

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
JANUARY 8, 2009
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 December 11, 2008.
4. The Board to review and approve the 2008 Board of Adjustment Annual Report.
5. Election of officers.
6. The Board to hold a public hearing on the following item:
 - a. Case 09-001; 3200 Devils Glen Road (C-3) - A request for a special use permit to allow a car wash, submitted by DFCA, Inc.

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
DECEMBER 11, 2008
5:00 P.M.**

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

Item 1. Roll Call

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

Item 2. Review of Board Procedures.

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

On motion by Voelliger, seconded by Howe, that the minutes of the meeting of November 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 08-106; 4104 and 4112 Lilienthal Street (R-2) - A request for a variance to reduce the required front yard setback from 25 feet to 0 feet, submitted by Chuck Pekios.

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 #3 to these minutes. He commented that subsequent to the staff report's being distributed, the applicant pointed out that a new elementary school will be located directly across the street from the site which will generate additional traffic.

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

Chuck Pekios, the applicant, explained that there have been four new subdivisions built in the area since 2000 and that the traffic volume has substantially increased since then.

He indicated that Hopewell Avenue will be paved in 2009 and that there will be an 80-foot right-of-way. Pekios stated that the street will be 29 feet wide and that city sidewalk will be installed. He expressed concern about the safety of pedestrian traffic on Hopewell Avenue, adding that the lot and house would be difficult to sell without there being a fence in the requested location because of the lack of privacy. He indicated that most of the utilities in the area are underground, adding that he has received a letter from MidAmerican Energy expressing no opposition to the request.

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

McElhiney expressed concern about the Board's approving requests for undeveloped properties. She asked if it is possible that the right-of-way along Hopewell Avenue will ever exceed 80 feet. Soenksen explained that the Hopewell Avenue is indicated on the city's thoroughfare plan as a collector street, adding that the plan was completed in 1988. He indicated that major streets are characterized as being 100-150 feet wide, not 80 feet. McElhiney commented that she believes that Hopewell Avenue will eventually become a major street because of all the development taking place.

McElhiney asked where the proposed fence would be located in relation to Hopewell Avenue after it is complete. Connors explained that the fence will be approximately 1 foot behind the city sidewalk.

McElhiney commented that every homeowner along the corridor will likely wish to install a similar fence. Voelliger asked if there would be adequate sight distance after the road is improved. He commented that there should be a turn lane into the school on Hopewell Avenue. Connors stated that a traffic study is currently being completed with regard to the effects of and the requirements for the new school.

McElhiney expressed concern about granting the request without having a clear view of the effects of development in the area. Howe concurred, adding that the Board has been very selective with approval of similar requests. He stated that he is not in favor of allowing 6-foot high fences near the sidewalk on main arterials. Howe stated that he does not believe that development of the area will significantly increase the traffic count along Hopewell Avenue. He commented that he is unaware of any schools in the area that have 6-foot high fences surrounding them. He indicated that he would be willing to compromise on the location of the proposed fence as he is not in favor of placing a 6-foot high fence so close to the sidewalk, especially as it would be located on a berm.

Pekios stated that the fence would be considerably further from the sidewalk. Connors explained that historically city sidewalk is placed 1 foot outside the property line.

Connors asked if the berm is located on the city's right-of-way. Pekios indicated that it is not. Connors stated that because of the berm's location, the fence would likely be placed in the center of it and therefore would be a few feet from the sidewalk.

Howe stated that he would not be comfortable approving the request because there are so many unknowns. Voelliger concurred, adding that he would prefer that the

future homeowner apply for the variance if he or she wishes to install a fence. He indicated that he might also be amenable to a modified request after the road improvements are made.

Stelk commented that the continuous fence that is located along 53rd Avenue in the Schaefer Farms development was not placed on the property line. Connors explained that on through lots, a 6-foot high fence is allowed to be placed 10 feet from the rear property line provided that plantings are installed every 25 feet on the street side.

McElhiney reiterated that the Board must be very careful when considering similar requests in undeveloped subdivisions.

Howe commented that Hopewell Avenue is not comparable to 53rd Avenue or 18th Street as far as the traffic count is concerned, adding that is more similar to Crow Creek Road. He indicated that the Board has consistently denied this type of request for properties on Crow Creek Road.

