

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

Thursday, February 13, 2025; 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 concerning the administration of Title 17 Zoning.

- I. Call to Order
- II. Secretary's Report
 1. Consideration of the January 23rd Meeting Minutes.
- III. Old Business
- IV. New Business
 1. **Request SU25-01 of Miguel Carrillo on behalf of AC Properties LLC at 215 Warren Street for a Special Use for a proposed principal use (stand-alone) parking lot to serve the restaurant at 903 W. 3rd Street. Table 17.08-1 of the DMC requires a Special Use for a principal use parking lot in the I-MU Industrial-Mixed Use Zoning District. [Ward 3]**
- V. Other Business
- VI. Adjourn

City of Davenport

Department: Development & Neighborhood Services
Contact Info: Scott Koops | 563-326-6701

Action / Date
2/13/2025

Subject:
Consideration of the January 23rd Meeting Minutes.

Recommendation:

Background:

Attachments:

1. ZBA Minutes 2025-01-23



MINUTES

Zoning Board of Adjustment

January 23, 2025



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:

Chairman Darland called the Zoning Board of Adjustment (ZBA) meeting to order in City Hall Council Chambers, Davenport, Iowa at approximately 4:00 p.m.

Members Participating: Gallart, Boyd-Carlson, Kleffmann, Darland
Excused: None.
Staff present: Berkley, Koops

II. Secretary's Report:

Minutes were approved for the 2024-12-12 ZBA Hearing by voice-vote (4-0).

III. Old Business:

- 1. Request SU24-06 of Jens Baker on behalf of Mound Street Development at 1019 Mound Street for a Special Use for a proposed third-floor reception facility. Table 17.08-1 of the DMC requires a Special Use for a reception facility in the C-V Village of East Davenport Zoning District. [Ward 5]**

Findings & Staff Recommendation:

At November 14th ZBA meeting the Board requested additional information from the applicant. Staff has presented that information today in this presentation and in the Board's regular meeting packet. That information is summarized as: 18 letter of support, 13 leased parking spaces at CBI bank, and an updated floor plan which changes the occupancy from 649 to 199.

Staff supports the Board's deliberations regarding this request and understands that the Board will have to weigh the proposed business' value to the City verses potential parking concerns for the Village.

Staff's recommendation on the request remains the same. A shuttle service from a private site to the venue would alleviate staff's concerns. Should the parking burden lead to negative outcomes for other businesses in the Village, staff cannot commit City Council to incur costs to expand public parking lots in the Village.

The applicant Jens Baker and Mark Schmidt addressed the Board regarding the new information.

Kim Wessel of the Village Business Association and Dustin Roelle of Five Start Salon spoke in favor.

The Board stated general support of the business.

Motion:

A motion was made to approve request SU24-06 with a First by Gallart and a Second by Kleffmann.

Boyd-Carlson, yes; Kleffmann, yes; Gallart, yes; and Darland, yes. The motion was approved unanimously (4-0).

IV. New Business:

1. **Request HV25-01 of Joshua Arguello/Ann Schwickerath on behalf of Project Renewal at 510 Warren Street for a Hardship Variance to encroach approximately 6.9 feet into the reverse-corner side-yard setback along Warren Street with a proposed community center building and to provide 5 off-street parking spaces. Table 17.04-1. requires a 15-foot reverse-corner side-yard setback and 17.10-2. requires 9 off-street parking spaces for this R-4C Residential property. Proposed structure would be 8.1 feet from the Warren Street property line and be deficient 4 off-street parking spaces. [Ward 3]**

Koops presented the staff report to the Board.

Findings & Staff Recommendation:

Findings:

The proposed structure will be rebuilt with same setback as the previous structure
The site will have a total of nine (9) parking spaces with the four (4) on-street spaces

- Item #1 zoning code does result in hardship as applied for the proposed use;
- Item #2 physical and topographical conditions of the site do limit the use;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character has been established;

Recommendation:

Staff recommends that Board adopt staff's findings and approve request HV25-01 as proposed.

Motion:

First by Kleffmann; second by Gallart to approve HV25-01.

Gallart, yes; Boyd-Carlson, yes; Kleffmann, yes; and Darland, yes. The motion carried unanimously (4-0).

