

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 14, 2010
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 10, 2009.
4. The Board to review and approve the 2009 Board of Adjustment Annual Report.
5. Election of Officers.
6. The Board to hold a public hearing on the following items:
 - a. Case 09-074; 2820 Villa Court (C-5) - A request for a variance to reduce the required rear yard setback from 20 feet to 14 to allow for a 14-foot by 16-foot deck, submitted by Teresa Stori. **(Deferred from meeting of December 10, 2009)**
 - b. Case 09-075; 2834 Villa Court (C-5) - A request for a variance to reduce the required rear yard setback from 20 feet to 12 feet to allow for construction of a 16-foot by 16-foot deck, submitted by Tarikere Kumar. **(Withdrawn)**
 - c. Case 09-082; 7186 State Street (I-2) - A request for a special use permit to allow a permanent concrete mixing facility, submitted by Pleasant Valley Redi-Mix, Inc. **(Deferred from meeting of December 10, 2009)**

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 10, 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: Beck, Connors, Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of November 12, 2009.

On motion by McElhiney, seconded by Voelliger, that the minutes of the meeting of November 12, 2009 be approved as submitted.

ALL AYES

Motion carried.

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

- a. 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. **(Withdrawn)**
- b. Case 09-074; 2820 Villa Court (C-5) - A request for a variance to reduce the required rear yard setback from 20 feet to 14 feet to allow for a 14-foot by 16-foot deck, submitted by Teresa Stori. **(Deferred to meeting of January 14, 2010)**
- c. Case 09-075; 2834 Villa Court (C-5) - A request for a variance to reduce the required rear yard setback from 20 feet to 12 feet to allow for a 16-foot by 16-foot deck, submitted by Tarikere Kumar. **(Deferred to meeting of January 14, 2010)**
- d. Case 09-082; 7186 State Street (I-2) - A request for a special use permit to allow a permanent concrete mixing facility, submitted by Pleasant Valley Redi-Mix. **(Deferred from meeting of November 12, 2009)**

Soenksen explained that at the November 12 meeting the Board had approved a motion to defer Case 09-082 until such time as 5 members were present.

Voelliger asked if the applicant would like to wait until such time as there is a full Board present. Todd Friemel, co-applicant, confirmed this.

Stelk commented that in the past the Board has always honored requests for deferral. Soenksen stated that because the Board has chosen to continue the deferral, no further action is necessary.

Mark Brockway, 1424 Berryfield Court, stated that at the last meeting Eikenberry had indicated support for the request. McElhiney commented that while that might be the case, he cannot cast a vote if he is not in attendance.

- e. Case 09-085; SE corner of 53rd Avenue and Devils Glen Road (R-4) - A request for a variance to reduce the required size of a multi-family dwelling unit from 600 square feet to 500 square feet for no more than 20% of the total number of units, submitted by Continental 203 Fund, LLC.

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.

On motion by Voelliger, seconded by Howe, that the variance to reduce the required size of a multi-family dwelling unit from 600 square feet to 500 square feet for no more than 20% of the total number of units be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- f. Case 09-089; 3201 Devils Glen Road (C-2) - A request for a variance to reduce the required setback for an on-premises identification sign from 15 feet to 3 feet, submitted by Towne Centre, LLC.

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.

McElhiney clarified that when the Board had considered a similar request for a sign on Utica Ridge Road, she had stated that she does not believe that the existence of a tree constitutes a legitimate hardship. She indicated that her position remains that the ownership of any tree that may currently obscure the view of the applicant's sign is immaterial.

Dan Alias, the applicant, explained that city engineering staff had determined the location of the required detention basin to be in the portion of the lot where a sign would be allowed, adding that if the sign is placed there it would often be in standing water. He stated that there are trees and other visual obstructions on adjacent properties which are not under his control. Alias stated that he believes that these issues combine to establish a hardship justifying his variance request. He indicated that if the sign were to be placed according to setback requirements, it would be located in the detention basin and would conceivably be in standing water at certain times.

Howe asked if the proposed sign will be electrified. Alias confirmed this.

McElhiney asked why no discussion had been held with regard to potential sign placement when the site development plan was under review. Alias stated that he had been unaware of the setback rules at that time. McElhiney commented that the applicant knew that a sign would be part of the development and where the buildings were to be placed and questioned why signage had not been addressed. She added that she had expressed concern at an earlier meeting about the reconfiguration of the development, adding that she had encouraged the applicant at the time to take all factors into consideration prior to final site development plan approval.

Alias stated that there are several factors that preclude him from placing the sign according to setback requirements such as installation of sewer, water main, and detention basin. He indicated that he did not think there would be a problem with getting a sign for his building.

McElhiney commented that she believes that the development is very attractive, but reiterated that she does not understand why such issues as sign placement are not addressed at the site development plan level. She suggested that sign placement be considered earlier in the process to avoid the requirement for a variance. Alias stated that the city required installation of a detention basin, adding that he had spent a considerable amount of money doing so. He indicated that if the engineering staff had indicated to him at the time of the detention basin design that there would be a problem with siting of the sign, he would have addressed the issue earlier.

Howe asked if it is necessary for the basin to run the entire length of the property. Connors explained that in order for the basin to be redesigned and rebuilt, the capacity would have to be recalculated by the applicant's engineer. He indicated that it might be very costly to do this in light of the infrastructure that has already been installed. Connors stated that the detention basin is proposed to be 4 feet deep.

Voelliger stated that he believes that the signs that are located at other businesses along Devils Glen and set back 15 feet. He asked if a negative precedent would be set by granting the variance. Soenksen explained that the existing businesses were not required to install storm water detention basins.

McElhiney asked if a precedent would be set for other undeveloped properties in the corridor if the applicant's request is granted. Soenksen stated that staff would undertake to resolve signage issues during the site development review process in order to avoid this type of problem.

Howe asked if there is any value in possibly redesigning the detention basin so as to include a level area at the midway point to serve as a pedestrian access, a crossover for lawn caretakers, and a possible sign location. Alias explained that because the infrastructure is already in place there are no longer many options for sign location. He added that because the two buildings will have completely unrelated businesses, a central sign location is not desirable.

McElhiney asked if the applicant plans to install a separate sign for the building to the north of the car wash. Alias confirmed this, adding that he plans to have a monument sign for the building to the north located at the driveway on the north side of the property.

Voelliger asked if all of the businesses could be identified with one sign. Alias explained that he would prefer to have separate signs for the separate businesses. McElhiney commented that she believes that it has been a goal of the city to minimize signage and combine it when possible. Connors stated that if three or more businesses are involved, a shopping center sign is an option. McElhiney stated that it is entirely possible that there could be multiple tenants located in the retail portion of the development. Alias commented that there are only two addresses for the building. Beck stated that the sign is on the site plan and that sign placement is an item on the department's site development plan checklist. He added that staff attempts to anticipate the number of businesses that might be located in a building when addressing the shopping center sign issue. McElhiney asked what staff's determination had been. Beck explained that it would depend upon how many addresses the applicant requests and how much area is being divided. Connors stated that there could be as many as five or as few as one tenant in the building.

McElhiney commented that the sign in question is intended to serve only the car wash and asked for confirmation from the applicant that the proposed sign for the retail portion of the development will be located in an appropriate site so as to not require a variance request. Alias stated that he does not foresee a problem with locating that sign outside of the required setback and displayed a rendering of the proposed sign.

McElhiney asked if the electricity for the sign is located inside of the poles. Alias confirmed this, reiterating that he prefers that the sign not be in standing water. Voelliger commented that there is electrical wire that is unaffected by water. Alias stated that in order to place the sign elsewhere, it would require the reconstruction of

the detention basin in order to allow for the 4-foot deep sign footings. Alias added that he does not feel that his request is unreasonable.

McElhiney commented that when the sign for the retail portion of the development is installed at the required setback, the precedent set by granting the current request is negated.

Howe asked if it is the applicant's intent to place the sign for the retail area at the required setback. Alias confirmed this. Howe asked if the car wash sign would obscure the retail sign. Alias explained that it would not, as it will be a monument sign. He stated that a monument sign will be sufficient because there are no visibility obstacles affecting the north side of the property.

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

John Boesch, 3468 Maple Glen Drive, expressed opposition to the request. He indicated that the proposed sign will negatively affect 54 property owners in his neighborhood. He stated that all of the other on-premises identification signs in the corridor are set back 15 feet. He commented that he believes that the location of the proposed sign would cause traffic problems. Boesch asked if the sign would be lighted. Alias confirmed this.

Stelk asked if the sign would have a message board. Alias confirmed this. McElhiney commented that the Board can impose conditions limiting the hours of operation for the sign.

Voelliger asked if it would be possible to place the sign at the east edge of the detention basin. Soenksen explained that because the detention basin reaches nearly to the parking area this would not be feasible.

Alias stated that he has done everything possible to appease the homeowners in Maple Glen by increasing setbacks and constructing an aesthetically-pleasing building. He commented that he does not believe that his request is unreasonable, reiterating that he does not wish the sign to be located in the detention basin.

Howe asked if the sign could be located on the south side of the detention basin closer to the parking area. Alias stated that he would prefer not to do this as the existing trees would obscure it. Soenksen added that the sign would be 40 feet from the street if this were the case which is 25 feet behind the required setback.

McElhiney asked if the drawing included in the packet is intended to show the allowed placement of the sign which would be in line with the other identification signs in the corridor. Soenksen confirmed this.

Alias explained that the proposed location for the sign would place it approximately 30 feet from the curb. McElhiney commented that setback distance is based on the location of property lines. Howe suggested that the sign be located at the south end of

the detention basin. Alias stated that this would not be feasible as it would interfere with the curb at the edge of the driveway, adding that the ground slopes such that it would not be desirable. Howe stated that in his opinion the ground could be regraded to accommodate placement of the sign there. Alias reiterated that changing the design of the detention basin would come at a great expense, adding that he has already received permission from the Iowa Department of Natural Resources for the proposed detention basin location. He stated that none of the business owners along the Devils Glen Road corridor were required to install detention basins.

Howe asked if staff has any suggestions with regard to alternative sign location without incurring a large expense for the applicant. Connors stated that if the Board does not wish to allow the proposed placement, the applicant could install the foundation, fill around it, and consult with his engineer regarding the effect this might have on the efficacy of the detention basin.

Howe asked for staff's opinion of the alternatives that have been suggested. Connors stated that if the sign were located at the south end of the detention basin, it would not be visible enough to serve its intended purpose.

Howe stated that he believes that the storm water detention basin requirement is a legitimate hardship, adding that while he understands their concerns, the residents in the Maple Glen neighborhood should have expected commercial development. He expressed concern about approving the variance which might establish a precedent for future business owners in the area.

Voelliger expressed concern about the light intensity of the sign at night. McElhiney concurred, adding that she has an issue with the aesthetic value of the corridor which might be negatively affected by placing the proposed sign so close to the street.

Alias stated that the neighbor who lives directly south of the proposed development has expressed no opposition to the request. He indicated that the new car wash further north on Devils Glen is closer to the street and is very well-lit. He added that he does not believe that there is any way that his LED sign will negatively affect a resident who lives on the west side of Devils Glen Road.

Stelk asked if the car wash would be open 24 hours per day. Alias explained that the business would likely operate between 8 a.m. and 8 p.m.

Gordon Johnson, sign contractor, explained that the light intensity is controlled by a computer which senses light and dark and adjusts accordingly. He added that the part of the sign above the message center will be lit fluorescently from the inside of the sign.

Stelk asked if it would be possible for the sign to be lit only during business hours. Johnson confirmed this.

McElhiney asked if the edge of the sign is lit or is a solid surface. Johnson explained that it is a solid surface that will not be lit.

Boesch stated that he does not believe that the detention basin will be filled with water, adding that the building layout is not the same as was presented at an earlier meeting.

On motion by Voelliger, seconded by Howe, that the variance to reduce the required setback for an on-premises identification sign from 15 feet to 3 feet be approved in accordance with the Decision and Order with the condition that the sign be lit only between the hours of 7:00 a.m. and 10:00 p.m.

Alias stated that he would be willing to turn the sign off at night if the city receives any complaints. He commented that he does not want to be told how to run his business.

Voelliger asked if staff would be willing to monitor the situation and inform the Board if any complaints are received. Connors explained that typically this type of sign is required to be turned off at 10:00 p.m. and turned on again at 7:00 a.m. Howe stated that he feels that the Board should be very clear with regard to hours of operation of the sign. Other Board members concurred.

ROLL CALL ON MOTION

AYE: Howe, Stelk, Voelliger
NAY: McElhiney

Motion carried.

Decision and Order is Annex #6 to these minutes.

Alias stated that he believes that it is unfair that he is to be required to turn his sign off at 10:00 p.m. when other businesses do not. McElhiney explained that because the Board has approved a variance from the ordinance requirements, the Board has the authority to place conditions on operation of the sign. She indicated that if the sign were proposed to be placed in accordance with ordinance requirements, no such restriction would be placed on the operation.

- g. Case 09-090; 3130 Halcyon Drive (R-1) - A request for a variance to reduce the required rear yard setback from 40 feet to 32 feet to allow construction of a deck, submitted by Douglas and Louann Peterson.

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

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

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

Doug Peterson, co-applicant, explained that because of the unusual placement of the house on the lot, it has been difficult to design a deck which would be usable. He indicated that neighbor to the rear who would be most affected is in support of the request.

Howe asked for the applicant's opinion of staff's alternative design which would not encroach into the setback. Peterson stated that he prefers the original design as the wraparound portion would be mostly unusable space. Louann Peterson, co-applicant, explained that their neighbor to the north uses their side yard for access which would be impeded if staff's design is used. She added that it would also preclude the use of their preferred choice of table and chairs.

McElhiney commented that the homes in the area are located in close proximity to one another and asked if the applicants feel that the proposed deck would be too close to the adjacent neighbor. Doug Peterson explained that because of the existing landscaping and trees, he does not feel that this would be an issue.

McElhiney asked what the total square footage of the encroachment would be. Doug Peterson stated that there would be an approximately 80 square foot encroachment into the setback.

On motion by Howe, seconded by McElhiney, that the variance to reduce the required rear yard setback from 40 feet to 32 feet to allow construction of a deck be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

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

These minutes and annexes approved

John Soenksen
City Planner



BOARD OF ADJUSTMENT
ANNUAL REPORT
2009

Special Use Permits

variances

Special Location Plans

Appeals

Miscellaneous Items

Prepared by the Community Development Department



Board of Adjustment
City of Bettendorf
2009 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 2009 and ending December 2009. These cases are those actually brought before the Board and do not include those that were withdrawn or are pending.

