

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, FEBRUARY 11, 2021; 4:00 PM

CITY HALL COUNCIL CHAMBERS 226 W 4TH ST

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

I. Call to Order

II. Secretary's Report

- A. Consideration of the ZBA Public Hearing minutes for 12-10-20 and 1-14-21.

III. Old Business

- A. Request SU20-08 of Jonathon Carstens on behalf of Atomic Coffee at 3919 W. Locust St. for a special use to approve a drive-through facility. The property is zoned "C-1" Neighborhood Commercial District. Section 17.08.020, Table 17.08-1 of the Davenport Municipal Code requires a special use for drive-through facilities on property zoned "C-1". [Ward 1]
- B. Request HV20-12 of Jonathon Carstens on behalf of Atomic Coffee at 3919 W. Locust St. for a hardship variance to construct a commercial building in noncompliance with transparency and front facing entrance/sidewalk requirements. Table 17.05-2 requires entrances to face the street and to have a private sidewalk leading to the entrance from the public right-of-way. [Ward 1]
- C. Request HV20-13 of Jonathon Carstens on behalf of Atomic Coffee at 3919 W. Locust St. for a hardship variance to construct a commercial building with a front setback of approximately 100 feet which is outside of the required 0' to 15' front build-to zone. Table 17.05-1 requires C-1 structures to be within 0 to 15 feet of the front property line. [Ward 1]

IV. New Business

- A. Request SU21-01 of Rich Clewell on behalf of Humility Homes & Services for a special use to approve a Neighborhood Commercial Establishment (retail sales) at 522 Fillmore Street. Municipal Code 17.08.030.U. allows for Neighborhood Commercial Establishments in existing nonresidential structures in residential districts (excluding R-1) with the granting of a special use. [Ward 3]

V. Other Business

VI. Adjourn

City of Davenport
Zoning Board of Adjustment

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

Date
2/11/2021

Subject:
Consideration of the ZBA Public Hearing minutes for 12-10-20 and 1-14-21.

ATTACHMENTS:

Type	Description
▣ Exhibit	Minutes 12-10-2020
▣ Exhibit	Minutes for 1-14-21

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	2/5/2021 - 4:03 PM



MINUTES
Zoning Board of Adjustment
December 10, 2020



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

I. Call to Order:

Board member Reistroffer called the Zoning Board of Adjustment meeting to order in City Hall Council Chambers, Davenport, Iowa at 4:05 p.m.

Board Members present: Loebach, Quinn, and Darland.

Board Members excused: None.

Staff present: Koops, Berkley, and Attorney Hoyt.

II. Secretary's Report:

Minutes were approved for the 11-12-20 Hearing by voice-vote (No Hearing was held for the second cycle of November due to conflict with the Thanksgiving holiday).

III. Old Business:

None.

IV. New Business:

Request SU20-08 of Jonathon Carstens on behalf of Atomic Coffee at 3919 W. Locust St. for a special use to approve a drive-through facility. The property is zoned "C-1" Neighborhood Commercial District. Section 17.08.020, Table 17.08-1 of the Davenport Municipal Code requires a special use for drive-through facilities on property zoned "C-1". [Ward 1]

Koops presented the staff report to the Board. No comments were received by staff.

The petitioner is requesting a Special Use to open a coffee shop (Atomic Coffee) on the subject property. Drive-through facilities in Davenport, with or without a Special use, must operation in conformance with the Drive-Through Use Standards 17.09.030.J as mentioned in the background section of this report.

The proposed plan is deficient with respect to three of the Use Standards. The deficiencies are:

1. Drive-through lanes must have an exit/bail lane. (the north-bound drive-through lane does not have a bail out lane. The one lane present is 15 feet in width. A total of 19 feet is required (9 ft. for the drive lane, and 10 ft. for the bailout lane)
2. Substandard level of stacking spaces per the City Traffic Engineer. (see attached email of Engineering's response to Exhibit "A")
3. Adverse impact on traffic circulation which impacts the subject property, the vacant lots to the south (lots 3 & 4), lot 2 to the east (3901 and 3911 W Locust St), and potentially traffic on West Locust Street. See Exhibits "B" and "C" which show the traffic impacts on two comparable Atomic Coffee sites.

In addition to the use standard deficiencies list above there are other extenuating circumstance that will impact this use.

1. The business model for the proposed Atomic Coffee, as situated in at least two other locations (3235 Ridge Point, Bettendorf IA and 4707 Brady Street in Davenport IA), has created adverse traffic impacts due the long wait times and a high volume of traffic.
Each of these locations has significantly more traffic volumes than what has been stated by the petition in their statement regarding potential traffic impact. See Exhibit "A" – Traffic Statistics and the response to the submittal by Traffic Engineering staff.
2. Exhibit "B" – 3235 Ridge Point Bettendorf shows the traffic impact at this site located near Pleasant Valley HS. Bettendorf PD photos show the traffic back up for 330 feet from the drive-through window and on to the collector street Belmont RD.
3. Exhibit "C" – 4707 Brady Street shows 27 vehicles total stacked in drive-through lanes.

Each of these three sites, the subject property at 3919 W Locust Street, 3235 Ridge Point, and 4707 Brady Street are very near local public high schools which results in two peak traffic counts for each of these sites, one in the morning and one in the afternoon. To date Planning staff has not been provided information about the morning peaks. The City Traffic Engineer drives past the proposed location on West Locust on a commute to Public Works, and is therefore aware of the morning high school traffic generation.

The petitioner has stated that peak traffic generation will be likely 10 vehicles at any given time, with a maximum of 13 vehicles. Each of the two operating Atomic Coffee sites have photographic evidence that 13 vehicles during peak demand is not an accurate estimation considering the other two sites have 27 and 23 vehicles stacked in drive-through lanes at those times.

The 13 stacking spaces is simply not enough to accommodate the demand for this proposed site, and approval of the drive-through will result in Atomic customer vehicles blocking access drives to adjacent lots. Additionally, drivers choosing the shortest line will likely result in vehicles standing on West Locust Street while the occupants wait in line.

Findings:

Findings/Approval Standards

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

If operated as proposed and in a similar fashion to the two existing Atomic coffee sites, which have smaller high schools populations, the proposed drive-through will result in adverse traffic impact on adjoining property and streets as shown in Exhibits "B" and "C". The proposed use shall have a detrimental impact on adjacent properties and will result in standing vehicles on W. Locust Street, which will greatly increase the likelihood of additional traffic collisions, personal injury, and vehicle property damage.

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

While in general a drive-through coffee shop could potentially be compatible at this site, the scale of this site and the precedent of similar business operations elsewhere will have a detrimental impact on adjoining property. The planned business operation would have a detrimental impact on adjacent property and public facilities/streets.

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

The proposed drive-through does not meet the bailout lane requirement, the stacking requirement specific to this business model's needs, and also creates a public hazard to public safety and welfare due to the high likelihood of standing vehicles occurring on West Locust Street.

Recommendation

Findings:

The location/design/construction of the proposed use does not meet the approval criteria for a Special Use as noted in the Discussion section and Approval Standards section of this report.

Recommendation:

Staff recommends this request be denied.

Jonathon Carstens spoke for the petitioner. Mr. Carstens stated that the site was set up to accommodate as many cars as it will bare/can be handled. While the site is adjacent to a large parking lot, future development [of that site] could be considered for additional stacking spaces if needed.

The large parking lot to the east is comparable to the Brady Street [Atomic] setup which has lots of space to stack extra cars. Carstens stated that they feel that would be a way to alleviate some of the [stacking] concern. Also, the long shared driveway is available for handling 300' of stacked cars.

The petitioner has had conversations with the adjacent property owner (McAlister) to the east and the real estate agent (Jeff Heuer?) has talked to them as well.

Carstens stated that the petitioner would like this request considered, just based on the fact that they have utilized as much space as possible on the lot with this [two-lane drive-through] arrangement.

Scott Ward (sp), the C.O of Point Builders addressed the Board on behalf of the petitioner. He stated that the bailout lane can (and will) be corrected as it is an easy correction and an oversight. He stated that long lines/ stacking of cars [shown in the staff report photographs] were due to COVID and that the business was the only business open at that time.

Peter Schillaci, owner of the proposed business for the site, addressed the Board. He stated that the 37 cars shown on the Bettendorf PD photos were an isolated incident due to COVID. He stated that Bettendorf is wealthier, with more disposable income [than the vicinity of the

proposed site]. Also this proposed site will be less busier because this is the third Atomic location.

Mr. Schillaci stated that during busy times they have added a fourth and fifth person to their crews and they have a 'runner' at those peak demand times.

Loebach asked if their 'runners' bring food to the cars?

Reistroffer stated he was concerned about stopped cars standing on Locust Street. Reistroffer asked why the petitioner does not have two windows, one for ordering and one for food like other drive-through's have?

Mr. Schillaci stated that [having two windows] is not the way they want to do it. They do not want to be 'robots' like Starbucks. They want to provide a "fun" experience to their customers by making sure their baristas interact with their customers and so they can change orders at the last minute.

Reistroffer ask the petitioner if he had business volume projections for this site and if the projections were higher than Bettendorf's?

Mr. Schillaci stated he did not believe so, [that the proposed site would have more business than Bettendorf]. He stated the West End is where he wants to be. Maybe someday Locust Street will have five lanes. We are all for signage and parking lot striping said Mr. Schillaci. Mr. Carstens joined the conversation and stated that the petitioner could stack cars on the north end of the adjacent parking lot like what is done at Brady Street [Atomic].

Reistroffer stated that the petitioner would need permission from the adjacent owner(s) to use those parking lot drive isles.

Carstens stated that projections for pandemics should not be used for estimation of parking demands.

Mr. Schillaci stated that we re-striped Brady to accommodate queues; if we thought this [proposed use] would cause concern we would not have proposed the site. We do not think there will be 20-car waiting in line.

Reistroffer ask staff whether there were concerns about accidents and safety issues. Traffic staff stated that one of the bigger concerns is congestion leading to standing traffic in the street and blocking travel lanes.

Jeff Heuer, real estate agent for the petitioner addressed the Board. He stated that the parking lot on lot 1 of Fairway Plaza is for lot 1 of Ingram-Coussens Addition (the subject property). Heuer stated that he can help the petitioner talk with the adjacent owner if they want [to pursue use of that parking lot].

Darland asked if the petitioner has access to the parking lot; is it allowed for the use of Atomic? Heuer stated it is allowed for Atomic because it is part of the development.

Tuvi Mendel, the owner of 3919 W locust Street/Lot 1 Ingram-Coussens spoke in-favor of the request. He reiterated the thoughts of the previous gentlemen in support of the use.

Reistroffer asked for last comments from the petitioner, Mr. Carstens stated that the site should be planed for normal demand, not abnormal demand.

Loebach asked staff if the petitioner is able to use the parking lot to the east? Staff responded by saying doing so would be a change to the request, as currently the request is only for the use of the property located at 3919 W Locust Street, not those parking lots. Staff stated that agreements or easements would be needed documenting the right to use such lots, and that such easements should specify that the use would result in stopped or standing vehicles on the parking lot, and not be a simple ingress/egress easement.

Darland asked what the petitioner's contingency plan was for days that have an extra ordinary stacking demand?

Mr. Schillaci stated in the past they have had off-duty officers direct traffic. He stated they can get written permission [to use the parking lot to the east]. He stated they could put up a sign stating "look both ways before entering Locust St"; it is wishful thinking that there will be too many cars.

Motion

Quinn, seconded by Loebach, moved to approve request HV20-05.

During Board discussion of the motion Darland, asked for the motion to be rescinded. Quinn then rescinded the motion.

Darland moved to table the request, seconded by Loebach, so that the petitioner can provide 1) staff written permission to use the adjacent parking lot, so that they can resubmit the request to state the parking lot will be utilized for car stacking with an agreement for such use in writing and 2) provide staff with a study of traffic/data need to determine stacking needs.

Roll call vote was taken on the motion to table via roll call and the motion carried unanimously. (4-0)

Motion

Darland moved to table the other two remained related requests (HV20-12 and HV20-13), seconded by Loebach, and the notion carried unanimously.

V. Other Business

Election of Officers.

Reistroffer was elected Chairman and Loebach was elected Vice Chairman. Cochran was not present.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 5:26 p.m.



MINUTES
Zoning Board of Adjustment
January 14, 2021



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

I. Call to Order:

Board member Reistroffer called the Zoning Board of Adjustment meeting to order in City Hall Council Chambers, Davenport, Iowa at 4:05 p.m.

Board Members present: Loebach, Quinn, and Darland.

Board Members excused: Cochran.

Staff present: Koops, Berkley, and Attorney Hoyt.

II. Secretary's Report:

Minutes for the December 10, 2020 meeting were not available.

III. Old Business:

None.

IV. New Business:

Request HV20-14 of Karen Guest at 129 Ridgewood Drive for a hardship variance to construct a four (4) foot garage addition to the front of the existing garage. The proposed addition would be located four (4) feet closer to the Hillcrest property line, approximately 13 feet from the front of the garage to the lot line. Table 17.04-1 and 17.15 sets this front setback at the front of the existing garage (approximately 17 feet). [Ward 6]

Staff Recommendation:

Staff does not object to the proposed setback as this street functions more as an alley than a street.

All items #1 through #4 appear to have been met. Staff recommends approval of the request.

Motion

Quinn moved to approve the request as proposed, seconded by Darland, the motion carried unanimously (4-0).

Loebach yes; Darland yes; Quinn yes; and Reistroffer yes.

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:41 p.m.

City of Davenport
Zoning Board of Adjustment

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

Date
2/11/2021

Subject:

Request SU20-08 of Jonathon Carstens on behalf of Atomic Coffee at 3919 W. Locust St. for a special use to approve a drive-through facility. The property is zoned "C-1" Neighborhood Commercial District. Section 17.08.020, Table 17.08-1 of the Davenport Municipal Code requires a special use for drive-through facilities on property zoned "C-1". [Ward 1]

Recommendation:

See attached Staff Report.

ATTACHMENTS:

Type	Description
▢ Cover Memo	Staff Report Ex. A-E2
▢ Exhibit	Application Document #1 Drone Photos
▢ Exhibit	Application - Revised Document #2
▢ Exhibit	Application Document #3 Site Plan 2-11-21
▢ Exhibit	Application Document #4 Overflow Stacking
▢ Exhibit	Application Document #5 Deed
▢ Exhibit	Application #6 Easements for 3919 and Adjacent Lots
▢ Exhibit	Application Document #7 Fairway Plaza Survey
▢ Exhibit	Exhibit - Annotation of Easements in Document #6
▢ Exhibit	Adjacent Property Notice
▢ Exhibit	Notice List
▢ Exhibit	Protest - Chris McAlister

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	2/5/2021 - 1:15 PM



ADDENDUM to SU20-08 REPORT

Zoning Board of Adjustment

Planning Staff Report – Drive Through

December 10, 2020, **REVISED February 11th, 2021**

SU20-08 TABLED DEC 10, 2020

At the Dec. 10th 2020 ZBA meeting request SU20-08 was tabled by the Board so that the petitioner could:

1) revise their request to include the use of the existing parking lots to the east (PIN S2907-02 & PIN S2907-2C; addressed 3911, 3901, 3829 & 3827 W Locust, owned by McAlister Properties of Durant Iowa) and to provide written agreement for such use, or to provide an easement granting the use of the parking lots for stopping and standing vehicles in the course of business from the coffee shop proposed for Lot 1 Ingram-Coussens Addition, PIN S2907-1; and

2) provide a traffic study/ more detailed information on the peak demand/stacking requirements for customer vehicles from the proposed coffee shop and a contingency plan for handling traffic that exceeds levels that can be accommodated on the subject property (PIN S2907-01/3919 W Locust)

As seen by the revised request description below, the petitioner has not changed the request to include the parking areas to the east of the subject property. Easement information has been provided for the subject property and the properties to the east, and has associated easements (as demonstrated in the attached Easement Exhibit). The submitted documents grant the owner of the subject property the ingress and egress rights to access said lot via two 12.5 foot strips of land (PINS2907-03 & S2907-04). The owner of Lot 1 Ingram-Coussens Addition (the subject property) does NOT have the right to utilize the parking lots on PIN S2907-02 and S2907-02C as shown in the petitioner's submittal document "ICE2Junis.W.Easements.PDF". The attached Easements Exhibit shows all the easements mentioned in the recorded FILE 2007-00035655 for the parking lot parcels and for the subject property (lot 1 Ingram-Coussens Addition). There are no easements that provide any use of the parking lots for the subject property 3919 W. Locust/PINS2907-01.

REVISED DESCRIPTION

Request:

Please describe the special use requested:

This special use request is for a drive through only facility to be built at 3919 W. Locust St. This facility will use two drive through lanes with orders being taken at each window to allow for customization of the services that will be provided at will. The windows are placed to allow for seamless transition of work flow between the two lines and shared work spaces. Plans have been submitted to show 19'-0" minimum drive aisles to allow for bailout. The average transaction time per order is 60-90 seconds, and average order size (1-2 items) and such that having cars pull ahead would slow the speed of dispersement. The lot accommodates 13 cars worth of stacking, and a site plan has been provided showing possible overflow options to avoid issues on Locust St.

ORIGINAL DESCRIPTION

Request:

Please describe the special use requested:

This special use request is for a drive through facility.

REVISED REQUEST

Property Address* Parcel Number S2907-01

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

Request:

Please describe the special use requested:

This special use request is for a drive through only facility to be built at 3919 W. Locust St. This facility will use two drive through lanes with orders being taken at each window to allow for customization of the services that will be provided at will. The windows are placed to allow for seamless transition of work flow between the two lines and shared work spaces. Plans have been submitted to show 19'-0" minimum drive aisles to allow for bailout. The average transaction time per order is 60-90 seconds, and average order size (1-2 items) and such that having cars pull ahead would slow the speed of dispersement. The lot accommodates 13 cars worth of stacking, and a site plan has been provided showing possible overflow options to avoid issues on Locust St.

THE FOLLOWING THREE RESPONSES HAVE REMAINED THE SAME

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

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

The proposed use is for a drive through coffee shop on the parcel. It is consistent with other facilities that operate in a similar manner, and has been designed with all codes and life safety requirements adopted by the City of Davenport.

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

The proposed special use is compatible with the general land use of the adjacent properties in the immediate vicinity. The adjacent property was built with a significant parking lot in front of the structure and in a manner that is auto oriented. Also in the nearby vicinity are multiple gas station and takeout restaurants that compliment the special use proposed.

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

The special use in this location would be consistent with development of the west Locust St. corridor. It would further the development of the business in that area.

