

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

October 9, 2014

Staff Report

Case No. 14-080

Location: 2241 and 2283 - 53rd Avenue

Applicant: Kwik Trip, Inc.

Zoning Designation: C-2, Community Shopping District

Request: Special use permit to allow gas pumps associated with a convenience store.

Background Information and Facts

The site is located on the southeast corner of 53^{rd} Avenue and Falcon Avenue (see Attachment A – Location Map). Kwik Trip, Inc. submitted a request for a special use permit to allow gas pumps associated with a convenience store (see Attachment B – Site Plan). The development will occupy the remaining space between the McDonald's restaurant and Ascentra Credit Union along 53^{rd} Avenue (see Attachment C – Layout Illustration). The building elevations for the store and car wash are shown on Attachments D and E.

Staff Analysis

Section 21.10.e of the Code states that no special use permit may be granted unless nine standards have been evaluated. Those standards are listed below with staff's evaluation.

(1) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.

Section 15.23.10 specifically relates to the C-2 Community Shopping District and lists "gas pumps when associated with a C-store" as a permitted special use.

(2) The proposed use will comply with all applicable regulations in the district in which the use is to be located.

Section 15.22.1.(dd) lists "Convenience store, commonly referred to as a C-store, with car wash facilities but without gas pumps" as a permitted use in this zoning district. Therefore, the proposed use (convenience store and car wash) complies with the applicable regulations of the C-2 Zoning District. The gas pumps require a special use permit.

(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 location, size, nature, and intensity of the proposed use will be required to comply with "Site Plan Review Requirements" as enumerated in Section 18.92 of the Zoning Ordinance. This process requires review by the Board of Adjustment, Planning and Zoning Commission, and City Council to ensure that all requirements are met or exceeded before final passage of the site development plan.

- (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.
- (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 City of Bettendorf has established an elaborate review process in Section 18.92 of the Zoning Ordinance which allows the public to have input for this project at three public hearings: one at the Planning and Zoning Commission, another at the Board of Adjustment, and final one at the City Council meeting. That section states:

"The planning and zoning commission shall review the site plan proposal at said meeting and receive a report from the city engineer, fire chief, the zoning administrator, the planning coordinator, and comments from the public. The commission shall make its determination of conditions for approval of the site plan within thirty-five (35) days of the first meeting. If no action is forthcoming within the thirty-five (35) days, the site plan shall be forwarded on to the city council for action. The city council shall not act upon the site plan proposal until it has received a recommendation from the planning and zoning commission unless such recommendation is not received within sixty (60) days from the filing date.

The city council shall, after considering the planning and zoning commission recommendations, approve, approve with modifications, or deny any proposal by resolution. The city council may include such conditions in its resolution of approval as it deems necessary in order to accomplish the stated purpose of this section. If the site plan proposal is not acted upon finally by the city council within sixty (60) days of the date the council receives the planning and zoning commission recommendation, and such time is not extended by mutual consent of the council and petitioner, it shall be deemed denied."

The applicant will be required to comply with said review process prior to issuance of any building permit to ensure adherence with standards 4 and 5 above.

(6) The proposed use will not cause substantial injury to the value of other property in the neighborhood.

The Future Land Use designation for this lot and the surrounding area is defined as commercial and has been in place for many years. The commercial zoning classification for the lot has been in place since 1985 (Case 32-85). The residential

zoning classification for the adjacent area to the south and west of the site has been in place only since 1992 (Case 17-92). Therefore, there was and has been every expectation that the lot would be developed commercially well before any adjacent residential development occurred. From a future use and zoning perspective, there was expectation that this lot would develop with a use consistent with the uses allowed in the C-2 zoning district. The proposed convenient store is an allowed use in the C-2 district. Such developments have been expected along 53rd Avenue, a major four-lane roadway.

When the McDonald's restaurant was under consideration, many of the residential property owners surrounding that area indicated that the commercial development would reduce their home values. McDonalds was built in 2012. Since that time at least three home sales have occurred in the surrounding area:

- 5200 Dove Court sold for \$25,500 higher than its previous sale in 2008.
- 5153 Dove Court sold for \$75,400 higher than its previous sale in 2001.
- 2258 Lindenwood Drive sold for \$63,500 higher than its previous sale in 2001.

All of the referenced sales occurred in 2013 after McDonald's opened. Therefore, the commercial developments in this area have not caused injury to the value of other properties in the 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 special use permit has been denied for a request involving this property.

