

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
FEBRUARY 12, 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 January 8, 2009.
4. The Board to hold a public hearing on the following items:
 - a. Case 09-006; 6036 Shawnee Court (R-1) - A request for a variance to reduce the required rear yard setback from 40 feet to 30 feet and to reduce the required front yard setback from 35 feet to 30 feet, submitted by Steven Zelle.
 - b. Case 09-007; 7186 State Street (I-2) - A request for a special use permit to allow a concrete mixing facility, submitted by Pleasant Valley Redi-Mix.
 - c. Case 09-008; 3210 State Street (C-3) - An appeal of the zoning administrator's decision to prohibit a log splitting operation, submitted by Angela Solis.
 - d. Case 09-009; Part of Lot 1, Crowne Pointe Eighth Addition (C-2) - A request for a special use permit to allow a car wash, submitted by Specialty Auto, 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
JANUARY 8, 2009
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

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of December 11, 2008.

On motion by Howe, seconded by Voelliger, that the minutes of the meeting of December 11, 2008 be approved as submitted.

ALL AYES

Motion carried.

Item 4. The Board to review and approve the 2008 Board of Adjustment Annual Report.

On motion by McElhiney, seconded by Voelliger, that the 2008 Board of Adjustment Annual Report be approved as submitted.

Howe commented that the Board has remained very consistent with regard to the cases that were presented. Other Board members concurred.

ROLL CALL ON MOTION

ALL AYES

Motion carried.

Annual Report is Annex #2 to these minutes.

Item 5. Election of officers.

On motion by Voelliger, seconded by Howe, that Stelk and McElhiney remain in their offices of Chairman and Chairman Pro Tem, respectively.

ALL AYES

Motion carried.

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

- 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.

Stelk asked if there was an affidavit of publication. Connors stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #3 to these minutes.

Connors reviewed the staff report. Staff report is Annex #4 to these minutes.

Howe asked if all of the retail buildings would be under sole ownership. Connors confirmed this, adding that it is possible that the retail space would be leased.

Voelliger asked if the impact that three separate businesses would have on the traffic pattern in the area had been considered. Connors explained that most of the discussion with regard to the project at the Planning and Zoning Commission and Council levels had been related to adequate parking being available on the site. He stated that the proposed parking meets ordinance requirements.

McElhiney asked if the vehicles exiting the car wash would do so on Devils Glen Road. Connors confirmed this.

Voelliger asked if the car wash would be staffed with employees who dry the cars. Connors explained that it is his understanding that the car wash would be a drive-through with dryers located at the end and that there would be no staff on site.

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

Dan Alias, the applicant, explained that there would be one person to run the car wash and collect payment. He added that the building will be approximately 90 feet long and will have a conveyor system which will wash the car, shine the tires, and dry the vehicle. He stated that the concept is new to the Quad Cities, adding that it will take approximately 5 minutes for a complete cycle.

Howe asked if the owners of the repair shop would also own the car wash. Alias confirmed this.

McElhiney asked if the exit would be directly aligned with Maplecrest Road. Connors explained that if the driveway is widened to accommodate an entrance and exit, it will be fully aligned.

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

John Boesch, 3468 Maple Glen Drive, expressed concern about what type of business might replace the car wash if it is not successful. He indicated that he would prefer that the city not allow a body and paint shop if the car wash is unsuccessful.

Connors explained that if the special use permit is approved, a car wash would be allowed. He added that if the car wash ceases to exist, any business which is an allowable use in the C-3 District would be allowed. He indicated that a body repair shop is one of the allowable uses.

Boesch asked if the applicant has applied for a building permit. Connors explained that the property must be rezoned and a site development plan approved prior to issuance of a building permit.

Boesch asked if the Board would consider requiring that the rezoning revert to C-2 if the project has not been started within one year. Stelk explained that the Board does not have the authority to impose such a requirement. McElhiney added that the City Council and Planning and Zoning Commission would be responsible for that type of decision.

Howe commented that if the City Council approves the third reading of the ordinance and a special use permit is granted, those approvals will be applicable to the lot in question. He indicated that regardless of who owns the property in the future, a car wash would be allowed and the zoning designation would be C-3.

Boesch expressed concern that other lots in the subdivision will be rezoned to C-3 in the future. Connors stated that the lots in the proposed development are zoned C-2, adding that the only lot that is being rezoned is the one on which the car wash will be located. He added that a precedent has been established with regard to the proposed rezoning as there are other lots in the area that have been rezoned to C-3.

Voelliger asked if the remainder of the properties would have the C-2 zoning designation. Connors confirmed this.

Stelk reiterated that it would be up to the Planning and Zoning Commission and the City Council as to whether the other lots would be allowed to be rezoned as well.

Boesch asked again if an auto body paint shop would be allowed if the car wash fails. Connors explained that any use that is allowed in a C-3 district could be located on the property.

Howe stated that the only issue that is in the Board's purview is the requested special use permit for a car wash.

