

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

**MEETING NOTICE**  
**BOARD OF ADJUSTMENT**  
**JUNE 13, 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 May 9, 2024.
4. The Board to hold a public hearing on the following cases:
  - a. **Case 24-040; 1740 State Street (C-3)** – Special Use Permit to allow a bar and an outdoor service area with alcohol, submitted by Jason Sturtevant. (Staff: Beck)
  - b. **Case 24-043; 4383 – 53<sup>rd</sup> Avenue (C-1)** – Special Use Permit to allow an outdoor service area with alcohol, submitted by Aman J. Razdan. (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**  
**MAY 9, 2024**  
**5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Gallagher, Tombergs, Vermillion

ABSENT: Spranger, Tansey

STAFF: Beck, Fuhrman, Hunt

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of March 14, 2024.

The minutes of the meeting of February 15, 2024 were unanimously approved as submitted.

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

- 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)

Beck reviewed the staff report.

Vermillion asked if the owner would still be required to request approval of tenants who lease space in the building after the initial users have left. Beck confirmed this, adding that staff will need to verify that the required number of parking spaces are available for future businesses.

Matthew Mulligan, the building owner, stated that his goal is to build a structure that will be flexible to allow several types of uses. He indicated that Northwest Bank is a financial partner in this venture and that they may have spaces available to share in the future if the need arises.

Tombergs commented that it seems as though the proposed hours of operation are very extensive for this type of business. Hunt asked if the hours of operation would be the same for the golf simulator and the outdoor service area. Chet Anderson, the applicant, explained that the business is very seasonal and so the hours of operation will vary. He added that generally the hours are much longer in the winter when outdoor golf courses are not available. He stated that the outdoor service area is being added to make the business more neighborhood friendly for people who may just want to stop for a drink. He indicated that he does not believe there would ever be any sort of noise issue as a result of the outdoor area. Anderson stated that his location in Boise opens at 11 a.m. in the summer and closes at 10 p.m., adding that the latest he has seen other X Golf locations close is midnight.

Tombergs asked for a review of the noise ordinance requirements for this type of business. Hunt explained that the decibel level must be reduced to a certain level at 10 p.m., adding that the traffic noise from Middle Road will likely buffer some of the noise from the business. Tombergs asked if there would ever be a band on the patio. Anderson stated that there would not.

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

Tammy Speidel, 2592 Middle Road, stated that she is not opposed to the request but expressed concern that the application indicated that additional property has been acquired to provide additional parking spaces. She explained that the property in question is owned by the Vintage Cooperative residents but that there is no signed purchase agreement at this time. Speidel added that while the Cooperative intends to sell the applicant the property, the business would be short 15 parking spaces if the sale does not go through for some reason. She expressed concern about the possibility that overflow parking would occur on the private drive to their building which would impede access for emergency vehicles. She requested that if the Board approves the request it be contingent on the provision of the additional parking and asked if signage could be added to deter people from using the private drive to cut through.

Tombergs asked if the project would be able to move forward without the provision of the extra parking spaces. Hunt explained that the applicant will be required to provide 55 parking spaces but that he would be hesitant to require that they acquire specific property for them. He added that another way to solve the parking issue would be through a special location plan. He suggested that any motion to approve would be subject to the availability of the required number of parking spaces. Hunt explained that the Board's decision is with regard to the request for a bar and an outdoor service area. He stated that because the proposed use is different than what had been anticipated when the site development plan was approved, staff required the applicant to submit an amended site development plan. He added that the P & Z Commission will review the site development plan on May 15, at which time issues such as required parking will be addressed. He indicated that the remaining parking spaces beyond what is required by X Golf will be available for future tenants in the rest of the building.

A brief discussion was held regarding the method by which the required parking spaces for the remainder of the building will be evaluated.

Tombergs asked if there would be bar service on the patio or if it would be from the inside only. Anderson stated that the patio would be for seating only and that there would be 4 tables for 4 people each on the patio.

Mulligan stated that his attorney is in the process of obtaining the abstract for the property and that he had no intention of making an inaccurate statement on the application regarding the acquisition of the adjacent property.

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

ALL AYES

Motion carried.

Decision and Order is Annex #2 to these minutes.

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

## STAFF REPORT

**Subject:** Special Use Permit  
**Author:** Greg Beck  
**Department:** Community Development  
**Date:** June 13, 2024



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**Case No.:** 24-040  
**Request:** Special Use Permits- Bar and Outdoor Alcohol Service  
**Location:** North of State Street and west of 18<sup>th</sup> Street-1740 State Street  
**Legal Description:** Lots 11 and 12, BLK 11, Bettendorf Improvement Company (Parcel #: 84286211211)  
**Applicant:** Jason Sturtevant Golf Quad Cities 1, LLC  
**Current Zoning:** C-3, General Business District  
**Future Land Use:** Urban High Intensity

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### Background Information and Facts

Jason Sturtevant is seeking special use permits to allow an alcohol outdoor service area and bar at 1740 State Street (see Aerial Photo, Attachment A). The Future Land Use map designates Urban High Intensity as the land use classification for this parcel. The same future land use designation is found surrounding 1740 State Street (see Future Land Use Map, Attachment B).

The parcel is zoned C-3, General Business District. The surrounding zoning classifications are:

- C-2, Community Commercial District (north, east, and south)
- C-3, General Business District (west) (see Zoning Aerial, Attachment C).

The applicant seeks two Special Use Permits; one for a bar and another for a proposed outdoor service area with alcohol proposed for the northeast side of the building (see Site Photo and Plot Plan, Attachments D and E). The provisions applying 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.

According to the proprietor, daily hours of operation for the business are as follows:

Monday-Friday 2PM-2AM  
Saturday: 11 AM-2 AM  
Sunday: 11 AM -2 AM

### 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.

## 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. 11-4-5. Permitted Uses Bars and outdoor patios are regarded as requiring a Special Use Permit. This commercial location is zoned C-3, General Business District and can include golf simulators as Commercial Recreation (Controlled Impact) as a permitted use in this district. The bar and outdoor alcohol service area require a special use permit in the C-3 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 State Street and 18<sup>th</sup> Street intersection has been zoned commercially for decades and has accommodated many business uses. Access to 1740 State Street will primarily come from 18<sup>th</sup> Street through an alley access. If needed as part of a Special Location Plan, parking on the south side of the building would only be used by employees. Except for the patio, all other activities are contained in the building. This building repurposing and outdoor patio is in the process of site development plan consideration by the Planning and Zoning Commission.
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. 15 feet of street yard landscaping is normally required by the Landscape Ordinance, but because very little space is being added to the existing building, landscaping is only required on the 18<sup>th</sup> Street side. The developer is providing 8 tree factors.
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 and outdoor patio require 32 parking spaces, and the golf simulator function requires 4 spaces. 36 total parking spaces are required.
  - The golf simulators parking calculations were calculated with the golf course definition of parking from the Zoning Ordinance. 3 spaces per simulator bay (hole) and ½ space per employee are required. The 1 golf simulator total and the 2 employees require 4 spaces.
  - As designated per the Zoning Ordinance requirements, the total onsite parking spaces is 36. The applicant shall apply for a Special Location Plan to permit parking at public locations at City Hall, 1609 State Street; Quad Cities Waterfront Convention Center, 1777 State Street and at the 1730 State Street parking lot. The applicant may petition under the 11-13-5. F. :

Performance Standards- Off Street Parking and Loading to reduce the parking requirement by 50 percent, per City Council approval.

6. The proposed use will not cause substantial injury to the value of other property in the neighborhood. All other businesses nearby are of a similar nature, providing the same characteristics that have been found in Bettendorf's central business district for decades.

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 structure verifies all proposed uses with staff the prior to any change of use. Use by right or special use permit and parking requirements must be evaluated by city staff prior to permitting any alternative use in the building.
2. Approval of a site development plan by the City Council is required to make the Special Use Permits active.
3. Approval of a Special Location Plan is required by the Board of Adjustment prior to City Council consideration of the site development plan.

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.

