

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, APRIL 25, 2019; 4:00 PM

CITY HALL COUNCIL CHAMBERS, 226 W 4TH ST, DAVENPORT IA 52807

I. Call to Order

II. Secretary's Report

A. Minutes from the 4-11-19 Meeting.

III. Old Business

IV. New Business

- A. Request HV19-05 of Kirk Whalen on behalf of HOA at 4401 Elmore Avenue for a hardship variance to reduce the required parking for the proposed hotel. Proposed plans provide 118 parking spaces for the 108 room hotel. The property is zoned "C-3" General Commercial District.

Section 17.10.040, Table 17.10-2 of the Davenport Municipal Code requires 162 parking spaces for a 108 room hotel. [6th Ward; Ald. Clewell]

- B. Request HV19-06 of Kirk Whalen on behalf of HOA at 4401 Elmore Avenue for a hardship variance to exceed the allowed height for the proposed hotel. Plans indicate a building height of 58 feet. The property is zoned "C-3" General Commercial District.

Section 17.05.030, Table 17.05-1 of the Davenport Municipal Code allows a maximum building height of 50 feet for property zoned "C-3". [6th Ward; Ald. Clewell]

V. Other Business

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: CPED
Contact Info: Scott Koops, AICP, Planner II
sek@ci.davenport.ia.us

Date
4/25/2019

Subject:
Minutes form the 4-11-19 Meeting.

ATTACHMENTS:

Type	Description
▣ Exhibit	ZBA Minutes 4-11-19

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	4/22/2019 - 1:06 PM



MINUTES
City of Davenport
Zoning Board of Adjustment
April 11, 2019



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: Cochran, Lee , Strayhall, and Hart

Board Member excused: Reistroffer

Staff present: Koops, Hoyt

I. Secretary's Report:

The minutes of the 3-14-2019 special meeting were approved by voice vote.

II. Old Business:

None.

III. New Business:

Request

Request HV19-03 of Matt Jacobs on behalf of Swift Hospitality at 3750 Market Square CIR for a hardship variance to reduce the required parking for the proposed hotel. Proposed plans provide 107 parking spaces for the 96 room hotel. The property is zoned "C-2" Corridor Commercial District.

Section 17.10.040, Table 17.10-2 of the Davenport Municipal Code requires 144 parking spaces for a 96 room hotel. [6th Ward; Ald. Clewell]

Koops presented the staff report.

One comment was given opposed to the request.

Recommendation and Findings of Fact

Staff presented the recommendation to the Board.

Findings: (Per the analysis above)

- Item #1 application of the ordinance creating hardship has been established;
- Item #2 physical surroundings imposing hardship has been established;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Recommendation:

Staff recommends approval of the request per the listed findings.

The petitioner provided an overview of the project and answered the Board's questions.

One person spoke in opposition to the request.

Motion:

A motion approve the request was made by Strayhall and seconded by Reistroffer. Motion to approve carried unanimously. (4-0):

Lee, yes; Strayhall, yes; Reistroffer, yea; and Hart, yes.

Request

Request HV19-04 of Matt Jacobs on behalf of Swift Hospitality at 3750 Market Square CIR for a hardship variance to exceed the allowed height for the proposed hotel. Plans indicate a building height of 48 feet, 5 inches. The property is zoned "C-2" Corridor Commercial District.

Section 17.05.030, Table 17.05-1 of the Davenport Municipal Code allows a maximum building height of 45 feet for property zoned "C-2". [6th Ward; Ald. Clewell]

Koops presented the staff report.

One comments in opposition to the request were received by staff.

Recommendation and Findings of Fact

Staff presented the recommendation to the Board.

Staff presented the recommendation to the Board.

Findings: (Per the analysis above)

- Item #1 application of the ordinance creating hardship has been established;
- Item #2 physical surroundings imposing hardship has been established;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Recommendation:

Staff recommends approval of the request per the listed findings.

The petitioner provided an overview of the project and answered the Board's questions.

One property owner spoke in opposition to the request.

Motion:

A motion approve the request was made by Strayhall and seconded by Reistroffer. Motion to approve carried unanimously (4-0):

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

IV. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:52 pm.

City of Davenport
Zoning Board of Adjustment

Department: CPED
Contact Info: Scott Koops, AICP, Planner II
sek@ci.davenport.ia.us

Date
4/25/2019

Subject:

Request HV19-05 of Kirk Whalen on behalf of HOA at 4401 Elmore Avenue for a hardship variance to reduce the required parking for the proposed hotel. Proposed plans provide 118 parking spaces for the 108 room hotel. The property is zoned "C-3" General Commercial District.

Section 17.10.040, Table 17.10-2 of the Davenport Municipal Code requires 162 parking spaces for a 108 room hotel. [6th Ward; Ald. Clewell]

Recommendation:

Findings: (Per the analysis above)

- Item #1 application of the ordinance creating hardship has been established;
- Item #2 physical surroundings imposing hardship has been established;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Recommendation:

Staff recommends approval of the request per the listed findings.108

Background:

The developer HOA planned for the proposed hotel under the 2018 zoning code. At that time city planning staff was not sure what changes to the code would impact the proposed development. Generally speaking staff envisioned hotels in this area to develop in the same manner as the existing hotels – same height allowed, similar amount of required parking. There are a number of hotels in this area that are four-stories or more. These hotels are nonconforming now. One of the overriding considerations when composing the new code was to create as few nonconformities as possible. With regards to that consideration staff failed that goal in the subject area.

The City of Davenport Omnibus Code Change ORD19-01 is currently before City Council and there has not been any concerns by City Council at this time concerning the 1.0 parking ratio for hotels; this code change would lower the hotel parking requirement from 1.5 spaces per room to 1.0 spaces per room.

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.*

Approval Standards

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

1. Strict application of this Ordinance will result in hardship unless the specific relief requested is granted.

Applicant Response:

(Table 17.10-2: Off-Street Vehicle Parking Requirements) The increased parking quantity required by the new C-3 zoning class will significantly overrun the industry standard of 1.0 parking stall per guestroom. The excessive quantity of paved parking will decrease available developable area of the district, increase the volume of stormwater runoff a property must manage, and create a sea of mostly empty paved parking. The adjacent six-story Holiday Inn & Suites at 4215 Elmore Avenue is also operated by HOA Hotels and we are tracking a parking stall demand of 0.67 stalls per guestroom.

The requirement of a minimum of 1.5 parking stalls per guestroom will effectively reduce the available building capacity by 29 possible guestrooms. This creates a hardship which will dramatically reduce the viability of the project.

Staff:

The existing code at 1.5 spaces creates a practical difficulty for the petitioner by changing the requirements in the midst of the development process. The ratio of 1.5 parking spaces to per room is not practical and creates unnecessary impervious surface coverage for this property.

