

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
SEPTEMBER 14, 2017
5:00 P.M.**

PLACE: Bettendorf City Hall Council Chambers, 2nd Floor, 1609 State Street

1. Roll Call: Clements ____, Falk ____, Gallagher ____, Spranger ____, Voelliger ____
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of August 10, 2017.
4. The Board to hold a public hearing on the following items:
 - a. **Case 17-066; Lot 3, Interstate 74 Technology Park Fifth Addition (C-6)** - A request for a variance to allow parking in a required front yard adjacent to Tanglefoot Lane, submitted by Strategic Behavioral Health, LLC/Rob Elsner. (Deferred from meeting of August 10, 2017)
 - b. **Case 17-069; Lot 3, Interstate 74 Technology Park Fifth Addition (C-6)** - A request for a variance to allow parking in a required front yard adjacent to Interstate 74, submitted by Strategic Behavioral Health, LLC/Rob Elsner. (Deferred from meeting of August 10, 2017)
 - c. **Case 17-071; Lot 3, Interstate 74 Technology Park Fifth Addition (C-6)** - A request for a variance to reduce the required rear yard setback from 50 feet to 5 feet and to reduce the required side yard setback from 10 feet to 5 feet to allow construction of a future structure, submitted by Strategic Behavioral Health, LLC/Rob Elsner. (Withdrawn)
 - d. **Case 17-073; 3665 Devils Glen Road (A-1)** - A request for an expansion of a non-conforming use (indoor storage units), submitted by Build to Suit/Kevin Koellner.
 - e. **Case 17-074; 2515 - 53rd Avenue (C-2)** - A request for a special use permit to allow an outdoor service area, submitted by Devon Hill.

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.

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 10, 2017
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Clements, Falk, Gallagher, Spranger, Voelliger

ABSENT: None

STAFF: Curran, Fuhrman, Soenksen, Connors

Voelliger introduced Chris Curran, the newly-hired City Attorney.

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of July 13, 2017.

On motion by Falk, seconded by Gallagher, that the minutes of the meeting of July 13, 2017 be approved as submitted.

ALL AYES

Motion carried.

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

- a. **Case 17-065; 2925 - 18th Street (PUD)** – A request for variance to allow an accessory structure in an established front yard, submitted by Family Video/Oliver Owen.

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 #3 to these minutes.

Oliver Owen, the applicant, explained that Family Video owns the property where the store is located and would own the machine, adding that currently there are ice machines at their locations in Davenport and Moline. He stated that the proposed location is the most logical one

on the site as the intersection at Tech Drive would be blocked if the machine were placed on the north side of the building.

Voelliger commented that the Board granted a special use permit for a snow cone stand on 18th Street but which was temporary. He added that the proposed use would be permanent. Owen explained that the machine would be anchored in the asphalt. He indicated that the machine uses reverse osmosis water that is then used in the ice-making process. He stated that the water and ice are very affordable.

Gallagher stated that the staff report indicates that there are currently three businesses located on the site. Soenksen stated that the original site plan provided space for two businesses and that there were two parking spaces in excess of what was required at that time. He explained that since that time another business has located there also needing parking space. He explained that the original number of required on-site parking spaces provided was determined when there were only two businesses. He indicated that the proposed ice machine would reduce the number of available parking spaces by at least two. Soenksen stated that while he has never seen a parking problem at the location, the proposed machine would further increase the shortage of required parking.

Spranger asked if customers would walk or drive up to the ice machine. Owen stated that customers would walk up to the machine, would pay with credit card or cash, and that the typical transaction takes approximately 1-2 minutes.

Voelliger asked if any other location on the site had been considered. Owen stated that consideration was given to placing the machine on the side of the building but that it had been determined that that location wouldn't be visible enough. He added that in order to install the machine, the plumbing and electrical systems must be bored underneath the parking lot. He indicated that it is most cost-effective to bore in a straight line. Owen commented that the tree indicated aerial photo in the staff report is no longer there.

Clements asked if the signage on the machine is on all four sides. Owen confirmed this, adding that the signage on the machine at the location in Moline was reduced significantly per that city's request. He indicated that several designs are available from the manufacturer.

Falk expressed concern about the precedent that would be set by granting the variance. He commented that in effect the proposed machine is a sign.

Voelliger commented that the proposed machine would reduce the number of parking spaces available for the three businesses located on the site.

Gallagher asked how long Cost Cutters has been in operation at that location. Owen stated that they have been there between 3 and 4 years. He indicated that Family Video does not propose to locate ice machines at stores where available parking is inadequate.

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 Voelliger, seconded by Falk, that a variance to allow an accessory structure in an established front yard be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. **Case 17-066; Lot 3, Interstate Technology Park Fifth Addition (C-6)** – A request for a variance to allow parking in a required front yard adjacent to Tanglefoot Lane, submitted by Strategic Behavioral Health, LLC/Rob Elsner. (Deferred to meeting of September 14, 2017)
- c. **Case 17-069; Lot 3, Interstate Technology Park Fifth Addition (C-6)** – A request for a variance to allow parking in a required front yard adjacent to Interstate 74, submitted by Strategic Behavioral Health, LLC/Rob Elsner. (Deferred to meeting of September 14, 2017)
- d. **Case 17-073; Lot 3, Interstate Technology Park Fifth Addition (C-6)** – A request for a variance to reduce the required rear yard setback from 50 feet to 5 feet and to reduce the required side yard setback from 10 feet to 5 feet to allow construction of a future structure, submitted by Strategic Behavioral Health, LLC/Rob Elsner. (Deferred to meeting of September 14, 2017)

Item 5. Review of Case 16-027; 4555 Utica Ridge Road, submitted by Katie Sommers.

Soenksen reviewed the proposed signage.

Jay Sommers, representing the applicant, explained that the original application for a variance for a sign had included photos of signs that would be similar to the one proposed. He indicated that photos of the final design of the sign were submitted to the city in order to ensure code compliance. Sommers stated that the location of the proposed sign would not obstruct the vision of motorists at the intersection of Utica Ridge Road and Crow Creek Road. He added that the intersection is signal-controlled. He indicated that the sign location has changed slightly, explaining that instead of being located in a parking space it would be sited adjacent to the driveway.

Voelliger asked if there are any signs of a similar height in the area. Connors commented that the Miller-Meier sign is approximately the same height. Sommers stated that it is actually taller, adding that the new RIA Credit Union sign is approximately the same height as the proposed ReMax sign.