2. **Request HV25-02 of Sharron Marcus/Travis Wiegand on behalf of Border Foods at 1736 W. Kimberly RD for a Hardship Variance for a Taco Bell restaurant building which will provide 20% transparency on the north (40th Street) façade. Additionally, 21% of spandrel glazing will be provided on the north building elevation. Table 17.05-2 of the DMC requires 50% transparency for façades facing a public street as measured between 2' to 10' from the adjacent grade. [Ward 2]**

Koops presented the staff report to the Board.

Findings & Staff Recommendation:

Findings

- Item #1 application of the ordinance creating hardship has been established;
- Item #2 physical and topographical conditions of the site do impact functionality;
- Item #3 unique circumstance has been established;
- Item #4 protection of essential character can be protected, as conditioned.

Recommendation:

Staff recommends approval of the request for a hardship variance subject to the following:

1. The south (front) elevation shall meet the required 50% transparency (as proposed);
2. The north elevation shall have 20% transparency and 21% spandrel glass between 2' and 10' in height from grade.

The applicant addressed the Board and presented the case for the variance.

Motion:

First by Galliart; second by Boyd-Carlson to approve SU24-08.

Boyd-Carlson, yes; Galliart, yes; Kleffmann, yes; and Darland, yes. The motion carried unanimously (4-0). Regarding

V. Other Business

1. Election of Officers

Motion:

Darland and Galliart were nominated for Chair and Vice Chair, respectively; each was approved unanimously by roll call vote, 4-0 (no changes to elected officers from the previous year).

VI. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:53 p.m.

City of Davenport

Department: Development & Neighborhood Services
Contact Info: Scott Koops | 563-326-6701

Action / Date
2/13/2025

Subject:

Request SU25-01 of Miguel Carrillo on behalf of AC Properties LLC at 215 Warren Street for a Special Use for a proposed principal use (stand-alone) parking lot to serve the restaurant at 903 W. 3rd Street. Table 17.08-1 of the DMC requires a Special Use for a principal use parking lot in the I-MU Industrial-Mixed Use Zoning District. [Ward 3]

Recommendation:

Background:

Attachments:

1. Staff Report - SU25-01 215 Warren ST Parking lot
2. Application & Site Plan
3. Example Notice - SU25-01 - Parking Lot 215 Warren ST
4. SU25-01 Adjacent Owner Notice List - 215 Warren ST



Zoning Board of Adjustment
Staff Report – Standalone Parking Lot
215 Warren Street
February 13 , 2025

Description

Request SU25-01 of Miguel Carrillo on behalf of AC Properties LLC at 215 Warren Street for a Special Use for a proposed principal use (stand-alone) parking lot to serve the restaurant at 903 W. 3rd Street. Table 17.08-1 of the DMC requires a Special Use for a principal use parking lot in the I-MU Industrial-Mixed Use Zoning District. [Ward 3]

Background

The subject property is in a mixed-use area. The Zoning Board of Adjustment is to evaluate whether a stand-alone parking lot (for the use of an adjacent restaurant) would have a detrimental impact to adjacent properties. The restaurant has 18 off-street parking spaces; only 13 off-street parking spaces are required (1 per 300GFA).

Use Table 17.08-1: Parking Lot Use (as a Principal Use) in I-MU

TABLE 17.08-1: USE MATRIX												
PRINCIPAL USE	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU
Parking Lot (Principal Use)		S	S	S	S	S	S	S	S	P	S	S

An "S" indicates that the use is a special use in the district and requires special use approval.