REVISED REQUEST

(ORIGINAL REQUEST Contact info)

Property Address* Parcel Number S2907-01
*If no property address, please submit a legal description

Applicant (Primary Contact)**

Name: Jonathon Carstens
Company: Streamline Architects
Address: 575 12th Ave
City/State/Zip: East Moline, IL
Phone: 309-235-4588
Email: jonathon@streamlinearchitects.com

Owner (if different from Applicant)

Name: Tuvi Mendel
Company:
Address:
City/State/Zip:
Phone:
Email: qcorthodoc@gmail.com

Engineer (if applicable)

Name: Mike Richmond
Company: Townsend Engineering
Address: 2224 East 12th Street
City/State/Zip: Davenport IA
Phone: (563) 386-4236
Email: mrichmond@townsendengineering.net

Property Address* Parcel Number S2907-01
*If no property address, please submit a legal description

Applicant (Primary Contact)**

Name: Jonathon Carstens
Company: Streamline Architects
Address: 575 12th Ave
City/State/Zip: East Moline, IL
Phone: 309-235-4588
Email: jonathon@streamlinearchitects.com

Owner (if different from Applicant)

Name: Peter Schillaci
Company:
Address:
City/State/Zip:
Phone: 503-686-5055
Email: peterschillaci@gmail.com

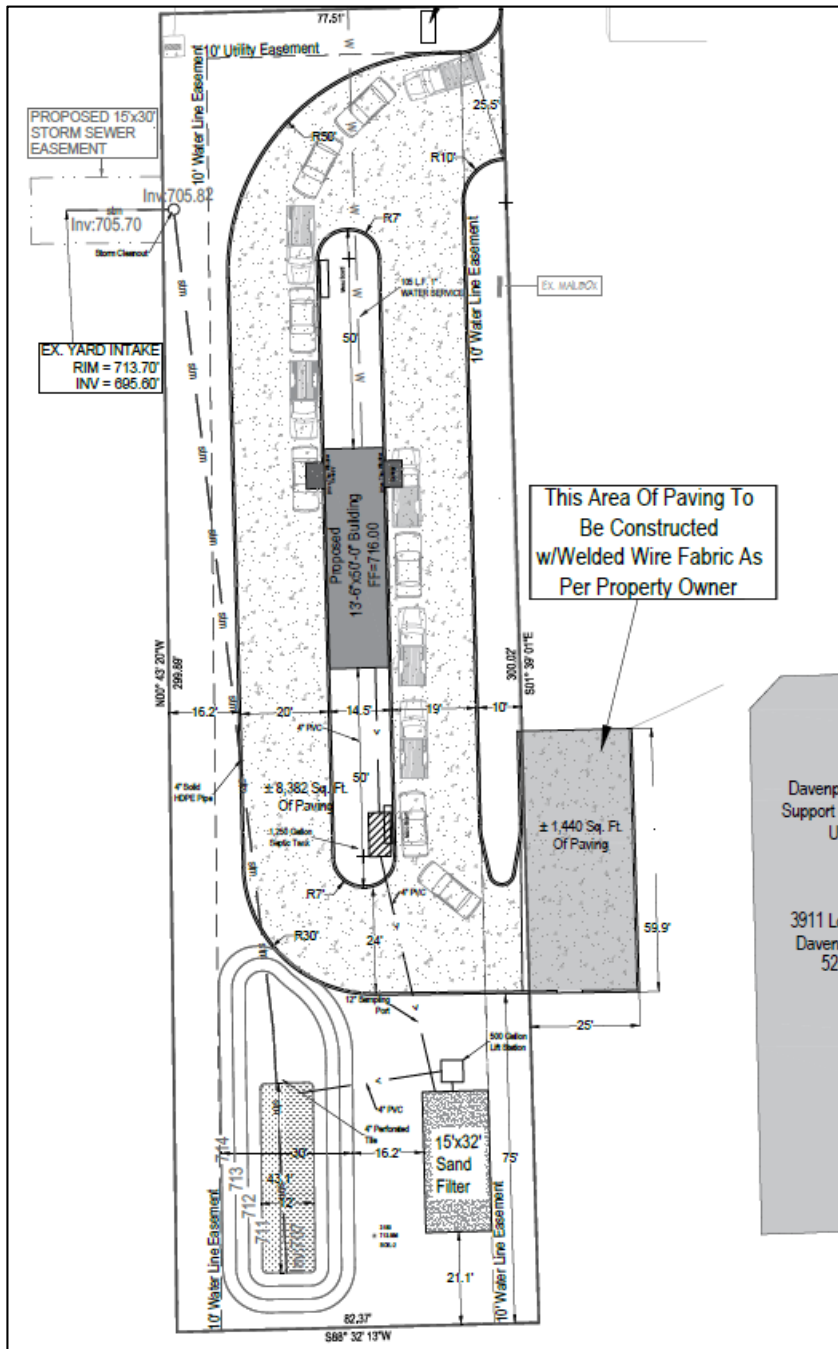
Engineer (if applicable)

Name: Mike Richmond
Company: Townsend Engineering
Address: 2224 East 12th Street
City/State/Zip: Davenport IA
Phone: (563) 386-4236
Email: mrichmond@townsendengineering.net

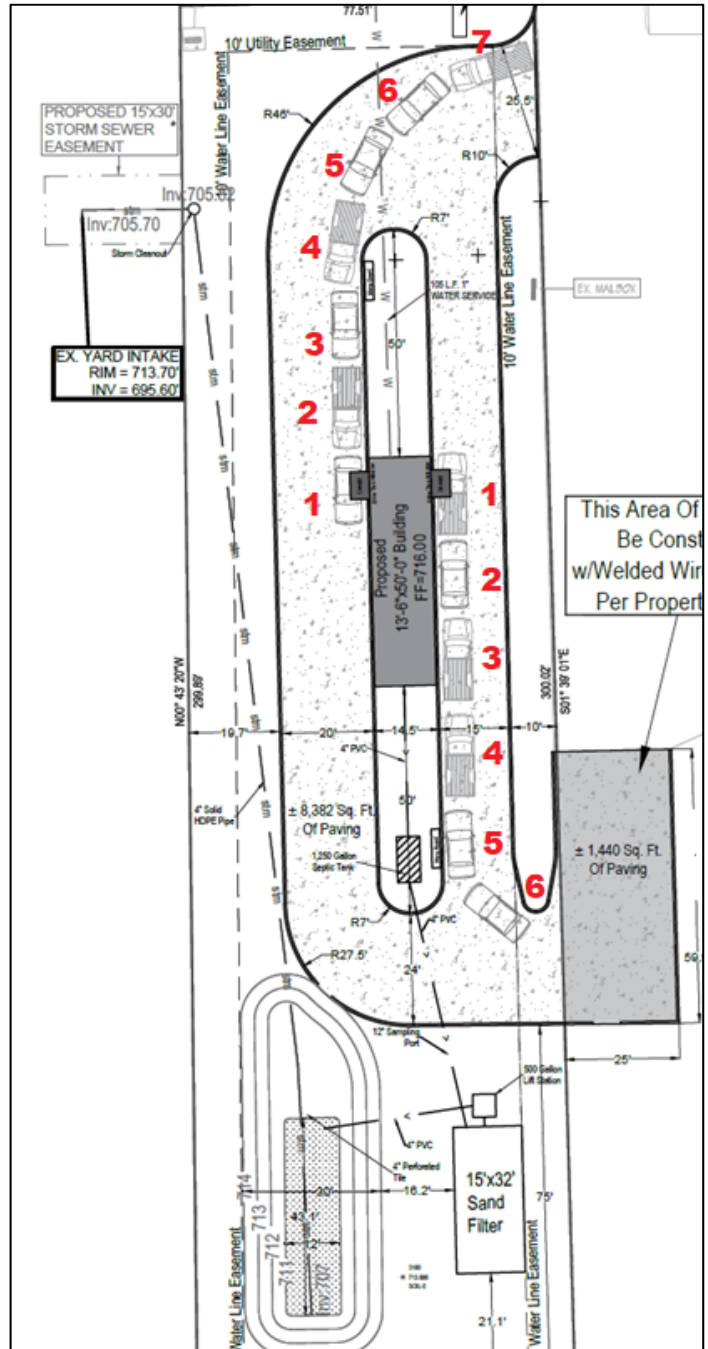
ADDED "OVERFLOW" PLAN (Architectural Site Plan 1-4-21)



PREVIOUS SITE PLAN (Only 1 lane for the “east” window)



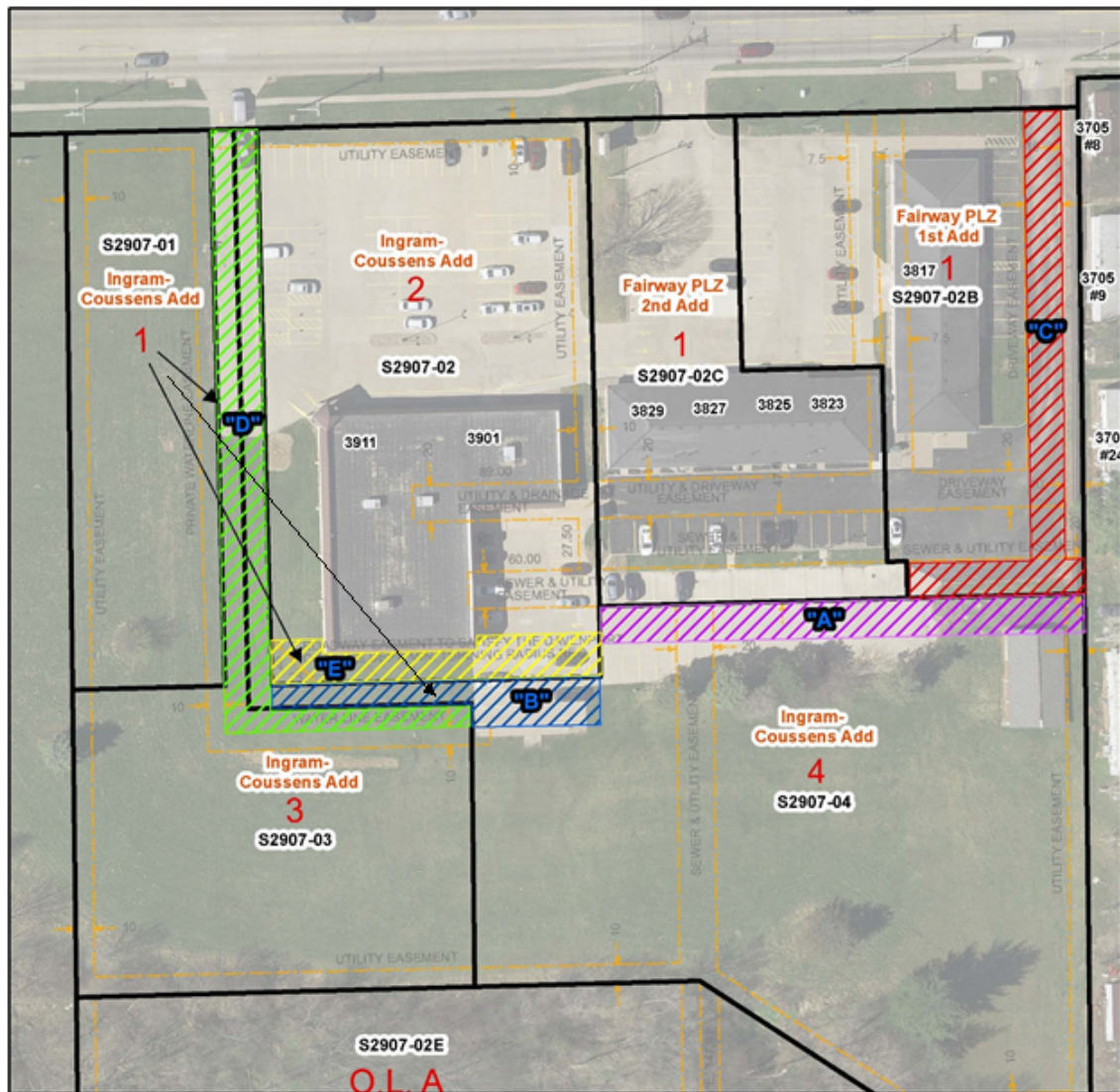
PREVIOUS SITE PLAN (Only 1 lane for the “east” window)



Easement Exhibit – created by staff

Easements of Recorder File 2007-00035655

(ICE2Janis.W.Easements.PDF)

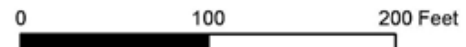


Lot 1 Ingram-Coussens Addition has two (2) easements recorded per File 2007-00035655:

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.



Cross-hatched areas "D" & "E" & "B"



All easements are for ingress and egress only, except for area "E" which is for utilities only.

(Based on the applicant's submitted document "ICE2Junis.W.Easements.PDF")



**Zoning Board of Adjustment
Planning Staff Report – Drive Through
December 10, 2020 [REVISED IN RED FOR 2-11-21 HEARING]**

Description

Request SU20-08 of Jonathon Carstens on behalf of Atomic Coffee at 3919 W. Locust St. for a special use to approve a drive-through facility. The property is zoned “C-1” Neighborhood Commercial District. Section 17.08.020, Table 17.08-1 of the Davenport Municipal Code requires a special use for drive-through facilities on property zoned “C-1”. [Ward 1]

Background

The subject property is an undeveloped Neighborhood Commercial lot adjacent to strip mall development to the east. Residential uses are to the north and west. This neighborhood is a small cluster of commercial uses. West of this lot is undeveloped land with a utility easement running northeast to southwest, rendering much of that property unbuildable.

The proposed coffee shop drive-through would be constructed on Lot 1 of Ingram-Coussens Addition which shares an access agreement along the east property line with lots 2 (3911 W Locust), 3 (PIN: S2907-03), and 4 (PIN: S2907-04).

Drive-Through Use Standards: 17.08.030.J.

Summary

Standard	Specifications
Stacking Spaces (minimum)	4 spaces in line, each 18 ft. long, min.
Drive Through Lane Width (minimum)	9 ft.
Exit/Bailout Lane Width (minimum)	10 ft.
Screening on Side/Rear if abutting Res.	6 ft. tall solid privacy fence; front side yard lot line fence shall be 4 ft. tall
Impact on Traffic Circulation	There shall be no adverse Impact on Adjacent Streets; corner lot cannot exit into Residential “R” neighborhood.

1. All drive-through facilities must provide a minimum of four stacking spaces per lane or bay, unless additional stacking spaces are specifically required by this Ordinance. Stacking spaces provided for drive-through uses must be:

a. A minimum of nine feet in width, as measured from the outermost point of any service window or bay entrance, to the edge of the driveway, and 18 feet in length. In the case of a recessed service window, the measurement is taken from the building wall.

b. Stacking spaces must begin behind the vehicle parked at a final point of service exiting the drive through aisle, such as a service window (this does not include a menu board). Spaces must be placed in a single line behind each lane or bay.

2. All drive-through lanes must be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner lots must not route exiting traffic into adjacent residential neighborhoods.

3. When a drive-through facility is adjacent to the lot line of a residential district, it must be screened along the interior side and/or rear lot lines adjacent to the residential lot as follows:

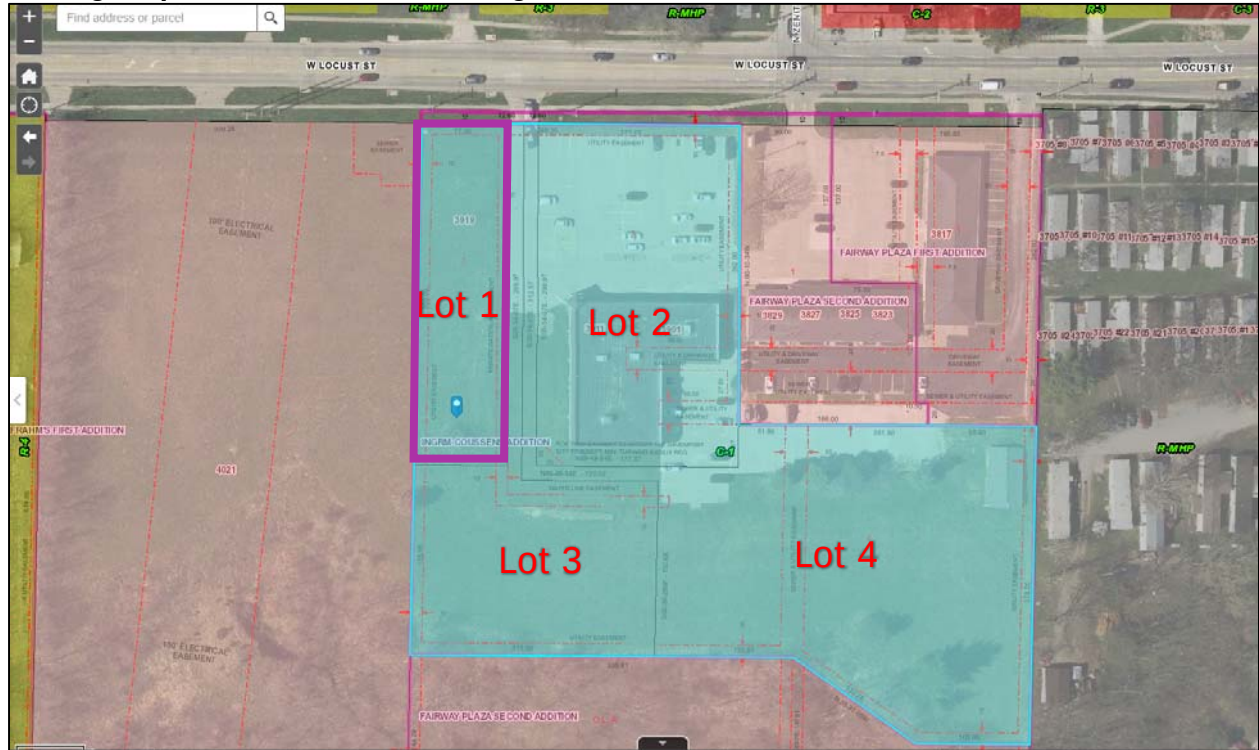
a. With a solid fence or wall, a minimum of six feet and a maximum of seven feet in height along the rear lot line.

b. With a solid fence or wall, a minimum of six feet and a maximum of seven feet in height along the interior side lot line up to the residential lot's front yard line. At the front yard line the fence must be four feet if a solid fence and six feet if an open fence.

c. Shrubs must be planted and space sufficiently to form a continuous linear hedgerow at plant maturity; plantings must be placed inside the face of the fence toward the interior of the lot.

4. A drive through lane must have bail out capability for all vehicles that enter the drive through lane. The bail out lane must be a minimum width of ten feet in width and run parallel to the drive through lane. If a bail out lane is also an interior access drive providing access to parking spaces, the bail out lane is limited to a one-way traffic pattern following the direction of the drive through lane.

