

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 (344-4055).

**MEETING NOTICE
BOARD OF ADJUSTMENT
MAY 8, 2008
5:00 P.M.**

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

1. Roll Call: Eikenberry _____, Howe _____, McElhiney _____, Stelk _____, Voelliger _____
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of April 10, 2008.
4. The Board to hold a public hearing on the following items:
 - a. Case 08-032; 1515 Belair Drive (R-2) - A request for a variance to increase the allowable fence height from 6 feet to 7 feet, submitted by Fred Lepley.
 - b. Case 08-033; Southeast corner of Middle Road and Kimberly Road (C-2 and C-4) - A request for a variance to reduce the required front yard building setback from 20 feet to 0 feet and a variance to reduce the required sign setback from 15 feet to 2 feet and from 15 feet to 6 feet for two signs, submitted by McDonald Properties East, LLC.
 - c. Case 08-034; Southeast corner of Middle Road and Kimberly Road (C-2 and C-4) - A request for a special use permit to allow a drive-up window, submitted by McDonald Properties East, LLC.
 - d. Case 08-035; 2340 Spruce Hills Drive (C-2) - A request for a special use permit to allow sand volleyball courts and an outdoor alcohol service area, submitted by Dan Henderson.
 - e. Case 08-036; 3729 Vogel Court (R-2) - A request for a variance to reduce the required side yard setback from 5 feet to 2.5 feet to allow for a 10-foot by 20-foot storage shed, submitted by Bob and Gail Dover.
 - f. Case 08-037; 3466 Maplecrest Road (R-4) - A request for a variance to reduce the required setback for an on-premise identification (subdivision) sign from 15 feet to 4 feet, submitted by Allen Sign Co.
 - g. Case 08-038; 1519 Brown Street (C-3) - A request for a variance to increase the allowable garage area from 720 square feet to 1296 square feet, submitted by Michael Sersland.
5. Other.
 - a. Case 07-116; 1838 State Street (C-3) - Reconsideration of an appeal of the Zoning Administrator's decision to prohibit an expansion of a non-conforming use, submitted by Ed Veit.

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. TEXT TELEPHONE (TTY) IS AVAILABLE AT (563) 344-4175. IN ADDITION, PERSONS USING TEXT TELEPHONE HAVE THE OPTION OF CALLING VIA THE IOWA COMPASS VOICE/TTY BY DIALING (800) 735-2942.

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
APRIL 10, 2008
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Eikenberry, Stelk, Voelliger
ABSENT: Howe, McElhiney
STAFF: Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of March 13, 2008.

On motion by Eikenberry, seconded by Voelliger, that the minutes of the meeting of March 13, 2008 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 08-017; 3027 State Street (I-2) - A request for a special location plan to allow off-site parking, submitted by Jewell Group.
- b. Case 08-023; 3027 State Street (I-2) - A request for a variance to allow parking in a required front yard, submitted by Jewell Group.

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

Soenksen reviewed the staff reports. Staff reports are Annex #3 and Annex #4 to these minutes.

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

On motion by Eikenberry, seconded by Voelliger, that the request for a special location plan to allow off-site parking be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

On motion by Voelliger, seconded by Eikenberry, that the request for a variance to allow parking in a required front yard be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Orders are Annex #5 and Annex #6 to these minutes.

- c. Case 08-024; 2242 State Street (C-3) - A request for a special use permit to allow a bar, cocktail lounge, and tavern, submitted by Melissa Newsom.

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

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

Soenksen stated that a letter in opposition to the request had been received and would be placed on file.

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

Melissa Newsom, the applicant, stated that the manager of The Tobacco Outlet had indicated a willingness to allow patrons of the proposed bar to use their parking lot.

Gerald Moss, the owner of the building, stated when it was used for a bar in the past, there had never been any parking complaints. He added that he plans to make a \$20,000 investment in repairs and renovations.

Jim Marshall, 2244 State Street, stated that he is the owner of the adjacent building in which Action TV is located. He explained that whenever the service of alcohol has been involved, there have been problems caused by the patrons. He indicated that he must pick up bottles, trash, and hose down the sidewalk. Marshall stated that he has lost tenants in the past because of the noise and the inebriated patrons who use his front hallway. He stated that there are numerous problems related to the dearth of parking in the area, adding that there is no off-street parking for the building at 2242 State Street. He indicated that in the past the patrons of the various businesses have used his parking lot and that he has been forced to contact the Police Department in order to force them to move their vehicles. Marshall stated that there are already 14 bars and places to purchase alcohol located in the downtown area and that another one is not necessary.

Moss stated that there is ample parking and that he cannot control where customers park their vehicles. He indicated that he chose the applicants to rent his building as they are willing to make improvements to the property.

Newsom stated that she plans to be respectful of the neighbors and expects an older crowd.

Voelliger commented that Marshall could approach the City Council to request that the area in front of his business be designated as a loading zone during certain hours of weekdays.

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

On motion by Voelliger, seconded by Eikenberry, that the request for a special use permit to allow a bar, cocktail lounge, and tavern be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

- d. Case 08-025; 3323 Magnolia Court (R-2) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Kelly Langston.

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

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

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

Dan Langston, the applicant, stated that he would be willing to place the proposed fence at the point where the grade changes, approximately 4-5 feet from the sidewalk.

Lee Genz, 3311 Magnolia Court, expressed support for the request as it will provide additional privacy and security for the property.

Jeff Weindruch, 3305 Magnolia Court, expressed support for the request. He asked if the proposed fence would impede access for utility vehicles should repairs become necessary.

Angela Harrell, 3213 Magnolia Court, explained that there are many small children who live in the neighborhood and indicated that the proposed fence would provide additional security for them.

Voelliger asked if 1 ½ feet is an adequate distance from the sidewalk. Soenksen reiterated that the applicant would be willing to place the fence further from the sidewalk should the Board desire him to do so. Voelliger asked for clarification regarding the location of the property line. Soenksen explained that typically the property line is located 1 foot behind the sidewalk.

Voelliger asked if the proposed fence would encompass the entire yard. Soenksen stated that it would surround the rear yard.

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

On motion by Eikenberry, seconded by Voelliger, that the request for a variance to allow a 6-foot high fence in a required front yard be approved in accordance with the Decision and Order and the additional condition that it be placed as close as practicable to the top of the slope of the yard.

ALL AYES

Motion carried.

Decision and Order is Annex #10 to these minutes.

- e. Case 08-030; 2455 Eagle Circle (R-5) - A request for a variance to reduce the required front yard setback from 25 feet to 22 feet to allow construction of a garage addition, submitted by Doug Palmer.

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

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

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

Doug Palmer, the applicant, stated that he has received letters of approval from all of the utility companies that would be affected by the proposed addition. He commented that only the corner of the proposed addition would intrude into the setback.

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

On motion by Voelliger, seconded by Eikenberry, that the request for a variance to reduce the required front yard setback from 25 feet to 22 feet to allow construction of a garage addition be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #12 to these minutes.

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

These minutes and annexes approved

John Soenksen, City Planner



COMMUNITY DEVELOPMENT

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

May 8, 2008

Staff Report

Case No 08-032

Location: 1515 Belair Drive

Applicant: Fred Lepley

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

Request: Variance to increase the allowable fence height from 6 feet to 7 feet.

Background Information and Facts

The site is located at the southeast corner of the intersection of Welshire Drive and Belair Drive. The applicant is asking to be allowed to place a 7-foot high fence along the south property line.

Staff Analysis

The applicant recently replaced a 7-foot high fence to the rear of the house on the south property line with the current 6-foot high fence. By ordinance, this request involves a "side yard" even though the fence will be to the rear of the house. The new fence has posts that will accommodate an additional foot of fencing on top (see Attachment B – Rear Yard Photo). Six-foot high fencing is allowed in rear and side yards (behind the front of the house) in an effort to afford citizens additional privacy in the areas where most recreational activities take place. Decks, swimming pools, and the like are routinely located in these areas.

The applicant points out two facts regarding this particular rear yard:

1. The involved yard and related deck is raised one foot above the lowest (ground) level of the fence. Therefore, the effective screening of the requested 7-foot high fence will be only 6 feet above the involved area of the yard. The 1-foot raised area of the rear yard is illustrated in Attachment B.
2. Due to the size and configuration of this corner lot, the home has almost no usable yard to the rear of the residence (see Attachment C – Yard Illustration). Therefore, additional fence height for privacy is an even greater issue for this location.

The applicant is asking the Board to consider the above facts and determine if a hardship exists.

Respectfully submitted,

John Soenksen
City Planner



BEWARE
OF THE DOG

1-foot

7-foot

Attachment - B

Attachment - C



FRONT

FRONT

REAR

FENCE

SIDE

Case No. 17032

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

Part 1. Property Involved.

Street Address 1515 Belair Drive
Legal Description of the property LOT 24 Greenbrier 4th Add

Part 2.

