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 (344-4079).

MEETING NOTICE
BOARD OF ADJUSTMENT
JULY 14, 2022
5:00 P.M.

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

1. Roll Call: Gallagher _____, Spranger _____, Tansey _____, Tombergs _____, Vermillion _____

2. Review of Board Procedures.

3. The Board to review and approve the minutes of the meeting of May 12, 2022.

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

   a. Case 22-035; 4465 – 53rd Avenue (C-1) - Variance to reduce the required number of parking spaces for a convenient care clinic, submitted by Ryan Windmiller. (Withdrawn)

   b. Case 22-038; 5330 Coachman Road (A-2) – Variance to reduce the required setback for a 6-foot high fence on a through lot from 15 feet to 1 foot, submitted by Trenton and Kassi Moorehead.

   c. Case 22-039; 18 Central Lane (R-2) – Variance to allow an accessory building in a required front yard, submitted by Mike Styvaert.

   d. Case 22-040; 3340 Utica Ridge Road (C-6) – Special use permit to allow a day care center, submitted by Katherine Dusenberry.

   e. Case 22-042; 3395 West Harbor Drive (A-2) – Variance to reduce the required total side yard setback from 20 feet to 12 feet to allow for construction of a 22-foot by 50-foot garage addition, submitted by Jeff DeCoster.

   f. Case 22-043; 2820 Pleasant Ridge Court (A-2) – Variance to reduce the required rear yard setback from 40 feet to 20 feet to allow for construction of a 12-foot by 24-foot addition, submitted by Ron Spiva.

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.

g. Case 22-054; 4465 – 53rd Avenue (C-1) - Variance to increase the allowable distance of an off-site parking lot from the building it is required to serve from 300 feet to 320 feet, submitted by Ryan Windmiller.

The materials for the Board of Adjustment meeting can be accessed by scanning the QR Code.

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 12, 2022
5:00 P.M.

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

Item 1**.** Roll Call

PRESENT: Gallagher, Tansey, Tombergs, Vermillion
ABSENT: Spranger
STAFF: Beck, Fuhrman, Hunt

Item 2. Review of Board procedures.

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

> On motion by Tombergs, seconded by Vermillion, that the minutes of the meeting of April 14, 2022 be approved as submitted.

ALL AYES

Motion carried.

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

a. **Case 22-024; 2727 Elk Drive (A-1)** - Variance to reduce the required rear yard setback from 40 feet to 28 feet to allow for construction of a 12-foot by 12-foot deck expansion, submitted by Kristopher Tieso.

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

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

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

Kristopher Tieso, the applicant, asked that the Board approve his request as submitted because the topography of his lot would make it very difficult to add stairs and railings

to the deck expansion. He added that the deck expansion would not be level with the existing deck.

A brief discussion was held regarding the building code requirements for the proposed deck expansion and the proposed stairs and railings. Beswick commented that he had been unaware of the applicant's plan to include stairs, adding that the topography of the lot does slope substantially and that the rear yard is concealed from neighboring properties.

Hunt commented that the hardships established include the double-fronted lot, the lot's being located in a flood plain, and the topography of the lot. He added that he does not believe that approving the request as proposed would establish any sort of precedent. Gallagher concurred, adding that the probability of anything being built directly behind the house is slim.

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

> On motion by Tansey, seconded by Tombergs, that a variance to reduce the required rear yard setback from 40 feet to 28 feet to allow for construction of a 12-foot by 12-foot deck expansion 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 5:30 p.m.

These minutes and annexes approved _____

_____
Taylor Beswick
City Planner

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

July 14, 2022

Case No. 20-038
Location: 5330 Coachman Road
Applicant: Trenton and Kassi Moorehead
Zoning Designation: A-2, Rural Residence District
Request: Variance to reduce the required setback for a 6-foot high fence on a through lot from 15 feet to 1 foot.

Background Information and Facts

The site is located on the north side of Crow Creek Road and on the east side of Coachman Road (see Aerial Photo - Attachment A). The front yard setback in this district is 40 feet. In general City Ordinance 11-11-12. L. Fences and Walls: Only allows four-foot high fences in the front yard setback. However, a recent ordinance has been approved City Council that in certain circumstances allows 6-foot high fences to be placed in the front yard between 12 and 15 feet from the property line (see Zoning Ordinance - Attachment D). The petitioner might have been able to comply with the new ordinance, but has already begun constructing the fence and is closer than the 12 feet or 15 feet from the right-of-way as allowed under new ordinance. The petitioner's fence is approximately 3-5 feet from the right-of-way in the front yard in its partially built state. The petitioner seeks a variance to allow the fence to remain in this location (see Site Photo Looking East - Attachment B).

The Petitioner's front yard drops from the sidewalk reducing the effective height of the fence to less than 6 feet. The easternmost tree makes placement of the fence at 12 feet or 15 feet from the right-of-way of way line difficult. An easement area is being kept open between the fence at 3575 Bayberry Lane and any proposed fence at 5330 Coachman Road (see East Boundary - Attachment C). The City Engineer examined the placement of the fence posts near the utilities in the easement area and said the fence posts did not need to be moved.

Staff Analysis

The parcel involved in this request has the longest portion of its front yard against what is an collector street (Crow Creek Road). A long history of variances for 6-foot-high fences have been granted along arterial and collector streets by the Board of Adjustment. A variance request to replace a four-foot high rail fence with a 6-foot-high opaque fence was made by the east adjoining property at 3575 Bayberry Lane; Case 15-083. That Petitioner received the variance to place the fence in the front yard setback closer to the front lot line than is permitted by ordinance. The petitioner placed the fence at the highest grade to allow the fence to provide the entire 6 feet high barrier. Two other cases south of Crow Creek Road to the west were granted variances to place fences very close to the front lot line: 4510 Millwood Lane; Case 03-059 and 5092 45th Avenue; Case 12-002 (See Aerial Photo - Attachment A).

Along other collector and arterial streets, the Board has ruled in favor of six-foot high fences within close proximity to front lot lines adjoining (Devils Glen Road (19-050 5762 Danielle Drive and 19-051 5738 Danielle Drive), and 6-foot high fences have been placed along other lots adjacent to high traffic streets in the past (53rd Avenue). A variance was granted for a six-foot high fence at zero setback at 3825 Norwich Court (adjacent to Tanglefoot Lane) in 2004 (04-057). The idea is to provide more privacy and blunting of noise from the high traffic areas.

Staff has seen numerous variance requests and approvals for six-foot high fences granted by the Board of Adjustment over a number of years when the fence is facing a collector or an arterial street. Since the fence would be shorter than the 6 feet height if it were recessed to 12 or 15 feet behind the property line, permitting the Petitioner to place it near the property line would provide the intended six-foot high screening at the grade of the sidewalk. The lowered height of the fence if placed 12 to 15 feet behind the front lot line would not provide the intended shielding effect from vehicular and pedestrian traffic found along collector streets. Staff sees this Petitioner's scenario as having merit and feels the volume of cases granting variances for 6–foot high fences on level ground as the basis for granting the Petitioner's request.

Respectfully submitted,

Greg Beck
City Planner

ATTACHMENT A

A-2 RURAL RESIDENCE DISTRICT

SURREY DR

COACHMAN DR

Coachman Dr

BAYBERRY LN

5330
COACHMAN DR

5375
BAYBERRY
LANE

VARIANCE
FOR FENCE

VARIANCES FOR FENCE

CROW CREEK ROAD

5092
45TH
AV

4510
MILLWOOD

45TH AVE

MILLWOOD LN

THORNWOOD DR

R-1, SINGLE FAMILY
RESIDENCE DISTRICT

DROP OFF IN YARD AND TREE IMPEDING FENCE

VIEW LOOKING FROM WEST AT FENCE AREA

ATTACHMENT C

LOOKING NORTH FROM SIDEWALK
ALONG EASTERN BOUNDARY

06/24/2022 14:08

Return to: Michelle Spencer, Bettendorf City Hall, 1609 State Street, Bettendorf, IA 52722

ORDINANCE NO. _____ - 22

AN ORDINANCE AMENDING SECTION 11-11B-12.L OF THE BETTENDORF CITY CODE SUPPLEMENTAL DEVELOPMENT REGULATIONS – OPEN SPACE ON LOTS: FENCES AND WALLS

Section 1. BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETTENDORF, IOWA, that Section 11-11B-12.L of the City Code of the city of Bettendorf entitled "Supplemental Development Regulations – Open Space on Lots: Fences and Walls" is hereby deleted and the following substituted therefor:

L. Fences and Walls. Open and closed fences and walls not exceeding four feet (4') in height above the natural grade level in front yards and closed-type fences and walls not exceeding six feet (6') in height in side and rear yards.

1. For through lots, a fence not exceeding six feet (6') in height may be located in a required front yard abutting a street right-of-way where all the following are met:

    a. The abutting street right-of-way meets the Federal Functional Classification definition as a Minor Collector, Major Collector, Minor Arterial, or Principal Arterial roadway.
    b. The required front yard abutting the street where the fence is to be placed is used as a side yard or rear yard and not as a front yard.
    c. The fence must be set back a minimum of twelve feet (12') from the right-of-way line. A minimum of one evergreen type plant or comparable landscape planting shall be placed between said fence and right-of-way line for every twenty-five (25) linear feet or fraction thereof of fencing. This requirement shall be waived if the fence is set back more than fifteen feet (15') from the right-of-way line.
    d. The required vision clearance area is maintained at street intersections as specified in 11-11B-12J.
    e. All other requirements of this title are met.

2. Orientation: The finished side of all fences shall face outward toward any adjacent property. All support posts and stringers shall face inward toward the property upon which the fence is located or the subdivision that it screens (if located on commonly-owned property).

Section 2. Severability of Provisions. If any subsection, sentence, clause, phrase or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

Section 3. Full Force and Effect. This ordinance shall be in full force and effect from the date of passage and publications as required by law.

Section 4. Repealer. This ordinance shall be construed to repeal any prior ordinance inconsistent herewith.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2022.

_____
Robert S. Gallagher, Mayor

ATTEST:

_____
Decker P. Ploehn, City Clerk

Bettendorf
a premier city

Case No. 22-038

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

Part 1. Property Involved.

Street Address 5330 Coachman Road

Legal Description of the property. Surrey Heights 3rd Edition, Lot 66

Part 2. Contact Information.

Applicant/Contact Name Trenton & Kassi Moorehead Phone (563)508-8273

Address 5330 Coachman Road

E-mail Address: tpmoorehead@gmail.com

Owner Name Trenton & Kassi Moorehead Phone 563)508-8273

Address 5330 Coachman Road

E-mail Address: tpmoorehead@gmail.com

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

X 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. _____

Part 4. General Information.

Section(s) of Zoning Ordinance Involved 11-11B-12.L Existing Zoning A2

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.

There is a substantial downhill grade on my property line fronting Crow Creek Road. The minimum 12' setback puts my fence across a low area several feet below sidewalk/street grade, thus reducing the effective height of my fence significantly. We have an inground pool, therefor for privacy as well as safety, we are requesting a variance to build the fence 1.5' off the property line at the edge of where the grade is still level with the sidewalk and the street. This would also allow us to maximize our usable yard for our kids to play safely. It would also make our fence height level with our neighbors fence at 5375 Bayberry Lane, who had a variance granted in 2015. This would provide a more aesthetically pleasing neighborhood fence line, rather than an uneven fence that slopes severly at the east and west ends.

• reduce 12' setback to 1' and remove requirement to plant trees.

Part 6. Attachments. The following items are attached and are a part of this application. **Required materials should be submitted electronically via e-mail: planning@bettendorf.org.**

( ) 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street(s), 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 06 day of 08, 2022

Signature of Applicant Trent Marchand Signature of Owner Trent Marchand

(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 8th day of June, 2022

NOTARIAL SEAL IOWA
POLLY OKLAND
Commission Number 742369
My Commission Expires
1-10-25

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 Polly Okland

Amount $ 50.00 Date 6-8-22

COMMUNITY DEVELOPMENT
City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4100

July 14, 2022 Board of Adjustment Meeting

Staff Report

Case No. 22-039
Request: Variance to allow an accessory structure in the required front yard setback.
Location: 18 Central Lane
Legal Description: Page's Subdivision, Lot 6 & ADJ 15 x 100 (Parcel #: 842735506)
Applicant: Mike Styvaert
Zoning Designation: R-2, Single Family Residence

Background Information and Facts

The lot is located south of Central Avenue on Central Lane in Page's Subdivision (see Attachment A – Aerial Map). The property is at top of the Mississippi River bluff and is adjacent to Neil Armstrong Elementary School. The property is located in the R-2, Single Family Residence District (see Attachment B – Zoning Map). The applicant would like to construct a 24-foot by 24-foot accessory building/garage in his front yard setback (see Attachment C – Proposed Addition Location). The applicant previously acquired a 22-foot by 75-foot section (1,606 square feet) of excess City right-of-way in preparation for this variance request (see Attachment D – Quit Claim Deed; Attachment E - City Council Resolution 19-22; Attachment F – Styvaert Plat of Survey). A 10-foot storm water sewer easement was platted, restricting any structures within the easement.

The house included a one car attached garage which was converted into living space many years ago. Currently, the property has only two off-street parking spaces on a driveway. The applicant is citing the property's topography, narrow side yards, and lack of alternative locations to build an addition as hardships for granting the variance.

Staff Analysis

The house is currently set back 42 feet from the front yard lot line established with the vacation of right-of-way. The right-of-way acquired by the owner of 18 Central Lane was acquired by the City in the 2000s when Central Lane became a public road. Two prerequisites for maintaining the road and providing City services were creating a truck turn-around area, and restricting on-street parking on Central Lane. This limited the parking to the driveway for the owner.

The applicant investigated constructing a garage in the rear yard, but the pathway to it and the topographical features of the Mississippi River bluff made this option impractical (see Attachment G – Topography). The applicant contacted the City to inquire about acquiring some of the unpaved right-of-way and was successful in doing this for the purpose of building a garage on a flat piece of ground (see Attachment H – Site Photo). The garage is proposed to be set back 10 feet from the newly-established north property line and 5 feet from the east property line. The stated setbacks are conforming in the R-2 District for an accessory structure in the rear or side yards.

Staff contends a hardship exists on the applicant's property due the unique lot configuration and lack of a feasible rear yard location for a garage structure due to topography. Furthermore, the proposed accessory building would be adjacent to a City right-of-way used as a turn-around area, and an elementary school's grass field. Without a variance the applicant would have no practical alternatives for a garage and would not have covered off-street parking.

Staff Recommendation

Staff recommends approving the variance to allow an accessory structure in the front yard setback. The hardship acknowledged for approval is the topography of the property hindering use of the side yards and rear yard and the lack of alternative parking solutions. For this reason and the facts noted above, staff recommends approval of this variance request.

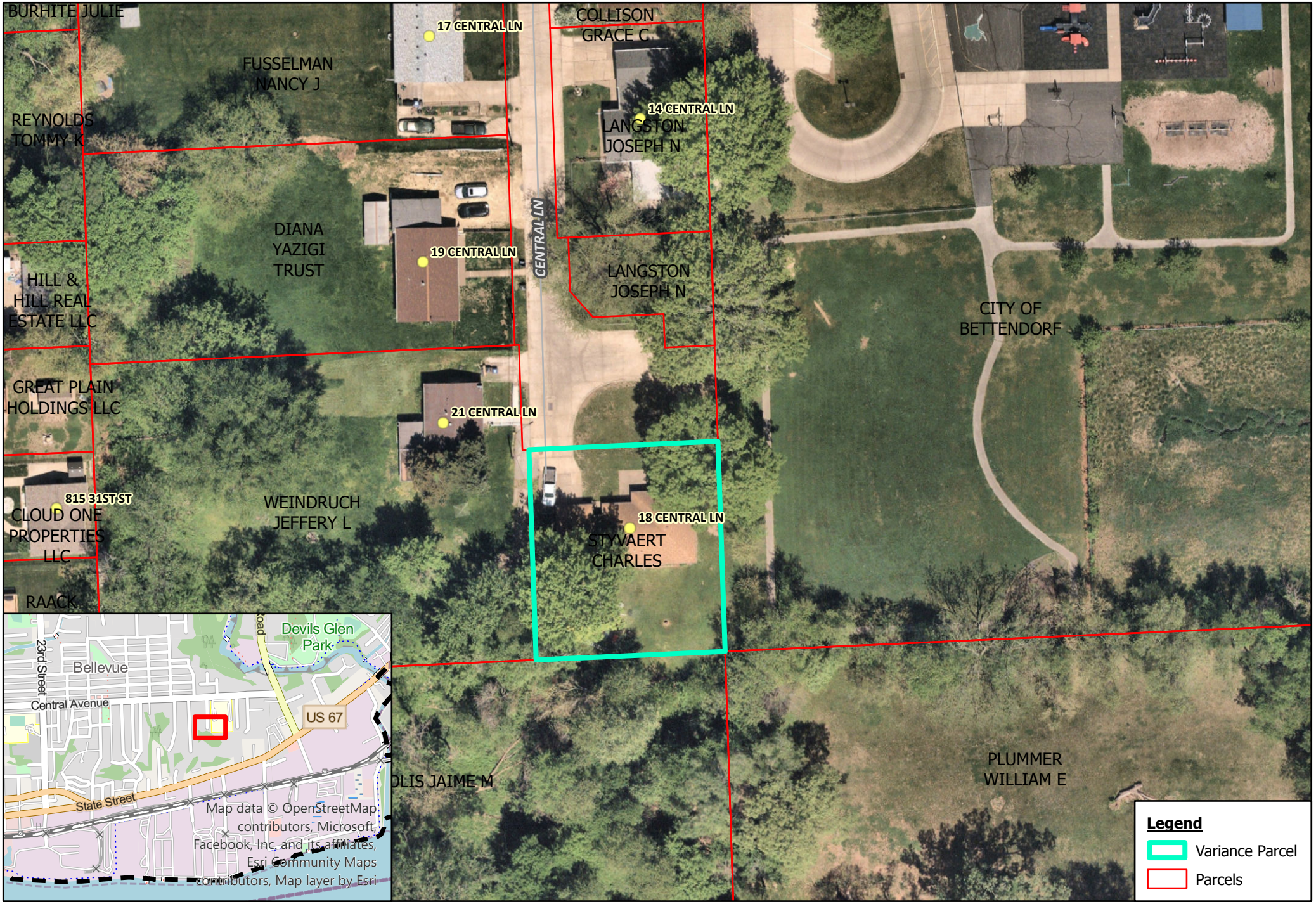
Respectfully submitted,

Taylor Beswick
City Planner

Case 22-039: 18 Central Lane
Variance: Accessory Building in Front Yard
Aerial Map

1 Inch = 58 Feet
Feet
0 20 40 80 120

N

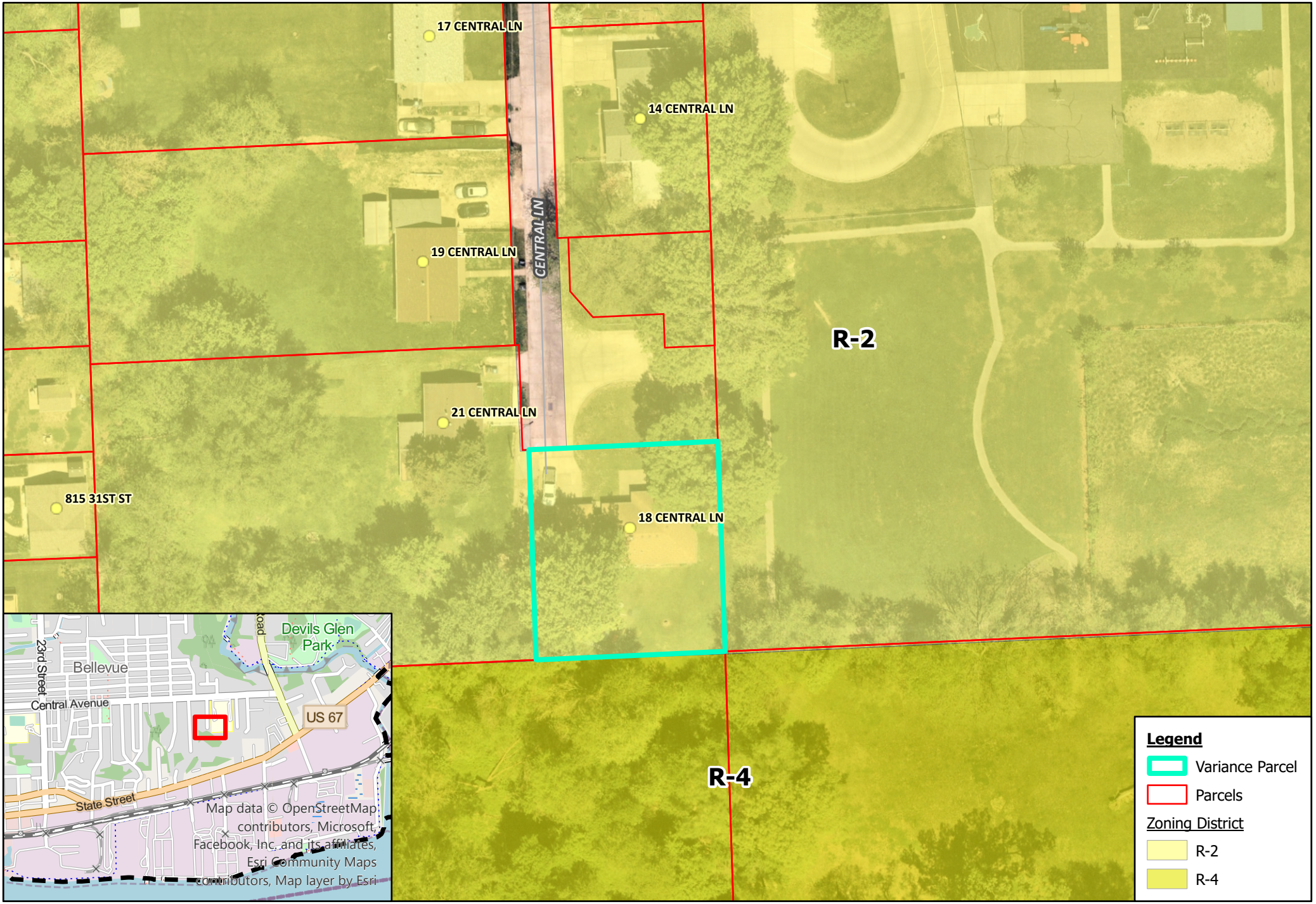


Case 22-039: 18 Central Lane
Variance: Accessory Building in Front Yard
Zoning Map

Bettendorf
a premier city
IOWA

1 Inch = 58 Feet
Feet
0 20 40 80 120

N



Case 22-039: 18 Central Lane
Variance: Accessory Building in Front Yard
Proposed Garage Location

1 Inch = 24 Feet

0 5 10 20 30 Feet

N

Doc ID: 023194770004 Type: LAN
Recorded: 05/09/2022 at 11:12:12 AM
Fee Amt: $27.00 Page 1 of 4
Scott County Iowa
Rita A. Vargas Recorder
File 2022-00012432

QUIT CLAIM DEED
Recorder's Cover Sheet

Preparer Information: (name, address and phone number)
Chris Curran
City of Bettendorf
1609 State Street
Bettendorf, IA 52722

Taxpayer Information: (name and complete address)
Charles Styvaert
18 Central Lane
Bettendorf, IA 52722

Return Document To: (name and complete address)
Charles Styvaert
18 Central Lane
Bettendorf, IA 52722

Grantors:
City of Bettendorf, Iowa

Grantees:
Charles Styvaert

Legal Description: See page 2

Document or instrument number of previously recorded documents: N/A

QUIT CLAIM DEED

For the consideration of $1.00 Dollar(s) per square foot and other valuable consideration, **CITY OF BETTENDORF, IOWA**, an Iowa municipal corporation, does hereby Quit Claim to **CHARLES STYVAERT**, all its right, title, interest, estate, claim and demand in the following described real estate in Scott County, Iowa:

THE SOUTH 22.00 FEET OF THE EAST 73.00 FEET OF LOT 5 IN PAGE'S SUBDIVISION IN THE CITY OF BETTENDORF, SCOTT COUNTY, IOWA, SUBJECT TO A UTILITY EASEMENT ON THE NORTH 10 FEET OF THE ABOVE DESCRIBED PROPERTY.

