

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, JUNE 8, 2017; 4:00 PM

COUNCIL CHAMBERS 226 WEST 4TH STREET DAVENPORT, IOWA 52801

I. Secretary's Report

- A. Approval of the minutes from the May 11, 2017 meeting.

II. Old Business

III. New Business

- A. Request HV17-07 of Genesis Health System at 3200 West Kimberly Road for the following hardship variances:
 - 1. 10 feet from the required 35 foot front yard setback for a building; and
 - 2. 18 feet from the required 25 foot rear yard setback for a parking lot. Property is zoned "PDD" Planned Development District.

Section 17.32.030A.1 of the Davenport Municipal Code requires a minimum 25 front yard setback for buildings with one foot of additional setback for each one foot of building height over 25 feet. Section 17.32.030A.3 requires a 25 foot rear yard setback for parking lots when adjacent to residential zones.

IV. Other Business

V. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: Community Planning and Economic Development
Department
Contact Info: Ryan Rusnak (563) 888-2022
rrusnak@ci.davenport.ia.us

Date
6/8/2017

Subject:
Approval of the minutes from the May 11, 2017 meeting.

Recommendation:
Approve the minutes.

ATTACHMENTS:

Type	Description
▢ Backup Material	May 11, 2017 meeting minutes

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Flynn, Matt	Approved	6/5/2017 - 2:36 PM



MINUTES
City of Davenport
Zoning Board of Adjustment
May 11, 2017



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

Call to Order

Chairman Hart called the Zoning Board of Adjustment meeting in the first floor Council Chambers at City Hall, 226 W. 4th Street, Davenport, Iowa to order at 4:00 p.m.

Board Members present: Lee, Strayhall, and Reistroffer. Woodard was excused.

Staff present: Scott Koops and attorney Chris Jackson.

I. Secretary's Report:

Minutes for the April 13, 2017 Meeting were unanimously approved by voice vote.

II. Old Business:

None.

III. New Business:

- 1. Request HV17-05 of Brad Witt at 5323 West Kimberly Road for a hardship variance to encroach into the required front yard setback and be 20 feet from the front property line with a proposed building addition (living space and garage) which will be located on the west side of the existing dwelling. Property is zoned "A-1" Agricultural District.**

Section 17.42 of the Davenport Municipal Code requires a 50-foot front yard setback in an Agricultural District. Similar "R-1" Districts require a 30-foot front yard setback.

Koops presented the staff report.

Recommendation and Findings of Fact

Items #1 reasonable return has been not been met for the granting of a hardship variance. Staff cannot recommend approval of the request.

The petitioner stated their case for the request. Staff stated that a 25-foot setback would be more compatible with the neighborhood.

Motion:

Strayhall moved to approve the request with a 25-foot front yard setback (rather than the proposed 20-foot setback), seconded by Woodard; the motion carried and was approved unanimously (4-0) by roll call vote.

Lee, yes; Strayhall, yes; Woodard, yes; and Hart, yes.

- 2. Request HV17-06 of Linda Dierks at 4440 West 60th Street for a hardship variance to construct a second detached accessory structure (garage measuring 33' x 54', being 1,782 sq. ft.) that would result in the property exceeding the allowed accessory area for the property by 1,929 square feet. Property is zoned R-1 Low Density Dwelling District and has an existing accessory building of 2,560 square feet and a dwelling of 2,413 square feet. The property was previously zoned "A-1" Agricultural District.**

Section 17.10.030 G allows for the total of all accessory buildings not to exceed 100% of the living area of the dwelling. The subject property allows for 2,413 square feet of accessory buildings.

Koops presented the staff report.

Recommendation and Findings of Fact

Items #1 reasonable return has been not been met for the granting of a hardship variance. Staff cannot recommend approval of the request.

The petitioner stated their case for the request.

Strayhall moved to approve the request as proposed, seconded by Woodard; the motion carried and was approved unanimously (4-0) by roll call vote.

Strayhall, yes; Woodard, yes; Lee, yes; and Hart, yes.

IV. Adjourn.

The meeting was adjourned at 4:31 pm.

City of Davenport
Zoning Board of Adjustment

Department: Community Planning and Economic Development
Department
Contact Info: Ryan Rusnak (563) 888-2022
rrusnak@ci.davenport.ia.us

Date
6/8/2017

Subject:

Request HV17-07 of Genesis Health System at 3200 West Kimberly Road for the following hardship variances:

1. 10 feet from the required 35 foot front yard setback for a building; and
2. 18 feet from the required 25 foot rear yard setback for a parking lot. Property is zoned "PDD" Planned Development District.

