

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 (344-4100).

**MEETING NOTICE  
BOARD OF ADJUSTMENT  
JUNE 12, 2014  
5:00 P.M.**

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

1. Roll Call: Falk \_\_\_\_\_, Gallagher \_\_\_\_\_, Johnson \_\_\_\_\_, Spranger \_\_\_\_\_, Voelliger \_\_\_\_\_
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of May 8, 2014.
4. The Board to hold a public hearing on the following items:
  - a. Case 14-044; 3460 Oakory Lane (R-1) - A request for a variance to allow a 6-foot high fence in a required front yard, submitted by Mary Nelson.
  - b. Case 14-045; 999 Middle Road (C-2) - A request for a variance to reduce the required sign setback from 20 feet to 10 feet, to increase the height of an on-premises identification sign from 20 feet to 52 feet, to increase the allowable size of an on-premises identification sign from 125 square feet to 344 square feet, and to increase the allowable size of the electronic programmable portion of an on-premises identification sign from 50 square feet to 150 square feet, submitted by Acme Sign Co., Inc.

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  
MAY 8, 2014  
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Gallagher, Johnson, Voelliger  
ABSENT: Spranger  
STAFF: Fuhrman, Soenksen, Connors, Stone, Ploehn

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of April 10, 2014.

Johnson requested that the motion regarding Case 14-024 be corrected to reflect that the request is for a 6-foot high fence.

On motion by Falk, seconded by Johnson, that the minutes of the meeting of April 10, 2014 be approved as amended.

ALL AYES

Motion carried.

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

- a. Case 14-027; 5674 Cavan Crossing (R-3) - A request for a variance to reduce the required minimum lot width from 70 feet to 55 feet and to reduce the required minimum lot area from 8,400 square feet to 7,425 square feet, submitted by Towne & Country Bettendorf/Dan Dolan.
- b. Case 14-028; 5668 Cavan Crossing (R-3) - A request for a variance to reduce the required minimum lot width from 70 feet to 54.1 feet, submitted by Towne & Country Bettendorf/Dan Dolan.
- c. Case 14-029; 5662 Cavan Crossing (R-3) - A request for a variance to reduce the required minimum lot width from 70 feet to 51.81 feet, submitted by Towne & Country Bettendorf/Dan Dolan.
- d. Case 14-030; 5656 Cavan Crossing (R-3) - A request for a variance to reduce the required minimum lot width from 70 feet to 54.45 feet and to reduce the required minimum lot area from 8,400 square feet to 8,309 square feet, submitted by Towne & Country Bettendorf/Dan Dolan.

- e. Case 14-031; 5650 Cavan Crossing (R-3) - A request for a variance to reduce the required minimum lot width from 70 feet to 54.51 feet, submitted by Towne & Country Bettendorf/Dan Dolan.
- f. Case 14-032; 5644 Cavan Crossing (R-3) - A request for a variance to reduce the required minimum lot width from 70 feet to 54.93 feet and to reduce the required minimum lot area from 8,400 square feet to 7,860 square feet, submitted by Lyle Aronson.
- g. Case 14-033; 5636 Cavan Crossing (R-3) - A request for a variance to reduce the required minimum lot width from 70 feet to 55 feet and to reduce the required minimum lot area from 8,400 square feet to 6,515 square feet, submitted by Steve Cotton.

Voelliger 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.

Falk stated that he would abstain from discussion and voting regarding Cases 14-027 through 14-033.

Soenksen reviewed the staff report. Staff report is Annex #3 to these minutes. Soenksen stated that letters expressing opposition to the request had been received from Roger Pigg, 4037 Charles Court, and Louis Roseman, 2326 Queens Court.

Voelliger asked if there was anyone present wishing to speak in favor of or in opposition to the request.

Greg Jager, representing the applicants, stated that the homes in question have been built and that they are owned by innocent residents. He indicated that he believes that a legitimate hardship has been established to justify granting all of the variance requests.

Johnson commented that she believes that the homeowners need to be made whole.

Voelliger asked if all of the homeowners affected are in favor of the proposed remedy. Soenksen confirmed this, adding that residents in adjacent subdivisions were notified of the proposed variance requests. He indicated that the standard radius of 200 feet was increased substantially when staff mailed courtesy letters regarding these cases.

