

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 14, 2018**  
**5:00 P.M.**

PLACE: Bettendorf City Hall Council Chambers, 2<sup>nd</sup> 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 May 17, 2018.
4. The Board to hold a public hearing on the following items:
  - a. Case 18-051; 900 Spruce Hills Drive (C-6) - Variance to allow parking in a required front yard adjacent to the Interstate 74 right-of-way and a proposed private drive, submitted by CDC QC.
  - b. Case 18-052; 5000 Foxborough Court (R-1) -Variance to allow a 6-foot high fence in a required front yard, submitted by Brad Gibson.
  - c. Case 18-053; 2816 Magnolia Drive (R-2) - Variance to allow a 6-foot high fence in a required front yard, submitted by Martin Connor.

**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  
MAY 17, 2018  
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Clements, Falk, Gallagher, Voelliger  
ABSENT: Spranger  
STAFF: Fuhrman, Soenksen

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of April 12, 2018.

On motion by Clements, seconded by Gallagher, that the minutes of the meeting of April 12, 2018 be approved as submitted.

ALL AYES

Motion carried.

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

- a. Case 18-038; 2775 - 53<sup>rd</sup> Avenue (R-2) - A request for a variance to allow a 6-foot high fence in a required front yard along 53<sup>rd</sup> Avenue, submitted by Greg McCoy. (Withdrawn)
- b. Case 18-039; 6111 Hess Court (R-1) - A request for a variance to allow a 7-foot high fence and a 6-foot high fence in a required front yard, submitted by Frank and Lynn Painter.

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.

Voelliger asked if the house would be constructed over the sewer. Soenksen stated that it would not. Voelliger asked if the dam in the creek behind the proposed house would be disturbed. Soenksen explained that the creek is in the drainageway and cannot be altered or built upon. He indicated that the dam is likely a water calming feature installed by the city.

Gallagher asked if Outlot D is under the same ownership as the house upon which the house will be built. Soenksen confirmed this.

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

Falk asked how far the sanitary sewer would be from the structure's foundation wall. Soenksen explained that the location of a proposed house in relation to any utilities or easements is studied very closely prior to issuance of any building permits.

Falk commented that it appears that given the placement of the easement, the sewer may run under the proposed house. Soenksen explained that even if the variance is granted, the house would not be allowed to be constructed if it encroaches over the sewer. He reiterated that placement of the house in relation to easements would be closely studied prior to issuance of building permits.

Clements commented that the house would only be allowed to be built if all code requirements are met. Soenksen concurred.

Voelliger asked if there is a deck on the back corner of the house or if it is part of the house. Soenksen explained that there is a deck on the corner and a bumpout directly adjacent.

On motion by Gallagher, seconded by Falk, that a variance to reduce the required rear yard setback from 30 feet to 12 feet to allow for construction of a house be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:05 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 14, 2018

Staff Report

**Case No. 18-051**

**Location:** 900 Spruce Hills Drive

**Applicant:** CDC QC, LLC

**Zoning Designation:** C-6, Office and Research Park District

**Request:** Variance to allow parking in required front yard.

**Background Information and Facts**

The site involves the former Lodge site at the northwest corner of Utica Ridge Road and Spruce Hills Drive (see Attachment A – Location Map). The developer is seeking a variance to allow parking in required front yards.

**Staff Analysis**

Staff has received the first site plan to review for the redevelopment of the site. The site plan is for a new Home2 Suites Hotel. The site plan shows several parking spaces within the required 50-foot front yard setbacks both in front and behind the hotel (see Attachment B – Current Site Plan). Moreover, staff has review a concept plan showing a more comprehensive overall development illustration that shows that parking in the two front setbacks is anticipated to be an issue for all of the developable lots (see Attachment C – Overall Concept Plan). Therefore, the developer is seeking a variance to allow parking in the front setbacks for the overall site (see Attachment D – Parking Variance Illustration).

The parking to the rear of the proposed development adjacent to the Interstate 74 ramp is considered to be in a front yard setback because it is adjacent to the interstate right-of-way. If allowed, the nearest portion of that parking will be over 100 feet away from the nearest portion of any paved portion of the interstate.

The new development will include pavement of a new private drive to serve the area; therefore, the parking in the required setback will not be adjacent to any public roadway.

**Staff Recommendation**

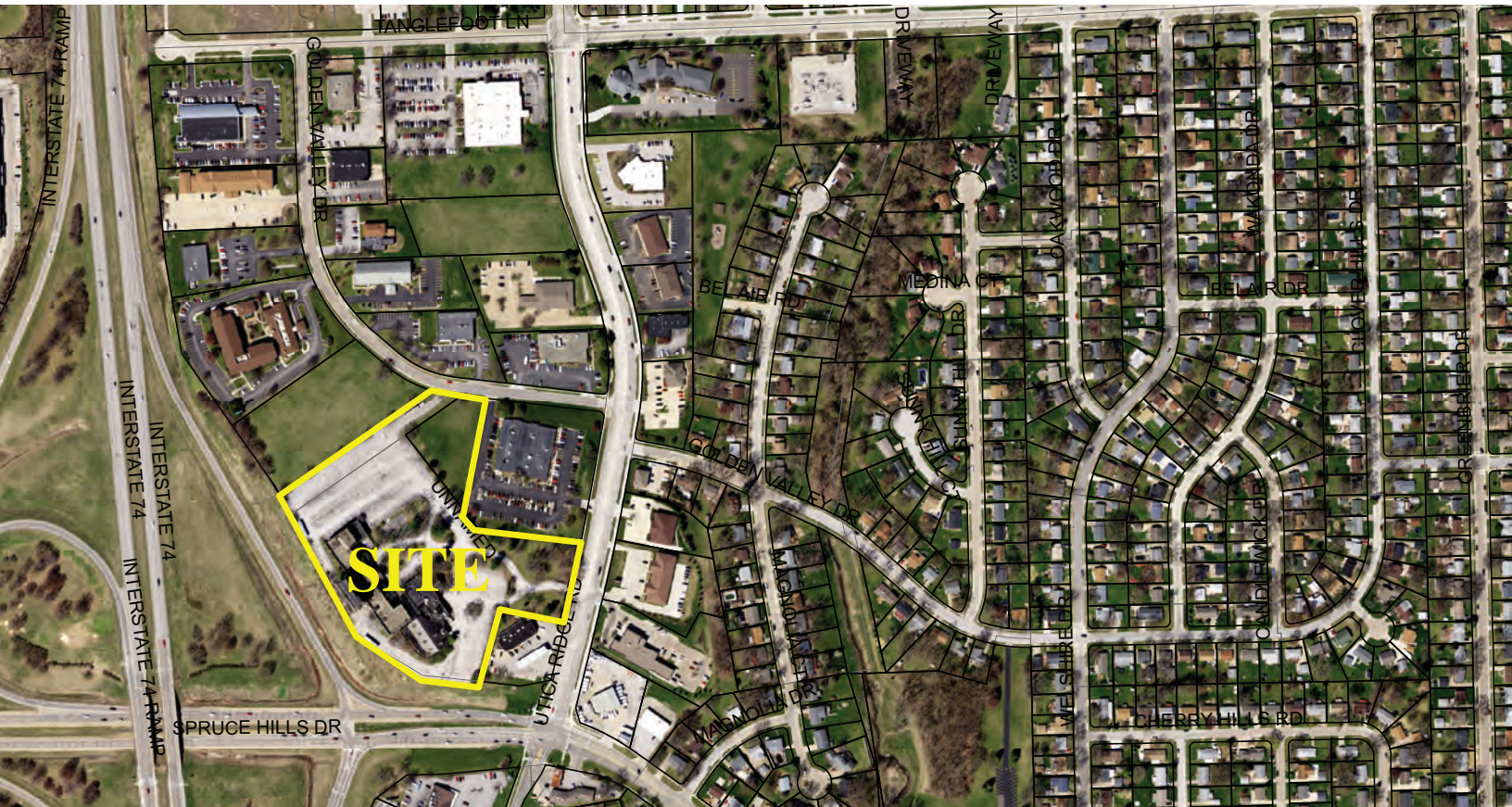
The parking spaces at the rear of the buildings adjacent to the interstate will be in the exact same location as was allowed for The Lodge. Those spaces existed for decades with no adverse impact on the surrounding areas. It is anticipated that the I-74 Corridor Redevelopment Project will actually move the paved portions of the interstate farther away from this site.