Section 17.32.030A.1 of the Davenport Municipal Code requires a minimum 25 front yard setback for buildings with one foot of additional setback for each one foot of building height over 25 feet. Section 17.32.030A.3 requires a 25 foot rear yard setback for parking lots when adjacent to residential zones.

Recommendation:

It is staff's opinion that the request has not achieved consistency with item #1 – reasonable return and item #2 – unique circumstances. Staff cannot recommend approval of the request as proposed.

Background:

See attached staff report.

ATTACHMENTS:

Type	Description
▣ Backup Material	HV17-07 - Staff Report
▣ Backup Material	HV17-07 - Site Plan
▣ Backup Material	HV17-07 - Application
▣ Backup Material	HV17-07 - Notice to Property Owners
▣ Backup Material	HV17-07 - Letter of Support

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Flynn, Matt	Approved	6/5/2017 - 2:36 PM



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

Case No.: HV17-07

ZONING BOARD OF ADJUSTMENT

Meeting Date: June 8, 2017
Applicant: Genesis Health System
Address: 3200 West Kimberly Road

Description

Request HV17-07 of Genesis Health System at 3200 West Kimberly Road for the following hardship variances:

1. 10 feet from the required 35 foot front yard setback for a building; and
2. 18 feet from the required 25 foot rear yard setback for a parking lot.

Property is zoned "PDD" Planned Development District.

Section 17.32.030A.1 of the Davenport Municipal Code requires a minimum 25 front yard setback for buildings with one foot of additional setback for each one foot of building height over 25 feet. Section 17.32.030A.3 requires a 25 foot rear yard setback for parking lots when adjacent to residential zones.

Background

The proposal is to construct a medical office building. The property was rezoned from "R-3" Moderate Density Dwelling District and PDD Planned Development District to all PDD Planned Development District in 2014 to accommodate the proposed development.

PDD requires a concept plan in conjunction with the rezoning. The PDD concept plan approved with the 2014 rezoning is depicted below:



- That the parking area adjacent to the proposed north property line adjacent to the Grace Brethren Church of Davenport achieve consistency with the required 25 foot setback or a hardship variance be obtained to reduce this setback; and
- That the building achieve consistency with required additional setback for buildings over 25 feet in height or a hardship variance be obtained to reduce this setback.

The Planned Development District is intended for large scale commercial developments. Additional setbacks are required at the perimeter of the development to mitigate potentially intensive commercial uses. Staff recognizes that the Planned Development District is often selected because the required concept plan assures that the property will be developed in a particular manner. In this case, the property owner that would benefit from the larger parking lot setback is a church and supports the request. Additionally, a larger front yard setback would push the building toward the single family homes to the north.

[illegible]

Analysis

1. The property cannot yield a **reasonable return** with strict compliance to the zoning ordinance:

It is staff's opinion that a reasonable return for this property would be possible if developed consistent with the required setbacks.

2. The plight of the owner is due to **unique circumstances** which do not apply to other nearby property:

The lot is irregularly shaped. However, it is staff's opinion that the property is not unique such that the property could not be developed with a medical office and related parking.

3. The variation, if granted, will not alter the **essential character** of the locality:

Properties fronting West Kimberly Road contains commercial uses. It is staff's opinion that the granting of the variance would not alter the essential character of the locality.

4. The variation, if granted, will not impair an adequate supply of **light and air** to adjacent property:

It is staff's opinion that the granting of the variance would not impair an adequate supply of the light and air to adjacent property.

5. The variation, if granted, will not increase **congestion in public streets**:

It is staff's opinion that the granting of the variance would not increase congestion in public streets.

6. The variation, if granted, will not increase the danger of fire or endanger **public safety**:

It is staff's opinion that the granting of the variance would not increase the danger of fire or endanger public safety.

7. The variation, if granted, will not impair established **property values** of the locality:

It is staff's opinion that the granting of the variance would not impair established property values of the locality.

8. The variation, if granted, will not impair **public welfare**, comfort, or health of the inhabitants of the City:

It is staff's opinion that the granting of the variance would not impair public welfare, comfort, or health of the inhabitants of the City.

Public Input

Staff sent out notices to 22 surrounding property owners. To date, staff has not received any letters of objection. A letter in favor of the request was received from Grace Brethren Church.

Recommendation

It is staff's opinion that the request has not achieved consistency with item #1 – reasonable return and item #2 – unique circumstances. Staff cannot recommend approval of the request as proposed.

