

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 13, 2021
5:00 P.M.**

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

Item 1. Roll Call

PRESENT: Gallagher, Spranger, Tansey
ABSENT: Tombergs
STAFF: Beswick, Fuhrman, Hunt

Item 2. Review of Board procedures.

Item 3. The Board to review and approve the minutes of the meeting of April 8, 2021.

On motion by Tansey, seconded by Spranger, that the minutes of the meeting of April 8, 2021 be approved as submitted.

ALL AYES

Motion carried.

Gallagher introduced the city's new City Planner, Taylor Beswick, who will now be presenting Board of Adjustment cases.

Item 4.

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

- a. **Case 21-034; 905 Middle Road (C-2)** - Special use permit to allow an outdoor service area associated with a bar, submitted by Amber Brainerd.

Gallagher asked if there was an affidavit of publication. Beswick stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Beswick reviewed the staff report. Staff report is Annex #3 to these minutes.

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

Melissa Carr, Hilton Garden Inn general manager, explained that the owners of the hotel had expressed concern about the possibility of noise issues for hotel guests, late hours of operation, customers using their parking spaces, trash blowing onto the property, difficulties motorists may

have with the traffic pattern given that there is a Starbuck's nearby, and loud outdoor music on the patio.

Hunt commented that because none of the concerns expressed were brought to staff prior to the meeting they have not been evaluated. He suggested that the case could be deferred until such time as the parties involved could meet with city staff to resolve them.

Amber Brainerd, the applicant, explained that there will be no live music on the patio. She indicated that she had planned to put a speaker on the patio but that she would not do so if it would hold up approval of the special use permit. She stated that any trash that is left on the patio will be picked up just ask she does at the front of the building.

Spranger commented that the Board has limited hours of operation for other outdoor service areas. Hunt stated that the Board has the authority to add conditions if they choose to do so. He added that live music events would be required to be reviewed by the Community Development Department and the Police Department.

Carr asked whom she should contact if the owners have additional questions or concerns. Hunt explained that he is the contact person, adding that because no one had contacted the city with concerns he has not had a chance to address them. Carr stated that she had not seen the notice from the city until earlier in the day.

Spranger commented that if the case is delayed, the patio would not be able to be opened until nearly July. She asked if the Board could approve the special use permit and the issues be worked out between the parties later. She added that she believes that delaying the matter hurts all of the parties involved. Hunt stated that the staff has given a positive recommendation with the information that was available. He added that he would appreciate having additional time to consider the new issues that have arisen. He stated that while he understands that a delay could have a financial impact on the applicant, it may pose less difficulty than any trouble that could result if the case is approved now.

Gallagher asked if staff's recommendation is that the case be deferred. Hunt confirmed this, adding that he believes this would be best for all involved sothat all of the concerns can be addressed.

On motion by Spranger, seconded by Tansey, that a special use permit to allow an outdoor service area associated with a bar be deferred to the June 10, 2021 meeting.

ALL AYES

Motion carried.

- b. Case 21-035; 6836 and 6882 Championship Drive (C-3) - Special use permit to allow outdoor service areas associated with two commercial buildings, submitted by Build to Suit, Inc./Kevin Koellner.

Gallagher asked if there was an affidavit of publication. Beswick stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Beswick reviewed the staff report. Staff report is Annex #4 to these minutes.

There being no one 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 outdoor service areas associated with two commercial buildings be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #5 to these minutes.

- c. Case 21-037; 4371 - 53rd Avenue (C-1) - Special use permit to allow an outdoor service area associated with a bar, submitted by Johnna and Austin Chesney.

Gallagher asked if there was an affidavit of publication. Beswick stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

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

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

Johnna Chesney, the applicant, stated that she and her husband are looking forward to the opportunity to have a business in Bettendorf. She added that the area has been developed with a sense of community with shopping and restaurants and is a good location for their business.

There being no one else 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 an outdoor service area associated with a bar be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #7 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:30 p.m.

These minutes and annexes approved _____

Taylor Beswick
Community Development Director