

ZONING BOARD OF ADJUSTMENT MEETING

CITY OF DAVENPORT, IOWA

THURSDAY, APRIL 12, 2018; 4:00 PM

CITY HALL COUNCIL CHAMBERS 226 WEST 4TH STREET DAVENPORT, IOWA 52801

THE ZONING BOARD OF ADJUSTMENT IS A QUASI-JUDICIAL BOARD WHICH REVIEWS APPLICATIONS REGARDING CRITERIA FOR GRANTING OF SPECIAL USE PERMITS, HARDSHIP VARIANCES, SPECIAL EXCEPTIONS AND APPEALS TO INTERPRETATION OF THE ZONING CODE.

I. Secretary's Report

- A. Consideration of the minutes from the 3-8-18 public hearing. (no meeting on 3-22-18)

II. Old Business

III. New Business

- A. Request SUP18-01 of Mark Witte at 2802 East Locust Street for a Special Use Permit construct a 6-foot tall privacy fence within the secondary front yard setback. The property is zoned "R-4" Moderate Density Dwelling District.

Section 17.42.090.A.3 of the Davenport Municipal Code requires fences constructed within the secondary front yard to obtain a Special (conditional) Use Permit. [6th Ward/Ald. Clewell]

- B. Request SE18-01 of Patrice Boehler on behalf of HOA Development, LLC (for a Dollar General) at 7510 Northwest BLVD for a Special Exception to reduce the required parking of the retail store from 39 to 30 off-street parking spaces. The proposed building contains 5,686 square feet of gross sales area. Property is zoned "M-1" Light Industrial District.

Section 17.44.010.22 of the Zoning Ordinance requires one (1) parking space for each one hundred (100) square feet of gross sales area for buildings containing up to two thousand (2,000) square feet, plus one (1) parking space for each two hundred (200) square feet of gross sales area over two thousand (2,000) square feet but less than twenty thousand (20,000) square feet. [8th Ward/Ald. Tompkins]

IV. Other Business

V. Adjourn

City of Davenport
Zoning Board of Adjustment

Department: Community Planning & Economic Development
Contact Info: Matt Flynn, 888-2286

Date
4/12/2018

Subject:

Consideration of the minutes from the 3-8-18 public hearing. (no meeting on 3-22-18)

ATTACHMENTS:

Type	Description
▯ Cover Memo	ZBA Minutes 3-8-18

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	4/5/2018 - 1:52 PM



MINUTES
City of Davenport
Zoning Board of Adjustment
March 8, 2018



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

Call to Order

Chairman Hart called the Zoning Board of Adjustment meeting in the first floor Council Chambers at City Hall, 226 W. 4th Street, Davenport, Iowa to order at 4:00 p.m.

Board Members present: Strayhall, Reistroffer, Woodard, and Hart

Board Member excused: Lee

Staff present: Koops

I. Secretary's Report:

The minutes of the February 22, 2018 meeting were approved.

II. Old Business:

Request HV18-01 of Ryan Uhle at 2906 West 47th Street for a hardship variance to construct a detached accessory structure measuring 24' x 36', which would result in the property exceeding the allowed accessory area for the property by 280 square feet. Property is zoned R-4 Moderate Density Dwelling District. [2nd Ward/Ald. Dickmann]

Section 17.10.030 B. and 17.42.080 A. allows for the total of all accessory buildings not to exceed 100% of the living area of the dwelling. The subject property allows for 864 square feet of accessory buildings and 720 square feet of garage area.

Koops presented the staff report.

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

Recommendation and Findings of Fact

Staff presented the recommendation to the Board.

Items #1 reasonable return, and #2 unique circumstances, have been not been met for the granting of a hardship variance. Staff cannot recommend approval of the request.

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

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

Motion:

A motion approve the request was made by Strayhall and seconded by Reistroffer. Motion to approve carried. (3-1):

Woodard, yes; Strayhall, yes; Reistroffer, yes; and Hart, no.

III. New Business:

None.

IV. Adjourn

The meeting adjourned unanimously by voice vote at approximately 4:15 pm.

City of Davenport
Zoning Board of Adjustment

Department: Community Planning & Economic Development
Contact Info: Matt Flynn, 888-2286

Date
4/12/2018

Subject:

Request SUP18-01 of Mark Witte at 2802 East Locust Street for a Special Use Permit construct a 6-foot tall privacy fence within the secondary front yard setback. The property is zoned "R-4" Moderate Density Dwelling District.

Section 17.42.090.A.3 of the Davenport Municipal Code requires fences constructed within the secondary front yard to obtain a Special (conditional) Use Permit. [6th Ward/Ald. Clewell]

ATTACHMENTS:

Type	Description
▣ Exhibit	SUP18-01

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	4/5/2018 - 1:56 PM



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: April 12, 2018
Applicant: Mark Witte
Address: 2802 East Locust Street

Description

Request SUP18-01 of Mark Witte at 2802 East Locust Street for a Special Use Permit construct a 6-foot tall privacy fence within the secondary front yard setback. The property is zoned "R-4" Moderate Density Dwelling District.

Section 17.42.090.A.3 of the Davenport Municipal Code requires fences constructed within the secondary front yard to obtain a Special (conditional) Use Permit. [6th Ward/Ald. Clewell]

Background

The subject property is a corner lot. Secondary front yards (front yard is where the property is addressed from) are allowed to have a 6-foot fence with a Special Use Permit providing Section 17.48.030 conditions are met.

Discussion

The proposed fence is well clear of the 30' 'vision triangle' at the intersection of Forest Rd. and E. Locust St. as well as the 10' vision triangle along the alley. (see the petitioner Site Plan)



Analysis of Code Requirements 17.48.030 ([code requirement](#)/staff comments)

1. The proposed location/design/construction and operation of the use adequately safeguards the health, safety, and general welfare of persons residing/working in surrounding property:

The use shall be compatible to/with the surrounding neighborhood area.

2. Such use shall not impair an adequate supply of light and air to surrounding property.:

Light and air will not be changed or negatively impacted.

3. Such use shall not unduly increase congestion in the streets, or public danger of fire and safety:

The use should not increase congestion on public streets or significantly impact public safety.

4. Such use shall not diminish or impair established property values for surrounding property:

The fence should not have an impact on the surrounding property values given the location of the proposed fence.

5. Such use shall be in accord with the intent and spirit of the comprehensive plan of the city:

The proposed use is in conformance with the Comprehensive Plan.

Public Input

Notices were sent to property owners within 200 feet of the subject property. To date, staff has not received any calls or letters regarding the request.

Staff Recommendation:

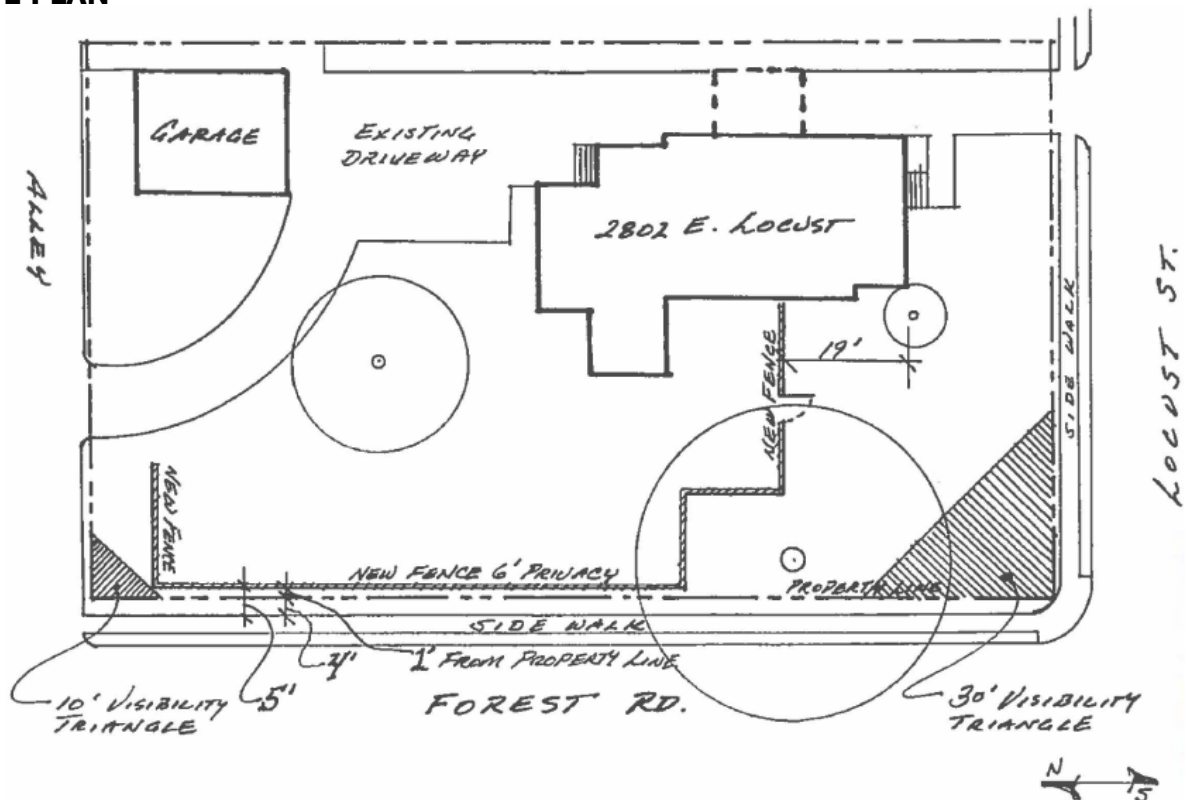
Staff recommends approval of the request.

