

NOTICE TO THE AUDIENCE. PLEASE REMEMBER THAT IF YOU ARE INTERESTED IN MATTERS ON THE AGENDA THAT WILL HAVE SUBSEQUENT MEETINGS, IT IS YOUR RESPONSIBILITY TO NOTE THE DATES, TIMES, AND PLACES. NO FURTHER LETTERS OR REMINDERS WILL BE SENT. OF COURSE, IF YOU HAVE ANY QUESTIONS ABOUT ANY GIVEN MATTER, DO NOT HESITATE TO CONTACT THE PLANNING DEPARTMENT IN THE CITY HALL ANNEX, 4403 DEVILS GLEN ROAD, BETTENDORF, IOWA (344-4055).

**MEETING NOTICE  
BOARD OF ADJUSTMENT  
SEPTEMBER 9, 2010  
5:00 P.M.**

PLACE: Bettendorf City Hall Council Chambers, 2<sup>nd</sup> Floor, 1609 State Street

1. Roll Call: Falk \_\_\_\_\_, Howe \_\_\_\_\_, McElhiney \_\_\_\_\_, Stelk \_\_\_\_\_, Voelliger \_\_\_\_\_
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of August 12, 2010.
4. The Board to hold a public hearing on the following items:
  - a. Case 10-039; Lot 2, Shoppes at Duck Creek First Addition (C-2) - A request for a special use permit to allow a drive-up window, submitted by McDonald Properties East, LLC.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT AND OTHER APPLICABLE FEDERAL AND STATE LAWS, ALL PUBLIC HEARINGS AND MEETINGS HELD OR SPONSORED BY THE CITY OF BETTENDORF, IOWA, WILL BE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. PERSONS REQUIRING AUXILIARY AIDS AND SERVICES SHOULD CONTACT BETTENDORF CITY HALL AT (563) 344-4000 FIVE (5) DAYS PRIOR TO THE HEARING OR MEETING TO INFORM OF THEIR ANTICIPATED ATTENDANCE. TEXT TELEPHONE (TTY) IS AVAILABLE AT (563) 344-4175. IN ADDITION, PERSONS USING TEXT TELEPHONE HAVE THE OPTION OF CALLING VIA THE IOWA COMPASS VOICE/TTY BY DIALING (800) 735-2942.

The following are minutes of the Bettendorf Board of Adjustment and are a synopsis of the discussion that took place at this meeting and as such may not include the entirety of each statement made. The minutes of each meeting do not become official until approved at the next board meeting.

**MINUTES  
BETTENDORF BOARD OF ADJUSTMENT  
AUGUST 12, 2010  
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Stelk, Voelliger  
ABSENT: Howe, McElhiney  
STAFF: Connors, Fuhrman

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of July 8, 2010.

On motion by Voelliger, seconded by Falk, that the minutes of the meeting of July 8, 2010 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 10-037; 2317 Oak Lane (R-2) - A request for a variance to reduce the required front yard setback from 25 feet to 11 feet to allow for construction of a 24-foot by 24-foot garage, submitted by William Ewan.

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

Connors reviewed the staff report. Staff report is Annex #3 to these minutes.

Stelk commented that the subdivision has a very unique configuration. Connors concurred, adding that typically there is a buffer area between the street right-of-way and the property line. He indicated that in this case there is not.

Falk asked if the driveways that are actually located on city right-of-way have access easements. Connors stated that is unlikely that they do, adding that it has been the accepted practice to allow homeowners to use them.

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

On motion by Voelliger, seconded by Falk, that the variance to reduce the required front yard setback from 25 feet to 11 feet to allow for construction of a 24-foot by 24-foot garage be approved in accordance with the Decision and Order.

Motion carried.

Decision and Order is Annex #3 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:10 p.m.

These minutes and annexes approved

\_\_\_\_\_

\_\_\_\_\_  
Bill Connors  
Community Development Director



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

September 9, 2010

Staff Report

**Case No. 10-039**

**Location:** 787-799 Middle Road

**Applicant:** McDonald Properties East, LLC

**Zoning Designation:** C-2, Community Shopping District and C-4, Automotive Service District

**Request:** Special use permit to allow a drive-up window.

**Background Information and Facts**

The site is part of the Shoppes at Duck Creek development and is west of the Burlington Coat Factory store (see Attachment A – Location Map). In May 2008, the Board reviewed a plan for a facility at this site including a drive-up window (see Attachment B – Previous Site Plan). At that time, the applicant was requesting a drive-up window on the east side of the proposed building which is highlighted in green on Attachment B. Due to concerns regarding vehicle stacking, the Board approved a drive-up window subject to the condition that the window be located as close as possible to the northwest corner of the building.