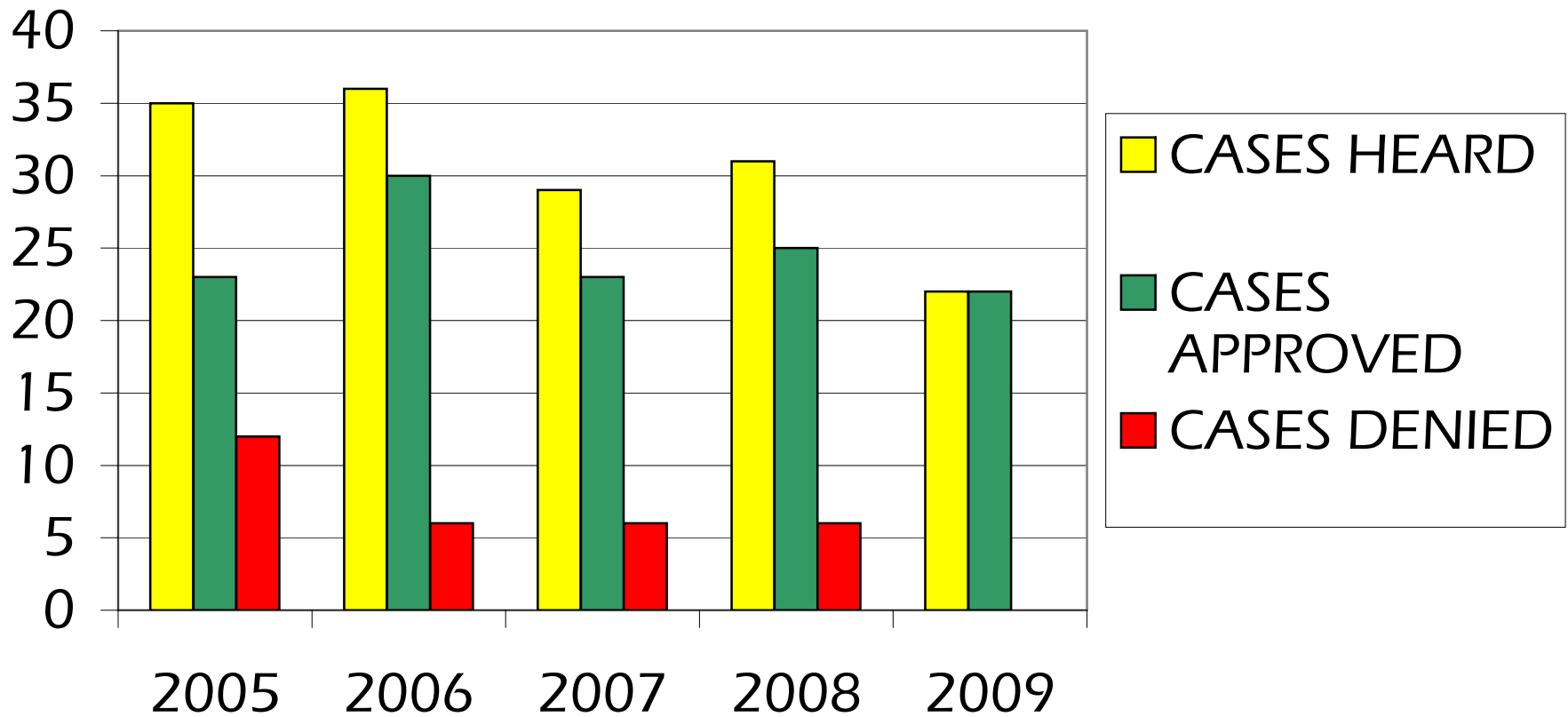
The Board of Adjustment made decisions regarding 29 cases during the year ending December 2009. Of those cases there were 22 variance requests, 5 special use requests, and 2 appeals of the decision of the Zoning Administrator.

The Board granted 27 requests. Two requests for appeals were denied.

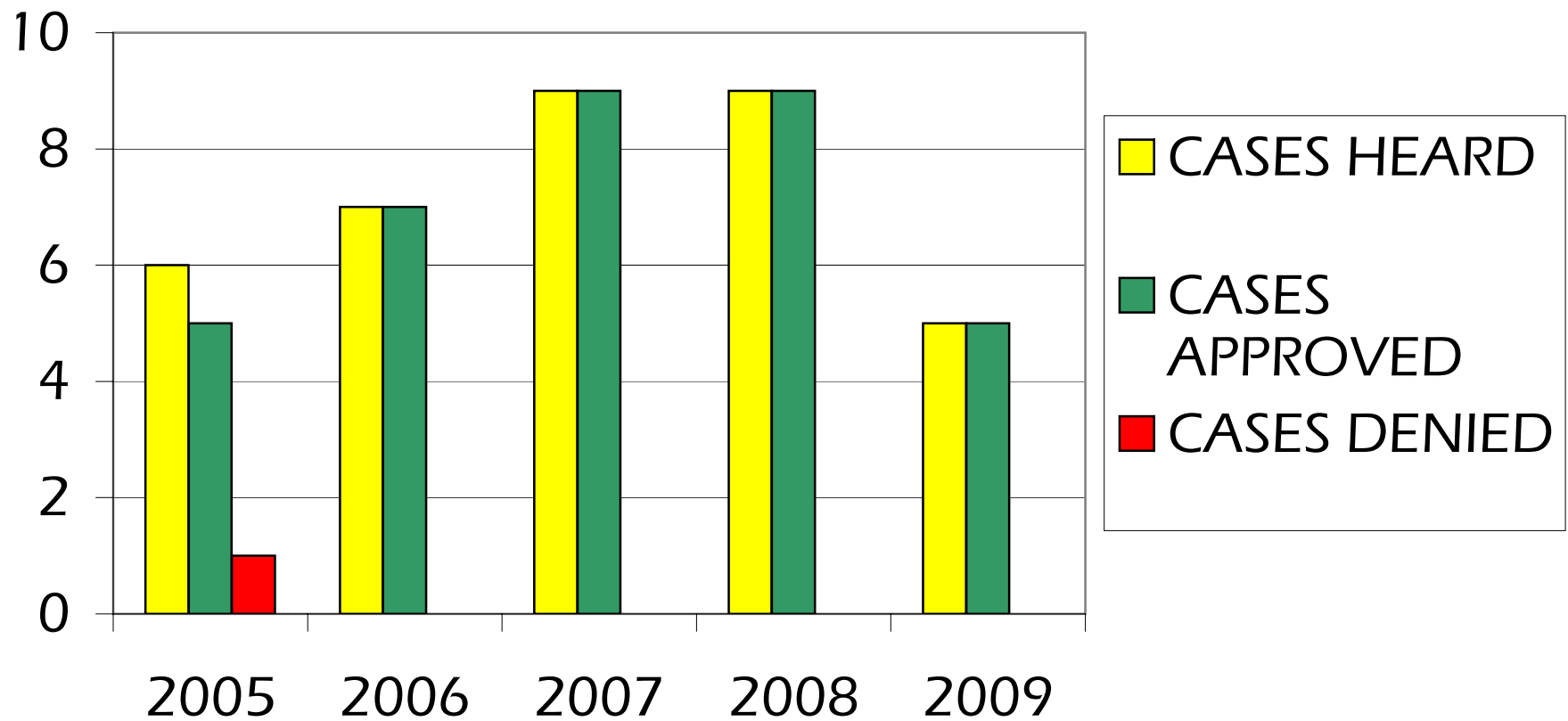
Board Member Listing

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 2005-2009



BOARD OF ADJUSTMENT ACTIVITY SPECIAL USES 2005-2009



BOARD OF ADJUSTMENT ANNUAL REPORT - 2009

Case Number	Location	Request	Applicant	Decision/Date
09-001	3200 Devils Glen Road	Special use permit to allow a car wash.	DFCA, Inc.	Granted 1/8/09
09-006	6036 Shawnee Court	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.	Steven Zelle	Granted 3/12/09
09-007	7186 State Street	Special use permit to allow a concrete mixing facility.	Pleasant Valley Redi-Mix	Granted 2/12/09
09-008	3210 State Street	Appeal of the zoning administrator's decision to prohibit a log splitting operation.	Angela Solis	Denied 2/12/09
09-009	Part of Lot 1, Crowne Pointe Eighth Addition	Special use permit to allow a car wash.	Specialty Auto, Inc.	Granted 2/12/09
09-012	743 Grant Street	Variance to allow a 6-foot high fence within a front yard.	Sidney Rognoni	Granted 3/12/09
09-013	5733 Appleton Road	Variance to reduce the required side yard setback from 10 feet to 5 feet and the combined side yard setback from 15 feet to 10 feet.	Anthony Hofman	Granted 3/12/09
09-014	730 - 800 Tanglefoot Lane	Variance to reduce the required front yard setback from 50 feet to 20 feet.	Plantation Development	Granted 3/12/09
09-015	730 - 800 Tanglefoot Lane	Special use permit to allow a drive-up window.	Plantation Development	Granted 3/12/09
09-016	6021 Emery Court	Variance to allow an 8-foot high fence within a front yard.	Monte Coy	Granted modified request 3/12/09
09-024	19 Oak Park Drive	Variance to allow a 5-foot high fence in the established front yard setback to be located within 35 feet of the front property line.	David and Karri Mart	Granted 4/16/09
09-028	2400 - 18 th Street	Special use permit to allow an internet café.	Giovonnte Tate	Withdrawn
09-030	340 - 10 th Street	Variance to reduce the required rear yard setback from 25 feet to 13 feet to allow for a 12-foot by 16-foot deck.	Gerry Proulx	Granted 5/14/09
09-031	5252 Schoolhouse Road	Variance to allow a 6-foot high fence in the required front yard.	Nathan Durick	Granted 5/14/09
09-032	2420 - 18 th Street	Variance to allow an on-premises identification sign 9 feet from the front property line.	Cities Insurance Group	Granted with conditions 5/14/09

BOARD OF ADJUSTMENT ANNUAL REPORT - 2009

Case Number	Location	Request	Applicant	Decision/Date
09-033	2757 Cody Street	Variance to reduce the required combined side yard setback from 15 feet to 10 feet to allow for construction of a garage.	Vincent and Margaret Barrett	Granted with conditions 5/14/09
09-034	2828 - 18 th Street	Appeal of the zoning administrator's decision to prohibit an internet café in a C-1 zoning district.	Giovonnte Tate	Withdrawn
09-038	940 Holmes Street	Variance to allow a 6-foot high fence in the required front yard.	Chris and Dawn Baldus	Granted 5/14/09
09-039	1818 Grant Street	Variance to allow an on-premises identification sign within 11 feet of the front property line and for a variance to the Downtown Corridor Overlay District regulations to allow 30 square feet of the sign to be an LED message center.	K & K Hardware - Casey Keller	Granted with conditions 5/14/09
09-044	6517 Ocean Boulevard	Variance to reduce the required rear yard setback from 40 feet to 35 feet to allow for an 18-foot by 18-foot deck.	Lovewell Fencing, Inc.	Withdrawn
09-045	1229 Broadlawn Avenue	Variance to allow a swimming pool in a required front yard.	Robert Gevinski	Withdrawn
09-046	717 Brown Street	Variance to increase the allowable living area to garage ratio from 40% to 44%.	William Frazier	Granted 6/23/09
09-047	1414 - 25 th Street	Variance to increase the allowable fence height from 6 feet to 7 ½ feet.	William Grothusen	Granted 6/23/09
09-048	3590 East Harbor Drive	Appeal of the zoning administrator's decision that a generator is not considered a building structure and therefore is not subject to side yard setback requirements.	Stephen Chlebowski	Denied 6/23/09
09-056	3346 Towne Pointe Drive, 3363 Devils Glen Road, and 3365 Devils Glen Road	Special location parking plan.	Oxbow Development, LLC	Withdrawn
09-061	5004 Norwood Drive	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.	Bryan and Sue Sampson	Granted 8/13/09
09-062	3200 Devils Glen Road	Special use permit to allow drive-up windows.	Towne Center, L.L.C.	Granted 8/13/09
09-067	3208 South Hampton Drive	Variance to increase the allowable living area to garage area ratio from 40% to 66%.	Chris Gutierrez	Granted 9/10/09

BOARD OF ADJUSTMENT ANNUAL REPORT - 2009

Case Number	Location	Request	Applicant	Decision/Date
09-068	Lot 2, Shoppes at Duck Creek First Addition	Special use permit for an additional drive-up window.	McDonald Properties East, L.L.C.	Withdrawn
09-070	4505 Utica Ridge Road	Variance to reduce the required setback for an on-premises identification sign from 15 feet to 5 feet.	Kenneth G. Meier	Granted modified request 10/8/09
09-071	2104 State Street	Variance to allow an exposed lighting source sign (LED programmable) in the Downtown Riverfront Corridor Overlay District.	Trish Norris	Granted 10/8/09
09-072	3260 Halcyon Drive	Variance to reduce the required rear yard setback from 40 feet to 25 feet to allow for construction of a deck and 4-season room.	Sampson Construction	Granted 10/8/09
09-073	SE corner of 53 rd Avenue and Devils Glen Road	Variance to allow two on-premises identification signs in an R-4 Multi-family Residence District.	Continental 203 Fund, LLC	Granted 10/8/09
09-074	2820 Villa Court	Variance to reduce the required rear yard setback from 20 feet to 14 feet to allow for a 14-foot by 16-foot deck.	Teresa Stori	Pending
09-075	2834 Villa Court	Variance to reduce the required rear yard setback from 20 feet to 12 feet to allow for construction of a 16-foot by 16-foot deck.	Tarikere Kumar	Withdrawn
09-076	930 - 14 th Street	Variance to reduce the required front yard set back from 25 feet to 15 feet to allow for construction of a 22-foot by 32-foot pavilion.	Keith and Vicki Hall	Granted 10/8/09
09-082	7186 State Street	Special use to allow a permanent concrete mixing facility.	Pleasant Valley Redi-Mix	Pending
09-085	SE corner of 53 rd Avenue and Devils Glen Road	Variance to reduce the required size of a multi-family dwelling unit from 600 square feet to 500 square feet.	Continental 203 Fund, LLC	Granted 12/10/09



COMMUNITY DEVELOPMENT

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

January 14, 2010

Staff Report

Case No. 09-074

Location: 2820 Villa Court

Applicant: Teresa Stori

Zoning Designation: C-5, Office/transitional District

Request: Variance to reduce the required rear yard setback from 20 feet to 14 feet to allow for construction of a 14-foot by 16-foot deck.

