

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

Thursday, July 11, 2024; 4:00 PM

City Hall | 226 West 4th Street | Council Chambers

The Zoning Board of Adjustment holds public hearings to consider hardship variances, special uses, and interpretation appeals.

I. Call to Order

II. Secretary's Report

1. Consideration of the 2024-06-27 Meeting Minutes.

III. Old Business

IV. New Business

1. Request HV24-09 of Bray Architects on behalf of Davenport Community Schools at 1414 E. Locust Street for a Hardship Variance to locate a refuse enclosure in a front yard and to construct a chain-link fence near the property line in the front yard(s). The Davenport Municipal Code requires refuse enclosures to be located in the side or rear yard and prohibits chain-link fences in front yards and corner side yards. [Ward 5]
2. Request SU24-04 of 53rd Luxury LLC at 2021 (& 1911, 2131) East 53rd Street to modify a Special Use for a Vehicle Dealership with Outdoor Storage/Display. Table 17.08-1 requires a Special Use for a Vehicle Dealership with Outdoor Storage/Display on property zoned C-3 General Commercial District and §17.14.050. requires a modification to a Special Use when required by code. [Ward 8]

V. Other Business

VI. Adjourn

City of Davenport

Department: Development & Neighborhood Services

Contact Info: |

Action / Date

7/11/2024

Subject:

Consideration of the 2024-06-27 Meeting Minutes.

Recommendation:

Background:

Attachments:

1. ZBA Minutes 2024-06-27



MINUTES

Zoning Board of Adjustment

May 23, 2024



By this reference all reports, documents, presentations, videos and the hearing's video recording are incorporated into the minutes.
See the following link: <https://www.youtube.com/user/DavenportToday/videos>

I. Call to Order:

Vice Chair Galliard called the Zoning Board of Adjustment (ZBA) meeting to order in City Hall Council Chambers, Davenport, Iowa at approximately 4:04 p.m.

Members present: Galliard, Boyd-Carlson, Bloemker, Darland

Excused: None.

Staff present: Werderitch, Berkley, Davidson

II. Secretary's Report:

Minutes were approved for the 2024-05-23 ZBA Hearing by voice-vote (4-0).

III. Old Business:

- A. Request HV24-08 of Kerry Panozzo on behalf of OGAD Properties LLC at 3170 E. 53rd ST for a Hardship Variance to construct a multitenant freestanding sign at the same access point and within 36' of an existing multitenant sign. Section 17.12.060.D.4.a. allows one sign per street frontage and one per access point if at least 75' apart from any other multitenant sign.**

IV. New Business:

None.

Werderitch presented the staff report to the Board.

Findings & Staff Recommendation:

The petitioner has not demonstrated any practical difficulties or particular hardships associated with this property or justification for an additional multi-tenant sign.

Findings: (supported by the previous analysis)

- Approval Standard #1 application of the ordinance does not create a hardship;
- Approval Standard #2 physical and topographical conditions do not limit use of the site;
- Approval Standard #3 unique circumstance is not established;
- Approval Standard #4 protection of essential character is not established;

Recommendation:

The request is a convenience to the applicant. Viable alternatives exist.
Staff recommends denial of request HV24-08.

Charles Owen addressed the Board on behalf of the applicant. Mr. Owen explained the request and answered the Boards questions.

Motion:

Darland moved to approve HV24-08, seconded by Boyd-Carlson. The motion failed (1-3).

Bloemker, yes; Boyd-Carlson, no; Darland, no; and Galliard, no.

V. Other Business

None.

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:46 p.m.

City of Davenport

Department: Development & Neighborhood Services

Contact Info: |

Action / Date

7/11/2024

Subject:

Request HV24-09 of Bray Architects on behalf of Davenport Community Schools at 1414 E. Locust Street for a Hardship Variance to locate a refuse enclosure in a front yard and to construct a chain-link fence near the property line in the front yard(s). The Davenport Municipal Code requires refuse enclosures to be located in the side or rear yard and prohibits chain-link fences in front yards and corner side yards. [Ward 5]

Recommendation:

Background:

Attachments:

1. Staff Report - Refuse & Fence Variance - 1414 E Locust ST
2. Application
3. Site Plan by Staff
4. Existing Chain-Link Location



**Zoning Board of Adjustment
Planning Staff Report
1414 E. Locust ST – Refuse Enclosure & Chain-Link Fence
July 11, 2024**

Description

Request HV24-09 of Bray Architects on behalf of Davenport Community Schools at 1414 E. Locust Street for a Hardship Variance to locate a refuse enclosure in a front yard and to construct a chain-link fence near the property line in the front yard(s). The Davenport Municipal Code requires refuse enclosures to be located in the side or rear yard and prohibits chain-link fences in front yards and corner side yards. [Ward 5]

Code Requirements:

[Section 17.09.030.Q.](#)

"Refuse and recycling container regulations apply to"...non-residential uses. 1. Refuse and recycling containers are prohibited in the front or corner side yard."

[Section 17.09.030.H.2.a.](#)

"Within the required front or reverse corner side setback, solid fences are limited in height to four feet and open fences are limited to a height of six feet. Chain-link fences or other similar wire materials are prohibited."

Applicant Description of Request

"There are two hardship variances being requested in this application.

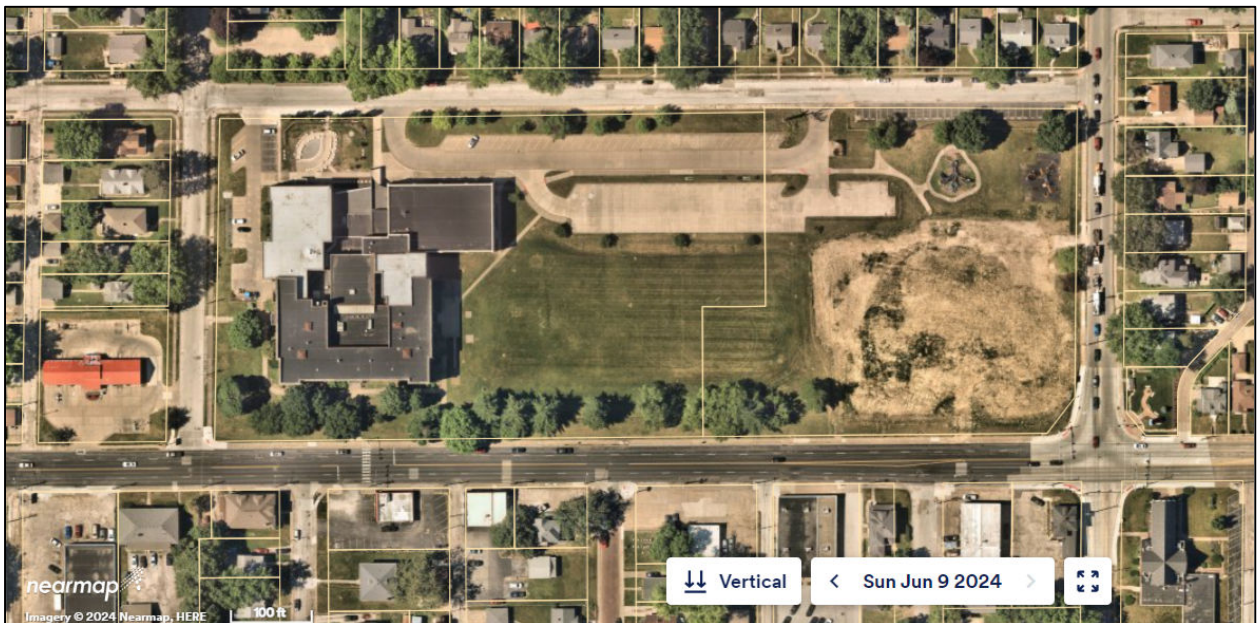
The first request is that the district be allowed to construct the refuse enclosures for the new Sudlow Middle School to the northeast of the new building. This will require relief from code 17.09.030 Q.1. which states " Refuse and recycling containers are prohibited in the front or corner side yard.

The second request is that the district be allowed to construct a 6' black vinyl coated chain-link fence along the west, south, and east side of the property. Some sections of this fence will cross the front yard setback on the east side of the site. This will require relief from code 17.09.030 H 2 a. which state "Within the required front or reverse corner side setback, solid fences are limited in height to four feet and open fences are limited to a height of six feet. Chain-link fences or other similar wire materials are prohibited."

Background & Discussion

The subject property is located on a residentially zoned property located along two minor arterial streets. Over the course of the last several years a district wide master planning process was conducted, which included facility condition assessments and upgrades for identified high schools, elementary Schools Elementary Schools, and Middle Schools (such as Sudlow). The proposed refuse enclosure and fence are a part of those upgrades.

Existing Site Photos



Public Input

Notices were sent to adjacent property owners within 200 feet of the request.

Purpose of a Hardship Variance

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

Approval Standards

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

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

Applicant Response:

If the relief requested for the dumpster enclosure is not granted, the school will not be able to have a dumpster enclosure on site due to the fact that all 4 sides of the building are considered front yards.

If the relief request for the fencing allowance is not granted, this will result in one section of fence on the east side of the property differing from the rest of the fence on the site.

Staff Comments:

Refuse Enclosure: Staff concurs that the proposed site of the refuse enclosure meets the intent of the ordinance. Approval standard #1 has been met.

Chain-link Fence Style: It is likely that the existing fence will be required to be removed during construction of the school addition. This would allow for one new fence to be installed all at one time. If the fence is not removed during construction the chain-link fence is likely to be damaged. Existence of a nonconforming fence style, nor the cost of replacing such a fence, is not grounds for a hardship variance. Approval standard #1 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:

"Because the new Middle School property is surrounded on all 4 sides by streets, there is no other area for the school to place the dumpster enclosure rather than in one of the front yards. This property does not have a side or rear yard that the enclosure could otherwise be located.

In order to provide enough space to accommodate site features for students' use, a portion of the proposed fencing along the east side of the site crosses into the 20' front yard setback along Eastern Ave. If site features were scaled back to move this portion of the fence out of the setback, these features would not be as beneficial to students' development."

Staff comments:

Refuse Enclosure: Staff concurs that the proposed site of the refuse meets the intent of the ordinance. The proposed refuse enclosure location mitigates any potential negative externalities. Approval standard #2 has been met.

Chain-link Fence Style: Maintenance of a nonconforming chain-link fence over a small portion of a perimeter fence is not grounds for a hardship variance determination. There are no physical conditions that require the fence be maintained during construction. The request is a convenience to the petitioner. Approval standard #2 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 property, and is not a self-created hardship.

Applicant Response:

"There are no adjoining properties to the school that would suffer from a similar hardship to this one. Other properties in the area have either a side or rear yard where they can locate their dumpster enclosures.

This fence is needed to help control access to the site. Both to keep students on site and to reduce access to the site from the outside public. Installing the fence on the east, south, and west sides of the site will allow the staff to more easily monitor who is coming to the site while providing a natural boundary for the students to stay within. No adjoining or nearby properties have similar needs to the school."

Staff Comments:

Refuse Enclosure: Staff concurs that a unique circumstance exists and the intent of the ordinance has been met. Approval standard #3 has been met.

Chain-link Fence Style: There is no hardship if the applicant is required to install the required fence type. While the applicant has not made a financial burden claim, staff does want the Board to know that a financial burden is not grounds for a hardship variance under State Court rulings regarding hardship variances.

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

Applicant Response:

"If granted, this variance will allow the school to construct a dumpster enclosure on the site in an area that will be beneficial for the school and the surrounding properties. The enclosure will be located interior to the site parking lot and will meet all city screening requirement. It will be located away from the major roadways and will be in a location that allows for easy access for the staff and easy collection.

If granted, this variance will allow the district to install fencing that matches existing fence on the property. This expanded fencing will not alter the character of the locality, and will actually improve the quality of sections of existing fencing that are currently installed on the property."

Staff Comments:

Refuse Enclosure: The proposed enclosed refuse container will not impact the character of the locality because the refuse container will be enclosed with a solid fence or wall. Approval standard #4 has been met.

Chain-link Fence Style: The code regarding chain-link fences was approved in 2019. The proposed hardship variance might not impact essential character, although it is difficult to determine what impact it might have.

Findings & Staff Recommendation:

Staff requests that two separate motions be made for approval, one for the refuse enclosure and one for the chain-link fence.

Refuse Enclosure Findings: (Per the analysis above)

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

Refuse Enclosure Recommendation:

Staff recommends approval of the proposed refuse enclosure hardship variance subject to the addition of evergreen landscaping bushes on three (3) sides of the enclosure.

Chain-link Fence Findings: (Per the analysis above)

A decorative metal fence is allowed by right. The applicant has not demonstrated a hardship that would necessitate a variance from the required fence style.

- Item #1 application of the ordinance creating hardship has not been established;
- Item #2 physical surroundings imposing hardship has not been established;
- Item #3 unique circumstance has not been established;
- Item #4 protection of essential character may have been established;

Chain-link Fence Recommendation:

Staff recommends denial of the proposed chain-link fence hardship variance as three (3) of four (4) approval standards have not been met.

Prepared by:



Scott Koops, AICP, Planner II

Attachments: ZBA Application/plans, Notice Documents

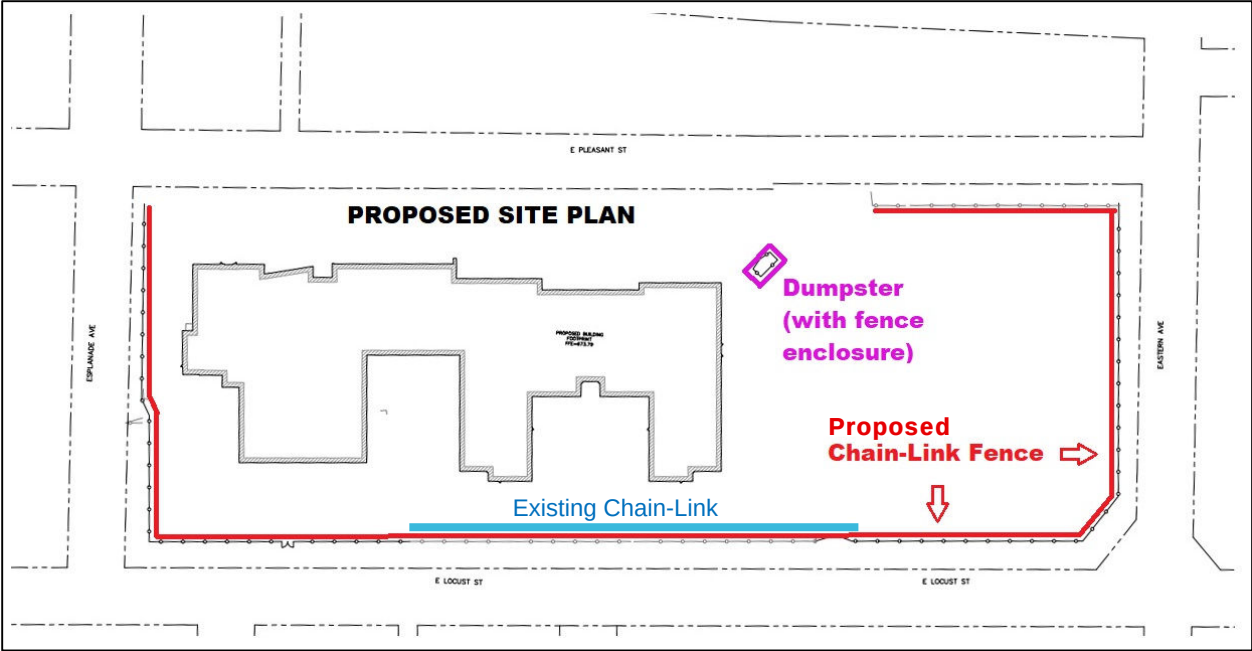


CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 E. 46th St
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
HARDSHIP VARIANCE
ZONING BOARD OF ADJUSTMENT