This conveyance is subject to all easements of record.

These provisions run with the land and are binding upon buyers, their heirs, successors, and assigns. This transfer is exempt from transfer tax pursuant to Iowa Code section 428A.2(6).

The undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: April 29, 2022

CITY OF BETTENDORF, IOWA

By: RS. Gallagher
Robert S. Gallagher, Mayor

ATTEST:

By: Decker P. Ploehn
Decker Ploehn, City Clerk

STATE OF IOWA, COUNTY OF SCOTT) SS:

On this 5th day of ~~April~~ May, 2022, before me, the undersigned, a Notary Public in the State of Iowa, personal appeared Robert S. Gallagher and Decker Ploehn, to me personally known, and who, being by me duly sworn did state that they are the Mayor and City Clerk, respectively, of the City of Bettendorf, Iowa, an Iowa municipal corporation; that the foregoing instrument was signed on behalf of the City of Bettendorf, Iowa by authority of its City Council, as contained in the Resolution adopted by the City Council under Resolution 19-22 of the City Council on the 1st day of February, 2022; and that Robert S. Gallagher and Decker Ploehn acknowledged the execution of the instrument to be the voluntary act and deed of the City of Bettendorf, Iowa, by it and by them voluntarily executed.

Jody Matje
Notary Public in the State of Iowa

NOTARIAL SEAL IOWA
JODY MATJE
COMMISSION NUMBER 789233
MY COMMISSION EXPIRES
03/25/2024

RESOLUTION NO. 19 - 22

RESOLUTION APPROVING THE VACATION AND CONVEYANCE OF EXCESS RIGHT-OF-WAY ALONG CENTRAL LANE

WHEREAS, the City of Bettendorf (the "City") is the owner of certain right-of-way along Central Lane (the "Property") specifically described as:

THE SOUTH 22 FEET OF THE EAST 73 FEET OF LOT 5 IN PAGE'S SUBDIVISION IN THE CITY OF BETTENDORF AND CONTAINING 1606 SQUARE FEET.

, and

WHEREAS, there is no current or anticipated public benefit or need for the Property proposed to be vacated and conveyed, and

WHEREAS, the contiguous and adjoining property owner, Charles Styvaert, is interested in accepting the Property, and

WHEREAS, upon Council approval to vacate the Property, pursuant to City policy, an approved conveyance of the Property to the adjoining property owner will be at the price of $1 per square foot, and

WHEREAS, this Council deems it necessary and advisable to vacate City right-of-way that is no longer needed for public purposes to the adjacent property owner to wit:

Vacate excess right-of-way along Central Lane

WHEREAS, a public hearing on the proposed vacation of excess right-of-way along Central Lane was held in the City Hall Council Chambers, 1609 State Street, Bettendorf, Iowa at 7:00 p.m. on the 1st day of February, 2022.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BETTENDORF, IOWA that the City hereby vacates the Property and approves conveyance of the Property to the adjoining property owner, Charles Styvaert, and directs the City Attorney to prepare such documents as necessary to transfer title to the transferee and further authorizes the Mayor and City Clerk to sign said documents.

PASSED, APPROVED, AND ADOPTED this 1st day of February, 2022.

Robert S. Gallagher, Mayor

ATTEST:

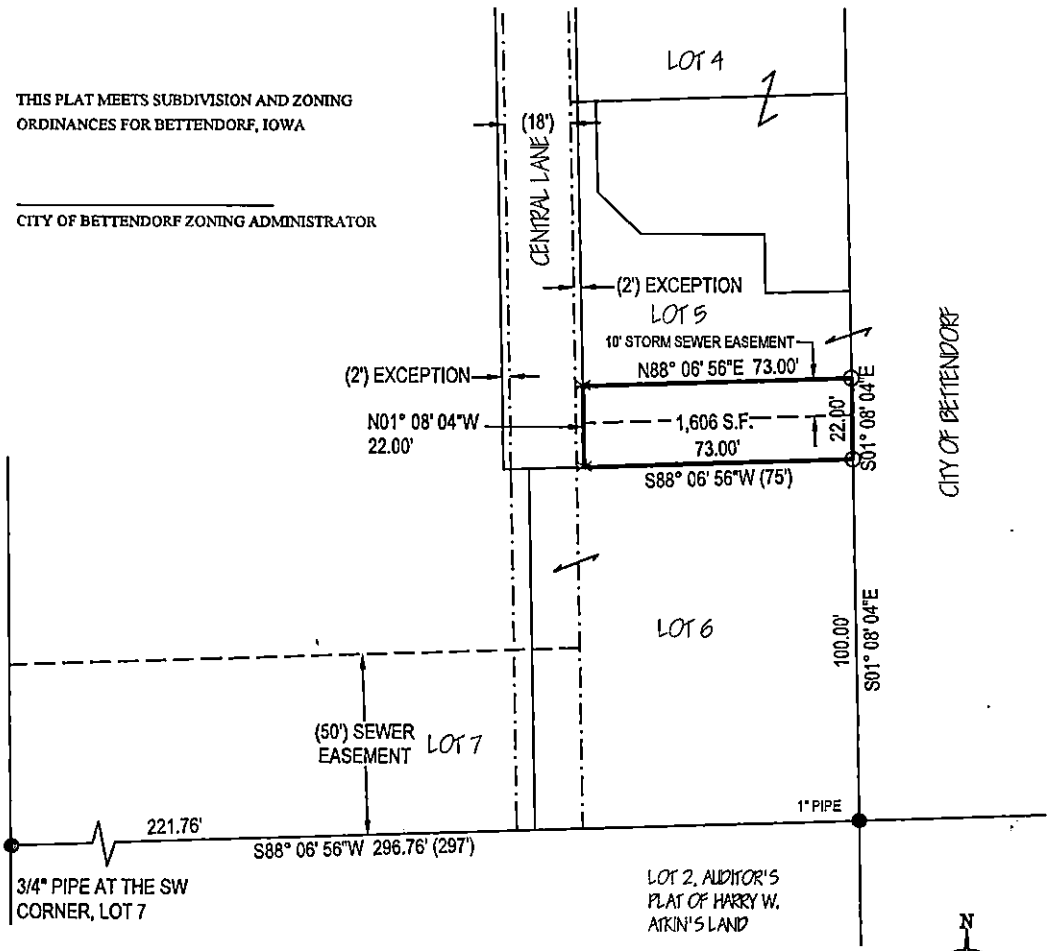
Decker P. Ploehn, City Clerk

Case 22-002

PREPARED BY / RETURN TO: Townsend Engineering, 2224 E. 12th Street, Davenport, Iowa 52803

PLAT OF SURVEY

THE SOUTH 22.00 FEET OF THE EAST 73.00 FEET OF LOT 5 IN PAGE'S SUBDIVISION IN THE CITY OF BETTENDORF, SCOTT COUNTY, IOWA, SUBJECT TO A UTILITY EASEMENT ON THE NORTH 10 FEET OF THE ABOVE DESCRIBED PROPERTY.



THIS PLAT MEETS SUBDIVISION AND ZONING ORDINANCES FOR BETTENDORF, IOWA

_____
CITY OF BETTENDORF ZONING ADMINISTRATOR

THE MEASURED BEARINGS SHOWN HEREON ARE BASED ON THE US STATE PLANE COORDINATE SYSTEM, IOWA SOUTH ZONE (1402) GEOID 12A, NAD 83 (2011) EPOCH 2010.00.

40 0 20 40
(IN FEET)
1" = 40' (8.5x14)

PREPARED FOR:
MIKE STYVAERT
18 CENTRAL LANE
BETTENDORF, IOWA

LEGEND:
DEED DIMENSION = (0.00')
FIELD DIMENSION = 0.00'
MONUMENTS FOUND:
AS NOTED = ●
MONUMENTS SET:
#5 REBAR W/ YELLOW CAP #23503 = ○
BOUNDARY LINE =
FENCE LINE = -x-x-x-
EASEMENT LINE = — — — —
SETBACK LINE= ———————
SECTION LINE= — · — · —

REVISIONS: DATE

DATE: 10/18/21

DRAWN BY: KLC

CHECKED BY: MDR

DRAWING LOCATION S: \STYVAERT-MIKE

LICENSED LAND SURVEYOR
MICHAEL D. RICHMOND
23503
IOWA

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

MICHAEL D. RICHMOND
Iowa License Number: 23503
My license renewal date is December 31, 2023
Pages or sheets covered by this seal: 1

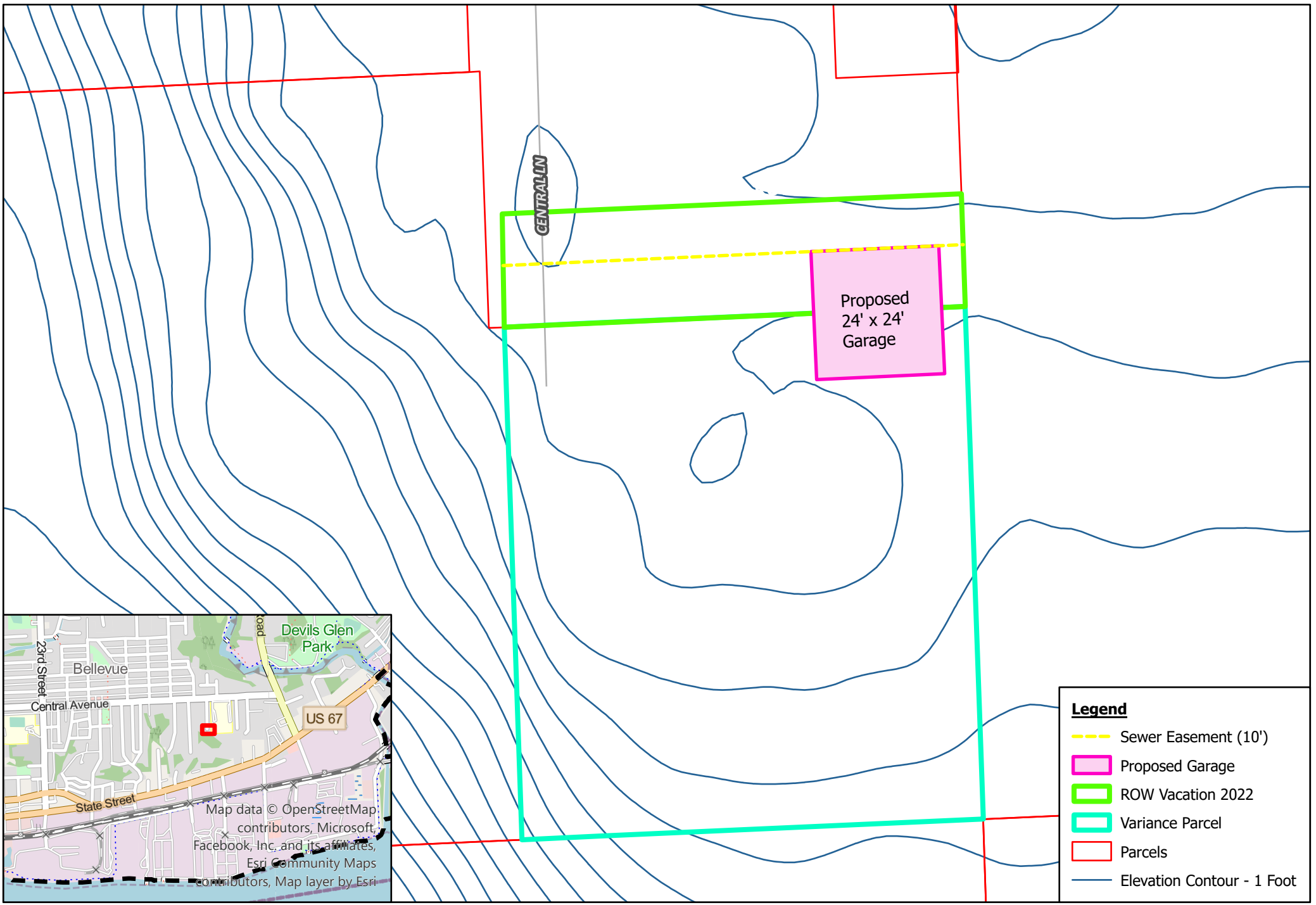
TOWNSEND ENGINEERING
563 386.4236 fax 386.4231
2224 East 12th Street, Davenport, IA 52803

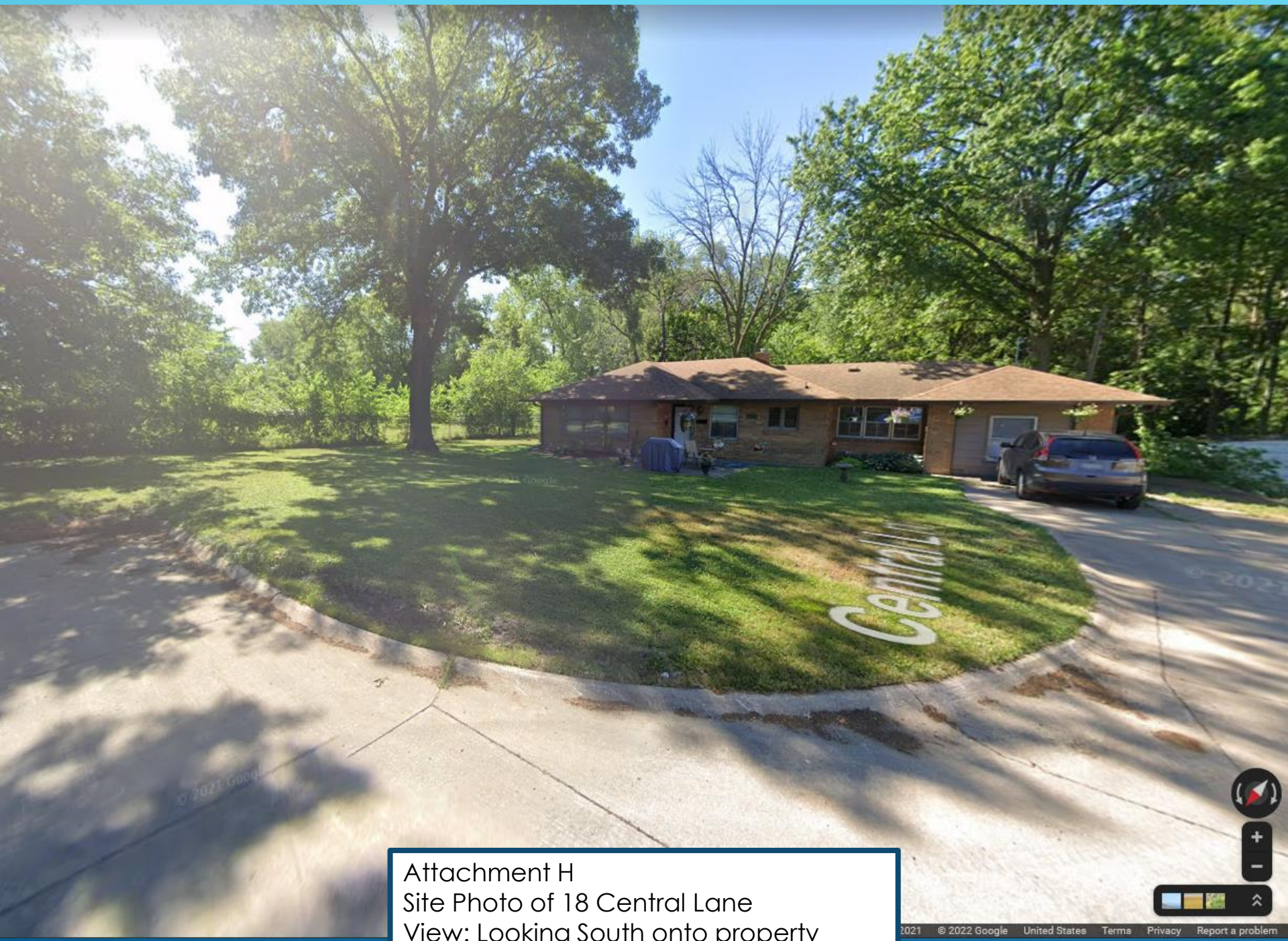
Case 22-039: 18 Central Lane
Variance: Accessory Building in Front Yard
Topography - Elevation Contour 1 Foot

1 Inch = 24 Feet

0 5 10 20 30 Feet

N





Attachment H
Site Photo of 18 Central Lane
View: Looking South onto property

Bettendorf
a premier city

Case No. 22-039

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

Part 1. Property Involved.

Street Address 18 Central Lane, Bettendorf

Legal Description of the property. PAGE'S SUBD Lot: 006 PAGE'S SUBD LOT 6 &ADJ 15X100 TRACT TOW, Bettendorf, Iowa

Part 2. Contact Information.

Applicant/Contact Name Mike Styvaert Phone 563 343-3890

Address 4315 Spring Street, Davenport, IA 52807

E-mail Address: MJStyvaert@gmail.com

Owner Name Charles and Jean Styvaert Phone 563 355-0942

Address 18 Central Lane, Bettendorf, IA

E-mail Address: StyvaertJM@gmail.com

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

X 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. _____

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.

The subject property does not currently have a garage. Placing a garage in the rear of the property would require a 120 foot driveway circling around the east side of the house creating a huge expense and a major inconvience for snow removal. The property is situated at the end of Central Lane. The proposed garage would face west, the same direction as all the other properties on the east side of Central Lane.

Part 6. Attachments. The following items are attached and are a part of this application. **Required materials should be submitted electronically via e-mail: planning@bettendorf.org.**

( ) 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street(s), 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 10 day of JUNE, 20 22.

Signature of Applicant _____ Signature of Owner Charles Stywert/Charles Stywert
(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 10 day of JUNE, 20 22.

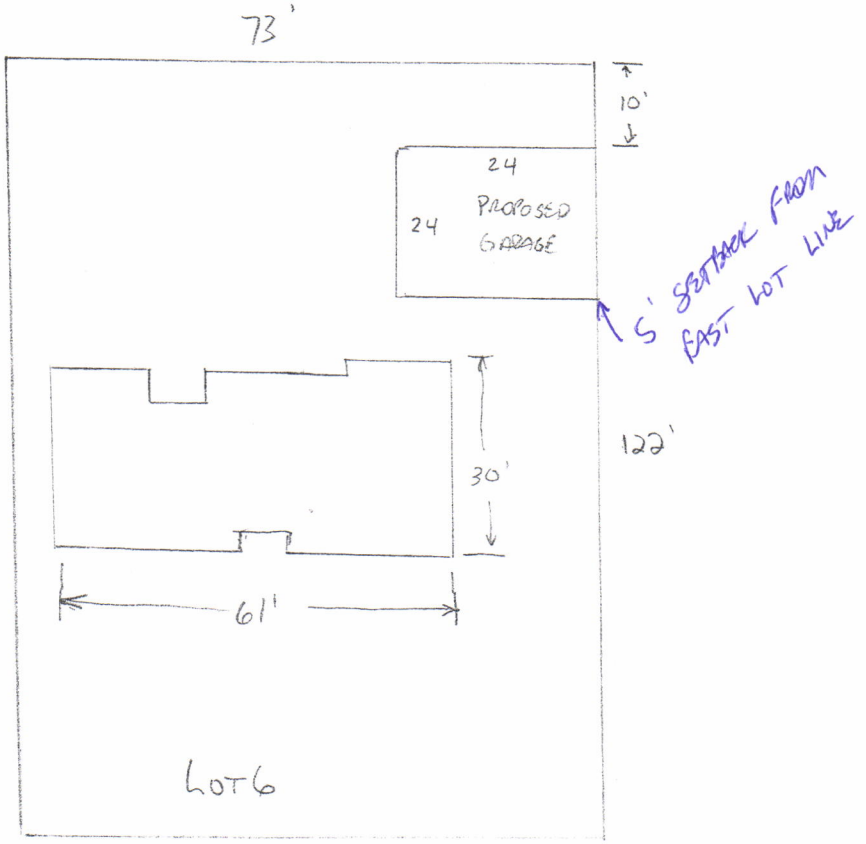
Robert H. Gallagher
Notary Public in and for Scott County, Iowa

ROBERT H. GALLAGHER
Commission Number 5460
My Commission Expires
February 18, 2023

Part 10. Filing Fee
$ 50.00 Single Family/Two-family Residential Variance
$100.00 All Other Applications

Received by Polly Ackland

Amount $ 50.00 Date 6-10-22



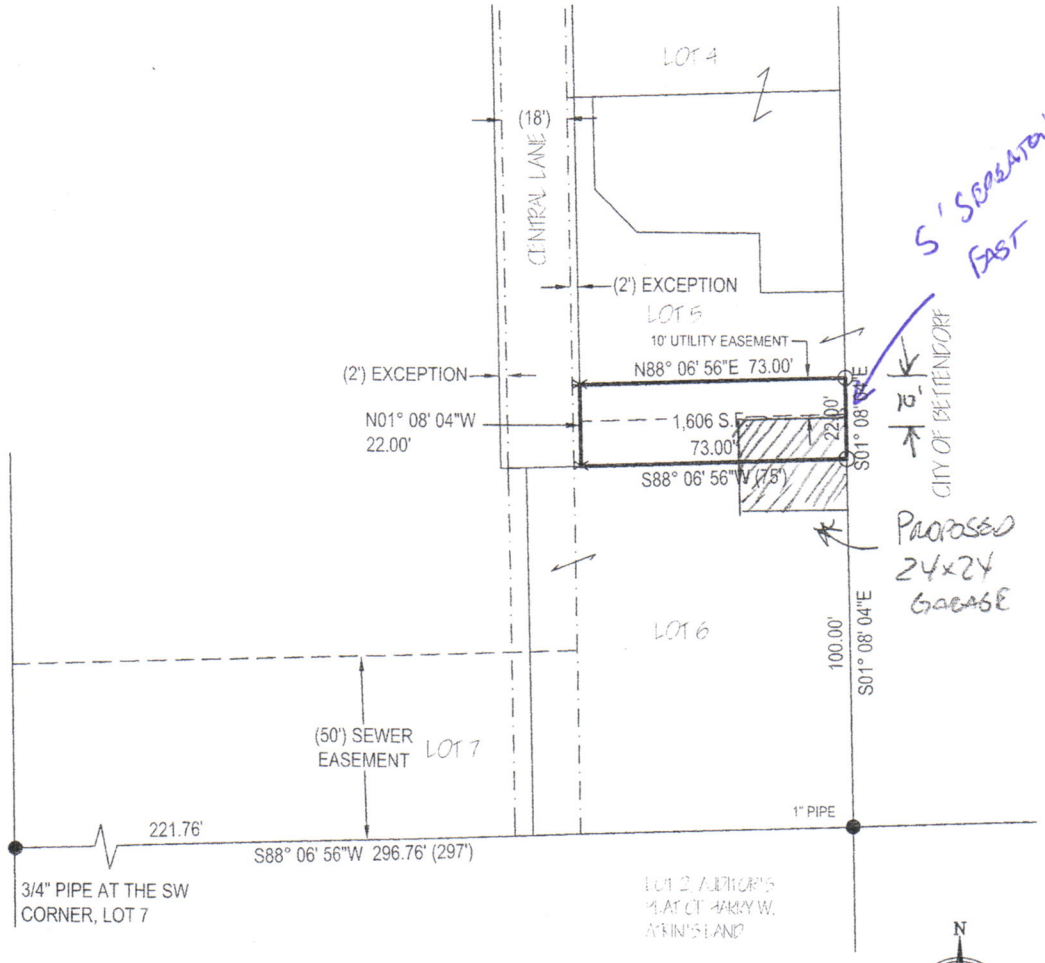
C. STEWART - OWNER
18 CENTRAL LANE

6-9-22

PREPARED BY / RETURN TO: Townsend Engineering, 2224 E. 12th Street, Davenport, Iowa 52803

PLAT OF SURVEY

THE SOUTH 22.00 FEET OF THE EAST 73.00 FEET OF LOT 5 IN PAGE'S SUBDIVISION IN THE CITY OF BETTENDORF, SCOTT COUNTY, IOWA, SUBJECT TO A UTILITY EASEMENT ON THE NORTH 10 FEET OF THE ABOVE DESCRIBED PROPERTY.



