CITY COUNCIL MEETING

City of Davenport, Iowa

Wednesday, November 8, 2023; 5:30 PM

City Hall | 226 West 4th Street | Council Chambers

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

Approval of the City Council Meeting minutes for October 25, 2023.

VI. City Administrator Update

VII. Report on Committee of the Whole

Approval of the Report on Committee of the Whole for November 1, 2023.

VIII. Presentations

A. 2023 Halloween Parade Award Winners

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

1. Second Consideration: Ordinance for Case REZ23-05 being the request of Anthony Properties to rezone the 10.17 acres of Lot 1 of Phoenix Centre 6th Addition in the 5600 Block of Tremont Avenue (Parcel X1203-01) from I-1 Light Industrial to R-MF Multi-Family Residential District. [Ward 8]

PLAN AND ZONING COMMISSION RECOMMENDS DENIAL. 8 VOTES REQUIRED FOR PASSAGE.

2. Resolution approving Case F23-14 being the request of E&A Enterprises LLC for a final plat of 56th Enclave, a 2-lot subdivision on 9.57 acres located north of East 56th Street and Lakeview Parkway. [Ward 6]

3. Motion approving the local objectives for the Community Development Block Grant Program for the Year 50 Annual Action Plan covering July 1, 2024 – June 30, 2025. [All Wards]

4. Motion approving a beer and liquor license application.

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

Ward 3

The Last Picture House (Cinema Paradiso, LLC) – 325 East 2nd Street – New License – License Type: Class C Liquor (On-Premises) **Pending Fire Department review*

XI. Approval of All Items on the Consent Agenda

**NOTE: These are routine items and will be enacted at the City Council Meeting by one roll call vote without separate discussion unless an item is requested to be removed and considered separately.

1. Third Consideration: Ordinance for Case REZ23-04 being the request of Jason Cousineau to rezone approximately 1.19 acres of land generally located southeast of the Grand Avenue and East 46th Street intersection at 801 East 46th Street from R-MF Multi-Family Residential District to I-1 Light Industrial Zoning District. [Ward 7]
2. Third Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by removing Perry Street along the east side from 12th Street to Kirkwood Boulevard between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, except holidays, therefrom. [Wards 3 & 5]
3. First Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding West 47th Street along the north side from Pine Street west to the dead end thereto. [Ward 2]
4. Resolution setting a Public Hearing on the proposed conveyance of vacated public right-of-way containing approximately 25,900 square feet, more or less, known as Spring Street located south of East 53rd Street between Scott County Parcel Numbers N0709A01 and N07098A02 (53rd Luxury, LLC, Petitioner). [Ward 8]
5. Resolution accepting work completed under the West 43rd Street (Lincoln Avenue to Linwood Avenue) Reconstruction project by Centennial Contractors of the Quad Cities of Moline, Illinois in the amount of $480,576.19, CIP #35062. [Ward 2]
6. Resolution accepting work completed under the North Clark Street (West 11th Street to West 13th Street) Reconstruction project by Five Cities Construction Company of Coal Valley, Illinois in the amount of $683,368.63, CIP #35062. [Wards 1, 3, & 4]
7. Resolution accepting work completed under the West 54th Street (Kelling Street to North Howell Street) Reconstruction project by Five Cities Construction Company of Coal Valley, Illinois in the amount of $317,811.15, CIP #35062. [Ward 8]
8. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Centennial Bridge Seawall Repair project, CIP #68015. [Ward 3]

9. Resolution awarding a contract for the Black Hawk Creek and Walnut Creek Clearing project to Ihrig Works LLC of Long Grove, Iowa in the amount of $278,050, CIP #68015. [Ward 1]

10. Resolution awarding a contract for a sanitary sewer condition assessment within the Silver Creek Basin to McClure Engineering Company of Coralville, Iowa in the amount of $718,000, CIP #30057. [Wards 2 & 8]

11. Resolution authorizing the Mayor to execute the necessary documents to grant a gas easement on City-owned property located at the southwest corner of West River Driver and Marquette Street (Parcel L0017-01) to MidAmerican Energy. [Ward 3]

12. Resolution approving a three-year contract for digital storage to Insight Public Sector of Des Moines, Iowa in the amount of $1,272,983.60 using National Association of State Procurement Officers (NASPO) contract #MNWNC-125. [All Wards]

13. Motion approving a noise variance request on the listed dates and times for an outdoor event.

    Freight House Farmers' Market; Jingle and Mingle on the Mississippi; Freight House | 421 West River Drive; 4:00 p.m. - 10:00 p.m. Friday, December 1, 2023; 10:00 a.m. - 10:00 p.m. Saturday, December 2, 2023; and 10:00 a.m. - 4:00 p.m. Sunday, December 3, 2023; Outdoor music, over 50 dBA. [Ward 3]

14. Motion approving beer and liquor license applications.

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

    Ward 3

    Jingle & Mingle on the Mississippi (Freight House Farmer's Market, Inc) - 421 West River Drive - Temporary Event November 29-December 3 - License Type: Special Class C Beer/Wine (On-Premises)

    The Wooden Nickel (JNSS, Inc) - 2042 West 3rd Street - New License / New Ownership - License Type: Class C Liquor (On-Premises)

    Ward 7

    The Christmas Cottage (The Christmas Cottage) - 902 West Kimberly Road - New License - License Type: Class B Native Wine (Carry-Out)

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

    Ward 2

    Rudy's Tacos (Majec, Inc) - 3502 West Kimberly Road #1 - License Type: Class C Liquor (On-Premises)

Ward 3

Carriage Haus (Smoking Haus Entertainment) - 312 West 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Hotel Blackhawk (Innkeeper Hospitality Services, LLC) - 200 East 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Iowa Mini Mart (Samreet, LLC) - 234 West 3rd Street - License Type: Class E Liquor (Carry-Out)

Mac's Tavern (Failte, Inc) - 316 West 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Me & Billy (Me and Billy's) - 200 West 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

River Drive Smoke Shop (AB Kazi, LLC) - 828 West River Drive - License Type: Class E Liquor (Carry-Out)

Thirsty's On 3rd (T On Third, Inc) - 2202 West 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 4

Rio Grande Mexican Restaurant Y Cantina, LLC (Rio Grande Mexican Restaurant Y Cantina, LLC) - 1414 West Locust Street - License Type: Class C Liquor (On-Premises)

Ward 5

Bicycle Rack Sports Grill (Sports Station, Inc) - 3303 Brady Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 6

Chili's Grill & Bar (Brinker Restaurant Corporation) - 4020 East 53rd Street #2700 - License Type: Class C Liquor (On-Premises)

Chipotle Mexican Grill (Chipotle Mexican Grill of Colorado, LLC) - 5270 Elmore Avenue #3 - Outdoor Area - License Type: Class C Liquor - (On-Premises)

Los Agaves Mexican Grill (Los Agaves, Inc) - 4876 Utica Ridge Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

The Ridge (Jar Hospitality, LLC) - 4750 Utica Ridge Road #100 - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 7

CASI (Center for Active Seniors, Inc) - 1035 West Kimberly Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

Costa Del Mar Mexican Grill and Seafood (Costa Del Mar, Inc) - 3852 North Brady Street - License Type: Class C Liquor (On-Premises)

Public House Davenport (Public House Davenport) - 5260 Northwest Boulevard - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 8

Double D Diner (Lillypad Boutique, LLC) - 2225 West 53rd Street #400 - License Type: Class C Liquor (On-Premises)

15. Motion awarding a contract for the demolition of 2800 Eastern Avenue Building F to Johnson Hauling & Excavating LLC of Davenport, Iowa in the amount of $63,500. [Ward 5]
16. Motion approving a professional services agreement for engineering services for the West Locust Street (North Clark Street to Lincoln Avenue) Resurfacing project to Snyder & Associates, Inc of Iowa City, Iowa in the amount of $76,000, CIP #35061. [Ward 4]
17. Motion approving a professional services agreement for engineering services for the West Central Park | Division Street and Marquette Street Intersection Reconstruction project to Olsson Inc of Cedar Rapids, Iowa in the amount of $88,000, CIP #35061. [Wards 2, 4, & 7]

XII. Other Ordinances, Resolutions and Motions

1. Motion for suspension of the rules to add and vote on the item below.
2. Resolution granting an encroachment license to Cinema Paradiso, LLC to locate a fire escape in the right-of-way on the sidewalk along Iowa Street abutting 325 East 2nd Street. [Ward 3]

XIII. Public with Business

PLEASE NOTE: At this time individuals may address the City Council on any matters of City business not appearing on this agenda. This is not an opportunity to discuss issues with the Council members or get information. In accordance with Open Meetings law, the Council can not take action on any complaint or suggestions tonight, and can not respond to any allegations at this time.

Please state your Name and Ward for the record. There is a five (5) minute time limit. Please end your comments promptly.

XIV. Reports of City Officials

XV. Adjourn

City of Davenport

Department: City Clerk
Contact Info: Brian Krup | 563-326-6163

Action / Date
11/8/2023

Subject:
Approval of the City Council Meeting minutes for October 25, 2023.

ATTACHMENTS:

Type	Description
Exhibit	CC Min 102523

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	11/2/2023 - 9:29 AM

City of Davenport, Iowa

City Council Meeting Minutes

Wednesday, October 25, 2023

The City Council of Davenport, Iowa met in regular session on Wednesday, October 25, 2023 at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street, Davenport, Iowa with Mayor Matson presiding and all Aldermen present (*In person:* Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee*, Alderman Gripp, Alderman Condon, Alderman Jobgen, and Alderman Ortiz; *Via telephone:* Alderwoman Dickmann).
* *Left at 6:19 p.m. after the roll call on item #1 on the Discussion Agenda.*

I. Moment of Silence

II. Pledge of Allegiance | Led by Alderman Jobgen

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes **APPROVED**

Approval of the City Council Meeting minutes for October 11, 2023.

VI. City Administrator Update

VII. Report on Committee of the Whole **APPROVED**

Approval of the Report on Committee of the Whole for October 18, 2023.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, October 18, 2023 -- The Davenport City Council met in Committee of the Whole at 5:30 p.m. with Mayor Matson presiding. The Council observed a moment of silence. Pledge of Allegiance led by Alderman Condon. Upon the roll being called, all Aldermen were present except Alderwoman Dickmann (Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, Alderman Jobgen, and Alderman Ortiz).

The following Public Hearings were held: ***Community Development:*** *1. for Case REZ23-05 being the request of Anthony Properties to rezone the 10.17 acres of Lot 1 of Phoenix Centre 6th Addition in the 5600 Block of Tremont Avenue (Parcel X1203-01) from I-1 Light Industrial to R-MF Multi-Family Residential District.* ***Public Works:*** *1. on the plans, specifications, form of contract and estimate of cost for the West 46th Street (North Lincoln Avenue to North Pine Street) Reconstruction project, CIP #35062; 2. on the plans, specifications, form of contract, and estimate of cost for the West 46th Street Bridge Over Cardinal Creek Replacement project, CIP #21010; 3. on the plans, specifications, form of contract, and estimate of cost for the Goose Creek Trail Connection project, CIP #28028; 4. on the plans, specifications, form of contract, and estimate of cost for the Duck Creek Sewer Interceptor Extension project, CIP #ARP18; 5. on the plans, specifications, form of contract, and estimate of cost for the Modern Woodmen Park Fire Suppression System Replacement project, CIP #23049; 6. on the plans, specifications, form of contract, and estimate of cost for the Traffic Signalization | 3rd & 4th Street Two-Way Conversion project, CIP #38017; 7. on the plans, specifications, form of contract, and estimate of cost for the Flood Mitigation | River Drive from Carey Avenue to East 3rd Street project, CIP #ARP14; 8. on the plans, specifications, form of contract, and estimate of cost for the Flood Mitigation | West River Drive and Marquette Street project, CIP #68015.* ***Finance:*** *1. on amending the North Urban Renewal Plan to include the Internal TIF.*

Action Items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) ***Community Development:*** *Alderman Gripp reviewed all items listed. On motion by*

Alderwoman Lee, second by Alderwoman Meginnis item #4, Ordinance for Case REZ23-05 being the request of Anthony Properties to rezone the 10.17 acres of Lot 1 of Phoenix Centre 6th Addition in the 5600 Block of Tremont Avenue (Parcel X1203-01) from I-1 Light Industrial to R-MF Multi-Family Residential District, moved to the Discussion Agenda with a Plan and Zoning Recommendation for denial and all other items moved to the Consent Agenda. ***Public Safety:*** *Alderman Jobgen reviewed all items listed. On motion by Alderwoman Jobgen, second by Alderman Ortiz all items moved to the Consent Agenda except the German American Heritage Center temporary outdoor event liquor license which would be voted on later on the agenda.* ***Public Works:*** *Alderman Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderman Ortiz items #5, Resolution approving the plans, specifications, form of contract, and estimate of cost for the Modern Woodmen Park Fire Suppression System Replacement project, CIP #23049, and #6, Resolution approving the plans, specifications, form of contract, and estimate of cost for the Traffic Signalization | 3rd & 4th Street Two-Way Conversion project, CIP #38017, moved to the Discussion Agenda and all other items moved to the Consent Agenda.* ***Finance:*** *Alderman Condon reviewed all items listed. On motion by Alderwoman Lee, second by Alderman Jobgen item #3, Resolution approving the purchase of a rescue and response vehicle from Lenco Industries, Inc of Pittsfield, Massachusetts in the amount of $283,735 using State of Iowa Department of Administrative Services contract #23202, moved to the Discussion Agenda and all other items moved to the Consent Agenda.*

Other Ordinances, Resolutions and Motions: On motion by Alderman Gripp, second by Alderman Ortiz and all Aldermen present voting aye, the rules were suspended to vote on the item below:

1. On motion by Alderman Dunn, second by Alderman Gripp and all Aldermen present voting aye, the following Motion passed:

Motion approving a beer and liquor license application. ***PASSED 2023-431***

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

Ward 3

German American Heritage Center and Museum (German American Heritage Center) - 119 East 3rd Street - Temporary Outdoor Event October 21 - License Type: Special Class C Beer/Wine (On-Premises)

Council adjourned at ***7:19 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Proclamations **ISSUED 2023-432**

1. National Adoption Day | November 4, 2023

IX. Presentations **HELD**

A. FY 2024 Distinguished Budget Presentation Award

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

1. *On motion by Alderman Jobgen, second by Alderman Ortiz and all Aldermen present voting aye, the following Ordinance moved to second consideration:*

First Consideration: Ordinance for Case REZ23-05 being the request of Anthony Properties to rezone the 10.17 acres of Lot 1 of Phoenix Centre 6th Addition in the 5600 Block of Tremont Avenue (Parcel X1203-01) from I-1 Light Industrial to R-MF Multi-Family Residential District. [Ward 8] **MOVED TO SECOND CONSIDERATION**

PLAN AND ZONING COMMISSION RECOMMENDS DENIAL. 8 VOTES REQUIRED FOR PASSAGE.

2. *On motion by Alderman Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye, the following Resolution was adopted:*

Resolution approving the plans, specifications, form of contract, and estimate of cost for the Modern Woodmen Park Fire Suppression System Replacement project, CIP #23049. [Ward 3]

ADOPTED 2023-433

3. *On motion by Alderman Dunn, second by Alderman Gripp and all Aldermen present voting aye, the following Resolution was adopted:*

Resolution approving the plans, specifications, form of contract, and estimate of cost for the Traffic Signalization | 3rd & 4th Street Two-Way Conversion project, CIP #38017. [Ward 3]

ADOPTED 2023-434

4. *On motion by Alderman Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye, the following Resolution was adopted:*

Resolution approving the purchase of a rescue and response vehicle from Lenco Industries, Inc of Pittsfield, Massachusetts in the amount of $283,735 using State of Iowa Department of Administrative Services contract #23202. [All Wards] **ADOPTED 2023-435**

XII. Approval of All Items on the Consent Agenda

On motion by Alderman Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye, the Consent Agenda was approved as follows:

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

ADOPTED 2023-436

ORDINANCE NO. **2023-436**

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

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

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

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

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

Findings:

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

Conditions:

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

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

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

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

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.
Adopted 10/25/2023: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Third Consideration: Ordinance for Case ROW23-04 being the request of 53rd Luxury, LLC to vacate approximately 25,900 square feet of improved Spring Street right-of-way located south of East 53rd Street. [Ward 8] **ADOPTED 2023-437**

ORDINANCE NO. **2023-437**

AN ORDINANCE FOR CASE ROW23-04 BEING THE REQUEST OF 53RD LUXURY, LLC TO VACATE APPROXIMATELY 25,900 SQUARE FEET OF IMPROVED SPRING STREET RIGHT-OF-WAY LOCATED SOUTH OF EAST 53RD STREET.

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

Section 1. The following described units of Scott County, Iowa real estate are hereby vacated (abandoned). The property has the following legal description:

The 287.53 feet of Spring Street as dedicated as public right-of-way in Speer Commercial Park 1st Addition, to the City of Davenport, County of Scott, State of Iowa.

The above-described area contains 25,900 square feet, more or less.

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.
Adopted 10/25/2023: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

3. Third Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding Jefferson Avenue along the west side from East 38th Street north to the dead end thereto. [Ward 7]

ADOPTED 2023-438

ORDINANCE NO. **2023-438**

AN ORDINANCE AMENDING SCHEDULE VII NO PARKING OF CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY ADDING JEFFERSON AVENUE ALONG THE WEST SIDE FROM EAST 38TH STREET NORTH TO THE DEAD END THERETO.

Section 1. That Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa be and the same is hereby amended by adding:

Jefferson Avenue along the west side from East 38th Street north to the dead end.

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.
Adopted 10/25/2023: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

4. Third Consideration: Ordinance amending Schedule XI Resident Parking Only of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding Scott Street along the west side from Rusholme Street to Lombard Street and along the east side from Rusholme Street south 355 feet thereto. [Ward 4] **ADOPTED 2023-439**

ORDINANCE NO. **2023-439**

AN ORDINANCE AMENDING SCHEDULE XI RESIDENT PARKING ONLY OF CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY ADDING SCOTT STREET ALONG THE WEST SIDE FROM RUSHOLME STREET TO LOMBARD STREET AND ALONG THE EAST SIDE FROM RUSHOLME STREET SOUTH 355 FEET THERETO.

Section 1. That Schedule XI Resident Parking Only of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa be and the same is hereby amended by adding:

Scott Street along the west side from Rusholme Street to Lombard Street and along the east side from Rusholme Street south 355 feet.

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.
Adopted 10/25/2023: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

5. Second Consideration: Ordinance for Case REZ23-04 being the request of Jason Cousineau to rezone approximately 1.19 acres of land generally located southeast of the Grand Avenue and East 46th Street intersection at 801 East 46th Street from R-MF Multi-Family Residential District to I-1 Light Industrial Zoning District. [Ward 7]

MOVED TO THIRD CONSIDERATION

6. Second Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by removing Perry Street along the east side from 12th Street to Kirkwood Boulevard between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, except holidays, therefrom. [Wards 3 & 5]

MOVED TO THIRD CONSIDERATION

7. Resolution approving street, lane, or public ground closures on the listed dates and times to hold outdoor events. **ADOPTED 2023-440**

Elaine Folker; Norwood Park Fall Festival; 2200 block of Ripley Street; 12:00 p.m. - 6:30 p.m. Saturday, October 28, 2023; **Closures:** Ripley Street from West Dover Court to Lombard Street; West Rusholme Street from Ripley Street east and west to the alley. [Ward 4]

Ballet Quad Cities; Nutcracker School Program 2023; RiverCenter/Adler Theatre | 136 East 3rd Street; 8:00 a.m. – 1:00 p.m. Friday, December 8, 2023; **Closure:** northernmost parking lane and two travel lanes on East 3rd Street from Brady Street to Iowa Street. [Ward 3]

8. Resolution approving the plans, specifications, form of contract, and estimate of cost for the West 46th Street (North Lincoln Avenue to North Pine Street) Reconstruction project, CIP #35062. [Ward 2] **ADOPTED 2023-441**

9. Resolution approving the plans, specifications, form of contract, and estimate of cost for the West 46th Street Bridge Over Cardinal Creek Replacement project, CIP #21010. [Ward 2]

ADOPTED 2023-442

10. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Goose Creek Trail Connection project, CIP #28028. [Ward 8] **ADOPTED 2023-443**

11. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Duck Creek Sewer Interceptor Extension project, CIP #ARP18. [Wards 1 & 2]
ADOPTED 2023-444

12. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Flood Mitigation | River Drive from Carey Avenue to East 3rd Street project, CIP #ARP14. [Ward 3] **ADOPTED 2023-445**

13. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Flood Mitigation | West River Drive and Marquette Street project, CIP #68015. [Ward 3]
ADOPTED 2023-446

14. Resolution approving the Subaward Agreement between the Iowa Department of Homeland Security and Emergency Management and the City of Davenport for the West River Drive and Marquette Street Flood Mitigation project, CIP #68015. [Ward 3]
ADOPTED 2023-447

15. Resolution accepting work completed under the CY 2023 Pedestrian Curb Ramp Retrofit Program by Centennial Contractors of the Quad Cities, Inc of Moline, Illinois in the amount of $274,071.38, CIP #35060. [All Wards] **ADOPTED 2023-448**

16. Resolution accepting work completed under the Waverly Road (Schuetzen Lane to North Lincoln Avenue) Reconstruction and Overlay project by Langman Construction, Inc of Rock Island, Illinois in the amount of $355,545.10, CIP #35061. [Ward 1] **ADOPTED 2023-449**

17. Resolution accepting work completed under the CDBG Alley Program: 301 Kirkwood Boulevard to 330 East 15th Street Alley Reconstruction project by Emery Construction Group, Inc of Moline, Illinois in the amount of $141,821.63, #BG250. [Ward 5]
ADOPTED 2023-450

18. Resolution awarding a contract for the 2023-2024 Sewer and Manhole Rehabilitation Program to Langman Construction, Inc of Rock Island, Illinois in the amount of $3,172,529.50, CIP #30057. [All Wards] **ADOPTED 2023-451**

19. Resolution awarding a contract for construction-related services for the 2023-2024 Sewer and Manhole Rehabilitation Program to Strand Associates, Inc of Madison, Wisconsin in an amount not to exceed $463,500, CIP #30057. [All Wards] **ADOPTED 2023-452**

20. Preliminary Resolution for the 2024 Alley Resurfacing Program. [Wards 3 & 5]
ADOPTED 2023-453

21. Resolution amending the North Urban Renewal Plan to include the Internal TIF. [Wards 2, 6, 7, & 8] **ADOPTED 2023-454**

22. Resolution setting a Public Hearing on granting a gas easement on City-owned property located at the southwest corner of West River Drive and Marquette Street (Parcel L0017-01) to MidAmerican Energy. [Ward 3] **ADOPTED 2023-455**

23. Resolution awarding a contract for the installation of the Credit Island Nature Playground to Hagerty Earthworks LLC of Muscatine, Iowa in the amount of $136,284, CIP #64103. [Ward 1] **ADOPTED 2023-456**

24. Motion approving noise variance requests on the listed dates and times for outdoor events. **PASSED 2023-457**

Elaine Folker; Norwood Park Fall Festival; 2300 block of Ripley Street; 2:00 p.m. - 6:00 p.m. Saturday, October 28, 2023; Outdoor music, over 50 dBA. [Ward 4]

Neko Beserra; Birthday Party; 1807 Pineacre Avenue; 7:00 p.m. - 11:00 p.m. Saturday, November 4, 2023; Outdoor music, over 50 dBA. [Ward 6]

25. Motion approving beer and liquor license applications. **PASSED 2023-458**

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

Ward 2

Aldi, Inc #81 (Aldi, Inc) - 3643 West Kimberly Road - New License - License Type: Class B Beer/Wine (Carry-Out)

