

NOTICE TO THE AUDIENCE. PLEASE REMEMBER THAT IF YOU ARE INTERESTED IN MATTERS ON THE AGENDA THAT WILL HAVE SUBSEQUENT MEETINGS, IT IS YOUR RESPONSIBILITY TO NOTE THE DATES, TIMES, AND PLACES. NO FURTHER LETTERS OR REMINDERS WILL BE SENT. OF COURSE, IF YOU HAVE ANY QUESTIONS ABOUT ANY GIVEN MATTER, DO NOT HESITATE TO CONTACT THE PLANNING DEPARTMENT IN THE CITY HALL ANNEX, 4403 DEVILS GLEN ROAD, BETTENDORF, IOWA (344-4100).

MEETING NOTICE
BOARD OF ADJUSTMENT
MAY 9, 2024
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 March 14, 2024.
4. The Board to hold a public hearing on the following case:
 - a. **Case 24-039; 2570 Middle Road (C-2)** – Special Use Permit to allow a bar and an outdoor service area with alcohol, submitted by SIM Golf Quad Cities 1, LLC. (Staff: Beck)



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
MARCH 14, 2024
5:00 P.M.

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

Item 1. Roll Call

PRESENT: Gallagher, Spranger, Tansey, Tombergs, Vermillion

ABSENT: None

STAFF: Beck, Beswick, Fuhrman, Hunt

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of February 15, 2024.

On motion by Spranger, seconded by Tombergs, that the minutes of the meeting of February 15, 2024 be approved as submitted.

ALL AYES

Motion carried.

Item 4. Election of officers.

On motion by Tombergs, seconded by Spranger, that Gallagher remain in his position as Chair for 2024.

ALL AYES

Motion carried.

On motion by Gallagher, seconded by Spranger, that Tombergs remain in her position as Chair Pro Tem for 2024.

ALL AYES

Motion carried.

Item 5. The Board to hold a public hearing on the following items:

- a. **Case 24-014; 6021 Valley Drive (I-2)** – Variance to reduce the required landscape buffer yard from 30 feet to 25 feet, submitted by Greg Franich. (Staff: Beck)

Beck reviewed the staff report.

On motion by Spranger, seconded by Tansey, that a variance to reduce the required landscape buffer yard from 30 feet to 25 feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #2 to these minutes.

- b. **Case 24-016; 3011 Devils Glen Road (C-2)** – Variance to increase the allowable area of an on-premises identification sign from 107 square feet to 177 square feet, submitted by Nicole Richards for Ace Sign Displays. (Staff: Beck)

Beck reviewed the staff report.

On motion by Vermillion, seconded by Spranger, that a variance to increase the allowable area of an on-premises identification sign from 107 square feet to 177 square feet be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #3 to these minutes.

- c. **Case 24-015; 5221 Competition Drive (C-3)** – Variance to increase the allowable height of an on-premises identification sign from 20 feet to 30 feet, submitted by Acme Sign Co., Inc. (Staff: Beswick)

Beswick reviewed the staff report.

Vermillion asked if the Kwik Star sign is visible from the interstate exit. Beswick stated that there is a grade change at that location, adding that it is over 1000 feet from interstate. He added that staff's analysis was based on conditions as they exist and reviewed the existing and proposed structures in the area.

Tombergs asked why the allowable sign height was changed from 30 feet to 20 feet. Beswick explained that he believes that the City Council at the time wished to try to protect adjacent property from light, obstructions, and reduced property values. He added that approving the variance request with no hardship having been established could set a negative precedent and that he does not believe that increasing the sign height would improve the visibility of the sign in any significant way. Hunt stated that while staff could not find a definitive explanation for why the allowable sign height was reduced, it was a deliberate change by the City Council. He added that the applicant has not established a hardship. Hunt explained that staff had encouraged the applicant to request a text amendment to increase the allowable height to 30 feet.

Austin Smith, owner-operator of McDonald's, stated that the larger the sign is, the better it is for his business. He added that he is at a competitive disadvantage because his director competitor Kwik Star has a 30-foot high sign. Smith stated that he believes the sign would not be very visible given the new construction going on in the area.

Craig Jarvis, the applicant, stated that very little of the signage will be lighted.

Spranger commented that she would not be supportive of the variance request as there appears to be a path forward for the applicant with no variance being required. Hunt confirmed this, reiterating that Code requires that a hardship must be established that is not self-imposed by the applicant. He explained that such things as difficult topography or required drainage areas where an applicant wishes to

place a sign would establish a legitimate hardship. He reiterated that the applicant could request a text amendment which would be a more appropriate way to address the issue. He stated that visibility of a sign is not a hardship. Tansey commented that he would not be comfortable setting that precedent. Gallagher stated that perhaps the ordinance could be changed such that sign height could be increased for similar commercial areas.