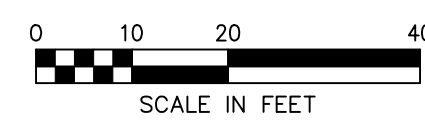
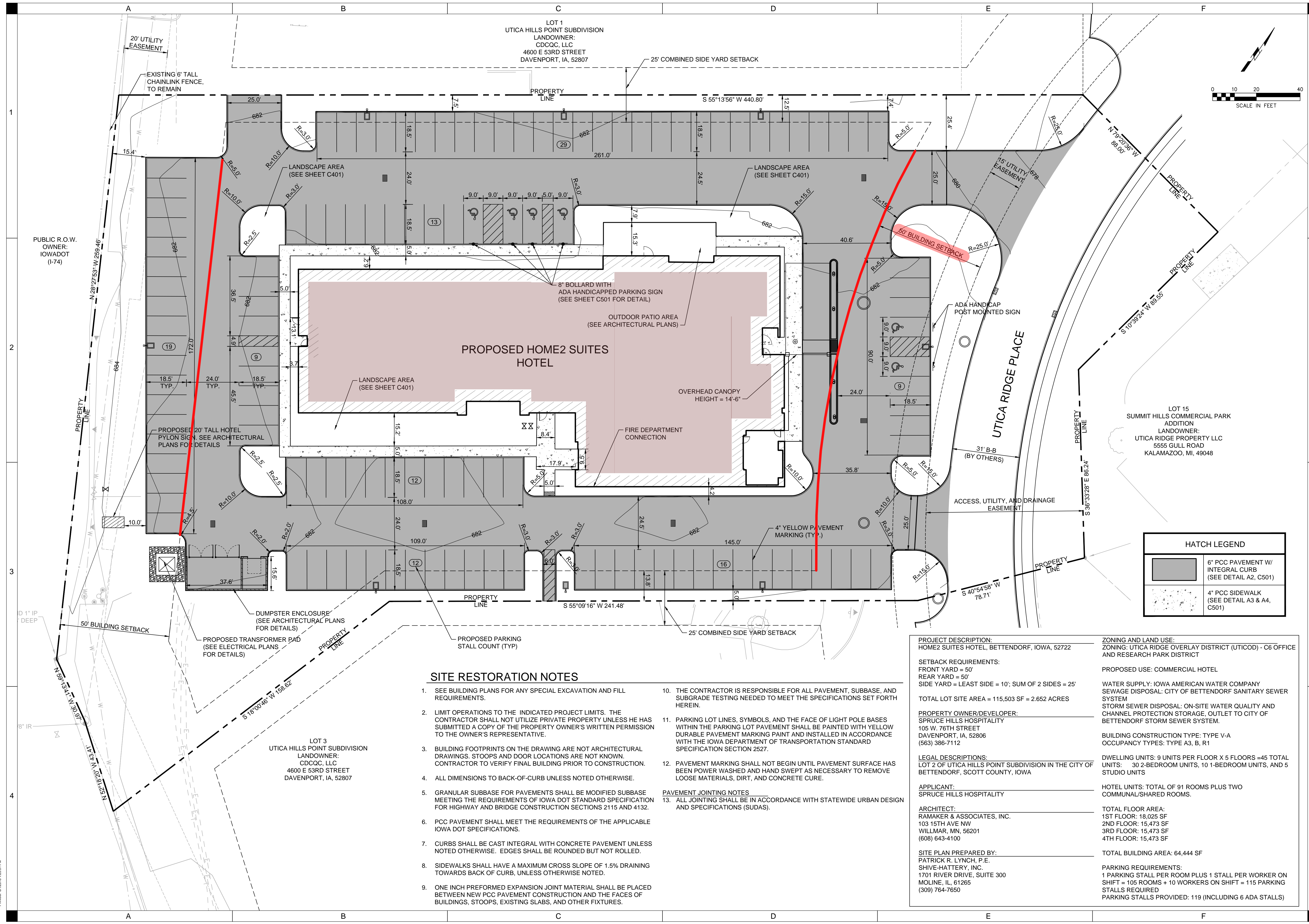
The parking spaces adjacent to the private drive will be nearly identical to parking spaces adjacent to the private drive for Duck Creek Plaza and Cumberland Square that have also existed for several years with no adverse impacts on the involved or surrounding areas.

Give the above analysis, staff supports the request.

Respectfully submitted,

John Soenksen  
Community Development Director





HATCH LEGEND	
	6" PCC PAVEMENT W/ INTEGRAL CURB (SEE DETAIL A2, C501)
	4" PCC SIDEWALK (SEE DETAIL A3 & A4, C501)

<b>PROJECT DESCRIPTION:</b> HOME2 SUITES HOTEL, BETTENDORF, IOWA, 52722	<b>ZONING AND LAND USE:</b> ZONING: UTICA RIDGE OVERLAY DISTRICT (UTICOD) - C6 OFFICE AND RESEARCH PARK DISTRICT
<b>SETBACK REQUIREMENTS:</b> FRONT YARD = 50' REAR YARD = 50' SIDE YARD = LEAST SIDE = 10'; SUM OF 2 SIDES = 25'	<b>PROPOSED USE:</b> COMMERCIAL HOTEL
<b>TOTAL LOT SITE AREA = 115,503 SF = 2.652 ACRES</b>	<b>WATER SUPPLY:</b> IOWA AMERICAN WATER COMPANY <b>SEWAGE DISPOSAL:</b> CITY OF BETTENDORF SANITARY SEWER SYSTEM <b>STORM SEWER DISPOSAL:</b> ON-SITE WATER QUALITY AND CHANNEL PROTECTION STORAGE, OUTLET TO CITY OF BETTENDORF STORM SEWER SYSTEM.
<b>PROPERTY OWNER/DEVELOPER:</b> SPRUCE HILLS HOSPITALITY 105 W. 76TH STREET DAVENPORT, IA, 52806 (563) 386-7112	<b>BUILDING CONSTRUCTION TYPE:</b> TYPE V-A <b>OCCUPANCY TYPES:</b> TYPE A3, B, R1
<b>LEGAL DESCRIPTIONS:</b> LOT 2 OF UTICA HILLS POINT SUBDIVISION IN THE CITY OF BETTENDORF, SCOTT COUNTY, IOWA	<b>DWELLING UNITS:</b> 9 UNITS PER FLOOR X 5 FLOORS = 45 TOTAL UNITS: 30 2-BEDROOM UNITS, 10 1-BEDROOM UNITS, AND 5 STUDIO UNITS
<b>APPLICANT:</b> SPRUCE HILLS HOSPITALITY	<b>HOTEL UNITS:</b> TOTAL OF 91 ROOMS PLUS TWO COMMUNAL/SHARED ROOMS.
<b>ARCHITECT:</b> RAMAKER & ASSOCIATES, INC. 103 15TH AVE NW WILLMAR, MN, 56201 (608) 643-4100	<b>TOTAL FLOOR AREA:</b> 1ST FLOOR: 18,025 SF 2ND FLOOR: 15,473 SF 3RD FLOOR: 15,473 SF 4TH FLOOR: 15,473 SF
<b>SITE PLAN PREPARED BY:</b> PATRICK R. LYNCH, P.E. SHIVE-HATTERY, INC. 1701 RIVER DRIVE, SUITE 300 MOLINE, IL, 61265 (309) 764-7650	<b>TOTAL BUILDING AREA:</b> 64,444 SF
	<b>PARKING REQUIREMENTS:</b> 1 PARKING STALL PER ROOM PLUS 1 STALL PER WORKER ON SHIFT = 105 ROOMS + 10 WORKERS ON SHIFT = 115 PARKING STALLS REQUIRED PARKING STALLS PROVIDED: 119 (INCLUDING 6 ADA STALLS)

