

COMMITTEE OF THE WHOLE

City of Davenport, Iowa

Wednesday, December 7, 2016; 5:30 PM

City Hall, 226 West 4th Street

**** REVISED DECEMBER 6, 2016 ****

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. City Administrator Update

VI. Public Hearings

A. Community Development

1. Public hearing for the Ordinance for Case No. ROW16-05: Request of Juan Goitia for the right-of-way vacation (abandonment) of 2,250 square feet, more or less, of East 10th Street that lies north of the sidewalk and property at 1002 Bridge Avenue. [Ward 5]
2. Public hearing for the Ordinance for Case No. ORD16-03 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allow for text amendments of the Davenport Municipal Code. [All Wards]

B. Public Works

1. Public hearing on the plans, specifications, forms of contract and estimated cost for the Vander Veer Storage Building Repairs Project. The current estimated cost is \$88,000 budgeted in CIP #10519. [Ward 5]

VII. Presentations

VIII. Petitions and Communications from Council Members and the Mayor

A. Community Engagement Update - Alderman Rawson, Chair

IX. Action items for Discussion

COMMUNITY DEVELOPMENT

Bill Boom, Chairman; Kyle Gripp, Vice Chairman

I. COMMUNITY DEVELOPMENT

1. Second Consideration: Ordinance for Case No. REZ16-10 being the petition of Derrick Nix for the rezoning of 0.753 acre (32,800 sq. ft.), more or less, of real property located at the southeast corner of West 53rd and Marquette Streets (Lot 1 Thornburg 1st Addition) from R-2 Low Density Dwelling District to R-3 PUD Planned Unit Development to facilitate residential development.
[Ward 7]

THE PROTEST RATE EXCEEDS 20% (REQUIRES EIGHT VOTES FOR PASSAGE, THREE-FOURTHS VOTE IF ABSTENTION FOR CONFLICT OF INTEREST) THE PROTEST RATE IS 33.7%.

2. Second Consideration: Ordinance for Case No. ORD16-02 being the petition of the City of Davenport for a Zoning Ordinance Text Amendment to Chapter 17.23, entitled "Historic Preservation" by amending eligibility and composition requirements. [All Wards]
3. First Consideration: Ordinance for Case No. ROW16-05: Request of Juan Goitia for the right-of-way vacation (abandonment) of 2,250 square feet, more or less, of East 10th Street that lies north of the sidewalk and property at 1002 Bridge Avenue. [Ward 5]
4. First Consideration: Ordinance for Case No. ORD16-03 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code. [All Wards]
5. Resolution modifying the Crow Creek Road/Utica Ridge Road Intergovernmental Agreement by deleting Section 5.c. which removes the City of Bettendorf from maintenance responsibility for the detention area located in Lot 2 of Village Cooperative First Addition due to the modification proposed as part of the Village Cooperative development. [Ward 6]
6. Resolution for Case No. F08-02 being the final plat of Annette's Landing, being a replat of Outlot 1 of Emerald Woods, located west of 907 West 48th Street, containing one (1) residential lot. [Ward 7]
7. Resolution approving Case No. F16-15 being the final plat of Seiffert's Northwest Second Addition, being a plat of Lots 34 and 35 of Seiffert's Northwest 1st Addition, located along the west side of North Fairmount Street and south of West 46th Street containing four (4) residential lots. [Ward 2]
8. Resolution approving an Urban Revitalization Tax Exemption project for 225 E 2nd Street. [Ward 3]
9. Resolution supporting a Workforce Housing Tax Credit application to the State of Iowa for a housing project located at 225 E 2nd St. [Ward 3]

II. Motion recommending discussion or consent for Community Development items

PUBLIC SAFETY

Mike Matson, Chairman; Maria Dickmann, Vice Chairman

III. PUBLIC SAFETY

1. Motion for approving the petition for street light in front of 1347 W 53rd Street. [Ward 7]
2. Motion approving beer and liquor license applications.

A. New license, new owner, temporary permit, temporary outdoor area, location transfer, etc. (as noted):

Ward 3

Figge Art Museum (Frontier Management Corporation) - 225 W 2nd St - Outdoor Area
- License Type: C Liquor

Super Saver Liquor (MNE, Inc.) - 1610 Rockingham Rd - License Type: E Liquor/B Wine/C Beer

Ward 4

Johnnie's General Store (Johnnie's Market, Inc.) - 1314 Washington St. - License Type: C Beer

Ward 6

Red Robin America's Gourmet Burgers & Spirits (Red Robin International, Inc.) - 3903 E 53rd St. - License Type: C Liquor

Ward 8

Element Tea and Wine Lounge (Element Tea and Wine Lounge LLC) - 5345 Belle Ave Suite 4 - Outdoor Area - License Type: Beer/Wine

B. Annual license renewals (with outdoor area renewals as noted):

Ward 1

Kwik Shop #583 (Kwik Shop, Inc.) - 3129 Rockingham Rd. - License Type: C Beer

Thirsty's on Third, LLC (Thirsty's on Third, LLC) - 2202 W 3rd St. - Outdoor Area - License Type: C Liquor

Ward 2

The Dugout Sports Complex (The Strike Zone II, Inc.) - 3504 Hickory Grove Rd. - Outdoor Area - License Type: C Liquor

Ward 3

Danceland (Danceland Ltd.) - 501 1/2 W 4th St. - License Type: C Liquor

Ward 4

Hilltop Grocery (Hilltop Grocery LLC) - 1312 Harrison St. - License Type: E Liquor

Kwik Shop #577 (Kwik Shop, Inc.) - 1732 Marquette St. - License Type: C Beer

Stickmans (Stickman's, Inc.) - 1510 Harrison St. - Outdoor Area - License Type: C Liquor

Ward 5

Aldi, Inc. #15 (Aldi, Inc.) - 1702 Brady St. - License Type C Beer

Kwik Shop #578 (Kwik Shop, Inc.) - 2242 E 12th St. - License Type: C Beer

Kwik Shop #593 (Kwik Shop, Inc.) - 303 W Locust St. - License Type: C Beer / B Wine

Ward 7

Kwik Shop #586 (Kwik Shop, Inc.) - 201 W 53rd St. - License Type: C Beer

Kwik Shop #587 (Kwik Shop, Inc.) - 1670 W Kimberly Rd. - License Type: C Beer

Public House Davenport (Chesney LLC) - 5260 Northwest Blvd. - Outdoor Area - License Type: C Liquor

Ward 8

Davenport Chapter Izaak Walton League of America (Davenport Chapter IWLA) - 8402 N Harrison St. - Outdoor Area - License Type: C Liquor

IV. Motion recommending discussion or consent for Public Safety items

PUBLIC WORKS

Ray Ambrose, Chairman; Rick Dunn, Vice Chairman

V. PUBLIC WORKS

1. Resolution setting a public hearing to grant MidAmerican Energy Company an underground electric easement at Fejervary Park. [Ward 4]
2. Resolution granting permission to Central Scott Communications, a licensed franchisee in the State of Iowa, to install a buried communications system in the city right-of-way along 2nd Street from Ripley Street to Harrison Street, a total distance of approximately 625 feet. Agreement reference #2016-F23. [Ward 3]

3. Resolution accepting the work completed under the Brick Street Base Reconstruction contract with Langman Construction, Inc. Final cost of the program was \$564,000 budgeted in CIP #35010. [Wards 1 & 3]
4. Resolution awarding the contract and conditionally approving the contract and bond, subject to Iowa DOT concurrence, for the Kimberly Road and Division Street Intersection Improvements to Valley Construction Company of Rock Island, Illinois in the amount of \$1.6M. Funding for this project is split 80% federal and 20%, budgeted in CIP #01793. [Wards 2 & 7]
5. Resolution accepting the Sanitary Sewer Manhole Rehabilitation Program. The final cost for the project was \$949,000 budgeted in CIP #10144. [All Wards]
6. Resolution on the plans, specifications, forms of contract and estimated cost for the Vander Veer Storage Building Repairs Project. The current estimated cost is \$88,000 budgeted in CIP #10519. [Ward 5]
7. Resolution accepting the work completed under the Bus Shelter project by Kelly Construction of Davenport, Inc. Final project cost was \$168,000 budgeted in CIP #28014. [Wards 4, 6, 7 & 8]
8. Resolution approving change order #2 to Shive-Hattery of Moline, IL in the amount of \$324,000 for the Veterans Memorial Parkway - Jersey Ridge to the I-74 Bridge project, CIP #02418. The City will be reimbursed up to 50% of the eligible cost by the State of Iowa's RISE grant. [Ward 6 & 8]
9. Resolution approving a contract amendment for the Digester #3 and #4 Cleanout project with an estimated cost of \$355,000. [All Wards]
10. Motion accepting work associated with the Prairie Heights Park ADA Access Improvements Project. Final project cost was \$52,000 budgeted in CIP #10118. [Ward 8]

VI. Motion recommending discussion or consent for Public Works items

FINANCE

Jason Gordon, Chairman; Kerri Tompkins, Vice Chairman

VII. FINANCE

1. Third Consideration: Ordinance amending Chapter 5.21 entitled "Vehicles for Hire in Title 5, Business Licensing and Regulation. [All Wards]
2. Resolution setting January 4, 2017 as the date for public hearings on the issuance of not-to-exceed \$8,000,000 General Obligation Refunding Bonds, Series 2017B and not-to-exceed \$16,000,000 General Obligation Refunding Bonds, Series 2017C. [All Wards]
3. Motion awarding a contract for the replacement of the boiler and controls at the Mary Fluhrer Nighswander Theatre (Junior Theatre) at Annie Wittenmyer to Crawford Company of Rock Island IL, in the amount of \$57,075. [Ward 5]
4. Motion awarding a contract for the Northwest Park ADA accessibility project to Little H

Construction of Davenport in the amount of \$118,166. [Ward 2]

5. Motion awarding a contract for the rebuilding of two dewatering presses at the Water Pollution Control Plant to BDP Industries Inc of Greenwich, NY in the amount of \$350,000. [All Wards]
6. Motion awarding a contract for Locate Services to Consolidated Infrastructure Group, Inc. of Omaha, NE. [All Wards]
7. Motion awarding a contract for automated traffic enforcement to Redflex Traffic Systems, Inc. of Glendale, AZ. [All Wards]

VIII. Motion recommending discussion or consent for Finance items

X. PURCHASES OF \$10,000 TO \$50,000 (For Information Only)

1. Corbel Solutions LLC - HP server cluster - Amount: \$47,210
2. Accuracy, Inc. - Ammunition - Amount: \$45,999
3. COBAN Technologies, Inc. - Annual maintenance support - Amount: \$28,148
4. KONE, Inc. - RiverCenter elevator upgrades - Amount: \$25,895
5. CDW Government, Inc. - VMware client licenses - Amount: \$41,251
6. Integrated Data Products, Inc. - OnBase website components - Amount: \$24,735
7. Tri-City Electric Co. - Emergency replacement of main breaker @ Compost/Dewatering Building - Amount: \$20,000
8. Ace Tree Service - Ash tree removal & stump grinding - Amount: \$19,050
9. Ovivo USA LLC - Draft tube mixer parts (WPCP) - Amount: \$13,771
10. Johnson Contracting Co. - Remove & replace heating coil @ Public Works Center - Amount: \$10,233

XI. Other Ordinances, Resolutions and Motions

XII. Public with Business

XIII. Reports of City Officials

XIV. Adjourn

City of Davenport

Agenda Group: Committee of the Whole
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 326-7743
Wards: 5

Action / Date
COW12/7/2016

Subject:

Public hearing for the Ordinance for Case No. ROW16-05: Request of Juan Goitia for the right-of-way vacation (abandonment) of 2,250 square feet, more or less, of East 10th Street that lies north of the sidewalk and property at 1002 Bridge Avenue. [Ward 5]

Recommendation:

The City Plan and Zoning Commission forwards Case No. ROW16-05 to the City Council for approval subject to the following conditions:

1. That a utility easement be retained over the vacated area to maintain, operate, remove, repair, replace, construct, reconstruct or relocate utility services;
2. That the vacated area be no more than 15-feet in depth along the south property line of 1002 Bridge Avenue.

The Commission vote was unanimous 9-yes, 0-no and 0-abstention.

Relationship to Goals:

Neighborhood Improvement

Background:

The petitioner is proposing to fence his yard and discovered that there is a large setback from the side walk to the property line. There is eighty (80) feet of right-of-way for East 10th Street at this three (3) block long location; between Oneida and Mississippi Avenues. East of Oneida the right-of-way is only sixty (60) feet wide. The pavement width at both areas is 27 to 28 feet in width. Today the typical right-of-way width for a residential street is fifty (50) feet with between 27 to 31 feet of pavement.

For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
□ Resolution Letter	ROW16-05 Public hearing notice
□ Backup Material	ROW16-05 Background

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	12/1/2016 - 1:59 PM
Community Development Committee	Berger, Bruce	Approved	12/1/2016 - 1:59 PM
City Clerk	Admin, Default	Approved	12/1/2016 - 2:36 PM

TO BE PUBLISHED IN THE WEDNESDAY NOVEMBER 30, 2016 EDITION OF THE QUAD CITY TIMES, HAVING THE NOTICE BILLED TO PO NO. xxxxxxxx AND RECEIVING THE PROOF OF PUBLICATION PRIOR TO THE PUBLIC HEARING

TO WHOM IT MAY CONCERN:

There is on file in the Community Planning and Economic Development Department of the City of Davenport, the following petitions:

ROW16-05: Request of Juan Goitia for the right-of-way vacation (abandonment) of 2,250 square feet, more or less, of East 10th Street that lies north of the sidewalk and property at 1002 Bridge Avenue. [5th Ward]

The property has the following legal description:

Part of the Northwest Quarter of the Southeast Quarter Section 25 Township 78 North Range 3 East of the 5th P.M. more particularly described as follows:

Beginning at the southeast corner of Lot 1 of Block 7 of Part of G.C. Churchill's Re-Survey of Churchill's Addition to the City of Davenport, Scott County, Iowa, said corner also being the northwest corner of the intersection of Bridge Avenue and East 10th Street; thence South along the west line of Bridge Avenue as extended a distance of 15.00 feet; thence West parallel to and 15.00 feet distant from the south line of said Lot 1 of Block 7 a distance of 150.00 feet; thence North 15.00 feet to the southwest corner of said Lot 1 of Block 7; thence East along the south line of said Lot 1 of Block 7 also being the north line of East 10th Street a distance of 150 feet to the point of beginning. Said tract contains 2,250 square feet, more or less.

The City Plan and Zoning Commission forwards Case No. ROW16-05 to the City Council with a recommendation for approval subject to the following conditions:

1. That a utility easement be retained over the vacated area to maintain, operate, remove, repair, replace, construct, reconstruct or relocate utility services;
2. That the vacated area be no more than 15-feet in depth along the south property line of 1002 Bridge Avenue.

A public hearing on this ordinance will be held before the Committee of the Whole in the Council Chambers, City Hall, Davenport, Iowa on Wednesday, December 07, 2016, at 5:30 p.m. At the hearing interested parties may appear and be heard regarding the proposed ordinances. PO No. xxxxxxxx.

Department of Community Planning & Economic Development

Phone: (563) 326-7765

Email: planning@ci.davenport.ia.us



November 21, 2016

Honorable Mayor and City Council
226 W 4th Street
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of November 15, 2016, the City Plan and Zoning Commission considered Case No. ROW16-05 being the request of Juan Goitia for the right-of-way vacation (abandonment) of 2,250 square feet, more or less, of East 10th Street that lies north of the sidewalk and property at 1002 Bridge Avenue.

The Plan and Zoning Commission forwards Case No. ROW 16-05 to the City Council for approval subject to the following condition(s):

1. That a utility easement be retained over the vacated area to maintain, operate, remove, repair, replace, construct, reconstruct or relocate utility services;
2. That the vacated area be no more that 15-feet in depth along the south property line of 1002 Bridge Avenue.

Respectfully submitted,

Robert Inghram, Chairperson
City Plan and Zoning Commission



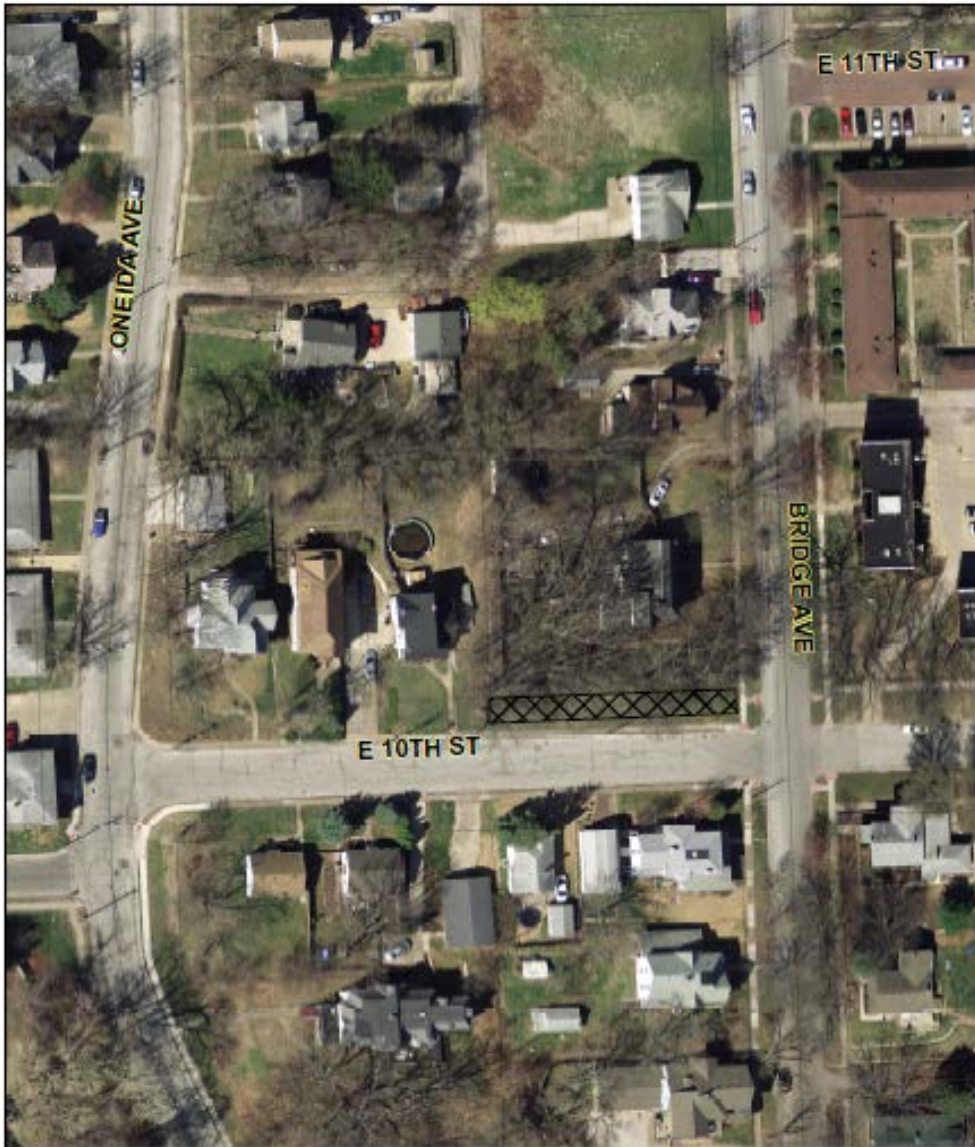
		APPROVED	APPROVED	APPROVED					
Name:	Roll Call	ORD16-03 SUPs 17.48	ROW16-05 1002 Bridge Ave	F16-15 Seiffert's NW 2nd					
Connell	P	Y	Y	Y					
Hepner	P	Y	N	Y					
Inghram	P								
Kelling	P	Y	Y	Y					
Lammers	EX								
Maness	P	Y	Y	Y					
Martinez	P	Y	Y	Y					
Medd	Ex	Y	Y	Y					
Quinn	P	Y	Y	Y					
Reinartz	P	Y	Y	Y					
Tallman	P	Y	Y	Y					
		9-YES 0-NO 0-ABSTAIN	8-YES 1-NO 0-ABSTAIN	9-YES 0-NO 0-ABSTAIN					



FUTURE LAND USE
RG Residential General

0 37.5 75 150 Feet

N
W E
S



Aerial Photo 2014

0 37.5 75 150
Feet



Background:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Boundary +2035: Yes

Proposed Land Use Designation: Future Land Use Designation: *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.

Relevant Goals to be considered in this Case:

Strengthen the existing built environment – *Reduce the number of underoccupied, abandoned, or vacant buildings/properties through adaptive reuse and infill.*

Zoning:

The property is currently zoned “R-4” Moderate Density Dwelling District.

Technical Review:

Streets. The property is located at the intersection of Bridge Avenue and East 10th Street. There is no alley access to the property.

Storm Water. There does not appear to be stormwater infrastructure at this intersection. Stormwater drainage is by surface run-off.

Sanitary Sewer. Sanitary sewer service is located in East 10th Street and in the intersection of Bridge Avenue and 10th Street.

Other Utilities. This is an urban area and normal utility services are available. There does appear to be a gas line along this area. An easement would be required.

Emergency Services. The property is located just under one (1) mile from Fire Station No. 4 at 1805 East Locust Street.

Parks/Open Space. The proposed rezoning does not impact any existing or planned parks or public open spaces.

Public Input:

The public hearing was held November 1st. Since then one protest has been received from an owner along the south side of 10th Street.

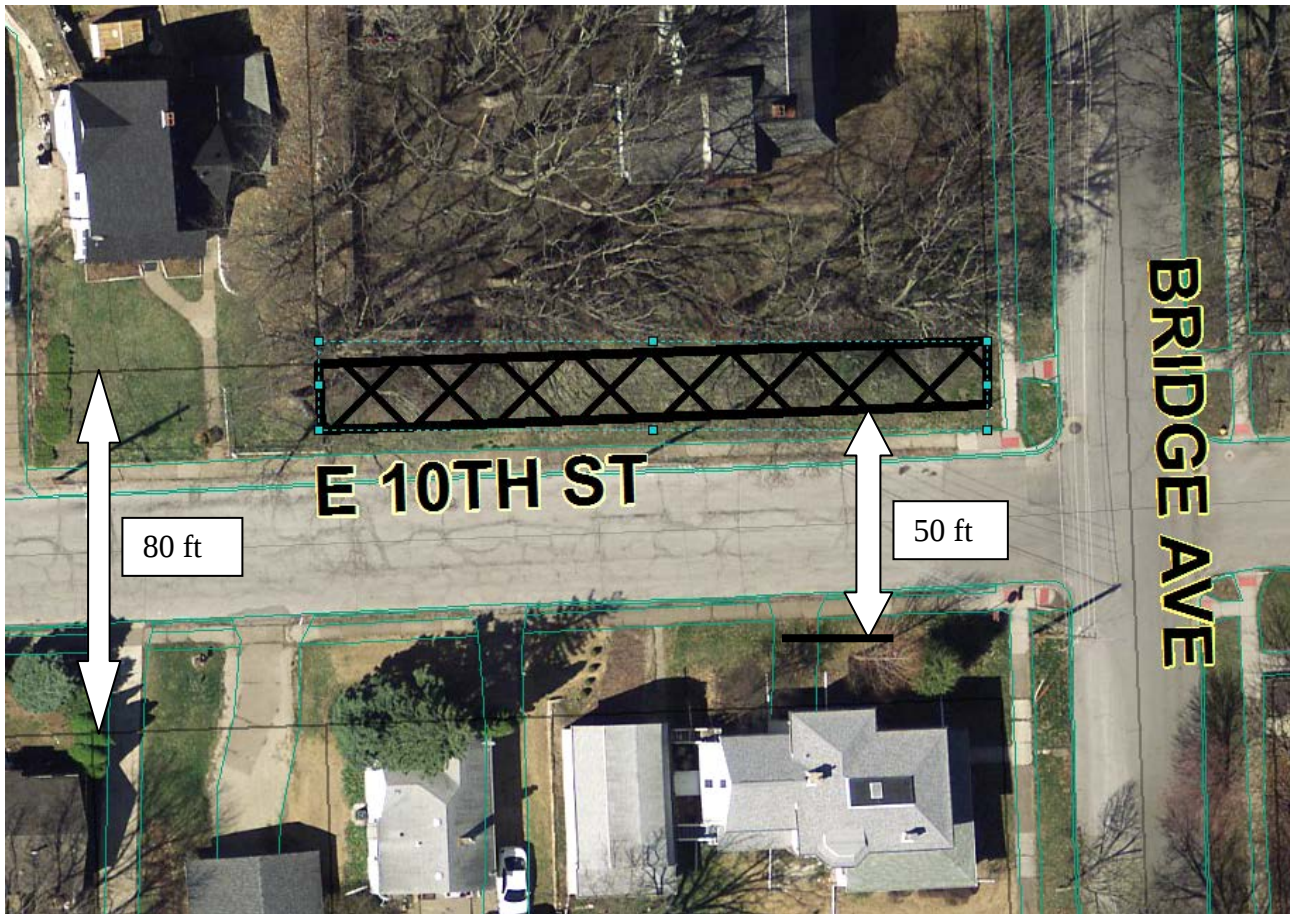
Discussion:

The petitioner is proposing to fence his yard and discovered that there is a large setback from the side walk to the property line. There is eighty (80) feet of right-of-way for East 10th Street at this three (3) block long location; between Oneida and Mississippi Avenues. East of the Oneida the right-



of-way is only sixty (60) feet wide. The pavement width at both areas is 27 to 28 feet in width. Today the typical right-of-way width for a residential street is fifty (50) feet with between 27 to 31 feet of pavement. An alternative to vacating may be a use agreement through the City Council. There is approximately 20 feet between the existing property line and the back edge of the sidewalk; vacating 15 feet would leave five feet.

Another alternative is to take a more comprehensive approach and at minimum review the entire block face, both north and south sides of the street segment. This way there is not a piecemeal approach to right-of-way abandonments as has occurred in the past.



Staff Recommendation:

Findings:

There is excessive right-of-way in this area.

Abandonment would impact properties more on the south side of 10th Street more than on the north.

Recommendation:

Alternate 1:

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. ROW 16-05 to the City Council for approval subject to the following condition(s):

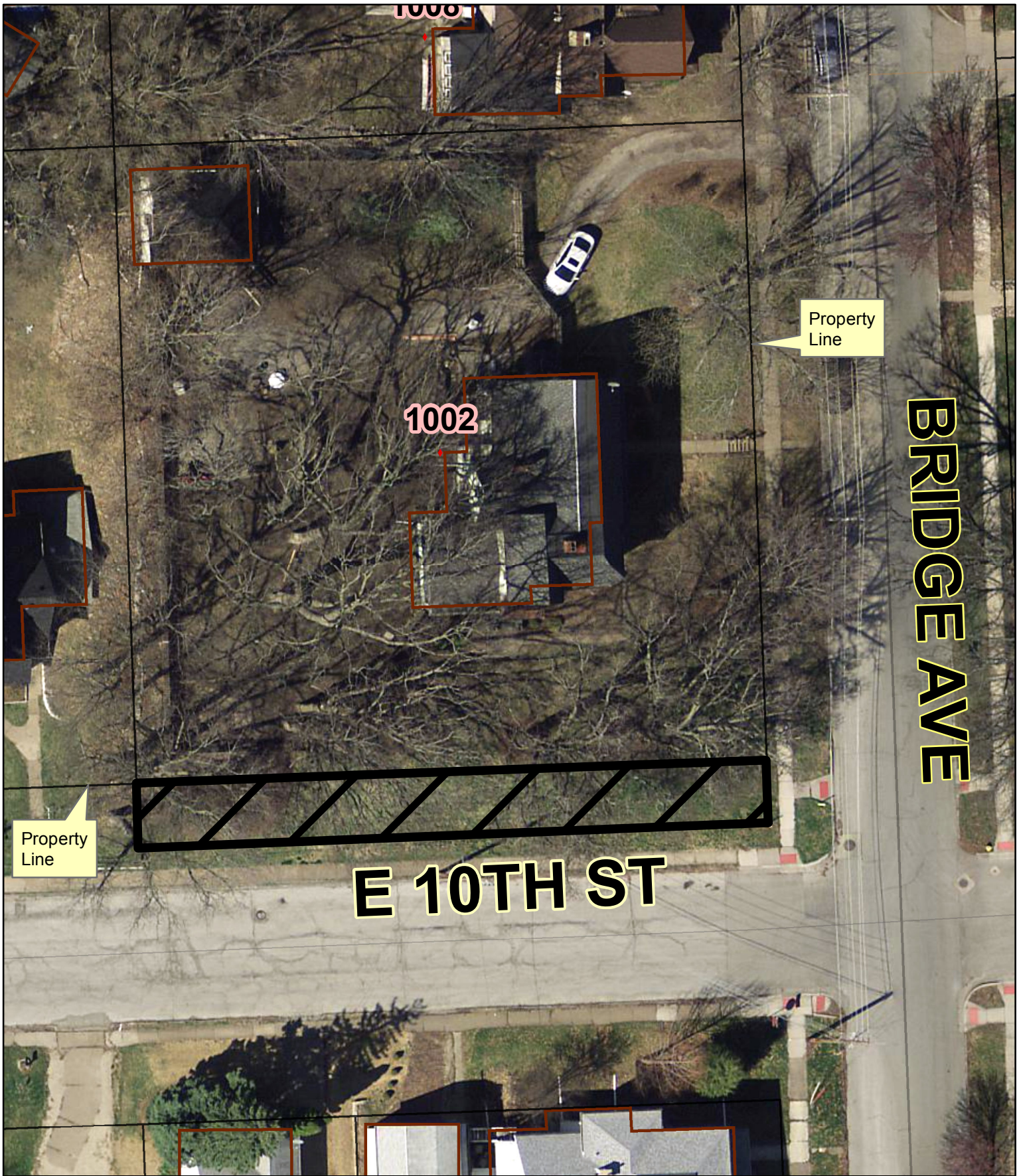
1. That a utility easement be retained over the vacated area to maintain, operate, remove, repair, replace, construct, reconstruct or relocate utility services;
2. That the vacated area be no more that 15-feet in depth along the south property line of 1002 Bridge Avenue.

Alternate 2:

Table the request and have staff contact the owners in the entire block face of 10th Street as to vacating both sides of 10th between Oneida and Bridge Avenues.

Prepared by:

Wayne Wille, CFM - Planner II
Community Planning Division



0 15 30 60 Feet

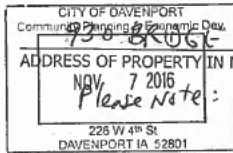


The undersigned opposes does not oppose (circle one) Petition of Juan Goltia (ROW16-05)

Comments: RIGHT OF WAY SHOULD NOT BE ABANDONED. IT IS THERE FOR FUTURE PLANNING
HARDSHIP EXISTS FOR ALL PROPERTY ON SOUTH SIDE OF 10TH ST
DUE BEING ON TOP OF PROPERTY LINE. HARDSHIP DOES NOT EXIST
ON NORTH SIDE OF STREET OR FOR THE 1802 BRIDGE.

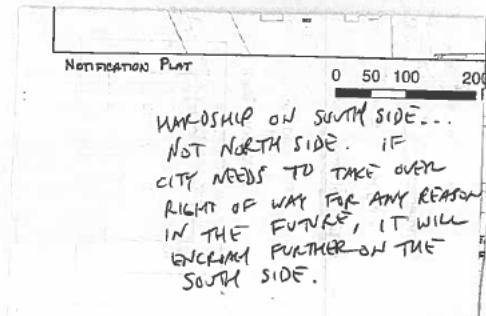
Mail to: Plan and Zoning Commission
City Hall
Davenport, Iowa 52801

NAME J. S. DERDERIAN
ADDRESS 930 BRIDGE AVENUE
DATE 02 NOV 16
(please print legibly)



730 BRIDGE AVENUE.
ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

I did not receive a mailing of this
case and I want to be included as I am
owner of 930 Bridge and 200 ft. of 155th.
Please ensure I am included in city council mailing.



Davenport City Assessor Parcel Records

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[[Assessment Report](#) | [Auditor/Treasurer Report](#) | [Map](#)]

Assessment Summary

Davenport City Assessor

Parcel Number: F0038-20A
Route Number: F27-021-000
Deed Holder: DERDERIAN JEREMY S
18 SUNSET CIR
BETTENDORF IA 52722

Deed Date: 12/27/2002
Transfer Document No.: 2002-53889
Property Location: 930 BRIDGE AV
DAVENPORT, IA

Sec-Twn-Rng/Lot-Block: 014-008

Legal Description: CHURCHILL'S RESURVEY OF CHURCHILL'S ADD -- E 100' LOT 14 (EXC S 10')

Classification: R Residential



Owner		Address	C-S-Z
TY HARVEY	SEAN HARVEY	1021 ONEIDA AVE	DAVENPORT IA 52803
JOHN P MINITER	URSULA A MINITER	1114 ONEIDA AVE	DAVENPORT IA 52803
CARRIE REWERTS		1116 E 10TH ST	DAVENPORT IA 52803
908 BRIDGE COOPERATIVE		1212 E 10TH ST APT 3	DAVENPORT IA 52803
CAMELOT COOPERATIVE		PO BOX 131	BETTENDORF IA 52722
1011 BRIDGE COOPERATIVE		1001 OAK ST	BURLINGTON IA 52601
ROBERT F HEIMER	VICTORIA Q NAVANO	1223 E 10TH ST	DAVENPORT IA 52803
JEREMY J RICHARD		919 BRIDGE AVE	DAVENPORT IA 52803
NANCY M DERDERIAN		3332 - 7TH ST	MOLINE IL 61265-6108
JEREMY DERDERIAN		18 SUNSET CIR	BETTENDORF IA 52722
MYRTLE L GRAVES		1111 E 10TH ST	DAVENPORT IA 52803
		2 GALLERIA TOWER	
FEDERAL NATIONAL MORTGAGE ASSOC		13455 NOEL RD STE 600	DALLAS TX 75240
JUAN F GOITIA	ASHLEY J GOTIA	1002 BRIDGE AVE	DAVENPORT IA 52803
ALD RITA RAWSON		226 W 4TH ST	DAVENPORT IA 52801
ALD WILLIAM BOOM		226 W 4TH ST	DAVENPORT IA 52801

Owner		Address	C-S-Z
TY HARVEY	SEAN HARVEY	1021 ONEIDA AVE	DAVENPORT IA 52803
JOHN P MINITER	URSULA A MINITER	1114 ONEIDA AVE	DAVENPORT IA 52803
CARRIE REWERTS		1116 E 10TH ST	DAVENPORT IA 52803
908 BRIDGE COOPERATIVE		1212 E 10TH ST APT 3	DAVENPORT IA 52803
CAMELOT COOPERATIVE		PO BOX 131	BETTENDORF IA 52722
1011 BRIDGE COOPERATIVE		1001 OAK ST	BURLINGTON IA 52601
ROBERT F HEIMER	VICTORIA Q NAVANO	1223 E 10TH ST	DAVENPORT IA 52803
JEREMY J RICHARD		919 BRIDGE AVE	DAVENPORT IA 52803
NANCY M DERDERIAN		3332 - 7TH ST	MOLINE IL 61265-6108
JEREMY DERDERIAN		18 SUNSET CIR	BETTENDORF IA 52722
MYRTLE L GRAVES		1111 E 10TH ST	DAVENPORT IA 52803
		2 GALLERIA TOWER	
FEDERAL NATIONAL MORTGAGE ASSOC		13455 NOEL RD STE 600	DALLAS TX 75240
JUAN F GOITIA	ASHLEY J GOTIA	1002 BRIDGE AVE	DAVENPORT IA 52803
ALD RITA RAWSON		226 W 4TH ST	DAVENPORT IA 52801
ALD WILLIAM BOOM		226 W 4TH ST	DAVENPORT IA 52801



City of Davenport
Community Planning & Economic Development Department

November 21, 2016

Dear Property Owner:

This letter is to inform you that the City Council will be holding a public hearing regarding the request of Juan Goitia (Case No. ROW16-05) for the right-of-way vacation (abandonment) of 2,250 square feet, more or less, of East 10th Street that lies north of the sidewalk and property at 1002 Bridge Avenue.

The Plan and Zoning Commission forwards Case No. ROW 16-05 to the City Council for approval subject to the following condition(s):

1. That a utility easement be retained over the vacated area to maintain, operate, remove, repair, replace, construct, reconstruct or relocate utility services;
2. That the vacated area be no more than 15-feet in depth along the south property line of 1002 Bridge Avenue.

A public hearing on this ordinance and proposal will be held before the City Council in the City Council Chambers, 226 West 4th Street, Davenport Iowa, on Wednesday, December 07, 2016 at 5:30 p.m. At the hearing, interested persons may appear and be heard for or against the proposed petition. All protests from within the 200 foot notice area must be made in writing to be valid.

If you have already responded to the public hearing notice from the City Plan and Zoning Commission, no additional response is necessary. That response will remain in force unless it is withdrawn or changed in writing. The Council will consider written protests which are filed or withdrawn prior to the start of the Committee-of-the-Whole Meeting immediately prior to the scheduled final consideration of the ordinance. Protests filed or withdrawn after that time will not be accepted.

Contact the Community Planning and Economic Development Department:

Phone: (563) 326-7765 • Fax: (563) 328-6714 • E-mail: planning@ci.davenport.ia.us

Mail: City of Davenport (CPED), 226 West 4th Street, Davenport, IA 52801

City of Davenport

Agenda Group: Committee of the Whole
Department: Community Planning & Economic Development
Contact Info: Matt Flynn, 563-326-7743
Wards: All

Action / Date
COW12/7/2016

Subject:

Public hearing for the Ordinance for Case No. ORD16-03 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allow for text amendments of the Davenport Municipal Code. [All Wards]

Recommendation:

The Plan and Zoning Commission considered case No. ORD16-03 at its November 15, 2016 meeting and voted to forward Case No. ORD16-03 to the City Council with a recommendation for approval (without any special conditions).

The Commission vote was 9-yes and 0-no with 0-abstention.

Relationship to Goals:

High performing government

Background:

Approximately 10 years ago the City began requiring a special use permit be obtained for new liquor license locations in most areas in Davenport. During this period only 5 applicants out of 130 were denied a permit by the Zoning Board of Adjustment. While at the same time approximately 20% of the ZBA's agenda was devoted to these permit applications and many hours of staff time were spent preparing staff reports.

For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
▣ Exhibit	Public notice for ORD16-03 PH
▣ Backup Material	ORD16-03 Background Materials

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	12/1/2016 - 3:30 PM
Community Development Committee	Berger, Bruce	Approved	12/1/2016 - 3:30 PM
City Clerk	Admin, Default	Approved	12/1/2016 - 3:35 PM

TO BE PUBLISHED IN THE WEDNESDAY NOVEMBER 30, 2016 EDITION OF THE QUAD CITY TIMES, HAVING THE NOTICE BILLED TO PO NO. 1708558 AND RECEIVING THE PROOF OF PUBLICATION PRIOR TO THE PUBLIC HEARING

TO WHOM IT MAY CONCERN:

There is on file in the Community Planning and Economic Development Department of the City of Davenport, the following petitions:

Case No. ORD16-3 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code. [All Wards]

A public hearing on this ordinance will be held before the Committee of the Whole in the Council Chambers, City Hall, Davenport, Iowa on Wednesday, December 07, 2016, at 5:30 p.m. At the hearing interested parties may appear and be heard regarding the proposed ordinances. PO No. 1708558.