Prepared by:



Ryan Rusnak, AICP
Planner III

OWNER - DEVELOPER
GENESIS HEALTH SYSTEM
 1227 EAST RUSHOLME STREET
 DAVENPORT, IOWA 52806
 ATTN: MIKE SHARP

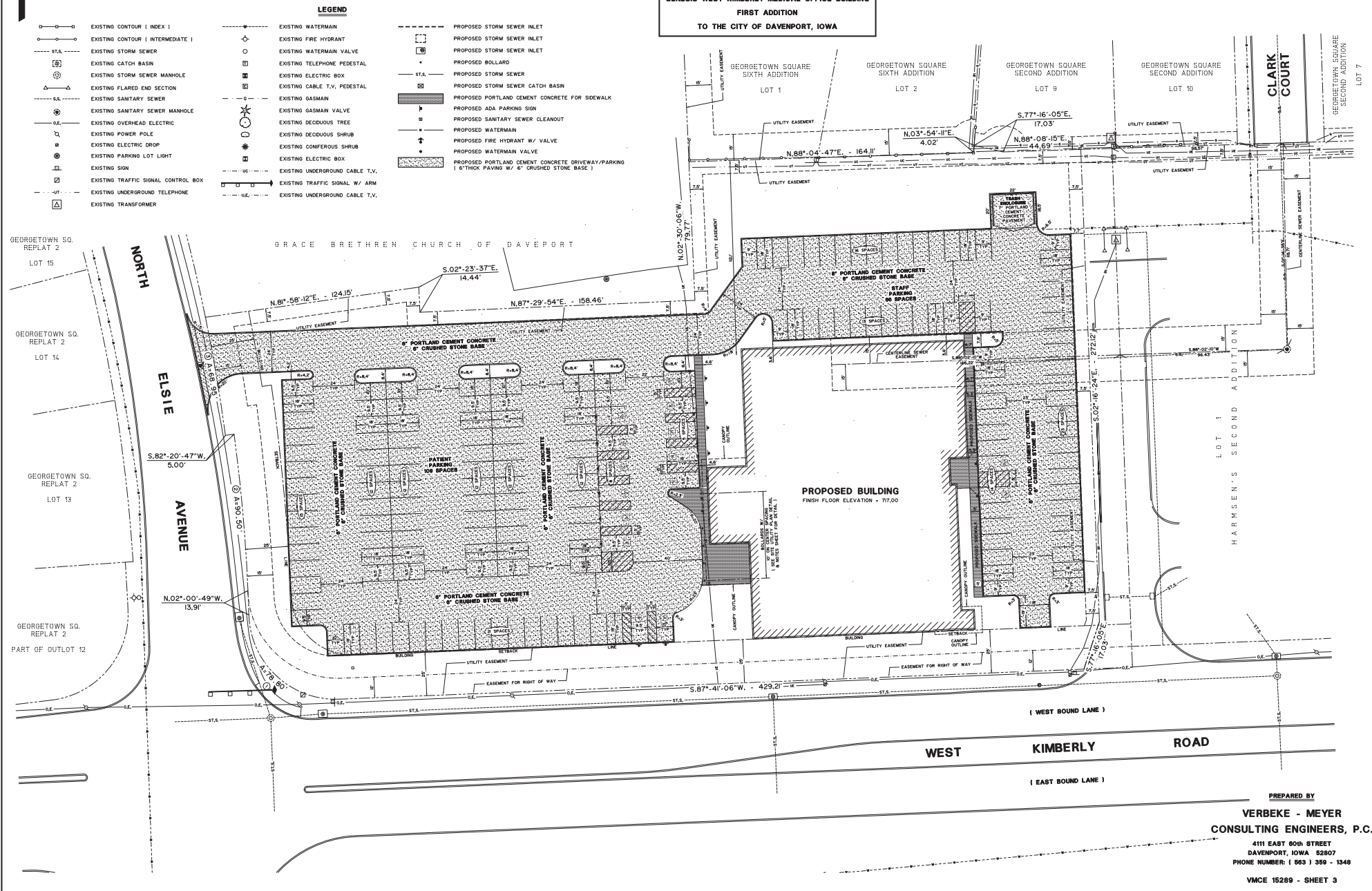
SITE INFORMATION

EXISTING ZONING	-	PD (PLANNED DEVELOPMENT DISTRICT)
LOT 1 AREA	-	97,381 SQUARE FEET, 2.82 ACRES, ±
TOTAL BUILDING AREA	-	21,616 SQUARE FEET
TOTAL HARD SURFACE AREA	-	68,840 SQUARE FEET
TOTAL OPEN SPACE AREA	-	37,289 SQUARE FEET
TOTAL PARKING	-	176 SPACES (INCLUDES 14 ADA SPACE)
TOTAL REQUIRED PARKING	-	176 SPACES