Connors commented that if the applicant chose to do so, a fence could be installed 10 feet from the rear property line if plantings are installed.

Howe stated that he does not believe that the salability of the property is not a legitimate hardship that would justify approving the request.

Pekios commented that the topography of the lot would not be conducive to placement of a fence as allowed by ordinance as it would not serve the intended purpose.

On motion by McElhiney, seconded by Howe, that the request for a variance to reduce the required front yard setback from 25 feet to 0 feet for a 6-foot high fence be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 08-107; 3898 Valley View Drive (A-2) - A request for a variance to reduce the required side yard setback from 5 feet to 3 feet, submitted by George W. 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 #5 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.

McElhiney commented that the lot is unique in that there is very little buildable area because of the topography and the presence of utility easements. Other board members concurred.

On motion by Voelliger, seconded by McElhiney, that the request for a variance to reduce the required side setback from 5 feet to 3 feet to allow for a garage addition be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

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

These minutes and annexes approved

John Soenksen
City Planner



BOARD OF ADJUSTMENT

City of Bettendorf

ANNUAL REPORT

2008



Board of Adjustment
City of Bettendorf
2008 Annual Report

Summary of Activities

The City of Bettendorf's Board of Adjustment is a five-member board appointed by the Mayor. It is the responsibility of the Board to interpret the City's Zoning Ordinance as it applies to variances and special uses. Each month a visit to the site in question is made individually by the Board Members followed by a public hearing.

The following is a summary of the activities of the City of Bettendorf's Board of Adjustment. The cases were heard beginning January 2008 and ending December 2008. These cases are those actually brought before the Board and do not include those that were withdrawn or are pending.

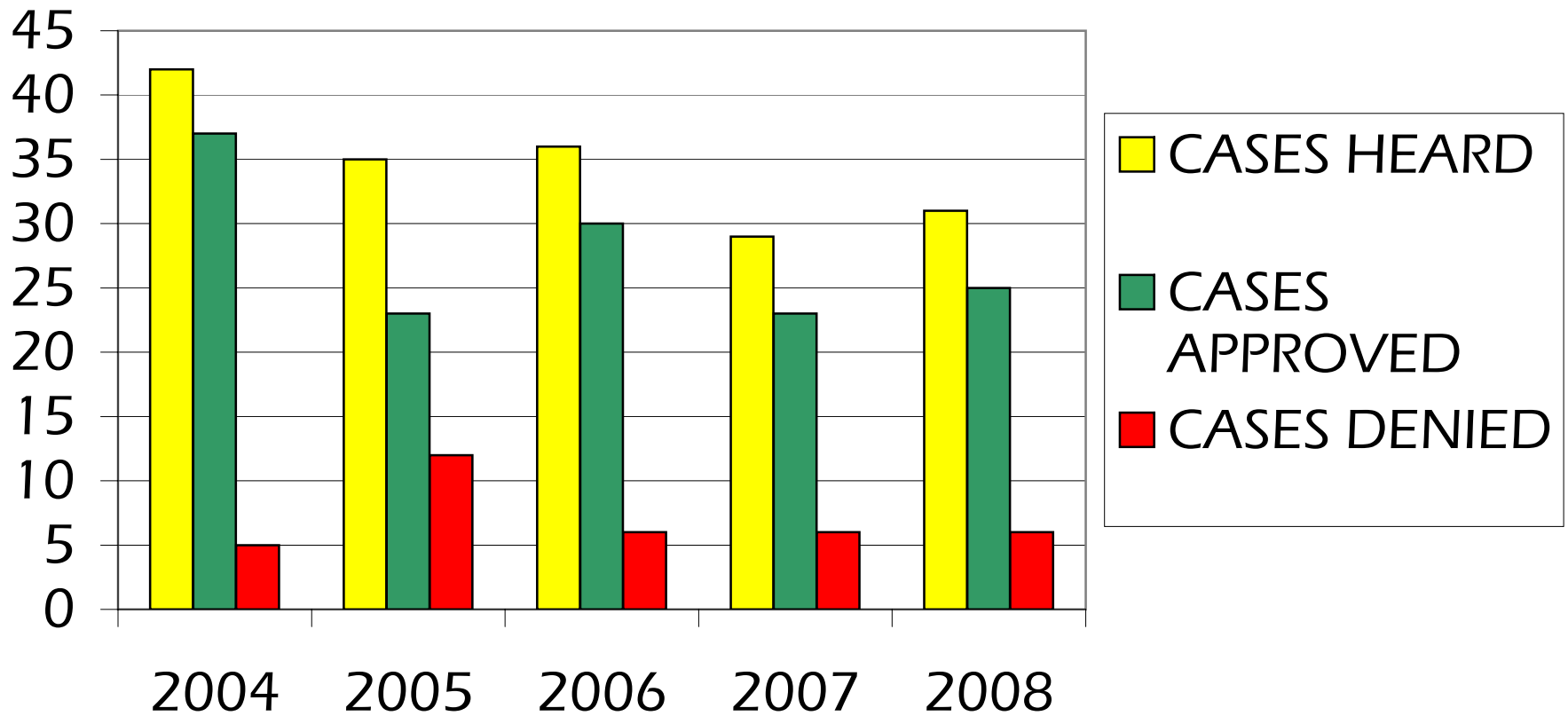
The Board of Adjustment heard 44 cases during the year ending December 2008. Of those cases there were 31 variance requests, 9 special use requests, 3 appeals of the Zoning Administrator's decisions, and 1 special location plan.