Smith asked how long the process for a text amendment would take. Hunt stated that it could take several weeks. Smith commented that he does not have that much time before he is required to install the sign.

On motion by Spranger, seconded by Tansey, that a variance to increase the allowable height of an on-premises identification sign from 20 feet to 30 feet be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- d. **Case 24-017 3636 Tanglewood Road (C-1)** – Special use permit to allow a miniature golf course (Commercial Recreation-Controlled Impact), submitted by Craig Wagner. (Staff: Beswick)

Beswick reviewed the staff report.

Gallagher expressed support for the project with the caveat that the current number of parking spaces remains available for the site. Hunt commented that one of the conditions of staff's recommendation for approval is submittal of the shared parking agreement with the YMCA and the continued availability of the required number of parking spaces for the overall site.

On motion by Spranger, seconded by Tombergs, that a special use permit to allow a miniature golf course (Commercial Recreation-Controlled Impact) be approved in accordance with the Decision and Order and subject to the submittal of a shared parking agreement with the YMCA.

ALL AYES

Motion carried.

Decision and Order is Annex #5 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:45 p.m.

STAFF REPORT

Subject: Special Use Permit
Author: Greg Beck
Department: Community Development
Date: May 9, 2024



Case No.: 24-039
Request: Special Use Permits - Bar and Outdoor Alcohol Service
Location: 2570 Middle Road
Legal Description: Lot 3, Ewing Bettendorf First Addition (Parcel #: 842123203)
Applicant: Chet Henderson XGOLF and John Low SIM Golf Quad Cities 1, LLC
Current Zoning: C-2, Community Commercial District
Future Land Use: CC, Community Commercial

Background Information and Facts

Chet Henderson, X-GOLF, and John Low, SIM Golf Quad Cities 1 LLC, are seeking special use permits to allow an alcohol outdoor service area and bar at 2570 Middle Road (see Aerial Photo, Attachment A). The Future Land Use map designates Community Commercial as the land use classification for this lot. Other surrounding future land use designations include:

- Public-Semi Public (east),
- Parks and Open Space(southeast),
- Urban Low Intensity (southwest),
- Urban Medium Intensity (west),
- Community Commercial (northwest and north) (see Future Land Use Map, Attachment B).

The parcel is zoned C-2, Community Commercial District. The surrounding zoning classifications are:

- R-1, Single Family Residence District (south)
- C-2, Community Commercial District (north)
- C-1, Neighborhood Commercial District (east) (see Zoning Aerial, Attachment C).

The applicant seeks a Special Use Permit for a bar and outdoor service area with alcohol proposed for the southwest corner of the building (see Site Photo and Plot Plan, Attachments D and E). The provisions applicable to this request are found in Sections 11-4-5-B (Permitted Uses Table) and 11-15-9 (Special Use Permits) of the Zoning Ordinance requiring the Board of Adjustment to rule on the Special Use Permits.

The hours of operation for the business according to the proprietor will encompass each day of the week and are as listed:

- Monday-Thursday: 10 a.m. – 10 p.m.
- Friday 10 a.m. – Midnight
- Saturday: 8 a.m.-1 a.m.
- Sunday: 8 a.m. – 10 p.m.

Staff Analysis

The evaluation of this location requires that the applicant's project meet each step of a nine-step test before the Board of Adjustment issues a Special Use Permit. The relevant code is provided below, with staff's responses provided in blue.

11-15-9: SPECIAL-USE PERMITS:

E. Standards: No special use permit may be granted unless:

1. The proposed use is designated by this title as a special use in the district in which the use is to be located. *Per 11-4-5, bars and outdoor patios with alcohol service are allowed with a Special Use Permit in a C-2 district.*
2. The proposed use will comply with all applicable regulations in the district in which the use is to be located. *The proposed outdoor patio and bar uses shall be required to meet the regulations of the Zoning Ordinance and other applicable laws.*
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 area near the Spruce Hills Drive and Middle Road intersection has been zoned commercially for decades and has accommodated many business uses. Access to 2570 Middle Road is platted to come from Middle Road through an access easement connecting through the Northwest Bank lot. Except for the patio, all other activities are contained in the building. This building already received site development plan approval from the City Council.*
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. *The building was approved as part of a site development plan process that considered the relationship of this building to surrounding parcels. The location is along heavily traveled streets, adding little in the way of traffic count. Only 15 feet of street yard landscaping is required by the Landscape Ordinance, because of the intervening major arterial street Middle Road. The Landscape Plan required seven tree factors for the streetscape areas and 4 tree factors for the vehicular use areas.*
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. *The size of the business space used for serving*

patrons is comprised of bar space, golf simulators, employee spaces, utilities, restrooms and outdoor service area.