Department of Community Planning & Economic Development

Phone: (563) 326-7765

Email: planning@ci.davenport.ia.us

November 16, 2016

Honorable Mayor and City Council
City Hall
226 West 4th Street
Davenport, Iowa 52801

At its regular meeting of November 15, 2016, the City Plan and Zoning Commission considered Case No. ORD16-03 being an ordinance to amend Title 17 of the Davenport Municipal Code to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code. [All Wards]

The City Plan and Zoning Commission forwards Case No. ORD16-03 to the City Council with a recommendation for approval.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

		APPROVED	APPROVED	APPROVED					
Name:	Roll Call	ORD16-03 SUPs 17.48	ROW16-05 1002 Bridge Ave	F16-15 Seiffert's NW 2nd					
Connell	P	Y	Y	Y					
Hepner	P	Y	N	Y					
Inghram	P								
Kelling	P	Y	Y	Y					
Lammers	EX								
Maness	P	Y	Y	Y					
Martinez	P	Y	Y	Y					
Medd	Ex	Y	Y	Y					
Quinn	P	Y	Y	Y					
Reinartz	P	Y	Y	Y					
Tallman	P	Y	Y	Y					
		9-YES 0-NO 0-ABSTAIN	8-YES 1-NO 0-ABSTAIN	9-YES 0-NO 0-ABSTAIN					

TO BE PUBLISHED IN THE WEDNESDAY NOVEMBER 30, 2016 EDITION OF THE QUAD CITY TIMES, HAVING THE NOTICE BILLED TO PO NO. 1708558 AND RECEIVING THE PROOF OF PUBLICATION PRIOR TO THE PUBLIC HEARING

TO WHOM IT MAY CONCERN:

There is on file in the Community Planning and Economic Development Department of the City of Davenport, the following petitions:

Case No. ORD16-3 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code. [All Wards]

A public hearing on this ordinance will be held before the Committee of the Whole in the Council Chambers, City Hall, Davenport, Iowa on Wednesday, December 07, 2016, at 5:30 p.m. At the hearing interested parties may appear and be heard regarding the proposed ordinances. PO No. 1708558.

Department of Community Planning & Economic Development

Phone: (563) 326-7765

Email: planning@ci.davenport.ia.us



**Community Planning & Economic Development Department
City of Davenport**

FINAL STAFF REPORT

PLAN AND ZONING COMMISSION

Meeting Date: November 15, 2016
Request: Zoning Ordinance Text Amendment
Case No.: ORD16-3
Applicant: City of Davenport-Legal Department

Description:

Case No. ORD16-3 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code. [All Wards]

Recommendation:

Staff recommends the City Plan and Zoning Commission forward Case No. ORD16-3 to the City Council with a recommendation for approval.

Background:

Approximately 10 years ago the City began requiring a special use permit be obtained for new liquor license locations in most areas in Davenport. During this period only 5 applicants out of 130 were denied a permit by the Zoning Board of Adjustment. While at the same time approximately 20% of the ZBA's agenda was devoted to these permit applications and many hours of staff time were spent preparing staff reports.

Discussion:

As these permits are nearly always approved based upon the objective criteria for granting and none were ever revoked, this ordinance will eliminate the necessity of obtaining a special use permit, so long as the use is permitted by the underlying zoning classification. Instead, the applicant's business will automatically be subject to the standard conditions for its operations that the ZBA typically imposed. These requirements will be imposed by code provisions found elsewhere in the City Code and particularly in Chapter 5.10 which deals with alcohol licensing.

Alcohol is a legal product, and the State's Alcoholic Beverages Division is the paramount authority with respect to whether a license is issued or denied. The change proposed shifts the focus to how the business operates after it opens. At that point, it becomes a question of enforcement of the City's ordinances.

Public Input:

Public notice was published in the Quad City Times on Saturday October 21, 2016.

Recommendation:

Staff recommends the City Plan and Zoning Commission forward Case No. ORD16-3 to the City Council with a recommendation for approval.



**Community Planning & Economic Development Department
City of Davenport**

PUBLIC HEARING REPORT

PLAN AND ZONING COMMISSION

Meeting Date: November 1, 2016
Request: Zoning Ordinance Text Amendment
Case No.: ORD16-03
Applicant: City of Davenport-Legal Department

Description:

Case No. ORD16-3 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code. [All Wards]

Recommendation:

Staff will make a recommendation at the November 15, 2016 meeting.

Background:

Approximately 10 years ago the City began requiring a special use permit be obtained for new liquor license locations in most areas in Davenport. During this period only 5 applicants out of 130 were denied a permit by the Zoning Board of Adjustment. While at the same time approximately 20% of the ZBA's agenda was devoted to these permit applications and many hours of staff time were spent preparing staff reports.

Discussion:

As these permits are nearly always approved based upon the objective criteria for granting and none were ever revoked, this ordinance will eliminate the necessity of obtaining a special use permit, so long as the use is permitted by the underlying zoning classification. Instead, the applicant's business will automatically be subject to the standard conditions for its operations that the ZBA typically imposed. These requirements will be imposed by code provisions found elsewhere in the City Code and particularly in Chapter 5.10 which deals with alcohol licensing.

Alcohol is a legal product, and the State's Alcoholic Beverages Division is the paramount authority with respect to whether a license is issued or denied. The change proposed shifts the focus to how the business operates after it opens. At that point, it becomes a question of enforcement of the City's ordinances.

Public Input:

Public notice was published in the Quad City Times on Saturday October 21, 2016.

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

Ordinance amending various sections of Title 17, entitled "Zoning," of the Davenport Municipal Code to eliminate the need for a special use permit to obtain an alcoholic beverage license or permit for businesses that are zoned for commercial activity.

Section 1. That Subsection 17.48.020(B) is hereby amended to read as follows:

B. In the **C-1 Neighborhood Shopping District through the M-2 Heavy Industrial District** the following uses shall require a special use permit:

1. Class "A" service station(s), for the sale of motor vehicle fuel to the general public subject to the following:
 - a. In addition to the site plan, detailed plans showing the building layout with floor elevations, tank locations and their capacity, pumps and their associated piping, and safety curb locations. In making their determination the zoning board of adjustment shall also consider internal circulation for all traffic movement, such as vehicle stacking at the entrance(s) and exit(s) and pump islands, the backing out of vehicles in designated parking spaces and the maneuvering required for fuel and non-fuel delivery vehicles;
 - b. That there shall be no overnight storage of material, merchandise, and/or equipment except within approved buildings or structures;
 - c. All signage shall comply with the regulations of Chapter 17.45;
 - d. All tank installations and subsequent replacements and/or removals shall comply with all applicable State Department of Natural Resources (DNR) and Federal Environmental Protection Agency (EPA) regulations;
 - e. Gas island canopy(ies) may project into the required front yard setback so that the leading edge of the canopy(ies) is not less than ten feet from the front property line.
2. Public garage(s) when located within one hundred twenty-five feet of an "R" district provided that:
 - a. All work on vehicles be done within a fully enclosed building(s);
 - b. All area(s) for vehicle storage be screened from adjacent property and rights-of-way by a solid fence or wall to a height of not less than six feet;

Section 2. That subsection 17.27.030(A) is amended to read as follows:

34. Taverns, brew pubs, beer and wine gardens;

Section 3. That Section 17.28.030 is amended to read as follows:

17.28.030 Use regulations.

A building or premises shall be used only for the following purposes:

A. Any use permitted in the C-O office shop district;

- B. Bakery whose products are sold at retail on the premises;
 - C. Bank;
 - D. Catering establishment;
 - E. Repair shops for household items including clothing;
 - F. Filling stations (See Chapter 5.24 of this code);
 - G. Hospitals and clinics for animals, but not open kennels or yards where animals are confined or exercised;
 - H. Interior decorating shop;
 - I. Messenger or telegraph service station;
 - J. Restaurant;
 - K. Public garage; no lot or portion thereof shall be used for the display of used cars, provided that no public garage shall be within one hundred twenty-five feet of the boundary of any residential district;
 - L. Garage, storage, and parking lots;
 - M. Salesroom and showroom;
 - N. Store or shop for the conduct of a retail business;
 - O. Store for the collection and distribution of laundry and dry cleaning articles, but not for the treatment, cleaning or processing of such article;
 - P. Theater, except open air drive-in theaters; provided, however, that no theater shall be erected or reconstructed unless there is provided on the same lot, or within three hundred feet thereof, a space for off-street parking which contains an area adequate to accommodate one automobile for every six seats in the theater;
 - Q. Motel;
 - R. Undertaking establishment;
 - S. Service establishments only when totally enclosed within a structure, including coin-operated laundromats and cleaning establishments when nonflammable cleaning fluids are used;
 - T. Taverns, brew pubs, beer and wine gardens;
 - U. Accessory buildings and uses customarily incidental to the above uses.
- (New: prior code § 42-60).

Section 4. That Section 17.32.020 is amended to read as follows:

17.32.020 Use regulations.

A building or premises shall be used only for the following uses:

- A. The retail sales of merchandise;
- B. Offices;
- C. Restaurants and food services associated with other development in the complex;
- D. Banking facilities;
- E. Hotels and motels;
- F. Indoor recreation uses and outdoor uses that relate to other activities developed on the site;

- G. Parking;
- H. Retail outlets, business parks, mixed office, warehouse distribution uses (provided that all storage activities are carried out completely within a building);
- I. Residential development;
- J. The assembly of products provided that all storage and activity takes place within an enclosed structure, such activity is completely screened from public view and that the components or materials used to construct the products are not corrosive or explosive;
- K. Pharmaceutical and cosmetic compounding;
- L. Medical, dental, research, testing and experimental laboratories;
- M. Taverns, brew pubs, beer and wine gardens
- N. Other similar compatible facilities.

Section 5. That 5.10.105(F) is amended to read as follows:

F. No carry-out liquor sales establishment as defined in Chapter 5.10 shall be located within one-quarter mile of another existing carry-out liquor sales establishment in the area within and adjacent to Downtown Davenport, hereby defined as the area enclosed by the following: Beginning at the intersection of South Marquette Street and the seawall of the Mississippi River, north along the centerline of Marquette Street to the centerline of West 6th Street, east along the centerline of 6th Street to the centerline of Iowa Street, south along the centerline of Iowa Street to the centerline of Federal Street, east and southeast along the centerline of Federal Street and as extended to the seawall of the Mississippi River, and west along said seawall to the point of beginning. Any carry-out liquor sales establishment established prior to the effective date of this paragraph (adopted October 9, 2013 by Ordinance 2013-329) that is nonconforming with regard to the separation requirement between said uses, as specified in this title, may continue unless one or both of these conditions occur, then nonconforming rights cease and the use must convert to a conforming use:

1. The liquor license lapses, is revoked or is discontinued for a period of one year; or,
2. There are changes to the use such that the use no longer meets the definition of a carry-out liquor sales establishment.

Section 6. That a new section 5.10.107 entitled "Licenses issued After October 1, 2016 – Additional Requirements" is adopted that reads as follows:

5.10.107 All Licenses and Permits – Additional Requirements.

- A. No business holding a liquor license or a beer or wine permit shall sell or dispense alcoholic beverages via a drive through or walk-up window.
- B. The business must satisfy the following criteria, in addition to all other existing city ordinances, rules, and regulations, including, but not limited to those concerning noise, lights, and nuisance behavior and conditions:

(1) The business is sufficiently separated from any adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the business from having a significant detrimental impact upon the adjoining residential uses.

(2) The business will not increase congestion on the streets in any adjoining residential area by its customer or employees frequently parking in front of the residences of others. Business locations in operation prior to 1965 are exempt from this requirement.

(3) Any parking area provided for the use of customers of the business shall be illuminated at an intensity of at least one footcandle of light on the parking surface. Parking lot lighting shall be limited to downcast luminaires. Parking lot lighting shall be directed away from nearby residential properties and city streets;

(4) Attractive litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.

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 _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

City of Davenport

Agenda Group: Public Works

Department: Public Works

Contact Info: Nick Schmuecker; (563) 327-5162

Wards: 5

Action / Date

PW12/7/2016

Subject:

Public hearing on the plans, specifications, forms of contract and estimated cost for the Vander Veer Storage Building Repairs Project. The current estimated cost is \$88,000 budgeted in CIP #10519. [Ward 5]

Recommendation:

Hold the hearing.

Relationship to Goals:

Enhanced Quality of Life.

Background:

Over time, portions of the Vander Veer Storage Building have deteriorated and are in need of repair. This project is intended to repair the deteriorated portions of the floor, floor beams, and columns. A protective epoxy floor coating will be applied to prevent contact of the elements to the concrete structure.

The project is scheduled to be bid in January 2017 with construction completed in the following month. Funding for the Vander Veer Storage Building Repairs Project is established within CIP #10519. The current estimate is \$88,000.

ATTACHMENTS:

Type	Description
□ Cover Memo	Memo that plans, specification, and estimate of cost are filed.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	12/1/2016 - 12:41 PM
Public Works Committee	Lechvar, Gina	Approved	12/1/2016 - 12:43 PM
City Clerk	Admin, Default	Approved	12/1/2016 - 12:45 PM

MEMORANDUM

Date: November 30, 2016

To: Jackie Holecek, Deputy City Clerk

From: Nick Schmuecker, PE; Civil Engineer

Re: **Vanderveer Storage Building Repairs Project**

The following enclosed documents that pertain to the referenced construction project must be filed in your office prior to their approval by the Council:

1. Plans
2. Specifications
3. Form of Contract
4. The estimated cost is \$88,000

Please file them accordingly. Thank you.

Cc: Brian Schadt, City Engineer/Deputy Public Works Director
file

City of Davenport

Agenda Group:
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 326-7743
Wards: 7

Action / Date
11/16/2016

Subject:

Second Consideration: Ordinance for Case No. REZ16-10 being the petition of Derrick Nix for the rezoning of 0.753 acre (32,800 sq. ft.), more or less, of real property located at the southeast corner of West 53rd and Marquette Streets (Lot 1 Thornburg 1st Addition) from R-2 Low Density Dwelling District to R-3 PUD Planned Unit Development to facilitate residential development.

[Ward 7]

THE PROTEST RATE EXCEEDS 20% (REQUIRES EIGHT VOTES FOR PASSAGE, THREE-FOURTHS VOTE IF ABSTENTION FOR CONFLICT OF INTEREST) THE PROTEST RATE IS 33.7%.

Recommendation:

The Commission has reviewed the concept plan and elevations and feels that these address the concerns of the neighbors relating to the character of development and compatibility to the surrounding properties.

Findings:

- The rezoning is compatible with the Comprehensive Plan RG designation.
- The proposal supports infill development.
- The concept plan and elevations are compatible with the existing residential development.

Recommendation:

The Plan and Zoning Commission accepts the findings and forwards Case No. REZ16-10 to the City Council for approval subject to the following conditions:

1. That the final development plan substantially conform to the proposed renderings and site plan (conformance may allow for reconfiguration of the footprint and layout on the property);
2. That significant deviation from the proposed renderings and site plan will require revision to the concept plan following the rezoning process with public hearing.

The Commission vote was 8-yes, 1-no (Reinartz) and 0-abstention.

THE PROTEST RATE EXCEEDS 20% (REQUIRES EIGHT VOTES FOR PASSAGE, THREE-FOURTHS VOTE IF ABSTENTION FOR CONFLICT OF INTEREST)

THE PROTEST RATE IS 33.7%.

Relationship to Goals:
Grow Tax Base

Background:

The Planned Unit Development (PUD) does require a final development plan review also submitted for Council review and approval. The petitioner has submitted renderings, a concept plan and likely floor layouts for the proposed development (concepts attached). Two 2-unit buildings are being proposed. Each unit would contain approximately 2,200 square feet including the finished basement areas. The above ground habitable area would be slightly over 1,300 square feet. Both these square foot totals exclude the garage footprint. The developer has indicated his preference to keep the deeper setback off of 53rd Street. Note: with the addition of a berm and judicious landscaping to reduce traffic noise a reduced setback would provide additional play area in the rear yard. Also there are window types that can reduce the impact of traffic noise. Either way, a replat or re-subdivision would be necessary to remove the setback line.

Density - According to the Comprehensive Plan's future land use designation for Residential General: 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.

This location is a transition area between an older larger lot single family area (Stewarts Additions) and a newer smaller lot development (Oakbrook Additions). Some of the adjacent larger lots appear due to remnant land that could not be accessed by a public street. It also appears to have been a practice to have larger lots along the major roadways, such as Northwest Boulevard. Also several of the homes south of 53rd Street were built prior to the area being annexed into the City and under County requirements.

As a transition area along the edge of this "neighborhood area" the RG designation allows for increased density to be considered. Density can have the effects of adding children to declining school enrollments and increasing ridership on transit routes. Density near commercial nodes increases their viability as well as creating more walkable and connected developments.

The one and one/half story design is in keeping with the neighborhood character.

For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
☐ Resolution Letter	REZ16-10 Ordinance only
☐ Backup Material	REZ16-10 Background

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Admin, Default	Approved	11/29/2016 - 10:29 AM

ORDINANCE NO.

Ordinance for Case No. REZ16-10 being the petition of Derrick Nix for the rezoning of 0.753 acre (32,800 sqft), more or less, of real property located at the southeast corner of West 53rd and Marquette Streets (Lot1 Thornburg 1st Addition) from R-2 Low Density Dwelling District to R-3 PUD Planned Unit Development to facilitate residential development. [Ward 7]

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. The property has the following legal description:

Part of the Southwest Quarter of Section 11, Township 78 North, Range 03 East of the 5th P.M. being more particularly described as follows:

Lot 1 of Thornburg First Addition to the City of Davenport, Scott County, Iowa. Said tract contains 0.75 acre, more or less.

The Plan and Zoning Commission accepts the findings and forwards Case No. REZ16-10 to the City Council for approval subject to the following conditions:

1. That the final development plan substantially conform to the proposed renderings and site plan (conformance may allow for reconfiguration of the footprint and layout on the property);
2. That significant deviation from the proposed renderings and site plan will require revision to the concept plan following the rezoning process with public hearing.

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 _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____

Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____



November 01, 2016

Honorable Mayor and City Council
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of November 01, 2016, the City Plan and Zoning Commission considered Case No. REZ16-10 being the request of Derrick Nix for the rezoning of 0.753 acre (32,800 sqft) or real property located at the southeast corner of West 53rd and Marquette Streets (Lot1 Thornburg 1st Addition) from R-2 Low Density Dwelling District to R-3 PUD Planned Unit Development to facilitate residential condominium development.

The Commission has reviewed the concept plan and elevations and feels that these address the concerns of the neighbors relating to the character of development and compatibility to the surrounding properties.

Findings:

- The rezoning is compatible with the Comprehensive Plan RG designation.
- The proposal supports infill development.
- The concept plan and elevations are compatible with the existing residential development.

Recommendation:

The Plan and Zoning Commission accepts the findings and forwards Case No. REZ16-10 to the City Council for approval subject to the following conditions:

1. That the final development plan substantially conform to the proposed renderings and site plan (conformance may allow for reconfiguration of the footprint and layout on the property)
2. That significant deviation from the proposed renderings and site plan will require revision to the concept plan following the rezoning process with public hearing.

Respectfully submitted,

Robert Inghram, Chairperson
City Plan and Zoning Commission



		APPROVED	APPROVED						
Name:	Roll Call	REZ16-10 Derrick Nix 53rd & Marquette Sts	CrowValley Plaza 10th						
Connell	P	Y	Y						
Hepner	P	Y	ABST						
Inghram	P								
Kelling	P	Y	Y						
Lammers	P	Y	Y						
Maness	P	Y	Y						
Martinez	P	Y	Y						
Medd	Ex								
Quinn	P	Y	ABST						
Reinartz	P	N	Y						
Tallman	P	Y	Y						
		8-YES 1-NO 0-ABSTAIN	7-YES 0-NO 2-ABSTAIN						

REZ16-10
DERRICK NIX

PARCEL	NOTICE AREA	NOTICE %	PROTEST (YES/NO)	PROTEST %	PROPERTY ADDRESS	PROPERTY OWNER(S)	OWNER ADDRESS	OWNER CSZ
FORMAT ROW	0.00	0.0%		0.0%				
W1023C05	395	0.1%		0.0%	1316 W 53RD ST	BRYAN F PURDY	208 FAIRWAY CIR	ELDRIDGE IA 52748
W1023C06	6032	2.2%		0.0%	5306 MARQUETTE ST	THAC DANG	5836 HEATHER AVE	DAVENPORT IA 52807-2781
X1117D09	10628	3.9%		0.0%	5311 MARQUETTE ST	GUS J PAPPAS	5311 MARQUETEE ST	DAVENPORT IA 52806
X1117D10	9600	3.6%	NO	0.0%		DIANA F BRUEMMER REV TRUST	DONALD J BRUEMMER REV TRUS	9 W 54TH ST
X1117D11	9342	3.5%	YES	3.5%	1212 W 53RD ST	AUNDREA L WHITE	1212 W 53RD ST	DAVENPORT IA 52806
X1117D12	7163	2.7%	YES	2.7%	1206 W 53RD ST	WALTER T CUSTER	1206 W 53RD ST	DAVENPORT IA 52806
X1117-08A	720	0.3%		0.0%	1130 W 53RD ST	LUTHERAN HOME FOR THE AGED	PO BOX 559	VINTON IA 52349-0559
P1109-11	26209	9.7%	YES	9.7%	1207 W 53RD ST	LESTER R BAKER	GLENNYS E BAKER	1207 W 53RD ST
P1109-10	30694	11.4%		0.0%	1135 W 53RD ST	RONALD W VOORHIES	1135 W 53RD ST	DAVENPORT IA 52806
P1109-13A	28398	10.5%	YES	10.5%	5135 MARQUETTE ST	STEVEN T HIRSCH	MERIDETH K HIRSCH	2408 WILLOW BROOK DR
P1109-14	15904	5.9%	YES	5.9%	5125 MARQUETTE ST	STEVEN T HIRSCH	MERIDETH K HIRSCH	2408 WILLOW BROOK DR
P1109-15	1617	0.6%		0.0%	5115 MARQUETTE ST	KENNETH W LORENZ	& WIFE	5115 MARQUETTE ST
M1039-02	4070	1.5%		0.0%	5205 MARQUETTE ST	TODDL WATTS	SUSAN K WATTS	5202 MARQUETTE ST
M1039-03	5121	1.9%		0.0%	1311 W 53RD ST	JOHN W GOSLOWSKY II	LETICIA M GOSLOWSKY	1311 W 53RD ST
M1039-04	120	0.0%	YES	0.0%	1321 W 53RD ST	GREGORY D HOLST	BRITTENY A HOLST	1321 W 53RD ST
M1039-09B	3548	1.3%	YES	1.3%	1315 W 53RD ST	CATHERINE M IANNUZZELI	1315 W 53RD ST	DAVENPORT IA 52806
M0139-09A	13579	5.0%		0.0%	1305 W 53RD ST	DEBBIE L BECK	1305 W 53RD ST	DAVENPORT IA 52806
FORMAT ROW	0.00	#REF!		0.0%				

PARCELS 173,140.0 64.3%
ROW 96,174.0 35.7%

Alderman: TOMPKINS & MATSON

TOTAL
NOTICE AREA 269,314.0 100% **33.7% PROTEST RATE**

Protests: 7

Properties: 17



City of Davenport
Community Planning & Economic Development Department
FINAL STAFF REPORT

Meeting Date: November 01, 2016
October 18, 2016 - tabled
Request: Rezone 0.753 acre from R-2 to R-3 PUD
Address: Lot 1 Thornburg First Addition (SE corner 53rd & Marquette Sts.)
Case No.: REZ16-10
Applicant: Derrick Nix

Recommendation:

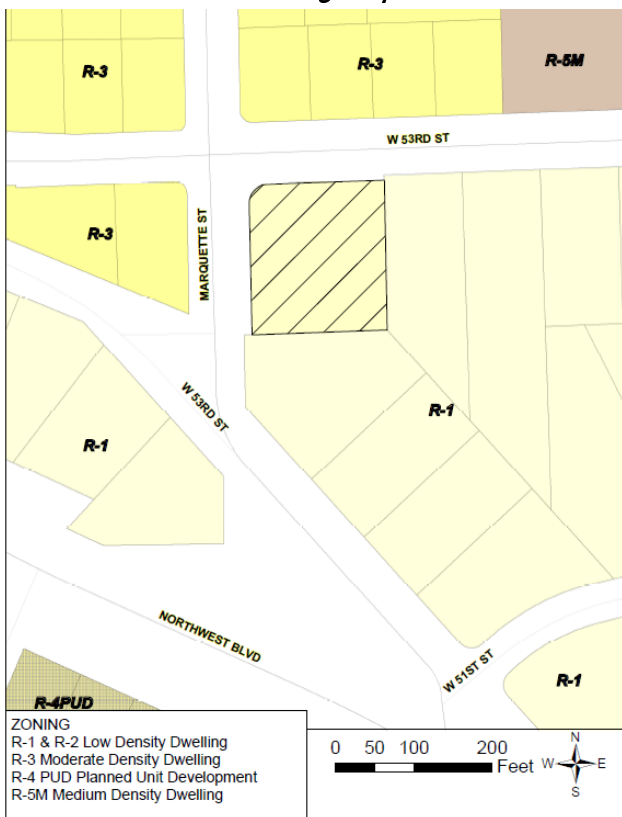
Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. REZ16-10 to the City Council for approval subject to the listed conditions.

Introduction:

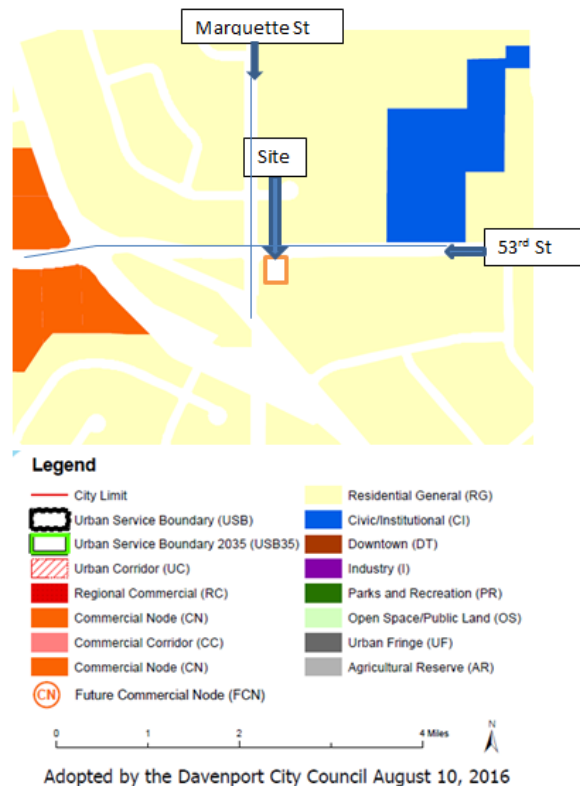
Request of Derrick Nix for the rezoning of 0.753 acre (32,800 sqft) or real property located at the southeast corner of West 53rd and Marquette Streets (Lot1 Thornburg 1st Addition) from R-2 Low Density Dwelling District to R-3 PUD Planned Unit Development to facilitate residential condominium development.

AREA CHARACTERISTICS:

Zoning Map



Future Land Use Map





Aerial Photo 2014

0 50 100 200 Feet



Background:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Boundary +2035: Yes

Future Land Use Designation: *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. (italics added)*

Relevant Goals to be considered in this Case:

Identify and reserve land for current and future development – *encourage a full range of development.*

Zoning:

The property is currently zoned “R-2” Low Density Dwelling District.

Technical Review:

Streets. The property is located at the southeast corner of the intersection of West 53rd and Marquette Streets. No direct access to 53rd Street is allowed and access to Marquette is restricted to 150 feet south of 53rd Street by platting conditions.

Storm Water. Stormwater infrastructure appears to be by overland flow of surface run-off.

Sanitary Sewer. Sanitary sewer service is located in West 53rd Street and Marquette Street to the south.

Other Utilities. This is an urban area and normal utility services are available.

Emergency Services. The property is located approximately 1-1/2 miles from both Fire Stations No. 3 at 3506 Harrison Street and No. 7 at 2302 West 67th Street.

Parks/Open Space. The proposed rezoning does not impact any existing or planned parks or public open spaces.

Public Input & commentary:

The public hearing before the Plan and Zoning Commission is held October 04th. A neighborhood meeting was held on September 27th and ten (10) members of the public were present. The primary concerns were the type of residential proposed, whether it would begin as owner occupied or strictly rental, and whether the style (architecture) of the building(s) would fit, be compatible, with the surrounding development. Lighting and traffic at the intersection was also mentioned.

At the public hearing concerns related to ownership vs rentals, income of tenants, increased traffic and current accidents at intersection, vandalism in the area, quality of the building(s), number of units creating smaller play area for children, and the building compatibility (fit) with the neighborhood. Most agreed that two houses would be okay. Submitted protests mirror the comments at the public hearing.

- Ownership vs rental - The City cannot legally restrict a homeowner from renting their single family home. According to the City Assessor's records it appears there are four existing single family rental units within the 200-foot notice area.
- Accidents - Over the past three years there have been a total of 12 accidents: 7-right-angle, 5-rear-end and 1-pedestrian. According to the reports the right-angle accidents were combinations of weather conditions, vehicle malfunction and red-light turning. The rear-end accidents were due to weather conditions and following too closely, while the pedestrian accident was a bicyclist disobeying the traffic signal.
- Traffic: According to Iowa DOT counts, traffic on this segment of Marquette Street (south of 53rd) actually decreased from 2011 to 2014 with minor increases on adjacent major street.
- Building compatibility – The proposed building elevations show a 1-1/2 story configuration (see attached concepts). This should be in keeping with the surrounding homes as opposed to a 2- or 2-1/2 story look. The surrounding properties contain 1, 1-1/2 and 2 story residences.
- Vehicle speed: This is a posted school zone with a 25 MPH speed limit that extends west of the signaled intersection at Marquette St. During no school hours the speed limit is posted as 35 MPH. Marquette Street is posted as 25 MPH.

A second neighborhood meeting was held with the developer sharing the concept plans as shown in the discussion portion of the report.

Selected History:

The property was zoned to the R-2 designation and platted for two single family lots in 1997 in anticipation of additional residential development (2-detached houses). It was subsequently replatted as one lot in 1998 by the Lighthouse Christian Church. The 50 and 30 foot building setback lines were added with the first plat.

Discussion:

The petitioner has submitted renderings, a concept plan and likely floor layouts for the proposed development (concepts attached). Two 2-unit buildings are being proposed.



Each unit would contain approximately 2,200 square feet including the finished basement areas. The above ground habitable area would be slightly over 1,300 square feet. Both these square foot totals exclude the garage footprint.

Density - According to the Comprehensive Plan's future land use designation for Residential General: 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.

This location is a transition area between an older larger lot single family area (Stewarts Additions) and a newer smaller lot development (Oakbrook Additions). Some of the adjacent larger lots appear due to remnant land that could not be accessed by a public street. It also appears to have been a practice to have larger lots along the major roadways, such as Northwest Boulevard. Also several of the homes south of 53rd Street were built prior to the area being annexed into the City and under County requirements.

As a transition area along the edge of this "neighborhood area" the RG designation allows for increased density to be considered. Density can have the effects of adding children to declining school enrollments and increasing ridership on transit routes. Density near commercial nodes increases their viability as well as creating more walkable and connected developments.

The one and one-half story design is in keeping with the neighborhood character.

Staff Recommendation:

Staff has reviewed the concept plan and elevations and feels that these address the concerns of the neighbors relating to the character of development and compatibility to the surrounding properties. Findings:

- The rezoning is compatible with the Comprehensive Plan RG designation.
- The proposal supports infill development.
- The concept plan and elevations are compatible with the existing residential development.

Recommendation:

Staff recommends the Plan and Zoning Commission forward Case No. REZ16-10 to the City Council for approval subject to the following conditions:

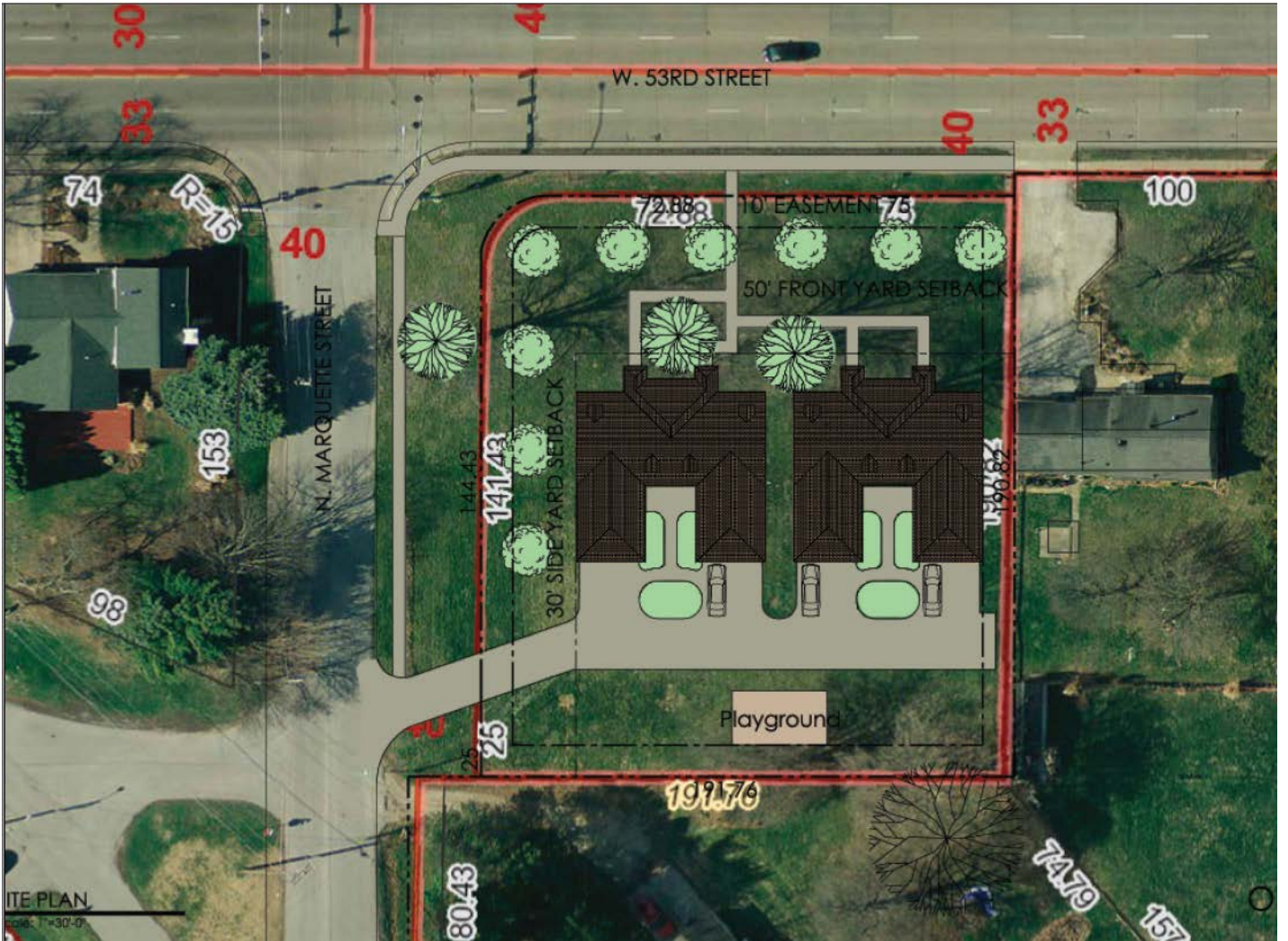
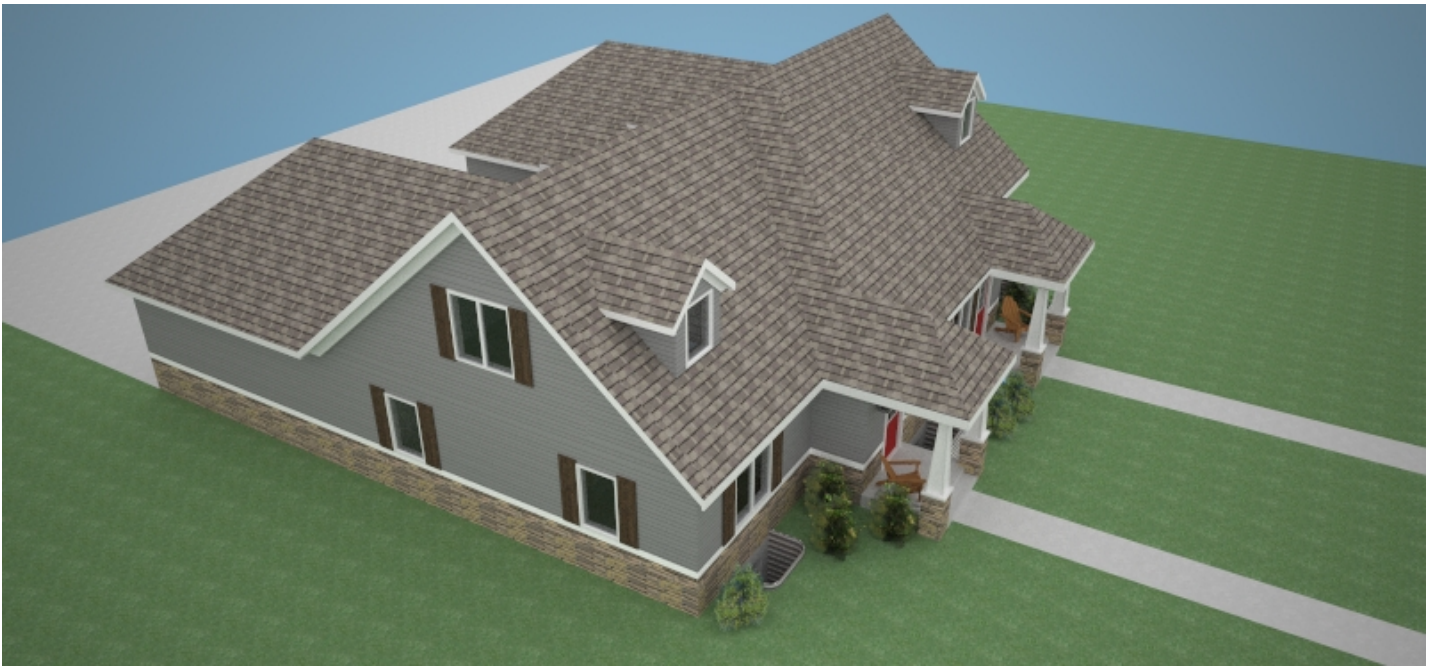
1. That the final development plan substantially conform to the proposed renderings and site plan (conformance may allow for reconfiguration of the footprint and layout on the property)
2. That significant deviation from the proposed renderings and site plan will require revision to the concept plan following the rezoning process with public hearing.