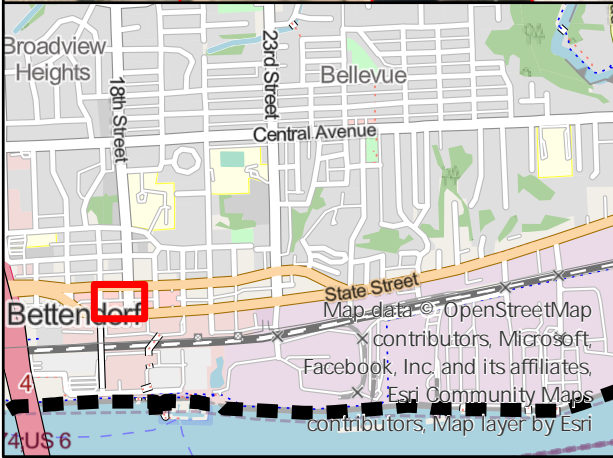
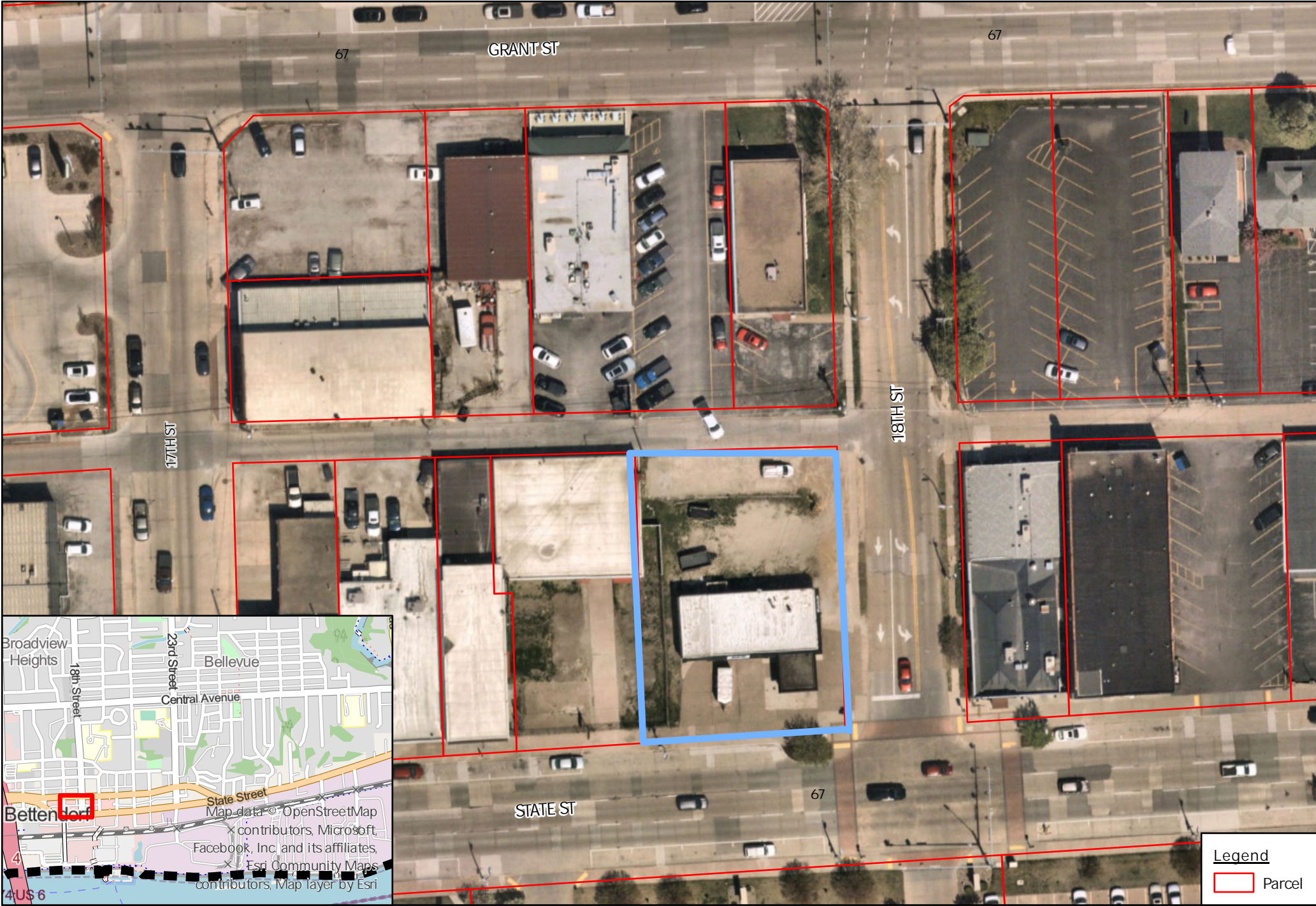
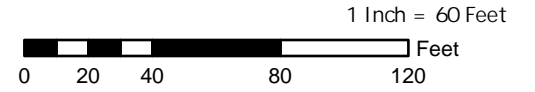
### **Staff Recommendation**

Staff recommends that the Board of Adjustment should approve the Special Use Permit for the proposed bar and outdoor service area for the portion of the building addressed as 1740 State Street. Staff would add the conditions mentioned earlier:


1. The owner of the structure verifies all proposed uses with staff the prior to any change of use. Use by right or special use permit and parking requirements must be evaluated by city staff prior to permitting any altered use of the building.
2. Approval of a site development plan by the City Council is required to make the Special Use Permits active.
3. Approval of a Special Location Plan is required by the Board of Adjustment prior to City Council consideration of the site development plan.

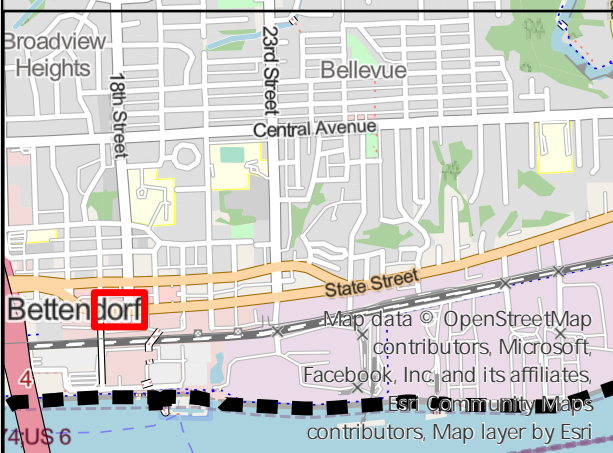
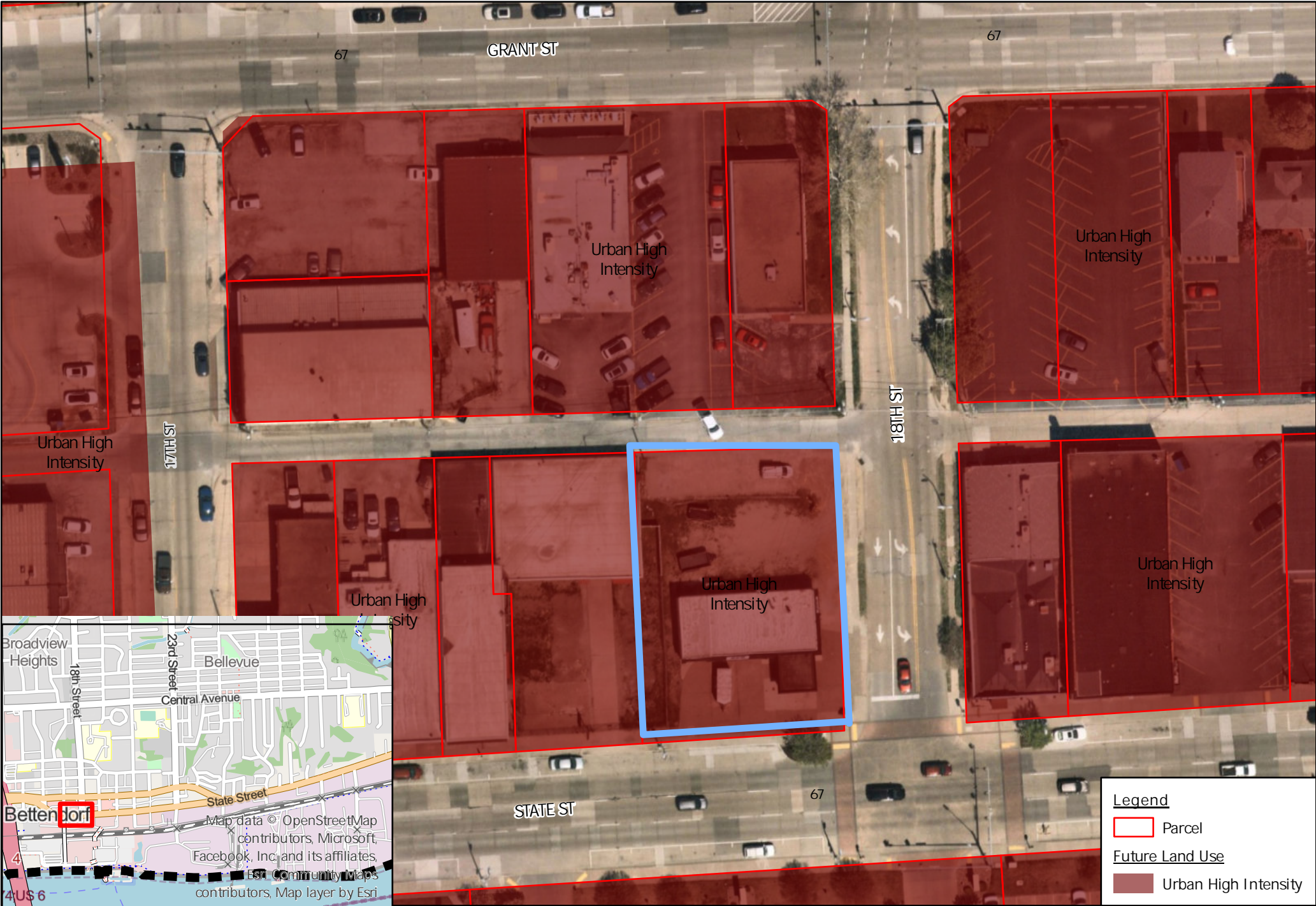
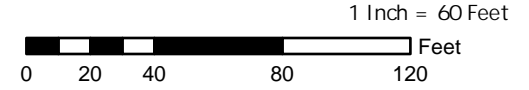
Respectfully submitted,

