

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
SEPTEMBER 10, 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 August 13, 2009.
4. The Board to hold a public hearing on the following items:
 - a. Case 09-067; 3208 South Hampton Drive (R-2) – A request for a variance to increase the allowable living area to garage ratio from 40% to 66%, submitted by Chris Gutierrez.
 - b. Case 09-068; Lot 2, Shoppes at Duck Creek First Addition (C-2) – A request for approval of a special use permit for an additional drive-up window, submitted by McDonald Properties East, L.L.C.

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
AUGUST 13, 2009
5:00 P.M.**

Chairman Stelk called the meeting to order at 5:20 p.m.

Item 1. Roll Call

PRESENT: Eikenberry, Howe, McElhiney, Stelk, Voelliger
ABSENT: None
STAFF: Connors, Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of June 23, 2009.

On motion by Voelliger, seconded by Howe, that the minutes of the meeting of June 23, 2009 be approved as submitted.

ALL AYES

Motion carried.

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

- b. Case 09-061; 5004 Norwood Drive (A-2) - A request for a variance to reduce the required front yard setback from 40 feet to 34 feet to allow for a covered porch, submitted by Bryan and Sue Sampson.

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.

Stelk commented that the Board has granted similar requests in the past.

Howe asked if the covered porch would extend past the existing steps. Bryan Sampson, the applicant, explained that the covering would go no further than the steps or approximately 6 feet from the house.

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 Eikenberry, seconded by Howe, that the request for a variance to reduce the required front yard setback from 40 feet to 34 feet to allow for a covered porch be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- c. Case 09-062; 3200 Devils Glen Road (C-3) – A request for a special use permit for drive-up windows, submitted by Towne Center, L.L.C.

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.

Voelliger asked if approval has already been given for the two curb cuts on Devils Glen Road. Soenksen confirmed this. Voelliger commented that the traffic pattern has changed such that vehicles entering the car wash will come from Devils Glen Road rather than Belmont Road. He asked if staff feels that the site is large enough to accommodate the number of vehicles anticipated. Soenksen stated that access is still possible from the north, adding that the stacking space would be located apart from the drive-up window stacking space. He indicated that the vehicles will be exiting the car wash one at a time.

McElhiney commented that the cross-traffic pattern seems extremely problematic to her, adding that there is a great potential for confusion for drivers. She indicated that she feels uncomfortable with the changes that have been made to the plan since the Board approved the special use permit for the car wash. Soenksen stated that staff has reviewed the traffic pattern and does not feel as though one vehicle at a time exiting the car wash will cause a conflict with drivers who are entering the development from Devils Glen Road.

Soenksen commented that the revised site development plan has been approved by the City Council.

Eikenberry asked if the drive-up windows would be used for two separate businesses. Soenksen confirmed this.

Voelliger asked if there would be an adequate turning radius. Connors stated that the plan has been reviewed by the Engineering Department and the Fire Department who had not expressed any reservations.

Dan Alias, the applicant, stated that the only request at issue is the additional drive-up window on the south side of the building. He explained that the building will be located 120 feet from Devils Glen Road and that he has been working with city staff to ensure proper stacking space is available.

McElhiney reiterated that when the special use permit for the car wash was approved, the plan was completely different. Alias stated that that is not true, adding that he has done this before and knows what he is requesting permission to do. He indicated that the graphic that was included in the packet is an old one. Soenksen stated that the graphic in question is the one that the Board originally based their decision on. He added that since that time, the applicant has revised the concept plan by removing part of the retail space and reconfiguring the traffic pattern.

Voelliger asked how many occupants would be located in the retail building. Alias stated that ideally there would be four occupants.

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

Frances Wright, 3131 Devils Glen Road, asked why the plan has been changed to include an access from Devils Glen Road. She indicated that the exit will be very close to her property. Stelk explained that that type of decision is not in the Board's purview. Wright asked if patrons would be able to enter from Devils Glen Road. Stelk confirmed this.

Marlene Gaston, 3446 Maple Glen Drive, expressed concern about the configuration of the traffic pattern. She indicated that she believes that adding a driveway on the south side of the development will add to the congestion, adding that she feels that a traffic signal light should be installed at Maplecrest Road.

Alias reiterated that he has been working closely with staff to ensure that all of the city's requirements are met.

