

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 9, 2017
5:00 P.M.

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

Item 1. Roll Call

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

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of January 12, 2017.

On motion by Falk, seconded by Clements, that the minutes of the meeting of January 12, 2017 be approved as submitted.

ALL AYES

Motion carried.

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

- a. **Case 17-006; 5104 Pandit Drive (R-5)** – A request for a variance to reduce the required width of a single-family residential lot from 70 feet to 50.5 feet, submitted by Everest Homes, 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 the access to the snow storage area is wide enough for a plow. Soenksen confirmed this, adding that the developer cooperated with the city by providing better access for snow storage.

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 Gallagher, seconded by Falk, that a variance to reduce the required width of a single-family residential lot from 70 feet to 50.5 feet be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

- b. **Case 17-007; 3775 Middle Road (A-1)** – A request for a variance to reduce the required side yard setback from 50 feet to 29 feet to allow construction of a building addition, submitted by McClure Engineering.

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.

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

John Overbeeke, representing Our Savior Lutheran Church, explained that the building additions will be utilized for gathering space and an auditorium, two Bible study rooms, and classrooms for youth education.

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 Falk, seconded by Clements, that a variance to reduce the required side yard setback from 50 feet to 29 feet to allow construction of a building addition be granted in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #6 to these minutes.

- c. **Case 17-009; 221 - 15th Street (C-2)** – A request for a variance to reduce the required front yard setback from 20 feet to 1.8 feet to allow construction of a 5-story apartment building, submitted by Jennifer Bennett.
- d. **Case 17-010; 221 - 15th Street (C-2)** – A request for a variance to reduce the required number of parking spaces from 247 to 170, submitted by Jennifer Bennett.

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 Gilbert Street would be closed at 13th Street eastward. Soenksen confirmed this, adding that 16th Street would still be available for City Hall access. He stated that on-street parking spaces will be added to 16th Street.

Voelliger asked if Gilbert Street would provide access to the Isle of Capri property. Soenksen explained that this is not the case, adding that the current access point will be used for a major pedestrian access to the bridge by adding letdown structures and possibly an elevator.

Voelliger asked if Gilbert Street access would still be available to the businesses located west of the bridge. Soenksen explained that nothing would change on the other side of the bridge.

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

Bob Rafferty, representing the developer, introduced Dave Tallman from Shive-Hattery, Inc. (engineering firm) and Mike Dean from Ask Studios (architect) and indicated that they would be available to answer any questions the Board may have.

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

June Miller, 1530 State Street, stated that while she does not object to the proposed setback variance she is concerned about the parking reduction. She explained that her building has both residential and commercial tenants. She indicated that her apartments are of approximately the same size as is proposed, adding that several of her tenants have more than one vehicle. Miller asked why the parking spaces required for the business to be located in one of the new buildings have not been counted in the required number. She questioned why a business owner would locate downtown if there are no dedicated parking spaces available.

Miller stated that she does not believe that at least 20 of the parking spaces located at the rear of the building should be allowed to be counted because they would be occupied by delivery vehicles at certain times. She questioned where trucks and waste collectors would enter and how they would navigate around the property.

Miller reviewed the parking requirements for restaurants. She indicated that it does not appear as though off-street parking requirements were taken into consideration when evaluating the proposal. She questioned the method used for evaluating the required number of spaces. She commented that DataUSA indicates that most households in Scott County own at least two vehicles. She commented that she does not want residents of the proposed apartment buildings to use her parking lot as it will hurt her businesses. Miller stated that she also relies on the on-street parking. She stated that she does not believe that 1.5 spaces per unit is an accurate estimate for determining the required number of spaces as most households have more than one vehicle.

She requested that the Board deny the request based on her opinion that it would create a hardship for other businesses in the area and because it does not meet the required standards listed in the code.

Voelliger stated that he does not believe that there should be parking allowed in front of the building on State Street as it could cause difficulties for access for emergency personnel to enter the building and for removal of snow. He commented that while it is not in the Board's purview, in his opinion the density of the project is too high. He questioned whether there would be any greenspace areas on the site. Soenksen explained that the project had been presented at the development review committee and that Fire Department staff had no reservations regarding access. He added that Fire Department staff is working with the Economic Development Department and the developer to ensure that adequate turning radiuses and accesses are provided.

