

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
MAY 8, 2014
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Falk, Gallagher, Johnson, Voelliger
ABSENT: Spranger
STAFF: Fuhrman, Soenksen, Connors, Stone, Ploehn

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of April 10, 2014.

Johnson requested that the motion regarding Case 14-024 be corrected to reflect that the request is for a 6-foot high fence.

On motion by Falk, seconded by Johnson, that the minutes of the meeting of April 10, 2014 be approved as amended.

ALL AYES

Motion carried.

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

- a. Case 14-027; 5674 Cavan Crossing (R-3) - A request for a variance to reduce the required minimum lot width from 70 feet to 55 feet and to reduce the required minimum lot area from 8,400 square feet to 7,425 square feet, submitted by Towne & Country Bettendorf/Dan Dolan.
- b. Case 14-028; 5668 Cavan Crossing (R-3) - A request for a variance to reduce the required minimum lot width from 70 feet to 54.1 feet, submitted by Towne & Country Bettendorf/Dan Dolan.
- c. Case 14-029; 5662 Cavan Crossing (R-3) - A request for a variance to reduce the required minimum lot width from 70 feet to 51.81 feet, submitted by Towne & Country Bettendorf/Dan Dolan.
- d. Case 14-030; 5656 Cavan Crossing (R-3) - A request for a variance to reduce the required minimum lot width from 70 feet to 54.45 feet and to reduce the required minimum lot area from 8,400 square feet to 8,309 square feet, submitted by Towne & Country Bettendorf/Dan Dolan.

- e. Case 14-031; 5650 Cavan Crossing (R-3) - A request for a variance to reduce the required minimum lot width from 70 feet to 54.51 feet, submitted by Towne & Country Bettendorf/Dan Dolan.
- f. Case 14-032; 5644 Cavan Crossing (R-3) - A request for a variance to reduce the required minimum lot width from 70 feet to 54.93 feet and to reduce the required minimum lot area from 8,400 square feet to 7,860 square feet, submitted by Lyle Aronson.
- g. Case 14-033; 5636 Cavan Crossing (R-3) - A request for a variance to reduce the required minimum lot width from 70 feet to 55 feet and to reduce the required minimum lot area from 8,400 square feet to 6,515 square feet, submitted by Steve Cotton.

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.

Falk stated that he would abstain from discussion and voting regarding Cases 14-027 through 14-033.

Soenksen reviewed the staff report. Staff report is Annex #3 to these minutes. Soenksen stated that letters expressing opposition to the request had been received from Roger Pigg, 4037 Charles Court, and Louis Roseman, 2326 Queens Court.

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

Greg Jager, representing the applicants, stated that the homes in question have been built and that they are owned by innocent residents. He indicated that he believes that a legitimate hardship has been established to justify granting all of the variance requests.

Johnson commented that she believes that the homeowners need to be made whole.

Voelliger asked if all of the homeowners affected are in favor of the proposed remedy. Soenksen confirmed this, adding that residents in adjacent subdivisions were notified of the proposed variance requests. He indicated that the standard radius of 200 feet was increased substantially when staff mailed courtesy letters regarding these cases.

Gallagher stated that it is clear that a mistake was made, but that staff's proposed solution seems to be the best way to correct it. He indicated that the total square footage of each lot that is covered by a structure would be virtually the same regardless of whether a single-family home or a duplex was built. Gallagher stated that the staff errors that occurred are sufficient to establish a hardship which would justify granting the variance requests.

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

On motion by Gallagher, seconded by Johnson, that a variance to reduce the required minimum lot width from 70 feet to 55 feet and to reduce the required minimum lot area from 8,400 square feet to 7,425 square feet at 5674 Cavan Crossing be granted in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE: Gallagher, Johnson, Voelliger
 NAY: None
 ABSTAIN: Falk

Motion carried.

Decision and Order is Annex #4 to these minutes.

On motion by Gallagher, seconded by Johnson, that a variance to reduce the required minimum lot width from 70 feet to 54.1 feet at 5668 Cavan Crossing be granted in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE: Gallagher, Johnson, Voelliger
 NAY: None
 ABSTAIN: Falk

Motion carried.

Decision and Order is Annex #5 to these minutes.

On motion by Gallagher, seconded by Johnson, that a variance to reduce the required minimum lot width from 70 feet to 51.81 feet at 5662 Cavan Crossing be granted in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE: Gallagher, Johnson, Voelliger
 NAY: None
 ABSTAIN: Falk

Motion carried.

Decision and Order is Annex #6 to these minutes.