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

On motion by McElhiney, seconded by Howe, that the request for a special use permit to allow a car wash be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #5 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

Bill Connors
Community Development Director



COMMUNITY DEVELOPMENT

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

February 12, 2009

Staff Report

Case No. 09-006

Location: 6036 Shawnee Court

Applicant: Steve Zelle

Zoning Designation: R-1, Single Family Residence District

Request: Variance to reduce the required rear yard setback from 40 feet to 30 feet and to reduce the required front yard setback from 35 feet to 30 feet.

Background Information and Facts

The site is located north of Hopewell Avenue toward the southwest end of Shawnee Court (see Attachment A – Location Map). The applicant is requesting variances to reduce both the front and rear yard setbacks.

Staff Analysis

The request is to reduce the rear yard setback by 10 feet from 40 feet to 30 feet, and to reduce the front yard setback by 5 feet from 35 feet to 30 feet (see Attachment B – Setback Illustration). Therefore, the setback reductions total 15 feet. Staff made daily contacts to the applicant's office in an attempt to receive the associated plot plan for this request. Unfortunately, the applicant was out of town and unavailable and no plot plan was submitted for the Board's consideration. Without such information, staff has nothing to rely upon to identify a hardship.

In the most recent past, the Board has denied setback variance requests in this subdivision – Legends of Hopewell Creek. Those requests involved setback variance requests for 6042 Emery Court and 6021 Emery Court which were both denied. As shown in Attachment A, the lots on Emery Court are considerably smaller in size than is the lot involved. This lot has a total of 27,910 square feet which is almost three times larger than the 10,000 square foot minimum lot size for this zoning district.

The Board has been consistent in past deliberations stating that a compelling reason must exist to justify a legitimate hardship on new, undeveloped lots.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A