APPLICANT INFORMATION	
Applicant Name Company Name Davenport Community School District	
Address 1702 N Main St.	
City State Zip Davenport, IA 52803	
Phone (563) 445-5000	
Secondary Phone	
E-Mail Address	
Acceptance of Applicant I, the undersigned, certify that the information on this application to the best of my knowledge is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements. In addition to the application fee, I understand I am responsible for attendance at the meeting as shown on the public hearing zoning board calendar. The City reserves the right to require further site studies as necessary. Karilyn Uhlenkamp Type Applicant's Name 06/11/2024 Applicant's Signature Date	
DEVELOPMENT TEAM	
Property Owner Davenport Community School District	
Address 1702 N Main St.	
Phone (563) 445-5000	Secondary Phone
E-Mail Address reaganj@davenportschools.org	
Project Manager/Other Bray Architects	
Address 220 Emerson Place, Suite 301, Davenport, IA 52801	
Phone (563) 214-1846	Secondary Phone (563) 526-6050
E-Mail Address kuhlenkamp@brayarch.com	
DATES: PRE-APP SUBMITTAL 06/13/2024 PUBLIC HEARING 07/11/2024	
SITE ADDRESS & PARCEL OR LOCATION DESCRIPTION 1414 E. Locust St, Davenport, IA 52803	
SPECIFICALLY DESCRIBE THE REQUEST & RELIEF NEEDED There are two hardship variances being requested in this application. The first request is that the district be allowed to construct the dumpster enclosures for the new Sudlow Middle School to the northeast of the new building. This will require relief from code 17.09.030 Q.1. which states " Refuse and recycling containers are	
COMPLETE SUBMITTALS SHALL INCLUDE: SUBMITTED Concept/Development Plan to Scale* ☒ *shall show setbacks, height and size dimensions, etc. Consent to request hardship/legal interest Affidavit* ☒ *shall include owner contact information Application Fee* \$200 ☒ *required for a complete application	
DEMONSTRATE WITH EVIDENCE THE FOLLOWING (4) ITEMS: 1. The strict application of the terms of this ordinance will result in hardship unless the specific relief requested is granted. If the relief request for the dumpster enclosure is not granted, the school will not be able to have a dumpster enclosure on site due to the fact that all 4 sides of the building are considered front yards. If the relief request for the fencing allowance is not granted, this will result in one section of fence on the east side of the property differing from the rest of the fence on the site. 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. Because the new Middle School property is surrounded on all 4 sides by streets, there is no other area for the school to place the dumpster enclosure rather than in one of the front yards. This property does not have a side or rear yard that the enclosure could otherwise be located in. In order to provide enough space to accommodate site features for students' use, a portion of the proposed fencing along the east side of the site crosses into the 20' front yard setback along Eastern Ave. If site features were scaled back to move this portion of the fence out of the setback, these features would not be as beneficial to students' development. 3. The plight of the owner is due to unique circumstances that do not apply to a majority of adjoining or nearby property, and is not a self-created hardship. There are no adjoining properties to the school that would suffer from a similar hardship to this one. Other properties in the area have either a side or rear yard where they can locate their dumpster enclosures. This fence is needed to help control access to the site. Both to keep students on site and to reduce access to the site from the outside public. Installing the fence on the east, south, and west sides of the site will allow the staff to more easily monitor who is coming to the site while providing a natural boundary for the students to stay within. No adjoining or nearby properties have similar needs to the school. 4. The hardship variance, if granted, will not alter the essential character of the locality. If granted, this variance will allow the school to construct a dumpster enclosure on the site in an area that will be beneficial for the school and the surrounding properties. The enclosure will be located interior to the site parking lot and will meet all city screening requirement. It will be located away from the major roadways and will be in a location that allows for easy access for the staff and easy collection. If granted, this variance will allow the district to install fencing that matches existing fence on the property. This expanded fencing will not alter the character of the locality, and will actually improve the quality of sections of existing fencing that are currently	
Contact Development & Neighborhood Services (DNS) Planning Division at planning@davenportiowa.com with any questions, for additional information, and to submit this form.	



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SCALE: 1" = 40'

BRAY
ARCHITECTS

Milwaukee
829 South 1st Street
Milwaukee, Wisconsin 53204
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Project Title:
**Addition & Renovation to
Sudlow Middle School
Davenport Community School District
1414 E Locust St
Davenport, IA 52803**

REVISIONS:
DATE DESCRIPTION

**NOT FOR
CONSTRUCTION**

Project Number:
3654

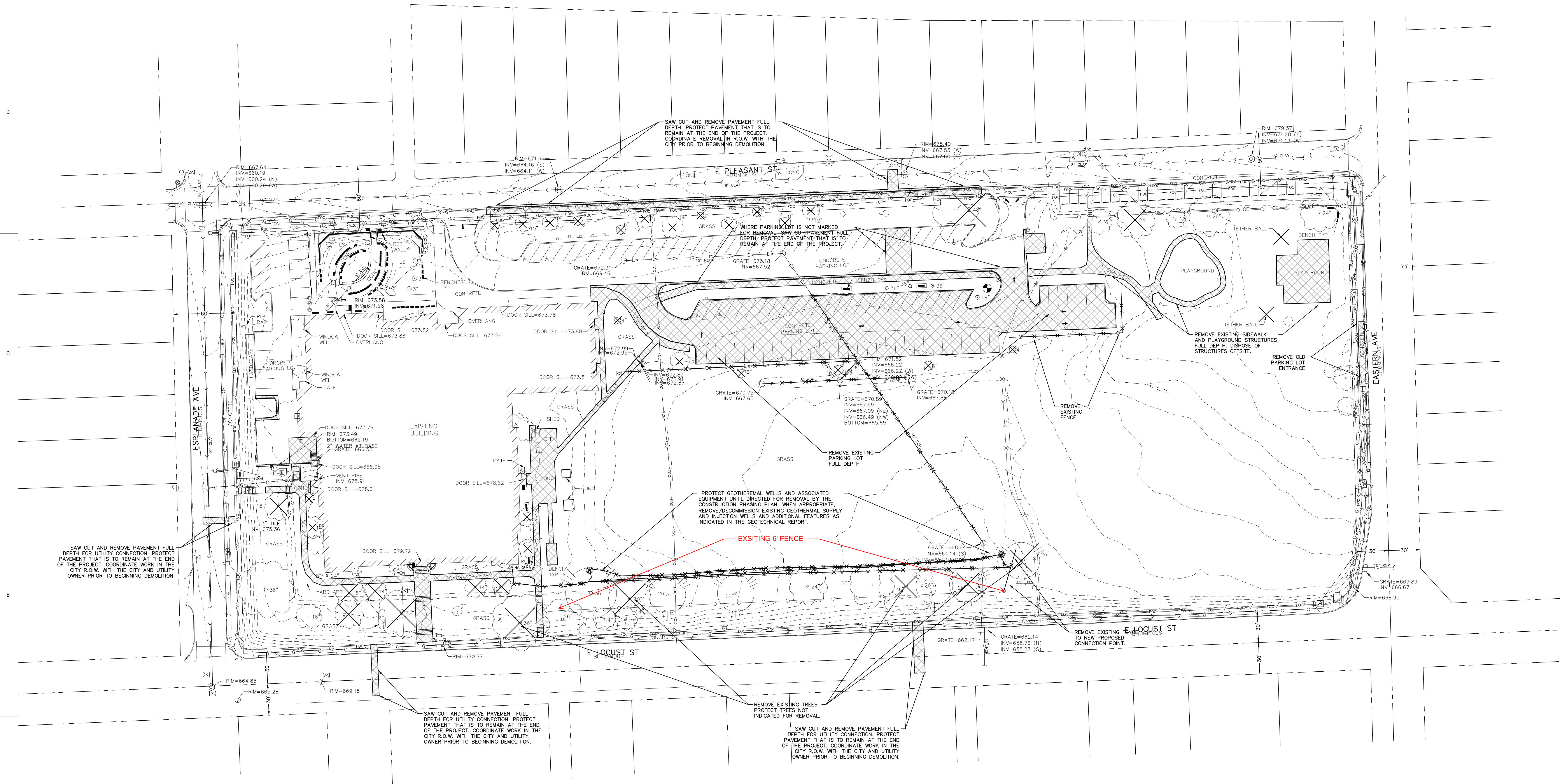
Issued For:
**50%
CONSTRUCTION
DOCUMENTS**
06/07/2024

Sheet Title:
**EXISTING
CONDITIONS AND
DEMOLITION**

Sheet Number:

C 1.1

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City of Davenport

Department: Development & Neighborhood Services

Contact Info: |

Action / Date

7/11/2024

Subject:

Request SU24-04 of 53rd Luxury LLC at 2021 (& 1911, 2131) East 53rd Street to modify a Special Use for a Vehicle Dealership with Outdoor Storage/Display. Table 17.08-1 requires a Special Use for a Vehicle Dealership with Outdoor Storage/Display on property zoned C-3 General Commercial District and §17.14.050. requires a modification to a Special Use when required by code. [Ward 8]

Recommendation:

Background:

Attachments:

1. Staff Report SU24-04 - Luxury 53 LLC - Reconfiguration of Site Plan
2. Application SU24-04 2024-06-13 & 2024-07-03
3. Exhibit A - Proposed Concept Plan - SU24-04 2024-07-03
4. Exhibit B - Previous Approved Concept Plan - SU23-02
5. Exhibit C - Conditions of Action ORD 2023-436
6. Exhibit D - Previous Staff Report SU23-02



**Zoning Board of Adjustment
Planning Staff Report
2021 E 53rd Street | Site Plan Reconfiguration
July 11, 2024**

Description

Request SU24-04 of 53rd Luxury LLC at 2021 (& 1911, 2131) East 53rd Street to modify a Special Use for a Vehicle Dealership with Outdoor Storage/Display. Table 17.08-1 requires a Special Use for a Vehicle Dealership with Outdoor Storage/Display on property zoned C-3 General Commercial District and §17.14.050. requires a modification to a Special Use when required by code. [Ward 8]

Background

One of the approved buildings from SU23-02 is being partially relocated onto the lot to the west; two of the proposed buildings are increasing by over 10% in floor area. For these reasons a modification to an existing Special Use is required.

§17.14.050.F. lists the conditions under which a modification can occur. Locating a building to a new lot or increases over 10% are items not considered an administrative modification; major modifications require approval by the Zoning Board of Adjustment.

Zoning District Use Matrix:

TABLE 17.08-1: USE MATRIX																		
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU
Vehicle Dealership - With Outdoor Storage/Display										S					S	S		P

P indicates a use is permitted by-right in the district. S indicates a use is a Special Use in the district and requires Zoning Board approval. Blank cells indicate a use is not allowed.

Special Use Approval Standards, "Modifications to Approved Special Uses §17.14.050.F.":

1. Administrative Modifications

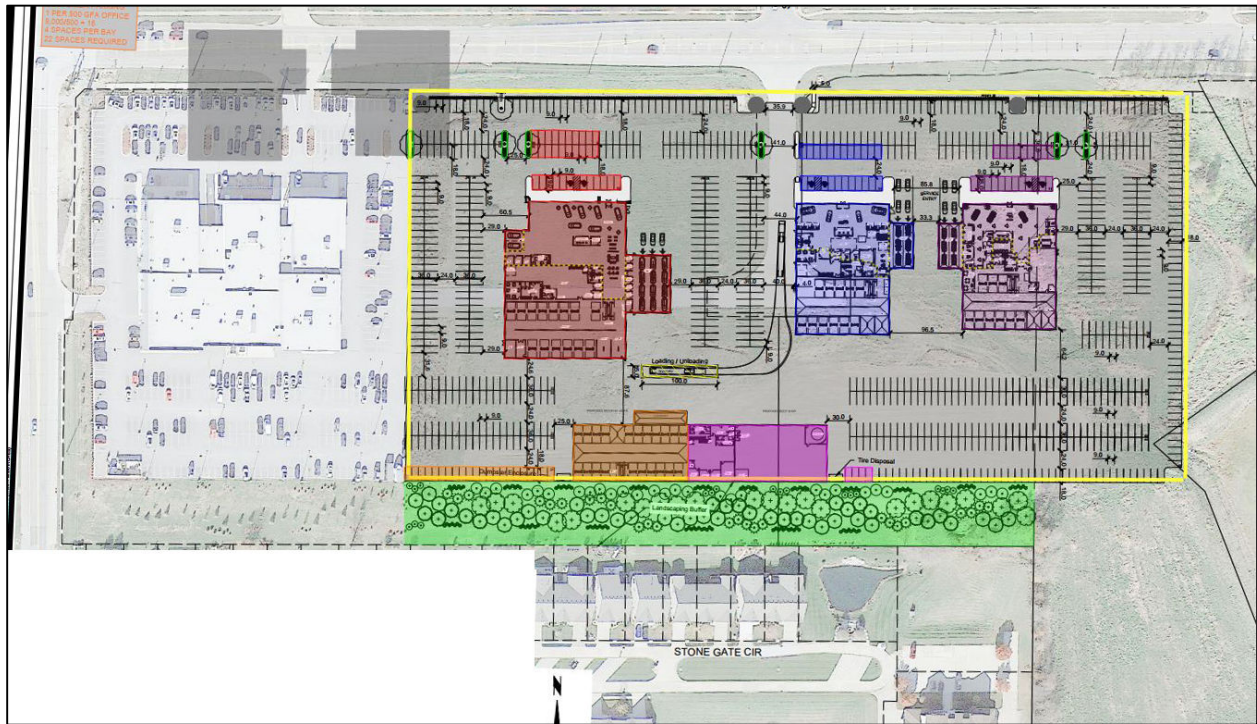
The Zoning Administrator may approve the following administrative modifications to an approved special use when it is determined by the Zoning Administrator that such changes are in substantial conformance with the approved special use. Any changes considered a major modification, as defined in this section, cannot be approved as an administrative modification. No notice is required for an administrative modification.

- A change of business name.
- Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, or structural safety.
- Modifications that do not increase the building footprint, gross floor area, or height.
- Changes in building design, including building materials that continue to meet the requirements of this Ordinance and any conditions of the approval.
- Any additions or enlargements to a structure that are in conformance with this Ordinance where the floor area devoted to a special use is increased by less than 10%.
- The modification of existing accessory structures or the addition of new accessory structures related to the special use when in conformance with the requirements of this Ordinance. This does not include the addition or modification of any outdoor service components of the special use.
- The modification of existing signs or the addition of new signs related to the special use when in conformance with the requirements of this Ordinance.

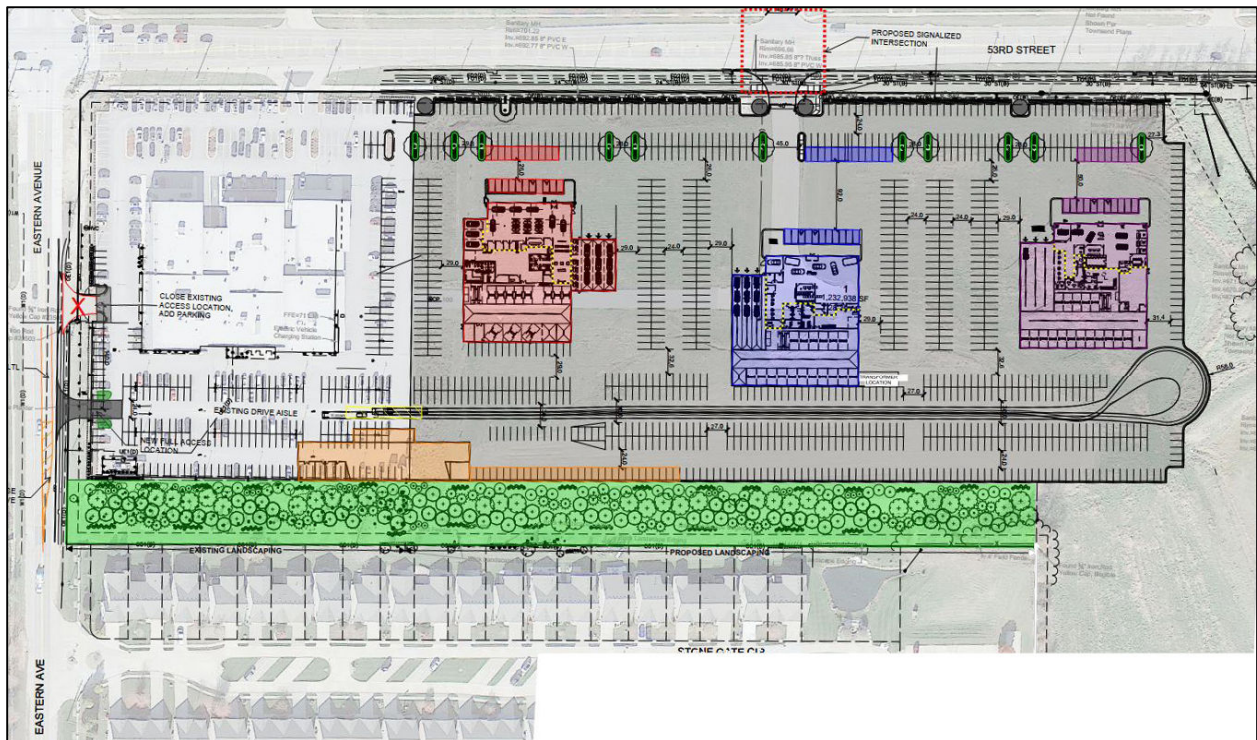
2. Major Modifications

The Zoning Board of Adjustment may approve any other changes to an approved special use that do not qualify as an administrative modification. The Zoning Board of Adjustment will process the modification as a special use application to consider such major modifications.

Previously Approved Special Use Concept Plan: (SU23-02; approved Dec 21, 2023)



Proposed SU24-04 Special Use Concept Plan:



Building Elevation Concept Plans



Discussion

The 53rd Luxury LLC wishes to expand to the east and south of their present facility located at 1777 East 53rd Street. The site has been rezoned from C-2 Corridor Commercial to C-3 General Commercial Zoning District for the purpose of allowing a vehicle dealership with outdoor storage/display, which is an allowed use, provided a special use is reviewed and approved by this Board, as per the code sections cited above in the "Background" section of this report.