(8) 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 general intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

Across 53rd Avenue is a Big Ten Mart that has gas pumps that are accessible 24 hours a day. That site is within 140 feet and 155 feet of single-family homes (see Attachment F – Big 10 Mart Illustration). At the intersection of Spruce Hills Drive and Utica Ridge Road is a Phillips 66 station that has gas pumps accessible 24 hours a day. That site is within 88 feet, 76 feet, and 75 feet of single family homes (see Attachment G – Phillips 66 Illustration). The site now under consideration is 412 feet, 425 feet, and 414 feet away from the nearest residential structures (see Attachment H – Current Illustration). Therefore, staff does not recommend any further restrictions be imposed.

(9) The proposed use is consistent with the Bettendorf Comprehensive Plan and serves to further the goals of the plan.

As previously stated, the Future Land Use designation for the lot and the surrounding commercial area is defined as "commercial" and has been in place for several years. The commercial zoning classification for the lot has been in place since 1985 (Case 32-85). The residential zoning for the adjacent area to the south and west of the site has been in place since 1992 (Case 17-92). Therefore, the request is consistent with the Bettendorf Comprehensive Plan that anticipated the property's future use.

Staff Recommendation

Based on the above analysis, staff recommends approval of the request.

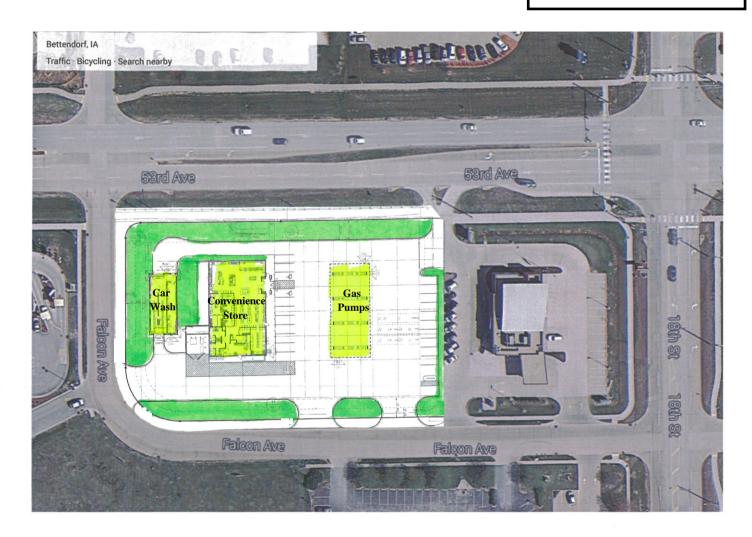
Respectfully submitted,

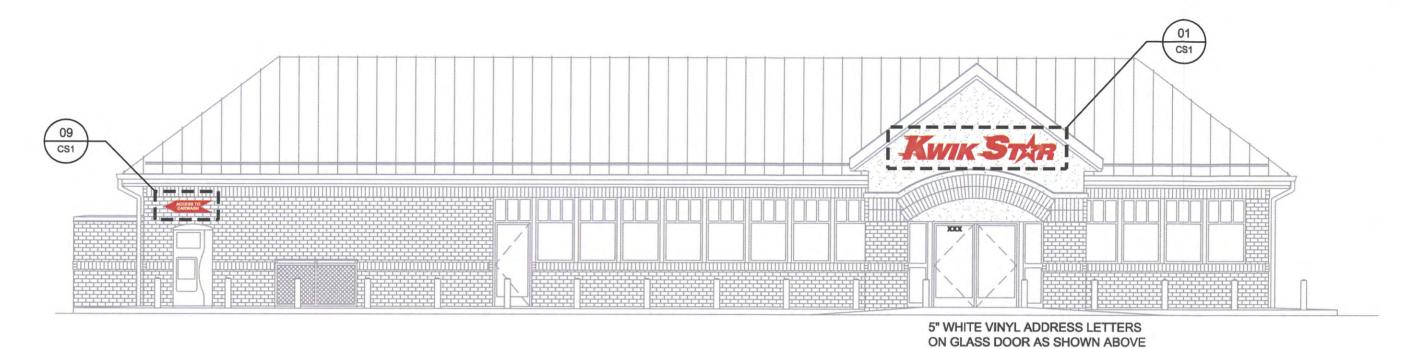
John Soenksen City Planner



Attachment - B

Attachment - C





(VERIFY ACTUAL NUMBERS)