SITE

DEVILS GLEN RD

INTERNATIONAL DR

HOPEWELL AV

EMERY CT

SHAVNE CT

ALLEN BROOK DR

ARCHER DR

PEMBERTON DR

CASTLEWOOD DR

LIIENTHAL ST

HOPE VIEW CT

FALMOUTH CT

STAR VIEW DR

THUNDER RIDGE RD

CALIFORNIA DR

CORONADO CT

JOSHUA ST

NORTH RIDGE CT

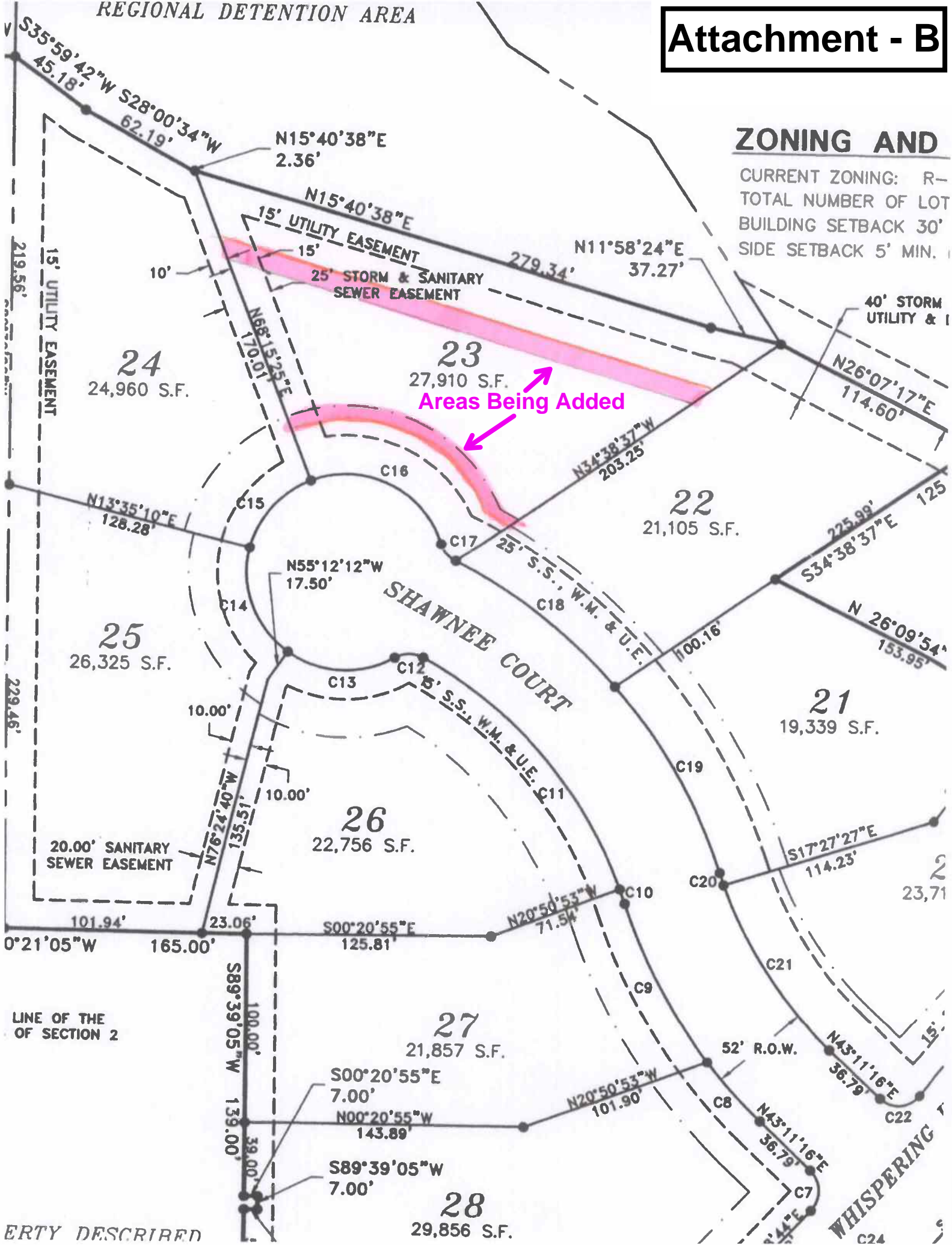
WILDERNESS ST

COL

AV

ZONING AND

CURRENT ZONING: R-
TOTAL NUMBER OF LOT
BUILDING SETBACK 30'
SIDE SETBACK 5' MIN.



Case No. 09-006

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

Part 1. Property Involved.

Street Address 6036 Shawnee Court

Legal Description of the property. Lot 23 Legends of Hopewell Creek
2nd Addition

Part 2. Contact Information.

Applicant Name Steven Zelle Phone 289-5511
 Address 1503 Holmwood Street Lehigh FAX 289-5456
 E-mail Address: _____

Owner Name Steven Zelle Phone 289-5511
 Address 1503 Holmwood Street Lehigh FAX 289-5456
 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.)



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

February 12, 2009

Staff Report

Case No. 09-007

Location: 7186 State Street

Applicant: Pleasant Valley Redi-Mix

Zoning Designation: I-2, General Industrial District

Request: Special use permit to allow a concrete mixing facility.

Background Information and Facts

The site is located on the north side of State Street near the eastern city limits and was previously the location of the Sunrise Drive Line golf driving range and go-cart business (see Attachment A – Location Map). The applicant is requesting permission to place a concrete mixing facility on the site.

Staff Analysis

There are two components to this request:

1. The applicant would like to place an outdoor or movable mixing plant on the site for a period of approximately one year; and
2. The applicant hopes to eventually enclose the facility in a permanent structure.

Initially, according to the applicant, the facility will resemble the illustration in Attachment B. There are currently unassembled components of the portable mixing plant at the site in the area the applicant would like to use for the temporary mixing facility. The illustration in Attachment B is not the actual temporary facility; it is merely an example of one type of temporary facility.

An enclosed mixing plant is shown in Attachment C, but again, this illustration is not to be considered a depiction of what the actual facility will look like.

The applicant has submitted a concept plan showing how this property is expected to be platted in the future (see Attachment D – Plat). The temporary site will be placed in the area of Lot 12 (highlighted in blue), and the permanent/enclosed facility will be placed in the area of Lot 4 (highlighted in red).

Staff Recommendation

As stated in the above analysis, there are many variables and uncertainties associated with the proposed request. The outdoor/temporary plant will obviously emit more noise and debris than would an enclosed/permanent facility and be less aesthetically-

pleasing. Staff would not recommend approval of a special use permit to allow an outdoor mixing facility on a permanent basis.

Therefore, staff would recommend the approval of this special use request to be temporary and dependent upon the Board's review of this request again in January of 2010 when the Board has had the opportunity to observe how the plant's operation actually affects the surrounding area.