Greg Beck  
City Planner



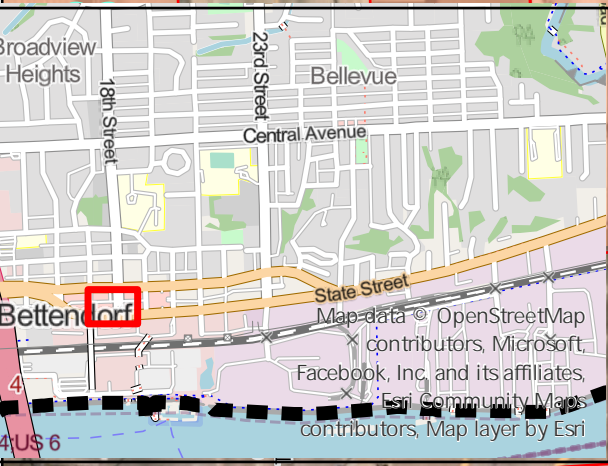
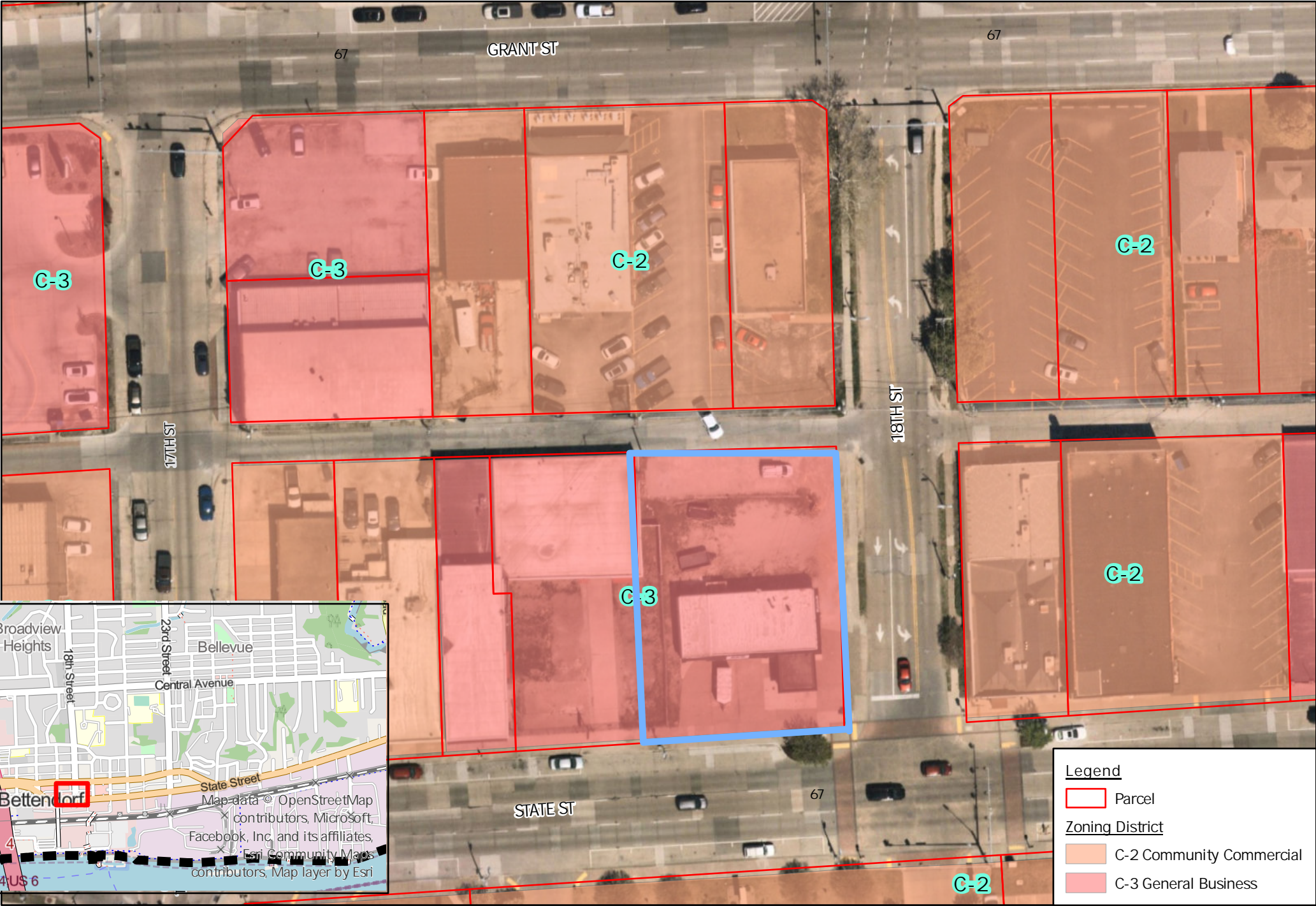
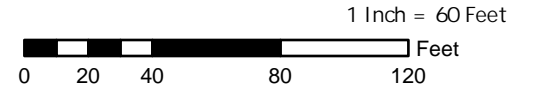
**Legend**

 Parcel



**Legend**

- Parcel
- Future Land Use**
- Urban High Intensity



**Legend**

- Parcel

**Zoning District**

- C-2 Community Commercial
- C-3 General Business



STATE STREET AND 18TH STREET LOOKING NORTHWEST



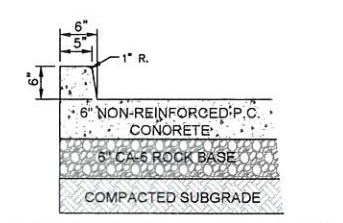
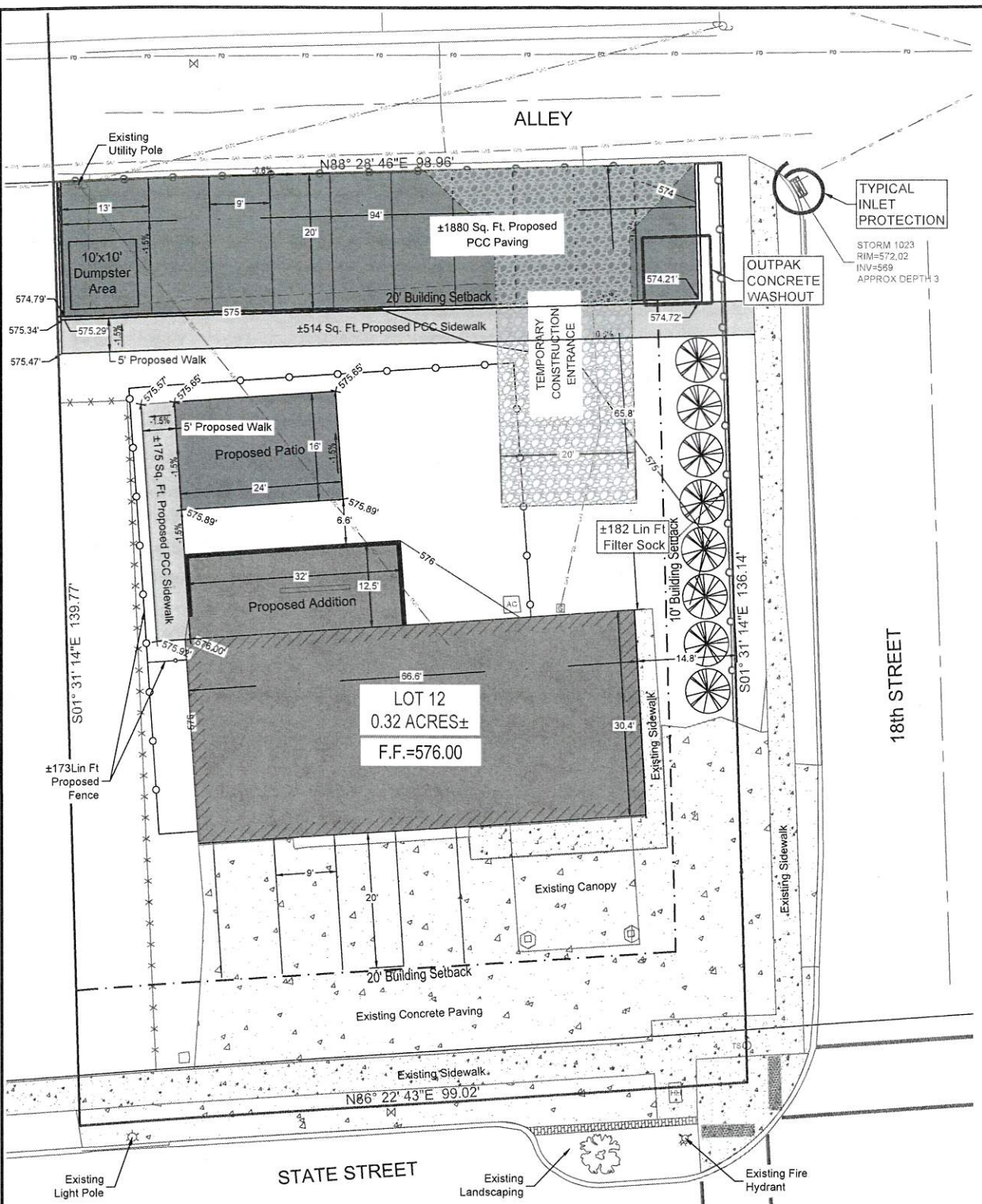
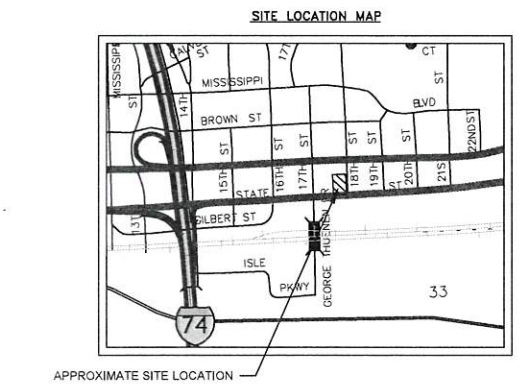
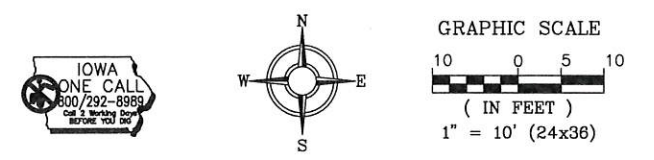
18TH STREET AND ALLEY LOOKING SOUTHWEST

**SITE DEVELOPMENT PLAN**  
**JASON STURTEVANT**  
 1740 STATE STREET, BETTENDORF, IA 52722

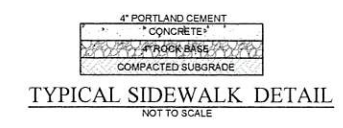
**ZONING:**  
 C-3 Business District

**SETBACKS:**  
 Front: 20'  
 Street Side Yard: 10'  
 Rear: 20'

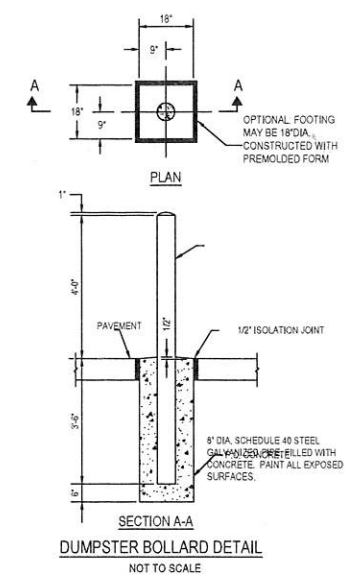
TOTAL PROPOSED PARKING PLACES= 13



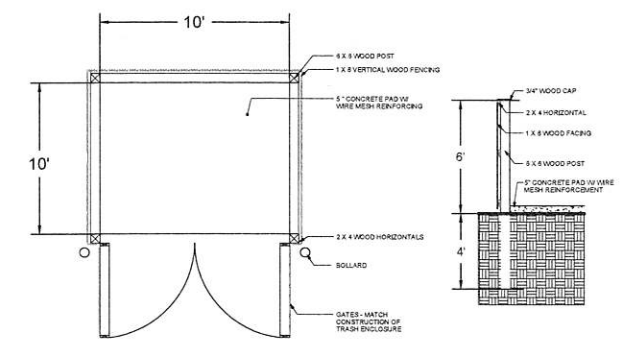
TYPICAL PCC PAVING DETAIL  
 NOT TO SCALE



TYPICAL SIDEWALK DETAIL  
 NOT TO SCALE



DUMPSTER BOLLARD DETAIL  
 NOT TO SCALE



DUMPSTER DETAIL  
 NOT TO SCALE

- GENERAL NOTES**
- 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.
  - LEGAL DESCRIPTION OF PROPERTY: BETTENDORF IMP. CO LOTS 11 & 12 OF BLOCK 11
  - 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.
  - THE CONTRACTOR SHALL NOTIFY THE CITY OF BETTENDORF AND THE ENGINEER 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
  - 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.
  - ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE.
  - 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.
  - ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL CONFORM TO THE IOWA CONSTRUCTION SITE EROSION CONTROL MANUAL, LATEST EDITION.
  - NOTE: ALL DIMENSIONS ARE TO THE BACK OF CURB, UNLESS OTHERWISE NOTED.