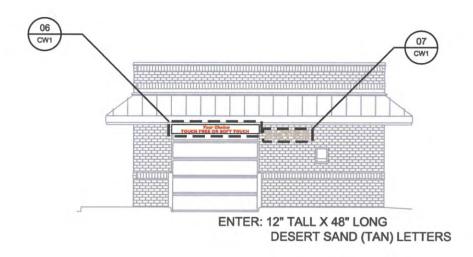
STORE ELEVATION

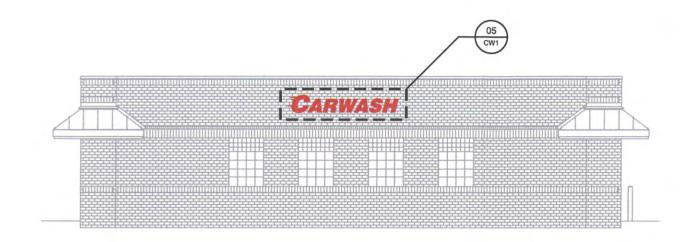
SCALE: 1/8" = 1'-0"



LOGO DETAIL - SIGN #01

SCALE: 1/2" = 1'-0"



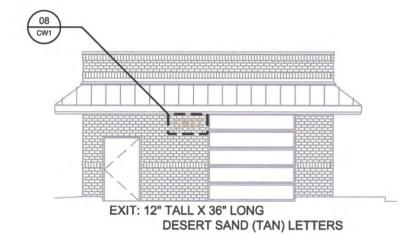


ENTER ELEVATION

SCALE: 3/32" = 1'-0"

SIDE ELEVATION

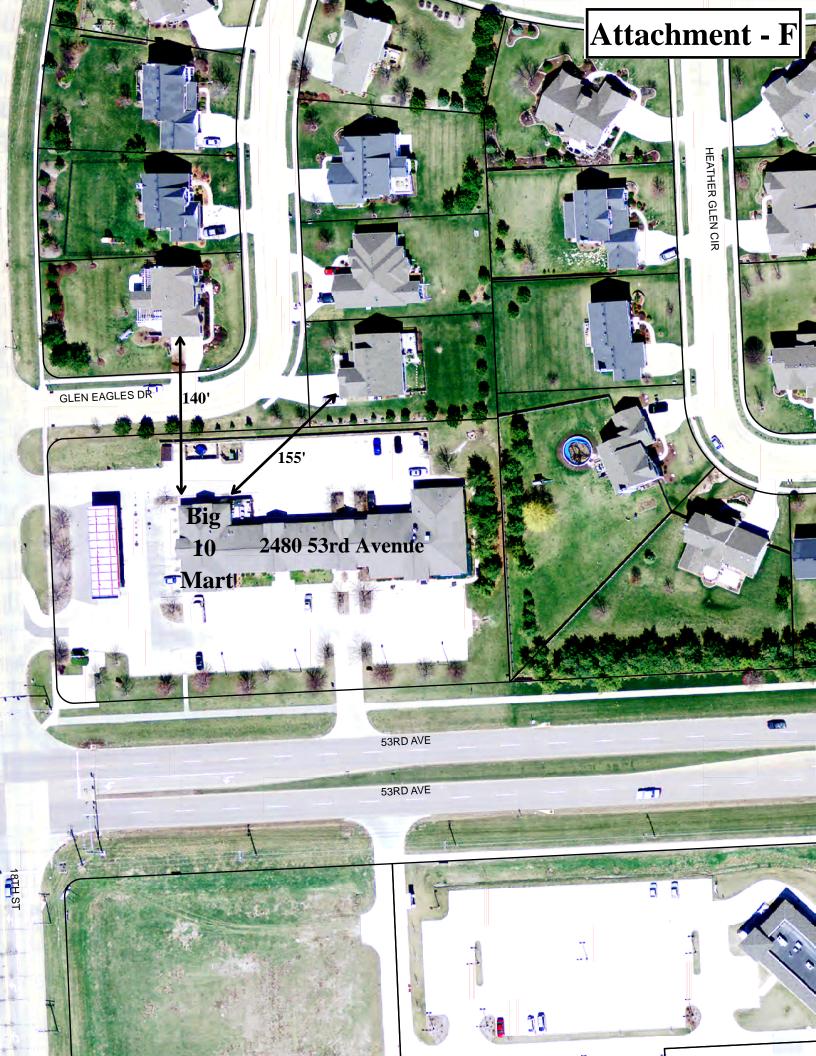
SCALE: 3/32" = 1'-0"

