

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, APRIL 11, 2019; 4:00 PM

CITY HALL COUNCIL CHAMBERS, 226 W 4TH ST, DAVENPORT IA 52801

I. Call to Order

II. Secretary's Report

- A. Consideration of the minutes from the 3/14/19 public hearing.

III. Old Business

IV. New Business

- A. 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]

- B. 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]

V. Other Business

- A. Procedural options for receiving public comments/speaker identification

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

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

Date
4/11/2019

Subject:
Consideration of the minutes from the 3/14/19 public hearing.

ATTACHMENTS:

Type	Description
▣ Exhibit	ZBA Minutes 3/14/19

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	4/5/2019 - 1:11 PM



MINUTES
City of Davenport
Zoning Board of Adjustment
March 14, 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 1-10-2019 and 3-12-2019 special meeting were approved.

II. Old Business:

None.

III. New Business:

Request

Request HV19-01 of Galesburg Sign on behalf of Monson T-n-T at 4315 Wapello Avenue for two Hardship Variances: an increase the height for a freestanding sign, and an increase in allowed area for a freestanding sign. The proposed sign will be 80 feet tall and 400 square feet. The property is zoned "I-2" Heavy Industrial District.

Section 17.12.060 of the Davenport Municipal Code limits freestanding signs in the "I-2" District to 25 feet in height, and 100 square feet in area. [1st Ward; Ald. Dunn]

Koops presented the staff report.

No comments either in favor of or opposed to the request were received by staff.

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 not been established;
- Item #2 physical surroundings imposing hardship has not been established;
- Item #3 unique circumstance has not been established;
- Item #4 protection of essential character has not been established;

Recommendation:

Staff recommends denial of the request as the application does not meet any of the approval standards for a hardship variance.

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

No one spoke in opposition to or in favor of the request.

Motion:

A motion approve the request was made by Cochran and seconded by Strayhall. Motion to approve failed with none in favor of the request. (0-4):

Lee, no; Cochran, no; Strayhall, no; and Hart, no.

Request

Request HV19-02 of Calvin Shwarz on behalf of Sharonanne Dilley at 5526 Delton Drive for a hardship variance to encroach into the rear yard by 6 feet with an enclosed addition. The addition was originally planned as an open deck and will be 14 feet from the rear (north) property line. The property is zoned "R-4" Single/Two Family Residential District.

Section 17.04.030 of the Davenport Municipal Code requires a rear yard setback of 20% of the lot depth. [1st Ward; Ald. Dunn] Section 17.12.060 of the Davenport Municipal Code limits freestanding signs in the "I-2" District to 25 feet in height, and 100 square feet in area. [1st Ward; Ald. Dunn]

Koops presented the staff report.

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

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 not been established;
- Item #2 physical surroundings imposing hardship has not been established;
- Item #3 unique circumstance has not been established;
- Item #4 protection of essential character has been confirmed;

Recommendation:

Staff cannot recommend approval of the request as the application has not met all the approval standards for a hardship variance.

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

Three property owners spoke in opposition to the request.

Motion:

A motion approve the request was made by Cochran and seconded by Strayhall. Motion to approve failed with none in favor of the request. (0-4):

Lee, no; Cochran, no; Strayhall, no; and Hart, no.

IV. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:24 pm.

City of Davenport
Zoning Board of Adjustment

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

Date
4/11/2019

Subject:

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]

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:

Background & Discussion

The developer Swift Hospitality 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 the I-74/53rd Street 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	107	25%
Proposed Code*	1.0 spaces per room	96	107	11% (exceeds)
Previous Code	1 space per 3 rooms	32	107	234% (exceeds)

* The City of Davenport Omnibus Code Change ORD19-01 is currently before P&Z; 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:

The newly adopted code more than quadruples the required spaces for this project. Although the original requirement would have been 32 parking spaces, the developers were providing 103 parking spaces, which is 71 more spaces than required. Under the new code and parking space requirements, the site is 41 spaces short of the needed spaces. Designing an additional parking lot to accommodate the parking spaces will require a complete redesign of the building site resulting in a significant expenditure of both time and money. The redesign will cause significant construction and occupancy delays not accounted for by the developers. In addition, the quantity of required parking spaces is substantially more than the existing newly constructed hotels surrounding this project which will put this development at a economic disadvantage comparatively. The 41 additional parking spaces will also produce unwanted impervious surface to the site which is never a desired outcome.

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:

Due to the topography of the property, significant grading revisions resulting in possible retaining walls would need to be made to accommodate 41 additional parking spaces in addition to the required paving to access the parking on the site. The possibility of required retaining walls is not economically or esthetically desired by the developers for this project.

Staff:

Regrading the site at this time is a considerable practical difficulty. A terraced lot with retaining walls in not practical nor preferred.

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

Applicant Response:

The civil and architectural design of this building was initiated prior to the changes and adoption of the current City of Davenport Zoning Ordinance. City of Davenport code manual, Chapter 17.44 OFF-STREET PARKING AND LOADING REQUIREMENTS, more specifically, Hotel, indicated the one parking space for each three sleeping rooms or suite plus one space for each one hundred square feet of commercial sales area contained therein would meet parking requirements. Recently adopted codes have changed the parking requirements to require 1.5 parking spaces per sleeping room. This requirement changes the parking spaces required for the 96 room hotel from 32 spaces to 144 spaces. It is our opinion that the additional parking lot necessary to meet the new requirement represents a hardship due to the fact the Springhill development was initiated in good faith using the Zoning Ordinance current at the time. The hardship will be from loss of time and money due to redesign to meet the Ordinance change.

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:

The building is located in a commercial district with neighboring hotels, urgent care, hospital and IMAX theatre. For this reason the SpringHill will not only fit with the character of locality, but will ultimately enhance it. As indicated, the surrounding newly constructed hotels were not constructed under the new ordinance and all of the hotels fit well with the local character. Additional parking spaces and associated paving will only detract from the neighboring views.

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.

Prepared by:

Scott Koops, AICP, Planner II

Attachments: ZBA Application/plans, Notice Documents

ATTACHMENTS:

Type	Description
☐ Exhibit	Staff Report
☐ Exhibit	Site Plan
☐ Exhibit	Application
☐ Exhibit	Code Change Summary
☐ Exhibit	Notice Letter
☐ Exhibit	Map

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	4/5/2019 - 1:21 PM



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: April 11, 2019
Applicant: Matt Jacobs on behalf of Swift Hospitality
Address: 3750 Market Square CIR

Description

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]

Background & Discussion

The developer Swift Hospitality 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 the I-74/53rd Street 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.

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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:

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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:

Due to the topography of the property, significant grading revisions resulting in possible retaining walls would need to be made to accommodate 41 additional parking spaces in addition to the required paving to access the parking on the site. The possibility of required retaining walls is not economically or esthetically desired by the developers for this project.

Staff:

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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:

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necessary to meet the new requirement represents a hardship due to the fact the Springhill development was initiated in good faith using the Zoning Ordinance current at the time. The hardship will be from loss of time and money due to redesign to meet the Ordinance change.

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:

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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.

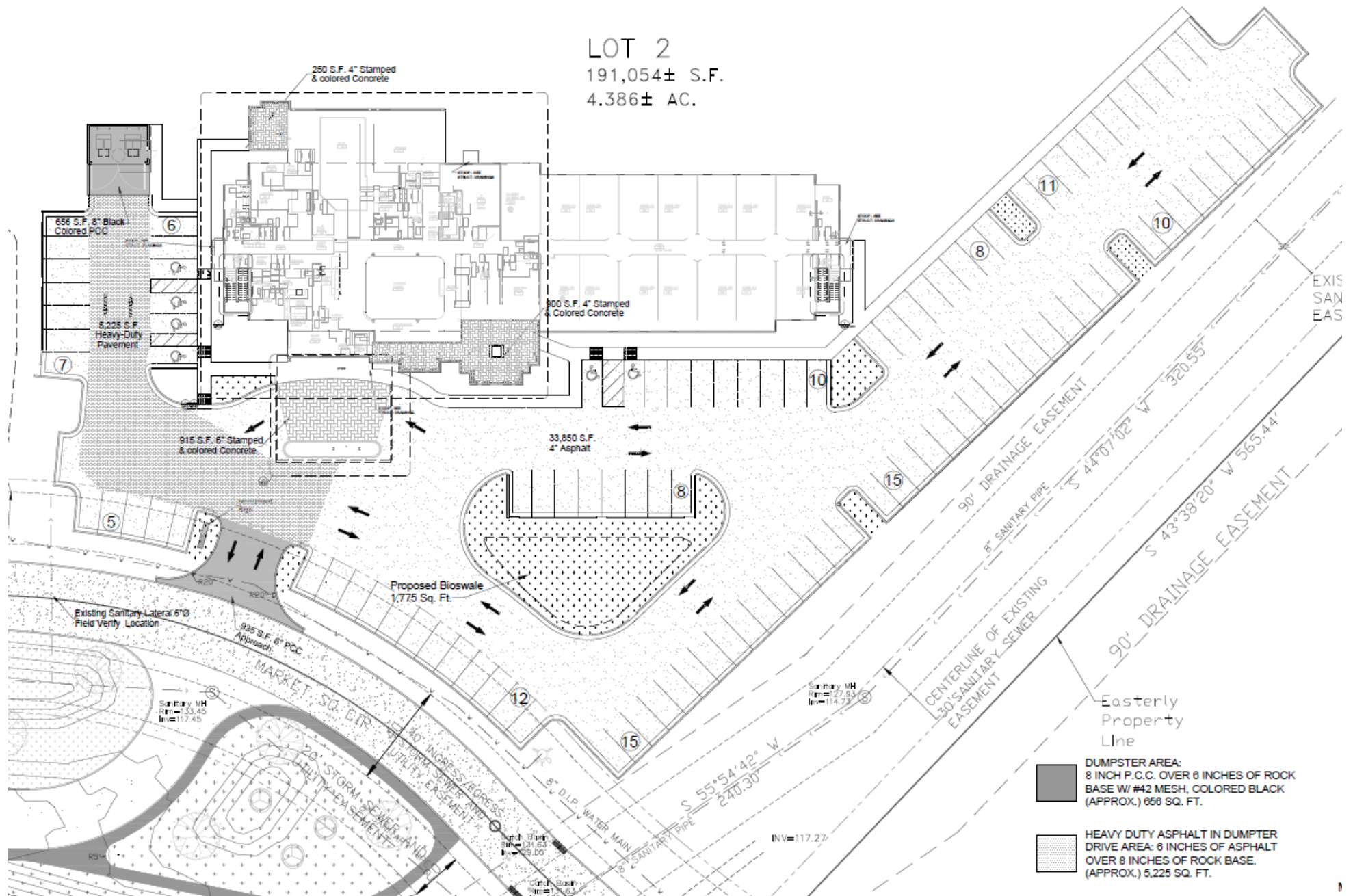
Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA Application/plans, Notice Documents