On motion by Gallagher, seconded by Johnson, that a variance to reduce the required minimum lot width from 70 feet to 54.45 feet and to reduce the required minimum lot area from 8,400 square feet to 8,309 square feet at 5656 Cavan Crossing be granted in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE: Gallagher, Johnson, Voelliger
 NAY: None
 ABSTAIN: Falk

Motion carried.

Decision and Order is Annex #7 to these minutes.

On motion by Gallagher, seconded by Johnson, that a variance to reduce the required minimum lot width from 70 feet to 54.51 feet 5650 Cavan Crossing be granted in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE: Gallagher, Johnson, Voelliger
NAY: None
ABSTAIN: Falk

Motion carried.

Decision and Order is Annex #8 to these minutes.

On motion by Gallagher, seconded by Johnson, that a variance to reduce the required minimum lot width from 70 feet to 54.93 feet and to reduce the required minimum lot area from 8,400 square feet to 7,860 square feet at 5644 Cavan Crossing be granted in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE: Gallagher, Johnson, Voelliger
NAY: None
ABSTAIN: Falk

Motion carried.

Decision and Order is Annex #9 to these minutes.

On motion by Gallagher, seconded by Johnson, that a variance to reduce the required minimum lot width from 70 feet to 55 feet and to reduce the required minimum lot area from 8,400 square feet to 6,515 square feet at 5636 Cavan Crossing be granted in accordance with the Decision and Order.

ROLL CALL ON MOTION

AYE: Gallagher, Johnson, Voelliger
NAY: None
ABSTAIN: Falk

Motion carried.

Decision and Order is Annex #10 to these minutes.

- h. Case 14-035; 1723 Grant Street (C-2) - A request for a special use permit for an outdoor service area to be similar and compatible to the uses existing within the premises, submitted by Sports Fans Pizza, Inc.

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. Soenksen stated that the drawing that the applicant submitted for distribution to the board is not accurate in representing the number of tables the applicant plans to have on the patio.

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

Steve Trumbo, the applicant, explained that he would like to install a patio similar to the one at Governor's. He indicated that he plans to have 8-10 tables seating 4 people each on the proposed patio.

Voelliger asked if the applicant has adequate liability insurance that would include an outdoor service area. Trumbo confirmed this.

Voelliger asked if there would be any physical protection such as a concrete abutment for the patrons from the traffic on Grant Street. Trumbo explained that there would be a vinyl railing surrounding the patio.

Gallagher asked if the patio would be directly adjacent to the right-of-way of Grant Street. Soenksen confirmed this, adding that it would extend all the way to the sidewalk along Grant Street. He commented that many of the buildings in the downtown area were built at a zero lot line.

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

On motion by Johnson, seconded by Falk, that a special use permit for an outdoor service area to be similar and compatible to the uses existing within the premises be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #12 to these minutes.

- i. Case 14-036; 4480 Utica Ridge Road (C-6) - A request for a variance to increase the allowable number of on-premises identification signs from 1 to 2 and to increase the allowable square footage of signage from 300 square feet to 873 square feet, submitted by Unity Point.

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 #13 to these minutes. Soenksen stated that he had received a letter expressing opposition to the request from a resident on Utica Ridge Road. He indicated that in 2003 the applicant had requested and been granted a variance for additional signage on Utica Ridge Road.

Voelliger asked if the proposed signs would be permanent. Soenksen confirmed this, adding that last month a similar request had been submitted by Unity Point for permanent banner type signs. He stated that that request had been withdrawn in favor of the current one. He added that even if the request is not granted, the applicant would be allowed to display banners for a 60 day period at which time the banners must be taken down for 60 days before they would be allowed to be displayed again.

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

Christy Gause, representing the applicant, stated that Trinity Bettendorf has recently been recognized as a Top 100 Hospital by Truven Analytics after having been open only 10 years. She indicated that she feels that the proposed signage being displayed along a prominent interstate reinforces the availability of high quality health care in Bettendorf. Gause stated that this high quality of health care contributes to the high quality of life that Bettendorf residents have. She stated that high quality health care will help support economic development by attracting new residents, new construction, and overall business growth. Gause explained that high quality health care was part of the designation of Bettendorf as a top community recently, adding that the proposed signage would help reinforce that. She stated that the additional signage would highlight to the community the high level of care that is available in Bettendorf. Gause stated that too often residents believe that they must leave the city to receive that high level of care.

Voelliger commented that the proposed sign appears to be 24 feet by 21 feet. Gordon Johnson, the applicant's sign contractor, confirmed this.