Voelliger asked if the sign would be placed in the same location as originally proposed. Sommers explained that it would be located slightly south of the original location and directly adjacent to the driveway.

Falk asked if the sign would be placed at a similar setback as other signs on the same side of Utica Ridge Road. Soenksen stated that a variance was granted for the sign at the Miller-Meier location. He added that the proposed sign would be set back approximately the same distance as the Miller-Meier sign which is a pole sign.

Connors stated that because the examples of signs submitted with the original application are so dissimilar from the rendering included with the building permit application, he felt that additional review was necessary. He indicated that the Board must determine whether a variance would have been granted for the proposed sign as detailed on the building permit application.

Gallagher commented that the area of the sign was not discussed during the public hearing regarding the variance. He added that it is difficult to determine the height of the photos of the signs that were submitted with that request. Voelliger commented that the signs do not appear to be 17 feet tall.

Spranger asked if the Board had approved a specific size of the proposed sign. Soenksen stated that the proposed sign meets the code requirements with regard to height and square footage.

Falk commented that the photos of signs that were originally submitted are all of a monument style. Gallagher indicated that perhaps the Board could be more specific in the future. Falk added that he does not feel that the proposed sign is that dissimilar from the examples that were submitted originally. Gallagher concurred.

Voelliger stated that the consensus of the Board is that the permit for the sign as submitted with the application should be approved.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:25 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

September 14, 2017

Staff Report

Case No. 17-066 and 17-069

Location: Lot 3, Interstate 74 Technology Park Fifth Addition

Applicant: Strategic Behavioral Health, LLC/Rob Elsner

Zoning Designation: C-6, Office Research Park District and C-3, General Business District

Request: Variance to allow parking in a required front yard adjacent to Tanglefoot Lane (17-066) and a variance to allow parking in a required front yard adjacent to Interstate 74 (17-069).

Background Information and Facts

The site is located on the north side of the western terminus of Tanglefoot Lane (see Attachment A – Location Map). Strategic Behavioral Health has submitted a plan to build a new hospital facility on the site (see Attachment B – Site Plan). There are two aspects of the variance requests for this site:

1. A variance to allow parking in a required front yard adjacent to Tanglefoot Lane (the area below the red line on the south side of the site plan.)
2. A variance to allow parking in a required front yard adjacent to the Interstate 74 corridor (the area west of the red line on the west side of the site plan).

Staff Analysis

The site currently has two different zoning classifications: C-6, Office Research Park District and C-3 General Business District (see Attachment C – Zoning Map). The applicant is in the process of rezoning the entire site to C-3, General Business District. The Planning and Zoning Commission recommended approval of the rezoning at their August 16 meeting, and the public hearing and first reading of the ordinance will be held at the September 19 City Council meeting. Staff has also recommended approval of the rezoning.

The parking adjacent to Tanglefoot Lane (Case 17-066) is located in the portion of the lot that is zoned C-6 which requires a 50-foot setback. Approximately 6 feet of those parking spaces encroaches into the required 50-foot setback. If successfully rezoned, those spaces will be compliant with the required 20-foot setback in the C-3 district (shown in yellow

highlight on the site plan). This proposed variance will be unnecessary if the rezoning is successful.

The parking spaces adjacent to the Interstate 74 corridor (Case 17-069) will be approximately 100 feet from the paved portion of the interstate. Following the rezoning, approximately the west half of those parking spaces will still be in the 20-foot required setback (shown in yellow highlight on the site plan). The parking spaces appear to be at the most logical location that will accommodate easy traffic flow around the hospital. The geographical separation of these spaces from the paved portion of Interstate 74 is significant. Even if the pending rezoning is successful, the variance request for these parking spaces is still needed.

