

The following are minutes of the Bettendorf Board of Adjustment and are a synopsis of the discussion that took place at this meeting and as such may not include the entirety of each statement made. The minutes of each meeting do not become official until approved at the next board meeting.

**MINUTES**  
**BETTENDORF BOARD OF ADJUSTMENT**  
**MARCH 10, 2016**  
**5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Gallagher, Johnson, Spranger, Voelliger

ABSENT: None

STAFF: Fuhrman, Soenksen, Connors

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of February 11, 2016.

On motion by Falk, seconded by Gallagher, that the minutes of the meeting of February 11, 2016 be approved as submitted.

ALL AYES

Motion carried.

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

- d. **Case 16-013; 1045 Hall Street (R-2)** – A request for a variance to allow a garage to exceed the 40% rear yard ratio by 100 square feet to allow construction of a 720 square foot garage, submitted by Jenna Kinyon.

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

Soenksen reviewed the staff report. Staff report is Annex #3 to these minutes. He stated that he had received three phone calls from three neighbors expressing support for the request.

Voelliger asked if there was anyone present wishing to speak in favor of the request.

Jenna Kinyon, the applicant, stated that the existing garage is in disrepair, adding that she would like to built a new garage in order to improve her property and the neighborhood.

On motion by Gallagher, seconded by Spranger, that a variance to allow a garage to exceed the 40% rear yard ratio by 100 square feet to allow construction of a 720 square foot garage by granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- a. **Case 16-003; 325 – 16<sup>th</sup> Street (C-3)** – A request for a variance to allow parking in a required front yard, submitted by Bill Ernst. (Deferred from meeting of February 11, 2016)
- b. **Case 16-004; 325 – 16<sup>th</sup> Street (C-3)** – A request for a variance from the requirements of the Downtown Riverfront Corridor Overlay District (DRCOD) related to signage for small shopping centers to allow a 30-foot high monument sign and to increase the allowable square footage of a sign from 100 square feet to 300 square feet, submitted by Bill Ernst. (Deferred from meeting of February 11, 2016)
- c. **Case 16-005; 325 – 16<sup>th</sup> Street (C-3)** – A request for a special use permit to allow a drive-up window, submitted by Bill Ernst. (Deferred from meeting of February 11, 2016)

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

Soenksen reviewed the staff reports. Staff reports are Annex #5, #6, and #7 to these minutes.

Connors stated that he has been working with a consultant on the Downtown Master Plan which will include new design standards for the downtown and which will impact the proposed project. He indicated that after the portion of the Master Plan concerning design standards was completed, the applicant and his engineer met with him to discuss the project. Connors stated that he had requested that the applicant provide a means to soften the appearance of the parking area from the street. He indicated that the applicant will provide landscaping around the entire perimeter of the site, adding that the parking will be moved further from the street. Connors explained that only monument signs are allowed in the downtown area and that the new design standards that will be adopted soon will allow 30-foot high signs. He stated that the applicant had originally planned to request a variance to allow a 45-foot high pole sign but had consented to requesting a variance for a 30-foot high monument sign instead when he was apprised of the required design standards. Connors added that the applicant revised the design for the building such that the rear of the structure more closely resembles the front as shown on the submitted elevation drawing.

Voelliger asked if there was anyone present wishing to speak in favor of the request.

Jason Holdorf, engineer representing the applicant, stated that he would be available to answer any questions the Board may have.

Falk asked if the drawing of the rear elevation is representative of the revised building design. Soenksen explained that the drawing in the packet is not the revised version and displayed a new elevation drawing.

Gallagher commented that while he understands that the new design standards for the downtown will include an allowance for a 30-foot high monument sign, he questioned whether or not the allowable size of the monument sign would be increased from 100 square feet. Connors stated that the revised zoning ordinance would address that issue. He commented that the base of the proposed sign is approximately 10 feet of the overall height.

Johnson commented that while Connors has indicated that the new design standards for the downtown will allow a 30-foot high sign, the ordinance codifying that increase in allowable height has not yet been approved by the City Council. Connors stated that even though the applicant could have gone forward with his variance requests last month based on the designed standards currently in effect by ordinance, he had asked him to wait until the design standard section of the new downtown master plan was complete. He indicated that because this project is the first building to be constructed in the new downtown area he had asked the applicant to work with staff to make some revisions to his original plan.

