



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 53rd 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 53rd 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

FALCON AVE

53RD AVE

53RD AVE

18th ST

McDonald's

SITE

Ascentra
Credit
Union

Falcon Ave.

18th ST

LINDENWOOD DR

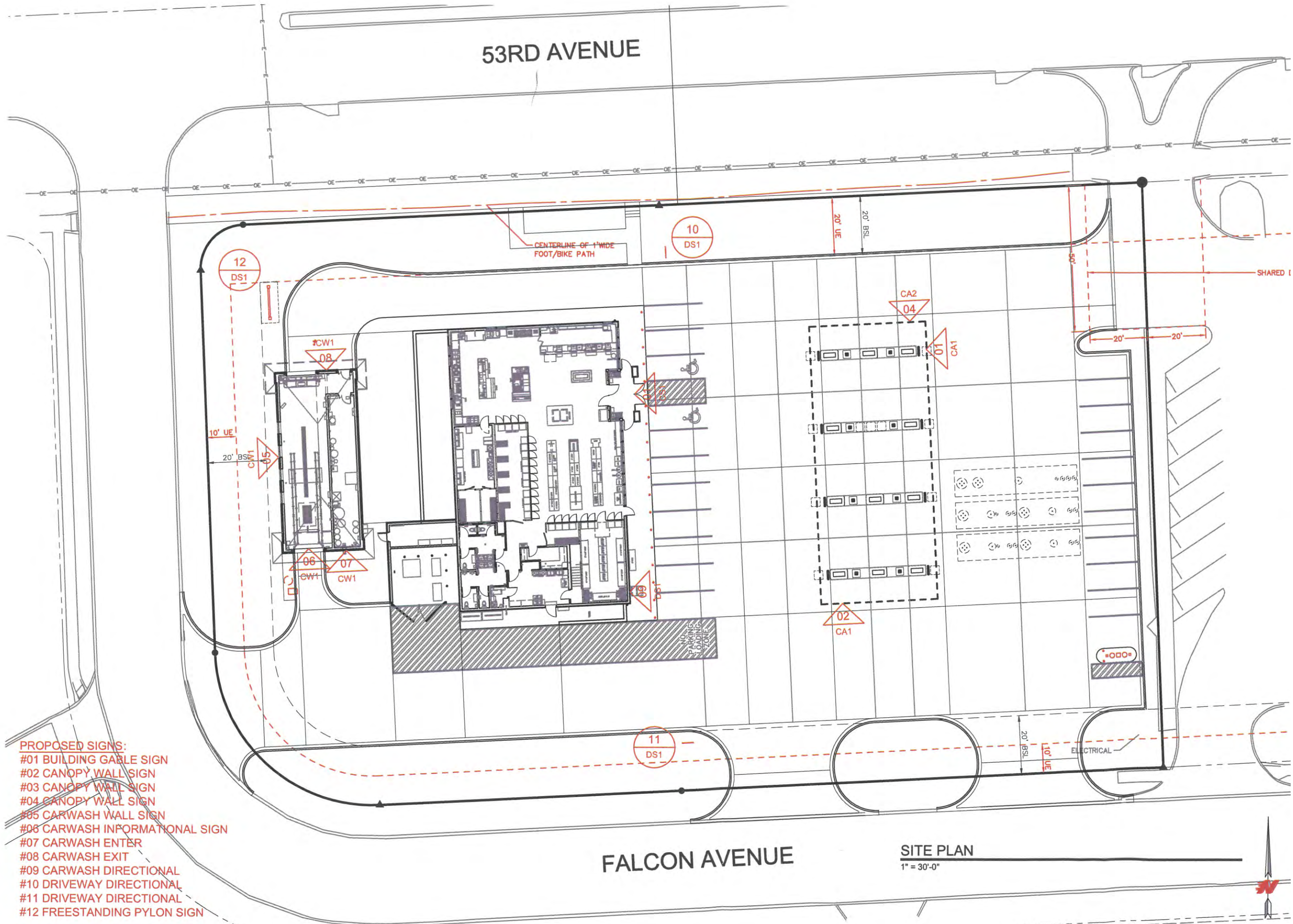


53RD AVENUE

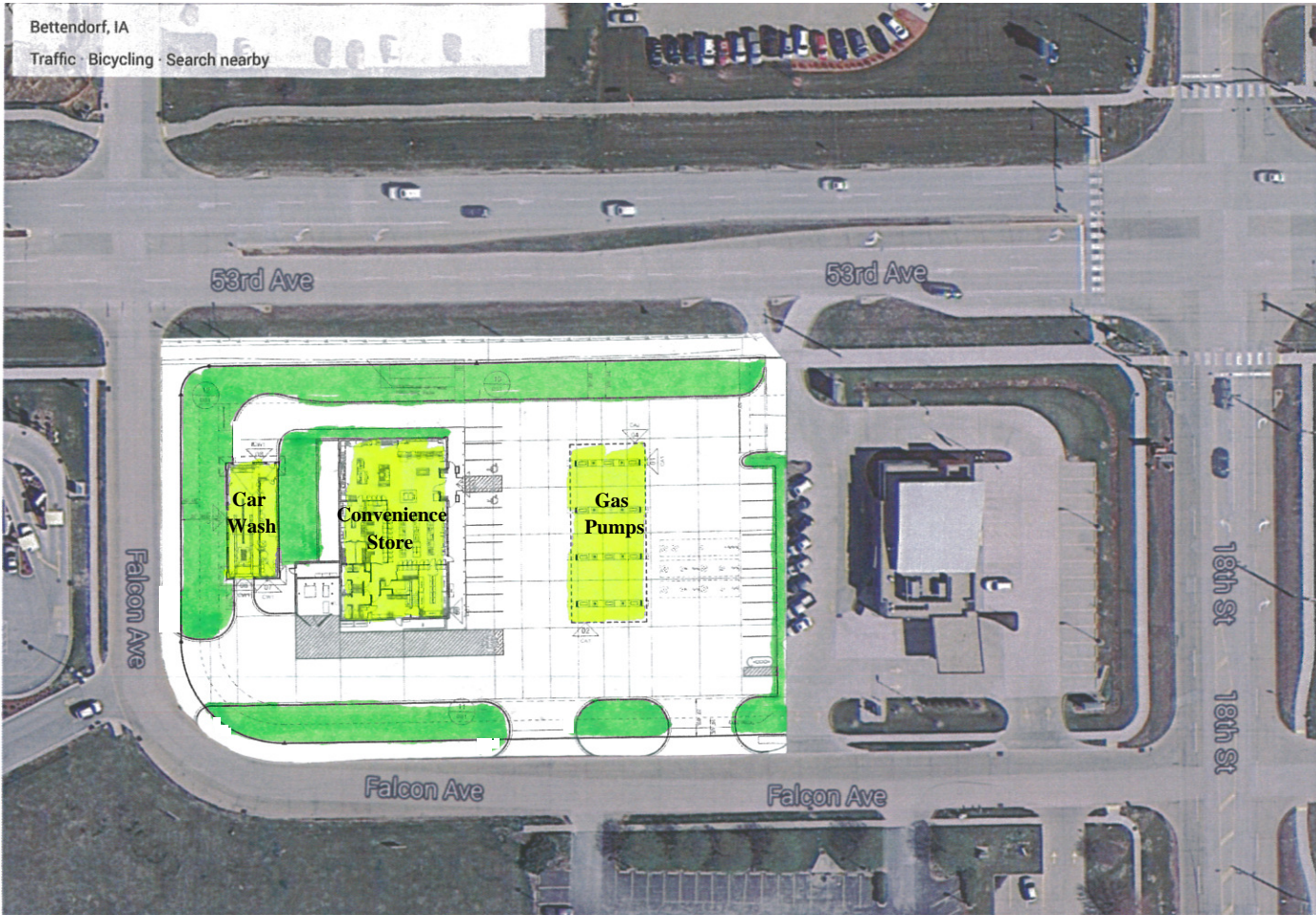
FALCON AVENUE

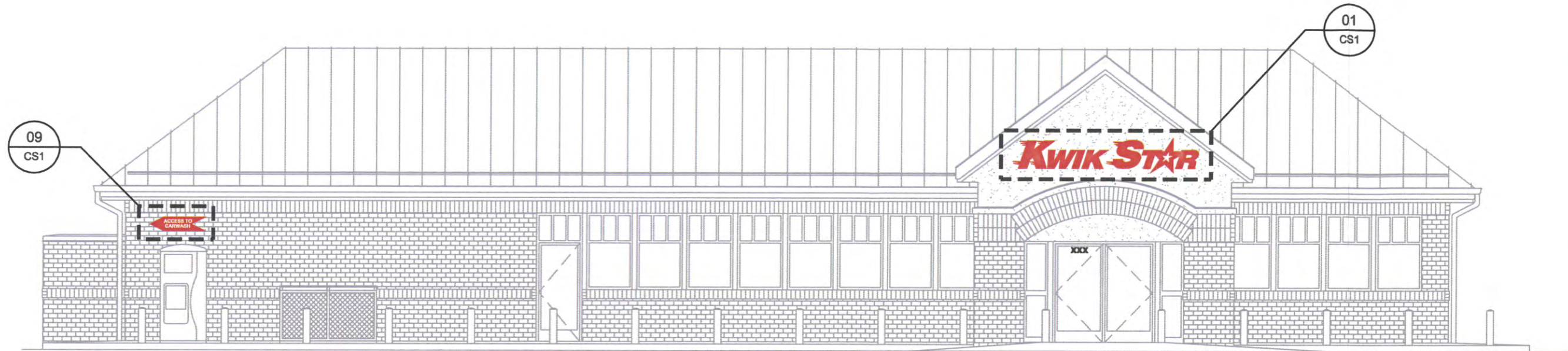
SITE PLAN
1" = 30'-0"

- PROPOSED SIGNS:
- #01 BUILDING GABLE SIGN
 - #02 CANOPY WALL SIGN
 - #03 CANOPY WALL SIGN
 - #04 CANOPY WALL SIGN
 - #05 CARWASH WALL SIGN
 - #06 CARWASH INFORMATIONAL SIGN
 - #07 CARWASH ENTER
 - #08 CARWASH EXIT
 - #09 CARWASH DIRECTIONAL
 - #10 DRIVEWAY DIRECTIONAL
 - #11 DRIVEWAY DIRECTIONAL
 - #12 FREESTANDING PYLON SIGN



Attachment - C





5" WHITE VINYL ADDRESS LETTERS
ON GLASS DOOR AS SHOWN ABOVE
(VERIFY ACTUAL NUMBERS)