Voelliger asked if the proposed sign would be permanent. Johnson explained that it is designed to be permanent, adding that it would have a flexible face through which wind and moisture can flow and which would be attached to the building and tightened in a manner similar to a drum head. He indicated that it is similar to signs located at Eye Surgeons Associates and at many of the hotels along the interstate.

Voelliger asked how long this type of sign would last. Johnson stated that he is aware of flex face signs that have been up for at least 15 years.

Johnson asked if the sign would be lighted. Johnson indicated that it would not be lighted, adding that it would be flush-mounted to the building.

Gallagher asked what would happen to the signs if the hospital does not continue to receive this award each year. Gause stated that the Truven Top 100 Hospital designation is permanent even though it is earned on an annual basis. She explained that Trinity Bettendorf is a Top 100 Hospital into the future.

Johnson asked for clarification of the existing and proposed signage in relation to the street frontages and square footage allowed. Soenksen explained that the hospital technically has 3 street frontages including Crow Creek Road, Utica Ridge Road, and Interstate 74. He indicated that staff has made the determination that one of the existing raceway signs with channel letters identifying Trinity is considered to be oriented toward Crow Creek Road. Soenksen stated that if not for this determination the proposed increase in allowable square footage for the signage request would have been far greater.

Johnson asked if the name of the hospital is still Trinity or if it is to be called Unity Point. Gause stated that it would be known as Trinity Bettendorf.

Falk commented that while he is proud of the award, he is concerned about the precedent that would be set if the request is granted. He stated that owners of other businesses may be recognized for equally laudable achievements who would in turn request similarly bold signage, adding that the sign states that Trinity is the only Top 100 hospital which may not always be the case. Falk stated that he is very reluctant to set such a precedent, especially with regard to signs as residents seem particularly sensitive and resistant to them. Gause asked the Board to keep in mind that the proposed signage, relative to the size of the building and the viewability from the interstate, is proportional. She reiterated that Trinity is the only Top 100 hospital in the Quad Cities, adding that she believes it is the time to advertise that fact. Gause stated that other local affiliates who have earned the same designation have been allowed by the cities where they are located to have the same signage as is being requested from Bettendorf.

Voelliger stated that while he is very proud of Trinity's achievement, he believes that a banner sign that is displayed for 60 days would be adequate. He stated that a permanent sign is not appropriate as it would set a precedent with which the residents would have to live forever.

Johnson commented that while a banner may not be as nice a sign as the permanent one, she agrees that approving the request would set a negative precedent. She stated that the applicant has not established a hardship at all, adding that the existing signage already clearly identifies the facility from all of the building frontages. Gause stated that the proposed signs would more clearly indicate that the facility is a hospital as the current signage is rather understated. She stated that the signage would help remind the residents of Bettendorf that there is a hospital in their community. She stated that she is attempting to avoid the appearance of a banner by requesting permission to install the flex face sign which would become a part of the building itself.

Voelliger stated that in his opinion it is one thing to identify a building but quite another to identify an achievement.

Johnson commented that she might be more amenable to the request if the sign actually included identification of the building as Trinity Bettendorf. Gause explained that the corporate signage must include the Unity Point logo, adding that she had been granted a variance for the Bettendorf facility to continue to use the Trinity signage on the building. She stated that any new signage or print materials would use the Unity Point parent corporate logo.

Johnson reiterated that while she applauds the hospital's achievement, granting the request would set a negative precedent. She indicated that in the future a church, hotel, or other business may be awarded what could be considered an equally laudable award that the congregants or owners feel should be announced to the public. Johnson stated that another business with a building of a similar size such as the new hotel that is currently being constructed could request similar signage. She indicated that it would be difficult to determine what criteria would be used to determine if such a request should be approved or denied. Gause stated that the difference is that in making a determination of which hospitals would receive the award, over 3000 facilities were measured. She indicated that the award has a direct impact on everyone in the community, reiterating that health care is a criterion of all other awards. She stated that she does not believe that a hotel's award within their brand would have the same importance. Gause reiterated that the award has an impact on everyone in the Quad Cities, adding that they should be made aware of the availability of the high quality health

care they can receive in their community so that they know they do not have to go to other cities. She indicated that it will drive residents and businesses to the community.

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

On motion by Johnson, seconded by Falk, that a variance to increase the allowable number of on-premises identification signs from 1 to 2 and to increase the allowable square footage of signage from 300 square feet to 873 square feet be denied in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #14 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 _____

John Soenksen, City Planner