Applicant Name FRED LEPLEY Phone 563-355-0699
Address 1515 Belair Drive FAX _____

Owner Name _____ Phone _____
Address _____ FAX _____

Agent _____ Phone _____
Address _____ FAX _____

Part 3. This application is for the following: (check at least one)

- 1. **Variance/Exception.** Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
 - (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
 - (b) That it will not impair an adequate supply of light and air to adjacent property.
 - (c) That it will not unreasonably increase the congestion in public streets.
 - (d) That it will not increase the danger of fire or of the public safety.
 - (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
 - (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

- ____ 2. **Special Use Permit.** Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:
 - (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
 - (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
 - (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
 - (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
 - (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
 - (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
 - (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

____ 3. Other. _____
(Attach a separate sheet and explain in detail.)



COMMUNITY DEVELOPMENT

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

May 8, 2008

Staff Report

Case No. 08-033 and 08-034

Location: Southeast Corner of Middle Road and Kimberly Road (former Shopko site)

Applicant: McDonald Properties East, LLC

Zoning Designation: (C-2 and C-4)

Request: Variance to reduce the required front yard setback from 20 feet to 0 feet and a variance to reduce the required sign setback from 15 feet to 2 feet and from 15 feet to 6 feet for two signs. (Case 08-033)

Special use permit to allow a drive-up window. (Case 08-034)

Background Information and Facts

The site is the former Shopko property located at the intersection of Middle Road and Kimberly Road (see Attachment A – Location Map). These requests involve the redevelopment of the entire site between Middle Road and Lincoln Road (see Attachment B – Site Plan.)

Staff Analysis

Case 08-033

The first variance request involves the two buildings backing against the abandoned portion of Middle Road between Bruegger's and the former Goodyear Store. The northern half of this right-of-way was vacated to the Bruegger's property several years ago. The southern half, a 30-foot wide strip, was never vacated (area shown in blue on Attachment B). The applicant/developer is now in the process of requesting a vacation of that right-of-way as part of this redevelopment. If or when the vacation is approved, the two buildings involved will be in compliance with the setback requirements. The variance is being requested in an effort to allow the redevelopment to begin prior to vacation which may involve a lengthy process. This request applies only to the involved structures and does not include other improvements shown on the site plan. Issues related to those improvements and the sanitary sewer/utility easement will have to be resolved separately.

The second variance request involves the signage placement along Kimberly Road and Middle Road shown by the red arrows on Attachment B. The sign adjacent to Kimberly Road will not impede into the 35-foot vision triangle established for traffic safety issues. The Kimberly Road sign will be approximately 40 feet from the paved portion of the roadway. The sign adjacent to Middle Road will be approximately 30 feet from the

paved portion of the roadway. The proposed sign is located where Middle Road bends or angles which will allow additional line of sight for vehicles exiting the site to see eastbound vehicles. Therefore, based on the preliminary site plan, staff does not have concerns about the line of sight issues. If approved, staff would request that the approval be subject to on-site evaluation by staff after the final site plan approval and following the entrance reconfiguration to ensure that there are no safety issues related to this sign placement and the entrance/exit (see Attachment C - proposed sign).

Case 08-034

The applicant is also seeking approval of a special use permit to allow a drive-up facility for the building located closest to the Middle Road exit/entrance. The separated driveway for this request is shown in yellow on Attachment B and will allow one-way traffic exiting on the former Middle Road area involved in the abovementioned vacation of right-of-way. The drive-up window location is shown in green on Attachment B and will allow 80-100 feet of stacking space for vehicles within the designated separated driveway area. This will allow 4-6 vehicles to be stacked at the drive-up window. As designed, if the stacking area were to overflow with vehicles, that overflow would be confined entirely on site and not involve any public street.

Staff Recommendation

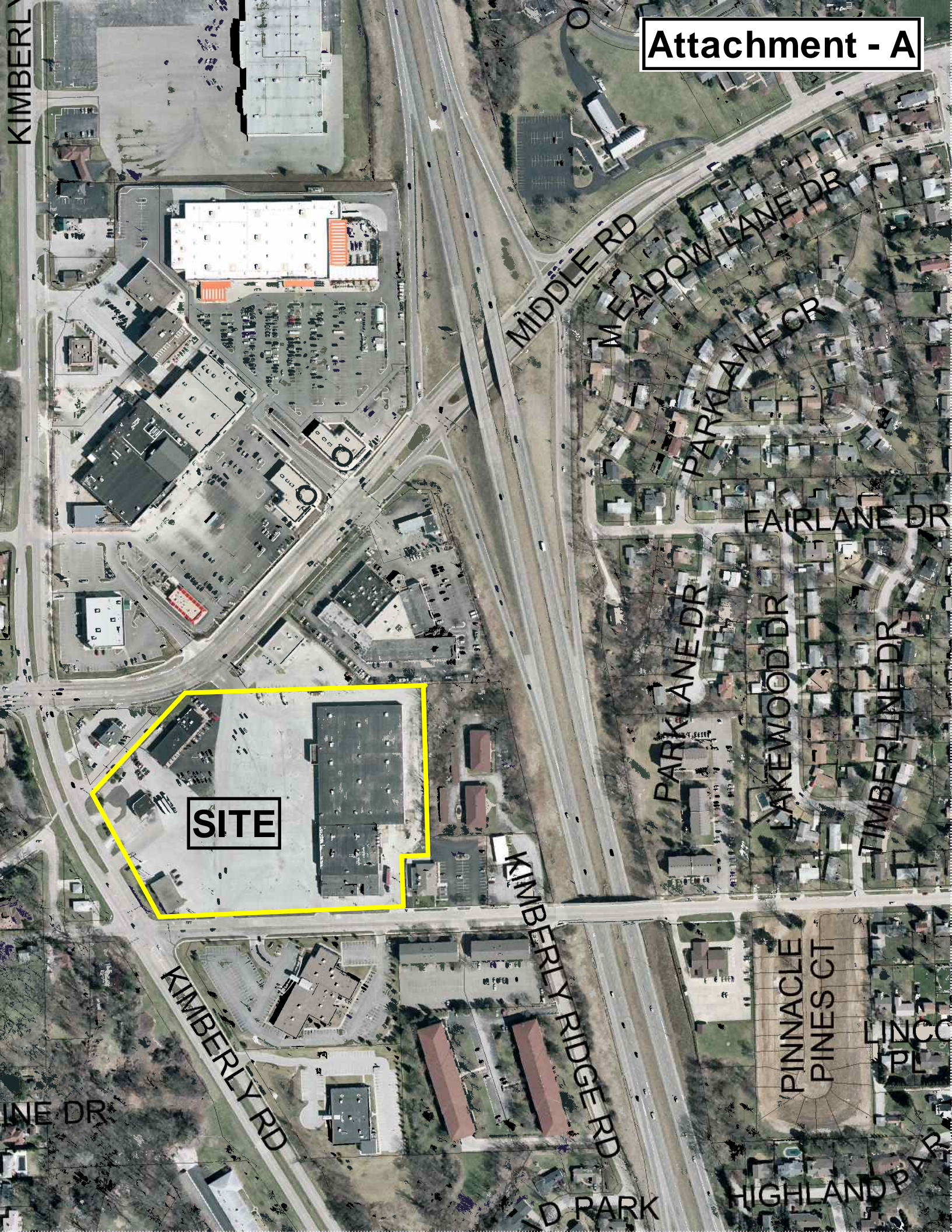
Staff recommends approval of the special use permit for a drive-up window.

Staff also requests that, if approved, final sign placement be subject to on-site staff approval to ensure that no safety issues exist due to traffic line-of-sight issues.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE

KIMBERLY

KIMBERLY RIDGE RD

MIDDLE RD

MEADOW LANE DR

PARKLANE CP

FAIRLANE DR

PARKLANE DR

LAKEWOOD DR

TIMBERLINE DR

KIMBERLY RD

PINNACLE PINES CT

PINNACLE

HIGHLAND PARK

LINE DR

LD PARK

Structures
Variance
(20' to 0')

Sign
Variance
(15' to 6')