- The bar and outdoor service areas were calculated as requiring one parking space for every 50 square feet of service area. The bar has a total of 1,036 square feet of customer area and needs 21 spaces, and the patio is 360 square feet and needs eight spaces.
 - The golf simulator parking calculations were calculated with the golf course definition of parking from the Zoning Ordinance. Three spaces per simulator bay (hole) and ½ space per employee are required. The eight golf simulators total 24 spaces and the 4 employees require two spaces. A total of 55 spaces are required for XGOLF (see Parking for XGOLF, Attachment F).
 - As designed per the Zoning Ordinance requirements, the total onsite parking spaces is 78. Extra ground acquired by the developer from Lot 1, Ewing Bettendorf First Addition permitted more parking to be added on the east side of the structure.
6. The proposed use will not cause substantial injury to the value of other property in the neighborhood. Middle Road acts as a boundary between this location and the nearby single-family housing to the south. The closest single-family dwelling sits approximately 250 feet south of the multi-tenant commercial building. The structure adheres to the necessary screening standards mandated between the R-1, Single Family Residence District, and the C-2, Community Commercial 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. No prior application has been made from this location within the last year for a Special Use Permit.
 8. The board of adjustment shall impose such 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 general intent of this title. Failure to comply with such conditions or restrictions shall constitute a violation of this title. The Board of Adjustment may place conditions as necessary on the potential approval of this outdoor service area. Staff would add a condition that:
 1. The owner of the multi-tenant retail structure verifies all proposed uses with staff prior to any lease being signed by potential tenant. Use by right or special use permit and parking requirements must be evaluated by city staff prior to permitting any use in the building.
 2. Approval of a revised site development plan by the City Council is required to make the Special Use Permits active.
 9. The proposed use is consistent with the Bettendorf Comprehensive Plan and serves to further the goals of the plan. The application meets the following Goal of the Comprehensive Plan - Goal C: Attract and Retain Business and Industry.

Staff Recommendation

Staff recommends that the Board of Adjustment approve the Special Use Permit for the proposed outdoor service area for the portion of the building addressed as 2570 Middle Road.

Staff would add the conditions mentioned earlier:

1. The owner of the multi-tenant retail structure verifies all proposed uses with staff the prior to any lease being signed by potential tenant. Use by right or special use permit and parking requirements must be evaluated by city staff prior to permitting any use in the building.
2. Approval of a revised site development plan by the City Council is required to make the Special Use Permit active.