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

Howe commented that the Board's purview is relatively limited, adding that the Planning and Zoning Commission, City Council, and staff have reviewed and approved the plan. He indicated that he would support the request.

On motion by Howe, seconded by Voelliger, that the request for a special use permit to allow drive-up windows be approved in accordance with the Decision and Order.

McElhiney stated that while she does not feel that the development is well thought out and she has serious concerns about the traffic pattern, she is not opposed to the drive-up windows.

ROLL CALL ON MOTION

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 5:50 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

September 10, 2009

Staff Report

Case No. 09-067

Location: 3208 South Hampton Drive

Applicant: Chris Gutierrez

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

Request: Variance to increase the allowable living area to garage ratio from 40% to 66%.

Background Information and Facts

The site is located just north of the intersection of Iverness Drive and South Hampton Drive (see Attachment A – Location Map). The applicant would like to build an additional 24-foot by 30-foot (720 square feet) detached garage (see Attachment B – Plot Plan). If allowed, the living area to garage ratio would be 66%, exceeding the allowable 40%.

Staff Analysis

There currently is a 319 square foot single-car attached garage located on the property which is approximately 16 feet by 20 feet in size. The code allows an exemption to the 40% ratio of up to 720 square feet of combined garage area regardless of the size of the house. If the request is approved, the total garage space would be 1039 square feet or 43% more than the 720 square feet allowed.

The applicant's lot is 10,005 square feet which is relatively small for this zoning district. The minimum square footage required in the R-2 District is 8,400 square feet; therefore, the lot is only 1,600 square feet above the minimum. The Board has been consistent in these types of requests matching larger garage ratios only to larger lots to insure a proper "match" for garage area to lot size and open space.

The justification portion of the application bases the request on two issues:

1. For the parking convenience of the current vehicles and potentially a boat that the applicant may purchase in the future.
2. The home is located within 200 feet of the main entrance to Hoover Elementary School. Pedestrian traffic involving young children is abnormally heavy in this area before and after school. Having fewer vehicles on the street will add to that pedestrian safety.

Over the past three years the following similar requests have been considered by the Board:

<u>ADDRESS</u>	<u>GARAGE REQUEST</u>	<u>LOT SIZE</u>	<u>DECISION</u>
1519 Brown Street	1,296 square feet	7,500 (commercial)	Approved
4357 Palm Drive	916 square feet	13,015 square feet	Approved
1530 – 29 th Street	840 square feet	21,304 square feet	Approved
2890 Pleasant Ridge Court	1,444 square feet	370,260 square feet	Approved
3424 Augusta Court	1,086 square feet	16,905 square feet	Denied
3424 State Street	1,286 square feet	261,360 square feet	Approved
7132 Valley Drive	1,342 square feet	50,040 square feet	Approved
4365 Augusta Court	826 square feet	16,905 square feet	Approved

Over the past three years, the average garage square footage approved for similar requests is 1,124 square feet on lots of an average size of 105,769 square feet.

After discarding the lowest and highest garage and lot sizes of the referenced requests, the average is 1,153 square feet on lots of an average size of 72,525 square feet.