LOT 2
191,054± S.F.
4.386± AC.





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

3750 Market SQ CIR

Property Address*

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

Applicant (Primary Contact) **

Name:

Company:

Address:

City/State/Zip:

Phone:

Email:

Application Form Type:

Plan and Zoning Commission

Zoning Map Amendment (Rezoning)

Planned Unit Development

Zoning Ordinance Text Amendment

Right-of-way or Easement Vacation

Voluntary Annexation

Owner (if different from Applicant)

Name:

Company:

Address:

City/State/Zip

Phone:

Email:

Zoning Board of Adjustment

Zoning Appeal

Special Use

Hardship Variance

Design Review Board

Design Approval

Demolition Request in the Downtown

Demolition Request in the Village of

East Davenport

Engineer (if applicable)

Name:

Company:

Address:

City/State/Zip

Phone:

Email:

Historic Preservation Commission

Certificate of Appropriateness

Landmark Nomination

Demolition Request

Architect (if applicable)

Name:

Company

Address:

City/State/Zip:

Phone:

Email:

Administrative

Administrative Exception

Health Services and Congregate

Living Permit

Attorney (if applicable)

Name:

Company:

Address:

City/State/Zip:

Phone:

Email:

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

Request:

Please describe the variance(s) requested:

Existing Zoning:

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 Sections 17.52.060 and 17.52.070 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.

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.

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.

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.