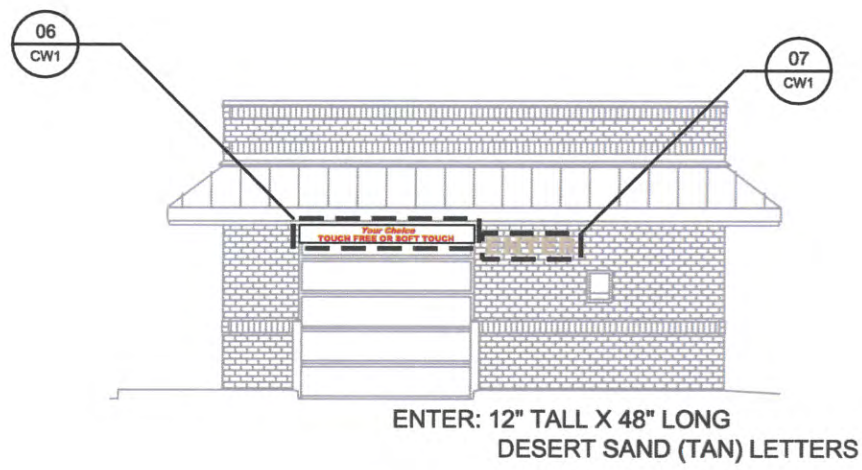
STORE ELEVATION

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



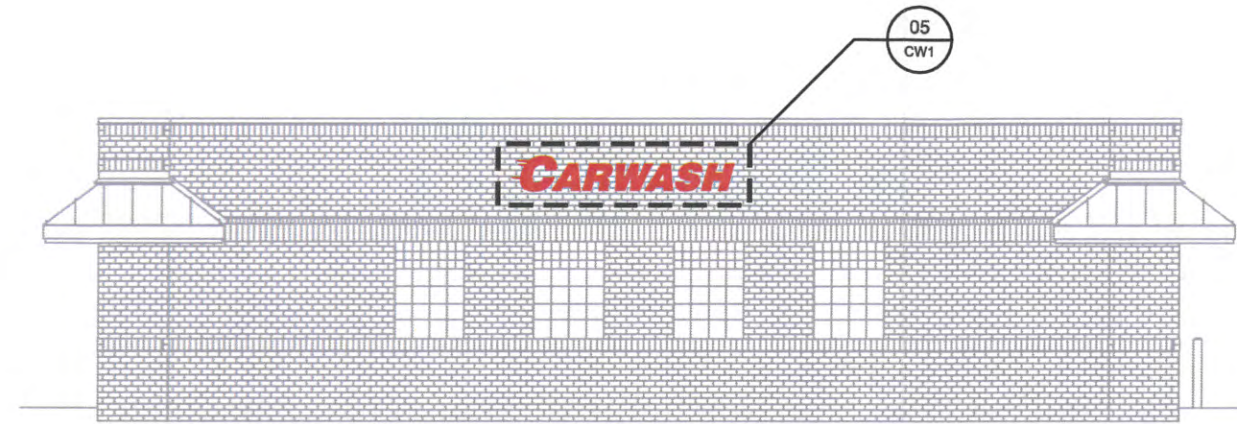
LOGO DETAIL - SIGN #01

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



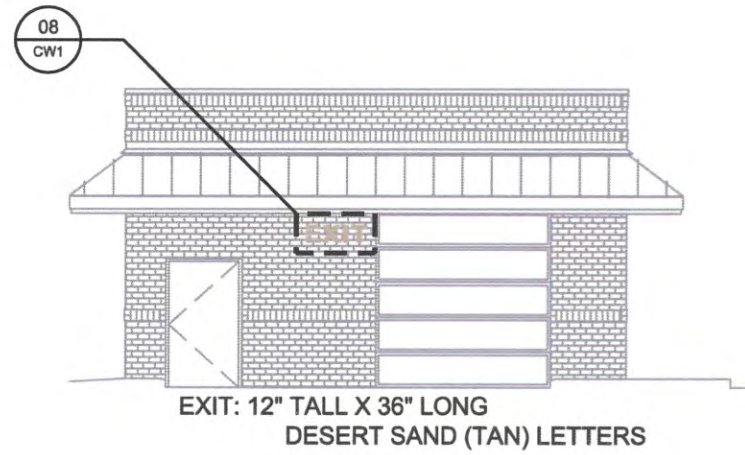
ENTER ELEVATION

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



SIDE ELEVATION

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



EXIT ELEVATION

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



LOGO DETAIL - SIGNS #05

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

Attachment - F



HEATHER GLEN CIR

GLEN EAGLES DR

140'

155'