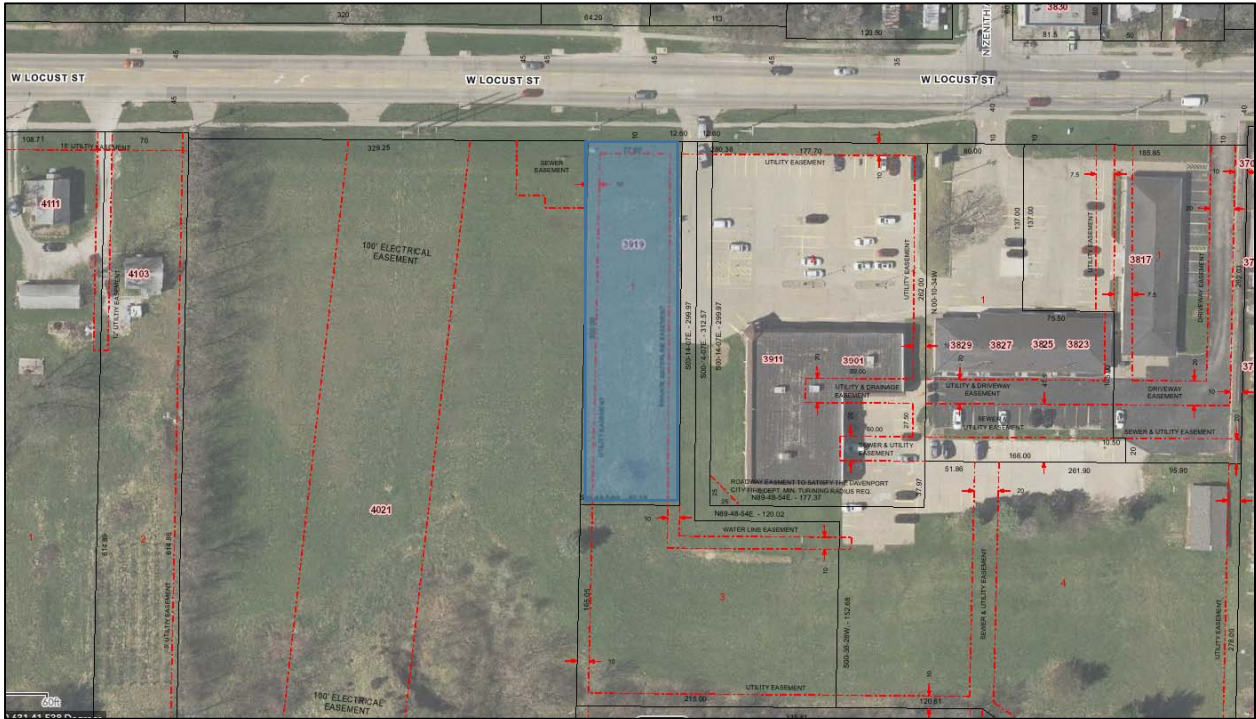
Zoning Map & Subdivision: C-1; Ingram - Coussens Addition; Site: Lot 1



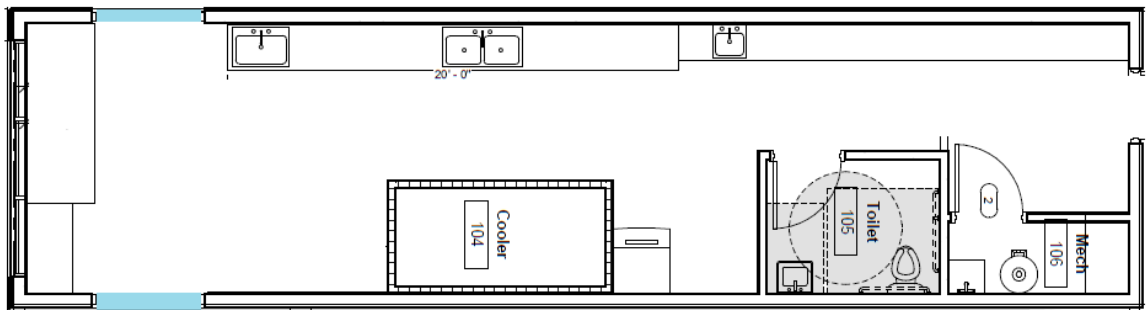
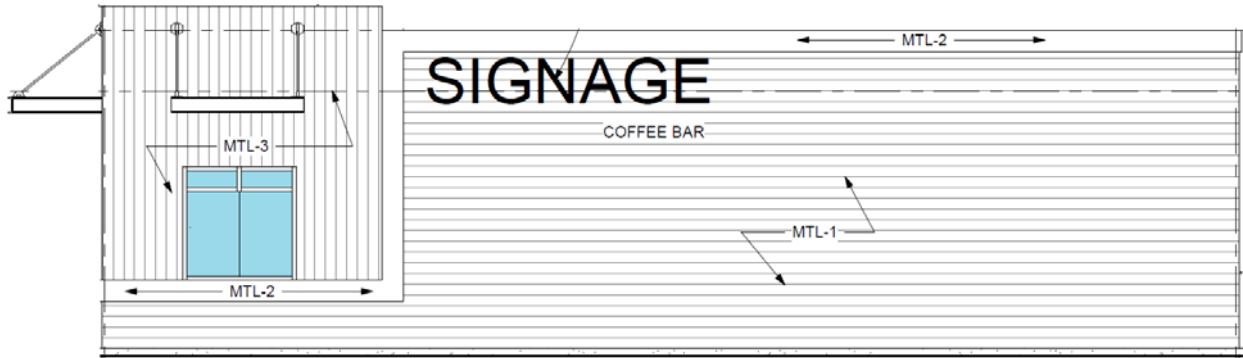
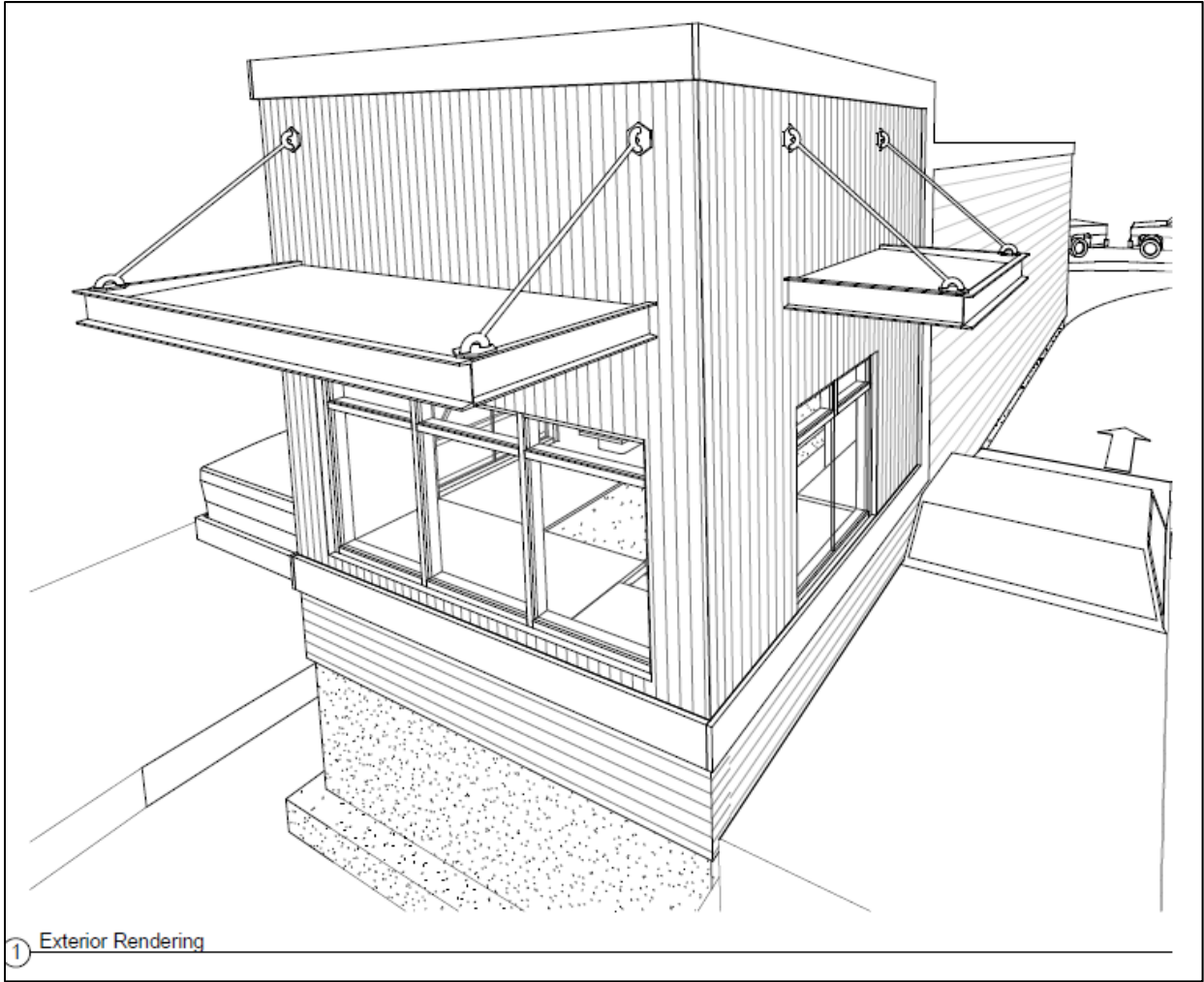
3919 W Locust St lot outlined in red.



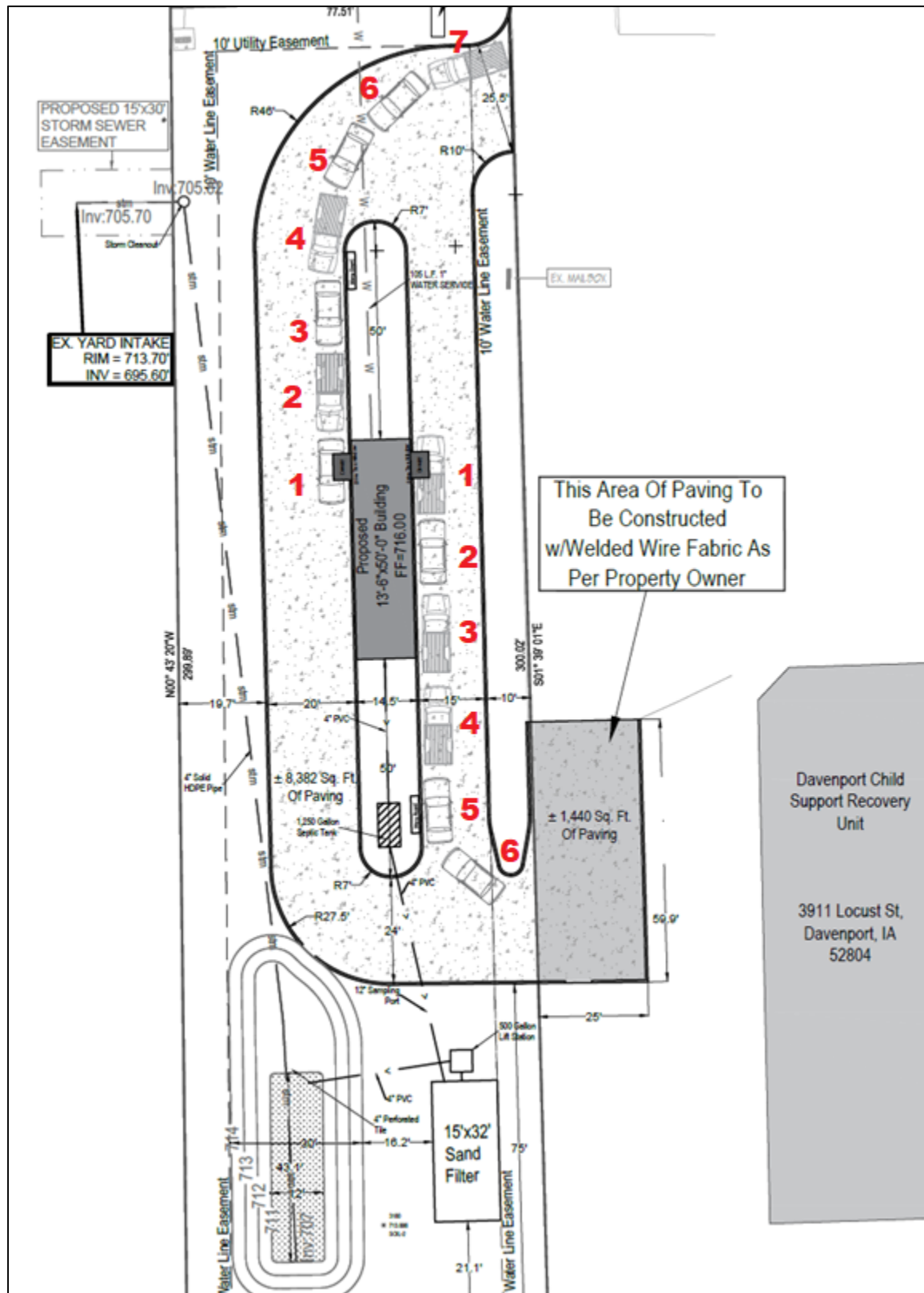
Site:



Proposed Building & Site Plan



Proposed Site Layout Plan (13 stacking spaces) [NOTE THIS PLAN HAS BEEN REPLACED]



Proposed Landscape Plan

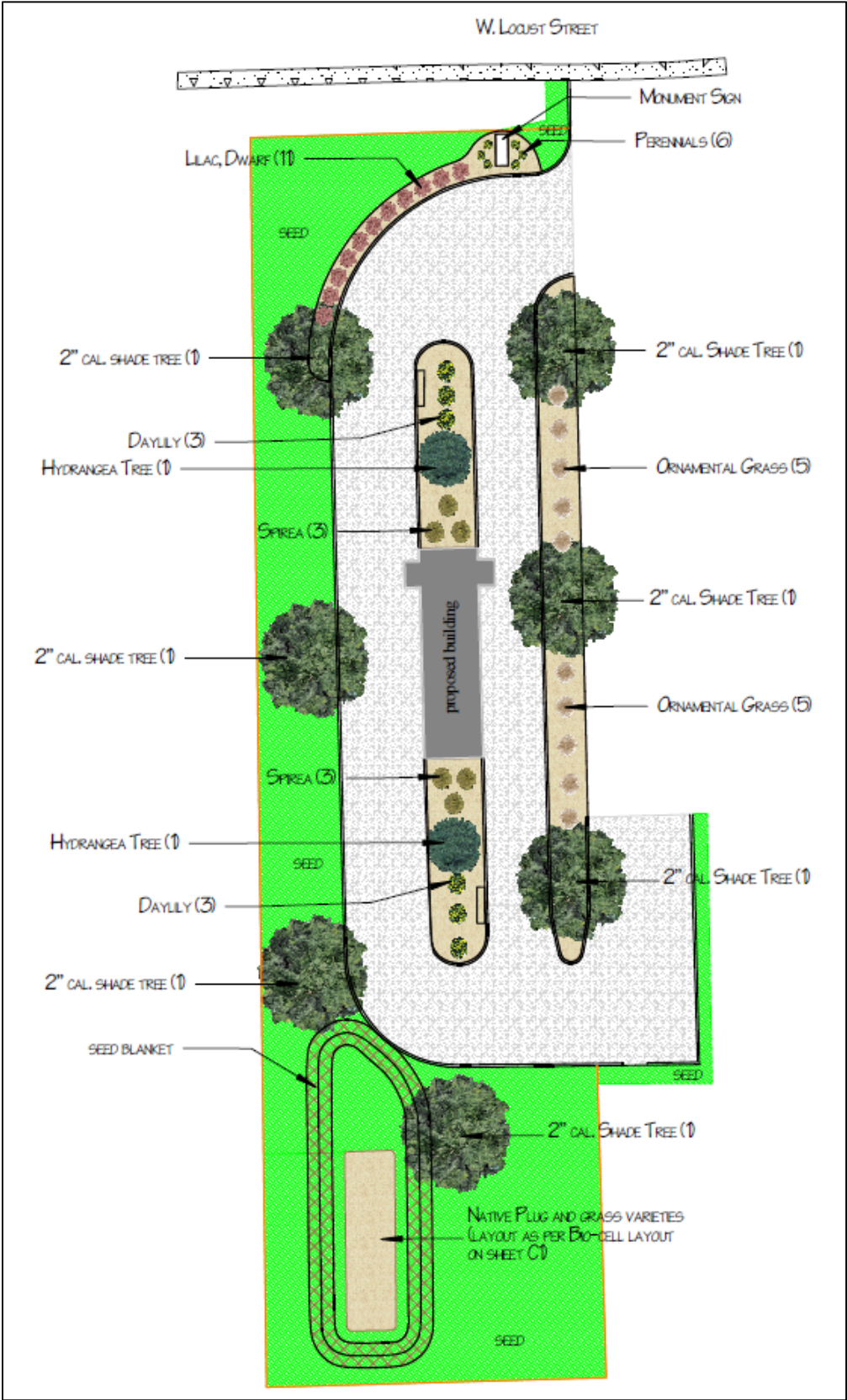


EXHIBIT "A" – Traffic Statistics (page 1)
(submitted by Streamline Architects project manager Jonathon Carstens)



Streamline Architects, PLC

a: 575 12th Avenue East Moline, IL 61244
p: 309.737.8587
w: www.streamlinearchitects.com

Coffee Shop - Projected Utilization Statistics

November 18th, 2020

Dear Mr. Statz and Mr Koops

The owner of the coffee shop has relayed some projected data for the West Locust site based on information they gathered from similar facilities with similar base statistics. The facility that has the most comparable statistics is the Atomic Coffee 3235 Ridge Point in Bettendorf IA because of similar traffic counts and proximity to a high school. The base information that they are using to come up with their projections are 10,000 to 12,000 car traffic counts from the Iowa DOT, a high school located within 1 mile of the facility, transaction data from other facilities of like kind, and transaction speed data from internal testing. Their findings anticipate having approximately 500-550 transactions per day (less vehicles due to multiple transactions in the same vehicle). Also they anticipate handling transactions within 60-90 seconds, with capabilities of handling between 45 - 50 cars per hour. They believe that with this location there will be at most 6 to 8 cars (3-4 per window) at surge hours 4-5PM. The estimated worst case scenario would be 5 cars per window or 10 total. The proposed site plan has the capacity to handle 13 cars stacked at one time. If additional information is needed let us know and we can relay further projections.

Jonathon Carstens

Project Manager



c: 309-235-4588
e: jonathon@streamlinearchitects.com
w: www.streamlinearchitects.com

EXHIBIT “A” – Traffic Statistics (page 2)
(Request for Data form Gary Statz)

Gary Statz - Email to J. Carstens for additional data, Nov 18, 2020

From: Statz, Gary
Sent: Wednesday, November 18, 2020 1:43 PM
To: 'jonathon@streamlinearchitects.com'
Cc: Berkley, Laura; Koops, Scott E.
Subject: W Locust Coffee Shop

Jonathon,

The name on the application for this site matches the name of the owner of Atomic Coffee Bar on Brady Street. Our aerial photo shows over two dozen vehicles waiting in line at that particular moment. If the lines were anywhere close to that long at this site, it would cause traffic congestion at what would probably be the peak times of the day. I don't need a formal traffic study but I would like to know how many vehicles you expect to be in line at one time during the peak times of the day and what are those times. You should use the existing site on Brady to approximate the number of vehicles in line because I believe this site won't generate that much less traffic. I realize the drive-by traffic on the street isn't as high here but the high school is much bigger and closer to this location than the other location. We obviously want to avoid traffic waiting on Locust Street. What effect would this have on the adjacent parking lot and does that property owner know what might be in store if this is built?

Please respond by November 25 with answers to these questions. Thanks.

