

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, JUNE 24, 2021; 4:00 PM

CITY HALL COUNCIL CHAMBERS 226 W 4TH ST

THE ZONING BOARD OF ADJUSTMENT HOLDS PUBLIC HEARINGS TO CONSIDER
HARDSHIP VARIANCES, SPECIAL USES, AND INTERPRETATIONS.

I. Call to Order

II. Secretary's Report

A. Consideration of the ZBA Minutes from the 6-10-21 Hearing.

III. Old Business

IV. New Business

- A. Request HV21-03 of Jim and Amy Holt at 4710 W. 60th Street for a Hardship Variance to construct an approximate 40' x 64' (2,560 sq.ft.) detached garage in the rear yard. Section 17.09.030.K. of the Davenport Municipal Code allows a detached garage of 1,681 sq. ft. (existing dwelling is 3,363 sq. ft.). The proposed garage exceeds the allowed garage area by 879 sq. ft. [Ward 2]
- B. Request SU21-04 of Tom Pastnak on behalf of Belser Ventures, LLC at 1320 W. Kimberly Road for a Special Use-heavy retail business with a 50' x 50' screened outdoor product storage area. Property is zoned C-3 General Commercial. Table 17.08-1. of the Davenport Municipal Code allows for heavy retail in the C-3 District subject to the granting of a Special Use in compliance with Section 17.08.030.BB. [Ward 7]

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
6/24/2021

Subject:
Consideration of the ZBA Minutes from the 6-10-21 Hearing.

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes 6-10-21

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	6/15/2021 - 10:47 AM



MINUTES
Zoning Board of Adjustment
June 10, 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 4:04 p.m.

Board Members present: Reistroffer, Quinn, Darland, and Loebach.

Excused: None.

Staff present: Koops, and Attorney Hoyt.

II. Secretary's Report:

Minutes were approved for the 5-27-21 Hearing by voice-vote.

III. Old Business:

None

IV. New Business:

Request SU21-03 of Bret Flory/Melissa Hernandez on behalf of Jerry Jones at 4073 Northwest Boulevard for a Special Use for a major vehicle repair collision center in the existing structure. Property is zoned C-3 General Commercial. Section 17.08.020. of the Davenport Municipal Code allows for major vehicle repair/service in the C-3 District subject to the granting of a Special Use in compliance with Section 17.08.030.CC. [Ward 7]

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

Findings & Staff Recommendation:

Findings:

The location, design, and construction of the proposed use meets the requirements of a Special Use as properly conditioned and as per items #1 to #3 of the staff analysis.

Recommendation:

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

1. The special use shall be in conformance with Section 17.08.030.CC. for the duration of the operation of the use;
2. To more closely match the design and materials of existing mall structures and to protect adjacent residential property, the proposed fencing (excluding the gates) shown on the site plan shall be replaced with a wall composed of CMU block (concrete masonry unit block) or other similar product. The gates shall remain as proposed (a solid vinyl privacy

fence or other solid material). Chain link and privacy slats for chain link fences shall be prohibited.

3. 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, 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 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.

Motion

Quinn moved to approve, seconded by Darland, the request as proposed with the following staff conditions:

1. The special use shall be in conformance with Section 17.08.030.CC. for the duration of the operation of the use;
2. To more closely match the design and materials of existing mall structures and to protect adjacent residential property, the proposed fencing (excluding the gates) shown on the site plan shall be replaced with a wall composed of CMU block (concrete masonry unit block) or other similar product. The gates shall remain as proposed (a solid vinyl privacy fence or other solid material). Chain link and privacy slats for chain link fences shall be prohibited.
3. 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, 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 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 motion carried and was approved unanimously (4-0).

Darland, yes; Quinn, yes; Loebach, yes; Reistroffer, yes.

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:30 p.m.

City of Davenport
Zoning Board of Adjustment

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

Date
6/24/2021

Subject:

Request HV21-03 of Jim and Amy Holt at 4710 W. 60th Street for a Hardship Variance to construct an approximate 40' x 64' (2,560 sq.ft.) detached garage in the rear yard. Section 17.09.030.K. of the Davenport Municipal Code allows a detached garage of 1,681 sq. ft. (existing dwelling is 3,363 sq. ft.). The proposed garage exceeds the allowed garage area by 879 sq. ft. [Ward 2]

ATTACHMENTS:

Type	Description
▣ Executive Summary	Staff Report
▣ Exhibit	Application
▣ Exhibit	Notice List
▣ Exhibit	Notice Letter & Map
▣ Exhibit	Prior Garage Code
▣ Exhibit	Neighborhood garages Comparison Exhibit
▣ Exhibit	Parcel Report

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	6/15/2021 - 10:59 AM

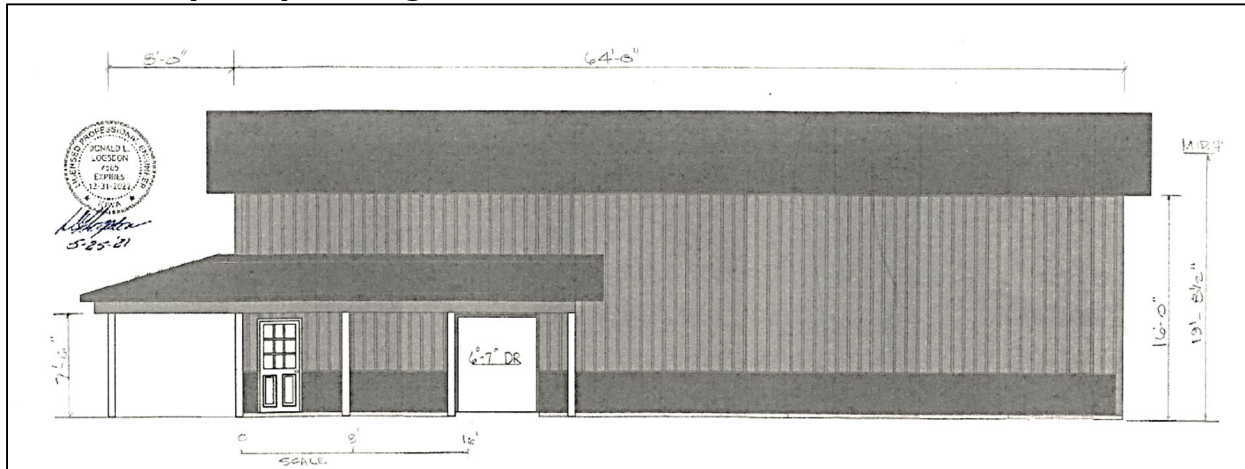


**Zoning Board of Adjustment
Planning Staff Report
Exceed Accessory Garage Area | 4710 W. 60th
June 24, 2021**

Description

Request HV21-03 of Jim and Amy Holt at 4710 W. 60th Street for a Hardship Variance to construct an approximate 40' x 64' (2,560sq.ft.) detached garage in the rear yard. Section 17.09.030.K. of the Davenport Municipal Code allows a detached garage of 1,681 sq. ft. (existing dwelling is 3,363 sq. ft.). The proposed garage exceeds the allowed garage area by 879 sq. ft. [Ward 2]

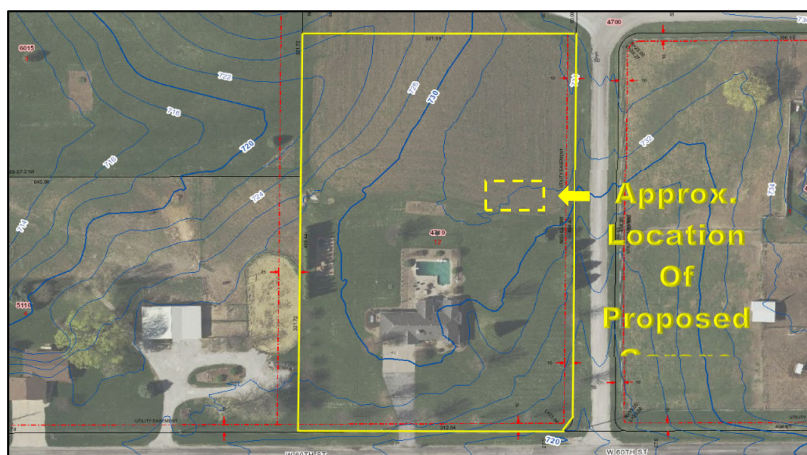
Site – Front (south) Building Elevation



Proposed Detached Garage Site Plan



Site Elevation Contours (2'elevations) & Aerial



Background

This request is before the Board due to the area of the proposed garage. The Zoning Ordinance allows a maximum of 50% of the lots' living area for accessory garages. The proposed garage is 76% of the living area of the dwelling on this lot.

While there are other large garages or 'pole barns' in this vicinity, all of those garages were built prior to the existing Zoning Code. The chart below shows a comparison of four sites which are to the northeast proposed of the site:

Garage Comparison of
Near-by "pole barns"

	4620 W 60th	4540 W 60th	4520 W 60th	4440 W 60th
Dwelling Living Area (source: Tax Parcel Report):	4,085 sqft	2,660 sqft	2,199 sqft	2,413 sqft
Area of Detached Garage:	2,856 sqft	768 sqft	1,440 sqft	1,782 sqft (2017) & 2,650 sqft AG build. (1998) @
Previous Zone Prior to 2019):	R-1	R-1	R-1	R-1
Year Built:	2014	2003	2000	2017 @
Detached Garage Area (including Ag) Restriction:	None. (Also: Ag buildings exempt)	None. (Also: Ag buildings exempt)	None. (Also: Ag buildings exempt)	None. (Also: Ag buildings exempt)
Garages Allowed (quantity)*:	2	2	2	2
* One must be attached				
2nd Garage Lot size Requirement:	> 20,000 sqft	> 20,000 sqft	> 20,000 sqft	> 20,000 sqft
Existing "2019 R-1" Zoning:	R-1	R-1	R-1	R-1
Detached Garage Area Restriction:	50% of the Living Area	50% of the Living Area	50% of the Living Area	50% of the Living Area
Garages Allowed (quantity)*:	2	2	2	2
* One must be attached				
2nd Garage Lot size Requirement:	None.	None.	None.	None.

@ The 2nd garage was approved with a hardship variance which allowed a second structure.

Background (continued)

It should be noted that the of the properties with excessive garages referenced by the petitioner in their application were all built under a Code which left the size of an accessory structure unregulated, other than the fact that the structure must somehow be accessory to the dwelling use located on property.

In the R-1 Districts of the prior zoning ordinance, code interpretation allowed a garage/storage structure up to the size of the principal structure on the lot, and anything larger than that was deemed a primary use, and therefore not allowed in a residential district. All other single-family districts at that time limited an accessory garage/structure to 1,080 square feet.

In comparison, the new zoning does place limitations on detached garages in an R-1 District. The new restriction allows for a garage up to 50% of the living area of the dwelling on the lot. At the time of the drafting of the 2019 Zoning Ordinance, the planning consultants, and city planners reached consensus (and backed by City Council) that garages in the R-1 District should have a size limitation.

Purpose of a Hardship Variance

In the Davenport Municipal Code, Section 17.14.060 states: *The purpose of the hardship variance process is to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships.*

The Zoning Board of Adjustment is authorized to approve a hardship variance whereby reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographical conditions or other extraordinary or exceptional situations of a specific piece of property, whereas the strict application of any provision of this title would result in atypical and practical difficulties and whereby clearly demonstrable hardship upon the owner of such property, amounting to practical confiscation thereof and not a mere inconvenience to the owner, and only after all approval criteria have been met, shall a hardship variance be considered by the Board.

Discussion

The applicant wants space garage to "*store machinery for the up keep of all property*" and to "*store and clean the equipment we would need to get to be able to take care of the current and additional land*".

The petitioner has indicated that a covenant from the Home Owner's Association does not allow for the keeping or storage of machinery or any miscellaneous items outside. While the covenant has not been supplied to staff, covenants are not a burden of the Zoning Code. All properties within the City are required to meet State and City laws and code regardless of what a covenant requires.

Staff asked the petitioner how they determined the needed size for the garage and along those lines of thought, what specific items would be necessary to be stored in the structure, and how the applicant determined that the allowed detached garage size of 1,681 sqft. is insufficient and that the proposed garage of 2,560 sqft. is needed.

Staff requested an inventory of the equipment needed to be stored in the detached garage. Staff has not received such a list, nor does staff know how many square feet these items would need per item.

The petitioner has indicated that the 1.5 acres of land that was row cropped by the farmer will now be kept as grass and will be mowed by the petitioner. A mower, rake, bailer and a small tractor would be easily be contained by the allowed 1,681 sqft. garage.

Also of note, the property owner already has an attached garage of 1,084 sqft. garage, which combined with the allowed 1,681 sqft. detached garage is a total of 2,765 sqft. storage space for the entire property.

Staff received a phone call the week of June 7th from an abutting neighbor who is concerned that the garage will be used to store items from the applicant's various business ventures which include a landscaping business, and the *All Around Town* store located at 4401 West Locust Street. Services provided at the store are outdoor construction (kitchens, bars, patios, retaining walls, outdoor lighting, water features, pergolas, fencing, swimming pool installation, hot tub installation, turf care, holiday lighting) and a full service retail center. Since the applicant provides turf care for their business, the mowing equipment stored on this site would be difficult to identify as equipment ancillary to a sign-family dwelling, versus equipment provided for custom lawn care service through the All Around Town business.

On June 18th staff received another phone call from an adjacent owner concerned about the increased dust from additional usage of the gravel access drive. Staff is also concerned that the applicant have not provided proof of access rights to the proposed garage via the adjacent gravel road. Without proof of access right, the petitioner will be required to pave a driveway from West 6th Street to the proposed garage.

Given the concerns stated about, staff is leery of an approval for such a large structure in on a low density single-family district.

Approval Standards

The Zoning Board of Adjustment decision must make findings to support each of the following: (code requirement/applicant's response/staff comments)

1. Strict ordinance application of will result in hardship unless specific relief requested is granted.

Applicant Response:

We would like to build a pole barn on our residential property in the west end of Davenport. We line on 3.72 acres. The back portion of our property had been being managed by a farmer from when we purchased the property (2013) until last fall when we decided to take it over.

We were supposed to start the pole barn process last fall until the derecho. Then our contractor put all new buildings on hold so he could focus on all the repairs. We would like to a pole barn approximately 40' x 64' in the northeast portion of our lot to store machinery for the up keep of all property.

We will have a paved driveway that connect to the neighbor's driveway on the east side of the lot. Our Home Owners Association covenant requires machinery to be stored inside. The pole barn is needed to house the equipment we need.

Staff Comments:

Items owned by the petitioner are not grounds for a hardship variance. The site allows for a total of 2,765 sqft. storage space without a hardship variance. Garage space over and above the allowed 2,765 square feet of storage/garage space is a convenience to the petitioner.

2. The particular physical surroundings, shape, or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

Applicant Response:

We are wanting this pole barn to accommodate the machinery to maintain this property. Having additional storage actually does apply to the majority of nearby properties. As stated before we have three neighbors (not zoned Ag) that have at least one pole barn for the exact reason of why we are wanting one.