Background Information and Facts

The site is located north of Villa Court which is northeast of the intersection of 53rd Avenue and Barcelona Street (see Attachment A – Location Map). The applicant is requesting a variance for a deck enlargement which would encroach into the required rear yard setback (see Attachment B – Plot Plan).

Staff Analysis

The applicant thought that since a deck had already existed on this home, that it could be replaced or enlarged without any restrictions or further requirements. Unfortunately, the deck was constructed prior to Board approval or the issuance of a building permit.

This condominium development was platted such that the front and rear building setbacks are either very close to or in many cases touch the building footprints of the structures. This is clearly shown on Attachment B. The problem faced by the homeowners with this type of setback is that no building alteration enlargements can occur unless a variance is granted.

The intent of rear yard setbacks is to insure adequate separation between structures to ensure the neighboring property's privacy. The property to the north of the applicant's home (2901 Barcelona Terrace) is 3.3 acres in size. Even if approved, over 120 feet of separation will remain between the applicant and the next neighbor (see Attachment C, Separation Illustration). Therefore, the case could be made that the separation intent of the Code is still being maintained. 2901 Barcelona Terrace is currently zoned A-2, Rural Residence District. Therefore, it is conceivable that some time in the future, the property could be redeveloped. The Future Land Use designation for 2901 Barcelona Terrace is "Office/Transitional" which no longer allows any residential development. The potential future status of 2901 Barcelona Terrace is as follows:

- Remain A-2, Rural Residence District with a minimum rear yard setback of 50 feet.
- Someday request a rezoning to C-5, Office/Transitional or C-6, Office and Research Campus requiring minimum rear yard setbacks of 20 feet and 50 feet, respectively.

Therefore, the Board has some assurance that one of the above separations between the applicant's property and the neighboring property will be maintained if the variance is granted.

If the Board feels that the intent of the Code is being met, then the variance may not "unreasonably diminish or impair established property values within the surrounding area" which is a required determination for granting a variance.

Frank McClurg, President of the Villas at Walnut Grove Owners Association, contacted city staff and indicated the association's Board of Directors unanimously approved the deck conditioned upon a variance being granted.

It should be noted that the deck does not meet code requirements. If the variance is approved, the applicant will still be required to make necessary changes and pass final inspection by the Bettendorf Building Inspection Department.

Respectfully submitted,

John Soenksen
City Planner

Barcelona St

Barcelona Terrace

Bettendorf

2820

2834

Villa Ct.

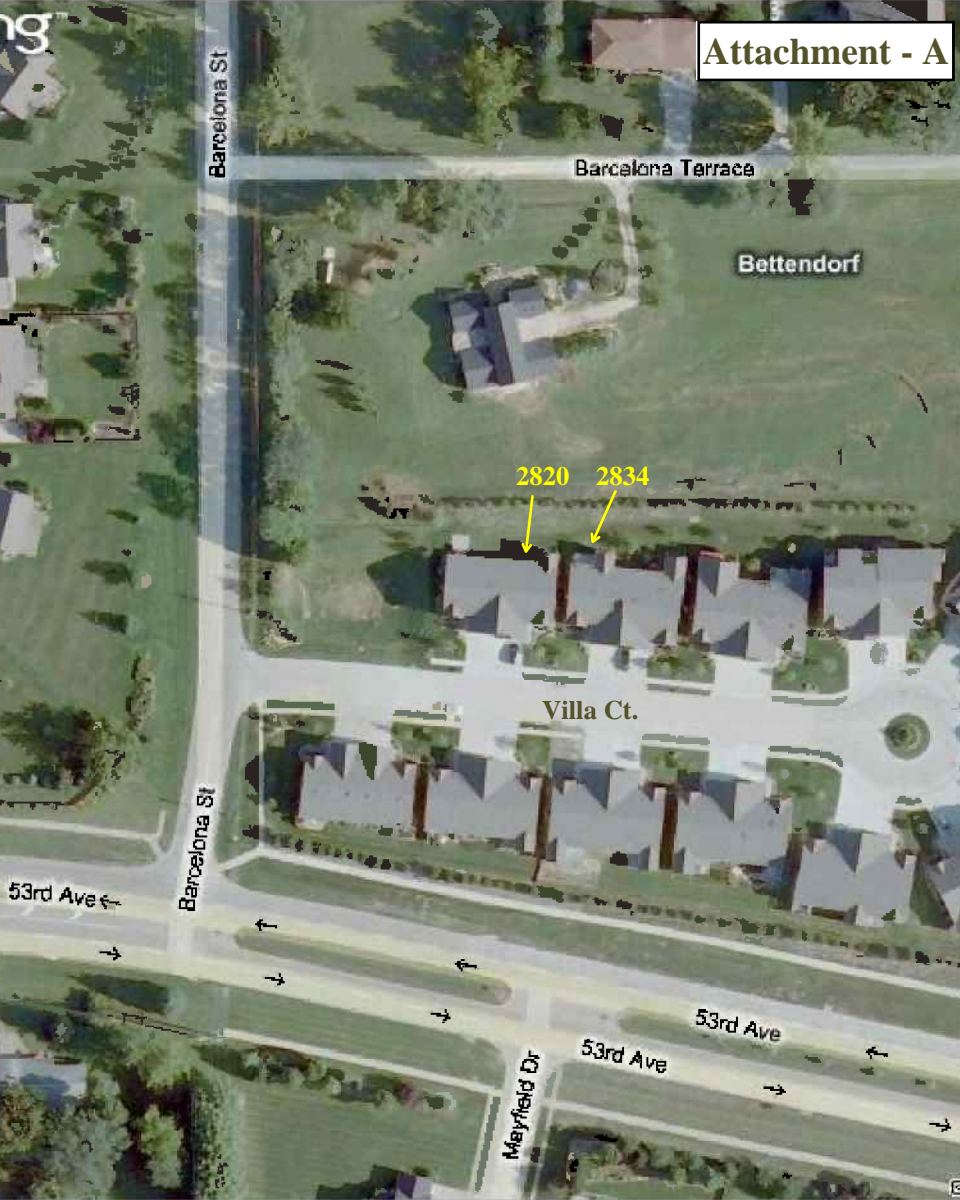
53rd Ave ←

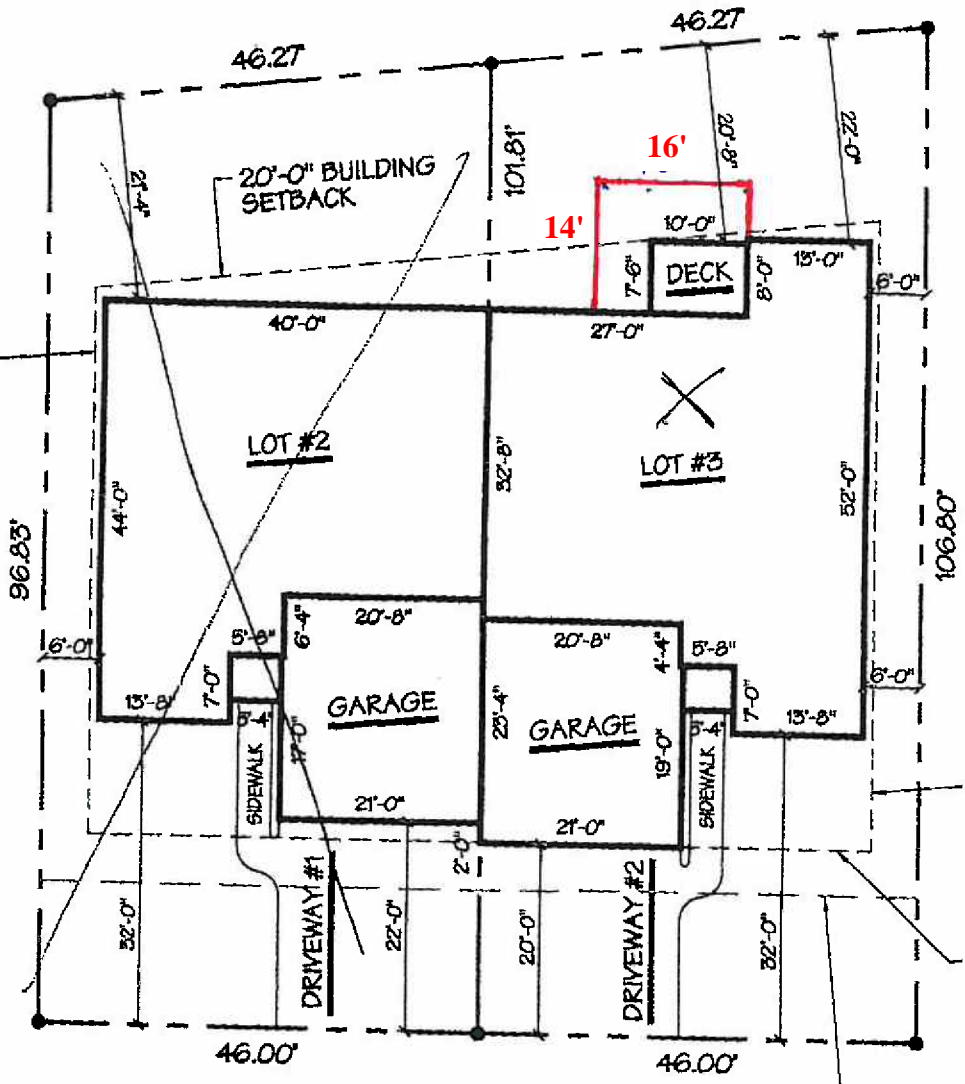
Barcelona St

53rd Ave

53rd Ave

Mayfield Dr





15'-0" L
EASEN

Barcelona St

Barcelona St



120+ Feet

Case No. 09-074

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

Part 1. Property Involved.

Street Address 2820 Villa CT Bettendorf, IA 52722

Legal Description of the property. LOT 3 Villas @ Walnut Grove

Part 2.

Applicant Name Teresa Stori Phone 322-0632
Address 2820 Villa CT FAX _____

Owner Name _____ Phone _____
Address _____ FAX _____

Agent _____ Phone _____
Address _____ FAX _____

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

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

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

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



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

December 10, 2009

Report Update

At the November 12, 2009 meeting, several people indicated that the requested special use permit is not allowed by Code or does not satisfy the established standards in the Code necessary to issue a special use permit. Staff will address each of those assertions.

Appendix B, Section 21.10(e) of the Bettendorf Municipal Code states: No special use permit may be granted unless:

- (1) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.***

Section 16.23(3) lists "Concrete and asphalt mixing" as a special use in the I-2, General Industrial District.

- (2) The proposed use will comply with all applicable regulations in the district in which the use is to be located.***

Prior to the installation of the concrete mixing facility, the applicant applied for and received a Flood Zone Development Permit (see Attachment F – Flood Zone Development Permit) and the appropriate erosion control and Department of Natural Resource permits (see Attachment G – Erosion Control Permits). Prior to and during the operation of the facility, the applicant has complied will all other applicable regulations within the zoning district.

- (3) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.***

The location and size of this use complies with "Site and Structure Requirements" as enumerated in Section 16.27 of the Zoning Ordinance (see Attachment H – Bettendorf Municipal Code, Appendix B, Section 16.27). Other industrial uses in this area include LeClaire Manufacturing, a foundry; Olympic Steel, a foundry; Americold, a frozen storage truck terminal; Millennium Waste, a solid waste truck warehouse/distribution center; and the former Rockingham Machine Company. These uses are at least as intense as the proposed use. Thus, the use is in harmony with the industries already established in this area. The access to this

site is on U.S. Highway 67 (State Street) and was approved by the Iowa Department of Transportation prior to the installation of this facility.

- (4) *The location, nature and height of buildings, walls and fences, and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.*
- (5) *Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining uses, and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.*

The City of Bettendorf has established an elaborate review process in Section 18.92 of the Zoning Ordinance which allows the public to have input at two public hearings: one at the Planning and Zoning Commission and one at the City Council Meeting. That section states:

“The planning and zoning commission shall review the site plan proposal at said meeting and receive a report from the city engineer, fire chief, the zoning administrator, the planning coordinator and receive comments from the public. The commission shall make its determination of conditions for approval of the site plan within thirty-five (35) days of the first meeting. If no action is forthcoming within the thirty-five (35) days, the site plan shall be forwarded on to the city council for action. The city council shall not act upon the site plan proposal until it has received a recommendation from the planning and zoning commission unless such recommendation is not received within sixty (60) days from the filing date.

The city council shall, after considering the planning and zoning commission recommendations, approve, approve with modifications, or deny any proposal by resolution. The city council may include such conditions in its resolution of approval as it deems necessary in order to accomplish the stated purpose of this section. If the site plan proposal is not acted upon finally by the city council within sixty (60) days of the date the council receives the planning and zoning commission recommendation, and such time is not extended by mutual consent of the council and petitioner, it shall be deemed denied.”

The applicant will be required to adhere to the above review process prior to issuing of any building permit.

- (6) *The proposed use will not cause substantial injury to the value of other property in the neighborhood.*

Prior to the November 12, 2009 Board hearing on this use, staff had not received a single complaint concerning the operation of this facility. At the time of this report, staff has not received any evidence that this facility has caused any injury to the values to other properties in the neighborhood. Staff has received “letters of support” from the property owners on both sides of this site (north of State

Street) who would be most affected by this operation (see Attachment I – Map of Support/Opposition).

The property has been zoned I-2, General Industrial since the early 1970s. Therefore, there was a reasonable expectation that the property would be developed with an industrial use for over 30 years.

- (7) *Conditions in the area have substantially changed, and at least one year has elapsed since any denial by the board of adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.*

In February of 2009, the Board conditionally *approved* the special use permit and no subsequent denial has occurred.

- (8) *The board of adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.*

Last February the Board approved the use “conditionally” and asked staff to report back concerning the use. At the November meeting of the Board, staff reported that the applicant had complied with all requirements and recommended permanent approval of the special use.

- (9) *The proposed use is consistent with the Bettendorf Comprehensive Plan and serves to further the goals of the plan.*

This was perhaps, the single largest issue raised during the November 2009 meeting. Many times it was said that this use does not comply with the Future Land Use Map portion of the Bettendorf Comprehensive Plan. Most of the area north of State Street was referred to as “Light Industrial” and this specific site was referred to as “Ultra-Light Industrial” by the audience (please refer to the video recording of the November Board meeting on the Bettendorf website – minutes 55:30-57:27). The map that was adopted does not include the above referenced land use designations north of State Street (see Attachment J – Land Use Map). The adopted Land Use Map clearly demonstrates that the involved property is designated Limited Industrial. The “Light Industrial and Ultra-Light Industrial” was never incorporated into the final Land Use Map. Thus, allowing an industrial use such as a concrete mixing facility through the special use process in this area appears appropriate.