**SITE RESTORATION NOTES**

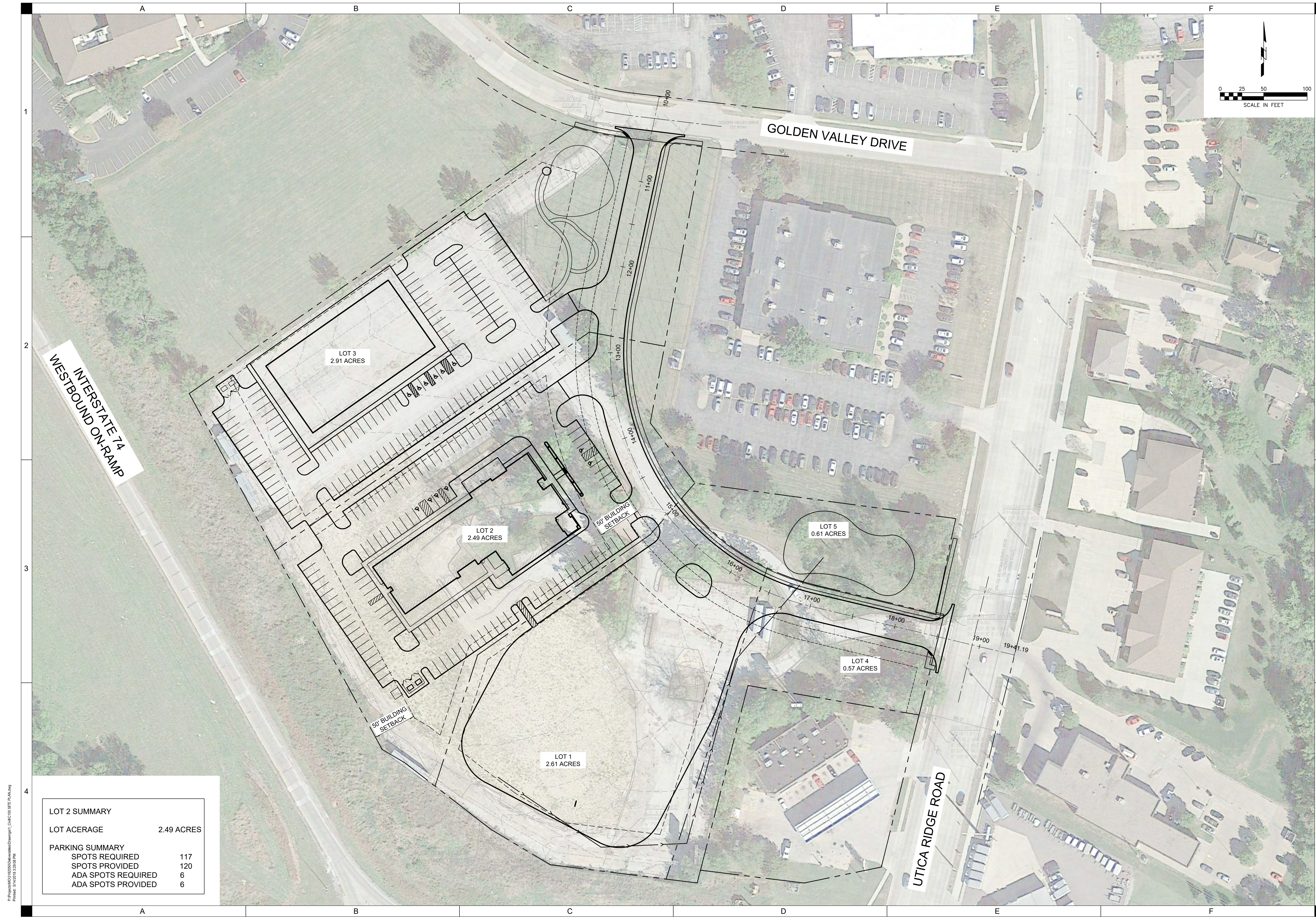
- SEE BUILDING PLANS FOR ANY SPECIAL EXCAVATION AND FILL REQUIREMENTS.
  - LIMIT OPERATIONS TO THE INDICATED PROJECT LIMITS. THE CONTRACTOR SHALL NOT UTILIZE PRIVATE PROPERTY UNLESS HE HAS SUBMITTED A COPY OF THE PROPERTY OWNER'S WRITTEN PERMISSION TO THE OWNER'S REPRESENTATIVE.
  - BUILDING FOOTPRINTS ON THE DRAWING ARE NOT ARCHITECTURAL DRAWINGS. STOOPS AND DOOR LOCATIONS ARE NOT KNOWN. CONTRACTOR TO VERIFY FINAL BUILDING PRIOR TO CONSTRUCTION.
  - ALL DIMENSIONS TO BACK-OF-CURB UNLESS NOTED OTHERWISE.
  - GRANULAR SUBBASE FOR PAVEMENTS SHALL BE MODIFIED SUBBASE MEETING THE REQUIREMENTS OF IOWA DOT STANDARD SPECIFICATION FOR HIGHWAY AND BRIDGE CONSTRUCTION SECTIONS 2115 AND 4132.
  - PCC PAVEMENT SHALL MEET THE REQUIREMENTS OF THE APPLICABLE IOWA DOT SPECIFICATIONS.
  - CURBS SHALL BE CAST INTEGRAL WITH CONCRETE PAVEMENT UNLESS NOTED OTHERWISE. EDGES SHALL BE ROUNDED BUT NOT ROLLED.
  - SIDEWALKS SHALL HAVE A MAXIMUM CROSS SLOPE OF 1.5% DRAINING TOWARDS BACK OF CURB, UNLESS OTHERWISE NOTED.
  - ONE INCH PREFORMED EXPANSION JOINT MATERIAL SHALL BE PLACED BETWEEN NEW PCC PAVEMENT CONSTRUCTION AND THE FACES OF BUILDINGS, STOOPS, EXISTING SLABS, AND OTHER FIXTURES.
  - THE CONTRACTOR IS RESPONSIBLE FOR ALL PAVEMENT, SUBBASE, AND SUBGRADE TESTING NEEDED TO MEET THE SPECIFICATIONS SET FORTH HEREIN.
  - PARKING LOT LINES, SYMBOLS, AND THE FACE OF LIGHT POLE BASES WITHIN THE PARKING LOT PAVEMENT SHALL BE PAINTED WITH YELLOW DURABLE PAVEMENT MARKING PAINT AND INSTALLED IN ACCORDANCE WITH THE IOWA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATION SECTION 2527.
  - PAVEMENT MARKING SHALL NOT BEGIN UNTIL PAVEMENT SURFACE HAS BEEN POWER WASHED AND HAND SWEEP AS NECESSARY TO REMOVE LOOSE MATERIALS, DIRT, AND CONCRETE CURE.
- PAVEMENT JOINTING NOTES**
- ALL JOINTING SHALL BE IN ACCORDANCE WITH STATEWIDE URBAN DESIGN AND SPECIFICATIONS (SUDAS).

LOT 3  
UTICA HILLS POINT SUBDIVISION  
LANDOWNER:  
CDCQC, LLC  
4600 E 53RD STREET  
DAVENPORT, IA, 52807

LOT 1  
UTICA HILLS POINT SUBDIVISION  
LANDOWNER:  
CDCQC, LLC  
4600 E 53RD STREET  
DAVENPORT, IA, 52807

LOT 15  
SUMMIT HILLS COMMERCIAL PARK  
ADDITION  
LANDOWNER:  
UTICA RIDGE PROPERTY LLC  
5555 GULL ROAD  
KALAMAZOO, MI, 49048

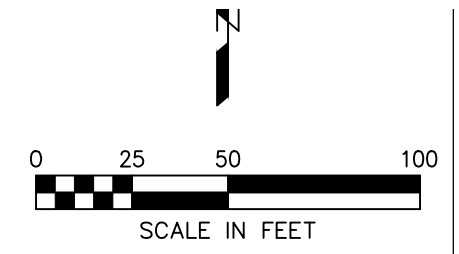
P:\Projects\102522020\Drawings\SitePlan\SitePlan.dwg  
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LOT 2 SUMMARY	
LOT ACERAGE	2.49 ACRES
PARKING SUMMARY	
SPOTS REQUIRED	117
SPOTS PROVIDED	120
ADA SPOTS REQUIRED	6
ADA SPOTS PROVIDED	6

P:\Projects\1405122020\1405122020\Drawings\1\_Consulting\03 SITE PLAN.dwg  
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# Attachment - D



LEGEND	
SURVEY	
PLAN MARK	DESCRIPTION
BM	BENCH MARK
CP	CONTROL POINT
●	IRON ROD - FOUND
○	IRON ROD - SET WCAP 16850
⊗	X CUT SET
⊠	RIGHT OF WAY MARKER
⊙	NAIL SET
(00)	RECORD BEARING/DISTANCE
00	MEASURED BEARING/DISTANCE
POB	POINT OF BEGINNING

LEGEND	
GENERAL SITE	
EXISTING STRUCTURE	EXISTING STRUCTURE
●	GUARD POST/ BOLLARD
—	SINGLE POLE SIGN
—	WOOD FENCE
—	CHAINLINK FENCE
—	GUARD RAIL
---621---	MINOR CONTOUR
---620---	MAJOR CONTOUR
TAC	ELEVATION AT TOP OF ASPHALT CURB
TCC	ELEVATION AT TOP OF CONCRETE CURB
TLC	ELEVATION AT TOP OF LIMESTONE BLOCK CURB