Gallagher stated that it is clear that a mistake was made, but that staff's proposed solution seems to be the best way to correct it. He indicated that the total square footage of each lot that is covered by a structure would be virtually the same regardless of whether a single-family home or a duplex was built. Gallagher stated that the staff errors that occurred are sufficient to establish a hardship which would justify granting the variance requests.

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

On motion by Gallagher, seconded by Johnson, that a variance to reduce the required minimum lot width from 70 feet to 55 feet and to reduce the required minimum lot area from 8,400 square feet to 7,425 square feet at 5674 Cavan Crossing be granted in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE: Gallagher, Johnson, Voelliger  
 NAY: None  
 ABSTAIN: Falk

Motion carried.

Decision and Order is Annex #4 to these minutes.

On motion by Gallagher, seconded by Johnson, that a variance to reduce the required minimum lot width from 70 feet to 54.1 feet at 5668 Cavan Crossing be granted in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE: Gallagher, Johnson, Voelliger  
 NAY: None  
 ABSTAIN: Falk

Motion carried.

Decision and Order is Annex #5 to these minutes.

On motion by Gallagher, seconded by Johnson, that a variance to reduce the required minimum lot width from 70 feet to 51.81 feet at 5662 Cavan Crossing be granted in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE: Gallagher, Johnson, Voelliger  
 NAY: None  
 ABSTAIN: Falk

Motion carried.

Decision and Order is Annex #6 to these minutes.

On motion by Gallagher, seconded by Johnson, that a variance to reduce the required minimum lot width from 70 feet to 54.45 feet and to reduce the required minimum lot area from 8,400 square feet to 8,309 square feet at 5656 Cavan Crossing be granted in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE: Gallagher, Johnson, Voelliger  
 NAY: None  
 ABSTAIN: Falk

Motion carried.

Decision and Order is Annex #7 to these minutes.

On motion by Gallagher, seconded by Johnson, that a variance to reduce the required minimum lot width from 70 feet to 54.51 feet 5650 Cavan Crossing be granted in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE: Gallagher, Johnson, Voelliger  
NAY: None  
ABSTAIN: Falk

Motion carried.

Decision and Order is Annex #8 to these minutes.

On motion by Gallagher, seconded by Johnson, that a variance to reduce the required minimum lot width from 70 feet to 54.93 feet and to reduce the required minimum lot area from 8,400 square feet to 7,860 square feet at 5644 Cavan Crossing be granted in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE: Gallagher, Johnson, Voelliger  
NAY: None  
ABSTAIN: Falk

Motion carried.

Decision and Order is Annex #9 to these minutes.

On motion by Gallagher, seconded by Johnson, that a variance to reduce the required minimum lot width from 70 feet to 55 feet and to reduce the required minimum lot area from 8,400 square feet to 6,515 square feet at 5636 Cavan Crossing be granted in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE: Gallagher, Johnson, Voelliger  
NAY: None  
ABSTAIN: Falk

Motion carried.

Decision and Order is Annex #10 to these minutes.

- h. Case 14-035; 1723 Grant Street (C-2) - A request for a special use permit for an outdoor service area to be similar and compatible to the uses existing within the premises, submitted by Sports Fans Pizza, Inc.

Voelliger 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 #11 to these minutes. Soenksen stated that the drawing that the applicant submitted for distribution to the board is not accurate in representing the number of tables the applicant plans to have on the patio.

Voelliger asked if there was anyone present wishing to speak in favor of or in opposition to the request.

Steve Trumbo, the applicant, explained that he would like to install a patio similar to the one at Governor's. He indicated that he plans to have 8-10 tables seating 4 people each on the proposed patio.

Voelliger asked if the applicant has adequate liability insurance that would include an outdoor service area. Trumbo confirmed this.

Voelliger asked if there would be any physical protection such as a concrete abutment for the patrons from the traffic on Grant Street. Trumbo explained that there would be a vinyl railing surrounding the patio.

Gallagher asked if the patio would be directly adjacent to the right-of-way of Grant Street. Soenksen confirmed this, adding that it would extend all the way to the sidewalk along Grant Street. He commented that many of the buildings in the downtown area were built at a zero lot line.

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

On motion by Johnson, seconded by Falk, that a special use permit for an outdoor service area to be similar and compatible to the uses existing within the premises be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #12 to these minutes.