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

Ward 1

Lulac Club (Lulac Council #10, Inc) - 4224 Ricker Hill Road - License Type: Class C Liquor (On-Premises)

Ward 3

Analog Arcade Bar (Analog, LLC) - 302 Brady Street - License Type: Class C Liquor (On-Premises)

Armored Gardens (Armored Gardens, LLC) - 315 Pershing Avenue - Outdoor Area - License Type: Class C Liquor (On-Premises)

Danceland (Danceland Ltd) - 501 1/2 West 4th Street - License Type: Class C Liquor - (On-Premises)

Raw Bar (Rawbar) - 136 East 3rd Street Unit A - Outdoor Area - License Type: Class C Liquor (On-Premises)

Scott's Shovelhead Shed (SSS, Inc) - 220 North Pine Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 4

The Gypsy Highway Bar and Grill (The Gypsy Highway Corp) - 2606 West Locust Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Hy-Vee #5 (Hy-Vee, Inc) - 2351 West Locust Street - License Type: Class E Liquor (Carry-Out)

QC Mart (Bethany Enterprises, Inc) - 1556 West Locust Street - License Type: Class B Beer (Carry-Out)

Riverside Liquor 2 (Two Brothers Locust, LLC) - 1528 West Locust Street - License Type: Class E Liquor (Carry-Out)

Ward 5

Los Primos Mexican Grill (Los Primos Mexican Grill, LLC) - 1143 East Locust Street - License Type: Class C Liquor - (On-Premises)

Ward 6

Hy-Vee Fast and Fresh (Hy-Vee, Inc) - 3200 East Kimberly Road - License Type: Class E Liquor (Carry-Out)

Monarch Kitchen & Bar (LCMR, Inc) - 4750 East 53rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Texas Roadhouse (Texas Roadhouse Holdings, LLC) - 4005 East 53rd Street - License Type: Class C Liquor (On-Premises)

Ward 7

Azteca 4 (Azteca 4, Inc) - 3566 Brady Street - License Type: Class C Liquor (On-Premises)

CASI (Center for Active Seniors, Inc) - 1035 West Kimberly Road - Outdoor Area - License Type: Class C Liquor - (On-Premises)

Chuck E Cheese's #957 (CEC Entertainment, LLC) - 903 East Kimberly Road - License Type: Special Class C Beer/Wine (On-Premises)

Hooters Of Davenport (HOA Restaurant Holder, LLC) - 110 East Kimberly Road - License Type: Class C Liquor (On-Premises)

Ward 8

Leisure Lanes (Four Bros, LLC) - 2802 West 73rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

26. Motion approving Change Order #1 to Langman Construction, Inc of Rock Island, Illinois in the amount of $49,782.59 for the West 7th Street (Gaines Street to Ripley Street) Resurfacing project, CIP #35062. [Ward 3] **PASSED 2023-459**

27. Motion awarding a contract for the purchase and installation of a replacement playground at Cork Hill Park to Fry & Associates, Inc of North Kansas City, Missouri in the amount of $85,000. [Ward 3] **PASSED 2023-460**

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

XV. Reports of City Officials

The following is a summary of revenue received for the month of September 2023:

Property Taxes	$ 9,553,695
Other City taxes	$ 2,313,571
Special Assessments	$ -
Licenses & Permits	$ 238,447
Intergovernmental	$ 2,311,140
Charges for Services	$ 5,230,014
Use of Monies & Property	$ 267,000
Fines & Forfeits	$ 141,704
Bonds/Loan Proceeds	$ 30,596
Miscellaneous	$ 580,564

XVI. Executive Session

*On motion by Alderman Dunn, second by Alderwoman Meginnis and all Aldermen present voting aye, Council recessed to Executive Session at **7:00 p.m.** to discuss strategy with counsel in matters involving litigation pursuant to Iowa Code Section 21.5(1)(c). Council reconvened in Executive Session at **7:07 p.m.** with Mayor Matson and all Aldermen present except Alderwoman Dickmann and Alderwoman Lee (Alderman Condon, Alderman Dunn, Alderman Gripp, Alderman Jobgen, Alderman Kelly, Alderwoman Meginnis, and Alderman Ortiz). Others present included Attorney Jason O'Rourke from Lane & Waterman LLP, Corporation Counsel Tom Warner, and CFO/Assistant City Administrator Mallory Merritt. On motion by Alderman Ortiz, second by Alderman Dunn, Council went back into open session and adjourned at **7:34 p.m.***

Brian J. Krup

Brian J. Krup
Deputy City Clerk

City of Davenport

Department: City Clerk
Contact Info: Brian Krup | 563-326-6163

Action / Date
11/8/2023

Subject:
Approval of the Report on Committee of the Whole for November 1, 2023.

ATTACHMENTS:

	Type	Description
	Exhibit	COW Report 110123

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	11/2/2023 - 10:27 AM

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, November 1, 2023 -- The Davenport City Council met in Committee of the Whole at 5:30 p.m. with Mayor Matson presiding. The Council observed a moment of silence. Pledge of Allegiance led by Alderman Ortiz. Upon the roll being called, all Aldermen were present except Alderwoman Dickmann and Alderman Jobgen (Alderman Dunn, Alderman Kelly, Alderwoman Meginnis, Alderwoman Lee, Alderman Gripp, Alderman Condon, and Alderman Ortiz).

The following Public Hearings were held: **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the Centennial Bridge Seawall Repair project, CIP #68015. **Finance:** 1. on granting a gas easement on City-owned property located at the southwest corner of West River Driver and Marquette Street (Parcel L0017-01) to MidAmerican Energy.

Action Items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) **Community Development:** Alderman Gripp reviewed all items listed. On motion by Alderwoman Lee, second by Alderman Dunn items #2, Second Consideration: Ordinance for Case REZ23-05 being the request of Anthony Properties to rezone the 10.17 acres of Lot 1 of Phoenix Centre 6th Addition in the 5600 Block of Tremont Avenue (Parcel X1203-01) from I-1 Light Industrial to R-MF Multi-Family Residential District with a recommendation for denial from the Plan and Zoning Commission; #3, Resolution approving Case F23-14 being the request of E&A Enterprises LLC for a final plat of 56th Enclave, a 2-lot subdivision on 9.57 acres located north of East 56th Street and Lakeview Parkway; and #5, Motion approving the local objectives for the Community Development Block Grant Program for the Year 50 Annual Action Plan covering July 1, 2024 – June 30, 2025, moved to the Discussion Agenda and all other items moved to the Consent Agenda. **Public Safety:** Mayor Matson reviewed all items listed. On motion by Alderman Dunn, second by Alderman Ortiz the liquor license application for The Last Picture House moved to the Discussion Agenda and all other items moved to the Consent Agenda. **Public Works:** Alderman Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderman Gripp all items moved to the Consent Agenda. **Finance:** Alderman Condon reviewed all items listed. On motion by Alderman Gripp, second by Alderman Dunn all items moved to the Consent Agenda.

Council adjourned at **6:41 p.m.**

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **11/8/2023**

Subject:
Second Consideration: Ordinance for Case REZ23-05 being the request of Anthony Properties to rezone the 10.17 acres of Lot 1 of Phoenix Centre 6th Addition in the 5600 Block of Tremont Avenue (Parcel X1203-01) from I-1 Light Industrial to R-MF Multi-Family Residential District. [Ward 8]

PLAN AND ZONING COMMISSION RECOMMENDS DENIAL. 8 VOTES REQUIRED FOR PASSAGE.

Recommendation:
Consider the Ordinance.

Background:
Case REZ23-05 is being forwarded to the City Council with a recommendation for denial (6-3).

Findings:

1. The proposed rezoning to R-MF Multi-Family Residential is inconsistent with the Comprehensive Plan and adopted land use policies.
2. The introduction of a residential use in an industrial area is not compatible with the zoning and land uses or character of nearby property.
3. The proposed amendment may have factors that could impact public health, safety, and welfare of the City.
4. Rezoning the property to R-MF does create nonconformities.

The petitioner is requesting to rezone the subject property from I-1 Light Industrial District to R-MF Multi-Family Residential District. Anthony Properties, petitioner for REZ23-05, has proposed approximately 112 to 132 units in 4 apartment buildings for the subject property. For comparison, the existing Reserve development on Brady Street has 196 units in seven (7) apartment buildings. Conceptual plans have been submitted by the applicant and are attached.

A note regarding concept plans: Re-zonings are intended to determine if the district itself is appropriate and compatible with surrounding districts and development. Any submitted concept plans or proposed designs are for reference only, but can be useful in visualizing potential development.

The vacant site is a greenfield site and has never been developed. The most intensive use of the property has been row-cropping/ag use. See the attached Vicinity Map, Zoning Map, and Davenport 2035+ Land Use Map.

Comprehensive Plan:

Within Existing Urban Service Area: Yes
Within Urban Service Area 2035: Yes

Future Land Use Designation:

Industry (I) - Designates areas devoted to manufacturing, assembly/fabrication, warehousing and distribution, research and technological innovation centers, and associated commercial/office uses developed at a scale as to warrant access to good transportation networks and separation or buffering from residential uses.

Zoning:

Existing: I-1 Light Industrial District.
The I-1 Light Industrial Zoning District is intended to provide for a variety of light manufacturing, fabricating, processing, distributing, and warehousing uses. Light industrial uses are enclosed, low-intensity uses with minimal, if any, outside impacts

Proposed: R-MF Multi-Family Residential

The R-MF Multi-Family Residential Zoning District is intended to accommodate a high-density neighborhood environment characterized by a mixture of housing types including single-family dwellings, semi-detached dwellings, two-family dwellings, townhomes and multi-family dwellings. Limited non-residential uses that are compatible with the surrounding residential neighborhoods may be permitted in the R-MF District.

Technical Review:

Fire
Due to the number of units and inability to provide full access around the buildings, the Fire Marshal would require a full NFPA 13 system and drive aisles that are a minimum of 26 feet wide in order to accommodate the fire apparatus necessary to serve the buildings. Based on the submitted concept plans, there are concerns regarding the turning radius for fire apparatus. The development would require clear way finding and signage at the street in order to ensure emergency services know how to enter the property.

Engineering
The IA DOT classifies this roadway as a local road. There are no recent traffic count numbers on this section of Tremont Street; however engineering estimates the average annual traffic count to be approximately 2,500 AADT. It is likely there is a larger proportion of truck traffic in this general area due to the current uses and industrial zoning from 46th Street to Veterans Memorial Parkway. The additional traffic generated by this development may result in traffic signal warrants at Tremont Street and Veterans Memorial Parkway.

Zoning
Access to the property is through a 40-foot strip of land between two lots containing storage units. Due to the inability to construct a public street meeting the width requirements in the City of Davenport subdivision code, further subdivision of the subject property to facilitate development of single-family, single-family semi-detached, two-family, or townhouse, would not be feasible.

Public Input:

Property owners within 200 feet of the property have been notified and a sign has been placed on the property as of September 7. A Public Hearing Notice was published in the September 9

Quad-City Times per State of Iowa rezoning requirements. No one spoke in favor or against the petition at the Public Hearing.

To date, staff has received two letters of opposition from surroundings. The letters have been included in the background information. The main concerns leading to opposition is traffic on Tremont, increased crime that is affecting their businesses, and erosion.

Approval Standards for Map Amendments (Chapter 17.14.040):

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

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

Staff Response: The property is designated Industry (I) in the Davenport +2035 Land Use Plan. This land use category is intended to provide separation and buffering from residential uses. The proposed rezoning would introduce residential uses into an industrial corridor.

It is staff's opinion that the proposed rezoning to R-MF Multi-Family Residential is inconsistent with the Comprehensive Plan and adopted land use policies, which identifies the site as Industrial.

b. The compatibility with the zoning of nearby property.

Staff Response:

The following zoning districts abut the subject property:

- North: I-1 Light Industrial
- South: I-1 Light Industrial
- East: I-1 Light Industrial
- West: R-MF Multi-Family Residential District

While the property to the west is zoned R-MF, the subject property primarily interacts with the surrounding industrial land, where access will be taken from Tremont Avenue.

It is staff's opinion that the proposed amendment is not compatible with the zoning of nearby property.

c. The compatibility with established neighborhood character.

Staff Response: The industrial building design standards are intentionally relaxed to promote large scale manufacturing and warehouse users. Industrial districts are allowed to incorporate lower quality building materials, such as metal panels or corrugated siding. Architectural elements and design features are not regulated, enabling construction of substantial structures on large lots. In addition, there are also no transparency or articulation requirements. While there are instances of residential development adjacent to industrial districts, they are typically designed to reduce interaction with industrial uses. Introducing residential uses in the middle of industrial corridor is not compatible.

It is staff's opinion that the proposed amendment is not compatible with the established neighborhood character.

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

Staff Response: An additional burden is placed on developed industrial properties with respect to noise standards. The noise ordinance allows a greater level of noise when the receiving property is also industrial. Introducing residential zoning will lower the decibel levels allowed. There is also a possibility that first responders may have difficulty locating this development due to its location behind developed industrial property. Over time, the properties adjacent to Tremont may choose to redevelop with different uses that could result in taller buildings. This would further obscure a residential development from view at the street.

It is staff's opinion that the proposed zoning map amendment may have factors that could impact public health, safety, and welfare of the City.

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

Staff Response: The property is presently zoned I-1 Light Industrial District. This district allows for a variety of industrial and commercial uses including manufacturing, fabrication, and distribution and warehousing. The I-1 district enables a wide range of development opportunities that will ensure consistency with the surrounding developments.

The I-1 Light Industrial District is in high demand, and the city is running out of available sites for additional development. There has been interest in the development of this property in the past. The proposed use of multi-family is allowed in many zoning districts within the City; however many of the uses in I-1 prohibited in other districts.

It is staff's opinion that the property is suitably zoned for one or more of the uses permitted under the existing zoning classification.

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

Staff Response: If rezoned to R-MF Multi-Family Residential District, the vacant 10.17 acre property would be able to conform to the district dimensional standards. The adjacent developed industrial properties would become nonconforming with respect to buffer yard requirements.

It is staff's opinion that the proposed zoning map amendment will create nonconformities on adjacent properties.

ATTACHMENTS:

Type	Description
Ordinance	Ordinance
Exhibit	Application & Concept Plans
Exhibit	Apartment Complex Exterior Photos

Exhibit	Vicinity Map
Exhibit	Topographic Contour Lines
Exhibit	Davenport 2035+ Land Use
Exhibit	Zoning Map
Backup Material	Protest Letter - Siether & Cherry
Backup Material	Protest Letter - JERICO Tool Company
Backup Material	Public Notice

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	10/13/2023 - 9:44 AM

ORDINANCE NO. _____

AN ORDINANCE FOR CASE REZ23-05 BEING THE REQUEST OF ANTHONY PROPERTIES TO REZONE THE 10.17 ACRES OF LOT 1 OF PHOENIX CENTRE 6TH ADDITION IN THE 5600 BLOCK OF TREMONT AVENUE (PARCEL X1203-01) FROM I-1 LIGHT INDUSTRIAL ZONING DISTRICT TO R-MF MULTI-FAMILY RESIDENTIAL DISTRICT.

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to "RMF Multi-Family Residential" District:

LOT 1 OF PHOENIX CENTRE 6TH ADDITION TO THE CITY OF DAVENPORT, SCOTT COUNTY, IOWA.

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

Findings:

1. The proposed rezoning to R-MF Multi-Family Residential is inconsistent with the Comprehensive Plan and adopted land use policies.

2. The introduction of a residential use in an industrial area is not compatible with the zoning and land uses or character of nearby property.

3. The proposed amendment may have factors that could impact public health, safety, and welfare of the City.

4. Rezoning the property to R-MF does create nonconformities.

Section 3. At its October 3, 2023 meeting, the City Plan and Zoning Commission voted to forward Case REZ23-05 to the City Council with a recommendation for denial subject to the listed findings.

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 _____

Published in the *Quad-City Times* on _____

Attest:

_____ _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

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

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR

REZONING

(MAP AMENDMENT)

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING
	8/22/23	9/19/23

PROJECT TITLE
Expansion of the Reserve @ City's Edge

SITE ADDRESS OR GENERAL LOCATION DESCRIPTION
Lot 1 Phoenix Centre 6th Addn

NEIGHBORHOOD MEETING DATE / TIME / LOCATION

ZONING DISTRICTS	EXISTING	PROPOSED	SQ. AREA
	I1	R-MF	10.17 acres

APPLICANT INFORMATION

Applicant Name
ANTHONY PROPERTIES

Address
12770 COIT RD, STE 970

City | State | Zip
DALLAS, TX 75251

Phone
(214) 432-9514

Secondary Phone

E-Mail Address
BRIAN@ANTHONYPROPERTIES.COM

Acceptance of Applicant

I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.

In addition to the application fee, I understand I am responsible for attendance at each meeting on the public hearing/zoning calendar. The City reserves the right to require further site studies as necessary, such as a traffic study.

BRIAN SHIU
Type Applicant's Name

Applicant's Signature

08/22/2023
Date

DEVELOPMENT TEAM

Property Owner
HUMANE SOCIETY OF SCOTT COUNTY

Address
2802 W CENTRAL PARK AVE DAVENPORT IA

Phone
(563) 388-6655

Secondary Phone

E-Mail Address

Project Manager/Other
THOMAS J. PASTRNAK (ATTORNEY)

Address
313 W 3RD ST DAVENPORT, IA 52801

Phone
(563) 323-7737

Secondary Phone

E-Mail Address
TPASTRNAK@PASTRNAK.COM

COMPLETE SUBMITTALS SHALL INCLUDE:

	SUBMITTED
Concept/Development Plan	☐
Authorization to Act as Applicant* *only needed if the Applicant is different than the owner	☑
Legal Description* (bearing & distance) * shall include a MS Word or Text file	☑
Legal Description Dimensioned Sketch	☑
Application Fee* (REQUIRED) * (check payable to 'City of Davenport')	☐

Rezoning Fee Schedule

Land Area	Fee
Less than 1 acre	$400
1 to less than 10 acres	$750 plus $25/acre
10 acres or more	$1,000 plus $25/acre

1 to 3 site notice signs are required based on lot size; $10 each

PROJECT NARRATIVE: (submit separate sheet if needed)

The purpose for the rezoning would be to develop a second phase of The Reserve at City's Edge, which is on the property immediately west of the subject property. The Reserve is a highly successful multi-family community and building a second phase would allow us to accommodate the significant demand for additional units. The second phase would be very similar in nature to the first phase and would consist of approximately 4 buildings and a clubhouse.

Submit the first two pages of this form to Planning Staff at: planning@davenportiowa.com or contact staff with any questions or requests for additional information.

Authorization to Act as Applicant

I/We, Humane Society of Scott County
[as property owner(s)]

authorize Brian Shiu of Anthony Properties
[the above person(s)]

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

for the property located at Parcel X1203-01.

Signature(s)*

*Please note: original signature(s) are required signed in front of a Notary.

Notarization: 8.22.23
Date

State of Iowa,

County of Scott,

Sworn and subscribed before me known personally
[Identification type]

this 22 day of August, 2023

DAVI BELL
Commission Number 839302
Notary Public
My Commission Expires
MAY 10, 2025

---

* *Application Form by Board Type*

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

Zoning Board of Adjustment
Special Use
Hardship Variance
Zoning Appeal
Nonconforming Use Exception

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

Historic Preservation Commission
Certificate of Appropriateness
Landmark Nomination
Demolition Request

LEGAL DESCRIPTION

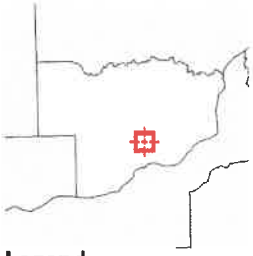
PARCEL X1203-01

Lot 1 in Phoenix Centre Sixth Addition to the City of Davenport, Scott County, Iowa

Scott County / City of Davenport, Iowa



Overview



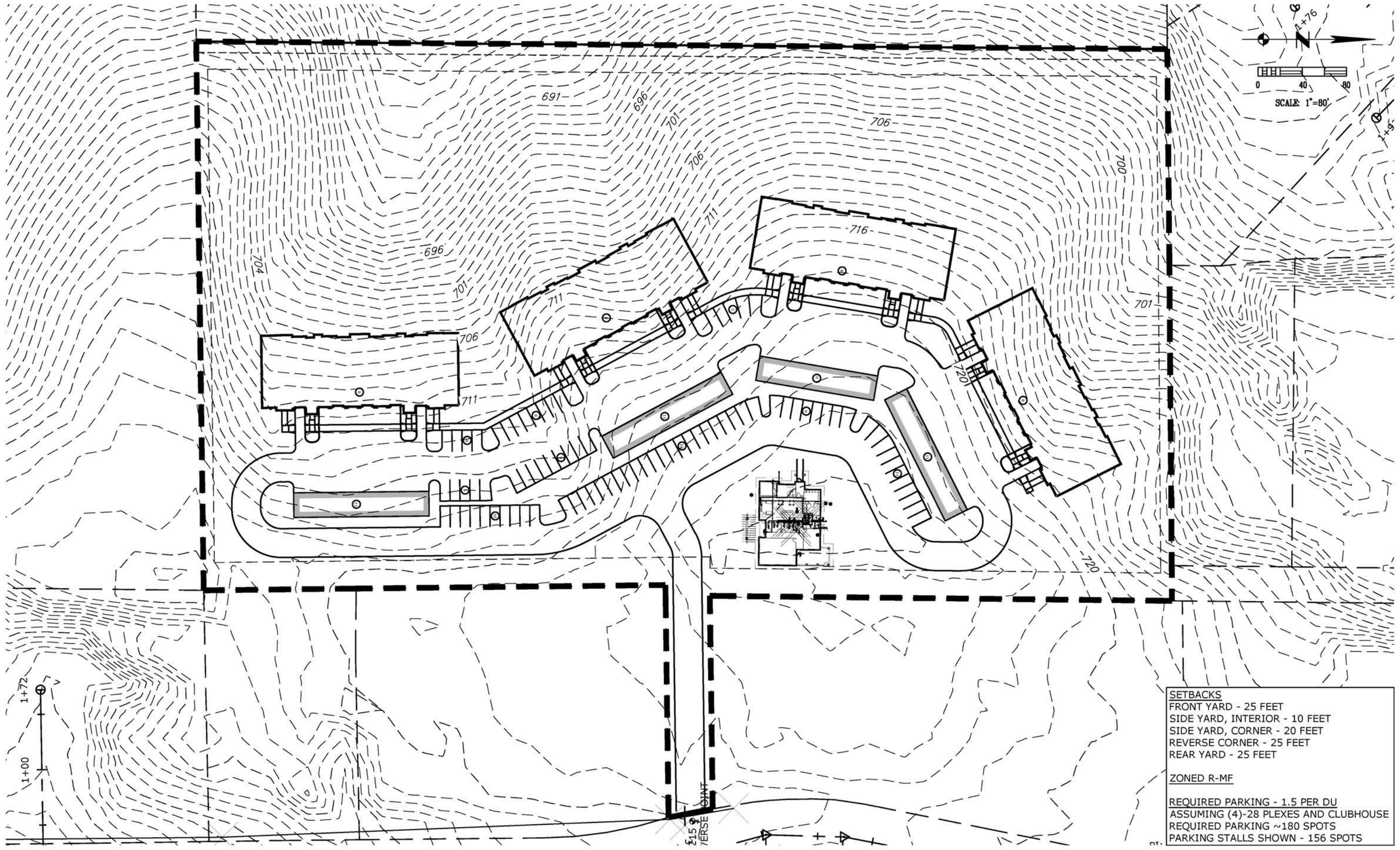
Legend

- **Political Township**
- **County Boundary**
- **Railroad**
- **All Roads**
  - Interstate
  - US Highway
  - State Highway
  - County Route
  - Major road
  - Local roads
  - Ramp
  - Alleyway/Access Road
  - Bike/Pedestrian Trail
  - Driveway
- **Rights of Way**
- **Major Rivers and Streams**
  - River Centerline
  - River Boundary
  - Major Stream
- **Minor Streams, Other**
  - Minor Stream
  - Small Lake/Pond
  - Drainageways, etc
  - Island
- **Major Rivers and Lakes**
  - Lake
  - Major Stream
  - River
- **Minor Lakes and Ponds**
- **Parcels**
- **Parcel Point**