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:

Request 2: Decrease the minimum required vehicle spaces from 1.5 per guestroom to 1.0 per guestroom. (Table 17.10-2: Off-Street Vehicle Parking Requirements)

Due to the physical shape and size of the developable Phase 1 parcel, the 162 parking stalls will not fit. The site is currently designed to accommodate the maximum available parking quantity while also meeting additional Zoning requirements for landscaping.

***The requirement of a minimum of 1.5 parking stalls per guestroom will effectively reduce the available building capacity by 29 possible guestrooms. This imposes a particular hardship and will dramatically reduce the viability of the project. ***

Staff:

Reconfiguring the site at this time is a considerable practical difficulty. The code change will soon be at a 1 to 1 ratio.

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:

*Decrease the minimum required vehicle spaces from 1.5 per guestroom to 1.0 per guestroom.
(Table 17.10-2: Off-Street Vehicle Parking Requirements)*

The excessive quantity of paved parking will decrease available developable area of the district, increase the volume of stormwater runoff a property must manage, and create a sea of mostly empty paved parking. The adjacent six-story Holiday Inn & Suites at 4215 Elmore Avenue is also operated by HOA Hotels and we are tracking a parking stall demand of 0.67 stalls per guestroom. Nationwide hotel standards for properties in the Hilton and Marriott brands request 1.0 stalls per guestroom.

The requirement of a minimum of 1.5 parking stalls per guestroom will effectively reduce the available building capacity by 29 possible guestrooms. The project had been considered compliant under the previous 0.33 stalls per guestroom Code but is unable to meet the 4.5 multiplication of required parking.

Staff:

Many of the other hotels nearby do not meet the 1.5 ratio. Having developed the plans for this hotel with regard to the previous code and being required at this stage to change those plans would be a unique circumstance to retroactively convert the site to meets the existing code.

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

Applicant Response:

*Decrease the minimum required vehicle spaces from 1.5 per guestroom to 1.0 per guestroom.
(Table 17.10-2: Off-Street Vehicle Parking Requirements)*

The right-sized parking requirement will support future of the community with more prudent parking needs, appropriate stormwater management, and a departure from big-box parking fields.

The reduction of the parking requirement from 1.5 to 1.0 stalls per guestroom will not negatively alter the character of the locality. It is the Applicant's understanding that Davenport is considering a modifications to the Code to reduce the required parking.

Staff:

Given the number of hotels in the immediate vicinity that do not meet this requirement, the proposed hotel would in no way change the essential character of the area.

ATTACHMENTS:

Type	Description
▢ Exhibit	Staff Report
▢ Exhibit	Application
▢ Exhibit	Plan
▢ Exhibit	Notice
▢ Exhibit	Owner List

REVIEWERS:

Department

Reviewer

Action

Date

City Clerk

Koops, Scott

Approved

4/22/2019 - 1:06 PM



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: May 25, 2019
Applicant: Kirk Whalen on behalf of HOA
Address: 4401 Elmore Avenue

Description

Request HV19-05 of Kirk Whalen on behalf of HOA at 4401 Elmore Avenue for a hardship variance to reduce the required parking for the proposed hotel. Proposed plans provide 118 parking spaces for the 108 room hotel. The property is zoned "C-3" General Commercial District.

Section 17.10.040, Table 17.10-2 of the Davenport Municipal Code requires 162 parking spaces for a 108 room hotel. [6th Ward; Ald. Clewell]

Background & Discussion

The developer HOA planned for the proposed hotel under the 2018 zoning code. At that time city planning staff was not sure what changes to the code would impact the proposed development. Generally speaking staff envisioned hotels in this area to develop in the same manner as the existing hotels – same height allowed, similar amount of required parking. There are a number of hotels in this area that are four-stories or more. These hotels are nonconforming now. One of the overriding considerations when composing the new code was to create as few nonconformities as possible. With regards to that consideration staff failed that goal in the subject area.

Zoning Code Requirements

	Code Requirement	# of Spaces	Proposed Plan	% Change
Existing Code	1.5 spaces per room	144	118	37%
Proposed Code*	1.0 spaces per room	108	118	9% (exceeds)
Previous Code	1 space per 3 rooms	39	118	203% (exceeds)

* The City of Davenport Omnibus Code Change ORD19-01 is currently before City Council and there has not been any concerns by City Council at this time concerning the 1.0 parking ratio for hotels; this code change would lower the hotel parking requirement from 1.5 spaces per room to 1.0 spaces per room.

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.*

Approval Standards

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

1. Strict application of this Ordinance will result in hardship unless the specific relief requested is granted.

Applicant Response:

(Table 17.10-2: Off-Street Vehicle Parking Requirements) The increased parking quantity required by the new C-3 zoning class will significantly overrun the industry standard of 1.0 parking stall per guestroom. The excessive quantity of paved parking will decrease available developable area of the district, increase the volume of stormwater runoff a property must manage, and create a sea of mostly empty paved parking. The adjacent six-story Holiday Inn & Suites at 4215 Elmore Avenue is also operated by HOA Hotels and we are tracking a parking stall demand of 0.67 stalls per guestroom.

***The requirement of a minimum of 1.5 parking stalls per guestroom will effectively reduce the available building capacity by 29 possible guestrooms. This creates a hardship which will dramatically reduce the viability of the project. ***

Staff:

The existing code at 1.5 spaces creates a practical difficulty for the petitioner by changing the requirements in the midst of the development process. The ratio of 1.5 parking spaces to per room is not practical and creates unnecessary impervious surface coverage for this property.

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:

Request 2: Decrease the minimum required vehicle spaces from 1.5 per guestroom to 1.0 per guestroom. (Table 17.10-2: Off-Street Vehicle Parking Requirements)

Due to the physical shape and size of the developable Phase 1 parcel, the 162 parking stalls will not fit. The site is currently designed to accommodate the maximum available parking quantity while also meeting additional Zoning requirements for landscaping.

***The requirement of a minimum of 1.5 parking stalls per guestroom will effectively reduce the available building capacity by 29 possible guestrooms. This imposes a particular hardship and will dramatically reduce the viability of the project. ***

Staff:

Reconfiguring the site at this time is a considerable practical difficulty. The code change will soon be at a 1 to 1 ratio.

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:

Decrease the minimum required vehicle spaces from 1.5 per guestroom to 1.0 per guestroom. (Table 17.10-2: Off-Street Vehicle Parking Requirements)

The excessive quantity of paved parking will decrease available developable area of the district, increase the volume of stormwater runoff a property must manage, and create a sea of mostly empty paved parking. The adjacent six-story Holiday Inn & Suites at 4215 Elmore Avenue is also operated by HOA Hotels and we are tracking a parking stall demand of 0.67 stalls per guestroom. Nationwide hotel standards for properties in the Hilton and Marriott brands request 1.0 stalls per guestroom.