- i. Case 14-036; 4480 Utica Ridge Road (C-6) - A request for a variance to increase the allowable number of on-premises identification signs from 1 to 2 and to increase the allowable square footage of signage from 300 square feet to 873 square feet, submitted by Unity Point.

Voelliger 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 #13 to these minutes. Soenksen stated that he had received a letter expressing opposition to the request from a resident on Utica Ridge Road. He indicated that in 2003 the applicant had requested and been granted a variance for additional signage on Utica Ridge Road.

Voelliger asked if the proposed signs would be permanent. Soenksen confirmed this, adding that last month a similar request had been submitted by Unity Point for permanent banner type signs. He stated that that request had been withdrawn in favor of the current one. He added that even if the request is not granted, the applicant would be allowed to display banners for a 60 day period at which time the banners must be taken down for 60 days before they would be allowed to be displayed again.

Voelliger asked if there was anyone present wishing to speak in favor of or in opposition to the request.

Christy Gause, representing the applicant, stated that Trinity Bettendorf has recently been recognized as a Top 100 Hospital by Truven Analytics after having been open only 10 years. She indicated that she feels that the proposed signage being displayed along a prominent interstate reinforces the availability of high quality health care in Bettendorf. Gause stated that this high quality of health care contributes to the high quality of life that Bettendorf residents have. She stated that high quality health care will help support economic development by attracting new residents, new construction, and overall business growth. Gause explained that high quality health care was part of the designation of Bettendorf as a top community recently, adding that the proposed signage would help reinforce that. She stated that the additional signage would highlight to the community the high level of care that is available in Bettendorf. Gause stated that too often residents believe that they must leave the city to receive that high level of care.

Voelliger commented that the proposed sign appears to be 24 feet by 21 feet. Gordon Johnson, the applicant's sign contractor, confirmed this.

Voelliger asked if the proposed sign would be permanent. Johnson explained that it is designed to be permanent, adding that it would have a flexible face through which wind and moisture can flow and which would be attached to the building and tightened in a manner similar to a drum head. He indicated that it is similar to signs located at Eye Surgeons Associates and at many of the hotels along the interstate.

Voelliger asked how long this type of sign would last. Johnson stated that he is aware of flex face signs that have been up for at least 15 years.

Johnson asked if the sign would be lighted. Johnson indicated that it would not be lighted, adding that it would be flush-mounted to the building.

Gallagher asked what would happen to the signs if the hospital does not continue to receive this award each year. Gause stated that the Truven Top 100 Hospital designation is permanent even though it is earned on an annual basis. She explained that Trinity Bettendorf is a Top 100 Hospital into the future.

Johnson asked for clarification of the existing and proposed signage in relation to the street frontages and square footage allowed. Soenksen explained that the hospital technically has 3 street frontages including Crow Creek Road, Utica Ridge Road, and Interstate 74. He indicated that staff has made the determination that one of the existing raceway signs with channel letters identifying Trinity is considered to be oriented toward Crow Creek Road. Soenksen stated that if not for this determination the proposed increase in allowable square footage for the signage request would have been far greater.

Johnson asked if the name of the hospital is still Trinity or if it is to be called Unity Point. Gause stated that it would be known as Trinity Bettendorf.

Falk commented that while he is proud of the award, he is concerned about the precedent that would be set if the request is granted. He stated that owners of other businesses may be recognized for equally laudable achievements who would in turn request similarly bold signage, adding that the sign states that Trinity is the only Top 100 hospital which may not always be the case. Falk stated that he is very reluctant to set such a precedent, especially with regard to signs as residents seem particularly sensitive and resistant to them. Gause asked the Board to keep in mind that the proposed signage, relative to the size of the building and the viewability from the interstate, is proportional. She reiterated that Trinity is the only Top 100 hospital in the Quad Cities, adding that she believes it is the time to advertise that fact. Gause stated that other local affiliates who have earned the same designation have been allowed by the cities where they are located to have the same signage as is being requested from Bettendorf.

Voelliger stated that while he is very proud of Trinity's achievement, he believes that a banner sign that is displayed for 60 days would be adequate. He stated that a permanent sign is not appropriate as it would set a precedent with which the residents would have to live forever.

