

NOTICE TO THE AUDIENCE. PLEASE REMEMBER THAT IF YOU ARE INTERESTED IN MATTERS ON THE AGENDA THAT WILL HAVE SUBSEQUENT MEETINGS, IT IS YOUR RESPONSIBILITY TO NOTE THE DATES, TIMES, AND PLACES. NO FURTHER LETTERS OR REMINDERS WILL BE SENT. OF COURSE, IF YOU HAVE ANY QUESTIONS ABOUT ANY GIVEN MATTER, DO NOT HESITATE TO CONTACT THE PLANNING DEPARTMENT IN THE CITY HALL ANNEX, 4403 DEVILS GLEN ROAD, BETTENDORF, IOWA (344-4100).

MEETING NOTICE
BOARD OF ADJUSTMENT
APRIL 13, 2017
5:00 P.M.

PLACE: Bettendorf City Hall Council Chambers, 2nd Floor, 1609 State Street

1. Roll Call: Clements ____, Falk ____, Gallagher ____, Spranger ____, Voelliger ____
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of March 9, 2017.
4. The Board to hold a public hearing on the following items:
 - a. **Case 17-008; 4555 Utica Ridge Road (C-2)** – A request for a variance to reduce the required front yard setback from 20 feet to 12 feet for 4 parking spaces and to allow a private driveway in a required front yard, submitted by REMAX Centre, LLC.
 - b. **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 for construction of a 5-story apartment building, submitted by Jennifer Bennett. (Withdrawn)
 - c. **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. (Withdrawn)

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



COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

April 13, 2017

Staff Report

Case No. 17-008

Location: 4555 Utica Ridge Road

Applicant: REMAX Centre, LLC

Zoning Designation: C-2, Community Shopping District

Request: Variance to reduce the required front yard setback for 4 parking spaces from 20 feet to 12 feet and to allow a driveway within the required front yard.

Background Information and Facts

The site is located at the southeast corner of Utica Ridge Road and Crow Creek Road and is just across the street from Unity Point Hospital (see Attachment A – Site Map). The applicant would like to place a 90-foot by 32-foot building addition on the north side of the existing structure (see Attachment B – Building Addition Illustration). The building plan includes adding 4 parking spaces north of the new addition and a driveway adjacent to Crow Creek Road within the required front yard (see Attachment C – Site Plan)

Staff Analysis

Only half of the area of the 4 proposed parking spaces will be in the required front yard. The entire addition will be located in the buildable area of the lot; therefore, no variance is required. In 2016 the Board approved a variance for this site to allow parking in the required front yard along Utica Ridge Road. In that case almost all of the parking spaces were located entirely in the 20-foot front yard setback; those parking spaces have existed for nearly a year with no apparent adverse impact on the site or surrounding properties. That parking lot expansion, in fact, has blended into the site very well. The current parking request will be less intrusive into the required front yard setback than are the parking spaces adjacent to Utica Ridge Road.

If allowed, the driveway parallel to Crow Creek Road will be designed as a one-way eastbound to accommodate the 4 parking spaces which will be accessible only by traveling east.

As shown on Attachment B, the only feasible area available for expansion of the building appears to be in the chosen location. Expansion to the south is limited, and expansions to the east or west will reduce much-needed parking.

The proposed building expansion will occupy an area currently used for storm water detention. The applicant has worked with staff and developed a new storm water plan that will incorporate an underground detention facility.