The requirement of a minimum of 1.5 parking stalls per guestroom will effectively reduce the available building capacity by 29 possible guestrooms. The project had been considered compliant under the previous 0.33 stalls per guestroom Code but is unable to meet the 4.5 multiplication of required parking.

Staff:

Many of the other hotels nearby do not meet the 1.5 ratio. Having developed the plans for this hotel with regard to the previous code and being required at this stage to change those plans would be a unique circumstance to retroactively convert the site to meet the existing code.

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

Applicant Response:

Decrease the minimum required vehicle spaces from 1.5 per guestroom to 1.0 per guestroom. (Table 17.10-2: Off-Street Vehicle Parking Requirements)

The right-sized parking requirement will support future of the community with more prudent parking needs, appropriate stormwater management, and a departure from big-box parking fields.

The reduction of the parking requirement from 1.5 to 1.0 stalls per guestroom will not negatively alter the character of the locality. It is the Applicant's understanding that Davenport is considering a modifications to the Code to reduce the required parking.

Staff:

Given the number of hotels in the immediate vicinity that do not meet this requirement, the proposed hotel would in no way change the essential character of the area.

Findings & Staff Recommendation:

Findings: (Per the analysis above)

- Item #1 application of the ordinance creating hardship has been established;
- Item #2 physical surroundings imposing hardship has been established;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Recommendation:

Staff recommends approval of the request per the listed findings.108

Prepared by: 
Scott Koops, AICP, Planner II

Attachments: ZBA Application/plans, Notice Documents



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

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

Property Address*

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

Applicant (Primary Contact)**

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

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

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

Zoning Board of Adjustment

Zoning Appeal ☐
Special Use ☐
Hardship Variance ☒

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.

17.14.060 Hardship Variance

A. Purpose

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.

B. Initiation

A property owner in the City, or person expressly authorized in writing by the property owner, may file an application for a hardship variance. A property owner, or his/her designee, may only propose a hardship variance for property under his/her control.

C. Authority

1. The Zoning Board of Adjustment will take formal action on hardship variance applications. However, the Zoning Administrator is authorized to grant certain administrative exceptions, as described in Section 17.14.070.
2. Hardship variances to allow uses that are not allowed within a zoning district are prohibited.

D. Procedure

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Adjustment.

1. After receipt of a complete application, the Zoning Board of Adjustment will consider the proposed hardship variance at a public hearing. If, in the Zoning Board of Adjustment's judgment, the application does not contain sufficient information to enable proper review and consideration, the Zoning Board of Adjustment may request additional information from the applicant and the public hearing may be continued.
2. The Zoning Board of Adjustment must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section.
3. The Zoning Board of Adjustment must approve, approve with conditions, or deny the hardship variance within 30 days of the close of the public hearing, unless an extension is agreed to by the applicant.
4. The Zoning Board of Adjustment may impose conditions and restrictions upon the hardship variance as deemed necessary for the protection of the public health, safety, and welfare. The Zoning Board of Adjustment may grant a hardship variance that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the hardship variance application.

E. Approval Standards

The Zoning Board of Adjustment decision must make findings to support each of the following:

1. The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.
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.
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.
4. The hardship variance, if granted, will not alter the essential character of the locality.

F. Expiration

An approved hardship variance will expire one year from the date of approval unless a building permit is obtained or construction has begun prior to the end of the one year period. The Zoning Board of Adjustment may grant an extension for a period of validity longer than one year as part of the original approval. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

Request:

Please describe the variance(s) requested:

Request 1: Increase the maximum building height of a nonresidential structure in a C-3 from 50' to 60'.
(Table 17.05-1: Commercial Districts Dimensional Standards)

Request 2: Decrease the minimum required vehicle spaces from 1.5 per room to 1.0 per room.
(Table 17.10-2: Off-Street Vehicle Parking Requirements)

Existing Zoning: C-3

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.

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.

Request 1: Increase the maximum building height of a Nonresidential structure in a C-3 from 50' to 60'.
(Table 17.05-1: Commercial Districts Dimensional Standards)

The height limitation placed upon the new C-3 zoning class will effectively limit the available heights of nonresidential structures to four stories. When considering the depths of structural systems, ductwork, and ceilings, a modest floor-to-floor height can easily reach 12'. The upper floors of the proposed five-story hotel are a modest 11' floor-to-floor.

This is in dramatic comparison to the 68' tall, six-story Holiday Inn & Suites at 4215 Elmore Avenue. These two hotel share the C-3 zoning district.

****The limitation of a maximum 50' will effectively reduce the available building height from five stories to four stories, eliminating 25 possible guestrooms. This creates a hardship which will dramatically reduce the viability of the project.****

Request 2: Decrease the minimum required vehicle spaces from 1.5 per guestroom to 1.0 per guestroom.
(Table 17.10-2: Off-Street Vehicle Parking Requirements)

The increased parking quantity required by the new C-3 zoning class will significantly overrun the industry standard of 1.0 parking stall per guestroom. The excessive quantity of paved parking will decrease available developable area of the district, increase the volume of stormwater runoff a property must manage, and create a sea of mostly empty paved parking.

The adjacent six-story Holiday Inn & Suites at 4215 Elmore Avenue is also operated by HOA Hotels and we are tracking a parking stall demand of 0.67 stalls per guestroom.

****The requirement of a minimum of 1.5 parking stalls per guestroom will effectively reduce the available building capacity by 29 possible guestrooms. This creates a hardship which will dramatically reduce the viability of the project.****

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.

Request 1: Increase the maximum building height of a nonresidential structure in a C-3 from 50' to 60'.
(Table 17.05-1: Commercial Districts Dimensional Standards)

Due to the physical shape and size of the developable Phase 1 parcel, the building must be five stories tall in order to reach the minimum quantity of guestrooms required for viability.

The limitation of a maximum 50' will effectively reduce the available building height from five stories to four stories, eliminating 25 possible guestrooms. This imposes a particular hardship and forces a reconsideration of the project's viability.

Request 2: Decrease the minimum required vehicle spaces from 1.5 per guestroom to 1.0 per guestroom.
(Table 17.10-2: Off-Street Vehicle Parking Requirements)

Due to the physical shape and size of the developable Phase 1 parcel, the 162 parking stalls will not fit. The site is currently designed to accommodate the maximum available parking quantity while also meeting additional Zoning requirements for landscaping.

The requirement of a minimum of 1.5 parking stalls per guestroom will effectively reduce the available building capacity by 29 possible guestrooms. This imposes a particular hardship and will dramatically reduce the viability of the project.

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.

Request 1: Increase the maximum building height of a nonresidential structure in a C-3 from 50' to 60'.
(Table 17.05-1: Commercial Districts Dimensional Standards)

The height limitation place upon the new C-3 zoning class will effectively limit the available heights of nonresidential structures to four stories. A maximum 50' is in dramatic comparison to the 68' tall, six-story Holiday Inn & Suites at 4215 Elmore Avenue. These two hotel share the C-3 zoning district and form the two bookends of the Shoppes at Elmore development.