LEGEND	
UTILITIES	
PLAN MARK	DESCRIPTION
◀	FLOODLIGHT
⊙	LIGHT POLE
⊙	UTILITY POLE
→	GUY ANCHOR
⊕	FIRE HYDRANT
△	FLARED END SECTION
⊗	VALVE
⊙	CLEANOUT
⊠	JUNCTION BOX
⊙	DRAINAGE MANHOLE
⊙	ELECTRICAL MANHOLE
⊙	SANITARY MANHOLE
⊙	VAULT BOX
⊙	WATER MANHOLE
⊙	GAS METER
⊙	ELECTRIC METER
⊙	TRANSFORMER
⊙	AIR CONDITIONER
⊙	CURB INLET
⊙	INTAKE - SQUARE

LEGEND	
UTILITY LINES	
LINE TYPE	DESCRIPTION
—OE—	ELECTRIC - OVERHEAD
—E—	ELECTRIC - UNDERGROUND
—G—	GAS MAIN
—W—	WATER MAIN
—S—	SANITARY SEWER
—ST—	STORM SEWER
—T—	TELEPHONE - UNDERGROUND

**UTILITY NOTE**

THE LOCATIONS OF UTILITY MAINS, STRUCTURES, AND SERVICE CONNECTIONS PLOTTED ON THIS DRAWING ARE APPROXIMATE ONLY AND WERE OBTAINED FROM RECORDS MADE AVAILABLE TO SHIVE-HATTERY, INC. THERE MAY BE OTHER EXISTING UTILITY MAINS, STRUCTURES, AND SERVICE CONNECTIONS NOT KNOWN TO SHIVE-HATTERY, INC., AND NOT SHOWN ON THIS DRAWING.

\* NOTE:  
MAINLINE INTERSTATE 74  
APPROXIMATELY 250' WEST OF RAMP.

**OWNER INFORMATION**

CDCQC LLC  
4600 E 53RD STREET  
DAVENPORT, IA 52807

**ENGINEER / LAND SURVEYOR**

SHIVE-HATTERY, INC.  
1701 RIVER DRIVE  
SUITE 200  
MOLINE, IL 61265

**SHIVEHATT**  
ARCHITECTURE + ENGINEERING

1701 River Drive, Suite 200 | Moline, Illinois  
309.764.7650 | www.shive-hattery.com  
Iowa | Illinois | Indiana

**UTICA HILLS POINT**

RUSSELL CONSTRUCTION  
900 SPRUCE HILLS ROAD

DRAWN: PRL  
APPROVED: GJS  
ISSUED FOR: REVIEW  
DATE: 05/08/2018  
PROJECT NO: 3182060  
FIELD BOOK: --  
CLIENT NO: --

CONCEPT PLAN

B102



Case No. 18-051

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

Part 1. Property Involved.

Street Address 900 Spruce Hills Road Drive

Legal Description of the property. See Attached

Part 2. Contact Information.

Applicant Name CDC QC, LLC Phone 563.459.4600  
Address 4600 East 53rd Street Davenport, IA 52807 FAX 563.459.4601  
E-mail Address: \_\_\_\_\_

Owner Name CDC QC, LLC Phone 563.459.4600  
Address 4600 East 53rd Street Davenport, IA 52807 FAX 563.459.4601  
E-mail Address: \_\_\_\_\_

Agent Trevor Stoltz Phone 563.459-4600  
Address 4600 East 53rd Street Davenport, IA 52807 FAX 563.429.4600  
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.)

Part 4. General Information.

Section(s) of Zoning Ordinance Involved 11-5-12.D. Existing Zoning C-6

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.

Per Section 11-5-12.D, the front yard setback for a C-6 Office and Research Park District is 50 feet. With the Interstate to the southwest and a private drive on the northeast, these setbacks have eliminated 100 feet of land that was previously used as parking for the old Lodge. We are requesting that parking and a small portion of the building canopy that covers the drop-off area be allowed within the building setback as shown on the attached site plan.

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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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 15 day of May, 2018.



[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 [Signature]  
Amount \$100 Date 5/16/18  
CP#30025



Doc ID: 020558130002 Type: LAN  
 Recorded: 12/10/2015 at 09:54:51 AM  
 Fee Amt: \$17.00 Page 1 of 2  
 Scott County Iowa  
 Rita A. Vargas Recorder  
 File **2015-00032269**

SEC. 448.2, CODE

TAX SALE DEED

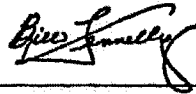
ADDRESS TAX STATEMENT: **CDCQC, LLC**  
 4600 E. 53<sup>RD</sup> STREET, DAVENPORT, IA 52807

KNOW ALL PERSONS BY THESE PRESENTS, THAT THE FOLLOWING DESCRIBED PARCEL:

**8417533011** AND LEGALLY DESCRIBED AS LOT 1 IN JUMER'S CASTLE LODGE ADDITION, AN ADDITION TO THE CITY OF BETTENDORF, IOWA; IN THE COUNTY OF SCOTT AND STATE OF IOWA; ALSO, LOT 2 IN SUMMIT HILLS COMMERCIAL PARK FIFTH ADDITION TO THE CITY OF BETTENDORF, SCOTT COUNTY, IOWA; ALSO, THAT FORMER HIGHWAY CONVEYED BY GRANT FROM THE STATE OF IOWA RECORDED MARCH 3, 1993 AS DOCUMENT NO. 4914-93 DESCRIBED AS FOLLOWS: TO-WIT: PART OF THE SOUTHEAST ¼ OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF BETTENDORF, SCOTT COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHERLY MOST CORNER OF LOT 1 JUMER'S CASTLE LODGE ADDITION TO THE CITY OF BETTENDORF, IOWA, SAID POINT BEING ON THE EXISTING RIGHT OF WAY LINE OF I-74; THENCE SOUTH 16 DEGREES 32 MINUTES 41 SECONDS WEST, 15.12 FEET (FOR PURPOSES OF THIS LEGAL DESCRIPTION, THE SOUTHERLY LINE OF SAID LOT 1 IS ASSUMED TO BEAR NORTH 80 DEGREES 45 MINUTES 02 SECONDS WEST); THENCE NORTH 80 DEGREES 45 MINUTES 02 SECONDS WEST, 170.06 FEET; THENCE NORTH 57 DEGREES 06 MINUTES 16 SECONDS WEST, 78.65 FEET; THENCE NORTH 50 DEGREES 11 MINUTES 56 SECONDS WEST, 124.44 FEET TO A POINT ON THE EXISTING RIGHT OF WAY LINE OF I-74; THENCE SOUTH 57 DEGREES 07 MINUTES 02 SECONDS EAST 200.04 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTH 80 DEGREES 45 MINUTES 02 SECONDS EAST, 168.84 FEET ALONG SAID RIGHT OF WAY LINE TO THE SAID POINT OF BEGINNING. HAVING THE ADDRESS OF 900 SPRUCE HILLS DRIVE, BETTENDORF, IA 52722 WAS SUBJECT TO TAXES FOR THE YEAR A.D. 2011. THE TAXES ON THE PARCEL FOR THE YEAR STATED REMAINED DUE AND UNPAID AT THE DATE OF SALE; AND THE TREASURER OF THE COUNTY, ON THE 17TH DAY OF JUNE, A.D. 2013 BY VIRTUE OF THE AUTHORITY VESTED BY LAW IN THE TREASURER, AT THE SALE BEGUN AND PUBLICLY HELD ON THE THIRD MONDAY OF JUNE, A.D. 2013, EXPOSED TO PUBLIC SALE AT THE OFFICE OF THE COUNTY TREASURER IN THE COUNTY NAMED, IN SUBSTANTIAL CONFORMITY WITH ALL THE REQUIREMENTS OF THE STATUTE, THE PARCEL DESCRIBED, FOR THE PAYMENT OF THE TOTAL AMOUNT THEN DUE AND REMAINING UNPAID ON THE PARCEL, AND AT THE TIME AND PLACE **B & V PARTNERS LLC 54** OF THE STATE OF IOWA OFFERED TO PAY THE SUM OF ONE HUNDRED FOURTY TWO THOUSAND THREE DOLLARS AND NO CENTS BEING THE TOTAL AMOUNT THEN DUE AND REMAINING UNPAID ON THE PARCEL, FOR CERTIFICATE **130085** WHICH WAS THE LEAST QUANTITY BID FOR, AND PAYMENT OF THAT SUM WAS MADE BY THAT PERSON TO THE TREASURER, THE PARCEL WAS STRICKEN OFF TO THAT PERSON AT THAT PRICE; AND **B & V PARTNERS LLC 54** DID ON THE 23RD DAY OF SEPTEMBER, A.D. 2015 ASSIGN THE CERTIFICATE OF THE SALE OF THE PARCEL AND ALL RIGHT, TITLE AND INTEREST TO THE PARCEL TO **CDCQC, LLC** AND BY AFFIDAVIT BY RICHARD I. VESOLE, FILED IN THE TREASURER'S OFFICE ON THE 10TH DAY OF SEPTEMBER, A.D. 2015, IT APPEARS THAT NOTICE HAS BEEN GIVEN MORE THAN NINETY DAYS BEFORE THE EXECUTION OF THIS DEED TO **QUAD CITY LODGING PARTNERS, LLC; RAY STODDARD; SPRINT SPECTRUM, LP; QUAD CITY BANK AND TRUST COMPANY; DAVID MILLER; JAMES P. RIX; DONALD C. IVERSON; STATE OF IOWA DEPARTMENT OF REVENUE; ATTORNEY GENERAL STATE OF IOWA; SCOTT COUNTY ATTORNEY; NORTHWEST MECHANICAL, INC; RONALD WILBORN; CITY OF BETTENDORF; AND ANY UNKNOWN HEIRS, DEVISEES, GRANTEEES, ASSIGNEES, SUCCESSORS IN INTEREST, UNKNOWN PARTIES IN POSSESSION, UNKNOWN SPOUSES AND CLAIMANTS OF THE EXPIRATION OF THE TIME OF REDEMPTION ALLOWED BY LAW; TWO YEARS HAVE ELAPSED SINCE THE DATE OF THE SALE, AND THE PARCEL HAS NOT BEEN REDEEMED.**