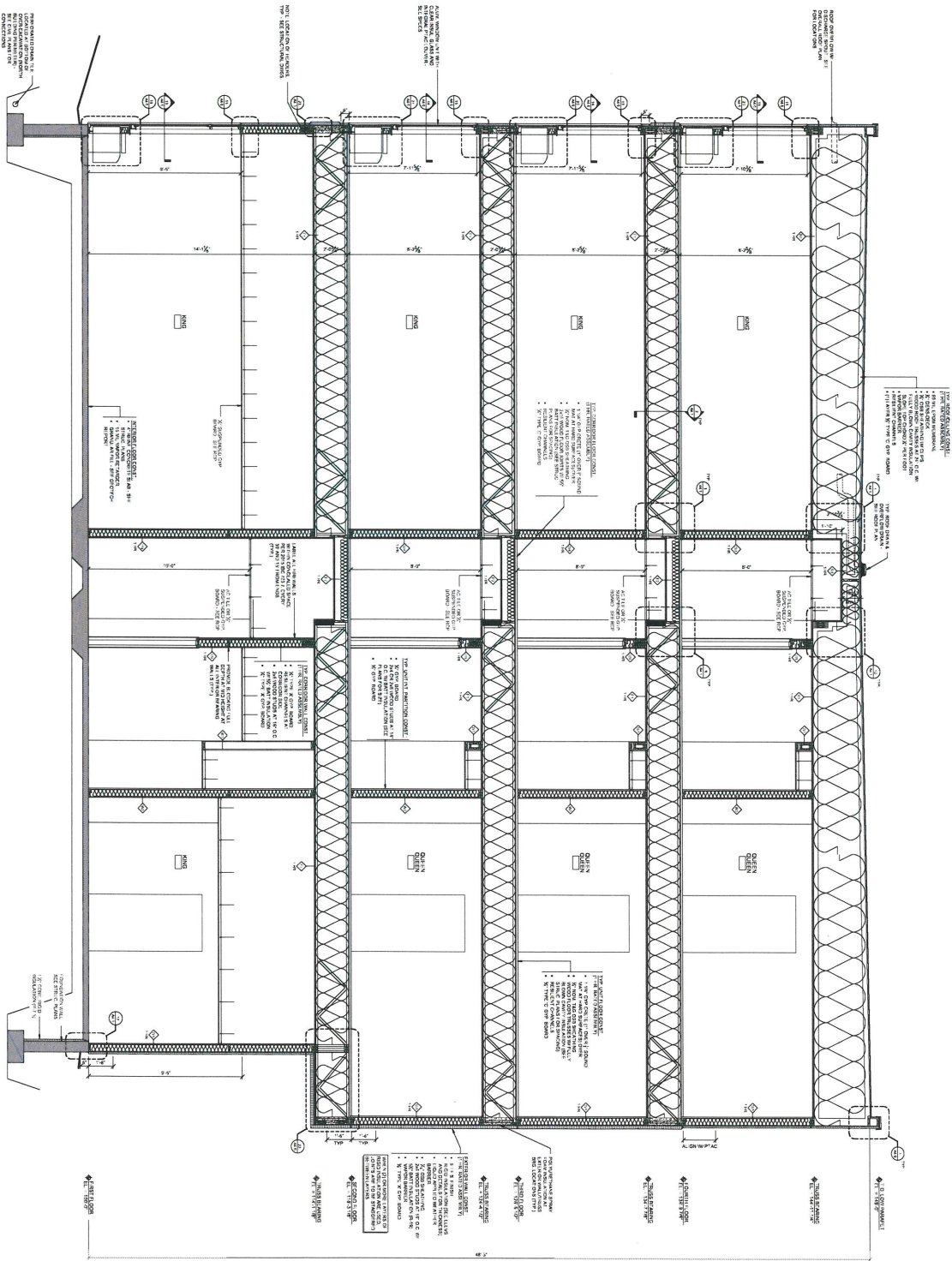
Authorization to Act as Applicant

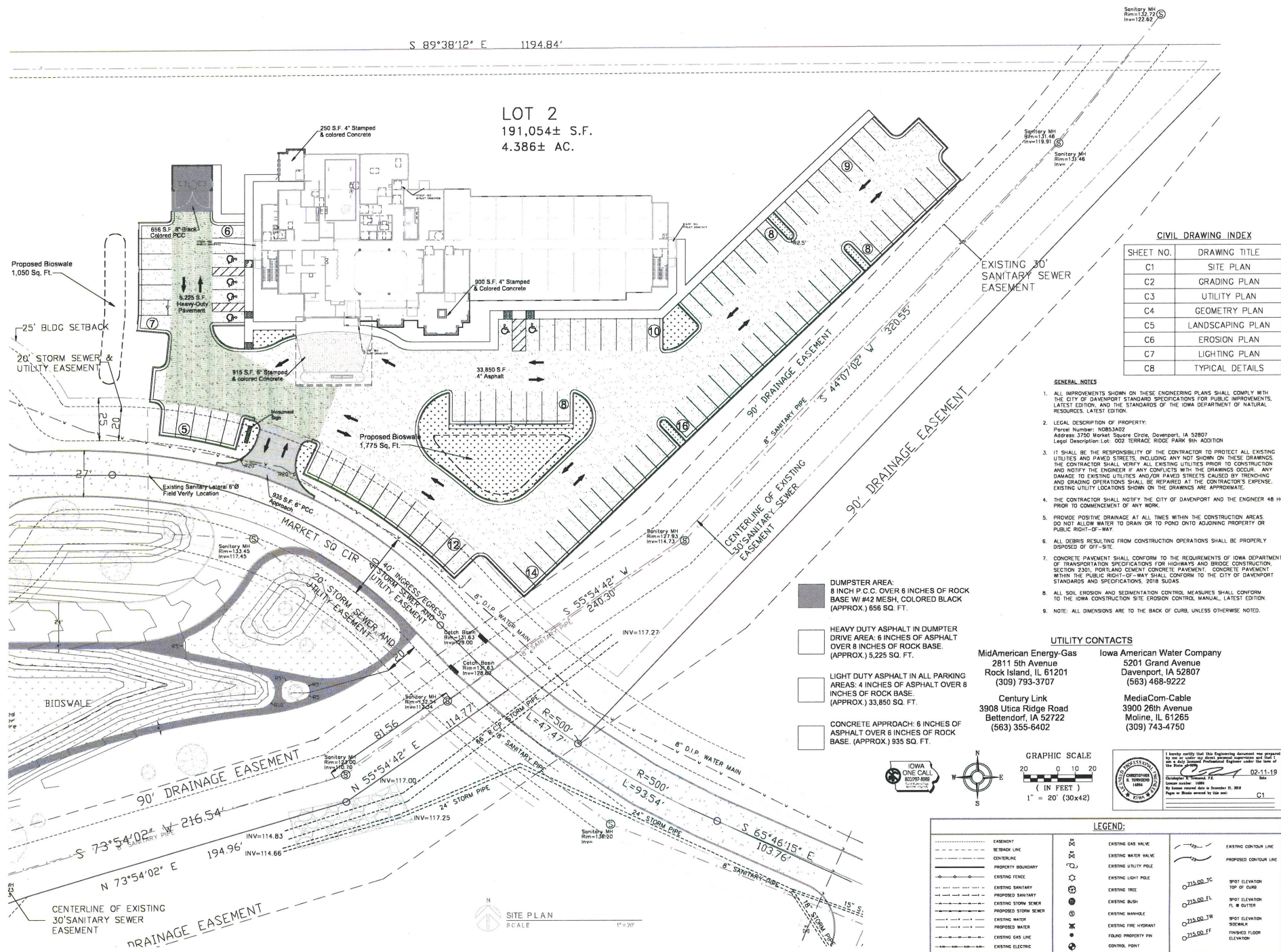
I, Caitlin Russell
authorize Swift Hospitality, MATT JACOBS
to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located
at LOT 2 OF TERRACE RIDGE PARK 9TH ADDITION, CITY OF DAVENPORT, IA.

Caitlin Russell Matt Jacobs

Signature(s)*

*Please note: original signature(s) required.





ORDINANCE NO. 2019 -

ORDINANCE for Case No. ORD19-01: Request of the City of Davenport to amend Title 17 of the Davenport Municipal Code, entitled, "Zoning" by correcting scrivener errors and amending certain dimensional standards. [Ward All]

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

Section 1. Section 17.02.030 of the Davenport Municipal Code, entitled "Definition of General Terms (definition of multi-tenant retail center and porch only)" is hereby amended to read as follows:

Multi-Tenant **Retail Commercial** Center. A group of two or more commercial establishments that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers/malls and strip centers.

Porch. An architectural feature that projects from the exterior wall of a structure, **often with steps leading up to it,** has direct access to the street level of the building, and is covered by a roof or eaves.

Section 2. Section 17.05.030 of the Davenport Municipal Code, entitled "Dimensional Standards (Table 17.05-1 only)" is hereby amended to read as follows:

Table 17.05-1: Commercial Districts Dimensional Standards					
	C-T	C-1	C-2	C-3	C-OP
Bulk					
Minimum Lot Area	10,000sf	None	None	20,000sf	20,000sf
Minimum Lot Width	60'	None	None	80'	70'
Maximum Gross Floor Area of Nonresidential	5,000sf unless meeting the standards of Section 17.05.030.B	None	None	None	None
Maximum Building Height	35'	45'	45'	Nonresidential: 50' 55' Mixed-Use: 70' 75'	45'
Setbacks					
Minimum Front Setback	Build-to zone of 0' to 20'	Build-to zone of 0' to 15'	None	25'	20'
Front Setback Build-To Percentage	70%	70%	None	None	None
Minimum Interior Side Setback	None, unless abutting a residential district then 20'	None, unless abutting a residential district then 10'	None, unless abutting a residential district then 10'	10', unless abutting a residential district then 20'	15'
Minimum Corner Side Setback	Build-to zone of 0' to 15'	Build-to zone of 0' to 10'	10'	20'	Build-to zone of 0' to 20'
Corner Side Setback Build-To Percentage	60%	60%	None	None	60%
Minimum Rear Setback	15', unless abutting a residential district then 25' or 20% of lot depth, whichever is less	None, unless abutting a residential district then 15' or 20% of lot depth, whichever is less	None, unless abutting a residential district then 15'	10', unless abutting a residential district then 25'	25'

Section 3. Section 17.08.030 of the Davenport Municipal Code, entitled "Uses (Section 17.08.030.O.3 only)" is hereby amended to read as follows:

3. A 15% minimum transparency requirement applies to **any the front** façade and is calculated on the basis of the entire area of the façade.

Section 4. Section 17.09.040 of the Davenport Municipal Code, entitled "Permitted Encroachments (Section 17.09.040 – Table 17.09-1 only)" is hereby amended to read as follows:

Table 17.09-1: Permitted Encroachments Into Required Setbacks Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Accessibility Ramp	Y	Y	Y	Y
Air Conditioner Window Unit Max. projection of 18" from building wall No building permit required	Y	Y	Y	Y
Arbor No building permit required	Y	Y	Y	Y
Awning or Sunshade Max. of 2' from building wall Does not include awnings used as a sign (See Chapter 17.12)	Y	Y	Y	Y
Balcony Max. of 6' into front, interior side, or corner side setback Max. of 8' into rear setback Min. of 4' from any lot line Min. vertical clearance of 8'	Y	Y	Y	Y
Bay Window Max. of 5' into any setback Min. of 24" above ground	Y	Y	Y	Y
Canopy (Residential Uses) Max. of 5' into any setback Min. of 4' from any lot line Max. 15' width or no more than 3' extension on either doorway side, whichever is less Does not include canopies used as a sign (See Chapter 17.12)	Y	Y	Y	Y
Canopy (Non-Residential Uses) Max. of 18" from the curb line Max. 15' width or no more than 3' extension on either doorway side, whichever is less Does not include canopies used as a sign (See Chapter 17.12)	Y	Y	Y	Y
Chimney Max. of 18" into setback	Y	Y	Y	Y
Deck Max. of 5' into corner side, or interior side setback Max. of 10' into rear setback Prohibited in front yard Max. height of 5' above grade	YN	Y	Y	Y
Dog House Prohibited in front or corner side yard No building permit required	N	N	N	Y
Eaves Max. of 4' into setback	Y	Y	Y	Y
Exterior Stairwell Max. of 6' into setback Prohibited in front yard	N	Y	Y	Y
Fire Escape Max. of 3' into setback Prohibited in front yard	N	Y	Y	Y
Gazebo or Pergola	N	N	Y	Y

Table 17.09-1: Permitted Encroachments Into Required Setbacks Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
<i>Prohibited in front yard</i>				
Greenhouse <i>Min. of 5' from any lot line</i>	N	N	Y	Y
<i>Prohibited in front and corner side yard</i>				
Personal Recreation Game Court <i>Prohibited in front and corner side yard</i> <i>Min. of 4' from any lot line</i>	N	N	N	Y
Playground Equipment <i>Prohibited in front and corner side yard</i> <i>Min. of 4' from any lot line</i> <i>(This does not apply to backstops & portable basketball nets, which are allowed in any yard)</i>	N	N	N	Y
Porch - Unenclosed <i>Max. of 5' into front, interior side, or corner side setback</i> <i>Max. of 10' into rear setback</i> <i>Enclosed porches are considered part of the principal structure</i>	Y	Y	Y	Y
Shed <i>Prohibited in front yard</i> <i>Min. of 4' from any lot line</i>	N	N	Y	Y
Sidewalk <i>No min. setback from lot lines</i>	Y	Y	Y	Y
Sills, belt course, cornices, and ornamental features <i>Max. of 3' into setback</i>	Y	Y	Y	Y
Stoop <i>Max. of 4' into setback</i>	Y	Y	Y	Y

Section 5. Section 17.10.040 of the Davenport Municipal Code, entitled "Required Off-Street Vehicle and Bicycle Parking Spaces (Section 17.10.040 - Table 17.10-2 only)" is hereby amended to read as follows:

Table 17.10-2: Off-Street Vehicle Parking Requirements	
USE	MINIMUM REQUIRED VEHICLE SPACES
Amusement Facility, Indoor	1 per 500sf GFA
Amusement Facility, Outdoor	1 per 1,000sf GFA
Animal Care Facility – Large Animal	1 per 500sf GFA
Animal Care Facility – Small Animal	1 per 500sf GFA
Art Gallery	1 per 500sf GFA
Art and Fitness Studio	1 per 300sf GFA
Bar	1 per 300sf GFA
Bed and Breakfast	2 spaces + 1 per guestroom
Body Modification Establishment	1 per 500sf GFA
Broadcasting Facility	1 per 1,000sf GFA
Campground	2 per campsite
Car Wash	1 per car wash bay + 3 stacking spaces per bay
Cemetery	1 per 200sf of GFA of office and/or chapel/parlor
Children's Home	1 per 200sf GFA of office
Community Center	1 per 500sf GFA
Country Club	Calculated as the cumulative number required per facilities offered (golf course, driving range, restaurant, bar, etc.)
Cultural Facility	1 per 500sf GFA
Day Care Center	1 per 500sf GFA