Respectfully submitted,

Greg Beck
City Planner

Case No. 24-039: 2570 Middle Rd Site Development Plan Aerial



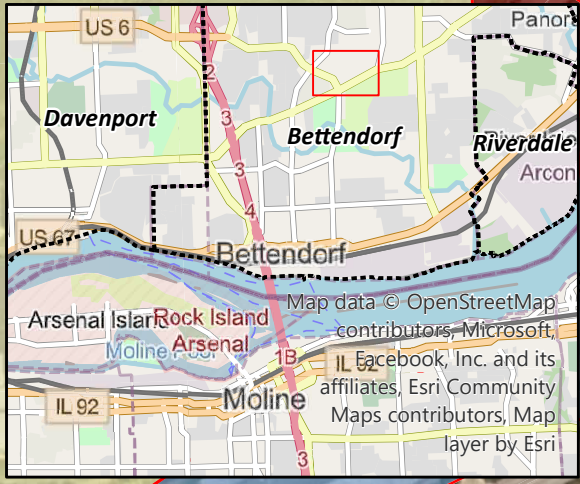
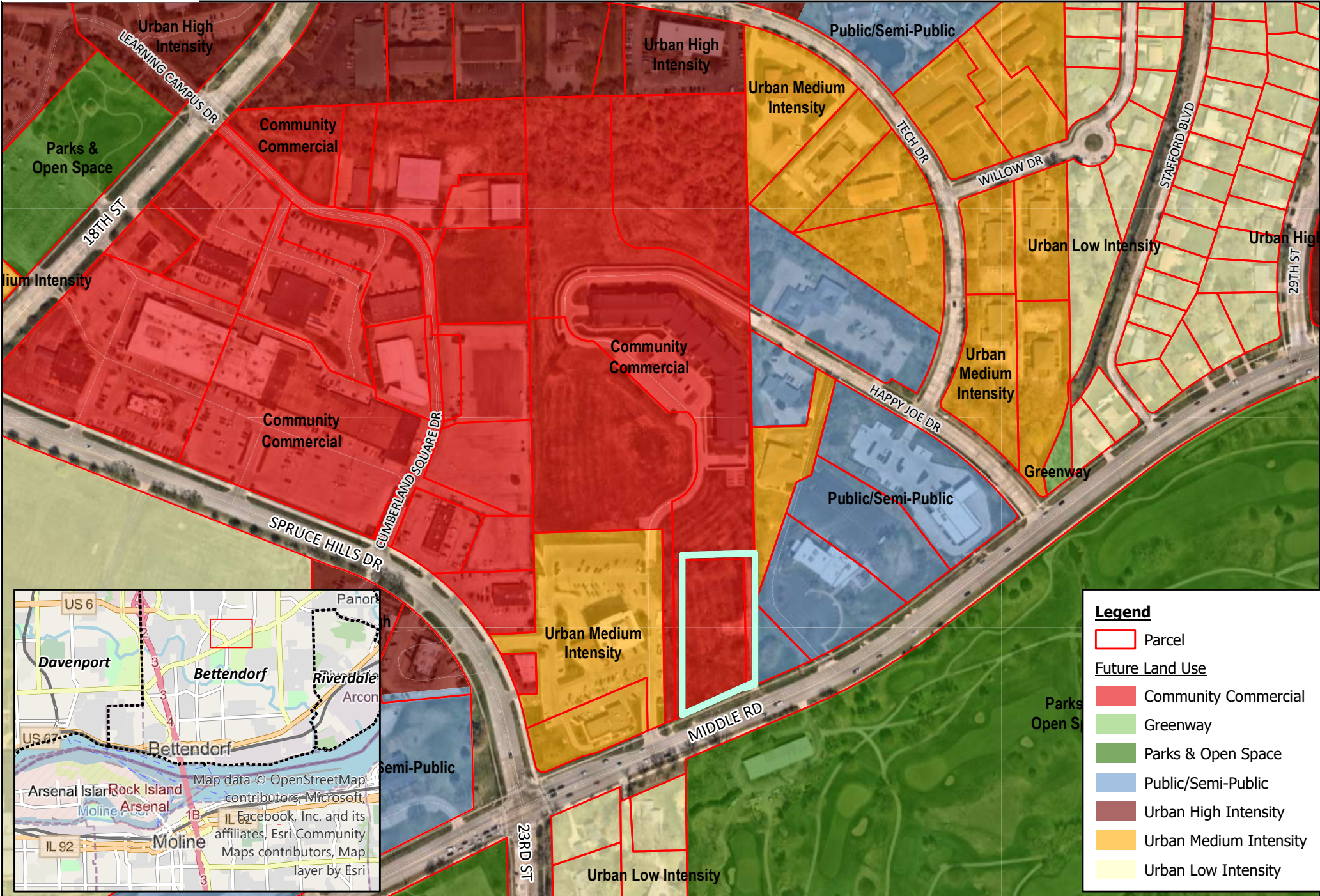
Legend
Parcel