THE MEASURED BEARINGS SHOWN HEREON ARE BASED ON THE US STATE PLANE COORDINATE SYSTEM, IOWA SOUTH ZONE (1402) GEOID 12A, NAD 83 (2011) EPOCH 2010.00.

40 0 20 40

(IN FEET)

1" = 40' (8.5x14)

PREPARED FOR:
MIKE STYVAERT
18 CENTRAL LANE
BETTENDORF, IOWA

LEGEND:
DEED DIMENSION = (0.00')
FIELD DIMENSION = 0.00'
MONUMENTS FOUND:
AS NOTED =
MONUMENTS SET:
#5 REBAR W/ YELLOW CAP #23503 =
BOUNDARY LINE =
FENCE LINE =
EASEMENT LINE =
SETBACK LINE=
SECTION LINE=

LICENSED LAND SURVEYOR
MICHAEL D. RICHMOND
23503
IOWA

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

MICHAEL D. RICHMOND
Iowa License Number 23503
My license renewal date is December 31, 2023
Pages or sheets covered by this seal: 1

TOWNSEND ENGINEERING
CIVIL · STRUCTURAL · LAND DEVELOPMENT
563 386.4236 386.4231
2224 East 12th Street, Davenport, IA 52803

COMMUNITY DEVELOPMENT

City Hall Annex λ 4403 Devils Glen Road, Bettendorf, Iowa 52722 λ (563) 344-4071

July 14, 2022

Staff Report

Case No. 22-040

Request: 3340 Utica Ridge Road – Special Use Permit
Applicant: Katherine Dusenberry
Current Zoning Classification: C-6, Office and Research Park District
Request: Special use permit to allow a Day Care (General).

Background Information and Facts

Katherine Dusenberry has submitted a special use permit for a day care center to be located at 3340 Utica Ridge Road (see Aerial and Zoning Map - Attachments A and B). The site can be accessed directly from Utica Ridge Road and from Golden Valley Drive (see Site Photos - Attachments C and D). The site development plan shows the addition of an outdoor recreation area on the west side of the building (see Site Development Plan - Attachment E). The fenced-in area will act as an outdoor secured area for children's recreational activity, and a four-foot-high chain link fence will serve as a barrier (see Fence Example - Attachment F). Parking for the site has been calculated for the intended uses at the site minus the parking lost due to the building of the outdoor recreational space. Definition of the activity undertaken at the site is found in the code under 11-2-5. H. Civic Use Types and the Special Use requirement found in the Permitted Use Table 11-4-5 (see Zoning Ordinance provisions - Attachment G).

Staff Analysis

The land use designation is Urban Medium Intensity, and the site is zoned C-6, Office and Research Park District which requires a Special Use Permit for the proposed day care (general).

Past Special Use Permits granted for childcare in less intense zoning districts include:

1. Case 98-31; Our Savior Lutheran Church; 3775 Middle Road (1998); A-1 zoning.
2. Case #630; Redeemer Lutheran Church; 1107 Tanglefoot Lane (May 19, 1987); R-2 zoning.
3. Case #526; 2963 Tanglefoot Lane (June 19, 1984); R-2 zoning.
4. Case #198; Bettendorf Christian Church; 1426 Tanglefoot Lane (May 29, 1975); R-1 zoning.
5. Case #159: 917 Devils Glen Road and 1524 Tanglefoot Lane (April 5, 1974); C-2 and R-3 zoning.

STANDARDS FOR SPECIAL USE PERMIT

1. The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
   The proposed use is specified as a special use with in the C-6, Office and Research Park District zoning district: Permitted Use Table 11-4-5.

2. The proposed use will comply with all applicable regulations in the district in which the use is to be located.
   Upon review, the proposed use complies with the applicable regulations as required for development within the C-6 district (i.e. setbacks, parking, building height, minimum lot coverage, etc.)

3. 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.
   The site development plan was recommended for approval at the June 1h Planning and Zoning Commission meeting. The road access from Golden Valley Drive and Utica Ridge Road provides circulation necessary for use of the site to escort children to the building for drop off and pick up from the parking area. Other child care facilities receiving Special Use Permits in the past have been located along

collector and arterial streets. Parking requirements are not exceeded by the uses anticipated for the existing building.

4. 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.
   Staff believes that the proposed use, when reviewed in relation to the surrounding and future uses or developments, does not hinder or discourage the appropriate use and development of adjoining property. The lot and its direct access points are isolated from surrounding parcels. Site development plan requirements for this project were considered and recommended for approval by the Planning and Zoning Commission.

5. 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.
   Parking is sufficient for the existing childcare and future office uses anticipated for the building. The difference in capacity for parking is diminished by only by 13 spaces to include the fenced area. The capacity for childcare occupants is shown on the Site Development Plan. 91 spaces are required for both the uses intended for the building. At least 132 stalls are present for use on site. The parking intensity has not changed and requires no further landscaping.

6. The proposed use will not cause substantial injury to the value of other property in the neighborhood.
   Staff believes that the proposed use and development is consistent with other uses in the area and will be compatible with future uses as given the past use of the site for daycare. office area and surrounding region shall be served by the child care providers that are needed throughout the Quad Cities. Given the larger nature of childcare services provided, the type of childcare arrangement is more commercial in nature and fits with similar medical and recreational facilities that have been or are present today within this C-6, Office and Research Park District.

7. 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.
   The Petitioner has not previously sought the Board's approval for a Special Use permit at this site.

8. The Board of Adjustment shall impose such conditions and restriction 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 general intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

Staff Recommendation

Staff recommends approval of the Special Use Permit subject to the following conditions:

1. Approval of the special use permit does not waive any other state, federal, or local government provisions as required by law.
2. A fence permit is required to be issued by the Building Department prior to installation of the fence around the recreation area.
3. Bollards or other protective barriers must be placed around the fence to prevent vehicles from entering the play area.

Respectfully submitted,

Greg Beck
City Planner

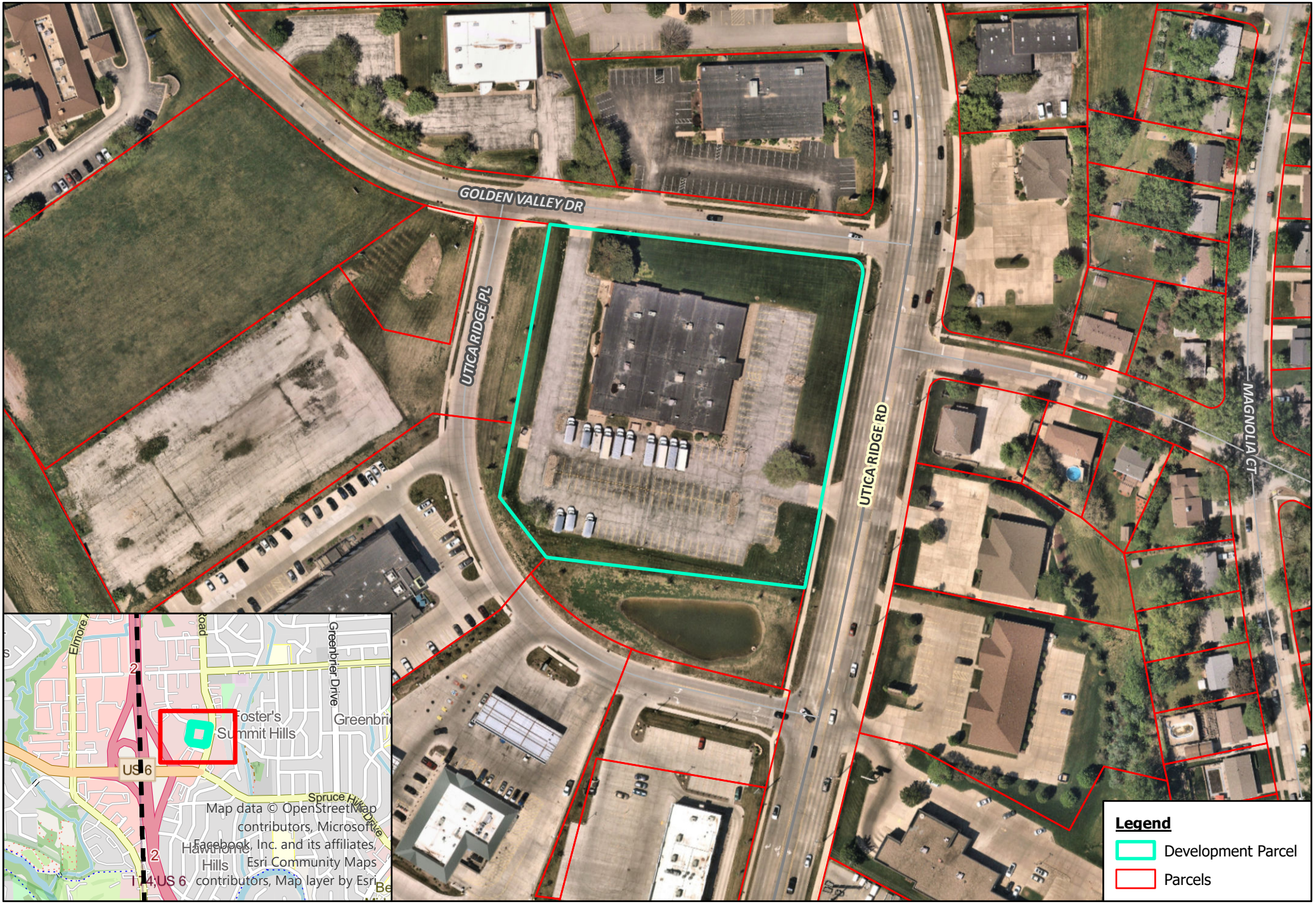
ATTACHMENT A

Case 22-040: 3340 Utica Ridge Road
Special Use Permit: Day-Care in C-6 District Zoning

Bettendorf IOWA
a premier city

N

1 Inch = 141 Feet
Feet
0 55 110 220 330

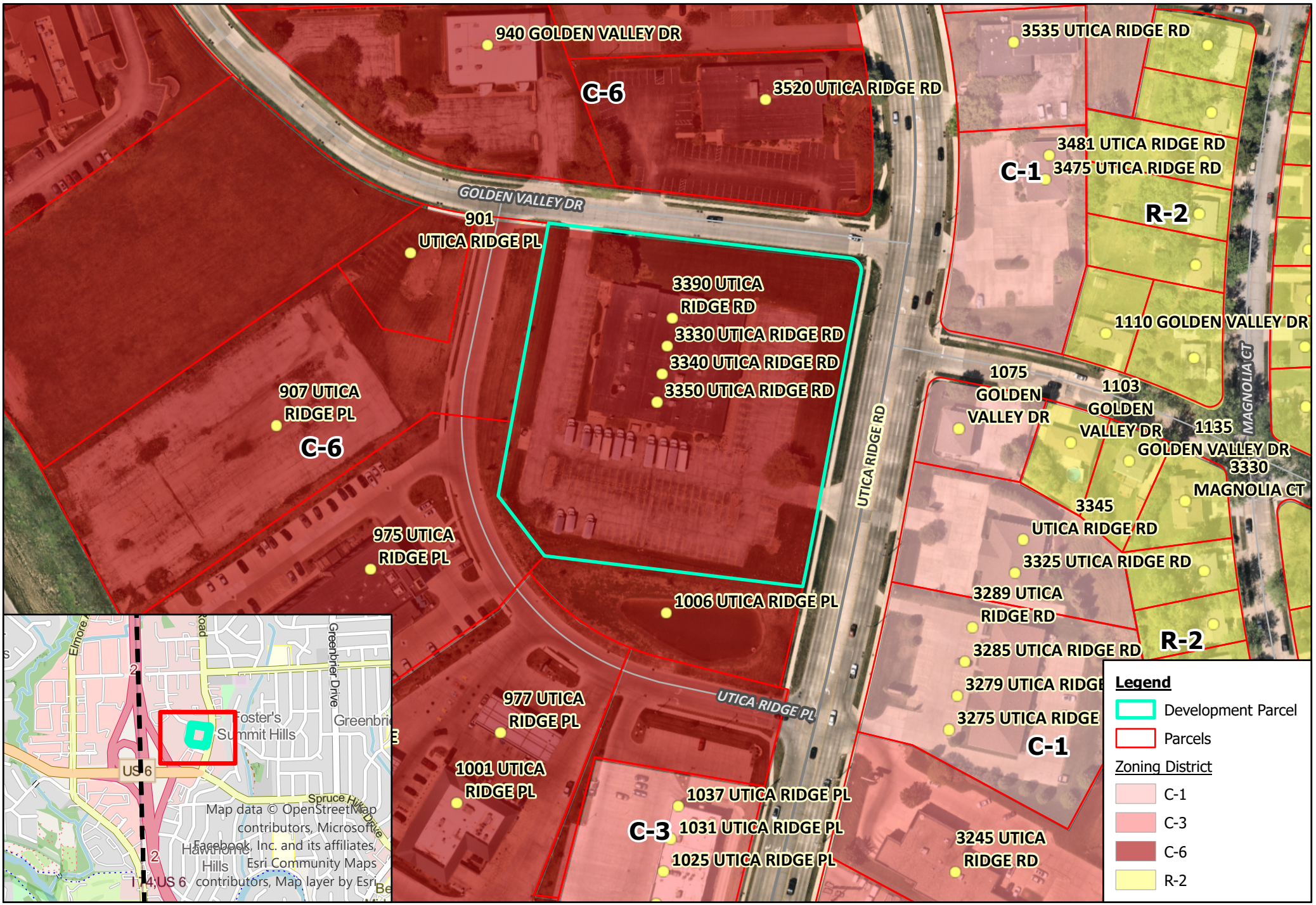


Case 22-036: 3340 Utica Ridge Road
Site Development Plan: Day Care
Zoning

ATTACHMENT A

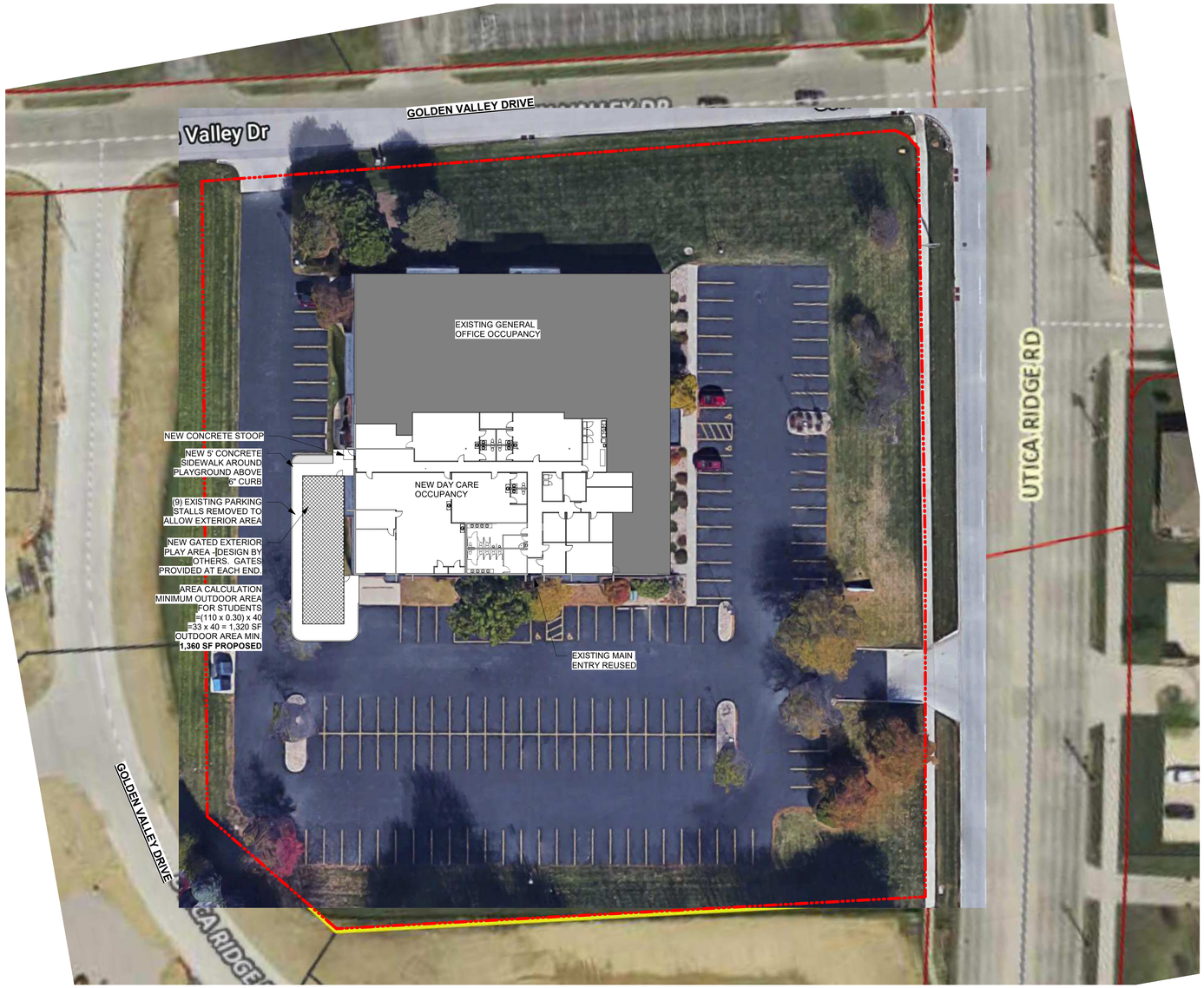
1 Inch = 141 Feet

0 55 110 220 330 Feet



ATTACHMENT C
SOUTH BUILDING FACE
CHILD CARE AREA
SOUTH PARKING LOT
EAST ENTRY FROM UTICA RIDGE ROAD
06/27/2022 13:23

ATTACHMENT D



1 SITE PLAN
1" = 30'-0"

GENERAL NOTES

1. ALL DIMENSIONS ARE APPROXIMATE AND SHOULD BE FIELD VERIFIED.
2. ANGLES FOR PARKING LOT ARE INDICATED IN TYPICAL PARKING STALL
3. PAVEMENT MARKING SHALL CONFORM TO THE REQUIREMENTS OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, CURRENT EDITION. ALL PAVEMENT MARKINGS SHALL BE WHITE.
4. DIMENSIONS FOR DRIVES ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
5. ALL RADII ARE DIMENSIONED TO THE BACK OF CURB.
6. ALL COORDINATES AND DIMENSIONS ARE REFERENCED TO THE EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
7. SOME FIELD ADJUSTMENTS MAY BE NECESSARY AT POINTS WHERE PROPOSED PAVEMENT, CURB, AND SIDEWALKS MEET EXISTING PAVEMENT, CURB, AND SIDEWALKS. REVIEW ANY REQUIRED CHANGES WITH ARCHITECT PRIOR TO CONSTRUCTION OF WORK.
8. EXISTING UTILITIES AND SIGNAGE TO REMAIN UNLESS OTHERWISE NOTED.
9. SOME EXISTING CRACKS WERE PREVIOUSLY SEALED AND NEED TO BE ROUTED AND RESEALED.
10. ALL DIMENSIONS SHOWN FOR EXTENTS OF SAWCUTTING AND PATCHING ARE APPROXIMATE AND NEED TO BE VERIFIED IN FIELD. BIDDERS SHALL INCLUDE ON THE BID FORM THE SQUARE YARDAGE OF CUTTING AND PATCHING INCLUDED IN THEIR BID.
11. CONTRACTOR SHALL BE AWARE OF POTENTIAL BURIED UNDERGROUND CABLE AND/OR CONDUIT. CONTRACTOR SHALL LOCATE AND MARK EXISTING BURIED CONDUIT/CABLE PRIOR TO EXCAVATION AND PROTECT DURING EXCAVATION AND BACKFILL.

PARKING:
PER BETTENDORF CODE OF ORDINANCES SECTION 11-3-7: SCHEDULE OF OFF STREET PARKING REQUIREMENTS.

PROPOSED PARKING FOR 10,116 SF DAY CARE, W/ 110 STUDENT CAPACITY AND 20 EMPLOYEES AT LARGEST SHIFT
=[110 STUDENTS/ 5 STUDENTS/STALL] + 20 EMPLOYEES
=[22 STALLS] + 20 EMPLOYEES
= 42 STALLS REQUIRED FOR DAYCARE OCCUPANCY.

OUTDOOR PLAY AREA
= REMOVAL OF 9 STALLS FOR PLAY AREA

OVERALL BUILDING:
EXISTING PARKING LOT COUNT = 145 PARKING STALLS.

EXISTING OVERALL BUILDING 22,144 SF GENERAL OFFICE SPACE (MOST RESTRICTIVE) 250 SF / STALL:
= 22,144 SF / 250 SF/STALL = 88.5 = 89 STALLS REQUIRED FOR FULL EXISTING OFFICE OCCUPANCY.

REVISED BUILDING = 22,144 SF EXG - 10,116 SF DAYCARE= 12,028 SF REMAINIG EXISTING OFFICE
= 12,028 SF / 250 SF = 48.1 = 49 STALLS REQUIRED FOR REMAINING OFFICE.

TOTAL REQUIRED:
=49 STALLS OFFICE + 42 STALLS DAYCARE = 91 STALLS REQUIRED.

