

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, AUGUST 26, 2021; 4:00 PM

CITY HALL COUNCIL CHAMBERS 226 W 4TH ST

ZONING BOARD OF ADJUSTMENT, A FIVE MEMBER QUASI-JUDICIAL DECISION MAKING BODY HOLDS PUBLIC HEARINGS TO CONSIDER HARDSHIP VARIANCES, SPECIAL USES, AND INTERPRETATIONS.

I. Call to Order

II. Secretary's Report

A. Consideration of the minutes from the 8-12-21 hearing.

III. Old Business

IV. New Business

A. Request SU21-07 of Chris Townsend/Jeremy Drish on behalf of JBNN Holdings, LLC at 4311 East 56th Street for a special use to consider a standalone parking lot. Municipal Code, Table 17.08-1 allows for a parking lot with the granting of a Special Use in the C-OP Office Park District. The parking lot shall be for the use of the offices adjacent to the east. [Ward 6]

V. Other Business

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: Scott Koops, Planner II, AICP
Scott.Koops@davenportiowa.com

Date
8/26/2021

Subject:
Consideration of the minutes from the 8-12-21 hearing.

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes 8-12-21



MINUTES
Zoning Board of Adjustment
August 12, 2021



By this reference all reports, documents, presentations, videos and the hearing's video recording are incorporated into the minutes.

I. Call to Order:

Board member Loebach called the Zoning Board of Adjustment meeting to order in City Hall Council Chambers, Davenport, Iowa at approximately 4:02 p.m.

Board Members present: Loebach, Quinn, Boyd-Carlson, and Reistroffer.

Excused: Darland.

Staff present: Koops, Berkley and Attorney Hoyt.

II. Secretary's Report:

Minutes were approved for the 8-12-21 Hearing by voice-vote.

III. Old Business:

None.

IV. New Business:

Request SU21-06 of Nicholas Bragg on behalf of NB Properties LLC for a special use to consider a Neighborhood Commercial Establishment (retail sales/carry-out restaurant) at 330 East 15th Street. Municipal Code 17.08.030.V. allows for Neighborhood Commercial Establishments to be established in nonresidential structures within residential districts (excluding R-1) with the granting of a Special Use. [Ward 3; abutting Ward 5]

Koops presented the staff report. No comments were received in favor or against the request.

Findings/Approval Standards

1. The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.

As each business is unique and as each business is operated under different business plans, this Special Use shall be limited to this owner only. Should the business be sold wholly or by more than 50%, a new Special Use shall be required and shall have a public hearing per Davenport Municipal Code requirements for Zoning Board of Adjustment Special Use public hearings.

The management and daily operation of this store will be vital to achieving health and safety for near-by residents and property owners. Whether or not this use will endanger the public remains to be seen.

2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.

Interior use of the existing building as a commercial business is compatible with the adjacent neighborhood as a general concept. Concern exists over how the store will be managed and whether activity outside may impact adjacent residents and property owners.

3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

The proposed use is in keeping with the intent of the neighborhood commercial establishment parameters; however, as with most businesses successful management of the business will ensure consistency with the intent and spirit of the Zoning Ordinance

Recommendation & Findings

Findings:

The location/design/construction of the proposed use meets the requirements of a Special Use; successful management of outdoor activity will be vital to neighborhood compatibility.

Recommendation:

Staff recommends approval of the request subject to the following conditions:

1. The special use shall be in conformance with all six (6) listed conditions of Section 17.08.030.V. (as published on June 16, 2021) for the duration of the operation of the use; failure to comply with Section 17.08.030.V. at all times could result in an immediate stop work order and potentially revocation of the Special Use;
2. Retail sales of alcohol is prohibited; retail sales of tobacco products, electronic cigarettes, and vaping, tobacco, and marijuana smoking accessories and supplies is prohibited;
3. Should the use become noncompliant with any of these conditions or Section 17.08.030.V., and/or if staff is aware of infractions to these conditions or any other code violations, 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, approved or revoked;
4. The use shall not be expanded or enlarged at any point; no additional storage or building additions shall be allowed;
5. Loitering on the premises shall be prohibited.
6. All Building, Neighborhood Services, and Fire Department codes shall be met prior to occupancy;
7. The dumpster shall be located in the rear yard and shall be screened by a gated 6-foot solid enclosure (fence); daily all outside trash and debris shall be removed from the grounds and placed in the dumpster.
8. The site shall conform to all other City, State, and Federal Regulations;
9. The Special Use shall be limited to this owner only; should the business be sold wholly or by more than 50%, a new Special Use shall be required and shall have a public hearing per Davenport Municipal Code requirements for Zoning Board of Adjustment Special Use public hearings.