Prepared by:

Scott Koops, AICP
Planner II



SITE PLAN



Special Use Permit

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

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

Property Address* 2802 E. Locust

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

Applicant (Primary Contact)**

Name: **Mark Witte**
Company:
Address: **2802 E. Locust**
City/State/Zip: Davenport, Iowa 52803
Phone: Cell 773-580-7323
Email: wittemt@email.com

Owner (if different from Applicant)

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

Engineer (if applicable)

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

Architect (if applicable)

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

Attorney (if applicable)

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

~~**Application For Type:**~~

~~**Plan and Zoning Commission**~~

~~Rezoning (Zoning Map Amendment)
Subdivision
Final Development Plan
Right-of-way or Easement Vacation
Voluntary Annexation
Zoning Ordinance Text Amendment~~

Zoning Board of Adjustment

Hardship Variance
Special Use Permit
Special Use Permit - New Cell Tower
Home Occupation Permit
Special Exception
Appeal from an Administrative Decision

~~**Design Review Board**~~

~~Certificate of Design Approval Demolition
Request in the Downtown~~

~~**Historic Preservation Commission**~~

~~Certificate of Appropriateness
Landmark Nomination
Demolition Request~~

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

Request:

Please describe the special use permit requested:

Applicant/Owner requests permissions to place a 6 (six) feet tall privacy fence along the secondary side yard of a corner residential lot which will meet the standards for fencing for a typical side yard and rear yard. Fence will be built 12 (twelve) inches from the property line on Forest Road. This is to provide privacy for the homes main outdoor activity area. See Exhibit A.

Existing Zoning: 17.42.040.B and 17.42.090.2

Submittal Requirements:

- The following items should be submitted to planning@ci.davenport.ia.us for review:
- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed improvements affected by the special use permit. If a paper copy is provided, the maximum size is 11" x 17".
- Description and evidence that demonstrates consistency with the criteria listed in Section 17.48.030 of the Davenport Municipal Code.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- Required fee - \$400.

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

- Prior to submission of the application for the special use permit, the applicant shall correspond with Planning staff to discuss the request, potential alternatives and the special use permit process.
- The submission of the application does not constitute official acceptance by the City of Davenport. Planning staff will review the application for completeness and notify the applicant that the application has been accepted or additional information is required. Inaccurate or incomplete applications may result in delay of required public hearings.
- If approved, a new special use permit application shall be required for an enlargement of area covered by the use upon the property, the addition of any structure whether permanent or temporary, a significant change in the hours of operation, a change in the location of the use or a part of the use upon the lot, or any similar change in use or operation.
- Special use permits shall expire one hundred eighty days after the date of the approval unless a building permit has been issued and the actual construction started. Where unusual circumstances prevent compliance with the time requirement for the start of construction, the Zoning Board of Adjustment may, upon written request by the affected party, extend the time for required start of construction an additional one hundred eighty days. Excavation shall not be considered construction.

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

- Applicant or applicants representative must be present at the public meeting.
- Planning staff will send a public hearing notice to surrounding property owners.

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

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

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.48.030 of the Davenport Municipal Code:

The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.

6 (six) foot tall privacy fencing will be built outside the required 30' visibility triangle at the corner of Locust Street and Forest Road, and it will be built outside the 10' visibility triangle at the corner of Forest Road and the Alleyway. The visibility triangles are required by the City to provide sightlines around corners. See Exhibit A.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.48.030 of the Davenport Municipal Code:

Such use shall not impair an adequate supply of light and air to surrounding property.

There is adequate supply of light and air to adjacent properties. There is approximately 60 feet between the new fence and house structure at 2758 E. Locust. There is approximately 50 feet between the new fence at the rear of the property and the nearest yard fence at 1925 Forest Road. See Exhibit A.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.48.030 of the Davenport Municipal Code:

Such use shall not unduly increase congestion in the streets, or public danger of fire and safety.

6 (six) foot tall privacy fencing will be built outside the required 30' visibility triangle at the corner of Locust Street and Forest Road, and it will be built outside the 10' visibility triangle at the corner of Forest Road and the Alleyway. The visibility triangles are required by the City to provide sightlines around corners.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.48.030 of the Davenport Municipal Code:

Such use shall not diminish or impair established property values in adjoining or surrounding property.

The Applicant/Owner has recently completed an extensive renovation on the house and garage. The overall condition of the renovated house and proposed fence has improved the aesthetics of the corner of Forest and Locust, therefore, improving the values of surrounding properties.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.48.030 of the Davenport Municipal Code:

Such use shall be in accord with the intent, purpose and spirit of this title and the comprehensive plan of the city.

The property was constructed in 1921. Since that time Locust Street has become a very busy street for traffic and noise. This request will provide privacy from the traffic along Locust Street and Forest Road.

Applicant:

Date: 03/19/18

Do you acknowledge and agree to the aforementioned submittal requirements, formal procedure and understand that you must be present at scheduled public meetings: Yes ☒

Received by:

Planning staff

Date:

Date of the Public Hearing:

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

Authorization to Act as Applicant

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

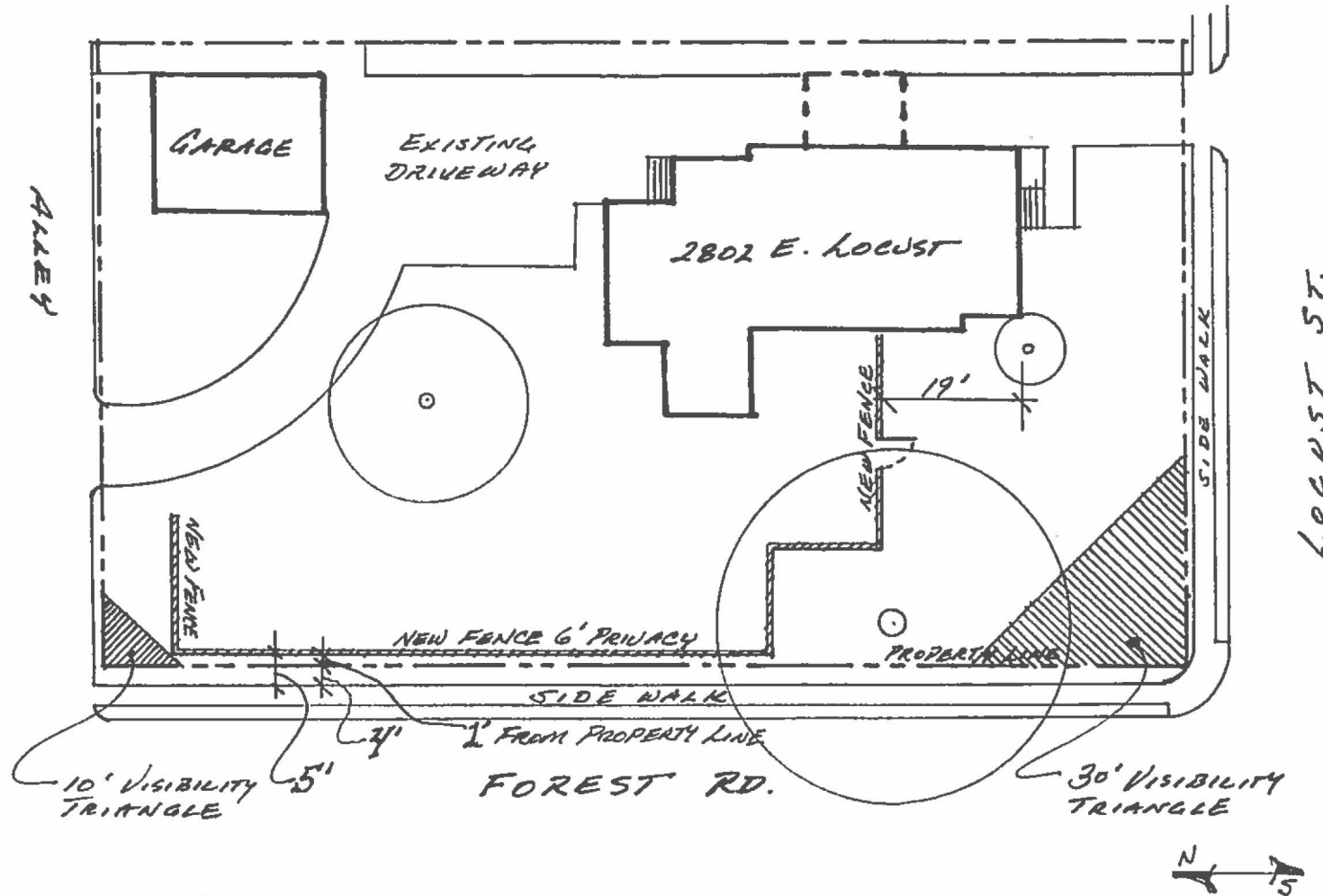
A handwritten signature in cursive script, appearing to read "Mark Witte", is written over a horizontal line.

Signature(s)*

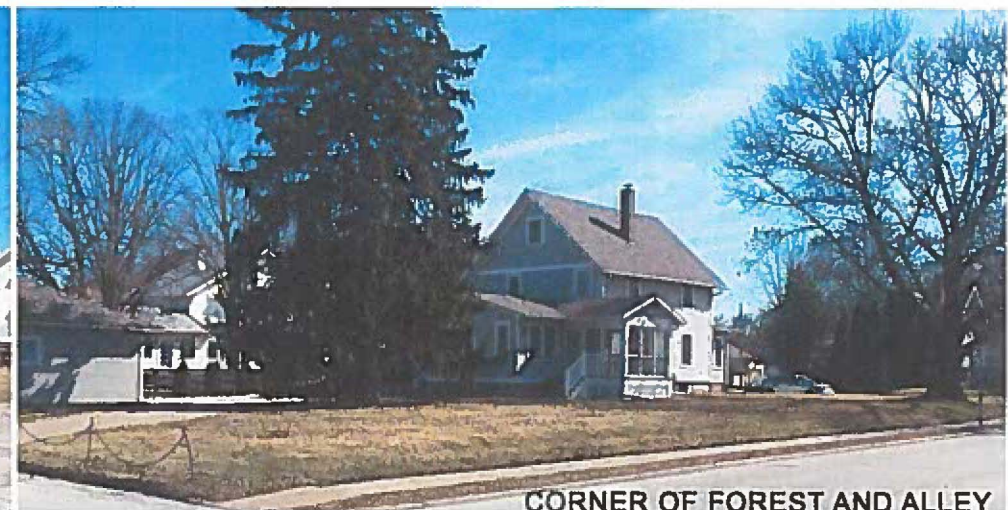
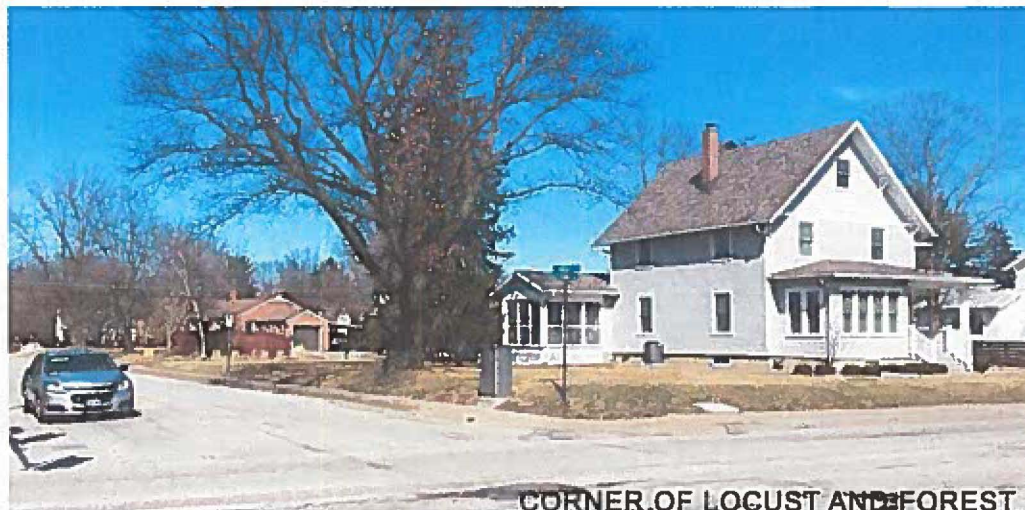
*Please note: original signature(s) required.

Exhibit A

Application for Privacy Fence at 2802 E. Locust.



EXAMPLE OF FENCE



3-27-18

Accounting/Public Notices

Re: Public Notice

Please publish the following Zoning Board of Adjustment public hearing notice in your next available edition of the Quad City Times. The Purchase Order Number for this notice is PO# 1813940 .

We would appreciate receiving proof of publication for our records. If you have any questions, please contact me at the same email address this was sent with or at my phone number listed in my email.

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

The Zoning Board of Adjustment will meet on ***Thursday, April 12, 2018, at 4:00 P.M.*** in the first floor Council Chambers of City Hall, 226 West 4th Street Davenport, Iowa, to hold a public hearing to consider the following requests:

Request SUP18-01 of Mark Witte at 2802 East Locust Street for a Special Use Permit construct a 6-foot tall privacy fence within the secondary front yard setback. The property is zoned "R-4" Moderate Density Dwelling District.

Section 17.42.090.A.3 of the Davenport Municipal Code requires fences constructed within the secondary front yard to obtain a Special (conditional) Use Permit. [6th Ward/Ald. Clewell]

Request SE18-01 of Patrice Boehler on behalf of HOA Development, LLC (for a Dollar General) at 7510 Northwest BLVD for a Special Exception to reduce the required parking of the retail store from 39 to 30 off-street parking spaces. The proposed building contains 5,686 square feet of gross sales area. Property is zoned "M-1" Light Industrial District.

Section 17.44.010.22 of the Zoning Ordinance requires one (1) parking space for each one hundred (100) square feet of gross sales area for buildings containing up to two thousand (2,000) square feet, plus one (1) parking space for each two hundred (200) square feet of gross sales area over two thousand (2,000) square feet but less than twenty thousand (20,000) square feet. [8th Ward/Ald. Tompkins]

All interested persons may submit written comments on the above item(s) and/or attend the public hearing to express your views. Any written/e-mailed comment(s) to be reported at the public hearings should be received by Community Planning, City Hall, no later than 12:00 p.m. on the day prior to the public hearing. PO# 1813940

Community Planning & Economic Development
E-mail: planning@ci.davenport.ia.us
Phone: (563) 326-7765

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



Public Hearing Details:

Date: 4/12/2018 Ward: **6th**
Time: 4:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a Special Use Permit before the Zoning Board of Adjustment
Case #: SUP18-01

To: All property owners within 200 feet of the subject property located at **2802 East Locust Street.**

What is this All About?