Parcel ID	X1203-01	**Alternate ID**	X23017A	**Owner Address**	HUMANE SOCIETY OF SCOTT COUNTY
Sec/Twp/Rng	n/a	**Class**	A		2802 W CENTRAL PARK AV
Property Address		**Acreage**	10.17		DAVENPORT IA 52804
		Graphic Acres	10.161		

District	DADA
Brief Tax Description	PHOENIX CENTRE 6TH ADD Lot: 001 PHOENIX CENTRE 6THADD (Note: Not to be used on legal documents)

Date created: 8/22/2023
Last Data Uploaded: 8/22/2023 7:08:07 AM



DRAWN BY: JCF				
CHECKED BY: BWJ				
APPROVED BY: BWJ				
DATE: 07-18-2023				
FIELD BOOK: ---	NO.	REVISION DESCRIPTION	APPROVED	DATE

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DAVENPORT
PHASE 2

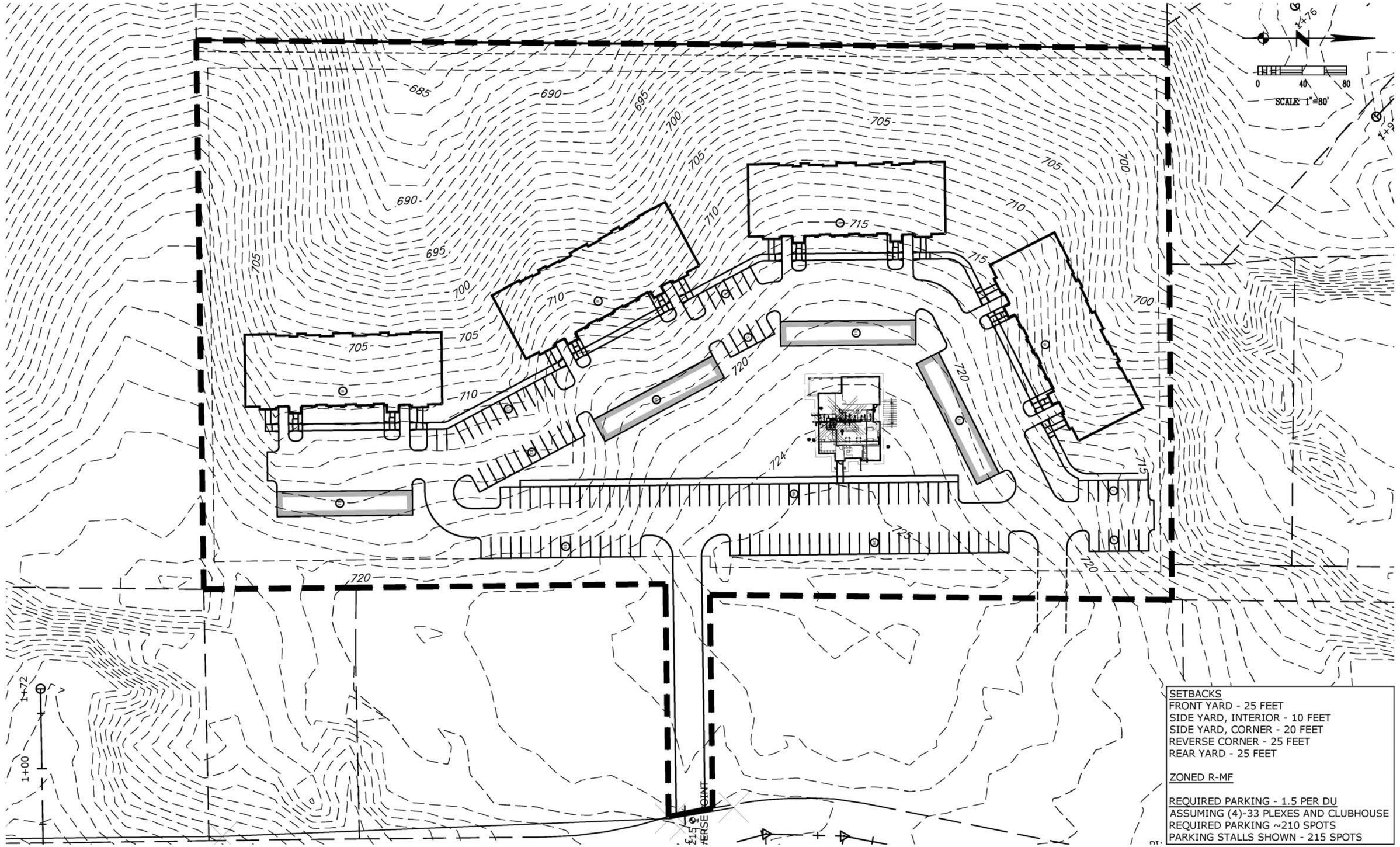
CONCEPT PLAN #1

SCALE: 1" = 80'

PROJECT NO: 10563-6

SHEET
1/2

CAD File: I:\projects\Jackman\Anthony Prop\BaseInfo\DAV PH 2 CONCEPT2.dwg Date Plotted: Tuesday, July 18, 2023 3:19:28 PM Plotted By: Josh Feldmann



DRAWN BY: JCF				
CHECKED BY: BWJ				
APPROVED BY: BWJ				
DATE: 07-18-2023				
FIELD BOOK: ---	NO.	REVISION DESCRIPTION	APPROVED	DATE

HALL & HALL ENGINEERS, INC.
Leaders in Land Development Since 1953
1860 BOYSON ROAD, HIAWATHA, IOWA 52233
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CIVIL ENGINEERING ● LANDSCAPE ARCHITECTURE
LAND SURVEYING ● LAND DEVELOPMENT PLANNING
www.halleng.com

DAVENPORT
PHASE 2

CONCEPT PLAN #2

SCALE: 1" = 80'

PROJECT NO: 10563-6

SHEET
2/2

CAD File: I:\projects\Jackman\Anthony Prop\BaseInfo\DAV PH 2 CONCEPT.dwg Date Plotted: Tuesday, July 18, 2023 3:19:04 PM Plotted By: Josh Feldmann

THE RESERVE AT CITY'S EDGE

5705 Brady Street

Davenport, IA 52806





THE RESERVE AT CITY'S EDGE



THE RESERVE AT CITY'S EDGE



THE RESERVE AT CITY'S EDGE



THE RESERVE AT CITY'S EDGE



THE RESERVE AT CITY'S EDGE



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THE RESERVE AT CITY'S EDGE

THE CITY OF DAVENPORT
IOWA | USA

Vicinity Map
REZ23-05

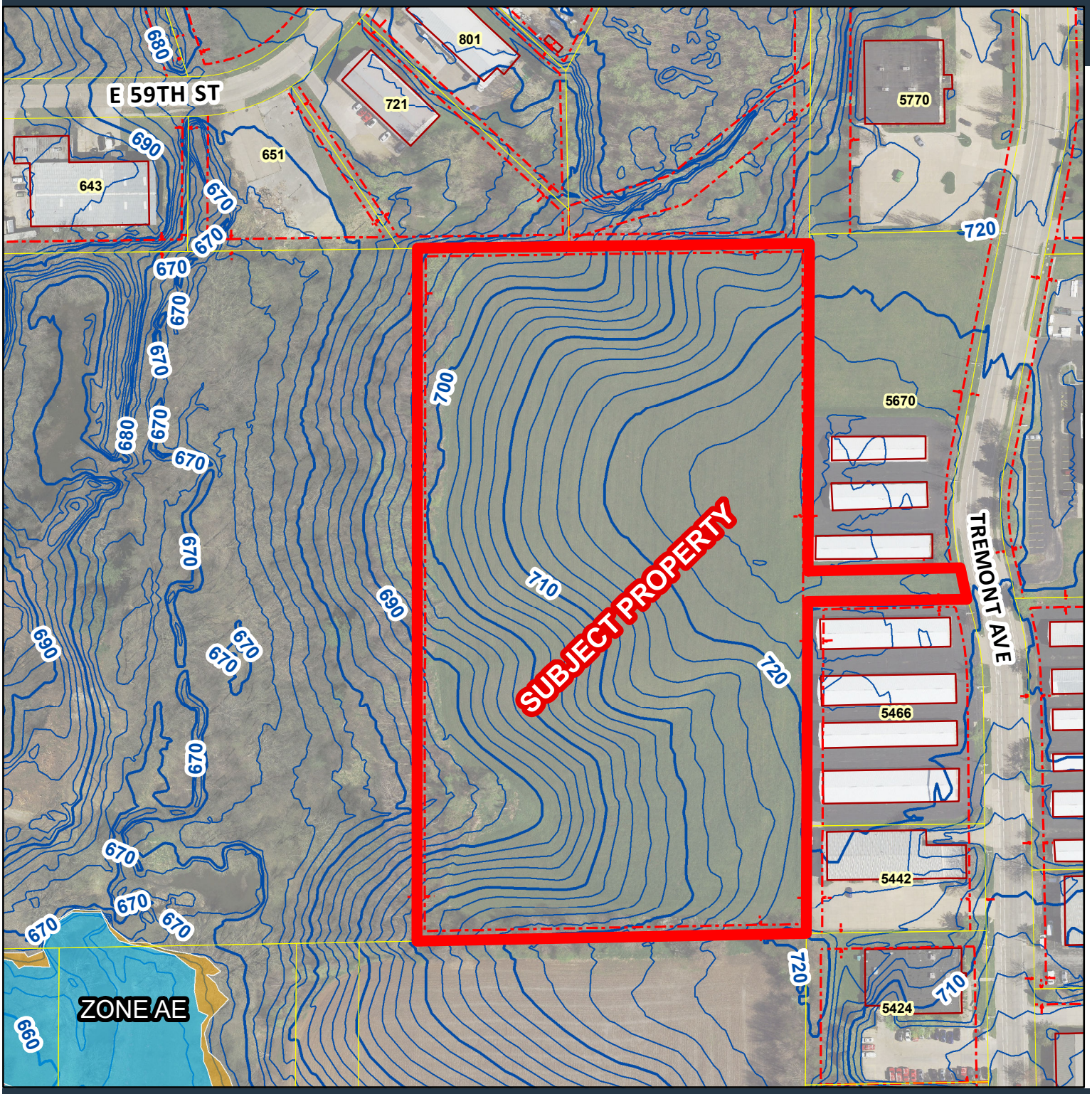


Rezone I-1 to R-MF

0 100 200 400 Feet

THE CITY OF DAVENPORT
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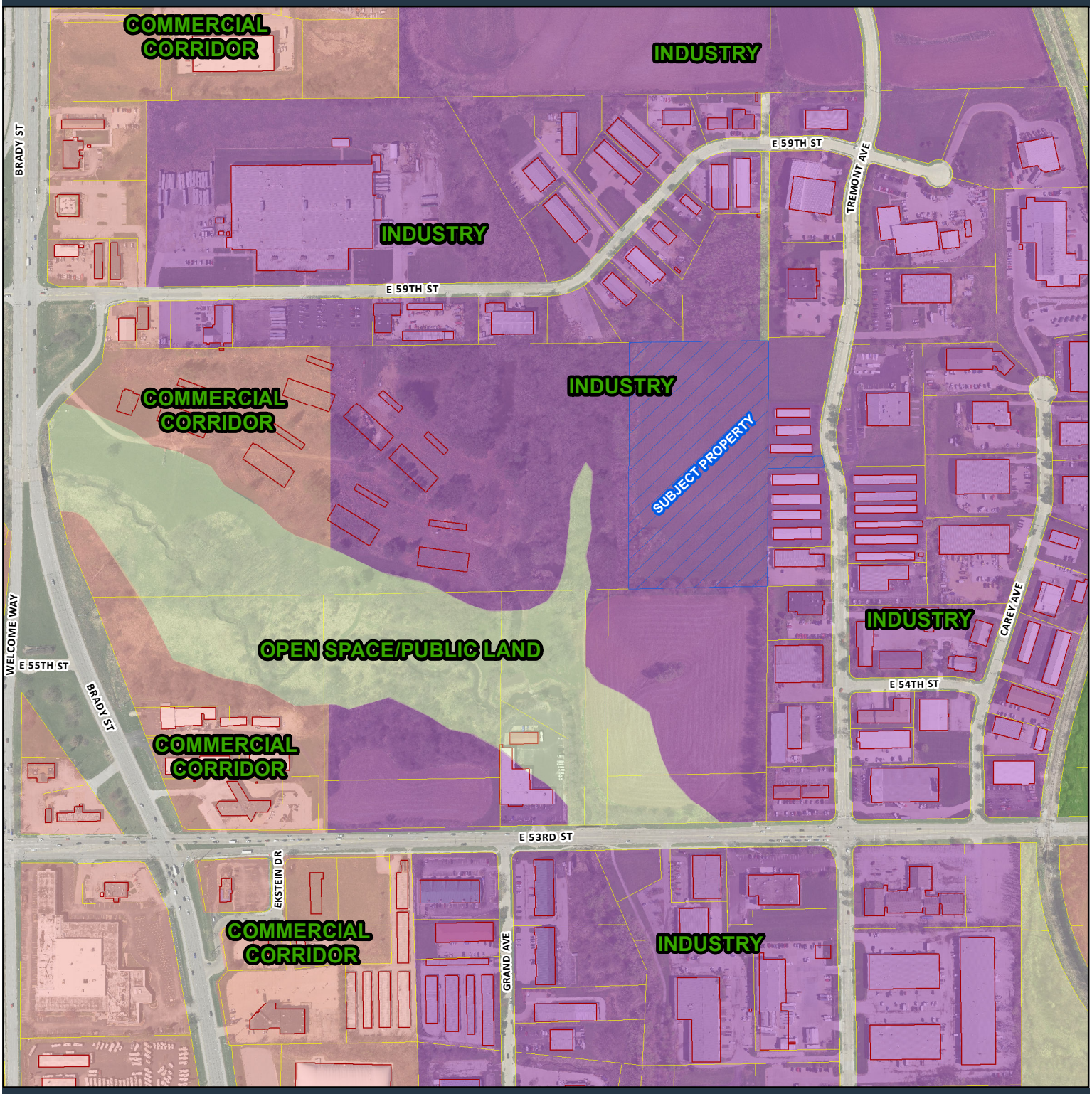
Topographic Contour Lines (2019)



0 25 50 100 150 200 Feet

THE CITY OF DAVENPORT
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Davenport 2035+
REZ23-05

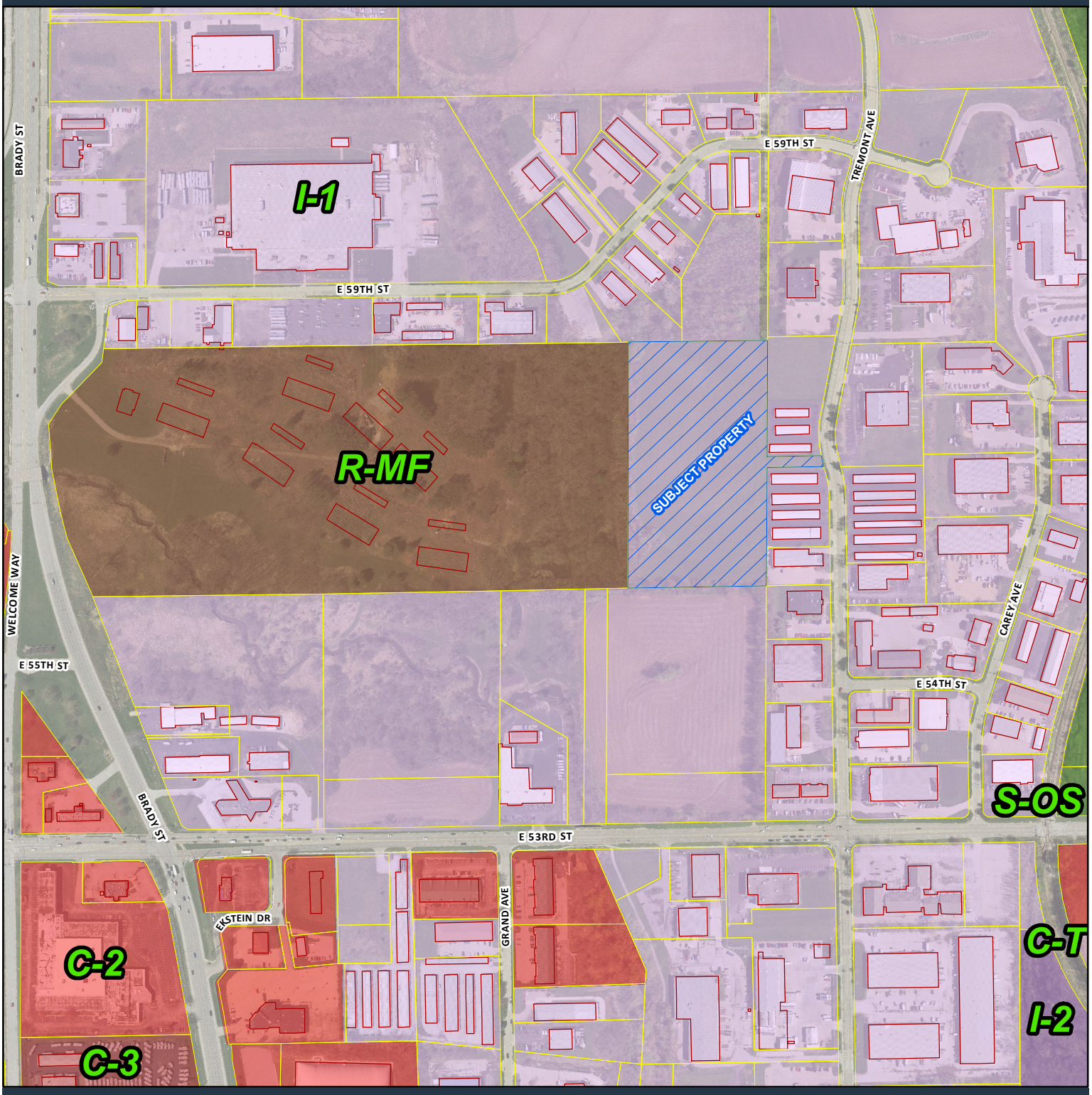


Rezone I-1 to R-MF

0 100 200 400 Feet

THE CITY OF DAVENPORT
IOWA | USA

Zoning Map
REZ23-05



Rezone I-1 to R-MF

0 100 200 400 Feet

Seither & Cherry • Quad Cities, Inc.

Telephone 563/388-9508 • FAX 563/388-9622

9/12/2023

To: Planning and Zoning Commission

Related Property: Owned by SCQC Building Company

Legal Description of related property: Brady 80 IND Park 6th Addition Davenport City Lot: 1

Parcel ID of related property: X1203-26

Objection to:

> Case REZ23-05: Request of Anthony Properties to rezone the 10.17 acres of Lot 1 of Phoenix Centre 6th Addition in the 5600 Block of Tremont Avenue (Parcel X1203-01) from I-1 Light Industrial to R-MF Multi-Family Residential District. [Ward 8]

We object to this rezoning as the area is all Light Industrial. We do not want to have residents in the middle of any industrial park. Furthermore, it would not be wise or prudent to have housing and/or children in the middle of an industrial area, where semis and heavy equipment are constantly moving on the roads.

Sincerely,

Keith Hoste

Vice President and

Director for SCQC Building Company

(319) 388-9193
FAX (319) 388-9209

JERICO Tool Company

SPECIAL FORM TOOLS - CARBIDE & HIGH SPEED

721 E. 59TH STREET
DAVENPORT, IOWA 52807

09/15/2023

RE: Case REZ23-05

Our Location: Brady 80 IND Park 6th Addition Lot 2
Jerome Sheridan Trust - AKA: Jerico Tool Company

We strongly object to this rezoning. Labeled Light Industrial for a reason. Tremont is a dangerous Road to travel since it was connected to Veterans Memorial Park. You have to be careful coming off of 59th with cross traffic going at high rate of speed.
Semis have a hard time navigating the curves since the bike lanes were added. It's a tight squeeze.
There are semis blocking the road backing up to businesses.
Another concern is the erosion that will occur. There is quite a difference in elevation from Tremont to 59th St. We are now experiencing this from the Seven Hill construction done earlier this year.
That we of course were not notified about, and no survey was done ahead of time to address this.

We were told that when The Reserve was built they were to be sold to higher income families, which As far as I know that has happened.
But, crime has increased, since that complex was built. It's like dangling a carrot in front of criminals.
Bringing them to the area and the businesses behind are the residual.
I'm expecting it to be two fold if another residence is stuck in the middle of commercial industries.

It's an industrial park we have very few of them left in Davenport. Which Davenport should be behind and help out. They are what built this city.
Leave us be.

Cordially,

Cynthia Sheridan

Cynthia Sheridan
President

DAVENPORT
DEVELOPMENT & NEIGHBORHOOD SERVICES

Public Hearing Notice | Plan & Zoning Commission

Date: 9/19/2023 **Location:** City Hall | 226 W 4th ST | Council Chambers
Time: 5:00:00 PM **Subject:** Hearing for rezoning request | Plan & Zoning Commission

THE RESERVE DAVENPORT LLC
9200 ANDERMATT DR
LINCOLN NE 68526

To: All property owners within 200' of the subject property: **5600 Block Tremont AVE:**

What is this About?

This notice is being sent to inform you that a public hearing will be held for a rezoning request. The purpose of the rezoning request is to change the property's allowed uses by changing the zoning classification.

Request/Case Description

Case REZ23-05: Request of Anthony Properties to rezone the 10.17 acres of Lot 1 of Phoenix Centre 6th Addition in the 5600 Block of Tremont Avenue (Parcel X1203-01) from I-1 Light Industrial to R-MF Multi-Family Residential District. [Ward 8]

What are the Next Steps after the Public Hearing?

This public hearing is the first step in the review/approval process. The Commission's recommendation from this public hearing will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing as you received this notice. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?

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

Do You Have Any Questions?