The Board granted 38 requests: 25 variances, 9 special uses, 3 appeal, and 1 special location plan. Six variance requests were denied.

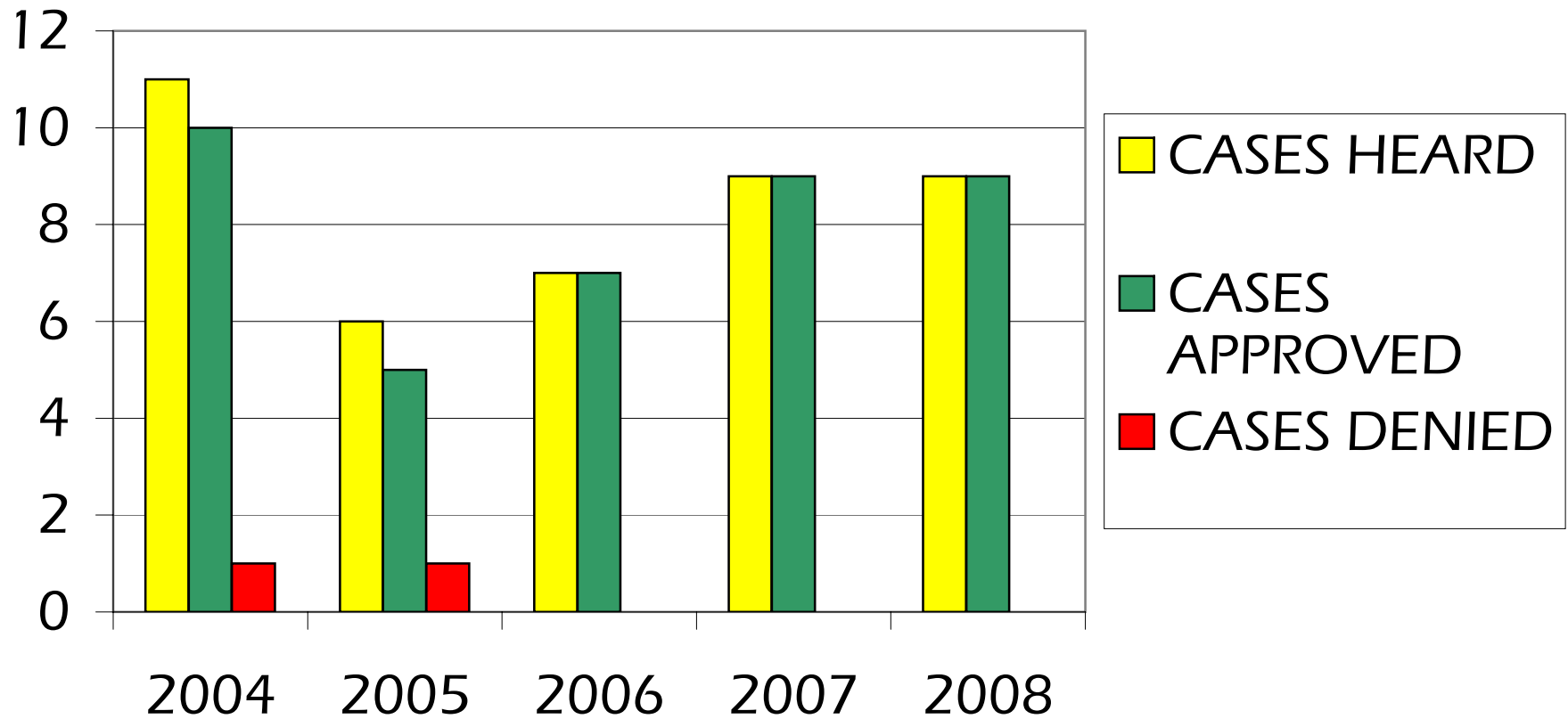
Board Member Listing

Tom Stelk, Chairman (Appointed pre-1979)
Kathleen McElhiney, Chairman Pro Tem (Appointed 11/98)
Pat Eikenberry (Appointed 6/01)
Robert Howe (Appointed 11/04)
Norm Voelliger (Appointed 4/08)

BOARD OF ADJUSTMENT ACTIVITY VARIANCES 2004-2008



BOARD OF ADJUSTMENT ACTIVITY SPECIAL USES 2004-2008



BOARD OF ADJUSTMENT ANNUAL REPORT - 2008

Case Number	Location	Request/Applicant	Decision/Date
07-095	SE corner of 18 th Street and 53 rd Avenue	Extension of a special use permit allowing a drive-up window for a banking facility, submitted by Hillcrest Partners - Crow Ridge.	Granted 8/14/08
07-116	1838 State Street	Reconsideration of conditions placed on granting of appeal of the Zoning Administrator's decision to prohibit an expansion of a non-conforming use, submitted by Ed Veit.	Granted 2/21/08
07-116	1838 State Street	Reconsideration of conditions placed on granting of appeal of the Zoning Administrator's decision to prohibit an expansion of a non-conforming use, submitted by Ed Veit.	Granted 5/8/08
08-001	2304 Spruce Hills Drive	Special use permit to allow a bakery wholesale/retail mixed use, submitted by Mel Foster Mortgage Co.	Granted 1/10/08