Area
to be
Vacated

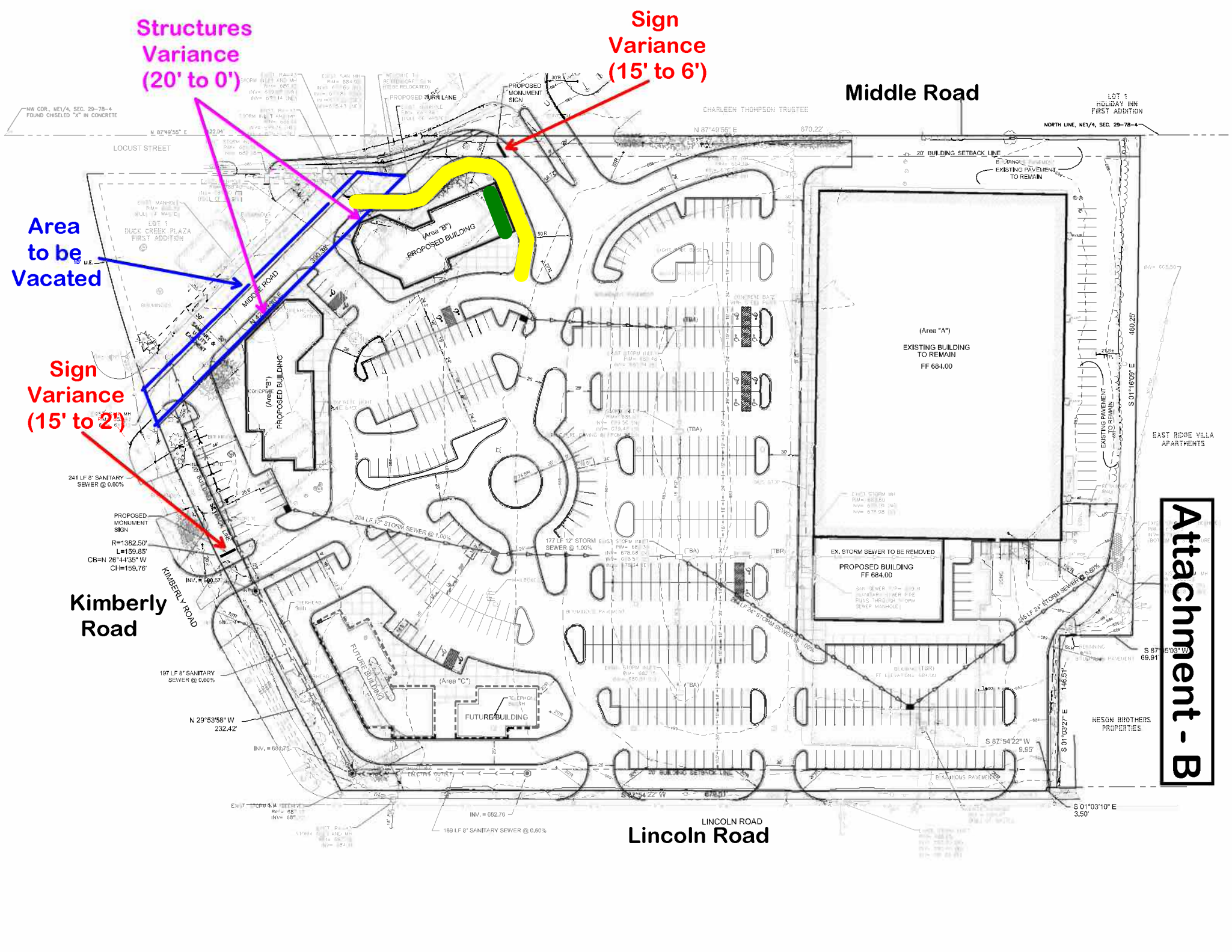
Sign
Variance
(15' to 2')

Middle Road

Kimberly
Road

Lincoln Road

Attachment - B



20'

SHOPS AT DUCK CREEK

9'X17'

4'X17'

4'X17'

30"x99"

28'

4'6"



Case No. 08-033

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

Part 1. Property Involved.

Street Address KIMBOLLY + MIDDLE ROAD
Legal Description of the property. PART OF THE NE QUARTER SECTION 29 TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH P.M. BETTENDORF, IA.

Part 2.

Applicant Name MCDONALD PROPERTIES EAST, LLC Phone 641-472-0880
Address 1100 NORTH BUNTH ST. FARM FLOW, IA 52556 FAX 641-472-0881
Owner Name CURT MCDONALD Phone _____
Address WABUB FAX _____
Agent KEVIN KOEHLER BUILD TO SUIT Phone 563-355-2022
Address 1805 STATE ST. STE 101 BETT. IA FAX 563-355-7806

Part 3. This application is for the following: (check at least one)

- 1. **Variance/Exception.** Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
 - (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
 - (b) That it will not impair an adequate supply of light and air to adjacent property.
 - (c) That it will not unreasonably increase the congestion in public streets.
 - (d) That it will not increase the danger of fire or of the public safety.
 - (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
 - (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

- 2. **Special Use Permit.** Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:
 - (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
 - (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
 - (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
 - (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
 - (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
 - (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized 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 C-2 & C-4

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.

_____ 4 ITEMS, SEE ATTACHMENTS. _____

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.

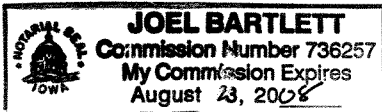
I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 15 day of APRIL, 2008.

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 15 day of April, 2008.



[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 _____

Amount _____ Date _____

Parking Shortage (variance)

At this time we fall below a 5/1000 SF of retail space ratio for the overall development. Due to the fact that we will have a mixture of tenants with offsetting “busy times” throughout the day, we are comfortable that the field of parking proposed is more than adequate. Further, the 80,000 SF single tenant will not require parking density of 5/1000 except for the holiday season. Once again, the Duck Creek Development to the north was afforded this same variance for similar reasons.

Building “B” Setbacks (Variance)

Proposed Building B, as drawn on the attached site plan, encroaches into the required 20’ setback. We are in the process of requesting a vacation of the south half of the former Middle Road. Note, the north half has already been vacated and conveyed to the north property owner. By granting this variance, we will be allowed to proceed with permitting while the vacation process is working through the approval chain. Once the vacation is complete and the land conveyed, the setbacks will be in compliance.

Signage (variance)

Attached is a rendering for a development monument sign. We propose to locate up to three of these signs at entrances at Kimberly, Middle and Lincoln Road at a setback of 15'. This setback will allow for a line of sight and safe visibility for motorists. This request is again in line with the development to the north of this project.

Drive-Up Window (special use permit)

We are requesting a drive-up window be permitted per the attached site plan to allow for a coffee or sandwich shop operation to function with drive-up services. Similar permits for similar uses have been granted in multiple locations in the Duck Creek Development to the north. The drive-up window is a requirement for several franchise operations that we are entertaining as tenants for this development.



COMMUNITY DEVELOPMENT

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

May 8, 2008

Staff Report

Case No. 08-035

Location: 2340 Spruce Hills Drive

Applicant: Dan Henderson

Zoning Designation: C-2, Community Shopping District

Request: Special Use Permit to allow a sand volleyball court and an outdoor alcohol service area.

Background Information and Facts

The site is located on the east end of the Cumberland Square Shopping Center in the building that housed the former Chaps Tavern (see Attachment A – Location Map). The tavern is now being operated as Uptown Neighborhood Bar & Grill. The applicant would like to add a deck for an outdoor alcohol service area and an outdoor sand volleyball court (see Attachment B – Request Illustration, and Attachment C – Plot Plan).

Staff Analysis

If allowed, the deck and volleyball court would reduce the available parking spaces by 30. The two current tenants in this building use entrances on the south side of the building as shown in Attachment B, and the request will not interfere with traffic flow or parking for those tenants. The entrance for the tenant space on the north side of the building (former Chinese restaurant) is sufficiently removed from the requested area; however, the request will affect traffic flow and available parking for a potential future tenant. Although cross-access for parking is available for this site throughout the shopping center, the immediate parking nearest the north tenant space will be reduced almost in half.

The requested area is nearly surrounded on three sides by existing buildings and the east side has an open farm field adjacent. This should provide sound buffering for the outdoor activities.

Staff cannot compare or contrast this request to other similar situations in the city. Staff is unaware of any other similar facility in Bettendorf.