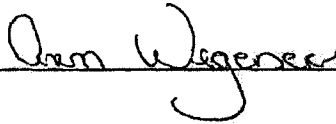
NOW, I, BILL FENNELLY, TREASURER OF SAID COUNTY, FOR THE CONSIDERATION OF STATED SUM PAID TO THE TREASURER AND BY VIRTUE OF LAW, HAVE GRANTED, BARGAINED AND SOLD, AND BY THESE PRESENTS DO GRANT, BARGAIN AND SELL TO **CDCQC, LLC** THAT PERSON'S HEIRS AND ASSIGNS, FOREVER; SUBJECT, HOWEVER, TO ALL THE RIGHTS OF REDEMPTION PROVIDED BY LAW.

IN WITNESS WHEREOF, I, BILL FENNELLY, TREASURER OF SCOTT COUNTY, BY VIRTUE OF THE AUTHORITY VESTED IN ME HAVE SUBSCRIBED MY NAME ON THIS 10TH DAY OF DECEMBER A.D. 2015.



TREASURER

I CERTIFY THAT BEFORE ME, ANN WEGENER, IN AND FOR SAID COUNTY, PERSONALLY APPEARED THE ABOVE NAMED BILL FENNELLY, TREASURER OF THE COUNTY, PERSONALLY KNOWN TO ME TO BE THE TREASURER OF THE COUNTY AT THE DATE OF THE EXECUTION OF THE ABOVE CONVEYANCE, AND TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO AND WHO EXECUTED THE ABOVE CONVEYANCE AS TREASURER OF THE COUNTY, AND ACKNOWLEDGED THE EXECUTION OF THE CONVEYANCE TO BE THE TREASURER'S VOLUNTARY ACT AND DEED AS TREASURER OF THE COUNTY, FOR THE PURPOSES EXPRESSED IN THE CONVEYANCE. GIVEN UNDER BY HAND THIS 10TH DAY OF DECEMBER, A.D.2015.



INDIANA  
NOTARY PUBLIC  
ANN WEGENER  
COMMISSION NUMBER 759509  
MY COMMISSION EXPIRES  
8/10/18



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

June 14, 2018

Staff Report

**Case No. 18-052**

**Location:** 5000 Foxborough Court

**Applicant:** Brad Gibson

**Zoning Classification:** 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 at the terminus of Foxborough Court (see Attachment A – Location Map). The applicant would like to place a 6-foot high fence along the north property line (see Attachment B – Plot Plan).

**Staff Analysis**

There is a 70-foot required front yard setback measured from the property line adjacent to Middle Road (shown on Attachment B – Plot Plan). Because the yard adjacent to Middle Road is considered by Code to be a front yard, 70 feet of the proposed fence would technically be located in the required front yard setback.

The applicant would like to have the fence to provide a buffer between his home and the commercial (C-1) property located north of and adjacent to his home (see Attachment C – Photo Illustration). The adjacent commercial property owner recently completed a considerable expansion which added multiple tenants and more vehicular traffic (see Attachment D – Expansion Illustration). The owner of the commercial building has provided the required 20-foot buffer yard.

**Staff Recommendation**

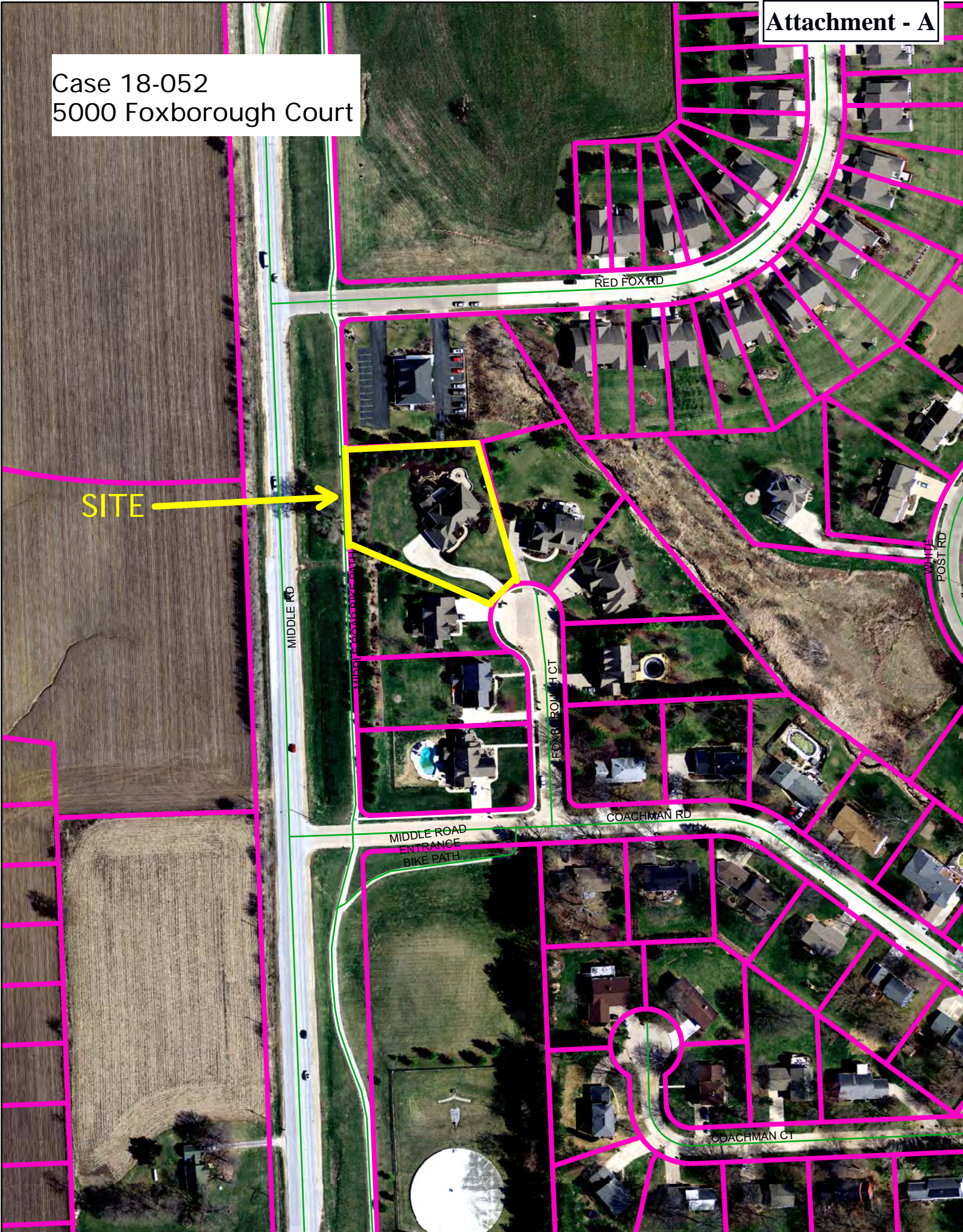
The expansion of the business next to this single-family home has changed the condition of the relationship between commercial property and residential property. Because there is a substantial amount of landscaping on the applicant's property and the commercial property, the addition of the proposed 6-foot high fence will not have any significant impact on the surrounding area. Even though the adjacent commercial property is compliant with buffering requirements, staff understands the reasons given for this request.