The petitioner addressed the Board and explained the request.

Motion

Quinn moved to approve, seconded by Boyd-Carlson, the request as proposed with the following staff conditions and an added 10th condition limiting the hours and days of operation to seven days a week, 6:00AM to 10:00PM, stated as follows:

1. The special use shall be in conformance with all six (6) listed conditions of Section 17.08.030.V. (as published on June 16, 2021) for the duration of the operation of the use; failure to comply with Section 17.08.030.V. at all times could result in an immediate stop work order and potentially revocation of the Special Use;

2. Retail sales of alcohol is prohibited; retail sales of tobacco products, electronic cigarettes, and vaping, tobacco, and marijuana smoking accessories and supplies is prohibited;
3. Should the use become noncompliant with any of these conditions or Section 17.08.030.V., and/or if staff is aware of infractions to these conditions or any other code violations, 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, approved or revoked;
4. The use shall not be expanded or enlarged at any point; no additional storage or building additions shall be allowed;
5. Loitering on the premises shall be prohibited.
6. All Building, Neighborhood Services, and Fire Department codes shall be met prior to occupancy;
7. The dumpster shall be located in the rear yard and shall be screened by a gated 6-foot solid enclosure (fence); daily all outside trash and debris shall be removed from the grounds and placed in the dumpster.
8. The site shall conform to all other City, State, and Federal Regulations;
9. The Special Use shall be limited to this owner only; should the business be sold wholly or by more than 50%, a new Special Use shall be required and shall have a public hearing per Davenport Municipal Code requirements for Zoning Board of Adjustment Special Use public hearings.
10. Hours and days of operation shall be limited to seven days a week, 6:00AM to 10:00PM.

The motion carried and was approved unanimously (4-0).

Loebach, yes; Quinn, yes; Boyd-Carlson, yes; Reistroffer, yes.

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:35 p.m.

City of Davenport
Zoning Board of Adjustment

Department: DNS
Contact Info: Scott Koops, Planner II, AICP
Scott.Koops@davenportiowa.com

Date
8/26/2021

Subject:

Request SU21-07 of Chris Townsend/Jeremy Drish on behalf of JBNN Holdings, LLC at 4311 East 56th Street for a special use to consider a standalone parking lot. Municipal Code, Table 17.08-1 allows for a parking lot with the granting of a Special Use in the C-OP Office Park District. The parking lot shall be for the use of the offices adjacent to the east. [Ward 6]

ATTACHMENTS:

Type	Description
▣ Executive Summary	Staff Report
▣ Exhibit	Application
▣ Exhibit	Notice List
▣ Exhibit	Owners Notice & Map



Zoning Board of Adjustment
Planning Staff Report – Standalone Parking Lot
4311 E 56th Street
August 26, 2021