08-002	2124 State Street	Special use permit to allow a temporary seasonal outdoor sales area, submitted by Scrub Pub of Bettendorf.	Granted 1/10/08
08-005	1910 State Street	Variance from the requirements of the Downtown Riverfront Corridor Overlay District regarding signage (Code Section 18.12), submitted by Gray Family Investments.	Denied 2/21/08
08-006	1910 State Street	Variance to reduce the front yard setback requirements regarding signage, driveway placement, and parking, submitted by Gray Family Investments.	Denied 2/21/08
08-007	1910 State Street	Special use permit to allow a drive-up window, submitted by Gray Family Investments.	Granted 2/21/08
08-014	Lot 3, Hoffman's First Addition at Devils Glen	Variance to reduce the required rear yard setback from 50 feet to 30 feet, submitted by D.G. Storage, L.L.C.	Granted 3/13/08
08-015	2540 State Street	Variance to reduce the required front yard setback from 20 feet to 0 feet for a portion of a commercial building, submitted by JCO Properties, L.L.C.	Granted 3/13/08
08-016	852 Middle Road	Variance to allow an additional shopping center sign, submitted by Lange Sign Group.	Granted 3/13/08
08-017	3027 State Street	Special location plan to allow off-site parking, submitted by Jewell Group.	Granted 4/10/08