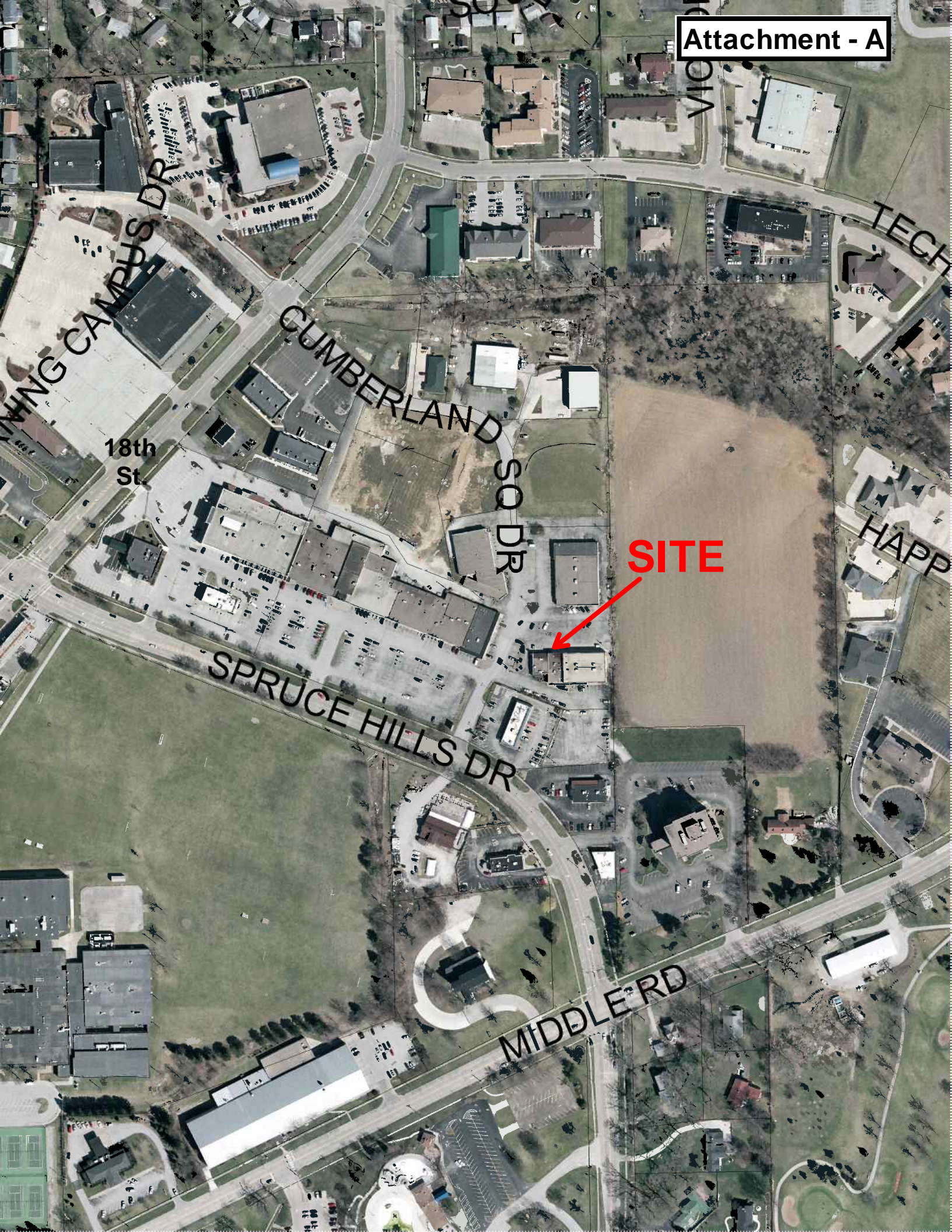
If allowed, the north side of the volleyball court will be approximately 39 feet away from the next building to the north (former site of Bettendorf Office Products). If vehicles are parked diagonally on the south side of that building, the separation will be 24 feet which is sufficient for emergency vehicle access.

Staff Recommendation

Although not necessarily opposed to the request, Staff has concerns about the reduced parking available for future tenants on the north side of the building.