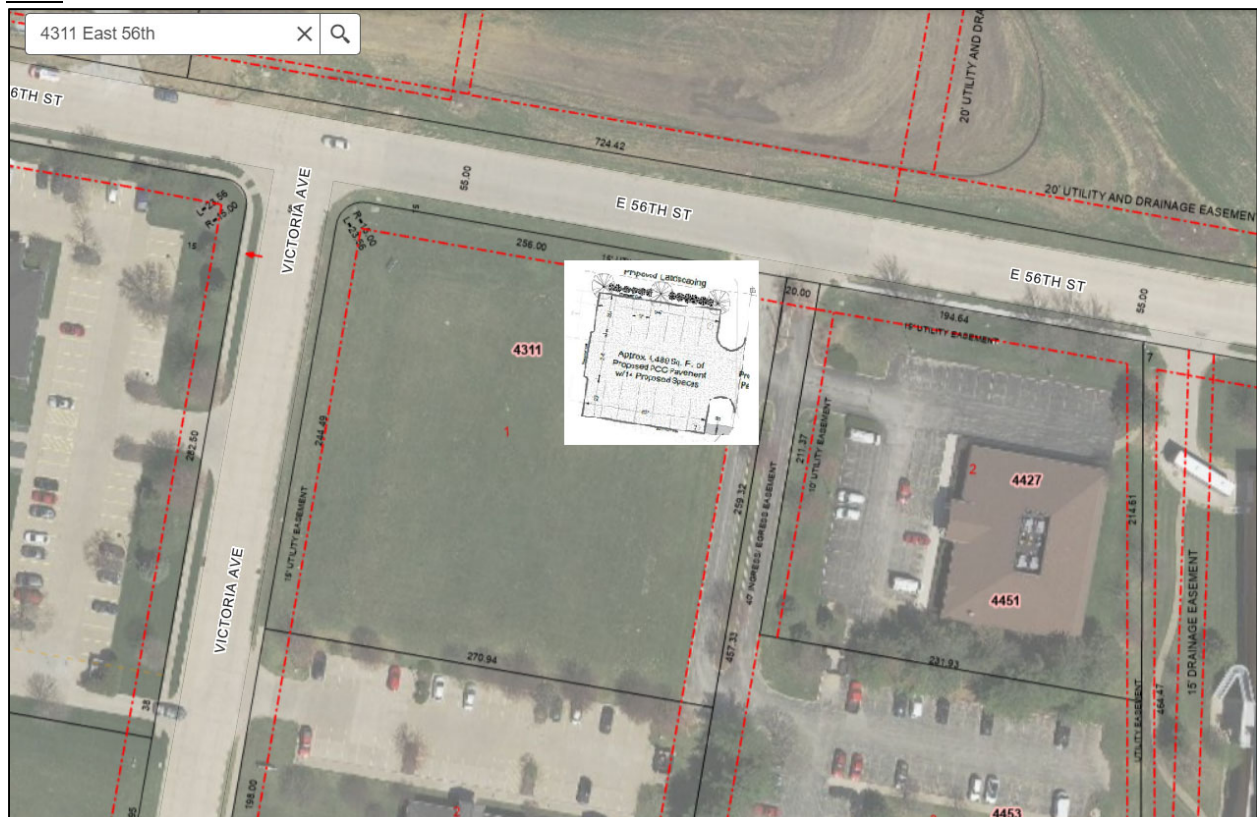
Description

Request SU21-07 of Chris Townsend/Jeremy Drish on behalf of JBNN Holdings, LLC at 4311 East 56th Street for a special use to consider a standalone parking lot. Municipal Code, Table 17.08-1 allows for a parking lot with the granting of a Special Use in the C-OP Office Park District. The parking lot shall be for the use of the offices adjacent to the east. [Ward 6]

Background

The subject property is in a commercial/office park area. The Zoning Board of Adjustment is to evaluate whether a standalone parking lot (for the use of an adjacent business and eventually a business on the site) would have a detrimental impact to adjacent properties. The adjacent site has additional parking needs over and above the existing 34 parking spaces that they have presently. The Zoning Code only requires 17 parking spaces (1 per 500GFA).

Site:



The site shows a 10,000 sq.ft. building at full buildout. The proposed parking for that area would be able to provide the required 20 parking spaces and the 14 parking spaces that are proposed with this request, for a total of approximately 34 parking spaces.



A “P” indicates that the use is permitted by-right in the district. An “S” indicates that the use is a special use in the district and requires special use approval. If a cell is blank, the use is not allowed in the district.

The parking lot and the accompanying site plan are compatible with this commercial area as proposed. Staff will recommend that a restrictive covenant/agreement not to server be filed and recorded prior to construction.

Once completed, the parking lot Site Plan shall meet all ordinance requirements and must be approved prior to the commencement of construction.

Findings/Approval Standards

1. The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.

The plans meet code requirements for this use. The site is properly designed to have minimal, if any, impact on adjacent property and public facilities if constructed per required zoning code as has been proposed by the developer

2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.

The plans meet code requirements and the site is properly designed to have minimal, if any, impact on adjacent property. Neighboring properties have or are zoned for commercial use and businesses; the proposed use is a commercial use. The lot will be designed so as to not inhibit future develop needs of the property for commercial use.

3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

All adjacent property abutting the use is commercial property. Land use policy has been met along with all code requirements.