The applicant has proposed changes to the previous approved Concept Plan (SU23-02; Dec. 21, 2023) that have necessitated this review of the modifications to the previous plan.

As before, the site will serve as three dealership brands, an administrative office, however the auto body use has been removed on the plans submitted for approval under SU24-04. The proposed site still would be required to meet the rezoning conditions for case REZ23-03 as set forth in *City Council Action 2023-436* (see Exhibit C). The submitted Site Plan (Exhibit "A") shows the general location of the dealership buildings and display areas and truck delivery area.

This site is located adjacent to two (2) other new car dealerships which are under the same ownership as the proposed development. These dealerships are located in the C-3 General Commercial District, as are the proposed dealership buildings and brands.

Staff supports the use of this property as an auto dealer. This site is properly zoned for auto sales, and the adjacent sites have been operating for ten (10) years while demonstrating compatibility with adjacent land uses, while generating minimal, if any, complaints.

The sites will be connected for pedestrian access and also via a newly proposed common access drive between the lots, as shown on the petitioner's site plan.

Approval Standards

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

Applicant:

Special Use request is to allow for small relocation of previously approved buildings for franchised motor vehicle dealerships and associated activities within the site.

The main three dealership buildings are similar in size and location within the site as to what was previously proposed and approved:

<i>Building</i>	<i>Prior Size</i>	<i>New Size Requested</i>
<i>1911 E 53rd</i>	<i>35,000 SF</i>	<i>20,030 SF</i>
<i>2012 E 53rd</i>	<i>22,000 SF</i>	<i>28,170 SF</i>
<i>2031 E 53rd</i>	<i>22,000 SF</i>	<i>26,870 SF</i>

The body shop portion of the prior proposal has been dropped from the site and the reconditioning/admin building footprint has been substantially reduced from 30,000 to 13,150 SF.

The plan was also modified to make the site more welcoming and accessible to semi-truck drivers to push them not to make drops on the on the site. This was done at additional cost to the

applicant in order to address the City's concerns raised during the prior zoning and special use application reviews. As part of this process, Applicant has received tentative City approval regarding the relocation of the Eastern Ave access, including the intersection analysis of the same.

All proposed activities are already conducted at the adjacent property and pose no heightened risk to public health, safety, or welfare. See attached images.

Staff Response:

The proposed use meets code requirements for a dealership. The site should have minimal, if any, impact on adjacent property, as conditioned per the rezoning Ordinance 2023-436 (see Exhibit "C"), and per the conditions of this report.

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

Applicant:

Special use request does not change the proposed use of the site from the prior approved special use (SU23-02). Such activities are also already conducted at the adjacent property and are in alignment with commercial activities along E 53rd Street, adjacent properties, and the C-3 zoning. See attached images.

Staff Response:

The plans meet code requirements and the site is properly designed to have minimal, if any, impact on adjacent property as proposed and as conditioned per the rezoning Ordinance 2023-436 (see Exhibit "C"), and per the conditions of this report.

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:

Special Use request only makes minor relocations of buildings within the site, does not increase the number of buildings on the site, and is in substantial compliance with the prior approved Special Use (SU23-02). Such activities are also already conducted at the adjacent property and are in alignment with commercial activities along E 53rd Street, adjacent properties, and the C-3 zoning. The uses requested serve the purpose for which the Special Use ordinance was enacted:

- use will be substantially similar to adjacent land and previously approved special use(SU23-02);*
- improvements and structures will be of similar quality and construction as adjacent existing franchised motor vehicles dealership and previously approved special use (SU23-02); and*
- proposed use will not have a greater impact on neighboring land than adjacent property uses and previously approved special use (SU23-02).*

Staff Response:

Land use policy has been met along with all code requirements, as properly conditioned per Ord 2023-436 and the conditions of this staff report.

Recommendation & Findings

Findings:

1. The petitioner's proposed location/design meets Special Use requirements
2. This use is compatible with adjacent land uses and type of development
3. The proposed Special Use is in accordance with the criteria for Special Use approval.

Recommendation:

Staff recommends that the Board adopt staff's findings and approve request SU24-04 subject to the following conditions:

1. The extent of 'Exhibit "A" – Site Plan' as submitted and emailed to Planning staff on July 3, 2024, shall be binding; any changes deemed a modification shall be subject to Special Uses §17.14.50.
2. Prior to occupancy an approved full site plan review shall be completed and approved through the Davenport E-Plan system;
3. The use of flags, pennants, tinsel, balloons or other similar attention-getting devices shall be prohibited;
4. All conditions of Davenport rezoning REZ23-03, City Council Ordinance 2023-436 (labeled Exhibit "C" in the ZBA Packet), shall remain in full force and effect, including but not limited to the location of the car wash facility at least 125' from residential zoning districts, stipulated buffer yard along the north property line of the Stonegate development, prohibition of billboards, and Dark Sky complainant light fixtures; and
5. Should complaints arise due to non-compliance with these conditions, and/or if staff is aware of infractions to these conditions and/or any other code violations, a rehearing of the Special Use shall be scheduled per Davenport Municipal Code specifications for Zoning Board of Adjustment Special Use public hearings; at which the Special Use may be modified, re-approved or revoked.
6. Should the ownership no longer be affiliated with a franchised auto dealership, the Special Use shall be reviewed regarding this change by the Zoning Board of Adjustment.

Prepared by:



Scott Koops, AICP
Planner II

Attachments: Map, Site Plan, Application, Notification Map, Exhibits

Exhibit A - Proposed Concept Plan - SU24-04
Exhibit B - Previous Approved Concept Plan - SU23-02
Exhibit C - Conditions of Action ORD 2023-436
Exhibit D - Previous Staff Report SU23-02



CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 E. 46th ST
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
SPECIAL USE
ZONING BOARD OF ADJUSTMENT

APPLICANT INFORMATION							
Applicant Name Company Name Chris Pustelak, VP 53rd Luxury LLC							
Address 5201 N Grape Road							
City State Zip Mishawaka, IN 46545							
Phone (574) 272-2009							
Secondary Phone							
E-Mail Address cpustelak@gurleyleep.com							
Acceptance of Applicant I, the undersigned, certify that the information on this application to the best of my knowledge is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements. In addition to the application fee, I understand I am responsible for attendance at the meeting as shown on the public hearing zoning board calendar. The City reserves the right to require further site studies as necessary. Chris Pustelak Type Applicant's Name Applicant's Signature <u>06/13/2024</u> Date							
DEVELOPMENT TEAM							
Property Owner Eric Cannon (Engineer) Snyder & Associates							
Address 2727 SW Snyder Blvd Ankeny, IA 50023							
Phone (515) 964-2020	Secondary Phone						
E-Mail Address ecannon@snyder-associates.com							
Project Manager/Other John W. Hofmeyer IV Anderson Law Group PC							
Address 425 Second ST SE STE 900							
Phone (319) 731-0543	Secondary Phone						
E-Mail Address jhofmeyer@arensonlaw.com							
DATES: PRE-APP 06/13/2024							
SUBMITTAL 07/11/2024							
PUBLIC HEARING 07/11/2024							
SITE ADDRESS & PARCEL OR LOCATION DESCRIPTION 1911 E 53rd St, 2021 E 53rd ST, & 2031 E 53rd ST							
SPECIAL USES MUST FIRST HAVE AN APPROVED SITE PLAN I, the Applicant, certify understanding that a site plan must be reviewed & approved prior to placement on the Zoning Board of Adjustment calendar. ☒							
USE PROPOSED REQUIRING A SPECIAL USE Special Use permit request SU23-02 previously granted at Zoning Board of Adjustment Meeting on December 21, 2023. Applicant has now made some minor changes to the proposed plan and requests modification of special use permit to accommodate the same.							
COMPLETE SUBMITTALS SHALL INCLUDE:							
SUBMITTED							
Site Plan/Concept Plan (to scale)* *shall show setbacks, height and size dimensions, etc.	☒						
Authorization to Act as Agent Affidavit* *shall include owner contact information	☒						
Application Fee (REQUIRED) \$400	☒						
DEMONSTRATE WITH EVIDENCE THE FOLLOWING (3) ITEMS: 1. The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare. Special Use request is to allow for small relocation of previously approved buildings for franchised motor vehicle dealerships and associated activities within the site. The main three dealership buildings are similar in size and location within the site as to what was previously proposed and approved: <table><thead><tr><th>Building</th><th>Prior Size</th><th>New Size Requested</th></tr></thead><tbody><tr><td colspan="3"> </td></tr></tbody></table> 2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity. Special use request does not change the proposed use of the site from the prior approved special use (SU23-02). Such activities are also already conducted at the adjacent property and are in alignment with commercial activities along E 53rd Street, adjacent properties, and the C-3 zoning. See attached images. 3. The special use in the specific location proposed is consistent with the spirit and intent of this ordinance and adopted land use policies. Special Use request only makes minor relocations of buildings within the site, does not increase the number of buildings on the site, and is in substantial compliance with the prior approved Special Use (SU23-02). Such activities are also already conducted at the adjacent property and are in alignment with commercial activities along E 53rd Street, adjacent properties, and the C-3 zoning. The uses requested serve the purpose for which the Special Use ordinance		Building	Prior Size	New Size Requested			
Building	Prior Size	New Size Requested					
Contact Development & Neighborhood Services (DNS) Planning Division at planning@davenportiowa.com with any questions, for additional information, and to submit this form.							



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

Property Address* 1911 E 53rd Street, 2021 E 53rd Street, and 2031 E 53rd Street

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

Applicant (Primary Contact)**

Name:	Chris Pustelak, VP
Company:	53rd Luxury LLC
Address:	5201 N. Grape Road
City/State/Zip:	Mishawaka, IN 46545
Phone:	(574) 272-2009
Email:	cpustelak@gurleyleep.com

Application Form Type:

Plan and Zoning Commission

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

Owner (if different from Applicant)

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

Zoning Board of Adjustment

Zoning Appeal ☐
 Special Use ☒
 Hardship Variance ☐

Engineer (if applicable)

Name:	Eric D. Cannon
Company:	Snyder & Associates
Address:	2727 SW Snyder Blvd.
City/State/Zip:	Ankeny, Iowa 50023
Phone:	(515) 964-2020 ext 2556
Email:	ecannon@snyder-associates.com

Design Review Board

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

Historic Preservation Commission

Certificate of Appropriateness ☐
 Landmark Nomination ☐
 Demolition Request ☐

Architect (if applicable)

Name:	Chip Walker
Company:	CFI Design Management, Inc.
Address:	6296 Rucker Rd, Suite C
City/State/Zip:	Indianapolis, IN 46220
Phone:	(317) 259.0038
Email:	cwalker@cfidm.com

Administrative

Administrative Exception ☐
 Health Services and Congregate Living Permit ☐

Attorney (if applicable)

Name:	John W. Hofmeyer IV
Company:	Arenson Law Group PC
Address:	425 Second Street SE, Suite 900
City/State/Zip:	Cedar Rapids, Iowa 52401
Phone:	(319) 731.0543
Email:	ihofmeyer@arensonlaw.com

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

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.

Special use request is to allow for small relocation of previously approved buildings for franchised motor vehicle dealerships and associated activities within the site.

The main three dealership buildings are similar in size and location within the site as to what was previously proposed and approved:

Building	Prior Size Proposed	New Size Requested
1911 E 53rd Street	35,000 sf	20,030 sf
2021 E 53rd Street	22,000 sf	28,170 sf
2031 E 53rd Street	22,000 sf	26,870 sf

The body shop portion of the prior proposal has been dropped from the site and the reconditioning/admin building footprint has been substantially reduced from 30,000 sf to 13,150 sf.

The plan was also modified to make the site more welcoming and accessible to semi truck drivers to push them not to make dropoffs on the site. This was done at additional cost to the applicant in order to address the City's concerns raised during the prior zoning and special use application reviews. As part of this process, Applicant has received tentative City approval regarding the relocation of the Eastern Avenue access, including intersection analysis of the same.

All proposed activities are already conducted at the adjacent property and pose no heightened risk to public health, safety, or welfare. See attached images.

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.

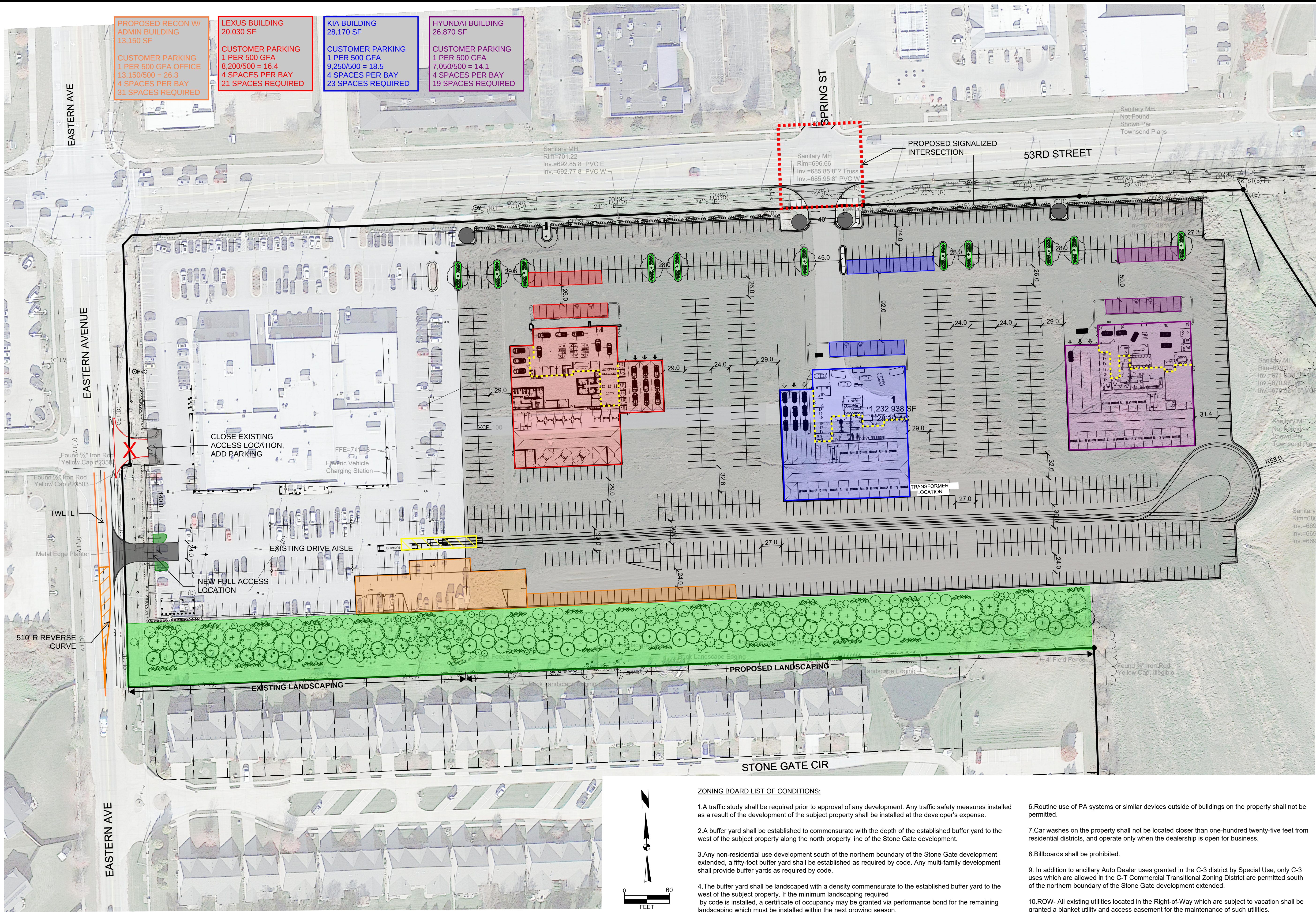
Special use request does not change the proposed use of the site from the prior approved special use (SU23-02). Such activities are also already conducted at the adjacent property and are in alignment with commercial activities along E 53rd Street, adjacent properties, and the C-3 zoning. See attached images.

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.

Special use request only makes minor relocations of buildings within the site, does not increase the number of buildings on the site, and is in substantial compliance with the prior approved special use (SU23-02). Such activities are also already conducted at the adjacent property and are in alignment with commercial activities along E 53rd Street, adjacent properties, and the C-3 zoning. The uses requested serve the purpose for which the special use ordinance was enacted:

- * use will be substantially similar to adjacent land and previously approved special use (SU23-02);
- * improvements and structures will be of similar quality and construction as adjacent existing franchised motor vehicle dealership and previously approved special use (SU23-02);
- * sound and other aspects of operations will be conducted in a manner substantially similar to existing franchised motor vehicle dealership and previously approved special use (SU23-02); and
- * proposed use will not have a greater impact on neighboring land than adjacent property uses and previously approved special use (SU23-02).



