

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
SEPTEMBER 8, 2022
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Gallagher, Spranger, Tansey, Vermillion

ABSENT: Tombergs

STAFF: Beswick, Fuhrman, Hunt

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of July 14, 2022.

On motion by Spranger, seconded by Tansey, that the minutes of the meeting of July 14, 2022 be approved as submitted.

ALL AYES

Motion carried.

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

- a. **Case 22-060; 5117 Competition Drive (C-7)** – Special use permit to allow an outdoor service area with alcohol, submitted by Jason Stewart. (Staff: Beswick)

Beswick reviewed the staff report. Staff report is Annex #2 to these minutes.

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

On motion by Spranger, seconded by Vermillion, that a special use permit to allow an outdoor service area with alcohol be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #3 to these minutes.

- b. **Case 22-061; 4808 Forest Grove Drive (C-3)** – Special use permit to allow an outdoor service area with alcohol, submitted by Focus Real Estate Development/Kevin Koellner. (Staff: Beswick)

Beswick reviewed the staff report. Staff report is Annex #4 to these minutes.

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

On motion by Tansey, seconded by Spranger, that a special use permit to allow an outdoor service area with alcohol be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #5 to these minutes.

- c. **Case 22-062; 4832 Forest Grove Drive (C-3)** – Special use permit to allow a bar with an outdoor service area with alcohol, submitted by Focus Real Estate Development/Kevin Koellner. (Staff: Beswick)

Beck reviewed the staff report. Staff report is Annex #6 to these minutes.

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

On motion by Vermillion, seconded by Spranger, that a special use permit to allow a bar with an outdoor service area with alcohol be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #7 to these minutes.

- d. **Case 22-065; Lot 5, FG 80 Holdings First Addition (C-3)** – Exception to the off-street parking requirements for a high impact commercial recreational use (golf venue and multi-sport field complex), submitted by Focus Real Estate Development/Kevin Koellner. (Staff: Beswick)

Beswick reviewed the staff report. Staff report is Annex #8 to these minutes.

Spranger asked why some of the lots are zoned C-7 and others C-3. Beswick explained that the TBK sports complex itself is zoned C-7 but that some of the uses on the surrounding lots are not allowed in that district and so were rezoned. He stated that C-7 is used in only two locations in the city which are the TBK complex and the casino. He added that staff feels that the most efficient way to accomplish the developer's goals would be to request special use permits for the two major uses on the site. Hunt commented that the other uses for the site are allowed in the C-3 district and thus would not require special use permits.

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

On motion by Spranger, seconded by Tansey, that an exception to the off-street parking requirements for a high impact commercial recreational use (golf venue and multi-sport field complex) be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #9 to these minutes.

- e. **Case 22-063; Lot 5, FG 80 Holdings First Addition (C-3)** – Special use permit to allow a high impact commercial recreational use (golf venue), submitted by Focus Real Estate Development/Kevin Koellner. (Staff: Beswick)
- f. **Case 22-064; Lot 5, FG 80 Holdings First Addition (C-3)** – Special use permit to allow a high impact commercial recreational use (multi-sport field complex), submitted by Focus Real Estate Development/Kevin Koellner. (Staff: Beswick)

Beswick reviewed the staff reports. Staff reports are Annex #10 and Annex #11 to these minutes.

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

On motion by Tansey, seconded by Spranger, that a special use permit to allow a high impact commercial recreational use (golf venue) be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #12 to these minutes.

On motion by Spranger, seconded by Vermillion, that special use permit to allow a high impact commercial recreational use (multi-sport field complex) be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #13 to these minutes.

- g. **Case 22-066; NW corner of 53rd Avenue and Middle Road (C-2)** – Special use permit to allow a car wash associated with a convenience store, submitted by Townsend Engineering. (Staff: Beswick)
- h. **Case 22-067; NW corner of 53rd Avenue and Middle Road (C-2)** – Special use permit to allow unlimited gas sales associated with a convenience store, submitted by Townsend Engineering. (Staff: Beswick)

Beswick reviewed the staff reports. Staff reports are Annex #14 and Annex #15 to these minutes.

Gallagher commented that the proposed special use permits pertain only to one lot. Beswick confirmed this, adding that when the property is subdivided the special use permits would be applicable only to the lot shown on the concept plan as submitted.

Hunt added that the special use permits for the car wash and unlimited gas sales would only be valid for the development shown which must materially match the concept plan.

Spranger asked how many pumps are located at the Kwik Star on Devils Glen Road and if the layout of the proposed gas station would be similar. Beswick stated that there are 20 spaces for fueling of vehicles at that location. He commented that pump islands are laid out differently at various gas stations. Hunt explained that the regardless of the design of the pumps, the code distinguishes between the number of vehicles that can be fueled at one time. He stated that in the C-2 district the code allows 8 vehicles to be fueled at one time and that the applicant is requesting the special use permit to allow up to 20.

Tansey asked when the limit of 8 vehicles being fueled at one time was adopted. Beswick explained that a similar case was found for the gas station located southwest of Middle Road and Devils Glen Road that was approved in 1987. Vermillion asked if that gas station is zoned C-2. Beswick confirmed this.

Vermillion asked if the applicant would be limited to the ability for 20 vehicles to fuel at one time even though the request is for unlimited gas. Hunt confirmed this, adding that if the Board grants the special use permit it would be for no more than 20 spaces for fueling because that is what was requested. Gallagher commented that if at some point in the future the site was reconfigured to include more pumps, a new special use permit would be required.

Gallagher stated that the Board has received 17 emails from residents regarding these cases and entered them into the record.