Johnson asked if the 45-foot high pole sign that the applicant had originally requested would have been allowed under current ordinance. Connors stated that it would not have been allowed but indicated that formerly there were several gas stations in the downtown area with pole signs. Soenksen commented that those signs were located along the Interstate 74 corridor. Johnson asked if there are any specific requirements with regard to interstate corridor signage. Soenksen stated that while discussions had been held at Board meetings regarding the issue, there are no requirements specifically for interstate signage.

Spranger asked how large the monument signs at Rivers Edge are. Soenksen stated that the two signs are 12 ½ feet tall, adding that one is 90 square feet in size and one is 86 square feet. Johnson commented that the larger of the signs is approximately 7 ½ feet wide and 12 ½ feet tall. She indicated that the proposed sign is 30 feet tall and approximately 7 feet wide.

Voelliger asked if the 10-foot tall brick structure at the bottom of the proposed sign is necessary. Connors stated that he does not believe that it needs to be that large, adding that because of the proposed landscaping, the applicant likely wants to ensure that the signage portion is visible.

Johnson commented that the proposed monument sign would be approximately the same height as the pole sign at the new University of Iowa Community Credit Union on 53<sup>rd</sup> Avenue. Falk asked how tall the sign at the BP Station on Middle Road is. Soenksen stated that it is approximately 60 feet tall, adding that a variance was granted because the sign is located along the interstate corridor. Johnson commented that for a sign to be visible when traveling at highway speeds it needs to be taller than one in the downtown area. She asked if the credit union sign on 53<sup>rd</sup> Avenue is allowed to be 30 feet tall because it is compliant with the required sign setback. Connors confirmed this. She commented that the credit union was allowed to install a pole sign because it is not located in the DRCOD area in which only monument signs are permitted. Connors commented that the design standards for the downtown area will include reduced setback requirements. Johnson asked if the likelihood is that all signs in the downtown area will be allowed to be 30 feet tall rather than the 15 feet that is currently allowed in the DRCOD area. Connors stated that the maximum height will likely be 30 feet. Voelliger asked if the Board would be setting a precedent by granting a variance for the sign height and size. Connors stated that no precedent would be set.

Johnson stated that she does not believe that a precedent would be set because the rule regarding sign height is not in place yet. She commented that if the Council were to approve the new design standards in the future that limit sign height to 12 ½ feet and mandate that they be monument-style, no precedent would have been set by granting the proposed sign because the rule does not yet exist. Spranger asked if the current applicant would still be allowed to install a 30-foot tall sign if the new design standards mandate a shorter sign. Gallagher confirmed this. Johnson commented that the case is difficult because there are effectively two sets of rules. She stated that perhaps the Council will decide that 30-foot tall monument signs would not fit in with the desired character of the downtown. She asked if the Council has indicated which direction they might take with regard to sign height. Connors stated that the issue has not reached the Council level yet.

Holdorf stated that he believes that the owner has gone above and beyond what he would normally be required to do in order to make concessions with regard to the signage and the appearance of the building itself.

Johnson commented that she has no opposition to the drive-up window or the parking in the required front yard. Other board members concurred.

Johnson stated that she believes that given the city's intention to have a promenade area where the alley along the site is located, it would be beneficial for the rear of the structure to be as appealing as possible. She indicated that the city's goal is to encourage walkability in the area. Soenksen stated that the original plan showed a curb cut with an entrance at the southeast corner of the property. He added that staff had requested that the applicant close the curb cut in order to facilitate that desired walkability.

Voelliger asked how the city plans to resolve the conflict between the southern entrance to the site and the promenade area along the south property line of the site. Soenksen commented that the entrance in question would be a main ingress point to the site. Connors stated that it was at the IDoT's request that the driveway be placed on the south side of the lot. Voelliger commented that crossing the street at 17<sup>th</sup> Street and the newly-aligned State Street will be difficult.