Gary Statz, P.E.
Traffic Engineer | Public Works – Engineering
City of Davenport

T 563-326-7754 | M 563-320-8400
1200 E 46th St, Davenport, IA 52807

EXHIBIT "A" – Traffic Statistics (page 3)
(Davenport Response to the traffic data provided by the petitioner)

Brian Schadt, Traffic Issues with Atomic Coffee

From: Schadt, Brian
Sent: Wednesday, December 2, 2020 11:46 AM
To: Koops, Scott E.
Cc: Berkley, Laura
Subject: RE: [EXT] Re: W Locust Coffee Shop

Scott,
I have to agree with Gary. What we are seeing from the business model of the other locations and proximity to the high school all indicate that we will have traffic issues occur at this proposed facility.

We cannot afford to have vehicles stacking on Locust Street potentially causing traffic incidents.

In addition, I do not believe we should accept use of an adjacent parcel for potential vehicle storage. The site plan, as submitted, does not address these issues.

A different layout, allowing for substantially more vehicle stacking within the actual parcel to be used, is necessary.

Brian Schadt, P.E.

City Engineer | Public Works Department - Engineering Division

City of Davenport

T 563-326-7923 | **M** 563-529-5569

1200 East 46th Street, Davenport, IA 52807

Exhibit “B” Bettendorf Atomic Traffic Issues (page 1)
(from Ben Morlok, Bettendorf City Engineer)

Bren Morlok, email to Gary Statz regarding Atomic Coffee Traffic

From: Morlok, Brent <bmorlok@bettendorf.org>
Sent: Thursday, November 19, 2020 3:41 PM
To: Statz, Gary <Gary.Statz@davenportiowa.com>
Subject: [EXT] RE: Atomic

Hi Gary,

I would be really leery of their sites in terms of stacking. We've turned them away informally from a few other sites because of that exact issue.

It's simply not true if they're telling you we haven't had issues.

We have experienced plenty of issues with them, to the point of their lines earlier this year backing all the way up to Belmont Rd which is on the bottom of the aerial below.

You can see they have 16 cars in line here, so I'm guessing we've seen upwards of 30 at times at this location when it did get all the way back to Belmont.

Now Belmont has nowhere near the traffic of Brady or Locust so we haven't had any accidents, but they have blocked both lanes of traffic on Ridge Pt Rd coming in as well as making the neighbor's access point very difficult. I've attached photos that our PD took one Saturday which shows just how bad it can get.

Thanks,

Brent O. Morlok, P.E., LEED AP
City Engineer
City of Bettendorf
Ph: (563) 344-4063

ADDED EMAIL AFTER THE DEC 10th ZBA HEARING:

From: Morlok, Brent <bmorlok@bettendorf.org>
Sent: Wednesday, December 16, 2020 9:25 AM
To: Berkley, Laura <Laura.Berkley@davenportiowa.com>;
Schadt, Brian <Brian.Schadt@davenportiowa.com>
Subject: RE: [EXT] RE: Atomic

Hi Laura,

There were definitely problems prior to COVID.

I believe it opened in 2018 and there were instances from the beginning where they were stacked back onto the street.

Thankfully that street is just a local street without too much traffic, but given what we've seen we would not allow one to be built adjacent to an arterial or collector without significantly more stacking ability internally.

We have turned them down recently for a location along State Street (it was actually City owned property they wanted to buy) for this exact reason.

Thanks,

Brent O. Morlok, P.E., LEED AP
City Engineer
City of Bettendorf
Ph: (563) 344-4063

Exhibit "B" Bettendorf Atomic Traffic Issues (page 2)
Photos taken by the Bettendorf Police Department (Spring 2020)
Atomic Coffee at 3235 Ridge Point, Bettendorf IA

Traffic backed up to Belmont Rd:



Exhibit “B” Bettendorf Atomic Traffic Issues (page 3)

16 Atomic Coffee customer vehicles at the two drive-through lanes, plus an additional 7 vehicles are parked on the road to avoid getting ‘trapped’ in the dentist’s parking lot.

(Photo: Scott County GIS, 2019)



Exhibit “C” Davenport Brady St Atomic Traffic Issues

27 Atomic Coffee customer Vehicles stacked at 4707 Brady St

(Photo: Scott County GIS, 2019)

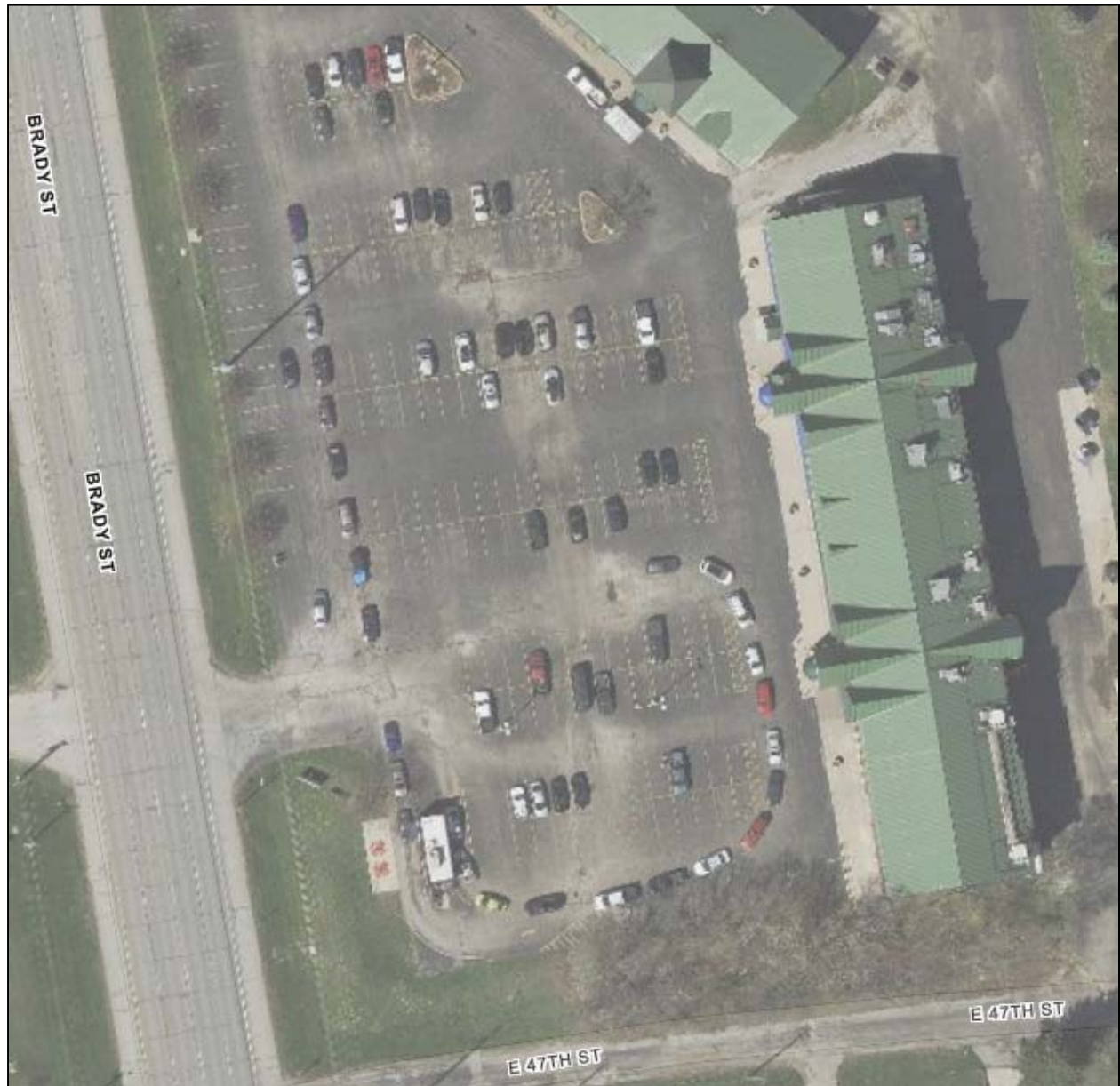


EXHIBIT "D"

STAFF REQUEST FOR ADDITIONAL INFORMATION AS A RESULT OF THE TABLING BY THE ZONING BOARD OF ADJUSTMENT

See the email below:

Koops, Scott E.

From: Koops, Scott E.
Sent: Tuesday, December 22, 2020 10:27 AM
To: 'Jonathon Carstens'; 'peterschillaci@gmail.com'
Cc: Oswald, Richard; Hoyt, Mallory; Berkley, Laura; Schadt, Brian
Subject: SU20-13 W Locust Atomic Coffee Drive-Through

Mr. Carstens and Mr. Schillaci:

Jonathon, in response to your earlier phone call, here are some items to address in response to the ZBA's motion to table:

Legal Documents

1. Proof of ownership
 - a. Business ownership of Atomic Coffee is not tied to the land ownership
 - b. Peter Schillaci, listed as owner of the Special Use Application, is not tied to the land or the coffee business
 - c. 3931 L Locust LLC Certificate of Organization has not been filed correctly (no persons are identified)
2. Easements for all properties (Parcels [S2907-03](#), [S2907-04](#), [S2907-02](#); 2 owners/3 lots)
 - a. If access easement is provided, the access/parking easement shall be recorded
 - b. If obtained, a access agreement should be tied to a specific legally defined area and the activity to occur that described
 - c. If, obtained, an agreement should state standing or stopped vehicles will be stacked in a que for the coffee to be located at 3919 W. Locust St (PIN [S2907-02](#))

Traffic Data

The City Engineer shall require the follow for each existing Atomic Coffee site, include the sites at 4707 Brady Street and 3235 Ridge Point, Bettendorf IA;

1. Number of stacking spaces and linear distance utilized (on-site and off-site) during peak demand times (7:30AM to 8:30 AM and 3:30PM to 6:00PM)
2. Number of stacking spaces and linear distance utilized (on-site and off-site) during average demand times (times outside of the peak times).

Revised SU Application

Amend the application to mention the changes made from the original request.

1. east service window will now meet drive isle lane width requirements; drive lane and exit/bail out lane width corrected (19' total); provide both a narrative and a diagram/revised site plan.
2. explain why a second drive-through window in each lane not a viable option.
3. explain why orders cannot be taken remotely prior to the 1st or 2nd drive through window
4. Are 'pull ahead parking spaces utilized at either site? If yes, how many linear feet or spaces are available? If not, explain why.
5. Provide the required letter from the Eplan review which states "The developer shall submit a letter from the Scott County Health Department stating that they approve the connection shown between the sand filter, detention basin, and City storm sewer, and that the County agrees to do monthly inspections of conformance to water quality and functionality of the install measures.

Thank you!

Staff has not received 1) an access agreement or a copy of an existing easement agreement which allows for the use of the parking lots adjacent to the east, 2) peak demand data (only drone photos which represent one instance in time), not average number vehicles at peak and non-peak times, for an indication of demand/traffic/standing vehicles. 3) Scott County Letter for approval of the sewer system/method has also not been received.

Staff Exhibit "E" - Recent Traffic Queues at Brady St
Atomic Photos taken Saturday January 30, 2021



01/30/2021 11:37:16 GMT

Staff Exhibit "E" - Recent Traffic Queues at Brady St
Atomic Photos taken Saturday January 30, 2021



01/30/2021 11:37:18 GMT

Staff Exhibit "E" - Recent Traffic Queues at Brady St
Atomic Photos taken Saturday January 30, 2021



01/30/2021 11:36:54 GMT

Staff Exhibit "E" – Bettendorf Queue (Jan. 6, 2021)

West Queue:

Distance: 201.7'
Vehicles: 9 vehicles
On-Street: 3 vehicles



Staff Exhibit "E" – Bettendorf Queue (Jan. 6, 2021)

East Queue:

Distance: 210.1'
Vehicles: 10 vehicles
On-street: 3 vehicles



Staff Exhibit "E" – Bettendorf Queue (Jan. 6, 2021)

Total West and East Queue Figures:

Distance: 411.8
Vehicles: 19
Space Ave: 21.67

Capacity Comparison

Drive-through Characteristics	Proposed Site	Bettendorf (Jan 6, 2021)	Bettendorf (May, 2020)	Davenport (Winter, 2019)
Length of stacking drives	243'	411.8' (on street: 130')	838'	640'
# of stacked vehicles	13	19 (6 on-street)	37	27
Stacking space length	19.07 s.f.	21.67 s.f.	22.6 s.f.	23.7 s.f.

Discussion

The petitioner is requesting a Special Use to open a coffee shop (Atomic Coffee) on the subject property. Drive-through facilities in Davenport, with or without a Special use, must operation in conformance with the Drive-Through Use Standards 17.09.030.J as mentioned in the background section of this report.

The proposed plan is deficient with respect to three of the Use Standards. The deficiencies are:

- ~~1. Drive-through lanes must have an exit/bail lane. The one lane is 15 feet in width. A total of 19 feet is required (9 ft. for the drive lane, and 10 ft. for the bailout lane)~~
2. Substandard level of stacking spaces per the City Traffic Engineer. (see attached email of Engineering's response to Exhibit "A")
3. Adverse impact on traffic circulation which impacts the subject property, the vacant lots to the south (lots 3 & 4), lot 2 to the east (3901 and 3911 W Locust St), and potentially traffic on West Locust Street. See Exhibits "B" and "C" which show the traffic impacts on two comparable Atomic Coffee sites.

In addition to the use standard deficiencies list above there are other extenuating circumstance that will impact this use.

1. The business model for the proposed Atomic Coffee, as situated in at least two other locations (3235 Ridge Point, Bettendorf IA and 4707 Brady Street in Davenport IA), has created adverse traffic impacts due the long wait times and a high volume of traffic.
Each of these locations has significantly more traffic volumes than what has been stated by the petition in their statement regarding potential traffic impact. See Exhibit "A" – Traffic Statistics and the response to the submittal by Traffic Engineering staff.
2. Exhibit "B" – 3235 Ridge Point Bettendorf shows the traffic impact at this site located near Pleasant Valley HS. Bettendorf PD photos show the traffic back up for 330 feet from the drive-through window and on to the collector street Belmont RD.
3. Exhibit "C" – 4707 Brady Street shows 27 vehicles total stacked in drive-through lanes.

Each of these three sites, the subject property at 3919 W Locust Street, 3235 Ridge Point, and 4707 Brady Street are very near local public high schools which results in two peak traffic counts for each of these sites, one in the morning and one in the afternoon. To date Planning staff has not been provided information about the ~~morning~~ peaks. The City Traffic Engineer drives past the proposed location on West Locust on a commute to Public Works, and is therefore aware of the morning high school traffic generation.

The petitioner has stated that peak traffic generation will be likely 10 vehicles at any given time, with a maximum of 13 vehicles. Each of the two operating Atomic Coffee sites have photographic evidence that 13 vehicles during peak demand is not an accurate estimation considering the other two sites have 27 and 23 vehicles stacked in drive-through lanes at those times. ~~(These are not COVID impacted as the date of the photos are pre-COVID, 2018 or earlier.)~~

The 13 stacking spaces is simply not enough to accommodate the demand for this proposed site, and approval of the drive-through will result in Atomic customer vehicles blocking access drives to adjacent lots. Additionally, drivers choosing the shortest line will likely result in vehicles standing on West Locust Street while the occupants wait in line.

Findings/Approval Standards

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

If operated as proposed and in a similar fashion to the two existing Atomic coffee sites, which have smaller high schools populations, the proposed drive-through will result in adverse traffic impact on adjoining property and streets as shown in Exhibits "B" and "C". The proposed use shall have a detrimental impact on adjacent properties and will result in standing vehicles on W. Locust Street, which will greatly increase the likelihood of additional traffic collisions, personal injury, and vehicle property damage.

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

While in general a drive-through coffee shop could potentially be compatible at this site, the scale of this site and the precedent of similar business operations elsewhere will have a detrimental impact on adjoining property. The planed business operation would have a detrimental impact on adjacent property and public facilities/streets.

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

The proposed drive-through does **not** meet the bailout lane requirement, the stacking requirement specific to this business model's needs. **The use** creates a public hazard to public safety and welfare due to the high likelihood of standing vehicles occurring on West Locust Street **as there are no easements or authorizations for allowing use of the adjacent parking areas to the east.**

Recommendation

Findings:

The location/design/construction of the proposed use does not meet the approval criteria for a Special Use as noted in the Discussion section and Approval Standards section of this report.

The City Engineer has recommend denial for this use as proposed due to congestion and potential safety hazards

A letter from the Scott County Health Department has not been provided per the EPlan Site Plan Review Comments from the City Engineering Department to the applicant.

Recommendation:

Staff recommends this request be denied **based on staff findings above and per the Findings/Approval Standards of the SU20-08 Staff Report.**

Prepared by:



Scott Koops, Planner II Attachments: Aerial Map, Site Plan Submitted by the Petitioner, Application, Notification Map, Exhibits

Full Revised Application and additional Exhibits as Submitted after the first hearing are listed below and attached following this list:

- | | |
|---|----------------------------|
| 1. Atomic Coffee Bar.pdf | (submitted 1-27-21) |
| 2. ZBA Special Use Application.pdf | (revised submitted 1-4-21) |
| 3. C-1 Site Plan01-04-21.pdf | (revised submitted 1-4-21) |
| 4. Architectural Site Plan (1-4-21).pdf | (submitted 1-4-21) |
| 5. Deed 2018-00032304 filed 10-10-18.pdf | (submitted 1-4-21) |
| 6. ICE2Junis.W.Easements.pdf | (submitted 1-4-21) |
| 7. Fairway Development Filed Survey 4-11-05.pfd | (submitted 1-4-21) |

Staff has also attached the easement document ICE2Junis.W.Easement.pdf, Recorder File 2007-00035655 **with staff comments embedded** and with labels that correspond to the areas shown in the staff Easement Exhibit.

Board of Adjustment – Ability to Add or impose conditions to request:

Section 17.14.050 Special Use

A. Purpose

This Ordinance is based upon the division of the City into districts. Within each district the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be permitted in a particular district or districts without individual consideration of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.

B. Initiation

A property owner in the City, or person expressly authorized in writing by the property owner, may file an application to use his/her land for one or more of the special uses authorized within the zoning district. A property owner may only propose a special use for property under his/her control.

C. Authority

The Zoning Board of Adjustment will take formal action on special use applications.

D. Procedure

An application for a special use 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. Action by the Zoning Board of Adjustment

a. After receipt of a complete application, the Zoning Board of Adjustment will consider the special use 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.

b. The Zoning Board of Adjustment will evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The Zoning Board of Adjustment must make a decision of approval, approval with conditions, or denial of the special use within 30 days of the close of the public hearing, unless an extension is agreed to by the applicant.

2. Conditions on Special Uses

The Zoning Board of Adjustment may impose conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary for the protection of the public health, safety, and welfare.