Based on the above analysis, staff feels that the required nine standards have been satisfied.

It should also be noted that the property was previously used as a golf driving range. A golf driving range use is also a listed special use in the I-2 Industrial District. Therefore,

the previous use of this property required a special use, just as the proposed use does. Therefore, staff cannot not cite any inconsistency by the applicant asking to go from one enumerated special use in this district to another enumerated special use.

It should be noted that staff has received two additional letters since the November Board meeting concerning this request. Mr. Neal Griffith, who owns the Pleasant Valley BP Station located at 17930 Great River Road supports the request. Mr. Robert Lundin II, President and CEO of the Bettendorf Chamber of Commerce issued a letter of support on behalf of the Bettendorf Chamber of Commerce.

Staff feels that a recommendation to terminate a private property owner's use of their land must be made when there is/are predominant reasons to justify such a recommendation. Based on the above analysis, staff cannot cite any reason to do so in this case and recommends approval of the special use permit.

November Staff Report

Case No. 09-082

Location: 7186 State Street

Applicant: Pleasant Valley Redi-Mix, Inc.

Zoning Designation: I-2, General Industrial District

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

Background Information and Facts

This site is located on the north side of State Street very close to the eastern city limits of Bettendorf (see Attachment A – Location Map). In February of 2009 the Board gave the applicant a special use permit to operate a concrete mixing plant on this site. At the Board's direction the permit was issued conditionally for one year subject to review prior to approval of a permanent special use permit. The applicant has requested that the Board complete that review.

Staff Analysis

The plant has been in operation since the original approval was given. The few problematic issues that were raised by staff were immediately addressed and corrected by the applicant. Bettendorf's industrially-zoned property is mostly limited to the area around and south of State Street east of the downtown area (see Attachment B – Industrial Zoning Map). The "description of district" in the Code for the I-2, General Industrial District acknowledges the limited space available for industrial development:

"The I-2 general industrial district is intended to provide lands for development by most types of industrial firms. The regulations are designed to permit operations in a clean and quiet manner and to protect adjacent district uses and industries within the district. Further development of residences is prohibited in this district to keep homes from absorbing any adverse effects of the industries and to conserve the supply of industrial land for industrial use."

Therefore, the choice for this development's location appears to be appropriate. The fact that the location is as far removed as possible from the downtown redevelopment area is desirable from the City's perspective.

The permanent plant will be centrally located on the parcel (see Attachment C – Site Plan). The temporary plant is adjacent to the entrance in the southeast corner of the parcel (see Attachment D – Temporary Plant Location). The location for the permanent plant allows easier access all around the structure and separates the facility further from State Street/Highway 67.

If allowed, the plant will initially resemble the one shown in the top photo on Attachment E. Following landscaping, it will resemble the bottom photo on Attachment E as seen from State Street.

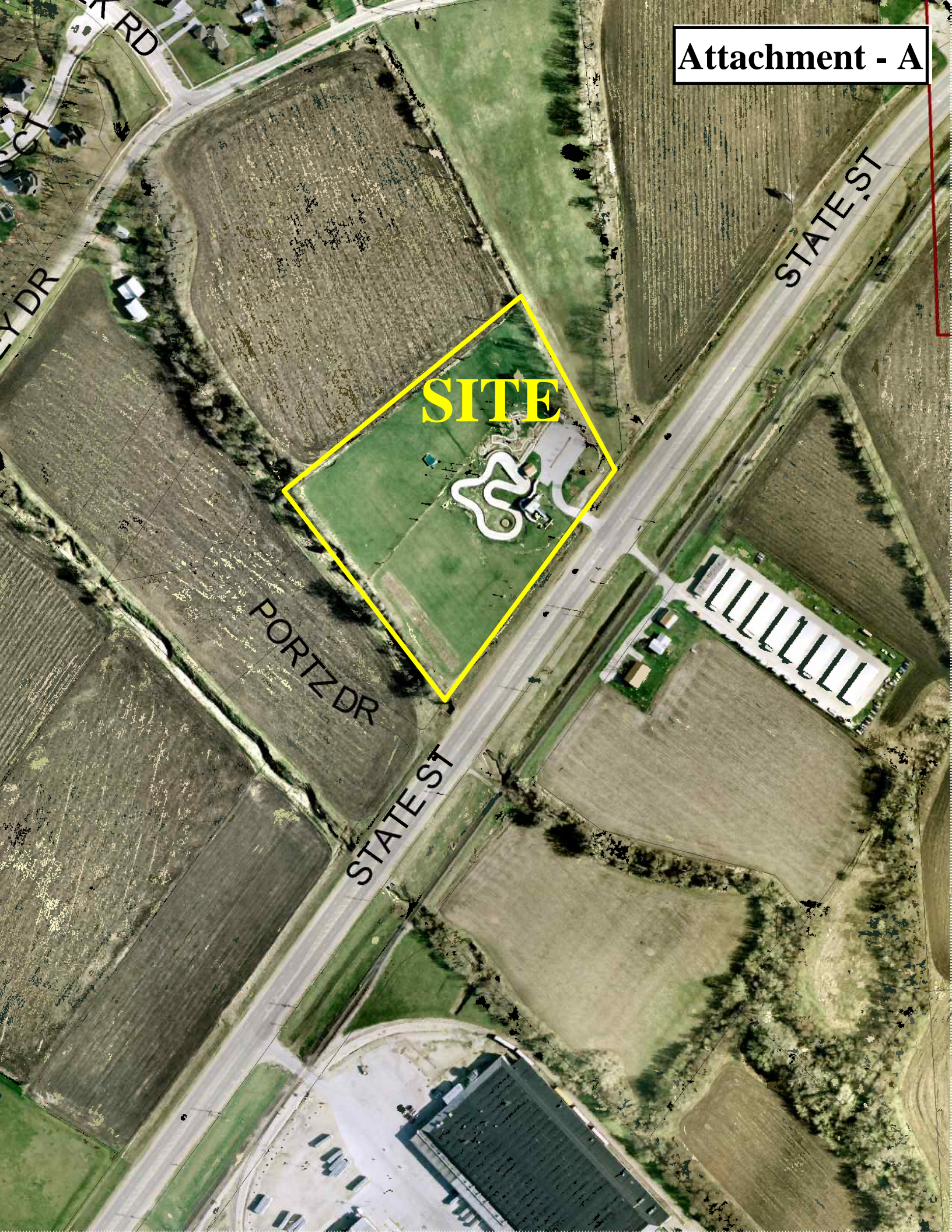
Staff anticipates that the permanent plant will allow more dust and sound control than is currently possible with the temporary structure.

Staff Recommendation

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

Respectfully submitted,

John Soenksen
City Planner



SITE

PORTZ DR
STATE ST
K RD

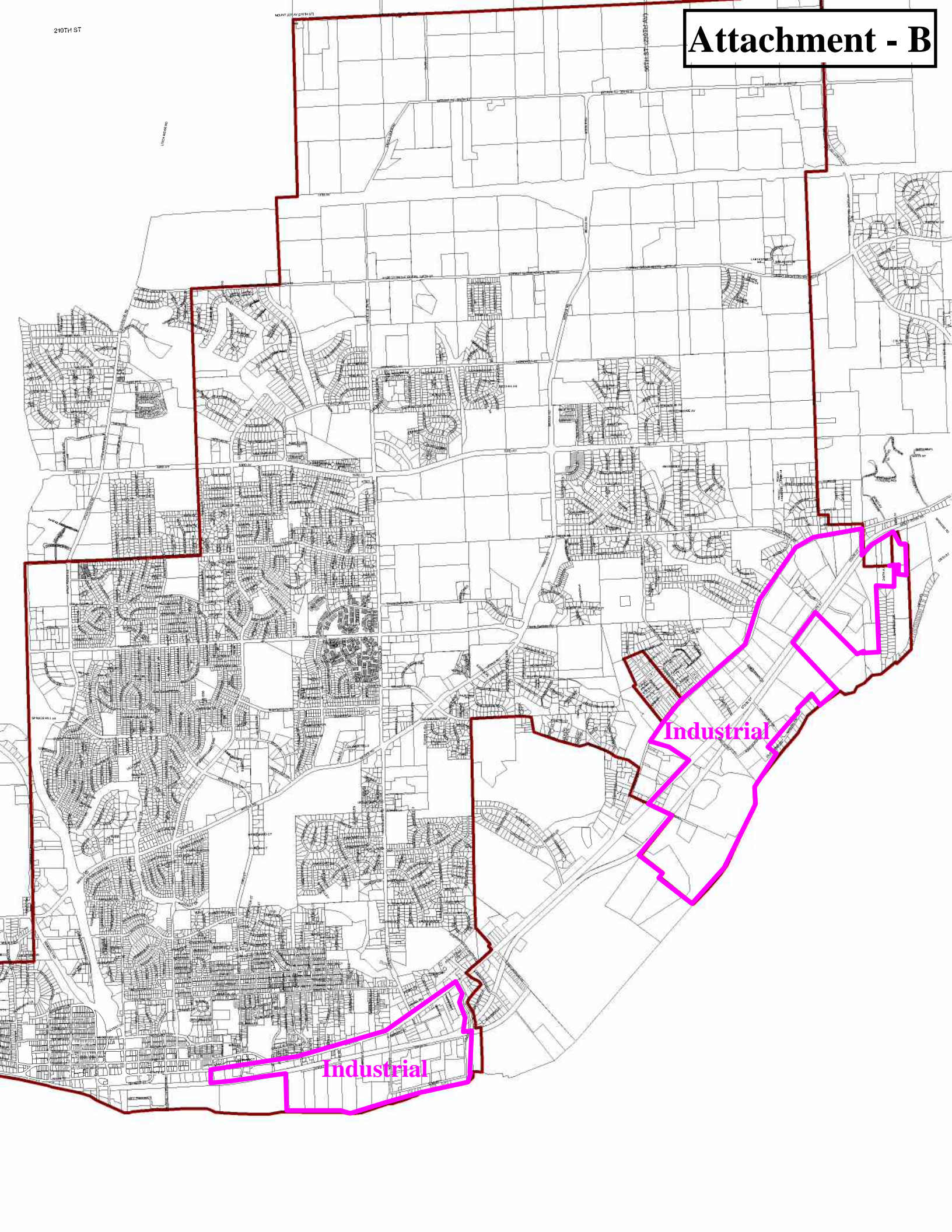
PORTZ DR

STATE ST

STATE ST

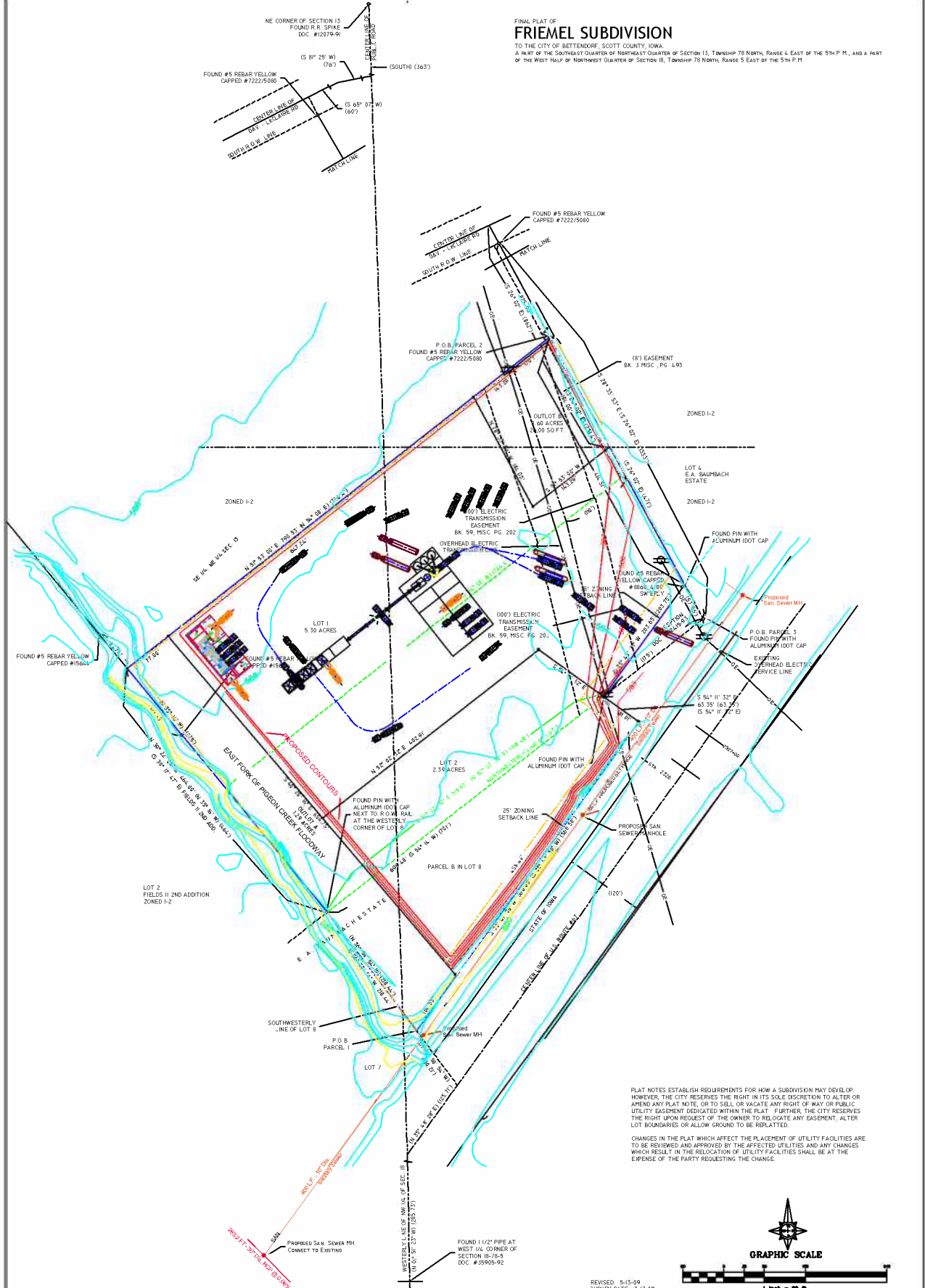
STATE ST

Attachment - B



FINAL PLAT OF FRIEMEL SUBDIVISION

TO THE CITY OF BETTENDORF, SCOTT COUNTY, IOWA.
 A PART OF THE SOUTHWEST QUARTER OF NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH P.M., AND A PART OF THE WEST HALF OF NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 78 NORTH, RANGE 5 EAST OF THE 5TH P.M.