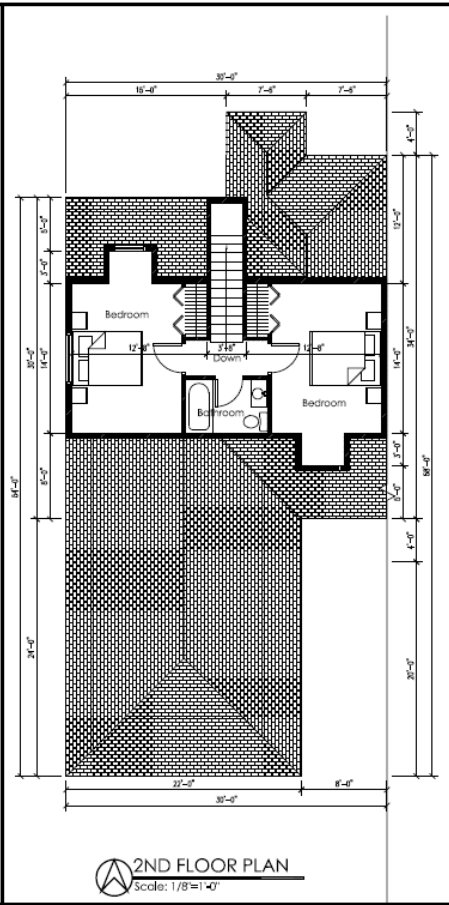
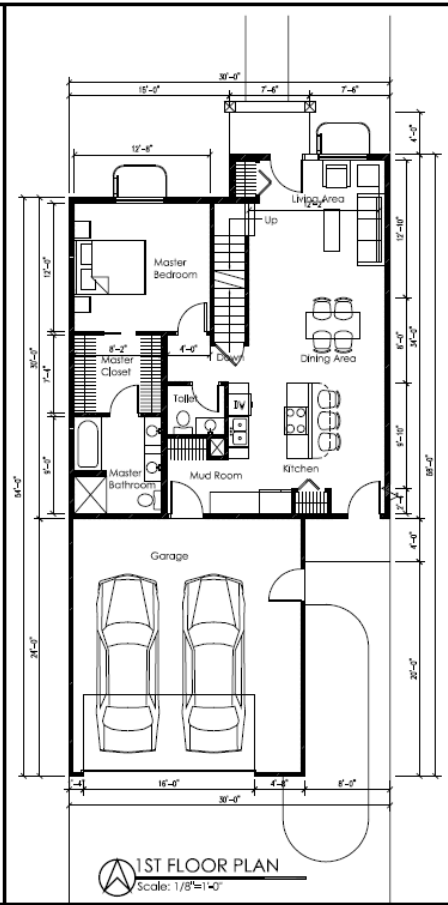
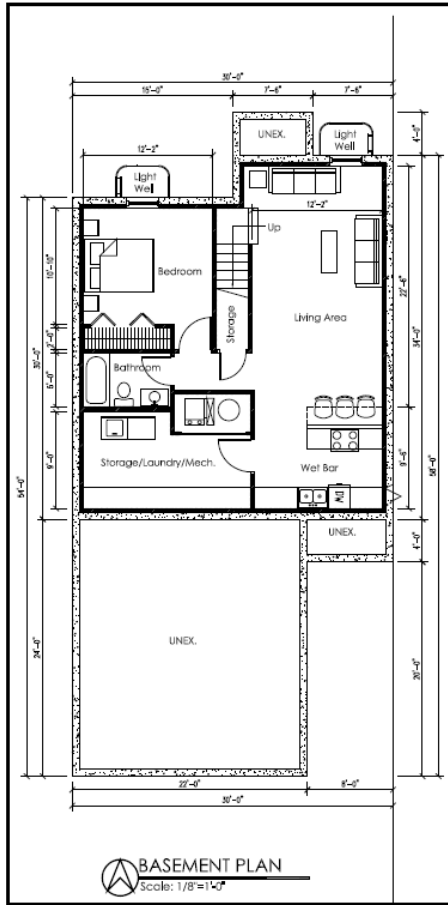
Prepared by:

Wayne Wille, CFM
Planner II
Community Planning Division









ITALO MILANI
ARCHITECT, L.L.C.
280 LITZ AVENUE, ROCK HAVEN, IL
PH: 708.721.1111 FAX: 708.721.1112

DERRICK NIX
W 53RD ST & N MARQUETTE ST
DAVENPORT, IA

I HAVE USED THE THIS HAS AGED AND IS BEING REMOVED FROM THE SITE. THE REASON IS THAT IT IS NOT SAFE TO USE.	
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SITE PLAN
Scale: 1"=30'-0"

ITALO MILANI ARCHITECT, P.C., AIA 2801 12TH AVE, ROCK ISLAND, IL PH: (309) 798-5304 FAX: (309) 798-5108 italo@italomilani.com	DERRICK NIX W 53RD ST & N MARQUETTE ST DAVENPORT, IA	I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE THEY COMPLY WITH THE CITY OF DAVENPORT, IOWA BUILDING CODES AND ORDINANCES.	DATE 10-4-16 REVISIONS . . .	PROJECT 2016-85	SHEET A-1 NUMBER
--	---	--	---------------------------------------	--------------------	------------------------



Photo Index (locations)



Photo 1 - East of Marquette North of 53rd



Photo 2 - East of Marquette South of 53rd



Photo 3 - West of Marquette South of 53rd



Photo 4 - West of Marquette North of 53rd



Photo 5 - Southwest of Site



Photo 6 - South of Site

(detach here)

The undersigned - opposes / does not oppose (circle one) Petition of Derrick Nix (REZ16-107)

Comments:

*until I know what will be built
I will not put my signature. I cannot attend meeting.
I know this I do not want any low housing with addicts
& teenagers - we have children walking to school.*

Mail to: Plan and Zoning Commission
City Hall
Davenport, Iowa 52801

NAME

ADDRESS

DATE

C. Iannuzzelli

1315 W 53rd St.

Davenport, IA 52806

(pl)

Thank you! Catherine Iannuzzelli

CITY OF DAVENPORT
Community Planning & Economic Dev.

SEP 27 2016

226 W 4th St
DAVENPORT IA 52801

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

(detach here)

The undersigned - opposes / does not oppose (circle one) Petition of Derrick Nix (REZ16-107)

Comments:

*While a residential PUD may be appropriate this
project is not developed enough to give us confidence that
it will be beneficial for our neighborhood. More ^{plans} are needed.*

Mail to: Plan and Zoning Commission
City Hall
Davenport, Iowa 52801

NAME

ADDRESS

DATE

Don + Dee Brummer

9 West 54th St. Court

Sept 29, 2016
(please print legibly)

CITY OF DAVENPORT
Community Planning & Economic Dev.

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

SEP 30 2016

226 W 4th St
DAVENPORT IA 52801

HAS BEEN WITHDRAWN
11-01-16

10.1.16

I'am Very opposed! I have lived next to this property for 50 years. We bought our house for its big yard & peaceful single family neighborhood, which we will not have living next door to a fourplex.

It will decrease the value of all the homes around this.

There are a lot of car wrecks at Marquette & 53rd, this will increase with a fourplex at that corner.

Please do not rezone & add this burden to the neighbors living around this property & to me, living right next door. Don't take away my peaceful back yard!

(detach here)

The undersigned opposes does not oppose (circle one) Petition of Derrick Nix (REZ16-107)

OCT 4 2016

226 W 4th St
DAVENPORT IA 52801

Comments:

See att. letter

Mail to: Plan and Zoning Commission
City Hall
Davenport, Iowa 52801

NAME Glennys Baker

ADDRESS 1207 W. 53rd St.

DATE 10.1.16

(please print legibly)

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

(detach here)

The undersigned opposes / does not oppose (circle one) Petition of Derrick Nix (REZ16-107)

Comments: Our area consists of all ~~single~~ single family residences and a multi family unit will bring inconsistency, instability, and inconvenience to our neighborhood.

Mail to: Plan and Zoning Commission
City Hall
Davenport, Iowa 52801

NAME Gregory + Britney Host
ADDRESS 1321 W. 53rd St.
DATE October 1, 2016
(please print legibly)

CITY OF DAVENPORT
Community Planning & Economic Dev.

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

OCT 4 2016

226 W 4th St
DAVENPORT IA 52801

(detach here)

The undersigned opposes / does not oppose (circle one) Petition of Derrick Nix (REZ16-107)

Comments: one single family home non low income

Mail to: Plan and Zoning Commission
City Hall
Davenport, Iowa 52801

NAME WALTER F. CUSTER JR
ADDRESS 1206 W. 53RD ST. DAV. IA 52801
DATE SEPT 30 - 2016
(please print legibly)

CITY OF DAVENPORT
Community Planning & Economic Dev.

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

OCT 4 2016

226 W 4th St
DAVENPORT IA 52801

(detach here)

The undersigned - opposes / does not oppose (circle one) Petition of Derrick Nix (REZ16-107)

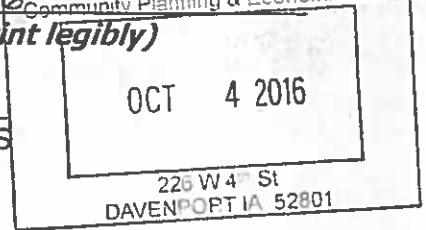
Due to the following reasons: 1) Significant increase population in small area
Comments: 2) Devaluation of property in area 3) Create safety hazard due
to increase in traffic esp. for kids 4) Decrease visibility at intersection
5) Increase in number of students in area schools 6) Large
building will overshadow present single family homes 7) Lack of
play / recreation area for PUD 8) 53rd St is presently heavily traveled
without the increase of a PUD

Mail to: Plan and Zoning Commission
City Hall
Davenport, Iowa 52801

NAME Steven Hirsch
ADDRESS 2408 Willow Brook Dr
DATE 9/22/16
(please print legibly)

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

5135 and 5125 Marquette



(detach here)

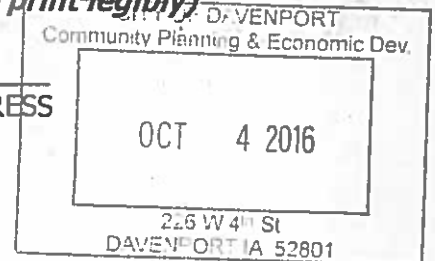
The undersigned - opposes / does not oppose (circle one) Petition of Derrick Nix (REZ16-107)

Comments: _____

Mail to: Plan and Zoning Commission
City Hall
Davenport, Iowa 52801

NAME Aundrea White
ADDRESS 1212 West 53rd Street
DATE 9-28-16
(please print legibly)

ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS



City of Davenport

Agenda Group: Community Development
Department: Community Planning and Economic Development
Contact Info: Matt Flynn 326-7743 mflynn@ci.davenport.ia.us
Wards: All

Action / Date
CD11/16/2016

Subject:

Second Consideration: Ordinance for Case No. ORD16-02 being the petition of the City of Davenport for a Zoning Ordinance Text Amendment to Chapter 17.23, entitled "Historic Preservation" by amending eligibility and composition requirements. [All Wards]

Recommendation:

The Historic Preservation Commission unanimously recommended approval of ORD16-02 at its October 11, 2016 public meeting.

The Commission vote was 6-yes and 0-no with 0-abstention.

The Plan and Zoning Commission considered case No. ORD16-02 at its October 18, 2016 meeting and voted to forward Case No. ORD16-02 to the City Council with a recommendation for approval without any special conditions.

The Commission vote was 10-yes and 0-no with 0-abstention.

Relationship to Goals:

High performing government.

Background:

There are currently two vacancies on the Historic Preservation Commission. It has become increasingly difficult to find citizens with knowledge in the field of historic preservation and willing to serve on the Historic Preservation Commission. The proposed Ordinance would reduce the number of Commission members from nine to seven, amend the position requirements and allow members who own a historic property in the City to serve on the Commission.

For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance
▣ Backup Material	ORD16-02 - Plan and Zoning Commission Letter
▣ Backup Material	ORd16-02 - Plan and Zoning Commission Vote Results
▣ Backup Material	ORD16-02 - Plan and Zoning Commission Staff Report

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Admin, Default	Approved	11/29/2016 - 10:29 AM

ORDINANCE NO. 2016 -

An ORDINANCE to amend Title 17 of the Davenport Municipal Code, entitled "Zoning" by amending Section 17.23.040 of the Davenport City Code, entitled "historic preservation commission" by reducing the number of members from nine to seven, amending the position requirements and allowing members with businesses located within the City to serve on the Commission (City of Davenport, petitioner Case No. ORD16-02).

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

Section 1. That Chapter 17.23.040 of the Davenport Municipal Code be amended to read as follows:

17.23.040 Historic preservation commission.

The historic preservation commission of the city of Davenport is hereby established.

- A. Eligibility. All members of the commission shall be legal residents of the city of Davenport or own a property within the city of Davenport, which is a designated Local Landmark or is listed on the National Register of Historic Places.
- B. Composition. The commission shall consist of seven members. They shall demonstrate a positive interest in historic preservation and/or cultural resource management issues and possess an interest, knowledge, competence or expertise in one or more of the following: architecture, history, archeology, historic preservation, urban planning, building rehabilitation, cultural resource conservation or real estate development.
- C. Method of appointment. Members shall be appointed by the mayor, with the approval of the city council.
- D. Terms. Members shall serve terms of three years, provided however that all members shall hold over until their successors are appointed and approved. Appointments shall be staggered such that no more than three members are appointed and approved each year. Appointments for non-reappointed members shall begin from the date of the expired term of the non-reappointed member. Vacancies occurring on the commission, other than those due to the normal expiration of term of office, shall be filled only for the unexpired portion of the former member's term.

- E. Forfeiture of appointment. A member will forfeit his/her appointment to the commission if he/she fails to satisfy any of the following requirements:
1. The commission member changes his/her legal address to outside the city's corporate limits or no longer owns a property within the city of Davenport, which is a designated Local Landmark or is listed on the National Register of Historic Places.
 2. Commission members must attend in person at least one-half of, or attend and have excused absences for at least two-thirds of, all regularly scheduled or specially-called meetings convened by the commission chairperson during the calendar year.

- F. Meetings. Meetings shall be held at regularly scheduled times as determined by the commission. They shall be open to the public. A public record of the meetings shall contain the minutes, attendance records, voting results and summaries of all pertinent action of the commission. A copy shall be filed in the City Clerk's office and the Community Planning and Economic Development department for public review.

Special meetings of the commission may be called by the chairperson and held at any time or place fixed in the call.

A special meeting of the commission may also be called at the request, in writing, of any three or more members of the commission and if the chairperson shall fail to comply with such request, said members so requesting shall call such meeting, all signing the notice.

- G. Quorum. The presence of a majority of the official members of the commission shall constitute a quorum to legally transact commission business.
- H. Officers. At its first meeting of each calendar year, the commission shall elect from its membership a chairperson and vice chairperson who shall serve terms of one year and who shall be eligible for reelection. The chairperson shall preside over commission meetings. In the absence of the chairperson, the vice chairperson shall perform the duties of the chairperson. If both are absent and a quorum is present, a temporary chairperson for that one meeting will be elected by those members in attendance. The chairperson shall be the spokesperson for the commission.
- I. Commission secretary. The commission secretary shall be the director of community planning and economic development or his/her designee. The secretary's duties shall include:
1. The recording of the minutes of each commission meeting; and
 2. The preparation and distribution of copies of the minutes, reports and decisions of the commission to its members and other interested parties; and
 3. Satisfying all notice requirements established by city policy; and
 4. Preparing and submitting to the mayor and city council a record of the commission's proceedings which involves city council action; and
 5. Advising the mayor of vacancies on the commission and the expiring terms of its members; and
 6. Providing all general administrative, technical and staff support to assist the commission in the performance of its duties.

J. Conflict of interest. No commission member shall participate in the discussion nor vote on any matter that appears to have a current or anticipated financial or material effect on his/her property or personal/business interests. The commission member shall be responsible for notifying the chairperson and commission secretary of such a situation prior to the commission taking any action on the issue.

K. Compensation. Members shall serve without compensation.

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 upon final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch,
Mayor

Attest: _____

Jackie Holecek, MMC
Deputy City Clerk

Published in the *Quad City Times* on _____

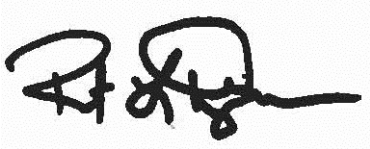
October 19, 2016

Honorable Mayor and City Council
City Hall
226 West 4th Street
Davenport, Iowa 52801

At its regular meeting on October 18, 2016, the City Plan and Zoning Commission considered Case No. ORD16-02, being the petition of the City of Davenport for a Zoning Ordinance Text Amendment to Chapter 17.23, entitled "Historic Preservation" by amending eligibility and composition requirements.

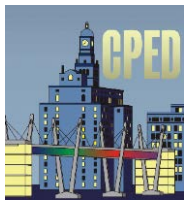
The Plan and Zoning Commission forwards case ORD16-02 to the City Council with a recommendation for approval without any special conditions.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

[illegible]



Community Planning & Economic Development Department
City of Davenport

FINAL STAFF REPORT

PLAN AND ZONING COMMISSION

Meeting Date: October 18, 2016
Request: Zoning Ordinance Text Amendment of Chapter 17.23, entitled "Historic Preservation" by reducing the number of members from nine to seven, amending the position requirements and allowing members with businesses located within the City to serve on the Commission.
Case No.: ORD16-02
Applicant: City of Davenport

Recommendation:

Staff recommends the City Plan and Zoning Commission forward Case No. ORD16-02 to the City Council with a recommendation for approval.

Background:

The Historic Preservation Commission is required by Ordinance to have nine members. Currently, there are two vacancies on the Commission and finding Davenport residents with both technical expertise and willing to serve has been difficult. Additionally, the Ordinance is prescriptive with respect to Commission position requirements.

Public Input:

The plan and Zoning Commission held a public hearing on the proposed Ordinance at its October 4, 2016 public hearing. The Historic Preservation Commission held a public meeting on the proposed Ordinance at its October 11, 2016 meeting.

Discussion:

The Historic Preservation Commission unanimously recommended approval of the proposed Ordinance at its October 11, 2016 public meeting subject to a change in eligibility (17.23.040A) being owners of historic properties rather than being employed by a business or nonprofit organization. Staff concurs with this amendment. The proposed Ordinance would reduce the number of Commission members from nine to seven, amend the position requirements and allow members who own a historic property in the City to serve on the Commission. See proposed Ordinance for more information.

Staff Recommendation:

Staff recommends the City Plan and Zoning Commission forward Case No. ORD16-02 to the City Council with a recommendation for approval.

Prepared by:

Ryan Rusnak, AICP
Planner III

Attachment: Proposed Ordinance

ORDINANCE NO. 2016

An ORDINANCE to amend Title 17 of the Davenport Municipal Code, entitled "Zoning" by amending Section 17.23.040 of the Davenport City Code, entitled "historic preservation commission" by reducing the number of members from nine to seven, amending the position requirements and allowing members with businesses located within the City to serve on the Commission (City of Davenport, petitioner Case No. ORD16-02).

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

Section 1. That Chapter 17.23.040 of the Davenport Municipal Code be amended to read as follows:

17.23.040 Historic preservation commission.

The historic preservation commission of the city of Davenport is hereby established.

- A. Residency Eligibility. All members of the commission shall be legal residents of the city of Davenport or own a property within the city of Davenport, which is a designated Local Landmark or is listed on the National Register of Historic Places.
- B. Composition. The commission shall consist of ~~nine~~ seven members. They shall demonstrate a positive interest in historic preservation and/or cultural resource management issues and possess an interest, knowledge, competence or expertise in one or more of the following: architecture, history, archeology, historic preservation, urban planning, building rehabilitation, cultural resource conservation or real estate development. ~~One position shall be reserved for an architect, one position shall be reserved for a person in real estate development, two positions shall be reserved for owner-occupants of property in officially designated districts and three positions shall be reserved for professionals representing the disciplines of architecture, archeology, history, urban planning, building rehabilitation, law, sociology, or cultural re-source conservation. The remaining two positions shall be at-large appointments.~~

~~For the initial commission, two owner-occupants from one or more of the thirteen National Register of Historic Places historic districts shall be appointed. They shall serve until owners-occupants are appointed to represent local historic districts that have been designated by the city council.~~

- C. Method of appointment. Members shall be appointed by the mayor, with the approval of the city council.
- D. Terms. Members shall serve terms of three years, provided however that all members shall hold over until their successors are appointed and approved. ~~The initial appointees shall serve the following terms: three members for three years; three members for two years and three members for one year.~~ Appointments shall be staggered such that no more than three members are appointed and approved each year. Appointments for non-reappointed members shall begin from the date of the expired term of the non-reappointed member. Vacancies occurring on the commission, other than those due to the normal expiration of term of office, shall be filled only for the unexpired portion of the former member's term.
- E. Forfeiture of appointment. A member will forfeit his/her appointment to the commission if he/she fails to satisfy any of the following requirements:
 - 1. The commission member changes his/her legal address to outside the city's corporate limits or no longer owns a property within the city of Davenport, which is a designated Local Landmark or is listed on the National Register of Historic Places.

~~2. The commission member(s) representing the historic districts relinquishes residency in and/or all ownership rights to properties located within a designated historic district. The mayor shall appoint a new member(s) to represent that constituency. The length of the terms for the new appointees shall be treated as normal vacancies discussed in Section 17.23.040F.~~

~~3.2.~~ Commission members must attend in person at least one-half of, or attend and have excused absences for at least two-thirds of, all regularly scheduled or specially-called meetings convened by the commission chairperson during the calendar year.

~~F. Vacancies. Vacancies occurring on the commission, other than those due to the normal expiration of term of office, shall be filled only for the unexpired portion of the former member's term. Vacancies shall be filled by a person(s) satisfying the same eligibility requirements as the former member. This includes the composition requirements contained in Section 17.23.040B, and the appointment procedure contained in Section 17.23.040C.~~

~~G.F.~~ Meetings. Meetings shall be held at regularly scheduled times as determined by the commission. They shall be open to the public. A public record of the meetings shall contain the minutes, attendance records, voting results and summaries of all pertinent action of the commission. A copy shall be filed in the city clerk's office and the ~~department of community planning~~ and economic development department for public review.

Special meetings of the commission may be called by the chairperson and held at any time or place fixed in the call.

A special meeting of the commission may also be called at the request, in writing, of any three or more members of the commission and if the chairperson shall fail to comply with such request, said members so requesting shall call such meeting, all signing the notice.

~~H.G.~~ Quorum. The presence of a majority of the official members of the commission shall constitute a quorum to legally transact commission business.

~~I.H.~~ Officers. At its first meeting of each calendar year, the commission shall elect from its membership a chairperson and vice-chairperson who shall serve terms of one year and who shall be eligible for re-election. The chairperson shall pre-side over commission meetings. In the absence of the chairperson, the vice-chairperson shall perform the duties of the chairperson. If both are absent and a quorum is present, a temporary chairperson for that one meeting will be elected by those members in attendance. The chairperson shall be the spokesperson for the commission.

~~J~~.I. Commission secretary. The commission secretary shall be the director of community planning and economic development or his/her designee. The secretary's duties shall include:

1. The recording of the minutes of each commission meeting; and
2. The preparation and distribution of copies of the minutes, reports and decisions of the commission to its members and other interested parties; and
3. Satisfying all notice requirements established by city policy; and
4. Preparing and submitting to the mayor and city council a record of the commission's proceedings which involves city council action; and
5. Advising the mayor of vacancies on the commission and the expiring terms of its members; and
6. Providing all general administrative, technical and staff support to assist the commission in the performance of its duties.

~~K~~.J. Conflict of interest. No commission member shall participate in the discussion nor vote on any matter that appears to have a current or anticipated financial or material effect on his/her property or personal/business interests. The commission member shall be responsible for notifying the chairperson and commission secretary of such a situation prior to the commission taking any action on the issue.

~~L~~.K. Compensation. Members shall serve without compensation.

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 upon final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

William E. Gluba
Mayor

Attest: _____

Jackie Holecek, MMC
Deputy City Clerk

Published in the *Quad City Times* on _____

City of Davenport

Agenda Group: Community Development
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 326-7743
Wards: 5

Action / Date
CD12/7/2016

Subject:

First Consideration: Ordinance for Case No. ROW16-05: Request of Juan Goitia for the right-of-way vacation (abandonment) of 2,250 square feet, more or less, of East 10th Street that lies north of the sidewalk and property at 1002 Bridge Avenue. [Ward 5]

Recommendation:

The City Plan and Zoning Commission forwards Case No. ROW16-02 to the City Council for approval subject to the following conditions:

1. That a utility easement be retained over the vacated area to maintain, operate, remove, repair, replace, construct, reconstruct or relocate utility services;
2. That the vacated area be no more that 15-feet in depth along the south property line of 1002 Bridge Avenue.

The Commission vote was unanimous 9-yes, 0-no and 0-abstention.

Relationship to Goals:

Neighborhood Improvement

Background:

The petitioner is proposing to fence his yard and discovered that there is a large setback from the side walk to the property line. There is eighty (80) feet of right-of-way for East 10th Street at this three (3) block long location; between Oneida and Mississippi Avenues. East of Oneida the right-of-way is only sixty (60) feet wide. The pavement width at both areas is 27 to 28 feet in width. Today the typical right-of-way width for a residential street is fifty (50) feet with between 27 to 31 feet of pavement.

For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
▣ Ordinance	ROW16--05 Ordinance
▣ Backup Material	ROW16-05 Background

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	12/1/2016 - 1:58 PM
Community Development Committee	Berger, Bruce	Approved	12/1/2016 - 1:59 PM
City Clerk	Admin, Default	Approved	12/1/2016 - 2:35 PM

ORDINANCE NO.

ORDINANCE for Case No. ROW16-05: Request of Juan Goitia for the right-of-way vacation (abandonment) of 2,250 square feet, more or less, of East 10th Street that lies north of the sidewalk and property at 1002 Bridge Avenue. [5th Ward]

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 vacated (abandoned). The property has the following legal description:

Part of the Northwest Quarter of the Southeast Quarter Section 25 Township 78 North Range 3 East of the 5th P.M. more particularly described as follows:

Beginning at the southeast corner of Lot 1 of Block 7 of Part of G.C. Churchill's Re-Survey of Churchill's Addition to the City of Davenport, Scott County, Iowa, said corner also being the northwest corner of the intersection of Bridge Avenue and East 10th Street; thence South along the west line of Bridge Avenue as extended a distance of 15.00 feet; thence West parallel to and 15.00 feet distant from the south line of said Lot 1 of Block 7 a distance of 150.00 feet; thence North 15.00 feet to the southwest corner of said Lot 1 of Block 7; thence East along the south line of said Lot 1 of Block 7 also being the north line of East 10th Street a distance of 150 feet to the point of beginning. Said tract contains 2,250 square feet, more or less.

The City Plan and Zoning Commission forwards Case No. ROW16-05 to the City Council with a recommendation for approval subject to the following conditions:

1. That a utility easement be retained over the vacated area to maintain, operate, remove, repair, replace, construct, reconstruct or relocate utility services;
2. That the vacated area be no more than 15-feet in depth along the south property line of 1002 Bridge Avenue.

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 _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____

Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____



November 21, 2016

Honorable Mayor and City Council
226 W 4th Street
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of November 15, 2016, the City Plan and Zoning Commission considered Case No. ROW16-05 being the request of Juan Goitia for the right-of-way vacation (abandonment) of 2,250 square feet, more or less, of East 10th Street that lies north of the sidewalk and property at 1002 Bridge Avenue.

The Plan and Zoning Commission forwards Case No. ROW 16-05 to the City Council for approval subject to the following condition(s):

1. That a utility easement be retained over the vacated area to maintain, operate, remove, repair, replace, construct, reconstruct or relocate utility services;
2. That the vacated area be no more that 15-feet in depth along the south property line of 1002 Bridge Avenue.

Respectfully submitted,

Robert Inghram, Chairperson
City Plan and Zoning Commission



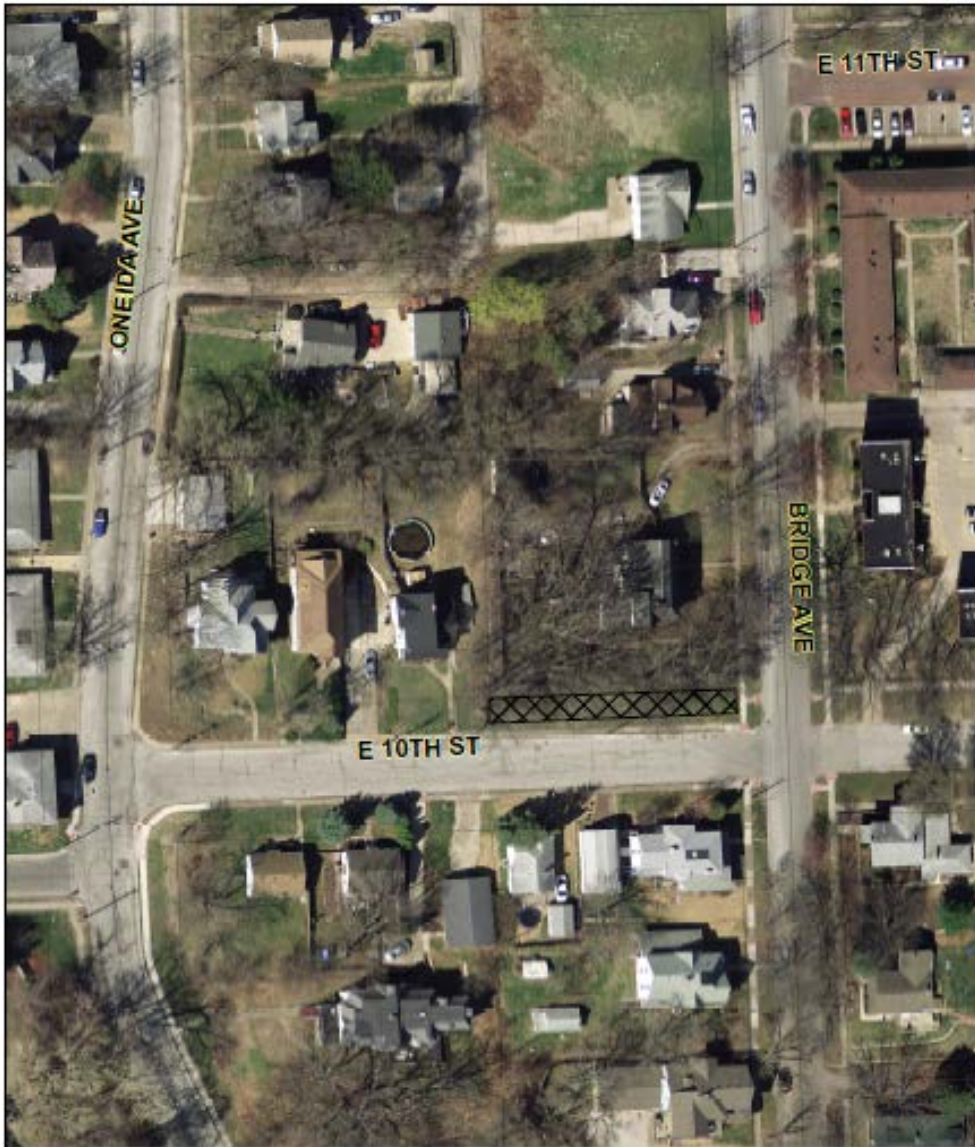
		APPROVED	APPROVED	APPROVED					
Name:	Roll Call	ORD16-03 SUPs 17.48	ROW16-05 1002 Bridge Ave	F16-15 Seiffert's NW 2nd					
Connell	P	Y	Y	Y					
Hepner	P	Y	N	Y					
Inghram	P								
Kelling	P	Y	Y	Y					
Lammers	EX								
Maness	P	Y	Y	Y					
Martinez	P	Y	Y	Y					
Medd	Ex	Y	Y	Y					
Quinn	P	Y	Y	Y					
Reinartz	P	Y	Y	Y					
Tallman	P	Y	Y	Y					
		9-YES 0-NO 0-ABSTAIN	8-YES 1-NO 0-ABSTAIN	9-YES 0-NO 0-ABSTAIN					



FUTURE LAND USE
RG Residential General

0 37.5 75 150 Feet

N
W E
S



Aerial Photo 2014

0 37.5 75 150 Feet



Background:

Comprehensive Plan:

Within Existing Urban Service Area: Yes

Within Urban Service Boundary +2035: Yes

Proposed Land Use Designation: Future Land Use Designation: *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.

Relevant Goals to be considered in this Case:

Strengthen the existing built environment – *Reduce the number of underoccupied, abandoned, or vacant buildings/properties through adaptive reuse and infill.*

Zoning:

The property is currently zoned “R-4” Moderate Density Dwelling District.

Technical Review:

Streets. The property is located at the intersection of Bridge Avenue and East 10th Street. There is no alley access to the property.

Storm Water. There does not appear to be stormwater infrastructure at this intersection. Stormwater drainage is by surface run-off.

Sanitary Sewer. Sanitary sewer service is located in East 10th Street and in the intersection of Bridge Avenue and 10th Street.

Other Utilities. This is an urban area and normal utility services are available. There does appear to be a gas line along this area. An easement would be required.

Emergency Services. The property is located just under one (1) mile from Fire Station No. 4 at 1805 East Locust Street.

Parks/Open Space. The proposed rezoning does not impact any existing or planned parks or public open spaces.

Public Input:

The public hearing was held November 1st. Since then one protest has been received from an owner along the south side of 10th Street.

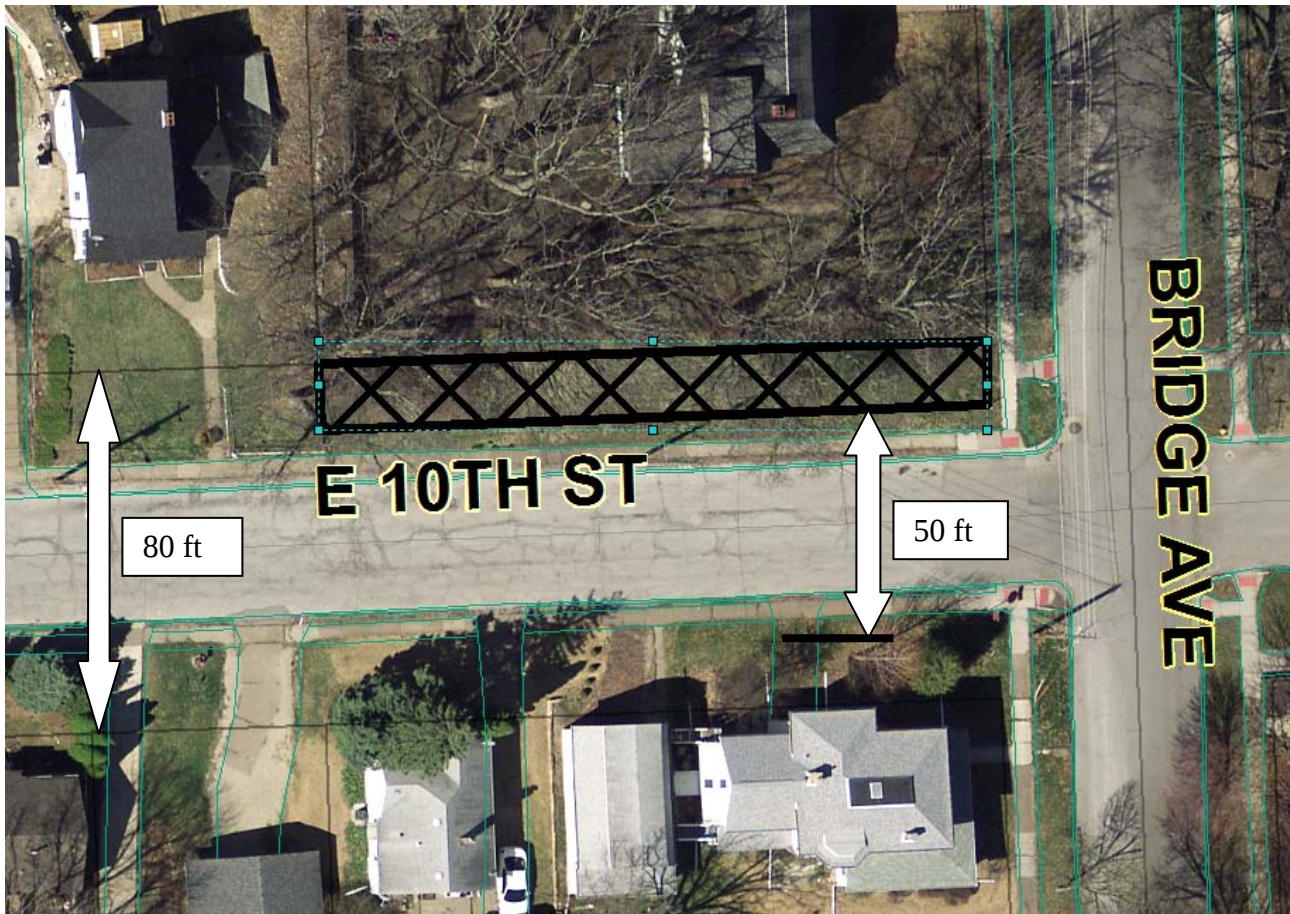
Discussion:

The petitioner is proposing to fence his yard and discovered that there is a large setback from the side walk to the property line. There is eighty (80) feet of right-of-way for East 10th Street at this three (3) block long location; between Oneida and Mississippi Avenues. East of the Oneida the right-



of-way is only sixty (60) feet wide. The pavement width at both areas is 27 to 28 feet in width. Today the typical right-of-way width for a residential street is fifty (50) feet with between 27 to 31 feet of pavement. An alternative to vacating may be a use agreement through the City Council. There is approximately 20 feet between the existing property line and the back edge of the sidewalk; vacating 15 feet would leave five feet.

Another alternative is to take a more comprehensive approach and at minimum review the entire block face, both north and south sides of the street segment. This way there is not a piecemeal approach to right-of-way abandonments as has occurred in the past.



Staff Recommendation:

Findings:

There is excessive right-of-way in this area.

Abandonment would impact properties more on the south side of 10th Street more than on the north.

Recommendation:

Alternate 1:

Staff recommends the Plan and Zoning Commission accept the findings and forward Case No.