PROPOSED RECON W/
ADMIN BUILDING
13,150 SF

CUSTOMER PARKING
1 PER 500 GFA OFFICE
13,150/500 = 26.3
4 SPACES PER BAY
31 SPACES REQUIRED

LEXUS BUILDING
20,030 SF

CUSTOMER PARKING
1 PER 500 GFA
8,200/500 = 16.4
4 SPACES PER BAY
21 SPACES REQUIRED

KIA BUILDING
28,170 SF

CUSTOMER PARKING
1 PER 500 GFA
9,250/500 = 18.5
4 SPACES PER BAY
23 SPACES REQUIRED

HYUNDAI BUILDING
26,870 SF

CUSTOMER PARKING
1 PER 500 GFA
7,050/500 = 14.1
4 SPACES PER BAY
19 SPACES REQUIRED

ZONING BOARD LIST OF CONDITIONS:

- 1.A traffic study shall be required prior to approval of any development. Any traffic safety measures installed as a result of the development of the subject property shall be installed at the developer's expense.
- 2.A buffer yard shall be established to commensurate with the depth of the established buffer yard to the west of the subject property along the north property line of the Stone Gate development.
- 3.Any non-residential use development south of the northern boundary of the Stone Gate development extended, a fifty-foot buffer yard shall be established as required by code. Any multi-family development shall provide buffer yards as required by code.
- 4.The buffer yard shall be landscaped with a density commensurate to the established buffer yard to the west of the subject property. If the minimum landscaping required by code is installed, a certificate of occupancy may be granted via performance bond for the remaining landscaping which must be installed within the next growing season.

- 6.Routine use of PA systems or similar devices outside of buildings on the property shall not be permitted.
- 7.Car washes on the property shall not be located closer than one-hundred twenty-five feet from residential districts, and operate only when the dealership is open for business.
- 8.Billboards shall be prohibited.
9. In addition to ancillary Auto Dealer uses granted in the C-3 district by Special Use, only C-3 uses which are allowed in the C-T Commercial Transitional Zoning District are permitted south of the northern boundary of the Stone Gate development extended.
- 10.ROW- All existing utilities located in the Right-of-Way which are subject to vacation shall be granted a blanket utility and access easement for the maintenance of such utilities.

DAVENPORT DEALERSHIP

CONCEPT PLAN

DAVENPORT, IOWA

SNYDER & ASSOCIATES, INC. |



Project No: 123.0435.01

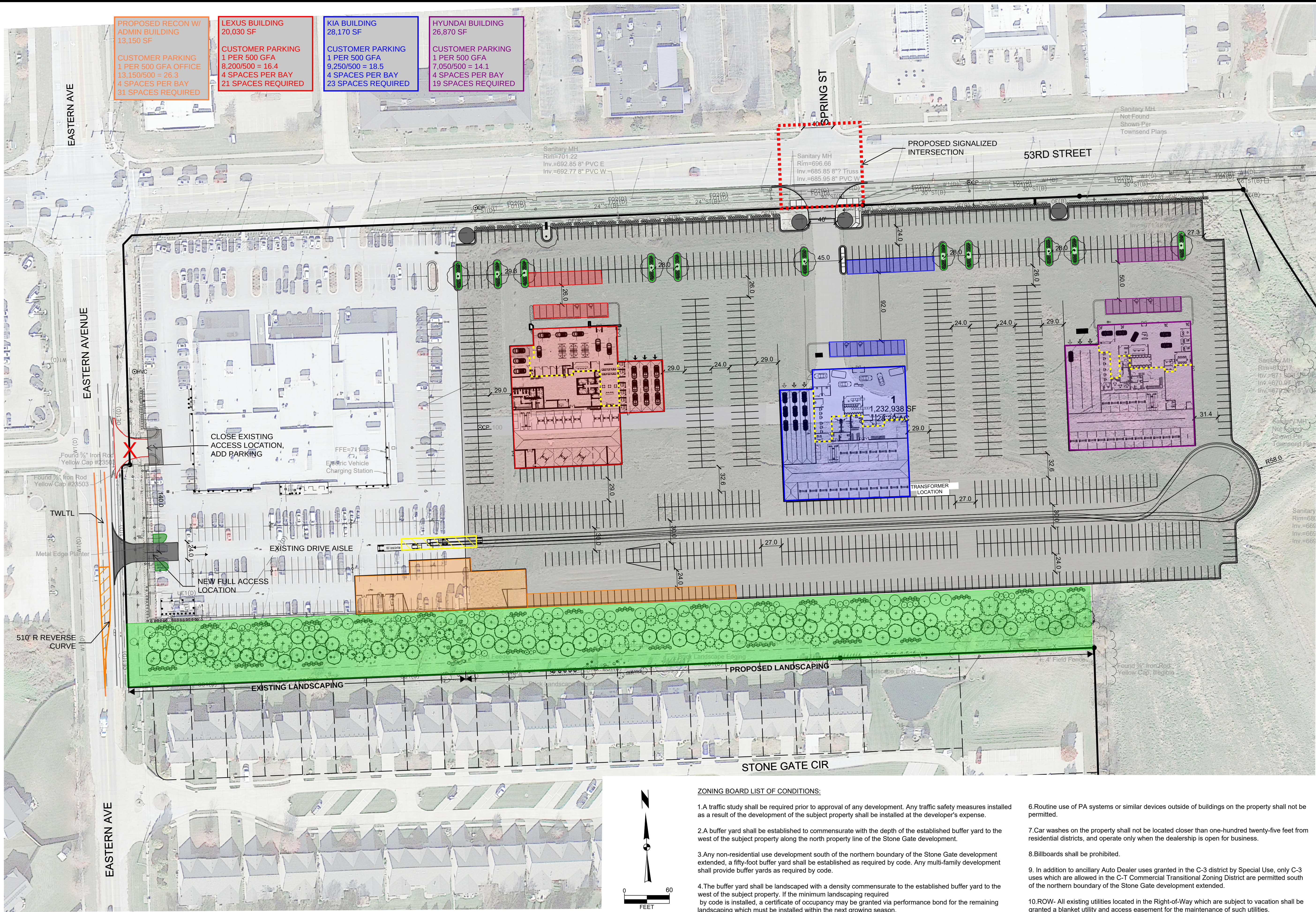
Sheet C100

MARK	PER CITY COMMENTS	REVISION	DATE	BY
1			06/24/24	JFS
Engineer:	MLS	Checked By:	CHKD	Scale: 1" = 60'
Technician:	MLS	Date:	4-19-24	T-R-S: TTN+RRW-SS

Project No: 123.0435.01

Sheet C100

2727 S.W. SNYDER BLVD
ANKENY, IOWA 50023
515-364-2020 | www.snyder-associates.com



PROPOSED RECON W/
ADMIN BUILDING
13,150 SF

CUSTOMER PARKING
1 PER 500 GFA OFFICE
13,150/500 = 26.3
4 SPACES PER BAY
31 SPACES REQUIRED

LEXUS BUILDING
20,030 SF

CUSTOMER PARKING
1 PER 500 GFA
8,200/500 = 16.4
4 SPACES PER BAY
21 SPACES REQUIRED

KIA BUILDING
28,170 SF

CUSTOMER PARKING
1 PER 500 GFA
9,250/500 = 18.5
4 SPACES PER BAY
23 SPACES REQUIRED

HYUNDAI BUILDING
26,870 SF

CUSTOMER PARKING
1 PER 500 GFA
7,050/500 = 14.1
4 SPACES PER BAY
19 SPACES REQUIRED

ZONING BOARD LIST OF CONDITIONS:

- 1.A traffic study shall be required prior to approval of any development. Any traffic safety measures installed as a result of the development of the subject property shall be installed at the developer's expense.
- 2.A buffer yard shall be established to commensurate with the depth of the established buffer yard to the west of the subject property along the north property line of the Stone Gate development.
- 3.Any non-residential use development south of the northern boundary of the Stone Gate development extended, a fifty-foot buffer yard shall be established as required by code. Any multi-family development shall provide buffer yards as required by code.
- 4.The buffer yard shall be landscaped with a density commensurate to the established buffer yard to the west of the subject property. If the minimum landscaping required by code is installed, a certificate of occupancy may be granted via performance bond for the remaining landscaping which must be installed within the next growing season.

- 6.Routine use of PA systems or similar devices outside of buildings on the property shall not be permitted.
- 7.Car washes on the property shall not be located closer than one-hundred twenty-five feet from residential districts, and operate only when the dealership is open for business.
- 8.Billboards shall be prohibited.
9. In addition to ancillary Auto Dealer uses granted in the C-3 district by Special Use, only C-3 uses which are allowed in the C-T Commercial Transitional Zoning District are permitted south of the northern boundary of the Stone Gate development extended.
- 10.ROW- All existing utilities located in the Right-of-Way which are subject to vacation shall be granted a blanket utility and access easement for the maintenance of such utilities.

DAVENPORT DEALERSHIP

CONCEPT PLAN

DAVENPORT, IOWA

SNYDER & ASSOCIATES, INC. |



Project No: 123.0435.01

Sheet C100

MARK	PER CITY COMMENTS	REVISION	DATE	BY
1			06/24/24	JFS
Engineer:	MLS	Checked By:	CHKD	Scale: 1" = 60'
Technician:	MLS	Date:	4-19-24	T-R-S: TTN+RRW-SS

Project No: 123.0435.01

Sheet C100

2727 S.W. SNYDER BLVD
ANKENY, IOWA 50023
515-364-2020 | www.snyder-associates.com

LEXUS BUILDING
13,245 SF OFFICE AREA

CUSTOMER PARKING
1 PER 500 GFA
13,245/500 = 26.49
4 SPACES PER BAY
31 SPACES REQUIRED

KIA BUILDING
13,245 SF OFFICE AREA

CUSTOMER PARKING
1 PER 500 GFA
8,688/500 = 17.38
4 SPACES PER BAY
22 SPACES REQUIRED

HYUNDAI BUILDING
13,245 SF OFFICE AREA

CUSTOMER PARKING
1 PER 500 GFA
7,700/500 = 15.40
4 SPACES PER BAY
20 SPACES REQUIRED

BODY SHOP AREA

CUSTOMER PARKING
4 SPACES PER BAY
4 SPACES REQUIRED

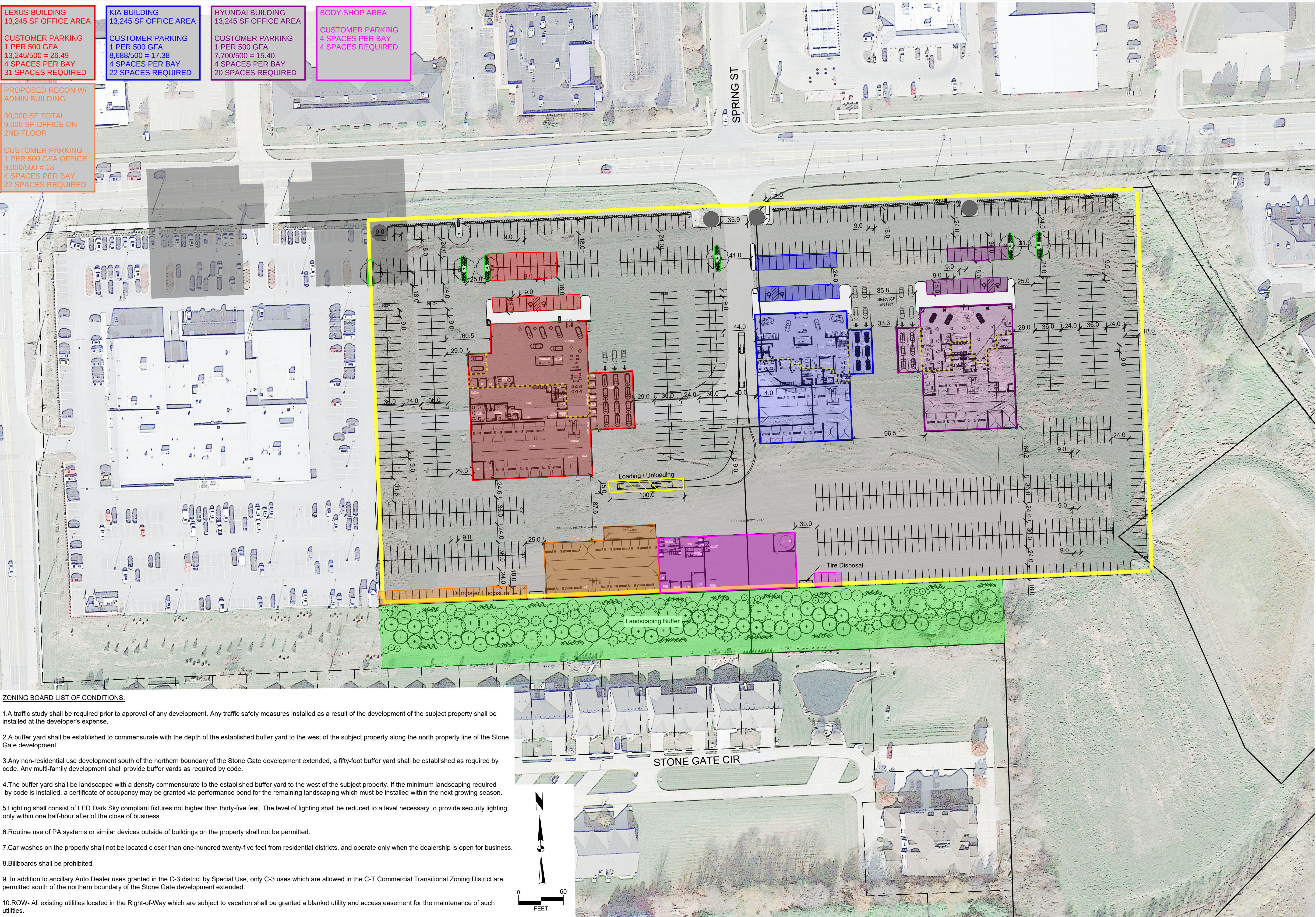
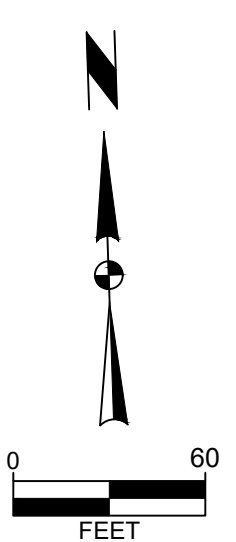
PROPOSED RECON W/
ADMIN BUILDING

30,000 SF TOTAL
9,000 SF OFFICE ON
2ND FLOOR

CUSTOMER PARKING
1 PER 500 GFA OFFICE
9,000/500 = 18
4 SPACES PER BAY
22 SPACES REQUIRED

ZONING BOARD LIST OF CONDITIONS:

- 1.A traffic study shall be required prior to approval of any development. Any traffic safety measures installed as a result of the development of the subject property shall be installed at the developer's expense.
- 2.A buffer yard shall be established to commensurate with the depth of the established buffer yard to the west of the subject property along the north property line of the Stone Gate development.
- 3.Any non-residential use development south of the northern boundary of the Stone Gate development extended, a fifty-foot buffer yard shall be established as required by code. Any multi-family development shall provide buffer yards as required by code.
- 4.The buffer yard shall be landscaped with a density commensurate to the established buffer yard to the west of the subject property. If the minimum landscaping required by code is installed, a certificate of occupancy may be granted via performance bond for the remaining landscaping which must be installed within the next growing season.
- 5.Lighting shall consist of LED Dark Sky compliant fixtures not higher than thirty-five feet. The level of lighting shall be reduced to a level necessary to provide security lighting only within one half-hour after of the close of business.
- 6.Routine use of PA systems or similar devices outside of buildings on the property shall not be permitted.
- 7.Car washes on the property shall not be located closer than one-hundred twenty-five feet from residential districts, and operate only when the dealership is open for business.
- 8.Billboards shall be prohibited.
9. In addition to ancillary Auto Dealer uses granted in the C-3 district by Special Use, only C-3 uses which are allowed in the C-T Commercial Transitional Zoning District are permitted south of the northern boundary of the Stone Gate development extended.
- 10.ROW- All existing utilities located in the Right-of-Way which are subject to vacation shall be granted a blanket utility and access easement for the maintenance of such utilities.



MARK		REVISION		DATE	BY
Engineer: MLS	Checked By: CHKD	Scale: 1" = 60'			
Technician: MLS	Date: 11-29-2023	T-R-S: TTN-RRW-SS			
Project No: 123.0435.01				Sheet C100	

DAVENPORT DEALERSHIP

CONCEPT PLAN

DAVENPORT, IOWA



SNYDER & ASSOCIATES

2727 S.W. SNYDER BLVD
ANKENY, IOWA 50023
515-364-2020 | www.snyder-associates.com

Project No: 123.0435.01

Sheet C100

City of Davenport

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

2023-436
Action / Date
10/25/2023

Subject:

Third Consideration: Ordinance for Case REZ23-03 being the request of 53rd Luxury, LLC on behalf of Ed Speer Construction, Inc and Sheila M Speer Living Trust to rezone approximately 16 acres of land generally located southeast of 53rd Street and Spring Street (Speer Commercial Park 1st and 2nd Addition) from C-2 Corridor Commercial District and R-MF Multi-Family Residential District to C-3 General Commercial District. [Ward 8]

Recommendation:

Hold the Hearing.