BOARD OF ADJUSTMENT ANNUAL REPORT - 2008

Case Number	Location	Request/Applicant	Decision/Date
08-023	3027 State Street	Variance to allow parking in a required front yard, submitted by Jewell Group.	Granted 4/10/08
08-024	2242 State Street	Special use permit to allow a bar, cocktail lounge, and tavern, submitted by Melissa Newsom.	Granted 4/10/08
08-025	3323 Magnolia Court	Variance to allow a 6-foot high fence in a required front yard, submitted by Kelly Langston.	Granted 4/10/08
08-030	2455 Eagle Circle	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.	Granted 4/10/08
08-032	1515 Belair Drive	Variance to reduce the allowable fence height from 6 feet to 7 feet, submitted by Fred Lepley.	Granted 5/8/08
08-033	SE corner of Middle Road and Kimberly Road	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, L.L.C.	Granted 5/8/08
08-034	SE corner of Middle Road and Kimberly Road	Special use permit to allow a drive-up window, submitted by McDonald Properties, L.L.C.	Granted 5/8/08
08-035	2340 Spruce Hills Drive	Special use permit to allow an outdoor alcohol service area, submitted by Dan Henderson.	Granted 5/8/08
08-036	3729 Vogel Court	Variance to reduce the required side yard setback from 5 feet to 2 ½ feet to allow for a 10-foot by 20-foot storage shed, submitted by Bob and Gail Dover.	Denied 5/8/08
08-037	3466 Maplecrest Road	Variance to reduce the required setback for an on-premises subdivision identification sign from 15 feet to 4 feet, submitted by Allen Sign Co.	Granted 5/8/08
08-038	1519 Brown Street	Variance to increase the allowable garage area from 720 square feet to 1296 square feet, submitted by Michael Sersland.	Granted 5/8/08
08-044	1930 State Street	Variance from the requirements of the Downtown-Riverfront Corridor Overlay District to allow an additional on-premises identification sign, submitted by Hardee's.	Granted 6/12/08

BOARD OF ADJUSTMENT ANNUAL REPORT - 2008

Case Number	Location	Request/Applicant	Decision/Date
08-045	2550 Middle Road	Variance to reduce the required setback for an on-premises identification sign from 25 feet to 15 feet, submitted by Northwest Bank & Trust.	Granted 6/12/08
08-046	2804 Middle Road	Variance to reduce the required front yard setback from 30 feet to 28 feet, submitted by Covenant Homes.	Granted 6/12/08
08-047	3245 Utica Ridge Road	Variance to reduce the required sign setback from 20 feet to 17 feet, submitted by Acme Sign Co.	Granted 6/12/08
08-048	4357 Palm Drive	Variance to increase the allowable garage area from 720 square feet to 916 square feet, submitted by Beaver Builders, Inc.	Granted 6/12/08
08-049	1039 Hall Street	Variance to reduce the required side yard setback from 5 feet to 3 feet to allow construction of a garage, submitted by Tim Grothus.	Granted 6/12/08
08-050	2215 Echodale Drive	Variance to reduce the required front yard setback from 25 feet to 17 feet to allow construction of a 10-foot by 20-foot deck, submitted by Joseph Miller.	Denied 6/12/08
08-051	221 - 15 th Street	Special use permit to allow an outdoor alcohol service area, submitted by Anthony Buckley.	Granted 6/12/08
08-060	4650 Davis Street	Variance to allow a 6-foot high fence in a front yard, submitted by Greg Smart.	Denied 7/10/08
08-061	4580 Tanglewood Road	Variance to increase the allowable height of four condominium buildings from 2 ½ stories to 3 stories, submitted by River Cities Realtors, Inc.	Granted 7/10/08
08-062	2720 Devils Glen Road	Appeal of the Zoning Administrator's decision to prohibit the opening of a car care facility as a Car-X franchise, submitted by Robert Bettendorf.	Granted 7/10/08
08-072	4460 Woodfield Drive	Variance to reduce the required rear yard setback from 40 feet to 35 feet to allow for a deck, submitted by Jennifer Sparks.	Granted 8/14/08
08-073	1644 Grant Street	Variance to reduce the required sign setback from 15 feet to 10 feet, submitted by Josh Smith.	Granted 8/14/08
08-074	1644 Grant Street	Special use permit for an outdoor service area, submitted by Josh Smith.	Granted 8/14/08

BOARD OF ADJUSTMENT ANNUAL REPORT - 2008

Case Number	Location	Request/Applicant	Decision/Date
08-075	1530 - 29 th Street	Variance to increase the allowable square footage for garage space from 720 square feet to 840 square feet, submitted by Robert Glenn.	Granted 8/14/08
08-076	3535 Woodholm Lane	Variance to increase the allowable square footage for garage space from 720 square feet to 904 square feet, submitted by Steve Honse.	Granted 8/14/08
08-082	1048 Grant Street	Variance to increase the allowable height of an accessory structure from 15 feet to 18 feet, submitted by Bryan and Melissa Auliff.	Granted 10/9/08
08-089	1848 Anderson Court	Variance to reduce the required rear yard setback from 25 feet to 9 feet to allow for a 12 ½-foot by 18-foot deck addition, submitted by Kristine Thorpe.	Granted modified request 10/9/08
08-103	2810 State Street	Variance to reduce the required sign setback from 20 feet to 7 feet, submitted by Animal Emergency Center of the Quad Cities.	Granted 11/13/08
08-106	4104 and 4112 Lilienthal Street	Variance to reduce the required front yard setback from 25 feet to 0 feet to allow for a 6-foot high fence, submitted by Chuck Pekios.	Denied 12/11/08
08-107	3898 Valley View Drive	Variance to reduce the required side yard setback from 5 feet to 3 feet to allow for a garage addition, submitted by George W. Palmer.	Granted 12/11/08