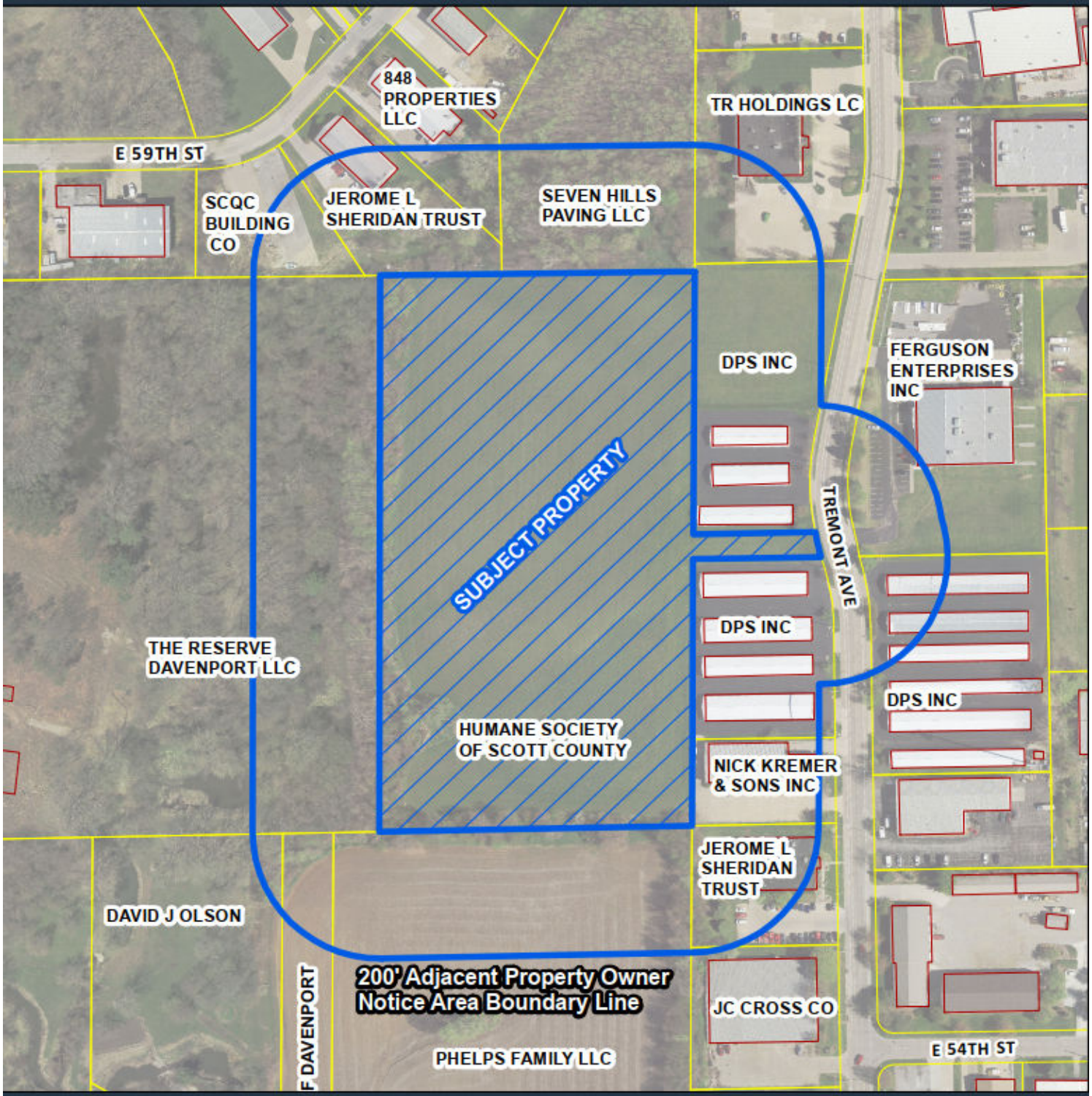
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at scott.koops@davenportiowa.com or 563-328-6701 . Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: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

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

THE CITY OF DAVENPORT
IOWA | USA

Rezoning Notice Map
REZ23-05

Adjacent Property Owner Notice Area



Rezone I-1 to R-MF

0 100 200 400 Feet

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **11/8/2023**

Subject:
Resolution approving Case F23-14 being the request of E&A Enterprises LLC for a final plat of 56th Enclave, a 2-lot subdivision on 9.57 acres located north of East 56th Street and Lakeview Parkway. [Ward 6]

Recommendation:
Adopt the Resolution.

Background:
The property owner submitted a final plat to subdivide the 9.57 acre tract of land situated north of East 56th Street near the terminus of Lakeview Parkway. The site is currently undeveloped and is planted in row crops. The intent is to facilitate the sale of land for future development.

The Plan and Zoning Commission reviewed Case F23-14 at its October 17, 2023 meeting and has recommended approval subject to the listed findings and conditions:

Findings:

1. The final plat conforms to the comprehensive plan Davenport +2035.
2. The final plat prepares the area for future development.
3. The final plat (with conditions recommended by City Staff) will achieve consistency with subdivision requirements.

Conditions:

1. That the surveyor signs the plat.
2. That the utility providers sign the plat when their easement needs have been met.
3. The existing sanitary sewer, located in Outlot A, shall be within a sanitary sewer easement.
4. Revise Note 2, to add a reference to Ordinance 2019-220.
5. Sidewalks shall be constructed along the right-of-way as each lot is developed, per Title 12 of the City of Davenport Code.
6. Maintain existing 20' Utility and Sanitary Sewer Easement at the rear and front of lots.
7. Add a note stating, "Stormwater detention and water quality treatment will be required for this subdivision and will be owned and maintained by the property owner."
8. Include a drainage easement to carry flow from Lot 1 to Outlot A.

Comprehensive Plan:

1. Within Existing Urban Service Area: Yes
2. Within Urban Service Area 2035: Yes

Future Land Use Designation: The subject property is designated as Residential General (RG).

Relevant goals to be considered in this case: Strengthen the existing built environment.

The proposed final plat complies with the Davenport +2035 proposed land use section.

Zoning: The subject property is zoned C-OP Commercial Office Park District and is subject to conditions under Ordinance 2019-220.

Technical Review:

1. Zoning: The property was rezoned in 2019 from C-T Commercial Transitional District to C-OP Commercial Office Park District. The adopted ordinance limited building height to 35 feet. The following uses are prohibited: restaurant, vehicle dealership (indoor), hotel, and light industrial. The proposed lots comply with commercial district dimensional standards. Each lot exceeds the minimum lot area requirement of 20,000 square feet and the minimum lot width of 70 feet.
2. Streets: No new streets are proposed with this subdivision. Access to future development will be from 56th Street. Sidewalks shall be constructed at the time of development.
3. Storm Water: Outlot A is dedicated for stormwater detention. The 1.12 acre outlot is located at the northeast corner of the site.
4. Sanitary Sewer: There is a 10" sanitary sewer located in Outlot A.
5. Other Utilities: Other normal utility services are available.
6. Parks/Open Space: There are no impacts to parks/open space

Public Input:

No Public Hearing or notifications are required for a final plat; however, staff met with adjacent residential property owners to discuss how City codes mitigate land uses, landscaping, lighting, noise, and stormwater management.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Backup Material	Final Plat of 56th Enclave
🗋	Backup Material	Vicinity, Zoning, & Future Land Use Map
🗋	Backup Material	Application
🗋	Backup Material	Ordinance 2019-220

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	10/26/2023 - 10:02 AM

Resolution No. _____

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving Case F23-14 being the request of E&A Enterprises LLC for a final plat of 56th Enclave, a 2-lot subdivision on 9.57 acres located north of East 56th Street and Lakeview Parkway.

WHEREAS, the Plan & Zoning Commission reviewed Case F23-14 at the October 17, 2023 regularly scheduled meeting with a recommendation for approval subject to the following conditions:

1. That the surveyor signs the plat;
2. That the utility providers sign the plat when their easement needs have been met;
3. The existing sanitary sewer, located in Outlot A, shall be within a sanitary sewer easement;
4. Revise Note 2, to add a reference to Ordinance 2019-220;
5. Sidewalks shall be constructed along the right-of-way as each lot is developed, per Title 12 of the City of Davenport Code;
6. Maintain existing 20' Utility and Sanitary Sewer Easement at the rear and front of lots;
7. Add a note stating, "Stormwater detention and water quality treatment will be required for this subdivision and will be owned and maintained by the property owner.";
8. Include a drainage easement to carry flow from Lot 1 to Outlot A; and

WHEREAS, the conditions will be added to the plat and/or provided.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the final plat of 56th Enclave, an addition to the City of Davenport, Scott County, Iowa as filed with the City Clerk, by E&A Enterprises LLC, be and the same is hereby approved and accepted; and the dedication for public street purposes and the granting of easements as shown on said plat are accepted and confirmed by the Mayor and Deputy City Clerk of said City; and

BE IT FURTHER RESOLVED that the Mayor and Deputy City Clerk are hereby authorized and directed to certify to the adoption of this Resolution on said plat as required by law.

Passed and approved this 8th day of November, 2023.

Approved:

Mike Matson
Mayor

Attest:

Brian Krup
Deputy City Clerk

FINAL PLAT OF

56TH ENCLAVE

A RESUBDIVISION OF LOT 1 IN CROW VALLEY PLAZA 12TH ADDITION,
ACCORDING TO THE PLAT THEREOF AS RECORDED AS DOC. NO. 2018-31435
TO THE CITY OF DAVENPORT,
SCOTT COUNTY, IOWA

OWNER/DEVELOPER

E & A ENTERPRISES
ATTN: SAMEER KULKARNI
3885 KENSINGTON COURT
BETTENDORF, IA 52722
Ph: 309-592-7999
skulkarni@bushconstruct.com

ATTORNEY

ENGINEER

RTM ENGINEERING CONSULTANTS
5137 UTICA RIDGE ROAD
DAVENPORT, IA 52807
563-726-6310
www.rtmec.com

SURVEYOR

ABBITT SURVEY & DEVELOPMENT, PLLC
4900 38th AVE., SUITE 1
MOLINE, IL 61265
309-524-3124
jim@abbittsurvey.com

LOT INFORMATION:

TOTAL NUMBER OF LOTS: 2

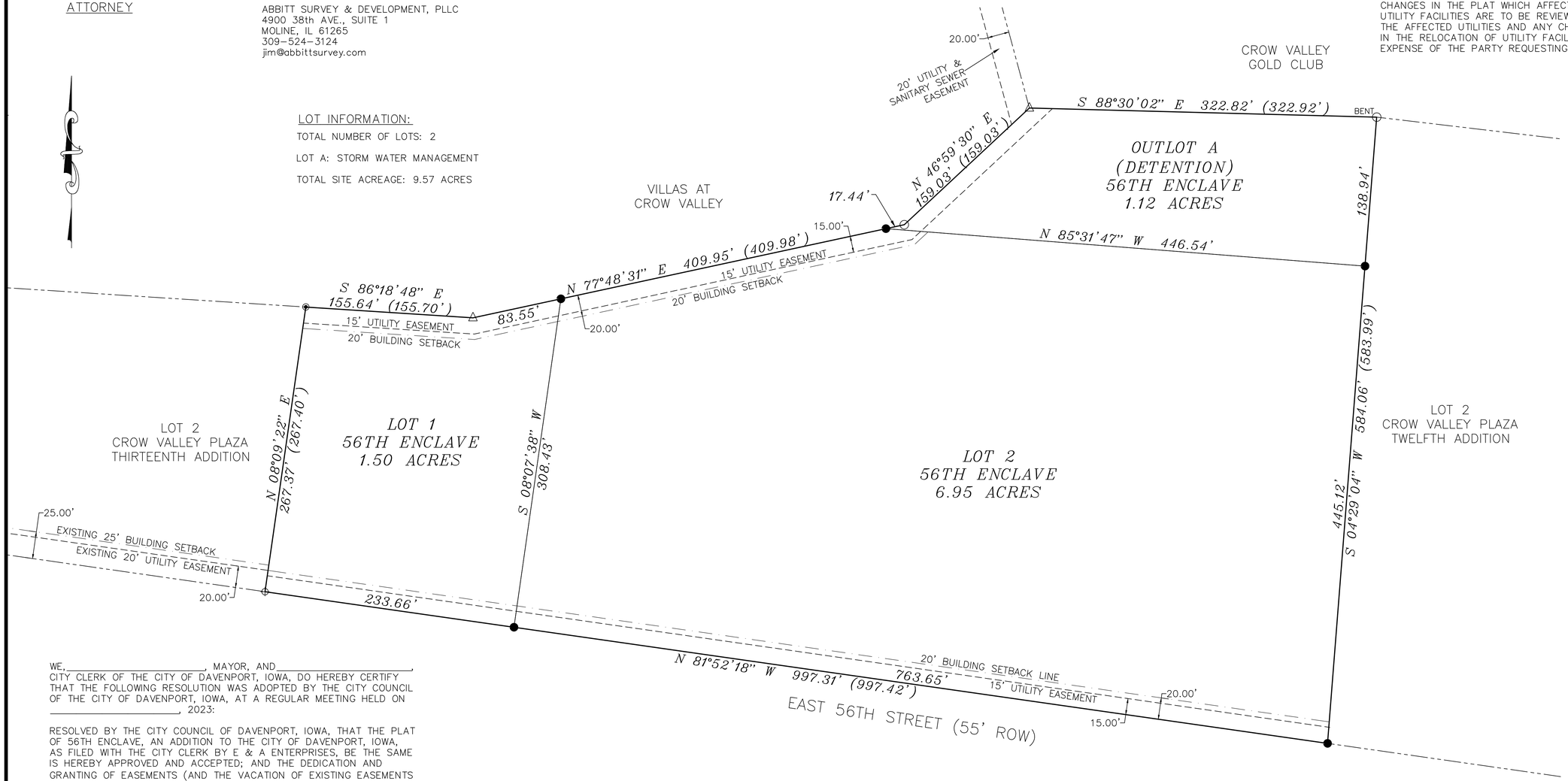
LOT A: STORM WATER MANAGEMENT

TOTAL SITE ACREAGE: 9.57 ACRES

NOTE:

PLAT NOTES ESTABLISH REQUIREMENTS FOR HOW A SUBDIVISION WILL DEVELOP. HOWEVER, THE CITY RESERVES THE RIGHT IN ITS SOLE DISCRETION TO ALTER OR AMEND ANY PLAT NOTE, OR TO SELL OR VACATE ANY RIGHT OF WAY OR UTILITY DEDICATED WITHIN THE PLAT. FURTHER, THE CITY RESERVES THE RIGHT UPON REQUEST OF THE OWNER TO RELOCATE ANY EASEMENT, ALTER LOT BOUNDARIES OR ALLOW GROUND TO BE REPLATTED.

CHANGES IN THE PLAT WHICH AFFECT THE PLACEMENT OF UTILITY FACILITIES ARE TO BE REVIEWED AND APPROVED BY THE AFFECTED UTILITIES AND ANY CHANGES WHICH RESULT IN THE RELOCATION OF UTILITY FACILITIES SHALL BE AT THE EXPENSE OF THE PARTY REQUESTING THE CHANGE.



MID AMERICAN ENERGY COMPANY
BY: _____
DATE: _____

IOWA–AMERICAN WATER COMPANY
BY: _____
DATE: _____

CENTURYLINK
BY: _____
DATE: _____

MEDIACOM
BY: _____
DATE: _____

CITY OF DAVENPORT, IOWA
BY: _____
DATE: _____

CENTRAL SCOTT TELEPHONE
BY: _____
DATE: _____

GENESEO COMMUNICATIONS
BY: _____
DATE: _____

METRO FIBERNET, LLC
BY: _____
DATE: _____

WINDSTREAM COMMUNICATIONS
BY: _____
DATE: _____

PLANNING AND ZONING COMMISION
BY: _____
DATE: _____

WE, _____, MAYOR, AND _____, CITY CLERK OF THE CITY OF DAVENPORT, IOWA, DO HEREBY CERTIFY THAT THE FOLLOWING RESOLUTION WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA, AT A REGULAR MEETING HELD ON _____, 2023:

RESOLVED BY THE CITY COUNCIL OF DAVENPORT, IOWA, THAT THE PLAT OF 56TH ENCLAVE, AN ADDITION TO THE CITY OF DAVENPORT, IOWA, AS FILED WITH THE CITY CLERK BY E & A ENTERPRISES, BE THE SAME IS HEREBY APPROVED AND ACCEPTED; AND THE DEDICATION AND GRANTING OF EASEMENTS (AND THE VACATION OF EXISTING EASEMENTS AS MAY BE SHOWN) ON SAID PLAT ARE ACCEPTED AND CONFIRMED AND THE MAYOR AND CITY CLERK OF SAID CITY BE AND THEY HEREBY ARE AUTHORIZED AND DIRECTED TO CERTIFY THE ADOPTION OF THIS RESOLUTION ON SAID PLAT AS REQUIRED BY LAW.

DATED AT DAVENPORT, IOWA, THIS ____ DAY OF _____, 2023.

_____
MAYOR OF THE CITY OF DAVENPORT, IOWA

ATTEST:

_____
CITY CLERK

_____
PLANNING AND ZONING COMMISSION

NOTES AND PROVISIONS:

1. NO PART OF THE SUBDIVISION LIES WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON FEMA'S FLOOD INSURANCE RATE MAPS.
2. CURRENT ZONING: C-OP
   1. BUILDING HEIGHT IS LIMITED TO 35 FEET
   2. THE FOLLOWING USES ARE PROHIBITED
      a. RESTAURANT
      b. VEHICLE DEALERSHIP (INDOOR)
      c. HOTEL
      d. LIGHT INDUSTRIAL

LEGEND

○	FOUND 5/8" REBAR
△	FOUND CIR 7983
⊕	FOUND CIR 8655
□	FOUND CIR 13581
◉	FOUND CIR 22228
●	SET 5/8" REBAR W/ GREEN PLASTIC CAP # 18465
———	BOUNDARY LINE
——— - ———	ROW LINE OR LOT LINE
– – – – –	EASEMENT LINE
——— · ———	BUILDING SETBACK LINE
(100.00')	DEED OR PLATTED
100.00'	MEASURED

GRAPHIC SCALE
50 0 50
(IN FEET)
1 inch = 50 ft.

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 DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

_____ _____
JAMES W. ABBITT, JR. DATE

REG. NO. 18465
MY LICENSE EXPIRES DECEMBER 31, 2024
PAGES OR SHEETS COVERED BY THIS SEAL:
THIS SHEET ONLY

LICENSED LAND SURVEYOR
JAMES W. ABBITT JR.
18465
IOWA

REVISIONS

No.	DATE	DESCRIPTION	BY

Abbitt Survey & Development, PLLC

ABBITT SURVEY & DEVELOPMENT, PLLC.
4900 38TH AVE., SUITE 1
MOLINE, ILLINOIS 61265
PH. 309-524-3124

DATE: 09-19-2023	SCALE: 1" = 50'	DRAWN BY: SEM	CHECKED BY: JWA

PREPARED FOR: E & A ENTERPRISES LLC
ATTN: RAMAVARAM RAO, MANAGER
3885 KENSINGTON CT.
BETTENDORF, IA 52722

PAGE: 1 OF 1

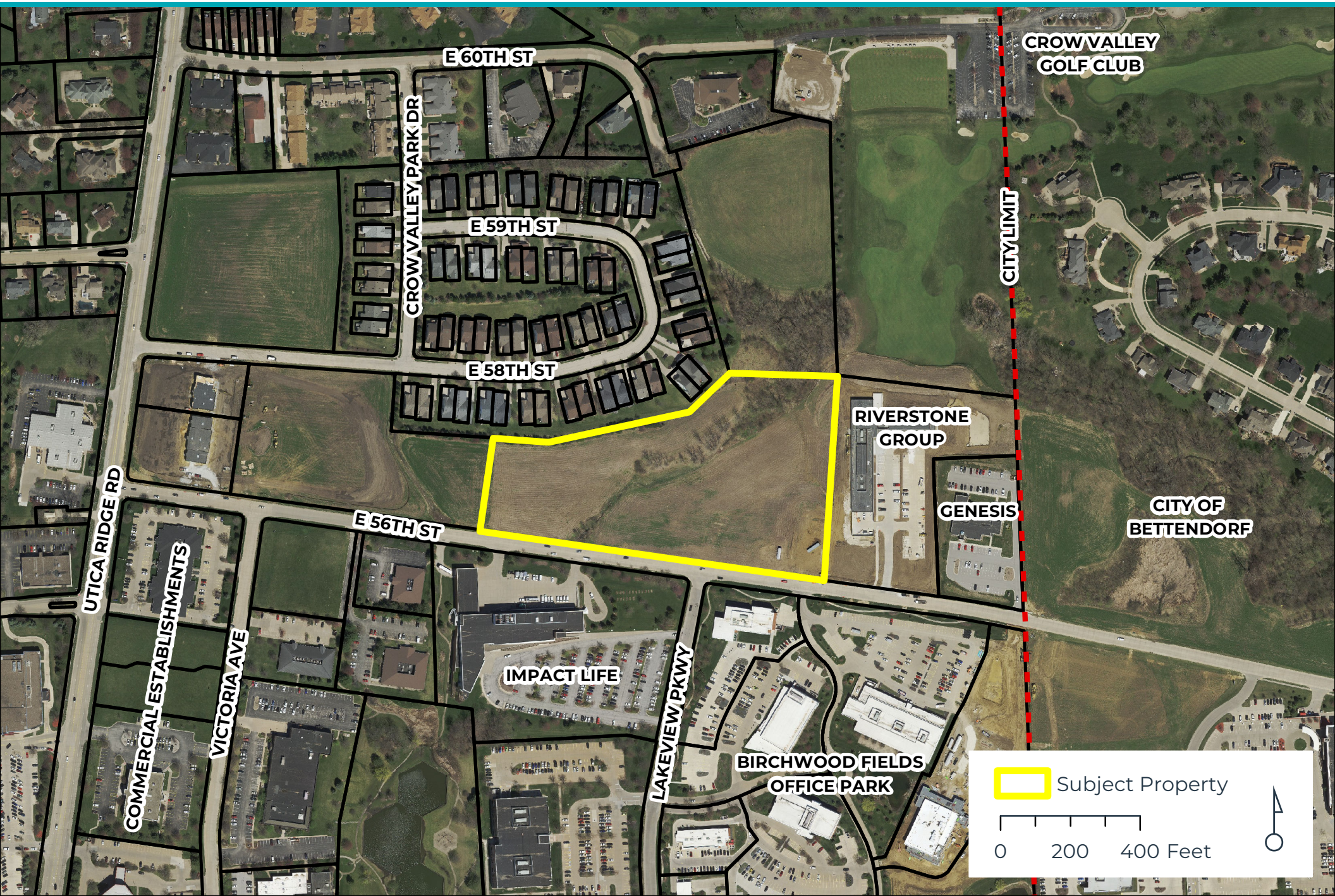
JOB No.: 23-343-IADA-B-RTM_ E&A 56TH ST

DRAWING TITLE: SUBDIVISION PLAT

THE CITY OF DAVENPORT
IOWA | USA

Vicinity Map | Case F23-14

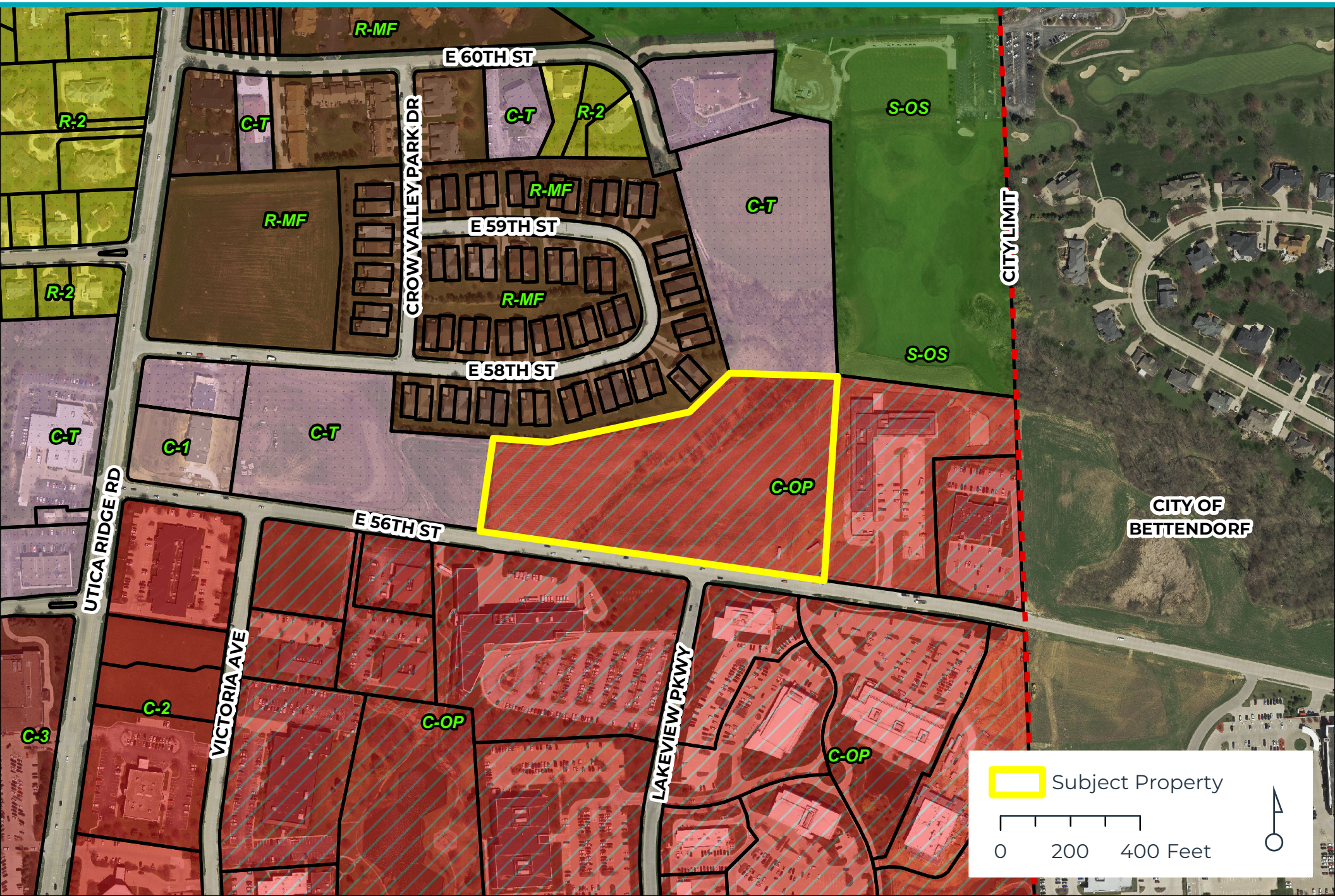
Request of E&A Enterprises LLC for a Final Plat of 56th Enclave. The 2-lot subdivision is located north of 56th Street and Lakeview Parkway on 9.57 acres. [Ward 6]