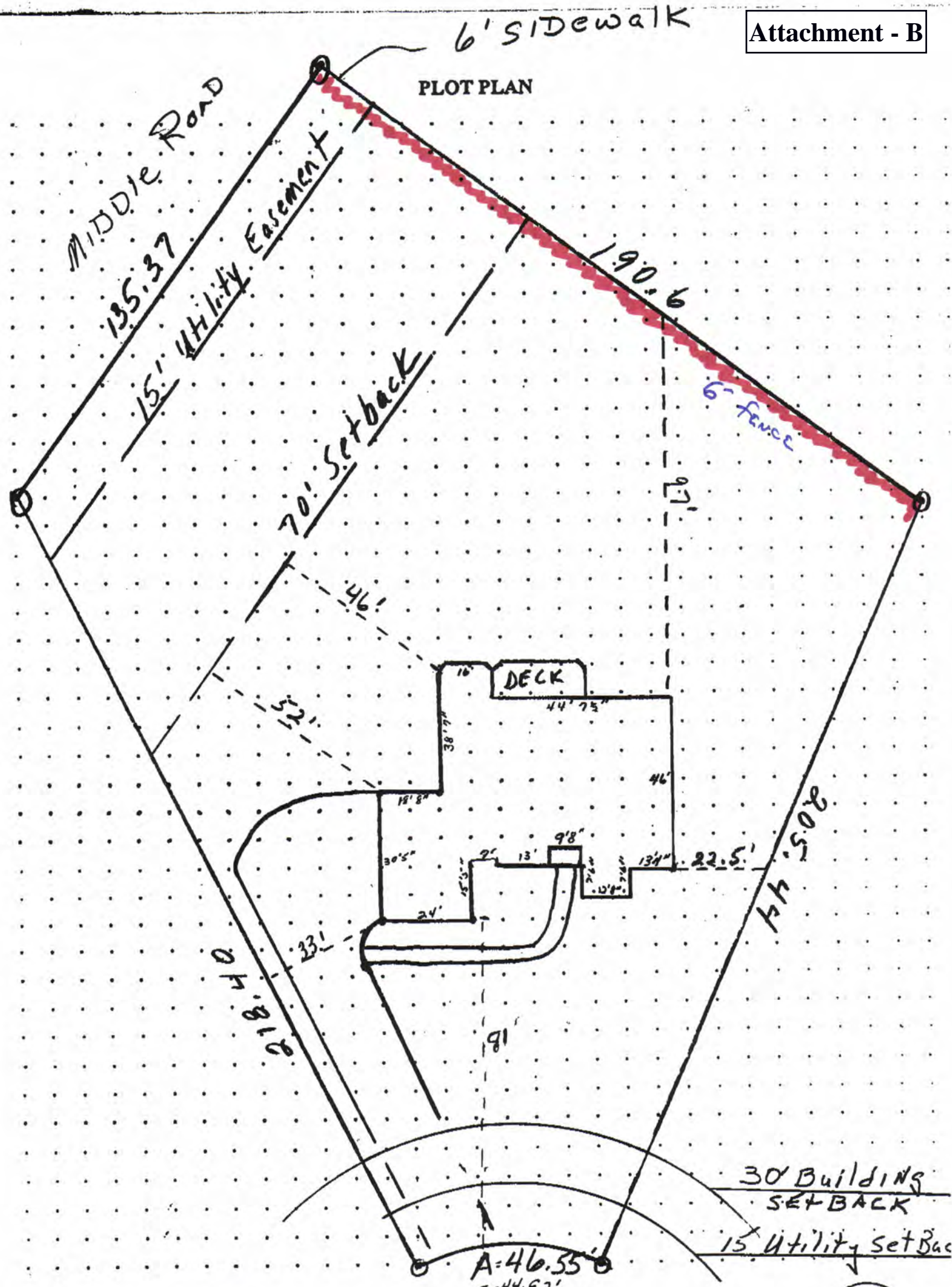
Respectfully submitted,

John Soenksen  
City Planner

Case 18-052  
5000 Foxborough Court

SITE →






Zoning District R1

Board of Adjustment Variance:  
no  yes  Dec/Order# \_\_\_\_\_

Permit Record:  
1. House 01-801 531-01  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Front setback 30'  
Side setback min 5' total 20'  
Rear setback 70'

Indicate North   
Scale 1" = 30'

Legal Description Lot 4 Century Heights  
3rd Addition  
Building Address 5000 Foxborough Ct.  
Bettendorf, Iowa 52722  
Contractor Andersen Construction





Case No. 18-052

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

**Part 1. Property Involved.**

Street Address 5000 Foxborough Ct. Bett.

Legal Description of the property. \_\_\_\_\_

Lot 4, Century Heights Third Add

**Part 2. Contact Information.**

Applicant Name Brad Gibson Phone 563-320-1774

Address 5600 Foxborough Ct. FAX \_\_\_\_\_

E-mail Address: Bgibson@melfostercos.com

Owner Name \_\_\_\_\_ Phone \_\_\_\_\_

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

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

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 14, 2018

Staff Report

**Case No. 18-053**

**Location:** 2816 Magnolia Drive

**Applicant:** Martin Connor

**Zoning Designation:** R-2, 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 one lot north of the intersection of Magnolia Drive and Hillside Drive (see Attachment A – Location Map). The applicant would like to place a 6-foot high fence on the southern property line out to the front property line (see Attachment B – Plot Plan). The 25-foot section of the proposed fence in front of the front building line of the house will be in the required front yard setback.

**Staff Analysis**

The applicant states that the fence is requested because there is an apartment complex is adjacent (south) to his home and that the off-street parking provided for the apartment nearly touches his private driveway (see Attachment C – Illustration).

The applicant's property is zoned R-2, Single-family Residence District, and the adjacent property is zoned R-4, Medium-density Multi-family Residence District. Under today's ordinance requirements, a developer would be required to provide a 20-foot buffer yard between a multi-family structure and a single-family home. There is no buffer yard provided between the apartment complex and the applicant's house.

The applicant states that he is simply attempting to compensate for the fact that there is no buffer between his home and the apartment complex.