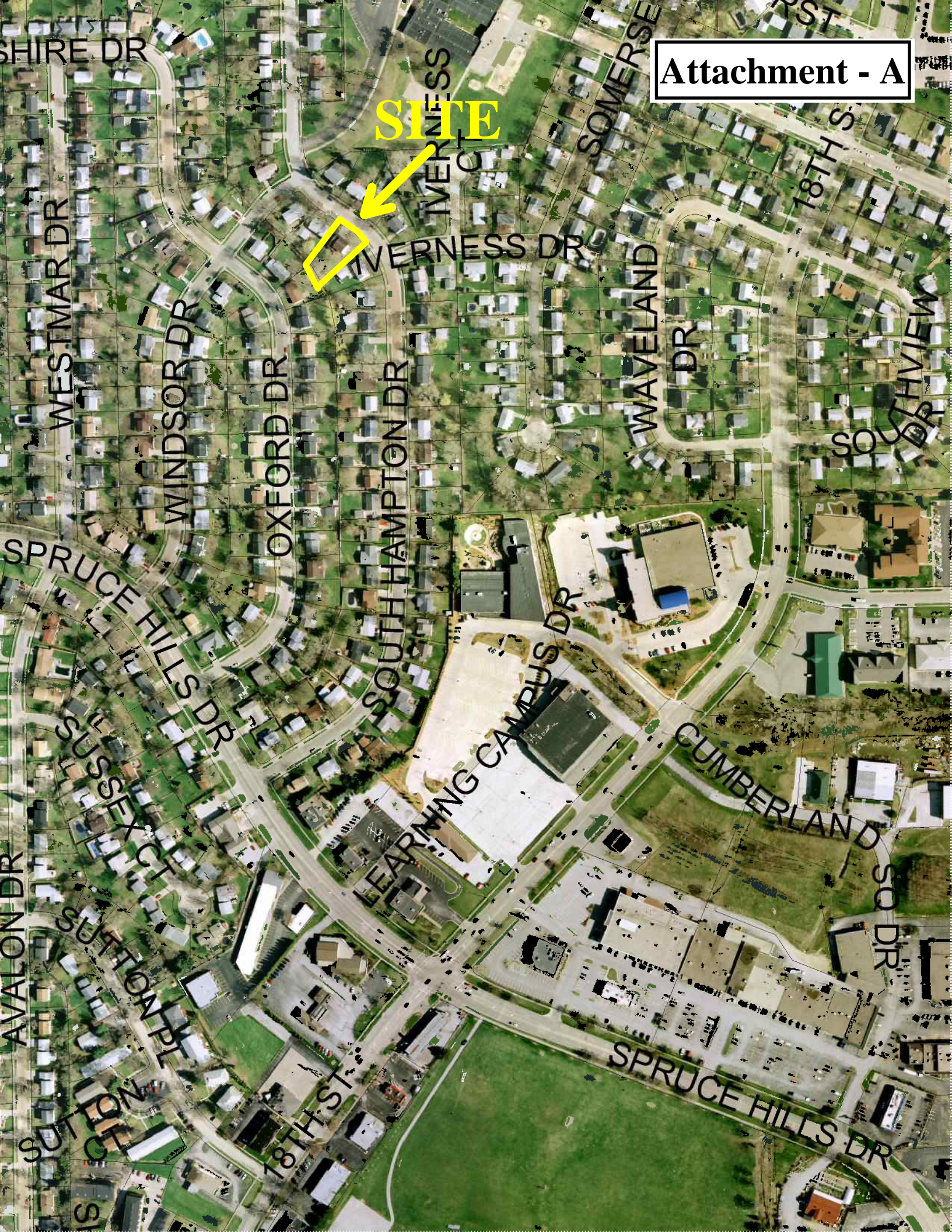
While the current request is close to the average garage square footage approved in the above cases (when eliminating the two extremes), the lot size is approximately 1/7 the size of the other lots.

Staff Recommendation

Staff cannot cite a hardship.

Respectfully submitted,

John Soenksen
City Planner



SITE



Attachment - B



New Driveway

New
24' X 30'
Garage

25-foot
Setback

Case No. 09-067

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

Part 1. Property Involved.

Street Address 3208 S. Hampton Drive

Legal Description of the property lot 8 Greenbrier 11th Addition

Part 2.

Applicant Name Chris Gutierrez Phone 344-0895

Address _____ 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.)

We would like to **keep our existing one car attached garage**. In addition we would like to **build a 24' x 30' detached garage** in our backyard. For the following reasons it would be a **hardship** to build a 20' x 20' garage or enclose our existing one car garage:

We need to keep the attached garage because we frequently transport my parents and grandparents. During inclement weather they could slip and fall if they have to walk outside. My grandfather uses a walker and my grandma uses a cane. They cannot walk long distances and manipulate multiple stairs. If they had to walk from the detached garage they would have to go a much longer distance to get into the house and go up the stairs on the deck. They would not be able to do this.

We need additional garage space because we have teenagers and multiple vehicles. With additional garage space we would be able to get 2 more vehicles off of the street and into the garage. When it snows we are always having to move our vehicles and digging them out from the plows. We live on South Hampton near Hoover elementary so our street is plowed a lot and there is a lot of traffic so it would be safer to have our vehicles off the street.

Now that our children are older we would like to get a boat. We need garage space to store the boat. The boat would take up the 3rd section of the 24' x 30' detached garage. Furthermore, my son and husband enjoy woodworking and we would like to have room for them to have a workshop. My son is going to get some woodworking equipment that was my grandfather's, but we can't get it from him until we have the garage space. My son races BMX bikes so we have several racing bikes that we need storage space for. As a family we enjoy snow skiing and snowboarding and our equipment and topper for our van require a lot of storage space. Currently the bikes and skiing equipment are stored in our basement and we would like to finish off the basement so we have a recreation/TV room.