ROW 16-05 to the City Council for approval subject to the following condition(s):

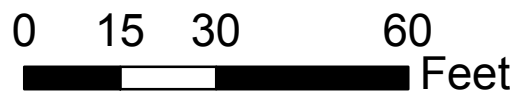
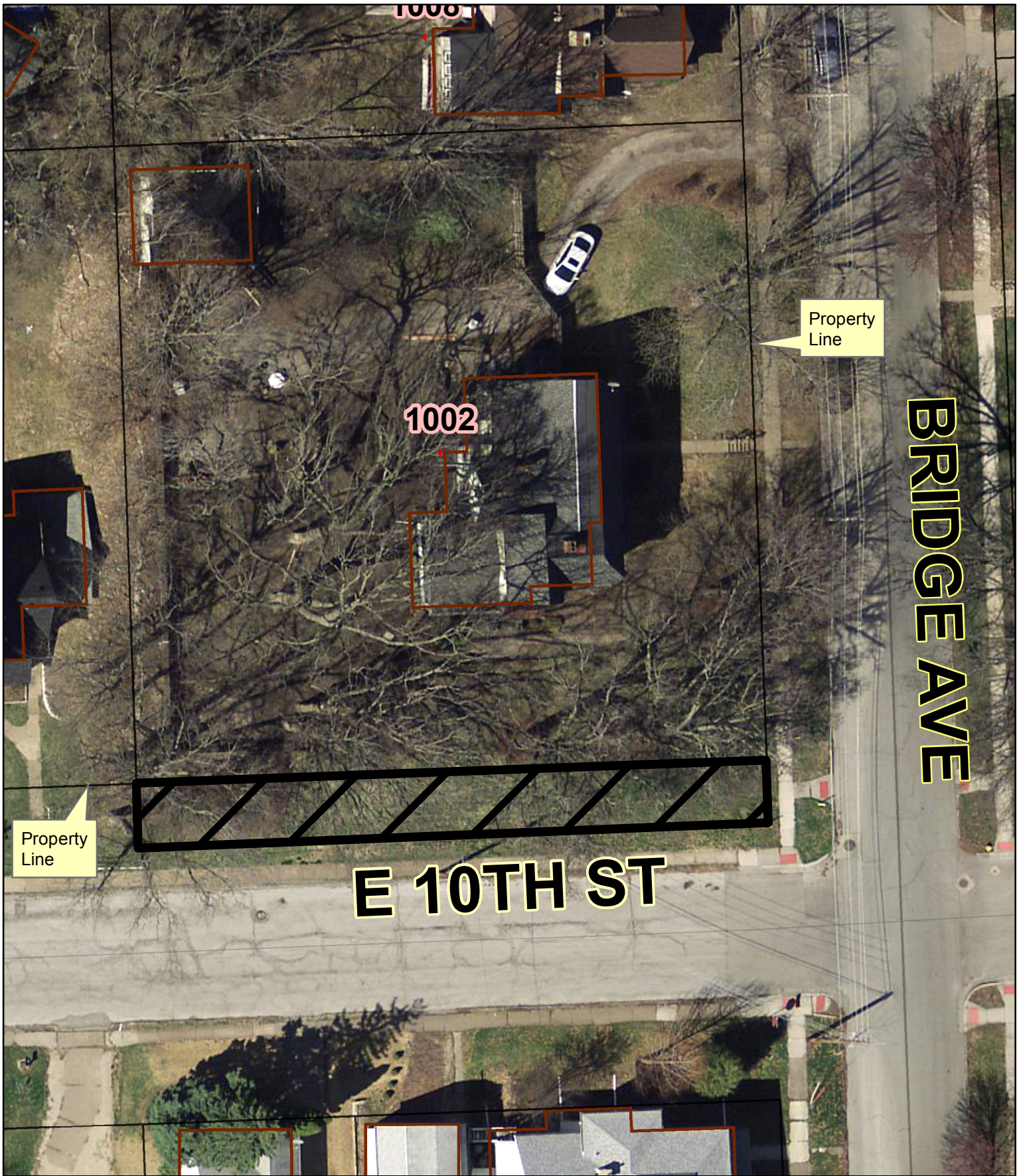
1. That a utility easement be retained over the vacated area to maintain, operate, remove, repair, replace, construct, reconstruct or relocate utility services;
2. That the vacated area be no more that 15-feet in depth along the south property line of 1002 Bridge Avenue.

Alternate 2:

Table the request and have staff contact the owners in the entire block face of 10th Street as to vacating both sides of 10th between Oneida and Bridge Avenues.

Prepared by:

Wayne Wille, CFM - Planner II
Community Planning Division

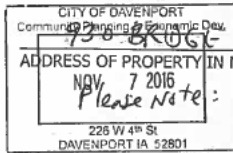


The undersigned opposes does not oppose (circle one) Petition of Juan Goltia (ROW16-05)

Comments: RIGHT OF WAY SHOULD NOT BE ABANDONED. IT IS THERE F
HARDSHIP EXISTS FOR ALL PROPERTY ON SOUTH SIDE OF 10TH ST
DUE BEING ON TOP OF PROPERTY LINE. HARDSHIP DOES NOT EXIST
ON NORTH SIDE OF STREET OR FOR THE 1802 BRIDGE.

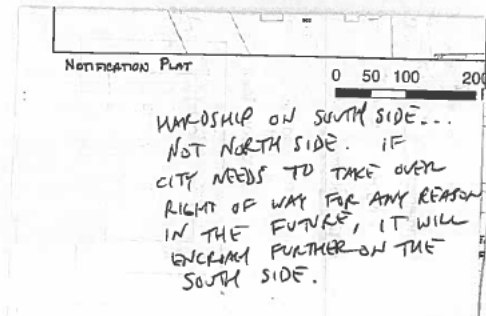
Mail to: Plan and Zoning Commission
City Hall
Davenport, Iowa 52801

NAME J. S. DERDERIAN
ADDRESS 930 BRIDGE AVENUE
DATE 02 NOV 16
(please print legibly)



730 BRIDGE AVENUE.
ADDRESS OF PROPERTY IN NOTICE AREA IF OTHER THAN MAILING ADDRESS

Please Note: I did not receive a mailing of this
case and I want to be included as I am
owner of 930 Bridge and 200 ft. of 155th. ^{155th}
Please ensure I am included in city council mailing.



Davenport City Assessor Parcel Records

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[[Assessment Report](#) | [Auditor/Treasurer Report](#) | [Map](#)]

Assessment Summary

Davenport City Assessor

Parcel Number: F0038-20A
Route Number: F27-021-000
Deed Holder: DERDERIAN JEREMY S
18 SUNSET CIR
BETTENDORF IA 52722

Deed Date: 12/27/2002
Transfer Document No.: 2002-53889
Property Location: 930 BRIDGE AV
DAVENPORT, IA

Sec-Twn-Rng/Lot-Block: 014-008

Legal Description: CHURCHILL'S RESURVEY OF CHURCHILL'S ADD -- E 100' LOT 14 (EXC S 10')

Classification: R Residential



Owner		Address	C-S-Z
TY HARVEY	SEAN HARVEY	1021 ONEIDA AVE	DAVENPORT IA 52803
JOHN P MINITER	URSULA A MINITER	1114 ONEIDA AVE	DAVENPORT IA 52803
CARRIE REWERTS		1116 E 10TH ST	DAVENPORT IA 52803
908 BRIDGE COOPERATIVE		1212 E 10TH ST APT 3	DAVENPORT IA 52803
CAMELOT COOPERATIVE		PO BOX 131	BETTENDORF IA 52722
1011 BRIDGE COOPERATIVE		1001 OAK ST	BURLINGTON IA 52601
ROBERT F HEIMER	VICTORIA Q NAVANO	1223 E 10TH ST	DAVENPORT IA 52803
JEREMY J RICHARD		919 BRIDGE AVE	DAVENPORT IA 52803
NANCY M DERDERIAN		3332 - 7TH ST	MOLINE IL 61265-6108
JEREMY DERDERIAN		18 SUNSET CIR	BETTENDORF IA 52722
MYRTLE L GRAVES		1111 E 10TH ST	DAVENPORT IA 52803
		2 GALLERIA TOWER	
FEDERAL NATIONAL MORTGAGE ASSOC		13455 NOEL RD STE 600	DALLAS TX 75240
JUAN F GOITIA	ASHLEY J GOTIA	1002 BRIDGE AVE	DAVENPORT IA 52803
ALD RITA RAWSON		226 W 4TH ST	DAVENPORT IA 52801
ALD WILLIAM BOOM		226 W 4TH ST	DAVENPORT IA 52801

Owner		Address	C-S-Z
TY HARVEY	SEAN HARVEY	1021 ONEIDA AVE	DAVENPORT IA 52803
JOHN P MINITER	URSULA A MINITER	1114 ONEIDA AVE	DAVENPORT IA 52803
CARRIE REWERTS		1116 E 10TH ST	DAVENPORT IA 52803
908 BRIDGE COOPERATIVE		1212 E 10TH ST APT 3	DAVENPORT IA 52803
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ALD RITA RAWSON		226 W 4TH ST	DAVENPORT IA 52801
ALD WILLIAM BOOM		226 W 4TH ST	DAVENPORT IA 52801



City of Davenport
Community Planning & Economic Development Department

November 21, 2016

Dear Property Owner:

This letter is to inform you that the City Council will be holding a public hearing regarding the request of Juan Goitia (Case No. ROW16-05) for the right-of-way vacation (abandonment) of 2,250 square feet, more or less, of East 10th Street that lies north of the sidewalk and property at 1002 Bridge Avenue.

The Plan and Zoning Commission forwards Case No. ROW 16-05 to the City Council for approval subject to the following condition(s):

1. That a utility easement be retained over the vacated area to maintain, operate, remove, repair, replace, construct, reconstruct or relocate utility services;
2. That the vacated area be no more than 15-feet in depth along the south property line of 1002 Bridge Avenue.

A public hearing on this ordinance and proposal will be held before the City Council in the City Council Chambers, 226 West 4th Street, Davenport Iowa, on Wednesday, December 07, 2016 at 5:30 p.m. At the hearing, interested persons may appear and be heard for or against the proposed petition. All protests from within the 200 foot notice area must be made in writing to be valid.

If you have already responded to the public hearing notice from the City Plan and Zoning Commission, no additional response is necessary. That response will remain in force unless it is withdrawn or changed in writing. The Council will consider written protests which are filed or withdrawn prior to the start of the Committee-of-the-Whole Meeting immediately prior to the scheduled final consideration of the ordinance. Protests filed or withdrawn after that time will not be accepted.

Contact the Community Planning and Economic Development Department:

Phone: (563) 326-7765 • Fax: (563) 328-6714 • E-mail: planning@ci.davenport.ia.us

Mail: City of Davenport (CPED), 226 West 4th Street, Davenport, IA 52801

City of Davenport

Agenda Group: Community Development
Department: Community Planning & Economic Development
Contact Info: Matt Flynn, 563-326-7743
Wards: All

Action / Date
CD12/7/2016

Subject:

First Consideration: Ordinance for Case No. ORD16-03 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code. [All Wards]

Recommendation:

The Plan and Zoning Commission considered case No. ORD16-03 at its November 15, 2016 meeting and voted to forward Case No. ORD16-03 to the City Council with a recommendation for approval (without any special conditions).

The Commission vote was 9-yes and 0-no with 0-abstention.

Relationship to Goals:

High performing government

Background:

Approximately 10 years ago the City began requiring a special use permit be obtained for new liquor license locations in most areas in Davenport. During this period only 5 applicants out of 130 were denied a permit by the Zoning Board of Adjustment. While at the same time approximately 20% of the ZBA's agenda was devoted to these permit applications and many hours of staff time were spent preparing staff reports.

For further background information please refer to the background materials.

ATTACHMENTS:

Type	Description
▣ Ordinance	ORD16-03 -Ordinance
▣ Backup Material	ORD16-03 Background

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Admin, Default	Approved	12/1/2016 - 4:36 PM
Community Development Committee	Admin, Default	Approved	12/1/2016 - 4:36 PM
City Clerk	Admin, Default	Approved	12/1/2016 - 4:37 PM

ORDINANCE NO.

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

ORDINANCE for Case No. ORD16-03: Ordinance amending various sections of Title 17, entitled "Zoning," of the Davenport Municipal Code to eliminate the need for a special use permit to obtain an alcoholic beverage license or permit for businesses that are zoned for commercial activity.

Section 1. That Subsection 17.48.020(B) is hereby amended to read as follows:

B. In the C-1 Neighborhood Shopping District through the M-2 Heavy Industrial District the following uses shall require a special use permit:

1. Class "A" service station(s), for the sale of motor vehicle fuel to the general public subject to the following:
 - a. In addition to the site plan, detailed plans showing the building layout with floor elevations, tank locations and their capacity, pumps and their associated piping, and safety curb locations. In making their determination the zoning board of adjustment shall also consider internal circulation for all traffic movement, such as vehicle stacking at the entrance(s) and exit(s) and pump islands, the backing out of vehicles in designated parking spaces and the maneuvering required for fuel and non-fuel delivery vehicles;
 - b. That there shall be no overnight storage of material, merchandise, and/or equipment except within approved buildings or structures;
 - c. All signage shall comply with the regulations of Chapter 17.45;
 - d. All tank installations and subsequent replacements and/or removals shall comply with all applicable State Department of Natural Resources (DNR) and Federal Environmental Protection Agency (EPA) regulations;
 - e. Gas island canopy(ies) may project into the required front yard setback so that the leading edge of the canopy(ies) is not less than ten feet from the front property line.
2. Public garage(s) when located within one hundred twenty-five feet of an "R" district provided that:
 - a. All work on vehicles be done within a fully enclosed building(s);

b. All area(s) for vehicle storage be screened from adjacent property and rights-of-way by a solid fence or wall to a height of not less than six feet;

Section 2. That subsection 17.27.030(A) is amended to read as follows:

34. Taverns, brew pubs, beer and wine gardens;

Section 3. That Section 17.28.030 is amended to read as follows:

17.28.030 Use regulations.

A building or premises shall be used only for the following purposes:

- A. Any use permitted in the C-O office shop district;
 - B. Bakery whose products are sold at retail on the premises;
 - C. Bank;
 - D. Catering establishment;
 - E. Repair shops for household items including clothing;
 - F. Filling stations (See Chapter 5.24 of this code);
 - G. Hospitals and clinics for animals, but not open kennels or yards where animals are confined or exercised;
 - H. Interior decorating shop;
 - I. Messenger or telegraph service station;
 - J. Restaurant;
 - K. Public garage; no lot or portion thereof shall be used for the display of used cars, provided that no public garage shall be within one hundred twenty-five feet of the boundary of any residential district;
 - L. Garage, storage, and parking lots;
 - M. Salesroom and showroom;
 - N. Store or shop for the conduct of a retail business;
 - O. Store for the collection and distribution of laundry and dry cleaning articles, but not for the treatment, cleaning or processing of such article;
 - P. Theater, except open air drive-in theaters; provided, however, that no theater shall be erected or reconstructed unless there is provided on the same lot, or within three hundred feet thereof, a space for off-street parking which contains an area adequate to accommodate one automobile for every six seats in the theater;
 - Q. Motel;
 - R. Undertaking establishment;
 - S. Service establishments only when totally enclosed within a structure, including coin-operated laundromats and cleaning establishments when nonflammable cleaning fluids are used;
 - T. Taverns, brew pubs, beer and wine gardens;
 - U. Accessory buildings and uses customarily incidental to the above uses.
- (New: prior code § 42-60).

Section 4. That Section 17.32.020 is amended to read as follows:

17.32.020 Use regulations.

A building or premises shall be used only for the following uses:

- A. The retail sales of merchandise;
- B. Offices;
- C. Restaurants and food services associated with other development in the complex;
- D. Banking facilities;
- E. Hotels and motels;
- F. Indoor recreation uses and outdoor uses that relate to other activities developed on the site;
- G. Parking;
- H. Retail outlets, business parks, mixed office, warehouse distribution uses (provided that all storage activities are carried out completely within a building);
- I. Residential development;
- J. The assembly of products provided that all storage and activity takes place within an enclosed structure, such activity is completely screened from public view and that the components or materials used to construct the products are not corrosive or explosive;
- K. Pharmaceutical and cosmetic compounding;
- L. Medical, dental, research, testing and experimental laboratories;
- M. Taverns, brew pubs, beer and wine gardens
- N. Other similar compatible facilities.

Section 5. That 5.10.105(F) is amended to read as follows:

F. No carry-out liquor sales establishment as defined in Chapter 5.10 shall be located within one-quarter mile of another existing carry-out liquor sales establishment in the area within and adjacent to Downtown Davenport, hereby defined as the area enclosed by the following: Beginning at the intersection of South Marquette Street and the seawall of the Mississippi River, north along the centerline of Marquette Street to the centerline of West 6th Street, east along the centerline of 6th Street to the centerline of Iowa Street, south along the centerline of Iowa Street to the centerline of Federal Street, east and southeast along the centerline of Federal Street and as extended to the seawall of the Mississippi River, and west along said seawall to the point of beginning. Any carry-out liquor sales establishment established prior to the effective date of this paragraph (adopted October 9, 2013 by Ordinance 2013-329) that is nonconforming with regard to the separation requirement between said uses, as specified in this title, may continue unless one or both of these conditions occur, then nonconforming rights cease and the use must convert to a conforming use:

1. The liquor license lapses, is revoked or is discontinued for a period of one year; or,

2. There are changes to the use such that the use no longer meets the definition of a carry-out liquor sales establishment.

Section 6. That a new section 5.10.107 entitled "Licenses issued After October 1, 2016 – Additional Requirements" is adopted that reads as follows:

5.10.107 All Licenses and Permits – Additional Requirements.

A. No business holding a liquor license or a beer or wine permit shall sell or dispense alcoholic beverages via a drive through or walk-up window.

B. The business must satisfy the following criteria, in addition to all other existing city ordinances, rules, and regulations, including, but not limited to those concerning noise, lights, and nuisance behavior and conditions:

(1) The business is sufficiently separated from any adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the business from having a significant detrimental impact upon the adjoining residential uses.

(2) The business will not increase congestion on the streets in any adjoining residential area by its customers or employees frequently parking in front of the residences of others. Business locations in operation prior to 1965 are exempt from this requirement.

(3) Any parking area provided for the use of customers of the business shall be illuminated at an intensity of at least one footcandle of light on the parking surface. Parking lot lighting shall be limited to downcast luminaires. Parking lot lighting shall be directed away from nearby residential properties and city streets;

(4) Attractive litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.

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 _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

Attest: _____

Jackie Holecek, CMC
Deputy City Clerk

Published in the *Quad City Times* on _____

November 16, 2016

Honorable Mayor and City Council
City Hall
226 West 4th Street
Davenport, Iowa 52801

At its regular meeting of November 15, 2016, the City Plan and Zoning Commission considered Case No. ORD16-03 being an ordinance to amend Title 17 of the Davenport Municipal Code to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code. [All Wards]

The City Plan and Zoning Commission forwards Case No. ORD16-03 to the City Council with a recommendation for approval.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission

		APPROVED	APPROVED	APPROVED					
Name:	Roll Call	ORD16-03 SUPs 17.48	ROW16-05 1002 Bridge Ave	F16-15 Seiffert's NW 2nd					
Connell	P	Y	Y	Y					
Hepner	P	Y	N	Y					
Inghram	P								
Kelling	P	Y	Y	Y					
Lammers	EX								
Maness	P	Y	Y	Y					
Martinez	P	Y	Y	Y					
Medd	Ex	Y	Y	Y					
Quinn	P	Y	Y	Y					
Reinartz	P	Y	Y	Y					
Tallman	P	Y	Y	Y					
		9-YES 0-NO 0-ABSTAIN	8-YES 1-NO 0-ABSTAIN	9-YES 0-NO 0-ABSTAIN					

TO BE PUBLISHED IN THE WEDNESDAY NOVEMBER 30, 2016 EDITION OF THE QUAD CITY TIMES, HAVING THE NOTICE BILLED TO PO NO. 1708558 AND RECEIVING THE PROOF OF PUBLICATION PRIOR TO THE PUBLIC HEARING

TO WHOM IT MAY CONCERN:

There is on file in the Community Planning and Economic Development Department of the City of Davenport, the following petitions:

Case No. ORD16-3 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code. [All Wards]

A public hearing on this ordinance will be held before the Committee of the Whole in the Council Chambers, City Hall, Davenport, Iowa on Wednesday, December 07, 2016, at 5:30 p.m. At the hearing interested parties may appear and be heard regarding the proposed ordinances. PO No. 1708558.

Department of Community Planning & Economic Development

Phone: (563) 326-7765

Email: planning@ci.davenport.ia.us



**Community Planning & Economic Development Department
City of Davenport**

FINAL STAFF REPORT

PLAN AND ZONING COMMISSION

Meeting Date: November 15, 2016
Request: Zoning Ordinance Text Amendment
Case No.: ORD16-3
Applicant: City of Davenport-Legal Department

Description:

Case No. ORD16-3 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code. [All Wards]

Recommendation:

Staff recommends the City Plan and Zoning Commission forward Case No. ORD16-3 to the City Council with a recommendation for approval.

Background:

Approximately 10 years ago the City began requiring a special use permit be obtained for new liquor license locations in most areas in Davenport. During this period only 5 applicants out of 130 were denied a permit by the Zoning Board of Adjustment. While at the same time approximately 20% of the ZBA's agenda was devoted to these permit applications and many hours of staff time were spent preparing staff reports.

Discussion:

As these permits are nearly always approved based upon the objective criteria for granting and none were ever revoked, this ordinance will eliminate the necessity of obtaining a special use permit, so long as the use is permitted by the underlying zoning classification. Instead, the applicant's business will automatically be subject to the standard conditions for its operations that the ZBA typically imposed. These requirements will be imposed by code provisions found elsewhere in the City Code and particularly in Chapter 5.10 which deals with alcohol licensing.

Alcohol is a legal product, and the State's Alcoholic Beverages Division is the paramount authority with respect to whether a license is issued or denied. The change proposed shifts the focus to how the business operates after it opens. At that point, it becomes a question of enforcement of the City's ordinances.

Public Input:

Public notice was published in the Quad City Times on Saturday October 21, 2016.

Recommendation:

Staff recommends the City Plan and Zoning Commission forward Case No. ORD16-3 to the City Council with a recommendation for approval.



**Community Planning & Economic Development Department
City of Davenport**

PUBLIC HEARING REPORT

PLAN AND ZONING COMMISSION

Meeting Date: November 1, 2016
Request: Zoning Ordinance Text Amendment
Case No.: ORD16-03
Applicant: City of Davenport-Legal Department

Description:

Case No. ORD16-3 Ordinance amending various sections of Title 17 to eliminate the special use permit requirement for new alcohol-related uses and restructure other zoning provisions accordingly. Chapter 17.60 Amendments allows for text amendments of the Davenport Municipal Code. [All Wards]

Recommendation:

Staff will make a recommendation at the November 15, 2016 meeting.

Background:

Approximately 10 years ago the City began requiring a special use permit be obtained for new liquor license locations in most areas in Davenport. During this period only 5 applicants out of 130 were denied a permit by the Zoning Board of Adjustment. While at the same time approximately 20% of the ZBA's agenda was devoted to these permit applications and many hours of staff time were spent preparing staff reports.

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As these permits are nearly always approved based upon the objective criteria for granting and none were ever revoked, this ordinance will eliminate the necessity of obtaining a special use permit, so long as the use is permitted by the underlying zoning classification. Instead, the applicant's business will automatically be subject to the standard conditions for its operations that the ZBA typically imposed. These requirements will be imposed by code provisions found elsewhere in the City Code and particularly in Chapter 5.10 which deals with alcohol licensing.

Alcohol is a legal product, and the State's Alcoholic Beverages Division is the paramount authority with respect to whether a license is issued or denied. The change proposed shifts the focus to how the business operates after it opens. At that point, it becomes a question of enforcement of the City's ordinances.

Public Input:

Public notice was published in the Quad City Times on Saturday October 21, 2016.

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

Ordinance amending various sections of Title 17, entitled "Zoning," of the Davenport Municipal Code to eliminate the need for a special use permit to obtain an alcoholic beverage license or permit for businesses that are zoned for commercial activity.

Section 1. That Subsection 17.48.020(B) is hereby amended to read as follows:

B. In the **C-1 Neighborhood Shopping District through the M-2 Heavy Industrial District** the following uses shall require a special use permit:

1. Class "A" service station(s), for the sale of motor vehicle fuel to the general public subject to the following:
 - a. In addition to the site plan, detailed plans showing the building layout with floor elevations, tank locations and their capacity, pumps and their associated piping, and safety curb locations. In making their determination the zoning board of adjustment shall also consider internal circulation for all traffic movement, such as vehicle stacking at the entrance(s) and exit(s) and pump islands, the backing out of vehicles in designated parking spaces and the maneuvering required for fuel and non-fuel delivery vehicles;
 - b. That there shall be no overnight storage of material, merchandise, and/or equipment except within approved buildings or structures;
 - c. All signage shall comply with the regulations of Chapter 17.45;
 - d. All tank installations and subsequent replacements and/or removals shall comply with all applicable State Department of Natural Resources (DNR) and Federal Environmental Protection Agency (EPA) regulations;
 - e. Gas island canopy(ies) may project into the required front yard setback so that the leading edge of the canopy(ies) is not less than ten feet from the front property line.
2. Public garage(s) when located within one hundred twenty-five feet of an "R" district provided that:
 - a. All work on vehicles be done within a fully enclosed building(s);
 - b. All area(s) for vehicle storage be screened from adjacent property and rights-of-way by a solid fence or wall to a height of not less than six feet;

Section 2. That subsection 17.27.030(A) is amended to read as follows:

34. Taverns, brew pubs, beer and wine gardens;

Section 3. That Section 17.28.030 is amended to read as follows:

17.28.030 Use regulations.

A building or premises shall be used only for the following purposes:

A. Any use permitted in the C-O office shop district;

- B. Bakery whose products are sold at retail on the premises;
 - C. Bank;
 - D. Catering establishment;
 - E. Repair shops for household items including clothing;
 - F. Filling stations (See Chapter 5.24 of this code);
 - G. Hospitals and clinics for animals, but not open kennels or yards where animals are confined or exercised;
 - H. Interior decorating shop;
 - I. Messenger or telegraph service station;
 - J. Restaurant;
 - K. Public garage; no lot or portion thereof shall be used for the display of used cars, provided that no public garage shall be within one hundred twenty-five feet of the boundary of any residential district;
 - L. Garage, storage, and parking lots;
 - M. Salesroom and showroom;
 - N. Store or shop for the conduct of a retail business;
 - O. Store for the collection and distribution of laundry and dry cleaning articles, but not for the treatment, cleaning or processing of such article;
 - P. Theater, except open air drive-in theaters; provided, however, that no theater shall be erected or reconstructed unless there is provided on the same lot, or within three hundred feet thereof, a space for off-street parking which contains an area adequate to accommodate one automobile for every six seats in the theater;
 - Q. Motel;
 - R. Undertaking establishment;
 - S. Service establishments only when totally enclosed within a structure, including coin-operated laundromats and cleaning establishments when nonflammable cleaning fluids are used;
 - T. Taverns, brew pubs, beer and wine gardens;
 - U. Accessory buildings and uses customarily incidental to the above uses.
- (New: prior code § 42-60).

Section 4. That Section 17.32.020 is amended to read as follows:

17.32.020 Use regulations.

A building or premises shall be used only for the following uses:

- A. The retail sales of merchandise;
- B. Offices;
- C. Restaurants and food services associated with other development in the complex;
- D. Banking facilities;
- E. Hotels and motels;
- F. Indoor recreation uses and outdoor uses that relate to other activities developed on the site;

- G. Parking;
- H. Retail outlets, business parks, mixed office, warehouse distribution uses (provided that all storage activities are carried out completely within a building);
- I. Residential development;
- J. The assembly of products provided that all storage and activity takes place within an enclosed structure, such activity is completely screened from public view and that the components or materials used to construct the products are not corrosive or explosive;
- K. Pharmaceutical and cosmetic compounding;
- L. Medical, dental, research, testing and experimental laboratories;
- M. Taverns, brew pubs, beer and wine gardens
- N. Other similar compatible facilities.

Section 5. That 5.10.105(F) is amended to read as follows:

F. No carry-out liquor sales establishment as defined in Chapter 5.10 shall be located within one-quarter mile of another existing carry-out liquor sales establishment in the area within and adjacent to Downtown Davenport, hereby defined as the area enclosed by the following: Beginning at the intersection of South Marquette Street and the seawall of the Mississippi River, north along the centerline of Marquette Street to the centerline of West 6th Street, east along the centerline of 6th Street to the centerline of Iowa Street, south along the centerline of Iowa Street to the centerline of Federal Street, east and southeast along the centerline of Federal Street and as extended to the seawall of the Mississippi River, and west along said seawall to the point of beginning. Any carry-out liquor sales establishment established prior to the effective date of this paragraph (adopted October 9, 2013 by Ordinance 2013-329) that is nonconforming with regard to the separation requirement between said uses, as specified in this title, may continue unless one or both of these conditions occur, then nonconforming rights cease and the use must convert to a conforming use:

1. The liquor license lapses, is revoked or is discontinued for a period of one year; or,
2. There are changes to the use such that the use no longer meets the definition of a carry-out liquor sales establishment.

Section 6. That a new section 5.10.107 entitled "Licenses issued After October 1, 2016 – Additional Requirements" is adopted that reads as follows:

5.10.107 All Licenses and Permits – Additional Requirements.

- A. No business holding a liquor license or a beer or wine permit shall sell or dispense alcoholic beverages via a drive through or walk-up window.
- B. The business must satisfy the following criteria, in addition to all other existing city ordinances, rules, and regulations, including, but not limited to those concerning noise, lights, and nuisance behavior and conditions:

(1) The business is sufficiently separated from any adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the business from having a significant detrimental impact upon the adjoining residential uses.

(2) The business will not increase congestion on the streets in any adjoining residential area by its customer or employees frequently parking in front of the residences of others. Business locations in operation prior to 1965 are exempt from this requirement.

(3) Any parking area provided for the use of customers of the business shall be illuminated at an intensity of at least one footcandle of light on the parking surface. Parking lot lighting shall be limited to downcast luminaires. Parking lot lighting shall be directed away from nearby residential properties and city streets;

(4) Attractive litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.

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 _____

Second Consideration _____

Approved _____

Frank Klipsch
Mayor

City of Davenport

Agenda Group: Community Development
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 326-7743
Wards: 6

Action / Date
CD12/7/2016

Subject:

Resolution modifying the Crow Creek Road/Utica Ridge Road Intergovernmental Agreement by deleting Section 5.c. which removes the City of Bettendorf from maintenance responsibility for the detention area located in Lot 2 of Village Cooperative First Addition due to the modification proposed as part of the Village Cooperative development. [Ward 6]

Recommendation:

That the City Council approve the modification to Section 5. of the aforementioned Crow Creek Road/Utica Ridge Road Intergovernmental Agreement by deleting (dissolving) sub-section 5.c. which reads as follows:

Bettendorf Shall:

5. Maintain the improvements listed below, unless responsibility is delineated in a separate agreement.

c. The stormwater detention area constructed with this project, including all appurtenances such as outlets controls and piping. (underline added)

Relationship to Goals:

Added emphasis on economic development
Intergovernmental cooperation

Background:

Both Bettendorf and Davenport have reviewed and agreed to the changes proposed for the detention pond located in Lot 2 of Village Cooperative First Addition. These changes increase the capacity of the detention pond as well as meeting Davenport's newer stormwater management ordinance requirements. The developer will be responsible for the maintenance of the detention pond area. The City's ordinance makes it possible that after a period of time the developer may petition the City to take over the owner ship of the detention facility.

Please refer to the background materials for further information.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	28E resolution only
▣ Backup Material	28E background

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	12/1/2016 - 2:00 PM
Community Development Committee	Berger, Bruce	Approved	12/1/2016 - 2:00 PM
City Clerk	Admin, Default	Approved	12/1/2016 - 2:36 PM

Resolution No. __ __

Resolution offered by Ald. Boom

RESOLVED by the City Council of the City of Davenport.

RESOLUTION modifying the Crow Creek Road/Utica Ridge Road Intergovernmental Agreement by deleting Section 5.c. which removes the City of Bettendorf from maintenance responsibility for the detention area located in Lot 2 of Village Cooperative First Addition due to the modification proposed as part of the Village Cooperative development. [6th Ward]

WHEREAS, the developer has proposed modifications to the detention area located in Lot 2 of the Village Cooperative First Addition thereby increasing its efficiency and capacity;

WHEREAS, the developer will be responsible for the maintenance of the detention area;

WHEREAS, the Cities of Bettendorf and Davenport have agreed to the modifications;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Crow Creek Road/Utica Ridge Road Intergovernmental Agreement is hereby modified by deleting subsection 5.c. which reads as follows:

Bettendorf Shall:

5. Maintain the improvements listed below, unless responsibility is delineated in a separate agreement.

c. The stormwater detention area constructed with this project, including all appurtenances such as outlets controls and piping. (underline added)

and the Mayor and City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk



1609 State Street • Bettendorf, Iowa 52722-4937 • (563) 344-4000

March 30, 2015

City of Davenport
Attn: Mr. Wayne Wille
226 W. 4th Street
Davenport, IA 52801

RE: Regional Detention Area – Lot 2 Village Cooperative First Addition

Dear Wayne,

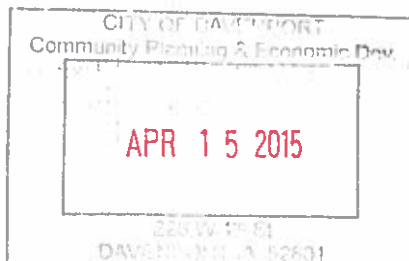
The City of Bettendorf's engineering staff met with Shive-Hattery on two (2) occasions and has reviewed the storm water design and calculations associated with the Regional Detention Area on Lot 2 of the Village Cooperative First Addition. Attached is a summary of the detention design parameters and the analysis completed by Shive-Hatter, Inc. at the request of the City of Bettendorf.

The City is in agreement with Shive-Hattery's storm water design and calculations for this detention area. We request the Owner perform an as-constructed survey to be conducted at the conclusion of construction to verify the detention was constructed in general accordance with the design intent.

The City will require as a condition of approval that the prior 28E agreement be dissolved releasing Bettendorf from any responsibility of owning or maintaining the detention area. Please coordinate with the City's Attorney, Kristine Stone, once an agreement is drafted for review. She can be reached at (563) 344-4004.

Respectfully,

Dennis Snyder, P.E.
City Engineer, Bettendorf, Iowa



MEMO

TO: Dennis Snyder, PE, Bettendorf Civil Engineer
FROM: Greg Schaapveld, PE
DATE: March 30, 2015
RE: Village Cooperative Regional Detention Review

A pre-development model was created to determine the two year and five year pre-development release rate for the drainage area upstream of our detention basin. This model encompassed the same 59.93 acres as is included in the City-provided model, utilized a curve number of 82 for "Straight row and crop residue, Good Condition, C soil", and a computed time of concentration of 27 minutes (100 LF of sheet flow over cultivated land [$n=0.12$] at 1.6%, then 2190 LF of shallow concentrated flow at 1.6%). This model showed a two year pre-development release rate of 77 CFS and a five year pre-development release rate of 121 CFS.

Next we modified the City-provided model to incorporate our development. Our modifications were limited to:

1. Creating a new subbasin "Village Coop" that encompassed our parcel. The area of the existing subbasins "Sub-34" and "Sub-Coventry East," each of which originally encompassed a portion of our site, were reduced accordingly. Our 7.6 acre parcel had a composite CN of 89 [3.0 acres of 1/8 acre residential lots at CN = 90, 1.9 acres of good condition open space at CN = 74, and 2.7 acres of impervious cover at CN = 98, all C soil] and a time of concentration of 9.9 minutes [120 LF of sheet flow over dense lawn grass [$n=0.24$] at 7.7%].
2. The existing detention basin on our site was modified to reflect the proposed change in size and new outlet pipe shown on our construction plans.
3. The total rainfall depths were changed to be in accordance with the values in the current SUDAS design manual. For the two year storm a cumulative rainfall depth of 3.01 inches was used as opposed to the 2.88 inches originally set in the provided model; the five year storm was changed from 3.66 inches to 3.75 inches; and the one hundred year depth increased from 6.84 inches to 7.22 inches. The SUDAS depths were also used for our pre-development model.

The remainder of the City-provided model was not modified.

Next, the post-development two, five, and one hundred year storms were routed through the detention basin. During the one hundred year storm, the detention basin was shown to experience a maximum inflow of 273 CFS and release at a maximum rate of 30 CFS, which matches the existing anticipated 100 year release rate. To match the existing release rate we'll incorporate a 5 ¼" by 5 ¼" restriction in the proposed 24" diameter pipe. The basin will attain a maximum volume of 4.2 acre-feet at a depth of 5.5', leaving 0.4' of freeboard. As such, the modified basin satisfies the City of Bettendorf request that the basin release no more than the 2 year pre-development release rate. The model doesn't take into account the 0.47 acre-feet of storage provided by our infiltration chamber so the release rate would be even lower for most rain events.



Finally, there are no apparent adverse effect if intakes were added on Crow Creek Road to convey on-street runoff from the Coventry residential subdivision into the detention basin. The City-provided model already routed all of the Coventry runoff through our detention basin so the flow and volume numbers provided above include the entirety of the Coventry subdivision. The City-provided model shows 50 CFS will travel through the pipe from Coventry during the 100 year storm, leaving 8.3 CFS to be captured on street. A triple intake and a 15" RCP outlet could capture that flow. It is worth noting that the gutter elevation at the proposed Coventry intake location is higher than the top of our detention basin, and as such adding a direct connection to our detention basin would not introduce flooding on Crow Creek Road because our detention basin would overtop before water could surcharge through the new inlets.

CITY OF BETTENDORF – CITY OF DAVENPORT
CROW CREEK ROAD/UTICA RIDGE ROAD
INTERGOVERNMENTAL AGREEMENT

This Agreement is made and entered into pursuant to authority contained in Chapter 28E of the Code of Iowa 2001, by and between the City of Bettendorf, Iowa, a municipal corporation ("Bettendorf"), and the City of Davenport, Iowa, a municipal corporation ("Davenport").

R E C I T A L S:

- A. This Agreement concerns proposed improvements to the storm water drainage system, as it enters Bettendorf from Davenport, along the north side of Crow Creek Road between Amesbury Drive and Utica Ridge Road. It also concerns proposed improvements to Crow Creek Road from Amesbury Drive to approximately 470' west of Utica Ridge Road and improvements to Utica Ridge Road north of Crow Creek Road in Davenport.
- B. Bettendorf and Davenport desire to enter into this Agreement to reduce the impacts of storm water upon the residents of Terrace Park subdivision in Bettendorf. Both communities also desire to improve the capabilities of Crow Creek Road to move traffic east-west between Utica Ridge Road and 18th Street in Bettendorf. This is the result of on-going and future developments in both communities in the vicinity of the intersection of Utica Ridge Road and Crow Creek Road.

IT IS THEREFORE AGREED:

Bettendorf Shall:

1. Hire a consulting firm to prepare plans, specifications and all related contractual documents for the following:
 - a. Storm water detention on land presently owned by Christ's Family Reformed Church, 4601 Utica Ridge Road, Davenport, Iowa.
 - b. Widening and paving of Utica Ridge Road from its present state one additional lane on the east side approximately 500 feet north of Crow Creek Road to the widened section recently completed and one lane on the west side approximately 520 feet north of Crow Creek Road.
 - c. Removal and replacement of the existing PCC pavement on Crow Creek Road eastbound from Utica Ridge Road to Amesbury Drive.
 - d. Earthwork and paving of the continuation of the divided Crow Creek Road westbound from Amesbury Drive to approximately 470 feet west of Utica Ridge Road.

- e. Construction of a sanitary sewer line extension from Utica Ridge Road east through property presently owned by Christ's Family Church to property presently owned by Coventry LLC, 3211 East 35th Street Court, Davenport, Iowa.
 - f. Installation of a traffic signal at the intersection of Crow Creek Road and Utica Ridge Road.
- 2. Obtain City of Davenport Engineering Division approval of all plans, specifications and related documents before bidding the project for construction.
 - 3. Obtain all necessary rights of way and easements for the improvements listed in 1. a. to f. above.
 - 4. Construct the improvements listed in 1. a. to f. above.
 - 5. Maintain the improvements listed below, unless responsibility is delineated in a separate agreement.
 - a. The traffic signal at the intersection of Crow Creek Road and Utica Ridge Road.
 - b. All pavements and storm sewer within the city limits of Bettendorf.
 - c. The storm water detention area constructed with this project, including all appurtenances such as outlet controls and piping.