=91 STALLS REQUIRED < 136 STALLS PROPOSED.

NO STACKING, ALL STUDENT DROP-OFFS WILL PARK IN STALLS PROVIDED ABOVE

OUTDOOR AREA CALCULATION:
MINIMUM OUTDOOR AREA FOR STUDENTS:
=(# STUDENTS x 30%) x 40SF/STUDENT
=(110 x 0.30) x 40
=33 x 40 = 1,320 SF OUTDOOR AREA MIN.

1,360 SF PROPOSED > 1,320 SF REQUIRED

streamline ARCHITECTS
www.streamlinearchitects.com

STREAMLINE ARCHITECTS, P.L.C.
ANDREW DASSO, AIA
575 12TH AVENUE
EAST MOLINE, IL 61244
(563) 345-2724

CRAIG SHANNON
(309) 781-2044
craig@streamlinearchitects.com

NO.	DESCRIPTION	DATE

NORTHEASTERN ACADEMY

UTICA RIDGE DAY CARE

3340 UTICA RIDGE RD
BETTENDORF, IA 52722

Project number	22-055
Date	05/20/2022
Drawn by	CMS
Checked by	CJR

ARCH SITE PLAN

AS101

COPYRIGHT © 2022

5/20/2022 10:52:15 AM

ATTACHMENT F

FENCE ENCLOSURE EXAMPLE

ATTACHMENT G

11.-2.-5. Civic Use Types

H. Day Care Services (General): This use type includes all classifications of day care facilities regulated by the state of Iowa that operate providing care for six (6) or more persons. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses, but excludes public and private primary and secondary educational facilities.

11.-4.-5. PERMITTED USE TABLE

Zoning Districts	A1	A2	R1	R2	R3	R4	R5	RMHP	C1	C2	C3	C6	C7	I1	I2	I3	Supplemental Regulations
Live/Work Dwelling									P	P	P						
Group Residential						P	P			P							
Boarding House							P			P	P						
Mobile Home Park								P									
Civic Uses																	
Administration	P					S	S		P	P	P	P					
Cemetery	S																
Clubs (Recreational)		P	S	S	S	S	P		P	P	P						
Clubs (Social)					S	S	P		P	P	P						
College/University						S	P			P	P	P		P	P		
Convalescent Services						S	P			P	P						
Cultural Services			S	S	S	S	S		S	P	P	P	P				
Day Care (Limited)		HOP	HOP	HOP	HOP	HOP	HOP		P	P	P	S					Permitted by HOP in R
Day Care (General)		S	S	S	S	S	S		P	P	P	S		S	S		
Detention Facilities											S			S	S	S	
Emergency Residential						S	S			S	S						
Group Care Facility						S	S		S	P							
Family Home			P	P	P	P	P										By State Law
Guidance Services						S	S			S	S						
Health Care						S	S		P	P	P	P	P				
Hospital						S	S			P	P	P		P	S		
Maintenance Facility														P	P	P	
Park and Recreation	P	P	P	P	P	P	P		P	P	P	P	P	P	S		
Postal Facilities	P	P	P	P	P	P	P		P	P	P	P		P			
Primary Education		P	P	P	P	P	P			P	P						
Public Assembly										P	P	P	P	P	P		
Religious Assembly		P	P	P	P	P	P		P	P	P						
Safety Services			S	S	S	S	S		P	P	P	P	P				
Secondary																	

Bettendorf
a premier city

Case No. 22040

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

Part 1. Property Involved.

Street Address ~~3190~~ 3340 Utica Ridge Rd; Bettendorf, IA 52722

Legal Description of the property. SUMMIT HILLS COMMERCIAL PARK Lot: 015 SUMMIT HILLS COMMERCIAL PARK EX UTICA HILLS POINT SUBD (BEING PT JUMERS CASTLE LODGE & SURVEY 2018-13879)

Part 2. Contact Information.

Applicant Name Katherine Dusenberry Phone 337 424-0220
Address ~~3340~~3190 Utica Ridge Rd, Bettendorf, IA 52722 FAX
E-mail Address: katedusenberry@gmail.com

Owner Name STEVE GEIFMAN Phone 563-323-2626
Address 2172 56TH AVE W Bettendorf, IA 52722 FAX
E-mail Address: steve@geifmanfirstequity.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.

X 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 TITLE 11-4-3-B & TITLE 11-4-5 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.

Request a special use permit for daycare (general) within the C-6 zone to provide a needed amenity and service to this district.

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

- [X] 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. sent electronically to Greg Beck 6-10-2022
- [ ] 2. Legal Description. (If not shown on page 1.)
- [X] 3. Floor plan if internal design of building is part of application. sent electronically to Greg Beck 6-10-2022
- [ ] 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 10th day of June, 20 2022

Signature of Applicant _____ Signature of Owner _____
(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.

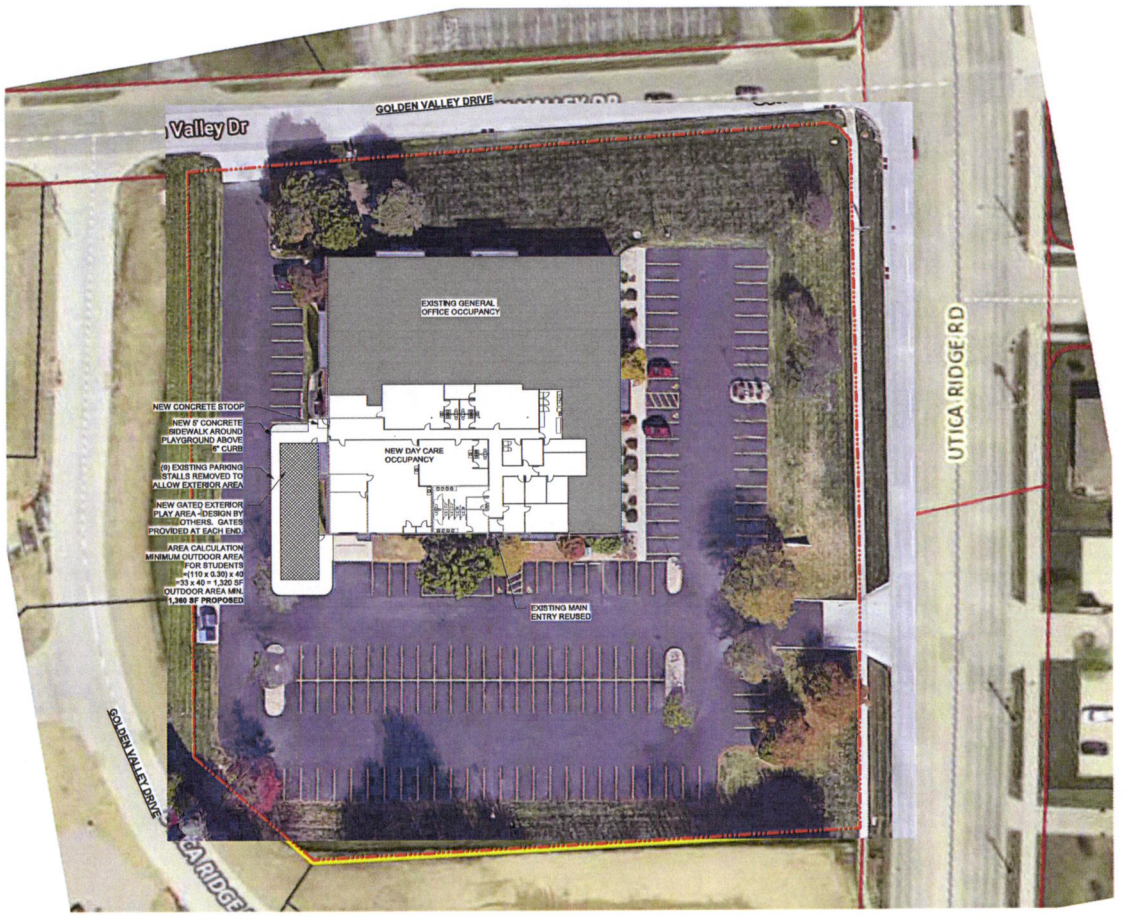
Witness my Hand and Notarial Seal this 10th day of June, 20 22

POLLY OKLAND
Commission Number 742369
My Commission Expires
1-10-2025

_____
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 Polly Okland
Amount $100.00 Date 6-10-22



1 SITE PLAN
1" = 30'-0"

GENERAL NOTES

1. ALL DIMENSIONS ARE APPROXIMATE AND SHOULD BE FIELD VERIFIED.
2. ANGLES FOR PARKING LOT ARE INDICATED IN TYPICAL PARKING STALL.
3. PAVEMENT MARKING SHALL CONFORM TO THE REQUIREMENTS OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, CURRENT EDITION. ALL PAVEMENT MARKINGS SHALL BE WHITE.
4. DIMENSIONS FOR DRIVES ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
5. ALL RADII ARE DIMENSIONED TO THE BACK OF CURB.
6. ALL COORDINATES AND DIMENSIONS ARE REFERENCED TO THE EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
7. SOME FIELD ADJUSTMENTS MAY BE NECESSARY AT POINTS WHERE PROPOSED PAVEMENT, CURB, AND SIDEWALKS MEET EXISTING PAVEMENT, CURB, AND SIDEWALKS. REVIEW ANY REQUIRED CHANGES WITH ARCHITECT PRIOR TO CONSTRUCTION OF WORK.
8. EXISTING UTILITIES AND SIGNAGE TO REMAIN UNLESS OTHERWISE NOTED.
9. SOME EXISTING CRACKS WERE PREVIOUSLY SEALED AND NEED TO BE ROUTED AND RESEALED.
10. ALL DIMENSIONS SHOWN FOR EXTENTS OF SAWCUTTING AND PATCHING ARE APPROXIMATE AND NEED TO BE VERIFIED IN FIELD. BIDDERS SHALL INCLUDE ON THE BID FORM THE SQUARE YARDAGE OF CUTTING AND PATCHING INCLUDED IN THEIR BID.
11. CONTRACTOR SHALL BE AWARE OF POTENTIAL BURIED UNDERGROUND CABLE AND/OR CONDUIT. CONTRACTOR SHALL LOCATE AND MARK EXISTING BURIED CONDUIT/CABLE PRIOR TO EXCAVATION AND PROTECT DURING EXCAVATION AND BACKFILL.

PARKING:
PER BETTENDORF CODE OF ORDINANCES SECTION 11-3-7: SCHEDULE OF OFF STREET PARKING REQUIREMENTS.

PROPOSED PARKING FOR 10,116 SF DAY CARE, W/ 110 STUDENT CAPACITY AND 20 EMPLOYEES AT LARGEST SHIFT
=[110 STUDENTS/ 5 STUDENTS/STALL] + 20 EMPLOYEES
=[22 STALLS] + 20 EMPLOYEES
= 42 STALLS REQUIRED FOR DAYCARE OCCUPANCY.

OUTDOOR PLAY AREA
= REMOVAL OF 9 STALLS FOR PLAY AREA

OVERALL BUILDING:
EXISTING PARKING LOT COUNT = 145 PARKING STALLS.

EXISTING OVERALL BUILDING 22,144 SF GENERAL OFFICE SPACE (MOST RESTRICTIVE) 250 SF / STALL:
= 22,144 SF / 250 SF/STALL = 88.5 = 89 STALLS REQUIRED FOR FULL EXISTING OFFICE OCCUPANCY.

REVISED BUILDING = 22,144 SF EXG - 10,116 SF DAYCARE= 12,028 SF REMAING EXISTING OFFICE
= 12,028 SF / 250 SF = 48.1 = 49 STALLS REQUIRED FOR REMAINING OFFICE.

TOTAL REQUIRED:
=49 STALLS OFFICE + 42 STALLS DAYCARE = 91 STALLS REQUIRED.

=91 STALLS REQUIRED < 136 STALLS PROPOSED.

NO STACKING, ALL STUDENT DROP-OFFS WILL PARK IN STALLS PROVIDED ABOVE

OUTDOOR AREA CALCULATION:
MINIMUM OUTDOOR AREA FOR STUDENTS:
=(# STUDENTS x 30%) x 40SF/STUDENT
=(110 x 0.30) x 40
=33 x 40 = 1,320 SF OUTDOOR AREA MIN.

1,360 SF PROPOSED > 1,320 SF REQUIRED

streamline ARCHITECTS
www.streamlinearchitects.com

STREAMLINE ARCHITECTS, P.L.C.
ANDREW DASSO, AIA
575 12TH AVENUE
EAST MOLINE, IL 61244
(563) 345-2724

CRAIG SHANNON
(309) 781-2044
craig@streamlinearchitects.com

NO.	DESCRIPTION	DATE

NORTHEASTERN ACADEMY

UTICA RIDGE DAY CARE

3340 UTICA RIDGE RD
BETTENDORF, IA 52722

Project number	22-055
Date	05/20/2022
Drawn by	CMS
Checked by	CJR

ARCH SITE PLAN

AS101

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5/20/2022 10:52:15 AM

COMMUNITY DEVELOPMENT
City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4100

July 14, 2022 Board of Adjustment Meeting

Staff Report

Case No. 22-042
Request: Variance to reduce the required total side yard setback from 20 feet to 12 feet to allow for construction of a 22-foot by 50-foot garage addition
Location: 3395 West Harbor Drive
Legal Description: Pleasant Harbor subdivision, Lot 38 (Parcel #: 851851238)
Applicant: Jeff DeCoster
Zoning Designation: A-2, Rural Residence District

Background Information and Facts

The lot is located south of State Street/US-67 on the banks of the Mississippi River in the Pleasant Harbor subdivision (see Attachment A – Aerial Map). The property is located in the A-2, Rural Residence District (see Attachment B – Zoning Map). An existing attached two-car garage exists on the property and is "side-loaded", accessed at a 90-degree angle to the driveway (see Attachment C – Site Photo and Attachment D – Site Photo 2). The applicant would like to reduce the required total 20-foot side yard setback to a total of 12 feet so that he can build a 22-foot by 50-foot attached garage addition (see Attachment E – Proposed Garage Addition Location). The current house and attached garage are set back 7 feet on the south side yard (though there may be more depending on onsite measurements) and 27 feet on the north side yard. The proposed addition will be set back 5 feet on the north side yard and will allow the applicant to store a boat and gain easier access without requiring a 90-degree turn. The proposed addition will have a 43-foot front yard setback, meeting the minimum requirement in the A-2 District.

The applicant is citing the limited width of the current garage, the 90-degree configuration, and the unique riverine environment of Pleasant Harbor as hardships for granting the variance.

Staff Analysis

Pleasant Harbor subdivision is a unique riverine development in Bettendorf which offers water frontage to all lots via a dredged inlet off of the Mississippi River main channel. A majority of the property owners in this area own watercraft, and many have docks connecting to their rear yard. A majority of the properties are located in the regulated 100-year floodplain. During major flood events, West Harbor Drive and East Harbor Drive are under water, forcing homeowners to access their homes via watercraft.

The subdivision is located in the A-2 zoning district. As previously noted, this subdivision's unique riverine characteristics are not present in most other A-2 zoned lots in the City. Elsewhere in A-2 zoned lots in the City, a homeowner typically has ample open space in their rear yard to construct an accessory building for storage or garage space. In Pleasant Harbor this is not possible due to the rear yard containing the Mississippi River inlet and lower ground which frequently floods.

The applicant requested a 5-foot side yard setback from the north lot line for the proposed structure. The side yard setback appears to be more than 7 feet as measured with aerial photographs, but this would need to be confirmed onsite. Either a 12-foot total side yard setback and a 15-foot total side yard require a variance from the 20-foot total side yard setback required in City Code. A 15-foot total side yard setback would conform to requirements in the R-1, Single Family Residence District and a 12-foot total side yard setback would conform in the R-2, Single Family Residence District.

Staff contends a hardship exists on the applicant's property due the current garage configuration, the applicant's restricted use of the rear yard for a similar purpose, and the unique riverine characteristic of the Pleasant Harbor development not matching the intent of the A-2 Zoning District.

Staff Recommendation

Staff recommends approving a variance to reduce the required total side yard setback from 20 feet to 12 feet to allow for construction of a 22-foot by 50-foot garage addition with the following conditions:

1. All applicable floodplain and building applications are submitted and approved.

2. The proposed garage addition does not encroach within 5 feet of the north property line.

The hardship acknowledged for approval is the applicant's restricted use of the rear yard due to floodplain and the unique riverine characteristic of the Pleasant Harbor development not matching the intent of the A-2 Zoning District. For this reason and the facts noted above, staff recommends approval of this variance request.

Respectfully submitted,

Taylor Beswick
City Planner

Case 22-042: 3395 West Harbor Drive
Variance: Reduction of Front Yard Setback
Aerial Map

Bettendorf
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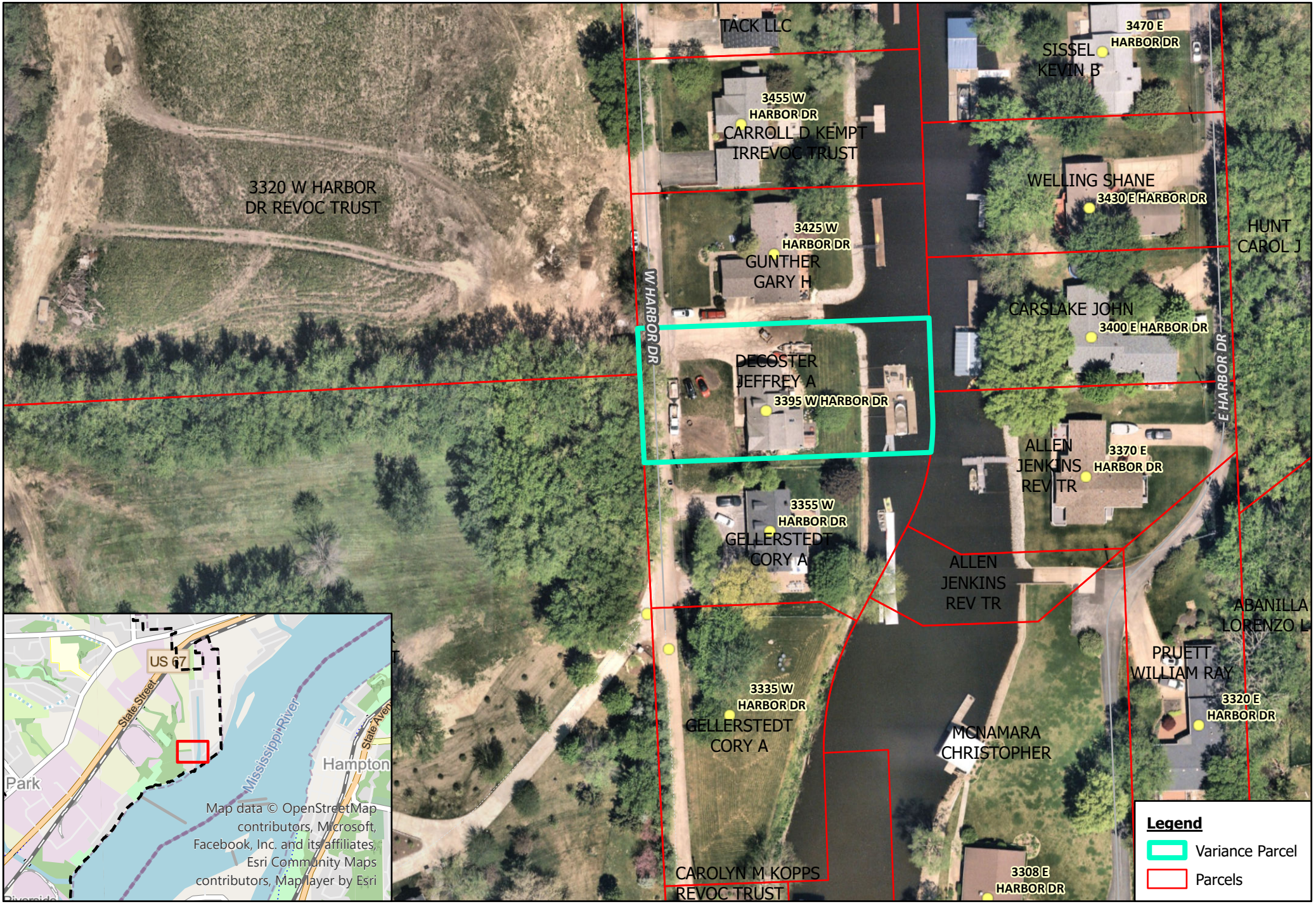
N

1 Inch = 90 Feet
Feet
0 35 70 140 210

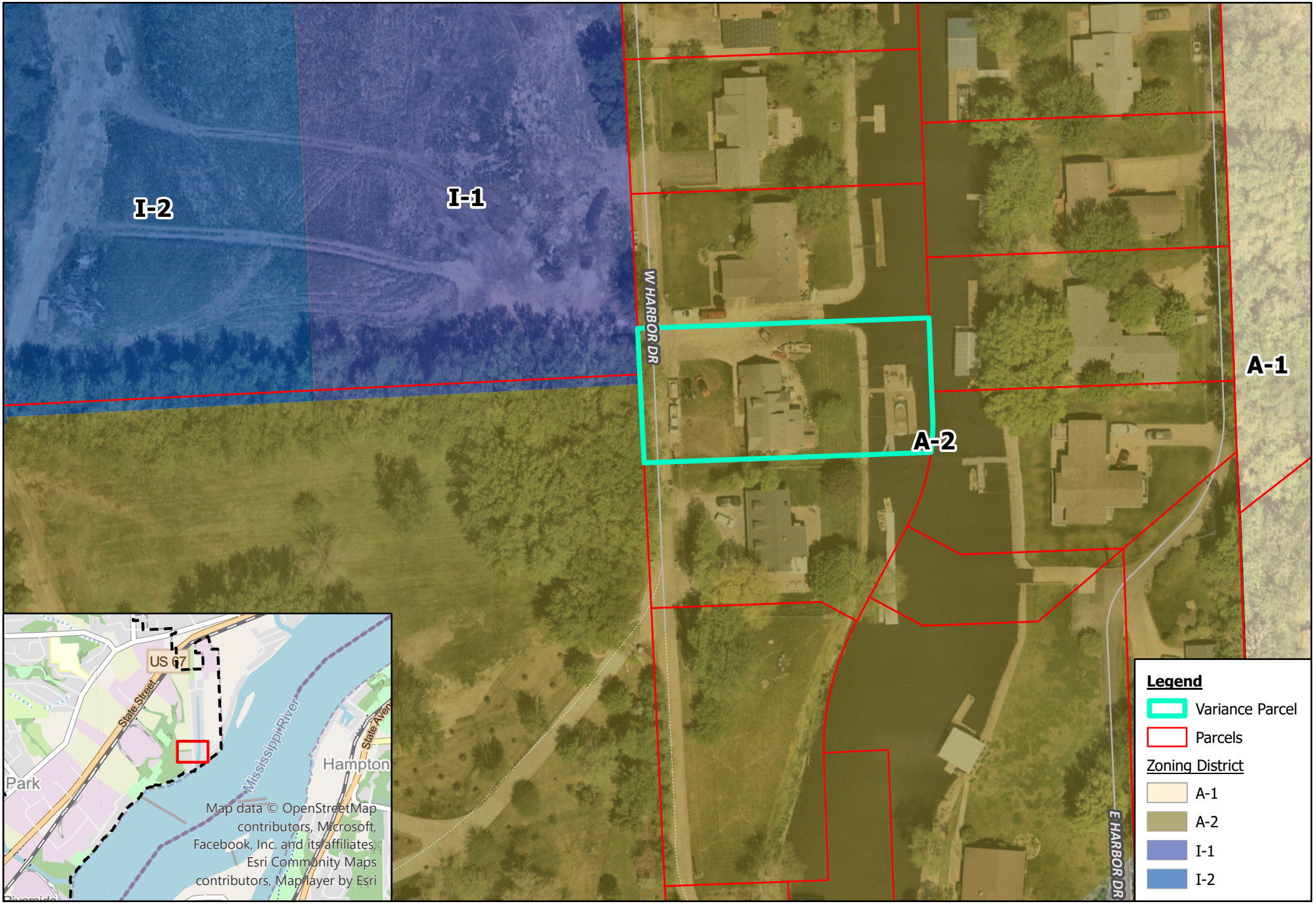


Case 22-042: 3395 West Harbor Drive
Variance: Reduction of Front Yard Setback
Zoning Map