We are allowed to build a 20' x 20' detached garage without obtaining a variance, but a garage this small would not allow us the parking, storage space and workshop we need. We have larger vehicles so it would be difficult to fit them into such a small two car garage. If two vehicles were put into such a small garage there would not be room for anything else. Furthermore, our existing garage has a finished ceiling and it is only 8 feet tall. As a result we can't store things above and if anything is hung from the ceiling it is in the way.

We like our neighborhood and neighbors so we do not want to move just to get more garage space. We have talked to our neighbors about building a 24' x 30' detached garage and keeping our existing attached one car garage, and no one expressed a concern. We actually feel the additional garage space will benefit our neighbors because it will get our vehicles off the street and it will help to increase property values. We do not need more living space so we do not wish to turn our existing one car attached garage into living space



COMMUNITY DEVELOPMENT

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

September 10, 2009

Staff Report

Case No. 09-068

Location: Lot 2, Shoppes at Duck Creek First Addition

Applicant: McDonald Properties East, LLC

Zoning Designation: C-2, Community Shopping District

Request: Special use permit for an additional drive-up window.

Background Information and Facts

The site is part of the newly developing Burlington Coat Factory location (see Attachment A – Location Map). The developer is seeking approval of a drive-up window for one of the buildings to be located on the outer edge of this site (see Attachment B – Site Plan).

Staff Analysis

In May of 2008, the Board reviewed a similar request for this building. At that time, a permission was requested for a drive-up window to be located on the east side of the building. During the Board's deliberation, it was agreed to between the developer and the Board that the drive-up window should be located on the north side of the building close to the northwest corner of the structure to allow the maximum amount of vehicle stacking. The approved relocated site for that drive-up request is shown in blue on Attachment C.

The developer would now like to add a second drive-up window on the east side of the building. The requested location is shown in red on Attachment C. The new location would have approximately 75 feet for stacking which would allow approximately three vehicles to stack in the designated stacking area as shown on Attachment C. The site is located adjacent to and to the west of the main entrance to the shopping center.

It is anticipated that a delicatessen type sandwich restaurant will be located at this site. Although this type of restaurant traditionally does not experience the amount of stacking that is routinely seen at a fast-food hamburger type business, staff cannot guarantee what type of restaurant will be located at the site if the request for another drive-up window is approved. The developer has indicated that he will be attending the public hearing and will be prepared to address concerns the Board may have about this request.