Respectfully submitted,

John Soenksen
City Planner



SITE

DR

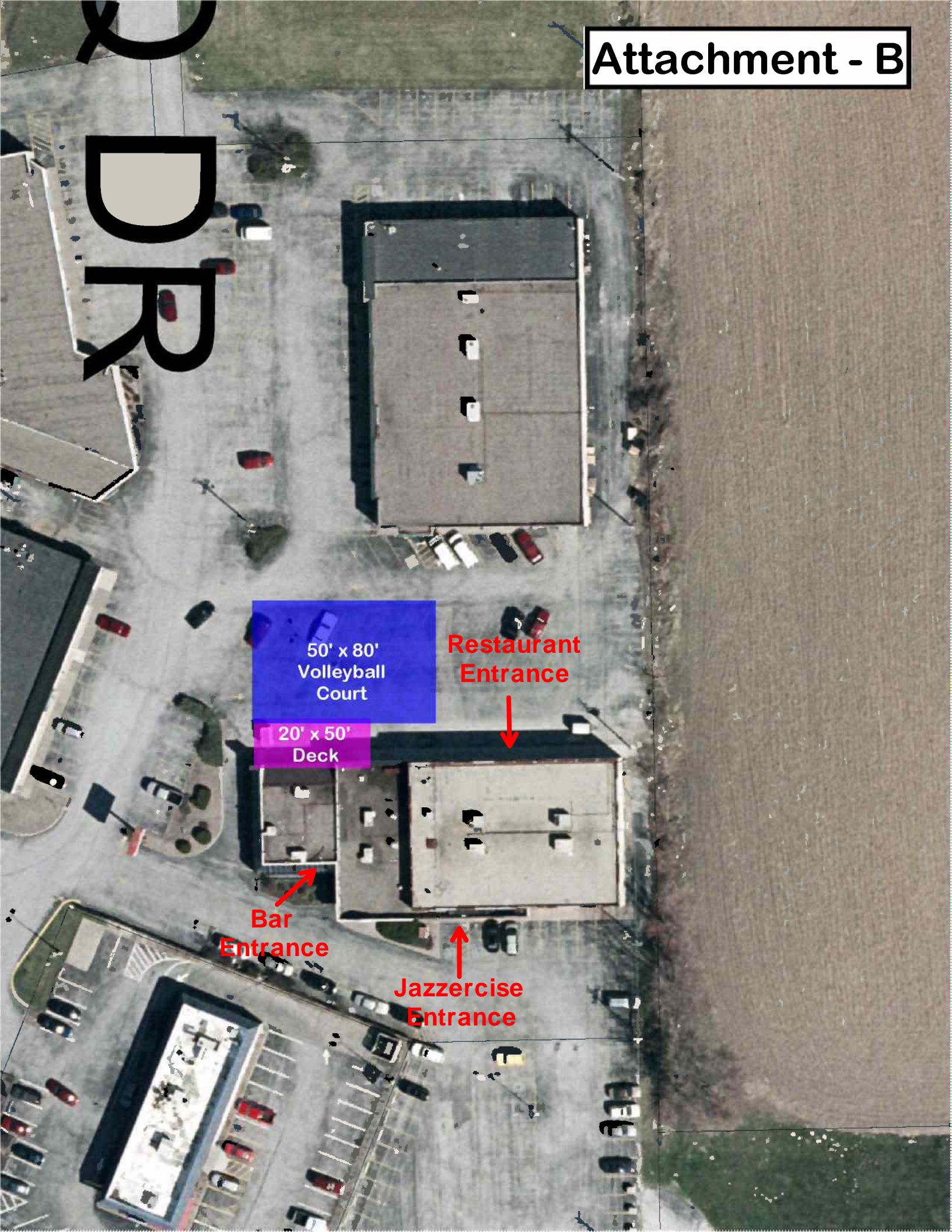
50' x 80'
Volleyball
Court

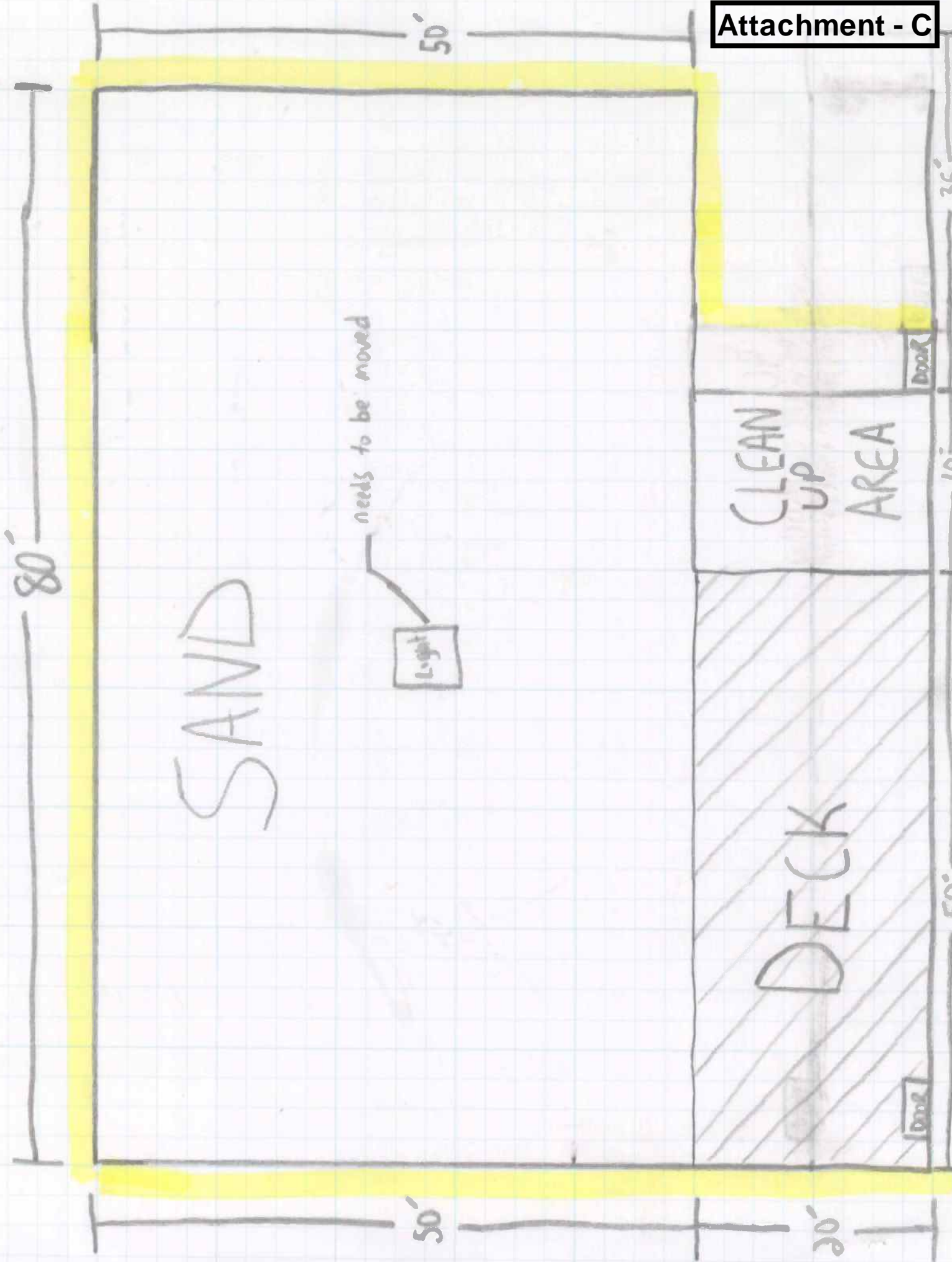
20' x 50'
Deck

Restaurant
Entrance

Bar
Entrance

Jazzercise
Entrance





Case No. 08-035

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

Part 1. Property Involved.

Street Address 2340 Spruce Hills Dr Bettendorf IA 52722
Legal Description of the property. UPTOWN NE 1/4 of Section 2 BAR E 6111

Part 2.

Applicant Name Dan Henderson Phone 309 337 9296
Address 311 18th Ave Ct W Milan IL 61264 FAX _____

Owner Name Dan Henderson Phone 309 337 9296
Address 311 18th Ave Ct W Milan IL 61264 FAX _____

Agent _____ Phone _____
Address _____ FAX _____

Part 3. This application is for the following: (check at least one)

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
 - (b) That it will not impair an adequate supply of light and air to adjacent property.
 - (c) That it will not unreasonably increase the congestion in public streets.
 - (d) That it will not increase the danger of fire or of the public safety.
 - (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
 - (f) That it will not in any other respect impair the public health, comfort; safety, morals, or welfare of the inhabitants of the city.
2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:
- (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
 - (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
 - (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
 - (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
 - (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
 - (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized 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.
Uptown Neighborhood Bar and Grill would like to add a 50' x 20'
wooden DECK PATIO outside for our patrons. We would also like to add a
50' x 80' SAND VOLLEYBALL COURT OFF the DECK as well so we can
start holding SAND VOLLEYBALL LEAGUES AS WELL. We hope that the city will
give consideration to our proposal because we believe it will be a positive
contribution to the city by bringing in people to Bettendorf. THANK YOU -
UPTOWN

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 24th day of April, 20 08.

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

State of Iowa)
SS
County of Scott)

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

Witness my Hand and Notarial Seal this 24th day of April, 20 08.
[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 4/23/08



COMMUNITY DEVELOPMENT

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

May 8, 2008

Staff Report

Case No. 08-036

Location: 3729 Vogel Court

Applicant: Bob and Gail Dover

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

Request: Variance to reduce the required side yard setback from 5 feet to 2½ feet to allow for a 10-foot by 20-foot storage shed.

Background Information and Facts

The site is located on the south end of the cul-de-sac of Vogel Court (see Attachment A – Location Map). The applicant would like to place a 10-foot by 20-foot shed within 2½ feet of the west side property line (see Attachment B – Plot Plan).

Staff Analysis

The proposed shed will be 200 square feet which is larger than is typical. The shed will have double doors and windows, which are more aesthetically-pleasing than prefabricated type sheds (see Attachment C – Shed Illustration).

The rear yard is fairly level with no outstanding topographical features that would inhibit the placement of the shed in conformance with ordinance requirements (see Attachment D – Rear Yard Photo).

The applicants indicate that the reason for this request is for visual reasons as they feel that placing the shed 5 feet from the side yard would not look as pleasing.

If approved, the shed would require additional fireproofing due to its proximity to any future potential structure the neighbor may have an option to erect.

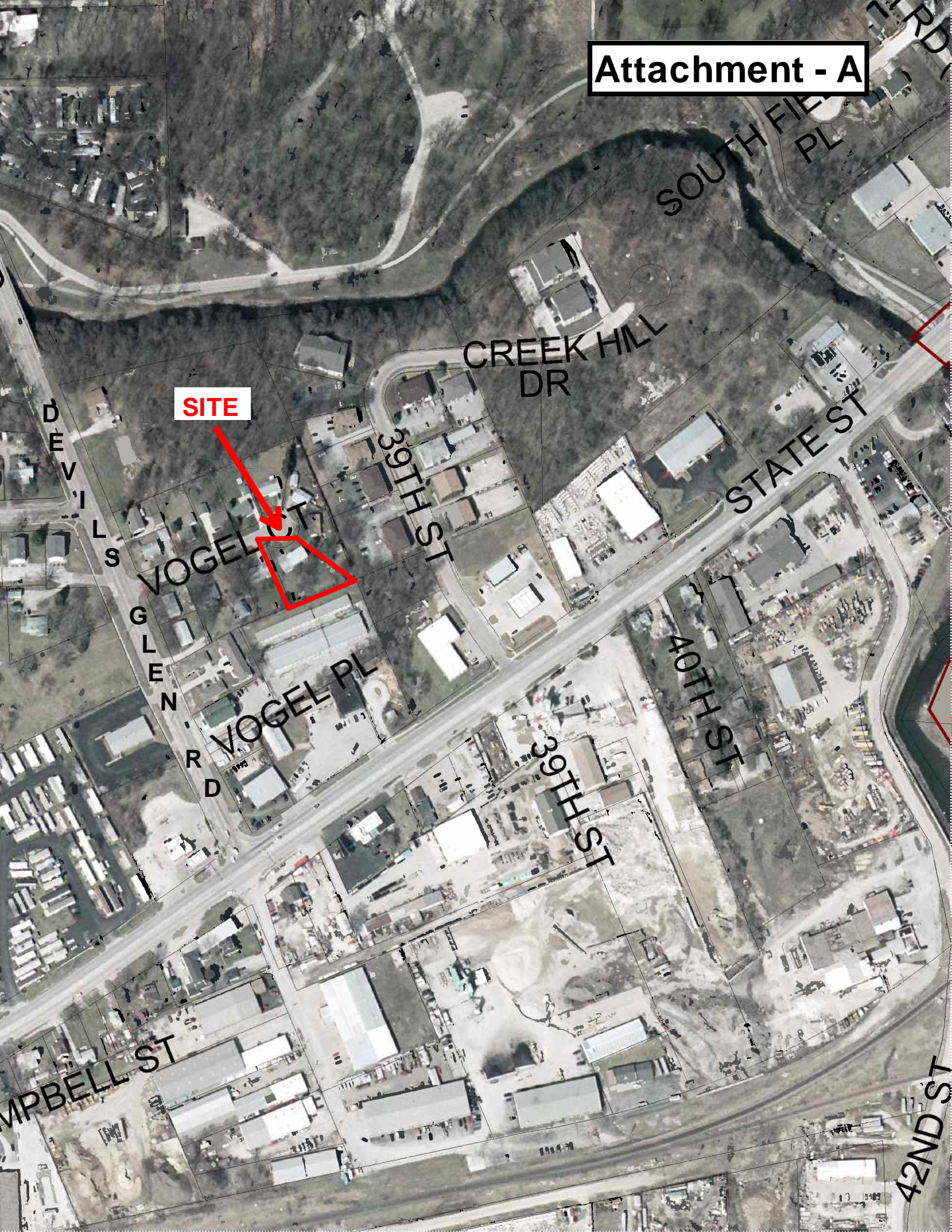
Staff Recommendation

Staff cannot identify a hardship in this case.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE



DEVILS
GLEN
RD

VOUGEL
ST
VOUGEL
PL

39TH
ST

CREEK HILL
DR

SOUTH FIELD
RD

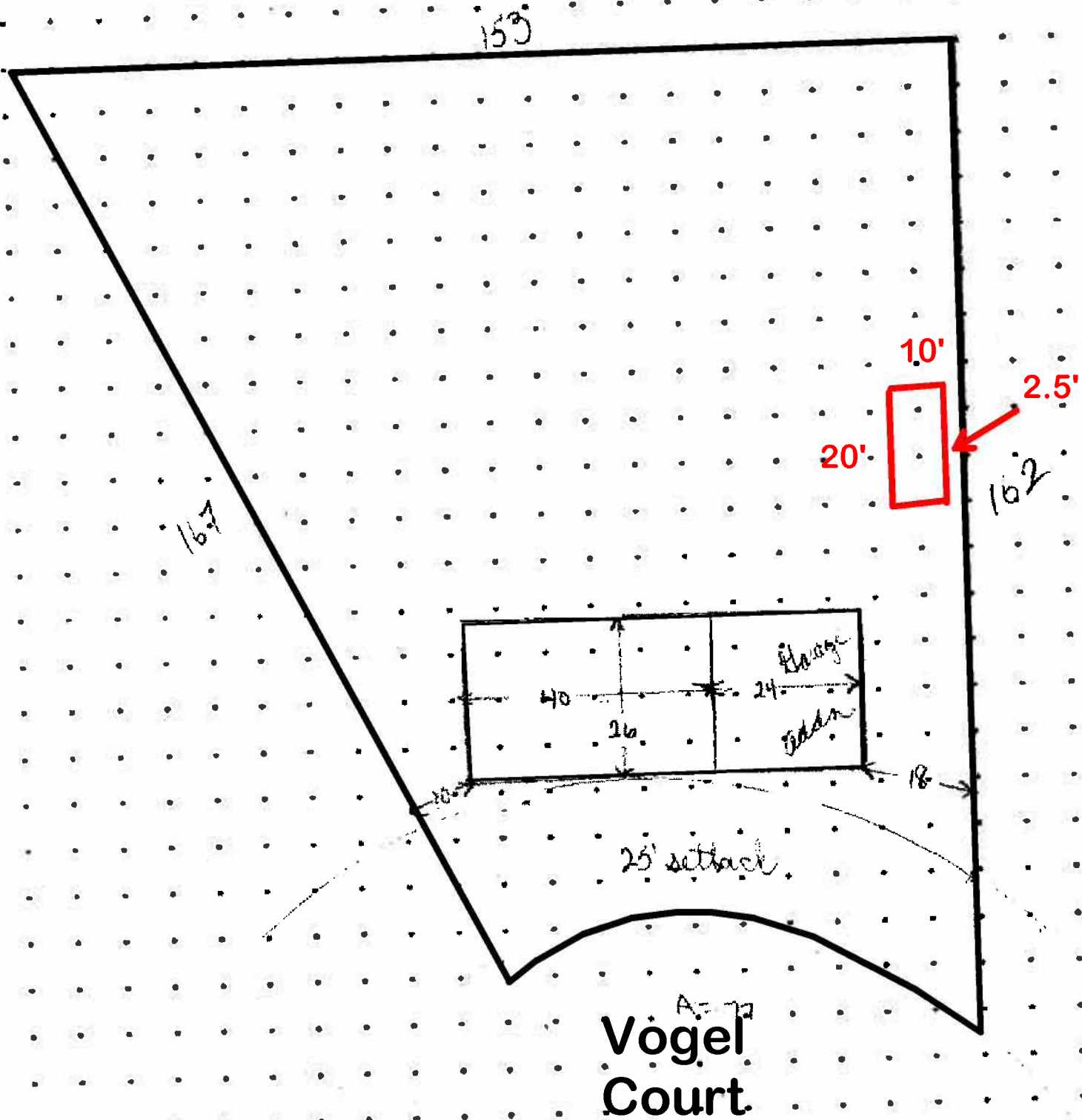
STATE ST

40TH ST

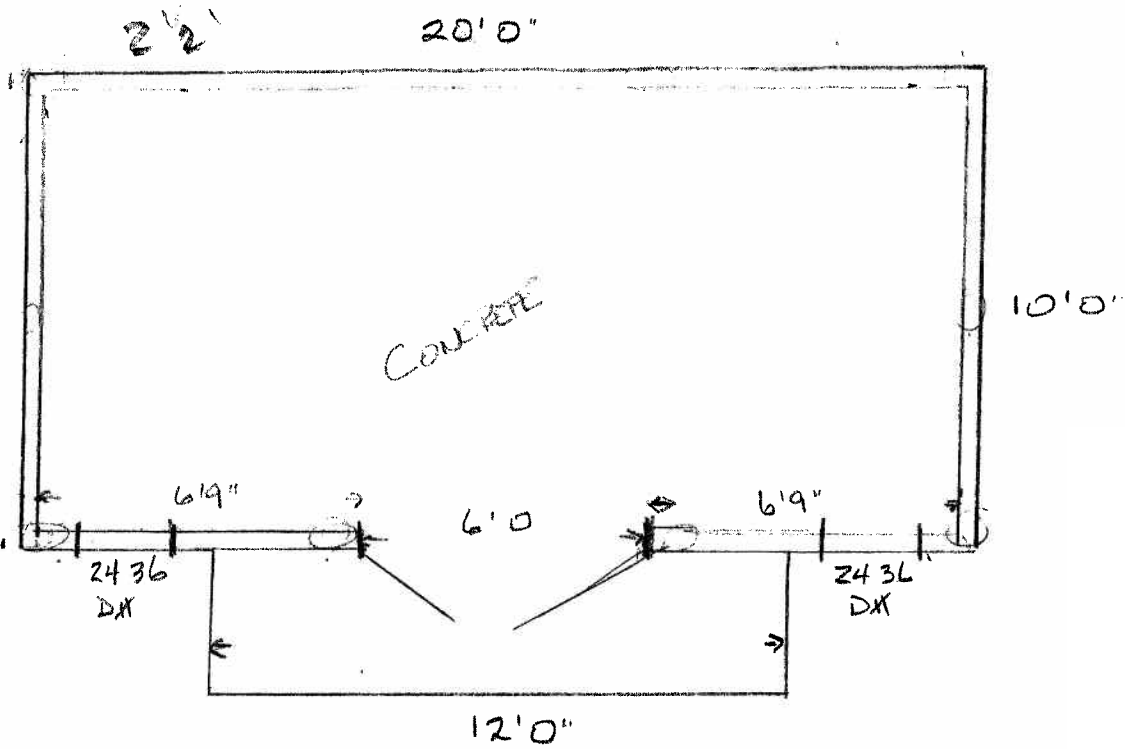
39TH ST

42ND ST

CAMPBELL ST



APPROX 20'





Attachment - D

Case No. 08-036

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

Part 1. Property Involved

Street Address 3729 VOGEL CT
Legal Description of the property Lot 9 Vogel's Add

Part 2.

Applicant Name BOB + GAIL DOVER Phone 563-355-2110
Address 3729 VOGEL CT FAX 563-355-2110

Owner Name BOB + GAIL DOVER Phone SAME
Address _____ FAX _____

Agent _____ Phone _____
Address _____ FAX _____

Part 3. This application is for the following: (check at least one)

- 1. **Variance/Exception.** Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
 - (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
 - (b) That it will not impair an adequate supply of light and air to adjacent property.
 - (c) That it will not unreasonably increase the congestion in public streets.
 - (d) That it will not increase the danger of fire or of the public safety.
 - (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
 - (f) That it will not in any other respect impair the public health, comfort; safety, morals, or welfare of the inhabitants of the city.

- 2. **Special Use Permit.** Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:
 - (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
 - (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
 - (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
 - (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
 - (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
 - (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
 - (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

- 3. Other. _____
(Attach a separate sheet and explain in detail.)



COMMUNITY DEVELOPMENT

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

May 8, 2008

Staff Report

Case No. 08-037

Location: 3466 Maplecrest Road

Applicant: Allen Sign Company

Zoning Designation: R-4, Multi-family Residence District

Request: Variance to reduce the required setback from 15 feet to 4 feet for an on-premise identification (subdivision) sign.

Background Information and Facts

The site is located at the intersection of Maplecrest Road and Devils Glen Road (see Attachment A – Location Map). All of the duplex condominiums in the area are part of the Maple Glen Homeowners Association. The Homeowners Association would like to place a sign adjacent to Devils Glen Road in the yard at 3466 Maplecrest Road (see Attachment B – Sign Location Illustration). The sign will identify the subdivision (see Attachment C – Sign Illustration).

Staff Analysis

Subdivision signs are becoming commonplace throughout the City. Deerbrook Estates and Deer Ridge subdivisions are two such examples of this type of signs. These homeowners associations assert that the signs help foster a sense of pride in the involved area and in turn encourage owners to keep the areas looking aesthetically-pleasing.