LEGEND:			
---	EASEMENT	---	EXISTING CONTOUR LINE
---	SETBACK LINE	---	PROPOSED CONTOUR LINE
---	CENTERLINE	---	SPOT ELEVATION TOP OF CURB
---	PROPERTY BOUNDARY	---	SPOT ELEVATION FL. @ GUTTER
---	EXISTING FENCE	---	SPOT ELEVATION SIDEWALK
---	EXISTING SANITARY	---	FINISHED FLOOR ELEVATION
---	PROPOSED SANITARY	---	
---	EXISTING STORM SEWER	---	
---	PROPOSED STORM SEWER	---	
---	EXISTING WATER	---	
---	PROPOSED WATER	---	
---	EXISTING GAS LINE	---	
---	EXISTING ELECTRIC	---	
⊗	EXISTING GAS VALVE	⊗	EXISTING LIGHT POLE
⊙	EXISTING WATER VALVE	⊙	EXISTING TREE
⊕	EXISTING UTILITY POLE	⊕	EXISTING BUSH
⊗	EXISTING LIGHT POLE	⊗	EXISTING MANHOLE
⊙	EXISTING TREE	⊙	EXISTING FIRE HYDRANT
⊕	EXISTING BUSH	⊕	FOUND PROPERTY PIN
⊗	EXISTING MANHOLE	⊗	CONTROL POINT
⊙	EXISTING FIRE HYDRANT		
⊕	FOUND PROPERTY PIN		
⊗	CONTROL POINT		

**LANDSCAPING NOTES**  
 Minimum Street Yard Greenspace requirements:  
 Total Required Tree Factors = 8  
 (Qty. = 8) 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
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DATE: 4/23/2024  
 563 386.4236 off. ce 386.4231 fax  
 2224 East 12th Street, Davenport, IA 52603

DRAWN BY: PAR  
 CHECKED BY: CRT  
 DRAWING LOCATION: S:STURTEVANT, JASON

NO.	REVISIONS: DESCRIPTION	DATE
##	##	##
##	##	##
##	##	##
##	##	##

PROJECT: SITE DEVELOPMENT PLAN  
 STURTEVANT PROPERTY  
 1740 STATE STREET  
 BETTENDORF, IA 52722

DEVELOPER: JASON STURTEVANT  
 1403 DEVILS GLEN ROAD  
 BETTENDORF, IA 52722

SHEET NO. **C1**

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.**  
 License number: 14884  
 My license renewal date is December 31, 2024.  
 Pages or Sheets covered by this seal: CO-C3

04-23-2024

## STAFF REPORT

**Subject:** Special Use Permit  
**Author:** Greg Beck  
**Department:** Community Development  
**Date:** June 13, 2024



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**Case No.:** 24-043  
**Request:** Special Use Permit- Outdoor Alcohol Service  
**Location:** 4383 - 53<sup>rd</sup> Avenue  
**Legal Description:** Lot 3, Shops of the Woodlands Parcel No.: 8411331031  
**Applicant:** Aman J. Razdan  
**Current Zoning:** C-1, Neighborhood Commercial District  
**Future Land Use:** Urban Medium Intensity

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### Background Information and Facts

Aman Razdan is seeking a special use permit to allow an alcohol outdoor service area at 4383 - 53<sup>rd</sup> Avenue (see Aerial Photo, Attachment A). The Future Land Use map designates Urban Medium Intensity as the land use classification for this parcel and areas south, east, and west. The Urban Low Intensity future land use designation is found to the north (see Future Land Use Map, Attachment B).

The parcel is zoned C-1, Neighborhood Commercial District. The surrounding zoning classifications are:

- C-1, Neighborhood Commercial District (north, east, and south)
- R-5, High Density Multi-Family Residence District (west)
- R-3, Mixed Residential (north) (see Zoning Aerial, Attachment C).

The applicant seeks a Special Use Permit for a proposed outdoor service area with alcohol proposed for the northwest side of the building (see Final Plat and Site Development Plan, Attachments D and E). The provisions applying 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 Permit.

According to the petitioner, the daily hours of operation for the business are as follows:

Sunday-Saturday: 11 AM – 11 PM

### 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.

## 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. 11-4-5. Outdoor patios with alcohol require a Special Use Permit. This commercial location is zoned C-1, Neighborhood Commercial 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 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 south side of 53<sup>rd</sup> Avenue has been zoned commercially since 2016 and has accommodated many business uses. Access to 4383 - 53<sup>rd</sup> Avenue will primarily come 53<sup>rd</sup> Avenue, through Slate Creek Drive and Ontario Drive.
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 recommended for approval by the Planning and Zoning Commission 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. 21 tree factors spread throughout the site meet landscaping as required by the Landscape Ordinance.
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 to prevent traffic hazards and nuisances. The parking meets the requirements with 46 spaces for the restaurant, 13 spaces for the retail area and an extra 10 spaces for additional parking. The drive access was approved by the Planning and Zoning Commission and staff.
6. The proposed use will not cause substantial injury to the value of other property in the neighborhood. All other businesses nearby are of a similar nature, providing the same characteristics that have been found along 53<sup>rd</sup> Avenue for years. The restaurant is relocating from the 18<sup>th</sup> Street and 53<sup>rd</sup> Avenue commercial area.
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 for 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 conditions that:

1. The owner of the structure verifies all proposed uses with staff prior to any change of use. Use by right or special use permit and parking requirements must be evaluated by city staff prior to permitting any alternative use in the building.
  2. Approval of a 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.

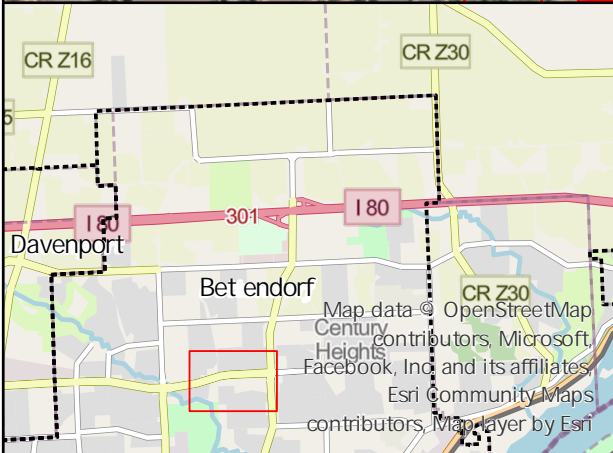
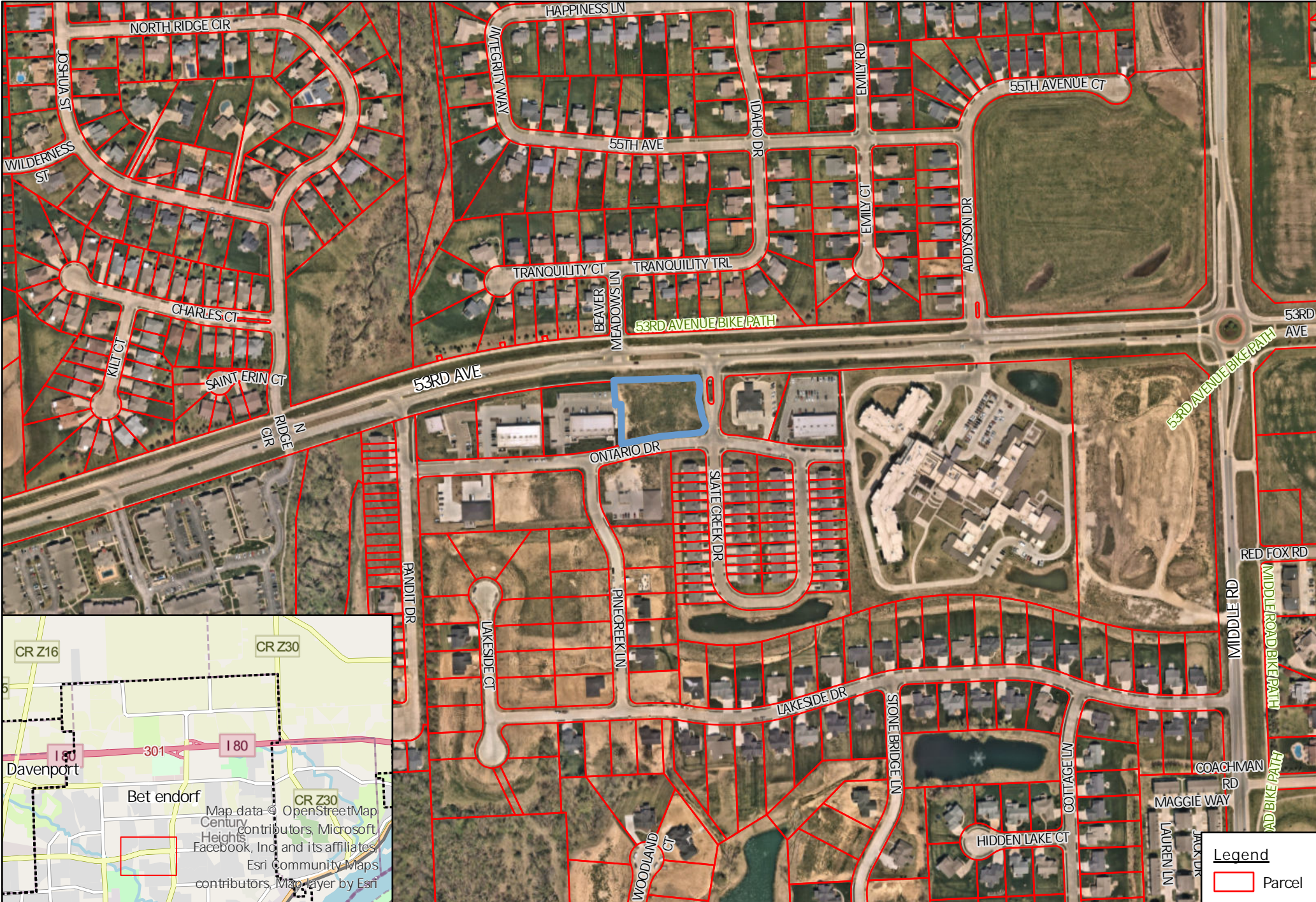
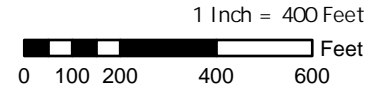
**Staff Recommendation**

