

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 12, 2020  
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Clements, Gallagher, Spranger, Tansey  
ABSENT: Tombergs  
STAFF: Fuhrman, Beck, Soenksen

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meetings of December 12, 2019 and January 9, 2020.

On motion by Clements, seconded by Spranger, that the minutes of the meetings of December 12, 2019 and January 9, 2020 be approved as submitted.

ALL AYES

Motion carried.

Item 4. The Board to review and approve the 2019 Board of Adjustment Annual Report.

On motion by Clements, seconded by Spranger, that the 2019 Board of Adjustment Annual Report be approved as submitted.

ALL AYES

Motion carried.

Item 5. Election of Officers. (Deferred from meeting of January 9, 2020)

On motion by Spranger, seconded by Clements, that Gallagher remain in his position as chair.

ALL AYES

Motion carried.

On motion by Clements, seconded by Spranger, that Tombergs be appointed as chair pro tem.

ALL AYES

Motion carried.

Item 6. The Board to hold a public hearing on the following items:

- a. Case 20-009; 3557 Middle Road (C-3) - Special use permit to allow an outdoor service area associated with a bar, submitted by The Quarry QC. LLC.
- c. Case 20-010; 3557 Middle Road (C-3) - Variance to reduce the required number of parking spaces, submitted by The Quarry QC, LLC.

Gallagher 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.

Tansey stated that he would abstain from discussion and voting regarding Cases 20-009 and 20-010.

Soenksen reviewed the staff report. Staff report is Annex #3 to these minutes. He added that a re-evaluation of the required number of parking spaces should have taken place at the time the applicant requested a special use permit for a bar. He stated that the proposed outdoor service area is an expansion of that use. Soenksen explained that staff visited the site and discovered that there are only 89 spaces on the site which would then be reduced by two spaces as a result of the proposed outdoor service area. He added that when accounting for the bar and the Jimmy John's restaurant, the actual number of required spaces for the development is 117. Soenksen stated that he had received a letter expressing concern about the proposed outdoor service area from the owner of Whitey's Ice Cream which was e-mailed to the members. He added that after speaking with the manager of Jimmy John's, he had learned that the restaurant's seating area has 44 seats but that they are almost never occupied except between 10:30 a.m. and 1:30 p.m. He indicated that those hours would not overlap with the busiest times for the bar. Soenksen stated personnel at Salons and Studios had indicated that their busiest time period is between 10:00 a.m. and 7:00 p.m.

Soenksen explained that if the applicant's requests are approved, the required number of parking spaces would increase as a result of the additional square footage created by the outdoor service area.

Spranger asked what the occupant load for the bar is. Andy Gadiant, the applicant, stated that it is between 60-65 people. He indicated that he had just recently become aware of the issues related to the outdoor service area and that the owner of the building is out of the country. He stated that he plans, with the owner's approval, to create two more parking spaces. He added that he would be willing to defer the cases until he has a chance to resolve the concerns if the Board feels it is necessary. He stated that his busiest hours are between 3:00 and 8:00 p.m.

Spranger asked if there is any space to add additional parking on the site. Gadiant stated that he believes that there is room. He explained that he had originally planned to be located in the end unit of the multi-tenant retail structure which has a landscape area in front that could be converted to an outdoor service area. He added that the owner of the building had moved his business to an interior unit and had indicated that it would okay to convert the 2 parking spaces in front of the bar to a patio. Gadiant stated that the solution to the problem would be convert the landscape area to parking.

Spranger asked if a tenant is already occupying the end unit in question. Gadiant stated that no one has occupied the space but that he had heard it would become a spray tanning salon.

Clements asked if Gadiant had consulted with the owner regarding his plan to locate the patio on two existing parking spaces. Gadiant explained that he has been in contact with the property manager who had indicated his support. He added that he is unsure whether or not he had taken into consideration the requirement for additional parking spaces. He reiterated that he would be willing to defer the cases.

Spranger suggested that the cases be deferred until such time as a parking plan showing a remedy for the issue of the lack of so many required parking spaces. She commented that there are many bars and restaurants which seem to have inadequate parking available, but that the number of spaces that the applicant is short is very substantial.

Gallagher asked if the parking spaces located behind the building were taken into consideration when the calculation was completed. Soenksen confirmed this, adding that perhaps a special parking plan could be submitted which would include shared parking with other businesses.

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

On motion by Spranger, seconded by Clements, that a special use permit to allow an outdoor service area associated with a bar be deferred until such time as a new parking plan has been submitted.

ROLL CALL ON MOTION

AYE: Clements, Gallagher, Spranger  
NAY: None  
ABSTAIN: Tansey

Motion carried.

On motion by Spranger, seconded by Clements, that a variance to reduce the required number of parking spaces be deferred until such time as a new parking plan has been submitted.

ROLL CALL ON MOTION

AYE: Clements, Gallagher, Spranger  
NAY: None  
ABSTAIN: Tansey

Motion carried.

- b. Case 20-012; 4465 - 53<sup>rd</sup> Avenue (C-1) - Variance to allow parking in the required front yard adjacent to 53<sup>rd</sup> Avenue, submitted by Townsend Engineering.

Gallagher 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 #4 to these minutes.

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

Tansey asked if the owner plans to occupy the office space or if it would be leased. Soenksen stated that the entire building would be tenant buildouts. Tansey commented that he would like to avoid a situation similar to the one involved with the previous case if there is a use change in the future. Soenksen explained that the owner does not yet have a tenant for the space indicated as a restaurant but had wanted to be able to provide enough parking for one if necessary.

Gallagher asked how much space would be between the parking lot and the property line if the variance is granted. Soenksen stated that the parking spaces would be 15 feet from the property line.

Clements asked if staff anticipates any line of sight or utility easement encroachment issues if the variance were to be granted. Soenksen stated that there would be none.

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

Chris Townsend, the applicant, stated that the original plan had reflected 20-foot drive aisles because that is the standard in other cities. He commented that Bettendorf's higher standard that was recently implemented will provide a more navigable parking lot. He added that because MidAmerican Energy had installed their equipment outside of the utility easements, it had created difficulties when configuring the site plan. Townsend stated that he does not believe that the encroachment will be noticeable given the topography of the site.

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 Tansey, that a variance to allow parking in the required front yard adjacent to 53<sup>rd</sup> Avenue be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #5 to these minutes.

Soenksen announced that this would be his last Board of Adjustment meeting. Gallagher expressed his appreciation for his work.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:20 p.m.

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

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Greg Beck  
City Planner