Due to circumstances beyond the applicant's control, the project did not begin within the 180 day period required for special uses; therefore, the approval has expired. The applicant is now ready to proceed and therefore has reapplied for the same request.

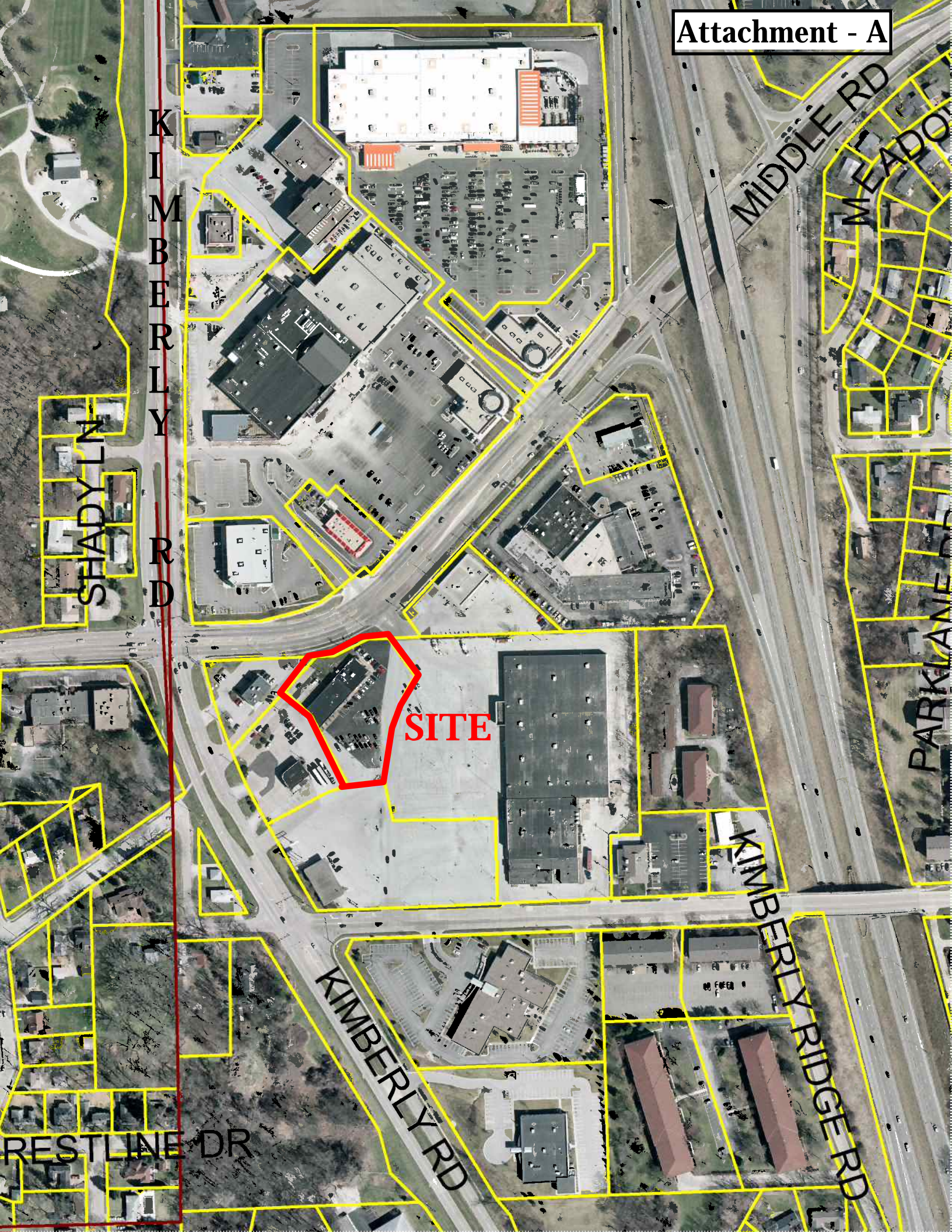
The building configuration indicated on the new site plan varies slightly from the original (see Attachment C – New Site Plan). As per the Board's instructions from 2008, the drive-up window has been located on the west side of the building closest to the northwest corner of the structure. The proposed configuration allows 12-14 vehicles to be stacked internally on the site without interfering with the other surrounding buildings. The building will be the location of a restaurant catering primarily to customers for onsite/indoor consumption with the drive-up window being an ancillary use. Therefore, the stacking space appears to sufficient for this site and use.