Case No. 24-039: 2570 Middle Rd Site Development Plan Future Land Use

1 Inch = 300 Feet



N



Legend

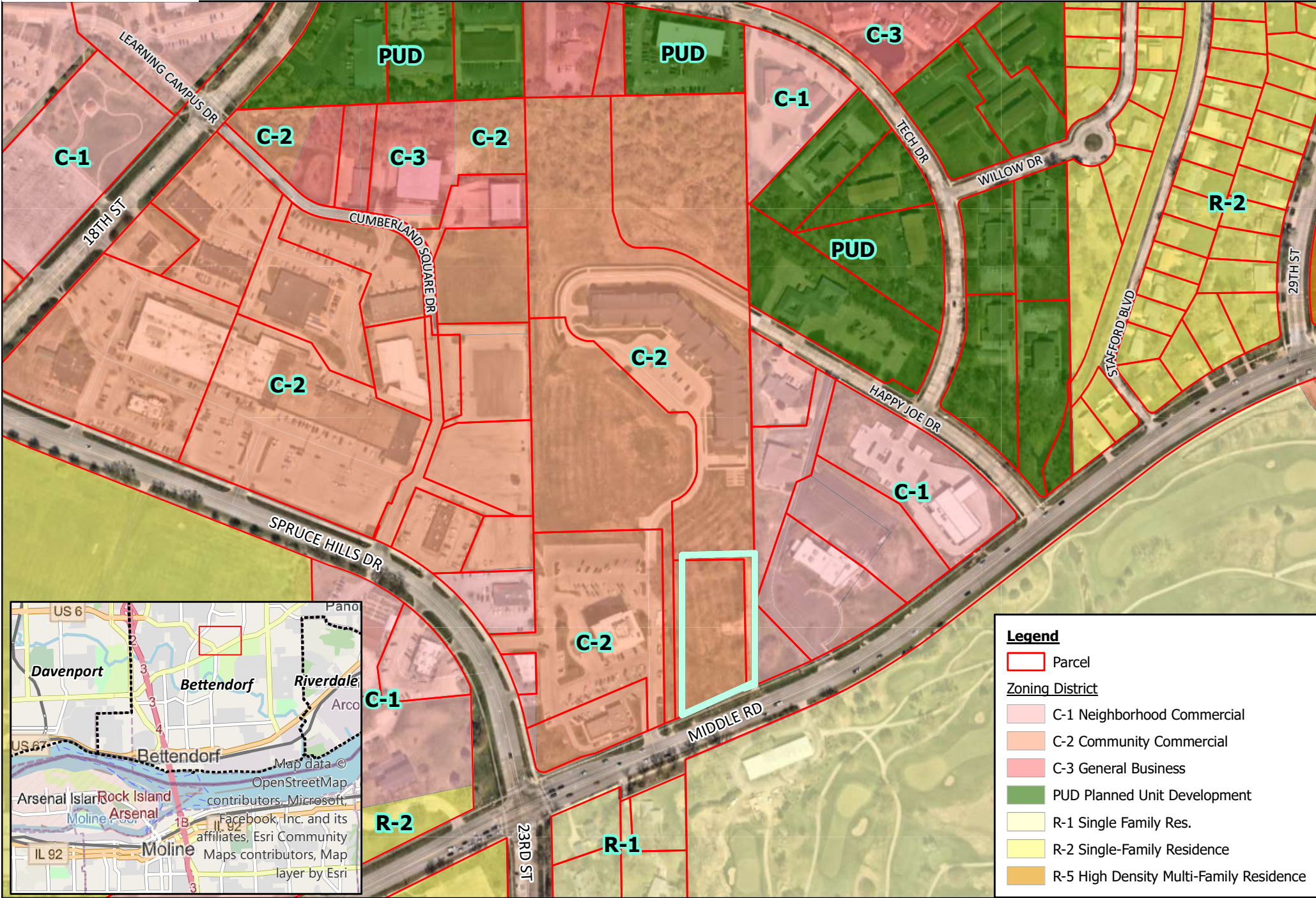
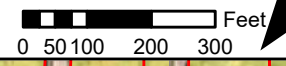
- Parcel

Future Land Use

- Community Commercial
- Greenway
- Parks & Open Space
- Public/Semi-Public
- Urban High Intensity
- Urban Medium Intensity
- Urban Low Intensity