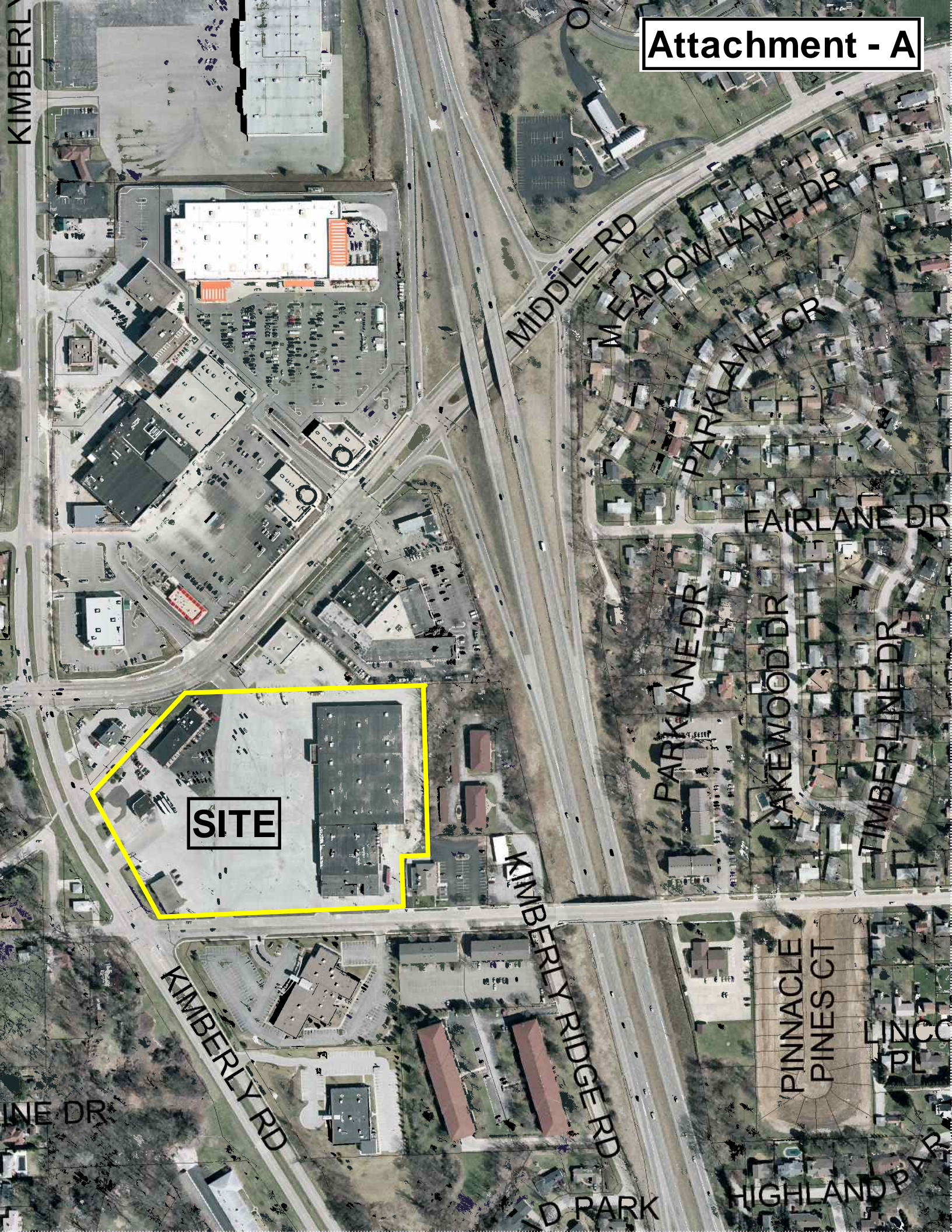
Staff Recommendation

The proposed use for the site is an approved use in this district, and the Board has approved other drive-up windows within this development. If the Board's concerns about stacking are properly addressed, the Board may seek to place a condition on the approval specifying the restaurant type insuring that they will be able to further review this request if a different type of restaurant ultimately commits to located at this site.