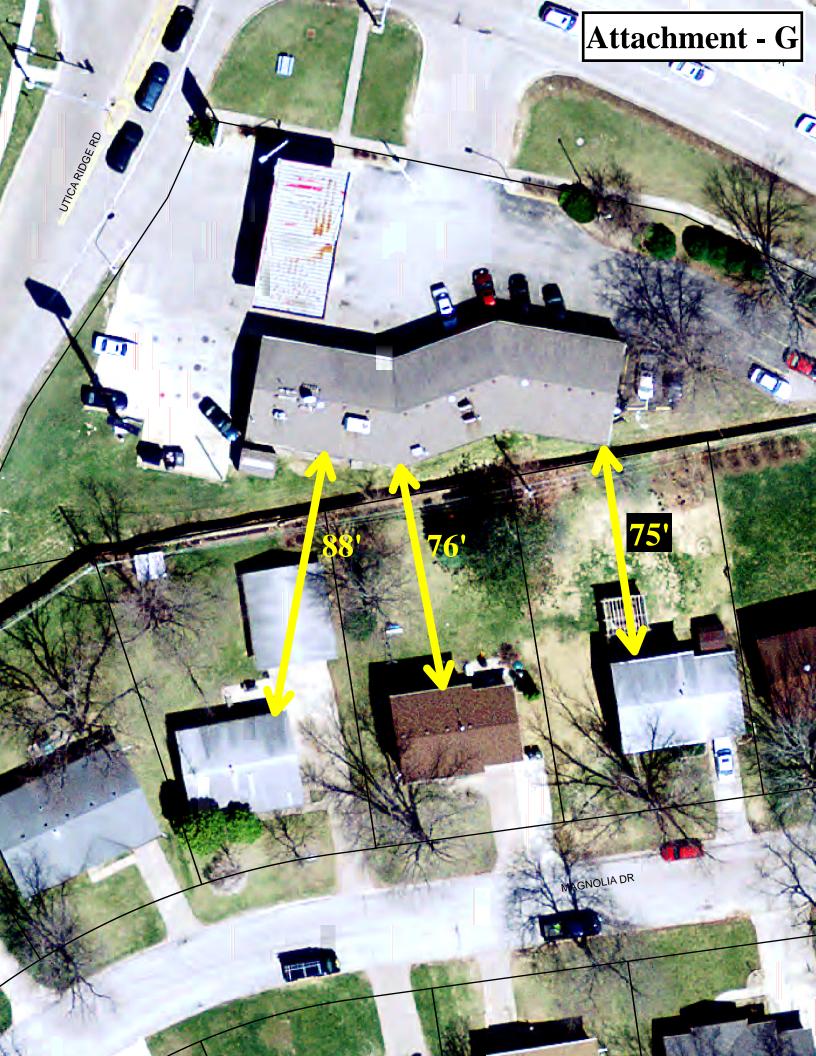


EXIT ELEVATION
SCALE: 3/32" = 1'-0"