PLAT NOTES ESTABLISH REQUIREMENTS FOR HOW A SUBDIVISION MAY DEVELOP HOWEVER, THE CITY RESERVES THE RIGHT IN ITS SOLE DISCRETION TO ALTER OR AMEND ANY PLAT NOTE, OR TO SELL OR VACATE ANY RIGHT OF WAY OR PUBLIC UTILITY EASEMENT DEDICATED WITHIN THE PLAT. FURTHER, THE CITY RESERVES THE RIGHT UPON REQUEST OF THE OWNER TO RELOCATE ANY EASEMENT, ALTER LOT BOUNDARIES OR ALLOW GROUND TO BE REPLATTED.

CHANGES IN THE PLAT WHICH AFFECT THE PLACEMENT OF UTILITY FACILITIES ARE TO BE REVIEWED AND APPROVED BY THE AFFECTED UTILITIES AND ANY CHANGES WHICH RESULT IN THE RELOCATION OF UTILITY FACILITIES SHALL BE AT THE EXPENSE OF THE PARTY REQUESTING THE CHANGE.



REVISED: 5-13-09
 SURVEY DATE: 3-17-09



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

MICHAEL O. CRAPNELL DATE: _____
 LICENSE NUMBER 10135 PAGES OR SHEETS COVERED BY THIS SEAL: _____
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2010

LEGEND:
 DEED DIMENSION = (D-D)
 FIELD DIMENSION = (F-F)
 MONUMENTS FOUND = ●
 MONUMENTS SET #4 REBAR + 30" RED CAPPED CRAPNELL NO. 10135
 FENCE LINE = ————

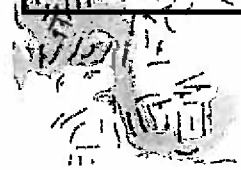
PREPARED FOR:
 TOWNSEND ENGINEERING
 OWNER: FRIEMEL CONSTRUCTION

CRAPNELL LAND SURVEYING COMPANY
 816 EAST RIVER DRIVE
 DAVENPORT, IOWA 52803
 (563) 356-3256

DATE: 3-19-09 LOCATION: BETTENDORF, IOWA
 SCALE: 1" = 60' TOWN: KLC COUNTY: MDC SHEET: 276A

Attachment - E





Flood Zone Development Permit

Application is hereby made to the Flood Zone Administrator of Bettendorf, Iowa, for approval of the plans and specification for the proposed development described below:

1. Address AND legal description of property involved 7186 State Street
⇒ see attached for legal

2. FEMA FIRM Map Information: Community # 190240 Panel # 0004
Suffix D Date of FIRM 12-11-79 FIRM Zone _____

Proposed date of construction May 2009 Base Elevation 587

- 3. If a building is involved in this application, it is:
- New..... _____
- Pre-FIRM Regulation Structure _____
- Post-FIRM Reg. Structure..... _____
- No Building Involved..... X

4. General description of proposed development (work to be performed) Concrete plant will eventually be subdivided into lots for commercial contractors

5. DETAILED INFORMATION

- a) Requires excavation or filling: Yes X No _____
- b) Reason for excavation or fill: Fill to 1.0' above BFE
- c) Area and Depth: 8.756 Ac avg 4 ft.
- d) Occupation Type:
 - Residential _____
 - Commercial _____
 - Industrial X
 - Agricultural _____
 - Other (Explain) _____
- (e) Type of fill clean native R/H, clay

6. Is the property, or any portion of the property in an identified 100-year flood zone:
YES NO ()

7. Is the property, or any portion of the property in a floodway: YES NO ()

8. Corps of Engineers documentation included: YES () NO Not Applicable ()
I.D.N.R. documentation included: YES () NO Not Applicable ()
FEMA documentation included: YES NO () Not Applicable ()

I certify that the elevation of the building(s) lowest floor (including basement, if applicable) will be at > 587.00 feet, NGVD (mean sea level) and that the average grade at the building site is at an elevation of 587.00 feet, NGVD.

I further certify any and all work associated with this application complies with all of the requirements of APPENDIX C "Flood Area Management Ordinances" of the Municipal Code of the City of Bettendorf, Iowa.

Christopher Tolused
CERTIFIER'S NAME

IA 14864
LICENSE # or Affix Official Seal

Tolused Engineering 2224 East 12th Street Des IA 52803
Company Address, including Zip Code

Professional Engineer
Title

[Signature]
CERTIFIER'S SIGNATURE

5/20/09
Date

Des Moines, Iowa
City, State

563-386-4236
Phone Number (including area code)

All Provisions of the City of Bettendorf, Iowa governing subdivision(s), zoning, erosion control, and building codes will be complied with by this proposed development.

[Signature]
SIGNATURE OF OWNER

PLANS AND SPECIFICATION approved this 21st day of May, 2009.

[Signature]
Bettendorf Flood Zone Administrator

COSESCO PERMIT

Part A – To be filled out by Applicant _____ Part B – To be filled out by City _____

Part A: APPLICATION

1. APPLICATION FEE: As established by City Council Resolution. *DKM*
Total submitted: \$150⁰⁰ Receipt No.: 2880 (attach copy)

2. Applicant (Developer):

Todd Friemel Friemel Construction Co.
Name Company
1039 State Street
Address
Bettendorf Iowa 52722
City, State, Zip
563 823 0701 563 529 9536
Phone (office) Phone (cell)

Owner (If different than Developer):

Same as above
Name Company
Address
City, State, Zip
Phone (office) Phone (cell)

3. Site location: 7186 State Street, Bett, IA 52722

4. Legal description: part of SE 1/4 NE 1/4 of Sec 13 T78N
R4E of 5th P.M. and part of W 1/2 NW 1/4 sec 18
T78N R5E of 5th P.M.

5. Area of site: 9.54 acres; Approximate area to be disturbed: 8.256 acres.

6. I am aware that the soil loss limit regulations, pursuant to Section 161A.64, Code of Iowa, prohibit sediment from leaving the site in excess of the limits specified by the SWCD, and I hereby certify that the land disturbing activities described on the front of this application will be conducted in a manner that will ensure compliance with the soil loss limit regulations.

APPLICATION MUST BE SIGNED AND DATED.

By signing this permit application form the permittee understands that:

- a) this permit must be approved
- b) the controls indicated on the PLOT PLAN/Erosion Control Plan must be in place
- c) and the site must be inspected by the enforcement official and passed

prior to any land disturbing activities (unless this is required to install the controls).

Applicant's signature [Signature]

Owner's signature: _____
(if different than Applicant)

Date 5-14-09

Part B: PERMIT

1. Permit No.: _____ 2. Plan File No. _____

3. Approved: _____ Approved subject to attached conditions: _____

[Signature]
ESE Inspector

5-29-09
Date

Additional Information:

The owner shall be responsible for the removal of all debris spilled or washed onto adjoining properties and City right-of-way during construction.

Form Distribution: Original - Applicant
Copy - Owner
Copy - Civil Engineer
Copy - City Building Official



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

April 21, 2009

MIKE RICHMOND
TOWNSEND ENGINEERING
2224 E. 12TH ST.
DAVENPORT, IA 52803

Re: Authorization of a Storm Water Discharge Associated With Construction Activity
Iowa Department of Natural Resources, NPDES General Permit No. 2
DNR Authorization Number: IA - 17052 - 16824
Facility Name and Location: FRIEMELS ADDITION, BETTENDORF, IA

Dear MIKE RICHMOND:

This letter is to acknowledge that a complete Notice of Intent to be covered under Iowa's NPDES Storm Water General Permit No. 2 has been received. Please use the DNR Authorization Number provided above for any future correspondence on this project. By making this Notice of Intent with the DNR, you are committing to meet the terms and conditions in General Permit No. 2. If you do not have a copy of General Permit No. 2 please call (515)281-6782 and request that a copy be sent to you.

In accordance with the terms and conditions in General Permit No. 2, a pollution prevention plan was to have been developed before the Notice of Intent was submitted to the department. The plan is to be implemented at the start of construction and updated accordingly. The pollution prevention plan and other records are to be kept on-site where the storm water discharge occurs. Unless otherwise requested, you do not need to provide a copy to the DNR.

When the construction project has reached final stabilization as defined in the permit, you must submit a Notice of Discontinuation to the DNR (refer to the summary guidance document). Final stabilization is not achieved for residential and commercial developments until all houses and buildings have been constructed and ground surrounding them has been finally stabilized.

If you have questions, please call me at 515-281-7017 or Ruth Rosdail at 515-281-6782.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Griffin".

Joe Griffin
NPDES Section
Environmental Protection Division

Enclosure(s): Contact Information Sheet; Permit Authorization Sheet

File No. CON 11 - 34 -- 17052
IDNR Field Office # 6

DEAR STORM WATER DISCHARGER:

We are using the following contact person and address for correspondence relating to the storm water discharge general permit. If you prefer that correspondence be sent elsewhere, please make the appropriate changes below and return this form to us so that we can update our records.

Mail changes to: Storm Water Coordinator
Iowa Department of Natural Resources
502 E. 9th St.
Des Moines, IA 50319-0034

DNR Permit Number: IA - 17052 - 16824

Contact Person: MIKE RICHMOND

Contact Address: TOWNSEND ENGINEERING
2224 E. 12TH ST.

DAVENPORT, IA 52803

Telephone: (563)386-4236



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

DEPARTMENT OF NATURAL RESOURCES
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
NOTICE OF GENERAL PERMIT COVERAGE UNDER
GENERAL PERMIT NO. 2

STORM WATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITY

This notice of general permit coverage for a storm water discharge associated with construction activity is issued pursuant to the authority of section 402 (b) of the Clean Water Act (U.S.C. 1342(b)), Iowa Code 455B.174, and subrule 567--64.4(2), Iowa Administrative Code. A Notice of Intent has been filed with the Iowa Department of Natural Resources that this storm water discharge complies with the terms and conditions of NPDES General Permit No. 2. Authorization is hereby issued to discharge storm water associated with industrial activity as defined in Part VIII of the Iowa Department of Natural Resources NPDES General Permit No. 2 in accordance with the terms and conditions set forth in the permit.

Owner: TODD FRIEMEL
1039 STATE ST.
BETTENDORF IA 52722
(563)823-0701

Permit Coverage Issued To:

FRIEMELS ADDITION
HWY 67
in BETTENDORF, SCOTT COUNTY
located at

1/4 Section	Section	Township	Range	Latitude	Longitude
NE	13	78N	04E		

Coverage Provided Through: 6/1/2010
NPDES Permit Discharge Authorization Number: 17052 - 16824
Discharge Authorization Date: 6/1/2009

Project Description: CONSTRUCTION ACTIVITIES ASSOCIATED WITH THE DEVELOPMENT OF FRIEMELS ADDITION, 9.50 ACRES



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

CERTIFIED MAIL

March 13, 2009

Ethan Mahler
Vice President
Pleasant Valley Redi-Mix Co.
3223 Beartooth Court
Bettendorf, IA 52722

Re: Issuance of Air Quality Construction Permit for Concrete Batch Plant – Bettendorf, IA
Plant ID: PP-145-000
Project Number: 09-091

Dear Mr. Mahler:

This letter transmits the air quality construction permit for the following air contaminant source as described in your generalized air construction permit application for a Concrete Batch Plant received on March 9, 2009. It is the Department's understanding that the application reflected accurate and complete information.

Emission Unit	Control	Testing	Permit Number
Pleasant Valley Redi-Mix – Bettendorf	Dust Collector	None	09-A-047

This permit is issued for this facility with the new concrete batch plant general permit template. Your attention is directed toward the specified **Permit Conditions** contained within this permit, specifically Sections 14 and 15 (Operating Limits and Operating Condition Monitoring, respectively). Please review these conditions and the entirety of the Air Construction Permit to understand the requirements necessary to remain in compliance with the permit.

Based upon information submitted during the application process, The Department has determined that this concrete batch plant is not subject to either New Source Performance Standards (NSPS) or National Emissions Standards for Hazardous Air Pollutants (NESHAP). There are no applicable subparts.

Initial compliance testing is waived for all regulated pollutants from this concrete batch plant at this time. The Department reserves the right to require testing for all emission units in the future if needed. Opacity exceeding the Indicator Opacity or a test failure of any other emission unit at this facility will be used as the primary indicators for the Department to consider requiring compliance stack testing.

The status of any future application may be monitored on-line using the State Permitting and Reporting System (SPARS). SPARS reports are located at the Iowa Department of Natural Resources-Air Quality Bureau web-site http://www.dnraq.state.ia.us/spars_pages/reports.htm. If you have any questions concerning this project, please contact Shawn Corbin, the review engineer, by telephone at (515)-242-5272 or by email at shawn.corbin@dnr.state.ia.us.

Iowa Department of Natural Resources Air Quality Construction Permit For a Concrete Batch Plant

Permit Holder

Firm:
Pleasant Valley Redi-Mix Co.

Contact:		Responsible Party:
<u>Ethan Mahler</u>	(name)	<u>Brad Levi</u>
<u>Vice President</u>	(title)	<u>Operations Manager</u>
<u>563-529-2516</u>	(telephone)	<u>563-529-2016</u>
<u>3223 Beartooth Ct</u>	(street)	<u>1039 State St Suite 203</u>
<u>Bettendorf, IA 52722</u>	(city, state, zip)	<u>Bettendorf, IA 52722</u>

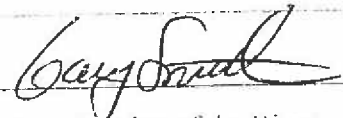
Permitted Equipment

Facility Name:
Pleasant Valley Redi-Mix Co.

Equipment Location or Staging Area: 7186 State St (street)
Bettendorf, IA 52722 (city, state, zip)

Is the Equipment Portable? (yes/no) yes

RECEIVED
 MAR 14 2009

Permit No.	Proj. No.	Description	Date	Testing
09-A-047	09-091	Concrete Batch Plant	3/13/09	No
Plant Number: <u>PP-145-000</u>				
 Under the Direction of the Director of The Department of Natural Resources				

For Department use ONLY

Facilities Covered by this Permit

This permit is only applicable to a "concrete batch plant"⁽¹⁾ not otherwise excluded or in a prohibited location.⁽²⁾

⁽¹⁾ "Concrete batch plant" for the purposes of this permit, means any stationary or portable facility for the production of portland concrete⁽³⁾ including all aggregate, cementitious material, Portland cement, and fly ash or slag mixing transfer and storage including weigh hopper loading, mixer or truck loading, silo loading and transferring as well as boilers, power sources (such as generators), and petroleum storage tanks.