THE CITY OF DAVENPORT
IOWA | USA

Zoning Map | Case F23-14

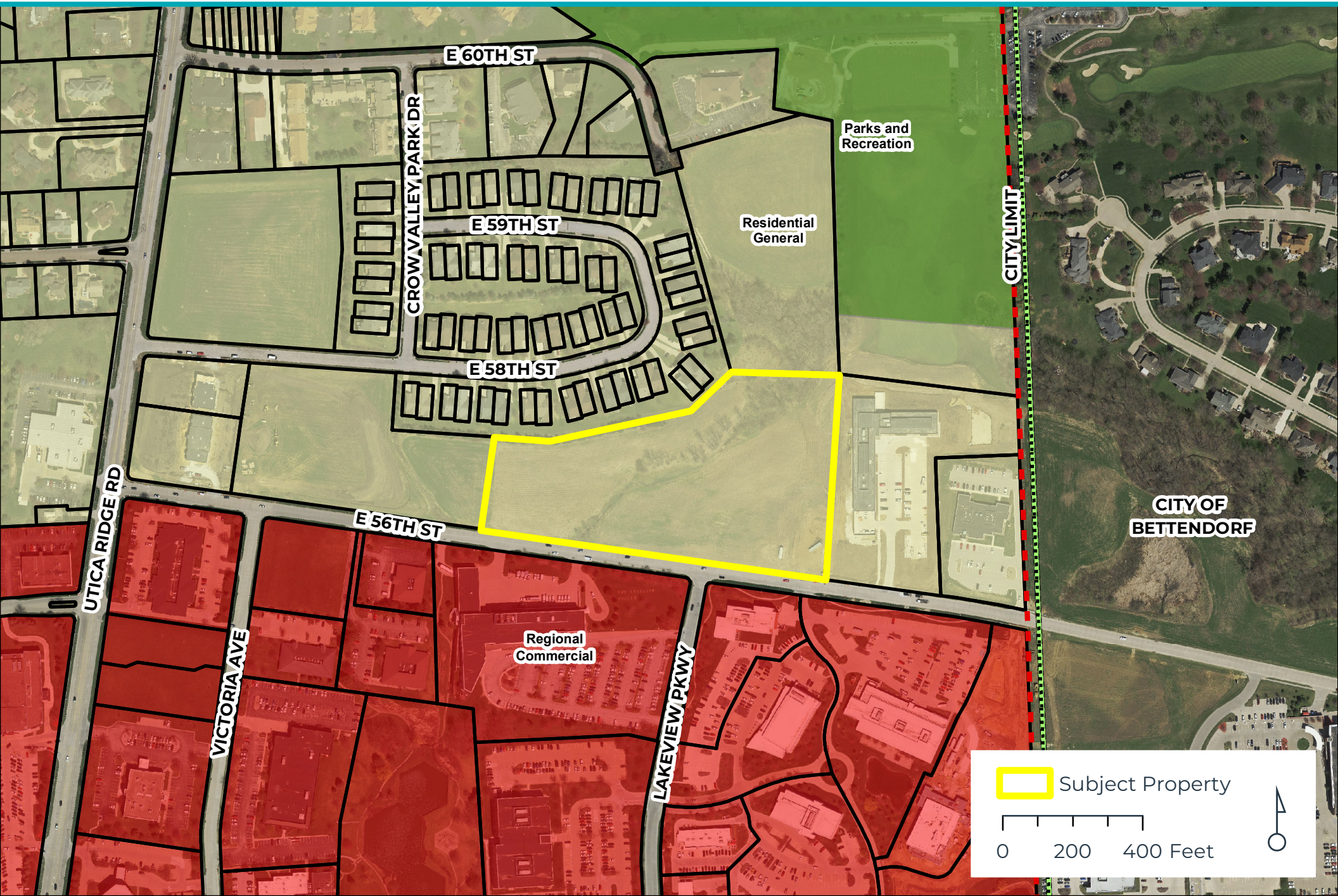
Request of E&A Enterprises LLC for a Final Plat of 56th Enclave. The 2-lot subdivision is located north of 56th Street and Lakeview Parkway on 9.57 acres. [Ward 6]



THE CITY OF DAVENPORT
IOWA | USA

Future Land Use Map | Case F23-14

Request of E&A Enterprises LLC for a Final Plat of 56th Enclave. The 2-lot subdivision is located north of 56th Street and Lakeview Parkway on 9.57 acres. [Ward 6]



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

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR
SUBDIVISON PLAT
(LAND DIVISION)

SUBDIVISION NAME		
56th Enclave		
LOCATION DESCRIPTION		SUBMITTED
North side of 56th Street near Lakeview Parkway		
NUMBER OF LOTS BY USE TYPE	ACRES	STREETS ADDED
2 LOTS + 1 OUTLOT	9.57	

APPLICANT INFORMATION

Applicant Name
E & A Enterprises, LLC

Address
3885 Kensington Court

City | State | Zip
Bettendorf, Iowa 52722

Phone
(309) 592-7999

Secondary Phone

E-Mail Address
skulkarni@bushcontruct.com

Acceptance of Applicant

I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.

In addition to the application fee, I understand I am responsible for all development review costs, including but not limited to a traffic study.

V. R. RAMAVARAM
Print Applicant's Name

R
Applicant's Signature

9/21/2023
Date

PLAT TYPE SUBMITTED:

PRELIMINARY PLAT: §16.16 Requirements ☐
FINAL PLAT: §16.20 Requirements ☒

PRELIMINARY PLAT REQUIREMENTS:
- Preliminary Plat ☐
- Contours (2') & Infrastructure (pre/post) ☐

FINAL PLAT REQUIREMENTS:
- Platting Certificates per §354.11 State Code ☐
- Final Plat ☑

GENERAL REQUIREMENTS:
- Authorization to Act as Applicant, if needed ☑
- Application Fee (REQUIRED) ☐

Subdivision Platting Fee Schedule	
Number of Lots	**Fee**
1 lot to 10 lots	$400 plus $25/lot
11 to 25 lots	$700 plus $25/lot
26 or more lots	$1,000 plus $25/lot

Submit this form, and any questions, to DNS Planning Division at planning@davenportiowa.com .

DEVELOPMENT TEAM

Developer / Project Manager
E & A Enterprises, LLC
Address
3885 Kensington Court, Bettendorf, IA 52722
Phone: (309) 592-7999 | Secondary Phone:
E-Mail Address
skulkarni@bushcontruct.com

Engineer
RTM Engineering Consultants
Address
5137 Utica Ridge Road, Davenport, IA 52807
Phone: (563) 726-6304 | Secondary Phone:
E-Mail Address
calisse.mcpherson@rtmec.com

Owner
E & A Enterprises, LLC
Address
3885 Kensington Court, Bettendorf, IA 52722
Phone: (309) 592-7999 | Secondary Phone:
E-Mail Address
skulkarni@bushcontruct.com

Attorney
423 17th St., Suite 103, Rock Island, IL 61201
Address
423 17th St., Suite 103, Rock Island, IL 61201
Phone: (309) 794-9400 | Secondary Phone: (563) 265-9700
E-Mail Address
hosthopitality@gmx.com

Authorization to Act as Applicant

I/We, R. V. Rao
[as property owner(s)]

authorize Sameer Kulkarni (Bush Construction) &/or Calisse McPherson (RTM Engineering Consultants)
[the above person(s)]

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

for the property located at the north side of 56th Street near Lakeview Parkway.

R. V. Rao
Signature(s)*

*Please note: original signature(s) are required signed in front of a Notary.

Notarization:

9/21/2023
Date

State of IOWA,

County of SCOTT,

AMY GREEN
Commission Number 847039
My Commission Expires
03/29/2024

Sworn and subscribed before me

[identification type]

this 21ST day of SEPTEMBER, 2023.

Amy Green
Notary Public

My Commission Expires:
03/29/2024

---

* *Application Form by Board Type*

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

Zoning Board of Adjustment
Special Use
Hardship Variance
Zoning Appeal
Nonconforming Use Exception

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

Historic Preservation Commission
Certificate of Appropriateness
Landmark Nomination
Demolition Request

ORDINANCE NO. 2019-220

Ordinance for Case REZ19-02: Request of Jennifer Smith, SJ56, LLC/Russell, to rezone Lot 1 of Crow Valley Plaza 12th Addition from C-T Commercial Transitional District to C-OP Commercial Office Park District.

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned from C-T Commercial Transitional District to C-OP Commercial Office Park District.

The Legal Description is as follows:

Lot 1 of Crow Valley Plaza 12th Addition to the City of Davenport, Scott County, Iowa.

Part of the Southwest Quarter of Section 12, Township 78 North, Range 3 East of the 5th P.M., Davenport, Scott County, Iowa, being more particular described as Lot 2 of Ryde High 2nd Addition to the City of Davenport, Scott County, Iowa.

Section 2. The following conditions are hereby imposed upon said rezoning:
1. Building height is limited to 35 feet.
2. The following uses are prohibited:
    a. Restaurant
    b. Vehicle dealership (indoor)
    c. Hotel
    d. Light Industrial

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 May 8, 2019

Second Consideration May 22, 2019

Approved June 12, 2019

Frank J. Klipsch Mayor

Attest:

Brian Krup
Deputy City Clerk

Published in the Quad City Times on June 18, 2019

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Bruce Berger | 563-326-7769 **11/8/2023**

Subject:
Motion approving the local objectives for the Community Development Block Grant Program for the Year 50 Annual Action Plan covering July 1, 2024 – June 30, 2025. [All Wards]

Recommendation:
Pass the Motion.

Background:
Annually the Citizens' Advisory Committee makes recommendations to the City Council regarding local objectives for the next Community Development Block Grant Annual Action Plan.

The Citizens' Advisory Committee is recommending the approval of three local objectives for the Year 50 Annual Action Plan. The local objectives were based on input received from: a survey, census data, the Analysis of Impediments to Fair Housing and the Housing Needs Assessment, in-person "open-house" style public meetings at the Eastern Library 9/7/2023, Main Street Library 9/9/2023 (morning), and Fairmount Library 9/9/2023 (afternoon), and a virtual public input meeting 8/30/2023.

The recommended objectives are:

- Improve the livability of Davenport neighborhoods including availability of decent, affordable housing for owners and renters, and neighborhood infrastructure City-wide.
- Support programs to retain existing businesses and to attract new businesses, with an emphasis on increasing employment and business opportunities for younger workers, low to moderate income households, and minorities.
- Provide support for human needs for the citizens of Davenport emphasizing mental health services and building life skills.

Approval of this Motion will establish the local objectives for the Year 50 Annual Action Plan (July 1, 2024 – to June 30, 2025). Council-approved local objectives will tie directly into Year 50 CDBG funding recommendations. Background information that was provided to the CAC is included as an attachment.

ATTACHMENTS:

Type	Description
Backup Material	Background Information for CAC Recommended Local Objectives

REVIEWERS:

Department	Reviewer	Action	Date
Community Planning & Economic Development	Berger, Bruce	Approved	10/26/2023 - 8:12 AM

Action Item from CAC Meeting October 2023

American Community Survey (2014-2018 ACS) & Comprehensive Housing Affordability Strategy Data (2014-2018 CHAS)	Analysis of Impediments to Fair Housing Impediments (2019)	Housing Needs Assessment Recommendation (2020)	Community Input Results (2023)
Households with at least one member 65+ - 25.9%	1. Continued need for an increased supply of decent affordable housing: *Continue using CDBG and HOME funds to increase and maintain the availability of high-quality, affordable rental and for-sale housing through new construction and rehabilitation. *Develop a referral protocol for situations where a tenant household may have to be displaced due to substandard housing conditions discovered in the course of an inspection.	1. Encourage Low to Moderate Income Housing: * Encourage affordable housing development through density bonus, fee deferments or waivers, and other forms of cost benefits to developers. * Seek out funding opportunities from local and state sources.	Respondants were almost evenly split in supporting focusing funds on a targeted area (50.98%) versus city-wide distribution of funds (49.02%)
For the population 5 years and over 92.5% speak English only. Those that speak a language other than English account for 7.5% and of those 3.2% speak English “less than very well”. The most common other spoken language is Spanish with 4.0%.	2. Lack of geographic diversity in affordable housing choices: * New affordable housing development, whether by the use of CDBG or HOME funds, the local housing authorities, or private-sector LIHTC developers should be given priority consideration when it will be located in an area that increases access to new types of opportunity not generally available in neighborhoods where existing affordable housing is located.	2. Encourage Rental-Multifamily Housing Development/Rehabilitation: *Assess areas with established infrastructure that can accommodate additional rental/multifamily development. *Identify existing multifamily housing developments that may be candidates for redevelopment of rehabilitation, work to secure or commit funding for these activities. *Review the availability and need for additional amenities, such as public K-12 schools, grocery stores and public transportation within the vicinity for new developments.	Highest priorities identified are Affordable Housing (56.86%) and Infrastructure (22.22%)
There are a total of 45,075 housing units in Davenport, of those approximately 10.7% are vacant. Housing units built 1979 or earlier account for almost ¾ of all housing units in the City (74.9%). The median housing value is $127,100.	3. Accessible housing for people with disabilities in short supply: * Consider opportunities to encourage or incentivize the construction of new accessible housing units for people with disabilities.	3. Encourage Development of Vacant and Underdeveloped Parcels: * Encourage the development of vacant and underdeveloped parcels in close proximity to existing services and infrastructure through development incentives and fee waivers or deferments.	More than 90% of respondents use City services on a regular basis.
Median rent is $757/month and approximately 22.6% of rental households pay over $1,000/month.	4. Community development planning lacks an equity focus: * Explore the creation of an evaluation tool that could be used to review development and policy decisions to maximize equitable outcomes. *A broad-based and trusted local convening institution should be enlisted to create and offer a periodic anti-racism training aimed at local community leaders.	4. Encourage Support for Homeless Housing and Services: *Seek out funding through federal, state, and local homeless funding sources, including government agencies and charitable foundations. * Assist with services for those facing eviction in terms of resources and other re-housing information	Highest priority in housing services were (in order) transitional housing, senior housing, and owner ioccupied rehabilitation/energy efficiency (tie).

The median household income is $50,001. Households with income less than 30% AMI account for 13.3% and households making less than 80% AMI account for 44.8% of total households. Families whose income is below the poverty level is 11.6% and of those 8.1% have children.	5. Protected classes face barriers to fairly accessing housing: * coordinate delivery of a regional fair housing education program that reaches the public with information about fair housing rights and responsibilities, how to recognize discrimination, and how and where to file a complaint. *Identify an appropriate partner organization and coordinate a fair housing testing program directed at potential issues of steering. * Meet with lenders and/or appraisers to inform them of goals for furthering fair housing and discuss lending barriers related to homeownership and community reinvestment in low-income neighborhoods.	5. Encourage additional production of housing units suitable for special needs populations, such as the elderly, the disabled, transitional housing and those needing care with services: *Demand for housing for a selection of special populations, such as the disabled or those needing care with services. * Research and determine sources of additional funding that will aid in securing the development of small scale facility development, taking into consideration the proximity of pertinent services and transportation options.	Highest priority economic development services (in order) are job creation/retention, employment centers/job services, and energy efficiency improvements.
29.9% of all households have at least one housing problem and 15.5% have at least one severe housing problem. Households that are 30-50% cost burdened account for 14.8%. Approximately 13.5% of households that are cost burdened greater that 50% and those making less than 30% AMI account for 8.6%.	6. Community perceptions influence housing choices: *Explore options for a community-wide event or events that encourage interaction among diverse participants in neighborhoods throughout the region.	6. Encourage Activities for Homeowners/Homebuyers: * Supporting current homebuyers to maintain existing housing stock through rehabilitation programs * Educational classes for first time homebuyers and housing counseling services	Highest priority for infrastructure projects (in order) were street/alley improvements, demolition of blighted structures, and transportation improvements.
Note: The four housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30%. The four severe housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 50%. Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs", which includes mortgage payment, utilities, association fees, insurance, and real estate taxes.			Highest priority public services (in order) are homeless services, mental health services and childcare services.

City of Davenport

Department: Public Safety **Action / Date**
Contact Info: Jamie Swanson | 563-326-7795 **11/8/2023**

Subject:
Motion approving a beer and liquor license application.

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

Ward 3

The Last Picture House (Cinema Paradiso, LLC) – 325 East 2nd Street – New License – License Type: Class C Liquor (On-Premises) **Pending Fire Department review*

Recommendation:
Consider the Motion.

Background:
The Last Picture House | This was placed on the agenda by Alderman Condon and Alderman Gripp. All departments except Fire have reviewed the application at the time of posting the agenda.

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	10/27/2023 - 10:05 AM

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Laura Berkley | 563-888-3553 **11/8/2023**

Subject:
Third Consideration: Ordinance for Case REZ23-04 being the request of Jason Cousineau to rezone approximately 1.19 acres of land generally located southeast of the Grand Avenue and East 46th Street intersection at 801 East 46th Street from R-MF Multi-Family Residential District to I-1 Light Industrial Zoning District. [Ward 7]

Recommendation:
Adopt the Ordinance.

Background:
Jason Cousineau, petitioner for REZ23-04, has proposed upscale flex storage units/garage units for the subject property. This storage use requires, at a minimum, I-1 Light Industrial zoning. The Plan and Zoning Commission reviewed Case REZ23-04 at its September 19, 2023 meeting and has recommended approval subject to the listed findings.

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Residential General.
2. The proposed zoning map amendment to I-1 Light Industrial District is compatible with the zoning and uses of nearby developed property.
3. The zoning map amendment will enable the area to be developed in a manner consistent with the surrounding area.
4. The proposed zoning map amendment does not hinder the public health, safety, and welfare of the City.
5. The proposed amendment will not create any nonconformities with future development.

Discussion:

Re-zonings are intended to determine if the district itself is appropriate and compatible with surrounding districts and development. Any submitted concept plans or proposed designs are for reference only, but can be useful in visualizing potential development.

In 2018, City Council approved a previous request to rezone this property, being Case REZ18-01 (Tom Swanwick, Petitioner) which rezoned the property from C-2 General Commercial to R-6M High Density Residential District (under the “1983” Zoning Code) for a proposed 10-unit townhouse development with ‘fee simple title’. The project never came to fruition and the property has remained vacant to present day.

Comprehensive Plan:

Within Existing Urban Service Area: Yes
Within Urban Service Area 2035: Yes
Future Land Use Category: Residential General (RG)

Zoning:

Existing: R-MF Multiple-Family Dwelling District
Proposed: I-1 Light Industrial District

Technical Review:

Technical review comments have been received and no concerns have been identified; Site Plan review shall require compliance with all development codes.

Approval Standards for Map Amendments (Chapter 17.14.040):

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

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

Staff response: The property is designated Residential General (RG) which provides for neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible services. 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.

It is staff's opinion that the proposed rezoning can be considered compatible to the adjacent area with regards to the Comprehensive Plan and adopted land use policies even if the specific property is, at a cursory level, different from the specific nature of the Residential General designation. Staff would prefer to maintain the existing RG classification to direct future uses, even though this rezoning would allow for industrial uses.

b. The compatibility with the zoning of nearby property.

Staff response: The surrounding zoning is I-1 Light Industrial to the north and low intensity commercial to the west and southwest, with open space to the south.

It is staff’s opinion that the proposed rezoning is compatible with the zoning of nearby property due to the large industrial area to the north.

c. The compatibility with established neighborhood character.

Staff response: The area is characterized predominately with industrial uses and some apartment uses. These existing uses have been situated as such for nearly 20 years without incident or recorded complaints. There should be little or no conflicts between the low intensity cemeteries to the south and the industrial use which would be permitted in the I-1 Light Industrial District.

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

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

Staff response: It is staff's opinion that the proposed zoning map amendment will not hinder the public health, safety, and welfare of the City.

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

Staff response: The property is presently zoned R-MF Multiple-Family Residential District. Developments of these types have been found to be compatible with the adjacent industrial and commercial uses. Development opportunities would exist for uses under the current zoning district, similar to those that would existing under the proposed district.

It is staff's opinion that the proposed zoning map amendment will enable the area to be developed in a manner consistent with the surrounding neighborhood.

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

Staff response: It is staff's opinion that the proposed zoning map amendment will not create any nonconformities.

Public Input:

Property owners within 200 feet of the property have been notified and a sign has been placed on the property. A Public Hearing notice was published in the *Quad City Times* per State of Iowa rezoning requirements. The Public Hearing before the Plan and Zoning Commission was held on September 5, details of which are in the attached minutes for that meeting.

No official comments have been received regarding this request.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance
🗋	Backup Material	Review of Approval Standards
🗋	Exhibit	Background Maps
🗋	Exhibit	Application & Concept Plans
🗋	Exhibit	Public Hearing Notice & Affidavit of Publication
🗋	Exhibit	Notice List

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	9/27/2023 - 8:49 AM

ORDINANCE NO. _____

AN ORDINANCE FOR CASE REZ23-04 BEING THE REQUEST OF JASON COUSINEAU TO REZONE APPROXIMATELY 1.19 ACRES OF LAND GENERALLY LOCATED SOUTHEAST OF THE GRAND AVENUE AND EAST 46TH STREET INTERSECTION AT 801 EAST 46TH STREET FROM R-MF MULTI-FAMILY RESIDENTIAL DISTRICT TO I-1 LIGHT INDUSTRIAL ZONING DISTRICT.

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

Section 1. The following described unit of Scott County, Iowa real estate is hereby rezoned to "I-1 Light Industrial Zoning" District.

LOTS 1-7 AND OUTLOT A OF PADDINGTON SQUARE, BEING PART OF THE SOUTH HALF OF SECTION 12 TOWNSHIP 73 NORTH, RANGE 3 EAST OF THE 5TH P.M. AND ALSO BEING A REPLAT OF PART OF LOT 3 RYDE HIGH SECOND ADDITION.

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

Findings:

1. The zoning map amendment is consistent with the Davenport +2035 Land Use Plan, which identifies the property as Residential General.