Bettendorf
a premier city
IOWA

N

1 Inch = 90 Feet
Feet
0 35 70 140 210



Attachment C
Site Photo of 3395 West Harbor Drive
View: Looking East onto property

Attachment D
Site Photo 2 of 3395 West Harbor Drive
View: Looking East onto property

Case 22-042: 3395 West Harbor Drive
Variance: Reduction of Side Yard Setback
Proposed Garage Location

Bettendorf IOWA
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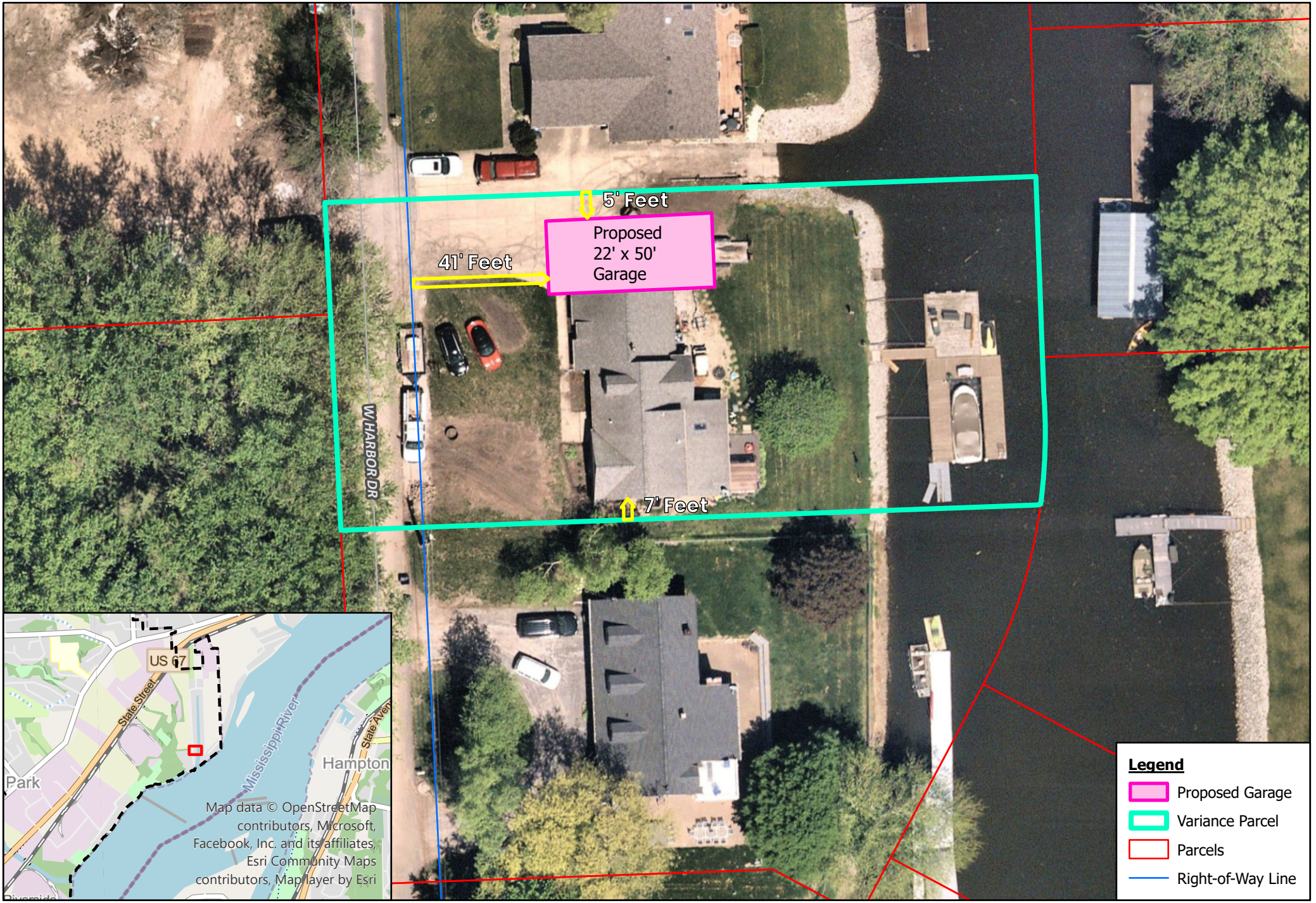
1 Inch = 37 Feet
Feet
0 12.5 25 50 75

N



Bettendorf
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Case No. 22-042

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

Part 1. Property Involved.

Street Address 3395 West Harbor Drive, Bettendorf, Iowa

Legal Description of the property. Pleasant Harbor Subdivision Bettendorf City Lot 38

Part 2. Contact Information.

Applicant/Contact Name Jeff DeCoster Phone 5635298496

Address 3395 West Harbor Drive Bettendorf, Iowa

E-mail Address: jeff@pipecoinc.com

Owner Name Jeff DeCoster Phone 5635298496

Address 3395 West Harbor Drive Bettendorf, Iowa

E-mail Address: jeff@pipecoinc.com

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

X 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. _____

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.

I am requesting this variance because I would like to add a 22 foot wide garage. Currently, without a variance I would be restricted to a garage that isn't quite wide enough. The standard 22 foot width makes it more comfortable to open the doors of our cars.

Part 6. Attachments. The following items are attached and are a part of this application. **Required materials should be submitted electronically via e-mail: planning@bettendorf.org.**

(X) 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street(s), 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 18 day of June, 20 22.

Signature of Applicant _____ Signature of Owner _____
(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.

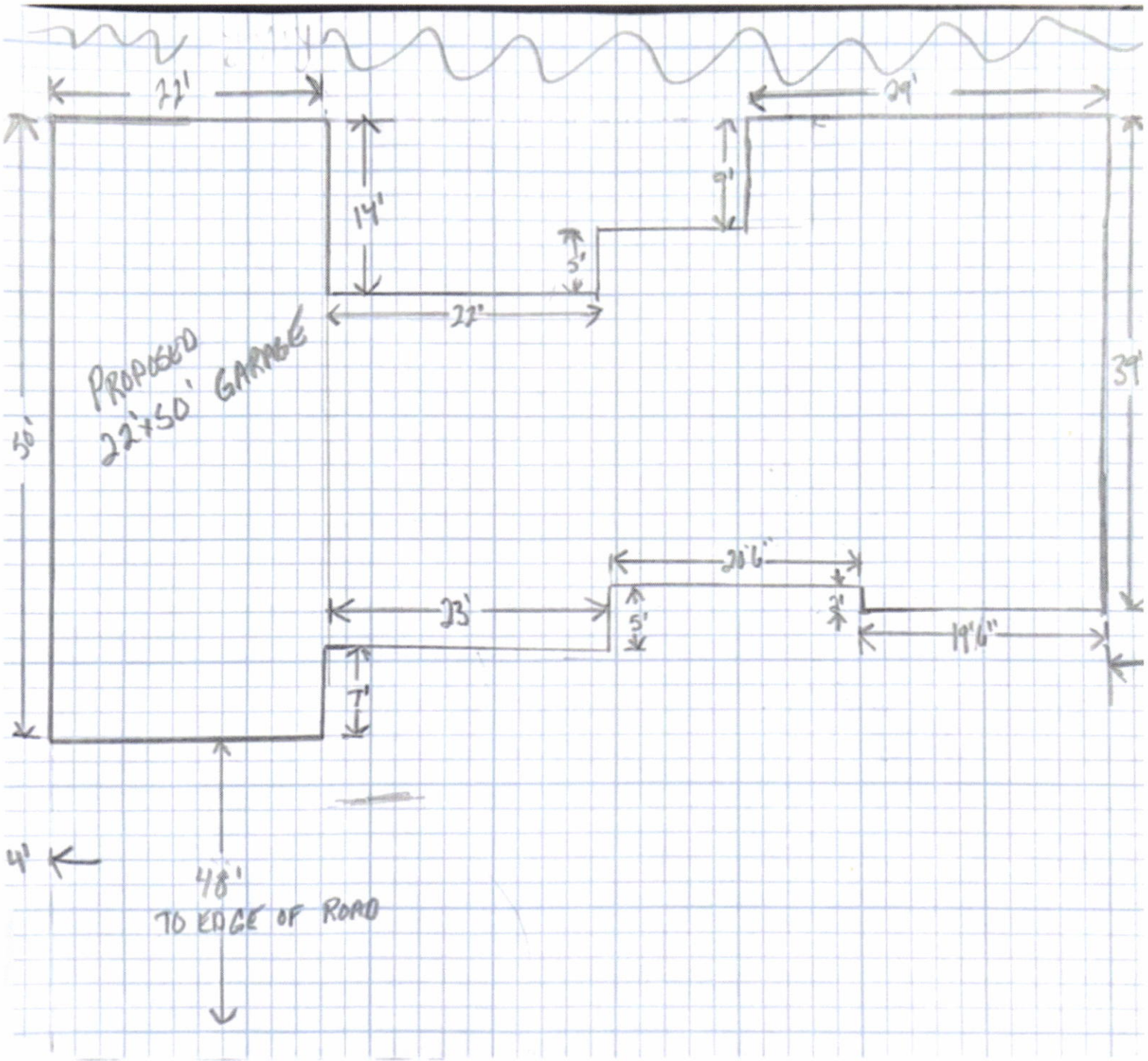
Witness my Hand and Notarial Seal this 18th day of June, 20 22.

NOTARIAL SEAL IOWA
DEBORAH A. RINDLER
Commission Number 174437
My Commission Expires
5-12-24

Deborah Rindler
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 Lisa Schwarm
Amount $ 50. Date 6/20/22
cc


77'
14'
29'
9'
3'
22'
PROPOSED
22'x50' GARAGE
50'
39'
20'6"
23'
5'
3'
19'6"
7'
4'
48'
TO EDGE OF ROAD

11-5-3: A-2 RURAL RESIDENCE DISTRICT:

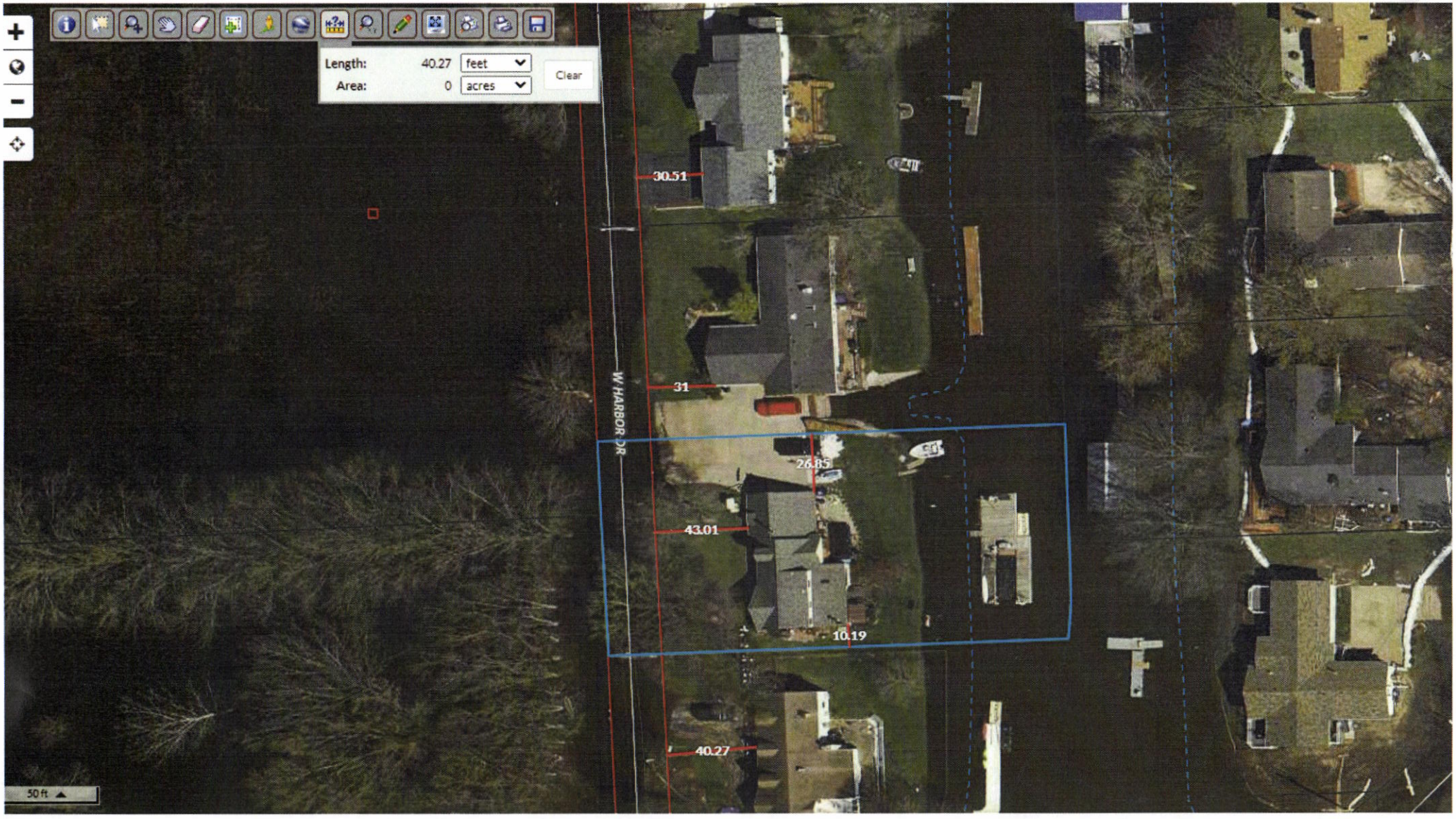
A. Purpose: The A-2 district provides for the rural residential use of land, accommodating agriculture and very low density residential environments. A-2 districts do not permit comprehensive agriculture, and are intended for areas where farming is not a primary, permanent land use.

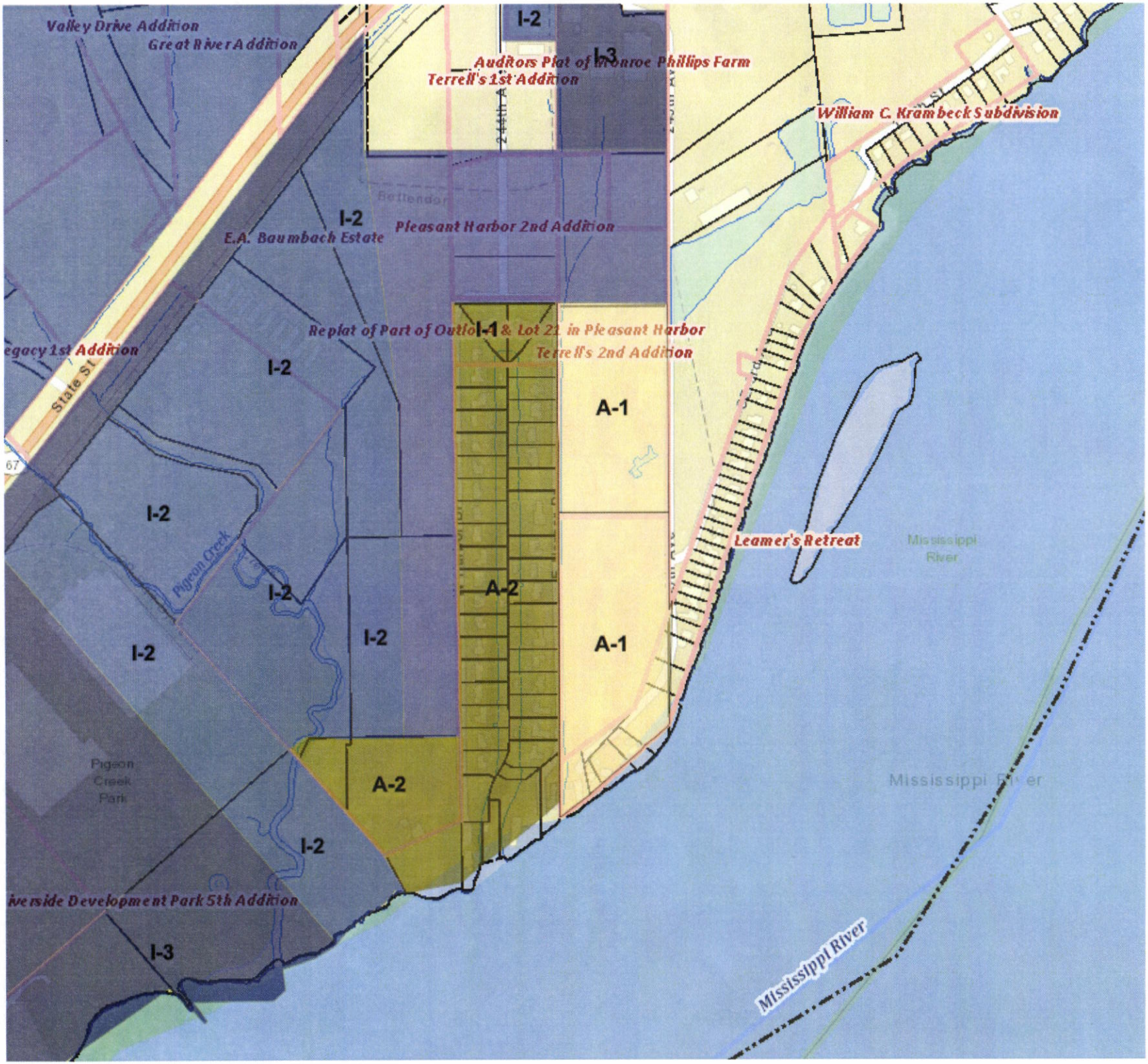
B. Site Development Regulations:

Table 11-5-3B

Regulator	1-Family Detached	Other Permitted Uses
Regulator	**1-Family Detached**	**Other Permitted Uses**
Site Area per Housing Unit	N/A	
Minimum Lot Area	15,000 sf	15,000 sf
Minimum Lot Width (feet)	100 ft.	100 ft.
Minimum Yards (feet)		
Front Yard (Note 1)	40 ft.	40 ft.
Side Yard	20 ft. total; 5 ft. min.	20 ft. total; 5 ft. min.
Street Side Yard, Corner Lot	N/A	N/A
Rear Yard	40 ft.	40 ft.
Maximum Height (feet)	35 ft. or 2 ½ stories	35 ft. or 2 ½ stories
Maximum F.A.R.	0.3	0.3

Note 1: Front yard setback is measured from property line of platted lots. For unplatted lots along roads, residential structures shall be set back sufficiently to allow for future right-of-way dedications. This setback is typically seventy five feet (75') from the center line of the adjacent road. The city of Bettendorf may establish a different setback requirement based on the specific context of a parcel. The reason for any such variation shall be documented in writing by the city council. (Ord. 35-17, 10-17-2017)


Length: 40.27 feet
Area: 0 acres
Clear
30.51
31
26.85
43.01
10.19
40.27
W HARBOR DR
50 ft


Valley Drive Addition
Great River Addition
Auditors Plat of Monroe Phillips Farm
Terrell's 1st Addition
William C. Krambeck Subdivision
I-2
I-3
I-2
E.A. Baumbach Estate
Pleasant Harbor 2nd Addition
Replat of Part of Outlot & Lot 21 in Pleasant Harbor
Terrell's 2nd Addition
I-1
A-1
A-2
A-1
I-2
I-2
I-2
I-2
I-2
Leamer's Retreat
Mississippi River
Pigeon Creek
Pigeon Creek Park
A-2
I-2
I-3
Mississippi River
Mississippi River

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July 14, 2022 Board of Adjustment Meeting

Staff Report

Case No. 22-043
Request: Variance to reduce the required rear yard setback from 40 feet to 20 feet for the construction of a 12-foot by 24-foot addition.
Location: 2820 Pleasant Ridge Court
Legal Description: Pleasant Ridge Subdivision, Lot 6 (Parcel #: 842307306--2)
Applicant: Ron Spiva
Zoning Designation: A-2, Rural Residence District

Background Information and Facts

The lot is located north of Belmont Road on a section of Pleasant Ridge Court in Pleasant Ridge Addition (see Attachment A – Aerial Map). The property is located in the A-2, Rural Residence District (see Attachment B – Zoning Map). The applicant would like to reduce the required 40-foot rear yard setback to 20 feet so that he can build a 12-foot by 24-foot first floor addition (see Attachment C – Proposed Addition Location).

The applicant is citing the property's topography and lack of alternative locations to build an addition as hardships for granting the variance.

Staff Analysis

The house is currently set back 32 feet from the rear lot line. The house was approved by the City of Bettendorf and constructed in 1984. It is unclear how the location in the rear yard setback was approved. The applicant's dwelling is thus considered a legally non-conforming structure in the A-2 District due to the principle structure's encroachment of 8 feet into the 40-foot rear yard setback.

An alternative location was proposed to the applicant by staff for the addition on the north side of the house. The applicant explained a berm covering all of the first

floor and some of the second floor exists there in addition to landscaping (see Attachment D – Site Photo). On the south side of the house the property drops over 30 feet in elevation (see Attachment E – Topography). Pleasant Ridge Subdivision is located in a forested area of the City. Sightlines from neighbors would be adequately concealed by vegetation and topographical features. The proposed addition would create the following setbacks at the property:

- Front yard: 40 feet
- North side yard: 40 feet
- South side yard: 76-100+ feet
- West rear yard: 20 feet

With the noted setbacks, the rear yard would be more of a side yard, and the other yards would still meet the minimum standards of the A-2 Zoning District.

Staff contends a hardship exists on the applicant's property due the unique lot configuration and difficult topography. Furthermore, the proposed addition would be concealed by thick forest cover to the western neighbor located at 2855 Elk Drive. Without a variance the applicant would have no practical alternatives for this addition.

Staff Recommendation

Staff recommends approving the 20-foot rear yard setback in lieu of the required 40-foot rear yard setback as prescribed in City Code for the A-2 Zoning District. The hardship acknowledged for approval is the topography of the property hindering use of the side yards. For this reason and the facts noted above, staff recommends approval of this variance request.