Background:

The subject property consists of approximately 16 acres of undeveloped land generally located southeast of 53rd Street and Spring Street. The site is adjacent to the Smart Luxury Motors dealership to the west, Hanlin's Creek to the east, and residential neighborhoods to the south.

The applicant, 53rd Luxury LLC, currently operates the Audi, Volkswagen, and Mercedes dealership at the corner of Eastern Avenue and 53rd Street. If a rezoning were approved, the site will be developed for approximately three vehicle dealerships, including Lexus, Hyundai, and Kia. Four buildings are proposed, one for each dealership brand in addition to an office building. The intent is to create a centralized location of car dealerships within Davenport.

This project is related to Case ROW23-04, being the right-of-way vacation of Spring Street, south of 53rd Street. Vacating this section of right-of-way will better facilitate the development of the site. A concept plan has been submitted by the applicant for review.

The Plan and Zoning Commission reviewed Case REZ23-03 at its September 5, 2023 meeting and have recommended approval subject to the listed findings and conditions. The vote has unanimous.

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Commercial Corridor and Residential General.
2. The proposed zoning map amendment to C-3 General Commercial District is compatible with the zoning and uses of nearby developed property.
3. With the proposed conditions recommended by staff, the zoning map amendment will enable the area to be developed in a manner consistent with the surrounding area.
4. With conditions requiring transportation improvements, the proposed zoning map amendment will promote the public health, safety, and welfare of the City.
5. The proposed amendment will not create any nonconformities with future development.

Conditions:

1. A traffic study shall be required prior to approval of any development. Any traffic safety measures installed as a result of the development of the subject property shall be installed at

the developer's expense.

2. A buffer yard shall be established commensurate with the depth of the established buffer yard to the west of the subject property along the north property line of the Stone Gate development.
3. Any non-residential use development south of the northern boundary of the Stone Gate development extended, a fifty-foot buffer yard shall be established as required by code. Any multi-family development shall provide buffer yards as required by code.
4. The buffer yard shall be landscaped with a density commensurate to the established buffer yard to the west of the subject property. If the minimum landscaping required by code is installed, a certificate of occupancy may be granted via performance bond for the remaining landscaping which must be installed within the next growing season.
5. Lighting shall consist of LED Dark Sky compliant fixtures not higher than thirty-five feet. The level of lighting shall be reduced to a level necessary to provide security lighting only within one half-hour after of the close of business.
6. Routine use of PA systems or similar devices outside of buildings on the property shall not be permitted.
7. Car washes on the property shall not be located closer than one-hundred twenty-five feet from residential districts, and operate only when the dealership is open for business.
8. Billboards shall be prohibited.
9. In addition to ancillary Auto Dealer uses granted in the C-3 district by Special Use, only C-3 uses which are allowed in the C-T Commercial Transitional Zoning District are permitted south of the northern boundary of the Stone Gate development extended.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the August 7, 2023 neighborhood meeting and August 15, 2023 Plan and Zoning Commission Public Hearing. In addition, a sign was posted on the property notifying the public of the pending application.

The neighborhood meeting was held at Eastern Avenue Library on August 7th at 5:30pm. There were approximately twelve members of the public in attendance. Topics of conversation and concerns raised by abutting homeowners included development of the site for multiple car dealerships, site layout, traffic, access points, site lighting, landscaping, buffering adjacent homes, stormwater management, and potential development of the southern portion of the property.

The Public Hearing was held on August 15, 2023, where neighbors voiced generally similar concerns as those voiced at the neighborhood meeting.

Approval Standards for Map Amendments (Chapter 17.14.040)

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

The attached staff report from the September 5, 2023 Plan and Zoning Commission meeting includes further review of the rezoning request and approval standards.

ATTACHMENTS:

Type	Description
▢ Ordinance	Ordinance
▢ Backup Material	Staff Report - P&Z 9-5-23
▢ Backup Material	Zoning Map
▢ Backup Material	Vicinity, Zoning, & Future Land Use Map
▢ Backup Material	Application
▢ Backup Material	Exhibits
▢ Exhibit	Building Renderings
▢ Exhibit	Buffer Yard Existing Conditions
▢ Backup Material	Public Notice
▢ Backup Material	Minutes of Neighborhood Meeting-Applicant Copy
▢ Backup Material	Neighborhood Meeting Attendance List

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Admin, Default	Approved	9/28/2023 - 8:43 AM

ORDINANCE NO. 2023-436

AN ORDINANCE FOR CASE REZ23-03 BEING THE REQUEST OF 53RD LUXURY, LLC ON BEHALF OF ED SPEER CONSTRUCTION, INC AND SHEILA M SPEER LIVING TRUST TO REZONE APPROXIMATELY 16 ACRES OF LAND GENERALLY LOCATED SOUTHEAST OF 53RD STREET AND SPRING STREET (SPEER COMMERCIAL PARK 1ST AND 2ND ADDITION) FROM C-2 CORRIDOR COMMERCIAL DISTRICT AND R-MF MULTI-FAMILY RESIDENTIAL DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT.

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

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

THE EAST SIXTY FEET OF LOT 1 OF THE FINAL PLAT OF SPEER COMMERCIAL PARK 1ST ADDITION AND LOT 1 AND OUTLOT A OF THE FINAL PLAT OF SPEER COMMERCIAL PARK 2ND ADDITION BEING A REPLAT OF LOTS 2 AND 3 AND OUTLOT 1 OF SPEER COMMERCIAL PARK 1ST ADDITION TO THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA.

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

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Commercial Corridor and Residential General.
2. The proposed zoning map amendment to C-3 General Commercial District is compatible with the zoning and uses of nearby developed property.
3. With the proposed conditions recommended by staff, the zoning map amendment will enable the area to be developed in a manner consistent with the surrounding area.
4. With conditions requiring transportation improvements, the proposed zoning map amendment will promote the public health, safety, and welfare of the City.
5. The proposed amendment will not create any nonconformities with future development.

Conditions:

1. A traffic study shall be required prior to approval of any development. Any traffic safety measures installed as a result of the development of the subject property shall be installed at the developer's expense.
2. A buffer yard shall be established commensurate with the depth of the established buffer yard to the west of the subject property along the north property line of the Stone Gate development.

3. With any non-residential use development south of the northern boundary of the Stone Gate development extended, a fifty-foot buffer yard shall be established as required by code. Any multifamily development shall provide buffer yards as required by code.
4. The buffer yard shall be landscaped with a density commensurate to the established buffer yard to the west of the subject property. If the minimum landscaping required by code is installed, a certificate of occupancy may be granted via performance bond for the remaining landscaping which must be installed within the next growing season.
5. Lighting shall consist of LED Dark Sky compliant fixtures not higher than thirty-five feet. The level of lighting shall be reduced to a level necessary to provide security lighting only within one half-hour after of the close of business.
6. Routine use of PA systems or similar devices outside of buildings on the property shall not be permitted.
7. Car washes on the property shall not be located closer than one-hundred twenty-five feet from residential districts, and operate only when the dealership is open for business.
8. Billboards shall be prohibited.
9. In addition to ancillary Auto Dealer uses granted in the C-3 district by Special Use, only C-3 uses which are allowed in the C-T Commercial Transitional Zoning District are permitted south of the northern boundary of the Stone Gate development extended.

Section 3. At its September 5, 2023 meeting, the City Plan and Zoning Commission voted to forward Case REZ23-03 to the City Council with a recommendation for approval subject to the listed findings and conditions.CD

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

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

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

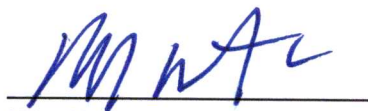
First Consideration September 27, 2023

Second Consideration October 11, 2023

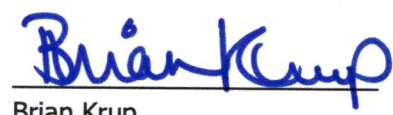
Approved October 25, 2023

Published in the *Quad-City Times* on November 2, 2023

Attest:


Mike Matson
Mayor




Brian Krup
Deputy City Clerk

City of Davenport
Plan and Zoning Commission-Staff Report
September 5, 2023

Case REZ23-03: Request of 53rd Luxury, LLC on behalf of Ed Speer Construction, Inc. and Sheila M Speer Living Trust to rezone approximately 16 acres of land generally located southeast of 53rd Street and Spring Street (Speer Commercial Park 1st and 2nd Addition) from C-2 Corridor Commercial District and R-MF Multi-Family Residential District to C-3 General Commercial District. [Ward 8]

Background:

The subject property consists of approximately 16 acres of undeveloped land generally located southeast of 53rd Street and Spring Street. The site is adjacent to the Smart Luxury Motors dealership to the west, Hanlin's Creek to the east, and residential neighborhoods to the south.

The applicant, 53rd Luxury LLC, currently operate the Audi, Volkswagen, and Mercedes dealership at the corner of Eastern Avenue and 53rd Street. If a rezoning were approved, the site will be developed for approximately three vehicle dealerships, including Lexus, Hyundai, and Kia. Four buildings are proposed, one for each dealership brand in addition to an office building. The intent is to create a centralized location of car dealerships within Davenport.

This project is related to Case ROW23-04, being the right-of-way vacation of Spring Street, south of 53rd Street. Vacating this section of right-of-way will better facilitate the development of the site. A concept plan has been submitted by the applicant for review.

Why is a Zoning Map Amendment Required?

The subject property is currently split zoned between C-2 Corridor Commercial District and R-MF Multi-Family Residential District. The applicant is petitioning a rezoning to C-3 General Commercial District for the purpose of developing the site for one or more vehicle dealerships. The principal use 'Vehicle Dealership-With Outdoor Storage/Display' is a special use in the C-3 District. If the rezoning request is approved, the applicant will need to apply for a Special Use Permit, which is reviewed and approved by the Zoning Board of Adjustment.

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Area 2035: Yes

Future Land Use Designation:

1. **Commercial Corridor (CC)** – Well-established corridors located along high-volume major streets dominated by retail and office uses that serve the greater community. Development is generally newer and redevelopment is not anticipated within the 20 year planning horizon. Improvements should focus on façade and site improvements, including pedestrian circulation systems and consolidated/updated signage. (Approximately 5.5 acres)
2. **Residential General (RG)** - Designates neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible commercial services, as well as other neighborhood uses like schools, churches, corner stores, etc. generally oriented along Urban Corridors (UC). Neighborhoods are typically designated as a whole. Existing neighborhoods are anticipated to maintain their existing characteristics in terms of land

use mix and density, with the exception along edges and transition areas, where higher intensity may be considered. (Approximately 10.5 acres)

Zoning:

The subject property is currently split zoned between the following zoning districts:

1. **C-2 Corridor Commercial District** (Approximately 5.5 acres): This district is intended to address the commercial corridors that are primarily oriented toward a mix of retail, personal service, and office uses along arterial streets and collector streets adjacent to arterials streets in the City. The C-2 District accommodates auto-oriented development – both individual businesses and retail centers – and mixed-use development, with the intent of improving the pedestrian environment along Davenport’s commercial corridors.
2. **R-MF Multi-Family Residential District** (Approximately 10.5 acres): This district is intended to accommodate a high-density neighborhood environment characterized by a mixture of housing types including single-family dwellings, semi-detached dwellings, two-family dwellings, townhomes and multi-family dwellings. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-MF District.

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

Technical Review:

City Departments reviewed the proposed Zoning Map Amendment Application for compliance with city ordinances and impacts to regional systems.

Public Input:

Letters were sent to property owners within 200 feet of the proposed request notifying them of the August 7, 2023 neighborhood meeting and August 15, 2023 Plan and Zoning Commission Public Hearing. In addition, a sign was posted on the property notifying the public of the pending application.

The neighborhood meeting was held at Eastern Avenue Library on August 7th at 5:30pm. There were approximately twelve members of the public in attendance. Topics of conversation and concerns raised by abutting homeowners included development of the site for multiple car dealerships, site layout, traffic, access points, site lighting, landscaping, buffering adjacent homes, stormwater management, and potential development of the southern portion of the property.

The Public Hearing was held on August 15, 2023, where neighbors voiced generally similar concerns as those voiced at the neighborhood meeting.

Approval Standards for Map Amendments (Chapter 17.14.040)

The Plan and Zoning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan and Zoning Commission and the City

Council must consider the following standards. The approval of amendments is based on a balancing of these standards.

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

Staff Response: The property is designated as both Commercial Corridor and Residential General (RG) in the Davenport +2035 Land Use Plan. Residential General allows for neighborhood compatible uses, such as the proposed use.

It is staff's opinion the proposed amendment is consistent with the Comprehensive Plan and adopted land use policies. An amendment to the Comprehensive Plan is not required with this petition.

b. The compatibility with the zoning of nearby property.

Staff Response: The property to the west is also zoned C-3. Properties to the east are zoned C-T. As conditioned, the land south of the proposed dealership location will be more similar to the C-T zoning district and provide a transition area from the residential to the south of the subject property. As conditioned, the additional buffer yard provides further separation between residential zoning districts and higher intensity commercial uses.

It is staff's opinion the proposed zoning amendment is compatible with the established zoning of nearby property.

c. The compatibility with established neighborhood character.

Staff Response: The subject property is located on a high traffic corridor generally surrounded by commercial and medical/office uses, with multiple-family and single-family zoning and uses adjacent to the southern portion of the property.

It is staff's opinion the proposed zoning amendment is compatible with the established neighborhood character.

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

Staff Response: The proposed zoning map amendment will allow for similar uses as those already existing in the neighborhood. Police, Fire, and emergency crews will be able to adequately service the subject property should the proposed zoning change be granted. Public health and safety shall be not be impacted.

Traffic:

The most recent IA DOT traffic counts for this section of E 53rd Street 27,500 vehicles per day. Due to the ongoing 53rd Street expansion project there are not recent traffic counts.

Crash data can sometimes indicate if there is a problem not clear from data or from observations. At 53rd Street and Spring Street, there were 13 reported crashes in the last 5 years. Approximately 1

crash per year was an angle-type crash that might be eliminated with a traffic signal. There was also approximately 1 crash per year that was a rear-end type of crash. These types of crashes are expected to increase with a traffic signal. The crash data does not indicate any type of on-going problems.

By requiring a traffic study, city staff will have the information needed to determine what level of traffic safety measures are required in order to balance the needs for the development and traffic flow on 53rd Street. The following information has been provided by Engineering:

1. There will be left turn lanes in both directions on 53rd Street at Spring Street as part of the ongoing 53rd Street expansion project.
2. No right turn lanes are shown in the 53rd Street project plans. While a car dealership is unlikely to generate enough traffic to warrant a right turn lane, if the developer is installing the turn lane at their expense, the city would not object to its construction.
3. While there are benefits to traffic signals, a traffic signal causes delays, increases emissions, and increases rear-end crashes. If the traffic study determines a traffic signal is not warranted, Engineering Staff is not supportive of a traffic signal installation/ If a traffic signal is warranted as a result of this development, the developer would be required to install the signal at their expense.

Stormwater: Stormwater for this development will be addressed by utilizing the regional detention basin within the subject property and stormwater detention and water quality will be part of the site plan and civil review of the development. In addition, as part of the 53rd Street expansion project currently underway, stormwater detention was installed under 53rd Street to address stormwater collected by 53rd Street that is eventually released into Hanlin's Creek.

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

Staff Response:

The land along 53rd Street is a heavily used arterial corridor. As such, higher end uses, such as those allowed by the C-3 district should be permitted for orderly development and consistency with development needs.

It is staff's opinion that the proposed zoning map amendment will enable the area to be developed in a manner consistent with Davenport's neighborhoods and commercial corridors.

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

Staff Response: The proposed rezoning will not create any nonconformities.

Dimensional standards, such as lot area, lot width, setbacks, building coverage, and impervious surface will be addressed during the site plan/development process.

It is staff's opinion that the proposed amendment will not create any nonconformities as the property is developed.

Staff Recommendation:

Staff recommends Case REZ23-03 be forwarded to the City Council with a recommendation for approval subject to the listed findings and conditions.

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Commercial Corridor and Residential General.
2. The proposed zoning map amendment to C-3 General Commercial District is compatible with the zoning and uses of nearby developed property.
3. With the proposed conditions recommended by staff, the zoning map amendment will enable the area to be developed in a manner consistent with the surrounding area.
4. With conditions requiring transportation improvements, the proposed zoning map amendment will promote the public health, safety, and welfare of the City.
5. The proposed amendment will not create any nonconformities with future development.