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

Request Description

Request SUP18-01 of Mark Witte at 2802 East Locust Street for a Special Use Permit construct a 6-foot tall privacy fence within the secondary front yard setback. The property is zoned "R-4" Moderate Density Dwelling District.

Section 17.42.090.A.3 of the Davenport Municipal Code requires fences constructed within the secondary front yard to obtain a Special (conditional) Use Permit. [6th Ward/Ald. Clewell]

What are the Next Steps after the Public Hearing?

For approved ZBA requests, the ruling is effective immediately. For projects requiring a Building Permit the applicant may contact the Permit office (563-326-7765) the next Business day. Rulings of the Zoning Board of adjustment are final. The applicant may request reconsideration at the next public hearing, and aggrieved parties may file a writ of certiorari with the district court.

Would You Like to Submit an Official Comment?

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

Do You Have Any Questions?

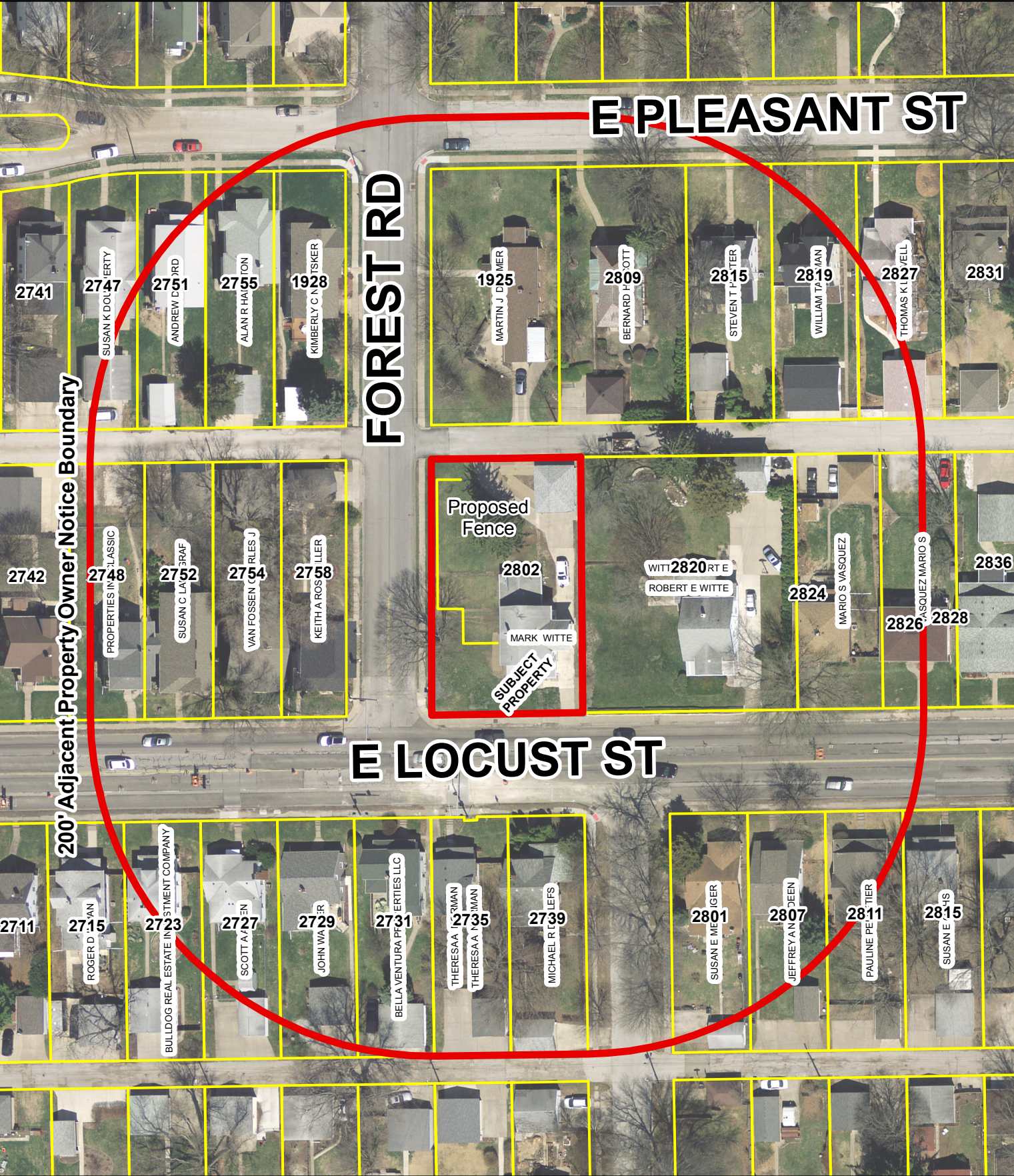
If you have any questions on this request, or if you need accommodations for any reason, please contact Scott Koops, AICP, the case planner assigned to this project at sek@ci.davenport.ia.us or 563-328-6701. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles.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

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

2802 E Locust St - Adjacent Owner Notice List

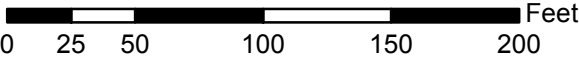
Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	2802 E LOCUST ST	MARK WITTE	2802 E LOCUST ST	DAVENPORT IA 52803
Ward/Ald:	6th Ward	Alderman Clewell		26 Notices Sent
D0057-18	2827 E PLEASANT ST	THOMAS K LEAVELL	2827 E PLEASANT ST	DAVENPORT IA 52803
D0057-19	2819 E PLEASANT ST	WILLIAM TALLMAN	2819 E PLEASANT ST	DAVENPORT IA 52803
D0057-20	2815 E PLEASANT ST	STEVEN T HUNTER	2815 E PLEASANT ST	DAVENPORT IA 52803
D0057-21	2809 E PLEASANT ST	BERNARD H SCOTT	2809 E PLEASANT ST	DAVENPORT IA 52803
D0057-22	1925 FOREST RD	MARTIN J DITTMER	1925 FOREST RD	DAVENPORT IA 52803
D0057-24	2820 E LOCUST ST	ROBERT E WITTE	2820 E LOCUST ST	DAVENPORT IA 52803
D0057-25	2824 E LOCUST ST	MARIO S VASQUEZ	2824 E LOCUST ST	DAVENPORT IA 52803
D0057-26	2826 E LOCUST ST	MARIO S VASQUEZ		
D0058-16	1928 FOREST RD	KIMBERLY C NOFTSKER	1928 FOREST RD	DAVENPORT IA 52803
D0058-17	2755 E PLEASANT ST	ALAN R HAMILTON	2755 E PLEASANT ST	DAVENPORT IA 52803
D0058-18	2751 E PLEASANT ST	ANDREW D LORD	2751 E PLEASANT ST	DAVENPORT IA 52803
D0058-19	2747 E PLEASANT ST	SUSAN K DOUGHERTY	2747 E PLEASANT ST	DAVENPORT IA 52803
D0058-40	2748 E LOCUST ST	CLASSIC PROPERTIES INC	4011 BELLE AV	DAVENPORT IA 52807
D0058-41	2752 E LOCUST ST	SUSAN C LANDGRAF	2752 E LOCUST ST	DAVENPORT IA 52803
D0058-42	2754 E LOCUST ST	CHARLES J VAN FOSSEN	675 S UTAH AVE	DAVENPORT IA 52804
D0058-43	2758 E LOCUST ST	KEITH A ROSSMILLER	2758 E LOCUST ST	DAVENPORT IA 52803
E0007-45	2739 E LOCUST ST	MICHAEL R DETLEFS	2739 E LOCUST ST	DAVENPORT IA 52803
E0007-46A	2735 E LOCUST ST	THERESA A NORMAN	3516 CENTRAL AV	BETTENDORF IA 52722
E0007-47	2731 E LOCUST ST	BELLA VENTURA PROPERTIES LLC	PO BOX 579	SEAL BEACH CA 90740
E0007-48	2729 E LOCUST ST	JOHN WALKER	2729 E LOCUST ST	DAVENPORT IA 52803
E0007-49	2727 E LOCUST ST	SCOTT A ALLEN	2727 E LOCUST ST	DAVENPORT IA 52803
E0007-50	2723 E LOCUST ST	BULLDOG REAL ESTATE INVEST CO	PO BOX 866	BETTENDORF IA 52722
E0007-51	2715 E LOCUST ST	ROGER D INMAN	2715 E LOCUST ST	DAVENPORT IA 52803
E0008-37	2815 E LOCUST ST	SUSAN E OCHS	2815 E LOCUST ST	DAVENPORT IA 52803
E0008-38	2811 E LOCUST ST	PAULINE PELLETIER	2811 E LOCUST ST	DAVENPORT IA 52803
E0008-39	2807 E LOCUST ST	JEFFREY A NORDEEN	2807 E LOCUST ST	DAVENPORT IA 52803
E0008-40	2801 E LOCUST ST	SUSAN E MEDINGER	2801 E LOCUST ST	DAVENPORT IA 52803

