

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
FEBRUARY 11, 2021
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Gallagher, Spranger, Tansey, Tombergs
ABSENT: None
STAFF: Fuhrman, Hunt

Item 2. Review of Board procedures.

Gallagher announced that Kris Clements has resigned from the Board of Adjustment and expressed his appreciation for her years of service to the city.

Item 3. The Board to review and approve the minutes of the meeting of October 8, 2020.

On motion by Tombergs, seconded by Spranger, that the minutes of the meeting of October 8, 2020 be approved as submitted.

ALL AYES

Motion carried.

Item 4. The Board to review and approve the 2020 Board of Adjustment Annual Report.

Hunt commented that the trend for variances and special use permits over the last 5 years has been mainly flat.

On motion by Tansey, seconded by Spranger, that the 2020 Board of Adjustment Annual Report be approved as submitted.

ALL AYES

Motion carried.

Annual Report is Annex #2 to these minutes.

Item 5. Election of Officers.

On motion by Spranger, seconded by Tombergs, that Gallagher remain in his position as Chair for 2021.

ROLL CALL ON MOTION

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

Motion carried.

On motion by Spranger, seconded by Tansey, that Tombergs remain in her position as Chair Pro Tem for 2021.

ROLL CALL ON MOTION

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

Motion carried.

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

1. Case 21-004; 1040 State Street (C-3) - Special use permit to allow a bar in a C-3 zoning district, submitted by Edgebrooke Homes, LLC.

Gallagher asked if there was an affidavit of publication. Hunt stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #3 to these minutes.

Hunt reviewed the staff report. Staff report is Annex #4 to these minutes. Hunt stated that he had just received a letter of opposition from James Borchardt of 6020 Shadowbrook Drive and Joan Wysocki of 1031 Grant Street.

Tombergs asked for clarification of the term lockup yard that was used in the staff report. Hunt explained that it is an area where a business might park work vehicles overnight. He added that the applicant's landlord is the owner of the property and has indicated that he will park his business vehicles in the lockup yard which will provide more parking for his tenants in the lot.

Tansey asked how late the tobacco products store is open. Tombergs commented that she believes that it is open until 10 p.m.

Spranger asked for clarification of the hours of operation of the proposed bar. Hunt explained that he is unsure as the liquor license has not yet been issued. Spranger commented that it is likely that it would be open similar hours to other breweries in the city. Hunt concurred, adding that the brewery itself is only open to the public 2 days per week.

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

Borchardt stated that his sister currently lives at a property he owns at 1031 Grant Street and that they both oppose the special use permit for a bar. He expressed concern about an increase in night and weekend activities adjacent to a residential neighborhood, the noise that will be generated by the bar, the additional traffic of customers and delivery vehicles who may park in the adjacent alley if there is not enough parking in the front, and a possible reduction in the quality of life for the neighbors.

Tombergs asked if the overhead doors in the rear of the building will continue to be used for deliveries. Hunt confirmed this. Tombergs asked if the access to the bar would only be from the front of the building and if the two uses would be separate. Hunt confirmed this, adding that according to the City Code, the public area and the distillery are required to be separated. Tombergs commented that some breweries have tours of their facility. Hunt stated that those types of activities are scheduled and are not open to the general public. He added that the proposed customer area and entrance is only on the State Street side of the building.

Tombergs asked Borchardt if the fact that public access is only from the front of the building alleviates his concerns about traffic in the alley. Borchardt stated that he is still concerned because if there are not enough parking spaces in front, customers will use the alley. He suggested that no parking signs be added in the alley. Hunt explained that alley parking is already not allowed, adding that adjacent homes are actually located in a commercial zoning district.

Tansey commented that the brewery itself is approximately 1700 square feet and asked how large the customer area will be. Hunt explained that it would be 1000 square feet and that the parking requirements are based on that size. Tansey added that the other businesses which share the parking are typically closed during the times that the bar would be open. Hunt confirmed this, adding that the tobacco shop may be open later than the other businesses. He added that the parking spaces used during the day by the other businesses would be available for customers of the bar. He explained that the total

number of parking spaces required for the bar and manufacturing area is 23 and that the landlord has made 30 available to the applicant.

Borchardt asked if any steps are being taken to minimize the noise generated by the use such as double drywall between the two spaces. Spranger commented that there is a very large space occupied by the brewing operations to absorb the noise from the bar. She added that similar businesses in the city close by 10 p.m. during the week and 11 p.m. on the weekends. Tombergs commented that there is no outdoor area anticipated at this time as some of the other businesses have.

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

On motion by Spranger, seconded by Tombergs, that a special use permit to allow a bar in a C-3 zoning district be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #5 to these minutes.

- b. Case 21-005; 905 Middle Road (C-2) - Variance to allow bar in a C-2 district, submitted by Amber Brainerd.

Gallagher asked if there was an affidavit of publication. Hunt stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #3 to these minutes.

Hunt reviewed the staff report. Staff report is Annex #6 to these minutes.

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 special use permit to allow a bar in a C-2 district be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #7 to these minutes.

Hunt commented that a new Board member will be need and asked if any current member has a suggested to contact him.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:40 p.m.

These minutes and annexes approved

Mark D. Hunt
Community Development Director