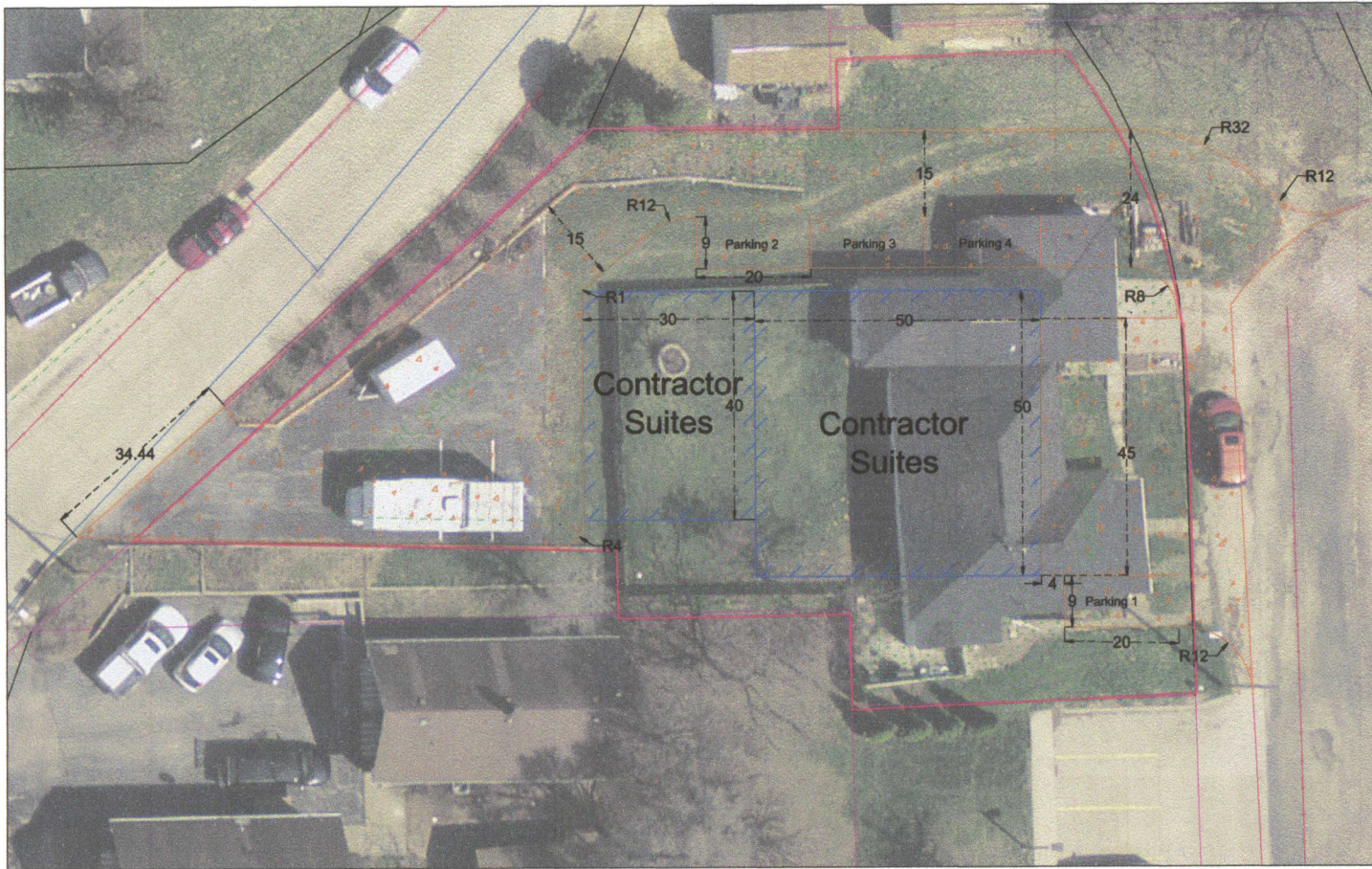
PROJECT: SITE PLAN  
RICHARD'S 28TH ST. PROPERTY  
BETTENDORF, IA