**Staff Recommendation**

Given that the applicant has followed the directions originally specified by the Board in 2008 for this site and given the above analysis, staff recommends approval.

Respectfully submitted,

John Soenksen  
City Planner



KIMBERLEY RD

SHADY LN

SITE

MIDDLE RD

MEADO

PARKLANE DR

KIMBERLEY RIDGE RD

KIMBERLEY RD

RESTLINE DR

Structures  
Variance  
(20' to 0')

Sign  
Variance  
(15' to 6')

Middle Road

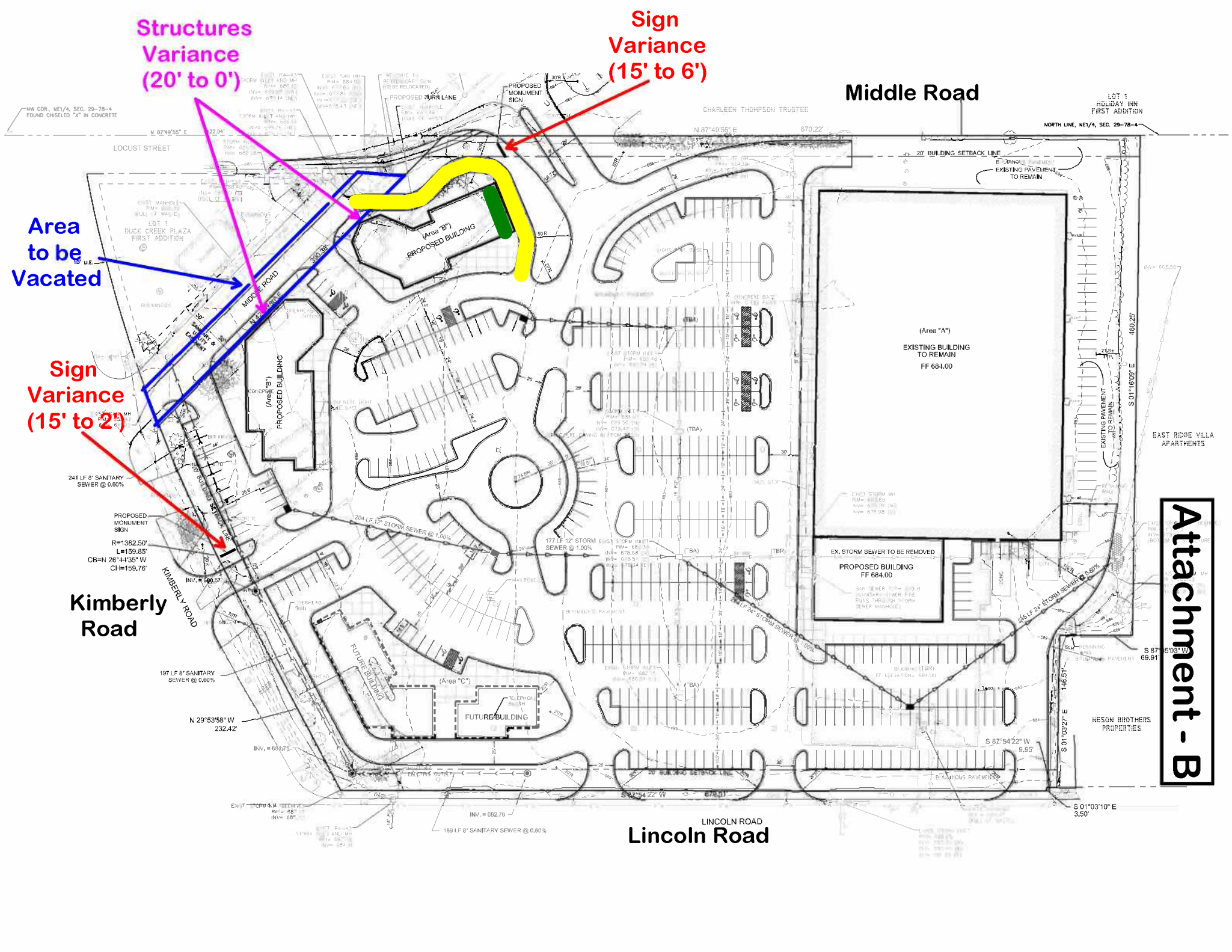
Area  
to be  
Vacated

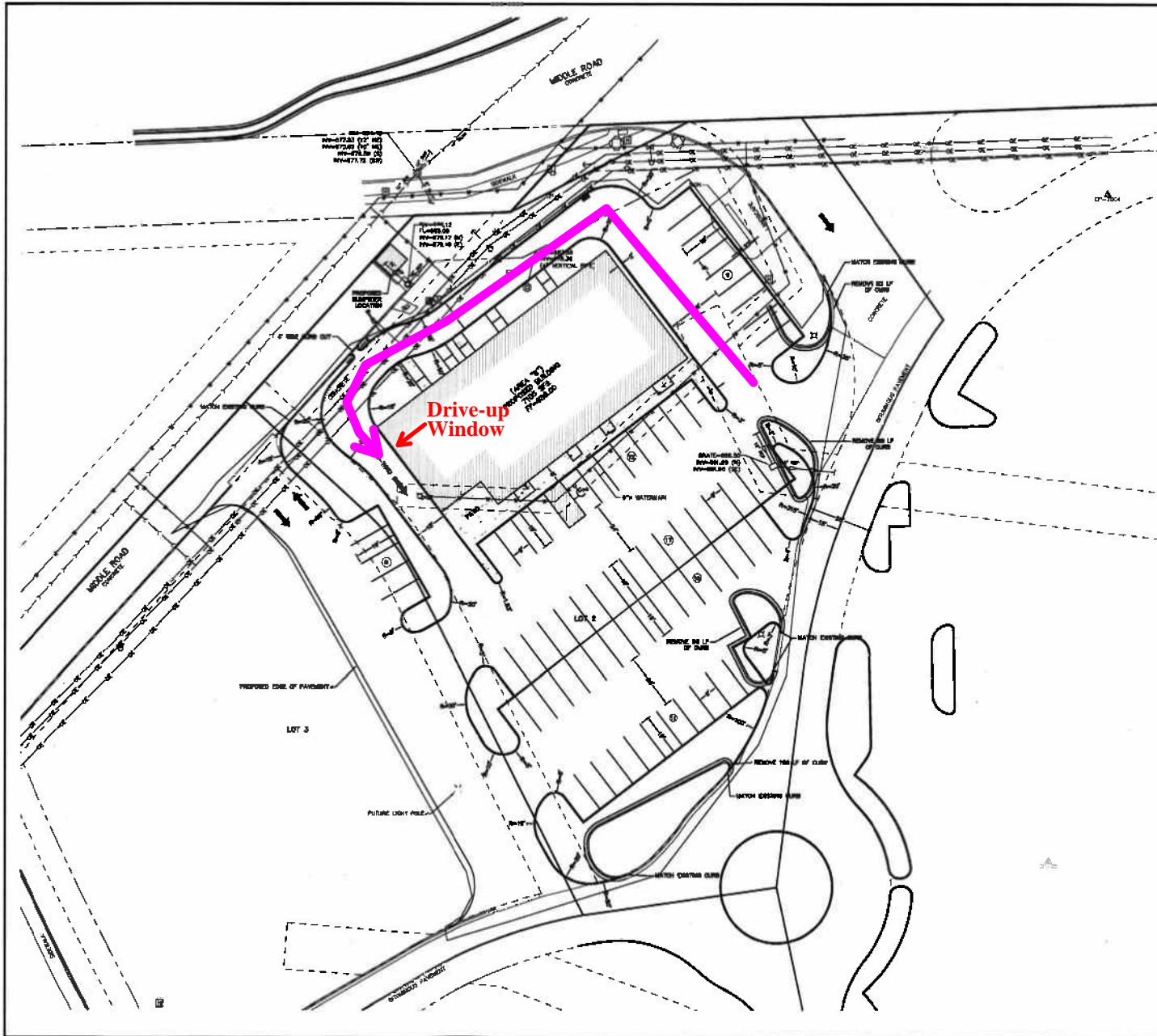
Sign  
Variance  
(15' to 2')