Johnson commented that while a banner may not be as nice a sign as the permanent one, she agrees that approving the request would set a negative precedent. She stated that the applicant has not established a hardship at all, adding that the existing signage already clearly identifies the facility from all of the building frontages. Gause stated that the proposed signs would more clearly indicate that the facility is a hospital as the current signage is rather understated. She stated that the signage would help remind the residents of Bettendorf that there is a hospital in their community. She stated that she is attempting to avoid the appearance of a banner by requesting permission to install the flex face sign which would become a part of the building itself.

Voelliger stated that in his opinion it is one thing to identify a building but quite another to identify an achievement.

Johnson commented that she might be more amenable to the request if the sign actually included identification of the building as Trinity Bettendorf. Gause explained that the corporate signage must include the Unity Point logo, adding that she had been granted a variance for the Bettendorf facility to continue to use the Trinity signage on the building. She stated that any new signage or print materials would use the Unity Point parent corporate logo.

Johnson reiterated that while she applauds the hospital's achievement, granting the request would set a negative precedent. She indicated that in the future a church, hotel, or other business may be awarded what could be considered an equally laudable award that the congregants or owners feel should be announced to the public. Johnson stated that another business with a building of a similar size such as the new hotel that is currently being constructed could request similar signage. She indicated that it would be difficult to determine what criteria would be used to determine if such a request should be approved or denied. Gause stated that the difference is that in making a determination of which hospitals would receive the award, over 3000 facilities were measured. She indicated that the award has an direct impact on everyone in the community, reiterating that health care is a criterion of all other awards. She stated that she does not believe that a hotel's award within their brand would have the same importance. Gause reiterated that the award has an impact on everyone in the Quad Cities, adding that they should be made aware of the availability of the high quality health

care they can receive in their community so that they know they do not have to go to other cities. She indicated that it will drive residents and businesses to the community.

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

On motion by Johnson, seconded by Falk, that a variance to increase the allowable number of on-premises identification signs from 1 to 2 and to increase the allowable square footage of signage from 300 square feet to 873 square feet be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #14 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:40 p.m.

These minutes and annexes approved \_\_\_\_\_

\_\_\_\_\_  
John Soenksen, City Planner



COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

June 12, 2014

Staff Report

**Case No. 14-044**

**Location:** 3460 Oakory Lane

**Applicant:** Mary Nelson

**Zoning Designation:** R-1, Single-family Residence District

**Request:** Variance to allow a 6-foot high fence in a required front yard.

**Background Information and Facts**

The site is located on the northwest corner of Oakory Lane and Devils Glen Road (see Attachment A – Location Map). The applicant would like to place a 6-foot high fence near the property line adjacent to Devils Glen Road. The Board gave approval for an 8-foot high fence along Devils Glen Road for the neighbor directly across the street in 2007 which is also designated on Attachment B. If allowed, the fence would be placed approximately on the north 100 feet of the lot which is 167 feet wide along the Devils Glen Road frontage (see Attachment B – Plot Plan).

**Staff Analysis**

The Board has been supportive of oversized fences along Devils Glen Road for privacy, sound buffering, and other legitimate reasons in the past. The applicant cites sound reduction and litter reduction as the two reasons for the proposed fence.

The paramount issue for staff concerning this request is the safety of the petroleum pipeline that is located adjacent to Devils Glen Road within the 40-foot pipeline easement shown on Attachment B. The applicant was advised by staff that this request would not be allowed to go before the Board until approval for the placement of the fence was granted by the pipeline company (Magellan Corporation). The applicant has been granted an encroachment agreement from the pipeline company (see Attachment C – Magellan Release). If the Board approves this request, the fence will only be installed under the on-site supervision of the pipeline company. Staff's concerns about that issue have been satisfied.

The site is extensively landscaped along Devils Glen Road. Staff would prefer to have any fence placed on the west side of the existing landscaping. In this case, the pipeline company will dictate the exact location for the placement of the fence based on maximization of safety regarding the pipeline. The encroachment agreement indicates that the likely location for any fence will be between the pipeline and the sidewalk and as far away from the pipeline as possible; therefore, it appears that the fence will be placed on the east side of the existing landscaping (see Attachment D – Landscaping Photos).