CURVE NUMBER	RADIUS	DELTA	ARC	CHORD	CHORD BEARING	TANGENT
2	50.00'	90°-43'-02"	79.0'	74.4'	S-44°-07'-47"W	50.63'
2	290.04'	09°-14'-08"	93.47'	93.44'	N-05°-00'-00"W	45.27'
3	985.04'	04°-00'-52"	69.02'	69.00'	N-09°-35'-07"W	34.52'

LEGAL DESCRIPTION
 LOT 1 OF
 GENESIS WEST KIMBERLY MEDICAL OFFICE BUILDING
 FIRST ADDITION
 TO THE CITY OF DAVENPORT, IOWA

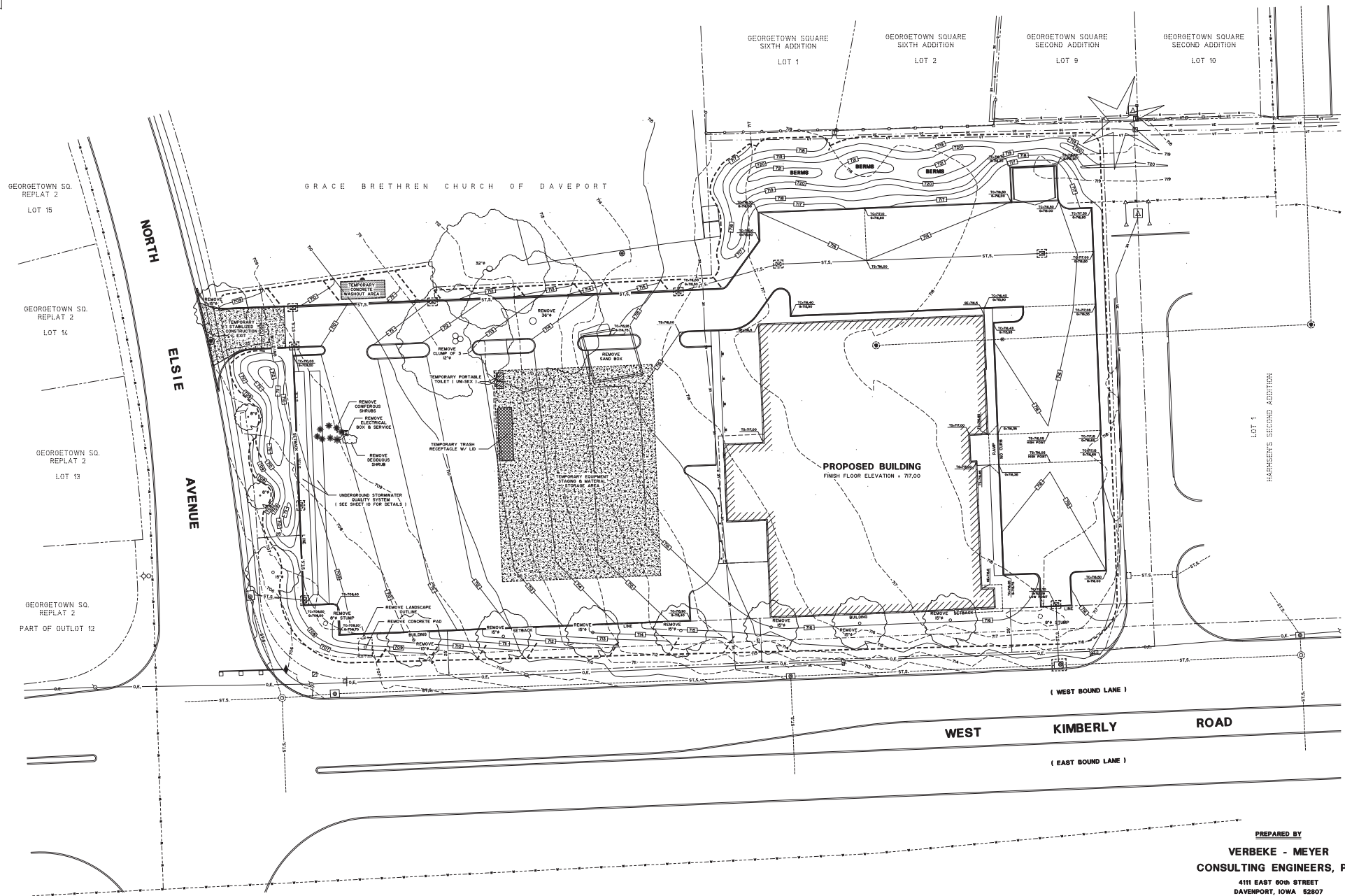
SITE PLAN
GENESIS DAVENPORT HEALTHPLEX
 DAVENPORT, IOWA



