

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
JUNE 10, 2021
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Gallagher, Spranger, Tansey, Tombergs
ABSENT: None
STAFF: Beswick, Fuhrman, Hunt

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of May 13, 2021.

On motion by Tansey, seconded by Spranger, that the minutes of the meeting of May 13, 2021 be approved as submitted.

ALL AYES

Motion carried.

Item 4.

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

- a. **Case 21-034; 905 Middle Road (C-2)** - Special use permit to allow an outdoor service area associated with a bar, submitted by Amber Brainerd. (Deferred from meeting of May 13, 2021)

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

Beswick reviewed the staff report, adding that since the case was deferred the applicant and the manager of the adjacent hotel had resolved all outstanding concerns. Staff report is Annex #3 to these minutes.

Tombergs asked how many people would be able to be on the patio. Amber Brainerd, the applicant, stated that depending upon the size of the tables, there would be between 4 and 6 with 4 people per table.

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

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

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. Case 21-044; 3923 State Street (I-2) - Variance to allow an on-premises identification sign on a non-street frontage and to increase the allowable square footage of on-premises identification signage from 279 square feet to 929 square feet, submitted by Manatt's, Inc.

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

Beswick reviewed the staff report. Staff report is Annex #5 to these minutes.

Gallagher asked if staff's recommendation is that the proposed size of the sign be smaller than proposed by the applicant but larger than what is allowed by code. Beswick confirmed this, adding that his recommendation to allow a 375 square foot sign is for only one side of the building. Spranger commented that staff's recommendation also includes the monument sign.

Hunt explained that according to the ordinance the applicant would only be allowed to have a 279 square foot building sign on one side. He stated that the applicant has proposed 800 square feet of on-building signage on two sides. He indicated that staff feels that allowing 375 square feet of on-building signage on one side is appropriate given the large size of the building. He added that staff is supportive of the proposed monument sign, especially given that it will be helpful in identifying the building for first responders.

Tombergs asked if the applicant is aware of staff's recommendation. Hunt commented that it seems odd that the applicant is not present and suggested that since the issue is not time-critical the case be deferred. He added that there may have been some type of miscommunication which could be the reason why a representative of Manatt's is not in attendance.

Tansey commented that while he is in favor of signage generally, the size of the proposed signs is excessive. He added that the proposed signs are larger than most billboards.

Hunt reiterated that it is unusual that given the communication that has occurred regarding the case, the applicant is not present. Beswick added that he has been in contact with the applicant throughout the process.

Gallagher commented that he feels that the proposed size of the on-building signs is too big and that he does not see how the Board would defend a decision to approve the request as submitted. He added that in his opinion the compromise is reasonable but that he would be willing to listen to any comments the applicant may have.

On motion by Spranger, seconded by Tansey, that a variance to allow an on-premises identification sign on a non-street frontage and to increase the allowable square footage of on-premises identification signage from 279 square feet to 929 square feet be deferred until the July 8, 2021 meeting.

ALL AYES

Motion carried.

- c. Case 21-045; 4465 - 53rd Avenue (C-1) - Special use permit to allow an outdoor service area associated with a restaurant, submitted by Shane Edwards.

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

Beswick reviewed the staff report. Staff report is Annex #6 to these minutes. He added that a phone call was received from a resident in Beaver Meadows who expressed opposition to the request citing noise and increased traffic as her reasons. He indicated that another caller representing the homeowner's in the Village of the Woodlands had questions regarding outdoor music and whether parking is allowed on Ontario Drive. Beswick explained that the city's noise ordinance will regulate any noise coming from the site. He added that he is unsure whether or not parking is allowed on Ontario Drive but that any change would require City Council approval.

Tansey commented that the condition regarding what types of businesses will be allowed in the remaining units of the building is binding on the landlord, not necessarily the tenant. Beswick stated that the landlord is required to consent to the application. He added that the proposed uses for the building were designated on the approved site development plan. He explained that the developer proposed a restaurant of this size and that the remainder of the building was indicated for use as general office. He commented that the condition is an added redundancy that staff feels is important given that the provided parking is already at the maximum given the proposed uses.

Tansey asked if general office requires the least amount of parking. Beswick stated that there may be one or two uses that require less parking, but that general office is one of the uses requiring a small number of spaces.

Tombergs asked if there is any opportunity for the provision of some type of sound buffer. Spranger commented that the Board had approved a similar case for an outdoor service area last month in the same development. She added that no one had expressed any opposition to that use. Beswick stated that notices are sent to neighbors within 200 feet of a proposed use adding that the same people may not have received the letter. He noted that the representative of the Village of the Woodlands had indicated that the residents recognize that commercial development will be occurring north of their homes. He added that the fenced dumpster area is located south of

the patio which would shield the outdoor patio from view of the residents to the south. Beswick stated that the resident who expressed opposition lives on the north side of 53rd Avenue which is a highly-trafficked street. He commented that there is no access to 53rd Avenue for the buildings in the Shops of the Woodlands and therefore the traffic pattern should not be affected.

Tansey asked if the developer is aware of the conditions regarding future uses in the building. Hunt confirmed this, adding that he and Beswick have been in direct communication with him regarding what uses will be allowed in the remaining units.

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

On motion by Spranger, seconded by Tombergs, that a special use permit to allow an outdoor service area associated with a restaurant be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #7 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:30 p.m.

These minutes and annexes approved _____

Taylor Beswick
Community Development Director