****The limitation of a maximum 50' will effectively reduce the available building height from five stories to four stories. This unique circumstance was not enforced during the development of the adjacent hotel and does not apply to any of the nearby properties.****

Request 2: Decrease the minimum required vehicle spaces from 1.5 per guestroom to 1.0 per guestroom.
(Table 17.10-2: Off-Street Vehicle Parking Requirements)

The excessive quantity of paved parking will decrease available developable area of the district, increase the volume of stormwater runoff a property must manage, and create a sea of mostly empty paved parking. The adjacent six-story Holiday Inn & Suites at 4215 Elmore Avenue is also operated by HOA Hotels and we are tracking a parking stall demand of 0.67 stalls per guestroom. Nationwide hotel standards for properties in the Hilton and Marriott brands request 1.0 stalls per guestroom.

****The requirement of a minimum of 1.5 parking stalls per guestroom will effectively reduce the available building capacity by 29 possible guestrooms. The project had been considered compliant under the previous 0.33 stalls per guestroom Code but is unable to meet the 4.5 multiplication of required parking.****

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.

Request 1: Increase the maximum building height of a nonresidential structure in a C-3 from 50' to 60'.
(Table 17.05-1: Commercial Districts Dimensional Standards)

The design of the project beautifully creates the northern boundary of the Elmore Marketplace development and compliments the taller Holiday Inn & Suites at 4215 Elmore Avenue. The frontage of Interstate 74 is highly varied and interesting. The structure is hundreds of feet from the adjacent furniture retailer and multifamily residential facility.

The increase to 60' maximum height will not alter the essential character of the locality as compared the adjacent hotel structure. It is the Applicant's understanding that Davenport is considering a modification to the Code to increase the acceptable building height.

Request 2: Decrease the minimum required vehicle spaces from 1.5 per guestroom to 1.0 per guestroom.
(Table 17.10-2: Off-Street Vehicle Parking Requirements)

The right-sized parking requirement will support future of the community with more prudent parking needs, appropriate stormwater management, and a departure from big-box parking fields.

The reduction of the parking requirement from 1.5 to 1.0 stalls per guestroom will not negatively alter the character of the locality. It is the Applicant's understanding that Davenport is considering a modifications to the Code to reduce the required parking.

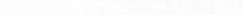
Date: 03/29/2019

Received by: _____

Date: Date of the Public Hearing:

Authorization to Act as Applicant

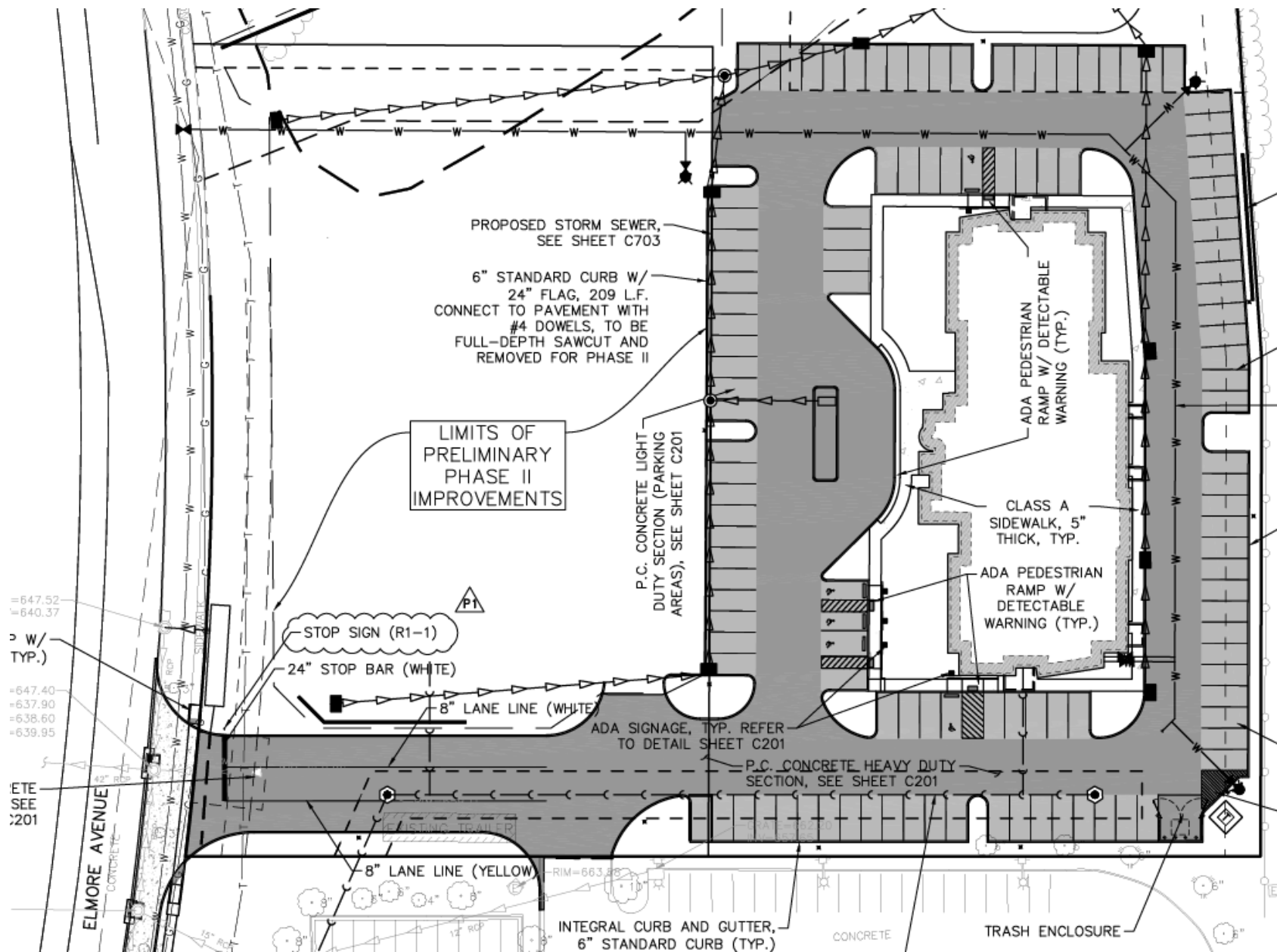
authorize	Kirk Whalen
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Kirk E. Whalen

Signature(s)*

***Please note: original signature(s) required.**





**PUBLIC HEARING NOTICE
ZONING BOARD OF ADJUSTMENT
CITY OF DAVENPORT**



Public Hearing Details:

Date: 4/25/2019

Ward: **6th Ward**

Time: 4:00 PM

Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa

Subject: Public hearing for a Hardship Variance before the Zoning Board of Adjustment

Case #: HV19-05

To: All property owners within 200 feet of the subject property located at **4401 Elmore Avenue**.