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

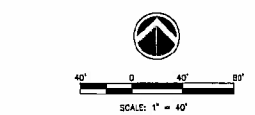
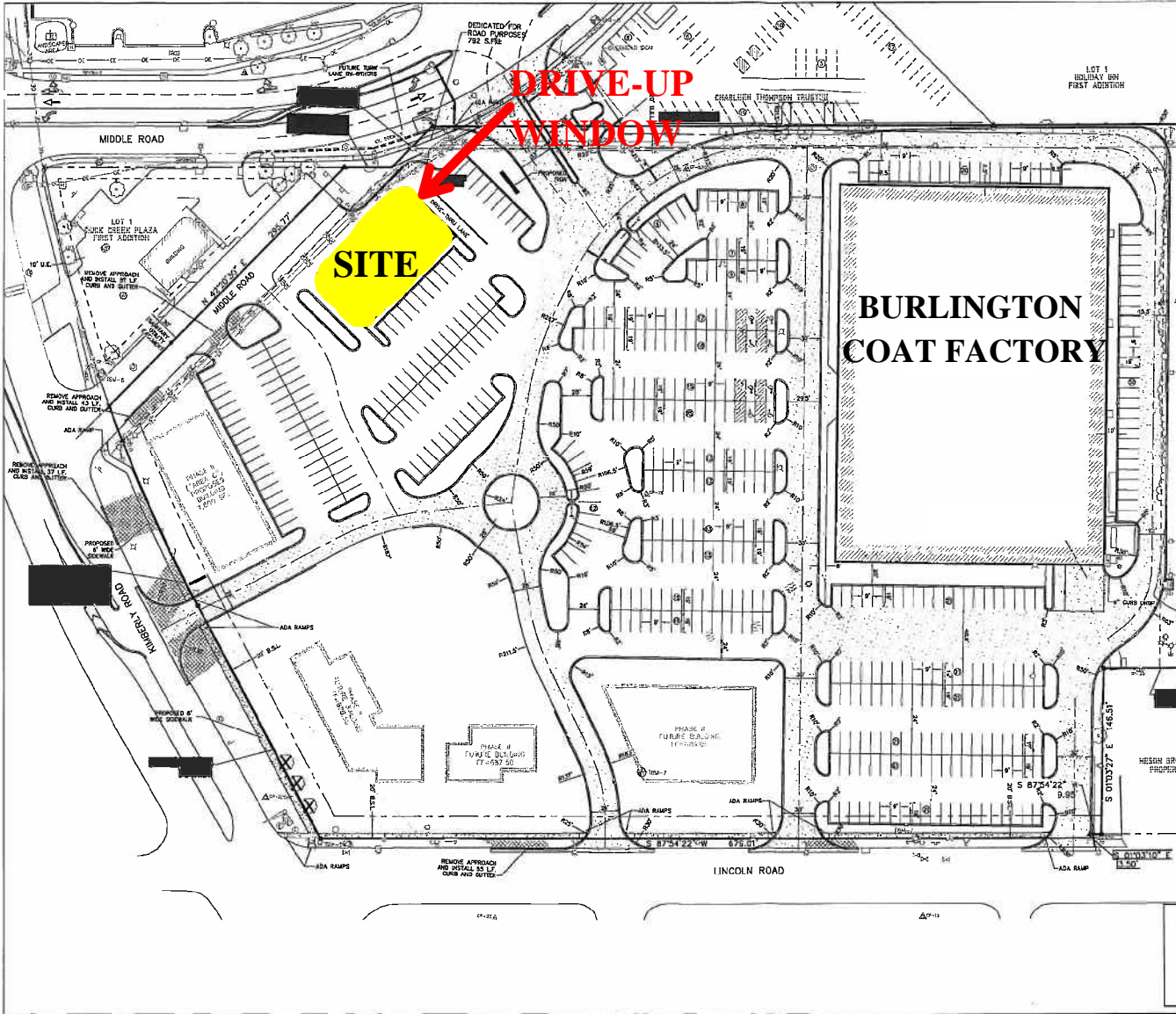
PINNACLE PINES CT

PINNACLE

HIGHLAND PARK

LINE DR

LD PARK



OWNER & DEVELOPER
 McDONALD PROPERTIES EAST, LLC
 ATTN: KEVIN KOSLUBER
 1895 STATE STREET
 BETTENDORF, IA 52022
 PH: (663) 265-2022
 FAX: (663) 265-1596

ARCHITECT
 SERED SIBER ARCHITECTS
 715 344 AVENUE
 ROCK ISLAND, IL 61201
 PH: (815) 388-8910
 FAX: (815) 388-8980

LEGEND

PROPOSED	EXISTING	DESCRIPTION
(Symbol)	(Symbol)	STORM MANHOLE
(Symbol)	(Symbol)	SEWER
(Symbol)	(Symbol)	SANITARY MANHOLE
(Symbol)	(Symbol)	HYDRANT
(Symbol)	(Symbol)	POWER POLE
(Symbol)	(Symbol)	POWER POLE W/ LIGHT
(Symbol)	(Symbol)	TELEPHONE MANHOLE
(Symbol)	(Symbol)	TELEPHONE PEDESTAL
(Symbol)	(Symbol)	RUNS
(Symbol)	(Symbol)	PARKING COUNT
(Symbol)	(Symbol)	SURVEY BOUNDARY
(Symbol)	(Symbol)	LOT LINE
(Symbol)	(Symbol)	CENTRELINE
(Symbol)	(Symbol)	UNDERLYING LOT LINE
(Symbol)	(Symbol)	EXISTENCE LINE
(Symbol)	(Symbol)	R.O.W. LINE
(Symbol)	(Symbol)	SETRACK LINE
(Symbol)	(Symbol)	CURB AND GUTTER
(Symbol)	(Symbol)	EDGE OF PAVEMENT
(Symbol)	(Symbol)	PROPOSED HEAVY DUTY PAVEMENT
(Symbol)	(Symbol)	PROPOSED P.C.C. GENERAL
(Symbol)	(Symbol)	PROPOSED CONCRETE APPROACH
(Symbol)	(Symbol)	PAVEMENT REMOVAL