Staff Comments:

Properties built 5, 10 to 20 years ago when the zoning ordinance was different are not grounds for a hardship variance. The need for the variance must be unique to the physical traits of the subject property.

3. The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.

Applicant Response:

The building will be a rectangle shape building with a low sheen [paint finish]. There will be two garage doors facing east. The hardship would be not having a storage facility for the machinery [needed] to maintain the property.

Staff Comments:

The site allows for a total of 2,765 sqft. storage space without a hardship variance. Garage space over and above the allowed 2,765 square feet of storage/garage space is a convenience to the petitioner. A unique circumstance has not been demonstrated by the petitioner.

4. The hardship variance, if granted, will not alter the essential character of the locality.

Applicant Response:

Being granted this variance will not alter the character of the locality at all. We have three neighbors to the north east that have pole barns as well. We are in the city limits but all of the families in this residential are live on 3+ acres. We have a great design and appropriate colors for this proposed pole barn. We have every intention of maximizing this barn to fit into our existing property.

Staff Comments:

While the character of the area may not be immediately impacted by the proposed structure, the hardship variance and the existing attached garage do present a very large amount of storage space for a single-family dwelling. This excessive storage space which will be difficult for the

normal single-family household to utilize may very well impact the character of the neighborhood as any new or future owners could look for ways to maximize the use of the property by renting out the storage space for others to use for person or business uses, both of which are illegal uses in this low density dwelling district.

Findings & Staff Recommendation:

Findings: (supported by the previous analysis)

- The petitioner has not demonstrated by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographical conditions or other extraordinary or exceptional situations, that this property subject to the strict application of this title results in peculiar and practical difficulties;
- Item #1 application of the ordinance creating hardship has not been demonstrated;
- Item #2 physical and topographical conditions do not limit use of the site;
- Item #3 unique circumstance has not been established;
- Item #4 essential character of the area will not be protected;

Items of Concern:

- Need for the garage has not been supported by a detailed inventory of items to be storage in the garage/size of the items have not been determined/provided to staff and the covenant has not been provided;
- Staff has no assurance that the garage will not be converted to a business in the future
- Ownership of mowing/turf equipment will be difficult to determine, home owner vs business owned; business equipment cannot be legally storage at this property;
- Access rights to the adjacent gravel drive have not been provided;

Recommendation:

Staff strongly recommends denial of the request as it does meet any of the approval criteria necessary for a hardship determination.

Additionally, if the hardship is approved, there will exist a threat to single-family investment in this neighborhood as the large storage building will be enticing for those who seek inexpensive locations in which to locate a business.

Item #1 Zoning Code Created Hardship, #2 Physical/topographical Hardship #3 Unique Circumstance Hardship and item #4 Protection of Essential Character have not been met per the approval criteria established in Section 17.14.060 of the Davenport Municipal Code.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA application/plans, notice documents



Complete application can be emailed to planning@davenportiowa.com

Property Address* 4710 W. 60th Street Davenport, IA 52806

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

Applicant (Primary Contact)**

Name: Amy Holt & Jimmy Holt
 Company:
 Address: 4710 W. 60th Street
 City/State/Zip: Davenport, IA 52806
 Phone: 563-676-1094
 Email: amyholt1010@gmail.com

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 variance(s) requested:

We recently took over all of our land. A large portion was farmed by a local farmer. We are wanting to build a pole barn approx 40 x 64 to store and clean the equipment we would need to get to be able to take care of the current + additional land.

Existing Zoning: R-1

Submittal Requirements:

- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed structures affected by the hardship variance. 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 17.14.060 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 - \$200.

The Applicant hereby acknowledges and agrees to the following procedure and requirements:**(1) Application:**

- Prior to submission of the application for the hardship variance, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the hardship variance 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.

(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 hardship variance:

- 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.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.

We would like to build a Pole barn on our residential property in the west end of Davenport. We live on 3.72 acres. The back portion of our property had been being managed by a farmer from whom we purchased the property (2013) until last fall when we decided to take it over. We were supposed to start the Pole barn process last fall, until the derraccio hit. Then our contractor put all "new" builds on hold so he could focus on all the repairs, which leads us up to now. We would like to build a 64x40 pole barn in the NE portion of our lot to store machinery for the upkeep of our property. We will have a paved driveway that connects to the gravel road on the east side of our lot. Our HOA covenant says we cannot have machinery or any misc. items being kept outside or in the driveway. We need the barn to house the equipment we need.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship.

We are wanting this Pole barn, to accomodate the machinery to maintain this property. Having additional storage ~~are~~ actually does apply to the majority of nearby properties. As stated before we have 3+ neighbours (who are not zoned A&R) that have at least one pole barn for the exact reason of why we are wanting one.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The particular physical surroundings, shape, or topographical conditions of the specific property impose a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

The building will be a rectangle shape building with a low sheen, matte material used for the exterior. There will be two garage doors - facing east. The Hardship would be not having a storage facility for the machinery to maintain the property.

Provide description and evidence that demonstrates consistency with the following criteria listed in Section 17.14.060 of the Davenport Municipal Code:

The hardship variance, if granted, will not alter the essential character of the locality.

Being granted this variance will not alter the character of the locality at all. We have three neighbours to the NE of us that have pole barns as well. We are in city limits, but all of the families in this residential area live on 3+ acres. We have a great design + appropriate colors for this proposed pole barn. We have every intention of making this barn fit into our existing property.

Applicant: Amy and Jimmy Holt

Date: 5-15-21

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.

40'

64'

Proposed
Garage (64' x 40')

paved
driveway

40'

N00-02-39'W

484.40

EASEMENT

DATE: 12/1/11
SCALE: 1" = 10'

UTILITY

000 38.1 E

UTILITY AND RECREATIONAL ACCESS EASEMENT

40.99

50.00

4700

321.59

321.1

50

10

EASEMENT

4710

12

000 02 39W

824.40

439.30

UTILITY EASEMENT

459.44

25

321.72

10

50

10

10

312.54

27.5

W 60TH ST

W 60TH S

HV21-03 Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	4710 W 60TH ST	JAMES P HOLT	4710 W 60TH ST	DAVENPORT IA 52806
Neighborhood:	None			All Alderman Notified
Ward/Ald:		7 Miller		Notices Sent: 13
V0801-01C	4607 60TH ST	NICHOLAS J GROTH	4607 60TH ST	DAVENPORT IA 52806
V0801-05C	5005 W 60TH ST	SCOTT P SHIMP	5005 W 60TH ST	DAVENPORT IA 52806
V0801-04C	4903 W 60TH ST	CAROL J STROBBE	4903 W 60TH ST	DAVENPORT IA 52806
V0801-01D	4713 W 60TH ST	ALEX SCHLUE	4713 W 60TH ST	DAVENPORT IA 52806
V0801-02C	4625 W 60TH ST	MORELOCK FAMILY TRUST	4625 W 60TH ST	DAVENPORT IA 52806
V0549-02	6125 WISCONSIN AV	TOM RIOS	6125 WISCONSIN AV	DAVENPORT IA 52806
V0549-04	5110 W 60TH ST	EMIEL HENRY FLUEGEL JR	5110 W 60TH ST	DAVENPORT IA 52806
V0549-03	6015 WISCONSIN AV	BARRY HUBER	6015 WISCONSIN AV	DAVENPORT IA 52806
V0551-12	1355 W 49TH ST	AUSTIN K HENRY	1355 W 49TH ST	DAVENPORT IA 52806
V0549-05	4720 W 60TH ST	JOHN H WEIMAN	4720 W 60TH ST	DAVENPORT IA 52806
V0549-06	4640 W 60TH ST	DANIEL L CULVER	4640 W 60TH ST	DAVENPORT IA 52806
V0551-01	4750 W 60TH ST	WULF RUN FARM LLC	4750 W 60TH ST	DAVENPORT IA 52806
V0801-02D	4713 W 60TH ST	ALEX SCHLUE	4713 W 60TH ST	DAVENPORT IA 52806



Public Hearing Notice | Zoning Board of Adjustment

Date: 6/24/2021 **Location:** Council Chambers | City Hall | 226 W. 4th ST.
Time: 4:00 PM **Subject:** Public Hearing for Hardship Variance before the Zoning Board of Adjustment

Example Notice
Ward 2
13 Notices Sent

To: All property owners within 200 feet of the subject property located at **4710 W. 60th Street.**

What is this About?

This notice is being sent to inform you that a public hearing will be held for a Hardship Variance. The purpose of the Hardship Variance is to grant permission to waive or alter a size or dimensional code requirement.

Request/Case Description

Request HV21-03 of Jim and Amy Holt at 4710 W. 60th Street for a Hardship Variance to construct an approximate 40' x 64' (2,560 sq.ft.) detached garage in the rear yard. Section 17.09.030.K. of the Davenport Municipal Code allows a detached garage of 1,681 sq. ft. (existing dwelling is 3,363 sq. ft.). The proposed garage exceeds the allowed garage area by 879 sq. ft. [Ward 2]

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 certiorari 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



Pre-2019 Zoning Code: Accessory Buildings

17.08.040—17.10.030

H. Country club or golf courses, except a miniature course or driving range for commercial purposes;

I. Kennel, veterinary hospital or public stable; provided that any buildings or enclosures so used shall be located not less than one hundred feet from any street or lot line;

J. Cemeteries;

K. Extraction of sand, gravel, and other minerals. A restoration plan must be filed in accordance with provisions as stated in Section 17.50.030;

L. Grain elevator and the usual accessory structures for storage of farm products when located upon or within one hundred feet of a railroad right-of-way;

M. Home office;

N. Accessory building or use, including a maximum of two private garages, customarily incident to any of the above uses and not involving the conduct of a business, on lots equal to or exceeding twenty thousand square feet. Lots of less than twenty thousand square feet in size shall be limited to one private garage. Any accessory building which is not part of the main building that is located less than one hundred feet from the front lot line shall be in conformance with all yard requirements, except as otherwise provided in Sections 17.42.020 through 17.42.070. (Ord. 97-429 § 1: New: Ord. 75-422 § 1: prior code § 42-11).

17.08.040 Height, yard, lot width, and area regulations.

The height, yard, and lot width requirements within the A-1 agricultural district shall be as required in Chapter 17.42. (Prior code § 42-12).

17.08.050 Off-street parking and loading regulations.

The off-street parking and loading requirements within the A-1 agricultural district shall be as required in Chapter 17.44. (Prior code § 42-13).

Chapter 17.10

R-1 LOW DENSITY DWELLING DISTRICT

Sections:

17.10.010 Intent.

17.10.020 Applicability.

17.10.030 Use regulations.

17.10.040 Height, yard, lot width, and area regulations.

17.10.050 Off-street parking and loading regulations.

17.10.010 Intent.

This district is intended to provide for high quality, single-family residential development of a semisuburban character on a low density basis. (Prior code § 42-14).

17.10.020 Applicability.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the district requirements in the R-1 low density dwelling district. (New: prior code § 42-15).

17.10.030 Use regulations.

A building or premises shall be used only for the following purposes:

- A. Single-family dwellings;
- B. Church, synagogue or other place of worship;
- C. Public and parochial schools and private schools having a similar basic curriculum;
- D. Golf courses and country clubs except miniature courses or practice driving tees operated for commercial purposes;
- E. Parks, playgrounds, libraries, and community buildings owned or operated by public agencies;
- F. Home office;
- G. Accessory buildings and accessory uses customarily incident to the above uses, not invol-

ing the conduct of a business, including farm buildings and a maximum of two private garages on any lot equal to or exceeding twenty thousand square feet provided that one of the two garages is attached to the principal dwelling. Lots of less than twenty thousand square feet shall be limited to one private garage. Any accessory building that is not a part of the main structure shall be located in conformance with all yard requirements, except as otherwise provided by Sections 17.42.020 through 17.42.070. (Ord. 97-429 § 2; New: Ord. 75-422 § 2; prior code § 42-16).

17.10.040 Height, yard, lot width, and area regulations.

The height, yard, lot width and area requirements within the R-1 low density dwelling district shall be as required in Chapter 17.42. (New: prior code § 42-17).

17.10.050 Off-street parking and loading regulations.

The off-street parking and loading requirements within the R-1 low density dwelling district shall be as required in Chapter 17.44. (New: prior code § 42-18).

Chapter 17.12

R-2 LOW DENSITY DWELLING DISTRICT

Sections:

- 17.12.010 Intent.**
- 17.12.020 Applicability.**
- 17.12.030 Use regulations.**
- 17.12.040 Height, yard, lot width and area regulations.**
- 17.12.050 Off-street parking and loading regulations.**

17.12.010 Intent.

This district is intended to provide for high quality single-family residential development of semisuburban character, but of slightly higher density and permitting smaller lots than the R-1 district, and where municipal service facilities are available. (Prior code § 42-19).

17.12.020 Applicability.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the district regulations in the R-2 low density dwelling districts. (New: prior code § 42-20).

17.12.030 Use regulations.

A building or premises shall be used only for the following purposes:

- A. Single-family dwellings;
- B. Parks, playgrounds, and community buildings owned or operated by public agencies;
- C. Public and parochial schools and private schools having a similar basic curriculum;
- D. Church, synagogue or other place of worship;
- E. Golf courses and country clubs except miniature courses or practice driving tees operated for commercial purposes;
- F. Home office;
- G. Accessory uses.

1. One private garage shall be allowed on lots of twenty thousand square feet or less, or two private garages, on lots equal to or exceeding twenty thousand square feet in size provided one of the garages is attached to the principal dwelling to be used for residential purposes. The floor area shall be no more than forty percent of the principal structure for attached garages. However, one two and one-half car garage, twenty-four feet by thirty feet or seven hundred twenty square feet, is permitted as a minimum. Detached garages shall be limited to a maximum of one thousand eighty square feet except as provided in Section 17.52.050K.

Garage Comparison of Near-by "pole barns"



	4620 W 60th	4540 W 60th	4520 W 60th	4440 W 60th	SUBJECT PROPERTY (PROPOSED GARAGE)
Dwelling Living Area (source: Tax Parcel Report):	4,085 sqft	2,660 sqft	2,199 sqft	2,413 sqft	3,363 sqft
Area of Detached Garage:	2,856 sqft	768 sqft	1,440 sqft	1,782 sqft (2017) & 2,650 sqft AG build. (1998) @	2560 sqft (proposed)
Previous Zone Prior to 2019):	R-1	R-1	R-1	R-1	n/a
Year Built:	2014	2003	2000	2017 @	2021 (Proposed)
Detached Garage Area (including Ag) Restriction:	None. (Also: Ag buildings exempt)	None. (Also: Ag buildings exempt)	None. (Also: Ag buildings exempt)	None. (Also: Ag buildings exempt)	50% of the Living Area/ No Ag exemption
Garages Allowed (quantity)*: * One must be attached	2	2	2	2	
2nd Garage Lot size Requirement:	> 20,000 sqft	> 20,000 sqft	> 20,000 sqft	> 20,000 sqft	
Existing "2019 R-1" Zoning:	R-1	R-1	R-1	R-1	R-1
Detached Garage Area Restriction:	50% of the Living Area	50% of the Living Area	50% of the Living Area	50% of the Living Area	50% of the Living Area
Garages Allowed (quantity)*: * One must be attached	2	2	2	2	2
2nd Garage Lot size Requirement:	None.	None.	None.	None.	None.