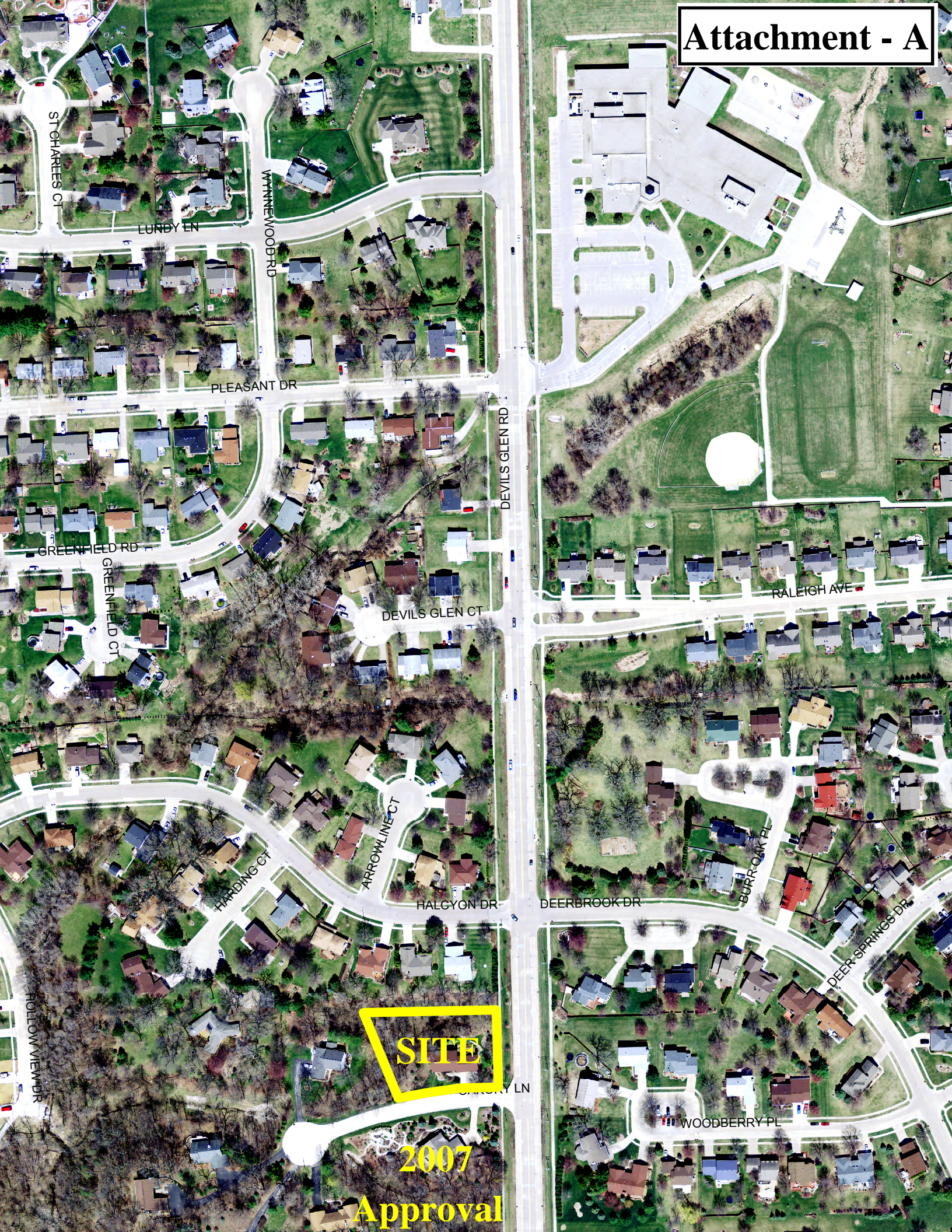
**Staff Recommendation**

The exact placement of the proposed fence will be determined by the pipeline company and is beyond the control of the applicant. The only question that remains is whether the fence will be 4 feet or 6 feet high. The request is consistent with previous variances granted by the Board.