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

Ryan Fick, representing the applicant, stated that the northwest corner of the roundabout was rezoned to C-2 in 1996. He added that the covenants for Haley Heights Third Addition platted in 2014 include verbiage disclosing that the property southeast of the subdivision shall contain higher density single-family residential as well as commercial ground. He stated that the covenants for Haley Heights Fourth Addition platted in 2016, which is closest in proximity to the property involved, state that each owner should understand that the real estate generally located south and east of the subdivision is zoned C-2 and that the owners should familiarize themselves with the permitted uses in that district. Fick added that there are signs on each of the available corners on the roundabout advertising the property as prime commercial ground.

Fick stated that he believes that there is a need for a gas station in this location given the traffic patterns and the population growth in the area and that it will be a good addition to the community. He commented that gas stations are located where traffic already exists and are not built to attract traffic.

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

Tiffany Bingham, 4806 – 55th Avenue Court, expressed concern about safety, resale value of her home, lights, odor, trash, traffic, crime, and negative health effects.

Brad Panfil, 4697 Mason Run, expressed concern about safety and crime.

Dan Corray, 5056 – 55th Avenue, commented that he does not believe that the proposed gas station meets the required code standards and expressed concern about accidents being caused by increased traffic and reduction of property values.

Patrick Hintz, 4711 Mason Run, expressed concern about possible emissions from underground storage tanks, air quality, and negative health effects.

Keith Berthel, 4658 Mason Run, asked if the pumps would accommodate semi-trucks. Hunt explained that truck stops and travel centers are classified differently and would not be allowed at this location. He added that diesel pumps would be allowed and that it is likely that box trucks and fuel delivery vehicles would be on-site at times.

Berthel asked if the store would be open 24 hours per day. Gallagher stated that the hours of operation are unknown at this time. Berthel expressed concern about noise, traffic, and reduced property values.

Colin Ryder, 4809 Mason Run, commented that he is in agreement with all of the issues that have been raised. He stated that his realtor had told him that while the property is zoned commercial, there would not be a gas station on the property involved and that building height is limited to 35 feet. He expressed concern about lighting, hours of operation, crime, aesthetics, and increased traffic.

Gallagher explained that issues such as lighting and hours of operation will be discussed during a later phase of development, not during the special use permit review. He stated that the neighbors will have an opportunity to comment at that time.

Jody Saelens, 4786 – 55th Avenue Court, stated that her husband had been told by city staff that there would never be a gas station or a high rise at this location.

Tim McIntosh, 4876 Mason Run, commented that it appears as though Neighborhood Commercial is a C-1 zoning district and that the trend should be away from heavy commercial toward the residential homes. Hunt explained that the initial level of planning is the Comprehensive Plan which shows the future land uses. He added that property is specifically zoned based off those recommendations. He reiterated that from 1984 the corners in question were shown as Commercial future land use and that in 1996 they were zoned to C-2.

Catherine Hamling, 5821 Vanderginst Court, expressed concern about the changes in the neighborhood caused by commercial development along the corridor and decreased property values.

Ofelia Slings, 4781 Mason Run, expressed concern about crime, decreased bike path safety caused by traffic, and negative health effects.

A resident from 57th Avenue expressed concern about bike path safety and the fact that there are so many gas stations in the area.

Leslie Harrison, 4676 - 55th Avenue Court, expressed concern about the size of the proposed gas station as the negative impacts increase the larger it becomes.

Becky Smith, 5024 – 55th Avenue, asked if runoff from the site would enter the detention pond in her neighborhood. Beswick explained that the concept plan shows underground water detention, adding that engineering plans and storm water detention calculations will be required as a part of the site development plan review. He added that the site will be required to meet all storm water detention ordinance requirements. Hunt commented that the water that is used in a car wash is typically recycled and eventually released into the sanitary sewer system.

Corray suggested that the city find a way to better communicate with residents regarding upcoming projects.

Nathan Kramer, 5515 Emily Road, asked if access to the gas station would require connection to 55th Avenue. Hunt stated that it would not. Kramer expressed concern about accidents occurring as a result of increased traffic. He asked if the DNR is required to approve development on wetlands. Hunt explained that the developer will be required to obtain all necessary federal, state, and local permits. He reiterated that the site development plan must materially match the concept plan which would not include access to 55th Avenue.

Kevin Holden commented that he believes that the proposed development opens the door for more detrimental actions for future projects.

Nicole Ryder, 4809 Mason Run, expressed concern about decreased bike and pedestrian safety for children going to Hopewell Elementary School caused by motorists using the neighborhood as a cut through.

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

Spranger expressed appreciation for the comments that have been made, clarifying that the Board members are Bettendorf residents and are volunteers who are not paid. She stated that all members are well aware of how future development occurs in neighborhoods as it relates to the city's ordinances. She commented that while she understands that the proposed increase in gas pumps is significant, there are other neighborhoods which have gas stations near residential neighborhoods. She stated that traffic is increasing all over the city and that because there are so many bike trails, residents must be vigilant and take responsibility for their safety. Spranger reiterated that the property in question has been zoned commercial for a long time, adding that there is a similar mixed development at 53rd Avenue and 18th Street. She stated that the residential properties south of that area have not decreased in value because of the adjacent commercial development.

Chetan Prasad, 4795 Mason Run, stated that he does not believe that the proximity and characteristics of the neighborhood in relation to the proposed gas station is similar to the development at 18th Street and 53rd Avenue. Hunt explained that city code does not require that a development be exactly like another for a special use permit to be granted. He stated that staff analyzes each case individually for code compliance.

On motion by Vermillion, seconded by Spranger, that a special use permit to allow a car wash associated with a convenience store be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #16 to these minutes.

On motion by Spranger, seconded by Tansey, that a special use permit to allow unlimited gas sales associated with a convenience store be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #17 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 6:55 p.m.

These minutes and annexes approved _____

Taylor Beswick, City Planner