@ The 2nd garage was approved
with a hardship variance which
allowed a second structure.



Scott County / City of Davenport, Iowa

Summary - Auditor's Office

Parcel ID V0549-12
 Alternate ID V04020
 Property Address 4710 W 60TH ST
 DAVENPORT IA 52806
 Sec/Twp/Rng N/A
 Brief HENRY HEIGHTS EQUESTRIAN Lot: 012 HENRY HEIGHTSEQUESTRIAN
 Tax Description ESTATES
 (Note: Not to be used on legal documents)
 Deed Book/Page 2014-22231
 Contract Book/Page
 Gross Acres 0.00
 Net Acres 0.00
 Adjusted CSR Pts 0
 Class R - Residential
 (Note: This is for tax purposes only. Not to be used for zoning.)
 District DAD - DAVENPORT DAVENPORT
 School District DAVENPORT SCHOOL
 Subdivision HENRY HEIGHTS EQUESTRIAN



Owners - Auditor's Office

Deed Holder
[HOLT JAMES P](#)
[4710 W 60TH ST](#)
 DAVENPORT IA 52806

Contract Holder

HOLT AMY
[4710 W 60TH ST](#)
 DAVENPORT IA 52806

Mailing Address

HOLT JAMES P
 4710 W 60TH ST
 DAVENPORT IA 52806

Residential Dwelling - Assessor's Office

Residential Dwelling
 Occupancy Single-Family
 Style 1 Story Frame
 Architectural Style N/A
 Year Built 1995
 Exterior Material Vinyl
 Total Gross Living Area 2,286 SF
 Attic Type None;
 Number of Rooms 0 above; 0 below
 Number of Bedrooms 3 above; 0 below
 Basement Area Type Full
 Basement Area 2,274
 Basement Finished Area 1,077 - Living Qtrs. (Multi); 390 - Standard Finish
 Plumbing 2 Full Bath; 2 Shower Stall Bath; 1 Wet Bar / Pot Filler; 1 Fbgl's Service Sink;
 Central Air Yes
 Heat FHA - Gas
 Fireplaces 1 Prefab; 1 Gas/Elec-Side;
 Porches 1S Frame Open (44 SF); 1S Frame Enclosed (256 SF);
 Decks Wood Deck-Med (224 SF);
 Additions 1 Story Frame (12 SF);
 Garages 1,084 SF - Att Frame (Built 1995);

data available for the following modules: Summary - Inactive, DBA (Doing Business As) - Assessor's Office, Tax Sale Certificates - Treasurer's Office, Scott County Data Correction Feedback Form, S

claimer: The information in this web site represents current data from a working file which is updat

City of Davenport
Zoning Board of Adjustment

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

Date
6/24/2021

Subject:

Request SU21-04 of Tom Pastnak on behalf of Belser Ventures, LLC at 1320 W. Kimberly Road for a Special Use-heavy retail business with a 50' x 50' screened outdoor product storage area. Property is zoned C-3 General Commercial. Table 17.08-1. of the Davenport Municipal Code allows for heavy retail in the C-3 District subject to the granting of a Special Use in compliance with Section 17.08.030.BB. [Ward 7]

ATTACHMENTS:

Type	Description
▣ Executive Summary	Staff Report
▣ Exhibit	Application
▣ Exhibit	Notice Letter & Map
▣ Exhibit	REZ21-02 Rezoning Case Documents

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Koops, Scott	Approved	6/15/2021 - 11:01 AM



**Zoning Board of Adjustment
Planning Staff Report – Heavy Retail in C-3
June 24, 2021**

Description

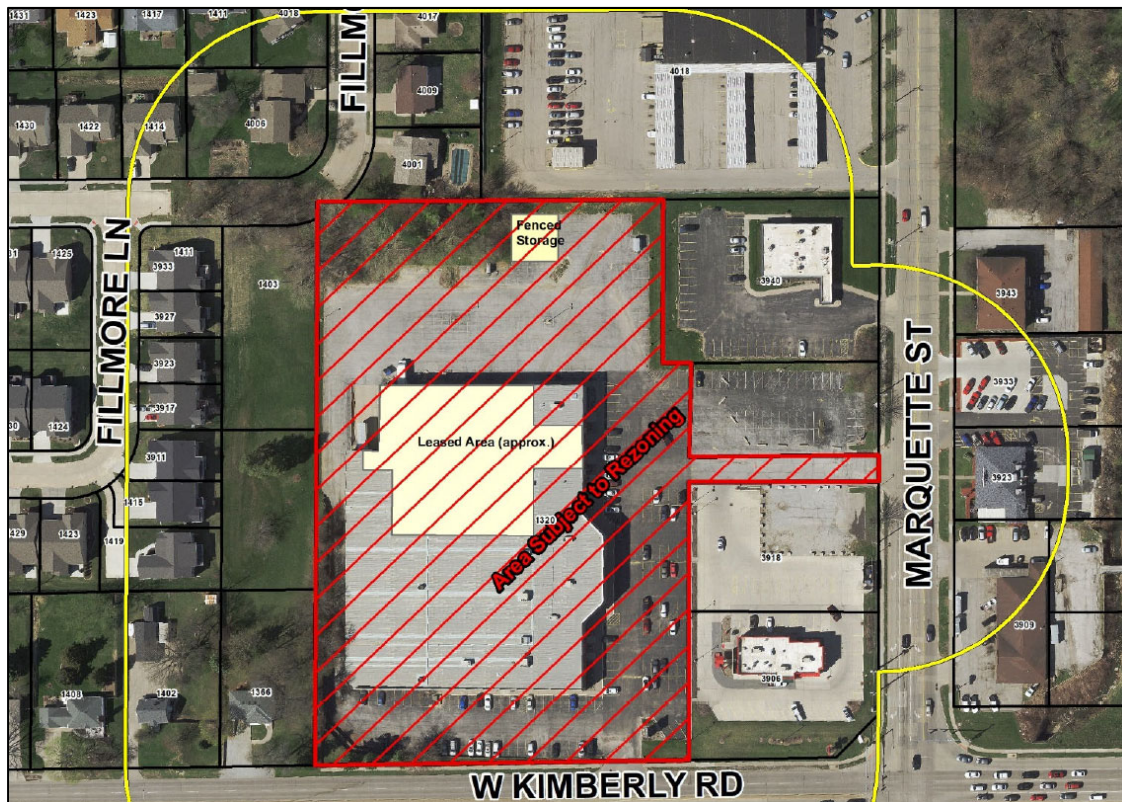
Request SU21-04 of Tom Pastrnak on behalf of Belser Ventures, LLC at 1320 W. Kimberly Road for a Special Use-heavy retail business with a 50' x 50' screened outdoor product storage area. Property is zoned C-3 General Commercial. Table 17.08-1. of the Davenport Municipal Code allows for heavy retail in the C-3 District subject to the granting of a Special Use in compliance with Section 17.08.030.BB. [Ward 7]

Background

The subject property is in a mixed use area. The Board is required to evaluate whether this use is compatible with the surrounding uses and zoning districts. No exterior façade changes are proposed at this time, however there will be internal remodeling. Only the 50' x 50' fenced storage area is necessitating this request, as the operation is retail sales and custom deliveries with only one outdoor storage area, shown below near the north property line next to the US Post Office.

The petitioner requested and was approved for a Zoning Map Amendment (rezoning) for this property by City Council at their June 23rd meeting (yesterday). The rezoning to C-3 General Commercial was necessary to accommodate an electrical component retail sales business that has limited need (50' x 50') of an outdoor storage enclosure. The storage area proposed would be screened by an 8'-tall solid privacy fence with gates located near the north property line adjacent to the post office property. The need for outdoor storage by the petitioner is the only part of the proposed operation that requires this special use.

Leased Area (internal) and proposed external 50' x 50' Storage Area:



Background (continued)

Local Businesses:

United States Postal Service, Quad City Family Physicians, Ganzo's Mexican, Iowa/Illinois Pest Control, Popeye's. QC Antiques, Phoenix Nails, Dimensional Graphics, Impact Life/Blood Center.

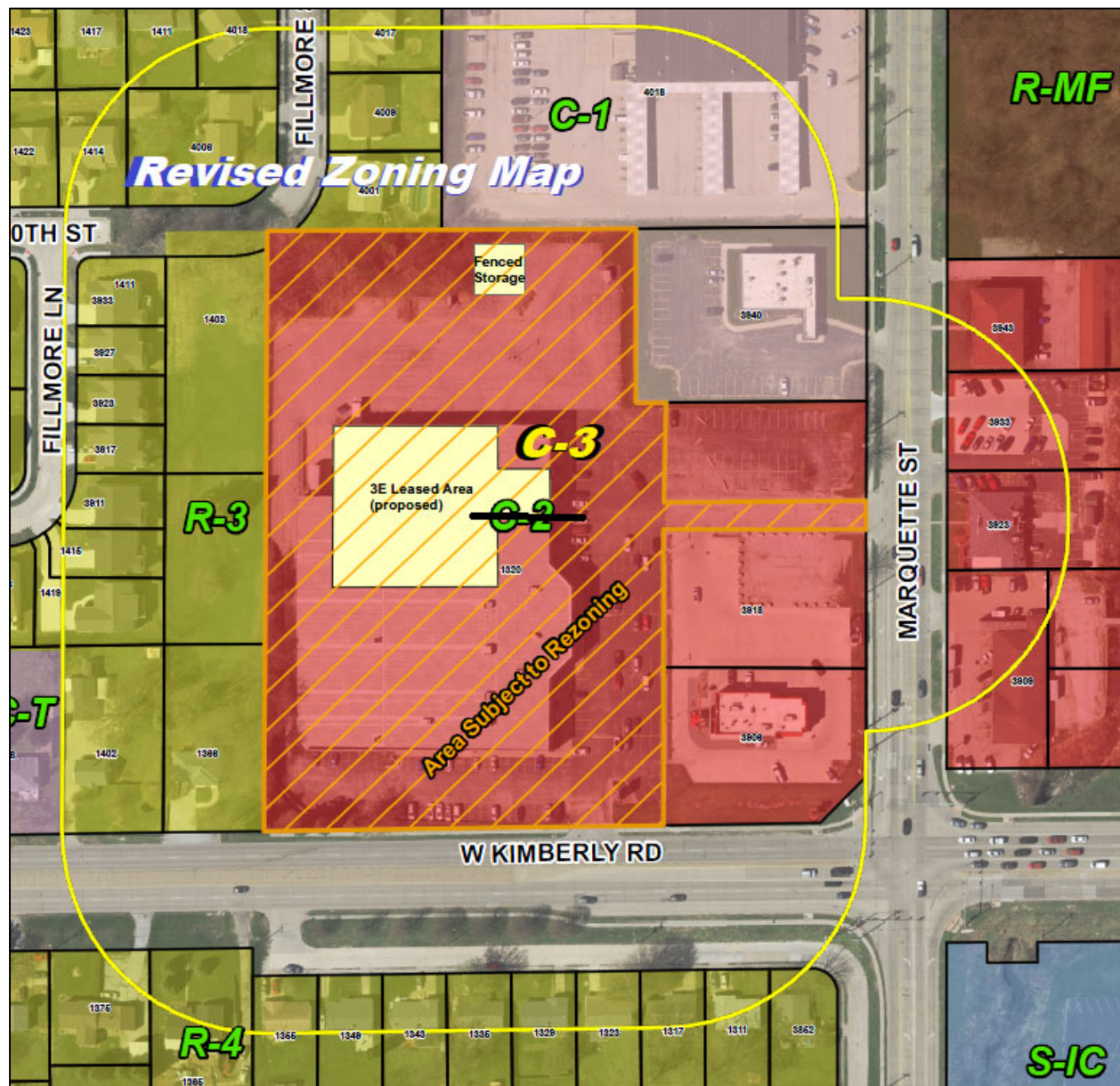


The site is developed with a 'big-box' retail commercial building and it has various retail and personal service establishments inside the partitioned building. The size of this commercial building and this lot, the amount of parking provided, and the character of the neighborhood all are generally more compatible with the proposed outdoor storage area and the C-3 zoning than the previous pedestrian oriented C-2 District.

Heavy Retail Establishment Definition (Section 17.08.050):

Retail centers of a heavier and larger-scale commercial character typically requiring permanent outdoor storage areas and/or partially enclosed structures. Examples of heavy retail establishments include large-scale home improvement centers with outdoor storage and display, lumberyards, recreational vehicle dealerships, and sales of heavy equipment. Wholesale establishments that sell to the general public, including those establishments where membership is required, are considered heavy retail establishments.

Zoning Map



Approval Standards

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

The proposed use meets code requirements for Heavy Retail. The site is properly designed to have minimal, if any, impact on adjacent property and public facilities if constructed per required building code as has been proposed by the developer and with the required solid fence screening.

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 as proposed with the storage area adjacent to the Post Office vehicle storage lot.

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

Rezoning REZ21-02 has been approved, rezoning the property to C-3 general Commercial District. Land use policy has been met along with all code requirements, as properly conditioned. See also the attached Ordinance for the Rezoning finding and conditions which support approval of the use.

Recommendation

Findings:

1. The petitioner proposed location/design/construction meets Special Use requirements;
2. This commercial node was developed in the early to mid-70's and is compatible with the Comprehensive Plan's Future Land Use Map as is the proposed retail use with outdoor storage at the subject property which was built in 1987;
3. The proposed retail use with limited outdoor storage is compatible with the zoning of nearby property along Marquette Street and Kimberly Road, as well as other C-3 zoning located in the vicinity.

Recommendation:

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

1. The proposed outdoor storage enclosure shall be limited to the location depicted on Application SU21-04 and to an area of 50 feet by 50 feet or less and shall not be allowed to be expanded unless approved by a modification to this Special Use and shall be screened with a six (6) foot to eight (8) foot tall solid privacy fence with the finished or dressed side of the fence facing out;
2. Within 90 days of SU21-04 approval the site shall come into compliance with required buffer yard landscaping and fencing per Davenport Municipal Code Section 17.11.080 along the west property line where fencing is not provided by the property owner at the present time; resulting with fencing along the entire west property line. The existing privacy fencing abutting residential properties (and the new fencing) shall be repaired and maintained by the owner for as long as there are abutting residential uses and/or districts, so that all portions of these abutting properties are screened with privacy fencing;
3. 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, 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 Special Use shall be limited to this tenant (3E) 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.

Prepared by: 

Scott Koops, Planner II

Proposed Outdoor Storage Area Fencing Material:





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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

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 ☐

Design Review Board

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

Engineer (if applicable)

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

Historic Preservation Commission

Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Architect (if applicable)

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

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:

To permit the tenant, 3E Electrical Engineering & Equipment Company ("Tenant"), to house and sell its inventory (which in this instance is generators which by Iowa law can not be stored in the building) outside the building premises and in the parking lot area, depicted on Exhibit "1" hereinafter attached and incorporated herein by this reference.