Respectfully submitted,

John Soenksen
City Planner



SITE

CRI

184TH ST

180TH ST

VALLEY DR

STATE ST

PORTZ DR

STATE ST

244TH AV

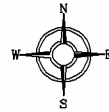
W HARBOR DR



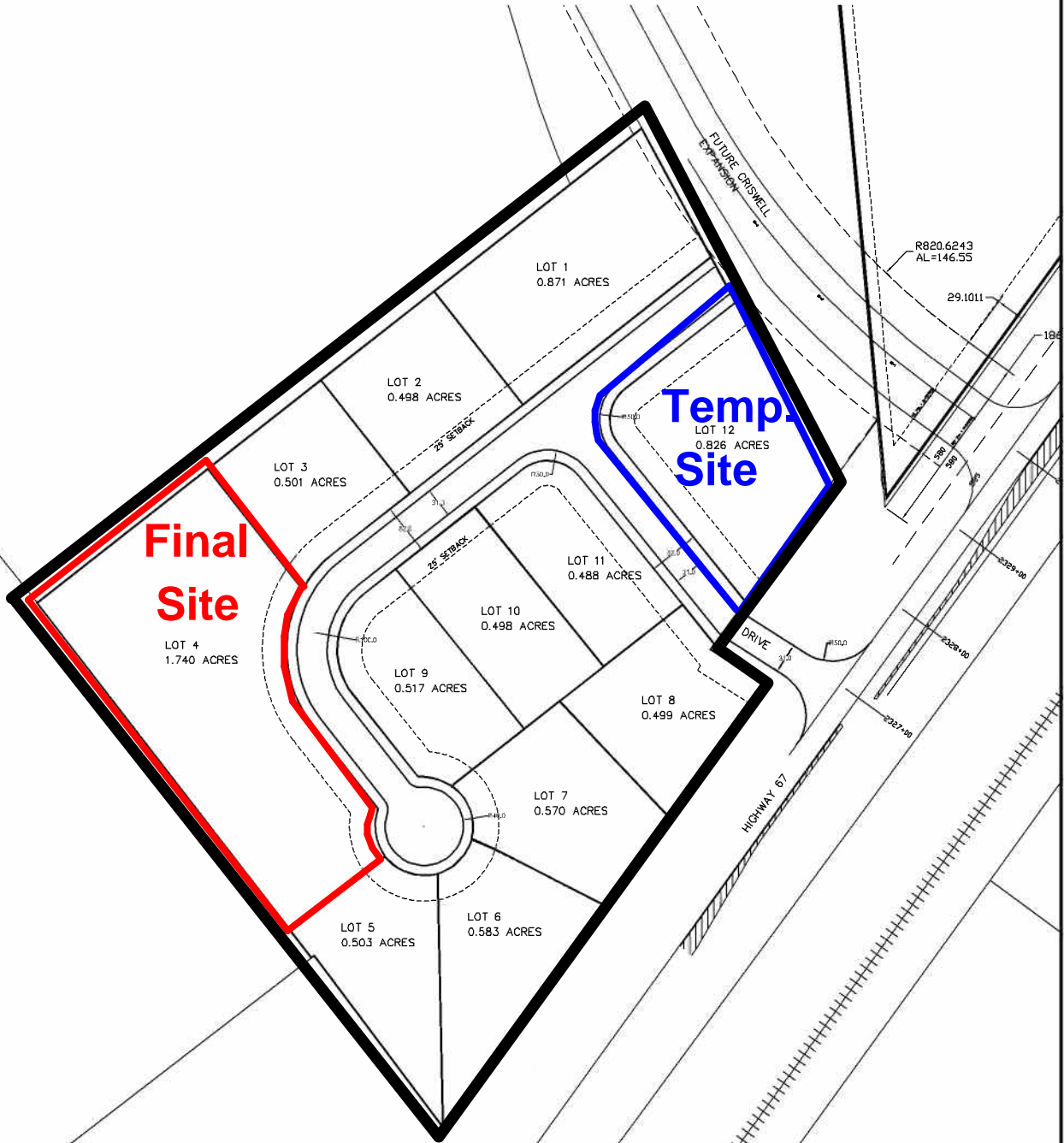
Attachment - B



Attachment - D



GRAPHIC SCALE
 0 25 50
 (IN FEET)
 1" = 60' (24X36)



Exist MH #17
 Top = 583.00
 FL IN = 569.56
 Depth = 15.44 FT

Exist MH #16
 Top = 582.90
 FL IN = 567.35
 Depth = 15.55 FT



DATE: 2/4/09
 Project No.: 98435.04

REV NO.	DATE	DESCRIPTION

Project: CONCEPT PLAN
 FRIEMEL 1ST ADDITION
 BETTENDORF, IOWA

Developer: FRIEMEL CONSTRUCTION
 1039 STATE STREET
 BETTENDORF, IOWA 52722

SHEET #
 1 of 1

Case No. 09-007

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

Part 1. Property Involved.

Street Address 7186 State Street

Legal Description of the property. See Attachments

Part 2. Contact Information.

Applicant Name Pleasant Valley Redi-Mix Phone 563-823-4900

Address 7186 State Street Bettendorf, IA 52022 FAX 563-823-0708

E-mail Address: _____

Owner Name Friemel Construction Phone 563-823-0701

Address 1039 State Street Bettendorf, IA FAX 563 823-0708

E-mail Address: tfriemelconstruction.com

Agent Jean Venaglia Attorney Phone 309-788-0471

Address 100 17th Street Sult 405 61201 RI, IL FAX 309-788-0480

E-mail Address: jvenaglia@cgs.lawfirm.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. _____
(Attach a separate sheet and explain in detail.)

**Pleasant Valley Redi-Mix, Inc.
1039 State Street Suite 203
Bettendorf, IA 52722
563.823.0701**

January 27, 2009

Community Development
City Hall Annex
4403 Devils Glen Road
Bettendorf, Iowa 52722

RE: Pleasant Valley Redi-Mix, Inc. Temporary Special-Use Permit Application

Dear Board of Adjustment:

Enclosed please find the Application to the Zoning Board of Adjustment on behalf of the above captioned corporation. Please accept this application and letter as Pleasant Valley Redi-Mix, Inc.'s official request for a temporary special-use permit at the property listed above. Mr. Bill Connors relayed yesterday that we might be heard regarding this request at your next meeting, scheduled February 12, 2009 following receipt of this application. Please advise if any other information or action is required prior to this meeting.