Recommendation

Findings:

The location/design/construction of the proposed use meets the requirements of a Special Use as conditioned.

Recommendation:

Staff recommends approval of the request with the following conditions:

1. The proposed parking lot which will be constructed on Lot 2 of Crow Valley Plaza 5th Add (4311 E. 56th St/Y0917-02C) shall only be for businesses located on parcel Y0917-12M (4427 & 4451 E. 56th Street).
2. Upon future development of 4311 E 56th Street with an additional principal use, the parking lot shall be integrated with the new development and the special use for the parking area shall be null and void;
3. The City of Davenport reserves the right to schedule a rehearing before the Zoning Board of Adjustment should concerns arise regarding this special use.

Prepared by:



Scott Koops,
Planner II

Attachments: Application, Notification Map, Exhibits



226 West 4th Street
Davenport, Iowa 52801
(563) 326-7765
Planning@ci.davenport.ia.us

Complete application can be emailed to planning@ci.davenport.ia.us

Property Address*

***If no property address, please submit a legal description of the property.**

Applicant (Primary Contact)**

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Application Form Type:

Plan and Zoning Commission

Zoning Map Amendment (Rezoning) ☐
Planned Unit Development ☐
Zoning Ordinance Text Amendment ☐
Right-of-way or Easement Vacation ☐
Voluntary Annexation ☐

Owner (if different from Applicant)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Zoning Board of Adjustment

Zoning Appeal ☐
Special Use ☒
Hardship Variance ☐

Engineer (if applicable)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Design Review Board

Design Approval ☐
Demolition Request in the Downtown ☐
Demolition Request in the Village of
East Davenport ☐

Architect (if applicable)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

Historic Preservation Commission

Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Administrative

Administrative Exception ☐
Health Services and Congregate
Living Permit ☐

Attorney (if applicable)

Name:
Company:
Address:
City/State/Zip:
Phone:
Email:

****If the applicant is different from the property owner, please submit an authorization form or an accepted contract for purchase.**

Request:

Please describe the special use requested:

Construction of a parking lot without a building. The area of concrete is less than 5,000 square feet and will be 14 parking spaces. There may be a building on-site in the future. The additional proposed parking will service the existing businesses located at 4427 E. 56th St., Davenport, IA 52807 - Lot 2 of Crow Valley Plaza 3rd Addition. Business hours are Monday-Friday, 8:00 AM - 5:00 PM. Currently, 44 stalls exist to serve the 20 employees of the businesses. On average, the businesses see 10 customers per hour, with each customer visit ranging from 30-60 minutes. Peak demand for parking is generally 8:30 AM - 10:30 AM and 3:00 PM - 5:00 PM. Please note that these peak hours are also rush hours on 56th Street. Overflow parking onto 56th Street is not safe and would cause more congestion during these already busy times. Parking on 56th Street also limits visibility at the entrance road for two buildings.

Existing Zoning: C-OP

Submittal Requirements:

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed improvements affected by the special use. If a paper copy is provided, the maximum size is 11" x 17".
- Description and evidence that demonstrates consistency with the criteria listed in Section 17.14.050 of the Davenport Municipal Code.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- Required fee - \$400.

The Applicant hereby acknowledges and agrees to the following procedure and requirements:

(1) Application:

- Prior to submission of the application for the special use, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the special use process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.
- If approved, a new special use application shall be required for any change to any approved special use that does not qualify as an administrative modification.
- Special uses shall expire one hundred eighty days after the date of the approval unless licenses or permits required for the operation or maintenance of the use have been obtained.

(2) Public Notice for the Zoning Board of Adjustment public hearing:

- Planning staff will send a public hearing notice to surrounding property owners.

(3) Zoning Board of Adjustment's consideration of the special use permit:

- Planning staff will perform a technical review of the request and present its findings and recommendation to the Zoning Board of Adjustment.
- The Zoning Board of Adjustment will hold a public hearing and vote on the request.

(4) The staff report will be available on the City website approximately 4 days before the ZBA meeting at this location: https://www.cityofdavenportiowa.com/government/boards_commissions under Zoning Board of Adjustment > Search Minutes & Agendas.

It is the applicant's responsibility to access the website to see the staff report. Planning staff will not mail/email the report.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

#1 The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.