Existing Zoning:

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.

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.

1. The building (already built) and the square footage to be leased by the Tenant will adequately and satisfactorily house all of Tenant's inventory while the generators will be enclosed within privacy fencing and landscaping as required by Davenport Code adequately safeguarding the health, safety, and welfare of persons residing or working on/in the property and adjoining and/or surrounding property.

2. Again, the building is already built, but the height of the privacy fence will be such that it will not impair lighting or air to the surrounding property.

3. Tenant shall have 20 employees and roughly 25 contractors per day that frequent the premises during work hours of 6:30 AM to 4:00 PM. Truck delivery, between the hours of 7:00 AM and 3:00 PM, will include 5 per day; two being FedEx/UPS, the other being three LTL (less than truckload) deliveries. Of the five truck deliveries per day, two trucks already visit the site daily such that only three additional truck deliveries will occur. The parking lot is and will continue to be sufficiently large enough to absorb such usage and will actually be less intense than usage of the prior predecessor, K's Merchandise.

4. Moreover, Tenant's usage won't negatively impact property values; rather a building fully leased generally enhances value rather than abandoned properties. The generators stored outside will actually clean up an area that many deem unsightly.

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.

Tenant's contemplated use is consistent to the current RG designation under the Code as it contemplates retail development along the major arteries (to which Kimberly and Marquette are one) that is residential friendly while also consistent with C-3 development to the east at Northpark and Village Shopping Center, as evidenced by the land use map hereinafter attached, marked Exhibit "2" and incorporated herein by this reference.

Further evidence in support of the propositions noted hereunder are established and noted by City Staff's findings in Petitioner's request to rezone the property to C-3, a copy of which is hereafter attached, marked Exhibit "3" and incorporated herein by this reference.

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.

Tenant's intended use for the property located at 1320 W. Kimberly Road, Davenport, Iowa and consisting of approximately 24,500 square feet is for the sale and distribution of electronic goods, supplies, equipment, and accessories among which include the sale of generators, which are and must be housed and sold outside the building premises. It is only this latter use that requires ZBA's approval as the retail sale of electronics is already a permitted use under the property's current C-2 zoning description. C-3 is sought and needed for the sale of the generators outdoors which then renders Tenant a heavy retailer.

Heavy retailer has all sorts of implications and negative connotations, but in this instance, it is a misnomer as it could include a retailer with a small single area (of 50' x 50') from which to sell its inventory of generators... as is the case here. Furthermore, there will be less activity as a result of Tenant's use of the site than a normal retailer generates by C-2, such that in fact, Tenant's occupancy will be a compatible use will be a good neighbor and fit to the neighborhood and community.

Further evidence in support of the propositions required hereunder are established and noted by City Staff's findings in Petitioner's request to rezone the property to C-3, a copy of which is hereafter attached, marked Exhibit "3" and incorporated herein by this reference.

Date: 04-30-21

Received by: _____

Date:

Date of the Public Hearing:

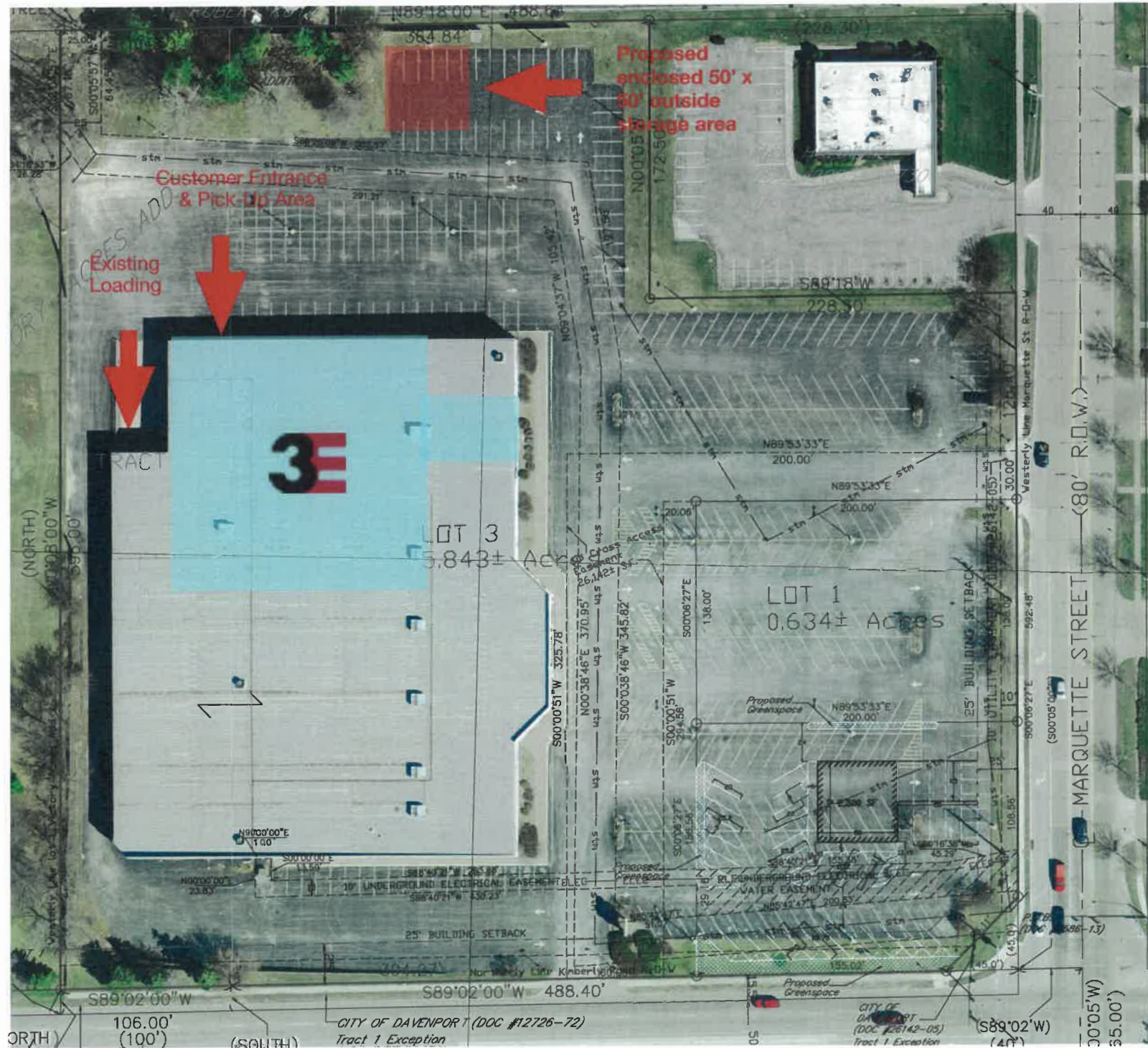
Authorization to Act as Applicant

the Zoning Board of Adjustment for the property located at _____

Signature(s)*

*Please note: original signature(s) required.

EXHIBIT "1"



ArcGIS Web Map

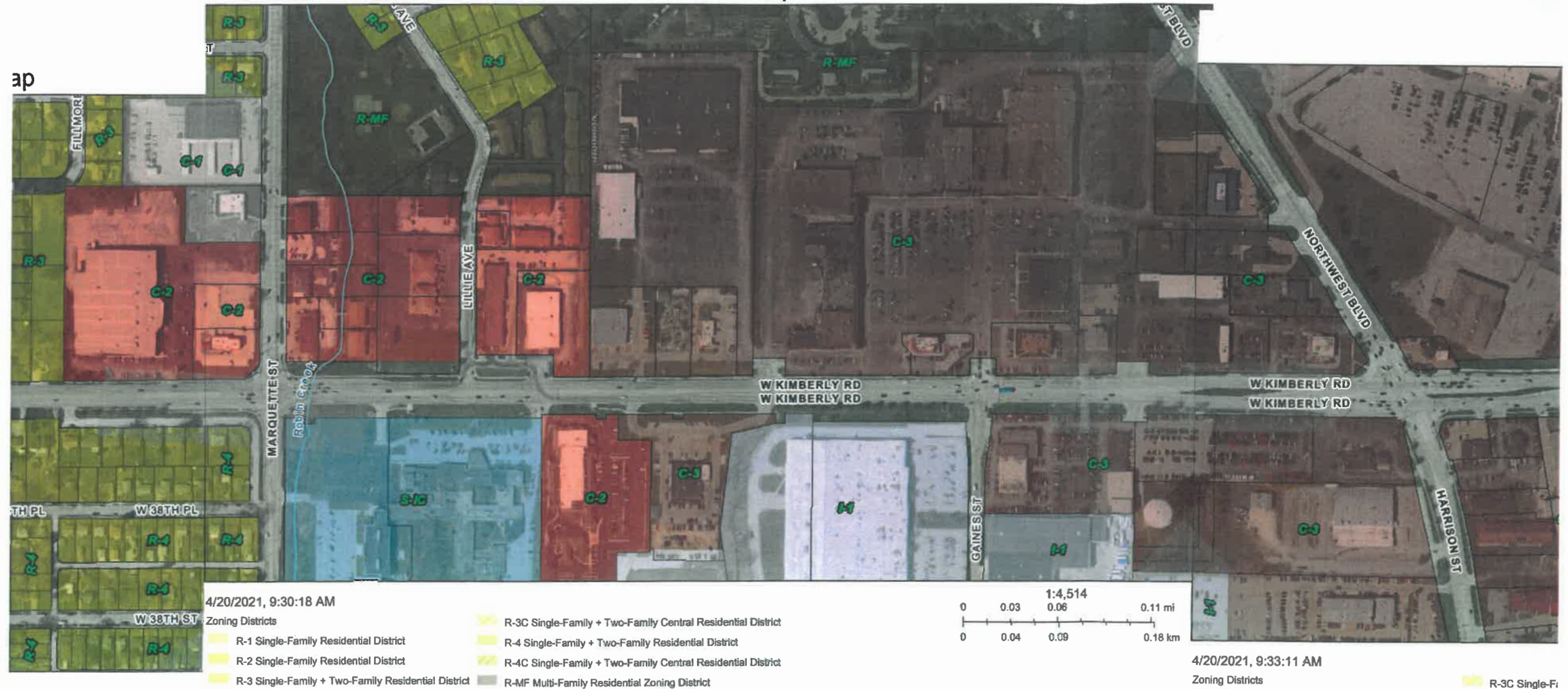


Exhibit "3"

Findings:

1. The zoning map amendment is consistent with the Davenport 2035+ Land Use Plan, which identifies the property as Residential General (RG) which allows for commercial uses along corridors and edges. The vicinity was developed in the early to mid-70's and is compatible with RG as is the proposed retail use with outdoor storage at the subject property which was built in 1987.
2. The proposed C-3 General Commercial District is compatible with the zoning of nearby property along Marquette Street and Kimberly Road, as well as other C-3 zoning located in the Village Shopping Center, at the car dealerships, the mall, and the Lujack's properties along Welcome way. Industrial uses are located at Gaines and West Kimberly Road.
3. Rezoning the property to C-3 General Commercial District does not create any nonconformities.
4. Required Special Use approval for some of the additional uses allowed in the C-3 District offers further levels of review for the protection of adjacent properties.



Public Hearing Notice | Zoning Board of Adjustment

Date: 6/24/2021 **Location:** Council Chambers | City Hall | 226 W. 4th ST.
Time: 4:00 PM **Subject:** Public Hearing for Speical Use before the Zoning Board of Adjustment

Example Notice
7th Ward
43 Notices Sent

To: All property owners within 200 feet of the subject property located at **1320 W. Kimberly Road.**

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 SU21-04 of Tom Pastrnak on behalf of Belser Ventures, LLC at 1320 W. Kimberly Road for a Special Use-heavy retail business with a 50' x 50' screened outdoor product storage area. Property is zoned C-3 General Commercial. Table 17.08-1. of the Davenport Municipal Code allows for heavy retail in the C-3 District subject to the granting of a Special Use in compliance with Section 17.08.030.BB. [Ward 7]

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?

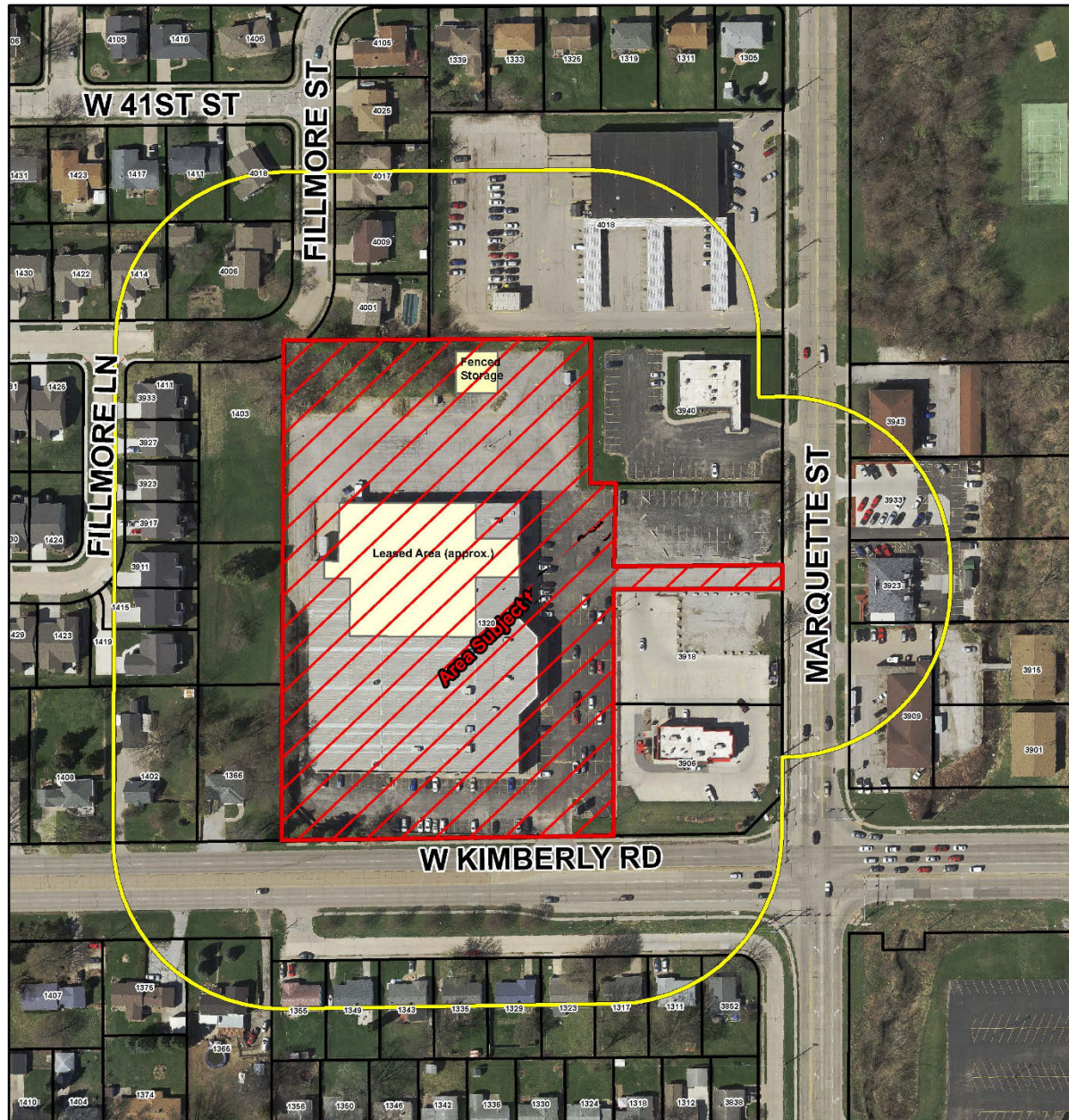
As a neighboring property owner/occupant you may have an interest in commenting on the proposed request via email or in person at the public hearing. Official comments must have written signatures sent to planning@davenportiowa.com (no later than 12:00 PM *one day before* the public hearing) or to: Planning,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

Adjacent Property Owner Notice Area 1320 W. Kimbelry RD



Subject Property



200' Notice Boundary Line



0 50 100 200 Feet

Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

City of Davenport

Department: Community Planning & Economic Development
Contact Info: Laura Berkley | 563-888-3553

Action / Date
6/9/2021

Subject:

Second Consideration: Ordinance for Case REZ21-02 being the request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road, containing 5.37 acres more or less, from C-2 Corridor Commercial to C-3 General Commercial District to allow heavy retail of commercial electronic components. [Ward 7]

Recommendation:

Adopt the Ordinance.