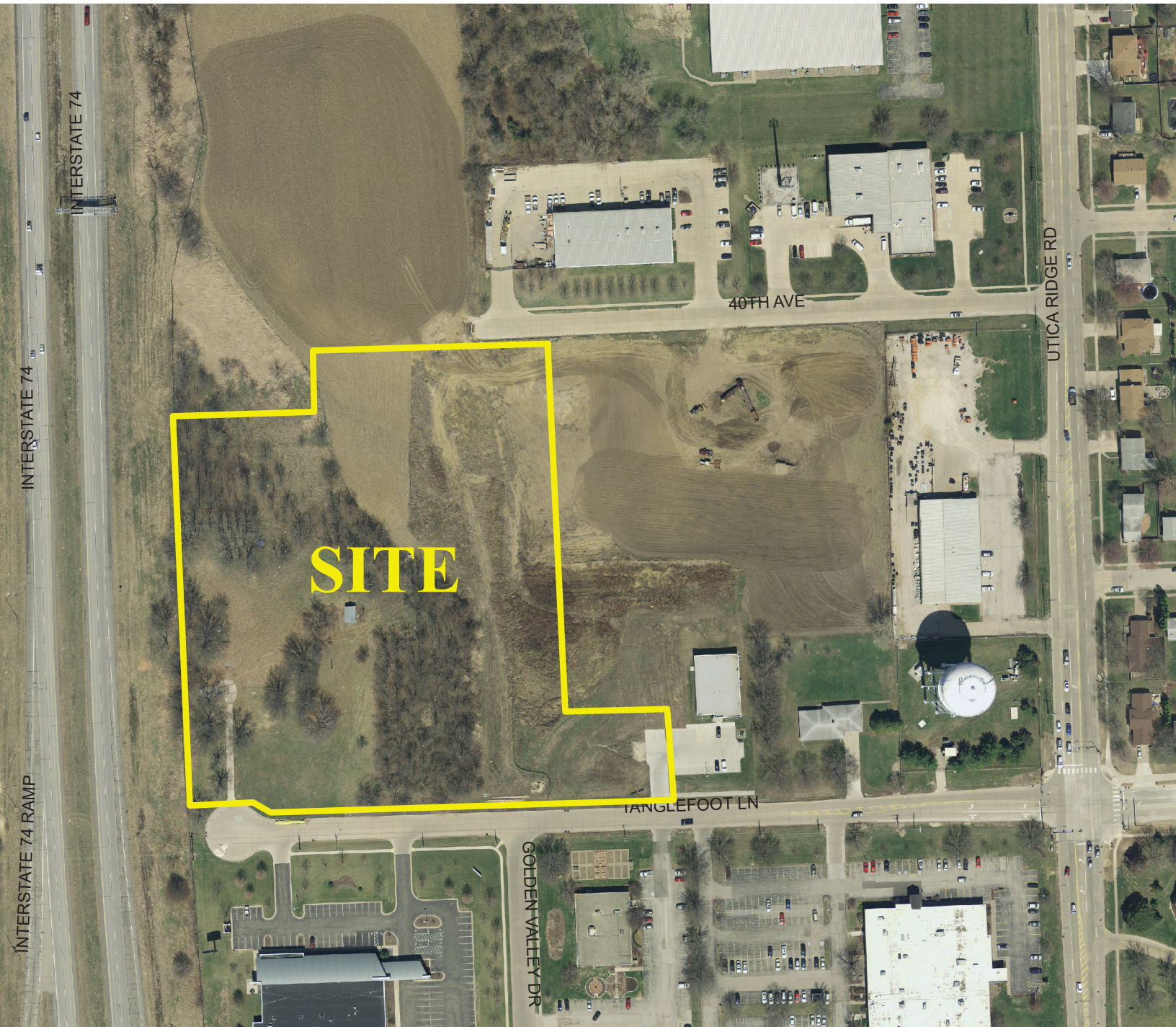
Staff Recommendation

Following the successful rezoning to C-3, the variance (Case 17-066) for the south parking spaces is unnecessary as the parking will conform with the zoning setback requirements; therefore, this variance requests appear to be reasonable as it would be temporary. If approved, staff recommends that the variance for Case 17-066 expires when the rezoning becomes final.

The variance request for the west side parking (Case 17-069) appears to meet the separation intent of the required setback because of its proximity to the adjacent Interstate 74 corridor. Applying the "front yard" setback in this situation appears to be unreasonable and serves no purpose.

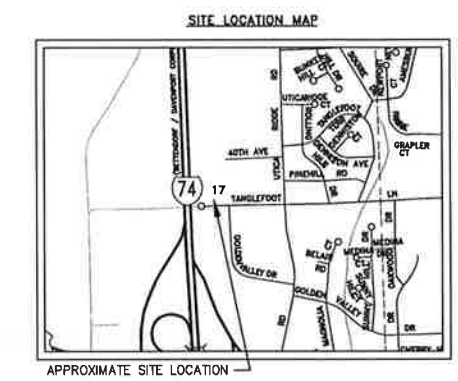
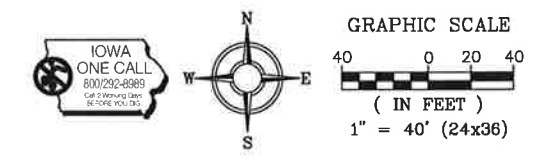
Respectfully submitted,

John Soenksen
City Planner

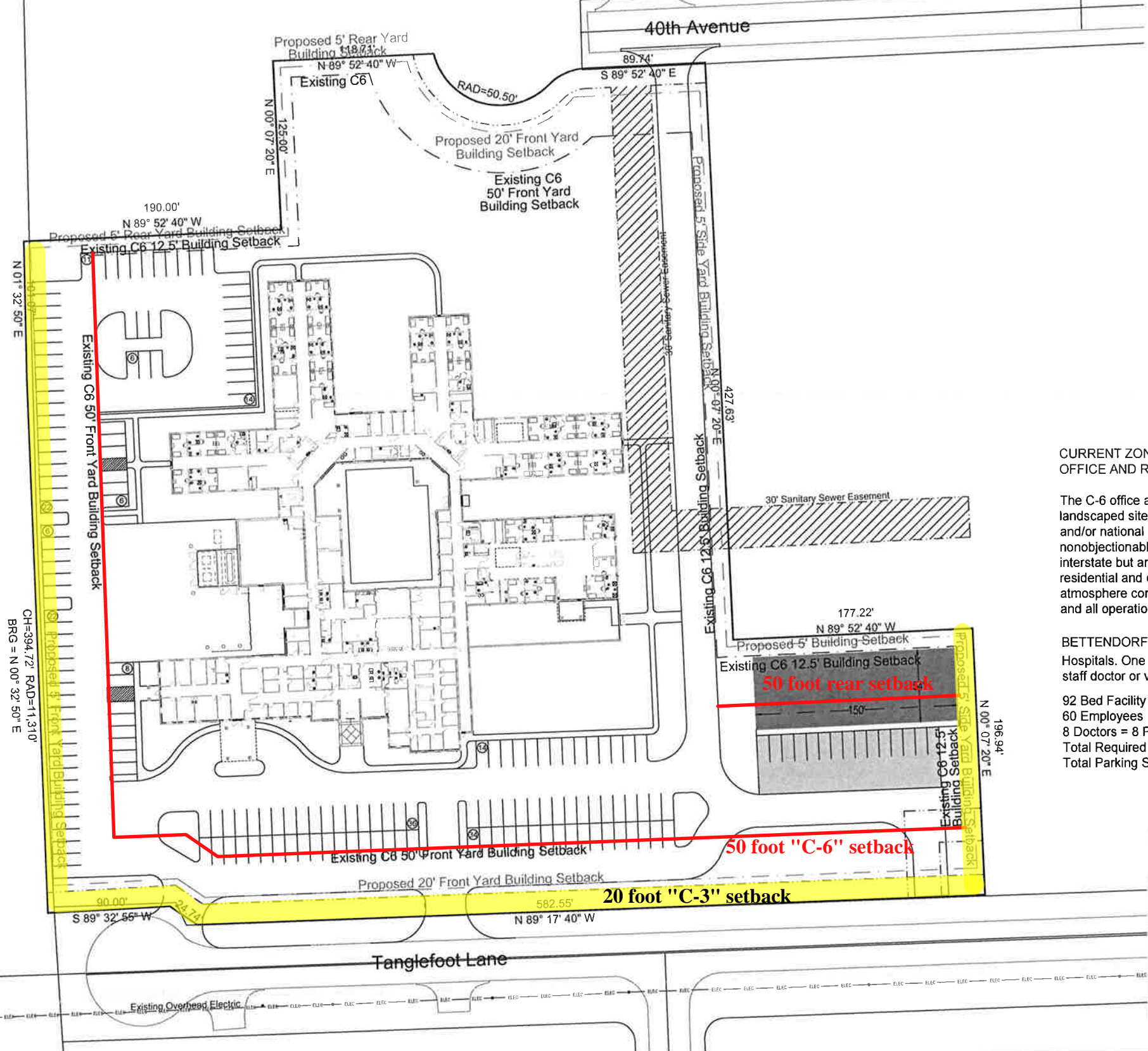


Strategic Health Psychiatric Hospital

Lot 3 - Interstate 74
Technology Park
Fifth Addition



I-74



CURRENT ZONING: C-6
OFFICE AND RESEARCH PARK DISTRICT

The C-6 office and research park district is intended to provide land for large, attractively landscaped sites primarily along an interstate corridor. The area is appropriate for regional and/or national businesses and offices, including research activities and some specialized nonobjectionable industrial activities, which can take advantage of the proximity to the interstate but are of low intensity and sufficiently restricted to be compatible with adjacent residential and commercial developments. The area is intended to have a "parklike" atmosphere conducive to quality development. No outdoor storage is allowed in this district, and all operations must be in an enclosed building. (2008 Code app. B § 15.61)