Atomic Coffee Bar.pdf
Revised Application Document #1

Atomic Coffee Bar - Air Photos
Zoning Board of Adjustment
February 11th , 2021

Bettendorf – Ridge Point



January 13, 2021 – 7:38am



January 13, 2021 – 8:25am



January 13, 2021 – 11:57am



January 13, 2021 – 5:03pm



January 15, 2021 – 8:40am



January 17, 2021 – 12:21pm



January 20, 2021 – 8:31am

Davenport – Brady Street



January 13, 2021 – 12:30pm



January 13, 2021 – 3:35pm



January 15, 2021 – 7:57am



January 18, 2021 – 8:35am



January 18, 2021 – 12:13pm



January 20, 2021 – 8:07am



January 21, 2021 – 12:16pm

ZBA Special Use Application.pdf **Revised Application Document #2**

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

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

Property Address*

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

Applicant (Primary Contact) **

Name:

Company:

Address:

City/State/Zip:

Phone:

Email:

Application Form Type:

Plan and Zoning Commission

Zoning Map Amendment (Rezoning)

Planned Unit Development

Zoning Ordinance Text Amendment

Right-of-way or Easement Vacation

Voluntary Annexation

Owner (if different from Applicant)

Name:

Company:

Address:

City/State/Zip

Phone:

Email:

Zoning Board of Adjustment

Zoning Appeal

Special Use

Hardship Variance

Design Review Board

Design Approval

Demolition Request in the Downtown

Demolition Request in the Village of

East Davenport

Engineer (if applicable)

Name:

Company:

Address:

City/State/Zip

Phone:

Email:

Historic Preservation Commission

Certificate of Appropriateness

Landmark Nomination

Demolition Request

Architect (if applicable)

Name:

Company

Address:

City/State/Zip:

Phone:

Email:

Administrative

Administrative Exception

Health Services and Congregate

Living Permit

Attorney (if applicable)

Name:

Company:

Address:

City/State/Zip:

Phone:

Email:

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

Request:

Please describe the special use requested:

Existing Zoning:

Submittal Requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Applicant:

Date:

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

Received by:

Planning staff

Date:

Date of the Public Hearing:

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

Authorization to Act as Applicant

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

Signature(s)*

*Please note: original signature(s) required.

ZBA Calendar 2020

ZONING BOARD OF ADJUSTMENT

*** The Applicant or their representative **MUST** be at the Meeting/Public Hearing ***

NOTE: Special Use requests require a Site Plan review prior to being placed on the ZBA schedule.

Day:	Monday (5pm)	Thursday (4pm)
Activity:	Submittal	Meeting
Date:	12/16/19.....	01/09/20
	12/30/19.....	01/23/20
	01/21/20 *.....	02/13/20
	02/03/20.....	02/27/20
	02/18/20 *.....	03/12/20
	03/02/20.....	03/26/20
	03/16/20.....	04/09/20
	03/30/20.....	04/23/20
	04/20/20.....	05/14/20
	05/04/20.....	05/28/20
	05/18/20.....	06/11/20
	06/01/20.....	06/25/20
	06/15/20.....	07/09/20
	06/29/20.....	07/23/20
	07/20/20.....	08/13/20
	08/03/20.....	08/27/20
	08/17/20.....	09/10/20
	08/31/20.....	09/24/20
	09/14/20.....	10/08/20
	09/28/20.....	10/22/20
	10/19/20.....	11/12/20
	No Meeting.....	No Meeting (Thanksgiving)
	11/16/20.....	12/10/20
	No Meeting.....	No Meeting (Christmas)
	12/21/20.....	01/14/21
	01/04/21.....	01/28/21

*Date changed due to Holiday

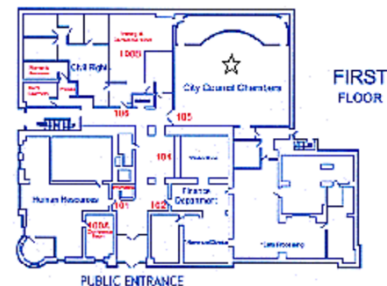
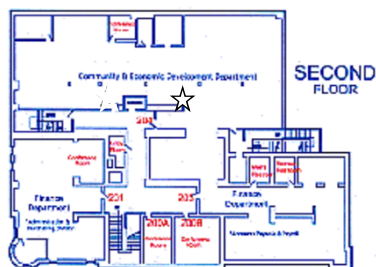
Location/Time subject to change

Contact planning@ci.davenport.ia.us to confirm meeting date/time/location

Application Due:

Meeting Appearance (Required):

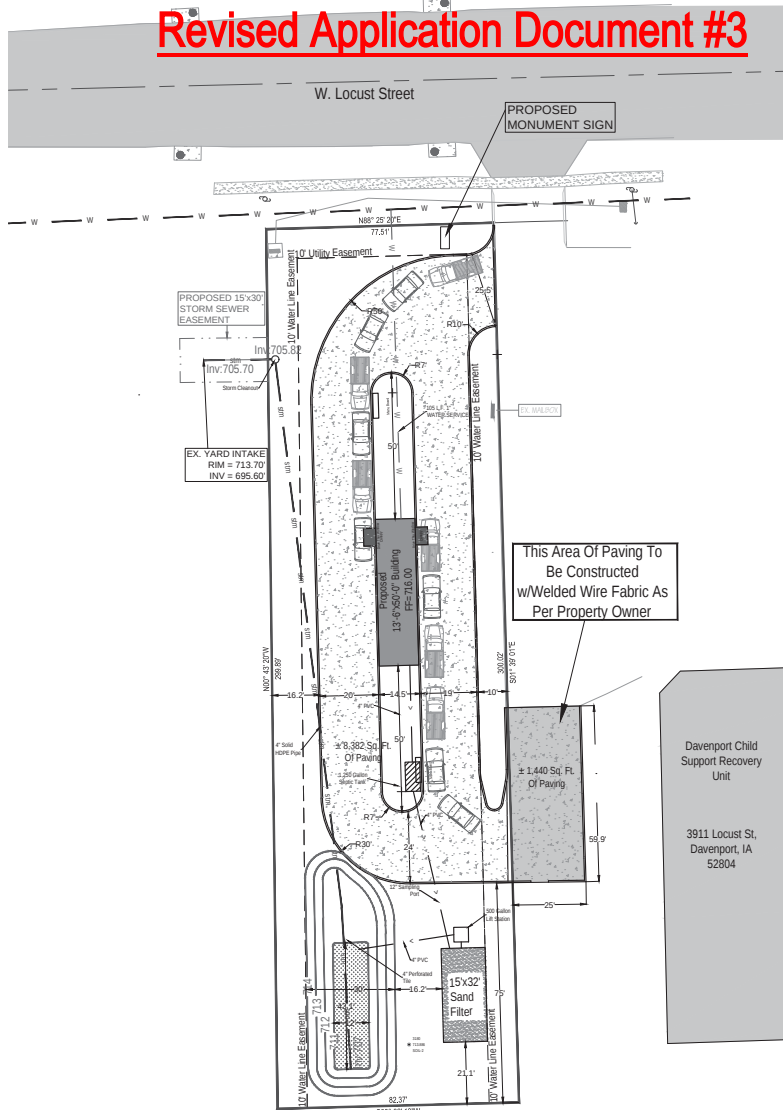
Time:	5:00 PM	4:00 PM
Location:	Community Planning Second Floor, City Hall (see below)	City Council Chambers 226 W. 4th St Davenport IA 52801 First Floor, City Hall (see below)



City Hall is located at 226 W 4th St, Davenport IA 52801

C-1. Site Plan 01-04-21.pdf

Revised Application Document #3



SITE PLAN

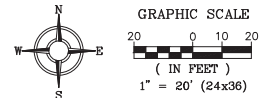
WEST LOCUST STREET

DRIVE-THRU COFFEE

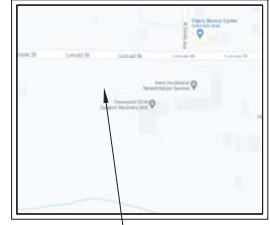
TO THE CITY OF DAVENPORT, IA

GENERAL NOTES

- ALL IMPROVEMENTS SHOWN ON THESE ENGINEERING PLANS AND WITHIN THE CITY OF DAVENPORT R.O.W. SHALL COMPLY WITH 2019 SDAS AND CITY OF DAVENPORT SUPPLEMENTAL SPECIFICATIONS TO 2019 SDAS, AND THE STANDARDS OF THE IOWA DEPARTMENT OF NATURAL RESOURCES, LATEST EDITION.
- LEGAL DESCRIPTION OF PROPERTY: INGRAM-COUSSENS ADDITION, Lc 1
- IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROTECT ALL EXISTING UTILITIES AND PAVED STREETS, INCLUDING ANY NOT SHOWN ON THESE DRAWINGS. THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER IF ANY CONFLICTS WITH THE DRAWINGS OCCUR. ANY DAMAGE TO EXISTING UTILITIES AND/OR PAVED STREETS CAUSED BY TRENCHING AND GRADING OPERATIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE. EXISTING UTILITY LOCATIONS SHOWN ON THE DRAWINGS ARE APPROXIMATE.
- THE CONTRACTOR SHALL NOTIFY THE CITY OF DAVENPORT AND THE ENGINEER 72 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
- PROVIDE POSITIVE DRAINAGE AT ALL TIMES WITHIN THE CONSTRUCTION AREAS. DO NOT ALLOW WATER TO DRAIN OR TO POND ONTO ADJOINING PROPERTY OR PUBLIC RIGHT-OF-WAY.
- ALL DEBRIS RESULTING FROM CONSTRUCTION OPERATIONS SHALL BE PROPERLY DISPOSED OF OFF-SITE PER APPLICABLE REGULATIONS.
- ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL CONFORM TO THE IOWA CONSTRUCTION SITE EROSION CONTROL MANUAL, LATEST EDITION.
- NOTE: ALL DIMENSIONS ARE TO THE BACK OF CURB, UNLESS OTHERWISE NOTED.



SITE LOCATION MAP



Bulk	C-1
Minimum Lot Area	None
Minimum Lot Width	None
Maximum Gross Floor Area of Nonresidential	None
Maximum Building Height	45'
Setbacks	
Minimum Front Setback	Build-to zone of 0' to 15'
Front Setback Build-To Percentage	70%
Minimum Interior Side Setback	None, unless abutting a residential district then 10'
Minimum Corner Side Setback	Build-to zone of 0' to 10'
Corner Side Setback Build-To Percentage	60%
Minimum Rear Setback	None, unless abutting a residential district then 15' or 20% of lot depth, whichever is less

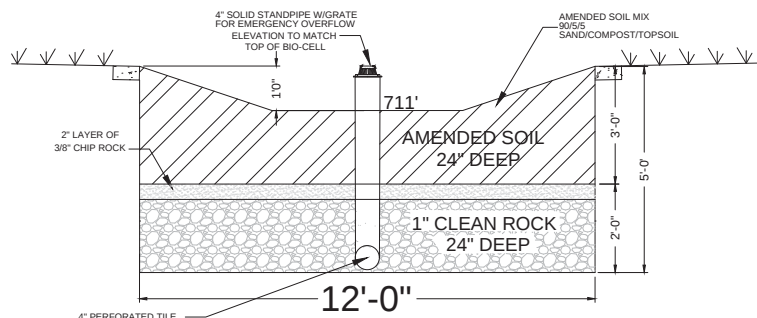
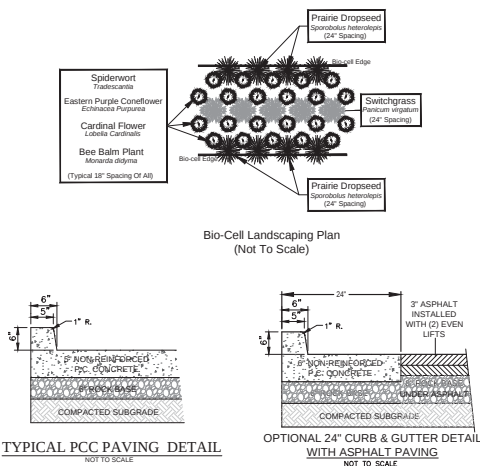
Landscape Plan To Be Designed & Prepared By Professional Contractor & Submitted To The City of Davenport

LANDSCAPING NOTES

See Chapter 17.11. Landscape For All Landscaping Requirements.

Parking Lot Perimeter Landscape: Require (1) Shade Tree Every 50 Feet With Shrubs Between Spaced Sufficiently To Form A Continuous Linear Hedgerow At Plant Maturity.

Parking Lot Interior: Landscaping Islands Are Required At The Ends Of 15 Or More Parking Spaces. A Minimum Of (1) Shade Tree Is Required In Every Parking Island Or Landscape Area. If A Parking Island Extends The Width Of A Double Row, (2) Shade Trees Are Required. In Addition, 60% Of All Islands Must Be Planted In Shrubs. The Minimum Total Landscape Area Of A Parking Lot, Including Islands, Must Be 10% Of The Total Parking Lot Area.



TYPICAL BIO-CELL DETAIL
Overflow Standpipes @ 30' O.C Max.
(not to scale)

Proposed Building
Total Square Footage:
675



I hereby certify that this Engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.

Christopher R. Townsend, P.E.
License Number: 14884
My license renewal date is December 31, 2020
Page or Sheet covered by this seal: C1-C3



DATE: 8-28-2020

DRAWN BY: CV

DRAWN BY: CT

DRAWN BY: S

Pointe Builders/West Locust

NO.	REVISIONS:	DATE
1.	Widened east drive to 19 feet	01/04/21

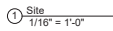
SITE PLAN
WEST LOCUST STREET
DRIVE-THRU COFFEE
DAVENPORT, IOWA

POINT BUILDERS
131 W 2ND STREET
DAVENPORT, IOWA

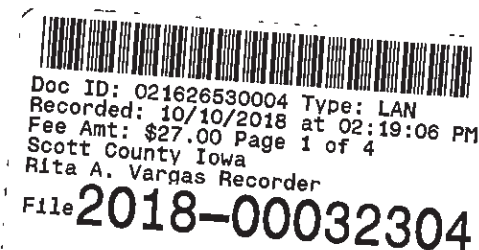
SHEET NO.

C1

NOT FOR CONSTRUCTION



2018-00032304 filed 10-10-18.pdf
Revised Application Document #5



Preparer: Califf & Harper, PC 506 15th Street, Moline, IL 61265 (309) 764-8361
Return to: Califf & Harper, PC 506 15th Street, Moline, IL 61265 (309) 764-8361
Taxpayer The Donna K. Ingram Trust, 201 W. 2nd Street, Suite 601, Davenport, IA, 52801

DEED IN TRUST

THIS INDENTURE WITNESSETH: That the Grantors, ANN M. NEUMANN and STEVEN D. LANDAUER, as Co-Trustees of The James J. Ingram Trust dated April 10, 1995, for and in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration in hand paid, conveys and warrants unto Ann M. Neumann and Steven D. Landauer, not individually but as Co-Trustees of The Donna K. Ingram Trust dated February 8, 2017, all right, title and interest in and to the following described real estate in the County of Scott and State of Iowa:

TRACT I:

Lots 1, 3 and 4 of the Final Plat of Ingram-Coussens Addition to the City of Davenport, Scott County, Iowa, except that portion deeded to the City of Davenport, Iowa for roadway purposes by document number 2002-40763;

Parcel Nos.: S2907-01, S2907-03 and S297-04

TRACT II:

The West 1/2 of the N.W. 1/4 of the N.E. 1/4 of Section 29, in Township 78 North, Range 3 East of the 5th P.M., Scott County, Iowa; Subject to Easement to the City of Davenport by Condemnation filed October 20, 1966, recorded in Book 300 Deeds, page 137, in the records of Scott County, Iowa; EXCEPT that part sold to the City of Davenport, Iowa, by Deed of Conveyance filed September 18, 1973, recorded as Document #15046-73, in the Recorder's

Office of Scott County, Iowa; Subject to an easement in favor of Iowa-Illinois Gas and Electric Co, dated the 28th of April, 1972 and filed of record on May 1, 1972 as Document #5586-72; AND ALSO EXCEPT that part conveyed to the City of Davenport, Iowa, by Deed filed October 14, 2002, recorded as Document No. 2002-40763, in the Recorder's Office of Scott County, Iowa;

(Subject to restrictions, covenants, conditions and easements of record.)

TO HAVE AND TO HOLD the said premises with the appurtenances upon the trust and for the uses and purposes herein and in said Trust Agreement set forth.

This deed is made to said Co-Trustees, who shall have authority to make deeds, leases, leases of coal, oil, gas, and other minerals, easements, and other conveyances of said property without further showing of authority than this deed. All grantees of the Co-Trustees are lawfully entitled to rely on this power to convey without further inquiry into the power of the Co-Trustees unless the grantees have actual knowledge that the conveyance is a violation of the trust.

In no case shall any party dealing with said Co-Trustees or successor trustee or trustees in relation to said premises be obliged to see that the terms of the trust have been complied with, or be obliged to inquire into the necessity of expediency of any act of said Co-Trustees, or be obliged or privileged to inquire into any of the terms of said trust agreement; and every deed, mortgage, lease, or other instrument executed by said Co-Trustees in relation to said real estate shall be conclusive evidence in favor of every person relying on or claiming under any such conveyance, lease, or other instrument (a) that at the time of the delivery thereof the trust agreement was in full force and effect; (b) that such conveyance or other instrument was executed in accordance with the trust, the conditions and limitations contained in said trust

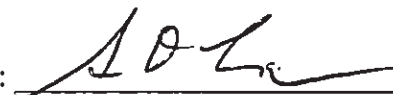
agreement or in some amendment thereof are binding on all beneficiaries thereunder; (c) that said Co-Trustees were duly authorized and empowered to execute and deliver every such deed, lease, mortgage, or other instrument; and (d) if the conveyance is made to a successor or successors in trust, that such successor or successors in trust have been properly appointed and are fully vested with all the title, estate, rights, powers, authorities, duties, and obligations of his/her or their predecessor in trust.

The Grantors waive and release any right of homestead in respect of the aforesaid real property.

IN WITNESS WHEREOF, the Grantors aforesaid have hereunto set their hands and seals this 4th day of October, A.D. 2018.

The James J. Ingram Trust dated April 10, 1995

By: 
Ann M. Neumann, Co-Trustee

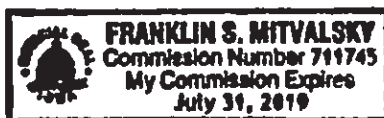
By: 
Steven D. Landauer, Co-Trustee

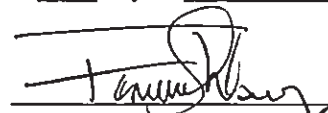
Consideration being less than \$500.00

STATE OF Iowa)
) SS.
COUNTY OF Scott)

The undersigned, a Notary Public in and for said County in the State aforesaid, DOES HEREBY CERTIFY that ANN M. NEUMANN, as Co-Trustee of the James J. Ingram Trust dated April 10, 1995, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed and delivered the said instrument as her free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 4th day of October, A.D., 2018.

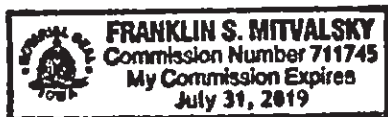



NOTARY PUBLIC

STATE OF IOWA)
) SS.
COUNTY OF SCOTT)

The undersigned, a Notary Public in and for said County in the State aforesaid, DOES HEREBY CERTIFY that STEVEN D. LANDAUER, as Co-Trustee of the James J. Ingram Trust dated April 10, 1995, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 4th day of October, A.D., 2018.