⁽²⁾ Exclusions and Prohibited Locations. The following plants shall *not* be covered under this permit

Exclusions

- a. Any concrete batch plant already subject to an existing air quality construction permit, other than a permit by rule under this subrule, or subject to an air quality operating permit is not eligible for coverage under this permit by rule unless those permits are revoked concurrently with the start of coverage under this permit by rule for the facility.
- b. Any plant subject to 567—subrule 23.1(4) (emission standards for hazardous air pollutants for source categories), rule 33.3 (special requirements for major stationary sources located in areas designated attainment or unclassified (PSD)), or rule 22.5(455B) (special requirements for nonattainment areas) is not eligible for coverage under this permit by rule.

Prohibited Locations

- c. Any concrete batch plant located in Polk or Linn County or portable facility relocating to Polk or Linn County is not eligible for coverage under this permit by rule.
- d. Any concrete batch plant that is located on the same property where emission sources are covered by an air quality construction permit is not eligible for coverage under this permit by rule.
- e. A concrete batch plant must maintain a distance of 1,000 feet from another concrete batch plant, any aggregate processing plant, or any hot mix asphalt facility.

⁽³⁾ "Portland concrete" means a construction material consisting of aggregate, Portland cement, water and other materials mixed that undergo a hydration process binding the aggregate into a single mass. It is used in the construction of highways, streets, homes, and commercial buildings and for many other related projects.

Facility Name Pleasant Valley Redi-Mix

Initial KL

Permit Number (department use only) 03-A-047

Equipment List

Production Equipment Type	Production Equipment Make	Production Equipment Model	Production Equipment Serial Number or Company ID	Associated Control Equipment Serial Number or Company ID	Construction Date
Fly Ash Silo #1	Belgrade	45 tons		Bag House Dust Central Dust	6-2003
Cement Silo #1	Heltzel	83 tons	1000 B	Central Dust	5-1972
Cement Weigh Batcher	Heltzel	9 cubic yards	1000 B	Central Dust	1972
truck load out	Heltzel	150 cubic yds/hr	1000 B	Central Dust	1972
Agg Load in hopper	Heltzel	9 cubic yard	1000 B	N/A	1972
Conveyor #1	Heltzel	9 CY	1000 B	N/A	1972
#2	Heltzel	9 CY	1000 B	N/A	1972
#3	Heltzel	9 CY	1000 B	N/A	1972
Elevated Agg.	Heltzel	135 tons			
Dust Collector	C & W	RA-120	R	Central Dust	2009

Type of Facility Being Permitted

There are four types of Concrete Batch plants that can be permitted using this template. Please select the type of plant that is being permitted from the list below and follow the both the general requirements and specific operating limits for that type of plant from Section 14.

Please check the type of facility that is being permitted.

Dry Batch Plants (Truck-Mix)

	<i>Control Equipment on Truck Loadout</i>	<i>Operating Limits and Requirements</i>
<input type="checkbox"/>	Enclosure Only ⁽¹⁾	General Requirements and Section 14a
<input type="checkbox"/>	Baghouse (Stack Height Between 20 Feet and 37 Feet) ⁽²⁾	General Requirements and Section 14b
<input type="checkbox"/>	Baghouse (Stack Height 37 Feet or Higher) ⁽²⁾	General Requirements and Section 14c

Wet Batch Plants (Central-Mix)

	<i>Control Equipment on Mixer Loading</i>	<i>Operating Limits and Requirements</i>
<input checked="" type="checkbox"/>	Enclosure Only ⁽¹⁾	General Requirements and Section 14d
<input type="checkbox"/>	Baghouse	General Requirements and Section 14e

⁽¹⁾ A concrete batch plant that does not have a baghouse on the truck loadout or mixer loading point must install an enclosure meeting the requirements in Section 14 to qualify for a permit using the general permit template.

⁽²⁾ If a facility has a baghouse with a stack height between 20 feet and 37 feet, the stack can be raised to 37 feet or higher and the facility can comply with the requirements of Section 14c. If the facility does not choose to raise the stack, they can comply with the requirements of Section 14b.

Permittee Certification

I certify that, based on information and belief formed after reasonable inquiry, the enclosed documents including the attachments are true, accurate, and complete and that legal entitlement to install and operate the equipment covered by the permit application and on the property identified in the permit application has been obtained.

I certify that this permit, as drafted, is for (and only for) a "concrete batch plant" not otherwise "excluded" as noted below. I certify that there are no physical or chemical characteristics or pollutants in the air contaminants emitted for this facility which are atypical of this type of facility.

I certify that the terms and conditions of this permit will be met at all times.

 (Responsible Party - Signature)

Operations Manager (Title)

03/06/09 (Date)

PERMIT CONDITIONS

The permit holder, owner or operator of the facility shall assure that the installation, operation, and maintenance of this equipment is in compliance with all of the applicable conditions of this permit and all other applicable requirements. A facility not meeting any of the requirements set forth in this permit shall apply for a permit to construct as outlined in IAC 22.1(3).

1. Departmental Review

This permit is valid only after signature by the Iowa Department of Natural Resources staff.

This permit is issued based on the permittee's certification of the information submitted and certification that the terms and conditions in this permit will be met at all times. Any misinformation, false statements or misrepresentations by the applicant shall cause this permit to be void. In addition, the applicant may be subject to criminal penalties according to Iowa Code Section 455B.146A.

This permit is issued under the authority of 567 Iowa Administrative Code (IAC) 22.3. A typical concrete batch plant facility has been evaluated for conformance with Iowa Code Chapter 455B; 567 IAC Chapters 20-31; and 40 CFR Parts 51, 52, 60, 61 and 63 and has the potential to comply.

No review has been undertaken on the engineering aspects of the equipment or control equipment other than the potential for that equipment for reducing air contaminant emissions. The DNR assumes no liability, directly or indirectly, for any loss due to damage to persons or property caused by, resulting from, or arising out of the design, installation, maintenance or operation of the proposed equipment.

2. Transferability

This permit is for the construction and operation of the specific emission unit(s), control equipment and emission point as described in this permit. As limited by 567 IAC 22.3(3)"f", this permit is not transferable from one concrete batch plant facility to another. This permit is also not transferable from one location to another unless the equipment is portable. When portable equipment for which a permit has been issued is to be transferred from one location to another, the DNR shall be notified in writing as set forth in Condition 8. The owner will be notified at least thirty (30) days prior to the scheduled relocation by the department if the relocation will cause, or contribute to, a violation of the National Ambient Air Quality Standards. In such case, a supplemental permit shall be required for further operation as well as prior to the initiation of construction of additional control equipment or equipment modifications needed to meet the standards.

This permit is for the construction and operation of the specific emission unit(s), control equipment and emission point(s) as described in this permit and the application for this permit. Any owner or operator of the specified emission unit(s), control equipment or emission point, including any person who becomes an owner or operator subsequent to the date on which this permit is issued, is responsible for compliance with the provisions of the permit. No person shall construct, install, reconstruct or alter this emission unit, control equipment or emission point without the required revision to this permit. A permit may be updated to reflect a change in equipment by modifying the Equipment List on page 4 of this permit template and sending a copy to the Department for review. The equipment may be updated as long as the change in equipment still meets the required emission unit and point characteristic descriptions.

3. Construction

It is the owner's responsibility to ensure that construction conforms to the final plans and specifications as submitted, and that adequate operation and maintenance is provided to ensure that no condition of air pollution is created.

This permit shall become void if any one of the following conditions occur:

- (1) the construction or modification of the proposed project, as it affects the emission point(s) permitted herein, is not initiated within eighteen (18) months after the permit issuance date; or the construction or

- modification of the proposed project, as it affects the emission point(s) permitted herein, is not completed within thirty-six (36) months after the permit issuance date; or
- (2) the construction or modification of the proposed project, as it affects the emission point(s) permitted herein, is not completed within a time period specified elsewhere in this permit.

3.a. Original Permits

The owner or operator shall obtain a new permit if any changes are made to the final plans and specifications submitted for the proposed project.

3.b. Modified or Supplemental Permits

This permit supersedes any and all previous permits issued for the emission point(s) or emission unit(s) permitted herein. However, the permittee may continue to act under the provisions of the previous permit for the emission point(s) or emission unit(s) until one of the following conditions occurs:

- (1) The proposed project authorized by this permit is completed as it affects the emission point(s) permitted herein; or
- (2) The permit becomes void.

The owner or operator shall obtain a new permit if:

- (1) Any changes are made to the final plans and specifications submitted for the proposed project; or
- (2) This permit becomes void.

A permit may be updated to reflect a change in equipment by modifying the Equipment List on page 4 of this permit template and sending a copy to the Department for review. The equipment may be updated as long as the change in equipment still meets the required emission unit and point characteristic descriptions.

4. Credible Evidence

As stated in 567 IAC 21.5 and also in 40 CFR Part 60.11(g), where applicable, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any provisions specified in this permit or any provisions of 567 IAC Chapters 20 through 34.

5. Owner Responsibility

Issuance of this permit shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of the State Implementation Plan (SIP), and any other requirements of local, state, and federal law. This permit does not relieve the owner or operator of meeting all applicable requirements set forth in 567- Chapters 20 through 25, Chapter 28 and Chapter 33 of the Iowa Administrative Code.

The owner or operator of any emission unit or control equipment shall maintain and operate the equipment and control equipment at all times in a manner consistent with good practice for minimizing emissions, as required by paragraph 567 IAC 24.2(1) "*Maintenance and Repair*".

6. Excess Emissions

Excess emissions during a period of startup, shutdown, or cleaning of control equipment are not a violation of the emission standard if the startup, shutdown, or cleaning of control equipment is accomplished expeditiously and in a manner consistent with good practice for minimizing emissions except when another regulation applicable to the unit or process provides otherwise. Cleaning of control equipment, which does not require the shutdown of process equipment, shall be limited to one six-minute period per one-hour period. An incident of excess emissions other than the above is a violation and may be subject to criminal penalties according to Iowa Code 455B.146A. If excess emissions are occurring, either the control equipment causing the excess shall be repaired in an expeditious manner, or the process generating the emissions shall be shutdown within a reasonable period of time, as specified in 567 IAC 24.1.

An incident of excess emissions shall be orally reported to the appropriate DNR field office within eight (8) hours of, or at the start of, the first working day following the onset of the incident. A written report of an incident of excess emissions shall be submitted as a follow-up to all required oral reports within seven (7) days of the onset of the upset condition.

7. Disposal of Contaminants

The disposal of materials collected by the control equipment shall meet all applicable rules.

8. Notification, Reporting and Recordkeeping

- A. The owner shall furnish the DNR the following written notifications:
1. The date construction, installation, or alteration is initiated postmarked within thirty (30) days following initiation of construction, installation, or alteration;
 2. The actual date of startup, postmarked within fifteen (15) days following the start of operation;
 3. Transfer of equipment ownership, within 30 days of the occurrence
 4. Any facility that relocates must file a **relocation notification** with the department on DNR Form 542--1362. The relocation notification shall be submitted to the department 30 days prior to the relocation of any concrete batch plant.
 5. The date of each compliance test required by Permit Condition 12, at least thirty (30) days before the anticipated compliance test date.
 6. The date of each pretest meeting, at least fifteen (15) days before the proposed meeting date. The owner shall request a proposed test plan protocol questionnaire at least sixty (60) days prior to each compliance test date. The completed questionnaire shall be received by the DNR at least fifteen (15) days before the pretest meeting date.
- B. The owner shall furnish DNR with the following reports:
1. Oral excess emissions reports, in accordance with 567 IAC 24.1.
 2. Operation of this emission unit(s) or control equipment outside of those limits specified in Permit Conditions 10 and 14 and according to the schedule set forth in 567 IAC 24.1.
 3. A written compliance demonstration report for each compliance testing event, whether successful or not, postmarked not later than forty-five (45) days after the completion of the test period unless other regulations provide for other notification requirements. In that case, the more stringent reporting requirement shall be met.
- C. The owner shall send correspondence **regarding this permit** to the following address:

Construction Permit Supervisor
Air Quality Bureau
Iowa Department of Natural Resources
7900 Hickman Road, Suite 1
Urbandale, IA 50322
Telephone: (515) 281-8189
Fax: (515) 242-5094

- D. The owner shall send correspondence **concerning emission testing** to:

Stack Testing Coordinator
Air Quality Bureau
Iowa Department of Natural Resources
7900 Hickman Road, Suite 1
Urbandale, IA 50322
Telephone: (515) 242-6001
Fax: (515) 242-5127

E. The owner shall send reports and notifications to:

Compliance Unit Supervisor
 Air Quality Bureau
 Iowa Department of Natural Resources
 7900 Hickman Road, Suite 1
 Urbandale, IA 50322
 Telephone: (515) 281-8448
 Fax: (515) 242-5127

G. All data, records, reports, documentation, construction plans, and calculations required under this permit shall be available at the plant during normal business hours for inspection and copying by federal, state, or local air pollution regulatory agencies and their authorized representatives, for a minimum of two (2) years from the date of recording.

9. Permit Violations

Knowingly committing a violation of this permit may carry a criminal penalty of up to \$10,000 per day fine and 2 years in jail according to Iowa Code Section 455B.146A.

10. Emission Limits

Pollutant	lb/hr ⁽¹⁾	Tons/Yr ⁽²⁾	Additional Limits	Reference (567 IAC)
Particulate Matter (PM)	NA	NA	0.1 gr/dscf ⁽³⁾ 0.6 lb/MMBTU ⁽⁴⁾	23.3(2)"a" 23.3(2)"b"
PM ₁₀	NA	NA	NA	NA
Opacity	NA	NA	40% ⁽⁵⁾ No Visible Emissions ⁽⁶⁾	23.3(2)"d" 23.2(2)"c"
Sulfur Dioxide (SO ₂)	NA	NA	2.5 lb/MMBTU ⁽⁷⁾ 500 ppm _v ⁽⁸⁾	23.3(3)"b" 23.3(3)"e"
Nitrogen Oxides (NO _x)	NA	NA	NA	NA
Volatile Organic Compounds	NA	NA	NA	NA
Carbon Monoxide (CO)	NA	NA	NA	NA

⁽¹⁾ Standard is expressed as the average of 3 runs.
⁽²⁾ Standard is a 12-month rolling total.
⁽³⁾ This standard applies to all emission units from the concrete batch plant except those units used for indirect heating or power generation.
⁽⁴⁾ This standard applies to those emission units used for indirect heating.
⁽⁵⁾ An exceedance of the indicator opacity of (25%) will require the owner/operator to promptly investigate the emission unit and make corrections to operations or equipment associated with the exceedance. If exceedances continue after corrections, the DNR may require additional proof to demonstrate compliance (e.g., stack testing).
⁽⁶⁾ The facility shall take all reasonable precautions to prevent the discharge of visible emissions of fugitive dust beyond the lot line of property on which the plant is located. A list of reasonable precautions is detailed in Section 16.
⁽⁷⁾ This standard applies to the emissions of sulfur dioxide from the use of liquid fuels.
⁽⁸⁾ This standard applies to all other processes, other than from the use of liquid fuels, that are capable of emitting sulfur dioxide.