BETTENDORF PARKING REQUIREMENTS:
Hospitals. One parking space shall be provided for each two (2) beds, plus one for each staff doctor or visiting doctor, plus one for each two (2) employees

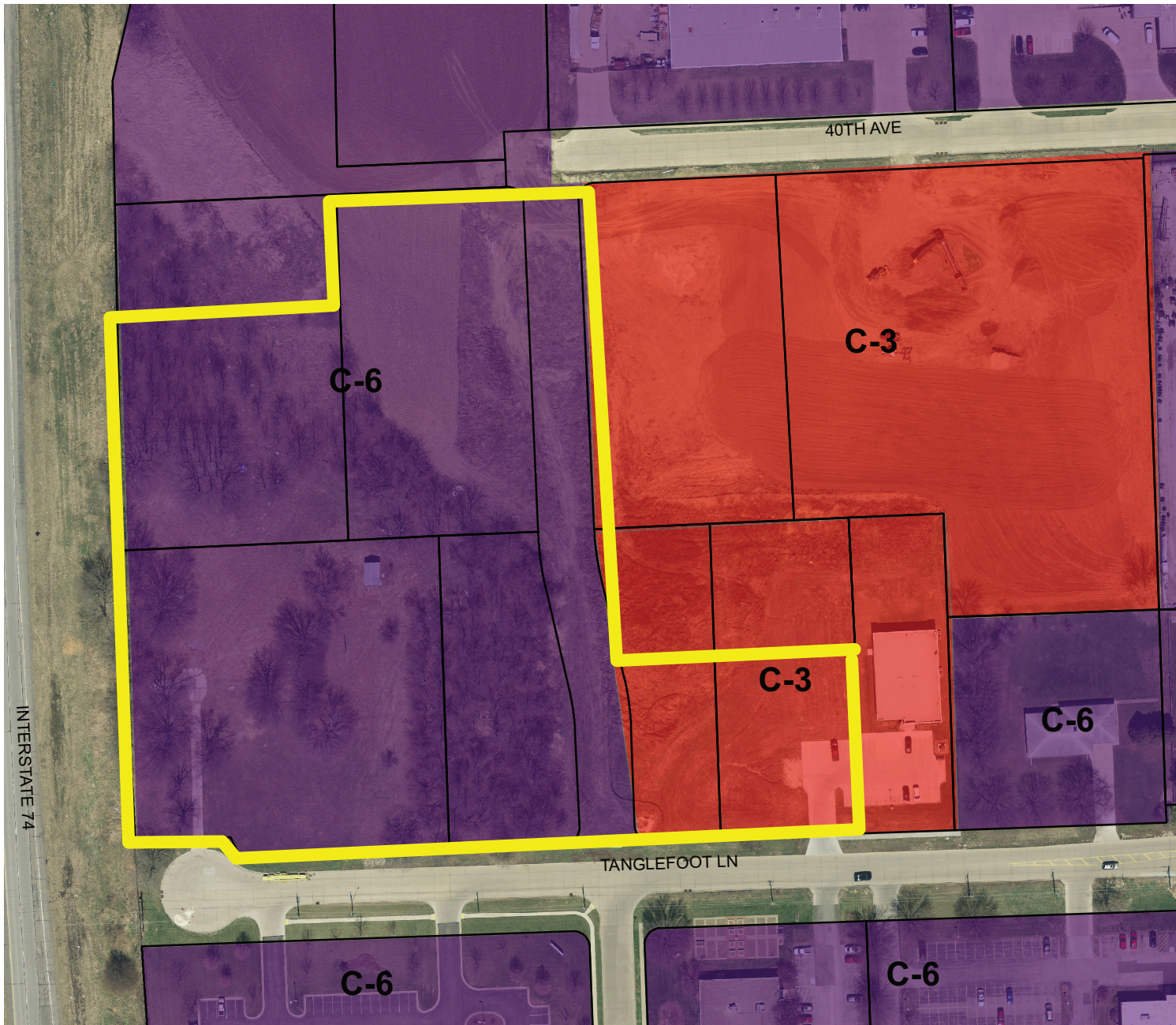
- 92 Bed Facility = 46 Parking Spaces
- 60 Employees Per Shift = 30 Parking Spaces
- 8 Doctors = 8 Parking Spaces
- Total Required Parking Spaces = 84
- Total Parking Spaces Provided = 157

LANDSCAPING
Minimum Street Yard Greenspace requirements:
Street ROW Required Tree Factors=98
Vehicular Use Area = 14 Tree Factors
Total Required Tree Factors=112

Tree Type	Minimum Street Yard Greenspace requirements	Tree Factors	Quantity
Deciduous Overstory Tree: A shade-producing woody plant having a mature height and spread of at least 30 feet with one well-defined trunk and no branches at or near the base.	2-inch caliper and 22-inch ball or pot	1.0	48
	4-inch caliper and 40-inch ball or pot	2.0	
Deciduous Understory Tree: A woody plant at least 10 feet tall at maturity with one or more well-defined trunks.	One-stem deciduous understory 1 1/2-inch caliper and 16-inch ball or pot	0.5	59
	3-inch caliper and 30-inch ball or pot	1.0	
	Multi-stem deciduous understory 6-foot height and 16-inch ball or pot	0.5	
	12-inch height and 30-inch ball or pot	1.0	
Evergreen/Conifer Tree: An upright cone-bearing plant having green needle-like foliage throughout the year and at least 20 feet tall at maturity.	Evergreen 6-foot height and 16-inch ball or pot	0.5	73
	12-foot height and 30-inch ball or pot	1.0	

NO.	REVISIONS: DESCRIPTION	DATE
1.	Revised Plot Dimensions	8-2-2017

Attachment - C





Case No. 17-066

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

Part 1. Property Involved.