NOTARY PUBLIC

Dwnd2071b

ICE2Junis.W.Eastments.pdf
Revised Application Document #6



Doc ID: 016537790004 Type: LAN
Recorded: 12/03/2007 at 10:54:14 AM
Fee Amt: \$27.00 Page 1 of 4
Scott County Iowa
Rita A. Vargas Recorder

File **2007-00035655**

Unrecorded

WARRANTY DEED
Recorder's Cover Sheet

Preparer Information:

Marie R. Tarbox
4301 E. 53rd Street, Ste. 300
Davenport IA 52807
563-388-8417

Taxpayer Information:

L J Enterprises, LLC
2912 - 38th Street
Rock Island IL 61201

Return Document To:

Clark Stojan
423 - 17th Street
PO Box 4300
Rock Island IL 61204-4300

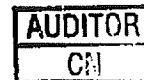
Grantors:

I.C.E. Capital Management, LC

Grantees:

Larry Junis, a married man

Legal Description: See page 2.



Preparer
 Information Marie R. Tarbox 4301 E. 53rd Street, Ste. 300 Davenport, Iowa (563) 388-8417
Individual's Name Street Address City Phone
 Address Tax Statement: **SPACE ABOVE THIS
 LINE FOR RECORDER**

WARRANTY DEED

For the consideration of Ten Dollar(s) and other valuable consideration, I.C.E. Capital Management, LC, a partnership, organized and existing under the laws of Iowa, does hereby convey to Larry Junis, a married man the following described real estate in Scott County, Iowa:

See attached legal description.

The company hereby covenants with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances, except as may be above stated; and it covenants to Warrant and Defend the real estate against the lawful claims of all persons, except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated this 31 day of August, 2005.

I.C.E. Capital Management, LC,

By: Member

STATE OF IOWA)
)ss.
 COUNTY OF SCOTT)

On this 31 day of August, 2005, before me, the undersigned, a Notary Public in the State of Iowa, personally appeared James T. Tugman, to me personally known, who being by me duly sworn, did say that he the Member of I.C.E. Capital Management, LC, and that the instrument was signed on behalf of said company by authority of the members and that the said Member James T. Tugman as such Member, acknowledged the execution of said instrument to be the voluntary act and deed of said company, by it and by him voluntarily executed.



Marie R. Rolling-Tarbox
 Notary Public for the State of Iowa

THIS DEED IS BEING RE-RECORDED TO CORRECT THE LEGAL DESCRIPTION.

Lot 2 of the Final Plat of Ingram-Coussens Addition to the City of Davenport, State of Iowa, and Lot 1 of Fairway Plaza First Addition to the City of Davenport, and Lot 1 of Fairway Plaza Second Addition to the City of Davenport, sometimes also known as the Final Plat of Fairway Plaza Second Addition to the City of Davenport; all situated in the County of Scott and State of Iowa.

(u)
§2907-02B
§2907-02C
§2907-02

Together with and subject to all easements, restrictions and covenants of record.

Further, Grantor also grants to Grantee and its successors and assigns:

1. A non-exclusive easement for ingress and egress over a presently existing paved area, more particularly described as follows: Commencing at the northeast corner of Lot 4 of said Ingram-Coussens Addition: thence southerly along the east line of said lot a distance of 20 feet to a point; thence westerly along a line parallel to and normally distant from the north line of said lot a distance of 261.95 feet, more or less, to a point on the northerly part of the west line of said lot; thence northerly along such line a distance of 20 feet to the northwest corner of said lot; thence easterly along said the northerly line of such lot 261.95 feet, more or less, to the point of beginning, for the purpose of allowing Grantee and Grantee's guests and invitees access to the southerly parking spaces occupying a portion of Lots 1 and 2 of Fairway Plaza Second Addition; and

2. A non-exclusive easement for ingress and egress, for the benefit of Lot 2 of Ingram-Coussens Addition, to and over two 12.5 foot wide areas delineated as easements, respectively abutting and running parallel to the Westerly boundary and part of the Southerly boundary of Lot 2 in said Ingram-Coussens Addition. Grantor further grants to Grantee an extension of said easements over an area bounded on the north by the South lot line of said lot 2, to the southeast corner of said lot 2; thence southerly for 25 feet, to a point; thence westerly along a course parallel to the south lot line of said lot 2, to the easterly boundary of the easement areas as shown on the plat of Ingram-Coussens Addition.

Further, this conveyance is subject to the reservation by the Grantor, for the benefit of the Grantor and its successors and assigns, of:

1. A non-exclusive easement for ingress and egress, over that portion of the existing "Driveway Easement" and that part of Lot 1 of Fairway Plaza First Addition, more particularly described as follows: Beginning at the intersection of the South Right of Way Line of Locust Street and the East Line of the 20 feet wide Driveway Easement as shown on said Lot 1; Thence South along said East Line and the Southerly extension of said East Line to a point 20' North of the South Line of said Lot 1; Thence East, 20 feet North of and parallel to said South Line, to the East Line of said Lot 1; Thence South along said East Line, 20 feet to the South Line of said Lot 1;

EXHIBIT A

Thence West along said South Line, a distance of 95.90 feet to the West Line of said Lot 1; Thence North along said West Line, 20 feet; Thence East, 20 feet North of and parallel to said South Line, to the intersection of the West Line of said Driveway Easement extended South to a point 20 feet North of the South Line of said Lot 1; Thence North along said West Line and Southerly extension, to the South Right of Way Line of said Locust Street; Thence East 20 feet along said South Right of way Line, 20 feet to the point of beginning; *provided, however*, that Grantor shall not develop such easement as a street access for Lot 4 of Ingram-Coussens Addition to the City of Davenport, Iowa. Such driveway easement shall terminate on the sale of Lot 4 of Ingram-Coussens Addition to the City of Davenport, Iowa, to a third party buyer at an arms length transaction; and

2. A non-exclusive easement for the benefit of Lots 1, 3, and 4 in Ingram-Coussens Addition, for ingress and egress, to and over two 12.5 foot wide areas delineated as easements, respectively abutting and running parallel to the Westerly boundary and part of the Southerly boundary of Lot 2 in said Ingram-Coussens Addition; and

3. An easement for utility purposes for the benefit of Lots 1, 3, and 4 of said Ingram-Coussens Addition, over the following described area: Commencing at the southwest corner of the said Lot 2 of Ingram-Coussens Addition; thence northerly along the westerly boundary of said lot a distance of 25 feet, more or less; thence east 100 feet, more or less, to a point; thence south to the southerly lot line of said Lot 2 in Ingram-Coussens Addition; thence westerly along said southerly lot line to the point of beginning, except that portion thereof upon which a building is situated.

GREGORY J. CHLEBENI MISSMAN STANLEY & ASSOCIATES 2415 - 18TH STREET, STE 205 BETTENDORF, IOWA 52722 (563) 344-0290

STAFF ANNOTATION
ICE2Junis.W.Easements.pdf



Doc ID: 016537790004 Type: LAN
Recorded: 12/03/2007 at 10:54:14 AM
Fee Amt: \$27.00 Page 1 of 4
Scott County Iowa
Rita A. Vargas Recorder
File **2007-00035655**

Unrecorded

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Recorder's Cover Sheet

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Marie R. Tarbox
4301 E. 53rd Street, Ste. 300
Davenport IA 52807
563-388-8417

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L J Enterprises, LLC
2912 - 38th Street
Rock Island IL 61201

Return Document To:

Clark Stojan
423 - 17th Street
PO Box 4300
Rock Island IL 61204-4300

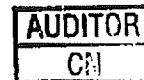
Grantors:

I.C.E. Capital Management, LC

Grantees:

Larry Junis, a married man

Legal Description: See page 2.



Preparer
 Information Marie R. Tarbox 4301 E. 53rd Street, Ste. 300 Davenport, Iowa (563) 388-8417
Individual's Name Street Address City Phone
 Address Tax Statement: **SPACE ABOVE THIS
 LINE FOR RECORDER**

WARRANTY DEED

For the consideration of Ten Dollar(s) and other valuable consideration, I.C.E. Capital Management, LC, a partnership, organized and existing under the laws of Iowa, does hereby convey to Larry Junis, a married man the following described real estate in Scott County, Iowa:

See attached legal description.

The company hereby covenants with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances, except as may be above stated; and it covenants to Warrant and Defend the real estate against the lawful claims of all persons, except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated this 31 day of August, 2005.

I.C.E. Capital Management, LC,

By: Member

STATE OF IOWA)
)ss.
 COUNTY OF SCOTT)

On this 31 day of August, 2005, before me, the undersigned, a Notary Public in the State of Iowa, personally appeared James T. Tugman, to me personally known, who being by me duly sworn, did say that he the Member of I.C.E. Capital Management, LC, and that the instrument was signed on behalf of said company by authority of the members and that the said Member James T. Tugman as such Member, acknowledged the execution of said instrument to be the voluntary act and deed of said company, by it and by him voluntarily executed.



Marie R. Rolling-Tarbox
 Notary Public for the State of Iowa

THIS DEED IS BEING RE-RECORDED TO CORRECT THE LEGAL DESCRIPTION.

Lot 2 of the Final Plat of Ingram-Coussens Addition to the City of Davenport, State of Iowa, and Lot 1 of Fairway Plaza First Addition to the City of Davenport, and Lot 1 of Fairway Plaza Second Addition to the City of Davenport, sometimes also known as the Final Plat of Fairway Plaza Second Addition to the City of Davenport; all situated in the County of Scott and State of Iowa.

Lot 1 of Ingram-Coussens is not the land described in this legal

(u)
§2907-02B
§2907-02C
§2907-02

Together with and subject to all easements, restrictions and covenants of record.

Further, Grantor also grants to Grantee and its successors and assigns:

1. A non-exclusive easement for ingress and egress over a presently existing paved area, more particularly described as follows: Commencing at the northeast corner of Lot 4 of said Ingram-Coussens Addition; thence southerly along the east line of said lot a distance of 20 feet to a point; thence westerly along a line parallel to and normally distant from the north line of said lot a distance of 261.95 feet, more or less, to a point on the northerly part of the west line of said lot; thence northerly along such line a distance of 20 feet to the northwest corner of said lot; thence easterly along said the northerly line of such lot 261.95 feet, more or less, to the point of beginning, for the purpose of allowing Grantee and Grantee's guests and invitees access to the southerly parking spaces occupying a portion of Lots 1 and 2 of Fairway Plaza Second Addition; and

Area "A"

2. A non-exclusive easement for ingress and egress, for the benefit of Lot 2 of Ingram-Coussens Addition, to and over two 12.5 foot wide areas delineated as easements, respectively abutting and running parallel to the Westerly boundary and part of the Southerly boundary of Lot 2 in said Ingram-Coussens Addition. Grantor further grants to Grantee an extension of said easements over an area bounded on the north by the South lot line of said lot 2, to the southeast corner of said lot 2; thence southerly for 25 feet, to a point; thence westerly along a course parallel to the south lot line of said lot 2, to the easterly boundary of the easement areas as shown on the plat of Ingram-Coussens Addition.

Area "B"

Area "B" also encompasses Area "D" for the benefit of Lot 2 I-C Add, not shown on Easement Exhibit.

Further, this conveyance is subject to the reservation by the Grantor, for the benefit of the Grantor and its successors and assigns, of:

1. A non-exclusive easement for ingress and egress, over that portion of the existing "Driveway Easement" and that part of Lot 1 of Fairway Plaza First Addition, more particularly described as follows: Beginning at the intersection of the South Right of Way Line of Locust Street and the East Line of the 20 feet wide Driveway Easement as shown on said Lot 1; Thence South along said East Line and the Southerly extension of said East Line to a point 20' North of the South Line of said Lot 1; Thence East, 20 feet North of and parallel to said South Line, to the East Line of said Lot 1; Thence South along said East Line, 20 feet to the South Line of said Lot 1;

Area "C"

EXHIBIT A

Thence West along said South Line, a distance of 95.90 feet to the West Line of said Lot 1; Thence North along said West Line, 20 feet; Thence East, 20 feet North of and parallel to said South Line, to the intersection of the West Line of said Driveway Easement extended South to a point 20 feet North of the South Line of said Lot 1; Thence North along said West Line and Southerly extension, to the South Right of Way Line of said Locust Street; Thence East 20 feet along said South Right of way Line, 20 feet to the point of beginning; *provided, however*, that Grantor shall not develop such easement as a street access for Lot 4 of Ingram-Coussens Addition to the City of Davenport, Iowa. Such driveway easement shall terminate on the sale of Lot 4 of Ingram-Coussens Addition to the City of Davenport, Iowa, to a third party buyer at an arms length transaction; and

Area "C"
continued

2. A non-exclusive easement for the benefit of Lots 1, 3, and 4 in Ingram-Coussens Addition, for ingress and egress, to and over two 12.5 foot wide areas delineated as easements, respectively abutting and running parallel to the Westerly boundary and part of the Southerly boundary of Lot 2 in said Ingram-Coussens Addition; and

Area "D"

3. An easement for utility purposes for the benefit of Lots 1, 3, and 4 of said Ingram-Coussens Addition, over the following described area: Commencing at the southwest corner of the said Lot 2 of Ingram-Coussens Addition; thence northerly along the westerly boundary of said lot a distance of 25 feet, more or less; thence east 100 feet, more or less, to a point; thence south to the southerly lot line of said Lot 2 in Ingram-Coussens Addition; thence westerly along said southerly lot line to the point of beginning, except that portion thereof upon which a building is situated.

Area "E"
utility
easement
only



PUBLIC HEARING NOTICE | Zoning Board of Adjustment

Date: 12/10/2010 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 4:00 PM Subject: Public hearing for Hardship Variance & Special Use before the Zoning Board of Adjustment

Alderman Notice
1st Ward
9 Notices Sent

To: All property owners within 200 feet of the subject property located at **3919 W Locust St..**

What is this About?

This notice is being sent to inform you that a public hearing will be held for a Hardship Variance & Special Use. The purpose of the Hardship Variance & Special Use is to authorize a special/conditional use and grant permission to waive or alter a size or dimensional code requirement.

Request/Case Description

Requests SU20-08, HV20-12, and HV20-13 of Jonathon Carstens on behalf of Atomic Coffee at 3919 W. Locust St. for:

- 1. A Special Use to approve a drive-through facility. Section 17.08.020, Table 17.08-1 of the Davenport Municipal Code requires a special use for drive-through facilities zoned C-1.**
- 2. A Hardship Variance to construct a commercial building in noncompliance with transparency and front facing entrance/sidewalk requirements. Table 17.05-2 requires entrances to face the street and to have a private sidewalk leading to the entrance from the public right-of-way.**
- 3. A Hardship Variance to construct a commercial building with a front setback of approximately 100 feet, outside of the required 0' to 15' front build-to zone. Table 17.05-1 requires C-1 structures to be within 0 to 15 feet of the front property line. [Ward 1]**

What are the Next Steps after the Public Hearing?

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

Would You Like to Submit an Official Comment?

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

On-line/Telephone Participation:

Persons may join the meeting virtually: https://www.gotomeet.me/Davenport_Planning/zba & at 1-877- 568-4106 with access code: 417-263-477. All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

Do You Have Any Questions?

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

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

Zoning Board of Adjustment: Adjacent Owners Notice Area



SU20-08 Adjacent Owner Notice List.xlsx

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	3919 W Locust St	Carstens/Atomic Coffee		
Neighborhood:	None			All Alderman Notified
Ward/Ald:	1st Ward	Alderman Dunn		9 Notices Sent
		Aldernam Notice	1st Ward	9 owners notified
S2907-01		3931 W LOCUST LLC	2322 E KIMBERLY RD #120 W	DAVENPORT IA 52807
T2055-01E		B & V PARTNERS LLC 154	2490 HEATHER GLEN AVE	BETTENDORF IA 52722
S2907-03		DONNA K INGRAM TRUST	201 W 2ND ST STE 601	DAVENPORT IA 52801
S2907-04		DONNA K INGRAM TRUST		
S2907-07A		DONNA K INGRAM TRUST		
T2055-01F		IDLE WHEELS MOBILE HOME PK 1108 WAVERLY RD		DAVENPORT IA 52804
S2907-02		MCALISTER PROPERTIES LLC	1314 VAIL AVE	DURANT IA 52747
S2907-03		RICHARD & SANDRA COUSSENS	4528 TELEGRAPH RD	DAVENPORT IA 52804
S2907-04		RICHARD & SANDRA COUSSENS TRUST		
S2907-02E		RIGHT ON COOPERATIVE	PO BOX 131	BETTENDORF IA 52722
T2055-01D		RUDELL GERALD L	1108 WAVERLY RD	DAVENPORT IA 52804
S2907-03		SIMONE H EKSTEIN REVOC TRUS	2140 KRAFTMEYER DR	DAVENPORT IA 52803
S2907-04		SIMONE H EKSTEIN REVOC TRUST		

McAlister Properties, LLC.

1314 Vail Ave.

Durant, IA. 52747

563-447-1307

1/8/2021

To whom it may concern,

I am the managing partner of McAlister Properties, LLC. which owns 3911, 3823, and 3817 W. Locust St., I strongly object to idea of an adjoining property, using our entrance and parking lot for their customers parking or waiting in a line!

We have no easements or agreements on our properties for this use and will fight it in any matter necessary.

I will have our real estate broker, Thad Denhartog representing me to contest this at the public hearing.

Thank You,



Chris McAlister

City of Davenport
Zoning Board of Adjustment

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

Date
12/10/2020

Subject:

Request HV20-12 of Jonathon Carstens on behalf of Atomic Coffee at 3919 W. Locust St. for a hardship variance to construct a commercial building in noncompliance with transparency and front facing entrance/sidewalk requirements. Table 17.05-2 requires entrances to face the street and to have a private sidewalk leading to the entrance from the public right-of-way. [Ward 1]

Recommendation:

See attached Staff Report

ATTACHMENTS:

Type	Description
▣ Cover Memo	Staff Report
▣ Exhibit	Application

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	2/5/2021 - 1:22 PM



Zoning Board of Adjustment
Planning Staff Report – Exceed Build-to zone
December 10, 2020 - REVISED FOR 02-11-21 Hearing

Description

Request HV20-12 of Jonathon Carstens on behalf of Atomic Coffee at 3919 W. Locust St. for a hardship variance to construct a commercial building in noncompliance with transparency and front facing entrance/sidewalk requirements. Table 17.05-2 requires entrances to face the street and to have a private sidewalk leading to the entrance from the public right-of-way.
[Ward 1]

Background

The subject property zoned C-1 Neighborhood Commercial which has a certain design requirements for commercial properties. A primary entrance shall face the street and it shall have a sidewalk leading up to it.