What is this All 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 dimension requirement of the zoning ordinance.

Request Description

Request HV19-05 of Kirk Whalen on behalf of HOA at 4401 Elmore Avenue for a hardship variance to reduce the required parking for the proposed hotel. Proposed plans provide 118 parking spaces for the 108 room hotel. The property is zoned "C-3" General Commercial District.

Section 17.10.040, Table 17.10-2 of the Davenport Municipal Code requires 162 parking spaces for a 108 room hotel. [6th Ward; Ald. Clewell]

What are the Next Steps after the Public Hearing?

For approved ZBA requests, the ruling is effective immediately. For projects requiring a Building Permit the applicant may contact the Permit office (563-326-7765) the next Business day.

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?

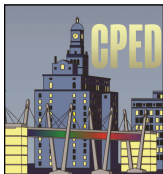
As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

Do You Have Any Questions?

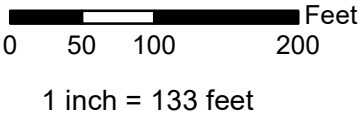
If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us for updates.

Zoning Board of Adjustment: Adjacent Property Owner Notice Area



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.



4401 Elmore Ave - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	3750 MARKET SQUARE CR	KIRK WHALEN ON BEHALF OF HOA		
Ward/Ald:	6th Ward	Alderman Clewell		7 Notices Sent
N1702-02	4343 ELMORE AV	SPIRIT MASTER FUNDING LLC	2727 N HARWOOD ST	DALLAS TX 75201
N1702A02	4502 ELMORE AVE	SENIOR STAR	4502 ELMORE AVE	DAVENPORT IA 52807
N1702-02A		HOA DEVELOPMENT LLC	1501 RIVER DR	MOLINE IL 61265
N1702-OLA		ELMORE LAND LLC	1501 RIVER DR	MOLINE IL 61265

City of Davenport
Zoning Board of Adjustment

Department: CPED
Contact Info: Scott Koops, AICP, Planner II
sek@ci.davenport.ia.us

Date
4/25/2019

Subject:

Request HV19-06 of Kirk Whalen on behalf of HOA at 4401 Elmore Avenue for a hardship variance to exceed the allowed height for the proposed hotel. Plans indicate a building height of 58 feet. The property is zoned "C-3" General Commercial District.

Section 17.05.030, Table 17.05-1 of the Davenport Municipal Code allows a maximum building height of 50 feet for property zoned "C-3". [6th Ward; Ald. Clewell]

Recommendation:

Findings: (Per the analysis above)

- Item #1 application of the ordinance creating hardship has been established;
- Item #2 physical surroundings imposing hardship has been established;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Recommendation:

Staff recommends approval of the request per the listed findings.

Background:

The developer HOA planned for the proposed hotel under the 2018 zoning code. At that time city planning staff was not sure what changes to the code would impact the proposed development. Generally speaking staff envisioned hotels in this area to develop in the same manner as the existing hotels – same height allowed, similar amount of required parking. There are a number of hotels in this area that are four-stories or more. These hotels are nonconforming now. One of the overriding considerations when composing the new code was to create as few nonconformities as possible. With regards to that consideration staff failed that goal in the subject area.

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.*

Approval Standards

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

1. Strict application of this Ordinance will result in hardship unless the specific relief requested is granted.

Applicant Response:

Increase the maximum building height of a Nonresidential structure in a C-3 from 50' to 60'. (Table 17.05-1: Commercial Districts Dimensional Standards) The height limitation placed upon the new C-3 zoning class will effectively limit the available heights of nonresidential structures to four stories. When considering the depths of structural systems, ductwork, and ceilings, a modest floor-to-floor height can easily reach 12'. The upper floors of the proposed five-story hotel are a modest 11' floor-to-floor.

This is in dramatic comparison to the 68' tall, six-story Holiday Inn & Suites at 4215 Elmore Avenue. These two hotel share the C-3 zoning district.

***The limitation of a maximum 50' will effectively reduce the available building height from five stories to four stories, eliminating 25 possible guestrooms. This creates a hardship which will dramatically reduce the viability of the project. ***

Staff:

The Omnibus zoning code change ORD19-01 which is currently before City Council will change the allowed height in this district to 50 feet. Once this code change is approved, the building will conform to the height requirements of the district. It is a practical difficulty for the petitioner to revise the plans to meet a code that will be changed in a months time.

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:

Increase the maximum building height of a nonresidential structure in a C-3 from 50' to 60'. (Table 17.05-1: Commercial Districts Dimensional Standards)

Due to the physical shape and size of the developable Phase 1 parcel, the building must be five stories tall in order to reach the minimum quantity of guestrooms required for viability.

The limitation of a maximum 50' will effectively reduce the available building height from five stories to four stories, eliminating 25 possible guestrooms. This imposes a particular hardship and forces a reconsideration of the project's viability.

Staff:

Regrading the development at this time is a considerable practical difficulty. Many other four-story hotels are in the immediate area.

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:

Increase the maximum building height of a nonresidential structure in a C-3 from 50' to 60'. (Table 17.05-1: Commercial Districts Dimensional Standards)

The height limitation placed upon the new C-3 zoning class will effectively limit the available heights of nonresidential structures to four stories. A maximum 50' is in dramatic comparison to the 68' tall, six-story Holiday Inn & Suites at 4215 Elmore Avenue. These two hotel share

the C-3 zoning district and form the two bookends of the Shoppes at Elmore development.

The limitation of a maximum 50' will effectively reduce the available building height from five stories to four stories. This unique circumstance was not enforced during the development of the adjacent hotel and does not apply to any of the nearby properties.

Staff:

Many of the other hotels nearby are four stories in height, just as is the proposed building. Having developed the plans for this hotel with regard to the previous code and being required at this stage to change those plans would be a unique circumstance to retroactively convert the site to meets the existing code.

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

Applicant Response:

*Increase the maximum building height of a nonresidential structure in a C-3 from 50' to 60'.
(Table 17.05-1: Commercial Districts Dimensional Standards)*

The design of the project beautifully creates the northern boundary of the Elmore Marketplace development and compliments the taller Holiday Inn & Suites at 4215 Elmore Avenue. The frontage of Interstate 74 is highly varied and interesting. The structure is hundreds of feet from the adjacent furniture retailer and multifamily residential facility.

The increase to 60' maximum height will not alter the essential character of the locality as compared the adjacent hotel structure. It is the Applicant's understanding that Davenport is considering a modification to the Code to increase the acceptable building height.

Staff:

Given the proposed code change, and number of hotels in the immediate vicinity that do not meet this requirement, the proposed hotel would in no way change the essential character of the area.