PREPARED BY
VERBEKE - MEYER
 CONSULTING ENGINEERS, P.C.
 4111 EAST 80th STREET
 DAVENPORT, IOWA 52807
 PHONE NUMBER: (563) 359 - 1348
 VMCE 15289 - SHEET 3

GRADING & EROSION CONTROL PLAN
GENESIS DAVENPORT HEALTHPLEX
DAVENPORT, IOWA

20 0 20
[SCALE: 1" = 20']



PREPARED BY
VERBEKE - MEYER
CONSULTING ENGINEERS, P.C.
4111 EAST 80th STREET
DAVENPORT, IOWA 52807
PHONE NUMBER: (563) 359 - 1348
VMCE 15289 - SHEET 5

Zoning Board of Adjustment



\$200 Filing Fee

Date Received _____
Fee paid _____
Pre-App Date _____
Meeting Date _____

REQUEST FOR A HARDSHIP VARIANCE

ADDRESS
AFFECTED:
OR

Lot 1 of Genesis West Kimberly Medical Office Building First Addition to the City of Davenport,
Scott County, Iowa.

LOT/BLOCK/SUBDIVISION: (if no known address, see your Real Estate Tax Bill)

CONTACT /
APPLICANT

Name: Richard Davidson
Address: 220 N. Main Street, Suite 600
ZIP Code: 52801
Phone #: 563-324-3246
Fax #: 563-324-1616
Email: rdavidson@l-wlaw.com

OWNER Name: Genesis Health System
Address: 1227 E. Rusholme Street
ZIP Code: 52803
Phone #: 563-421-2791
Fax #: 563-421-2795
Email: sharpm@genesishhealth.com

Note: Copies of the notice and staff report are mailed to above addresses; incomplete information will delay the request two weeks.

PROPOSAL
DESCRIPTION:

Describe the proposal and why the Zoning Code requires a variance to allow the proposal:

See Addendum A attached hereto

DESCRIPTION OF THE CASE – On a separate sheet of paper DESCRIBE THE CASE WITH EVIDENCE THAT SUPPORTS EACH OF THE FOLLOWING REQUIREMENTS.

1. The property in question cannot yield a **reasonable return** if permitted to be used only under the conditions allowed by the regulations in the zone.
2. The plight of the owner is due to **unique circumstances** which circumstances do not apply to other adjoining or nearby property.
3. The variation, if granted, will not alter the **essential character** of the locality.
4. The variation will not impair an adequate supply of **light and air** to adjacent property.
5. The variation will not unreasonably increase **congestion** in public streets.
6. The variation will not increase the danger of fire or endanger the **public safety**.
7. The variation will not unreasonably diminish or impair established **property values** within the surrounding area.
8. The variation will not in any other respect impair the **public health, safety, comfort, morals or welfare** of the inhabitants of the City.

Is the property located in a flood zone? ☐ Yes ☒ No.

Is the property historic? ☐ Yes ☒ No.

I CERTIFY THAT I HAVE MET WITH STAFF TO DISCUSS THIS REQUEST, THE ORDINANCE REQUIREMENTS, AND POTENTIAL OPTIONS THAT COULD REDUCE OR ELIMINATE THE NECESSITY FOR THIS ACTION.

(Staff initial & date)

ATTACHED HERETO AND MADE A PART OF THIS APPEAL, I SUBMIT THE DRAWING(S), showing all conditions as to structures or premises affected by this appeal.

NOTE: At least one copy of the drawing must be 8-1/2" x 11" in size.
These papers must be submitted with the appeal; otherwise, the request will be delayed two weeks.

I, the undersigned, do hereby certify that the above information is true and correct to the best of my knowledge and that I have read, understand, and agree to comply with the conditions as stated above.

Signature of Appellant

Date

Sworn to before me, this 12th day of May, 2017.