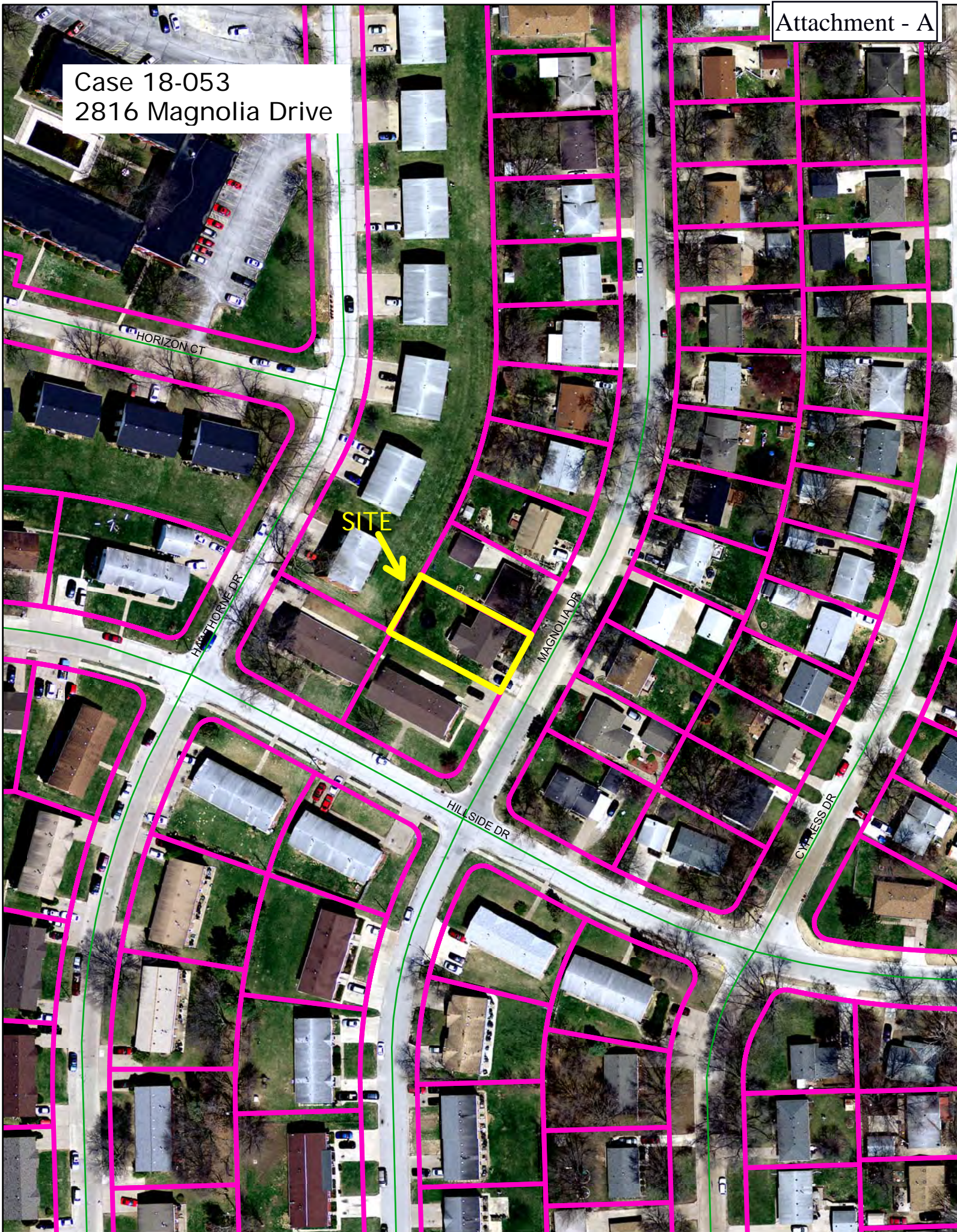
**Staff Recommendation**

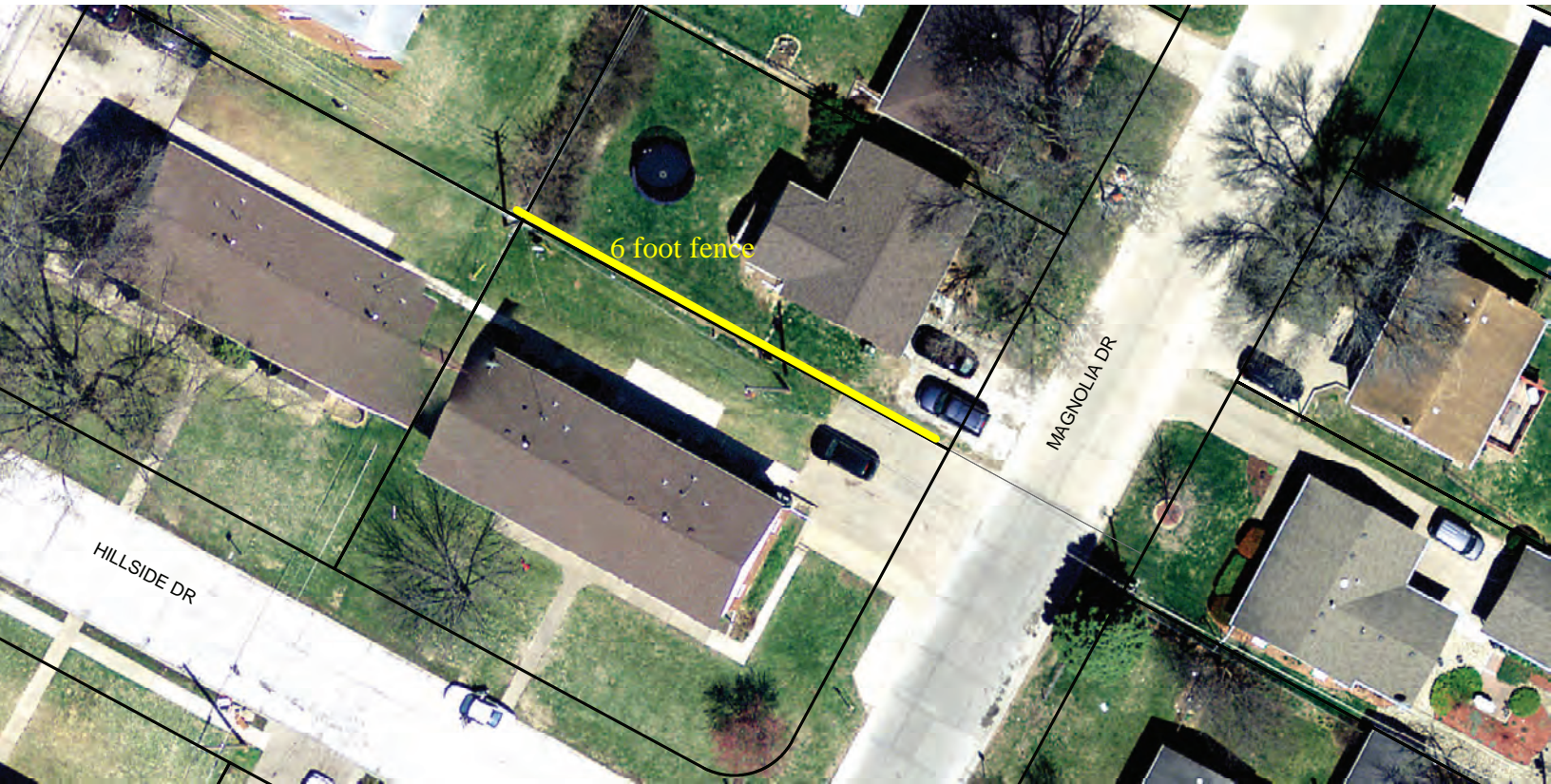
Given the above facts and analysis, staff supports the applicant's assertion that he has demonstrated a hardship and the proposed fence remedy is the most reasonable response to the current situation.

Respectfully submitted,

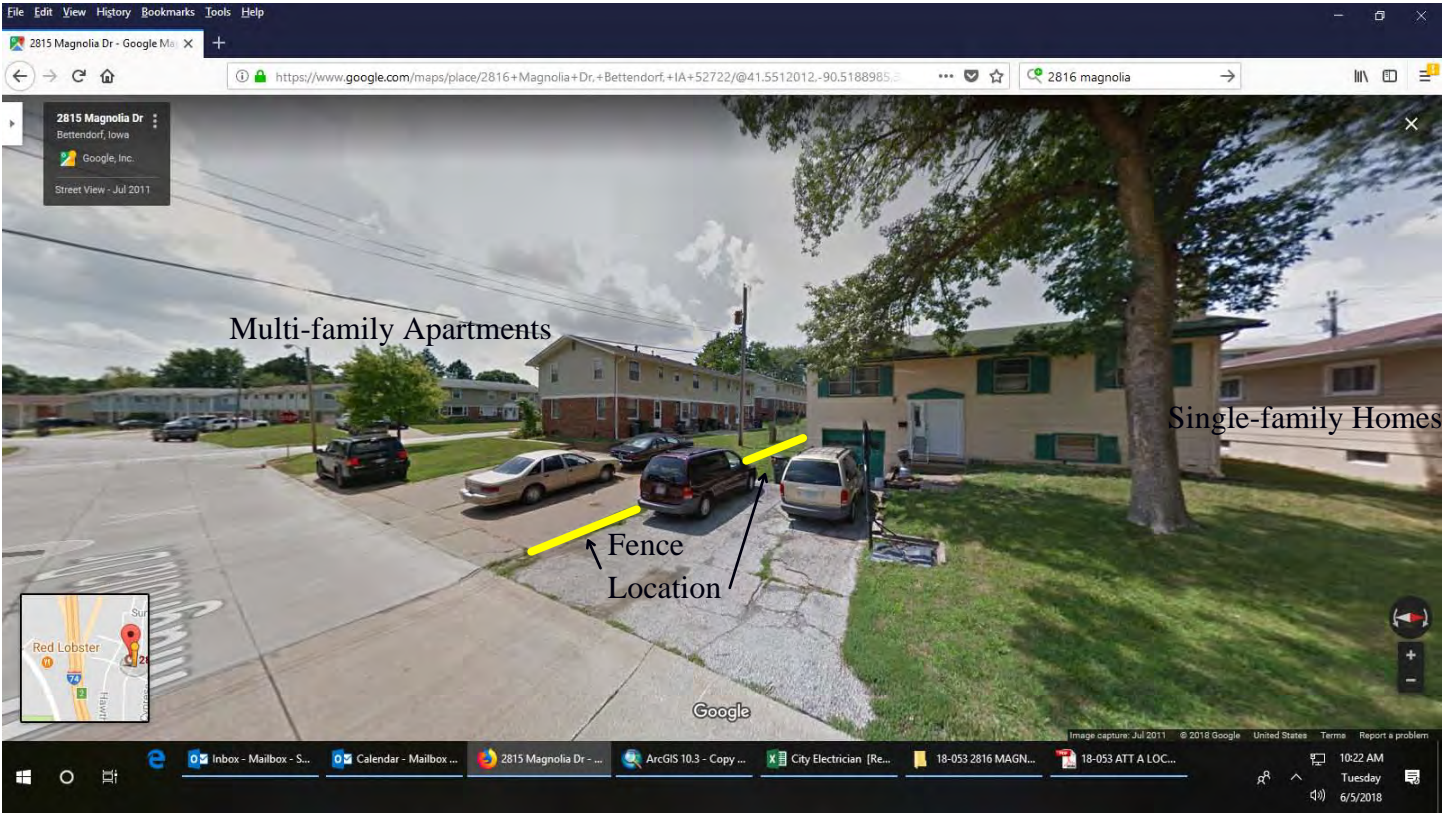
John Soenksen  
City Planner

Case 18-053  
2816 Magnolia Drive





Attachment - C



Case No. 18-053

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

Part 1. Property Involved.