Respectfully submitted,

John Soenksen  
City Planner

# Attachment - A

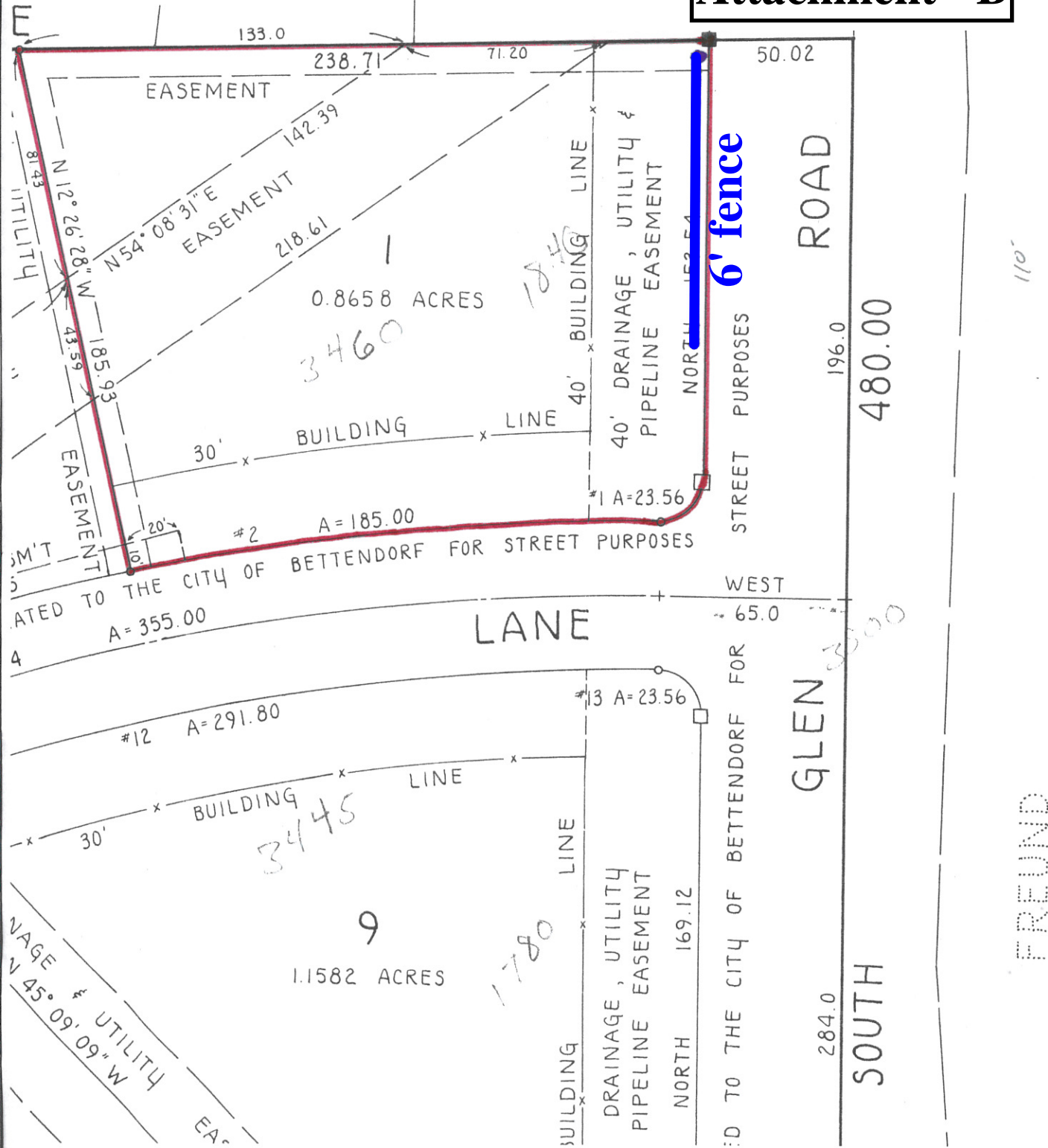


**SITE**

**2007**

**Approval**

# Attachment - B









Case No. 14-044

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

Part 1. Property Involved.

Street Address 3460 Oakory Ln

Legal Description of the property. Lot 1 The Oakory

Part 2. Contact Information.