2. The proposed zoning map amendment to I-1 Light Industrial District is compatible with the zoning and uses of nearby developed property.

3. The zoning map amendment will enable the area to be developed in a manner consistent with the surrounding area.

4. The proposed zoning map amendment does not hinder the public health, safety, and welfare of the City.

5. The proposed amendment will not create any nonconformities with future development.

Section 3. At its September 20, 2023 meeting, the City Plan and Zoning Commission voted to forward Case REZ23-04 to the City Council with a recommendation for approval subject to the listed findings and conditions.

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 _____

Published in the *Quad-City Times* on _____

Attest:

_____ _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport
Staff Review of Rezoning Approval Standards
September 20, 2023

Case REZ23-04: Request of Jason Cousineau to rezone approximately 1.19 acres of land generally located southeast of the Grand Avenue and E. 46th Street intersection at 801 E. 46th Street from R-MF Multi-Family Residential District to I-1 Light Industrial Zoning District. [Ward 7]

Approval Standards for Map Amendments (Chapter 17.14.040):
The Plan and Zoning Commission recommendation and the City Council decision on any zoning text or map amendment is a matter of legislative discretion that is not controlled by any particular standard. However, in making their recommendation and decision, the Plan and Zoning Commission and the City Council must consider the following standards. The approval of amendments is based on a balancing of these standards. Staff's Review of the Approval Standards is attached in the background materials.

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

Staff Response: The property is designated Residential General (RG) which provides for neighborhoods that are mostly residential but include, or are within one-half mile (walking distance) of scattered neighborhood-compatible services. 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.

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It is staff’s opinion that the proposed amendment is compatible with the established neighborhood character.

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

Staff Response: It is staff's opinion that the proposed zoning map amendment will not hinder the public health, safety, and welfare of the City.

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

Staff Response: The property is presently zoned R-MF Multiple-Family Residential District. Developments of these types have been found to be compatible with the adjacent industrial and commercial uses. Development opportunities would exist for uses under the current zoning district, similar to those that would existing under the proposed district.

It is staff's opinion that the proposed zoning map amendment will enable the area to be developed in a manner consistent with the surrounding neighborhood.

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

Staff Response: It is staff's opinion that the proposed zoning map amendment will not create any nonconformities.

THE CITY OF DAVENPORT
IOWA | USA

VICINITY MAP



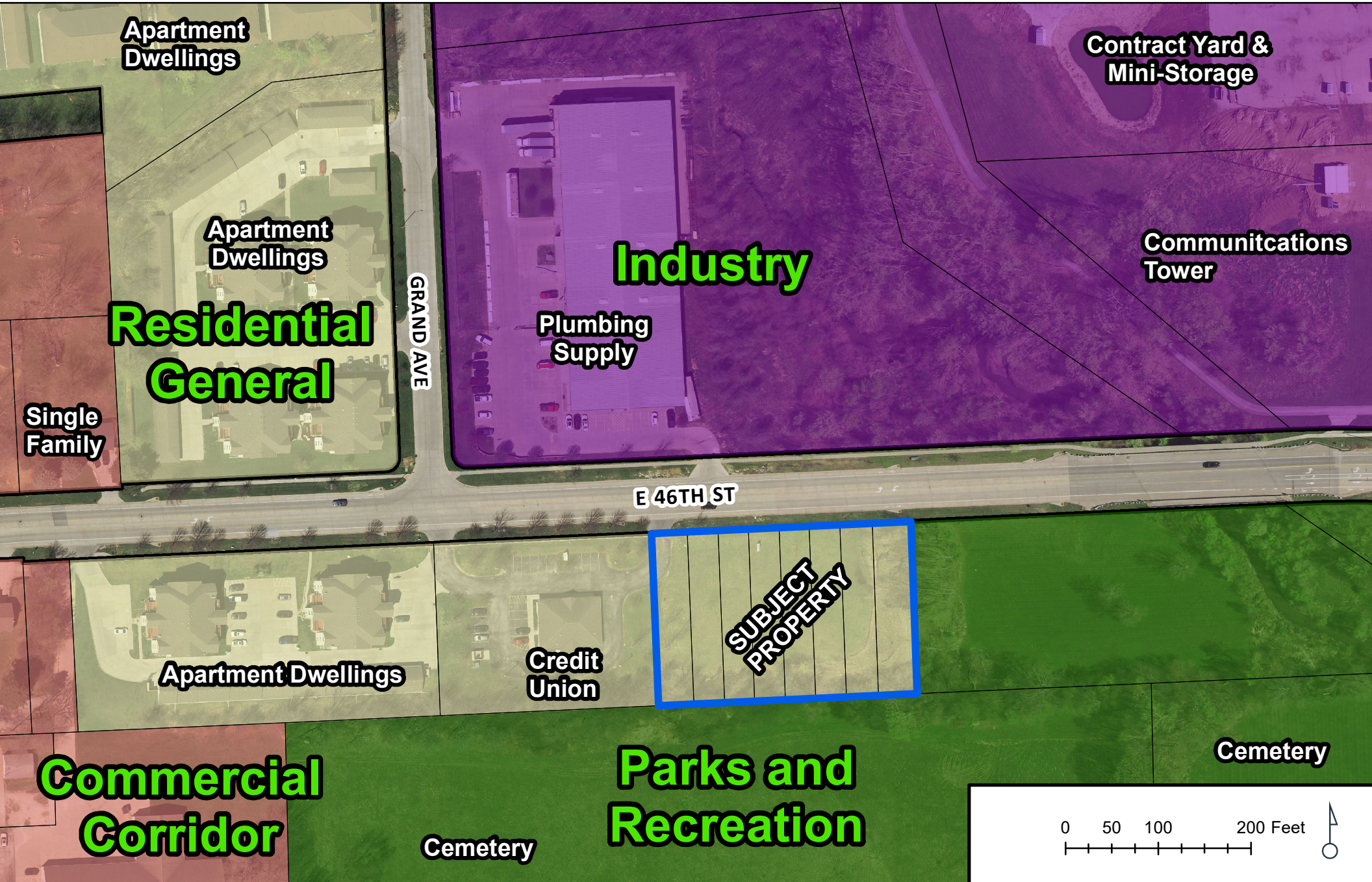
THE CITY OF DAVENPORT
IOWA | USA

ZONING MAP



THE CITY OF DAVENPORT
IOWA | USA

DAVENPORT +2035
FUTURE LAND USE MAP



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

Office 563.326.6198
planning@davenportiowa.com

APPLICATION FOR

REZONING

(MAP AMENDMENT)

DATES: PRE-APP	SUBMITTAL	PUBLIC HEARING

PROJECT TITLE

APPLICANT INFORMATION

Applicant Name

Address

City | State | Zip

Phone

Secondary Phone

E-Mail Address

Acceptance of Applicant

I, the undersigned, certify that the information on this application to the best of my knowledge, is true and correct. I further certify that I have a legal interest in the property in question, and/or that I am legally able to represent all other persons or entities with interest in this property, and acknowledge formal procedure and submittal requirements.

In addition to the application fee, I understand I am responsible for attendance at each meeting on the public hearing/zoning calendar. The City reserves the right to require further site studies as necessary, such as a traffic study.

Type Applicant's Name

Applicant's Signature

Date

DEVELOPMENT TEAM

Property Owner

Address

Phone | Secondary Phone

E-Mail Address

Project Manager/Other

Address

Phone | Secondary Phone

E-Mail Address

SITE ADDRESS OR GENERAL LOCATION DESCRIPTION

NEIGHBORHOOD MEETING DATE / TIME / LOCATION

ZONING DISTRICTS	EXISTING	PROPOSED	SQ. AREA

COMPLETE SUBMITTALS SHALL INCLUDE: ***SUBMITTED***

Concept/Development Plan

Authorization to Act as Applicant*
*only needed if the Applicant is different than the owner

Legal Description* (bearing & distance)
* shall include a MS Word or Text file

Legal Description Dimensioned Sketch

Application Fee* (REQUIRED)
* (check payable to 'City of Davenport')

Rezoning Fee Schedule	
Land Area	**Fee**
Less than 1 acre	$400
1 to less than 10 acres	$750 plus $25/acre
10 acres or more	$1,000 plus $25/acre

***PROJECT NARRATIVE*:** (submit separate sheet if needed)

Submit the first two pages of this form to Planning Staff at: planning@davenportiowa.com or contact staff with any questions or requests for additional information.

Authorization to Act as Applicant

I/We, FOREST VIEW LLC BY TOM SWARWICK
[as property owner(s)]

authorize Jason Cousineau
[the above person(s)]

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

for the property located at Lot 3 Ryde Hgts 2ND Addn (Exc E 28') P1215-03D

Signature(s)*

*Please note: original signature(s) are required signed in front of a Notary.

8/9/23
Date

Notarization:

State of Iowa,

County of Scott,

Sworn and subscribed before me

this 9 day of August, 2023

Drivers License
[identification type]

Notary Public

My Commission Expires:

NOTARIAL SEAL IOWA
MONICA LINEBURG
COMMISSION NUMBER 746353
MY COMMISSION EXPIRES
April 10th 2025

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* *Application Form by Board Type*

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

Zoning Board of Adjustment
Special Use
Hardship Variance
Zoning Appeal
Nonconforming Use Exception

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

Historic Preservation Commission
Certificate of Appropriateness
Landmark Nomination
Demolition Request

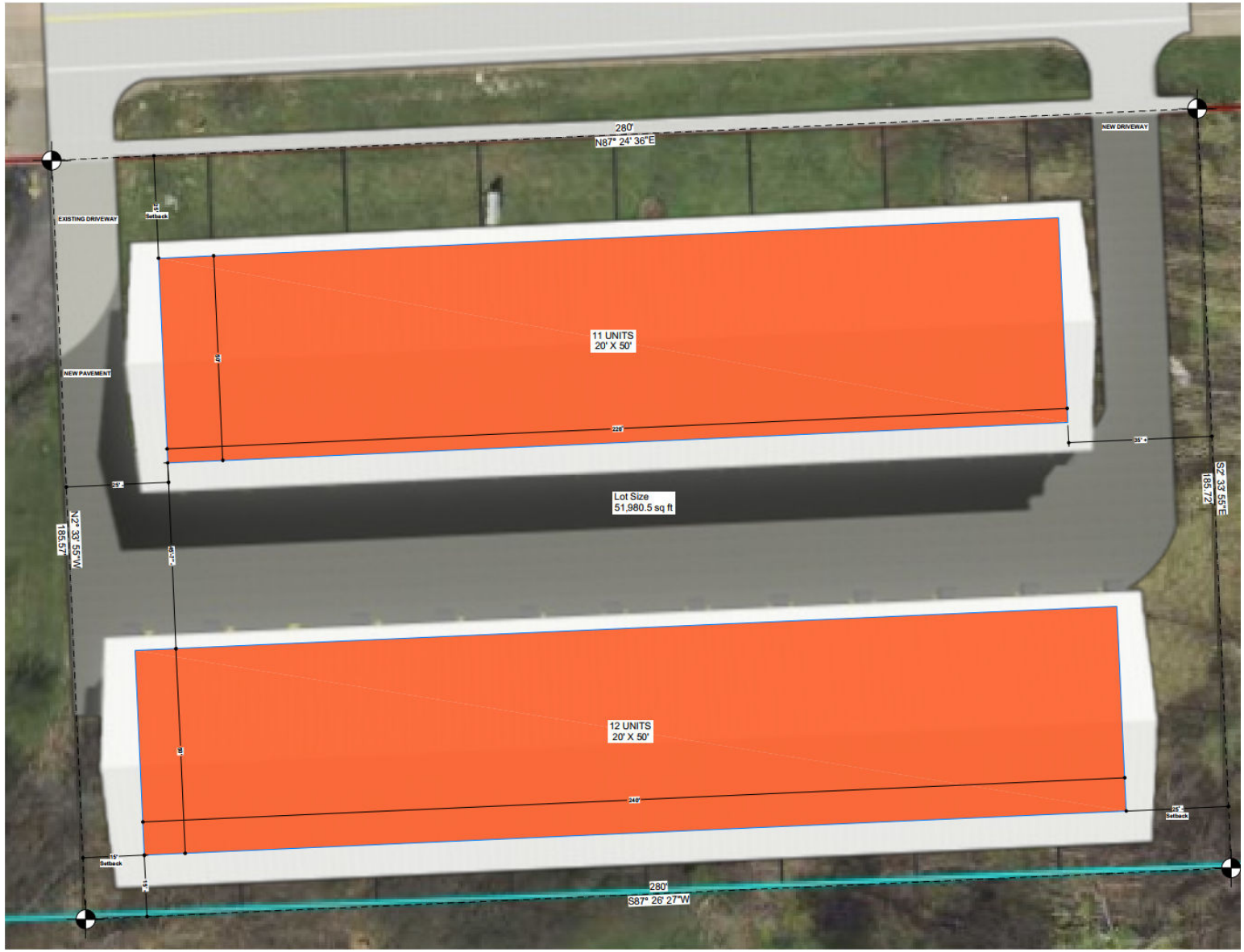
LEGAL DESCRIPTION

Beginning at a point, said point bearing the POINT OF BEGINNING; thence N02°33’55”W., a distance of 185.57 feet; thence N87°24’35”E., a distance of 280 feet; thence S02°33’55”E., a distance of 185.72 feet; thence S87°26’25”W., a distance of 280’ to the POINT OF BEGINNING.

Containing 51,980.50 square feet or 1.1933 acres, more or less.

END OF DESCRIPTION

Site Plan (E. 46th St is at the top of the page and is north of the site)



Overhead View (view facing southeast; E. 46th St is on the left)



Overhead View (view facing northeast; E. 46th St is on the left)



Drive Aisle (view facing west)



East Drive (view facing west; E. 46th St is on the right)



DAVENPORT
DEVELOPMENT & NEIGHBORHOOD SERVICES

Public Hearing Notice | Plan & Zoning Commission

Date: 9/5/2023 **Location:** City Hall | 226 W 4th ST | Council Chambers
Time: 5:00:00 PM **Subject:** Hearing for rezoning request | Plan & Zoning Commission

EXAMPLE NOTICE
LETTER
4 NOTICES SENT

To: All property owners within 200' of the subject property **801 E. 46th ST:**

What is this About?

This notice is being sent to inform you that a public hearing will be held for a rezoning request. The purpose of the rezoning request is to change the property's allowed uses by changing the zoning classification.

Request/Case Description

Case REZ23-04: Request of Jason Cousineau to rezone approximately 1.19 acres of land generally located southeast of the Grand Avenue and E. 46th Street intersection at 801 E. 46th Street from R-MF Multi-Family Residential District to I-1 Light Industrial Zoning District. [Ward 7]

What are the Next Steps after the Public Hearing?

This public hearing is the first step in the review/approval process. The Commission's recommendation from this public hearing will be forwarded to the City Council which will then hold its own public hearing. You will receive a notice of the City Council's public hearing as you received this notice. For the specific dates and times of subsequent meetings, please contact the case planner below.

Would You Like to Submit an Official Comment?

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

Do You Have Any Questions?

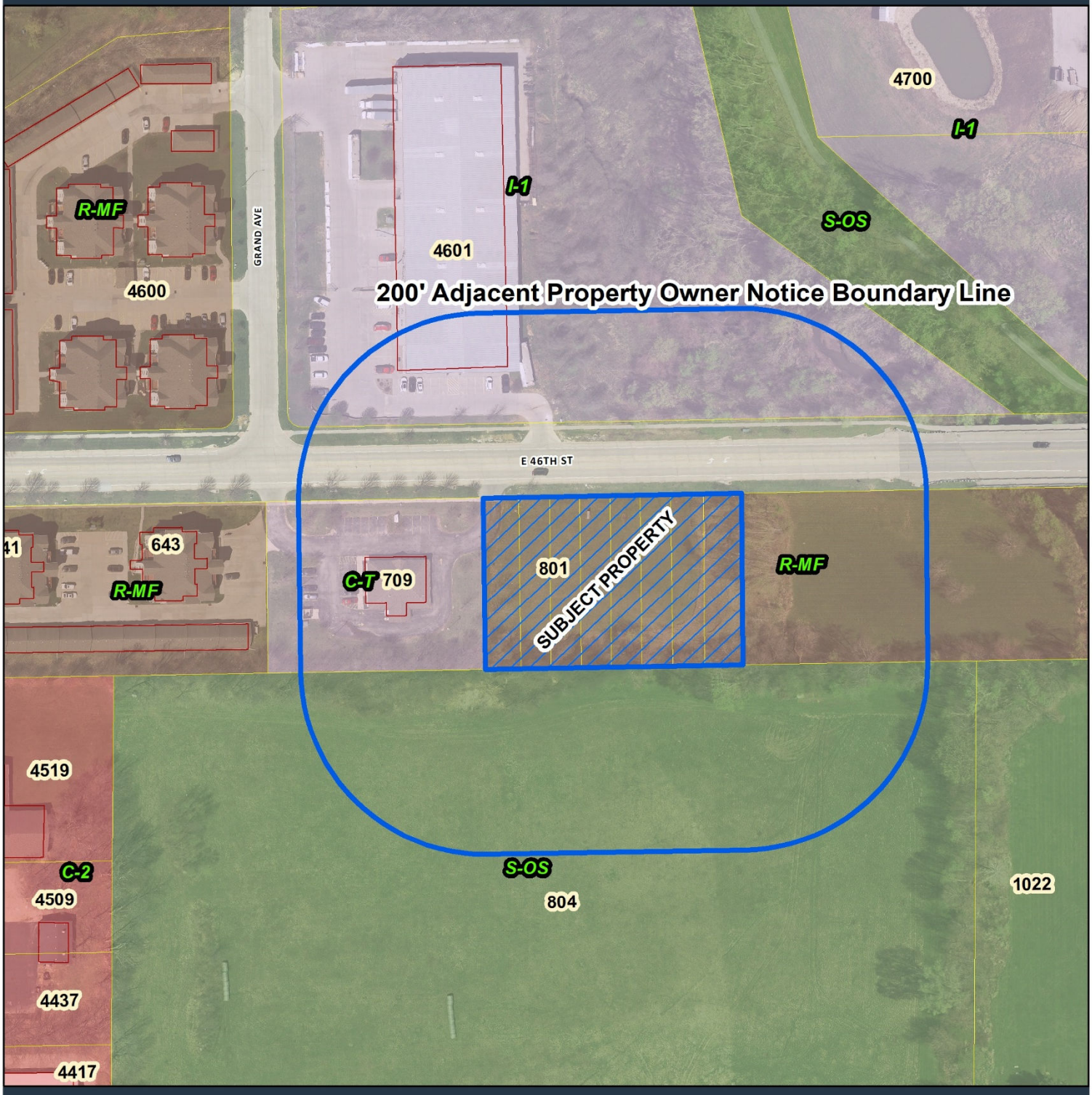
If you have any questions or if accommodations are needed for any reason, please contact the planner assigned to this project (Scott Koops, AICP) at scott.koops@davenportiowa.com or 563-328-6701 . Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: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

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

THE CITY OF DAVENPORT
IOWA | USA

Rezoning Notice Map
REZ23-04

Adjacent Property Owner Notice Area



Rezone R-MF to I-1

0 50 100 200 Feet

*** Proof of Publication ***

STATE OF IOWA
SCOTT COUNTY, } ss.

The undersigned, being first duly sworn, on oath does say that he/she is an authorized employee of THE QUAD-CITY TIMES, morning edition, a daily newspaper printed and published by Lee Enterprises, Incorporated, in the City of Davenport, Scott County, Iowa, and that a notice, a printed copy of which is made a part of this affidavit, was published in said THE QUAD-CITY TIMES, on the dates listed below.

CITY OF DAVENPORT

226 W 4TH ST
DAVENPORT, IA 52801

ORDER NUMBER 162732

NOTICE OF PUBLIC HEARING
Tuesday, September 5, 2023 – 5:00 P.M.
City of Davenport Plan and Zoning Commission
Council Chambers – Davenport City Hall
226 W. 4th Street – Davenport, Iowa

There is on file in the Development & Neighborhood Services (DNS), on behalf of the Plan and Zoning Commission, the following request(s):

Case REZ23-04: Request of Jason Cousineau to rezone approximately 1.19 acres of land generally located southeast of the Grand Avenue and E. 46th Street intersection at 801 E. 46th Street from R-MF Multi-Family Residential District to I-1 Light Industrial Zoning District for storage unit use. [Ward 7]

The public hearing on the above matter is scheduled for 5:00 p.m. on September 5, 2023 in the Council Chambers of Davenport City Hall, 226 West 4th Street, Davenport, Iowa. You may submit comments with written signatures regarding the above item and/or attend the public hearing to express your views; only signed written comments from property-owners within the notice area will be used for official protest determination. Interpretive services are available at no charge. Servicios interpretativos libres estan disponibles. TTY: (563) 326-6145. Any written comments to be reported at the public hearing should be received in the Development & Neighborhood Services Department at the Public Works Building, 1200 E. 46th Street, Davenport, Iowa 52807, no later than 12:00 noon on the day of the public hearing. PO# 2401784
Phone: 563-326-6198

The affiant further deposes and says that all of the facts set forth in the foregoing affidavit are true as he/she verily believes.

Section: Notices & Legals
Category: 2627 Miscellaneous Notices
PUBLISHED ON: 08/26/2023

TOTAL AD COST:	47.14
FILED ON:	8/28/2023

Subscribed and sworn to before me by said affiant this 28 day of August 2023

Notary Public in and for Scott County, Iowa

NOTARIAL SEAL IOWA
CHERYL LOU SCHEMMEL
Commission Number 815098
My Commission Expires
February 4, 2025

REZ23-04 - Jason Cousineau 801 E 46TH ST - Adjacent Owner Notice List

Parcel	Property Address	Owner Name	Owner Street	Owner CityStateZip
Subject Property:	801 E 46th ST	JASON COUSINEAU OBO FOREST VIEW LLC		
Ward/Aldreman:	7TH WARD	CORNETTE		NOTICES SENT: 4
P1215-04	4601 GRAND AVE	PLUMB SUPPLY CO LLC	PO BOX 4558	DES MOINES IA 50305
P1215AOLA	-	MT CALVERY HOLY FAMILY	614 MAIN ST	DAVENPORT IA 52803
P1306-01C	1022 E 39TH ST	DAVENPORT MEMORIAL PARK	1022 E 39TH ST	DAVENPORT IA 52807
P1307-01	804 E 39TH ST	ST MARGUERITE'S CEMETERY ASS'N	614 MAIN ST	DAVENPORT IA 52803

City of Davenport

Department: Public Safety
Contact Info: Gary Statz | 563-326-7754

Action / Date
11/8/2023

Subject:
Third Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by removing Perry Street along the east side from 12th Street to Kirkwood Boulevard between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday, except holidays, therefrom. [Wards 3 & 5]

Recommendation:
Adopt the Ordinance.

Background:
This parking restriction on the east side of Perry Street was enacted in the 1970's to prohibit Palmer students from parking in this area. Due to many changes at Palmer College since then, the restriction is no longer needed and no safety impacts are expected by removing the current parking restrictions. Letters were sent to the residents and we received no objections to this change.

ATTACHMENTS:

	Type	Description
🗋	Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Admin, Default	Approved	9/28/2023 - 4:46 PM

ORDINANCE NO. _____

AN ORDINANCE AMENDING SCHEDULE VII NO PARKING OF CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY REMOVING PERRY STREET ALONG THE EAST SIDE FROM 12TH STREET TO KIRKWOOD BOULEVARD BETWEEN THE HOURS OF 8:00 A.M. TO 6:00 P.M. MONDAY THROUGH FRIDAY, EXCEPT HOLIDAYS, THEREFROM.