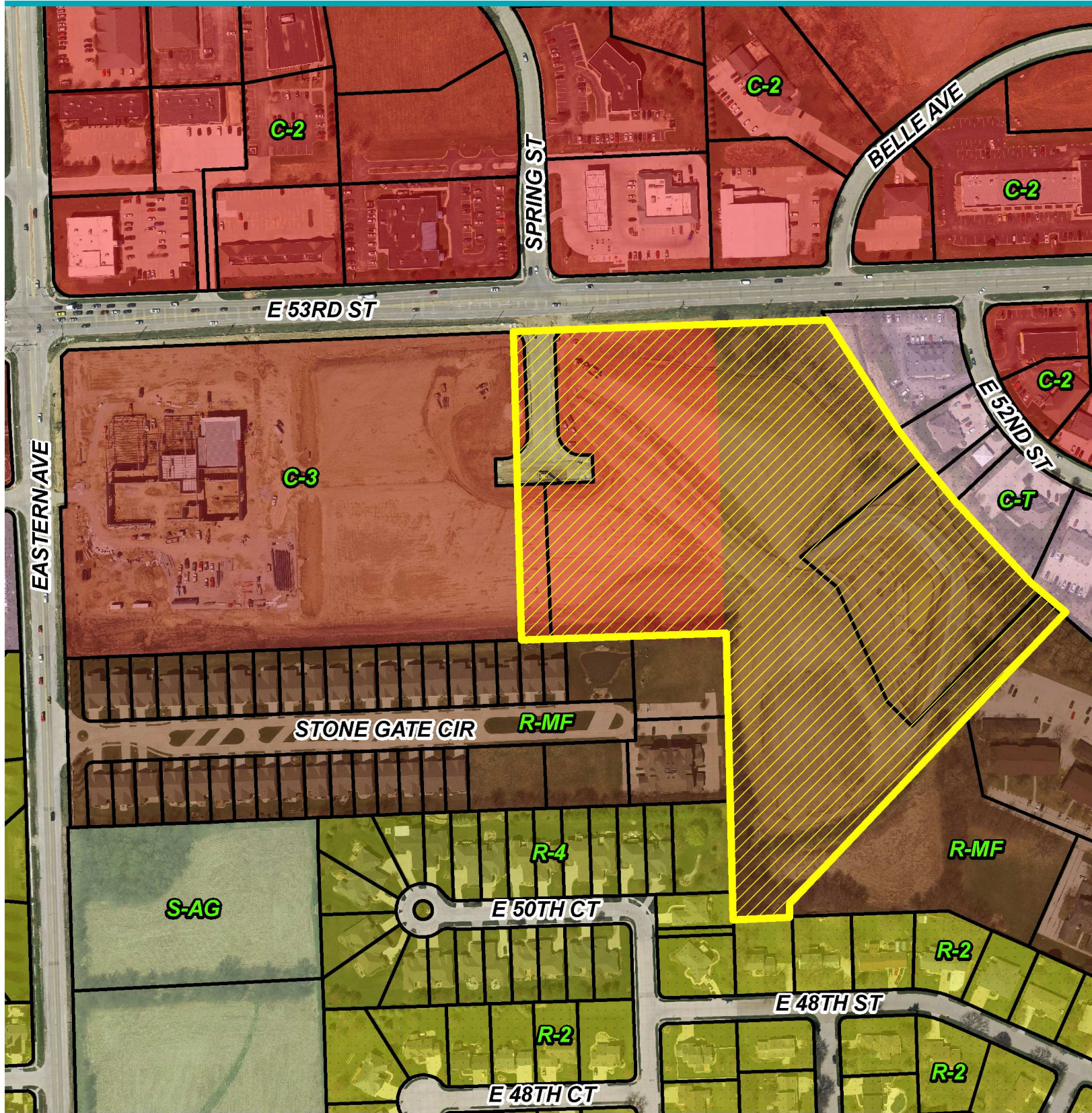
Conditions:

1. A traffic study shall be required prior to approval of any development. Any traffic safety measures installed as a result of the development of the subject property shall be installed at the developer's expense.
2. A buffer yard shall be established commensurate with the depth of the established buffer yard to the west of the subject property along the north property line of the Stone Gate development.
3. Any non-residential use development south of the northern boundary of the Stone Gate development extended, a fifty-foot buffer yard shall be established as required by code. Any multi-family development shall provide buffer yards as required by code.
4. The buffer yard shall be landscaped with a density commensurate to the established buffer yard to the west of the subject property. If the minimum landscaping required by code is installed, a certificate of occupancy may be granted via performance bond for the remaining landscaping which must be installed within the next growing season.
5. Lighting shall consist of LED Dark Sky compliant fixtures not higher than thirty-five feet. The level of lighting shall be reduced to a level necessary to provide security lighting only within one half-hour after of the close of business.
6. Routine use of PA systems or similar devices outside of buildings on the property shall not be permitted.
7. Car washes on the property shall not be located closer than one-hundred twenty-five feet from residential districts, and operate only when the dealership is open for business.
8. Billboards shall be prohibited.
9. In addition to ancillary Auto Dealer uses granted in the C-3 district by Special Use, only C-3 uses which are allowed in the C-T Commercial Transitional Zoning District are permitted south of the northern boundary of the Stone Gate development extended.

Rezoning Request

Case REZ23-03: Request of 53rd Luxury, LLC on behalf of Ed Speer Construction, Inc. and Sheila M Speer Living Trust to rezone approximately 16 acres of land generally located southeast of 53rd Street and Spring Street (Speer Commercial Park 1st and 2nd Addition) from C-2 Corridor Commercial District and R-MF Multi-Family Residential District to C-3 General Commercial District. [Ward 8]

 Subject Property



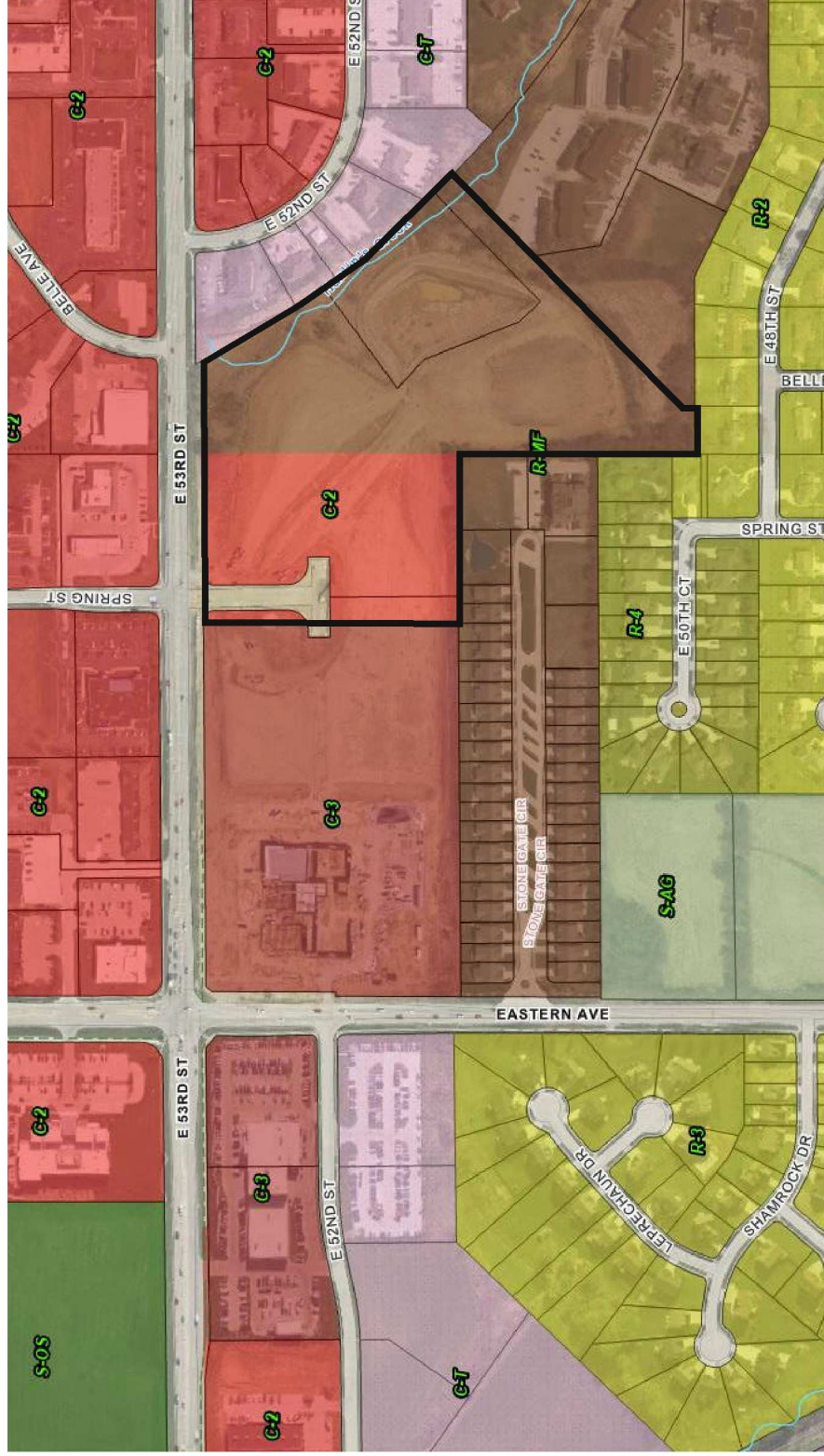
Vicinity Map

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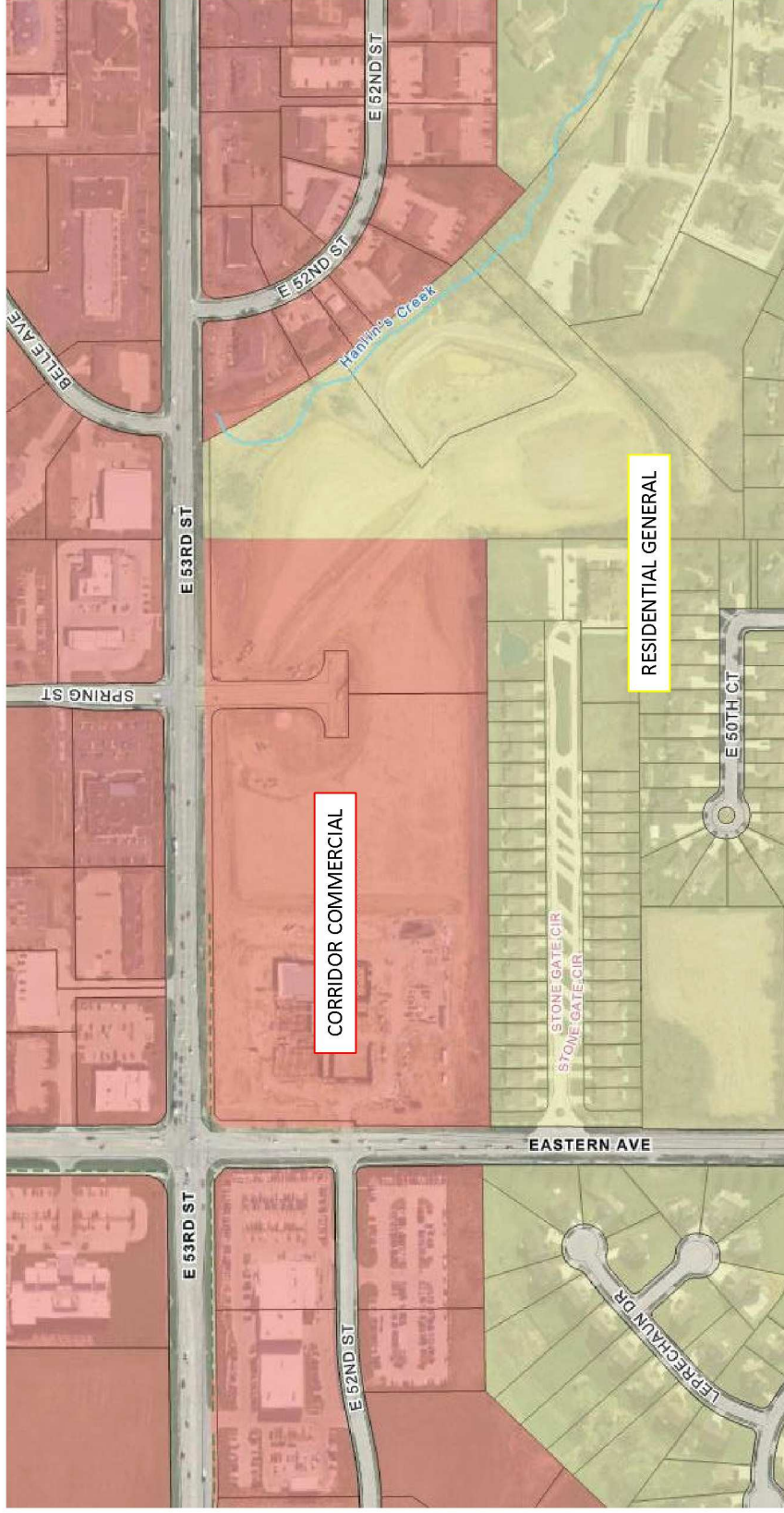
Zoning Map

DAVENPORT
IOWA | USA



Future Land Use Map

DAVENPORT
IOWA | USA



Supplemental Answer to "Property Owners" (p.1)

Property Owner 1 Auditor's Parcel Nos. N0710AOLA and N0710A04

Ed Speer Construction, Inc.

Address

5426 – 157th Street, Grimes, IA 50111

Phone 1

Phone 2

Email

Property Owner 2 Auditor's Parcel No. N0709A02

Sheila M Speer Living Trust

Address

2221 Oak Road NE, North Liberty, IA 52317

Phone 1

Phone 2

Email

Authorization to Act as Applicant

I/We, Ed Speer Construction, Inc.

[as property owner(s)]

authorize Chris Pustelak, VP, and John Hofmeyer, attorney, for 53rd Luxury LLC

[the above person(s)]

to act as applicant, representing me/us before the following board: Plan & Zoning Commission

for the property located at Auditor's Parcel Nos. N0710AOLA and N0710A04.

Signature(s)*

*Please note: original signature(s) or images of them are required.

Date

Application Form Types

Plan and Zoning Commission

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

Zoning Board of Adjustment

Special Use
Hardship Variance
Zoning Appeal
Nonconforming Use Appeal

Design Review Board

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

Historic Preservation Commission

Certificate of Appropriateness
Landmark Nomination
Demolition Request

Authorization to Act as Applicant

I/We, Sheila M Speer Living Trust
[as property owner(s)]
authorize Chris Pustelak, VP, and John Hofmeyer, attorney, for 53rd Luxury LLC
[the above person(s)]
to act as applicant, representing me/us before the following board: Plan & Zoning Commission
for the property located at Auditor's Parcel No. N0709A02.

Signature(s)*

*Please note: original signature(s) or images of them are required.

Date

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DO NOT SCALE DRAWINGS.

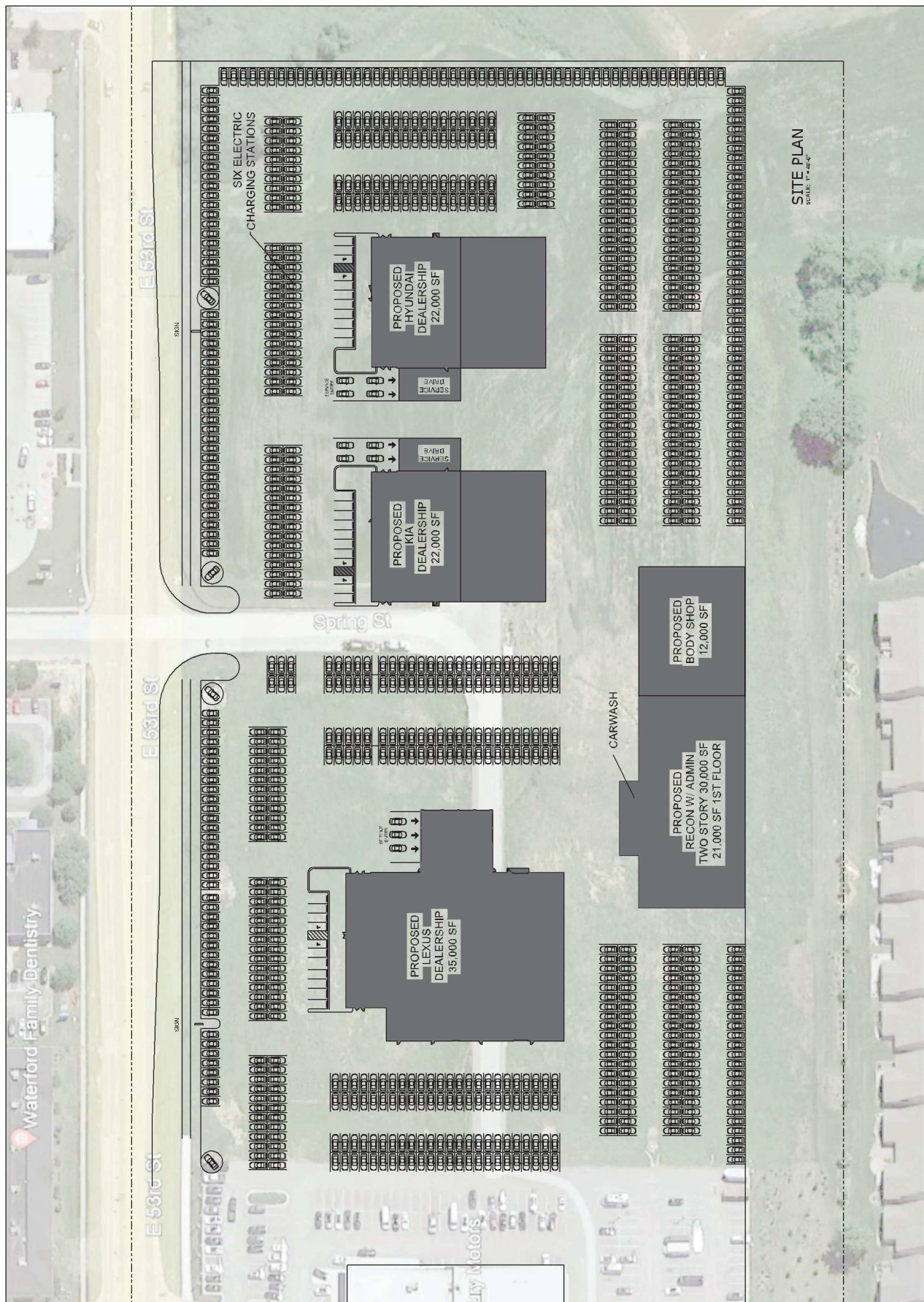
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Checked By:	KTM	
Revisions		
Rev	Date	Remarks

06/29/2023

NEW AUTO SITE

A 4x10 grid of squares. The bottom-right portion is shaded black, forming a shape that is 2 squares wide and 3 squares high in the bottom row, 3 squares wide and 2 squares high in the second row, 4 squares wide and 1 square high in the third row, and 4 squares wide and 1 square high in the fourth row.