Site: Restaurant | Parking Lot

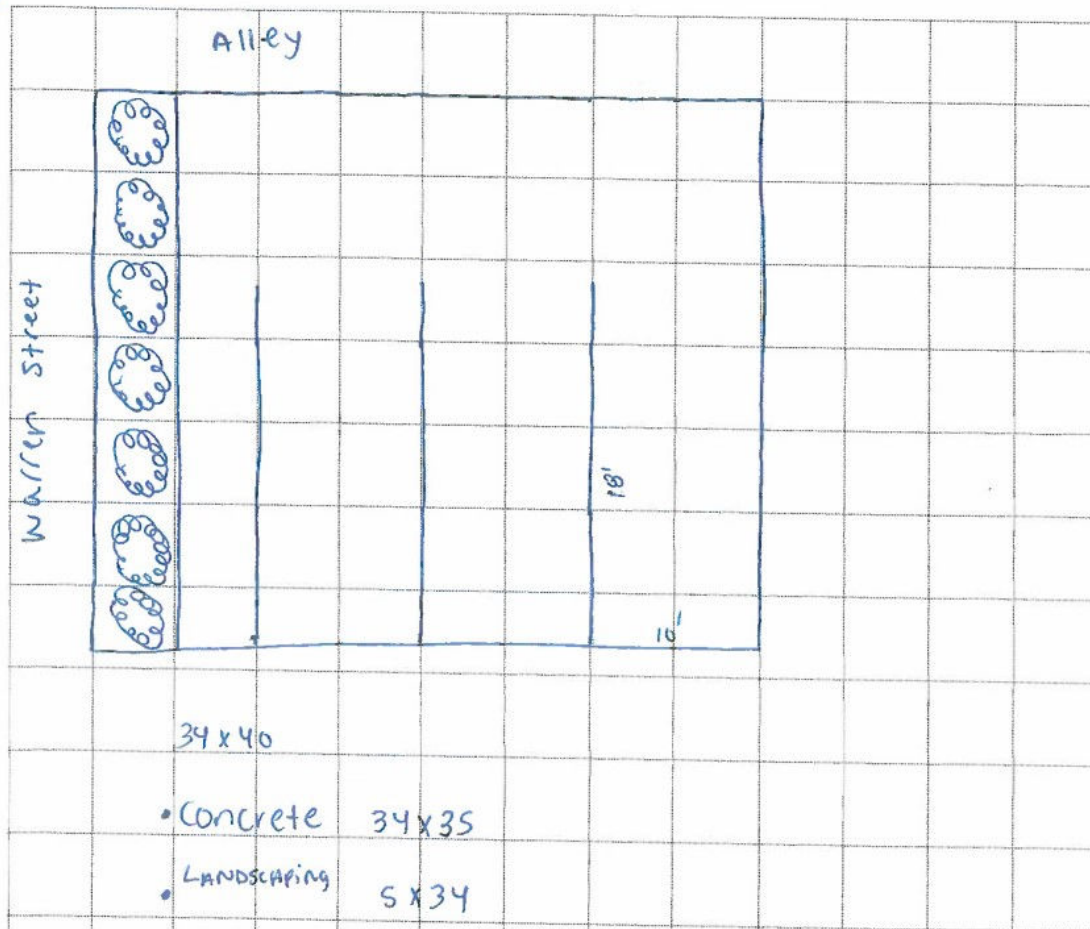


Site:

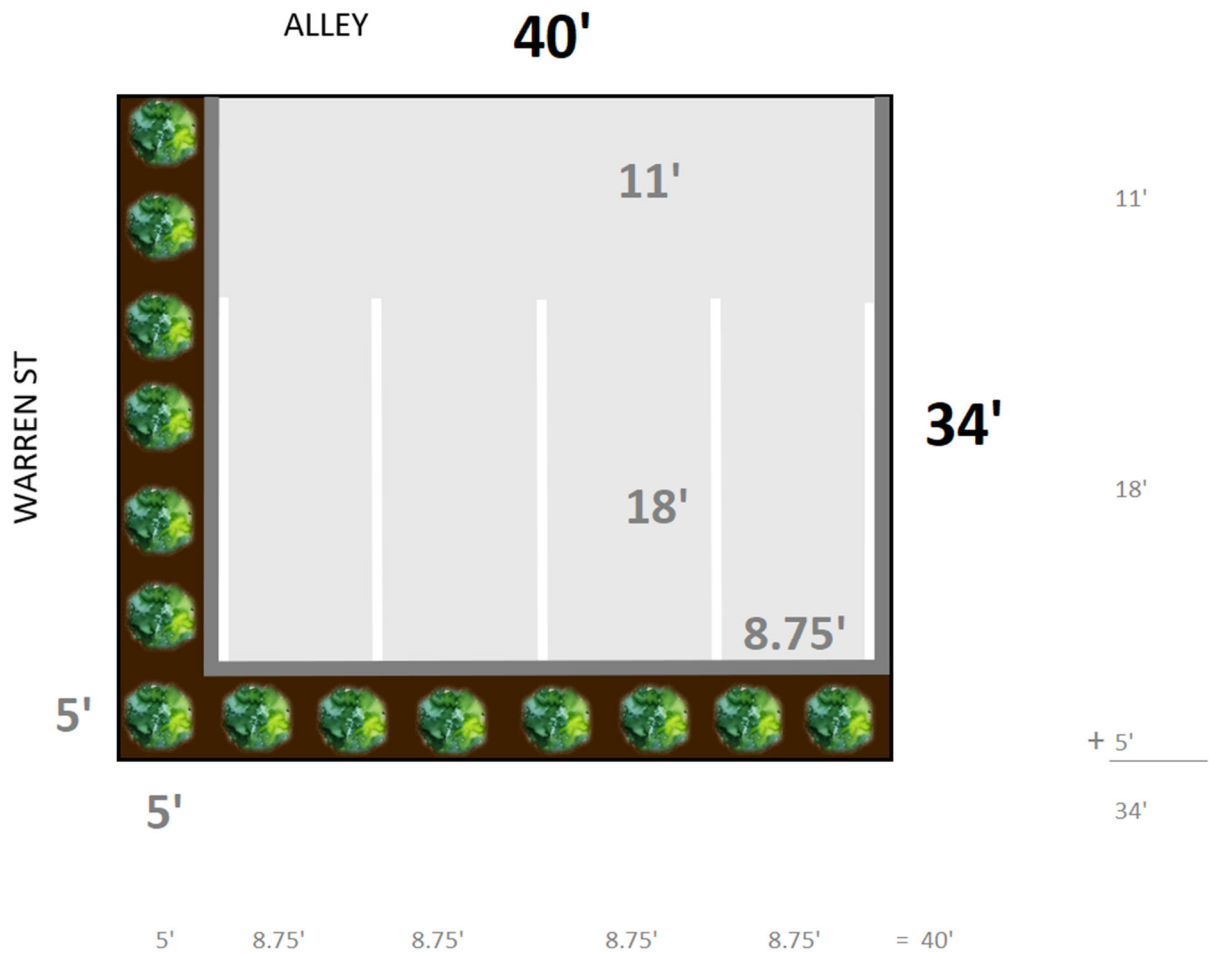


Applicant Site Plan: Proposed Parking Lot

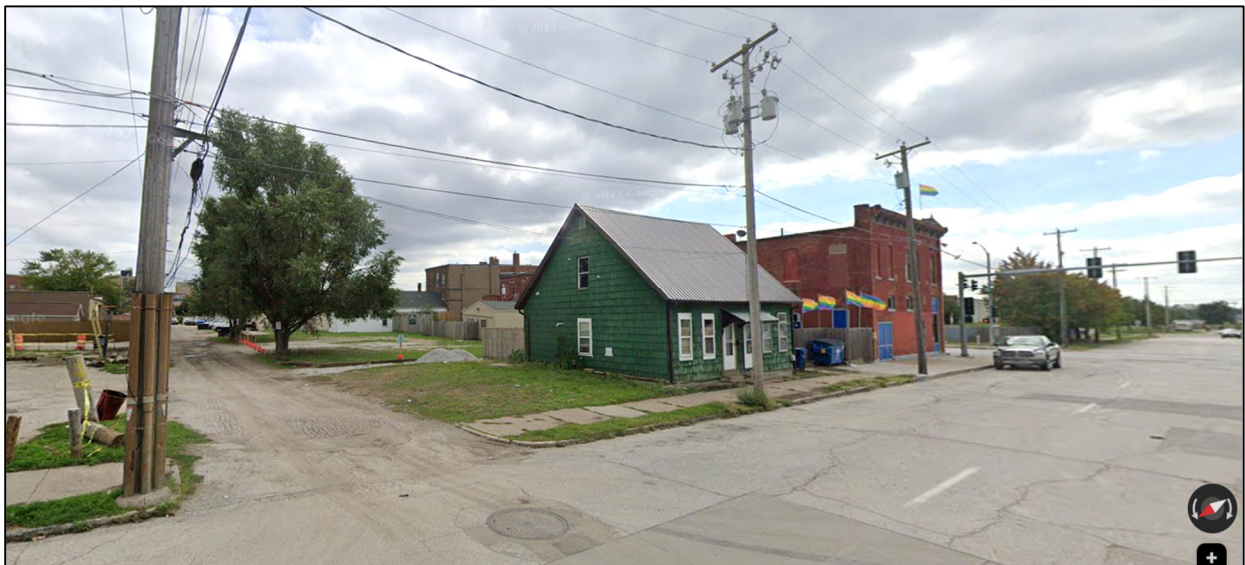
W + E
S



Staff Proposed Site Plan: Landscaping (5') on the South Lot Line



Street View Photo



Discussion

The parking lot and the accompanying site plan are compatible with this mixed-use area. Given the size of the lot (1,360 sq.ft.; 34' x 40') it is very unlikely this lot would ever be able to support a commercial building. The proposed parking lot appears to be a better fit than many other possible uses.