ATTACHMENTS:

Type	Description
▣ Exhibit	Staff Report
▣ Exhibit	Application
▣ Exhibit	Plan
▣ Exhibit	Notice Letter
▣ Exhibit	Owner List



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: May 25, 2019
Applicant: Kirk Whalen on behalf of HOA
Address: 4401 Elmore Avenue

Description

Request HV19-06 of Kirk Whalen on behalf of HOA at 4401 Elmore Avenue for a hardship variance to exceed the allowed height for the proposed hotel. Plans indicate a building height of 58 feet. The property is zoned "C-3" General Commercial District.

Section 17.05.030, Table 17.05-1 of the Davenport Municipal Code allows a maximum building height of 50 feet for property zoned "C-3". [6th Ward; Ald. Clewell]

Background & Discussion

The developer HOA planned for the proposed hotel under the 2018 zoning code. At that time city planning staff was not sure what changes to the code would impact the proposed development. Generally speaking staff envisioned hotels in this area to develop in the same manner as the existing hotels – same height allowed, similar amount of required parking. There are a number of hotels in this area that are four-stories or more. These hotels are nonconforming now. One of the overriding considerations when composing the new code was to create as few nonconformities as possible. With regards to that consideration staff failed that goal in the subject area.

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.*

Approval Standards

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

1. Strict application of this Ordinance will result in hardship unless the specific relief requested is granted.

Applicant Response:

Increase the maximum building height of a Nonresidential structure in a C-3 from 50' to 60'. (Table 17.05-1: Commercial Districts Dimensional Standards) The height limitation placed upon the new C-3 zoning class will effectively limit the available heights of nonresidential structures to four stories. When considering the depths of structural systems, ductwork, and ceilings, a modest floor-to-floor height can easily reach 12'. The upper floors of the proposed five-story hotel are a modest 11' floor-to-floor.

This is in dramatic comparison to the 68' tall, six-story Holiday Inn & Suites at 4215 Elmore Avenue. These two hotel share the C-3 zoning district.

***The limitation of a maximum 50' will effectively reduce the available building height from five stories to four stories, eliminating 25 possible guestrooms. This creates a hardship which will dramatically reduce the viability of the project. ***

Staff:

The Omnibus zoning code change ORD19-01 which is currently before City Council will change the allowed height in this district to 50 feet. Once this code change is approved, the building will conform to the height requirements of the district. It is a practical difficulty for the petitioner to revise the plans to meet a code that will be changed in a months time.

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:

Increase the maximum building height of a nonresidential structure in a C-3 from 50' to 60'. (Table 17.05-1: Commercial Districts Dimensional Standards)

Due to the physical shape and size of of the developable Phase 1 parcel, the building must be five stories tall in order to reach the minimum quantity of guestrooms required for viability.

The limitation of a maximum 50' will effectively reduce the available building height from five stories to four stories, eliminating 25 possible guestrooms. This imposes a particular hardship and forces a reconsideration of the project's viability.

Staff:

Regrading the development at this time is a considerable practical difficulty. Many other four-story hotels are in the immediate area.

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:

Increase the maximum building height of a nonresidential structure in a C-3 from 50' to 60'. (Table 17.05-1: Commercial Districts Dimensional Standards)

The height limitation place upon the new C-3 zoning class will effectively limit the available heights of nonresidential structures to four stories. A maximum 50' is in dramatic comparison to the 68' tall, six-story Holiday Inn & Suites at 4215 Elmore Avenue. These two hotel share the C-3 zoning district and form the two bookends of the Shoppes at Elmore development.

The limitation of a maximum 50' will effectively reduce the available building height from five stories to four stories. This unique circumstance was not enforced during the development of the adjacent hotel and does not apply to any of the nearby properties.

Staff:

Many of the other hotels nearby are four stories in height, just as is the proposed building. Having developed the plans for this hotel with regard to the previous code and being required at this stage to change those plans would be a unique circumstance to retroactively convert the site to meets the existing code.

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

Applicant Response:

*Increase the maximum building height of a nonresidential structure in a C-3 from 50' to 60'.
(Table 17.05-1: Commercial Districts Dimensional Standards)*

The design of the project beautifully creates the northern boundary of the Elmore Marketplace development and compliments the taller Holiday Inn & Suites at 4215 Elmore Avenue. The frontage of Interstate 74 is highly varied and interesting. The structure is hundreds of feet from the adjacent furniture retailer and multifamily residential facility.

The increase to 60' maximum height will not alter the essential character of the locality as compared the adjacent hotel structure. It is the Applicant's understanding that Davenport is considering a modification to the Code to increase the acceptable building height.

Staff:

Given the proposed code change, and number of hotels in the immediate vicinity that do not meet this requirement, the proposed hotel would in no way change the essential character of the area.

Findings & Staff Recommendation:

Findings: (Per the analysis above)

- Item #1 application of the ordinance creating hardship has been established;
- Item #2 physical surroundings imposing hardship has been established;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Recommendation:

Staff recommends approval of the request per the listed findings.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA Application/plans, Notice Documents



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

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

Property Address*

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

Applicant (Primary Contact)**

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

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

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

Zoning Board of Adjustment

Zoning Appeal ☐
Special Use ☐
Hardship Variance ☒

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.

17.14.060 Hardship Variance

A. Purpose

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.

B. Initiation

A property owner in the City, or person expressly authorized in writing by the property owner, may file an application for a hardship variance. A property owner, or his/her designee, may only propose a hardship variance for property under his/her control.

C. Authority

1. The Zoning Board of Adjustment will take formal action on hardship variance applications. However, the Zoning Administrator is authorized to grant certain administrative exceptions, as described in Section 17.14.070.
2. Hardship variances to allow uses that are not allowed within a zoning district are prohibited.

D. Procedure

All applications must be filed with the Zoning Administrator. Once it is determined that the application is complete, the Zoning Administrator will schedule the application for consideration by the Zoning Board of Adjustment.

1. After receipt of a complete application, the Zoning Board of Adjustment will consider the proposed hardship variance at a public hearing. If, in the Zoning Board of Adjustment's judgment, the application does not contain sufficient information to enable proper review and consideration, the Zoning Board of Adjustment may request additional information from the applicant and the public hearing may be continued.
2. The Zoning Board of Adjustment must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section.
3. The Zoning Board of Adjustment must approve, approve with conditions, or deny the hardship variance within 30 days of the close of the public hearing, unless an extension is agreed to by the applicant.
4. The Zoning Board of Adjustment may impose conditions and restrictions upon the hardship variance as deemed necessary for the protection of the public health, safety, and welfare. The Zoning Board of Adjustment may grant a hardship variance that is less than that requested when it has been decided that the applicant is entitled to some relief of the hardship, but not to the entire relief requested in the hardship variance application.