- GENERAL NOTES**
- SETRACKS SHOWN ARE PER CITY OF BETTENDORF SUBDIVISION ORDINANCE.
 - ALL DIMENSIONS SHOWN ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
 - BUILDING CO-EXISTENCE TYPES IS ANTICIPATED TO BE "TYPE 1B" PER THE 2003 UMG CODE.
 - OCCUPANCY TYPE IN THIS BUILDING WILL BE GROUP "M" OCCUPANCY PER THE 2003 UMG CODE.
 - NEW BUILDINGS WILL NOT BE EQUIPPED WITH AN AUTOMATIC SPRINKLER SYSTEM. EXISTING BUILDING TO REMAIN IS EQUIPPED WITH 2-2-2-2-2-2.
 - BASED ON FIRM MAP CONSISTENCY PANEL NUMBER 18048-003-C, THIS SITE IS IN ZONE "C" - AN AREA OF MINIMAL FLOODING RISK.
 - A NPDES GENERAL PERMIT NO. 2 WILL BE SUBMITTED TO THE IOWA DNR.
 - STORM WATER DETENTION WILL NOT BE REQUIRED FOR THIS SITE.
 - EXISTING PARKING LOT PAVEMENT WILL BE REMOVED AND REPLACED WITH 15" THICK BITUMINOUS OR CONCRETE SURFACE. PROPOSED GRADES OF NEW PAVING WILL MATCH EXISTING GRADES AS MUCH AS POSSIBLE.
 - ROOF DRAINS WILL EMPTY INTO PROPOSED STORM SEWER OR ONTO PAVEMENT IN AREAS ALREADY DEVELOPED.
 - DEVELOPER IS REQUESTING VACATION OF MIDDLE ROAD RIGHT-OF-WAY LOCATED AT THE NORTHWEST CORNER OF THE DEVELOPMENT.
 - DEVELOPER WILL BE REQUESTING A VARIANCE FOR THE REVISION NUMBER OF PAVING SURFACE AND FOR SETBACKS ALONG WITH A SPECIAL USE PERMIT FOR THE FUTURE DRIVE-THRU.

REVISIONS

NO.	DATE	DESCRIPTION
1	06/10/2008	ISSUE FOR PERMITS
2	06/10/2008	REVISED PER COMMENTS FROM LOCAL HEALTH DEPT.
3	06/10/2008	REVISED PER COMMENTS FROM LOCAL HEALTH DEPT.
4	06/10/2008	REVISED PER COMMENTS FROM LOCAL HEALTH DEPT.
5	06/10/2008	REVISED PER COMMENTS FROM LOCAL HEALTH DEPT.
6	06/10/2008	REVISED PER COMMENTS FROM LOCAL HEALTH DEPT.
7	06/10/2008	REVISED PER COMMENTS FROM LOCAL HEALTH DEPT.

Missman
 STANLEY & ASSOCIATES, P.C.
 Civil Engineering, Environmental Services, Structural Engineering, Surveying
 Bettendorf, Iowa 52022
 1717 State Street, Suite 211
 Phone: (663) 244-2020
 Fax: (663) 244-0303

SHOPPES AT DUCK CREEK PLAZA
 BETTENDORF, IOWA

SITE LAYOUT AND PAVING PLAN

Missman Project No:
 CDBL004

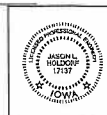
File Name:
 CDBL004_PAVING.dwg

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Drawn By: JDL
 Checked By: JHL
 Date: 06/10/2008