Davenport shall:

- 6. With Coventry, L.L.C., reimburse Bettendorf for the cost of design and construction of the sanitary sewer line listed in 1. e. above.
- 7. Reimburse Bettendorf for the cost of design and construction of the widening and paving of approximately 520 feet of Utica Ridge Road from its present state one additional lane on the west side north of Crow Creek Road.
- 8. Maintain the improvements listed below, unless responsibility is delineated in a separate document.
 - a. The sanitary sewer listed in 1. e.
 - b. All pavements within the city limits of Davenport.

Other:

- 9. Prior to bidding the construction of the project, Davenport and Coventry LLC shall negotiate and agree to the apportionment of the cost obligation of each party for the work described in 1. e. above.
- 10. Coventry LLC shall be allowed to use the storm water detention area, without charge, as a repository of any storm water otherwise required to be

detained on-site as the property in question develops.

11. By virtue of its donation of ground and easements for the roadway, sanitary sewer and detention areas, listed in 1. a, b, d, and e above, Christ's Family Reformed Church shall not be assessed for the construction of roadway improvements fronting their property.

This Agreement shall become effective when approved by the respective City Councils of Bettendorf and Davenport and signed by the Mayors of said municipalities.

CITY OF BETTENDORF, IOWA

By 
Ann Hutchinson, Mayor

Dated 1-16-02

CITY OF DAVENPORT, IOWA

By 
Charles Brooke, Mayor

Dated FEB - 6 2002

AGENDA ITEM:

Resolution approving the 28E Agreement between Davenport and Bettendorf on the Crow Creek Road/Utica Ridge Road improvements. (Approve and Adopt)

REQUESTED BY: Wally Mook, Director of Public Works

HISTORY/BACKGROUND:

As a result of the Trinity Hospital Agreement and plans to correct storm water problems in the Terrace Park subdivision, several improvements to Crow Creek Road and Utica Ridge Road have been proposed. Missman Stanley and Associates was initially hired to perform a study on the storm drainage concerns. They were subsequently hired to perform the design work on the roadway improvements to extend Crow Creek Road as a divided section from Amesbury Drive to Utica Ridge Road. There were also improvements to Utica Ridge Road north of Crow Creek Road and Crow Creek Road west of Utica Ridge Road that were generated by the hospital plans. Some of this work is in Davenport and some is in Bettendorf, thus the need for the 28E Agreement.

RECOMMENDED ACTION AND WHY ALTERNATIVES ARE LESS DESIRABLE:

Recommend that the 28E be approved by Council and signed by the Mayor.

BUDGET CONSIDERATION - IF UNBUDGETED ITEM, EXPLAIN SOURCE OF FUNDING:

There are sufficient funds in the CIP for storm water and roadway improvements and \$500,000 from the Trinity Hospital agreement to cover the costs of design and construction of all items. Davenport will reimburse Bettendorf for the costs of the sanitary sewer extension noted in the agreement. Total estimated costs of all improvements are in the \$2M range.

ATTACHMENTS:

Resolution
28E Agreement

RESOLUTION NO. 13 -02

RESOLUTION APPROVING THE 28E AGREEMENT
BETWEEN DAVENPORT AND BETTENDORF
FOR IMPROVEMENTS AT CROW CREEK ROAD AND
UTICA RIDGE ROAD

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BETTENDORF, IOWA, that the attached 28E Agreement between the City of Davenport, Iowa and the City of Bettendorf, Iowa for improvements at Crow Creek Road and Utica Ridge Road is hereby approved.

BE IT FURTHER RESOLVED that the Mayor of Bettendorf is hereby directed and authorized to execute the agreement by signature.

Passed, Approved and Adopted this 15th day of January, 2002.



Ann Hutchinson, Mayor

Attest:



Decker P. Ploehn, City Clerk

4/10

Resolution offered by Alderman Moutz

RESOLVED by the City Council of the City of Davenport.

Resolution approving a 28E Agreement with the City of Bettendorf for improvements of Crow Creek Road and Utica Ridge Road.

And directing the Public Works Director to sign the transfer of sewer payment to Bettendorf for the sanitary sewer construction.

Attest:

Approved: FEB - 6 2002

Jackie E. Ragsdale
Jackie E. Ragsdale CMC
Deputy City Clerk

Charles W. Brooke
Charles W. Brooke
Mayor



City of Davenport

Agenda Group: Committee of the Whole
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 326-7743
Wards: 7

Action / Date
CD12/7/2016

Subject:

Resolution for Case No. F08-02 being the final plat of Annette's Landing, being a replat of Outlot 1 of Emerald Woods, located west of 907 West 48th Street, containing one (1) residential lot. [Ward 7]

Recommendation:

The City Plan and Zoning Commission forwards Case No. F08-02 to the City Council for approval subject to the following conditions:

1. that the surveyor removes the disclaimer concerning easements from the plat;
2. that the surveyor signs the plat;
3. that the utility companies sign the plat when their easement needs have been met;
4. that the name and address of owner and developer is shown as such on the plat;
5. that the existing right-of-way for 48th Street be corrected to 25', not 50' and that a dimension line is shown to better identify the location of the right-of-way;
6. that street right-of-way is shown as dedicated for the 48th Street cul-de-sac;
7. that building setback lines and easement lines are shown around the cul-de-sac right-of-way and the remaining lot as necessary;
8. that with this platting, provision is made for solid waste to be collected from the alley as is done with the existing neighboring residences. This may require that the alley right-of-way and paving be extended to the west a sufficient distance for the collection, or that an easement be provided on the neighboring lot to the east. The owner/developer's engineer shall provide alternatives to the Public Works Department for review and approval prior to council approval of the plat;
9. that an assessment waiver be provided for 48th Street paving. If access to the property is to be from 48th Street, a portion of 48th Street shall be paved as necessary to provide this access. With the assessment waiver, the entire cul-de-sac street does not need to be paved at this time;
10. that grading, drainage and erosion control plans be submitted to the Engineering Division for review and approval and that a copy of the developer's NPDES General Permit No. 2 be submitted to the Engineering Division prior to City permits being issued. These plans will need to address how the drainage from 48th Street and the alley will be routed and will need to show that the downstream properties are not adversely affected. If drainage easements are necessary, they must be added to the plat along with the standard drainage easement notes;
11. that construction plans, if any, for public alleys, streets, storm sewers and sanitary sewers are submitted to the Engineering Division for review and approval prior to the plat being approved by City Council;

Relationship to Goals:

Grow tax base.

Added emphasis on economic development.

Background:

The final plat replats a remnant parcel of land, Outlot 1 of Emerald Woods Addition, to allow development of a single family home. There are several changes that will still need to be made

to the plat before the Mayor may sign-off on the plat.

Please refer to the Commission's letter for further background information.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	F08-02 Resolution only
▣ Backup Material	F08-02 Background

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	12/1/2016 - 2:01 PM
Community Development Committee	Berger, Bruce	Approved	12/1/2016 - 2:01 PM
City Clerk	Admin, Default	Approved	12/1/2016 - 2:36 PM

Resolution No. __ __

Resolution offered by Ald. Boom

RESOLVED by the City Council of the City of Davenport.

RESOLUTION modifying the Crow Creek Road/Utica Ridge Road Intergovernmental Agreement by deleting Section 5.c. which removes the City of Bettendorf from maintenance responsibility for the detention area located in Lot 2 of Village Cooperative First Addition due to the modification proposed as part of the Village Cooperative development. [6th Ward]

WHEREAS, the developer has proposed modifications to the detention area located in Lot 2 of the Village Cooperative First Addition thereby increasing its efficiency and capacity;

WHEREAS, the developer will be responsible for the maintenance of the detention area;

WHEREAS, the Cities of Bettendorf and Davenport have agreed to the modifications;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the Crow Creek Road/Utica Ridge Road Intergovernmental Agreement is hereby modified by deleting subsection 5.c. which reads as follows:

Bettendorf Shall:

5. Maintain the improvements listed below, unless responsibility is delineated in a separate agreement.

c. The stormwater detention area constructed with this project, including all appurtenances such as outlets controls and piping. (underline added)

and the Mayor and City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk



March 24, 2008

Honorable Mayor and City Council
City Hall
Davenport, Iowa 52801

Honorable Mayor and City Council:

At their regular meeting of March 18, 2008, the City Plan and Zoning Commission considered the final plat of Annette's Landing (F8-2) being a replat of Outlot 1 of Emerald Woods Addition located east of Marquette Street and north of 46th Street containing one (1) residential lot.

Zoning: The subject property is zoned "R-3 P.U.D." Moderate Density Dwelling District Planned Unit Development. Surrounding property is zoned both the "R-3 P.U.D" and "R-3".

Land Use: The subject property is primarily wooded. Surrounding property contains single family residential development, row crop agriculture and an elderly residential facility.

Comprehensive Plan: The subject and surrounding property is designated "Residential General".

Streets: The subject property is located at the end of West 48th Street which is currently developed as a half-street.

Sewers: The subject property is located in Sub-basin 2 of the Duck Creek West B Drainage Basin.

Discussion: The replat is being proposed to allow this Outlot to be platted as a development lot. The owner, who also owns the abutting property (residence) to the east, is proposing to build a residence for a family member.

Property history: The Outlot was originally platted as part of Emerald Woods Addition. The Outlot appeared to be excess property not readily accessible from Emerald Woods Court. The Zoning Ordinance defines an outlot as "a lot remnant or parcel of land left over after platting, which is intended as open spaces or other use, for which no building permit shall be issued". The City did not require the Outlot for any specific purpose, such as for storm water detention and the developer apparently created the outlot with no specific purpose designated on the plat. The Outlot does need to be replatted to remove the outlot status and make the lot buildable.

The Outlot has an area reserved for future dedication of right-of-way for either a cul-de-sac or a turn in 48th Street. The proposed plat proposes to eliminate this dedication of right-of-way. The size of the lot would allow this dedication to remain and still provide significant buildable area. Along with 48th Street the property is accessed by way of an

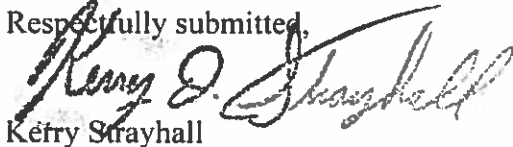


alley at its southeast corner. The area to be dedicated for right-of-way should be dedicated at this time though it may be possible to reduce the amount of area needed if a decision is made as to whether a cul-de-sac or through street is required. The aerial photo shows the surrounding area.

The Commission recommends the final plat of Annette's Landing be approved subject to the following conditions:

1. that the surveyor removes the disclaimer concerning easements from the plat;
2. that the surveyor signs the plat;
3. that the utility companies sign the plat when their easement needs have been met;
4. that the name and address of owner and developer is shown as such on the plat;
5. that the existing right-of-way for 48th Street be corrected to 25', not 50' and that a dimension line is shown to better identify the location of the right-of-way;
6. that street right-of-way is shown as dedicated for the 48th Street cul-de-sac;
7. that building setback lines and easement lines are shown around the cul-de-sac and the remaining lot as necessary;
8. that with this platting, provision is made for solid waste to be collected from the alley as is done with the existing neighboring residences. This may require that the alley right-of-way and paving be extended to the west a sufficient distance for the collection, or that an easement be provided on the neighboring lot to the east. The owner/developer's engineer shall provide alternatives to the Public Works Department for review and approval prior to council approval of the plat;
9. that an assessment waiver be provided for 48th Street paving. If access to the property is to be from 48th Street, a portion of 48th Street shall be paved as necessary to provide this access. With the assessment waiver, the entire cul-de-sac does not need to be paved at this time;
10. that grading, drainage and erosion control plans be submitted to the Engineering Division for review and approval and that a copy of the developer's NPDES General Permit No. 2 be submitted to the Engineering Division prior to City permits being issued. These plans will need to address how the drainage from 48th Street and the alley will be routed and will need to show that the downstream properties are not adversely affected. If drainage easements are necessary, they must be added to the plat along with the standard drainage easement notes;
11. that construction plans, if any, for public alleys, streets, storm sewers and sanitary sewers are submitted to the Engineering Division for review and approval prior to the plat being approved by City Council.

Respectfully submitted,



Kerry Strayhall

Chairperson

City Plan and Zoning Commission

Name:	Roll Call	R8-2 Jennings	R8-3 Pinger	R8-4 Menard	FDP8-1 Menard	FDP8-2 Pinger	FDP8-3 PJRC	F8-1 Country Living 3rd	F8-2 Annettes Landing	F8-3 WalMart 3rd	F8-4 Sleepy Hollow	F8-5 Showcase	F8-6 Park Apts		
Bushek	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Connell	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Cornwell	EX														
Gere	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Graham	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Greenlee	EX														
Heuer	P	Y	Y	ABST	ABST	Y	Y	Y	Y	Y	Y	Y	Y		
Inghram	P	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y		
Lammers	EX														
Martens	EX														
Martin	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Straetker	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Strayhall	P														
Tallman	P	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		

8-YES 8-YES

10-PRES 8-YES 9-YES 9-YES 9-YES 9-YES 9-YES 9-YES 9-YES 9-YES 9-YES 9-YES 9-YES 9-YES 9-YES 9-YES
 4-EX 1-NO 0-NO 0-NO 0-NO 0-NO 0-NO 0-NO 0-NO 0-NO 0-NO 0-NO 0-NO 0-NO 0-NO 0-NO

MEMORANDUM

Date: March 7, 2008

To: Wayne Wille
Community and Economic Development

From: Tom Leabhart, P.E.
Development Engineer

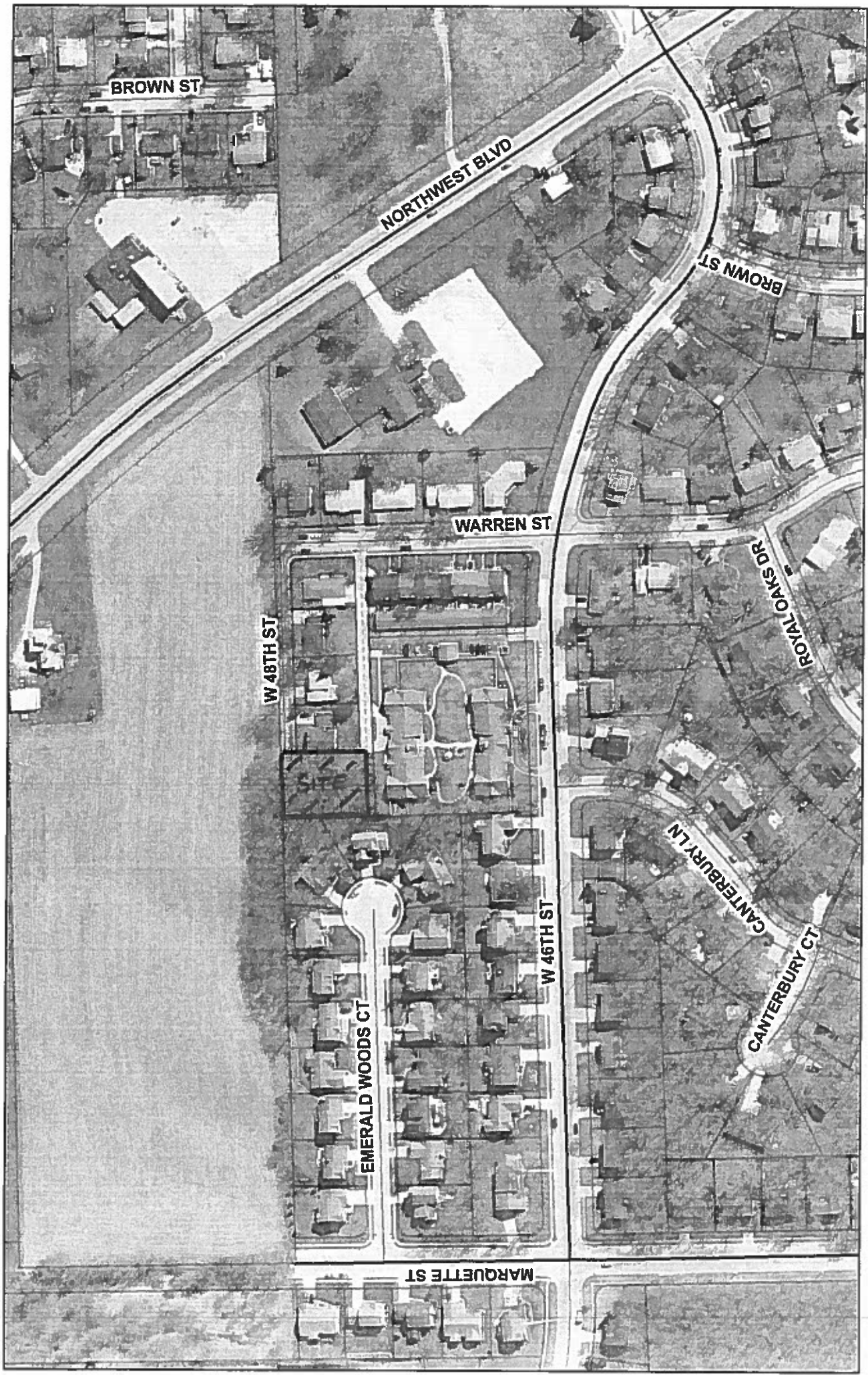
Re: Proposed Final Plat of Annette's Landing Addition

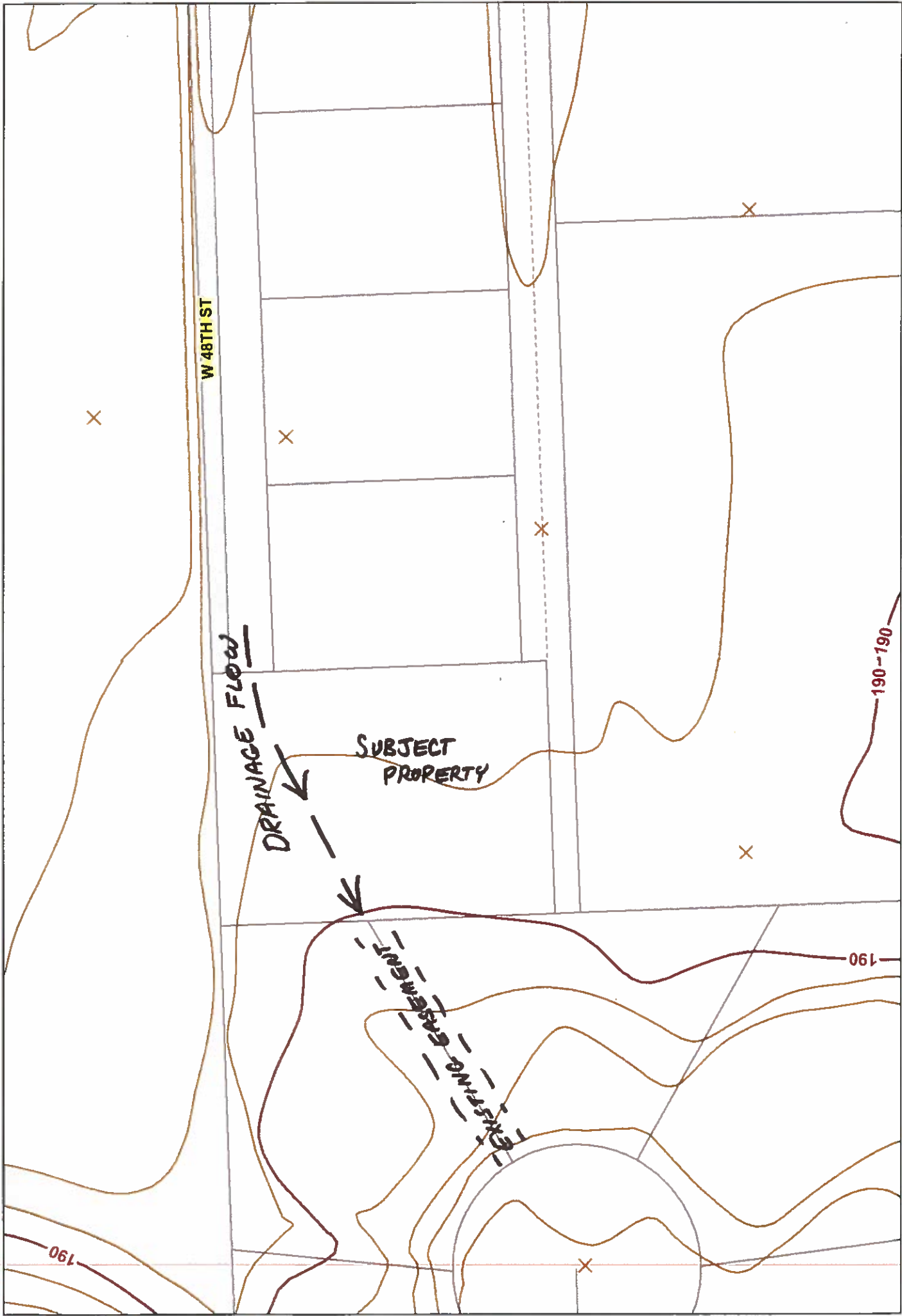
It is recommended that the above referenced subdivision be approved subject to the following conditions:

1. That the surveyor removes the disclaimer concerning easements from the plat.
2. That the surveyor signs the plat.
3. That the utility companies sign the plat when their easement needs have been met.
4. That the name and address of owner and developer is shown as such on the plat.
5. That the existing right-of-way for 48th Street be corrected to 25', not 50' and that a dimension line is shown to better identify the location of the right-of-way.
6. That street right-of-way is shown as dedicated for the 48th Street cul-de-sac.
7. That building setback lines and easement lines are shown around the cul-de-sac and the remaining lot as necessary.
8. That with this platting, provision is made for solid waste to be collected from the alley as is done with the existing neighboring residences. This may require that the alley right-of-way and paving be extended to the west a sufficient distance for the collection, or that an easement be provided on the neighboring lot to the east. The owner/developer's engineer should provide alternatives to the Public Works Department for review and approval prior to council approval of the plat.
9. That an assessment waiver be provided for 48th Street paving. If access to the property is to be from 48th Street, a portion of 48th Street shall be paved as necessary to provide this access. With the assessment waiver, the entire cul-de-sac does not need to be paved at this time.
10. That grading, drainage and erosion control plans be submitted to the Engineering Division for review and approval and that a copy of the developer's NPDES General Permit No. 2 be submitted to the Engineering Division prior to City permits being issued. These plans will need to address how the drainage from 48th Street and the alley will be routed and will need to show that the downstream properties are not adversely affected. If drainage easements are necessary, they must be added to the plat along with the standard drainage easement notes.
11. That construction plans, if any, for public alleys, streets, storm sewers and sanitary sewers are submitted to the Engineering Division for review and approval prior to the plat being approved by City Council.

TL/pd

cc: Gene Hellige, Interim City Engineer
file



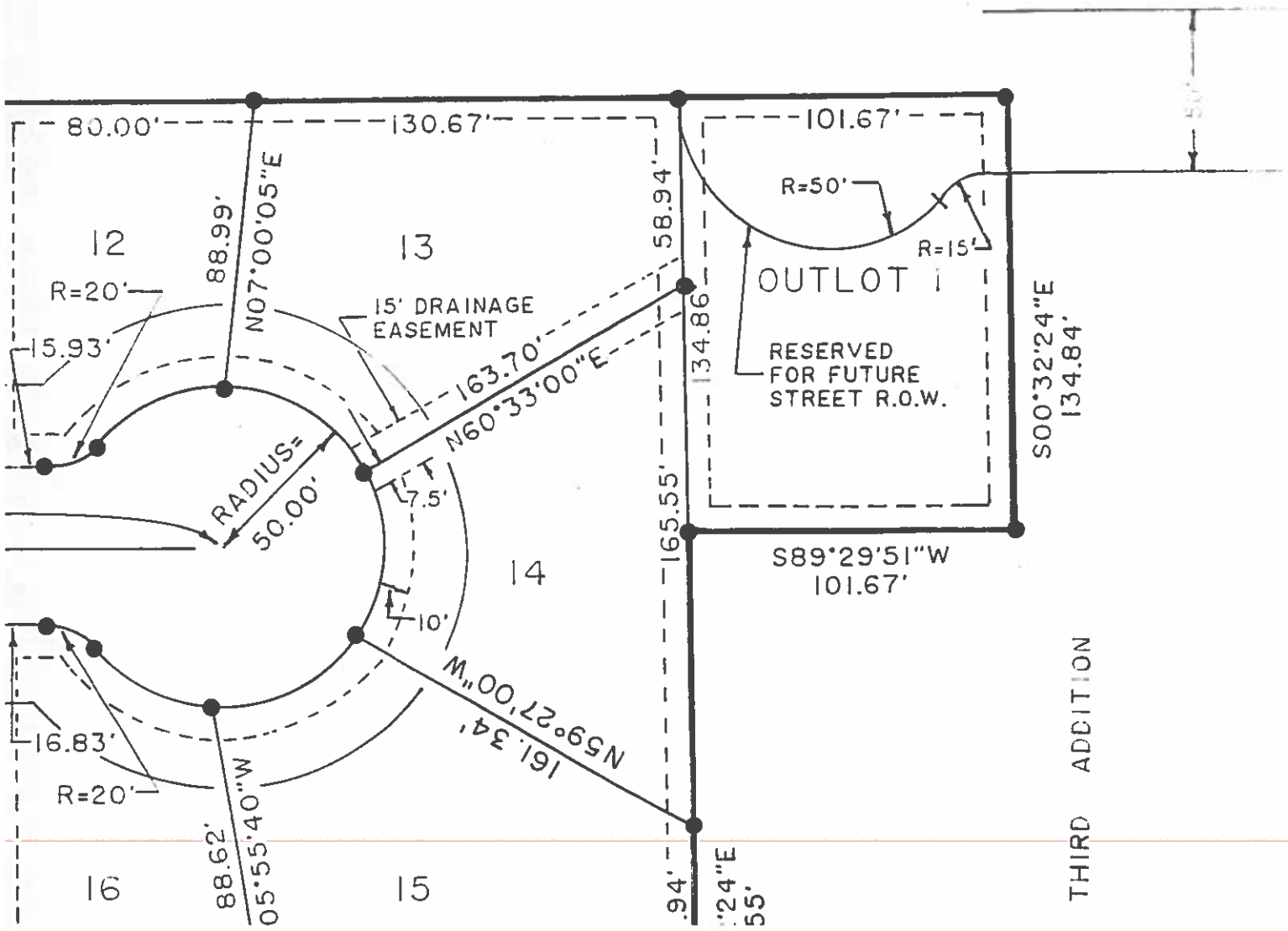


12	60°00'00"
13	60°00'00"
14	60°00'00"
15	60°00'00"
16	48°57'47"
16	49°59'47"
22	88°57'49"
23	91°02'11"

LEGEND

SCALE: 1" = 50'
 DEED DIMENSION = (0.0')
 FIELD DIMENSION = 0.0'
 MONUMENT FOUND = 0
 #4 REBAR CAPPED
 NO. 10135 SET = ●
 BUILDING SET-BACK LINE
 UTILITY EASEMENT = ---

BLANKET OVERHEAD AND
 UNDERGROUND EASEMENT
 GRANTED FOR STREET



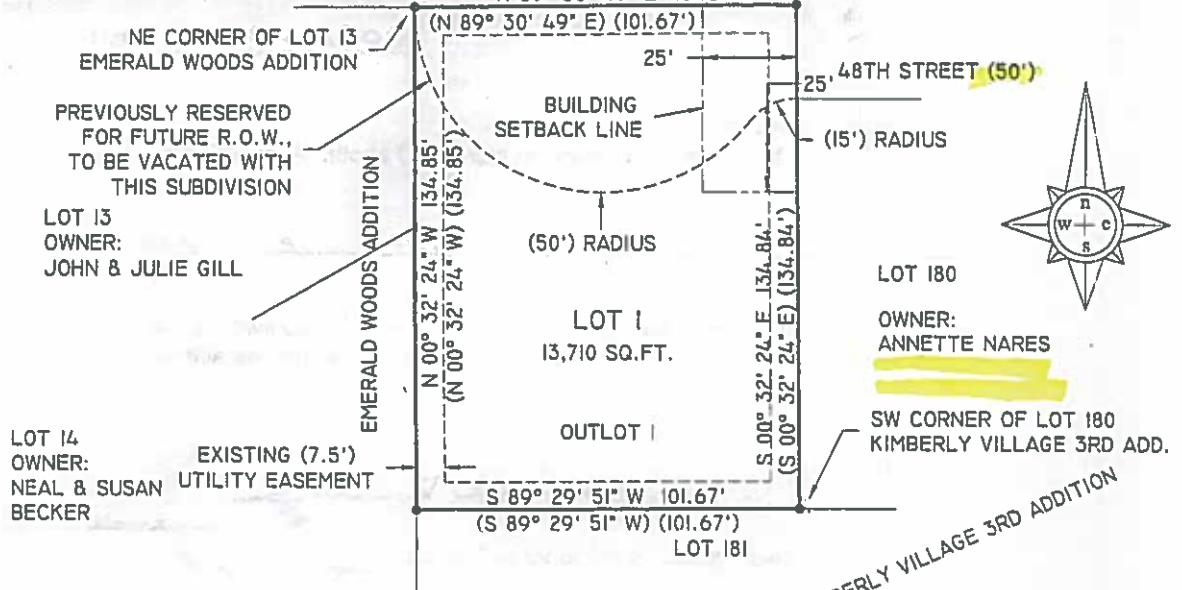
FINAL PLAT OF:

ANNETTE'S LANDING

BEING A REPLAT OF OUTLOT 1 IN EMERALD WOODS
ADDITION TO THE CITY OF DAVENPORT, IOWA.
LOCATED IN THE SOUTHEAST QUARTER OF SECTION
10, TOWNSHIP 79 NORTH, RANGE 3 WEST OF THE 5TH
PRINCIPAL MERIDIAN, SCOTT COUNTY, IOWA.

UNPLATTED
OWNER:
JOE SENG &
JOLINE DODY

NOTES:
ALL DRAINAGE, GRADING, EROSION
CONTROL PLANS AND NPDES GENERAL
PERMIT No.2 MUST BE APPROVED AND IN
PLACE BEFORE SITE CLEARING OR
ISSUANCE OF CITY PERMITS.
STORM WATER DETENTION IS NOT
REQUIRED FOR AREA PLATTED HEREON.
A SIDEWALK SHALL BE CONSTRUCTED
ALONG STREET FRONTAGES.



APPROVED BY:
CITY OF DAVENPORT, IOWA

OWNER:
COUNTRYHOUSE
ASSOCIATES

BY:

IOWA - AMERICAN WATER COMPANY

DATE:

ATTEST:

QWEST

CITY PLAN & ZONE COMMISSION

BY:

DATE:

MEDIACOM

MIDAMERICAN ENERGY

APPROVED SUBJECT TO ENCUMBRANCES
OF RECORD BY MIDAMERICAN

PREPARED FOR:

ANNETTE NARES
927 W. 48TH STREET
DAVENPORT, IOWA



(IN FEET)

1 inch = 40 ft.

SURVEY DATE:

TO THE BEST OF SURVEYOR'S KNOWLEDGE, ALL
EASEMENTS AFFECTING THIS PROPERTY ARE
SHOWN. PAGES OR SHEETS COVERED
BY THIS SEAL:

LEGEND:

FENCE LINE = -x-x-x-x-

DEED DIMENSION = (0.0')

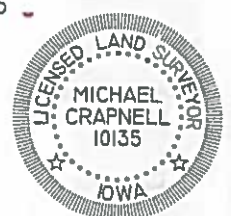
FIELD DIMENSION = 0.0'

FOUND MONUMENTS = o

MONUMENTS SET #4 REBAR

x 30" RED CAPPED #10135 = o

MICHAEL D. CRAPNELL
LICENSE NUMBER 10135
DATE: 4-27-16
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2008



Crapnell Land Surveying Company

814 EAST RIVER DRIVE, DAVENPORT, IA 52803, PHONE: (563) 336-3256

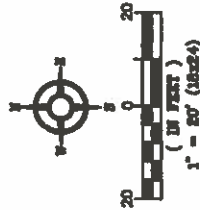
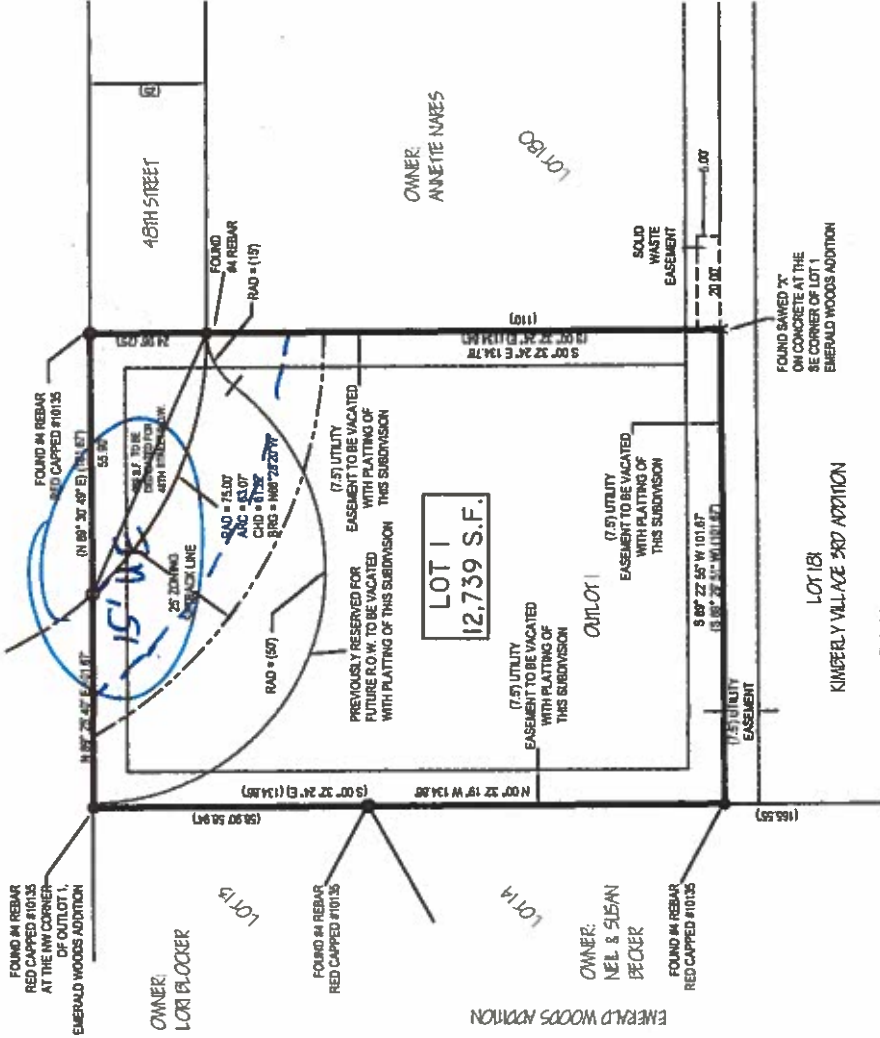
FINAL PLAT

ANNETTE'S LANDING

TO THE CITY OF DAVENPORT, IA
BEING A REPLAT OF OUTLOT 1 OF EMERALD WOODS ADDITION
TO THE CITY OF DAVENPORT, COUNTY OF SCOTT, IOWA

UNPLATTED OWNER:
JOE SENG & JOYLINE DOTT

FUTURE 48TH STREET ROW



- LEGEND:**
DEED DIMENSION = (0.00')
FIELD DIMENSION = 0.00'
MONUMENTS FOUND:
AS NOTED =
MONUMENTS SET:
#5 REBAR W/ YELLOW CAP #23503 = ○
BOUNDARY LINE = ———
ROAD CENTER LINE = ———
EASEMENT LINE = - - - - -
SETBACK LINE = - - - - -
SECTION LINE = - - - - -

1. Area of Subdivision:
Total: 13,707 S.F. +/-
R.O.W.: 968 S.F. +/-
2. Surveyor:
Michael D. Richmond
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236
3. Owner:
Annette Nares
927 W. 48th Street
Davenport, Iowa
(563) 386-0210

DRAWN BY:
R.C.

CHECKED BY:
MOR

DRAWING LOCATION
S. ANNETTE-NARES SUBDIVISION DWO

DATE: 11-23-16

PROJECT NO: 386-4236

OWNER:
BRIDGE DAVENPORT LP

OWNER:
ANNETTE NARES

OWNER:
ANNETTE NARES

FINAL PLAT
ANNETTE'S LANDING
DAVENPORT, IOWA

ANNETTE NARES
927 W. 48TH STREET
DAVENPORT, IOWA

1 OF 1

APPROVED BY:
CITY OF DAVENPORT, IOWA

BY: _____
DATE: _____

CITY PLANNING COMMISSION
BY: *Mayor D. Thompson*
DATE: 11-23-16

DATE: 11-23-16

DATE: 11-23-16

DATE: 11-23-16

DATE: 11-23-16

DATE: 11-23-16

NOTES:
ALL DRAINAGE, GRADING, EROSION CONTROL, PLANS AND NOTES
GENERAL PERMIT NO. 2 MUST BE APPROVED AND IN PLACE BEFORE SITE
CLEARING OR ISSUANCE OF CITY PERMITS
STORM WATER DETENTION IS NOT REQUIRED FOR AREA PLATTED
HEREON.
A SIDEWALK SHALL BE CONSTRUCTED ALONG STREET FRONTAGES.

SURVEYOR'S FINAL PLAT CERTIFICATE

I, MICHAEL D. RICHMOND, AN IOWA PROFESSIONAL LAND SURVEYOR
NO. 23503, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF
IOWA, DO HEREBY CERTIFY THAT THIS PLAT OF ANNETTE'S LANDING TO
THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA, IS A TRUE AND
CORRECT REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY
DIRECTION AND ACCORDING TO THE LAWS OF THE STATE OF IOWA AND
THE CITY OF DAVENPORT SUBDIVISION ORDINANCE, OF THE
FOLLOWING DESCRIBED PROPERTY, TO WIT:

BEING A REPLAT OF OUTLOT 1 IN EMERALD WOODS ADDITION TO THE
CITY OF DAVENPORT, SCOTT COUNTY IOWA.

MONUMENTS SHOWN ON THIS PLAT HAVE BEEN SET OR WILL BE SET
WITHIN 30 DAYS OF COMPLETION OF THE REQUIRED IMPROVEMENTS
AND THEIR ACCEPTANCE BY THE CITY OF DAVENPORT, AND SUCH
MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE
RETRACED AND OCCUPY THE POSITIONS SHOWN THEREON.



City of Davenport

Agenda Group: Community Development
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 326-7743
Wards: 2

Action / Date
CD12/7/2016

Subject:

Resolution approving Case No. F16-15 being the final plat of Seiffert's Northwest Second Addition, being a plat of Lots 34 and 35 of Seiffert's Northwest 1st Addition, located along the west side of North Fairmount Street and south of West 46th Street containing four (4) residential lots. [Ward 2]

Recommendation:

The City Plan and Zoning Commission concurred with the finding(s) and recommendation of City staff and forwards Case No. F16-13 for approval subject to the following conditions as stated in the Commission's letter November 15, 2016.

The Plan and Zoning Commission accepts the findings and forwards Case No. F16-15 to the City Council for approval subject to the following conditions:

1. That the surveyor sign the plat;
2. That the utility companies sign the plat when their easement needs have been met and that all easements are shown on the plat and labeled as to their use;
3. That the plat be tied to either two existing subdivision corners or to two quarter section corners and that these corners be identified on the plat;
4. The plat description calls out replat of the affected lots in Seiffert's Northwest First Addition;
5. That survey monuments with description are called out on the plat.