Staff recommends that the Board of Adjustment approve the Special Use Permit for the proposed outdoor service area with alcohol for the portion of the building addressed as 4383 53<sup>rd</sup> Avenue. Staff would add the conditions mentioned earlier:

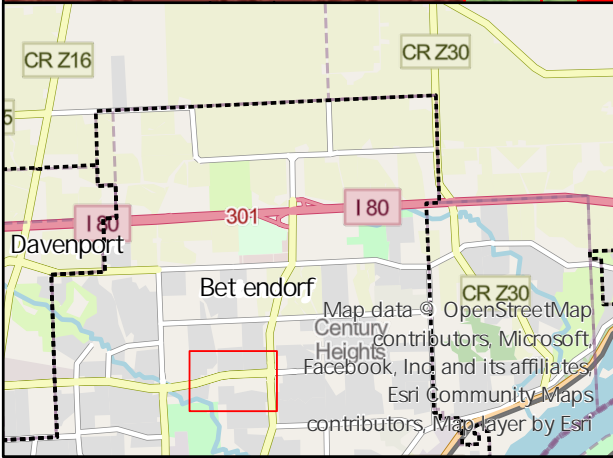
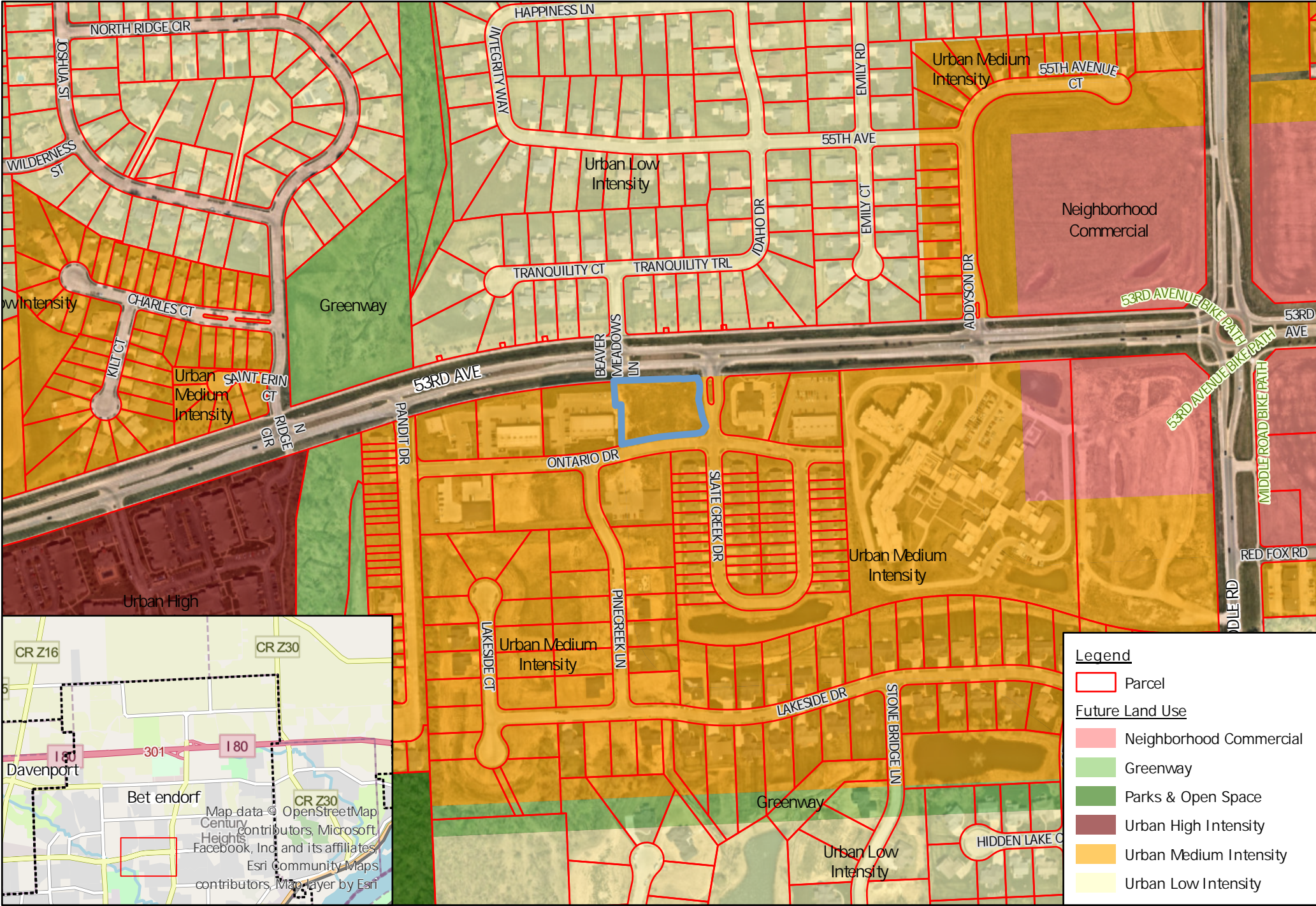
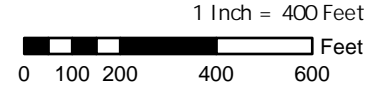
1. The owner of the structure verifies all proposed uses with staff the prior to any change of use. Use by right or special use permit and parking requirements must be evaluated by city staff prior to permitting any alternative use of the building.
2. Approval of a site development plan by the City Council is required to make the Special Use Permits active.

Respectfully submitted,

Greg Beck  
City Planner



**Legend**  
Parcel

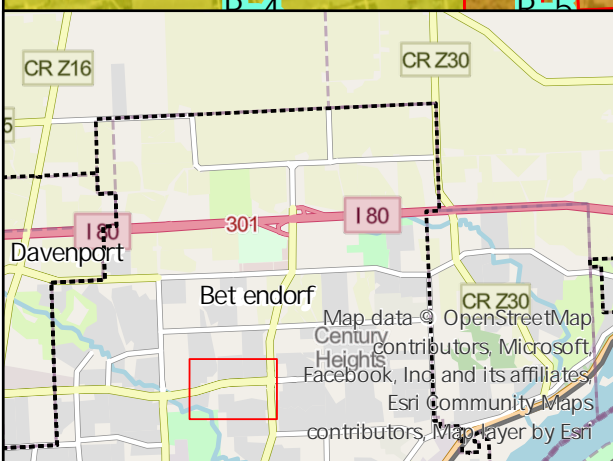
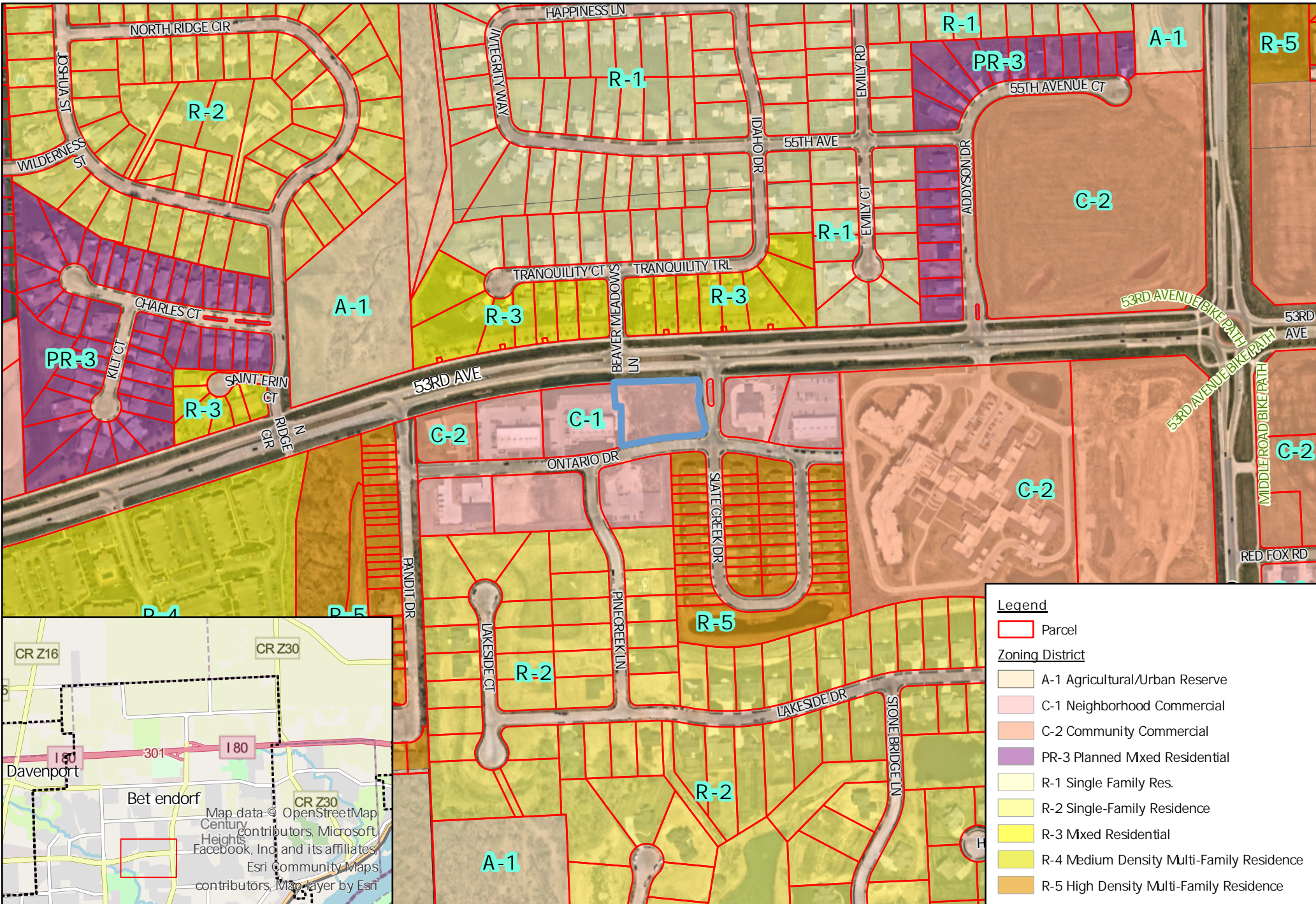
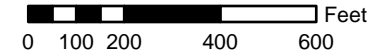