Zoning Board of Adjustment: Adjacent Property Owner Notice Area



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

1 inch = 75 feet



City of Davenport
Zoning Board of Adjustment

Department: Community Planning & Economic Development
Contact Info: Matt Flynn, 888-2286

Date
4/12/2018

Subject:

Request SE18-01 of Patrice Boehler on behalf of HOA Development, LLC (for a Dollar General) at 7510 Northwest BLVD for a Special Exception to reduce the required parking of the retail store from 39 to 30 off-street parking spaces. The proposed building contains 5,686 square feet of gross sales area. Property is zoned "M-1" Light Industrial District.

Section 17.44.010.22 of the Zoning Ordinance requires one (1) parking space for each one hundred (100) square feet of gross sales area for buildings containing up to two thousand (2,000) square feet, plus one (1) parking space for each two hundred (200) square feet of gross sales area over two thousand (2,000) square feet but less than twenty thousand (20,000) square feet. [8th Ward/Ald. Tompkins]

ATTACHMENTS:

Type	Description
▣ Exhibit	SE18-01

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Koops, Scott	Approved	4/5/2018 - 2:05 PM



City of Davenport
Community Planning & Economic Development Department
STAFF REPORT

ZONING BOARD OF ADJUSTMENT

Meeting Date: April 12, 2018
Request: Special Exception – reduction of off-street parking
Location: 7510 Northwest BLVD
Applicant: Patrice Boehler on behalf of HOA Development

DESCRIPTION

Request SE18-01 of Patrice Boehler on behalf of HOA Development, LLC (for a Dollar General) at 7510 Northwest BLVD for a Special Exception to reduce the required parking of the retail store from 39 to 30 off-street parking spaces. The proposed building contains 5,686 square feet of gross sales area. Property is zoned "M-1" Light Industrial District.

Section 17.44.010.22 of the Zoning Ordinance requires one (1) parking space for each one hundred (100) square feet of gross sales area for buildings containing up to two thousand (2,000) square feet, plus one (1) parking space for each two hundred (200) square feet of gross sales area over two thousand (2,000) square feet but less than twenty thousand (20,000) square feet. [8th Ward/Ald. Tompkins]

BACKGROUND & DISCUSSION

The petitioner is constructing a retail store (85' x 85'; 7,225 sq.ft.) with 5,686 square feet of gross sales area. Existing off-street parking standards require 39 spaces, while the proposed zoning ordinance rewrite, which should be approved late summer of 2018, would require 15 parking spaces. The petitioner has proposed to provide 30 off-street parking spaces.



City planning staff is in agreement that the parking requirements as they stand now generally over-require off-street parking and discount on-street parking altogether; however the code requirements of 17.44 are required at this date, and therefore a special exception is required for this use.

Analysis

1. The proposed location/design/construction/operation of the use adequately safeguards the health, safety, and welfare of persons residing or working in adjoining or surrounding property.

The design and construction of the proposed parking lot on the subject property will conform to all zoning ordinance requirements regarding parking and site plan standards. The exception is only for the reduced number of parking spaces. Staff does not believe the reduction in parking will present any problems to this industrial and commercial area.

2. Such use shall not impair an adequate supply of light and air to surrounding property:

The proposed reduction will not affect the supply of light and air to the surrounding properties.

3. Such use shall not unduly increase congestion, or public danger of fire and safety:

There should not be any undue increase in congestion in the public streets due to this proposed change in parking spaces, given anticipated level of use.

4. The special exception, if granted, will not impair established property values of the locality:

The requested special exception should not unreasonably diminish or impair the established property values given the projected need for parking.

5. The variation (special exception), if granted, will not impair public safety or welfare of the inhabitants of the City:

The requested special exception does not conflict with the purpose and intent of the Davenport Municipal Code and should not impair the public safety or welfare of the inhabitants of the City.

Public Input

Property owners within 200 feet of the subject property were notified of this request. To date, City staff has not received any comments.

RECOMMENDATION

The proposed request meets the requirements for the granting of a Special Exception. Staff recommends approval of the request.

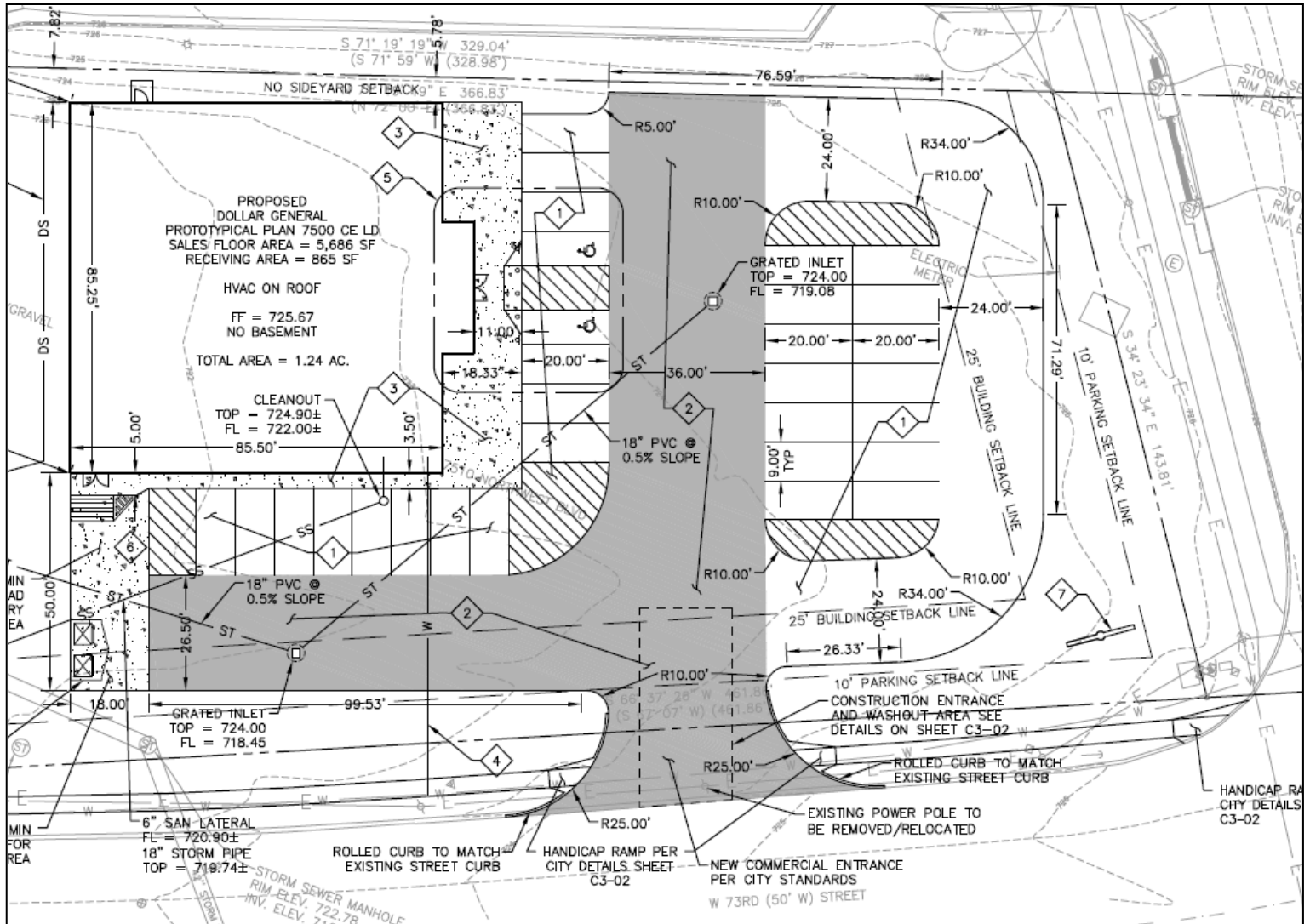
Prepared by:



Scott Koops, AICP, Planner II

Attachments: Application & Site Plan, Photos, Notice Documents

SITE PLAN





COMMUNITY PLANNING & ECONOMIC DEVELOPMENT

Property Address* 7510 Northwest Boulevard, Davenport, IA

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

Applicant (Primary Contact)**

Name: Patrice E. Boehler
 Company: Glenwood Equities, LLC.
 Address: 1415 Elbridge Payne Rd, Ste. 285
 City/State/Zip: Chesterfield, MO. 63017
 Phone: 636-534-5900
 Email: pat@westmoregroup.com

Owner (if different from Applicant)

Name: Kirk Whalen
 Company: HOA Development, LLC.
 Address: 1501 River Dr.
 City/State/Zip: Moline, IA 61265
 Phone: 563-543-3242
 Email: kwhalen@hoair.com

Engineer (if applicable)

Name: Mike Buescher
 Company: MB Engineering
 Address: 768 Glen Mor Dr.
 City/State/Zip: Belleville, IL. 62221
 Phone: 314-368-3040
 Email: mbengineeringinc@gmail.com

Architect (if applicable)

Name: Matt Mayer
 Company: Mayer Design Group
 Address: 4400 S Lindbergh Blvd.
 City/State/Zip: St. Louis, MO. 63127
 Phone: 314-849-8777
 Email: mayerdesigngroup@earthlink.net

Attorney (if applicable)

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

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

Application For Type:

Plan and Zoning Commission

Rezoning (Zoning Map Amendment)
 Subdivision
 Final Development Plan
 Right-of-way or Easement Vacation
 Voluntary Annexation
 Zoning Ordinance Text Amendment

Zoning Board of Adjustment

Hardship Variance
 Special Use Permit
 Special Use Permit - New Cell Tower
 Home Occupation Permit
Special Exception
 Appeal from an Administrative Decision

Design Review Board

Certificate of Design Approval Demolition
 Request in the Downtown

Historic Preservation Commission

Certificate of Appropriateness
 Landmark Nomination
 Demolition Request

Request:

Please describe the special exception requested:

Requesting a Special Exception to the required parking spaces.
We are providing 30 parking spaces including the 2 handicapped spaces, the site will have 9 less than the 39 required by code.

Existing Zoning: M-1 Light Industrial

Submittal Requirements:

- The following items should be submitted to planning@ci.davenport.ia.us for review:
- The completed application form.
- A PDF that shows the location and dimensions of existing and proposed improvements affected by the special exception. If a paper copy is provided, the maximum size is 11" x 17".
- Description and evidence that demonstrates consistency with the criteria listed in Section 17.52.060 of the Davenport Municipal Code.
- Recorded warranty deed or accepted contract for purchase.
- Authorization form, if applicable. If the property is owned by a business entity, please provide Articles of Incorporation.
- Required fee - \$100.

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

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

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

- Applicant or Applicant's representative must be present at the public meeting.
- Planning staff will send a public hearing notice to surrounding property owners.

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

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

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.060 of the Davenport Municipal Code:

The variation will not impair an adequate supply of light and air to adjacent property.

The variation will not impair an adequate supply of light and air to the adjacent property.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.060 of the Davenport Municipal Code:

The variation will not unreasonably increase congestion in public streets.

The variation will not unreasonably increase congestion in public streets.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.060 of the Davenport Municipal Code:

The variation will not increase the danger of fire or endanger the public safety.

The variation will not increase the danger of fire or endanger the public safety.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.060 of the Davenport Municipal Code:

The variation will not unreasonably diminish or impair established property values within the surrounding area.

The variation will not unreasonably diminish or impair established property values within the surrounding area.

Description and evidence that demonstrates consistency with the following criteria listed in Section 17.52.060 of the Davenport Municipal Code:

The variation will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.

The variation will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.

Applicant:

Date:

Do you acknowledge and agree to the aforementioned submittal requirements, formal procedure and that you must be present at scheduled meetings: Yes ☒

Received by:

Date:

Planning staff

Date of the Public Hearing:

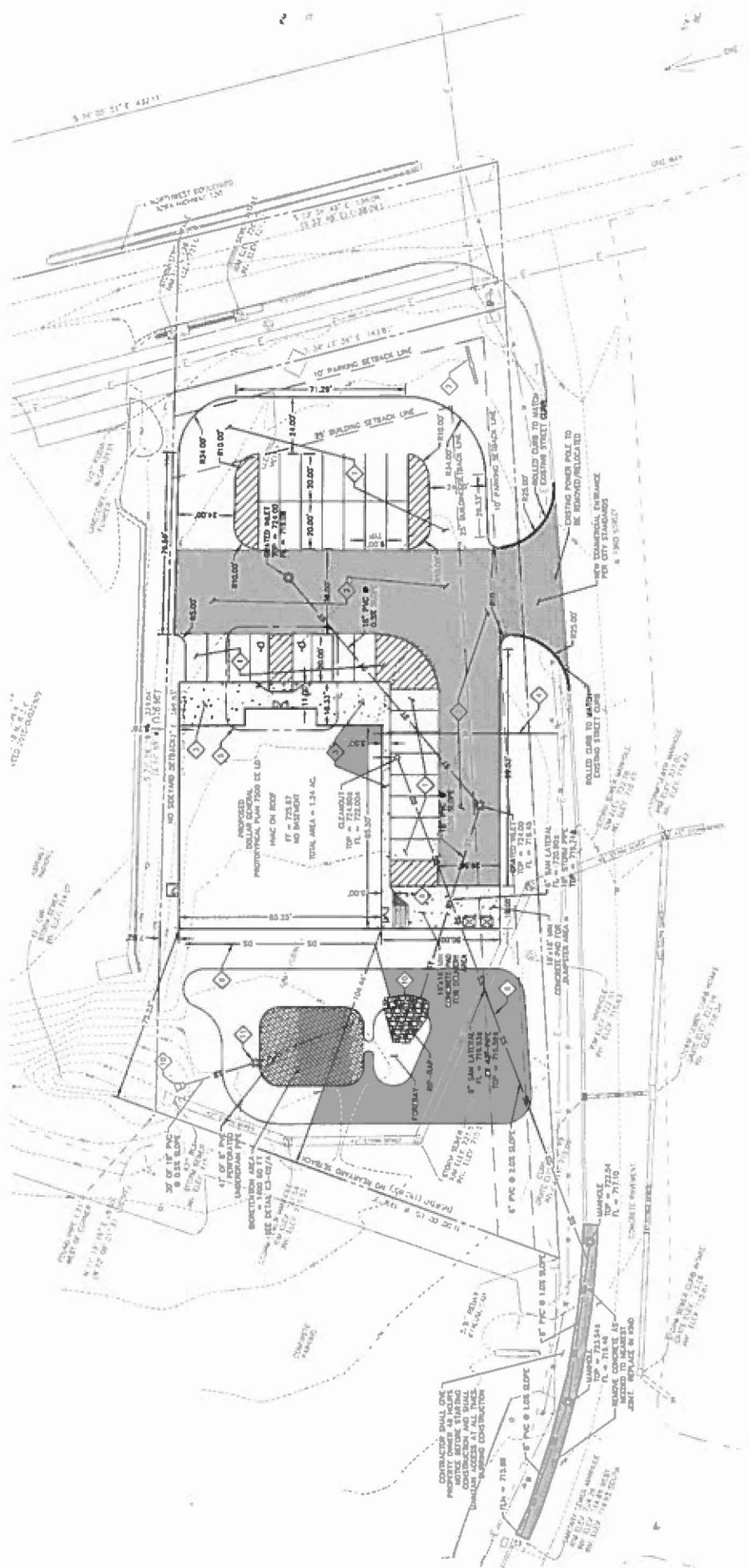
Meetings are held in City Hall Council Chambers located at 226 West 4th Street, Davenport, Iowa.