By ordinance, such signs must be set back a minimum of 15 feet from the involved property lines. The Maple Glen Homeowners Association is experiencing problems with the setback requirement due to several factors:

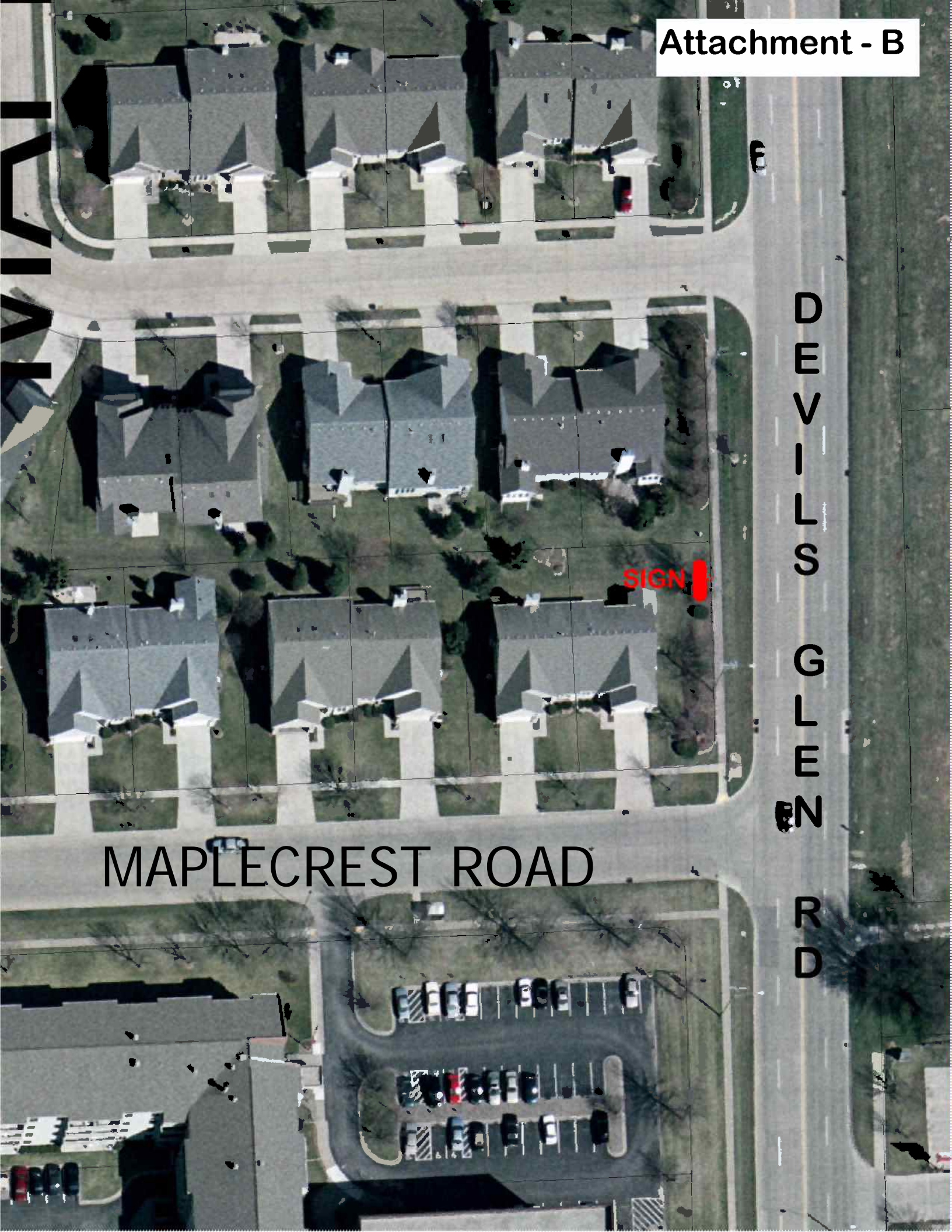
1. A landscaped berm which serves as a buffer that is located adjacent to Devils Glen Road would obscure the visibility of the sign if it were placed at the proper setback.
2. Utility easements along Devils Glen Road and along rear lot lines in this area restrict where a sign may be placed
3. The entire subdivision is platted into individually-owned lots with no areas under common (homeowner's association) ownership. Therefore, the association must place the sign on a lot owned by a single homeowner.

When all of the above factors are applied in this individual case, the placement of the sign according to ordinance became difficult, especially from a visibility and utility safety standpoint.

A sign that is not visible cannot serve its intended function. Therefore, the applicant suggests that all of the above combined issues constitute a hardship.

Respectfully submitted,

John Soenksen
City Planner



MAPLECREST ROAD

DEVILS
GLEN
RD

SIGN

Attachment - C





Case No. 08-037

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

Part 1. Property Involved. 3466 Maplecrest Road
Street Address _____

Legal Description of the property. Lot 2, Maple Glen Condo State V

Part 2. Contact Information.
Applicant Name Allen Sign Company (Denise) ^{Bruce} Phone 391-6047
Address 923 E 57th St, Davenport, IA FAX _____
E-mail Address: _____

Owner Name Walter Betts Phone _____
Address 3466 Maplecrest Rd., Bettendorf IA 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:
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 - (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.
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3. Other. _____
(Attach a separate sheet and explain in detail.)



COMMUNITY DEVELOPMENT

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

May 8, 2008

Staff Report

Case No. 08-038

Location: 1519 Brown Street

Applicant: Michael Sersland

Zoning Designation: C-3, General Business District

Request: Variance to increase the allowable garage area from 720 square feet to 1296 square feet.

Background Information and Facts

The site is located on the south side of Brown Street between 15th and 16th Streets (see Attachment A – Location Map). The applicant would like to extend the existing non-attached garage with a 12-foot addition (see Attachment B – Plot Plan).

Staff Analysis

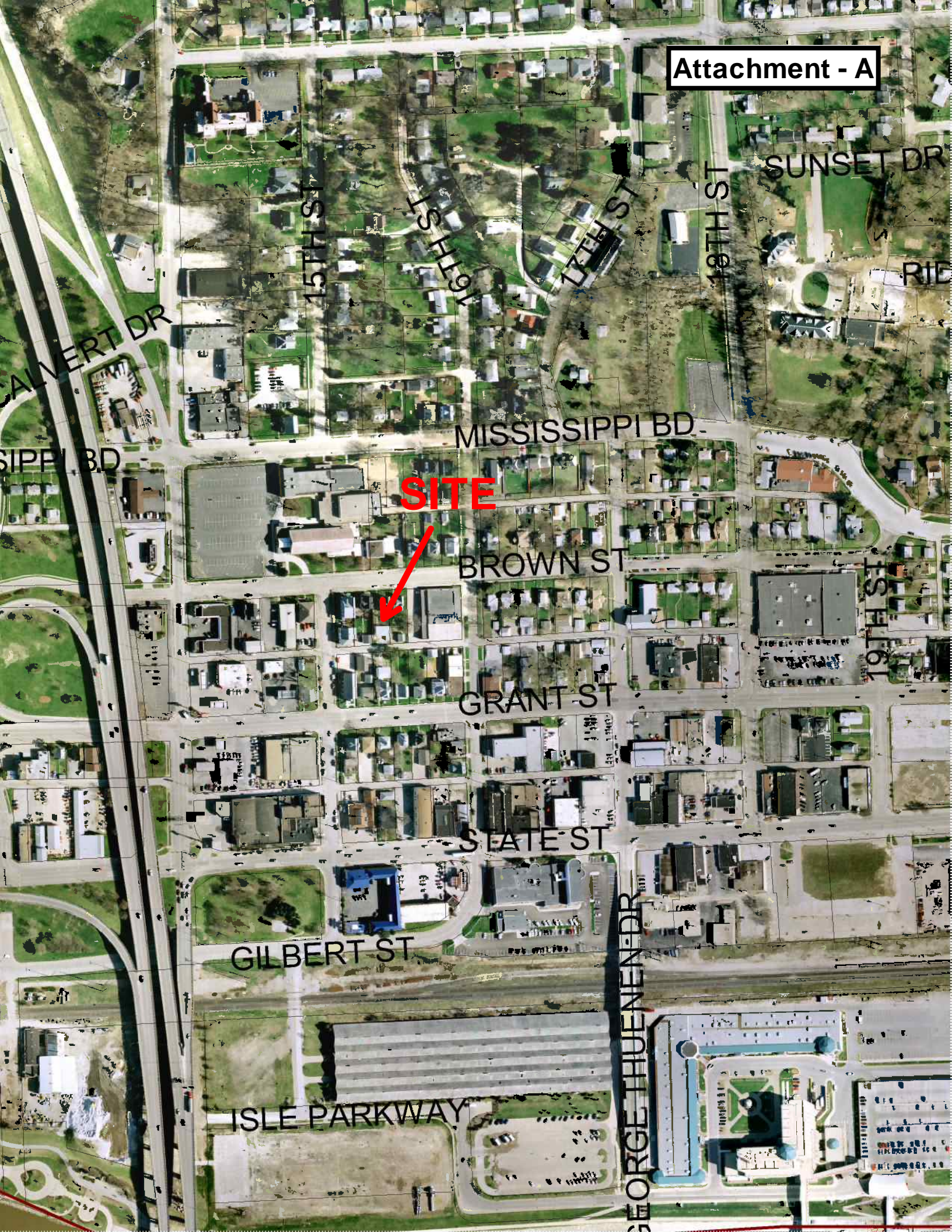
This parcel is a commercially-zoned lot surrounded by multi-family residential lots. The request is an attempt to deepen the garage sufficiently to park commercial vehicles inside the structure rather than having the vehicles stored outside on the attached driveway. The applicant operates a wrecker/towing service at this location and the tow trucks are too large to fit in the existing garage. Although the request is being made as a convenience to the applicant, the project will also help complement the surrounding residential area by removing large towing vehicles from outside storage.