Street Address 730 TANGLEFOOT LANE (NORTH SIDE OF TANGLEFOOT LANE)

Legal Description of the property. LOT 3 OF THE INTERSTATE 74 TECHNOLOGY PARK FIFTH ADDITION.

PLAT FOR SALES PURPOSES - PART OF THE NE 1/4, SECT. 17, TWP 78N, R4E TRACT1

Part 2. Contact Information.

Applicant Name ROB ELSNER - STRATEGIC BEHAVIORAL HEALTH, LLC Phone (719)-338-1151

Address 8295 TOURNAMENT DRIVE SUITE 201, MEMPHIS, TENNESSEE 38125 FAX _____

E-mail Address: ROB.ELSNER@STRATEGICBH.COM

Owner Name TANGLEFOOT INVESTORS, LLC. Phone (563)355-2022

Address 1805 STATE STREET SUITE 101, BETTENDORF, IOWA 52722 FAX (563) 355-7806

E-mail Address: _____

Agent CHRIS TOWNSEND, P.E. Phone (563)-386-4236

Address 2224 EAST 12TH STREET, DAVENPORT, IOWA 52803 FAX (563)-386-4231

E-mail Address: CHRIS@TOWNSENDEENGINEERING.NET

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.)



Case No. 17-069

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

Part 1. Property Involved.

Street Address 730 TANGLEFOOT LANE (NORTH SIDE OF TANGLEFOOT LANE)

Legal Description of the property. LOT 3 OF THE INTERSTATE 74 TECHNOLOGY PARK FIFTH ADDITION.

PLAT FOR SALES PURPOSES - PART OF THE NE 1/4, SECT. 17, TWP 78N, R4E TRACT1

Part 2. Contact Information.

Applicant Name ROB ELSNER - STRATEGIC BEHAVIORAL HEALTH, LLC Phone (719)-338-1151

Address 8295 TOURNAMENT DRIVE SUITE 201, MEMPHIS, TENNESSEE 38125 FAX _____

E-mail Address: ROB.ELSNER@STRATEGICBH.COM

Owner Name TANGLEFOOT INVESTORS, LLC. Phone (563)355-2022

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E-mail Address: CHRIS@TOWNSENDEENGINEERING.NET

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

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- (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

September 14, 2017

Staff Report

Case No. 17-073

Location: 3665 Devils Glen Road

Applicant: Build to Suit/Kevin Koellner

Zoning Designation: A-1, Agricultural District

Request: Request for an expansion of a non-conforming use (indoor storage units).

Background Information and Facts

The site involved is the site of the indoor storage units located toward the southeast corner of Devils Glen Road and Tanglefoot Lane (see Attachment A – Location Map). The applicant would like to build an addition on the south side of the southernmost storage building (see Attachment B – Plot Plan). If allowed, the building addition will occupy the area shown on Attachment C.

Staff Analysis

The indoor storage buildings replaced a former outdoor storage lot that was used primarily to store recreational vehicles on an open graveled area (see Attachment D – Previous Illustration). In April of 2007 the Zoning Administrator deemed the request for construction of the storage buildings to be “a continuation of a non-conforming use,” and the Board confirmed that decision (see Attachment E - Minutes regarding Case 07-039).

Under the grandfathering clause, non-conforming uses are allowed to continue but not to expand. The 2007 decision by the Zoning Administrator and the Board confirmed that changing the use from outdoor storage on an unimproved (unpaved) lot to indoor storage buildings on an improved lot was not an expansion.

Obviously, the current request is an expansion of the indoor storage “facility”. The grandfathering issue involves the expansion of the “use” of the property.

Staff Recommendation

The question to be determined by the Board reverts back to the 2007 situation compared to the current request. The current request is an expansion of the current size and use of the facility as it exists today. The applicant and staff are asking the Board to determine if the current request is an expansion of the "use" of the property compared to the original (2007) "use" of the property

Respectfully submitted,

John Soenksen
City Planner



TANGLEFOOT LN

DEVILS GLEN RD

TOWNE POINTE LN

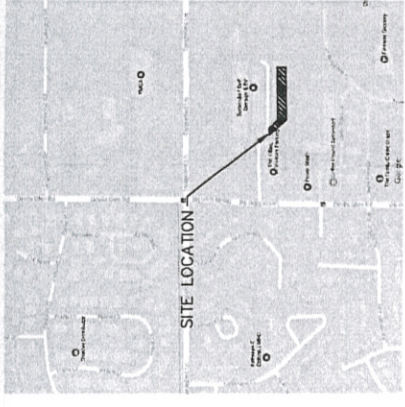
PRELIMINARY NOT FOR CONSTRUCTION



Know what's below.
Call before you dig.

SITE INFORMATION	
ZONING DISTRICT: A-1 AGRICULTURAL DISTRICT	
SITE LOCATION: 3868 DEVILS GLEN RD, BETTENDORF, IA 52722	
SITE AREA	338,930 S.F. ±
	7.78 ACRES ±
FRONT YARD REQUIRED	5'
SIDE YARD REQUIRED	5'
REAR YARD REQUIRED	5'
TOTAL BUILDING AREA	7,000 SF
REQUIRED PARKING = 0 SPACES	
PROVIDED = 0 SPACES	
TOTAL VEHICULAR USE AREA (V.U.A.) = 11,390 S.F. ±	
CONSTRUCTION ACTIVITY DESCRIPTION: Installation of four (4) 10'x20' storage units, four (4) 10'x15' storage units, and three (3) 10'x15' storage units. Also included is a paved drive for access to the units, storm sewer, and two gabion basket walls.	