Discussion

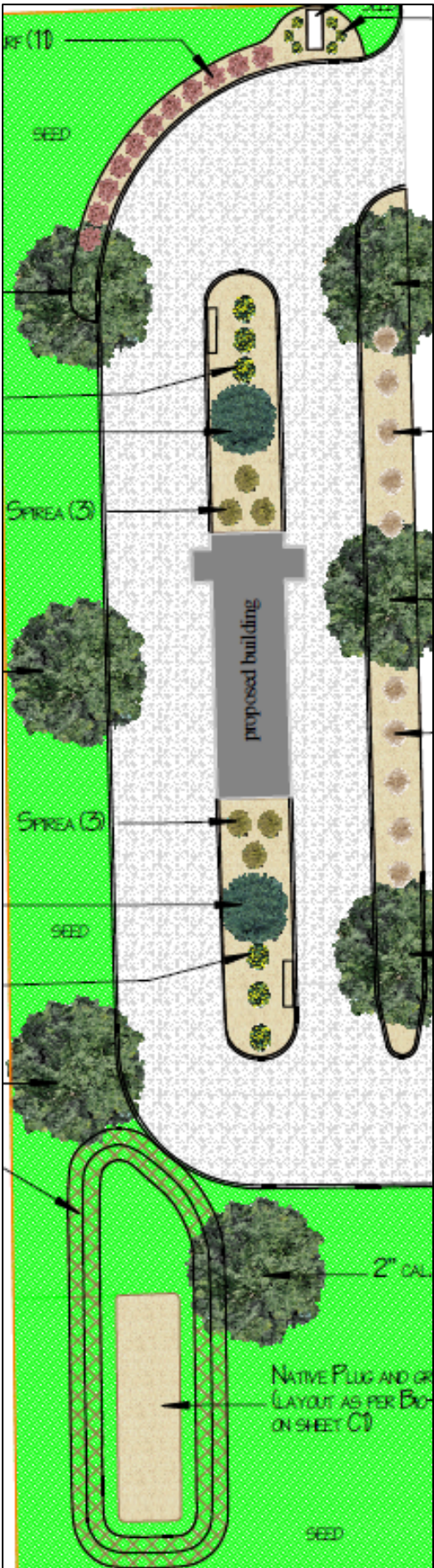
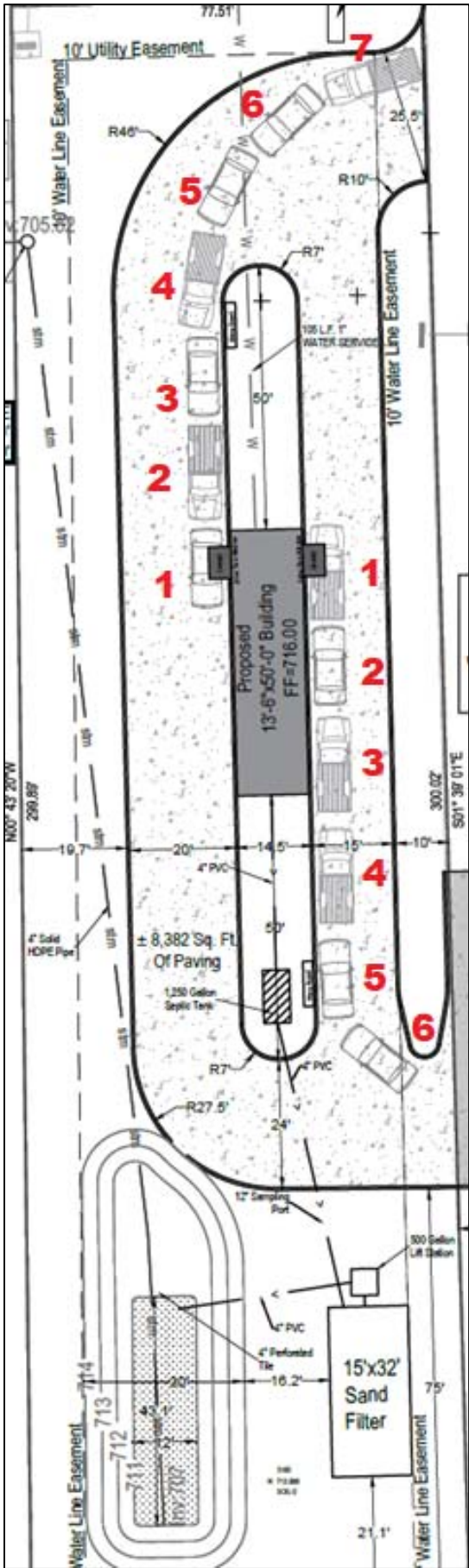
The proposed use (coffee shop) is an allowed use in C-1, however the drive-through is only permitted with approval of a Special Use (see SU20-08) if the site meets the applicable use standards.

The design standards are very straightforward. This is the first design standards hardship variance for a legal use in a commercial district since the code was adopted on January 20, 2019.

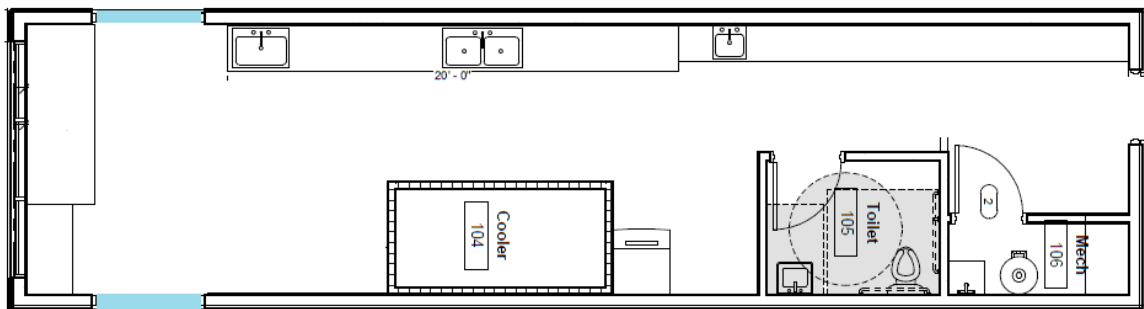
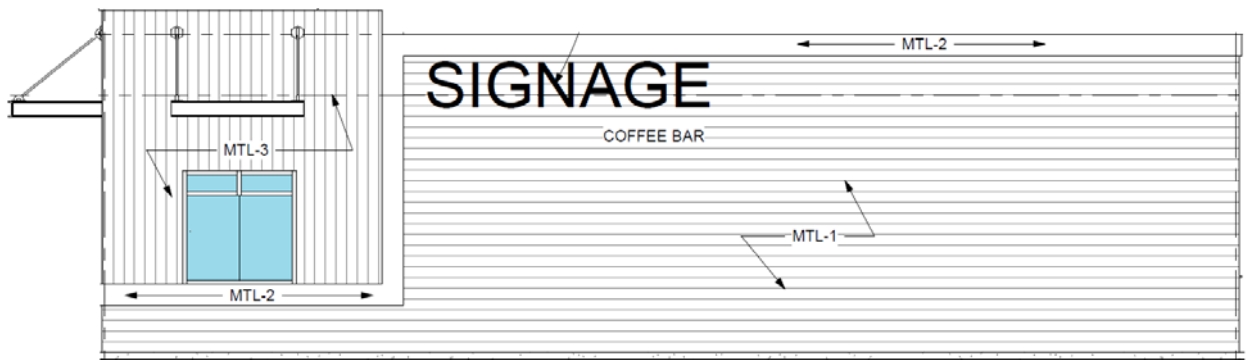
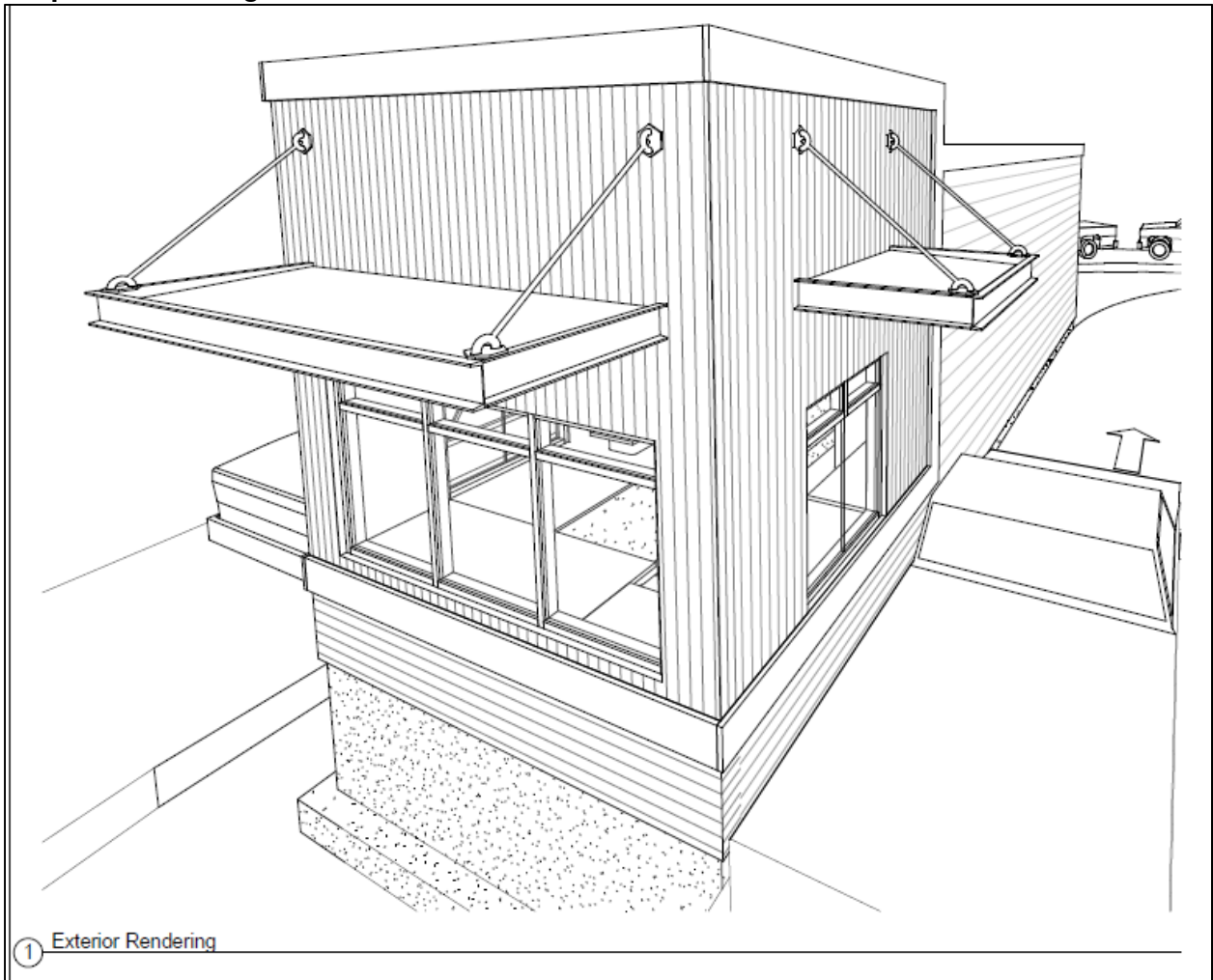
Design Standard Requirement Table (property is C-1).

Table 17.05-2: Commercial Districts Design Standards		
	C-T	C-1
Façade Design		
Building façades that face a public right-of-way, excluding alleys, must not contain blank wall areas that exceed 40 linear feet, measured parallel to the street.	•	•
Building façades in excess of 100 linear feet that face 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 2 feet in depth or projection, such as a reveal, pilaster, or projecting rib. All elements must repeat at intervals of no more than 40 linear feet.	•	•
Buildings with façades over 150 feet in length must incorporate wall projections or recesses, or changes in wall plane a minimum of two feet in depth a maximum of every 75 linear feet.		
All buildings must have a public entrance from the sidewalk along the primary building frontage. Public entrances must be visually distinctive from the remaining portions of the façade.	•	•

Site Plan & Landscape Plan



Proposed Building Elevations



Approval Standards

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

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

Applicant Response:

The proposed building does not have an interior public area. Primary access for the public is through a drive through auto lane, or a public walk up window on the primary facade.

Staff Comments:

Regardless of the use of the building, a public entrance, accessed by a private sidewalk from the public sidewalk, is required. This condition has not been met.

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 particular physical shape that is causing hardship is the width of the lot. This lot is very narrow and does not support having the door face Locust St. The traffic pattern and interaction of people with this lot pushes the main entrance area away from Locust St. Locust is an auto oriented street and the parking for this lot would have to be situated beside or behind it due to the shared entrance with the adjoining property.

Staff Comments:

If the size of the lot is not suitable for the intended use, the petitioner shall find a more suitable location. If a factory owner wished to build a widget plant, it is incumbent upon the business owner to seek out property that is large enough to suit their needs and be able to meet zoning code requirements of the use/building. This conditions has not been met.

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

Applicant Response:

This requirement was not followed by multiple adjacent property. The structure at 3911 Locust has a door off an angle of the building. The building at 3817 W Locust has multiple tenant spaces with doors that do not open to the street. 4401 W Locust has a front door that opens to the West and not onto Locust. 4425 W Locust St. even has a door that opens opposite to Locust.

Staff Comments:

While this is a new requirements that are no impediments to meeting the code. Unique circumstance has not been met.

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

Applicant Response:

The essential character of the locality would not be impacted as most of the adjacent property have not met the door to face the main street requirement. The West Locust corridor is mainly an auto oriented traffic area with large parking lots in front of the buildings and drive through businesses that cater directly to car related activities. The drive though that we are proposing fits this model.

Staff Comments:

Most all of the building on this corridor face the street and are accessible via paved access/sidewalks.

Staff Recommendation:

Items #1 application of the ordinance, and item #2, physical characteristics, #3, unique circumstance and #4 essential character have not been met. Staff recommends denial of the request.

Prepared by: Scott Koops,



AICP Planner II

Attachments: App, site plan, notice documents



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

Property Address*

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

Applicant (Primary Contact) **

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

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

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

Zoning Board of Adjustment

Zoning Appeal
Special Use
Hardship Variance

Engineer (if applicable)

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

Design Review Board

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

Architect (if applicable)

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

Historic Preservation Commission

Certificate of Appropriateness
Landmark Nomination
Demolition Request

Administrative

Administrative Exception
Health Services and Congregate
Living Permit

Attorney (if applicable)

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

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

Request:

Please describe the 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 Section 17.14.060 of the Davenport Municipal Code.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- Required fee - \$200.

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

(1) Application:

- Prior to submission of the application for the hardship variance, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the hardship variance process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.

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

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

(3) Zoning Board of Adjustment's consideration of the hardship variance:

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

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

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

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

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

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.

Applicant:

Date:

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

Received by:

Planning staff

Date:

Date of the Public Hearing:

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

Authorization to Act as Applicant

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

Signature(s)*

*Please note: original signature(s) required.

City of Davenport
Zoning Board of Adjustment

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

Date
12/10/2020

Subject:

Request HV20-13 of Jonathon Carstens on behalf of Atomic Coffee at 3919 W. Locust St. for a hardship variance to construct a commercial building with a front setback of approximately 100 feet which is outside of the required 0' to 15' front build-to zone. Table 17.05-1 requires C-1 structures to be within 0 to 15 feet of the front property line. [Ward 1]

Recommendation:

See attached Staff Report

ATTACHMENTS:

Type	Description
▣ Exhibit	Application
▣ Cover Memo	Staff Report

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	2/5/2021 - 1:22 PM



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

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Zoning Map Amendment (Rezoning)
Planned Unit Development
Zoning Ordinance Text Amendment
Right-of-way or Easement Vacation
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Zoning Board of Adjustment

Zoning Appeal
Special Use
Hardship Variance

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Name:
Company:
Address:
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Phone:
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Design Review Board

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

Architect (if applicable)

Name:
Company:
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Email:

Historic Preservation Commission

Certificate of Appropriateness
Landmark Nomination
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Administrative Exception
Health Services and Congregate
Living Permit

Attorney (if applicable)

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Email:

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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".
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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.

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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.

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

Received by: _____ Date: _____
Planning staff

Date of the Public Hearing: _____

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

Authorization to Act as Applicant

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

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



Zoning Board of Adjustment
Planning Staff Report – Exceed Build-to zone
December 10, 2020 - REVISED FOR 02-11-21 Hearing

Description

Request HV20-13 of Jonathon Carstens on behalf of Atomic Coffee at 3919 W. Locust St. for a hardship variance to construct a commercial building with a front setback of approximately 100 feet which is outside of the required 0' to 15' front build-to zone. Table 17.05-1 requires C-1 structures to be within 0 to 15 feet of the front property line. [Ward 1]

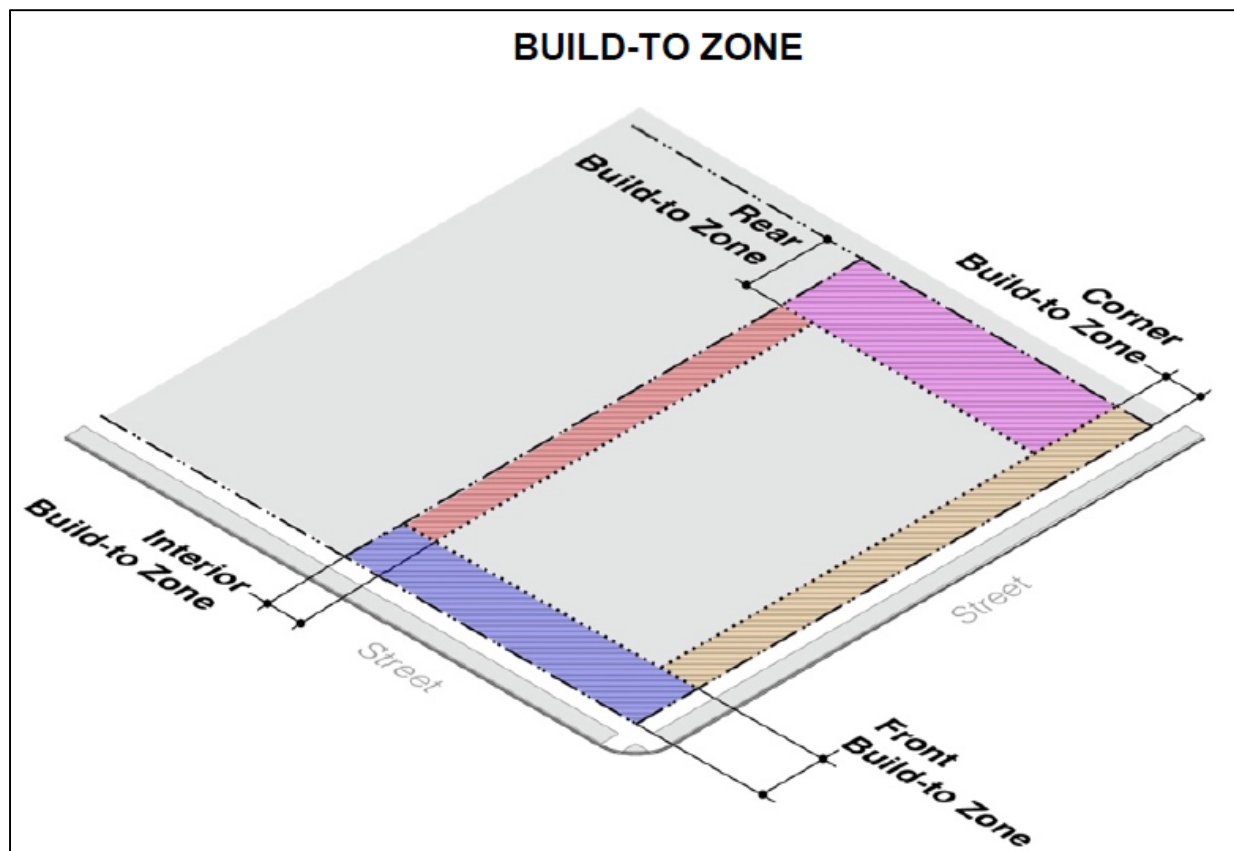
Background

The subject property zoned C-1 Neighborhood Commercial which has a build-to zone, rather than a front yard setback. Primary building must be built in or up to the build-to zone of zero (0) to 15 feet. The proposed building setback is approximately 100 feet from the front lot line, thus the need for the hardship variance.