The addition will be built between the existing garage and the house and will not be visible from the public alley and would be minimally visible from Brown Street. Therefore, any adverse effect of the garage addition, if any, would only impact the applicant's home. There would still be approximately a 40-foot separation from the garage and the house if this request is approved.

Staff cannot identify a hardship.

Respectfully submitted,

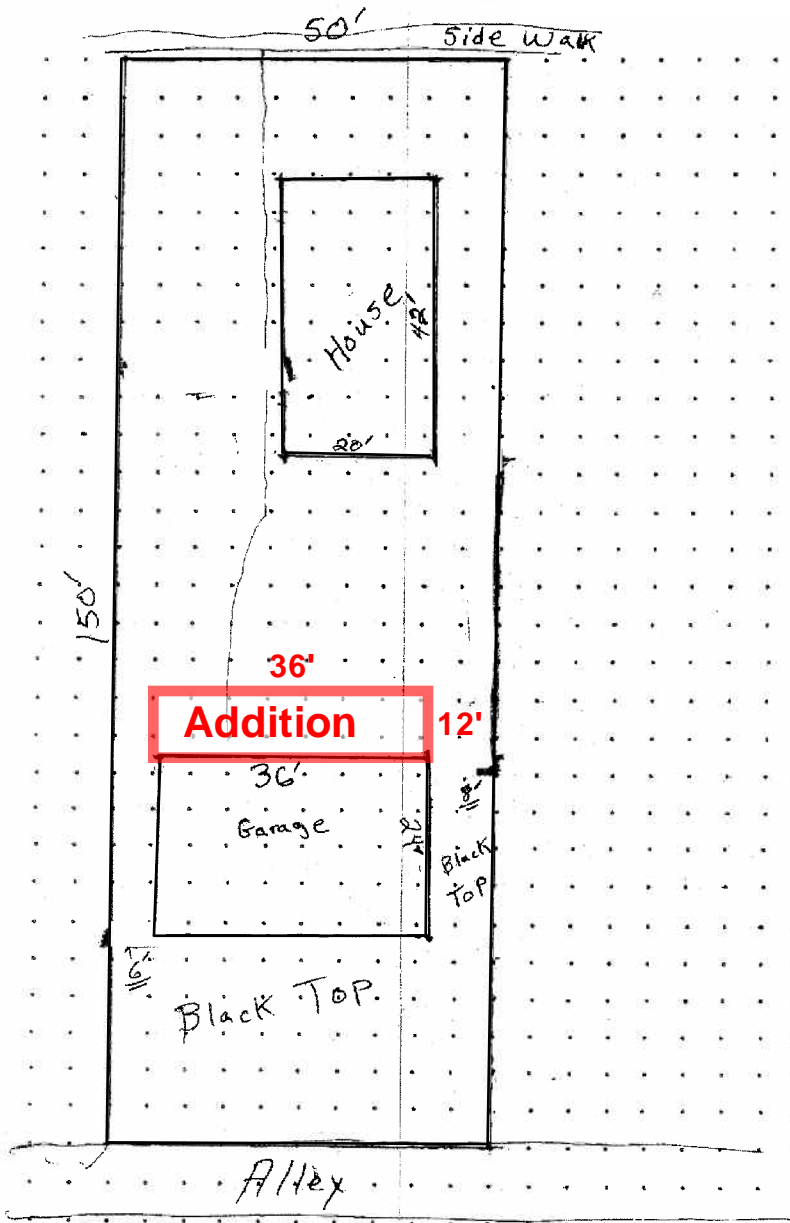
John Soenksen
City Planner



SITE



Attachment - B



SCALE 1/4" = 1'

Case No. 08-038

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

Part 1. Property Involved.

Street Address 1519 Brown St Bettendorf, IA 52722

Legal Description of the property.

Lot 5, Block 4, Town of Bettendorf

Part 2.

Applicant Name Michael Serkland (Automobile Services LLC) Phone 309-292-4111

Address 1035 Lincoln Rd Suite 111 Bettendorf, IA 52722 FAX 563-359-1619

Owner Name Automobile Services LLC

Phone 563-359-9999

Address 1035 Lincoln Rd Suite 111 Bett. IA 52722

FAX 563-359-1619

Agent _____

Phone _____

Address _____

FAX _____

Part 3. This application is for the following: (check at least one)

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
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 - (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:
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 - (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.
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___ 3. Other. _____

(Attach a separate sheet and explain in detail.)



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

May 8, 2008

RECONSIDERATION OF CASE 07-116

Ed Veit from Veit's Vettes and Collector Cars would like to ask to the Board to consider alternate options concerning the previous Board decisions for this property. Attached to this report are several examples of landscape/berming under consideration. The business owner(s) may also wish to discuss if in fact outdoor used cars sales will even continue at this site. As the Board may recall, it was the expansion of the non-conforming used by adding outdoor used car sales that originally triggered consideration of this case. If that use is now being reconsidered, the Board's previous decisions may no longer apply. Therefore, staff has asked the Veits to appear before the Board to keep the Board informed about developments at this location. The original staff report regarding this matter appears below.

Respectfully,

John Soenksen
City Planner

February 14, 2008

Staff Report

Case No. 07-116

Location: 1838 State Street

Applicant: Ed Veit

Zoning Designation: C-3, General Business District

Request: Reconsideration of the decision and order regarding an appeal of the Zoning Administrator's decision to prohibit expansion of a non-conforming use.

Background Information and Facts

On December 13, 2007 the Board determined that the outdoor sale of used vehicles by Veit's Vettes and Collector Cars is not an expansion of a nonconforming use as long as no more than 12 vehicles are left on the lot on a permanent (overnight) basis and if the business adheres to the standards of the Downtown-Riverfront Corridor Overlay District (DRCOD).

At the January 10, 2008 meeting of the Board, Director Connors reviewed the DRCOD standards relating to used car sales. At that time, members of the Board indicated that it might not be practical to expect the applicant to meet all of the DRCOD standards because of the size of this lot. Therefore, the Board voted to reconsider their December 13, 2007 decision. Staff was instructed to meet with representative(s) of the business and present a recommendation for reconsideration on February 14, 2008.

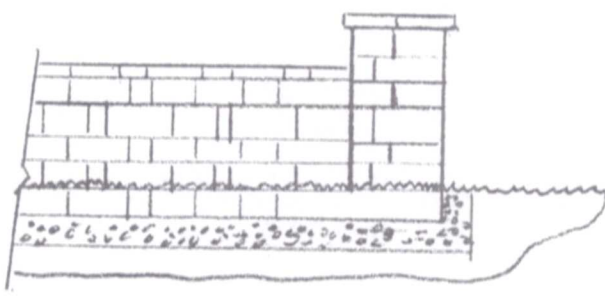
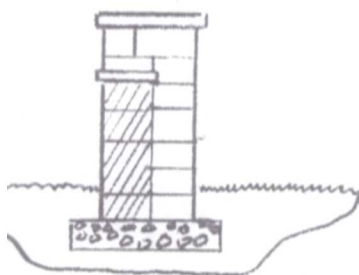
Staff has met with Mr. Veit and made recommendations regarding this issue. Edgar Veit sent a letter indicating some concerns about staff suggestions and asking that the matter be tabled until his return to the area some time in the next few weeks. Subsequently, further discussions have occurred and a compromise has been reached between staff and the business owner/operator.

Staff has always been of the opinion that the requirement for 18-inch high berms along the front of parking lots is a key component of the DRCOD standards. Due to the size and configuration of this site, installing an 18-inch berm having a 3:1 slope on each side became a problematic issue for the owner. Therefore, staff is recommending that the applicant be required to install a planter having the capacity for an 18-inch deep, 24-inch wide soil area constructed of decorative landscaping blocks as a substitute for the berm. The planter would be required to extend along the entire front of the parking lot except for the driveway entrance. The planter shall be continuously maintained with a mixture of annual and perennial live plants throughout each growing season. Due to current weather conditions, staff would suggest May 1, 2008 as a reasonable deadline to have the planter and plantings completely installed. Staff further recommends that banners, flags, streamers, and related items continue to be prohibited in the outdoor sales area as previously indicated by the Board.

Staff feels that this compromise will be in keeping with the planned streetscape project for the entire downtown corridor and will complement the Veit's business and other surrounding businesses.

Respectfully submitted,

John Soenksen
City Planner



wall not to exceed 21" in tall

Pillars not to exceed 28" tall

1 pillar per light post

2.8' TALL PILLARS