VICINITY MAP
NOT TO SCALE



OWNER / SUBDIVIDER
DG STORAGE I.L.L.C.
1805 STATE STREET, STE. 101
BETTENDORF, IOWA 52722

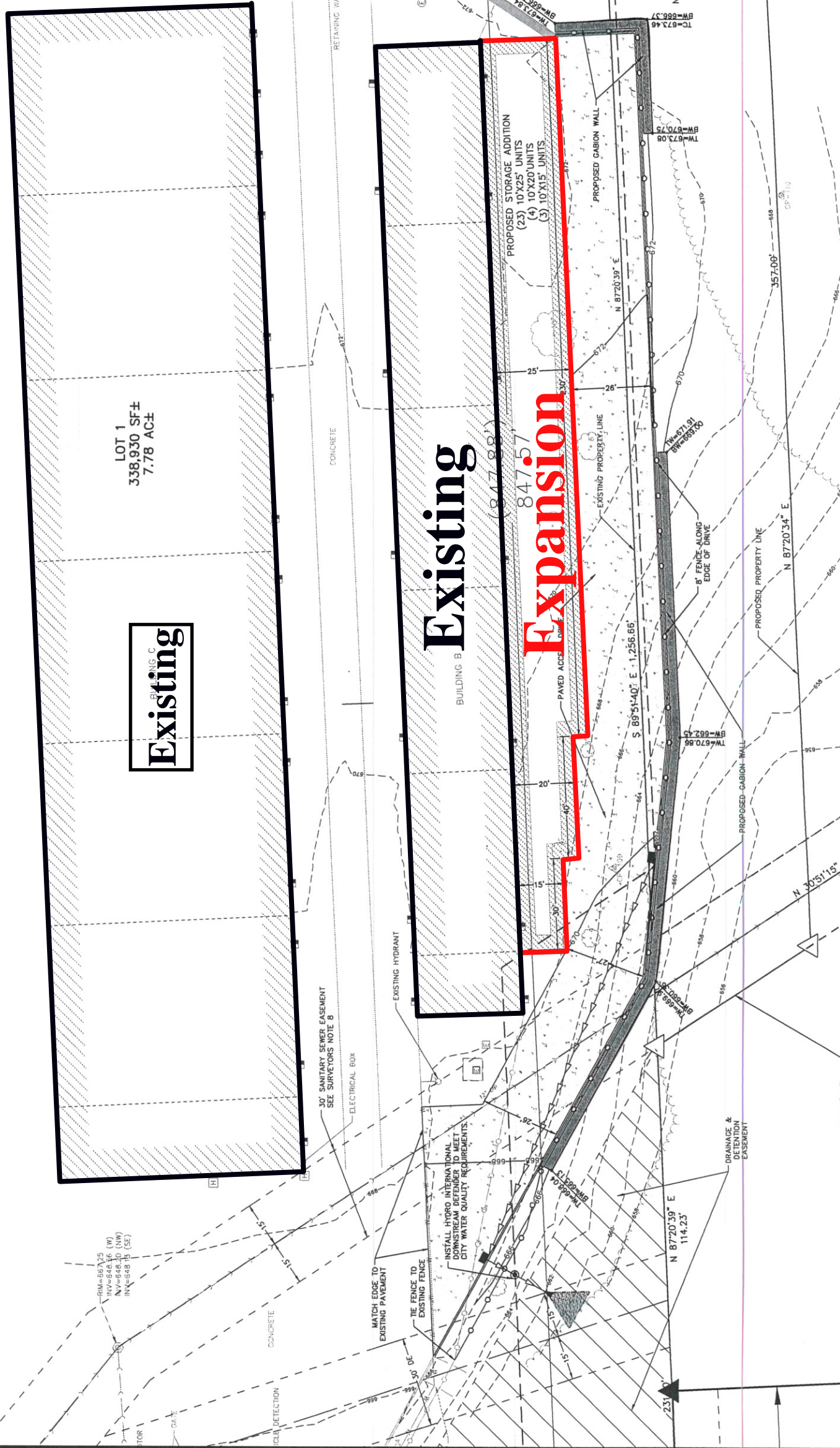
ARCHITECT
JOSEPH GUSSE
4510 42ND AVE
ROCK ISLAND, IL 61201