The Commission vote for approval was unanimous with 9-yes, 0-no and 0-abstentions.

Relationship to Goals:

Added emphasis on economic development.

Background:

The plat divides each lot and separates individual units within the duplex buildings so that the land is sold with the unit and is not held in common. The plat is proposed to allow the individual sale or separate ownership of the individual units and land beneath. The property was recently zoned to the Planned Unit Development (PUD) designation to facilitate the attached units in a fee simple title configuration.

Please refer to the Commission's letter and background materials for further information.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	F16-15 Resolution only
▣ Backup Material	F16-15 Background

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning &			

Economic Development	Berger, Bruce	Approved	12/1/2016 - 2:01 PM
Community Development Committee	Berger, Bruce	Approved	12/1/2016 - 2:01 PM
City Clerk	Admin, Default	Approved	12/1/2016 - 2:36 PM

City of Davenport

Committee: CD
Department: Community Planning & Economic Development
Contact Info: Matt Flynn 326-7743
Ward: 2nd

Action / Date
CD 12/07/16

Subject:

RESOLUTION approving Case No. F16-15 being the final plat of Seiffert's Northwest Second Addition, being a plat of Lots 34 and 35 of Seiffert's Northwest 1st Addition, located along the west side of North Fairmount Street and south of West 46th Street containing four (4) residential lots. [2nd Ward]

Recommendation:

The City Plan and Zoning Commission concurred with the finding(s) and recommendation of City staff and forwards Case No. F16-13 for approval subject to the following conditions as stated in the Commission's letter November 15, 2016.

Recommendation:

The Plan and Zoning Commission accepts the findings and forwards Case No. F16-15 to the City Council for approval subject to the following conditions:

1. That the surveyor sign the plat;
2. That the utility companies sign the plat when their easement needs have been met and that all easements are shown on the plat and labeled as to their use;
3. That the plat be ties to either two existing subdivision corners or to two quarter section corners and that these corners be identified on the plat.
4. The plat description calls out replat of the affected lots in Seiffert's Northwest First Addition.
5. That survey monuments with description are called out on the plat.

The Commission vote for approval was unanimous with 9-yes, 0-no and 0-abstentions.

Relationship to Goals:

Added emphasis on economic development

Background:

The plat divides each lot and separates individual units within the duplex buildings so that the land is sold with the unit and is not held in common. The plat is proposed to allow the individual sale or separate ownership of the individual units and land beneath. The property was recently zoned to the Planned Unit Development (PUD) designation to facilitate the attached units in a fee simple title configuration.

Please refer to the Commission's letter and background materials for further information.

Resolution No. _____

Resolution offered by

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving Case No. F16-15 being the final plat of Seiffert's Northwest Second Addition, being a plat of Lots 34 and 35 of Seiffert's Northwest 1st Addition, located along the west side of North Fairmount Street and south of West 46th Street containing four (4) residential lots. [2nd Ward]

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the final plat of Seiffert's Northwest Second Addition to the City of Davenport, Iowa, be the same and is hereby approved and accepted subject to all the conditions as stated in the Commission's letter dated November 15, 2016 and as follows:

1. That the surveyor sign the plat;
2. That the utility companies sign the plat when their easement needs have been met and that all easements are shown on the plat and labeled as to their use;
3. That the plat be ties to either two existing subdivision corners or to two quarter section corners and that these corners be identified on the plat.
4. The plat description calls out replat of the affected lots in Seiffert's Northwest First Addition.
5. That survey monuments with description are called out on the plat.

and the Mayor and City Clerk be, and they are hereby authorized and instructed to certify to the adoption of this resolution upon said plat as required by law.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to record the attached waiver of assessment.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk

November 16, 2016

Honorable Mayor and City Council;
City Hall
Davenport IA 52801

Honorable Mayor and City Council:

At its regular meeting of November 15, 2016, the City Plan and Zoning Commission considered Case No F16-15 being the final plat of Seiffert's Northwest Second Addition being a plat of Lots 34 and 35 of Seiffert's Northwest 1st Addition, located along the west side of North Fairmount Street and south of West 46th Street containing four (4) residential lots.

Findings:

The plat conforms to the comprehensive plan Davenport+2035.
The plat offers a housing option.

Recommendation:

The Plan and Zoning Commission accepts the findings and forwards Case No. F16-15 to the City Council for approval subject to the following conditions:

1. That the surveyor sign the plat;
2. That the utility companies sign the plat when their easement needs have been met and that all easements are shown on the plat and labeled as to their use;
3. That the plat be ties to either two existing subdivision corners or to two quarter section corners and that these corners be identified on the plat.
4. The plat description calls out replat of the affected lots in Seiffert's Northwest First Addition.
5. That survey monuments with description are called out on the plat.

Respectfully submitted,



Robert Inghram, Chairperson
City Plan and Zoning Commission



		APPROVED	APPROVED	APPROVED					
Name:	Roll Call	ORD16-03 SUPs 17.48	ROW16-05 1002 Bridge Ave	F16-15 Seiffert's NW 2nd					
Connell	P	Y	Y	Y					
Hepner	P	Y	N	Y					
Inghram	P								
Kelling	P	Y	Y	Y					
Lammers	EX								
Maness	P	Y	Y	Y					
Martinez	P	Y	Y	Y					
Medd	Ex	Y	Y	Y					
Quinn	P	Y	Y	Y					
Reinartz	P	Y	Y	Y					
Tallman	P	Y	Y	Y					
		9-YES 0-NO 0-ABSTAIN	8-YES 1-NO 0-ABSTAIN	9-YES 0-NO 0-ABSTAIN					



City of Davenport
Community Planning & Economic Development Department
FINAL STAFF REPORT

PLAN AND ZONING COMMISSION

Meeting Date: November 15, 2016
Request: Final Plat Seiffert's Northwest Second Addition
Address: West of Fairmount Street & South of W 46th Street
Case No.: F16-15
Applicant: Classic Development Co Inc

INTRODUCTION

Request of Classic Development Co Inc for a four (4) lot final plat on 0.59 acre, more or less, located west of Fairmount Street and south of West 46th Street. This addition re-plats Lots 34 and 35 of Seiffert's Northwest 1st Addition platted in 1979. The property was recently zoned "R-4 PUD" Planned Unit Development and contains attached single family units, two duplex types buildings.

Recommendation: Staff recommends the Plan and Zoning Commission accept the findings and forward Case No. F16-15 to the City Council for approval subject to the listed conditions.

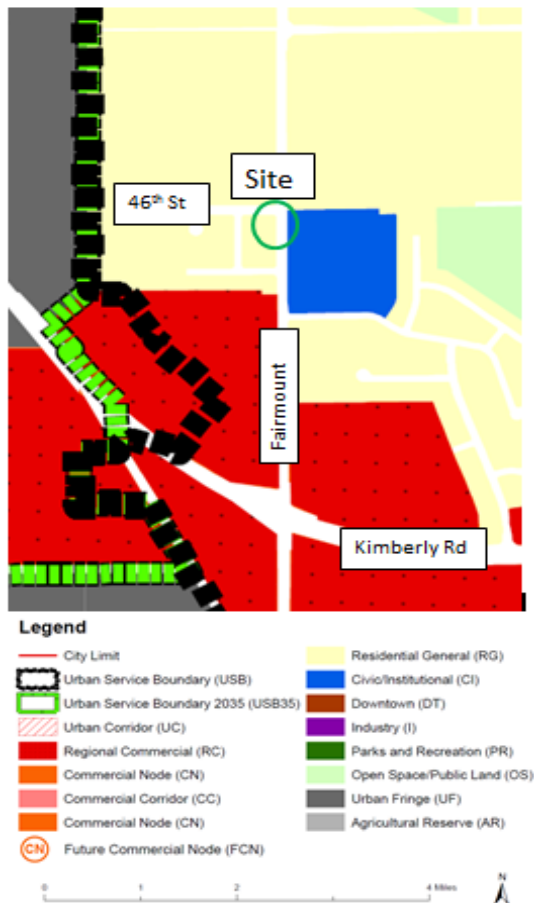
Aerial Photo:



Zoning – R-4 PUD Planned Unit Development



Land Use – RG Residential General



Adopted by the Davenport City Council August 10, 2016

BACKGROUND

Comprehensive Plan:

Within Urban Service Area: Yes

Proposed Land Use Designation: RG - Residential General

Descriptions: 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.*

Relevant Goals to be considered in this Case:

Identify and reserve land for current and future development – *encourage a full range of development.*

Iowa Smart Planning Principles:

Relevant Iowa Smart Planning Principles which may be considered when reviewing this case:

- ***Revitalization***

Planning, zoning, development, and resource management should facilitate the revitalization of established town centers and neighborhoods by promoting development that conserves land, protects historic resources, promotes pedestrian accessibility, and integrates different uses of property. Remediation and reuse of existing sites, structures, and infrastructure is preferred over new construction in undeveloped areas.

Technical Review:

Streets. The property is located along North Fairmount Street (a collector street) and West 46th Street (a local street), north of West Kimberly Road. Access to Lots 34 and 35 was restricted in the 1st Addition: Lot 35 (proposed Lot 1 & 2) must access 46th Street; and Lot 34 (proposed Lots 3 & 4) was restricted to a shared access with the lot to the south, Lot 33. Whether these restrictions were noticed by the Building Office when permits were issued is not known.

Storm Water. There is existing stormwater infrastructure located in 46th Street and Fairmount Street north of the subject property.

Sanitary Sewer. Sanitary sewer service is located in the west side of Fairmount Street abutting this replat. This is an eight-inch sanitary line.

Other Utilities. This is an urban area and normal utility services are available.

Emergency Services. The property is located approximately 2-1/2 miles from Fire Stations No. 6 and No. 7, which are located at 1735 W Pleasant Street and 2302 W. 67th Street respectively.

Parks/Open Space. The proposed plat does not impact any existing or planned parks or public open spaces.

PUBLIC INPUT

This is a final plat and no public notification is required; the neighbors were contacted during the rezoning process earlier this year.

DISCUSSION

The plat divides each lot and separates individual units within the duplex buildings so that the land is sold with the unit and is not held in common. The plat is proposed to allow the individual sale or separate ownership of the individual units and land beneath. The property was recently zoned to the Planned Unit Development (PUD) designation to facilitate the attached units in a fee simple title configuration.

STAFF RECOMMENDATION

Findings:

The plat conforms to the comprehensive plan Davenport+2035.
The plat offers a housing option.

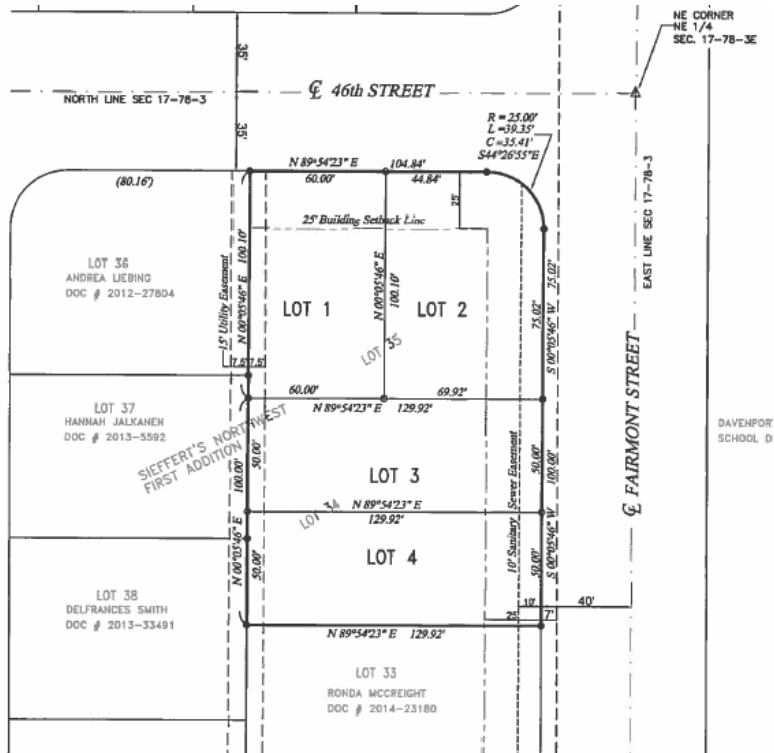
Recommendation:

The staff recommends the Plan and Zoning Commission accept the findings and forward Case No. F16-15 to the City Council for approval subject to the following conditions:

1. That the surveyor sign the plat;
2. That the utility companies sign the plat when their easement needs have been met and that all easements are shown on the plat and labeled as to their use;
3. That the plat be ties to either two existing subdivision corners or to two quarter section corners and that these corners be identified on the plat.
4. The plat description calls out replat of the affected lots in Seiffert's Northwest First Addition.
5. That survey monuments with description are called out on the plat.

Prepared by:

Wayne Wille, CFM
Planner II
Community Planning Division



LEGEND:

DEED DIMENSION = (0.00')

FIELD DIMENSION = 0.00'

MONUMENTS FOUND:

#5493 (UNLESS NOTED) =

GOVERNMENT CORNER =

MONUMENTS SET:

#4 REBAR W/ RED CAP #10897 =

BOUNDARY LINE =

ROAD CENTER LINE =

EASEMENT LINE =

SETBACK LINE =

SECTION LINE =



GRAPHIC SCALE



PLAT INFORM

1. Area of Subdivi

2. Owner:

Chris Quilty

4955 W. 39th E

Davenport, IA 5

Ph: (563) 529-4

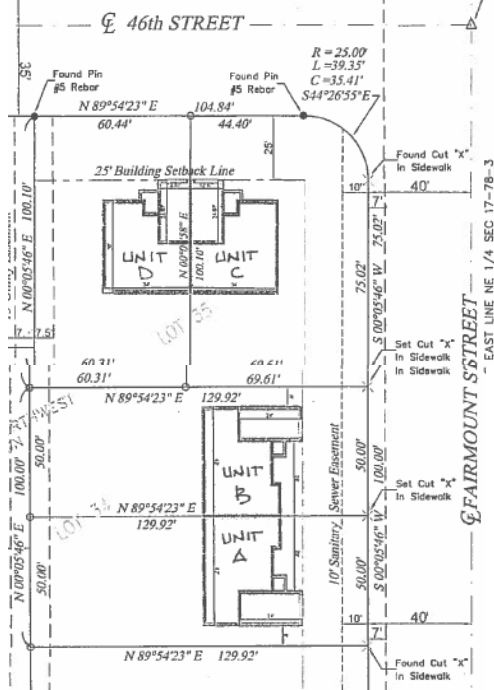
3. Engineer:

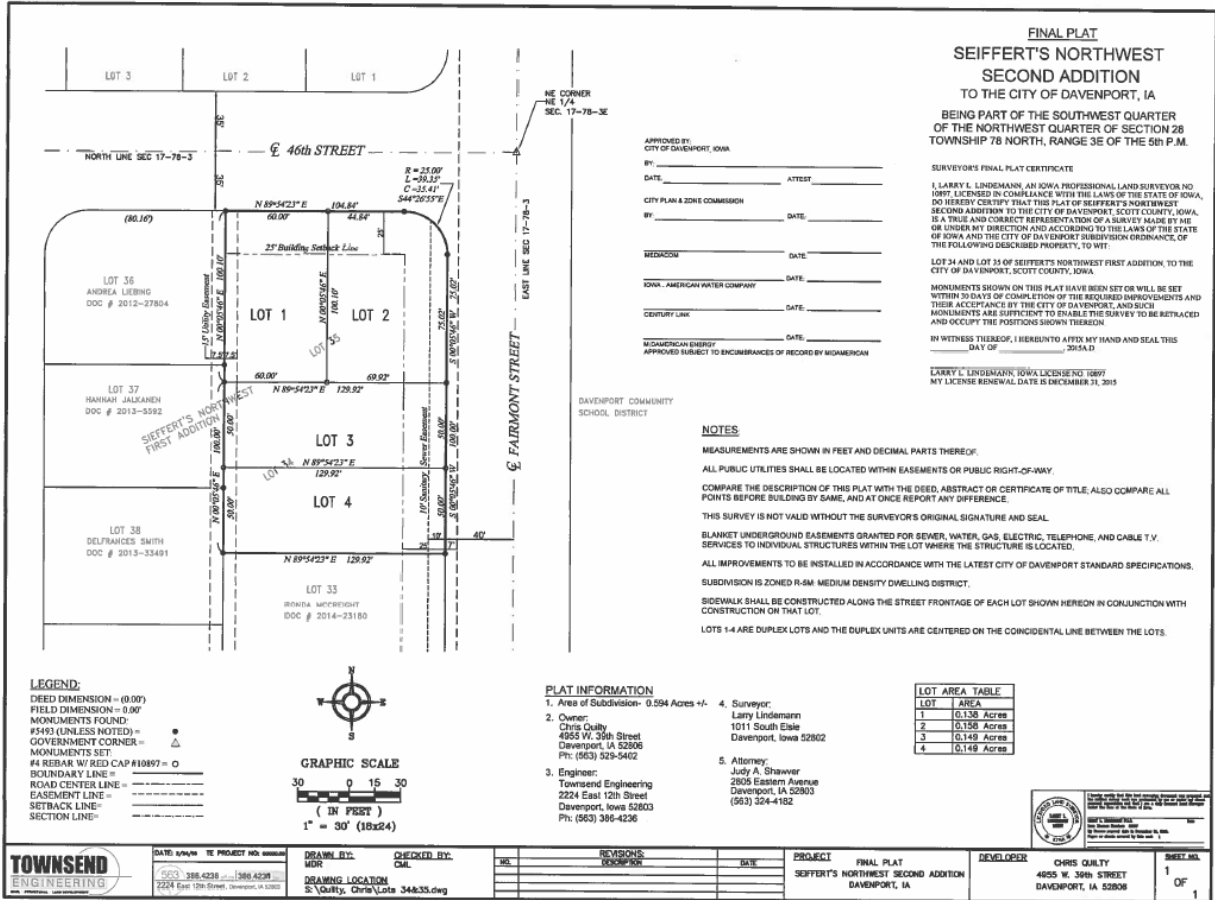
Townsend Eng

2224 East 12th

Davenport, Iowa

Ph: (563) 386-4





FINAL PLAT
SEIFFERT'S NORTHWEST
SECOND ADDITION
TO THE CITY OF DAVENPORT, IA
BEING A REPLAT OF LOTS 34 AND 35 IN
SEIFFERT'S NORTHWEST FIRST ADDITION
TO THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA

LOCATED IN THE SOUTHWEST QUARTER
OF THE NORTHWEST QUARTER OF SECTION 28
TOWNSHIP 78 NORTH, RANGE 3E OF THE 5th P.M.

SURVEYOR'S FINAL PLAT CERTIFICATE

I, LARRY L. LINDEMANN, AN IOWA PROFESSIONAL LAND SURVEYOR NO. 10897, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF IOWA, DO HEREBY CERTIFY THAT THIS PLAT OF **SEIFFERT'S NORTHWEST SECOND ADDITION** TO THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA, IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY DIRECTION AND ACCORDING TO THE LAWS OF THE STATE OF IOWA AND THE CITY OF DAVENPORT SUBDIVISION ORDINANCE, OF THE FOLLOWING DESCRIBED PROPERTY, TO WIT:

LOT 34 AND LOT 35 OF SEIFFERT'S NORTHWEST FIRST ADDITION, TO THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA.

MONUMENTS SHOWN ON THIS PLAT HAVE BEEN SET OR WILL BE SET WITHIN 30 DAYS OF COMPLETION OF THE REQUIRED IMPROVEMENTS AND THEIR ACCEPTANCE BY THE CITY OF DAVENPORT, AND SUCH MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED AND OCCUPY THE POSITIONS SHOWN THEREON.

IN WITNESS THEREOF, I HEREUNTO AFFIX MY HAND AND SEAL THIS _____ DAY OF _____, 2016A.D.

MICHAEL D. RICHMOND, IOWA LICENSE NO. 23503
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2017

APPROVED BY:
CITY OF DAVENPORT, IOWA
BY: _____
DATE: _____ ATTEST: _____
CITY PLAN & ZONE COMMISSION
BY: _____ DATE: _____
MEDIACOM _____ DATE: _____
IOWA - AMERICAN WATER COMPANY _____ DATE: _____
CENTURY LINK _____ DATE: _____
MIDAMERICAN ENERGY
APPROVED SUBJECT TO ENCUMBRANCES OF RECORD BY MIDAMERICAN

NOTES:

MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

ALL PUBLIC UTILITIES SHALL BE LOCATED WITHIN EASEMENTS OR PUBLIC RIGHT-OF-WAY.

COMPARE THE DESCRIPTION OF THIS PLAT WITH THE DEED, ABSTRACT OR CERTIFICATE OF TITLE; ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND AT ONCE REPORT ANY DIFFERENCE.

THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S ORIGINAL SIGNATURE AND SEAL.

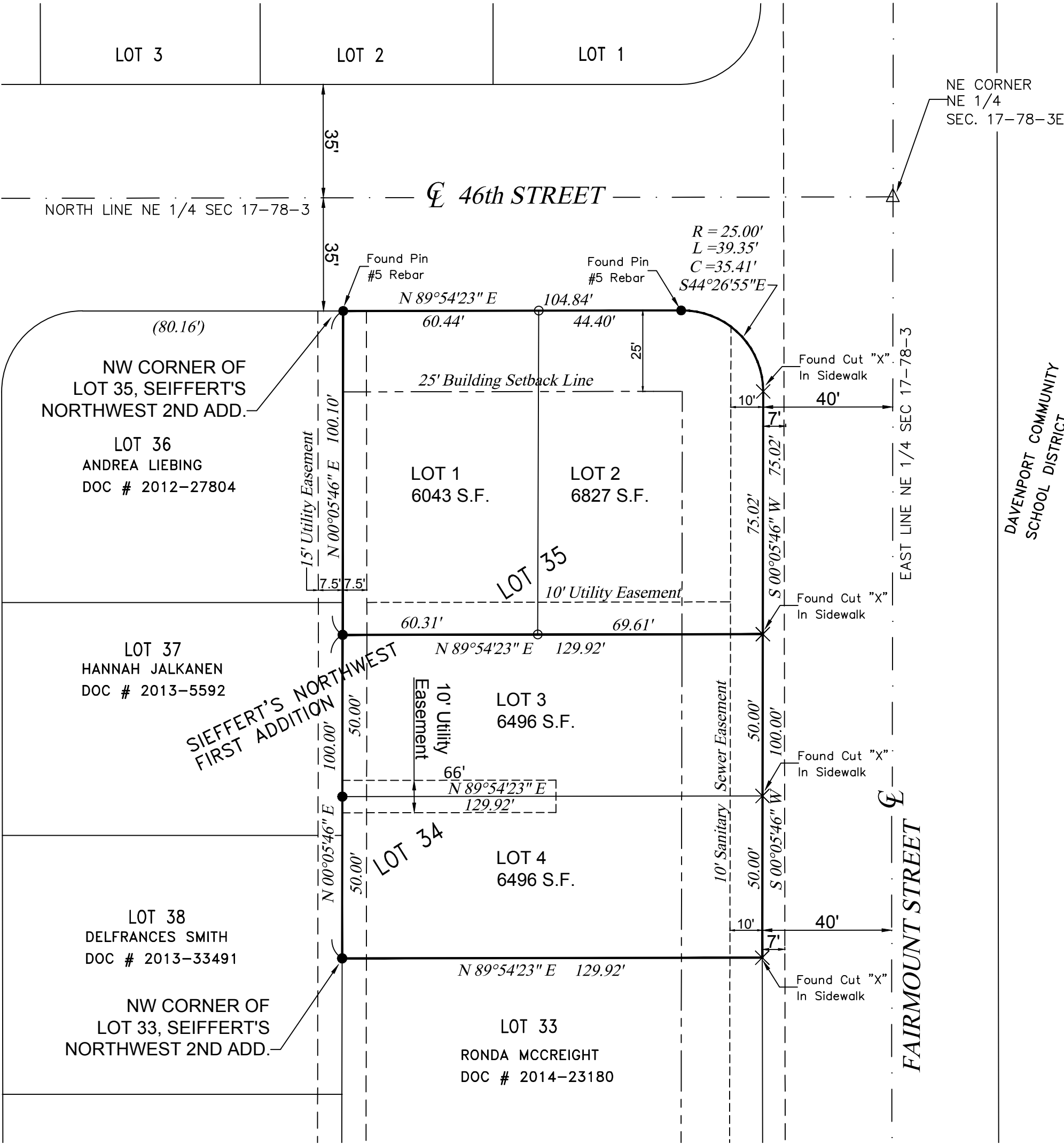
BLANKET UNDERGROUND EASEMENTS GRANTED FOR SEWER, WATER, GAS, ELECTRIC, TELEPHONE, AND CABLE T.V. SERVICES TO INDIVIDUAL STRUCTURES WITHIN THE LOT WHERE THE STRUCTURE IS LOCATED.

ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH THE LATEST CITY OF DAVENPORT STANDARD SPECIFICATIONS.

SUBDIVISION IS ZONED R-4 PUD:

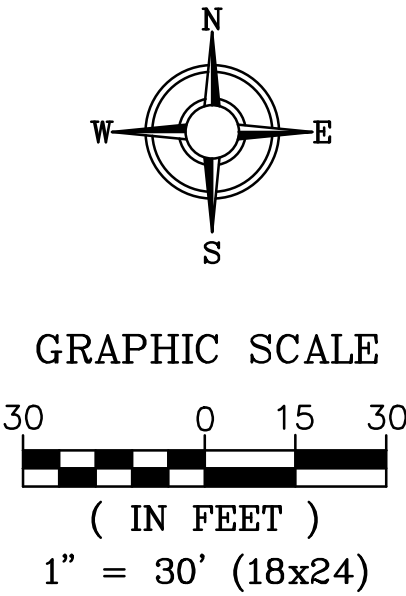
SIDEWALK SHALL BE CONSTRUCTED ALONG THE STREET FRONTAGE OF EACH LOT SHOWN HEREON IN CONJUNCTION WITH CONSTRUCTION ON THAT LOT.

LOTS 1-4 ARE DUPLEX LOTS AND THE DUPLEX UNITS ARE CENTERED ON THE COINCIDENTAL LINE BETWEEN THE LOTS.



LEGEND:

DEED DIMENSION = (0.00')
FIELD DIMENSION = 0.00'
MONUMENTS FOUND:
#5493 (UNLESS NOTED) = ●
GOVERNMENT CORNER = △
MONUMENTS SET:
#5 REBAR W/ RED CAP #23503 = ○
BOUNDARY LINE = _____
ROAD CENTER LINE = _____
EASEMENT LINE = _____
SETBACK LINE = _____
SECTION LINE = _____



PLAT INFORMATION

- Area of Subdivision- 0.594 Acres +/-
- Owner:
CLASSIC DEVELOPMENT CO., INC.
3515 Fair Avenue
Davenport, IA 52806
Ph: (563) 529-5402
- Engineer:
Townsend Engineering
2224 East 12th Street
Davenport, Iowa 52803
Ph: (563) 386-4236
- Surveyor:
Michael D. Richmond
2224 East 12th Street
Davenport, Iowa 52803
- Attorney:
Tricia Fairfield
220 Emerson Place, Suite 301
Davenport, IA 52801
(563) 326-4900

LOT AREA TABLE	
LOT	AREA
1	0.115 Acres
2	0.181 Acres
3	0.149 Acres
4	0.149 Acres



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.
MICHAEL D. RICHMOND
Iowa License Number: 23503
My license renewal date is December 31, 2017.
Pages or sheets covered by this seal: 1



DATE: 2/24/15
563 386.4236 office 386.4231 fax
2224 East 12th Street, Davenport, IA 52803

DRAWN BY: MDR
CHECKED BY: CML
DRAWING LOCATION
S:\Quilty, Chris\Lots 34&35.dwg

REVISIONS:		DATE
NO.	DESCRIPTION	

PROJECT
FINAL PLAT
SEIFFERT'S NORTHWEST SECOND ADDITION
DAVENPORT, IA

DEVELOPER
CLASSIC DEVELOPMENT CO., INC.
3515 FAIR AVENUE
DAVENPORT, IA 52806

SHEET NO.
1
OF
1

City of Davenport

Agenda Group: Community Development
Department: CPED
Contact Info: Bruce Berger, 326-7769
Wards: 3

Action / Date
COW12/7/2016

Subject:

Resolution approving an Urban Revitalization Tax Exemption project for 225 E 2nd Street. [Ward 3]

Recommendation:

Approve the resolution.

Relationship to Goals:

Neighborhood improvements and added emphasis on economic development.

Background:

The objective of the Urban Revitalization Tax Exemption (URTE) program is to encourage private investment by providing an exemption on the increase in property taxes resulting from improvements. The City presently has three Urban Revitalization areas: Central City, North, and Davenport 2013.

Typically all URTE applications are approved in February. However from time to time applicants will request individual approval of their application. The State of Iowa's Workforce Housing Tax Credit application requires both a resolution of support from the Council as well as documentation of matching financial support. The City will be utilizing the URTE program as the source of matching funds for these applications. As a result, the URTE applicants below must be approved before the resolution of support from Council can be approved.

The following applicant is applying for URTE benefits for their property at:

- Y&J Properties: 225 E 2nd Street, 100% exemption for 10 years

ATTACHMENTS:

Type	Description
▯ Resolution Letter	Resolution - URTE

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	12/1/2016 - 2:02 PM
Community Development Committee	Berger, Bruce	Approved	12/1/2016 - 2:02 PM
City Clerk	Admin, Default	Approved	12/1/2016 - 2:37 PM

Resolution No. _____

Resolution offered by _____

RESOLVED by the City Council of the City of Davenport.

RESOLUTION for approval of Urban Revitalization Tax Exemption Projects.

WHEREAS, in the City of Davenport, an urban revitalization plan under the provisions of Urban Renewal has been in effect since 1980; and

WHEREAS, this plan provides incentives in the form of property tax exemption for both new construction and rehabilitation in order to encourage private investment and to help reverse the trend toward disinvestment; and

WHEREAS, the listed projects meet the requirements of the urban revitalization plan; and

WHEREAS the City shall use the URTE program as a matching local contribution for the State of Iowa's Workforce Housing Tax Credit program.

NOW, THEREFORE, with the approval of the resolution, the 225 E 2nd Street project will be approved for the Urban Revitalization Tax Exemption program for 2017.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk

City of Davenport

Agenda Group: Community Development
Department: CPED
Contact Info: Bruce Berger, 326-7769
Wards: 3

Action / Date
COW12/7/2016

Subject:

Resolution supporting a Workforce Housing Tax Credit application to the State of Iowa for a housing project located at 225 E 2nd St. [Ward 3]

Recommendation:

Approve the resolution

Relationship to Goals:

Revitalized neighborhoods and corridors

Background:

Y&J Properties LLC has rehabilitated many buildings in downtown Davenport, and have recently purchased 225 E 2nd St, also known as the Bucktown Building. Y&J plans to rehabilitate the second through fourth floors into 24 high end market rate loft units. Units will range from 650 to 1700 square feet and will rent from \$800-\$2000 a month. The interior will have all new electrical, HVAC, plumbing and fixtures on floors two through four. The first floor will continue to be leased to Midcoast Arts. In addition to the interior renovations, the building will also have new windows cut in on the west side of the building and the exterior will be rehabilitated and repainted.

This project is seeking an award from the Workforce Housing Tax Credit program through the State of Iowa.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	WHTC Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	12/1/2016 - 2:02 PM
Community Development Committee	Berger, Bruce	Approved	12/1/2016 - 2:03 PM
City Clerk	Admin, Default	Approved	12/1/2016 - 2:37 PM

Resolution No. _____

Resolution offered by Alderman _____.

RESOLVED by the City Council of the City of Davenport.

RESOLUTION supporting a Workforce Housing Tax Credit application to the State for the 225 E 2nd Street Project.

WHEREAS, 225 E 2nd Street project has requested City support for its application to the Iowa Economic Development Authority (IEDA) for State tax incentives under the Workforce Housing Tax Credit (WHTC) Program for the 24 unit project located at 225 E 2nd Street; and

WHEREAS, successful completion of the 225 E 2nd Street project requires funding from a number of sources, including an award of WHTCs in the form of an investment tax credit and State sales and use tax refund; and

WHEREAS, the application requirements for the WHTC program include a requirement for the submission of a Resolution in support of the housing project by the community where the project will be located; and

WHEREAS, a further application requirement for the WHTC program is documentation of local matching funds pledged for the project in an amount not less than \$1,000 per dwelling unit; and

WHEREAS, the 225 E 2nd Street project is located within the City's Urban Revitalization Tax Exemption (URTE) area, has been approved for benefits through this program in 2016, and is eligible for the 10 year, 100% exemption schedule; and

WHEREAS, the URTE benefit awarded will meet the minimum City contribution of \$1,000 per dwelling unit required by the WHTC program;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that the 225 E 2nd Street project is fully supported in applying for the Iowa Workforce Housing Tax Credit Program.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, MMC, City Clerk

City of Davenport

Agenda Group: Public Safety
Department: Public Works
Contact Info: Gary Statz; (563) 326-7754
Wards: 7

Action / Date
PS12/7/2016

Subject:

Motion for approving the petition for street light in front of 1347 W 53rd Street. [Ward 7]

Recommendation:

Approve the motion.

Relationship to Goals:

Upgraded City Infrastructure & Public Facilities

Background:

A petition was received and reviewed for the location on this motion. There is a dark area where the petitioner is requesting a light. This address is at the end of a cul-de-sac on a frontage road at the southeast corner of W 53rd Street and Northwest Boulevard.

To alleviate this issue Traffic Engineering will recommend a street light to be installed on an existing wood pole in front of 1347 W 53rd Street. The 100 W equivalent LED light will hang over the frontage road.

ATTACHMENTS:

Type	Description
Exhibit	PS_MOT_1347 W 53rd St street light petition

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	12/1/2016 - 12:44 PM
Public Works Committee	Lechvar, Gina	Approved	12/1/2016 - 12:44 PM
City Clerk	Admin, Default	Approved	12/1/2016 - 12:45 PM



City of
Davenport

PETITION FOR
PUBLIC LIGHTING

Date 11-04-2016

We, the undersigned residents of the City of Davenport, Iowa,
Request the installation of PUBLIC LIGHTING in/at:

STREET LOCATION AT THE DEAD END OF THE W. 53RD ST. FRONTAGE
or ROAD NEAR 1347 W 53RD STREET

ALLEY LOCATION _____

REASON FOR LIGHT STREET IS VERY DARK. ALSO CRIME HAS ESCALATED
IN THIS AREA

RESIDENT(S) SIGNATURE

ADDRESS

PHONE NUMBER

[Signature]

1347 W 53 ST

563-386-8334

1359 W 53 ST

563-529-4577

Please include all residents near the proposed light location.

PETITIONER/CONTACT PERSON
SIGNATURE OF PETITIONER

[Signature]

PRINT NAME MARK E MASAKOWSKI

ADDRESS 1347 W 53 ST DAVENPORT IA.

ZIP CODE 52806-2406

PHONE NUMBER 563-386-8334

Return completed form to: City of Davenport Public Works Department
Lighting Petition
1200 East 46th Street, Davenport, IA 52807

For Questions, call:
563-326-7754

City of Davenport

Agenda Group: Public Works
Department: Public Works
Contact Info: Mike Atchley; (563) 327-5149
Wards: 4

Action / Date
PW12/7/2016

Subject:
Resolution setting a public hearing to grant MidAmerican Energy Company an underground electric easement at Fejervary Park. [Ward 4]

Recommendation:
Approve the resolution.

Relationship to Goals:
Enhance Quality

Background:
A communications tower was installed at Fejervary Park. MidAmerican Energy Company was requested to provide electricity to the tower. This easement will provide access for future maintenance.

ATTACHMENTS:

Type	Description
▣ Cover Memo	PW_RES pg2
▣ Cover Memo	Fejervary Park Easement Doc
▣ Cover Memo	Fejervary Electric Easement PLAT
▣ Cover Memo	Fejervary Easement Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	12/1/2016 - 11:40 AM
Public Works Committee	Lechvar, Gina	Approved	12/1/2016 - 11:40 AM
City Clerk	Admin, Default	Approved	12/1/2016 - 12:06 PM

Resolution No. _____

Resolution offered by Alderman Ambrose.

RESOLUTION setting a public hearing to grant MidAmerican Energy Company an underground electric easement at Fejervary Park.

RESOLVED by the City Council of the City of Davenport.

WHEREAS, the City of Davenport requested electric service for the cell tower located at Fejervary Park.

WHEREAS, the cell tower at Fejervary Park benefits the City of Davenport.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that that a public hearing should be held January 4th to allow public to object or comment on the granting of underground electric easement to MidAmerican Energy Company on city property at Fejervary Park.

Passed and approved this 14th day of December, 2016.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk

Prepared by and return to: Dawn M. Carlson 563.333.8150 MIDAMERICAN ENERGY ATTN: RIGHT-OF-WAY SERVICES PO Box 4350-DAV4, Davenport, Iowa 52808

**MIDAMERICAN ENERGY COMPANY
UNDERGROUND ELECTRIC EASEMENT**

Folder No.	<u>101-16</u>	State of	<u>Iowa</u>	
Work Req. No.	<u>DR2533334</u>	County of	<u>Scott</u>	
Project No.	<u>N/A</u>	Section	<u>27</u>	
		Township	<u>78</u>	North
		Range	<u>3</u>	East of the 5 th P.M.

1. For and in consideration of the sum of One and no/100---Dollar (\$1.00), and other valuable consideration, in hand paid by MIDAMERICAN ENERGY COMPANY, an Iowa corporation, receipt of which is hereby acknowledged, the undersigned owner(s) **Board of Park Commissioners of the City of Davenport, Iowa**, its successors and assigns ("Grantor"), does hereby grant to MIDAMERICAN ENERGY COMPANY, its successors and assigns ("Grantee"), a perpetual, non-exclusive easement to construct, reconstruct, operate, maintain, replace or remove underground conduits, wires and cables for the transmission and distribution of electric energy and for communication and electrical controls, including other reasonably necessary equipment incident thereto (collectively "Facilities") under and on the surface of the ground, through and across certain property described below, together with the right of ingress and egress to and from the same, and all the rights and privileges incident and necessary to the enjoyment of this easement ("Easement Area").

DESCRIPTION OF PROPERTY CONTAINING EASEMENT AREA:

Lot Eight (8) of Fair Ground 2nd Addition except the East Fifteen (15) feet thereof and also Lots Nine (9), Ten (10), Eleven (11), Twelve (12) and the West Half of Lot Thirteen (13), Block Ten (10) and also Lot Seven (7) Block Twelve (12) Fair Ground 2nd Addition, situated in the City of Davenport, Scott County, Iowa. A/K/A Parcel No. H0020-07A

EASEMENT AREA:

An underground electric easement described as follows:

A Ten (10) feet wide by One Thousand One Hundred Thirty (1,130) feet long, more or less, underground electric easement, over, across, under and through the previously described parcel of land, more particularly described as follows: Beginning at a point on the East property line approximately One Thousand Two Hundred Fifty Five (1,255) feet North of the centerline of Telegraph Road, as is presently established, thence Southwesterly traveling on the South side of West 12th Street, as is presently established approximately Eight Hundred (800) feet, thence Northerly approximately Three Hundred Thirty (330) feet to the end of said centerline, more or less, up to and including a pad mounted transformer, as shown on Exhibit A, attached as shown hereto and made a part hereof.