Table 17.10-2: Off-Street Vehicle Parking Requirements	
USE	MINIMUM REQUIRED VEHICLE SPACES
Domestic Violence Shelter	1 per 300sf GFA of office
Drug Treatment Clinic	1 per 500sf GFA
Drug/Alcohol Treatment Facility, Residential	1 per patient room
Dwelling – Manufactured Home	2 spaces
Dwelling – Multi-Family	1.5 per du
Dwelling – Single-Family (Detached)	2 per du
Dwelling – Townhouse	2 per du
Dwelling – Two-Family	2 per du
Educational Facility – Primary or Secondary	
<i>Educational Facility – Elementary and/or Junior High</i>	<i>3 per each classroom + 3 per office</i>
<i>Educational Facility – High School</i>	<i>6 per classroom + 4 per office</i>
Educational Facility – University	2 per classroom + 2 per office + 1 per 4 students of maximum enrollment
Educational Facility – Vocational	2 per classroom + 2 per office + 1 per 8 students of maximum enrollment
Financial Institution	1 per 500sf GFA
Financial Institution, Alternative (AFS)	1 per 500sf GFA
Food Bank	1 per 300sf of office
Food Pantry	1 per 500sf GFA
Funeral Home	1 per 200sf GFA of public space
Gas Station	2 per pump island + 1 per 500sf GFA of structure + 5 stacking spaces per car wash bay
Golf Course/Driving Range	4 per golf hole and/or 4 per tee of driving range
Government Office/Facility	1 per 500sf GFA
Greenhouse/Nursery - Retail	1 per 500sf GFA of indoor space + 1 per 1,000sf of outdoor space
Group Home	1 per 2 rooms
Halfway House	1 per 2 rooms
Healthcare Institution	1 per 3 beds
Heavy Retail, Rental, and Service	1 per 500sf GFA of indoor space + 1 per 1,000sf of outdoor display space
Homeless Shelter	1 per 300sf of office
Hotel	1.5 1.0 per room
Industrial – Light	1 per 1,000sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes any outdoor storage)
Industrial – General	1 per 1,000sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes any outdoor storage)
Industrial Design	1 per 500sf GFA
Live Performance Venue	1 per 5 persons based on maximum capacity
Lodge/Meeting Hall	1 per 500sf GFA
Manufactured Home Park	2 per manufactured home site
Medical/Dental Clinic	1 per 500sf GFA
Micro-Brewery	1 per 500sf GFA
Micro-Distillery	1 per 500sf GFA
Micro-Winery	1 per 500sf GFA
Office	1 per 500sf GFA
Personal Service Establishment	1 per 500sf GFA
Place of Worship	1 per 10 seats
Public Safety Facility	1 per 300sf GFA

Table 17.10-2: Off-Street Vehicle Parking Requirements	
USE	MINIMUM REQUIRED VEHICLE SPACES
Public Works Facility	1 per 500sf GFA
Reception Facility	1 per 300sf GFA
Recreational Vehicle (RV) Park	1 per RV site
Research and Development (R&D)	1 per 500sf GFA
Residential Care Facility	<i>To be calculated on the type of facility or combination of facilities provided below</i>
Independent Living Facility	0.75 per dwelling unit
Assisted Living Facility	0.5 per dwelling unit
Nursing Home or Hospice	0.5 per patient room
Restaurant	1 per 300sf GFA
Retail Goods Establishment	1 per 500sf GFA
Retail Alcohol Sales	1 per 500sf GFA
Retail Sales of Fireworks	1 per 500sf GFA
Self-Service Storage Facility	1 per 25 storage units
Social Service Center	1 per 500sf GFA
Specialty Food Service	1 per 500sf GFA
Storage Yard (Outdoor)	1 per 2,500sf of lot area
Vehicle Dealership	1 per 500sf of indoor sales and display area + 4 per service bay
Vehicle Operation Facility	1 per 2,500sf of lot area
Vehicle Rental	1 per 500sf GFA of indoor area (excluding indoor storage)
Vehicle Repair/Service – Major or Minor	2 per service bay
Wine Bar	1 per 300sf GFA
Warehouse & Distribution	1 per 500sf of office area + 1 per 30,000sf GFA of warehouse
Wholesale Establishment	1 per 500sf of office area + 1 per 15,000sf GFA of warehouse

Section 6. Section 17.14.020 of the Davenport Municipal Code, entitled “Notice (Section 17.14.020.A - Table 17.14-1 only)” is hereby amended to read as follows:

A. Required Notice

Table 17.14-1: Required Notice indicates the types of notice required for public hearings on the zoning applications. Certain applications may contain additional notice requirements within their specific provisions.

Table 17.14-1: Required Notice				
Zoning Application	Type			
	Published Notice	Mailed Courtesy Notice	Mailed Required Notice	Posted Notice
Zoning Text Amendment	•			
Zoning Map Amendment	•	•		•
Special Use	•	•		•
Hardship Variance	•	•		•
Design Review				•
Planned Unit Development	•	•		•
Administrative Exception			•	
Zoning Appeals	•			

Section 7. Section 17.14.020 of the Davenport Municipal Code, entitled "Notice (Section 17.14.020.C.3.a only)" is hereby amended to read as follows:

3. Mailed Required Notice

Per Table 17.14-1, administrative exceptions require mailed notice.

- a. Notice will be mailed to ~~properties~~ **property owners** abutting the subject property as well as the property **owner** located directly across the street.

Section 8. Section 17.14.070 of the Davenport Municipal Code, entitled "Administrative Exception (Section 17.14.070.E only)" is hereby amended to read as follows:

E. Approval Standards

The decision of the Zoning Administrator must make findings to support ~~each of~~ the following conclusions:

- ~~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. 1.** The administrative exception, if granted, will not alter the essential character of the locality.

Section 9. Section 17.17 of the Davenport Municipal Code, entitled "Reservations of Previously Approved Conditions and Plans (Section 17.17.010.J only)" is hereby amended to read as follows:

J. Ordinance 2017-520.

- ~~1. Condition 5. That a fifty (50) foot landscape buffer (Class G, see Chapter 17.56) and 6 foot high fence be established along the south end of the property.~~
- 1. Condition 5. That a fifty (50) foot landscape buffer and 6 foot high fence be established along the south end of the property. The landscape buffer shall be developed with the following plantings: four canopy trees, six understory trees and 24 shrubs or 12 evergreens/conifers per 100 linear feet. Note: Condition 5 was modified to remove reference to previous Zoning Ordinance.**
- 2. Condition 6. Lighting shall consist of LED Dark Sky fixtures not higher than twenty five feet. Fixtures shall be shielded from view from properties to the south and shall be powered down within one-half hour of closing to a level necessary to provide security lighting only.**
- 3. Condition 7. Routine use of PA systems outside of buildings on the property shall not be permitted.**
- 4. Condition 8. Car washes on the property shall not be located closer than one hundred twenty five (125) feet from the south property line, oriented so entrances and exits be oriented in an east-west direction and operate only when the dealership is open for business.**
- 5. Condition 9. The following uses shall not be closer than three hundred (300) feet from the south property line:**
 - a. Automobile and service and oil change facilities not part of an automobile dealership.
 - b. Any use utilizing drive-through window(s).



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



Public Hearing Details:

Date: 4/11/2019

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 #: HV19-03

To: All property owners within 200 feet of the subject property located at **3750 Market Square CIR.**

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 HV19-03 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 95 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]

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?