Kimberly  
Road

Lincoln Road

Attachment - B





**OWNER & DEVELOPER**  
 McDONALD PROPERTIES EAST, LLC  
 ATTN: KIM KICKLUM  
 NEW STATE STREET  
 BETTENDORF, IA 52722  
 PH: (562) 955-8222  
 FAX: (562) 955-7908

**ARCHITECT**  
 MISSMAN PROJECTS EAST, LLC  
 1715 25th AVENUE, S.E.  
 ROCKY HILLS, IA 52701  
 PH: (562) 799-0916  
 FAX: (562) 799-0900

**LEGEND**

PROPOSED	EXISTING	DESCRIPTION
○	○	STORM MANHOLE
□	□	INLET
⊕	⊕	SEWAGE MANHOLE
⊖	⊖	HYDRANT
⊗	⊗	WATER VALVE
⊙	⊙	POWER POLE
⊚	⊚	POWER POLE W/ LIGHT
⊛	⊛	TELEPHONE MANHOLE
⊜	⊜	TELEPHONE PEDestal
⊝	⊝	HANDLE
⊞	⊞	SEGS
⊟	⊟	TRAFFIC SIGNAL
⊠	⊠	PARKING COUNT
⊡	⊡	SURVEY BOUNDARY
---	---	LOT LINE
---	---	CENTERLINE
---	---	UNDERLYING LOT LINE
---	---	EASEMENT LINE
---	---	R.O.V. LINE
---	---	SETBACK LINE
---	---	CURB AND GUTTER

- GENERAL NOTES**
- SETBACKS SHOWN ARE PER CITY OF BETTENDORF SUBDIVISION ORDINANCE.
  - ALL DIMENSIONS SHOWN ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
  - BUILDING CONSTRUCTION TYPE IS ANTICIPATED TO BE TYPE III PER THE 2003 IBC CODE.
  - OCCUPANCY TYPE IN THIS BUILDING WILL BE GROUP "D" OCCUPANCY PER THE 2003 IBC CODE.
  - NEW BUILDING WILL NOT BE EQUIPPED WITH AN AUTOMATIC SPRINKLER SYSTEM EXISTING BUILDING TO REMAIN IS EQUIPPED WITH SPRINKLER.
  - A-HOUSE GENERAL PERMIT NO. 2 WILL BE SUBMITTED TO THE IOWA DNR.
  - EXISTING PARKING LOT PAVEMENT WILL BE REMOVED AND REPLACED WITH EITHER BITUMINOUS OR CONCRETE SURFACE. PROPOSED GRADES OF NEW PAVING WILL MATCH EXISTING GRADES AS MUCH AS POSSIBLE.
  - DEVELOPER IS REQUESTING THE LOCATION OF A BUS STOP RIGHT-OF-WAY LOCATED AT THE NORTHWEST CORNER OF THE DEVELOPMENT.
  - DEVELOPER WILL BE REQUESTING A VARIANCE FOR THE REQUIRED NUMBER OF PARKING SPACES AND SIGN SETBACKS, ALONG WITH A SPECIAL USE PERMIT FOR THE FUTURE DRIVEWAY.
  - ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF BETTENDORF REQUIREMENTS AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
  - UNDERGROUND FACILITIES, STRUCTURES AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS, RECORDS, AND FIELD INVESTIGATION. THEIR LOCATION MUST BE CONSIDERED APPROXIMATE ONLY. IF IT POSSIBLE THERE MAY BE OTHERS. THE SUBSTANCE OF WHICH PREVIOUSLY NOT KNOWN OR KNOWN, IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR EXISTENCE AND EXACT LOCATION AND TO AVOID DAMAGE THERE TO.
  - IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY CONFLICTS WITH THE DRAWINGS OCCUR. ANY CHANGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE RECORDED AT THE CONTRACTOR'S EXPENSE.
  - PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREA. DO NOT ALLOW WATER TO DRIP OR TO FLOW ONTO ADJACENT PROPERTY OR PUBLIC RIGHT-OF-WAY.
  - ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY REMOVED OFF-SITE.
  - MISSMAN, STANLEY AND ASSOCIATES HAS ADOPTED SAFETY PROCEDURES FOR ITS EMPLOYEES WHO PROVIDE PROFESSIONAL SERVICES AND SUPERVISED PROJECTS. A COPY OF THESE PROCEDURES IS AVAILABLE FROM THE SAFETY OFFICER. MISSMAN PERSONNEL ARE NOT TRAINED IN CONTRACTOR CONSTRUCTION SAFETY AND COMPLIANCE PROCEDURES. THE METHODS AND MEANS TO COMPLY WITH CONSTRUCTION SITE SAFETY ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 James L. Haber  
 License No. 17131  
 My license expires on 12/31/2018  
 Pages of sheets covered by this seal: C-1 through C-4