Jeff Reiter, Economic Development Director, explained that careful consideration was given to provision of access for delivery trucks and emergency vehicles by staff from the Public Works, Engineering, and Community Development Departments. He indicated that a connector will be provided between the parking lot on the south side and the west side of the fire station and which will be separated by removable bollards. Voelliger asked if the access would be for all vehicles. Reiter stated that it would be only for public safety and delivery vehicles. He added that a driver of a full-sized fire truck would be able to enter the site and exit without having to back up or turn around.

Reiter stated that 27 angled parking spaces would be added on both sides of State Street in the 1500 block. He explained that the additional spaces on the north side of the street were not counted toward the required number for the project. He stated that new development may occur on the north side of the 1500 block of State Street for which new parking areas in that block may be contemplated in the next 3-5 years.

Reiter commented that Des Moines has a Downtown Neighborhood Pedestrian Commercial District for which the typical parking requirements are required to be reduced by 40 percent. He indicated that their goal is to help create less impervious surface, create more neighborhood

pedestrian walkability, and to create multi-family residential in downtown. He explained that while 28 too few spaces are provided according to the city's ordinance, he believes that with the additional north side parking spaces and the future west side parking, there will be ample parking for the development.

Falk asked how many of the parking spaces that were counted toward fulfillment of the ordinance requirement are located on-site versus the number located on public property. Reiter explained that 27 angled spaces on State Street and 15 spaces on 16th Street are included. Falk commented that 25 percent of the entire number of parking spaces provided is located on city streets.

Falk asked if there is any space for inclusion of a sidewalk along State Street. He commented that if no sidewalk is provided, pedestrians would be forced to walk in the street. Mike Dean, architect for the project, explained that there is room for a sidewalk, adding that as the building façade shifts it varies in width. He indicated that the site plan could be revised such that a wider sidewalk can be provided. Falk commented that he would presume that the building would be shifted enough that a code-compliant sidewalk could be installed. Dean confirmed this, adding that planters will be located along the sidewalk to provide some greenspace in addition to that which is located around the pool. He added that there is potential for greenspace along the east side as well.

Falk commented that in his opinion the fact that Des Moines reduces parking requirements for downtown areas is not valid as there is a much different demographic and level of employment there. He indicated that he believes that the multiplier for number of units should be higher than 1.5 as it appears to him as though that figure was used as it was the one that resulted in the largest number of spaces possible to be provided. Falk stated that the normal standard is 2.0, adding that the Board will be responsible for these kinds of decisions in the future. He indicated that current decisions could affect future development in the downtown area.

Reiter suggested that perhaps the case regarding the parking reduction should be deferred until such time as more information is available and adjustments could possibly be made. He asked if the Board has any questions about the proposed variance for a setback reduction.

Gallagher commented that while he understands that many of the buildings in the downtown area are built at a 0-lot line, he believes that the purpose of imposing setback requirements is to improve developments for the future. He stated that if the proposed request is approved, it would set a precedent for other developers to request similar variances. He stated that he believes that if the city wants to allow new buildings to be constructed at a 0-lot line, the ordinance should be changed which would eliminate the need for a variance.

Clements expressed concern about possibly passing the issue of a scarcity of parking in the area along to a future developer. She questioned the advisability of adding more impervious surface to the development by possibly using the lot remnants for more parking.

Voelliger stated that the developer should either reduce the size or reconfigure the proposed buildings to better fit the available lot space.

Clements asked if the 54 underground parking spaces indicated on the plan are located under both buildings. Soenksen confirmed this. Clements asked where the exit for the underground parking is located. Dean explained that motorists would exit on the south side of both buildings. Clements commented that highlighted area indicated as a concern by Miller was never intended to be used for parking spaces.

Falk commented that staff's suggestion of deferring the requests is a good one. He added that approving the requests as submitted would establish long-term precedents.

On motion by Clements, seconded by Falk, that a variance to reduce the required front yard setback from 20 feet to 1.8 feet to allow construction of a 5-story apartment building be deferred to the April 13 meeting.

ALL AYES

Motion carried.

On motion by Clements, seconded by Falk, that a variance to reduce the required number of parking spaces from 247 to 170 be deferred to the April 13 meeting.

ALL AYES

Motion carried.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:45 p.m.

These minutes and annexes approved _____

John Soenksen, City Planner