Falk asked if the brick columns on the rear façade of the building would extend all the way to the parapets. He commented that it appears to him as though the rear elevation submitted to the Board indicates that it would be similar in appearance to the one of the convenience store and gas station at Interstate 74 and Middle Road. He indicated that he does not believe that this type of design would be the aesthetic goal for the new downtown area. Holdorf stated that he does not believe that the applicant would be opposed to adding the brick accents to the façade as Falk described. Johnson stated that she believes that because of the high visibility of the rear of the structure, the design should be as aesthetically-pleasing as possible. Falk concurred, adding that the new building had been described as more visually appealing than what is shown on the submitted rendering which looks more like a typical building on an alley.

On motion by Falk, seconded by Spranger, that a variance to allow parking in a required front yard be granted in accordance with the Decision and Order. (16-003)

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

Spranger commented that the proposed sign is very large. Johnson concurred, adding that while she does prefer the monument style, the base of the proposed sign is nearly as large as the entirety of the signs at Rivers Edge. She asked for clarification of which standards of the DRCOD ordinance the proposed sign is not compliant with. Soenksen explained that the section of the DRCOD ordinance that governs small shopping center signs specifies that signs must be of a monument style, no more than 15 feet tall, and no more than 100 square feet in size. Connors stated that the variance concerns a section of the code that we know is going to change. Johnson commented that the details of the revisions are unknown at this time. She stated that according to the drawing submitted by the applicant, the proposed sign would be only approximately 200 square feet in size, not 300 square feet as was requested. Soenksen explained that the sign company who completed the application asked for a variance to increase the size of the sign from 100 square feet to 300 square feet. He added that Johnson is correct, the dimensions on the drawing indicate a size of approximately 200 square feet. Soenksen stated that he believes that if the Board approves a 200 square foot sign, the entirety of the sign as shown on the drawing is what would be approved. Johnson suggested that the dimensions of the sign if approved should be specified. Other Board members concurred.

A brief discussion was held regarding the style of the proposed sign and whether or not the size of the sign is appropriate for the downtown area. Johnson stated that she would prefer a monument sign to a pole sign. Spranger commented that she owns a building in the downtown near the proposed structure, adding that she believes that the proposed sign is an improvement over most of the signage in the area. She commented that the proposed sign seems very tall and is approximately the height of her building. Falk asked how tall the proposed building would be. Spranger indicated that it appears as though it would be approximately 20 feet tall. Johnson stated that the applicant would be allowed to have a sign that is no more than 15 feet tall and 100 square feet in size. She added that the Board could choose to limit the size of the sign to ordinance requirements or modify the request in some way. She stated that while she feels that 30 feet tall is very high for the downtown area, Connors had indicated that the design standards would be changing. She added that the decision is difficult because the new design standards have not yet been approved. Spranger stated that because there is a lot of truck traffic along Grant Street, at times the identification signage itself would not be visible if the sign had a shorter base.

On motion by Spranger, seconded by Johnson, that a variance from the requirements of the Downtown Riverfront Corridor Overlay District related to signage for small shopping centers to allow a 30-foot high monument sign and to increase the allowable size of a sign from 100 square feet to 202 square feet (to include the brick base) be granted in accordance with the Decision and Order and providing that the sign be of the measurements shown on the attached sign illustration. (16-004)

Gallagher commented that the new ordinance should include a specific method by which sign size is determined. He indicated that in his opinion, the base of a sign, even if it does not contain identification of a business, should be included in the overall size of the sign.

#### ROLL CALL ON MOTION

ALL AYES

Motion carried.

Decision and Order is Annex #9 to these minutes.

Johnson commented that while she is not necessarily enthusiastic about the drive-up window, she sees no reason to deny the request. Voelliger commented that oftentimes certain types of businesses require a drive-up window.

On motion by Gallagher, seconded by Falk, that a special use permit to allow a drive-up window be granted in accordance with the Decision and Order. (16-005)

ALL AYES

Motion carried.

Decision and Order is Annex #10 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:40 p.m.

These minutes and annexes approved \_\_\_\_\_

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John Soenksen, City Planner