Background:

The City Plan and Zoning Commission has forwarded Case REZ21-02 to the City Council with a recommendation for approval at its May 4, 2021 meeting, subject to the following conditions:

- 1) The proposed outdoor storage enclosure shall be limited to 50 feet by 50 feet or less and shall not be allowed to be expanded unless approved by a modification to the Special Use for heavy retail.
- 2) Within 90 days of approval of this request the site shall come into compliance with required buffer yard landscaping/fencing per 17.11.080 along the west property line where fencing is not provided by the property owner. The existing privacy fencing abutting residential properties shall be repaired and maintained by the owner for as long as there are abutting residential uses and/or districts, so that all portions of these abutting properties are screened with privacy fencing.

The Commission vote was 6 yes, 0 no, and 0 abstentions.

Purpose of the rezoning:

- Relocate an existing retail sales business (3E) of commercial electronic components.
- 3E sells/leases diesel generators which cannot legally be stored inside a commercial building per fire code.
- Generators and conduit will be stored outdoors within an 8-foot solid privacy fence enclosure measuring 50' x 50'.
- Heavy Retail allows for limited outdoor storage if approved with a Special Use from the ZBA in the C-3 district.
- Without outdoor storage, this use would be allowed by right in any C-2 District No rezoning would be needed.

Findings

1. The zoning map amendment is consistent with Davenport 2035+ which identifies the property as Residential General (RG) which allows for commercial uses along corridors and edges. The neighborhood is compatible with RG as is the proposed retail use with outdoor storage at the subject property which was built in 1987.
2. The proposed C-3 General Commercial District is compatible with the zoning of nearby

property along Marquette Street and Kimberly Road, as well as other C-3 zoning located in the vicinity.

3. Rezoning the property to C-3 General Commercial District does not create any nonconformities.
4. Required Special Use approval for some of the additional uses allowed in the C-3 District offers further levels of review for the protection of adjacent properties.

Public Input:

Type of Notice Date Sent

Public Hearing Notice Mailed 4-6-2021
Legal Notice Published in QCT 4-10-2021
Neighborhood Meeting 4-12-2021
P&Z Public Hearing 4-20-2021

ATTACHMENTS:

Type	Description
▣ Exhibit	Ordinance
▣ Exhibit	Zoning Analysis Staff Report
▣ Exhibit	Vicinity Map
▣ Exhibit	Zoning Map
▣ Exhibit	Davenport 2035+ Land Use Map
▣ Exhibit	Application
▣ Exhibit	Concept Plan
▣ Exhibit	COW Neighborhood Notice Letter
▣ Exhibit	QC Times Notice
▣ Exhibit	P&Z Public Notices

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	5/11/2021 - 4:20 PM

ORDINANCE NO. 2021-

ORDINANCE for Case REZ21-01 being the request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail of commercial electronic components; containing 5.37 acres more or less. [Ward 7]

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to "C-3 General Commercial Zoning District".

LOT 3 OF THE FINAL PLAT OF OLD KAY'S SUBDIVISION, IN PART BEING A REPLAT OF LOT 1 OF VICTORY ACRES, PART OF THE NE QUARTER OF SECTION 15, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH P.M. TO THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA.

Section 2. That the following findings and conditions are hereby imposed upon said rezoning:

Findings:

1. The zoning map amendment is consistent with the Davenport 2035+ Land Use Plan, which identifies the property as Residential General (RG) which allows for commercial uses along corridors and edges. The vicinity was developed in the early to mid-70's and is compatible with RG as is the proposed retail use with outdoor storage at the subject property which was built in 1987.
2. The proposed C-3 General Commercial District is compatible with the zoning of nearby property along Marquette Street and Kimberly Road, as well as other C-3 zoning located in the Village Shopping Center, at the car dealerships, the mall, and the Lujack's properties along Welcome way. Industrial uses are located at Gaines and West Kimberly Road.
3. Rezoning the property to C-3 General Commercial District does not create any nonconformities.
4. Required Special Use approval for some of the additional uses allowed in the C-3 District offers further levels of review for the protection of adjacent properties.

Conditions:

1. The proposed outdoor storage enclosure shall be limited to 50 feet by 50 feet or less and shall not be allowed to be expanded unless approved by a modification to the Special Use for heavy retail.
2. Within 90 days of approval of this request the site shall come into compliance with required buffer yard landscaping/fencing per 17.11.080 along the west property line where fencing is not provided by the property owner. The existing privacy fencing abutting residential properties shall be repaired and maintained by the owner for as long

as there are abutting residential uses and/or districts, so that all portions of these abutting properties are screened with privacy fencing.

Section 3. At its May 4, 2021 meeting, the City Plan and Zoning Commission voted to forward the case to the City Council with a recommendation for approval subject to the listed findings and conditions.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

Mike Matson, Mayor

Attest: _____
Brian Krup, Deputy City Clerk

Published in the *Quad City Times* on _____

COW Zoning Analysis | May 19, 2021
Development & Neighborhood Services

Subject:

Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail of commercial electronic components; containing 5.37 acres more or less. [Ward 7]

Recommendation:

P&Z forwarded Case REZ21-02 to City Council with a recommendation for approval subject to the listed findings and conditions.

Background:

The petitioner has requested the zoning map amendment to accommodate a retail use that will require an outdoor storage area. If the business did not need outdoor storage, this retail use would have been allowed by right with the existing C-2 zoning.

Additional background is provided in the following attachments: Vicinity Map, Zoning Map, and Davenport 2035+ Land Use Map.

The following information is provided for case history of the property only and is in no way related to a previously attempted rezoning (REZ13-02). This background to illustrate that this previously denied request was for a use unlike the one proposed by this applicant and would not become permitted if the request was approved.

In 2013 a rezoning request by Murray Warehousing to allow a warehousing/distribution center at this site failed at City Council. Under the former zoning code, the request was to rezone the property to Planned Development "PDD" which would have allowed for a distribution warehousing and trucking operation.

Comprehensive Plan:

Within Existing Urban Service Area: Yes
Within Urban Service Area 2035: Yes

Future Land Use Designation:

Residential General (RG) – Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land use mix and density, with the exception along edges and transition areas, where higher intensity may be considered. Staff is not proposing a Davenport 2035+ future land use change for this area at this time.

Zoning:

Existing

The property is currently zoned C-2 Corridor Commercial District. This district is intended to address the commercial corridors that are primarily oriented toward a mix of retail, personal

service, and office uses along arterial streets and collector streets. The C-2 District accommodates auto-oriented development – both individual businesses and retail centers – and mixed-use development, with the intent of improving the pedestrian environment along Davenport’s commercial corridors.

Proposed

The applicant is petitioning to rezone the property to C-3 General Commercial District. This district is intended to accommodate higher-intensity commercial development within the City of Davenport that serves both local and regional markets. The C-3 District addresses medium- and largescale development that may generate considerable traffic and typically requires significant off-street parking. Higher density residential uses are also allowed to facilitate a mixed-use orientation where appropriate.

Technical Review:

The proposed rezoning is for a retail use in an existing building commercial/retail building. No new construction is require other than an enclosure on the existing parking lot. As such no comments where received through the technical review process.

Streets. The State of Iowa classification for Kimberly Road is principal arterial and Marquette Street is classified as a minor arterial. No changes to the existing streets are needed.

The site has two ingress/egress drives, one located on West Kimberly Road and one off of Marquette Street. Left turn movements from Marquette Street can be limited/lowed with the utilization of the Kimberly Road access drive, should such movements ever become an issue.

Storm Water. The site will remain as it is today, with no new impervious surfaces proposed or needed. There shall be no impact to the stormwater system.

Sanitary Sewer. Sewer is existing on this site and in the area; there shall be no impact to the sewer system.

Other Utilities. All utilities are available at this site and in the area; there will be no impact to these services.

Emergency Services. The subject property is located approximately one (1) mile west of Fire Station No. 3 (3506 Harrison Street).

Parks/Open Space. The proposed rezoning does not impact any existing or planned parks or public open spaces.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the April 12th, 2021 Neighborhood Meeting and the April 20th Plan and Zoning Commission Public Hearing.

A neighborhood meeting was held on Tuesday, April 12, 2021 at the site. Eight (8) residents/neighbors attended. Issues brought up at meeting were the following: the timing, number and size of trucks for used for deliveries, required fencing on west and north property line, and the storm drain.

Staff has not received any written comments (in favor or against) regarding the proposed rezoning.

Discussion:

The petitioner is requesting a rezoning to C-3 General Commercial to accommodate an electrical component retail sales business that has limited need (50' x 50') of an outdoor storage enclosure. The storage area proposed would be screened by an 8'-tall solid privacy fence with gates and be located near the north property line adjacent to the post office property. The present zoning (C-2) does not allow for any outdoor storage. The need for outdoor storage by the petitioner is the only part of the proposed operation that cannot be supported by the existing C-2 zoning.

Approval Standards for Map Amendments (Chapter 17.14.040)

The Plan and Zoning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan and Zoning Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards.

a. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.

Residential General (RG) is the Davenport 2035+ classification for this site. The RG designation allows for a mix of uses along the edges and transition areas where higher intensity uses are allowed, such as the uses at the intersection of Marquette and West Kimberly Road, where there are medical offices, personal service businesses, restaurants, a post office and 'big box' retail (on the subject property). This area is an example of the type of development allowed in transition and edge areas allowed by the Residential General classification.

Staff's opinion is that the proposed rezoning of this property does not necessitate a comprehensive plan change.

b. The compatibility with the zoning of nearby property.

The subject property is a retail site with has been in existence since 1987. Other uses in the area date to 1970 for the post office, 1975 for the medial office, and 1977 for the building at the northwest corner of Marquette and Kimberly Road which is presently a pest control business.

Staff's opinion is that the proposed rezoning is compatible with the existing uses and the existing zoning near the site. The site is developed with a 'big-box' retail commercial building and it has various retail and personal service establishments inside the partitioned building. The C-2 Corridor Commercial District allows for generally the same uses. The C-2 Zoning District is geared toward an urban walkable environment which is not dominated by auto-oriented uses (but does accommodate them) and as such the lot sizes are generally much smaller than the lots which are typically found in the C-3 district. The size of this commercial building and this lot, the amount of parking provided, and the character of the neighborhood

all are generally more compatible with the proposed C-3 zoning than the existing pedestrian oriented C-2 District.

c. The compatibility with established neighborhood character.

The subject property was developed as a commercial development along a commercial corridor. The use is compatible with the commercial neighborhood character. The Zoning code does require a landscaped and fenced buffer where commercial abuts residential. The potential for expansion of the existing building where abutting residential districts is minimal due to stormwater and parking regulations and existing easements on the property. Several of the new uses associated with a C-3 Zoning District require a Special Use Permit through the Zoning Board of Adjustment. Those uses will be evaluated on a case by case basis to determine impacts to neighborhood character with the ability to add conditions to the Special Use Permit.

d. The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.

Staff does not foresee any situation where the public health or welfare will be negatively impacted by the proposed rezoning or any of the uses which are allowed by the C-3 District provided the conditions of this request are approved and the ordinances of the city are upheld.

e. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.

This site can be and is developed with retail uses. The proposed use is also a retail use; however said use requires outdoor storage, which has necessitated the need for this request.

f. The extent to which the proposed amendment creates nonconformities.

All existing structures on this site meet the C-2 and the C-3 setback requirements. Only single and two-family uses are allowed by the C-2 district but not the proposed C-3 district. The site has no single/two-family dwellings so there shall not be any nonconformities created due to the proposed rezoning.