Signature of Notary



ADDENDUM A

Description of the Case

There has been a lack of development in West Davenport. Residents have expressed concern that new development has been focused to the North and East sections of Davenport benefiting those residents, but that residents in West Davenport have been largely forgotten. An area of development where this has been particularly noticeable is in healthcare. Major healthplexes, outpatient clinics and urgent care facilities have been developed in some of the more heavily trafficked areas in Davenport including North of 53rd Street. To address these and other concerns, Genesis Health System is proposing to develop a 21,500 square foot healthplex at its property located at the intersection of West Kimberly Road and North Elsie Avenue in Davenport (the "Genesis Property"). The development will be similar to the Genesis Healthcare facility located on 53rd Street in Bettendorf and will be used exclusively for medical offices. The operation of the healthplex will be during normal business hours, with occasional evening and weekend hours. Patient flow will be steady and predictable. This facility will be taxable, and Genesis will be paying full property taxes. A copy of the proposed site plan is attached hereto.

The Genesis Property is currently zoned "PDD." The required setback in the PDD District is 25 feet. One foot of additional setback is required for each foot of building height over 25 feet. As noted on the site plan, the entrance driveway and drive aisle encroaches 17 ½ feet into the 25 foot setback requirement from the lot line to the North beginning at North Elsie Avenue and continuing East for approximately 250 feet. Also, due to the height of the proposed building, it appears a setback of 35 feet would be required at the Northwest corner of the proposed building. The property to the North of the Genesis Property is zoned R-3 and is used as a church by the Grace Brethren Church of Davenport. The church has a parking lot that is approximately 10 feet from the lot line shared with the Genesis Property. Genesis is requesting a variance to allow the entrance driveway, drive aisle and building at the Northwest corner to encroach into the required setback. This Addendum is provided pursuant to the Request for a Hardship Variance and explains why the variance should be granted.

1. **REASONABLE RETURN:** The property cannot yield a reasonable rate of return to Genesis Health System if permitted to be used only under the conditions allowed by the zoning regulations. Genesis Health System is in the healthcare industry and is experienced in developing similarly sized projects within Davenport. In order to accommodate the proposed healthplex, Genesis Health System requires a certain size building with the appropriate number of parking spaces. Genesis Health System has determined that in order to make a multimillion investment of this size, the proposed site plan provides the optimal way to accommodate the size of the building required for the intended purpose and efficiently manage the vehicular and patient traffic to and from the Genesis Property.
2. **UNIQUE CIRCUMSTANCE:** The need for a variance is due to the unique circumstances of the Genesis Property. The Genesis Property is not symmetrical and is irregularly shaped. The shape of the Genesis Property limits the ability of Genesis Health System to construct a building of appropriate size with the appropriate number of parking spaces to accommodate the intended use and projected patient traffic.

3. **ESSENTIAL CHARACTER:** The variance will not alter the character of the locality. Most of the development along West Kimberly Road, including development within the immediate location of the proposed development is commercial. Directly to the East of the Genesis Property is a community credit union. Across West Kimberly Road to the South is a Walmart and other commercial and retail establishments. A little further to the West is a Discount Tire Store, Culvers Restaurant and Rudy's Tacos. Although the property to the North of the Genesis Property subject to the setback is zoned R-3, it is not used for residential purposes. As mentioned above, it is owned and operated as a church, with an approximately 80 car parking lot. The proposed use is consistent and compatible with existing features in the area.
4. **LIGHT AND AIR:** The variance will not impair an adequate supply of light and air to adjacent property. The closest structure on any adjacent property to the North would be approximately 115 feet; to the East would be approximately 150 feet; to the South is West Kimberly Road; and to the West is North Elsie Avenue. The proposed use of the property will not prevent or inhibit air circulation as the proposed building only occupies approximately 17% of the total lot area. As the proposed use is as a medical office building, there is no concern for dust, fumes, odor, smoke or other particulate that would pose a nuisance or prohibit or impair the reasonable use of surrounding property.
5. **CONGESTION:** The variance will not increase congestion in the public streets. The property has frontage on both North Elsie Avenue and West Kimberly Road, a major thoroughfare in Davenport. The proposed entrance and drive aisle to the property will be on the East side of North Elsie Avenue approximately 200 feet North of where North Elsie Avenue intersects with West Kimberly Road. Locating the entrance on North Elsie Avenue as opposed to West Kimberly Road will prevent backup on West Kimberly Road and traffic flow to and from North Elsie Avenue will continue to be directed via the traffic signals at the stated intersection. The proposed plan also includes an increased number of parking spaces so as to avoid the possibility of patient parking on surrounding streets and properties. To accomplish this efficient circulation of traffic, a variance is required as the proposed entrance and drive aisle encroaches into the 25 foot setback requirement to the North.
6. **PUBLIC SAFETY:** The variance will not increase the danger of fire or endanger public safety. Genesis Health System has an established relationship with the City and will work with the City to ensure that all plans meet local building codes and fire regulations and will submit proof of compliance with state and federal regulations as needed.
7. **ESTABLISHED PROPERTY:** The variance will not unreasonably diminish or impair established property within the surrounding area. In fact, the existence of a new healthplex of this quality and size, with its proposed landscaping and architectural features, will likely increase the surrounding property values and beautify a neighborhood in need of updating. There is only one property impacted by the proposed development, which is the church property located to the North. Genesis is currently working with the church to address the encroachment, and Genesis is proposing and is willing to provide such minimum and any