Pleasant Valley Redi-Mix, Inc. is a new business in the process of applying for Iowa incorporation. Pleasant Valley Redi-Mix, Inc. will provide concrete for private and government contracts, including the City of Bettendorf. It has secured rental of 7186 State Street Bettendorf, Iowa, owned by Bettendorf business Friemel Construction Co., Inc., to set up a temporary central, batch redi-mix concrete plant. This property, zoned I-2, is located northeast of Olympic Steel and Allied Waste, north of real estate zoned I-3, and was formally the Sunrise Golf Driving Range. This location is ideal for growth and development of Bettendorf's industrial park.

Townsend Engineering, at the direction of Friemel Construction Co., Inc., has commenced design engineering services for future improvements to the property described above. Design engineering plans may, post-board approval, include provisions for a permanent central batch redi-mix plant. Pleasant Valley Redi-Mix, Inc. requests a temporary special-use permit until such time that engineering and site plans for a permanent redi-mix batch plant are completed and approved by the City of Bettendorf.

Thank you for your prompt attention and consideration to this matter. Please contact the office with any questions or direction.

Sincerely,



Todd Friemel

jv/TF
Enclosures



COMMUNITY DEVELOPMENT

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

February 12, 2009

Staff Report

Case No. 09-008

Location: 3210 State Street

Applicant: Angela Solis

Zoning Designation: C-3, General Business District

Request: Appeal of the zoning administrator's decision to prohibit a log splitting operation.

Background Information and Facts

The site is located on the north side of the 3200 block of State Street just west of Pfitz's Fast Lane Restaurant (see Attachment A – Location Map). The applicant has been informed that a log splitting business is not allowed on this C-3, General Business site.

Staff Analysis

This issue first came to staff's attention in May of 2008 when the applicant purchased the property and began to bring in items related to a logging/tree cutting operation. At that time the property was zoned C-4, Automotive Service District. Permitted uses in the C-4 district are intended to be auto service and drive-up type businesses. The applicant informed staff that he was not aware that he would not be allowed to operate a logging/tree cutting service on this site. Staff explained the rezoning procedure to the applicant, and on June 18, 2008 the Planning and Zoning Commission held a hearing to consider a rezoning request from C-4 to I-2, General Industrial District. The Planning and Zoning Commission unanimously voted to recommend denial of the proposed Land Use Amendment which was necessary before the rezoning could be considered. During the Commission's discussion of the matter the issue of noise was raised as a main concern due to the outside operation of the equipment required for this type of business. Commissioners also expressed concern about the R-2 and R-4 residential districts to the north of this site. The Commission felt that the request was inappropriate.

In July of 2008, the Commission held an additional hearing to consider the rezoning of the property from C-4 to C-3, General Business District. That request was approved based on the fact that the request was changed to include the storage of firewood within a fenced area and the outside storage of trucks related to the business and the sales of firewood only, not the cutting and splitting of logs/wood as was originally requested. The Commission and Council felt that the new request fit into the "contractor's yard" category which is an allowed use in the C-3 district. Since that approval, the site has been used for contractor's storage and firewood sales purposes only.

Recently the applicant has approached staff with a renewed request to be allowed to cut and split wood outside on this site. The applicant states that new regulations prohibit the transportation of firewood across state lines due to the fear of the spread of the ash borer. The remainder of this report represents the zoning administrator's response to that request. The applicant would like to address the Board with the opposing side of this issue at the Board's February meeting.

Staff Perspective

Relating back to the original concerns of the Planning and Zoning Commission, the adjacent residential districts in this area only accentuate the problem of outdoor processing operations outside of the industrial districts. During the discussion phase of the original I-2 rezoning request Commissioners stated:

If the applicant would be willing to eliminate the processing portion of his business, they would be more inclined to support a rezoning to C-3. They also indicated that the city's intent has always been to make the entranceway to the city a commercial corridor, not industrial.

Staff agrees with the commission's concerns and views on this matter. It is staff's interpretation that the permitted use which most closely resembles the logging/wood cutting request as stated in the Code is "industrial firms involved in the fabrication, processing, production, compounding and manufacturing of materials, goods, and products.

Ultimately, it is staff's interpretation that there are no permitted uses in the C-3, General Business District which allow the tree cutting/wood splitting/wood processing type uses. The applicant is appealing that interpretation

Respectfully submitted,

John Soenksen
City Planner



Fenced Area

SITE

STATE ST

31ST ST

33RD ST

Case No. 09-008

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

Part 1. Property Involved.

Street Address 3210 State St

Legal Description of the property
LOT 1, MOLO OIL FIRST ADDITION

Part 2.

Applicant Name Angela Solis

Address _____

Phone 359-3667

FAX _____

Owner Name Jaime & Angela Solis

Address 400 Devils Glen Rd

Phone 503-359-3667

FAX 503-359-3709

Agent _____

Address _____

Phone _____

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.)