Discussion

The proposed use (coffee shop) is an allowed use in C-1, however the drive-through is only permitted with approval of a Special Use (see SU20-08) if the site meets the applicable use standards.

The use standards for a drive-through make it very difficult to build a building within 15 feet of the front lot line and still meet the required double lane drive-through, especially while managing access to the building and parking needs.



10

12.60

12.60

77.60

280.38

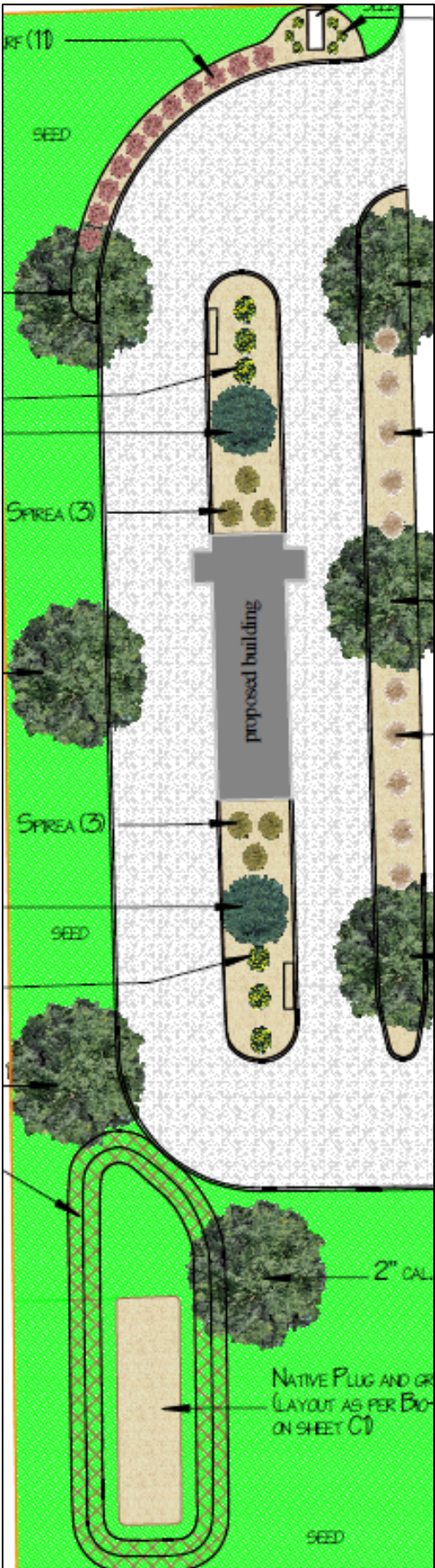
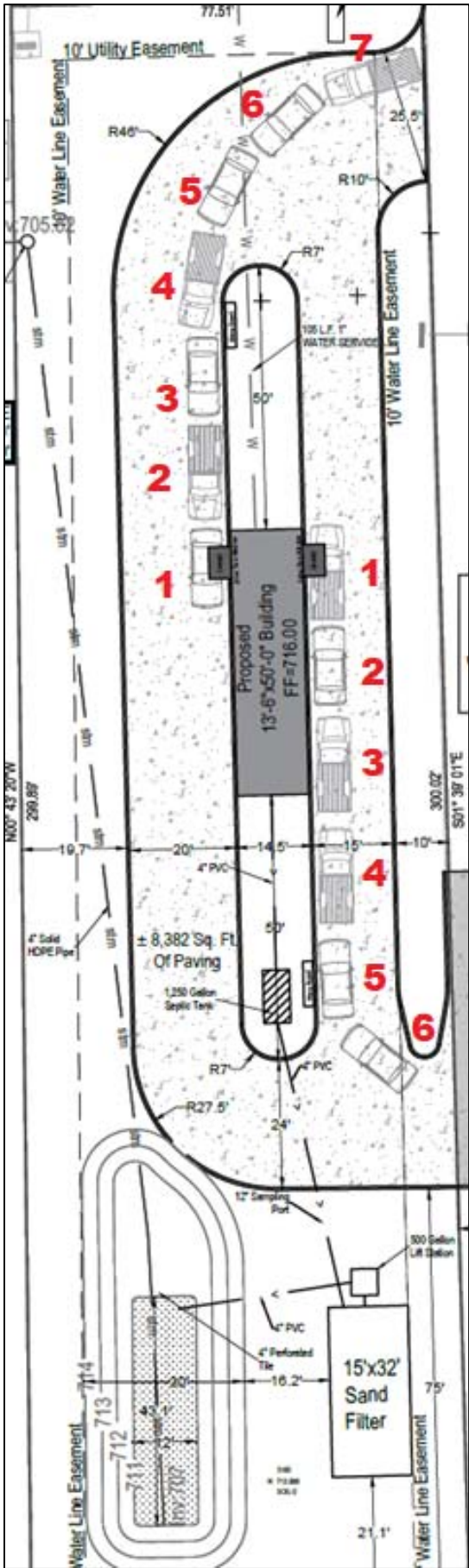
10

SEWER EASEMENT

UTILITY EASEMENT



Site Plan & Landscape Plan



Site Plan with airphoto



Approval Standards

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

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

Applicant Response:

Access to this lot is from a shared entrance point to the east. There is also an existing utility easement in the front of this lot. These items make it a hardship to build in the 0-15' build to zone.

Staff Comments:

Given that the proposed use has drive-through lanes on each side of the building, it is not possible to meet the build-to zone requirement with that design and with the size of the building proposed. If the lot were wider the use could be more easily accommodated. The petitioner could design a drive-through with only one window. Having a two-lane/windows drive-through is not a hardship, it is merely convenience.

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 physical hardship to building this close to the street is based on the narrow nature of this lot, that includes a utility easement in the front and a sewer easement on the west side.

Staff Comments:

If the size of the lot is not suitable for the intended use, the petitioner shall find a more suitable location. If a factory owner wished to build a widget plant, it is incumbent upon the business owner to seek out property that is large enough to suit their needs and be able to meet zoning code requirements of the use/building. This conditions has not been met.

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

Applicant Response:

This requirement was not followed by multiple adjacent property in the same zoning classification. The structure at 3911 Locust (next door) is 150' setback from Locust. The building at 3823 W Locust has multiple tenant spaces and is also 150' setback from Locust. The building at 3817 W Locust has multiple tenant spaces and is 30" setback from Locust. 4307 W Locust is setback approximately 60'-0". Locust. 4425 W Locust St. is set back 45'-0".

Staff Comments:

As there are no other buildings that meet the required build-to zone in this neighborhood, this does create circumstances for this lot that do not apply for the adjacent properties. There are no commercial buildings within 15 feet of the front property line near this site. The nearest such commercial building is likely near Five Points. Unique circumstance has been met.

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

Applicant Response:

The essential character of the locality would not be impacted as none of the adjacent property have met the build to requirement.

Staff Comments:

Essential Character has been met as no other building in this neighborhood are built in or at the build-to zone.

Staff Recommendation:

Items #1 ordinance application, and item #2, physical characteristics have not been met. Staff cannot recommend approval of the request.

Prepared by: Scott Koops,

A handwritten signature in black ink, appearing to read "Scott Koops", is written over the printed name.

AICP Planner II

Attachments: App, site plan, notice documents

City of Davenport
Zoning Board of Adjustment

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

Date
2/11/2021

Subject:

Request SU21-01 of Rich Clewell on behalf of Humility Homes & Services for a special use to approve a Neighborhood Commercial Establishment (retail sales) at 522 Fillmore Street. Municipal Code 17.08.030.U. allows for Neighborhood Commercial Establishments in existing nonresidential structures in residential districts (excluding R-1) with the granting of a special use. [Ward 3]

Recommendation:

See attached Staff Report

ATTACHMENTS:

Type	Description
▣ Cover Memo	Staff Report
▣ Exhibit	Exhibits for report
▣ Exhibit	Application
▣ Exhibit	Notice Letter & Map

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	2/5/2021 - 2:00 PM



**Zoning Board of Adjustment
Planning Staff Report – Retail Sales
February 11, 2021**

Description

Request SU21-01 of Rich Clewell on behalf of Humility Homes & Services for a special use to approve a Neighborhood Commercial Establishment (retail sales) at 522 Fillmore Street. Municipal Code 17.08.030.U. allows for Neighborhood Commercial Establishments in existing nonresidential structures in residential districts (excluding R-1) with the granting of a special use. [Ward 3]

Background

The subject property is in a mixed use area although there are more homes in the immediate vicinity than businesses. The petitioner is proposing to convert this former church into retail space. No additions or drive-throughs are planned. The retail space will meet all commercial building and health code requirements.

Any internal remodeling will be approved through the EPlan system. All Neighborhood Commercial Establishments (NCE) prohibit the sale of alcohol, tobacco, e-cigarettes and vaping accessories and none of those uses have been proposed.

Signage would be limited to the same restrictions as businesses' in the C-T district. Wall sign are allowed, the free standing sign must be monument in style, not exceeding 10 feet in height and 100 square feet in area with a landscaped base.

Discussion

The petitioner proposes reuse the church building into a retail shop with on-site sales.

Findings/Approval Standards

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

The plans meet code requirements for the establishment of a neighborhood commercial establishment – retail use. The use should have minimal, if any, impact on adjacent property and public facilities as the number of trips will be spread out over five (5) or six (6) days per week, with fewer customers at any given time compared to church uses on the weekend and/or midweek.

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

The plans meet code requirements and the site will have minimal, if any, impact on adjacent property and public facilities.

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

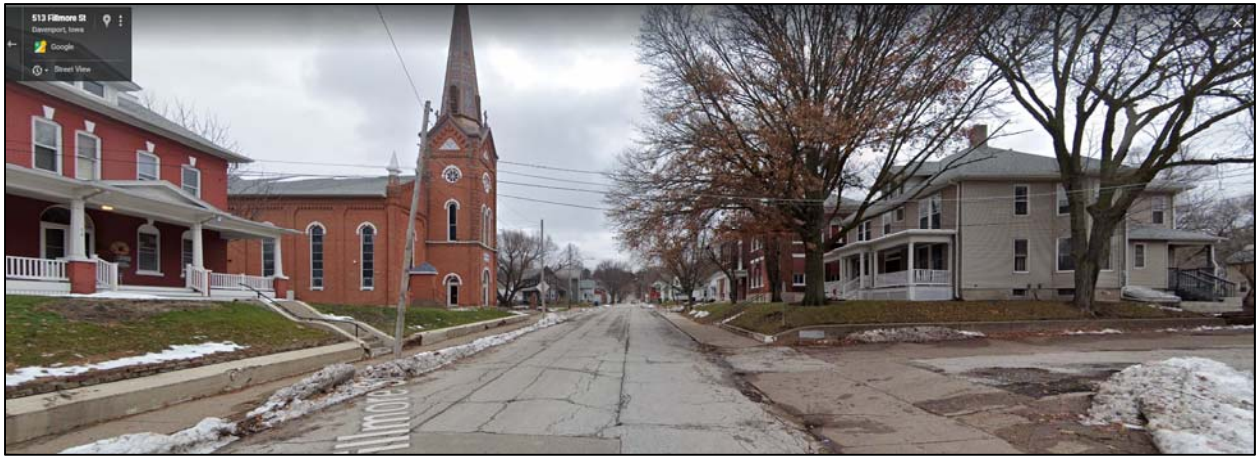
Land use policy has been met along with all code requirements. This proposed use is in keeping with the intent of the neighborhood commercial establishment parameters.

Recommendation & Findings

Findings: Location/design/construction of the proposed use meets the Special Use requirements.

Recommendation: Staff recommends approval of the request.

Prepared by: Scott Koops, 
Planner II





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

Property Address*

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

Applicant (Primary Contact) **

Name:

Company:

Address:

City/State/Zip:

Phone:

Email:

Application Form Type:

Plan and Zoning Commission

Zoning Map Amendment (Rezoning)

Planned Unit Development

Zoning Ordinance Text Amendment

Right-of-way or Easement Vacation

Voluntary Annexation

Owner (if different from Applicant)

Name:

Company:

Address:

City/State/Zip

Phone:

Email:

Zoning Board of Adjustment

Zoning Appeal

Special Use

Hardship Variance

Design Review Board

Design Approval

Demolition Request in the Downtown

Demolition Request in the Village of

East Davenport

Engineer (if applicable)

Name:

Company:

Address:

City/State/Zip

Phone:

Email:

Historic Preservation Commission

Certificate of Appropriateness

Landmark Nomination

Demolition Request

Architect (if applicable)

Name:

Company

Address:

City/State/Zip:

Phone:

Email:

Administrative

Administrative Exception

Health Services and Congregate

Living Permit

Attorney (if applicable)

Name:

Company:

Address:

City/State/Zip:

Phone:

Email:

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

Request:

Please describe the special use requested:

Existing Zoning:

Submittal Requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Applicant:

Date:

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

Received by:

Planning staff

Date:

Date of the Public Hearing:

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

Authorization to Act as Applicant

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

Signature(s)*

*Please note: original signature(s) required.



PUBLIC HEARING NOTICE | Zoning Board of Adjustment

Date: 2/11/2021 Location: Council Chambers | City Hall | 226 W. 4th ST.
Time: 4:00 PM Subject: Public Hearing for Speical Use before the Zoning Board of Adjustment

Example Notice for Alderman

To: All property owners within 200 feet of the subject property located at **516 Fillmore Street.**

What is this About?

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

Request/Case Description

Request SU21-01 of Rich Clewell on behalf of Humility Homes & Services for a special use to approve a Neighborhood Commercial Establishment (retail sales) at 516 Fillmore Street. Municipal Code 17.08.030.U. allows for Neighborhood Commercial Establishments in existing nonresidential structures in residential districts (excluding R-1) with the granting of a special use. [Ward 3]

What are the Next Steps after the Public Hearing?

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

Would You Like to Submit an Official Comment?

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

On-line/Telephone Participation:

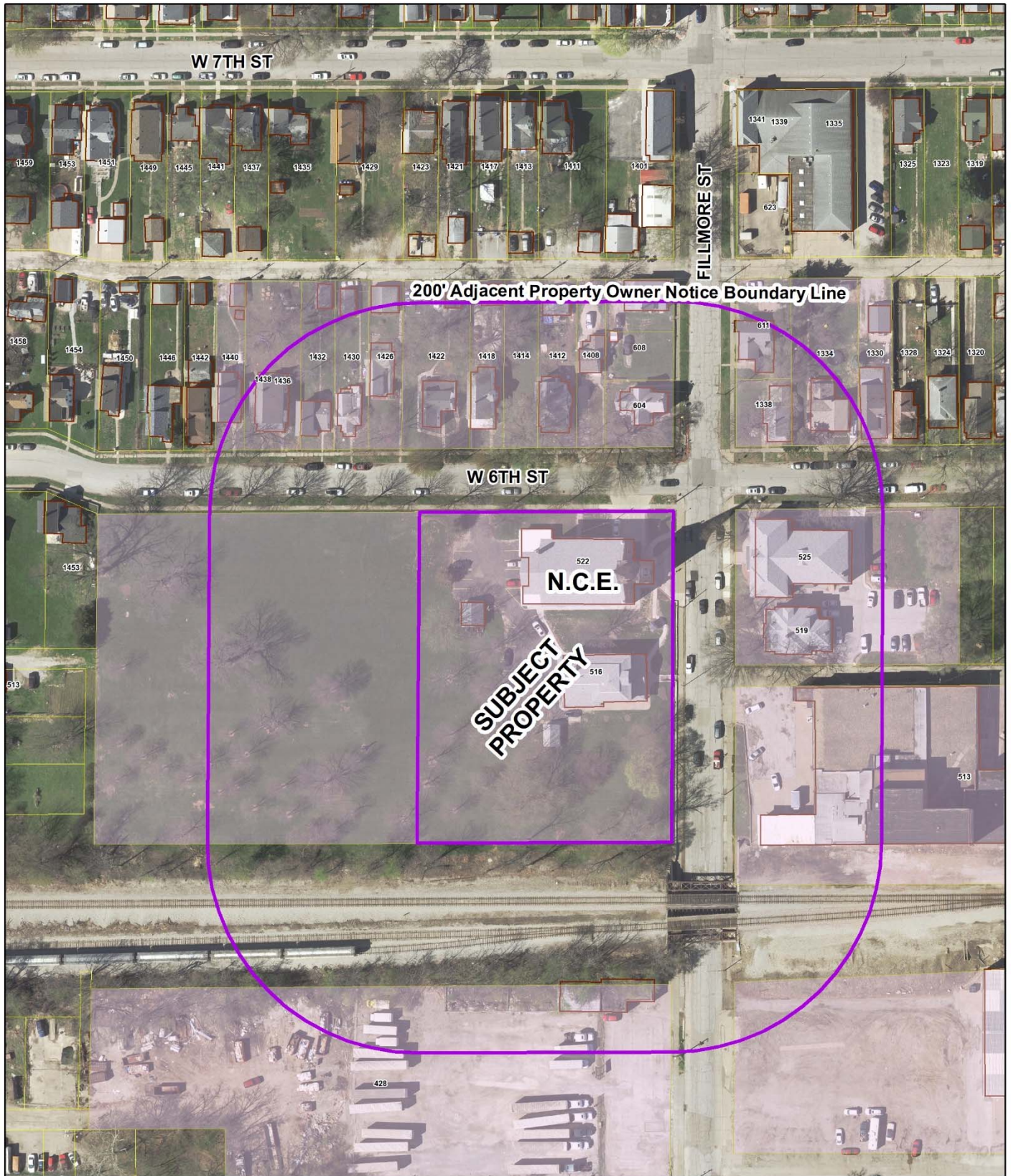
Persons may join the meeting virtually: https://www.gotomeet.me/Davenport_Planning/zba & at 1-877- 568-4106 with access code: 417-263-477. All documents related to the meeting (agenda included) are at "Search Minutes & Agendas": www.cityofdavenportiowa.com/boards Mondays before the meeting/public hearing.

Do You Have Any Questions?

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

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

Zoning Board of Adjustment: Adjacent Owner/Occupant 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.