2. Additionally, Grantee shall have the right to remove from the Easement Area described above, any obstructions, including but not limited to, trees, plants, undergrowth, buildings, fences and structures

that interfere with the proper operation and maintenance of said Facilities and equipment.

3. Grantor agrees that it will not construct or place any permanent or temporary buildings, structures, fences, trees, plants or other objects on the Easement Area described above or make any changes in ground elevation without written permission from Grantee indicating that said construction or ground elevation changes will not result in inadequate or excessive ground cover, or otherwise interfere with the Grantee's rights to operate and maintain its Facilities.

4. In consideration of such grant, Grantee agrees that it will repair or pay for any damage which may be caused to crops, fences, or other property, real or personal of the Grantor by the construction, reconstruction, maintenance, operation, replacement or removal of the Facilities (except for damage to property placed subsequent to the granting of this easement) that Grantee determines interferes with the operation and maintenance of the Facilities and associated equipment. The cutting, recutting, trimming and removal of trees, branches, saplings, brush or other vegetation on or adjacent to the Easement Area is expected and not considered damage to the Grantor.

5. Additionally, when Grantor provides or installs duct/conduit for said Facilities, this grant shall cover and include all Facilities installed as a part of the Easement Area.

6. Grantor certifies that it is not acting, directly or indirectly, for or on behalf of any person, group, entity or nation named by any Executive Order or the United States Treasury Department as a terrorist, "Specially Designated National and Blocked Person" or any other banned or blocked person, entity, nation or transaction pursuant to any law, order, rule or regulation that is enforced or administered by the Office of Foreign Assets Control; and are not engaged in this transaction, directly or indirectly, on behalf of, any such person, group, entity or nation. Grantor hereby agrees to defend, indemnify and hold harmless the Grantee from and against any and all claims, damages, losses, risks, liabilities and expenses (including attorney's fees and costs) arising from or related to any breach of the foregoing certification.

7. Each of the provisions of this easement shall be enforceable independently of any other provision of this easement and independent of any other claim or cause of action. In the event of any matter of dispute arising out of or related to this easement, it is agreed between the parties that the law of the jurisdiction and location where this easement is recorded (including statute of limitation provisions) will govern the interpretation, validity and effect of this easement without regard to the place of execution or place of performance thereof, or any conflicts or law provisions. TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS EASEMENT. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED.

8. Grantor hereby relinquishes all rights of dower, homestead and distributive share in and to the property and waives all rights of exemption as to any of the property. Grantor understands that homestead property is in many cases protected from the claims of creditors and exempt from judicial sale; and that by signing this easement, voluntarily gives up any right to this protection for this property with respect to claims based upon this easement.

9. Grantor warrants to Grantee that Grantor holds title to the Easement Area in fee simple and Grantor has good and lawful authority to grant the rights provided in this easement.

(Acknowledgments and Signatures on following page)

Dated this ____ day of _____, 2016.

Board of Park Commissioners of the City of Davenport, Iowa

By: _____

Name Printed: _____

Title: _____

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) ss

This record was acknowledged before me on _____, 2016,

by _____ as _____

of Board of Park Commissioners of the City of Davenport, Iowa.

Signature of Notary Public

EXHIBIT "A"

Legend:



- Easement Area



- Pad Mounted Transformer

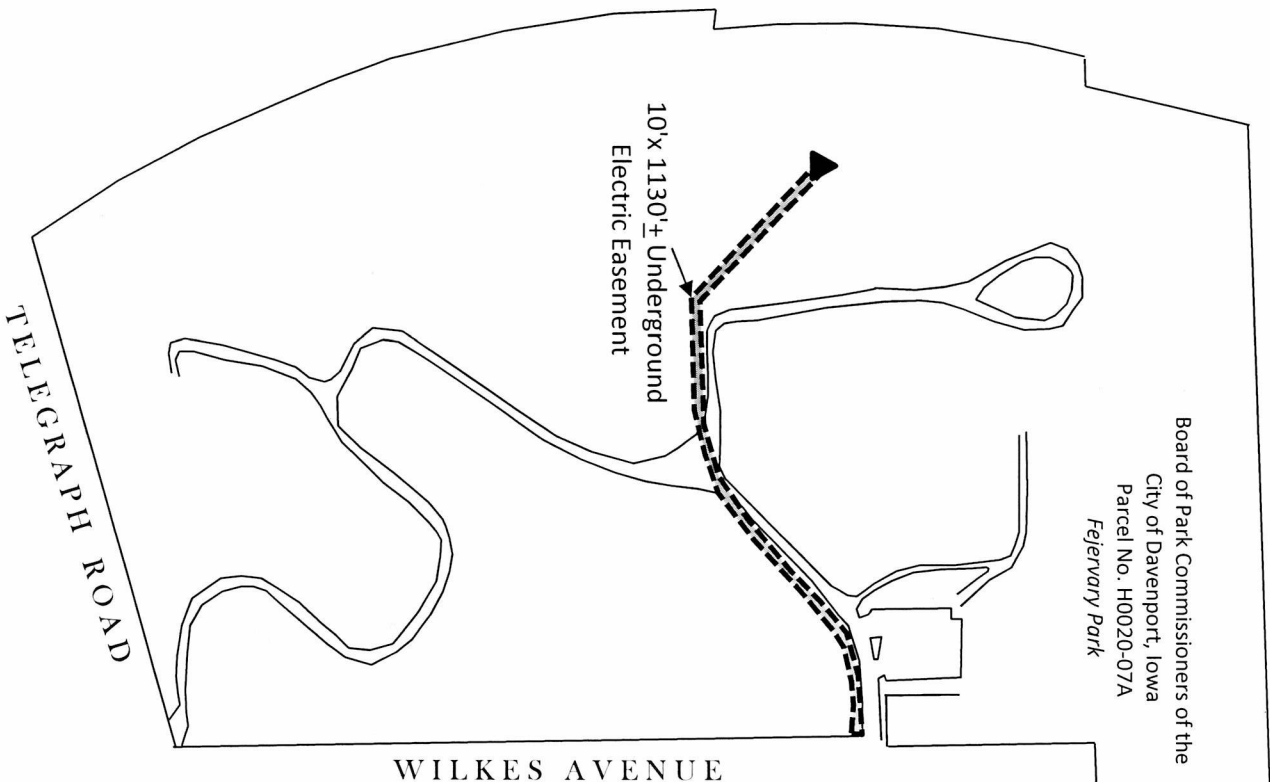
DESCRIPTION OF PROPERTY CONTAINING EASEMENT

AREA:

Lot Eight (8) of Fair Ground 2nd Addition except the East Fifteen (15) feet thereof and also Lots Nine (9), Ten (10), Eleven (11), Twelve (12) and the West Half of Lot Thirteen (13), Block Ten (10) and also Lot Seven (7) Block Twelve (12) Fair Ground 2nd Addition, situated in the City of Davenport, Scott County, Iowa.

EASEMENT DESCRIPTION:

A Ten (10) feet wide by One Thousand One Hundred Thirty (1130) feet long, more or less, underground electric easement, over, across, under and through the previously described parcel of land, more particularly described as follows: Beginning at a point on the East property line approximately One Thousand Two Hundred Fifty Five (1,255) feet North of the Centerline of Telegraph Road, as is presently established, thence Southwesterly traveling on the South side of West 12th Street, as is presently established, thence Southwesterly traveling on the South side of West 12th Street, as is presently established, thence is presently established approximately Eight Hundred (800) feet, thence Northerly approximately Three Hundred Thirty (330) feet to the end of said centerline, more or less, up to and including a pad mounted transformer.



Board of Park Commissioners of the
City of Davenport, Iowa
Parcel No. H0020-07A
Fejervary Park

	Customer: Board of Park Commissioners of the City of Davenport, Iowa Address: 1800 W. 12th Street City: Davenport, Iowa 52802	DR # 2533334 Date: November 21, 2016	
ROW Agent: DMC	Scale: Not to Scale Folder #: 101-16	Sec 27, T 78 N, R 3 E, 5th PM	
Job Desc: Underground Electric Distribution Easement			

Notice of Hearing

On a Resolution to Grant MidAmerican Energy Company Underground Electric Easement on City Property

Notice is hereby given that at 5:30 P.M., on Wednesday, January 4, 2017, at the Council Chambers, City Hall, in the City of Davenport, Iowa, there will be conducted a hearing on a RESOLUTION granting underground electric easement to MidAmerican Energy Company across city property located at Fejervary Park:

DESCRIPTION OF PROPERTY CONTAINING EASEMENT AREA:

Lot Eight (8) of Fair Ground 2nd Addition except the East Fifteen (15) feet thereof and also Lots Nine (9), Ten (10), Eleven (11), Twelve (12) and the West Half of Lot Thirteen (13), Block Ten (10) and also Lot Seven (7) Block Twelve (12) Fair Ground 2nd Addition, situated in the City of Davenport, Scott County, Iowa. A/K/A Parcel No. H0020-07A

EASEMENT AREA - A Ten (10) feet wide by One Thousand One Hundred Thirty (1,130) feet long, more or less, underground electric easement, over, across, under and through the previously described parcel of land, more particularly described as follows: Beginning at a point on the East property line approximately One Thousand Two Hundred Fifty Five (1,255) feet North of the centerline of Telegraph Road, as is presently established, thence Southwesterly traveling on the South side of West 12th Street, as is presently established approximately Eight Hundred (800) feet, thence Northerly approximately Three Hundred Thirty (330) feet to the end of said centerline, more or less, up to and including a pad mounted transformer

At said hearing any interested person may file written objection or comments with respect to the proposed granting MidAmerican Energy Company underground electric easement on city property.

Jackie E. Holecsek
Deputy City Clerk

Davenport, Iowa
December 29, 2016

Publish once December 29, 2016
QUAD-CITY TIMES

City of Davenport

Agenda Group: Public Works
Department: Public Works
Contact Info: Tom Leabhart; (563) 526-7729
Wards: 3

Action / Date
COW12/7/2016

Subject:

Resolution granting permission to Central Scott Communications, a licensed franchisee in the State of Iowa, to install a buried communications system in the city right-of-way along 2nd Street from Ripley Street to Harrison Street, a total distance of approximately 625 feet. Agreement reference #2016-F23. [Ward 3]

Recommendation:

Pass the resolution.

Relationship to Goals:

A growing local economy.

Background:

Central Scott Communications has requested permission to install buried communication fiber optic line within City right-of-way as shown on the attached map. The total length of fiber is approximately 625 feet.

The City's Legal, Engineering and IT Departments have reviewed and approved the proposed route and terms of the agreement, reference #2016-F23.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW_RES pg2
▣ Backup Material	Location Map

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	12/1/2016 - 1:40 PM
Public Works Committee	Lechvar, Gina	Approved	12/1/2016 - 1:41 PM
City Clerk	Admin, Default	Approved	12/1/2016 - 2:38 PM

Resolution No. _____

RESOLUTION offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION granting permission to Central Scott Communications, a licensed franchisee in the State of Iowa, to install a buried communications system in the city right-of-way along 2nd Street from Ripley Street to Harrison Street, a total distance of approximately 625 feet. Agreement reference #2016-F23

WHEREAS, Central Scott Communications (The Owner) has submitted a request (Agreement Reference #2016-F23) to construct buried communications cable in City Right-of-Way along 2nd Street from Ripley Street to Harrison Street, a total distance of approximately 625 feet as shown on the attached map; and

WHEREAS, the Engineering Division as well as IT and Legal Departments of the City of Davenport, Iowa (the "City") have reviewed said plans and recommend permission be granted for the installation, as described, subject to conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA: that permission is hereby granted to The Owner to install buried communications cable in accordance with the attached plans subject to the following conditions which shall be accepted in writing by The Owner

1. That The Owner shall hold the City harmless, defend and indemnify it from any and all liability for claims of any nature arising from the granting of this authorization of the activities or work performed by The Owner as a consequence thereof, or as the result of the damage, interruption or any other matters relating to the cable and connection therewith or as a result thereof, except as otherwise limited by the provisions of paragraph 9, and that The Owner hold harmless, defend and indemnify the City from any such claims. Further, that The Owner shall name the City and its employees as additional insureds on its liability insurance coverage in limits to be set from time to time by the City Council and initially set at \$1 million each year.
2. That The Owner shall pay all costs for the construction and maintenance of their cable.
3. That The Owner shall coordinate all traffic control required for this project with the Traffic Engineering Division of the Public Works Department and shall be responsible for all costs related to traffic control.
4. That, at the direction of the City Council, The Owner shall remove and replace, relocate, or otherwise adjust said cable in order to provide for the maintenance, construction, or reconstruction of any City owned utility or public improvements within the City of Davenport, Iowa, or, for any other reasonable public cause determined at the discretion of the City Council of Davenport.
5. That all excavations for laying pipes, cable or lines shall be made in such a manner as will not interfere with any gas, sewer, water or other pipes or infrastructure theretofore laid and so as to avoid, so far as possible, obstructing any street or alley or the drainage thereof,

and said streets, avenues and alleys shall be promptly repaired and restored to a condition as good as the same were in prior to the laying of said pipes and any pavement or other surfacing removed shall be repaired and restored with the same kind of material as was used in the construction of the pavement or other surfacing so removed. Settling in any street, avenue or alley caused by such excavations shall be promptly repaired by The Owner and all repairs and replacements shall be to the satisfaction of the City officials; but before opening or making any excavation with in any street or alley rights of way, The Owner shall secure from said City a written permit to do so, except in case of emergency, which permit said City shall issue to The Owner upon reasonable terms and conditions. The Owner shall be responsible for payment of the Standard Excavation Permit Fees established by City Council prior to receiving said permit. The permit fee includes a \$1.00 per foot Disruption Fee where applicable.

6. That the contractor performing the work shall comply with all City Ordinances covering the work, including permits and bonding.
7. That The Owner shall contract with a "One Call" utility notification service for receiving notice on the location of the cable for the time the cable shall be in place and in service.
8. That The Owner shall be responsible for obtaining necessary legal consent and permission from railroad companies, the Iowa Department of Transportation, private and public agencies and other persons or organizations that have a legal interest, and this Resolution is subject to such permission, consent and clearance being obtained from such entities.
9. Unless caused by gross negligence or willful, intentional or malicious conduct by city employees, The Owner releases the City and its employees for and from any and all liability for any damage or interruption, or of any other nature directly or indirectly related to the existence of the cable and related facilities, which at any time occur in the future.
10. The Owner will provide the City of Davenport as built drawings in an electronic format suitable to the City of the entire route.

Passed and approved this 14th day of December, 2016

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA: That the City Engineer is authorized to issue a permit for construction of said cable when the applicable terms and conditions have been met.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk

ACCEPTANCE OF THE PROVISIONS OF AGREEMENT NUMBER 2016-F23,
RESOLUTION NO. 2016-_____

The undersigned hereby accepts all the terms and conditions of said Resolution and agrees that the same shall be binding upon undersigned and its successors and assigns.

Central Scott Communications

By: _____

Name: _____

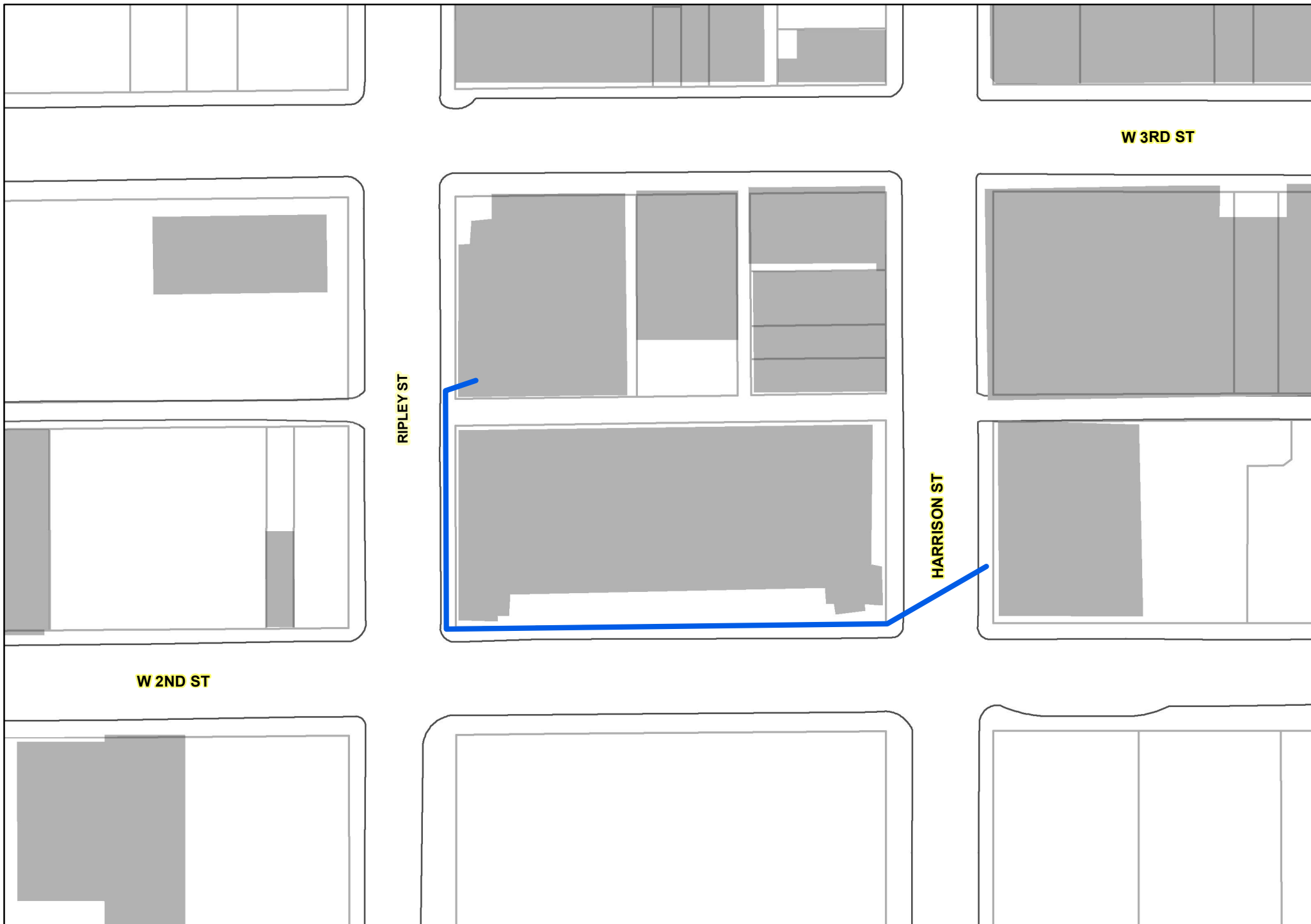
Title: _____

STATE OF _____)
) SS:
COUNTY OF _____)

On this _____ day of _____, 2016, before me, the undersigned notary public, personally appeared _____, known to me to be the _____ of Central Scott Communications and the person whose name is subscribed to the fore-going instrument and acknowledged that he/she is duly authorized to execute such agreements and to commit Central Scott Communications to the obligations and duties contained therein and executed the fore-going instrument as his/her voluntary act and deed and as the voluntary act and deed of Central Scott Communications.

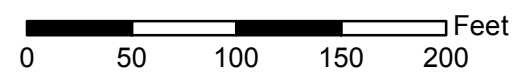
In witness whereof, I have hereunto set my hand and official seal.

Notary Public



Proposed Fiber Optic Route
2016 - F23

Map Date: 11/16/16



City of Davenport

Agenda Group: Public Works
Department: Public Works
Contact Info: Jen Walker; (563) 326-6168
Wards: 1 & 3

Action / Date
PW12/7/2016

Subject:

Resolution accepting the work completed under the Brick Street Base Reconstruction contract with Langman Construction, Inc. Final cost of the program was \$564,000 budgeted in CIP #35010. [Wards 1 & 3]

Recommendation:

Pass the Resolution

Relationship to Goals:

Upgraded City Infrastructure & Public Facilities

Background:

The Brick Street Base Reconstruction Program aids with the rehabilitation of brick streets that are protected by City ordinance.

The following streets were successfully completed under the 2016 Brick Street Base Reconstruction Contract with Langman Construction, Inc.:

- S. Ohio Avenue (Rockingham to McKinley), and
- W. 12th Street (Main to Brady).

Total cost was approximately \$564,000 paid with Government Obligation Bonds.

ATTACHMENTS:

Type	Description
▢ Resolution Letter	PW_RES pg2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	12/1/2016 - 11:57 AM
Public Works Committee	Lechvar, Gina	Approved	12/1/2016 - 11:58 AM
City Clerk	Admin, Default	Approved	12/1/2016 - 12:07 PM

Resolution No. _____

Resolution offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION accepting the work completed under the Brick Street Base Reconstruction contract with Langman Construction, Inc. Final cost of the program was \$564,000 budgeted in CIP #35010.

The scope of work included temporary removal of bricks, replacement of subbase, replacement of bricks, new curb & gutter as needed, new concrete transitions to adjoining streets and alleys, improved sidewalks as needed, and pedestrian curb ramps. Final cost of the two project sites was approximately \$564,000 using Government Obligation Bonds.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that

Section 1. That it is hereby found and determined that the work of constructing the above-named project has been duly and fully completed by the contractor in accordance with the terms of the contract, and the same is hereby accepted and approved.

Section 2. That it is hereby found and determined that the total construction cost of said project is approximately \$564,000.

Section 3. That except for the retainage held by the City pursuant to Chapter 563 of the Code of Iowa, which shall be paid to the contractor not less than thirty (30) days after the acceptance of the work, the amount due the contractor is hereby ordered paid by the issuance to the contractor of anticipatory warrant or warrants, in accordance with Section 384.57 of the Code of Iowa, 2013, as amended, or from such other fund or funds as may be available for that purpose, such warrant or warrants and amounts paid from any such fund or funds to be paid and replaced to the extent possible from the proceeds of special assessments and the sale of special assessment bonds.

Section 4. That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed, to the extent of such conflict.

Passed and approved this 14th day of December, 2016.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk

City of Davenport

Agenda Group: Public Works
Department: Public Works
Contact Info: Eastlick; (563) 326-7729
Wards: 2 & 7

Action / Date
COW12/7/2016

Subject:

Resolution awarding the contract and conditionally approving the contract and bond, subject to Iowa DOT concurrence, for the Kimberly Road and Division Street Intersection Improvements to Valley Construction Company of Rock Island, Illinois in the amount of \$1.6M. Funding for this project is split 80% federal and 20%, budgeted in CIP #01793. [Wards 2 & 7]

Recommendation:

Pass the resolution.

Relationship to Goals:

Enhanced quality of life.

Background:

To help alleviate congestion and improve safety, the intersection at Kimberly Road and Division Street will be expanded. Construction will include additional turn lanes, concrete medians, upgraded sidewalks and ADA accessible ramps.

Funding for this project is split 80% Federal and 20% City money, or a maximum of \$2,029,064 in Federal construction funds. These costs have been budgeted in CIP #01793.

The Iowa DOT received bids on November 15th, 2016. Five bids were received that ranged from \$1,577,277 to \$2,193,000. Valley Construction Company of Rock Island, Illinois is the low bidder. It is recommended, subject to Iowa DOT concurrence, that the contract be awarded to the low bidder.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW_RES pg2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	12/1/2016 - 12:22 PM
Public Works Committee	Lechvar, Gina	Approved	12/1/2016 - 12:22 PM
City Clerk	Admin, Default	Approved	12/1/2016 - 12:31 PM

Resolution No. _____

Resolution offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION accepting the work completed under the Brick Street Base Reconstruction contract with Langman Construction, Inc. Final cost of the program was \$564,000 budgeted in CIP #35010.

The scope of work included temporary removal of bricks, replacement of subbase, replacement of bricks, new curb & gutter as needed, new concrete transitions to adjoining streets and alleys, improved sidewalks as needed, and pedestrian curb ramps. Final cost of the two project sites was approximately \$564,000 using Government Obligation Bonds.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that

Section 1. That it is hereby found and determined that the work of constructing the above-named project has been duly and fully completed by the contractor in accordance with the terms of the contract, and the same is hereby accepted and approved.

Section 2. That it is hereby found and determined that the total construction cost of said project is approximately \$564,000.

Section 3. That except for the retainage held by the City pursuant to Chapter 563 of the Code of Iowa, which shall be paid to the contractor not less than thirty (30) days after the acceptance of the work, the amount due the contractor is hereby ordered paid by the issuance to the contractor of anticipatory warrant or warrants, in accordance with Section 384.57 of the Code of Iowa, 2013, as amended, or from such other fund or funds as may be available for that purpose, such warrant or warrants and amounts paid from any such fund or funds to be paid and replaced to the extent possible from the proceeds of special assessments and the sale of special assessment bonds.

Section 4. That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed, to the extent of such conflict.

Passed and approved this 14th day of December, 2016.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk

City of Davenport

Agenda Group: Public Works
Department: Public Works
Contact Info: Sandy Doran; (563) 326-7756
Wards: All

Action / Date
PW12/7/2016

Subject:

Resolution accepting the Sanitary Sewer Manhole Rehabilitation Program. The final cost for the project was \$949,000 budgeted in CIP #10144. [All Wards]

Recommendation:

Pass the resolution.

Relationship to Goals:

Davenport – *The Choice Community for Living*

Upgraded City Infrastructure & Public Facilities

Background:

This program rehabilitates existing sanitary sewer manholes through various strategies such as the use of cured-in-place manhole lining, spray applied materials, casting and adjusting ring replacement, chimney seals and total manhole replacement. A total of 9 manhole replacements were completed and 380 manholes were rehabilitated.

This program was a combined effort by the sewer and engineering divisions of the Public Works Department. Sewers are selected based on manhole inspections/assessments, reported problems from the public and I & I studies. This program is part of the IDNR Administrative Order.

Work has been satisfactorily completed by Front Range Environmental of McHenry, Illinois. The final FY 15 cost for the project was \$949,000.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	PW_RES pg2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	12/1/2016 - 11:42 AM
Public Works Committee	Lechvar, Gina	Approved	12/1/2016 - 11:42 AM
City Clerk	Admin, Default	Approved	12/1/2016 - 12:07 PM

Resolution No. _____

RESOLUTION offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION accepting the Sanitary Sewer Manhole Rehabilitation Program. The final cost for the project was \$949,000 budgeted in CIP #10144.

WHEREAS, the City of Davenport entered into a contract with Front Range Environmental of McHenry, Illinois; and

WHEREAS, work on the project has been satisfactorily completed

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, Iowa: that the 2015 Sanitary Sewer Manhole Rehabilitation Program is hereby accepted.

Passed and approved this 14th day of December, 2016.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk

City of Davenport

Agenda Group: Public Works

Department: Public Works

Contact Info: Nick Schmuecker; (563) 327-5162

Wards: 5

Action / Date

PW12/7/2016

Subject:

Resolution on the plans, specifications, forms of contract and estimated cost for the Vander Veer Storage Building Repairs Project. The current estimated cost is \$88,000 budgeted in CIP #10519. [Ward 5]

Recommendation:

Pass the resolution.

Relationship to Goals:

Enhanced Quality of Life.

Background:

Over time, portions of the Vander Veer Storage Building have deteriorated and are in need of repair. This project is intended to repair the deteriorated portions of the floor, floor beams, and columns. A protective epoxy floor coating will be applied to prevent contact of the elements to the concrete structure.

The project is scheduled to be bid in January 2017 with construction completed in the following month. Funding for the Vander Veer Storage Building Repairs Project is established within CIP #10519. The current estimate is \$88,000.

ATTACHMENTS:

Type	Description
□ Resolution Letter	PW_RES pg2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	12/1/2016 - 12:40 PM
Public Works Committee	Lechvar, Gina	Approved	12/1/2016 - 12:40 PM
City Clerk	Admin, Default	Approved	12/1/2016 - 12:46 PM

Resolution No. _____

Resolution offered by Alderman Ambrose

Resolution on the plans, specifications, forms of contract and estimated cost for the Vander Veer Storage Building Repairs Project. The current estimated cost is \$88,000 budgeted in CIP #10519.

WHEREAS, on the 30th day of November, 2016, plans, specifications, form of contract and an estimate of cost were filed with the City Clerk of Davenport, Iowa, for the Vander Veer Storage Building Repairs Project, CIP Project #10519.

WHEREAS, Notice of Hearing on plans, specifications and form of contract was published as required by law:

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that said plans, specifications, form of contract and estimate of cost are hereby approved as the plans, specifications, form of contract and estimate of cost for said Vander Veer Storage Building Repairs Project.

Passed and approved this 14th day of December, 2016.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, Deputy City Clerk

City of Davenport

Agenda Group: Public Works
Department: Public Works
Contact Info: Jen Walker; (563) 326-6168
Wards: 4,6,7&8

Action / Date
PW12/7/2016

Subject:

Resolution accepting the work completed under the Bus Shelter project by Kelly Construction of Davenport, Inc. Final project cost was \$168,000 budgeted in CIP #28014. [Wards 4, 6, 7 & 8]

Recommendation:

Pass the resolution.

Relationship to Goals:

Upgraded City Infrastructure & Public Facilities

Background:

The Transit System Bus Stop Project provided sidewalks and concrete pads for shelters at seven locations:

- Kimberly Road and Bridge Avenue,
- Kimberly Road and Main Street,
- 53rd Street and Brady (on Ekstein Drive),
- 59th and Brady (on the Frontage Road),
- W. 12th Street east of Sturdevant Street,
- Spring Street north of 32nd Street, and
- Corporate Park Drive north of 53rd Street.

Construction was completed by Kelly Construction at a total cost of approximately \$168,000. This project was funded through CIP #28014 using proceeds of Government Obligation Bonds.

ATTACHMENTS:

Type	Description
□ Resolution Letter	pg 2

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	12/1/2016 - 12:30 PM
Public Works Committee	Lechvar, Gina	Approved	12/1/2016 - 12:30 PM
City Clerk	Admin, Default	Approved	12/1/2016 - 12:31 PM

Resolution No. _____

Resolution offered by Alderman Ambrose

RESOLVED by the City Council of the City of Davenport.

RESOLUTION accepting the work completed under the Bus Shelter project by Kelly Construction of Davenport, Inc. Final project cost was \$168,000 budgeted in CIP #28014.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that

Section 1. That it is hereby found and determined that the work of constructing the above-named project has been duly and fully completed by the contractor in accordance with the terms of the contract, and the same is hereby accepted and approved.

Section 2. That it is hereby found and determined that the total construction cost of said project is approximately \$168,000.

Section 3. That except for the retainage held by the City pursuant to Chapter 563 of the Code of Iowa, which shall be paid to the contractor not less than thirty (30) days after the acceptance of the work, the amount due the contractor is hereby ordered paid by the issuance to the contractor of anticipatory warrant or warrants, in accordance with Section 384.57 of the Code of Iowa, 2013, as amended, or from such other fund or funds as may be available for that purpose, such warrant or warrants and amounts paid from any such fund or funds to be paid and replaced to the extent possible from the proceeds of special assessments and the sale of special assessment bonds.

Section 4. That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed, to the extent of such conflict.

Passed and approved this 14th day of December, 2016.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk

City of Davenport

Agenda Group: Public Works
Department: Public Works
Contact Info: Brian Schadt; (563) 326-7786
Wards: 6 & 8

Action / Date
PW12/7/2016

Subject:

Resolution approving change order #2 to Shive-Hattery of Moline, IL in the amount of \$324,000 for the Veterans Memorial Parkway - Jersey Ridge to the I-74 Bridge project, CIP #02418. The City will be reimbursed up to 50% of the eligible cost by the State of Iowa's RISE grant. [Ward 6 & 8]

Recommendation:

Pass the Resolution

Relationship to Goals:

Enhance Quality of Life

Background:

The consultant was originally contracted to provide support services for bidding documents for the project, however, a more inclusive design and coordination was needed with the Iowa Department of Transportation staff due to the federal and state grants attached to the project. These additional services included: roundabout design, life cycle cost analysis of pavement materials, DOT peer review revisions for the roundabout, long term traffic forecasting, design and coordination with the Elmore Avenue Intersection paving, additional design on Jersey Ridge Road to comply with the turn lane project, coordination with development on Elmore Avenue, easement and right-of-way platting and acquisition support.

This change order approves the additional contract amount to be used for design services requested by the City of Davenport and performed by Shive-Hattery of Moline, IL.

Summary of Contract

Original Contract: 172,000

Previous Change Order: 84,600

This Change Order: 324,000

Amended Contract Amount: 580,600

ATTACHMENTS:

Type	Description
□ Cover Memo	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Merritt, Clay	Approved	12/1/2016 - 9:18 AM
Public Works Committee	Lechvar, Gina	Approved	12/1/2016 - 12:41 PM
City Clerk	Admin, Default	Approved	12/1/2016 - 12:45 PM

Resolution No. _____

Resolution offered by Alderman Amborse

RESOLVED by the City Council of the City of Davenport.

RESOLUTION approving change order #2 to Shive-Hattery in the amount of 324,000 for additional design services for the Veterans Memorial Parkway (VMP) Project from Jersey Ridge Road to the I-74 Bridge over VMP.

WHEREAS, the City of Davenport entered into a contract with Shive-Hattery for the VMP from Jersey Ridge Road to the I-74 Bridge over VMP; and

WHEREAS, additional design services are necessary to further the project; and

WHEREAS, the consultant will incur additional costs beyond their approved contract due to these additional services; and

WHEREAS, pricing has been reviewed and approved by the Public Works Department;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport that Change Order #2 in the total amount of 324,000 for the VMP Project from Jersey Ridge Road to the I-74 Bridge over VMP is hereby approved, and the Public Works Director is hereby authorized to execute said document.

Passed and approved on this 14th day of December, 2016.

Approved:

Attest:

Frank Klipsch, Mayor

Jackie E. Holecek, City Clerk

City of Davenport

Agenda Group: Public Works
Department: Public Works
Contact Info: Dan Miers; (563) 326-7787
Wards: All

Action / Date
PW12/7/2016

Subject:

Resolution approving a contract amendment for the Digester #3 and #4 Cleanout project with an estimated cost of \$355,000. [All Wards]

Recommendation:

Approve the resolution.

Relationship to Goals:

Enhance Quality of Life.

Background:

Digester tanks are part of the wastewater treatment used to process the sludge to breakdown solids, reduce pathogens and produce methane. The methane is collected and fuels the electricity.

These tanks must be periodically cleaned for optimal performance. Once the cleaning process began it was determined the initial samples taken were not representative of the entire tank and there is more sludge at a higher solids concentrate than originally thought.

The original contract estimated 752 tons of solids needed to be hauled and this amendment changes the quantity to 2500 tons with an estimated cost of \$355,000.

ATTACHMENTS:

Type	Description
 Backup Material	Photos

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Lechvar, Gina	Approved	12/1/2016 - 2:28 PM
Public Works Committee	Admin, Default	Approved	12/1/2016 - 4:35 PM
City Clerk	Admin, Default	Approved	12/1/2016 - 4:35 PM

WPCP Digester Mixers



Digester #4-C EIMCO Mixer: Picture on the left has struvite build up. Picture on the right is with the struvite removed. Note* damage to the impeller.



Digester Mixer #4-A waiting rebuild, in the foreground and #4-B rebuilt, in the background.

City of Davenport

Agenda Group: Public Works
Department: Public Works
Contact Info: Jen Walker; (563) 326-6168
Wards: 8

Action / Date
PW12/7/2016

Subject:

Motion accepting work associated with the Prairie Heights Park ADA Access Improvements Project. Final project cost was \$52,000 budgeted in CIP #10118. [Ward 8]

Recommendation:

Pass the motion.

Relationship to Goals:

Upgraded City Infrastructure & Public Facilities

Background:

The ball field facilities at Prairie Heights Park were upgraded to ensure compliance with expanded Federal Americans with Disabilities Act (ADA) guidelines. These expanded guidelines mandate that all competitive athletic fields within the city shall have an accessible route to the playing surface and dugout/team facilities.

McCarthy Improvement Company, Inc. was awarded the contract and has completed work in a satisfactory manner. Total project cost was approximately \$52,000, which was funded in CIP#10118 using proceeds of Government Bonds.

Remaining funds shall be attributed to similar park projects. Northwest Park improvements are scheduled for Spring 2017, and others are currently under design.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Lechvar, Gina	Approved	12/1/2016 - 11:34 AM
Public Works Committee	Lechvar, Gina	Approved	12/1/2016 - 11:34 AM
City Clerk	Admin, Default	Approved	12/1/2016 - 12:06 PM

City of Davenport

Agenda Group: Finance
Department: Finance/Revenue
Contact Info: Jim Odean 326-7739
Wards: All

Action / Date
FIN11/2/2016

Subject:

Third Consideration: Ordinance amending Chapter 5.21 entitled "Vehicles for Hire in Title 5, Business Licensing and Regulation. [All Wards]

Recommendation:

Pass the ordinance.

Relationship to Goals:

Business Friendly Community

Background:

The City of Davenport currently requires all vehicles for hire, including taxi and limousine drivers, to obtain a Vehicle for Hire permit annually. The Chapter requires that drivers have automobile liability insurance, take a test and be knowledgeable of places of interest in Davenport, have a clean driving record, and not be a felon or convicted of a misdemeanor involving assault on a person.

We propose keeping the regulations of Chapter 5.21 and eliminating the Vehicle for Hire permit. Since this ordinance was enacted, the state has made it mandatory for all drivers to have liability insurance; GPS devices allow drivers to easily find all locations in Davenport and the Quad-City area. There is also a municipal exemption that allows companies with permits from other municipalities to operate in Davenport. Lastly, Uber has significantly changed the vehicle for hire business model. They perform background checks on their drivers, verify their vehicles are road-worthy, make patrons aware of fees for the transaction prior to arrival, and make sure their drivers are insured.

By removing the permit requirement, it will provide a level field for all vehicles for hire since we are currently requiring taxi and limousine services that operate in Davenport to obtain a license, but we do not require that of Uber drivers. The onus needs to be on taxi services to hire employees and provide vehicles that are not a hazard to the citizens of Davenport, which will continue to be in place with the regulations. The Iowa Department of Transportation requires that to obtain a chauffeur's license the applicant must have a clean driving record for the previous two years, and the State of Iowa requires all drivers to have liability insurance.

This ordinance duplicates regulations in place by other governmental authorities while offering no mechanism to enforce compliance. Ultimately, businesses offering an unsatisfactory vehicle for hire service will go out of business due to market pressures. Staff recommends that Council approve the updates to this section.

ATTACHMENTS:

Type	Description
▣ Ordinance	Ordinance Amending 5.21

REVIEWERS:

Department

Finance

Reviewer

Admin, Default

Action

Approved

Date

11/29/2016 - 10:29 AM

ORDINANCE NO.