Findings/Approval Standards

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

The plans meet code requirements for this use. The site is properly designed to have minimal, if any, impact on adjacent property and public facilities if constructed per required zoning code as has been proposed by the applicant.

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

The plans meet code requirements and the site is properly designed to have minimal, if any, impact on adjacent property. Neighboring properties have are zoned for, or already have, commercial uses.

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

All adjacent property abutting the use is zoned I-MU. Land use policy has been met along with all code requirements.

Recommendation

Findings:

The location, design, and construction of the proposed use meets the requirements of a Special Use.

Recommendation:

Staff recommends approval of SU25-01 subject to the following conditions:

1. a 5-foot landscape buffer on the south lot line (similar to the one proposed along Warren ST) shall be provided;
2. curbing (either asphalt or concrete) shall be constructed along the three edges of the parking lot pavement, per 17.10 requirements.

Prepared by:



Scott Koops,
Planner II

Attachments: Application, Notification Map, Exhibits

Four Parking Spaces





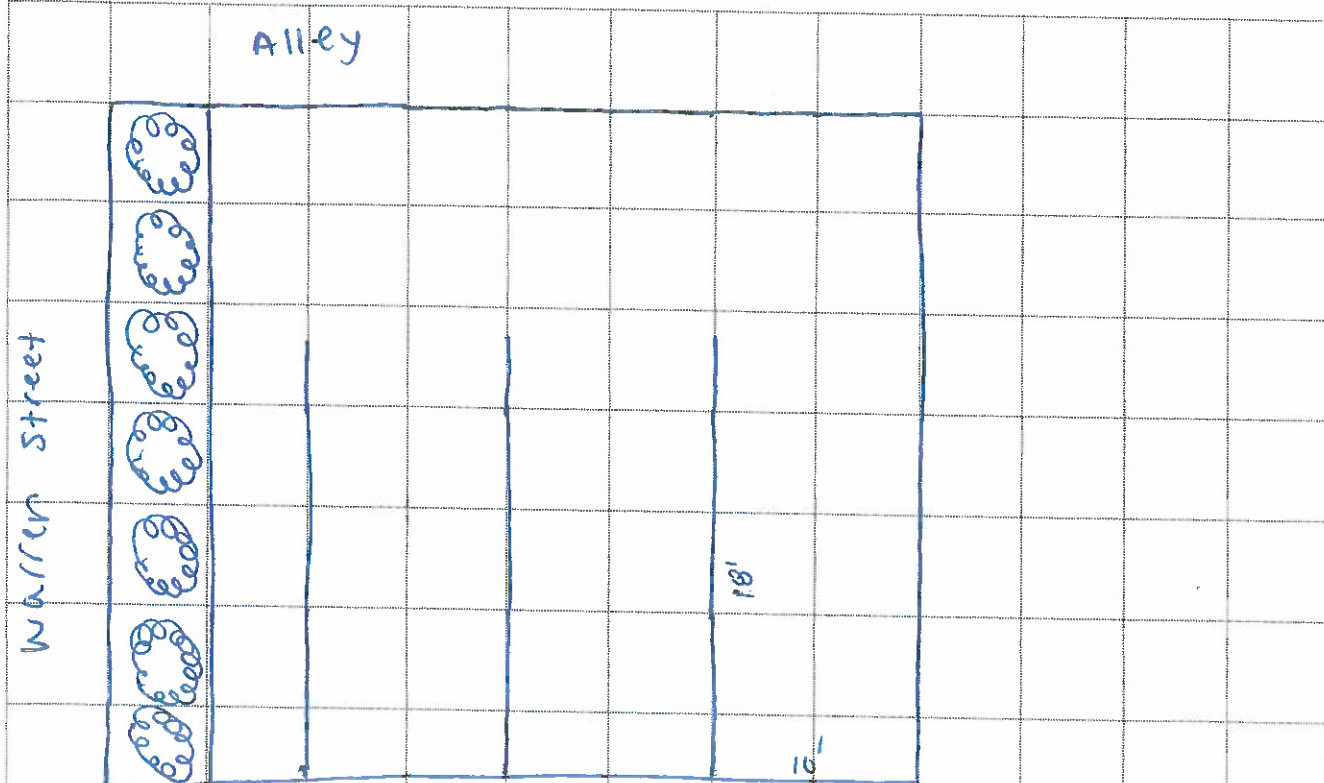
CITY OF DAVENPORT
Development & Neighborhood
Services – Planning
1200 E. 46th ST
Davenport, IA 52807