11. Emission Unit and Point Characteristics

The number of emission units at the facility and the stack parameters of the emission points shall conform to the following list.

Maximum number of Emission Units.

- A. A maximum of six (6) silos storing cement or cement supplement shall be located at the plant.
- B. Any number of elevated aggregate bins; only one (1) bin may be filled at any one time.
- C. Any number of aggregate load-in hoppers and conveyers; only one (1) load-in hopper and conveyor may be used to transport aggregate or sand to the elevated bins at any one time or only one (1) front end loader may be used to load multiple conveyors at any one time.
- D. A maximum of either one (1) truck loadout point for dry batch plants or one (1) mixer for wet batch plants shall be located at the plant.
- E. A maximum of one (1) cement weigh hopper or weigh batcher.
- F. A maximum of one (1) aggregate weigh hopper.
- G. A maximum of one (1) boiler may be located at the plant. The boiler shall have a maximum heat input rating of 10 million BTU per hour or less and shall be limited to using either natural gas or propane.
- H. A maximum of one (1) electric generator. The generator may be of any size but shall be limited to using diesel fuel.

Emission control and Stack Requirements

- I. Emissions from each cement or cement supplement silo shall be controlled by a baghouse. Minimum stack height for any cement or cement supplement silo shall be 37 feet.
- J. The minimum stack height of the baghouse on truck loadout shall be at least 20 feet above grade if complying with the requirements of Section 14b or 37 feet above grade if complying with the requirements of Section 14c.
- K. The minimum stack height of the baghouse on the mixer loading shall be at least 37 feet above grade if complying with the requirements of Section 14e.
- L. The stack heights of the boiler and generator shall be a minimum of 15 feet above grade and the stack(s) shall be vertical, unobstructed.
- M. The stacks from the silos, mixer and truck loadout may be of any orientation, including vertical, vertical unobstructed, obstructed, horizontal or downward.

It shall be the owner's responsibility to ensure that construction conforms to the emission point characteristics stated above. If it is determined that any of the emission point characteristics are different than stated above, the owner must notify the Department and obtain a permit amendment, if required. A concrete batch plant not meeting any of the requirements described above shall apply for a permit to construct as outlined in IAC 22.1(3).

12. Initial Performance Testing Requirements

The department retains authority pursuant to 567--subrule 25.1(7) to require additional emission testing.

Pollutant	Testing Required	Test Method
PM	No	Iowa Compliance Sampling Manual Method 5
PM ₁₀	No	40 CFR 51, Appendix M, 201A with 202
Opacity	No	40 CFR 60, Appendix A, Method 9
SO ₂	No	40 CFR 60, Appendix A, Method 6C
NO _x	No	40 CFR 60, Appendix A, Method 7E
VOC	No	40 CFR 60, Appendix A, Method 25A
CO	No	40 CFR 60, Appendix A, Method 10
Pb	No	40 CFR 60, Appendix A, Method 12

If specified in the table above, the owner shall verify compliance with the emission limitations contained in Permit Condition 10 within 60 days after achieving maximum production rate and no later than one hundred eighty (180) days after the initial startup date of the proposed equipment. The unit(s) being sampled should be operated in a normal manner at the maximum continuous output as rated by the equipment manufacturer, or the rate specified by the owner as the maximum production rate at which this unit(s) will be operated. In cases where compliance is to be demonstrated at less than the maximum continuous output as rated by the manufacturer, and it is the owner's intent to limit the capacity to that rating, the owner may submit evidence to the department that this unit(s) has been physically altered so that capacity cannot be exceeded, or the department may require additional testing, continuous monitoring, reports of operating levels, or any other information deemed necessary by the department to determine whether this unit(s) is in compliance.

A pretest meeting shall be held at a mutually agreeable site no less than fifteen (15) days prior to the date of each test. Representatives from the DNR shall attend this meeting, along with the owner and the testing firm, if any. It shall be the responsibility of the owner to coordinate and schedule the pretest meeting. The owner shall be responsible for the installation and maintenance of test ports. The DNR shall reserve the right to impose additional, different, or more detailed testing requirements.

Each emissions compliance test must be approved by the DNR. Unless otherwise specified by the DNR, each test shall consist of three separate runs. The duration of each run shall be established by the DNR at the pretest meeting. The arithmetic mean of three acceptable test runs shall apply for compliance, unless otherwise indicated by the DNR. The test methods to be used are those stated above unless otherwise approved by the DNR.

13. NSPS and NESHAP Applicability

Diesel generators where the engine was ordered after July 11, 2005 and manufactured after April 1, 2006 are subject to NSPS Subpart IIII of 40 CFR Chapter 60 – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. Diesel generators which were modified or reconstructed after July 11, 2005 are subject to Subpart IIII of 40 CFR Chapter 60. Diesel generators with a displacement less than 30 liters per cylinder where the model year is 2007 or later are subject to Subpart IIII of 40 CFR Chapter 60.

- Storage tanks of petroleum liquids may also be subject to the requirements of one of three NSPS subparts as follows:
- NSPS Subpart K: Storage tanks were constructed, reconstructed or modified after June 11, 1973 and prior to May 19, 1978 and have a minimum storage capacity of 40,000 gallons.
- NSPS Subpart Ka: Storage tanks were constructed, reconstructed or modified after May 18, 1978 and prior to July 23, 1984 and have a minimum storage capacity of 40,000 gallons.
- NSPS Subpart Kb: Storage tanks were constructed, reconstructed or modified after July 23, 1984 and have a minimum storage capacity of 19,813 gallons storing a liquid with a true maximum vapor pressure greater than or equal to 15 kPa or if the storage tank is greater than 39,890 gallons storing a liquid with a true maximum vapor pressure greater than or equal to 3.5 kPa.

No NESHAP standards are applicable to this facility.

14. Operating Limits

The facility shall follow all of the general requirements for concrete batch plants *and* the operating limits for the specific type of facility selected on Page 3 of this permit template. If the facility has a diesel generator subject to New Source Performance Standard (NSPS) Subpart IIII, they must also follow the requirements for generators subject to NSPS Subpart IIII.

General Requirements for all Concrete Batch Plants

- A. The generator is limited to firing either #1 or #2 diesel fuel with a maximum sulfur content of 0.5% by weight per 567 IAC 23.3(3)"b".
- B. The amount of diesel fuel fired in the generator shall not exceed 35 gallons per hour for generators equal to or less than 600 horsepower and 50 gallons per hour for generators greater than 600 horsepower.
- C. The diesel generator shall be limited to operating for no more than 4,850 hours per rolling 12-month period.
- D. The maximum heat input of the boiler shall not exceed 10 MMBTU/hr.
- E. The boiler is limited to firing either natural gas or propane.
- F. The owner or operator shall maintain all baghouses according to manufacturer's specifications and maintenance schedule. If visible emissions are observed from any baghouse, the owner or operator shall identify the cause of the visible emissions and take corrective action immediately.

Requirements for Diesel Generators subject to NSPS Subpart IIII

- A. The owner or operator of a generator subject to NSPS Subpart IIII shall follow the emission standards for the type and size of diesel generator installed as required in 40 CFR§60.4204.
- B. Beginning October 1, 2007, diesel fuel fired in a generator subject to NSPS Subpart IIII shall be limited to a maximum sulfur content of 500 ppm and a minimum centane index of 40 or a maximum aromatic content of 30 percent by volume per 40 CFR§80.510(a).
- C. Beginning October 1, 2010, diesel fuel fired in a generator subject to NSPS Subpart IIII and with a displacement less than 30 liters per cylinder shall be limited to a maximum sulfur content of 15 ppm and a minimum centane index of 40 or a maximum aromatic content of 30 percent by volume per 40 CFR§80.510(b).
- D. Per 40 CFR§60.4207, owners and operators of pre-2011 model year diesel generators subject to NSPS Subpart IIII may petition the Administrator for approval to use remaining non-compliant fuel that does not meet the fuel requirements of 40 CFR§80.510(a) or CFR§80.510(b) beyond the dates required, for the purpose of using up existing fuel inventories.

14a. Dry Batch (Truck-Mix) Facilities without Baghouse Control on Truck Loadout

- A. This type of concrete batch plant shall not produce more than 648 cubic yards of concrete in any calendar day.
- B. The truck loadout shall be enclosed by either of the following methods:
 - 1. **Back-In Operations** – The truck loadout shall be roofed and permanently enclosed on the three (3) sides not used to enter the loadout area by the mix truck.
 - 2. **Drive-Through Operations** – The truck loadout shall be roofed and permanently enclosed on the two (2) sides not used to enter the loadout area by the mix truck. The other two (2) drive-through sides must either be equipped with dust tarps that are lowered each time a truck is filled or with drive-through plastic strips. If a facility uses plastic strips, they must be replaced periodically when they become warped or damaged or are otherwise not providing an effective enclosure.

14b. Dry Batch (Truck-Mix) Facilities with Baghouse Control on Truck Loadout and a Stack Height between 20 Feet Above Grade and 37 Feet Above Grade

- A. This type of concrete batch plant shall not produce more than 2,900 cubic yards of concrete in any calendar day.

14c. Dry Batch (Truck-Mix) Facilities with Baghouse Control on Truck Loadout and a Stack Height of 37 Feet Above Grade or Higher

- A. This type of concrete batch plant shall not produce more than 4,260 cubic yards of concrete in any calendar day.

14d. Wet Batch (Central-Mix) Facilities without Baghouse Control on Mixer Loading

- A. This type of concrete batch plant shall not produce more than 3,240 cubic yards of concrete in any calendar day.
- B. The mixer loading point shall either be enclosed in a process building or other type of permanent enclosure.

14e. Wet Batch (Central-Mix) Facilities with Baghouse Control on Mixer Loading

- A. This type of concrete batch plant shall not produce more than 5,790 cubic yards of concrete in any calendar day.

15. Operating Condition Monitoring

All records as required by this permit shall be kept on-site for a minimum of two (2) years and shall be available for inspection by the DNR. Records shall be legible and maintained in an orderly manner.

- A. Record each day, the amount of concrete produced from the plant in cubic yards.
 - B. Retain vendor's certification of the sulfur content for the diesel fuel used in the generator.
 - C. Record monthly the total amount of time the generator operates in hours. Calculate and record rolling 12-month totals.
 - D. Keep a record of the horsepower rating of the diesel generator and the maximum hourly fuel capacity of the generator.
 - E. Keep a record of the maximum heat input rating of the boiler and the type of fuel fired in the boiler.
 - F. The owner or operator shall maintain a record of all inspections/maintenance and any action resulting from the inspection/maintenance of the baghouse(s).
 - G. The owner or operator of a generator subject to NSPS Subpart IIII shall follow the monitoring requirements of 40 CFR§60.4209.
 - H. The owner or operator of a generator subject to NSPS Subpart IIII shall follow the notification, reporting, and recordkeeping requirements of 40 CFR§60.4214.
 - I. The owner or operator of a generator subject to NSPS Subpart IIII shall follow the compliance requirements of 40 CFR§60.4211.
-

16. Best Management Practices (BMP)

All concrete batch plants covered under this permit are required to employ best management practices to reasonably prevent the discharge of fugitive dust from all process equipment, storage piles and haul roads beyond the lot line of the property on which it is located. These BMP are examples of reasonable practices to minimize the generation of fugitive dust emissions.

BMP on process equipment include but are not limited to:

- Limit drop heights of materials being transferred to or from any conveyor
- Enclose all free falling transfer points from conveyor to stockpiles with chute(s)
- Totally enclose all conveyors
- Provide scrapers at the turning points of all conveyors to prevent dust collection on the belt surface
- If using unenclosed elevated aggregate storage bins, do not load aggregate within two (2) feet of the top of the bin walls.

BMP on haul roads include but are not limited to:

- Limiting truck speed on facility property
- Watering and/or treating unpaved roadways with chemical dust-suppressants
- Watering and/or sweeping paved roadways
- Immediately cleaning-up or dampening all material spills on the roadways

BMP on storage piles include but are not limited to:

- Covering storage piles
- Watering storage piles
- Partially enclosing above ground storage piles within three-sided enclosures

17. Descriptions of Terms and Acronyms

acfm	Actual cubic feet per minute
Applicant	The owner, company official or authorized agent
BTU	British thermal unit
CFR	Code of Federal Regulations
Department	Iowa Department of Natural Resources
DNR	Iowa Department of Natural Resources
gr/dscf	Grains per dry standard cubic foot
HAP	Hazardous Air Pollutant(s)
IAC	Iowa Administrative Code
NA	Not Applicable
NAAQS	National Ambient Air Quality Standards
NO _x	Nitrogen Oxides
Owner	The owner or authorized representative
Permit	This document, including permit conditions and all submitted application materials
PM ₁₀	Particulate Matter equal to or less than 10 microns in aerodynamic diameter
scfm	Standard cubic feet per minute
SIP	State Implementation Plan
SO ₂	Sulfur Dioxide
VOC	Volatile Organic Compound

END OF PERMIT CONDITIONS



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

March 26, 2009

BRAD LEVI
PLEASANT VALLEY REDI-MIX COMPANY
1039 STATE ST., SUITE 203
BETTENDORF, IA 52722

Re: Authorization of a Storm Water Discharge Associated With Industrial Activity
Iowa Department of Natural Resources, NPDES General Permit No. 3
DNR Authorization Number: IA - 16916 - 16685
Facility Name and Location: PLEASANT VALLEY REDI-MIX COMPANY, BETTENDORF, IA

Dear BRAD LEVI:

This letter is to acknowledge that a complete Notice of Intent to be covered under Iowa's NPDES Storm Water General Permit No. 3 has been received. Please use the DNR Authorization Number provided above for any future correspondence on this discharge. By making this Notice of Intent with the DNR, you are committing to meet the terms and conditions in General Permit No. 3.