Authorization to Act as Applicant

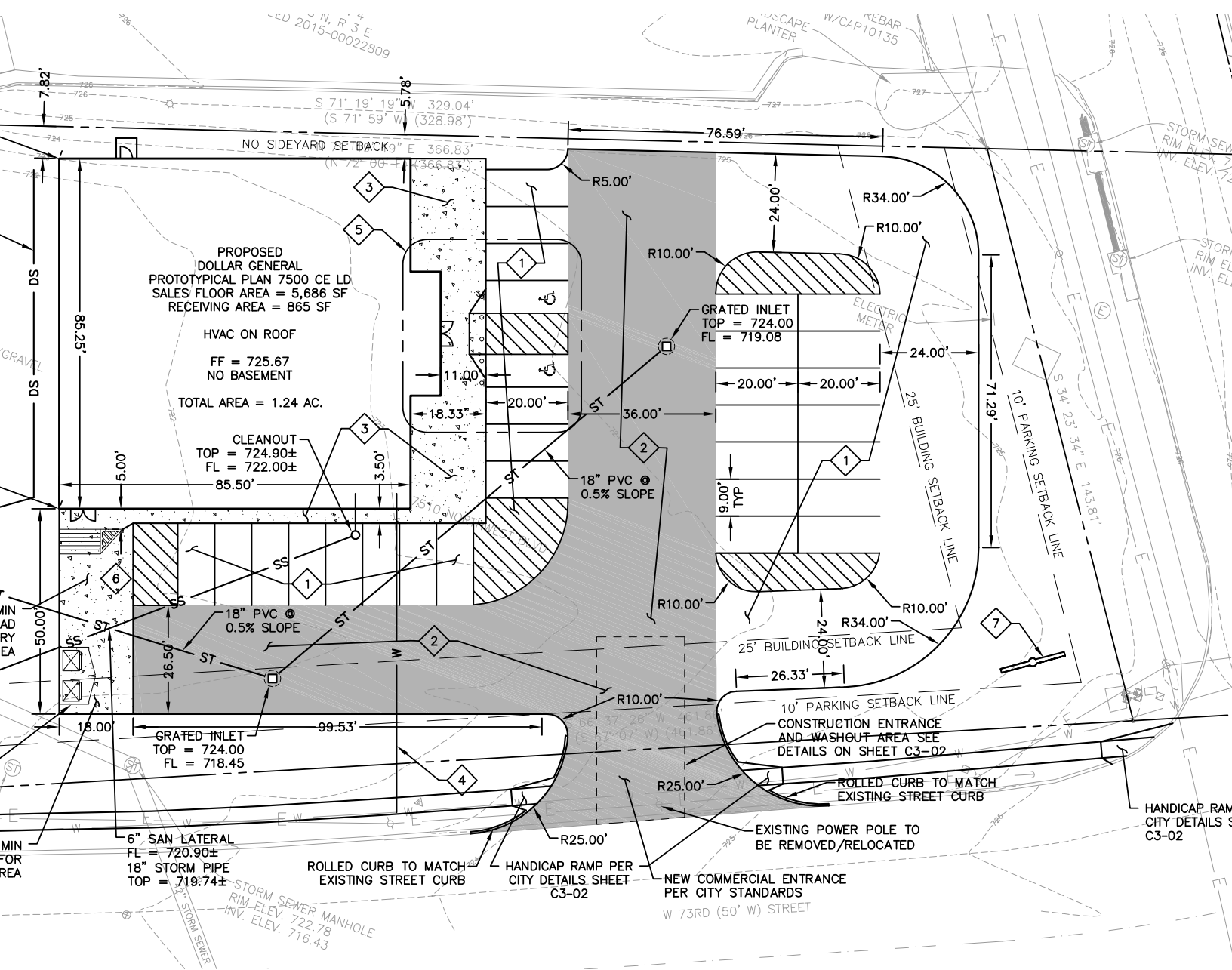
I, [REDACTED]
 authorize Patrice E. Boehler
 to act as applicant, representing me/us before the Zoning Board of Adjustment for the property located
 at 7510 Northwest Boulevard, Davenport, IA [REDACTED].