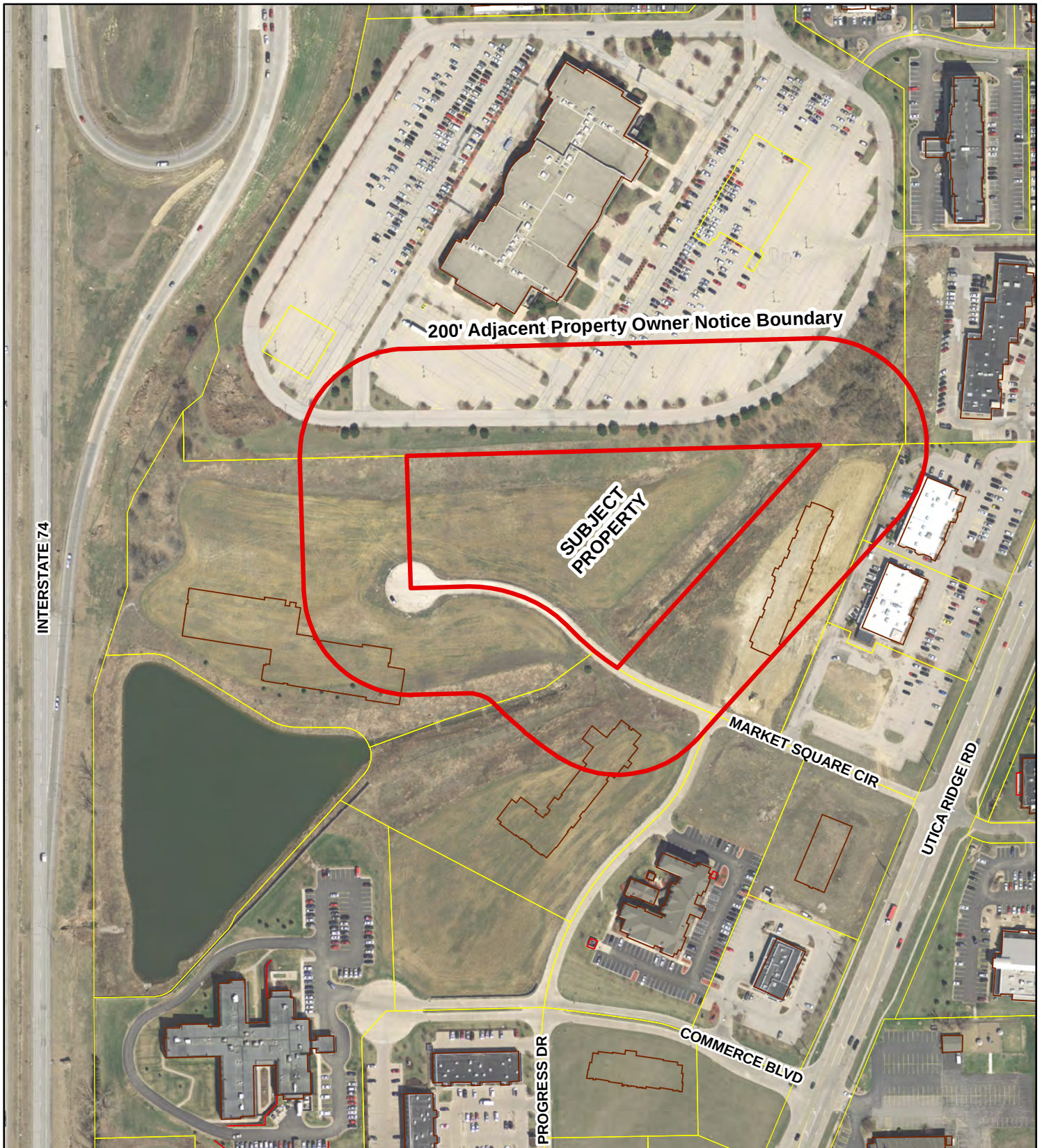
As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one 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.

0 50 100 200 Feet
1 inch = 250 feet



City of Davenport
Zoning Board of Adjustment

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

Date
4/11/2019

Subject:

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]

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 Swift Hospitality 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 the I-74/53rd Street 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:

48'-5" is the prototype height. Lowering the flat roof to code will make us lower first floor ceiling heights, which will require a complete redesign of the building resulting in a significant expenditure of both time and money. The redesign will cause significant construction and occupancy delays not accounted for by the developers. In addition, the lower first floor ceilings are a departure from the typical Springhill design which alter the mechanical installation and the lower ceilings are less aesthetically pleasing to the hotel guests.

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:

The proposed Springhill Suites building will be situated at the base of a 25 feet hill. It is our opinion that the 45 feet height requirement represents a hardship due to the fact the Springhill development was initiated in good faith using the Zoning Ordinance current at the time. The hardship will be from loss of time and money due to redesign to meet the Ordinance change.

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:

The structural and architectural design of this building was initiated prior to the changes and adoption of the current City of Davenport Zoning Ordinance. The prior PDD zoning designation allowed for 1 foot of additional building height over 25 feet for each foot of additional setback utilized. The current Site Plan shows the building set well over 50 feet behind the designated building setback. This setback allowance more than accounts for the 3'-5" of height discrepancy beyond the 45 feet required by the current zoning. It is our opinion that the 45 feet height requirement represents a hardship due to the fact the Springhill development was initiated in good faith using the Zoning Ordinance current at the time. The hardship will be from loss of time and money due to redesign to meet the Ordinance change.

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:

The building is located in a commercial district with neighboring hotels, urgent care, hospital and IMAX theatre. For this reason the SpringHill will not only fit with the character of locality, but will ultimately enhance it. The existing Homewood Suites building to the east exceeds the 45 feet height requirement and that building fits well with the local character. The height does not detract from the neighboring viewsheds or overpower the adjacent buildings. In addition, the proposed Springhill Suites building will be situated at the base of a 25 feet hill so the neighbors to the north and east will not see the entire structure and the building will not significantly block views from Interstate 74 to the other commercial structures.

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	Site Plan
▣ Exhibit	Application
▣ Exhibit	Code Change Summary
▣ Exhibit	Notice Letter
▣ Exhibit	Map

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	4/5/2019 - 1:28 PM



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: April 11, 2019
Applicant: Matt Jacobs on behalf of Swift Hospitality
Address: 3750 Market Square CIR

Description

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]

Background & Discussion

The developer Swift Hospitality 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 the I-74/53rd Street 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:

48'-5" is the prototype height. Lowering the flat roof to code will make us lower first floor ceiling heights, which will require a complete redesign of the building resulting in a significant expenditure of both time and money. The redesign will cause significant construction and occupancy delays not accounted for by the developers. In addition, the lower first floor ceilings are a departure from the typical Springhill design which alter the mechanical installation and the lower ceilings are less aesthetically pleasing to the hotel guests.

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:

The proposed Springhill Suites building will be situated at the base of a 25 feet hill. It is our opinion that the 45 feet height requirement represents a hardship due to the fact the Springhill development was initiated in good faith using the Zoning Ordinance current at the time. The hardship will be from loss of time and money due to redesign to meet the Ordinance change.

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:

The structural and architectural design of this building was initiated prior to the changes and adoption of the current City of Davenport Zoning Ordinance. The prior PDD zoning designation allowed for 1 foot of additional building height over 25 feet for each foot of additional setback utilized. The current Site Plan shows the building set well over 50 feet behind the designated building setback. This setback allowance more than accounts for the 3'-5" of height discrepancy beyond the 45 feet required by the current zoning. It is our opinion that the 45 feet height requirement represents a hardship due to the fact the Springhill development was initiated in good faith using the Zoning Ordinance current at the time. The hardship will be from loss of time and money due to redesign to meet the Ordinance change.

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 meet the existing code.

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

Applicant Response:

The building is located in a commercial district with neighboring hotels, urgent care, hospital and IMAX theatre. For this reason the SpringHill will not only fit with the character of locality, but will ultimately enhance it. The existing Homewood Suites building to the east exceeds the 45 feet height requirement and that building fits well with the local character. The height does not detract from the neighboring viewsheds or overpower the adjacent buildings. In addition, the proposed Springhill Suites building will be situated at the base of a 25 feet hill so the neighbors to the north and east will not see the entire structure and the building will not significantly block views from Interstate 74 to the other commercial structures.

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:

A handwritten signature in black ink, appearing to read "Scott Koops". The signature is fluid and cursive, with the first name "Scott" and last name "Koops" clearly distinguishable.

Scott Koops, AICP, Planner II

Attachments: ZBA Application/plans, Notice Documents



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

3750 Market SQ CIR

Property Address*

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

Applicant (Primary Contact) **

Name:

Company:

Address:

City/State/Zip:

Phone:

Email:

Application Form Type:

Plan and Zoning Commission

Zoning Map Amendment (Rezoning)

Planned Unit Development

Zoning Ordinance Text Amendment

Right-of-way or Easement Vacation

Voluntary Annexation

Owner (if different from Applicant)

Name:

Company:

Address:

City/State/Zip

Phone:

Email:

Zoning Board of Adjustment

Zoning Appeal

Special Use

Hardship Variance

Design Review Board

Design Approval

Demolition Request in the Downtown

Demolition Request in the Village of

East Davenport

Engineer (if applicable)

Name:

Company:

Address:

City/State/Zip

Phone:

Email:

Historic Preservation Commission

Certificate of Appropriateness

Landmark Nomination

Demolition Request

Architect (if applicable)

Name:

Company

Address:

City/State/Zip:

Phone:

Email:

Administrative

Administrative Exception

Health Services and Congregate

Living Permit

Attorney (if applicable)

Name:

Company:

Address:

City/State/Zip:

Phone:

Email:

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

Request:

Please describe the variance(s) requested:

Existing Zoning:

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 Sections 17.52.060 and 17.52.070 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.

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.

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.

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.