Respectfully submitted,

Taylor Beswick
City Planner

Case 22-043: 2820 Pleasant Ridge Court
Variance: Reduction of Rear Yard Setback
Aerial Map

Bettendorf
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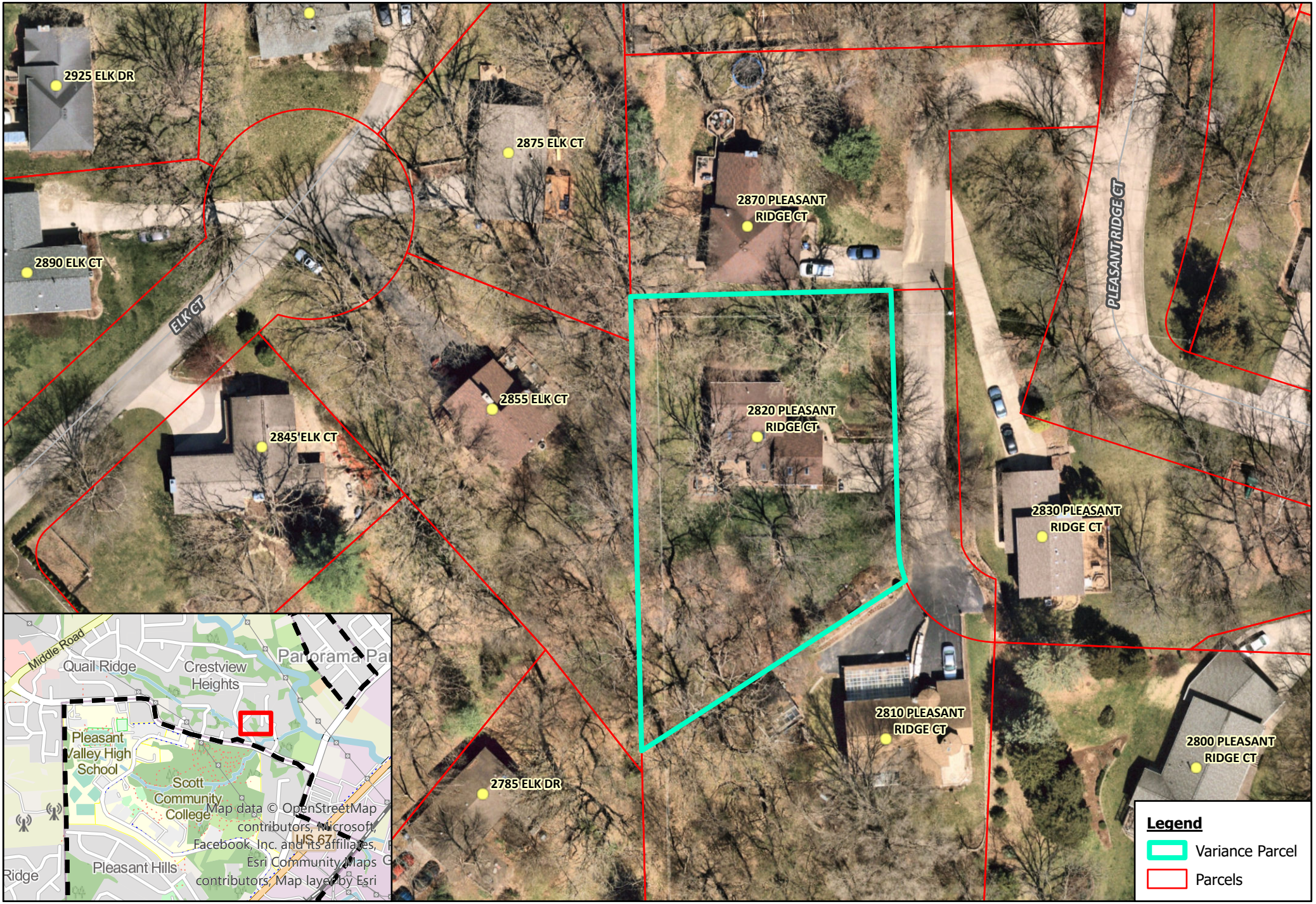
IOWA

1 Inch = 58 Feet
Feet
0 20 40 80 120

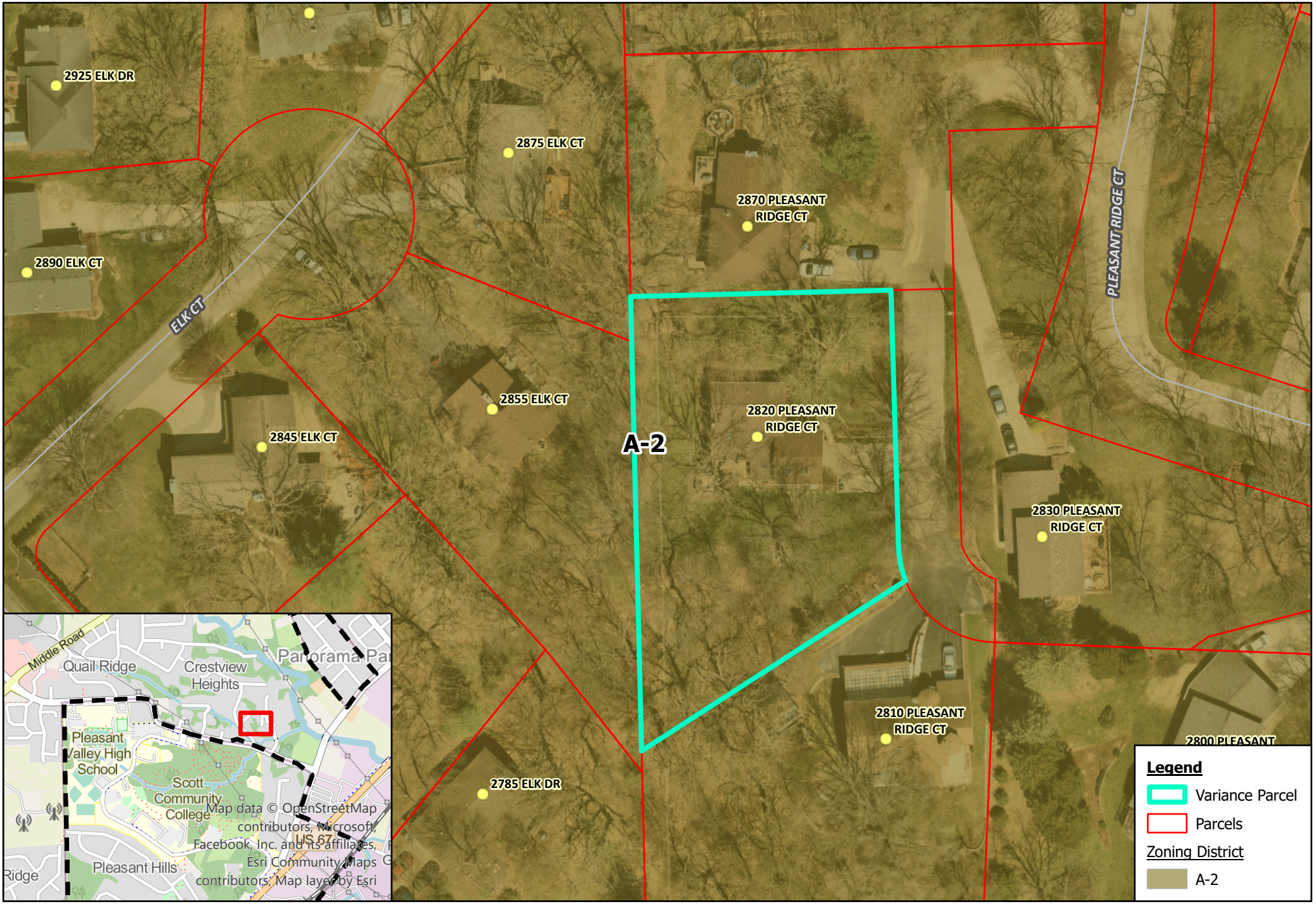
N



Case 22-043: 2820 Pleasant Ridge Court
Variance: Reduction of Rear Yard Setback
Zoning Map

1 Inch = 58 Feet
Feet
0 20 40 80 120

N



Case 22-043: 2820 Pleasant Ridge Court
Variance: Reduction of Rear Yard Setback
Proposed Addition Location

Bettendorf IOWA
a premier city

1 Inch = 15 Feet
Feet
0 5 10 20 30

N

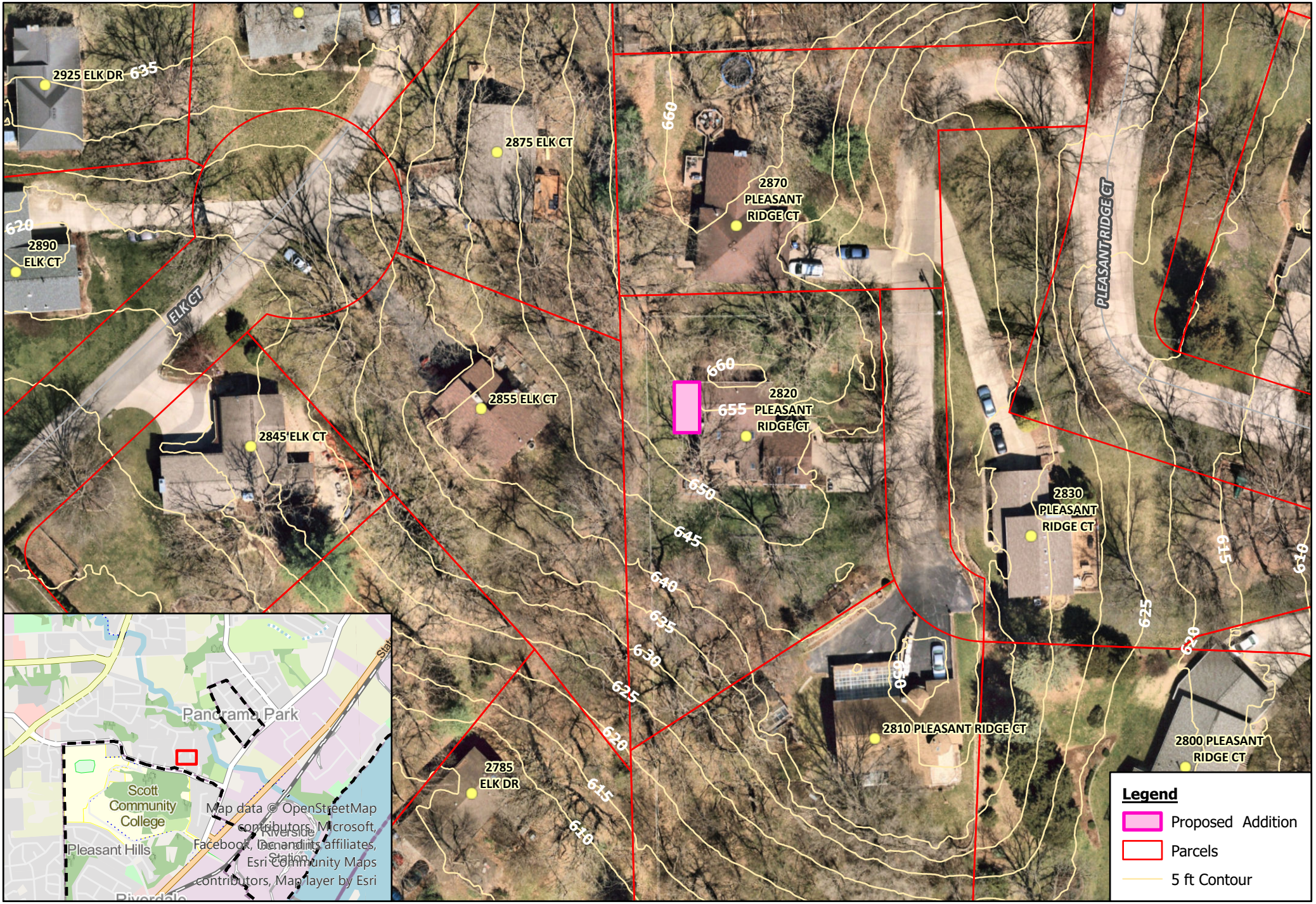
Attachment D
Site Photo of 2820 Pleasant Ridge Court
View: Looking West onto property

Case 22-043: 2820 Pleasant Ridge Court
Variance: Reduction of Rear Yard Setback
Topography

Bettendorf IOWA
a premier city

N

1 Inch = 58 Feet
Feet
0 20 40 80 120



Legend

- Proposed Addition
- Parcels
- 5 ft Contour

Bettendorf
a premier city

Case No. 32043

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

- RON AND LORI SPIVA

Street Address 2820 PLEASANT RIDGE CT.

Legal Description of the property

LOT 6 PLEASANT RIDGE ADD EXC SOUTHERLY 5'

Part 2. Contact Information.

Applicant/Contact Name RON SPIVA Phone 563-349-0086

Address 2820 PLEASANT RIDGE CT

E-mail SPIVARL@AOL.COM

Owner Name RON AND LORI SPIVA Phone 563-349-0086

Address 2820 PLEASANT RIDGE CT.

E-mail Address: SPIVARL@AOL.COM

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

___ 1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf

(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.

The Board may impose such additional conditions and restrictions upon the premises benefitted 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. _____

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.

EARTH BERM ON NORTH SIDE
SEWER ANNUATION LINES TO WEST WHERE ADDITION WILL BE
DECK, FAMILY ROOM, OAK TREES ON SOUTH SIDE (PICTURES)
BEDROOM TO BE ENLARGED, MASTER ON WEST SIDE, PLUS BATH

Part 6. Attachments. The following items are attached and are a part of this application. **Required materials should be submitted electronically via e-mail: planning@bettendorf.org.**

( ) 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street(s), 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.

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 June, 2022.

Signature of Applicant Ron Lipsius Signature of Owner Ron Lipsius

(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 June, 2022

POLLY OKLAND
Commission Number 742369
My Commission Expires
1-10-2025

Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.

$ 50.00 Single Family/Two-family Residential Variance

$150.00 All Other Applications

Received by Polly Okland

Amount $ 50.00 CC Date 6-21-22

COMMUNITY DEVELOPMENT
City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4100

July 14, 2022 Board of Adjustment Meeting

Staff Report

Case No. 22-054
*Related Case No. 22-035 Withdrawn
Request: Variance to increase the allowable distance of an off-site parking lot in a commercially zoned development from 300 feet to 320 feet.
Location: 4465 - 53rd Avenue
Legal Description: Lot 1, Shops of the Woodlands (Parcel #: 841133101)
Applicant: Ryan Windmiller
Zoning Designation: C-1, Neighborhood Commercial District

Background Information and Facts
The commercial lot is located at the north of Ontario Drive and south of 53rd Avenue in the Shops of the Woodlands Addition (see Attachment A – Aerial Map). The property is located in the C-1, Neighborhood Commercial District (see Attachment B – Zoning Map). Currently, the site is occupied by Stout's restaurant and Health from Within chiropractic and wellness clinic.

The applicant previously applied for a variance to reduce the required number of parking spaces at the lot in question. That variance was deferred at the June 9, 2022 Board of Adjustment Meeting and subsequently withdrawn by the applicant. The applicant is now applying for a variance to increase the off-site parking distance in a commercially zoned development to 320 feet in lieu of the 300 feet required by City Code. The applicant intends to provide additional parking spaces, as required by code, at the Summit development located east of Lot 1, Shops of the Woodlands development. Section 11-13-3 of the Zoning Ordinance specifies the following requirements for an off-site parking lot in commercially zoned districts:

A. Off-Site Parking Lots: Pursuant to the procedure hereinafter set forth, either part or all of the required off-street parking space may be located off the lot of the

use for which the space is provided. The following limitations shall apply to off-site parking lots:

1. Separation From Use: *Off-street parking shall be located as hereinafter specified. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve.*

a. In all commercial districts, parking facilities shall be located within three hundred feet (300') of the building they are required to serve.

The identified off-site parking area is 320 feet from the building on Lot 1, Shops of the Woodlands. The applicant cites an extensive pedestrian sidewalk network connecting the off-site parking area with the lot in question as reasoning for increasing the allowable separation.

The following actions have been taken by the Community Development Department, Board of Adjustment, Planning and Zoning Commission, and City Council relating to the Lot 1, Shops of the Woodlands:

- March 7, 2017: Shops of the Woodlands subdivision was approved by City Council.
- May 5, 2020: Shop of the Woodlands, Lot 1 Site Development Plan for a 9,857 sq. ft. building containing 2,500 square feet of restaurant and 7,357 square feet of office was approved by City Council. The parking calculation shown on the approved site plan is 54 spaces required and 54 spaces provided.
- March 12, 2020: The Board of Adjustment granted a variance on Lot 1 of Shops of the Woodlands to allow parking to encroach 5 feet into the front yard setback along 53rd Avenue (Case No. 20-012).
- June 10, 2021: The Board of Adjustment granted a Special Use Permit for a 500 square foot outdoor service area attached to the restaurant, recently opened as Stout's (Case No. 21-045).
- January 6, 2021: The Community Development Department issued a commercial building permit for construction of the building on Lot 1, Shops of the Woodlands.
- March 31, 2021: The Community Development Department issued an alteration/renovation building permit for the construction of Health from Within, a chiropractic and wellness clinic, in a unit of the structure (addressed 4479 53rd Avenue).

- September 28, 2021: The Community Development Department issued an alteration/renovation building permit for the construction of Stout's restaurant in a unit of the structure (addressed 4471 53rd Avenue).
- May 9, 2022: The Community Development Department received an application for an alteration/renovation building permit for the construction of Genesis Convenient Care. The proposal would occupy the remaining units in the building. The building permit application was denied during review by the Planning Division due to insufficient off-street parking allotments associated with the proposed medical office use per Table 11-13-7B2: Minimum Off-Street Parking Requirements of the Bettendorf City Code.
- May 24, 2022: An application to the Board of Adjustment was received for a variance request for a reduction in the required number of parking spaces at Lot 1, Shops of the Woodlands. The case was deferred prior to the June 9, 2022 meeting and subsequently withdrawn by the applicant (Case No. 22-035).
- June 28, 2022: An new application to the Board of Adjustment was received for a variance, the topic of this staff report (Case No. 22-054).
- July 5, 2022: City Council unanimously passed a first reading of an Ordinance restricting parking on both sides of Ontario Drive (pending Ordinance amending Bettendorf City Code Section 6-1-131, "No Parking Zones Enumerated").

Staff Analysis

Current commercial uses on the site require 38 spaces (30 for Stout's restaurant and 8 for Health from Within chiropractic and wellness clinic). The proposed Genesis Convenient Care clinic is defined as a medical office use by the Zoning Ordinance, and thus requires at least 28 spaces per the following off-street parking requirement calculation set in code:

Medical offices: Two parking spaces shall be provided for each office, examining room and treatment room, plus one for each employee.

Staff calculated the requirements based on the submitted floor plan and stated employees given by the applicant. The total off-street parking provided onsite is 54 spaces (see Attachment C – Approved Site Development Plan Lot 1, Shops of the Woodlands). The convenient care clinic requires 12 more parking spaces than are available.

The Summit development, located east of the lot in question, contains a total of 205 off-street parking spaces and only requires 127 parking spaces per City Code

(see Attachment D – Approved Site Development Plan for The Summit). The identified off-street parking spaces are located in the northeast quadrant of the development. The site has ample pedestrian sidewalk connections to adjoining lots. The applicant is proposing to construct an additional sidewalk connection north of Ontario Drive (see Attachment E – Applicant Submitted Attachment – Exhibit A). This would connect the parking lot of Lot 1, Shops of the Woodlands to an existing sidewalk along the fire lane of The Summit. The applicant has also agreed to install directional signs to inform customers of the off-site parking availability. Due to the nature of the medical office uses, staff would require the applicant also install signs designating parking spaces for patients visiting the Convenient Care. Per the applicant's submitted calculations, submitted by the proposed user Genesis, three spaces would be required to be designated (see Attachment F – Genesis: Woodlands Convenient Care Parking Assessment)

Staff contacted the Bettendorf Police Chief and the Bettendorf Fire Chief in regards to the variance request. Neither expressed concerns with the proposed off-site parking plan.

Extending the separation of use to 320 feet for off-site parking allows the proposed Genesis Convenient Care to meet the parking requirements for the site. The applicant also proposed other areas beyond 320 feet, but they are not being considered in this application for parking calculation purposes. With the balance of extensive network of pedestrian sidewalks, instructional signage, the recent development of no-parking on Ontario Drive, and implementation of designated parking spaces for Convenient Care patients, staff feels the applicant has ameliorated any concerns which would give reason to not grant the variance.

Staff Recommendation

Staff recommends approval of the variance to increase the off-site parking distance in a commercially-zoned development to 320 feet in lieu of the 300 feet required by City Code on Lot 1 of Shop of the Woodlands with the following conditions:

1. The applicant submits a signed cross-parking easement agreement to the Community Development Department prior to issuance of a building permit for Genesis Convenient Care.
2. A 5-foot wide sidewalk be constructed between Lot 1, Shops of the Woodlands and The Summit development fire lane sidewalk.

3. The applicant designates no less than three parking spaces for Genesis Convenient Care patients. These spaces shall be designated by signs onsite.
4. Installation of instructional signage directing customers to the availability of the off-site parking at The Summit.