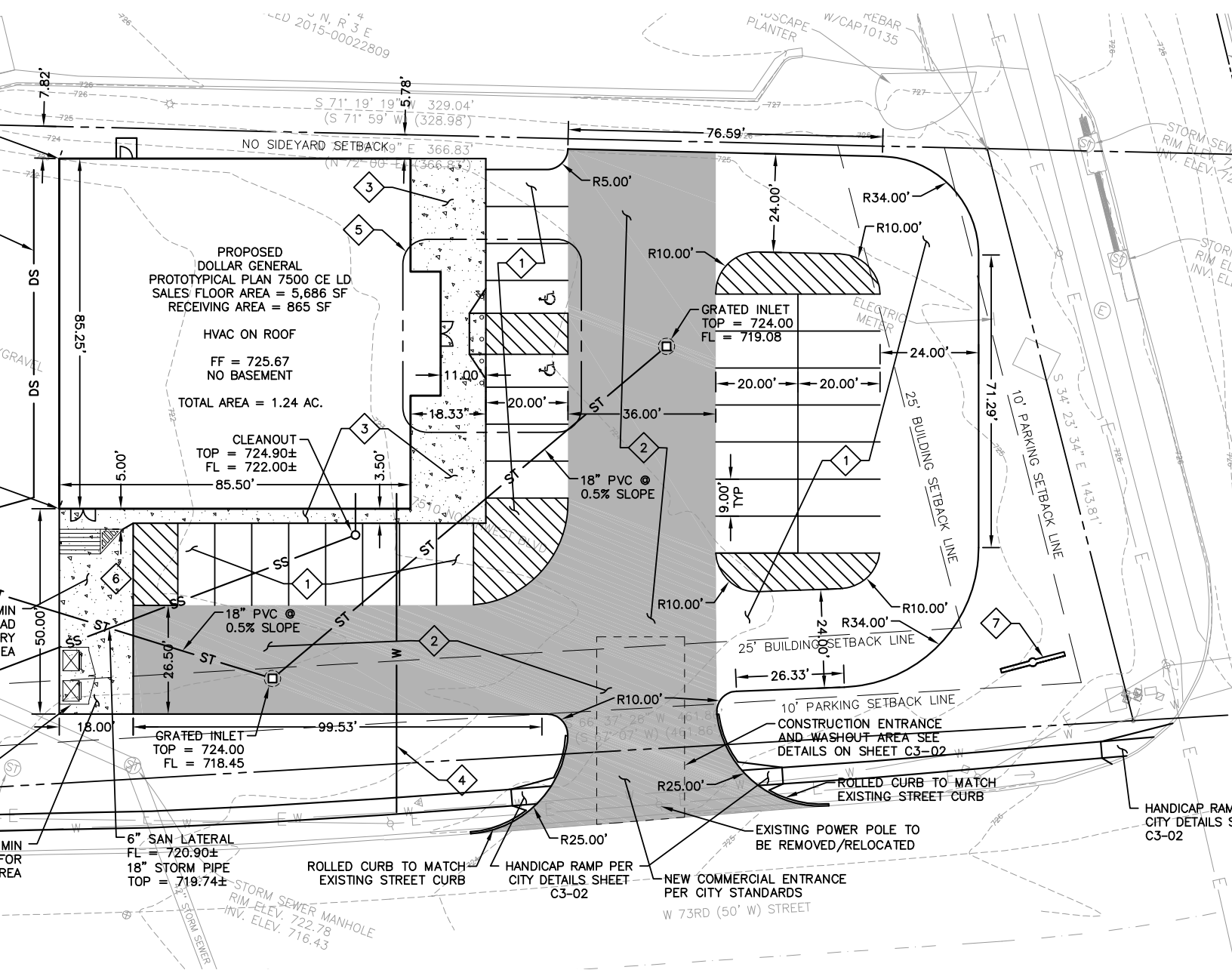
Signature(s)*

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



- NOTES:**
1. UNDERGROUND FACILITIES, STRUCTURES AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS AND RECORDS AND PRESERVE THEIR LOCATIONS MUST BE MAINTAINED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTENCE OF WHICH IS PRESIDENTLY NOT KNOWN OR SHOWN. IF THE CONTRACTORS DISCOVERS ANY UTILITIES OR STRUCTURES NOT SHOWN ON THE EXISTING LOCATION BEFORE EXCAVATION OR TRENCHING TO AVOID DAMAGE THEREOF.
 2. ALL EXCAVATION DEEPS SHALL BE REMOVED FROM THE SITE AND PROPERLY DISPOSED OF ACCORDING TO ALL FEDERAL, STATE, AND LOCAL REGULATIONS.
 3. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS NOT TO DAMAGE ANY EXISTING UTILITIES OR STRUCTURES. IF THE CONTRACTOR SHALL DISCOVER ANY UTILITIES OR STRUCTURES NOT SHOWN ON THE EXISTING LOCATION BEFORE EXCAVATION OR TRENCHING TO AVOID DAMAGE THEREOF.
 4. ALL DAMAGED ITEMS TO THE SATISFACTION OF THE OWNER AT NO ADDITIONAL COST. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND REPAIR OF ALL DAMAGED ITEMS TO THE SATISFACTION OF THE OWNER AT NO ADDITIONAL COST.
 5. THE CONTRACTOR SHALL COORDINATE WITH THE GOVERNING WATER COMPANY THE SIZE OF EXCAVATION NECESSARY FOR INSTALLATION OF THE WATER SERVICE LINE, WALK AND MANHOLE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL NECESSARY PERMITS AND INSURANCE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND REPAIR OF ALL DAMAGED ITEMS TO THE SATISFACTION OF THE OWNER AT NO ADDITIONAL COST.
 6. THE CONTRACTOR SHALL COORDINATE WITH THE GOVERNING WATER COMPANY THE SIZE OF EXCAVATION NECESSARY FOR INSTALLATION OF THE GAS SERVICE LINE, WALK AND MANHOLE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL NECESSARY PERMITS AND INSURANCE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND REPAIR OF ALL DAMAGED ITEMS TO THE SATISFACTION OF THE OWNER AT NO ADDITIONAL COST.
 7. ALL UTILITY CONNECTIONS TO THE BUILDING ARE APPROPRIATE.
- GRAPHIC SCALE**
- 1" = 10' (HORIZONTAL)
1" = 10' (VERTICAL)
- 811**
Know what's below.
Call before you dig.





3-27-18

Accounting/Public Notices

Re: Public Notice

Please publish the following Zoning Board of Adjustment public hearing notice in your next available edition of the Quad City Times. The Purchase Order Number for this notice is PO# 1813940 .

We would appreciate receiving proof of publication for our records. If you have any questions, please contact me at the same email address this was sent with or at my phone number listed in my email.

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

The Zoning Board of Adjustment will meet on ***Thursday, April 12, 2018, at 4:00 P.M.*** in the first floor Council Chambers of City Hall, 226 West 4th Street Davenport, Iowa, to hold a public hearing to consider the following requests:

Request SUP18-01 of Mark Witte at 2802 East Locust Street for a Special Use Permit construct a 6-foot tall privacy fence within the secondary front yard setback. The property is zoned "R-4" Moderate Density Dwelling District.

Section 17.42.090.A.3 of the Davenport Municipal Code requires fences constructed within the secondary front yard to obtain a Special (conditional) Use Permit. [6th Ward/Ald. Clewell]

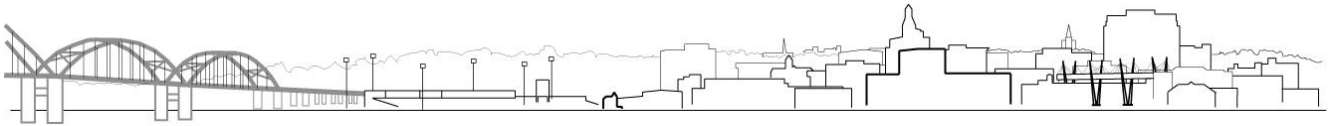
Request SE18-01 of Patrice Boehler on behalf of HOA Development, LLC (for a Dollar General) at 7510 Northwest BLVD for a Special Exception to reduce the required parking of the retail store from 39 to 30 off-street parking spaces. The proposed building contains 5,686 square feet of gross sales area. Property is zoned "M-1" Light Industrial District.

Section 17.44.010.22 of the Zoning Ordinance requires one (1) parking space for each one hundred (100) square feet of gross sales area for buildings containing up to two thousand (2,000) square feet, plus one (1) parking space for each two hundred (200) square feet of gross sales area over two thousand (2,000) square feet but less than twenty thousand (20,000) square feet. [8th Ward/Ald. Tompkins]

All interested persons may submit written comments on the above item(s) and/or attend the public hearing to express your views. Any written/e-mailed comment(s) to be reported at the public hearings should be received by Community Planning, City Hall, no later than 12:00 p.m. on the day prior to the public hearing. PO# 1813940

Community Planning & Economic Development
E-mail: planning@ci.davenport.ia.us
Phone: (563) 326-7765

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



Public Hearing Details:

Date: 4/12/2018 Ward: **8th**
Time: 4:00 PM
Location: Council Chambers at City Hall, 226 West 4th Street Davenport, Iowa
Subject: Public hearing for a Special Exception before the Zoning Board of Adjustment
Case #: SE18-01

To: All property owners within 200 feet of the subject property located at **7510 Northwest BLVD.**

What is this All About?

This notice is being sent to inform you that a public hearing will be held for a Special Exception. The purpose of the Special Exception is to authorize certain exceptions to the zoning ordinance where allowed within the code.

Request Description

Request SE18-01 of Patrice Boehler on behalf of HOA Development, LLC (for a Dollar General) at 7510 Northwest BLVD for a Special Exception to reduce the required parking of the retail store from 39 to 30 off-street parking spaces. The proposed building contains 5,686 square feet of gross sales area. Property is zoned "M-1" Light Industrial District.

Section 17.44.010.22 of the Zoning Ordinance requires one (1) parking space for each one hundred (100) square feet of gross sales area for buildings containing up to two thousand (2,000) square feet, plus one (1) parking space for each two hundred (200) square feet of gross sales area over two thousand (2,000) square feet but less than twenty thousand (20,000) square feet. [8th Ward/Ald. Tompkins]

What are the Next Steps after the Public Hearing?

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

Rulings of the Zoning Board of adjustment are final. The applicant may request reconsideration at the next public hearing, and aggrieved parties may file a writ of certiorari with the district court.

Would You Like to Submit an Official Comment?

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

Do You Have Any Questions?

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

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

7510 Northwest BLVD - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Petitioner:	7510 NORTHWEST BD	HOA DEVELOPMENT LLC	1501 RIVER DR	MOLINE IL 61265
Ward/Ald:	8th Ward	Alderman Tompkins		6 Notices Sent
W0405B01	2807 W 73RD ST	JOHN G RYAN	1563 25TH ST	BETTENDORF IA 52722
W0405B04A	7522 NORTHWEST BD	ARTHUR J JOHNSON PARTNERSHIP	10519 TURKEY HOLLOW RD	TAYLOR RIDGE IL 61284
W0405B05	7250 NORTHWEST BD	MACHINE SHED LLC	1501 RIVER DR	MOLINE IL 61265
W0405B06A	2802 W 73RD ST	ROSEMAN PROPERTIES LLC	2802 W 73RD ST	DAVENPORT IA 52806
W0405C05	7238 JEBENS AV	PAUL L JEYS	2319 N GAYMAN AV	DAVENPORT IA 52804
W0407A01A	7627 NORTHWEST BD	DOMENIC M GIAMMETTA	125 KIRKWOOD BD	DAVENPORT IA 52803

Zoning Board of Adjustment: Adjacent Property Owner Notice Area



Private parties utilizing City GIS data do so at their own risk. The City of Davenport will not be responsible for any costs or liabilities incurred due to any differences between information provided and actual physical conditions.

1 inch = 100 feet