NO.	REVISIONS	DESCRIPTION	DATE



**LOT 2 OF SHOPPES AT DUCK CREEK**  
 BETTENDORF, IOWA

**SITE LAYOUT AND PAVING PLAN**

Missman Project No. C10L015  
 File Name: C:\Projects\17131\17131\_01.dwg  
 Drawn By: ELV  
 Checked By: J.H  
 Date: 08/28/10  
 C-2  
 Sheet 2 of 3

**Attachment - C**

Case No. 10-039  
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APPEAL AND APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF BETTENDORF, IOWA

Part 1. Property Involved. 787-799 MIDDLE ROAD  
Street Address \_\_\_\_\_

Legal Description of the property. PART OF THE NE QUARTER SECTION 29  
TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5<sup>th</sup> P.M. BETTENDORF, IA

Part 2. Contact Information.  
Applicant Name MCDONALD PROPERTIES EAST, LLC Phone 641-472-0880  
Address 1100 N. 4<sup>th</sup> ST, FAIRFIELD, IA 52556 FAX 641-472-0861  
E-mail Address: WURTIS@MCDONALDPROPERTIES.COM

Owner Name CURT McDONALD Phone \_\_\_\_\_  
Address SKYME BS ABOVE FAX \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Agent KEVIN KOELLNER BUILD TO SUIT, INC. Phone 563-355-2022  
Address 1805 STATE STREET, SUITE 101, BETTENDORF FAX 563-355-1806  
E-mail Address: KEVIN.KO@BUILDTO SUIT INC. 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.)

Part 4. General Information.

Section(s) of Zoning Ordinance Involved \_\_\_\_\_ Existing Zoning \_\_\_\_\_

Part 5. Reasons for Application. In the space below, give a general description of the activity desired and principal reasons why this application should be granted by the Board. If this application is for a variance, please state the hardship which the zoning ordinance imposes on the property. Use the following criteria as justification for the requested variance. Use additional sheets if necessary.

- (a) It shall be the property owner's responsibility to show that the terms of this ordinance will impose unusual and practical difficulties or particular hardships. The hardship established by the property owner must not be SELF-IMPOSED. A self-imposed hardship is NOT justification for the approval of a variance request.
- (b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance.
- (c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected.
- (d) That by granting the request for a variance substantial justice shall be done.

1 item - SEE ATTACHED

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Part 6. Attachments. The following items are attached and are a part of this application.

- ( ) 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- ( ) 2. Legal Description. (If not shown on page 1.)
- ( ) 3. Floor plan if internal design of building is part of application.
- ( ) 4. List additional attachments.

Part 7. Signature.

I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 27 day of AUGUST, 20 10

Signature of Applicant [Signature] Signature of Owner [Signature]

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

State of Iowa )  
 ) SS  
 County of Scott )

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

Witness my Hand and Notarial Seal this 27 day of AUGUST, 20 10.



[Signature]  
 Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.

\$ 50.00 Single Family/Two-Family Residential Variance  
 \$100.00 All Other Applications

Received by \_\_\_\_\_  
 Amount \_\_\_\_\_ Date \_\_\_\_\_

Drive-Up Window (special use permit)

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