January 26, 2009

City of Bettendorf
Zoning Board of Adjustment:

Re: Attachment for Application for Variance

Reasons for application:

We would like to operate a log splitting machine (comparable to the sound of a lawn mower) which uses a small engine to reduce the size of logs down to manageable pieces of wood for fireplaces.

Operation of this machine would only be done during regular business hours.

All operations of this machine will only be conducted inside a privacy fenced area out of site to traffic and neighboring areas. Little to no noise would be heard from this machine.

Hardships:

Due to a new Federal and State Regulation by the Dept of Agriculture, no firewood may be taken across state lines. The only site currently available to us in Iowa would be this site at 3210 State St. Therefore this would be creating a hardship on our Tree Service Business.

Thank you for your time

Jaime & Angela Solis



COMMUNITY DEVELOPMENT

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

February 12, 2009

Staff Report

Case No. 09-009

Location: Part of Lot 1, Crowne Pointe Eighth Addition

Applicant: Specialty Auto, Inc.

Zoning Designation: C-2, Community Shopping District

Request: Special use permit to allow a car wash.

Background Information and Facts

The site is a vacant lot just to the north of The Coffee Hound Restaurant (3451 Devils Glen Road) on east side of Devils Glen Road (see Attachment A - Location Map). The applicant would like to place a car wash on this site.

Staff Analysis

The car wash facility will be evenly divided with four automatic bays and four manual bays. The automatic bays will be on the west side of the facility, and the manual bays will be on the east side (see Attachment B – Site Plan). There are four major areas staff analyzes for a car wash special use request:

1. Proper/safe traffic flow
2. Sufficient vehicle stacking
3. Separation from less intense uses
4. Buffering

Issue One – Traffic Flow

Traffic flow is illustrated on the site plan (Attachment – B) with purple arrows representing ingress and the clear arrows representing egress from the facility. Ingress traffic will flow in a counterclockwise manner around the facility for a distance of approximately 500 feet before entering the stacking area. This is a logical way for traffic to flow safely and should not pose any hazard to other businesses in the area. Vehicles exiting the facility will do so on over 6,000 square feet of exit pavement, and all ingress/egress will take place on private property. Staff will be addressing the width of the exit drive (112 feet wide) during the site plan review process.

Issue Two – Vehicle Stacking

There will be sufficient stacking for 20 vehicles using the automatic car wash bays and for 18 vehicles using the manual wash bays. Thus, total vehicle stacking space is available for 38 vehicles. In the unlikely event that stacking would exceed that number,

the back-up stacking will all be on a private drive. Staff can foresee no instance when stacking would occur on Devils Glen Road.

Issue Three - Separation from Lesser Uses

The facility will be separated from the condominiums on the west side of Devils Glen Road by 165, 195, and 260 feet, respectively (see Attachment C – Separation Illustration). The openings of the car wash bays will be on the north and south ends of the building directing the majority of the sound away from the residential area.

Issue Four – Buffering

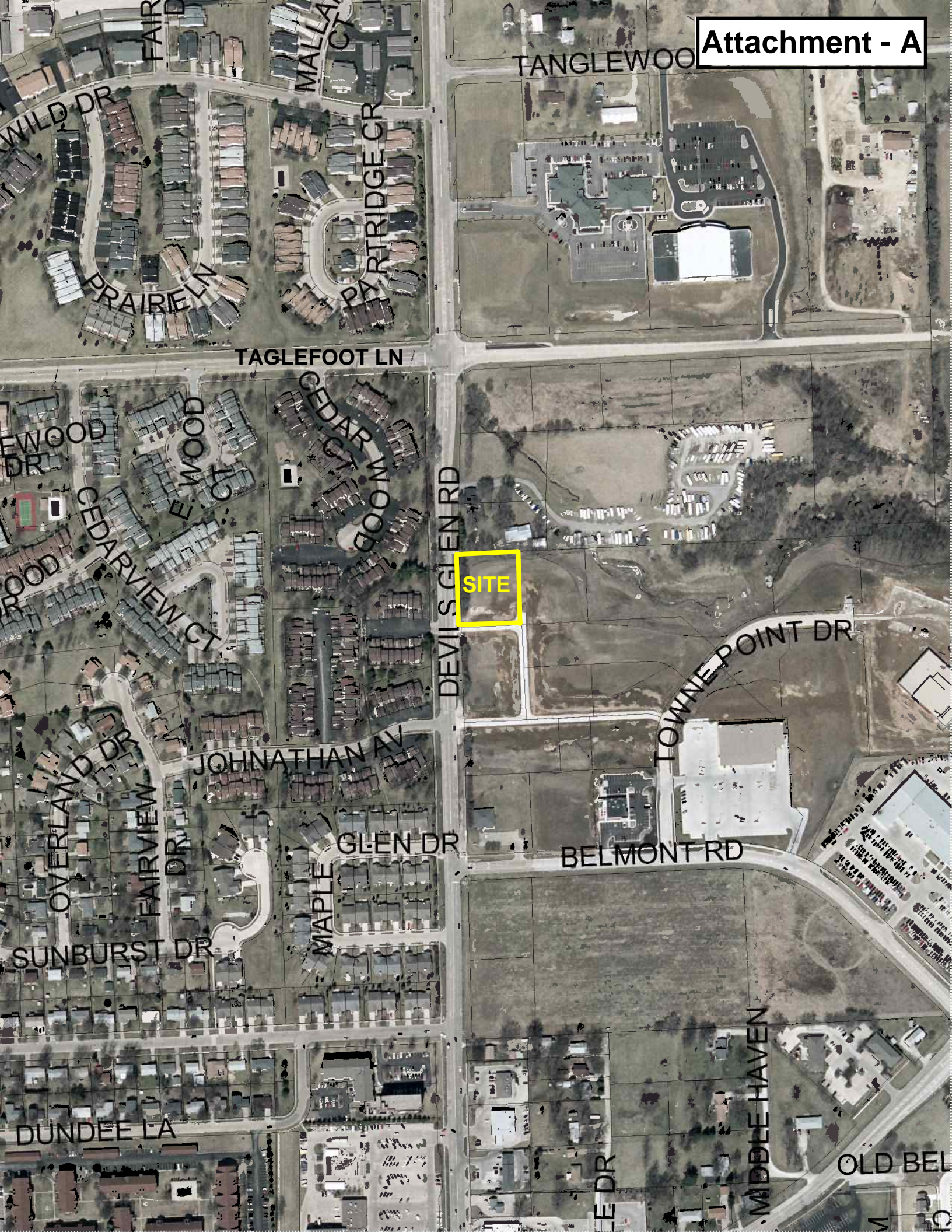
The majority of the greenspace for this development will be placed on the west side of the property adjacent to Devils Glen Road (see Attachment D – Buffering Illustration). Since the less intense use (residential) is located on the opposite (west) side of Devils Glen Road, staff feels this is the best area to concentrate the highest amount of greenspace/buffering. Buffering will be addressed in greater detail by the Planning and Zoning Commission during the site plan review process .