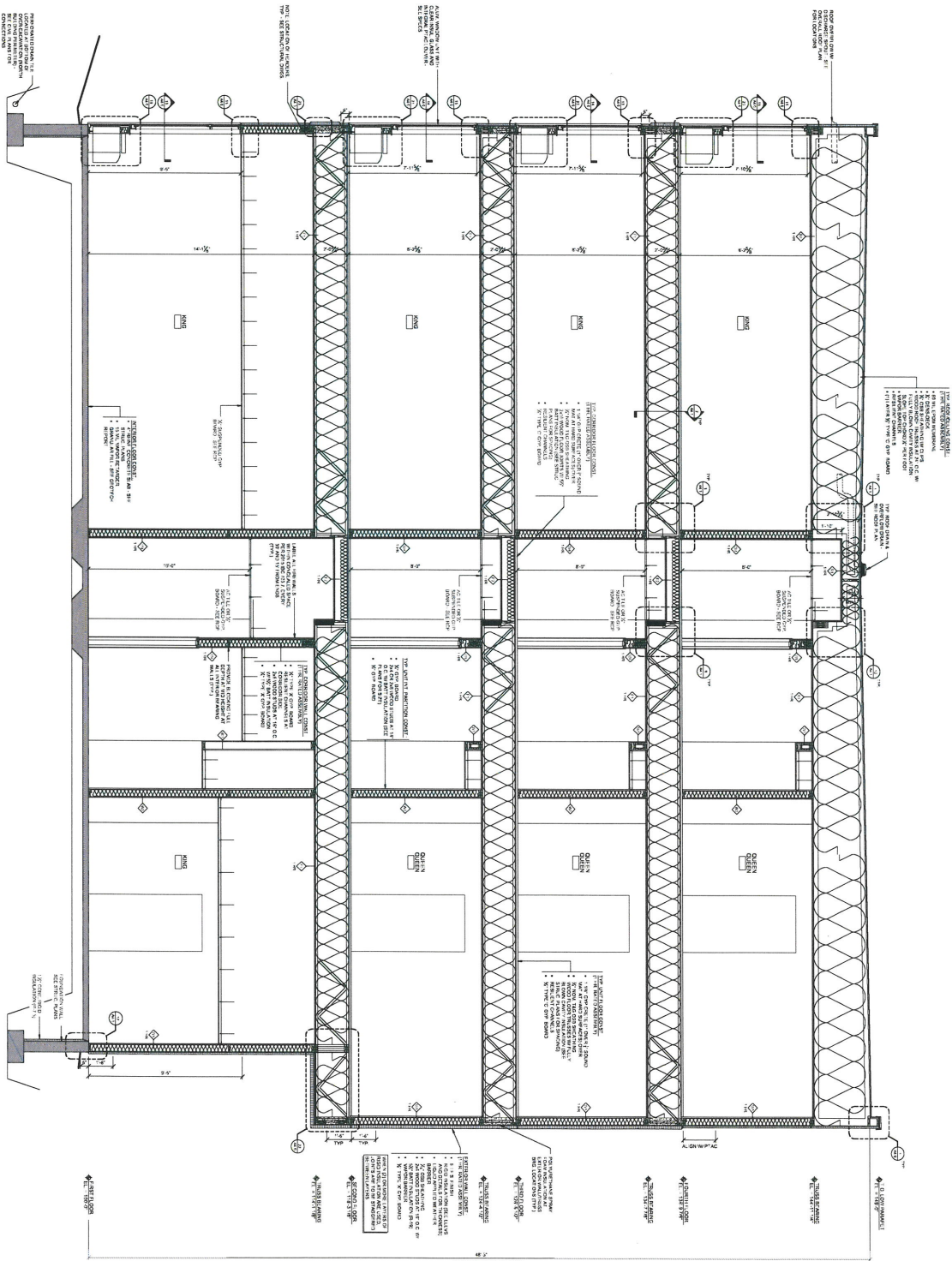
Authorization to Act as Applicant

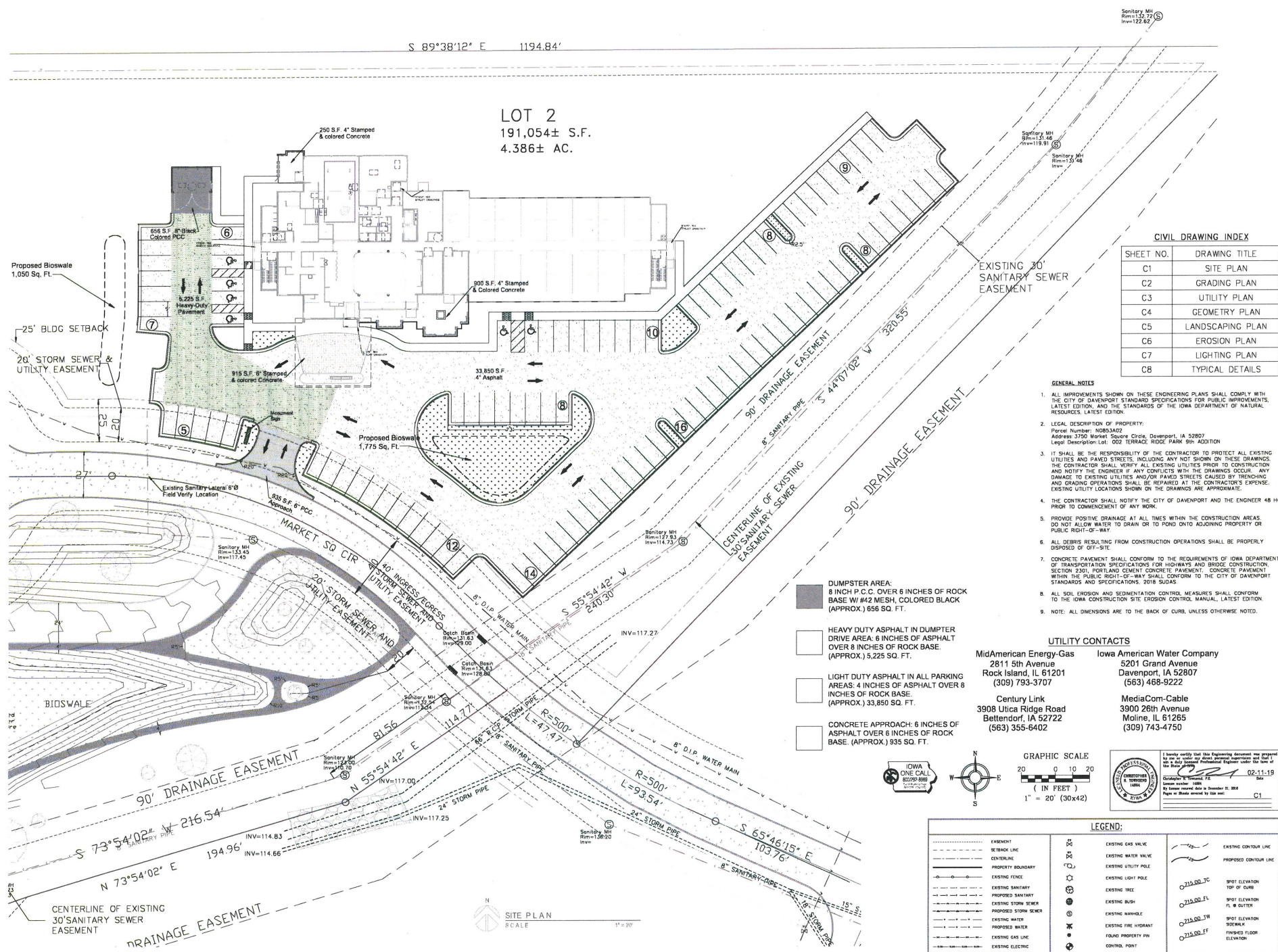
I, Caitlin Russell
authorize Swift Hospitality, MATT JACOBS
to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located
at LOT 2 OF TERRACE RIDGE PARK 9TH ADDITION, CITY OF DAVENPORT, IA.

Caitlin Russell Matt Jacobs

Signature(s)*

*Please note: original signature(s) required.





ORDINANCE NO. 2019 -

ORDINANCE for Case No. ORD19-01: Request of the City of Davenport to amend Title 17 of the Davenport Municipal Code, entitled, "Zoning" by correcting scrivener errors and amending certain dimensional standards. [Ward All]

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

Section 1. Section 17.02.030 of the Davenport Municipal Code, entitled "Definition of General Terms (definition of multi-tenant retail center and porch only)" is hereby amended to read as follows:

Multi-Tenant **Retail Commercial** Center. A group of two or more commercial establishments that is planned, owned, and/or managed as a single property. The two main configurations of multi-tenant retail centers are large shopping centers/malls and strip centers.

Porch. An architectural feature that projects from the exterior wall of a structure, **often with steps leading up to it,** has direct access to the street level of the building, and is covered by a roof or eaves.