DEVELOPER
BUILD TO SUIT
1805 STATE STREET #101
BETTENDORF, IOWA 52722

LEGAL DESCRIPTION
Lot 3 of Hoffman's First
Addition at Devils Glen

LEGEND

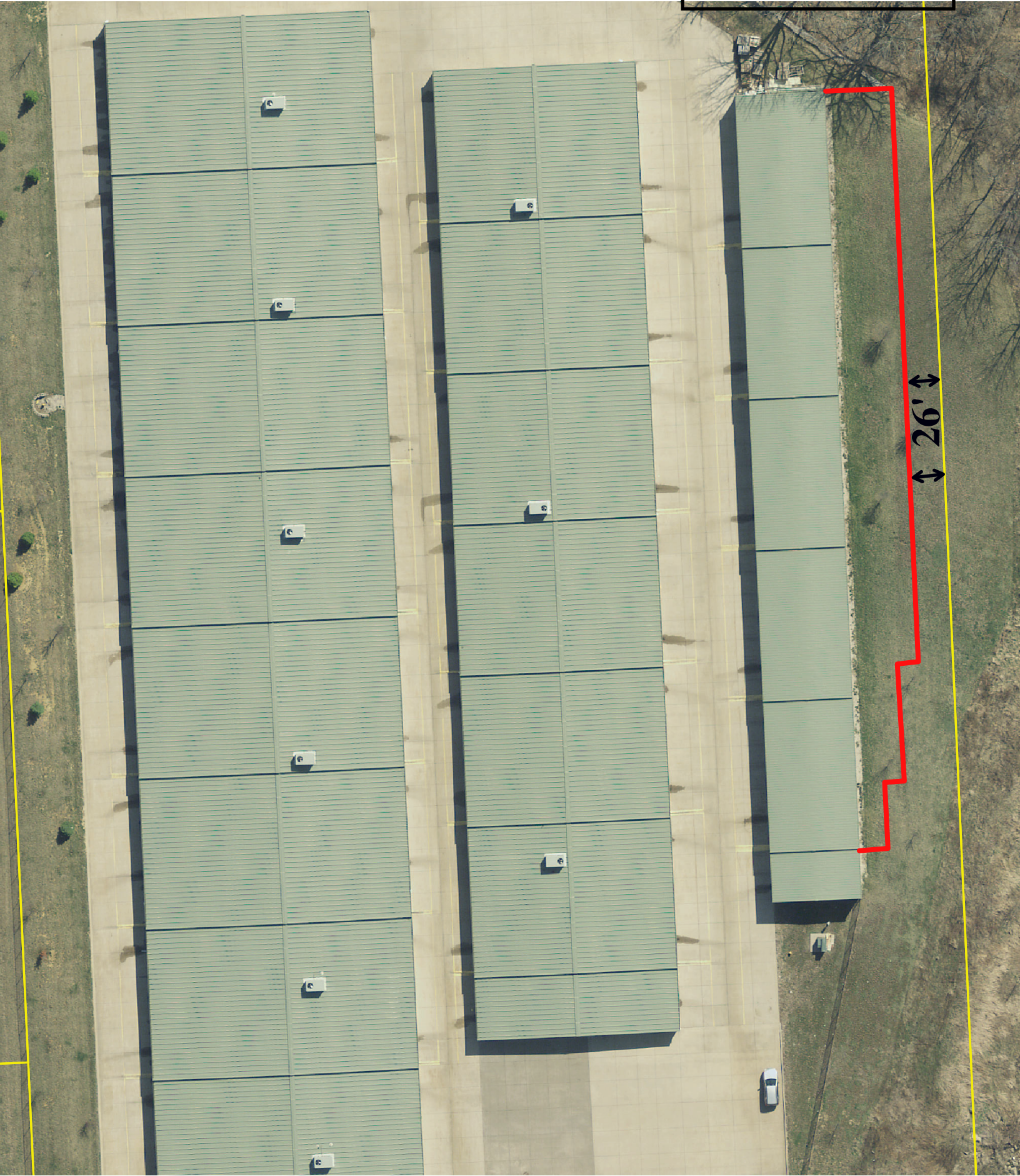
PROPOSED	EXISTING



GENERAL NOTES

- ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF BETTENDORF DESIGN AND SPECIFICATIONS, LATEST EDITION, 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 LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. IT IS POSSIBLE THERE MAY BE OTHERS, THE EXISTENCE OF WHICH PRESENTLY NOT KNOWN OR SHOWN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THEIR EXISTENCE AND EXACT LOCATION AND TO AVOID DAMAGE THERETO.
- 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 IMMEDIATELY IN WRITING OF ANY OCCURRENCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREAS. DO NOT ALLOW WATER TO POND ONTO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
- ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
- THE CONTRACTOR SHALL EXERCISE PROPER CAUTION TO PROTECT THE EXISTING IMPROVEMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY DAMAGE.
- ALL EROSION CONTROL MEASURES MUST BE INSTALLED PRIOR TO THE COMMENCEMENT OF ALL CONSTRUCTION OPERATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLING AND MAINTAINING EROSION CONTROL MEASURES THROUGHOUT THE CONSTRUCTION PERIOD. WHERE THE PRESENCE OF SILT FENCE WILL INTERFERE WITH ACTIVITIES, DIVERSION DITCHES AND SMALL TEMPORARY SEDIMENT TRAPS SHALL BE UTILIZED UNTIL SILT FENCE OR OTHER MEASURES MAY BE INSTALLED AND VEGETATION ESTABLISHED.
- BUILDING CONSTRUCTION TYPE IS ANTICIPATED TO BE TYPE "I-B" PER THE 2009 INTERNATIONAL BUILDING CODE.
- OCCUPANCY TYPE IN THIS BUILDING WILL BE GROUP "S-1" PER THE 2009 INTERNATIONAL BUILDING CODE.
- PROPOSED BUILDING WILL NOT BE EQUIPPED WITH AN AUTOMATIC FIRE SPRINKLER SYSTEM.

Attachment - C



↕ 26' ↕

DEVILS GLEN RD

WINE POINT

New Commercial
Development

Converting Outdoor Storage
to Indoor Storage



- d. Case 07-039; 3659 Devils Glen Road (A-1) - A request for the Board to review and affirm staff's interpretation of a continued "non-conforming use" to allow indoor storage units, submitted by the Community Development Director.

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.

Stelk opened the public hearing.

Soenksen reviewed the staff report. Staff report is Annex #9 to these minutes.

Stelk commented that the proposed indoor storage would be more aesthetically-pleasing than the current method of storage.

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

Kevin Koellner, developer, explained that he had spoken with representatives from Genesis, the owners of the adjacent property along Tanglefoot Lane, who commented that the proposed project would be an improvement. He stated that the proposed units would be more upscale, climate-controlled storage that would be more aesthetically-pleasing. Koellner stated that the color scheme and architecture would tie into adjacent developments. He explained that the property will be fenced and monitored with security cameras.

Howe asked if the proposed project would be similar in appearance to the photographs that were submitted. Koellner submitted drawings of commercial buildings that are currently under construction in Iowa City, adding that he feels as though the style and design would fit well with the developments in the Golden Triangle. He indicated that those materials and color scheme would be tied into the storage facility. He explained that the outer perimeter of the building would have a wainscot of a stone product along with a yellow earth tone colored panel to match the commercial buildings. He added that the roof would be an olive green color to tie in with the other buildings as well. Koellner stated that the site development plan will take into account the grade changes of the property and that there is a proposed 15-foot buffer to the north and a 10-foot buffer to the south. He explained that directly south of the proposed development is a 200-foot wide storm water detention facility which serves the entire Crowne Pointe area.

Stelk asked if any vehicles would be stored outside. Koellner stated that all storage would be enclosed. He indicated that while the perimeter of the property would be fenced, no vehicles would be left outside.

Stelk asked if the facility would be large enough to accommodate all of the vehicles currently on the property. Koellner stated that the current owner will be facilitating a move to other storage facilities for the vehicles currently stored outside on the site or be given the option to relocate to different properties. He added that the units that will be available will be of sufficient size to accommodate some smaller boats and automobiles.

McElhiney asked for clarification regarding access to the commercial area and to the storage facility. Koellner explained that the two commercial buildings will be office/retail uses and that the access to the storage area would be between them. He added that there will be a gate at the entrance to the storage facility with some sort of card or code required to access it.

Howe asked if the proposed development will have any impact on the Land Use Plan. Connors explained that there would be no impact on the Golden Triangle area. Beck stated that the adjacent properties to the north and south are already zoned C-2 and that the proposed development will be considered commercial.

McElhiney commented that the property involved is land-locked. Beck confirmed this, adding that there is no access to the site except through the commercial area to the west.

Howe commented that he feels that the proposed development is an improvement over the current situation. Stelk concurred.

Koos stated that he believes that staff's interpretation and analysis of the ordinance with regard to the proposed use is accurate and appropriate as the proposed use is more restrictive than the current one. McElhiney concurred.

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 Koos, seconded by McElhiney, that staff's interpretation of a continued "non-conforming use" to allow indoor storage units be affirmed.

ALL AYES

Motion carried. Decision and Order is Annex #10 to these minutes.



Case No. 17-073

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

Part 1. Property Involved.

Street Address 3665 DEAN'S GLEN ROAD, BETTENDORF IA 52722
Legal Description of the property. LOT 3 WILSONS FULT ADJUTION

Part 2. Contact Information.