additional landscaping as the City and church may require to appropriately address any concerns with the encroachment.

8. **GENERAL WELFARE:** The variance will not impair public health, safety, comfort, morals or welfare of City residents. To the contrary, City residents have long been requesting that the City focus more on development in West Davenport. Allowing a new healthcare facility will surely add to the public health and safety. In addition, this new development will increase the welfare of City residents by providing more readily available access to healthcare by West Davenport residents showing them that they have not been forgotten by the City.



**NOTICE OF PUBLIC HEARING
ZONING BOARD OF ADJUSTMENT
CITY OF DAVENPORT
6/8/2017**



**TO ALL PROPERTY OWNERS WITHIN 200 FEET OF THE SUBJECT PROPERTY LOCATED AT:
3200 West Kimberly Road.**

The Zoning Board of Adjustment will hold a public hearing on Thursday 6/8/2017 at 4:00 P.M. in Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa to consider the request of Genesis Health System at 3200 West Kimberly Road at 3200 West Kimberly Road for the following hardship variances:

1. 10 feet from the required 35 foot front yard setback for a building; and
2. 18 feet from the required 25 foot rear yard setback for a parking lot.

As a neighboring property owner, you have the opportunity to submit written comments, and/or to appear at the meeting, to express your views on the request described below. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM, 6/8/2017.

The Petition before the Board is described as follows:

Request HV17-07 of Genesis Health System at 3200 West Kimberly Road for the following hardship variances:

1. **10 feet from the required 35 foot front yard setback for a building; and**
2. **18 feet from the required 25 foot rear yard setback for a parking lot.**

Property is zoned "PDD" Planned Development District.