LOGO DETAIL - SIGNS #05









Case No. 4-080

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

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	Part 1. Property Involution Street Address		83 and	2241-	53V	d Aver	1ue_
Part 2. Contact information. Applicant Name Kull TRIP INC Email Address: PRUSEK © KULL TRIP. cem Phone Address SP PRUSEK © KULL TRIP. cem Phone Phone Address: PRUSEK © KULL TRIP. cem Phone Pho	Legal Description of t						
Applicant Name Kurk Treve No. Address 162.9 One. Street La Ceasse wi 54601 FAX 608 - 793 - 6551 Address 162.9 One. Street La Ceasse wi 54601 FAX 608 - 793 - 6537 Owner Name Phone FAX 608 - 793 - 6537 Address FAX	,		ECOND ADDITIO	IN TO THE CI	TY OF	BETTENDORE,	SCOTT COUNTY, 100
Agent Brent Ouser Phone (208 – 743 – 5551) Agent Brent Ouser Phone (208 – 743 – 5551) Address Ilega One St Lin Clease Will State Provided FAX (208 – 743 – 6231) 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 impain 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 unreasonably diminish or impair established property values within the surrounding areas. (f) 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 ap	Applicant Name K	WIK TRIP	LA CROSSE				
Agent Brent Ouser Phone (208 – 743 – 5551) Agent Brent Ouser Phone (208 – 743 – 5551) Address Ilega One St Lin Clease Will State Provided FAX (208 – 743 – 6231) 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 impain 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 unreasonably diminish or impair established property values within the surrounding areas. (f) 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 ap	Owner Name				Phone		
Agent Breat Duses Fr La Cease W1 €4601 FAX 668 - 743 - 5551 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 unreasonably increase the congestion in public streets. (c) That it will not increase the danger of fire or of the public safety. (e) That it will not unreasonably increase the congestion in public streets. (f) That it will not unreasonably increase the public safety. (e) That it will not unreasonably increase the public safety. (f) That it will not unreasonably diminish or impair established property values within the surrounding areas. (g) 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 bulldlings, walls, and fences and the nature and extent of the landscaping on the site are such that it will be in harmony with the appropriate and orderly development and use of	Address			FAX			
Address Lozu	E-mail Address:						<i>v</i>
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 it will be in harmony with the appropriate and orderly 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 e	Address 1626 0	AK ST L	A CROSSE W	u 5460	Phone FAX	608 - 793 - 608 - 793 - 6	- 5551 1237
 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. 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. That it will not impair an adequate supply of light and air to adjacent property. That it will not unreasonably increase the congestion in public streets. That it will not increase the danger of fire or of the public safety. That it will not increase the danger of fire or of the public safety. That it will not in any other respect impair established property values within the surrounding areas. That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions MUST be met: 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 will comply with all applicable regulations in the district in which the use is to be located. 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 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				(8)			
 (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	Zoning Ordin (a) That the with the (b) That it v (c) That it v (d) That it v (e) That it v inhabits 2. Special Use F following co (a) The proposated. (b) The proposated. (c) The located. (c) The located. (d) The located. (d) The located. (e) The located. (f) The located. (g) The located. (g) The located. (h) The located.	nance, all of the file granting of the granting of the permitted uses will not impair an will not unreason will not increase the will not unreason will not in any ot ants of the city. Permit Before the inditions MUST be posed use is designed in connection to streets giving a ment of the district ation, nature, and ping on the site interes will be of joining uses and	collowing conditions exception will not such district un adequate supply ably increase the he danger of fire nably diminish or the respect impaire Board of Adjuste met: gnated by this order proposed us now the proposed us	ens MUST be met: ot permit any use der the terms of the of light and air to congestion in pub or of the public sa- impair establishe if the public health the public health the public health indicable regulation of the site in relate the that it will be in cated. dings, walls, and the use will not the particular us	e in any dishis ordinant adjacent polic streets. fety. ed property in, comfort, oval of a sport in the control	strict which wo nee. property. y values within safety, morals, pecial use permite district in which of the operation of the location with the appropriate the nature and the nature and the nature and the nature and y located, and	the surrounding or welfare of the it, all of the it the use is to be in the use is to be in the use is to be in involved in or in of the site with oriate and orderly and extent of the suitably screened
	(g) Condition the Boat substant (h) The Boat a special minimiz	ons in the area hand of Adjustment tially the same us and of Adjustment all use permit as me the effect of su ant of this ordina	eve substantially of t of any prior app e of all or part of t t shall impose such ay be necessary ch permit upon on the permit upon on the sailure to co	hanged and at lea plication for a spec the site. In conditions and to assure complian other properties in	ast one yea cial use pe restrictions nce with the the neigh	ar has elapsed si rmit that would s upon the pren he above stand lborhood, and t	ince any denial by I have authorized nises benefited by ards, to reduce or to better carry out
			explain in detail				

Part 4. General Information. Section(s) of Zoning Ordinance Involved Existing Zoning						
Part 5. Reasons for Application. In the space below, give a general description of the activity desired and principal reasons why this application should be granted by the Board. If this application is for a variance, please state the hardship which the zoning ordinance imposes on the property. Use the following criteria as justification for the requested variance. Use additional sheets if necessary. (a) It shall be the property owner's responsibility to show that the terms of this ordinance will impose unusual and practical difficulties or particular hardships. The hardship established by the property owner must not be SELF-IMPOSED. A self-imposed hardship is NOT justification for the approval of a variance request. (b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance. (c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected. (d) That by granting the request for a variance substantial justice shall be done. Fuel Sales when Associated with Acsociated with Accountered wit						
 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						
Signature of Applicant But Dusk 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 lowa)						
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 day of 20						
Part 10. Filing Fee. \$ 50.00 Single Family/Two-family Residential Variance \$100.00 All Other Applications Received by Received by Date 91311Y CWH072018	\					