**Legend**

- Parcel
- Future Land Use**
  - Neighborhood Commercial
  - Greenway
  - Parks & Open Space
  - Urban High Intensity
  - Urban Medium Intensity
  - Urban Low Intensity



1 Inch = 400 Feet

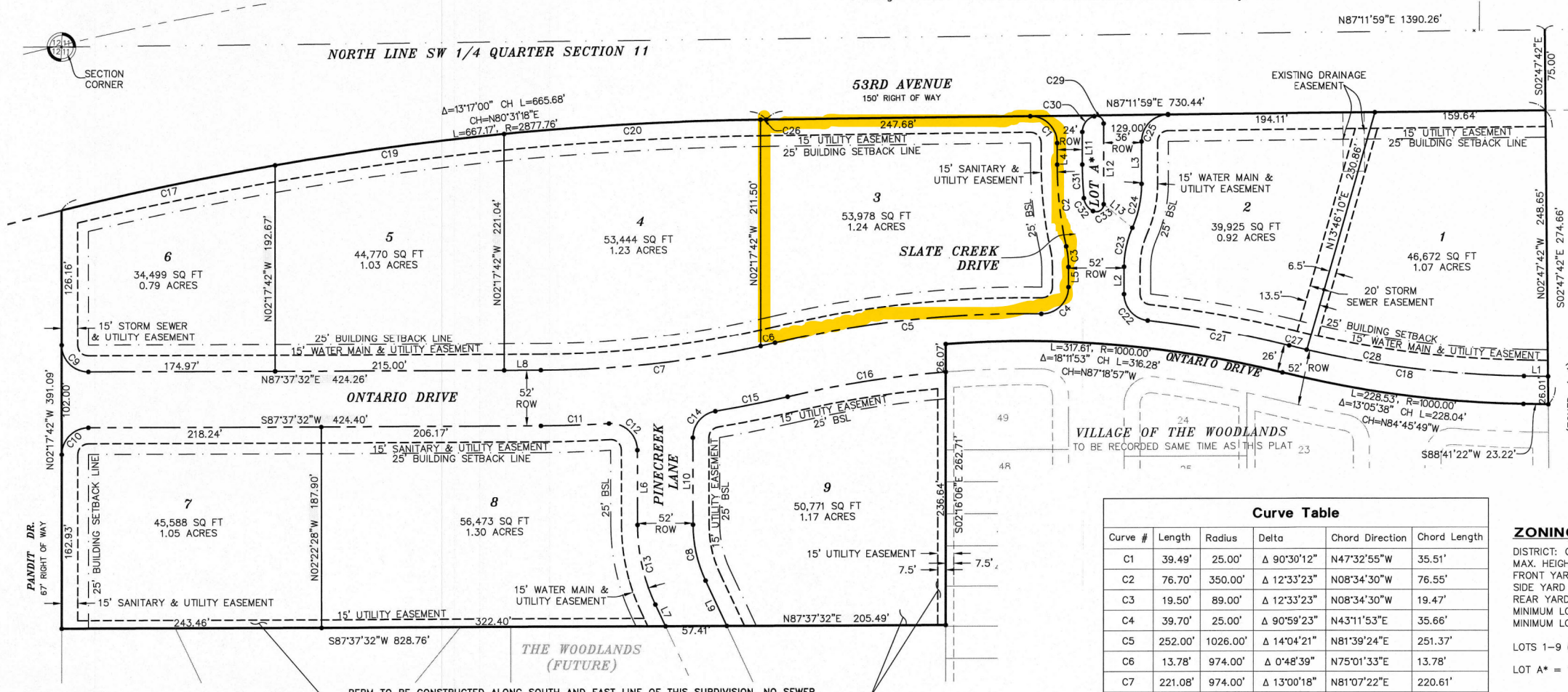
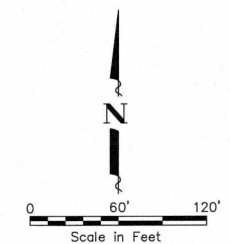


**Legend**

	Parcel
<b>Zoning District</b>	
	A-1 Agricultural/Urban Reserve
	C-1 Neighborhood Commercial
	C-2 Community Commercial
	PR-3 Planned Mxd Residential
	R-1 Single Family Res.
	R-2 Single-Family Residence
	R-3 Mxd Residential
	R-4 Medium Density Multi-Family Residence
	R-5 High Density Multi-Family Residence

# PLAT OF SUBDIVISION 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



**OWNER/DEVELOPER**  
WINDMILLER DEVELOPMENT, L.L.C.  
P.O. BOX 809  
BETTENDORF, IOWA 52722  
PHONE: 563-332-4192

**ENGINEER**  
MCCLURE ENGINEERING ASSOCIATES, INC.  
ATTN: MICHAEL W. JANECEK, P.E.  
4700 KENNEDY DRIVE  
EAST MOLINE, ILLINOIS 61244  
PHONE: 309-792-9350

**SURVEYOR**  
MCCLURE ENGINEERING ASSOCIATES, INC.  
ATTN: LUKE D. MILLER, L.S.  
4700 KENNEDY DRIVE  
EAST MOLINE, ILLINOIS 61244  
PHONE: 309-792-9350

**ATTORNEY**  
VOLLERTSEN, BRITT & GORSLINE, P.C.  
ATTN: MICHAEL GORSLINE  
5119 UTICA RIDGE ROAD  
DAVENPORT, IOWA 52807  
PHONE: 563-324-0441

**MID AMERICAN ENERGY COMPANY**  
BY: *[Signature]*  
DATE: 5/1/17

**IOWA-AMERICAN WATER COMPANY**  
BY: *[Signature]*  
DATE: 5/1/17

**CENTURYLINK**  
BY: *[Signature]*  
DATE: 5/1/17

**MEDIACOM**  
BY: *[Signature]*  
DATE: 5/1/17

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	39.49'	25.00'	Δ 90°30'12"	N47°32'55"W	35.51'
C2	76.70'	350.00'	Δ 12°33'23"	N08°34'30"W	76.55'
C3	19.50'	89.00'	Δ 12°33'23"	N08°34'30"W	19.47'
C4	39.70'	25.00'	Δ 90°59'23"	N43°11'53"E	35.66'
C5	252.00'	1026.00'	Δ 14°04'21"	N81°39'24"E	251.37'
C6	13.78'	974.00'	Δ 0°48'39"	N75°01'33"E	13.78'
C7	221.08'	974.00'	Δ 13°00'18"	N81°07'22"E	220.61'
C8	54.25'	124.00'	Δ 25°04'03"	S14°54'30"E	53.82'
C9	39.30'	25.00'	Δ 90°04'47"	S47°20'05"E	35.38'
C10	39.24'	25.00'	Δ 89°55'13"	S42°39'55"W	35.33'
C11	63.82'	1026.00'	Δ 3°33'11"	S85°50'56"W	63.61'
C12	40.82'	25.00'	Δ 93°33'11"	N49°09'04"W	36.43'
C13	77.00'	176.00'	Δ 25°04'03"	N14°54'30"W	76.39'
C14	35.28'	25.00'	Δ 80°50'59"	S38°03'01"W	32.42'
C15	69.03'	1026.00'	Δ 3°51'18"	S76°32'52"W	69.02'
C16	150.51'	974.00'	Δ 8°51'15"	S79°02'51"W	150.36'
C17	204.35'	2877.76'	Δ 4°04'07"	N75°54'51"E	204.31'
C18	222.59'	974.00'	Δ 13°05'38"	S84°45'49"E	222.11'
C19	216.96'	2877.76'	Δ 4°19'10"	N80°06'30"E	216.90'
C20	240.41'	2877.76'	Δ 4°47'11"	N84°39'41"E	240.34'
C21	134.58'	1026.00'	Δ 7°30'56"	S81°58'28"E	134.48'
C22	36.41'	25.00'	Δ 83°26'07"	S44°00'52"E	33.27'
C23	37.47'	89.00'	Δ 24°07'09"	S09°45'46"W	37.19'
C24	42.10'	100.00'	Δ 24°07'09"	S09°45'46"W	41.79'
C25	39.05'	25.00'	Δ 89°29'48"	S42°27'05"W	35.20'
C26	5.45'	2877.76'	Δ 0°06'31"	N87°06'32"E	5.45'
C27	17.53'	974.00'	Δ 1°01'53"	S78°43'57"E	17.53'
C28	205.06'	974.00'	Δ 12°03'45"	S85°16'46"E	204.68'
C29	12.76'	7.00'	Δ 104°28'39"	N54°32'08"W	11.07'
C30	19.77'	15.00'	Δ 75°31'22"	S35°27'51"W	18.37'
C31	31.34'	326.50'	Δ 5°29'59"	S05°02'48"E	31.33'
C32	15.47'	15.00'	Δ 59°04'53"	S37°20'14"E	14.79'
C33	14.10'	7.00'	Δ 115°25'10"	N55°24'46"E	11.83'