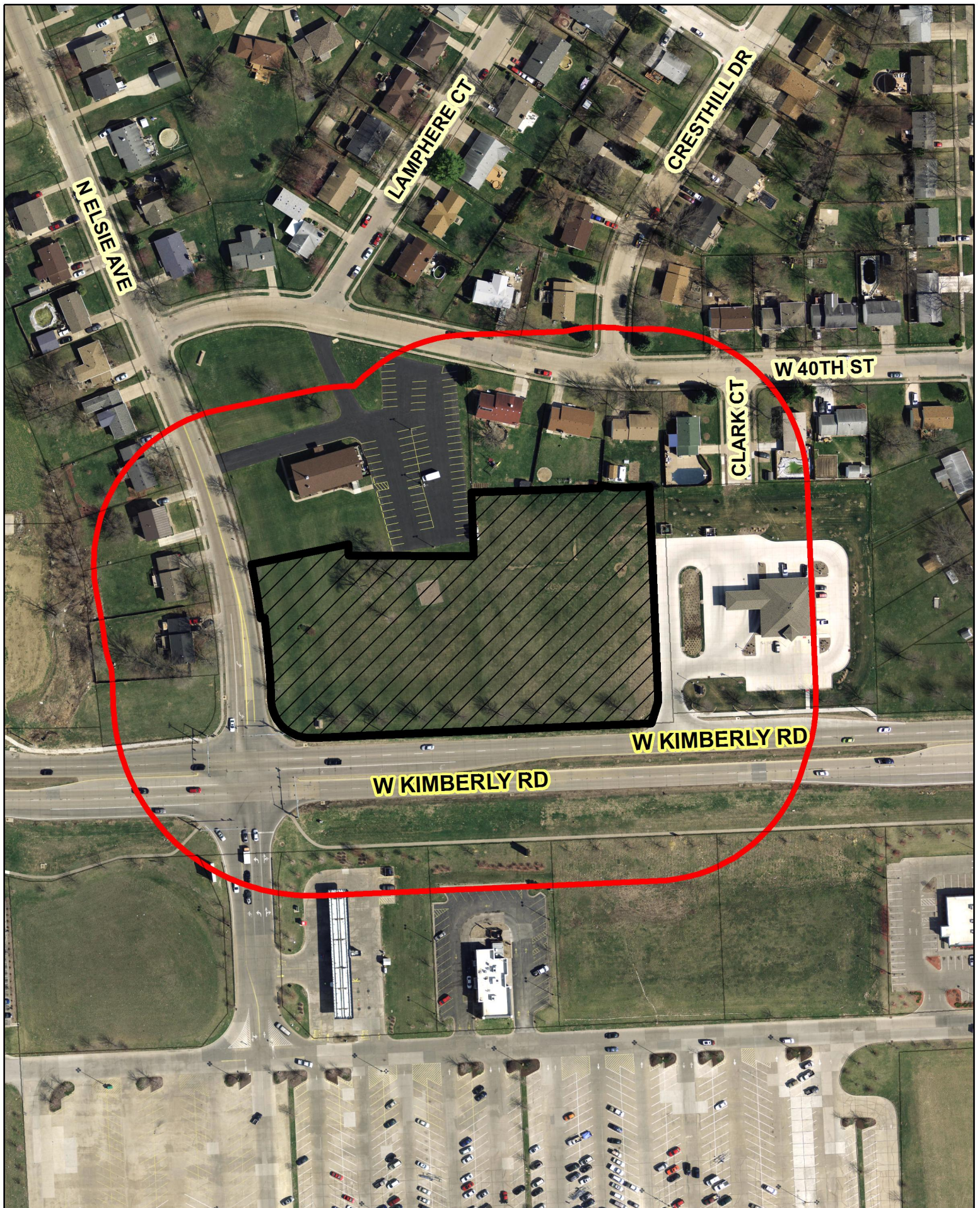
Section 17.32.030A.1 of the Davenport Municipal Code requires a minimum 25 front yard setback for buildings with one foot of additional setback for each one foot of building height over 25 feet. Section 17.32.030A.3 requires a 25 foot rear yard setback for parking lots when adjacent to residential zones.

Please feel free to comment on this request. Comments to the Zoning Board of Adjustment must be presented in writing/email.

*To submit written comments send email to **planning@ci.davenport.ia.us** or mail a letter to:
ZBA/City Hall, 226 West Fourth Street, Davenport, IA 52801*

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner. If you choose to attend the hearing, you may wish to contact the Community Planning prior to your departure for the meeting to learn of any changes to the agenda.

Contact the Community Planning and Economic Development Department:
Email: planning@ci.davenport.ia.us • Phone: 326-7765



Subject Property



200 Foot Notification Radius

N



City of Davenport Zoning Board of Adjustment
226 West 4th Street
Davenport, IA 52801

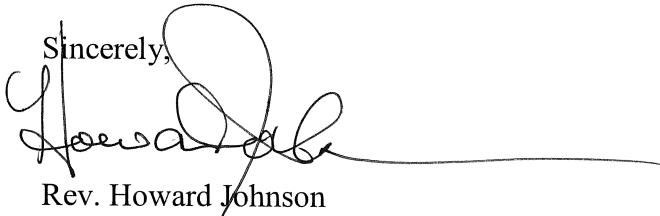
Re: Genesis Health System Request for Variance for Kimberly Road Healthplex

Members of the Board:

As you are likely aware, Grace Brethren Church of Davenport owns property located at 3919 N. Elsie Avenue in Davenport, Iowa. The church's property is located directly North and adjacent to property owned by Genesis on West Kimberly Road, which Genesis has proposed to develop as a healthplex consisting of a 21,500 square foot building with medical offices and 175 parking spaces. This letter is intended to represent the church's formal support for the proposed development.

We met with representatives of Genesis on May 16, 2017 and discussed the proposed development. Genesis informed the church that the proposed development would encroach into the setback requirements under the Davenport zoning regulations. Genesis also indicated that it has filed a request with the Board asking that Genesis receive a variance from the required setback.

The purpose of zoning is to promote appropriate land use for public safety, health, convenience, comfort, morals, prosperity and general welfare. It is the church's opinion that the proposed development would further this purpose. The church has no objection to the encroachment into the setback requirements, as any effect on the church's property would be de minimis.

Sincerely,

Rev. Howard Johnson