GENERAL COUNCIL
DISCUSSION
6296 Baker Road
Suite C
Indianapolis, IN
46224-4866
TEL: 317-252-0635
FAX: 317-259-1732



A4-1

Elevations

DONOT SCALE
This drawing is for informational purposes only. It is not to be used for construction. Any errors, omissions, or inconsistencies shall be the responsibility of the client. No warranty is made by the architect.

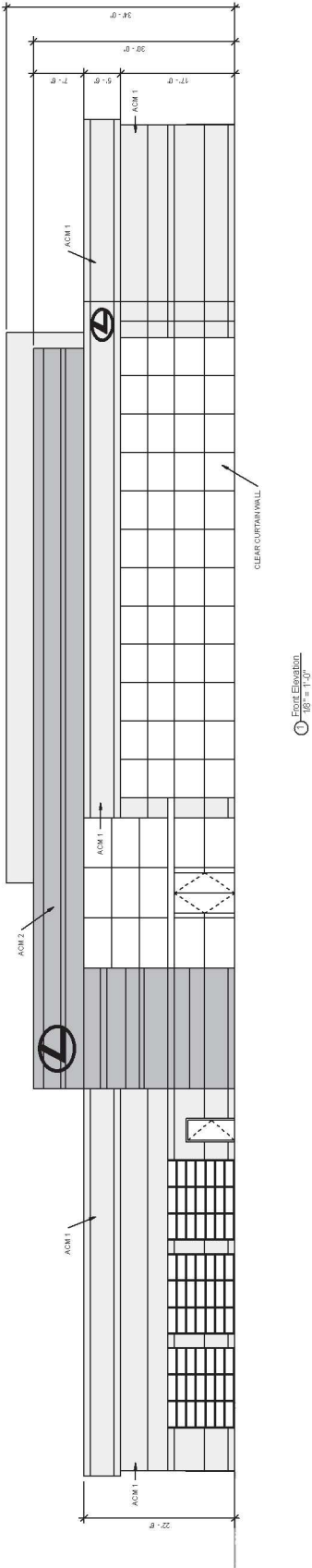
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Lexus
Davenport, Iowa

Custom Facilities
www.customfacilities.com

CONSULTING ARCHITECTS
DESIGN BUILD
KTM Korte & Associates
1111 1st Street, NW
Davenport, IA 52801
Phone: 563.321.4444
Fax: 563.321.4445



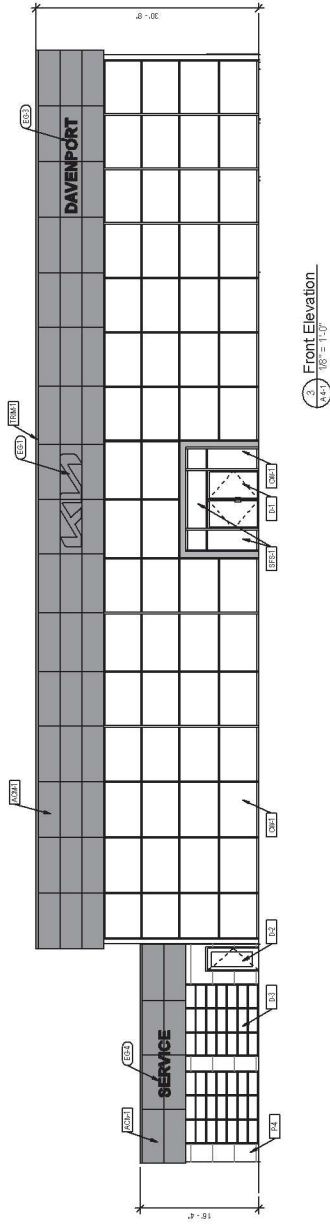
Exterior Elevations

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CUSTOM FACILITIES
www.customfacilities.com

Client Project Information



A4-1

Elevations

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This drawing is for informational purposes only. It is not to be used for construction. Any errors, omissions, or inconsistencies be discovered are to be corrected by the architect.

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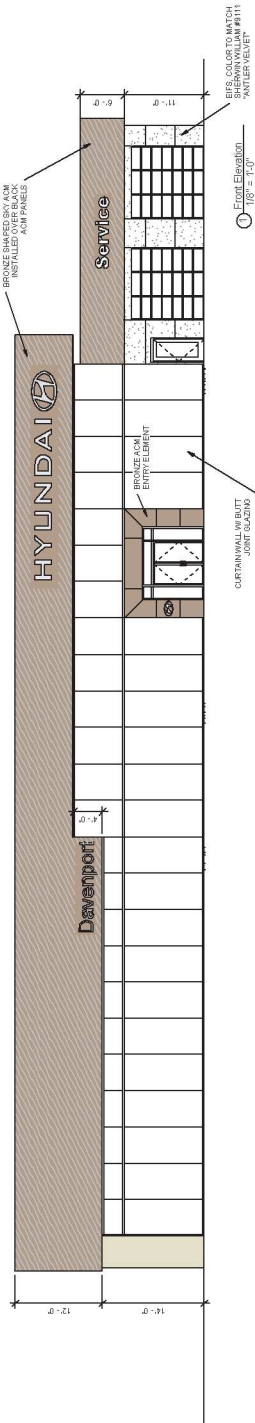
Hyundai of
Davenport, Iowa

www.curtainwall.biz.com



CUSTOM FACILITIES

CONSTRUCTION MANAGER
GENERAL CONTRACTORS
DESIGN/BUILD
Curtain Wall
Davenport, IA
472-2436
714.317.4294
FAX 714.329.4755



Legal Description

Lot 1 and Outlot A of Speer Commercial Park 2nd Addition to the City of Davenport, Scott County, Iowa.

Part of the North Half of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th Principal Meridian, City of Davenport, Scott County, Iowa.

FINAL PLAT OF: SPEER COMMERCIAL PARK 2nd ADDITION

Being a Part of Lots 2 and 3 and a Outlot of Speer Commercial Park 1st Addition, Township 78 North, Range 4 East of the 5th Principal Meridian, City of Davenport, Scott County, Iowa.

Part of the North Half of the Southwest Quarter of Section 7, Township 78 North, Range 4 East of the 5th Principal Meridian, City of Davenport, Scott County, Iowa.

RETURN TO: Townsends Engineering, 2224 E. 12th Street, Davenport, Iowa 52803 (563) 386-4236

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PUBLIC HEARING NOTICE | PLAN AND ZONING COMMISSION

To: All property owners within 200 feet of the subject property generally located southeast of 53rd Street and Spring Street.

Neighborhood Meeting

Date: 8/7/2023

Time: 5:30 PM

Location: Eastern Avenue Library | 6000 Eastern Avenue

Plan & Zoning Commission Public Hearing Meeting

Date: 8/15/2023

Time: 5:00 PM

Location: Council Chambers | City Hall | 226 West 4th Street

What is this About?

This notice is being sent to inform you that a neighborhood meeting and a public hearing will be held for a Rezoning Request. The subject property is currently zoned C-2 Corridor Commercial District and R-MF Multi-Family Residential District. The property owner is requesting a rezoning to C-3 General Commercial District to develop the site for one or more motor vehicle dealerships, including outdoor storage.

Request/Case Description

Case REZ23-03: Request of 53rd Luxury, LLC on behalf of Ed Speer Construction, Inc. and Sheila M Speer Living Trust to rezone approximately 16 acres of land generally located southeast of 53rd Street and Spring Street (Speer Commercial Park 1st and 2nd Addition) from C-2 Corridor Commercial District and R-MF Multi-Family Residential District to C-3 General Commercial District. [Ward 8]

What are the Next Steps after the Neighborhood Meeting and Public Hearing?

The Plan and Zoning Commission will hold a formal public hearing at their meeting on August 15, 2023. The Plan and Zoning Commission will vote (provide a recommendation) to the City Council at their meeting on September 5, 2023. The Commission's recommendation will be forwarded to the City Council, which will then hold its own public hearing. You will receive a notice of the City Council's public hearing. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?

As a neighboring property owner, 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.

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) 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 in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

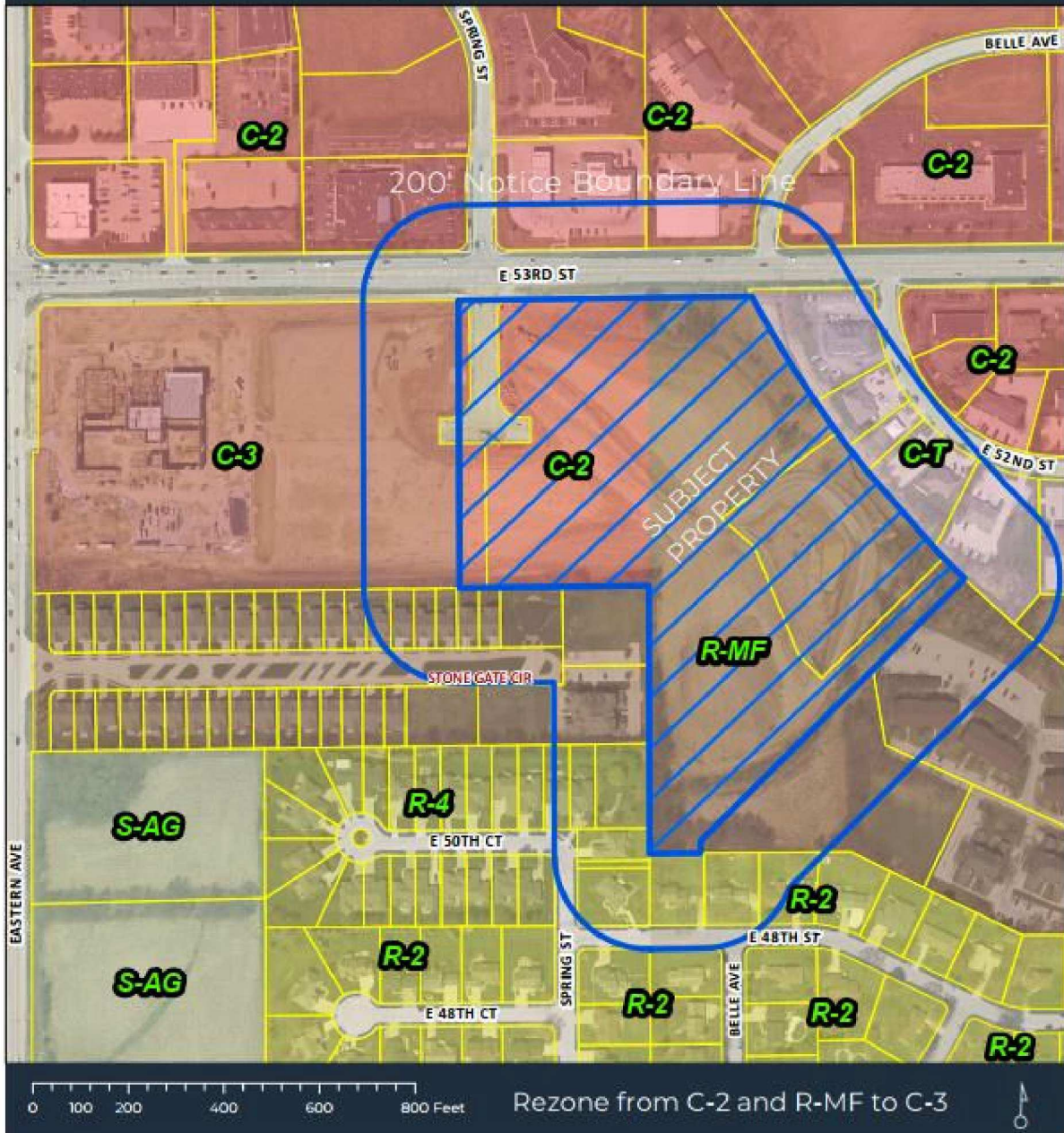


THE CITY OF
DAVENPORT
IOWA | USA

P&Z Notice

CASE#: REZ23-03

Adjacent Property Owner Notice Area



MINUTES OF NEIGHBORHOOD MEETING

Case No: REZ23-03; ROW23-04

Date: Monday, August 7, 2023

Time: 5:30 PM

Location: Eastern Avenue Library, 6000 Eastern Avenue, Davenport, Iowa

John Hofmeyer, IV opened the meeting and identified the city personnel present: Judith Lee, 8th Ward Alderwoman; Kyle Gripp, At-Large Alderman; JJ Condon, At-Large Alderman, and Inghram, Planning and Zoning Commission Chair. Werderitch, Koops, and Berley from the city were also present at the meeting.

Developer gave its presentation as follows:

Michael Leep, Jr., President of applicant/developer, provided information and background on the applicant/developer.

Chip Walker, architect for applicant/developer, made a presentation regarding the preliminary design proposal for the development including three motor vehicle dealerships and supporting buildings.

Eric Cannon, engineer for applicant/developer, made a presentation regarding steps taken to address stormwater runoff and environmental considerations at the site.

The floor was open for questioning and a general discussion was had. Multiple attendees asked questions regarding the following general topics:

1. Why applicant/developer was rezoning the whole parcel for C-3 zoning if only using the northern portion. Applicant/developer advised that there are no current plans to develop the southern portion of the parcel.
2. Whether C-3 zoning would allow development of the southern portion of the parcel for multi-family apartments if rezoned to C-3. City staff advised that multi-family apartments are a permitted use in the C-3 zoning.
3. Stormwater runoff to the east. Applicant/developer advised that all stormwater runoff would be handled through a comprehensive stormwater retention and mitigation system utilizing the existing reservoir and that decisions would be made after detailed analysis to determine the best course of action. Applicant/developer advised further that the site would not utilize "sheet" drainage and would instead utilize inlet (drains) that would take stormwater to the reservoir.
4. An attendee asked about drainage from the Stone Gate Cir. development to the SW, across the property to the reservoir. Another attendee identified that there was a culvert that takes water across between the two reservoirs. Applicant/developer did not provide an opinion on this.
5. A question was presented regarding lighting of the site and spillage. Applicant/developer discussed dark-sky initiatives and the technology that allows new lighting systems to mitigate, if not prevent, light pollution and spillage beyond the property boundaries.

When there were no further questions, John Hofmeyer, IV closed the meeting. City staff took a list of the neighborhood attendees.

Neighborhood Meeting Attendance List

Date:

Time:

Location:

Case:

The purpose of this meeting is to provide an **informal setting to allow courteous discussion** between the developer and adjacent owners, and to answer any questions and concerns about the proposed action. This meeting does not replace the Public Hearing.