Applicant/Contact Name BUILD TO SUIT KEVIN KOELPEN Phone 563-355-2022
Address 1805 STATE ST. SUITE 101 BETTENDORF, IA 52722
E-mail Address: KEVIN.KO@BUILDTO SUIT INC.COM
Owner Name TAUGLEFOOT INVESTMENTS, LLC Phone 563-355-2022
Address SAME AS ABOVE
E-mail Address: ABOVE

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. REQUEST FOR PERMISSION FOR BUSINESS

OF STORAGE PROPERTY IS A NON-CONFORMING USE IN AG ZONING.

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.

- PREVIOUS APPROVAL OF SAME.

- PARTICIPATION WITH CITY OF BETHLEHEM ON IMPROVEMENT OF RECREATION AREA.

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 21 day of AUGUST, 20 17

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 21st day of August, 20 17.

Stephanie Stone
 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 [Signature]
 Amount \$ 100. Date 01/25/17



COMMUNITY DEVELOPMENT

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

September 14, 2017

Staff Report

Case No. 17-074

Location: 2515 – 53rd Avenue

Applicant: Devon Hill

Zoning Designation: C-2, Community Shopping District

Request: Special use permit to allow an outdoor service area.

Background Information and Facts

The site is located on the east end of the “L” shaped building at Crow Ridge Plaza located southeast of the intersection of 53rd Avenue and 18th Street (see Attachment A – Location Map, and Attachment B – Building Illustration). The applicant intends to open a restaurant and would like to incorporate a seasonal bar and outdoor service area on the east side of the building (see Attachment C – Executive Summary/Floor Plan and Attachment D - Outdoor Service Area Illustration). The outdoor bar concept will involve a garage door type structure on the east wall that, when weather permits, will open directly onto the outdoor service area (see Attachment E – Outdoor Bar Concept).

Staff Analysis

The outdoor service area as shown on Attachment D will be within 65 feet of the nearest adjacent residential property and within 140 feet of the nearest home. Given the floor plan shown on Attachment C, it appears that there will be a much more seating available in the proposed outdoor service area than is available indoors. Staff assumes that on days that weather permits, the majority of the customers will use the outdoor service area as it appears as though it is not necessarily ancillary to the indoor dining/bar area. The Board has not approved that type of concept in the past. Other outdoor service areas are smaller and ancillary to the main businesses and are not directly adjacent to residential properties.

In the past, the Board denied a request for an outdoor service area for the former Clubhouse which was located in the same multi-tenant retail structure. The Board noted at the time of that denial the close proximity of the proposed outdoor service area to the adjacent residential area. The Board also could not make a distinction for the Clubhouse as to whether the business was primarily a bar or restaurant or other type of business. Given the concept shown on Attachments C and E, staff cannot make a determination as to whether this business will be mainly a bar or a restaurant with a smaller bar component. The concept shown on attachments C and E clearly shows that the outdoor service area will have a bar directly connected to the outdoor area. That concept is different than all of the other outdoor service areas approved in the past.

The homeowners in the adjacent neighborhood have informed the City and the Board several times in the past that they feel that a bar with an outdoor service area directly adjacent to their properties poses a direct risk to their property values and their ability to enjoy their property peacefully.

The applicant is characterizing this business as an upscale "steakhouse" with a quiet atmosphere. Previously a business located in the same building was mischaracterized to the neighbors, and it evolved into something that was detrimental to the neighborhood.

Staff suggested that the applicant hold a neighborhood meeting prior to the Board of Adjustment public hearing to answer the neighbor's questions and, if possible, alleviate their concerns. Staff is not aware if any such meeting occurred.

Staff Recommendation

This request is not consistent with previous Board approvals.

Respectfully submitted,

John Soenksen
City Planner

Attachment - A

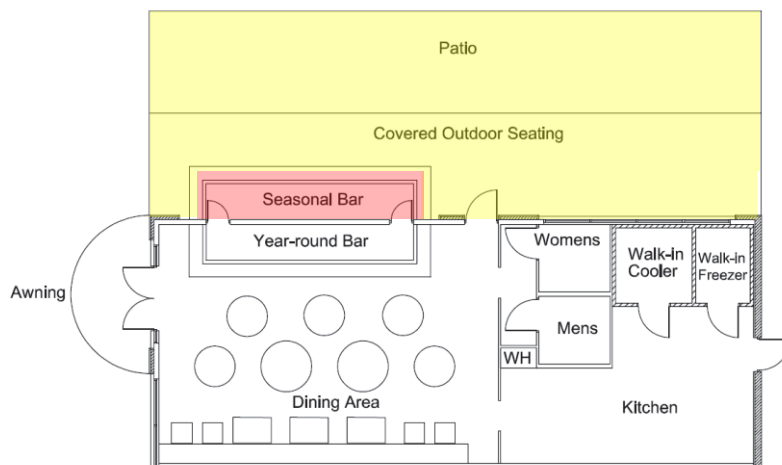




Executive Summary

Hampton Restaurant & Bar, located in Crow Ridge Plaza, will be a moderately upscale full-service restaurant and bar. Positioned as high-value dining experience with meals offered in the \$30 per person price category, the restaurant caters to families, singles, and business clientele. The restaurant will have multiple dining options with inside, bar and patio seating. The patio setting will be a fun and casual atmosphere for the summer crowd. The bar design will create an outdoor concept inside allowing customers to enjoy the weather during relevant months of the year. The fact that no other restaurant in the area has this concept and atmosphere presents us with a window of opportunity and an entrance into a profitable niche in the market.

Design / Concept





Residential Neighborhood

LINDENWOOD DR

Outdoor Service Area

Outdoor bar concept



HAMPTON RESTAURANT & BAR - AUGUST 2017



Case No. 17-074

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

Part 1. Property Involved.

Street Address 2515 East 53rd Avenue, Bettendorf IA

Legal Description of the property. Low Ridge Plaza Addn Lot 2 Low Ridge Plaza Addn Lot 2 w Pt of lot 3 and all of Outlot A Per Deed 12-13019

Part 2. Contact Information.

Applicant Name Devon Hill Phone 312-804-2161

Address 180 N Lashle Chicago, IL FAX _____

E-mail Address: INFO@HamptonInvestmentgroup.com

Owner Name Low Ridge Plaza Partners Phone 563-823-5123

Address 5111 Otica Ridge Road Davenport IA FAX 563-355-4445

E-mail Address: lpeters@lpccommercial.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.)