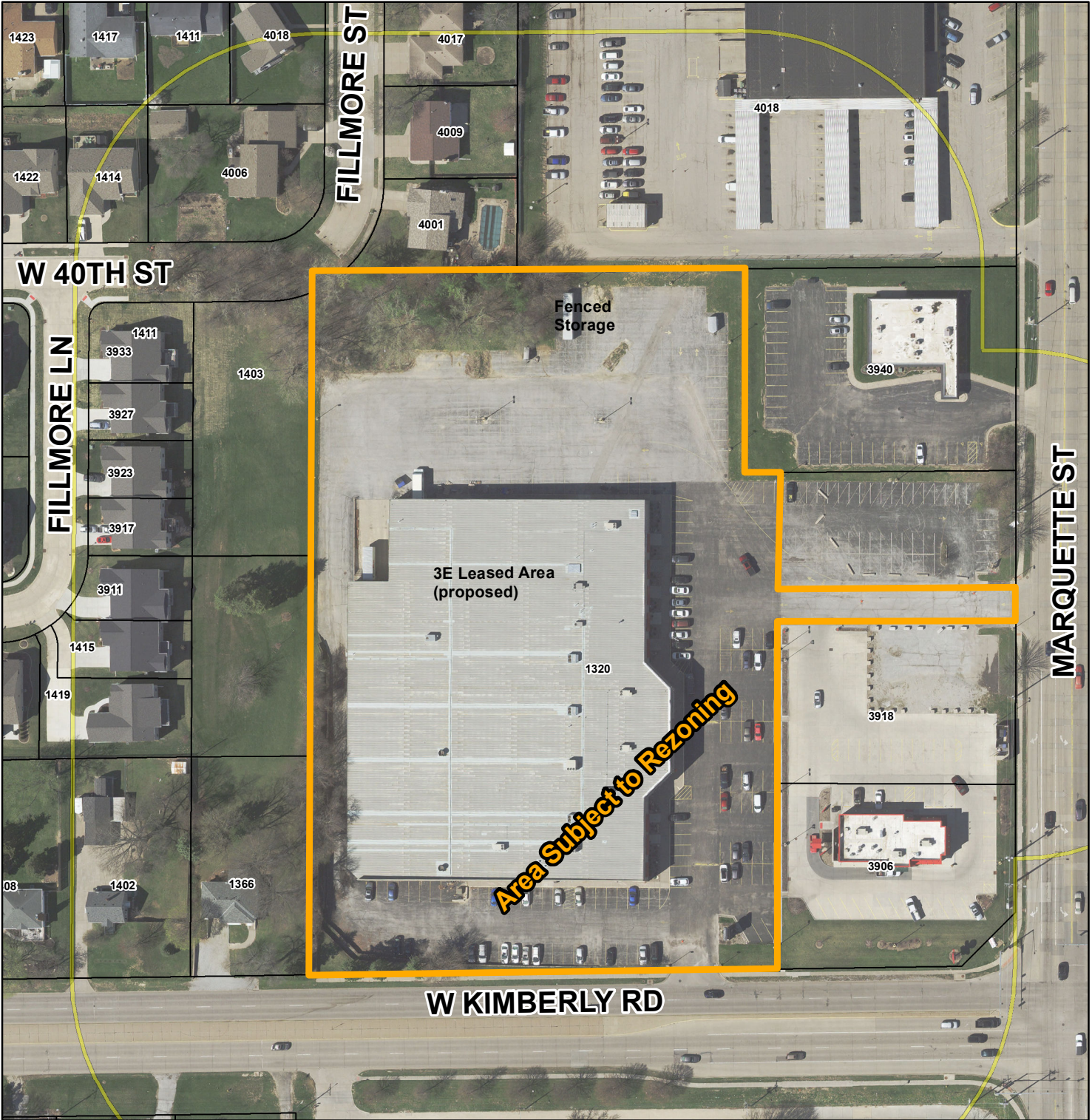
Recommendation and Conditions:

P&Z forwarded Case REZ21-02 to City Council with a recommendation for approval subject to the listed findings and conditions:

1. The proposed outdoor storage enclosure shall be limited to 50 feet by 50 feet or less and shall not be allowed to be expanded unless approved by a modification to the Special Use for heavy retail.
2. Within 90 days of approval of this request the site shall come into compliance with required buffer yard landscaping/fencing per 17.11.080 along the west property line where fencing is not provided by the property owner. The existing privacy fencing abutting residential properties shall be repaired and maintained by the owner for as long as there are abutting

residential uses and/or districts, so that all portions of these abutting properties are screened with privacy fencing.

Aerial Photography



Subject Property

200' Notice Boundary Line

Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail of commercial electronic components; containing 5.37 acres more or less. [Ward 7]

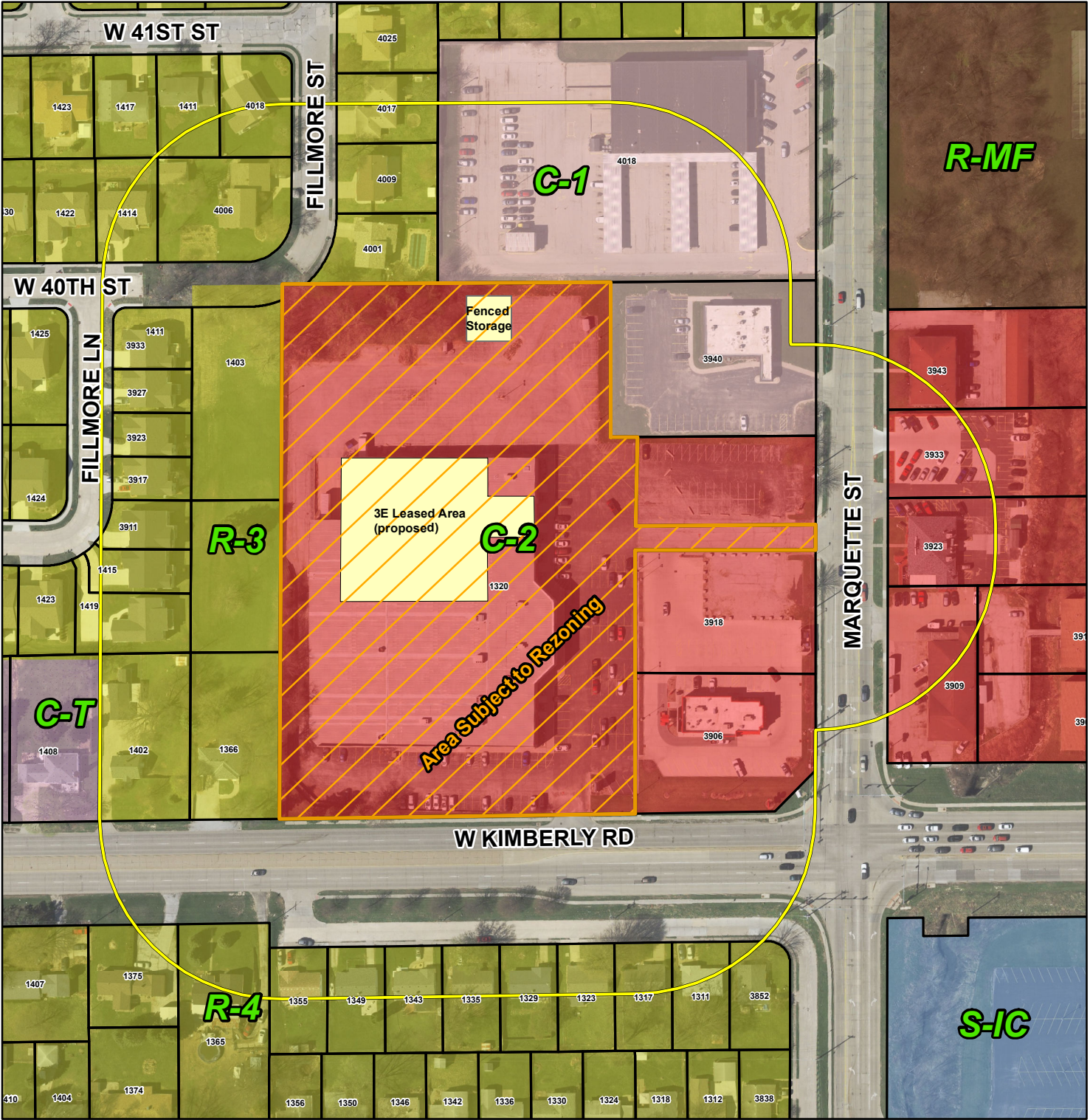
0 50 100 200 Feet



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

Zoning Map

REZ21-02 | 1320 W. Kimbelry RD



Subject Property



200' Notice Boundary Line

Zoning District



C-2 Corridor Commercial

Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail of commercial electronic components; containing 5.37 acres more or less. [Ward 7]

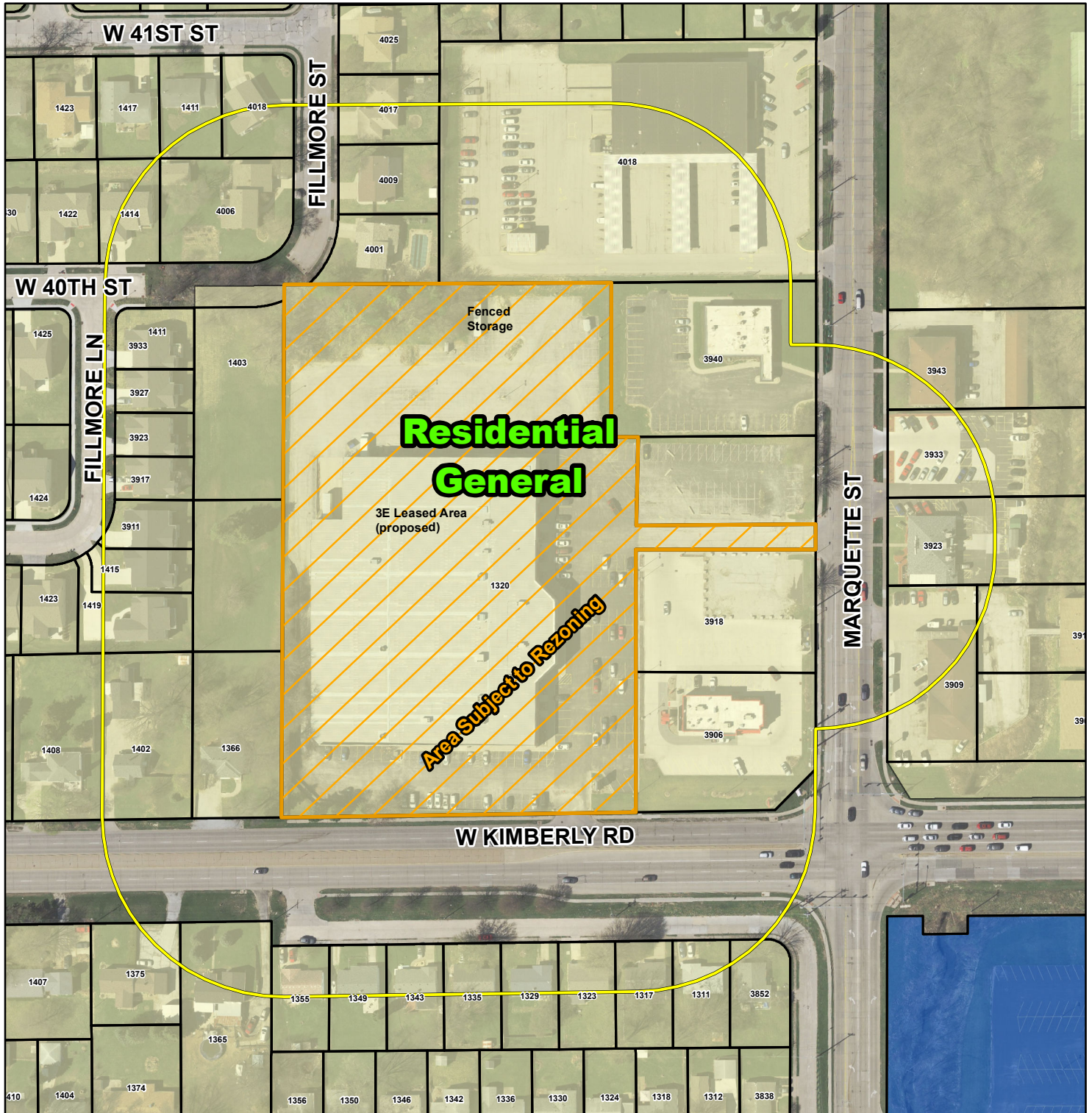


0 50 100 200 Feet

Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

Davenport 2035 Land Use

REZ21-02 | 1320 W. Kimberly RD



Subject Property



200' Notice Boundary Line

Land Use 2035



Residential General



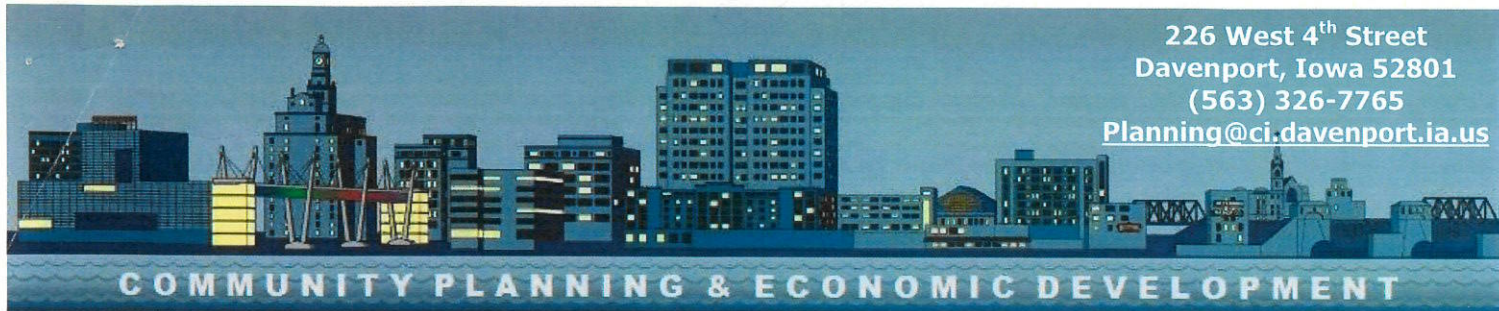
Civic and Institutional

Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail of commercial electronic components; containing 5.37 acres more or less. [Ward 7]



0 50 100 200 Feet

Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.



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* 1320 W. Kimberly Road, Davenport, Iowa

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

Applicant (Primary Contact)**

Name: Tom Pastrnak
Company: Pastrnak Law Firm, PC
Address: 313 W. 3rd Street
City/State/Zip: Davenport, IA 52801
Phone: 563-323-7737, ext 210
Email: tpastrnak@pastrnak.com

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: Chris Belser
Company: Belser Ventures, LLC
Address: 3511 8th Street
City/State/Zip: Rock Island, IL 61201
Phone: 563-529-4951
Email: chris@bsmqc.com

Zoning Board of Adjustment

Zoning Appeal ☐
Special Use ☐
Hardship Variance ☐

Design Review Board

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

Engineer (if applicable)

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

Historic Preservation Commission

Certificate of Appropriateness ☐
Landmark Nomination ☐
Demolition Request ☐

Architect (if applicable)

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

Administrative

Administrative Exception ☐
Health Services and Congregate Living Permit ☐

Attorney (if applicable)

Name: Tom Pastrnak
Company: Pastrnak Law Firm, PC
Address: 313 W. 3rd Street
City/State/Zip: Davenport, IA 52801
Phone: 563-323-7737, ext 210
Email: tpastrnak@pastrnak.com

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

Submitted 3-25-21
REZ 21-02
Paid
Pls Public Hearing 4-20-21

PASTRNAK LAW FIRM, P.C.

Attorneys at Law
313 W. 3rd Street
Davenport IA 52801
Phone: (563) 323-7737, Ext. 210
Fax: (563) 323-7739
E-mail: tpastrnak@pastrnak.com

Thomas J. Pastrnak*
Candy K. Pastrnak*

Thomas R. Schulz – Of Counsel *
Gregory S. Jager – Of Counsel**
Dee A. Runnels – Of Counsel *

*Attorneys Admitted in Iowa and Illinois
**Attorney Admitted in Iowa Only

ILLINOIS OFFICE:
6300 75th Ave., Suite A
Milan, IL 61264

VIA HAND DELIVERY

March 25, 2021

MS LAURA BERKLEY
DEVELOPMENT AND PLANNING ADMINISTRATOR
CITY OF DAVENPORT
1200 E 46TH STREET
DAVENPORT IA 52807

RE: Rezoning Old K's Merchandise building to C-3 Heavy Retail

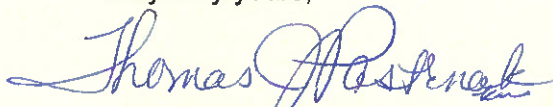
Dear Laura:

Pursuant to our discussions over the past week, enclosed please find the Petitioner's rezoning application regarding the above captioned matter, along with a draft in the sum of \$920.00 for processing.