Section 2. Section 17.05.030 of the Davenport Municipal Code, entitled "Dimensional Standards (Table 17.05-1 only)" is hereby amended to read as follows:

Table 17.05-1: Commercial Districts Dimensional Standards					
	C-T	C-1	C-2	C-3	C-OP
Bulk					
Minimum Lot Area	10,000sf	None	None	20,000sf	20,000sf
Minimum Lot Width	60'	None	None	80'	70'
Maximum Gross Floor Area of Nonresidential	5,000sf unless meeting the standards of Section 17.05.030.B	None	None	None	None
Maximum Building Height	35'	45'	45'	Nonresidential: 50' 55' Mixed-Use: 70' 75'	45'
Setbacks					
Minimum Front Setback	Build-to zone of 0' to 20'	Build-to zone of 0' to 15'	None	25'	20'
Front Setback Build-To Percentage	70%	70%	None	None	None
Minimum Interior Side Setback	None, unless abutting a residential district then 20'	None, unless abutting a residential district then 10'	None, unless abutting a residential district then 10'	10', unless abutting a residential district then 20'	15'
Minimum Corner Side Setback	Build-to zone of 0' to 15'	Build-to zone of 0' to 10'	10'	20'	Build-to zone of 0' to 20'
Corner Side Setback Build-To Percentage	60%	60%	None	None	60%
Minimum Rear Setback	15', unless abutting a residential district then 25' or 20% of lot depth, whichever is less	None, unless abutting a residential district then 15' or 20% of lot depth, whichever is less	None, unless abutting a residential district then 15'	10', unless abutting a residential district then 25'	25'

Section 3. Section 17.08.030 of the Davenport Municipal Code, entitled "Uses (Section 17.08.030.O.3 only)" is hereby amended to read as follows:

3. A 15% minimum transparency requirement applies to **any the front** façade and is calculated on the basis of the entire area of the façade.

Section 4. Section 17.09.040 of the Davenport Municipal Code, entitled "Permitted Encroachments (Section 17.09.040 – Table 17.09-1 only)" is hereby amended to read as follows:

Table 17.09-1: Permitted Encroachments Into Required Setbacks Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
Accessibility Ramp	Y	Y	Y	Y
Air Conditioner Window Unit <i>Max. projection of 18" from building wall</i> <i>No building permit required</i>	Y	Y	Y	Y
Arbor <i>No building permit required</i>	Y	Y	Y	Y
Awning or Sunshade <i>Max. of 2' from building wall</i> <i>Does not include awnings used as a sign (See Chapter 17.12)</i>	Y	Y	Y	Y
Balcony <i>Max. of 6' into front, interior side, or corner side setback</i> <i>Max. of 8' into rear setback</i> <i>Min. of 4' from any lot line</i> <i>Min. vertical clearance of 8'</i>	Y	Y	Y	Y
Bay Window <i>Max. of 5' into any setback</i> <i>Min. of 24" above ground</i>	Y	Y	Y	Y
Canopy (Residential Uses) <i>Max. of 5' into any setback</i> <i>Min. of 4' from any lot line</i> <i>Max. 15' width or no more than 3' extension on either doorway side, whichever is less</i> <i>Does not include canopies used as a sign (See Chapter 17.12)</i>	Y	Y	Y	Y
Canopy (Non-Residential Uses) <i>Max. of 18" from the curb line</i> <i>Max. 15' width or no more than 3' extension on either doorway side, whichever is less</i> <i>Does not include canopies used as a sign (See Chapter 17.12)</i>	Y	Y	Y	Y
Chimney <i>Max. of 18" into setback</i>	Y	Y	Y	Y
Deck <i>Max. of 5' into corner side, or interior side setback</i> <i>Max. of 10' into rear setback</i> <i>Prohibited in front yard</i> <i>Max. height of 5' above grade</i>	YN	Y	Y	Y
Dog House <i>Prohibited in front or corner side yard</i> <i>No building permit required</i>	N	N	N	Y
Eaves <i>Max. of 4' into setback</i>	Y	Y	Y	Y
Exterior Stairwell <i>Max. of 6' into setback</i> <i>Prohibited in front yard</i>	N	Y	Y	Y
Fire Escape <i>Max. of 3' into setback</i> <i>Prohibited in front yard</i>	N	Y	Y	Y
Gazebo or Pergola	N	N	Y	Y

Table 17.09-1: Permitted Encroachments Into Required Setbacks Y= Permitted // N= Prohibited Max. = Maximum // Min. = Minimum				
	Front Setback	Corner Side Setback	Interior Side Setback	Rear Setback
<i>Prohibited in front yard</i>				
Greenhouse <i>Min. of 5' from any lot line</i>	N	N	Y	Y
<i>Prohibited in front and corner side yard</i>				
Personal Recreation Game Court <i>Prohibited in front and corner side yard</i> <i>Min. of 4' from any lot line</i>	N	N	N	Y
Playground Equipment <i>Prohibited in front and corner side yard</i> <i>Min. of 4' from any lot line</i> <i>(This does not apply to backstops & portable basketball nets, which are allowed in any yard)</i>	N	N	N	Y
Porch - Unenclosed <i>Max. of 5' into front, interior side, or corner side setback</i> <i>Max. of 10' into rear setback</i> <i>Enclosed porches are considered part of the principal structure</i>	Y	Y	Y	Y
Shed <i>Prohibited in front yard</i> <i>Min. of 4' from any lot line</i>	N	N	Y	Y
Sidewalk <i>No min. setback from lot lines</i>	Y	Y	Y	Y
Sills, belt course, cornices, and ornamental features <i>Max. of 3' into setback</i>	Y	Y	Y	Y
Stoop <i>Max. of 4' into setback</i>	Y	Y	Y	Y

Section 5. Section 17.10.040 of the Davenport Municipal Code, entitled "Required Off-Street Vehicle and Bicycle Parking Spaces (Section 17.10.040 - Table 17.10-2 only)" is hereby amended to read as follows:

Table 17.10-2: Off-Street Vehicle Parking Requirements	
USE	MINIMUM REQUIRED VEHICLE SPACES
Amusement Facility, Indoor	1 per 500sf GFA
Amusement Facility, Outdoor	1 per 1,000sf GFA
Animal Care Facility – Large Animal	1 per 500sf GFA
Animal Care Facility – Small Animal	1 per 500sf GFA
Art Gallery	1 per 500sf GFA
Art and Fitness Studio	1 per 300sf GFA
Bar	1 per 300sf GFA
Bed and Breakfast	2 spaces + 1 per guestroom
Body Modification Establishment	1 per 500sf GFA
Broadcasting Facility	1 per 1,000sf GFA
Campground	2 per campsite
Car Wash	1 per car wash bay + 3 stacking spaces per bay
Cemetery	1 per 200sf of GFA of office and/or chapel/parlor
Children's Home	1 per 200sf GFA of office
Community Center	1 per 500sf GFA
Country Club	Calculated as the cumulative number required per facilities offered (golf course, driving range, restaurant, bar, etc.)
Cultural Facility	1 per 500sf GFA
Day Care Center	1 per 500sf GFA

Table 17.10-2: Off-Street Vehicle Parking Requirements	
USE	MINIMUM REQUIRED VEHICLE SPACES
Domestic Violence Shelter	1 per 300sf GFA of office
Drug Treatment Clinic	1 per 500sf GFA
Drug/Alcohol Treatment Facility, Residential	1 per patient room
Dwelling – Manufactured Home	2 spaces
Dwelling – Multi-Family	1.5 per du
Dwelling – Single-Family (Detached)	2 per du
Dwelling – Townhouse	2 per du
Dwelling – Two-Family	2 per du
Educational Facility – Primary or Secondary	
<i>Educational Facility – Elementary and/or Junior High</i>	<i>3 per each classroom + 3 per office</i>
<i>Educational Facility – High School</i>	<i>6 per classroom + 4 per office</i>
Educational Facility – University	2 per classroom + 2 per office + 1 per 4 students of maximum enrollment
Educational Facility – Vocational	2 per classroom + 2 per office + 1 per 8 students of maximum enrollment
Financial Institution	1 per 500sf GFA
Financial Institution, Alternative (AFS)	1 per 500sf GFA
Food Bank	1 per 300sf of office
Food Pantry	1 per 500sf GFA
Funeral Home	1 per 200sf GFA of public space
Gas Station	2 per pump island + 1 per 500sf GFA of structure + 5 stacking spaces per car wash bay
Golf Course/Driving Range	4 per golf hole and/or 4 per tee of driving range
Government Office/Facility	1 per 500sf GFA
Greenhouse/Nursery - Retail	1 per 500sf GFA of indoor space + 1 per 1,000sf of outdoor space
Group Home	1 per 2 rooms
Halfway House	1 per 2 rooms
Healthcare Institution	1 per 3 beds
Heavy Retail, Rental, and Service	1 per 500sf GFA of indoor space + 1 per 1,000sf of outdoor display space
Homeless Shelter	1 per 300sf of office
Hotel	1.5 1.0 per room
Industrial – Light	1 per 1,000sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes any outdoor storage)
Industrial – General	1 per 1,000sf GFA up to 40,000sf, then 1 per 2,500sf for additional GFA above 40,000sf (excludes any outdoor storage)
Industrial Design	1 per 500sf GFA
Live Performance Venue	1 per 5 persons based on maximum capacity
Lodge/Meeting Hall	1 per 500sf GFA
Manufactured Home Park	2 per manufactured home site
Medical/Dental Clinic	1 per 500sf GFA
Micro-Brewery	1 per 500sf GFA
Micro-Distillery	1 per 500sf GFA
Micro-Winery	1 per 500sf GFA
Office	1 per 500sf GFA
Personal Service Establishment	1 per 500sf GFA
Place of Worship	1 per 10 seats
Public Safety Facility	1 per 300sf GFA