COMMUNITY DEVELOPMENT

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

January 08, 2009

Staff Report

Case No. 09-001

Location: 3200 Devils Glen Road

Applicant: DFCA, Inc.

Zoning Designation: C-3, General Business District

Request: Special Use Permit to allow a car wash.

Background Information and Facts

The site is located east of the intersection of Maplecrest Road and Devils Glen Road (see Attachment A – Location Map). The applicant is proposing an overall area development involving six buildings along Devils Glen Road and Belmont Road (see Attachment B – Area Concept Plan). This request involves only the building in the southwest corner of Attachment – B. A conceptual elevation (viewed from the west looking east) and building footprint show details of the involved request (see Attachment C – Elevation and Specific Concept Plan). As shown in Attachment C, a car wash is proposed for the south portion of the building. A special use permit is required to place a car wash in the C-3, General Business District.

Staff Analysis

The Planning and Zoning Commission recommended approval of the rezoning of this site to C-3, General Business District last November, and the City Council has approved two of three necessary readings to rezone this property. Staff anticipates that the rezoning will be passed at the January 20 City Council meeting. Approval of a special use permit must therefore be contingent upon the final approval of the rezoning. Should the rezoning request be denied, a car wash would not be allowed in a C-2, Community Shopping District.

The site for the proposed facility is located in a large commercial area along a major 4-lane thoroughfare. It would be reasonable to expect car washes to be located in such areas. In fact, a car wash exists only two blocks to the south of this location at 3011 Devils Glen Road (Devils Glen Car Wash). Therefore, the chosen site for this facility is reasonable.

Both Planning and Zoning commissioners and Board members have expressed concerns about stacking issues at the current car wash on Devils Glen Road, and staff has kept those concerns in mind during the evaluation of this request. The proposed car wash will be accessed by turning east into the complex from Devils Glen Road, south into the drive behind the facility, with entrance to the car wash on the east side of the

building. This will allow seven vehicles to stack internally behind the building and one vehicle within the facility for a total stacking space for eight vehicles (see Attachment D – Traffic Pattern/Stacking Illustration). Staff believes that it is highly unlikely that a patron would wait in line behind eight vehicles waiting to use the facility. In the unlikely event that a customer would wait, there is room for an additional four vehicles to stack on the private (internal) drive on the north side of the building; therefore, no vehicles would block or back up into Devils Glen Road. Staff also believes that this configuration could help alleviate the existing stacking problems at the car wash at 3011 Devils Glen Road by allowing drivers an alternative during peak car washing times. Staff believes that the overall effect of the two car washes could actually improve traffic safety on Devils Glen Road in this general area.

The second major issue involving the request is adequate separation from any residential structures (see Attachment E – Separation Illustration). The closest portion of the car wash will be approximately 225 feet away from the nearest portion of the closest condominium (which is the garage of the condominium). The next closest condominium will be approximately 275 feet away, and Luther Tower would be approximately 335 feet removed. In comparison, the existing car wash is approximately 300 feet away from Luther Tower. It is apparent that the proposed configuration places the facility as far away from Devils Glen Road as possible to provide the most separation while still allowing motorists using the facility to be stacked behind the facility and a shield for the residences.

The applicant has submitted a potential structure elevation illustration for the car wash (see Attachment F – Car Wash Illustration). The actual details for this facility will be finalized during site development plan consideration by the Planning and Zoning Commission.

Staff Recommendation

Staff feels that the plan:

- Provides sufficient stacking for vehicles.
- Allows stacked vehicles to be shielded behind the commercial structure and away from any residential properties.
- Places the facility as far from the residential properties as is reasonably possible.
- Places the exit for the car wash directly across Maplecrest Road.
- Potentially alleviates the current stacking problem on Devils Glen Road.

