

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
OCTOBER 13, 2016
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Clements, Falk, Voelliger
ABSENT: Gallagher, Spranger
STAFF: Fuhrman, Soenksen, Connors

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of September 8, 2016.

On motion by Falk, seconded by Clements, that the minutes of the meeting of September 8, 2016 be approved as submitted.

ALL AYES

Motion carried.

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

- e. **Case 16-094; SE corner of Middle Road and Crow Creek Road (C-1)** – A request for a special use permit to allow two drive-up windows, submitted by AMF Real Estate, LLC.

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.

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

Scott Awkerman, 4550 Middle Road, expressed concern about headlights from vehicles in the drive-up lane shining into his home at night and asked if there would be a berm installed to shield them. Soenksen explained that the landscape plan indicates that there will be trees

planted for nearly the entire length of the property lines along Middle Road to shield the drive-up lane and also to separate the residential areas along Wyndham Drive and West Kingston Circle. Awkerman asked how tall the trees would be. Soenksen stated that the landscape plan would be submitted as part of the site development plan review which would be presented to the Planning and Zoning Commission.

Awkerman asked what the hours of operation of the business would be. Voelliger stated that because the applicant has not yet confirmed what business would be located there, the hours of operation are as yet unknown.

Awkerman stated that he would be opposed to the project until more details are available.

Linda Larson, 4422 West Kingston Circle, stated that there is no landscaping separating her property from the proposed dumpster location. Voelliger commented that staff has made note of her concerns and would present them to the Planning and Zoning Commission. Soenksen explained that the issue of the location of the dumpster was brought up at the staff development review committee meeting and would be resolved at the site development plan stage.

Adam Seitz, the applicant, explained that he has received comments from the city about adding arborvitae or trees along with a berm to screen the dumpster location. He stated that the site development plan was designed with the goal of locating the drive-up windows in the most unobtrusive locations possible. He indicated that his objective is to provide an amenity for the neighborhood with the development, not a detriment. Voelliger commented that AMF Real Estate has done a good job in screening the two adjacent residential developments from the proposed commercial area using berms and landscaping.

Falk commented that most of the concerns that have been expressed are outside the purview of the Board. He added that drive-up windows are a necessity for the success of many businesses.

Clements concurred, adding that it appears to her that the proposed development conforms to the requirements of the zoning district. She encouraged residents who have concerns to attend the Planning and Zoning Commission meeting with regard to this case.

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

On motion by Falk, seconded by Clements, that a special use permit be granted to allow two drive-up windows be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- a. **Case 16-090 3421 Field Sike Drive (A-2)** – A request for a variance to increase the allowable garage area from 1,091 square feet to 2,020 square feet, submitted by Joseph Martinolich.

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 #5 to these minutes.

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

Voelliger asked how the applicant could construct such a large structure given the uneven grade of the property. Connors explained that the concrete pad on which the garage would be placed could be poured to account for the topography. He added that fill would need to be placed on the site as well.

Voelliger asked if the proposed structure would have any effect on the property to the south. Connors stated that he sees no reason why it would.

Clements asked for clarification of the zoning classification of the property to the south. Connors stated that the property directly adjacent and to the south is zoned R-3 and will remain so. He added that the portion of the property further south is in the process of being rezoned to R-5.

On motion by Clements, seconded by Falk, that a variance to increase the allowable garage area from 1,091 square feet to 2,020 square feet be granted in accordance with the Decision and Order and the condition that an agreement not to sever Lots 6 and 7 of Creek View Addition be recorded prior to issuance of a building permit.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

- b. **Case 16-091; 2239 Kimberly Road (C-2)** – A request for a special use permit to allow an outdoor service area, submitted by Kathy Rashid.

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 #7 to these minutes.

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

Kathy Rashid, the applicant, stated that it seems to be a trend in the Quad Cities to have outdoor seating at restaurants. Brian Rashid, the applicant's husband, indicated that they wish to attract bicyclists and walkers who use the recreational trail adjacent to the proposed restaurant.

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

Falk asked for clarification of the proposed hours of operation. Kathy Rashid explained that it is likely that the restaurant will be open until 10 p.m. on weekdays and 12 a.m. on weekends.

Falk asked if alcohol would be served outside during all hours of operation. Brian Rashid confirmed this. Falk explained that most concerns that have been expressed regarding outdoor service areas in the past are related to noise, hours of operation, and the possibility of live music. Rashid stated that there would be no live music at the restaurant. Clements asked if the plan is to have pre-recorded music playing in the background. Rashid confirmed this.

Voelliger commented that it appears as though the existing deck was constructed using steel beams and concrete piers and is adequate to support the weight. He asked if the deck extension would also use this method of construction. Brian Rashid confirmed this, adding that three I-beams have already been ordered. He indicated that his engineer will certify that the deck will be compliant. Connors stated that he has reviewed the proposed deck plans, adding that they are compliant with the Code.

On motion by Falk, seconded by Clements, that a special use permit to allow an outdoor service area be approved in accordance with the Decision and Order and the review of the use after one year or sooner should complaints be submitted about the operation at which time it will be determined whether it is appropriate for the outdoor use to continue.

ALL AYES

Motion carried.

Decision and Order is Annex #8 to these minutes.

- d. **Case 16-093; 2927 Cambridge Drive (R-2)** – A request for a variance to allow a 5-foot high fence in a required front yard, submitted by James Riches.

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 #9 to these minutes.

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

James Riches, the applicant, explained that he purchased his home in May and he would like to have a 5-foot fence in order to provide safety, security, and privacy for his home. He stated that the main entrance to approximately 396 apartment units is located directly across the street, adding that he believes that the proposed fence would allow him to make the best use of his property.

Voelliger asked what type of fence is proposed. Riches explained that it would be a wooden fence.

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

Clements asked if the proposed fence would interfere with the required vision triangle. Soenksen stated that it would not.

Clements commented that this type of request is not typically one the Board would approve unless a unique set of circumstances exist. Soenksen concurred, adding that recently a fence located at Central Avenue and 18th Street was approved. Voelliger commented that that case was for a 6-foot high fence.

On motion by Falk, seconded by Clements, that a variance to allow a 5-foot high fence in a required front yard be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #10 to these minutes.

- f. **Case 16-095; 3470 Middle Road (CA-2)** – A request for a variance to increase the allowable size of a non-conforming on-premises identification sign from 30 square feet to 42 square feet, submitted by Signs Now/Jeremy Collins.

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 #11 to these minutes.

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

Jeremy Collins, the applicant, explained that Governor's is under new ownership, adding that the owner wishes to generate renewed interest in the restaurant by utilizing a new logo which would be displayed on the sign.

Joe Janz, marketing manager for Governor's, stated that the business has undertaken extensive work to update the brand to increase awareness which will be facilitated by the new sign.

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

Voelliger asked if the sign would interfere with visibility for motorists. Soenksen stated that it would not.

Clements asked how large a typical on-premises identification sign is. Soenksen explained that typically similar signs are 60 square feet in size.

On motion by Clements, seconded by Falk, that a variance to increase the allowable size of a non-conforming on-premises identification sign from 30 square feet to 42 square feet be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #12 to these minutes.

- c. **Case 16-092; 3557 Deertrail Road (R-2)** – A request for a variance to reduce the required front yard setback from 25 feet to 13 feet to allow for construction of a garage addition, submitted by Donald and Cindy Tice. (Deferred to meeting of November 10, 2016)

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:35 p.m.

These minutes and annexes approved _____

John Soenksen, City Planner