Applicant Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ FAX \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Owner Name Mary L Nelson Phone 563-505-5271

Address 3460 Oakory Ln FAX \_\_\_\_\_

E-mail Address: nelsonml@aol.com

Agent \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ FAX \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Part 3. Type of Application. (check at least one)

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:

- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
- (b) That it will not impair an adequate supply of light and air to adjacent property.
- (c) That it will not unreasonably increase the congestion in public streets.
- (d) That it will not increase the danger of fire or of the public safety.
- (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
- (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:

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

3. Other. \_\_\_\_\_  
(Attach a separate sheet and explain in detail.)





COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

June 12, 2014

Staff Report

**Case No. 14-045**

**Location:** 999 Middle Road

**Applicant:** Acme Sign Company

**Zoning Designation:** C-2, Community Shopping District

**Request:** Variance to reduce the required sign setback from 20 feet to 10 feet, to increase the height of an on-premises identification sign from 20 feet to 52 feet, to increase the allowable size of an on-premises identification sign from 125 square feet to 344 square feet, and to increase the allowable size of the electronic programmable portion of an on-premises identification sign from 50 square feet to 150 square feet.

**Background Information and Facts**

The property involved is the site of the former BP gas station/convenience store now under reconstruction at 999 Middle Road (see Attachment A – Location Map). There is currently a non-conforming on-premises identification sign (pole sign) set back 10 feet from the front property line. The sign location is also illustrated on Attachment A. The owner of the new building under construction would like to alter this existing sign in the several ways listed in the “request” section of this report. If allowed, the sign would be increased in height, size, brightness, and technology (see Attachment B – Sign Illustration).

**Staff Analysis**

Staff has broken this request down into four separate issues: setback, height, overall square footage, and the increase of the allowable programmable portion. Staff will address each of these issues individually.

- **Setback.** The sign has been at its current setback for decades and to staff's knowledge has not been the subject of any complaints. While the Code requires that setbacks be measured from property lines, the sign is actually setback 57 feet from Middle Road, 87 feet from the on-ramp to the interstate, and 200 feet from any paved portion of the interstate. The intent of the setback requirements is being met because of the property line's proximity to the roadways mentioned.
- **Increased Height.** The Board has been receptive to increasing the height of signs along the interstate system that are associated with interstate type commerce including hotels, gas/service stations, restaurants, entertainment venues, and emergency medical facilities. Obviously this business falls into that category. The justification for increasing the height is to allow adequate visibility for potential customers using the interstate system. In this case, the sign's current height

already allows adequate visibility from Interstate 74 for vehicles traveling in both directions (see Attachment C – Sign Photo). The photo (Attachment C) was taken on the westbound side of I-74. The eastbound side on I-74 is even closer to the sign than is shown in the photo.

- Allowable Square Footage. This is perhaps the most subjective portion of the request regarding justification. A sign must be large enough to be visible to potential customers traveling at interstate speeds while allowing enough reaction time for customers to exit the interstate safely. The new ordinance size calculation for the site allows up to a 125 square foot sign. That equates to a 10-foot by 12 ½-foot sign. Staff would concede that the Code requirement is may not allow for a sign large enough to serve the legitimate purpose. The proposed 344 square foot sign appears to be larger than necessary to perform that function.
- Increasing the programmable portion. In the short time that programmable signs have been allowed in Bettendorf, they have generated more complaints to staff than all other sign issues combined. Currently the Code allows up 50 square feet of any sign to use electronic programmable technology. Fifty square feet would be considered an average to small business sign when compared to all signs throughout the city, yet they still generate the most complaints. The applicant is asking to increase that portion by 300%. Attachment B shows that the sign has an area adequate to identify the name of the business (Big 10 Mart), an adequate area to identify the company (BP – British Petroleum), and an adequate area to display gas prices. Therefore, staff can not cite what legitimate purpose the 300% increase to the programmable portion would serve.

### **Staff Recommendation**

Staff believes that the applicant has a legitimate hardship for the sign setback.

Staff cannot identify any hardship for the other portions of this request and believes that simply refacing the existing sign shown in Attachment B will fulfill the needs of business name identification, company name identification, and gas prices. If the best way to display gas prices is with a programmable sign, then the 50 square feet portion allowed by Code is large enough to serve that purpose as well.