Respectfully submitted,

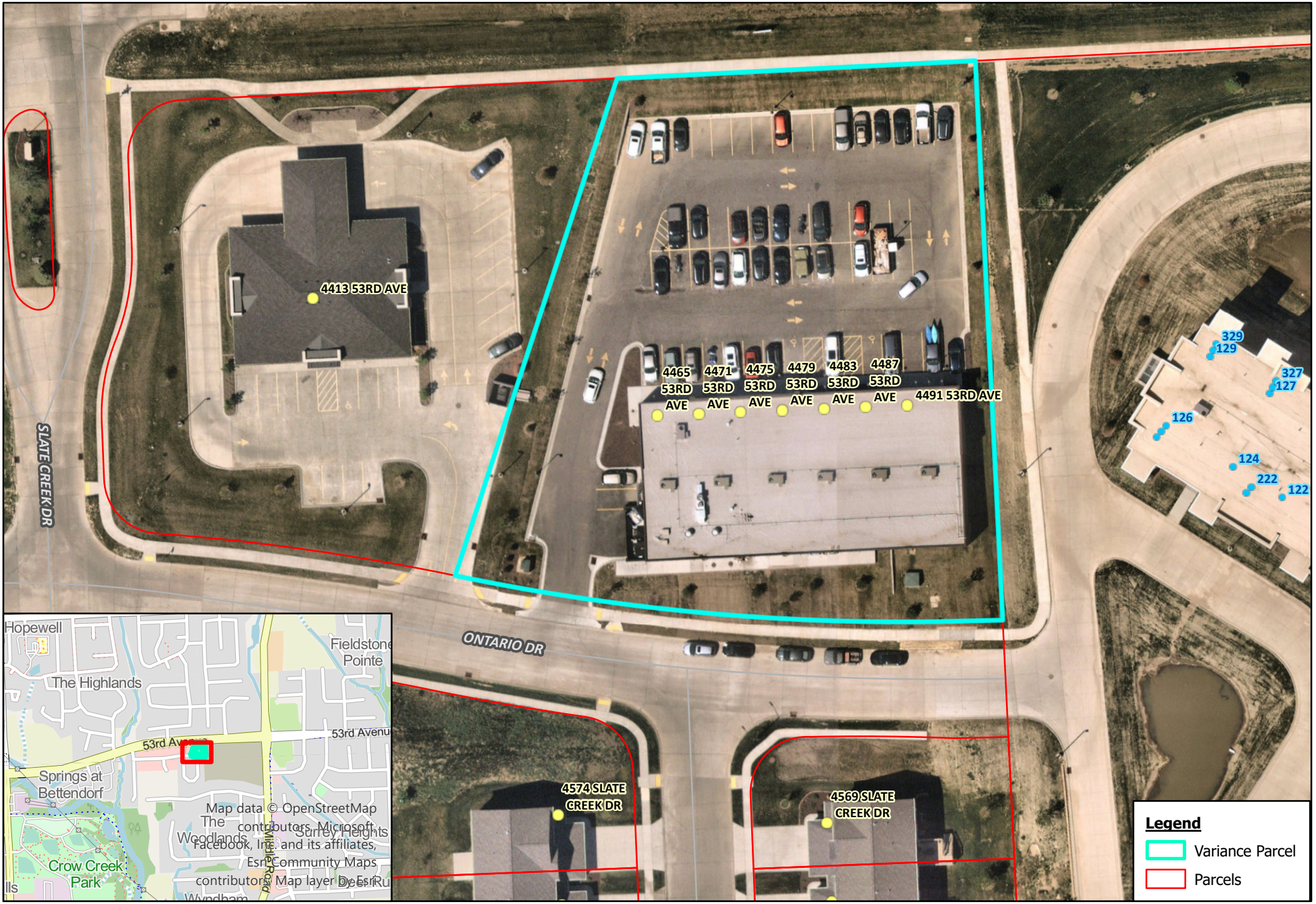
Taylor Beswick
City Planner

Case 22-054: 4465 53rd Avenue
Variance: Reduction of distance from off-site parking lot
Aerial Map

Bettendorf IOWA
a premier city

1 Inch = 54 Feet
Feet
0 20 40 80 120

N



Case 22-054: 4465 53rd Avenue
Variance: Reduction of distance from off-site parking lot
Zoning

1 Inch = 90 Feet
Feet
0 35 70 140 210

N

Legend

- Variance Parcel
- Parcels

Zoning District

- C-1
- C-2
- R-1
- R-3
- R-5

LEGEND:

EASEMENT	EXISTING GAS VALVE
SETBACK LINE	EXISTING WATER VALVE
CENTERLINE	EXISTING UTILITY POLE
PROPERTY BOUNDARY	EXISTING LIGHT POLE
EXISITNG FENCE	EXISTING TREE
EXISTING SANITARY	EXISTING BUSH
PROPOSED SANITARY	EXISTING MANHOLE
EXISTING STORM SEWER	EXISTING FIRE HYDRANT
PROPOSED STORM SEWER	FOUND PROPERTY PIN
EXISTING WATER	CONTROL POINT
PROPOSED WATER	
EXISTING GAS LINE	
EXISTING ELECTRIC	

EXISTING CONTOUR LINE	
PROPOSED CONTOUR LINE	
715.00 TC	SPOT ELEVATION TOP OF CURB
715.00 FL	SPOT ELEVATION FL @ GUTTER
715.00 TW	SPOT ELEVATION SIDEWALK
715.00 FF	FINISHED FLOOR ELEVATION

C1 Zoning Requirements

Front Yard: 20 Ft. Minimum Building Setback

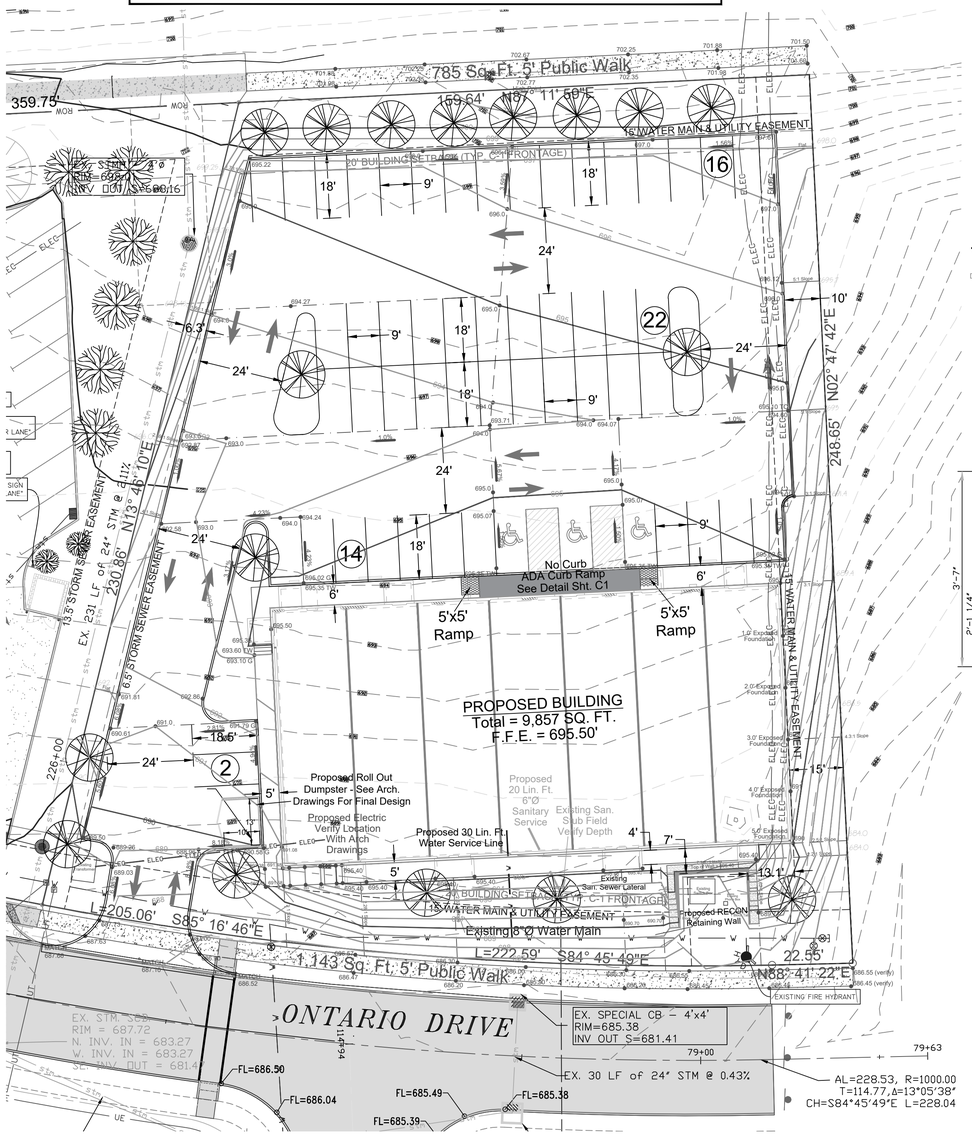
Side Yard: 0 Ft. Minimum Building Setback

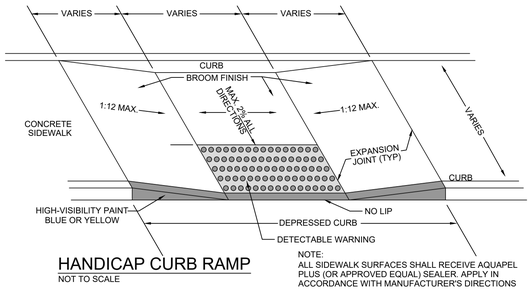
Rear Yard: 20 Ft. Minimum Building Setback

PARKING REQUIREMENTS

PLANNED USE: 9,857 SQ. FT. - RESTAURANTS REQUIRED PARKING = 1 SPACE PER 100 SQ. FT.
2,500 Sq. Ft. \ 100 Sq. Ft. = 25 SPACES
OFFICE REQUIRED PARKING = 1 SPACE PER 250 SQ. FT.
7,357 Sq. Ft. \ 250 Sq. FT. = 29 SPACES

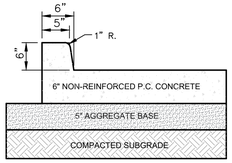
54 SPACES REQUIRED - 54 PROVIDED INCLUDING 3 HANDICAP STALLS



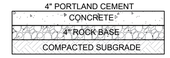


HANDICAP CURB RAMP
NOT TO SCALE

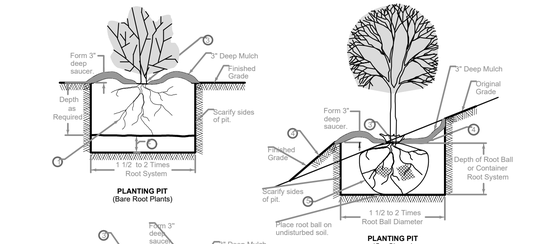
NOTE:
ALL SIDEWALK SURFACES SHALL RECEIVE AQUAPEL PLUS (OR APPROVED EQUAL) SEALER. APPLY IN ACCORDANCE WITH MANUFACTURER'S DIRECTIONS



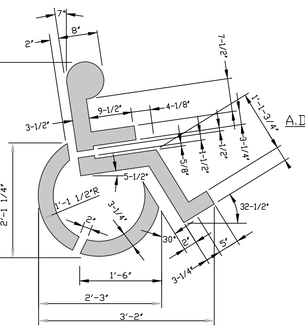
PROPOSED PAVEMENT SECTION
NOT TO SCALE



TYPICAL SIDEWALK DETAIL
NOT TO SCALE



1. Spread root system in natural position with soil excavated from pit.
2. Over-excavate 6 inches. Place 6 inches of loose soil in pit prior to planting.
3. Install with root collar at or slightly above grade. Do not place mulch within 2 inches of trunk.
4. Begin transition at edge of root ball.
5. Cut and completely remove all twine, burlap, and wire baskets from root ball prior to placing backfill material.

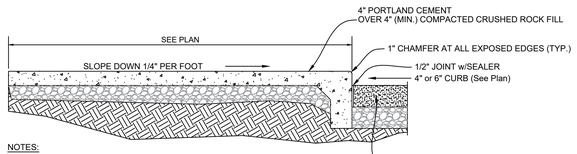


PAINT TO BE IDOT STD. WHITE OR THERMOPLASTIC EQUIVALENT

A.D.A. PARKING SYMBOL
NOT TO SCALE

NOTE:
SIGNS SHALL MEET ALL OF THE REQUIREMENTS OF THE IOWA ADMINISTRATIVE CODE, LATEST ISSUE FOR HANDICAPPED PARKING SIGNS

A.D.A. PARKING SIGN INSTALLATION
NOT TO SCALE



NOTES:
1. PROVIDE 3/8" WIDE x 1" DEEP TOOLED CONTRACTION JOINTS (TJ) AT 5' O.C. MAX. OR WHERE SHOWN ON PLAN. BROOM FINISH PER ARCHITECT
2. TURN DOWN EDGE AT PAVEMENT AREA ONLY.

P.C.C. BARRIER SIDEWALK
NOT TO SCALE

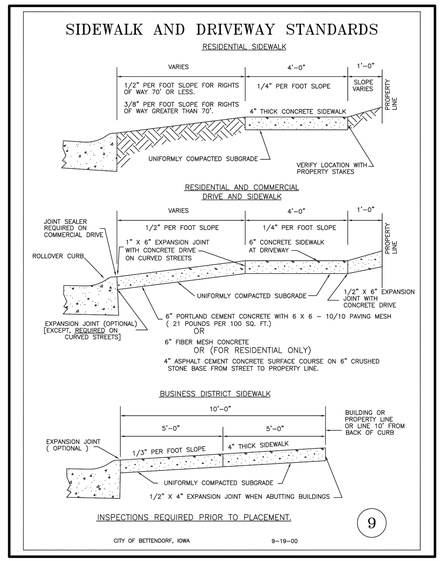
LANDSCAPING NOTES

Minimum Street Yard Greenspace requirements:
Total Required Tree Factors = 17

Ontario Drive = 8 Tree Factors
53rd Avenue = 7 Tree Factors
Vehicular Use Area = 2 Tree Factors

(Qty. = 17) Deciduous Overstory Tree \ 2-inch caliper and 22-inch ball or pot 1.0

	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.	Deciduous overstory 2-inch caliper and 22-inch ball or pot 1.0 4-inch caliper and 40-inch ball or pot 2.0



SITE DEVELOPMENT PLAN

Shops Of The Woodlands Lot 1

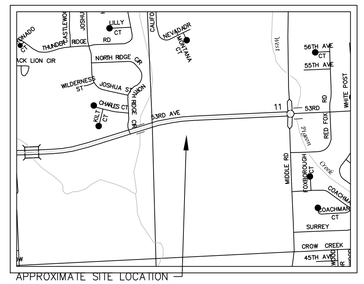
4465 53rd Avenue
Bettendorf, Iowa 52722

IOWA ONE CALL 800/292-8989 Call 2 Working Days BEFORE YOU DIG

N W E S

GRAPHIC SCALE
20 0 10 20
(IN FEET)
1" = 20' (24x36)

SITE LOCATION MAP

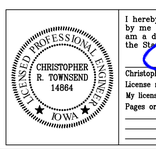


Sheet Index:

C1 - Site & Landscaping Plan
C2 - Grading Plan
C3 - Utility Plan
C4 - Erosion Control Plan

GENERAL NOTES

1. ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF BETTENDORF STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS, LATEST EDITION, AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
2. LEGAL DESCRIPTION OF PROPERTY:
   LOT 2, SHOPS OF THE WOODLANDS, CITY OF BETTENDORF, IOWA.
   PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH PM, BETTENDORF, IN SCOTT COUNTY, IOWA.
3. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY CONFLICTS WITH THE DRAWINGS OCCUR. ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. EXISTING UTILITY LOCATIONS SHOWN ON THE DRAWINGS ARE APPROXIMATE.
4. THE CONTRACTOR SHALL NOTIFY THE CITY OF BETTENDORF AND THE ENGINEER 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
5. PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREAS. DO NOT ALLOW WATER TO DRAIN OR TO POND ONTO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
6. ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
7. CONCRETE PAVEMENT SHALL CONFORM TO THE REQUIREMENTS OF IOWA DEPARTMENT OF TRANSPORTATION SPECIFICATIONS FOR HIGHWAYS AND BRIDGE CONSTRUCTION, SECTION 2301, PORTLAND CEMENT CONCRETE PAVEMENT. CONCRETE PAVEMENT WITHIN THE PUBLIC RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF BETTENDORF STANDARDS AND SPECIFICATIONS.
8. ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL CONFORM TO THE IOWA CONSTRUCTION SITE EROSION CONTROL MANUAL, LATEST EDITION.
9. NOTE: ALL DIMENSIONS ARE TO THE BACK OF CURB, UNLESS OTHERWISE NOTED.
10. NOTE: LOTS 1-4 & 9 SHALL DRAIN TO A REGIONAL DETENTION WHICH WILL BE PROVIDED ON LOT A OF VILLAGE OF THE WOODLANDS ADDITION WHEN CONSTRUCTED.



I hereby certify that this Engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.

Christopher R. Townsend, P.E. — 3-10-20 (Date)
License number: 14864
My license renewal date is December 31, 2020.
Pages or Sheets covered by this seal: C1-C5

TOWNSEND ENGINEERING
CIVIL • STRUCTURAL • LAND DEVELOPMENT
563 386.4236 office 386.4231 fax
2224 East 12th Street, Davenport, IA 52803

PLOT DATE: 3/10/2020

DRAWN BY: CRT
CHECKED BY: CRT

DRAWING LOCATION
S:\Windmiller\Woodland Commercial\Lot 1\Lot 1 Woodlands Site Plan 1-31-20.dwg

NO.	REVISIONS: DESCRIPTION	DATE
1.	Revisions To Plan Set As Per COB Review 3-5-20	3-10-20
2.		
3.		
4.		

PROJECT
SITE DEVELOPMENT PLAN
LOT 1
SHOP OF THE WOODLANDS
4465 53rd AVENUE
BETTENDORF, IOWA

DEVELOPER
WINDMILLER DESIGN BUILD
4877 WOODLAND DRIVE
BETTENDORF, IOWA 52722

SHEET NO.
C1

SITE PLAN FOR WELLSPIRE
IN THE CITY OF BETTENDORF
SCOTT COUNTY, IOWA

SITE INFORMATION

PROPERTY LOCATION	SW COR. OF 53rd AVENUE AND MIDDLE ROAD		
REQUIRED PARKING	1 SPACES PER INDEPENDENT LIVING UNIT - 1 X 105 UNITS + 2 GUEST ROOMS =		107 REQUIRED STALLS
	⅛ SPACE PER ASSISTED LIVING UNIT - ½ X 16 UNITS =		8 REQUIRED STALLS
	⅓ SPACE PER NURSING/CONVALESCENT BED - ½ X 56 BED =		14 REQUIRED STALLS
			129 TOTAL REQUIRED PARKING STALLS
PROPOSED PARKING	205 SPOTS WITH 7 ADA STALLS (110 UNDERGROUND PARKING GARAGE STALLS & 95 SURFACE STALLS)		
EXISTING SITE	583,268 SF	13.39 AC	(100%)
BUILDING AREA =	0 SF	0 AC	(0%)
PAVEMENT =	0 SF	0 AC	(0%)
OPEN SPACE =	583,268 SF	13.39 AC	(100%)
PROPOSED SITE	583,268 SF	13.39 AC	(100%)
BUILDING AREA =	124,443 SF	2.86 AC	(22%)
PAVEMENT =	148,458 SF	3.41 AC	(25%)
OPEN SPACE =	310,367 SF	7.12 AC	(53%)

*DOES NOT INCLUDE AREA WITHIN ROW.

LAND USE	URBAN MEDIUM INTENSITY (UMI)
ZONING INFORMATION	C-2 COMMUNITY COMMERCIAL DISTRICT
FEMA FLOODWAY INFORMATION	NOT APPLICABLE
YARD SETBACKS	
FRONT	20 FT
SIDE	NONE - MIN. 5 FT; 25 FT ALONG RESIDENTIAL (WEST & SOUTH)
REAR	NONE
PROPOSED USE	RETIREMENT RESIDENCE
BUILDING TYPE PER 2009 IBC:	TYPE V-A, BUILDING WILL BE FIRE SPRINKLED
OCCUPANCY TYPE PER 2009 IBC:	I-1, I-2, R-2

FLOOR AREA	
LOWER LEVEL (PARKING):	51,203 SF
LEVEL ONE:	121,114 SF
LEVEL TWO:	49,002 SF
LEVEL THREE:	47,649 SF
LEVEL FOUR:	27,052 SF
TOTAL FLOOR AREA:	296,020 SF

UTILITY & EMERGENCY CONTACTS

THE FOLLOWING UTILITY COMPANIES MAY HAVE FACILITIES IN PROXIMITY TO THE PROJECT:

MIDAMERICAN ENERGY
CONTACT: DIANNE HIRL
PHONE:309/793-3645
EMAIL:DHHIRL@MIDAMERICAN.COM

CENTURYLINK
CONTACT: TOM STURMER
PHONE: 720/578-8090
EMAIL:THOMAS.STURMER@CENTURYLINK.COM

GENESEO COMMUNICATIONS
CONTACT: ROGER GRANELL
PHONE: 309/944-8025
EMAIL: ROGER.GRANELL@GENESEO.COM

IOWA AMERICAN WATER COMPANY
CONTACT: JULIE ALLENDER
PHONE: 563/468-9222
EMAIL: JULIE.ALLENDER@AMWATER.COM

MEDIACOM COMMUNICATIONS CORP.
CONTACT: MITCH HANCOCK
PHONE: 309/743-4735
MHANCOCK@MEDIACOMCC.COM

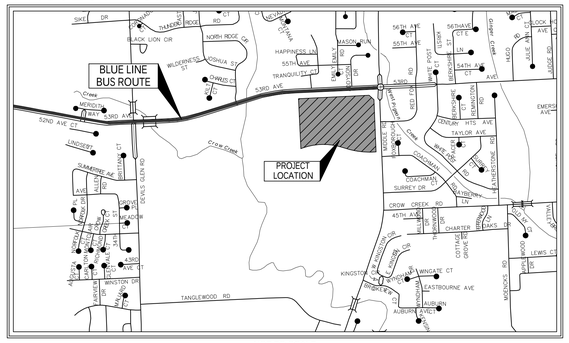
MAGELLAN MIDSTREAM PARTNERS
CONTACT: DYLAN GILLEAN
PHONE: 918/574-7098
WILCALL2@MAGELLANLP.COM

CITY CONTACTS

CITY OF BETTENDORF

PUBLIC WORKS	4403 DEVILS GLEN RD BETTENDORF, IA 52722 563/344-4088
CITY ENGINEER	BRENT MORLOK 4403 DEVILS GLEN RD BETTENDORF, IA 52722 563/344-4063 BMORLOK@BETTENDORF.ORG

PROJECT VICINITY MAP CITY OF BETTENDORF



NOT TO SCALE
CITY OF BETTENDORF, SCOTT COUNTY, IA

THIS PROJECT HAS BEEN DESIGNED IN ACCORDANCE WITH THE CITY OF BETTENDORF DESIGN STANDARDS. NO DESIGN VARIANCES REQUESTED.

LEGAL DESCRIPTION:

THE PARCEL SHOWN IN THE PLAT OF SURVEY RECORDED ON MARCH 11, 2014 IN BOOK 2014, PAGE 5201, OF THE SCOTT COUNTY RECORDER'S OFFICE, EXCEPT TRACT II AS SHOWN IN THE PLAT OF SURVEY RECORDED JUNE 19, 2017 IN BOOK 2017, PAGE 15859 IN THE SCOTT COUNTY RECORDER'S OFFICE AND TRACT I AS SHOWN IN THE PLAT OF SURVEY RECORDED JUNE 19, 2017 IN BOOK 2017, PAGE 15859 OF THE SCOTT COUNTY RECORDER'S OFFICE, ALL IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 78 NORTH, RANGE 4 EAST OF THE 5TH P.M., BETTENDORF, SCOTT COUNTY, IOWA.

INDEX OF SHEETS

C0.00	COVER SHEET	
C0.01	LEGEND & GENERAL NOTES	
C0.02	GENERAL NOTES	
C1.00	EXISTING TOPOGRAPHIC SURVEY AND DEMOLITION PLAN	
C2.00	OVERALL SITE PLAN	
C3.00	GRADING AND EROSION CONTROL PLAN	
C3.01	DETENTION PONDS DETAILS	
C4.00	UTILITY PLAN	
C4.10	SANITARY SEWER PLAN & PROFILE SHEET 1 OF 3	
C4.11	SANITARY SEWER PLAN & PROFILE SHEET 2 OF 3	
C4.12	SANITARY SEWER PLAN & PROFILE SHEET 3 OF 3	
C5.00	PAVEMENT PLAN	
C5.10	53rd AVENUE TURN LANES PLAN	
C5.20	RETAINING WALLS PLAN & PROFILE	

CITY APPROVAL

BY: _____ DATE: _____

CITY'S ENGINEER'S RECOMMENDATION

BY: _____ DATE: _____

OWNER:	APPLICANT:	PREPARED BY:
GENESIS HEALTH SYSTEM 1227 E RUSHOLME STREET DAVENPORT, IA 52803 563-421-5041	WELLSPIRE, LLC C/O ROB KRETZINGER 5508 NW 88TH STREET JOHNSTON, IA 50131 515-271-6789 RKRETZINGER@WESLEYLIFE.ORG	AXIOM CONSULTANTS, LLC C/O NICK BETTIS, P.E. 60 E. COURT STREET, UNIT 3 IOWA CITY, IOWA 52240 319-519-6220 NBETTIS@AXIOM-CON.COM

LICENSED PROFESSIONAL ENGINEER
NICHOLAS J. BETTIS
17780
IOWA

I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

NICHOLAS J. BETTIS, P.E. DATE
LICENSE NUMBER 17780.