**Big
10
Mart**
2480 53rd Avenue

53RD AVE

53RD AVE

18TH ST

Attachment - G

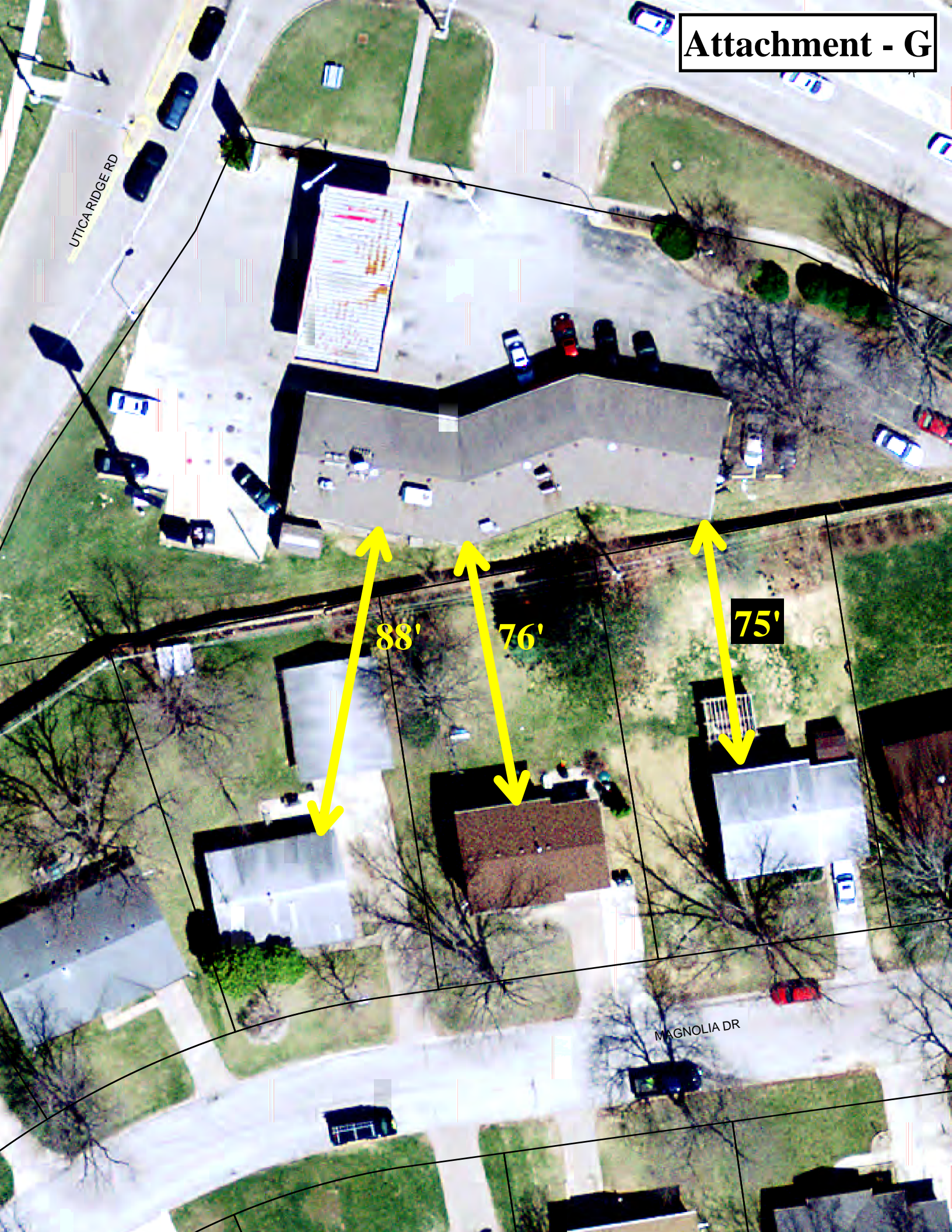
UTICA RIDGE RD

88'

76'

75'

MAGNOLIA DR



53RD AVE

53RD AVE

Attachment - H

**C
W**

**Conv.
Store**

Pumps

FALCON AVE

412'

425'

414'

LINDENWOOD DR





Case No. 14-080

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

Part 1. Property Involved. Street Address 2283 and 2241 - 53rd Avenue

Legal Description of the property. LOT 6 AND 7 IN HUNTER MEADOWS COMMERCIAL PARK
SECOND ADDITION TO THE CITY OF BETTENDORF, SCOTT COUNTY, IOWA

Part 2. Contact Information.

Applicant Name KWIK TRIP INC Phone 608 - 793 - 5551
Address 1626 OAK STREET LA CROSSE WI 54601 FAX 608 - 793 - 6237
E-mail Address: BDOUSEK@KWIKTRIP.COM

Owner Name _____ Phone _____
Address _____ FAX _____
E-mail Address: _____

Agent BRENT DOUSEK Phone 608 - 793 - 5551
Address 1626 OAK ST LA CROSSE WI 54601 FAX 608 - 793 - 6237
E-mail Address: BDOUSEK@KWIKTRIP.COM

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

- 1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
 - (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
 - (b) That it will not impair an adequate supply of light and air to adjacent property.
 - (c) That it will not unreasonably increase the congestion in public streets.
 - (d) That it will not increase the danger of fire or of the public safety.
 - (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
 - (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.
- 2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:
 - (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
 - (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
 - (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
 - (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
 - (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
 - (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
 - (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.
- 3. Other. _____
(Attach a separate sheet and explain in detail.)