This use is typical of the surrounding uses being used for parking cars of employees and customers of the businesses to the east. This will not endanger the public health, safety or welfare.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

#2 The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.

This use is identical to all of the adjacent properties, a parking lot for a commercial building.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.050 E. of the Davenport Municipal Code:

#3 The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

This special use is consistent with the spirit and intent of the ordinance and adopted land use policies. The use of the land will not change.

Applicant:

Date:

By typing your name, you acknowledge and agree to the aforementioned submittal requirements and formal procedure and that you must be present at scheduled meetings.

Received by:

Planning staff

Date:

Date of the Public Hearing:

Meetings are held in City Hall Council Chambers located at 226 West 4th Street, Davenport, Iowa.

Authorization to Act as Applicant

I,
authorize
to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located
at




Signature(s)*

*Please note: original signature(s) required.

HV21-07 Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	4311 E 56th ST	JBNN HOLDINGS LLC	3632 E 60TH CT	DAVENPORT IA 52807
Neighborhood:	none			All Alderman Notified
Ward/Ald:		6 JOBGEN		Notices Sent: 10
Y0917-02I	5401 VICTORIA AV	PONDS REAL ESTATE HOLDINGS L C	5401 VICTORIA AV	DAVENPORT IA 52807
Y0917-12M	4427 E 56TH ST	JBNN HOLDINGS LLC	3632 E 60TH CT	DAVENPORT IA 52807
Y0917-12N	4453 E 56TH ST	AA56 LLC	20813 E 550TH ST	COLONA IL 61241
Y0917-12J	5515 UTICA RIDGE RD	56 UTICA LLC	5515 UTICA RIDGE RD	DAVENPORT IA 52807
Y0901B01	5619 UTICA RIDGE RD	GFV INVESTMENTS LLC	25780 VALLEY DR	BETTENDORF IA 52722
Y0901D02	-	E & A ENTERPRISES LLC	3885 KENSINGTON CT	BETTENDORF IA 52722
Y0917A01	5465 UTICA RIDGE RD	NELSOND LLC	880 13TH AVE N	CLINTON IA 52732
Y0917A02	-	KRE LLC	1805 STATE ST STE 101	BETTENDORF IA 52722
Y0917A02	-	CONSOLIDATED FCO LLC	209 S MAIN ST	ALBANY IL 61230
Y0917-01C	5505 VICTORIA AV #1	VICTORIA AVENUE CORP	5505 VICTORIA AV	DAVENPORT IA 52807
Y0917-02D	5505 VICTORIA AV #2	PATRICIA A BERGMAN, TRUSTEE	7000 FIREHOUSE RD	LONGBOAT KEY FL 34228



DAVENPORT

DEVELOPMENT &
NEIGHBORHOOD SERVICES

Public Hearing Notice | Zoning Board of Adjustment

Date: 8/26/2021 **Location:** Council Chambers | City Hall | 226 W. 4th ST.
Time: 4:00:00 PM **Subject:** Public Hearing for Speical Use before the Zoning Board of Adjustment

Example Notice
10 Notices Sent
Ward 6

To: All property owners within 200 feet of the subject property located at **4311 East 56th Street**.

What is this About?

This notice is being sent to inform you that a public hearing will be held for a Speical Use. The purpose of the Speical Use is to authorize certain special/conditional uses of property which are allowed but require special consideration.

Request/Case Description

Request SU21-07 of Chris Townsend/Jeremy Drish on behalf of JBNN Holdings, LLC at 4311 East 56th Street for a special use to consider a standalone parking lot. Municipal Code, Table 17.08-1 allows for a parking lot with the granting of a Special Use in the C-OP Office Park District. The parking lot shall be for the use of the offices adjacent to the east. [Ward 6]

What are the Next Steps after the Public Hearing?

For approved ZBA requests, the ruling is effective immediately. Rulings of the Zoning Board of adjustment are final. The applicant may request reconsideration at the next public hearing, and aggrieved parties may file a writ of centauri with the district court.

Would You Like to Submit an Official Comment?

As a neighboring property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning, 1200 E 46th St, Davenport IA 52807.

Do You Have Any Questions?

If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at scott.koops@davenportiowa.com or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

Zoning Board of Adjustment Adjacent Property Owner Notice Area Map