C-1

Sheet 1 of 4

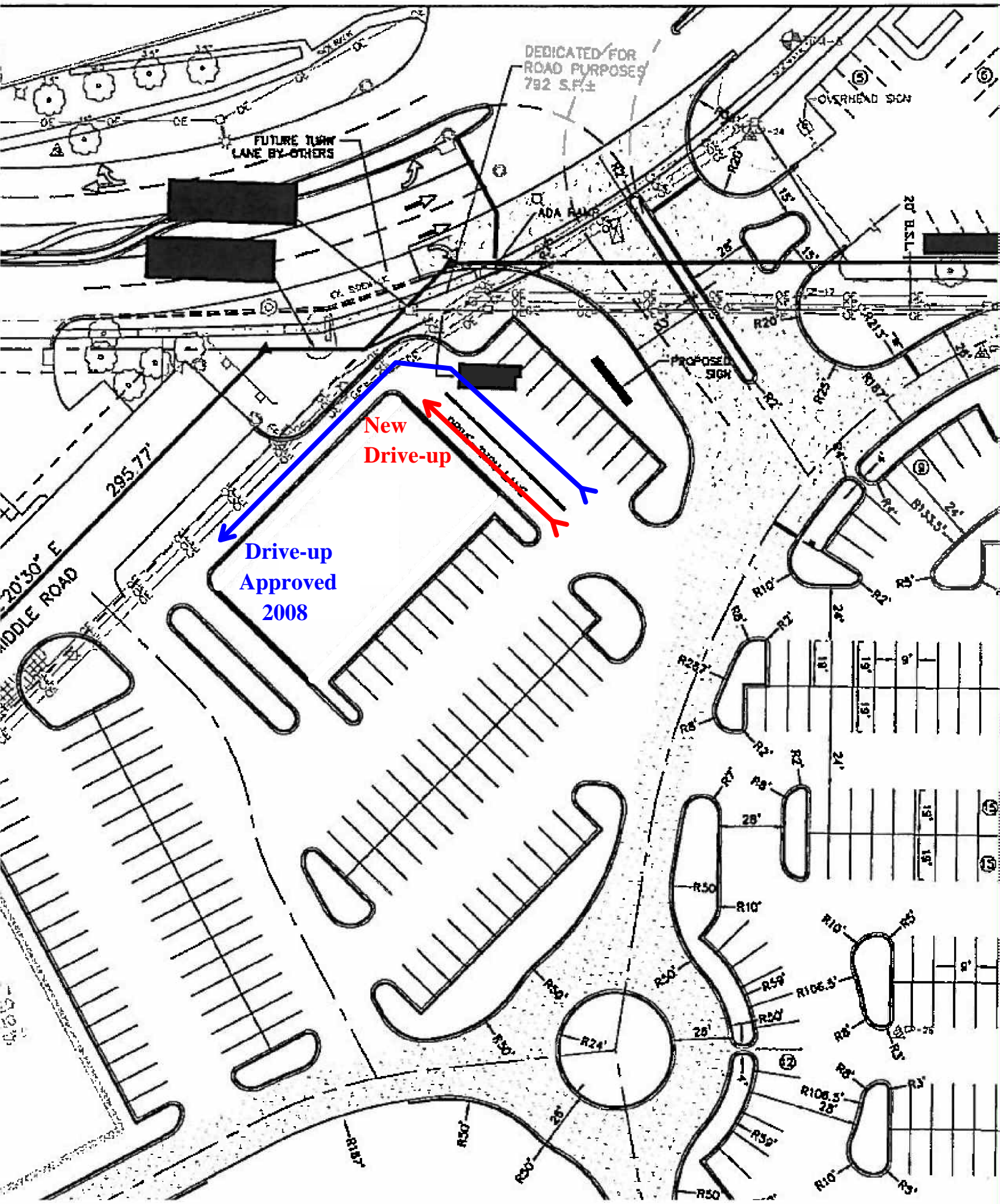


I the city certify that this engineering document was prepared and the related engineering work was performed by me or under my direct general supervision and that I am a duly licensed professional engineer under the laws of the State of Iowa.

Signature: _____ Date: _____
 Jason L. Kestler
 License No. 17137
 My license renewal date is December 31, 2300
 Paper or sheets owned by Missman: C-1 through C-4

Attachment - B

Attachment - C



Case No. 09-065
08053

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

Part 1. Property Involved.

Street Address Kimberly & Middle Roads
Legal Description of the property. part of the Northeast quarter
Section 29, Township 28 North, Range 4 East of the 5th P.M.
Lot 2 Shoppers @ Duck Creek First Add Bettendorf, IA

Part 2.

Applicant Name McDonald Properties East LLC Phone 641-472-0880
Address 1100 North Fourth St Fairfield, IA 52556 FAX 641-472-0061

Owner Name Curt McDonald Phone 641-472-0880
Address 1100 North Fourth St Fairfield, IA 52556 FAX 641-472-0061

Agent Kevin Koellner Phone 563-355-2022
Address 1805 State St Ste 101 Bettendorf, IA 52522 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.)

Drive-Up Window (special use permit)

We are requesting a second drive-up window be permitted per the attached site plan to allow for a 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 a franchise operation that we are entertaining as a tenant for this development.