Section 1. That Schedule VII No Parking of the Municipal Code of Davenport, Iowa be and the same is hereby amended by removing the following:

Perry Street along the east side from 12th Street to Kirkwood Boulevard between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday except holidays.

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 _____

Published in the *Quad-City Times* on _____

Attest:

_____ _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Safety
Contact Info: Gary Statz | 563-326-7754

Action / Date
11/8/2023

Subject:
First Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding West 47th Street along the north side from Pine Street west to the dead end thereto. [Ward 2]

Recommendation:
Adopt the Ordinance.

Background:
This section of W 47th Street is a seal coat road and is only 24 feet wide. If vehicles park on both side of the roadway emergency vehicles are not able to navigate the area. The north side is the location of the fire hydrants.

ATTACHMENTS:

	Type	Description
	Ordinance	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	10/25/2023 - 12:07 PM
Public Works Committee	Moses, Trish	Approved	10/25/2023 - 12:08 PM
City Clerk	Admin, Default	Approved	10/25/2023 - 12:21 PM

ORDINANCE NO. _____

AN ORDINANCE AMENDING SCHEDULE VII NO PARKING OF CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA, BY ADDING WEST 47TH STREET ALONG THE NORTH SIDE FROM PINE STREET WEST TO THE DEAD END THERETO.

Section 1. That Schedule VII No Parking of Chapter 10.96 entitled "Schedules" the Municipal Code of Davenport, Iowa, be and the same is hereby amended by adding the following:

West 47th Street along the north side from Pine Street west to the dead end.

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 _____

Published in the *Quad-City Times* on _____

Attest:

_____ _____

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Community Planning & Economic Development **Action / Date**
Contact Info: Brian Heyer | 563-326-7735 **11/8/2023**

Subject:
Resolution setting a Public Hearing on the proposed conveyance of vacated public right-of-way containing approximately 25,900 square feet, more or less, known as Spring Street located south of East 53rd Street between Scott County Parcel Numbers N0709A01 and N07098A02 (53rd Luxury, LLC, Petitioner). [Ward 8]

Recommendation:
Adopt the Resolution.

Background:
The City of Davenport recently vacated this dedicated public right-of-way so it could be incorporated into the development of the surrounding land.

Adoption of this Resolution will set the Public Hearing for November 15, 2023 at the Committee of the Whole Meeting beginning at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Backup Material	Location Map

REVIEWERS:

Department	Reviewer	Action	Date
Legal	Admin, Default	Approved	10/27/2023 - 9:54 AM

Resolution No. _____

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION setting a Public Hearing on the proposed conveyance of vacated public right-of-way known as Spring Street located south of East 53rd Street between Scott County Parcel Numbers N0709A01 and N07098A02, approximately 25,900 square feet, more or less (53rd Luxury, LLC, Petitioner).

WHEREAS, the City of Davenport currently owns the vacated public right-of-way known as Spring Street as located South of East 53rd Street between Scott County Parcel Numbers N0709A01 and N0709A02; and

WHEREAS, the City of Davenport desires to sell its interest in the aforementioned real estate; and

WHEREAS, 53rd Luxury, LLC has offered to acquire said property; and

WHEREAS, Iowa law requires a city to hold a Public Hearing prior to conveying its interest in real property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a Public Hearing on the proposed conveyance of vacated public right-of-way known as Spring Street located south of East 53rd Street between Scott County Parcel Numbers N0709A01 and N07098A02, approximately 25,900 square feet, more or less, will be held on November 15, 2023 at the Committee of the Whole Meeting beginning at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street.

Passed and approved this 8th day of November, 2023.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

Right-Of-Way Vacation | Public Hearing Notice

Case ROW23-04: Request of 53rd Luxury, LLC to vacate the unimproved Spring Street right-of-way located south of East 53rd Street. [Ward 8]

ROW Vacation

0 200 400
Feet



City of Davenport

Department: Public Works - Admin
Contact Info: Clay Merritt | 563-326-7734

Action / Date
11/8/2023

Subject:
Resolution accepting work completed under the West 43rd Street (Lincoln Avenue to Linwood Avenue) Reconstruction project by Centennial Contractors of the Quad Cities of Moline, Illinois in the amount of $480,576.19, CIP #35062. [Ward 2]

Recommendation:
Adopt the Resolution.

Background:
The roadway was replaced with a 7-inch concrete roadway on a 6-inch rock base with subdrains. Sidewalk ADA ramp and driveway improvements were also performed.

ATTACHMENTS:

	Type	Description
	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	10/25/2023 - 12:13 PM
Public Works Committee	Moses, Trish	Approved	10/25/2023 - 12:13 PM
City Clerk	Admin, Default	Approved	10/25/2023 - 1:16 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION accepting work completed under the West 43rd Street (Lincoln Avenue to Linwood Avenue) Reconstruction project by Centennial Contractors of the Quad Cities of Moline, Illinois in the amount of $480,576.19, CIP #35062.

WHEREAS, the City of Davenport entered into a contract with Centennial Contractors of the Quad Cities of Moline, Illinois for the West 43rd Street (Lincoln Avenue to Linwood Avenue) Reconstruction project; and

WHEREAS, 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

WHEREAS, the final cost of the contract was $480,576.19.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the West 43rd Street (Lincoln Avenue to Linwood Avenue) Reconstruction project by Centennial Contractors of the Quad Cities of Moline, Illinois in the amount of $480,576.19 is hereby accepted.

Passed and approved this 8th day of November, 2023.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Admin
Contact Info: Clay Merritt | 563-326-7734

Action / Date
11/8/2023

Subject:
Resolution accepting work completed under the North Clark Street (West 11th Street to West 13th Street) Reconstruction project by Five Cities Construction Company of Coal Valley, Illinois in the amount of $683,368.63, CIP #35062. [Wards 1, 3, & 4]

Recommendation:
Adopt the Resolution.

Background:
The roadway was replaced with 8 inches of concrete on a 6-inch rock base with subdrains. In addition, approximately 250 feet of West 11th Street and 300 feet of West 13th Street adjacent to North Clark Street was replaced. Sidewalk ADA ramp improvements and driveway improvements were also performed.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	10/25/2023 - 12:11 PM
Public Works Committee	Moses, Trish	Approved	10/25/2023 - 12:11 PM
City Clerk	Admin, Default	Approved	10/25/2023 - 1:18 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION accepting work completed under the North Clark Street (West 11th Street to West 13th Street) Reconstruction project by Five Cities Construction Company of Coal Valley, Illinois in the amount of $683,368.63, CIP #35062.

WHEREAS, the City of Davenport entered into a contract with Five Cities Construction Company of Coal Valley, Illinois for the North Clark Street (West 11th Street to West 13th Street) Reconstruction project; and

WHEREAS, 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

WHEREAS, the final cost of the contract was $683,368.63.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the North Clark Street (West 11th Street to West 13th Street) Reconstruction project by Five Cities Construction Company of Coal Valley, Illinois in the amount of $683,368.63 is hereby accepted.

Passed and approved this 8th day of November, 2023.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Admin
Contact Info: Clay Merritt | 563-326-7734

Action / Date
11/8/2023

Subject:
Resolution accepting work completed under the West 54th Street (Kelling Street to North Howell Street) Reconstruction project by Five Cities Construction Company of Coal Valley, Illinois in the amount of $317,811.15, CIP #35062. [Ward 8]

Recommendation:
Adopt the Resolution.

Background:
The roadway was replaced with 8-inch concrete pavement on a 6-inch rock base. Sidewalk ADA ramp and driveway improvements were also performed.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	10/25/2023 - 12:14 PM
Public Works Committee	Moses, Trish	Approved	10/25/2023 - 12:14 PM
City Clerk	Admin, Default	Approved	10/25/2023 - 1:18 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION accepting work completed under the West 54th Street (Kelling Street to North Howell Street) Reconstruction project by Five Cities Construction Company of Coal Valley, Illinois in the amount of $317,811.15, CIP #35062.

WHEREAS, the City of Davenport entered into a contract with Five Cities Construction Company of Coal Valley, Illinois for the West 54th Street (Kelling Street to North Howell Street) Reconstruction project; and

WHEREAS, 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

WHEREAS, the final cost of the contract was $317,811.15.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the West 54th Street (Kelling Street to North Howell Street) Reconstruction project by Five Cities Construction Company of Coal Valley, Illinois in the amount of $317,811.15 is hereby accepted.

Passed and approved this 8th day of November, 2023.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Admin
Contact Info: Clay Merritt | 563-326-7734

Action / Date
11/8/2023

Subject:
Resolution approving the plans, specifications, form of contract, and estimate of cost for the Centennial Bridge Seawall Repair project, CIP #68015. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:
This is a seawall repair project at the Centennial Bridge located at 209 South Gaines Street. The work includes temporary excavation protection, excavation and backfill, revetment stone, masonry wall reconstruction, steel railing repairs and concrete repair.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	10/25/2023 - 12:10 PM
Public Works Committee	Moses, Trish	Approved	10/25/2023 - 12:10 PM
City Clerk	Admin, Default	Approved	10/25/2023 - 1:19 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the Centennial Bridge Seawall Repair project, CIP #68015.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa, for the Centennial Bridge Seawall Repair project; and

WHEREAS, notice of Hearing on the 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, Iowa 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 the Centennial Bridge Seawall Repair project,

Passed and approved this 8th day of November, 2023.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works - Admin
Contact Info: Brian Schadt | 563-326-7923

Action / Date
11/8/2023

Subject:
Resolution awarding a contract for the Black Hawk Creek and Walnut Creek Clearing project to Ihrig Works LLC of Long Grove, Iowa in the amount of $278,050, CIP #68015. [Ward 1]

Recommendation:
Adopt the Resolution.

Background:
An Invitation to Bid was issued on October 10, 2023 and sent to contractors. On October 25, 2023 the Purchasing Division opened and read six (6) responsive and responsible bids. Ihrig Works LLC of Long Grove, Iowa was the lowest responsive and responsible bidder and is recommended for award.

Work under this contract includes clearing of vegetation along the berms of Black Hawk Creek from Homestead Avenue to South Concord Street and Walnut Creek from South Fairmount Street to South Concord Street and beyond along Daisy Avenue.

This project will be funded through CIP 68015 | Flood Resiliency Program using General Obligation Bond proceeds.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Backup Material	Bid Tab

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	10/26/2023 - 9:16 AM
Public Works Committee	Moses, Trish	Approved	10/26/2023 - 9:16 AM
City Clerk	Admin, Default	Approved	10/26/2023 - 2:20 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION awarding a contract for the Black Hawk Creek and Walnut Creek Clearing project to Ihrig Works LLC of Long Grove, Iowa in the amount of $278,050, CIP #68015.

WHEREAS, the City needs to contract for the Black Hawk Creek and Walnut Creek Clearing project; and

WHEREAS, Ihrig Works LLC of Long Grove, Iowa was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the Black Hawk Creek and Walnut Creek Clearing project is hereby awarded to Ihrig Works LLC of Long Grove, Iowa in the amount of $278,050.

Passed and approved this 8th day of November, 2023.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: Black Hawk/Walnut Creek Clearing

BID NUMBER: 24-33

OPENING DATE: October 25, 2023

FUNDING: 75532683 530350 68015 | Flood Resiliency Program

RECOMMENDATION: Award the contract to Ihrig Works, LLC of Long Grove, Iowa, in the amount of $278,050.00.

VENDOR NAME	PRICE
Ihrig Works, LLC of Long Grove, IA	**$278,050**
Legacy Corporation of East Moline, IL	$293,500
Langman Construction, Inc. of Rock Island, IL	$298,000
Miller Trucking & Excavating of Silvis, IL	$411,700
McClintock Trucking & Excavating of Silvis, IL	$457,850
Central Excavating Inc of Bettendorf, IA	$621,729

Approved By _____ 10/25/2023
Purchasing Date

Approved By _____ 10-25-23
Dept. Director Date

Approved By _____ 10-25-23
Budget/CIP Date

Approved By _____ 10/25/2023
Assist. City Administrator/CFO Date

City of Davenport

Department: Public Works - Admin
Contact Info: Clay Merritt | 563-326-7734

Action / Date
11/8/2023

Subject:
Resolution awarding a contract for a sanitary sewer condition assessment within the Silver Creek Basin to McClure Engineering Company of Coralville, Iowa in the amount of $718,000, CIP #30057. [Wards 2 & 8]

Recommendation:
Adopt the Resolution.

Background:
The scope of this contract is provide a conditions assessment for the sanitary sewer collection system within the Silver Creek Basin. This assessment will help evaluate the severity of inflow and infiltration, review the structural condition of sewer manholes and pipe segments, and update the City's GIS database.

Once the field investigations are complete, an assessment report outlining recommended improvements and preliminary cost estimates will be delivered to Engineering and Capital Projects staff to review and plan for future sewer rehabilitation projects.

This assessment and the resulting reports are in line with Davenport's current Administrative Order with the Iowa DNR to identify and reduce inflow and infiltration in the sanitary sewer collection system.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	10/25/2023 - 12:11 PM
Public Works Committee	Moses, Trish	Approved	10/25/2023 - 12:12 PM
City Clerk	Admin, Default	Approved	10/25/2023 - 1:19 PM

Resolution No. _____

Resolution offered by Alderman Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION awarding a contract for a sanitary sewer condition assessment within the Silver Creek Basin to McClure Engineering Company of Coralville, Iowa in the amount of $718,000, CIP #30057.

WHEREAS, the City of Davenport is seeking to have a condition assessment on the sanitary sewer collection system within the Silver Creek Basin; and

WHEREAS, McClure Engineering Company of Coralville, Iowa has been selected to provide these services at agreed upon prices.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for a sanitary sewer condition assessment within the Silver Creek Basin is hereby awarded to McClure Engineering Company of Coralville, Iowa in the amount of $718,000.

Passed and approved this 8th day of November, 2023.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

City of Davenport

Department: Finance
Contact Info: Clay Merritt | 563-326-7734

Action / Date
11/8/2023

Subject:
Resolution authorizing the Mayor to execute the necessary documents to grant a gas easement on City-owned property located at the southwest corner of West River Driver and Marquette Street (Parcel L0017-01) to MidAmerican Energy. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:
The purpose of the easement is to allow MidAmerican Energy to reconstruct, attach, replace, or remove line(s) and facilities for the transportation of natural gas prior to the City of Davenport Flood Mitigation project at the intersection of West River Drive and Marquette Street.

The easement is approximately 855 square feet.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution
🗋	Exhibit	Easement Agreement
🗋	Exhibit	Easement Plat
🗋	Exhibit	Aerial
🗋	Exhibit	Public Hearing Notice

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Moses, Trish	Approved	10/25/2023 - 12:06 PM
Public Works Committee	Moses, Trish	Approved	10/25/2023 - 12:06 PM
City Clerk	Admin, Default	Approved	10/25/2023 - 1:13 PM

Resolution No. _____

Resolution offered by Alderman Condon.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION authorizing the Mayor to execute the necessary documents to grant a gas easement on City-owned property located at the southwest corner of West River Driver and Marquette Street (Parcel L0017-01) to MidAmerican Energy.

WHEREAS, this gas easement is necessary to facilitate work associated with the Flood Mitigation project at the intersection of West River Drive and Marquette Street; and

WHEREAS, this easement will allow MidAmerican Energy Company to provide facilities for the transportation of natural gas to the surrounding area and for the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, Iowa that the Mayor is hereby authorized to execute the necessary documents to grant a gas easement on City-owned property located at the southwest corner of West River Drive and Marquette Street (Parcel L0017-01) to MidAmerican Energy.

Passed and approved this 8th day of November, 2023.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

Prepared by and return to: Joshua T. Morse 563-333-8520
MIDAMERICAN ENERGY ATTN: RIGHT-OF-WAY SERVICES PO Box 4350-DV10, Davenport, IA 52808

MIDAMERICAN ENERGY COMPANY
GAS EASEMENT

		State of	Iowa	
Folder No.	122360	County of	Scott	
Work Req. No.	DR3031338	Section	35	
Project No.	A5615	Township	78	North
		Range	3	East of the 5th 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) **The City of Davenport, Iowa, a Municipal Corporation**, its successors and assigns ("Grantor"), does hereby grant to MIDAMERICAN ENERGY COMPANY, its successors and assigns ("Grantee"), a perpetual, non-exclusive easement to construct, attach, reconstruct, operate, maintain, replace or remove line(s) and facilities for the transportation of natural gas, including but not limited to, meters, valves, support brackets, piping, line markers and other reasonably necessary equipment incident thereto (collectively "Facilities") under, upon 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:

Part of the Northwest Quarter of Section 35, Township 78 North, Range 3 East of the Fifth Principal Meridian in the City of Davenport, County of Scott, State of Iowa, being more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of said Section 35; thence South 00° 04' West 1458.72 feet along the West line of the Northwest Quarter of said Section 35 to its intersection with the present Southerly fight of way line of West River Street (U.S. Route 61) which point is also the place of beginning to the tract of land herein described; thence North 82° 25' 30" East 54.57 feet along said right of way line; thence in a Northeasterly direction along said right of way line on a curve concave to the Southeast and the radius of which is 2427.43 feet for a distance of 114.65 feet to River Street and Marquette Street; thence South 00° 04' West 114.34 feet along the West line of said Marquette Street; thence South 79° 30' West 170.90 feet to the West line of the Northwest Quarter of said Section 35; thence North 00° 4' East 125.88 feet along the West line of the Northwest Quarter of said Section 35 to the place of beginning.

Subject to an easement for the continued maintenance, operation and use of all existing conduits, sewers, water mains, gas lines, electric power lines, wires and other utilities of any kind whatsoever on said premises, whether owned, operated, used or maintained by the Chicago, Rock Island and Pacific Railroad

Company, its licensees or others, and whether or not of record, with reasonable right of entry for the purpose of repairing, reconstructing and replacing same; and Subject to a reservation by the Chicago, Rock Island and Pacific Railroad Company, its successors and assigns, of all coal, oil, gas, casinghead gas and all ores and minerals of every kind and nature underlying the surface of said premises, together with the full right, privilege and license at any and all times to explore, or drill for and to protect, conserve, mine, take, remove and market any and all such products in any manner which will not damage structures on the surface of said premises.

EASEMENT AREA:

An underground gas easement described as follows:

Said easement area is generally depicted on Exhibit "A", attached 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. 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 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.

6. 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 or 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 of 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.

7. 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.

8. 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.

Dated this ____ day of _____, 2023

The City of Davenport, Iowa, a Municipal Corporation

By:_____

Name Printed:_____

Title:_____

ACKNOWLEDGMENT

STATE OF _____)
) ss
COUNTY OF _____)

This record was acknowledged before me on _____, 2023,

by_____as_____

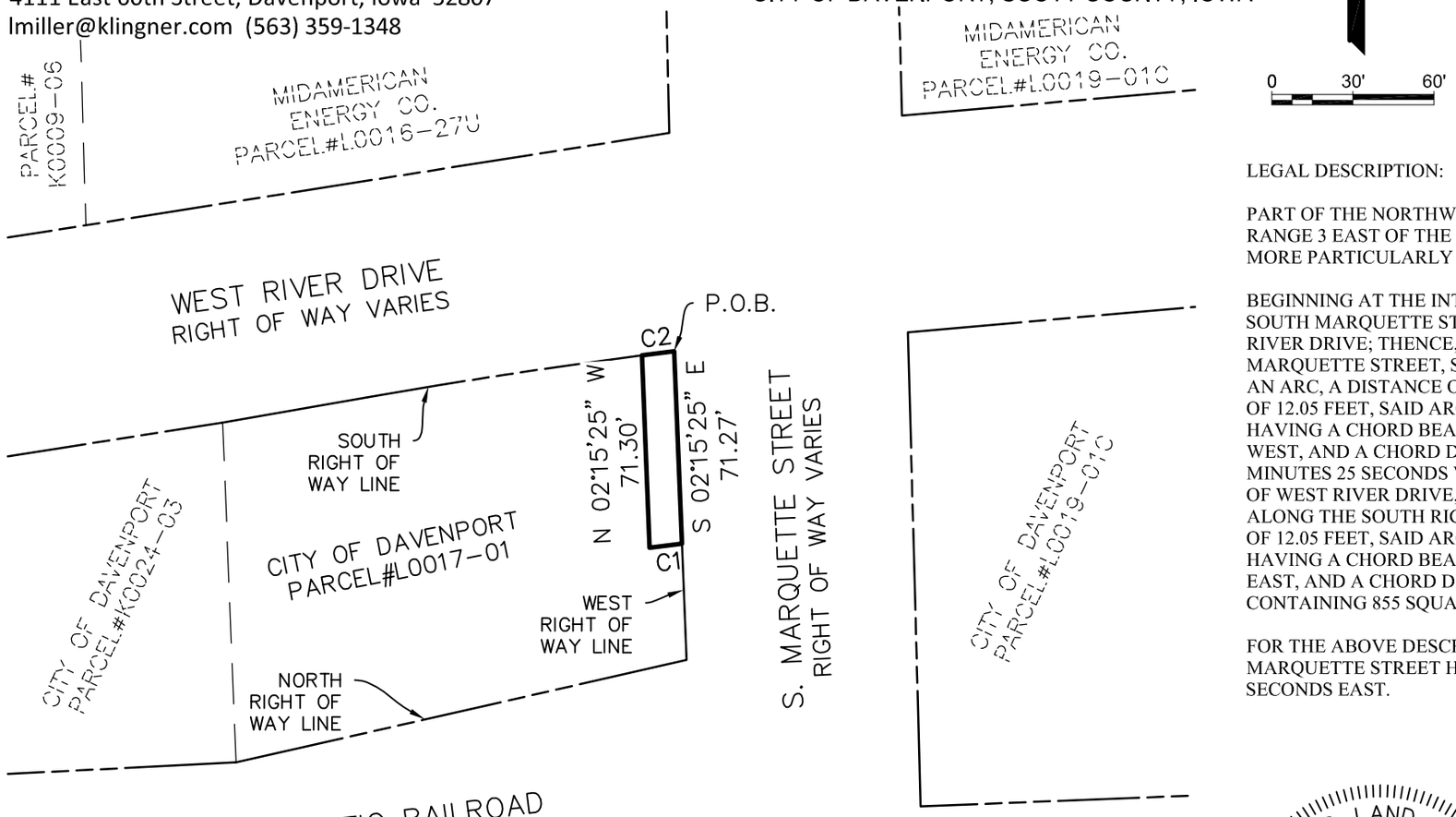
of The City of Davenport, Iowa, a Municipal Corporation.

_____
Signature of Notary Public

Description: Part N.W. 1/4 Section 35,
Township 78 North, Range 3 East of 5th P.M.
Requestor: Mid-American Energy
Proprietor: City of Davenport
Surveyor: Luke D. Miller
Survey Company: Klingner & Associates, P.C.
Return To: Klingner & Associates, P.C.
4111 East 60th Street, Davenport, Iowa 52807
lmiller@klingner.com (563) 359-1348

UNDERGROUND GAS EASEMENT PLAT

PART OF NORTHWEST 1/4 SECTION 35,
TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH P.M.,
CITY OF DAVENPORT, SCOTT COUNTY, IOWA





PRELIMINARY DO NOT RECORD

LEGAL DESCRIPTION:

PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH P.M., CITY OF DAVENPORT, SCOTT COUNTY, IOWA, MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF SOUTH MARQUETTE STREET AND THE SOUTH RIGHT OF WAY LINE OF WEST RIVER DRIVE; THENCE, ALONG THE WEST RIGHT OF WAY LINE OF SOUTH MARQUETTE STREET, SOUTH 02 DEGREES 15 MINUTES 25 SECONDS EAST, TO AN ARC, A DISTANCE OF 71.27 FEET; THENCE, ALONG SAID ARC A DISTANCE OF 12.05 FEET, SAID ARC HAVING A RADIUS OF 2,356.43 FEET, SAID ARC HAVING A CHORD BEARING OF SOUTH 82 DEGREES 31 MINUTES 01 SECONDS WEST, AND A CHORD DISTANCE OF 12.05 FEET; THENCE, NORTH 02 DEGREES 15 MINUTES 25 SECONDS WEST, TO AN ARC ON THE SOUTH RIGHT OF WAY LINE OF WEST RIVER DRIVE, A DISTANCE OF 71.30 FEET; THENCE, ALONG SAID ARC ALONG THE SOUTH RIGHT OF WAY LINE OF WEST RIVER DRIVE, A DISTANCE OF 12.05 FEET, SAID ARC HAVING A RADIUS OF 2,427.43 FEET, SAID ARC HAVING A CHORD BEARING OF NORTH 82 DEGREES 40 MINUTES 13 SECONDS EAST, AND A CHORD DISTANCE OF 12.05 FEET, TO THE POINT OF BEGINNING, CONTAINING 855 SQUARE FEET, MORE OR LESS.