DEVELOPER: JEREMY RICHARD  
425 28TH ST.  
BETTENDORF, IA

SHEET NO.  
C1

SITE PLAN

**RICHARD**  
**28th ST. PROPERTY**  
 TO THE CITY OF BETTENDORF, IA



**GENERAL NOTES**

1. ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF BETTENDORF STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, LATEST EDITION, AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
2. LEGAL DESCRIPTION OF PROPERTY:  
428 28th 1/2 STREET BETTENDORF, IOWA 52722
3. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY CONFLICTS WITH THE DRAWINGS OCCUR. ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. EXISTING UTILITY LOCATIONS SHOWN ON THE DRAWINGS ARE APPROXIMATE.
4. THE CONTRACTOR SHALL NOTIFY THE CITY OF BETTENDORF AND THE ENGINEER 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
5. PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREAS. DO NOT ALLOW WATER TO DRAIN OR TO POND ONTO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
6. ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
7. CONCRETE PAVEMENT SHALL CONFORM TO THE REQUIREMENTS OF IOWA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAYS AND BRIDGE CONSTRUCTION, SECTION 2301, PORTLAND CEMENT CONCRETE PAVEMENT. CONCRETE PAVEMENT WITHIN THE PUBLIC RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF BETTENDORF STANDARDS AND SPECIFICATIONS.
8. ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL CONFORM TO THE IOWA CONSTRUCTION SITE EROSION CONTROL MANUAL, LATEST EDITION.
9. NOTE: ALL DIMENSIONS ARE TO THE BACK OF CURB, UNLESS OTHERWISE NOTED.

**AREAS:**

TOTAL: 13,105 S.F.

**PRE-DEVELOPED:**  
 IMPERVIOUS: 7,792 S.F.  
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**INCREASE IN IMPERVIOUS:** 2,119 S.F.

LEGEND:			
-----	EASEMENT	M	EXISTING GAS VALVE
-----	SETBACK LINE	□	EXISTING WATER VALVE
-----	CENTERLINE	○	EXISTING UTILITY POLE
-----	PROPERTY BOUNDARY	☆	EXISTING LIGHT POLE
-----	EXISTING FENCE	⊗	EXISTING TREE
-----	EXISTING SANITARY	⊗	EXISTING BUSH
-----	PROPOSED SANITARY	⊗	EXISTING MANHOLE
-----	EXISTING STORM SEWER	⊗	EXISTING FIRE HYDRANT
-----	PROPOSED STORM SEWER	⊗	FOUND PROPERTY PIN
-----	EXISTING WATER	⊗	CONTROL POINT
-----	PROPOSED WATER	⊗	
-----	EXISTING GAS LINE	⊗	
-----	EXISTING ELECTRIC	⊗	
-----		-----	EXISTING CONTOUR LINE
		-----	PROPOSED CONTOUR LINE
		○ 715.00 JC	SPOT ELEVATION TOP OF CURB
		○ 715.00 FL	SPOT ELEVATION FL & GUTTER
		○ 715.00 TW	SPOT ELEVATION SIDEWALK
		○ 715.00 FF	FINISHED FLOOR ELEVATION



DATE: 6/22/20 PROJECT NO: Richard Properties  
 563 386.4236 office 386.4231 fax  
 2224 East 12th Street, Davenport, IA 52803