ORDINANCE AMENDING CHAPTER 5.21 ENTITLED "VEHICLES FOR HIRE"

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

Chapter 5.21 VEHICLES FOR HIRE

Sections:

- 5.21.010 Definitions.**
- 5.21.020 Regulations.**
- 5.21.030 Vehicle requirements.**
- 5.21.040 Commercial automobile liability insurance.**
- 5.21.050 Driver requirements.**
- 5.21.060 Party bus regulations.**

5.21.010 Definitions.

The following words and phrases as used in this chapter shall have the meanings as set out herein:

- A. "Advertising" shall mean to advise, announce, give notice of, publish, or call attention by use of oral, written, or graphic statements made in newspapers, telephone directories or other publications or on radio or television, any electronic medium, or contained in any notice, handbill, catalog, newsletter, poster, sign, flyer, business card or letter.
- B. "Compensation" shall mean a return in money, property, or anything of value for the rendition of vehicle for hire service.
- C. "Commercial business office" shall mean the primary place of business where management and employees perform office work for a vehicle for hire company and which shall meet the following requirements: a) properly zoned, b) customer/employee parking, c) sufficient commercial vehicle parking, d) sanitary facilities/restrooms, e) dedicated wired phone line with a unique/dedicated number, f) identifying signage, and g) central dispatch. The address of the commercial business office must match the address on the local business tax receipt.
- D. "Driver" shall mean the individual who is driving or physically operating the taxicab, limousine, shuttle, or other passenger vehicle for hire and includes the term "chauffeur."

E. "Limousine" shall mean a chauffeur-driven motor vehicle, modified-for-the-purpose as a luxury stretch vehicle, regardless of length and which contains a fixed partition used to separate the driver and passenger seating areas. A limousine is prohibited from using a taximeter and toplight unless it is being used as a taxicab.

F. "Manifest" shall mean written or electronic/digital documentation prepared by the vehicle for hire business providing individual trip logs for each pickup/drop-off of passengers that can be viewed upon request by law enforcement officers. The "manifest" shall be in the possession of the vehicle for hire driver and central dispatch and shall include the business name, business phone number, name of the passenger (if provided/known), pickup/drop-off address and dates/times involved.

G. "Municipal exemption" shall mean the recognition by city of certain vehicle for hire businesses authorized to operate through municipal ordinances and which may be exempt from paying certain fees required by this chapter. In order to exercise this exemption, such businesses must be physically located, operating and dispatching within the city limits of the municipality approving the business to operate. Such exempt businesses must meet all other requirements of this chapter.

H. "Nonmedical, wheelchair and stretcher transportation service" shall mean the transportation of persons while on stretchers or wheelchairs, or persons whose handicap, illness, injury, or other incapacitation makes it impractical to be transported by a regular common carrier such as a bus, taxicab, or other vehicle for hire. Such persons do not need, nor are likely to need, any medical attention during transport.

I. "Passenger" shall mean a person utilizing a vehicle for hire for the purpose of being transported to a destination, or a person who is awaiting the arrival of a dispatched vehicle for hire, and does not include the chauffeur.

J. "Prearranged" shall mean a written, e-mail, fax or telephone reservation made at least thirty minutes in advance by the person requesting service from a vehicle for hire business. Such reservations shall be documented in written form by the business. The written documentation requested herein shall be made available immediately upon the request of authorized personnel or law enforcement.

K. "Sedan" shall mean any pre-arranged vehicle for hire, not equipped with a taximeter, which is not a limousine, SUV, transport van/shuttle, nonmedical wheelchair and stretcher transportation vehicle or taxi. Sedans shall include all other commercially manufactured passenger vehicles not already defined herein. Such vehicles shall not display the word "taxicab," "taxi," or "cab" on the vehicle exterior or interior. A sedan is prohibited from using a taximeter and toplight unless it is being used as a taxicab.

L. "Sport utility vehicle or SUV" shall mean a type of passenger vehicle which combines the load-hauling and passenger-carrying capacity of a large station wagon or minivan. An SUV is prohibited from using a taximeter and toplight unless it is being used as a taxicab.

M. "Taxicab" shall mean a motorized vehicle, equipped with a taximeter, engaged in the transportation of passengers for compensation, and where the route or destination is controlled by the passenger.

N. "Taximeter" shall mean any device permanently and internally mounted in a taxicab and which records and indicates a charge or fare measured by distance traveled, waiting time or other traditionally compensable activities of taxicab service.

O. "Top light" shall mean a permanently installed roof mounted lighted device which shall be illuminated whenever the taximeter is on. The top light must be a minimum size of ten inches by four inches permanently mounted on the vehicle roof and display or include the word "taxi," "taxicab" or "cab."

P. "Transport van/shuttle" shall mean a motor vehicle not equipped with a taximeter, with a seating capacity for at least four passengers, exclusive of the driver, where there is no separation of the driver and

passenger compartments and not modified from the manufacturer's specifications. A functioning seat belt must be available for each passenger.

Q. Reserved.

R. "Vehicle for hire" shall mean any motorized, self-propelled vehicle engaged in the transportation of persons upon the streets of the city with the intent to receive compensation for providing such transportation, and shall include, but not be limited to, nonmedical, wheelchair and stretcher transportation services, taxicabs, transport vans/shuttles, SUVs and limousines. The term shall not be construed to include ambulances.

S. "Vehicle for hire company" shall mean any individual, partnership, association, corporation, broker or other legal entity which holds business permits for or contracts with one or more vehicles for hire, provides vehicles or services to drivers of vehicles for hire, or which operates a central dispatch for one or more vehicles for hire.

T. "Vehicle for hire driver's I.D. badge (I.D. badge)" shall mean a permit authorizing the holder thereof to utilize the motor vehicle(s) described in said permit for the transportation of passengers as authorized pursuant to this chapter.

U. "Vehicle for hire service standards" shall mean a summary of "passenger" and "driver" expectations prominently displayed within every vehicle for hire passenger compartment. (Ord. 2012-332 (part)).

5.21.020 Regulations.

A. Compliance with the provisions of this chapter shall in no way relieve an individual or vehicle for hire company from compliance with all municipal, county, state and federal laws.

B. Vehicle for hire businesses and ~~permitted~~ drivers shall cooperate fully at all times with ~~the finance department and~~ law enforcement personnel in furnishing information required in connection with requests for proof of insurance, vehicle registration, driver's I.D. badge, manifest inspection or investigations of consumer complaints. Further, vehicle for hire businesses and ~~permitted~~ drivers shall not obstruct, hamper or interfere with an investigation of alleged violations of this chapter conducted by the finance department or a law enforcement officer. At no time shall a vehicle for hire ~~permitted~~ driver use abusive language or display discourteous, hostile, aggressive or other inappropriate behavior toward passengers, other vehicle for hire drivers, finance department personnel, any law enforcement officer or any agency authorized to enforce this chapter.

C. All taxicabs and nonmedical wheelchair and stretcher transportation service vehicles shall clearly display on the exterior of the driver and passenger side of the vehicle, permanent vinyl or painted lettering at least four inches high and in clearly visible bold contrasting colors, the vehicle for hire company's name and telephone number. Magnetic signage is not permitted.

D. Law enforcement officers are authorized to seize and impound any vehicle for hire which such employee or officer has probable cause to believe is being operated without commercial liability insurance and in violation of this chapter. (Ord. 2012-332 (part)).

5.21.030 Vehicle requirements.

A. It shall be a violation of this chapter to fail to meet the requirements of vehicles described in this section and in any section pertinent to that particular type of vehicle.

1. The windshield and all side and rear windows shall provide clear visibility and operate according to the manufacturer's specifications. The windshield and all windows shall possess no breakage, cracks or pits that impair visibility or hinder the safety of passengers. All window cranks/power window switches

shall be complete, intact and functioning. Windows on vehicles for hire shall not be covered by, or treated with, a material which would cause the vehicle to be in violation of local ordinance or state law.

2. All standard manufacturer's interior equipment shall be complete, intact and functioning; including, but not limited to interior lights, dashboard, trim, gear shifts and head rests. Vehicle interiors must not contain loose objects and must be clean, sanitary, and free of broken seats/protruding sharp edges or torn or damaged upholstery, headliner, or floor coverings. The vehicle's interior must be free of offensive odors. The floor board shall be free of rust and holes. Trunks and luggage compartments must be kept clean and free of debris.

3. All doors must have operating handles, which allow opening from both the inside and outside, and door hinges and latches must function properly. Door locks must be operable by passengers at all times. Door seals and gaskets must be intact/operating and prevent water, odor and fumes from entering the vehicle from outside. All door panels must be intact to prevent accidental injuries on door and window mechanisms.

4. Seat belts shall be available for all passengers (according to manufacturer's specifications and Iowa law). Seat belts shall be in operating condition, easily accessible, clean and free of grease and other objectionable substances.

5. All vehicles shall be equipped with a fully functioning heating and air-conditioning system which controls the temperature of the inside of the vehicle between sixty-eight and seventy-eight degrees Fahrenheit. The vehicle shall be equipped with a fully functioning windshield defrost or defogging system.

6. All vehicles shall be equipped with a light capable of illuminating the interior of the vehicle, controlled by the operation of the doors, or manually controlled by the driver.

7. The transportation of children shall be in accordance with child safety seats and restraints as provided by state law and local ordinance.

8. Those vehicles and operations, which are subject to the Americans with Disabilities Act (ADA), shall comply with the applicable provisions of said Act.

9. The vehicle's body, fenders, doors, trim, grill and paint must be free from cracks, breaks, rust, and body damage that detracts from the overall appearance of the vehicle or could result in harm or injury to the passenger or his/her personal belongings.

10. The vehicle must be equipped with safe tires of the same size. No recaps shall be used. Maximum allowable tread wear shall be where tread is level with the wear bar, or 2/32" when measured at three random places in the tire tread. The tires shall be inflated to manufacturer's specifications and free of cuts, cracks, bulges, or exposed belts.

11. Windshield wipers must be operational according to the manufacturer's specifications. Wiper blades shall be in such a condition as to make firm contact with the windshield when operational, and shall not be torn or worn.

12. Reflectors and lenses shall not be cracked or missing and must be the correct color and properly positioned.

13. Low and high beam headlights, turn signals, brake, tail and reverse lights shall be operable as required by state or local law. Each vehicle shall have a white light on the vehicle to illuminate the rear license plate so that it is clearly visible.

14. The vehicle suspension shall function as designed by the manufacturer.

15. The vehicle shall be equipped with an operating horn with the actuating button mounted in the location designated by the vehicle manufacturer and operated in the manner designed and assembled by the vehicle manufacturer.

16. Each vehicle shall contain an operating parking brake and a primary brake system which acts on all four vehicle wheels. There shall be no visible leaks in the brake line, hoses, wheel cylinders or any part of the brake system and no frayed cables. Brake linings and/or disc pads, when measured at the thinnest point shall not be less than one-sixteenth of an inch and firmly attached to the brake shoe or disc. Disc brake rotors and brake drums shall be of a size and type appropriate for the vehicle, with no cracks or other damage which change or impair the functional surface. All primary brake systems shall demonstrate a reasonable total braking force when conducting a rolling stop.

17. There shall be no leakage of exhaust gas from the exhaust manifold, muffler or any other point in the exhaust system as determined through a visual and audible inspection. The tail pipe shall discharge exhaust from the rear of the vehicle according to manufacturer specifications.

18. Belts shall show no signs of excessive wear and be free of cracks and frays. Hoses shall be firm and in good condition, free of leaks and cracks.

19. All fluid levels shall be maintained according to manufacturer's specifications.

20. Vehicles must be equipped with functioning speedometer and odometer.

21. Vehicles must receive routine maintenance according to the manufacturer's recommendations pertaining to service intervals.

22. Businesses must assure that each vehicle or driver has a means of communicating to a central dispatch or to emergency agencies with a two-way radio and/or cellular mobile telephone. (Ord. 2012-332 (part)).

5.21.040 Commercial automobile liability insurance.

A. It shall be unlawful for any vehicle for hire company or driver to operate and transport passengers for compensation unless it has in effect a currently valid liability insurance policy covering each vehicle which shall insure such vehicle for commercial automobile liability insurance for passenger transportation and shall meet or exceed minimum insurance limits as established by law of the company's state of domicile.

B. Each vehicle for hire driver shall be able to produce proof of insurance coverage upon demand by a law enforcement officer. (Ord. 2012-332 (part)).

5.21.050 Driver requirements.

~~A. No person shall operate a vehicle for hire/taxicab within the city without having obtained a vehicle for hire/taxicab driver's license pursuant to the provisions of this section.~~

~~B. No owner or operator shall permit the operation of a vehicle for hire/taxicab within the city without the driver having obtained a vehicle for hire/taxicab driver's license pursuant to the provisions of this chapter.~~

~~(Ord. 91-104 § 20).~~

~~C. A person desiring a vehicle for hire/taxicab driver's license shall file with the finance department a signed and sworn application on forms provided by the city, containing the following information: (a) the name and address of the applicant; addresses for the past five years; date of birth; race; height; color of hair and eyes; place of birth; social security number and driver's license number, (b) the experience of the applicant in the transportation of passengers; including any previous cities in which the applicant has operated a cab, (c) whether the applicant's motor vehicle license has been suspended or revoked and if so the reasons therefor and the dates and periods of suspension or revocation, (d) a list of all felony and misdemeanor convictions including traffic violations for the past seven years. The application shall be accompanied by a copy of the applicant's driving record certified by the appropriate state agency of the person's state of domicile. (Ord. 2000-200 § 1; Ord. 91-104 § 21).~~

~~D.—All applicants for a vehicle for hire/taxicab driver's license required by this chapter shall be: (a) over eighteen years of age, (b) able to read and write the English language, (c) issued a motor vehicle license by the person's state of residence, which license would allow the person to operate a vehicle for hire pursuant to the laws of said state, (d) otherwise qualified and of good morals, character and reputation. (Ord. 91-104 § 22).~~

~~E.—The finance director or his designee, upon recommendation of the police department, may approve or reject an application. If an application is rejected, the applicant may request a hearing under Chapter 2.86 within ten days of the date of the written notice of the rejection of the applicant's driver's license. At the hearing the applicant and the finance director or his designee shall present evidence concerning the rejection of the license application.~~

F. ~~No~~ A vehicle for hire/taxicab driver's license shall be issued if the applicant is not qualified if:

1. ~~Is not qualified as required by this chapter;~~

21. Is under the care of a physician who has prescribed a drug for the applicant for which one of the contraindications is a prohibition on driving a motor vehicle and the prescriptive period is still open.

32. Has been convicted of a felony;

43. Has been convicted of a misdemeanor involving assault on a person;

54. Has been convicted of the offense of operating while intoxicated or under the influence of drugs or alcohol within the last three years or two such convictions in the last six years;

65. Has been convicted of three traffic violations in the past twelve months or five traffic violations in the last thirty-six months;

~~7. Gave incomplete, false or misleading information on the application;~~

~~8. Was unable to obtain a passing score upon examination.~~

G. ~~An applicant who is disqualified by reason of Section 5.21.060(F)(4) or (6) may be issued a probationary license as long as they are otherwise qualified and of good moral character and have not previously been issued a probationary license. The probationary license period will last one year, and if the licensee completes the one year probation without being charged with a violation of the law, then the licensee will be eligible for a regular license under this chapter. However, if a licensee is charged with a violation of the law within the one year probationary period, the probationary license will immediately and automatically be revoked. (Ord. 2010-132; Ord. 2000-200 § 2; Ord. 91-104 § 23).~~

H. ~~The finance director or his designee shall submit a written examination to every applicant on the applicant's initial application for a vehicle for hire/taxicab driver's license which examination shall concern the applicant's knowledge of the provisions of this chapter, the traffic ordinances of the city, geography of the city, location of streets and public places within the city. A licensed driver shall be subject to re-examination once every three years for any renewals sought thereafter. An applicant or driver must successfully answer seventy percent of the examination questions prior to receiving a driver's license. (Ord. 2000-200 § 3; Ord. 91-104 § 24).~~

I. ~~Upon the approval of an application for a vehicle for hire/taxicab driver's license and payment of the license fee, the finance department shall issue a vehicle for hire/taxicab driver's license to the applicant which shall bear the name, address, race, date of birth, signature and photograph of the applicant. A person may renew a driver's license thirty days before its expiration date, however, the initial date of issuance will remain as its expiration date. A person shall not be considered to be driving without a license during a period of thirty days following the license expiration date. A duplicate license may be obtained upon the filing of a signed and sworn statement by the person that the original license was lost, stolen or destroyed and the payment of a five dollar fee. (Ord. 91-104 § 25).~~

J. ~~Every driver licensed under this chapter shall post the vehicle for hire driver's license in such a place as to be in full view of all passengers while such driver is operating a vehicle for hire. A driver~~

~~operating a vehicle for hire shall have said driver's license in immediate possession at all times when operating the vehicle for hire and shall display the same upon the demand of a police officer. (Ord. 91-104 § 26).~~

~~K. The finance director shall have the authority to suspend any vehicle for hire/taxicab driver's license issued under this chapter for any violation of this chapter. The suspension may last for a period not to exceed one year. The finance director shall notify the person in writing by certified mail of the suspension, time period of suspension, to surrender said license to city clerk, reason for suspension and right to appeal. At the conclusion of a suspension period the person may retrieve the taxicab driver's license from the city clerk.~~

~~The finance director shall have the authority to revoke a vehicle for hire/taxicab driver's license for repeated violations of this chapter, failure to surrender a suspended vehicle for hire/taxicab driver's license, commission of an act or acts which would be grounds for a denial of a driver's license, or operating a taxicab while a taxicab driver's license or state motor vehicle license is under suspension. The revocation shall be effective for a period not exceeding one year. The finance director or designee shall notify the person in writing by certified mail of the revocation, time period of revocation, to surrender said license to city clerk, reason for revocation and right to appeal. At the conclusion of a revocation period the person may reapply for a taxicab driver's license. A person may appeal a suspension or revocation of a vehicle for hire/taxicab driver's license to the hearing officer under Chapter 2.86 within ten days of the date of the written notice. The decision of the hearing officer is final. The suspension or revocation becomes effective if no appeal is requested. (Ord. 2015-117 § 9; Ord. 2012-332 (part); Ord. 91-104 § 27).~~

5.21.060 Party bus regulations.

In addition to complying with all other applicable sections of this title, a party bus may only be operated on the streets of the city subject to the following regulations:

- A. No passenger who is under the age of twenty-one may possess or consume alcoholic beverages.
- B. No passenger may engage in disorderly conduct.
- C. No passenger may hurl any projectile from the vehicle for hire.
- D. No passenger on a vehicle for hire shall commit an indecent exposure.
- E. No passenger on a vehicle for hire may litter.
- F. No passenger shall possess or use a controlled substance as defined by state law. (Ord. 2012-332 (part)).

SEVERABILITY CLAUSE: If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of the ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained not illegal or void provisions.

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

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.

EFFECTIVE DATE. This ordinance shall be in full force and effective May 1, 2017.

First Consideration _____

Second Consideration _____

Approved _____

Frank Klipsch

Mayor

Attest: _____

Jackie Holecek, CMC

Deputy City Clerk

Published in the Quad City Times on _____

City of Davenport

Agenda Group: Finance
Department: Finance
Contact Info: Brandon Wright 326-7750
Wards: All

Action / Date
FIN12/7/2016

Subject:

Resolution setting January 4, 2017 as the date for public hearings on the issuance of not-to-exceed \$8,000,000 General Obligation Refunding Bonds, Series 2017B and not-to-exceed \$16,000,000 General Obligation Refunding Bonds, Series 2017C. [All Wards]

Recommendation:

Adopt the resolution.

Relationship to Goals:

Financially Responsible City Government

Background:

Public Financial Management, Inc. (PFM), the City's financial advisor, continually reviews prior City of Davenport bond issues and the current market for refunding opportunities. An analysis of the Taxable Series 2009C G. O. Communications Building Bonds and the Series 2010D G. O. Corporate Bonds indicates such an opportunity. Based on the current market, issuance of refunding bonds would provide total savings of \$926,657 and present value savings of \$817,004. The bond sale will be held on February 8, 2017 if the market remains favorable. If the market does not remain favorable, the sale of these bonds would be cancelled. A public hearing is required prior to the sale of all bonds.

ATTACHMENTS:

Type	Description
▣ Resolution Letter	Resolution setting PH 2017B/C

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	12/1/2016 - 11:44 AM
Finance Committee	Watson-Arnould, Kathe	Approved	12/1/2016 - 11:45 AM
City Clerk	Admin, Default	Approved	12/1/2016 - 12:06 PM

RESOLUTION NO. _____

Resolution setting January 4, 2017, as date for public hearings on issuance of not to exceed \$8,000,000 General Obligation Refunding Bonds, Series 2017B and not to exceed \$16,000,000 General Obligation Refunding Bonds, Series 2017C

WHEREAS, the City of Davenport, in Scott County, Iowa (the “City”), in the performance of its corporate functions as prescribed by the laws of the State of Iowa and the Charter of the City, has previously issued its General Obligation Communication Building Bonds, Taxable Series 2009C (the “Series 2009C Bonds”), and, in the ordinance authorizing the issuance of the Series 2009C Bonds, the City reserved the right to call for early redemption as of June 1, 2017, the maturities of the Series 2009C Bonds coming due after June 1, 2017; and

WHEREAS, the City, in the performance of its corporate functions as prescribed by the laws of the State of Iowa and the Charter of the City, also has previously issued its General Obligation Corporate Bonds, Series 2010D (the “Series 2010D Bonds”), and, in the ordinance authorizing the issuance of the Series 2010D Bonds, the City reserved the right to call for early redemption as of June 1, 2018, the maturities of the Series 2010D Bonds coming due after June 1, 2018; and

WHEREAS, the City now proposes to issue not to exceed \$8,000,000 General Obligation Refunding Bonds, Series 2017B (the “Series 2017B Refunding Bonds”) in order to pay the cost of refunding the outstanding Series 2009C Bonds; and

WHEREAS, the City also proposes to issue not to exceed \$16,000,000 General Obligation Refunding Bonds, Series 2017C (the “Series 2017C Refunding Bonds”) in order to pay the cost of refunding the portion of the outstanding Series 2010D Bonds that will mature after June 1, 2018; and

WHEREAS, it is necessary to fix a date for hearings on the issuance of the Series 2017B Refunding Bonds and the Series 2017C Refunding Bonds and to give proper notice thereof;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Davenport, Iowa, as follows:

Section 1. The City Council shall meet as the Committee-of-the-Whole, on the 4th day of January, 2017, at the Council Chambers, City Hall, Davenport, Iowa, at 5:30 o’clock p.m., at which time and place any resident or property owner of the City may present oral or written objections to the proposals to issue the Series 2017B Refunding Bonds and the Series 2017C Refunding Bonds, after which any such objections will be referred to the City Council at its regular meeting to be held on the 11th day of January, 2017, at the Council Chambers, City Hall, Davenport, Iowa, at 5:30 o’clock p.m., at which time and place, or at such later time and place as may then be fixed, proceedings will be instituted and action taken to authorize the issuance of the Series 2017B Refunding Bonds and the Series 2017C Refunding Bonds.

Section 2. The Deputy Clerk is hereby directed to give notice of the proposed action to issue the Series 2017B Refunding Bonds, setting forth the amount and purpose thereof, the time when and place where the said meeting will be held, by publication at least once, and not less than 4 nor more than 20 days prior to the meeting, in the *Quad City Times*. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO ISSUE NOT TO EXCEED \$8,000,000 GENERAL
OBLIGATION REFUNDING BONDS, SERIES 2017B

The City Council of the City of Davenport, Iowa, will meet as the Committee-of-the-Whole on the 4th day of January, 2017, at the Council Chambers, City Hall, Davenport, Iowa, at 5:30 o'clock p.m. for the purpose of holding a hearing and instituting proceedings to issue not to exceed \$8,000,000 General Obligation Refunding Bonds, Series 2017B (the "Series 2017B Refunding Bonds"), for the purpose of refunding the outstanding balance of the City's General Obligation Communication Building Bonds, Series 2009C.

At that time and place, oral or written objections from any resident or property owner of the City may be presented, after which any such objections will be referred to the City Council at its regular meeting to be held on the 11th day of January, 2017, at the Council Chambers, City Hall, Davenport, Iowa, at 5:30 o'clock p.m., at which time and place the City Council proposes to take additional action for the issuance of the Series 2017B Refunding Bonds.

The Series 2017B Refunding Bonds, when issued, will constitute general obligations of the City, payable from taxes levied upon all taxable property in the City.

By order of the City Council of Davenport, Iowa.

Jackie E. Holecek
Deputy Clerk

Section 3. The Deputy Clerk is hereby directed to give notice of the proposed action to issue the Series 2017C Refunding Bonds, setting forth the amount and purpose thereof, the time when and place where the said meeting will be held, by publication at least once, and not less than 4 nor more than 20 days prior to the meeting, in the *Quad City Times*. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO ISSUE NOT TO EXCEED \$16,000,000 GENERAL
OBLIGATION REFUNDING BONDS, SERIES 2017C

The City Council of the City of Davenport, Iowa, will meet as the Committee-of-the-Whole on the 4th day of January, 2017, at the Council Chambers, City Hall, Davenport, Iowa, at 5:30 o'clock p.m. for the purpose of holding a hearing and instituting proceedings to issue not to exceed \$16,000,000 General Obligation Refunding Bonds, Series 2017C (the "Series 2017C Refunding Bonds"), for the purpose of refunding a portion of the outstanding balance of the City's General Obligation Corporate Bonds, Series 2010D.

At that time and place, oral or written objections from any resident or property owner of the City may be presented, after which any such objections will be referred to the City Council at its regular meeting to be held on the 11th day of January, 2017, at the Council Chambers, City Hall, Davenport, Iowa, at 5:30 o'clock p.m., at which time and place the City Council proposes to take additional action for the issuance of the Series 2017C Refunding Bonds.

The Series 2017C Refunding Bonds, when issued, will constitute general obligations of the City, payable from taxes levied upon all taxable property in the City.

By order of the City Council of Davenport, Iowa.

Jackie E. Holecek
Deputy Clerk

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved December 14, 2017.

Mayor

Attest:

Deputy Clerk

STATE OF IOWA
COUNTY OF SCOTT SS:
CITY OF DAVENPORT

I, the undersigned, Deputy Clerk of the City of Davenport, Iowa, do hereby certify that attached hereto is a true and correct copy of the proceedings of the City Council of the City relating to the fixing of a date for hearings on issuing General Obligation Refunding Bonds.

WITNESS MY HAND this _____ day of _____, 2016.

Deputy Clerk

STATE OF IOWA

COUNTY OF SCOTT

SS:

CITY OF DAVENPORT

I, the undersigned, Deputy Clerk of the City of Davenport, Iowa, do hereby certify that pursuant to the resolution of its Council fixing a meeting date for the hearings on the issuance of General Obligation Refunding Bonds, the notices, of which the printed slips attached to the publisher's affidavit hereto attached are true and complete copies, were published in the *Quad City Times* on the date specified in such affidavit, which newspaper has a general circulation in the City.

WITNESS MY HAND this _____ day of _____, 201__.

Deputy Clerk

(Attach here publisher's original affidavit with a clipping of each of the notices, as published.

City of Davenport

Agenda Group: Finance
Department: Parks and Recreation
Contact Info: Scott Hock 326-7817
Wards: 5

Action / Date
FIN12/7/2016

Subject:

Motion awarding a contract for the replacement of the boiler and controls at the Mary Fluhrer Nighswander Theatre (Junior Theatre) at Annie Wittenmyer to Crawford Company of Rock Island IL, in the amount of \$57,075. [Ward 5]

Recommendation:

Approve the Motion.

Relationship to Goals:

Financially Responsible City Government.

Background:

An Invitation to Bid was issued on October 27, 2016 and sent to 325 vendors. On November 17, 2016, the Purchasing Division opened and read three responsive and responsible bids. Crawford Company's was the lowest. A bid tab is attached.

This contract will replace the old controls and boiler, making the heating system much more efficient.

Crawford Company has performed similar work for the city in the past, with satisfactory results.

The funding for this project is from the FY17 CIP account for Junior Theatre boiler replacement, account #74039697 530350 64025, with a current balance of \$143,360. These funds are from GO bonds.

ATTACHMENTS:

Type	Description
▢ Cover Memo	Bid Tab for Greensheet

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	11/29/2016 - 4:35 PM
Finance Committee	Watson-Arnould, Kathe	Approved	11/29/2016 - 4:38 PM
City Clerk	Admin, Default	Approved	11/30/2016 - 9:15 AM

CITY OF DAVENPORT, IOWA
TABULATION OF BIDS

DESCRIPTION: ANNIE WITTENMYER JR THEATRE BOILER REPLACEMENT

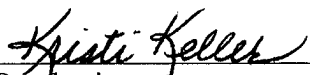
BID NUMBER: 17-42

OPENING DATE: NOVEMBER 17, 2016

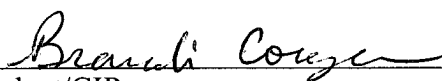
GL ACCOUNT NUMBER: 74039697 530350 64025

RECOMMENDATION: AWARD THE BID TO CRAWFORD COMPANY OF
ROCK ISLAND IL

<u>VENDOR NAME</u>	<u>BID AMOUNT</u>
Crawford Company of Rock Island IL	\$57,075
Petersen Plumbing & Heating of Davenport	\$71,877
Hometown Plumbing & Heating of Davenport	\$78,927

Approved By 
Purchasing

Approved By 
Department Director

Approved By 
Budget/CIP

Approved By 
Finance Director

City of Davenport

Agenda Group: Finance
Department: Parks and Recreation
Contact Info: Scott Hock 326-7817
Wards: 2

Action / Date
FIN12/7/2016

Subject:

Motion awarding a contract for the Northwest Park ADA accessibility project to Little H Construction of Davenport in the amount of \$118,166. [Ward 2]

Recommendation:

Approve the Motion.

Relationship to Goals:

Financially Responsible City Government.

Background:

An Invitation to Bid was issued on October 28, 2016 and sent to 150 contractors. On November 18, the Purchasing Division opened and read five bids. A bid tab is attached.

Little H Construction was the lowest responsive and responsible vendor. Their bid was the closest to the actual Engineering Division estimate. Little H Construction has successfully performed this type of work for the city in the past.

Funding for this project is from FY17 CIP account #74002695 530350 10118, These funds are from GO bonds.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Bid Tab for Greensheet

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	11/29/2016 - 4:40 PM
Finance Committee	Watson-Arnould, Kathe	Approved	11/29/2016 - 4:40 PM
City Clerk	Admin, Default	Approved	11/30/2016 - 9:15 AM

CITY OF DAVENPORT, IOWA
TABULATION OF BIDS

DESCRIPTION: NORTHWEST PARK ADA ACCESSIBILITY

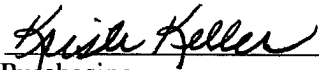
BID NUMBER: 17-44

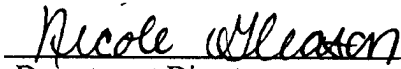
OPENING DATE: NOVEMBER 18, 2016

GL ACCOUNT NUMBER: 74002695 530350 10118

RECOMMENDATION: AWARD THE BID TO LITTLE H CONSTRUCTION
OF DAVENPORT

<u>VENDOR NAME</u>	<u>BID AMOUNT</u>
Little H Construction of Davenport	\$118,166.44
CDMI Concrete Contractors of East Moline IL	\$160,475.30
Kelly Construction of Davenport	\$179,034.00
Brandt Construction Co of Milan IL	\$203,956.80
McCarthy Improvement Company of Davenport	\$282,039.80

Approved By 
Purchasing

Approved By 
Department Director

Approved By 
Budget/CIP

Approved By 
Finance Director

City of Davenport

Agenda Group: Finance
Department: Public Works/Water Pollution Control Plant
Contact Info: Nicole Gleason 327-5150
Wards: All

Action / Date
FIN12/7/2016

Subject:

Motion awarding a contract for the rebuilding of two dewatering presses at the Water Pollution Control Plant to BDP Industries Inc of Greenwich, NY in the amount of \$350,000. [All Wards]

Recommendation:

Approve the Motion.

Relationship to Goals:

Financially Responsible City Government.

Background:

An Invitation to Bid was issued on October 21, 2016 and sent to 54 vendors. On November 15, 2016, one bid was opened and read. See attached bid tab.

BDP Industries Inc is the original equipment manufacturer for the presses that need rebuilding. They have performed the rebuilds in the past. Their bid for this work was less than the estimated cost.

Funding for this work is from the CIP FY16 account #71602675 530350 39001. These funds are from sewer funds.

ATTACHMENTS:

Type	Description
▣ Cover Memo	Bid Tab for Greensheet

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	11/29/2016 - 4:43 PM
Finance Committee	Watson-Arnould, Kathe	Approved	11/29/2016 - 4:43 PM
City Clerk	Admin, Default	Approved	11/30/2016 - 9:16 AM

CITY OF DAVENPORT, IOWA
TABULATION OF BIDS

DESCRIPTION: REBUILD TWO BDP INDUSTRIES DEWATERING PRESSES

BID NUMBER: 17-43

OPENING DATE: NOVEMBER 8, 2016

GL ACCOUNT NUMBER: 71602675 530350 39001

RECOMMENDATION: AWARD THE BID TO BDP INDUSTRIES INC. OF
GREENWICH NY

<u>VENDOR NAME</u>	<u>BID AMOUNT</u>
BDP Industries Inc. of Greenwich NY	\$350,000

Approved By *Kristi Keller*
Purchasing

Approved By *Nicole Wleason*
Department Director

Approved By *Brandi Couge*
Budget/CIP

Approved By *BW*
Finance Director

City of Davenport

Agenda Group: Finance
Department: Public Works/IT
Contact Info: Ron Perkins - 888-2002
Wards: All

Action / Date
FIN12/7/2016

Subject:
Motion awarding a contract for Locate Services to Consolidated Infrastructure Group, Inc. of Omaha, NE. [All Wards]

Recommendation:
Approve the Motion.

Relationship to Goals:
Financially Responsible City Government.

Background:
A Request for Proposals was issued on November 3, 2016 and sent to 51 contractors. On November 21, 2016, the Purchasing Division opened and read two proposals.

The proposals were evaluated by IT and Engineering Division staff. They were rated on the following criteria: (1) Price (30%); (2) Technical approach (25%); (3) History of ability, damage ratio (15%); (4) Accuracy of proposal (15%); and (5) Personnel (15%). Consolidated Infrastructure Group, Inc. scored the highest.

This is a one-year contract with four possible one-year renewals. The contract will begin on February 1, 2017.

In FY16, the city spent \$282,844 on locates with the current contractor. CIG's pricing for the first year is \$200,000, with a 3% increase each year if the contract is renewed.

Funding for this contract is from the General Fund Professional Services accounts: Sewer Division Account 51101810 5202107 (funding from sewer fees); Public Works Admin Account 54701810 520217 with a balance of \$21,025 (funding from Road Use Tax); and IT Maintenance Machinery & Equipment.

ATTACHMENTS:

Type	Description
Backup Material	Bid Tabulation

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	12/1/2016 - 10:29 AM
Finance Committee	Watson-Arnould, Kathe	Approved	12/1/2016 - 10:29 AM
City Clerk	Admin, Default	Approved	12/1/2016 - 10:51 AM

CITY OF DAVENPORT, IOWA
TABULATION OF PROPOSALS

DESCRIPTION: LOCATE SERVICES

BID NUMBER: 17-49

OPENING DATE: NOVEMBER 21, 2016

GL ACCOUNT NUMBER: 51101810 520217 (70%) 54701810 520217 (20%)
50450530 520226 (10%)

RECOMMENDATION: AWARD THE CONTRACT TO CONSOLIDATED
INFRASTRUCTURE GROUP INC OF OMAHA, NE
OF DAVENPORT

<u>VENDOR NAME</u>	<u>LOCATION</u>
Consolidated Infrastructure Group Inc.	Omaha, NE
USIC Locating Services LLC	Indianapolis, IN

Approved By Kristi Keller
Purchasing

Approved By Nicole Gleason
Department Director

Approved By BW
Budget/CIP

Approved By BW
Finance Director

City of Davenport

Agenda Group: Finance
Department: Police
Contact Info: Shawn Voigts 888-3552
Wards: All

Action / Date
FIN12/7/2016

Subject:

Motion awarding a contract for automated traffic enforcement to Redflex Traffic Systems, Inc. of Glendale, AZ. [All Wards]

Recommendation:

Approve the motion.

Relationship to Goals:

Financially Responsible City Government.

Background:

A Request for Proposals was issued on August 26, 2016 and was sent to 137 vendors. The Purchasing Division received and opened five proposals.

The City has been operating a traffic photo enforcement program since 2005. Services to be provided include, but are not necessarily limited to, provision and installation of new equipment, system upgrades and maintenance, violation identification assistance, management information reports, citation processing and mailing services, and payment collection services. Redflex Traffic Systems, Inc. was the current provider and is recommended for the new contract.

The proposals were evaluated on the following criteria: (1) Experience, qualifications and expertise - 25%; (2) Capabilities and resources - 25%; (3) Project understanding and approach - 10%; (4) Pricing - 30%; (5) Quality, thoroughness and responsiveness of proposal - 5%; and (6) References - 5%.

The top three scoring firms were invited for an interview. Redflex Traffic Systems, Inc. is the current provider and is recommended for the new contract.

ATTACHMENTS:

Type	Description
Backup Material	RFP Respondents

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	12/1/2016 - 3:09 PM
Finance Committee	Watson-Arnould, Kathe	Approved	12/1/2016 - 3:09 PM
City Clerk	Admin, Default	Approved	12/1/2016 - 3:20 PM

CITY OF DAVENPORT, IOWA
PROPOSAL TABULATION

DESCRIPTION: AUTOMATED TRAFFIC ENFORCEMENT
RFP NUMBER: 17-20
OPENING DATE: SEPTEMBER 27, 2016
RECOMMENDATION: AWARD THE CONTRACT TO REDFLEX TRAFFIC SYSTEMS,
INC. OF GLENDALE, AZ.

<u>VENDOR NAME</u>	<u>LOCATION</u>
REDFLEX TRAFFIC SYSTEMS, INC.	GLENDALE, AZ
AMERICAN TRAFFIC SOLUTIONS, INC.	MESA, AZ
AUTOMATED ENFORCEMENT DIVISION	ORLANDO, FL
GATSO USA, INC.	BEVERLY, MA
OPTOTRAFFIC	LANHAM, MD

Prepared By Cindy Wintala
Purchasing

Approved By BW
Department Director

Approved By BW
Budget/CIP

Approved By BW
Finance Director

City of Davenport

Agenda Group: Finance
Department: Finance/Purchasing
Contact Info: Kristi Keller - 888-2077
Wards: All

Action / Date
FIN12/7/2016

Subject:

1. Corbel Solutions LLC - HP server cluster - Amount: \$47,210
2. Accuracy, Inc. - Ammunition - Amount: \$45,999
3. COBAN Technologies, Inc. - Annual maintenance support - Amount: \$28,148
4. KONE, Inc. - RiverCenter elevator upgrades - Amount: \$25,895
5. CDW Government, Inc. - VMware client licenses - Amount: \$41,251
6. Integrated Data Products, Inc. - OnBase website components - Amount: \$24,735
7. Tri-City Electric Co. - Emergency replacement of main breaker @ Compost/Dewatering Building - Amount: \$20,000
8. Ace Tree Service - Ash tree removal & stump grinding - Amount: \$19,050
9. Ovivo USA LLC - Draft tube mixer parts (WPCP) - Amount: \$13,771
10. Johnson Contracting Co. - Remove & replace heating coil @ Public Works Center - Amount: \$10,233

Recommendation:

Relationship to Goals:

Background:

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Watson-Arnould, Kathe	Approved	12/1/2016 - 1:55 PM
Finance Committee	Watson-Arnould, Kathe	Approved	12/1/2016 - 1:55 PM
City Clerk	Admin, Default	Approved	12/1/2016 - 2:37 PM