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
SPECIAL USE
ZONING BOARD OF ADJUSTMENT

APPLICANT INFORMATION		DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING [Set After Site Plan Review]
Applicant Name Miguel Carrillo		SITE ADDRESS & PARCEL OR LOCATION DESCRIPTION 215 Warren St Davenport IA 52802		
Address 903 W 3rd 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. ☐		
City State Zip Davenport IA 52802		USE PROPOSED REQUIRING A SPECIAL USE parking lot - no structure		
Phone 563-260-0676		COMPLETE SUBMITTALS SHALL INCLUDE:		
Secondary Phone 563-323-0195		SUBMITTED		
E-Mail Address MacarrilloT10@gmail.com		Site Plan/Concept Plan (to scale)* ☐ *shall show setbacks, height and size dimensions, etc.		
Acceptance of Applicant		Authorization to Act as Agent Affidavit* ☐ *shall include owner contact information		
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.		Application Fee (REQUIRED) \$400 ☐		
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.		DEMONSTRATE WITH EVIDENCE THE FOLLOWING (3) ITEMS:		
Miguel Carrillo Type Applicant's Name		1. The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare. NO, it will not endanger the public.		
[Signature] Applicant's Signature		2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity. Yes, There's a business we own at 903 W 3rd St and it will help with our limited parking space.		
1-13-25 Date		3. The special use in the specific location proposed is consistent with the spirit and intent of this ordinance and adopted land use policies. Yes, it will help our limited parking situation at 903 W 3rd St.		
DEVELOPMENT TEAM		Contact Development & Neighborhood Services (DNS) Planning Division at planning@davenportiowa.com with any questions, for additional information, and to submit this form.		
Property Owner AC Properties LLC				
Address 903 W 3rd St				
Phone 563-260-0676		Secondary Phone		
E-Mail Address macarrilloT10@gmail.com				
Project Manager/Other Miguel Carrillo AC Properties LLC				
Address 903 W 3rd St				
Phone 563-260-0676		Secondary Phone		
E-Mail Address MacarrilloT10@gmail.com				

W + E
S



34 x 40

- Concrete 34 x 35
- Landscaping 5 x 34



Public Hearing Notice | Zoning Board of Adjustment

Date: 2/13/2025 **Location:** City Hall | 226 W 4th ST | Council Chambers
Time: 4:00 PM **Subject:** Hearing for Special Use | Zoning Board of Adjustment

EXAMPLE NOTICE
16 NOTICES SENT
WARD 3

To all property owners within 200' of the subject property **215 Warren ST:**

What is this About?

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

Request/Case Description

Request SU25-01 of Miguel Carrillo on behalf of AC Properties LLC at 215 Warren Street for a Special Use for a proposed principal use (stand-alone) parking lot to serve the restaurant at 903 W. 3rd Street. Table 17.08-1 of the DMC requires a Special Use for a principal use parking lot in the I-MU Industrial-Mixed Use Zoning District. [Ward 3]

What are the Next Steps after the Public Hearing?

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

Would You Like to Submit an Official Comment?

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

Do You Have Any Questions?