**ZONING - C-1**  
DISTRICT: COMMUNITY SHOPPING  
MAX. HEIGHT OF BUILDING: 25' (2 STORIES)  
FRONT YARD SETBACK: 25'  
SIDE YARD SETBACK: NOT REQUIRED (5')  
REAR YARD SETBACK: 20'  
MINIMUM LOT WIDTH: 70'  
MINIMUM LOT AREA: NONE REQUIRED (5,000 S.F. MINIMUM RES. UNIT AREA)  
LOTS 1-9 (SHOPS OF THE WOODLANDS)  
LOT A\* = 1,643 SQ FT/0.04 ACRES

**NOTE:**  
PLAT NOTES ESTABLISH REQUIREMENTS FOR HOW A SUBDIVISION WILL DEVELOP. HOWEVER, THE CITY RESERVES THE RIGHT IN ITS SOLE DISCRETION TO ALTER OR AMEND ANY PLAT NOTE, OR TO SELL OR VACATE ANY RIGHT OF WAY OR UTILITY DEDICATED WITHIN THE PLAT. FURTHER, THE CITY RESERVES THE RIGHT UPON REQUEST OF THE OWNER TO RELOCATE ANY EASEMENT, ALTER LOT BOUNDARIES OR ALLOW GROUND TO BE REPLANTED.

CHANGES IN THE PLAT WHICH AFFECT THE PLACEMENT OF UTILITY FACILITIES ARE TO BE REVIEWED AND APPROVED BY THE AFFECTED UTILITIES AND ANY CHANGES WHICH RESULT IN THE RELOCATION OF UTILITY FACILITIES SHALL BE AT THE EXPENSE OF THE PARTY REQUESTING THE CHANGE.

**LEGEND**

- SET 5/8" IRON ROD & ORANGE PLASTIC CAP #22228
- X FOUND CHISELED "X"
- o FOUND 5/8" IRON ROD
- (X) FOUND SECTION CORNER
- BOUNDARY LINE
- ROW LINE
- LOT LINE
- EXISTING LOT LINE
- EASEMENT LINE
- EXISTING EASEMENT LINE
- BUILDING SETBACK LINE (BSL)
- SECTION LINE

- NOTES:**
- ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR CONSTRUCTION FOR THE CITY OF BETTENDORF, IA. STORM SEWER AND SANITARY SEWER SHALL BE MAINTAINED BY THE CITY OF BETTENDORF. WATER MAIN SHALL BE MAINTAINED BY THE IOWA AMERICAN WATER COMPANY.
  - STREET RADIUS AT ALL INTERSECTIONS SHALL BE 25'.
  - SIDEWALKS SHALL BE CONSTRUCTED ALONG ALL PUBLIC STREET FRONTAGES. INSTALLATION OF SIDEWALKS SHALL OCCUR WHEN THE ADJUTING PROPERTY (LOT) IS DEVELOPED OR WHEN SO ORDERED BY THE CITY.
  - NO PART OF SUBDIVISION LIES WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON FEMA'S FLOOD INSURANCE RATE MAPS.
  - THE OWNERS OF LOTS WITH DRAINAGE EASEMENTS SHALL MAINTAIN A STORMWATER PASSAGEWAY WITHIN THE AREA PLATTED AS A "DRAINAGE EASEMENT". THIS AREA SHALL BE MAINTAINED AS A LAWN FREE OF STRUCTURES, BUSHES, TREES AND OTHER LANDSCAPING THAT WOULD IMPEDE THE SURFACE FLOW OF STORMWATER. FUTURE VARIANCES SHALL NOT BE GIVEN FOR SUCH STRUCTURES. FENCES SHALL NOT BE ALLOWED WITHIN ANY DRAINAGE EASEMENT OR DRAINAGEWAY.
  - ALL UTILITIES ARE TO BE INSTALLED UNDERGROUND.
  - NO LOW WATER ENTRY ELEVATIONS ARE REQUIRED FOR THIS SUBDIVISION.
  - ALL STORM SEWER AND DRAINAGE EASEMENTS SHALL HAVE A BLANKET INGRESS/EGRESS EASEMENT.
  - BLANKET UNDERGROUND EASEMENTS GRANTED FOR ALL PRIMARY AND SECONDARY ELECTRIC CABLES, PAD MOUNTED TRANSFORMERS, ELECTRIC TRANSFORMERS, PRIMARY CABLE, GAS SERVICE, WATER SERVICE, SEWER LATERALS, TELEPHONE SERVICE, AND CABLE T.V. TO INDIVIDUAL STRUCTURES AND STREET LIGHTS.
  - LOTS 5, 6, 7 & 8 SHALL PROVIDE INDIVIDUAL DETENTION BASINS. ALL OTHER LOTS ARE PROVIDED DETENTION AND WATER QUALITY BY REGIONAL PONDS IN LOT A OF THE VILLAGE OF THE WOODLANDS AND LOT A OF THE WOODLANDS 1ST ADDITION.
  - LOT A SHALL HAVE A BLANKET STORM SEWER, SANITARY SEWER, UTILITY, DRAINAGE, AND INGRESS/EGRESS EASEMENT, AND SHALL BE MAINTAINED BY HOMEOWNERS ASSOCIATION PER REQUIRED CARE AGREEMENT.
  - THERE SHALL BE NO DIRECT ACCESS FROM LOTS 1-6 TO 53RD AVENUE. LOTS 2 & 3 SHALL ONLY HAVE ACCESS TO ONTARIO DRIVE.
  - INDIVIDUAL DETENTION PONDS SHALL BE PROVIDED FOR LOTS 5-8 WHEN CONSTRUCTED. LOTS 1-4 & 9 SHALL DRAIN TO REGIONAL DETENTION WHICH WILL BE PROVIDED ON LOT A OF VILLAGE OF THE WOODLANDS ADDITION WHEN CONSTRUCTED.

BERM TO BE CONSTRUCTED ALONG SOUTH AND EAST LINE OF THIS SUBDIVISION. NO SEWER ALLOWED UNDER BERM. SEE GRADING PLAN & BERM DETAIL FOR DIMENSIONS & LOCATION.

WE, Robert Gallagher MAYOR, AND Debra Moch CITY CLERK OF THE CITY OF BETTENDORF, IOWA, DO HEREBY CERTIFY THAT THE FOLLOWING RESOLUTION WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF BETTENDORF, IOWA, AT A REGULAR MEETING HELD ON March 7 2017:

RESOLVED BY THE CITY COUNCIL OF BETTENDORF, IOWA, THAT THE PLAT OF SHOPS OF THE WOODLANDS, AN ADDITION TO THE CITY OF BETTENDORF, IOWA, AS FILED WITH THE CITY CLERK BY WINDMILLER DEVELOPMENT, L.L.C., BE THE SAME IS HEREBY APPROVED AND ACCEPTED; AND THE DEDICATION FOR PUBLIC STREET PURPOSES AND THE GRANTING OF EASEMENTS (AND THE VACATION OF EXISTING EASEMENTS AS MAY BE SHOWN) ON SAID PLAT ARE ACCEPTED AND CONFIRMED AND THE MAYOR AND CITY CLERK OF SAID CITY BE AND THEY HEREBY ARE AUTHORIZED AND DIRECTED TO CERTIFY THE ADOPTION OF THIS RESOLUTION ON SAID PLAT AS REQUIRED BY LAW.

DATED AT BETTENDORF, IOWA, THIS 1st DAY OF MAY 2017.

*[Signature]*  
MAYOR OF THE CITY OF BETTENDORF, IOWA

ATTEST: *[Signature]*  
CITY CLERK

*[Signature]*  
PLANNING AND ZONING COMMISSION

Line #	Length	Direction
L1	22.55'	N88°41'22"E
L2	25.52'	S02°17'48"E
L3	39.35'	S02°17'48"E
L4	20.00'	N02°17'48"W
L5	18.79'	N02°17'48"W
L6	69.98'	N02°22'28"W
L7	22.49'	N27°26'32"W
L8	34.29'	N87°37'32"E
L9	46.81'	S27°26'32"E
L10	81.33'	S02°22'28"E
L11	30.30'	S02°17'48"E
L12	75.12'	N02°17'48"W
L13	34.65'	S52°53'34"E

NO.	ITEM	DATE

SCALE: 1"=1'

DRAWN BY: BMS

CHECKED BY: LDM

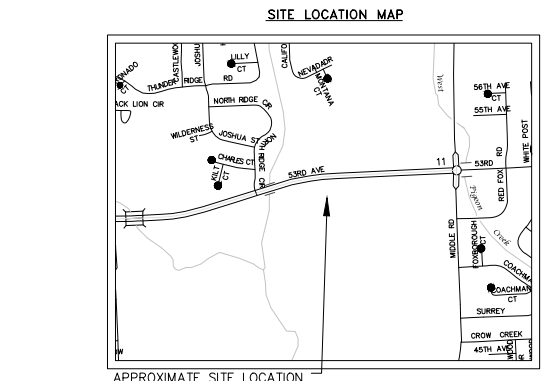
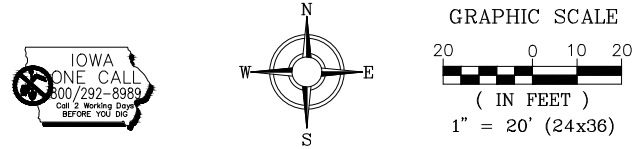
DATE: 03/16/17

**McClure Engineering Associates, Inc.**  
4700 Kennedy Drive  
(309) 792-9350  
East Moline, Illinois 61244  
Fax (309) 792-8974  
Design Firm License: Illinois #84-000816  
Copyright 2017 by McClure Engineering Associates, Inc.