Please place on the Public Hearing agenda before Plan & Zoning Commission for April 20th, and I'll be in touch shortly to seek to schedule the neighborhood meeting.

I look forward to working with you in connection with this rezoning matter.

Very truly yours,



THOMAS J. PASTRNAK
Attorney at Law

TJP/kkn
Enclosures

Request:Existing Zoning: C-1 C-2Proposed Zoning Map Amendment: C-3**Purpose of the Request:**

To allow Tenant, Consolidated Electrical Distributors, Inc., a Delaware Corporation, to lease and occupy 24,443 sq. ft. of the building and enable Tenant to conduct its business thereon, which consists of wholesale and retail distribution of electrical supplies and deemed a Heavy Retail Use under City of Davenport's current Zoning Code.

Total Land Area: 254.739 Square Feet Does the Property Contain a Drainage Way or is it Located in a Floodplain Area: ☐ Yes ☒ No**Submittal Requirements:**

- The completed application form.
- 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.
- A legal description of the request if not easily described on the deed or contract for purchase.
- Required fee:
 - Zoning Map Amendment is less than 1 acre - \$400.
 - Zoning Map Amendment is one acre but less than 10 acres - \$750 plus \$25/acre.
 - Zoning Map Amendment is 10 acres or more - \$1,000 plus \$25/acre.
 - \$10.00 per sign; more than one sign may be required depending upon the area of the request.

Formal Procedure:**(1) Application:**

- Prior to submission of the application, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the 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.

(2) Plan and Zoning Commission public hearing:

- The City shall post notification sign(s) in advance of the public hearing. A minimum of one sign shall be required to face each public street if the property has frontage on that street. It is Planning staff's discretion to require the posting of additional signs. The purpose of the notification sign(s) is to make the public aware of the request.
- The applicant shall make a presentation regarding the request at a neighborhood meeting. The purpose of meeting is to offer an opportunity for both applicant and neighboring residents/property owners to share ideas, offer suggestions, and air concerns in advance of the formal public hearing process. Planning staff will coordinate meeting date, time, and location and send notices to surrounding property owners.
- The Plan and Zoning Commission will hold a public hearing on the request. Planning staff will send notices to surrounding property owners.

(3) Plan and Zoning Commission's consideration of the request:

- Planning staff will perform a technical review of the request and present its findings and recommendation to the Plan and Zoning Commission.
- The Plan and Zoning Commission will vote to provide its recommendation to the City Council.
- If the Plan and Zoning Commission recommends denial, the request may only be approved by a favorable 3/4 vote of the City Council.

Formal Procedure (continued):

(4) City Council's consideration of the request:

- The Committee of the Whole (COW) will hold a public hearing on the request. Planning staff will send a public hearing notice to surrounding property owners.
- If property owners representing 20% or more of the area within 200 feet of the exterior boundaries of the request submit a written protest, the request may only be approved by a favorable 3/4 vote of the City Council. For the purpose of the 20% protest rate, formal protests will be accepted until the public hearing is closed.
- The City Council will vote on the request. For a zoning map amendment to be approved three readings of the Ordinance are required; one reading at each Council Meeting. In order for the Ordinance to be valid it must be published. This generally occurs prior to the next City Council meeting.

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, Chris Belser of Belser Ventures, LLC
authorize Tom Pastmak of Pastmak Law Firm, PC
to act as applicant, representing me/us before the Plan and Zoning Commission and City Council.

X 

Signature(s)

State of Illinois,
County of Rock Island.
Sworn and subscribed to before me

This 23rd day of March 2021

Drivers License

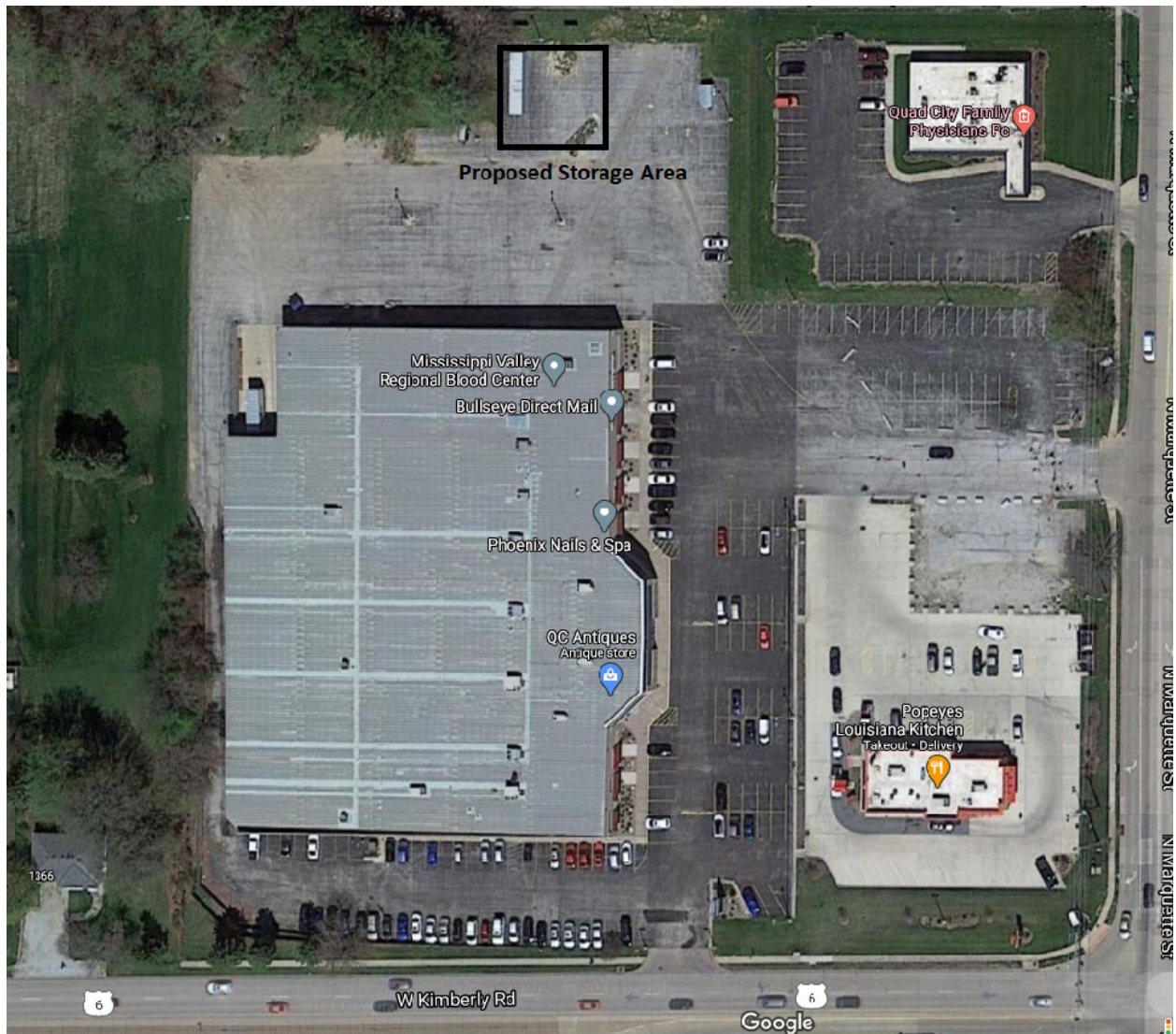
Form of Identification


Notary Public

My Commission Expires: Oct 5, 2021



Proposed Storage Area



Robin Creek Tenant Layout





Doc ID: 019845400002 Type: LAN
Recorded: 01/22/2014 at 09:08:14 PM
Fee Amt: \$1,536.20 Page 1 of 2
Revenue Tax: \$1,519.20
Scott County Iowa
Rita A. Varpas Recorder

File **2014-00001484**

Preparer Information: William T. Phares, 4500 Kennedy Drive, East Moline, IL 61244
Address Tax Statement: Chris and Lisa Belser, 3511 – 8th Street, Rock Island, IL 61201
Return To: Skorepa Law Office, 3725 Blackhawk Road, #200, Rock Island, IL 61201

WARRANTY DEED

For the consideration of one dollar and other valuable consideration,

JJZ DEVELOPMENT, LLC, an Illinois limited liability company,

hereby conveys to

BELSER VENTURES, LLC, an Iowa limited liability company,

the real estate situated in Scott County, Iowa and described as follows:

Lot 3 of the Final Plat of Old K's Subdivision, in part being a replat of Lot 1 of Victory Acres, part of the NE Quarter of Section 15, Township 78 North, Range 3 East of the 5th P.M. to the City of Davenport, Scott County, Iowa.

Grantor does hereby covenant with grantee and successors in interest, that grantor holds the real estate by title in fee simple; that grantor has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; that grantor is a manager managed limited liability company and the undersigned in the ordinary course of the company's business are authorized signors to act on behalf of the Company; and grantor covenants to warrant and defend the real estate against the lawful claims of all persons except as may be above stated.

Subject to Declaration of Easements with Covenants and Restrictions Affecting Land (ECR"),
recorded 1/22/2014, as Document No. 2014-1483, in the office
of the Scott County Iowa Recorder.

Dated: January 21st, 2014.

J. B. Massa
Jayme B. Massa, Manager/Member

Zachary M. Sottos
Zachary M. Sottos, Manager/Member

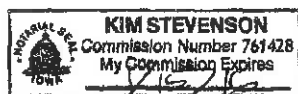
STATE OF IOWA)
) ss
COUNTY OF SCOTT)

I, the undersigned, a Notary Public, in and for the County, and State aforesaid, DO
HEREBY CERTIFY THAT,

Jayme B. Massa, Manager/Member, and Zachary M. Sottos, Manager/Member

personally known to me to be the same persons whose names are subscribed to the foregoing
instrument, appeared before me this day in person and acknowledged that they signed and
delivered said instrument as their free and voluntary act, and as the free and voluntary act of
said limited liability company, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 21st day of January, 2014.



Kim Stevenson
Notary Public

467724

2013 NOV 14 AM 11:40
673480 CORP \$50.00 PATH 2 1/4/13

CERTIFICATE OF ORGANIZATION
OF
BELSER VENTURES, LLC

TO THE SECRETARY OF STATE OF THE STATE OF IOWA:

Pursuant to Iowa Code Section 489.201 of the Iowa Revised Uniform Limited Liability Company Act, the undersigned adopt the following articles of organization for the company:

ARTICLE I

Name

The name of the limited liability company is Belser Ventures, LLC (the "Company").

ARTICLE II

Initial Registered Agent and Registered Office

The name and street address of the Company's initial registered agent and office in Iowa is Nancy A. Patterson, 3910 N. Lillie Avenue, Davenport, Iowa 52806.

ARTICLE III

Principal Office

The street address of the Company's principal office is 1320 West Kimberly Road, Davenport, Iowa 52806.

ARTICLE IV

Period of Duration

The Company's existence shall commence upon the filing of the Certificate of Organization with the Office of the Iowa Secretary of State and shall continue perpetually, unless dissolved sooner in accordance with the terms of the Company's operating agreement.

(3)

ARTICLE V

Managers

A. The business and affairs of the Company shall be governed by managers elected by the members in the manner described in the Company's operating agreement. No member's action nor any other person's action shall bind the Company except as authorized by the Company's operating agreement.

B. The managers shall have all of the duties, powers, and authority as set forth in the Company's operating agreement, including but not limited to the power and authority to purchase, accept, transfer, assign, mortgage, and encumber real estate in the name of the Company and on behalf of the Company.

ARTICLE VI

Non-Liability and Indemnification

A. No member or manager of this Company shall be personally responsible or liable for any of the acts, debts, liabilities, or losses of this Company.

B. No manager of this Company shall be personally responsible or liable to the Company or its members or anyone else for monetary damages for breach of fiduciary duty as a manager, except for liability (i) for any breach of the manager's duty of loyalty to the Company or its members, (ii) for acts or omissions not in good faith or which involve intentional misconduct or knowing violation of law, (iii) for a transaction from which the manager derived an improper personal benefit or a wrongful distribution in violation of Section 489.405 of the Iowa Code.

C. Each person who is or was a manager of the Company (and the heirs, executors, personal representatives, administrators, or successors of such person) who was or is made a party to, or is involved in any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that such person is or was a manager of the Company or is or was serving at the request of the Company as a manager, director, officer, partner, trustee, employee or agent of another limited liability company, corporation, partnership, joint venture, trust, employee benefit plan or other enterprise ("Indemnatee"), shall be indemnified and held harmless by the Company to the fullest extent permitted by applicable law, as the same exists or may hereafter be amended. In addition to the indemnification conferred in this Article, the Indemnatee shall also be entitled to have paid directly by the Company the expenses reasonably incurred in defending any such proceeding against such Indemnatee in advance of its final disposition, to the fullest extent authorized by applicable law, as the same exists or may hereafter be amended. The right to indemnification conferred in this Article shall be a contract right.

D. The Company may, by action of the managers, provide indemnification to such of the officers, employees and agents of the Company to such extent and to such effect as the managers shall determine to be appropriate and authorized by applicable law.

E. The rights and authority conferred in this Article shall not be exclusive of any other right which any person may have or hereafter acquire under any statute, provision of the articles of organization or operating agreement of the Company, agreement, vote of members or disinterested managers, or otherwise.

F. Any repeal or amendment of this Article by the members of the Company shall not adversely affect any right or protection of a manager or officer existing at the time of such repeal or amendment.

The existence of this Company shall commence upon the filing of the Certificate of Organization with the Office of the Iowa Secretary of State.

Dated this 12 day of November, 2013.