In accordance with General Permit No. 3, your pollution prevention plan should have been developed before submitting this Notice of Intent with the DNR and is expected to be implemented when your facility is in operation. The pollution prevention plan and other records are to be kept on-site where the storm water discharge occurs. Unless otherwise requested, you do not need to provide a copy to the DNR.

If this permit is for a portable facility follow relocation requirements as outlined in General Permit No. 3. Also notify the DNR of changes in ownership or name of the facility.

If you have questions, please call me at 515-281-7017 or Ruth Rosdail at 515-281-6782.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joe Griffin".

Joe Griffin
NPDES Section
Environmental Protection Division

Enclosure(s): Contact Information Sheet; Permit Authorization Sheet

File No. CON 11 - 34 -- 16916
IDNR Field Office # 6

DEAR STORM WATER DISCHARGER:

We are using the following contact person and address for correspondence relating to the storm water discharge general permit. If you prefer that correspondence be sent elsewhere, please make the appropriate changes below and return this form to us so that we can update our records.

Mail changes to: Storm Water Coordinator
Iowa Department of Natural Resources
502 E. 9th St.
Des Moines, IA 50319-0034

DNR Permit Number: IA - 16916 - 16685

Contact Person: BRAD LEVI

Contact Address: PLEASANT VALLEY REDI-MIX COMPANY
1039 STATE ST., SUITE 203

BETTENDORF, IA 52722

Telephone: (563)529-2016



STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

DEPARTMENT OF NATURAL RESOURCES
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
NOTICE OF GENERAL PERMIT COVERAGE UNDER
GENERAL PERMIT NO. 3

**STORM WATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITY
FOR ASPHALT PLANTS, CONCRETE BATCH PLANTS, ROCK CRUSHING PLANTS,
AND CONSTRUCTION SAND AND GRAVEL FACILITIES**

This notice of general permit coverage for a storm water discharge associated with construction activity is issued pursuant to the authority of section 402 (b) of the Clean Water Act (U.S.C. 1342(b)), Iowa Code 455B.174, and subrule 567-64.4(2), Iowa Administrative Code. A Notice of Intent has been filed with the Iowa Department of Natural Resources that this storm water discharge complies with the terms and conditions of NPDES General Permit No. 3. Authorization is hereby issued to discharge storm water associated with industrial activity as defined in Part VIII of the Iowa Department of Natural Resources NPDES General Permit No. 3 in accordance with the terms and conditions set forth in the permit.

**Owner: PLEASANT VALLEY REDI-MIX COMPANY
1039 STATE ST., SUITE 203
BETTENDORF IA 52722
(563)823-4900**

Permit Coverage Issued To:


**PLEASANT VALLEY REDI-MIX COMPANY
7186 STATE
in BETTENDORF, SCOTT COUNTY
located at**

1/4 Section	Section	Township	Range	Latitude	Longitude
NE	13	78N	05E		

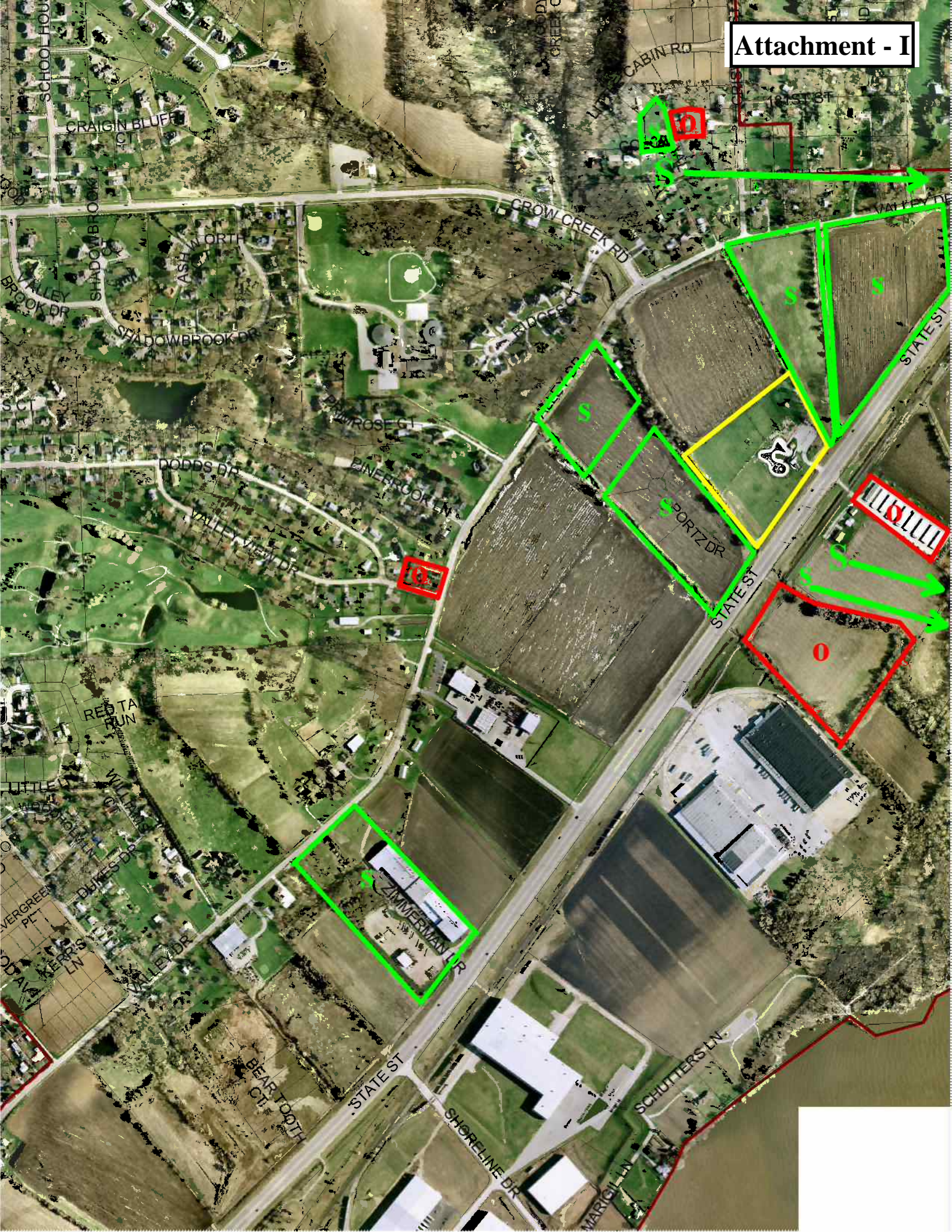
Coverage Provided Through: 4/1/2012
NPDES Permit Discharge Authorization Number: 16916 - 16685
Discharge Authorization Date: 4/1/2009
Project Description:

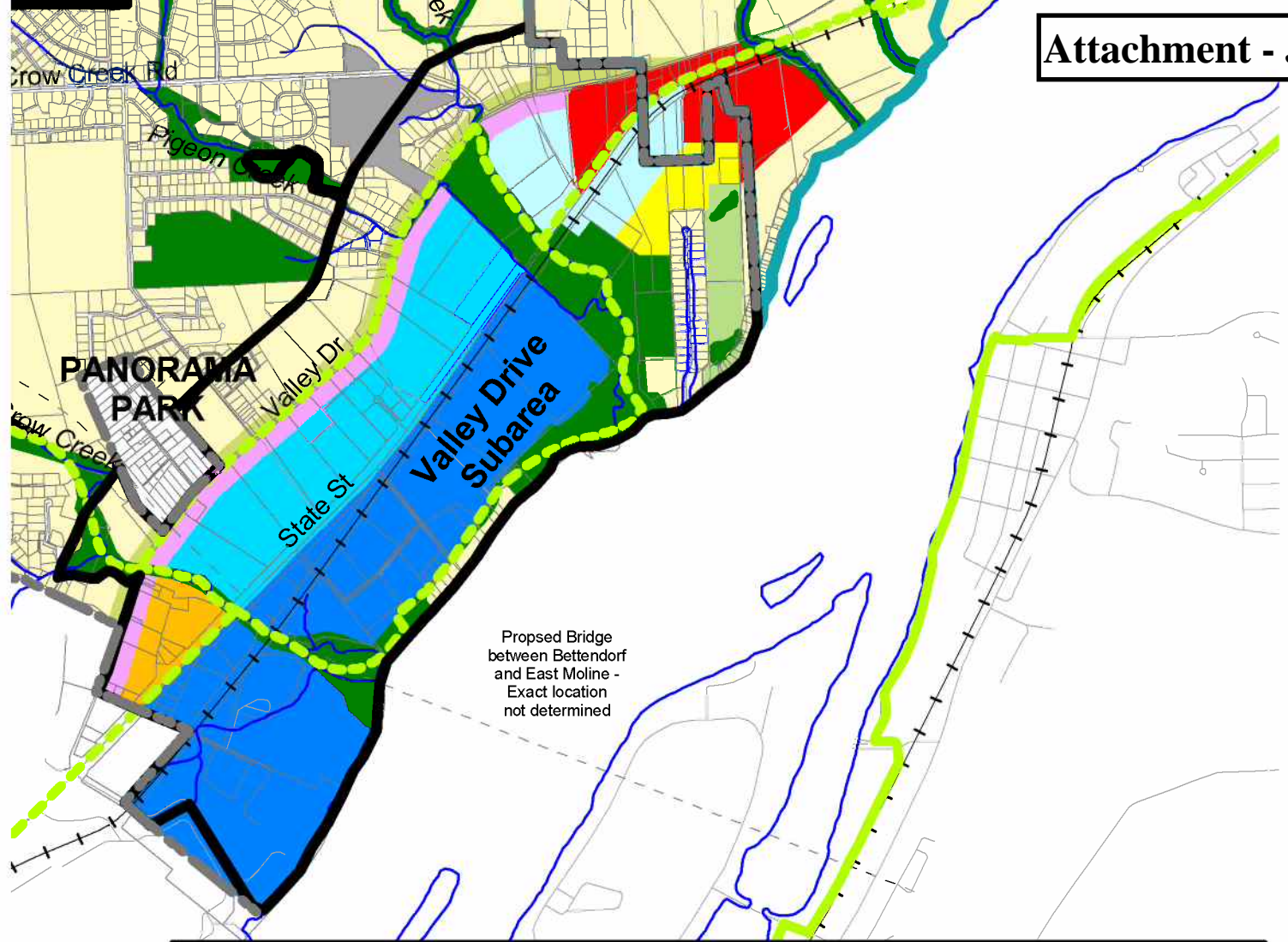
Attachment - H

16.27. *Site And Structure Requirements:*

1. Minimum Lot Area. A separate ground area, of not less than twenty thousand (20,000) square feet, shall be designated, provided and continuously maintained for each structure or land containing a permitted or special use.
2. Minimum Lot Width. A minimum lot width of one hundred (100) feet shall be provided for each lot used for a permitted or special use.
3. Front Yard. All structures shall be set back at least twenty-five (25) feet from the front lot line.
4. Side Yard. All structures shall be set in from the side lot line a distance of not less than ten (10) feet on the least side, with the sum of the two (2) sides not less than twenty-five (25) feet.
5. Rear Yard. None required, unless required by bufferyard requirements in section 18.6 of this appendix.
6. Maximum Height. No structure or portion thereof shall exceed a height of three (3) stories or thirty-five (35) feet when within two hundred (200) feet of any residential district. Beyond two hundred (200) feet from a residential district one additional foot in height may be added for each two (2) feet of horizontal distance beyond two hundred (200) feet.
7. Floor Area Ratio. Floor area ratio, not to exceed 1.5.
8. Maximum Lot Coverage. Not more than fifty (50) percent of the lot area may be occupied by buildings and structures, including accessory buildings. (Ord. 5-93,  24, 2-2-1993)

Attachment - I





RDAL

Legend

Landuse

- Traditional Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Office/Transitional
- Office/Research Campus
- Heavy Industrial
- General Industrial
- Limited Industrial
- Institutional
- Recreational/Conservation
- Agriculture Estate
- Agriculture Open

- City Limits
- Roads
- Proposed Roads

- Subareas
- Spencer Creek Sewer Service Area

- Trails**
- Trail
- Proposed Trail

Source: City of Bettendorf

DISCLAIMER: This map is for reference only. Data provided are derived from multiple sources with varying levels of accuracy.

Case No. 09-082

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 ATTACHED

Part 2. Contact Information.

Applicant Name PLEASANT VALLEY REAL-MIX INC. Phone 563.823.4900

Address 7186 STATE STREET FAX 563.823.4902

E-mail Address: tfriemel@friemelconstruction.com

Owner Name FRIEMEL CONSTRUCTION COMPANY INC. Phone 563.823.0701

Address 1039 STATE STREET #203 FAX 563.823.0708

E-mail Address: tfriemel@friemelconstruction.com

Agent JEAN FRIEMEL - COYLE, GILMAN, STENGEL Phone 309.788.0471

Address 100 17TH STREET #405 ROCK ISLAND IL FAX 309.788.0480

E-mail Address: jvenaglia@cgslofirm.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.)



October 26, 2009

Zoning Board of Adjustments
City Hall Annex
4403 Devils Glen Road
Bettendorf, Iowa 52722

Re: *Pleasant Valley Redi-Mix, Inc.*
7186 State Street, Bettendorf, IA

Dear Board of Adjustments:

Enclosed please find the Application to the Zoning Board of Adjustment on behalf of Pleasant Valley Redi-Mix, Inc. ("PVRM"). Please accept this application and letter as PVRM's official request for a permanent special-use permit at the property listed above.

In February of 2009, this Board approved PVRM's application for a temporary special-use permit at the above described location for the purpose of providing concrete to the local community. PVRM has operated its concrete and topsoil supply business at the above captioned location since March 2009. PVRM supplied all the concrete material used for Bettendorf's Hopewell Street and the Bettendorf's Street Patch project. In addition PVRM has supplied topsoil for Bettendorf's Hopewell Street, 53rd Street, Valley Drive, 23rd Street, and Middle Road projects.

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.

Included with this application are preliminary plats, preliminary site development plans, landscaping plans and building renderings proposed for this site. Per the direction of Mr. Bill Connors, PVRM will submit these documents to the appropriate boards post special use approval.

Thank you for your prompt attention and consideration to this matter. Please contact me with any questions or direction regarding this application.

Sincerely,

Todd Friemel
President/Owner
Pleasant Valley Redi-Mix
563-529-9536