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019.

PAGES OR SHEETS COVERED BY THIS SEAL: ALL

NOT FOR CONSTRUCTION - FOR REFERENCE ONLY

POPE ARCHITECTS

POPE ARCHITECTS, INC.
1295 BANDANA BLVD N, SUITE 200
ST. PAUL, MN 55108-2735
(651) 642-9200 | FAX (651) 642-1101
www.popearch.com

THE SUMMIT
BETTENDORF, IA

WesleyLife

AXIOM CONSULTANTS
WWW.AXIOM-CON.COM | (319) 519-6220

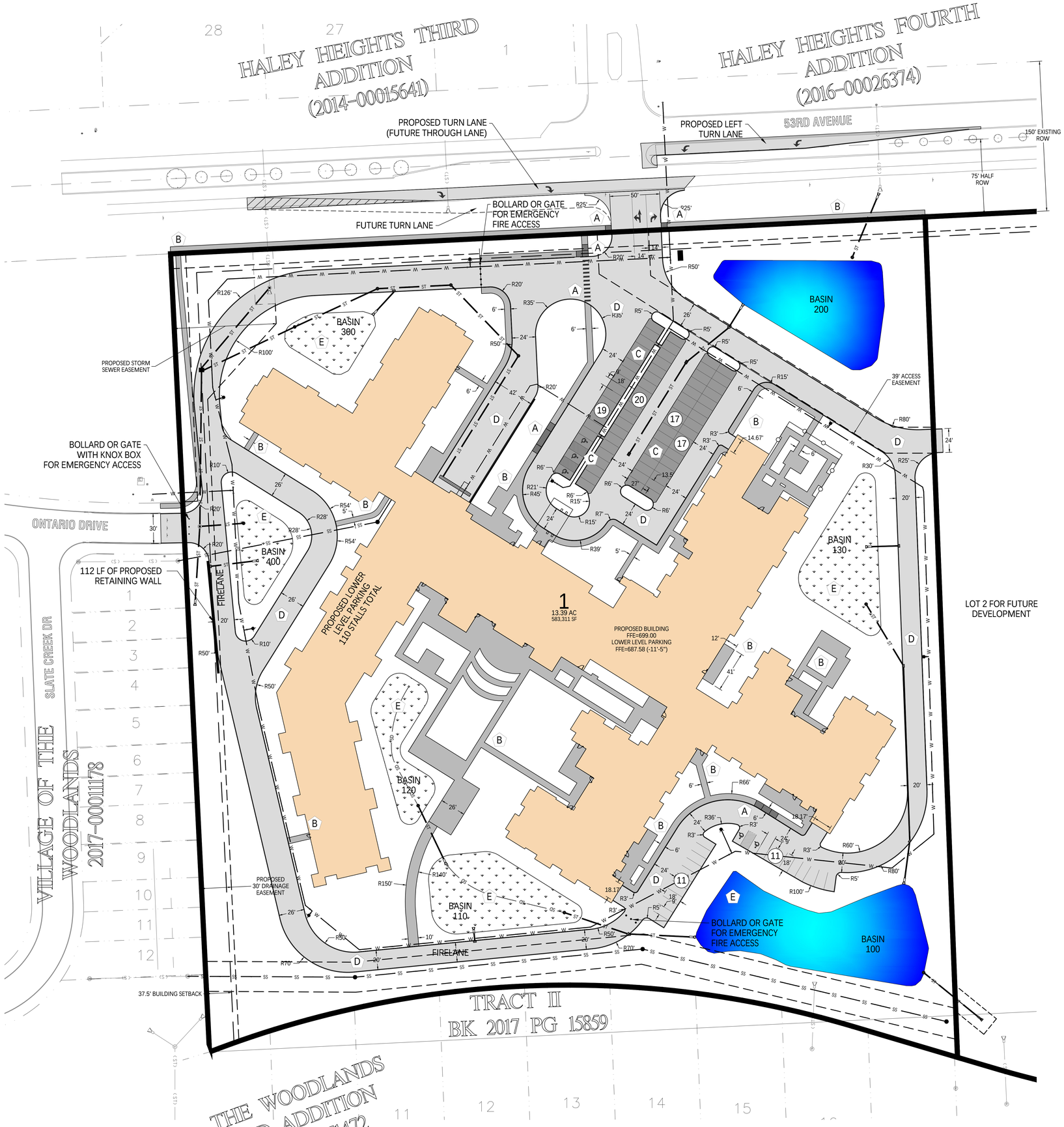
COVER SHEET

Issues and Revisions:
08-29-2019 RELEASED FOR REVIEW

Date: 08-29-2019

Commission No:
Drawn by:
Checked by:

SHEET
C0.00

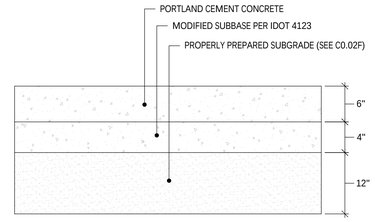


SITE PLAN KEYNOTES

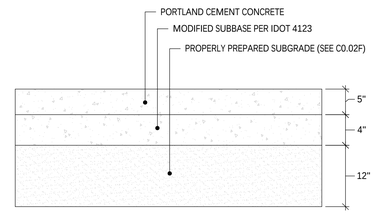
- (A) ADA CURB RAMP. REFER TO SUDAS DETAIL 7030.206
- (B) PROPOSED 4" CONCRETE WALK.
- (C) PROPOSED LIGHT DUTY CONCRETE PAVEMENT. SEE DETAIL 2/C2.00.
- (D) PROPOSED MEDIUM DUTY CONCRETE PAVEMENT. SEE DETAIL 1/C2.00.
- (E) PROPOSED RAIN GARDEN

SITE PLAN NOTES

1. ALL PROPOSED WATERMAIN IS TO BE 8".
2. ALL PROPOSED SANITARY SEWER IS TO BE 8".
3. TWPB LLC OWNS LOTS 12-22 PART OF THE WOODLANDS 3RD ADDITION (2018-00051472)
4. TWPB LLC OWNS LOTS 1-12 PART OF THE VILLAGE OF THE WOODLANDS (20170-00011178)



MEDIUM DUTY PAVEMENT SECTION (1)
NOT TO SCALE



LIGHT DUTY PAVEMENT SECTION (2)
NOT TO SCALE

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIR.	CHORD LEN.
C1	655.69	1000.00	37°34'06"	S87° 41' 56"W	644.01
C2	330.72	1000.00	18°56'56"	N82° 43' 48"W	329.21

LINE TABLE		
LINE #	LENGTH	BEARING
L1	110.21	N73° 31' 01"W
L2	32.83	N73° 34' 54"W
L3	95.72	N87° 47' 44"E

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OVERALL SITE PLAN

Issues and Revisions:

08-29-2019	RELEASED FOR REVIEW

Date: 08-29-2019

Commission No:

Drawn by:

Checked by:

SHEET

C2.00

Exhibit A

Case 22-035: 4465 53rd Avenue
Variance: Reduced Off-Street Parking Requirement
Aerial

1 Inch = 54 Feet

0 20 40 80 120 Feet

N

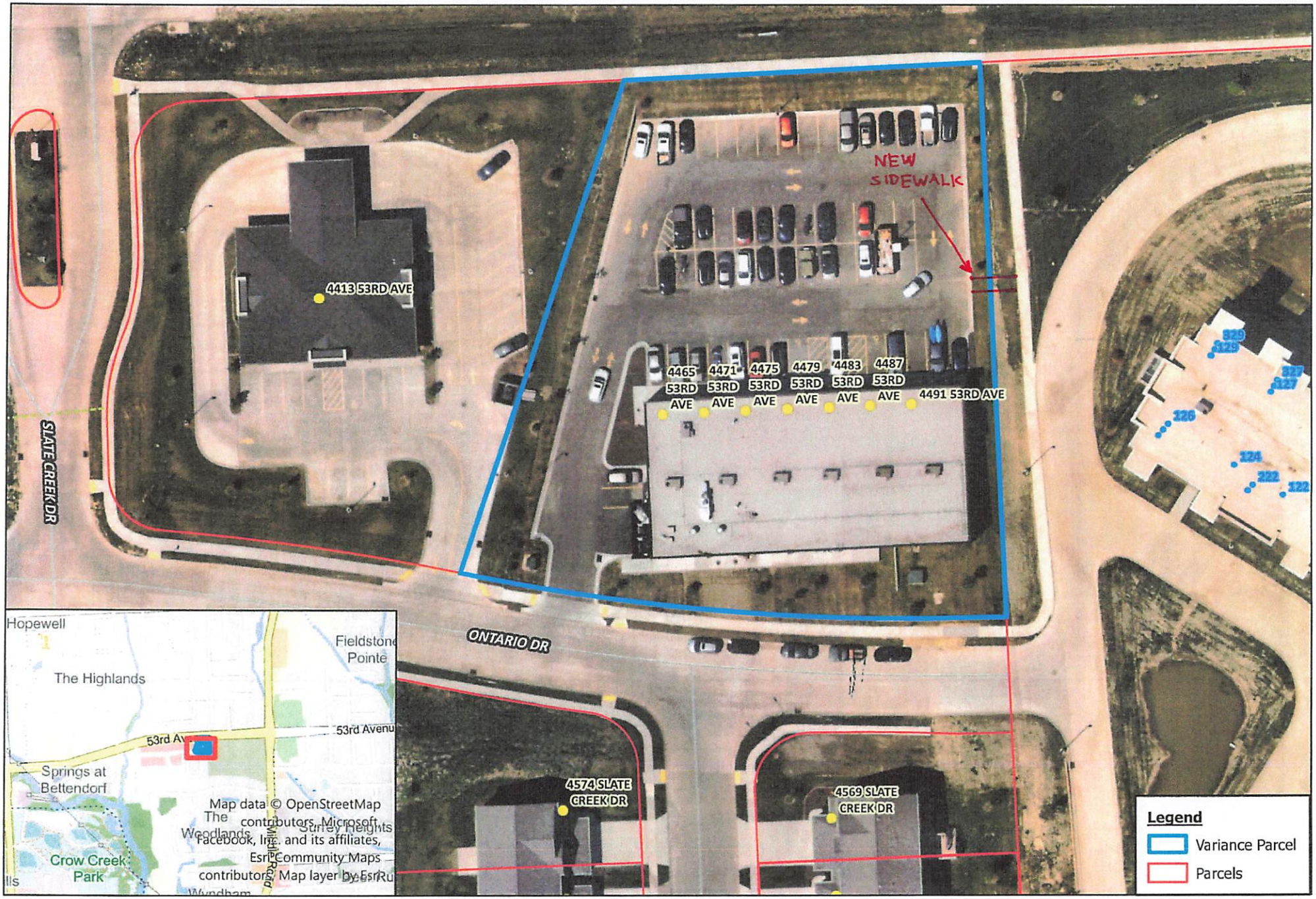

Exhibit C

GENESIS

Woodlands Parking Assessment

Submitted by Beau Dexter, Director Primary Care

The following is a breakdown of patients seen at the current Genesis Convenient Care Woodlands located at 4321 53rd Avenue, Bettendorf the current past fiscal year. Note the average number of patients per day is 31 and per hours is 3 patients (2.6).

Month	Actual Patient Visits	Days in the month	Per Day	Per Hour
Jul	804	30	27	2.2
Aug	1054	31	34	2.8
Sept	1125	31	36	3.0
Oct	1020	30	34	2.8
Nov	1042	31	34	2.8
Dec	1242	30	41	3.5
Jan	999	31	32	2.7
Feb	749	28	27	2.2
Mar	784	31	25	2.1
Apr	705	30	24	2.0
May	825	31	27	2.2
		Avg	31	2.6

*Please see attached reports for patient visits per month.

Staffing – Staffing for this new location will consist of:

- 1-2 Provider
- 2 Clinical Staff (MA/RN)
- 1 Front Office
- 1 Lab Tech
- There is an office for a manager to utilize when rounding.

Total Staff Parking needed will be at most 7 per day.

January

Appointment Date Selected:	**2022-01-01 23:59:59,2022-01-31 00:00:00**
Facility Selected:	**Include: GHG Woodlands 53rd CC**
Report User:	**Dexter, Beau**

Sch Appt Resource	Sch Appt Sched Facility	Sch Event Appt Type Desc	Count of Appointments
Woodlands 53rd CC	GHG Woodlands 53rd CC	CC Phone	20
		CC Walk In	999
		GHG Woodlands 53rd CC TOTAL	1019
	Woodlands 53rd CC TOTAL		1019
Grand Total			1019

February

Appointment Date Selected:	**2022-02-01 23:59:59,2022-02-28 00:00:00**
Facility Selected:	**Include: GHG Woodlands 53rd CC**
Report User:	**Dexter, Beau**

Sch Appt Resource	Sch Appt Sched Facility	Sch Event Appt Type Desc	Count of Appointments
Woodlands 53rd CC	GHG Woodlands 53rd CC	CC Phone	2
		CC Walk In	749
		GHG Woodlands 53rd CC TOTAL	751
	Woodlands 53rd CC TOTAL		751
Grand Total			751

March

Appointment Date Selected:	**2022-03-01 23:59:59,2022-03-31 00:00:00**
Facility Selected:	**Include: GHG Woodlands 53rd CC**
Report User:	**Dexter, Beau**

Sch Appt Resource	Sch Appt Sched Facility	Sch Event Appt Type Desc	Count of Appointments
Woodlands 53rd CC	GHG Woodlands 53rd CC	CC Phone	5
		CC Walk In	784
		GHG Woodlands 53rd CC TOTAL	789
	Woodlands 53rd CC TOTAL		789
Grand Total			789

April

Appointment Date Selected:	**2022-04-01 23:59:59,2022-04-30 00:00:00**
Facility Selected:	**Include: GHG Woodlands 53rd CC**
Report User:	**Dexter, Beau**

Sch Appt Resource	Sch Appt Sched Facility	Sch Event Appt Type Desc	Count of Appointments
Woodlands 53rd CC	GHG Woodlands 53rd CC	CC Phone	2
		CC TeleHealth	1
		CC Walk In	705
		GHG Woodlands 53rd CC TOTAL	708
	Woodlands 53rd CC TOTAL		708
Grand Total			708

May

Appointment Date Selected:	**2022-05-01 23:59:59,2022-05-31 00:00:00**
Facility Selected:	**Include: GHG Woodlands 53rd CC**
Report User:	**Dexter, Beau**

Sch Appt Resource	Sch Appt Sched Facility	Sch Event Appt Type Desc	Count of Appointments
Woodlands 53rd CC	GHG Woodlands 53rd CC	CC Phone	4
		CC Walk In	825
		GHG Woodlands 53rd CC TOTAL	829
	Woodlands 53rd CC TOTAL		829
Grand Total			829

Please only reference "Walk-In" appointment. Telehealth and phone are completed remote.

July

Appointment Date Selected:	**2021-07-01 23:59:59,2021-07-31 00:00:00**
Facility Selected:	**Include: GHG Woodlands 53rd CC**
Report User:	**Dexter, Beau**

Sch Appt Resource	Sch Appt Sched Facility	Sch Event Appt Type Desc	Count of Appointments
Woodlands 53rd CC	GHG Woodlands 53rd CC	CC Phone	2
		CC Walk In	804
		GHG Woodlands 53rd CC TOTAL	806
	Woodlands 53rd CC TOTAL		806
Grand Total			806

August

Appointment Date Selected:	**2021-08-01 23:59:59,2021-08-31 00:00:00**
Facility Selected:	**Include: GHG Woodlands 53rd CC**
Report User:	**Dexter, Beau**

Sch Appt Resource	Sch Appt Sched Facility	Sch Event Appt Type Desc	Count of Appointments
Woodlands 53rd CC	GHG Woodlands 53rd CC	CC Phone	8
		CC Walk In	1054
		GHG Woodlands 53rd CC TOTAL	1062
	Woodlands 53rd CC TOTAL		1062
Grand Total			1062

September

Appointment Date Selected:	**2021-09-01 23:59:59,2021-09-30 00:00:00**
Facility Selected:	**Include: GHG Woodlands 53rd CC**
Report User:	**Dexter, Beau**

Sch Appt Resource	Sch Appt Sched Facility	Sch Event Appt Type Desc	Count of Appointments
Woodlands 53rd CC	GHG Woodlands 53rd CC	CC Phone	4
		CC Walk In	1125
		GHG Woodlands 53rd CC TOTAL	1129
	Woodlands 53rd CC TOTAL		1129
Grand Total			1129

October

Appointment Date Selected:	2021-10-01 23:59:59,2021-10-31 00:00:00
Facility Selected:	Include: GHG Woodlands 53rd CC
Report User:	Dexter, Beau

Sch Appt Resource	Sch Appt Sched Facility	Sch Event Appt Type Desc	Count of Appointments
Woodlands 53rd CC	GHG Woodlands 53rd CC	CC Walk In	1020
		GHG Woodlands 53rd CC TOTAL	1020
	Woodlands 53rd CC TOTAL		1020
	Grand Total		1020

November

Appointment Date Selected:	2021-11-01 23:59:59,2021-11-30 00:00:00
Facility Selected:	Include: GHG Woodlands 53rd CC
Report User:	Dexter, Beau

Sch Appt Resource	Sch Appt Sched Facility	Sch Event Appt Type Desc	Count of Appointments
Woodlands 53rd CC	GHG Woodlands 53rd CC	CC Walk In	1042
		GHG Woodlands 53rd CC TOTAL	1042
	Woodlands 53rd CC TOTAL		1042
	Grand Total		1042

December

Appointment Date Selected:	2021-12-01 23:59:59,2021-12-31 00:00:00
Facility Selected:	Include: GHG Woodlands 53rd CC
Report User:	Dexter, Beau

Sch Appt Resource	Sch Appt Sched Facility	Sch Event Appt Type Desc	Count of Appointments
Woodlands 53rd CC	GHG Woodlands 53rd CC	CC Phone	30
		CC Walk In	1242
		GHG Woodlands 53rd CC TOTAL	1272
	Woodlands 53rd CC TOTAL		1272
	Grand Total		1272

Bettendorf
a premier city

Case No. 22-

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

Part 1. Property Involved.
Street Address 4465 53rd Ave.
Legal Description of the property. Genesis Health Systems d/b/a Genesis Health Group

Part 2. Contact Information.
Applicant/Contact Name Ryan Windmiller Phone 563-332-0146
Address P.O. Box 809
E-mail Address: ryan@aspenwindmiller.com
Owner Name Ryan Windmiller Phone 563-332-0146
Address P.O. Box 809
E-mail Address: ryan@aspenwindmiller.com

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

☑ 1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
- (b) That it will not impair an adequate supply of light and air to adjacent property.
- (c) That it will not unreasonably increase the congestion in public streets.
- (d) That it will not increase the danger of fire or of the public safety.
- (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
- (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

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

☑ 3. Other. See attachments

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.

_____
_____
_____
_____
_____
_____

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 28 day of June, 20 22.

Signature of Applicant _____ Signature of Owner _____
(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 28 day of June, 20 22

NOTARIAL SEAL IOWA | JOAN M. BRYANT Commission No. 729954 My Commission Expires 08/11/2022

Joan M. Bryant
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 Polly Cleland

Amount $ 100.00 Date 6-28-22

WG Properties

Ryan Windmiller

In consideration of the parking of Lot 1, Shops of The Woodlands we are presenting the following information to explain our position.

The code says we need 28 spaces to be able to add Genesis Convenient Care to the current tenant mix at the building. Currently we have 16 spaces remaining based on the code for the taking into account the other tenants (Stouts/Restaurant & Chiropractor uses) we have in the building. We do not feel that 28 spaces are needed and as the building owner I would think differently and not be asking for a variance if I did not have the following information:

1. Exhibit C is a data sheet that shows the actual occupancy in the last year at Genesis current convenient care that is the same size and located one block away. In this it shows they use a max of 7 employees and average +/-3 patients per hour for a total demand of 10 spaces . If the 3 patients overlap the time they show up (in cue to see a doctor) Genesis believes, that, it would require an additional 3 more spots at any given time for a total of 13 parking spaces needed. Their historical tracking of their business indicates that there would be a surplus of 3 parking spaces of the remaining 16 spaces we have left over per Bettendorf parking ordinance for these uses. Again, I want to point out that this is based on factual data from their appointment only business model that has been proven to work over the last two years at this location in the Woodlands. With this scenario we have three extra parking spaces remaining at the site. There are many times of the year as you can see on the chart that patient levels are much less per hour, and this does not take into account the varying hours of operation and parking lot utilization with the mix of business uses

2. Genesis peak time for patients has historically been in the winter months. These are the months that the Stouts patio is not in use, so they offset each other's peak times.

3. We have a cross easement agreement for the parking spaces located at the front of the Summit independent/assisted & memory care property. In the off chance that parking is an issue, Genesis will have their employees park in that parking lot. The Summit has a parking garage under the larger building as well with many more spaces that are not shown on the aerial photography.

4. Genesis is a co-owner of the Summit.

5. We will agree to install a (4'-6') wide access sidewalk between our building and the Summit fire lane (shown in Exhibit A). This will allow for safe and easy access for employees walking to the building. This other benefit is that it will allow emergency services to have a second access point to our building in case an ambulance is needed at the Convenient Care.

6. Ontario Street behind the building (west side) is in essence a dead end and not a public entrance to the Summit. Therefore, parking along the street there does not impede any site lines or access to anything. We know on-street parking is not factored in when consideration of

parking requirements, but it is a lot of overflow parking in the off-chance parking is an issue during a brief period during a day. Bettendorf's requirement to have 32' wide residential streets is to allow for the safe movement of fire trucks even with vehicles parked on both sides of a street.

7. The Woodlands does have recorded cross easement parking and access agreements with lot numbers 3, 5,6,7,8, and 9. Lot #3 is 230 feet away from the entrance of Lot 1 as shown in Exhibit B. Lot 9 is 360 feet away from the entrance of Lot 1 shown in Exhibit B. Both lots are in design phase to be built on. The International Council of Shopping Centers (ICSC Shared Parking 3rd Addition) has done numerous studies to show that when there are mixed uses businesses within a shopping district, that 5 parking spaces per thousand square feet of space is often under-utilized and that parking ratios are specifically set up for the one-two week busy shopping period around the holidays. Changes in consumer behavior, technology have changed the need for vast parking areas.

We hope that you find this data helpful and please know that we as the landlord and Genesis as the tenant would not be making a significant investment in this space if we both did not recognize the specific parking needs of the business model.