Christopher J. Belser

Prepared by:

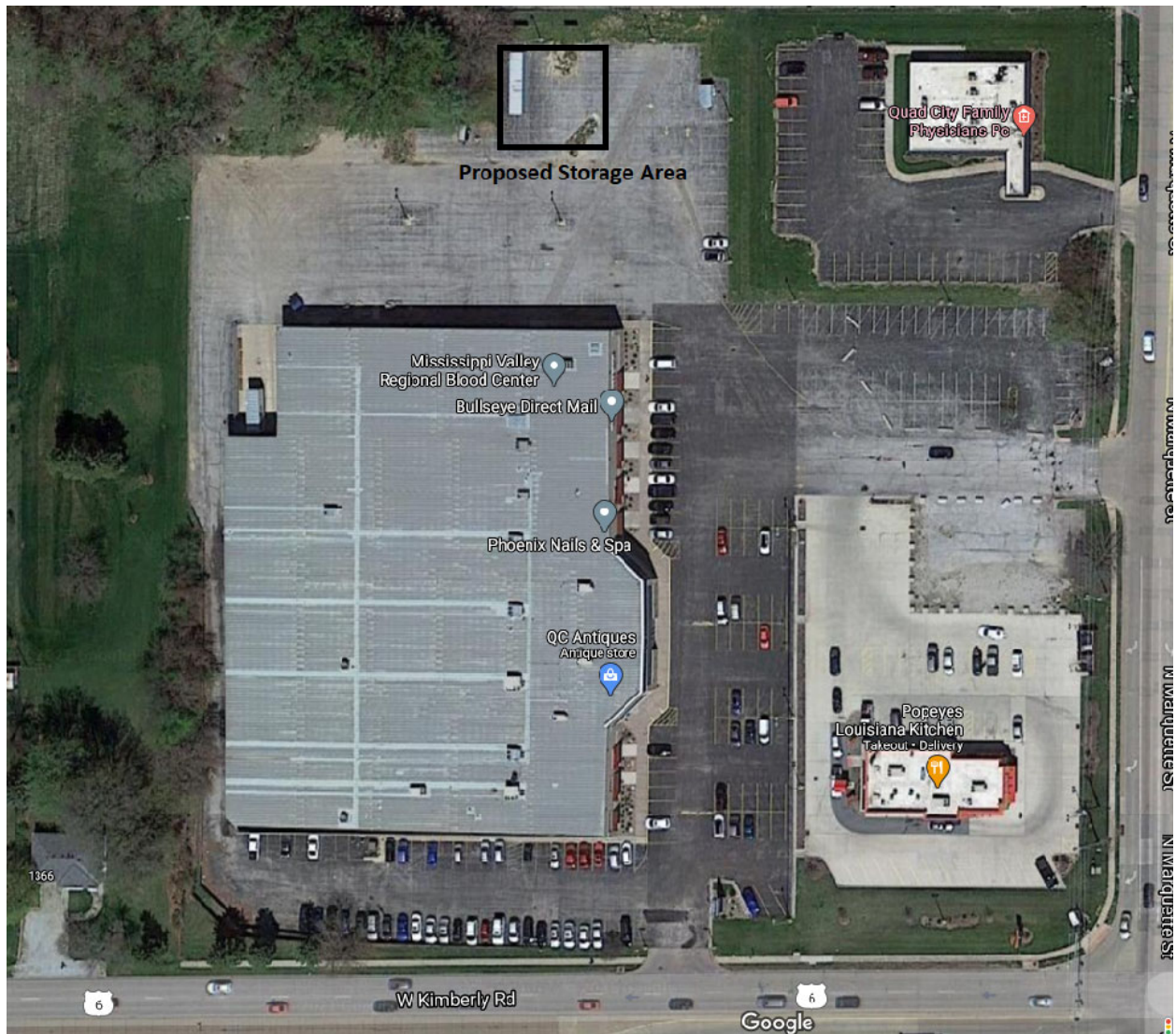
Law Offices of Thomas A. Skorepa, P.C.
3725 Blackhawk Road, Suite 200
Rock Island, IL 61201
Phone: 309-788-7481
Fax: 309-788-8779
E-mail: skorepalaw2@sbcglobal.net

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Proposed Storage Area



Robin Creek Tenant Layout





PUBLIC HEARING NOTICE | City Council - Committee of the Whole

Date: 5/19/2021 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 5:30 PM Subject: Public Hearing rezoning request before the City Council - COW

[ADDRESS BLOCK]

To: All property owners within 200 feet of the subject property located at **1320 W. Kimberly RD.**

What is this About?

This notice is being sent to inform you that a public hearing will be held for a rezoning request. The purpose of the rezoning request is to change the property's allowed uses by changing the zoning classification.

Request/Case Description

Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail of commercial electronic components; containing 5.37 acres more or less. [Ward 7]

What are the Next Steps after the Public Hearing?

The City Plan and Zoning Commission forwarded case REZ21-02 to the City Council with a recommendation for approval at its May 4, 2021 meeting, subject to the following conditions:

- 1) The proposed outdoor storage enclosure shall be limited to 50 feet by 50 feet or less and shall not be allowed to be expanded unless approved by a modification to the Special Use for heavy retail.
- 2) Within 90 days of approval of this request the site shall come into compliance with required buffer yard landscaping/fencing per 17.11.080 along the west property line where fencing is not provided by the property owner. The existing privacy fencing abutting residential properties shall be repaired and maintained by the owner for as long as there are abutting residential uses and/or districts, so that all portions of these abutting properties are screened with privacy fencing.

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.



Wednesday, May 5, 2021

Please publish the following public notice in the next available edition of the Quad City Times per your legal notice submission schedule.

The PO number for this notice is: 2110662

Please provide proof of publication for our records. If you have any questions, please contact us at planning@davenportiowa.com, the email which submitted the request, or at 563-326-6198. Thank you!

**NOTICE
PUBLIC HEARING
WEDNESDAY, MAY 19, 2021 5:30 P.M.
CITY OF DAVENPORT COMMITTEE OF THE WHOLE
CITY HALL COUNCIL CHAMBERS
226 W 4th ST – DAVENPORT, IA**

There is on file in Development and Neighborhood Services (DNS), on behalf of the Plan and Zoning Commission, the following request:

Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow heavy retail of commercial electronic components; containing 5.37 acres more or less [Ward 7]. Legal description of the property proposed to be rezoned is as follows: Lot 3 of the Final Plat of Old K's Subdivision. At its May 4, 2021 meeting, the Plan and Zoning Commission recommended case REZ21-02 be forwarded to City Council with a recommendation for approval subject to the listed findings and conditions:

Findings:

1. The zoning map amendment is consistent with the Davenport 2035+ Land Use Plan, which identifies the property as Residential General (RG) which allows for commercial uses along corridors and edges. The vicinity was developed in the early to mid-70's and is compatible with RG as is the proposed retail use with outdoor storage at the subject property which was built in 1987.
2. The proposed C-3 General Commercial District is compatible with the zoning of nearby property along Marquette Street and Kimberly Road, as well as other C-3 zoning located in the Village Shopping Center, car dealerships cross from the shopping center, the mall, and the dealerships along Welcome way. Industrial uses are located at Gaines and West Kimberly Road.
3. Rezoning the property to C-3 General Commercial District does not create any nonconformities.
4. Required Special Use approval for some of the additional uses allowed in the C-3 District offers further levels of review for the protection of adjacent properties.

Conditions:

- 1) The proposed outdoor storage enclosure shall be limited to 50 feet by 50 feet or less and shall not be allowed to be expanded unless approved by a modification to the Special Use for heavy retail.
- 2) Within 90 days of approval of this request the site shall come into compliance with required buffer yard landscaping/fencing per 17.11.080 along the west property line where fencing is not provided by the property owner. The existing privacy fencing abutting residential properties shall be repaired and maintained by the owner for as long as there are abutting residential uses and/or districts, so that all portions of these abutting properties are screened with privacy fencing.

The public hearing on the above case is scheduled for 5:30 p.m. or as soon thereafter as possible on Wednesday, May 19, 2021 in Davenport City Hall Council Chambers, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item(s) or to attend the public hearing to express your views, or both. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145. Any written comments to be reported at the public hearing should be received in Development and Neighborhood Services at the below address, no later than 12:00 noon on the day of the public hearing(s).

PO No. 2110662

Development and Neighborhood Services Department

E-MAIL: planning@davenportiowa.com PHONE: 563-326-6198



Neighborhood Meeting Invitation | Proposed Rezoning (map amendment)

Date: 4/12/2021 **Location:** 1320 W. Kimberly Rd. (former Bullseye Direct Mail office)
Time: 5:30 PM **Subject:** informal neighborhood meeting regarding a Rezoning (map amendment)

[Address Block]

You are invited to a neighborhood meeting regarding the following Rezoning (map amendment) request which will come before the Davenport City Plan and Zoning Commission later on 4/20/2021 for a public hearing and is described as:

Description of Rezoning (map amendment) Request:

Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail permitting sale of commercial electronic components from/on the premises, containing 5.37 acres more or less. [Ward 7]

The purpose of this meeting is to provide an informal setting to allow the developer to describe the proposed development, to interact with adjacent owners, and to answer any questions and concerns about the proposed action.

The purpose of the proposed request is to change the property's allowed uses by changing the zoning classification.

What are the Next Steps after the neighborhood meeting?

The next meeting will be a public hearing on 4/20/2021 at 5:00 PM in City Hall Council Chambers, at which time the City Plan and Zoning Commission will hear public comments regarding this proposal. Planning staff will send additional notices with the dates and times of additional public hearings regarding this request.

Questions Regarding this Notice or the Process?

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

Online Access?

None at this time.



PUBLIC HEARING NOTICE | Plan and Zoning Commission

Date: 4/20/2021 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 5:00 PM Subject: Public Hearing for rezoning request before the Plan and Zoning Commission

[ADDRESS BLOCK]

To: All property owners within 200 feet of the subject property located at **1320 W. Kimberly RD:**

What is this About?

This notice is being sent to inform you that a public hearing will be held for a rezoning request. The purpose of the rezoning request is to change the property's allowed uses by changing the zoning classification.

Request/Case Description

Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail of commercial electronic components; containing 5.37 acres more or less. [Ward 7]

What are the Next Steps after the Public Hearing?

This public hearing is the first step in the review/approval process. The Commission's recommendation regarding this request will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing as you received this notice. For the specific dates and times of subsequent meetings, please contact the case planner below.

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.

On-line/Telephone Participation:

Persons may join the meeting virtually: https://www.gotomeet.me/Davenport_Planning/planzoning & at 1-866-899-4679 with access code: 492-653-453. All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

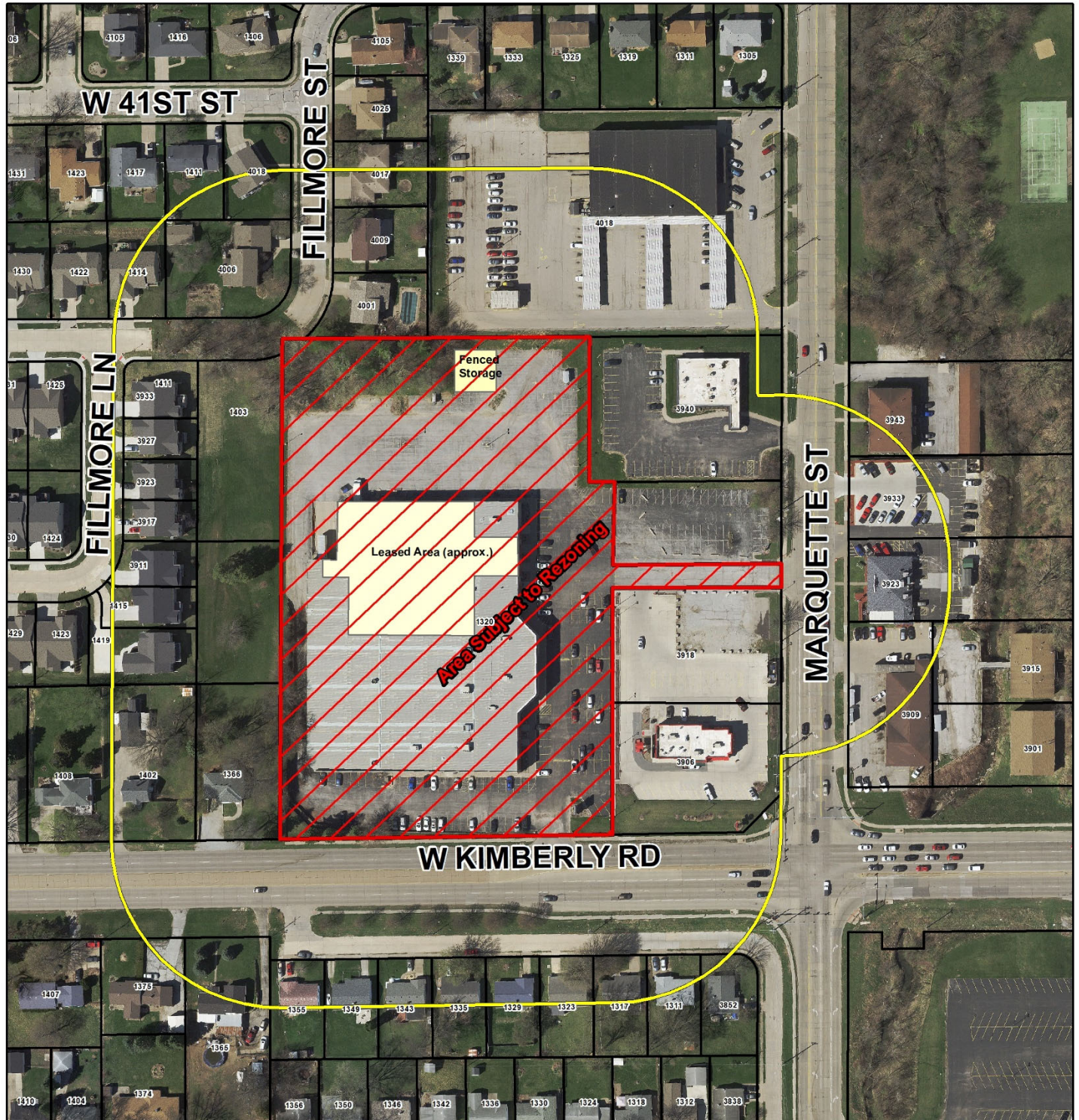
Do You Have Any Questions?

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.

Adjacent Property Owner Notice Area

REZ21-02 | 1320 W. Kimberly RD



- Subject Property
- 200' Notice Boundary Line



0 50 100 200 Feet



Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail of commercial electronic components; containing 5.37 acres more or less. [Ward 7]

Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

*** Proof of Publication ***

STATE OF IOWA
SCOTT COUNTY, } ss.

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE QUAD-CITY TIMES, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made a part of this affidavit, was published in said THE QUAD-CITY TIMES, on the dates listed below.

CITY OF DAVENPORT

226 W 4TH ST
DAVENPORT, IA 52801

ORDER NUMBER 91623

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

[Signature]

NOTICE

NOTICE OF PUBLIC HEARING
Tuesday, April 20, 2021 – 5:00P.M.

City of Davenport
Plan and Zoning Commission
Council Chambers – Davenport City Hall
226 W. 4th Street – Davenport, Iowa

There is on file in the Development & Neighborhood Services Department (DNS), on behalf of the Plan and Zoning Commission, the following request: Case REZ21-02: Request of Belser Ventures, LLC for a zoning map amendment to rezone 1320 West Kimberly Road from C-2 Corridor Commercial to C-3 General Commercial District to allow Heavy Retail permitting sale of commercial electronic components from/on the premises, containing 5.37 acres more or less. [Ward 7]

The public hearing on the above matter is scheduled for 5:00 p.m. on April 20, 2021, in the Council Chambers of the Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit written comments on the above item or attend the public hearing to express your views, or both; only written comments will be used to calculate comment percentages. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145. Any written comments to be reported at the public hearing should be received in the Development & Neighborhood Services Department at the Public Works Building, 1200 E. 46th Street, Davenport, Iowa 52807, no later than 12:00 noon on the day of the public hearing. PO No. 2109357. Phone: 563-326-6198

Section: Notices & Legals
Category: 2633 Zoning Notices
PUBLISHED ON: 04/12/2021

TOTAL AD COST: 27.36
FILED ON: 4/12/2021

Subscribed and sworn to before me by said affiant this 12 day of April 2021.

[Signature: Danine Glascock]

Notary Public in and for Scott County, Iowa