Street Address 2816 Magnolia Dr. ~~And 900 Hillside~~

Legal Description of the property. \_\_\_\_\_

LOT 11 Hawthorne Hills Fifth Addition

Part 2. Contact Information.

Applicant Name Martin Connor Phone 563 343 8055

Address 2816 Magnolia Dr FAX \_\_\_\_\_

E-mail Address: MARTIN C 201@gmail.com

Owner Name Martin Connor Phone \_\_\_\_\_

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

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

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.)

**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.

X (d) That by granting the request for a variance substantial justice shall be done.  
requesting to build 6' fence out to East (street)  
side of property limit due to missing buffer  
yard screen between my house and apartment  
on south border of property.  
Desire to build 6' fence along southern border  
of property out to limit of property going EAST.

**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 \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Signature of Applicant Marta C Signature of Owner Marta C  
(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.

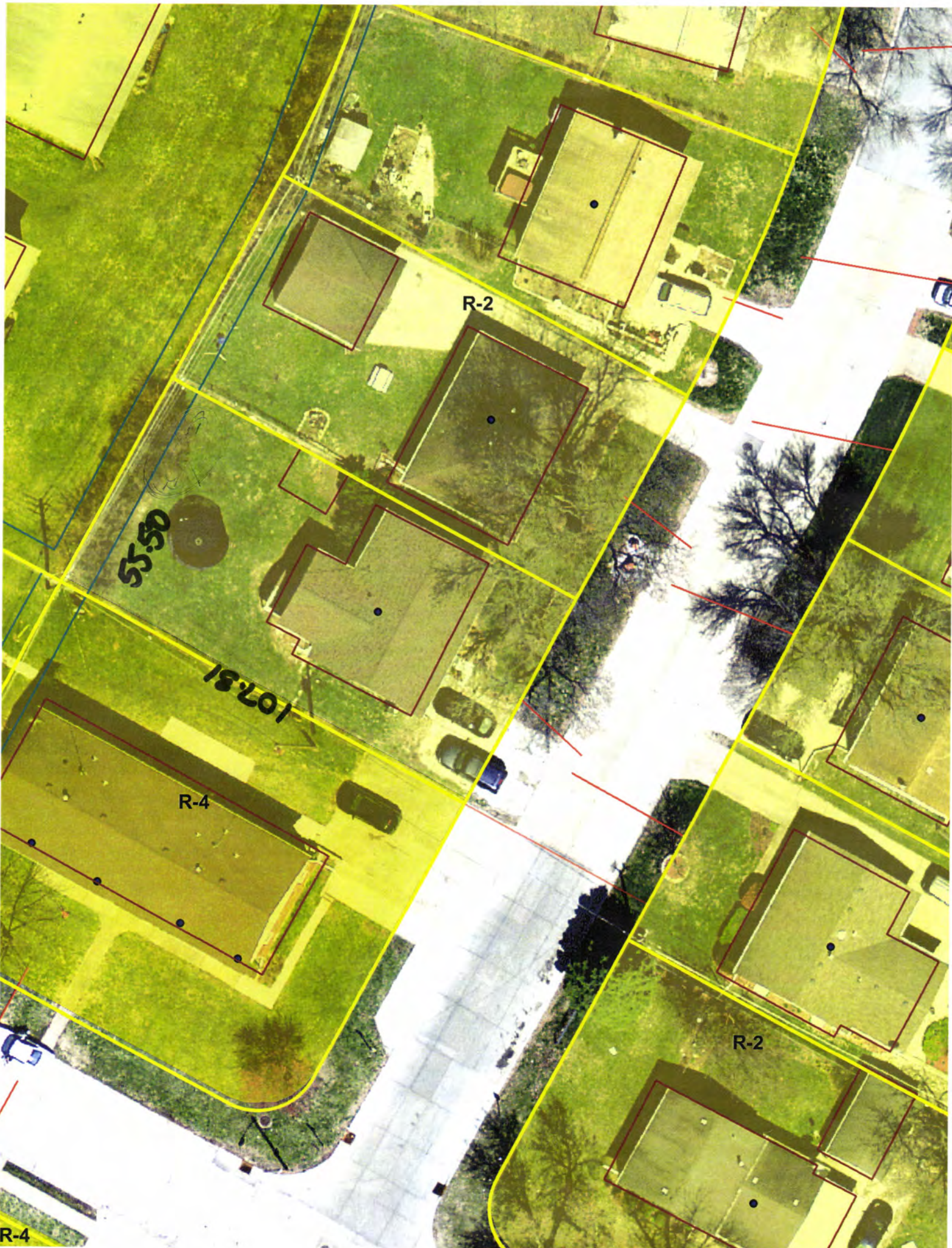
Witness my Hand and Notarial Seal this 22 day of May, 20 18.

[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 No Fee per [Signature]  
Amount \_\_\_\_\_ Date \_\_\_\_\_



R-2

5550

10731

R-4

R-2

R-4

APPLICATION FOR BUILDING PERMIT

Date: August 7, 1963

BUILDER: SPELLETIGH HOMES, INC.  
3712 W. CENTRAL PARK AVE.  
Phone No. 324-3597

OWNER: SPELLETIGH HOMES, INC.  
3712 W. CENTRAL PARK AVE.  
Phone No. 324-3597

OWNER: \_\_\_\_\_

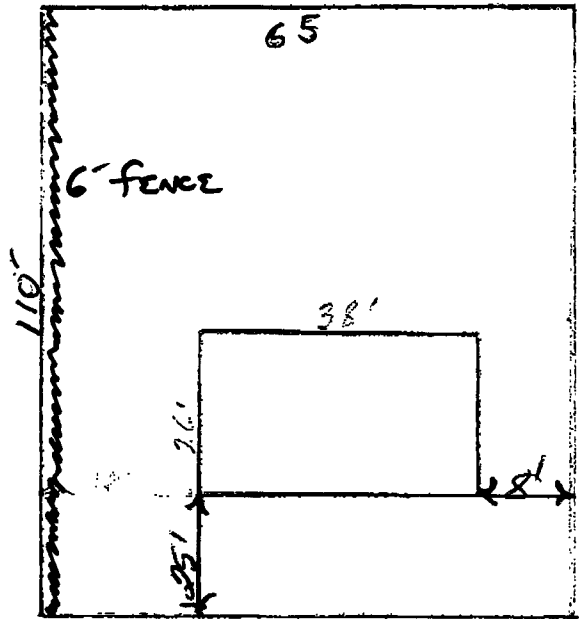
HOUSE TO BE ERECTED ON LOT # 11 ADDITION: Hawthorne Hills 5th

SAME AS:

- 2705 N. LINCOLN AVE. (citadel)       2314 W. 29th St. (buccanear)
- 1909 N. ELSIE AVE. (standard mustang)       1903 N. ELSIE AVE. (Large Mustang)
- 3024 W. CENTRAL PARK AVE. (eagle)

COST OF BUILDING - \$ 8,500 -  
COST OF HEATING - \$ 625 -  
COST OF PLUMBING - \$ 755 -  
COST OF WIRING - \$ 355 -  
TOTAL COST - \$ 10,235 -

SIDING:  YES  NO  
SHERETS:  YES  NO



MAGNOLIA DRIVE

N

Lot 11, Hawthorne Hills 5th  
2816 Magnolia Drive

63-428