Respectfully submitted,

John Soenksen  
City Planner



MIDDLE RD

RAMP

CONNECTING ROAD

MIDDLE RD

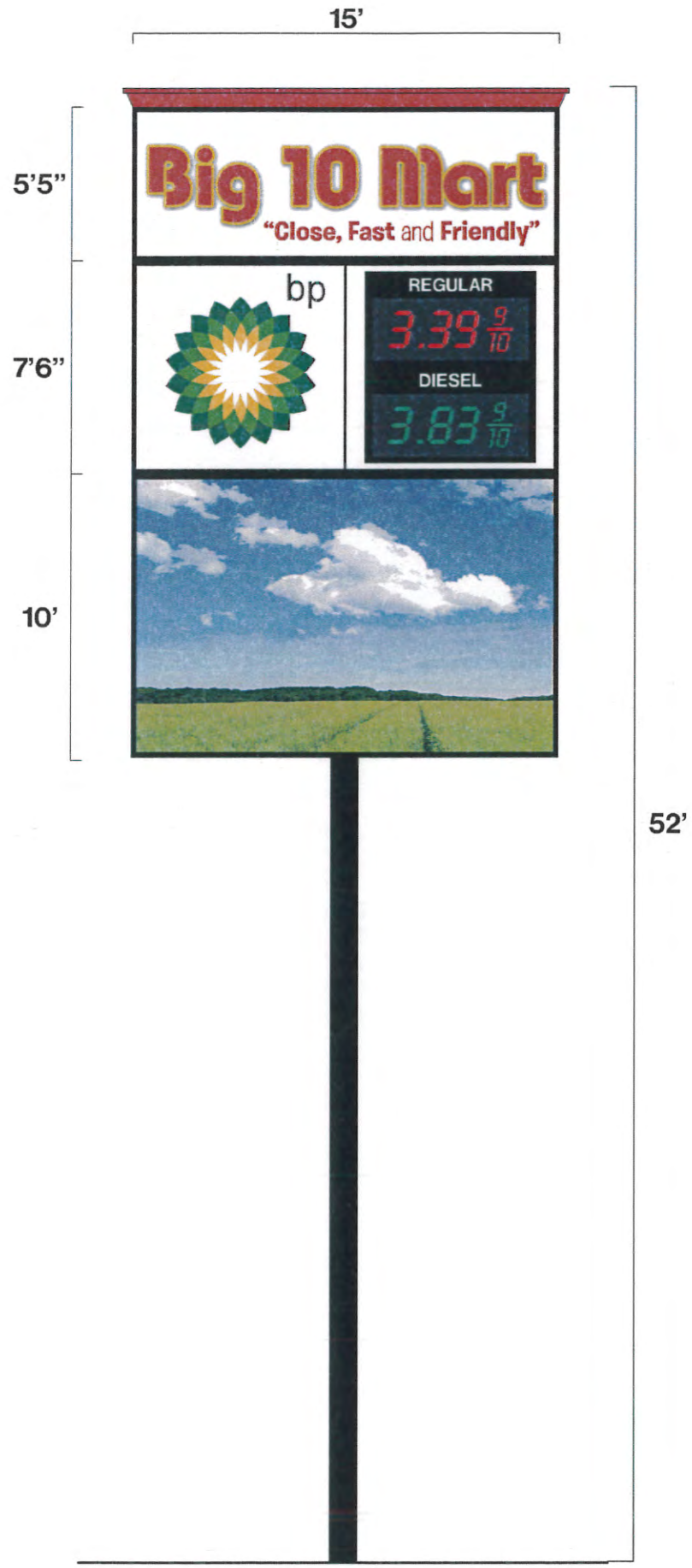
**SIGN  
LOCATION**

RAMP

INT 74

INT 74

200-feet



**Hotel Sign**



**Big 10  
Mart  
Sign**



**ATM**



Case No. 14-045

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

Part 1. Property Involved.

Street Address 999 MIDDLE RD

Legal Description of the property: LOT 1, MOLO OIL Second Add

Part 2. Contact Information.

Applicant Name ACME SIGN CO, INC Phone 563-322-7947

Address 1504 W. 4th ST DAVENPORT, IA FAX 563-322-7948

E-mail Address: JARVIS.DOUGLAS@ACMSIGNCO,INC.COM

Owner Name MOLO OIL COMPANIES Phone 563-557-7547

Address 123 SOUTHERN AVE DUBUQUE, IA FAX \_\_\_\_\_

E-mail Address: B.MATLOCK@MOLOCOMPANIES.COM

Agent ACME SIGN CO INC Phone 563-322-7947

Address 1504 W. 4th ST DAVENPORT FAX 563-322-7948

E-mail Address: JARVIS.DOUGLAS@ACMSIGNCO,INC

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.)