Case No. 24-039: 2570 Middle Rd Site Development Plan Zoning

1 Inch = 300 Feet



Legend

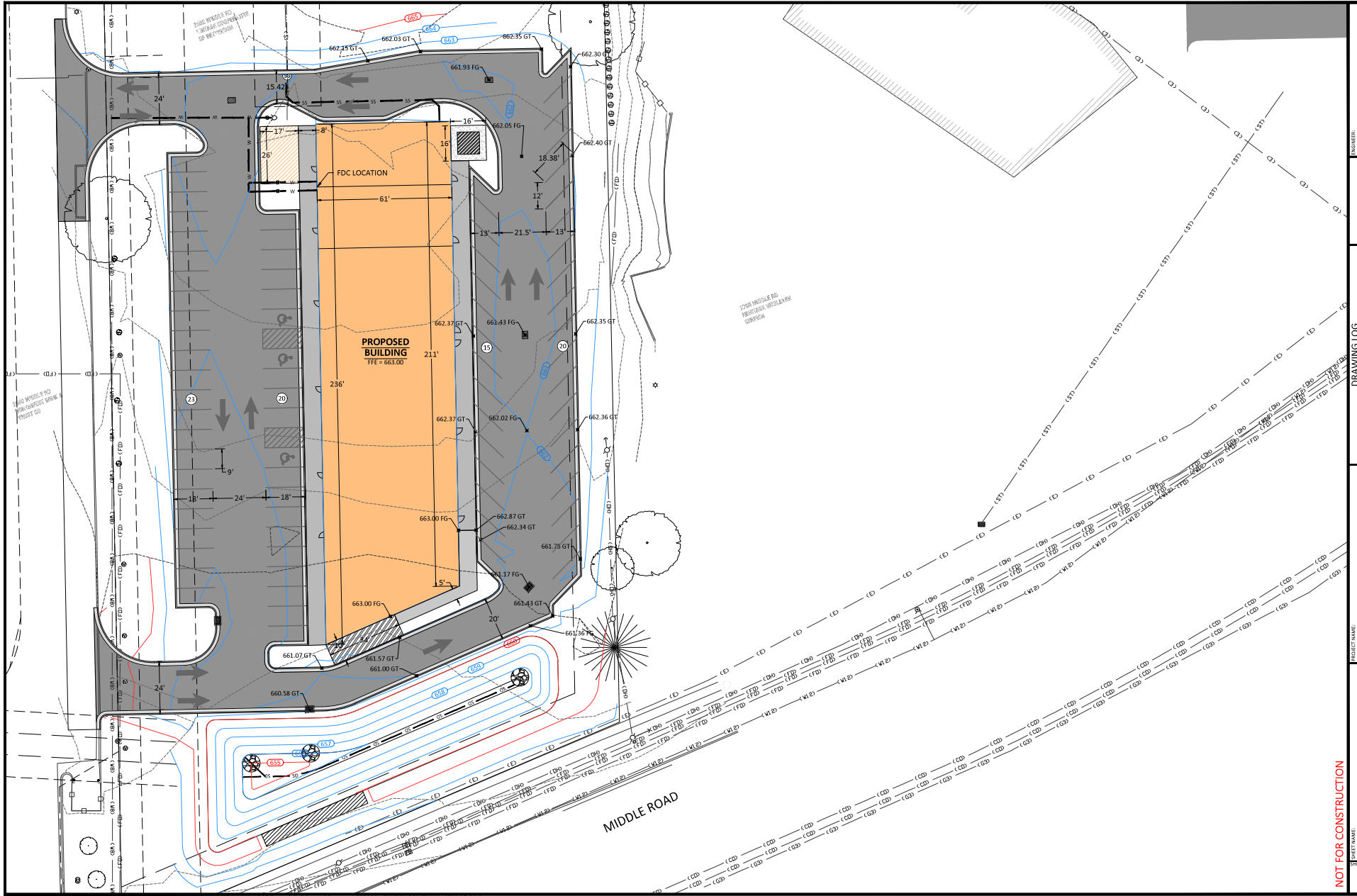
- Parcel
- Zoning District**
- C-1 Neighborhood Commercial
- C-2 Community Commercial
- C-3 General Business
- PUD Planned Unit Development
- R-1 Single Family Res.
- R-2 Single-Family Residence
- R-5 High Density Multi-Family Residence