Respectfully submitted,

John Soenksen
City Planner



UNNAMED
Hospital

SITE

CROW CREEK RD

CROW CREEK RD

VILLAGE DR

UTICA RIDGE RD

TERRACE PARK DR

BUNKER HILL DR

SQUIRE CT

SQUIRE DR

Attachment - B



CROW CREEK RD

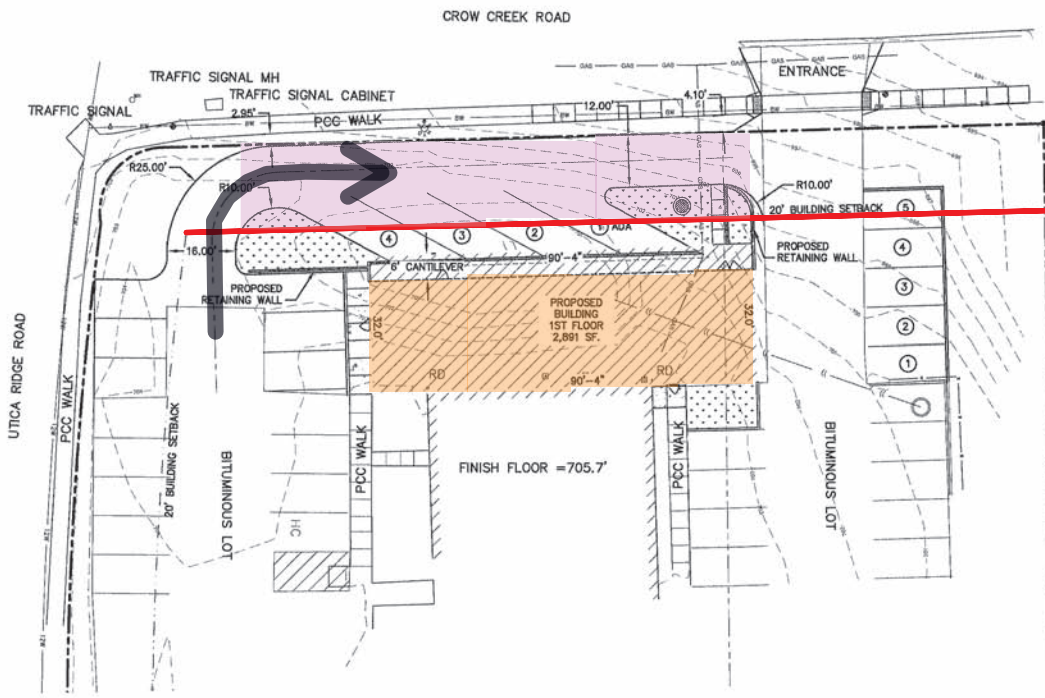
Bldg. Addition

UTICA RIDGE RD

Attachment - C

CONCEPTUAL PLAN - UPPER FLOOR FOR REMAX CENTRE, LLC 4555 UTICA RIDGE ROAD, BETTENDORF, IA 52722

*CALL IOWA ONE CALL
BEFORE YOU DIG*
(800)292-8989 OR 811



| NO. | REVISIONS | DESCRIPTION | DATE |
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Landmark
ENGINEERING GROUP
INCORPORATED
3440 36TH AVENUE, SUITE 4
MOLINE, ILLINOIS 61201
OFFICE: (815) 750-5400
FAX: (815) 750-5400
DESIGN PLAN REGISTRATION NUMBER: 08-10-00011



CONCEPTUAL PLAN - UPPER FLOOR
REMAX CENTRE, LLC
BETTENDORF, IOWA

| PROJECT TEAM | |
|--------------|---|
| CLIENT: | REMAX CENTRE, LLC 4555 UTICA RIDGE ROAD BETTENDORF, IA 52722 |
| CONTACT: | MR. DICK MAHAMARA PHONE: (563) 570-826 |
| ENGINEER: | Landmark ENGINEERING GROUP, INC. 3440 36TH AVENUE, SUITE 4 MOLINE, ILLINOIS 61201 |
| CONTACT: | MR. MICHAEL SHAMBE, P.E. PHONE: (815) 750-5400 |

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DATE: 07/12/07
PROJECT NO.: 07-0011
DRAWING NO.: 07-0011-001
1
SHEET 1 OF 2
01-16-1354



Case No. 17-009

APPEAL AND APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF BETTENDORF, IOWA

Part 1. Property Involved.

Street Address 4555 Utica Ridge Road

Legal Description of the property. TERRACE PARK REPLAT Lot: 001 TERRACE PARK ADREPLAT LOT 77

LOTS 1, 2, 5 EX B 15'

Part 2. Contact Information.

Applicant Name REMAX CENTRE LLC Phone 563-570-1826

Address 4555 UTICA RIDGE RD FAX _____

E-mail Address: DICKANDMARGMC@GMAIL.COM

Owner Name REMAX CENTRE LLC Phone _____

Address 4555 UTICA RIDGE RD FAX _____

E-mail Address: _____

Agent _____ Phone 563 505 6712

Address _____ FAX _____

E-mail Address: K.THOMSEN@LANDGROUP.BIZ

Part 3. Type of Application. (check at least one)

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:

- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
- (b) That it will not impair an adequate supply of light and air to adjacent property.
- (c) That it will not unreasonably increase the congestion in public streets.
- (d) That it will not increase the danger of fire or of the public safety.
- (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
- (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:

- (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
- (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
- (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
- (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
- (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
- (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
- (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

3. Other. _____
(Attach a separate sheet and explain in detail.)