Given the above evaluation, staff recommends approval of the special use permit contingent upon the final approval of the rezoning of this property to C-3, General Business District.

Respectfully submitted,

John Soenksen
City Planner



SITE

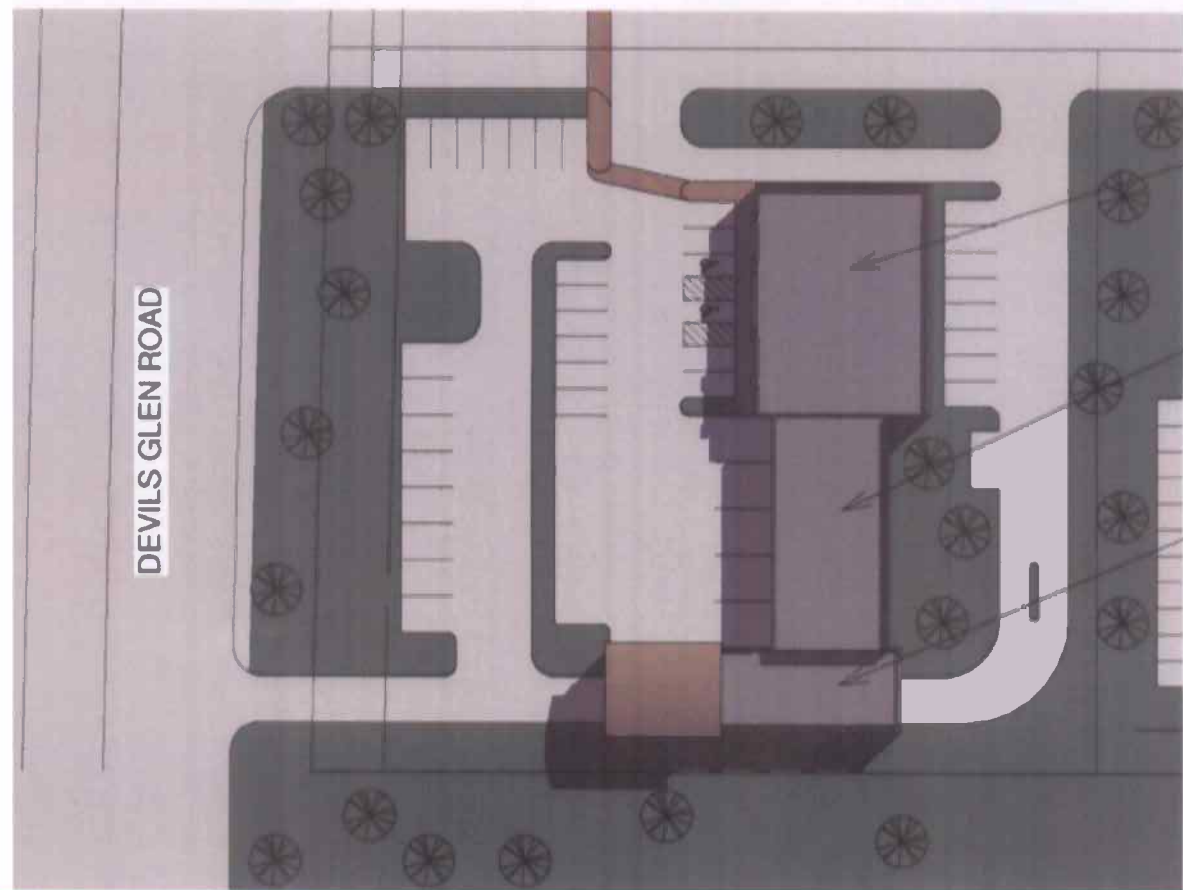


Attachment - B

BELMONT ROAD

DEVILS GLEN ROAD





PROPOSED RETAIL
ONE STORY BUILDING
4,800 S.F.
24 PARKING

AUTO REPAIR BAYS
ONE STORY BUILDING
3,200 S.F.
5 BAYS

PROPOSED CAR WASH
ONE STORY BUILDING
2,800 S.F.