E. Approval Standards

The Zoning Board of Adjustment decision must make findings to support each of the following:

1. The strict application of the terms of this Ordinance will result in hardship unless the specific relief requested is granted.
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.
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.
4. The hardship variance, if granted, will not alter the essential character of the locality.

F. Expiration

An approved hardship variance will expire one year from the date of approval unless a building permit is obtained or construction has begun prior to the end of the one year period. The Zoning Board of Adjustment may grant an extension for a period of validity longer than one year as part of the original approval. An applicant may apply in writing for an extension of time at any time prior to the date of expiration.

Request:

Please describe the variance(s) requested:

Request 1: Increase the maximum building height of a nonresidential structure in a C-3 from 50' to 60'.
(Table 17.05-1: Commercial Districts Dimensional Standards)

Request 2: Decrease the minimum required vehicle spaces from 1.5 per room to 1.0 per room.
(Table 17.10-2: Off-Street Vehicle Parking Requirements)

Existing Zoning: C-3

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.

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.

Request 1: Increase the maximum building height of a Nonresidential structure in a C-3 from 50' to 60'.
(Table 17.05-1: Commercial Districts Dimensional Standards)

The height limitation placed upon the new C-3 zoning class will effectively limit the available heights of nonresidential structures to four stories. When considering the depths of structural systems, ductwork, and ceilings, a modest floor-to-floor height can easily reach 12'. The upper floors of the proposed five-story hotel are a modest 11' floor-to-floor.

This is in dramatic comparison to the 68' tall, six-story Holiday Inn & Suites at 4215 Elmore Avenue. These two hotel share the C-3 zoning district.

****The limitation of a maximum 50' will effectively reduce the available building height from five stories to four stories, eliminating 25 possible guestrooms. This creates a hardship which will dramatically reduce the viability of the project.****

Request 2: Decrease the minimum required vehicle spaces from 1.5 per guestroom to 1.0 per guestroom.
(Table 17.10-2: Off-Street Vehicle Parking Requirements)

The increased parking quantity required by the new C-3 zoning class will significantly overrun the industry standard of 1.0 parking stall per guestroom. The excessive quantity of paved parking will decrease available developable area of the district, increase the volume of stormwater runoff a property must manage, and create a sea of mostly empty paved parking.

The adjacent six-story Holiday Inn & Suites at 4215 Elmore Avenue is also operated by HOA Hotels and we are tracking a parking stall demand of 0.67 stalls per guestroom.

****The requirement of a minimum of 1.5 parking stalls per guestroom will effectively reduce the available building capacity by 29 possible guestrooms. This creates a hardship which will dramatically reduce the viability of the project.****

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.

Request 1: Increase the maximum building height of a nonresidential structure in a C-3 from 50' to 60'.
(Table 17.05-1: Commercial Districts Dimensional Standards)

Due to the physical shape and size of the developable Phase 1 parcel, the building must be five stories tall in order to reach the minimum quantity of guestrooms required for viability.

The limitation of a maximum 50' will effectively reduce the available building height from five stories to four stories, eliminating 25 possible guestrooms. This imposes a particular hardship and forces a reconsideration of the project's viability.

Request 2: Decrease the minimum required vehicle spaces from 1.5 per guestroom to 1.0 per guestroom.
(Table 17.10-2: Off-Street Vehicle Parking Requirements)

Due to the physical shape and size of the developable Phase 1 parcel, the 162 parking stalls will not fit. The site is currently designed to accommodate the maximum available parking quantity while also meeting additional Zoning requirements for landscaping.

The requirement of a minimum of 1.5 parking stalls per guestroom will effectively reduce the available building capacity by 29 possible guestrooms. This imposes a particular hardship and will dramatically reduce the viability of the project.

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.

Request 1: Increase the maximum building height of a nonresidential structure in a C-3 from 50' to 60'.
(Table 17.05-1: Commercial Districts Dimensional Standards)

The height limitation place upon the new C-3 zoning class will effectively limit the available heights of nonresidential structures to four stories. A maximum 50' is in dramatic comparison to the 68' tall, six-story Holiday Inn & Suites at 4215 Elmore Avenue. These two hotel share the C-3 zoning district and form the two bookends of the Shoppes at Elmore development.

****The limitation of a maximum 50' will effectively reduce the available building height from five stories to four stories. This unique circumstance was not enforced during the development of the adjacent hotel and does not apply to any of the nearby properties.****

Request 2: Decrease the minimum required vehicle spaces from 1.5 per guestroom to 1.0 per guestroom.
(Table 17.10-2: Off-Street Vehicle Parking Requirements)

The excessive quantity of paved parking will decrease available developable area of the district, increase the volume of stormwater runoff a property must manage, and create a sea of mostly empty paved parking. The adjacent six-story Holiday Inn & Suites at 4215 Elmore Avenue is also operated by HOA Hotels and we are tracking a parking stall demand of 0.67 stalls per guestroom. Nationwide hotel standards for properties in the Hilton and Marriott brands request 1.0 stalls per guestroom.

****The requirement of a minimum of 1.5 parking stalls per guestroom will effectively reduce the available building capacity by 29 possible guestrooms. The project had been considered compliant under the previous 0.33 stalls per guestroom Code but is unable to meet the 4.5 multiplication of required parking.****

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.

Request 1: Increase the maximum building height of a nonresidential structure in a C-3 from 50' to 60'.
(Table 17.05-1: Commercial Districts Dimensional Standards)

The design of the project beautifully creates the northern boundary of the Elmore Marketplace development and compliments the taller Holiday Inn & Suites at 4215 Elmore Avenue. The frontage of Interstate 74 is highly varied and interesting. The structure is hundreds of feet from the adjacent furniture retailer and multifamily residential facility.

The increase to 60' maximum height will not alter the essential character of the locality as compared the adjacent hotel structure. It is the Applicant's understanding that Davenport is considering a modification to the Code to increase the acceptable building height.

Request 2: Decrease the minimum required vehicle spaces from 1.5 per guestroom to 1.0 per guestroom.
(Table 17.10-2: Off-Street Vehicle Parking Requirements)

The right-sized parking requirement will support future of the community with more prudent parking needs, appropriate stormwater management, and a departure from big-box parking fields.

The reduction of the parking requirement from 1.5 to 1.0 stalls per guestroom will not negatively alter the character of the locality. It is the Applicant's understanding that Davenport is considering a modifications to the Code to reduce the required parking.