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

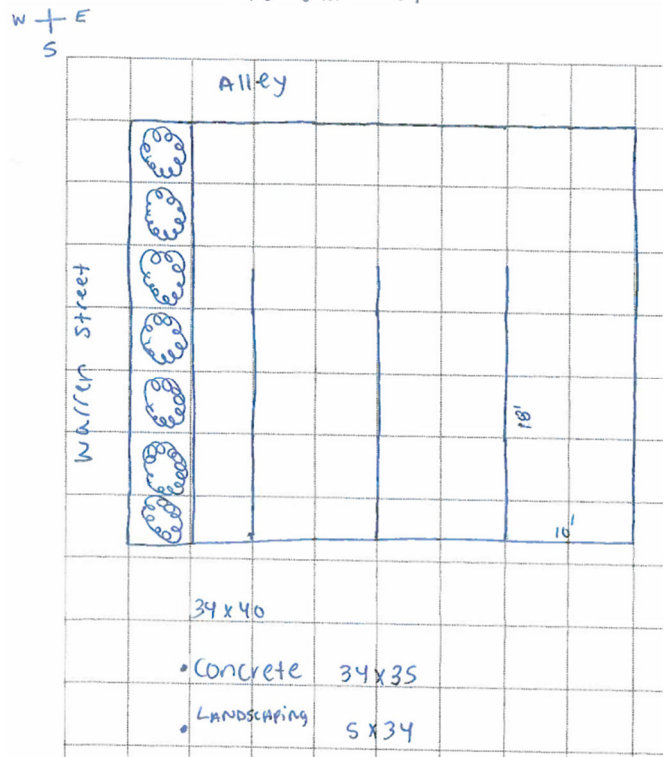
Please note items may be removed or tabled to a future hearing date at the request of the Applicant or Commission/Board. Those interested in verifying case actions and/or tablings, please contact Planning at 563-326-6198 or planning@davenportiowa.com for updates.

Adjacent Owner Notice Area:

Owners within 200' of the Subject Property



PROPOSED SITE PLAN



SU25-01 Adjacent Owner Notice List - 215 Warren ST

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Subject Property: 215 WARREN ST AC PROPERTIES LLC 215 WARREN ST DAVENPORT IA 52802				
Ward: 3RD WARD NOTICES SENT: 16				
L0003-03	909 W 3RD ST	SJM PROPERTIES LLC	2122 WINDING HILL RD	DAVENPORT IA 52807
L0003-05A	903 W 3RD ST	BAEZA ADRIAN CARRILLO	903 W 3RD ST	DAVENPORT IA 52801
L0003-07	220 WARREN ST	AC PROPERTIES LLC	903 W 3RD ST	DAVENPORT IA 52802
L0003-09B	823 W 3RD ST	YOSHIS PLACE LLC	PO BOX 2102	DAVENPORT IA 52809
L0003-09C	831 W 3RD ST	YOSHIS PLACE LLC		
L0003-10	819 W 3RD ST	CEDILLO GERALD L	2734 GLENN ST	BETTENDORF IA 52722
L0003-11	817 W 3RD ST	PRIESTLEY ROBIN SCOTT	5770 TREMONT AVE	DAVENPORT IA 52807
L0003-12	815 W 3RD ST	PRIESTLEY ROBIN SCOTT		
L0003-13	809 W 3RD ST	PRIESTLEY ROBIN S		
L0014-15		BETHANY ENTERPRISES INC	5 HIGHLAND GREEN CT	BETTENDORF IA 52722
L0014-16	827 W 2ND ST	BETHANY ENTERPRISES INC		
L0014-22	916 W 2ND ST	LA FINCA LLC	916 W 2ND ST	DAVENPORT IA 52802
L0014-23	912 W 2ND ST	AC PROPERTIES LLC		
L0014-24		CEDILLO GERALD	2734 GLENN ST	BETTENDORF IA 52722
L0014-25	904 W 2ND ST	CEDILLO GERALD		
L0014-26	902 W 2ND ST	CEDILLO JERRY	1007 W 3RD ST	DAVENPORT IA 52802
L0014-27		NAVA RAFAEL NEGRETE	916 W 2ND ST	DAVENPORT IA 52802
L0014-27A		NAVA RAFAEL NEGRETE		
L0014-29	209 WARREN ST	2 MAN ENTERPRISES LLC	2870 MARIGIL LANE	BETTENDORF IA 52722
L0014-30	830 W 2ND ST	BOOMBERRY INVESTMENTS	832 W 2ND ST	DAVENPORT IA 52802
L0014-31		NEWMAN'S ARCADE & AMUSEMENT LLC	3413 FILLMORE ST	DAVENPORT IA 52806
L0014-32	822 W 2ND ST	NEWMAN'S ARCADE & AMUSEMENT LLC		
L0014-33	820 W 2ND ST	NEWMAN'S ARCADE & AMUSEMENT LLC		
L0014-35A	816 W 2ND ST	PALM RIVER HOMES LLC	80 FOUR SEASONS RD	FAIRFIELD CT 06825
L0014-39	802 W 2ND ST	MCDONNELL TIMOTHY J	502 E 4TH ST	DAVENPORT IA 52801