Attachment - C

DEVI

NEW 3-DRIVE ACCESS ROADWAY

11

10

9

8

7

DRIVE-THRU LANE

PROPOSED LOT 1
66,819 S.F. (1.5 AC)

6

PROPOSED RETAIL
ONE STORY BUILDING
4,800 S.F.
24 PARKING

5

EXISTING 8-BAY VACUUM BAYS

8 VACUUM BAYS

4

AUTO REPAIR BAYS
ONE STORY BUILDING
3,200 S.F.
5 BAYS

3

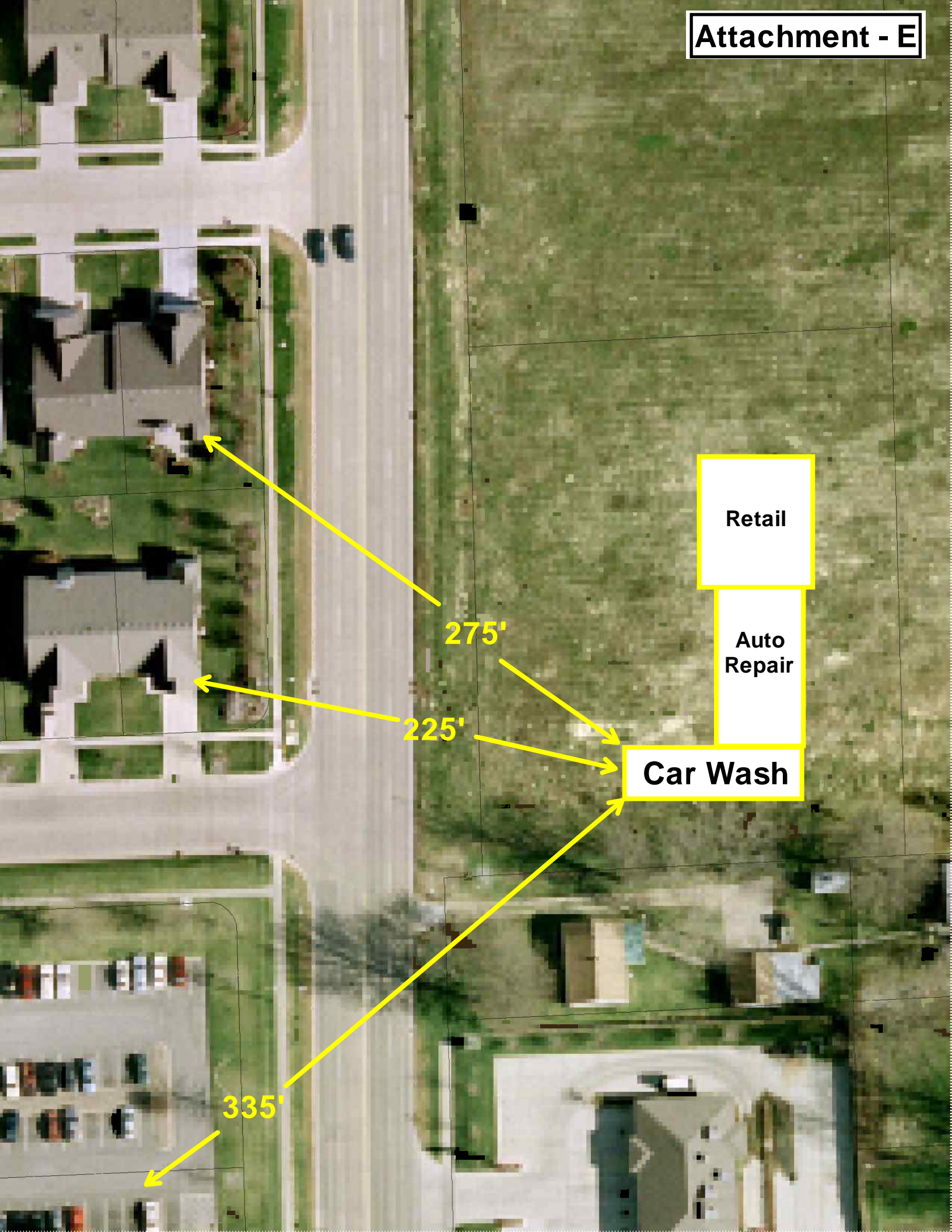
TRAIL

2

PROPOSED CAR WASH
ONE STORY BUILDING
2,900 S.F.

1

Attachment - D



Retail

Auto
Repair

Car Wash

275'

225'

335'



Attachment - F