Staff Recommendation

Given the above analysis, staff recommends approval of the special use permit.

Respectfully submitted,

John Soenksen
City Planner



SITE

Attachment - B

AT DEVILS GLENN
D.G. STORAGE I, LLC

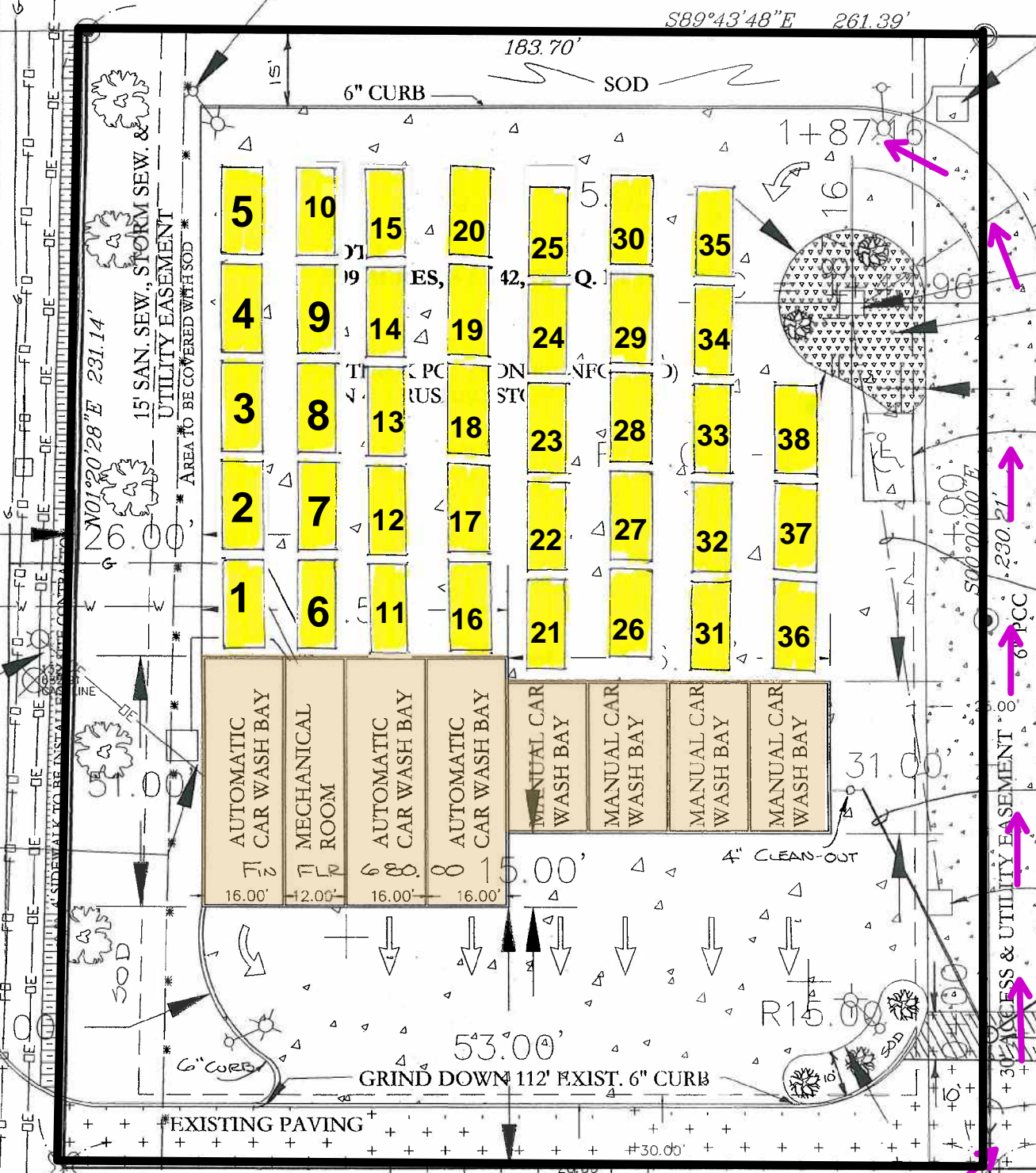
EXTERIOR LIGHT POLE
& LUMINAIRE (TYP. OF 4)

