



MINUTES
Zoning Board of Adjustment
October 13, 2022



By this reference all reports, documents, presentations, videos and the hearing's video recording are incorporated into the minutes.
See the following link: <https://www.youtube.com/user/DavenportToday/videos>

I. Call to Order:

Chairman Darland called the Zoning Board of Adjustment (ZBA) meeting to order in City Hall Council Chambers, Davenport, Iowa at approximately 4:01 p.m.

Board Members present (4): Galliart, Boyd-Carlson, Loebach, and Darland

Excused: Quinn

Staff present: Berkley, staff Attorney Bagby

II. Secretary's Report:

Minutes were approved for the 2022-09-22 ZBA Hearing by voice-vote (4-0).

III. Old Business:

Request SU22-01 of Kunes Development Properties LLC to operate a Vehicle Dealership with Outdoor Storage/Display at 3812 Harrison Street. Table 17.08-1 requires a Special Use for a Vehicle Dealership with Outdoor Storage/Display on property zoned C-3 General Commercial District. [Ward 7]

Berkley presented the staff report.

Findings: (supported by the staff report analysis)

1. The petitioner's proposed location/design meets Special Use requirements
2. This use is compatible with adjacent land uses and type of development
3. The proposed Special Use is in accordance with the criteria for Special Use approval.

Recommendation:

Staff recommends that Board adapt staff's findings and approve request SU22-01 subject to the following conditions:

1. The submitted Site Plan from the Oct. 13 2022 Public Hearing packet shall be binding;
2. Prior to occupancy the stairway pedestrian connection shall be completed;
3. Prior to occupancy the gravel areas shall be removed completely from the site and new asphalt or concrete paving installed as per the site plan with a 20' wide driveway;
4. Prior to occupancy all parking spaces to be utilized shall be repainted and one-way arrows painted as appropriate at each ends of each drive aisle;
5. Use of the principal structure (former bowling alley) shall be prohibited without a modification to the Special Use;
6. The use of flags, pennants, tinsel, balloons or other similar attention-getting devices shall be prohibited at 3812 Harrison Street.
7. Should complaints arise due to noncompliance of these conditions, and/or if staff is aware of infractions to these conditions and/or any other code violations, or if

ownership or management companies change, a rehearing of the Special Use shall be scheduled per Davenport Municipal Code specifications for Zoning Board of Adjustment Special Use public hearings; at which the Special Use may be modified, re-approved or revoked.

The petitioner addressed the Board and presented their request.

Motion

Gallart moved to approve request SU22-01, Boyd-Carlson seconded the motion subject to the staff's conditions as stated in the staff report; the motion carried unanimously. (4-0)

Motion Subject to the following conditions:

1. The submitted Site Plan from the Oct. 13 2022 Public Hearing packet shall be binding;
2. Prior to occupancy the stairway pedestrian connection shall be completed;
3. Prior to occupancy the gravel areas shall be removed completely from the site and new asphalt or concrete paving installed as per the site plan with a 20' wide driveway;
4. Prior to occupancy all parking spaces to be utilized shall be repainted and one-way arrows painted as appropriate at each ends of each drive aisle;
5. Use of the principal structure (former bowling alley) shall be prohibited without a modification to the Special Use;
6. The use of flags, pennants, tinsel, balloons or other similar attention-getting devices shall be prohibited at 3812 Harrison Street.
7. Should complaints arise due to noncompliance of these conditions, and/or if staff is aware of infractions to these conditions and/or any other code violations, or if ownership or management companies change, a rehearing of the Special Use shall be scheduled per Davenport Municipal Code specifications for Zoning Board of Adjustment Special Use public hearings; at which the Special Use may be modified, re-approved or revoked.

Loebach, yes; Boyd-Carlson, yes; Gallart, yes; and Darland, yes. The motion was approved.

IV. New Business:

Request SU22-02 of Caliber Collision Centers to operate a Major Vehicle Repair (body shop) business at 3210 (3212) E. Kimberly RD. Table 17.08-1 requires a Special Use for Major Vehicle Repair on property zoned C-3 General Commercial District. [Ward 6]

Berkley presented the staff report.

Findings: (supported by the staff report analysis)

1. The petitioner's proposed location/design meets Special Use requirements
2. This use is compatible with adjacent land uses and type of development
3. The proposed Special Use is in accordance with the criteria for Special Use approval.

Recommendation:

Staff recommends that Board adapt staff's findings and approve request SU22-02 subject to the following conditions:

1. The submitted Site Plan from the Oct. 13, 2022 Public Hearing packet shall be binding;
2. Completed/Repaired vehicles cannot be stored outdoors more than 15 days;
3. Outdoor repairs and outdoor storage of merchandise, auto parts, and supplies is prohibited;

4. Storage of discarded, junked, or partially dismantled/parted out vehicles shall not be permissible (vehicles under repair are not considered 'stored' vehicles);
5. Should complaints arise due to noncompliance of these conditions, and/or if staff is aware of infractions to these conditions and/or any other code violations, or if ownership or management companies change, a rehearing of the Special Use shall be scheduled per Municipal Code specifications for Zoning Board of Adjustment Special Use public hearings; at which the Special Use may be modified, re-approved or revoked.

The petitioner addressed the Board and presented their request.

Motion

Loebach moved to approve request SU22-02, Boyd-Carlson seconded the motion subject to the staff's conditions as stated in the staff report; the motion carried unanimously. (4-0)

Motion Subject to the following conditions:

1. The submitted Site Plan from the Oct. 13, 2022 Public Hearing packet shall be binding;
2. Completed/Repaired vehicles cannot be stored outdoors more than 15 days;
3. Outdoor repairs and outdoor storage of merchandise, auto parts, and supplies is prohibited;
4. Storage of discarded, junked, or partially dismantled/parted out vehicles shall not be permissible (vehicles under repair are not considered 'stored' vehicles);
5. Should complaints arise due to noncompliance of these conditions, and/or if staff is aware of infractions to these conditions and/or any other code violations, or if ownership or management companies change, a rehearing of the Special Use shall be scheduled per Municipal Code specifications for Zoning Board of Adjustment Special Use public hearings; at which the Special Use may be modified, re-approved or revoked.

Loebach yes; Boyd-Carlson yes; Galliart yes; and Darland yes. The motion was approved.

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:23 p.m.