Date: 03/29/2019

Received by: _____

Date: Date of the Public Hearing:

Authorization to Act as Applicant

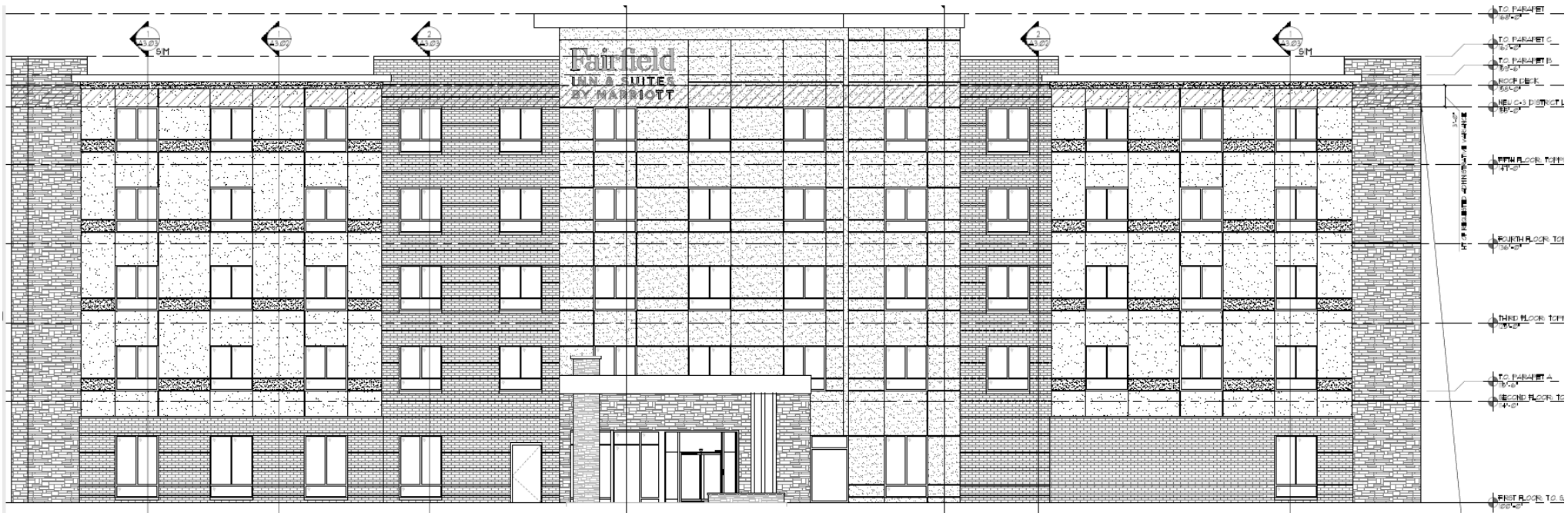
authorize	Kirk Whalen
-----------	-------------



Kirk E. Whalen

Signature(s)*

***Please note: original signature(s) required.**



TERIOR ELEVATION - WEST

SCALE: 1/8" = 1'-0"

NEW DAVENPORT ZONING TABLE 11B-3. COMMERCIAL DISTRICTS DESIGN STANDARD.
 BUILDING FACADES IN EXCESS OF 100 LINEAR FEET THAT ADJACENT A PUBLIC RIGHT-OF-WAY, EXCLUDING ALLEYS, MUST INCLUDE A REPEATING PATTERN WITH NO LESS THAN TWO OF THE FOLLOWING ELEMENTS: COLOR CHANGE, TEXTURE CHANGE, BUILDING MATERIAL CHANGE, OR A WALL ARTICULATION CHANGE OF NO LESS THAN 1 FOOT IN DEPTH OR PROJECTION, SUCH AS A REVEAL, PILASTER, OR PROJECTING RIS. ALL ELEMENTS MUST REPEAT AT INTERVALS OF NO MORE THAN 40 LINEAR FEET.
 ... THE ELEVATION IS HIGHLY VARIED WITH CHANGES IN COLOR, TEXTURE, MATERIAL, & ARTICULATION.

NEW DAVENPORT ZONING TABLE 11B-3. COMMERCIAL DISTRICTS DESIGN STANDARDS.
 C3 ZONING
 MAXIMUM BUILDING HEIGHT - NONRESIDENTIAL:
 30' (ADOPTED)
 35' (PROPOSED AMENDMENT)
 MIXED-USE:
 15'
 OWNER REQUESTS AN ADMINISTRATIVE WAIVER TO ALLOW THE TOP OF THE ROOF DECK TO REACH A HEIGHT OF 55' ABOVE



**PUBLIC HEARING NOTICE
ZONING BOARD OF ADJUSTMENT
CITY OF DAVENPORT**



Public Hearing Details:

Date: 4/25/2019

Ward: **6th Ward**

Time: 4:00 PM

Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa

Subject: Public hearing for a Hardship Variance before the Zoning Board of Adjustment

Case #: HV19-05

To: All property owners within 200 feet of the subject property located at **4401 Elmore Avenue**.

What is this All 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 dimension requirement of the zoning ordinance.

Request Description

Request HV19-05 of Kirk Whalen on behalf of HOA at 4401 Elmore Avenue for a hardship variance to reduce the required parking for the proposed hotel. Proposed plans provide 118 parking spaces for the 108 room hotel. The property is zoned "C-3" General Commercial District.

Section 17.10.040, Table 17.10-2 of the Davenport Municipal Code requires 162 parking spaces for a 108 room hotel. [6th Ward; Ald. Clewell]

What are the Next Steps after the Public Hearing?

For approved ZBA requests, the ruling is effective immediately. For projects requiring a Building Permit the applicant may contact the Permit office (563-326-7765) the next Business day.

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?

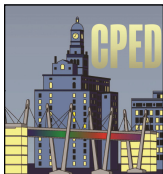
As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one day before* the public hearing. Send comments to planning@ci.davenport.ia.us or CPED, 226 W 4th St, Davenport IA 52801.

Do You Have Any Questions?

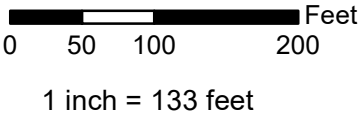
If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145

Please note that items may be removed from the agenda or tabled to a future hearing date at the request of the Petitioner or Commission/Board. If you are interested in the current schedule and outcome of this case, please contact the Community Planning Office at 563-326-7765 or planning@ci.davenport.ia.us for updates.

Zoning Board of Adjustment: Adjacent Property Owner Notice Area



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.



4401 Elmore Ave - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	3750 MARKET SQUARE CR	KIRK WHALEN ON BEHALF OF HOA		
Ward/Ald:	6th Ward	Alderman Clewell		7 Notices Sent
N1702-02	4343 ELMORE AV	SPIRIT MASTER FUNDING LLC	2727 N HARWOOD ST	DALLAS TX 75201
N1702A02	4502 ELMORE AVE	SENIOR STAR	4502 ELMORE AVE	DAVENPORT IA 52807
N1702-02A		HOA DEVELOPMENT LLC	1501 RIVER DR	MOLINE IL 61265
N1702-OLA		ELMORE LAND LLC	1501 RIVER DR	MOLINE IL 61265