	NAME	EMAIL:	PHONE: (optional)	ADDRESS (as shown on the notice map)
1	Scott Bliss	tayloralexmd421@gmail.com		1871 Stone Gate Cir Unit 8
2	Carrie Bliss			" "
3	Mary Ann Hamann			1822 Stone Gate
4	Steve Hamann			" " "
5	Bob Inghram	BINGHAM55@GMAIL		
6	Larry Moss	gmoss47@hotmail.com		1871 Stone Gate Cir Unit 10
7	Carl Osborn	cmmosborne@gmail.com		1820 Stone Gate Circle
8	Mike Osborn	OSBORNMICHAEL@GMAIL.COM		" "
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Neighborhood Meeting Attendance List

Date:

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Case:

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	NAME	EMAIL:	PHONE: (optional)	ADDRESS (as shown on the notice map)
1	Darren Courville	dcourville@mchsi.com		2026 E. 48th St.
2	Ann Lausen	alausen@gmail.com		1742 Stone Gate Cir
3	Cheryl Luders	caluders@gmail		1871 Stone Gate Cir.
4	JJ LUNDEN			ALDERMAN AT LARGE
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**Zoning Board of Adjustment
Planning Staff Report
2021 E 53rd Street | Vehicle Dealership Outdoor Display
December 21, 2023**

Description

Request SU23-02 of 53rd Luxury LLC at 2021 (& 1911, 2131) East 53rd Street to operate a Vehicle Dealership with Outdoor Storage/Display. Table 17.08-1 requires a Special Use for a Vehicle Dealership with Outdoor Storage/Display on property zoned C-3 General Commercial District. [Ward 8]

Background

The 2019 Zoning Ordinance requires a Special Use for an outdoor vehicle dealership when located in the C-3 General Commercial Zoning District. For contextual purposes, Special Uses are required for any outdoor dealership located in the C-3, C-E, and I-1 districts. Only the I-MU Industrial Mixed-Use District does not require a Special Use for an outdoor dealership.

There are no Principal Use Standards applicable for this use, therefore only the standards that must be adhered to are the usual Special Use approval standards of §17.14.050.E.

Zoning District Use Matrix:

TABLE 17.08-1: USE MATRIX																		
PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU
Vehicle Dealership - With Outdoor Storage/Display										S					S	S		P

P indicates a use is permitted by-right in the district. S indicates a use is a Special Use in the district and requires Zoning Board approval. Blank cells indicate a use is not allowed.

Special Use Approval Standards per 17.14.050.E.:

E. Approval Standards

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use must be evaluated on an individual basis, in relation to all applicable standards of this Ordinance. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed. The decision of the Zoning Board of Adjustment must make findings to support each of the following conclusions:

1. The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.
2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
3. The special use in the specific location proposed is consistent with the spirit and intent of this Ordinance and adopted land use policies.

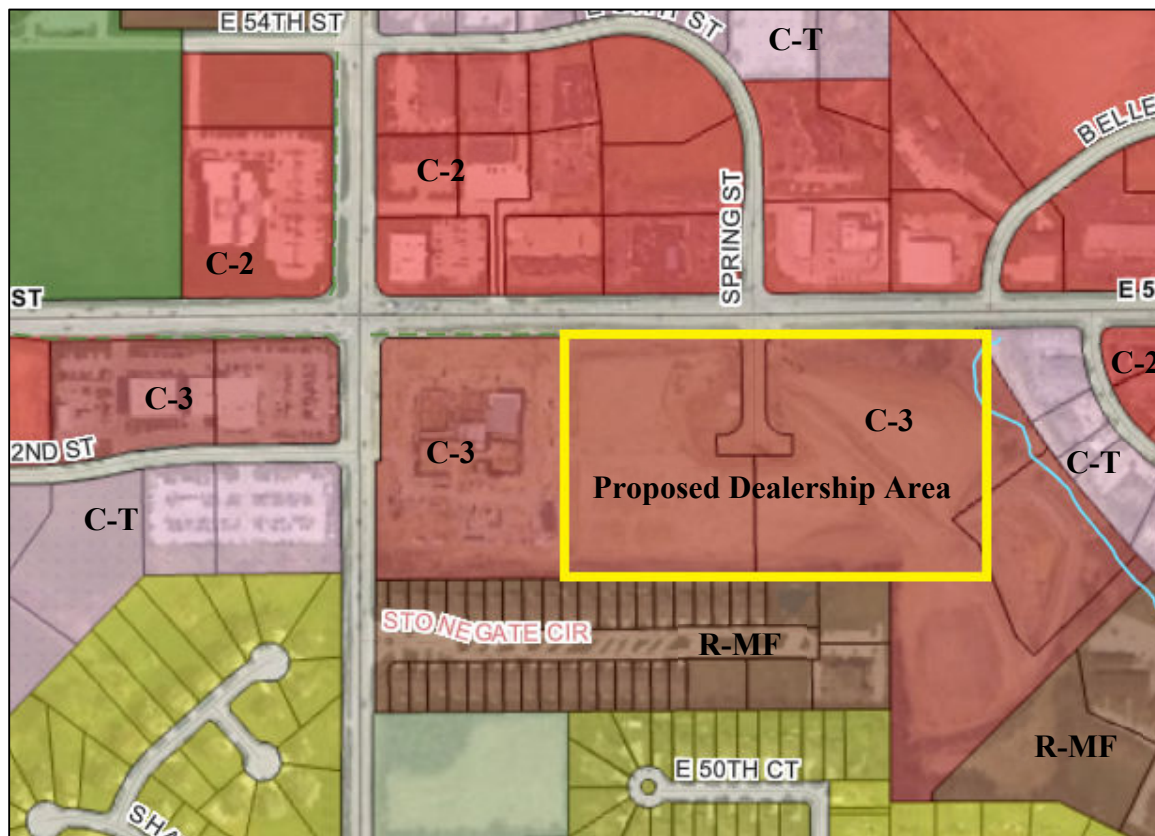
Vehicle Dealership with Outdoor storage/display is defined as:

An establishment that sells or leases new or used automobiles, vans, motorcycles, and/or all-terrain vehicles (ATV) vehicles, or other similar motorized transportation vehicles with outdoor display of vehicles. A motor vehicle dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location, and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

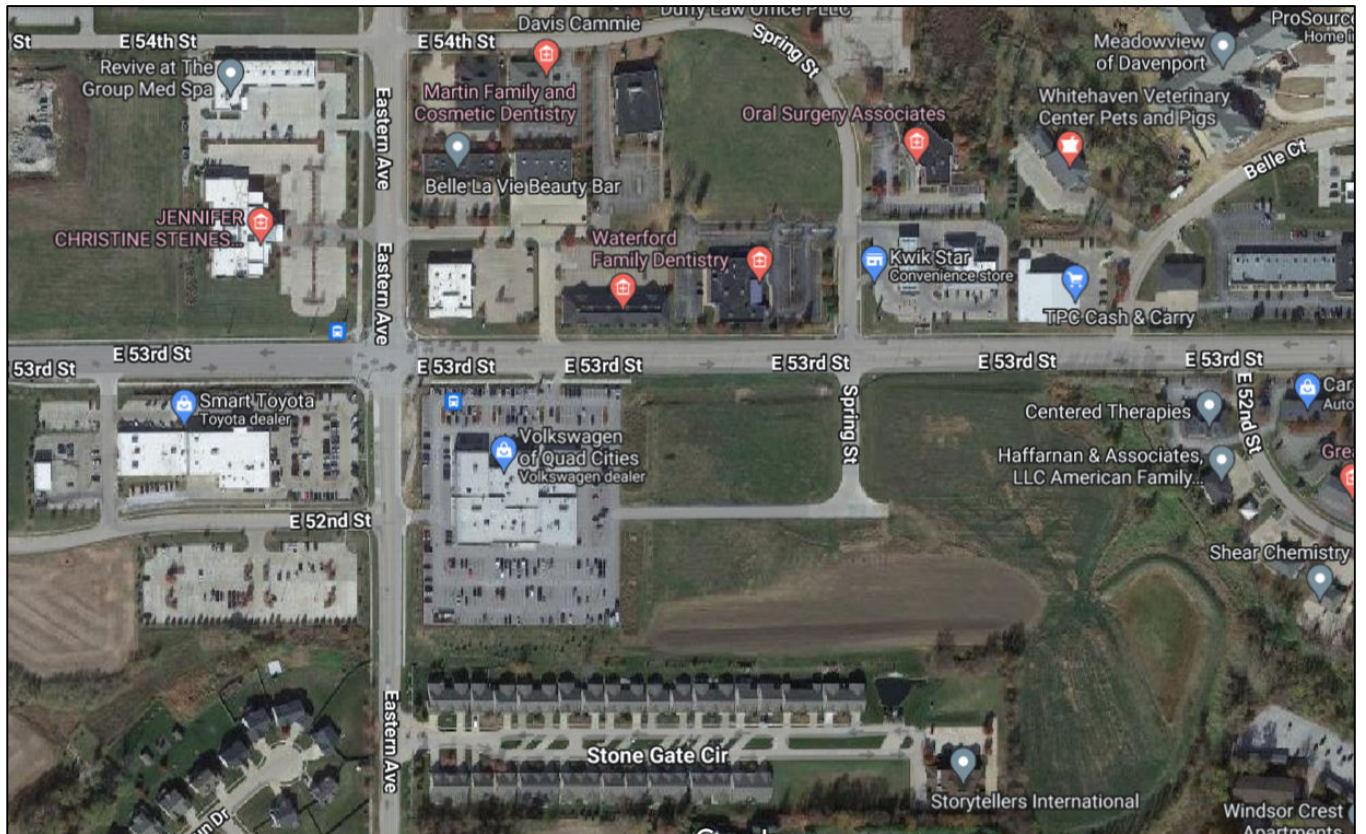
Site Aerial Photo: Proposed Dealership in Yellow | Existing Dealers in Red



Zoning Map: Proposed Dealership in Yellow

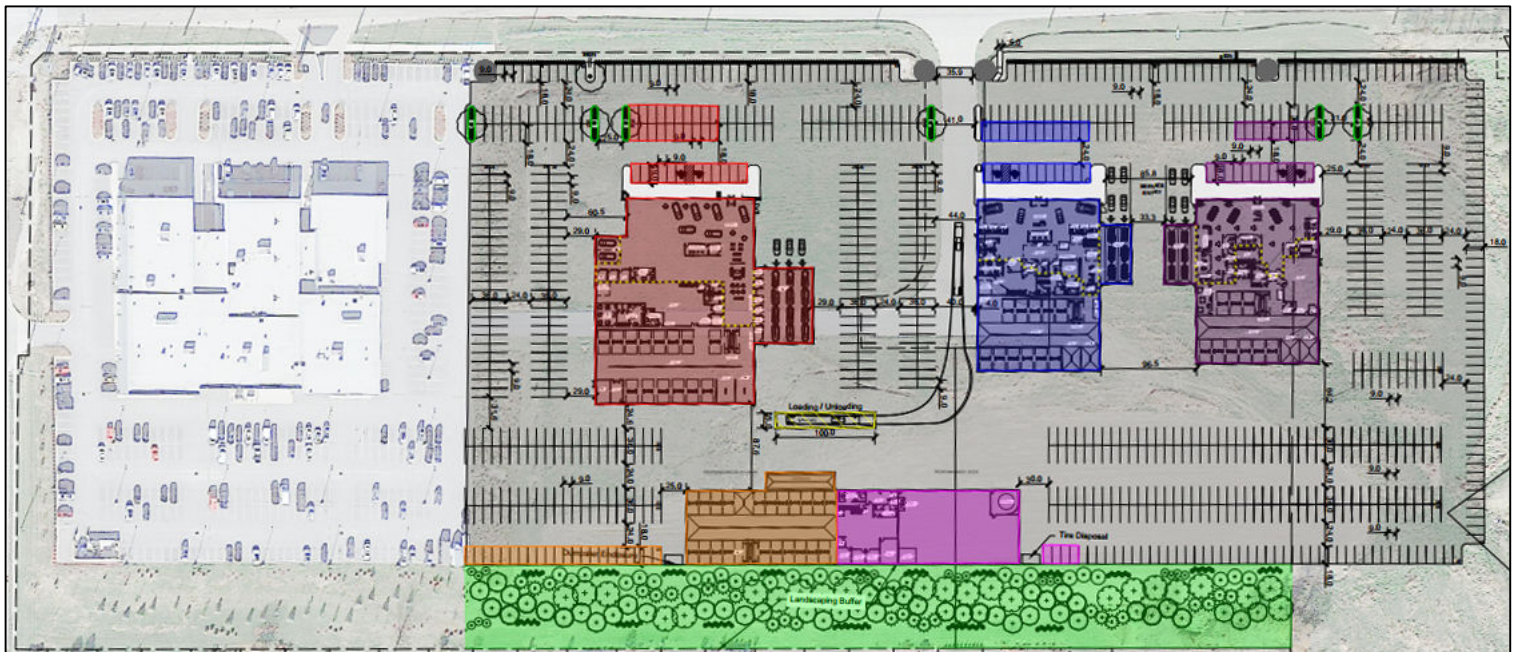


Existing Land Uses/Vicinity Map:



Existing Dealership

Proposed Concept Plan



Discussion

The property owner at 2021 East 53rd Street (53rd Luxury LLC) wishes to expand to the east of their present facility located at 1777 East 53rd Street at the intersection with Eastern Ave and 53rd Street. The site has recently been rezoned from C-2 Corridor Commercial to C-3 General Commercial Zoning District for the purpose of allowing a vehicle dealership with outdoor storage/display, which is an allowed use, provided a special use is reviewed and approved by this Board, as per the code sections cited above in the "Background" section of this report.

The site will serve at least three dealership bands, an administrative office, and a car wash/auto body ancillary use. The proposed site would be required to meet the rezoning conditions for case REZ23-03 as set forth in City Council Action 2023-436 (see Exhibit C). The submitted Site Plan (Exhibit "A") shows the general location of the dealership buildings and display areas.

This site is located adjacent to two (2) other new car dealerships which are under the same ownership as the proposed development. These dealerships are located in the C-3 General Commercial District, as are the proposed dealership buildings and brands.

Staff supports the use of this property as an auto dealer. This site is properly zoned for auto sales, and the adjacent sites have been operating for nine (9) years while demonstrating compatibility with adjacent land uses, while generating minimal, if any, complaints.

The sites will be connected for pedestrian access and also via a newly proposed common access drive between the lots, as shown on the petitioner's site plan.

Approval Standards

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

Applicant: Special use request is to allow for operation of franchised motor vehicle dealerships and associated activities. Such activities are already conducted at the adjacent property and pose no heightened risk to public health, safety, or welfare. See attached images.

Staff Response: The proposed use meets code requirements for a dealership. The site should have minimal, if any, impact on adjacent property, as conditioned per the rezoning Ordinance 2023-436 (see Exhibit "C"), and per the conditions of this report.

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

Applicant: Special use request is to allow for operation of franchised motor vehicle dealerships and associated activities. Such activities are already conducted at the adjacent property and are in alignment with commercial activities along E 53rd Street and the adjacent properties. See attached images

Staff Response: The plans meet code requirements and the site is properly designed to have minimal, if any, impact on adjacent property as proposed and as conditioned per the rezoning Ordinance 2023-436 (see Exhibit "C"), and per the conditions of this report.

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: Special use request is to allow for operation of franchised motor vehicle dealerships and associated activities. Such activities are already conducted at the adjacent property. The uses requested serve the purpose for which the special use ordinance was enacted:

** use will be substantially similar to adjacent land;*

** improvements and structures will be of similar quality and construction as adjacent existing franchised motor vehicle dealership*

** sound and other aspects of operations will be conducted in a manner substantially similar to existing franchised motor vehicle dealership*

** proposed use will not have a greater impact on neighboring land than adjacent property uses*

Staff Response: Land use policy has been met along with all code requirements, as properly conditioned per Ord 2023-436 and the conditions of this staff report.

Recommendation & Findings

Findings:

1. The petitioner's proposed location/design meets Special Use requirements
2. This use is compatible with adjacent land uses and type of development
3. The proposed Special Use is in accordance with the criteria for Special Use approval.

Recommendation:

Staff recommends that the Board adopt staff's findings and approve request SU23-02 subject to the following conditions:

1. The extent of 'Exhibit "A" – Site Plan' as emailed to Planning staff on November 29, 2023, shall be binding; no auto dealer uses shall be allowed outside that designated area, and use of additional land to the south and south east (or any land areas not shown on the proposed concept plan) shall be prohibited without a modification to the Special Use, as per code requirements in §17.14.50.
2. Prior to occupancy, parking lot landscaped islands, consistent with 1777 E. 53rd Street, shall be installed per the approved site plan as submitted into Davenport ePlan requiring full sized islands with landscaping at the end of five (5) rows in front of the buildings extended, per Exhibit "B";
3. Prior to occupancy an approved full site plan review shall be completed and approved;
4. The use of flags, pennants, tinsel, balloons or other similar attention-getting devices shall be prohibited;
5. All conditions of Davenport rezoning REZ23-03, City Council Ordinance 2023-436 (labeled Exhibit "C" in the ZBA Packet), shall remain in full force and effect, including but not limited to the location of the car wash facility at least 125' from residential zoning districts, stipulated buffer yard along the north property line of the Stonegate development, prohibition of billboards, and Dark Sky complainant light fixtures; and
6. Should complaints arise due to noncompliance of these conditions, and/or if staff is aware of infractions to these conditions and/or any other code violations, or if ownership or management companies change (more than 50%), a rehearing of the Special Use shall be scheduled per Davenport Municipal Code specifications for Zoning Board of Adjustment Special Use public hearings; at which the Special Use may be modified, re-approved or revoked.

Prepared by: 

Scott Koops, AICP
Planner II

Attachments: Map, Site Plan, Application, Notification Map, Exhibits