S89°43'48"E 261.39'

183.70'

6" CURB

SOD



15' SAN. SEW., STORM SEW. & UTILITY EASEMENT
AREA TO BE COVERED WITH SOD

N01°20'28"E 231.14'

AUTOMATIC CAR WASH BAY
MECHANICAL ROOM
AUTOMATIC CAR WASH BAY
AUTOMATIC CAR WASH BAY
MANUAL CAR WASH BAY
MANUAL CAR WASH BAY
MANUAL CAR WASH BAY
MANUAL CAR WASH BAY

16.00' 12.00' 16.00' 16.00'

GRIND DOWN 112' EXIST. 6" CURB

EXISTING PAVING

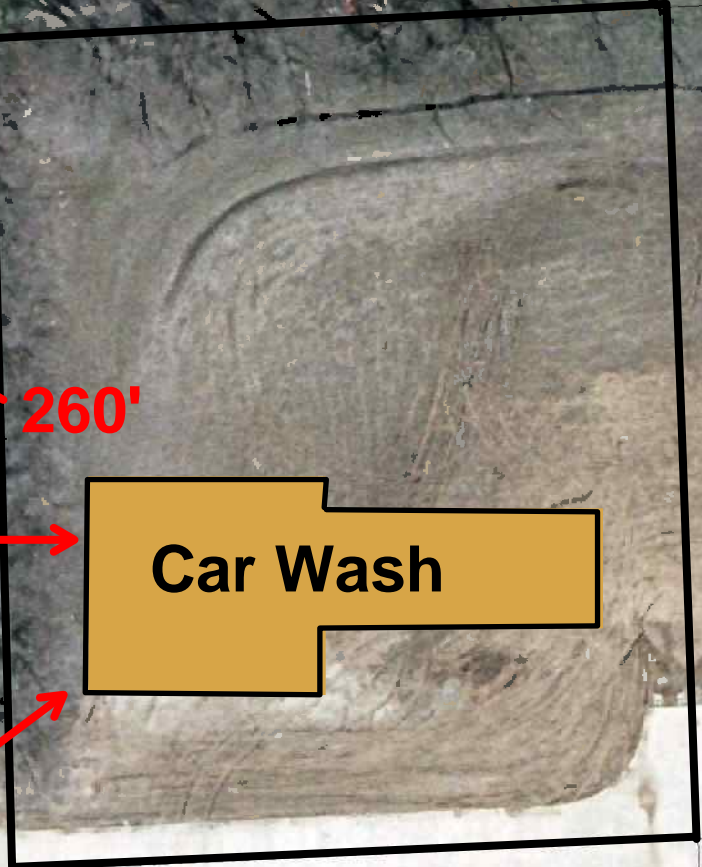
ACCESS & UTILITY EASEMENT

LOT 6 CROWNE POINTE FOURTH ADD.
DEVILS POINTE, LLC

ACCESS & UTILITY EASEMENT

ACCESS & UTILITY EASEMENT

EVANS
GLENN
S



260'

160'

Car Wash

195'

Case No. 09-009

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

Part 1.

Applicant Name SPECIALTY AUTO, INC. Phone 563-582-0319
Address 3234 ARROWWOOD LANE FAX _____
DUBUQUE, IA 52001-1595
Owner Name BANKLAND LLC Phone 355-2022
Address 1805 STATE ST FAX _____
BETT., IA. 52722
Agent ~~KEVIN KOEHLNER~~ JEFF GROWLKE Phone _____
Address SAME AS OWNER FAX _____

Part 2. Property Involved.

Street Address PART OF
Legal Description of the property. LOT 1 CROWNE POINTE 8TH ADD.
TO BE KNOWN AS LOT 1 CROWNE POINTE 10TH ADD.

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. SEC. 15.23.3
 - (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.)