US 6
Davenport
Bettendorf
Riverdale
Arco
US 67
Bettendorf
Map data ©
OpenStreetMap
contributors, Microsoft
Arsenal Island, Rock Island, Moline Arsenal
Moline
IL 92
Facebook, Inc. and its
affiliates, Esri Community
Maps contributors, Map
layer by Esri

CASE NO. 24-039 2570 MIDDLE ROAD
OUTDOOR ALCOHOL SERVICE AND BAR
SPECIAL USE PERMITS



VIEW LOOKING FROM SOUTHWEST ENTRY



May 03, 2024 - 10:31am S:\WORK\ELIS\2022\220014 - SWITCH - Middle Road Commercial\US Design\Civil\Survey\Concepts\220014 - CHURCH DRIVEWAY - 2024.05.03.dwg

NOT FOR CONSTRUCTION

SHEET NAME:
REVISED SITE PLAN

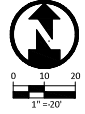
PROJECT NAME:
SWITCH COMMERCIAL

DATE

REV. DESCRIPTION OF CHANGES

DRAWING LOG

ENGINEER



MIDDLE ROAD

BETTENDORF

CONLION CONSTRUCTION

DRAWN PROFESSIONAL:
BOELK

PROJECT NO.:

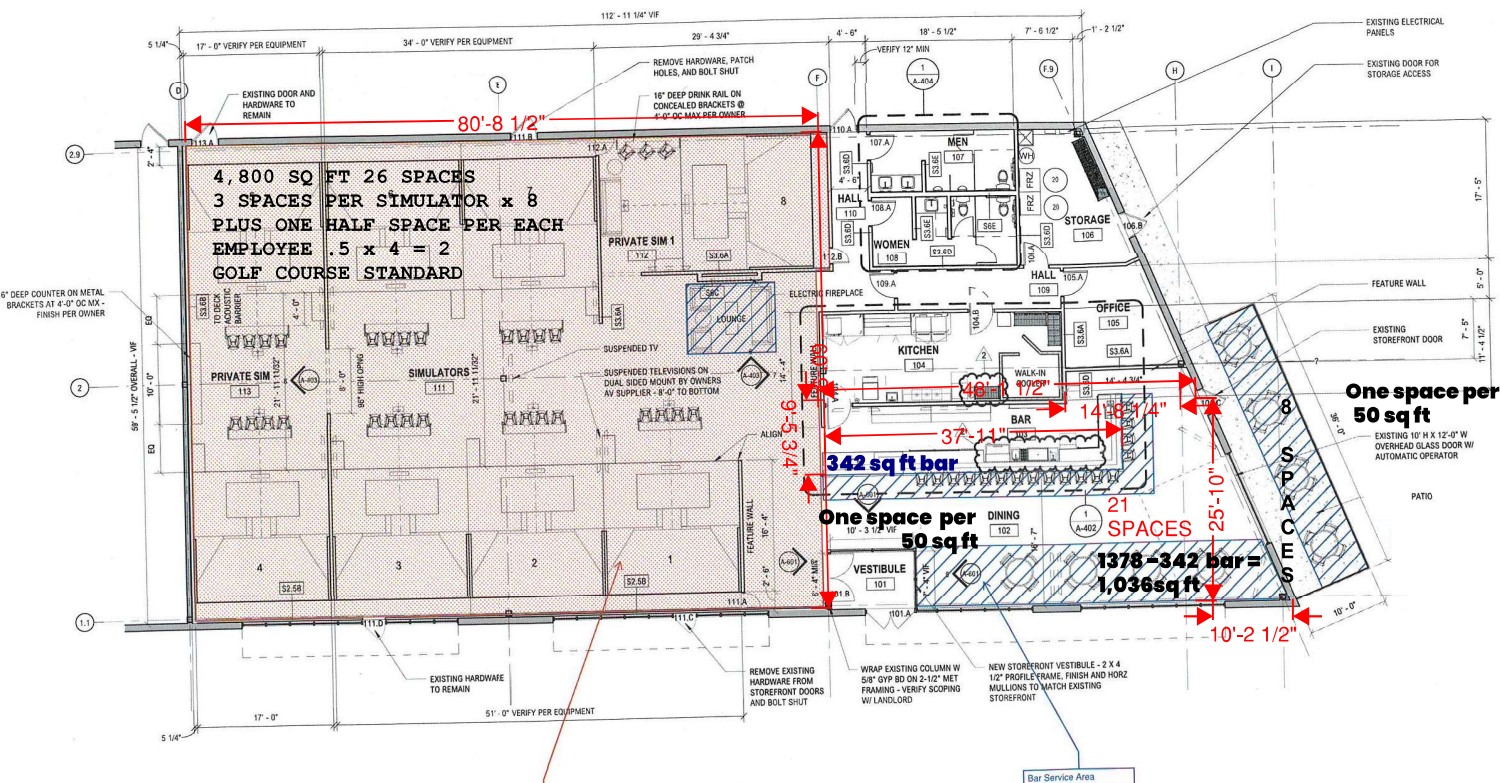
22-0014

SHEET VOLUME:

1 OF 1

FLOOR PLAN NOTES

1. ALL CONSTRUCTION TO BE IN COMPLIANCE WITH THE LOCAL CONSTRUCTION CODE.
2. DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. IF A DIMENSIONAL DISCREPANCY ARISES, NOTIFY THE DESIGNER IMMEDIATELY.
3. IF ANY QUESTIONS ARISE AS TO THE ARCHITECTURAL INTENT OF THESE DOCUMENTS, IT IS THE GENERAL CONTRACTOR'S RESPONSIBILITY TO ASK SUCH QUESTIONS OF THE DESIGNER, AS THE DESIGNER IS THE SOLE INTERPRETER OF THESE DOCUMENTS. IF NO SUCH QUESTIONS ARE ASKED, IT IS ASSUMED THAT THE ARCHITECTURAL INTENT OF THE DOCUMENTS IS UNDERSTOOD.
4. THE GENERAL CONTRACTOR SHALL COORDINATE ALL APPLICABLE TRADES TO ENSURE PROPER ROUTING, DROPS, ETC. FOR THE H.V.A.C. ELECTRICAL, PLUMBING, ETC. DURING THE ROUGH FRAMING.
5. REFER TO WINDOW AND DOOR SCHEDULES FOR NOMINAL OPENING SIZES. GO TO VERIFY ROUGH OPENINGS PRIOR TO FRAMING.
6. ALL INTERIOR DIMENSIONS FIGURED TO FINISHED FACE UNLESS OTHERWISE NOTED.
7. INTERIOR & EXTERIOR DIMENSIONS MAY VARY PER EXISTING FIELD CONDITIONS AND FINISHED THICKNESS OF EXTERIOR MATERIALS.
8. INTERIOR DIMENSIONS SUBJECT TO CHANGE BASED ON FINISH MATERIAL, COORDINATE FINAL DIMENSIONS OF FINISHES, CABINETS, SOFFITS, BULKHEADS, COUNTERTOPS, PLUMBING FIXTURES, ETC WITH FINISH WALL MATERIAL.
9. FIRE-RATED WALL CONSTRUCTION SHALL BE 3-5/8" METAL STUDS (U.N.D.) AT 16" O.C. WITH (1) ONE LAYER 5/8" TYPE 'X' GYPSUM WALL BOARD BOTH SIDES. FULL HEIGHT TO UNDERSIDE OF STRUCTURE ABOVE AND FULL INSULATION U.S.A. DESIGN No. U1410.
10. ALL FULL-HEIGHT PARTITIONS SHALL EXTEND TIGHTLY TO STRUCTURE ABOVE WITH DEFLECTION TYPES TOP TRACK. ALL OTHER WALLS SHALL BE CONSTRUCTED TO 6" ABOVE SCHEDULED CEILING. ANY ADDITIONAL BRACING SHALL BE PROVIDED BY THE FRAMING CONTRACTOR.
11. STUDS SHALL BE INSTALLED SEATED SQUARELY (WITHIN 1/16") AGAINST THE WEB PORTION OF THE TOP AND BOTTOM TRACKS. TRACKS SHALL REST ON A CONTINUOUS, UNIFORM BEARING SURFACE.
12. TEMPORARY BRACING MAY BE PROVIDED AND LEFT IN PLACE UNTIL THE WORK IS PERMANENTLY STABILIZED.
13. VERTICAL ALIGNMENT (PLUMBNESS) OF STUDS SHALL BE WITHIN 1/8" (IN 10'-0") OF THE SPAN. HORIZONTAL ALIGNMENT OF WALLS SHALL BE WITHIN 1/600TH (1/8" IN 10'-0") ON THEIR RESPECTIVE DISTANCES.
14. SPACING OF STUDS SHALL NOT BE MORE THAN ± 1/8" FROM THE DESIGNED SPACE PROVIDED THAT THE CUMULATIVE ERROR DOES NOT EXCEED THE REQUIREMENTS OF THE FINISH MATERIALS.
15. PROVIDE (2) ROWS MINIMUM 8" HIGH, 3/4" FIRE RATED PARTITION PLYWOOD, OR 1/2" GAUGE HORIZONTAL STRAPPING ON STUDS AT ALL WALLS WITH CABINETS.
16. THERMOSTATS, FIRE EXTINGUISHERS, CABINETS, OR ANY OTHER WALL MOUNTED ARCHITECTURAL ACCESSORY SHALL NOT BE INSTALLED ON ANY WALL WITH GRAPHIC STRETCHERS OR SPECIALTY FINISHING.
17. HYDRONIC PIPING IN EXTERIOR WALL CAVITIES ARE TO RECEIVE PIPE INSULATION.
18. FRAMING, GYPSUM BOARD AND EXTERIOR INSULATION TO EXTEND TO UNDERSIDE OF DECK AT EXTERIOR ENVELOPE.



16" DEEP COUNTER ON METAL BRACKETS AT 4'-0" O.C. MAX. FINISH PER OWNER

4,800 SQ FT 26 SPACES
3 SPACES PER SIMULATOR x 8
PLUS ONE HALF SPACE PER EACH
EMPLOYEE .5 x 4 = 2
GOLF COURSE STANDARD

One space per 50 sq ft

21 SPACES
1378-342 bar = 1,036 sq ft

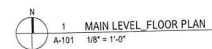
One space per 50 sq ft

EXISTING 10" X 12'-0" W OVERHEAD GLASS DOOR W AUTOMATIC OPERATOR

Commercial Recreation

55 spaces minimum

Bar Service Area



EXISTING WALLS TO REMAIN:
 ANY EXISTING WALL WITH A DRYWALL FINISH WHICH IS EXISTING TO REMAIN SHALL BE PATCHED, PRIME AND PAINTED TO LIKE NEW CONDITION AND TO ACCEPT NEW FINISHES. CONTRACTOR SHALL DETERMINE BEST METHODS FOR PATCHING, OR IF DRYWALL WILL NEED TO BE REMOVED AND REPLACED TO ACHIEVE DESIRED FINISH.

DEMISING WALLS:
 VERIFY EXISTING DEMISING WALL, FRAMING, AND INSULATION EXTEND TO ROOF DECK ABOVE. ENSURE HEAD OF WALL IS FIRESTOPPED AND ALL PENETRATIONS ARE SEALED AIR TIGHT. IF THESE CONDITIONS ARE NOT SATISFIED, NOTIFY ARCHITECT.

DEMOLITION SCOPE:
 THIS IS NEW CONSTRUCTION. NO DEMOLITION SCOPE IS ANTICIPATED.

GENERAL FLOOR PLAN LEGEND

- PROPOSED NEW WALL
TYPE S3.6A UNO
12'-0" HIGH UNO
- PROPOSED PARTIAL HEIGHT WALL
- EXISTING WALL
- WALL TYPE TAG
- SEMI-RECESSED FIRE EXTINGUISHER CABINET