Table 17.10-2: Off-Street Vehicle Parking Requirements	
USE	MINIMUM REQUIRED VEHICLE SPACES
Public Works Facility	1 per 500sf GFA
Reception Facility	1 per 300sf GFA
Recreational Vehicle (RV) Park	1 per RV site
Research and Development (R&D)	1 per 500sf GFA
Residential Care Facility	<i>To be calculated on the type of facility or combination of facilities provided below</i>
Independent Living Facility	0.75 per dwelling unit
Assisted Living Facility	0.5 per dwelling unit
Nursing Home or Hospice	0.5 per patient room
Restaurant	1 per 300sf GFA
Retail Goods Establishment	1 per 500sf GFA
Retail Alcohol Sales	1 per 500sf GFA
Retail Sales of Fireworks	1 per 500sf GFA
Self-Service Storage Facility	1 per 25 storage units
Social Service Center	1 per 500sf GFA
Specialty Food Service	1 per 500sf GFA
Storage Yard (Outdoor)	1 per 2,500sf of lot area
Vehicle Dealership	1 per 500sf of indoor sales and display area + 4 per service bay
Vehicle Operation Facility	1 per 2,500sf of lot area
Vehicle Rental	1 per 500sf GFA of indoor area (excluding indoor storage)
Vehicle Repair/Service – Major or Minor	2 per service bay
Wine Bar	1 per 300sf GFA
Warehouse & Distribution	1 per 500sf of office area + 1 per 30,000sf GFA of warehouse
Wholesale Establishment	1 per 500sf of office area + 1 per 15,000sf GFA of warehouse

Section 6. Section 17.14.020 of the Davenport Municipal Code, entitled “Notice (Section 17.14.020.A - Table 17.14-1 only)” is hereby amended to read as follows:

A. Required Notice

Table 17.14-1: Required Notice indicates the types of notice required for public hearings on the zoning applications. Certain applications may contain additional notice requirements within their specific provisions.

Table 17.14-1: Required Notice				
Zoning Application	Type			
	Published Notice	Mailed Courtesy Notice	Mailed Required Notice	Posted Notice
Zoning Text Amendment	•			
Zoning Map Amendment	•	•		•
Special Use	•	•		•
Hardship Variance	•	•		•
Design Review				•
Planned Unit Development	•	•		•
Administrative Exception			•	
Zoning Appeals	•			

Section 7. Section 17.14.020 of the Davenport Municipal Code, entitled "Notice (Section 17.14.020.C.3.a only)" is hereby amended to read as follows:

3. Mailed Required Notice

Per Table 17.14-1, administrative exceptions require mailed notice.

- a. Notice will be mailed to ~~properties~~ **property owners** abutting the subject property as well as the property **owner** located directly across the street.

Section 8. Section 17.14.070 of the Davenport Municipal Code, entitled "Administrative Exception (Section 17.14.070.E only)" is hereby amended to read as follows:

E. Approval Standards

The decision of the Zoning Administrator must make findings to support ~~each of~~ the following conclusions:

- ~~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. 1.** The administrative exception, if granted, will not alter the essential character of the locality.

Section 9. Section 17.17 of the Davenport Municipal Code, entitled "Reservations of Previously Approved Conditions and Plans (Section 17.17.010.J only)" is hereby amended to read as follows:

J. Ordinance 2017-520.

- ~~1. Condition 5. That a fifty (50) foot landscape buffer (Class C, see Chapter 17.56) and 6 foot high fence be established along the south end of the property.~~
- 1. Condition 5. That a fifty (50) foot landscape buffer and 6 foot high fence be established along the south end of the property. The landscape buffer shall be developed with the following plantings: four canopy trees, six understory trees and 24 shrubs or 12 evergreens/conifers per 100 linear feet. Note: Condition 5 was modified to remove reference to previous Zoning Ordinance.**
- 2. Condition 6. Lighting shall consist of LED Dark Sky fixtures not higher than twenty five feet. Fixtures shall be shielded from view from properties to the south and shall be powered down within one-half hour of closing to a level necessary to provide security lighting only.**
- 3. Condition 7. Routine use of PA systems outside of buildings on the property shall not be permitted.**
- 4. Condition 8. Car washes on the property shall not be located closer than one hundred twenty five (125) feet from the south property line, oriented so entrances and exits be oriented in an east-west direction and operate only when the dealership is open for business.**
- 5. Condition 9. The following uses shall not be closer than three hundred (300) feet from the south property line:**
 - a. Automobile and service and oil change facilities not part of an automobile dealership.
 - b. Any use utilizing drive-through window(s).



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



Public Hearing Details:

Date: 4/11/2019

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 #: HV19-04

To: All property owners within 200 feet of the subject property located at **3750 Market Square CIR.**

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 HV19-04 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]

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?

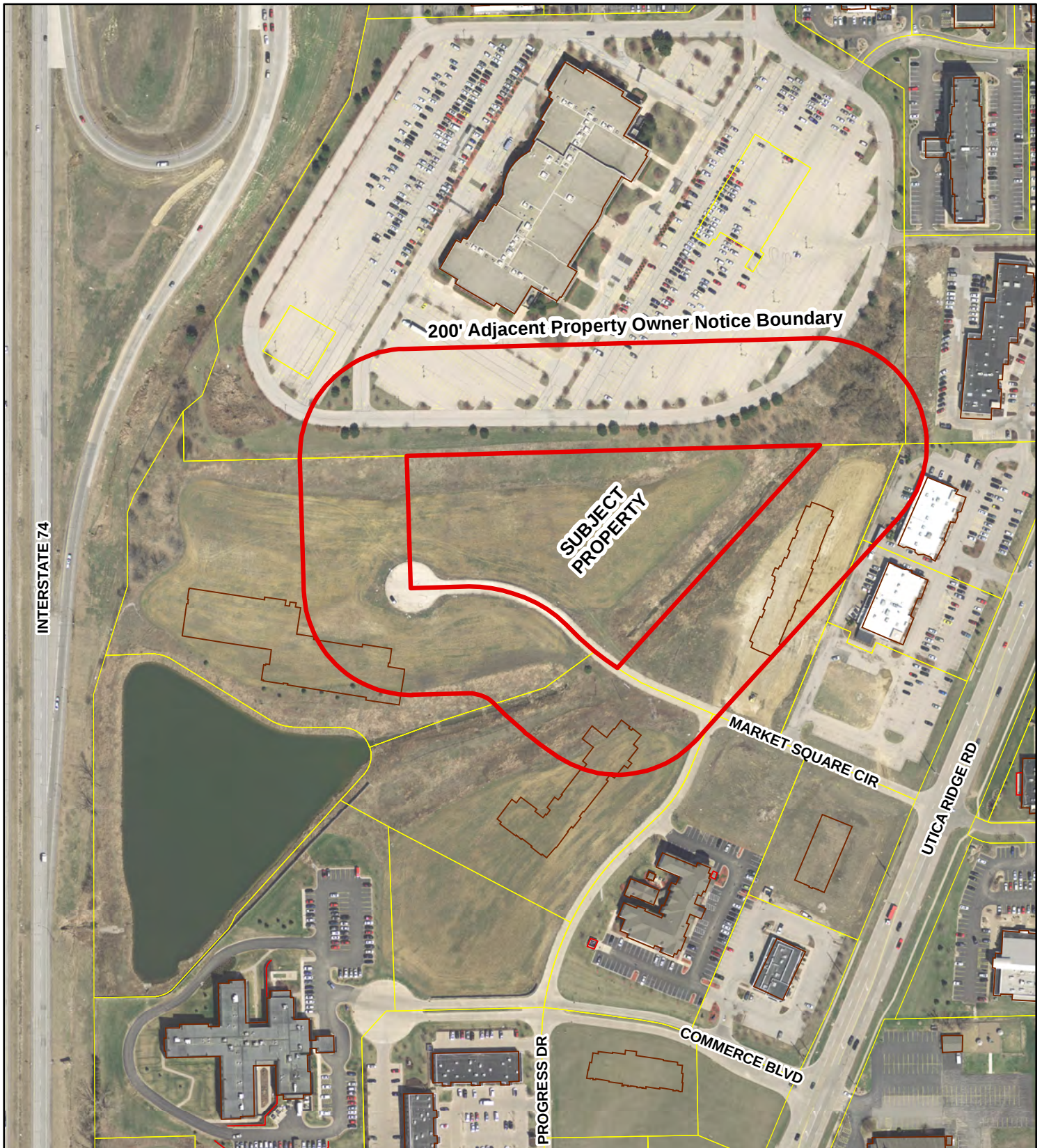
As a neighboring property owner, you may have an interest in commenting on the proposed request either in writing/email or in person at the public hearing. If you intend to send in written comments, it is appreciated if those comments could be received by Community Planning no later than 12:00 PM *one 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.

0 50 100 200 Feet
1 inch = 250 feet



City of Davenport
Zoning Board of Adjustment

Department: CPED
Contact Info:

Date
4/11/2019

Subject:
Procedural options for receiving public comments/speaker identification

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	4/5/2019 - 1:22 PM