**PLAT OF SUBDIVISION**  
SHOPS OF THE WOODLANDS  
BETTENDORF, IOWA  
FILE NAME: T:\IABE115.256\DWG\PLATS\15256 PLAT-SHOPS-OF-THE-WOODLANDS.DWG; LABE-01-15-15-256

SHEET NO. 1 OF 1

4383 53rd Avenue Bettendorf, Iowa 52722



Sheet Index: C1 - Site Development Plan, C2 - Grading Plan, C3 - Utility Plan, C4 - Erosion Control Plan

LEGEND: Table listing symbols for easement, setback, centerline, property boundary, existing and proposed utilities, spot elevations, and control points.

Restaurants (Neighborhood and General) One parking space shall be provided for each 100 square feet of floor area. Total Restaurant Square Footage = 5,000 Sq. Ft. Total Required Parking Spaces=50. Total Patio Square Footage = 465 Sq. Ft. Total Required Parking Spaces= 5. Total Required Parking Spaces for Restaurant = 55.

PROPOSED PAVEMENT AREA = 26,474 Sq.Ft.

Retail Uses One space per 200 square feet. Total Retail Square Footage = 2,500 Sq. Ft. Total Required Parking Spaces = 13. Total Building = 7,500 Sq. Ft. Total Required Parking Spaces = 68. Total Provided Parking Spaces = 69.

Notes From Shops Of The Woodlands Plat of Subdivision Approved By The City of Bettendorf May 2017

10. Lots 5,6,7, & 8 shall provide individual detention basins. All other lots are provided detention and water quality by regional ponds in Lot "A" of the Village Of The Woodlands and Lot "A" of the Woodlands 1st Addition.

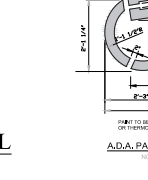
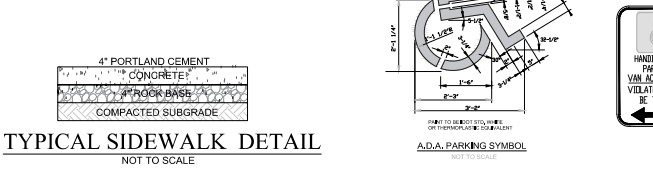
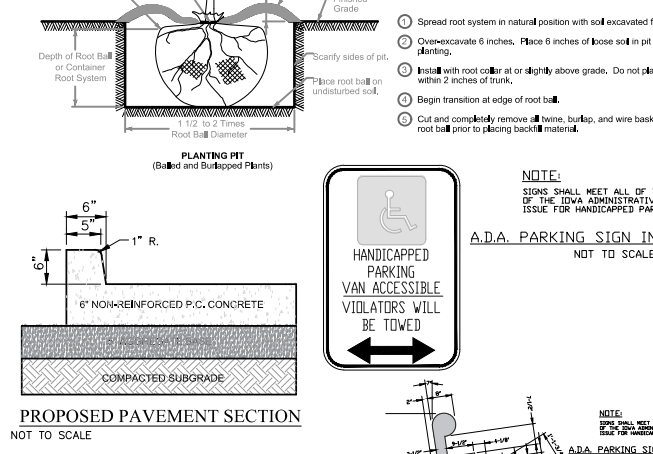
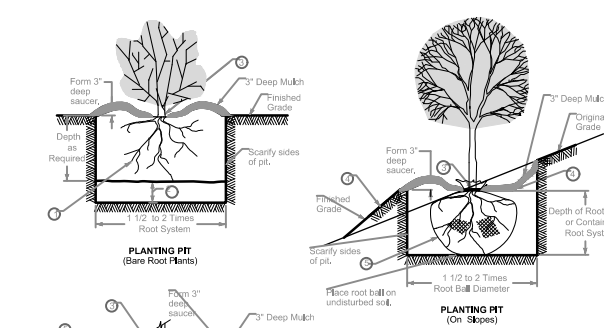
13. Individual detention ponds shall be provided for lots 5-8 when constructed. Lots 1-4 & 9 shall drain to regional detention which will be provided on Lot "A" of Village Of The Woodlands Addition when constructed.

C1 Zoning Requirements Front Yard 20 Ft. Minimum Building Setback Side Yard 5 Ft. Minimum Building Setback Rear Yard 20 Ft. Minimum Building Setback

LANDSCAPING NOTES

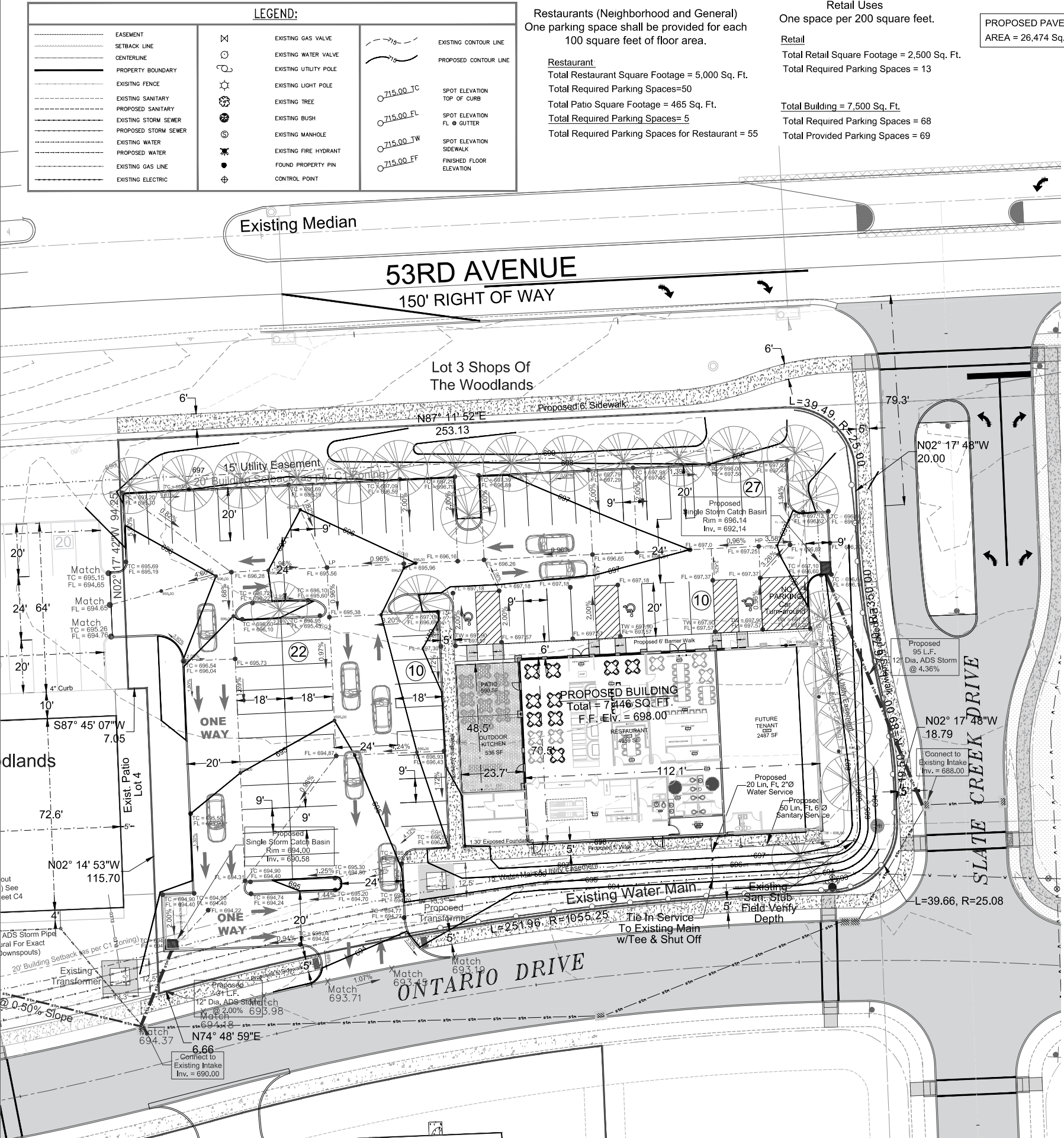
Minimum Street Yard Greenspace requirements Total Required Tree Factors = 22. Slate Creek Drive = 7 Tree Factors 53rd Avenue = 13 Tree Factors Vehicular Use Area = 2 Tree Factors

(Qty. = 22) Deciduous Overstory Tree 1/2-inch caliper and 22-inch ball or pot 1.0. Deciduous overstory 2-inch caliper and 22-inch ball or pot 1.0 4-inch caliper and 40-inch ball or pot 2.0



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

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



- GENERAL NOTES: 1. ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS SHALL COMPLY WITH THE CITY OF BETTENDORF STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS... 2. LEGAL DESCRIPTION OF PROPERTY: ONTARIO DRIVE, LOT 3, SHOPS OF THE WOODLANDS, CITY OF BETTENDORF, IOWA... 3. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS... 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... 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... 8. ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL CONFORM TO THE IOWA CONSTRUCTION SITE EROSION CONTROL MANUAL... 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... 11. NOTE: ANY OUTDOOR FOOD OR ALCOHOL SERVICE MUST BE APPROVED BY THE CITY OF BETTENDORF BOARD OF ADJUSTMENT.

TOWNSEND ENGINEERING CIVIL - STRUCTURAL - LAND DEVELOPMENT

PLOT DATE: 5/7/2024 563 386.4236 office 386.4231 fax 2224 East 12th Street, Davenport, IA 52803

DRAWN BY: CRT CHECKED BY: CRT DRAWING LOCATION S:\Windmill\Woodland Commercial\Lot 3\Lot 3 Woodlands Site Plan 4-18-24.dwg

REVISIONS table with columns for NO., DESCRIPTION, and DATE. Includes revision 1: Changes per City comments 5-3-24.

PROJECT: SITE DEVELOPMENT PLAN LOT 3 SHOP OF THE WOODLANDS 4383 53RD AVENUE BETTENDORF, IOWA

DEVELOPER: WINDMILLER DESIGN BUILD 4877 WOODLAND DRIVE BETTENDORF, IOWA 52722

SHEET NO. C1

Professional Engineer seal for Christopher R. Townsend, P.E., License number 14864, dated 5-7-24.