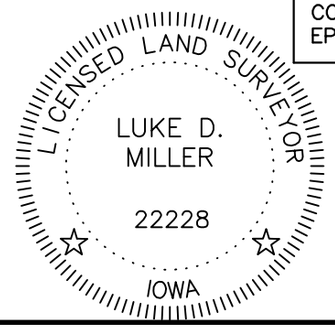
FOR THE ABOVE DESCRIPTION THE WEST RIGHT OF WAY LINE OF SOUTH MARQUETTE STREET HAS A BEARING OF SOUTH 02 DEGREES 15 MINUTES 25 SECONDS EAST.

BEARINGS BASED ON THE IOWA STATE PLANE COORDINATE SOUTH ZONE, NAD 83 (2011) EPOCH 2010.00

LEGEND

- PROPOSED EASEMENT
- EXISTING RIGHT OF WAY LINE
- EXISTING LOT LINES
- 12.34' MEASURED DISTANCE

Curve Table					
Curve #	Length	Radius	Delta	CH. BRNG.	CH. LEN.
C1	12.05'	2356.43'	0°17'35"	S82°31'01"W	12.05'
C2	12.05'	2427.43'	0°17'04"	N82°40'13"E	12.05'



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.

Signature: PRELIMINARY DO NOT RECORD
Luke D. Miller P.L.S., License Number 22228

Date: 9-28-2023
My license renewal date is December 31, 2023

THIS SHEET ONLY
Pages or sheets covered by this seal:

KLINGNER & ASSOCIATES, P.C.
Engineers • Architects • Surveyors
www.klingner.com
Davenport, Iowa
4111 East 60th Street
563.359.1348
Quincy, IL Hannibal, MO
Burlington, IA Galesburg, IL Pella, IA
Columbia, MO Carbondale, IL

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REVISION HISTORY

MARK	DESCRIPTION	DATE	APPR

PRELIMINARY DO NOT RECORD

UNDERGROUND GAS EASEMENT PLAT
MID-AMERICAN ENERGY
2811 FIFTH AVENUE
ROCK ISLAND, IL 61201

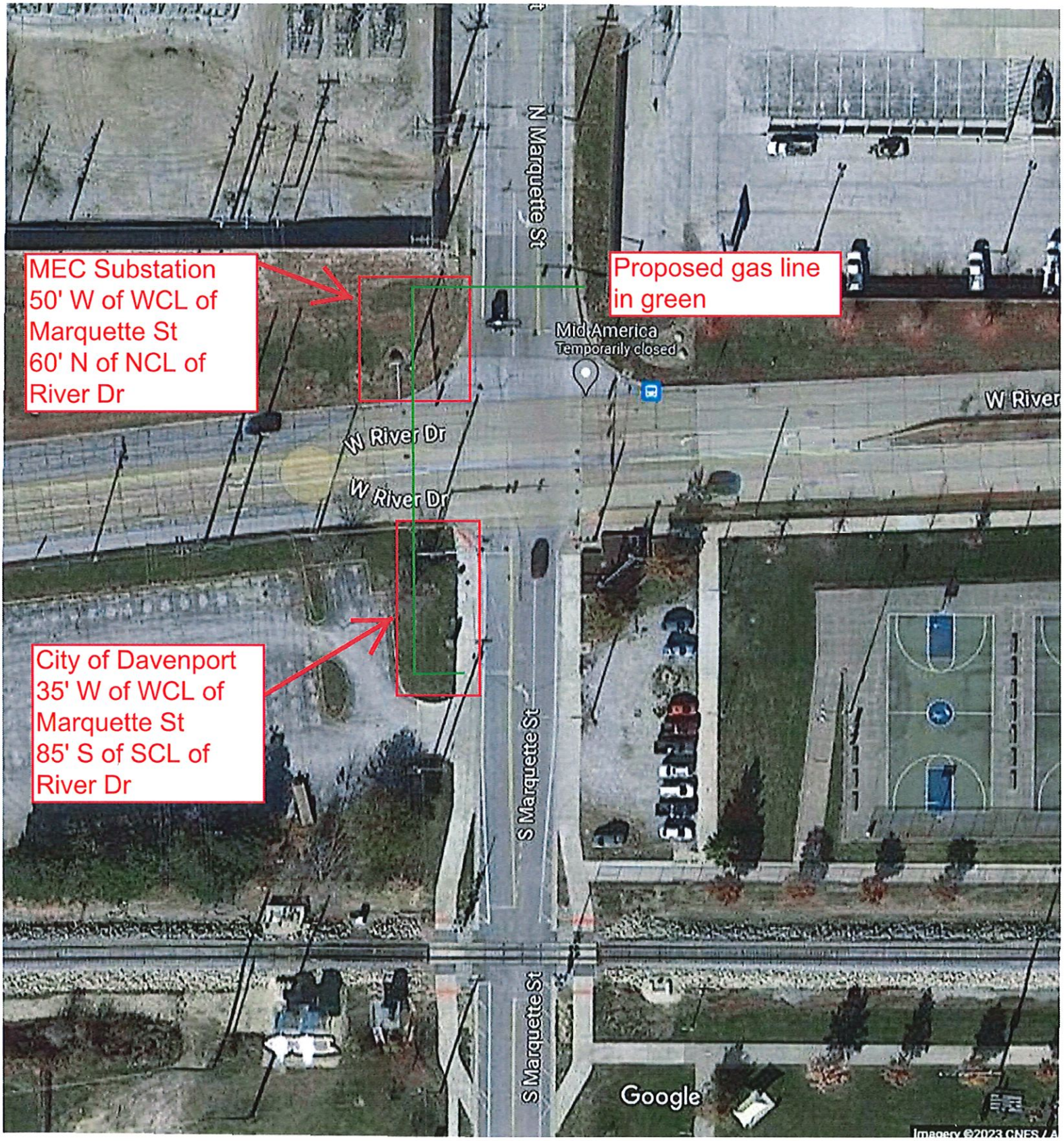
Non-Reduced Sheet Size: 14" x 8.5"

DESIGNED	DRAWN JLR
FIELD	FIELD BOOK
CHECKED LDM	CHECK DATE

UNDERGROUND GAS EASEMENT PLAT

PROJECT NO. 22-6003.030 EASEMENT
DRAWING ISSUED DATE: 9-28-2023

SHEET 1 OF 1


MEC Substation
50' W of WCL of
Marquette St
60' N of NCL of
River Dr
Proposed gas line
in green
City of Davenport
35' W of WCL of
Marquette St
85' S of SCL of
River Dr
N Marquette St
Mid America
Temporarily closed
W River Dr
W River Dr
W River
S Marquette St
S Marquette St
Google
Imagery ©2023 CNES / A

Notice of Hearing

On a Resolution to Grant MidAmerican Energy Company an Easement on City Property, Parcel L0017-01

Notice is hereby given that at 5:30 P.M., on Wednesday, November 1, 2023, at the Council Chambers, City Hall, in the City of Davenport, Iowa, there will be conducted a hearing on a RESOLUTION granting MidAmerican Energy Company an Easement across city property located at the following described location:

PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 3 EAST OF THE 5TH P.M., CITY OF DAVENPORT, SCOTT COUNTY, IOWA, MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF SOUTH MARQUETTE STREET AND THE SOUTH RIGHT OF WAY LINE OF WEST RIVER DRIVE; THENCE, ALONG THE WEST RIGHT OF WAY LINE OF SOUTH MARQUETTE STREET, SOUTH 02 DEGREES 15 MINUTES 25 SECONDS EAST, TO AN ARC, A DISTANCE OF 71.27 FEET; THENCE, ALONG SAID ARC A DISTANCE OF 12.05 FEET, SAID ARC HAVING A RADIUS OF 2,356.43 FEET, SAID ARC HAVING A CHORD BEARING OF SOUTH 82 DEGREES 31 MINUTES 01 SECONDS WEST, AND A CHORD DISTANCE OF 12.05 FEET; THENCE, NORTH 02 DEGREES 15 MINUTES 25 SECONDS WEST, TO AN ARC ON THE SOUTH RIGHT OF WAY LINE OF WEST RIVER DRIVE, A DISTANCE OF 71.30 FEET; THENCE, ALONG SAID ARC ALONG THE SOUTH RIGHT OF WAY LINE OF WEST RIVER DRIVE, A DISTANCE OF 12.05 FEET, SAID ARC HAVING A RADIUS OF 2,427.43 FEET, SAID ARC HAVING A CHORD BEARING OF NORTH 82 DEGREES 40 MINUTES 13 SECONDS EAST, AND A CHORD DISTANCE OF 12.05 FEET, TO THE POINT OF BEGINNING, CONTAINING 855 SQUARE FEET, MORE OR LESS.

FOR THE ABOVE DESCRIPTION THE WEST RIGHT OF WAY LINE OF SOUTH MARQUETTE STREET HAS A BEARING OF SOUTH 02 DEGREES 15 MINUTES 25 SECONDS EAST.

At said hearing any interested person may file written objection or comments with respect to the proposed granting MidAmerican Energy Company an Easement on City Property, Parcel L0017-01.

Brian J. Krup
Deputy City Clerk

Davenport, Iowa
October 27, 2023

Publish once October 27, 2023
QUAD-CITY TIMES

City of Davenport

Department: Finance
Contact Info: Cory Smith | 563-888-3547

Action / Date
11/8/2023

Subject:
Resolution approving a three-year contract for digital storage to Insight Public Sector of Des Moines, Iowa in the amount of $1,272,983.60 using National Association of State Procurement Officers (NASPO) contract #MNWNC-125. [All Wards]

Recommendation:
Adopt the Resolution.

Background:
NASPO is a cooperative purchasing program facilitating public procurement solicitations and agreement contracts. By using the purchasing power of all 50 states, they improve the quality of purchasing and procurement, and attain greater efficiency and economy.

Pure Storage of Santa Clara, California was awarded NASPO contract #MNWNC-125 for Computer Equipment, Peripherals and Related Services. Insight Public Sector of Des Moines, Iowa is identified as an Iowa partner for this contract as listed on the NASPO Participating Addendum.

The three-year contract totals $1,272,983.60 with $713,961.20 allocated in year one, and $279,511.20 allocated in years two and three.

Funding for this contract is from account 79024675 530350 67014 | IT Storage.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	10/27/2023 - 9:36 AM

Resolution No. _____

Resolution offered by Alderman Condon.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION awarding a three-year contract for digital storage to Insight Public Sector of Des Moines, Iowa in the amount of $1,272,983.60 using National Association of State Procurement Officers (NASPO) contract #MNWNC-125.

WHEREAS, the City of Davenport needs to purchase digital storage space; and

WHEREAS, Pure Storage of Santa Clara, California was awarded NASPO contract #MNWNC-125 for Computer Equipment, Peripherals and Related Services; and

WHEREAS, Insight Public Sector of Des Moines, Iowa is identified as an Iowa partner for NASPO contract #MNWNC-125 on the NASPO Participating Addendum.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a three-year contract for the purchase of digital storage is hereby awarded to Insight Public Sector of Des Moines, Iowa in the amount of $1,272,983.60 using National Association of State Procurement Officers (NASPO) contract #MNWNC-125.

Passed and approved this 8th day of November, 2023.

Approved:

_____
Mike Matson
Mayor

Attest:

_____
Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Safety
Contact Info: Brian Krup | 563-326-6163

Action / Date
11/8/2023

Subject:
Motion approving a noise variance request on the listed dates and times for an outdoor event.

Freight House Farmers' Market; Jingle and Mingle on the Mississippi; Freight House | 421 West River Drive; 4:00 p.m. - 10:00 p.m. Friday, December 1, 2023; 10:00 a.m. - 10:00 p.m. Saturday, December 2, 2023; and 10:00 a.m. - 4:00 p.m. Sunday, December 3, 2023; Outdoor music, over 50 dBA. [Ward 3]

Recommendation:
Pass the Motion.

Background:
This request for a noise variance has been received pursuant to the Davenport Municipal Code, Chapter 8.19 Noise Abatement, Section 8.19.090 Special Variances.

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	10/26/2023 - 4:48 PM

City of Davenport

Department: Public Safety **Action / Date**
Contact Info: Jamie Swanson | 563-326-7795 **11/8/2023**

Subject:
Motion approving beer and liquor license applications.

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

Ward 3

Jingle & Mingle on the Mississippi (Freight House Farmer's Market, Inc) - 421 West River Drive - Temporary Event November 29-December 3 - License Type: Special Class C Beer/Wine (On-Premises)

The Wooden Nickel (JNSS, Inc) - 2042 West 3rd Street - New License / New Ownership - License Type: Class C Liquor (On-Premises)

Ward 7

The Christmas Cottage (The Christmas Cottage) - 902 West Kimberly Road - New License - License Type: Class B Native Wine (Carry-Out)

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

Ward 2

Rudy's Tacos (Majec, Inc) - 3502 West Kimberly Road #1 - License Type: Class C Liquor (On-Premises)

Ward 3

Carriage Haus (Smoking Haus Entertainment) - 312 West 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Hotel Blackhawk (Innkeeper Hospitality Services, LLC) - 200 East 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Iowa Mini Mart (Samreet, LLC) - 234 West 3rd Street - License Type: Class E Liquor (Carry-Out)

Mac's Tavern (Failte, Inc) - 316 West 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Me & Billy (Me and Billy's) - 200 West 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

River Drive Smoke Shop (AB Kazi, LLC) - 828 West River Drive - License Type: Class E Liquor (Carry-Out)

Thirsty's On 3rd (T On Third, Inc) - 2202 West 3rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 4

Rio Grande Mexican Restaurant Y Cantina, LLC (Rio Grande Mexican Restaurant Y Cantina, LLC) - 1414 West Locust Street - License Type: Class C Liquor (On-Premises)

Ward 5

Bicycle Rack Sports Grill (Sports Station, Inc) - 3303 Brady Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 6

Chili's Grill & Bar (Brinker Restaurant Corporation) - 4020 East 53rd Street #2700 - License Type: Class C Liquor (On-Premises)

Chipotle Mexican Grill (Chipotle Mexican Grill of Colorado, LLC) - 5270 Elmore Avenue #3 - Outdoor Area - License Type: Class C Liquor - (On-Premises)

Los Agaves Mexican Grill (Los Agaves, Inc) - 4876 Utica Ridge Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

The Ridge (Jar Hospitality, LLC) - 4750 Utica Ridge Road #100 - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 7

CASI (Center for Active Seniors, Inc) - 1035 West Kimberly Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

Costa Del Mar Mexican Grill and Seafood (Costa Del Mar, Inc) - 3852 North Brady Street - License Type: Class C Liquor (On-Premises)

Public House Davenport (Public House Davenport) - 5260 Northwest Boulevard - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 8

Double D Diner (Lillypad Boutique, LLC) - 2225 West 53rd Street #400 - License Type: Class C Liquor (On-Premises)

Recommendation:
Pass the Motion.

Background:
These applications have been reviewed by the Police, Fire, and Zoning Departments.

REVIEWERS:

Department	Reviewer	Action	Date
Finance	Admin, Default	Approved	10/27/2023 - 10:05 AM

City of Davenport

Department: Public Works - Admin
Contact Info: Rich Oswald | 563-326-7923

Action / Date
11/8/2023

Subject:
Motion awarding a contract for the demolition of 2800 Eastern Avenue Building F to Johnson Hauling & Excavating LLC of Davenport, Iowa in the amount of $63,500. [Ward 5]

Recommendation:
Pass the Motion.

Background:
An Invitation to Bid was issued on October 4, 2023 and sent to contractors. On October 25, 2023 the Purchasing Division opened and read five (5) responsive and responsible bids. Johnson Hauling & Excavating LLC was the lowest responsive and responsible bidder for the demolition of Building F at the Annie Wittenmyer Complex, 2800 Eastern Avenue, and is recommended for award.

This contract will be funded through account 50106610 520244 | Towing & Demolitions.

ATTACHMENTS:

Type	Description
Backup Material	Bid Tab

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Admin	Moses, Trish	Approved	10/26/2023 - 9:15 AM
Public Works Committee	Moses, Trish	Approved	10/26/2023 - 9:15 AM
City Clerk	Admin, Default	Approved	10/26/2023 - 2:21 PM

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: Demolition – 2800 Eastern Avenue, Building F

BID NUMBER: 24-29

OPENING DATE: October 25, 2023

FUNDING: 50106610 520244 | Tow & Demo

RECOMMENDATION: Award the contract for the demolition of Building F to Johnson Hauling & Excavating of Davenport, Iowa in the amount of $63,500.

VENDOR NAME	PRICE
Johnson Hauling & Excavating LLC of Davenport, IA	**$63,500**
Valley Construction Company of Rock Island, IL	$80,000
G & H Construction Co. Inc. of Pleasant Valley, IA	$98,583
Langman Construction, Inc. of Rock Island, IL	$107,625
Holst Trucking and Excavating Inc of LeClaire, IA	$124,000

Approved By _____ 10/25/2023
Purchasing Date

Approved By _____ 10/25/2023
Dept. Director Date

Approved By _____ 10/25/23
Budget/CIP Date

Approved By _____ 10/26/2023
Assist. City Administrator/CFO Date

City of Davenport

Department: Public Works - Admin
Contact Info: Clay Merritt | 563-326-7734

Action / Date
11/8/2023

Subject:
Motion approving a professional services agreement for engineering services for the West Locust Street (North Clark Street to Lincoln Avenue) Resurfacing project to Snyder & Associates, Inc of Iowa City, Iowa in the amount of $76,000, CIP #35061. [Ward 4]

Recommendation:
Pass the Motion.

Background:
The pavement on West Locust Street from Lincoln Avenue to North Clark Street is in need of rehabilitation. This project will generally include the asphalt mill and overlay, with select curb and gutter replacement. In addition, this may include minor storm sewer and sanitary sewer improvement if investigations conclude they are needed within the defined project limits.

Engineering services are required in order to put together the necessary drawings and specifications prior to going out to bid for construction for this project. This Motion allows the City to hire Sndyer & Associates to perform that service.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Admin, Default	Approved	10/26/2023 - 4:58 PM

City of Davenport

Department: Public Works - Admin
Contact Info: Clay Merritt | 563-326-7734

Action / Date
11/8/2023

Subject:
Motion approving a professional services agreement for engineering services for the West Central Park | Division Street and Marquette Street Intersection Reconstruction project to Olsson Inc of Cedar Rapids, Iowa in the amount of $88,000, CIP #35061. [Wards 2, 4, & 7]

Recommendation:
Pass the Motion.

Background:
The intersections of both Division Street and Marquette Street on West Central Park are scheduled to receive full-depth pavement reconstruction, curb and gutter replacement, and sidewalk upgrades to meet current ADA design standards. In addition, the traffic signals at West Central Park and Marquette Street will be replaced as part of the project due to their age and level of deterioration.

Engineering services are required in order to produce the necessary drawings and specifications prior to going out to bid for construction for this project. This motion allows the City to hire Olsson Inc. to perform that service.

REVIEWERS:

Department	Reviewer	Action	Date
Public Works - Engineering	Admin, Default	Approved	10/26/2023 - 4:59 PM

City of Davenport

Department: City Clerk
Contact Info: Alderman Gripp and Alderwoman Lee

Action / Date
11/8/2023

Subject:
Motion for suspension of the rules to add and vote on the item below.

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Admin, Default	Approved	11/2/2023 - 11:48 AM

City of Davenport

Department: City Clerk **Action / Date**
Contact Info: Alderman Gripp and Alderwoman Lee **11/8/2023**

Subject:
Resolution granting an encroachment license to Cinema Paradiso, LLC to locate a fire escape in the right-of-way on the sidewalk along Iowa Street abutting 325 East 2nd Street. [Ward 3]

Recommendation:
Adopt the Resolution.

Background:
Cinema Paradiso is renovating the building at 325 E 2nd Street into the Last Picture House. As part of its renovation, an additional escape route is required from the second floor. The only location where the fire escape can be feasibly located is on the sidewalk within the Iowa Street public right-of-way abutting the property. Chapter 12.36 states that the city council may grant license to allow an encroachment of the public right-of-way when the encroachment is more permanent in nature.

The staircase must be constructed and installed in such a way as it can be removed if necessary, with proper notice, for any necessary maintenance or improvements to utilities located under the sidewalk within the area of the encroachment.

ATTACHMENTS:

	Type	Description
🗋	Resolution Letter	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
City Clerk	Berkley, Laura	Approved	11/2/2023 - 11:59 AM

Resolution No. _____

Resolution offered by Alderman Gripp and Alderwoman Lee.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION granting an encroachment license to Cinema Paradiso, LLC to locate a fire escape within the right-of-way on the sidewalk along Iowa Street abutting 325 East 2nd Street.

WHEREAS, due diligence has revealed that The Last Picture House operation requires a secondary means of egress from the second floor; and

WHEREAS, the occupancy and use of the building requires that the secondary egress as a fire escape be established prior to occupancy; and

WHEREAS, the only space where a fire escape may be located is within the right-of-way on the sidewalk along Iowa Street; and

WHEREAS, the fire escape will be affixed to the sidewalk of Iowa Street and restrict pedestrian access; and

WHEREAS, the installation of the fire escape was reviewed by the Design Review Board at its September 26, 2022 meeting and is recommended for approval; and

WHEREAS, Cinema Paradiso, LLC, its owners, officers, employees, assigns and successors in interest will comply with Davenport Municipal Code Chapter 12.36 and will agree to hold the City harmless.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that Cinema Paradiso, LLC, its owners, officers, employees, assigns and successors in interest, are hereby granted a license to place an encroachment within the right-of-way on the sidewalk along Iowa Street abutting 325 East 2nd Street, Davenport, Iowa, for the purpose of constructing a fire escape that would be otherwise prohibited by Davenport Municipal Code §12.36.010 subject to the provisions of the Chapter 12.36, including, but not limited to, §12.36.040 - §12.36.070, and subject to the requirement that the fire escape be constructed and maintained so that it does not constitute a hazard to the public in the public right-of-way or limit access to maintenance of City infrastructure; and

BE IT FURTHER RESOLVED that this license is granted pursuant to Davenport Municipal Code Chapter 12.36, and is revocable by the City at any time for any reason or for no reason; and Cinema Paradiso, LLC, its successors and assigns accepts, as evidenced by its use and occupation of the public right of way described herein subsequent to the adoption of this resolution, as its obligation, the duty to defend and hold harmless the City of Davenport from any claim arising out of or related to its occupation of the public right-of-way; and further, releases the City, its officers, employees, and agents from any damage that may arise from municipal operations, and that the licensee name the

City of Davenport as an additional insured on its liability insurance coverage for the licensed area for the purpose of the City of Davenport receiving notice of cancellation not less than thirty days' prior to the effective date of the termination of coverage.

Passed and approved this 8th day of November, 2023.

Approved:

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Mike Matson
Mayor

Attest:

_____

Brian Krup
Deputy City Clerk