DRAWN BY: BA CHECKED BY: MDR  
 DRAWING LOCATION: S: RICHARD-JEREMY PROPERTIES

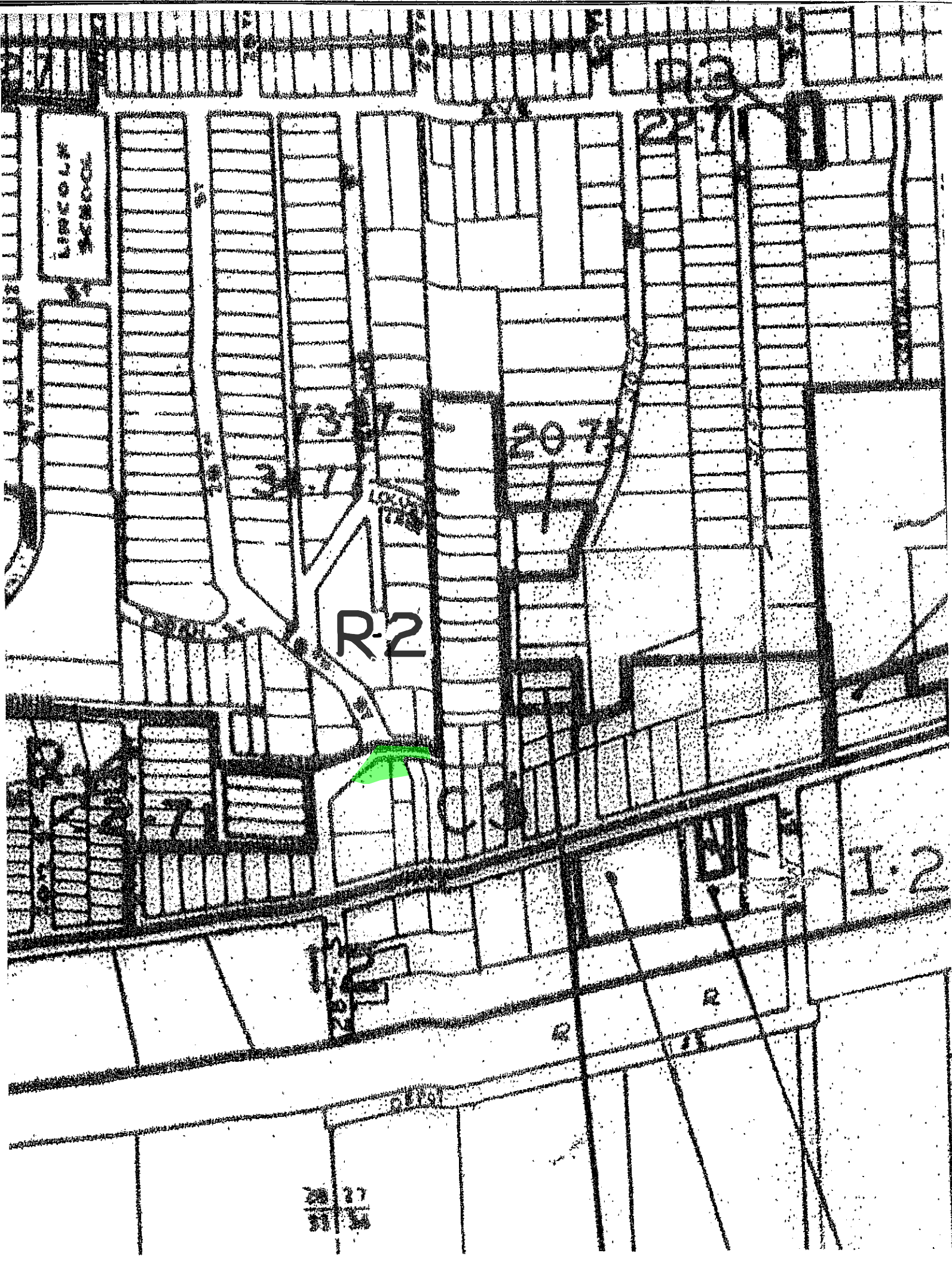
NO.	REVISIONS: DESCRIPTION	DATE

PROJECT: RICHARD'S 28TH ST. PROPERTY  
 SITE PLAN: BETTENDORF, IA

DEVELOPER: JEREMY RICHARD  
 425 28TH ST.  
 BETTENDORF, IA

SHEET NO. C1






**CITY OF BETTENDORF**  
 DEPARTMENT OF COMMUNITY DEVELOPMENT  
 CITY HALL ANNEX 52722  
 BUILDING INSPECTOR 359-1626 • HOUSING 359-4041 • PLANNING 359-0347

August 9, 1984

To whom it may concern:

The triangular piece of property at the intersection of Mississippi Boulevard, 28th Street and Eddy Street, as shown on the County plot plan, owned by Richard and Rose Flaherty, is in a C-3 zone and can be built on if the setback and other zoning requirements are adhered to.

Very truly yours,  
  
 Don L. Jones  
 Zoning Administrator

DLJ/jls

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

**Part 1. Property Involved.**

Street Address 428 28<sup>1/2</sup> St.  
Legal Description of the property. please see attached

**Part 2. Contact Information.**

Applicant/Contact Name Jeremy Richard Phone 563-349-8875  
Address 425 28<sup>1/2</sup> St Bett  
E-mail Address: Richardproperties01@gmail.com  
Owner Name JL Real Estate Holdings LLC Phone 563-349-8875  
Address 425 28<sup>1/2</sup> St  
E-mail Address: Richardproperties01@gmail.com

**Part 3. Type of Application. (check at least one)**

1. **Variance/Exception.** Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
  - (b) That it will not impair an adequate supply of light and air to adjacent property.
  - (c) That it will not unreasonably increase the congestion in public streets.
  - (d) That it will not increase the danger of fire or of the public safety.
  - (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
  - (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.
2. **Special Use Permit.** Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:
- (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
  - (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
  - (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
  - (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
  - (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
  - (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
  - (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
  - (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.
3. Other. \_\_\_\_\_

**Part 4. General Information.**

Section(s) of Zoning Ordinance Involved \_\_\_\_\_ Existing Zoning C-3

**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.

Variance to encroach into the surrounding residential setbacks as depicted in the site plan

**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.**

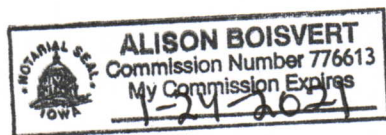
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 24 day of July, 2020.

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 24 day of July, 2020.



[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 7/24/20  
CK# 2420